ORDINARY COUNCIL MEETING

OPEN



KOUGA
local municipality
Good Governance through Service Excellence

DATE: 13 December 2024
TIME: 10:00
Virtual

KOUGA MUNICIPALITY (EC108)	UMASIPALA I-KOUGA (EC108)	MUNISIPALITEIT KOUGA (OK108)
NOTICE CONVENING A MEETING	**ISAZISO NGENTLANGANISO**	**KENNISGEWING VAN VERGADERING**
NOTICE IS HEREBY GIVEN that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on	**ISAZISO** sikhutshiwe ukuba ngokwe Candelo-19 uMthetho weeNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile	**KENNIS GESKIED HIERMEE** dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n virtuele raadsvergadering gehou sal word op
DATE: 13 December 2024	**UMHLA: 13 EyoMnga 2024**	**DATUM: 13 Desember 2024**
TIME: 10:00	**IXESHA: 10:00**	**TYD: 10:00**
B. WILLIAMS **SPEAKER**	**B. WILLIAMS** **USOMLOMO**	**B. WILLIAMS** **SPEAKER**

Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **ABSENT WITH LEAVE**
4. **ABSENT WITHOUT LEAVE**
5. **PRESENTATIONS**

   None
6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

9. **DISCLOSURE OF INTEREST**

10. **STATUTORY MATTERS**

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**

11.1 Minutes of the Mayoral Committee Meeting held on 16 September 2024

Pages: 9 -19

12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

12.1 Minutes of an Ordinary Council meeting held on 30 October 2024

Pages: 21 - 42

12.3 Minutes of a Special Council meeting held on 8 November 2024

Pages: 43 - 48

13. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14. **REPORTS OF COMMITTEES OF COUNCIL**

14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

14.2 **KOUGA AUDIT COMMITTEE**

None

14.3 **RULES & ETHICS COMMITTEE**

24/12/R&E1 Disciplinary Enquiry Held by Rules and Ethics Committee – Councillor Wayne Petersen

Pages: 52 - 57

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

24/12/MPAC1 Minutes of the Municipal Public Accounts Committee

Pages: 59 - 65

14.5 **MUNICIPAL BY - LAWS AND POLICIES**

24/12/BP1 Mayoral Fund Policy

Pages: 67 - 80

24/12/BP2 Injury on Duty (IOD) Policy

Pages: 81 - 93

24/12/BP3 Leave Policy

Pages: 94 - 116

24/12/BP4 Occupational Health and Safety (OHS) Policy

Pages: 117 - 127

24/12/BP5 Policy on Personal Protective Equipment (PPE)

Pages: 128 - 138

24/12/BP6 Recruitment, Selection and Appointment Policy

Pages: 139 - 157

24/12/BP7 Draft Small-Scale Embedded Generation (SSEG) Policy

Pages: 158 - 197

24/12/BP8 Draft Fibre Optic Cable & Telecommunications Infrastructure By-Law

Pages: 198 - 260

24/12/BP9 Supply Chain Management: Revised Supply Chain Policy

Pages: 261 - 356

15. **REPORT BACK: MUNIMEC**

None

16. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

24/12/MM1 Council Resolutions as at 8 November 2024

Pages: 358 - 402

24/12/MM2 Appointment of Kouga Audit Committee Chairperson and Member

Pages: 403 - 407

24/12/MM3 Liquor License Applications: Delegated Authority to the Deputy Municipal Manager

Pages: 408 - 410

24/12/MM4 Application for a Liquor Trading Registration Certificate: Merwe Van Der Watt Trading as Kudu Kaya

Pages: 411 - 424

24/12/MM5 Application for a Liquor Trading Registration Certificate: Mr E Sekula Trading as Bre Bros Grill

Pages: 425 - 434

24/12/MM6 Application of the Intention to Apply for Transfer of Certificate of Registration: From Elsabe Radameyer to Francois De Randt: Havana Sports Club

Pages: 435 - 444

24/12/MM7 Application of the Intention to Apply for Transfer of Certificate of Registration: From Wilduso 173 (Current Holder) to Mr & Mrs Drotschie (Prospective Holders) in Respect of Jbay Bru Co

Pages: 445 - 454

24/12/MM8 Application for A Liquor Trading Registration Certificate: John More Trading as the Ripple Hill Hotel

Pages: 455 - 463

24/12/MM9 Application for A Liquor Trading Registration Certificate: Sabelo Zoya Trading as Emacetheni, Jeffreys Bay

Pages: 464 - 472

24/12/MM10 Application for a Liquor Trading Registration Certificate: Lukas Coetsee Trading as Wy Worry Micro Artisan Café

Pages: 473 - 484

17. **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

24/12/DMM1 Replacement of Councillor as Committee Member for Rules & Ethics Committee

Pages: 486 -488

24/12/DMM2 Council Recess: Delegated Authority: Executive Mayor

Pages: 489 - 491

18. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

24/12/FED1 2024 Close-Out Report and 2025 Sponsorship Proposal: Ryd South Africa Longboarding Championship

Pages: 494 - 502

24/12/FED2 Close-Out Report: The 2024 J–Bay Classic Surf Festival

Pages: 503 - 514

24/12/FED3 Close-Out Report: The 2024 Humansdorp Community Festival

Pages: 515 - 522

24/12/FED4 Close-Out Report: The 2024 South African National Open Water Swimming Championships

Pages: 523 - 534

18.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

24/12/PD1 Request to Rescind Previous Council Resolution and Acceptance of Land Parcels Owned by the Former National Housing Board to Kouga Local Municipality

Pages: 536 - 549

24/12/PD2 Request for Council's Final Approval for Alienation (Lease) of Erven 2084 and 2085, Humansdorp

Pages: 550 - 560

24/12/PD3 Request for Council's Final Approval for the Alienation of Business Zoned Municipal Erven Within the Kouga Municipal Area

Pages: 561 - 572

24/12/PD4 Request for Council's Authorization to Advertise and In-Principle Approval for the Alienation of a Portion of Erf 1 and a Portion of Erf 6, Humansdorp

Pages: 573 - 580

24/12/PD5 Request to Rescind All Previous Resolutions Pertaining to the Alienation of Portions of Erf 873, Erven 5478, 5479, 5480 5481 and 8825, Jeffreys Bay and Grant In-Principle Approval and Authorisation to Undertake Public Participation for the Alienation of Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay

Pages: 581 - 637

24/12/PD6 Land and Property Administration: Implementation of Outstanding Transfers of Properties Acquired from the then Patensie Transitional Local Council (TLC)

Pages: 638 - 648

24/12/PD7 Request to Swop: Tender for the Selling of Vacant Municipal Residential Erven within the Kouga Municipal Area (Tender Notice 137 of 2021)

Pages: 649 - 653

18.4 **REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES**

24/12/CSS1 Authorisation for the Approval of the Community Safety Forum Terms of Reference for Kouga Local Municipality

Pages: 655 - 665

24/12/CSS2 Sponsorship Request of R100 000 for Lifesaving Championships to be Hosted in Kouga for Two (2) Years From 2025 – 2027

Pages: 666 – 680

18.5 **REPORTS BY THE CHAIRPERSON: ELECTRO – MECHANICAL SERVICES**

24/12/EMS1 Report on the South Africa Municipal Energy Reverse Trade Mission in U.S. (20-26 October 2024)

Pages: 682 - 702

19. **CLOSURE**

Distribution list:

Executive Mayor
Deputy Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL MEETING

KOUGA
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MINUTES OF A MAYORAL COMMITTEE MEETING OF THE KOUGA MUNICIPALITY HELD IN THE COUNCIL CHAMBERS, JEFFREYS BAY ON MONDAY, 16 SEPTEMBER 2024 AT 11:30 AM

Present:

Councillors	H Bornman	(Executive Mayor)
	T Jantjes	(Executive Deputy Mayor)
	Ald D Benson	
	L Maree	
	S Ruth	
	J Alexander	
	R Foley	
Councillors as Observers	Ald B Williams	(Speaker)
	W van der Linde	
Officials	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(Chief Financial Officer)
	N Machelesi	(Director: Community Services)
	C de Kock	(Director: Civil & Water Services)
	L Ramakuwela	(Director: Planning & Development)
	L Opperman	(Manager: Legal Services)
	M Basson	(Manager: Media & Communications)
	V Sofe	(Manager: Electrical)
	K Minnaar	(Chief of Staff)
	M Julius	(Senior Admin Officer: Committees)
	S Sidjiyo	(Committee Officer)

1. **NOTICE OF MEETING**

The Executive Mayor read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Mayoral Committee Meeting would be held on Monday, 16 September 2024 at 11:30 am in the Council Chambers, Jeffreys Bay.

2. **OPENING AND WELCOME**

The Executive Mayor welcomed all present and requested Cllr Jantjes to open the meeting with a prayer.

3. **ABSENT WITH LEAVE**

Mr T Madatt (Director: Electro-Mechanical)

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Deputy Executive Mayor extended a special welcome to the newly appointed Manager: Electrical, Mr V Sofe.

7. **STATEMENTS OR COMMUNICATION BY THE EXECUTIVE MAYOR**

The Executive Mayor shared his excitement about the lined-up projects and urged Directorates to work together with his office. He added that the Department of Trade and Industry would be involved in the Humansdorp 499 project. He further mentioned the upgrading of informal settlements, the Humansdorp Waste-Water Treatment Works heading towards completion. He further encouraged departments to not neglect the day-to-day activities and focus solely on the bigger projects and requested directorates to liaise with his office and the Office of Municipal Manager where applicable.

8. **DISCLOSURE OF INTEREST**

None

9. **STATUTORY MATTERS**

10. **CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING**

10.1 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 15 AUGUST 2024**

Resolved (16 September 2024)

1. That the minutes of the Mayoral Committee meeting held on 15 August 2024 be accepted.

Proposed: Cllr S Ruth Seconded: Cllr L Maree

11. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

24/09/MM1 MAYORAL RESOLUTIONS AS AT 15 AUGUST 2024

Cllr Foley referred to page 23 and requested progress on the alternative site for the development of a homeless shelter.

On page 25, he enquired about a usable onsite building for a portion of Erf 1 Humansdorp.

In response, the Municipal Manager indicated a meeting was held with the owners of the identified building, valuations were underway to assess the price and the item would be submitted to Council once finalised. However, he indicated that the homeless shelter was not budgeted for, and provision would be made on the adjustment budget.

The Executive Mayor requested that the Director: Civil and Water Services and Director: Planning and Development discuss the facility matter before the scheduled site visit on 30 September 2024.

Cllr Ruth referred to page 28 and sought clarity about the demolition of the Hankey Mini Fresh Market or safety measures that could be applied to protect the property.

The CFO mentioned that an assessment was underway, and his office would submit a report to the next Portfolio Committee with recommendations regarding the Mini Fresh Market.

Resolved (16 September 2024)

1. That the updated Action Sheets reflecting resolutions of previous Mayoral meetings, be noted.

2. That the action sheet be tabled at Top Management for discussion and actioning.

24/09/MM3 REPORT ON SUBMISSION OF APPROVED EMPLOYMENT EQUITY PLAN FOR THE PERIOD 01 OCTOBER 2024 – 30 SEPTEMBER 2029

Resolved (16 September 2024)

1. That the Employment Equity Plan be noted by the Mayoral Committee.

12. REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

24/09/DMM9 OFFICE OF THE DEPUTY MUNICIPAL MANAGER: OFFICE OF THE EXECUTIVE MAYOR REPORT AS AT END AUGUST 2024

Resolved (16 September 2024)

1. That the Mayor's Office report be noted.

24/09/DMM10 OFFICE OF THE DEPUTY MUNICIPAL MANAGER: PUBLIC PARTICIPATION REPORT AS AT END AUGUST 2024

The Executive Mayor highlighted the decrease in enquiries escalated to his office and emphasised the use of the service charter which details the flow of enquiries.

Cllr Alexander requested that the Special Programmes Unit (SPU) notify and involve the Ward Councillors about the programmes the unit organises within communities.

Resolved (16 September 2024)

1. That the Public Participation report for July to August 2024, be noted by the Mayoral Committee.

2. That the proposed plans and activities in support of institutionalizing Public Participation be supported by all Directorates.

13. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

13.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

24/09/FED3 SUPPLY CHAIN MANAGEMENT: ANNUAL IMPLEMENTATION REPORT FOR THE 2023-2024 FINANCIAL YEAR ENDING 30 JUNE 2024

Cllr Foley requested an update on the fencing tender.

In response, the CFO indicated that the Bid Adjudication Committee (BAC) awarded the tender, and the appointment letters were issued to the service providers.

Cllr Alexander referred to page 99 and suggested that a cost evaluation of vehicle maintenance versus procurement of new vehicles be considered to assess a cost-effective mechanism that could be applied for Fleet Management.

The Manager: Electrical indicated that a Fleet Policy was being developed to establish guidelines for vehicle replacement based on age and mileage. He added that the policy would be workshopped and circulated for comments.

Resolved: (16 September 2024)

1. That the report be submitted to Council for approval as per the reporting requirements of the 2023/2024 Financial year starting 1 July 2023 and ending 30 June 2024.

24/09/FED4 SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT FOR JULY 2024

The Speaker referred to page 180 and requested a reason for the cancellation of the Bid Evaluation Committee (BEC) meeting. On page 183 he enquired about the rezoning of public open space to a private open space.

The CFO stated that the number of meeting cancellations was not equivalent to cancelled tenders. He added that the BEC convenes multiple meetings before the conclusion of the evaluation process and if one member was unavailable it would result in cancellation. He further indicated that a new KPI was introduced that tenders must be completed within 90 days and the KPI would be filtered through to the relevant personnel to ensure timeous completion of tender processes.

In response to the rezoning of a portion of Erf 170, the Director: Planning and Development indicated that an onsite inspection was conducted, and the scope of work was changed to a special zone which would contain split zones.

The Speaker requested that the inspection be conducted in the whole area instead of different zones.

Resolved: (16 September 2024)

1. That the SCM report for the month of July for the 2024/2025 Financial year be noted.

24/09/FED9 **SPONSORSHIP PROPOSAL: 'TEATER BY DIE SEE' ARTS FESTIVAL – JEFFREYS BAY TOURISM**

The Speaker enquired if the sponsorship amount was communicated clearly.

In response, the CFO indicated that the sponsorship amount was communicated with the applicant during the discussions.

Cllr Foley suggested that the three-year funding allocation be reduced to one year to evaluate the success of the event before committing to future agreements. He further proposed the removal of recommendations 10.1.2 and 10.1.3.

Cllr Ruth seconded the proposal.

Resolved: (16 September 2024)

1. That Council approves funding allocation as follows:

    1.1 R 200,000.00 (Two Hundred Thousand Rand) only, VAT-inclusive for the 2024/2025 FY.

    Proposed: Cllr R Foley Seconded: Cllr S Ruth

2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Jeffreys Bay Tourism, in accordance with the funding allocated in recommendation 1. above.

3. That the report be submitted to the next Council meeting.

13.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

24/09/PD3 **REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION, AUTHORISATION TO ALIENATE THE 98 WET ERVEN (3535 – 3634) TO RESIDENTS CURRENTLY OCCUPYING THE MUNICIPAL PROPERTIES, KRUISFONTEIN, HUMANSDORP**

Cllr Alexander referred to page 202 and enquired about the phrase that indicated Erf 3625 Kruisfontein was zoned for Business 2 and would not be disposed until subdivision and rezoning to residential Zone 1.

In response, the Director: Planning and Development indicated that due to the size of the property it was realised that the units would be small if subdivided. He added that the six occupants on the business zone property still needed to be engaged with the proposal of relocation to the six unoccupied plots.

Cllr Alexander indicated that he was not in support of the relocation of informal structures to a different plot due to the impact of moving occupants and the unwillingness to relocate as the plots were serviced by the Municipality. He further suggested that the six vacant plots be allocated or disposed.

Cllr Ruth highlighted the need to engage current occupants about the implications of subdivision and rezoning the occupied properties and the potential relocation to the vacant units.

Cllr Alexander proposed an additional recommendation that Erf 3625 Kruisfontein be subdivided and rezoned for disposal to the current occupants after consultation.

Cllr Foley seconded the proposal.

The Executive Mayor indicated that the responsible Directorate should ensure provision for transfer costs is made on the adjustment budget.

Resolved (16 September 2024)

1. That Council rescind resolutions 19/10/PD3, 21/02/PD2 and 21/05/PD1 and instead grant in-principle approval for the alienation of erven 3535 – 3634 (excluding Erf 3625) Kruisfontein at no cost to current occupants.

2. That Council confirms that fifty-eight (58) occupants opted to stay on the properties and are willing to construct their own dwelling unit, will take transfer of the property.

3. That Council confirms that thirty-four occupants (34) willing to be relocated to the Kruisfontein 2500 Housing Project, once unlocked, will be granted permission to occupy it until completion of the Kruisfontein 2500 Project

4. That Council confirms that the six vacant erven be disposed, and that preference be given to the households currently occupying Erf 3625 Kruisfontein.

5. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the properties are not needed in future to provide the minimum level of basic municipal services

6. That Council approves the disposal of the properties at no cost and that the Municipality be responsible for the transfer costs.

7. That estimated budget of R300 000 be made available for the transfer of the properties.

8. That any Deeds of Sale entered into as date of this resolution, and in respect of the 98 Wet Erven, be formally cancelled.

9. That Council authorises the Accounting Officer to advertise the intended alienation of the immovable property.

10. That Erf 3625 Kruisfontein be subdivided and rezoned for disposal to the current occupants after consultation.

    Proposed: Cllr J Alexander Seconded: Cllr R Foley

11. That the report be submitted to the next Council meeting.

24/09/PD4 **REQUEST FOR FINAL APPROVAL: ALIENATION (LEASE: RIGHT-TO-USE) PORTION 7 OF FARM 688, HUMANSDORP RD (GEELHOUTEBOOM)**

Resolved (16 September 2024)

1. That Council grant final approval and accept the recommendations for the alienation (right-to-use) of portion 7 of Farm 688, Humansdorp RD (Geelhouteboom) to emerging farmers in the surrounding area.

2. That Council confirms that the following immovable property is not needed for the provision of the minimum level of basic municipal services.

3. That all applicable costs, where necessary, be for the cost of the applicants.

4. That Council considers the immovable properties to be made available for commonage purposes until such time that the property is needed for the development for human settlement purposes.

5. All applicants will need to submit to a Minimum Standards contract which will outline the minimum standard of care, maximum holding capacity, agreement to all animals to be ear-tagged immediately upon entrance as well as annual proof of vaccination.

6. That the report be submitted to the next Council meeting.

24/09/PD5 **REQUEST FOR COUNCIL'S FINAL APPROVAL: LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION – A PORTION OF ERF 406, PARADISE BEACH**

The CFO highlighted that nothing was preventing the Council from leasing above the market related amount. He added that internal discussions need to be held to determine and set the rand value per square meter for land and buildings.

The Manager: Legal Services added that the market related amount was the benchmark and the minimum amount.

Cllr Ruth proposed an amendment to recommendation 10.3 that the Administration negotiates a rental amount in excess of the market-related valuation and was seconded by Cllr Maree.

The Director: Civil and Water Services requested that clear details about accessibility to the property be stipulated in the Service Level Agreement.

Resolved (16 September 2024)

1. That Council grant final approval for the lease of a portion of Erf 406, Paradise Beach to Orion Trust for a Telecommunications Mast and Base Station for 9 years and 11 months.

2. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That the Administration negotiates a rental amount in excess of the market-related valuation.

   Proposed: Cllr S Ruth Seconded: Cllr L Maree

4. That town planning processes be finalised, and all other administrative costs be for the account of the applicant.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever unless prior written consent has been obtained from the Lessor.

6. That the lease be cancelled if the purpose applied for is not implemented within 6 months from date of signed lease agreement.

7. That an annual escalation be included in the lease agreement.

8. That the installation of the must be supervised by the Civil and Water Directorate.

9. That the report be submitted to the next Council meeting.

24/09/PD6 **REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION (HEROTEL) – A PORTION OF ERF 406, PARADISE BEACH**

Cllr Ruth proposed an amendment to recommendation 10.3 that the Administration negotiates a rental amount in excess of the market-related valuation.

Cllr Maree seconded the proposal.

Resolved (16 September 2024)

1. That Council grant final approval for the lease of a portion of Erf 406, Paradise Beach to Herotel for a Telecommunications Mast and Base Station for 9 years and 11 months.

2. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That the Administration negotiates a rental amount in excess of the market-related valuation.

   Proposed: Cllr S Ruth Seconded: Cllr L Maree

4. That town planning processes be finalised, and all other administrative costs be for the account of the applicant.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever unless prior written consent has been obtained from the Lessor.

6. That the lease be cancelled if purpose applied for is not implemented within 6 months from date of signed lease agreement.

7. That an annual escalation be included in the lease agreement.

8. That the installation of the must be supervised by the Civil & Water Directorate.

9. That the report be submitted to the next Council meeting.

24/09/PD7 **REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF ERF 1245, PELLSRUS TO MEALS ON WHEELS**

Resolved (16 September 2024)

1. That Council grant **final approval** for the disposal of Erf 1245, Pellsrus to Meals on Wheels for a community project at 25% of the latest municipal valuation of R71,000.00 (**R17,750.00**) in terms of the policy of Council.

2. That Council confirms that Erf 1245, Pellsrus is not needed to provide the minimum level of basic municipal services.

3. That it be noted that the applicant will be responsible for all administrative costs (transfer costs, Town Planning activities, etc.) in respect of the disposal and transfer of the properties.

4. That the property be used for the purposes applied for, and for no other purpose whatsoever unless prior written consent has been obtained from the Lessor.

5. That the sale be cancelled if purpose applied for is not implemented within 1 year from date of transfer.

6. That Council authorizes the Accounting Officer to conclude a Deed of Sale to transfer the said property.

7. That the report be submitted to the next Council meeting.

24/09/PD8 **REQUEST FOR COUNCIL'S FINAL APPROVAL: ALLOCATION OF STREET NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT IN WARD 6 (VERGENOEG) AND PRIVATE DEVELOPMENTS IN JEFFREYS BAY & CAPE ST FRANCIS**

Resolved (16 September 2024)

1. That Council grant final approval for the street names as contemplated in the layout maps for Vergenoeg in KwaNomzamo, Fig Tree Estate in Jeffreys Bay and St Francis Field Development in Cape St Francis.

2. That GIS Technician updates the layout plans of the developments contemplated in 1. with the new street names and communicates same to all relevant departments and stakeholders for implementation.

3. That Council makes budgetary provision for the erection of the new street names contemplated herein on the relevant public roads.

4. That the report be submitted to the next Council meeting.

13.3 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

24/09/EMS3 **REPORT: ELECTRICITY LOSSES REDUCTION PLAN AS AT 31 JULY 2024**

The Speaker referred to page 265 and enquired about the financial implications that would emanate from the establishment of the Energy Protection Team due to the limited staff complement within the Directorate. He further requested that the referral to Infrastructure and Engineering be amended to Electro-Mechanical Services.

Cllr Ruth enquired about the financial implications of the electricity loss reduction plan.

In response, the Deputy Executive Mayor indicated that the item was not submitted for final approval. However, further internal discussions would be held and another item with full financial implications would be submitted in due course.

The Executive Mayor concurred with the Speaker and raised concerns about the lack of staff and budget.

The CFO requested that the electricity loss reduction plan be submitted to the Finance department for progress update before submission to Council.

Resolved (16 September 2024)

1. That Council approves the Electricity Loss Reduction Plan.

2. That the department establishes an Energy Protection Team to manage metering and address illegal connections to reduce electricity losses.

3. That the report be submitted to the next Council meeting.

14. **CLOSURE**

The meeting adjourned at 13:07



27 November 2024

H BORNMAN
EXECUTIVE MAYOR **DATE**

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

KOUGA
local municipality
Good Governance through Service Excellence

MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON WEDNESDAY, 30 OCTOBER 2024 AT 10:00 AM

PRESENT: Councillors	Ald B Williams	(Speaker)
	H Bornman	(Executive Mayor)
	T Jantjes	
	Ald D Benson	
	B Dhludhlu	
	W Gertenbach	
	H Murray	
	F Heystek	
	S Ruth	
	R Foley	
	J Alexander	
	C August	
	M Nicholls	
	M van Niekerk	
	L Maree	
	M Valgee	
	G Stuurman	
	W van der Linde	
	E Mbuqu	
	P Oliphant	
	V Gunuza	
	K Ndzelani	
	N Ntshota	
	V Zana	
	M Yali	
	B Human	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(Chief Financial Officer)
	N Machelesi	(Director: Community Services)
	L Ramakuwela	(Director: Planning & Development)
	T Madatt	(Director: Electro-Mechanical Services)
	J du Toit	(Acting Director: Civil & Water Services)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	E Goliath	(Manager: Public Participation)
	A Koegelenberg	(Manager: PMS)
	L Grobler	(Legal Officer)
	K Minnaar	(Chief of Staff)
	C Prinsloo	(Legal Officer: Office of the Speaker)
	M Julius	(Senior Admin Officer: Committees)
	S Sidjiyo	(Committee Officer)
	R Swart	(Committee Clerk)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on 30 October 2024 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Cllr Ntshota to open the meeting with prayer.

3. **ABSENT WITH LEAVE**

W Petersen
L Nkilishane
C de Kock (Director: Civil & Water Services)
L Opperman (Manager: Legal Services)

4. **ABSENT WITHOUT LEAVE**

N Ntengwane
M Mbandana

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Alexander congratulated the Kruisfontein United Rugby Club for winning the Eastern Province Championship.

Cllr Oliphant on behalf of the African National Congress conveyed heartfelt condolences to the family of a 16-year-old boy student from Lungiso Public High School in Humansdorp who was stabbed to death.

He further commended the Ward Committee, the residents, and the Police for conducting random searches at the school to combat crime.

Cllr Ndzelani extended condolences to the family of the former Mzingisi Primary School teacher Mr Michael Magibisela who had passed away.

Cllr Zana acknowledged and honored the lives of former Ministers of Finance, Mr Pravin Gordhan and Mr Tito Mboweni who were recently laid to rest. He expressed condolences to the family of the ANC Regional Secretary who lost his daughter.

He further congratulated Bafana Bafana goalkeeper, Rowan Williams who was nominated for the Yashin Trophy Awards and his 9th position in the FIFA Rankings.

Cllr Human congratulated the Kruisfontein United Rugby Club and appreciated the newly elected Committee for the Kouga Region Rugby.

Cllr Dhludhlu commended the Municipality for the launch of the Anti-Corruption Hotline.

Ald Benson extended birthday wishes to the following Councillors:

- Cllr Jantjes and Cllr Yali – 5 November
- Cllr Maree – 21 November
- Ald Williams – 23 November

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

Good morning, Executive Mayor, Councillors, Municipal Manager and officials. Welcome to the October meeting of Council.

It is pleasing to report back to Council that major progress has been made with the ward development fund procurement, and we will be in a position to start distributing items to various beneficiaries within the next few weeks.

The hard work and dedication of our officials in ensuring processes were followed is highly appreciated and I would like to express my appreciation to Ms Wendy Betsha for her hard work in making sure procurement took place.

We would also like to welcome back Mr Eugene Goliath after he had an operation and look forward to the energy and commitment he brings to his job.

I would also like to report back to Council on the effectiveness of our virtual meetings.

As we are all aware we only have a capacity for 5 members of the public to join us for physical meetings in the Council Chambers.
The recordings of virtual council meetings are uploaded to the Municipal website the day after Council meetings and the engagement of the public has been as follows.

23 August Special Council meeting: 54 people listened to the meeting.
28 August Council meeting: 74 people listened to the meeting.
13 September Special Council meeting: 80 people listened to the meeting.

Thanks to the Corporate Services Directorate for implementing monitoring tools that have enabled us to see how many people are engaging and it is pleasing to note that 10 times more people are engaging online and are able to follow decisions of Council.

With portfolio meetings taking place in the first week of November, I would like to urge Councillors to participate in the meetings and to play their oversight role.

In particular the ward action sheets need to be reviewed and feedback provided by the ward Councillors and committees to ensure service delivery is taking place at the grassroot level and that ward committees are empowered to represent their various communities.

Liquor licenses remain problematic, but we now have a process in place that ensures that applications are receiving attention from all role players and a legal opinion will be obtained to see whether Council can delegate the process to the Administration, which will further speed up the process.

Thank you to Mr De Jager and the officials in my office, namely Mrs Klopper and Ms Prinsloo for all the hard work they have put in to get us to where we are today, in spite of all the frustrations and shifting goalposts.

I look forward to a productive and fruitful Council meeting today.

Thank you.

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

Speaker
Deputy Executive Mayor
Municipal Manager
Deputy Municipal Manager and directors
Members of the Mayoral Committee
Councillors
Officials

Good morning

Speaker,

I would like to first send my heartfelt condolences to families and communities who were victims of mass shooting in Lusikisiki, Qumbu, Mthatha and in Nelson Mandela Bay.

These gruesome violent crimes must be condemned with the highest order they deserve, and may law take its cause in apprehending and put behind bars all the perpetrators who orchestrated them.

We need to be proactive, as a local municipality, to do all we can to avoid such incidents taking place here. It is for this reason that we hosted a successful Safety Summit on the 2nd October which involved all local stakeholders coming together to amend our safety policy and identify ways in which we can control and reduce crime in Kouga Municipality.

This summit developed a Kouga Municipality Safety Plan and stakeholders signed a memorandum of cooperation. We are truly grateful to the insight and roles played by both Alderman JP Smith and Cllr Leon van Dyk from City of Cape Town and Mossel Bay Municipality respectively. They shared an invaluable insight with our Delegates. We hope to increase the magnitude of this summit and see positive results it ought to yield.

We have zero tolerance for Crime in Kouga. Working together with relevant stakeholders, we will fight crime and Keep Kouga safe.
Speaker.

It is now over 100 days since the establishment of the Government of National Unity. The political parties participating in GNU have outlined their priorities in their respective offices.

President Cyril Ramaphosa highlighted that South Africans expressed their wishes in the polls, and they chose not to give a political party majority to govern South Africa.

We must commend the work and progress of GNU in the last 100 days.

Through GNU, we managed to get the support of Minister of Agriculture, John Steenhuisen, as we continue to face the Foot and Mouth Disease. Minister Steenhuisen and MEC Nonceba Konstiwe of the Department of Agriculture and Agrarian Reform in the Eastern Cape are working closely together to assist Kouga Municipality in fighting the outbreak of Foot and Mouth Disease.

Through GNU, we have managed to get the support of Deputy Minister of Trade, Industry and Competition, Andrew Whitfield, to develop eco-industrial hub in Humansdorp which will see this town and Kouga region at large thriving economically.

I remain hopeful of the plans in place to see this hub becoming a reality.
Speaker,

it is critical for our municipality to build and nurture relations between Local and Provincial Governments. These relations will enable us to work closely with provincial departments in finding solutions to challenges that fall outside our responsibility.

From 22 to 24 October, we successfully held 3 IGR sessions with provincial government officials. These sessions are critical for implementing provincial projects within the Kouga region.

The nearly R220 million road project between Humansdorp and Hankey is progressing well. Council should note that we have in the past years requested the Department of Transport to rehabilitate this road, through consistent IGR sessions we are finally seeing results.

There was an attempt by community members to shut down this project – I would like to appeal to Councillors to refrain from spreading information to communities without validating the facts first.

I am immensely proud of the work that went behind the upgrade at Gill Marcus Water Treatment works which is now complete. This upgrade with a cost of nearly R5 million is essential to the Kruisfontein residents.

The other areas that will benefit from this project include 7de Laan, Maak `n Las, Donkerhoek, Mooi Uitsig, Hopeville, Ext 391, Arcadia, Moerasrivier, Graslaagte, and Vaaldam, communities that were previously last in line to receive water from the current reticulation system.

One of our key priorities as the municipality is to improve our water infrastructure and diversify our water resources.

With this complete upgrade, I am proud that we will meet the water demand of Gill Marcus area.

Speaker,

We have set aside R5 million to upgrade electricity infrastructure in Sea Vista. I am in constant communication with Minister of Public Works, Dean Macpherson, requesting permission to upgrade the electricity infrastructure in Sea Vista informal settlement.

This will prevent the ongoing illegal electricity connections.

Additionally, we are investing nearly R34 million to upgrade our electricity substation in Ocean View and KwaNomzamo.

Speaker,

I also want to urge residents to sign our petition to stop the proposed increase of 40% electricity tariff by NERSA. I wrote to NERSA in August, I only received confirmation of receipt of my letter and no feedback thereof.

We will submit this petition to Parliament. Our residents cannot afford this ridiculous increase, it will have devastating impact on our economy and livelihood.

Lastly, Nature conservation has been a highlight in the past month.

Kouga Municipality hosted a 3-day convention of the Institute of Environmental Management (IERM). This institute seeks to derive strategies on how to manage our green spaces. With Kouga tourism growing annually, these strategies become increasingly important.

Additionally, we recently hosted the National Wetlands Indaba in collaboration with Water Research Commission, South African Wetlands Society, Eastern Cape Wetlands Forum (ECWF) and the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT). This institute also seeks to develop policies and strategies to conserve wetlands in South Africa and we are proud to be hosting this critical event in Kouga once again.

Speaker,

I would like to conclude with two congratulatory remarks,

Firstly, Aunty Lau's Kitchen from Sea Vista who won first prize in the Calamari Festival held in St Francis Bay. Aunty Lau's Kitchen has been operating for the past 3 years. This affirms Kouga's growth in this industry. As a municipality, we also hope to grow this occasion and ultimately become the world's biggest calamari festival.

Secondly, I am immensely proud of the men in purple for bringing the SCORE Energy Drink EPRU cup home. The Kruisforntein United Rugby Club represented Humansdorp and Kouga region with distinction in this competition.

I wish to thank all of our officials for their hard work in the first quarter of this year, progress is evident, but we still have a long way to go if we are to realize our full potential of becoming a blueprint of what a flourishing South Africa can look like.

I thank you.

9. **DISCLOSURE OF INTEREST**

Cllr Alexander declared an interest on items 24/10/FED1 and 24/10/FED2.

10. **STATUTORY MATTERS**

None.

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**

11.1 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 17 JULY 2024**

Resolved (30 October 2024)

1. That the minutes of the Mayoral Committee meeting held on 17 July 2024 be noted.

11.2 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 15 AUGUST 2024**

Resolved (30 October 2024)

1. That the minutes of the Mayoral Committee meeting held on 15 August 2024 be noted.

12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

12.1 **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 23 AUGUST 2024**

Resolved (30 October 2024)

1. That the minutes of the Special Council meeting held on 23 August 2024 be approved.

Proposed: Cllr J Alexander Seconded: Cllr F Heystek

12.2 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2024**

Resolved (30 October 2024)

1. That the minutes of the Ordinary Council meeting held on 28 August 2024 be approved.

Proposed: Cllr M van Niekerk Seconded: Cllr S Ruth

12.3 **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 13 SEPTEMBER 2024**

Resolved (30 October 2024)

1. That the minutes of the Special Council meeting held on 13 September 2024 be approved.

Proposed: Ald D Benson Seconded: Cllr B Dhludhlu

13. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14. **REPORTS OF COMMITTEES OF COUNCIL**

14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None.

14.2 **KOUGA AUDIT COMMITTEE**

None

14.3 **RULES & ETHICS COMMITTEE**

None.

14.4 **MONITORING & EVALUATION COMMITTEE**

Resolved (30 October 2024)

1. That Council consider the minutes of the Monitoring and Evaluation Committee held on 05 March 2024.

2. That Council consider the recommendations made in the 2023/2024 Mid-Year Report by the Monitoring and Evaluation Committee.

3. That Council consider the minutes of the Monitoring and Evaluation Committee held on 13 August 2024.

4. That Council approves the Monitoring and Evaluation Annual Workplan.

14.5 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

Resolved (30 October 2024)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 20 August 2024 be noted.

15. **REPORT BACK: MUNIMEC**

None.

16. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

24/10/MM1 COUNCIL RESOLUTIONS AS AT 13 SEPTEMBER 2024

Cllr Zana commended the Administration for the completed items on the action sheet. He referred to page 111 and enquired about the progress on the transfer of the Thornhill Electrical network from Nelson Mandela Bay Metro (NMBM) to Kouga Municipality.

On page 108, he enquired about the co-funding by the Windfarm to upgrade internal sanitation for the 30 units earmarked before the end of December 2024 in the Umzamowethu, Oyster Bay area.

Cllr van der Linde enquired about the following matters:

- On page 77, he sought reasons why item 21/12/MM2 was unresolved.
- On page 79, he questioned why the Grant in Aid Policy has not yet been workshopped.
- On page 90, he requested an update on the DBSA loan.
- On page 95, he sought an update on the Aston Bay Caravan Park.

Cllr Heystek referred to page 79 and raised a concern about the non-response from the Provincial Department of Health regarding petitions received from Kouga Local Clinics. He further noted the non-support from the relevant provincial government regarding the foot and mouth outbreak in the Kouga region.

The Speaker enquired about the following matters:

- On page 93, he questioned when will the amended report be submitted to DEDEAT.
- On page 94, he sought progress on the transfer of property concerning erf 6650 in favor of erf 6649. Regarding item 21/05/PD15, he enquired about the outcome of the meeting held on 15 October 2024 with the applicant.
- On page 96, item 22/06/PDT17, the Speaker enquired when will the draft be finalised regarding the rezoning of portion 1 of the farm.
- On page 97, he requested reasons why items 22/08/PDT8, 22/08/PDT9, and 22/08/PDT 10 are indicated in progress but marked with green.
- On page 98, he sought clarity on the intervention regarding the use of wires for electrification in the London area and the outcome of the meeting with Eskom held in September.
- On page 100, he questioned the finalisation of the Service Level Agreement (SLA) for the Weston Waste Water Treatment Works (WWTW).
- On page 101, item 24/08/CWS5, he enquired when will the criteria for project selection be circulated.

In response to the DBSA loan, the CFO indicated that the loan application was recommended to the Investment Committee scheduled for 5 November 2024 and his office would await the outcome thereof.
Regarding the Grant in Aid Policy, he stated that all the Economic Development policies would be reviewed and submitted to the relevant Committee structures and later to Council before the end of February 2025.

Regarding the transfer of the Thornhill Electrical network from NMBM to Kouga Municipality, the Director: Electro-Mechanical Services indicated that a revised quotation from the NMBM was received for the connection point and the Department of Human Settlement would pay for the value created. Regarding the meeting with Eskom in September, the Director highlighted that several issues were discussed, and a WhatsApp group was established with all the role players. He further added that quarterly meetings would be held with all the role players to track progress. On the electrification of the London area, the Director: Electro-Mechanical Services mentioned that through internal funding, 200 units would be electrified in the London, Ebumnyameni, and New Rest areas. He added that no units would be electrified within the servitude of Kouga.

Regarding the Umzamowethu, Oyster Bay sanitation project, the Acting Director: Civil and Water Services indicated that the Windfarm was on track with the upgrade of 30 households by December. On the Weston WWTW, he highlighted that the Department of Human Settlements indicated that the SLA would be finalised before the end of October and a Contractor was appointed for the upgrade of the Weston WWTW. On the criteria for project selection, he highlighted that the draft criteria were created and would be submitted to the relevant stakeholders and subsequently to the Portfolio Committee meeting.

In response, to the Aston Bay Caravan Park, the Municipal Manager indicated that there was no progress on the matter, and intervention from the National Department was requested. He further added that alternative places were being explored to move the affected people should a need arise.

On the issue of the Delegations Register, the Deputy Municipal Manager indicated that benchmarking was done with other Municipalities, and the Delegations Register was amended and submitted to the Executive Mayor. He added that further discussions would be held at Strategic Planning Sessions.

In response to the amended report to DEDEAT, the Director: Planning Development stated that the service provider was still working on the environmental report and a follow-up meeting to discuss progress was scheduled for Friday, 1 November 2024. Regarding the transfer of property, he indicated that the appointed Attorney was still perusing the matter and a follow-up would be done. On item 21/05/PD15, the Director mentioned that his office met with the applicant, and it was discovered that the portion resolved by Council was not the correct portion.

He added that a site visit would be scheduled for the identified portion to engage with the occupants and draft a revised item to Council on the outcome of the discussions.

Regarding the rezoning of portion 1, the Director: Planning Development highlighted that the feasibility report was anticipated to be complete by the end of December 2024 and rezoning would commence thereafter.

On the issue of in-progress items, the Director indicated that the items in question were resolved on the directorate side and would be amended accordingly on the action sheet.

Resolved (30 October 2024)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

2. That the action sheet be tabled at Top Management for discussion and actioning.

24/10/MM2 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: ALETTA KLAASSEN, HUMANSDORP**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application was submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM3 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: AT THE LAGOON, ASTON BAY**

Resolved (30 October 2024)

1. That Council takes note of the public participation process held for the liquor license application.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM4 **APPLICATION FOR TRANSFER OF LIQUOR LICENCE CERTIFICATE: BLACK HOG BREWERY, ST FRANCIS BAY**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM5 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: FOUNTAINS MALL, JEFFREYS BAY**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM6 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JBAY LIQUORS**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM7 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JEFFREYS BAY PRIMARY SUPPORTERS CLUB**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.
2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM8 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: PERCILEEN FELIX, FELIX TAVERN, HUMANSDORP**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM9 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: THE KITCHEN, ST FRANCIS BAY**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM10 **APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: RFG ATTORNEYS INC ON BEHALF OF THE APPLICANT, ULTIMATE CLUB, JEFFREYS BAY**

Resolved (30 October 2024)

1. That Council notes that no minutes of the public participation process for the liquor license application were submitted.

2. That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

3. That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.

24/10/MM11 **2024/25 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SEPTEMBER 2024**

Cllr Oliphant indicated that the ANC was not in support of the SDBIP as it was not reasonably responding to the challenges and plight of the non-affluent Wards in Kouga.

The Speaker called for a vote on the acceptance of the recommendations.

In favour: 17
Not in favour: 8
Abstained: 0

Resolved (30 October 2024)

1. That the Quarter 1 institutional performance report on progress made with the implementation of the 2024/25 Service Delivery and Budget Implementation Plan be considered by Council.

2. That Directorates ensure that corrective actions are discussed and agreed on at the level of the Portfolio Committees in respect of all Key Performance Indicators where set targets for the reporting period have not been achieved to ensure achievement of the annual performance targets and that such corrective actions be submitted to the relevant Portfolio Committees.

24/10/MM12 **DETERMINATION OF THE UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF A MUNICIPAL COUNCIL FOR 2023/2024 FINANCIAL YEAR**

Resolved (30 October 2024)

1. That the report on the Determination of the Upper Limits of Salaries, Allowances, and Benefits of different members of the Municipal Council for the 2023/24 financial year be noted.

2. That Council approve the implementation of the Upper limits based on Gazette 51407 dated 17 October 2024.

3. That such implementation be back dated with effect from 01 July 2023.

4. That the Municipal Manager prepares all the required information and documentation for submission to the MEC for concurrence.

5. That upon concurrence by the MEC, the upper limits of the Gazette be implemented retrospectively with effect from 01 July 2023.

17. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

17.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

At 11:23 Cllr Alexander was put into the virtual waiting room.

24/10/FED1 **SUPPLY CHAIN MANAGEMENT: ANNUAL IMPLEMENTATION REPORT FOR THE 2023-2024 FINANCIAL YEAR ENDING 30 JUNE 2024**

Resolved (30 October 2024)

1. That the Annual Supply Chain Implementation report for the 2023/2024 Financial year starting 1 July 2023 and ending 30 June 2024 be approved as per the reporting requirements.

2. That the report must be made public in accordance with Section 21 of the Local Government: Municipal Systems Act, as amended.

24/10/FED2 **SUPPLY CHAIN MANAGEMENT: QUARTERLY IMPLEMENTATION REPORT FOR THE 1ST TERM OF THE 2024-2025 FINANCIAL YEAR ENDING 30 SEPTEMBER 2024**

Resolved (30 October 2024)

1. That the Quarterly Supply Chain Management Implementation report of the 2024/2025 Financial year starting 1 July 2024 and ending 30 September 2024 be approved by Council as per the reporting requirements for the 1st quarter.

2. That the report must be made public in accordance with Section 21 of the Local Government: Municipal Systems Act, as amended.

At 11:36 Cllr Alexander was allowed back into the virtual meeting.

24/10/FED3 **SPONSORSHIP PROPOSAL: 'TEATER BY DIE SEE' ARTS FESTIVAL – JEFFREYS BAY TOURISM**

Resolved (30 October 2024)

1. That Council approves funding allocation as follows:

   1.1 R 200,000.00 (Two Hundred Thousand Rand) only, VAT-inclusive for the 2024/2025 FY.

2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Jeffreys Bay Tourism, in accordance with the funding allocated in recommendation 1.1 above.

24/10/FED4 **BUDGET AND TREASURY: WITHDRAWALS FROM THE MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2024**

Resolved (30 October 2024)

1. That the Council notes the withdrawals that were made in terms of Section 11(1) (b) to (j) of the MFMA, for the quarter ended 30 September 2024.

2. That the report accordingly be submitted to the Provincial Treasury and Auditor-General as stipulated in Section 11(4) (b) of the MFMA.

24/10/FED5 **MONTHLY BUDGET STATEMENTS FOR THE PERIOD BETWEEN JULY 2024 TO SEPTEMBER 2024 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2024 (2024/25 FINANCIAL YEAR)**

Resolved (30 October 2024)

1. That Council notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.

2. That Council notes the Executive Mayor's report on the implementation of the budget and the financial state of affairs of the municipality, in accordance with Section 52(d) of the MFMA.

3. That Council notes that the monthly budget statements were submitted to the Provincial Treasury as stipulated in Section 71(1) of the MFMA.

17.3 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

24/10/PD1 REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION, AUTHORISATION TO ALIENATE THE 98 WET ERVEN (3535 – 3634) TO RESIDENTS CURRENTLY OCCUPYING THE MUNICIPAL PROPERTIES, KRUISFONTEIN, HUMANSDORP

The Executive Mayor proposed an additional recommendation that the properties be donated voetstoots and in accordance with bullet point 5 of the recommendations issued by SRK Consulting as per Annexure A dated 30 October 2019.

Cllr Alexander seconded the proposal.

Resolved (30 October 2024)

1. That Council rescind resolutions 19/10/PD3, 21/02/PD2, and 21/05/PD1 and instead grant in-principle approval for the alienation of erven 3535 – 3634 (excluding Erf 3625) Kruisfontein at no cost to current occupants.

2. That Council confirms that fifty-eight (58) occupants opted to stay on the properties and are willing to construct their own dwelling unit, will take transfer of the property.

3. That Council confirms that thirty-four occupants (34) willing to be relocated to the Kruisfontein 2500 Housing Project, once unlocked, will be granted permission to occupy it until completion of the Kruisfontein 2500 Project.

4. That Council confirms that the six vacant erven be disposed, and that preference be given to municipal employees.
5. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the properties are not needed in future to provide the minimum level of basic municipal services.

6. That Council approves the disposal of the properties at no cost and that the Municipality be responsible for the transfer costs.

7. That estimated budget of R300 000 be made available for the transfer of the properties.
8. That any Deeds of Sale entered into as date of this resolution, and in respect of the 98 Wet Erven, be formally cancelled.

9. That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.

10. That Erf 3625 Kruisfontein be subdivided and rezoned for disposal to the current occupants after consultation.

11. That all affected parties must consent to the rescission of the previous Council resolution.

12. That the properties be donated voetstoots and in accordance with bullet point 5 of the recommendations issued by SRK Consulting as per Annexure A dated 30 October 2019.

Proposed: Cllr H Bornman Seconded: Cllr J Alexander

24/10/PD2 **REQUEST FOR FINAL APPROVAL: ALIENATION (LEASE: RIGHT-TO-USE) PORTION 7 OF FARM 688, HUMANSDORP RD (GEELHOUTEBOOM)**

Resolved (30 October 2024)

1. That Council **grant final approval** for the alienation (right-to-use) of portion 7 of Farm 688, Humansdorp RD (Geelhouteboom) to emerging farmers in the surrounding area.

2. That Council confirms that the following immovable property is not needed for the provision of the minimum level of basic municipal services.

3. That all applicable costs, where necessary, be for the cost of the applicants.

4. That Council considers the immovable properties to be made available for commonage purposes until such time that the property is needed for the development for human settlement purposes.

5. That all applicants will need to submit to a Minimum Standards contract which will outline the minimum standard of care, maximum holding capacity, agreement to all animals to be ear-tagged immediately upon entrance as well as annual proof of vaccination.

6. That the number of livestock be aligned with the carrying capacity of the natural resource to ensure limited degradation (soil erosion and bush encroachment).

24/10/PD3 **REQUEST FOR COUNCIL'S FINAL APPROVAL: LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION – A PORTION OF ERF 406, PARADISE BEACH**

Resolved (30 October 2024)

1. That Council **grant final approval** for the lease of a portion of Erf 406, Paradise Beach to Orion Trust for a Telecommunications Mast and Base Station for 9 years and 11 months.

2. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That the Administration negotiates a rental amount in excess of the market-related valuation.

4. That town planning processes be finalised, and all other administrative costs be for the account of the applicant.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.

6. That the lease be cancelled if purpose applied for is not implemented within 6 months from date of signed lease agreement.

7. That an annual escalation be included in the lease agreement.

8. That the design and installation methodology of the equipment be pre-approved by the Civil and Water Directorate.

24/10/PD4 **REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION (HEROTEL) – A PORTION OF ERF 406, PARADISE BEACH**

Resolved (30 October 2024)

1. That Council **grant final approval** for the lease of a portion of Erf 406, Paradise Beach to Herotel for a Telecommunications Mast and Base Station for 9 years and 11 months.

2. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That the Administration negotiates a rental amount in excess of the market-related valuation.

4. That town planning processes be finalised, and all other administrative costs be for the account of the applicant.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.

6. That the lease be cancelled if purpose applied for is not implemented within 6 months from date of signed lease agreement.

7. That an annual escalation be included in the lease agreement.

8. That the design and installation methodology of the equipment be pre-approved by the Civil and Water Directorate.

24/10/PD5 **REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF ERF 1245, PELLSRUS TO MEALS ON WHEELS**

Resolved (30 October 2024)

1. That Council grant **final approval** for the disposal of Erf 1245, Pellsrus to Meals on Wheels for a community project at 25% of the latest municipal valuation of R71,000.00 (**R17,750.00**) in terms of the policy of Council.

2. That Council confirms that Erf 1245, Pellsrus is not needed to provide the minimum level of basic municipal services.

3. That it be noted that the applicant will be responsible for all administrative costs (transfer costs, Town Planning activities, etc.) in respect of the disposal and transfer of the properties.

4. That the property be used for the purposes applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.

5. That the sale be cancelled if purpose applied for is not implemented within 1 year from date of transfer.

6. That Council authorizes the Accounting Officer to conclude a Deed of Sale to transfer the said property.

24/10/PD6 **REQUEST FOR COUNCIL'S FINAL APPROVAL: ALLOCATION OF STREET NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT IN WARD 6 (VERGENOEG) AND PRIVATE DEVELOPMENTS IN JEFFREYS BAY & CAPE ST FRANCIS**

Resolved (30 October 2024)

1. That Council **grant final approval** for the street names as contemplated in the layout maps for Vergenoeg in KwaNomzamo, Fig Tree Estate in Jeffreys Bay and St Francis Field Development in Cape St Francis.

2. That GIS Technician updates the layout plans of the developments contemplated in 10.1 with the new street names and communicates same to all relevant departments and stakeholders for implementation.

3. That Council makes budgetary provision for the erection of the new street names contemplated herein on the relevant public roads.

24/10/PD7 **ACCEPTANCE OF LAND PURCHASED BY THE HOUSING DEVELOPMENT AGENCY FOR THE KOUGA MUNICIPALITY: PORTION 19 OF THE FARM GEELHOUTEBOOM NO. 688, HUMANSDORP RD**

Resolved (30 October 2024)

1. That the Council **accepts** Portion 19 of the Farm Geelhouteboom No. 688, Humansdorp RD purchased by the Housing Development Agency for development of integrated human settlement.

2. That the Council confirms that Portion 19 of the Farm Geelhouteboom No. 688, Humansdorp RD Bay will be utilized for the development of integrated human settlements that will assist in addressing the current housing backlog.

3. That Council authorise the Accounting Officer in line with the delegated authorities of the Accounting Officer to sign the Deed of Sale contemplated herein.

24/10/PD8 REQUEST FOR COUNCIL'S FINAL APPROVAL ON THE APPLICATION FROM THE NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE TO ACQUIRE ERF 275 HUMANSDORP TO CONSTRUCT A NEW MAGISTRATE COURT

The Executive Mayor proposed an additional recommendation that a land swap between Erf 275 Humansdorp be done with Erf 3010 Hankey before the finalisation and signing-off processes.

Cllr Ruth seconded the proposal.

Resolved (30 October 2024)

1. That Council **grant final approval** for the alienation of erf 275, Humansdorp to the National Department of Public Works and Infrastructure.

2. That Council authorise the Accounting Officer in line with the delegated authorities of the Accounting Officer to sign the Deed of Sale contemplated herein and corresponding transfer documentation.

3. That the Department retains the Market Building in their designs for the new Court including maintaining its character and restoring it.
4. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.

5. That all administrative costs be for the account of the National Department of Public Works & Infrastructure.

6. That a land swap between Erf 275 Humansdorp be done with Erf 3010 Hankey before the finalisation and signing off processes.

Proposed: Cllr H Bornman Seconded: Cllr S Ruth

17.4 **REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES**

24/10/CSS1 COUNCIL APPROVAL OF THE REVIEWED KOUGA MUNICIPALITY SAFETY PLAN

Ald Benson proposed two additional recommendations: that a fully structured Communication and Community Safety Forum be established as soon as possible and that the structure of the sectors as referred to in paragraph 7.2 of the Safety Plan be established as soon as possible.

Cllr van der Linde seconded the proposal.

Resolved (30 October 2024)

1. That the reviewed Kouga Municipality Safety Plan be approved by Council.

2. That Council notes that the implementation of the safety plan will take place as and when funding is available.

3. That the Council endorse and adopt the Memorandum of Cooperation entered on 2 October 2024 at the Safety Summit.

4. That the Kouga Municipality Safety Plan shall be reviewed at least biannually, to ensure its effectiveness and relevance in addressing current safety needs.

5. That a fully structured Communication and Community Safety Forum be established as soon as possible.

6. That the structure of the sectors as referred to in paragraph 7.2 of the Safety Plan be established as soon as possible.

Proposed: Ald D Benson Seconded: Cllr W van der Linde

17.5 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

24/10/EMS1 REPORT: AUTHORIZATION FOR KOUGA DELEGATION TO ATTEND THE SOUTH AFRICA MUNICIPAL ENERGY REVERSE TRADE MISSION IN THE U.S. (OCTOBER 20-26) AND RELATED TRAVEL EXPENSES

Resolved (30 October 2024)

1. That Council approves the participation of Kouga LM in the U.S and attendance of the upcoming South Africa Municipal Energy Reverse Trade Mission (RTM) during October 2024 and approve the following nominated delegate to represent and participate:

   Director: Electro-Mechanical Services – Theodore Madatt

2. That Council approve and condone the payment of Subsistence & Travelling Allowance for Director T Madatt in respect of the intended international travel to the United States of America, from 20 October 2024 to 26 October 2024 in respect of the South Africa Municipal Energy Reverse Trade Mission (RTM), and in the amount of R23 648.20.

18. **CLOSURE**

The meeting closed at 12:41

B WILLIAMS **DATE**

SPEAKER

MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON FRIDAY, 08 NOVEMBER 2024 AT 12:00 PM

PRESENT: Councillors	Ald B Williams	(Speaker)
	H Bornman	(Executive Mayor)
	Ald D Benson	
	B Dhludhlu	
	T Jantjes	
	W Gertenbach	
	L Maree	
	J Alexander	
	R Foley	
	S Ruth	
	H Murray	
	F Heystek	
	C August	
	M Nicholls	
	M van Niekerk	
	G Stuurman	
	N Ntshota	
	P Oliphant	
	V Zana	
	K Ndzelani	
	E Mbuqu	
	M Yali	
	M Mbandana	
	W Petersen	
	N Ntengwane	
	W van der Linde	
	L Nkilishane	
	B Human	
Officials & Municipal Manager	D de Jager	(Acting Municipal Manager)
	R Lorgat	(Chief Financial Officer)
	N Machelesi	(Director: Community Services)
	T Madatt	(Director: Electro-Mechanical Services)
	L Ramakuwela	(Director: Planning & Development)
	C de Kock	(Director: Civil & Water Services)
	L Opperman	(Manager: Legal Services)
	E Goliath	(Manager: Public Participation)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	M Basson	(Manager: Media & Communications)
	K Minaar	(Chief of Staff)
	S Mlonyeni	(Communications Officer)
	C Prinsloo	(Legal Officer: Office of the Speaker)
	M Julius	(Senior Admin Officer: Committees)
	S Sidjiyo	(Committee Officer)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Special Council Meeting will be held virtually on Friday, 08 November 2024 at 12:00 p.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present and requested Cllr Murray to open the meeting in prayer.

At 12:06 Cllr Petersen received a warning for speaking out of turn.

With the Municipal Manager having tendered an apology, the Speaker requested that an Acting Municipal Manager be elected for the meeting.

Cllr Petersen nominated the Director: Community Services, Ms N Machelesi and was seconded by Cllr Ndzelani.

Cllr Jantjes nominated the Deputy Municipal Manager, Mr D de Jager and was seconded by Cllr Foley.

The Speaker called for a vote on the nomination of the Acting Municipal Manager.

At 12:11 Cllr Petersen received a fine for speaking out of turn.

At 12:11 Cllr Petersen was referred to the Rules and Ethics Committee for continued interruption of the Speaker.

In favour of Mr D de Jager: 18
In favour of Ms N Machelesi: 7

Mr de Jager was therefore elected as an Acting Municipal Manager.

3. **ABSENT WITH LEAVE**

Mr C du Plessis (Municipal Manager)

4. **ABSENT WITHOUT LEAVE**

Cllr M Valgee
Cllr V Gunuza

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Jantjes on behalf of the Democratic Alliance (DA) extended heartfelt condolences to the Speaker and his family on the passing of his mother.

Cllr van der Linde expressed condolences, thoughts and prayers to the Speaker and his family on behalf of the Freedom Front Plus (FF Plus).

Cllr Petersen extended deepest condolences to the African National Congress (ANC) Regional Secretary in the Sarah Baartman region on the passing of his daughter.

Cllr Zana on behalf of the ANC extended sincere condolences to the Speaker and his family.

Cllr Nkilishane expressed heartfelt condolences to the Speaker and his family on behalf of the Economic Freedom Fighters.

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

None.

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

None

9. **DISCLOSURE OF INTEREST**

None.

10. **STATUTORY MATTERS**

None.

11. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

12. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

24/11/MM1 DETERMINATION OF THE UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF A MUNICIPAL COUNCIL FOR 2024/2025 FINANCIAL YEAR

The recommendations were unanimously approved by Council.

Resolved (08 November 2024)

1. That the report on the Determination of the Upper Limits of Salaries, Allowances and Benefits of different members of the Municipal Council for the 2024/25 financial year be noted.

2. That Council approve the implementation of the Upper limits based on Gazette 51419 dated 21 October 2024.

3. That the Municipal Manager prepares all the required information and documentation for submission to the MEC for concurrence.

4. That upon concurrence by the MEC, the Upper Limits of Salaries, Allowances and Benefits of the Gazette be implemented and back dated with effect from 01 July 2024.

13. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

13.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

At 12:22 Cllr Zana requested a 5-minute caucus.

The Speaker granted a 5-minute caucus.

At 12:28 Council resumed.

24/11/FED17 2024/25 2nd SPECIAL ADJUSTMENTS BUDGET

Resolved (08 November 2024)

1. That the Council by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the 2024/25 2nd Special Adjustments Budget Report as set out in the "Annexure A" on the following tables:

   - Table 7 (B1 Adjustments Budget Summary: page 7)
   - Table 8 (B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification): page 9)
   - Table 9 (B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote): page 11)
   - Table 10 (B4 Adjustments Financial Performance (revenue and expenditure by type): page 12)
   - Table 11 (B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source: page 14)
   - Table 12 (B6 Adjustments Budget Financial Position: page 15)
   - Table 13 (B7 Adjustments Budget Cash Flows: page 17)
   - Table 14 (B8 Cash backed reserves/accumulated surplus reconciliation: page 18)
   - Table 15 (B9 Asset Management: page 19), and
   - Table 16 (B10 Basic service delivery measurement: page 21)

2. That the Council approves the "Annexure B" which regulates the format of the budget documentation as set out in Schedule B (Version 6.8) of the Municipal Budget and Reporting Regulations. This includes the main Tables B1 – B10 as well as the supporting tables SB1 – SB20.

3. That the Detailed Capital Programme be noted, "Annexure C".

4. That the Government Gazette No. 51233 be noted, "Annexure D".

5. That the National Treasury approval letter for the rollover of unspent conditional grants for the 2023/24 financial year be noted, "Annexure E".

6. That the Adjustments Budget be submitted to the National Treasury in both printed and electronic format and to the relevant Provincial Treasury.

13.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

24/11/PD12 REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION AND TO GRANT APPROVAL IN-PRINCIPLE TO APPLY FOR SECTIONAL DEPROCLAMATION OF PROVINCIAL ROADS MR00389 AND MN50027

Cllr Oliphant indicated that the ANC component was not in support of the item and the de-proclamation and was seconded by Cllr Zana.

Cllr Nkilishane indicated that the EFF was not in support of the item.

Cllr Foley proposed an amendment to recommendations 10.2 and 10.3 whereby "Duine Street" be replaced with "from (link B to link C as indicated in annexure B)".

Cllr van der Linde seconded the proposal.

The Speaker called for a vote on the amended recommendations.

In favour: 17
Not in favour: 7
Abstained: 0

Resolved (08 November 2024)

1. That Council **rescind** the previous resolution (22/08/PDT/11) for the transfer of Da Gama Road, St. Francis Drive, Main Road-Humansdorp and Woltemade Street to Kouga Municipality in order to manage and maintain the roads contemplated herein.

2. That Council **grant in-principle** approval for the sectional de-proclamation of provincial road MR00389, which includes Da Gama Road, St. Francis Street and from (link B to link C as indicated in annexure B) to Kouga Municipality in order to manage and maintain the roads with the exclusion of Main Road – Humansdorp.

3. That the Council grant authorisation to the Accounting Officer to proceed with the formal application process to the Provincial Department of Transport in respect of the custodianship and maintenance of Da Gama Road, St Francis Drive and from (link B to link C as indicated in annexure B) while the process of de-

proclamation is in progress, and to enter into the required and appropriate agreements to give effect to same.

Proposed: Cllr R Foley Seconded: Cllr W van der Linde

4. That Council make budgetary provisions for the management and maintenance of the roads contemplated in points 2 and 3 above.

14. **CLOSURE**

The meeting closed at 12:47

_____ _____

B WILLIAMS **DATE**

SPEAKER

MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

KOUGA
local municipality
Good Governance through Service Excellence

REPORTS OF COMMITTEES OF COUNCIL:

KOUGA
local municipality
Good Governance through Service Excellence

RULES AND ETHICS

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
RULES AND ETHICS COMMITEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/R&E1**

DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR WAYNE PETERSEN

1. **Introduction**

The purpose of this item is to advise Council on the outcome of the disciplinary enquiry held by the Rules and Ethics Committee on 19 November 2024.

2. **Background**

The Office of the Speaker received complaints against Councilllor Petersen for contravening the Code of Conduct for Councillors insofar as he has breached the general Code of Conduct and interfered in the administrative processes of the Municipality.

The Office of the Speaker investigated the alleged contraventions and referred the matter for further investigation. The investigation was conducted by the appointed Initiator and was presented to the Rules and Ethics Committee.

The following charges were brought against Councillor Petersen in contravening item 2(a-b) and item 12(a-d) of Schedule 7 of the Code of Conduct:

Charge 1 - On or about 1 July 2024 at the office of the Municipal Manager, Councillor Petersen demanded all documentation pertaining to the illegal structures erected at Papiesfontein. He had no mandate from Council to demand such documentation. His aforesaid conduct is a violation of Item 12 of Schedule7 to the Local Government: Municipal Structures Act (Hereinafter referred to as "The Structures Act").

Charge 2 - **Provisional Charge**: In the event that Councillor Petersen is found guilty of the charge stipulated in Charge 1; it will be argued that he has also contravened Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 3 - On or about 1 July 2024 at the office of the Municipal Manager, Councillor Petersen demanded all documentation pertaining to the illegal structures erected at Papiesfontein. He had no mandate from Council to demand such documentation. When requested to leave the office of the Municipal manager, he refused to do so and had to be removed by Law Enforcement Officials. His aforesaid conduct is a violation of Item 12 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 4 - **Provisional Charge:** In the event that Councillor Petersen is found guilty of the charge stipulated in Charge 3, it will be argued that he has also contravened Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 5- On or about 1 July 2024 at Papiesfontein, Councillor Petersen obstructed Law Enforcement Officials from removing the illegal structures that were erected at Papiesfontein. He had no mandate from the Council to interfere with the work of Law Enforcement. His aforesaid conduct is a violation of Item 12 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 6 - **Provisional Charge:** In the event that Councillor Petersen is found guilty of the charge stipulated in Charge 5, it will be argued that he has also contravened Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 7 - On or about 6 July 2024 a message appeared on Councillor Petersen's social media (Facebook) profile in which the Kouga Municipality is referred to as a "Hoer Huis". He agreed with the contents of the aforesaid message. His aforesaid conduct is a violation of Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 8 - On or about 17 July 2024 a message appeared on his social media (Facebook) profile in words similar to the following "Die DA vra vir gebed en hande oplê vir die HOER HUIS…. Interesting". He agreed with the contents of the aforesaid message. His aforesaid conduct is a violation of Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 9 - On 23 August 2024 during a Virtual Council Meeting, chaired by the Speaker, Councillor Petersen behaved in a disruptive manner to the extent that he disregarded the authority of the Speaker. At 10h27 he was informed that the Speaker will refer his conduct to the Rules and Ethics Committee. His aforesaid conduct is a violation of Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

Charge 10 - On 23 August 2024 during a Virtual Council Meeting, chaired by the Speaker, Councillor Petersen behaved in a disruptive manner to the extent that he disregarded the authority of the Speaker. At 10h43 he was informed that the Speaker will refer his conduct to the Rules and Ethics Committee. His aforesaid conduct is a violation of Item 2 of Schedule 7 to the Local Government: Municipal Structures Act.

3. **Discussion**

In terms of item 16 of Schedule 7 of the Local Government: Municipal Structures Act 117 of 1998 (as amended) outlines the following: **Investigation of breach –**

(1) A Municipal Council may –
   (a) investigate and make a finding on any alleged breach of a provision this Code; or
   (b) Establish a special committee –

(i) to investigate and a make a finding on any alleged breach of a provision; and
(ii) to make appropriate recommendations to the council.

(2) If the Council or a special committee finds that a Councillor has breached a provision of this Code, the council may –

(a) Issue a formal warning to the Councilllor;
(b) Reprimand the Councillor;
(c) Request the MEC for local government in the province to suspend the Councillor for a certain period;
(d) **Fine the Councillor;** or
(e) Request the MEC to remove the Councilllor from office.

(3) The Speaker must inform the MEC for local governement in the province within 14 days of the finding and sanction decided on by the Council.

The Act furthermore stipulates in Item 16(4)(a), that any Councillor who has been warned, reprimanded or fined in terms of sub item (2) may within 14 days of having been notified of the decision of Council, appeal to the MEC for local government in writing setting out the reasons on which the appeal is based. A copy of the appeal must be provided to the Council by the MEC.

The proposed findings and sanctions by the Rules and Ethics Committee is therefore brought for Council's consideration as follow:

Charge 1 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 2 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 3 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 4 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 5 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 6 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 7 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 8 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 9 – **Guilty**- A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 10 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Local Government: Municipal Structures Act 117 of 1998, as amended.

Promotion of Administrative Justice Act 3 of 2000.

The Policy on Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors as approved by Council.

6. **Legal Implications**

In terms of Item 16(4)(d), the MEC may, after having considered the appeal, confirm, set aside or vary the decision of the Council and inform the Councillor and the Council of the outcome of the appeal.

Any investigation in terms of Item 16 must be in accordance with section 3 of the Promotion of Administrative Justice Act 3 of 2000 as well as the rules of natural justice.

7. **Other Implications**

None.

8. **Comments by Directorates**:

8.1 **Chief Financial Officer**:

Not applicable.

8.2 **Director: Planning & Development**

Not applicable.

8.3 **Director: Civil & Water Services**

Not applicable.

8.4 **Director: Electro-Mechanical Services**

Not applicable.

8.5 **Director: Community Services**

Not applicable.

8.6 **Deputy Municipal Manager**

Not applicable.

8.7 **Municipal Manager**

Not applicable.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the recommendation made by the Rules and Ethics Committee herein be upheld.

10.2 That the following sanctions be implemented against Councillor Petersen in respect of the charges laid against him and for which charges the Councillor was found guilty.

10.2.1 That in respect of –

Charge 1 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 2 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 3 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 4 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 5 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 6 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 7 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 8 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

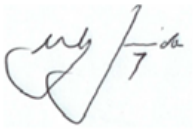
Charge 9 – **Guilty**- A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 10 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

10.3 That in respect of charge 1 to 10, the deductions will be implemented and processed over ten (10) months from January 2025 – October 2025.

10.4 That the Speaker must report the outcome of the investigation to the MEC for the local government in the province concerned.

Approved by the Chairperson of Rules and Ethics Committee:



Councillor W Van der Linde

MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

KOUGA
local municipality

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL PUBLIC ACCOUNTS COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MPAC1**

MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

1. **Introduction**

The purpose of this item is to refer to Council the minutes of the Municipal Public Accounts Committee.

2. **Background**

The confirmed minutes of the Municipal Public Accounts Committee are referred to Council for noting.

3. **Discussion**

Council is advised that the Municipal Public Accounts Committee had a meeting on 21 May 2024 and the minutes of the meeting are attached for ease of reference.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Local Government: Municipal Structures Amendment Act 3 of 2021

6. **Legal Implications**

None.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Director: Planning & Development**

Not applicable

8.3 **Director: Civil & Water Services**

Not applicable

8.4 **Director: Electro-Mechanical Services**

Not applicable

8.5 **Director: Community Services**

Not applicable

8.6 **Deputy Municipal Manager**

Not applicable

8.7 **Municipal Manager**

Not applicable

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the minutes of the Municipal Public Accounts Committee and that the recommendations contained therein have been submitted to Council for resolution.

Item prepared by the MPAC Chairperson:



MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON TUESDAY, 21 MAY 2024 AT 10:00 IN THE COUNCIL CHAMBERS, JEFFREYS BAY

Present: Committee Members	Cllr B Dhludhlu	(Chairperson)
	Cllr W Gertenbach	
	Cllr W van der Linde	
	Cllr C August	*(Attended via Zoom)*
	Cllr M Nicholls	*(Attended via Zoom)*
	Cllr H Murray	*(Attended via Zoom)*
	Cllr F Heystek	*(Attended via Zoom)*
Officials:	Mr C du Plessis	(Municipal Manager)
	Mr R Lorgat	(Chief Financial Officer)
	Ms N Machelesi	(Director: Community Services)
	Mr L Ramakuwela	(Acting Director: Planning & Development)
	Ms L Opperman	(Manager: Legal Services)
	Mr J du Toit	(Manager: PMU)
	Ms M Rossouw	(Manager: Administration & Auxiliary Services)
	Ms M Julius	(Senior Admin Officer: Committees)
	Mr S Sidjiyo	(Scribe)
Stakeholders:	Adv A Klopper	(Public Representative)
	Ms L Mostert	(Public Representative)

1. **OPENING AND WELCOME**

The Chairperson welcomed all members present and those who connected virtually. He read the notice convening the meeting and requested Cllr van der Linde to open with prayer.

2. **DECLARATION OF INTEREST**

None of the members had anything to declare.

3. **APPLICATION FOR LEAVE OF ABSENCE/ABSENT WITH APOLOGY/ABSENT WITHOUT APOLOGY**

3.1 **ABSENT WITH APOLOGY**

Cllr B Human
Cllr L Nkilishane
Cllr P Oliphant
Cllr M Mbandana
Mr D de Jager
Mr T Madatt

3.2 **ABSENT WITHOUT APOLOGY**

None

4. **PRESENTATIONS**

None

5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

5.1 **CONFIRMATION OF MINUTES OF PREVIOUS MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 27 FEBRUARY 2024**

Resolved (21 May 2024)

1. That the minutes of the Municipal Public Accounts Committee meeting held on 27 February 2024 be accepted.

Proposed: Cllr W Gertenbach Seconded: Cllr W van der Linde

5.2 **CONFIRMATION OF MINUTES OF PREVIOUS VIRTUAL SPECIAL MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 05 MARCH 2024**

Resolved (21 May 2024)

1. That the minutes of the Virtual Special Municipal Public Accounts Committee meeting held on 05 March 2024 be accepted.

Proposed: Cllr W van der Linde Seconded: Cllr W Gertenbach

6. **MATTERS FOR DISCUSSION**

24/05/MPACC1 MPAC RESOLUTIONS AS AT 05 MARCH 2024

Resolved to Recommend (21 May 2024)

1. That the updated Action Sheets reflecting outstanding resolutions of MPAC as at 05 March 2024 be noted.

24/05/MPACC2 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) – ANNUAL WORK PLAN

The Chairperson indicated that the dates might be subject to change if necessary, however, sufficient notices would be issued to the Committee where applicable.

Resolved to Recommend (21 May 2024)

1. That the MPAC Annual Workplan be approved and referred to the next Council meeting.

24/05/MPACC3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): AUDIT ACTION PLAN FOR 2022/23 AUDIT REPORT**

Ms Mostert requested that the format and the target dates be corrected and aligned.

The CFO indicated that the format would be amended.

Resolved to Recommend (21 May 2024)

1. That the Municipal Public Accounts Committee notes the Municipal Manager's audit action plan for the 2022/23 financial year.

24/05/MPACC4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): UNAUTHORISED EXPENDITURE FOR 2022/23 AUDIT REPORT**

The CFO presented the item to the Committee and indicated that the unauthorised expenditure was caused by fines impairment. He highlighted that the fine collection rate was very low and the Municipality was required to impair. The impairment exceeded the budgeted amount by R92.8 million for the 2022/23 financial year, which resulted in unauthorised expenditure.

The CFO further added that the estimated revenue from fines and increased impairment were included in the Adjustment Budget to avoid unauthorised expenditure findings in the current financial year.

Resolved to Recommend (21 May 2024)

1. That the Municipal Public Accounts Committee recommends to Council that the unauthorised expenditure is irrecoverable.

2. That the Municipal Public Accounts Committee recommends to Council that the unauthorised expenditure amount of R92 827 502 be written off in line with s32 (2)(a)(ii).

3. That the report be submitted to the next Council meeting.

24/05/MPACC5 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): FRUITLESS AND WASTEFUL EXPENDITURE FOR 2022/23 AUDIT REPORT**

The CFO highlighted that the main Creditor was the Nelson Mandela Bay Metropolitan Municipality (NMBMM). The Civil and Water Services Directorate was not satisfied with the different meter readings and there was a delay in the processing of invoices, however, the process has been resolved.

Adv Klopper enquired about the suspension of the 30-day interest rule on disputed accounts.

In response, the CFO indicated that the system does not stop when the account is under dispute and the matter was raised with the NMBMM, however, it was responded that the invoice must be paid first and then disputed.

Cllr Gertenbach proposed an additional recommendation that the Nelson Mandela Bay Metropolitan Municipality be requested to reconsider the interest charged on the accounts.

Cllr van der Linde seconded the proposal.

Adv Klopper advised that the dispute resolution clause on the Service Level Agreement (SLA) between the NMBMM and Kouga Municipality be reviewed.

Resolved to Recommend (21 May 2024)

1. That the Municipal Public Accounts Committee recommends to Council that the Fruitless and Wasteful Expenditure for the 2022_23 financial year, amounting to R111 998.88 be considered irrecoverable and be written off.

2. That the Nelson Mandela Bay Metropolitan Municipality be requested to reconsider the interest charged on the accounts.

   Proposed: Cllr W Gertenbach Seconded: Cllr W van der Linde

3. That the report be submitted to the next Council meeting.

24/05/MPACC6 **2023/24 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 31 MARCH 2024**

Cllr Gertenbach indicated that the item had served before Council already and MPAC was to do an oversight on the report.

He proposed that the item be deferred to the next MPAC meeting and Cllr van der Linde seconded the proposal.

Resolved to Recommend (21 May 2024)

1. That the Quarter 3 institutional performance report on progress made with the implementation of the 2023/24 Service Delivery and Budget Implementation Plan be considered by the Municipal Public Accounts Committee with the purpose of making recommendations to Council in this regard.

2. That the report be deferred to the next MPAC meeting.

   Proposed: Cllr W Gertenbach Seconded: Cllr W van der Linde

24/05/MPACC7 **AUDITOR GENERAL'S (AG) MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) CAPACITATION PRESENTATION**

The Chairperson elaborated on the presentation to the Committee.

Resolved to Recommend (21 May 2024)

1. That the presentation be noted.

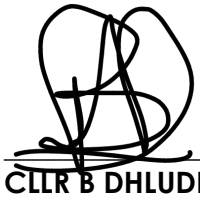
7. **DATE OF NEXT MEETING**

To be confirmed.

8. **CLOSURE**

The Chairperson thanked the Committee members and all officials for their contribution.

The meeting adjourned at 10:35



23 August 2024

CLLR B DHLUDHLU **DATE**
CHAIRPERSON

MUNICIPAL BYLAWS AND POLICIES

KOUGA
local municipality

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP1**

MAYORAL FUND POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Mayoral Fund Policy.

2. **Background**

The Mayoral Fund Policy was presented at a Policy workshop held 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Mayoral Fund Policy be referred to Council for approval.

3. **Discussion**

The amended policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Section 12 of the Local Government: Municipal Finance Management Act No. 56 of 2003

6. **Legal Implications**

The above legislative provision allows for a relief, charitable, trust or other funds to be opened in the name of the Municipality and for the Municipal Manager to be the accounting officer of such a fund.

For purposes of implementation of the Policy submitted for approval herein, a separate bank account may be opened in the name of the municipality.

Funds received by the municipality, for the implementation of the policy provisions may be paid into the separate bank account so opened.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Recommendations noted.

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

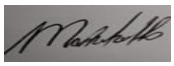
Council

10. **Recommendations**

10.1 That the Mayoral Fund Policy be approved by Council.

10.2 That the Mayoral Fund Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

KOUGA MUNICIPALITY

MAYORAL FUND POLICY

APPROVED BY COUNCIL:
REFERENCE NO:

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2. Problem Statement 3

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1. Definitions and acronyms

'*Council*' means the Municipal Council of Kouga Municipality

'*Councillor*' means a member of the Municipal Council of the Kouga Municipality

'*Grant*' means the giving of non-repayable money, goods or services to a natural person or an organisation and 'donate' has a corresponding meaning;

'Mayor' means the Executive Mayor of the Kouga Municipality

'*MFMA*' means the Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003);

and

'*Organisation*', a discernible grouping or individual with a developmental cause or need which includes, but is not limited to, a non-profit entity, benevolent society, non-governmental organisation and religious institution, irrespective of whether it is a legal person.

2. Problem Statement

The Mayor receives regular requests for grants, donations and financial assistance from members of the public and organisations. Most of these requests are dealt with through the Grant-in-Aid allocation, but some deserving requests fall outside of the ambit of the Policy.

3. Desired Outcomes

The establishment and effective administration of a Mayoral Fund ("Fund") for the purpose of allocating grants by the Mayor at his/her discretion in respect of applications made or at the Mayor's initiative in respect of cases set out in the Fund guidelines.

4. Strategic Alignment

It is intended that the Mayoral Fund supports Kouga Municipalities strategic objectives as set out in the Integrated Development Plan.

5. Regulatory Context

5.1 Section 12 of the MFMA regulates the establishment of "relief, charitable, trust or other funds":

5.1.1 Section 12(1) permits the establishment of a charitable, trust or other fund in the name of the Municipality, with the Municipal Manager being the account officer of such a fund;

5.1.2 Section 12(2) allows for the Municipality to open a separate bank account in the name of the Municipality for the purpose of such a fund;

5.1.3 Section 12(3) determines that money received by the Municipality for the purpose of such a fund must be paid into the bank account of the municipality, or if a separate bank account has been opened in terms of subsection (2), into that account; and

5.1.4 Section 12(4) determines that money in a separate account opened in terms of subsection (2) may be withdrawn from the account without appropriation in terms of an approved budget, but only –

(a) by or on the written authority of the accounting officer acting in accordance with decisions of the municipal council; and

(b) for the purposes for which, and subject to any conditions on which, the fund was established or the money in the fund was donated.

6. Roleplayers and Stakeholders

6.1 In order to give effect to the policy, the following role players including their respective powers, duties and responsibilities are listed below:

6.1.1 The Mayor identifies an appropriate use and determines the amount as well as the beneficiary and forwards the request to the Municipal Manager. The Mayor may impose conditions in respect of any grant made from the Fund.

6.1.2 The Accounting Officer must report to Council on a quarterly basis in respect of the status of the Fund including amounts withdrawn, and the names of the beneficiaries. Any donations received must also be reported.

6.1.3 The Municipal Manager or his nominee must assess the request and determine whether it meets the Guidelines set out above as is required by section 12(4) of the MFMA. Provided that sufficient funds are available, the Municipal Manager or his nominee will withdraw the amount from the Fund.

6.1.4 Council may determine the maximum limit of any grant from time to time.

7. Policy Directives

7.1 The Fund may be used for —

7.1.1 Cases that will uplift vulnerable groups in Kouga Municipality

7.1.2 cases of hardship;

7.1.3 emergency or disaster situations where the Municipality has no other provisions;

7.1.4 the specific use and conditions as may be set out by a donor to the Fund;

7.1.5 payment directly to any individual only on such condition as the Mayor will approve; and

7.1.6 travelling, accommodation or subsistence of individuals or teams participating in events such as sport or cultural activities only when Mayor

is satisfied that it is a real need as a result of being disadvantaged.

7.2 A written agreement must be entered into with the recipient of the grant funding to ensure that the funds are used for the purpose intended.

7.3 A grant to an organisation for aiding communities in Kouga Municipality in instances of individual or group hardship may be repeated.

7.4 The Fund may not be used for —

7.4.1 any purpose that benefits a political party;

7.4.2 of any Councillor or a family member or relative of any Councillor; or

7.4.3 activities occurring outside the boundaries of the Municipality, except in exceptional cases and only after approval by the Mayor

7.5 Subject to 7.3, any grant from the Fund shall not result in repeat commitments nor may any expectation be created that funding will automatically be made available in future.

7.6. Grants from the Fund may not be used in conjunction with other Municipal funding or grants.

7.7 Process for release of funds

7.7.1 The Mayor identifies an appropriate use and determines the quantum of the grant, within any limitations set by Council, as well as the beneficiary and forwards the request to the Municipal Manager

7.7.2 Mayor may impose, in writing, conditions in respect of any grant made from the Fund.

7.7.3 The Municipal Manager or his/her nominee must assess the request and determine if it meets the Guidelines set out above as is required by section 12(4) of the MFMA. Provided that sufficient funds are available, the Municipal Manager or his/her nominee will withdraw the amount from the Fund.

7.7.5 Applicants for funding must complete the application form in full and submit this via email to mayoralfund@kouga.gov.za with a waiting period of 14 working days to be applied.

7.8 Reporting Requirements

7.8.1 The Mayor must report to Council on a quarterly basis in respect of the status of the Fund including amounts withdrawn, and the names of the beneficiaries

7.9 Donations to the Fund

7.9.1 Any member of the public or organisation may donate money to the Fund

7.9.2 I f a donor specifies conditions in respect of any donation, the donated amount may only be utilised in terms of those conditions.

7.9.3 The Mayor may refuse any donation where the conditions attached are unacceptable to the Mayor.

7.9.4 The Municipality may appropriate to the Fund from its annual budget.

7.10 Grant Limits

7.10.1 The amount of any grant approved may not exceed R10.000 unless otherwise motivated by the Executive Mayor.

7.10.2 The Council may determine the maximum limit of any grant from time to time.

8. Implementation

8.1 The policy shall be implemented by the aforementioned stakeholders upon adoption by Council.

9. Monitoring, Evaluation and Review

9.1 Monitoring of compliance with this policy and the status of the Fund shall be undertaken by Council upon submission of the quarterly reports which it shall receive.

9.2 The Mayor will consider a review of this policy when it becomes apparent that any of the provisions within it are no longer effective in achieving its objectives. Following such review, any amendments to the policy will be presented to Council for consideration of their adoption.

APPLICATION FORM

SECTION A: FOR INDIVUALS

Title: Mr. / Miss / Ms.	
First Name	
Surname	
Contact Number	
Physical Address	
Postal Address	
Email Address	
ID / Passport Number	

What is the focus of the project/event/ activity, for which funding support is being applied for? *Give a summary*	
When is the Event/Activity/ Project taking place? *Stipulate Date and Time*	
What will the proceeds be utilized for and what impact will it have on the larger community?	

What is the total cost of the above? *Attach quote for the goods or services.*	

Banking details of above service provider.	

SECTION B: FOR ORGANISATIONS

Name of Organisation	
How is the organisation Registered? (i.e. NPO, NGO etc.)	
Registration Number Attach copy of registration documents.	
Email Address	
Physical Address	
Does the Organisation serve the poor or disadvantaged communities? *Tick the relevant box.*	☐ Yes ☐ No
If yes, please provide a brief explanation.	

Applicant Full Name	
Position in the Organisation	
Contact Number	
Email Address	

What is the focus of the project/event/ activity, for which funding support is being applied for? *Give a summary*	
When is the Event/Activity/ Project taking place? *Stipulate Date and Time*	
What will the donation be utilized for and what impact will it have on the community?	

Does the organization have the ability to implement the project/event/activity successfully?	☐ Yes ☐ No

What is the total cost of the above? *Attach quote for the goods or services.*	
Banking details Attach a copy of Bank confirmation statement.	

SECTION C: UNDERTAKING

I_____ confirm that:

1. The information provided in this application is true and correct and that the conditions applicable to the allocation of a donation is understood and will be complied with.
2. The organization implements effective, efficient and transparent financial management and internal control mechanisms to guard against fraud, theft and financial mismanagement, and has in the past complied with requirements for similar transfers of funds. (if applicable).

Signed at: _____ (place of signature)

Signed on: _____ (date of signature)

Applicant full name: _____

Applicant signature: _____

FOR OFFICIAL USE ONLY

Comments by the Executive Mayor:

_____

_____

_____

Review Date	Approved	Not Approved	Approved Amount:

Comments by the Accounting Officer:

I certify that the compliance with section 67 (1)(a) of the Local Government: Municipal Finance Management Act 56 of 2003, by the organization /body is uneconomical/unreasonable due to the limited amount donated.

Additional Comments:

_____

_____

_____

_____ _____

Executive Mayor **Municipal Manager**

Cllr Hattingh Bornman **Charl du Plessis**

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP2**

INJURY ON DUTY (IOD) POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Injury on Duty (IOD) Policy.

2. **Background**

The Injury on Duty (IOD) Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Injury on Duty (IOD) Policy be submitted to Council for approval.

3. **Discussion**

The policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Occupational Health and Safety Act No. 85 of 1993,
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Basic Conditions of Employment Act no. 75 of 1997
Labour Relations Act No. 66 of 1995
Unemployment Insurance Act No. 63 of 2001

6. **Legal Implications**

Should the Council approve the Policy, the provisions of the Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Recommendations supported

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Supported.

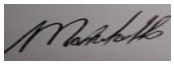
9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Injury on Duty (IOD) Policy be approved by Council.

10.2 That the Injury on Duty (IOD) Policy be uploaded on the Kouga Website.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

Annexure A:

KOUGA
local municipality
Good Governance through Service Excellence

INJURY ON DUTY POLICY

ANNEXURE C - IOD POLICY

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1. Policy Statement and Purpose

1.1. Kouga Municipality has a legal obligation in terms of the Occupational Health and Safety Act 1993 (Act 85 of 1993) and the Compensation for Occupational Injuries and Diseases Act 1993 to properly manage all accidents relating to IOD's within the Municipality.

1.2. The aim of this policy is to ensure the uniform implementation of the procedure for the handling of injuries on duty (IOD) within Kouga Municipality.

1.3. This policy will serve to ensure the proper implementation of the processes and procedures associated with the management of the entire IOD processes. This would include amongst others the following:

1.3.1. IOD reporting during working hours and after hours.

1.3.2. Management of the IOD process from claim initiation, claim investigation, creation of claim documents to submission of supporting documentation.

1.3.3. Uploading information on the Department of Employment and Labour (DOEL) portal to generate a claim number.

1.3.4. Management of IOD absence.

2. Legislative Framework

2.1. The following Acts governs the management of injuries on duty:

2.1.1. ~~COIDA~~ Compensation for Occupational Injuries and Diseases Act (COIDA) No. 130 of 1993 as amended.

2.1.2. Basic Conditions of Employment Act No. 75 of 1997 as amended.

2.1.3. Labour Relations Act No. 66 of 1995 as amended.

2.1.4. Unemployment Insurance Act No. 63 of 2001 as amended.

3. Definitions

3.1. In this Policy words or phrases are defined as follows and the use of the masculine gender include the feminine; the singular includes the plural and vice versa unless the context indicates otherwise:

No.:	Concept	Definition
3.1.1 .	**Incident**	An accident arising out of and during an employee's employment and resulting in personal injury, illness or death of the employee.

3.1.2 .	**Occupational Injury**	A personal injury sustained because of an incident.
3.1.3 .	**Employee**	Any person who is employed by or who works for an employer and receives or is entitled to receive any remuneration or works under the direct supervision of an employer or any other person.
3.1.4 .	**Injury on Duty**	An injury will be deemed to be an IOD when an employee is injured during working hours and in the execution of his normal duties or any other legal order given to him by his supervisor.

4. Policy Scope

4.1. The Policy applies to all municipal employees excluding elected Councillors.

5. Policy Provisions

The following provisions apply to IOD within Council:

5.1. **Incidents on the way to / from work:**

5.1.1. Any incident that happens to an employee who is conveyed free of charge to and from his place of employment for purpose of his employment by vehicle driven or provided by his employer shall be deemed to have taken place in the course of his employment and will be considered for IOD compensation.

5.2. **Incidents during training or performance of Emergency services:**

5.2.1. Only incidents that an employee incurs while he is engaged in his employer's work or premises in organised first aid, rescue work, firefighting or any other emergency service.

5.3. **Incidents during sport activities:**

5.3.1. Sport activities that happen during working hours will not be considered as an IOD.

5.4. **Other incidents:**

5.4.1. Falling ill at work or experiencing ill health in terms of a known pre-existing condition will not be considered an IOD.

5.5. **Section 24 Incidents (OHS Act)**

5.5.1. The following constitutes a Section 24 incident - When a person:

(a) Dies

(b) becomes unconscious

(c) suffers the loss of a limb or part thereof or is otherwise injured

(d) becomes so ill that he could either die or suffer permanent injury

(e) be unable to work for a period of not less than 14 days

(f) is permanently unable to continue with activities for which he was employed

5.6. **Supporting documentation required for an IOD**

5.6.1. W.CI.2 – Employer's report of an accident form needs to be completed whenever an employee meets with an accident out of or in course of employment that leads to personal injury or where medical treatment is required or in case of death.

5.6.2. A certified copy of the employee's ID with the completed form should accompany the injured employee to the doctor's office.

5.6.3. **Leave in terms of an IOD**

(a) In terms of available legislation, the IOD absence will be divided into three (3) categories as detailed below:

5.6.3.a.1. IOD Leave three (3) days and less

In this instance the employee will be fully compensated and provision will be made for IOD leave to be completed.

5.6.3.a.2. IOD Leave four (4) days and more but less than three (3) months

In this instance the employee will be remunerated at 75% of earnings until the expected date of return to work.

5.6.3.a.3. IOD Leave three (3) months or more

In this instance the employee will be receiving a rate of 75% for the first (1st) three months whereafter the employee will not be receiving any form of remuneration, however the employee may claim compensation from the Department of Labour.

5.7. **Service Providers**

5.7.1. The Municipality uses registered Occupational Practitioners to assist with IOD cases.

5.7.2. An appeal is made to all employees to utilise the services of these doctors as we will not be able to ensure that the Compensation Commissioner will approve the claim.

5.7.3. Should the injured make use of the services of a Medical Practitioner without a dispensary at their rooms; the approved pharmacy will be communicated to the employee.

5.7.4. In the event of an employee sustaining a serious injury and not being fully conscious; the ambulance services must be contacted and the employee be taken to the hospital. The OHS section must be informed immediately to notify the Department of Employment and Labour (Section 24 of OHS Act).

5.8. Contact with Department of Employment and Labour

5.8.1. Although contact with the DOEL regarding incidents will be conducted by the Human Resources Department (OHS); the Manager, supervisor, safety representative and shop steward of that section will conduct and help with the investigation of the accident.

5.8.2. The OHS Section will be assisting with the investigation.

5.9. Medical consultations and follow-ups

5.9.1. When an IOD has been reported all follow-up consultations must be adhered to until such time as the doctor has issued a Final Medical Report.

5.9.2. The Medical practitioner who first treats the patient must provide follow-up treatment until such time as the Final Medical Report has been completed or the injured employee is referred to another medical practitioner e.g. a specialist.

5.9.3. Employees will be responsible for payment of any medical costs resulting from treatment by a second medical practitioner if an official referral between the practitioners has not taken place.

5.10. Compensation for Injury on duty (IOD)

5.10.1. The decision of whether a claim for an alleged IOD will be accepted does not reside with the Municipality.

5.10.2. All alleged IOD claims are submitted to the Compensation Commissioner for approval.

5.10.3. The Compensation Commissioner evaluates the claim and then accepts or dismisses the claim.

5.10.4. Only after receiving approval from the Compensation Commissioner are the cost of the claim paid.

5.10.5. Costs of dismissed claims will be deferred to the employee.

5.11. Roles and responsibilities

5.11.1. Employees

(a) The employee must report the accident to the employer as soon as possible (before end of shift if possible) after such accident has happened~~.~~ – Section 38 of the COIDA ~~Act~~.

(b) Failure to report the incident to the employer forfeits the right to compensation as the claim cannot be considered in terms of the Act.

(c) The employee must report the incident to his immediate supervisor.

(d) The employee must assist the employer in obtaining the medical reports as the employee sees the doctor regularly and it is the employee's case that has to be finalised.

(e) The employee should keep the employer informed of all follow-up appointments.

5.11.2. **Immediate Supervisors/Managers**

(a) The immediate supervisor must immediately contact the HR department (OHS) regarding the incident.

(b) The immediate supervisor must transport the injured employee to the relevant doctor if injury is not a Section 24 incident.

(c) The immediate supervisor should wait for the injured employee to make sure that the employee will not be transferred to the hospital, home or pharmacy.

(d) The immediate supervisor is responsible for transporting the injured employee to all his follow-up visits.

(e) The immediate supervisor should follow-up to ensure that all medical reports are obtained to keep track of the injured employee's progress.

5.11.3. **HR Department (OHS)**

(a) The employer will ensure that all claims are reported to the Compensation Commissioner.

(b) It is the responsibility of the employer to submit the W.Cl.2 form within a period of 7 days to the Compensation Commissioner.

(c) The employer has a legal obligation to investigate all IOD incidents.

(d) The investigative reports and medical reports will be filed by the employer.

(e) This will assist in all incidents being properly reported and recorded.

6. Approval And Implementation

6.1. The Policy will be implemented upon approval by Council.

7. Attachments

7.1. Appendix A: Procedure for reporting of IOD's
7.2. Appendix B: W.Cl.2 page 1: Employer's Report on an accident
7.3. Appendix C: Travel Questionnaire (W.Cl.226)

APPENDIX A:
PROCEDURE FOR REPORTING OF IOD's

1. The following information must be submitted with the completed form:

1.1. Did the injured complete his shift on the day he ceased working?

1.2. Was first aid given in this case?

1.3. The name of the medical practitioner or hospital where injured received treatment.

1.4. The name and address of the witnesses who was aware of the accident.

1.5. Whether any other employees were involved in the same accident.

1.6. In the case of a Motor Vehicle Accident (MVA); the SAPS station where the accident was reported with the case number and registration numbers of the vehicles involved in the accident.

2. Injuries Sustained in Motor Vehicle Accidents While Executing Official Duties:

2.1. Report the injury on duty immediately to the OHS Section, Insurance officer (finance), Law enforcement department and the nearest SAPS even if it's after hours.

2.2. No matter how minor the car accident and even if there are no visible injuries; the employee involved should be taken to the nearest medical practitioner or hospital.

2.3. If it is a serious accident the ambulance services should be contacted after the OHS Section was notified.

2.4. If an ambulance is summoned, they should be supplied with a copy of the W.Cl.2 form.

2.5. An additional W.Cl.226 – Travel Questionnaire form (Appendix C) must be completed.

2.6. The scene should not be disturbed without the consent of SAPS or Law Enforcement except where disturbance is required to safeguard the scene thereby preventing further injuries or to assist the injured employee.

2.7. If someone is involved in a Section 24 incident the scene may not be disturbed until the Inspector of the Department of Employment and Labour arrives and inspects the scene or until the Department of Employment and Labour grants permission to do so.

2.8. The same procedure should then be followed as set above for the reporting of the injury on duty.

3. Dispute Resolution

3.1. Failure or late reporting of an injury on duty is a contravention of the requirements of the OHS Act (Act 85 of 1993), Section 38 and of the Compensation for Occupational Injuries and Diseases Act, 1993.

3.2. This can result in an IOD being repudiated.

3.3. This may also result in the medical and other costs being a financial burden on an injured employee.

3.4. In the event that an employee does not adhere to all the necessary consultations provided by the doctor, the injured employee will be held liable for the payment of future costs involved.

3.5. Should an employee cease to continue with treatment prior to the final medical report (W.Cl.5) being issued; the employee may be held liable for any subsequent costs incurred.

3.6. According to COIDA an injury on duty case remains open for 2 years.

3.7. It is the responsibility of the employee to obtain the claim number from the OHS Section.

APPENDIX B

PART A PAGE 1 W.CI.2

EMPLOYER'S REPORT OF AN ACCIDENT

COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993
Section 6(A) (b) – Annexure 13

Instructions:
Complete the form in block letters and mark appropriate areas (X)

(For official use only)
Claim No.: .....
Provincial Office
.....
Date .....

DECLARATION BY EMPLOYER OR AUTHORISED PERSON
I hereby declare that the particulars, shown in items 1 to 62 of this report, of an alleged injury on duty, are to the best of my knowledge and belief true and accurate.

Signed on this ..... day of ..... year..... → Signature .....

EMPLOYER

1. Registered name with the Compensation Commissioner .....
2. Registered number of this business with the Compensation Commissioner
3. Contact person .....
4. Street address ..... 5. Postal code .....
6. Postal address ..... 7. Postal code ..... 8. Tel. no. .....
9.1 Fax no. ..... 10. Situation of business/farm .....
9.2 E-mail address .....
11. Nature of business, trade or industry .....

EMPLOYEE (CERTIFIED COPY OF IDENTITY DOCUMENT TO BE ATTACHED)

12. Is the injured person a working director working member/director of a Closed Corporation owner of partner in the business? Not applicable
13. Surname ..... 14. First names .....
15. ID no. ..... 16. Date of birth ..... 17. Sex | Male | Female |
18. Marital state | Married | Single | 19. Citizen of .....
20. Personnel no. ..... 21. Occupation .....
22. Street address ..... 23. Postal code .....
24. Postal address ..... 25. Postal code .....
26. Tel. No. .....
27. Period in your employ (years/months) ...../..... 28. Expected period of disablement (days) | 0-13 days | 14 & more |

ACCIDENT

29. Date of accident ..... 30. Time .....
31. Place of accident ..... 32. District .....
32.2 Province .....
33. Date employee reported accident ..... 34. Time .....
35. What task was the employee performing at the time of the accident? .....
36. Period of experience in the task performed (years/months) ...../.....
37. Was his action at the time of the accident in connection with your trade or business? | YES | NO |
(If "no" state reasons on reverse side Part A page 3)
38. Short description of how the accident occurred. (**ALSO** mark the applicable items on the reverse side of Part A Page 3 and use same for a full description) .....
.....
(Refer the machine/process involved, whether the injured person fell or was struck and all the factors contributing to the accident).
39. Was the accident a traffic accident on a public road? | YES | NO |
40. Nature of injury sustained (e.g. index finger of right hand crushed) .....
Mark any of the following when applicable: | Killed | Amputation | Unconsciousness |
41. Are you satisfied that the employee was injured in the manner alleged by him? | YES | NO | If not, give reasons.
(If "no" state reasons on reverse side Part A page 3)
.....

PART A PAGE 2 MUST ALSO BE COMPLETED

Please complete in detail to ensure early finalisation.

APPENDIX C

WCL 226
TRAVEL QUESTIONNAIRE

Name of employee:	Date of injury:	Employer:
1. Describe in detail how and where (street names, etc.) the accident happened, stating the time of the accident: (Please include detailed statements by the driver of the vehicle and eyewitnesses to the accident, describing how and where the accident occurred, as well as a diagram.)		
2. Who is the registered owner of the vehicle?		

3. Route Traveled:		4. Purpose of the journey (Pls. mark with "X")	
From:		Business:	
To:		Private:	

5. Was the vehicle travelling on a direct route to its destination from its place of departure?
6. Was the vehicle specifically used for the purpose described in your answer in question 5? (For example, if the purpose of the journey was to deliver bread, was the vehicle assigned to the task of transporting bread?)
7. What control did you exercise over the driver of the vehicle for determining the vehicle's point and time of departure, destination and route, as well as being able to discontinue the transport at any time?
8. Was transport supplied free of charge to the employees to transport them to and from work?

9. Name and details of driver's employer:	10. Person responsible for trip and cost thereof:
11. Registration No. of vehicle(s) involved in the accident:	

12. SAPS branch where accident was reported:	13. SAPS Case No:
14. Details of other injured employees, if any:	
Name and surname:	Claim number

Employer's signature		Date signed:	

The Compensation Commissioner requests the information in this report, to enable them to ascertain liability for payment of compensation and medical expenses for the accident involving the above-named employee.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP3**

LEAVE POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Leave Policy.

2. **Background**

The Leave Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Leave Policy be amended and submitted to Council for approval.

3. **Discussion**

The amended policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

The legislative framework as stipulated in the attached amended Leave Policy.

6. **Legal Implications**

Should the Council approve the proposed amendments to the Leave Policy, the provisions of the Policy shall become effective from the date of the Council resolution. The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Recommendations noted.

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Recommendations supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Leave Policy be approved by Council.

10.2 That the Leave Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

Annexure A:

KOUGA
local municipality
Good Governance through Service Excellence

LEAVE POLICY

ANNEXURE D - LEAVE POLICY

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1. POLICY STATEMENT AND PURPOSE

1.1. This Policy seeks to give effect to the South African Local Government Bargaining Council (SALGBC) Main Collective Agreement and the SALGBC Eastern Cape Division Collective Agreement on Conditions of Services.

1.2. It also seeks to regulate the taking, usage, accumulation and management of leave by employees; and

1.3. It promotes common and uniform leave management for employees within the Municipality and replaces or supersedes all existing leave policies.

2. SCOPE OF APPLICATION

2.1. This policy is applicable to all employees except senior managers as defined in the Local Government: Municipal Systems Act (Act 32 of 2000) as amended, interns, those employed on contract basis for a period of six months or less.

3. LEGISLATIVE FRAMEWORK

3.1. Labour Relations Act, 1995 (Act 66 of 1995) as amended.
3.2. Basic Conditions of Employment Act 75 of 1997 as amended.
3.3. Unemployment Insurance Act, 2001 as amended.
3.4. The Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993 as amended.
3.5. Children's Act, 38 of 2005
3.6. Allied Health Service Professions Act 63 of 1982.
3.7. Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974)
3.8. SALGBC Main Collective Agreement.
3.9. Eastern Cape Consolidated Conditions of Service.

4. DEFINITIONS CLAUSE

Definitions of terms and acronyms used within this policy.

4.1. All expressions used in this policy which are defined in the Labour Relations Act 66 of 1995 as amended, shall bear the same meaning as in the Act and unless the contrary intention appears.

4.2. Words importing the masculine gender shall include the feminine;

4.3. All reference to days shall be to working days;

4.4. Cycle shall mean the period of twelve (12) months consecutive employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle;

4.5. An employee is defined as follows: any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of an employer, and 'employed' and 'employment' have meanings corresponding to that of 'employee;

4.6. Medical practitioners shall mean all practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners) and Traditional Healers registered with the recognised professional council in terms of legislation;

4.7. Valid Medical Certificate means an original medical certificate which complies with the ethical and professional rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa issued by a registered medical practitioner, or any other person who is certified to diagnose and treat patients, who is registered with a professional council established by an Act of Parliament;

4.8. Child: means a person who is under the age of 18 as described in section 1 of the Children's Act 38 of 2005.

4.9. Life Partner refers to a spousal equivalent that lives together, in the same residence, indefinitely with a staff member, with whom s/he shares a common domestic life whilst not being a legal marriage, the relationship encompasses most or all of the obligations that would normally arise out of a legal marriage including responsibility for each other's welfare;

4.10. Dependant means— (a) the spouse or partner, dependent children or other members of the member's immediate family in respect of whom the member is liable for family care and support; or (b) any other person who, under the rules of a medical scheme, is recognised as a dependant of such a member and is eligible for benefits under the rules of the medical scheme. (Medical Schemes Act Definition).

4.11. Siblings shall refer to the equivalent of children of the same parent or parents./One of two or more persons born of the same parents.

4.12. Emergency Leave shall refer to annual leave that should be taken without delay, owing to circumstances for which the employee could not control where the employee has experienced an event or circumstance that requires attention without delay,

4.13. Adoptive parent" and "adoption order" have the meaning assigned to them in section 1 of the Children's Act, 2005 ("the Children's Act").

4.14. Commissioning Parent shall means a woman or a man who seeks the help of a surrogate mother to bear him or her a child through artificial insemination; also referred to as a primary parent. Commissioning parent refers to the individual or individuals who enter into a surrogacy arrangement with the intention of having a child.

5. POLICY PROVISIONS

5.1. Annual Leave

5.1.1. Council shall grant an employee the following annual working days leave in a leave cycle (associated to the date of employment of the employee):

(a) Twenty-four (24) days for a five- (5) day worker; and

(b) Twenty-seven (27) days for a six- (6) day worker.

5.1.2. Accrual commences from the end of the month.

5.1.3. An employee is required to take leave within each leave cycle as follows:

(a) A five- (5) day worker shall take a minimum of sixteen (16) consecutive days leave per annum; and

(b) A six- (6) day worker shall take a minimum of nineteen (19) consecutive days leave.

5.1.4. Annual leave must be taken within six (6) months of the end of the annual leave cycle.

5.1.5. Annual leave may be accumulated to a maximum of forty-eight (48) days.

5.1.6. Annual leave at the end of an annual leave cycle for any employee may not be more than 48 days. **Anything in excess of 48 days will be forfeited.**

5.1.7. Any leave in excess forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the *employer* refused to grant him such leave, as a result of the employer's operational requirements. If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period; such remaining leave shall fall away.

5.1.8. **Employees are therefore compelled to take their leave periodically and departments are encouraged to plan scheduling of leave annually to ensure the provisions are met and that staff members are granted annual leave.**

5.1.9. **Annual leave must be applied for and approved in advance before the employee commences on leave.**

5.1.10. **In the event that annual leave is not approved, it must be indicated on the application form and communicated to the employee directly.**

5.1.11. Leave balances are printed on an employees payslip. When an employee's leave days are about to reach forty eight (48) days the onus is on the employee to inform his immediate supervisor and ensure that he utilizes such leave before forfeiture is applied.

5.1.12. In the event of the termination of service, an employee shall be paid his **annual** leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997 as amended.

5.1.13. Employees may take leave only if agreed by the immediate supervisor and respective section manager, which leave will not be unreasonably withheld.

5.1.14. Employees are responsible for completing the leave request form (available from the immediate supervisor or the HR Section), getting it authorised by the immediate Supervisor and Section Manager and submitting it to HR, at least 5 working days prior to their going on leave, or in a case of an emergency or if the circumstances permit one day before or on the day the leave is taken.

5.1.15. Circumstances may prohibit the approval before the employee proceeds on leave and in this instances emergency leave may be granted to an employee telephonically.

5.1.16. Such leave must be indicated in the attendance register and leave form and the reason provided on the leave form under comments. Instances of emergency leave is limited to a maximum of two (2) times per leave cycle as it affects the planning and scheduling of the department or section.

5.2. Sick Leave

5.2.1. An *employer* shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.

5.2.2. To be eligible to receive paid sick leave, an employee will be required to produce a Medical Certificate signed by a registered medical practitioner stating the nature of the incapacity and its duration in respect of the following:

(a) any bona fide illness which results in their absence from work for a period of more than two working days, and /or

(b) more than two occasions where one day's absence was taken the day before or after the employee's day off or a paid public holiday, or

(c) any eight-week period where an employee has been on paid sick leave on more than two occasions without producing a Medical Certificate.

(d) The employee will be required to produce a Medical Certificate for each further instance of sick leave within the eight-week period.

(e) Notwithstanding the above provisions, employees who are absent from work must contact their supervisor as soon as they are able, but in any event at least within one hour of the commencement of their duty, advising them of their non-availability to attend work.

5.2.3. The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament, if more than two (2) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.

5.2.4. The Municipality shall be in a position to consult the employees' Doctor(s) for information verification and enquiries in the event that there are serious anomalies regarding the sick leave taken.

5.2.5. **No backdated medical certificates are permissible.**

5.2.6. The employer is not required to pay an employee if an employee is absent on more than two occasions during an eight-week period, and on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness.

5.2.7. The dates applied for must coincide with the dates of the medical certificate.

5.2.8. The certificate issued by the **medical practitioner** should contain the following information:

(a) The name, address & qualification of the practitioner.
(b) The name of the employee.
(c) The date and time of the examination.
(d) Whether the employee is totally indisposed for duty or if the employee is able to perform less strenuous duties.
(e) The exact period of recommended sick leave
(f) The date of issuing of the certificate of illness.
(g) Original signature of the medical practitioner who issued the certificate and his or her initials and surname; and
(h) Employees who are on sick leave for any reason are assumed to be confined to their places of residence. Should such employees not comply with this requirement, there is a malicious suspicion in the opinion of the Employer, investigations will be conducted against the affected employee.
(i) It is the responsibility of an employee to phone and make the employer aware that she/he is not feeling well and that she/he will be seeing a medical practitioner. In the event that the employee is booked off sick, the employee has the responsibility to inform the employer that he or she will be booked off for the prescribed days so that the employer is aware of his/her whereabouts.
(j) Immediately after resumption of duty the employee must fill in a sick leave form with the required medical certificates and submit it to the supervisor or manager for approval.

5.3. Additional Paid Sick Leave

5.3.1. Employees who have a balance of at least sixty (60) working days unused sick leave at the end of a three year cycle, shall receive an additional twenty (20) working days paid sick leave to which he will be entitled in the ensuing cycle, provided that in respect of any sick leave cycle no employee shall become entitled to more than one hundred (100) working days sick leave on full pay.

5.3.2. If the maximum period of sick leave to which an employee is entitled has been granted to him and, owing to reasons of ill health, he is not able to resume duty, the Municipality must grant such employee an additional sixty (60) working days sick leave in respect of chronic illnesses and/ or illnesses requiring hospitalization, which shall be made up as follows:

(a) Thirty (30) working days on full pay;

(b) Thirty (30) working days on half pay. The following conditions shall apply:

(i). Provided that the employee has submitted a satisfactory certificate from a registered medical or dental practitioner, or a Traditional Healer registered with a recognized Professional Council in terms of legislation; and

(ii). If the employer is satisfied that the employee is - at that moment not permanently incapacitated to resume his normal duties

(iii). Such additional sick leave must be granted in respect of separate periods of absence and in respect of illnesses of different kinds.

(iv). On written application by an employee, who has exhausted his/her full paid sick leave and additional full paid sick leave, annual leave which he has to his credit must be granted to supplement sick leave on half pay or no pay at the discretion of the employee concerned.

5.4. Measures To Manage Sick Leave

5.4.1. If an employee to whom annual leave has been granted is certified sick by a registered medical or dental practitioner after his annual leave has commenced, that part of his annual leave during which he was thus certified sick shall be converted into sick leave on submission of the prescribed certificate by such medical or dental practitioner or a Traditional Healer registered with a recognized professional council in terms of legislation.

5.4.1 If, due to illness, an employee is unable to take annual leave already deducted, he shall be credited with an equal number of annual leave days.

5.4.2 An employee may not during any period of sick leave approved in terms of these conditions, resume service without the approval of a registered medical practitioner.

5.4.3 An employee who is absent from service because of illness must take all reasonable steps to notify his immediate supervisor (nominee) before the commencement of work. **In the event that the employee has not submitted a medical certificate they must phone in daily.**

5.4.4 An employee to whom the maximum period of full paid sick leave has been granted, may be granted sick leave without pay for not more than two hundred and fifty (250) working days in any cycle if the Municipality is satisfied that such an employee is not permanently incapacitated to resume his duties, provided that where sick leave without pay exceeds forty (40) consecutive days, the employee must be examined by a registered medical practitioner appointed by the Municipality. The cost of such examination shall be paid by the Municipality. In the event that an employee is in the process of an application for ill health retirement or medical boarding he may not move into the ensuing sick leave cycle.

5.4.5 The Municipality may, prior to granting additional paid sick leave, require an employee to submit himself to an examination by a registered medical or dental practitioner appointed by the Municipality and the cost of such examination shall be paid by the Municipality.

6 INJURY ON DUTY

6.1 IOD Leave three (3) days and less: In this instance the employee will be fully compensated and provision will be made for IOD leave to be completed.

6.2 IOD Leave four (4) days and more but less than three (3) months: In this instance the employee will be remunerated at 75% of earnings until the expected date of return to work.

6.3 IOD Leave three (3) months or more: In this instance the employee will be receiving a rate of 75% for the first (1st) three months whereafter the employee will not be receiving any form of

remuneration, however the employee may claim compensation from the Department of Labour.

7 MATERNITY AND ADOPTION LEAVE

7.1 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity leave with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still born. Maternity leave for confinement purposes may be granted to an employee subject to the following qualification requirements and restrictions:

7.1.1 The employee must have completed a qualifying continuous period of service of twelve (12) calendar months (one year's service) at the municipality before any provision in this section may be utilized by such employee;

7.1.2 An employee shall provide the employer with four weeks' notice of the intention to take maternity leave prior to the expected confinement date i.e. at least four weeks before and six weeks after the confinement as per provisions of the Basic Conditions of Employment Act 1997;

7.1.3 An employee may only work in contravention of the provisions of (b) above should such an employee have a medical certificate confirming the fitness for duty. The employee must make such certificate from her treating medical specialist available and approval must be obtained from the employer before normal work can continue.

7.1.4 If an employee is on sick leave as recommended by a treating specialist and if such sick leave is in excess of one week, the employee shall be subjected to medical surveillance.

7.1.5 An employee shall retain her normal benefits and conditions for the period of absence due to maternity leave.

7.1.6 An employee who has a miscarriage during the third trimester of pregnancy or bears a stillborn child is entitled to maternity leave for six (6) weeks after the miscarriage or stillbirth, whether the employee had commenced maternity leave at the time of the miscarriage or still birth.

7.1.7 Should an employee not have completed 12 consecutive months of service and thus not qualify for the maternity benefit, she may exercise a choice in respect of the utilization of available annual leave with full payment or annual leave without pay and claim benefits as provided for in the Unemployment Insurance Act, 2001 as amended.

7.1.8 Should an employee be unfit work during the last four weeks of pregnancy, the maternity leave will be deemed to have commenced.

8 PARENTAL/ADOPTION/COMMISSIONING LEAVE

8.1 An Employee who is a parent of a child and is not entitled to maternity leave, is entitled to 10 consecutive days' parental leave when the Employee's child is born or when an adoption order is granted.

8.2 The employee may commence parental leave on:

8.2.1 the day that the Employee's child is born; or
8.2.2 the day that the adoption order is granted.

8.3 The Employee must notify the employer in writing of the date on which the employee intends to:

8.3.1 commence parental leave; and

8.3.2 return to work after parental leave.

8.4 Notification of when the Employee intends to commence parental leave and return to work thereafter must be given:

8.4.1 at least one month before the employee's child is expected to be born or

8.4.2 adoption order is expected to be granted.

8.5 The Employee will not receive remuneration in respect of days on which, he or she has taken parental leave and may apply for parental leave benefits from the Department of Labour, in terms of the Unemployment Insurance Act, 2001 as amended.

8.6 **Commissioning Parental Leave**

8.6.1 An Employee, who is a commissioning parent in a surrogate motherhood agreement is entitled to:
(a) commissioning parental leave of at least 10 weeks consecutively; or
(b) parental leave, as set out in clause 8.1 above.

8.6.2 "Commissioning parent" and "surrogate motherhood agreement" have the meaning assigned to them in section 1 of the Children's Act.

8.6.3 Where a surrogate motherhood agreement has two commissioning parents, one of the commissioning parents may apply for commissioning parental leave and the other commissioning parent may apply for parental leave, as set out in clause 7.1 (a) above, provided that the selection of choice must be exercised at the option of the two commissioning parents.

8.6.4 The Employee may commence commissioning parental leave on the date that a child is born as a result of the surrogate motherhood agreement.

8.6.5 The Employee must notify the Council in writing of the date on which the Employee intends to:

(a) commence commissioning parental leave; and
(b) return to work after commissioning parental leave.

8.6.6 Notification of when the Employee intends to commence commissioning parental leave and return to work thereafter must be given at least one month before a child is expected to be born as a result of the surrogate motherhood agreement.

8.6.7 If the surrogate motherhood agreement has two commissioning parents, the employee is required to decide whether he or she will be applying for commissioning parental leave or parental leave. The employee is further required to communicate this selection of choice in writing to their line manager.

8.6.8 The employee will not receive remuneration in respect of days on which he or she has taken commissioning parental leave and may apply for commissioning parental leave benefits from the Department of Labour, in terms of the UI Act.

9 FAMILY RESPONSIBILITY LEAVE

9.1 This section applies to all employees who has been in employment with the Council for longer than four [4] months. For the purpose of this clause, family responsibility leave cycle commences on the 01st of January of each year.

9.2 An employer must grant an employee, during each annual leave cycle, at the request of the employee, five (5) days' paid leave, which the employee is entitled to take when:

9.2.1 the employee's child is born;

9.2.2 the employee's child is sick; or

9.2.3 the employee's spouse or life partner is sick;

9.2.4 in the event of the death of:

(a) the employee's spouse or life partner; or

(b) the employee's parent, adoptive parent, grandparent, parents – in law, child, adopted child, grandchild or sibling

9.3 Subject to subsection 9.2 an employer must pay an employee family responsibility leaves as follows: -

9.3.1 the wage the employee would ordinarily have received for work on that day; and

9.3.2 on the employee's usual pay day.

9.4 An employee may take family responsibility leave in respect of the whole or a part of a day.

9.5 An employee must submit satisfactory proof of an event contemplated in subsection [9.2] for which the leave was required.

9.6 An employee's unused entitlement to leave in terms of this section lapses at the end of the annual cycle in which it accrues.

10 STUDY LEAVE

10.1 This section applies to employees who are pursuing studies in line with the inherent requirements of the job and/or career path. In order to qualify for study leave an employee

must submit valid proof of registration for an accredited institution. Study leave to a maximum of **10** days per annum may be granted.

10.2 Study leave is granted for the purpose of exam preparation (1day) and writing of exam (1day). However, no study leave would be granted on Friday where an employee is writing exams on a Monday and a day immediately before or after a public holiday.

10.3 Study leave will not be granted for writing of class tests, failed or supplementary examinations and attending contact sessions during working hours. Employees are encouraged to use their annual or unpaid leave to cover such working days.

10.4 Accordingly, study leave applications and proposals should be discussed by staff with their managers as part of their annual work plan or programme.

10.5 Leave applications must be submitted on the Municipality's normal prescribed application form where the Supervisor and Manager approves the study leave.

10.6 All study leave applications for examinations must be accompanied by an authentic examination timetable from the relevant institution.

11 SPECIAL LEAVE

11.1 A maximum of 10 (ten) days special leave on full pay per year shall be granted to an employee, subject to the submission of supporting documentation, if the employee is:

11.1.1 Placed under medical Quarantine on the instructions of a registered medical practitioner,

11.1.2 Is required to represent South Africa or the Province as a selected member or official in a *bona fide* sports event, or a Provincial or National arts and culture event.

11.1.3 Employee who is subpoenaed to appear in Court as a witness, provided that proof is provided.

12 LONG-SERVICE LEAVE

12.1 An employee shall qualify for additional long service leave as recognition for continuous service on the completion of the following milestones:

12.1.1 5 years' service = 5 days accumulative leave

12.1.2 10 years services = 10 days accumulative leave

12.1.3 15 years' service = 15 days accumulative leave

12.1.4 20 years' service = 15 days accumulative leave

12.1.5 25 years' service = 15 days accumulative leave

12.1.6 30, 35, 40, 45 (or more years of service) 15 days accumulative leave.

12.2 On termination of service, an employee shall be paid his leave entitlement, including the leave mentioned in 5.12.1 above.

12.3 **Long service leave may be encashed in the year of attainment provided that should it not be encashed in the year of attainment the provision for encashment falls away.**

13 ENCASHMENT OF LEAVE

13.1 Annual Leave may only be encashed in the following instances:

13.1.1 On termination of service or;

13.1.2 Where operational requirements prevent an employee from taking annual leave, provided that should an employee refuse or fail to take such leave having been provided with a fair opportunity to take leave, such leave days shall be forfeited.

