ORDINARY COUNCIL MEETING

OPEN



KOUGA
local municipality
Service Excellence through Good Governance

DATE: 11 December 2025
TIME: 10:00
VENUE: 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: 11 December 2025	**UMHLA: 11 EyoMnga 2025**	**DATUM: 11 Desember 2025**
TIME: 10:00	**IXESHA: 10:00**	**TYD: 10:00**
L. MAREE **SPEAKER**	**L. MAREE** **USOMLOMO**	**L. MAREE** **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**

None

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

12.1 Minutes of an Ordinary Council meeting held on 29 October 2025.

Pages: 8 - 35

13. **REPORTS OF COMMITTEES OF COUNCIL**

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

None

13.2 **KOUGA AUDIT COMMITTEE**

None

13.3 **RULES & ETHICS COMMITTEE**

None

13.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None

13.5 **MUNICIPAL BY - LAWS AND POLICIES COMMITTEE**

25/12/PB1 Draft Review of the Standing Rules and Orders By-Law

Pages: 38 – 84

25/12/PB2 Draft Review of The Kouga Local Municipality By-Law On Liquor Trading Hours

Pages: 85 - 99

25/12/PB3 Cell Phone Policy and Cell Phone Allowance Scheme

Pages: 100 - 115

25/12/PB4 Draft Review of the Policy on the Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors

Pages: 116 - 126

13.6 **MONITORING & EVALUATION COMMITTEE**

None

14. **REPORT BACK: MUNIMEC**

25/12/M-MEC1 Report: Provincial Political MuniMEC Forum

Pages:128 - 261

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

25/12/MM1 2025/26 Service Delivery and Budget Implementation Plan: Progress up to the quarter ending 30 September 2025

Pages: 263 - 288

25/12/MM2 Designation of Full-Time Councillor – MPAC Chairperson

Pages: 289 - 293

25/12/MM3 Report by the Public Protector and Action Plan Arising from the Public Protector Report, No. 15 Of 2025/2026: Investigation into Allegations of Failure by the Functionaries of Kouga Local Municipality to ensure that Jeffreys Bay and Kwanomzamo Wastewater Treatment Plant are properly maintained

Pages: 294 - 406

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

25/12/DMM1 Media and Communication: Corporate Shop (Branded Corporate Clothing)

Pages: 408 -415

25/12/DMM2 Sponsorship of the Inkanyezi Events - Working World Exhibition – Careers and Skills Development Initiative in Kouga

Pages: 416 - 434

25/12/DMM3 Nominated Alternate Members of the Municipal By-Law and Policy Committee

Pages: 435 - 437

25/12/DMM4 Council Recess: Delegated Authority: Executive Mayor

Pages: 438 - 441

25/12/DMM5 Amended Committee Membership - Section 80, 79 and 79A Committees- Replacement of Councillor

Pages : 442 - 445

17. **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).

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

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

25/12/FED1 Destination Marketing – International Trade Show FY 2025/2026

Pages: 449- 466

25/12/FED2 Adjustments Budget for the 2024/25 Unspent Municipal Disaster Recovery Grant (National Treasury Approved Rollover) and other adjustments

Pages: 467 - 470

25/12/FED3 Supply Chain Management: S36 Deviations for the month: October 2025

Pages: 471 - 475

25/12/FED4 Erf 4169 – Humansdorp Spekboom Court

Pages: 476 - 484

25/12/FED5 Erf 3298 – Humansdorp School on R 102: Application for Exemption of Engineering Services Development Charges

Pages: 485 - 490

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

25/12/PD1 Request for Council's Authorisation to Advertise and In-Principle Approval for the Alienation (Sale) of Erf 4298, Humansdorp (An Unregistered Portion of Erf 499, Humansdorp)

Pages: 492 - 506

25/12/PD2 Review of Jeffreys Bay Central Business District Local Spatial Development Framework, 2021

Pages: 507 - 509

25/12/PD3 Request for Council's In-Principle Approval for the Alienation (Sale) of a Portion of Erf 499, Humansdorp

Pages: 510 - 519

25/12/PD4 Request for Council to Waive Penalties Imposed for Unauthorised Building Works

Pages: 520 - 522

25/12/PD5 Request for Council's Approval for the Closure, Subdivision, Consolidation and Rezoning of a Portion of Erf 1 Humansdorp and a Portion of Erf 499, Humansdorp

Pages: 523 - 528

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

25/12/CSS1 Approval of Sustainable Development Goals (SDGS) Implementation Framework

Pages: 530 - 617

25/12/CSS2 Closeout Report – Disaster Management Educational Excursion to Thailand

Pages: 618 - 639

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 COUNCIL MEETING

KOUGA
local municipality
Service Excellence through Good Governance

MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON WEDNESDAY, 29 OCTOBER 2025 AT 10:00 AM

PRESENT: Councillors	J Alexander	
	C August	
	Ald D Benson	
	H Bornman	(Executive Mayor)
	B Dhludhlu	
	R Foley	
	W Gertenbach	
	V Gunuza	
	A Hendricks	
	F Heystek	
	T Jantjes	(Deputy Executive Mayor)
	L Maree	(Speaker)
	M Mbandana	
	E Mbuqu	
	K Ndzelani	
	M Nicholls	
	L Nkilishane	
	N Ntengwane	
	N Ntshota	
	P Oliphant	
	W Petersen	
	C Pietersen	
	S Ruth	
	G Stuurman	
	M Valgee	
	W van der Linde	
	M van Niekerk	
	M Yali	
	V Zana	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(CFO)
	N Machelesi	(Director: Community Services)
	J du Toit	(Acting Director: Civil & Water Services)
	T Madatt	(Director: Electro-Mechanical Services)
	L Ramakuwela	(Director: Planning & Development)
	L Opperman	(Manager: Legal Services)
	E Goliath	(Manager: Public Participation)
	D Klopper	(Office Administrator: Office of the Speaker)
	K Minnaar	(Manager: Special Programmes)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	M Basson	(Manager: Media & Communication)
	S Mlonyeni	(Communication Officer)

R Klaasen	(Media Liaison Officer)
Z Njikelana	(Media Liaison Officer)
R Swart	(Committee Officer)
N Dlova	(Committee Clerk)
M Mitchell	(Committee Clerk)

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**

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 29 October 2025 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Cllr G Stuurman to open with a prayer.

Cllr Foley and Cllr Zana requested an opportunity to table a Motion of Exigency. The Speaker granted that the Motion of Exigency be presented at the end of the Open agenda discussions.

3. **ABSENT WITH LEAVE**

C de Kock (Acting Director: Civil & Water Services

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Mbandana extended condolences to the families of Brandon Jonas, and Mamma Vuyiswa Swepu, acknowledging their recent losses. He also congratulated the delegation from China's Jilin Province for their visit to the Eastern Cape, highlighting engagements in agriculture, manufacturing, railway, ICT and Satellite Technology. The Eastern Cape Premier Lubabalo Oscar Mabuyane, was commended for his leadership in promoting economic development in the province.

The Executive Mayor extended condolences to the Manuel family following the passing of Mr. Manuel, a general worker in the Municipality's roads team. Council support was acknowledged, and sympathies were expressed.

The Executive Mayor also congratulated Hankey Villagers Rugby Club on winning the Second Division Rugby Championship. Further congratulations were extended to Jeffreys Bay Rugby Club for qualifying for the Premier League, and to Kruisfontein Rugby Club for their continued success, including reaching the upcoming quarterfinals. The Executive Mayor expressed pride in all local rugby teams for their achievements.

On behalf of the Economic Freedom Fighters (EFF), Cllr Nkilishane expressed sincere condolences to the Thoko and Jonga families on the passing of their grandchild, who will be laid to rest on 1 November 2025.

Cllr Foley extended congratulations and a warm welcome to Cllr Hendricks on her appointment to Council, wishing her a prosperous and successful tenure. He also conveyed condolences to the families in Ward 2 affected by the recent fires and expressed appreciation for the community support provided to those impacted.

Cllr Zana extended condolences to families who have lost loved ones to cancer, noting the end of Cancer Awareness Month. He also mentioned the passing of a former Kouga employee from Ward 13. Further condolences were expressed to the family in Ward 9 following the drowning of 15-year-old in the Gamtoos River, with recovery efforts ongoing. On a congratulatory note, he commended Hankey Villagers Rugby Club on their recent success and encouraged improvements to their sports field to support their continued growth.

Cllr Oliphant congratulated Robbie Dennis on being selected as the African National Congress (ANC) candidate for Ward 2 and acknowledged former Councillor Murray for his decision to leave the Democratic Alliance (DA).

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

Honorable Mayor and Members of the Council, Officials, Online Guests, colleagues,

Good morning,

As we head towards the end of the year, I am delighted to see that spring has finally arrived.

October is an important month to raise awareness and celebrate those affected by cancer, as well as the courage and strength of cancer survivors. I really enjoyed the cancer walk we had on the 10th of October which was well supported.
I am deeply honoured to have received the official award for a Clean Audit Outcome for 2023–2024 (Good Governance) at the Local Government Indaba held in Midrand by the Department of Cooperative Governance and Traditional Affairs. This marks the first time that Kouga has received this prestigious recognition, and it truly felt surreal to stand alongside Western Cape

municipalities that have achieved this milestone ten times or more. This means that we are moving in the right direction of excellence.

As I stood there, my thoughts were with the dedicated administration and team whose hard work and commitment made this achievement possible. A big thank you to each one of you for your commitment and efforts.
I look forward to a successful Council meeting.

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

Honourable Speaker, it is both wonderful and a privilege to address the council this morning.

I begin with immense pride as we celebrate our recent achievements. Our municipality has received a clean audit and has been recognized as the best in the Eastern Cape. These are not just accolades they are a testament to the tireless dedication of our municipal staff and the collective commitment to improving the lives of our residents.

We must continue building on this momentum. Our focus remains firmly on key priorities that will shape a thriving and resilient municipality. We are committed to enhancing road infrastructure, strengthening safety and security, and improving electricity supply through innovative energy solutions. These efforts are essential to ensuring that our communities are well-connected, safe, and empowered.

Equally important is our work in upgrading wastewater treatment facilities and addressing water quantity concerns. As we face growing challenges related to water resources, we must act decisively to secure sustainable solutions. We also recognize the importance of customer care our residents must feel valued, heard, and safe in their interactions with the municipality.

Looking ahead, we reaffirm our commitment to engaging with our communities. Through the Integrated Development Plan (IDP), we will continue to incorporate public feedback into our planning processes, ensuring that our development is inclusive and responsive to the needs of our people.

Let us move forward with a clear vision: to not only excel regionally but to serve as a model for a flourishing South Africa. With collaboration, dedication, and a focus on community needs, I am confident that we will achieve even greater success.

Thank you.

9. **DISCLOSURE OF INTEREST**

10. **STATUTORY MATTERS**

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

11.1 **MINUTES OF A MAYORAL COMMITTEE MEETING HELD ON 11 JUNE 2025**

Resolved (29 October 2025)

1. That the minutes of a Mayoral Committee meeting held on 11 June 2025 be noted.

12. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

12.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2025

Resolved (29 October 2025)

1. That the minutes of an Ordinary Council meeting held on 28 August 2025 be approved.

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

13. REPORTS OF COMMITTEES OF COUNCIL

13.1 REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE

The Speaker informed Council the report was not available in time for the committee but is expected to be ready for presentation at the next Council meeting.

13.2 KOUGA AUDIT COMMITTEE

25/10/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

The Chairperson reported that the Audit Committee is operating with high efficiency and effectiveness. The Committee benefits from strong support provided by the Municipal administration, the Municipal Manager, and the Secretariat. It was noted that the minutes presented are an accurate reflection of the Committee's proceedings.

The Chairperson further acknowledged the valuable contribution of the Internal Audit unit, which enables the committee to fulfil its responsibilities in accordance with the Municipal Finance Management Act (MFMA) and its governing charter.

Resolved (29 October 2025)

1. That the minutes of the Kouga Audit Committee meetings held on 20 June 2025 and 27 August 2025, along with the Matters Arising Register be noted.

25/10/KAC2 KOUGA AUDIT COMMITTEE ASSESSMENT

Resolved (29 October 2025)

1. That Council notes the assessments carried out by the Audit Committee and the Municipal Manager for the 2024/2025 financial year.

13.3 **RULES & ETHICS COMMITTEE**

None

13.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

25/10/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (29 October 2025)

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.

25/10/MPAC2 AMENDMENT TO THE APPROVED TERM OF REFERENCE (TOR) FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

Resolved (29 October 2025)

1. That the reviewed Terms of Reference for the Municipal Public Accounts Committee be approved.

2. That the commencement date of the Terms of Reference of the Municipal Accounts Committee shall be the date of the resolution by Council.

13.5 **MUNICIPAL BY - LAWS AND POLICIES**

25/10/PB1 WARD DEVELOPMENT FUND POLICY

Cllr Foley referred to page 124 of the policy document and identified a minor textual error. He requested that the administration amend the second line, noting that the phrase "deputy Accounting Officer" should be corrected to "deputy Municipal Manager" for accuracy.

Cllr Mbandana raised concerns regarding the allocation of the Ward Development Fund, noting a trend of item rejection when approvals are partial. He emphasized that the fund should be clearly designated for development purposes rather than infrastructure and requested that this distinction be corrected.

The Speaker invited the Cllr to write to the Office of the Speaker for further practical details regarding the implementation of the matter under discussion.

Resolved (29 October 2025)

1. That the amended Ward Development Fund Policy be approved by the Municipal Council for implementation from date of this Council meeting.

2. That the Ward Development Fund be uploaded onto the Municipal Website.

3. That the previously approved Ward Development Fund policy by the Municipal Council be repealed.

4. That the Ward Development Fund Policy be circulated to all Councillors.

14. REPORT BACK: MUNIMEC

The Executive Mayor explained that no report was available due to the absence of a recent meeting. The next meeting, convened by the Premier, is scheduled for 11–12 November, and a report will be submitted to Council in December following that engagement.

15. REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

25/10/MM1 APPOINTMENT OF KOUGA AUDIT COMMITTEE MEMBER

Cllr Zana, speaking on behalf of the ANC Caucus, welcomed the appointment of Dr. Nyenyiso, expressing confidence that his extensive skill set, and experience would help address issues previously raised by the Auditor-General, particularly in relation to risk management within Kouga.

Cllr Zana also referred to page 132, recommendation 10.1, and requested that the wording be corrected to reflect the full title "Dr. Sizwe" rather than "Sizwe," in recognition of his professional designation. The caucus expressed full support for the recommendation.

Resolved (29 October 2025)

1. That Council approves the appointment of Dr. Sizwe Nyenyiso as a member of the Kouga Audit Committee for a period of 2 years (ending 31 October 2027)

25/10/MM2 REQUEST FOR COUNCIL TO INVESTIGATE THE ALLEGED BREACH OF CODE OF CONDUCT – CLLR PETERSEN

Cllr Ntshota expressed concern regarding perceived inconsistencies in how Councillor conduct is recorded and addressed. She noted that while Councillor Peterson's remarks are consistently documented, repeated instances of misconduct by Cllr Dhludhlu have not resulted in disciplinary action or been reflected in the minutes. She questioned whether this disparity was due to selective attention or oversight and emphasized the need for fair and consistent treatment of all Councillors.

The Executive Mayor emphasized the importance of clarity in the process for referring matters to the Rules and Ethics Committee. In response to concerns raised by Cllr Ntshota, the Mayor noted that if no complaint has been submitted regarding a Councillor, their conduct would not appear before Council. The Executive Mayor condemned the language used by Cllr Petersen in the current meeting, describing it

as vulgar and unacceptable, particularly in reference to Municipal staff.

It was confirmed that an official complaint had been lodged with the Speaker, which is why the matter was brought before Council. The Executive Mayor urged that the Rules and Ethics Committee address the issue with the utmost seriousness and reiterated that any party with concerns about Councillor conduct should follow the formal complaint process.

Cllr Mbandana echoed the sentiments of Cllr Ntshota regarding the application of constitutional principles, specifically Section 9 on equality. He expressed concern over the Executive Mayor's response to repeated allegations raised by Cllr Oliphant. Cllr Mbandana emphasized that the matter had been raised multiple times and should have received attention at Council level.

The Speaker requested that the discussion remain focused on the current item. She noted that the matter referenced by the Councillor pertains to previous meetings and reiterated that, as advised by the Executive Mayor, such concerns should be formally submitted to the Speaker's office for consideration.

Cllr Mbandana criticised the perceived unequal treatment of ANC Councillors, citing instances of being muted during Council proceedings. He called for fair and consistent application of Council rules and respect for all councillors' rights.

@11:03, the Speaker invoked Rule 31.3, reminding Councillors that when requested to remain silent, they are obliged to do so. She emphasised the importance of maintaining order and requested the opportunity to speak without interruption, assuring that speaking time would be returned thereafter. The Speaker reiterated the need to focus on the current item and advised that any issues concerning Councillors should be formally submitted to the Speaker's office.

Cllr Mbandana asserted that the charges brought forward were unfounded and made in bad faith, stemming from frustration experienced during Council proceedings, emphasizing that these rights were compromised when a councillor was repeatedly muted while attempting to speak. He reaffirmed support for the councillor in question and the substance of his contributions.

Cllr Nkilishane opposed the referral of allegations against Cllr W. Petersen. He expressed concern over the muting procedures during the meeting and stated that the EFF did not support the item.

The Speaker called for a vote for as follows:

In favour : 14
In favour : 10
Abstain: 1

Resolved (29 October 2025)

1. That Council approves the referral to the Rules and Ethics Committee to investigate and recommend an appropriate

finding and sanction on the alleged breach of the Code of Conduct as well as the alleged contraventions of the Standing Rules and Order for the meetings of Council and all its Committees for Councillors by Councillor Petersen.

2. That the Rules and Ethics Committee submit its recommendations following its sitting, to Council.

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

25/10/DMM1 REPLACEMENT OF DEMOCRATIC ALLIANCE COUNCILLOR ON THE COMMITTEES OF COUNCIL

Cllr Foley referred to page 141 and emphasized the importance of establishing well-structured and efficient committee systems. He proposed that the Municipal Bylaw and Policy Committee include three alternate members, consistent with the practice in Section 80 committees. He recommended that the names of the proposed alternate members comprising of two Councillors from the Democratic Alliance (DA) and one Councillor from the African National Congress (ANC) be submitted to the Office of the Speaker within seven (7) days for consideration and formal inclusion in the committee's alternate membership structure.

The Executive Mayor seconded the proposed recommendation.

Resolved (29 October 2025)

1. That Council resolve that Cllr A Hendricks replace Mr B Williams on the Section 79 committee as follows:

Municipal By-laws and Policy Committee:

Committee Members
Chairperson : Cllr F Heystek
Cllr A Hendricks
All D Benson
Cllr R Foley
Vacant, previously Cllr H Murray
Cllr G Stuurman
Cllr T Mbuqu
Cllr K Ndzelani
Cllr C Pietersen
Cllr W van der Linde
Cllr L Nkilishane

2. That Council resolve that Cllr A Hendricks replace Mr B Williams on the composition of members for the Section 80 committees as follows:

Civil & Water Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr R Foley	Cllr A Hendricks
Cllr C August	Cllr M Nicholls
Cllr S Ruth	Cllr M Mbandana
Cllr W Gertenbach	
Cllr J Alexander	
Cllr V Zana	
Cllr P Oliphant	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Electro-Mechanical Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: J Alexander	Cllr B Dhludhlu
Cllr S Ruth	Vacant, previously Cllr H Murray
Cllr A Hendricks	Cllr N Ntshota
Cllr W Gertenbach	
Cllr M Nicholls	
Cllr M Valgee	
Cllr M Mbandana	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Finance & Economic Development Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr S Ruth	Vacant, previously Cllr H Murray
Cllr A Hendricks	Cllr R Foley
Cllr B Dhludhlu	Cllr M Yali
Cllr F Heystek	
Cllr W Gertenbach	
Cllr P Oliphant	
Cllr W Petersen	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

3. That three alternates be added to the composition of the Municipal By-law and Policy Committee.

4. That the names of the proposed alternate members comprising of two Councillors from the Democratic Alliance (DA) and one councillor from the African National Congress (ANC) be submitted to the Office of the Speaker within seven (7) days for

consideration and formal inclusion in the Committee's alternate membership structure.

Proposed: Cllr R Foley Seconded: Cllr H Borman

25/10/DMM2 REPORT ON LIQUOR LICENSE APPLICATIONS RECEIVED FOR THE PERIOD BETWEEN JULY 2025 AND SEPTEMBER 2025

Cllr Gertenbach requested clarity on whether liquor licence applicants must resubmit building plans to the Municipality or submit them directly to the liquor board. He raised concern over delays caused by outdated or unavailable plans in the Town Planning Department and emphasised the urgency of resolving the issue ahead of the festive season to support affected businesses.

Cllr Zana raised concerns about inconsistent committee outcomes, particularly when most departments support an application, but Building Control does not. He questioned the feasibility of public participation for remote establishments and asked whether the Liquor Board provides feedback on approved applications. He also highlighted the issue of businesses operating without approved building plans and sought guidance on how the municipality should address such cases.

The Deputy Municipal Manager clarified that the Municipality submits its comments and committee outcomes on liquor licence applications to both the Eastern Cape Liquor Board and the applicants. He noted that many applicants respond positively by addressing issues such as updating building plans or installing fire safety measures.

Regarding public participation, he confirmed that while it is a regulatory requirement, the Liquor Board ultimately exercises discretion in approving applications. He acknowledged that the municipality does not consistently receive feedback from the Liquor Board on final approvals, though occasional lists of approved establishments are shared. As a result, the Municipality must independently verify whether businesses are operating with valid licences. He emphasised the Municipality's commitment to supporting economic development while ensuring compliance and encouraged applicants to promptly address any identified shortcomings.

Resolved (29 October 2025)

1. That Council notes the report on the liquor license applications received.

17. **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).

18. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

18.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

25/10/FED1 ECONOMIC DEVELOPMENT AND TOURISM KEY MEMBERSHIPS, SUBSCRIPTIONS, AND ASSOCIATIONS FOR 2025/2026 FINANCIAL YEAR

Cllr Zana stated that the ANC does not support the item.

Cllr Mbandana stated that he does not support the item.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour : 10
Abstain: 1

Resolved (29 October 2025)

1. That the Council approves that Economic Development and Tourism collaborate and form part of selected key tourism, events and heritage memberships, associations and digital research and data sourcing organisations.

25/10/FED2 CLOSE-OUT REPORT: TEATER BY DIE SEE: 21 – 23 MARCH 2025 AND SPONSORSHIP REQUEST FOR 2026: 20-21 MARCH 2026

Resolved (29 October 2025)

1. That Council notes the 2025 Teater by die See/Theatre by the Sea Close-out Report.

2. That Council approves the funding of R 200,000-00 (Two hundred thousand rand only) all-inclusive for 2025/2026 FY only.

3. That Council authorizes the Accounting Officer to conclude a Funding Agreement / SLA with Kouga Local Tourism Organization in respect of funding stated in (2) above.

25/10/FED3 JBAY SUMMER FESTIVAL DECEMBER 2025 SPONSORSHIP

The Executive Mayor highlighted that the Municipality ranks as the second most visited destination in the country during the December holiday season, following Mossel Bay, which includes Grootbrak. He emphasized the significant economic impact of holiday tourism on local businesses and underscored the importance of ensuring that December events are well-organized and professionally managed to attract and retain visitors to the area.

Cllr Zana expressed support for the item in principle but proposed renaming the "Jeffreys Bay Summer Festival" to the "Kouga Summer Festival" to ensure inclusivity across all towns within the Municipality. He noted that while Jeffreys Bay plays a key role in attracting tourists,

successful events such as the Kouga Mayoral Summer Festival demonstrate the broader appeal of the region.

The Executive Mayor acknowledged concerns regarding the naming of the "JBay Summer Festival" and expressed support for inclusivity across the Kouga Municipality. He referenced a study on place brand recognition, noting that Jeffreys Bay ranks among the top four most recognized destinations in South Africa, which contributes significantly to local tourism.

While affirming the importance of linking Jeffreys Bay visitors to other areas such as Gamtoos Valley, Baviaanskloof, and St. Francis Bay, he clarified that the current funding request pertains specifically to events organized by JBay Tourism. He agreed with Cllr Zana on the need to promote the entire municipality during the summer season but emphasized that this item is focused on Jeffreys Bay's activities for the upcoming holiday period.

Cllr Mbandana supported the inclusive intent behind Cllr Zana's proposal and emphasised that tourism initiatives should benefit all towns within Kouga. He advocated for a holistic approach to festival planning that highlights the region's diverse attractions and ensures equitable economic opportunities across the Municipality.

The CFO supported the Executive Mayor's comments and emphasized the need for consistency in branding and marketing. He explained that although the council-approved item referred to the "Kouga Festival," the name "J Bay Festival" was adopted to align with Jeffreys Bay's strong national brand recognition as a top tourist destination. He clarified that the intention is to market Jeffreys Bay while also promoting surrounding areas within Kouga. He stressed that Kouga is not a singular brand, and that each town should maintain its own identity in tourism marketing.

Cllr Zana respectfully disagreed with the CFO's view that Kouga is not a brand, asserting that Kouga does hold brand value, even if not yet widely recognized as a town. He agreed that each town should have its own identity but noted that little has been done to promote this. He requested clarity on whether Jeffreys Bay is ranked as the second most visited tourist destination in South Africa overall, or only among small towns, and expressed difficulty interpreting the supporting documentation written in Afrikaans.

The CFO confirmed that Jeffreys Bay ranks as the second most visited destination among small towns in South Africa during the December holiday season, based on an article presented a few months ago.

Resolved (29 October 2025)

1. That Council approves funding allocation to Jeffreys Bay tourism to host the JBay Summer Festival for the 2025/2026 FY: R850,000.00 (eight hundred and fifty thousand rand), VAT-inclusive.

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

3. That a Close-Out Report for the Jbay Summer Festival be submitted to Council.

25/10/FED4 **SUPPLY CHAIN MANAGEMENT: CONSOLIDATED S36 DEVIATIONS FOR THE MONTHS: AUGUST -SEPTEMBER 2025**

Cllr Zana requested clarity on the approved deviation related to the Kwanomzamo Wastewater Treatment Works (WWTW) upgrade noted on page 204, referencing the appointment of Zutari (Pty) Ltd as the service provider. He also sought clarification on a deviation mentioned on page 202, which may be linked to a legal matter involving a SAMWU investigation and an individual named Petersen.

Cllr Van der Linde questioned the need for deviations on routine services such as air conditioning maintenance and water testing, suggesting these should be planned and tendered. He expressed concern over a deviation related to the Kwanomzamo project, previously reported as complete, and requested more details on a R92,000 deviation for recruitment services. He stated that the Freedom Front Plus (FF Plus) does not support approval of these deviations.

The CFO explained that certain deviations were necessary due to specific contractual or legal constraints. For the Bambelela Property Development, the lease restricts maintenance to the lessor, requiring deviation for aircon servicing. Calibration of water testing equipment must be done by the original supplier during the warranty period. Legal deviations, such as for Billett and Gouws, are linked to ongoing legal processes and expenses are recorded as incurred. Recruitment deviations are due to the impracticality of using standard tenders for headhunting specialised candidates. Lastly, consultant reinstatement deviations were needed to legally ratify additional work resulting from changes in contractor scope.

The Director: Planning and Development referenced the JG Africa deviation order on page 206, explaining that it was necessitated due to delays caused by the contractor. Although penalties were imposed on the contractor, the extended timeline resulted in increased costs for the professional service provider. These additional costs were accommodated through a deviation order, which follows a previous deviation related to their appointment.

Cllr Van der Linde questioned the necessity of using a different contractor for air conditioning services at the Bambelela Property Development due to lease agreement restrictions. He suggested renegotiating the lease terms to avoid additional costs associated with deviations. He also raised concerns about outsourcing recruitment services for R92,000, asking why the Municipality's Human Resources (HR) department could not handle the headhunting process internally.

The Deputy Municipal Manager explained that the recruitment deviation aligns with staff appointment regulations, specifically Section 7, Section 18, Subsection 9, which allows alternative

recruitment methods for critical and scarce skills posts when standard processes fail to attract suitable candidates. The advertised mechanical engineering post received no qualified applicants, prompting the use of a recruitment agency with the necessary tools and networks to headhunt appropriately. He noted the broader challenge of a national brain drain affecting qualified engineers, particularly in the Eastern Cape.

Regarding the Bambelela lease agreement, he confirmed that negotiations were attempted with the lessor to allow use of the municipality's existing air conditioning service provider. However, the lease terms were finalised with restrictions, though the Municipality will revisit the matter as suggested.

Cllr Van der Linde stated that he is not in support of the item.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour : 11
Abstain: 0

Resolved (29 October 2025)

1. That the Consolidated Deviation report for the months of August 2025 and September 2025 be approved by Council.

25/10/FED5 **BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2025**

Resolved (29 October 2025)

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 2025; and

2. That the Council notes the submission of the report to the Provincial treasury and Auditor-General as stipulated in section 11(4) (b) of the MFMA.