13.1.3 Any leave in excess forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the *employer* refused to grant him such leave, as a result of the employer's operational requirements. If, despite being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period; such remaining leave shall fall away.

14 UNPAID LEAVE

14.1 Unpaid leave is discouraged and will only be granted in exceptional circumstances at the discretion of the Head of Department.

14.2 All annual leave should ideally be exhausted before unpaid leave is taken.

14.3 Annual leave will not be accrued during unpaid leave, and any bonus or incentive on returning from unpaid leave, will be prorated to reflect the period of absence.

14.4 Any unauthorised leave will be regarded as unpaid leave.

14.5 Failure to submit supporting documentation for sick leave, family responsibility, study leave, maternity and special leave.

15 TIME OFF FOR UNIONS

15.1 Shop stewards shall be entitled to 15 (fifteen) days per year with full pay during working hours for trade union activities and training.

15.2 Six (6) days of each shop steward's annual entitlement of time off shall be pooled and re-allocated at the trade union's discretion to the shop stewards at the employer concerned, provided that no single shop steward may take more than 21 (twenty-one) days off per year and that the total days in the pool are not exceeded.

15.3 Further request for time off for shop stewards shall not be unreasonably refused.

15.4 Trade unions shall give notice to the employer in advance of the intention to take time off.

15.5 Trade Union Activities include shop stewards attending:

15.5.1 Shop steward council meetings.
15.5.2 Regional shop steward council meeting.
15.5.3 Regional executive committee meetings.
15.5.4 National or Provincial congresses of SAMWU or IMATU; and Training
15.5.5 Representation of staff members

16 LEAVE LESS THAN EIGHT (8) HOURS A DAY

16.1 If an employee has worked for less than four (4) hours in a day and takes leave for the remaining hours of that day such an employee will be required to submit leave for the full day and if an employee works more than four (4) hours he required to submit half a day's leave.

17 ROLES AND RESPONSIBILITIES

17.1 Heads of Departments

17.1.1 Heads of Departments shall be responsible to ensure effective management of leave through the following:

(a) Monitoring the taking of leave within the department to ensure that no abuse thereof occurs and not limited to the scrutiny of attendance records to establish negative trends in attendance since such behaviour may often be indicative of more severe problems (psychological, physical etc.).

(b) Ensuring that the procedure manual (annexure A) in relation to leave management is adhered to at all times.

(c) Ensuring that all employees have a leave plan for their leave cycle and adhere to it.

(d) Ensure that leave taken is in accordance with the leave plan.

(e) Reconcile and sign off attendance registers with the leave registers and leave forms in their respective departments before submission to the Human Resource section.

(f) Reconciled and signed off attendance and leave registers must be submitted to the Human Resource by the 05th of the following month.

17.2 Employees

17.2.1 Employees shall be responsible to ensure that they take their leave within the prescripts of the Conditions of Service and the Leave Policy and commit to not abusing their leave.

17.2.2 Employees have the responsibility to ensure that leave forms are completed and signed off within the prescripts of this policy.

17.2.3 Any violation of the Leave Policy shall be dealt with in terms of the Disciplinary Procedure Collective Agreement.

17.3 Human Resource Section

17.3.1 Responsibilities of the Human Resource Section in leave management shall include but not limited to the following:

(a) Consult regularly with managers and supervisors responsible for managing employee leave.

(b) Provide guidance and technical assistance before administrative action is initiated to ensure the proposed action is appropriate and timely.

18 DISPUTE RESOLUTION PROCEDURES

18.1 Any dispute relating to both the interpretation of the provisions of this policy as well as the Municipal decision on any specifics in leave case(s) shall be dealt with in accordance with the dispute resolution mechanism provided for in the applicable SALGBC Collective Agreement and/or Labour Relations legislation.

19 MONITORING AND REVIEW

19.1 The Leave Policy will be reviewed periodically to ensure compliance with any legislative changes applicable within the Local Government Sector. The Human Resources division is responsible for the monitoring of the prescripts of the Policy.

20 APPROVAL AND IMPLEMENTATION

20.1 The Policy will be implemented upon approval by the Council.

KOUGA local municipality
Good Governance through Service Excellence

STANDARD OPERATING PROCEDURE (SOP) – LEAVE MANAGEMENT

Document No: **DMM/HR/EMPLOYEE BENEFITS SECTION/LEAVE/001**	Title: **LEAVE MANAGEMENT**	Effective Date: **1st of September 2024**
Revision No: **01**	Prepared By: **Employee Benefits**	Date Prepared: 1st of July 2024
Standard:	Approved By: **Manager: Human Resource**	Date Approved: **[Date]**

Purpose:

The aim of the SOP is to put processes in place that will be used in Leave Management of Employees. This SOP applies to all leave types and to ensure that Leave is Managed Correctly and Efficiently. The SOP also gives guidelines as to what is expected from Employees, Supervisors, Superintendents. Designated Employee that deals with leave in different sections should also use this SOP as a guideline. This procedure deals with the processes to be followed when leave is taken or captured.

GENERAL INFORMATION:

- Departments are compelled to notify the Human Resources Section immediately should any employee be booked off sick for 5 days or longer to ensure requirements of funds in terms of notice of possible disability is adhered to.
- Leave is one of the elements that are reflected in the Financial Statements, therefore it is important that each section have a designated person that will be responsible for leave and liaise with HR on leave management.
- Submission of leave books and attendance registers by each section to HR Department is the responsibility of the designated official responsible for leave control and must be with the Human Resources Section by the 05th of every month.
- Leave application must be **fully completed**, all relevant parties **must sign** before submitting paperwork to the HR Department.
- An immediate supervisor shall first confirm the number of days available with the HR Department.
- The number of annual leave days will be calculated pro rata from date of appointment for the specific annual leave cycle.
- In case of a transfer from another department, the leave provisions should also be transferred.
- A pay slip printout will show the number of annual leave available currently.

No.	Procedure	Supporting Documentation	Responsible Person	Frequency
Leave Application	A prescribed leave form should be completed accordingly and be submitted to the immediate supervisor should an employee wish to take leave. This applies to all types of leave to ensure that Leave is Managed correctly and efficiently.	Standard leave application form/Leave Plan	Immediate Supervisor	
Prior to approval	Once leave application has been received by Immediate Supervisor; An immediate supervisor shall first confirm the number of days available with the HR Department.	Leave Plan	Immediate Supervisor	
Approval	An immediate supervisor may approve leave should leave dates agree with operational requirements. The dates on an application form are quite important as leave should be applied for before and approved before going on leave.	Leave form/Leave Plan	Employee/Supervisor	
Non-Approval	An immediate supervisor may disapprove any application for leave if the leave will hamper the operations of the department concerned.	Leave form indicating non approval	Immediate Supervisor	
Capturing	Leave shall be captured monthly as soon as the leave books have been received from the line managers on the 5th of every month unless the 5th falls on a weekend or public holiday.	Attendance Register and Leave Book	Official responsible for departmental leave management	
Annual Leave		Standard leave application form		

No.	Procedure	Supporting Documentation	Responsible Person	Frequency
	An employee shall apply for leave in the following manner: Five (5) days prior to taking leave, or in case of emergency or if the circumstances permit one day before or on the day the leave is taken. For more details the "comment: can be written in the space provided on the leave application form for further explanation.	Completed comments section if "emergency leave"		
Sick Leave	An employee is required to complete an application form on return to work and in attendance register must be marked as such. Doctors certificate must be attached on the leave application form if an employee took more than 2 days sick leave. 8-week cycle regarding sick leave without supporting documentation must be cautioned.	Sick certificate from three (3) days or more from registered medical practitioner	Employee/Immediate Supervisor	
Family responsibility leave	Five (5) days paid leave per annum, on completion of four (4) months service Instances as follows: the employee's child is born; the employee's child is sick; or the employee's spouse or life partner is sick; in the event of the death of: the employee's spouse or life partner; or the employee's parent, adoptive parent, grandparent, parents – in law, child, adopted child, grandchild or sibling (a child in relation to	Documentary proof (certified copies) as evidence in support of the application.	Employee/Immediate Supervisor	

No.	Procedure	Supporting Documentation	Responsible Person	Frequency
	another or others of the same parent; a brother or sister).			
IOD Leave	Normal standard leave form must be completed. This leave will be taken from the IOD leave allocation leave. Any period of three (3) days or less will be taken from the IOD leave allocation and will be full paid. Any period of four (4) days or more but less than three (3) months will be paid at 75% of earnings from the first day of injury until the employee's return to work. Any period exceeding three (3) months will be paid at 75% of earnings for the first three months only. Thereafter unpaid will be applied To be marked on attendance register as such. Employee and Immediate supervisor must ensure continuous follow up and submission to Benefits and OHS section.	Claim Number Employers Report of an incident First medical report Supporting documentation from attending medical practitioner	Employee/Immediate Supervisor	
Maternity Leave	To qualify for maternity, leave an employee shall have one year's services with Kouga Local Municipality. Employees must be permanently employed. Complete standard leave application form Attach supporting documentation as detailed Must submit completed leave application form for the attention of the immediate supervisor at least four (4) weeks prior the expected date of confinement to make the necessary operational plans Should the employee submit sick leave four (4) weeks before the commencement of maternity	Medical certificate from attending specialist confirming expected date of confinement and expected maternity leave Medical certificate from treating specialist should the employee return to work before the expected return to work date confirming medical fitness to resume duties.	Employee/Immediate Supervisor	

No.	Procedure	Supporting Documentation	Responsible Person	Frequency
	leave, the maternity leave will be deemed to have commenced immediately.			
Parental/Adoption/Commissioning Leave	Complete standard leave application form Attach supporting documentation as detailed Must submit completed leave application form for the attention of the immediate supervisor at least four (4) weeks prior the expected date of confinement to make the necessary operational plans This leave is unpaid, employee may claim benefits from the Department of Labour.	Adoption order Birth certificate Surrogacy agreement		
Union Leave	The employer must obtain in writing immediately following elections, on the letterhead of the Union, confirmation of the names of the elected shop stewards. Complete standard leave application form Attach supporting documentation as detailed With this type of leave there must always be proof/attachment confirming this. To be marked on attendance register as such.	Formal, signed invitation letter Attendance register Set down notice for hearing/bargaining council/CCMA	Shop Steward	
Special Leave	Complete standard leave application form Attach supporting documentation as detailed With this type of leave there must always be proof/attachment confirming this. To be marked on attendance register as such.	Subpoena from Court Medical report/certificate from treating specialist Official signed letter from provincial or national body for selection of sport representation/art and culture event	Employee	

No.	Procedure	Supporting Documentation	Responsible Person	Frequency
Study Leave	Complete standard leave application form Attach supporting documentation as detailed With this type of leave there must always be proof/attachment confirming this. To be marked on attendance register as such.	Exam time table (original)/ Proof of enrolment for studies		
Long Service Leave	Complete/submit completed leave application form Obtain proof of leave available from HR/Payroll section	Proof of leave available from HR/Payroll section	Employee	

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP4**

OCCUPATIONAL HEALTH AND SAFETY (OHS) POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Occupational Health and Safety (OHS) Policy.

2. **Background**

The Occupational Health and Safety (OHS) Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Occupational Health and Safety (OHS) Policy be submitted to Council for approval.

3. **Discussion**

The policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

The legislative framework as set out in the attached Health and Safety (OHS) Policy

6. **Legal Implications**

Should the Council approve the Policy, the provisions of the Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Recommendations noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Recommendations supported.

9. **Delegated Authority**

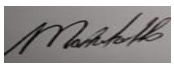
Council

10. **Recommendations**

10.1 That the Occupational Health and Safety (OHS) Policy be approved by Council.

10.2 That the Occupational Health and Safety (OHS) Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

Annexure A:

OCCUPATIONAL HEALTH AND SAFETY POLICY

ANNEXURE E - OHS POLICY

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1. **Policy Purpose**

1.1. The purpose of this policy is to provide officials with the following relevant guidelines regarding occupational health and safety:

1.2. To implement an Occupational Health and Safety Program.

1.3. To be aware of all risks and changes in risk factors in areas regarded as high risk.

1.4. To stay abreast of legislative requirements and to meet them as far as is reasonably practicable.

1.5. To train everyone in the municipality on matters pertaining to their work and the associated risks involved.

1.6. To ensure the knowledge and information available is adequate to achieve these objectives.

1.7. To continually evaluate health and safety programmes, adapting them as and when problems are identified.

1.8. To partake actively in the accident/incident prevention program.

2. **Policy Scope**

2.1. The policy applies to all municipal employees.

3. **Legislative Framework**

3.1. This document is established within the framework of the following legislation and policies:

3.1.1. Occupational Health and Safety Act, 1993 [Act 85 of 1993] as amended.

3.1.2. Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 [Act 85 of 1993] as amended.

3.1.3. Compensation for Occupational Injuries and Diseases Act, 1993 [Act 130 of 1993] as amended.

3.1.4. National Health Act, 2003 [Act 61 of 2003] as amended.

3.1.5. Regulations promulgated in terms of the National Health Act, 2003 [Act 61 of 2003] as amended.

4. **Policy definitions**

4.1. For the purpose of this policy unless the context otherwise indicates:

No.:	Concept	Description
(j)	hazard	means a source of or exposure to danger
(k)	health and safety committee	means a committee established under section 19 of Occupational Health and Safety Act, No 85 of 1993
(l)	healthy	means free from illness or injury attributable to occupational causes
(m)	incident	means an incident as contemplated in section 24 of Occupational Health and Safety Act
(n)	machinery	means any article or combination of articles assembled, arranged or connected and which is used or intended to be used for converting any form of energy to performing work, or which is used or intended to be used, whether incidental thereto or not, for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy.
(o)	medical surveillance	means a planned program of periodic examination (which may include clinical examinations, biological monitoring or medical tests) of employees by an occupational health practitioner, or in prescribed cases, by an occupational medicine practitioner
(p)	occupational health	means including occupational hygiene, occupational medicine and biological monitoring
(q)	occupational health practitioner	means an occupational medicine practitioner or a person who holds a qualification in occupational health recognised as such by the South African Medical and Dental Council as referred to in the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No.56 of 1974) or South African Nursing Council as referred to in the Nursing Act, 1978 (Act No.50 of 1978)
(r)	occupational hygiene	means the anticipation, recognition, evaluation and control of conditions arising in or from the workplace, which may cause illness or adverse health effects to persons
(s)	risk	means the probability that injury or damage will occur
(t)	safe	means free from any hazard

5. Composition of Health and Safety Committee

5.1. The number of employer representatives must not exceed the number of employee representatives and the size of committees must be kept as small as practicable to be efficient without prejudice to the interests of the employees.

5.2. In deciding the ideal committee size, the following are considered:

5.2.1. the total number of employees;

5.2.2. the complexity of the operations;

5.2.3. the degree of hazards in the work performed;

5.2.4. whether all segments of work force are represented (management, supervisors, male workers, female workers, office staff);

5.2.5. whether the committee encompasses adequate knowledge of conditions, processes, practices;

5.2.6. representation on the committee shall reflect all functional areas and working groups within the workplace.

6. General Policy Provisions

6.1. The municipality and its staff believe that the prevention of injuries and exposure to disease of all the employees is of paramount importance to the organisation in its quest to be a leader in health and safety. Furthermore, management acknowledges its responsibility and moral obligation to provide a safe and healthy workplace.

6.2. We will strive to be pro-active in the recognition of risks with the objective of reducing exposure to injury and disease.

6.3. Involvement will be at all levels and the responsibility will be shared by everyone, in order to reach the objectives.

6.4. Medical Surveillance Program

6.4.1. A Medical Surveillance Program is used to identify and record the presence of any occupational disease and the degree of exposure. The information is used to ensure that the health of the employee will not be compromised by placement in a particular job, also applicable on Health Workers (Environmental Regulation 2 OHS Act) and Shift Workers.

6.4.2. Employees who have a condition which will or could be compromised will not be placed in high risk areas. General information not required for the job is used to identify health needs and the health care that the individual would require.

6.5. **Pre-employment Examination (PEM)**

6.5.1. **All** employees will undergo a pre-employment medical examination prior to being appointed to a position. The selection criteria will be the risks involved, determined by the job and results kept confidential. The inherent medical requirements will be used to ensure non-discrimination results.

6.5.2. A declaration will be signed by the prospective employee accepting the conditions of the Medical Surveillance Program and any resulting testing required.

6.5.3. The Manager will be notified of the suitability of the prospective employee.

6.6. **Periodic Screenings (PS)**

6.6.1. Employees working in specific areas or shifts will undergo screening at various intervals, depending on the health risk profile to risk; e.g. drivers will be examined annually.

6.6.2. A certificate of fitness will be issued.

6.6.3. Should and employee be found unfit for more then two (2) occasions, such employee will be referred to the Labour Relations section for an incapacity enquiry.

6.7. **Transfer Screenings (TS)**

6.7.1. Employees are only screened for the job they are initially placed in. This means that they will not necessarily be suitable to work in another area, except if they are required to be multi-skilled and work in all areas.

6.7.2. Thus, any employee requiring or applying for transfer would first undergo an assessment to ensure suitability.

6.8. **Legislative Compliance**

6.8.1. The Council will follow all aspects of the Occupational Health and Safety Act no. 85 of 1993 and its Regulations, including any other mentioned documents (i.e. SABS codes).

6.8.2. Where specific compliance or risk exists, company rules and procedures will apply.

6.8.3. Any training done with respect to the legislation or company health and safety program, policies and procedures will be noted and kept on file.

6.8.4. Any person who does not adhere to this legislation will be guilty of an offence and thus be disciplined according to the disciplinary code.

6.9. **Injury Reporting**

6.9.1. All references and incident of injury on duty is governed by the Injury on Duty Policy of the Kouga Local Municipality.

6.10. **Wearing of Personal Protective Clothing (PPC)**

6.10.1. All references to personal protective clothing are governed by the Personal Protective Clothing Policy of the Kouga Local Municipality.

6.11. **Hazardous Chemical Substance in Daily Use**

6.11.1. Material Safety Data Sheets will be available regarding the safe use, storage etc., of all chemical substances in use on site. Delivery of hazardous chemicals is normally accompanied by material safety data sheets and delivered to the Stores section. The Stores section as the original port of entry must maintain relevant material safety data sheets.

6.11.2. Each department will have the relevant information in an accessible file and ensure the necessary training, according to Section 13 of the Occupational Health & Safety Act & Regulations, is given to all.

6.11.3. The transportation of Chemical and Tools with Employees in the same vehicle is prohibited.

6.12. **Workplace Inspections**

6.12.1. Occupational Health and Safety Officer makes regular inspections and holds regular safety meetings.

6.13. **Safety Checklist**

6.13.1. It's every employee's responsibility to be on the lookout for possible hazards.

6.13.2. If you spot one of the conditions on the following list — or any other possible hazardous situation — report it to your supervisor immediately:

6.13.2.1. Slippery floors and walkways.
6.13.2.2. Tripping hazards, such as hose links, piping, etc.
6.13.2.3. Missing (or inoperative) entrance and exit signs and lighting.
6.13.2.4. Poorly lighted stairs.
6.13.2.5. Loose handrails or guard rails.
6.13.2.6. Loose or broken windows.
6.13.2.7. Dangerously piled supplies or equipment.

6.13.2.8. Open or broken windows.
6.13.2.9. Unlocked doors and gates.
6.13.2.10. Electrical equipment left operating.
6.13.2.11. Open doors on electrical panels.
6.13.2.12. Leaks of steam, water, oil, etc.
6.13.2.13. Blocked aisles.
6.13.2.14. Blocked fire extinguishers, hose sprinkler heads.
6.13.2.15. Blocked fire doors.
6.13.2.16. Evidence of any equipment running hot or overheating.
6.13.2.17. Oily rags.
6.13.2.18. Evidence of smoking in non-smoking areas.
6.13.2.19. Roof leaks.
6.13.2.20. Directional or warning signs not in place.
6.13.2.21. Safety devices not operating properly.
6.13.2.22. Machine, power transmission, or drive guards missing, damaged, loose, or improperly placed.

6.14. **Types of assessment include the following:**

6.14.1. **Good Housekeeping**

a) Your work location should be kept clean and orderly. Keep machines and other objects (merchandise, boxes, shopping carts, etc.) out of the centre of aisles. Clean up spills, drips, and leaks immediately to avoid slips and falls.

b) Place trash in the proper receptacles.

c) Stock shelves carefully so merchandise will not fall over upon customer contact.

6.14.2. **Risk Assessment**

a) A risk assessment helps identify potential hazards and evaluate their impact to prevent accidents, injuries or losses.

b) It's crucial for ensuring safety, meeting regulatory requirements and protecting resources.

c) By systematically evaluating risk we can implement appropriate measures to mitigate them.

6.14.3. **Vehicle Inspections for drivers**

a) Inspect for visible damage, lighting and reflectors.

b) Check for thread depth, condition and pressure of tyres.

c) Evaluate brake function and fluid levels.

d) Ensure all lights are operational.

e) Check for cracks, damage and proper functionality of windshield and mirrors.

f) Inspect oil, coolant and other fluid levels.

g) Assess for unusual noises on the suspension and steering.

h) Verify the operation of seatbelts, dashboard warning lights and controls.

i) Check vehicle's handling, alignment and overall performance.

6.15. **Record Keeping and Reporting**

6.15.1. In alignment with the assurance and wellness management of Human Capital, the data related to health and safety issues must be recorded, collated and analyse to determine trends within the municipality and to compare with external benchmarks to identify continuous improvements.

6.16. **Approval And Implementation**

6.16.1. The policy will be implemented upon approval by Council.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP5**

POLICY ON PERSONAL PROTECTIVE EQUIPMENT (PPE)

1. **Introduction**

The purpose of this item is to request the Council to approve the Policy on Personal Protective Equipment (PPE).

2. **Background**

The Policy on Personal Protective Equipment (PPE) was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Policy on Personal Protective Equipment (PPE) be amended and submitted to Council for approval.

3. **Discussion**

The amended policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

The legislative framework as set out in the Policy on Personal Protective Equipment (PPE) is applicable.

6. **Legal Implications**

Should the Council approve the Policy, the provisions of the Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Recommendations noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

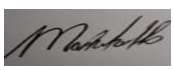
Council

10. **Recommendations**

10.1 That the Policy on Personal Protective Equipment (PPE) be approved by Council.

10.2 That the Policy on Personal Protective Equipment (PPE) be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

Annexure A:

KOUGA
local municipality
Good Governance through Service Excellence

POLICY ON PERSONAL PROTECTIVE EQUIPMENT

ANNEXURE A - PPE POLICY

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1. **Preamble**

1.1. Employers have certain responsibilities in line with the provisions of the Occupational Health and Safety Act and has therefore adopted a policy to provide for Personal Protective Equipment for its employees with the view to creating a healthy working environment.

2. **Legislative Framework**

2.1. The Constitution of South Africa 108 of 1996 as amended.

2.2. The Basic Conditions of Employment Act 75 of 1997 as amended.

2.3. The Labour Relations Act 65 of 1995 as amended.

2.4. The Occupational Health and Safety Act, 85 of 1993 and Regulations as amended.

2.5. Compensation for Occupational Injuries and Diseases Act 130/1993 as amended.

2.6. South African Bureau of Standards Act 8 of 2008 as amended.

3. **Definitions and Abbreviations**

3.1. Definitions

No.:	Concept	Definition
(a)	**Danger**	Anything that may cause injury or damage to persons or property.
(b)	**Hazard**	A source of or exposure to danger.
(c)	**Job**	A combination of different tasks
(d)	**Employer**	A person designated as the employer in terms of the Occupational Health and Safety Act
(e)	**Operating**	Means switching, linking, safety testing and earthing
(f)	**Risk**	The probability that injury or damage will occur
(g)	**Risk assessment**	An assessment of the probability that injury or damage will occur
(h)	**Task**	A single execution of a certain act
(i)	**Personal Protective Equipment**	Specialized Clothing or equipment worn by employees for protection against health and safety hazards. Personal Protective equipment is designed to protect many parts of the body, i.e., eyes, head, face, hands, feet and ears.

3.2. Abbreviations

No.:	Concept	Description
(a)	**PPE**	Personal Protective Equipment
(b)	**OHS Act**	The Occupational Health and Safety Act, Act 85 of 1993
(c)	**SABS**	South African Bureau of Standards
(d)	**SHE Rep**	Safety Health Environment Representative
(e)	**OHS Officer**	Occupational Health and Safety Officer
(f)	**COIDA**	Compensation for Occupational injuries and Diseases Act

4. Objectives

4.1. To ensure that all entitled employees, are provided with Personal Protective Equipment that are compliant with Health and Safety of all employees in terms of Occupational Health and Safety Act.

4.2. To ensure that employees perform their duties in a safe and healthy environment that is free from health hazards.

4.3. To set standard on personal protective equipment as to who must wear what, where and when.

4.4. To comply with the Risk Assessment and ensure that it's always updated if there are emergency needs.

4.5. To create a sense of identity within KM as well as to assist those employees where the work environment tends to damage their clothes.

5. Scope and Application

5.1. This policy is applicable to **ALL employees** whose job or functions require them to wear PPE on a full-time basis. The policy also covers employees who are also required in terms of their duties to use protective equipment on ad hoc basis.

6. General Duties of Council Towards its Employees

6.1. The Council will first assess or evaluate the risks and document the risk attached to all work being done.

6.2. Reduce the risks at workplace.

6.3. The Council will provide protective equipment to minimize exposure of employees to hazards.

6.4. The Council will always enforce the use of protective equipment.

6.5. The Council shall identify employees who qualify to wear protective equipment.

6.6. Shall ensure that no worker or official is allowed at the workplace without the correct personal protecting equipment and/or uniform.

7. **General Duties of Employees at Work**

7.1. The employees must be aware of and understand all hazards and risks associated with their job and work areas.

7.2. Co-operate with the employer to ensure that the requirements as set out in the OHS Act and Regulations are fulfilled.

7.3. Maintain each item provided to them and keep it clean and hygienic and in a good state of repair.

7.4. Conform to the reasonable dress requirements with regards to PPE and display utmost care in not bringing the employer into disrepute by not wearing the assigned PPE the working environment.

7.5. Must be treated in the proper use, care, maintenance and limitations of PPE.

7.6. They must always wear protective equipment.

8. **Process on Purchasing and Issuing of Personal Protective Equipment**

8.1. **Process to Purchase Personal Protective Equipment**

8.1.1. The budget for the Personal Protective Equipment for all departments shall rest with the different Directorates in the vote allocated to the different sections. The budget shall also cater for new appointments.

8.1.2. A survey of each task will be done, and the minimum required Personal Protective Equipment will be determined. The outcome of the survey will form a matrix that will make it easy to determine what the various job categories should be issued with.

8.1.3. All Personal Protective Equipment purchased shall be in accordance with the SABS, approved quality standards, the ISO 9000 Quality Management series and Municipal Specification on Personal Protective Equipment.

8.1.4. Directorates shall submit their Personal Protective Equipment needs to the Occupational Health and Safety Officer, who shall consolidate and send to the Service Provider each year.

8.1.5. The Service Provider shall purchase and deliver the Personal Protective Equipment on the first quarter of each year.

8.1.6. Gender-specific requirements shall be taken into consideration when conducting any PPE needs assessment and when purchasing the required items.

8.2. **Issuing of Personal Protective Equipment**

8.2.1. Personal Protective Equipment shall be issued in accordance with the PPE matrix compiled by the OHS Officer, OHS Committee and responsible manager.

8.2.2. A maximum of three sets per issue of PPE, shall be issued to employees who are expected to be in full uniform on a daily basis as per the PPE list identified, whereas where necessary, one item will be issued to employees whose job requires PPE on an ad-hoc basis. Only the employees that works on the garbage trucks, WWTW and pumpstations will be issued 5 sets per issue.

8.2.3. A record shall be kept of the issue of all PPE to persons, and other specialized equipment. No employee shall be issued with new PPE without returning the previous issue.

8.2.4. No employee is allowed at the workplace without the correct Personal Protective Equipment.

8.2.5. The in-service training learners will be issued with a full set of PPEs depending on the section that they are placed.

8.2.6. Council will not be responsible for the laundry or maintenance of employee's Personal Protective equipment.

8.2.7. The personal protective equipment provided to employees must always be kept clean.

8.3. **Issuing of Personal Protective Equipment in Special Circumstances**

8.3.1. Employees who are unable to utilize the standard PPE due to medical reasons may purchase specially manufactured equipment. Provided that a written prescription that guides the required equipment from a specialist is submitted to the employer. Upon receipt and review of the motivation the employer may then provide a suitable replacement.

8.3.2. The employees' status shall be reviewed on an annual basis to find if there is improvement on the condition of the employee.

8.3.3. A maximum set of three sets of PPE's shall be purchased for the employee with special needs.

9. **Monitoring and Reviews**

9.1. The Occupational Health and Safety Officer will be responsible for the monitoring of the use of protective equipment during routine inspections.

10. **Approval And Implementation**

10.1. The policy will be implemented upon approval by Council.

ANNEXURE A : PERSONAL PROTECTIVE EQUIPMENTS STANDARDS

The following documents contain provisions that, through reference in the text, constitute requirements of this standard. All standards and specifications are subject to revision and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of the documents listed below.

CODE	DESCRIPTION: TYPES OF PPE	EMPLOYEES APPLICABLE TO	NUMBER OF ISSUES PER YEAR
D59 SANS 434 Approved	2 Piece Overall	• General workers • Handyman • Artisan Assistants, • Drivers, • Caretakers, • Operators	3 sets 2 times per year Sanitation, Garbage collectors and Roads 4 sets 2 times per year.
SABS 397:1983,	Safety helmets for industrial use and for firemen	• Firefighters	One helmet when needed
SABS Approved • CE EN ISO 20345 Approved	Safety Boots: Male	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents • Lead Detection	One pair every six months
CE EN ISO 20345 Approved	Safety Boots: Female	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents	One pair every six months
BOS ISO 455:2016; SANS 434:2018; EN ISO 13688:2013	DENIM WORKWEAR	• Artisans • Supervisors • Superintendents • Lead Detection • Drivers • OHS Section	2 sets every six months
SABS 549:1993	Mesch Helmet	• General Worker/Operators	One helmet when needed
SABS 741:1995,	Leg protectors	• General Worker/Operators	One pair when needed

FFP1 NR EN 149 2001 A1 2009 SABS	Dust/Mist Respirator	• All Blue-Collar employees	As and when needed
FFP2 NR EN 149 2001 A1 2009 SABS	Active Carbon Respirator with Valve	• All Blue-Collar employees	As and when needed
SANS 50140 1998	Single Half Mask	• All Water & Sanitation section staff	As and when needed
SANS 50136 1998 EN 136 1998 CL1 SABS	Neoprene Rubber Direct Thread Full Face Mask	• All Water & Sanitation section staff	AS and when needed
SABS 1220:1984,	NM Armor Red PVC dipped gloves work impact resistant TPR gloves	• General workers • Handyman • Artisan Assistants, • Artisans	As and when needed
SABS 1228:1986,	NM Armor Blue work gloves winter waterproof pvc gloves dipped	• General workers • Handyman • Artisan Assistants, • Artisans, • Caretakers, • Operators • Supervisors •	As and when needed
SABS 1297:1986,	Protective Gloves	• All Electrical and Mechanical Workshop staff	As and when needed
SABS 1320:1980: Part 1,	Chemical protective garment	• All Water & Sanitation section staff	As and when needed
	Golf T-shirts	• Artisans • Supervisors • Superintendents • Drivers • Lead detection • OHS Section	3 every six months
	Round neck T-shirts	• General Workers • Handyman • Artisan assistants	5 every six months
	Sun Hats	• General Workers •	One per year
	Jump suit (Confined spaces)	• Wastewater treatment • Suction trucks • Sewerage •	

	Ear Protection	• Grass cutting • Bush clearing • Public Works • Workshop • Sewer and Water plants	

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP6**

RECRUITMENT, SELECTION AND APPOINTMENT POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Recruitment, Selection and Appointment Policy.

2. **Background**

The Recruitment, Selection and Appointment Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Recruitment, Selection and Appointment Policy be amended and submitted to Council for approval.

3. **Discussion**

The amended policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

The legislative framework as set out in the Recruitment, Selection and Appointment Policy shall be applicable.

6. **Legal Implications**

Should the Council approve the proposed amendments to the Recruitment, Selection and Appointment Policy, the provisions of the amended Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Recommendations noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

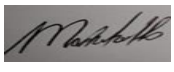
Council

10. **Recommendations**

10.1 That the Recruitment, Selection and Appointment Policy be approved by Council.

10.2 That the Recruitment, Selection and Appointment Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

Annexure A:

KOUGA
local municipality
Good Governance through Service Excellence

RECRUITMENT, SELECTION AND APPOINTMENT POLICY

ANNEXURE B – RECRUITMENT, SELECTION AND APPOINTMENT POLICY

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1. Preamble

1.1. All aspects of the employment, appointment of staff shall be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions, except where explicitly provided for in legislation.

2. Purpose

2.1. Enable the Municipality to recruit suitably qualified candidates for appointment to render services in terms of its legislative mandate.

2.2. Ensure that the process of recruitment, selection and appointment is objective, transparent and equitable as required by legislation.

3. Scope and Application

3.1. This policy is applicable to all staff members and prospective staff members of the Municipality but excludes the following:

3.1.1. Appointments under the Extended Public Works Programme / Community Development Workers; and

3.1.2. Appointments of students and interns in pursuance of experiential learning.

4. Legislative and Policy Framework

4.1. Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996).
4.2. Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) as amended.
4.3. National Qualifications Framework Act, 2008 (67 of 2008) as amended.
4.4. Labour Relations Act, 1995 (Act No. 66 of 1995) as amended.
4.5. Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) as amended.
4.6. Employment Equity, 1998 (Act No. 55 of 1998) as amended.
4.7. Local Government: Municipal Staff Regulations, 2021.
4.8. Municipal Systems Act No. 32 of 2000 as amended.
4.9. Municipal Structures Act No. 117 of 1998 as amended.

5. Definitions

No.:	Concept	Definition
5.1	**Candidate**	Means an applicant for a post
5.2	**Contract Workers**	Fixed term contract employee is someone who is employed for a fixed term period or for a specific task only and shall exclude EPWP placements.
5.2	**Disability**	Means long term or recurring physical or mental impairment which substantially limits a person towards performing his/her duties
5.3	**Recruitment**	Means the activities undertaken by human resources in order to attract sufficient job candidates who have the necessary potential, compliances and traits to fill job

		requirements and to assist the municipality in achieving its objectives
5.4	**Reference Check**	Means the gathering of information about candidate's history from people with whom such candidate has been associated.
5.5	**Selection**	Means the process of making decisions about the matching of candidates taking into account individual differences and the inherent requirements of the job
5.6	**Staff Establishment**	Means the approved jobs and number of post created for the normal and regular requirements of a municipality, also referred to as the organizational structure or organogram
5.7	**HR**	Refers to the Human Resource Section including its relevant staff members such as the HR Manager and OD Specialist
5.8	**Competency**	Means the skills, knowledge, experience and qualifications that are required to perform a job effectively
5.9	**Municipal Notice Boards**	Means the noticeboards where positions are being advertised internally and externally
5.10	**Alternative Dispute Resolution**	A form of dispute resolution other than litigation / adjudication through the court, which is less formal

6. Policy Provisions

6.1. The Recruitment Policy and its implementation will be aimed at ensuring the right people with the right skills and competencies in the right place at the right time.

6.2. Each appointment shall be rationally and objectively, justifiable by reference to the strategic and operational needs of municipality.

6.3. All aspects of the staffing process shall be non-discriminatory and will afford applicants equal opportunity to compete for vacant positions in line with the Constitution of the Republic of South Africa, 1996 and the relevant provisions of the Employment Equity Act, 1998.

6.4. Selection criteria shall be objective and related to the inherent requirements of the job.

6.5. The selection shall be competency based in relation to the inherent requirements of the job provided that selection shall favour, as determined by the approved Employment Plan suitably qualified applicants as defined in section 20(3) of the Employment Equity Act.

6.6. Canvassing or use of undue influence by job applicants or any other person on behalf of job applicants, for posts within the municipality's service is prohibited and evidence thereof will disqualify the applicant's application for consideration.

6.7. The swift filling of posts within prescribed time frames will require an active partnership between Line Departments and HR

6.8. The recruitment process will be non-discriminatory, and no person should be refused employment on any of the listed grounds as referred to in the legislation.

6.9. The municipality is an equal opportunity Employer and preference should thus be given to suitably qualified candidates who fall within the designated and under-represented groups as defined in section 1 of the EEA (Employment Equity Act).

7. Recruitment

7.1. Determination of recruitment needs

7.1.1. Prior to filling a post, the need will be assessed with due consideration to and compliance with all applicable policy or legislative requirements.

7.1.2. The nature of the recruitment methods required will determine the nature of the sourcing mechanism to be utilised. Section 29 and 30 of the Staff Regulations will also be applicable.

7.1.3. If a funded post on the approved staff establishment becomes vacant or is due to become vacant the relevant head of department must submit a recruitment requisition form for approval by the Municipal Manager or delegate. No post may be filled unless and until approval has been granted by the Municipal Manager or delegate.

7.1.4. The Municipal Manager or delegate must confirm the following before granting an approval:

(a) the post exists on the approved staff establishment of the municipality; and

(b) the post has been budgeted for.

7.1.5. Each post should have a job description explaining the purpose, tasks and responsibilities attached to the post as well as a job specification indicating the qualifications, skills and knowledge required for the particular post.

8. Inherent and Competency Requirements for Applicants

8.1. A person appointed as staff member in terms of this policy shall, where applicable have the necessary competencies; and comply with the minimum requirements for education qualifications, work experience and knowledge.

8.2. Prior to the process commencing, the key performance areas, skills, knowledge, competencies and stated educational requirements as contained in the competency framework and job description are determined for utilisation in the selection and assessment process.

9. Advertising of Vacant Post

9.1. Prior to recruitment or advertising a vacant post, the relevant delegated authority, in consultation with Human Resources, will craft the specifications to be placed in the advertisement.

9.2. The job description and job specifications should form the basis of an advertisement. The advertisement shall, at least, specify the –

9.2.1. Job title;

9.2.2. Term of appointment;

9.2.3. Applicable salary scale or pay range;

9.2.4. Competency requirements of the post, minimum qualifications and experience;

9.2.5. Inherent requirements of the job;

9.2.6. Summary of the core functions;

9.2.7. Need for signing of employment contract and, where applicable, a performance agreement and disclosure of benefits and interest;

9.2.8. Address where applications must be sent;

9.2.9. Place where applicants can obtain the application form;

9.2.10. Contact person;

9.2.11. The need to undergo screening and vetting; and

9.2.12. Closing date for submission of applications.

9.3. A shortened advertisement in two official languages may be placed in the relevant newspapers and on relevant digital mediums as pre-approved by the Municipality, but the full advertisement (in all two official languages) shall be available on the Municipal website and at the Human Resources Section.

9.4. The advertisement must, where necessary and at the discretion of the Municipal Manager, also contain the following:

9.4.1. Statement that Municipality subscribes to principles of employment equity;

9.4.2. Statement that canvassing will disqualify any candidate from being considered for appointment; and

9.4.3. Statement that applications received after the closing date will not be accepted or considered.

9.4.4. Statement that it is the responsibility of the applicant to evaluate and confirm all foreign qualifications by SAQA prior to submission of application.

9.4.5. The Municipality reserves the right of employment and only Kouga Municipal application forms will be considered.

9.5. The municipality may advertise any funded vacant post, as a minimum, within the municipality, but may also advertise such post—

9.5.1. locally; or

9.5.2. nationally.

9.6. Vacancies must be advertised provided that external advertisement may only be published in terms of section 21(1) of the Municipal Systems Act, as follows:

Nature of Post	Advertising Medium
Low level Staff Members	Local Newspapers, Noticeboards or Internally
Middle Management	Provincial and National Newspapers, Social Media Platforms and Professional Bodies
Senior Management and Professional Occupations	Provincial and National Newspapers, Social Media Platforms and Professional Bodies

9.7. To give effect to the principles of Employment Equity and prior year resolutions all positions on Task Grade 1-13 will be advertised internally first for the requisite five (5) day period.

9.8. Should the position be of a technical nature, and the skill is not available within the Council, the position could be advertised internally and externally simultaneously, provided approval for such has been obtained following submission to the Municipal Manager or his/her delegate.

9.9. All positions in the professional category must be advertised externally in terms of section 9.6 above.

9.10. Internal advertisements shall be circulated and placed on designated municipal notice boards and/or other places as agreed as deemed appropriate to the recruitment.

9.11. External advertisements shall be placed in appropriate media, publications, website and social media sites ensuring maximum access by designated groups.

10. Head Hunting

10.1. Head hunting as in terms of section 30 of the Staff Regulations will be applied when the ordinary recruitment process failed to source a suitable candidate.

11. Application For Vacant Post

11.1. An application for a vacant post must be made on the prescribed form of the Municipality. Any applicant or category of applicants, who has not complied with this requirement and did not complete the official application form, will be automatically disqualified.

11.2. Human Resources must ensure that the official application form is available and accessible at all times.

11.3. An application for a post must disclose an applicant's –

11.3.1. Qualifications and experience;

11.3.2. Contactable references;

11.3.3. Registration with a relevant professional body, if applicable;

11.3.4. Full details of any dismissal for misconduct or substandard performance; and

11.3.5. Any disciplinary actions, whether pending or finalised, instituted against the applicant in his or her current or previous employment.

11.4. Misrepresentation or failure to disclose material information contemplated in clause 13.3 of the Code of Conduct for Municipal Staff and is deemed to be a breach of the Code.

11.5. Applications not made on the prescribed application form for employment shall render any appointment or contract entered into, between the municipality and the successful candidate invalid.

11.6. Record of all applications received in response to advertisements as well as ad hoc applications received by Human Resources, should be maintained and disposed after a maximum period of 12 months.

11.7. The record shall contain –

11.7.1. The applicants' biographical details and contact information;

11.7.2. The details of the post for which the applicants were applying;

11.7.3. The applicants' qualifications; and any other requirements outlined in the application form.

12. Selection

12.1. Selection panel - The municipality must categorise the selection panel in accordance with the regulations.

12.2. The Municipal Manager or his or her delegate shall appoint a selection panel for each of the advertised post to recommend the appointment of suitable persons to the vacant post.

12.3. The selection panel for a post shall once constituted, always remain the same. If a member of the selection panel is unable to proceed with the interviews due to circumstances beyond that member's control, such panel member may be replaced or withdrawn. If the selection panel does not quorate, the panel shall be reconstituted.

12.4. The selection panel shall comprise of at least 3 but not more than 5 members.

12.5. The chairperson of the panel shall be the supervisor, or a staff member employed at least one job grade higher than that of the advertised post.

12.6. External expertise for positions of technical nature shall be considered but should still fall within the ambit of clause 12.4 above.

12.7. In deciding on the composition of the selection panel, the Municipal Manager shall consider the following:

12.7.1. nature of the post;

12.7.2. gender and race balance of the panel; and

12.7.3. skills, expertise, experience and availability of the person to be involved.

12.8. A member of a selection panel shall –

12.8.1. disclose any interest or relationship with shortlisted candidates during the short-listing process.

12.8.2. recuse himself or herself from the selection panel if –

(a) his or her spouse, partner, close family member or close friend has been shortlisted for the post.

(b) the panel member has a de facto relationship or some form of indebtedness to a short-listed candidate or vice versa; or

(c) any other conflict of interest.

12.8.3. sign a prescribed declaration of confidentiality to avert the disclosure of information to unauthorised persons.

12.8.4. Where a union representative is allowed to attend interviews as observers, he or she must sign the declaration as prescribed to prevent the disclosure of information to unauthorized persons.

12.8.5. The Human Resources Manager or his or her delegate shall facilitate and provide advisory services during the selection process to ensure compliance with the Regulations and Legislation in the recruitment and selection process.

12.8.6. The central guiding principle for selection shall be competence in relation to the inherent requirements of the job provided that selection shall favour, as determined by the targets, suitably qualified applicants as defined in section 20[3] of the Employment Equity Act.

12.8.7. To give effect to the Employment Equity Plan, the margin between a targeted candidate and any other designated or non-designated candidate shall be 5%.

12.8.8. Each panel member shall disclose potential conflict to be considered by the full selection panel at the initial meeting of the panel.

12.8.9. If a conflict of interest becomes apparent during the selection process, the Municipal Manager or his or her delegate shall take the appropriate steps to remedy the situation, which may include declaring the selection process invalid and commencing a new process.

12.8.10. If a conflict of interest becomes apparent after the appointment, the Municipal Manager or his or her delegate shall report the matter to the Council, which shall take remedial action, including possible disciplinary action.

12.9. **Compiling shortlist of applicants**

12.9.1. The selection panel shall compile a short-list based on the inherent requirements of the position and with due regard to Section 20 of the Employment Equity Act and Employment Equity Plan of the municipality.

12.9.2. Any candidate, internal or external, should be placed on the shortlist only if they meet the requirements of the advertisement and the selection criteria. If a large number of applicants meet the minimum selection criteria, a further shortlisting process may be required.

12.9.3. If a post is advertised locally, only applicants residing within the municipal boundaries shall be considered for the shortlisting depending on the technical skill of the position. Preference will be provided to local applicants for unskilled and skilled positions with the exception of technical skills.

12.9.4. If a post is advertised internally, only internal candidates shall be considered for the shortlist of candidates.

12.10. **Interviews**

12.10.1. The Human Resource functionary must notify shortlisted candidates of their shortlisting, the venue, date, time and nature of the selection process **within a reasonable time** to the interviews using the contact details provided by the candidate on the Application Form for Employment.

12.10.2. On the day of the interview, the Human Resource representatives must provide the selection panel with the list of short-listed candidates and copies of applications prior to the commencement of interviews.

12.10.3. The Municipality shall grant observer status to each of the recognised trade union representatives, provided that failure by trade union representatives attend the interview shall not invalidate the outcome of the selection process.

12.10.4. Before the interviews for a specific post commence, the selection panel shall confirm the selection criteria for the advertised post, based on the relevant competencies required for the advertised post.

12.10.5. The selection panel must compile a list of questions relating directly to the job concerned, to be asked during the interview and a score sheet and such questions and score sheets to all persons who would be involved in the interview.

12.10.6. Completed score sheets and any written record must be kept in safe storage for a period of at least twelve (12) months after an appointment decision has been made.

12.10.7. After considering all the relevant information, the selection panel shall recommend candidates in order of preference. If the recommended candidate declines an offer of employment, the next suitable candidate, where applicable, may be considered for appointment.

12.10.8. If it is determined that the selection process has not attracted suitable candidates, the post may be re-advertised provided that reasons are recorded.

12.10.9. If the municipality is unable to attract suitable candidates after re-advertising the post, the municipality may apply section 30 of the regulations.

12.10.10. The municipality must utilise the critical and scarce skills list determined by the Minister responsible for higher education and training.

12.10.11. All candidate headhunted shall be subjected to an assessment and interview process as outlined in this Policy.

12.10.12. The recommendations of the selection panel shall be determined by:

(a) consensus; or

(b) where the panel fails to reach consensus, the matter shall be referred to the Municipal Manager or his or her delegate for mediation or resolution.

(c) If the selection panel recommends an appointment to the post, it shall submit its recommendation to the Municipal Manager or his or her delegate for approval.

12.11. **Competency/Proficiency Tests**

12.11.1. One or more relevant proficiency tests (e.g. computer skills tests, operating equipment, writing tests and technical presentations) may be required to be conducted before or after an interview is conducted.

12.11.2. A proficiency test may only be required if the outcome thereof is relevant to the expected job standards that would be expected of the staff member and it relates to the job description.

12.11.3. A proficiency test shall be conducted under the supervision of the selection panel. The municipality can also outsource the compilation and assessment of the Competency test to an independent service provider.

12.11.4. A candidate may be subjected to competency tests / assessments. In terms of section 8 of the Employment Equity Act, assessments may only be used if they can be applied fairly to all candidates and are not biased against any staff member, candidate or group. Competency/practical assessments should be accompanied by a pre-determined memorandum of response (set of answers). During the conduction of competency assessments, candidates shall be identified by a pre-determined number and not by his/her name.

12.11.5. The results of the competency/practical assessments of candidates who passed the test may only be made available by the Human Resources to the Selection Panel after interviews have been conducted.

13. References And Personal Credential Verification

13.1. The Human Resources section and/or external Service Provider appointed for such purpose must –

13.1.1. verify the candidate's inherent requirements of the job with the current or previous employer.

13.1.2. establish the validity of candidate qualifications and any other verification required by the position before appointment.

13.1.3. determine whether the candidate has been dismissed previously for misconduct or poor performance by another municipality or employer, and, if so, the nature of that misconduct or poor performance; and

13.1.4. verify any other additional personal credentials as may be required by the nature of the job such as qualifications, criminal records, identification document, security clearance and, where necessary, credit checks.

13.2. Medical testing will only be utilised if required or permitted by legislation or if it is justified in light of health conditions as an inherent requirement of a position.

13.3. When it is expected from a person to register as a Peace Officer, proof of a clean criminal record must be submitted by the shortlisted candidate prior to finalisation of shortlisted candidates to be invited for practical assessments.

13.4. A written report on the outcome of the reference checks and personal credential verification shall be compiled before the appointment is concluded.

14. Appointment

14.1. **An applicant may be appointed as a staff member only if they –**

14.1.1. possesses the relevant competencies as prescribed in the Municipal Staff Regulations; and

14.1.2. is not disqualified in terms of the policy provisions on the re-employment of dismissed municipal staff.

14.1.3. The Municipal Manager or the staff member to whom this function is delegated shall –

(a) consider the recommendations of the selection panel; and decide: –

(i) on whom to appoint; and

(ii) the terms and conditions of employment.

14.1.4. Before deciding to appoint, the Municipal Manager or his/ her delegate shall satisfy himself or herself that the candidate meets the relevant requirements of the post as provided in the competency framework of the Municipal Staff Regulations.

14.1.5. If the decision of the municipal manager or the delegate does not accord with the recommendations of the selection panel, the reasons for such a decision shall be recorded in writing.

14.1.6. An appointment shall only take effect after the Municipal Manager or his or her delegate has approved the appointment.

14.1.7. Successful candidates should be informed by the Human Resources Division of the final selection decision. This communication should be in the form of an offer of employment stipulating remuneration, benefits and commencement date. Should such an offer be accepted, communication to the successful candidate in the prescribed manner should be dispatched as soon as possible.

14.1.8. The successful candidate must confirm acceptance or decline of offer within five (5) working days from the date the written employment offer was received by the candidate.

14.1.9. The Human Resources section should inform unsuccessful candidates who attended interviews of the outcome, in writing, after the appointment has been accepted by the successful candidate.

14.1.10. Disputes resulting from the appointment of a candidate should be dealt with in terms of the Bargaining Council's dispute resolution process and applicable labour laws.

14.2. **Appointment of permanent staff**

14.2.1. Except where specifically determined in terms of this policy, appointments of staff members shall be on a permanent basis.

14.3. **Appointment of support staff to offices of Public Office Bearers**

14.3.1. An applicant appointed to a post on the approved staff establishment in order to support the office of a public office bearer shall either be –

(a) seconded from a post on the Municipality's approved staff establishment; or

(b) appointed on a fixed-term contract of employment linked to the term of office of the public office bearer.

14.3.2. The duration of the secondment or fixed-term employment contract in this regard may not be longer than 30 days after the public office bearer vacates office.

14.4. **Appointment of staff on fixed term contract**

14.4.1. Notwithstanding clause 14.3.1 above and subject to the provisions of section 198B of the Labour Relations Act, the Municipality may in exceptional circumstances and

within the administrative and financial capacity appoint a person or persons on fixed term contract without adhering to the full provisions of this policy.

14.5. **Appointment of replacement labour in the event of a strike**

14.5.1. The employment of replacement labour during a strike in terms of Section 76 of the Labour Relations Act shall be based on the main and divisional collective agreements entered in the SALGBC.

14.6. **Re-employment of dismissed municipal staff.**

14.6.1. A person who was dismissed from a municipality for any reason stated in the Category of Misconduct in Annexure E of the Municipal Staff Regulations may not be employed in the Municipality before the period set out, or any concurrent periods set out, has expired.

14.6.2. Notwithstanding clause 14.2.1, a person who has lodged a dispute in terms of any applicable legislation, may be appointed subject to the outcome of the dispute.

14.6.3. The Municipality shall maintain a record of staff dismissed for misconduct.

14.6.4. The record shall contain –

(a) full names and identity number of the person;

(b) title of the post that the person occupied;

(c) nature of the misconduct;

(d) date of suspension, if any;

(e) conditions of suspension, if any;

(f) date on which the misconduct was referred to a disciplinary hearing or pre-dismissal arbitration;

(g) date of commencement of the disciplinary hearing or pre-dismissal arbitration;

(h) finding;

(i) whether a dispute was referred to the SALGBC or the Labour Court;

(j) costs incurred by the municipality; and

(k) date of dismissal of the person.

15. Probation

15.1. The appointment of a person as per this policy shall be effective on a minimum probationary period of three months and a maximum of 12 months.

15.2. The probationary period shall be determined on the basis of job requirements and the minimum period required to establish whether performance is satisfactory or not.

15.3. The period of probation excludes the number of days for which leave has been taken by the staff member during the period of probation or any extension thereof.

15.4. The Municipal Manager or his or her delegate shall –

15.4.1. Inform the staff member within the first two weeks of employment of that member's performance requirements;

15.4.2. Ensure that the staff member completes the Municipality's induction programme; and

15.4.3. Assess the staff member's performance and provide the staff member with feedback on their performance on a quarterly basis.

15.4.4. If a staff member's performance is not satisfactory, the Municipal Manager or his or her delegate shall advise the staff member of any aspects that the staff member is failing to meet the required performance standards.

15.5. If the Municipal Manager or his or her delegate believes that the staff member's performance does not meet the required standards, he or she may extend the probationary period or dismiss the staff member, provided that –

15.5.1. the staff member shall first be given a reasonable period of time for assessment, training, guidance or counselling; and

15.5.2. the staff member's performance continues to be unsatisfactory after a reasonable period has been given to the staff member to improve his or her performance.

15.6. The Municipal Manager or his or her delegate may extend the probationary period, in order to afford the Municipality an opportunity to further assess the staff member's performance.

15.7. Following the completion of the probationary period, the Municipal Manager or his or her delegate shall –

15.7.1. confirm the appointment if –

(a) the staff member's performance during the probationary period was satisfactory; and

(b) the staff member complied with all the conditions of the probationary appointment.

15.7.2. subject to the Labour Relations Act, terminate the appointment if –

(a) the staff member's performance was not satisfactory during the probationary period; and

(b) the staff member did not comply with all the conditions of the probationary appointment

15.8. **Completion of probation period**

15.8.1. The Municipal Manager or his/her delegate shall confirm the appointment of the staff member after completion of the probation period if:

(a) The staff member's performance during the probation period was satisfactory; and

(b) The staff member complied with all the conditions of the probation appointment.

15.8.2. On submission of the final probation report and upon approval of the Director or Municipal Manager, the Human Resources Section shall notify the staff member in writing of his/her permanent appointment within one (1) month after completion of the probation period.

15.8.3. Should the Director or Municipal Manager not recommend appointment after completion of the initial probation period, he/she must refer to the Human Resources division in writing that:

(a) The probation period be extended; or

(b) The service of the staff member be terminated, subject to the stipulations of paragraphs 8 and 9 of Schedule 8 of the Labour Relations Act (Act 66 of 1995) as amended.

15.8.4. If a staff member on probation works beyond the initial probation period without being evaluated and informed of the permanent appointment or extension of the probation period, the staff member will be regarded as having successfully completed the probation requirements.

15.9. **Underperformance during probation**

15.9.1. During the initial probation period, the relevant line manager/supervisor and director (in terms of their delegated powers) must express in writing to the Human Resources division should they be of the opinion that the incumbent does not perform up to standard in terms of his/her job requirements.

15.9.2. The Human Resources division shall as a result advise the line manager/supervisor and director as to the necessary steps to initiate in order to provide guidance or training to the incumbent, or to conduct further investigation.

15.10. **Extension of the probation period**

15.10.1. Should the relevant director and/or Municipal Manager be of the opinion that the staff member's performance does not meet the required standards of the post, he/she may extend the probation period on the basis of performance and provided that the extension is not disproportionate to the legitimate purpose that the employer seeks to achieve. The performance of the staff member should be

assessed on an ongoing basis during the probation period to ensure that shortcomings in performance are identified and the necessary corrective action taken immediately.

15.10.2. The staff member on probation is entitled to be given reasonable evaluation, instruction, training, guidance and/or counselling where necessary to enable him/her to render satisfactory performance.

15.10.3. Should a staff member not meet the required performance standard(s) or is alleged to be incompetent for the post during the probation period, the line manager must advise the staff member on aspects in which he/she does not meet the required performance standards of the post or is alleged to be incompetent and record such detail on the prescribed form. The line manager and director must furthermore supply written reason to the staff member as to why an extension of the probation period is necessary and the terms thereof. Areas of under-performance must be indicated on the probation record form.

15.10.4. The period of probation excludes the number of days for which leave has been taken by the staff member during the period of probation or any extension thereof. It is the responsibility of the relevant line manager to obtain the staff member's leave record from the Human Resources Division and to ensure that the probation period less leave taken amounts to three (3) months.

16. **Relocation and Removal Expenses**

16.1. The Municipality, subject to the approval of the Municipal Manager, will reimburse the cost of the temporary accommodation of the relocating successful candidate, for a maximum period of two months and a maximum value of R14 000.00 for the two months.

16.2. In the event of the successful candidate requiring the services of a removal company, the normal SCM procedures will be adopted and reimbursed.

16.3. The contract of employment shall include the undertaking to repay such expenses in the event of the incumbent resigning within 12 months of service.

16.4. The municipality will cover removal costs where the prospective employee lives more than 250 km from the municipality.

17. Policy Approval

17.1. This policy shall be operational once approved by Council.

18. Dispute Resolution

18.1. All disputes in terms of this policy shall be dealt with in terms of available dispute resolution mechanisms.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP7**

DRAFT SMALL-SCALE EMBEDDED GENERATION (SSEG) POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Draft Small-Scale Embedded Generation (SSEG) Policy.

2. **Background**

The Draft Small-Scale Embedded Generation (SSEG) Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Draft Small-Scale Embedded Generation (SSEG) Policy be submitted to Council for approval.

3. **Discussion**

The policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

None

6. **Legal Implications**

Should the Council approve the proposed amendments to the Small- Scale Embedded Generation (SSEG) Policy, the provisions of the amended Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

I endorse the amendments made to the document, which align with recent regulatory changes. These revisions ensure that both installers and consumers comply with regulations, thereby safeguarding the interests of the municipality.

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

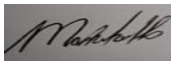
Council

10. **Recommendations**

10.1 That the Draft Small-Scale Embedded Generation (SSEG) Policy be approved by Council.

10.2 That the Draft Small-Scale Embedded Generation (SSEG) Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

KOUGA
local municipality
Good Governance through Service Excellence

DRAFT SMALL-SCALE EMBEDDED GENERATION (SSEG) POLICY

NOVEMBER 2024

KOUGA local municipality
Good Governance through Service Excellence

REVIEWED: 10.03.2020
RECOMMENDED BY MAYCOM: 07.05.2020.
APPROVED BY COUNCIL: 11/12/2020.
ITEM NO: 20/12/I&E9

REQUIREMENTS FOR SMALL-SCALE EMBEDDED GENERATION

Conditions and application process to become an embedded generator in Kouga Local Municipality

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i. Information on this document

Purpose of the document:

The purpose of this document is to guide stakeholders regarding the requirements and application process of the Municipality in connecting all forms of embedded generation to the municipal electricity network.

The need of this document:

The parallel connection of any generator to the municipal electrical network, however powered, has numerous implications for the local municipality. It shall therefore be regulated and managed. This document serves to:

- Ensure the safety of the municipal staff, the public and the user of the SSEG installation.
- Uphold the power quality of the municipal electricity network.
- Clarify metering and billing requirements and options
- Balance municipal revenue impact to enable continued operation of all municipal functions

In addition, municipalities are faced with low carbon development imperatives and economic growth challenges. SSEG can play a role in both areas, and the document therefore also serves to:

- Promote the development of the SSEG industry by creating a conducive environment for growth.

Scope: This document covers:

- The connection SSEG installations to the municipal electrical network
- Installations up to 1MVA (although different conditions apply above or below 350kVA – see later)
- Installations connected to low voltage networks
- Installations where customers remain net consumers (consume more electricity from the grid than they generate on average)

This document does not cover:

- System with a generation capacity above 1MVA (anyone wanting to connect a SSEG system greater than 1MVA should engage with the municipality to determine their requirements before commencing with any application).
- Wheeling regulations
- The connection of SSEG to the Eskom electrical grid.
- Systems connecting to MV and HV networks (although the NRS 097-1 standards covering MV and HV connections are not complete, such

systems may be approved by the Municipality, but are likely to require grid impact studies and should be discussed with the municipality)
- Installations where customers are net generators (generate more than they consume on average)

Defining small scale embedded generation.

Small-scale embedded generation (SSEG) refers to power generation installations less than or equal to 1MVA/1000kVA which are located on residential, commercial or industrial sites. SSEG contrasts with large-scale generation units that generate large amounts of power, typically in the multi-Megawatt range.

A SSEG customer generates electricity on the customer's side of the municipal electricity meter, where the generation equipment is connected to, and synchronized with, the municipal electricity network (i.e. 'embedded').

Who this document is for.

This document will assist all relevant stakeholders involved in the commissioning, installation, management and ownership of a SSEG system, with generation capacity less than or equal to 1 MVA (1000 kVA), to the municipal electrical network. It is intended to provide guidance in this regard to:

- SSEG project developers
- Residential and commercial property owners
- SSEG installers
- Energy consultants commissioned to design SSEG systems
- Municipal officials involved in SSEG generation
- Registered technical personnel who are involved in SSEG commissioning

ii. Glossary & Definitions

Alternating current	The flow of electrical energy that follows a sine wave and changes direction at a fixed frequency (i.e. it 'alternates'). Most residential and commercial uses of electricity require alternating current.
Direct current	The flow of electrical energy in one constant direction. Direct current is typically converted to alternating current for practical purposes as most modern uses of electricity require alternating current.
Anti-Islanding	The ability of an SSEG installation to instantly and automatically disconnect the SSEG installation from the municipal electrical network whenever there is a power outage in the municipal electrical network, thus preventing the export of electricity to the municipal electrical network from the SSEG installation. This is done primarily to protect municipal electrical network workers who may be working on the electrical network and who may be unaware that the electrical network is still being energized by the SSEG.
Bi-directional meter	A meter that separately measures electricity flow in both directions (import and export)
Customer	In the context of this document, customers who also generate shall be referred to as "customers", although in effect they are generators.
Generating capacity	The maximum amount of electricity, measured in kilovolt Amperes (kVA), which can flow out of the generation equipment into the customer's alternating current wiring system. This is therefore the maximum alternating current power flow which can be generated by the system in its current configuration.
Grid-tied	An SSEG installation that is connected to the municipal electrical network either directly or through a customer's internal wiring is said to be "grid-tied". The export of energy onto the municipal electrical network is possible when generation exceeds consumption at any point in time.
Inverter	A power device that converts direct current to alternating current at a voltage and frequency which enables the SSEG installation to be connected to the municipal electrical network.

Isolated	A section of a municipal electrical network which is disconnected from all other possible sources of electrical potential is said to be isolated
Load profile	The profile or curve showing the variation of the customer's rate of electricity consumption (or demand) over time.
Low voltage	Voltage levels up to and including 1 kV (1kV= 1000 Volts)
Medium-voltage	Voltage levels greater than 1 kV up to and including 35 kV.
Pr. Eng. Or Pr. Tech or Pr. Tech Eng or Pr Tech Eng	This refers to a professional engineer, professional technologist or professional engineering technician who is registered with the Engineering Council of South Africa (ECSA).
Reverse power flow	The flow of energy from the customer electricity installation onto the municipal electrical network (i.e. export) because of instantaneous generation exceeding the instantaneous consumption at the generation site in question.
SSEG Connection Contract	The terms and conditions governing the connection of the SSEG installation to the municipal electrical network accepted by the customer
Small Scale embedded generator or SSEG	A small-scale embedded generator for the purposes of these guidelines is an embedded generator with a generation capacity of less than or equal to 1000 kVA (1MVA).
Stand-alone generator/ off-grid generator	A generator that is not in any way connected to the municipal electrical network. Export of energy onto the municipal electrical network by the generator is therefore not possible.

iii Abbreviations

AC	Alternating current
AMI	Advanced Metering Infrastructure
DC	Direct current
ECSA	Engineering Council of South Africa
EG	Embedded Generation/Generator
HV	High Voltage
kVA	kilo-Volt Ampere (unit of apparent electrical power, often similar in magnitude to kW)
kW	kilowatt (unit of electrical power)
kWp	kilo-Watt peak (the rated peak output of solar PV panels)
LV	Low Voltage
MV	Medium Voltage
MVA	Mega-Volt Amperes (1000 kVA)
MW	Mega-Watt (1000 kW)
NERSA	National Energy Regulator of South Africa
NMD	Notified Maximum Demand
PV	Photovoltaic
SSEG	Small Scale Embedded Generation/Generator
VAT	Value Added Tax

1. Introduction

Due to increases in the price of electricity from the national grid and a steady decline in the price of decentralized generation options such as solar PV small-scale embedded generation (i.e. 'rooftop' type systems), decentralized generation sources such as SSEGs are becoming financially more attractive in South Africa. Increasingly such systems are being installed by businesses and residences. It is therefore important that approval procedures are established, and standards are adhered to by municipal distributors to regularize this fast-changing situation.

Municipal distributors are obliged to ensure that distribution grid power quality and safety standards are upheld to protect municipal staff working on the municipal electrical network, to protect the public in general, and to protect municipal infrastructure. Also, the potential revenue impact of accelerating SSEG installations needs to be managed. This requires changes to current tariff structures, in particular residential tariffs.

The above needs to be balanced with municipal obligations to embrace low-carbon energy and green economic growth opportunities, so a user-friendly framework around installation application and approval is important to promote the growth of this sector. Such a framework will also minimize systems being installed without going through official channels, thereby potentially not meeting required safety and quality standards.

Municipalities play a vital role in facilitating the necessary regulatory environment to enable the establishment and growth of the SSEG market. This document outlines the municipal requirements and processes for prospective SSEG installations to connect to the municipal electrical network such that the above factors are balanced.

1.1. Connecting larger generators to the distribution grid

This document covers small-scale embedded generators, with a detailed focus on generators falling under the simplified connection criteria assessment method (see Table 1). Larger generators typically require Grid Impact and/or Grid Code compliance assessments.

Table 1: Summary of connection assessment requirements for small- and large-scale generators

Generator characteristics			Connection assessment method	
Scale	**Size**	**LV or MV connected generator**	**Simplified criteria (NRS097-2-3)**	**Grid studies**
	0-1MVA	LV connected	✓	× (If complies with

Small-scale (up to 1MVA)				NRS097-2-3)
		MV connected	×	✓
Large-scale (>1MVA)	>1MVA	LV or MV	×	✓

Large generators and others requiring further grid studies, including all Independent Power Producers (IPPs), should obtain guidance from the municipality, such as:

- Guide for Municipalities on Processing Embedded Generator Applications 1 MW and Larger Grid Impact Study Specification Guide

Generic versions of the above guidance documentation are available at www.sseg.org.za.

2. Indemnity, Legal Requirements & Curtailment

2.1. Legal and Illegal Connections to the municipal electrical network

Customers wishing to connect SSEGs legally to the municipal electrical network shall be required to follow the normal application procedure as detailed in this document and comply with the regulations and standards listed herein.

The Municipality's Electricity Supply By-Law (as promulgated) and national regulations state that no electrical generation equipment may be connected to the municipal electrical network without the express consent of the Municipal Electricity Distributor.

Failure to obtain this consent constitutes an offence which could lead to a fine and/or imprisonment.

Furthermore, the installation may also be in contravention of the Occupational Health and Safety Act (1993), for which punitive sanctions also apply.

Customers found to have illegally connected an SSEG installation to the municipal electrical network (either before or after their electricity meter) shall be instructed to have the installation disconnected from the municipal electrical network. Should the customer fail to have the SSEG disconnected from the municipal electrical network, the Municipality shall disconnect the electricity supply to the property.

In cases where unauthorized reverse feed-in takes place which results in the meter reversing to the benefit of the customer, the municipality may

institute action to recover lost revenue and relevant punitive fines will be applicable.

No exemption from any of the Municipality's requirements shall be granted for "retrospective applications".

2.2. Generation Curtailment

In the event of operating conditions resulting in municipal electrical network parameters not meeting statutory minimum quality-of-supply standards it may become necessary to impose peak generation limits on embedded generator installations. It is expected that these limitations would be of a temporary nature, applied only during abnormal system conditions or low load periods.

2.3. Right to adapt rules & regulations

In the event of provincial or national legislative changes to the regulatory environment, or other technical developments, it may become necessary to implement changes to the municipal requirements which SSEGs are to comply with. The Municipality will consider the implications for existing customers of such changes and will require these only where grid safety or other important criteria are potentially compromised. All SSEGs, new and existing, will be obliged to comply with such changes, and will do so at their own cost.

2.4. Right to deny access

Customers wishing to install an SSEG system, regardless of generation capacity, must complete the relevant sections of the application process in full, and written approval to commence must be received from the Municipality before installation of the SSEG commences. The Municipality needs to ensure that, amongst other considerations, the SSEG installation can be accommodated on the municipal electrical network and that the total SSEG capacity of the municipal electrical network has not been exceeded, considering parameters in the NRS097-2-3 and other applicable standards. Equipment should not be purchased prior to obtaining written approval from the Municipality to commence, as approval of the SSEG as proposed by the applicant is not guaranteed and the Municipality shall not be held liable for equipment expenses in such cases.

Where proposed SSEG systems are not approved by the Municipality, the Municipality will provide information to the customer on amendments to the proposed system required, and/or advise on conditions to be met, for it to be acceptable to the Municipality.

2.5. Application processing timeframes

The Municipality will aim to assess applications for SSEG submitted and respond to applicants within 10 to 30 working days, depending on whether the existing infrastructure is adequate to accommodate the SSEG. Where applications are more complex leading to delays or require further studies, customers will be notified accordingly within this timeframe.

2.6. Contract with the municipality

All SSEG customers are required to enter an SSEG contract with the municipality. The document *General Terms and Conditions: Contract for Connection of an Embedded Generator* is available on the municipal website or from municipal electricity department offices. In signing the SSEG Application Form, the customer agrees to be bound by the terms and conditions in this document.

2.7. Transfer/change of ownership

If a transfer of the property and/or change of ownership of the electricity accountholder takes place, the new owner needs to sign the declaration in Annex 12, which must be submitted to the electricity department.

Alternatively, the SSEG installation shall be decommissioned as set out in paragraph 3.13.

3. General Guidelines - Small Scale Embedded Generators

This section covers important considerations in terms of the Municipality's SSEG rules and regulations that apply to all customers, including residential, commercial and industrial customers, who wish to connect a SSEG system, with a generation capacity no greater than 1 MVA (1000 kVA), to the municipal electrical network.

Anyone wanting to connect systems over 1 MVA shall not be able to connect under the conditions in this document and should approach the municipality directly to discuss the way forward. It is likely that grid impact studies will be necessary in these circumstances, amongst other work. In addition, a generating license issued by NERSA shall be required before connections of systems over 1MVA are considered.

3.1. Registration or Generation licence

In terms of the Electricity Regulation Act (2006), any person that owns or operates a generation facility is required to obtain a generation license to be issued by NERSA unless otherwise exempt as per Schedule 2 in the Act. Table 2 clarifies NERSA license and registration requirements.

Table 2: NERSA Requirements for different size systems (January 2023 revision of ERA Schedule 2)[1]

System size*	NERSA license?	NERSA registration?
Any size EG with self-consumption (can also export, but no wheeling)	×	×
EG for wheeling up to 100kW	×	×
EG for wheeling over 100kW	×	✓

* - applies whether the EG has storage or not

If a generation licence or registration is required in terms of the Electricity Regulation Act (2006), then it is the customer's responsibility to interact with NERSA in this regard. The Municipality is obliged to report to NERSA on a regular basis regarding all municipal electrical network connected generation and it is also obliged to disconnect generators that are not adhering to regulations.

3.2. Self-consumption vs IPPs (pure generators).

This document focuses on embedded generators which are largely for self-consumption. Independent Power Producers (IPPs) or 'pure generators' (where there is no self-consumption) generally will automatically require grid impact studies, and, if they intend to wheel power, will fall under any wheeling policies or regulations of the municipality. Pure generators not wheeling power but receiving export credits from the municipality will also be subject to MFMA conditions.

3.3. Exporting electricity

There is no technical limit to exporting electricity, but the export credit Rand amount may not result in a net payment to the customer in the energy account (i.e. excluding fixed, demand charges). The customer is advised to size their system appropriately.

NOTE: in terms of the MFMA, the export credit Rand amount granted to the customer may not be greater than the Rand amount for kWh purchased by the customer over a municipal financial year. Any exports

[1] Since the wording in the Schedule 2 is open to interpretation in places, a meeting was organised by SALGA with the Department of Mineral Resources and Energy on 19 Dec 2022 to clarify their interpretation. The information here is based on this meeting. NERSA may still issue clarifying notes of this matter.

above such a limit will not be credited to the customer or will be deducted on year-end reconciliation.

3.4. Wheeling

All generators wishing to connect to the municipal network must obtain permission to connect as described in this document, whether wheeling or not. For generators wishing to wheel electricity, the municipality should be approached regarding whether a process for this is in place, and contractual and other arrangements to be complied with.

Generators may not fall under both embedded generator export tariffs and wheeling financial arrangements.

3.5. Applicable technical standards

Most of the technical requirements that SSEGs are required to comply with are covered in the following standards:

- NRS 097-2 series: Grid interconnection of embedded generation: Part 2 Small Scale Embedded Generators, in particular:
- NRS097-2-1: Utility interface
- NRS097-2-3: Simplified utility connection criteria for low-voltage connected generators.

In addition, SSEG installations are to comply with the following standards, legislation and regulations:

1. South African Renewable Power Plant Grid Code (although the NRS 097-2 series cover most issues relevant to SSEG)
2. NRS 048: Electricity Supply – Quality of Supply
3. SANS 10142-1 and 10142-1-2: The wiring of premises (as amended and published)
4. SANS 474 / NRS 057: Code of Practice for Electricity Metering
5. Municipal Electricity Supply by-law

3.6. Testing of Inverters

Until such time as a SABS mark is issued for inverters, the Municipality shall require proof in the form of test certificates, of type tests having been successfully carried out by a third-party testing authority certifying compliance of the inverters with NRS097-2-1 (and NRS097-2-2 when published). The use of inverters without such certification is not permitted,

both in new and existing installations. The installation of reverse feed blocking does not exempt the customer from providing the NRS097-2-1 certification.

Municipality reserves the right not to accept test certificates for old versions of NRS097-2-1.

The certification body must be SANAS accredited or be recognized by the International Laboratory Accreditation Co-operation (ILAC) or the International Accreditation Forum (IAF) in terms of ISO/IEC 17025:2005 for photovoltaic systems. The accreditation bodies must provide accreditation documentation for the specific test location.
The customer should require the inverter suppliers to provide the necessary certification before the equipment is purchased.

3.7. Islanding / Anti-Islanding installations

All SSEG installations are required to have an anti-islanding function (immediate disconnection when there is a general power outage) as stipulated in the NRS 097-2-1. Certification to this effect is required of inverters (see 3.6 Testing of Inverters).

Should the inverter or SSEG installation have the facility to both comply with the NRS 097-2-1 requirements for grid-connected systems (including anti-islanding requirements) AND operate in "islanded mode" where the SSEG installation supplies power to a portion of the customer's electrical grid during a general power outage, the islanded system shall be effectively isolated from the municipal electrical network during islanded mode operation.

If the SSEG installation is to be configured as a standby supply after isolating from the municipal electrical network (in which case it becomes an 'alternative supply', not an embedded generator any longer) using a break-before-make changeover switch, a registered person in terms of the Electrical Installation Regulations (2009) shall issue a Certificate of Compliance to the owner if the generator is to be connected to the existing internal wiring of the property. Requirements of SANS 10142-1 apply.

3.8. Battery or other Storage

Battery or other storage may be included in the SSEG configuration. Where it is connected in standby power supply mode (i.e. it is not configured to provide power in parallel to the SSEG but only to operate in islanded mode) the provisions for 'island mode' generators in Section 3.7 Islanding / Anti-Islanding installations apply.

Where storage is connected such that, it can provide power onto the network, for example through a storage/battery inverter (even only to feed into the customers wiring which is in turn connected to the

municipal network), the storage/battery inverter shall be NRS097-2-1 certified, and such a certificate of compliance provided to the municipality.

Battery charging current limits are applicable to reduce cold load pickup and are covered in the NRS097-2-3.

Compliance regarding battery storage installation location is the customer's responsibility (see section 3.17.3).

3.9. Fire safety and emergency shut-off switch

Emergency disconnection switching shall be in accordance with NRS 097-2-1.

3.10. Dead Grid safety Lock

Dead Grid Safety Lock shall be in accordance with SANS10142-1-2 (as published).

3.11. Qualified installers

The municipality requires customers installing solar PV SSEG to use industry accredited installers under a third-party quality assurance such as PV Green Card: A SAPVIA (South African Photovoltaic Association) endorsed programme to ensure the quality and safety of PV installations. **www.pvgreencard.co.za.**

3.12. SSEG Sign-off on Commissioning

Until SANS 10142-1-2 '*The wiring of premises; Specific requirements for embedded generation installations connected to the low voltage distribution Network in South Africa*' is published, upon commissioning, all SSEGs shall be signed off as follows:

Up to 30kVA -

(For PV) Industry Accredited Installer signoff by a Qualified registered electrician

OR

ECSA registered Pr. Eng. or Pr. Tech Eng.

Over 30kVA –

ECSA registered Pr. Eng. or Pr. Tech Eng.

such as PV Green Card

Upon the publishing and implementation of the SANS10142-1-2, a registered person in terms of the Electrical Installation Regulations (1993) (acceptable to the Municipality) will be adequate to sign-off all SSEGs.

3.13. Decommission of SSEG system

The Municipality requires notice of any SSEG installation which has been decommissioned. The SSEG installation must, at the owners' cost, be disconnected from the municipal electrical network by the removal of the wiring that connects the SSEG with the municipal electrical network and a decommissioning report filed (on the prescribed form) – including the provision of a Certificate of Compliance to confirm disconnection.

3.14. Eskom grid connection

Customers residing within the municipal boundaries, but located in Eskom's area of supply, need to apply to Eskom for consent to connect the SSEG installation to the Eskom electrical grid. The municipality will not be involved in this process.

3.15. SSEG applications from sub-tenants or other non-municipal customers

The municipality will only engage with applications from their existing or new customers. Where an SSEG installation is intended but the person purchases electricity from a re-seller (e.g. landlord/lady), for example, not directly from the municipality, the application will need to come from the re-seller who is a municipal electricity customer.

3.16. Off-grid system

Stand-alone generators (not connected to the municipal electrical network in any way) do not need permission from the Municipal Electricity authority. However, approvals from other Departments may still be necessary (e.g. Building), and it is the responsibility of the owner to comply with any such requirements.

3.17. Advice for the customer

3.17.1. Load profile management to maximise benefit to the customer.

Customers will generally find it most financially beneficial to ensure that they utilize as much of the generated electricity as they can and avoid or minimize export/reverse power flow. With solar PV SSEG, for example, with a residential SSEG installation, loads such as geysers and pool pumps could be shifted to the middle of the day when solar generation is typically at its highest – between mid-morning and mid-afternoon.

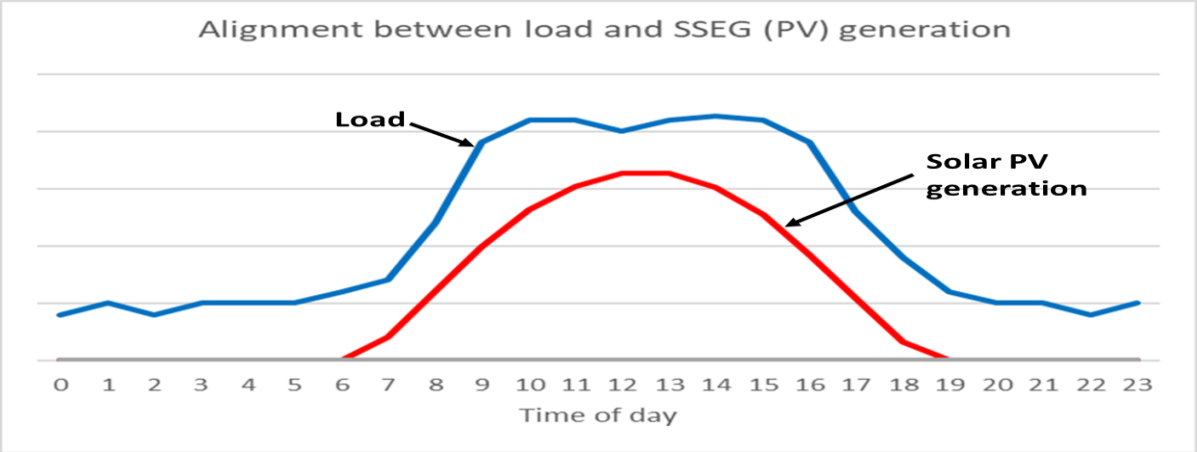


Figure 1: Good alignment between load profile and SSEG (PV) generation

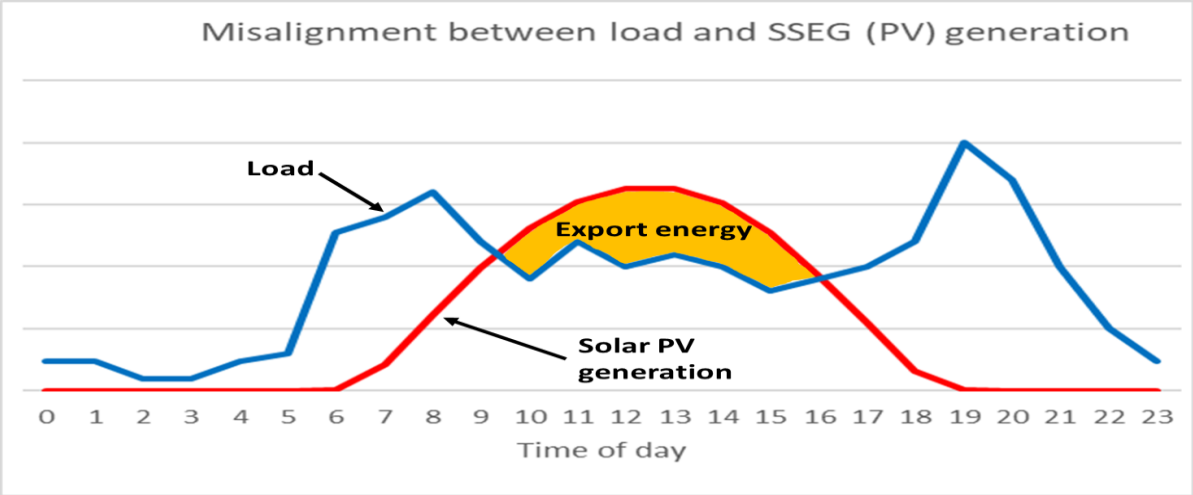


Figure 2: Poor alignment between load profile and SSEG (PV) generation).

3.17.2. Battery charge-discharge regime choice

Battery-charge-discharge regimes can be set differently. Commonly they are set to 'maximize self-consumption', which minimizes export to the network. This is beneficial for customers but does not maximize benefit to the network. Customers on Time-of-Use tariffs may consider a 'peak-shaving' setting rather, where battery discharge is set to coincide with peak periods when electricity is most expensive, thereby increasing their resulting savings. This setting is also beneficial for the network.

In addition, while the national electricity crisis persists, batteries should have a minimum discharge setting that reserves adequate energy for the duration of scheduled outages.

3.17.3. Location of battery storage

There are no clear electrical or other regulations regarding the installation location of Lithium-Ion batteries. Where feasible, it is recommended the battery system is installed in an appropriate

enclosed area with ventilation, outside of the building or inside the garage (which has the advantage of a firewall between the garage and the rest of the building). If lead-acid batteries are used, a separate battery room with adequate ventilation is particularly important. It is not recommended that lithium-ion batteries are installed in a living area or corridor, as this may change the SANS10400 hazard classification of the space, with fire resistance, escape route and fire extinguisher requirements applying. Compliance in this regard is the customer's responsibility.

3.17.4. Installer experience and accreditation

Customers are advised to check that the installer they intend to use has adequate competence and experience to undertake such projects. It is recommended that installers are asked to provide proof of Electrical Contractor registration, and that the installer is a member of a recognized industry body that can be contacted in the event of poor performance (e.g. ECASA, ECBSA, SAPVIA, AREP etc.2). For solar PV SSEG third party quality assurances can be used, such as:

- PV Green Card: A SAPVIA (South African Photovoltaic Industries Association) endorsed programme to ensure the quality and safety of PV installations (www.pvgreencard.co.za).
- P4 quality assurance certification (https://pqrs.co.za/the-pv-quality-assurance-program/).

3.17.5. Roof strength for PV installations

Customers are responsible to ensure that their installer has checked the load (weight) bearing capacity of the roof on which the PV panel installation is to take place. This may involve obtaining an engineer's report on the roof strength. Note that in normal circumstances roof design strength is adequate to accommodate PV panels.

It is recommended that waterproofing requirements are completed before rooftop installation commences.

3.17.6. Insurance

It is recommended that customers check any requirements that may be placed upon them by their building insurance company. It is advisable that the SSEG system is specifically covered by building or content insurance.

[2] Electrical Contractors Association of South Africa, Electrical Conformance Board of South Africa, South African Photovoltaic Industry Association, Association of Renewable Energy Practitioners.

3.17.7. Installation on Asbestos Rooftops

Installations are not permitted on asbestos rooftops.

4. Metering

4.1. Metering installation and reverse power flow/ feed-in to the municipal electrical network

Customers installing SSEG will also install a 4-quadrant meter which will measure all different parameter as per the meter specification document obtained at the technical office for both single (1) and three (3) phase consumers which is approved by the municipality. Customers should enquire with the municipality regarding suitable meters before purchasing them. The meter will be procured and paid for by the customer.

Until the municipality has a specific SSEG tariff in place which is approved by NERSA, reversed feed will be allowed but will not be compensated for (note that this is a temporary situation pending the operationalizing of SSEG tariffs)." Conventional credit or prepayment meters are not allowed to run backwards.

In the case where an installation has been illegally reconnected on a customer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises

4.2. Adaption of electrical metering installation

The Municipality reserves the right to require customers moving onto an SSEG tariff to adapt their electrical installations in such a way that the metering is in a kiosk in the road reserve. The municipality will inform prospective SSEG customers accordingly should this be required.

- Consumers wanting to connect SSEG to the grid but not be compensated for reverse power flow will be required to install reverse power flow blocking protection to prevent reverse power flow onto the electricity grid. The consumers may then, subject to the ruling policies for tariffs and metering, keep their existing meter and remain on the relevant electricity consumption tariff. In other words, for this option conventional credit or prepayment meters are NOT allowed to run backwards
- The residential consumer is responsible for all the costs involved in the supply and installation of meters.
- The consumer will be responsible for the cost of any specialist grid studies (although such studies are unlikely in the case of residential SSEG

installations).

- The consumer will be responsible for any changes required to the utility network upstream of the connection point because of the SSEG installation (although the need for such changes is unlikely).
- The consumer will be responsible for all the costs associated with specialist tests that need to be carried out, e.g. Inverter testing, as well as for obtaining the required certification of the design and installation.

4.3. Refunds of electricity already pre-purchased

Where applicants currently have prepayment meters, these will need to be replaced with meters appropriate for SSEG systems and tariffs. Refund of Prepayment meter (PPM) units when a customer changes to the SSEG tariff and has an appropriate meter installed will not be given. The customer should therefore delay the installation of an SSEG-appropriate meter until the units purchased are used. Otherwise, units purchased on the PPM will be forfeited.

5. SSEG connection criteria

Simplified SSEG connection criteria are specified in the NRS 097-2-3, and applications for systems that fall within these parameters are likely to be easily processed by the Municipality, and only in rare cases will require grid impact studies in their assessment. Such parameters include:

- Systems not larger than 1000kVA
- Connecting to a LV network

Applications to connect SSEG installations which exceed the parameters of the NRS097-2-3 will also be accepted by the Municipality but may require specialist grid-impact studies in their assessment. The Municipality will advise the customer of such needs after the application form is received.

There are different criteria for simplified connection in shared and dedicated LV feeders, as described below (for details see the relevant sections of the NRS097-2-3):

Note that the below is a summary of parts of the NRS097-2-3 (2014) and is provided for information purposes. The parameters and criteria in the latest version of the NRS097-2-3 may differ from the below and, where this is the case, they supersede the below information. It is therefore important to consult the latest version of the NRS097-2-3 as the criteria therein will be used to assess the SSEG application.

5.1. Shared LV feeders

The NRS 097-2-3 specifies that the maximum individual limit on a shared LV feeder (which applies to most small commercial and residential situations) is as follows:

- SSEG nameplate power rating shall not exceed the consumer's NMD (or UIC – Utility Installed Capacity)[3]
- SSEG maximum export capacity shall not exceed 25% of the customers NMD

Maximum battery charging current shall not exceed 25% of the NMD[4]

The following SSEG size limitations are derived from NRS 097-2-3 for Shared LV connections.

Table 1: SSEG size limitations - NRS 097-2-3 for Shared LV connections

REQUIREMENTS FOR SMALL-SCALE EMBEDDED GENERATION Amendment to SECTION A: RESIDENTIAL SMALL-SCALE EMBEDDED GENERATORS: 2020-08-14 1. General Requirements- Residential

Table 1:

Service connection				
No. of Phases	**Service Circuit Breaker Size (A) per phase**	**Maximum Export Capacity (kVA)**	**Maximum nameplate power rating i.e. max inverter capacity (kVA)**	**Maximum battery charging current limit (A) per phase from the grid**
1	40	2.3 (10A)	9.2	10
1	60	3.5 (15A)	13.8	15
1	80	4.6 (20A)	18.4	20
3	40	6.9 (30A)	27.7	10
3	60	10.4 (45A)	41.6	15
3	80	13.8 (60A)	55.4	20
3	100	17.3 (75A)	69.3	25

[3] The NRS097-2-3 uses the term UIC (utility installed capacity) in place of NMD (notified maximum demand) which is used in this document. They can be regarded as the same for the purposes of this document.

[4] Measured on the AC terminals of the power conversion equipment.

Generation size limitations- The generation size limits for residential customers wishing to install a SSEG are detailed above:

To determine if you have a single-phase or three-phase connection, check the main circuit-breaker on the distribution board. A single-phase supply will generally have a single main circuit-breaker, and a three-phase triple main circuit-breaker. If in doubt consult an electrician.
Maximum Export Capacity refers to the total output capacity of the generator for export to the grid. For PV systems, this refers to the maximum output of the inverter to the grid as limited either by hardware, or by software password protected settings. The system designer/installer must provide guidance.
kVA and kW ratings for SSEGs are similar in most cases and can be used interchangeably for estimation purposes.

Note:

The generation size limits in the table apply to normal residential connections on a shared low-voltage (LV) network. Customers who wish to apply for an installation with a generation capacity exceeding the limits in table 1 should consult EGD before commencing with their formal application.
Generation Capacity Categories The residential generation capacity categories are detailed below:

A. Grid-tied SSEG:

1. Maximum Export Capacity for export to the grid is in accordance with Table 1.
2. Maximum inverter capacity is limited to customer's service connection circuit breaker size as per Table 1.

B. Grid-tied hybrid SSEG:

1. Inverter Maximum Total Generation Capacity for export to the grid is in accordance with Table 1.
2. Maximum inverter capacity is limited to customer's service connection circuit breaker size as per Table 1.
3. Battery capacity is unlimited.
4. Maximum Battery Charging Current Limit is 25% of the customer's service connection circuit breaker size as per Table 1. This limit must be specified on the inverter's serial plate or if software adjustable, the setting must be pass-word protected.
5. If essential loads are interconnected with the grid, the compulsory isolation changeover switch shall comply with SANS 60947-6-1.

C. Standby SSEG (interconnected with electrical installation):

a) Type 1:

Passive standby UPS utilized as off-grid hybrid SSEG:

i. Maximum inverter capacity is limited to customer service connection circuit breaker size as per Table 1.
ii. Battery capacity is unlimited.
iii. The maximum Battery Charging Current Limit is 25% of the customer's service connection circuit breaker size as per Table 1. This limit must be specified on the inverter's serial-plate or if adjustable, the setting must be password protected.
iv. No export allowed.
v. Compulsory isolation change-over switch shall comply with SANS 60947-6-1.

b) Type 2:

Alternative supply:

i. Maximum inverter capacity is limited to customer service connection circuit breaker size as per Table 1.
ii. Battery capacity is unlimited.
iii. No battery charging from the grid allowed.
iv. No export allowed.
v. Compulsory isolation change-over switch shall comply with SANS 60947-6-1.

D. Off-grid (separated and not interconnected with electrical installation):

1. No inverter or battery capacity limit.

5.2. Dedicated LV feeders

The NRS 097-2-3 specifies that the maximum individual limit on a Dedicated LV feeder is as follows:

SSEG nameplate power rating shall not exceed the consumer's NMD (or UIC – Utility Installed Capacity)[5]
SSEG maximum export capacity shall not exceed 75% of the customers NMD
Maximum battery/storage charging current shall not exceed 25% of the NMD[6]
The following SSEG size limitations are derived from NRS 097-2-3 for Dedicated LV connections.

Table 4: SSEG size limitations - NRS 097-2-3 for Dedicated LV connections

Service connection			**SSEG parameters**		
No phases	Service circuit breaker (A)	Maximum demand (NMD) (kVA)	Max export capacity (kVA) (75%)	Max nameplate power rating (kVA) (100%)	Max battery charging current (per phase) (A) (25%)
3	125	86	65	86	31
3	150	104	78	104	38
3	175	121	91	121	44
3	200	138	104	138	50
3	225	155	116	155	56
3	250	173	129	173	63
3	275	190	142	190	69
3	300	207	155	207	75
3	325	224	168	224	81
3	350	242	181	242	88
3	375	259	194	259	94
3	400	276	207	276	100
3	500	345	259	345	125
3	630	435	326	435	158

[5] The NRS097-2-3 uses the term UIC (utility installed capacity) in place of NMD (notified maximum demand) which is used in this document. They can be regarded as the same for the purposes on this document.
[6] Measured on the AC terminals of the power conversion equipment.

Service connection			SSEG parameters		
No phases	Service circuit breaker (A)	Maximum demand (NMD) (kVA)	Max export capacity (kVA) (75%)	Max nameplate power rating (kVA) (100%)	Max battery charging current (per phase) (A) (25%)
3	800	552	414	552	200
3	1000	690	518	690	250
3	1250	863	647	863	313
3	1500	1035	776	999	375

Notes to table:

- *'**Maximum nameplate power rating**' refers to the total output capacity of the generator. For PV systems, this refers to the maximum output of the inverter. Due to system losses this is typically 10 to 20% lower than the maximum output of the PV panels, which is specified in DC kilo-Watt-peak (kWp). The system designer/installer will provide guidance here.*

Phase balancing

If SSEG maximum export capacity is 4.6 kVA or less, a single-phase inverter can be installed even if the customer has a three-phase connection. Systems with max export above 4.6 kVA are required to be balanced across the phases[7]. In general phase unbalance should not exceed 4.6kVA, including consideration of load distribution between phases.

5.3. Cumulative SSEG capacity and impact on LV and MV networks

Should the cumulative installed capacity of an SSEG installation be such that it may impact negatively on local LV or MV network functioning, as per the stipulations of NRS097-2-3, the municipality will not allow further SSEG connections until they can be demonstrated to be undertaken without such negative impact. Increasing the SSEG carrying capacity on feeders may require network hardware upgrades. Specialist grid impact studies may be requested of the new SSEG applicant to demonstrate this, even if the system size falls within the NRS097-2-3 parameters.

[7] See NRS097-2-3 in the case of dedicated single-phase supplies.

5.4. Grid impact studies

Should the SSEG being applied for exceed the parameters in the NRS097-2-3 (Simplified Connection Criteria), a Grid Impact Study is likely to be requested by the municipality before the application can be assessed. Content and coverage of such a study may vary depending on the circumstance.

Should such impact studies be required by the municipality, details of method, data and payment requirements should be discussed with the municipality. Responsibilities of the municipality (who has the network data) and the customer in completing the study will also need to be clarified. Even in the case of SSEG with no reverse feed, scenarios such as Load Rejection may still need to be assessed in the study.

A grid impact study will be required from a close development where

KLM supply bulk in accordance with NRS097-2-3. This grid study will be

to the consumer's cost.

Further information on Grid Impact Studies is given in Annex A, and more detailed guidelines can be found in Recommended practice for assessing the connection of small generators based on renewable energy sources to low-voltage and medium-voltage municipal grids (Moeller & Poeller Engineering, May 2018 – Final Draft). An assessment will be done by the municipality or its agent for approval.

6. SSEG Tariffs

The Municipal SSEG tariffs, once approved by NERSA, will be available on the municipal website or from the electricity department offices on request. Tariffs are updated annually. Where SSEG tariffs have not yet been approved by NERSA, reverse feed will be accepted but will not be compensated for.

General information on SSEG tariffs is given below:

6.1. Residential SSEG Tariff

The Residential SSEG tariff comprises 3 parts:

Fixed charge:

This comprises (1) a Network charge, which ensures that fixed costs associated with maintaining and operating the municipal electrical network are recovered through appropriate charges, and (2) a Service charge that covers the fixed costs associated with providing a retail service network (metering, billing, customer call Centre) are recovered through appropriate service charges.

Energy charge(c/kWh):

The variable cost associated with the volume of energy consumed is recovered through appropriate charges. This is billed on a per kWh basis and may be simple (Flat or Inclining Block tariff) or complex (Time of Use or another tariff).

Export (Feed-in) rate (c/kWh):

The customer should be compensated for energy provided back onto the network through an export tariff.

6.2. Commercial and Industrial SSEG Tariff

Commercial and industrial customers that are on tariffs which already have a fixed service charge and network demand charge will retain this tariff structure, and an export (feed-in) generation tariff component will be added for reimbursement for energy exported onto the municipal electrical network. Customers on a tariff that does not include fixed service/network charge and demand charge will be changed to an appropriate tariff.

Commercial and Industrial customers should note that the demand charge component of the tariff is unlikely to change after the installation of the SSEG because the monthly maximum demand is unlikely to reduce due to the regular occurrence of cloudy weather.

6.3. Billing Period

The daily service charge along with charges for consumption and credits for feed-in shall be billed monthly (as is done for other Municipal services e.g. water and rates). Any credits from excess SSEG generation in a particular month will be rolled over to the following month. Credit will not be paid to the customer.

6.4. Connection Costs

The Municipality may stipulate a connection cost to be paid by SSEG customers prior to system generation approval. This will be reflected in the currently applicable tariff schedule.

6.5. Increased Costs

The Municipality bears no responsibility should the customer's electricity bill increase due to changes in the applicable tariff. It is up to the customer to ensure that they understand the financial implications of having an SSEG installation installed and the applicable tariffs.

6.6. Time-of-Use Tariffs

Time of Use tariffs are considered best practice for both consumption and export (feed-in) tariffs, and municipalities may increasingly move to such tariffs over time.

7. Approvals required from other municipal departments

Approvals required of other municipal departments are to be obtained prior to submission of the SSEG application form and reflected on the form.

7.1. Buildings/Planning department

No building plans are required to be submitted provided the SSEG installation does not project more than 1.5 m, measured perpendicularly, above the roof and/or not more than 600mm above the highest point of the roof. If the above parameters are exceeded then full building plans, including an engineer's endorsement, are required. A relaxation in terms of the Zoning Scheme Regulations may also be required under either one or both above circumstances.

Ground-mounted systems:

No building plans are required to be submitted provided the panel(s) in its installed position are not projected more than 2.1 meters above the natural/finished ground level. Full building plans are required where any part of the installation projects are more than 2.1 meters above the ground level.

Thatch Roofs:

Thatch roofs are permissible provided that it meet SANS 10400 and NBR guidelines. A professional to conduct both structural and safety assessments is highly recommended Structural Integrity (SANS 10400-B).

A raised structure above the thatch or an adjacent structure must be utilised for solar panel installations, specialized mounting brackets that keep the solar panels elevated above the roof to allow airflow and reduce fire risk is required.

Thatch roofs are highly flammable, SANS 10400-T (Fire Protection) emphasizes extra fire precautions. This includes installing lightning conductors and using flame-retardant treatments.

Thatch roofs might not always have the load-bearing capacity required for the additional weight of solar panels. SANS 10400-B (Structural Design) requires an assessment to ensure that the roof can handle both the panels and the mounting framework.

Solar installations must comply with the wiring code (SANS 10142-1) to ensure all electrical connections are safe and properly insulated, especially given the fire risk associated with thatch.

7.2. Other Approvals

SSEG installations covered by this document do not require Environmental Impact Assessments.

For generators that produce noise or air pollutants (e.g. diesel generators), approval from Municipal departments is required (e.g. health, environment).

8. Who pays for what?

The customer is responsible to pay for the following:

- The supply and installation of meters (in accordance with the Municipality's metering policy)
- Connection charges (if applicable)
- Specialist municipal electrical network impact studies - if required (details of payment amounts are to be discussed with the municipality)
- Any changes required to the municipal electrical network upstream of the connection point because of the SSEG installation.
- Specialist test that are required, e.g. Inverter testing
- Any other costs associated with obtaining approval for the SSEG connection to the municipal grid

9. SSEG application process

The Application for the Connection of Embedded Generation form shall be completed for all applications to connect an SSEG installation to the municipal electrical network. The forms are available on the Municipality's website or from the electricity department offices.

Alternatively, an application may be submitted via the municipality's link on the Online SSEG Application Portal – www.apply.sseg.org.za. After registering as an applicant (a simple process), an application may be submitted to this municipality by following the steps indicated. This Online Platform is the preferred means of submission, as it undertakes some error checking, communicates automatically with the applicant and the municipality, and speeds up the assessment process.

9.1. The hardcopy Application Form submission process is as follows:

Step 1: Obtain the Application Form

Visit the Municipality's website and download the relevant application form/s or request the forms from the electricity department offices.

Step 2: Complete application form for the connection of SSEG

The Municipality requires that the application form/s be signed by the current electricity customer/account holder.

Details of the proposed installer shall also be provided.

The applicant may need support from the proposed installer or registered personnel in completing the application form.

By signing the application form the customer agrees to the General Terms and Conditions: Contract for Connection of an Embedded Generator (this document is available on the municipal website or on request from the electricity department offices).

Step 3: Obtain permission from other Municipality departments

The electricity department requires prior approval of the proposed SSEG installation from other departments as stipulated in the form (e.g. buildings department). All such approvals must be reflected in or submitted with the application form.

Step 4: Submit completed application form/s and attachments

Forms shall be submitted to the relevant contacts at the electricity department.

Attachments to the application include an initial design circuit diagram (for >100kVA systems) and the inverter certification of compliance with NRS 097-2-1.

Step 5: Installation commencement upon approval from the municipality

After due consideration of the application, the applicant will be informed in writing whether the application has been successful or not.

If further information or grid studies are required by the municipality, the applicant will be notified thereof.

Once notified of a successful application, the applicant may commence installation (it is advised that the applicant does not pay for any equipment until municipal approval to install is granted in writing, as such approval is not guaranteed).

Step 6: Commissioning and documentation to be submitted to the electricity department.

Commissioning of the SSEG installation shall be undertaken by a competent person, who shall complete and sign off the SSEG Installation Commissioning Report.

In addition to the SEG Installation Commissioning Report, there is a list of other documentation specified on the Commissioning Report for submission with the Report, including:

Final as-built circuit diagram

Inverter type test certificate according to NRS 097-2-1.

An electrical installation Certificate of Compliance as per SANS 10142-1 (and SANS 10142-1-2 when published).

All completed documentation shall be submitted to the relevant electricity department office.

Step 7: Inspection of installation if necessary

The Municipality shall inspect the SSEG installation if they deem it necessary, although this is unlikely in the case of a residential application.

Step 8: Approval granted to connect to the municipal electrical network and generation commences.

If all the above is satisfactory, the Municipality shall install the necessary meter, or check that such is installed.

Approval to connect the SSEG installation to the municipal electrical network shall be provided by the electricity department to the customer, in writing, together with any operation and other requirements deemed necessary.

Once this is done, the change to the SSEG tariff shall be implemented if applicable.

9.2. **The Online Application process is as follows:**

An application can be submitted via the municipality's link on the Online SSEG Application Portal – www.apply.sseg.org.za. This is the preferred means of applying to connect an SSEG.

- **Step 1: Register as an applicant at www.apply.sseg.org.za.**
  - If not done already, complete the simple registration process and log in as an applicant.
  - Visit the Municipality's website and download the relevant application form/s or request the forms from the electricity department offices.
- **Step 2: 'Create a New Application'**
  - Once logged in, click the 'Create a New Application' button.
  - Select this municipality, and follow the steps in each tab, completing all the information requested.
  - The municipal 'Requirements' document plus Contract can be examined throughout (left of screen)
  - Approvals from other municipal departments may be necessary in some circumstances. You will be guided in this regard.
  - Relevant document uploads are requested during the process (ID copies, electrical diagrams, etc.)
  - After completing the 'Declaration' tab and submitting the application to the municipality, both the municipality and the applicant will receive an email notifying them of the submission.
- **Step 3: Installation commencement upon approval from the municipality**
  - After assessing the application, the municipality will issue a Permission to Install letter via email, or request revisions, grid studies or further information.
  - Automated emails will notify the applicant.
  - Once notified of a successful application, the applicant may commence installation (it is advised that the applicant does not pay for any equipment until municipal approval to install is granted in writing, as such approval is not guaranteed).
- **Step 4: Commissioning and documentation to be submitted to the electricity department.**
  - Once installation is complete, commissioning of the SSEG installation shall be undertaken by a competent person, and the online Commissioning Report completed.
  - The report includes a declaration by the competent person.

- Electrical diagrams[8], a Certificate of Compliance as per SANS 10142-1 (and SANS 10142-1-2 when published) are amongst the documents to be uploaded.
- After submitting the Commissioning Report, both the municipality and the applicant will receive an email notifying them of submission.

- **Step 5: Permission to Generate issued and generation commences.**
  - If the municipality approves the Commissioning Report, the Municipality shall install the necessary meter, or check that such is installed.
  - Permission to Generate will be issued to the customer via email, upon which the SSEG installation may be connected to the municipal electrical network.
  - Once this is done, the change to the SSEG tariff shall be implemented if applicable.

10. Changes to existing approved systems

SSEG installations that have previously been approved by the municipality but where changes to the SSEG are planned, will require the following:

A new application shall be completed when the following is intended:
An expansion in the SSEG capacity A change in the SSEG configuration (e.g. adding storage with synchronization capabilities in parallel to the existing EG)

A new commissioning process needs to be undertaken, and a new Commissioning Report completed, when the following changes are made:
Significant components are replaced (i.e. inverter, anti-island device, dead grid safety lock, other protection equipment) but system capacity is not increased

A system is moved but no changes to capacity or significant components are made (i.e. inverter, anti-island device, dead grid safety lock, other protection equipment)

[8] Single Line Diagram templates can be found at: https://www.sseg.org.za/embedded-generator-single-line-diagram-templates/.

11. ANNEX A: Grid Impact Study Overview

In cases where an SSEG application falls outside the simplified connection criteria in NRS097-2-3, it may be necessary to conduct grid impact studies. These studies will assess whether the grid or electrical network remains within prescribed technical limits after the connection of the SSEG. The municipality will provide specific requirements in this regard. Some general information is below.

General grid impact studies
For most SSEG systems connecting to LV networks grid impact studies can be relatively simply undertaken – often with only hand calculations - and do not require detailed grid simulation. They can thus be undertaken by municipalities without such power system simulation software. More detailed guidelines on assessing such impacts can be found in Recommended practice for assessing the connection of small generators based on renewable energy sources to low-voltage and medium-voltage municipal grids (Moeller & Poeller Engineering, May 2018 – Final Draft).

Requirements for more complex Grid Impact Studies
Where more complicated grid impact studies are required, power system simulation may need to be undertaken using appropriate software.

The SSEG application should indicate the generator technology, rating (size) and proposed connection point.

The municipality will be required to utilise their geographic and operational knowledge of the network to determine the areas that could potentially be affected by the SSEG. To conduct the studies, the municipality will need to have a representative model of the network affected in the format required by the simulation software tool.

As a minimum, the model should contain the following data for the affected network:

- Line and cable parameters (resistance, reactance and capacitance) for the affected network
- Transformer impedances and tap settings for all affected transformers
- Accurate load data for the affected network
- Accurate representation of the impedance and fault contribution of surrounding network(s)
- Parameters of any other equipment installed in the affected network e.g. capacitors and reactors
- Parameters of any other SSEG installed in the affected network
- Any approved planned network changes / upgrades in the affected network

Studies to conduct

The studies as summarised in Table 2 are normally conducted to assess the impact of SSEG connection. In some cases, more detailed studies may be required (e.g. if it is a voltage constrained network, voltage stability studies may be required); however, those are not addressed in this document.

Table 2: Grid impact studies to be conducted

Type of study	Parameters to check
Load flow	Equipment thermal loading within limits Steady state voltages within limits Note any significant changes in power flow direction
Fault level assessment	Ensure that circuit breaker and other protective equipment ratings are not exceeded
Protection co-Ordination	Ensure all protection settings are relevant
Power quality assessment	Magnitude of voltage variations due to intermittent generation Harmonics Flicker

It is important to conduct these studies for several plausible boundary conditions and ensure that for all scenarios, the network remains within technical limits. As a minimum, these boundary conditions are: -

- Peak load, maximum generation
- Light load[i], maximum generation
- Peak load, minimum generation
- Light load, minimum generation

The accuracy of the load assumptions is critical in obtaining credible results.

Study outcomes

If the studies show that the SSEG will not have a negative impact on the network, the applicant can be given the go-ahead to connect. The local municipality has the authority to approve or disapprove the connection based on the outcome of the study.

If the studies show that the SSEG could potentially have a negative impact on the network, further studies will be required to determine the scope of the

network infrastructure changes / upgrades required to maintain network integrity.

Cumulative impact of SSEG

As penetration levels of SSEG increase, their impact will no longer just be localised.

It is important to take stock every "x" kW or every "y" month to check the cumulative impact of embedded generation in MV and LV networks.

A database of all approved and commissioned connections, as well as the related MV/LV transformer from which they are supplied is key to such a study. A study would then be conducted to assess the overall network integrity with all the SSEG operational under various load and generation scenarios.

12. ANNEX B: New Owner/Account Holder Declaration

In the event of transfer of property and/or ownership, the below Declaration is to be signed by new owner / account holder:

Declaration regarding the SSEG system located at:		
Property Erf number:		
Physical address:		
Township / Suburb / Farm:		Post code:
Site GPS coordinates:	**Latitude (dd mm ss)**	**2.** S **5.** ° **8.** ‘ **12.** ``
	Longitude (dd mm ss)	**13.** E **16.** ° **19.** ‘ **23.** ``
Name of owner/account holder:		
Electricity Account Number:		
Telephone Number:	Land:	Mobile:
Email Address:		

Acceptance of Terms and Conditions

I, the Customer (Account Holder) acknowledge that I have read and understood the General Terms and Conditions: Contract for Connection of Embedded Generator and that by signing this application form, I agree to be bound by the General Terms and Conditions: Contract for Connection of Embedded Generator, should approval for the Embedded Generator be granted by the municipality. A copy of the General Terms and Conditions: Contract for Connection of Embedded Generator can be found on the Municipal website or is obtainable from the electricity department offices on request. Any amended terms and conditions found on the website will form part of the terms and conditions of the General Terms and Conditions: Contract for Connection of Embedded Generator, to which terms I, the Customer, agree to be bound. The information provided in the SSEG Application Form accepted by the Municipality also forms part of the General Terms and Conditions: Contract for Connection of Embedded Generator.

Customer (Account Holder) Signoff:

_____ _____ _____

Name Date Signature

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP8**

DRAFT FIBRE OPTIC CABLE & TELECOMMUNICATIONS INFRASTRUCTURE BY-LAW

1. **Introduction**

The purpose of this item is to request the Council's approval for the Draft Fibre Optic Cable and Telecommunications Infrastructure By-Law.

2. **Background**

The Draft Fibre Optic Cable and Telecommunications Infrastructure By-Law was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Draft Fibre Optic Cable and Telecommunications Infrastructure By-Law be amended and submitted to Council for approval.

3. **Discussion**

The amended By-Law is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Electronic Communications and Transmission Act No.25 of 2002
Spatial Planning and Land Use Management Act No. 16 of 2013
National Building Regulation and Building Standards Act 103 of 1977
National Environmental Management Act No.107 of 1998

6. **Legal Implications**

Should the Council approve the recommendations herein, the Accounting Officer shall authorize to publish the Draft Fibre Optic Cable &

Telecommunications Infrastructure By-law for public comment in a manner that allows the public an opportunity to make representations regarding the proposed by-law.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Recommendations supported

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

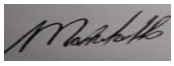
Council

10. **Recommendations**

10.1 That Council supports the introduction of the Fibre Optic Cable & Telecommunications Infrastructure By-law.

10.2 That the Accounting Officer be authorized to publish the Draft Fibre Optic Cable & Telecommunications Infrastructure By-law for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.

10.3 That the Draft Fibre Optic Cable & Telecommunications Infrastructure By-law be referred back to the Municipal Council following the implementation and finalisation of the public participation process referred to in 10.2 above.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

KOUGA MUNICIPALITY: FIBRE OPTIC CABLE AND TELECOMMUNICATIONS INFRASTRUCTURE BY-LAW

OCTOBER 28, 2024

KLM

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KOUGA LOCAL MUNICIPALITY FIBRE-OPTIC AND TELECOMMUNICATIONS

BY-LAW

Published in the Eastern Cape Provincial Gazette no. _____ on _____ 2023.

Commenced on _____ 2023.

[Up to date as at _____]

To provide regulatory authority for the application, construction, installation, implementation, and maintenance of fibre-optic and telecommunication infrastructure within the jurisdiction of the Kouga Local Municipality;

To provide a formalized structure for the application for municipal permits and licenses to commence work and reserve control over telecommunication infrastructure;

To minimize damage to municipal infrastructure and services, and reduce the risk of injury and inconvenience caused to the community as a result of the construction or installation of fibre optic or telecommunication infrastructure; and

To prescribe punitive measures for non-compliance with this by-law.

Preamble

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS Part B of Schedule 4 to the Constitution lists municipal planning as a local government matter;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS Parliament has enacted the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), the Eastern Cape Provincial Legislature has enacted the Eastern Cape Provincial Spatial Development Framework, and the Kouga Municipality has adopted a Spatial Development Framework, which among other things set out principles which apply to the use and development of land;

AND WHEREAS the Kouga Local Municipality intends to regulate construction works pursuant to the development and maintenance of telecommunication infrastructure within its geographical area;

AND WHEREAS telecommunications service providers and the Kouga Local Municipality need to work in cooperation to ensure that fibre optic and telecommunication infrastructure development conforms with the applicable statutory requirements and realization of the municipality’s duties to the community, as a local government authority;

AND NOW, THEREFORE, BE IT ENACTED by the Council of the Kouga Local Municipality, as follows:

CHAPTER 1: INTERPRETATION AND APPLICABILITY

1. Interpretation, definitions and abbreviations

In these by-laws, the following words shall have the following corresponding meaning:

"Aesthetic or visual environment" means the visual beauty, sensitivity to, and appreciation of visual beauty of the environment.

"Affected property owner" means registered property owners within a 500m radius from the proposed telecommunication infrastructure.

"Antennas" means any system of wires, poles, rods or devices, used for the transmission or reception of electromagnetic waves and includes satellite dishes with a diameter exceeding 1.5m. It excludes domestic TV antennas less than 2m in diameter/ height and where the associated antenna mounting structure is less than 3m in length. 3m Lengths will not be permitted for private residences.

"Applicant" means a natural or juristic person to whom an electronic communications network service license has been granted in terms of section 5(2) or 5(4) of the Electronic Communications Act 36 of 2005 and other relevant sections of the Electronic Communications Amendment Act 1 of 2014. In the context of this document Applicant specifically refers to licensed Fibre Network Operators.

"Approval" means approval by the municipality, "approved" has the corresponding meaning.

"Areas of Environmental and Heritage significance" include environmental and heritage resources, including natural and cultural sites, scenic and tourist routes, which are of special value for the benefit of all, and need to be protected.

"Base Transceiver Station (BTS)" means base transceiver station, which consists of a configuration of transmitting and receiving antennas capable of transmitting and receiving electromagnetic fields to and from mobile phone users residing within a specific area of radio coverage.

"Base Station Controller (BSC)" means the device that controls what is happening between various base transceiver stations.

"Biophysical Environment" means the material environment of the site and includes the ecological, geological and the hydrological, and atmospheric elements of the environment.

"Bituminous product" means a black or dark-coloured solid or viscous cementitious substance with adhesive properties consisting of high molecular weight hydrocarbons derived from the distillation of petroleum or natural asphalt and is soluble in carbon disulphide, commonly used for road construction, roofing, and waterproofing.

"Building" means building as defined in the National Building Regulations and Building Standards Act No. 103 of 1977.

"Building Plan" means a schematic reflection of buildings or structures to be erected within a specific zone.

“Backfilling” refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade, and subgrade, but excludes the surfacing (see Reinstatement).

“Camouflage” means action taken to disguise masts to minimize the visual impact of masts on the community. May take the form of a tree, lighthouse, windmill, or forest outlook.

“Certificate of Completion” means the document issued by the Professional Engineer appointed by the Wayleave Holder as proof that Work in the public road reserves has been completed according to the specifications of this document.

“CIBD” means the Construction Industry Development Board established in terms of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000).

“Closed Network” means that the Fibre Network Operator retains exclusive access to physical network infrastructure and offers internet services as a Service Provider.

“Consultant” means a person registered in terms of section 19 (2)(b) of Act 46 of 2000“

“Contractor” means a natural person or juristic entity that undertakes to provide building materials, plans, drawings, labour, and perform construction services pursuant to the work described in the wayleave application.

“Control zone” and/or “area of Control” refers to the degree of control to be applied in a specific area, i.e., maximum, high, partial, or low control zone, according to the sensitivity and developmental status quo of the area.

“**Council**” means the Kouga Municipal Council established by Provincial Notice No. 6770 of 2000 dated 1 October 2000, as amended, or its successor in title, and any committee or person to which or whom an instruction has been given or any power, function or duty has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

“Deeds Registries Act” means the Deeds Registries Act, 1937 (Act No. 47 of 1937), as amended.

“Dish antenna” bears the same meaning as “antenna” but is normally shaped like a dish or disk and therefore referred to as a dish-antenna.

“Distributed Antenna System (DAS)” means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A distributed antenna system may be deployed indoors (an iDAS) or outdoors (an oDAS).

“ECA” means the Electronic Communications Act, Act 36 of 2005 as amended.

“Electromagnetic energy (EME)” is a term that includes electromagnetic radiation and applies to all Telecommunication Mast Infrastructure that transmits or receives electronic communication signals.

“Emission” means the emanation of micro-waves and/or radiofrequency emission by the antennas/ base stations.

“Environment Impact Assessment (EIA)” means an assessment of the possible impact of base stations/ masts on the visual, physical, biophysical and health and safety of the environment, as prescribed in terms of the National Environmental Management Act, 1998, Act 107 of 1998

“Environmental Management Plan (EMP)” is a contractually binding guideline document for use with the implementation of the construction on a site to manage and mitigate environmental impacts associated with that construction.

“Equipment room” means a structure to house communication equipment associated with Telecommunication Mast Infrastructure. This can be a separate building or container used exclusively for the equipment or it can be a room within a building.

"Fibre Cable Infrastructure" means the cable routes, sleeves, pipes, ducts(conduits) and access manholes/hand holes, the fibre optic cable, street cabinets, and termination hardware components comprising a fibre communications network which is utilized to provide communication services (Internet, video, data, and voice) to business and residential customers employing fibre optic technology.

“Fibre Network Operator” means a natural or juristic person to whom an electronic communications network service license has been granted in terms of section 5(2) or 5(4) of the Electronic Communications Act 36 of 2005 and who build and own Fibre Cable Infrastructure to deliver communication services to residential and/or business customers.

“Footprint” means the area of coverage and public access to a telecommunications network.

“Freestanding Base Telecommunication Station (FBTS)” means a freestanding support structure on land or anchored to land and used to accommodate Telecommunication Mast Infrastructure for the transmitting or receiving of electronic communication signals and may include an access road to such facility.

“FOC” means Fibre Optic Cable

“FTTH” means Fibre to the Home.

“Global System for Mobile Communications (GSM)” means the international operating standard which is compatible standards and frequencies between different networks around the world to allow for features such as international roaming. It provides a system that allows that anybody can make a telephone call anywhere and anytime where there is coverage and capacity, and emphasis are on the mobility of communication.

“GPR” means Ground Penetrating Radar

“Habitable structure” means any structure where people may reside.

“High control zone” means natural areas, rural areas, and urban areas of maximum control. Include, but are not limited to, natural open spaces and urban conservation areas, the interface of natural landscape with built-up areas, bodies of water, rivers, ridges, forests open recreation areas, characteristic vistas, special tourist areas, skylines, and visual zones along freeways in urban areas, unless the municipality after obtaining a strategic environmental assessment designates areas along such freeways as areas of partial or minimum control.