25/10/FED6 **MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY TO SEPTEMBER 2025 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2025 (2025/26 FINANCIAL YEAR)**

Cllr Van der Linde raised concerns about the municipality's financial health. He noted a possible shortfall in operating funds when factoring in outstanding debtors and creditors. He also highlighted a reported R15 million cash shortage and a low debtors collection rate, suggesting the financial situation may be worse than expected.

Cllr Mahananda raised concerns about the municipality's debt position, noting the absence of a detailed breakdown. He referenced the R62 million flagged earlier and questioned how Metro debt is reflected within the current debt profile. He further asked whether the

municipality is financially liquid and, if so, requested clarity on the basis for that assessment.

Cllr Gertenbach noted that the Municipality is close to meeting its 25% target for expenditure and income. He welcomed the decrease in consumer debt and clarified that advance payments explain the collection rate. However, he expressed concern about water income, which is only at 18% instead of the expected 25% and requested clarification.

The CFO clarified that the reported R56 million operating surplus is based on revenue exceeding expenditure, with revenue at 28% and expenditure below 25% for the first quarter. He explained that the apparent R15.9 million deficit on page 218 reflects committed funds and non-cash items like depreciation and debt repayment, which do not impact liquidity directly. After adjusting for commitments, the actual shortfall is under R2 million, attributed to timing differences.

He confirmed that the Municipality is financially liquid and in a stable position. Regarding the debtor's collection rate, it stood at 80.85% in September, up from 72.85% the previous year, and is projected to exceed the 95% target by June 2026. On water income, he acknowledged the current 18% level is below target but noted that overall revenue is at 28.2%, with some categories overperforming. Adjustments will be made during the mid-year budget review.

Resolved (29 October 2025)

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

2. That the Executive mayor notes the submission of the monthly budget statements report to provincial treasury as stipulated in section 71(1) of the MFMA.

3. That 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 be noted.

25/10/FED7 **SUPPLY CHAIN MANAGEMENT: QUARTERLY IMPLEMENTATION REPORT FOR THE FIRST TERM OF THE 2025-2026 FINANCIAL YEAR ENDING 30 SEPTEMBER 2025**

Cllr van der Linde stated that the report is merely a formality, as the actions have already taken place. He confirmed that the Freedom Front Plus notes the report but does not support it.

The Speaker called for a vote for as follows:

In favour : 15
Not in favour: 11

Abstain: 0

Resolved (29 October 2025)

1. That Council approves this report as per the reporting requirements for the first quarter of the of the 2025/2026 Financial year starting 01 July 2025 and ending 30 September 2025.

18.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT SERVICES

25/10/PD1 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION (LEASE) OF A PORTION OF PORTION 4 OF FARM 346, HUMANSDORP RD

At 12:28, Cllr Gunuza joined the meeting.

Cllr Ndzelani raised a concern regarding the lease of land in the industrial area to Woodlands Dairy. He questioned why the entity repeatedly receives leased land while many local farmers are still struggling to access land. He emphasized the need for clarity on this matter and expressed concern that local farmers are being sidelined and pushed further away from available land opportunities.

Cllr van der Linde stated that he does not oppose the item but requested clarity on who determines the lease value of Municipal properties, citing examples of R5,000 and R150 per month. He further suggested that once a lease contract is signed, it should be referred back to the Portfolio Committee for oversight to ensure it aligns with what was approved in Council.

The Director: Planning and Development explained that land for farmers is limited, but the municipality is working on a strategy to address this, especially in the Humansdorp area. The property in question is zoned for industrial use and supports renewable energy, aligning with municipal plans. The applicant is a major employer, and the expansion benefits the Municipality.

Regarding lease valuations, he confirmed that independent valuers are appointed as required by law. The valuation process will follow public participation and be submitted to Council. He also supported the suggestion to include signed lease agreements in quarterly portfolio reports for oversight.

Resolved (29 October 2025)

1. That Council grant **in-principle approval** for the alienation (lease) of a portion, in the extent of 7 hectare of Portion 4 of Farm 346, Humansdorp RD in line with all applicable legislation.

2. That Council authorises the Accounting Officer to advertise the application for public participation.

3. That in terms of Section 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.

4. That Council authorises the Accounting Officer to obtain the market related rental for the property.

25/10/PD2 **REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF PORTION 125 OF FARM 335, HUMANSDORP RD (OCEANVIEW)**

Cllr Nkilishane expressed concern that using social media for public participation excludes many people, especially within the black community. He questioned how many people saw the advertisement and how many participated. He emphasized that public participation should be done through physical meetings and criticized the government for not listening to this concern since 2022.

Cllr Zana expressed support for the proposed initiative involving the Non-Profit Organization (NPO) and its impact centre, noting that such developments are welcomed and needed within communities. He inquired whether a specific timeframe has been established for the finalisation of the process, given the number of recommendations listed. He also echoed concerns raised by a fellow councillor regarding the inclusivity of the public participation process, emphasising the importance of ensuring that affected communities were adequately consulted.

The Director: Planning and Development addressed concerns regarding public participation, confirming that notices were published in the Kouga Express, as per established practice. However, he acknowledged the limitations of this approach and agreed that additional measures such as placing notices directly on the property under consideration should be explored to improve accessibility, particularly in underserved communities.

Resolved (29 October 2025)

1. That Council **grant final approval** to lease of a portion of portion 125 of Farm 335, Humansdorp RD (Oceanview) for 9 years and 11 months to Impact Centre (275-968 NPO), in the extent of 5000 m²

2. That in terms of Section 14 (2) and 90 of the MFMA it is confirmed, on reasonable grounds, that the asset is not needed to provide the minimum level of basic municipal services.

3. That all required and applicable town planning activities and all other administrative processes be finalized in respect of the intended use of the premises, and that all related costs will be for the account of the applicants herein.

4. That Council considers the market-related rental valuation of R150.00 in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.

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 for which the applicant applied for has not commenced within 12 months from the date of signed lease agreement.

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

8. That Council authorizes the Accounting Officer to enter into a long-term lease agreement of 9 years and 11 months with Impact Centre in respect of the agreed portion of the property described herein.

25/10/PD3 **REQUEST FOR COUNCIL'S AUTHORISATION FOR IN-PRINCIPLE APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES IN KRUISFONTEIN FOR BUSINESS PURPOSES**

1. That Council **grant approval** to rezone erf 6132 from Residential Zone 1 to Business Zone 1.

2. That Council **grant in-principle approval** to alienate (lease) the below municipal properties by calling for proposals for the lease at market related value:
   - Erf 5679, Kruisfontein
   - Erf 6067, Kruisfontein
   - Erf 6132, Kruisfontein

3. That Council authorizes the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act for the proposed alienation.

4. That Council authorises the Accounting Officer to advertise the application for public participation.

5. That Council authorises the Accounting Officer to obtain the market related rental for the property and that a service provider be appointed to finalize planning activities relating to the rezoning.

18.3 **REPORTS BY THE CHAIRPERSON: CIVIL & WATER SERVICES**

25/10/CWS1 **PROGRESS REPORT ON DOHS FUNDED PROJECTS AS AT 14 AUGUST 2025**

Speaking on behalf of the ANC component, Cllr Ntshota expressed appreciation for the funding provided by the Department of Human Settlements towards the Kouga initiative. She commended the investment, noting that it is positively impacting communities by improving housing conditions for individuals living in squalor.

The Executive Mayor expressed deep appreciation for the R68 million and R83 million funding received from the Department of Human

Settlements, intended for upgrading informal settlements and bulk infrastructure projects. He emphasized the importance of these funds in improving the quality of life for residents and noted that the signed Service Level Agreement (SLA) reflects the department's trust in the municipality.

However, he raised serious concerns about the department's decision to stagger the remaining R140 million allocations over four to five years, despite prior commitments. He stressed that bulk infrastructure requires substantial upfront investment and that the delay has forced the municipality to halt ongoing projects, leaving contractors unpaid and communities underserved.

The Executive Mayor urged Council members, particularly the ANC caucus, to support the Municipality's petition to the provincial government for the immediate release of the committed funds. He emphasised that this issue transcends politics and directly affects the lives of the Municipality's most vulnerable residents.

Cllr Zana acknowledged the importance of the provincial funding allocated to Kouga Municipality and expressed appreciation for the financial support. He referenced the upcoming Munimec session scheduled for 11–12 November 2025, where the Executive Mayor is expected to engage directly with the Premier. He suggested that this platform be used to raise concerns regarding the reduction in funding for informal settlement upgrades.

Cllr Zana also noted the absence of documented reasons for the funding cuts in the attachments provided and emphasised the need for transparency. He cited the Phillipsville Sports Field project as an example where clear justification should accompany any delays or reallocations.

He further highlighted the strategic significance of projects such as the Western Water Treatment Works and the Hankey 990 initiative, stressing the urgency of their implementation. He concluded by expressing hope that the November 2025 meeting would provide clarity and that Council would receive a formal report or resolution in December 2025.

Cllr Mbandana raised concerns about the uneven distribution of development funding within the Municipality. He noted that while substantial funds are allocated to Kouga, they appear to be directed primarily toward DA-led constituencies, such as Donkerhoek, while areas like Ramaphosa have seen no development since 1997. He urged the DA-led government to reflect on these disparities and emphasized the need to address skewed development patterns that neglect historically underserved communities.

At 12:53 , the Executive Mayor raised a point of order in terms of Rule 32, objecting to remarks made by Cllr Mbandana, which he described as misleading and politically charged. He clarified that the current council allocates funding based on community needs rather than political affiliation and reaffirmed that the funding in question was designated for underserved areas. The Executive Mayor urged all

councillors to refrain from politicising service delivery and called for unity in advocating for the residents of Kouga.

Cllr Ndzelani requested clarity on the progress of the informal settlement upgrading project, noting that the contractor was appointed with a commencement date of 19 May 2025 and a 12-month completion timeline. He expressed concern over delays and questioned how long affected residents would have to wait for relocation and improved living conditions.

Resolved (29 October 2025)

1. That the Progress Report on DoHS Funded Projects as at 14 August 2025, be noted.

25/10/CWS2 APPROVAL FOR THE REGISTERING OF NEW PROJECTS ON MIG

At 13:12 Cllr W. Petersen joined the meeting.

Cllr Mbandana expressed longstanding concerns regarding the allocation of Municipal Infrastructure Grant (MIG) funding, noting that since 2019, the budget has consistently reflected similar patterns, often benefiting the same areas. He cited historical examples, including a 2008–2009 street paving project, and pointed out that many streets in communities such as Hankey, Centerton, and KwaNomzamo remain in poor condition.

He emphasised the need for the ANC to support the district development model and called for a more equitable and targeted approach to infrastructure investment.

Cllr Mbandana questioned whether the current leadership fully understands the lived realities of poverty, highlighting that many residents still walk on muddy roads and lack basic services. He urged the Municipality to conduct a detailed review of underdeveloped areas such as Centerton, Weston, and Loerie West, and called for urgent intervention to address persistent service delivery gaps.

At 13:01, Cllr Foley raised a point of order under Rule 32, citing relevance. He clarified that the item concerns the registration of two new MIG projects, not a progress report on existing MIG initiatives. He noted that current MIG expenditure includes gravel road upgrades in areas such as Humansdorp, Sea Vista, Gamtoos Valley, and Jeffreys Bay.

Cllr Mbandana called for a more detailed and long-term infrastructure plan, suggesting a comprehensive report that projects street upgrades over a 10-year period. He emphasised the need for a clear financial commitment, proposing that if R100 million is required, it should be allocated accordingly. He expressed concern that current reports are too brief and lack the depth needed for strategic planning.

At 13:02, the Executive Mayor raised a point of order under Rule 32, citing relevance. He clarified that the agenda item pertains specifically to the Ocean View collector sewer system and the Johnson's Ridge waterborne sewer system in Kruisfontein. He objected to Cllr Mbandana's comments regarding road infrastructure, stating that such matters fall outside the scope of the current item. The Executive Mayor emphasised the importance of maintaining focus on the agenda and urged Councillors to address only the issues under discussion.

Cllr Mbandana questioned the prioritisation of sewer projects, highlighting ongoing issues in areas such as Patensie, Thornhill, and KwaNomzamo. He referenced a R42 million allocation from the Minister and asked why only two areas were selected for upgrades. He called for a holistic planning approach and urged that long-standing infrastructure challenges, dating back to 2014, be properly acknowledged and addressed.

Cllr Zana questioned how the Kouga Project Steering Committee selects and prioritises MIG-funded projects. He emphasised the need for transparency and alignment with community priorities raised during the IDP process. He expressed concern over disparities in funding across wards and called for clarity on the committee's composition and decision-making criteria.

The Executive Mayor clarified that Council has approved a dedicated MIG Funding Committee responsible for identifying and prioritizing projects, with a focus on serving the poorest communities. He emphasized that MIG allocations are guided by documented needs and community feedback gathered through IDP engagements and ward committee inputs.

He acknowledged the valid concerns raised by Cllrs Mbandana and Zana regarding various sewer projects, noting that some, like Loerie's sanitation, are funded internally. He also explained that the Correctional Services sewer infrastructure falls under the Department of Public Works and requires major upgrades before it can be transferred to the Municipality. The Executive Mayor assured that project decisions are not arbitrary but based on formal processes and verified documentation.

The Acting Director: Civil and Water Services outlined the composition of the MIG Steering Committee, which includes representatives from Civil and Water Services, Electro-Mechanical Services, Community Services, Finance, Assets, and Investments, the IDP Office, and the Project Management Unit (PMU). He explained that while several projects were identified during the committee meeting, only two were registered, Ocean View Collector Sewer and Johnson's Ridge Sewer—due to their readiness and alignment with IDP priorities.

Ocean View Collector Sewer had previously been registered at the design stage and now qualifies for construction following environmental approvals. Johnson's Ridge was internally designed

and deemed implementation ready. Other projects, such as Loerie and Umzamowethu Wastewater Works, are still undergoing planning and environmental studies, which may take up to a year before registration for construction.

He clarified that MIG projects cannot be registered for construction without completed Environmental Impact Assessments (EIAs). Regarding the Correctional Services sewer project in Patensie, he noted that although the infrastructure belongs to the Department of Public Works, Kouga Municipality undertook significant upgrades around 2020–2021 using MIG funding, estimated at approximately R15 million.

Cllr Mbandana responded to the director's input regarding the Patensie Correctional Services sewer project, stating that official minutes exist documenting its handover to Kouga Municipality by the Minister. He urged the municipality to consult with the Department of Public Works in Gqeberha and review the relevant documentation. He committed to researching the matter further and submitting the findings to the Speaker Office for clarification.

Resolved (29 October 2025)

1. That Council approve the registration of the following listed projects on the Municipal Infrastructure Grant Programme:

    - Oceanview Collector Sewer Construction Stage (Project Registration value R7,041,602.20);

    - Johnsons Ridge Waterborne Sewer Reticulation – Construction Stage (Project Registration value: R9,399,642.37).