“HSE” means Health, Safety, and Environment

“ICASA” means the Independent Communications Authority of South Africa, established in terms of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).

“ICNIRP” means International Commission on Non-Ionizing Radiation Protection.

“ISP” means Internet Service Provider.

“Land Use” means the use of a property for a specific purpose.

"Lattice mast" means an assembled tower structure consisting of a framework of metallic or any other strong material and can also be divided into sections. Also meaning a structure consisting of cuttings or pieces of something cut-off at right angles to an axis and assembled.

"Low control zone" means areas that require minimum control such as areas of concentrated economic activity, where business is the main focus (Central Business District), industrial areas, shopping centres (secondary activity nodes), central office precincts, industrial enclaves, and shopping centres in industrial areas and industrial parks, entertainment districts or complexes and prominent transport nodes excluding nodes of exceptional historical or architectural value.

"Licensee" an Electronic Communications Network Service Licensee as described in the Act.

"Mast" means a pole or tower structure.

"Mast farm" means several masts located on one land parcel and/or in very close proximity of each other to serve different service providers and/or operators.

"Maximum control zone" means acknowledged and well-known areas of cultural importance, heritage and archaeological sites, historical sites and buildings proclaimed to National Monuments Act and/or National resources Act. It also includes, but is not limited to, nature conservation areas, botanical gardens, bird sanctuaries wetlands, dams, and pans as well as areas where Red Data species are known to occur.

"Micro Trench" means a trench that is normally created by cutting a groove in the asphalt whose depth and width vary in accordance with the number of ducts to be installed in the trench**;** depth typical ≤ 300mm, width typical ≤ 50mm. To guarantee that protection against damage and impact resulting from road-repairing, the depth of the duct and/or cable infrastructure should be maintained constant at a known level that should be at least 50mm deeper than the foreseen asphalt cutting depth normally specified for road surface repair works.

"Minor freestanding base telecommunication station (MFBTS)" means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals. The telecommunication infrastructure will form part of the base station that may be attached to streetlamps, traffic lights, road directional signage, camera poles, and flag poles or similar support structure which may not exceed:

- 15m in height measured from existing ground level, or
- 300mm diameter for the post or support structure to which the antenna is to be attached.
- A screened container for antennas attached to, or included in the mast may not exceed:
- 500mm diameter
- 2m height: An equipment container may not exceed:
- 1m x 1m x 1m cube above existing ground level.

"Mobile Switching Centre (MSC)" means the device that interfaces with other networks (such as the fixed-line networks operated by Telkom). The device decides whether a call stays in the GSM network or whether it should be routed to another network and check whether the subscriber is legal. The device is making decisions about switching calls.

"Mono pole" means a single-pole structure.

"Modification of Telecommunication Mast Infrastructure" means the modification to the physical structure or radiofrequency emissions of telecommunication infrastructure.

"MSA" means Local Government Municipal Systems Act 2000 (Act 32 of 2000).

"Municipal Area" means the jurisdiction area of the municipality.

"Municipality" refers to the Kouga Local Municipality and includes the Council, any executive councillor, or committee established by the Municipality, or any employee thereof, or duly authorized agent thereof acting in connection with this By-Law by virtue of a power vested in the Municipality and delegated to such employee or agent.

''Municipal property'' means property that, for the purposes of this Policy, is requested for the roll-out of electronic communications networks or the installation of electronic communications facilities including but not limited to:

(a) roads and road reserves;

(b) pavements, curbs, pedestrian walks, and cycle paths;

(c) drainage facilities;

(d) underground ducts, pipes conduits and tunnels;

(e) poles, gantries, signs, and similar structures;

(f) other high sites such as water towers, buildings, masts, etc; **(Please note OB 8.5)**;

(g) municipal water and sewer lines; **(Please note OB 8.5)**

(h) municipal utility facilities;

(i) municipal traffic signals and signs;

(j) street lighting poles and similar street installations including overhead cables;

(k) trees on the municipal property;

(l) land and buildings owned by the municipality; and

(m) any structure owned by the municipality.

"NBR" means the National Building Regulations and Building Standards Act No.103 of 1977.

"NDOH" means the National Department of Health.

"NEMA" National Environmental Management Act No.107 of 1998.

"Open Network" means access is granted to multiple Service Providers to wholesale services on one physical network infrastructure. This enables Service Providers to reach the subscriber without the need to deploy a new fibre access network themselves.

"Partial control zone" means areas characterized by a greater degree of integration and complexity of land use which require a lesser degree of control, such as high density mixed residential areas, in transition and residential areas where office and commercial encroachment has taken place and low-density suburbs, suburban shopping centres, and office parks, ribbon development along main streets, educational institutions, sports fields or stadiums, commercial squares, government

enclaves and smallholdings of urban nature with a higher population and density than rural smallholdings.

‘‘Permit’’ means a document in terms of which the municipality grants an electronic communications operator the right to use or occupy a municipal or private property for the purposes of installation of electronic communications facilities.

‘‘permit conditions’’ means the conditions associated with a permit, including the rights, obligations, and liabilities of the operator as well as the payment of fees determined by the municipality.

“Person” shall be interpreted to refer to either a natural person or a juristic person.

“Professional Engineer” means a person registered as a Professional Engineer/ Technologist in terms of the Engineering Professions Act, 2000, who is registered with ECSA and appointed and funded by the Wayleave Holder to ensure compliance with the Conditions of Approval of the Wayleave. Appointment of such a person is required to control the Works.

“QCP” means Quality Control Process

“QMS” means Quality Management System

“**Public Road Reserve**” means the full width of a public road and includes both the verge areas and the roadway.

“Reinstatement” refers to replacing the bituminous surfacing, paving blocks, or grass, as applicable, in the case of roads, footways, and verges.

“Rooftop antenna” means antennas and other relevant transceiver equipment which is installed on rooftops of buildings and/or against a building.

“Rooftop Base telecommunication station (RBTS)” means a support structure attached to a roof, side, or any other part of a building and used to accommodate Telecommunication Mast Infrastructure for the transmitting or receiving of electronic communication signals.

“Rural area” means an area forming a transition between urban areas and un-spoilt natural areas and includes intensive agricultural and peri-urban small holdings of predominantly rural nature and with a relatively low number of cellular users per square kilometre.

“Satellite dish” means any device incorporating a reflective surface that is solid, open mesh, or bars configured that is shaped like a shallow dish, cone, horn, or other and is used to transmit and/or receive electromagnetic signals.

“Sectional pole” bears the same meaning as “Mono pole”.

“SDF” means the Spatial Development Framework approved by Council.

“Site” means a property, which includes the area of any building, yard, courtyard, or garden on an erf and in relation to FAR, coverage and parking calculations, the whole of the area registered as an erf or other piece of land including the area of any servitude registered over such an erf or other piece of land.

“Site share” means the sharing of existing telecommunication infrastructure by various cellular communication providers. Normally an additional BTS is provided in the “site” wherein existing infrastructure is provided, and additional antennas are affixed to existing masts.

"Service Agency" means any municipal department, other organ of state, public agency or company that utilizes municipal property to supply a public service.

"Service Coordinator" means the official appointed or otherwise delegated by the Council with the responsibility to carry out the administrative functions of receiving and processing applications for wayleaves, obtaining comments from the various internal and external service agencies, and following the decision by the Council, conveying this decision in writing to the applicant, namely to approve with conditions, or reject with reasons, any application, and to provide record- keeping of each application and installation, provided that this by-law will not be interpreted to prohibit the Council to delegate to the Service Coordinator the authority to decide on applications submitted in terms of this by-law. The Service Coordinator function is normally vested in the Roads and Stormwater Department/Division of the local municipality to whom Wayleave applications to construct and install telecommunications services in the Public Road Reserve are submitted.

"Service Information" means public service infrastructure positioned or installed above the ground, on the ground, and below the surface of municipal property, and includes electrical and gas infrastructure, road, stormwater, water infrastructure, sanitation services, environment facilities, or any other utilities or services.

"Service Provider" means a company that provides internet connectivity services to individuals and organizations.

"Site" means a property, which includes the area of any building, yard, courtyard, or garden on an erf and in relation to FAR, coverage and parking calculations, the wholeof the area registered as an erf or other piece of land including the area of any servitude registered over such an erf or other piece of land.

"SPLUMA" means Spatial Planning and Land Use Management Act, 2013.

"Telecommunication Centre" A land and/or buildings used for telecommunications and may include cell phone masts and base station, satellite dishes, antennas, and electronic equipment.

"Support structures" means pole, monopole, guyed tower, lattice tower, freestanding tower, or any other tall structure that is designed to accommodate antennas designed or constructed to accommodate telecommunication equipment and/or antennas.

"Telecommunication Mast Infrastructure (TMI)" means any part of the infrastructure of a telecommunication network for radio/wireless communication, including voice, data, and video telecommunications that are used in the transmission or reception of electromagnetic waves. This includes the following:

i. Freestanding base telecommunication station (FBTS);
ii. Rooftop base telecommunication station (RBST);
iii. antennas;
iv. any support structure;
v. equipment room (defined);
vi. radio equipment (irrespective of spectrum used); and
vii. optical communications equipment (laser and infra-red) provided by cellular network operators and any other telecommunication provider as well as all ancillary structures and the associated feeder cables between the communication equipment and the antennas, needed for the operation of TMI.

"Telecommunication Network" means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy.

"Telecommunication Provider (TP)" means the holder of a telecommunications license in terms of the Electronic Communications Act (2005).

"Telecommunication Services" means services provided by a Telecommunications Provider, or a specified set of user-information transfer capabilities provided to a group of users by a telecommunications network but excludes broadcasting and television.

"Telecommunication Structure" means any tower, mast, pole, structure, or building designed or constructed to accommodate telecommunication equipment and/or antennas.

"The Works" means the implementation and establishment of an optical duct and associated manholes/handholes, etc. network.

"The Contractor" means the Contractor appointed to perform the duct construction following this policy and Tender specification.

"Unauthorized person" means any person who is not employed by the operator of the infrastructure and who is not trained or conversant with the occupational exposure hazards and precautionary measures required to be taken to prevent exposure to Radio Frequency levels that could be harmful to health;

"Urban area" means a human settlement with a population of more than 2500 people, with a high volume of cellular users per square kilometre.

"Wayleave" is an easement consisting of written approval and permission granted to carry out Work on Municipal Property. A Wayleave is issued by the responsible Service Coordinator. A Wayleave authorize a Fibre Network Operator or a Telecommunication Provider to construct and install telecommunications services on Municipal land; and

"Wayleave Holder" means an Applicant who has been granted Wayleave authorisation.

"Wayleaves Unit" means the municipal department established to administer the applications by licensees under these by-laws and to regulate the work done thereunder under the direction of the Service Coordinator.

"Work" refers specifically to construction or maintenance work done by a Contractor in respect of a Wayleave.

"Zone" and/or "use zone" have the meaning assigned to it in the relevant Town Planning Scheme of the municipality that is revised from time to time. It does not have the same meaning as "control zone" as defined above.

ACRONYMS:

BTS	-	Base Transceiver Station
BSC	-	Base Station Controller
EIA	-	Environment Impact Assessment
EME	-	Electromagnetic Energy
EMF	-	Kouga Environmental Management Framework
ECPHRA	-	Eastern Cape Provincial Heritage Resources Authority

GSM	-	Global System for Mobile Communications
ICASA	-	Independent Communications Authority of South Africa
ICNIRP	-	International Commission on Non-Ionizing Radiation Protection
MSC	-	means Mobile Switching Centre
NEMA	-	National Environmental Management Act
NEMPAA	-	National Environmental Management Protected Areas Act
RF	-	Radio Frequency
ROD	-	Record of Decision
TI	-	Telecommunication Infrastructure

2. Application

The provisions contained in this by-law apply to the construction, deployment, and removal of all existing and future telecommunication infrastructure, fibre-optic cable installations, and wayleave applications within the jurisdictional area of the Municipality, with retrospective effect in respect of wayleaves already issued, and fibre network infrastructure and telecommunication mast infrastructure already installed and constructed prior to this by-law coming into force.

CHAPTER 2: WAYLEAVES

3. Application for the construction or installation of Fibre Network infrastructure and telecommunication services

(1) No person may undertake any work pertaining to the construction, installation, maintenance, or demolition of telecommunication infrastructure unless that person has obtained a written wayleave approval from the Municipality before the undertaking of such work.

(2) An application for a wayleave shall be made to the Municipality on the application form and upon payment of the prescribed fee.

(3) The duly completed application form for a wayleave must be accompanied by –

(a) Confirmation of a written request made to the relevant department at the Municipality for Service Information at the geographical location where the work is intended to be undertaken;

(b) An acceptance of public liability and indemnification of the Municipality against all forms or risk pursuant to, or likely to result from, the undertaking of work described in the wayleave;

(c) Confirmation of public liability insurance cover by an approved registered financial services provider no older than 14 days from the date of the application, in an amount determined by the Municipality, in its discretion, having regard to:

i. the nature and scope of the work,

ii. the proximity to public roads and private property,

iii. the risk of injury to the public, and

iv. any other relevant factor.

which insurance cover shall remain active for the duration of the work;

(d) A copy of the applicant company's registration documents depicting the current active directors or members (in the case of juristic persons), or a copy of the identity document of the applicant (in the case of natural persons);

(e) A resolution by the board of directors of the applicant, resolving that the applicant intends to apply for a wayleave to undertake the work and authorizing a named individual to sign the necessary documents on behalf of the applicant (in the case of juristic entities);

(f) Proof of the applicant's primary place of business (in the case of juristic entities), or place of residence (in the case of natural persons)

(g) If the work is likely to have an impact on the flow of traffic, then a traffic accommodation plan showing how vehicular and pedestrian traffic will be accommodated during the execution of the work;

(h) The particulars of the appointed Contractor, with proof of the Contractor's Construction Industry Development Board (CIDB) registration;

(i) Proof that an environmental impact assessment as required in the National Environmental Management Act, 1998 (Act 107 of 1998) was undertaken, if applicable;

(j) Date and geo-referenced photographic evidence of all existing conditions, taken prior to commencement of work, clearly showing the area and immediate surrounds in the vicinity of the proposed work;

(k) Proof that an environmental impact assessment as required in the National Environmental Management Act, 1998 (Act 107 of 1998) was undertaken, if applicable;

(l) An assessment of the health and safety risks to the public and the particulars, including the contact details, of the representative responsible for ensuring that health and safety guidelines are being adhered to;

(m) A detailed planning programme for the work, including the commencement and completion dates for each section of the work. Any changes to this programme must be approved by the Service Coordinator in writing;

(n) An application letter on the applicant's company letterhead containing the contact details of the applicant (address/tell/cell/e-mail), signed by an authorized person, providing a brief summary of the project details and scope;

(o) A site layout plan, engineering plans, and proposed building plans indicating proposed services, and dimensioned from either erf boundary or kerb line, details of proposed and existing services and/or structures, and existing fibre installations of all Fibre Network Operators along the full route, if applicable;

(p) Proof of payment of the applicable fees and tariffs.

(4) Applications for the installation or construction of telecommunication masts infrastructure shall be accompanied, in addition to the items listed in Section (3) above, by the following-

(a) A zoning certificate, if necessary;

(b) The site coordinates;

(c) A radiation frequency report by a qualified person and approved by ICASA;

(d) A copy of the title deed of the property on which the TMI is to be constructed or installed;

(e) A copy of the lease agreement, if the property is leased;

(f) Comments by the residents of the neighbouring properties, if the TMI is to be constructed or installed in an urban area;

(g) Proof of authorization by the SA Aviation Authority, if necessary;

(h) Proof of authorization by the South African Heritage Resources Agency, if the intended telecommunication masts infrastructure is located next to Heritage sites;

(i) A zoning certificate, if necessary;

(j) A letter of consent by the School Governing Body, if constructed or installed on school property; and

(k) A letter of consent from the Tribal Authority, if constructed or installed on tribal land.

(5) All applications for the deployment of fibre cable infrastructure shall be accompanied, in addition to the items listed in Section (3) above, by the following-

(a) The applicant's ICASA Class Electronic Communication Network Services (CECNS) license;

(b) The applicant's ICASA Electronic Communication Services (ECS) license;

(c) Proof that the applicant has informed all active fibre network operator licensees of its wayleave application; and

(d) Proof of expertise and experience regarding the construction, maintenance, and operation of fibre networks, if requested.

(6) The final approved wayleave must be collected by the applicant or the Contractor, or its authorized agent, who shall provide proof of such authority.

(7) The Municipality shall require payment of a refundable security deposit or a guarantee issued by a registered financial services provider for the duration of the work, equal to no less than 10 (ten) percent of the total estimated project value, before granting a wayleave approval for any work that requires trenching.

(8) Any person who intends to construct, maintain, alter or remove any pipes, tunnels, or tubes required for electronic communications network facilities under any street, road, or footpath, must provide written notice to the Service Coordinator at least thirty (30) days before commencement of the intended work unless the work carried out is pursuant to emergency repairs made to municipal infrastructure required for the delivery of services.

(9) The Municipality shall be indemnified by an owner of telecommunications infrastructure against liability for damage caused as result of effecting emergency repairs to municipal infrastructure unless such damage was caused due to gross negligence or intent on the part of the Municipality's employees or duly authorized agents.

4. Wayleave approval, commencement of work, and post-work reporting

(1) The Municipality may, after receipt of an application, grant a wayleave on such conditions and with such directions as it may deem necessary, which may include:

a) a description of the work to be done, with or without limitations, and the required specifications as to its quality;

b) the timeframe within which work must be done;

c) the days and times during which any work or certain work-may or may not take place;

d) geographical location of the work to be done;

e) the manner and method of doing the sub-surface work;

f) the provision of access crossings for vehicles and pedestrians;

g) health and safety requirements;

h) a prohibition on the use of certain types of mechanical trenching equipment;

i) the provision of signage stating the name of the wayleave holder and its appointed Contractor, with contact details;

j) the phasing of the work programme;

k) the provision of warning signs, barriers, and hoarding around the work;

l) the execution of any preliminary works and crosscuts to establish the precise position of existing services when information on such services is unclear;

m) the provision of storage for rubble, sand, or soil during the work;

n) the presence of a supervisor; or where necessary, a Professional Engineer, on the site of the work;

o) The indemnification of the Municipality against any third-party liability claims of whatever nature associated with their work;

p) specific conditions required by service agencies; and

q) reinstatement requirements.

r) Payment of refundable security deposit or provision of a guarantee issued by a registered financial services provider for the duration of the work, equal to no less than 10 (ten) percent of the total estimated project value, as security for the risk of damage to municipal property or to rectify any unsatisfactory reinstatement.

(2) Only the work determined in the wayleave granted by the Municipality in terms of subsection (1) may be undertaken by the holder of the wayleave and it may only be undertaken at the location described in the wayleave.

(3) Before the commencement of work, but after the granting of the wayleave, the applicant must-

(a) Provide a physical plan of the work including the intended placement of any wires, cables, pipes, tubes, or the like, and the coordinates of the beginning, end, and all bend points in between, in the electronic file format required by the Council from time to time; and

(b) At its own cost, give notice to all residents, businesses, and other concerns in the path of or adjacent to the work, who are likely be affected by the work, providing details of the extent, duration, and precise location of the intended work; and

(c) Provide proof of advertising, where applicable, of the work in a newspaper circulating in the municipality giving the public warning and detailed notice of the extent, duration, and precise location of any project, provided that the Service Coordinator, may in his or her discretion, exempt the applicant from this requirement where the proposed work will have minimal impact on other persons, including other applicants.

(4) Upon completion of the work, the Municipality must be provided with-

(a) The Geographical Information System (GIS) coordinates of the installed infrastructure and electronic copies of the drawings of the work done;

(b) A signed confirmation by the Municipal official appointed as the Director of Civil & Water Services, stating that the work was carried out to completion and is of a satisfactory standard; and

(c) A request for the refund of the deposit, if applicable, accompanied by the banking details on a company letterhead or a bank stamped bank statement.

5. General provisions in respect of executing work pursuant to a wayleave

(1) A wayleave holder shall commence work within 60 (sixty) days from the date of receiving the wayleave approval.

(2) Wayleaves are not transferable to third parties. Any person who attempts to sell or in any way transfer a wayleave to another party without the Municipality's prior written consent shall be guilty of an offense punishable in terms of Section 11 of this by-law.

(3) A Wayleave approval will only be issued once all the requirements have been complied with and will be subject to any conditions imposed by the Municipality Service Coordinator.

(4) Only the work determined in the wayleave granted by the Municipality in terms of subsection (1) may be undertaken by the holder of the wayleave and it may only be undertaken at the location described in the wayleave.

(5) Should the project / proposed works exceed the time frames for which the wayleave is valid, the wayleave holder may make a request for an extension in writing to the Municipal official appointed as the KLM Service Coordinator – Wayleave Policy Administrator.

(6) Where installed Telecommunication Infrastructure requires the supply of electricity, the Telecommunication Provider must apply to the Municipality for the installation of a metered electricity point, which consumption charges shall be billed monthly to the wayleave holder's account.

(7) The Municipality shall exercise its lien in terms of Section (12) of this by-law as security, should a wayleave holder default on electricity account payments.

6. Termination or suspension of a wayleave

(1) A wayleave may be suspended or terminated at any time by the Municipality if-

(a) the wayleave holder acts or has acted beyond the scope or in contravention of a condition to the wayleave or any provision of this by-law;

(b) the wayleave holder has failed to adhere to the predetermined timeframes due to its own wilful misconduct or negligence, or the Contractor does not possess the necessary skill, expertise, or experience to carry out the work; or

(c) the work has been carried out in such a reckless or negligent manner that it has caused or is likely to cause injury to any person or undue burden on the flow of traffic that could otherwise have been avoided.

(d) Public road reserves are Municipal property and accommodate numerous municipal services, including roadways, signage, stormwater systems, water networks, sewer conveyance networks, electricity networks, sidewalks and trees.

Private services in a public road reserve must be coordinated and well managed within the available space restriction of the road reserve and surroundings. Installation of private services must also be carefully managed and controlled to protect municipal services from immediate damage during installation of these private services and that may also result in future damage during Municipal maintenance and/ or upgrades to their services

(2) Should the wayleave be suspended or terminated as contemplated in paragraph (1) above, then the Municipality will, in its discretion, be entitled to:

(a) direct that defective work be rectified by the wayleave holder before proceeding with any further construction;

(b) undertake the completion of the work or request that a third party complete the work;

(c) do remedial works to work done where the quality of the work is below the standards imposed by the municipality or any other applicable legislation; and

(d) recover the cost of such remedial work or the cost of completing the work from any security deposit paid to the municipality, or if such security deposit is insufficient, from the wayleave holder any amount necessary for the recovery of the reasonable costs incurred by the Municipality.

(e) reject any future applications submitted by the person whose wayleave was suspended or terminated.

7. Emergency repairs

(1) In the event that the Municipality undertakes any emergency repairs or maintenance to Service Information, and during the course of effecting such emergency repairs cause damage to any infrastructure, cables, conduits, pipes or electrical wiring of a private owner, then the Municipality shall be indemnified against liability by such private owner for losses incurred resulting from such damage, unless the damage was caused due to gross negligence or positive intent on the part of the Municipality's employees or duly authorized agents. –

(2) In the event that a private owner of any infrastructure, cables, conduits, pipes or electrical wiring needs to perform emergency repairs or maintenance, the process prescribed in section (2) above may be waived by the Municipality, provided that: -

(a) the private owner was previously a wayleave holder;

(b) the tradesman or Contractor provides a certificate setting out the urgency, scope and nature of the repairs; and

(c) the Municipality is satisfied that the private owner or the public may likely suffer unnecessary and undue hardship should the requirements contained in Section (2) not be waived.

8. Reinstatement time frames

(1) The following reinstatement time frames apply:

(a) Reinstatement of roads and pavements: 5 days

(b) Repairing damaged water or sewer pipes: 12hours

(c) Repairing damaged electrical cables: 12 hours

(d) Repairing of road signs: 24 hours

(e) *Manhole to manhole completions: 5 days*

CHAPTER 3: FIBRE OPTIC AND MAST TELECOMMUNICATION INFRASTRUCTURE

Electronic Communications Act

The main piece of legislation governing the regulation and administration of the ICT sector in South Africa is the Electronic Communications Act (ECA, Act 36 of 2005) which has as its objects the following: To promote convergence in the broadcasting, broadcasting signal distribution, and telecommunications sectors and to provide the legal framework for convergence of these sectors; to make new provision for the regulation of electronic communications services, electronic communications network services, and broadcasting services; to provide for the granting of new licenses and new social obligations; to provide for the control of the radio frequency spectrum; to provide for the continued existence of the Universal Service Agency and the Universal Service Fund, and to provide for matters incidental thereto.

Amongst some focus areas, the ECA regulates the licensing of electronic communications service providers and network providers, the control of radio frequency spectrum, provides for the deployment and/or construction of electronic communications networks and facilities (and the development of guidelines to direct the rapid deployment of those activities), and establishes the Universal Service and Access Agency of South Africa (USASAA) and provides for the Universal Service and Access Fund (USAF).

Of particular note for public and private land administrators and authorities responsible for managing land use, land development, and associated aspects such as approval of wayleaves, servitudes, and building plan approvals, are the provisions in Chapter 4 of the ECA that permit Electronic Communications Network Services (ECNS) licensees much leeway in accessing land for the deployment of linear infrastructure and electronic communications facilities.

However, various Acts are regulating a Municipality's responsibilities affecting the rollout of Telecommunication equipment, Broadband internet, and managing the licensing of ICT network providers and ICT service providers: In effect, the market conditions that are created by the policy and legal frameworks in place determine the "rules of the game". Legislation that impacts Internet and telecommunication infrastructure rollout are The National Environmental Management Act (Act 107 of 1998 as amended, the Amended Environmental Impact Assessment Regulations, 18 June 2010 (GN543), (Listing Notice 3, GN546), Section 34 of the National Heritage Resources Act (Act 25 of 1999), Town Zoning Scheme Regulations, National Building Standards and Building Regulations Act 103 of 1977, and the Hazardous Substances Act (Act 15 of 1973). The relevant legislation and the applicable impact of the legislation will be discussed under the relevant sections of this Policy.

9. SECTION 1: TELECOMMUNICATION MAST NETWORK

Due to improvements in mobile devices (smartphones) and the demand for mobile data, the coverage that each mast can provide has shrunk. Thus, there is a continual need to provide more masts as coverage is lost thus, the distance between the masts is reducing. Landlords, topography, and demand tend to dictate the location of masts. For example, mountainous areas often require high masts due to the topography.

3.1.1 Desired outcomes

The overarching premise is to facilitate the growth of new and existing telecommunications systems and facilitate the provision of TMI in an efficient, cost-effective, environmentally appropriate, and sustainable way.

The aims are to:

- Promote economic business activity within the Municipal area;
- Give clarity and certainty to the industry and the general public with regards to acceptable locations and positioning of TMI;
- Provide a comprehensive set of guidelines;
- Improve the quality and efficiency of decision making;
- Improve consistency of decision making throughout all Municipal Departments and in the setting of conditions for planning applications; and
- Improve awareness and a quicker response to changes in TMI and its related industry.

3.1.2 Strategic Intent

Control over the installation of TMI falls within the ambit of municipal planning, which, in terms of the Constitution is a municipal competency. In terms of the MSA and the Constitution, Council must satisfy itself that it is addressing its responsibility, inter alia, its duties towards its community placed upon it by such legislation, in this case, its obligation to provide a safe and healthy environment and to promote the economic wellbeing of the municipal area. As seen in this context, Council has a responsibility to its community to develop and apply policy around TMI. The implementation of the Policy will aid the development of a Town with ***opportunities*** which is ***well run***, ***safe*** and ***inclusive***.

3.1.3 Section Parameters

All sections of this policy apply across the area of the Kouga Local Municipality.

The Policy contains information that can assist applicants when preparing an application regarding the siting and design of TMI and information required on submission. The Policy should be consulted by TP's in both the initial planning of their telecommunications networks and before submission of applications of TMI for planning approval. Attention to the Policy will reduce the prospect of ill-conceived applications being submitted. It will also minimize delays involved in subsequent assessment and determination of applications.

The two overriding concerns of the broader public, namely, potential visual impact and possible impact on human health and wellbeing from EME emissions are addressed. The approach taken is to protect the visual character and amenity of the Kouga Municipal area

as far as possible and to minimize the health risks (known / potential and perceived) associated with EME, in line with the municipal mandate.

The responsibility for regulation and control of EME lies with the National Department of Health. This policy will not affect TMI that has been lawfully approved unless the approval lapses and a new application is to be made.

3.1.3.1 *Visual Impact*

Council encourages sensitive siting, design, and co-location or sharing of TMI to minimize the impact on its surroundings. The Policy seeks to strike a balance between the erection of necessary TMI development on the one hand, and the conservation of visual, tourist, traffic safety, environmental, and heritage characteristics on the other hand. The objective of this Policy is to ensure that placement of the TMI respects the integrity of any site on which it is erected and that it does not detrimentally affect the character of the locality in which it is displayed. TI should be placed where they are most compatible with the surrounding locality and where they impact as little as possible, on visual corridors or scenic drives.

3.1.3.2 *Health Impact*

The Municipality takes guidance from the NDOH guidelines for safe exposure to RF radiation. This policy, however, has adopted a precautionary approach by the insertion of certain additional provisions and requirements (see "Objective 10: To protect the health, safety and wellbeing of the inhabitants of the Kouga").

The cellular network provider or network provider must at all times be required to comply with the requirements of the NDOH and the ICNIRP on non-ionizing radiation protection concerning safety standards.

3.1.3.3 *Services Impact*

Most underground infrastructural services are located within Council's road reserves. Historically some service providers, and particularly Telkom, installed services in an ad hoc manner. Many of the Municipal road reserves do not have an accurate record of the type and location of these services.

Any proposals to consider additional infrastructure (including the base plinth) for TMI need to take cognizance of the logistical difficulties that may arise as a result of this uncertainty of services location.

3.1.4 Statutory Framework

3.1.4.1 Electronic Communications Act (36 of 2005)

ICASA regulates all forms of TMI and the issue of approvals and licenses. Documentation may be required showing that transmitting power levels comply with ICASA license conditions. The NDOH has the mandate and the responsibility to administer the provisions of the Hazardous Substances Act (Act 15 of 1973) concerning Group III (electronic products) and Group IV (radionuclides) hazardous substances. Devices and facilities which produce non-ionizing radiation and which are included in the Schedule of Listed Electronic Products as contained in Regulation R1302 (14 June 1991), are regarded as having been declared Group III hazardous substances, and as such, all the relevant provisions of the Hazardous Substances Act apply to them, i.e. the NDOH is the legally mandated national authority for the regulation of public

exposure to radiation and related matters and endorses the safety standards for public exposure as set by ICNIRP.

3.1.4.2 National Environmental Management Act (Act 107 of 1998 as amended) and the Amended Environmental Impact Assessment Regulations, 18 June 2010 (GN543), (Listing Notice 3, GN546):

The ***Department of Environmental Affairs and Development Planning*** is the competent authority to authorize the construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes in a) estuaries b) rural areas and c) urban areas that are outside commercial and industrial areas, where the TMI is to be placed on a site not previously used for this purpose, and where the TMI will exceed 15 meters in height, excluding attachments to existing buildings and masts on rooftops. Construction activities that may be required for TMI installation, may also trigger other listed activities in terms of this Act.

3.1.4.3 ***National Building Regulations and Building Standards Act No.103 of 1977***

The NBR and the regulations thereunder, particularly Section 7 of the Act, requires Council to be satisfied that buildings or structures are not dangerous to life or property. Other provisions in the Act are that the buildings/ structures must not disfigure the area, that they must not be unsightly or objectionable, and that they must not derogate from the value of adjoining or neighbouring properties. TMI such as FBTS is considered to be a structure as defined in the NBR and will therefore require approval in terms of such Act by Council.

3.1.4.4 ***National Heritage Resources Act (Act 25 of 1999)***

Section 34 of the Act requires a permit for any alteration or new addition to a building older than 60 years, S27 requires a permit for provincial heritage sites, including former national monuments and S38, requires a permit for a development that would change the character of certain classes of sites.

3.1.5 Council Approvals

a. Land use management within the jurisdiction of the Municipality is governed by its Zoning Scheme approved in terms of Spatial Planning and Land Use Management Act,2013 (SPLUMA).

b. Where the permitted use is silent in the scheme, a temporary land use departure can be applied for, for a limited period.

c. Applications will be advertised following legislative requirements together with Council's Notification Policy for Land Use Development Applications.

d. The erection of TMI is also controlled by the NBR. In this Act, a building includes "any other structure erected or used for or in connection with the rendering of a service". Plans for TMI must therefore be submitted to Council for approval.

e. Other approvals or checks may be required in terms of any other relevant Municipal Bylaws

f. The Municipal Manager, after thorough consideration, will approve / reject the wayleave application, in which case the reasons shall be given in writing to the applicant. The Kouga Local Municipality reserves the right to only approve work in phases, subject to conditions being met before the next phase may be executed.

3.1.6 Objectives And Guidelines

3.1.6.1 *Objective 1: To Improve and Maintain Communication*

Telecommunication networks not only facilitate economic trade in goods, by bringing together buyers and sellers but more importantly, also promote trade in services upon which modern economies are built. It can thus be seen how important communication can be for economic growth. Communication is the root of all events, daily interactions, social affairs, and anything that requires the purpose of human dealings.

Economic Consideration

OB.1.1 The telecommunications network should be as comprehensive and accessible possible.

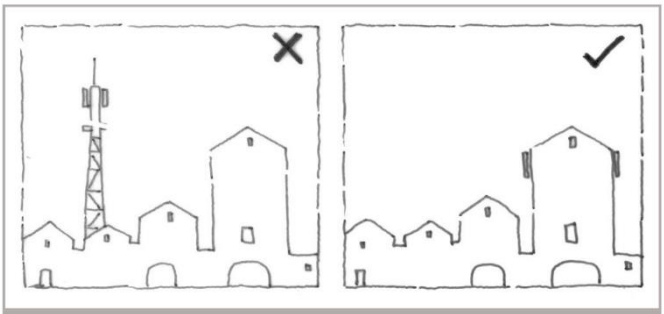
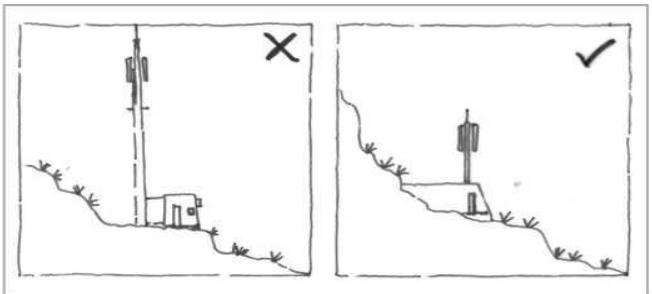
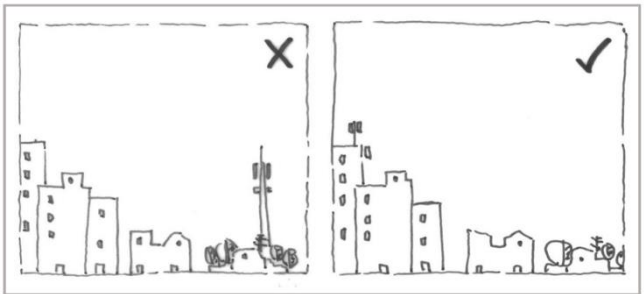
OB.1.2 Use TMI to enhance people's experience of the town (both residents and tourists), and al- low them to remain connected.

OB.1.3 Use the TMI to increasingly become a:

- Area of opportunity;
- Well run Municipality;
- Safe Area; and
- An inclusive Area.

3.1.6.2 ***Objective 2:*** **To ensure that the TMI is placed in the best possible location.**

The coverage area that TMI can reach needs to be maximized while at the same time it must be ensured that the siting is compatible with adjoining land uses and permissible land uses, that the receiving environment and heritage value (natural and built) is not adversely affected and that negative visual impacts and impacts on human health and wellbeing are minimized. Well-sited TMI will reduce the mitigation measures that are needed.

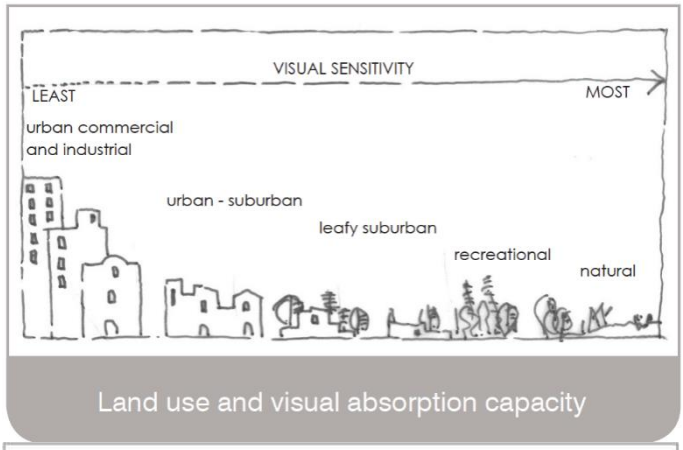
Site Selection and Co-Location	
OB.2.1 Subject to all other relevant criteria TMI should preferably be located within areas where they have the least visual impact. **OB.2.2** TMI should when developed within or abutting an area of environmental or heritage significance be located and positioned on the property where it will have the least impact on the surroundings. **OB.2.3** All possible site location alternatives should be explored early in the planning process to minimize the impact of the TMI, rather than relying only on mitigation measures to reduce the impact. **OB.2.4** In open areas, avoid placing TMI in visually sensitive zones see “Factors affecting visual sensitivity” on page 15, such as: • On highly visible skyline locations, such as ridges and coastal promontories; • In stark open fields, particularly on hill crests - rather relate the mast to other structures or clumps of trees in the area.	 Use existing structures to accommodate TMI wher-ever possible  Avoid masts and structures on the skyline  Locate TMI within industrial, commercial or business areas where possible

Factors affecting visual sensitivity

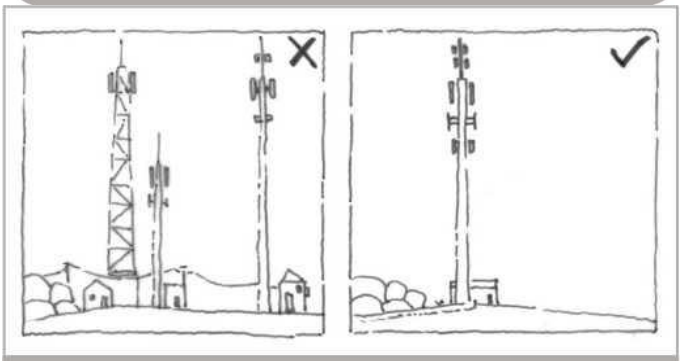
- The landscape or townscape can be seen to have varying levels of visual absorption capacity. This existing visual impact is largely dependent on landforms, land cover (vegetation), and land uses.
- Landforms such as peaks, ridges, spurs, promontories, rims, convex slopes, and steep gradients, for example, tend to be more visible and therefore more visually sensitive.

  Land with low covers, such as ploughed fields or low fynbos vegetation provide less visual absorption than thickets or woodland. Plantations, shelterbelts, and parkland tend to have the tallest canopy, although plantations may be temporary if harvested.
- Land uses such as open playing fields or low-density residential areas tend to be more visually exposed than commercial or industrial areas with large buildings.
- Visual sensitivity is related to the degree of naturalness of an area. For example, pristine areas are more scenically valuable than disturbed or urbanized sites. Generally, the sensitivity scale ranges according to the wilderness, rural or urban character of the landscape.
- The uniqueness of an area or the protection it is afforded must also be considered. Nature reserves, scenic drives, national monuments, heritage sites, and historical areas would all heighten the sensitivity of an area.

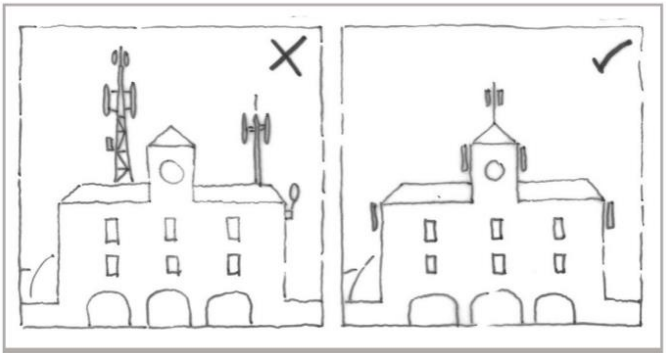
Special features, view sites, and places of interest further influence visual sensitivity at a micro-scale.



Land use and visual absorption capacity



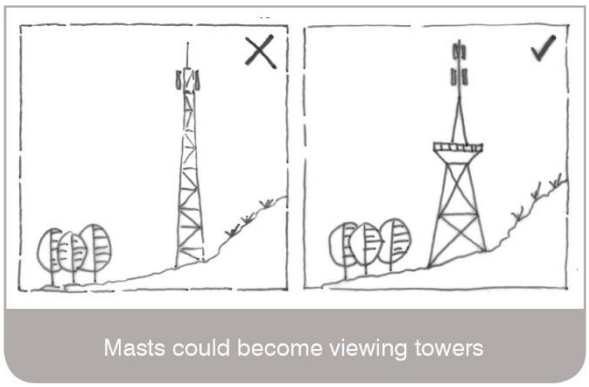
Design masts for sharing



Integrate the TMI with the existing structure or building wherever possible

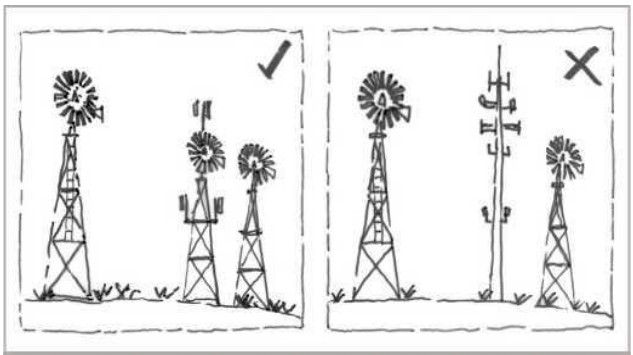
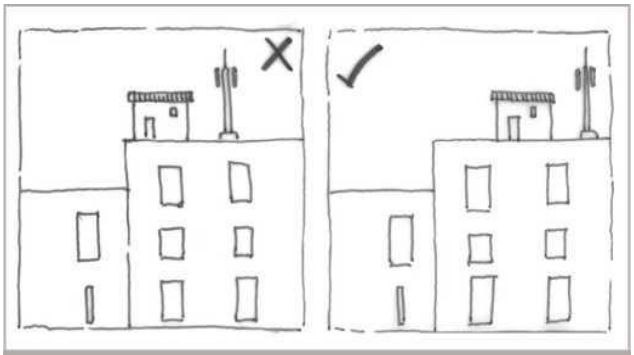
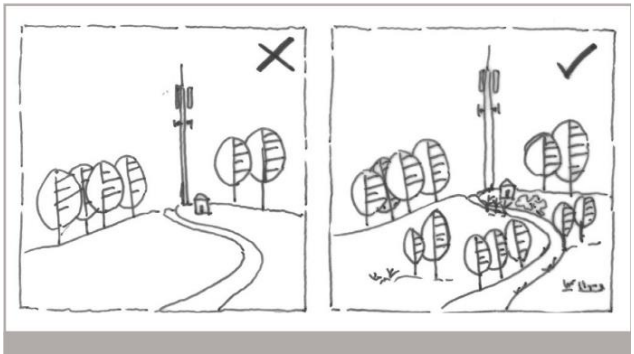
3.1.6.3. Objective 3: To ensure the co-location or sharing of TMI wherever possible

It is necessary to use existing infrastructure effectively and efficiently and minimize visual clutter. Competing TMI sites across the area is therefore discouraged.

Site Selection and Co-Location	
OB.3.1 Existing and future potential for co-location of TMI needs to be considered. A site location plan indicating the structure to be used and suggested operation frequency of the radio equipment must be submitted to the Municipality at the time of application. **OB.3.2** In any application, the benefits of co-location shall be weighed up against any possible negative effects, i.e., co-location should not be adhered to at the expense of all other considerations. These could include: • a possible increase of support structure height needed to accommodate the other providers that may be visually unacceptable; • a possible increase of power output from one location; • physical and technical limits to the loads that a support structure can support; or • planned Radiofrequency (RF) coverage may not be achieved by a particular TP at a certain location. **OB.3.3** The siting and design of TMI and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed to minimize any adverse impact on the amenity of the surrounding area. **OB.3.4** Consider the possible multiple uses of masts for landmark structures etc. Take the particular needs and character of the area into account.	 Masts could become viewing towers

3.1.6.4 Objective 4: To retain the visual integrity, special character, and amenity of the towns within the Kouga area

The proliferation of TMI could result in visual clutter which would be detrimental to Kouga's town's built and natural environment. The visual impact is especially important in natural open environments or on ridgelines. TMI should be integrated into the landscape (whether rural or urban) to be as visually unobtrusive as possible.

Visual Impact, Landscaping, and Public Amenities	
OB.4.1 TMI should be designed, sited, and integrated with existing infrastructure to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, buildings, general views in the locality, and individual significant views. **OB.4.2** Attention must not only be paid to the design of masts, but also the treatment of ancillary structures and mechanical equipment. Access roads, power lines, and fencing will all be assessed. **OB.4.3** TMI must be designed to minimize, mitigate, or avoid adverse impacts on the visual character and amenity of residential areas. **OB.4.4** The obstruction of or detraction from views of significant vistas, significant landmarks, or elements of the cultural landscape should be avoided. **OB.4.5** TP's must motivate their choice of the support structure, which should blend into the surrounding environment as far as possible. **OB.4.6** If a container is used as an equipment room on a rooftop, such container must be set back as far as possible from the edges of the roof so as not to be visible from street level. **OB.4.7** Cables should be placed underground unless it is impractical to do so and there would be no significant effect on visual amenity.	 Site to minimise adverse visual impacts  Set the equipment room as far back as possible on a rooftop  Access roads should be landscaped

OB.4.8 Newly constructed access roads or other parts of the TMI site, as deemed appropriate, should be landscaped to Council's satisfaction. **OB.4.9** Advertising signs of any type require approval in terms of the Municipality's Outdoor Advertising and Signage Bylaw. Signage should be limited to small signs, if approved in terms of the relevant By-law and not larger than 0,2m^2, displayed at ground story level needed to identify the site/property/owner, as required, and those needed at ground story level to warn of any danger, to Council's satisfaction. **OB.4.10.** Lighting should be energy efficient, fully shielded, and tilted downwards and screens should be placed around these lights to prevent vandalism. Any such measures are required to be indicated on the TMI Plan that is submitted on the application.	

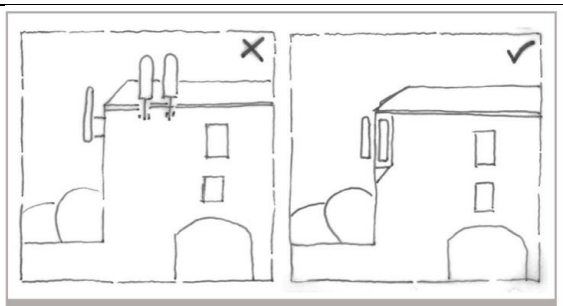
3.1.6.5 Objective 5: To design with the landscape and use modern mitigation measures to reduce the impact

The TMI should be placed and designed to respond appropriately to the surrounding landscape. Mitigation measures should be appropriate to each particular landscape and incorporated into the design.

Visual Impact, Landscaping, and Public Amenities

OB.5.1

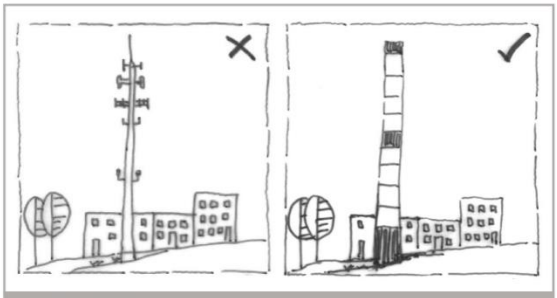
Design and siting of TMI should be integrated as far as possible with the building or support structure to which it relates. TMI such as antennas should not merely be hung off the side of a building or be attached to protrude above the top of the roof/apex of a roof but should form an integral part of the building as a design element. For heritage areas, buildings older than 60 years, and other heritage sites, the integrity of the heritage must prevail in the design and siting of TMI.



Integrate TMI with the building or support structure to which it relates

OB.5.2

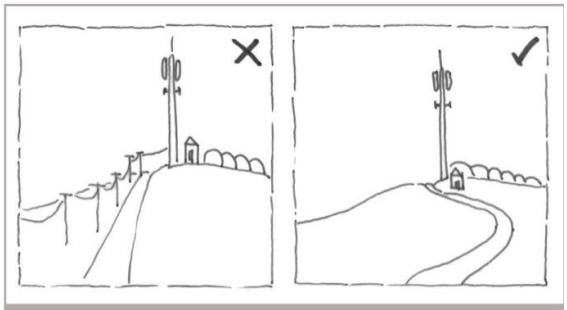
Techniques that may be used to minimize adverse visual impacts for RBTS include adjustment to the overall size (height and scale); colour/cladding to match adjacent walls, i.e. complementing facade treatment to maintain visual balance; creating an architectural feature such as aspire, column, finial, and screening to minimise visibility of the facility from adjacent areas.



The TMI can be designed as a work of urban art/furniture

OB.5.3

In the case of FBTS, design measures to mitigate visual impact are in some cases the same as those referred to above, and include: adjustment to the overall size (height and dimension); colour coding to match the predominant background (e.g. sky, vegetation); designing the infrastructure as a work of urban art/as another structure (e.g. flagpole, signpost, tree); picking up on a fencing style/type of roof pitch and repeat this for the equipment room; if there are boulders on-site use stone cladding for the equipment room.



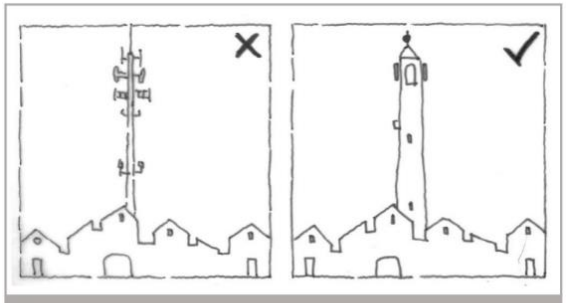
Site new road appropriately in the landscape

OB.5.4

The equipment room should be walled or fenced as appropriate in the context (metal, stone, wood, or brick) or housed in a specially designed building to match other buildings on the site.

OB.5.5

TMI support structures should preferably be located where vegetation (trees), landforms, or other features of a site will adequately screen or reduce the impact of the TMI from public areas and reduce the visual impact. Landscaping/tree planting and the maintenance thereof can be requested by

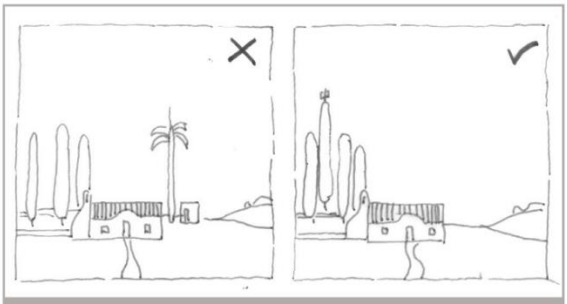


An architectural feature can be created on the building or in the landscape

Council as a measure to reduce the visual impact of TMI, even if only to screen the base of any towers and ancillary structures, and to draw attention away from the structure.

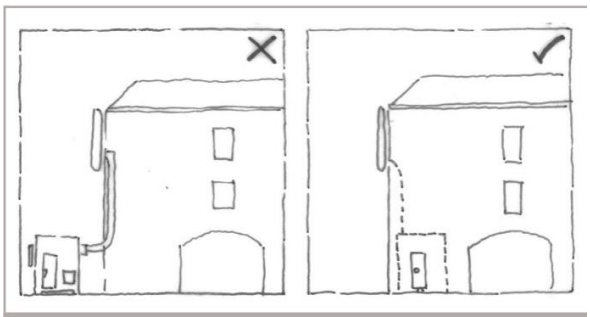
OB.5.6

Measures such as concealment, colour, and appropriate finishes and camouflage should be used, where appropriate, to minimise the visual impact

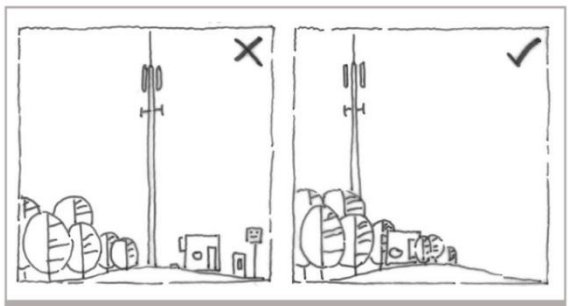


Avoid inappropriately disguised masts

Site or property characteristics	**Mitigation guidelines**
Existing fences with a common style or predominant colour that are a positive feature in the landscape	The fence around the base station site must match the style and colour of the other fences.
Walls as a positive feature in the environment.	The wall around the base station site must match the style and colour of the surrounding walls.
Existing buildings have an architectural theme.	Any structures built must respond to this theme.
Open or exposed locations where the background is mostly sky.	Any structures should be left unpainted in a galvanized finish
Existing buildings with one or two predominant colours or design elements. e.g. a brick building with a pitched roof.	Any structures should be painted from the same palette of colours. If the equipment room cannot be housed within an existing building, then its architecture must respond to the predominant design elements.
An open space or natural area	If possible, equipment container and mast must be camouflaged physically within the environment - camouflage structures (trees, rocks) or painted a suitable natural colour.
Residential areas where trees are an important landscape feature	Camouflage support structures as trees that are an appropriately part of the local landscape.
Residential areas with few trees	Place TMI on existing street features such as light poles
Urban areas	Incorporate TMI into existing buildings wherever possible.



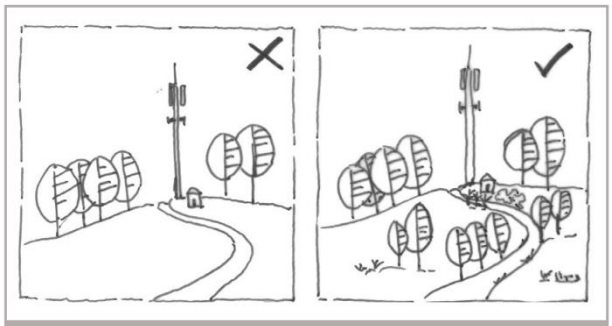
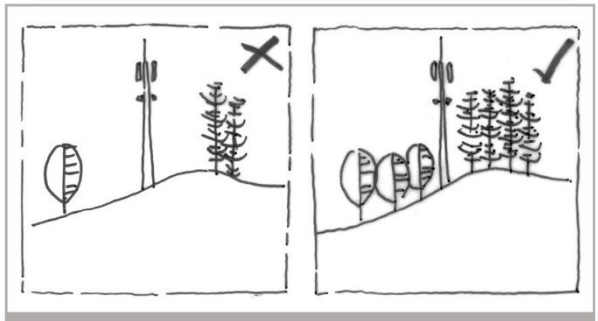
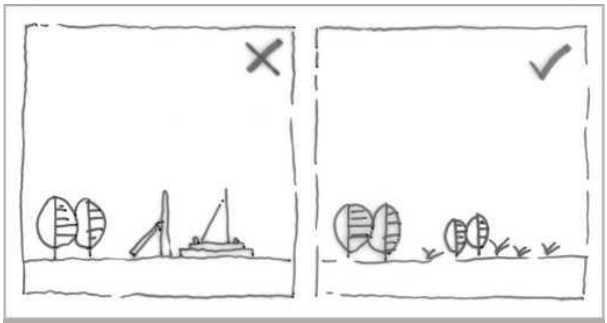
Avoid external containers and ducts



Locate TMI where trees or other landforms will mitigate the impact

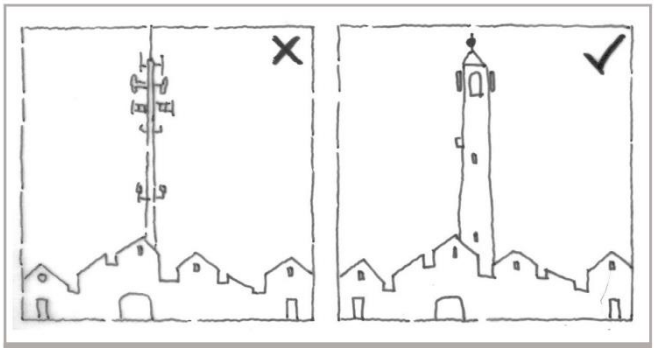
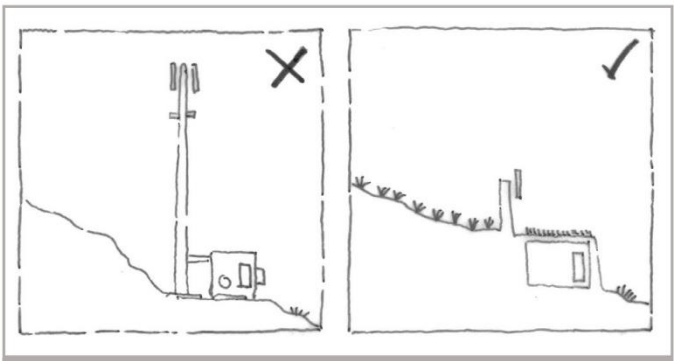
3.1.6.6 Objective 6: To retain and improve the environmental and heritage quality of the public arena

Appropriate landscaping around TMI and associated facilities should be implemented, for example, greening or softening or screening of impacts through the provision of planting, landscaping, or providing public facilities or amenities It should be ensured that TMI is sited with minimal need for tree and plant removal.

Visual Impact, Landscaping, and Public Amenities	
OB.6.1. Newly constructed access roads or other parts of the TMI site, as deemed appropriate, should be landscaped with plants, trees, and ground covers to minimize visual impacts. **OB.6.2** Where power to a base station site is required and excavation works are undertaken, the removal of mature trees or vegetation should be avoided as far as possible. **OB.6.3** On termination of use of TMI, the TP will be requested to remove all equipment from the site including the access road (if no longer needed) and the area should be rehabilitated to the satisfaction of the Council. Council may impose conditions regarding post-decommissioning rehabilitation of the site	 Landscape new TMI sites appropriately  The removal of mature trees or vegetation should be avoided as far as possible  All equipment to be removed from site on the termination of TMI

3.1.6.7 Objective 7: To preserve areas of environmental or heritage significance

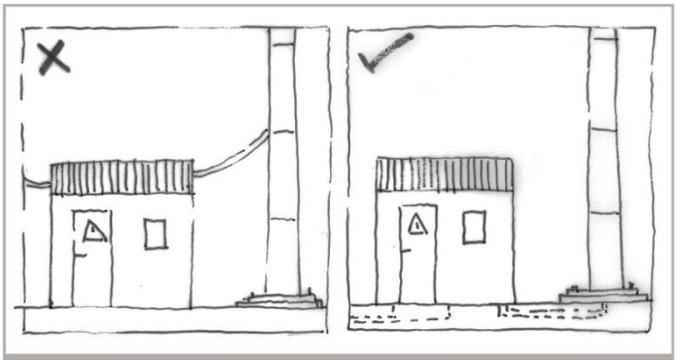
Environmental and heritage areas are of great importance to the Municipality and need to be sensitively treated. The visual impacts tend to be much higher in these areas, and if sitting in this kind of area is unavoidable, then it must be ensured that the location and design of the TMI is done in such a manner that the integrity of the landscape or resource is retained by the appropriate mitigative measures to minimize negative impact

Areas of Significance	
OB.7.1. The erecting of TMI in areas of environmental or heritage significance where it can be viewed to or from the site, with adverse impacts on the environmental or heritage resource should be avoided as far as possible. If this is unavoidable for network and technical reasons, the requirements in Annexure 2: Requirements for submission" on page 34 must be satisfied.	 In heritage areas, all structures should be in keeping with the character of the area
OB.7.2. Environmentally sensitive construction methods must be employed in the construction of a TMI site so that the natural habitat is not disturbed. Any disturbance to the natural habitat must be rehabilitated.	 Avoid obtrusive base stations in natural areas
OB.7.3. Surrounding vegetation is to be retained as far as possible. Any proposed removal of trees and vegetation is to be shown on the submission of the site plans and is to be approved by Council before removal.	
OB.7.4. In heritage areas, masts, structures, fences, etc. should be in keeping with the character of the area.	

Typical Areas of significance: 1. Land zoned Public Open Space. 2. Large boulders/rocky outcrops on the site. 3. The site abuts vacant/open space/public passage. 4. The site abuts or is within a conservation/nature area or place with National/Provincial/Local protection status. 5. River/stream/watercourse/drainage channel on or within 32m of the site. 6. Wetland/dam/water body/marshy area/high water table on or within 32m of the site. 7. The site that naturally stays filled with water in wintertime. 8. Floodplain of a river/wetland (within 1:50 year flood line/1:100-year flood line). 9. Coastline, beach, or within 100m of the high water mark of the sea. 10. Coastal dunes, Coastal forests/thickets on the site. 11. The site outside or abutting the Urban edge or constituting the last row of properties on a mountainside, rural/smallholding edge/horticultural area. 12. Steep slopes greater than 1 in 3 13. The site abuts/is within a scenic drive/reserve. 14. Significant tourism gateways/viewing platforms/ vantage points/vistas. 15. Old Oaks, Stone Pines, gum tree avenues, or similar Historical plantings on-site (tree avenues/hedges). 16. Mature (trunk circumference of an adult's arm's length) trees on site (indigenous or alien). 17. Cultural landscapes, historic farms, historical plantings on-site (tree avenues/hedges). 18. Existing Buildings/any part of a structure older than 60yrs. 19. Existing building/site which is a National monument/ provincial heritage site. 20. A declared/proposed Urban conservation area or heritage area/zone. 21. Special Areas e.g., Bungalows. 22. Surveyed heritage areas. 23. Graves/burial grounds/cemeteries on the site. 24. A place of known social/cultural significance, for example, certain places of worship, a male initiation site, a place of oral traditions/ stories/legends, struggle history, slavery	

3.1.6.8 Objective 8: TMI must be situated and operated in a manner so as not to Interfere with any other utility functions

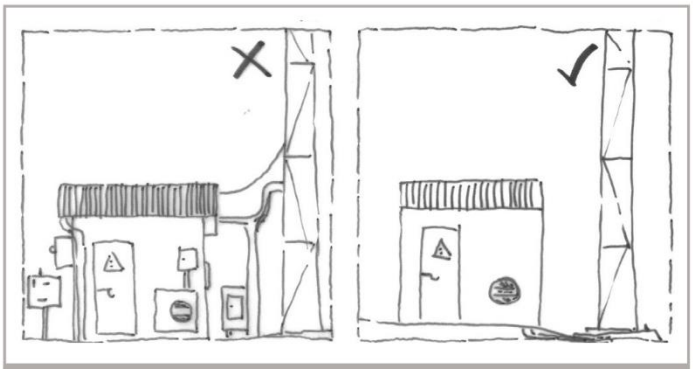
It is important that the existing and future planned utility services are not affected by additional infrastructure.

Impact on Existing Services and Utilities	
OB.8.1. Electricity supply to TMI must where practically possible, make use of underground cables. All electrical installations must be as per ESKOM or the Municipality's Electrical Department requirements and standards. RBTS sites should have cabling placed in a properly sealed metal channelling. **OB.8.2.** Power supply to TMI sites and the radio equipment frequency must not interfere with Municipal or other existing radio equipment installed in the vicinity. The Municipality reserves the right to remove any interfering equipment at the cost of the owner of the equipment. Equipment not collected within 30 days after it was removed will be sold to cover the removal cost. In the case of continuous frequency interference transgressions, the Municipality may revoke its installation and operation authorization to the TP. **OB.8.3.** In addition to the existing electricity supply to the site, the use of solar energy and solar infrastructure installation is required. **OB.8.4.** Any interference that TMI may have on satellite or television reception must be investigated by the TP, and if the fault lies with the TMI, the TP shall rectify the matter at its own cost.	 Electricity supply must, wherever possible make use of underground cables **OB.8.5.** No masts or radio equipment will be allowed to be placed/attached to or against any municipal reinforced water (e.g., water retaining reinforced structures) or sewer infrastructure. Existing installed equipment must be removed within 30 days after the approval of this policy. Equipment that was not removed will be removed by the Municipality at the cost of the owner of the equipment. **OB 8.6.** All masts and equipment must be clearly marked with the name, address, and contact details of the owner of the equipment. Unmarked equipment will be removed by the Municipality at the cost of the owner.

3.1.6.9 Objective 9: Where possible TMI should be placed on other structures such as light posts, road signs, etc.

New technology has allowed small panels to be placed on normal street utility poles, this is called Distributed Antenna Systems. Although they need to be placed on several poles, there is no additional visual impact.

Before the responsible Road Department can consider new cabling and base plinths in road reserves, it will be necessary for the identification of all existing services in the vicinity of the proposed new location. Thereafter it will be dependent upon the service departments being able to accommodate the infrastructure and supporting network in the road reserve without compromising service delivery in respect of other services.

Impact on Existing Services and Utilities	
OB.9.1. TMI lines and cables should be located within existing underground conduits or ducts. **OB.9.2.** If a base station is needed, it should be sensitively sited with little impact on its surroundings. **OB.9.3.** All mechanical equipment should be placed within the base station. **OB.9.4.** Distributed Antenna Systems, when placed on normal street utility poles, will not be considered a land-use activity.	 All mechanical equipment should be placed within the structure

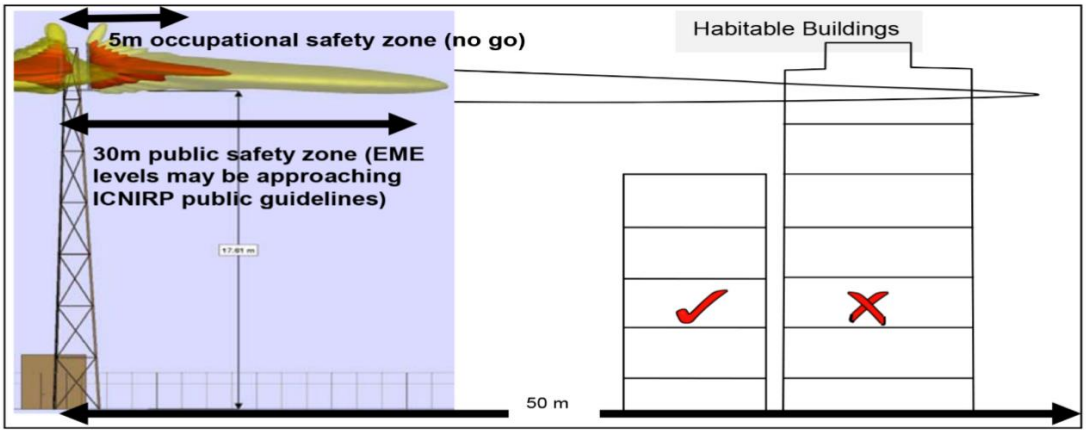
3.1.6.10 Objective 10: To protect the health, safety and wellbeing of the inhabitants of Kouga

New technology has allowed small panels to be placed on normal street utility poles, this is called Distributed Antenna Systems. Although they need to be placed on several poles, there is no additional visual impact.

Before the responsible Road Department can consider new cabling and base plinths in road reserves, it will be necessary for the identification of all existing services in the vicinity of the proposed new location. Thereafter it will be dependent upon the service departments being able to accommodate the infrastructure and supporting network in the road reserve without compromising service delivery in respect of other services.

The safety of the population has to be protected concerning permissible EME levels as well as making sure that the security is sufficient so that no unauthorized entries can occur that could lead to people being injured.

Public Health and Safety	
OB.10.1 Public access to TMI installations must be restricted in an appropriate manner (e.g. fence, wall, locked gate, or door) together with warning signage to the satisfaction of the Municipality. Care shall be exercised by the TP to ensure that such security measures do not inhibit emergency exit procedures (e.g. fire escape) for RBTS sites. **OB.10.2** In the light of public concerns and ongoing research and debate on the effects of EME on public health, Council is adopting appropriate precautionary measures, taking preventative action, and undergoing reactive investigation, as deemed necessary. **OB.10.3.** Except for Minor Freestanding Base Telecommunication	Stations, antennas should be located and positioned so that no habitable structures are within a zone of 50m directly in front of the antennas at the same height. The following diagram generally illustrates acceptable and unacceptable positioning of antennas. **OB.10.4.** No TMI or combination of such infrastructure may at any time cause the public to be exposed to RF levels that exceed the ICNIRP public exposure guideline in any occupied space or location to which the public reasonably has access. This is endorsed by the NDOH. **OB.10.5.** No public or unauthorized person shall be able to gain access to rooftop antennas and should not come within 5m in front of antennas



50m public safety zone (EME readings must be below ICNIRP public exposure guideline)

Zone sizes depicted here are for a typical shared cellular operator, tri-band (GSM900, DCS1800 and UMTS) site

10. SECTION 2: FIBRE OPTIC CABLE AND TELECOMMUNICATIONS MAST INFRASTRUCTURE

Whereas the roll-out of a reliable and high-speed broadband network has become essential to appease the citizens of the Kouga Municipality Area's growing demands for reliable and high-speed broadband (Internet) services. This in turn requires the deployment of a wide coverage Fibre Cable Infrastructure in the area.

And whereas in turn, Telecommunication requires high masts to fulfil its function. There are significant economic benefits of good Telecommunication Mast Infrastructure, but this must be balanced with the fact that the Kouga area depends on its scenic resources for tourism. The resources therefore also have an economic value, which could be negatively affected by unsightly or inappropriate structures.

And whereas the major challenges that urban municipalities face are the cutting of the existing road pavement to install utility lines such as wastewater sewers, water mains, electrical cables, and conduits. Once a cut is made, it should be backfilled with new, appropriate material, resulting in a patched surface on the pavement. Using back-filling materials that are unsuitable for the site conditions and not properly installed will lead to premature pavement failures, which can significantly reduce the pavement life.

And whereas the internet has become a ubiquitous source of both information and entertainment, resulting in a major surge in bandwidth requirements. Since the data transmission capacity of Fibre-Optic (FO) cables is higher than that of existing copper telecommunication infrastructure, the provision of FO networks has become essential to appease users, growing internet demands. Providing FO access to homes and businesses, also known as Fibre-to-the-home (FTTH) and Fibre-to-the-business (FTTB), can be challenging due to the possible disruption of existing utilities, increased surface restoration costs, temporary interruption of services (traffic, waste collection, etc.) and possible environmental disturbances such as contaminant spills, pollutant emissions, and noise.

And whereas that the micro trenching process starts by cutting a narrow trench depending on the size of the conduit used, the trench may be narrower and deep wherein after the cable or conduit is placed inside the trench, and the process finishes with surface reinstatement.

And whereas the quality of back-filling plays an important role in the performance of micro trenching, it secures the cable in the trench bottom and provides mechanical protection to the cable against traffic loads. It is established that using different granular, concrete, and bituminous material for back-filling as well as using recyclable waste materials as an environment-friendly alternative to natural resources.

Now due to the tiny dimensions of the trench in micro-trenching, the back-filling material should be flowable enough to penetrate and fill the whole trench depth the Kouga Municipality has decided that the other essential requirements for back-filling materials used for flexible pavement material should be aligned flexibly to allow movement with the existing pavement material; bonding to the existing material; sealing the trench against water ingress; resisting permanent deformation; hardening rapidly to allow the road to be re-opened to traffic quickly, and being simple to apply by multi-skilled installer teams.

3.2.1 Desired outcomes

The overarching premise is to facilitate the growth of new and existing telecommunications systems and facilitate the provision of TMI in an efficient, cost-effective, environmentally appropriate, and sustainable way. The aims are to:

3.2.1.1 Promote economic business activity within the Municipal area;

3.2.1.2 Give clarity and certainty to the industry and the general public with regards to acceptable locations and positioning of TMI;

3.2.1.3 Provide a comprehensive set of guidelines;

3.2.1.4 Improve the quality and efficiency of decision-making;

3.2.1.5 Improve consistency of decision making throughout all Municipal Departments and in the setting of conditions for planning applications; and

3.2.1.6. Improve awareness and a quicker response to changes in TMI and its related industry.

3.2.2 Strategic Alignment

3.2.2.1 The Kouga Local Municipality wishes to align its strategy for Fibre telecommunications with policies that have been published nationally with an intention to connect its residents in line with the prescribed communication legislation prescripts at a minimum.

3.2.2.2 The municipality has an obligation and responsibility which, among its duties towards its community, is to provide a safe and healthy environment and to promote economic well-being within its municipal boundaries.

3.2.2.3 The implementation of this Policy will aid the development within the municipality opportunities which are economically biased to its citizens safely and inclusively.

3.2.3 Regulatory Context

NOTE: ***Unless otherwise stated the latest issue of this specific document shall be applicable at all times***

3.2.3.1 Construction Regulations of 2014, as amended;

3.2.3.2 Electronic Communications Act 36 of 2005 (as amended)

3.2.3.3 Explosives Act, Act 25 of 1956, as amended;

3.2.3.4 National Environmental Management Act (Act 107 of 1998 (as amended);

3.2.3.5 National Environmental Impact Assessment Regulations, 18 June 2010 published under GN543, issued on notice 3, GN546;

3.2.3.6 National Building Regulations and Building Standards Act No.103 of 1977;

3.2.3.7 National Heritage Resources Act (Act 25 of 1999);

3.2.3.8 Spatial Planning and Land Use Management Act,2013 (SPLUMA);

3.2.3.9 Policies and Municipal Bylaws are aligned on the application of this policy;

3.2.4 Parameters

3.2.4.1 The policy serves to regulate the basic specification for contracting and quality control of the civil works associated with the construction of Fibre Optic Networks.

3.2.4.2 The policy provides guidance on the implementation of the by-law.

3.2.4.3 This section must be read with the provisions of the wayleave section of this policy as well as the Internal Terms and Conditions of the Department of Civil and Water Services (C&W).

3.2.4.4 Where Fibre cable connects telecommunication masts, the provisions of the Telecommunication Network section of this policy is also applicable.

3.2.4.5 All Fibre Network Operators must comply with the prescribed application procedure as provided in this policy and the by-law.

3.2.5 Role players and stakeholders

3.2.5.1 The Kouga Local Municipality, in particular the Department of Civil and Water Services.

3.2.5.2 Telecommunications providers and Fibre Network Operators.

3.2.5.3 Residents of the municipality.

3.2.6 Directives

3.2.6.1 This policy provides directives on which construction methods are to be employed as well as quality control standards for reinstatement. The following construction methods are commonly used when deploying fibre optic cables:

a) Open trenches

Underground cables are pulled in conduit that is buried underground, usually 1 to 1.2 meters deep to reduce the likelihood of accidentally being dug up. The process usually begins with digging a trench to bury the conduit, which is generally PVC plastic pipe, sometimes with pre-installed innerduct (also called duct liner) with a pulling tape to facilitate the actual cable pulling process. Directional boring can also be used to avoid digging up the surface, for example in crossing streets or sidewalks.

b) Trenching vs. Directional drilling

All road crossings shall be done by directional drilling. No open trenching will be allowed in the roadway without the written permission of the Director: Civil & Water Services. Thrust boring or 'moleing' will not be allowed within roadways.

Where conditions do not allow directional drilling, open trenches will only be allowed with the written permission of the Director: Civil & Water Services, and oversight by the Manager: Civil & Water Services, subject to an oversight fee and any additional conditions and costs that may be deemed necessary.

Any damage done to Kouga Local Municipality's infrastructure by installation of services by the Applicant / Service Provider, shall be reported immediately to the relevant department. Remedial work will be carried out by the Kouga Local Municipality's operational teams, or a contractor appointed by the Municipality, and the full costs plus a surcharge of 20% will be recovered from the Applicant / Service Owner.

Where directional drilling is not possible, the Applicant / Service Owner shall apply in writing to request permission to hand excavate the road crossing at the tariff included in the annual Tariff List.

c) Micro trenches

Micro-trenching (or slot-cutting) which is an innovative technique that can be used to deploy communications infrastructure, typically fibre-optic cable, in residential streets. Under the right circumstances, the technique has the potential for low-impact deployment methodology in which fibre-optic cables and sometimes conduits are laid into a slot-cut trench less than 50mm wide, and typically between 175mm and 300mm deep, without disrupting or damaging existing infrastructure in the public road reserve. The trench is then backfilled, often making the works almost invisible.

Micro-trenching will be allowed in roads subject to approval of the method statement and specifications with the Service Provider's Engineer. The approval will also be subject to where investigation (test holes or ground penetrating radar, etc.) indicates that no services will be damaged by micro-trenching. The applicant is to apply to the Directorate: Electro – Mechanical Services to identify electrical services on site.

All micro trenching allowed will share the same 1.0m space allocated to telecommunication services. Only one micro-trench will be allowed in roads.

d) Aerial fibre / Overhead Installations

Aerial fibre optic cable refers to a kind of fibre optic cable that is designed and used for outside plant installation between poles by being lashed to a wire rope messenger strand with a small gauge wire. Adopting aerial fibre optic cables, the aerial construction will allow the installers to reuse the existing pole infrastructure without digging up other roads to bury cables or ducts and will also save the capital expenditure for the network providers to some degree.

For all aerial fibre / overhead wayleave applications, structured cabling and electrical conduits shall conform to the following conditions. -

All excavations to comply with the requirements of this policy.

All clearances from electrical overhead line and infrastructure shall be adhered to as per the OHS ACT and Regulations 85 of 1993.

No installation shall be allowed on any Municipal infrastructure. The installation of any service on Municipal property or infrastructure is dealt with as a separate application and does not form part of the Wayleave application process.

No wayleave/s will be permitted for new overhead distribution infrastructure (distribution poles) in a municipal road reserve or on Municipal property. Any telecommunication fixtures (e.g boosters, capacitors, dishes) to existing services in public road reserve (e.g streetlights or poles) must be approved in writing.

It is required that any service provider obtain the necessary permits and authorisation from private land owners in order to satisfy the public interest in the roll out of any electronic communication networks and electronic communication facilities that shall include the process and procedure of public participation through and by the approval of Kouga Local Municipality.

Any other requirement and/or information that the Municipality may deem necessary to adequately assess an application and in the general public interest

e) "One Trench" or Co-Building Methodology for Telecoms

To minimise the impact on the public road reserve, the first Network Licensee / Service Owner to install an electronic communications network will be required to ensure that the infrastructure installed has the capacity to accommodate future electronic communications operators.

All Network Licensees applying for wayleaves for a specific route must contact all other active Network Licensees within Kouga Local Municipality to afford them the opportunity to share trenches or co-build along the route. Documentary proof that all service providers have been contacted must be submitted together with the wayleave application. If no response from a Network Licensee is received within 7 days, evidence that the opportunity to share the trench/co-build has been delivered to the Network Licensee's nominated contact person will suffice to confirm that:

- The Network Licensee has been notified of the pending work and have been given the opportunity to indicate any cables that they might have in the area to the current applicant;
- The Network Licensee has been given the opportunity to share trenches/co-build.
- Should a Network Licensee elect to share a trench with the first applicant, the service providers must reach a mutual agreement upfront on the cost apportionment.

All Network Licensees and/or Service Owners will have to make use of the same space allocation ("One Trench") for telecommunication services in the road reserve. The maximum permissible space allocation per route for all networks will be 1.0m wide and no telecommunication infrastructure may transgress the maximum permissible space allocation. Once the first licensee has installed services and cannot accommodate additional Network Licensees, then Network Licensees must install their services so that a width of no more than 1.0m is occupied by all telecommunication services.

Should the first width of one meter not be available for telecommunication services, then the next meter shall be investigated. The Network Licensee or appointed Professional Engineer shall in association with Kouga Local Municipality's service departments, determine a viable position for the services.

Where a future road widening is required, each Network Licensee will be responsible for the relocation of their own service when instructed to do so by the Kouga Local Municipality

Unless the service installed in the public road reserve is clearly marked by route markers or installed as per the as-built information that is to be verified by cable detection, the Kouga Local Municipality will not be liable for ANY damage or disruption to services whatsoever during maintenance and / or repair work to a municipal service.

3.2.6.2 An Applicant shall not transfer its Wayleave approval to a third party. If an applicant wishes to do so, he will automatically forfeit his wayleave approval and the third party must submit a new wayleave application.

3.2.6.3 To protect its infrastructure the Municipality will only allow one trench for the installation of Fibre optic infrastructure. No trenching will be allowed for Closed-Network Operators, unless written application and motivation is made by the Applicant, which application will be considered at the sole discretion of the municipality.

3.2.6.4 The Municipality shall keep the list of active Fibre Network Operators and provide it, where appropriate, to a wayleave applicant when processing the application.

3.2.6.5 A map should be provided showing the street location of the conduit including the side of the street the conduit is on, the beginning and ending points of the conduit, the number of ducts in the conduit, and the number of ducts of excess capacity in the conduit. The map must accurately reflect the addresses of buildings that are passed by the conduit. The map may be made public, by itself or in aggregation with other maps, at the discretion of the department.

3.2.6.6 It should be noted that micro-trenching may not be suitable for all types of roads, and any development will depend on the composition of the road and the location of existing buried infrastructure. This is because there is a greater risk of plants being damaged, and in certain road types (such as concrete and evolved roads), it may be possible to reinstate the road in a manner that preserves the long-term integrity of the road structure. The ideal position of a micro-trench will be on the high side (topographically) of the road, especially if the road is constructed with a mono camber.

3.2.6.7 TRENCH POSITIONS AND DUCTS FOR TELECOMS

- Further to the "One Trench" methodology and 1m dedicated space for Telecoms, the primary networks must generally be installed on one side of the road. 'Fibre to home' networks may be allowed on both sides of the road to minimize road crossings. Irrespective of the network category, no network may be installed outside the space allocated for networks.
- No service will be allowed longitudinally in the roadway, and no service may be installed on top of any municipal service. Services may only be installed in the verges and only if there is sufficient space. Where insufficient space along a route exists, alternative routes must be determined in collaboration with the relevant municipal officials, to be approved by the Director: Civil & Water Services.
- Where a road crossing is made via open trenching or directional drilling, an additional Class 10 HDPE duct of minimum 110mmØ must be provided for Kouga Local Municipality to avoid future road damage, the cost thereof for the account of the Service Owner. Duct Markers must be implemented at all such locations and will remain the property of Kouga Local Municipality.
- Where existing ducts have been installed for Kouga Local Municipality and are available under roads, they shall be used for road crossings after obtaining permission from the Director: Civil & Water Services. If ducts have been installed by the Electrotechnical or Safety and Security departments, permission shall be obtained from the respective departments.
- Where Service Owners' planned telecommunication networks overlaps with Kouga Local Municipality's fibre master planning, the Service Owner shall install cable ducts provided by Kouga Local Municipality in the same trench and at no additional cost to the municipality.
- Positioning of telecommunication infrastructure may not compromise future expansion of the Municipality's infrastructure or available space in the road reserve. Where the Service Owner has deviated from the approved position within the road reserve and

expansion of existing infrastructure is required, the Service Owner shall relocate such services at their own cost. Where a road widening is required in future, the Service Owner will be required to relocate their service if required, and at the full cost to the Service Owner. Notice will be given to the Service Owner to relocate their service

3.2.7 Implementation

3.2.7.1 Micro Trenching shall be allowed for implementation in the road reserve which are classified within the boundaries of Kouga Municipality and shall not be limited to the following:

3.2.7.1.1 Local residential Road Reserve access collector;

3.2.7.1.2 Local residential Road Reserve access loop;

3.2.7.1.3 Local residential Road Reserve cul-de-sac;

3.2.7.1.4 Local Road Reserve access way;

3.2.7.1.5 Local Road Reserve access court; Local Road Reserve access strip.

3.2.7.2 The Applicant must ensure that the appointed Contractor has the required capability, understanding, skill, duty to care in executing the Micro Trench process. Failure to do so will result in the municipality imposing sanctions in line with the bylaws and any regulatory framework which is applicable in the micro trenching process.

3.2.7.3 The Applicant must assure the municipality during application and before implementation that the necessary assessment of the road reserve for environmental impact has been conducted before Micro Trench work commences.

3.2.7.4 The Applicant shall communicate at his cost with residents of the affected area at least 14 days after the approval of the application before construction starts, about the upcoming construction in the area.

3.2.7.5 All fees and tariffs will be determined by the Municipality as part of the Annual Budget.

3.2.7.6 The policy has set up the following standards for implementation:

3.2.7.6.1 All standards as set out in the Standard Specification for Municipal Civil Engineering Works (1991) and the General Conditions of Contract for the Constructions of Civil Engineering Works (2005) must be adhered to.

3.2.7.6.2 This policy shall be implemented for Municipal road reserves only.

3.2.7.6.3 Crossing of roads will only be allowed if motivated by the professional engineer for the applicant and approved by the service coordinator.

3.2.7.6.4 All Fibre to residential premises must be installed in such a way that no new manhole, handhole, or junction boxes are built in the public road reserves. Jointing boxes can be motivated by the professional engineer and must be approved by the service coordinator.

3.2.7.6.5 Micro-trench and road crossing specifications are specified and regulated by the Wayleave section of this policy and the internal terms and Conditions of C&WS and must be adhered to by all Applicants.

3.2.7.7 ***When implementing this policy, the Applicant must comply with the following specifications:***

3.2.7.7.1 The bedding around the Fibre Optic Infrastructure must meet the specifications of the internal Terms and conditions of C&WS.

3.2.7.7.2 Back-fill material that was excavated must, if possible, be used for back-filling, or as per the specifications of the internal Terms and conditions of C&WS. Care must be taken to do the back-fill as "green" as possible and to reuse all the extracted material and not import new material.

3.2.7.7.3 Rejuvenating product: A bituminous product must be applied to the inside wall of the micro-trench and must wide to rejuvenate the old asphalt, or as per the specifications of the internal Terms and Conditions of C&WS.

3.2.7.7.4 Reinstatement of hot fine asphalt with a minimum thickness will be allowed as per the specifications of the internal Terms and Conditions of C&WS, and no more than prescribed kilograms as per application which may be on-site at any time. Asphalt of a lesser quality than the minimum requirements must be removed from the site and cannot be used for reinstatement.

3.2.7.8 ***As-built information***

3.2.7.8.1 On completion of the inspection, all as-built information must be submitted to Kouga Local Municipality in the prescribed format.

3.2.7.8.2 The "as-built" drawing/information will be treated as proprietary and confidential, to the extent permitted by law.

3.2.7.8.3 The Service Owner must provide Kouga Local Municipality with as-built information pertaining to the installed infrastructure, in a file format as prescribed by the Engineering Departments as-built specifications.

3.2.7.8.4 Kouga Local Municipality shall provide this as-built information to other electronic communications operators and or electronic communications facility owners, municipal departments, entities, and other occupants of municipality property, for the purpose of limiting damage to, or disruption of the facilities and other assets of those involved.

3.2.7.8.5 In providing this information, the Kouga Local Municipality will not be held liable for any damage caused to infrastructure

3.2.7.9 ***Defects liability period***

The Applicant / Service Owner shall be responsible for all defects resulting from the works for a period of one year after the final completion certificate has been submitted and signed off by the Director: Civil & Water Services and the Director: Electro-Mechanical Services, as appropriate.

A latent defects period of 8 years will apply and the Applicant / Service Owner will be responsible for the repair of all latent defects on notification by the Kouga Local Municipality. Should works to remedy the latent defect not commence within 14 days of

the date of the notice, the Kouga Local Municipality may complete the repairs, and the full cost plus a 20% surcharge will be charged to the Applicant /Service Owner.

3.2.7.10 *Hand-over procedures*

On completion of a section or whole of the works, certain handover procedures need to be followed. The following process needs to be strictly adhered to for the successful hand over of the works:

Step1: Complete all construction activities as per the scope of works.
Step2: Complete all quality-control tests and checklists.
Step3: Contractor to conduct own completion inspection and rectify outstanding works.
Step4: Submission of site records and as-built pack.
Step5: Formal final inspection by all. On the completion inspection.
Step6: Development of snag items as identified during completion inspection.
Step7: Completion of all snag items: Where failure of pavements or any other defects occur resulting from the installation and operations of service after the defects liability periods have lapsed, the Wayleave Holder must commence with remedial works within 14 days of being notified by Kouga Municipality. The Wayleave Holder will be held liable for any claims as a result of such failure. The Defect Liability Period as defined in section 5.8.6 of this Policy will apply to all remedial works.
Step8: Conduct CAC.
Step9: Hand over of works.
Step10: Issue of taking Over Certificate.
Step11: The backfill of the micro-trench must be evaluated by the Contractor, and a Municipal representative one year after the date of the completion certificate has been signed by the Municipality. All issues must be addressed within 2 months after this inspection.

3.2.8 Monitoring, Evaluation, and Maintenance Considerations

3.2.8.1 All construction work must / will be executed under the supervision of the consultant.

3.2.8.2 The backfill of the micro-trench must be evaluated by the Contractor and Kouga Local Municipality's dedicated representative one year after the date of the completion certificate has been signed by Kouga Local Municipality.

3.2.8.3 All issues must be addressed within 2 months after this inspection.

3.2.8.4 The maintenance of buried cables and ducts should be performed with the same techniques and tools as for normally buried infrastructures because the backfilling concrete mortar should be easily removable.

3.2.8.5 The maintenance team must take extreme caution so as not to damage the existing fibre infrastructure.

3.2.8.6 The resurfacing must be visually inspected every 3 months for 12 months after installation for any visible damage or breakouts. Visible defects of the road surface deterioration as a result of the micro-trenching should be repaired to the satisfaction of the Municipal representative or property owner.

3.2.9 Trenching vs Directional drilling

3.2.9.1 All road crossings shall be done by directional drilling. No open trenching will be allowed in the roadway without the written permission of the Senior Manager: Civil & Water Services. Thrust boring will not be allowed within roadways.

3.2.9.2 Where conditions do not allow directional drilling, open trenches will only be allowed with the written permission of the Senior Manager: Civil & Water Services, and subject to any additional conditions and costs that may be deemed necessary.

3.2.9.3 Any damage done to the Municipality's infrastructure by the installation of services must be reported immediately to the relevant department. Remedial work will be carried out by the Municipality's operational teams and the full costs will be recovered from the Wayleave holder.

3.2.9.4 Where directional drilling is not possible, the Wayleave Holder must apply in writing to request permission to hand excavate the road crossing.

3.2.9.5 Th first Wayleave Holder who does directional drilling must install a sleeve for the use of other Fibre Network Operators to install their cables.

11. SECTION 3: WAYLEAVE DIRECTIVES

S156 of the Constitution grants municipalities the right to administer the local government matters listed in Schedule 5B, which include municipal roads.

3.3.1 Open trenches

3.3.1.1 No trenches may be dug within the boundaries of Kouga Local Municipality without the written permission of the Municipality by way of wayleave authorization.

3.3.1.2 If the Municipality approves a wayleave application for the construction of an open trench, such construction shall comply with the conditions imposed by the Municipality.

3.3.1.3 For illegal trenching a fine of a minimum amount of R1 000 000 (one million Rands) will be payable, and an additional R300,000.00 (three hundred thousand Rands) for every meter of trench exceeding 5 meters that have been dug, cut, or burrowed, or imprisonment for no less than 6 months and no more than 3 years.

3.3.2 Notice period

Any Fibre Network Operator who wishes to exercise its rights in terms of Sections 22 and 24 of the Act and carry out work in relation thereto on a municipal property must apply to the Service Coordinator at least thirty (30) days before the intended exercise of such rights. The execution of these rights is subject to the Municipal Bylaw that governs this policy.

3.3.3 Application form

Such application shall be made in a form approved and determined by the Council. A wayleave Administration Fee will be applicable in terms of the Council Approved Tariff System. Payment of the Administrative fee must be made up front with submission of the Wayleave application, with all other fees payable upon wayleave approval.

3.3.4 Documents to be submitted with wayleave applications

Documents	Required
Application form	All applications
Contact details of the applicant on the applicant's company letterhead	All applications
Site layout and engineering plans	All applications
Work planning program	All applications
Public liability insurance cover	All applications
The particulars of the appointed Contractor	All applications
Proof of the Contractor's CIBD registration	All applications
Proof of payment of the applicable fees	All applications

Photographs of the area	All applications
Site Coordinates	Telecommunication Mast Installations
A radiation frequency report	Telecommunication Mast Installations
Zoning Certificate	Telecommunication Mast Installations (If necessary)
A copy of the Title Deed	Telecommunication Mast Installations
A copy of the lease agreement with the owner of the property on which the TMI will be installed.	Telecommunication Mast Installations
Comments by neighbouring residents	Telecommunication Mast Installations (if in urban area)
SA Aviation authorization	Telecommunication Mast Installations
South African Heritage Resources Agency authorization	Telecommunication Mast Installations located next to Heritage sites
Authorization letter by the School Governing Body	Telecommunication Mast Installations on school property
Tribal Authority Letter	Telecommunication Mast Installations on tribal land
ICASA CECNS license	Fibre Cable Infrastructure Installations
ICASA Electronic Communication Services (ECS) license	Fibre Cable Infrastructure Installations
Proof that the applicant has informed all active fibre network operator licensees of its wayleave application	Fibre Cable Infrastructure Installations
Proof of expertise and experience regarding the construction, maintenance, and operation of fibre networks.	Fibre Cable Infrastructure Installations (if necessary)

3.3.5 Powers of the Service Coordinator

The Service Coordinator is empowered to stop work being done without his authority or in contravention of the conditions attached to the approval.

3.3.6 Charges

3.3.6.1 The Municipality will impose a levy, determined in terms of Sec. 75A of the Local Government: Municipal Systems Act, 32 of 2000 in respect of the use of its land for the installation of telecommunication or Fibre infrastructure.

3.3.6.2 A property letting fee or where no such fee is payable, a monthly /annual right of way permit and an exclusive-use permit, as determined by Council, will be payable for the ongoing use of Municipal land or property or a portion thereof for Mast infrastructure.

3.3.7 Work not completed or unacceptable

In Case of work not being completed the Municipality will be entitled, but not obliged, to undertake the completion of the work or do remedial works to work done where the quality of the work is below the standards imposed by the municipality or any other applicable legislation, provided that notice shall be given to the Wayleave Holder before commencing with such remedial works, and provided further that if the Municipality believes that steps should forthwith be taken to protect life or property, it may undertake such remedial work without giving such notice to the Wayleave Holder. The cost of such remedial works may be recovered from any security deposit paid to the municipality, or if such security deposit is insufficient, from the Fibre Network Operator based on the reasonable and necessary costs of such remedial works.

3.3.8 Penalties

3.3.8.1 Any Applicant, or any other person, including the Applicant's workers, agents, or Contractors who-

a. fails to comply with the provisions of any condition imposed in terms of the bylaw;
b. fails to stop work when so instructed by the Service Coordinator, or otherwise; or
c. fails to comply with any provisions of the bylaw;

shall be guilty of an offense.

3.3.8.2 Any person who is convicted of an offense under the bylaw is liable to:

a. A fine as set out in Chapter 5, section 11(5) of the bylaw.
b. imprisonment for a period not exceeding three years.
c. both such fine and imprisonment contemplated in paragraphs (a),(b) and including 3.3.1.3 above.

3.3.9 Applicants other than Licensees

3.3.9.1 This document applies *mutatis mutandis* to persons other Telecommunications Providers and Fibre Network Operators, provided that:

a. such persons submit a written application to and obtain the prior written consent from the Municipality to carry out any work on Municipal property.
b. the Municipality will, upon written prior application, be entitled to exempt, with or without conditions, and partly or in full, any particular person from submitting a written application and obtaining its prior written consent.
c. the Municipality is competent to exempt, with or without conditions, and partly or in full, by publication in the Provincial Gazette, categories of persons or works that may not require its prior written consent.
d. the Municipality will be entitled to refuse, or approve, subject to such conditions it may deem fit, any application by such a person.
e. A Private landowner must apply to the Municipality before he/she may grant consent for the installation of Telecommunication Mast Infrastructure on his/her property.
f. If the installation of fibre will cut through any private property, a servitude must be registered in favour of the Municipality, who will issue permits to Fibre Network Operators to access fibre network infrastructure. Although a land use application will not be required, a servitude diagram must be submitted to the municipality for approval.

3.3.9.2 The Service Coordinator may attach conditions to the wayleave, including the following:

a. the manner and method of doing the sub-surface work;
b. the provision of access crossings for vehicles and pedestrians;
c. the provision of health and safety requirements of the Municipality;
d. the prohibition on the use of certain types of mechanical trenching equipment;
e. the provision of signage stating the name of the Wayleave Holder and its Contractor;
f. the phasing of the work program;
g. the provision of warning signs, barriers, and hoarding around the work;
h. the execution of any preliminary works and crosscuts to establish the precise position of existing services when information on such services is unclear;
i. the provision of storage for rubble, sand, or soil during the work;
j. the days and times during which any work or certain work-may or may not take place;
k. the presence of a Project Manager, or where necessary, a Professional Engineer, on the site of the work; and
l. trench, backfilling, bitumen, other material, and reinstatement specifications.

3.3.9.3 Documents to be submitted to the Municipality:

a) Proof of advertising, where applicable, of the work in a newspaper circulating in the municipality giving the public warning and detailed notice of the extent, duration, and precise location of any project, provided that the Service Coordinator, may in his or her discretion, exempt the applicant from this requirement where the proposed work will have minimal impact on other persons, including other applicants.

b) A physical plan of the work including the intended placement of any wires, cables, pipes, tubes, or the like, and the coordinates of the beginning, end, and all bend points in between, in Shape File or other format required by the Council from time to time.
c) Once the work is completed the Municipality must be provided with the GIS coordinates of the installed infrastructure.

d) The giving of notice specifically to all residents, businesses, and other concerns in the path of or adjacent to the work.

e) Where installed equipment requires the supply of electricity, the applicant must apply to the Municipality for the installation of an electricity point. The point must contain an electricity meter and the applicant must pay the electricity bill monthly. If the electricity bill falls in arrears, the Municipality reserves the right to remove the equipment and to sell it to recover the amount in arrears.

3.3.10 Indemnification

All applicants must indemnify Kouga Municipality against any third-party liability claims of whatever nature resulting from their works or presence of infrastructure in a public road reserve. The same is applicable to any damage done to or by areal optic Fibre cable attached to Municipal infrastructure or the Network operator's infrastructure. The Municipality must also be indemnified against claims for damages to the Network operator's infrastructure within the road reserve or to aerial Fibre cable or poles.

3.3.11 Telecoms and external application fees

a) All external Applicants are required to pay an Administrative and Supervision Fee, which is based on Council Approved Tariffs. Payment of the Administrative fee must be made upfront, with submission of the Wayleave application, with all other fees payable upon wayleave approval.

b) A Refundable Deposit is payable by the Applicants when open trenching is proposed inside the road reserve, which includes the verge, sidewalk, and/or roadway/blacktop area for work other than Fibre optic installation. Rates are charged in terms of approved Council Tariffs.

c) The onus is on the Applicants/Service Owners to initiate a request for the refund of the deposit once the completion certificate has been submitted and signed off by the Senior Manager: Civil & Water Services.

d) A Non-refundable payment (Roadway Trench Fee) is charged in the event of open trenching inside the roadway/blacktop area. Payment calculations are charged in terms of approved Council Tariffs. This amount must be paid upon wayleave approval and before the commencement of work.

e) If planned directional drilling is unsuccessful and/or due to site conditions, and where open excavation was done in the roadway with prior approval by the Senior Manager: Civil and Water Services, fees will be charged according to the approved Council tariffs. The final Non-refundable amount payable will be determined after reconciliation has been done at the end of the project before the completion certificate being issued.

f) The Fibre Network Operator will be charged a penalty for any unauthorized work inside the road reserve, regardless of whether the Municipality later issues a wayleave. Rates will be in terms of approved Council tariffs.

3.3.12 Positioning of infrastructure

a) Positioning of telecommunication infrastructure may not compromise future expansion of the Municipality's infrastructure or available space in the road reserve. Where the Fibre Network Operator has deviated from the approved position within the road reserve and expansion of existing infrastructure is required, the Fibre Network Operator will relocate such services at its own cost.

b) Fibre Network Infrastructure may only be installed in the verges or road reserves if there is sufficient space. Where there is insufficient space in the verges, alternative routes must be determined in collaboration with the relevant municipal officials, to be approved by the Senior Manager: Civil & Water Services.

3.3.13 Wayleave validity

a) No work may commence in a Municipal or Provincial Road reserve unless:
   (i) A Wayleave has been granted in accordance with this document; and
   (ii) The Applicant or its appointed Contractor has accepted all conditions outlined in the Wayleave.

b) Should an application be rejected or should a wayleave approval elapse, work may not commence or continue. A new application shall be submitted for wayleave approval.

c) Work should commence within 60 days from the date of wayleave approval, failing which, the Wayleave elapses.

d) Should the project / proposed works exceed the time frames for which the wayleave is valid, the Wayleave Holder or appointed Contractor may request an extension of time from the Senior Manager: Civil & Water Services.

e) A Wayleave Work Permit will only be issued once all the requirements have been complied with and is subject to any conditions imposed by the Service Coordinator.

3.3.14 Permit considerations

The issue of a permit to the Telecommunications Provider in terms of section 3, will be considered and decided against the following factors:

a) whether the physical space the Telecommunications Provider intends to occupy is available and suitable for the purpose;

b) whether the Telecommunications Provider has existing similar infrastructure occupying the same physical space;

c) whether the proposed occupation of the physical space may limit or prevent the future occupation of the same space by other Telecommunications Providers, the municipality, or other entities;

d) whether similar infrastructure owned by other Telecommunications Provider already occupies the same physical space; or

e) any other consideration that the municipality may find necessary.

3.3.15 Issue of permit

3.3.15.1 Upon receipt of an application for the installation of wireless radio equipment, and cognisant of section 7 of the By-law, the municipality may, subject to the considerations in this section, furnish the Telecommunications Provider with a permit, setting out the conditions, specifications, and standards for the work to be undertaken.

3.3.15.2 The issue of the permit does not derogate from the municipality's right to impose additional requirements relating to:

a) entering into lease agreements and to levy rental for the right to make use of the municipal property for purposes of:
   (i) installation of telecommunications infrastructure; or

   (ii) the storage of equipment or the establishment of site offices and workshops.

b) payment of fees and other costs associated with occupation such as the cost for service consumption; or

c) compliance with:
   (i) environmental or other impact studies required by the municipality;

   (ii) heritage protection policies; or

   (iii) any other applicable law or municipal policy.

3.3.15.3 No Telecommunications Provider may commence with the installation of electronic communications facilities until the permit has been issued by the municipality and all required fees have been paid.

3.3.15.4 The issue of the permit does not confer or transfer any proprietary or exclusive rights in respect of the municipal property to the operator.

3.3.15.5 The transfer of a permit to another party will not be allowed.

3.3.16 Payment of annual permit fees

a) The Telecommunications Provider must pay the prescribed annual permit fee in advance, provided that the municipality and the Telecommunications Provider may agree that use of the Telecommunication Network, or capacity of the network which it supports, must be made available to the municipality instead of payment, or in part-payment of the fee.

b) The payment of the annual permit fee by the Telecommunications Provider will not replace any once-off installation fee, an ongoing service fee for service consumption (e.g. electricity chargers), or another similar charge which the municipality may levy to recover costs incurred because of the installation, construction, or operation of the Permit Holder's Facilities.

3.3.17 Provision of bank/security guarantee

a) The Telecommunications Provider must furnish the municipality with an irrevocable security guarantee, in the amount specified in the permit, to provide for damages caused by the Telecommunications Provider to other municipal services or property and not repaired to the original condition.

b) The guarantee must allow for individual claims payable within 30 days to repair damages and must be submitted to the municipality for approval before issue by the financial institution.

c) The guarantee shall remain valid for 12 months after completion of the work by the operator and no work may commence before approval of the guarantee by the municipality.

3.3.18 This Policy replaces all previous policies in respect of:

a) Telecommunication services, networks and infrastructure.

b) Fibre Optic Infrastructure and services; and

c) Wayleaves.

CHAPTER 4: GENERAL PROVISIONS

12. Fees, Penalties, and Fines

(1) The municipality will publish from time to time, or make available upon request, tariffs prescribed by the council for any fees to be payable in terms of this by-law.

(2) All Fibre Network Operators shall pay a monthly Conduit Access Levy to the Municipality, calculated at an amount per 100m of Fibre Network Infrastructure deployed, as per Table A of Schedule 1 to this by-law, provided that the Fibre Network Operator who installed the conduit may be eligible for a rebate.

(3) A wayleave Administration Fee will be applicable in terms of the Council Approved Tariff System. Payment of the Administrative fee must be made up front with submission of the Wayleave application, with all other fees payable upon wayleave approval.

(4) Any person who fails to comply with the conditions contained in a wayleave, or who constructs or excavates on any private or municipal property without being in possession of a valid wayleave shall be guilty of an offense.

(5) Any person who is convicted of an offense under this by-law is liable to –

(a) A fine of a minimum amount of R1 000 000 (one million Rands);

(b) Imprisonment for a minimum period of 6 months, but not exceeding three years; or

(c) Both a fine and a period of imprisonment as contemplated in paragraphs (a) and (b) above.

(6) Notwithstanding anything to the contrary contained in this section or any other section of this by-law, any person found guilty of conducting illegal trenching on municipal-owned property shall be liable to a fine as stated in 11(4)(a) plus an additional R300,000.00 (three hundred thousand Rands) for every meter of trench exceeding 5 meters that have been excavated or cut; or imprisonment for an additional period of 6 months; or both a fine and a period of imprisonment.

13. Sponsorships

(1) Every Fibre Network Operator may be required to contribute and pay, by way of a separate agreement, an amount not exceeding 5% (five percent) of their ongoing network revenue stemming from the use of the underground conduit to the municipality for purposes of poverty alleviation, local economic development and or social responsibility, subject to:

(a) Any such sponsorship paid by the Fibre Network Operator or Telecommunications Provider to the municipality in terms of this clause shall be utilized for the exclusive purposes of either poverty alleviation, local economic development, and or social responsibility projects within the Kouga Municipal area; and

(b) Any poverty alleviation, local economic development, and or social responsibility projects shall be those projects identified and decided upon by the Executive Mayoral Committee, which projects must be reported quarterly to the Council of the Kouga Municipality.

(2) The accounting officer must promptly disclose to the National Treasury and the relevant Provincial Treasury any sponsorships promised, offered, or paid herein, whether directly or through a representative or intermediary of a Fibre Network Operator as a sponsorship in terms of this bylaw.

(3) The Municipality may, after the conclusion of a sponsorship agreement, exempt a Fibre Network Operator from paying, either in full or in part, any or some fees or levies prescribed in this by-law.

14. Municipality's lien over equipment to recover losses

The Municipality shall have a common law lien overall equipment installed, constructed, deployed on municipal property, which lien may be exercised by removing and selling any equipment on such property to recover losses arising from non-payment of rent, electricity, fees, or any fine imposed on a Fibre Network Operator, Contractor or Telecommunications Provider.

15. Appeals

Any person may appeal against any decision taken under this By-Law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000, as amended.

16. Implementation and Review of this Policy

This policy shall be implemented once approved by Council. All future wayleave applications must be considered in accordance with this policy.

The policy will be reviewed on a regular basis as the wayleave approval process is refined.

The specific conditions of each department are subject to the nature and extent of the application, and each application will be assessed individually. The appropriate conditions will be included in the approval issued by the Municipal Manager. This By- Law replaces Clause 16 of the Kouga Traffic & By-law 2015

17. Short title and commencement

This By-law shall be known as the Kouga Municipality: Fibre-Optic Cable and Telecommunications Infrastructure By-law, 2021 and shall come into operation on the date of publication thereof in the Provincial Gazette.

Schedule 1 – Table A: Fees and levies

(To be Confirmed with KLM CFO – Wayleave Policy Administrator)

Item #	Description	Amount
1.	WAYLEAVE APPLICATION FEE (once-off)	R
2.	WAYLEAVE SECURITY DEPOSIT	R
3.	TRENCH INSPECTION FEE	R
4.	PROJECT MONITORING INSPECTION FEE	R
5.	MAST EQUIPMENT HOSTING APPLICATION FEE	R
6.	PERMIT FEE TO ATTACH RADIO EQUIPMENT TO MAST OR OTHER INFRASTRUCTURE	R
7.	RADIO EQUIPMENT INSTALLATION INSPECTION FEE	R
8.	RIGHT OF WAY PERMIT FEE (TO ACCESS AND MAINTAIN EQUIPMENT ON MASTS INSTALLED ON MUNICIPAL LAND)	R
9.	REMOVAL OF OFFENDING RADIO EQUIPMENT BY THE MUNICIPALITY FEE	R
10.	PROPERTY LEASE TARIFF-	
	FOR: MAST ERECTION OR EXISTING MASTS	R
	EQUIPMENT STORAGE	R
	SITE OFFICE	R
11.	CONDUIT ACCESS LEVY (per 100m of Fibre Optic Cable)	R

TARRIFF GUIDELINES FOR WAYLEAVES IN THE ROAD RESERVES

WAYLEAVE TARIFFS FOR INSTALLATION OF SERVICES IN ROAD RESERVES						
			UNIT	TARIFF EXCL. (R)	TARIFF EXCL. (R)	INCREASE / (DECREASE) %
				2023/2024	2024/2025	2024/2025
ADMINISTRATION AND SUPERVISION						
		For the following tariffs, unless the context indicates otherwise, 'road reserve" includes a roadway, footway, sidewalk and verge.				
1	**Administration fee for a miscellaneous wayleave to use the road reserve for a period of one month or less other than to install an underground service**	For the temporary use of the road reserve for less than one month other than for the installation of an underground service, including for: the placement or storage of an item such as a chemical toilet, container, ladder, scaffolding, mobile crane or materials, pumping of concrete, excavation of trial holes. The fee is payable in advance.	per application	579.20	613.95	6%
2	**Administration fee for a wayleave or permit to use the road reserve to install an underground service**	For the use of the road reserve to install a pipe, tunnel, cable or duct for water, electricity, communication, or any other service. The fee is payable in advance.	per application	1 969.10	2 087.25	6%
3	**Supervision fee for a wayleave to install an underground service**	Includes the cost for supervising the installation and rehabilitation. The fee is payable in advance.	per application	5 000.40	5 300.40	6%
4	**Unauthorized commencement of use of the road reserve**	For the commencement of use of the road reserve or commencement of installation of an underground service before Kouga Local Municipality issues a wayleave. Includes a 100% surcharge which applies regardless of whether Kouga Local Municipality issues a wayleave	per incident	500% of above admin & supervision fees		
5	**Renewal of Existing Wayleaves applications**	Includes administration cost to regenerate wayleave renewal.	per application	300.00	318.00	6%

WAYLEAVE TARIFFS FOR INSTALLATION OF SERVICES IN ROAD RESERVES						
			UNIT	TARIFF EXCL. (R)	TARIFF EXCL. (R)	INCREASE / (DECREASE) %
				2023/2024	2024/2025	2024/2025
REFUNDABLE DEPOSITS						
6	**Trenches in roadways measured per m²**	For determining the deposit required where a person or company will dig a trench in the road reserve, including across a municipal road. Kouga Local Municipality will refund the deposit once all works are complete, and upon final inspection, the Municipality's engineers are satisfied that the reinstatement meets the Municipality's standard and requirements.	per m²	1 853.30	1 964.50	6%
7	**Trenches in surfaced sidewalks**		per m²	880.30	933.10	6%
8	**Trenches in natural or grass sidewalks measured per m²**		per m²	158.00	167.50	6%
9	**Use of the road reserve for storage or in conjunction with construction or maintenance**	For determining the deposit required for use of the road reserve. The Municipality will refund the deposit once use of the road reserve has ended, and upon final inspection, the Municipality's engineers are satisfied that the road reserve is clean and undamaged.	per application	7 371.00	7 813.25	6%
ROADWAY OPEN TRENCH FEE						
10	**Tariff for authorized trenching across a municipal roadway**	For using an open trench to cross a roadway to install a pipe, cable or duct for water, electricity, communication or any other service. This tariff applies if the municipality grants written authorization for a roadway trench before digging of the trench commences. The applicant may not begin roadway trenching before it pays the roadway open trench fee and the Municipality issues written authorization.	per m² measured from 0.5m behind the kerb or road edge	6 486.50	6 875.70	6%
11	**Micro trenching fees**	For using a micro trench to cross a roadway to install a pipe, cable or duct for water, electricity, communication or any other service where directional drilling is not possible. This tariff applies if the municipality grants written authorization for a micro trench before cutting of the trench commences.	per m² measured from 0.5m behind the kerb or road edge	1 427.00	1 512.00	6%
12	**Tariff for unauthorized trenching across a municipal roadway**	For commencement of a roadway trench before the Municipality issues written authorization for the roadway trench, surcharge is payable. The surcharge applies regardless of whether the Municipality subsequently issues a written authorization, and regardless of whether the roadway trench is necessary.	per m² measured from 0.5m behind the kerb or road edge	500% of above fees		

GENERAL NOTES		
13		➢ Unless the context indicates otherwise, 'road reserve' includes a roadway, sidewalk, footway and verge. ➢ If the Kouga Local Municipality incurs any costs resulting from work in, or use of, the road reserve, including remedying substandard or non-compliant reinstatement, repairing damage, 3rd party claims, or cleaning the site, the deposit is offset against such actual costs plus a 20% administration fee, including VAT, thereon. The Municipality will refund the balance, if any. ➢ The roadway open trench fee is for the increased maintenance and reconstruction costs and inherent degradation of the roadway caused by roadway trenching and applies even if the trench is reinstated in compliance with the Municipality's requirements and standards. ➢ All internal Kouga Local Municipal Departments or State Funded Projects (National or Provincial), where the infrastructure will be taken over by Kouga Local Municipality, will be exempted from paying the Administrative & Supervision Fee, Refundable Deposits, Non-refundable Payments and/or Penalties. However, if work is done by an appointed Contractor obo of one of these entities no exemption will apply.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
MUNICIPAL BY-LAWS AND POLICY COMMITTEE
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/BP9**

SUPPLY CHAIN MANAGEMENT: REVISED SUPPLY CHAIN POLICY

1. **Introduction**

The purpose of this item is to request the Council to approve the Supply Chain Management: Revised Supply Chain Policy.

2. **Background**

The Supply Chain Management: Revised Supply Chain Policy was workshopped on 10 October 2024 and was reviewed by the Municipal By-Laws and Policy Committee on 12 November 2024, with a recommendation that the Supply Chain Management: Revised Supply Chain Policy be submitted to Council for approval.

3. **Discussion**

The policy is attached as Annexure A.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Municipal Supply Chain Management Regulations, 2005.
Local Government Municipal Finance Management Act No 56 of 2003

6. **Legal Implications**

Should the Council approve the proposed amendments to the Supply Chain Management Policy, the provisions of the amended Policy shall become effective from the date of the Council resolution.
The approved Policy must be uploaded on the municipal website.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations are supported.

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Recommendations supported.

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted

8.7 **Municipal Manager**

Noted

9. **Delegated Authority**

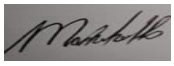
Council

10. **Recommendations**

10.1 That the Supply Chain Management: Revised Supply Chain Policy be approved by Council.

10.2 That the Supply Chain Management: Revised Supply Chain Policy be uploaded on the Kouga Website.

10.3 That the previous version be replaced with this version.

Item prepared by the: Municipal By-Laws and Policy Committee Chairperson 

KOUGA
local municipality
Good Governance through Service Excellence

REVISED
SUPPLY CHAIN MANAGEMENT POLICY FOR KOUGA LOCAL MUNICIPALITY

Contact details: **scm@kouga.gov.za** or **tenders@kouga.gov.za**

Approved by council on the: 29 March 2018(Item No: 18/03/F1)

Amendment and approved by council on the: 28 August 2020(Item No:20/08/F3)

Last approved by council on the: 31 May 2023(Item No:23/05/F2)

Amended and approved by Council on the 27March 2024(Item No:24/03/FED15.)
Workshopped -10 October 2024

KOUGA MUNICIPALITY
REVISED MUNICIPAL SUPPLY CHAIN MANAGEMENT POLICY
LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003

Date of adoption:

Council resolves in terms of section 111 of the Local Government Municipal Finance Management Act (No. 56 of 2003), to adopt the under-mentioned revised policy as the Supply Chain Management Policy of the municipality.

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1. Definitions

In this policy and any bid documentation or directive issued in terms thereof, the singular includes the plural and vice versa, any one gender includes both genders and, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Municipal Finance Management Act has the same meaning as in this Act and -

Words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include females and words importing persons shall include companies, close corporations and firms, unless the context clearly indicates otherwise.

Unless otherwise indicated, all amounts/limits stated in this document shall be deemed to be inclusive of all applicable taxes.

"Accounting Officer" means the manager of the municipal administration and accounting officer of the municipality appointed by the council in terms of section 54A of the Local Government: Municipal Systems Act No. 32 of 2000 and includes any employee of the municipality who acts in his stead and, in the event of the municipality being subject to an intervention in terms of section 139 of the Constitution or any other applicable law, includes the "Administrator" appointed as a consequence of such intervention or in terms of the conditions pertaining thereto;

"KLM" means Kouga Local Municipality, a municipality established in terms of the Municipal Structures Act, 1998, (Act 117 of 1998), any employee of KLM is acting in terms of the delegated authority.

"All applicable taxes" includes value-added tax, pay as you earn, income tax, skills development levies and unemployment insurance fund contributions.

"B-BBEE" means broad-based black economic empowerment as defined in section 1 of the Broad-Based Black Economic Empowerment Act.

"B-BBEE status level of contributor" means the B-BBEE status received by a measured entity based on its overall performance using the relevant scorecard contained in the Codes of Good Practice on Black Economic Empowerment.

"Bid" means a written offer in a prescribed or stipulated form in response to an invitation to bid issued by the municipality for the procurement of goods, services or works through price quotations, advertised competitive bidding processes, limited bids or proposals or for the disposal of assets and **"tender**" has a corresponding meaning.

"Bid Committees" means the committees established in terms of this policy to prepare bid specifications, bid documentation, evaluate responsive bids and, where so authorized, to adjudicate responsive bids and any reference in section 117 of the Municipal Finance Management Act to municipal tender committees shall be construed as a reference to the aforesaid committees.

"Bid documentation" means all documentation relating to or necessary in order to complete a procurement or disposal including but not limited to such specification, bidding, certification and contractual documentation as may be prescribed by National Treasury or the Construction Industry Development Board, as the case may

be, for municipal supply chain management purposes and the implementation of this policy.

"Bidder" means any person who submits a bid or quotation to the municipality in response to an invitation to bid or quote and includes a **"tenderer'**.

"Bid rigging" means a prohibited collusive bidding practice in terms of which bidders that would normally be expected to compete in a procurement process either singularly or by association with other persons or firms in a horizontal relationship, secretly conspire to raise prices or lower the quality of goods and/or services or agree not to compete against each other in such process.

"Black people" is a generic term which means Africans, Colored's and Indians.

"Broad-Based Black Economic Empowerment Act" means the Broad-Based Black Economic Empowerment Act No. 53 of 2003.

"Chief Financial Officer" means the official of the municipality designated as such in terms of section 80(2)(a) of the Municipal Finance Management Act.

"CIDB" means the Construction Industry Development Board.

"CIDB regulations" means any regulations issued in terms of the Construction Industry Development Board Act No. 38 of 2000.

"Codes of Good Practice" means the Codes of Good Practice on Black Economic Empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act and contained in General Notice 12 of 9 February 2007.

"Comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilized, have been taken into consideration.

"Competitive bidding process" means a transparent procurement method in which bids from competing contractors, suppliers or vendors are invited by openly advertising the scope, specifications, terms and conditions of the proposed contract as well as the criteria by which responsive bids received will be evaluated.

"Competitive bid" means a bid in terms of a competitive bidding process.

"Consortium or joint venture" means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

"Construction works" or **"works'** means the provision of a combination of goods and services arranged for the development, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling or demolition of a fixed asset including building and engineering infrastructure.

"Contractor" means a person or body of persons who undertakes to execute and complete procured construction works for or on behalf of the municipality.

"Contract" means the agreement that results from the acceptance of a bid by the municipality in accordance with this policy.

"Council" means the council of Kouga Local Municipality.

"Day" unless expressly otherwise provided in this policy, means a calendar day, provided that when any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday;

"Delegating authority" means the council, a duly authorized political structure or office bearer thereof, the Accounting Officer or other employee to whom original powers are assigned in terms of legislation and, in relation to a sub-delegation of a power, that delegated body.

"Delegation" means the issuing of a written authorization by a delegating authority to a delegated body to act in his stead and, in relation to a duty, includes an instruction or request to perform or to assist in performing the duty and "delegate" and sub-delegate has a corresponding meaning.

"Delegated body" in relation to the delegation of a power means the person to whom a power has been delegated by the delegating authority in writing.

"Designated Official" means the official of the municipality to whom the accounting officer or the chief financial officer, as the case may be, have, in accordance with sections 79 and 82 of the Municipal Finance Management Act No. 56 of 2003 delegated or sub-delegated powers, functions and duties in connection with the application and implementation of this policy provided that a sub-delegation by the chief financial officer to an official that has not been allocated to him by the accounting officer or to a person contracted by the municipality for the work of its budget and treasury office may only be so authorized with the concurrence of the accounting officer and provided further that the said chief financial officer is satisfied that effective systems and procedures are in place to ensure control and accountability by the person concerned.

"Designated sector" means a sector, sub-sector or industry that has been designated by the Department of Trade and Industry in line with national development and industrial policies for local production, where only locally produced services, works or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content.

"Disposal" means a process of preparing, negotiating and concluding a written contract relating to the alienation or a capital asset whether movable or immovable owned by or under the control of the municipality or rights in respect thereof, by means of a sale, lease, donation or cession and **"dispose of"** has a similar meaning.