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

25/10/EMS1 REQUEST FOR COUNCIL'S APPROVAL FOR THE APPOINTMENT OF MR. NDUMISO NONGCUALA GMR 2(1) AND MR. BONGA MPONGWANA AS GMR 2(7) RESPONSIBLE PERSONS

Cllr Mbandana welcomed Mr. Nongcuala and noted a correction to the spelling of his surname in the official documentation. He emphasised that the department Mr. Nongcuala will lead is a key income-generating unit and should not be viewed as underperforming. He urged Mr. Nongcuala to take the role seriously and deliver results, stating that strong performance is expected.

Resolved (29 October 2025)

1. That Council approve the appointment of Mr. N Nongcuala as GMR 2(1).

2. That Council approve the appointment of Mr. B Mpongwana as a substitute in terms of GMR 2(7) in the absence of Mr. N Nongcuala.

25/10/EMS2 REPORT: FATAL ELECTROCUTION INCIDENT ON MUNICIPAL ELECTRICAL INFRASTRUCTURE – ST FRANCIS BAY

Resolved (29 October 2025)

1. That Council take note of the incident involving the fatal electrocution of a member of the public, which occurred as a direct result of unauthorised and unlawful interference with high-voltage Municipal electrical infrastructure.

2. It is recommended that Councillors be encouraged to report any incidents of unauthorised interference with Municipal infrastructure to the relevant Municipal department or to the South African Police Service (SAPS), in order to safeguard the integrity of the institution and protect municipal assets from unlawful tampering or damage.

25/10/EMS3 KOUGA ELECTRICITY DEMAND SIDE MANAGEMENT PROGRAM IN ALIGNMENT WITH ESKOM DISTRIBUTION DEMAND MANAGEMENT PROGRAM.

Cllr van der Linde, speaking on behalf of the FF Plus, expressed full support for the item and emphasised the need to explore all possible measures to reduce Eskom-related costs for the benefit of consumers.

He noted an upcoming meeting on 2 December 2025 with Discovery Green, a company that may assist Kouga Municipality in significantly lowering its Eskom bill. He looks forward to the company presenting its proposal to the Executive Mayor, relevant directors, the CFO, and the Municipal Manager, with the aim of potentially bringing the matter before Council to secure financial savings for residents.

Resolved (29 October 2025)

1. That Council support the submission of an application to Eskom for the Distribution Demand Management Program.

2. That Council support all related initiatives to capitalize on in terms of renewable energy and own generation that is in line with the national energy plan and within the framework of the applicable legislative provisions.

19. **QUESTIONS SUBMITTED IN TERMS OF RULE 39 OF THE STANDING RULES & ORDERS**

25/10/MM3 QUESTION POSED BY COUNCILLOR L NKILISHANE IN TERMS OF RULE 39 OF THE STANDING RULES AND ORDERS FOR MEETINGS OF COUNCIL AND ALL ITS COMMITTEES

Cllr Nkilishane requested clarity on why the law firm C.W. Malan withdrew from the case against Mr. F van Rooyen, noting that the firm had previously committed to pursuing the matter to its conclusion under Municipal instruction. He questioned whether the withdrawal signals the end of the case and raised concerns about potential waste of ratepayer funds. He also asked for a breakdown of the costs incurred so far. Additionally, he criticized individuals who made public comments on social media regarding the case, suggesting they should bear financial responsibility if the Municipality loses.

The Deputy Municipal Manager addressed concerns about legal costs, stating that it is inaccurate to label the Municipality's legal defence as wasteful. He explained that the original claim of R7 million has already been reduced to R3 million due to the Municipality's opposition, reflecting a R4 million saving.

He further clarified that C.W. Malan Attorneys were not included in the newly appointed panel of legal service providers and, as such, were within their rights to withdraw from the case without providing specific reasons. The firm has since handed over the full case file to the newly appointed legal representatives, ensuring continuity without duplication or additional costs.

Cllr Mbandana questioned whether the Municipality is learning from high-profile legal cases. He raised concerns about past legal expenditures, including the use of senior counsel in cases with little chance of success, and asked what lessons have been learned from the Mr. F van Rooyen matter.

Cllr Van der Linde raised concern about the discussion of a matter he believes is still sub judice, referencing confidential minutes (page 20) that indicate the case is ongoing. He questioned why the issue is being addressed in an open agenda rather than in a confidential session, given its legal status.

Cllr W. Petersen clarified that the discussion does not concern the merits of the case, but rather the issue of fruitless and wasteful expenditure related to legal costs. He addressed Cllr van der Linde's concern, emphasising that the focus is on financial accountability. He then questioned the Deputy Municipal Manager, about the litigation mandate, expressing concern that it appears to be misused or abused by his office, potentially undermining proper governance.

At 13:32, the Speaker raised a point of order in terms of Rule 32 Relevance.

Cllr W. Petersen reiterated his position that the Municipality is incurring fruitless and wasteful expenditure by funding litigation unrelated to Council interests. He responded to Deputy Municipal Manager assertion that the spending was justified.

The Deputy Municipal Manager stated that he could not comment on allegations of wasteful expenditure, as there is no evidence to support such claims. He also declined to respond to Cllr W. Petersen's remarks,

noting that his appointment is still being disputed by the Councillor. He concluded by saying that all relevant points have been addressed and he had no further comments on the matter.

Cllr Nkilishane sought clarity on the reasons behind the reduction of Mr. Van Rooyen's claim from R7 million to R3 million. He questioned whether the Municipality understands the basis for this significant decrease and requested further explanation on the matter.

The Deputy Municipal Manager explained that the matter was raised under Rule 39, which limits discussion to procedural aspects and excludes the merits of the case. He stated that the question posed by Cllr Nkilishane pertains to the merits and is therefore subjective. As a result, he declined to provide an answer on that specific point.

Cllr Zana referred to page 376 of the documentation and expressed concern that the response provided did not clarify the status of the process regarding Erf 722 in Ocean View. He requested an update on how far the matter has progressed.

The Deputy Municipal Manager stated that the matter concerning Erf 722 in Ocean View is still sub judice and therefore the merits cannot be discussed. He noted that the Municipality has already provided all the information it can at this stage and cannot comment further while the legal process is ongoing.

Resolved (29 October 2025)

1. That Council notes the question posed by Councillor Nkilishane and written response in respect of the questions raised.

2. That the question and response must reflect in the minutes of the meeting as per Rule 39.3 of the Standing Rules and Orders for meetings of Council and all its Committees.

MOTION OF EXIGENCY

URGENT INVESTIGATION BE INITIATED INTO THE ALLEGATIONS OF ELECTRICITY METER TAMPERING INVOLVING A COUNCILLOR

Cllr Zana submitted a Motion of Exigency in terms of Rule 30.1, citing the Speaker's failure to respond to serious allegations of electricity meter tampering involving a Councillor. The motion calls for immediate and mediated action to address the matter and uphold the integrity of Council proceedings.

At 13:37, the Speaker called for a 15 min comfort break & caucus.

Upon return at 14:01, the Speaker declared that, in accordance with Rule 3.3.2, the Motion of Exigency concerning Councillor Zana involves personal and private information. As such, the Speaker requested that the item be reintroduced under the confidential section of the agenda.

Cllr Zana requested a caucus of 5 minutes.

The Speaker granted the caucus from 14:05 -14:10.

Cllr Zana expressed that the matter under discussion was of public interest and should not be moved to the confidential agenda. He noted that similar personal matters had previously been discussed openly and emphasized that the councillor involved was a public figure. He stated that the residents of Kouga had a vested interest in the issue and that the ANC caucus supported open discussion. He further requested a division of the vote to ensure transparency regarding members' positions on the matter.

The Executive Mayor clarified that the decision regarding whether the item would be discussed in the confidential agenda had already been made by the Speaker, in line with her prerogative. It was noted that the ANC caucus may choose to table the item under the confidential agenda, after which a vote could be held to determine whether the matter should be discussed further. The Executive Mayor emphasised that continued debate on the issue was unnecessary at that stage and that a division of the vote could be called if required.

The Speaker confirmed that a decision had been made to proceed with hearing the matter to determine the outcome of Cllr Zana's motion. It was stated that the item would be addressed under the confidential agenda.

MOTION OF EXIGENCY

REVIEW AND INCREASE OF THE SPEED LIMIT ALONG KORAAL STREET IN JEFFREYS BAY

The Speaker called for support on the tabling of the Motion of Exigency as presented by Cllr Foley.

Cllr van Niekerk seconded the tabling of the motion.

Cllr Foley submitted a Motion of Exigency in terms of Rule 30, requesting that Council urgently consider a review and increase of the current 40 km/h speed limit along Koraal Street in Jeffreys Bay. He noted that Koraal Street is classified as a Class 4 road and serves as a main arterial route for surrounding communities, thereby warranting immediate attention to improve traffic flow and safety.

Cllr Foley provided further clarity on the motion concerning Koraal Street and its current speed limit. He noted that Koraal Street serves as a major connector road between residential areas and key communities, and that the existing speed limit of 40 km/h had been raised as a concern by constituents and regular road users. He highlighted that the posted limit may not reflect the road's classification, design, or actual usage patterns.

Cllr Foley also referenced reports of inconsistent driving behaviour and localised speeding near sensitive zones, particularly around Shama Kids Preschool, which posed safety risks to pedestrians and school children.

He submitted two recommendations to Council:

1. That the feasibility of installing a permanent speed control camera along identified high-speed hotspots on Koraal Street Jeffreys Bay —particularly

near Shama Kids Academy be investigated, with the aim of enhancing traffic compliance and improving pedestrian safety in the area.

2. That the current 40 km/h speed limit on Koraal Street be referred to the Traffic Calming Measures Committee for review, with consideration given to increasing the limit to 60 km/h in alignment with the road's classification and prevailing usage patterns.

3. That the recommendations outlined in 1 and 2 be accepted.

Proposed: Cllr R Foley Seconded: Cllr F Heystek

The Speaker called for a vote on the tabling of the Motion of Exigency as presented by Cllr Foley.

In favour: 22
Not in favour: 5
Abstain: 1

Resolved (29 October 2025)

1. That the feasibility of installing a permanent speed control camera along identified high-speed hotspots on Koraal Street Jeffreys Bay —particularly near Shama Kids Academy be investigated, with the aim of enhancing traffic compliance and improving pedestrian safety in the area.

2. That the current 40 km/h speed limit on Koraal Street be referred to the Traffic Calming Measures Committee for review, with consideration given to increasing the limit to 60 km/h in alignment with the road's classification and prevailing usage patterns.

3. That the recommendations outlined in 1 and 2 be accepted.

Proposed: Cllr R Foley Seconded: Cllr F Heystek

20. **CLOSURE**

The meeting closed at 14:25

L MAREE **DATE**
SPEAKER

REPORTS OF COMMITTEES OF COUNCIL

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MUNICIPAL BY – LAWS AND POLICIES

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DRAFT REVIEW OF THE STANDING RULES AND ORDERS BY-LAW

1. **Introduction**

The draft review on the Standing Rules and Orders was submitted to a Policy Workshop on 22 July 2025 and 02 October 2025**.** The By-law subsequently served at the Municipality By-laws and Policies Committee Meeting held on 09 October 2025.

2. **Background**

The Kouga Municipality adopted the current Standing Rules of Order on 18 September 2018 and was subsequently published in the Government Gazette dated 22 October 2018.

At the workshop held on 22 July 2025, the By-law content was extensively discussed and further discussions enfolded in the Policy Workshop held on 02 October 2025.

3. **Discussion**

There were amendments made to the By-Law as indicated in the minutes of the meeting held on 22 July 2025. The recommendations reflected that the following amendments be made:

Resolved to Recommend (22 July 2025)

On page 16, clause 3.2.7, Cllr Ruth sought clarity on public access to post-confidential matters. Furthermore, she suggested that on page 17, clause 3.3.2, the word "virtual be amended to "virtually" and clause 3.3.5, the word "through" be amended to "throughout."

Referencing page 17, clause 3.3.4, she emphasised that each Councillor is accountable for ensuring connectivity and must inform the Speaker in advance of any issues.

On page 18, clause 3.3.12, she questioned the vote recording process.

The Legal Officer clarified that while the publicity of documents falls under the Speaker's discretion, legislation requires certain documents to be made accessible to the public.

She further stated that, in accordance with Section 21A of the Systems Act, confidential matters would be made public once considered by Council.

The Deputy Municipal Manager confirmed that the Information and Communication Technology (ICT) Department is equipped to monitor connectivity throughout all Municipal buildings and can provide assistance, provided Councillors notify the department in advance.
The Executive Mayor suggested that the first sentence in clause 3.3.4 be removed.

On the voting, the Speaker mentioned that the definition will be clarified.
The Executive Mayor suggested that the following amendments be made:

On page 14, number 21, "motion of exigency" should be amended to "urgent motion".

The heading of the subtitle on page 22, clause 10, should be paraphrased for clarity.

"Chief Whip" be amended to "Whip of political party" on page 28, bullet point six.

Referencing page 39, under debate management clause 39.1, he suggested that the wording be amended to" At the Speaker's discretion, time will be allocated to interest groups or presentations in Council.

On the top of page 39, the words "member of the Mayoral Committee" be included.

The word "persistently" be removed on page 40, clause 27.1, third bullet.

He further suggested removing the last bullet point on page 40, clause 27.1, and moving sanctions for placing a Councillor in a waiting room for virtual meetings to Section 27.2. The procedure for managing misconduct should be outlined for physical and virtual meetings.

On page 41, clause 29.5, he suggested that the words" one point of clarity" along with the last sentence of the clause be removed.

He suggested that administration should clarify the dress code for Councillors on page 47, proposing 'semi-formal' or 'smart casual'.

Cllr Dhludhlu requested clarification regarding whether the definition of Council encompassed all Committees.

In response, the Legal Officer confirmed that the definition does indeed include all Committees, and that Section 27.1 would be incorporated into Part B to uphold order during Portfolio meetings.

The Chairperson referred to page 12, affirming that the definition of Sergeant-at-Arms includes personnel drawn from either the Security Department or Law Enforcement.

The Legal Officer indicated that the definition will be modified to Law Enforcement or Security Officer in the Directorate of Community Services.

On page 13, Cllr van de Linde indicated that the definition of "quorum" should be amended to 50% plus 1.

The Speaker urged Councillors to submit all amendments directly to the administration, requiring them to implement the suggested changes and resubmit the revised policy.