"Final award" in relation to bids or quotations submitted for a contract, means the final decision on which a bid or quote was accepted.

"Firm price" means the price that is only subject to adjustments in accordance with the actual increase or decrease resulting from the change, imposition, or abolition of customs or
excise duty and any other duty, levy or tax which, in terms of any applicable law or regulation, is binding on the contractor and demonstrably has an influence on the price of any supplies or the rendering costs of any service, for the execution of a

contract.

"Formal written price quotations" means quotations referred to in paragraph 12 (1) (c) of this policy.

"Fronting" means a deliberate circumvention or attempted circumvention of the "Broad-Based Black Economic Empowerment Act and the Codes of Good Practice.

"Head of Department or Director" means a senior manager as defined in the Municipal Finance Management Act and who is responsible for a vote as assigned by the accounting officer.

"Imported content" means that portion of the bid or tender price represented by the cost of components, parts or materials which have been or are still to be imported (whether by the supplier or its sub-contractors) and which costs are inclusive of the costs abroad, plus freight.
and other direct importation costs, such as landing costs, dock dues, import duty, sales duty or other similar tax or duty at the South African port of entry.

"In the service of the state" means to be -

(a) A member of -
- **(i)** any municipal council.
- **(ii)** any provincial legislature; or
- **(iii)** the National Assembly or the National Council of Provinces.

(b) A member of the board of directors of any municipal entity.

(c) An official of any municipality or municipal entity.

(d) An employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Act and the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(e) A member of the accounting authority of any national or provincial public entity; or

(f) An employee of Parliament or a provincial legislature.

"Line manager" means a manager reporting directly to a senior manager and who is responsible for a cost centre as assigned by the relevant senior manager.

"Local content" means that portion of the bid or tender price, which is not included in the imported content, provided that local manufacture does take place.

"Long term contract" means a contract with a duration period exceeding one year.

"List of accredited prospective providers" means the list of accredited prospective providers which the municipality must keep in terms of paragraph 15 of this policy.

"Mayor" means the councillor elected by the council as Mayor in terms of section 48 of the Local Government: Municipal Structures Act No. 117 of 1998 read with section 58 of the Municipal Finance Management Act.

"**Municipality"** means the Kouga Municipality, a local municipality established in terms of section 12 of the Local Government: Municipal Structures Act No. 117 of 1998 and includes any employee entitled to or duly authorized to perform any function or duty in terms of this policy and/or is responsible for the implementation of this policy or any part thereof.

"Municipal Finance Management Act" means the Local Government: Municipal Finance Management Act No. 56 of 2003 and, unless otherwise stated in this policy, any reference to "the Act" shall mean a reference to this Act.

"Municipal Systems Act" means the Local Government: Municipal Systems Act No. 32 of 2000 and includes the regulations under this Act.
"Non-firm prices" means all prices other than "firm" prices.

"Other applicable legislation" means any other legislation applicable to municipal supply chain management, including but not limited to –

a) the Preferential Procurement Policy Framework Act No. 5 of 2000.
b) the Broad-Based Black Economic Empowerment Act No. 53 of 2003.
c) the Construction Industry Development Board Act No. 38 of 2000.
d) the Local Government: Municipal Systems Act No. 32 of 2000 (Municipal Systems Act).
e) the Promotion of Administrative Justice Act No. 3 of 2000.
f) the Promotion of Access to Information Act No. 2 of 2000.
g) the Protected Disclosures Act No. 26 of 2000.
h) the Competition Act No. 89 of 1998.
i) the Prevention and Combating of Corrupt Activities Act No. 12 of 2004.
j) the Updated Preferential Procurement Regulation dated 16 January 2022

"Person" includes an enterprise, partnership, trust, association, consortium, joint venture or a juristic person.

"Petty cash" means a relatively small amount of cash kept at hand for making immediate payment for miscellaneous small expenses incurred the municipality.

"Preferential Procurement Regulations" means the Preferential Procurement Regulations, 2011 contained in Government Notice R 502 of 8 June 2011 promulgated in Government Gazette No. 34350 of this date; as well as the updated Preferential Procurement Regulations of 2022 dated 16 January 2023.

"Procurement" means the processes leading to the negotiation and conclusion of contracts whether in writing or verbally for the acquisition of goods, services or construction works or any combination thereof or the disposal of assets whether movable or immovable or any rights in such assets by means of purchase, sale, lease or donation and includes the preparation of all associated bid and contractual documentation and **"procured"** or **"procuring"** has a similar meaning.

"Quotation" means a stated price that a supplier expects to receive for the provision of specified services, goods or works.

"Responsive bid" means a bid that complies in all material aspects with the requirements set out in or contained in an invitation to bid including the applicable specification.

"Small enterprise" means a separate and distinct business entity, together with its branches or subsidiaries, if any, including cooperative enterprises, managed by one owner or more predominantly carried on in any sector or sub-sector of the economy mentioned in column 1 of the Schedule to the National Small Business Act No. 102 of 1996 which is contained in Annexure B to this policy and classified as a micro-, a very small, a small or a medium enterprise by satisfying the criteria mentioned in columns 3, 4 and 5 of the said schedule;

"Stipulated minimum threshold" means that portion of local production and content as determined by the Department of Trade and Industry from time to time.

"Sub-contract" means the primary contractor's assigning, leasing, making out work to, or employing, another person to support such primary contractor in the execution of part of a project in terms of a contract.

"Rand value" means the total estimated value of a contract in South African currency calculated at the time of bid invitations and includes all applicable taxes and excise duties.

"SANAS" means the South African National Accreditation System.

"Total revenue" bears the same meaning assigned to this expression in the Codes of Good Practice.

"Trust" means the arrangement through which the property of one person is made over or bequeathed to a trustee to administer such property for the benefit of another person.

"Trustee" means any person, including the founder of a trust, to whom property is bequeathed in order for such property to be administered for the benefit of another person.

"Treasury guidelines" means any guidelines on supply chain management issued by the Minister of Finance in terms of section 168 of the Municipal Finance Management Act.

"The Regulations" means the Local Government: Municipal Finance Management Act, 2003: Municipal Supply Chain Management Regulations published by Government Notice 868 of 2005.

"Verbal Quotations" means a verbal process of inviting quotations from an identified limited number of potential suppliers for the supply goods, services and/or works.

"Verification Certificate" means a B-BBEE certificate issued in compliance with the B-BBEE Codes of Good Practice and all Sector Codes issued in terms of Section 9(1) of the Broad-Based Black Economic Empowerment Act.

"Written quotations" means quotations referred to in paragraph 12(1)(c) of this policy.

"Community Based Supplier" means a supplier of goods, services and/or construction works who resides and operates in a specific area or community, who meets the criteria for Community Based Suppliers as determined by the Director: Supply Chain Management from time to time, and who is registered as such on the KLM's Supplier Database and at its respective Sub-Council.

"Abuse" in terms of the Kouga's Supply Chain Management System means conduct by an official or person that is tantamount to:

a. fraud.
b. corruption.
    - favoritism.
    - unfair, irregular and unlawful practices.
    - misrepresentation on information submitted for the purposes of procuring a contract with the municipality misrepresentation regarding the supplier's B-BEE status level of contributor, expertise and capacity to perform in terms of a contract procured via the supply chain management system.
    - breach of a contract procured via the supply chain management system.
    - failure to comply with the supply chain management system; or
    - and any other conduct referred to under the heading of" Combatting Abuse of the Supply Chain Management System".

"Formal Written Price Quotation" means a written or electronic offer to the KLM in response to an invitation to submit a quotation. "Formal Written Price Quotation", "Written Price Quotation", "Quotation" or " shall have a similar meaning. Also referred to as "Bids";

"Framework Agreement Bid/ Term Bid / Panels / Rates Based Bid" means a bid for the supply of goods, services or construction works, which are of an ad-hoc or repetitive nature on an "as instructed basis" where the terms are approved for use over a predetermined period of time without guaranteeing any quantum of expenditure utilizing the contract;

"Fronting Practice (Also referred to as Tokenism or Window dressing)" means a transaction, arrangement or other act or conduct that directly or indirectly undermines or frustrates the achievement of the objectives of the B-BBEE Act or the implementation of any of the provisions of the B-BBEE Act, including but not limited to practices in connection with a B-BBEE initiative:

- in terms of which black persons who are appointed to an
- enterprise are discouraged or prohibited from substantially participating in the core activities of that enterprise;
- in terms of which the economic benefits received as a result of the broad-based black economic empowerment status of an enterprise do not flow to black people in the ratio specified in the relevant legal documentation.
- involving the conclusion of a legal relationship with a black person for the purpose of that enterprise achieving a certain level of broad-based black economic empowerment compliance without granting that black person the economic benefits that would reasonably be expected to be associated with the status or position held by that black person; or
- involving the conclusion of an agreement with another enterprise in order to achieve or enhance broad-based black economic empowerment status in circumstances in which:
- there are significant limitations, whether implicit or

- explicit, on the identity of suppliers, service providers, clients or customers; the maintenance of business operations is reasonably considered to be improbable, having regard to the resources available; the terms and conditions were not negotiated at arm's length and on a fair and reasonable basis.

"Functionality" means the ability of a tenderer to provide goods or services in accordance with specifications as set out in the tender documents. This is determined by the measurement according to predetermined norms, as set out in the bid documents, of the totality of features and characteristics of the goods or services that bears on the ability of thereof to satisfy the stated or implied needs. "Functionality" is also referred to as "Quality";

"Granting of Rights" means the granting by the KLM of the right to use, control or manage capital assets in circumstances where sections 14 and 90 of the MFMA and Chapters 2 and 3 of the Municipal Asset Transfer Regulations do not apply. In other words, where the granting of such rights does not amount to "transfer" or "disposal" of the asset and which includes leasing, letting, hiring out, etc., of the capital asset.

"Green Procurement" is defined as taking into account environmental criteria for goods and services to be purchased in order to ensure that the related environmental impact is minimized.

"Influencing the Bid Process" means directly, indirectly or tacitly influencing or interfering with the work of relevant KLM Officials involved in the bid process in order to influence the process in order to inter alia:

- influence the process and/or outcome of a bid.
- incite breach of confidentiality and/or the offering of bribes.
- cause over and under invoicing.
- influence the choice of procurement method or technical standards; or
- influence any KLM Official in any way which may secure an
- unfair advantage during or at any stage of the procurement process.

"Joint Venture or Consortium" means an association of persons, formalised by agreement between such persons, formed for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract;

"Military Veteran" has the meaning assigned to it in section 1 of the Military Veterans Act, 2011 (Act No. 18 of 2011);

"Municipal Asset Transfer Regulations" means the Municipal Asset Transfer Regulations published in Government Gazette 31346 of 22 August 2008;

"Municipal Council (Council)" means the council referred to in Section 18 of the Local Government Municipal Structures Act 117 of 1998;

"Municipal Entity" means an entity as defined in the Municipal Systems Act;

"Municipal Finance Management Act" (MFMA): means the Local Government: Municipal Finance Management Act, 2003, (Act 56 of 2003);

"Municipal Structures Act" means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

"Municipal Systems Act" means Local Government Municipal Systems Act, 2000 (Act 32 of 2000)

"National Treasury" has the meaning has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 18 of 1999;

"Non-compliant Contributor" means a person who does not meet the minimum score to qualify as a status level 8 B-BBEE Contributor, or a person who is not verified in terms of the applicable codes of good practice;

"Non-exempted Capital Asset" means a municipal capital asset which is not exempted by section 14(6) or 90(6) of the MFMA, from the other provisions of that section;

"Non-firm Prices" means all prices other than "firm" prices;

"People with Disabilities" has the meaning assigned to it in section 1 of the Employment Equity Act, 1998 (Act No. 55 of 1998);

"Preferred Bidder" means a bidder with whom negotiations may be entered into to conclude the final terms of a contract

"Preferential Procurement Policy Framework Act" (PPPFA) means the Preferential Procurement Policy Framework Act, 2000, (Act 5 of 2000);

"Preferential Procurement Regulations" means the regulations pertaining to the PPPFA;

"Price" includes all applicable taxes less unconditional discounts;

"Prime Supplier" shall have the same meaning as "Contractor" (see also Supplier);

"Promotion of Access to Information Act (PAIA)" means Promotion of Access to Information Act, 2000 (Act 2 of 2000);

"Proof of B-BBEE Status Level of Contributor" means the B-BBEE status level certificate issued by an authorized body or person, a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice or any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act;

"Policy" means this Supply Chain Management Policy as amended from time to time;

"Promotion of Administrative Justice Act (PAJA)" means the Promotion of Administrative Justice Act, 2000, (Act 3 of 2000);

" Qualifying Small Enterprise (QSE)" means a qualifying small enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

"Quality" also referred to as "Functionality" (see clause 1.49 above);

"Rand Value" means the total estimated value of a contract in Rand, calculated at the time of bid invitation;

"Representative" means any representative of a supplier in relation to the relevant tender, whether authorized or not, including but not limited to directors, members, employees and agents and include Legal Representatives.

"Republic" means the Republic of South Africa.

"Responsible Agent" means either an internal project manager (being an employee of the KLM) or an external consultant (appointed by the KLM), as the case may be, who is responsible for the implementation of a project or part thereof;

"Rural Area" means a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area or an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have a traditional land tenure system;

"SARS" means the South African Revenue Services;

"Stipulated Minimum Threshold" means the minimum threshold stipulated in terms of any relevant regulation of the Preferential Procurement Regulations, 2017;

"Sub-contract" means the prime supplier's assigning, leasing, making out work to, or employing, another person to support such prime supplier in the execution of part of a contract;

"Sub-contractor" means any person that is assigned, leased, employed or contracted by the prime supplier to carry out work in support of the prime supplier in the execution of a contract;

"Supplier/Vendor" are generic terms which may include suppliers of goods and services, contractors and/or consultants and must be applied as the context requires;

"Supply Chain Management (SCM) Regulations" means the Municipal Supply Chain Management Regulations published in terms of the Municipal Finance Management Act, 2003, (Act 56 of 2003);

"Targeted Labour" means those individuals employed by a supplier, or sub-contractor, in the performance of a contract, who are defined in the contract as the target group, and who permanently reside in the defined target area;

"Targeted Enterprises" means those enterprises (suppliers, manufacturers, service providers or construction works contractors) that own, operate or maintain premises

within the target area defined in the contract, for the purposes of carrying out their normal business operations;

"Tender/Tenderer" means "bid/bidder";

"Township" means an urban living area that at any time from the late 19th century until 27 April 1994, was reserved for black people, including areas developed for historically disadvantaged individuals post 27 April 1994;

"Transaction Value" means the actual contract value (the bid sum or price) in South African currency, inclusive of all applicable taxes in respect of the goods, services or construction works that are contracted for;

"Treasury" has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 18 of 1999);

"Treasury Guidelines" means any guidelines on supply chain management issued by the Minister in terms of section 168 of the MFMA;

"Unsolicited Bid" means an offer submitted by any person at its own initiative without having been invited by the KLM to do so;

"Youth" has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008).

"Director" in terms of this policy means a director of a company as defined in the Companies Act, 1973 and 2008 (Act No. 61 of 1973 and Act No. 71 of 2008); a member of a close corporation as defined in the Close Corporations Act, 1984 (Act No. 69 of 1984); a trustee of a trust or a person holding an equivalent position in a firm.

"Comparative price" means the price after the factors of a non-firm price and all unconditional discounts that can be utilized have been taken into consideration.

"Designated group" means-

(a) black designated groups;
(b) black people;
(c) women;
(d) people with disabilities; or
(e) small enterprises, as defined in section 1 of the National Small Enterprise Act, 1996 (Act No. 102 of 1996);

"Historically disadvantaged individual (HDI)"; means a South African citizen –

(1) who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa,1983 (Act No 110 of 1983); and
/ or
(2) who is a female; and / or
(3) who has a disability:

Provided that a person who obtained South African citizenship on or after the coming to effect of the Interim Constitution, is deemed not to be an HDI.

"Objective Criteria" for the purpose of section of 2(1)f of the procurement Act must be criteria other than the additional to criteria relating to equity ownership by HDI's or whether or not a bidder was located in a particular province or municipal area

"QSE" means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act;

"Region" means the district and/or Sarah Baartman District Municipality.

"Rural area" means-

(a) a sparsely populated area in which people farm or depend on natural resources, including villages and small towns that are dispersed through the area; or

(b) an area including a large settlement which depends on migratory labour and remittances and government social grants for survival, and may have a
traditional land tenure system;

"Specific goals" means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programs of the Reconstruction and Development Programe as published in Government Gazette No. 16085 dated 23 November 1994;

"Youth" has the meaning assigned to it in section 1 of the National Youth Development Agency Act, 2008 (Act No. 54 of 2008).

1. SUPPLY CHAIN MANAGEMENT POLICY: POLICY STATEMENT AND OBJECTIVES

a) Section 111 of the Municipal Finance Management Act 56 of 2003 ("the Act") stipulates that each municipality and each municipal entity must have and must implement a Supply Chain Management (SCM) Policy which gives effect to the requirements of the Act.

b) Furthermore, the Preferential Procurement Policy Framework Act prescribes that an organ of state must determine its Preferential Procurement Policy for implementation within the prescribed framework. In this Policy, such is articulated in the Preferential Procurement section of this Policy.

c) **APPLICATION AND DESIRED OUTCOMES BY KOUGA LOCAL MUNICIPALITY (KLM) FROM THE SCM MANAGEMENT POLICY:**

1) The desired outcome of this Policy is to provide a mechanism to ensure sound, sustainable and accountable supply chain management within the KLM, whilst promoting black economic empowerment, which includes general principles for achieving the following socio-economic objectives:

a) The purpose of this Policy is to regulate all Supply Chain Management practices within the KLM and its municipal entity. This Policy implements the Supply Chain Management practices as envisaged in terms of Section 217 of the Constitution of the Republic of South Africa, and by the Act and its Regulations.

b) The Policy, as far as possible sets out a system of procurement that is fair, transparent, equitable, competitive and cost-effective. All KLM employees shall adhere, implement and observe the provisions and requirements of this Policy.

c) The Policy also strives to align the KLM's procurement practices with its strategic goals, as identified in the five outcomes of the Growth and Development Strategy. In particular, the Policy aims to promote quality, sustainable services and honest, transparent and responsive local government.

d) Further to the above, the Policy seeks to address the following socio-economic objectives:

I. Stimulation and promotion of local economic development and facilitating job creation and business growth opportunities, especially focused on previously disadvantaged groups.

II. Promoting resource efficiency and reducing the negative environmental impact of the daily operations of the KLM, through taking a green approach to procurement.

III. Improving the KLMs ability to fulfil its service delivery mandate through efficient and cost-effective procurement practices that holds service providers to account and ensures delivery against contractual obligations.

IV. Actively fighting fraud and corruption in procurement practices through a system of checks and balances.

V. Modernization of the KLM's procurement practices through the use of e-Procurement system and other measures aimed at increasing efficiency; and

VI. Improving the KLM's financial sustainability through measures that ensure that the KLM derives maximum value for money.

e) To stimulate and promote local economic development in a targeted and focused manner.

f) To promote resource efficiency and reduce the negative environmental impact of daily operations of the KLM.

g) To facilitate creation of employment and business opportunities for the people of KLM with particular reference to specific goals.

h) To promote the competitiveness of local businesses.

i) To increase the small business sector access, in general, to procurement business opportunities created by Council.

2) This Policy will also strive to ensure that the objectives for uniformity in supply chain management systems between organs of state, in all spheres, is not undermined and that consistency with national economic policy on the promotion of investments and doing business with the public sector is maintained.

CHAPTER 1

IMPLEMENTATION OF SUPPLY CHAIN MANAGEMENT POLICY

2. SUPPLY CHAIN MANAGEMENT POLICY

(1) All officials and other role players in the supply chain management system of the municipality must implement this policy in a way that -

(a) gives effect to Section 217 of the Constitution and Part 1 of Chapter 11 and other applicable provisions of the Act;

(b) is fair, equitable, transparent, competitive and cost effective;

(c) complies with the Regulations and any minimum norms and standards that may be prescribed in terms of section 168 of the Act;

(d) is consistent with other applicable legislation;

(e) does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and

(f) is consistent with national economic policy concerning the promotion of investments and the conduct of business with the public sector.

(2) This policy applies when the municipality –

(a) procures goods or services.

(b) disposes of goods no longer needed;

(c) selects contractors to provide assistance with the provision of municipal services otherwise than in circumstances where Chapter 8 of the Municipal Systems Act applies; or

(d) selects external mechanisms referred to in section 80 (1) (b) of the Municipal Systems Act for the provision of municipal services in circumstances contemplated in section 83 of that Act.

(3) This policy, except where provided otherwise, does not apply in respect of the procurement of goods and services contemplated in section 110(2) of the Act, including, but not limited to -

(a) water from the Department of Water Affairs or a public entity, another municipality or a municipal entity; and

(b) electricity from Eskom or another public entity, another municipality or a municipal entity.

(c) the provision of goods or services to KLM by entities that have been preapproved by Provincial Department and National Department

(d) the provision of a municipal service or assistance in the provision of a municipal service

(e) any other contractual agreements between organs of state for whatever reasons

(4) Notwithstanding anything to the contrary in this policy, the municipality shall not award a contract to a contractor in respect of the undertaking, carrying out or completion of any construction works or a portion thereof in terms of a competitive bidding or quotation process provided for in this policy unless such contractor is registered with the Construction Industry Development Board established by section 2 of the Construction Industry Development Board Act No. 32 of 2000 and holds a valid registration certificate issued by such Board or is exempted from such registration either in terms of this Act or the "CIDB Regulations".

(5) A report must be submitted to the accounting officer or delegated authority seeking authority to contract with another organ of state.

3. AMENDMENT AND ADOPTION OF THE SUPPLY CHAIN MANAGEMENT POLICY

(1) The accounting officer must at least annually review the implementation of this policy and, when necessary, submit proposals for the amendment thereof to the council through the Mayor acting in conjunction with the mayoral committee.

(2) If the accounting officer submits proposed amendments to this policy to the council, he must ensure that same comply with the Regulations and Treasury guideline standards determining standards for municipal supply chain management policies.

(3) The accounting officer must report any deviation from the Regulations and Treasury guideline standards determining standards for municipal supply chain management policies to the National and Eastern Cape Provincial Treasuries.

(4) When amending this policy, the need for uniformity in supply chain practices, procedures and forms between all spheres of organs of state particularly to promote accessibility of supply chain management systems for small businesses, must be taken into account.

4. DELEGATION OF SUPPLY CHAIN MANAGEMENT POWERS AND DUTIES

1) The council hereby delegates all powers and duties to the accounting officer which are necessary to enable him –

(a) to discharge the supply chain management responsibilities conferred on accounting officers in terms of -

(i) chapters 8 or 10 of the Act; and

(ii) this policy; and

(b) to maximize administrative and operational efficiency in the implementation of this policy; and

(c) to enforce reasonable cost-effective measures for the prevention of fraud, corruption, favoritism and unfair and irregular practices in the implementation of this policy; and

(d) to comply with his responsibilities in terms of section 115 and other applicable provisions of the Act.

(2) Sections 79 and 106 of the Act apply to the sub-delegation of powers and duties delegated to an accounting officer in terms of subparagraph (1).

(3) The accounting officer may not sub-delegate any supply chain management powers or duties to a person who is not an official of the municipality or to a committee which is not exclusively composed of officials of the municipality.

(4) This paragraph may not be read as permitting an official to whom the power to make final awards has been delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 27 of this policy.

5. SUB-DELEGATIONS

(1) The accounting officer may, in terms of section 79 of the Act, sub-delegate any supply chain management powers and duties, including those vested in him in terms of legislation or delegated to him in terms of this policy or by resolution of the council, but any such sub-delegation must be consistent with subparagraph (2) and paragraph 4 of this policy.

(2) The power to make a final award -

(a) above R10 million (VAT included) may not be sub-delegated by the accounting officer;

(b) above R2 million (VAT included), but not exceeding R10 million (VAT included), may be sub-delegated by the accounting officer but only to -

(i) the chief financial officer;

(ii) a senior manager; or

(iii) a bid adjudication committee of which the chief financial officer or a senior manager is a member;

(c) not exceeding R2 million (VAT included) may be sub-delegated by the accounting officer but only to -

(i) the chief financial officer;

(ii) a senior manager;

(iii) a manager directly accountable to the chief financial officer or a senior manager; or

(iv) a bid adjudication committee.

(3) An official or bid adjudication committee to whom or which the power to make final awards has been sub-delegated in accordance with subparagraph (2)

must, within five days of the end of each month, submit to the official referred to in subparagraph (4) a written report containing particulars of each final award made by such official or committee during that month, including -

(i) the amount of the award;

(ii) the name of the person to whom the award was made; and

(iii) the reason why the award was made to that person.

(4) A written report referred to in subparagraph (3) must be submitted-

(a) to the accounting officer, in the case of an award by -

(i) the chief financial officer;

(ii) a senior manager; or

(iii) a bid adjudication committee of which the chief financial officer or a senior manager was a member;

(b) to the chief financial officer or the senior manager responsible for the relevant bid, in the case of an award by -

(i) a manager referred to in subparagraph (2)(c)(iii); or

(ii) a bid adjudication committee of which the chief financial officer or a senior manager was not a member.

(5) Subparagraphs (3) and (4) do not apply to procurements out of petty cash.

(6) This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been sub-delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in paragraph 26 of this policy.

(7) No supply chain management decision-making powers may be delegated to an advisor or consultant.

6. OVERSIGHT ROLE OF THE COUNCIL

(1) No councilor may be a member of a bid committee or any other committee evaluating or approving quotations or bids nor attend any meeting of such committees as an observer.

(2) The council must maintain oversight over the implementation of this policy to ensure that the accounting officer implements all supply chain management activities in accordance therewith.

(3) For the purposes of such oversight, the accounting officer must -

(a) within 30 days of the end of each financial year, submit a report on the implementation of this policy to the council through its mayor;

(b) whenever there are serious and material problems in the implementation of this policy, immediately submit a report thereon to the council through its mayor.

(4) The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of this policy to the mayor.

(5) The aforesaid reports must be made public in accordance with section 21A of the Municipal Systems Act.

7. SUPPLY CHAIN MANAGEMENT UNIT

(1) A supply chain management unit is hereby established to implement this policy.

(2) Subject to subparagraph (3), the supply chain management unit shall operate under the direct supervision of the chief financial officer to whom this duty is hereby delegated by the accounting officer in terms of section 79 of the Act.

(3) All correspondence about this Policy shall be addressed to Manager: Supply Chain Management.

(4) A copy of this Policy and other relevant documentation is available on the
KLM's website and a copy can be requested from the SCM Office.

8. TRAINING OF SUPPLY CHAIN MANAGEMENT OFFICIALS

(a) The training of officials involved in implementing this policy should be in accordance with any Treasury guidelines on supply chain management training and applicable prescribed competency level requirements.

(b) The municipal manager or delegated staff member shall ensure that all persons involved in the implementation of this Policy meet the prescribed competency levels, and where necessary, shall provide relevant training.

CHAPTER 2

SUPPLY CHAIN MANAGEMENT SYSTEM

9. FORMAT OF SUPPLY CHAIN MANAGEMENT SYSTEM

This policy provides systems for -

(i) Demand management;

(ii) Acquisition management;

(iii) Logistics management;

(iv) Disposal management;

(v) Risk management; and

(vi) Performance management.

Part 1: Demand management

10. SYSTEM OF DEMAND MANAGEMENT

(1) The accounting officer must establish and implement an appropriate demand management system in order to ensure that the resources required by the municipality supports its operational commitments and its strategic goals as outlined in the municipality's Integrated Development Plan.

(2) The demand management system must -

(a) include timely planning and management processes to ensure that all goods, services and works required by the municipality are quantified, budgeted for and timely and effectively delivered at the right locations and at the critical delivery dates and are of the appropriate quality and quantity procured at a fair cost;

(b) take into account any benefits of economies of scale that may be derived in the case of procurements of a repetitive nature;

(c) provide for the compilation of the required specifications to ensure that municipal needs are met;

(d) allow for the undertaking of appropriate industry analysis and research to ensure that innovations and technological benefits are maximized.

(e) be able to do a forecasting of future needs, identifying of critical delivery days, identifying the frequency of the need, be able to determine requirements (including the internal capacity to implement projects)

(3) The accounting officer must, prior to issuing an invitation to bid-

(a) properly plan for, and, as far as possible, accurately estimate the costs for the provision of goods, services and/or works for which an invitation to bid is to be issued;

(b) determine the appropriate preference point system to be utilized in the

evaluation and adjudication of bids to be received in response to the contemplated invitation to bid; and

(c) determine whether the goods, services and/or works for which an invitation to bid is to be issued has been designated for local production and content in terms of the Preferential Procurement Regulations

(4) The accounting officer must indicate in an invitation to submit a bid and in the applicable bid specification or terms of reference-

(a) that such bid will be evaluated on functionality and, in such event, the following shall be clearly stated:

(i) the evaluation criteria for measuring functionality which criteria must be objective;

(ii) the weight of each criterion which should not be generic but be determined separately for each bid on a case by case basis;

(iii) the applicable values that will be utilized when scoring each criterion which values must be objective;

(iv) the minimum qualifying score for functionality in order to enable the bid concerned to be further evaluated in terms of this policy provided that the aforesaid qualifying score:

(a) should not be generic but be determined separately for each bid on a case by case basis; and

(b) should not be prescribed so low that it may jeopardize the quality of the service or works required nor be so high that it may be restrictive to the extent that it jeopardizes the fairness of the supply chain management system;

(c) the fact that no bid will be regarded as an acceptable bid if the bidder or the goods, services and/or works to be procured, as the case may be, fails to achieve the minimum qualifying score for functionality as indicated in the invitation to bid and the relevant bid specification or terms of reference; and

(d) that bids that have achieved the minimum qualification score for functionality will be evaluated further in terms of the preference point systems.

(5) Any system designed in terms of this paragraph shall take cognizance of the provisions
of this policy.

Part 2: Acquisition management

11. SYSTEM OF ACQUISITION MANAGEMENT

(1) The accounting officer must implement an efficient system of acquisition management in order to ensure -

(a) that goods, services and works are procured by the municipality

in accordance with authorized processes only;

(b) that expenditure on goods, services and works is incurred in terms of an approved budget in terms of section 15 of the Act;

(c) that the threshold values for the different procurement processes are complied with;

(d) that bid documentation, evaluation and adjudication criteria and the general conditions of a contract, are in accordance with any applicable legislation; and

(e) that any Treasury guidelines on acquisition management are properly taken into account.

(2) When procuring goods or services from an organ of state as contemplated in section 110 (2) of the Act, the accounting officer must make public the fact that such goods or services are procured otherwise than through the municipality's supply chain management system, including -

(a) the kind of goods or services; and

(b) the name of the supplier.

12. RANGE OF PROCUREMENT PROCESSES

(1) Goods and services may only be procured by way of -

(a) petty cash purchases up to a transaction value of R2,000 (VAT included) at such locations as may be determined by the accounting officer;

(b) at least one written quotation for procurements of a transaction value up to R2, 000 (VAT included);

(c) formal written quotations for procurements of a transaction value over R2,000 up to R300 000 (VAT included);

(d) All quotes ranging from R0.00 to R 30 000(Vat Inclusive) for goods or services **MUST** be sourced from service providers or suppliers who resides within Kouga Area *(that would be covering all the 15 Wards of Kouga Local Municipality)*. If services providers or suppliers of Kouga Area are unable to provide such service or good, proof indicating such must be provided to SCM Unit. Thereafter an invite to request quotations will be extended to service providers or suppliers who are coming outside of the boundaries of Kouga Local Municipality. This application is in line with Local Economic Development and the Ward Development Fund Policy of KLM. The following must however be considered for the preferred quote:

(i) Value for money.
(ii) Price/s offered must be market related.
(iii) Where SCM Unit has found the prices to be not market related, the Supply Chain Manager or person subdelegated is entitled to

negotiate with the preferred service provider up to and including the third service provider who quoted. Where the quoted price remains to be not market related, the SCM Manager must report such to the Chief Financial Officer for adjudication. That must be concluded in three (3) days from the date assessing quotes received.

(e) Formal written price quotations for procurements of a transaction value over R30,000 up to R300,000 provided that, in addition to any other relevant requirements contained in this policy, procurement invitations shall be advertised for at least seven days on the website and also on official notice board of the municipality. Proper written specification for advertisement of a transaction value over R30,000 up to R300,000 (Vat Included) is/ are approved by the Chief Financial Officer.

(f) a competitive bidding process for -

(i) procurements above a transaction value of R300 000 (VAT included); and

(ii) the procurement of long-term contracts.

(2) The accounting officer may, in writing:

(a) lower but not increase, the different threshold values specified in subparagraph (1) above; or

(b) direct that written quotations be obtained for any specific procurement of a transaction value lower than R2000;

(c) direct that formal written price quotations be obtained for any specific procurement of a transaction value lower than R30 000; or

(d) direct that a competitive bidding process be followed for any specific procurement of a transaction value lower than R300 000.

(3) Procurement invitations may not deliberately be split into parts or items of a lesser value than the threshold amounts referred to in subparagraph (1) merely to avoid compliance with the requirements of this policy or any applicable legislation. When determining transaction values, a requirement for goods, services or works consisting of different parts or items must, as far as possible, be treated and dealt with as a single transaction.

13. GENERAL PRECONDITIONS FOR CONSIDERATION OF WRITTEN QUOTATIONS OR BIDS

(1) A written quotation or bid may not be considered unless the bidder who submitted the quotation or bid concerned -

(a) has furnished his -

(i) full name or names including trading name;

(ii) identification number or company or other registration number;

(iii) tax reference number and VAT registration number, if any;

(b) has provided the municipality with a valid tax clearance certificate from the South African Revenue Services stating that his tax matters are in order;

(c) has, where applicable, provided the municipality with a clearance certificate from the Construction Industry Development Board to the effect that he holds a valid registration certificate issued by the Board;

(d) has provided the municipality with a "Certificate of Independent Bid Determination" on Form MBD 9 or a similar form;

(e) has provided a certificate issued by the municipality or any other municipality to which he may be indebted to the effect that he and, in the event of the bidder being a company, also any of its directors, is not indebted to the municipality or to any other municipality or municipal entity for rates, taxes and/or municipal service charges which are in arrear for a period of more than three months and that no dispute exists between such bidder and municipality or municipal entity concerned in respect of any such arrear amounts;

(f) has submitted an affidavit certifying.. -

(i) that he is not in the service of the state or has been in the service of the state in the previous twelve months;

(ii) that, in the event of the bidder not being a natural person, none of its directors, managers, principal shareholders or stakeholders are in the service of the state nor have they been in the service of the state in the previous twelve months;

(iii) that neither his spouse, child or parent nor a director, manager, shareholder or stakeholder referred to in subparagraph (ii) is in the service of the state or has been in the service of the state in the previous twelve months;

(iv) that he is not an advisor or consultant contracted by the municipality to advise it on the procurement under consideration;

g) the requirements for submission of declarations as stated in sections 13 (1) (c), d) and (f) above is not applicable for request for quotations that falls within the threshold value or formal written quotations up to the value of R30 000.00 including VAT. Such requirements will be accepted as part of annual declarations made within the requirements for database registrations.

(2) This paragraph must be read in conjunction with paragraph 21 of this policy.

14. LISTS OF ACCREDITED PROSPECTIVE PROVIDERS OF KLM

(1) The accounting officer through the office the SCM Manager must -

a. keep a list of accredited prospective providers who is also registered on the Centralized Supplier Database of goods and services that

must be used for procurements through written quotations and formal written price quotations; and

b. at least once a year through newspapers commonly circulating locally, the municipal website and any other appropriate ways, invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;

c. specify the listing criteria for accredited prospective providers; and

d. disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.

e. the accounting officer shall disallow the registration of any prospective supplier on the KLM's Supplier Database who does not comply with the requirements of the Supplier Registration Application.

f. the accounting officer shall disallow the registration of any prospective supplier whose name appears on the National Treasury's Database of Restricted Suppliers and/or Register for Tender Defaulters and who is therefore prohibited from doing business with the public sector.

g. bidders who are not registered on the KLM's Supplier Database are not precluded from submitting bids but must however register when called upon to do so.

h. all persons forming part of a Joint Venture or Consortium must comply with the requirements of KLM database form.

i. in addition to the requirements of the KLM's Supplier Database, it is a requirement for all Suppliers to be registered on the National Treasury Web Based Central Supplier Database (CSD) that can be accessed at **https://secure.csd.gov.za**.

j. the CSD is the national standardized and centralized electronic supplier database administered by the National Treasury which provides information to an organ of state.

k. bidders who are not registered on the CSD are not precluded from submitting bids but must however register with CSD and get the CSD Number prior to submitting or the closing date, this must be taken under the good spirit of service deliver. Therefore, waiting for a CSD registration from a prospective bidder after the closing date of a quote or bid is not ideal for operational requirements. Therefore, a quoter that meets all the minimum requirements will be considered provided that such quote/bidder is registered on CSD. This is inline with Treasury Instruction Note 4A of 216/2017, paragraph 3.4 and 3.5

l. prospective suppliers or service provider's database will be accepted by KLM if the prospective bidder is not registered with CSD.

(2) The aforesaid list must be updated at least quarterly to include any additional prospective providers and any new commodities or types of services. Prospective providers must be allowed to submit applications for listing at any time.

15. PETTY CASH PURCHASES

(a) The transactional value of an individual petty cash purchase is R2,000 VAT included. That the total petty cash float is R10, 000 VAT included.

(b) Petty cash purchases may only be made in accordance with the Standard Operating Procedures for Petty Cash of the municipality.

(c) The accounting officer may delegate responsibility for the management of petty cash to an official directly or indirectly reporting to the chief financial officer.

(d) No item that is an approved stores item may be purchased by means of a petty cash transaction.

(e) No fixed asset regardless of value may be purchased through petty cash.

(f) The council must, from time to time, determine the maximum amount of the permissible petty cash expenditure per month;

16. A weekly reconciliation report must be provided to the chief financial officer within five days of the end of each month by the official authorized to make petty cash purchases and such report shall contain particulars of each final award made by such official during that month, including:

(i) the total amount of petty cash purchases for that month; and

(ii) receipts and supporting documents for each purchase.

17. FORMAL WRITTEN PRICE QUOTATIONS

The conditions for the procurement of goods or services through formal written price quotations, are as follows:

(a) Quotations must be obtained in writing from at least three different providers whose names appear on the Centralised Supplier Database and the accredited list of prospective providers of the municipality;

(b) In the event of it not being possible to obtain quotations from at least three different providers whose names appear on the list of accredited prospective providers of the municipality, quotations may be obtained from providers who are not so listed, provided that such providers meet the listing criteria determined by the accounting officer in terms of paragraph 14(1)(c) of this policy and, provided further, that the reasons for obtaining such quotations from the providers concerned must be recorded on the invitation to submit quotations and be brought to the attention of the chief financial officer and

eventually for approval by the accounting officer. That must be read in line or in terms paragraph 16(c).

18. PROCEDURES FOR PROCURING GOODS OR SERVICES THROUGH FORMAL WRITTEN PRICE QUOTATIONS.

The procedure for the procurement of goods or services through formal written price quotations is as follows:

(a) When using the list of accredited prospective providers who is listed on the Centralised Supplier Database, the accounting officer must promote ongoing competition amongst providers by inviting providers to submit quotations on a rotation basis;

(b) All requirements in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 17, be advertised for at least seven days on the website of KLM and on the official notice board of the municipality; such requirements would be approved by CFO as per the delegations. The SCM Manager would then make recommendation to the CFO for approval. Thereafter, seven-day notices would be advertised on the regulated medial platforms.

(c) The Accounting Officer must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotation is not abused;

(d) Offers below R30 000 (all taxes included) must be awarded based on compliance with specifications, conditions of contract, ability, capacity and capability to deliver the required goods and/or services and lowest comparative based price taking into account unconditional discounts; provided that the accounting officer may direct, in appropriate cases, that the applicable provisions of the Preferential Procurement Regulations be applied in respect of the calculation of preference points for price;

(e) Offers above R30 000 (all applicable taxes included) must be awarded based on compliance with specifications, conditions of contract, ability, capacity and capability to deliver the required goods and/or services and lowest comparative based price taking into account unconditional discounts provided that the accounting officer may direct, in appropriate cases, that the applicable provisions of the Preferential Procurement Regulations be applied in respect of the calculation of preference points for price and specific goals;

(f) Prior to the award of a contract , the designated official must verify the status of recommended bidders (including their directors(s), owners(s) or trustee(s) by checking the Data Base of Restricted Suppliers maintained by National Treasury in order to ensure that no recommended bidder or any of its directors/owners/trustees are listed as companies or persons prohibited from doing business with the public sector;

(g) A call for quotations in terms of the preceding paragraphs must be in writing and contain a specification for the goods and/or services to be procured as well as details of the preference points system to be used in evaluation and adjudicating quotations;

(h) The designated official must, in writing, notify the chief financial officer on a monthly basis of all formal written price quotations accepted or approvals given in terms of this paragraph;

(i) The chief financial officer must ensure that adequate systems are in place to meet the requirements for proper record keeping;

(j) Upon finalization of the evaluation and the bidder who scored the highest total number of points is identified in price, the preferred bidder must be assessed to determine if the preferred bidder is complying with specific goals as set out in the tender document.

(k) The procurement contract must be awarded to the bidder who scored the combined highest points(price and specific goals) in accordance with the stipulated requirements. Further than that, *paragraph **27. 8(1), must be applied.***

19. COMPETITIVE BIDDING PROCESS

(1) Subject to paragraph 11 (2) of this policy, goods, services or works above a transaction value of R300 000 (VAT included) and long-term contracts may only be procured through a competitive bidding process.

(2) Subject to subparagraph (3), no requirement for goods or services above an estimated transaction value of R300 000 (VAT included) may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.

(3) The accounting officer may split unduly large quantities of work into smaller contracts (units) to promote manageability and provide opportunities for emerging entrepreneurs. This procedure may only be followed when technically, logistically and financially feasible.

(4) A senior manager responsible for a vote must submit the under-mentioned information to the chief financial officer prior to the publication of any public invitation of bids in respect of procurements estimated to exceed R10m (all taxes included):

(i) proof that budgetary provision exists for the procurement concerned;

(ii) details of any ancillary budgetary implications related to the bid concerned;

(iii) details of any multi-year budgetary implications associated with a project which will be undertaken over a period of more than one year as well as details of the anticipated expenditure per financial year.

(5) A procurement referred to in subparagraph (4) may only be advertised for competitive bids after the chief financial officer has verified in writing that budgetary provisions exists to enable the relevant project to commence.

(6) Procurement requirements referred to in subparagraph (4) may not be deliberately split into parts or items of lesser value merely to avoid the information being submitted.

20. PROCESS FOR COMPETITIVE BIDDING

The procedures for the following stages of a competitive bidding process are as follows:

(a) Compilation of bidding documentation as detailed in paragraph 21;

(b) Public invitation of bids as detailed in paragraph 22;

(c) Site meetings or briefing sessions as detailed in paragraph 22;

(d) Handling of bids submitted in response to public invitation as detailed in paragraph 23;

(e) Evaluation of bids as detailed in paragraph 28;

(f) Award of contracts as detailed in paragraph 29;

(g) Administration of contracts - after the award of a bid, the accounting officer and the bidder must enter into a written agreement.

(h) Proper record keeping;

(i) Original/legal copies of written contracts agreements should be kept in a secure place for reference and audit purposes.

21. BID DOCUMENTATION FOR COMPETITIVE BIDS

Bid documentation for a competitive bidding process must, in addition to compliance with the requirements listed in paragraph 14, comply with the following requirements:

(a) Take into account -

(i) the general conditions of contract and any special conditions of contract, if specified;

(ii) any Treasury guidelines on bid documentation;

(iii) the requirements of the Construction Industry Development Board, in the case of a bid relating to construction works;

(iv) relevant B-BBEE verification and certification requirements;

(v) relevant local content or production requirements.

(b) Include the preference points system to be used in adjudicating bids, namely 80/20 or 90/10 as prescribed in the Preferential Procurement Regulations;

(c) Compel bidders to declare, by means of an affidavit, any conflict of interest they may have in the transaction for which the bid is submitted;

(d) If the value of the transaction is expected to exceed R10 million (VAT included), require bidders to furnish -

(i) if the bidder is required by law to prepare annual financial statements for auditing, his audited annual financial statements -

(a) for the past three years; or

(b) since establishment, if established during the past three years;

(ii) a certificate signed by the bidder certifying that he has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;

(iii) particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contracts;

(iv) a statement indicating whether or not any portion of the goods or services required by the municipality are expected to be sourced from outside the Republic, and, if so, what portion and also whether or not any portion of the payment to be made by the municipality is expected to be transferred out of the Republic; and

(e) Stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or, when unsuccessful, in a South African court of law.

22. PUBLIC INVITATION FOR COMPETITIVE BIDS

(1) The procedure for the invitation of competitive bids is as follows:

(a) any invitation to prospective providers to submit bids must be by means of a public advertisement in newspapers commonly circulating locally, the National Treasury E-tender Portal, website of the municipality and in any other appropriate manner (which may include an advertisement in the Government Tender Bulletin); and

(b) the information contained in such public advertisement, must include -

(i) subject to subparagraph 2, the closure date for the submission of bids, which may not be less than 30 days in the case of transactions over R10 million (VAT included) or which are of a long term nature or 14 days in any other case, reckoned from the date on which the advertisement is first placed in the aforesaid newspapers;

(ii) a statement that bids may only be submitted on the bid documentation provided by the municipality; and

(iii) the date, time and venue of any compulsory site meeting or briefing session if applicable;

(iv) a statement to the effect that a bid from a prospective bidder who did not attend a prescribed compulsory site meeting or briefing session referred to in subparagraph (iii) will not be considered.

(2) The accounting officer may determine a closure date for the submission of bids which is less than the 30 or 14 days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or in any exceptional

case where it is impractical or impossible to follow the official procurement process and such fact shall, for auditing purposes, be recorded in the authority to invite bids.

(3) Bids submitted must be sealed and marked in a manner stipulated in the invitation to bid.

(4) Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies or soft copies such a CD/ USB which must reach the accounting officer before the closing time for the receipt of bids on the bid closing date as stipulated in the invitation to bids. Time to time the advert would stipulate that supplementing electronic format is necessary.

(5) Communication with bidders, the SCM Manager shall authorize communication with bidders, such would include extension of closing date, addendums and all that requires communication prior to the closing date.

(6) Any communication authorized by the Bid Specification Committee, which has implications or consequence for all tenderers, shall be in the form of a written notice be issued to all bidders by Manager: Supply Chain Management, or his nominee, by either e-mail, facsimile, or registered post as appropriate. A copy of the notice together with a transmission verification report/proof of posting shall be kept for record purposes. Notices should be issued at least one week prior to the bid closing date, where possible. That is also regulated by CIDB for construction related projects.

(e) Notwithstanding a request for acknowledgement of receipt of any notice issued, the bidder will be deemed to have received such notice if the procedures in clause 22(6) have been complied with.

23. PROCEDURE FOR HANDLING, OPENING AND RECORDING OF BIDS

The procedures for the handling, opening and recording of bids, are as follows:

(a) Bids -

(i) must be opened only in public;

(ii) must be opened at the same time and as soon as possible after the published closing time or period for the submission of bids; and

(iii) received after the published closing time or period should not be considered and be immediately returned to the bidder, unopened;

(b) Any bidder or member of the public has the right to request that the names of the bidders who submitted bids before the closing time or period be read out and, if practical, also each bidder's total bidding price;

(c) No information, except the information referred to in subparagraph (b), relating to a bid should be disclosed to bidders or other persons until the successful bidder is notified of the award of the relevant bid; and

(d) The designated official opening received bids must -record in a register to be provided for this purposes, all bids received before the closing time or period for the submission of same and such register shall contain as least the following information in addition to such information as may be prescribed in terms of

section 75 of the Act:

I. the reference number of the bid concerned;

II. the description of the relevant goods, services or works project to be procured;

III. the names of all bidders;

IV. where practical, the total price submitted by all bidders that submitted bids in relation to the relevant bid invitation;

V. make the aforesaid register available for public inspection during the normal office hours of the municipality; and

VI. publish the entries in the aforesaid register including the B-BBEE Status level of Contribution of all bidders, where applicable, available on the website of the municipality within ten (10) working days from the date referred to in subparagraph 221b(i) and ensure that such entries remain on the website for a period of at least thirty (30) days from date of publication.

(e) Where possible submission and handling of all requirements more than R30 000, but less than R300 000(VAT included) may be handled through **tenders@kouga.gov.za**. The opening and recording of bids would be done by the delegated official. The requirements of the abovementioned paragraph would still be applicable. That requirement would be approved the delegated official being the **Chief Financial Officer.**

24. NEGOTIATIONS WITH PREFERRED BIDDERS

(1) The accounting officer may negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation -

(a) does not allow any preferred bidder a second or unfair opportunity;

(b) is not to the detriment of any other bidder; and

(c) does not lead to a higher price than the bid as submitted; and

(d) will not be contrary to any legal requirement or amount to a prohibited practice.

(2) Minutes of such negotiations must be kept for record for audit purposes.

25. TWO-STAGE BIDDING PROCESS

(1) A two-stage bidding process is permissible for -

(a) large complex projects;

(b) projects where it may be undesirable to prepare complete detailed technical specifications; or

(c) long term projects with a duration period exceeding three years.

(2) In the first stage, technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments.

(3) In the second stage, final technical proposals and priced bids should be invited.

26. COMMITTEE SYSTEM FOR COMPETITIVE BIDS

(1) The accounting officer shall establish a procurement committee system for competitive bids consisting of at least the following committees:

(a) a bid specification committee;

(b) a bid evaluation committee; and

(c) a bid adjudication committee;

(2) The accounting officer shall, in writing, appoint the members of each committee in respect of each competitive bid invitation, taking into account the provisions of section 117 of the Act in terms of which no councilor may be a member of any such committee nor attend any of its meetings as an observer. As for BSC and BEC a pool of members would be appointed which would constitute senior managers, managers, chief/superintendent or chief accountants to serve in those two committees on an ADHOC basis. Formulation of those mini committees would be approved/ authorized by the accounting officer.

(3) A neutral or independent observer, appointed by the accounting officer, may attend or oversee a committee when this is appropriate for ensuring fairness and promoting transparency.

(4) The committee system must be consistent with -

(a) paragraphs 27, 28 and 29 of this policy; and

(b) any other applicable legislation.

The accounting officer may, in appropriate cases and in his sole discretion, apply the committee system to formal written price quotations.

(7) That members of the public be allowed to attend Bid Adjudication Committee Meetings.

(8) To give effect to subsection (7) above, the Director: Corporate Services & Special Projects must place notices in the local newspapers, on the municipal website and notice boards, inviting the members of the public to attend.

27. BID SPECIFICATION COMMITTEES

(a) A bid specification committee must compile the specifications or, where applicable, the terms of reference for the procurement of goods, services or works by the municipality.

(b) The Bid Specification Committee shall be comprised of at least two KLM officials as members, consisting of an appointed Chairperson and a responsible technical official. The Supply Chain Management Practitioner serving a member of that committee and also on advisory capacity, relating to SCM matters. No bid committee meeting shall proceed without an SCM practitioner. Disagreements on the advice provided by the Supply Chain Management Practitioner must be dealt with in terms of the Rule of Order for Bid Committees and be recorded accordingly.

(c) No person, advisor or corporate entity involved with the bid specification committee or director of such a corporate entity may bid for any resulting contracts.

(d) Where a bid specification or terms of reference are compiled with due regard to the findings and recommendations contained in a prior, associated feasibility study, the person, advisor or corporate entity who or which prepared the said feasibility study may be prohibited from bidding for the resulting contracts in circumstances where such person, advisor or corporate entity may or is likely to obtain an unfair advantage or where a conflict of interest may arise.

(e) A specification or terms of reference referred to in this paragraph must be approved by the accounting officer in writing prior to publication of the invitation for bids in terms of paragraph 22.

(f) The Municipal Manager, or his delegated authority, shall, taking into account section 117 of the MFMA, appoint the members of the Bid Specification Committees

(g) Where appropriate a representative of Internal Audit and/or Legal Services and/or other specialist advisors (internal or external) may form part of this committee.

27.A Bid Specifications or Terms of Reference

27.1 General Requirements

Bid Specifications or terms of reference, as the case may be -

(a) must be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services to the municipality;

(b) must take account of any accepted standards such as those issued by Standards South Africa, the International Standards Organization or an authority accredited or recognized by the South African National Accreditation System with which the equipment or material or workmanship should comply;

(c) must, where possible, be described in terms of performance required

rather than in terms of descriptive characteristics for design;

(d) may not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing and test methods, packaging, marking or labelling of conformity certification;

(e) may not make reference to any particular trade mark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which case such reference must be accompanied by the word **"equivalent"**

(f) If the bid relates to construction works as contemplated by the Construction Industry Development Board Act, then the requirements of that Act must be taken into account in the bid documentation together with any Circulars published by National Treasury and the National Treasury Standard for Infrastructure Delivery Management System (SIPDMS) to the extent adopted by Council.

(g) The bid documentation and evaluation criteria shall not be aimed at hampering competition, but rather to ensure fair, equitable, transparent, competitive and cost effective bidding, as well as the protection or advancement of persons, or categories of persons, as embodied in the preferential procurement section of this Policy.

27.2 Identification of preference point system, designated sector, objective criteria and subcontracting

27.2.1. The Municipality must;

a) determine and stipulate in the tender documents(i) the preference point system applicable to the tender as envisaged in regulation 6 or 7; or(ii) if it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system;
b) determine whether pre-qualification criteria are applicable to the tender as envisaged in regulation 4;
c) determine whether the goods or services for which a tender is to be invited, are in a designated sector for local production and content as envisaged in regulation 8;
d) determine whether compulsory subcontracting is applicable to the tender as envisaged in regulation 9; and
e) determine whether objective criteria are applicable to the tender as envisaged in regulation 11.

27.3 Functionality

Where functionality is utilized as an evaluation criterion, bid specifications or terms of reference, as the case may be, must clearly specify:

(i) if the tender will be evaluated on functionality
(ii) The evaluation criteria for measuring functionality must be objective.
(iii) The tender documents must specify

a) the evaluation criteria for measuring functionality;

b) the points for each criteria and, if any, each sub-criterion; and the minimum qualifying score for functionality.

(iv) the minimum qualifying score for functionality for a tender to be considered further

a) must be determined separately for each tender; and
b) may not be so(i) low that it may jeopardize the quality of the required goods or services; or (ii) high that it is unreasonably restrictive.

(v) Points scored for functionality must be rounded off to the nearest two decimal places.

(v) A tender that fails to obtain the minimum qualifying score for functionality as indicated in the tender documents is not an acceptable tender.

(vi) Each tender that obtained the minimum qualifying score for functionality must be evaluated further in terms of price and the preference point system and any objective criteria.

27.4 80/20 Preference Points System

(4.1) Where applicable, bid documentation must include the following preference points evaluation system for the procurement of goods, services or works up to a Rand value of R50 million (all applicable taxes included):

(i) the following formula will be used to calculate the points for price in respect of bids (including price quotations) with a Rand value equal to, or above R 30 000 and up to a Rand value of R50 million (all applicable taxes included):

$$Ps = 80\left(1 - \frac{(Pt - Pmin)}{Pmin}\right)$$

Where;
Ps = Points scored for price of tender under consideration. Pt = Price of tender under consideration; and Pmin = Price of lowest acceptable tender.

1) *A maximum of 20 points may be awarded to a tenderer for the specified goals for the tender.*
2) *The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.*
3) *Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.*

(4.2) 80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million

1. The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal

to or below R50 million, inclusive of all applicable taxes:

a) $$Ps = 80\left(1 + \frac{Pt - Pmax}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration. Pt = Price of tender under consideration; and
Pmax = Price of highest acceptable tender

1) *A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.*
2) *The points scored for the specific goal must be added to the points scored for*
price and the total must be rounded off to the nearest two decimal places.

I. As indicated by the table depicted below; a 50% of the 20/10 points will be allocated to promote this goal and points will be allocated in terms of the B-BBEE scorecard as follows.

B-BBEE Status Level of Contributor	**Number of Points for Preference (80/20)**	**Number of Points for Preference (90/10)**
1	10	5
2	8	4
3	6	3
4	4	2
5	3	1
6	2	1
7	2	1
8	2	1
Non-compliant contributor	0	0

II. a maximum of 20 points on an 80/20 point system may be allocated for specific goals

III. the points scored by a bidder in respect of B-BBEE contribution contemplated in subparagraph (ii) must be added to the points scored for price as calculated in accordance with subparagraph (i); and those of specific goals.

(4.3) A tenderer must submit proof of its B-BBEE Status level of contributor.

(4.3.1) A tender failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but –
(a) May only score points out of 80 for price
(b) Scores 0 for non submission of B-BBEE or required documents for specific goals.

(4.3.2) A tenderer may not be awarded points for B-BBEE Status level of contributor if the tender documents indicate that the tenderer intends subcontracting more than 25% of the value of the contract to any other person not qualifying for at least the points the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability

to execute the subcontract.

(4.3.3) The points scored must be rounded off to the nearest two decimal places.

(4.3.4) Subject to sub regulation (3.7) , the contract must be awarded to the Tenderer scoring the highest points.

(4.3.5) (a) If the price offered by the tenderer scoring the highest points is not market related, the organ of state may not award the contract to that tenderer.

(b) the organ of state may-

(i) negotiate a market related price with the tenderer scoring the highest points or cancel the tender.

(ii) if the tender does not agree to a market related prices, negotiate a market-related price with the tenderer scoring the second highest scoring points or cancel the tender;

(iii) if the tender scoring the second highest points does not agree to a Market related prices, negotiate a market- related price with the Tenderer scoring the third highest scoring points or cancel the tender;

(c) If the market- related price is not agreed as envisaged in paragraph 5.

(d) the organ of state must cancel the tender.

27.5 90/10 Preference Points System

(5.1(a))

1) Where applicable, bid documentation must include the following preference points evaluation system for the procurement of goods, services or works with a Rand value above R50 million (all applicable taxes included): the following formula will be used to calculate the points for price in respect of bids with a Rand value above R50 million (all applicable taxes included):

$$Ps = 90\left(1 - \frac{(Pt - Pmin)}{Pmin}\right)$$

Where;

Ps = Points scored for price of tender under consideration; Pt = Price of tender under consideration; and Pmin = Price of lowest acceptable tender.

2) *A maximum of 10 points may be awarded to a tenderer for the specified goals for the tender.*

3) *The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.*

(5.1(b) 90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million

1. The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

a) $$Ps = 90\left(1 + \frac{Pt - Pmax}{Pmax}\right)$$

Where

Ps = Points scored for price of tender under consideration; Pt = Price of tender under consideration; and
Pmax = Price of highest acceptable tender

1) *A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.*
2) *The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.*
3) *Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.*

I. As indicated by the table depicted below; a 50% of the 20/10 points will be allocated to promote this goal and points will be allocated in terms of the B-BBEE scorecard as follows.

B-BBEE Status Level of Contributor	**Number of Points for Preference (80/20)**	**Number of Points for Preference (90/10)**
1	10	5
2	8	4
3	6	3
4	4	2
5	3	1
6	2	1
7	2	1
8	2	1
Non-compliant contributor	0	0

II. a maximum of 10 points out of 90/10-point system may be allocated for specific goals.

III. the points scored by a bidder in respect of B-BBEE contribution contemplated in subparagraph (ii) must be added to the points scored for price as calculated in accordance with subparagraph (i); and those of specific goals.

(5.2) **A tenderer must submit proof of its B-BBEE Status level of contributor.**

(5.3) A tender failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but –
(c) May only score points out of 90 for price
(a) Scores 0 for non submission of B-BBEE or zero(0) for none submission of specific goals.

(5.4) A tenderer may not be awarded points for B-BBEE Status level of contributor if
the tender documents indicate that the tenderer intends subcontracting more
than 25% of the value of the contract to any other person not qualifying

for at least the points the tenderer qualifies for, unless the intended subcontractor is an EME that has the capability to execute the subcontract.

(5.5) The points scored must be rounded off to the nearest two decimal places.

(5.6) Subject to sub regulation (4.7), the contract must be awarded to the tenderer scoring the highest points.

(a) If the price offered by the tenderer scoring the highest points is not Market related, the organ of state may not award the contract to that tenderer.

(b) the organ of state may-

(i) negotiate a market related price with the tenderer scoring the Highest points or cancel the tender

(ii) if the tender does not agree to a market related prices, negotiate a market- related price with the tenderer scoring the second highest scoring points or cancel the tender;

(iii) if the tender scoring the second highest points does not agree to market related prices, negotiate a market- related price with the tenderer scoring the third highest scoring points or cancel the tender;

(c) If the market- related price is not agreed as envisaged in paragraph 6.7 (b), the organ of state must cancel the tender.

(27.6) Preference in terms of the specific goals

a) Specific Goals Categories, the weighting below can be changed or vary from project to project. Please note that specific goals might not be feasible to be applied in some project. The SCM Manager must advise the user department prior to the project being presented and approved by BSC.

The table below depicts the allocation of points:

NO	Specific Goals Categories	Max points allocation Number of Points for Preference (80-Price/20 Specific Goals);	Max points allocation Number of Points for Preference (90-Price/10 Specific Goals);
1	BBBE	10	5
2	Local area of supplier or contractors	10	5
3	The promotion of SMMEs.	10	5
4	The creation of new jobs or the intensification of labour absorption.	10	5
5	The empowerment of the work force by standardizing the level of skill and knowledge of workers.	10	5
6	The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and	10	5
7	The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organizations.	10	5
8	The promotion of export orientated production to create jobs.	10	5
9	An EME or QSE which is at least 51% owned by black people who are youth;	10	5
10	An EME or QSE which is at least 51% owned by black people who are women;	10	5
11	An EME or QSE which is at least 51% owned by black people with disabilities;	10	5

(27.6.1) Preference in terms of locality of the service provider/contractor rendering services to Kouga Local Municipality.

Local area of supplier	Number of Points for Preference	
	80/20	90/10
Within the boundaries of the Kouga Local Municipality	10	5
Within the boundaries of Sarah Baartman District Municipality	6	3
Within the boundaries of the Eastern Cape	4	2
Outside of the boundaries of the Eastern Cape	1	1

This can be used as a criterion for specific goal.

27.7 Additional Conditions

Bid documentation must include a reference to the following additional conditions, where applicable:

27. 7.1 Award of contracts to tenderers not scoring highest points

a) If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.

b) If two or more tenderers score an equal total number of points, the objective criteria in addition to those contemplated justify the award to the tenderer that scored the highest points in terms in accordance with section 2(1)(f) of the Act.

c) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

27.7.2 Sub-contracting as condition of tender

I. If the municipality applies subcontracting as contemplated in sub-regulation (1), the municipality **must** advertise the tender with a specific tendering condition that the successful tenderer must subcontract a minimum of 30% of the value of the contract, ***where possible of feasible*** to:

a) an EME or QSE
b) an EME or QSE which is at least 51% owned by black people;
c) an EME or QSE which is at least 51% owned by black people who are youth;
d) an EME or QSE which is at least 51% owned by black people who are women;
e) an EME or QSE which is at least 51% owned by black people with disabilities;
f) an EME or QSE which is 51% owned by black people living in rural or underdeveloped areas or townships;
g) a cooperative which is at least 51% owned by black people;
h) an EME or QSE which is at least 51% owned by black people who are military veterans; or more than one of the categories referred to in paragraphs (a) to (h).

II. The municipality must make available the list of all suppliers registered on a

database approved by the National Treasury to provide the required goods or services in respect of the applicable designated groups mentioned in sub regulation (iv) from which the tenderer must select a supplier (that being applicable for deviation and emergency projects.

III. As for projects that have been publicly advertised by KLM, the appointed main contractor would be expected to undertake a process of appointing subcontractors. The appointed contractor being assisted by the PSP managing the project MUST publicly prepare an advert to solicit SMME's from KLM Area. First preference in appointing the SMM's MUST be give the SMME's of the Ward where the works is taking place. Where SMME's could not be found in the that Ward the main contractor must extend the invite to the neighboring Ward/s.

IV. The sub-contracting of work is required for all construction and non-construction related project, **and their thresholds stated below MUST be adhered by all directorates:**

a) For any project < R2.5 M the Bidder may sub-contract what might be feasible.
b) R2.5M >, but <R5M requires Bidder to sub-contract 5% of the value of the project
c) R 5M>, but < R 10M requires Bidder to sub-contract 10% of the value of the project
d) R 10M >, but < R 15M requires Bidder to sub-contract 15% of the value of the project
e) R 15M>, but < R20 requires Bidder to sub-contract 20% of the value of the project
f) R 20M >, but < R 30M requires Bidder to sub-contract 25% of the value of the project
g) R 30M> requires Bidder to sub-contract 30% of the value of the project to EME's QSE. The feasible work-packages for subcontracting must be identified by the Project Manager or appointed PSP prior to advertisement.

V. The sub-contracting value will be based on the estimated value of the project either determined by the director or project manager. Where the successful bidder's price falls within any other range, the sub-contracting range included in the Bid Document will be applied.

VI. The municipality may include sub-contracting for any other none CIDB related project as may be requested by the Director of the Department to promote local development.

VII. Community based Suppliers or service providers/ward-based suppliers or service providers must be considered for subcontracting by the main contractor. The first preference for subcontracting must be given to community or ward-based suppliers of that ward where the project is taking place. If the required skill or expertise is not available from the ward / area where the project is taking place, the main contractor is permitted to accept service providers/contractors/suppliers within the KLM jurisdiction. Those service provider or suppliers would then contract directly with the main contractor.

27.7.3 Subcontracting after award of tender

a) A person awarded a contract may only enter into a subcontracting arrangement with the approval of the organ of state.
b) A person awarded a contract in relation to a designated sector, may not

subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.

c) A person awarded a contract may not subcontract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is subcontracted to an EME that has the capability and ability to execute the subcontract.

27.8 Miscellaneous Special Conditions of Contract

Bid documentation must, inter alia, include the following conditions as Special Conditions of Contract:

27.8.1 General

(a) Only a bidder who has completed and signed the declaration part of a bid may be considered;

(b) When comparative prices must be calculated, any discounts which have been offered unconditionally will be taken into account;

(c) A discount which has been offered conditionally will, despite not being taken into account for evaluation purposes, be implemented when payment to a bidder in respect of an accepted bid is effected;

(d) Points scored in any applicable scoring system will be rounded off to the nearest 2 decimal places.

(e) **(i)** If two or more tenderers score an equal total number of points, the Contract must be awarded to the tenderer that scored the highest points for specific goals.

(iii) Should two or more bids be equal in all respects, the award shall be decided by the drawing of lots.

27.8.2 Declarations

(a) A bidder must -

I. declare that the information provided in any bid document is true and correct;

II. declare that the signatory to a bid document is duly authorized; and

III. undertake to submit documentary proof regarding any bidding issue when required to the satisfaction of the municipality.

27.9 Remedies

1. Upon detecting that a tenderer submitted false information regarding its BBBEE status level of contributor, local production and content, or any other matter required in terms of these Regulations which will affect or has affected the evaluation of a tender, or where a tenderer has failed to declare any

subcontracting arrangements, the organ of state must:

1. inform the tenderer accordingly.

2. give the tenderer an opportunity to make representations within 14 days as to why:
(i) the tender submitted should not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part;
(ii) if the successful tenderer subcontracted a portion of the tender to another person without disclosing it, the tenderer should not be penalized up to 10 percent of the value of the contract; and
(iii) the tenderer should not be restricted by the National Treasury from conducting any business for a period not exceeding 10 years with any organ of state; and

3. if it concludes, after considering the representations referred to in sub regulation;
(1)(b), that
(i) such false information was submitted by the tenderer(a) disqualify the tenderer or terminate the contract in whole or in part; and (bb) if applicable, claim damages from the tenderer; or
(ii) the successful tenderer subcontracted a portion of the tender to another person without disclosing, penalize the tenderer up to 10 percent of the value of the contract.

(2) (a) The Municipality must;

I. inform the National Treasury, in writing, of any actions taken in terms of sub regulation (1);
II. provide written submissions as to whether the tenderer should be restricted from conducting business with any organ of state; and
III. submit written representations from the tenderer as to why that tenderer should not be restricted from conducting business with any organ of state.

1. The National Treasury may request an organ of state to submit further information pertaining to sub regulation (1) within a specified period.

(3) The National Treasury must:
a. after considering the representations of the tenderer and any other relevant information, decide whether to restrict the tenderer from doing business with any organ of state for a period not exceeding 10 years; and
b. maintain and publish on its official website a list of restricted suppliers.

27.10 Cancellation of Tender

1. The Municipality may, before the award of a tender, cancel a tender invitation if-

a) due to changed circumstances, there is no longer a need for the goods, services or construction works requested;

b) funds are no longer available to cover the total envisaged expenditure;

c) no acceptable bids are received;

d) there is a material irregularity in the tender process; or the validity period expired prior to award of tender.

e) negotiations have failed with the preferred tenderer up to and including the tenderer who scoring the third highest points where the prices offered is not market related.

2. If it becomes necessary to cancel or re-advertise formal bids, then a report to this effect shall be submitted to the Bid Adjudication Committee for decision. A tender may only be cancelled for a second time with the prior approval of the relevant treasury. Such approval must be attached to the report submitted to the Bid Adjudication Committee.

3. If a bid has been cancelled, then all bidders must be notified in writing.

4. A decision to cancel a bid in terms of clause 27.10(a) to (e) above must be published in the media in which the original bid invitation was advertised.

5. It is not necessary to notify original bidders when calling for new bids, which will be advertised.

6. Unless no acceptable bids have been received, no bid may be re-advertised before the Bid Adjudication Committee has resolved to cancel the original bid, and all bidders have been notified accordingly.

27.11 Procurement from tertiary institutions

(a) Where the municipality is in need of a service provided by only tertiary institutions, such services must be procured through a bidding process with the identified tertiary institutions.

(b) Should the municipality require a service that can be provided by one or more tertiary institutions or public entities and enterprises from the private sector, the appointment of a contractor will be done by means of a bidding process.

(c) For purposes of this paragraph, a bidding process includes a written offer in a prescribed or stipulated form in response to an invitation by the municipality for the provision of services, through price quotations, advertised competitive bidding processes or proposals.

27.12 Alternative Bids

a) Alternative bids can be submitted provided that an acceptable bid, which complies with the bid conditions and specifications and submitted strictly in

accordance with the bid documents, is also submitted.

b) An alternative bid shall be submitted on a separate complete set of bid documents or in accordance with such conditions as may be set out in the bid document and shall be clearly marked "Alternative Bid" to distinguish it from the acceptable bid referred to above.

c) All acceptable bids (excluding alternative bids) shall first be evaluated in accordance with the bid conditions and ranked in terms of the preference point system described in the Preferential Procurement section of this policy. Only the alternative of the highest ranked acceptable bid (that is, submitted by the same bidder) may be considered, and if appropriate, recommended for award.

d) Alternative bids of any but the highest ranked acceptable bid, shall not be considered.

e) If the alternative bid of the highest ranked acceptable bid is considered to have merit, then the alternative bid shall be ranked along with all of the acceptable bids received.

f) An alternative of the highest ranked acceptable bid that is priced higher than the first ranked bid may be recommended for award, provided that the ranking of the alternative bid is higher than the ranking of the next ranked acceptable bid.

g) KLM will not be bound to consider alternative bids.

27.13 Samples

a) Where samples are called for in the bid documents, samples (marked with the bid and item number as well as the bidder's name and address) shall be delivered separately (to the bid) to the addressee mentioned in the bid documents.

b) Bids may not be included in parcels containing samples.

c) If samples are not submitted as required in the bid documents or within any further time stipulated by the KLM in writing, then the bid concerned may be declared non-responsive.

d) Samples shall be supplied by a bidder at his/her own expense and risk. KLM shall not be obliged to pay for such samples or compensate for the loss thereof, unless otherwise specified in the bid documents, and shall reserve the right not to return such samples and to dispose of them at its own discretion.

e) If a bid is accepted for the supply of goods according to a sample submitted by the bidder, that sample will become the contract sample. All goods/materials supplied shall comply in all respects to that contract sample.

28. BID EVALUATION COMMITTEES

(1) A bid evaluation committee must, as far as possible, be composed of-

(a) officials from departments requiring the goods, services or works; and

(b) at least one supply chain management practitioner of the municipality.

(2) A bid evaluation committee must -

(a) evaluate bids in accordance with the relevant bid specification or terms of reference, as the case may be, inclusive of unconditional discounts, sub-contracting and this policy; and

(b) evaluate each bidder's ability to execute the contract provided that, where bids are invited on the basis of functionality as a criterion, they must be evaluated in the following two stages:

I. First stage - evaluation of functionality

(a) bids must be evaluated in terms of the evaluation criteria embodied in the bid specification or terms of reference, as the case may be. The amendment of evaluation criteria, weights, applicable values and/or the minimum qualifying score for functionality after the closure of bids is not allowed as this may jeopardize the fairness of the process;

(b) a bid will be considered further if it achieves the prescribed minimum qualifying score for functionality;

(c) bids that fail to achieve the minimum qualifying score for functionality must be disqualified;

(d) score sheets should be prepared and provided to panel members to evaluate the bids;

(e) a score sheet should contain all the criteria and the weight for each criterion as well as the values to be applied for evaluation as indicated in the bid specification or terms of reference concerned;

(f) each panel member should, after thorough evaluation, independently award his own value to each individual criterion;

(g) score sheets should be signed by panel members and if necessary, a written motivation may be requested from panel members where vast discrepancies in the values awarded for each criterion exist, provided that if the minimum qualifying score for functionality is indicated as a percentage in the bid specification or terms of reference, as the case may be, the percentage scored for functionality may be calculated;

(h) the value awarded for each criterion should be multiplied by the weight for the relevant criterion to obtain the score for the various criteria;

(i) the scores for each criterion should be added to obtain the total score; and

(j) the following formula should be used to convert the total score to percentage for functionality:

$$Ps = \frac{So}{Ms} X\ 100$$

Where:

Ps = percentage scored for functionality by bid under consideration

So = total score of bid under consideration

Ms = maximum possible score

(k) the percentage of each panel member should be added and divided by the number of panel members to establish the average percentage obtained by each bidder for functionality.

(ii) Second stage - Evaluation in terms of the 80/20 or 90/10 preference point systems

Only bids that achieve the minimum qualifying score / percentage for functionality must be evaluated further in accordance with the bid specification or terms of reference for the bid concerned, as the case may be;

Evaluate bids based on a stipulated minimum threshold for local production and content as required in the relevant bid specification in the following two stages:

(iii) First stage - Evaluation in terms of the stipulated minimum threshold for local production and content

(a) bids must be evaluated in terms of the evaluation criteria stipulated in the bid specification. The amendment of the stipulated minimum threshold for local production and content after the closure of bids is not allowed as this may jeopardize the fairness of the process;

(b) a bid must be disqualified if:

- the bidder fails to achieve the stipulated minimum threshold for local production and content; and

- the Declaration Certificate for Local Content (Form MBD 6.2) is not submitted as part of the bid;

(c) calculate the local content (LC) as a percentage of the bid price in accordance with the SABS approved technical specification number SATS 1286: 201x;

(d) verify the accuracy of the rates of exchange quoted by the bidder in paragraph 4.1 of the Declaration Certificate for Local Content (Form MBD 6.2);

(iv) Second stage - Evaluation in terms of the 80/20 or 90/10 preference point systems

a) check in respect of the recommended bidder whether or not such bidder's municipal rates and taxes and municipal service charges are not in arrears;

b) verify the status of recommended bidders (including their directors(s), owners(s) or trustee(s)) by checking the Data Base of Restricted Suppliers maintained by National Treasury in order to ensure that no recommended bidder or any of its directors/owners/trustees are listed as companies or persons prohibited from doing business with the public sector;

c) submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter provided that:

I. a contract must be awarded to the bidder who scored the highest total number of points in terms of the preference points systems referred to in paragraphs 29(3.3) and 29(4.3) as may be applicable; and

II. in exceptional circumstances and as provided in paragraph 29.9 of this policy, a contract may be awarded to a bidder that did not score the highest number of points provided that the reasons for such a recommendation must be recorded for audit purposes and be defendable in a court of law.

29. BID ADJUDICATION COMMITTEES

(1) A bid adjudication committee must consist of at least four senior managers of the municipality which must include -

(a) the chief financial officer or, if the chief financial officer is not available, another manager in the budget and treasury office reporting directly to the chief financial officer and designated by the chief financial officer; and

(b) at least one senior supply chain management practitioner who is an official of the municipality; and

(c) a technical expert in the relevant field who is an official of the municipality if the municipality has such an expert.

(3) The accounting officer must appoint the chairperson of the committee who shall preferably be the chief financial officer. If the chairperson is absent from a meeting, the members of the committee who are present must elect one of them to preside at the meeting and such election must be recorded in the minutes of the meeting concerned.

(3) Only with the consent of the accounting officer and upon request by the bid adjudication committee, a member of a bid specification, bid evaluation committee and/or an advisor or person assisting these committees may attend a meeting of a bid adjudication committee only for the purpose of providing clarity and an explanation of difficult technical aspects relating to the bid being adjudicated and without having any right to vote on the said bid being adjudicated.

(4) A bid adjudication committee must -

(a) consider the report and recommendations of the bid evaluation committee submitted in terms of paragraph 28; and

(b) either -

(i) depending on its delegations, make a final award or a recommendation to the accounting officer to make the final award; or

(ii) make another recommendation to the accounting officer on how to proceed with the relevant procurement.

(5) If the bid adjudication committee decides to award a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must, prior to awarding the bid -

(a) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in arrears; and

(b) notify the accounting officer.

(6) The accounting officer may -

(a) after due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee referred to in subparagraph 5; and

(b) if the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.

(7) The accounting officer may, at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the

recommendation.

(8) If a bid other than the one recommended in the normal course of implementing this policy is approved, the accounting officer must, in writing and within 10 working days, notify the Auditor-General and the National and Provincial Treasuries of the reasons for deviating from such recommendation.

(9) Subparagraph 8 does not apply if a different bid was approved in order to rectify an irregularity.

(10) Notwithstanding any provision to the contrary in this paragraph or any other provision in this policy:

(a) contracts above a value of R10m (all applicable taxes included) may only be awarded to the preferred bidder after the chief financial officer has verified in writing that budgetary provision exists for the procurement concerned and that it is consistent with the Integrated Development Plan of the municipality.

(b) during a competitive bidding and adjudication process or before the award of a contract, the accounting officer may, at his/her discretion, specifically request the internal audit function of the municipality or, when so required, an independent external audit service provider (including an organ of state) to carry out audit procedures and provide an opinion on compliance of the bidding process with supply chain management legislation applicable to the municipality.

(11) The accounting officer shall cause details of all bids awarded through a competitive bidding process to be advertised on the website of the municipality and such notification shall include at least the following information:

(a) Contract numbers and description of goods, service or works projects procured;
(b) Names of the successful bidder(s) and the total point scored for specific goals.

(c) The contract prices(s);

(d) Brand names and dates for completion of contracts.

(12) Notification of the decision made by accounting officer based on BAC recommendations;

a) The successful and unsuccessful bidders shall be notified in writing once a Final Award has been made.

b) The successful bidder shall, in addition, be advised of the 14-day appeal period, and be notified that no rights accrue to him/her until the bid is formally accepted in writing.

c) Where a preferred bidder has been identified and is referred to the accounting officer by the Bid Adjudication Committee in order to authorize the negotiation of the final terms of a contract, the preferred

bidder shall be notified of its preferred bidder status.

d) Every notification of decision shall be faxed or sent via electronic mail to the address chosen by the bidder, with a copy of proof of transmission kept for record purposes, or shall be delivered by hand, in which case acknowledgement of receipt must be signed and dated on a copy of such notification and kept for record purposes.

30. PROCUREMENT OF BANKING SERVICES

(1) A contract for banking services -

(a) must be procured through competitive bidding;

(b) must be consistent with section 7 or 85 of the Act; and

(c) may not be for a period of more than five years at a time.

(2) The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.

(3) The closure date for the submission of bids may not be less than 60 days from the date on which the advertisement is placed in a newspaper in terms of paragraph 23 (1).

(4) Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).

31. PROCUREMENT OF IT RELATED GOODS OR SERVICES

(1) The accounting officer may request the State Information Technology Agency (SITA) to assist with the acquisition of IT related goods or services through a competitive bidding process.

(2) Both parties must enter into a written agreement to regulate the services rendered by, and the payments to be made to, SITA.

(3) The accounting officer must notify SITA together with a motivation of the IT needs if -

(a) the transaction value of IT related goods or services required in any financial year will exceed R50 million (VAT included); or

(b) the transaction value of a contract to be procured, whether for one or more years, exceeds R50 million (VAT included).

(4) If SITA comments on the submission and the municipality does not agree with such comments, the comments and the reasons for rejecting or not following such comments must be submitted to the council, the National and Provincial Treasuries and the Auditor-General.

32. PROCUREMENT OF GOODS AND SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE

(1) The accounting officer may procure goods or services under a contract secured by another organ of state, but only if -

(a) the contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;

(b) there is no reason to believe that such contract was not validly procured;

(c) there are demonstrable discounts or benefits to do so; and

(d) that other organ of state and the provider concerned have consented to such procurement in writing.

(2) Subparagraphs (1) (c) and (d) do not apply if -

(a) a municipal entity procures goods or services through a contract secured by its parent municipality; or

(b) a municipality procures goods or services through a contract secured by a municipal entity of which it is the parent municipality.

33. PROCUREMENT OF GOODS NECESSITATING SPECIAL SAFETY ARRANGEMENTS

(1) The acquisition and storage of goods in bulk (other than water), which necessitate special safety arrangements, including gasses and fuel, should be avoided wherever possible.

(2) Where the storage of goods in bulk is justified, such justification must be based on sound reasons, including the total cost of ownership, cost advantages and environmental impact and must be approved by the accounting officer.

34. PROUDLY SA CAMPAIGN

(1) The Municipality supports the Proudly SA Campaign to the extent that, as far as possible, preference is given to procuring local goods and services in line with the Updated Preferential Procurement Regulation of 2017.

35. APPOINTMENT OF CONSULTANTS

(1) The accounting officer may procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.

(2) Consultancy services must be procured through competitive bids if -

(a) the value of the contract exceeds R300 000 (VAT included); or

(b) the duration period of the contract exceeds one year.

(3) In addition to any requirements prescribed by this policy for competitive bids, bidders must furnish particulars of -

(a) all consultancy services provided to an organ of state in the last five years; and

(b) any similar consultancy services provided to an organ of state in the last five years.

(4) The accounting officer must ensure that copyright in any document produced and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised by a consultant in the course of the consultancy service is vested in the municipality.

36. DEVIATION, AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

1. The accounting officer may –dispense with the official procurement processes established by this policy and procure any required goods or services through any convenient process, which may include direct negotiations, but only -

i. **in an emergency;** the conditions warranting *emergency dispensation* should include the existence of one or more of the following:

a. the possibility of human injury or death;

b. the prevalence of human suffering or deprivation of rights;

c. the possibility of damage to property, or suffering and death of livestock and animals;

d. the interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the KLM as a whole;

e. the possibility of serious damage occurring to the natural environment;

f. the possibility that failure to take necessary action may result in the KLM not being able to render an essential community service; and the possibility that the security of the state could be compromised.

ii. if such goods or services are produced or available from a single or sole provider only in circumstances where such supplier:

iii. for the acquisition of special works of art or historical objects where specifications are difficult to compile

iv. acquisition of animals for zoos and/or nature and game reserves; or

v. in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of subparagraphs (1) (a)(i) to (v) and S36(1) (b) of this policy and report them to the next meeting of the council and also include such

reasons as a note to the annual financial statements of the municipality.

(3) Subparagraph (2) does not apply to the procurement of goods and services contemplated in paragraph 11(2) of this policy.

(4) For all Deviations, the standard Deviation Form (**Attached as Annexure C**) must be completed appropriately and required declarations with the necessary reviews and recommendations prior to the Municipal Manager's approval.

(5) **Single Source Selection;** National Treasury Guidelines provide for single-source selection in exceptional cases for consulting services. The justification for single-source selection must be examined in the context of the overall interests of the KLM and the project. Single-source selection may be appropriate only if it presents a clear advantage over competition: the following requirements must be met or covered in the motivation;

a) for services that represent a natural continuation of previous work carried out by the consultant, and continuity of downstream work is considered essential;

b) where rapid selection is essential;

c) for very small appointments;
d) when only one consultant is qualified or has experience of exceptional worth for the project.

(5.1) The reasons for single-source selection must be fully motivated in a report and approved by the Bid Adjudication Committee prior to conclusion of a contract, provided that if the award is for an amount of R200 000 or less, such award shall be approved by the Chief Financial Officer.

(6) Consultant appointments approved in terms of a single-source selection Process must be formalized in a written contract which describes the terms and conditions of contract, as well as the scope of services required.

37. UNSOLICITED BIDS

(1) An unsolicited bid is a bid that is submitted by a prospective supplier to the municipality without any procurement requirement first having been identified and advertised. This situation arises when a supplier identifies an opportunity to render services or supply products not ordinarily required by the municipality.

(2) In accordance with section 113 of the Act, there is no obligation upon the municipality to consider unsolicited bids received outside a normal bidding process.

(3) The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid but only if -

(a) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;

(b) the product or service will be exceptionally beneficial to the municipality or have exceptional cost advantages;

(c) the person who made the bid is the sole provider of the product or service concerned; and

(d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.

(4) If the accounting officer decides to consider an unsolicited bid that complies with sub-paragraph (3), his decision must be made public in accordance with section 21A of the Municipal Systems Act, together with -

(a) reasons as to why the bid should not be open to other competitors;

(b) an explanation of the potential benefits if the unsolicited bid were accepted; and

(c) an invitation to the public or other potential suppliers to submit their comments on the proposal within 30 days of the publication of the relevant notice.

(5) The accounting officer must submit all written comments received pursuant to subparagraph (4), including any responses from the unsolicited bidder, to the National and Provincial Treasuries for comment.

(6) Subject to subparagraphs (7) and (8) below, the adjudication committee must consider the unsolicited bid and may, depending on its delegations, award the bid or make a recommendation to the accounting officer.

(7) A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.

(8) When considering the matter, the adjudication committee must take into account -

(a) any comments submitted by the public; and

(b) any written comments and recommendations of the National and Provincial Treasuries.

(9) If any recommendations of the National and Provincial Treasuries are rejected or not followed, the accounting officer must submit to the Auditor-General and the National and Provincial Treasuries the reasons for rejecting or not following those recommendations.

(10) Such submission must be made within seven days after the decision on the award of the unsolicited bid is taken, but no contract committing the municipality to the bid may be entered into or signed within 30 days of the submission.

(11) The processes to be followed by the municipality with regard to the acceptance or rejection of an unsolicited bid shall clearly be made known to the bidder who submits the unsolicited bid concerned.

(12) The council shall exercise caution when interviewing a potential supplier or a person who may wish to offer services to the municipality in circumstance which may be tantamount to the submission of or negotiation with regard to an unsolicited bid and shall not do anything or cause anything to be done which may be contrary to this policy.

38. COMBATING OF ABUSE OF SUPPLY CHAIN MANAGEMENT SYSTEM

(1) The accounting officer must-

(a) take all reasonable steps to prevent abuse of the supply chain management system;

(b) investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or a failure to comply with this policy, and when justified -

(i) take appropriate steps against such official or other role player;

or

(ii) report any alleged criminal conduct to the South African Police Service;

(c) check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder or any of its directors, is listed as a person prohibited from doing business with the public sector;

(d) reject any bid from a bidder -

(i) if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the municipality or to any other municipality or municipal entity, are in arrears for more than three months; or

(ii) who, during the last five years, has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory;

(e) reject a recommendation for the award of a contract if the recommended bidder or any of its directors has committed a corrupt or fraudulent act in competing for the particular contract;

(f) cancel a contract awarded to a person if -

(i) such person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or

(ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person; and

(g) Reject the bid of any bidder if that bidder or any of its directors -

(i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system;

(ii) has been convicted for fraud or corruption during the past five years;

(iii) has willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or

(iv) has been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No. 12 of 2004).

(2) The accounting officer must inform the National and Provincial Treasuries in writing of any actions taken in terms of subparagraphs (1)(b)(ii), (e) or (f) above.

(3) If the accounting officer, on reasonable grounds, believes that a bidder or a contractor has engaged in bid rigging, he shall refer the matter to the Competition Tribunal for investigation and the taking of action against the bidder or contractor concerned in a manner contemplated in the Competition Act No. 89 of 1998.

Part 3: Logistics, Disposal, Risk and Performance Management

39. LOGISTICS MANAGEMENT SYSTEM

1) The accounting officer must establish and implement an effective system of logistics management, which must include -

(a) the monitoring of spending patterns on types or classes of goods and services incorporating, where practical, the coding of items to ensure that each item has a unique number;

(b) the setting of inventory levels that includes minimum and maximum levels and lead times wherever goods are placed in stock;

(c) the placing of manual or electronic orders for all acquisitions other than those from petty cash; the following process must be adhered to;

i. Purchase orders will be created with reference to requisitions where the supply source is either bids or quotations.

ii. All purchase orders will be captured on the KLM SAMRAS system exclusive of VAT.

iii. Standing/Planned Purchase Orders may be used in cases where longer term arrangements, necessitating interim payments, are required.

iv. Purchase order approvals will be systems based and shall be authorized by the Stores Section through the office of Manager: SCM. That will happen after all the requisition have been approved by the duly delegated officials.

v. In respect of goods and services no work shall commence, or goods be delivered before an official order has been placed with the supplier.

vi. KLM shall not be liable for payment for any goods delivered or services rendered in contravention of clause 39(c)(v) above.

(d) before payment is approved, certification by the responsible officer that the goods and services are received or rendered on time and is in accordance with the order, the general conditions of contract and specifications where applicable and that the price charged is as quoted in terms of a contract;

(e) appropriate standards of internal control and warehouse management to ensure that goods placed in stores are secure and only used for the purpose for which they were purchased;

(f) regular checking to ensure that all assets including official vehicles are properly managed, appropriately maintained and only used for official purposes; and

(g) monitoring and review of the supply vendor performance to ensure compliance with specifications and contract conditions for particular goods or services.

2) Receiving of Orders; Goods received will be captured on the SAMRAS system via a *Goods Received Note* with reference to the relevant purchase order. Where applicable, the Budget and Treasury Office or the Assets Section (for asset creation) and Insurance Section (for claims) will be informed of the purchase. It must be noted that requisitions for the acquisition of assets must be verified by the assets section and the requisition must be stamped to confirm the process the be followed. The asset section must keep records of those requisition for asset register and insurance purpose.

3) Deliveries of goods may not exceed the order quantity. Short deliveries will keep the purchase order open until the balance of the order is received or cancelled.

4) Valuation of stock; Stock is valued on the weighted average costing method per stock item and is VAT exclusive. Stock is valued in terms of the generally recognized accounting procedures as adopted by the KLM.

5) Stock items shall be systematically replenished using the re-order point planning strategy. Open reservations shall be taken into account during the replenishment run.

6) Goods will be issued from stock with reference to reservations. Goods can be issued for consumption against internal orders, cost centres, projects and assets under construction.

7) Purchase orders will be created, where applicable, with reference to replenishment requisitions in respect of term supply contracts for goods. Replenishment requisition approvals will be systems based. All replenishment will be processed via the Acquisition Management System.

8) Stores Management; The stores function shall be centralized and will operate under the jurisdiction of the Supply Chain Management Department. The Supply Chain Manager must ensure proper financial, budgetary control; uphold the principle of effective administration, proper stock holding and control, product standardization, quality of products and a high standard of service levels. The Manager: Supply Chain Management will develop and implement appropriate stock management procedures. The Chief Financial Officer is the only delegated authority to write off stock.

40. DISPOSAL MANAGEMENT SYSTEM

(1) In terms of section 14 of the Act, the municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of capital asset other than one contemplated in subsection (1), but only after the council, in a meeting open to the public-

(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and

(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

(3) An asset may be disposed of by -

(i) transferring the asset concerned to another organ of state in terms of a provision of the Act enabling the transfer of assets;

(ii) transferring the asset concerned to another organ of state at market related value or, when appropriate, free of charge;

(iii) selling the asset concerned; or

(iv) destroying such asset.

(4) The accounting officer must ensure that -

(a) when immovable property is sold by means of a competitive bidding process, the highest price offered shall be accepted, provided such price is equal to or higher than the market related price for the relevant immovable property;

(b) in other cases, only at a market related price except when the public interest or the plight of the poor demands otherwise in which event the sale price shall be determined in accordance with the applicable land disposal or indigent policy adopted by the council;

(c) movable assets are sold either by way of written price quotations, a competitive bidding process or by public auction at the highest offered price, provided such price is market related;

(d) firearms are not sold or donated to any person or institution within or outside the Republic unless approved by the National Conventional

Arms Control Committee;

(e) immovable property is let at market related rentals except when the public interest or the plight of the poor demands otherwise in which event the rental shall be determined in accordance with the applicable land disposal or indigent support policy adopted by the council;

(f) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed;

(g) where assets are traded in for other assets, the highest possible trade-in price is negotiated; and

(h) in the case of the free disposal of computer equipment, the provincial department of education is first approached to indicate, within 30 days, whether or not any of the local schools are interested in such equipment.

(5) This paragraph must be read with and applied in conjunction with the Municipal Asset Transfer Regulations contained in Government Notice R. 878 of 22 August 2008 and the associated policies adopted by the council. In the event of conflict, the provisions of the aforesaid Regulations shall be applied.

41. RISK MANAGEMENT

(1) The accounting officer must establish and implement an effective system of risk management for the identification, consideration and avoidance of potential risks in the supply chain management system.

(2) Risk management must include -

(a) the identification of risks on a case-by-case basis;

(b) the allocation of risks to the party best suited to manage such risks;

(c) acceptance of the cost of the risk where the cost of transferring the risk is greater than that of retaining it;

(d) the management of risks in a pro-active manner and the provision of adequate cover for residual risks; and

(e) the assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

42. PERFORMANCE MANAGEMENT

The accounting officer must establish and implement an internal monitoring system in order to determine, on the basis of a retrospective analysis, whether the authorized supply chain management processes were followed and whether the objectives of this policy were achieved.

1) Performance management shall accordingly be characterized by a monitoring process and retrospective analysis to determine whether:

a. value for money has been attained;
b. proper processes have been followed;

c. desired objectives have been achieved;
d. there is an opportunity to improve the process;
e. suppliers have been assessed and what that assessment is; and
f. there has been deviation from procedures and, if so, what the reasons for that deviation are.

2) The performance management system shall accordingly focus on, amongst others:
a. achievement of goals;
b. compliance to norms and standards;
c. savings generated;
d. cost variances per item;
e. non-compliance with contractual conditions and requirements; and
f. the cost efficiency of the procurement process itself.

Part 4: Other matters

43. TAX MATTERS

1) In terms of the Act municipalities are prohibited from awarding bids to persons whose tax matters have not been cleared by SARS.

2) Before making an award to a person, the Supply Chain Management Unit, must verify the tax compliance status of a taxpayer on the SARS e-Filling system.

3) The National Treasury's Centralized Supplier Database and the Tax Compliance Pin are the approved methods to be used to prove tax compliance.

4) Where goods and services are procured from foreign supplier with tax obligations in South Africa, proof of tax compliance status should be obtained from supplier.

5) Foreign Suppliers with neither South African tax obligations nor history of doing business in South should complete a pre-award questionnaire on the 2018 revised MBD 1 for their tax obligation categorization. The Accounting Officer must submit a copy of this completed MBD 1 received from the awarded bidder to SARS. SARS will issue a letter to the procuring entity confirming whether or not foreign supplier has tax obligations in South Africa.

6) Where the recommended bidder is not tax compliant, the bidder should be notified of their non – compliant status and the bidder must be requested to submit to the municipality within seven (7) working days, proof from SARS that they have remediate their tax compliance status. The proof of tax compliance status submitted by the bidder must be verified in terms of section 43(3) or via CSD or e-Filling.

7) The Accounting Officer should reject a bid submitted by the bidder if such bidder fails to provide proof of tax compliance status within the specified timeframe as stated in section 43(6) above.

8) If a bidder was tax compliant at the time of award, purchase order and thereafter, and the goods and services has been delivered satisfactorily without any dispute, the Accounting Officer should not delay processing payment of invoices due to outstanding tax matters. This only applies where

bidder was tax compliant on the date of tender award or the processing of official purchase order.

9) The tax status of all bidders procured through formal quotes which are less than R 30 000 **MUST** be Tax Compliant prior to the generation of purchase order/s. If the recommended bidder is Tax Non-Compliant, then the second highest scorer on points should be considered and so on, provided that the Tax Status is **Tax Compliant.**

44. PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE

Irrespective of the procurement process followed, no award may be made to a person in terms of this policy -

(a) who is in the service of the state;

(b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder is a person in the service of the state; or

(c) who is an advisor or consultant contracted with the municipality.

45. AWARDS TO CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE

The accounting officer must ensure that the notes to the annual financial statements disclose particulars of any award of more than R2 000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of the state in the previous twelve months, including -

(a) the name of that person;

(b) the capacity in which that person is in the service of the state; and

(c) the amount of the award.

46. ETHICAL STANDARDS

(1) The code of ethical standards annexed to this policy as Annexure A shall apply to all officials and other role players in the supply chain management system of the municipality in order to promote -

(a) mutual trust and respect; and

(b) an environment where business can be conducted with integrity and in a fair and reasonable manner.

(2) A breach of the aforesaid code of ethics must be dealt with as follows -

(a) in the case of an employee, in terms of the disciplinary procedures of the municipality envisaged in section 67(1)(h) of the Municipal Systems Act;

(b) in the case of a role player who is not an employee, through other appropriate means with due regard to the severity of the breach;

(c) in all cases, financial misconduct must be dealt with in terms of chapter 15 of the Act and for applicable regulations pertaining to financial misconduct by officials.

47. INDUCEMENTS, REWARDS, GIFTS AND FAVOURS TO MUNICIPALITIES, OFFICIALS AND OTHER ROLE PLAYERS

(1) No person who is a provider or prospective provider of goods or services or a recipient or prospective recipient of goods disposed of or to be disposed of may either directly or through a representative or intermediary promise, offer or grant -

(a) any inducement or reward to the municipality for or in connection with the award of a contract; or

(b) any reward, gift, favour or hospitality to -

(i) any official; or

(2) The accounting officer must promptly report any alleged contravention of sub-paragraph 1 to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.

(3) Subparagraph (1) does not apply to gifts less than R350 in value.

48. SPONSORSHIPS

The accounting officer must promptly disclose to the National and Eastern Cape Provincial Treasury any sponsorship promised, offered or granted, whether directly or through a representative or intermediary by any person who is -

(a) a provider or prospective provider of goods or services to the municipality; or

(b) a recipient or prospective recipient of goods disposed of or to be disposed of by the municipality.

49. OBJECTIONS AND COMPLAINTS

a) In terms of Section 62 of the Municipal Systems Act, a person whose rights are affected by a decision taken by the KLM may appeal against that decision by giving written notice of the appeal, the service provider or contractor that is aggrieved must write and state the reasons to the accounting officer within 14 days of the date of receipt of the notification of the decision.

b) Bid documents must state that any appeal must be submitted to the accounting officer at the address stated, and must contain the following:

(i) must be in writing;
(ii) reasons for the appeal;

(iii) the way in which the appellant's rights have been affected;

(iv) the remedy sought by the appellant; and

(v) a copy of the notification advising the person of the decision.

50. RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS AND QUERIES

(1) The accounting officer must appoint an independent and impartial person who is not directly involved in the supply chain management processes -

(a) to assist in the resolution of disputes between the municipality and other persons regarding -

(i) any decisions or actions taken in the implementation of the supply chain management system; or

(ii) any matter arising from a contract awarded in the course of the supply chain management system; or

(b) to deal with objections, complaints or queries regarding any such decisions or actions or any matters arising from such contract.

(2) The accounting officer or another official designated by the accounting officer is responsible for assisting the appointed person to perform his or her functions effectively.

(3) The person appointed must -

(a) strive to resolve promptly all disputes, objections, complaints or queries received; and

(b) submit monthly reports to the accounting officer on all disputes, objections, complaints or queries received, attended to or resolved.

(4) A dispute, objection, complaint or query may be referred to the Eastern Cape Provincial Treasury if -

(a) if it is not resolved within 60 days of lodgment; or

(b) no response is forthcoming within 60 days of lodgment.

(5) If the Eastern Cape Provincial Treasury does not or cannot resolve the matter, the dispute, objection, complaint or query concerned may be referred to the National Treasury for resolution.

(6) This paragraph must not be read as affecting a person's rights to approach a competent court, at any time, for such order as may be just and necessary in the circumstances.

51. CONTRACTS PROVIDING FOR COMPENSATION BASED ON TURNOVER

If a service provider acts on behalf of the municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to him is fixed as an agreed percentage of turnover for the service

concerned or the amount collected, the contract between such service provider and the municipality must stipulate -

(a) a cap on the compensation payable to him; and

(b) that such compensation must be performance based.

52. CONTRACT MANAGEMENT:

(1) Issue of expansion and variation orders

(a) The accounting officer or nominee may, subject to the provisos to this subparagraph and subparagraphs (b) to (d) authorize the issue of expansion or variation orders (herein referred to as "variations orders") in respect of contract specifications or conditions of contract in order to accommodate costs for additional work either unforeseen when contracts were awarded for , essential or necessary additional work or in instances where factors beyond the control of an appointed contractor has led to or will lead to a delay in a contract completion date provided that:

(i) 15% for goods and/or services; and, provided further –
(ii) 20% for construction related project, that is informed by CIDB prescripts and Standard for Uniformity.
(iii) that any expansion or variation order issued in excess of the aforesaid thresholds shall be dealt with in a manner provided in section 116 (3) of the MFM Act.

(b) A variation order may only be issued after -

(i) the need for such order has been fully motivated by the responsible project manager and supported by the head of department concerned; and

(ii) the chief financial officer has certified that funds are available to cover the cost the required additional work.

(c) A request for the issue of a variation order in an amount exceeding R200 000 shall first be referred to the Bid Adjudication Committee which considered the initial bid for approval provided that the accounting officer may constitute a new Bid Adjudication Committee for this purpose.

(d) No request for a variation order may be approved in circumstance where new bids may be invited for the additional work concerned.

(e) The line manager responsible for the implementation of a project undertaken either departmentally or through an appointed contractor must keep a proper record of all variation orders issued in respect of a project.

(f) The original copy of an issued variation order must be filed with the original bid and contract documents.

(g) The responsible line manager must, upon completion of additional work or the expiry of any extended contract period authorized by a variation order, certify that the terms and conditions of such variation order have been complied with.

(2) Application of contract management by the responsible officials:

a) Contract management includes all activities and administrative duties associated with a contract that has arisen through one of the acquisition/procurement processes described in this policy.

b) Line departments are fully responsible for contract management and administration. Departmental Heads (Directors) shall be responsible to ensure that a contract manager who will be an internal official and is assigned to ensure the effective management of the contract. The contract manager will typically be the internal project manager assigned to the contract as a whole but may also be a cost centre owner or other responsible official.

c) The contract manager's duties and powers shall be governed by the applicable conditions of contract, this Supply Chain Management Policy, any Policies, Frameworks and Procedures relating to contract management adopted by the KLM and the general law.

d) Departmental Heads (Directors) shall ensure that contract managers are assigned to each contract within the Department Head's area of responsibility and, where possible, should ensure that such contract manager be involved from the earliest stages of the acquisition process.

e) Departmental Heads (Directors) shall further be responsible for ensuring that contract managers:

i. take all reasonable steps to ensure that a contract procured through the provisions of this policy is properly enforced;
ii. are adequately trained so that they can exercise the necessary level of responsibility in the performance of their duties;
iii. in administering a contract, adhere to applicable legislation and legal precedent, regulations, policy and formalised guidelines.

f) In discharging his duties, the contract manager shall:

I. ensure that all the necessary formalities in signing up the contract and/or issuing the purchase order(s) are adhered to;
II. ensure that contracts related to the procurement of goods and services are captured on the KLM's SAMRAS system in the form of a price schedule when appropriate;
III. ensure that all original contract documentation is lodged with the Supply Chain Management Department for record purposes;
IV. monitor, update and report, on a monthly basis, the cost status and delivery forecast of the contract and the performance of the supplier in order to ensure that all of the terms and conditions of the contract are met, including the supplier's obligations as regards preferential procurement, targeted labour and/or

resources and local production and content, as applicable;

V. where necessary, take appropriate action where a supplier is

VI. underperforming or is in default or breach of the contract;

VII. where appropriate, authorize payments due in terms of the contract by processing payment certificates (if applicable), and ensuring that the necessary Service Entry Sheets or Goods Received Notes are captured on the KLM's SAMRAS system;

VIII. manage contract variation or amendment procedures in compliance with the latest directive in this regard as issued by the municipal manager and approved by the applicable delegated authority;

IX. administer disputes where necessary, in terms of this policy and the applicable Conditions of Contract;

X. maintain adequate records in sufficient detail on an appropriate contract file to provide an audit trail;

XI. ensure that contractual actions relating to supplier liquidation proceedings are correctly and timeously taken to ensure the KLM's rights are protected and any negative impact on service delivery is mitigated, such options should include inter alia:

1) supplier proposal (via the liquidator) is deemed acceptable, by the relevant Director, to the KLM utilizing the appropriate contractual mechanisms; or

a. cancelling the contract, as the liquidator proposed supplier is deemed unacceptable to the KLM, and the KLM appointing an alternate supplier via appropriate procurement mechanisms); act with care and diligence and observe all accounting and legal requirements; and

b. for construction contracts, ensure that all contract administrative requirements of the CIDB is complied with.

53. APPLICATION OF POLICY TO MUNICIPAL ENTITIES

(a) The provisions of this policy generally do not apply to municipal entities.

(c) The supply chain management system of a municipal entity shall be applied with due regard to the provisions of this policy and the Regulations and, in the event of conflict, the provisions of the Regulations shall enjoy preference.

54. FRONTING

(a) For purposes of this paragraph, "fronting" shall include the under-mentioned acts on the part of a bidder or any person or party associated with a bidder:

(i) **Window-dressing:** This includes cases in which black people are appointed or introduced to an enterprise on the basis of tokenism and may subsequently be discouraged or inhibited from substantially participating in the core activities of the enterprise concerned and/or be discouraged or inhibited from substantially participating in the declared areas and/or levels of their participation;

(ii) **Benefit Diversion:** This includes initiatives where the economic benefits received by an organization for having B-BBEE Status do not flow to black people in the ratio specified by law;

(iii) **Opportunistic Intermediaries:** This includes enterprises that have concluded agreements with other enterprises in order to leverage the opportunistic intermediary's favorable B-BBEE status in circumstances where the agreement involves:

(a) Significant limitations or restrictions on the identity of the opportunistic intermediary's suppliers, service providers, clients or customers;
(b) The maintenance of their business operations in a context reasonably considered improbable having regard to resources; and
(c) Terms and conditions that are not negotiated at arms-length on a fair and reasonable basis.

(b) Where the accounting office detects fronting, he must act against the bidder concerned in terms of paragraph 27(9.3) and, in addition, report such fronting to the Department of Trade and Industry.

55 CONDITIONS RELATING TO THE GRANTING OF PREFERENCE:

(1) Local Production and Content,

a) The Department of Trade and Industry may, in consultation with the National Treasury designate a sector, sub-sector or industry or product in accordance with the national development and industrial policies for local production and content, where only locally produced services or goods or locally manufactured goods meet the stipulated minimum threshold for local production and content taking into account economic and other relevant factors and stipulate a minimum threshold for local production and content. The National Treasury must inform KLM of any designations made through the issue of a circular.

b) In the case of designated sectors, such bids must be advertised with a specific condition of bidding that only locally produced goods or locally manufactured goods, meeting the stipulated minimum threshold for local production and content will be considered.
c) any instructions, circulars and guidelines issued by National Treasury in the above regard must be complied with.
d) Where there is no designated sector, bids may include, as a specific condition of bidding, that only locally produced goods or locally manufactured goods with a stipulated minimum threshold for local production and content, will be considered, on condition that such prescript and threshold(s) are in accordance with the specific directives issued for this purpose by the National Treasury in consultation with the Department of Trade and Industry.

e) A person awarded a contract in relation to a designated sector, may not subcontract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum

threshold.

f) A bid that fails to meet the minimum stipulated threshold for local production and content is an unacceptable bid.

(2) Subcontracting as a condition of tender/bid:

Subcontracting as condition of a bid:

a. If feasible to subcontract for a contract above R30 million, the KLM must apply subcontracting to advance designated groups.

b. If KLM applies subcontracting as a condition of a bid, the KLM must advertise the bid with a specific bid condition that the successful bidder must subcontract a minimum of 30% of the value of the contract to:

1) an EME or QSE;
2) an EME or QSE which is at least 51% owned by black people;
3) an EME or QSE which is at least 51% owned by black people who are youth;
4) an EME or QSE which is at least 51% owned by black people who are women;
5) an EME or QSE which is at least 51% owned by black people with disabilities;
6) an EME or QSE which is at least 51% owned by black people living in rural or undeveloped areas or townships;
7) a co-operative which is at least 51% owned by black people;
8) an EME or QSE which is at least 51% owned by black people who are military veterans; or
9) more than one of the categories referred to in this clause.

c. The KLM must make available the list of all suppliers registered on a database approved by the National Treasury to provide the required goods or services in respect of the applicable designated groups mentioned in the preceding clause from which the bidder must select a supplier.

(3) Unbundling Strategies:

a) In order to encourage increased participation and the sustainable growth of the small business sector, the unbundling of larger projects into smaller, more manageable, contracts is encouraged. Unbundling must however be considered in the context of:

1. economies of scale being lost;
2. abortive work becoming necessary;
3. additional demands (not only financial) being placed on the KLM's resources; and
4. the risk of later phases not being completed as a result of budget cuts becoming necessary in the future.

b) Unbundling, and all of its associated implications, must therefore be carefully considered at the planning stage of any project and the budgets for, and design thereof, should be structured accordingly.

c) It is important to note that while it is the KLM policy to procure goods, services or construction works in the smallest practicable quantities, the practice of parceling such procurement in order to avoid complying with the requirements of the different range of procurement processes described in this policy is not permitted.

(4) Increasing Employment Opportunities:

a) One of the KLM key socio-economic objectives is to facilitate the creation of employment for the people of KLM.

b) Increasing employment opportunities through procurement may be achieved by specifying labour intensive technologies and/or methods of construction in the bid documents.

c) It is up to Responsible Agents to thoroughly investigate the options available in the above regard, to evaluate the positive versus negative impact of any proposals, and to specify labour intensive technologies and/or methods where appropriate.

d) All labour earning less than a threshold wage, determined in accordance with National Guidelines, that is employed for the provision of services or construction works for KLM, shall be reported in the prescribed format, on a monthly basis, to the Directorate responsible for Extended Public Works Programme (EPWP).

(5) Targeted Labour and or Targeted Enterprises:

a) The targeting of labour and/or enterprises from specific areas within the boundaries of the KLM area may be achieved, where appropriate, by specifying in the bid documents, a minimum level of participation (a contract participation goal) that must be achieved in respect of targeted labour and/or targeted enterprises in the performance of the contract.

b) Specified contract participation goals must be measurable and achievable, and the performance in respect of which must be monitored by the Responsible Agents during the execution of the contract.

c) Where a minimum contract participation goal has been specified in respect of targeted labour and/or enterprises, the supplier is obliged to meet that goal, and must be penalized if he or she does not.

d) Contract participation goals in respect of targeted labour and/or enterprises may not be introduced into the preference point system used for the evaluation of bids.

56 ARCHIVE OF BIDDING DOCUMENTS

(1) Bidding documents have to be kept in a safe.

(2) The following will be applicable before the destruction of any documents:

a) The tender documents must be kept for a minimum of seven (7) years.
b) The original tender document of the successful bidder for all project related commitments must kept on record and an electronic copy must be kept.
c) For all other types of tenders, the successful bidder's document may only be destroyed if an electronic copy is kept.

57 CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

1) The Construction Industry Development Board (CIDB) has been established by government to promote the uniform application of policy to the construction industry.

a) When calling for construction related bids:
   i. the prescribed CIDB (uniformity standard bid documents) may be utilized.
   ii. only Contractors registered with the CIDB may be used.
   iii. all tenders must be advertised on the CIDB i-tender system.
   iv. consultants used in the procurement process must adhere to the CIDB legislation.
   v. consultants used in the procurement process are prohibited to provide goods,
   vi. works or services related to the project; and (vii) subcontract arrangements and joint venture initiatives must be aligned to CIDB guidelines and requirements.
   vii. the same Bid Committee system as for all other bids will be applicable.

b) When evaluating construction related bids - (i) the registration and grading on the CIDB website must be verified; (ii) the contractor and has to be valid on the day the Bid Evaluation Committee evaluates the bid; (iii) the CIDB contractor requirements; and (iv) calculations for joint venture gradings must be done according to the CIDB prescriptions.

2) Other matters - (a) all projects approved by the Municipality must be registered with the CIDB; (b) contracts registered on the i-tender systems must be updated and completed; (c) non-performance and non-compliance of contractors must be reported to the CIDB as per the CIDB guidelines; and (d) Sub-contracting arrangements and joint-venture initiatives must be aligned to the CIDB guidelines and requirements.

58 PUBLIC-PRIVATE PARTNERSHIPS

Public-Private Partnerships will be procured in terms of Part 2 of Chapter 11 of the Act.

59 TRANSVERSAL CONTRACTS

All commodities, services and products covered by a transversal contract concluded by the National Treasury must be considered before approaching the market, to benefit from savings where lower prices or rates have been negotiated.

60 FRAMEWORKS FOR INFRASTRUCTURE DELIVERY

1) **The Infrastructure Delivery Management**

Project Processes

The project process of infrastructure delivery management contains control stage deliverables at the end of each stage. Table 1 outlines the stage deliverables that must be approved. The control stages are specific to project management processes; and outline and describe the stages in the life of a project from start to end. The specific stages are determined by the specific project's governance and control needs. The stages follow a logical sequence with a specified start and end. The deliverable is considered to have passed through the relevant stage when it is approved and signed off. The project then moves on to the next sequential stage. It is expected that the municipality's process reflects an engagement between the Budget & Treasury Office, Engineers and Planners when developing and approving projects. It is also expected that there should be engagements with the National and Provincial Treasury where appropriate or where projects dictate so.

Table 1: Project stage deliverables

Stage		**Project Stage Deliverables**
No	**Name**	**End of Stage Deliverables**
1	**Initiation**	**Initiation Report or Pre-feasibility Report** **(i)** The Initiation Report defines project objectives, needs, acceptance criteria, organization's priorities and aspirations, and procurement strategies, which set out the basis for the development of the Concept Report. Or I. A Pre-feasibility Report is required on Mega Capital Projects, to determine whether to proceed to the Feasibility Stage; where sufficient information is presented to enable a final project implementation decision to be made. Mega capital projects should be determined in the municipality's policy approved by the Municipal Council. **Stage 1 is complete when the Initiation Report or Pre-feasibility Report is approved.**
2	**Concept**	**Concept Report or Feasibility Report** I. The Concept Stage presents an opportunity for the development of different design concepts to satisfy the project requirements developed in Stage 1. This stage presents alternative approaches and an opportunity to select a particular conceptual approach. The objective of this stage is to determine whether it is viable to proceed with

		the project, premised on available budget, technical solutions, time frame and other information that may be required. II. The Concept Report should provide the following minimum information: **(a)** Document the initial design criteria, cost plan, design options and the selection of the preferred design option; or the methods and procedures required to maintain the condition of infrastructure, or the project. Establish the detailed brief, scope, scale, form and cost plan for the project, including, where necessary, the obtaining of site studies and construction and specialist advice. **(b)** Provide an indicative schedule for documentation and construction, or maintenance services, associated with the project. **(c)** Include a site development plan, or other suitable schematic layouts, of the works. **(d)** Describe the statutory permissions, funding approvals and utility approvals required to proceed with the works associated with the project. **(e)** Include a baseline risk assessment for the project and a health and safety plan, which is a requirement of the Construction Regulations issued in terms of the Occupational Health and Safety Act. **(f)** Contain a risk report, need for further surveys, tests, investigations, con-sents and approvals, if any, during subsequent stages.

		(iii) A Feasibility Report must provide the following minimum information: a) Details regarding the preparatory work covering: • A needs and demand analysis with output specifications. • An options analysis. b) A viability evaluation covering: • A financial analysis. • An economic analysis, if necessary. c) A risk assessment and sensitivity analysis; d) A professional analysis covering: • A technology options assessment. • An environmental impact assessment. • A regulatory due diligence. e) An implementation readiness assessment covering: • Institutional capacity. • A procurement plan. **Stage 2 is complete when the Concept Report or the Feasibility Report is approved.**

3	**Design Development**	**Design Development Report** (i) The Design Development Report must, as necessary: a) Develop, in detail, the approved concept to finalize the design and definition criteria. b) Establish the detailed form, character, function and costings. c) Define the overall size, typical detail, performance and outline specification for all components. d) Describe how infrastructure, or elements or components thereof, are to function; and how they are to be safely constructed, be commissioned and be maintained. e) Confirm that the project scope can be completed within the budget or propose a revision to the budget. **Stage 3 is complete when the Design Development Report is approved.**
4	**Design Documentation**	**Design Documentation** (i) Design documentation provides: a) the production information that details performance definition, specification, sizing and positioning of all systems and components b) that will enable construction; c) the manufacture, fabrication and construction information for specific components of the work, informed by the production information. **Stage 4 is complete when the Design Documentation Report is approved.**
5	**Works**	**Completed Works capable of being used or occupied (**i) Completion of the Works Stage requires: a) Certification of the completion of the works in accordance with the provisions of the contract; or b) Certification of the delivery of the goods and associated services in accordance with the provisions of the contract. **Stage 5 is complete when the Works Completion Report is approved.**
6	**Handover**	**Works which have been taken over by the user or owner; Completed** **Training; Record Information** (i) The handover stage requires the following activities to be undertaken: **(a)** Finalize and assemble record information which accurately reflects the infrastructure that is acquired, rehabilitated, refurbished or maintained; **(b)** Hand over the works and record information to the user organization and, if necessary, train end user staff in the

		operation of the works. **Stage 6 is complete when the Handover/Record Information Report is approved.**
7	**Close-Out**	**Defects Certificate or Certificate of Final Completion; Final Account; Close-Out Report** (i) The Close-Out Stage commences when the end user accepts liability for the works. It is complete when: a) Record information is archived; b) Defects certificates and certificates of final completion are issued in terms of the contract; c) Final amount due to the contractor is certified in terms of the contract; d) Close-Out Report is prepared by the Implementer and approved by the Municipality. **Stage 7 is complete when the Close-out Report is approved.**

61 FRAMEWORKS FOR INFRASTRUCTURE PROCUREMENT

1) **Introduction**

The framework for infrastructure procurement outlines the minimum infrastructure procurement policy requirements for municipal planning and implementation. The strategic direction set in the Integrated Development Plan (IDP) informs the framework for infrastructure procurement. For example, procurement strategies must be aligned to the municipality's developmental and internal transformational needs, as specified in the IDP.

2) **Minimum requirements for infrastructure procurement**

a) Infrastructure procurement must be undertaken in accordance with the Local Government Framework for Infrastructure Delivery and Procurement Management and all applicable infrastructure procurement related legislation.

b) Infrastructure procurement must be implemented in accordance with the institutional Supply Chain Management System, which promotes differentiated procurement for infrastructure.

c) Infrastructure procurement must be implemented in accordance with the procurement gates prescribed in paragraph 56 below.

d) The accounting officer must ensure that a budget is available for the duration of the project, in line with MFMA provisions for capital and operating budgets.

e) The accounting officer must ensure that cash flow management processes are in place to meet payment obligations within the time periods specified in the contract.

f) Procurement gates provided in paragraph 56 below must be used as appropriate, to:

(i) Authorize commencement of activities that lead to the next

control gate;

(ii) Confirm conformity with requirements; and/or

(iii) Provide information to eliminate any cause of non-conformity and to prevent reoccurrence.

1) The authorization to proceed to the next procurement gate must be given by a delegated person or body. The delegated person or body must be able to apply relevant built environment knowledge and skill to achieve the intended results required at the relevant procurement gate. The level of detail contained in the documentation on which a decision to proceed to the next procurement gate is made, must be sufficient to enable an informed decision.

2) The accounting officer must develop and implement effective and efficient emergency procurement procedures, including relevant approval delegation, in compliance with relevant legislation.

a) The accounting officer must develop and implement an effective and efficient infrastructure disposal policy in line with the Municipal Asset Transfer Regulations. The institution may consider disposal strategies aligned to their internal disposal policy, prior to continuing with the procurement strategy.

b) The accounting officer must keep records of Procurement Gate Approvals, in a manual or electronic format, with the following minimum requirements:

(i) Procurement gate;

(ii) Delegated person/s or body;

(iii) Date on which the approval request was received;

(iv) Date on which the approval was actioned; and (v) Signature of the delegated person or body.

c) All assets must be recorded in the municipal asset register as required by the GRAP standards.

62 INFRASTRUCTURE PROCUREMENT GATES (PG)

1) **Procurement Gate 1**

a) Initiate a procurement process

b) Minimum Requirement for Gate 1

(i) Establish and clarify the procurement need, aligned to the municipality's development and transformation priorities specified in the IDP.

(ii) Determine a suitable title for the procurement, to be applied as the project description.

(iii) Prepare the broad scope of work for the procurement.

(iv) Perform market analysis.

(v) Estimate the financial value of proposed procurement and contract for budgetary purposes, based on the broad scope

work.

(vi) Confirm the budget.