Resolved to Recommend (22 July 2025)

1. *The Draft Standing Rules of Order should be returned to the department for revisions, and Councillors are encouraged to submit their proposed amendments in writing to the department.*

2. *That the Draft Standing Rules of Order be resubmitted to the Policy Workshop with suggested amendments.*

The issues raised at the Policy Workshop held on 02 October 2025 reflected as follows

1. *The issue was raised in respect of the dress code: that denim will not be permitted for male Councillors must be removed.*
2. *The issue of language was raised and that translation services be prioritised.*
3. *The issue of connectivity was raised, and clarity was requested.*
4. *The issue of a roll call prior to each voting process was raised.*

The following amendments be made to the By-law as raised at the Municipality By-laws and Policies Committee Meeting held on 09 October:

1. *That the word Member of Mayoral Committee be included under the definitions.*
2. *That the word rule be included in the definition of Motion.*
3. *That the definition of point of order be amended to include that the Councillor must make reference to the specific rule when a appoint of order is raised.*
4. *That the definition of quorum be in line with the provisions of section 30 of the Systems Act 32 of 2000, as amended.*
5. *That the definition of whip be amended to Whip of Party.*

The Municipality By-law and Policies Committee resolved on 09 October that the By-law with amendments be referred to the Municipal Council for approval.

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 Local Government: Municipal Structures Act 117 of 1998, as amended.
The Local Government: Municipal Systems Act 32 of 2000, as amended.

6. **Legal Implications**

The Municipality exercises its legislative or executive authority by passing by-laws.

Once the Final Draft By-law is adopted by Council, the same must be submitted for public participation in line with the provisions of Section 12 of the Local Government: Municipal Systems Act No 32 of 2000 as amended (the Act).

Upon closure of the public participation period, the draft by law must be represented to Council, taking into consideration all comments received, for final approval. And once Council has passed the By-law, same must be published in the Government Gazette, as per the provisions of section 13 of the Act.

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**

Item noted.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Kouga Local Municipality draft Standing Rules and Orders by-law be approved by the Municipal Council.

10.2 That the approved Kouga Local Municipality Standing Rules and Orders by-law be published for public inputs as required in terms of the Municipal Systems Act, Act 32 of 2000, as amended.

10.3 That the draft approved by-law be referred back to Council after completion of the public participation process.

Item noted by the: Municipal By-Laws & Policy Chairperson 

REVIEWED: 16.05.2018
APPROVED BY COUNCIL: 31.05.2018.
ITEM NO: 18/09/CORP1
PROMULGATED 22.10.2018.
GAZETTE NO: 4134

The Council of the Kouga Municipality has in terms of Section 156(2) of the Constitution read in conjunction with Section 11 of the Local Government: Municipal Systems Act No.32 of 2000, approved the following By-Law:

STANDING RULES AND ORDERS

Document Control

Title of By-Law:	Standing Rules and Orders
File plan reference number:	
Previous Council approval date	1 August 2017
Directorate	Office of the Deputy Municipal Manager
Section	Office of the Speaker
Responsible Official	Manager: Legal Services
Version	3
Status of document	Review
Review date	July 2025
Council approval date	August 2025
Council resolution number	

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DEFINITIONS

The following terms and phrases used in these rules shall have the meaning assigned to them hereunder unless the context indicates otherwise:

"**Act**"	means the Local Government: Municipal Structures Act 117 of 1998, as amended.
"Alternate member"	shall mean a member of Council appointed by Council to represent a member of a committee of council, in the event that such member of the committee is absent as contemplated in 22;
"**Behaviour**"	means verbal or non-verbal communicative conduct, tone of voice, body language and demeanor, deportment, bearing and etiquette relative to one's conduct towards others;
Chairperson	means the member elected as Chairperson of the Portfolio Committee or any other member acting as Chairperson of the Committee;
"**Code**"	means the Code of Conduct for Councillors in terms of Schedule 7 of the Act;
Committee of Council"	shall mean an executive committee established in terms of section 42 of the Act, or a mayoral committee established in terms of section 60, or a metropolitan sub-council established in terms of section 61 and section 62, or a committee established in terms of section 79, 79A or 80 of the Act; the Local Labour Forum and Ward Committees ;
"**Confidential**"	shall mean the part of the meeting of the Municipal Council that the meeting will be closed for members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager (unless a matters pertaining to him personally is discussed), will be excluded from the meeting, based on the nature of the business being transacted;
"Constitution"	shall mean the Constitution of the Republic of South Africa,108 of 1996;

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"Council"	shall mean the Kouga Municipal Council
"Councillor"	shall mean a member of the Municipal Council;
"Day"	shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
"Executive Mayor"	shall mean the Executive Mayor of the Municipality as elected in terms of section 55 of the Structures Act;
MEC	means the Member of the Executive Council responsible for local government in the province of the Eastern Cape;
Meeting"	includes meetings that take place in the chambers of the Municipal Council, any other venue or virtual platform as indicated in the agenda of the Council meeting, and includes meetings of a committee of Council;
"Member"	shall mean a Councillor serving in the Municipal Council of the Municipality;
Member of Mayoral Committee	refers to a Member of the Mayoral Committee (MMC) appointed by the Executive Mayor, who serves on the Mayoral Committee to assist and advise the Executive Mayor.
"Motion"	shall mean a matter submitted by a member in accordance with rule 20 below;
"Municipality"	shall mean the Kouga Local Municipality;
"Municipal Manager	means the person appointed by council in terms of section 54A of the Local Government: Municipal Systems Act, or a person delegated by the Municipal Manager;
"Notice"	shall mean a notification, in writing or electronically, sent

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to members of Council or its committees, informing them of a time, date and location of a Council meeting of its committees;

"Law Enforcement" shall mean a person in the full-time employment of the municipality entrusted to assist the Speaker to maintain order during council meetings and assisted by such staff members as the Speaker may direct;

"Point of clarity" shall mean the explanation of some material part of Councillor's speech which has not been understood or which contains incorrect assertions during the cause of the debate, but not once the debate is closed;

"Point of order" shall mean a point raised by a Councillor during the Council meeting and shall only relate to a matter of procedure and provided for in the rules of order and can only be used to argue that the rules and orders are not being followed. A Councillor must make reference to the specific rule when a appoint of order is raised.

"Privilege" shall mean the right of freedom of speech for Councillors in Council meetings, subject to the rules of order, of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to the Council;

"Procedural motion" shall mean a matter raised by a member at a meeting in terms of rule 21;

"Report" shall mean any item appearing on the agenda for consideration by the Council;

"Senior managers" shall mean the persons appointed by the council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organizational structure of the Municipality;

"Speaker" shall mean the person as elected in terms of section 36 of the Local Government: Municipal Structures Act 117 of 1998, as amended;

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"**Systems Act"**	shall mean the Local Government: Municipal Systems Act, 32 of 2000, as amended;
"Traditional Leader"	shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of section 81 of the Structures Act;
"Urgent Motion"	means an urgent matter that requires the immediate attention of Council that could not otherwise be reported;
"Quarter"	means any period from 1 January to 31 March, or from 1 April to 30 June , or from 1 July to 30 September, or from October to 31 December, in a calendar year;
"Quorum"	means 50%(majority) of the Councillors of the Municipal Council. As envisaged in terms of section 30 of the Act, if on any question, other than a matter mentioned in section 160(2) of the Constitution, there is an equality votes, the Councillor presiding must exercise a casting vote (plus 1) in addition to that Councillors vote as a Councillor;
Virtual Meeting -	means information and communications technology related platform used to convene meetings;
Walk-out -	is an act of leaving the Council Meeting or failing to remain in attendance at that meeting, by a Councillor or Councillors, at a that time a vote is taken or is about to be taken on any matter before such meeting. If a Councillor walks-out of a meeting he/she will be deemed absent for the entire duration of the meeting;
"Whip of Party"	shall mean a Councillor of the Municipal Council elected appointed in terms of section 41A, section 41B and section 41C to be the whip of a Municipal Council.

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PART A

STANDING RULES AND ORDERS FOR COUNCIL

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35. Sanctions and Offences

36. Dress Code

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37. Invitation to address Council
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41. Operative date

1. APPLICATION OF RULES

1.1 The rules of order contained herein apply to meetings of the Municipal Council.

1.2 The rules are aimed to encourage free, open and constructive debate during meetings, to encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.

1.3 The rules endeavour to create the opportunity for Councillors serving in Council structures to air their view on any matter of public importance.

1.4 The rules of order are applicable to:

1.4.1 All Councillors;

1.4.2 Traditional leaders participating in Council in terms of section 81 of the Municipal Structures Act;

1.4.3 Any Municipal official of the Municipality; and

1.4.4 Any member of the public while present in the Council chamber, virtually or otherwise.

2.MEETING OF COUNCIL OPEN TO PUBLIC

2.1.1 The Municipal Council shall conduct its business in an open manner and every meeting of the Council shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act 32 of 2000.

2.2 The Council will deal with the following as part of the Confidential Agenda when:

2.2.1 Any matter subject to the discretion of the Speaker.

2.2.2 personal and private information of any Councillor or an employee of the Municipality;

2.2.3 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;

2.2.4 disciplinary proceedings or proposed disciplinary proceedings against any employee;

2.2.5 any matter that may not be disclosed in terms of legislation;

2.2.6 consideration of the minutes of previous "In Confidential" discussions.

2.2.7 After confidential matters served before Council it is open to public domain, except when a Council decides not to open certain matters to the public.

2.3 A Councillor may, when an item in the agenda is put to order, , and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with in the Confidential Agenda. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

3.1 ORDINARY COUNCIL MEETINGS

The Municipal Council shall meet at least quarterly, as required by sub-section 18(2) for an ordinary council meeting in terms of the Structures Act 117 of 1998.

3.2 SPECIAL COUNCIL MEETINGS

3.2.1 The Speaker may at any time out of own accord and shall, upon request in writing by the majority of the Councillors of the Municipality, call a special Council meeting, provided that no such special Council meeting shall take place unless all Councillors were given at least 48 hours' notice prior to the date and time set for the meeting. The agenda for such a meeting must accompany such a notice of meeting.

3.2.2 In the event where the Speaker fails and or refuses to call a special council meeting when requested in accordance with the above, the Municipal Manager of the Municipality may call the meeting accordingly.

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3.3 VIRTUAL MEETINGS

3.3.1 This rule will only be applicable in the event that a meeting must take place remotely for a reason or reasons determined by the Speaker. Save for the matters provided for in this rule, the remainder of Rules of Order as set out hereunder, will remain in operation.

3.3.2 Only the Speaker may determine that a meeting must take place virtually.

3.3.3 Councillors must notify the Office of the Speaker a day before the Council meeting if they are experiencing device and or laptop issues in order for the ICT Section attend to any issues timeously.

3.3.4 A Councillor in a virtual meeting is deemed to be present when the Speaker certifies that such a Councillor is present at the meeting by doing roll-call or by an electronic a attendance register.

3.3.5 Any reference in these Rules of Order to being "present" at a meeting, includes being present throughout remote attendance.

3.3.6 A requirement in the Rules of Order that a meeting be open to the public, is satisfied if –

(a) the meeting is recorded and made available on the website of the Council as soon as practicable after the meeting.

3.3. 7 The Municipal Manager must give notice to the public of each virtual meeting of the Municipal Council and on social media platforms.

3.3.8 A public notice of the Municipality's virtual meeting, must –

(a) state that the meeting is virtual and that there is no physical meeting location; describe how members of the public can observe the meeting by accessing the Municipal website.

3.3.9 Except where voting by secret ballot is prescribed by law, Councillors shall cast their votes electronically. As far as last-mentioned is concerned, the Speaker shall make a ruling on the method of voting to be used and his/her ruling in this regard will be final.

3.3.10 Only Councillors who are present when a vote is called shall be permitted to vote.

3.3.11 **Division of votes** - The names of Councillors and how they voted (in favour or not in favour) are recorded in the minutes. Voting poll for virtual meetings will be set up by Committee Services in order for Councillors to vote on a certain item, thereafter the Speaker will announce the votes.

3.3.12 Councillors must ensure that their votes are correctly recorded.

3.3.13 Every Councillor must utilise their Kouga electronic mail address provided (name@kouga.gov.za) and not a personal email address when accessing virtual meetings.

4.1 ATTENDANCE OF MEETINGS

4.1.1 The Municipal Council must convene an ordinary meeting for the transaction of business at least once in every quarter.

4.1.2 A Councillor's request for leave of absence contemplated in the Code may not be unreasonably withheld/denied.

4.1.3 A Councillor living with a disability must have adequate access and support from the Municipality to ensure that such a Councillor participates effectively in Council proceedings.

4.1.4 A meeting must quorate before any matter may be considered.

4.1.5 In the event of no quorum for a meeting, the scheduled meeting may be suspended for no more than 20 minutes. If at the expiry of the 20 minutes provided there is still no quorum, the Speaker may suspend the meeting for a further 20 minutes.

4.1.7 If after the expiry of 40 minutes provided there is still no quorum, the Speaker must adjourn the meeting to another date and time.

4.1.8 The Speaker should not unreasonably adjourn or close a meeting because of a walk-out or removal of a Councillor or Councillors if there is still a quorum for the meeting to proceed.

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suspended for no more than 20 minutes. If at the expiry of the 20 minutes provided there is still no quorum, the Speaker may suspend the meeting for a further 20 minutes.

4.1.7 If after the expiry of 40 minutes provided there is still no quorum, the Speaker must adjourn the meeting to another date and time.

4.1.8 The Speaker should not unreasonably adjourn or close a meeting because of a walk-out or removal of a Councillor or Councillors if there is still a quorum for the meeting to proceed.

4.2 **WALKOUT**

4.2.1 The Speaker should not unreasonably adjourn or close a meeting because of a walk-out or removal of a Councillor or Councillors if there is still a quorum for the meeting to proceed.

4.2.2 A Councillor or Councillors who walk-out of a meeting or is removed from a meeting by the Speaker are in breach of the Code of Conduct.

5. SERVICE OF NOTICES

5.1 Ordinary Council Meetings at least 7 days , but no less than 5 days, before any ordinary meeting of the council and;

5.2 Special Council Meeting at least forty-eight hours before any special meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Speaker or the Municipal Manager, shall be sent by electronic mail to an address provided by

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the Councillor as his/her official address or an email address assigned by the municipality to the Councillors, as his/her official email address.

5.2 The Council agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.

5.3 The Municipal Manager, or in his /her absence, a person designated by the Speaker, must give notice to the public of every meeting at least 7 days before such meeting, except in the event of a special and urgent meeting of Council, or a continuation of an adjourned meeting under circumstances stipulated in Rule 28.

5.4 An omission to serve, on any Councillor, a notice of meeting does not invalidate the proceedings of that meeting.

6. URGENT MATTERS

6 .1 No business shall be transacted at a meeting of the Council other than that specified in the agenda relating thereto, except any matters which the Speaker considers urgent and the Speaker has ruled the matter to be urgent.