(vii) Compliance with section 33 of the MFMA with respect to community and stakeholder participation.

c) PG 1 is complete when a designated person or body makes the decision to proceed/not to proceed, with the procurement of the infrastructure.

2) **Procurement Gate 2**

a) Approve procurement strategy to be adopted.

b) Minimum Requirement for Gate 2

(i) Develop a procurement strategy aligned to the institutional procurement strategy.

(ii) Establish contracting and pricing strategy comprising of an appropriate allocation of responsibilities and risks; and the methodology for contractor payments.

(iii) Identify service required for works.

(iv) Decide on contracting strategy.

(v) Decide on form of contract.

(vi) Establish opportunities for promoting preferential procurement in compliance with legislative provisions and the Construction Sector Code.

c) PG 2 is complete when a delegated person or body approves the procurement strategy that is to be adopted.

3) **Procurement Gate 3**

a) Approve procurement documents

b) Minimum Requirements for Gate 3

(i) Prepare procurement documents that are compatible with:

(ii) Approved procurement strategies

(iii) Project management design documentation.

c) PG 3 is complete when the bid specification committee approves the procurement document.

4) **Procurement Gate 4**

a) Confirm that cash flow processes are in place to meet projected contractual obligations.

b) Minimum Requirement for Gate 4:

(i) Confirm that cash flow processes are in place to meet Contractual obligations.

(ii) Establish control measures for settlement of payment within the Time period specified in the contract.

c) PG 4 is complete when a delegated person or body confirms in writing that cash flow processes are in place; and control measures are established for the procurement to take place.

5) **Procurement Gate 5**

a) Solicit tender offers.

b) Minimum Requirements for Gate 5

(i) Invite contractors to submit tender offers.

(ii) Receive tender offers.

(iii) Record tender offers.

(iv) Safeguard tender offers.

c) PG 5 is complete when tender offers received are recorded and safeguarded by a delegated person from the SCM unit.

6) **Procurement Gate 6**

a) Evaluate tender offers premised on undertakings and parameters established in procurement documents.

b) Minimum Requirement for Gate 6

(i) Determine whether tender offers are complete.

(ii) Determine whether tender offers are responsive.

(iii) Evaluate tender submissions.

(iv) Review minimum compliance requirements for each tender.

(v) Perform a risk analysis.

(vi) Prepare a report on tender offers received, and on their achievement of minimum compliance.

PG 6 is complete when the chairperson of the Bid Evaluation Committee approves the BEC report.

7) **Procurement Gate 7**

a) Award the contract.

b) Minimum Requirement for Gate 7

(i) Bid adjudication committee review of the BEC evaluation report.

(ii) Bid adjudication committee makes a recommendation of an award.

(iii) Accounting Officer approval of the tender process.

(iv) Notify successful tenderer and unsuccessful tenderers of the outcome.

(v) Sign contract document.

(vi) Formally accept tender offer.

c) PG 7 is complete when the Accounting Officer, or the Bid Adjudication

d) Committee, where delegated, confirms that the tenderer has provided evidence of complying with all the requirements as stated in the tender data and formally accepts the tender offer in writing, and issues the contractor with a signed copy of the contract.

8) Procurement Gate 8

a) Administer and monitor the contract.

b) Minimum Requirements for Gate 8:

(i) Contract Management to:

(a) Capture contract award data.

(b) Administer contract in accordance with the terms and provisions of the contract.

(ii) Financial Services to:

(a) Manage cash flow projection.

(iii) User Department to:

(a) Ensure compliance with contractual requirements.

c) PG 8 is complete when a delegated person captures the contract completion/termination data (close out reports and relevant documents), including payment certificates due.

63 GATEWAY REVIEWS

1) Gateway reviews for mega capital projects

a) The MFMA (Act 56 of 2003), section 19 (2) states: "Before approving a capital project in terms of subsection (1)(b), the council of a municipality must consider the projected cost covering all financial years from the start until the project is operational; and the future operational costs and revenue on the project, including municipal tax and tariff implications."

b) The LGFIDPM prescribes the Gateway Review at the end of stage 2, as the minimum requirement to comply with section (i) above.

c) The focus of such a review must be on the quality of the documentation in the first instance, and thereafter on:

(i) Deliverability: the extent to which a project is deemed likely to deliver;

(ii) Expected benefits: within the declared cost, time and performance area;

(iii) Affordability: the extent to which the project's level of expenditure and financial risk can be accepted, given the organization's overall financial position, both singly, and when considering its other current and projected commitments; and

(iv) Value for money: The optimum combination of whole life costs and quality (or fitness of purpose), to meet the user's requirements.

d) A gateway review team must comprise of not less than three persons who are neither involved, nor associated with the project, but have a broad understanding of the subject matter.

e) A gateway review must be led by a person who has experience in the planning of infrastructure projects and is registered as a professional with a statutory council under the built environment professions. The members of the team must, as relevant, have expertise in the key technical areas, cost estimating, scheduling and implementation of similar projects.

f) It is the duty of the institution's Accounting Officer or Authority to appoint a team responsible for the gateway review of his or her institution.

g) The gateway review team must base its findings primarily on:

(i) The information contained in the end-of-stage deliverable;

(ii) Supplementary documentation, if any, provided by key staff and obtained during an interview process; and

(iii) Interviews with key staff members and stakeholders.

h) The gateway review team must issue a report at the conclusion of a gateway review, which reflects the team's assessment of the information at the end of a stage; and provides findings or recommendations on areas where further work should be undertaken to improve such information.

i) The gateway review findings must be classified by the gateway review team as:

1) Critical: Findings that pose adverse effect to the project or package. Critical findings are findings related to the stage deliverable that are wholly unacceptable.

2) Major: Findings that pose a potentially adverse effect to the project or package. Major findings are serious findings and are in direct violation of key legislation, e.g. The Constitution of the Republic of South Africa, the MFMA or the PPPFA.

3) Minor: Findings that do not pose any adverse effect to the project or package. Minor findings indicate the need for improvement of practices and processes.

j) A Stage 2 deliverable must not be approved until such time that all findings have been resolved.

64 COMMENCEMENTS

This policy takes effect on the date of its adoption by the council.

ANNEXURE A

KOUGA LOCAL MUNICIPALITY

CODE OF CONDUCT FOR SUPPLY CHAIN MANAGEMENT PRACTITIONERS AND OTHER ROLE PLAYERS

The purpose of this Code of Conduct is to promote mutual trust and respect and an environment where business can be conducted with integrity and in a fair and reasonable manner.

1. General Principles

The municipality commits itself to a policy of fair dealing and integrity in the conducting of its business. Officials and other role players involved in supply chain management (SCM) are in a position of trust which implies a duty to act in the public interest. Officials and other role players should not perform their duties to unlawfully gain any form of compensation, payment or gratuity from any person or provider / contractor either for themselves, their family, their friends and business associates.

Officials and other role players involved in SCM should ensure that they perform their duties efficiently, effectively, with integrity and in accordance with applicable legislation, policies and guidelines. They should ensure that public resources are administered responsibly.

Officials and other role players involved in SCM should be fair and impartial in the performance of their functions. They should, at no time, afford any undue preferential treatment to any group or individual or unfairly discriminate against any group or individual and they should also not abuse the power and authority vested in them.

2. Conflict of interest

An official or other role player involved with supply chain management -

(a) must treat all providers and potential providers equitably and fairly;

(b) may not use his/her position for private gain or to improperly benefit another person;

(c) may not accept any reward, gift, favour, hospitality or other benefit directly or indirectly, including to any close family member, partner or associate of that person, of a value more than R350;

(d) must declare to the accounting officer details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or to any close family member, partner or associate of that person;

(e) must declare to the accounting officer details of any private or business interest which that person or any close family member, partner or associate, may have in any proposed procurement or disposal process or in any award of a contract by the municipality;

(f) must immediately withdraw from participating in any manner whatsoever in a procurement or disposal process or in the award of a contract in which that

person or any close family member, partner or associate has any private or business interest;

(g) must declare any business, commercial and financial interests or activities undertaken for financial gain that may give rise to a possible conflict of interest;

(h) should not place him/herself under any financial or other obligation to outside individuals or organizations that might seek to influence him/her in the performance of his/her official duties; and

(i) should not take improper advantage of his/her previous office after leaving his/her official position.

3. Accountability

3.1 Practitioners are accountable to the public for their decisions and actions.

3.2 Practitioners should use public property scrupulously.

3.3 Only accounting officers or their delegates have the authority to commit the municipality to any transaction for the procurement of goods, services or works.

3.4 All transactions conducted by a practitioner should be recorded and accounted for in an appropriate accounting system. Practitioners should not make any false or misleading entries in such a system for any reason whatsoever.

3.5 Practitioners must assist the accounting officer in combating fraud, corruption, favoritism, unfair and irregular practices in the supply chain management system.

3.6 Practitioners must report to the accounting officer any alleged irregular conduct in the supply chain management system which they may become aware of, including but not limited to -

(i) any alleged fraud, corruption, favoritism or unfair conduct;

(ii) any alleged contravention of the policy on inducements, rewards, gifts and favours to municipalities or municipal entities, officials or other role players; and

(iii) any alleged breach of this code of conduct.

3.7 Any declarations made must be recorded in a register which the accounting officer must keep for this purpose. Any declarations made by the accounting officer must be made to the mayor who must ensure that such declaration is recorded in the register.

4. Openness

Practitioners should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict the supply of information only if it is in the public interest to do so.

5. Confidentiality

5.1 Any information that is the property of the municipality or its providers should be protected at all times. No information regarding any bid/contract/bidder/contractor may be revealed if such an action will infringe the relevant bidder's/contractors' personal rights.

5.2 Matters of confidential nature in the possession of officials and other role players involved in SCM should be kept confidential unless legislation, the performance of duty or the provisions of law requires otherwise. Such restrictions also apply to officials and other role players involved in SCM after they have left the service of the municipality.

6. Bid Specification / Evaluation / Adjudication Committees

6.1 Bid specification, evaluation and adjudication committees should implement supply chain management on behalf of the municipality in an honest, fair, impartial, transparent, cost-effective and accountable manner.

6.2 Bid evaluation / adjudication committees should be familiar with and adhere to the prescribed legislation, directives and procedures in respect of supply chain management in order to perform effectively and efficiently.

6.3 All members of bid adjudication committees should be cleared by the accounting officer at the level of "CONFIDENTIAL" and should be required to declare their financial interest annually.

6.4 No person should-

6.4.1 interfere with the supply chain management system of the municipality; or

6.4.2 amend or tamper with any price quotation / bid after its submission.

7. Combative Practices

Combative practices are unethical and illegal and should be avoided at all cost. They include but are not limited to:

(i) suggestions to fictitious lower quotations.

(ii) reference to non-existent competition.

(iii) exploiting errors in price quotations / bids.

(iv) soliciting price quotations / bids from bidders / contractors whose names appear on the Register for Tender Defaulters.

Annexure B

DELEGATION OF POWERS AND DUTIES PARAGRAPH 4.1		
As far as contractual obligations are concerned: Personnel to be nominated in writing by the Municipal Manager, and Directors, subject to the undermentioned criteria, and further subject to the municipality's Supply Chain Management Policy, financial regulations and council resolutions where applicable.		
4.2.1	***APPROVAL / AWARD / CANCELLATION* OF QUOTATIONS, FORMAL QUOTATIONS AND TENDERS**	
RAND VALUE (VAT inclusive)	**LEVEL OF APPROVAL** (With due regard to proper segregation of duties)	**QUOTATIONS / TENDERS PROCESS FOLLOWED**
Up to R2 000	Level of approval as delegated by relevant director	Petty cash Purchases in terms of the Petty Cash Policy AND / OR One (1) written quotation
R2 000.01 – R300 000.00	Chief Financial Officer (As for approval of requisition the CFO would delegate, and such would be in writing for each manager.	Make recommendation to the CFO for formal written price quotations in terms of Paragraph 18(b) of the SCM Policy
R300 000.01 – R10 million	Bid Adjudication Committee	Competitive Bidding – committee system
> R10 million	Municipal Manager after recommendation from the Bid Adjudication Committee	Competitive Bidding – committee system
36.1	***APPROVAL OF DEVIATIONS***	
All deviations regardless of the amount.	Accounting Officer	
39	***APPROVAL OF REQUESTS* FOR PURCHASE MUNICIPAL STORE ISSUES**	
All orders	Level of approval as delegated to SCM Manager, that has been further delegated to Senior Accountant Acquisition& Chief Accountant: Logistics.	
4.2.81.4	***CERTIFICATION AND AUTHORISATION OF ALL PAYMENTS* inclusive of where an official order has been issued in terms of subparagraph 4.2.1 above**	
RAND VALUE (VAT inclusive)	**LEVEL OF APPROVAL (With due regard to proper segregation of duties)**	
All ranges	The recipient of the service or good from the user department is expected to sign the good receive note is provided. If not, the recipient will append his/her signature as an acknowledgement that a service or good was delivered. Thereafter the delegated PM by the director of each directorate will sign or authorize the invoice for payment.	

4.2.81.5	*APPROVAL OF SPECIFICATIONS* FOR COMPETITIVE BIDS, in terms of Paragraph 27(2)(g) of the SCM Policy	
Cryptic description of Power or Duty	**Sub-delegated to**	**Remarks, Limitations or Conditions**
Specifications for Competitive Bids must be approved prior to the publication of the invitation for bids in terms of **[clause]** paragraph 22 of the SCM Policy.	All Directors	This delegation applies in so far as each director's responsibility for managing the respective votes of the municipality and to whom powers and duties for this purpose have been delegated in terms of Section 79 of the MFMA (Act 56 of 2003).

4.2.81.6	*APPROVAL OF COMMUNICATION* WITH PROSPECTIVE BIDDERS	
Cryptic description of Power or Duty	**Sub-delegated to**	**Remarks, Limitations or Conditions**
The budget holder must approach the bid specification committee to consider authorizing communication with bidders prior to the closing date of tenders in terms of paragraph 22(6)(a) of the SCM Policy	Bid Specification Committee	This delegation applies in so far as the tender to which the communication relates and the members of the committee as appointed by the accounting officer
The budget holder must approach the bid evaluation committee to consider authorizing communication with bidders after the closing of tenders in terms of paragraph 24(3)(c) of the SCM Policy	Bid Evaluation Committee	This delegation applies in so far as the tender to which the communication relates and the members of the committee as appointed by the accounting officer

52.1	APPROVAL OF EXPANSIONS / VARIATIONS / AMENDMENTS IN THE CONTRACT SUM OR PERIOD	
/RAND VLUE (VAT inclusive)	**LEVEL OF APPROVAL**	**PROCESS FOLLOWED**
R0 – R300 000.00 (total inclusive of Vat)	Manager: SCM reviews those submission and makes recommendation to CFO for approval subject to the requirement of how approval was obtained initially	Circular 62 Expansion / Variation
R300 000.01 – R10 million (total inclusive of amendment)	Bid Adjudication Committee	Circular 62 Expansion / Variation
R10 million- unlimited	Municipal Manager with consent from Council	S116(3) Amendments

Annexure C

Deviation No:

SUPPLY CHAIN MANAGEMENT DEVIATION FORM

DIRECTORATE	
SECTION:	

Supplier / Service Provider name:	
Nature of Goods Supplied / Services rendered	
Estimated value of Goods/ Services procured (incl. VAT):	
Date of request:	

Reasons for Supply Chain Management Deviation per sec 36 of the Supply Chain Management Policy and the Regulation 36 of MFMA:

sec 36 (1)(a)**(i)**	In the case of an emergency:	
	a. the possibility of human injury or death.	
	b. the prevalence of human suffering or deprivation of rights.	
	c. the possibility of damage to property or suffering and death of livestock and animals.	
	d. the interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the KLM as a whole.	
	e. the possibility of serious damage occurring to the natural environment	
	f. the possibility that failure to take necessary action may result in the KLM not being able to render an essential community service; and the possibility that the security of the state could be compromised.	
sec 36 (1)(a)**(ii)**	If such goods or services are produced or available from a single provider only;	

sec 36 (1)(a)**(iii)**	For the acquisition of special works of art or historical objects where specifications are difficult to compile; or	
sec 36 (1)(a)**(iv**)	Acquisition of animals for zoos and/or nature and game reserves	
sec 36 (1)(a)**(v)**	In any other exceptional case where it is impractical or impossible to follow the official procurement processes; and	
sec 36 (1)**(b)**	Ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.	

BACKGROUND

……

MOTIVATION

……

RECOMMENDATION:

……

To be completed by Budget and Treasury Office:

BUDGET AVAILABLE	
UKEY	
CHECKED BY: BUDGET & TREASURY OFFICE	
DATE	

Compulsory documents (to attach):

Registration on National Treasury Supplier database (CSD)- SCM	
MBD 4 Declaration of Interest Form	
MBD 8 Declaration of Past Supply Chain Practices	
MBD 9- Certificate of Independent Bidding	

	SIGNATURE	**DATE**
PREPARER OF DEVIATION		
HEAD OF DEPARTMENT		

REVIEWED BY SCM MANAGER		
RECOMMENDED BY CHIEF FINANCIAL OFFICER		
The Accounting Officer certifies that the Deviation meets all the requirements in accordance with Section 36 of the Supply Chain Management Policy.		
APPROVED BY: ACCOUNTING OFFICER		

REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

KOUGA
local municipality

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM1**

COUNCIL RESOLUTIONS AS AT 08 NOVEMBER 2024

1. **Introduction**

The purpose of this item is to provide a report back on progress of Council Resolutions.

2. **Background**

The Action Sheets reflect outstanding Council resolutions for all Directorates.

3. **Discussion**

None.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Section 55 of the Local Government: Municipal Systems Act, No.32 of 2000, provides in subsection 1(k) that a Municipal Manager is responsible and accountable for carrying out the decisions of the political structures and political offices bearers of the municipality.

6. **Legal Implications**

Failure to maintain and update the Action sheet may result in the non-compliance to Section 55(1)(k) of the Local Government: Municipal Systems Act, No 32 of 2000.

7. **Other Implications**

None.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Noted

8.7 **Municipal Manager**

Noted

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

10.2 That the action sheet be tabled at Top Management for discussion and actioning.

Item prepared by the: Deputy Municipal Manager 

Item endorsed by the: Chief Financial Officer 

Item endorsed by the: Director: Planning & Development 

Item endorsed by the: Director: Civil & Water Services 

Item endorsed by the: Director: Electro-Mechanical 

Item endorsed by the: Director: Community Services 

Item approved by the: Municipal Manager: 

OFFICE OF THE MM: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jul-19	**19/07/MM4**	**RESCISSION OF A COUNCIL RESOLUTION – 17/8/F23 OF A COUNCIL MEETING HELD ON 31 AUGUST 2017**	That Erf 873, Jeffreys Bay, in extent of 82,908ha be subdivided and rezoned for sporting facilities and that the remainder of Portion Erf 873, Jeffreys Bay, be rezoned for future development.	Due to budget contraints the service provider could not be appointed - sufficient provision has been made on the adjustment budget and the process will now	The submission will now continue since the Golf Club is now excluded from development. New process will start at Portfolio committee	Planning & Development	

				commence. Feed back at next meeting			
13-Dec-21	**21/12/MM2**	**REPORT ON DELEGATIONS REGISTER**	That the Municipal Manager be instructed to submit a report to the Mayoral Committee with recommendations on any changes to the Delegation Register mentioned in 1 above;	to form part of the Council Agenda following the next Mayoral Committee - to follow after internal review completed	Workshop was held, mayor to decide which powers to be delegated to the different portfolio MMC's, Matter referred to Collective. Awaiting feedback from Mayor	Legal Manager	
31-Mar-22	**22/03/MM2**	**2020/21 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT**	That the bulk water service agreement with the Nelson Mandela Metro be finalized.	In process. As part of the settlement agreement with NM Metro, our legal team is facilitating the new water	No progress could be made on this front due to instability at the Metro	Director: I&E	

				service agreement.			
			That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan.	It will be the strategy followed by our Housing Section.	Housing Section will be working with the Dept: Human Settlements to make sure that the re-settlement of residents are done orderly and on a planned basis	Director: PDT	
			To negotiate with the Provincial Roads Department to take over the ownership of the roads that run through Kouga towns.	Formal negotiations need to take place / Formal Council resolution needed	Meeting was held with the department and the public participaton process will be coordinated with provincial Roads Section. Discussions are ongoing.	Director: I&E	
09-Dec-22	**22/12/MM1**	**COUNCIL RESOLUTIONS AS AT 28 OCTOBER AND 11 NOVEMBER 2022**	That the Grant in aid policy and rules of order by-law be reviewed in 2023.	Policy submitted	To be submitted to the next Policy Workshop	LED OFFICE	

31-May-23	**23/05/MM5**	**PETITIONS RECEIVED FROM KOUGA LOCAL CLINICS 2023**	That all petitions submitted to Kouga Municipality surrounding the circumstances of the abovementioned clinics be referred to the Eastern Cape Provincial Legislature, the MMC for Health, the Provincial Petitions Commission, and the Public Protector.	The office of the Speaker made several follow-ups with the office of the MEC from the 20th June 2023 (submission of petition) to July 2024. The office of the Speaker engaged with Rapid Response on the 7th march 2024 where the Department of Health was also invited, but failed to attend. A follow-up was done on the 9th July 2024 with Rapid Response. We are currently	Awaiting response from MEC - Health	Office of the Speaker	

				awaiting a reply. Received email from Rapid Response (Cogta) on 25th July 2024 advising that the matter has been escalated by the office of the MEC to DOH. A response will be provided by the 15th August 2024. We followed-up on the 16th August 2024. No response. Followed up on the 23rd August 2024. No response received. Followed-			

				up on the 9th September 2024. Response received stating that SBDM MEC Outreach will be hosted by Makana LM and that we will be informed of the dates as soon as they have been confirmed. Folloed-up on the 25th September 2024. No response received. Followed-up on the 2nd October 2024. No response received. Followed-up on 14th October			

				2024. Response received from Mr Tede that our email was noted. No formal response received. Followed-up on the 30th October 2024. Response was noted from Mr Tede. Followed-up on 12th November 2024. Received response from Mr Tede requesting Mr Monstert's assistance by providing details of responsible officials from the			

				Department of Health and any other relevant official that can provide Cogta with more information about this matter. Matter was discussed with Mr Monsterd on the 5th September 2024 at an SBDM outreach at Kariega regarding the overpopulation of the Kouga clinics. Mr Tede proposed a meeting to discuss or have an evidence-based discussion.			

				Office of the Speaker made a follow-up on the 21st November 2024. Response received from Mr Tede on 27 November - and Ms. Nkoloti has been very busy trying to secure a meeting with affected stakeholders. Yesterday while we were at Dr. Beyers Naude' LM, she engaged the SBDM over the matter and certain decisions were made to facilitate the meeting			

				as a matter of urgency. We have also managed to get pointers from Mr. Mosterd.			
	23/05/MM6	**DISCIPLINARY ENQUIRY HELD BY THE RULES AND**	That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - **In respect of Charges 1; 2; 3; 5; 6 and 7 – That Councillor P. Oliphant be removed from office.**		Awaiting response from MEC	Office of the Speaker	

		ETHICS COMMITTEE - CLLR. P OLIPHANT	That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - **That the Speaker, in line with Item 16(3) of the Code of Conduct for Councillors, within 14 days from the date of the finding inform the MEC, for local government in the Province of the Eastern Cape, of the finding and sanction decided by Council.**	08 March 2024 - Referral for Legal Assistance regarding non-responsiveness of the MEC. 05 June 2024, Legal Department received correspondence from the Service Provider. O 13 June 2024, correspondence was forwarded to the Office of the MEC. The office of the Speaker is currently awaiting a response and / or further developme	Awaiting response from MEC	Office of the Speaker	

				nts on the matter.Feedback received from MEC's Office on 05 July 2024 for possible engagement(s). Correspondence addressed to the MEC dated 22nd July 2024. Acknowledgement of receipt received from the Office of the MEC. No formal correspondence received as yet. Matter was referred to the Legal Services Department due to non-			

				responsiveness of the MEC. Legal proceedings against organ of state now being instituted. Matter is ongoing.			

31-May-24	**24/05/R &E2**	**DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR WAYNE PETERSEN**	That the following sanctions be implemented against Councillor Petersen in respect of the charges laid against him and for which charges the Councillor was found guilty. That in respect of – Charge 1 – the sanction imposed is a fine equal to an amount of 50% of one month's salary; Charge 2 – the sanction imposed is a fine equal to an amount of 50% of one month's salary ; Charge 3 – the sanction imposed is a fine equal to an amount of 50% of one month's salary; Charge 4 – request the MEC to remove Councillor Petersen from office; Charge 5 – the sanction imposed is a fine equal to an amount of 50% of one month's salary.	Salary deduction will be processed and implemented during the months of June, July, August & September 2024 salary run as per correspondence forwarded to the office of the MM and CFO on 31st May 2024. Confirmation received from Expenditure section on 08 July 2024 that salary deduction for June 2024 was made. Follow-up made on	Completed	Office of the Speaker	

				the 26th July 2024. No response as yet.			
			That in respect of charge 1; 2; 3 and 5, the deductions will be implemented and processed over a four (4) month period from June 2024 – September 2024.	Reported to the MEC, MM and CFO's office.	Completed	Office of the Speaker	
			That the Speaker must report the outcome of the investigation to the MEC for the local government in the province concerned within 14 days from the date of the Council resolution.	MEC was notified of disciplinary enquiry outcome on the 31st May 2024. The office of the Speaker made a	Matter referred to Legal Services Department	Office of the Speaker	

				follow-up on 20 June 2024 - no response received. On 08 July 2024 a follow-up was made again - awaiting response from MEC's Office. Follow-up made on the 26th July 2024. No response as yet. Matter was referred to the Legal Services Department due to non-responsiveness of the MEC. Legal proceedings against organ of state now				

				being instituted. Matter is ongoing.				
30-Jul-24	24/07/MM4	2024/25: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT	That the Municipal Manager oversees the quarterly submission of departmental progress reports to the respective Portfolio Committees on the implementation of the Service Delivery and Budget Implementation Plan.					
	MOTION OF EXIGENCY	FOOT AND MOUTH OUTBREAK IN KOUGA MUNICIPALITY 2024	That Council considers the current conditions as a local economic state of disaster due to the FMD outbreak.					
			That Council requests the relevant Provincial and/or National department to declare a local economic state of disaster in order to obtain additional support from Provincial and/or National government.					
30-Oct-24	24/10/MM1	COUNCIL RESOLUTIONS AS AT 13 SEPTEMBER 2024	That the action sheet be tabled at Top Management for discussion and actioning.		Completed			

	24/10/MM2	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: ALETTA KLAASSEN, HUMANSDORP**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM3	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: AT THE LAGOON, ASTON BAY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM4	**APPLICATION FOR TRANSFER OF LIQUOR LICENCE CERTIFICATE: BLACK HOG BREWERY, ST FRANCIS BAY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		

	24/10/MM5	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: FOUNTAINS MALL, JEFFREYS BAY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM6	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JBAY LIQUORS**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM7	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JEFFREYS BAY PRIMARY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		

		SUPPORTERS CLUB						
	24/10/MM8	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: PERCILEEN FELIX, FELIX TAVERN, HUMANSDORP**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM9	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: THE KITCHEN, ST FRANCIS BAY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		

	24/10/MM10	**APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: RFG ATTORNEYS INC ON BEHALF OF THE APPLICANT, ULTIMATE CLUB, JEFFREYS BAY**	That the Eastern Cape Liquor Board be notified of the Council's Resolution herein.	Eastern Cape Liquor Board notified of Council resolution on 30th October 2024	Completed	Office of the Speaker		
	24/10/MM12	**DETERMINATION OF THE UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF A MUNICIPAL COUNCIL FOR 2023/2024 FINANCIAL YEAR**	That the Municipal Manager prepares all the required information and documentation for submission to the MEC for concurrence.	Actioned	Completed	DMM		
			That upon concurrence by the MEC, the upper limits of the Gazette be implemented retrospectively with effect from 01 July 2023.	Actioned	Completed	DMM		

08-Nov-24	**24/11/ MM1**	**DETERMINATION OF THE UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF A MUNICIPAL COUNCIL FOR 2024/2025 FINANCIAL YEAR**	That the Municipal Manager prepares all the required information and documentation for submission to the MEC for concurrence.	Actioned	Completed	DMM		
			That upon concurrence by the MEC, the Upper Limits of Salaries, Allowances and Benefits of the Gazette be implemented and back dated with effect from 01 July 2024.	In progress awaiting last financial statements to submit to MEC	Awaiting financial statements after Audit	DMM		

FINANCE & ECONOMIC DEVELOPMENT - ACTION SHEET - COUNCIL							
MEETING DATE	**ITEM NO**	**ITEM DESCRIPTION**	**RESOLUTION**	**ACTION TAKEN**	**PROGRESS**	**RESPONSIBLE OFFICIAL**	**CURRENT STATUS** COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
29-Apr-22	22/04/PDT14	ESTABLISHMENT AND RECOGNITION OF THE KOUGA SMME FORUM	That the item be deferred to the next Council meeting.	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted. Part of the Strategy is looking at current structures and new structures needed for implementation within KLM jurisdiction.	Draft ED Strategy completed. Will be presented at next Collective. Thereafter to be submitted to next Mayoral and Council for approval for Public Participation.	CFO	
09-Dec-22	22/12/PDT6	GRANT IN AID	That Organizations be workshopped on the application process for Grant in aid	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted and workshopped. GIA process and policy will be workshopped and looked at after approved ED Strategy for future guidelines and guidance.	Draft ED Strategy completed. Will be presented at next Collective. Thereafter to be submitted to next Mayoral and Council for approval for Public Participation.	CFO	
27-Oct-23	23/10/FED17	INCURRING LONG TERM DEBT IN TERMS OF SECTION 17, 19 & 46 OF THE MFMA	That the formal processes of sourcing external loan funding be initiated with immediate effect, in line with section 17,19 & 46 of the MFMA, for an amount of R200 million to repair the roads within Kouga.	DBSA has been engaged. Information is been collected for submission to DBSA.	Loan approved by DBSA. Section 46 of the MFMA is in process. A report will be submitted to Council for consideration after the public participation process.	CFO	
07-Nov-23	23/11/FED3	IMPLEMENTATION OF A WATER AMNESTY FOR A 3 MONTH PERIOD	That the Customer Care Credit Control and Debt Collection Policy be reviewed to take the above challenges into account when the Policy is reviewed during the Budget process	Policy is being reviewed and will be submitted to Council with the Draft Budget on 31 March 2024	Policy has been reviewed and will be submitted to the next Policy Workshop.	CFO	
14-Dec-23		KOUGA LOCAL TOURISM ORGANISATION 2022/2023 ANNUAL EXPENDITURE REPORT AND THE KLTO 2023/2024 BUSINESS AND BUDGET PLAN TO MARKET KOUGA AS A DESTINATION OF CHOICE (AMENDMENT)	That a strategic planning session be held with the KLTO and LED department within the next 2 months	Part of ED Strategy process	Draft ED Strategy completed. Will be presented at next Collective. Thereafter to be submitted to next Mayoral and Council for approval for Public Participation.	CFO	
	23/12/FED6	SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND NELSON MANDELA BAY AQUATICS FOR THE 2024 SOUTH AFRICAN NATIONAL OPEN WATER CHAMPIONSHIP	That a full report be provided in respect of the intended local economic benefits that such an event would add to the Kouga municipal area.	EO reminded that a close-out report must be submitted within 1 month after event.	Completed	CFO	
	23/12/FED7	HUMANSDORP MUSEUM ASSOCIATION 2022/2023 ANNUAL REPORT AND THE 2023/2024 BUSINESS AND BUDGET PLAN TO PRESERVE THE NATURAL AND CULTURAL HERITAGE OF KOUGA	That the Khoi and San structure form part of the Tourism Strategy.	The Khoi and San will be consulted in the development of the ED Strategy.	Draft ED Strategy completed. Will be presented at next Collective. Thereafter to be submitted to next Mayoral and Council for approval for Public Participation.	CFO	
	24/08/FED7	SPONSORSHIP REQUEST: THE 2024 PGA CHAMPIONSHIP	That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with the Southern African PGA Tour trading as Sunshine Tour, in accordance with the funding allocated in recommendation 1.	Council approved item	SLA being draft by Legal. SLA finalized and in process of procurement	CFO	

28-Aug-24	**24/08/FED8**	**KOUGA SUMMER FESTIVAL DECEMBER 2024 SPONSORSHIP**	That Council authorizes the Accounting Officer to conclude Sponsorship Agreements with Jeffreys Bay Tourism, St Francis Tourism and Gamtoos Tourism respectively in accordance with the funding allocated in recommendation 1.	Council approved item.	J'Bay Tourism paid. STFB SLA in process	CFO	
			That a close-out report be submitted to Council after the event.	Council approved item.	Close-out report to be submitted after event.	CFO	
	24/08/FED12	**SA LONGBOARD SURFING CHAMPIONSHIP CLOSEOUT REPORT 2023 AND 2024 SPONSORSHIP PROPOSAL**	That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with SA Longboard Surfing, in accordance with the funding allocated in recommendation 2.	Council approved item.	Completed	CFO	
30-Oct-24	**24/10/FED1**	**SUPPLY CHAIN MANAGEMENT: ANNUAL IMPLEMENTATION REPORT FOR THE 2023-2024 FINANCIAL YEAR ENDING 30 JUNE 2024**	That the report be made public in accordance with Section 21 of the Local Government: Municipal Systems Act, as amended.	Report made public	Completed	CFO	
	24/10/FED2	**SUPPLY CHAIN MANAGEMENT: QUARTERLY IMPLEMENTATION REPORT FOR THE 1ST TERM OF THE 2024-2025 FINANCIAL YEAR ENDING 30 SEPTEMBER 2024**	That the report be made public in accordance with Section 21 of the Local Government: Municipal Systems Act, as amended.	Report made public	Completed	CFO	
	24/10/FED3	**SPONSORSHIP PROPOSAL: 'TEATER BY DIE SEE' ARTS FESTIVAL – JEFFREYS BAY TOURISM**	That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Jeffreys Bay Tourism, in accordance with the funding allocated in recommendation 1.1.	Item approved by Council.	SLA in progress	CFO	
	24/10/FED4	**BUDGET AND TREASURY: WITHDRAWALS FROM THE MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2024**	That the report accordingly be submitted to the Provincial Treasury and Auditor-General as stipulated in Section 11(4) (b) of the MFMA.	Submitted to Provincial Treasury and AG	Completed	CFO	
08-Nov-24	**24/11/FED17**	**2024/25 2nd SPECIAL ADJUSTMENTS BUDGET**	That the Adjustments Budget be submitted to the National Treasury in both printed and electronic format and to the relevant Provincial Treasury	Submitted to National Treasury	Completed	CFO	

PLANNING & DEVELOPMENT: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-May-19	19/05/PD6	PUBLIC WORKS PROPERTIES TO BE TRANSFERRED TO KOUGA MUNICIPALITTY	That Council accepts the following erven from Public Works and that they are added to the asset register of Kouga Municipality:Farm 448	The finalisation of the transfer of Public Work properties to Kouga Municipality in progress	The IGR Land Forum was resusitated on 24 March with intention of bring all outstanding council resolutions to completion. There has been constant communication and information sharing since the mentioned meeting in order to conclude outstanding matters. On 11 October 2023 follow-up was made, Public Works confirmed that bulk submission was approved for transfer of PW properties to Kouga Municipality by Premier and is awaiting signature from MEC. A meeting was held with Public Works in Gqeberha on 27 February 2024 to discuss current status and progress on the transfer of land between Kouga Municipality and Public Works. Public Works indicated that they are still awaiting signature of the MEC. We also resolved to meet regulary until these matters are concluded (11/03/2024). The matter on outstanding donations was raised at the IGR on 2 April 2024 requesting the Director-General at Provincial Public Works to assist in expiditing the conclusion of transfer process (15 April 2024). On 14 May 2024 our Department met in telephonic meeting with the HOD and Regional Director to discuss progress of the bulk transfer of properties to Kouga. They undertook to submit a formal submission to the Head Office and provide the municipality with feedback in due course. (16 May 2024) Our Department are still awaiting feedback from Public Works and will do a follow-up during the week of 17 June 2024. (12/06/2024) We received written correspondence on 12 July and a copy of a letter that was sent to Chief Director of Public Works requesting that the bulk transfer of properties to Kouga Municipality be finalised. (12/07/024) Awaiting the transfer of properties based on the commitment from Public Works in July 2024. (12/08/24) Received commnication from Department of Human Settlements to confirm whether the properties to be transfered to Kouga Municipality are not part of a human settlement project in order for them to advise Public Works who are working on finalising the transfer of the properties to the Municipality (14/10/2024) **The Department of Public Works has confirmed that Human Settlements Department has appointed a conveyance attorney to transfer the residential properties to the beneficiaries and the non-residential erven to Kouga Municipality (26/11/2024)**	Manager: L&PA	In Progress
			That Kouga Human Settlement Department proceed with the transfers of these erven to the owners of the properties as soon as registrati	Awaiting Transfer of properties by Public Works.			
30-Oct-19	19/10/PD3	SELLING OF 98 HIGH WATER TABLE HUMAN SETTLEMENT ERVEN – KRUISFONTEIN	That all proceeds from the sale of the 98 high water table erven be ringfenced for projects namely the upgrading of gravel roads to paved	Matter was referred to top management and it was resolved that the item be sent back to Council with new method of disposal.	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiearies. (11/03/2024) It is anitiicipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (free of charge) and different options that residents need to decide upon as well as the implications to take into consideration. It was also agreed that residents to visit the office once they have decided on the option they want to go with. (16 May 2024) The Human Settlements Department visited the 98 Wet Erven residents during the week of 13 July 2024 to do a survey and obtain confirmation from individual residents on the option they have decided upon. (15/07/2024) Item will present to the next Portfolio Committee Meeting (12/08/2024). Item was tabled at September Portfolio Committee. The item will be reffered to Council for approval. (14/10/24) **Item was tabled at Council Meeting of 30 October 2024 to rescind previous resolution and in-principle approval to alienate at no cost. (26/11/2024)**	CFO/ Dir: PDT	In Progress

29-May-20	20/05/PD2	REPORT ON THE PROGRESS AND STATUS OF THE SOCIAL HOUSING PARTNETSHIP FOR THE DEVELOPMENT OF A SOCIAL AND (FLISP) HOUSING PROJECT ON Erf 335, JEFFERYS BAY	That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement	DEDEAT was approached to attend to the outstanding EIA authorisation awaiting feedback from DEDEA. Draft response received from consultants on 18 January 2024. Consolidated response sent to DEDEAT on 05 Feb 2024. latest follow up was sent to DEDEAT on 5 April 2024. To date we have not received any response. **8/06/2024 . A site visit was requested by DEDEA together with Department of Human Settlemts. the visit is scheduled to take place on 06 August 2024. (15/07/2024) A meeting was held with the DEDEA on 7 August 2024. The Department requested additional information in order to consider granting permision to proceed with Phase 1. (12/08/2024). The Consultant responsible for the Sea Breeze Development (FLISP and Social Housing) submitted the required information to DEDEAT on 9 October 2024. Correspondence were received back from DEDEAT requesting the submission of**	Dir:PDT / Manager: Human Settlements	ongoing
			That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement. We had a meeting with Bosch Projects (SP) who was appointment to determine floodline determination for FLISP/Social Housing. Bosch Projects (SP) complete floodline determination was completed by 21 August 2023.	the resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on pre-planning phase.Resolution will be actioned during project commencement.	Dir:PDT / Manager Human Settlements	ongoing
	20/05/PD3	DONATION AND TRANSFER OF KOUGA MUNICIPAL PROPERTIES FROM KOUGA MUNICIPALITY TO PUBLIC WORKS	That Erf 560 be rezoned in terms of SPLUMA from Residential 1 to Institutional in accordance to existing land use.	Three quotations to be obtained from service providers for the rezoning of erf 560.	Requisition has been received and submitted to SCM in order to prepare a order. Order received from SCM and service provider has been appointed. Instruction was given on 12 December 2023 to proceed with rezoning and service provider busy preparing report for submission. Follow-up was done 13 February on the status and it was confirmed that application will be submitted. Application was submitted on 14 February on Ovvio portal under reference number JC2324-00025 (11/03/2024). The land use right application for rezoning was advertised for public participation in terms of SPLUMA on 21 March 2024 (15 April 2024). Public participation completed (16 May 2024). Application awaiting comments from some service department whereafter it will be allocated to a town planner to prepare report for MPT. (12/06/2024) Still awaiting comments from some departments whereafter the town planners report will be prepared for MPT. (12/07/2024) Town Planning Department requested on 2 August 2024 for departments to provide comments on application. (12/08/24) Some internal deparmental comments still outstanding, a reminder was sent by Town Planning Department on 14 October 2024 (14/10/2024) **The Town Planning Department still in the process to finalise rezoning. (24/11/24)**	Manager :L&PA	In Progress
	20/05/PDT5	APPROVAL FOR THE COMMENCEMENT TO ESTABLISH "AESTHETICS AND HERITAGE BUILDING COMMITTEE" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA	That Aesthetic Committees be established in all Wards, if required, to maintain uniform architecture design for specific areas be included i	The Department has developed a draft by-law which will make provision for Aesthetics and Heritage Committee.	The item has served before Council to establish a "Aesthetics Committee" for SFBay area , but was put on hold due to the "guidelines" is not legally enforceble and a way was seek to have it enacted in a "by-law" or within the town planning scheme. Council has granted permision to proceed with amendment of the ILUS. Notices already published for I&A to register in January 2024. The department is finalising the draft by-laws. The draft by-law was refered to Legal Depatment for comments. (15/07/2024). The by-law will be submitted to the Policy Workshop. (09/08/2024). **The draft bylaws was submitted to the Policy Workshop on 10 October 2024. (14/10/2024). By law to be refered to the next Policy Portfolio then Council for permision to proceed with public participation.(28/11/2024)**	Dir: PDT / Manager P&D	In Progress
26-Jun-20	20/06/PD4	DEVELOPMENT PROPOSAL: PRECINCT PLAN FOR Erf 8783: OCEAN VIEW, JEFFREYS BAY	That the precinct plan and development proposal of Erf 8783 Ocean be subject to public participation.	Proposal received from consultant and to be discussed internally. Item will be submitted as part of Quarter 2 Portfolio Committee report.	Erf 8783 Ocean View is to be included in the Review of the SDF. 12/07/2024. Meeting was held with the appointed service provider on 4 September 2024 to discuss the draft layout plan and it was agreed that the muncipality will provide inputs on that needs to be incorporated. The layout will then be tabled to Portfolio Committee for in-principle approval. (14/10/2024) **Session to provide inputs for amendments on the draft layout plan have been scheduled for the week of 2 December 2024. (26/11/24)**	Dir: PDT	In Progress
			That the registration of Erf 8783, Ocean View to Kouga Municipality be continued and concluded.	Transfer in progress	This erf was subdivided from erf 335 portion 125 Humansdorp RD as part of the Ocean View low-cost housing development. The erf is currently zoned as "Authority Zone. The SG Diagram and Regulation 38 Certifcate to be submitted, the transfer process is ongoing.	Manager: Legal Services	In Progress
11-Dec-20	20/12/PD8	APPROVAL FOR THE COMMENCEMENT TO DRAFT "AESTHETICAL AND HERITAGE BUILDING BY-LAW" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA IN TERMS OF SECTION 13 OF THE MSA,2000: OBJECTIONS RECEIVED	That the Department: Planning & Development facilitate the process to address the "Objectors Objections" by convening a virtual meeting	Draft completed.Legal to check it .Published document for comments in March . See previous comments for 20/05/PDT5. Draft By-Law with attorneys.Had discussion with Attorneys to find an alternative way to promulgate said regulations. Attorneys to confirm way forward.Manager Legal to appoint a SP to assist with draft.Advised that the by-law route would cumbersome and that the matter can be addressed under the Land Use Scheme - overlay. An item has been approved by Council to commence with the amendment of the Land Use Scheme.	The item has served before Council to establish a "Aesthetics Committee" for SFBay area , but was put on hold due to the "guidelines" is not legally enforceble and a way was seek to have it enacted in a "by-law" or within the town planning scheme. Council has granted permision to proceed with amendment of the ILUS. Notices already published for I&A to register in January 2024. The department is finalising the draft by-laws. The draft by-law was refered to Legal Depatment for comments. (15/07/2024). The by-law will be submitted to the Policy Workshop for consideration. **The By-law was submitted to the Policy workshop held on 10 October 2024. It will now be refered to Council for permsion to proceed with public participation. (26/11/2024)**	Manager: LPA See previous comments on item)	In progress
			That a date and venue be determined as to when such meeting will take place for a virtual hearing and that it be published in the local new		All parties that objected will be notified during the Public Participation process.		
			That all the objectors be notified timeously of the date and venue for the virtual hearing.				
31-Mar-21	21/03/PD1	TRANSFER OF RESIDENTIAL SITE: HISTORIC CONDITION OF SALE: ERF 1331 PELLSRUS: PIENAAR FAMILY	That Council grant approval for the closure of a public open space with regard to the subdivided erf contemplated in (a) and that transfer h	Gazetting of public place closure of erf 1331 has been finalised. Quotations for rezoning of subdivided portion to residential purposes in process.	Subdivision and gazetting completed. The department is in the process of appointing a service provider to finalise the rezoning. Three qoutations has been received and requisition will be prepared and submitted to SCM. (15/04/2024). The service provider who initially did the subdivision informed the office that the subdivision was not completed due to outstanding approval letter hence rezoning cant be commence until the erf has been formally subdivided. The department is in the process of appointing a service provider for the rezoning of the the subdivided portion. (12/07/2024) The terms of reference has been drawn-up to appoint a service provider for the subdivision and rezoning for submission to Supply Chain. **(27/11/2024)**	Director: PDT/ Manager: LPA	In Progress
	21/03/PD3	Application to Purchase a Portion of Erf 552 Sea Vista (Mr. M. Johansens)	That the applicant be responsible and carry the cost for the closure of public open space and subdivision of erf 552.	Power of Attorney was granted to the applicant to enable him to bring land use application.	POA was provided to applicant. Awaiting application from applicant. It was indicated that Mr. Johansens is out of the country. Follow up will was done on 2 February 2024 with no sucess reaching applicant. Made contact with former Councillor Rheeder in an attempt to obtain contact details and whereabout of Mr. Johansens (11/04/2024) Still no success in making contact with the applicant. (12/08/2024) During our continued endeavour to make contact with Mr. Johansens it was established that he disposed his property to Tuswa Nocamagu Haynes who has address in the United States of America. We have been trying to reach Ms. Haynes on the available phone number but no success thus far to enquire whether she want to proceed with the process started by previous land owner. It is recomended that the resolution be rescinded considering it is a different owner.(14/10/2024) **Managed to get hold of the person on the telephone number provided on the Ovvio system however the person indicated that she is not Ms. Tuswa Nocamagu Haynes. (26/11/24)**	Manager: Legal Services / Manager L&P	In Progress
			That the newly created erf be transferred only once the formal closure has been concluded, and the conveyance cost be carried by the ap	Will be incorporated in the deed of sale	Will form part of the transfer process.	Manager: Legal Services / Manager L&P	In Progress

31-May-21	21/05/PD1	**PROGRESS REPORT: ALIENATION OF 98 WET ERVEN: KRUISFONTEIN**	That Council grant authorization to the Accounting Officer to the conclude Option to Purchase agreements as the Grantor on behalf of the	Matter was referred to top management and it was resolved that the item be sent back to Council with new	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiearies. (11/03/2024) It is aniticipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (free of charge) and different options that residents need to decide upon as well as the implications to take into consideration. It was also agreed that residents to visit the office once they have decided on the option they want to go with. (16 May 2024) The Human Settlements Department visited the 98 Wet Erven residents during the week of 13 July 2024 to do a survey and obtain confirmation from individual residents on the option they have decided upon. (15/07/2024) Item will present to the next Portfolio Committee Meeting (12/08/2024). Item was tabled at September Portfolio Committee. The item will be reffered to Council for approval. (14/10/24) **Item was tabled at Council Meeting of 30 October 2024 to rescind previous resolution and in-principle approval to alienate at no cost. (26/11/2024)**	Director:PDT/ Manager L&P	In Progress
	21/05/PD11	**LAND SWOP: A PORTION OF ERF 6650 IN FAVOUR OF ERF 6649, JEFFREYS BAY: MR. S. STANLEY**	That the Municipality be liable for all Transfer, subdivision and consolidation costs linked to this transaction.	Transfer of new erf (11163) in progress. All land related processes completed.	Transfer attorney has been appointed and busy with transfer. Communication between our Legal Services and appointed conveyancer on 7 July 2023 advising the service provider to first register erf 6650 as it is an unregistered erf, the swop of erf 6649 and 6650 will proceed thereafter. The transfer of erf 11163 has been assigned to appointed attorney to do the transfer. Transfer still in progress. (12/07/2024) On 23 July 2024 the appointed attorney indicated that certain information is requested from the Municipality namely the surveyor diagram and letter approving the subdivision (12/08/2024) **Requested information was provided to service provider to effect the transfer of the property. Legal Service confirmed that a follow-up was done last week however service provider still busy with the transfer (27/11/24)**	Director:PDT/ Manager L&P	In Progress
	21/05/PD15	**APPLICATION TO PURCHASE: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA**	That the subdivision and rezoning of the land be attended to and concluded.	Will be attended to should final approval be granted by Council.	A terms of reference for a 7-day notice have been prepared to appoint a service provider to commence with subdivision and rezoning. (12/07/2024) The applicant made contact with our department indicating that they would like to meet to discuss the possible amendment of council resolution. (12/08/2024) **A meeting has been scheduled with the applicant for 15 October 2024 to discuss the application and craft a way forward (14/10/24) It was resolved that the standing Council resolution be implemented. However, a new application may be submitted to lease the portion requested. (27/11/2024)**	Director:PDT/ Manager L&P	In progress
			That Council consider disposing the immovable property contemplated herein to Teen Challenge as a social care user at 25% of the fair m	Will be considered in the sale agreement.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P	In progress
			That if the land was to be sold by the applicant, it only be sold back to Council.	Will be considered in the sale agreement.	To commence once council's final approval has been obtained.	Director:PDT/ Manager L&P	In progress

30-Jul-21	21/07/PD9	APPOINTMENT OF KOUGA MUNICIPALITY AS AN IMPLEMENTING AGENT FOR THE CONSTRUCTION OF INTERNAL SERVICES FOR THE HANKEY 990 HOUSING PROJECT	That the interest accumulated from the grant funding be ringfenced for future Human Settlements projects.	To be confirmed	Awaitng confirmation if money can be reinfenced.	CFO	In progress
			That monthly, quarterly and annual expenditure reports with supporting documentation be reported to Council and ECDHS; and	Expenditure report was submitted to the Department of Human Settlements (Province) on 17 July 2023	A new expenditure report will be submitted by the end of September 2023. Montly report is submitted to PDoHS on a monthly basis in respect interest incurred on grant funding. The interest incurred on the grant funding received from the PDoHS amounts to **R 1 538 530.76 as of 02 February 2024.** Rudcor Engineering was appointed by KLM on 18 March 2024. Project is in progress(10/06/2024). The appointed Contractor is performing well and within timeframe. The project is on-going and Contractor is currently busy with construction of roads. (11 July 2024). Project is on-going and good progress on site. It is anticipated that the contractor will complete phase 2 by the end of November 2024. **The PDoHS approved additional funding to commence with phase 3 of the project. A tender will be adervertised for appointment of a contractor. 28/11/2024**	Manager HS	In Progress
31-Aug-21	21/08/PD11	ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: ERF 5812 JEFFREYS BAY	That all the legislative processes contemplated herein commence and be concluded in line with Council resolution 21/02/PD14.	The closure of public place has been completed. Town Planning indicated that the Department is currently under pressure and will not be able to do rezoning in-house. A meeting was also held with the applicant on 6 March to discuss the application and way forward. It was agreed that the applicant proceed and submit designs and site development plan whilst Council finalise the rezoninng. Requisition was submitted on 28 July 2023 to SCM for an order.	Three quotations for rezoning was received and requisition has been submitted to SCM on 28 July 2023 under **requisition number 150707** awaiting order. Order was received from SCM and instruction was given to service provider on 11 September 2023 to proceed with the rezoning of erf 5812. It was requested that the Department establish whether the applicant still want to continue with the project as it would appear the applicant are not proceeding with the development. A letter was sent to applicant to confirm if they still proceeding with development. Written reply was received from applicant on 5 February 2024, applicant indicated that they will still develop the Autism Centre on erf 5812. The rezoning application was formally submitted on the Ovvio System on 31 January 2024 for processing and consideration under reference no. JL2324-00105. (11/03/2024). Rezoning application in progress (17 April 2024). Application for rezoning was advertised in the local newspaper on 16 May 2024 for public participation. (16 May 2024) Public participation will be completed on 17 June 2024 (12/07/2024) Public participation completed. Town Planner report to be prepared for submission to the MPT (12/07/2024) The rezoning of erf 5812 has been approved by the MPT. A draft consent use agreement have been prepared and will be sent to the applicant for perusal and consideration during the week of 12 August (12/08/24) **Correspondence was sent to the applicant in respect of the further processes following the rezoning approval for example the submission of Site Development Plan etc, to the Municipality for approval (14/10/2024). Awaitng building plans from the applicant. (28/11/2024)**	Director:PDT/ Manager L&P	In progress
30-Sep-21	21/09/PD10	RELOCATION OF THE UNLAWFUL DWELLERS OF THE ASTON BAY CARAVAN PARK	That the Municipal Manager be allowed to negotiate with the Department of Public Works on the relocation costs.	Addressed the matter in the engagement with the department public works	No final decision taken as there is no final eviction order granted.	MM	Ongoing
	21/09/PD16	IN PRINCIPLE APPROVAL: DISPOSAL & ALIENATION OF ERVEN 887, 1259 & 2496 SEA VISTA	That Council authorizes the Planning & Development Department to embark on a process to close and rezone the above public open spa	Service Provider has been appointed for closure of public places.	**Item to be submitted to the upcoming Portfolio Meeting. 27/11/2024**	Manager L&P	In Progress
			That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.	Market valuations will be determined once rezoning has been completed.	Will commence once rezoning is completed	Director:PDT/ Manager L&P	In Progress
			That the revenue generated from the sale be ringfenced for waterborne sewerage systems.	This will done during the sale of properties.	Will commence once the properties has been disposed.	Director:PDT/ Manager L&P	In Progress
14-Oct-21	21/10/PD3	SALE OF 98 WET ERVEN	That the proceeds from the Sale of 98 Wet erven be ring-fenced for roadsupgrades and social infrastructure in the 98 wet erven area.	Matter was referred to top management and it was resolved that the item be sent back to Council with new method of disposal.	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiearies. (11/03/2024) It is anitiicipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (No cost) and different options that residents need to decide upon as well as the implications to take into consideration. Verification of beneficiaries concluded on the weekend of 13 July 2024 (15/07/2024). **An item will be tabled at the nexrt Portfolio Meeting (12/08/24). Item was submitted to the September Portfolio Committee. Item was approved by Council on 30 October 2024. 27/11/2024**	Director:PDT/ Manager L&P	In Progress
28-Oct-21	21/10/PD5	DISPOSAL AND TRANSFER OF PRE-94 MUNICIPAL HOUSES IN SEA VISTA	That the Accounting Officer be authorised to enter into an Offer to Purchase Agreement with the occupants and appoint conveyancers to t	Confirmation has been requested from the Provincial Department of Human Settlements on 04 April 2023 to give confirmation on the appointed service provider. De Wet & Stryder . W Langson and Asssociates where appointed by the Dept of Human Settlements to attend to the pre-94 transfers.	Meeting where held on the 20th September 2023 at the Provincial Dept of Human Setlements and Municipalities in SBD to discuss TOR of appointed conveyances. Deed of sales wil be submitted on the 27th of September 2023. All Deed of Sales submitted to appointed service provider. Power of Attorneys and Rates Clearance signed in December 2023 and submitted to Conveyancer. Awaiting transfer of properties. **Transfer of properties in progress. (12/08/2024). Awaiting finalization of transfers. (27/11/2024)**	Director:PDT / Manager Human Settlements	In Progress
31-Mar-22	22/03/PDT7	DEVOLUTION (OFFER) OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY	That Council grants authorization to the Accounting Officer to enter into relevant agreement with the Provincial Department of Human Sett	Council resolution has been taken to accepts the land the Department of Human Settlements wants to devolve to Kouga Municipality. Matter was discussed at the IGR Land Forum Meeting on 24 March 2023. KLM met with officials from Department of Human Settlements during the week of 08 May 2023 and discuss the devolution of these land parcels and revert back to the Municipality	Awaiting feedback from the Provincial Department. An email was sent to the Provincial Department of Human Settlements on 28 August 2023 to enquire on the request to consider devolving former National Housing Board properties which includes Papiesfontein properties to Kouga Municipality. Papiesfontein to be transfered to DEDEAT. (12/08/2024) **An item has been prepared for the next Portfolio Meeting to rescind the original resolution and request council approval to accept the new list of National Housing Board properties approved for devolvement to the Municipality (14/10/2024). Item was approved by Council on 30 October 2024. (27/11/2024)**	Dir. PD&T	In Progress

31-May-22	**22/05/PDT2**	**IMPOSING OF MANDATORY INSTALLATION OF RAINWATER HARVESTING TANKS FOR NEW BUILDINGS IN KOUGA MUNICIPALITY IN RESPONSE TO DROUGHT**	That the Planning, Development and Tourism Directorate engage in public awareness programmes, including engagement with Kouga Ar	Building Control to facilitate (July 2022) engagement for comment with Kouga Architectural Designer's Forum (KDF) on implementation of Resolution - 22/05/PDT2 .	Building Control to investigate -legal requirement This a not a statutory Standards but it's a best practise standard. Building Control can advice public/RP to add rain water harvesting to applications-This is a best practise which is not enforcable.- This should be in terms of R2(2) which refers to R1(1) of the National Building Regulations.Municipalities Stormwater Engineering Department should deal with the aspect as rainwater is related to stormwater. Best Practise is advisable, not enforceable.(as Discussed with Act. Director) It was advised that the matter be dealt with under I&E rainwater harvesting	Building Control to investigate -legal requirement This a not a statutory Standards but it's a best practise standard. Building Control can advice public/RP to add rain water harvesting to applications-This is a best practise which is not enforcable.- This should be in terms of R2(2) which refers to R1(1) of the National Building Regulations.Municipalities Stormwater Engineering Department should deal with the aspect as rainwater is related to stormwater. Best Practise is advisable, not enforceable.(as Discussed with Act. Director) It was advised that the matter be dealt with under I&E rainwater harvesting	In progress **Add to I&E Action Sheet**
			That a study be conducted to track the financial implications of the requirement on water usage and the Municipality's water bill.	P&D engaged finance department wrt progress on the study.		Finance	Ongoing
29-Jun-22	**22/06/PDT17**	**REZONING OF A PORTION 1 OF THE FARM HUMANSDORP NO. 499, FROM "AGRICULTURAL ZONE 1" TO "SPECIAL ZONE" FOR THE PURPOSE OF A MIXED USE FOR INDUSTRIAL PURPOSES AND ANXULLARY USE (INTEGRATED INDUSTRIAL DEVELOPMENT ZONE)**	That Council grants in-principle approval principle for the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499, as described	TOR drafted for appointment of EIA specialist (February 2023) the scope of work has chnge to include "solar farm" and the current Erf 499 development. in terms of SPLUMA-Sec 42(2), no development can be commence without environmental uthorisation.	The scope of work was amended to commence with feasibility study. **Tender already advertised for a feasibility study**. Tender adjudicated on 10/05/2024. Briefing meeting scheduled to take place on 18 June 2024. tender already awarded. Inception meeting held on 12/07/2024. Project is in progress. (15/08/2024). The service provider presented a concept plan. **Awaiting frinal draft. (14/10/2024)** **Progress meeting scheduled to take place on 04/12/2024. Update will be provided after the meeting. (28/11/2024)**	dw	In Progress
			That Council authorizes the Department Planning & Development to proceed with the rezoning of a portion of Portion 1 of the Farm Huma				
			That Council authorizes the Municipal Manager to sign a "Power of Attorney" on behalf of Council and any other applicable documentation				
29-Jul-22	**22/07/PDT4**	**EXPANDED DEFINITION OF BUILDING DEPOSITS FEES AND CHARGES FOR THE 2022-23 FINANCIAL YEAR**	That Council authorize the Accounting Officer/CFO to update the building deposit charges and fees for Planning, Development and Touris	That Council authorize the Accounting Officer/CFO to update the building deposit charges and fees for Planning, Development and Tourism Directorate for 2022/23 financial year to reflect.	Clarity was provided on building deposits. 27/11/2024	CFO	

31-Aug-22	22/08/PDT3	IN PRINCIPLE APPROVAL FOR LONG TERM LEASE OF A PORTION ERF 499, HUMANSDORP TO CD FREIGHT LOGISTICS FOR INDUSTRIAL PURPOSE	That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the a	Town Planning in the process to procure services of a Service Provider to conduct EIA, subdivision and rezoning.	The Town Planning Department busy with the procurement process to appoint service provider to conduct specialist studies. The applicant has commenced with specialist studies (12/06/2024) **EIA studies in progress. The process may take more than 12 months. (27/11/2024)**	Director:PDT/ Manager L&P	On-going
			That all applicable SPLUMA By-Law and ILUS requirements are met prior operations	Application will done in line with SPLUMA legislation	Awaiting appointment of service provider		
			That all bulk services that are required, needs to be provided by the developer with no financial implications to Council.		Applicant to liaise with I&E on bulk service requirements	Director:PDT/ Manager L&P	On-going
			That only upgrades be allowed on the municipal property but no new infrastructure.	Will be implemented in accordance with resolution	This will be a condition in the agreement	Manager Land & Properties	In progress
			That only upgrades be allowed on the municipal property but no new infrastructure.	Will be implemented in accordance with resolution	This will be a condition in the agreement	Manager Land & Properties	In progress
	22/08/PDT11	ACQUISITION OF IMMOVABLE ASSET: TRANSFER OF PROVINCIAL ROADS: DA GAMA ROAD, ST. FRANCIS DRIVE & WOLTEMADE STREET TO KOUGA MUNICIPALITY	That Council grant in-principle approval for the transfer of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Str	Coucil granted in-principle approval on 31 August 2022.	Item for final approval will be submitted to Council once the mandatory public participation has been conducted by the Provincial Roads Department. Municipal Manager Office reported that there was engagement with Provincial Roads recently. A mandatory public participation meeting was held on 30 January 2024 in respect of the de-proclamation of provinvial roads in the Newton Hall. Item is dealt with by Roads Department (15/07/2024) **The Civil and Water Directorate are dealing with this item. Please remove from Planning & Development (14/10/2024). A revised item was approved on 08/11/2024. (26/11/2024**)	Manager Land & Properties	No action required
			That the Council grant authorisation to the Accounting Officer to enter into a transfer agreement with the Provincial Department of Transpo	Accounting Officer and Legal responsible	The deed of sale will be addressed once final approval is obtained	MM	In progress
			That Council make budgetary provision for the management and maintenance of the roads contemplated in point 2.	I&E responsible		I&E	In progress
28-Oct-22	22/10/PDT1	REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR ALIENATION OF ERF 2599, SEA VISTA -APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC	That Council authorises the applicant to proceed with consolidation of erf 2599 with Erf 2600, Sea Vista (St Francis Bay Clinic) for the inte	Council granted final approval was granted on 31 May.	Legal Services has drafted deed of donation and same was provided to the Department of Public Works. Public Works are responsible for the transfer of the property. Public Works indicated they are in the process to finalise the transfer of the property. (11/03/2024) Disposal and transfer in progress. (12/08/2024). **Transfer in progress (26/11/2024) - Please remove duplicated in line 100**	Manager: Land & Property Admin	In Progress
09-Dec-22	22/12/PDT1	FINAL APPROVAL FOR ALIENATION OF UNREGISTERED ERF 4593, KRUISFONTEIN: JABES CHURCH	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Legal has been instructed to proceed with the disposal and transfer of the property. Service provider appointed to attend to the transfer.	All processes has been concluded. Transfer of property in progress. (12/08/2024) **Follow-up was done with Legal Service and it was confirmed the transfer is still in progress (14/10/2024). Transfer in progress. (26/11/2024)**	Manager: Legal Services	In Progress
	22/12/PDT3	ALIENATION OF ERF 1787, HANKEY (HENRY MASETI)	That based on the information from the transferring conveyancers, the purchaser settles any outstanding balance if any, before the transfe	Proof of paymement received and provided to Legal Services	Completed. Proof of payment was provided to Legal Services. Transfer of property in progress. (12/08/2024) **Legal Services confirmed the transfer is still in progress (14/10/2024). Transfer in progress. (27/11/2024)**	Manager: L&PA	In Progress
	22/12/PDT4	TOWN PLANNING PROGRESS REPORT: PREPARATION OF ST FRANCIS BAY CBD & HANKEY CBD PRECINCT PLAN: 1 JULY 2022 TO 30 SEPTEMBER 2022	That Council supports that the Service Provider to embark on a Public / Stakeholder engagement Process as outlined in the Project Imple	Consultative meeting to be conducted on the 16 & 17 February with I & A parties in St Francis Bay & Hankey. I& A parties for Both Hankey and St Francis were engaged on 16 & 17 February 2023. First Draft Document completed. Final Public Participation round to be conducted before Council Approval in May /June. A meeting was held on 10 August 2023 with the service provider and Ward 12 Councillor to address issues raised by the members of the Portfolio. Written comments to be sent by members of the Portfolio by no later tahn 18 August 2023.	A report requesting Council's permission to allow the service provider to start with public participation processes was prepared for the next Portfolio & Council meeting. Public participation will commence after approval by Council. 26/09/2023. Item to be tabled at the next Portfolio Meeting. 11/03/2024. **Public participation meetings were conluded on 24 September 2024. The service provider to present comments and responses to Top Management & MAYCO. 14/10/2024. Awaitng responses to comments from service provider. 27/11/2024**	Manager: P&D	In Progress
18-Jan-23	23/01/PDT1	AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479,5480, 5481 AND 8825 JEFFREYS BAY	That the market related value for the immovable properties contemplated in 1. be confirmed through independent or second latest valuatic	Quotations has been requested from service providers	TOR submitted to supply chain to call for development proposals. 11/03/2024. The TOR advert has been retracted. (15 May 2024) Application placed abeyance. (12/07/2024) **An item to be submitted to the November Council Meeting to rescind this council resolution (14/10/2024) A revised item included on the December Council Agenda. 28/11/2024**	Manager Land & Properties	In progress
06-Apr-23	23/03/PDT4	REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AN IN-PRINCIPLE APPROVAL TO DEVELOP A SHELTER FOR THE HOMELESS ON ERF 5972, JEFFREYS BAY	That in terms of Reg 5(1)(b)(ii) of the MATR and Policy on disposal of immovable assets, the Council grants in-principle approval to aliena	Objections received against alienation of Erf 5972, Jeffreys Bay.	Three alternative sites has been identified and will be tabled to LEC in February 2024 to get comments and inputs from service departments. Item will be presented to next Portfolio Committee Meeting for consideration. (11/03/2024). Three alternative sites was tabled to the LEC Meeting to obtain comments and recommend to Council. (15 April 2024) An item was taken to the May Portfolio Meeting with the options. (16 May 2024) Item was tabled to the Portfolio Meeting but was withdrawn to investigate other potential land parcels (12/06/2024) Negotiations is underway with owner of potential property for homeless shelter with meeting scheduled for 13 August. (12/08/2024). **A service provider has been appointed to provide a valuation report which will be tabled to Council for consideration (14/10/2024). Valuations refered to the Office of the MM for consideration. 27/11/2024**	Manager: L&PA	In progress
			That in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable Assets, Council grant authorization to the Accounting			Manager: L&PA	In progress
			That it be noted that the NPO will be responsible for all administrative costs in respect of the development of the property.			Manager: L&PA	In progress
			That public participation process and stakeholder engagement be embarked on after which an agreement be concluded.			Manager: L&PA	In progress
			That a Service Level Agreement (SLA) be concluded with the successful NPO for the funding of the Shelter.			Manager: L&PA	in progress
			That priority for the construction of these houses be given to SMMEs that reside within the KLM area.				

31-May-23	23/05/PDT5	PATENSIE 6 RECTIFICATION PROJECT: APPROVAL OF PROJECT	That the tender process for the construction of these houses be finalised as a matter of urgency so as to prevent any further delays and in	Item submitted to BSC to start with the formal procurement process to appoint suitable service providers for the demolition and construction of 6 houses	TOR was send to SCM for the appointment of contractors for the construction of 6 houses. Meeting wil take place on the 28th of September with SCM.Tender was advertised and Virtual Bid Clarification meeting were held on 23 October 2023. The tender closes on 13 November 2023. Currently evaluating bids with Supply Chain.Appointment of Service Provider will be done by end of January 2024. Bid for the construction of six (6) houses in Patensie was awarded by BAC on **31 January 2024.** It is anticipated that Contractor will start construction of houses once contract is signed. Appointed Contractor currently busy with the submission of building plans and the enrolement of the project to the NHBRC. 11 April 2024. Contractor to start with demolition of current structures before end of May. Construction of houses will commence first week in June 2024. **(09 May 2024).** The appointed contractor experienced some challenges in respect of the submission of building plans. However, this matter is resolved and construction of these houses will commence soon, once building plans are approved. (11 July 2024). Project is currently underway. (12/08/2024) . All building plans for this project is approved, however the appointed contractor is not performing and a decision was taken to terminate the appointment. Human Settlements Section will liaise with SCM to expidite the appointment of new contractor to finish oustanding work. (14/10/2024) Appointment in process. 27/11/2024	Act. Manager: Human Settlements	On-going
	23/05/PDT9	ALIENATION OF ERF 2599, SEA VISTA TO THE DEPARTMENT OF PUBLIC WORKS – APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC	That the Department of Public Works be liable for all cost derived from the transfer.	See comments 22/10/PDT1	Legal Services has drafted deed of donation and same was provided to the Department of Public Works. Public Works are responsible for the transfer of the property. Public Works indicated they are in the process to finalise the transfer of the property. (11/03/2024) Disposal and transfer in progress. (12/08/2024). **Follow-up was done in respect of the transfer and it was confirmed to be in progress (28/11/2024)**	Manager L&P	In progress
	23/05/PDT11	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: RELOCATION OF THE HUMANSDORP MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP	That maintenance be done on the municipal building located at Erf 216, Humansdorp and that it be leased, subject to a competitive proce	Will commence with maintenance after final approval and relocation.	Council granted final approval on 28 February 2024. (15 April 2024) The Humansdorp Museum has started to relocate the new premises in Voortrekker Road. (16 May 2024) Community Services (Fire) will be utilize the building at erf 216 Humansdorp once the Humansdorp Museum has relocated to the building at erf 440 Humandorp (new premises) (12/08/2024) **It is confirmed the process completed, Humansdorp Museum has relocated to new premises and Community Services now occuppying the Old Museum Building (14/10/2024)**	Manager L&P	Completed
30-Jun-23	23/06/PDT8	APPROVAL OF GENERAL CAPACITATION GRANT FUNDING FOR SOCIAL HOUSING	That Council confirms and accepts the General Capacitation Grant for the development process of the Rental housing Strategy/Policy.	No action required	Human Settlements awaits the appointment of Service Provider from SHRA to assist the Municipality with the formalation of Social Housing Policy. Department to follow up. This matter is still outstanding and further engagements with SHRA will be facilitated. (09 May 2024). This matter is still outstanding and an urgent meeting will be set up with SHRA. (11 July 2024). SHRA appointed CADREPLAN to assist the Municipality. A virtual Municipal Support Programme Briefing is scheduled for 15 October 2024 to assit the Municipality with capacity building. (14/10/2024) Inception meeting sheduled to take place on 04 December 2024 for the Social housing & rental Policy. 28/11/2024	Act Manager Human Settlements	In Progress
	23/06/PDT10	PORTION 7 OF FARM GEELHOUTEBOOM 688, HUMANSDORP ROAD, EASTERN CAPE PROVINCE – LAND PURCHASED BY HDA FOR THE KOUGA MUNICIPALITY	That the Acting Director: Planning Development and Tourism submit a development plan indicating that the land will be used for integrated	Town Planning and Human Settlements engaging on the development of a layout plan	Meeting were arranged between GIC Consultatnts, KLM and PDoHs on the 19th of April 2024 to discussed the appointment of a PSP for the development of Portion 7 of the Farm Geelhouteboom 688, Humansdorp. Assurance that project will form part of the scope of GIC was confirmed. Letter of support was sent to the PDoHS w.r.t acceptance of the appointed PSP. GIC has commenced with feasibility study and layout designs. 08/06/2024. Follow-up meetings with GIC and Kouga Municipality are on-going. Inception meeting were held on 25 June 2024 and a Project Steering Committee were elected consisting out of Kouga Municipal Officials and the Appointed Service Provider. (12/08/2024). **GIC is currently busy with pre-planning activities, and monthly progress meetings are conducted between stakeholders (14/10/2024). Draft layout circulated for comments. 27/11/2024**	Act. Manager: Human Settlements	Ongoing
	23/06/PDT12	ANNUAL REVIEW OF THE KOUGA MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK	That Council approve the review of the Municipal Spatial Development Framework.	Procurement Process to commence for the review of the SDF	TOR submitted to BSC for appointment of Service provider. The tender was advertised, Supply Chain confirmed that Bids were recieved- BID evaluation in progress. **Tender adjudicated. Service provider currently working on Status Quo Report. 12/08/2024. Status Quo Report completed. Service provider to commence with departmental consultations. 14/10/2024. Draft proposals submitted to P&D for departmental comments 27/11/2024**	Manager P&D	In progress
			That, before the SDF is circulated for public review, Councillors are workshopped on SPLUMA, the Spatial Development Framework, guid	Compilation of Terms of Reference for the appointment of a service provider.	SPLUMA By-law under review. A report has been prepared requesting Council to allow Town Planning to proceed with the amendment of the By-Law. Draft bylaw present at the Policy Workshop.	Manager P&D	In progress
	23/06/PDT16	REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION-21/09/PDT9, GRANT AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE ERF 3291, HUMANSDORP (KOUGA CULTURAL CENTRE)	That Council rescind previous council resolution, 21/09/PD9.	Item was presented to the June 2023 Council Meeting	In-principle approval has been obtained from Council. An item will be submitted to June 2024 Council Meeting. The department are in the process to go out on tender to demolish the building on erf 3291 and has submitted specifications to SCM (12/08/2024) Tender for demolition was evaluated however no responsive bidders. In process to follow prescribed Supply Chain deviation process and request for quotations (14/10/2024) **Request for disposal to be submitted for consideration by Council. 28/11/2024**	Manager L&P	In progress
			That the market related value for the immovable properties contemplated in be confirmed through independent or alternatively the latest m	In the process to appoint professional valuer	Quotations to be obtained and requisition to be prepared	Manager L&P	In progress
			That an independent valuation report and the section 14 report be submitted to Council after completion of the processes stated in 3. to 5.	In the process to appoint professional valuer	Quotations to be obtained and requisition to be prepared	Manager L&P	In progress
			That a comprehensive land audit report on industrial land, public open spaces and residential plots belonging to the Municipality be prepa	Item was submitted to Council for approval on 31 August 2023.	Report will be submitted to the next Portfolio Committee Meeting. (12/06/2024) An item served at the next Portfolio Committee Meeting. (12/08/2024)	Manager L&P	In progress
	23/08/PD4	ALIENATION OF ERF 2330, HUMANSDORP TO THE MORAVIAN CHURCH OF SOUTH AFRICA	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.	Item was submitted to Council for final approval on 31 August 2023 and final approval was gra	Instruction given to Legal Services to proceed with disposal and transfer process. Disposal and transfer in progress (12/08/2024) **Legal services confirmed that appointed service provider are still busy with transfer of the transfer (14/10/2024).Transfer in progress. 27/11/2024**	Manager L&P	In progress
			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning depar	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023.	Manager L&P	Completed
			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning depar	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023.	Manager L&P	In progress

22-Aug-23			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning depart	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023. Awaitng submision of building plans.	Manager L&P	In progress
	23/08/PD8	ALLOCATION OF STREET AND AREA NAMES: VARIOUS GOVERNMENT SUBSIDISED HOUSING PROJECT: KRUISFONTEIN AND PELLSRUS	That the Infrastructure and Engineering Directorate erect the street and area names in accordance with the approved street and area nam	Item was submitted to Council for final approval on 31 August 2023 and final approval was gra	Council resolution was circulated to Technical Services to implement resolution in respect of the erection of street names. **Only Pellsrus 220 street names received final approval. Civil and Water to erect the street names (27/11/2024)**	Manager L&P	In progress
			That the street name register and the cadastral layers on Council's GIS be updated in accordance with resolution 1 above.	Item was submitted to Council for final approval on 31 August 2023 and final approval was gra	Council resolution was circulated to the GIS Technician to implement resolution in respect of the updating of street names GIS layer.	Manager L&P	In progress
			That the process of allocating street names be restarted in Kruisfontein 391, Kruisfontein 205, Kruisfontein 219 and Jeugkamp 85.	Item was submitted to Council for final approval on 31 August 2023. Council referred the street names back and process needs to be restarted.	Council resolution was circulated to the GIS Technician to implement resolution and restart the process of allocating street names in line with policy provisions.	Manager L&P	In progress
07-Nov-23	23/11/PD1	REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION AND GRANT COUNCIL'S INPRINCIPLE APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS	That town planning activities and all other administrative processes be finalized	In-principle approval received from Council.	Department to appoint service provider/s once final approval obtained. Department will now proceed with appointment of service providers to finalise planning activities. (15 April 2024) **Applications recieved for consideration by Town Planning Department. 27/11/2024**	Manager L&P	In progress
	23/12/PD2	ALIENATION (LEASE) OF ERF 512, HANKEY	That Council grant in-principle approval for the long-term lease of Erf 512, Hankey for 9 years and 11 months.	Item was tabled in December 2023 Council Meeting. Application received one objection during public participation, a meeting has been setup for the week of 11 March 2024 with current lessee to negotiate the possibility of the two parties to work together on the property. An item will then be crafted for the April Council Meeting. (11/03/2024)	In-principle approval received. A meeting had been scheduled for 13 June 2024 with the current lessee. (12/06/2024) Meeting was held with current leasees who indicated that they do not have a problem for Mr. Tee to utilise the building but requested for alternative land. (12/07/2024) An item will be tabled to next Portfolio Meeting. (12/08/24) **The Department are still looking for alternative land to accomodate Red Lions Rugby Club to swop with erf 512 Hankey (26/11/2024)**	Manager L&P	In Progress
			That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.	Quotations to be obtained and requisition to be prepared. **The appointment of service provider was hold back awaiting the outcome of negotiations.** (11/03/2024)	Service Provider to be appointed and cost be recovered from the applicant.	Manager L&P	In Progress
			That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.	Quotations to be obtained and requisition to be prepared. **The appointment of service provi**	Service Provider to be appointed and cost be recovered from the applicant.	Manager L&P	In Progress
			That the flood line in relation to the building on the property be determined.	In-priciple approval received from Council.	Floodline to be determined before alienation of the property. The floodline to be determined after confirmation of disposal.	Manager L&P	In Progress
			That the project be registered with the LED Section, Finance Department.	In-priciple approval received from Council.	Economic Development Section, Finance Department be requested to register the project.	Manager L&P	In Progress
			That the Building Control department engage with the South African Heritage and Resource Agency (SAHRA) on the guidelines to be foll	In-priciple approval received from Council.	Building Control department to be requested to engage with the South African Heritage and Resource Agency (SAHRA) on the guidelines to be followed on the renovation of the building by the Applicant.	Manager L&P	In Progress
			That an annual escalation be included in the lease agreement.	In-priciple approval received from Council.	Legal Department to be informed of the annual escalation.	Manager L&P	In Progress
	23/12/PD3	LEASE OF LAND FOR A 21M MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 to expidite same, being mindful of the large volume of decisions taken recently and instructions. Awaitng lease agreementn (27/11/2024)**	Manager L&P	In Progress
	23/12/PD4	LEASE OF ERF 1244, PELLSRUS FOR AN OLD AGE SERVICE CENTRE	That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.	Quotations to be obtained and requisition to be prepared	Provision has been made in the 24/25 budget to appoint service providers to finalise outstanding activities. (12/08/2024) **Lease agreement have been completed (27/11/2024)**	Manager L&P	In progress
	23/12/PD6	ALIENATION (LEASE) OF ERF 1567, PELLSRUS	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same. 27/11/2024**	Manager L&P	In progress
	23/12/PD7	LEASE OF LAND FOR A 35M MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same, being mindful of the large volume of decisions taken recently and instructions (27/11/2024)**	Manager L&P	In progress
	23/12/PD10	ALIENATION (LEASE) OF ERF 3087, SEA VISTA	That the contract outlines that an approval process be followed for the construction of additional buildings/containers with the Building Cor	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **The lessee has vacated the premises. The property to be considered for a different use(27/11/2024)**	Manager L&P	
			That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Legal Department to be informed of the annual escalation.	Manager L&P	In progress
	23/12/PD12	ALIENATION (LEASE) OF ERF 130, PELLSRUS	That Council authorises the Accounting Officer to obtain the services of registered professional to submit building plans for approval.	Preparing terms of reference for appointment of service provider.	Provision has been made in the 24/25 budget to appoint service providers to finalise outstanding activities. (10/06/2024)**Terms of reference has been prepared to appoint a service provider for the rezoning of erf 130, Pellsrus. (27/11/2024)**	Manager L&P	In progress
			That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same, being mindful of the large volume of decisions taken recently and instructions (27/11/2024)**	Manager L&P	In progress
			That Council authorises the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)		Manager L&P	In progress

14-Dec-23	23/12/PD13	ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)	That the property be transferred through the Extended Enhance Discount Benefit Scheme (EEDBS) which makes provision for properties	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Human Settlements will be instructed to proceed with the disposal and transfer of the property through the Extended Enhance Discount Benefit Scheme (EEDBS) after final approval was granted by Council. **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress
	23/12/PD15	REQUEST FOR FINAL APPROVAL TO ALIENATE AND TRANSFER OF ERVEN 2216, 2217, 2225 AND 2226 (UNREGISTERED ERF 2994), HANKEY TO THE OLD APOSTOLIC CHURCH – HANKEY	That Council authorises the Accounting Officer to enter into a Deed of Sale for the property contemplated herein.	Final approval received from Council. **Instruction was given to legal services to attend to the transfer of property.** (11/03/2024)	Instruction given to Legal Services to proceed with disposal and transfer process. **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress
	23/12/PD16	ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)**	Manager L&P	In progress
	23/12/PD17	LEASE OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/INSRI BASE STATION)	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same, being mindful of the large volume of decisions taken recently and instructions (24/11/2024)**	Manager L&P	Progress
	23/12/PD21	ALIENATION (LEASE) OF A PORTION OF ERF 843, JEFFREYS BAY	That the departure application be submitted by applicant and all other administrative costs be for the account of the applicant.	Quotations to be obtained and requisition to be prepared	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) Legal Services provided our department with draft lease agreement which have been sent to the applicant for perusal and consideration. **Applicant provided written communication and same have been discussed with Legal Services who will respond in writing to the demands of the applicant (27/11/2024**	Manager L&P	In progress
	23/12/PD22	REQUEST COUNCIL'S IN-PRINCIPLE APPROVAL TO ALIENATION (LEASE) & AUTHORISATION TO ADVERTISE: ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Legal Department to be informed of the annual escalation. Legal Services has drafted the long-term lease agreement and was forwarded to the applicant for perusal and consideration (16 May 2024) **Meeting was held between the applicant and Legal Services to discuss amendments to the draft lease agreement. Lease agreement to be signed once amendments have been made. (26/11/2024)**	Manager L&P	In progress
	23/12/PD23	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same, being mindful of the large volume of decisions taken recently and instructions (27/11/2024)**	Manager L&P	In progress
	23/12/PD25	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATE (LEASE): A PORTION OF ERF 1 HUMANSDORP, ERVEN 2084 AND 2085, HUMANSDORP AS WELL AS A PORTION OF ROAD (ERF 2077, HUMANSDORP)	That a land surveyor be appointed to attend and conclude the closure of public road, subdivision, consolidation and rezoning as well as all	Quotations to be obtained and requisition to be prepared	Meeting was held with the applicant based on the approval that was granted by Council for a Medical Cannabis Facility and where the applicant now want to develop a Electrical Motor Charging Facility. The applicant also want enter into a lease that is for a period longer than 9 years and 11 months (12/06/2024) **The Applicant recently submitted the site development plan for Electrical Motor Charging Facility in order for the LEC members to comment on the proposal, once comments are recieved, item will be submitted to December Council for final approval. (27/11/24)**	Manager L&P	In progress
			That an annual escalation be included in the lease agreement.	In-priciple approval received from Council.	Legal Department to be informed of the annual escalation.	Manager L&P	In progress
	23/12/PD26	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF A PORTION ERF 2, KRUISFONTEIN	That an annual escalation be included in the lease agreement.	Final approval received from Council. Instruction was given to legal services to attend to the transfer of property. (11/03/2024)	Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. (12/08/2024) **Discussions was held between our department and Legal Services in respect of outstanding lease agreements on 10 September 2024 and to expidite same, being mindful of the large volume of decisions taken recently and instructions (27/11/2024)**	Manager L&P	In progress
	23/12/PD28	ALLOCATION OF STREET NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT (WARD 6) & PRIVATE DEVELOPMENTS IN JEFFREYS BAY & CAPE ST FRANCIS	That Council makes budgetary provision for the erection of the street names contemplated herein, upon the final approval of such street n	In-principle approval received from Council.	Finance Department be informed accordingly. **Council granted final approval. Names to be captured on GIS (27/11/2024)**	Manager L&P	In progress
	23/12/PD29	ALIENATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW)	That Council grant in-principle approval for the lease of Erf 7292, Jeffreys Bay for 9 years and 11 months through a competitive process.	Item was tabled in December 2023 Council Meeting	In-principle approval received. Item will be prepared for final consideration by Council at April Council Meeting however an item has been prepared for the March Council to advise Council on current progress and wayforward. The intention is to request both parties to submit proposal and to dispose through a auction for the rental of the property. (11/04/2024) Both applicants was contacted and given until 31 May 2024 to submit business proposals (16 May 2024) Received proposal only from one of the applicants. Item will be tabled to next Portfolio Meeting (12/06/2024) Item was presented for final approval to the July Portfolio Meeting and will now proceed to Mayoral and Council Meeting (12/07/2024). **Item approved by Council and instruction sent to Legal Service to prepare lease agreement (12/08/2024). Lease agreement signed. (27/11/2024)**	Manager L&P	
			That an annual escalation be included in the lease agreement	In-priciple approval received from Council.	Legal Department to be informed of the annual escalation.		In progress
	23/12/PD31	AMENDMENT OF KOUGA LOCAL MUNICIPALITY LAND USE SCHEME, 2021	That the Council approve the establishment of a Project Committee, comprising of the following persons:i) The Municipal Manageri) Mana	A letter has been sent to the MEC Cogta, informing him of the Municipality's intention to amend the Land Use Scheme. Futrthermore, media notice informing the public of the municipal intention to amend its Land Use Scheme was published. The department is to publish a seconf notice.12/02/2024	Notices published January 2024. Draft to be presented at the Policy Workshop 10/08/2024. The proposed amendments presented at the Policy Workshop. The item will be table to Policy Committee and Council for Public participation. (27/11/2024)	Manager: TP	In progress
	23/12/PD32	REQUEST FOR COUNCIL'S FINAL APPROVAL: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA (NEW NAME SALVATION SOUTH AFRICA KOUGA)	That Council grant authorisation to the Accounting Officer to enter into a Deed of Sale with the Salvation SA Kouga	Final approval had been received from Council	A terms of reference for a 7-day notice have been prepared to appoint a service provider to commence with subdivision and rezoning. (12/07/2024) **The applicant made contact with our department indicating that they are going to do the subdivision and rezoning themselves. (14/10/24) It was resolved that the standing resolution be implemented. 27/11/2024**	Manager L&P	In progress
30-Jan-24	24/01/PD1	AMENDMENT OF KOUGA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016	That the Kouga Municipality By-Law & Policy Review Committee be informed of the intention to amend the Kouga Local Municipality Spat	The draft by-law will be presented to the Policy Review Committe before April 2024.	Council Resolution to proceed with the amendment of the By-Law obtained. The notice informing the public of Kouga Municipality's intention to amend the By-Law will be published. Notices published January 2024. It is anticipated that the draft will be presented at the Policy Workshop. 10/08/2024. The proposed amendsments were presented at the Policy Workshop. The department will seek final comments from Legal Department then dubmision to Council for permision to proceed with public participation. 27/11/2024	Manager P&D	In progress

			That a notice be published informing the public of the Kouga Municipality's intention to amend the Kouga Local Municipality Spatial Planni	Notice to be published in March 2024	Legal Department then submission to Council for permission to proceed with public participation. 27/11/2024.	Manager: Legal	In Progress
28-Feb-24	24/02/PD6	REQUEST FOR ALIENATION (LEASE) OF A PORTION OF ERF 300, PATENSIE	That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate a portion of Erf 300, Patensie by way	Item was prepared for the February 2024 Council Meeting. Notice for public participation has been prepared and should be placed on 14 March.	In-principle approval received from Council. (11/03/2024) **Public participation completed. Item for final approval will be tabled to the Council Meeting once applicant has submitted the outstanding business proposals. (27/11/2024)**	Manager L&P	In progress
			That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.	Item was prepared for the February 2024 Council Meeting.	**Service provider to be appointed after final approval obtained from Council (27/11/2024)**	Manager L&P	In progress
			That an annual escalation on the rental amount be applied.	Item was prepared for the February 2024 Council Meeting.	Will form part of the lease agreement	Manager L&P	In progress
			That a full development plan be prepared and submitted.	Item was prepared for the February 2024 Council Meeting.	The applicant was contacted on 8 March to request the submission of development plan. Still awaiting development plan. (16 May 2024) Follow-up was done on 6 June requesting the applicant to submit the business proposal (12/06/2024) **Still awaiting business proposal from applicant. (26/11/2024)**	Manager L&P	In progress
	24/02/PD10	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 600, PELLSRUS	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Item was prepared for the February 2024 Council Meeting.	Instruction was sent legal services to proceed with disposal and transfer. (11/03/2024) **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress
	24/02/PD11	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2734, SEA VISTA	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Item was prepared for the February 2024 Council Meeting.	Instruction was sent legal services to proceed with disposal and transfer. (11/03/2024) **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress
	24/03/PD3	LAND AND PROPERTY ADMINISTRATION-PROGRESS REPORT: IMPLEMENTATION OF OUTSTANDING COUNCIL RESOLUTIONS	That the moratorium be extended to 31 June 2024 for the Land and Property Administration Department to finalise outstanding Council re	Item was tabled for in-principle approval at December 2023 Council Meeting	Outstanding Items to be submitted before 30 June 2024. (15 April 2024) Item has been prepared for the June Portfolio Meeting. (12/06/2024) **An item on the progress of outstanding council resolutions was tabled at the July Portfolio Committee Meeting. (12/07/2024) Individual items will be submitted to the next Portfolio Meeting where Council resolutions are to be rescinded. (27/11/24)**	Manager L&P	In progress
	24/03/PD6	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION OF MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA	That Council authorizes the Accounting Officer to obtain the market-related valuation from the latest valuation roll for consideration in line	Item was tabled for in-principle approval at December 2023 Council Meeting	In-principle approval received from Council. The market related valuations will be confirmed before the item goes back to council for final approval. (12/06/2024) Requisitions has been submitted to SCM to prepare orders to appoint service provider/s to attend to valuations. (12/07/2024) **Service provider has been appointed and has completed valuations. Item will be tabled to Council for final approval (27/11/24)**	Manager L&P	In progress
	24/03/PD11	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1567, PELLSRUS	That Council authorizes the Accounting Officer to enter into long-term lease agreement with Lilungelo Lomntwana Jbay Training Centre N	Item was tabled for ifinal approval to Council Meeting.	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) Legal Services in the process to draft long-term lease agreement. (12/06/2024) **Awaiting draft lease agreement from Legal Services. Lease agreement being finalised.(14/10/2024) -** Duplication - See line 166	Manager L&P	In progress
	24/03/PD12	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Halalisana Township Incubator (Reg		Legal Department to be informed of the annual escalation. Legal Services has drafted the long-term lease agreement and was forwarded to the applicant for perusal and consideration (16 May 2024) **Meeting was held between the applicant and Legal Services to discuss amendments to the draft lease agreement. Lease agreement to be signed once amendments have been made. (27/11/2024)**	Manager L&P	In progress
	24/03/PD13	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 843, JEFFREYS BAY	That Council authorizes the Accounting Officer to enter into a long-term lease agreement with Smhart Guards Family Trust (2/2012), repre	Item was tabled for final approval.	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024). Approval letter was given to applicant to proceed with departure application. (16 May 2024) **Awaiting submission of town planning land use right application. (12/08/2024). Land disposal process complete. (27/11/2024)** See duplication - Line 153	Manager L&P	In progress
	24/03/PD14	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION ERF 2, KRUISFONTEIN	That service providers be appointed to attend and conclude the subdivision and Environmental Impact Assessment and that all costs be fo	Final approval was obatined.	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)** See duplication - Line 163	Manager L&P	In progress
			That the Accounting Officer be authorized to enter into a written Lease Agreement with the applicant herein and that an annual escalation	Final approval was obatined.	Awaiting lease agreement. (27/11/2024)	Manager L&P	In progress
	24/03/PD15	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, ERVEN 2084 AND 2085 AS WELL AS A PORTION OF ROAD ERF 2077, HUMANSDORP	That a Land Surveyor be appointed to attend and conclude the closure of public road, subdivision, consolidation and rezoning and other a	Final approval was obatined.	Meeting was held with the applicant based on the approval that was granted by Council for a Medical Cannabis Facility and where the applicant now want to develop a Electrical Motor Charging Facility. The applicant also want enter into a lease that is for a period longer than 9 years and 11 months (12/06/2024) The Ap**plicant recently submitted the site development plan for Electrical Motor Charging Facility in order for the LEC members to comment on the proposal, once comments is solicit an item will be tabled to Council. (26/11/2024)** See duplication - Line 161	Manager L&P	In progress
			That an escalation be included in the lease agreement.	Final approval was obatined.		Manager L&P	In progress
	24/03/PD17	REQUEST FOR FINAL APPROVAL FROM COUNCIL TO DISPOSE AND TRANSFER: ERF 2593, SEA VISTA (ANNIE DANIELS)	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the disposal of the property.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress
	24/03/PD18	REQUEST FOR FINAL APPROVAL FROM COUNCIL TO RESCIND A SECTION OF COUNCIL RESOLUTION, GRANT AUTHORISATION TO DISPOSE: ERF 1044, SEA VISTA (MUNICIPAL HOUSE)	That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) **Disposal and transfer in progress (27/11/2024)**	Manager L&P	In progress

27-Mar-24	24/03/PD19		That the town planning processes be finalized for the portion of Erf 873, Jeffreys Bay and that the cost be for the applicant.	Final approval was obatined.	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) **Disposal and transfer in progress. (23/11/2024)**	Manager L&P	In progress
			That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said portion of the property	Final approval was obatined.		Manager L&P	In progress
	24/03/PD20	**REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)**	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property	Final approval was obatined.	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) T**ransfer in progress (26/11/2024)** See duplication - Line 144	Manager L&P	In progress
	24/03/PD22	**REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 130, PELLSRUS**	That Council authorizes the Accounting Officer to obtain the services of a registered professional to submit building plans for approval and	Final approval was obatined.	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)** See duplication - Line 139	Manager L&P	In progress
			That Council authorizes the Accounting Officer to enter into a long-term lease agreement with the Hepzibah Community Centre and that a	Final approval was obatined.	**Accounting officer to sign lease agreement once completed. 27/11/2024**	Manager L&P	In progress
			That the building plans and rezoning be finalized, and the costs be for the account of the applicant.	Final approval was obatined.	**Costs to be reflected on the agreement.**	Manager L&P	In progress
	24/03/PD23	**REQUEST FOR COUNCIL'S FINAL APPROVAL: DISPOSAL (PURCHASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN DROMMEDARIS STREET) TO CONSOLIDATE WITH ERF 269, JEFFREYS BAY**	That town planning process be finalized and all other administrative costs be for the account of the applicant	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) The department in the process to finalise subdivision, consolidation and rezoning whereafter the disposal and transfer process will commence (12/06/2024). **The applicant was provided with a power of attorney and in the process of appointing a service provider for subdivision and rezoning. 27/11/2024**	Manager L&P	In progress
			That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property	Final approval was obatined.	To be done after TP approval.	Manager L&P	In progress
	24/03/PD24	**REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (RIGHT-TO-USE) OF A PORTION OF ERF 164, JEFFREYS BAY**	That town planning process be finalized and all other administrative costs be for the account of the applicant	Final approval had been received from Council	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)**	Manager L&P	In progress
			That the Council authorizes the Accounting Officer to enter into a Lease Agreement (right-to-use) with the National Sea Rescue Institute (N	Final approval was obatined.	**Accounting officer to sign lease agreement once completed. 27/11/2024**	Manager L&P	In progress
	24/03/PD25	**REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN FERREIRA STREET), JEFFREYS BAY**	That town planning process be finalized and all other administrative costs be for the account of the applicant.	Final approval was obatined.	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) Awaiting draft lease agreement from Legal Services. Applicant has proceeded with land use right application and application was placed in the local newspaper for public participation. (12/07/2024) Public participation completed and town planning to prepare report for MPT once application is ready. (12/08/24). **Awaitng environmental authorisation.27/11/2024**	Manager L&P	In progress
			That the Accounting Officer be authorised to enter into a written lease agreement with the Applicant, and that the written lease agreement	Final approval was obatined.	Awaitng environmental approval.	Manager L&P	In progress
			That the administration considers the possibility and feasibility of permanently alienating the land within 1 year.	Final approval had been received from Council	To be considered	Manager L&P	In progress
	24/03/PD26	**REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR A 21m MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH**	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Insite Towers, and that the written ag	Item was tabled for in-principle approval at December 2023 Council Meeting	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)** See duplication - Line 126	Manager L&P	In progress
	24/03/PD27	**REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR A 35m MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA**	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Orion Trust, and that the agreement	Item was tabled for in-principle approval at December 2023 Council Meeting	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024)** See duplication - Line 134	Manager L&P	In progress
	24/03/PD29	**REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)**	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Mizamoyethu Community Centre.	Item was tabled for in-principle approval at December 2023 Council Meeting	Legal Department to be informed of the annual escalation. Legal Services in the process to draft long-term lease agreement (12/06/2024) **Awaiting draft lease agreement from Legal Services. (27/11/2024) -** See duplication - Line 158	Manager L&P	
	24/03/PD30	**TO UPDATE COUNCIL ON THE APPLICATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW) AND TO CALL FOR BUSINESS PROPOSALS FOR A RESTAURANT/TAKEAWAYS/ TSHISANYAMA**	That both applicants be requested to submit business proposals for the long-term lease of the municipal property and that the property be	Item was tabled for in-principle approval at December 2023 Council Meeting	In-principle approval received. Item will be prepared for final consideration by Council at April Council Meeting however an item has been prepared for the March Council to advise Council on current progress and wayforward. The intention is to request both parties to submit proposal and to dispose through a auction for the rental of the property. (11/04/2024) Both applicants was contacted and given until 31 May 2024 to submit business proposals (16 May 2024) Received proposal only from one of the applicants. Item will be tabled to next Portfolio Meeting (12/06/2024) Item was presented for final approval to the July Portfolio Meeting and will now proceed to Mayoral and Council Meeting (12/07/2024) **Council granted final approval and instruction was sent to Legal Services to commence with drafting of lease agreement. (12/08/24).Lease agreement signed(27/11/2024)**	Manager L&P	
			That Council authorizes the Accounting Officer to enter into long-term lease agreements with creches contemplated herein.	Item was tabled for in-principle approval at December 2023 Council Meeting	**Lease agreement signed. Awaiting building plans. 27/11/2024**	Manager L&P	

30-Apr-24	24/04/PD6	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL AND AUTHORISATION TO ADVERTISE: APPLICATION FROM NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE TO ACQUIRE ERF 275 HUMANSDORP TO CONSTRUCT A NEW MAGISTRATE COURT	That Council consider the request and grant in-principle approval for the alienation of erf 275, Humansdorp to the National Department of	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024) Public participation completed. (12/07/2024) Awaiting feedback from Public Works in respect of the request for land swop, once recevied then an item will be submitted to Council. (12/08/24). Item prepared for final approval by Council. It will be included in the October Council Agenda(14/10/2024). **Item reeived final approval from Council (27/11/24)**	Manager L&P	In progress
			That the Council consider a land swop with the Department of Public Works and Infrastructure for Erf 400 Sea Vista, Erf 3010 Hankey and		In-principle approval obtained from council (12/06/2024) **Awaiting formal correspondence from Public Works on the swop before item is taken back to Council for final approval. (12/08/2024). Item prepared for final approval by Council. It will be included in the October Council Agenda(14/10/2024). Item approved by Council. Awaitng swop offer from DPW. 27/11/2024**		
			That the Department retains the Market Building in their designs for new court including maintaining its character and restoring it	Item for in-principle approval was tabled to May Council Meeting.	**Will be included as a condition of agreement (12/08/2024). Condition retained in the final approval. 27/11/2024**	Manager L&P	In progress
31-May-24	24/05/PD5	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 170, JEFFREYS BAY (DOLPHIN BEACH ENTERTAINMENT)	That Council grant in-principle approval for the alienation (lease) of a portion of Erf 170, Jeffreys Bay to Dolphin Beach Entertainment, rep	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024) Public participation in progress closing on 16 July. (12/07/2024) **Public participation completed. Service provider appointed to attend to land use rights and once completed an item for final approval will be submitted to Council (12/08/24). Land use application submitted for consideration. 27/11/2024**	Manager: L&P	In progress
			That the Environmental Authorisation as well as Town Planning activities and other administrative costs, be for the cost of the Municipality	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024) Already went out on 7-day notice which closed on 5 July awaiting SCM appointment of succesful service provider (12/07/2024) **Service provider appointed to attend to land use rights. (12/08/24). Land Use application in progress. 27/11/2024**	Manager: L&P	
			That an escalation be included in the lease agreement.	Item for in-principle approval was tabled to May Council Meeting.	To be included in the lease agreement 27/11/2024	Manager: L&P	
	24/05/PD6	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: ALIENATION LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION (HEROTEL) – A PORTION OF ERF 406, PARADISE BEACH	That town planning activities and all other administrative processes be finalized at the cost of the applicant.	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024). Final approval granted by Councul. **Awaiting lease agrrement. 27/11/2024**	Manager: L&P	
			That an annual escalation be included in the lease agreement	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024). Final approval granted by Councul. **Awaiting lease agrrement. 27/11/2024**	Manager: L&P	
	24/05/PD7	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, HUMANSDORP – ASPHALT PREMISES (ROADSAVER GROUP (PTY) LTD)	That Council authorizes the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance M	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024) Public participation in progress closing on 16 July. Valuation certificate have been obtained (12/07/2024). Draft lease agreement have been prepared and we have consulted with the applicant in respect of additional information required by Legal Services (12/08/24). **Final approval granted by Council. Draft lease agreement has been prepared for consideration by applicant. 27/11/2024**	Manager: L&P	
	24/05/PD8	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION – A PORTION OF ERF 406, PARADISE BEACH	That town planning activities and all other administrative processes be finalized at the cost of the applicant.	Item for in-principle approval was tabled to May Council Meeting.	In-principle approval obtained from council (12/06/2024) Public participation in progress closing on 16 July. Quotations have been obtained to appoint service provider to do valuations (12/07/2024) **Valuation completed. Item for final approval will be submitted to next Council Meeting (12/08/24). Final approval obtained from Council. Awaitng finalisation of lease agreement. 27/11/2024**	Manager: L&P	
	24/05/PD9	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/NSRI BASE STATION)	That an annual escalation be included in the lease agreement.	Item for in-principle approval was tabled to May Council Meeting.		Manager: L&P	
			That an annual escalation be included in the lease agreement.	Item for final approval was tabled to May Council Meeting.	Final approval obtained from council (12/07/2024) **Instruction was sent to Legal Services to commence with drafting of lease agreement (27/11/24)**	Manager: L&P	
	24/05/PD11	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2331, HUMANSDORP TO NEW GOSPEL CHURCH	That the subdivision be reinstated, and all administrative processes be finalised at the cost of the applicant.	Item for final approval was tabled to May Council Meeting.	Final approval obtained from council (12/06/2024) **Instruction was given Legal Services to proceed with the disposal and transfer of the property. (27/11/2024)**	Manager: L&P	
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Instruction given to legal services to commence with disposal and transfer.	Final approval obtained from council (12/06/2024) **Instruction was given Legal Services to proceed with the disposal and transfer of the property. (27/11/2024)**	Manager: L&P	
	24/05/PD16	REQUEST FOR AUTHORISATION TO UNDERTAKE A PUBLIC PARTICIPATION PROCESSES OF THE DRAFT ST FRANCIS BAY & HANKEY CBD PRECINCT PLANS	That Council authorizes the commencement of a public participation process as contemplated in Section 21 of the Local Government: Mu	The service provider is finalising a public participation plan. 05/06/2024	The notice to be published on the local newspaper. Workshop was held on 6 August 2024. Closing date for comments is 24 September 2024. Another workshop to be held in Hankey. Date to be confirmed. **(12/08/2024). Public participation concluded on 24 September 2024. Service provider consolidating all comments and responses to comments recieved. 14/10/2024**	Manager:TP	
	24/07/PD3	ACCEPTANCE OF LAND PURCHASED BY THE PROVINCIAL HUMAN SETTLEMENTS DEPARTMENT FOR THE KOUGA MUNICIPALITY: ERF 9932 JEFFREYS BAY	That the Council accepts the property described as erf 9932, Jeffreys Bay as purchased by the Provincial Department of Human Settleme	Resolution submitted to the Department of Human Settlment. (12/08/2024)	Awaitng feedback from the Department of Human Settlement **(12/08/2024). The land availability agreement already signed. The department is currently finalising the appoitnment of service provider for planning processes. 14/10/2024. Service provider appointed for preliminary studies and designs. 27/11/2024**	Manager: L&P	
			That Council authorise the Accounting Officer in line with the delegated authorities of the Accounting Officer to sign the Deed of Sale/Dona	To be actioned	**Instruction was sent to Legal Services to proceed with drafting of Deed of Donation (27/11/24)**	Manager: L&P	
			That a draft layout plan for Erf 9932 be submitted to the next Planning & Development Portfolio Committee for further debate on land use	To be actioned	**Layout will be submitted to Portfolio Committee (27/11/24)**	Manager: L&P	
	24/07/PD4	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF ERF 7292, JEFFREYS BAY	That Council grant final approval for the lease of Erf 7292, Jeffreys Bay for 9 years and 11 months to Mr. Chuma Kondile, as the successf	Item was submitted to July Council Meeting.	Final approval obtained from Council on 30 July (12/08/24) **Lease agreement completed (27/11/24) See duplication -** Line 167 and 231	Manager: L&P	
			That all costs pertaining to the installation of municipal services as well as Town Planning activities be borne by the successf	Will be included in contract.	Instruction was sent to Legal Services to proceed with drafting of lease agreement (12/08/24). **Lease agreement completed (27/11/2024)**	Manager: L&P	
			That the lease be cancelled if the purpose applied for is not implemented within 12 months from date of signed lease agreement.	Will be included in contract.	**Instruction was sent to Legal Services to proceed with drafting of lease agreement (27/11/24)**	Manager: L&P	
			That an annual escalation be included in the lease agreement.	Will be included in contract.	**Instruction was sent to Legal Services to proceed with drafting of lease agreement (27/11/24)**	Manager: L&P	
			That Council authorises the Accounting Officer to enter into a long-term lease agreement with the successful applicant	Final approval obtained from Council.	**Instruction was sent to Legal Services to proceed with drafting of lease agreement (27/11/24)**	Manager: L&P	

30-Jul-24	24/07/PD6	REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION & COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE SUBDIVISION AND REZONING OF ERF 1324, HUMANSDORP	That Council rescinds the previous Council resolution (18/03/F2).	Item submitted to Council.	**Resolution have been rescinded. (12/08/24)**	Manager:L&P	
			That Council grants approval for the subdivision and rezoning of Erf 1324, Humansdorp.	Approval granted by Council (12/08/2024)	**Service provider to be appointed (12/08/2024). TOR drafted for the appointment of service provider.(27/11/2024)**	Manager: L&P	
			That Council makes provision for the repair and maintenance of the residential properties to gain maximum revenue in rental.	To be actioned	**To be actioned**	Manager: L&P	
	24/07/PD7	REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF ERF 1085, PATENSIE TO AFRICAN GOSPEL CHURCH	That Council grant final approval for the disposal of Erf 1085, Patensie to African Gospel Church at 25% (R12,500.00 excluding VAT) of th	Approval granted by Council (12/08/2024)	**Matter have been refered to Legal for actioning (27/11/24)**	Manager: L&P	
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property	To be actioned	Instruction was given to Legal to proceed with the disposal and transfer of the property. (12/08/24). **Awaiting finalisation of disposal and transfer (27/11/2024)**	Manager: L&P	
	24/07/PD9	BULK-LINK INFRASTRUCTURE IN SUPPORT OF ISUP PROJECTS	That Kouga Local Municipality requests assistance from ECDHS to fund Bulk-link Upgrades to supplement the ISUP projects as follows: KwaNomzamo (Polar Parks 237+553, Shukushukuma 93, Bungalows 103) a) Boskloof Secondary Feeder Line & Substation b) KwaNomzamo & Geelhout Pump Stations & Bungalows Rising Main c) Upgraded Pipeline from Humansdorp WTW to KwaNomzamo Donkerhoek 234 a) Gill Marcus Reservoir & Water Feeder Lines b) Minor upgrades to Kruisfontein WWTW and construction of Donkerhoek Outfall Sewer Ocean View (No R10 & Ocean View 1250) a) Ocean View Electric Substation Upgrade b) Upgrade of Apiesdraai Pump Station Thornhill 160 a) New Reservoir Thornhill b) Upgrade of Thornhill Sewer Treatment Works c) Electricity Transfer from NMBM to KLM Patensie 278 a) New Reservoir for Ramaphosa Village b) Upgrade of Ramaphosa Village Sewer Pumpstation	Resolution submitted to the Department of Human Settlment. (12/08/2024)	**Awaitng feedback from the Department of Human Settlement (12/08/2024). The PDoHS appointed KLM as Implementing Agent for the Upgrade of Bulk Link Infrastructure for a period on 9 months on 4 September 2024. The total appointment is for R 83 803 780.00. Awaitng Service Level Agreement (14/10/2024). Municipality received Funding Agreement on 29 October 2024. Funding Agreement to be signed by the Accounting Officer. (04/11/2024). Awaitng feedback from from PDoHS. 27/11/2024**	Manager:HS	In Progress
			That Kouga Local Municipality be responsible for the maintenance & operation and security of all the installations on completion and handover.	Recomendation to be implemented after construction	Budget to be provided after implemenation	Director: Civil & Water	
28-Aug-24	24/08/PD8	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, HUMANSDORP (PORTION OF THE BUILDING) – ASPHALT PREMISES (ROADSAVER GROUP (PTY) LTD	That Council grant final approval for the alienation (lease) of a portion of Erf 1, Humansdorp (a portion of the building for an Asphalt Premises), to Roadsaver Group (Pty) Ltd. (2022/472566/07) represented by Mr. Wilco Bothma for a period of 9 years and 11 months, with an option to renew.	Item for final approval was tabled to August 2024 Council meeting.	Final approval obtained from Council 28 August 2024. **Awaitng lease agreement. (27/11/2024)** **See duplication - Line 246**	Manager: L&P	In progress
			That the lease be cancelled if the purpose applied for is not implemented within 1 year from the date of the signed lease agreement.	Will be included in contract.	Instruction given to Legal 2 September 2024.	Manager: L&P	In progress
			That all town planning activities, if any, as well as other administrative costs including the valuation, be for the cost of the applicant.	Will be included in contract.	Instruction given to Legal 2 September 2024.	Manager: L&P	In Progress

COMMUNITY SERVICES: ACTION SHEET - COUNCIL							
MEETING	**ITEM NO**	**ITEM DESCRIPTION**	**RESOLUTION**	**ACTION TAKEN**	**PROGRESS**	**RESPONSIBLE OFFICIAL**	**CURRENT STATUS** COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jan-24	**24/01/CSS2**	**REVISED PREVENTION OF PUBLIC NUISANCE AND KEEPING OF ANIMALS BY-LAW**	That the approved Prevention of Public Nuisance and Keeping of Animals By-Law be workshopped, after the public participation process, with Councillors before its resubmission to Council.	The Item was withdrawn from Council.	The By-Law will be Workshopped internally at end of January 2025	Acting Manager: Safety and Security/ Manager: Waste and Environmental	**IN PROGRESS**
			That a fully structured Communication and Community Safety Forum be established as soon as possible.	Established at the Safety Summit 02-Oct-24, the Government Dept co-opted during the IGR 22-24 Oct '24			**COMPLETED**

ELECTRO-MECHANICAL: ACTION SHEET - COUNCIL

ELECTRO-MECHANICAL - COUNCIL ACTION SHEET

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROCRESS ON GOING NO ACTION REQUIRED
29-Apr-22	22/04/I&E9	REPORT: ELECTRICAL MAINTENANCE REPORT JULY 2021 TO FEBRUARY 2022	That Law Enforcement actively police the theft of copper cables and illegal electrical connections.	Post loadshedding no partols are done.	In all areas copper theft escalated and diffrent methodolgy is applied to excecute this. In Humansdorp between Midnight and early morning, wires are thrown accross the overhead line to trip the network in order to steel the cable from the box to the house. In St. Francis Bay the legal and illegal communites are at loggerheads as the legal community experience powerfailures every night, cases are opened and as a result of these, continuous vandalism are taking place from the illegal side on our infrastructure. The streetlights on the Astonbay road is a target, the wires are being used to roll out electrification within Londen area. We seriously need require intervention. We inntending to do a solar light tender but with the limited staff our resources are extremly stretched and unable to meet this target. Update 26/11/2024	Director: EM & Director CS	
			That Eskom be engaged on the maintenance and repair of street lights in the Gamtoos Valley.	Eskom appointed a service provider to commence with streetlight repairs in the GV. Eskom made a decision to hand over all streetlights to municpalities on 15th November 23, nothing officially communicated to the municipality.	The streetlights previously completed by Eskom has been off again and reported. Numurous calls has been made and Eskom was invited to 1st Thursday to explain to the community and commitements was made. these commitments was not met and as a result the community are becoiming irritated. Eskom made a new commitement that all streetlights will be addressed before end November 2024. 26/11/2024	Director EM:	
31-May-23	23/05/I&E1	REPORT: INTEGRATED NATIONAL ELECTRIFICATION PROGRAM (INEP) ALLOCATION FOR 2023/2024 FINANCIAL YEAR	That the Human Settlements department of Kouga be ready with registered erven and occupied erven and to benefit from the grant.	The Human Settlements department is currently addressing the issue with C&W that procured the service to bring water and sanitition services to site.	The erven are already subdivided. The Department has conducted a beneficiary survey. The civil contractor has been appointed, the construction was water to these sites will be commencing within November 2024. 26/11/24	Manager: Human settlements	
		REPORT: CLEARING OF SERVITUDES	That Council compels the relevant Directorate responsible to keep servitudes clear to do so and apply the law should it be necessary.	Service providers appointed for the installation of bulk services.	The clearing of households located in servitude areas will require the Municipality to identify alternative serviced sites for relocation. The Planning & Development Directorate is currently busy with the upgrading of informal settlemnts. 26/11/24	Manager: Human settlements	

	23/05/I&E2	**THROUGHOUT KOUGA OBSTRUCTING ACCESS TO WATER INFRASTRUCTURE AND POWERLINES FROM KOUGA AND ESKOM**	That PDT leads the discussions between the departments.	Service providers appointed for the installation of bulk services.	The Department is in the process of formalising all informal settlements and the affected households will only be relocated upon completion of the projects. With our electrification of informal settlements program, No units will be electrified under the servitude to encourgae people not to build on servitudes. The erection of new illegal units are happening daily and require urgent control 26/10/24	Director: Electro and Mechanical Services	
28-Jul-23	**23/07/I&E3**	**REPORT: KOUGA ENERGY PLAN**	That a Kouga Energy Plan be developed to mitigate loadshedding within the Kouga Municipal area.	The Director was tasked to compile a plan to mitigate the risk of loadshedding within Kouga. A draft energy strategy document was complied and submitted for input.	The plan is in draft and subject to changes in the market, this plan need to be revised as no funding was made available therefore none of the listed short term goals were met. An application has been prepared listing all electrical projects to apply for BFI funding, the outcome was unsuccesful with no real reasons to not accomodate Kouga but recommended for partnerships through IPP/ PPP. The plan will be adjusted according to the revised strategy and availability of funding. SCADA tender is closing on the 02/12/2024 update 26/11/24	Director: Electro and Mechanical Services	
28-Feb-24	**24/02/EMS6**	**REPORT: THORNHILL ELECTRICAL NETWORK TRANSFER FROM NELSON MANDELA METROPOLITAN MUNICIPALITY TO KOUGA LOCAL MUNICIPALITY**	That Council accept the proposal in-principle to have the Thornhill network transferred to Kouga Municipality subject to a cost assessment and feasibility study being performed	This assesment will be done by Nelson Mandela Metro, they have not actioned this item upon telephonic correspondance.	No further meetings commences since December 23. Further discussions will commence upon valuation team is assembled for the entire project. In the interim a priciple agreement is granted to provide Thoksville with a bulk point, this amount has been paid for through the ISUP grant. Awaiting the Metro to commence with the construction process for the transformer and metering point, The responsibility to electricity this area will be with Kouga to	Acting Manager Electrical Mr. M Mangembe	
			That a Committee be established to deal with the project's logistics around the intended network transfer, and all to be in attendance when required. This Committee will be responsible for the determination of this project's financial viability, assets, legal, and all other resources to maintain the network in the future.	Members was identified from both Kouga as well as the Metro to be committee members.	The committee have not met in months, the Metro indicated their relevant departments are establishing the cost of all the assets to be transfered to be tabled to council. Current instability causes a delay and no one want to decide on any activity as everyone is acting, the appointment for a new Executive Director at NMM has been advertised that will probably take the decisions further. 08/11/24	Acting Manager Electrical Mr. M Mangembe	
	24/02/EMS7	**REPORT: 20MW RENEWABLE ENERGY CONSTRUCTION PLANS FOR KOUGA MUNICIPALITY**	That a feasibility study including a detailed cost-benefit financial model be submitted to Council for approval.	To determine more accurate figures, a tender document to request proposals on this project will be drawn up and advertised.	EIA approved for 20MW Solar and battery storage technology. Phased in approach proposed and to investigate other funding streams. BFI application was unsuccesfull with recommendations, no actual business case shortcomings beside demonstrating further financial sustainability which is available. Pending further investigations we might continue at an affordable scale to study the benefits of such a system. 27/11/24	Acting Manager Electrical Mr. M Mangembe	

CIVIL & WATER: ACTION SHEET COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
29-Apr-22	**22/04/I&E10**	**REQUEST FOR APPROVAL FOR THE DEVIATION FROM KOUGA MUNICIPALITY AUGMENTATION POLICY**	That the time period for the payment of the augmentation levies be set to 18 months and that the agreement be amended accordingly.	Before occupation Certificate is issued, augentation to be paid, Augmentation policy to be updated.	A first policy workshop was held. Following the guidance from Department of Treasury, new guidelines were issued as Development Charges and recommended to be included in the Local Municipal Policy. Our existing policy together with the said policy from Department of Treasury have to be combined by representatives from a committee (to be established). The process of merging the various inputs from City of Capetown, Mosselbay, Treasury and Kouga is underway (W Hoffmeyr). It is anticipated that this will conclude within the next two(2) months and by end of August. The item will be brought to Council starting at Portfolio Committee, Policy Workshop, Mayoral Committee and finally to Council. 11 Sept - The Draft Policy was submitted through Portfolio Committee (4 Sept) to be workshopped at Policy Committee. 10 Oct - Policy was workshopped in the Policy Workshop Virtual meeting. Suggested improvements to be captured accordingly and forwarded to Policy Committee. 4 Nov - Draft policy completed and submitted to Policy Committee. 28 Nov - As agreed, an interdepartmental committee with representation from all relevant directorates to be established for purposes of finalising the proposed policy which affects all service departments.Committee to be established by end December 2024.	Director Civil & Water & W Hofmeyr	On-going
31-Aug-22	**22/08/I&E8**	**STATUS OF THE WESTON WASTE WATER TREATMENT WORKS**	That Council secure funding in order to safeguard the area as Kouga is not in compliance with the law in terms of safety.	Tender for Fencing is being prepared by PMU. Action required to speak to sa	11 April 2024: After a discussion with the CFO, the fencing tender is being wrapped up at BEC and should be submitted to BAC for approval by 17 April 2024. 07 May 2024: Tender finalized at BEC. Recommended Bidder's CIDB is not in order so a notice to bidder is being prepared to give them 14 days to sort out their CIDB registration. 10 June 2024: BEC Finalized and Item submitted to BAC. 10 Oct '24 - Fencing tender approved. Quotations from appointed SP received at extreme costs (beyond what is available in OPEX). Suggest that when the UISP upgrade of the Weston WWTW takes place, we include the fencing under that scope of works. Action speaks to safeguarding the vandalised premises and was to be addressed by means of a fencing tender. Progress - Final award was made on 18th July at BAC. 2 x SP were appointed on 05 August. Cost estimates for works to be determined upon which budget will be required. As to Weston WWTW Department of Human Settlements have committed R6m towards this project. Consultants have been appointed and almost at Tender readiness stage. The SLA with Department of Housing needs finalisation. 4 Nov '24 - Contractor has been appointed to upgrade Weston WWTW and fencing included in the scope of work. Construction to commence in January 2025. 28 November 2024: DoHS is funding the project and the negotations between DoHS and the Contractor is ongoing as a possible Scope Reduction is considered.	PMU Manager	In progress
09-Dec-22	**22/12/I&E2**	**STATUS OF THE UMZAMOWETHU SANITATION SYSTEM**	That the 6 affected households be serviced with new conservancy tanks.	A consultant, Gert Vorster is appointed to approach the Windfarm for funding to replace the 6 conservancy tanks.	Project approved at Council to be registered as a MIG project for the planning phase. Co-funding to be finalized with Windfarm. Await final evaluation from Windfarm on preferred service providers upon which the cost implication for KLM will be made known.Expected feedback by 21 June upon which a council resolution will be requested for purposes of co-funding the initiative by the Windfarm. The savings from the January 2024 Adjustment Budget has been requested to fund the required Civils report (inclusive of engineers survey, WULA and Design for storm- and sewage reticulation). Once the Adjustment Budget is approved in Council (22 August 2024), the process to utilise available funding will commence to address the above required deliverable 11 Oct '24 - The Windfarm have finalised their preverred SP to upgrade internal sanitation for houses identified. First 30 units earmarked to be addressed before end Dec 2024. KLM to assist with temporary storm water diversions (uns od internal yellow plant) while utilising savings on capital project for planning of permanent storm water services for the community.. 28 Nov - KLM has addressed the temporary stormwater runn-off by shaping the gravel roads and cleaining the water runn-off channel. The Windfarm has started the installation of the first 30 residential unite that will be receiving upgraded residential sanitation systems. All these systems will be serviceable by KLM suction tankers as all will be equipped with appropriate suction couplings. Through the consultants roster, an appointment has to be made to provide engineering design and guidance on the EIA, WULA, surveys and options for the storm water and waste water treatment works.Appointment to be made after adjustment budget (Jan 2025)	C&W Director & Manager PMU	In progress

06-Apr-23	**23/03/I&E1**	**ROADS TO BE UPGRADED UNDER THE GRAVEL ROADS PHASE 2 CONTRACT**	That Council approve that phase 2 proceed as per the approved roads on the project.	No action taken yet.	Scribante will finish 2 roads in Humansdorp that was part of their original appointment. The bulk of the Phase 2 roads construction will only commence in the 24/25 FY. 11 April 2024: Tender for Phase 2 to be advertised March 2025 as the bulk of the 24/25 FY MIG funding will go to the Kwanomzamo WWTW Upgrade. 07 May 2024. Status as above. 10 June 2024: Draft tender document being prepared. The gravel road phase 2 will only be advertised in March 2025 as the bulk of the MIG Funding will go to Kwanomzamo WWTW in this FY. 10 Oct - The list of roads is being finalised according to the IDP and EAS engineering studies. The tender document will be prepared for March 2025. Planning of R150 000 underway. 28 November 2024 (JdT): Additional roads added to list.	PMU Manager	In progress
31-May-23	**23/05/I&E3**	**REGISTERING OF NEW PROJECTS ON MIG**	That a Transversal Committee be appointed, and that their minutes be referred to the Mayoral Committee for oversight purposes.	No action taken yet.	Committee members to be identified by relevant directorates. The purpose of this committee is hopefully to ensure that MIG projects represent KLM in a holistic manner. 11 April 2024: This Item to be escalated to Director Level. 10 June 2024. As above. PMU Manager and Director to finalize and submit proposals via next Portfolio Committee meeting.The registry of MIG projects has gone through portfolio committee, Mayoral Committee and is before Council today. 13 August - List of MIG Projects to be submitted to Council (28 August) 15 October 2024: Projects approved at Council on 28 August 2024 and presented at the Municipal Adjudication Committee successfully. The project will next go to the DAC for final approval and MIG registration. 28 November 2024 (JdT): Projects approved at DAC and awaiting official letters from COGTA regarding the successful registration of the projects.	Manager PMU	Ongoing
28-Aug-24	**24/08/CWS5**	**APPROVAL FOR THE REGISTERING OF NEW PROJECTS ON MIG**	That a suitable Committee be established that will compile the criteria for and scrutinize projects accordingly.	Item has been tabled by all relevant commitees.	The Project approved at DAC (District Adjudication Committee) on Tuesday, 05 October 2024 to the value of R20m. We are now awaiting the official Project Approval Letters from COGTA which should be sent to us by end of November. 08/11/24 28 November 2024 (JdT): A Draft SOP for the Establishing of a Committee for the registering of new MIG projects was sent out to stakeholders on 05 November 2024 for comment. The Draft SOP will now be submitted to the the Next Portfolio Committee.	Manager PMU	In Progress

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM2**

APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIRPERSON AND MEMBER

1. **Introduction**

The purpose of this item is to approve the appointment of a Kouga Audit Committee Chairperson and member.

2. **Background**

As per the Kouga Audit Committee Charter, the Audit Committee is composed of three Audit Committee members, one of which is the Audit Committee Chairperson. The current Audit Committee Chairperson, Mr Gregory Billson passed away on 31 October 2024. As a result, there are currently two Audit Committee members and no Audit Committee chairperson.

3. **Discussion**

There is a current vacancy in the Audit Committee due to the passing of the appointed Chairperson. In the first quarter of the current (2024/2025) financial year, the municipality concluded the appointment process for a previous vacancy within the Audit Committee and which was subsequently filled.

As part of the abovementioned process, three candidates were shortlisted and considering the following:

- Qualifications
- Years of experience
- Experience in relation to existing audit committee composition.

The process concluded with the appointment of Mr Daniel J de Lange, who was ultimately appointed as a member of the Kouga Audit Committee by Council on 28 August 2024.

The current Audit Committee composition now lacks an experienced Audit Committee Chairperson with experience as both a member and chairperson of an Audit Committee.

Due to the recency of the abovementioned process and considering the current composition of the Audit Committee, it is proposed that the Council approve the appointment of Mr de Lange as the Chairperson of the Audit Committee. The legislative provisions referenced below provide that one of the members, who is not in the employ of the municipality, must be appointed as the chairperson of the Committee.

Mr de Lange has served on various Audit Committees as either a member or chairperson for 10 years. In addition, Mr de Lange has more than 30 years municipal finance experience at a senior management level.

As Mr. de Lange is a current member of the Audit Committee, his appointment as chairperson will result in an Audit Committee member vacancy.

As part of the abovementioned process, Mr Romano Moodaley was interviewed and obtained the second highest scoring, after Mr de Lange.

Mr Moodaley is a qualified chartered accountant with 10 years of experience at one of the big four Auditing firms as well as being the Finance and Risk Manager in his current role. Mr Moodaley has previously served on Kouga's Audit Committee and is thus familiar with the institution, it's risks and processes. It is therefore recommended that Council approve the appointment of Mr Romano Moodaley as a member of the Audit Committee.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Section 166 of the Local Government: Municipal Finance Management Act (No 56 of 2003)

6. **Legal Implications**

In accordance with the provision of Section 166 of the Municipal Finance Management Act (No 56 of 2003), each municipality is required to constitute an Audit Committee that will serve as an independent advisory body which must advise the Municipal Council, the Accounting Officer and the management of the Municipality.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Director: Planning & Development**

Not applicable

8.3 **Director: Civil & Water Services**

Not applicable

8.4 **Director: Electro-Mechanical Services**

Not applicable

8.5 **Director: Community Services**

Not applicable

8.6 **Deputy Municipal Manager**

Not applicable

8.7 **Municipal Manager**

Not applicable

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approves the appointment of Daniel J de Lange as Chairperson of the Kouga Audit Committee for the period in line with his current term (ending 31 August 2026).

10.2 That Council approves the appointment of Romano Moodaley as a member of the Kouga Audit Committee for a period of 2 years (ending 31 December 2026).

Item prepared by: Manager: Risk and Internal Audit

Item approved by: Municipal Manager

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Patensie
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Website: www.kouga.gov.za

INTERNAL MEMORANDUM

ENQUIRIES: I Fakir **EMAIL:** ifakir@kouga.gov.za

TO: Municipal Manager **FROM:** Manager: Internal Audit

DATE: 18 November 2024

SUBJECT: Appointment of Kouga Audit Committee Chairperson & Member

PURPOSE:

The purpose of this memorandum is to request the approval of the MM for the appointment of the Kouga Audit Committee chairperson and member.

BACKGROUND:

In accordance with the provision of Section 166 of the Municipal Finance Management Act (No 56 of 2003), each municipality is required to constitute an Audit Committee that will serve as an independent advisory body which must advise the Municipal Council, the Accounting Officer and the management of the Municipality.

Per the Kouga Audit Committee Charter, the audit committee is composed of three audit committee members, one of which is the audit committee chairperson. The current audit committee chairperson, Mr Gregory Bilson passed away on 31 October 2024. As a result, there are currently two audit committee members and no audit committee chairperson.

In the first quarter of the current (2024/2025) financial year, the municipality concluded the appointment process for a previous vacancy within the audit committee and which was subsequently filled.

As part of the abovementioned process, three candidates were shortlisted and considering the following:

- Qualifications
- Years of experience
- Experience in relation to existing audit committee composition.

The process concluded with the appointment of Mr. Daniel J. de Lange, who was ultimately appointed as a member of the Kouga Audit Committee by Council on 28 August 2024.

The current audit committee composition now lacks an experienced audit committee Chairperson with experience as both a member and chairperson of an audit committee.

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Website: www.kouga.gov.za

I would like to recommend that due to the recency of the abovementioned process and considering the current composition of the audit committee, Mr. Daniel J. de Lange be appointed as chairperson of the audit committee.

Daniel J. de Lange has served as a member of various audit committees as either a member or chairperson for 10 years. In addition, Mr. de Lange has more than 30 years municipal finance experience at a senior management level.

As Daniel J. de Lange is a current member of the audit committee, he's appointment as chairperson will result in an audit committee member vacancy.

As part of the same interview process mentioned above, Mr. Romano Moodaley was interviewed and scored second after Mr. Daniel J. de Lange.

Mr Moodaley is a qualified chartered accountant with 10 years of experience at one of the big four auditing firms as well as being the finance and risk manager at he's current employer. Mr Moodaley has previously served on Kouga's audit committee and is thus familiar with the institution, it's risks and processes. I would like to recommend the appointment of Mr. Romano Moodaley as member of the audit committee.

RECOMMENDATION:

1. That the Municipal Manager approves the appointment of Daniel J. de Lange as chairperson of the Kouga Audit Committee for a period of 2 years (ending 31 December 2026)

2. That the Municipal Manager approves the appointment of Romano Moodaley as a member of the Kouga Audit Committee for a period of 2 years (ending 31 December 2026)

Manager: Risk and Internal Audit

Municipal Manager

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM3**

LIQUOR LICENSE APPLICATIONS: DELEGATED AUTHORITY TO THE DEPUTY MUNICIPAL MANAGER

1. **Introduction**

The purpose of this item is for the Council's approval to delegate to the Deputy Municipal Manager the authority to administer liquor license applications.

2. **Background**

The Kouga Municipality has received a number of liquor license applications and receive applications on a continuous basis. To maintain the legislated timelines in respect of the liquor license applications received, it is advisable that the authority to administer the liquor license applications received, be delegated to the Deputy Municipal Manager, and more so during the period in which Council is in recess.

3. **Discussion**

In terms of the Local Government: Municipal Systems Act 32 of 2000, section 59(1) states that a municipal council must develop a system of delegation that will maximize administrative and operational efficiency and to provide for adequate checks and balances.

The Act further states in section 59(4) that any delegation or sub-delegation to a staff member of power conferred on a municipal manager must be approved by the municipal council in accordance with the system of delegation.

Section 53(5) of the Municipal Systems Act, when defining the respective roles and areas of responsibility of each political structure and political office bearer and of the municipal manager, the municipality must determine mechanisms, processes and procedures for minimizing cross-referrals and unnecessary overlapping of responsibilities between those political structures and political office bearers and the municipal manager.

Delegated powers do not absolve the Council or the Municipality from the responsibility of exercising powers or performing duties.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Local Government: Municipal Systems Act 32 of 2000
Delegation Register as approved by Council
Eastern Cape Liquor Act 10 of 2003
Eastern Cape Liquor Regulations, 2005

6. **Legal Implications**

Should the Council approve the proposed delegation herein, the Deputy Municipal Manager will be authorized and delegated to attend to the receipt, processing and consideration of liquor license applications received, and to resolve on the applications. Such delegated powers are, at all times, subject to the provisions of the approved Delegation Register of the Municipality.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approves the delegation, to administer liquor license applications, to the Deputy Municipal Manager.

Item prepared by Office Administrator: Office of the Speaker:

Item approved by the Municipal Manager:

Item noted by Speaker:

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM4**

APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: MERWE VAN DER WATT TRADING AS KUDU KAYA

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from Merwe van der Watt trading as Kudu Kaya.

2. **Background**

The application was received for a liquor trading registration certificate. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant Municipal Council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report, a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4.

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the minutes of the public participation process for the liquor license application.

10.2 That Council notes that the members of the public indicated a lack of support, including town planning who are not in support of the application.

10.3 That Council is advised that the applicant was informed of the internal service departments comments that are not in support of the application.

10.4 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.5 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item prepared by the: Deputy Municipal Manager: 

Item approved by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: MERWE VAN DER WATT, KUDU KAYA

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	10	**Suburb/Village**	RAMAPHOSA VILLAGE
City/Town	PATENSLE		
Municipality	KOUGA		
Ward Councillor	MBANDOMA MSINGATHI EDRACO		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | ~~NO~~
- there is/are places of worship within the prescribed radius — YES | ~~NO~~
- health and safety matters meet the minimum municipal requirements — YES | ~~NO~~

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
Noel Isaacs	Cambria	0789655638	[illegible]
Basel Jafta			
Jerico Zonke	Cambria	0732489812	V. Zonke
Zanile Januarly	Cambria		
Andre Zonke	Cambria	—	A Zonke
Eric Prins	Cambria	0736325846	[illegible]
Jacomino January	Cambria	0781365213	J January
Lenelia Zonke	Cambria		L Zonke
Shermoni Witbooi	Cambria	0634236371	S. Witbooi
Lee-Am Malgas	Cambria	0633778726	L Malgas
M. Smith	Cambria	0721992070	[illegible]
T. Smith	Cambria	0732447936	[illegible]
M v/d Watt	Cambria	0788306313	[illegible]
U. Koester	Cambria	0781490190	U. Koester
Z Piliso	Cambria	0781752152	Z Piliso
Lucian Kleinbog	Cambria	0781863258	[illegible]
MANDISI [illegible]	Cambria		[illegible]
Eric Prins	Cambria		
Hendrien Malga	Cambria	0782052806	Malgas
Zanile January	Cambria	07813452	Z January
Jacomino January	Cambria		JJ
Lucia Swarts	Cambria	0781400786	L Swarts
Una. Koester	Cambria	0657053696	[illegible]
Johannon			
Maria. Jafta	Cambria	0781491302	M. Jafta

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	~~Yes~~	No
4.2 Was the applicant afforded an opportunity to make representation	~~Yes~~	No
Please provide details	He requested that the community of Coscomb and Ward Committee assist and approve his application as per request.	

4.3 Were there any objections against the application?	~~YES~~	NO
Please provide details	SEE attached annexture "B" TITLED OBJECTIONS AND NAMES OF THE OBJECTORS	

4.4 Does the ward committee support the application?	YES	NO
Please provide details	See attached annexture "A" TITLED WARD COMMITTEE SUPPORT	

Signed at PATENSIE on this 29 day of OCTOBER 20 24

Signature: _____
(Chairperson of the Ward Committee)

Full Name: MSINGATHI GERALD
(Chairperson of the Ward Committee)

I certify that this document is a true copy of the original which was examined by my me and that, from my observations, the original has not been altered in any manner.

Ward Councillor's Official Date Stamp

pp Msingathi Mbandana
Commissioner of Oaths (RSA)
MJC Mbandana
33 Da Gama Road, Jeffreys Bay
Councillor Kouga Municipality (EC 108)
WARD 00

30/10/2024

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	YES	NO
Please provide details		

Signed at _____ on this _____ day of _____ 20____

Signature: _____
Speaker of Council or authorized person

Full Name: _____
Speaker of Council

Speaker of Council's Official Date Stamp

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To : OFFICE OF THE SPEAKER: Mr.B.Williams

RE : LIQUIOR LICENCE REPORT

DATE : 29 OCTOBER 2024

Kindly receive the supra stated that request that Mr. Van der Watt present him inform of the community of Cambria and the ward committee members who were present.

ANNEXTURE 1

No objection was made by the ward committee, they approved.

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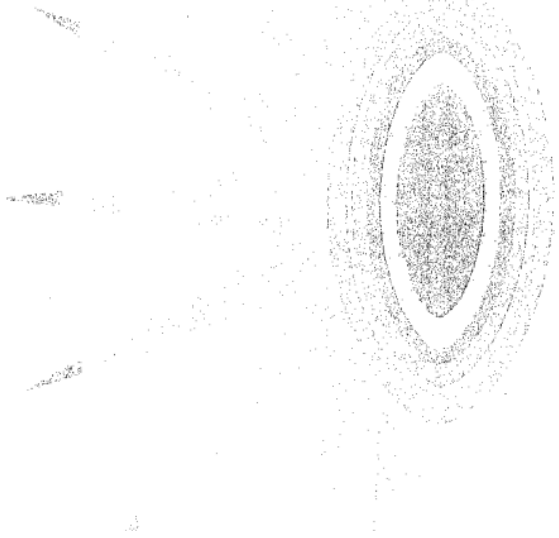
OBJECTION WAS MADE ATTENDANCE REGISTER ATTACHED.

Mr. Van der Merwe failed to explain how the community will benefit.
He also failed to discuss the safety of the community with a liquor bar or shop and accommodation will become a gangster spot to discuss their business without interference.
The consent of the community is not important to Merwe.
He used most of his coworkers to sign the letter in order to get the license some of them even signed twice and process was not handled the right way half of the community put their names on the list thinking that they signed the attendance register and the same lists are used of which is not legal.

Church members were not involved to get their views and concern about the liquor bar.



KOUGA
local municipality
Good Governance through Service Excellence

ATTENDANCE REGISTER

MEETING NAME: Public & Liquor Licence

VENUE: Cambria

DATE: 29 October 2024

TIME: 18H00

NAME	ORGANISATION	EMAIL/FAX	CONTACT #	SIGNATURE
WILTON ELMAR			0781400786	[signature]
Lucia SWARTS			0638582977	L Swarts
Nolene Witbooi				N. Witbooi
MITA ERASMUS				S. Booysen
Shurelda Booysen			0787844843	M. ERASMUS
Henrieta Malgas				H. Malgas
NICOLINE MENTOOR				N. MENTOOR
Jenovan Frommeli				[signature]
Gerrit [illegible]				[signature]
Celestin Malgas			0717428588	C Malgas
Hendriena Malgas			0782052806	Malgas
Gedion Zonke		gideonzonke0@gmail.com	0738323434	G. Zonke
Julius ZONKE	K.F.W.R	Julius2onkeagmail.com	0604449963	[signature]

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ATTENDANCE REGISTER

MEETING NAME: Public & Liquor Licence

VENUE: Cambria

DATE: 29 October 2024

TIME: 18H00

NAME	ORGANISATION	EMAIL/FAX	CONTACT #	SIGNATURE
Lucian Kleinbooi			0781863258	
Gerda Britz				
Nombeko Jafta			0638830080	N Jafta
Ismael Prins			0638830080	I Prins
Pieter Adams				
MANDISI David				
Una. Koester			0657053696	
Unala. Koester			0781490790	U. Koester
Nozuko Piliso			0781759501	N Piliso
Maria-Jafta			0781491302	M. Jafta
ER. Prins			0736325846	
Andric Zonke			-	A Zonke
Jerico Zonke			0782489312	J. Zonke

KOUGA
local municipality
Good Governance through Service Excellence

ATTENDANCE REGISTER

MEETING NAME: Public & Liquor Licence

VENUE: Cambria

DATE: 29 October 2024

TIME: 18H00

NAME	ORGANISATION	EMAIL/FAX	CONTACT #	SIGNATURE
Shermoni Witbooi			063 423 6371	SWitbooi
Lee-Ann Malgas			0633778726	LMalgas
Lenelia Zonke				Zonke
Jacoming January			0781345213	JJanuary
Zamile January				ZJanuar
Noël Isaacs	ECPTA	Janketaar.Isaacs78@gmail.com	0789455638	[illegible]
Basel Jaffa				
Mzwandile Solilo	Ward Comm Member	Mzwandile.Solilo2003@gmail.com	0839561980	[illegible]
Magdalene Claassen	Ward Comm Member		0719964323	M. Claassen
Gcobisa Bell	Ward. Comm. Member	gcobisabell511@gmail.com	0737361479	[illegible]
H. Nelson	Ward Comm Memb		0197897358	H Nelson

COMMENTS FROM INTERNAL SERVICE DEPARTMENTS: KUDU KAYA

Name of Business:	KUDU KAYA
Type of Business:	VENUE
Applicant:	MR. MERWE VAN DER WATT
Address:	PORTION 56 OF FARM ONVERWACHT 12 YSRIVIER FARM CAMBRIA
Type of Application:	ON CONSUMPTION

DIRECTORATE: COMMUNITY SERVICES & PLANNING AND DEVELOPMENT DEPARTMENTAL INPUTS / COMMENTS: LIQUOR LICENSE APPLICATION
LAW ENFORCEMENT:
- An application for liquor license is **supported**, as the inspection revealed no safety concerns.
TRAFFIC SERVICES:
- The inspection conducted revealed that the premises has enough parking space, and the application is therefore **supported.**
ENVIRONMENTAL HEALTH:
- The premises does comply with all relevant environmental health requirements. The liquor licence application is **supported** subject to compliance with all relevant requirements of the local authority or any other applicable legislation.
FIRE SERVICES:

- A1- OCCUPANCY (ENTERTAINMENT AND PUBLIC ASSEMBLY)
- An inspection was conducted at premises on Monday 4 November 2024 and the fire department can **support** as per the following conditions:
  - At least one 4.5kg DCP of a 5kg CO2 fire extinguisher be installed with approved signage and kept in an annual serviced condition as there is none.
  - A designated emergency assembly point be indicated on the premises.
  - An emergency plan with relevant contact numbers be visible at the venue.
  - A Manual fire alarm which produces audible and visual alarm be installed as per section 4.31 of SANS 10400 Part T requirement for A1 occupancy.
  - Town planning to confirm if consent use or portion have been rezoned for the purpose of a venue.

TOWN PLANNING
- Application is **not supported**. - The subject property is zoned Residential Zone 1, where sale of liquor on the property may only be undertaken with approved Consent Use or Temporary Departure in terms of the By-Law / Scheme. - Available records reflect that there is no approval for Consent Use or Temporary Departure, and as such the property has no existing rights to facilitate any sale of liquor.
BUILDING CONTROL
- **Not supported**: The municipality has no record of approved plans.
PUBLIC PARTICIPATION
Mr. Van der Merwe failed to explain how the community will benefit. He also failed to discuss the safety of the community with a liquor bar or shop and accommodation will become a gangster spot to discuss their business without interference.

The consent of the community is not important to Merwe. He used most of his coworkers to sign the letter in order to get the license some of them even signed twice and the process was not handled the right way half of the community put their names on the list thinking that they signed the attendance register and the same lists are used which is not legal.
Church members were not involved to get their views and concern about the liquor bar.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM5**

APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: MR E SEKULA TRADING AS BRE BROS GRILL

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from Mr. Sekula trading as Bre Bros Grill.

2. **Background**

The application was received for a liquor trading registration certificate. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received are marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the Municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes that no minutes of the public participation process held for the liquor license application were submitted.

10.2 That Council is advised that the applicant was informed of the internal service departments comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified on the outcome of the Council Resolution.

Item approved by the: Deputy Municipal Manager 

Item endorsed by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: BRE BROS GRILL

FORM 2
[REG 3 (1)]

EASTERN CAPE LIQUOR ACT, 2003 (Act No.10 of 200)

NOTICE TO THE WARD COMMITTEES, GOVERNING BODIES OF EDUCATIONAL INSTITUTIONS AND PLACES OF WORSHIP, OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the Board in column 1 on BRE BROS GRILL

1	2	3	4
Name and number of Ward	**Kind of registration applied for**	**Kind of liquor to be sold**	**Name under which business is to be conducted and particulars of the erf, street or farm**
KOUGA WARD 14	ALL KINDS OF LIQUOR ON CONSUMPTION	ON AND OFF ALL KINDS	16 LOTS PARK CRESCENT RESTAURANT

Place : WARD OFFICE

Date : 16/10/2024

Signature of applicant or person authorized to sign application

KOUGA MUNICIPALITY
WARD / WYK 14 COUNCILLOR
M. YALI
TEL : 042 200 2200

RECEIVED BY : MZWANDILE YALI
(Full Names)

INSTITUTION : KOUGA WARD 14

SIGNATURE :

DATE : 16/10/2024

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

_____

EASTERN CAPE LIQUOR BOARD

___BRE BROS GRILL_____

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	14	**Suburb/Village**	PELLSRUS
City/Town	JEFFREYS BAY		
Municipality	KOUGA MUNICIPALITY		
Ward Councillor	MZWANDILE YALI		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | ~~NO~~
- there is/are places of worship within the prescribed radius — YES | ~~NO~~
- health and safety matters meet the minimum municipal requirements — ~~YES~~ | NO

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
Mitchel Treurnich	4 loots Park Cresent	042 293 2865	MR. Treurnich
GLEN DIAZY	7 LOOTS PARK CRESCENT	082 325 8325	[illegible]
Derrik Boersma	16 Loots Park Crescent	0422931939	[illegible]
Louise Mdidimba	22 Dias Road	0604063113	[illegible]
Shamim	China Shop	042538297	[illegible]
Hestia Uys	29 Lootspark	0836594565	[illegible]
John Pretorius	25 Lootspark	0664004562	[illegible]
[illegible]	25 LOOTSPARK	0769459978	[illegible]
Joseph Kanyemba	6 Loots park Crescent	0617876191	[illegible]
SATU	25 Tornvn str	073 740 3130	SATU
Rayno	13 Tonguis	0836632303	[illegible]
Jenovia	14 Tonguis	—	[illegible]
Martha	12 Tonguis	0836632303	M.V. Egate
L.P. [illegible]	No 2 - Lootspark	0828715102	[illegible]
DONOVAN PERILS	42 KAPENAAR STR.	0726524597	[illegible]
ENDRID POTGIETER	TONGUIS STR	0839295880	[illegible]
GERHARD KROOPEL	22 DOLFYNSTRAAT	0818519264	[illegible]

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	~~Yes~~	**No**
4.2 Was the applicant afforded an opportunity to make representation	~~Yes~~	**No**
Please provide details		

4.3 Were there any objections against the application?	**YES**	~~NO~~
Please provide details		

4.4 Does the ward committee support the application?	~~YES~~	**NO**
Please provide details		

Signed at JEFFREYS BAY **on this** 11 **day of** NOVEMBER **20**24

Signature: _____
(Chairperson of the Ward Committee)

Full Name: MZWANDILE YALI
(Chairperson of the Ward Committee)

KOUGA MUNICIPALITY
WARD / WYK 14 COUNCILLOR
M. YALI
TEL : 042 200 2200

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	**YES**	**NO**
Please provide details		

Signed at _____ **on this** _____ **day of** _____ **20**____

Signature: _____
Speaker of Council or authorized person

Full Name: _____
Speaker of Council

Speaker of Council's Official Date Stamp

COMMENTS FROM INTERNAL SERVICE DEPARTMENTS

Name of Business:	**BRE BROS & GRILL**
Type of Business:	**RESTAURANT**
Applicant:	**MR. ERNEST SUKULA**
Address:	**16 LOOTSPARK CRESCENT** **PELLSRUS** **JEFFREYS BAY**
Type of Application:	**ON CONSUMPTION**

DIRECTORATE: COMMUNITY SERVICES & PLANNING AND DEVELOPMENT

DEPARTMENTAL INPUTS / COMMENTS: LIQUOR LICENSE APPLICATION

LAW ENFORCEMENT:

- An inspection conducted revealed that the premises is in the industrial area of Pellsrus. No safety issues have previously been noted in this specific area; therefore, the application can be **supported.**

TRAFFIC SERVICES:

- The inspection conducted revealed that the premises has sufficient parking space, and the application is therefore **supported.**

ENVIRONMENTAL HEALTH:

- Lighting & Ventilation: Insufficient lighting & ventilation.
- Waste management: No designated refuse storage area. There is a wheelie bin available for the storage of refuse only.
- Ablution facilities: Adequate ablution facilities. Newly fitted toilets at the premises.
- Disability access & facilities: There is a wooden obstruction at the entrance of the premises which makes it difficult for disabled persons to access the premises. There is also no disabled toilet.
- General health and hygiene: It is noted in the application that the premises is to be used as a restaurant and not only to sell liquor, therefor it needs to comply to Regulation 638. Currently the kitchen and the premises does not comply to this regulation. Therefore, the application is **not supported.**

FIRE SERVICES:

- The premises is zoned as Industrial 1 according to OVVIO.
- An inspection was conducted that revealed the following and the application **cannot be supported**.

- Fire protection equipment is not up to standard and services are overdue for more than 2 years.
- Alternative exit door is not compliant with standards and not readily accessible.
- There is internal constructions that are mostly of combustible timber.
- Tripping hazard at main entrance and exit.
- No manual fire alarm system as per section 4.31 of SANS 10400 Part T.
- It is recommended that a consent use application be lodged with town planning and submit building plan for approval, inclusive of fire plan in accordance requirements of A1 occupancy.

BUILDING CONTROL

- **Not supported**
- No building plan in the archive and nothing on OVVIO.
- The applicant has to submit a building plan to Building Control for approval.

TOWN PLANNING

- Application is **not supported.**
- The subject property (Erf 6803, Jeffreys Bay) is zoned Industrial Zone 1 which does not permit a place of entertainment or restaurant.
- There is no record of land use approval available which may facilitate an allowance for sake of liquor for on-site consumption.

PUBLIC PARTICIPATION

The chairperson said that there is a liquor license application received, known as Bre Bros Grill restaurant from Mr E Sekula. He indicated that the restaurant is located at 16 Lootspark Crescent, Pellsrus, Jeffreys Bay in the industrial area of Ward14. The chairperson informed the committee that Mr Sekula has had a meeting with some community members close to the area and that there was a registred drinking pub in that area, but the owner renovated it into a Tshisa Nyama restaurant. The chairperson further stated that the the restaurant is going to be a tourist attraction destination. The meeting agreed and supported the application of the liquor license for the Bre Bros Grill.

No minutes of consultative meeting with the public (report) submitted in terms of section3(2) of the By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licensed Undertakings and matters incidental thereto read together with Section22(2)(d)(i) of the Eastern Cape Liquor Act 10 of 2003.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM6**

APPLICATION OF THE INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION: FROM ELSABE RADAMEYER TO FRANCOIS DE RANDT: HAVANA SPORTS CLUB

1. **Introduction**

The purpose of this item is for Council to consider the application of the intention to apply for transfer of certificate of registration received from Francois Du Randt, Havana Sports Club.

2. **Background**

The application was received for liquor trading registration certificates. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) and Form 8 was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the Municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it

objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulation, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to Annexure A

8.6 **Deputy Municipal Manager**

Refer to Annexure A

8.7 **Municipal Manager**

Refer to Annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council takes note that no minutes of the public participation process held was submitted.

10.2 That Council is advised that the applicant was informed of the internal service department comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item approved by the: Deputy Municipal Manager 

Item endorsed by the: Municipal Manager: 

Item noted by Speaker: 

Annexure A: HAVANNA SPORTS BAR

FORM 8
[Reg 10 (1)]

EASTERN CAPE LIQUOR ACT, 2003 (Act No. 10 of 2003)

NOTICE TO THE WARD COMMITTEES OF INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the Board in column 1 on .....

1	2	3
Name and address of current holder	**Name and address of prospective holder**	**Name under which business is conducted and particulars of the erf, street or farm**
Elsabe Maria Radomeyer 157 Dawnview crescent Paradys Strand 6330	Francois Jean Da Rand 7A Radthart crescent Jeffreysbay 6330	Havanna Sports Rib 27A Da Gama Road Jeffreys Bay 6330 Panorama Complex Erf 300

Place : Jeffreys Bay

Date : 2024/04/04

.....
Signature of applicant or person authorized to sign application

RECEIVED BY : Andries Stephanus Heystek
(Full names)

INSTITUTION : Kouga Municipality

SIGNATURE : A.S. Heystek

DATE : 5/4/24

KOUGA MUNICIPALITY
WARD / WYK 11 COUNCILLOR
A.S. HEYSTEK
TEL : 042 200 2200

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with Regulations 3 provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

Hawaiian Sports Bar (PTY) Ltd (2004/075364/07)

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	11	Suburb/Village	Jeffreys Bay
City/Town	Jeffreys Bay		
Municipality	Kouga Local Municipality		
Ward Councillor	Fanie Heystek		

The community is fully aware of Regulation 5 of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius YES | NO
- there is/are places of worship within the prescribed radius YES | NO
- health and safety matters meet the minimum municipal requirements YES | NO

3. **ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION**

Form 2A
(Reg. 3)

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
Kalima Pratap	7305 Blade Mzimande	0659135369	[signature]
Rain Ali	~~[illegible]~~ Ocean View		
	27 Da Gama Road	0747577115	[signature]
REBAS			
Mohammed	Tasty Foods	0694898179	[signature]
	National Cellular	0617173905	[signature]
Tiron Bijen	Anchor Down	060 6956530	[signature]
Ernest Sukuca	FRESHPRIDE/Q GOEDEHOOR	083 5463318	[signature]
Razi	STREET		[signature]
Gairen	Doit cellular No1	0651020304	[signature]
Gairen	DSTV	0632364713	[signature]
Jan Stadler	20 Dagama	061 712 6438	[signature]

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting		**Yes**	**No**
4.2 Was the applicant afforded an opportunity to make representation		**Yes**	**No**
Please provide details			

4.3 Were there any objections against the application?		**YES**	**NO**
Please provide details			

4.4 Does the ward committee support the application?		**YES**	**NO**
Please provide details			

Signed at Jeffreysbay **on this** 1 **day of** October **20** 21.

Signature: _____
(Chairperson of the Ward Committee)

Full Name: Andries Stephanus Heystek
(Chairperson of the Ward Committee)

KOUGA MUNICIPALITY
WARD / WYK 11 COUNCILLOR
Ward Councillor's Official Date Stamp
A.S. HEYSTEK
TEL : 042 200 2200

INTERNAL SERVICE DEPARTMENTS COMMENTS

Name of Business:	**HAVANA SPORTS BAR**
Type of Business:	**CLUB**
Applicant:	**FRANCOIS DU RANDT**
Address:	**27A DA GAMA ROAD** **JEFFREYS BAY** **6330**
Type of Application:	**ON CONSUMPTION**

DIRECTORATE: COMMUNITY SERVICES & PLANNING AND DEVELOPMENT **DEPARTMENTAL INPUTS / COMMENTS: LIQUOR LICENSE APPLICATION**
LAW ENFORCEMENT:
- The premises as zoned for business can be **supported.** It is an established business, and no safety / security issues have been encountered in the past. However, there have been reports of alleged fights taking place, but no criminal cases have been opened.
TRAFFIC SERVICES:
- The premises as zoned for business can be **supported.** Da Gama Road has adequate parking, and no vehicular overcrowding is anticipated.
ENVIRONMENTAL HEALTH:
- Lighting: Complies with lighting requirements. - Ventilation: Complies with ventilation requirements. - Waste management: Compliant. Refuse is stored in bins at a designated area at the back of the premise, pending removal. - Ablution facilities: Adequate ablution facilities. - Disability access & facilities: There are no disabled access ramps. The premises are accessed via a stairway. No disabled toilets (building was approved as such) General health and hygiene: Premise complies to general health and hygiene standards. Application is **supported.**
FIRE SERVICES:
- OVVIO ZONING – BUSINESS 2; A1 – OCCUPANCY (ENTERTAINMENT AND PUBLIC ASSEMBLY) - An inspection was conducted at premises on 25 October 2024 and the fire department **can support** with the following conditions: - All fire extinguishers to be serviced within 30 days and kept in an annual serviced condition as per legislative requirements. - A manual fire alarm that produces audible and visual alarm be installed with BAR/Restaurant as per section 4.31 of SANS 10400 Part T as per requirements for A1 occupancy. - The fire hose reel at back exit be serviced and rendered compliant as the current supply pipe is not compliant. The rear exit to be indicated as an emergency exit with approved signage. This door to be kept open when premises is occupied. The external travel path to be kept clear of obstructions.
TOWN PLANNING

Application for sale of liquor for onsite consumption is **supported**. The property is zoned Business Zone 2 in terms of Kouga Local Municipality Land Use Scheme, 2021 (the Scheme). Sale of alcohol for on-site consumption in an existing a Place of Entertainment is permitted as or right.

BUILDING CONTROL

This application is **not supported**. Unauthorised internal alterations were observed. Building plans must be submitted for approval. Final as-builts must depict the reality of the entire premises. The most current occupancy certificate dates back to 23 May 2008; Corresponding plan numbers are 0536-06-07 (plan missing from archives, owner must provide) and 0102-07-08. Water seepage observed at deck roof. Roofs must be durable and must not allow the penetration of rainwater or any other surface water to its interior.

PUBLIC PARTICIPATION

A Ward Committee Meeting was held on 08 October 2024 -Form 8 Transfer - Ward 11 committee decided to **support** since the liquor application was a transfer. Taking into consideration the feedback from the various relevant internal Kouga department and the potential future amendment of the decision.

No minutes of consultative meeting with the public (report) submitted in terms of section3(2) of the By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licensed Undertakings and matters incidental thereto read together with section22(2)(d)(i) of the Eastern Cape Liquor Act 10 of 2003.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM7**

APPLICATION OF THE INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION: FROM WILDUSO 173 (CURRENT HOLDER) TO MR & MRS DROTSCHIE (PROSPECTIVE HOLDERS) IN RESPECT OF JBAY BRU CO

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from Mr G Pretorius on behalf of Mr and Mrs Drotschie.

2. **Background**

The application was received for the liquor trading registration certificate from Jbay Bru Co to Mr and Mrs Drotschie. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant Municipal Council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the Municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report, a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes that no minutes of the public participation process held for the liquor license application was submitted.

10.2 That Council is advised that the applicant was informed of the internal service department comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item approved by the: Deputy Municipal Manager 

Item endorsed by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: JBAY BRU CO

FORM 8
[Reg 10 (1)]

EASTERN CAPE LIQUOR ACT, 2003 (Act No. 10 of 2003)

NOTICE TO THE WARD COMMITTEES OF INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the Board in column 1 on ....04/11/2024....

1 Name and address of current holder	2 Name and address of prospective holder	3 Name under which business is conducted and particulars of the erf, street or farm
WILDUSO 173 22 BLAAUKRANS JEFFREYS BAY 6330	JBAY BRU CO 15 PALM CRESCENT JEFFREYS BAY 6330	JBAY BRU CO 10 DA GAMA RD JEFFREYS BAY 6330

Place : JEFFREYS BAY

Date : 30/10/2024

.....
Signature of applicant or person authorized to sign application

RECEIVED BY : Andries Stephanus Heystek
(Full names)

INSTITUTION : Kouga Municipality

SIGNATURE : .....

DATE : 30/10/24

KOUGA MUNICIPALITY
WARD / WYK 11 COUNCILLOR
A.S. HEYSTEK
TEL : 042 200 2200

JBAY BRU CO 10 DA GAMA RD
ECP 20886/90466/ON
TRANSFER APPLICATION
LODGEMENT DATE 4/11/2024

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) ("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	11	**Suburb/Village**	Jeffreys Bay
City/Town	Jeffreys Bay		
Municipality	Kouga Local Municipality		
Ward Councillor	A. S. Heystek		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | NO
- there is/are places of worship within the prescribed radius — YES | NO
- health and safety matters meet the minimum municipal requirements — YES | NO

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
Leandra Zietsman	6 Woltemade str, JBay	042-2006832	Zietsman
Minnilize de Lange	6 Woltemade str, JBay	042-2006822	
Madelein Zeasman	6 Wollemade str JBay	042-2006824	
Charne' Gradwell	10 Da Gama Rd, JBay	0842290691	
Petrolene Blou	7 Da Gama Rd JBay	062 352 8060	
Kristin Jackson	7 Da Gama Rd JBay	062 378 7579	Jackson.
Antonia Natal	7 Da Gama Rd JBay	078 550 2043	A. Natal
J.G.V.D. WALT	8 DA GAMA JBAY	083 304 6155	

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	Yes	~~NO~~
4.2 Was the applicant afforded an opportunity to make representation	Yes	~~NO~~
Please provide details		

4.3 Were there any objections against the application?	YES	~~NO~~
Please provide details		

4.4 Does the ward committee support the application?	~~YES~~	NO
Please provide details		

Signed at Jeffreysbay on this 8 day of November 20 24

Signature: _____
(Chairperson of the Ward Committee)

Full Name: A.S. Heystek
(Chairperson of the Ward Committee)

KOUGA MUNICIPALITY
WARD / WYK 11 COUNCILLOR
A.S. HEYSTEK
TEL : 042 200 2200

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	YES	NO
Please provide details		

Signed at _____ on this _____ day of _____ 20____

Signature: _____
Speaker of Council or authorized person

Full Name: _____
Speaker of Council

INTERNAL SERVICE DEPARTMENTS: JBAY BRU CO

Name of Business:	**JBAY BRU CO.**
Type of Business:	**RESTAURANT**
Applicant:	**CECELIA & NICO DROTSCHIE**
Address:	**10 DA GAMA ROAD** **JEFFREYS BAY**
Type of Application:	**ON CONSUMPTION**

DIRECTORATE: COMMUNITY SERVICES & PLANNING AND DEVELOPMENT **DEPARTMENTAL INPUTS / COMMENTS: LIQUOR LICENSE APPLICATION**
LAW ENFORCEMENT
- An application for liquor license is **supported**, as the inspection revealed no safety concerns.
TRAFFIC SERVICES:
- The inspection conducted revealed that the premises has enough parking space, and the application is therefore **supported.**
ENVIRONMENTAL HEALTH:
- Lighting & Ventilation: Complies with lighting & ventilation requirements. - Waste management: Compliant. Premises has a designated refuse storage area with wheelie bins. - Ablution facilities: Adequate ablution facilities. - Disability access & facilities: There is a disabled access ramp, however there is no disabled toilet at the premises. - General health and hygiene: Premise complies to general health and hygiene standards. - The application is **supported.**
FIRE SERVICES:
Premises zoned as Business 1 according to OVVIO. Note that there has been a Land use application lodged and building plan submission. An inspection was conducted at the said premises on 19 November 2024. This is an existing restaurant, and the fire department can **support** with the following conditions only: - Fire protection plan to be submitted with the building plan submission in accordance with requirements for A1 occupancy. The current application does not have a fire plan submission which makes the building plan application already submitted as unsupported by our department. - Existing fire protection equipment to be serviced before end of November 2024 and kept in an annual serviced condition. - Signage to be placed near LPG shut-off valves for it to be visible. - New owners to apply for Annual flammable storage certificate for LPG more than 100kg on the premises as per fire services bylaw and SANS 10087.

- Manual fire alarm to be installed which produce audible and visual alarm as per fire protection requirements for A1 occupancies, SANS 10400 Part T section 4.31

BUILDING CONTROL

- **Not supported**
- No building plan in the archive and nothing on OVVIO.
- The applicant to submit a building plan to Building Control for approval.

TOWN PLANNING

- Application is **supported.**
- The subject property is zoned **Business Zone 1** where a restaurant is permitted in terms of the Scheme.
- Sale of liquor for on-site consumption in existing restaurants is generally allowed subject to satisfaction of scheme provisions.

PUBLIC PARTICIPATION

No minutes of consultative meeting with the public (report) submitted in terms of section3(2) of the By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licensed Undertakings and matters incidental thereto read together with Section22(2)(d)(i) of the Eastern Cape Liquor Act 10 of 2003.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM8**

APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JOHN MORE TRADING AS THE RIPPLE HILL HOTEL

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from John More trading as The Ripple Hill Hotel.

2. **Background**

The application was received for liquor trading registration certificate. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report, a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes that no minutes of the public participation process for the liquor license application was submitted.

10.2 That Council is advised that the applicant was informed of the internal service department comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item prepared by the: Deputy Municipal Manager 

Item approved by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: JOHN MORE, RIPPLE HILL HOTEL

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	13	**Suburb/Village**	Potensie
City/Town	Potensie		
Municipality	Kouga		
Ward Councillor	VUYANI CORNELIUS ZAMA		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | (NO)
- there is/are places of worship within the prescribed radius — YES | (NO)
- health and safety matters meet the minimum municipal requirements — (YES) | NO

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
ARNO Nel	Erf 406	083598774	[signature]
Herman Vermaak	Paul Ferreira 32	[illegible]	
Isabel Moore	Erf 137, Paul Ferreira Way	0836214284	[signature]
[illegible]			
George	Stasie huis # 6, Paul Ferreira	0848032677	[signature]
Sus	Stasie huis # 3, Paul Ferreira		[signature]
Monica Davids	Lapbuys furniture, Paul Ferreira	0730409796	[signature]
Bernie Vermaak	Paul Ferreira Way Erf 276	0823743657	[signature]
VUYAMI [illegible]	Sb GUGA [illegible]	0718575601	[signature]

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	**Yes**	**No**
4.2 Was the applicant afforded an opportunity to make representation	**Yes**	**No**
Please provide details		
	N/A	

4.3 Were there any objections against the application?	**YES**	**NO**
Please provide details		

4.4 Does the ward committee support the application?	**YES**	**NO**
Please provide details		

Signed at Hankey **on this** 11th **day of** Sep **20** 24

Signature: _____
(Chairperson of the Ward Committee)

Full Name: VUYANI ZANA
(Chairperson of the Ward Committee)

KOUGA MUNICIPALITY
WARD / WYK 13 COUNCILLOR
Ward Councillor's Official Date Stamp
V.C. ZANA
TEL : 042 200 2200

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	**YES**	**NO**
Please provide details		

Signed at _____ **on this** _____ **day of** _____ **20**____

Signature: _____
Speaker of Council or authorized person

Full Name: _____
Speaker of Council

Speaker of Council's Official Date Stamp

COMMENTS FROM INTERNAL SERVICE DEPARTMENTS:

Name of Business:	**RIPPLE HILL HOTEL**
Type of Business:	**HOTEL**
Applicant:	**MR. JOHN MOORE**
Address:	**ERF 274** **PAUL FEREIRRA STREET** **PATENSIE**
Type of Application:	**ON & OFF CONSUMPTION**

THE RIPPLE HILL HOTEL, PATENSIE
DEPARTMENTAL INPUTS / COMMENTS

TOWN PLANNING:
The application for sale of liquor for on-site consumption is **supported**. Although the property is zoned Residential Zone 3 in terms of Kouga Local Municipality Land Use Scheme, 2021 (the Scheme), the application is understood to relate to an existing hotel where sale of alcohol particularly for on-site consumption is permitted. -Sale of liquor for off-site consumption is however **not permitted** on Residential Zone 3 and therefore not supported without any appropriate approval in terms of Section 108 of the Spatial Planning & Land Use Management By-law, Kouga Municipality, 2016 read with the Scheme.
BUILDING CONTROL:
Application for sale of liquor for on-site consumption is **not supported**. No record of approved building Plans available. No record of building plan applications submitted on OVVIO in the past 20 years
LAW ENFORCEMENT:
An inspection was conducted and revealed the premises is an existing business operational as a hotel. No complaints or safety concerns have been encountered in the past; therefore, application can be **supported.**
TRAFFIC SERVICES:
- The inspection conducted revealed that the business in use is a hotel and is an existing hotel for years. Ample parking space and the application is therefore **supported.**
ENVIRONMENTAL HEALTH:
- Lighting: Complies with lighting requirements. - Ventilation: Complies with ventilation requirements. - Waste management: Compliant. There is a designated refuse storage area. Refuse is stored in wheelie bins pending removal from municipality. - Ablution facilities: Adequate ablution facilities. - Disability access & facilities: There are no disabled access ramps or disabled toilets (building was approved as such).

General health and hygiene: Premises complies to general health and hygiene standards and the application can be **supported.**

FIRE SERVICES:

- OVVIO ZONING – RESIDENTIAL ZONE 3; A1- OCCUPANCY (ENTERTAINMENT AND PUBLIC ASSEMBLY)

- An inspection was conducted at premises on 25 October 2024 and the fire department can **support** as per the following conditions:

- All fire extinguishers to be serviced within 30 days and kept in an annual serviced condition as per legislative requirements.

- A manual fire alarm that produces audible and visual alarm be installed with BAR/Restaurant as per section 4.31 of SANS 10400 Part T as per requirements for A1 occupancy.

If usage is in line with town planning land use scheme.

PUBLIC PARTICIPATION

Ward Committee Meeting held on 10 October 2024 - Ripple Hill Hotel Applied for off sale.

- Mr Mantla Supports the application with the Committee at large.

No minutes of consultative meeting with the public (report) submitted in terms of section3(2) of the By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licensed Undertakings and matters incidental thereto read together with Section22(2)(d)(i) of the Eastern Cape Liquor Act 10 of 2003.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM9**

APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: SABELO ZOYA TRADING AS EMACETHENI, JEFFREYS BAY

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from Sabelo Zoya trading as Emacetheni.

2. **Background**

The application was received for a liquor trading registration certificate. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the Municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes that no minutes of the public participation process for the liquor license application was submitted.

10.2 That Council is advised that the applicant was informed of the internal service departments comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item prepared by the: Deputy Municipal Manager 

Item approved by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: SABELO ZOYA, EMACETHENI

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	14	**Suburb/Village**	Ocean View
City/Town	Jeffreys Bay		
Municipality	Kouga		
Ward Councillor	Mzwakhe Yali		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | ~~NO~~
- there is/are places of worship within the prescribed radius — YES | ~~NO~~
- health and safety matters meet the minimum municipal requirements — YES | ~~NO~~

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
N DAMANE	7358 OCIENE VIEW	0737157337	N Damane
BUKELWA BUWA	7357 OCEAN VIEW	0832379557	BBuwa
Thombethaya	7361 Byers Nadu	0735768136	[illegible]
Xoliswa Tokwe	7361 Byers Nadu	0735486509	X. Tokwe
Bell	7362 Beyers Nandu	0632711348	T Bell
ERIC BELL	7362 BEYERS Nandu	0834647140	[illegible]
Theiona Pieterse	7054 Greffenmaeg	0727305276	[illegible]
LUKAS WILLIAMS	7053 GRIFFITH MXENGE	0844898742	[illegible]
ZUKISWA NDINISA	7055 Griffiths Mxenge	0782852767	[illegible]
R Groot Boom	7054 GRIFFIS MXENGE	0720704297	[illegible]
Skati	169 Ocean View	0735277036	[illegible]
BONGIKE YOLONIYA	7318 Griffis Mxeng	0782673903	[illegible]
[illegible]			
Thanduxolo	328 Ocean View	0787451636	T Mbulawa
Chantell Walters	11 Ocean View	0836186572	C.C. Walters
Sanwabise Koyo	15 Ocean View	0782289715	M Koyo
[illegible]	7064 Ocean View	0782117513	[illegible]
LUTHANDO MAZANTSI	7361 BEYERS NAD	0715134490	[illegible]
Ntemboko Ngoi	178 Ocean View ebumnyamen	0763269581 5	[illegible]
[illegible]	E227 Ocean View Ebumnyamen	0739638710	M Mazesiwe
APIWE QAMNGWANA	7360 Griffiths Mxenge	0711961981	[illegible]
Zandiaila Ncamane	167 Ocean View	0735070207	[illegible]
Mziyanda Nzima	166 Ocean View	0787233730	MAD
ZONDANI MALUNGISA	E173 OCEAN VIEW	0732645191	[illegible]
SWARTBOOI NOMTHANDAZO	E170 Ocean View	0735795704	N. Swartbooi
Diki Luvuyo	E172 Ocean View	0789094207	[illegible]
Singa Matiwane	E320 Ocean View	0836516426	[illegible]
Nezile Dyonasha		0682792445	N Dyonasha
Azola [illegible]	E168 Ocean View	0838964279	[illegible]
Siya Gosani	315 Ebumnyamen Ocean	0723987101	[illegible]
Theo Jonvorie	7062 Ocean View	0736581607	T. Jonvorie
Michelle	7062 Ocean View	0737545100	M. Goliath
Nolene Kriger	7062 Ocean View	0823550612	N. Kriger
Fileda Klaas	7071 Ocean View	0785320013	[illegible]

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	**Yes**	**No**
4.2 Was the applicant afforded an opportunity to make representation	**Yes**	**No**
Please provide details		

4.3 Were there any objections against the application?	**YES**	**NO**
Please provide details		

4.4 Does the ward committee support the application?	**YES**	**NO**
Please provide details		

Signed at Jeffreys Bay **on this** 01 **day of** 10 **20**24

Signature: _____
(Chairperson of the Ward Committee)

Full Name: Mzwandile Yon
(Chairperson of the Ward Committee)

I certify that the Deponent has acknowledged that he/she knows and understands the content of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and signed before me
at Jeffreys Bay on this the 01 day of 10 2024

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	**YES**	**NO**
Please provide details		

Signed at _____ **on this** _____ **day of** _____ **20**____

Signature: _____
Speaker of Council or authorized person

Full Name: _____
Speaker of Council

Speaker of Council's Official Date Stamp

COMMENTS FROM INTERNAL SERVICE DEPARTMENTS:

Name of Business:	**EMACETHENI**
Type of Business:	**BOTTLE STORE**
Applicant:	**MR. SABELO ZOYA (073 064 7473)**
Address:	**7359 OCEAN VIEW DRIVE,** **OCEAN VIEW** **JEFFREYS BAY** **6330**
Type of Application:	**ON & OFF CONSUMPTION**

EMACETHENI
DEPARTMENTAL INPUTS / COMMENTS

TOWN PLANNING:

- The application is **Not Supported**.
- The subject property is zoned Residential Zone 1, where sale of liquor on the property may only be undertaken with approved Consent Use or Temporary Departure in terms of the By-Law / Scheme.
- Available records reflect that there is no approval for Consent Use or Temporary Departure, and as such the property has no existing rights to facilitate any sale of liquor.

BUILDING CONTROL:

- The application is **Not Supported**.
- No record of building plan applications on Ovvio nor in the archives.
- A building plan will need to be formally submitted to consider approval.
- It is noticed on Ovvio that erf 7359 Jeffreys Bay belongs to the Municipality and not to the person doing the application.

LAW ENFORCEMENT:

OVVIO indicates property is zoned as Residential 1, and that the owner is Kouga Municipality. The application for on & off consumption is **not supported**, since the property is not zoned as business.

TRAFFIC SERVICES:

The application is **not supported** for on & off consumption. No parking for customers is available, which could cause congestion of traffic.

ENVIRONMENTAL HEALTH:

An inspection was conducted on Friday 18 October 2024 revealed that the property does not comply with Parts S, U & O of SANS 10400, and the zoning is residential, which does not allow the applicant to conduct business from a residentially zoned property. The application is **not supported**.

FIRE SERVICES:

An inspection was conducted on Thursday 17 October 2024 indicated the following:
OVVIO indicates property as zoned residential 1 and the Kouga Municipality as the owner.
The Fire department **cannot support** the application in accordance with information received indicating on/off consumption. For on or off consumption there needs to be an application for consent to operate and a building/ fire plan be submitted indicating the usage and compliance to building and fire safety regulations.

PUBLIC PARTICIPATION

The ward committee **disapproves** the request on Emacetheni bottle store due to that area is not being safe. People are driving recklessly, there are shooting happening in that area and the bottle store will create more crime. It will not assist the community in anything.

No minutes of consultative meeting with the public (report) submitted in terms of section3(2) of the By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licensed Undertakings and matters incidental thereto read together with section22(2)(d)(i) of the Eastern Cape Liquor Act 10 of 2003.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/MM10**

APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: LUKAS COETSEE TRADING AS WY WORRY MICRO ARTISAN CAFÉ

1. **Introduction**

The purpose of this item is for Council to consider the application for the liquor trading registration certificate received from Lukas Coetsee trading as Wy Worry Micro Artisan Café.

2. **Background**

The application was received for a liquor trading registration certificate. In terms of the *Eastern Cape Liquor Act 10 of 2003*, notice (Form 2A) was submitted to the Ward Councillor.

The internal service departments conducted inspections surrounding the land where the establishment is located and more specifically the impact of the establishment applying for a liquor license application.

The application and internal service departments comments received is marked as **Annexure A**.

3. **Discussion**

The Eastern Cape Liquor Act 10 of 2003 states in terms of *Section 20(2)(d)(i)* that "proof of service of the notice contemplated in the prescribed manner on the ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council".

The approved Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, gazetted 11 November 2013, in terms of *Regulation* 3 dealing with Ward Committee Consultative Meetings states that:

- A Ward Committee must, upon receipt of a notice of application for registration, hold a consultative meeting with the owners of immovable property in the immediate vicinity of the premises for which an application has been received to discuss and solicit their views with regard to the application as is required in terms of Section 22(2)(d)(i) of the Act.

- The Ward Committee must compile a report and submit it to the Municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it

objects to or supports the application and what additional conditions it proposes, if any.

- The Municipality must keep a record of all reports submitted to it by a Ward Committee in a register, which register shall be controlled by the Director for Administration, Monitoring and Evaluation, who will be responsible for all administrative procedures to take the application to finality.

- **The Municipality must consider the report submitted to it by a Ward Committee and submit recommendations to the Board regarding the application for registration in terms of Section 20 of the Act.**

- **For the purpose of considering a report a Ward Committee may request an official to undertake an investigation or request any further information that could have a bearing on the outcome of the application.**

It should be further noted that the application brought for liquor trading registration certificate was submitted on the incorrect Form 2A of the Eastern Cape Liquor Board, as the amended Liquor License Act Regulations (2024) have not been promulgated yet, and therefore not legislatively applicable yet. Based on the aforementioned, the 2005 Eastern Cape Liquor Regulations are still applicable.

4. **Financial Implications**

Completed by BTO -	**NOT APPLICABLE**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Eastern Cape Liquor Act 10 of 2003

Eastern Cape Liquor Regulations, 2005

Kouga Local Municipality By-Law on the Sale of Liquor and the Regulating of Trading Hours for Licenced Undertakings and Matters Incidental thereto, Gazetted 11 November 2013.

6. **Legal Implications**

The Municipal Council does not have the authority to approve or refuse the application submitted to the Liquor Board but is at liberty to consider the applications received and assess same in line with the applicable municipal

by-laws and applicable national legislation in respect of the premises for which the license is applied for.

7. **Other implications**

Not Applicable.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not Applicable.

8.2 **Director: Planning & Development**

Refer to Annexure A.

8.3 **Director: Civil & Water Services**

Not Applicable.

8.4 **Director: Electro-Mechanical Services**

Not Applicable

8.5 **Director: Community Services**

Refer to annexure A

8.6 **Deputy Municipal Manager**

Refer to annexure A

8.7 **Municipal Manager**

Refer to annexure A

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the minutes of the public participation process for the liquor license application received.

10.2 That Council is advised that the applicant was informed of the internal service departments comments that are not in support of the application.

10.3 That the Liquor Board considers all comments from the Kouga Local Municipality's service departments.

10.4 That the Eastern Cape Liquor Board be notified of the outcome of the Council Resolution.

Item prepared by the: Deputy Municipal Manager 

Item approved by the: Municipal Manager: 

Item noted by Speaker: 

ANNEXURE A: LUKAS COETSEE, WY WORRY MICRO ARTISAN CAFÉ

FORM 2
[REG 3 (1)]

EASTERN CAPE LIQUOR ACT, 2003 (Act No.10 of 200)

NOTICE TO THE WARD COMMITTEES, GOVERNING BODIES OF EDUCATIONAL INSTITUTIONS AND PLACES OF WORSHIP, OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the Board in column 1 on .....
.....

1	2	3	4
Name and number of Ward	Kind of registration applied for	Kind of liquor to be sold	Name under which business is to be conducted and particulars of the erf, street or farm
WARD 8 KOUGA MUNICIPALITY	ON AND OFF CONSUMPTION	ALL KINDS	WY WORRIE ARTISAN CAFE 102 PA GAMA ROAD JEFFREYS BAY 6330

Place : Jeffreys Bay

Date : 15/10/2024.

Signature of applicant or person authorized to sign application

RECEIVED BY : Reinhardt Foley
(Full Names)

INSTITUTION : Kouga Local Municipality

SIGNATURE : .....

DATE : 16 - 10 - 2024

KOUGA MUNICIPALITY
WARD / WYK 8 COUNCILLOR
R. FOLEY
TEL : 042 200 2200
Stamp

Form 2A
(Reg. 3)

The Ward Committee

1. **RE: APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003)("the Act")**

Section 22(2)(d)(i) of the Act read with **Regulations 3** provides for a notice to be served on the Ward Committee of the area where the premises intended to be registered for liquor trading are situated. The Ward Committee is then expected to convene a meeting and consider the implications of the application with the members of the community and a written report should be presented to the Board and to the relevant municipal council.

You are therefore requested to confirm the consultative process to have taken place by completing and returning the form attached hereunder within thirty (30) days.

Your anticipated cooperation and assistance in this regard is greatly appreciated.

Regards,

EASTERN CAPE LIQUOR BOARD

2. **CONFIRMATION OF A COMMUNITY CONSULTATIVE PROCESS REGARDING AN APPLICATION FOR LIQUOR REGISTRATION**

I hereby confirm that a consultative process was embarked on with the community of:

Ward No.	8	**Suburb/Village**	Ferreira Town
City/Town	Jeffreys Bay		
Municipality	Kouga Local Municipality		
Ward Councillor	Cllr R. Foley		

The community is fully aware of **Regulation 5** of the Act which states that objections, if there are any, should be lodged timeously within twenty-eight (28) days of the application, indicating clearly the name, identity number, residential and postal address and telephone number, where applicable, of the person objecting. Herewith attached is proof of consultation in the form of a comprehensive report and a meeting attendance register.

This further serves to confirm that:

- there is/are educational institution/s within the prescribed radius — YES | ~~NO~~
- there is/are places of worship within the prescribed radius — YES | ~~NO~~
- health and safety matters meet the minimum municipal requirements — YES | NO

Form 2A
(Reg. 3)

3. ATTENDANCE REGISTER FOR THE COMMUNITY MEETING HELD IN TERMS OF THE EASTERN CAPE LIQUOR ACT, 2003 (ACT 10 OF 2003) READ WITH REGULATIONS REGARDING APPLICATIONS FOR REGISTRATION[1]

FULL NAME AND SURNAME	PHYSICAL/RESIDENTIAL ADDRESS	CONTACT DETAILS (Telephone/Cellphone)	SIGNATURE
Frederik de Vries	114 Mimosa street	082 855 9527	[signature]
LEON Krugar	5 Waterkant str	0836596226	[signature]
J.H. VORSTER	22 Bellhart ave	0823250268	[signature]
L. ERASMUS	18 WATTLE STR	0827452302	[signature]
Lulita Vodco	21 Stierchee St	072 828 6330	[signature]
JAMES ANDREWS	30 Sage Street	0827109062	[signature]
Marge Oelofse	18 Waterbessie Str	0832817509	[signature]
Jonatha Steyn	6 Coral Ave	0832107150	[signature]
JEANNE DU TOIT	1 Lood Fourie P Beach	0828965488	[signature]
Jakkie Pieters		0833766764	[signature]
LINDEN COETZEE	LIFESTYLE ESTATE	0825138692	[signature]
Elize Heystek	Lorstan 38 Paradys	0824676345	[signature]
Fanus Heystek	Lorstan 38 Paradys	0824428489	[signature]
Stephanie Vel	Kiewietlaan 35	0815220934	[signature]
Bianca v. Zyl	Snowdrop Ave 3	0847439565	[signature]
Hein Siebert	1 Lood Fourie	0661967814	[signature]
Michelle du Plessis	6 Coral Avenue	0829548894	[signature]

[1] If space provided does not accommodate all meeting attendees, please attach the extra page to this.

Form 2A
(Reg. 3)

4. REPORT BY WARD COUNCILLOR

4.1 Was the applicant present or represented in the meeting	~~Yes~~	No
4.2 Was the applicant afforded an opportunity to make representation	~~Yes~~	No

Please provide details

4.3 Were there any objections against the application?	YES	~~NO~~

Please provide details

4.4 Does the ward committee support the application?	~~YES~~	NO

Please provide details

Signed at Jeffreysbay on this 18 day of 10 20 24

Signature: ..... (Chairperson of the Ward Committee)

Full Name: Reinhardt Foley (Chairperson of the Ward Committee)

KOUGA MUNICIPALITY
WARD / WYK 8 COUNCILLOR
R. FOLEY
TEL : 042 200 2200

5. OFFICE OF THE SPEAKER OF COUNCIL

5.1 Was the ward community consultation report referred to above submitted to municipal council?	YES	NO

Please provide details

Signed at ..... on this ..... day of ..... 20 .....

Signature: .....
Speaker of Council or authorized person

Full Name: .....
Speaker of Council

Page 3 of 3

KOUGA
local municipality
Good Governance through Service Excellence

WARD 8: Wy Worry – Liquor licence application
VENUE: 102 Da Gama Road, Jeffreys bay
DATE: 18 October 2024
TIME: 11H00

NAME & SURNAME	ADDRESS	E-MAIL ADDRESS	ID NUMBER	CONTACT NUMBER
Danielle Schaap	8A Maple Crescent	ward8@kouga.gov.za	8309070002 081	063 482 2459
James Andrews	30 Spur Street	James.andrews963@gmail.com	9401135059088	082 7109062
Jakkie Pieterse				0833766764
Laurens Erasmus	18 WATTLE ST.	ld.erasmus@outlook.com	5610265081089	0827452502
FJ DE VRIES	114 Mimosa st	fjikkie.dvries@gmail.com	5707185018087	082 855 4527
J.H Vorster	22 Leuhaut st 22	vlogjhe@telkomsa.net	5811295087089	082325 0268
L KRUGER	5 Waterkant	Leon krugerLJJ@Gmail.com	6209035705087	0836796226
Louisa Vosloo	21 Silverbee str	louvos00@gmail.com	6105280043087	072 828 6230
Maggie Cedeke	18 Waterbessie Stuffaggiecedeke@gmail.com		5609160080084	0832817509
Janette Steyn	6 Coral Ave	sallydup73@yahoo.com	6901220021085	083 210 7150
JEANNE du Toit	1 Laaste Laan PB	jeannedutoit65@gmail.com	6511260168082	082 856 3488
LINDEN COETZEE	LIFESTYLE ESTATE	lindencoetzee@vodamail.co.za	5409165060081 [illegible]	082573 8692
Elize Heystek	Lorstan 38 Parodys	jeheystek@gmail.com	5612080044081	0824676345
Fanus Heystek	Lorstan 38 Parodys	jeheystek@gmail.com	5712165033080	0824428489
Stephanie Nel	Kiawiestaan 35	stephanie.heystek@gmail.com	8905210014082	0615220934
Michelle du Plessis	6 Coral Avenue	Michelle.scheystek@vantaack	8102280107083	082954 8894
Bianca v. Zyl	3 Snowdrop ave	prinsbabianca66@gmail.com	9506140236081	084 743 9565
Heinrich Siebert	1 Laaste Laan	heinr.siebert@gmail.com	7305235079 080	0669677814
Reinhardt Foley	4 Verbena Cir	rfoley@kouga.gov.za	8905225062084	083737 8808

COMMENTS FROM INTERNAL SERVICE DEPARTMENTS:

Name of Business:	**WY WORRIE MICRO ARTISAN CAFE**
Type of Business:	**ENTERTAINMENT**
Applicant:	**MR. L. COETZEE**
Address:	**ERF 867** **102 DA GAMA ROAD** **JEFFREYS BAY**
Type of Application:	**ON CONSUMPTION**

WY WORRY MICRO ARTISAN CAFÉ, JEFFREYS BAY
DEPARTMENTAL INPUTS / COMMENTS

TOWN PLANNING:

- Application for on-site consumption is supported.
- However, offsite consumption is **not supported**.
- Approval is required in terms of Section 108 of the Spatial Planning & Land Use Management By-law, Kouga Municipality, 2016 for offsite consumption

BUILDING CONTROL:

- This application is **not supported**.
- Unauthorised additions and alterations were observed.
- The building is being used for a purpose other than the purpose shown on the approved plans with the plan number 0176-04-05, approved 18 November 2004. The previous approval indicated offices. Upon inspection, however, it was observed that the premises were being used not only as office space but as a space where persons gather to eat, drink, or participate in other recreational activities. This indicates that the building is possibly being used for a purpose which causes a change in the class of occupancy as contemplated in the regulations.
- The most current occupancy certificate, which corresponds to plan number 0176-04-05, was issued on February 10, 2005.
- Building plans must be submitted for approval.

LAW ENFORCEMENT:

The premises inspected has never had any safety concerns / complaints. From a safety point of view, application can be **supported**

TRAFFIC SERVICES:

- The premises as zoned for business can be **supported.** Enough parking space within Da Gama Road and no traffic congestion can be envisaged.

ENVIRONMENTAL HEALTH:

- Lighting: Complies with lighting requirements.
- Ventilation: Complies with ventilation requirements.
- Waste management: Compliant. There is a designated area for the storage of refuse and refuse are stored in wheelie bins.
- Ablution facilities: Adequate ablution facilities.

- Disability access & facilities: There are no disabled access ramps or disabled toilets (building was approved as such) General health and hygiene: Premise complies to general health and hygiene standards. Application is **supported.**
FIRE SERVICES:
- OVVIO ZONING – BUSINESS 1; A1 -OCCUPANCY (ENTERTAINMENT AND PUBLIC ASSEMBLY) - An inspection was conducted at the premises on 25 October 2024 and the fire department can **support** as per the following conditions: - The Fire extinguisher to be serviced within 30 days and kept in an annual serviced condition as per legislative requirements. - A manual fire alarm that produces audible and visual alarm be installed with BAR/Restaurant as per section 4.31 of SANS 10400 Part T as per requirements for A1 occupancy. If usage is in line with town planning land use scheme.
PUBLIC PARTICIPATION

KOUGA local municipality
Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

WARD 8
Wy Worry liquor application
102 Da Gama Road, Jeffreys Bay
18 October 2024
11H00

PRESENT:
R. Foley (Chairman/Councillor)
D. Schaap (Ward assistant)
J. Pieters
L. Erasmus
J. Andrews
T. Venter
D. Voster
L. Vosloo

APOLOGIES:
C van Dyk
J van Dyk
L Coetsee

AGENDA:

Welcoming
Apologies
Liquor licence application
Closure

KOUGA
local municipality
Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

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Website: www.kouga.gov.za

MINUTES

WELCOMING

The Chairperson welcomed everyone who attended the meeting, ward committee members as well as residence.

APOLOGIES

Apologies was received from C van Dyk, J van Dyk for having an emergency. Apologies was received from L Coetsee for being away.

APPLICATION FOR LIQUOR LICENCE

The Chairperson explained to everyone what the meeting is all about and explained that we have received the application for a liquor license from Wy Worry restaurant, and that we have come together to sign the public feedback form in support of the application.

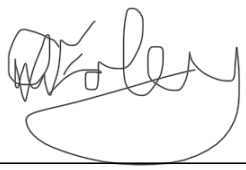
This application is for on- and off-site consumption due to the restaurant having tables on the outside of the building as well. The sale of liquor will only be done during operating hours.

The Chairperson asked feedback from the residents to see how they feel about the application and the feedback was very positive, and everyone that attended the meeting supports the application.

CLOSURE

Cllr. Foley concluded the meeting and thanked all attendees for their contributions.

The meeting adjourned at 11H20



Ward Councillor **21/10/2024**

REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

KOUGA
local municipality

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE DEPUTY MUNCIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/DMM1**

REPLACEMENT OF COUNCILLOR AS COMMITTEE MEMBER FOR RULES & ETHICS COMMITTEE

1. **Introduction**

The purpose of this item is to advise Council on the replacement of Councillor Reinhardt Foley with Councillor Melanie Nicholls on the Rules and Ethics Committee.

2. **Background**

In terms of Section 59 of the Local Government Municipal Systems Act 32 of 2000 (as amended), the Council delegates within the functional area of the Rules and Ethics Committee, powers, functions and duties to the Committee including the power to sub-delegate any of their delegated powers, functions and duties.

Council is advised that the Rules and Ethics Committee has been established by Council with the powers to sit as a tribunal to investigate allegations of breach of the Code of Conduct for Councillors.

The Committee has the power to develop an effective and procedurally fair disciplinary process for Councillors which is in accordance with the rules of natural justice (Promotion of Administrative Justice Act 3 of 2000).

3. **Discussion**

It is important to note that in terms of Section 160(8) of the Constitution, it states that members of a Municipal Council are entitled to participate in its proceedings and those of its committees.

The council is required to consider the proposed replacement of the mentioned member of the Rules & Ethics Committee.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	

Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

The Constitution of the Republic of South Africa 108 of 1996
Local Government: Municipal Systems Act 32 of 2000, as amended.
Local Government: Municipal Structures Act 117 of 1998, as amended.

6. **Legal Implications**

Should the Council approve the recommendations herein, Cllr R Foley shall cease to be a member of the Rules & Ethics Committee from the date of the Council resolution and shall be replaced by the Councillor as resolved by Council.

7. **Other Implications**

No other implications are foreseen.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Recommendations noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Councillor Reinhardt Foley be replaced on the Rules & Ethics Committee by Councillor Melanie Nicholls.

Item approved by the: Deputy Municipal Manager 

Item endorsed by the Municipal Manager: 

Item noted by Speaker: 

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE DEPUTY MUNCIPAL MANAGER
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/DMM2**

COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

1. **Introduction**

The coming Summer Holiday Season includes a formal recess of the Council from 14 December 2024 to 13 January 2025.

During the recess, all urgent matters shall be dealt with by the Executive Mayor in terms of the applicable legislative requirements outlined in the Local Government: Municipal Systems Act 32 of 2000 read in conjunction with the Delegation Register.

2. **Background**

Section 59(1) of the Systems Act stipulates that a Municipal Council must develop a system of delegation to maximize administrative and operational efficiency whilst simultaneously providing for checks and balances in respect of the person exercising the delegated authority. It is proposed that the Executive Mayor, in consultation with the Municipal Manager, be granted authority to deal with all Council matters except for:

a) The passing of by-laws;
b) The approval of the budget;
c) The imposition of rates and other taxes, levies and duties;
d) The raising of loans;
e) The amendment of tariffs; and
f) The approval or amendment of the IDP.

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows: "A political structure, political office bearer, Councillor or staff member of a Municipality to whom a delegating authority has been delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

All legislative and executive powers are vested in the Council notwithstanding the fact that the Council may delegate such executive powers as it is lawfully entitled to delegate to any political structure, political office bearer or staff member of the Municipality.

3. **Discussion**

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows: "A political structure, political office bearer, Councillor or staff member of a Municipality to whom a delegating authority has been delegated or sub-delegated a power or duty, must report to the delegating authority at such

intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

The matters dealt with by the Executive Mayor during the recess of Council will be submitted to the first meeting of Council following the recess.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Local Government: Municipal Systems Act 32 of 2000, as amended.
Local Government: Municipal Structures Act 117 of 1998, as amended.
Municipal Finance Management Act 56 of 2003, as amended.
Delegation Register as approved by Council.

6. **Legal Implications**

Any decisions taken without the necessary delegated authority by Council could result in such decisions being *ultra vires* and could pose a possible risk for the Municipality.

7. **Other Implications**

No other implications are foreseen.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted.

8.5 **Director: Community Services**

Supported.

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Recommendations supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approves the recess period from 14 December 2024 to 13 January 2025.

10.2 That Council resolves that the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 14 December 2024 to 13 January 2025, subject to the following undermentioned conditions:

10.2.1 The exercise of delegated authority shall exclude the passing of a by-law; approval of a budget; the imposition of rates and other taxes, levies and duties, the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;

10.2.2 That the parameters of the Supply Chain Management Policy be complied with.

10.3 That all matters dealt with by the Executive Mayor, which would conventionally have required a Council Resolution be submitted to Council in report format for information or for review at the Ordinary Council Meeting scheduled as per the institutional calendar on 29 January 2025.

Item approved by the: Deputy Municipal Manager 

Item endorsed by the: Municipal Manager: 

Item noted by Speaker: 

REPORTS BY THE EXECUTIVE MAYOR

KOUGA
local municipality
Good Governance through Service Excellence

REPORTS BY THE PORTFOLIO CHAIRPERSON: FINANCE AND ECONOMIC DEVELOPMENT

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/FED1**

2024 CLOSE-OUT REPORT AND 2025 SPONSORSHIP PROPOSAL: RYD SOUTH AFRICA LONGBOARDING CHAMPIONSHIP

1. **Introduction**

This purpose of the report is to submit the event close-out on the annual 2024 RYD South Africa Longboarding Championship hosted in St Francis Bay from 22 – 23 March 2024, summarizing the overall success of the event. The 2025 funding proposal is submitted for Council's approval.

2. **Background**

The South African Longboarding Championship is a prestigious annual event that celebrates the sport of longboarding and showcases the talent of South African surfers. The championship has a rich history and has grown in popularity over the years, attracting both local and international participants.

The event is typically held in a coastal town known for its excellent waves and surfing culture. The championship is more than just a competition; it serves as a platform for surfers to connect, learn from each other, and promote the sport of longboarding.

3. **Discussion**

The 2024 South African Longboard Championships was a resounding success, drawing close to 186 longboard surfers and their families to Cape St. Francis. The event showcased the beauty of the region's waves and fostered a strong sense of community among surfers of all ages.

The championship required a significant logistical effort, including:

- **Accommodation:** Cape St. Francis Resort accommodated 15 event staff and officials.
- **Personnel:** A total of 70 people were employed for the event, including water patrol, security, suppliers, and ground staff.
- **Local Vendors:** The event utilized local businesses for security, medical services, and supplies.

Economic Impact

The SA Longboarding Championships presented a unique opportunity to showcase Cape St. Francis and Jeffreys Bay as prime surf destinations. The event generated substantial economic benefits for the region through:

- Attracting visitors from across South Africa and beyond.
- Supporting local businesses and services.

- Promoting the region's attractions to a global audience.

Job Creation

The 2024 South African Longboarding Championship had a significant impact on local job creation in the Jeffreys Bay region. A total of 70 people were employed for the event, including:

- Cape St. Francis Resort: 15
- Event Staff & Officials: 30
- Water Patrol: 8
- Executive Operations Security: 5
- Suppliers & Ground Staff: 12

These jobs were created both during the event itself and in the pre- and post-event preparations. Additionally, the event relied heavily on local vendors, security personnel, medical staff, and suppliers, further boosting the local economy.

Sponsorship Request for 2025

The organizers respectfully request Council's support for the 2025 event. Building upon the success of the 2024 competition, they aim to further elevate the championship and its positive economic impact on the region.

Proposed Event Dates: April 28 - May 4, 2025
Sponsorship Request: R400,000

Key Objectives:

- Introduce an international element to the championship.
- Continue to contribute to the local economy through tourism and job creation.
- Foster a strong sense of community and participation among surfers.

Benefits for Sponsors:

- Prominent branding opportunities at the event.
- Exposure to a passionate and engaged audience of surf enthusiasts.
- Alignment with a sustainable and community-focused event.

The organizers firmly believe that the sponsorship will play a pivotal role in making the 2025 South African Longboarding Championship a memorable and impactful event.

Please refer to Annexures A and B attached for reference.

4. **Financial Implications**

Completed by BTO -	
Project Description	SA Longboard Championship
Ukey no.	20240710994878

Budgeted Amount	R300 000
BTO Signature	KOUGA MUNICIPALITY 2024-09-19 BUDGET &TREASURY
DATE	19-09-2024
Amount spent and committed to date	R0.00
Amount Available	R300 000
Comment	

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government:

(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(a) has the capacity and has agreed-

(i) to comply with any agreement with the municipality.

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement.

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud. theft and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection(1)(c) make a further transfer to that organisation or body provided that-

(a) subsection (1)(a) and (b) is complied with, and

(b) the relevant provincial treasury has approved the transfer.

(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

The Municipality must ensure that beneficiaries have complied with their contractual duties, as set out in the Funding Agreement entered into and the provisions of the MFMA. Failure to comply with the MFMA may result in the transaction being classified as unauthorized, irregular, or fruitless and wasteful expenditure, and which may pose a risk to the financial audit qualifications of the Municipality.

Should Council approve the funding application, the Accounting Officer will be authorized to enter into a Funding Agreement in line with the provisions of the MFMA.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendation supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the 2024 RYD South Africa Longboarding Championship Close-out Report.

10.2 That Council approves funding allocation of R 300,000.00 (Three Hundred Thousand Rand) only, VAT-inclusive for the 2025/2026 FY.

10.3 That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Surfing South Africa, in accordance with the funding allocated in recommendation 10.2 above.

Item prepared by the Acting Manager EDT: A Jonck

Item approved by the CFO:

Item endorsed by the Municipal Manager:

Item Noted by the Portfolio Councillor:

Annexure A: Close-out Report



RYD SOUTH AFRICA
LONGBOARDING CHAMPIONSHIP

CLOSING REPORT 2024



General Event Information

Close to 186 longboard surfers, as well as their families and friends flocked to Cape St. Francis this August to participate in the 2024 South African Longboard Championships.

The SA Longboard Champs is a popular surf event that is traditionally known as a family event, often attracting surfers across several generations in the same family.

This year, surfing families from all around the country descended onto the Kouga region to take part in the event. The feedback with regards to the spectacular waves, well-kept beaches & good atmosphere was so positive that surfers are hoping the event will return to Kouga again next year.



Event Employment

Cape St Francis Resort x 15
Event staff & officials x 30
Water patrol x 8
Exec Ops Security x 5
Suppliers & Ground staff x 12

A total of 70 people were employed for the 8-day duration, pre and post event

Throughout the event, exclusive use was made of Jeffreys Bay's local vendors, security personnel, medical staff, and suppliers.



Budget & Actual Spend

LONGBOARDING COMPETITION
26th - 31th August 2024

LOCAL INFRASTRUCTURE, LABOUR AND MARKETING BUDGET

CATEGORY	DESCRIPTION	BUDGET 2024	PROJECTED BUDGET 2024	ACTUAL 2024
INFRASTRUCTURE COSTS		R 52,240.00	R 53,450.00	R 53,450.00
	Tower/ Container rental	R 44,240.00	R 44,250.00	R 44,250.00
	Handy Man - building etc	R 2,000.00	R 2,200.00	R 2,200.00
	Lighting - Brusco onsite	R 6,000.00	R 7,000.00	R 7,000.00
EQUIPMENT & SERVICES		R 55,300.00	R 54,638.24	R 54,637.74
	Security Services	R 6,000.00	R 5,572.80	R 5,572.80
	Hired Items - tent x 2 set up & Strike	R 10,000.00	R 5,400.00	R 5,400.00
	Live Heats	R 3,500.00	R 3,500.00	R 3,500.00
	Toilet hire	R 8,000.00	R 7,030.00	R 7,030.00
	Seal Point Boardriders fee	R 9,000.00	R 9,000.00	R 9,000.00
	Portable Radios	R 3,000.00	R 1,369.94	R 1,369.94
	Computer Operator/ Heat draws	R 1,000.00	R 1,500.00	R 1,500.00
	PA system to hire	R 10,000.00	R 15,535.00	R 15,535.00
	Christian Surfers Donation	R 4,000.00	R 4,000.00	R 4,000.00
	Genny Hire	R 800.00	R 1,750.50	R 1,750.00
EVENT SITE BRANDING		R 800.00	R 480.00	R 480.00
	Meal booklets	R 800.00	R 480.00	R 480.00
MEDICAL EXPENSES		R 73,500.00	R 71,408.00	R 71,408.00
	Ambulance/Paramedic Hire	R 27,000.00	R 19,008.00	R 19,008.00
	Water patrol Manager	R 9,000.00	R 9,000.00	R 9,000.00
	Water Patrol Tower spotter	R 2,500.00	R 2,400.00	R 2,400.00
	Water Patrol - Ski drivers @1.5K PD x 2	R 12,000.00	R 18,000.00	R 18,000.00
	Water Patrol - Ski hire	R 12,000.00	R 12,000.00	R 12,000.00
	Water Patrol - Fuel cost	R 5,000.00	R 5,000.00	R 5,000.00
	Lifeguards	R 6,000.00	R 6,000.00	R 6,000.00
MEDIA & COMMUNICATIONS		R 13,200.00	R 13,200.00	R 13,200.00
	Social Media Managers	R 13,200.00	R 13,200.00	R 13,200.00
EVENT STAFF AND LABOUR		R 160,450.00	R 168,850.00	R 173,850.00
after event	Work crew wages 7 days x 2 pax	R 5,250.00	R 6,750.00	R 6,750.00
	Photographer - Land	R 10,000.00	R 10,500.00	R 10,500.00
	Mark Edddington - Saftey Officer	R 4,000.00	R 4,000.00	R 4,000.00
	Compu cam Brandling	R 15,000.00	R 15,000.00	R 15,000.00
	Event Planner fee	R 30,000.00	R 30,000.00	R 35,000.00
	Officials Per dulms	R 16,200.00	R 15,300.00	R 15,300.00
	Officials wages	R 80,000.00	R 87,300.00	R 87,300.00
ACCOMMODATION		R 15,000.00	R 13,561.74	R 13,561.74
	Resort Accommodation	R 15,000.00	R 13,561.74	R 13,561.74
TRANSPORT AND TRAVEL		R 11,500.00	R 8,977.25	R 8,977.25
	Flights x 3	R 6,000.00	R 4,914.75	R 4,914.75
	Cape town Judges - fuel etc	R 2,000.00	R 2,012.50	R 2,012.50
	PE Judges fuel etc	R 2,000.00	R 550.00	R 550.00
	Bakkie hire and fuel genny	R 1,500.00	R 1,500.00	R 1,500.00
FUNCTIONS AND CATERING		R 42,500.00	R 40,422.61	R 22,222.61
	Staff meals Resort- event days only	R 25,000.00	R 22,222.61	R 22,222.61
	Staff Meals - Pre event build/ after	R 1,000.00	R 1,200.00	R -
Sponsored - Resort	Opening function - sponsored	R 5,000.00	R 5,000.00	R -
Sponsored - Resort	Closing function- sponsored	R 5,000.00	R 5,000.00	R -
Sponsored - Spar SFB Village	Officials Snacks 10AM /3PM - 40pax	R 6,500.00	R 7,000.00	R -
MISCELLANEOUS COSTS		R 2,000.00	R 1,981.48	R 1,981.48
GRAND TOTAL		R 426,490.00	R 426,969.32	R 413,769.82



Conclusion

This SA Longboarding event presents a unique opportunity to expose travelers from various provinces in the country to J-Bay and Cape St Francis's offerings, its excellent waves, and many other attractions it has to offer.

In many instances, this first trip proves to be the first of many surf trips to the Eastern Cape, thereby securing infinite future revenue for the town.

Extensive media coverage of the event ensures that the exposure does not end there, but extends beyond the reaches of the physical experience to show off J-Bay's offerings online, with viewers tuning in from all around the world, further establishing Jeffreys Bay as a go-to surf destination.



A Massive thank you to the Kouga Municipality for their generous sponsorship,

This not only greatly impacts our local community, but the ripple effects are felt nationally.

Yours in Surfing,

The SA Longboard Events Committee.

Annexure B: 2025 Sponsorship Proposal

SOUTH AFRICA LONGBOARDING CHAMPIONSHIP

SPONSORSHIP PROPOSAL 2025





Sponsorship Extension letter

To Whom It May Concern

We hereby apply to extend our SA Longboards Champs for the next 3 years.
The contests have been extremely well received and they brought economic relief to the town.

Due to the past success of the events we wish to include an international flavour going forward.
We are applying for your assistance of R400,000.

Proposed dates for SA Longboards 2025 event
28th of April – 4th of May 2025

Please do not hesitate to ask for any additional documentation needed.

Contest Organizers
Cheron Kraak & Vangie Boettger



Budget & Actual Spend

LONGBOARDING COMPETITION

28th - 4th May 2025

LOCAL INFRASTRUCTURE, LABOUR AND MARKETING BUDGET

CATEGORY	DESCRIPTION	BUDGET 2025	PROJECTED BUDGET 2025	ACTUAL 2025
INFRASTRUCTURE COSTS		**R 62,800.00**	**R -**	**R -**
	Tower/ Container rental	R 50,000.00	R -	R -
	Handy Man - building etc	R 5,000.00	R -	R -
	Lighting - Brusco onsite	R 7,800.00	R -	R -
EQUIPMENT & SERVICES		**R 53,750.00**	**R -**	**R -**
	Security Services	R 7,000.00	R -	R -
	Hired Items - tent x 2 set up & Strike	R 14,500.00	R -	R -
	Live Heats	R 3,500.00	R -	R -
	Insurance - Hired ski/ Launch Vehicle	R 3,500.00	R -	R -
	Portable Radios	R 2,000.00	R -	R -
	Computer Operator/ Heat draws	R 1,500.00	R -	R -
	PA system to hire	R 16,000.00	R -	R -
	Christian Surfers Donation	R 4,000.00	R -	R -
	Genny Hire	R 1,750.00	R -	R -
EVENT SITE BRANDING		**R 800.00**	**R -**	**R -**
	Meal booklets	R 800.00	R -	R -
MEDICAL EXPENSES		**R 85,200.00**	**R -**	**R -**
	Ambulance/Paramedic Hire	R 25,000.00	R -	R -
	Water patrol Manager/ Spotter	R 12,000.00	R -	R -
	Water Patrol - Rescue swimmer	R 9,600.00	R -	R -
	Water Patrol - Ski hire	R 12,000.00	R -	R -
	Water Patrol - Ski drivers @1.6k	R 9,600.00	R -	R -
	Water Patrol - Launch vehicle	R 6,000.00		
	Water Patrol - Fuel cost	R 6,000.00	R -	R -
	Lifeguards	R 5,000.00	R -	R -
MEDIA & COMMUNICATIONS		**R 14,000.00**	**R -**	**R -**
	Social Media Managers	R 14,000.00	R -	R -
EVENT STAFF AND LABOUR		**R 163,700.00**	**R -**	**R -**
	Work crew wages 7 days x 2 pax	R 6,500.00	R -	R -
	Photographer - Land	R 15,000.00	R -	R -
	Mark Eddington - Saftey Officer	R 4,000.00	R -	R -
	Compu cam - Branding	R 10,000.00	R -	R -
	Event Planner fee	R 30,000.00	R -	R -
	Officials Per diems	R 16,200.00	R -	R -
	Officials wages	R 82,000.00	R -	R -
ACCOMMODATION		**R 18,000.00**	**R -**	**R -**
	Staff Accommodation	R 18,000.00	R -	R -
TRANSPORT AND TRAVEL		**R 10,650.00**	**R -**	**R -**
	Flights x 3	R 5,500.00	R -	R -
	Cape town judges - fuel etc	R 2,150.00	R -	R -
	PE Judges fuel etc	R 1,500.00	R -	R -
	Bakkie hire and fuel genny	R 1,500.00	R -	R -
FUNCTIONS AND CATERING		**R 47,600.00**	**R -**	**R -**
	Contest Staff meals	R 30,000.00	R -	R -
	Staff Meals - Pre event build/ after	R 1,100.00	R -	R -
	Opening function	R 5,000.00	R -	R -
	Closing function	R 5,000.00	R -	R -
	Officals Snacks 10AM /3PM - 40pax	R 6,500.00	R -	R -
MISCELLANEOUS COSTS		**R 2,000.00**	**R -**	**R -**
GRAND TOTAL		**R 458,500.00**	**R -**	**R -**

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/FED2**

CLOSE-OUT REPORT: THE 2024 J–BAY CLASSIC SURF FESTIVAL

1. **Introduction**

This item is to submit the event close-out report on the annual 2024 J–Bay Surf Festival (JSF) hosted in Jeffreys Bay from 14 – 23 July 2024, summarizing the overall success of the event.

2. **Background**

The 2024 JSF is a continuation of the highly successful 2023 event. However, a notable change this year was the replacement of the traditional WSL J-Bay Open Surf competition with a specialty WSL J-Bay Classic Surf event. This decision was made to ensure the festival's continuity while the main competition returns in July 2025.

The overarching goal of the JSF remains to attract visitors beyond traditional surfing enthusiasts, fostering a diverse and engaging event experience. By incorporating a variety of winter sports and events, the festival aims to become a prominent winter destination in South Africa.

3. **Discussion**

Impact and Success

The 2024 JSF proved to be a resounding success, drawing significant attention to Jeffreys Bay and contributing positively to the local economy. The event's diverse programming, including the Park Off Music Festival, mountain biking, Funduro, and coastal touchies/netball beach sports, attracted a wide range of participants and spectators.

- **Park Off Music Festival:** The festival was a major highlight, featuring a diverse lineup of musicians and drawing impressive crowds. It contributed significantly to the overall atmosphere and economic activity in the town.
- **Mountain Biking and Trail Running:** While the event was unfortunately cancelled due to Foot and Mouth disease, its postponement indicates continued interest and a potential for future participation.
- **Funduro:** The Funduro event showcased the region's diverse terrain and attracted many motocross enduro athletes.
- **Coastal Touchies/Netball**: The event successfully brought together teams from various regions, promoting local sports and fostering community engagement.
- **JBay Padel Ex**: This new addition to the festival proved to be a popular choice, reflecting the growing popularity of padel sports.

Publicity and Community Engagement

The JSF 2024 successfully leveraged various media channels to promote the event and engage with the community. Key initiatives included:

- **Press Releases:** Regular press releases were sent out to local and national media, highlighting the festival's highlights and events.

- **Community Partnerships:** Collaborations with local organizations, such as the Jeffreys Bay Surf Alliance and the Kouga Municipality, helped to strengthen community involvement and support.

- **Ocean Awareness:** Initiatives like "We Are One Ocean" raised awareness about ocean conservation and engaged participants in environmental activities.

- **Social media:** The festival's social media channels were actively used to share updates, photos, and videos, fostering online engagement. The event's digital footprint was substantial, with:

    - Impressions: 2,685,550
    - Reach: 1,101,675
    - Engagement:
        - Likes & Reactions: 98,357
        - Comments: 7,330
        - Shares: 6,117
        - Saves: 997
    - Views: 9,209
    - Plays: 3,337,414
    - Posts per platform:
        - TikTok: 31
        - Instagram: 108
        - Facebook: 67
        - Story posts and shares: 425
    - Followers per Platform:
        - Instagram: 5,368
        - Facebook: 468
        - TikTok: 35

Job Creation:

- 25 casuals employed (runners/ cleaners) during the event.
- 12 casuals x 7 days (84) for event build up
- 10x car guards x 10 days.
- 9x security guards for 7 days
- 28 bar staff employed

In total, Council contributed R1,7,000 000.00 towards the festival's remarkable success, showcasing the region's appeal as a premier winter destination. The event's diverse offerings, strong community engagement, and successful media outreach contributed to its popularity and positive impact.

As the festival evolves and expands, it can become a major driving force for tourism and economic development in Jeffreys Bay and Kouga.

Please refer to Annexures A, B and C attached for a comprehensive overview.

4. **Financial Implications**

Completed by BTO -	
Project Description	Winterfest
Ukey no.	20240710994866
Budgeted Amount	R1 700 000.00
BTO Signature	
DATE	
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-09-03 BUDGET &TREASURY
Amount Available	
Comment	

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government

(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(a) has the capacity and has agreed-

(i) to comply with any agreement with the municipality.

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement.

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud. theft and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that-

(a) subsection (1)(a) and (b) is complied with, and

(b) the relevant provincial treasury has approved the transfer.

(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

The Municipality must ensure that beneficiaries have complied with their contractual duties, as required by the MFMA. Failure to comply with the MFMA may result in the transaction being classified as unauthorized, irregular, or fruitless and wasteful expenditure, and which may pose a risk to the financial audit qualifications of the Municipality.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendation supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Item noted

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the 2024 J-Bay Surf Festival Close-out report.

Item prepared by the Acting Manager EDT: A Jonck

Item approved by the CFO:

Item endorsed by the Municipal Manager:

Item Noted by the Portfolio Councillor:

Annexure A – Closeout Report

Jeffreys Bay Surfing Festival
CLOSING REPORT 2024



Jeffreys Bay Surf Festival 2024

After a very successful 2023, the Jbay Surf festival returned in 2024 with the addition of the Jbay Classic

The concept around the JSF is to attract people who are not necessarily fans of surfing to town and have them then be part of an event which may lead them to visit the surfing event, and visa versa with the surfing attracting more spectators because of the other happenings in the town of jeffreys bay

The long term goal of the JSF is to incorporate as many winter sports (Mountain bike, trail running, surf life saving, paddle boarding, cold water racing, Netball, touch rugby and fishing) and events (Music fest, comedy, cooking, foraging, trivia, sky diving boogie and sponsored activations) to the town, eventually growing the festival into South Africa's largest winter festival.

2024

The Jbay Surf Festival hosted a Music festival (Park off music festival) and supported an array of other events such as Mountain biking ,Fan Park, Funduro and the Kouga beach netball and touchies. All events were well supported and added an exceptional draw to the town.



PARKOFF MUSIC FESTIVAL JBAY 2023

Park Off Music Festival

Hosted in the Super Tubes park from the 14th - 24th of June . Park off music festival rocked the Super tubes park . Each evening was extremely well supported and added to the happenings of the town.



Park off Statistics

- 25 casual employed (runners/ cleaners) During event
- 12 casuals x 7 days (84) for event build up
- 10x car guards x 10 days
- 9x security guards for 7 days
- 28 bar staff employed
- 4 promotion girls
- 2200 tickets sold
- Estimated 3000 visitors it attracted.
- Bed nights accumulated from the music event +2800
- Kouga branding present



Mountain Biking

In conjunction with the Jeffreys bay Wind farm, the Jbay Surf festival contracted mountain events to host a 1 day mountain biking and trail running event at Mentors Country Estate on Saturdaty the 15th July.

The event was unfortunately cancelled due to Foot and Mouth but is scheduled for later in 2024





Funduro

A minimal contribution was made to the Funduro team (R7500)in support of their event which saw more than 150 motocross enduro athletes take part in the annual event hosted over the JSF period. The event advertised the diversity of the Kouga region and the mountains/ terrain on offer to enthusiasts and alike.

The event employed 8 marshals to help with the event.

- Kouga branding present and thank you's mentioned in the awards ceremony



Jbay Padel Event

A new event to the JSF calendar was the Jbay Padel Ex, hosted at the Surf village, The event was a huge success with over 80 entries. Being the fastest growing sport in the world, this event is going to grow each year. The organizers and contestants were blown away by the facilities and the scope of the Jeffreys bay Festival.



- Kouga branding present and thank you's mentioned in the awards ceremony
- Over 250 bed nights contributed
- 80 athletes
- Over 300 spectators

Coastal Touchies / Netball

In conjunction with the Kouga Coastal touchies, the JSF was able to support this successful event which is pioneered by one of Kougas councilors . The event and the initiative see's local club, school teams and alike compete in a league and special events like the one held on the main beach over the JSF and WSL period.

The event had over 25 teams and 250 individuals compete. It attracts teams from Knysna, Plettenberg bay, Despatch, Port Elizabeth, Hankey and Uitenhage to attend and compete.

The event doesnt employ and workers but uses helpers and volunteers.





Socio Economic Contributions

The WSL in conjunction with the Jbay Open Surf Festival held various events to raise money and awareness for the disadvantaged and up and coming.

1. The Raffle for the Jeffreys bay surfing foundation, which supports an array of other foundations in jeffreys bay such as Wavepoint, KRAG, Jbay Alliance, Recycling project. We raised R52000

2. Ocean awareness with 'We Are One Ocean'. In conjunction with the Jbay Surf Alliance, the WSL held an ocean awareness day at the main beach which saw pro surfers such as Carrisa Moore, Jordy Smith and Matt McGillivray, experience how the jbay surf alliance is giving back to the ocean and educating the disadvantaged community about the uses of the ocean, its importances and how to preserve it.

3. The JSF helped arrange a airs for good event at the WSL event, which raised over 150 school bags for the recycling projects kids.
4. An Interview with SABC news around the event was aired
5. Over 15 press releases sent out from the Jeffreys bay Surf Festival

Rights and Benefits

The JBay Surf Festival attracted many athletes, spectators and tourists to Kouga. In exchange the following was offered for the funding.

In exchange for the funding support, the JBay Surf Festival is offering the following

- Named sponsor (JBay Surf Festival presented by Kouga Municipality)
- 1x stand at the Music Festival/ WSL event to promote Kouga Municipality.
- 1x tourism stand.
- Branding on the front page of the event guide
- 1x Half page advert in the event guide
- 1x VIP Fundraising evening for Kouga athlete Joshe Faulkner and The Surf Alliance.
- Branding at all the events and special thank you mention at the prize giving.
- Media releases
- Detailed article about local surf foundation and local surfer Joshe Faulkner.
- A platform for local artists at the Music Festival.
- A platform for local craft stores at the event market.
- Access to all photos and media
- 20 tickets an evening to the music events
- Branding at all the events, and on print media
- Platform for water awareness and other

Surf Fest fund allocation

CATEGORY	DESCRIPTION	BUDGET 2024	
	EXPENCES		
JBAY SURF FEST		R	254,573.00
	ALEX NEAVE GRAPHIC ARTIST	R	10,000.00
	FESTIVAL LIABLITY	R	26,000.00
	EVENT GUIDE - WRITE UPS - Jazz	R	20,000.00
	WEBSITE		
	LOGO,BANNER DESIGN AND ARTWORK -Chio ?	R	6,573.00
	Event guide and DRIVER, DISTRIBUSTION OF THE EVENT GUIDE	R	125,000.00
	GO SOCIAL - MARKETING/ MEDIA	R	32,000.00
	PHOTOGRAPHER	R	20,000.00
	NETBALL & & TOUCH RUGBY	R	15,000.00
	PRESS RELEASES	R	10,000.00
	MUSIC	R	550,000.00
	Tenting	R	65,000.00
	staging	R	50,000.00
	Gen/ cabling		
GRAND TOTAL		R	929,573.00

Annexure B: Post Event Report – Social Media

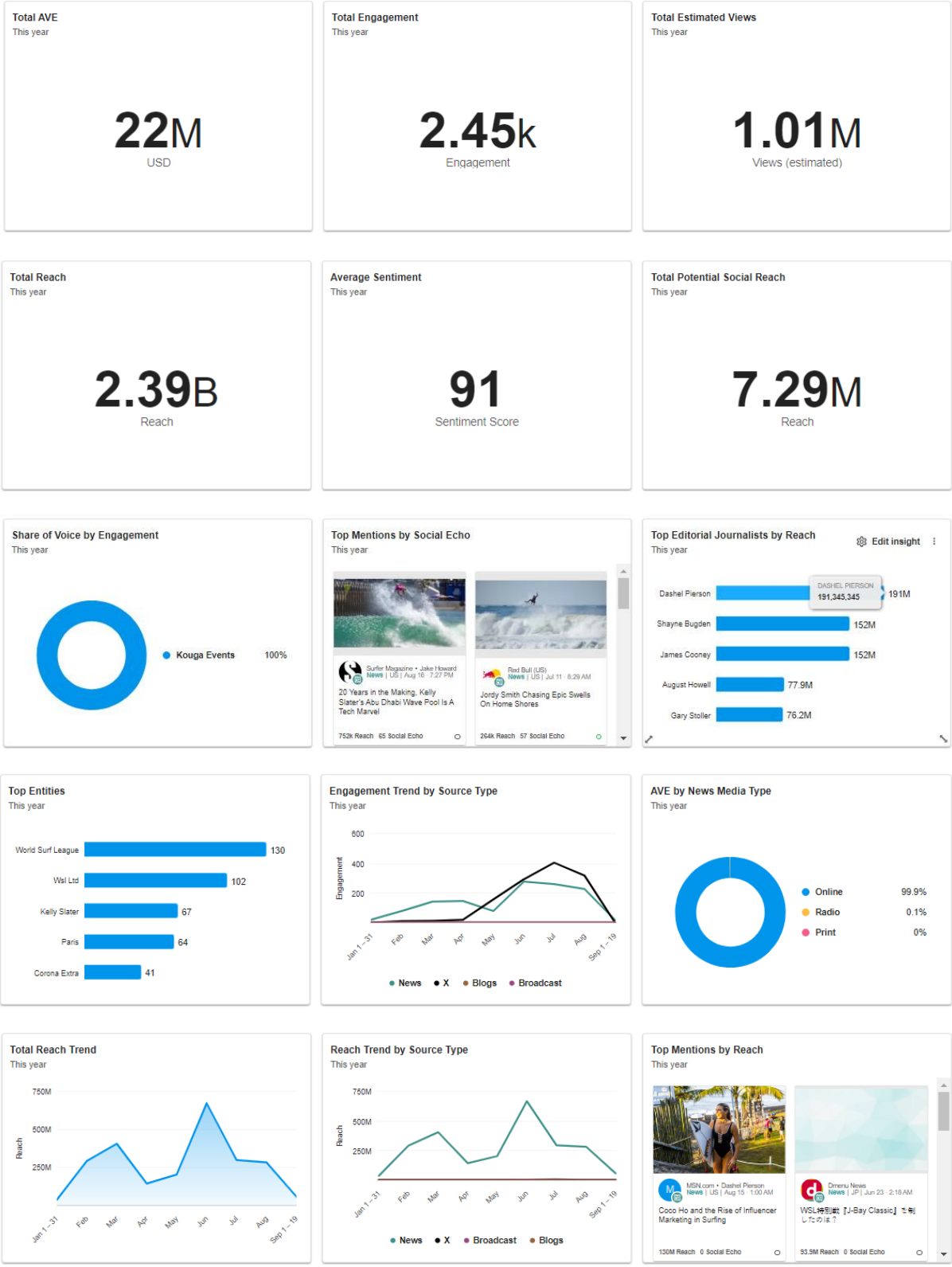
From: Cyle Myers <cylemyers@gosocial.co.za>
Subject: Re: Post Event Report - SOCIAL MEDIA (J-Bay Classic)
Date: 02 July 2024 at 12:44:59 SAST
To: Tasha Mentasti <tmentasti@worldsurfleague.com>
Cc: cylemyers1@gmail.com, marishkadiebold@gmail.com, Bianca Van Aar

Hey team,

Please see stats below:

Stats Report for J-Bay Classic
Impressions: 2 685 550
Reach: 1 101 675
Engagement:
Likes & Reactions: 98 357
Comments: 7 330
Shares: 6 117
Saves: 997
Views: 9 209
Plays: 3 337 414
Posts per platform:
TikTok: 31
Instagram: 108
Facebook: 67
Story posts and shares: 425
Followers per Platform:
Instagram: 5 368
Facebook: 468
TikTok: 35

Annexure C: Tourism Media Monitoring



KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/FED3**

CLOSE-OUT REPORT: THE 2024 HUMANSDORP COMMUNITY FESTIVAL

1. **Introduction**

This item is to submit the event close-out report on the annual 2024 Humansdorp Community Festival hosted in Humansdorp from 22 – 23 March 2024, summarising the overall success of the event.

2. **Background**

The Humansdorp Community Festival, an initiative of the Khoi Kulcha Foundation with the Office of the Executive Mayor, was established to revitalize the local community and provide a platform for family-friendly entertainment. The event was a response to the social and economic challenges faced in Humansdorp, seeking to foster positivity, unity, and community spirit. Kouga Municipality served as a significant sponsor for the festival, contributing to its overall success.

3. **Discussion**

Impact and Success

The festival proved to be a resounding success, drawing a significant crowd of over 1900 children and 2000 adults over the weekend. This marked a substantial increase from the previous year, indicating growing community support and interest. The event's impact extended beyond mere entertainment, providing a much-needed boost to the local economy and fostering a sense of pride and belonging among residents.

Publicity and Community Engagement

The festival successfully leveraged various channels to reach a wide audience, including social media, local newspapers, and community outreach initiatives. This effective publicity campaign played a crucial role in attracting both local and regional visitors, contributing to the event's overall success.

Job Creation

The Humansdorp Community Festival created numerous employment opportunities, both directly and indirectly. 49 individuals were employed during the event, including marshals, cleaners, runners, bar staff, and event planning personnel. Additionally, the festival provided a platform for local vendors, contributing to job creation and economic activity within the community.

Closing Remarks

While the festival generated significant income through ticket sales, bar revenue, and vendor fees, it also incurred substantial expenses related to event fundamentals, entertainment, safety and security, and food and hospitality. The event was made possible in part through generous sponsorship from Kouga Municipality, Sab Brewery, and Score Energy Drink.

Despite the financial challenges associated with organizing large-scale events, the Humansdorp Community Festival remains an asset to the community. The event's positive impact on local businesses, job creation, and community spirit far outweighs the costs involved. As the festival grows and evolves, it can become a major tourism attraction for Humansdorp, further enhancing its economic prosperity and reputation.

Please refer to Annexures A and B attached for a comprehensive overview.

4. **Financial Implications**

Completed by BTO -	
Project Description	Humansdorp Festival
Ukey no.	20170702071083
Budgeted Amount	R150 000.00
BTO Signature	KOUGA MUNICIPALITY 2024-09-03 BUDGET &TREASURY
DATE	
Amount spent and committed to date	R150 000
Amount Available	R0.00
Comment	

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government
(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

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(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

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(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud. theft and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided
that-

(a) subsection (1)(a) and (b) is complied with, and

(b) the relevant provincial treasury has approved the transfer.

(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

The Municipality must ensure that beneficiaries have complied with their contractual duties, as required by the MFMA. Failure to comply with the MFMA may result in the transaction being classified as unauthorized, irregular, or fruitless and wasteful expenditure, and which may pose a risk to the financial audit qualifications of the Municipality.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendation supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Council notes the 2024 Humansdorp Community Festival Close-out report.

Item prepared by the Acting Manager EDT: A Jonck

Item approved by the CFO:

Item endorsed by the Municipal Manager:

Item noted by the Portfolio Councillor:

Annexure A: Closeout Report



HUMANSDORP FESTIVAL REPORT 2024

OVERVIEW

Humansdorp family fest in partnership with Khoi Kulcha Foundation and Kouga Municipality as Head sponsor, made it possible to host a Family festival to bring back to the community of Humansdorp. The event is a family fun event for the community of Humansdorp and surrounding areas. The event was one of the very first and in 2024 running the second time in its area filled with great live performances by Early B and Justin Vega, internet sensation Junior King and Pe Boys, Comedian and Actor Ouma Sarie as Mc, Dj Danny and local Artist, local DJs such as Dj Amos, Dj Garland just to name a few, fun activities for the kids and adults and great food options.

The objective of the event was not only for the community to have a good day out with their family but to uplift the community, giving the community something to look forward to and to bring families together, with all the negativity and Social economic challenges we're facing we addressed and add value to our beautiful town and attract positivity and good vibes and hope to our community through this project.

The festival will be an annual event, that will attract national and international tourists to the town soon, increasing community access to participation, job creation through the event staffing and through our stalls to mention a few.

HIGHLIGHTS OF THE EVENT

1. We have reached over 1900 kids under 14 years and over 2000 adults over the weekend through the gates.
2. We employed a staff of 49 people: 25 marshals, 10 cleaners, 6 runners, 6 bar staff and a team of 8 to plan the event.
3. We hosted local over 15 vendors over the weekend
4. We gave a platform to 15 local artists.
5. We hosted a 5 A side soccer tournament.
6. Car Stance Competition

ACTIVITIES

- Live stage performances
- Soccer tournament
- Stance Car show
- Carnival rides
- Kids amusements
- Variety of Food Stalls & general Vendors
- Gin garden and beer tent

INCOME AND EXPENSES

EXPENSES

Event Fundamentals R70,000	Entertainment R95,500
- EVENT MANAGEMENT PLAN - STAGE & STRUCTURES - MARKETING & DESIGNS - POWER & LIGHTING - BOOKINGS, CERTIFICATES & LICENSE(S) - VENUE HIRE & LIABILITY - Tents - Soccer tournament (Prices money and food) Car Stance Competition	ARTISTS: Early B & Justin Vega Ouma Sarie Junior King & Pe Boys DJ Danny Local Artist

SAFETY & SECURITY – R30,000	FOOD & HOSPITALITY R 85.000
- MANAGEMENT TEAM - SECURITY & EMS (SAFETY) PLAN - Marshalls -Runners - Gate control arm bands	- Cleaners - STAFF, MEDIA, ARTISTS & GUESTS - DECOR & SIGNAGE - REFRESHMENTS & LIQUOR STATION - TOOLS & EQUIPMENT -Accommodation -Flights

INCOME

Entrance R108,000	Bar and Vendors R65,000
- Ticket Sales - Gate collection - Online tickets	Vendors Bar

SPONSORSHIP

Kouga Municipality - R150,000	
Sab Brewery - (Bar Equipment valued R200,000)	
Score Energy Drink- (Product and Soccer Equipment valued R30,000)	

COMMUNITY OUTREACH

As per the agreement, our team is planning to do a community event to give back to the community. The date of the event will be communicated within 30days.

CONCLUSION

In conclusion, of the Humansdorp Community Festival we are proud of the growth of the event since the launch in 2023, our attendance has grown with 30% and we are in a positive. In 2024 the economical impact of the event has provided 49 Jobs for the duration of the event, 15 Local vendors that successfully made good profits at the event. We utilized 80% of local suppliers that render services to the event. The Humansdorp Community Festival contributes to the social development to our youth, as we know not many events are happening in Humansdorp and this event caters for young and old and families to have a day out.

LINK FOR PHOTOS AND VIDEOS

https://www.facebook.com/share/p/zpdoanP2rSqf6QW9/?mibextid=WC7FNe

https://www.facebook.com/share/p/U1nvCMmK1Wf49nfS/?mibextid=WC7FNe

https://www.facebook.com/share/p/V2j83JJGRMY1CCT8/?mibextid=WC7FNe

https://www.facebook.com/share/p/jHdXG39M5ZmibxsT/?mibextid=WC7FNe

Video:

https://www.facebook.com/reel/3503319441253224

We are looking forward to

Partner with Koga Municipality to host the 2025 Humansdorp Festival.

Annexure B: Photo Gallery













KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/FED4**

CLOSE-OUT REPORT: THE 2024 SOUTH AFRICAN NATIONAL OPEN WATER SWIMMING CHAMPIONSHIPS

1. **Introduction**

The purpose of this item is to submit the event close-out report on the 2024 South African National Open Water Swimming Championships hosted in Jeffreys Bay at Marina Martinique from 8 – 10 March 2024. This report summarizes the overall success of the event.

2. **Background**

The South African National Open Water Championships, hosted by Nelson Mandela Bay Aquatics at Marina Martinique, marked the culmination of Swimming SA's calendar and served as a critical qualifier for the upcoming Olympics. The event featured 163 elite swimmers from across South Africa and Namibia, competing in various distances including the newly introduced 1500m sprint event. With an extended duration of three days, the championships provided participants with optimal recovery time, enhancing the quality of competition.

3. **Discussion**

Impact and Success

The championship was an outstanding success, characterized by high levels of competitiveness and exceptional performances by local athletes. The event was impeccably managed, receiving positive feedback from participants, officials, and spectators. Approximately 600 individuals, including participants, support staff, officials, media personnel, and spectators, contributed significantly to the local economy.

Publicity and Community Engagement

The event garnered extensive media coverage across television, social media, and other platforms, significantly promoting Jefferies Bay and Marina Martinique as premier sporting destinations. Furthermore, a special "Fun" event raised R8,000.00 for the NSRI, Station 37, showcasing the event's commitment to community engagement and support.

Financial Summary

The total cost to host the event was R290,007.00, partially offset by donations and sponsorships amounting to R283,935.00, resulting in a marginal deficit of R6,072.00. Notably, our sponsorship contribution of R150,000 was instrumental in ensuring the event's financial viability.

In conclusion, Marina Martinique has reaffirmed its status as South Africa's premier venue for open water swimming, aligning seamlessly with world aquatic standards. The success of this event would not have been possible without Council's generous sponsorship and support. We look forward to nurturing this partnership and continuing to promote Jeffreys Bay and Kouga through world-class sporting events.

Refer to Annexures A, B, C, D, E attached for a comprehensive overview.

4. **Financial Implications**

Completed by BTO -	
Project Description	SA Open Water Swim
Ukey no.	20200711023704
Budgeted Amount	R150 000
BTO Signature	KOUGA MUNICIPALITY 2024-06-24 BUDGET &TREASURY
DATE	24/6/2024
Amount spent and committed to date	R150 000
Amount Available	R0
Comment	

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government

(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(a) has the capacity and has agreed-

(i) to comply with any agreement with the municipality.

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement.

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly.

(b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud. theft and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that-

(a) subsection (1)(a) and (b) is complied with, and

(b) the relevant provincial treasury has approved the transfer.

(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

The Municipality must ensure that beneficiaries have complied with their contractual duties, as required by the MFMA. Failure to comply with the MFMA may result in the transaction being classified as unauthorized, irregular, or fruitless and wasteful expenditure, and which may pose a risk to the financial audit qualifications of the Municipality.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendation supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Item noted

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Council notes the 2024 South African National Open Water Swimming Championships Close-out report.

Item prepared by the Acting Manager EDT: A Jonck

Item approved by the CFO:

Item endorsed by the Municipal Manager:

Item Noted by the Portfolio Councillor:

Annexure A: Closeout Report

NELSON MANDELA BAY
AQUATICS

Reg No: 056-180-NPO

P.O. Box 7244, Newton Park
Port Elizabeth, 6055
Tel: 041 367 3600

administrator@nmb-aquatics.co.za
Website: www.nmb-aquatics.co.za

To: Lorelle Campher
Events Manager Kouga

20 May 2024

RE: CLOSE-OUT REPORT OPEN WATER SWIMMING NATIONALS -2024

On behalf of the Open Water Swimming fraternity of South Africa, I would like to thank you for your sponsorship. Without your contribution, Nelson Mandela Bay Aquatics would not have been able to host the South African Open Water Championships at Marina Martinique on 8 to 10 March 2024

This event, the South African National Open Water Championships, is the final event of the Swimming SA calendar and formed part of the qualifying criteria for this year's Olympics. Only the top open and age group swimmers who have met the qualification criteria are allowed to enter this event. This forms a small but very competitive group of athletes. This year the event was extended to 3 days to allow the athletes sufficient time to recover for the various events each day. Apart from the standard 5km, 7.5 km and 10km events, this year included a 1500m sprint event for relay selection. This additional event created a lot of excitement.

We had a total of 163 athletes competing and they represented all of the South African provinces and a swimmer from Namibia. (See attached Entry lists). In addition, there were 60 officials from all over the country that performed various duties over the 3 days. We believe that when, including the support staff, life-guards, media personnel and spectators, we would have had a total of approximately 600 people staying in Jefferies Bay for the 3 days. All these people would have contributed approximately R1 800 000 to the Jefferies Bay area over the 3 days.

The event was a resounding success with several of our local athletes performing well. The standard of competition was very high making for a very exciting event for all. The event was run exceptionally well. All systems were in place and worked perfectly and we have only had positive feedback. Everyone is looking forward to returning next year.

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Apart from the direct financial injection into the town, the event was widely publicized on TV, Media and Social media. Jefferies Bay and Marina Martinique got a lot of publicity that is still ongoing as this footage is often replayed on Super Sport. In addition, a special arrangement was made to have a special "Fun" event as a fundraiser for NSRI, Station 37

NELSON MANDELA BAY
AQUATICS
Reg No: 055-180-NPO

P.O. Box 7244, Newton Park
Port Elizabeth, 6055
Tel: 041 367 3600

administrator@nmb-aquatics.co.za
Website: www.nmb-aquatics.co.za

from J Bay, who supported the event with all the lifesaving and rescue requirements. This event was swum in the afternoon, was open to all, including the public and brought in R8000 for the NSRI. Everyone, including some of the out-of-province athletes, thoroughly enjoyed the event and many more indicated that they would compete next year.

As with all the league events and NMBA Open Water Championships held at Marina Martinique, this event is hosted by NMBA in conjunction with Z Sports who act as event coordinator and events manager. The event is run in accordance to World Aquatics Swimming standards and meets all local municipality rules and safety standards. Very little of the services required for this event are brought in and we utilize local services, communities and accommodation where ever possible. The costs to host the event were R290 000, donations and sponsorships brought in was R283 935 which means that we ran the event at a R6072 loss. It is very clear that without the R150 000 sponsorship from the Kouga District it would not be viable to host this event. Please see event expenses below.

SANAT expenses summary

Venue, Accommodation and travel	R	24 000
Officials Kit & Clothing	R	15 960
Equipment & Logistics Hire	R	26 922
Electronic Timing & Recording	R	27 000
LOC Event Marketing	R	9 720
TV, Sound & Media	R	66 500
Participation Accessories	R	10 500
Printing and Stationary	R	2 244
Event Medals & Prizes	R	3 600
Safety and Security	R	42 369
Catering & Subsistence	R	17 693
Event & Liability Insurances	R	15 000
Professional management	R	28 500
	R	**290 007**

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Over the past few years Marina Martinique has proven itself to be the best open water venue in South Africa. The venue and people make it a world class event that conforms to the World Aquatic Standards for open water swimming. Everyone strives to come and swim here and therefore we are extremely thankful for your contribution, because without it we would not be able to host this event to this high standard. We look forward to continuing with this partnership that is of mutual benefit to all.

Michael Canter
NMBA President
On Behalf of Swimming South Africa.