6 .2 The Municipal Manager my raise matters which in his or her discretion is urgent, for decision by the Council. A matter will be deemed urgent when the decision required, if delayed, would prejudice the Council and or its operations.

6.3 The Speaker of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof; Provided that the Speaker may rule that the matter is not urgent as defined in 7.1 and 7.2 above.

7. CONDUCT AT MEETINGS

The Speaker who presides at Council Meetings must:

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7.1 Maintain order during meetings.

7.2 Ensure compliance with the Code of Conduct for Councillors during meetings.

7.3 Ensure that Councillors are conducted in accordance with the rules, expect otherwise indicated by Speaker.

7.4 Ensure that Councillors conduct themselves in a dignified and orderly manner during meetings.

7.5 Ensure that members of the public attending meetings are seated in areas designated for that purpose.

7.6 Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker of the meeting.

7.7 Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting, immediately.

7.8 Ensure that the Whip of each political party represented in the Municipal Council as well as the Whip of Council maintains discipline during any meeting.

8. INTERPRETATION OF RULES

8.1 The ruling of the Speaker in a Council Meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding.

8.2 Provided that the Speaker may be required to provide reasons for a ruling.

8.3 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.

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8.5 No debate or discussion on the ruling by the Speaker shall be allowed.

9. DECISIONS AND VOTING

9.1 All matters will be decided by a majority of Councillors present at the meeting.

9.2 Any matter referred to in section 160(2) of the Constitution shall be decided on by a majority of the Councillors in the Municipal Council.

9.3 If on any question there is an equality of votes, the Speaker may exercise a casting vote in addition to his or her deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the Council.

9.4 There will be no casting vote to matters listed in section 160(2) of the Constitution of the Republic of South Africa 108 of 1996.

9.5 If the Speaker asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted and or carried.

9.6 In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker, by way of secret ballot and virtual meetings will be subject rule 4.3.

9.7 The Whip of Council assisted by the Municipal Manager or an official designated by him or her shall count the votes and declare to the Speaker the result of the votes cast. In the event of a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the Municipal Council in accordance with the following:

Date: _____

Proposal or motion to be voted for Councillor's vote (X):

1. For _____

2. Against _____

3. **Abstain** _____

9.7 The Whip of Council assisted by the Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on the Council present at such a meeting.

9.8 The number of members voting, and the result of the vote will be recorded and the outcome of the voting will be announced by the Speaker.

9.9 A Councillor may abstain from voting without leaving the chamber. Where a Councillor abstain from voting, such abstention be recorded in the minutes of the meeting.

9.10 A voting poll will appear on the Coucillors device screen to vote and the Speaker will read out the results of the vote on an item.

10. COUNCILLORS MAY NOT ATTEND AND PARTICIPATE IN THE PROCEEDINGS OF THE COUNCIL, WHEN

10.1 Disclose to the Council, of which that Councillor is a member, any direct personal or private business interest that the Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before the Council;

10.2 Withdraw from the proceedings of the Council meeting where such a matter is being considered by the Council, unless the Council decides by resolution, that the Councillor's direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council, address the Council on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker on the time to be allowed for such an address.

10.3 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the council at which it is possible for the Councillor to make a disclosure.

10.4 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

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11. ADJOURNED MEETINGS

11.1 The Speaker may adjourn a meeting to any date or hour, but no business shall be transacted at any adjourned meeting except such as was set out in the notice for the meeting of which it is an adjournment, and any urgent additional business accepted by the Speaker of the meeting prior to the adjournment of the meeting.

12. NOTICE OF ADJOURNED MEETING

12.1 When a meeting is adjourned, notice of the adjourned meeting must be sent out to each Councillor of the Council, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 28 below.

12.2 A notice setting out the particulars of the continuation of an adjourned meeting must be published in the manner determined by Council, and a notice must be placed on the Municipal notice boards including all media platforms utilized by the Municipality, except under the circumstances contemplated in 28 below.

13. QUORUM AND ACTS OF COUNCIL

13.1 A majority of the Councillors must be present at a meeting of the Council before any matter may be considered and or voted on.

13.2 Should the meeting not be a quorate, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

14. CHAIRPERSON OF MEETINGS

14.1 At every meeting of the Council the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An Acting Speaker may be elected by the majority of Councillors present at any meeting of the Council where the Speaker is not present.

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15. AGENDA

15.1 Council Meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated. With the exception of a motion of exigency.

15.2 The Speaker may, after considering a duly motivated request, change the order of matters appear on the agenda.

15.3 The Speaker may, after considering a duly motivated request, direct that a matter be moved between the confidential and open agenda.

16. BUSINESS AT COUNCIL MEETINGS

The order of business at every ordinary meeting of the Council is as follows:

COUNCIL MEETINGS
Opening: Moment of reflection • Notice of the meeting • Opening; Welcoming & Prayer • Absent with leave • Absent without leave • Presentations • Acknowledgements, Condolences & Congratulations – The whip of political party will elect a speaker under this point. • Statements or Communications by the Speaker • Statements or Communications by the Executive Mayor • Disclosure of Interest • Statutory Matters • Minutes of Previous Mayoral Committee Meeting for Information • Confirmation of minutes of Previous Council Meeting • Matters dealt with in terms of Delegated Authority by the Executive Mayor **(The reports by the Executive Mayor, 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 be noted)** • Reports of Committees of Council o Report back: Sarah Baartman District Municipality Representative o Kouga Audit Committee o Municipal Public Accounts Committee o MUNIMEC o Reports by the Office of the Municipal Manager

- Reports back by the office of the Deputy Municipal Manager
- Reports by the Portfolio Committee Chairperson:

- Reports by the Portfolio Chairperson: Finance and Economic Development.
- Reports by the Portfolio Chairperson: Planning and Development Department
- Reports by the Portfolio Chairperson: Electro& Mechanical Department
- Reports by the Portfolio Chairperson: Civil and Water Department
- Reports by the Portfolio Chairperson: Community & Safety Services
- Motions
- Questions

17. LEAVE OF ABSENCE

17.1 Applications for leave of absence from any Council Meeting must be submitted to the Speaker in writing and signed by the Councillor applying for leave.

17.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting, except where it is not reasonably possible due to unforeseen circumstances, and in which instances such application for leave must be lodged with the Speaker within 10 days from the date of which the meeting, from which the Councillor was absent, took place.

17.3 The Speaker shall grant leave at his or her sole discretion, and the Speaker is at liberty to reject such an application for leave of absence. Leave of absence will not be unreasonably denied.

17.4 Leave will be deemed to have been granted if a Councillor has been delegated to attend another meeting or engagement on behalf of the Council.

17.5 The onus rests solely on the Councillors to sign the attendance register circulated at Council and confirm verbally at virtual meetings or an electronic attendance register.

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18. MINUTES TO BE KEPT AND CONFIRMATION THEREOF

18.1 Minutes of the proceedings of every meeting of the Council shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate and Communication Services. The,Municipal Manager/Speaker shall be responsible for the correctness of same, and the minutes of every meeting shall be confirmed at a subsequent ordinary meeting.

18.2 Minutes of the proceedings of every meeting of the Council shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the Speaker. Minutes shall be bound and kept secure.

18.3 The Municipal Manager must ensure that the minutes reflect the names of the Councillors that attended the meeting, those that are absent and those that have been granted leave of absence.

18.4 The minutes of the proceedings of every meeting of the Council shall be distributed to all members within 10 days after the meeting so held.

18.5 In respect of administrative purposes audio recordings of all meetings must be kept for a period of five years.

19. NO DISCUSSION ON MINUTES UNDER CONFIRMATION OF MINUTES

No motion or discussion shall be allowed upon the confirmation of the minutes, except as to its accuracy. Clarifications and corrections will be allowed but no debates.

20. MOTIONS

20.1 No matter shall be brought before the Council by any Councillor of the Council except upon a notice of motion, which shall be in writing and signed by the Councillor giving the notice as well as the Councillor seconding it:

Provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by official electronic mail address.

20.2 Any notice of motion shall be submitted to the Speaker before 12:00, ten days prior to the meeting of the Council

20.3 A motion shall lapse if the Councillor who submitted the motion is not present at the meeting where the motion is to be debated.

20.4 A Councillor submitting a motion shall introduce such a motion and shall have the right of reply thereto.

20.5 When a Councillor introduces a motion which is intended to rescind or amend a resolution passed by the Council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.

20.6 When dealing with motions the motion shall be read out together with the number thereof and the name of the mover.

20.7 The Speaker shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.

20.8 All notices of motion shall be dated and numbered as received by the Municipal Manager, and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motion shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.

20.9 No Councillor shall have more than two notices of motion on the same agenda at the same time.

20.10 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before the Council passes a resolution in this regard.

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20.11 The Speaker in consultation with the Municipal Manager may disallow a motion which:

- May lead to discussions of a matter already dealt with on the agenda;
- Addresses a matter where the Council has no jurisdiction;
- Addresses a matter where a decision of a judicial or quasi-judicial body is pending;
- Has not been seconded;
- If passed, would be contrary to the law;
- *Ultra vires* (beyond the powers).

20.12 The mover with the consent of the seconder may withdraw a motion or amendment.

20.14 Sub-rules 21.1 and 21.2 shall not apply to an urgent motion.

21. URGENT MOTION

21.1 A Councillor may direct the attention of Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving that the motion to which attention has been directed be considered forthwith as an urgent matter.

21.2 Such a motion is herein referred to as an urgent motion.

21.3 If such motion is seconded and carried by a majority of the Councillors present, the mover shall be permitted, without notice, to bring the matter under the consideration of Council by way of motion or question.

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22 . PRECEDENCE OF THE SPEAKER

22.1 During the sitting of the Council, Councillors , except female Councillors and members in traditional, cultural or religious headdress shall have their heads uncovered.

22.2 Whenever the Speaker speaks, any Councillor then speaking or offering to speak must be silent and seated, in order for the Speaker to be audible and speak without interruption.

22.3 A Councillor wishing to be recognised by the Speaker must raise his/her hand and wait for acknowledgment from the Speaker.

23. RELEVANCE

A Councillor who speaks shall confine his/her speech strictly to the motion or matter under discussion.

24. COUNCILLOR TO SPEAK ONCE ONLY

Except for otherwise provided for in these rules, no speaker shall speak more than once on any recommendation, motion or proposal, provided that the Executive Mayor or a Member of Mayoral Committee may reply in conclusion of a debate, but shall confine him / her to answering to previous speakers and shall not introduce any new matter into the debate.

25. DEBATE MANAGEMENT

25.1 At the discretion of the Speaker shall three minutes will be allocated to each political party or interest group to present Council.

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25.2 At least 12 hours before the meeting, the Whip of each political party or interest group represented in the Municipality will provide the Speaker with a list indicating which Councillors will speak on which item included in the agenda.

25.4 Each political party or interest group represented in the Municipality has the right to speak on each item on the agenda at the discretion of the Speaker.

25.5 At the discretion of the Speaker, he/she may allow 3 minutes of response to the Mayor, relevant Member of the Mayoral Committee, or the mover of the motion, to conclude the debate on an item debated in terms of this rule 25.

26. LENGTH OF ADDRESS

26.1 No speaker, recognised by the Speaker or chairperson, shall exceed **three (3)** minutes in length without the consent of the Speaker other than the Executive Mayor, Speaker or Member of Mayoral Committee. This period shall exclude consecutive translation time required.

26.2 The Speaker shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.

26.3 The time limits shall be at the sole discretion of the Speaker guided by the principles of fairness, democracy, efficiency and good governance.

27. DISORDERLY CONDUCT OF COUNCILLOR AND THE DUTY OF THE ~~CHAIRPERSON~~ SPEAKER

27.1 If at any meeting of the Council a Councillor conducts himself or herself:

- in an improper fashion,
- behaves in an unseemly manner; or
- obstructs business to be carried out or challenges the ruling of the Speaker on any point of order or declines to withdraw an expression when required to do so by the Speaker or;
- indulges in tedious repetition or;
- unbecoming language or commits any breach of these rules, the Speaker-shall direct such Councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech.

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27.2 In the event of persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.

27.3 A Councillor will be placed in the waiting room in the event of a virtual Council meeting until the matter under discussion has been dealt with after being warned by the Speaker. Thereafter be fined, removed by and referred to the Rules and Ethics Committee referring to the procedure to manage misconduct during Council meetings.

27.3 The Speaker may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any Councillor who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the Speaker, provided that a formal process will be initiated after the conclusion of the meeting.

27.4 Where a Councillor refuses to retire or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor refuses to leave the meeting, the Speaker shall request the Sargeant at Arms to facilitate the removal of such Councillor from the chamber.

27.5 If this cannot be done orderly, the Speaker of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the Councillor have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation.

27.6 The Speaker may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargeant at Arms of the Council will ensure that such Councillor does not enter such an alternative venue.

28. OBSTRUCTION BY PERSONS OTHER THAN COUNCILLORS

Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the Council meeting shall, if the Speaker so directs, be removed from the chamber or the venue where the meeting is being held.

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If the person refuses to leave, the Sargeant-at-arms will be responsible to remove such person from the meeting. The Speaker may exclude such person from further admittance to the Council chamber or the meeting venue for such period as it may be deemed fit.

29. POINTS OF ORDER AND POINTS OF CLARITY

29.1 Any Councillor , regardless of whether he/she addressed the Council on the matter under debate or not, may:

- raise a point of order, or
- raise a point of clarity at the end of the debate

29.2 Any point of order or point of clarity will not constitute a speech and will therefore not affect the right of any Councillor to speak on a particular item, provided that the Councillor will not be allowed to spend more then 2 (two) minutes on the point of order or personal explanation.

29.3 Any member contemplated in 29.1 shall be entitled to be heard and the Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker.

29.4 The ruling of the Speaker on a point of order or on a point of clarity shall be final and shall not be open to discussion.

29.5 Any Councillor will only be allowed to raise one point of order and one point of clarity during the Council meeting.

29.6 Any Councillor persisting in appoint of order or clarity after a ruling has been made by the Speaker.

29.7 Any point of clarity shall not constitute a speech and therefore not affect the right of any Councillor to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity.

29.8 Any member, whether he/she addressed the Council on the matter under debate or not, may rise/raise his/her hand on a point of clarity at the end of the debate.

29.9 A Councillor contemplated in 29.7 shall be entitled to be heard forthwith, and the Councillor speaking at the same time shall remain silent and be seated, until a ruling has been made by the Speaker.

29.10 The ruling by the Speaker on the admissibility of a point of clarity shall be final and shall not be open for discussion.

30. QUESTIONS

30.1 Any Councillor may submit a question requiring a written reply from any political office bearer, the Municipal Manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the Municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker and the Municipal Manager at least18 (eighteen) days prior to the Council meeting and the political office bearer and the Municipal Manager shall ensure that the Councillor receive a written reply at the meeting.

30.2 If after the question has been replied to, a Councillor is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker request a follow up question.

30.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

30.4 If the Municipal Manager has insufficient time to obtain the requested information for placement on the agenda of the meeting shall stand over until the next meeting.

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30.5 The Speaker's Office may decline to entertain a question and may refer the question back to the relevant Councillor if their question does not meet the requirements in rule 1.

30.6 The Speaker may refer questions back to the relevant Councillor if the information requested is already publicly available.

30.7 No Councillor may re-submit a question relating to any matter if that question was considered during the previous 3 months.

30.8 A question shall not contain any arguments, expression of opinion or inferences, accusations, provocative and offensive expression or seek legal opinion.

30.9 A question shall not refer to more than one subject and shall be brief and concise.

30.10 A question shall lapse if the Councillor who submitted it is not present at the meeting where such question is being dealt with.

30.11 The Speaker must keep a record of:

- All question(s) submitted by members during the month reflecting the date on which they were submitted to the Speaker, as well as the date on which they were transmitted to the Office of the Municipal Manager to answer the question;
- The Speaker must ensure that any questions to which answers have not been received within a period of 60 calendar days from the date of submission thereof, automatically appear on the agenda of the next Council meeting.

- The Municipal Manager must give a verbal response to a question at such Council meeting and/or may redirect the question to the Councillor of Council to respond verbally at such meeting. Only the Councillor who has raised the question may engage on the question.

- Should any questions be included on a Council agenda, no decision will be taken by Council on any question on the date of the Council meeting on which such questions were raised or discussed.

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Councillors shall refrain from submitting and or make any non-factual allegations and any allegation shall be subjected to this rule.

31. INFORMATION TO BE OBTAINED FROM MUNICIPAL MANAGER OR THE HEAD OF DEPARTMENT CONCERNED

Subject to the provisions of 30 above, Councillors of the Council who desire to obtain from any official of the Council information with regard to the administrative work of the Council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the Office of the Executive Mayor.

32. INFORMATION TO THE PRESS OR ALL SOURCES OF MEDIA: IN-CONFIDENTIAL DISCUSSIONS

32.1 The Executive Mayor, or in his/her absence the Deputy Executive Mayor or the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the Municipality.

32.2 In view of the Municipal Manager, Executive Mayor being the authorised channel through which the media may receive information and reports, members of the Council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by the Council: Provided that this clause shall not be construed as contravening a Councillors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of the Council, further provided however, that no discussion that took place in-confidential may be conveyed to the public or the press except by the Executive Mayor, or Municipal Manager.

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33. SPEAKER MAY REFER MATTERS FOR LEGAL ADVICE

The Speaker shall be entitled, within the framework of the approved operational budget of the Municipality and subject to the supply chain management policy, to refer any matter pertaining to the Council and its proceedings, for legal opinion to the Council's legal advisors.

34. ACTIVITIES PROHIBITED WITHIN THE COUNCIL CHAMBER OR A MEETING VENUE AND THE USE OF THE COUNCIL CHAMBER BY OTHER PERSONS OR INSTITUTIONS

34.1 The decorum of the Council chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.

34.2 No cellphones will be allowed in the meetings of Council unless such cellphone is kept on the silent mode during the course of the meeting so as to cause no disturbance during the course of the meeting.

34.3 No one shall be allowed to answer his/her cellphone during the course of a meeting of Council.

34.4 No food or drinks shall be allowed in the Council chamber or venue where a Council meeting is held, excluding water provided at the meeting.

34.5 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Office Administrator: Office of the Speaker prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.

34.6 The use of the Council chamber by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of the Council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Office Administrator: Office of the Speaker.

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35. SANCTIONS AND OFFENCES

Any Councillor 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.

36. DRESS CODE

36.1 The Speaker will determine a dress code for Councillors and traditional leaders attending meetings. All Councilllors shall be dressed appropriately in smart casual or semi-formal.

36.2 Notwithstanding the provisions of any resolution passed in accordance with ~~52~~ 36.1, no Councillor or member of the public shall be allowed to wear any clothing or accessory containing party political regalia to any meeting of Council.

37. INVITATION TO ADDRESS COUNCIL

37.1 The Speaker may, in his/her discretion, invite any person or persons to address any meeting of the Council.

38. OFFICIAL LANGUAGE

English, as a prominent language will be used in conducting Council meetings.

39. VULGAR LANGUAGE

The use of vulgar language shall not be allowed inside the Council chamber or at a meeting of Council.

The use of vulgar language shall not be allowed and permitted in Council meetings. The use of vulgar language refers to words or expressions that are considered offensive, insulting, rude, or indecent. It often includes swear words, curse words, racial remarks or other taboo language as English being the language of Council.

40. SHORT TITLE

This By-Law shall be called the Standing Rules and Orders for the Meetings of Council.

41. OPERATIVE DATE

This policy shall take effect on the date of publication thereof in the Government Gazette.

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COMMITTEE MEETINGS

PART B

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1. APPLICATION OF RULES

1.1 These rules apply to all Portfolio Committees of Council, as well as any other committee of Councillors established within the Municipality.

1.2 The rules are aimed to encourage free, open and constructive debate during meetings, to encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings

1.3 Except where it is clearly inappropriate, a rule applying to members in any proceedings also applies to a non-member who takes part in those proceedings with the approval of the chairperson.

2. CHAIRPERSON CONVENING MEETINGS

The Chairperson must take the chair precisely at the time for which the meeting is convened and must proceed immediately with the business of the meeting.

3. ORDER OF BUSINESS

3.1 The Chairperson may at any time and without notification make any statement or propose matters of urgency.

3.2 A member who wishes to have the order of business on the agenda changed must approach the Chairperson prior to the meeting.

4. BUSINESS TO BE TRANSACTED

4.1 Except as otherwise provided in these rules, no matter not specified in the agenda of a meeting of the committee shall be transacted at such meeting.

4.2 Urgent matters may, however, be submitted by the Municipal Manager, or his nominee, or the Chairperson.

4.3 A member who wishes to have an urgent matter considered must approach the Chairperson prior to the meeting.

5. MEETINGS

5.1 Meetings of Committees shall take place to discuss matters as mandated by the Executive Mayor.

5.2 If a majority of the members of a Committee request the Chairperson in writing to convene a meeting, the Chairperson must, convene a meeting at a date and time set out in the request.

5.3 Ordinary meetings of the committee shall be held at the date and time as per approved institutional calendar by Council.

5.4 The Chairperson may on own volition or on the advice of the Municipal Manager, decide to hold a special meeting on a date and time so decided by the Chairperson.

5.5 The Municipal Manager must give notice in writing to each member of every meeting decided upon.

5.6 Except in an emergency, members shall be given notice of every meeting by the Municipal Manager, who shall send an agenda to each member so that the same may in the ordinary course of events be delivered at the member's address or electronical at least forty eight hours before the commencement of the meeting.

6. VIRTUAL MEETINGS

6.1 This rule will only be applicable in the event that a meeting must take place remotely for a reason or reasons determined by the Speaker. Save for the matters provided for in this rule, the remainder of Rules of Order as set out hereunder, will remain in operation.

6.2 Only the Speaker may determine that a meeting must take place virtual.

6.3 If the notice of a meeting does not expressly state that the meeting will take place remotely, the meeting will be a physical meeting at the venue communicated.

6.4 Councillors must notify the Office of the Speaker a day before the Council meeting if they are experiencing connectivity issues in order for the ICT Section attend to any connectivity issues timeously.

6.5 Any reference in these Rules of Order to being "present" at a meeting, includes being present through remote attendance.

6.6 A Councillor in a virtual meeting is deemed to be present when the Speaker certifies that such a Councillor is present at the meeting by doing roll-call or by an electronic attendance register.

6.7 A requirement in the Rules of Order that a meeting be open to the public, is satisfied if –

the meeting is recorded and made available on the website of the Council as soon as practicable after the meeting.

The Municipal Manager must give notice to the public of each virtual meeting of the Municipal Council and on social media platforms.

A public notice of the Municipality's virtual meeting, must –
state that the meeting is virtual and that there is no physical meeting location;
describe how members of the public can observe the meeting by accessing the municipal website.

Except where voting by secret ballot is prescribed by law, Councillors shall cast their votes electronically. As far as last-mentioned is concerned, the Speaker shall make a ruling on the method of voting to be used and his/her ruling in this regard will be final.

Division of votes - The names of Councillors and how they voted (in favour or not in favour) are recorded in the minutes. Voting poll for virtual meetings will be set up by Committee Services in order for Councillors to vote on a certain item, thereafter the Speaker will announce the votes.

Only Councillors who are present when a vote is called shall be permitted to vote.

The results of a vote are announced and the names of members and how they voted are recorded in the minutes.

Councillors must ensure that their votes are correctly recorded.

Every Councillor must utilise their Kouga electronic mail address provided (name@kouga.gov.za) and not a personal email address when accessing virtual meetings.

7. ALTERNATES FOR PORTFOLIO AND SUB-COMMITTEE MEMBERS

7.1 When committees of Council are established, alternates must be nominated and appointed. The duties of such alternates shall only commence, and their presence as a Committee member only recognised once a formal application for leave of absence has been approved by the Speaker, in respect of the committee member to be represented by the alternate member.

8. NON-ATTENDANCE OF MEMBERS OF COMMITTEES

Should any member of a committee fail to attend **three consecutive meetings** of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in 22 above, he/she shall be required to submit a motivation for such absence and if the Speaker are not satisfied with such explanation, it shall be reported to the Municipal Council that the member is deemed to have forfeited his/her seat on such committee,

and such forfeiture shall be reported to the Council to the end that the vacancy may be filled by the executive / mayoral committee, and the formal disciplinary procedures for Councillors be implemented by the office of the Speaker.

The Chairperson shall inspect the attendance register for Committee meetings on a regular basis and may, if deemed fit, take the appropriate steps in terms of Schedule 7 of the Code of Conduct for Councillors against members who are absent on a regular basis(three consecutive meetings).

9. LEAVE OF ABSENCE

9.1 A member who wishes to be absent from meetings must before so absenting himself or herself, obtain leave of absence from the Speaker; provided that the Speaker, on good cause, may grant leave of absence to a member.

10. MEMBERS OF COUNCIL ATTENDING COMMITTEE MEETINGS OF WHICH THEY ARE NOT MEMBERS

10.1 Members of the municipal council may attend the meeting of any committee that they are not a member of, but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.

10.2 The provisions of 10.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive will be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.

10.3 The rules with regard to agendas as set out above will also be applicable to requests to attend MPAC and address it.

10.4 Any member of the executive requested to attend the MPAC may instruct the Municipal Manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his /her behalf.

11. MINUTES

11.1 Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Committee at the next committee meeting and signed by the Chairperson.

11.2 The minutes shall be taken as read for the purpose of confirmation if a copy thereof was sent to each member within a reasonable period of time before the next meeting.

11.3 No proposal or discussion shall be allowed on the minutes, except in connection with the correctness thereof.

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12. QUORUM

12.1 A majority of the members constitutes a quorum.

12.2 If there is no quorum at the time for which the meeting is scheduled, the Chairperson must take the chair as soon as a quorum is present.

12.3 Whenever there is no quorum, the start of the meeting must be delayed for no longer than 20 minutes and if at the end of that period, there is no quorum, the Chairperson must adjourn the meeting to another time, date and venue at his or her discretion and record the names of those members present.

12.4 Whenever the Chairperson is not present and there is no quorum, the start of the meeting must be delayed for no longer than 20 minutes and if at the end of that period, there is no quorum, no meeting shall take place and the Municipal Manager must record the names of the members present.

12.5 Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.

12.6 The Municipal Manager must report the names of the absent members to the Speaker for the purposes of an investigation of a breach of these rules.

13. DECISIONS - DEBATE PRIOR TO DECISIONS

13.1 Before any matter before the Committee is debated, the Chairperson must suggest that the matter is open for discussion.

13.2 In the event of an opposed matter, the Chairperson shall not allow any proposal or amendment to be moved until the matter has, in the view of the Chairperson, been adequately debated by the meeting.

13.3 An item on the agenda shall be deemed to be opposed business if a member signifies his or her intention to discuss such item immediately after the Chairperson has suggested to the meeting that such item is open for discussion; provided that no item shall be deemed to be opposed by reason only of questions having been asked in connection therewith.

14. MANNER OF VOTING

14.1 When a proposal is under debate at any meeting of a Committee, a member may, move that the proposal be amended. Any amendment shall be relevant to the proposal on which it is moved.

14.2 The Chairperson must put every opposed proposal to the vote by calling upon the members to indicate by a show of hands unless otherwise prescribed by law, whether they are for such proposal or against it, whereupon he or she must declare the result of such vote.

14.3 If there is an equality of votes in respect of a motion on which voting takes place in accordance with subsection (1) and (2), the Chairperson must exercise his or her casting vote, in addition to his or her deliberative vote, provided that the Chairperson may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution.

14.4 Upon the Chairperson's declaration of the result of a vote, a member may demand that his or her vote should to be recorded against the decision concerned and the Municipal Manager shall ensure that such vote is recorded in the minutes.

14.5 A member may abstain from voting on any matter. Upon indication that a member wishes to abstain from voting, it shall be accordingly entered into the minutes of the meeting.

15. DECISIONS

15.1 All questions before Committees, be it a decision in terms of delegated powers or a recommendation to the Executive Mayor, are decided by a majority of votes cast.

16. PUBLIC ACCESS

16.1 The Chairperson must take reasonable steps to regulate public access to, and public conduct at committee meetings.

17. MATTERS IN-COMMITTEE

17.1 Whenever the Municipal Manager, at his or her discretion, has provisionally placed any matter on a part of the agenda which will not be disclosed to the public before the meeting, the Chairperson, when such matters are to be considered, must –

(a) direct that the members consider whether it would be reasonable for any or all of the items on such part of the agenda to be considered without the presence of the public, with due regard to section 160(7) of the Constitution which requires that the public and media may be excluded from being present at a meeting only when it is reasonable to do so, having regard to the nature of the business being transacted; and

(b) direct that all members of the public leave the venue of the meeting in respect of those items to be dealt with In-Committee.

17.2 The motivation for the exclusion of the public must be fully recorded.

17.3 Any items from which the public will not be excluded shall be considered directly after the procedure as set out in subsection (1).

18. EXCLUSION OF THE PUBLIC AND MEDIA FROM MEETINGS

18.1 The public, including the media, may be excluded from the meeting –

(a) where so directed by the Chairperson; or

(b) where so decided by the Committee.

18.2 If a motion to exclude the public is seconded, it shall be put to the vote forthwith without discussion.

18.3 If, after due consideration by the Committee of the reasons stated, and with due regard to section 160(7) of the Constitution, such motion is carried, the place of meeting shall be cleared of all members of the public, including media.