Annexure B: SANOW TEAMS

SA National OWS Championship 2024-PE - 08/03/2024 to 10/03/2024

Team Entry Fee

		Team	Relays	Athletes	Rel Only	Entries	Surcharge	Entry Fee	Total
1	AGA-EKU	Aquatics Gauteng Ekhuruleni	2	16	0	23	$0.00	$3,020.00	$3,020.00
2	AGB-JHB	Aquatics Gauteng Johannesburg	2	20	0	28	$0.00	$3,620.00	$3,620.00
3	AGC-TSH	Aquatics Gauteng Tshwane	2	30	0	62	$0.00	$7,700.00	$7,700.00
4	CA-EKU	Cardinal Aquatics	0	0	0	0	$0.00	$0.00	$0.00
5	ECA-BUF	Eastern Cape Aquatics	0	21	0	44	$0.00	$5,280.00	$5,280.00
6	FSA-FS	Free State Aquatics	0	7	0	8	$0.00	$960.00	$960.00
7	KZNA-ETH	KwaZulu Natal	0	20	0	30	$0.00	$3,600.00	$3,600.00
8	MP-EZD	Mpumalanga Province	0	8	0	11	$0.00	$1,320.00	$1,320.00
9	NAM	Namibia Swimming	0	2	0	3	$0.00	$360.00	$360.00
10	NWS	Northwest Swimming Federation	1	5	0	6	$0.00	$850.00	$850.00
11	WCA-CPT	Western Cape Aquatics	2	34	0	51	$0.00	$6,380.00	$6,380.00
			9	**163**	**0**	**266**	**$0.00**	**$33,090.00**	**$33,090.00**

Annexure C: SANOWS Results

SA National OWS Championship 2024-PE - 08/03/2024 to 10/03/2024

Results

#1 Women 14&O 10k 10000km Open Water

	Name	Age	Team	Finals Time
1	Lötter, Callan	18	AGC-TSH	2:07:54.09
2	De Jager, Amica	25	AGC-TSH	2:07:58.87
3	Neilson, Hannah	19	WCA-CPT	2:08:00.23
4	Earle, Tory	22	AGC-TSH	2:09:47.90
5	Antonopoulos, Carli	23	AGC-TSH	2:14:02.12
6	Rademakers, Caitlin	19	ECA-BUF	2:17:57.73
7	Pharoah, Taylor	21	AGC-TSH	2:20:09.85
8	Humphries, Rachael	22	NWS	2:27:15.96
9	Bruce, Tayla	18	KZNA-ETH	2:28:08.28
10	Swanepoel, Abigail	20	ECA-BUF	2:29:20.34

#2 Women 16-17 7.5k 7500km Open Water

	Name	Age	Team	Finals Time
1	Jacobs, Marony	16	ECA-BUF	1:35:45.52
2	Horne, Kaitlynne	17	ECA-BUF	1:35:54.83
3	Myburgh, Karla	16	AGC-TSH	1:38:53.34
4	Andraos, Kirsty	17	AGC-TSH	1:46:35.46
5	Doubell, Cassidey Rae	17	AGB-JHB	1:52:01.95
6	Steyn, Carissa	17	NAM	1:56:06.36

#3 Men 14&O 1.5k 1.5KM Open Water

	Name	Age	Team	Finals Time
1	Vd Linde, Sven	19	AGC-TSH	17:22.34
2	Von Wielligh, Reino	31	AGC-TSH	17:24.75
3	Zowitsky, Reece	22	MP-EZD	17:28.16
4	Jones, Kellen	14	ECA-BUF	17:36.43
5	Jacobs, Pierre-Daniel	15	ECA-BUF	17:46.74
6	Beukes, Wade	17	WCA-CPT	17:49.63
7	Saayman, Liam	16	AGC-TSH	18:13.85
8	Kassebaum, Clayton	18	AGB-JHB	18:35.13
9	Pretorius, Nicholas	15	ECA-BUF	18:37.19
10	Sakelliou, Ares	18	ECA-BUF	18:59.13
11	Engelke, Ethan	17	AGB-JHB	18:59.51
12	Borrageiro, Jake	16	KZNA-ETH	19:01.12
13	Prime, Liam	17	ECA-BUF	19:31.93
14	De Beer, Hendro	15	ECA-BUF	19:32.81
15	Solomon, Ethan	16	WCA-CPT	19:34.80
16	Sheard, Dylan	16	ECA-BUF	19:53.69
17	Hattingh, Dewald	20	AGC-TSH	20:03.03
18	Van Wyk, Wesley	18	WCA-CPT	20:15.52
19	Nefdt, Grant	17	WCA-CPT	20:16.69

#4 Boys 13-14 3k 3000KM Open Water

	Name	Age	Team	Finals Time
3	Jones, Kellen	14	ECA-BUF	36:40.06
36	Joubert, Owen	14	KZNA-ETH	41:24.84
43	Forsythe, Liam	13	ECA-BUF	43:00.72
44	Ciampi, Jayden	14	AGC-TSH	43:36.58

#4 Men 15-16 3k 3000KM Open Water

	Name	Age	Team	Finals Time
7	Jacobs, Pierre-Daniel	15	ECA-BUF	37:22.16
11	Bartleman, Wian	15	NWS	38:32.09
14	Van Wyk, Wayne	16	WCA-CPT	39:38.08
19	De Bruyn, Phoenix	15	AGB-JHB	40:10.33
21	Bornman, Christiaan	15	AGC-TSH	40:16.39
23	De Beer, Hendro	15	ECA-BUF	40:30.85
29	Bloch, Dylan	16	AGB-JHB	40:53.13
35	Viljoen, Jaden	16	WCA-CPT	41:22.12
37	Henwood-Fox, Ben	15	KZNA-ETH	41:26.14
38	Sheard, Dylan	16	ECA-BUF	41:50.89
40	Baker, Benjamin	15	AGA-EKU	42:45.62
46	Heyes, Garrick	16	WCA-CPT	43:54.78

#4 Men 17-18 3k 3000KM Open Water

	Name	Age	Team	Finals Time
6	Searle, Liam	18	KZNA-ETH	37:03.57
8	Lunt, Taine	18	AGA-EKU	38:27.53
13	Kassebaum, Clayton	18	AGB-JHB	38:41.65
15	Engelke, Ethan	17	AGB-JHB	39:49.19
16	Stoltz, Dylan	17	MP-EZD	39:55.14
17	Boonzaaier, Simon	17	WCA-CPT	39:59.47
20	Henwood-Fox, Guy	17	KZNA-ETH	40:16.04
24	Meyer, Ricchard	17	AGA-EKU	40:38.85
25	Nellmapius, Keegan	18	AGA-EKU	40:40.39
26	Terblanche, Eben	17	MP-EZD	40:43.63
27	Mladovan, Jordan	17	AGB-JHB	40:43.87
28	Fouché, Nathan	17	AGA-EKU	40:48.30
30	Prime, Liam	17	ECA-BUF	41:03.90
32	Lipp, Connor	18	AGB-JHB	41:12.26
33	Holton, Riley	17	KZNA-ETH	41:18.75
34	DE Villiers, Connor	17	MP-EZD	41:21.12
39	Lunt, Ethan	17	AGA-EKU	42:24.72
41	Nefdt, Grant	17	WCA-CPT	42:46.26
42	Gander, Dylan	17	KZNA-ETH	42:47.12

#4 Men 19-29 3k 3000KM Open Water

	Name	Age	Team	Finals Time
2	Hartigan, Ross	26	AGB-JHB	36:34.43
4	Zowitsky, Reece	22	MP-EZD	36:51.62
9	Holton, Jaryd	19	KZNA-ETH	38:27.62
10	Kleynhans, Jeandre	19	AGC-TSH	38:28.84
12	Bartleman, Ewald	19	NWS	38:35.41
18	Hattingh, Dewald	20	AGC-TSH	40:07.91
22	Micklethwaite, Tyler	20	WCA-CPT	40:19.07
31	Marchi, Roberto	28	AGB-JHB	41:12.06
45	Pretorius, Dandré	20	AGA-EKU	43:52.05
47	Vorster, Josua	19	WCA-CPT	45:53.68
48	Fouché, Matthew	20	AGA-EKU	45:58.23

#4 Men 30-40 3k 3000KM Open Water

	Name	Age	Team	Finals Time
1	Von Wielligh, Reino	31	AGC-TSH	35:56.18

#4 Men 41-51 3k 3000KM Open Water

	Name	Age	Team	Finals Time
50	Botes, Walter	44	AGA-EKU	48:39.51

#4 Men 52&O 3k 3000KM Open Water

	Name	Age	Team	Finals Time
5	Albertyn, Gary	55	AGC-TSH	37:00.54
49	van der Merwe, André	53	AGA-EKU	46:00.80
51	Edge, Mark	65	ECA-BUF	55:14.23

#5 Men 3k Multi Disability Open Water

	Name	Age	Team	Finals Time
1	Putz, Aaron	28	KZNA-ETH	48:18.23

#6 Men 14&O 10k 10000KM Open Water

	Name	Age	Team	Finals Time
1	Louw, Henre	22	AGC-TSH	1:59:27.94
2	Breytenbach, Ruan	22	AGC-TSH	1:59:28.81
3	Seidler, Phillip	26	NAM	1:59:56.43
4	Ashley, Joshua	21	KZNA-ETH	2:00:31.74
5	Albertyn, Connor	20	AGC-TSH	2:03:04.59
6	Venter, Rossouw	22	AGC-TSH	2:05:23.27
7	Von Wielligh, Reino	31	AGC-TSH	2:07:04.27
8	Vd Linde, Sven	19	AGC-TSH	2:07:14.28
9	McWilliam, Benn	18	WCA-CPT	2:11:59.98
10	Ellis, Liam	18	WCA-CPT	2:12:00.11
---	Searle, Liam	18	KZNA-ETH	DNF

#7 Men 16-17 7.5k 7.5KM Open Water

	Name	Age	Team	Finals Time
1	McWilliam, Troy	17	WCA-CPT	1:36:24.39
2	Beukes, Wade	17	WCA-CPT	1:36:43.99
3	Terblanche, Luan	16	WCA-CPT	1:37:35.63
4	Borrageiro, Jake	16	KZNA-ETH	1:37:43.47
5	Clayton, Antony	17	WCA-CPT	1:40:10.41
6	Saayman, Liam	16	AGC-TSH	1:41:52.09
---	Ramsay, Shane	17	AGA-EKU	DNF

#8 Women 14&O 1.5k 1.5 KM Open Water

	Name	Age	Team	Finals Time
1	De Jager, Amica	25	AGC-TSH	18:18.74
2	Lötter, Callan	18	AGC-TSH	18:19.91
3	Horne, Kaitlynne	17	ECA-BUF	18:23.05
4	Jacobs, Marony	16	ECA-BUF	18:34.73
5	Gous, Sienna	14	ECA-BUF	19:18.82
6	Rademakers, Caitlin	19	ECA-BUF	19:19.92
7	Swanepoel, Abigail	20	ECA-BUF	19:20.88
8	Finnis, Tiara	18	ECA-BUF	19:21.47
9	Shepherd, Megan	21	AGC-TSH	19:22.48
10	Bruce, Tayla	18	KZNA-ETH	19:22.92
11	van Schalkwyk, Corne	18	AGB-JHB	19:31.03
12	Humphries, Rachael	22	NWS	19:53.47
13	Smith, Rachel	18	AGB-JHB	20:06.18
14	Kassebaum, Taylor	14	AGB-JHB	20:08.01
15	Van Eeden, Aine	17	ECA-BUF	20:37.83
16	Botes, Raine	17	AGC-TSH	20:42.53
17	Frösler, Mikayla	15	ECA-BUF	20:45.14
18	Cowley, Robyn	18	AGC-TSH	20:54.70
19	Rabie, Dominique	18	KZNA-ETH	21:19.66

#9 Girls 13-14 3k 3000KM Open Water

	Name	Age	Team	Finals Time
2	Gous, Sienna	14	ECA-BUF	39:34.12
3	Evans, Caitlin	14	WCA-CPT	39:37.26
7	Gous, Morgan	13	ECA-BUF	40:40.22
10	Venter, Zuria	14	AGA-EKU	41:14.82
12	Rossiter, Caitlin	14	NWS	41:55.01
18	Kassebaum, Taylor	14	AGB-JHB	42:06.77

Annexure D: Provincial Event Budget (Excluding Vat)

PROPOSED 2024 SA OWS CHAMPIONSHIPS
PROVISIONAL EVENT MANAGEMENT BUDGET (EXCLUDING VAT)

EXPENSES		Period	Cost	Qty		Responsibility		PAID BY
Event Admin Costs					**R 0**			
1	Zsports / NMBA pick up their own				R 0,00			
2	SA Swimming Rights Acquisition		n/a		R 0,00			
Local Accommodation requirements					**R 7 500**			
10	Timing, Media, DJ Crew, Social Media	3	R 2 500		R 7 500,00		Paid	Zsports
Advertising & Promotions					**R 0**			
15	Budget for advertising	0	R 0	1	R 0,00			
Kit & Clothing					**R 12 000**			
25	Officials Clothing (ideas to be submitted soonest)		R 200	60	R 12 000,00			
Venue Hire					**R 16 500**			
40	Managers Meeting (Friday evening)		R 1 500	1	R 1 500,00	VIK - Marina		
41	Competition Venue		R 4 500	3	R 15 000,00	VIK - Marina		
Equipment Requirements					**R 1 500**			
50	Marker Buoys	0	R 500	0	R 0,00			
51	Misc (Rope / Anchors / Sand Bags / Weights/ Spray Paint)	1	R 750	1	R 750,00			
52	Cable Ties	1	R 750	1	R 750,00			
Electronic Timing & Display					**R 27 000**			
60	FinishTime Chip Timing (+ accomm as in (10) above)	1	R 27 000	1	R 27 000,00	See Zsports Discount		NMBA
61	Finish Line Video Camera's & Backup	1	R 2 500	0	R 0,00	INCL - FinishTime		
Equipment Hire					**R 23 905**			
70	Medals Podium	0	R 3 500	1	R 0,00	NMBA		
71	Stage	0	R 0	1	R 0,00			
72	Container offices - Hire & transport	0	R 2 500	1	R 2 500,00	VIK - Kazin		
73	Tents/Furniture etc				R 13 155,00	MTE	50% paid	NMBA
75	Electrical Reticulation, DB Board & COC				R 0,00			
76	Two-way radios (NMBA)	0	R 75	20	R 0,00			
77	Speed Fencing	1	R 30	60	R 1 800,00		Zsports	
78	Boats & Fuel							
79	- NMBA - 2 Boats & Generator	1	R 650	3	R 1 950,00			
	- Media Boat (Nick ?)	3	R 500	1	R 1 500,00			
	- Water Safety (NSRI)	3	R 150	0	R 0,00			
	- Police Divers (if they come)	3	R 150	0	R 0,00			
80	Cooling Trailer (hydration)	3	R 1 000	1	R 3 000,00			
Insurance					**R 0**			
90	Public Liability (SSA, NMBA, Zsports)		R 15 000	0	R 0,00			
91	Event cancellation insurance		R 7 500	0	R 0,00			
92	Sponsored Vehicle insurance		n/a	0	R 0,00			
Marketing (sms, email, websites, concept designs, artwork)					**R 1 480**			
100	Event Specific Branding - 3m x 1m Airtec Banners		R 720	0	R 0,00			
101	Vehicle branding / decals		R 250	0	R 0,00			
102	Event signage							
	- Reserved Parking Tokens		R 3,00	60	R 180,00			
	- Advertising Boards		R 75	6	R 450,00			
	- Update all Venue signs				R 600,00			
	- Route Maps - A1 Sticker		R 250	1	R 250,00			
Television & Media Coverage					**R 66 500**			
110	Television filming & Broadcast costs		R 65 000	1	R 65 000,00	SSA VIK		
111	Event Photographer	0	R 1 800	3	R 0,00			
112	Social Media onsite (live pics, interviews, videos)	1	R 500	3	R 1 500,00		Zsports	
Participant Accessories (medals, wrist bands, swim caps, refreshments etc)					**R 800**			
120	Goody Bag / welcome pack	0	R 95,00	300	R 0,00			
121	Entry Wrist Bands (Swimmers, Staff, Officials)		R 2,00	400	R 800,00			
Printing & Stationary					**R 2 564**			
130	Event Brochure/Program		R 4,50	0	R 0,00			
131	Accreditations Colour Printing & Lamination (per page)		R 8,00	108	R 1 014,00			
132	Plastic Files for Managers Packs			20	R 250,00			

Annexure E: Photo Gallery and Thank you

THANK YOU FROM ALL OF US














arena
arena

REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING AND DEVELOPMENT

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/PD1**

REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION AND ACCEPTANCE OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY

1. **Introduction**

The purpose of this item is to request Council's final acceptance of offer from the Provincial Department of Human Settlements to devolve several land parcels to the Kouga Municipality for human settlement purposes. ****See Annexure "A".**

2. **Background**

On 16 March 2022 KLM received a visit from a delegate from the Provincial Human Settlements Department regarding an offer to devolve land parcels to the Municipality which previously belonged to the National Housing Board.

An in-principle Council decision was taken on 31 March 2022, accepting the properties devolved by the Provincial Department of Human Settlement ****See Annexure "B".**

However, soon after the resolution was taken the Provincial Department of Human Settlements communicated that the Papiesfontein properties should not have been part of the list of properties to be devolved to Kouga Municipality as the properties will be transferred to Department of Environmental Development.

3. **Discussion**

Portion 5 of Farm 319 Humansdorp RD and Portion 23 & 24 of Farm 321 Humansdorp RD (Papiesfontein) were withdrawn by the Department from the list of properties to be devolved. The Department indicated that they are in the process of transferring the Papiesfontein land parcels to Department of Environmental Development. Included in the new list replacing the Papiesfontein properties is erven 1968, 1982 and 1983 located in Humansdorp, Kwanomzamo.

Consideration has also been given to the fact that erf 110, Thornhill has been developed and hosts the Thornhill Combined Primary School and should in actual fact be transferred to the Department of Public Works (Education).

Erven 1982 and 1983, Humansdorp registered in the name of Province of the Eastern Cape. Erf 1983 Humansdorp has great potential to be developed into a business node.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000,00
Amount spent and committed to date	R198 821.75
Amount Available	R301 178.25
Comment	

KOUGA MUNICIPALITY
2024-10-24
BUDGET &TREASURY

5. **Applicable Legislation**

Municipal Finance Management Act 56 of 2003
Municipal Asset Transfer Regulations
Kouga Municipal Disposal of Immovable Assets Policy of 2020

6. **Legal Implications**

Should the Council resolve to rescind the previous Council resolution, such a decision will render the previous resolution null and void, and same will be replaced by the new resolution of Council. Anyone whose right were affected by the previous resolution of Council must consent to such a rescission of the Council resolution.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted

8.7 ***Municipal Manager***

Recommendation supported

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council rescinds resolution 22/03/PDT7 which granted in principle approval to devolve land parcels owned by the Former National Housing Board to Kouga Municipality.

10.2 That Council **grant final approval** for the acceptance of the offer from the Provincial Department of Human Settlements to devolve certain properties that belonged to the National Housing Board to Kouga Municipality. The properties contemplated herein includes the following:

- Erven 1968, 1982, 1983 Humansdorp and Erf 391, Hankey.

10.3 That the acceptance mentioned in the above excludes Erf 110, Thornhill as the Thornhill Combined Primary School is built on this property, therefore, transfer must be to the Department of Education or the Department of Public Works.

10.4 That the Council grant authorization to the Accounting Officer to enter into agreement with the current owners for transfer of the properties to KLM.

Item prepared by the: Manager Land & Property Administration

Item approved by the: Director: Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure "A"

Province of the
EASTERN CAPE
HUMAN SETTLEMENTS

Eastern Cape Department of Human Settlements – Directorate: Sales, Transfer & Assets
Steve Tshwete House • 31-33 Phillip Frame Road • Waverly Park • Chiselhurst • East London • Eastern Cape • RS
Office No:043 711 9587 • Fax No: 086 662 3513 • Email:vuyanin@ecdhs.gov.za

THE MUNICIPAL MANAGER
KOUGA LOCAL MUNICIPALITY
PO BOX 21
JEFFREYS BAY
6330

OFFER (DEVOLUTION) OF LAND PREVIOUSLY OWNED BY THE FORMER HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY FOR HUMAN SETTLEMENTS DEVELOPMENT.

The Department of Human Settlements has land from the Former Housing Board, which was offered to Kouga Local Municipality for Human Settlements Developments, in terms of Section 14 and 15 of the Housing Act no 107 of 1997, which articulates the provisions on how the land should be executed by the provinces.

Engagements between the Department and the municipality has been conducted and verbal indications of the need of these land parcels were piece of land by the municipality.

Based on those verbal connotations, the Department has initiated a memorandum requesting approval by the Member of the Executive Committee (MEC) to devolve this land parcels to the municipality. The memorandum is about to be approved by the MEC. The Member of Executive Committee (MEC) requesting a proof of acceptance of the land parcels by the municipality. This must be in the form of Council Resolution and a Land Development Plan that indicates that the land will be used for Human Settlements Development purposes.

The properties are listed as follows:

NR	ErfNumber	Extent of Land	Accomodation Type	Building Name & Address	AREA	State Owned / Leased Title Deed No.
1	391	4608 SQM	VACANT ERF	ERF 391, BLACKLANDS, HANKEY	HANKEY	T11959/1980
2	PORT 5 (A PORTION OF PORTION 3) OF FARM NO.319	429,1224HA	FARM	FARM PAPIESFONTEIN	HUMANSDORP	T13563/1987
3	PORTION 23 OF FARM NO. 321	95,3082HA	FARM	FARM KABELJOUSRIVIER	HUMANSDORP	T13563/1987
4	PORTION 24 OF FARM NO. 321	3,4193HA	FARM	FARM KABELJOUSRIVIER	HUMANSDORP	T13563/1987
5	REST ERF 1	401.6136 H	VACANT ERF	RESTAND ERF 1, WOODLANDS	HUMANSDORP	T34055/1993
6	1982/1983	1,0404 HA	VACANT ERF	PORTION OF ERF 1	HUMANSDORP	T88378/93
7	110	1000M²	VACANT ERF	THORNHILL	THORNHILL	T40195/1995

TRANSFORMING COMMUNITIES TOGETHER

OFFER (RE VOLUTION) OF LAND PARCELS PREVIOUSLY OWNED BY THE FORMER HOUSING BOARD IN KOUGAMMA LOCAL MUNICIPALITY FOR HUMAN SETTLEMENTS DEVELOPMENT

The Department kindly requested the Municipality to submit the required documents to the Department of Human Settlements as proof of acceptance of the land offer.

Your speedy response will be much appreciated.

Thanking you in the Public Service

MS. TABISA POSWA
HEAD OF DEPARTMENT

2022-03-14
DATE:

Follow-up communication from Department of Human Settlement on the letter dated 14 March 2022 retracting the Papiesfontein properties and inclusion of alternative properties for devolution to Kouga Municipality.

Dear Cedric.

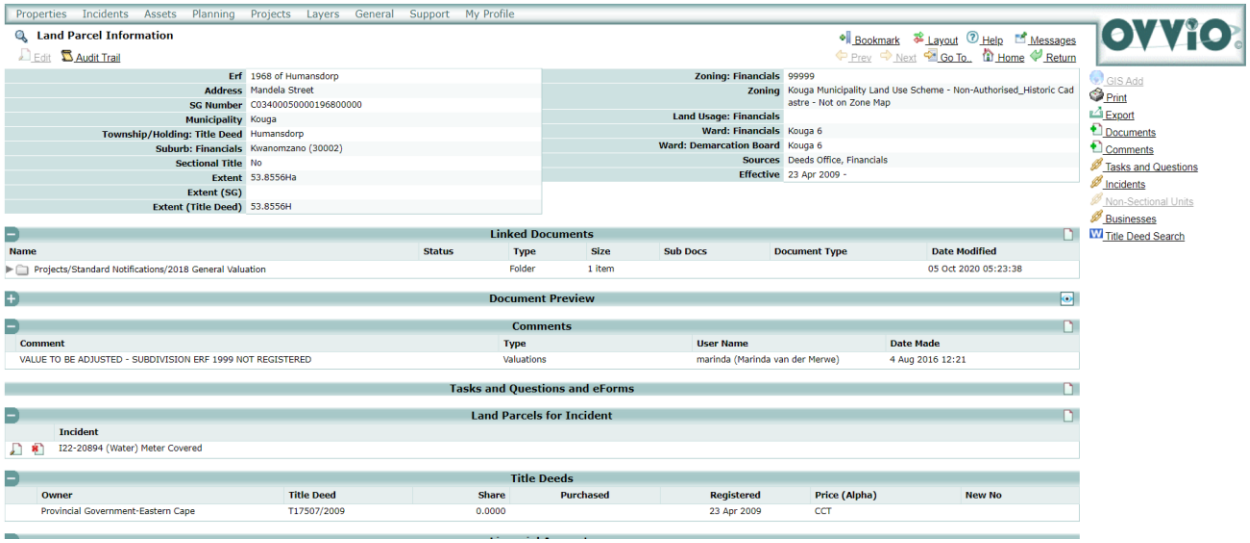
Our telephonic conversation, refers:

The department has 7 land parcels in the Kouga Municipality that were inherited from the Former Housing Board, as following:-

No.	Municipality	Township	Extent	Erf or Farm	Address		Comment
1.	Kouga	Hankey	4608 sq.m	391	T11959/1980	T13563/1987	Still available for devolution to Kouga Municipality
2.	Kouga	Humansdorp RD	429,122 ha	Portion 5(a portion of portion 30 Farm no.31	Farm Papiesfontein	T13563/1987	In the process of transfer to the Department of Environmental Development.
3.	Kouga	Humansdorp RD	95,3082 ha	Portion 23 of Farm no 321	Farm Kabeljousrivier	T13563/1987	In the process of transfer to the Department of Environmental Development
4	Kouga	Humansdorp RD	3,4193 ha	Portion24 of Farm No.321	Farm Kabeljousrivies	T13563/1987	In the process of transfer to the Department of Environmental Development
5	Kouga	Humansdorp	1,0404	1982/1983	Portion of erf 1	T88378/93	Still available for devolution to Kouga Municipality
6	Kouga	Humansdorp	40,4313	1968		T17507/2009	Still available for devolution to Kouga Municipality.
7	Kouga	Thornhill	1 000sq.m	110		T40195/1995	Department of Public Works built a school on this parcel

It is the highlighted land , that will no longer be devolved to Kouga municipality, based on the request by the Department of Environmental Development.
Please accept my apology for having confused the municipality by adding these 3 land parcels to the land the department would like to devolve to Kouga Municipality.

Erf 1968 Humansdorp



Properties Incidents Assets Planning Projects Layers General Support My Profile

Bookmark Layout Help Messages
Prev Next Go To Home Return

Land Parcel Information

Edit Audit Trail

Erf	1968 of Humansdorp	**Zoning: Financials**	99999
Address	Mandela Street	**Zoning**	Kouga Municipality Land Use Scheme - Non-Authorised_Historic Cad astre - Not on Zone Map
SG Number	C0340005000019680000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 6
Township/Holding: Title Deed	Humansdorp	**Ward: Demarcation Board**	Kouga 6
Suburb: Financials	Kwanomzano (30002)	**Sources**	Deeds Office, Financials
Sectional Title	No	**Effective**	23 Apr 2009 -
Extent	53.8556Ha		
Extent (SG)			
Extent (Title Deed)	53.8556H		

GIS Add
Print
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Documents
Comments
Tasks and Questions
Incidents
Non-Sectional Units
Businesses
Title Deed Search

Linked Documents

Name	Status	Type	Size	Sub Docs	Document Type	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item			05 Oct 2020 05:23:38

Document Preview

Comments

Comment	Type	User Name	Date Made
VALUE TO BE ADJUSTED - SUBDIVISION ERF 1999 NOT REGISTERED	Valuations	marinda (Marinda van der Merwe)	4 Aug 2016 12:21

Tasks and Questions and eForms

Land Parcels for Incident

Incident
I22-20894 (Water) Meter Covered

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Provincial Government-Eastern Cape	T17507/2009	0.0000		23 Apr 2009	CCT	


HUMANSDORP
1999
1269
1452
1453
2435
659
13/689
9/689
8/689
7/689
9/688
21/688

Properties Incidents Assets Planning Projects Layers General Support My Profile

Land Parcel Information

Edit Audit Trail

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Erf	1982 of Humansdorp
Address	003001968009
SG Number	C03400050000198200000
Municipality	Kouga
Township/Holding: Title Deed	Humansdorp
Suburb: Financials	Kwanomzano (30002)
Centroid	34.034724914319245 24.7734721779951 4E
Sectional Title	No
Extent	2140sqm
Extent (SG)	2107sqm
Extent (Title Deed)	2140 SQM

Zoning: Financials	99999
Zoning	Kouga Municipality Land Use Scheme - Transport Zone 1
Land Usage: Financials	
Ward: Financials	Kouga 15
Ward: Demarcation Board	Kouga 15
Sources	Deeds Office, Surveyor General, Financials
Effective	

Display GIS
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Documents
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Tasks and Questions
Incidents
Non-Sectional Units
Businesses
Title Deed Search
Google Map View
Google Street View
Mapillary

Linked Documents

Name	Status	Type	Size	Sub Docs	Document Type	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item			05 Oct 2020 05:23:38

Document Preview

Comments

Tasks and Questions and eForms

Land Parcels for Incident

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Province Of The Eastern Cape	T88378/1993	0.0000		15 Nov 1993	R	
Republiek Van Suid-Afrika	T88378/1993	0.0000		15 Nov 1993	R2500.00	T84076/2007



Erf 1982, Humansdorp

Properties Incidents Assets Planning Projects Layers General Support My Profile

Land Parcel Information

Edit Audit Trail

Bookmark Layout Help Messages
Prev Next Go To Home Return

OVVIO

Erf	1983 of Humansdorp
Address	Unknown
SG Number	C0340005000019830000O
Municipality	Kouga
Township/Holding: Title Deed	Humansdorp
Suburb: Financials	Kwanomzano (30002)
Centroid	34.0349335902230345 24.7752713338942O3E
Sectional Title	No
Extent	8264sqm
Extent (SG)	8007sqm
Extent (Title Deed)	8264.0000SQM

Zoning: Financials	PUBOS
Zoning	Kouga Municipality Land Use Scheme - Open Space Zone 1
Land Usage: Financials	
Ward: Financials	Kouga 15
Ward: Demarcation Board	Kouga 15
Sources	Deeds Office, Surveyor General, Financials
Effective	

Display GIS
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Incidents
Non-Sectional Units
Businesses
Title Deed Search
Google Map View
Google Street View
Mapillary

Linked Documents

Name	Status	Type	Size	Sub Docs	Document Type	Date Modified
Projects/Standard Notifications/2018 General Valuation		Folder	1 item			05 Oct 2020 05:23:38

Document Preview

Comments

Tasks and Questions and eForms

Land Parcels for Incident

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Province Of The Eastern Cape	T88378/1993	0.0000		15 Nov 1993	SECT 239-200/93 "	
Province Of The Eastern Cape	T84076/2007	0.0000			TRANSFER BY ENDORSEMENT	
Republiek Van Suid-Afrika	T88378/1993	0.0000			R2500.00	T84076/2007



Erf 1983, Humansdorp



Erf 391 Hankey

Land Parcel

17 Mar 2022 09:05

Erf	391 of Hankey	**Zoning: Financials**	AGRIC
Address	Agricultural Land	**Zoning**	LUPO (Section 8) Zoning Scheme - Agriculture 1
SG Number	C03400040000039100000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 9
Township/Holding: Title Deed	Hankey	**Ward: Demarcation Board**	
Suburb: Financials	Hankey - Farms (90020)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.83276444308464S 24.86010062103233E	**Effective**	
Sectional Title	No		
Extent	4608sqm		
Extent (SG)	4300sqm		
Extent (Title Deed)	4608 SQM		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
National Housing Board	T11959/1980	0.0000		6 May 1980	R	

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
009020391015	National Housing Board		State (S)	Owner (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400040000039100 00000000	National Housing Board		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Land Value	Improvements Value	Land Area	Improvements Area
			0	46000	4608	0

Valuations and Surveys

Project	Category / Usage	H Area	P / C	Status	Current Value
Interim Valuation 2011-03	Unknown (As Per MPRA)	Unknown		Valued	23,000.00
2013 - 2018_DDP Valuation Roll as Printed	2g-02 (State Owned-Provincial Government) (Kouga)	Unknown		Valued	46,000.00
2018 General Valuation	STATE-OWNED PROPERTIES (GV2018)	Unknown		Valued	46,000.00



Erf 110, Thornhill

Land Parcel

17 Mar 2022 09:07

Erf	110 of Thornhill	**Zoning: Financials**	RBUS
Address	Aweries Street	**Zoning**	LUPO (Section 8) Zoning Scheme - Open Space 2
SG Number	C07600210000011000000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 7
Township/Holding: Title Deed	Thornhill	**Ward: Demarcation Board**	
Suburb: Financials	Thornhill - Phase 1 (80010)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.89727352912044S 25.1440960815276E	**Effective**	
Sectional Title	No		
Extent	1.0000Ha		
Extent (SG)	9999sqm		
Extent (Title Deed)	1 H		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Provincial Government-Eastern Cape	T40195/1995	0.0000		6 Jun 1995	R	
Provincial Housing Development Board-Eastern Cape BC55993/2001	T40195/1995	0.0000		6 Jun 1995	G/P	T68385/2002

Financial Accounts

Account	Debtor	ID Number	Debtor Type		Owner Tenant
008000110002	Provincial Government - Easter		State	(S)	Owner (Kouga)
008000110105	Thornhill Primary		State	(S)	Type A (Kouga)
008000110301	Provincial Government Eastern		Normal	(N)	Type A (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C07600210000011000 00000000	Provincial Government-Eastern Cape		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Land Value	Improvements Value	Land Area	Improvements Area
			0	1000	10000	0

Valuations and Surveys

Project	Category / Usage	H Area	P / C	Status	Current Value
Original Values before 2008 GV (Samras 1 Jun 2009)	Sect 8(2)(c) - Business & Commercial (As Per MPRA)	Unknown		Valued	517,000.00
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	2		Valued	95,000.00
2013 - 2018_DDP Valuation Roll as Printed	2g-02 (State Owned-Provincial Government) (Kouga)	Unknown		Valued	100,000.00
2018 General Valuation	STATE-OWNED PROPERTIES (GV2018)	Unknown		Valued	1,000.00

Land Use Applications

Land Use Application	Address	Sectional Title
JL1920-00124	Aweries Street	

ANNEXURE B

EXTRACT OF ORDINARY COUNCIL MEETING HELD ON 31 MARCH 2022

22/03/PDT7 DEVOLUTION (OFFER) OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY

Resolved (31 March 2022)

1. That Council grants in-principle acceptance of the offer from the Provincial Department of Human Settlements to devolve certain properties that belonged to the former National Housing Board to Kouga Municipality. The properties contemplated herein includes the following:

   - Erf 319 portion 5, Erf 321 portion 23 and 24 Humansdorp RD, Erf 391, Hankey

2. That the acceptance mentioned in 1. above excludes the following land parcels:
   - Erf 110, Thornhill as the Thornhill Combined Primary School is built on this property, therefore transfer must be to DOE/ DPW.

   - Remainder and portion of Erf 1, Woodlands as this land is in the jurisdiction of Koukamma Local Municipality.

3. That Council grants authorization to the Accounting Officer to enter into relevant agreement with the Provincial Department of Human Settlement for transfer of the property to KLM.

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/PD2**

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERVEN 2084 AND 2085, HUMANSDORP

1. **Introduction**

The purpose of this item is to request Council's final approval for the alienation (lease) of, Erven 2084 and 2085, Humansdorp to Khoisan Doepa, represented by Mr. Joseph.

2. **Background**

The initial application was submitted in January 2021 by Mr. Joseph, the Director of Khoisan Doepa for a long-term lease to develop Electric Vehicle Charging Station where the electricity is created by using solar panels.

3. **Discussion**

The applicant is proposing a solar plant, charging station, a farm stall and a restaurant. The proposal and layout plans are attached as **Annexure "A"**. The applicant motivates that they have applied for funding and financiers have given in-principal approval pending that the applicant obtains a lease agreement.

The Department obtained a valuation report which is attached as **Annexure "B"**.

The Section 14 process was concluded and is attached below with aerial images of the properties as **Annexure "C"**.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 R225 290.22 BUDGET &TREASURY
Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act No. 56 of 2003
Municipal Asset Transfer Regulations, 2008

Spatial Planning and Land Use Management Act No. 13 of 2013
Kouga, Spatial Planning and Land Use Management By-law, 2016
Policy and Procedures for the Disposal of Immovable Assets, 2020
Leasing Policy for Municipally Owned Immovable Property, 2020

6. **Legal Implications**

Should Council approve the recommendations herein, the Accounting Officer shall be authorized to enter into a long-term lease agreement with the applicant herein. Once signed, both parties shall be subjected to the terms and conditions contained therein.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommended for approval

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

The proposed solar development complies with the relevant regulations and ensures sufficient electricity availability from the municipal network to support the installation of an electric vehicle charging station.

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10,1 That Council **grant final approval** for the lease of Erven 2084 and 2085, Humansdorp to Khoisan Doepa, represented by Mr. Joseph for 9 years and 11 months with the option to purchase.

10.2 That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.

10.3 That Council considers the market-related rental valuation of R15,800.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council.

10.4 That the property be used for the purpose applied for (solar plant, charging station, a farm stall and a restaurant), and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.

10.5 That the lease be cancelled if purpose applied for is not implemented within 24 months from date of signed lease agreement.

10.6 That all costs in respect of the consolidation, rezoning, surveying and any environmental approval, be borne by the applicant.

10.7 That an escalation be included in the lease agreement.

Item prepared by the: The Manager Land and Property Administration

Item approved by the: Director Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure "A"

KHOISAN DOEPA
REG NO:2020/820905/07

Khoisan Doepa

Company Profile

Overview:

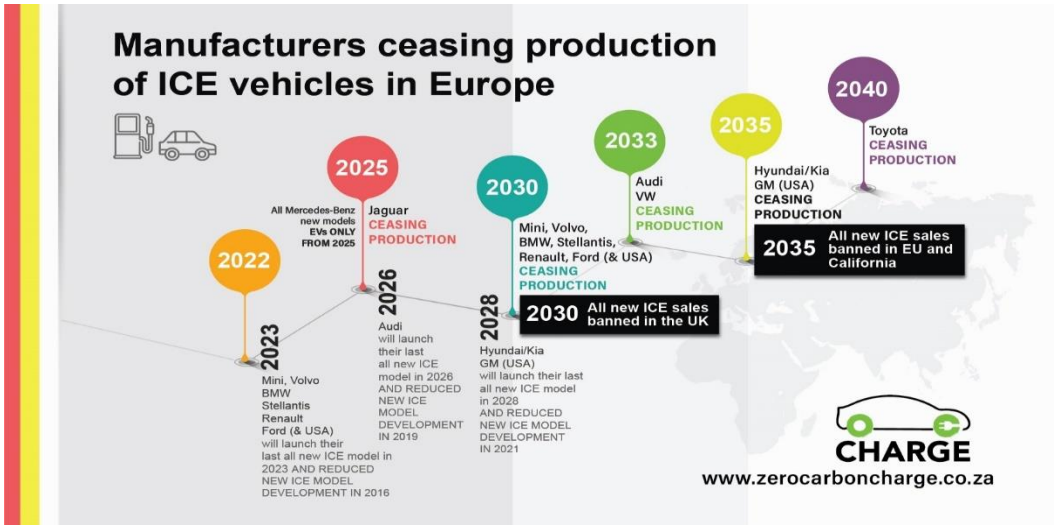
Khoisan Doepa is a 100% Black owned business entity, which attained a level 1 BBBEE scorecard and 135% procurement. Khoisan Doepa got its footprint in the rural areas of Sea Vista in the Eastern Cape. We got a team of highly skill team that live the vision and mission statement of Khoisan Doepa.
Jackie Ralph Joseph identified a few market opportunities that will assist the Kouga Municipality to grow its Local Economic Development, Black Economic Empowerment and much needed job creation portfolio.

Our Credentials:

- We have been part of the enterprise development program of SAB Breweries for the past two years (2017/2018)
- We follow the government mandate and stay acceptable by being in line with the BEE Legislation.
- We are a team with passion and knowledge pertaining to our product

Intended Projects:

1. Electric Vehicle Charging station where the electricity is created by using solar panels. We will build our own solar plant and Farm Stall with the charging station.
   The farmstall will have a restaurant with sitting area for clients to enjoy something to eat while waiting for their vehicles. It will also have suitable ablution facilities.





The Intent

The intent is to lease land from the Municipality for 10year with the option to purchase. Included find a map of the land identified. Its vacant land with the right zoning. The land in question is around 5 Hectares and we could fit the current projects with potential of extension

Management and Associates:

Managing Director: Mr Jackie Ralph Joseph

Jackie Joseph is the founder of the company. He holds a Higher Diploma in education and a post graduate certificate in BBBEE management from Unisa.
Tried and tested Entrepreneur with vast experience in general and project management and Ex- school manager
More than 10 years of managerial work experience at various institutions.
Responsible for the Management of all the projects of Excodor 178 Cc. A prominent member of community formations.

Director: Mabre Auleen-Lynn Joseph

Mabre is the daughter of Mr JR Joseph and have been involved with the company since inception. She is 28 years old and therefore qualify for government support in terms of their empowerment programs for the youth and women.
She will join the team in line with policy of the Local Municipality to enhance youth and women empowerment

The Strategic Partner:

Zero Carbon Charge

Zero carbo is the strategic partner, and they are experienced in the industry and have similar operations in Atlantis Western Cape and is busy setting up operations along the N2 and N1 in various location within South Africa.
NB*

- A few details are available in the Annexures and copies
- The team is currently on the road, and I will send you more information when they available next week

AIDC

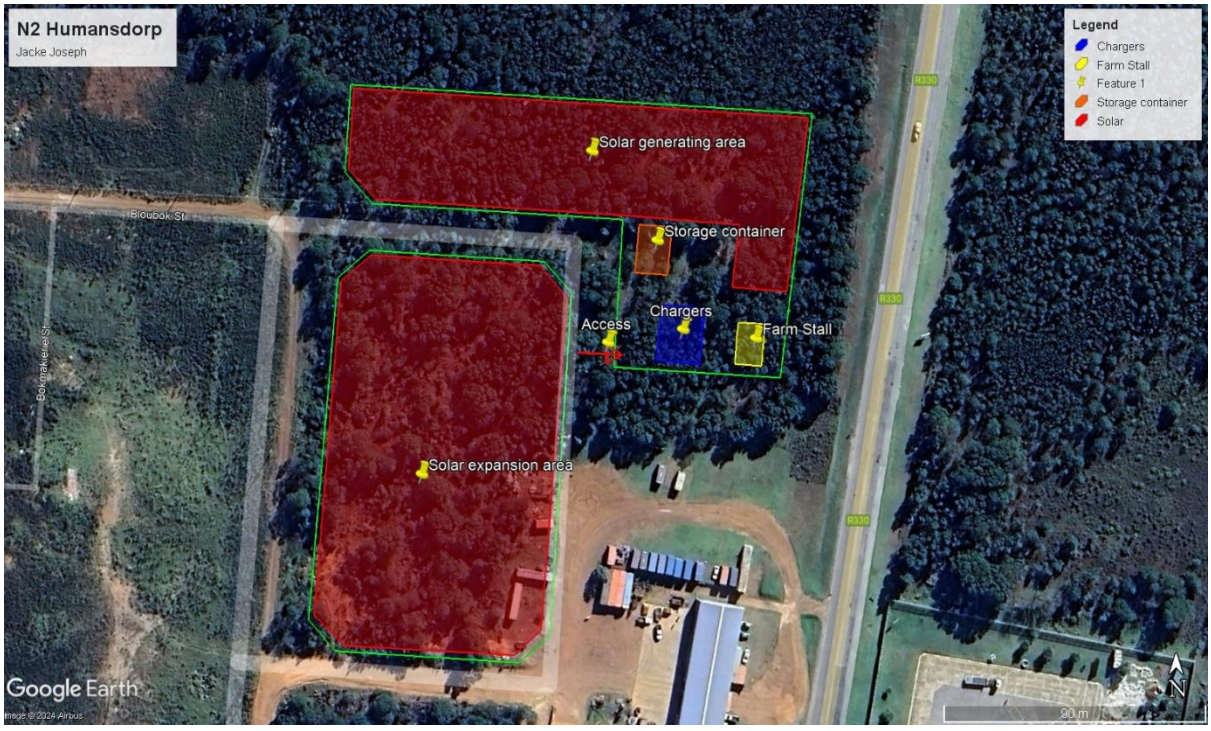
The Automotive Industry Development Council have already started with there out roll program of charging station in Umtata in the Eastern Cape and we will work them to roll out the program in Kouga

REFERENCES:

Dr. Keith Du Plessis
CEO
Casidra
Cell: 082 740 7654

Mr. Charlie Joseph
Candidate Valuator
Martin Swartz Valuators
Cell: 084 533 2281

Layout of development



Annexure "B"

EVERGREEN VALUERS Pty Ltd

Year Round Meticulous

PROPERTY DESCRIPTION:

A PORTION OF ERF 2084, 2085 AND A PORTION OF ERF 2077 (ROAD) HUMANSDORP, EASTERN CAPE (Vacant land) 25 272m²

This one-page certificate has been prepared on instruction received from Kouga Municipality, as represented by **Marius Gysman**.



DEFINITION OF MARKET RENTAL:

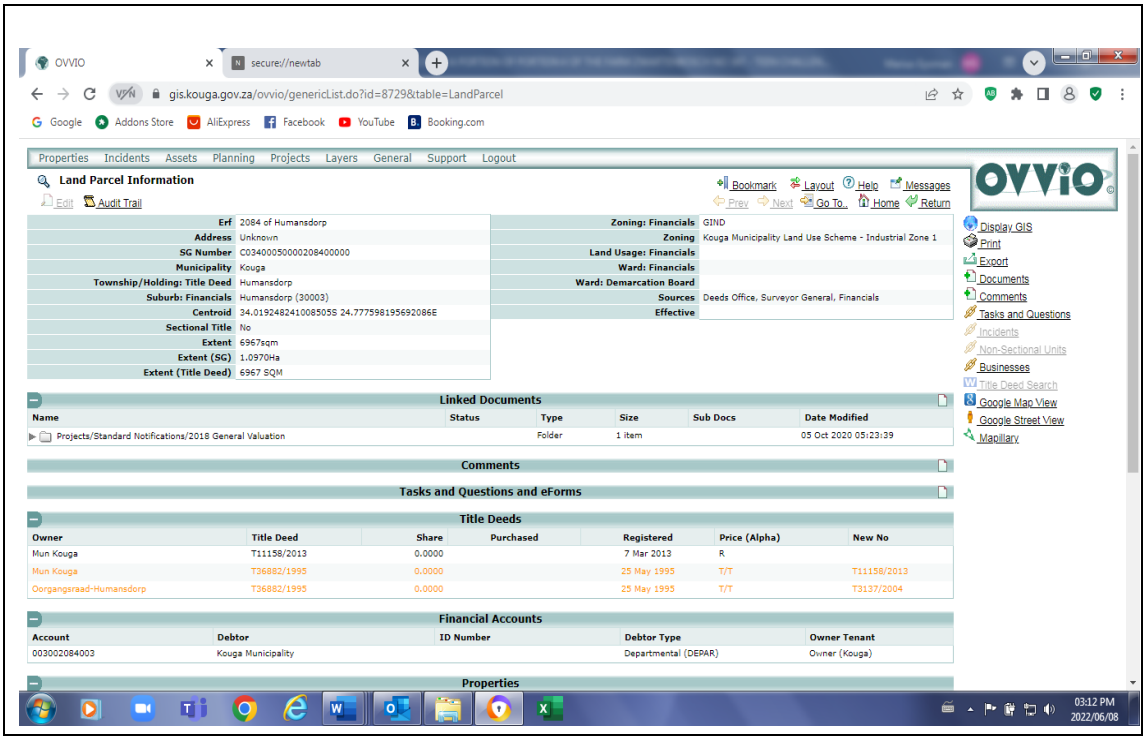
Market Rent is the estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

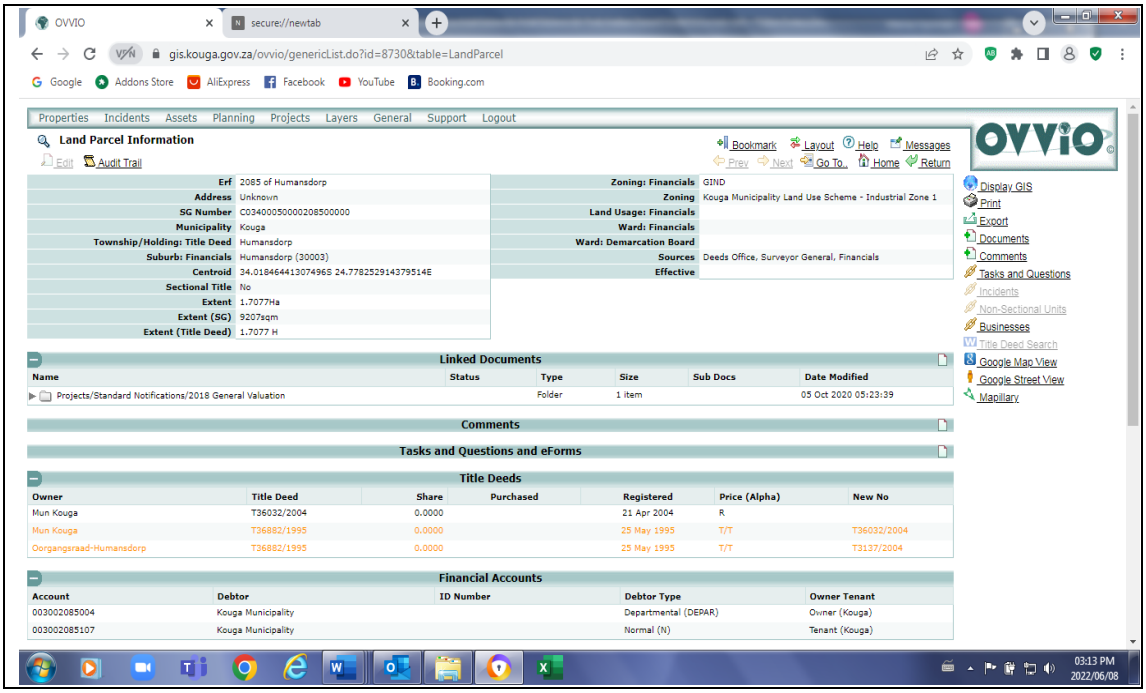
I the undersigned, L Ferreira, consider this valuation to be a true reflection and a fair assessment of the subject property as on the date of valuation.

R15 800.00
(Fifteen Thousand Eight Hundred Rand Only) - per month

Annexure "C"

Erven 2084 and 2085, Humansdorp





Comments by the Directorates (Sect. 14)

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
Erven 2084 and 2085 Humansdorp)	Humansdorp	Developer must obtain appropriate land use right for intended use in terms of SPLUM B-law.	Applicant to comply with Town Planning and Service departments comments before submitting a building plan for approval. Once building plan is approved, applicant to notify Building Control of when they are ready for the statutory inspections.	**AS:** Supported **Env H:** No Objection **HS:** Supported **CS:** No Objection. Applicant to be made aware of potential listed activities which may be triggered by the development: Activity 1 of Listing notice 1 and or Activity 2 of listing notice 1, Activity 11 of listing notice 1, Activity 27 of Listing Notice 1, Activity 28 of Listing Notice 1. Activity 4 of listing notice 3, Activity 10 of listing notice 3, Activity 12 of listing notice 3, Activity 14 of listing notice 3, Activity 15 of listing notice 3. Applicant also to be made aware that certain trees (protected trees) cannot be removed without a permit. KLM's climate change strategy states that KLM should not sell any public open space. I see that the applicant wants to lease the properties with the intent to purchase the land. **LS**: Council must decide on reasonable grounds that the asset is not needed to

				provide the minimum level of basic services and the fair market value of the asset and the economic and community value to be received in exchange. Further, this application appears to be an unsolicited bid - Council policy requires specific processes for considering and accepting bids (Policy and Procedures for the Disposal of Immovable Assets Policy). Further, public open space and transport zones must first be subdivided from the principal parcel and closed off to the public effective upon publication in the relevant Gazette after following due process as set out in the Spatial Planning and Land Use By-law, failing which the rights may not transfer and open the municipality to potential damages and cost other implications.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/PD3**

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE ALIENATION OF BUSINESS ZONED MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA

1. **Introduction**

The purpose of this item is to request the Council's final approval for the disposal of municipal business erven within the Kouga Municipal area.

2. **Background**

A request was received from Lerizo International Investments to purchase the properties the company is currently leasing from the municipality for business purposes. Containerized Usave shops were placed on designated sites on the leased properties namely, erf 32, Loerie Heuwel, Erf 259, Patensie, Erf 1826, Hankey, and Erf 7294 Ocean View, Jeffreys Bay. **See Annexure A**

3. **Discussion**

It should be noted that short-term agreements were entered into with Lerizo International Investment in respect of properties contemplated but it was highlighted in the specific agreements, that there is no guarantee of land as they will be required to bid for the properties once they are subjected to a competitive method of disposal.

Further contained in this item is the extract of the minutes of the Land Evaluation Committee Meeting held on Monday, 26 June 2023, and attached as **Annexure B**. All erven identified for disposal was recommended by the Land Evaluation Committee (LEC) and confirmed by a verification conducted by the leading department. It was proposed that the method of disposal should be through an Auction.

The advertisement Notice 92/2024 for comments/input for Public Invitation for Comments and Objections to the Council's Intended Disposal of Municipal Properties was placed on 2 May 2024 until 31 May 2024, and no objections were received against the four business properties contemplated herein. **Attached as **Annexure "C"**.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000

Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 R225 290.22 BUDGET &TREASURY
Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act No. 56 of 2003
Municipal Asset Transfer Regulations, 2008
Spatial Planning and Land Use Management Act No. 13 of 2013
Kouga, Spatial Planning and Land Use Management By-law, 2016
Policy and Procedures for the Disposal of Immovable Assets, 2020

6. **Legal Implications**

Should the Council approve the recommendations herein, the Accounting Officer shall be authorized to alienate the immovable property identified herein, by way of the recommendation disposal method.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

The market valuation for each property must be reflected within the recommendation to ensure that Council approves the disposal value of each property and that the values are clearly indicated within the resolution.

8.2 **Director: Planning & Development**

Recommended for approval

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant final approval** to alienate by way of a competitive bidding process the municipal erven 32, Loerie Heuwel, 259, Patensie, 1826, Hankey and 7294 Jeffreys Bay.

10.2 That Council confirms that the immovable properties are not needed for the provision of the minimum level of basic municipal service.

10.3 That Council confirms the market-related valuations in line with Section 14(2) of the Municipal Finance Management Act:

10.3.1 Erf 7294, Jeffreys Bay (R460,000.00)
10.3.2 Erf 1826, Hankey (R170 000.00)
10.3.3 Erf 259, Patensie (R81,000.00)
10.3.4 Erf 32, Loerieheuwel (R40 000.00)

10.4 That Council authorizes the Accounting Officer to enter into a Deed of Sale with the successful bidder.

Item prepared by the: The Manager: Land & Property Administration

Item approved by the: Director Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure "A"

CHURCHES/CRECHES/BUSINESS/RESIDENTIAL				
ERF NO	**ZONING**	**VALUATION**	**AERIAL IMAGE**	**COUNCIL RESOLUTION Y/N - RECOMMENDATION**
Erf 7294, Jeffreys Bay 4777 m²	Business	Market related = R460,000.00 Municipal Valuation = R990 000.00		Approved by Council (previous resolutions) to be sold – no transfers / sales not concluded. Short-term agreement with Lessee. **Proposed method of sale through Auction.**
Erf 1826, Hankey 3296 m²	Business	Market related = R170,000.00 Municipal Valuation = R99 000.00		Approved by Council (previous resolutions) to be sold – no transfers / sales not concluded. Short-term agreement with Lessee. **Proposed method of sale through Auction.**
Erf 259, Patensie 1223 m²	Business	Market related = R81,000.00 Municipal Valuation = R520 000.00		Approved by Council (previous resolutions) to be sold – no transfers / sales not concluded. Short-term agreement with Lessee. **Proposed method of sale through Auction.**
Erf 32, Loerieheuwel 887 m²	Business	Market related = R40,000.00 Municipal Valuation = R320 000.00		Approved by Council (previous resolutions) to be sold – no transfers / sales not concluded. Short-term agreement with Lessee. **Proposed method of sale through Auction.**

Land Parcel

27 Nov 2024 17:05

Erf	32 of Loerieheuwel	**Zoning: Financials**	RBUS
Address	STREET UNKNOWN	**Zoning**	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C07600080000003200000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Loerieheuwel	**Ward: Demarcation Board**	Kouga 7
Suburb: Financials	Loerieheuwel (45001)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.87560317554633S 25.018512793858104E	**Effective**	
Sectional Title	No		
Extent	887sqm		
Extent (SG)	888sqm		
Extent (Title Deed)	887.0000SQM		

Land Parcels for Incident

Incident
I22-16003 (Water) Burst Pipe (Water)

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T10739/1983C TN	0.0000		29 Mar 1983	T/T *	
Regional Services Council-Port Elizabeth	T10739/1983C TN	0.0000			T/T	T77313/2005 CTN

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
004500032002	Kouga Municipality (Loerie)		Attorneys Closed (ATTCL)	Tenant (Kouga)
004500032026	Kouga Municipality (Loerie)		Departmental (DEPAR)	Owner (Kouga)
004500032033	Lerizo International Investmen		Email Accounts (EMAIL)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C07600080000003200 00000000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
		Type MUN	320000	0

Valuations and Surveys

Project	Category / Usage	H Area			Status	Review Status	Current Value
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	3			Valued		20,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown			Valued		25,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		30,000.00
SV3 (2018-2023)	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		320,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		320,000.00

Land Parcel

27 Nov 2024 16:56

Erf	259 of Patensie	**Zoning: Financials**	RBUS
Address	Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C03400120000025900000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Patensie	**Ward: Demarcation Board**	Kouga 10
Suburb: Financials	Ramaphosa Village (60002)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.74480090520406S 24.801275137096198E	**Effective**	
Sectional Title	No		
Extent	1223sqm		
Extent (SG)	1221sqm		
Extent (Title Deed)	1223 SQM		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Patensie	T1567/1969	0.0000		29 Jan 1969	R T/T	

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
006000259000	Kouga Munisipaliteit		Departmental (DEPAR)	Owner (Kouga)
006000259512	Lerizo International Investmen		Email Accounts (EMAIL)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400120000025900 00000000	Mun Patensie		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
		Type MUN	520000	0

Valuations and Surveys

Project	Category / Usage	H Area			Status	Review Status	Current Value
2008 GV (from TruVal data)	Sect 8(2)(c) - Business & Commercial (As Per MPRA)	Unknown			Valued		28,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown			Valued		40,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		49,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		520,000.00

Land Parcel

27 Nov 2024 16:59

Erf	1826 of Hankey	**Zoning: Financials**	PUBOS
Address	Extention 3	**Zoning**	Kouga Municipality Land Use Scheme - Open Space Zone 1
SG Number	C03400040000182600000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Hankey	**Ward: Demarcation Board**	Kouga 9
Suburb: Financials	Ext-4 Hankey (20050)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.82614635010577S 24.874009356926376E	**Effective**	
Sectional Title	No		
Extent	3296sqm		
Extent (SG)	3290sqm		
Extent (Title Deed)	3296 SQM		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T18470/1994	0.0000		18 Mar 1994	R	
Mun Hankey	T18470/1994	0.0000		18 Mar 1994	T/T	T32306/2001

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
002001826007	Kouga Municipality (Hankey)		Departmental (DEPAR)	Owner (Kouga)
002001826519	Lerizo International Investmen		Email Accounts (EMAIL)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400040000182600 00000000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
		Type MUN	99000	0

Valuations and Surveys

Project	Category / Usage	H Area	Status	Review Status	Current Value
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	CENT RDP 1	Valued		29,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown	Valued		30,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown	Valued		40,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown	Valued		99,000.00

Land Parcel

27 Nov 2024 17:07

Erf	7294 of Jeffreys Bay	**Zoning: Financials**	RBUS
Address	Street Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Business Zone 2
SG Number	C03400060000729400000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Jeffreys Bay	**Ward: Demarcation Board**	Kouga 14
Centroid	34.06061738035605S 24.911517672136394E	**Sources**	Deeds Office, Surveyor General, Financials
Sectional Title	No	**Effective**	
Extent	4777sqm		
Extent (SG)	4777sqm		
Extent (Title Deed)	4777 SQM		

Land Parcels for Incident

Incident
I22-09615 (Water) Meter Covered
I22-10527 (Water) Meter Covered

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T32497/2009	0.0000		3 Jul 2009	R	

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400060000729400 00000000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
			210000	0

Valuations and Surveys

Project	Category / Usage	H Area			Status	Review Status	Current Value
Interim Valuation 2010-01	Unknown (As Per MPRA)	Unknown			Valued		199,000.00
Interim Valuation 2010-03	Unknown (As Per MPRA)	Unknown			Valued		204,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown			Valued		210,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		420,000.00
SV1 (2018-2023)	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		300,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		990,000.00

Annexure "B"

EXTRACT OF MINUTES OF LAND EVALUTAION COMMITTEE MEETING HELD ON THE 26th OF JUNE 2023 AT 9AM, KOUGA MUNICIPALITY, ROOM 30, WOLTEMADE BUILDING – CONTINUATION OF MEETING HELD 31 MAY 2023

3.3 RECOMMENDATION TO LEC: LAND FOR DISPOSAL – BUSINESS

ERF NO	**SIZE**	**ZONING**	**COMMENTS SUPPORTED/NOT SUPPORTED**
BUSINESS			
Erf 9886, Jeffreys Bay	850 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 9346, Jeffreys Bay	436 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 9646, Jeffreys Bay	748 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 9684, Jeffreys Bay	528 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 7294, Jeffreys Bay		Business	**TS:** Usave has just upgraded the electrical supply to a 3 phase 60 ampere connection. We don't have any other infra structure on erf. **General**: Consider for tender process
Erf 32, Loerieheuwel		Business	**TS:** Eskom Supply area. Services are not affected subject to no waterborne sewers being required. **CS:** No objection **General:** Consider for tender process
Erf 1826, Hankey		Business	**TS:** Eskom Supply area. All services to be verified by area engineer. **CS:** No objection **General**: Consider tender process.
Erf 259, Patensie		Business	**TS:** Eskom Supply area. Services are not affected subject to no waterborne sewers being required. **CS:** No objection **General:** Consider for tender process

Erf 3323, Kruisfontein	2049 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 3147, Kruisfontein	2067 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 712, Kruisfontein	1624 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered. **Assets**: Property is next to Kruisfontein Clinic, determine if might be needed for future extension of clinic-reconsider
Erf 2406, Humansdorp	4186 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 3049, Humansdorp	455 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 1606, Hankey	2148 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 3553, Hankey	1218 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 33, Loerieheuwel	117 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 616, Oyster Bay	1421 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 2675, Sea Vista	1313 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 2506, Hankey	397 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 2119, Hankey	1173 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.
Erf 1433, Hankey	2123 m²	Business	**General**: Supported with condition of submission of SDP and type of business zone to be considered.

Consideration and description of purpose of land parcels to be disposed must be in accordance with adopted Land Use Scheme as depicted below,

Land Use Category	1 Zoning	2 Purpose	3 Objective	4 Primary Use	5 Consent Use
Business & Commercial	***Business Zone 1***	*Low Intensity Business*	• *Business uses, including shops and offices to be accommodated on neighbourhood level and in areas identified by the SDF.* • *Provision for a variety of land uses for convenient shopping and associated requirements, restricting high impact uses.* • *Development can be restricted with respect to height and scale, limiting overall impact on surrounding softer land uses, i.e. Residential and community facilities.*	• *Shop* • *Office* • *Shopping Centre*	• Bakery • Bottle Store • Car Wash • Funeral Parlour • General Residential Building • Gym • Hospital • Institution • Licensed Hotel • Micro Manufacturing • Petrol Filling Station • Place of Assembly • Place of Instruction • Place of Entertainment • Place of Worship • Tourist Facility
	Business Zone 2	*High Intensity Business*	• *The variety of business and related land use types representing the needs within a sub-regional and regional context.* • *Key objective if this zone is to promote economic development, employment and mixed use through the inclusion of a wide range of uses.* • *Generally located within the existing strong commercial nodes, central business district and areas identified for a wide range of commercial uses and mixed use activity in the SDF.* • *For inclusion of storage, goods handling and general residential purposes.* • *Industrial and manufacturing uses are restricted.*	• *Business & Mixed Use* • *General Residential Building*	• Uses other than those mentioned in Primary Use, excluding Noxious Use and Industry

Annexure "C"

KOUGA local municipality
Good Governance through Service Excellence

NOTICE NUMBER: 92/2024

PUBLIC PARTICIPATION NOTICE

PUBLIC INVITATION FOR COMMENTS AND OBJECTIONS TO THE COUNCIL'S INTENDED DISPOSAL OF MUNICIPAL PROPERTIES.

Notice is hereby given that at an Ordinary Council Meeting held on 27 March 2024, the Council resolved to call for public comments and objections on the intended disposal of immovable assets, in accordance with all applicable Legislation and the Municipal Policy and Procedures of Immovable Assets:

Land earmarked for disposal:

ERF NO	SIZE	ZONING
Erf 1714 – Pellsrus	1128m²	Community Zone
Erf 3061, Humansdorp	1215 m²	Community Zone
Erf 9541, Jeffreys Bay	663 m²	Community Zone
Erf 9325, Jeffreys Bay	698 m²	Community Zone
Erf 9252, Jeffreys Bay	802 m²	Community Zone
Erf 9672, Jeffreys Bay	897 m²	Community Zone
Erf 3184, Kruisfontein	1107 m²	Community Zone
Erf 3365, Kruisfontein	975 m²	Community Zone
Erf 3563, Kruisfontein	1937 m²	Community Zone
Erf 2691, Kruisfontein	1447 m²	Community Zone
Erf 7517, Jeffreys Bay	596 m²	Community Zone
Erf 2059, Hankey	1047 m²	Community Zone
Erf 9886, Jeffreys Bay	850 m²	Business
Erf 9346, Jeffreys Bay	436 m²	Business
Erf 7294, Jeffreys Bay	4777 m²	Business
Erf 34, Loerieheuwel	1357 m²	Business
Erf 1826, Hankey	3296 m²	Business
Erf 259, Patensie	1223 m²	Business
Erf 3323, Kruisfontein	2049 m²	Business
Erf 712, Kruisfontein	1624 m²	Business
Erf 2817, Kruisfontein	4299 m²	Business
Erf 1606, Hankey	2148 m²	Business
Erf 3553, Hankey	1218 m²	Business
Erf 32, Loerieheuwel	887 m²	Business
Erf 33, Loerieheuwel	117 m²	Business
Erf 2675, Sea Vista	1313 m²	Business
Erf 2119, Hankey	1173 m²	Business
Erf 1433, Hankey	2123 m²	Business
Erf 1222, Humansdorp	828 m²	Residential Zone 1
Erf 1226, Humansdorp	832 m²	Residential Zone 1
Erf 291, Humansdorp	1487 m²	Residential Zone 1
Erf 292, Humansdorp	1487 m²	Residential Zone 1
Erf 1192, Humansdorp	836 m²	Residential Zone 1

ERF NO	SIZE	ZONING
Erf 1193, Humansdorp	802 m²	Residential Zone 1
Erf 871, Patensie	587 m²	Residential Zone 1
Erf 937, Patensie	288 m²	Residential Zone 1
Erf 938, Patensie	288 m²	Residential Zone 1
Erf 939, Patensie	288 m²	Residential Zone 1
Erf 952, Patensie	360 m²	Residential Zone 1
Erf 953, Patensie	288 m²	Residential Zone 1
Erf 954, Patensie	288 m²	Residential Zone 1
Erf 955, Patensie	288 m²	Residential Zone 1
Erf 898, Patensie	679 m²	Residential Zone 1
Erf 701, Patensie	394 m²	Residential Zone 1
Erf 702, Patensie	395 m²	Residential Zone 1
Erf 703, Patensie	395 m²	Residential Zone 1
Erf 835, Patensie	465 m²	Residential Zone 1
Erf 2346, Sea Vista	537 m²	Industrial Zone 1
Erf 2360, Kruisfontein	640 m²	Residential Zone 1
Erf 1969, Kruisfontein	1140 m²	Residential Zone 1
Erf 1322, Jeffreys Bay	500 m²	Residential Zone 1
Erf 1114, Hankey	455 m²	Residential Zone 1
Erf 704, Kruisfontein	2559 m²	Residential Zone 1
Erf 59, Cape St Francis	878 m²	Residential Zone 1
Erf 8, Aston Bay	375 m²	Residential Zone 1
Erf 2577, Humansdorp	735 m²	Residential Zone 1
Erf 2578, Humansdorp	706 m²	Residential Zone 1
Erf 2579, Humansdorp	561 m²	Residential Zone 1
Erf 2565, Humansdorp	976 m²	Residential Zone 1
Erf 2584, Humansdorp	757 m²	Residential Zone 1
Erf 2583, Humansdorp	658 m²	Residential Zone 1
Erf 2581, Humansdorp	513 m²	Residential Zone 1
Erf 2337, Sea Vista	324 m²	Residential Zone 1
Erf 841, Kruisfontein	1206 m²	Residential Zone 1
Erf 842, Kruisfontein	1066 m²	Residential Zone 1
Erf 3481, Sea Vista	475 m²	Residential Zone 1

Land earmarked for alienation (right-to-use):

ERF NO	SIZE	ZONING
Portion 7 of Farm 688, Humansdorp RD	85, 6532Ha	Agricultural Zone

Members of the public or interested parties are hereby invited to submit comments and objections, on the intention of the municipality to dispose of municipal land in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay, jreed@kouga.gov.za on or before Friday, 31 May 2024.

Further particulars are available for inspection at the office of the Directorate Planning and Development: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact: Mr. S. Grootboom: 0422002168

Mr. D de JAGER
DEPUTY MUNICIPAL MANAGER

P.O. Box 21
JEFFREYS BAY
6330

7330

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/PD4**

REQUEST FOR COUNCIL'S AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF ERF 1 AND A PORTION OF ERF 6, HUMANSDORP

1. **Introduction**

The purpose of this item is to request Council's in-principle approval for the alienation of a portion of Erf 1 and a portion of Erf 6, Humansdorp.

2. **Background**

An application was received from Shaun Adler to purchase a portion of Erf 1 and a portion of Erf 6, Humansdorp. The applicant recently bought Erf 2408 which is abutting Erf 1 and 6, Humansdorp. ****See annexure "A"**

3. **Discussion**

The applicant recently acquired Erf 2408 Humansdorp with the intention of building a storage facility. The municipal portion under consideration adjoins the applicant's property. The portions are not aligned with the cadaster of the adjoining properties. It is the intention of the applicant to rectify this anomaly by aligning the cadastral boundary with that of the adjoining properties. This will be done at the applicant's cost. These two portions cannot be developed due to the existing road on the remainder of the properties. It is important to note that Erf 5 does not belong to Kouga Municipality, the registered owner is Transnet Ltd hence cannot be considered for disposal.

The applicant intends to develop light industrial storage facilities in line with the objectives of the Spatial Development Framework. Should the Council consider alienating the properties the successful applicant will have to acquire the services of professional service providers to do subdivision, consolidation and rezoning. The application was circulated to internal departments and there were no objections.

The Section 14 comments have been obtained from the service department and are attached as **Annexure "B"**.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 R225 290.22 BUDGET &TREASURY

Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act No. 56 of 2003
Municipal Asset Transfer Regulations, 2008
Spatial Planning and Land Use Management Act No. 13 of 2013
Kouga, Spatial Planning and Land Use Management By-law, 2016
Policy and Procedures for the Disposal of Immovable Assets, 2020

6. **Legal Implications**

Should the Council approve the recommendations herein, the Accounting Officer shall be authorized to advertise Council's intention to alienate the subject property, and call for comments and/or objections in line with the provisions of the Policy and Procedures for the Disposal of Immovable Assets, 2020.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommended for approval

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant in-principle approval** to alienate a portion of Erf 1 and a portion of Erf 6, Humansdorp.

10.2 That Council confirms that the immovable properties contemplated herein are not needed for the provision of the minimum level of basic municipal services.

10.3 That Council grant authorization to the Accounting Officer to advertise the immovable properties contemplated herein.

10.4 That a service provider be appointed to finalise planning activities and costs be for the applicant.

Item prepared by the: The Manager: Land & Property Administration 

Item approved by the: Director Planning & Development 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 

Annexure "A"

KOUGA
local municipality
Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

APPLICATION FOR MUNICIPAL LAND

APPLICATION TO PURCHASE/LEASE/CONSENT USE OF VACANT KOUGA MUNICIPAL LAND – INDIVIDUALS/PRIVATE

NAME: Shaun Adler

ID NUMBER: 8011275051083

CONTACT DETAILS: 0738075979

ERF/PROPERTY APPLYING FOR:

AREA: Humansdorp Industrial

ERF NUMBER: Erf 1, Erf 5 & Erf 6

ADDRESS: Station Road - Humansdorp

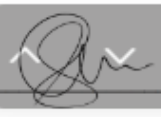
PURPOSE OF APPLICATION:

To acquire a portion of adjacent municipal land to expand and optimise the footprint of our newly purchased property in Humansdorp. The additional land will enable the extension of our proposed development of light industrial storage facilities.

MOTIVATION:

I am writing to express our interest in purchasing a portion of the municipal land adjacent to our recently acquired property in Humansdorp. Our plans to develop light industrial storage facilities align with the growing needs of the town, and this expansion will allow us to straighten the property's boundaries, creating a more visually appealing and functional development. Enclosed is a diagram with Option 1 and Option 2 illustrating the proposed adjustments. Additionally, the land in question has no value to other parties, and this acquisition would ensure that our access remains uninterrupted, which is crucial for the successful development of this project. By proceeding with either option, we aim contribute to the town's infrastructure and economic growth. Thank you for considering our request.

NAME: Shaun Adler

SIGNATURE: 

DATE: 20 September 2024

Land Parcel

19 Nov 2024 19:46

Erf	1 of Humansdorp	**Zoning: Financials**	PUBOS
Address	Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Open Space Zone 1
SG Number	C03400050000000100000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 4
Township/Holding: Title Deed	Humansdorp	**Ward: Demarcation Board**	Kouga 15
Suburb: Financials	Kwanomzano (30002)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	34.02912719889261S 24.770609535306345E	**Effective**	
Sectional Title	No		
Extent			
Extent (SG)			
Extent (Title Deed)	800 DUM		

Land Parcels for Incident

Incident
I23-13166 (Water) No Supply (Water)

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T5522/1902	0.0000		6 Jun 1902	R	
Oorgangsraad-Humansdorp	T5522/1902	0.0000		6 Jun 1902	SECT 16	T74868/2008
Mun Humansdorp	T5522/1902	0.0000		6 Jun 1902		T36874/1995

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
003000001002	Kruisfontein/Kwanomzamo Farmer		Normal (N)	Tenant (Kouga)
003000001019	Kouga Municipality		Departmental (DEPAR)	Owner (Kouga)
003000001105	Mponthane L	5201075923085	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001112	Posiso S	4612015549080	Normal (N)	Tenant (Kouga)
003000001136	Ncama SA	6412025760084	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001143	Nyanda N	3606070170089	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001150	Felix M	5202285011018	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001167	Williams M	6707245290089	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001174	Mbaku A	7308066025081	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000001181	Sankobe NJ	5912225680082	Attorneys Closed (ATTCL)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400050000000100 00000000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
		Type MUN	1000	0

Valuations and Surveys

Project	Category / Usage	H Area	Status	Review Status	Current Value
Interim Valuation 2011-01	Unknown (As Per MPRA)	Unknown	Valued		44,205,000.00
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	CENTRAL	Valued		44,363,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-05 (Municipal-Public Open Spaces (P.O.S.)) (Kouga)	Unknown	Valued		1,000.00

Land Parcel

19 Nov 2024 19:55

Erf	6 of Humansdorp	**Zoning: Financials**	GIND
Address	Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Transport Zone 1
SG Number	C03400050000000600000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 15
Township/Holding: Title Deed	Humansdorp	**Ward: Demarcation Board**	Kouga 15
Suburb: Financials	Humansdorp (30003)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	34.02471803392152S 24.77207049878231E	**Effective**	
Sectional Title	No		
Extent	2714sqm		
Extent (SG)	2464sqm		
Extent (Title Deed)	2714 SQM		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Humansdorp	HUF1-6/1907	0.0000		4 Feb 1907	R	

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
003000006007	Kouga Municipality		Departmental (DEPAR)	Owner (Kouga)
003000006021	Jantjie N	6704145569084	Normal (N)	Tenant (Kouga)
003000006038	Sampies TM	6308040507080	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006100	Kouga Municipality		Departmental (DEPAR)	Tenant (Kouga)
003000006117	Bruce Mcwilliams Inv Pty Ltd		Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006124	Brown EE	7102080202085	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006131	Arkade Apteek		Normal (N)	Tenant (Kouga)
003000006148	Kouga Municipality		Departmental (DEPAR)	Tenant (Kouga)
003000006155	Bongwana P	7307255544084	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006162	Gnyiwe N	6110265852088	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006179	Mangcaka DJJ	3003135327089	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006186	Wana N		Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006193	Kilani MA	6111180494089	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006203	Mpiyonke B	6212150000700	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006210	Dlotho A	4406195526087	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006227	Vingqi M	7102105410085	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006234	Oliphant R	6809289181084	Attorneys Closed (ATTCL)	Tenant (Kouga)
003000006241	Daymani C	6610125952085	Attorneys Closed (ATTCL)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400050000000600 00000000	Mun Humansdorp		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Market Value	Extent
		Type MUN	140000	0

Option 1 Incorporate Erf 1, part of Erf 5 and part of Erf 6 outlined below



Option 2 Incorporate Erf 1, part of Erf 5 and part of Erf 6 outlined below



Annexure "B"

Section 14

Erf 1	Open Space Zone 1	The applicant recently purchased erf 2408 privately. Now requests to acquire portions of adjacent municipal land to expand and optimize the footprint of their newly purchased property Applicant name: Shaun Adler	**Town Planning**: Not supported. Subject properties can be used more efficiently by Council.	**Building Control**: Not supported, different location be considered.	**Environmental Health:** Not supported, properties can be used more efficiently by KLM **Legal Services:** Unsolicited bid and other parties are affected by the application. Public participation will likely be required. Access issues are noted.
Erf 5 (Owner is Transnet)	Transport Zone 1				
Erf 6	Transport Zone 1		**Town Planning**: Not supported. Subject properties can be used more efficiently by Council.	**Building Control**: Not supported, different location be considered.	**Environmental Health:** Not supported, properties can be used more efficiently by KLM **Legal Services:** Unsolicited bid and other parties are affected by the application. Public participation will likely be required. Access issues are noted.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/PD5**

REQUEST TO RESCIND ALL PREVIOUS RESOLUTIONS PERTAINING TO THE ALIENATION OF PORTIONS OF ERF 873, ERVEN 5478, 5479, 5480 5481 AND 8825, JEFFREYS BAY AND GRANT IN-PRINCIPLE APPROVAL AND AUTHORISATION TO UNDERTAKE PUBLIC PARTICIPATION FOR THE ALIENATION OF ERVEN 5478, 5479, 5480, 5481 AND 8825, JEFFREYS BAY

1. **Introduction**

The purpose of this item is to rescind all previous resolutions pertaining to the alienation of a portion of Erf 873, Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay as well as to obtain authorization to undertake public participation for the alienation of Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay through a competitive process. ****See annexure "A"**

2. **Background**

On 18 January 2023, Council took an in-principle decision to advertise municipal properties as per council resolution 23/01/PDT1. ****See Annexure "B"**

An advert inviting public comments, inputs and objections was placed in the local and regional newspapers as well as on municipal website on 26 January 2023, namely Notice No. 17 of 2023 for a period of 60 days which concluded on 26 March 2023. A reminder notice, Notice No. 41 of 2023 was also placed at the end of February 2023.

A total number of 636 responses were received during the public participation period which included comments, inputs, objections and a petition. The leading department recorded the responses and compiled a summary of comments.

There were also two public meetings held with local communities on the intention of Council in respect to the alienation of the properties contemplated herein. ****See Annexure "C"**

Working Group and Section 14 Confirmation

In order to advise the Council on the outcome of the public participation process, a Working Group consisting of service departments was established to provide input and comments on the inputs, comments and objections received. The Working Group Report is included and annexed to this item. ****See Annexure "D"**

3. **Discussion**

This report seeks to rescind the resolution to alienate a portion of Erf 873 Jeffreys Bay (golf course) due to the number of objections received. The report further seeks to request permission to alienate erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay. The properties earmarked for alienation are currently vacant, and no formal agreements have been entered into. In terms of the Municipal Spatial Development Framework, these properties are earmarked for mixed use with residential being the dominant use.

The properties in consideration are currently zoned Authority Use in terms of the Kouga Integrated Land Use Scheme and are informally being used as practice grounds for soccer and cricket. The disposal will ensure that the properties are optimally used for the much-needed residential development. Ther total area of the properties in consideration is approximately 10ha. The Municipality will expend a certain amount in respect of obtaining certified market valuations for the properties by appointing a service provider to undertake the process. Budget is available for the appointment of a service provider.

Should Council grant in-principle approval for the disposal contemplated, it is envisaged that -

- all costs in respect of the consolidation, rezoning, surveying, transfer and any other related costs, be borne by the successful bidder / developer.
- income generated by the disposal shall not be less than the fair market related values of the properties, as certified by a professional valuer.
- costs pertaining to the installation of municipal bulk services be borne by the successful bidder / developer.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 R225 290.22 BUDGET &TREASURY
Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act No. 56 of 2003
Municipal Asset Transfer Regulations, 2008
Spatial Planning and Land Use Management Act No. 13 of 2013
Kouga, Spatial Planning and Land Use Management By-law, 2016
Policy and Procedures for the Disposal of Immovable Assets, 2020
Leasing Policy for Municipally Owned Immovable Property, 2020

6. **Legal Implications**

Should the Council approve the recommendations herein, the Accounting Officer shall be authorized to alienate the immovable property identified herein, by way of the recommendation disposal method.
The previous council resolutions herein shall be of no force or effect, once rescinded by the Council.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council rescind all previous resolutions pertaining to the alienation of a portion of Erf 873, Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay.

10.2 That Council grants in principle approval to alienate Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay through a competitive process.

10.3 That Council take note of the report and recommendations prepared by the Working Group that dealt with comments, inputs and objections received as part of the concluded public participation process on the intended alienation of a portion of Erf 873, erven 5478, 5479,5480, 5481 and 8825, Jeffreys Bay.

10.4 That Council further takes note of the Section 14 comments that were provided by service departments in line with provisions of the MFMA, which compels Council to determine whether a municipal property it intends to alienate is not needed for minimum basic services in the future.

10.5 That all legislative and administrative requirements be adhered to in order to avoid legal implications should the land contemplated in 10.2 be alienated.

10.6 That the leading department determine if there are any title conditions or limitations on the land contemplated herein.

10.7 That the bulk service policy be considered in respect of anticipated development to make provision for services requirements.

10.8 That the market related value for the immovable properties contemplated in 10.2 be confirmed through an independent valuation.

10.9 That the lead department tables the independent valuation report and the section 14 process to Council after completion of the processes stated in 10.3 above.

10.10 That all costs in respect of the consolidation, rezoning, surveying, transfer and any other related costs, be borne by the successful bidder / developer.

10.11 That costs pertaining to the installation of municipal bulk services be borne by the successful bidder / developer.

Item prepared by the: The Manager: Land & Property Administration

Item approved by the: Director: Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

ANNEXURE “A”



ANNEXURE "B"

23/01/PDT1	**AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479,5480, 5481 AND 8825 JEFFREYS BAY** **Resolved (18 January 2023)** 1. That in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable assets, Council grant authorization to the Accounting Officer to advertise and commence public participation, on Council's intention to alienate the immovable properties erven 873, 5478, 5479, 5480, 5481and 8825, Jeffreys Bay. 2. That a 60 day process of advertisement, consultation and invitation for public commentary be implemented. 3. That it be noted that the bowling club which forms part of erf 873 is not approved for disposal and will also not form part of the potential disposal. 4. That the Department of Land & Property Administration finalizes the s14 process confirming that the land is not needed to provide the minimum level of basic municipal services before final approval is granted in terms of section 14 of the MFMA. 5. That the market related value for the immovable properties contemplated in 1. be confirmed through independent or second latest valuation.
	6. That the lead department tables the independent valuation report and the section 14 process to Council after completion of the processes stated in 2,3; and 4 above prior engaging the Auctioneers.

KOUGA
local municipality
Good Governance through Service Excellence

Kouga Municipality (EC108)

Notice NO: 17/2023

Public participation notice

Public Invitation For Comments, Inputs or objections to the Council's intended alienation of Municipal Land, ERF 873, 5478, 5479, 5480, 5481 And 8825, Jeffreys Bay (Jeffreys Bay Golf Course & Surrounding Erven)

Notice is hereby given that at a Special Council Meeting held on 18 January 2023 **(RESOLUTION 23/01/PDT1)**, the Council resolved to call for public comments, inputs, or objections on the intended alienation of immoveable assets for a mixed land use development at a fair market related value in terms of the Local Government: Municipal Finance Management Act, 2003, Sections 14, 90 and 33, Regulation 6(a) and (b) of the MATR, 2008 and Section 5 of the Municipal Policy and Procedures for the Disposal of Immovable Assets, 2020:

Land earmarked for alienation.

Erf 873, Jeffreys Bay (excluding the bowling Club)
Erf 5478, Jeffreys Bay
Erf 5479, Jeffreys Bay
Erf 5480, Jeffreys Bay
Erf 5481, Jeffreys Bay
Erf 8825, Jeffreys Bay

Intended use: Mixed- land use development.

Members of the public or interested parties are hereby invited to submit comments, inputs or objections, on the intention of the municipality to alienate municipal land in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay on or before Friday, 26 March 2021. Alternatively, comments may be submitted via a survey-link placed on the Municipal website.

Further particulars (Spatial Development Framework and Land Use Scheme) are available on the municipal website and at the office of the Directorate Planning, Development and Tourism: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact No: Mr. S. Grootboom: 042200200 (ext.2168).

MR. C DU PLESSIS
MUNICIPAL MANAGER

P.O. Box 21
JEFFREYS BAY
6330

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC108)

NOTICE NO: 41/2023

REMINDER NOTICE

REMINDER ON NOTICE 17/2023: PUBLIC INVITATION FOR COMMENTS, INPUTS OR OBJECTIONS TO THE COUNCIL'S INTENDED ALIENATION OF MUNICIPAL LAND, ERF 873, 5478, 5479, 5480, 5481 AND 8825, JEFFREYS BAY (JEFFREYS BAY GOLF COURSE & SURROUNDING ERVEN)

The reminder notice is in respect of the above-mentioned notice published on 26 January 2023, to lodge motivated comments, inputs or objections, if any in writing to the Municipal Manager on or before **26 March 2023.**

All correspondence relating to the notice must be addressed in writing to:

The Municipal Manager, 33 Da Gama Road, Jeffreys Bay or E-mail to jreed@kouga.gov.za. **Alternatively, comments may be submitted via a survey-link that has been placed on the Municipal website. (select Open in Browser option)**

Further particulars (Spatial Development Framework and Land Use Scheme) are available on the municipal website and at the Office of the Directorate Planning, Development and Tourism: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact Person: Mr. S. Grootboom: 042200200 (ext. 2168) or E-mail cgrootboom@kouga.gov.za

D. DE JAGER
DEPUTY MUNICIPAL MANAGER

P.O. Box 21
JEFFREYS BAY
6330

2023 389

ANNEXURE "C"

KOUGA local municipality
Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

OFFICE OF THE WARD COUNCILLOR: WARD 11 CLLR. A.S. HEYSTEK

MINUTES

WARD 11 : ALIENATION OF MUNICAL LAND

(ERF # 873,5478, 5479, 5480, 5481, 8825)

NEWTON HALL – 17 GOEDEHOOP STREET, JEFFREYS BAY

THURSDAY, 01 MARCH 2023

18:00PM

- Fanie Heystek (Ward 11: Councillor)
- Alderman Mayor H. Hendricks
- Deputy Mayor H. Bornman
- Councillor A. S. Heystek (Ward 11: Councillor)
- Councillor R. Foley (Ward 8: Councillor)
- Councillor H. Murray (Ward 2: Councillor)
- Councillor W. Gertenbach (Ward 3: Councillor)
- Mr. Frik Coetzer (Manger: Jeffreys Bay Golf Course)

APOLOGIES:

- none

AGENDA:

1. Opening and Welcoming – Cllr A.S. Heystek
2. Prayer – Cllr. A. S. Heystek
3. Matters Arising:
   3.1. Proposed Selling of Municpal Land: Jeffreys Bay Golf Course and surrounding erven erf # 873,5478, 5479, 5480, 5481, 8825
4. Other matters:
   4.1 Golf Course Management feedback on proposed sale
   4.2 Way forward
5. Concerns raised by public:
6. Date of Next Meeting: to be communicated to public moving ahead on Tuesday,
   28 March 2023
7. Closure

OPENING AND WELCOME:

Ward 11 Councillor Heystek Welcomed all and opened a prayer.

Deputy Mayor H. Bornman took over the proceedings of the 'Community

Consultation' otherwise referred to as Public Participation proceedings.

3. MATTERS ARISING:

3.1. Proposed Selling of Municpal Land: Jeffreys Bay Golf Course and surrounding erven erf # 873,5478, 5479, 5480, 5481, 8825

Deputy Mayor H. Bornman explained to the public that the Kouga Municipality had received an proposal from an international development firm/corporation/company with the concept to create a town-within-a-town and that Jeffreys Bay with its open spaces in a residential area offered a unique and ideal setup for such a such a development. He elaborated around the proceeding and process with regard to Council and the proposal received by the international development firm/corporation/company. The proposal/s where received thought tender process and was a once in a lifetime opportunity from an international viewpoint to increase the value of undeveloped open space in the interior of Jeffreys Bay in a residential area with international funding. The area and or land that was identified in the central part of Jeffreys Bay was the surrounding erven erf # 873,5478, 5479, 5480, 5481, 8825 including the Jeffreys Bay Golf Course. Deputy Mayor H. Bornman elaborated that even though the proposal was received by Kouga Municipality and under scrutiny by the KM Council that the KM still had the opportunity to move into a tender process or alternatively decline the offer. Going forward the KM was opening a discussion with the residents of Jeffreys Bay and surrounding suburbs in order to allow a Public Participation process to commence and for the KM to gain insight into the publics viewpoint of the matter. The KM immediately consulted with the management of the Jeffreys Bay Golf Course in order to gauge the scope of their involvement in the proceedings and to evaluate their needs whether it be reassessment of a 10 year lease or ownership of potential future property. Deputy Mayor H. Bornman elaborated that nothing was set in stone and that KM owned the property and buildings of the Jeffreys Bay Golf Course and that the Jeffreys Bay Golf Club was renting the property on a 10 year lease. The KM has offered (and the best scenario for Council), should the development commence, to assist the Jeffreys Bay Golf Club in acquiring potential alternative site (land & ownership) and building a suitable replacement golf course in order for them to run, own and operate a new golf course. The end idea, result or scenario could move forward in any-direction after the KM Public Participation Process has come to a close. When Deputy Mayor suggested that an alternative scenario is that the KM stops at this point and that the erven are left undeveloped a loud cheer was heard from the community. The floor was opened for questions from the public (Please see concerns raised by public section). Deputy Mayor bornman mentioned that the

KM are custodians of the erven and hence that is why public consultation was in process. After the questions where aired by the public the floor was opened to the Manager of Jeffreys Bay Golf Course, Mr. Frik Coetzer for comment.

4. OTHER MATTERS:

4.1 Golf Course Management feedback on proposed sale

Mr. Frik Coetzer started by mentioning that from the point of the golf course, there are many if, buts and maybes, because this is the start of a very long process, the Jeffreys Bay Golf Club got all of their members together and discussed the offer on the table. The golf course members gave the Jeffreys Bay Golf Club committee a mandate to create a subcommittee to negotiate with the Kouga Municipality in order to create a secure environment/ agreement between the two parties. The Jeffreys Bay Golf Club has been through this process many times as they have a 10 year lease agreement with the Kouga Municipality. Since 2004 the Jeffreys Bay Golf Club has been in discussion with the Kouga Municipality to move the Golf Course to another location. The Jeffreys Bay Golf Club Management had the opportunity to present to the Mayoral Committee. They discussed their concerns and requirements/securities from the Kouga Municipality. In short, the Jeffreys Bay Golf Club got the assurances from the Kouga Municipality that, if the property is sold that the Kouga Municipality would relocate the Jeffreys Bay Golf Club to an alternative suitable venue or if the property isn't sold, that the Kouga Municipality would give them security, as their contract is for 9 years and a month and ends in 2030. As far as the negotiation process regarding potential relocations, the KM showed the Club the alternative available locations for a future golf course. The only currently available option would be in Paradise Beach with suitable options opening for availability in the near future in other localities i.e. Kabeljous and between Humansdorp and Jeffreys Bay. During this negotiation/investigation period a property owner near availed a suitable plot of land near Kabeljauws River on the Old Smithtown Road for potential forming/establishment of alternative facilities. Again the Jeffreys Bay Golf Club decided to enter an agreement with the Kouga Municipality, because hearsay cannot be worked on. The Jeffreys Bay Golf Club drafted 2 x memorandum of agreements (or options) with the Kouga Municipality and with

the property owner. The Jeffreys Bay Golf Club went back to their members at a Special General Meeting and discussed receiving a mandate or agreeing upon the conditions set out on the memorandums of agreement. The agreement/s state that if the property/ies are not sold, if the Jeffreys Bay Golf Club stay where they are, that ownership of the property would fall to the Club. If the Jeffreys Bay Golf Club moves facilities that they again would acquire ownership of the property and building/facilities. As such, there will be a 3 year period to build a new/alternative golf course. Where the club are at the moment based on the Jeffreys Bay Golf Club subcommittee comment and the lawyers input that the property owner has agreed to the memorandum and that the document will be signed by them and hopefully that the Kouga Municipality would in the near future sign their copy. These are memorandums of agreement of a potential scenario. Deputy Mayor clarified that the Kouga Municipality, when signing the memorandum of agreement, would be giving the Jeffreys Bay Golf Course assurances that they would not sell the Golf Course and that a Golf Facility/Club would not be removed, if the golf course plot of land is sold that the KM would commit to ensuring that Jeffreys Bay would never be without a golf course facility for any period of time. Mrs. Cheron Kraak questioned Mr. Frik Coetzer regarding the amount of members in the Jeffreys Bay golf club and Mr. Frik Coetzer answered 250 currently. Her next question was how many non-members use the facilities? Mr. Frik Coetzer answered that it around 4000 visitors use the facilities each year. She stated that the a decision was being made on the grounds of 250 people yet Jeffreys Bay has over 40 000 residents. If all residents joined the golf club would this uplift the situation that the club finds themselves in. Does the golf club have issues because they do not have enough members? Mr. Frik Coetzer responded by stated that the Jeffreys Bay Golf Club is not in any financial straits and that the document is a principal agreement to state that if something should happen that the Jeffreys Bay Golf Club will have assurances from the Kouga Municipality that there will a safety net/security measures in place. Mr. Frik Coetzer further stated that he only represents the Jeffreys Bay Golf Club and that with that regards he can only speak on behalf of the Club. The Jeffreys Bay Golf Club has 2 outside investor with the possibility of a 3rd joining.

Cllr. A. S. Heystek - Ward 11

4.2 Way forward – Kouga Municipality want to give the management of the Jeffreys Bay Golf Course assurances that the Kouga Municipality have no intention of selling the Golf Course and doing away with the facilities. Kouga Municipality commit to the possibility, that should the golf course land be sold, the management and the facilities would be reintegrated into a new plot/ facilities.

5. CONCERNS RAISED BY PUBLIC:

Questions from public:

Round one:

1. What is the value of erf # 8825 and surrounding smaller erven? Difference in value.
   Response: DM H. Bornman stated that the value of the erven are not under query by the Council at this point. The Council will only scrutinize the valuation of the erven once they are open for option of sale.
2. Explain to the public what is the advantage/s of selling the erven is to the Kouga Municipality. The benefits of sale to the Kouga Municipality.
   Response: The capital will be spent to develop new course at a potential alternative location with possibility of transferring ownership of facilities to the Jeffreys Bay Golf Club. Prime development land and a capital injection of foreign capital will allow for further improvement and develop of an alternative Golf Course, most likely near Kabeljous, and upgrading of KM services.
3. Will the erven / Jeffreys Bay Golf Course be opened for opportunity of low cost housing?
   Response: No, the only location that has been identified for low-cost housing is the open are between Ocean-View and C-Place otherwise referred to as erf # 335, otherwise referred to FLISP.
4. Has KM noted the 2024 election and realised the danger of the proposal to the political field?
   Response: No decisions have been made on behalf on the public and only consultation with the local residents is in process.

5. Has an impact assessment been done to determine the effect that a development of this scope will have on the traffic/town?
   Response:
6. The public wants to understand the Public Participation process and What happens next, how does the public object, what kind of numbers are needed to show real interest and what is the baseline for challenging the proposal and where does the public object?
   Response: The public should write to the Municipal Manager's office via cduplessis@kouga.gov.za and clarify if you are for or against the proposal.
7. Does the KM realise that there is a chameleon sanctuary next to the Jeffreys Bay Golf Course and that the area is a green belt? (The resident handed over a petition of 261 signatures against the development)
   Response: The KM will go into an EIA (Environmental Impact Assessment) process as soon as the possibility of the sale of the land becomes an option. The Kouga Municipality will not make uninformed decisions.
8. The resident thanked the KM Council for having a meeting and allowing for consultation. She mentioned that if any other political party was in office that the consultation or public participation process would not have been brought before the public and that decision/s would be made without the residents.
   Response: none
9. Why would a large development be in consideration if we are a sitting with a drought issue? How can current infrastructure handle expansion? The financial projections regarding infrastructure and a Golf Course development does not align to cost of development at this stage.
   Response: Cost of development will be calculated if/when the possibility of sale of the properties become an option. DM also pointed out that there is space on the back of the Agenda to write comments and once the meeting was adjourned that pages could be handed in to councillors of Ward 8, 11 and 2 or emailed/handed in to the respective ward offices
10. Councillor van der Linde queried Deputy Mayor H. Bornman's comment re: majority of the capital being paid to the Kouga Municipality, not just maybe a golf course will be developed?
    Response: Based on the source of the money, the scenario will be to develop another suitable alternative and not to have nothing on the table (in other

words never a scenario where there is no Golf Course in Jeffreys Bay). The dividend of the sale may/might be used to start the development of an alternative golf course and that there is never a stretch of time i.e. year or two where no golf facilities are available in Jeffreys Bay.

Round two:

11. Who gives the Kouga Municipality the right to sell the land, how did the developer know that the land was available for sale and why does the Council want to sell the land?
    Response: The land is not for sale. The KM have received a proposal for development of a prime piece of land. Secondly there is no option of developing a golf course as no proposal/capital has been offered and if the general public knows of any such solution please refer them to the Kouga Municipality.
12. A resident highlighted that the KM mentioned that the developer approached them yet, the table is open to any offer therefore it looks like the KM are scouting for offers.
    Response: The process is that the KM have
13. How many people realize that the residents of the town only have until the 28 March 2023 to put in their objections, even though the notice has been released in the local newspaper, the local residents are not aware of how to put in an objection on time. Public don't generally read the notices.
    Response: The KM have advertised on other formats i.e. social media – Facebook and on the Kouga Municipal website and on various platforms. They are having the public engagements to encourage public awareness and processes. A suggestion was made to attach the notice to the municipal account.
14. Suggestion was made to bush clear the surrounding erven around the Jeffreys Bay Golf Course.
    Response: It is under consideration and would be handed over as an expected responsibility of future contracted developers.

Mr. Eugene Goliath, Public Participation Manager in the office of the Speaker, highlighted the fact that the notice was released 31 January 2023 on the municipal website, and subsequent media outlets, i.e. Jeffreys Bay online (not an official municipal website), including the Kouga Municipal Facebook page where the Municipality reaches 26 thousand followers, and community members are welcome to contact him directly on his cell phone or his email address. Lastly he mentioned that there are 5 Ward offices in Jeffreys Bay (including Ward 2, 3, 8, 11 and 14) with a ward assistant who can assist the community with taking in objections through the Ward Councillor/s office/s and further to that there are 50 ward committee members tending to the ward and who are suppost to drive the message to their respective communities/public. There is a broad spectrum of support to bring the message to the public domain.

The Mayor, Alderman Horiatio Hendricks, was introduced and took to the microphone. He made it clear that the proposal to develop the Jeffreys Bay Golf Course and surrounding erven was not a political ploy. The majority governing party will be in office until 2026. The party will be playing their part with the election next year in 2024. There is no political ploy to force the proposal on the general community and public. What the Municipality has learnt in the past couple of years in office is that Jeffreys Bay is one of the fastest growing towns in the country, at an annual rate of 3% per annum and if you add 3% to 40 thousand residents in a years' time, it puts in to perspective that people have to grow and live somewhere, whether it be in a RDP house or a holiday home on the coast. The fact remains that Jeffreys Bay attracts many low income earners to this area yet the municipality are faced with the opportunity to build housing and potentially attracting medium to high income earners to this area. The influx of people are going to come anyway so the question is where are they going to live and work and how are they going to afford it. No one can stop the rate of growth. The town has been growing at this rate for a very long time. Does the Kouga Municipality offer new incomers to the town a small plot of land and a shack or is there proper accommodations. Since coming into office, as the mayor, in 2018 we have faced two Day-Zeros, two national disasters and a host of other matters, and what the current party inherited was a infrastructure backlog that was rapidly deteriorating. Some of the roads haven't been resealed in 30-40 years. Blood, sweat and tears have gone into saving the infrastructure that we still

have. Trust and understand that the matter of the Jeffreys Bay Golf Course was not in any way a political consideration when looking at the potential of developing the Municipal assets and in order to save this town. The proposed development is not the decision. The reason why the majority of residents voted the current party in was because they where ready for the change and upliftment that the new party would bring and tired of the old empty promises of the previous party. The public majority knew that the current party could be trusted. The reason why the Kouga Municipality are at this meeting today is because they want to govern with you and not for you, to consult you and not make decisions without you/ for you. A referendum should be carefully considered because not only Jeffreys Bay need to be consulted but the whole of Kouga need to be included in this regard. The Kouga Municipality are currently consulting the present attendees because they understand that you are directly affected by this decision. The mayor implored residents to put all objections and thoughts on the matter in writing to the Kouga Municipality. Give the Kouga municipality an opportunity to answer the electronic correspondence. Give everyone an opportunity to engage in the matter. This is a prime example as an un-solicited bid and everyone has the freedom to make a similar proposal on the respective piece of land. Council have legal obligations to make a final decision but the decision can not be made without consulting all affected parties. Kouga Municipality will take the concerns and return with a response. KM Council have not decided to sell, they have received an intention for development and now the general public and affected parties are being consulted in this regard and given the options. This is not a decision making process this is a consulting process. Give the Kouga Municipality your concerns, see where the matter leads and give them the opportunity Thank you for the opportunity to bring the matter to you your attention.

Deputy Mayor Hattingh Bornman and Councillor Fanie Heystek concluded the meeting and thanked all the attendees.

8. Next meeting to be communicated to public yet planned to move ahead on

   Tuesday, 28 March 2023

Meeting Adjourned.

Concerns raised by public:

ISSUES	AFFECTED AREA	PORTFOLIO	COMMENTS	RESPONSIBLE OFFICIAL	STATUS

Cllr. A. S. Heystek - Ward 11

KOUGA
local municipality
Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

OFFICE OF THE WARD COUNCILLOR: WARD 11 CLLR. A. S. HEYSTEK

AGENDA

Alienation of Municipal Land Erf # 873, 5478, 5479, 5480, 5481 & 8825 Jeffreys Bay Golf Course & surrounding erven	**Thursday, 01 March 2023** 18:00 – 19:00

Meeting called by	Cllr. F. Heystek & Cllr. R. Foley
Chair:	Alderman Mayor H. Hendricks, Deputy Mayor H. Bornman Cllr. A. S. Heystek (ward 11), Cllr. R. Foley (ward 8), Cllr. H. Murray (ward 2), Cllr. W. Gertenbach (ward 3) Mr. Frik Coetzer (Manager of Jeffreys bay Golf Course)
18:00 – 18:10 Opening and Welcome	Cllr. A. S. Heystek
18:10 – 18:20 Prayer	Cllr. A. S. Heystek
Matters arising: 18:20 – 18:40 Deputy Mayor H. Bornman	Discussion re: Jeffreys Bay Golf Course Proposed Selling of Municipal Land: Jeffreys Bay Golf Course and surrounding erven | Erf # 873 , 5478 , 5479, 5480 , 5481 & 8825
Other matters 18:40 – 19:00 Golf Course Management	Golf Course Management feedback on proposed sale | Way forward|
Thanks and Closure	

Newton Hall –
17 Goedehoop Street,
C-Place, Jeffreys Bay

Isabeau Jacobs
2 1 Maart '23

Additional Instructions:
Use this section for additional instructions, comments, or directions.

Die Munisipaliteit het erken hul kort R500 mil om paaie te herstel. Hul net net R200 mil in die kitty, sê die Mayor by die Estuy meeting.
Die som maak nie sin nie.
Die sewage plant is nog nie 100% operasioneel nie.
En selfs al is hy 100% is die sewage plant steeds nie groot genoeg om vakansie ingangers in dorp te kan hanteer mbt. sewage nie.
Ons paaie, sewage en water kan nie verdere ontwikkeling hanteer nie.

Spandeer jul energie op die land grab by kabeljous want dit gaan julle ook in die gat byt want services gaan aan daai mense ook gegee word en jul het nie geld nie

Doen jul werk mbt. spacial development plan.

WARD 11 CLLR. A. S. HEYSTEK
GOOD GOVERNANCE THROUGH SERVICE EXCELLENCE

Raelle Ungerer
Ward 3

Additional Instructions:
Use this section for additional instructions, comments, or directions.

Glad — ie gekant teen die ontwikkeling van die oop erwe nie, maar laat die Mu- dit self doen in die vorm van n Eco Friendly Lifestyle Estate

42 Bottlebrush Crescent
Wavecrest
Jeffreys Bay

27th February 2023

To the Mayor and Councillors,
Kouga Municipality Jeffreys Bay,

Re the Destruction of the Jeffreys Bay Golf Course and Club House

It was indeed a very disturbing announcement to me and all the people I know who live in Jeffreys Bay that you wish to destroy our beautiful Golf Course for houses and a Shopping Mall etc.

Firstly there is plenty of other land available for these buildings in our town.

Secondly I do not think you all realise what an asset the Jeffreys Bay Golf Course is to our town. People visit our town from all over the world. They enjoy our beautiful beaches and other facilities and many of them also wish to enjoy their golf as well.

Jeffreys Bay Golf Course is a unique 9 holes. It is a far more challenging 9 holes than on other courses and therefore is a great asset to the golfing world. Each hole can cause upsets …. one day things are fine and the next you are in trouble.

Please note it will cost billions of rands these days to get another course.
N.B. Not thousands.

We have a special Club House in special surroundings which is used for many special functions other than golf functions.

Please will you name your reasons for your proposed destruction of this wonderful asset to our town.

Having lived in Jeffreys Bay since 1983 I fail to understand why you wish to destroy our town. It seems pure sacrilege. Think of the money and work that has gone into this course over the years to make it what it is and now our Municipality think nothing of destroying it. Why spoil our Beautiful Jeffreys Bay.

Yours faithfully

Jean S. Phillips

{Mrs} Jean S. Phillips

Save J-Bay Golf Course



Sarel Breytenbach started this petition

The Kouga Municipality would like to get rid of the Jeffreys Bay golf course to get the land developed into Housing, offices and Apartments.

However - We the community oppose this!!!

The golf course in Jeffreys Bay is a treasured landmark for many locals and visitors alike. However, there have been discussions about selling the golf course to make way for new development. While this may seem like a tempting option to some, there are several reasons why selling the golf course is not a good idea.

One possible reason for the push to sell the golf course could be a power play by the Kouga Municipality. In some cases, government entities may seek to take control of land or resources for their own gain. This could be detrimental to the community, as it would result in the loss of an essential resource.

Moreover, the golf course is an important community asset. It provides opportunities for residents and visitors to participate in a popular sport and serves as a gathering place for golf enthusiasts. If the golf course were sold, the community would lose an important resource.

Furthermore, the golf course is also an essential green space in the area. It is home to various flora and fauna and plays a role in improving the quality of air and water in the vicinity. If the golf course were sold and replaced with new development, it would lead to a loss of green space, harming the environment and reducing the benefits that it provides.

Additionally, selling the golf course could have long-term repercussions. Although new development may generate short-term economic advantages, it can have negative consequences in the future. Overdevelopment can lead to increased traffic, stress on local resources, and environmental destruction.

In conclusion, selling the golf course in Jeffreys Bay to make way for new development would not be in the best interests of the community. The golf course is an essential resource that provides social, environmental, and economic benefits to the community. If the golf course were to be sold, these advantages would be lost, and the long-term effects could be harmful. It is crucial that we preserve the golf course and other green spaces in our communities to continue enjoying their many benefits while being vigilant to any potential power plays by government entities.

Name	City	Country	Date	Comment
Lucy parkins	Port Alfred	South Africa	2023/02/17	"We need green spaces"
Kobus Mulder	Jeffreys Bay	South Africa	2023/02/18	"Keep our town green and visitor friendly. The golf coarse is the boardroom for investors where big deals get signed. Stop power mad decisions and start your urgent repairs to our infrastructure."
Elizabeth Hunter	Centurion	South Africa	2023/02/18	"I do not agree that Jbay golf course should be used for other development"
Cecile van Rie	Jeffreys Bay	South Africa	2023/02/18	"The Jbay golf course is an integral part of the town for tourism in our area."
Sven Van Rie	Randburg	South Africa	2023/02/18	"Jbay golf club is an very NB part of Jbay.A very NB aspect of community living and socializing and always a great meeting place for business"
Sanria Moore	Johannesburg	South Africa	2023/02/18	"It's absolutely rediculous!!! Humans keep on destroying nature!!! This golf course is the pride and joy of Jeffrey's Bay!!! No man!!!"
Paul Marx	East London	South Africa	2023/02/18	"Why use golf club land. Lots of other land to use"
Tian Mac Gregor	Cape Town	South Africa	2023/02/18	"It's a fraudulent skeem"
Rudi De witt	Pretoria	South Africa	2023/02/19	"Golf courses are essential to our economy and the people"
Sydney De Wet		South Africa	2023/02/24	"The infrastructure as is can not cope now, what will happen if thus space is developed? Green areas are there for a purpose."

Name	City	State	Postal Code	Country	Signed On
Sarel Breytenbach	Jeffrey's Bay			South Africa	2023/02/17
Tracey Wild	Jeffreys Bay			South Africa	2023/02/17
Kathi Vom dorp	Port Elizabeth			South Africa	2023/02/17
Theo Ackerman	Jeffreys Bay		6025	South Africa	2023/02/17
Gordon Barclay Wood	Cape Town			South Africa	2023/02/17
Vermaak Dean	Jeffrey's Bay			South Africa	2023/02/17
Mike Nel	Jeffreys Bay			South Africa	2023/02/17
Cindy Van Jaarsveld	Jeffreysbay			South Africa	2023/02/17
Cindy Smit	jeffreys bay		6330	South Africa	2023/02/17
Joan Kruger	Jeffreys Bay			South Africa	2023/02/17
Danie Van Wyk	Jeffrey's Bay			South Africa	2023/02/17
Charmaine Loots	Jeffreys Bay			South Africa	2023/02/17
jonathan lewis	Port Elizabeth			South Africa	2023/02/17
marcel rademeyer	Jbay			South Africa	2023/02/17
Cj.joubert1989@gmail.com Johan	Cape Town			South Africa	2023/02/17
Theoline Du Plessis	Jeffreys Bay			South Africa	2023/02/17
Theoline Du Plessis	Cape Town			South Africa	2023/02/17
Karin Ferreira	Cape Town			South Africa	2023/02/17
Hawley Samantha	Cape Town			South Africa	2023/02/17
Yvette Puttergill	Jeffreys Bay			South Africa	2023/02/17
Lucy parkins	Port Alfred			South Africa	2023/02/17
Stephan Blignaut	Jeffreysbay			South Africa	2023/02/17
Thelma Van Rooyen	Jeffreys Bay		6017	South Africa	2023/02/17
Tina Ekermans	Jeffreys Bay			South Africa	2023/02/17
Alan Armstrong	Jeffreys Bay			South Africa	2023/02/17
Jessica Williamson	Jeffreys Bay			South Africa	2023/02/17
Rocco Scheepers	Jeffreys Bay			South Africa	2023/02/17
Claudia Hertweck	Jeffreys Bay			South Africa	2023/02/17
Ria Neethling	Pretoria			South Africa	2023/02/17
Patricia Vosloo	Aston Bay			South Africa	2023/02/17
Joha Oos	Cape Town			South Africa	2023/02/17
Sanet Roach	Port Elizabeth			South Africa	2023/02/17
Elsabe Rademeyer	Jeffreys Bay			South Africa	2023/02/17
Steven Bezuidenhout	Jeffreys Bay		2531	South Africa	2023/02/17
Ruben Timmerman	Patensie			South Africa	2023/02/17
Jodi Kruger	Jeffreys Bay		6200	South Africa	2023/02/17
Hemelia Mare	Jeffreys Bay			South Africa	2023/02/18
Chantell De Beer	Jeffreys Bay			South Africa	2023/02/18
Brenda Fourie	Centurion			South Africa	2023/02/18
Jacqueline Du Plessis	Jeffreys bay		1503	South Africa	2023/02/18
Reinette Roos	Port Elizabeth			South Africa	2023/02/18
Frans Van der Merwe	Jeffreys Bay			South Africa	2023/02/18
Yendra Booysen	Komatipoort			South Africa	2023/02/18
Sharon Loppnow	Jeffreys Bay			South Africa	2023/02/18
Celeste Strydom	Jeffreys Bay			South Africa	2023/02/18
Simon en Ina Mattheus	Jefgreys Bay			South Africa	2023/02/18
Melisa Brown	Jeffreys Bay			South Africa	2023/02/18
Eugene Brown	Aston Bay			South Africa	2023/02/18
Wenda Kotze	Jeffreysbay			South Africa	2023/02/18
Leigh Hawthorn	Jeffreys Bay			South Africa	2023/02/18
Jeanette Esterhuyse	Jeffreys Bay			South Africa	2023/02/18
Albert Zietsman	Jeffreys Bay			South Africa	2023/02/18

Kobus Mulder	Jeffreys Bay			South Africa	2023/02/18
Carla Louw	Jeffrey's Bay			South Africa	2023/02/18
Sonja Saunders	Cape Town		7405	South Africa	2023/02/18
Annatjie Gerber	Jeffreys Bay			South Africa	2023/02/18
Elizabeth Hunter	Centurion			South Africa	2023/02/18
Carin Kannegieter	Jeffreys Bay			South Africa	2023/02/18
Cecile De Wet	Jeffreys Bay			South Africa	2023/02/18
Moira du Plessis	Boksburg			South Africa	2023/02/18
Elizabeth Carpenter	Vereeniging			South Africa	2023/02/18
Hylton Winnan	Patensie			South Africa	2023/02/18
Fred Vermaak	Port Elizabeth			South Africa	2023/02/18
Caron Roulston	Patensie			South Africa	2023/02/18
Paul Michael Yazbek	Cape Town			South Africa	2023/02/18
Cecile van Rie	Jeffreys Bay			South Africa	2023/02/18
Sven Van Rie	Randburg			South Africa	2023/02/18
Louis Geldenhuys	Jeffreys Bay			South Africa	2023/02/18
Esmari Oudtshoorn	Cape Town			South Africa	2023/02/18
Janine van der Merwe	Port Elizabeth			South Africa	2023/02/18
Marisa Ferreira	Cape Town			South Africa	2023/02/18
Elize Kapp	Stellenbosch		7100	South Africa	2023/02/18
Marelize Calitz	Jeffreys Bay			South Africa	2023/02/18
Pieter Venter	Jeffreys Bay			South Africa	2023/02/18
Izanne Grobbelaar	Port Elizabeth			South Africa	2023/02/18
Charlotte Maritz	Jeffreysbay			South Africa	2023/02/18
Richard Heydenrych	Jeffrey's Bay			South Africa	2023/02/18
Heilie Uys	Port Elizabeth			South Africa	2023/02/18
Johann Van Greunen	Port Elizabeth			South Africa	2023/02/18
Maynie Van der Walt	Jeffreys Bay			South Africa	2023/02/18
Valerie Wild	Jeffreys Bay.		6331.	South Africa	2023/02/18
Marindq Boshoff	Port Elizabeth			South Africa	2023/02/18
Elaine Oosthuizen	Jeffrey'sbaai			South Africa	2023/02/18
Deon Wessels	Jeffreys Bay			South Africa	2023/02/18
Lianne Kritzinger	Jeffreys Bay			South Africa	2023/02/18
Ingrid Marais	Pretoria			South Africa	2023/02/18
Louise Strijdom				South Africa	2023/02/18
Van der Merwe Peet	Port Elizabeth		6045	South Africa	2023/02/18
Craig Haverly	Cape Town			South Africa	2023/02/18
Laubscher Chrisna	Johannesburg			South Africa	2023/02/18
Alwyn Kotze	Jeffrey's Bay			South Africa	2023/02/18
Erika Adendorff	Jeffreys Bay			South Africa	2023/02/18
Marijke Kotze	St Francis Bay			South Africa	2023/02/18
Monique Shaw	Johannesburg			South Africa	2023/02/18
Michaela Buitendag	Gamtoos Mouth			South Africa	2023/02/18
Dawid Bakkes	Jeffrey's Bay			South Africa	2023/02/18
Johan Harmse	Johannesburg			South Africa	2023/02/18
Tersia Rademeyer	Jabaynian			South Africa	2023/02/18
Johann Schaefer	Port Elizabeth			South Africa	2023/02/18
Chris Potgieter	Port Elizabeth			South Africa	2023/02/18
Sanria Moore	Johannesburg			South Africa	2023/02/18
Tian Grobler	Jeffreys Bay			South Africa	2023/02/18
Ezna Kennedy	St Francis Bay			South Africa	2023/02/18
Elbie Winter	Johannesburg			South Africa	2023/02/18
Jenifer Elliot	Johannesburg			South Africa	2023/02/18

Cindy Nieuwoudt	Boksburg			South Africa	2023/02/18
Anzet Schoeman	St Francis Bay			South Africa	2023/02/18
Vivian Viljoen	Manchester	England	M26	UK	2023/02/18
Craih Nicholson	Jeffreys Bay			South Africa	2023/02/18
Hannelie Van Vuuren				New Zealand	2023/02/18
Louise Merle Lee	Port Elizabeth			South Africa	2023/02/18
Lucy Van Rensburg	Johannesburg			South Africa	2023/02/18
Yvette Bezuidenhout	Jeffreys Bay		7784	South Africa	2023/02/18
Irene Bradley	Port Elizabeth			South Africa	2023/02/18
Paul Marx	East London			South Africa	2023/02/18
Marline Fourie	Krugersdorp			South Africa	2023/02/18
Pierre Griezel	Jeffreys Bay			South Africa	2023/02/18
Beverley Jacobs	Port Elizabeth			South Africa	2023/02/18
Denzil Thomas	Cape Town			South Africa	2023/02/18
Elzanne Tummer	Cape Town			South Africa	2023/02/18
Estelle Burley	Cape Town			South Africa	2023/02/18
Deborah Van den Berg	Durban		3630	South Africa	2023/02/18
Done Pienaar	Centurion		2041	South Africa	2023/02/18
Brett Busschau	Jeffreys bay			South Africa	2023/02/18
Kayla-Lee MacGregor	Mossel Bay			South Africa	2023/02/18
Suzette Noort	Cape Town			South Africa	2023/02/18
Lemay Antill	Port Elizabeth			South Africa	2023/02/18
Tian Mac Gregor	Cape Town			South Africa	2023/02/18
Anrie Meyer	Alberton			South Africa	2023/02/18
Leigh-ann Vermaak	Port Elizabeth			South Africa	2023/02/18
Anton Kleynhans	Pretoria			South Africa	2023/02/19
Joey Van jaarsveld	Jeffreys Bay		7441	South Africa	2023/02/19
Gen-maria Breytenbach	Jeffreys bay			South Africa	2023/02/19
Ashlyn Singh	Johannesburg			South Africa	2023/02/19
Christo van Jaarsveld	Middelburg			South Africa	2023/02/19
Audrey Adam	Paradise Beach			South Africa	2023/02/19
Okkert Pretorius	Johannesburg		2041	South Africa	2023/02/19
Alison Kühl	Jeffreys Bay			South Africa	2023/02/19
Rudi De witt	Pretoria			South Africa	2023/02/19
Michael Thomas	Auckland			New Zealand	2023/02/19
Bret Casper Alberts	Pretoria			South Africa	2023/02/19
Lewi van Biljon	Jeffreys Bay			South Africa	2023/02/19
Suzanne Hattingh	Cape Town			South Africa	2023/02/19
Tanya Keyzer	Jeffreys Bay		6025	South Africa	2023/02/19
Mariska Alberts	Johannesburg			South Africa	2023/02/19
Andrea Ferreira	Humansdorp			South Africa	2023/02/19
Jenny Hickson	Jeffreys Bay			South Africa	2023/02/19
Joanita Coetzee	Bloemfontein			South Africa	2023/02/19
Estian Schaefer	Port Elizabeth			South Africa	2023/02/19
Rina Hattingh	London			South Africa	2023/02/19
Heinricht Strauss	Cape Town			South Africa	2023/02/19
Lisa-Ann Prinsloo	Port Elizabeth			South Africa	2023/02/19
Megdelina Assa Zulu	Johannesburg			South Africa	2023/02/20
Pieter Blackie	Jeffreys Bay			South Africa	2023/02/20
Julius Grobbelaar	Cape Town			South Africa	2023/02/20
Amanda Moore	Port Elizabeth			South Africa	2023/02/20
dineo pearl mokoena	Carletonville			South Africa	2023/02/20
DEREK WYMAN	Jeffreys Bay			South Africa	2023/02/20

Sarel Oosthuizen	JHB South africa			South Africa	2023/02/20
Michelle Wright	Johannesburg			South Africa	2023/02/20
Brendan Brendan	Port Elizabeth			South Africa	2023/02/20
melaku melese				South Africa	2023/02/20
Gerds Potgieter	Jeffreys Bay			South Africa	2023/02/20
Pieter Hattingh	Jeffreys Bay			South Africa	2023/02/21
Chantal Plater	Durban			South Africa	2023/02/21
Kamvelihle Mbande	Cape Town			South Africa	2023/02/21
Adolph Jonker	Johannesburg			South Africa	2023/02/21
Rata Mole	Johannesburg			South Africa	2023/02/21
James Cox				South Africa	2023/02/21
Carmen Carlo-Maagbi	cape town			South Africa	2023/02/21
Cayla Van Loggerenberg	Cape Town			South Africa	2023/02/21
Linda Van der merwe	Kempton park			South Africa	2023/02/21
Heindrich Willers	Pretoria			South Africa	2023/02/21
Tanya King	Cape Town			South Africa	2023/02/21
Yaqeen Kippie	Cape Town			South Africa	2023/02/21
Konrad Ferreira	Cape Town			South Africa	2023/02/21
Rene Klopper	Johannesburg			South Africa	2023/02/21
Cindy Da Silva	Johannesburg			South Africa	2023/02/21
Oratile Medichane	Johannesburg		2195	South Africa	2023/02/21
Pierre de Villiers	Jeffreys Bay			South Africa	2023/02/21
TARYN KETTLE	Johannesburg			South Africa	2023/02/21
Liezl Goosen	Port Elizabeth			South Africa	2023/02/21
Genevieve Smidt	Cape Town			South Africa	2023/02/21
Sean Lombard	Johannesburg			South Africa	2023/02/21
Gerhard Van der Linde				South Africa	2023/02/21
Patricia Collocott	Pietermaritzburg			South Africa	2023/02/21
Maggie Nkosi	Johannesburg			South Africa	2023/02/21
Jaun Du Plessis	Johannesburg			South Africa	2023/02/21
Tobie de Villiers	Cape Town			South Africa	2023/02/21
Thruvasen (Vish) Naidoo	Kzn			South Africa	2023/02/21
Liezl Meyer	Uitenhage			South Africa	2023/02/21
Abeda Mahomed	Durban			South Africa	2023/02/21
Sharen Pillay	Durban			South Africa	2023/02/21
Thomas Cilliers	Molesey		KT8	UK	2023/02/21
Letashè Van Wyk	Johannesburg			South Africa	2023/02/21
Brandon Van Der Merwe	Johannesburg			South Africa	2023/02/22
Ruan Kemp	Jeffreysbay			South Africa	2023/02/22
T Bezuidenhout	Port Elizabeth			South Africa	2023/02/22
Cara Kruger	Durban		3630	South Africa	2023/02/22
Attie Herbst	Bloemfontein			South Africa	2023/02/22
Masego Mabotha	Pretoria			South Africa	2023/02/22
Lanthis Lombard	Durban			South Africa	2023/02/22
Izak Stoltz	Boksburg			South Africa	2023/02/22
Palesa Patience	Durban			South Africa	2023/02/22
Fazila Ameen	Johannesburg			South Africa	2023/02/22
Chantel Nagel	Johannesburg			South Africa	2023/02/22
sibongile bakaqana				South Africa	2023/02/22
Saajidah Ismail	Edenvale			South Africa	2023/02/22
MJ Pelser	Johannesburg		2014	South Africa	2023/02/22
Gavin Ford				South Africa	2023/02/22
Yonela Gantana	Strand			South Africa	2023/02/22

Ephraim Risenga Mabunda	Vereeniging			South Africa	2023/02/22
Chris Van der watt	Jeffreys bay			South Africa	2023/02/22
Pieter Louw				South Africa	2023/02/22
Johan bezuidenhoudt	Cape Town			South Africa	2023/02/22
Camden Augustine	Port Elizabeth			South Africa	2023/02/22
Rebeca Feldman	Germiston			South Africa	2023/02/23
Kim Michelle Mortimer				South Africa	2023/02/23
Helen Bagnall	Johannesburg			South Africa	2023/02/23
Brendon Heydenrych	Port Elizabeth			South Africa	2023/02/23
Rüdiger Friedrich Johl	East London.			South Africa	2023/02/23
Gabeeba Hendricks	Cape town			South Africa	2023/02/23
Sikhulule Zito	Robertsham			South Africa	2023/02/23
Marius Terblanche	Johannesburg			South Africa	2023/02/23
Adam RIETMULLER	Johannesburg			South Africa	2023/02/23
Vourinus van Rooyen	Jeffreys Bay			South Africa	2023/02/23
Elske Taljaard	Oudtshoorn		6070	South Africa	2023/02/23
Liedy Coetzer	Jeffreys Bay			South Africa	2023/02/23
Chantal Healing	Port Elizabeth			South Africa	2023/02/23
Natasha Hernandez	Jozi			South Africa	2023/02/23
Rashika Anthony	Durban			South Africa	2023/02/23
Hulisani Ramashau	Parow			South Africa	2023/02/23
Sydney De Wet				South Africa	2023/02/24
Gerhard Fourie				South Africa	2023/02/24
Paul van Lieshout	Durban			South Africa	2023/02/24
Dyani De Beer	Cape Town			South Africa	2023/02/24
Zizipho Sidzamba	Welkom			South Africa	2023/02/24
Leuba Malebati	Cape Town			South Africa	2023/02/24
Nicole de Wet	Cape Town			South Africa	2023/02/24
Olga Brooks	Polokwane		2041	South Africa	2023/02/24
Mzingisi Lali	Cape Town		8001	South Africa	2023/02/24
Le-Jehane Van Zyl				South Africa	2023/02/24
Jen Elbourne	Johannesburg			South Africa	2023/02/24
Garreth Raath	Durban			South Africa	2023/02/24
Danie Niemand	Pretoria			South Africa	2023/02/24
Leslie Potterton	George			South Africa	2023/02/24
Charles Bouguenon	Johannesburg			South Africa	2023/02/24
Natasha Kelly	Cape Town			South Africa	2023/02/24
estellemfenech@gmail Fenech	Port Elizabeth			South Africa	2023/02/24
Melanie Greyling	Port Elizabeth			South Africa	2023/02/24
CJ Du Toit	Pretoria			South Africa	2023/02/24
Vera Holme	Johannesburg			South Africa	2023/02/24
Keith Clark	Cape Town			South Africa	2023/02/25
Celeste Evans	Cape Town			South Africa	2023/02/25
anna dorfling	roodepoort			South Africa	2023/02/25
Murray Hurd	Jeffreys Bay			South Africa	2023/02/25
Eugene Green	Jeffreys Bay			South Africa	2023/02/25
Sandra Heydenrych	Jeffreysbay			South Africa	2023/02/25
Zuna Etsebeth	Johannesburg			South Africa	2023/02/26
Swag_ Souls	Johannesburg			South Africa	2023/02/26
Ronel Prinsloo	Johannesburg			South Africa	2023/02/27

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ATTENDANCE REGISTER

Meeting:	**Alienation of Municipal Land**	**Date:**	**01/03/2023**
Time:	**18h00 - 19h00**	**Venue:**	**Newton Hall , 17 Goedehoop Street, C-Place, Jeffreys Bay**

Name	Surname	Company / Designation	Cell	Email	Signature
WPD	GERTENBACH	CLLR WARD 3	0824603380	wgertenbach@kouga.gov.za	WPD Gertenbach
mark	Braun	Ward 11.	0717073222		MSBraun
Stephanie	Kucera	Ward 11 assistant	0726389388	Ward11@kouga.gov.za	
ANDRÉ	JOUBERT.	WARD 3	0825525462	ward3@kouga.gov.za	
Chantal	Geldenhuys	WARD 11	0825049709	CGELDEN@YAHOO.COM	
AFZAL	ALLY	WARD 11	0716700842	AFZAL2605@GMAIL.COM	
TRACEY	WILD	WARD 8	0824850672	pctech@axxess.co.za	
ROS	FELLOWS	Ward 6	"	"	

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Name	Surname	Company / Designation	Cell	Email	Signature
ANDREW	THUYSMAN	IN-STEP	0847140572	INSTEPSOOTSOTELIANSA.NET	
Ungerer	Ronelle	Resident	0826852245	ronelle19@yahoo.com	Ungerer
Sven	VAN RIE	Oracle	0828594652	sven.apad@gmail.com	
BRIAN	O'Donoghue	RESIDENT	0832967450	donvigne@gmail	
Loulita	Vodoo	Privaat	0728286236	louvosloo@gmail.com	
G. Robinson	Robinson	PVT	0837239508	garth@j-bay.com	
HENRY	EYBERS	PVT	0844053353	henry@jbaynet.co.za	
Isabeau	Joubert	Resident	0725296565 69	lovesurf@gmail.com	
Josh	Scheepers	Resident	0832361718	joshscheepers13@gmail.com	
Rina	Venter	Resident (Estate agent)	0824114681	rina@realniceprop.co.za	Venter.
EUGENE	GOUZA	KRM - PPU	0671098558	EGOUZA@KOUGA.GOV.ZA	
HENNI	BRITZ	Pvt.	0825684031	britzco@mweb.co.za	
Coenie	Albertyn	Pvt.	0761026630	Albertyn85@gmail.com	

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Name	Surname	Company / Designation	Cell	Email	Signature
Petro	Smit	JB Ghalf Klub	0422962745	—	[signature]
Frik	Coetzer	JB Ghalf Klub	0844311664	frik.coetzer57435@gmail.com	[signature]
JOHAN	GREYLING	JBAY GOLF	0817428822	espoirfarm@gmail.com	[signature]
JOHAN	Deyser	Innovator	0825133117	contactjohan02@gmail.com	[signature]
Trish	Visagie	Pvt - bowls	0720388003	~~kalent@~~ kalent202@gmail.com	[signature]
Henda	Thiart	DA Nyks Kom 3	08289672	thiarth22@gmail.com	S.H. Thiart
Tammy	Walle	Private	0835501263	tamryn.walle@gmail.com	[signature]
Cecile	Loedoff	"	0824688225	thesilvertassel@gmail.com	[signature]

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Name	Surname	Company / Designation	Cell	Email	Signature
H	Visser	PRIVATE	0842292290	henkvisser001@gmail.com	
A.	Schoeman	"	0834175299	katie.schoeman@gmail.com	
J	Ferreira	ratepayer	0824402922	milieu2000@gmail.com	
K	Loots	ratepayer	0767055726	kowieloots12@gmail.com	
W.	Stephan	belasting betaler	0828810500	WBstep@mweb.co.za	
Lauren	D'Arcy	RATEPayer	0826503856	gdarcy@tekomsa.net	
Japie	Bosch	Ratepayer	0842460812	jbvanjb@gmail.com	
Anton	Ferreira	PVT	0834630534	anton@hlmc.co.za	
Lorraine	Maree	Kouga	082 892 4664	Lmaree6kouga.gov	
Anneke	Mulder	Rate Payer	0662856080	anneke.wic@gmail.com	
Ian	vd Nesthuizen	PD Architects	0798879175	ian@pure-design.co.za	
Yvonne	Robinson	Ratepayer	0833995011	yvonne@j-bay.com	YRRobinson
Bryan	Dhlydhly	CLLR	0837470031		
Nick	Holme	Rate Payer	0824466237	nickholmer@gmail.com	

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Name	Surname	Company / Designation	Cell	Email	Signature
JP	MAARTENS	WARD 8	0844508245	hannes.maartens2@gmail.com	
MYRTLE	HEYSTEK	WARD 8	0827799442	myrtleheysteu@gmail.com	
Floris	Nagel	Ward 11	0829064282	floris.nagel.za@gmail.com	
F+J	Kleynhans	" "	0724565526	FrickieKleynhans@yahoo.com	
M.	BERRIMAN	Ward 11	0845480117	bitchalot@telkomsa.net.	
G.	BERRIMAN	Ward 11	0842083374		
G	FOOLE	11	0824463897		
A	Van der Westhuy	Ward 11	0715593207	albee@tcprop.co.za	

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Name	Surname	Company / Designation	Cell	Email	Signature
Dawie	Van Zyl	JBGC Official	0844873977	dawievanzyl@telkomsa.net	
Richard	Heyaerryd	Ashbrea Computing	0834482692	ashbrea@gmail.com	
LES	VAN AARDE	golfer.	0824520884	VALVANAARDE@GMAIL	
Mareli	Potas	Tasty Table Cafe	0725254983	marelipotas@gmail.com	
Anton	van Rooyen	Jbay	0829745997	anton.vanrooyen@kerstel.com	
Ronelle	du Toit	JBGC	0711781857		
Isabel	Linde	Word II Com. Member	0824159498	ilinde2204@gmail.com	
P. LOMBARD	LOMBARD	JBAY	0829248[illegible]	piersel27@gmail.com	
B. Symmy	Symmy	Prin.	0828214563	BERNIE.Symm@HighMain.com	
TERENCE	VENTER	Resident	0842953838		
Hylton	Putlergill	Resident	0826442781	[illegible]@yahoo.com	
Ockie	Le Roux	Resedent	0794959922	ockie_leroux@MECOM	
CORINE	VDYK.	INWONER.	0829222260	CORINEVDYK@gmail.com	
M	Van Niekerk	KM CUR	083 2709570	mvanniekerk@kaega.gov.za	

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Name	Surname	Company / Designation	Cell	Email	Signature
Hes	Niemand	J.Bay Golf Club	0834402994	niemandhester@gmail.com	[signature]
Jenny	Smith	J.Bay Golf Club	0828282873	davejena@telkomsa.net	[signature]
Crystal	Swanepoel	J Bay Golf Club	0662779311	Crystalsjbay@gmail.com	[signature]
Irma	Hart	Inwoner	0828761149	dofilljbay@gmail.com	[signature]
EUGENE	GREEN	RESIDENT	0638060502	eugeneg@gaylin.co.za	[signature]
Janus	DAVEL	"	0828745	ginadavel0189	[signature]
Gina	Davel.	Wyk 11	0728890157	" " "	[signature]
RECHIUS	KUDMAN	RESIDENT	0724148628	rrechius@gmail.com	[signature]

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Name	Surname	Company / Designation	Cell	Email	Signature
Zuanda	Badenhorst	Privaat.	0836772053	Zuandabadenhorst@gmail.com	Badenhorst
GRANT	NORTIER	"	0834129381		
STEF	ENGELBRECHT	"	0716835344		
Pieter	Cloete	"	0824125558		
ANTON	BREDENKAMP	PRIVATE	0834427763	anton.bredenkamp@gmail.com	
Mercia	Ungerer	Wyk 11.	0839250000		M. Ungerer
Remi	Petersen	Dreamland	0827694000	SeasideBooking@mail.com	
HENNIE BOTHA	Botha		0825691330		
GLEN	D'ARCY	RATE PAYER	0823258325		
Veronica	Fouvie.	media.	0834131441.	Veronica.fouvie2@gmail.com	
Cecile	van Rie	Put-Eetenglen	0824103385	cecilevanrie@gmail.com	
LIEB	SWIELEN	KBP	0729291350	info@dolphinproperties.co.za	

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Name	Surname	Company / Designation	Cell	Email	Signature
Anton	Gericke	Private	0781303904	agericke2011@gmail.com	[signature]
Tania	Henning	"	0739846397		[signature]
Jean	Phillips.	Private.	0795443664	terrypix@telkomsa.net.	[signature]
Mimi	Rautenbach	—	0722532687	mimirautenbach01@gmail.com	[signature]
Joey	VAN JAARSVELD	—	0836543726	joeyvj@live.com	[signature]
GERRIT	BOSHOFF.	PRIVAAT.	0813110003	boshofg@igen.co.za	[signature]
John	Swanepoel	Golf club.	0723045000	johansjbay@gmail.com	[signature]
JOHAN	SNYMAN	Golf Club.	0836512775		[signature]

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Name	Surname	Company / Designation	Cell	Email	Signature
BEV	SHIPLEY	OPEN2 GROWTH	083 3262694	beva)mbcreatives.co.za	[signature]
Tom	Bouwer	Resident	0834581490	tom.bouwer@tiko	[signature]
Cary	Doyle.	Resident	0844371632.	carydoyle@gmail.com	[signature]
SAREL	BREYTENBACH	INWONER.	0745517206	sarelbreytenbach@gmail.com	[signature]
Willem	Visser	Resident	0650927604	jbaygolf@truewan.co.za	[signature]
Andries	Steindr.	Resident	0824676569	langfontein@net4all.co.za	[signature]
Elize	Bornman	"	0827040104	DrADKeef 159	[signature]
LUDWIG	VORSTER	RESIDENT	0795639076	LUDVORSTER@TELKOMSA.NET	[signature]
CECILIA	DE WET	RESIDENT	0824650050	celiadw@absamail.co.za	[signature]
ABRIE	KOEGELENBERG	RESIDENT	0828947999	abriek@kouga.gov.za	[signature]
Felicia	Stuyvesant	Resident	0824172594	Komplizert	[signature]
Tobias	Schroeder	Resident	0723201270	30 Payoda	[signature]
Nicol	Claassen	"	0824387[illegible]	[illegible]	[signature]
LYNN	VAN BILON	RESIDENT	0646501841	LEWIVS@GMAIL.	[signature]

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Name	Surname	Company / Designation	Cell	Email	Signature
F & M H	Snyman	Ward 11	0721408624	dericksnyman.ulco@gmail.com	Snyman
D J.	DELA QUERKA	11	0824436267	DAVEDELA@GMAIL.COM	[illegible]
KEIBUS	MULDER	2	0828941637	KEIBUS.MULDER@TOLSPER.CO	[illegible]
WY	van de Linde	Roads Ltd	0827001211	VANDELINDEM@VFplus.mg.za	[illegible]
Dean	Van Heerden	Bobasbury Estate	0829808280	dheerden84@gmail.com	[illegible]
H	MATTHEE	PRIVAAT -	0711929064	—	[illegible]
D	WILLIAM	PRVT	0736298148	—	[illegible]
A	Meyer	Prvt JB Golf Club	0662642700	anrie34@gmail.com	Meyer

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Name	Surname	Company / Designation	Cell	Email	Signature
Annatjie	Gerber	JBay Golf Club!	0721734776	algerber50@gmail.com	[signature]
Denise	Moyles	[illegible]	0833531710	denisemoyles871@gmail	[signature]
Andrew	Volschenk.	Inwoner	082494314	Dofilljbay06mail.com	[signature]
Ian	V Dye	J/B:	0674010412	[illegible]	[signature]
Nicky	Kruigel	Tourism	0825700413	NKRUGEL50@GMAIL.COM	[signature]
Francois	Pretorius	Wyks Komitee	0824061948		[signature]
Johnita	Pretorius	Privaat	0833110434		[signature]
Ian ~~Walker~~	Walker	"	072833528	Ian52Walker@gmail.com	[signature]
Leo Pedro	RODRIGUES	"	0721793074	RODRIGUES LEONARD@GMAIL	[signature]
Chris	de Vos	RSR	0828825920	chrisdvos@vodamail.co.za	[signature]
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Dennis	RICHMOND	TRAWLERS / TENNIS CLUB	0832319923	DCRICHMOND70@gmail.com	[signature]
Valerie	BROWN	Private	0834838368	vallinc@hotmail.co.za	[signature]

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Email: registry@kouga.gov.za
Website: www.kouga.gov.za

ATTENDANCE REGISTER

Meeting:	Alienation of Municipal Land	**Date:**	01/03/2023
Time:	18h00 - 19h00	**Venue:**	Newton Hall , 17 Goedehoop Street, C-Place, Jeffreys Bay

Name	Surname	Company / Designation	Cell	Email	Signature
Lincoln	Brown	Private	0834559748	vallinc@hotmail.co.za	LBBrown
Ric	Sugman	"	0839778527	rsugman@igou.co.za	[signature]
Cheon	Kraak	JBay Surf Village	0826574553	Cheon@countryfeeling	CKraak
Gerome	Palmer	–	0836303111	geromeapalmer@gmail.com	[signature]
Deon	Freemath	Tourism JBay	0834578415	deonfreemonkes@gmail.com	[signature]
John	Rossouw	Private	0832809991	SEF@telkomsa.net	[signature]
Brenton	Williams	KM	0834961945	brenton@kouga.gov.za	[signature]
Frikkie	Mulder	Private	0823224456	frikkie.mulder@lakb.co.za	[signature]

56

Name	Surname	Company / Designation	Cell	Email	Signature
Lorraine	Gerlenbach		0823326698	eddielorraine@yahoo	
Eddie	Gerlenbach		0823326698	"	

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Cape St
Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
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ATTENDANCE REGISTER

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Name	Surname	Company / Designation	Cell	Email	Signature
Danie	Nell	Chauffeur	0716786872	Danie.nell1937@gmail.com	[signature]
Eddy	Venter	Self	082669229	eddyventer@me.com	[signature]
Bev	van der Burgh	self	0824783430	vdburgh@imaginet.co.za	[signature]
Nico	Duplessis	Self	0825740580	nicojbay.co	[signature]
L. Brown	Brown	Self	0834559748		[signature]
Hilton	Veldman	Resident	0829085965	hilton.veldman@gmail.com	[signature]
Tanja	Lategan	RESIDENT	0846846771	wvjbay@mweb.co.za	[signature]
Johan	du Prez	Scorplan	0832671958	scorplan@rotamail.co.za	[signature]

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ANNEXURE "D"

DATE: 15 MAY 2023

WORKING GROUP REPORT

WORKING GROUP EVALUATION REPORT: POSSIBLE ALIENATION OF CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479,5480, 5481 AND 8825 JEFFREYS BAY – INFORMATION STATEMENT TO COUNCIL AS ENVISIONED BY THE PROVISIONS OF THE MFMA, MATR & LAND DISPOSAL POLICY.

1. INTRODUCTION

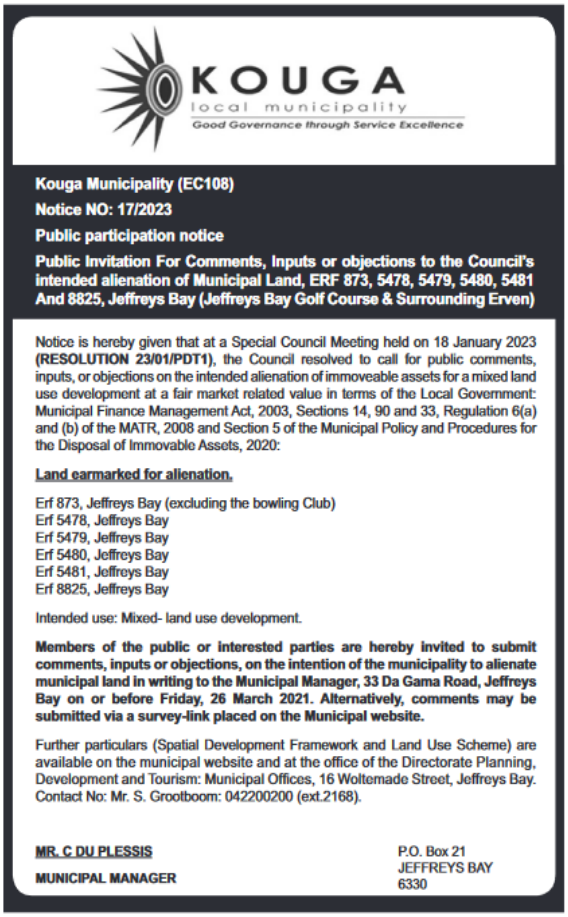
Council's intention

It is said that to make land available for development of mixed residential, business, and community spaces and to fully utilize underutilized public spaces. The sale will provide much needed funds for the upgrading of municipal services and further to give effect to Council's Spatial Development Framework objectives by obliging a 'green' type village which makes provision for, *inter alia*, resource harvesting (which includes water and energy harvesting) and reduced services demand.

This department experienced uncertainty on the end product that will be made available to a prospective developer; and the method of intended disposal. It is said informally that the intention is to auction the property in a competitive open market. This suggests that the bidding starts at the certified fair market value for the identified properties. A full evaluation of the property will be required bearing in mind the impact future growth value of the area, and what this effect may have on the current residents.

2. PUBLIC PARTICIPATION & PRIOR ENGAGEMENTS

The leading department in line with Council resolution embarked on public participation by placing an initial advert in local and regional (Herald) newspapers as well as on the municipal website with an additional option for public to submit on survey-link. An additional reminder notice was placed as seen below:



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Kouga Municipality (EC108)

Notice NO: 17/2023

Public participation notice

Public Invitation For Comments, Inputs or objections to the Council's intended alienation of Municipal Land, ERF 873, 5478, 5479, 5480, 5481 And 8825, Jeffreys Bay (Jeffreys Bay Golf Course & Surrounding Erven)

Notice is hereby given that at a Special Council Meeting held on 18 January 2023 **(RESOLUTION 23/01/PDT1)**, the Council resolved to call for public comments, inputs, or objections on the intended alienation of immoveable assets for a mixed land use development at a fair market related value in terms of the Local Government: Municipal Finance Management Act, 2003, Sections 14, 90 and 33, Regulation 6(a) and (b) of the MATR, 2008 and Section 5 of the Municipal Policy and Procedures for the Disposal of Immovable Assets, 2020:

Land earmarked for alienation.

Erf 873, Jeffreys Bay (excluding the bowling Club)
Erf 5478, Jeffreys Bay
Erf 5479, Jeffreys Bay
Erf 5480, Jeffreys Bay
Erf 5481, Jeffreys Bay
Erf 8825, Jeffreys Bay

Intended use: Mixed- land use development.

Members of the public or interested parties are hereby invited to submit comments, inputs or objections, on the intention of the municipality to alienate municipal land in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay on or before Friday, 26 March 2021. Alternatively, comments may be submitted via a survey-link placed on the Municipal website.

Further particulars (Spatial Development Framework and Land Use Scheme) are available on the municipal website and at the office of the Directorate Planning, Development and Tourism: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact No: Mr. S. Grootboom: 042200200 (ext.2168).

MR. C DU PLESSIS
MUNICIPAL MANAGER

P.O. Box 21
JEFFREYS BAY
6330



KOUGA
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KOUGA MUNICIPALITY (EC108)

NOTICE NO: 41/2023

REMINDER NOTICE

REMINDER ON NOTICE 17/2023: PUBLIC INVITATION FOR COMMENTS, INPUTS OR OBJECTIONS TO THE COUNCIL'S INTENDED ALIENATION OF MUNICIPAL LAND, ERF 873, 5478, 5479, 5480, 5481 AND 8825, JEFFREYS BAY (JEFFREYS BAY GOLF COURSE & SURROUNDING ERVEN)

The reminder notice is in respect of the above-mentioned notice published on 26 January 2023, to lodge motivated comments, inputs or objections, if any in writing to the Municipal Manager on or before **26 March 2023.**

All correspondence relating to the notice must be addressed in writing to:

The Municipal Manager, 33 Da Gama Road, Jeffreys Bay or E-mail to jreed@kouga.gov.za. **Alternatively, comments may be submitted via a survey-link that has been placed on the Municipal website. (select Open in Browser option)**

Further particulars (Spatial Development Framework and Land Use Scheme) are available on the municipal website and at the Office of the Directorate Planning, Development and Tourism: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact Person: Mr. S. Grootboom: 042200200 (ext. 2168) or E-mail cgrootboom@kouga.gov.za

D. DE JAGER
DEPUTY MUNICIPAL MANAGER

P.O. Box 21
JEFFREYS BAY
6330

2023 389

WWW.BASADI.CO.ZA BASADI MEDIA - ADVERTISING

A total number of 636 responses were received during the public participation period which included comments, inputs, objections and petitions. The leading department

recorded the responses and compiled a summary of comments in support and not in support of the intended alienation as well as a breakdown of the type of comment, e.g., bulk infrastructure, tourism, transport, environmental impact, etc.

It is also important to note that Council entered into a new lease agreement with Jeffreys Bay Golf Club in 2021 for a period of 10 years.

3. ASSESSMENT OF OBJECTIONS

Evident from even a cursory glance at the community response indicates an unwillingness to part with their constitutionally entitled recreational spaces and argue that there are sufficient alternatives for development spaces already available in the private market. Value must be returned to the community. "*Response*" herein below refers to a proposed response to Council's satisfaction.

Table #: Summary of objections and concerns raised during public participation process.

Category Ref.	Summary of objections / Category	No. objections
No. 1	***Another offer received for Erf 873 / Other interest***	***2***
Comment LS:	The objection is premised on the basis that other developers may have an interest in developing on this land parcel given the chance. This right is enshrined in the MFMA.	
Response:	The intended method of disposal contemplated for the alienation of council owned immovable property is by way of public auction.	
No. 2	***Bulk infrastructure challenges***	***69***
Comment LS:	This comment addresses numerous objections relating to the quality and provision of bulk services, and the effects it may have on the already existing demand. Regard must be had for Council's plans on the provision of bulk services. In this regard, we should have regard to: IDP, the SDBIP's, and the MSDF. Further particulars will likely have to be presented to indicate the anticipated demand or strain on existing infrastructure, and the time periods associated with any future 'upgrade' undertaking.	
Response:	The proceeds received from the sale is intended to be used for the upgrade of existing and new bulk infrastructure, in addition to new public open spaces and public amenities that Council will have to procure.	
No. 3	***Details of proposal unknown***	***10***
Comment LS:	This objection is based on the fact that no substantial plans or site development plans have been presented to, or by Council, for the local community to consider whether the proposal will affect their rights.	
Response:	This is a preliminary interest scoping exercise in order to give the Council an indication of the community's needs and desires.	
No. 4	***Disposal process / Method / No transparency / policy references***	***10***

Comment LS:	Objections directed at council's embarked-on procedure. It is not clear to the community the basis and processes; this will likely result cause conflict with the principle of transparency.	
Response:	All relevant legislation and council approved policy processes will be followed; this process commenced in order to engage with the community on Council's intentions for densification as expressed in the MSDF and to gauge community input into the community development needs.	
No. 5	***Build new golf course, then develop old course***	***5***
Comment LS:	This objection evinces a need for the amenities and services. The community's view is that replacement amenities and services should be provided before closing existing amenities. This evinces a need in the local community for access to sporting facilities.	
Response:	Alternative space for sporting facilities is envisaged at a different locality. The processes needed to undertake a new golf course may only become feasible on receipt of transaction proceeds from alienating the properties.	
No. 6	***Unemployment & safety concerns / crime aspect***	***6***
Comment LS:	This objection deals with a factor that is prevalent in most development and construction areas. The construction activities will result in an influx of skilled and unskilled workers which generally results in higher reported incidents of non-violent crimes.	
Response:		
No. 7	***Nature aspect (Loss of natural vegetation and biodiversity) Loss of green spaces***	***14***
Comment LS:		
Response:		
No. 8	***New locality (Proposed locality is wetland) / Higher travelling costs***	***3***
Comment LS:	The objection should be investigated. A cursory glance will indicate that there is a form of waterway which traverses the lower portion of the land parcel. A portion of this property is inundated with wetlands. Currently, the KLM jurisdictional area is experiencing a severe drought, and lack of water currently does not mean that the wetlands are dried out permanently.	
Response:	Further environmental authorisation approval and site development plans must be obtained for the purposes of granting approval. Areas not suitable for development, or areas that must be retained by Council will be subdivided and separated from the development node.	
No. 9	***Develop elsewhere / private land***	***3***

Comment LS:	It is assumed that the basis of this objection is to object against the sale and alienation of public property / public open space. It can be argued that private land in a competitive market will affect the viability of a development.	
Response:	The Kouga SDF, adopted by Council at a meeting open to the public, characterizes the current area as densification or development node.	
No. 10	***Economic impact***	***1***
Comment LS:	It is not clear from the proposals or the council item what the economic and other benefits are as there is no motivation (or specific parameters) submitted for consideration.	
Response:	Council is entitled to impose certain conditions of sale, which conditions may be included in the respective title deed(s) as may be necessary or recommended. Any proposals submitted by a developer will still be scrutinized to ensure that the development meets Council's specifications or minimum requirements.	
No. 11	***Current facilities provide recreational stimulation / great need and there are no other sporting facilities in Jeffreys Bay***	***7***
Comment LS:	This objection evinces a need for sporting facilities in the community. Alienation of property without making alternative facilities available, will result in a shortage of facilities and may be embarrassing when marketing Jeffreys Bay as a 'sporting hub' in the absence of suitable sporting facilities that are available to the local community.	
Response:	The intention is to relocate the sporting facilities to a suitably alternative land parcel.	
No. 12	***Golf course to form part of new development and should not be sold***	***1***
Comment LS:	This objection proposes that Council retains current facilities, and for the development to be constructed around the existing facilities; or that the facilities located within the boundaries of the development must be open to the community and general public. This objection further evinces a need for sporting facilities in the community.	
Response:		
No. 13	***Negative environmental impact***	***13***
Comment LS:	This objection is based on the premise that a developed area will have a negative impact on the environment. In this regard there are existing bio-sensitive areas that have been highlighted. KLM-SDF: *"The Municipality, in their decision-making, should give protection and improvement of the urban and rural environment, the quality of life it allows, and the conservation of its biophysical and socio-economic resources.* *The Municipality should carry out measures to enhance the urban and rural environment and must encourage developers to*	

	implement policies, which enhance the local environments adjacent to their development. *Environmental Management Regulations should form part of all application for all major development as stipulated by legislation."*	
Response:	Areas that are required for the protection of sensitive biodiverse areas will be incorporated into the development area and maintained and protected by the property owner's association responsible for the development.	
No. 14	***Valuable property and under market value***	***3***
Comment LS:	This objection against alienation presupposes difficulty in finding replacement property for the purposes of sporting amenities. Alienation proceeds must be sufficient to ensure suitable alternatives are procured and maintained. A concern is raised against financial benefit generated to the Municipality through a market value transaction.	
Response:	The proposed method of disposal is through public auction.	
No. 15	***Improve current facilities***	***2***
Comment LS:	This objection raises a complaint against the adequacy of maintenance and/or capacity of currently existing sporting facilities in the area.	
Response:		
No. 16	***Jeffreys Bay overdeveloped***	***1***
Comment LS:	This objection is contrary to Council's intentions expressed in its 2021, Spatial Development Framework. It can be argued that the objector has had an opportunity to object to the demarcation of these development nodes.	
Response:	The proposed development area is highlighted as one of seven development nodes considered by the Council as a suitable densification development area.	
No. 17	***New location not known***	***1***
Comment LS:	The basis for these comments queries the availability of suitable alternative areas for new sporting facilities that the Council may make available to the local community.	
Response:	Proposed locations to be shared public	
No. 18	***Negative impact on tourism***	***4***
Comment LS:	This objection raises concerns on the effect that such a development will have on the local tourism industry. The town is promoted as a sporting hub.	
Response:	Taking away the only golf course, tennis courts and squash courts will have big impact on local usage but also tourism issues will be	

	created. Tourists visiting Jeffreys Bay is also using the facilities on a daily basis.	
No. 19	***Public participation process did not include the valuation report, reason for sale, expected benefits (rates & taxes) and it should be communicated***	***6***
Comment LS:	In terms of Legislation, it is required.	
Response:		
No. 20	***Cost of new golf course / no financial details on new golf course and is funds available?***	***3***
Comment LS:	The basis for these comments queries the availability of suitable alternative areas and funds for new sporting facilities that the Council may make available to the local community.	
Response:		
No. 21	***No benefit to Kouga Residents / Not in public interest***	***3***
Comment LS:		
Response:		
No. 22	***Traffic and access road***	***5***
Comment LS:	This objection is directed at increasing foot and vehicle traffic and likelihood of congestion occurring.	
Response:	All necessary traffic assessments will be undertaken prior to development commencing.	
No. 23	***Noise pollution***	***1***
Comment LS:	General construction principles will likely apply; controls and limitations are normally put in place during construction phase.	
Response:	Steps will be taken to impose the relevant conditions should construction commence.	
No. 24	***Previous donation of erf 873 Jeffreys Bay be investigated for any conditions in Title Deed before any disposal or transfer***	***1***
Comment LS:	Any person alleging ownership bears the onus of proving such ownership. Council is the registered owner of the properties; any restriction or limitation not contained in a	
Response:		
No. 25	***Propose PPP for development of property for sport purposes***	***1***
Comment LS:	This comment proposes the establishment of a public-private partnership to develop the property for sporting and recreational purposes. It is inferred that a business plan will be submitted and that the public will have access to some or all of the facilities.	
Response:	Council's intention is to promote higher residential density in this area as per the approved SDF.	

No. 26	***No proper consultation when SDF was amended / rezoning***	***4***
Comment LS:	The objection is aimed at the adoption and approval process which was concluded during the height of the infamous Covid-19 pandemic. This will likely be scrutinized should Council's decision to close public open space be taken on review. An administrative decision based on an unlawful decision cannot stand.	
Response:	Council resolved to adopt the SDF at a meeting open to the public	

4. OVERVIEW

Assessment of facts by Departments

Section 14 MFMA comments

Town Planning:	Should there be no space readily available, Council must embark on the process of procuring additional recreational and authority spaces – should council now decide to alienate this property, provision must be made for alternative spaces. It will be obliged to procure land available on the private market. An evaluation of the 'profit' value to council should include a high-level overview on the nett profit that council may expect after making provision for (1) bulk service upgrades that can accommodate current and future development growth and (2) alternative recreational space and (3) expenses related to prescribed land use applications and (4) financial risks associated with legal action should council's decision be found unlawful and (5) financial costs of the transaction.
Community services:	Wetlands found on land parcel. Effects of the drought are unknown at this stage. Heavy rains and additional development run off will affect the demand on stormwater infrastructure. Certain portions will have to be excluded as natural biodiverse areas and must remain protected space. Closure of public open space will necessitate provision of alternative sporting facilities.
Technical services:	Numerous comments were received from the public participation process regarding the availability of Bulk Services The comments were not evaluated as it is not known for what the development is earmarked. The site has not been identified for future bulk services construction. As discussed during the meeting, it is proposed that the required processes be followed whereby restrictions on the land be investigated, sensitive and no-go areas be identified, purpose and zoning for the development be agreed, conditions for development be set etc. before the land being auctioned.
Traffic Services:	There is heavy traffic specifically seasonally from Da Gama Rd and St Francis Street moving through the area, but comment is reserved for when specifics of the new development become clear. All necessary traffic assessments will be undertaken prior to development commencing.

Environmental Services:

- The proposed land to be alienated falls within a Critical Biodiversity Area 1,2 and 3.
    - It should be noted that the parts that fall within the CBA 1 consists of residential houses and part of the golf course.
    - As for the CBA 3, it consists of the bottom half of the golf course (close to the bowling club) and of a wetland (apposite the bottom half of the golf course and next to Hancke Hoe).
    - CBA 2 makes up most of the upper part of the golf course and also envelopes erf 873, 5478, 5479, 5480, 5481 and 8825.

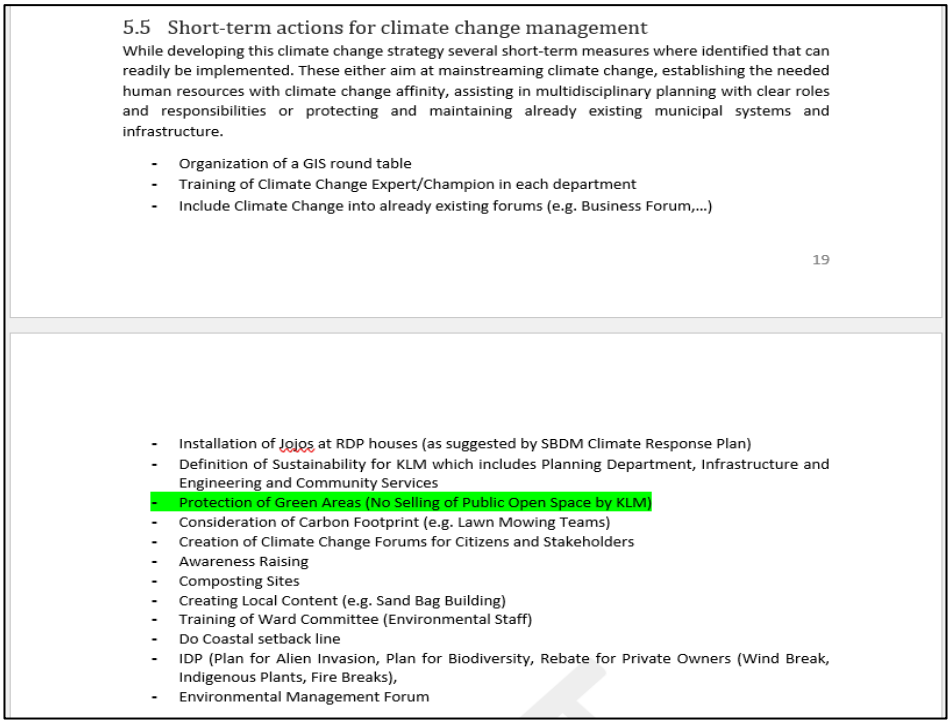
- This would mean that the development of the above-mentioned erven would trigger listed activity 12 of GNR 324 Listing Notice 3.

		iv. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; v. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; vi. Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core areas of a Biosphere reserve; or vii. Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland.
		i. Western Cape i. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; ii. Seawards of the development setback line or within 200 metres of the high water mark of the sea if no such development setback line is determined; or iii. Areas of indigenous vegetation outside urban areas.
12.	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.	**a. Eastern Cape** i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. Outside urban areas, within 100 metres inland from an estuarine functional zone; or v. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
		b. Free State i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has

- Other Listed Activities might also be triggered such as listed activity 15 of GNR 324 Listing Notice 3.

		(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.
15.	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.	**a. Eastern Cape** i. Outside urban areas, or ii. Inside urban areas: (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.
		b. Gauteng i. All areas.
		c. Limpopo i. Inside urban areas.
		d. Mpumalanga i. Inside urban areas; or ii. A protected area identified in terms of NEMPAA, excluding conservancies.
		e. North West i. Inside urban areas; or ii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.
		f. Western Cape i. Outside urban areas, or

- Other legislation which might be applicable includes the Water Act, specifically Section 21(a) and (c)
- The Kouga Municipality Climate Change Strategy (See Below)



5.5 Short-term actions for climate change management

While developing this climate change strategy several short-term measures where identified that can readily be implemented. These either aim at mainstreaming climate change, establishing the needed human resources with climate change affinity, assisting in multidisciplinary planning with clear roles and responsibilities or protecting and maintaining already existing municipal systems and infrastructure.

- Organization of a GIS round table
- Training of Climate Change Expert/Champion in each department
- Include Climate Change into already existing forums (e.g. Business Forum,…)

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- Installation of Jojos at RDP houses (as suggested by SBDM Climate Response Plan)
- Definition of Sustainability for KLM which includes Planning Department, Infrastructure and Engineering and Community Services
- Protection of Green Areas (No Selling of Public Open Space by KLM)
- Consideration of Carbon Footprint (e.g. Lawn Mowing Teams)
- Creation of Climate Change Forums for Citizens and Stakeholders
- Awareness Raising
- Composting Sites
- Creating Local Content (e.g. Sand Bag Building)
- Training of Ward Committee (Environmental Staff)
- Do Coastal setback line
- IDP (Plan for Alien Invasion, Plan for Biodiversity, Rebate for Private Owners (Wind Break, Indigenous Plants, Fire Breaks),
- Environmental Management Forum

- Besides the CBA's, the whole area including the wetlands is mapped as a freshwater ecological support area.
- There is another wetland located next to Blackberry Road (road leading to The Sands).

5. MUNICIPAL ASSET TRANSFER REGULATIONS CONSIDERATIONS

Council must:

decide on reasonable grounds that the capital asset is not needed to provide the minimum level of basic municipal services;

consider and decide on valuation method which complies with legislated accounting practices; or the valuation methods set out in regulation 5(5)

consider the fair market value and realizable of the asset to be received in exchange (fully motivated and certified);

consider the economic value to be received in exchange; and

consider the community value to be received in exchange; and

consider the expected gain or loss that will be realized

approve in principle that the capital asset may be disposed of

consider reasons for the proposal to dispose of the capital asset

solicit the views of National Treasury

take into account -

a. whether the capital asset may be required for the municipality's own use at a later date
b. the expected loss or gain that is expected to result from the proposed transfer
c. the extent to which any compensation to be received will result in a significant economical or financial benefit to the municipality
d. the risks and rewards associated with the operation or control of the capital asset that is to be disposed of
e. the effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow
f. any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions
g. the estimated cost of the proposed transfer or disposal
h. the transfer of any liabilities and reserve funds associated with the capital asset; any comments or representations on the proposed transfer or disposal received from the local community and other interested persons
i. any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury
j. the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and,
k. compliance with the legislative regime applicable to the proposed transfer or disposal

6. RISK OVERVIEW

6.1 Anticipated legal risks

Once council makes the decision that the property is not needed to provide a basic level of services, it cannot change or revoke that decision. Serious consideration must be given to existing sensitive environmental factors and land availability for public amenities.

The objections indicate a need for the recreational spaces and related services, catered for by creation of sporting facilities, or facilitating creation of such spaces by granting access to municipally owned property.

It could be argued that a decision by Council to (1) close public open space (2) close sporting facilities is depriving the local community of their constitutional rights should Council not provide suitable alternatives prior to/ during the transaction.

During the public participation process, concerns were raised about the legal status of the current SDF reviewed by Council in 2020 and 2021 (during the high of the Covid-19 pandemic). This raises the expectation that should litigation commence, the process followed in approving the SDF may also be brought into question.

7. EVALUATION

Interest shown in the public participation process should be a clear indication to Council that the community would rather utilize areas already zoned for higher density residential and business areas than alienate a commodity.

Council has previously adopted a Spatial Development Framework which highlights this area as a strategic area for high density residential development while to the contrary, the public participation process has shown that the community values the current land use and services.

In the absence of a development and business plan for Council and the community to consider, it is difficult to assess whether the transaction meets the minimum requirements of the Municipal Asset Transfer Regulations. Council must set parameters or specifications that will be applicable to the development to enforce its vision of a 'green central-park' themed development.

Critical assessment of the financial factors must be presented to council. This will entail information on the minimum proceeds that must be generated from the sale in order to ensure that provision is made for relocation of amenities and the increase in bulk services demand.

A site development plan must be submitted to Council for consideration indicating the estimated potential demand / maximum development demand that may be expected from a land parcel area this size.

8. RECOMMENDATIONS

8.1 That the Report of the Working Group in respect of the recently concluded public participation process relating to the intended alienation of certain portions of Erf 873, erf 5478, 5479,5480, 5481 and 8825, Jeffreys Bay be tabled at the next Council Meeting.

8.2 That all legislative and administrative requirements be adhered to in order to avoid legal implications should the land contemplated in 8.1 be alienated.

8.3 That the leading department determine if there are any title conditions or limitations on the land contemplated herein.

8.4 That the necessary processes be followed to determine the developable extent of erf 873 and surrounding erven as there are parts of the land that is proclaimed as wetland.

8.5 That the bulk service policy be considered in respect of anticipated development as no provision was made for water and sanitation.



_____

MR. S. GROOTBOOM

MANAGER: LAND & PROPERTY ADMINISTRATION

CHAIRPERSON OF LAND EVALUATION COMMITTEE

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO:**24/12/PD6**

LAND AND PROPERTY ADMINISTRATION: IMPLEMENTATION OF OUTSTANDING TRANSFERS OF PROPERTIES ACQUIRED FROM THE THEN PATENSIE TRANSITIONAL LOCAL COUNCIL (TLC)

1. **Introduction**

The purpose of the item is to request the Council for the transfer of the properties acquired from the then Patensie Transitional Council (TLC) as far back as the early 1990's.

2. **Background**

Before the amalgamation and the implementation of the Municipal Finance Management Act, 56 of 2003 and related legislation, people could approach the municipality and request to purchase municipal properties directly (out-of-hand).

The then TLCs kept a register of all transactions/purchases with payments made, but most of the properties were not transferred after full payment was received, whilst improvements were also done on some of the properties.

The register below marked as **Annexure A** indicates the status of the purchasers as well as payments made.

3. **Discussion**

The Land and Property Administration Department thoroughly investigated these transactions and performed physical verifications of the properties.

A meeting with the beneficiaries updating them on the process, as well as the way forward, was held in Patensie on Tuesday, 10 September 2024.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 BUDGET &TREASURY R225 290.22
Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act No. 56 of 2003
Municipal Asset Transfer Regulations, 2008
Policy and Procedures for the Disposal of Immovable Assets, 2020

6. **Legal Implications**

Should the Council approve the recommendations below, the Accounting Officer shall be authorized to attend the required legislative transfer processes to affect the transfer of the immovable properties to the Purchasers.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant final approval and accept** the recommendations and process for the disposal of the municipal erven as per Annexure A.

10.2 That Council accepts that properties be transferred to Estate Late beneficiaries in instances where the original purchasers have passed away.

10.3 That Council confirms that the immovable properties are not needed for the provision of the minimum level of basic municipal services.

10.4 That all applicable costs, where necessary, be for the cost of the applicants / purchasers, but in confirmed instances where the applicant / purchaser is unemployed or has confirmed pensioner status, a request be made for the transfer costs to be borne by the municipality.

10.5 That Council authorizes the Accounting Officer to enter into respective Deeds of Sale to give effect to the intended transfer of immovable property herein.

Item prepared by the: The Manager: Land & Property Administration 

Item approved by the: Director Planning & Development 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 

Annexure "A"

VERIFICATION OF PATENSIE ERVEN: INVOICE BOOK – OUTSTANDING TRANSFERS							
ERF NO	**PURCHASER**	**PURCHASE AMOUNT**	**PURCHASE DATE AND CURRENT MUNICIPAL VALUATION**	**PAID (Y/N)**	**INVOICE NO**	**TRANSFERRED**	**REFUNDED (Y/N)**
712 & 713	BONAKELE A MAJOLA	R1,000-00	18/4/2002 (R22000.00 AND R19000.00) TO BE CONSOLIDATED	R1,000-00 (18/4/2002)	9239	N	N
932 & 933	HENDRIK WITBOOI	R3,000-00	8/11/1995 (R88,000.00 AND R63,000.00) ONE STRUCTURE ON BOTH PROPERTIES – TO BE CONSOLIDATED	R550-00 (8/11/1995) R1,000-00 (15/6/2000) R200-00 (18/8/2000) R1,000-00 (28/11/2000) R250-00 (10/01/2001)	1901 8311 9079 10755 11170	N	N
911 & 912 (CONSOLIDATED AS	BIDWELL SOLAAN	R3,000-00	5/3/2007 (R28,000.00)	R500-00 (5/3/2007)	4713	N	N

ERF 890, PATENSIE)				R500-00 (20/3/2007) R500-00 (31/8/2007) R750-00 (20/3/2008) R750-00 (11/6/2008)	6010602959 700655 702782 1495470 3523		
959 & 960 (CONSOLIDATED AS ERF 900)	CHARLENE BOOYSEN	R3,000-00	8/7/1998 (R100,000.00) STRUCTURE ON ERF 900, PATENSIE	R2,000-00 (8/7/1998) R500-00 (15/9/1998) R500-00 (06/2005)	00608 01735 6010901698	N	N
953 & 954	HENRY TOOIS	R3,000-00	26/4/1999 (R13,000.00 AND R13,000.00) TO BE CONSOLIDATED	R1,000-00 (26/4/1999) R200-00 (4/10/2000) R200-00 (28/11/2000) R200-00 (11/1/2001) R200-00 (13/2/2001) R200-00 (19/3/2001)	03981 9805 10754 0011 0288 0619 1603	N	N

				R200-00 (12/7/2001) R200-00 (22/8/2001) R200-00 (20/9/2001) R400-00 (5/4/2004)	1906 2231 6010002681		
929 & 930 (CONSOLIDATED AS ERF 897)	VC SWEPU (BILLY STOKI TO BOB SPEELMAN)	R3,000-00	2/12/1998 (R26,000.00)	R100-00 (2/12/1998) R1,400-00 (1/7/1999) R1,500-00 (25/1/2001)	02552 04689 0109	N	N
931	UNITED CONG KERK	R3,000-00	15/2/2008 (R860,000.00)	R3,000-00 (15/2/2008)	702400	N	N
932 & 933	HENDRIK WITBOOI (MP PIETERSEN TO I ARENDS)	R3,000-00	5/11/1995 (R63,000.00 AND R88,000.00) TO BE CONSOLIDATED	R550-00 (5/11/1995) R1,000-00 (15/6/2000) R200-00 (18/8/2000) R1,000-00 (28/11/2000)	1901 8311 9079 10755 11170	N	N

				R250-00 (10/1/2001)			
938 & 939	SLW NELSON	R3,000-00	6/8/1999 (R13,000.00 AND R13,000.00) TO BE CONSOLIDATED	R300-00 (6/8/1999) R200-00 (2/9/1999) R100-00 (1/12/2000) R200-00 (3/1/2006) R100-00 (9/2/2006) R2,100-00 (6/8/2012)	05128 5414 10860 2630 2340 6011200149	N	N
940	MAGDALENE DLOMO (LATE – TO BE TRANSFERRED TO BENEFICIARY)	R1,500-00	11/10/2005 (R16,000.00)	R300-00 (11/10/2005) R200-00 (28/3/2006) R200-00 (20/7/2006) R500-00 R300-00 (8/2/2007)	2516 6010502803 660279 602378	N	N
909 & 910 (CONSOLIDATED AS ERF 901)	JOHNNY SLABBERT	R3,000-00	22/1/2004 (R82,000.00)	R3,000-00 (22/1/2004)	6010001925	N	N
935 & 936	WILSON THANDA	R3,000-00	15/1/1997 (R88,000.00 AND	R400-00 (15/1/1997)	5990	ONLY ERF 936 HAS	N

			R13,000.00) TO BE CONSOLIDATED	R100-00 (15/1/1997) R500-00 (1/4/1997) R200-00 (26/2/2001) R1,000-00 (06/2005) R800-00 (06/2005)	5991 6690 0389 6010600062 6010600117	BEEN TRANSFERRED	
925 & 926 (CONSOLIDATED AS ERF 896)	J WENTZEL NATI MVIMBELI	R1,500-00	5/1/2004 (R91,000.00)	R300-00 (5/1/2004) R1,000-00 (28/2/2005) R200-00	3671 6010401898 2317	N	NOT SURE
949 & 950	SANNA THOKOANA	R3,000-00	07/1/1997 (R120,000.00 AND R55,000.00) TO BE CONSOLIDATED	R1,000-00 (07/1/1997) R500-00 (2/9/1997) R1,000-00 (23/5/2000) R250-00 (7/9/2000) R100-00 (27/8/2001)	5935 8718 7992 9412 1953 8784	N	N

				R150-00 (18/3/2002)			
937	VUSUMZI TANDA	R1,500-00	4/1/2006 (R13,000.00)	R200-00 (4/1/2006) R900-00 (28/5/2007) R400-00 (29/2/2008)	6010501925 3696 702504	N	N
946	CHRIS MAHLULA	R1,500-00	4/8/2000 (R12,000.00)	R100-00 (4/8/2000) R100-00 (1/9/2000) R100-00 (2/10/2000) R100-00 (31/10/2000) R100-00 (30/11/2000) R100-00 (2/1/2001) R100-00 (1/2/2001) R100-00 (28/2/2001) R100-00 (30/3/2001) R100-00 (30/4/2001)	8929 9305 9703 10502 10851 11086 0209 0415 0732 0939 1220	N	N

				R100-00 (30/5/2001) R100-00 (29/06/2001) R100-00 (1/8/2001) R100-00 31/8/2001) R100-00 (28/9/2001)	1481 1751 2016 2308		
956	ARMSTRONG NELSON (SPAASMPONDO)	R1,500-00	(R13,000.00)	R500-00 (22/2/2001) R500-00 (19/3/2001) R500-00 (20/3/2001)	0372 0630 0632	N	N
941 (CONSOLIDATED AS ERF 898)	LEON DIRK	R1,500-00	(31,000.00) CONSOLIDATED AS ERF 898, PATENSIE	R1,000-00 (30/11/2001) R500-00 (6/1/2003)	7327 12728	N	N
942 (CONSOLIDATED AS ERF 898)		R1,500-00		R1,000-00 (30/11/2001) R500-00 (28/10/2003)	7328 11744		
951 & 952	NAOMI WINDVOGEL	R1,500-00	17/11/2004 (R120,000.00 AND	R1,500-00 (17/11/2004)	401084	ONLY ERF 951 REGISTERED	N

	(MADODA SWEPU) (JOHAN KRITZINGER)	R1,500-00	R23,000.00) TO BE CONSOLIDATED	R1,500-00 (14/1/2005)	1522		
343	PRESBYTERIAN KERK	R3,000-00	5/5/2003 (R670,000.00)	R2,000-00 (5/5/2003) R1,000-00 (12/5/2003)	14537 14587	N	N
551	LIZZIE DLOMO	R500-00	3/12/2004	R150-00 (3/12/2004) R200-00 (7/2/2005) R150-00 (2/3/2005)	401241 401738 4062	N	N

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/PD7**

REQUEST TO SWOP: TENDER FOR THE SELLING OF VACANT MUNICIPAL RESIDENTIAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA (TENDER NOTICE 137 OF 2021)

1. **Introduction**

The purpose of this item is to request Council's approval to swop properties **(Annexure A)** sold under Tender Notice 137 of 2021 for alternative vacant land, due to a sewer line that is traversing four of the municipal properties.

2. **Background**

The Council took a decision (19/04/PD3, dated 30 April 2019 and 22/03/PDT3, dated 31 March 2023) to sell several residential municipal properties at market related value.

Tenders were invited in Notices 103/2022 and 183/2022 for the purchase of the vacant municipal erven within the Kouga area and were allocated to the respective Estate Agents to receive bids on Kouga's behalf through Tender Notice 137 of 2021.

3. **Discussion**

During the identification of pegs in Boskloof, Humansdorp, it was discovered that a sewer line is traversing four properties, namely; erven 1034 – 1038 Humansdorp. See **Annexure "B"**.

Council previously recommended that properties that were not sold/allocated, be re-advertised in line with provisions of Tender Notice 137 of 2021. See **Annexure "C"**.

Based on the above recommendation and the availability of the properties not affected by the sewer line, it is recommended that alternative properties be awarded to the successful bidders. The successful bidders were consulted and are in support of the proposed alternative. There were no bids received for properties being considered for a swop. It must be noted that three of the four properties considered for a swop were valued at R 190 000.00, same as the previously approved property. Erf 1038 Humansdorp was valued at R 210 000.00 and the newly proposed property, Erf 1048 Humansdorp is valued at R 190 000.00.

On 26 November 2024, the Land Evaluation Committee recommended that in line with the valuations, extent and prices offered for the affected properties.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R500 000
Amount spent and committed to date	KOUGA MUNICIPALITY 2024-11-28 BUDGET &TREASURY R225 290.22
Amount Available	R274 709.78
Comment	

5. **Applicable Legislation**

Municipal Finance Management Act 56 of 2003
Municipal Asset Transfer Regulations
Kouga Municipal Disposal of Immovable Assets Policy of 2020

6. **Legal Implications**

Should the Council approve the recommendations, the Accounting Officer may proceed with the legislative transfer process to affect the transfer of the immovable property to the successful bidder.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council accepts the recommendations by the leading department and **grants final approval** for the swop and disposal of erven 1044,1045, 1047 and 1048 Humansdorp as per Annexure A

10.2 That Council grant authorization to the Accounting Officer to cancel the Deed of Sales for the properties contained in Annexure B

10.3 That Council grant authorization to the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the properties contemplated in 10.1.

10.4 That Council grants permission to dispose properties that were advertised on Tender Notice 137 of 2021 as per Annexure C.

Item prepared by the: The Manager Land & Property Administration

Item approved by the: Director Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

ANNEXURE A

ERF NO	Market Value	TENDERER	TENDERED PRICE (EXCL. VAT)
ERF 1044, HUMANSDORP	R 190,000.00	Melanie Frederika Biko	R150,000.00
ERF 1045, HUMANSDORP	R 190,000.00	Ntomboxolo Princess Ncezula	R195,000.00
ERF 1047, HUMANSDORP	R 190,000.00	Keagon Angelo Jerome Kock	R140,000.00
ERF 1048, HUMANSDORP	R 190,000.00	Irene Diane Lapperts	R160,000.00

Annexure B

ERF NO	Market Value	TENDERER	TENDERED PRICE (EXCL. VAT)
ERF 1034, HUMANSDORP	R 190,000.00	Melanie Frederika Biko	R150,000.00
ERF 1035, HUMANSDORP	R 190,000.00	Ntomboxolo Princess Ncezula	R195,000.00
ERF 1036, HUMANSDORP	R 190,000.00	Keagon Angelo Jerome Kock	R140,000.00
ERF 1038, HUMANSDORP	R 210,000.00	Irene Diane Lapperts	R160,000.00

ANNEXURE C

ERF NO	LOCALITY	AREA	EXTENT	ZONING	MARKET PRICE
ERF 325	**ASTON BAY**	GLENNY BUCHNER DRIVE	339m²	Residential	R250,000.00
ERF 752	**ASTON BAY**	GLENNY BUCHNER DRIVE	399m²	Residential	R240,000.00
ERF 5839	**JEFFREYS BAY**	KWAGGA STREET	399m²	Residential	R180,000.00
ERF 5304	**JEFFREYS BAY**	KORAAL STREET	571m²	Residential	R150,000.00
ERF 1039	**HUMANSDORP**	GEELHOUT AVENUE	1200m²	Residential	R190,000.00
ERF 1040	**HUMANSDORP**	GEELHOUT AVENUE	1192m²	Residential	R190,000.00

REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY & SAFETY SERVICES

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
COMMUNITY SERVICES
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/CSS1**

AUTHORISATION FOR THE APPROVAL OF THE COMMUNITY SAFETY FORUM TERMS OF REFERENCE FOR KOUGA LOCAL MUNICIPALITY

1. **Introduction**

The purpose of this item is to seek the Council's approval of the Terms of Reference for the Kouga Local Municipality Community Safety Forum.

Oversight is a crucial role of the Municipal Council in monitoring and evaluating the actions of the executive and administration in the discharge of the vast powers they possess. It also includes avoidance of abuseof power and guarding against under-performance. Vast powers have been conferred on a municipal council; see section 160 (1)(a) of the *Constitution of the Republic of South Africa, 1996 and Regulations*

"*A Municipal Council makes decisions concerning the exercise of all the powers and theperformance of all the functions of the municipality*"

It is also possible for Municipal Councils to delegate the oversight role or part thereof to committees of the council. The *Local Government: Municipal Structures Act No. 117 of 1998 and Regulations* permits the establishment of one or more section 79 committees for the effective and efficient performance of any of its functions or the exercise of any of its powers – sect 79(1)(a).

The Terms of Reference in this document set out the working arrangements and list vital information aboutthe committee such as the details of its role, powers, membership and administrative support.

2. **Background**

The Community Safety Forum (CSF) is a vital initiative established by the Kouga Local Municipality to address the pressing safety and security challenges faced by its diverse communities. These challenges, including escalating crime rates, traffic issues, and public disorder, necessitate a structured and coordinated approach to foster a safer environment for all residents.

The Terms of Reference for the Community Safety Forum are crucial for establishing a solid foundation for its operations and ensuring that its objectives are met. By providing a structured approach to community safety, the Forum aims to empower stakeholders, facilitate active participation, and create an integrated response to safety challenges in Kouga. The ToR will help foster an environment where community members feel secure, supported, and engaged in maintaining their safety and well-being.

3. **Discussion**

The requirement for the establishment of Community Safety Forums (CSF) emanates from the National Crime Prevention Strategy (NCPS) of 1996 as reviewed and the 1998 White Paper on Safety and Security. The basic paradigm for the requirement to establish CSFs at the time was contained within the context of the realization that government cannot deal with crime on its own and that all tiers of government must closely co-operate with civil society to reduce crime.

The contemporary concept of community safety furthermore expands the early definition of '*safety*' by referring to "the actions taken by role players on a local level to *prevent, reduce and contain* the social and environmental factors that interfere with their ability to live without the fear or threat of violence. In this regard, community safety is concerned with the collective experiences of people, rather than the individual people living within a community.

Accordingly, when referring to the concept of community safety, it not only entails efforts to reduce levels of crime and violence in a particular area, *but also about actions taken to improve the social, cultural, economic and political conditions that give rise to risk in our communities through a multi stakeholder approach driven by local needs*. In this regard the notion that community safety embraces a wider approach to safety than just criminality – although it remains the primary driver - strongly comes to the fore.

The main objective of the CSF is to provide a formalized structure that will facilitate structured coordination, collaboration, integrated planning and coordinated implementation between identified stake holders with respect to multi-sectoral crime prevention and community safety projects.

Refer to ***Annexure A***.

4. **Financial Implications**

Completed by BTO -	**N/A**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

- The Constitution of the Republic of South Africa Act no 108 of 1996
- The South African Police Service Act No 68 of 1995: Specifically addresses the establishment of CPFs.
- The Inter-governmental Relations Framework Act no 13 of 2005

- Local Government: Municipal Systems Act no 32 of 2000
- Local Government: Municipal Structures Act no 117 of 1998
- The National Crime Prevention Strategy 1996
- The White Paper on Safety and Security 2016
- Civilian Secretariat for Police: Policy for the Establishment of Community Safety Forums.

6. **Legal Implications**

Should the Council approve the recommendations herein, the Term of Reference so approved shall become effective from date of Council resolution.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item supported.

8.5 **Director: Community Services**

Item supported.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Council approves the Community Safety Forum Terms of Reference.

Item prepared by the: Director of Community Services

Item approved by the: Director of Community Services

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

ANNEXURE A

KOUGA MUNICIPALITY COMMUNITY SAFETY FORUM

TERMS OF REFERENCE

1. Introduction

The Kouga Community Safety Forums Terms of Reference (ToR) provides for a developmental framework for integrated and localized communal safety planning and co-ordination between the Kouga Local Municipality (KLM), identified government departments, the SAPS and community representatives.

2. Background

The requirement for the establishment of Community Safety Forums (CSF) emanates from the National Crime Prevention Strategy (NCPS) of 1996 as reviewed and the 1998 White Paper on Safety and Security. The basic paradigm for the requirement to establish CSFs at the time was contained within the context of the realization that government cannot deal with crime on its own and that all tiers of government must closely co-operate with civil society to reduce crime.

The contemporary concept of community safety furthermore expands the early definition of '*safety*' by referring to "the actions taken by role players on a local level to *prevent, reduce and contain* the social and environmental factors that interfere with their ability to live without the fear or threat of violence. In this regard, community safety is concerned with the collective experiences of people, rather than the individual people living within a community. Accordingly, when referring to the concept of community safety, it not only entails efforts to reduce levels of crime and violence in a particular area, *but also about actions taken to improve the social, cultural, economic and political conditions that give rise to risk in our communities through a multi stakeholder approach driven by local needs*. In this regard the notion that community safety embraces a wider approach to safety than just criminality – although it remains the primary driver - strongly comes to the fore.

3. Objectives of a Community Safety Forum (CSF)

The main objective of the CSF is to provide a formalized structure that will *facilitate* structured coordination, collaboration, integrated planning and coordinated implementation between identified stake holders with respect to multi-sectoral crime prevention and community safety projects. The stake-holder groupings for the Kouga district are identified as follows:

- Kouga Local Municipality as the primary coordinator.

- The SAPS
- Applicable government departments.
- Civil society (community) with inclusion of (but not restricted to) organized business, church groups, community representatives, security companies, civil rights groups, agricultural groupings, Community Police Forums, neighborhood watches, tourism, traditional leaders etc.

4. Legal framework for the establishment and functioning of the CSF

The condensed summary below provides the framework for the legal establishment and functioning of the CSF.

- The Constitution of the RSA Act no 108 of 1996: Section 152 defines the objects of local government and specifically states that a safe and healthy environment is promoted and that community organizations are encouraged to be involved in the matters of local government.
- The South African Police Service Act No 68 of 1995: Specifically addresses the establishment of CPFs.
- The Inter-governmental Relations Framework Act no 13 of 2005
- The Municipal Systems Act no 32 of 2000: Chapter 2, Section 2(c) and 2(i) specifically states "*The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to encourage the involvement of the local community and promote a safe and healthy environment in the municipality*"
- Municipal Structures Act no 117 of 1998: The Act emphasizes that municipal structures should account on their involvement of community organizations in the affairs of the municipality.

The following policy instruments serve as a reference for the development of the CSF ToR and future policy:

- The National Crime Prevention Strategy 1996
- The White Paper on Safety and Security 2016
- Civilian Secretariat for Police: Policy for the Establishment of Community Safety Forums.

Mandate of the CSF

Purpose:

The Community Safety Forum aims to enhance public safety and promote a secure environment by fostering collaboration among community members, local authorities, and organizations.

Objectives:

- Identify and assess safety concerns within the community.
- Facilitate open dialogue among residents, law enforcement, and emergency services.
- Develop and promote safety initiatives and educational programs.

- Strengthen community resilience through preparedness and response strategies.
- Encourage volunteerism and community involvement in safety efforts.
- Monitor and evaluate the effectiveness of safety programs and policies.

Operational Guidelines:

- **Membership**: Open to all community members, local businesses, and organizations dedicated to improving safety.
- **Meetings**: Held quarterly, with special sessions as needed. Agendas will be established in advance and communicated to all members.
- **Decision-Making**: Consensus-based approach, with a focus on transparency and inclusivity.
- **Communication**: Regular updates through newsletters, social media, and community bulletin boards to keep all members informed.
- **Partnerships**: Collaborate with local law enforcement, schools, healthcare providers, and other entities to address safety issues comprehensively.

Review and Amendments:

The mandate will be reviewed annually and can be amended based on community feedback and changing safety needs.

5. Main functions of the CSF

a) The main functions of the CSF are to:

- Identify and understand the safety and security needs of the Kouga local community through the design and implementation of a situational awareness capability
- Coordinate, monitor and evaluate the design and implementation of crime prevention strategies and other safety programs and projects. For purposes of the functioning of the CSF, crime prevention is defined as: "*all activities which reduce, deter or prevent the occurrence of specific crimes firstly, by altering the environment in which they occur, secondly by changing the conditions which are thought to cause them, and thirdly by providing a strong deterrent in the form of an effective criminal justice system*."
- Harness the cooperation and involvement of all identified role players that can or want to contribute to a safer environment.
- Provide direction to all the identified safety and security role-players to ensure a coordinated and integrated approach to planning and implementation of safety and security strategies.
- Ensure the incorporation of safety and security objectives into the municipal IDP and the allocation of a budget for such.
- Identify safety and security issues that requires investigation in order to design appropriate strategies.

- Provide for an oversight function regarding the manner and extend to which the SAPS and Municipal Law Enforcement entities are aligned with the respective safety and security strategies and the way such is executed.
- Compile and review on an annual basis the Safety and Security Plan for the Kouga Local Municipality.
- Analyze national and provincial guidelines for safety and security and ensure incorporation of such into own strategies and plans.
- Direct and oversee the development of a municipal level Joint Operational and Intelligence System (JOINTS) and a Joint Operations Centre (JOC).

b. Facilitate the conduct of safety audits. Such audits must be conducted on at least an annual basis as a prelude to the review of the KLM Safety and Security Plan and/or any strategies directing the KLM Safety and Security Plan.

c. Facilitate linkages of the LCPS with municipal IDPs together with provincial government's crime prevention plans.

d. Facilitate and coordinate the development and implementation of relevant development and training projects as identified in the KLM Safety and Security Plan and oversee, monitor and evaluate the implementation of such.

Identify annual budget requirements for the funding of CSF activities and the implementation of identified training and development programs. Budget identification must be conducted based on the following premise:

- Government department specific programs - although identified through the CSF – must be budgeted for by that department.
- The Province and the Municipality is regarded as the key agent/s to guide and facilitate *community* safety and security initiatives. As such the Provincial Secretariat and the Municipality will be responsible to budget for such and to secure dedicated funding for community projects.

6. Structure of the CSF

The CSF is to function as a three-tiered structure.

Tier 1

Forms the municipal level structure and is responsible for facilitating strategy development and implementation. Chairmanship is a municipal responsibility whilst the Deputy Chair must be from the community and must be nominated by the community. The Tier 1 structure will consist of two elements namely:

- The main body that involves all identified role players at that level.
- A Secretariat consisting of a restricted group that will meet on a more regular basis and with the primary function to maintain communication and situational awareness and to identify issues and agenda points for discussion at the meetings of the main body.

Tier 2

CSF sub-structures that function at the Sector level. Responsible to operationalize strategic plans and guidelines for implementation at the operational level. The composition must reflect a similar structure as Tier 1 but at the lower level. Chairmanship is a municipal responsibility whilst the Deputy Chair must be from the community and must be nominated by the community

Tier 3

Forms the lowest level and inter alia consist of the neighborhood watches and CPF structures in demarcated areas of the Sector.

7. Sub-committees

The CSF can appoint or request for the appointment of a sub-committee/s to investigate specific safety and security issues in the municipal area or specific crime issues in specific areas or just specific crimes.

8. Composition of the Community Safety Forum (CSF)

These should include the following departments (with their agencies):

a) South African Police Service, which includes the SAPS, Civilian Secretariat for Police and the Provincial Departments responsible for community safety

b) Department of Correctional Services (DCS)

c) Department of Justice and Constitutional Development (DoJCD)

d) National Prosecuting Authority (NPA)

e) Department of Home Affairs (DHA)

f) Department of Co-operative Governance and Traditional Affairs (COGTA)

g) Metro, District and Local Municipalities (including South African Local Government Agency)

h) Social Cluster Departments (in all spheres of governance)

i) Civil society and local communities that could form part of the core in a local CSF include at least the following:

- Existing CPFs
- Non-government organizations
- Faith-based organizations
- Ward councilors as ex-officio members
- Women Formations
- Traditional leaders
- Business sector
- Other organized community structures

9. Minimum standards for the CSF

The following serve as the irreducible minimum standards that should be considered for implementing CSF:

a) CSF must be established within Local and District municipal boundaries.

b) Stakeholder representation must be at decision making level.

c) Municipalities must, together with the provincial departments responsible for community safety, co-ordinate all CSF activities.

d) The Civilian Secretariat for Police should build internal (within the municipality) and external (involving communities) capacity to ensure CSF functionality, effectiveness and sustainability.

e) CSF programs, as presented in the policy scope, must comprise an integral part of the IDP's.

f) The CSF shall be directly accountable to the community in which they operate for the implementation of effective programs aimed at improving community safety. Therefore, the CSF shall do everything in it power to ensure that community needs in terms of safety and security are understood and addressed.

g) Each sphere of government and organization shall be directly accountable to their respective Treasury for the effective use of allocated funds, and for the value realized from implementing their strategic initiatives.

h) The organs of state participating in the CSF shall be accountable to the relevant institutions and/or accountability structures of government.

i) Each Sub-CSF shall table to the forum their quarterly progress reports. Such reports will describe any progress made, as well as its impact, and detail the value generated from resources utilized and integrated in the expenditure reports.

j) The CSF shall, for the benefit of communities, as a minimum, publish a summarized report of the work carried out in each quarter in a local newspaper or newsletter. In publishing the reports, the CSF must use a language and medium that will be understood by the residents concerned.

10. Meetings

a) In the last working day of month or on any day of the last week if not possible on that last working day, of the end of each quarter (4 meetings per annual) for no longer then 2 (two) and a half hour.

b) The agendas of these meetings will be discussed among the top structure.

c) The previous minutes and agenda will be distributed 14 days before the meetings by the secretary.

11. Amendment of the Terms of Reference (ToR)

Any amendments will be discussed by the top structure, put on the agenda for discussion and then taken to council for approval.

12. Signatories of the Terms of Reference (ToR)

Terms of Reference must be signed by the

Mayor

Municipal Manager

Member of the Mayoral Committee for Community & Safety Services

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
COMMUNITY SERVICES
OPEM
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/CSS2**

SPONSORSHIP REQUEST OF R100 000 FOR LIFESAVING CHAMPIONSHIPS TO BE HOSTED IN KOUGA FOR TWO (2) YEARS FROM 2025 - 2027

1. **Introduction**

The purpose of this item is to seek the Council's approval by funding and supporting the sponsorship request for lifesaving championships in Kouga Local Municipality. Lifesaving Nelson Mandela Bay is a non-profit organization.

2. **Background**

Kouga Local Municipality has received a request for sponsorship of a Lifesaving Training and Testing event. The primary goal of Lifesaving Eastern Cape is to manage and officiate district-level competitions to develop high-performing lifeguards and athletes throughout the Eastern Cape, in line with standards set by Lifesaving South Africa. The first event is scheduled for the 15-16th of February 2025.

This initiative promises to enhance exposure and marketing for lifesaving efforts in the Eastern Cape and Kouga Municipality while providing valuable support to local lifesaving clubs.

3. **Discussion**

Lifesaving Nelson Mandela Bay promotes the technical education and improvement of lifesaving methods and resuscitation as laid down by Lifesaving South Africa.

They also develop surf lifesaving into an organized institution for the training and examination of lifeguards, Instructors, Judges, and Examiners and regulation and organization of Lifesaving Clubs.

This event is directed to benefit the community of Jeffreys Bay and its surroundings through events, tourism, accommodation and indirect economic generation for other tourism-supporting industries in the area.

Funding support of R100 000 is requested by the organizers of the Lifesaving Nelson Mandela Bay 2024/2025 financial year as seen in Annexure A.

This funding will cater for the following items:
Medics
Medals
Security
Event Infrastructure (Sprint Track, Buoys etc)

Refer to ***Annexure A***.

4. **Financial Implications**

Completed by BTO -	
Project Description	EC Lifesaving Championship
Ukey no.	20240710995729
Budgeted Amount	R340 000.00
Amount spent and committed to date	R
Amount Available	R340 000.00
Comment	

KOUGA MUNICIPALITY
2024-11-29
BUDGET & TREASURY

5. **Applicable Legislation**

Section 67(1) of the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) provides for funding to be transferred to an organization or body outside any sphere of government, otherwise than in compliance with a commercial or other order of business transaction, subject to the accounting officer satisfying him-/herself, before transferring such funds, that such organization or body:

a) has the capacity and has agreed to comply with any agreement with

   i. The municipality, for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement,

   ii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and

   iii. to submit its audited financial statements for its financial year to the accounting officer promptly.

b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and

c) has in respect of previous similar transfers complied with all the requirements of this section.

6. **Legal Implications**

Prior to transferring any funds, as envisioned in this item, the accounting officer (being the municipal manager), must be satisfied that the requirements of section 67 are met, failing which, the municipality may be exposed to adverse audit findings.

Section 171 of the MFMA provides for the consequences of financial misconduct that must be imposed in instances of failure to comply with the

requirements of the MFMA may result in disciplinary and/or criminal proceedings against the official (or officials) who acted in contravention.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Item supported.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council approves the allocation of R100 000.00 all inclusive, to support the Lifesaving Championships for the 2024/25 financial year.

10.2 That Council approves the allocation for the outer financial year as follows – 2025/26 – R100 000

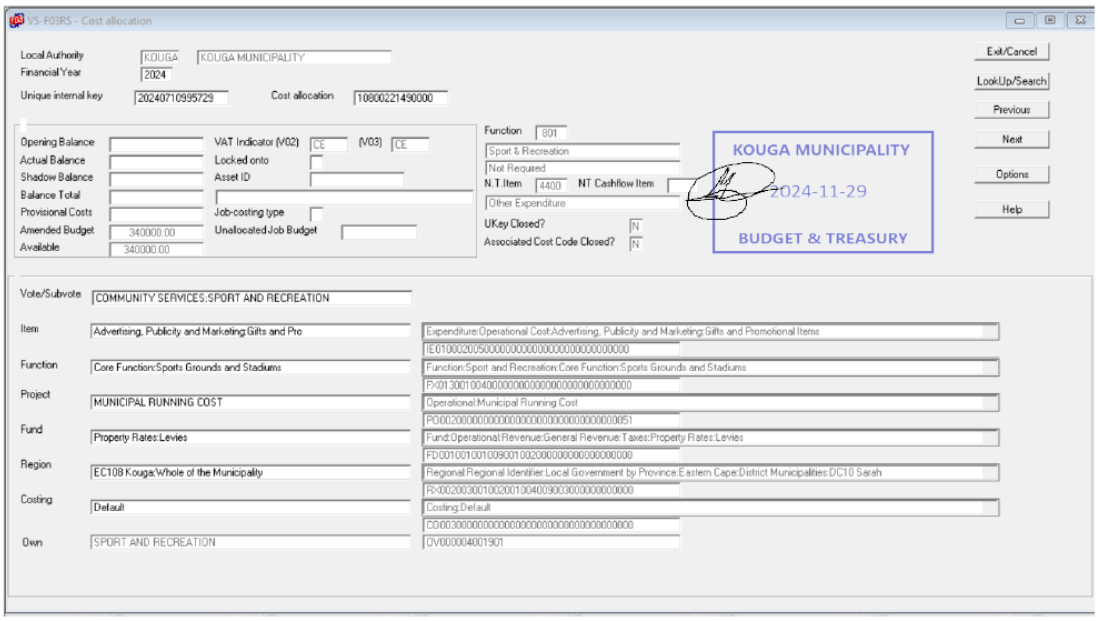
10.3 That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with Lifesaving Nelson Mandela Bay in accordance with the funding allocated in recommendation 10.1 and 10.2 above.

Item prepared by the: Director of Community Services 

Item approved by the: Director of Community Services 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 


VS-F03RS - Cost allocation
Local Authority
KOUGA
KOUGA MUNICIPALITY
Financial Year
2024
Unique internal key
20240710995729
Cost allocation
10800221490000
Exit/Cancel
Look Up/Search
Previous
Next
Options
Help
Opening Balance
Actual Balance
Shadow Balance
Balance Total
Provisional Costs
Amended Budget
340000.00
Available
340000.00
VAT Indicator (V02)
CE
(V03)
CE
Locked onto
Asset ID
Job-costing type
Unallocated Job Budget
Function
801
Sport & Recreation
Not Required
N.T. Item
4400
NT Cashflow Item
Other Expenditure
UKey Closed?
N
Associated Cost Code Closed?
N
KOUGA MUNICIPALITY
2024-11-29
BUDGET & TREASURY
Vote/Subvote
COMMUNITY SERVICES:SPORT AND RECREATION
Item
Advertising, Publicity and Marketing:Gifts and Pro
Expenditure:Operational Cost:Advertising, Publicity and Marketing:Gifts and Promotional Items
IE0100020050000000000000000000000000
Function
Core Function:Sports Grounds and Stadiums
Function:Sport and Recreation:Core Function:Sports Grounds and Stadiums
FX0130010040000000000000000000000000
Project
MUNICIPAL RUNNING COST
Operational:Municipal Running Cost
PO0020000000000000000000000000000051
Fund
Property Rates:Levies
Fund:Operational Revenue:General Revenue:Taxes:Property Rates:Levies
FD0010010010090010020000000000000000
Region
EC108 Kouga:Whole of the Municipality
Regional Regional Identifier:Local Government by Province:Eastern Cape:District Municipalities:DC10 Sarah
RX0020030010020010040090030000000000
Costing
Default
Costing:Default
CO0030000000000000000000000000000000
Own
SPORT AND RECREATION
OV0000004001901

ANNUAL FINANCIAL STATEMENTS OF LIFESAVING NELSON MANDELA BAY - 178-562-NPO YEAR ENDING 31 MARCH 2024

ANNUAL FINANCIAL STATEMENTS OF
LIFESAVING NELSON MANDELA BAY - 178-562-NPO
YEAR ENDING 31 MARCH 2024

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Tax Reference No:	*9512-351-18-1*
PBO No *Reg S18(a)*	*PBO 930055884*
NPO Reg No	*178-562 NPO*
Established Date	*3 October 2016*
Registered Name	*Lifesaving Nelson Mandela Bay*
Trade Name	*Lifesaving Nelson Mandela Bay*
VAT No	*451 0303 599*
Financial Year End	*March*
Postal Address	*Postnet Suite #6 Pravate Bag X40106 Walmer PE 6065*
Registered Address	*60 De Doncker Str, Arcadia, PE, 6059*
Physical Address	*29 Water Road, Walmer, PE 6070*
	www.lifesavingnmb.co.za

Standard Industry Code (SIC) applicable to the main activity of the entity *3021*

Main Source Code *The object of the formation is to encourage, foster, educate, lifesaving In the Nelson Mandela Bay Metropolitian* *Section 10(1)(cN)*

Profit/(Loss) Source Code

Representitive of NPO - Chairman	*Earl Ingram*
Cell No	*Earl 072 525 6221- Dirk 082 444 9296*
Contact No	*041-994 5273*
Domicilium Citandi Executandi	*60 De Doncker Str, Arcadia, PE, 6059*
E Mail	chairman@lifesavingnmb.co.za

Bank Account Details	*Standard Bank*
Account No:	*37-171-688-8*
Branch No:	*051-001*
Type Acc	*Current*
Name of Account holder	*Lifesaving Nelson Mandela Bay*

APPROVAL:

The Annual Financial Statements have been approved by the Committee on 3 June 2024 *and are signed by them:*

CHAIRMAN *PRESIDENT* *TREASURER*

TAX PERKS ACCOUNTING

Practitioner's Compilation Report

LIFESAVING NELSON MANDELA BAY - 178-562-NPO

Report on the financial statements

We have compiled the annual financial statements of Lifesaving Nelson Madela Bay NPO based on information provided by management.

These Annual Financial Statements comprise of the report of the independent auditor, committee report, the statement of financial position as at 31 March 2024, statement of comprehensive income and statement of changes in equity (Pg 8) for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 9 - 11.

Management responsibility for the financial statements

The company's management are responsible for these financial statements, including adoption of the applicable reporting framework, and the accuracy and completeness of the information used to compile the financial statements.

Compiler's responsibility

We performed this compilation engagement in accordance with International Standard on Related Services 4410, Compilation Engagements. This Standard requires that we comply with quality control standards and relevant ethical requirements, including ethical principles of integrity, objectivity, professional competence and due care.

A compilation engagement involves applying expertise in accounting and financial reporting to assist management in preparing and presenting financial information. A compilation engagement does not include gathering evidence for the purpose of expressing an audit opinion or a review conclusion. Accordingly, we do not express an audit opinion or a review conclusion on these financial statements.
These financial statements have not been audited or independently reviewed.

Conclusion

Based on our review, nothing has come to our attention that causes us to believe that the annual financial statements do not present fairly, in all material respects, the financial position of business for Lifesaving Nelson Mandela Bay NPO as at 31 March 2024.

Tracey Williams
SAIBA BA(SA)3897 - SAIT : 19316865
SARS Tax Practitioner No : PR 100C5C2/ 0006607
Commissioner of Oaths : Ref No : 9/1/8/2 Port Elizabeth
SAQA NO : 94098 CODE: 331303 - OCCUPATIONAL CERT IN TAXATION

041 360 7601 | 041 360 7150
082 921 8868
taxperks@aerosat.co.za
www.taxperks.co.za
PO Box 35090, Newton Park, 6055
1st Floor, Moffett Retail Park, William Moffett Expressway, Fairview, Port Elizabeth, 6070
Tax Perks 106 CK Reg No: 2003/107183/23 | VAT No: 4790 212 551

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
COMMITTEE REPORT FOR THE YEAR ENDED 31 MARCH 2024

The committee have pleasure in submitting their report together with the audited annual financial statements for the year ended 31 March 2024.

General review

Lifesaving Nelson Mandela Bay NPO continued to trade. No matter which is material to the financial affairs of the NPO has occurred between year and the date of approval of the financial statements.

Statements of responsibility

The committee are responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related information.

The committee are also responsible for the trusts system of internal financial controls. This is designed to provide reasonable, but not absolute, assurance as to the reliability of the financial statements, and to adequately safeguard, verify and maintain accountability of assets, and to prevent and detect misstatement and loss. Nothing has come to the attention of the committee to indicate that any material breakdown in the functioning of these controls, procedures and systems has occurred during the year under review.

The financial statements have been prepared on the going concern basis, since the committee have every reason to believe that the organisation has adequate resources in place to continue in operation for the foreseeable future.

Financial results

The results of the NPO for the year under review are fully set out in the attached financial statements and require no further comment.

Post balance sheet events

No material fact or circumstance, which requires comment, has occurred between the accounting date and the date of this report.

The Committee

Constitution dated 26 August 2016
NPO Reg dated 3 October 2016
PBO Reg dated 5 September 2019

The committee during the accounting period and up to the date of this report were as follows:

POSITION HELD	
President	Ant Cocks
Chairman	Earl Ingram
Vice-Chairman	Grant Breetzke
Treasurer	Dirk Burger
Chief Examiner	Tess Kotze
Development Office	Claudia Charles
Patrol Officer	Melvin Trotter
Media Officer	Gordon Potgieter

E.I

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
STATEMENT OF FINANCIAL POSITION
YEAR ENDING 31 MARCH 2024

	NOTES	2024 R	2023 R
ASSETS			
NON-CURRENT ASSETS			
CURRENT ASSETS			
Accounts receivable		362,533	155,864
Cash and cash equivalents	5.	197,272	332,986
TOTAL ASSETS		559,805	488,850
EQUITY AND LIABILITIES			
CONTRIBUTIONS AND RESERVES			
Retained Surplus	6.	548,391	976
NON-CURRENT LIABILITIES			
CURRENT LIABILITIES			
Accounts payable		0	470,595
SA Revenue Service (incl. VAT, PAYE, UIF) - VAT	7.	11,414	17,279
TOTAL EQUITY AND LIABILITIES		559,805	488,850

E.I

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
STATEMENT OF PROFIT AND LOSS AND OTHER COMPREHENSIVE DETAILS
YEAR ENDING 31 MARCH 2024

	NOTES	2024 R	2023 R
Revenue	2.	2,464,637	1,833,497
Operating Expenses		1,917,222	1,955,261
Audit Fees		9,880	16,789
Bookeeping fees		9,300	8,650
Bank charges		2,941	3,031
Capitation fees		75,065	83,600
Catering - Courses / Meetings		0	11,394
Computer and software expenses		3,754	3,949
Event expenses		1,379,251	1,543,478
Expensed equipment & furniture		21,479	4,997
First Aid Course		0	2,435
Funeral - Flowers		1,045	0
Grant in Aid		52,500	0
Liability Insurance		6,488	0
Life Guard Gratuity & Transport		203,950	205,800
Members Affiliation fees		0	250
Motor vehicle expenses		2,900	17,869
Sponsorship		100,000	0
Stationery, printing and postage		0	4,053
Stipends - Office Admin fee		45,500	45,500
Travel and Entertainment		560	440
Telephone, fax, cellular and internet		2,609	3,026
Operating profit/(loss)		547,415	(121,764)
Surplus / (Deficit) for the year		547,415	(121,764)
Taxation		0	0
Surplus / (Deficit) for the year		547,415	(121,764)

E.I

ENTITY NAME
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 29 FEBRUARY 2024

	Reserves	*Retained Surplus*	*Total*
	R	*R*	*R*
At 01 April 2022	*0*	*122,740*	*122,740*
Surplus / (Deficit) for the year	*0*	*(121,764)*	*(121,764)*
Movement in reserves	*0*	*0*	*0*
At 31 March 2023	*0*	*976*	*976*
Surplus / (Deficit) for the year	*0*	*547,415*	*547,415*
Movement in reserves	*0*	*0*	*0*
At 31 March 2024	*0*	*548,391*	*548,391*

E.I

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
ACCOUNTING POLICIES WITH EXPLANATORY NOTES
YEAR ENDING 31 MARCH 2024

1. Accounting policies

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

These financial statements have been prepared under the historical cost convention and are presented in South African Rand.

2. Revenue

Revenue comprises the fair value of the consideration received or receivable for the sale of goods and/or services in the ordinary course of the company's activities. Revenue is shown net of value-added tax, returns, and discounts.

Revenue comprises of:	*2024* R	*2023* R
Capitation / Affilation Fees	*93,577*	*133,970*
Consumables	*720*	*0*
Competition Entry Fees	*21,200*	*0*
Grant in Aid	*177,391*	*0*
Hosting Fees	*0*	*195,000*
Lifeguards Invoiced	*282,175*	*339,310*
Officials Catering / National relief fund	*505,117*	*0*
Sponsorship	*1,384,457*	*1,165,217*
	2,464,637	*1,833,497*
Vatable Income	*2,443,437*	*1,811,994*
Non Vatable	*21,200*	*21,503*
	2,464,637	*1,833,497*

3. Depreciation

Property, plant and equipment are depreciated on the straight-line basis over the estimated useful lives of the assets. The rates used are as follows:

Motor vehicles - delivery	*25%*	*Non Delivery / Passenger*	*20%*
Office equipment	*16.67%*	*Furniture and fittings*	*16.67%*
Computer equipment	*33.33%*	*Tools and workshop equipment*	*20%*

E.I

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
ACCOUNTING POLICIES WITH EXPLANATORY NOTES continued.....
YEAR ENDING 31 MARCH 2024

4. ***Trading stock***

Trading stock is valued at cost, on a first-in-first-out basis, which is lower than replacement or net realisable value and is consistent with the basis adopted in the previous financial year.

Work in Progress
Work in progress is valued at cost, on a first-in-first-out basis, which is lower than replacement or net realisable value and is consistent with the basis adopted in the previous financial year.

5. ***Cash and cash equivalents***

	2024 R	2023 R
Standard bank acc 371716888	197,272	332,986
	197,272	332,986

6. ***Retained Surplus***

	2024 R	2023 R
Balance at 1 April 2023	976	122,740
Surplus / (Deficit) for the year	547,415	(121,764)
Balance at 31 March 2024	548,391	976

7. ***Accounts payable***

	2024 R	2023 R
Creditors	0	470,595
	0	470,595

E.I

LIFESAVING NELSON MANDELA BAY - 178-562-NPO
ACCOUNTING POLICIES WITH EXPLANATORY NOTES continued.....
YEAR ENDING 31 MARCH 2024

		2024 R	2023 R
8.	*Taxation*		
	PBO Approval - Tax exemption in accordance of section 10(1)(cN)		
	Annual receipts and accruals from trading will fall outside parameters will be subject to tax.		

E.I

REPORTS BY THE PORTFOLIO CHAIRPERSON: ELECTRO-MECHANICAL SERVICES

KOUGA
local Municipality
Good Governance through Service Excellence

KOUGA local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
ELECTRO-MECHANICAL SERVICES
OPEN
DATE: 13 DECEMBER 2024
ITEM NO: **24/12/EMS1**

REPORT ON THE SOUTH AFRICA MUNICIPAL ENERGY REVERSE TRADE MISSION IN U.S. (20-26 OCTOBER 2024)

1. **Introduction**

The purpose of this item is to report to Council on the South Africa Municipal Energy Reverse Trade Mission, attended by Director Madatt, as nominee attendee of the Kouga Local Municipality. The session, which took place from 20 – 26 October 2024, was fully funded by the U.S. Government under the USTDA exchange program between the United States and South Africa and took place in the USA.

2. **Background**

The RTM provided the delegation with a week-long opportunity to engage with key role players in the U.S. Energy Sector, aiming to promote sustainable energy in municipalities and enhance cooperation between the United States and South Africa. The itinerary was designed to introduce various municipal electricity utilities to U.S. companies and government agencies relevant to the South African municipal energy sector through formal engagements and site visits. Each delegate was given 15 minutes to present background information on their respective institutions. This session aligns with the Just Energy Transition program adopted by the government to reduce carbon emissions and develop clean energy. (See attached report as Annexure A).

3. **Discussion**

The group ensured and facilitated ongoing discussions for potential partnerships and funding opportunities between the two countries. Particular interest was shown in some of the projects that Kouga intends to embark on. It should be noted that the new energy generation opportunities come with its own challenges, and this visit provided an opportunity to learn from entities that have experienced trial and error upon implementation and gained experience, offering valuable insights and guidance. The relationship between Kouga and these entities will be further strengthened through regular engagements on these topics.

4. **Financial Implications**

Completed by BTO -	N/A
Project Description	
Ukey no.	

Budgeted Amount	R0.00
Amount spent and committed to date	R0.00
Amount Available	R0.00
Comment	

5. **Applicable Legislation**

None

6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

A formal report is attached and marked as Annexure A, which details the participation in the program and where it emanated from. The report highlights details of different entities, technology, challenges and solutions. I wish to convey my appreciation for the approval from Council to attend this program.

8.5 **Director: Community Services**

Noted.

8.6 **Deputy Municipal Manager**

Noted.

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the report from the nominated delegate, EMS Director Theodore Madatt on his attendance of the South Africa Municipal Energy Reverse Trade Mission program in the USA.

Item prepared by the: Director: EMS 

Item approved by the: Director: EMS 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 



SOUTH AFRICAN AMERICAN REVERSE TRADE MISSION

Report compiled by:

Director Electro-mechanical Services

Mr. T Madatt

Date:

29 October 2024

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1.Abbreviations

Abbreviation	Description
JET	Just Energy Transition
RTM	Reverse Trade Mission
ST	Smart Technology
SCADA	Supervisory Control and Data Acquisition
AI	Artificial Intelligence
DMRE	Department Mineral Resources & Energy
SALGA	South African Local Government Association
SAE	Southern Africa Energy
USTDA	United States Trade Development Agency
EV	Electric Vehicle
MSA	Local Government: Municipal Systems Act
MFMA	Local Government: Municipal Financial Management Act
ERA	Electricity Regulations Act
CoGTA	Cooperative Governance and Traditional Affairs
R&D	Research and Development
OPEX	Operational Expenditure
CAPEX	Capital Expenditure
EPRI	Electric Power Research Institute

2.Introduction

The Just Energy Transition (JET) conference, hosted by the Department of Energy from August 26-27, 2024, was an initiative by the South African government to drive municipal efforts in promoting business development and job creation. The primary objective of JET is to modernize local electricity infrastructure and ensure affordable access to energy resources.

Addressing the significant financial, technical, and managerial challenges and opportunities of this municipal energy transition requires a focused and collaborative approach among multiple stakeholders. As part of this initiative, eight municipalities, in collaboration with the Department of Mineral Resources and Energy (DMRE), the South African Local Government Association (SALGA), the U.S. Trade and Development Agency (USTDA), and the Sustainable Energy Africa (SEA), were selected to join several American utilities and entities specializing in various aspects of the energy sector, including generation, distribution, artificial intelligence technology, and policy and lawmaking.

Transformation is inevitable. However, it is equally important to learn from the American experience to determine the feasibility and financial viability of similar initiatives in South Africa. Potential partnerships with American firms are also being considered, provided bureaucratic hurdles can be minimized.

A study tour was organized from 20-26 October 2024, to visit two key states in energy research and development: North Carolina and Colorado. These states were chosen for their diverse energy technologies, smart technology advancements, and successful transitions from old to new energy generation technologies.

To adequately prepare for a successful and meaningful JET project in South Africa, the following aspects were considered during the visit:

- Assessing key JET issues facing the municipal sector;
- Evaluating the current electricity distribution landscape;
- Distilling relevant international implementation lessons; and
- Co-creating and confirming institutional arrangements to drive JET investment in electricity distribution infrastructure and energy access.

The insert nr.1 below is a copy of the invitation that was extended to Kouga inviting Kouga to form part of the delegation to be sent across to participate on this working tour.

2.1 Scope and objectives of the jet:

South Africa presents its Just Energy Transition Investment Plan (JET IP) for the five-year period 2023-2027, which sets out the scale of need and the investments required to support the decarbonization commitments made by the Government of South Africa in line with its updated Nationally Determined Contribution (NDC) lodged with the United Nations Framework Convention on Climate Change (UNFCCC) prior to its Conference of the Parties 26 (COP 26) in Glasgow in November 2021, and South Africa's Long-term Low-Emissions Development Strategy (LEDS) submitted to the UNFCCC in 2020.

The JET IP is premised on South Africa's National Development Plan (NDP) 2030 with its focus on tackling the country's systemic challenges of poverty, inequality, and unemployment. It is located within an evolving climate response and energy policies, strengthening collaboration between the public and private sectors, and in the overall drive for sustainable development. Periodic updates to the JET IP will respond to shifts in global and national initiatives on the climate crisis and the just energy transition imperatives, and to South Africa's sustainable development challenges.

The JET IP aims to reflect the aspirations and ambitions of the South African government and its social partners in enabling a just energy transition, as an essential basis for South Africa's commitment to reduce greenhouse gas (GHG) emissions to 2030 and beyond as set out in its updated 2021 NDC. As such, it presents the initial building blocks for managing South Africa's just energy transition and broader climate response, recognizing that:

(i) the energy transition has significantly disruptive social and economic consequences for a country which is heavily reliant on fossil fuels; and
(ii) (ii) the just energy transition gives rise to valuable new economic opportunities for South Africa. Both require support from the international community.

It also locates the Just Transition considerations and in particular the need to support affected workers and communities through the transition as a central and critical concern and a key area for investment, including in reskilling, skills development, SME development and social support.

The JET IP identifies the initial priority investments to transition the electricity sector to a low-emissions trajectory. It also looks to develop green industrialization opportunities in this sector and in the new energy vehicles (NEVs) and green hydrogen (GH2) sectors.

2.2 South African Government, 2012, National Development Plan 2030:

USTDA (2022:10*)* The JET IP identifies the initial investments that will have the greatest prospect of supporting the achievement of the current NDC target and longer-term decarbonization, and it embeds the 'just transition' approach from the start in line with the country's Just Transition Framework. In so doing, it sets out the investments needed over the next five years to establish a phased low-emissions development trajectory in line with the Paris Agreement and in the context of the country's national circumstances and policy, while both mitigating the social and economic impacts of decarbonization and embracing the new economic opportunities.

The JET IP is thus located within the context of international climate agreements, commitments, and institutional arrangements, in particular, the obligation on the developed world to support developing countries in their climate change mitigation and adaptation needs contained in the Paris Agreement and associated decisions, and specifically Article 4.5, which recognises that enhanced support for developing country Parties will allow for higher ambition in their actions.

South Africa's NDC lays out an ambitious goal for 2030, which is contingent on the provision of finance and other support that positions the country to achieve the best possible outcome in relation to the NDC. This is challenging and requires substantive actions over the next five years, which, if adequately resourced and implemented, will facilitate the "most ambitious possible" outcome in 2030. An equivalent level of ambition in support for South Africa from the international community is thus also required to achieve this outcome.

The outcome in 2030 and beyond depends strongly on what South Africa is able to achieve within this five-year time frame, and this, in turn, depends on the effective commitment and mobilization of the necessary resources.

2.3 South Africa's approach to a just energy transition

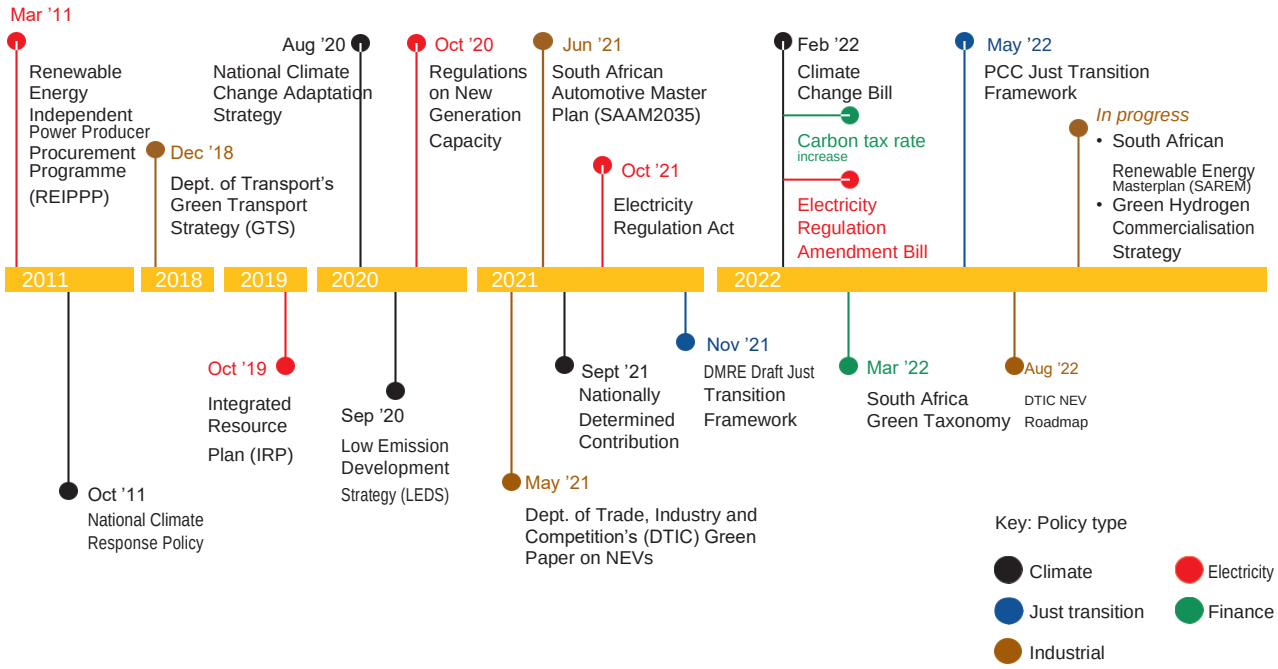
USTDA (2022:10) The just transition focus in South Africa aims to achieve a quality life for all South Africans in the context of climate change. Cabinet recently approved the National Just Transition Framework – developed through a multi-stakeholder engagement led by the PCC, and building on the inclusion of a just transition in the 2011 White Paper, Chapter 5 of the National Development Plan, a previous work by the National Planning Commission (NPC) on just transition pathways, along with extensive work on the topic by other governmental and non-governmental institutions. Notably, in 2021, the Just Energy Transition framework by the Department of Mineral Resources and Energy (DMRE) identified the need for inclusive, people-centric interventions to deliver a just transition in the mineral and energy value chains. The DMRE framework notes the importance of managing the socioeconomic impacts of an energy

transition for coal-dependent towns in order to minimise and mitigate against social risks and protect the vulnerable, while maximising the opportunities of structural transformation.

2.4 Enabling policy and regulatory framework for a just transition:

The Government of South Africa, together with key constituencies and stakeholders across society, has developed, and continues to establish, comprehensive policy, regulatory, institutional, and governance frameworks that address climate risks. Taken together, they constitute the enabling framework for climate related investments in adaptation, mitigation, and the just transition, demonstrating South Africa's resolve to embark on a fundamental restructuring of the electricity sector to ensure equitable and affordable access to clean energy, address energy poverty and competitiveness, and build the human capital for a new energy economy. Key components of the enabling policy framework depicted below:

Figure 1: Key policy milestones enabling a just energy transition



Insert 1: Invitation letter

U.S. TRADE AND DEVELOPMENT AGENCY

September 16, 2024

Theo Madatt
Infrastructure and Engineering Manager
Kouga Municipality

Dear Mr. Madatt:

On behalf of the U.S. Trade and Development Agency (USTDA), I am pleased to invite you to participate in the upcoming South Africa Municipal Energy Reverse Trade Mission (RTM). The dates for the RTM will be October 20-26, 2024 (The RTM itinerary includes visits to North Carolina, Charlotte, North Carolina, and Denver, Colorado. Please review more about the RTM below.

An RTM provides you with an opportunity to engage with many U.S. companies through site visits and the Business Briefing over the course of a week. The itinerary for the site visits is designed to introduce you to a range of municipal electric utilities, U.S. companies and government agencies that are relevant to the South African municipal energy sector. The RTM planning team is still developing the final itinerary, but there will be potential meetings with the U.S. Department of Energy and Honeywell, to name a few.

You will also meet with U.S. government policy and regulatory organizations that support the U.S. municipal energy sector. At this time, we also welcome your input to the itinerary and invite you to share any companies or organizations that may be of particular interest to you.

The overall objective of the RTM is to promote sustainable energy in municipalities and promote cooperation on clean energy topics between the public and private sectors in the United States and South Africa. The RTM will focus on renewable energy, energy efficiency, overarching policy framework, and other technical and socio-economic sector imperatives.

The RTM itinerary includes visits to Raleigh, North Carolina, Charlotte, North Carolina, and Denver, Colorado. USTDA will fund the delegate's coach-class international and U.S. domestic airfare, hotel accommodations, ground transportation costs, and meals associated with the visit, in accordance with U.S. government regulations. You must possess or be able to obtain a U.S. visa in order to travel to the U.S. Travel, accommodations, and other logistical matters will be arranged by USTDA's contractor, The Webster Group.

To confirm your participation in this RTM, please e-mail Elizabeth Rosa, Events Manager for Sub-Saharan Africa, of USTDA at erosa@ustda.gov and Phil Hargis of USTDA's logistics contractor, The Webster Group, at phil@webstergroupinc.com no later than September 20, 2024.

I look forward to welcoming you to the United States.

Sincerely,

Heather Lanigan
Regional Director, Sub-Saharan Africa

ANNEXURE A

2. Programme Itinerary

Day 1

Introduction to Research Capabilities in the USA.

We have been introduced to three world-class research and development facilities located within the Research Triangle: Innovative Force, Veridx, and Smarttrak LLC. These entities have capabilities spanning a broad spectrum of industries. Recent projects include advanced development for the Air Force, electrical grid modernization, electric vehicles (EV), hydrogen energy generation, and the impact of data centers on the grid. These projects are among the most prominent.

These research entities collaborate with universities and government departments, embarking on diverse research initiatives aimed at addressing global challenges. South Africa's Eskom is also involved in these developments with world-class entities.

The challenges we face are not unique and are often influenced by political and bureaucratic factors. Innovation thrives on diverse perspectives and is driven by individuals with varying viewpoints. Embrace innovation through proactive action.

Day 2:

The day began with a business briefing hosted by Heather Lanigan, the Regional Director for Sub-Saharan Africa at the U.S. Trade and Development Agency. This session introduced the South African delegation to U.S. business entities. CEOs from various companies attended the briefing to interact with our delegation and explore potential relationships between South Africa and the USA.

Following the briefing, we visited the North Carolina Utilities Commission, which is similar to NERSA in South Africa. The commission engaged the group, explaining their duties within the industry. They emphasized the importance of stable leadership, noting that their Secretary General, who received a seven-year appointment, served the commission for 35 years, providing consistency. The commission's duties were further discussed, including how costs are regulated and the pivotal role of gas as a supply source despite its continuous fluctuations.

The discussion also highlighted the latest network influencers such as data centers, EV chargers, and battery storage, which are energy intensive. Finding solutions for these emerging needs is crucial for

future research. Data centers, being constructed worldwide, require energy comparable to that of a large town like Kouga. Additionally, the practice of charging EVs overnight at home was noted.

We then engaged with Quanta Technology, a consulting firm involved in many large government projects, led by a South African CEO. Discussions focused on overhead network configurations in areas prone to natural disasters and network sabotage. For instance, their transformers are often targeted with rifles, necessitating anti-bullet substation barriers. The firm also explained the network distance and configuration characteristics needed to withstand hurricanes.

Day 3:

We visited Honeywell, a company specializing in technology development and solutions across the entire electricity value chain, aiming to transform the industry by reducing both CAPEX and OPEX. The research center is a world-class facility offering next-level solutions for metering. They are currently investigating the high instantaneous charging of backup batteries. I highly recommend a visit to this company for anyone in the industry who is open to transformation, as this represents the future.

Next, we visited the Electric Power Research Institute (EPRI), an independent quality test center utilized internationally by all industries within the value chain. One of the lead researchers, Gary Siblurin, is South African born. The company employs 1,200 people who focus on various aspects of the industry globally. A current study at EPRI is examining the effect of bird droppings on insulators, which Eskom has identified as a cause of insulator failures. Eskom uses this center to support its R&D and to test new technology for creating standards.

The trip concluded in North Carolina, with the delegation transitioning to the state of Colorado, where similar visits have been arranged.

Day 4:

We visited the National Renewable Energy Laboratory, where the team observed rigorous testing of various technologies within the value chain, though different from the testing we had seen in previous days. This research center focuses more on solar, wind, and hydrogen energy generation and their effects on the network. The company also researches the impact of data centers and EV chargers on the network, which aligns with our future direction. When asked about the development of hydrogen technology, a lead researcher commented that the risk is too high if anything fails.

Later, we visited DELL Technologies and CSD Cyber at the University of Colorado. They detailed their involvement in preventing cyber-attacks through advanced technology. As utilities and entities adopt new technologies, they become more vulnerable to hacking. It was explained how essential firewalls are to guard against this reality, as it becomes easier to infiltrate networks and commit cybercrimes. Examples of typical attacks, especially in the military industry, were provided.

Day 5:

We met with Uplight, a technology partner for energy providers, focusing on smaller residential and business installations to maintain a clean energy ecosystem. This company assists consumers and businesses in achieving their decarbonization goals and securing incentives. They also study the advantages and disadvantages of renewable technology within the region, using data to account for climate change and inconsistent weather patterns, which is essential for industry sustainability.

Next, we visited the Western Area Power Administration. They manage 57 hydro-electric federal dams and 27,200 km of high-voltage transmission lines, serving 700 utility power customers across the West. This organization operates at a very high standard, similar to Eskom in the South African context, and is crucial to the state's economy.

We also visited Platte River Power Authority, which manages a 380 MW coal power station. This station is rated as one of the highest quality coal power stations with nearly zero emissions. It repaid its investment within 15 years and has been generating electricity for nearby towns for the past 41 years. The entity has extended the lifespan of this power station by another 20 years through continuous development and improvements.

4. Conclusion:

This educational trip showcased the available technology, its advancements, and potential pitfalls. The USA is certainly ahead of the curve, with all technology being rigorously tested. There is a general concern regarding the energy demand of data centers and EV chargers. Undoubtedly, the USA is one of the most technologically advanced countries and can provide valuable lessons to South Africans on mistakes made and best practices.

We were introduced to various companies, exchanged details, and shared experiences and advice on potential implementations in South Africa. This trip also created investment opportunities and potential assistance with projects in diverse ways.

ANNEXURE A

Insert 2: List of South African delegates



DELEGATE LIST

(in alphabetical order by organization)

#	Name	Position/Title	Organization
1	Shane Prins	Manager of Generation Development	City of Cape Town Metropolitan Municipality
2	Hendrick P. Raedani	Divisional Head: Alternative & Renewable Energy, Energy Department	City of Ekurhuleni Metropolitan Municipality
3	Ndivho Lukhwareni	Group Head: Energy and Electricity	City of Tshwane Metropolitan Municipality
4	Lerato Kgalema	General Manager: Grid Access and Alternative Energy	City Power, City of Johannesburg Metropolitan Municipality
5	Colin Brentjies	Director: Technical Services	eMalahleni Local Municipality
6	Lusanda Menze	Executive Manager: Integrated Planning & Economic Development	Garden Route District Municipality
7	Tshegofatso Neeuwfan	Manager, Utility Innovation	Global Energy Alliance for People and Planet
8	Robert Maswanganyi	Municipal Manager	Govan Mbeki Local municipality
9	Dipak Chiba	Senior Dealmaker, Energy Business Unit	Industrial Development Corporation
10	Theo Madatt	Infrastructure and Engineering Manager	Kouga Municipality
11	Deon Louwrens	Director: Engineering Services	Langeberg Local Municipality
12	Nhlanhla Ngidi	Energy Department	South African Local Government Association (SALGA)
13	Silas Mulaudzi	Specialist: Sustainable Energy	South African Local Government Association (SALGA)
14	Matthys Johannes "Thys" Möller	Director Electrical Engineering Services	Swartland Local Municipality

ANNEXURE A

Insert 3: Itinerary

Traveler **THEODORE MADATT**

Date	City	Flight	From/To	Class
Fri 18 October	Port Elizabeth - Cape Town	4Z 672	08:15 AM - 09:40 AM	Economy
Fri 18 October	Cape Town - Dulles/Wash	UA 2223	08:00 PM - 05:35 AM (+1)	Economy
Sat 19 October	Dulles/Wash - Raleigh Durham	UA 6069	12:50 PM - 02:04 PM	Economy
Wed 23 October	Charlotte - Denver	AA 2814	08:25 PM - 10:12 PM	Economy
Sat 26 October	Denver - Dulles/Wash	UA 1101	08:00 AM - 01:25 PM	Economy
Sat 26 October	Dulles/Wash - Cape Town	UA 1011	06:50 PM - 03:10 PM (+1)	Economy
Sun 27 October	Cape Town - Port Elizabeth	4Z 675	05:25 PM - 06:35 PM	Economy

4Z (Airlink): 2FFCC7
AA (American Airlines): SKYIET
UA (United Airlines): C922Y6

Ticket details
E-ticket UA 016-7122268144-45 for Theodore Madatt
E-ticket AA 001-7122268146 for Theodore Madatt

ANNEXURE A

Insert 4: Letter of appreciation

U.S. TRADE AND DEVELOPMENT AGENCY

November 8, 2024

Theo Madatt
Director Electro-Mechanical
Kouga Municipality

Dear Mr. Madatt:

On behalf of the U.S. Trade and Development Agency (USTDA), I would like to thank you and your colleagues for your participation in the South Africa Municipal Energy Reverse Trade Mission (RTM). Your enthusiasm and participation helped make the visit a success! The organizations that participated have also expressed their gratitude for being able to learn more about upcoming clean energy initiatives in South Africa.

We would very much appreciate any feedback you may have on the visit, particularly regarding how this program helped familiarize you with U.S. firms to share their energy solutions with you and facilitated more in-depth discussion regarding future projects in South Africa.

USTDA's contractor, The Webster Group, who helped organize the program, will contact you concerning potential outcomes that could be attributed, at least partially, to your meetings during the visit. Additionally, USTDA's Office of Program Monitoring and Evaluation or our outside evaluation contractor may reach out to you for updated information in future years. Your prompt reply to such inquiries will enable USTDA to understand any outcomes from this visit, develop potential follow-on activities, and ultimately improve future projects that we may fund in this key sector in South Africa and around the world. Please note that feedback on our programs is critical; it is essential for USTDA to understand the results of previous programs to proceed with new activities. All information you provide will be kept confidential and will be used by USTDA for agency performance purposes only.

Once again, thank you for taking time out of your busy schedule to participate in this important visit. USTDA values the opportunity to develop closer cooperation between the U.S. and South Africa and looks forward to other projects in support of South Africa's municipal energy sector. I hope you found the meetings productive, your time in the United States enjoyable, and that you made valuable contacts for future engagement with USTDA, the broader U.S. government and industry representatives.

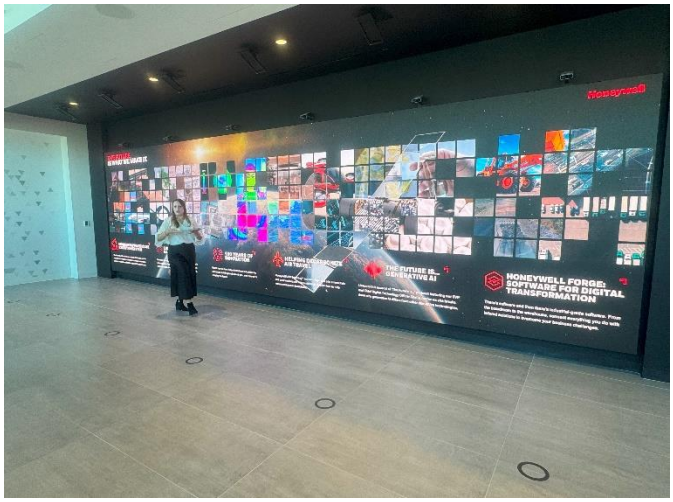
Sincerely,

Heather K. Lanigan

Heather K. Lanigan
Regional Director, Sub-Saharan Africa

ANNEXURE A


Public Staff


Honeywell
HONEYWELL FORGE: SOFTWARE FOR DIGITAL TRANSFORMATION


What is the Public Staff?




USTDA

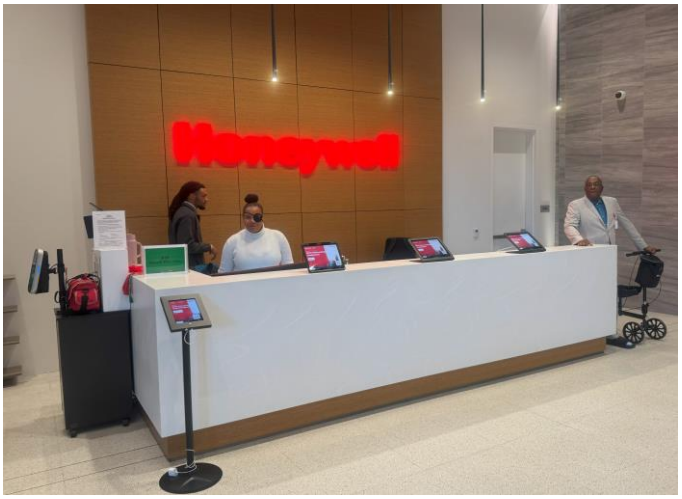

USTDA

ANNEXURE A






Welcome to
Honeywell
USTDA & South


Honeywell




CSD Cyber
USTDA
Cybersecurity Briefing
October 24, 2024
MUNICIPAL ENERGY
REVERSE TRADE MISSION

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ANNEXURE A









Bibliography:

USTDA (2022:10): *Definitional Mission for Just Energy Transition Partnership (JETP) Opportunities in South Africa:* Energy Market Group- Washinton