19. RE-ADMISSION OF PUBLIC AND MEDIA TO MEETINGS

19.1 A member may during the course of the meeting from which the public and the media were excluded, propose "that the meeting again be opened" and state the reasons for such proposal.

19.3 If such proposal is seconded, it shall be put to the vote forthwith without discussion.

20. INVITATION TO NON-MEMBER

20.1 The Chairperson may after consultation with the Municipal Manager, invite a person who is not a member, to address the Committee or to attend a meeting to state his or her views on a matter before the Committee.

21. DEPUTATIONS

21.1 A deputation seeking an interview with a Committee, on any matter before the Committee, must give the Municipal Manager no less than six working days' notice of such request.

21.2 The Chairperson on recommendation of the Municipal Manager may refuse or grant such interview under certain conditions, if any.

21.3 A request by an individual or organisation for an interview for the purpose of offering his or her or their services must first be submitted to the committee.

22. ORDER IN MEETINGS

22.1 If a non-member or member of the public misbehaves, behaves in an unseemly manner or obstructs the business of any meeting, the Chairperson may order that he or she should be removed from the meeting.

23. CONDUCT OF MEMBERS

23.1 If a member –

(a) misbehaves, or

(b) behaves in an unseemly manner, or

(c) obstructs the business of a meeting, or

(d) challenges the ruling of the Chairperson on any point of order or ruling, or

(e) declines to withdraw any expression when required to do so by the chairperson, or

(f) indulges in tedious repetition or unbecoming language, or

(g) commits any breach of these rules, the Chairperson shall direct such member to conduct himself or herself properly and, if speaking, to discontinue his or her speech.

23.3 Any committee member 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.

23.4 A Councillor will be placed in the waiting room in the event of a virtual Council meeting until an item has been discussed in a Council meeting. Thereafter be warned, fined, excused and be removed from the meeting.

24. OFFENCE

24.1 Any non-member or member of the public who –

(a) refuses or fails to comply with a direction of the chairperson given in terms of section 22 and 23; or

(b) returns to the place of meeting prior to the conclusion of the meeting from which he was directed to retire; or

25. LANGUAGE

25.1 A member who speaks at a meeting must address the Chairperson and may do so in English as predominant language.

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25.2 VULGAR LANGUAGE

The use of vulgar language shall not be allowed inside the Council chamber or at a meeting of Council or its committee.

The use of vulgar language shall not be allowed and permitted in Council meetings. The use of vulgar language refers to words or expressions that are

considered offensive, insulting, rude, or indecent. It often includes swear words, curse words, racial remarks or other taboo language as English being the language of Council.

26. RELEVANCE

26.1 A member who speaks must direct his speech strictly to the subject or matter under discussion or to clarity or to a point of order.

26.2 No discussion shall be permitted –

(a) which will anticipate any matter on the agenda;

(b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

27. NOTICES OF MOTIONS AND NOTICES OF QUESTIONS

27.1 Every notice of intention by a member of the committee to introduce a motion to a committee shall be in writing, motivated, signed and dated and delivered to the municipal manager at least ten (10) working days before the date of the meeting on which it is intended to be introduced.

27.2 The Chairperson may not accept any motion unless notice thereof has been given.

28. ABSENCE OF MOVER OR QUESTIONER

28.1 In the event of the mover or questioner not being present in his or her place at the meeting of the committee when called upon by the committee to move a motion or ask a question standing in his or her name on the agenda, such motion or question shall lapse unless the original mover or questioner has notified the Chairperson of a substitute member to move the motion or ask the question.

29. POINTS OF ORDER

29.1 A member may raise a point of order to call attention to a departure from these rules by stating the particular rule such member relies on, whereupon such member shall immediately be heard.

30. POINTS OF CLARITY

30.1 The Chairperson may allow a member to raise a point of clarity ; provided that such clarity shall be confined to some material part of the debate which may have been misunderstood.

31. CHAIRPERSON'S RULING ON POINTS OF ORDER AND CLARITY

31.1 The ruling of the Chairperson on a point of order or an clarity shall be final and not open to discussion. Such ruling shall be entered in the minutes of the meeting.

32. INTERPRETATION OF RULES

32.1 The ruling of the chairperson in the event of a meeting other than a Council Meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding, provided that the chairperson may be required to provide reasons for a ruling.

_____ _____

H BORNMAN **DATE**
EXECUTIVE MAYOR

_____ _____

L MAREE **DATE**
SPEAKER

DRAFT REVIEW OF THE KOUGA LOCAL MUNICIPALITY BY-LAW ON LIQUOR TRADING HOURS

1. **Introduction**

The draft Kouga Local Municipality By-law on Liquor Trading Hours was submitted to the Policy Workshop Committee on the 02 October 2025. The By-laws served at the Municipal By-laws and Policies Committee Meeting held on 09 October 2025.

2. **Background**

The current by-law has been approved by Council in 2013, and since the approval of Council and publication in the Provincial Gazette, No. 3070 of 11 November 2013, the Liquor Act, 10 of 2003: Regulations in terms of the Eastern Cape Liquor Act 10 of 2003 has been promulgated and came into effect.

Section 156 of the Constitution grants the local Municipality with the executive authority in respect of the local government matters listed in Part B of Schedule 5, and which references control of undertakings that sell liquor to the public.

3. **Discussion**

The Council is requested to consider the Draft By-law as reviewed.

Comments received on the Policy Workshop:

- Replacement of by-law title: *Kouga Municipality By-law on the Sale of Liquor and the Regulating of Trading*
- Section 1 – Insertion, deletion and amendments of definitions;
- Section 2 - Application of by-laws the word "these" has been replaced with "this";
- Section 3 - "Ward Consultative Meeting has been replaced with Service by applicant to Ward Committees, governing bodies of educational institutions and places of worship and public consultations regarding an application for registration, transfer, removal and micro-manufacturing. The insertion of the new regulations in respect of section 22(2)(d)(i) of the Liquor Act 10 of 2003;
- Deletion of Director for Administration, Monitoring and Evaluation is replaced by the Office of the Deputy Municipal Manager (as per Council resolution – 24/12 /MM3);
- Section 4 - The change in respect of radius is now 500 meters.
- Insertion of age verification and deletion of the sentence. Inclusion of registered premises must be weapon free. This includes any weapon which may cause harm to patrons.

- Section 9 - Inclusion of penalties as per the regulations in the case of breaching of the by-law;
- Section 12 - Public Health By-Law deleted and replaced with Kouga Municipal Environmental by-law;
- Section 14 - Appeal – Where an applicant/objector feels aggrieved by the decision of the Board can appeal;
- Section 15 – deletion of the word these and replacement of words, and title of by-law.
- The definition of a place of worship has been amended and given clarity as to the relevant authority.

On 09 October 2025 the Municipal By-laws and Policies Committee resolved to recommend that the Kouga Local Municipality By-law on Liquor Trading Hours be referred to the Municipal Council for approval**.**

4. **Financial Implications**

Completed by BTO -	None
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Constitution of the Republic of South Africa 108 of 1996 – Section 155 and 156;
Eastern Cape Liquor Act 10 of 2003;
Local Government: Municipal Systems Act 32 of 2000, as amended;
Eastern Cape Liquor Act, 10 of 2003: Regulations in terms of the Eastern Cape Liquor Act.

6. **Legal Implications**

The Municipality exercises its legislative or executive authority by passing by-laws.

Once the Final Draft By-law is adopted by Council, the same must be submitted for public participation in line with the provisions of Section 12 of the Local Government: Municipal Systems Act No 32 of 2000 as amended (the Act).

Upon closure of the public participation period, the draft by law must be represented to Council, taking into consideration all comments received, for final approval. And once Council has passed the By-law same must be published in the Government Gazette, as per the provisions of section 13 of the Act.

7. **Other Implications**

None.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Director: Panning & 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**

Item noted.

8.7 **Municipal Manager**

Supported

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Kouga Local Municipality draft By-Law on Liquor Trading Hours be approved by the Municipal Council.

10.2 That the approved Kouga Local Municipality By-law on Liquor Trading Hours be published for public inputs as required in terms of the Municipal Systems Act, Act 32 of 2000, as amended.

10.3 That the draft approved by-law be referred back to Council after completion of the public participation process.

Item noted by the: Municipal By-Laws & Policy Chairperson



REVIEWED: 00.00.0000
RECOMMENDED BY MAYCOM: 00.00.0000
APPROVED BY COUNCIL: 12.07.2013
ITEM NO: 13/07/AME1
GAZETTED: 11.11.2013

The Council of the Kouga Municipality has in terms of Section 156(2) of the Constitution read in conjunction with Section 11 of the Local Government: Municipal Systems Act 32 of 2000, approved the following By-Law:

KOUGA LOCAL MUNICIPALITY
BY-LAW ON LIQUOR TRADING HOURS

Document Control

By-Law Title:	Kouga Local Municipality By-Law on the sale of liquor and the regulating of trading hours for licensed undertakings and matters incidental thereto
File plan reference number:	
Previous Council approval date:	12 July 2013
Directorate:	Office of the Deputy Municipal Manager
Section	Office of the Speaker
Responsible Official:	Deputy Municipal Manager
Version:	2
Status of document:	Review
Review date:	29 January 2025
Council approval date:	
Council resolution number:	
Future review date:	
Gazette number:	
Date of gazette:	

Purpose

To provide for the control of undertakings for selling liquor to the public in order to ensure a safe and healthy environment in the Kouga Municipal Area.

To provide for hours of trade in liquor by licensed undertakings that sell liquor to the public; and to provide for matters incidental thereto.

Preamble

WHEREAS a Municipality has competence in terms of Section 156(1) (a) read with Part B of Schedule 5 to the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

WHEREAS a Municipality may, in terms of Section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS it is the intention of the Municipality to only permit the sale of liquor from correctly zoned premises in terms of the applicable zoning schemes of the municipality;

WHEREAS it is the intention of the Municipality to set trading hours for all licensed undertakings situated within the Kouga Municipal area that sell liquor to the public;

AND NOW THEREFORE, BE IT INACTED by the Kouga Local Municipality, as follows:

1. Definitions

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

"**Act**" means the Eastern Cape Liquor Act, 2003 (Act no. 10 of 2003) and includes any regulation or notice made or issued under the Act;

"**Affected person**" means a person whose existing rights will be affected, negatively or positively, by the granting of a liquor license;

"Backpackers lodge" means a building where lodging is provided per bed or room and such lodging may incorporate cooking, dining and communal facilities or communal areas for the use by lodgers, together with such outbuildings which are normally associated therewith, but does not include a hotel, dwelling house, second dwelling house or group house;

"Bed and Breakfast" means a dwelling-house, or a second dwelling house attached to the main dwelling-house, in which the owner supplies lodging and meals for compensation by transient guests who have permanent residence elsewhere, provided that –

a) in the case where the second dwelling house is attached to the main dwellinghouse, the primary use of the main dwelling-house shall remain for the accommodation of a single family;
b) no more than three (3) rooms per land unit may be used for the accommodation of paying guests or lodgers; and

c) the property complies with the applicable zoning scheme for a bed and breakfast establishment;

"**Board**" means a body established in terms of section 4 of the Act;

"**Conducting business"** means the selling of liquor and associated items such as soft drinks, snacks, tobacco products etc from licensed premises;

"Constitution" means the Constitution of the Republic of South Africa 108 of 1996;

"Council" means the Municipal Council of Kouga Municipality;

"Club" includes a sports club, community or service club, or any other amenity or facility that sells liquor to its members or invited guests;

"**Days**" means calendar days and are calculated to exclude the first and to include the last day unless the last day falls on a Sunday or any Public Holiday, in which case the last day will be the first working day thereafter;

"Designated official" means a person who has been appointed by the municipality to implement any specific duty relative to this by-law;

"Educational Institution" means an early childhood development centre, public or private, primary or secondary school and tertiary educational institutions, duly registered in terms of the relevant legislation;

"Governing Body" means a governing body as defined by the relevant legislation in respect of educational institutions;

"Guest house" means a dwelling house or second dwelling consisting of not more than 15 rooms or 30 guests and which –

a) is in an establishment which exceeds the restrictions of a bed and breakfast establishment;

b) is used for the purpose of supplying lodging and meals to transient guest for compensation; and

c) may include facilities for business meetings or training sessions of guests on the property.

"Hotel" means a property used to provide accommodation and meals for transient guests and may include –

a) a restaurant or restaurants which forms part of the hotel;

b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;

c) premises which are licensed to sell liquor for consumption on the property; and

d) a motel.

"Licensed Undertaking" means any licensed premises, business or outlet from which liquor is sold and includes the following:

(a) Guest house that sells liquor to its guests only;
(b) A bed and Breakfast establishment that sells liquor to its guests only; and
(c) A backpacker's lodge that sells liquor to its guests.

"Municipality" means the Municipality of Kouga established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 644 dated 4 September 2000 and includes any political structure, political office bearer, councillor, duly authorized agent or employee acting in connection with this bylaw by virtue of a power vested in the Municipality and delegated or subdelegated to such political structure, political office bearer, councillor, agent or employee;

"**Inspector**" means an inspector appointed and designated in terms of section 46(1) of the Act;

"Manager" means a natural person appointed in terms of section 40 of the Act who holds a valid proof of permanent residency in the Republic of South Africa and is nor disqualified in terms of the Act;

"Municipal approved building plan" means a building plan approved by the relevant municipal authority as compliant with applicable national and municipal by-laws or an endorsement or certification by the municipal authority confirming that the building or building plan is suitable for the intended use of the premises.

"Place of entertainment" mean a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate

outside normal business hours and generate noise from music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, pool or billiard-room or any other similar place.

"Place of Worship" means a building or structure where people gather to perform acts of devotion, worship, religious study, whose premises are registered with or recognised by the relevant authority. Kouga Local Municipality is the relevant authority to register a place of worship for land use and building purposes, as the Municipality oversee local town planning, zoning, consent use applications, and enforce by-laws related to the construction and operation of such facilities. The Municipality has the power to approve or deny the location based on traffic, noise, environmental, and social impacts, ensuring the development aligns with the local strategic plan;

"Premises" means any private or public land adjoining, or in close proximity to, a licensed undertaking;

"Premises population certificate" means a certificate issued by the relevant municipal authority in respect of the registered premises indicating the maximum number of persons permitted to occupy the premises at any given time;

"Proof of right to occupy" means documentary proof indicating that the applicant has the express consent and necessary authority to occupy the property for the purposes of the retail sale of liquor or micro-manufacturing;

"Structures Act" means the Local Government: Municipal Structures Act 117 of 1998, as amended;

"Radius" means the measurement of distance from the nearest boundary of the erf of educational institutions and places of worship to the nearest boundary of the erf of the proposed outlet;

"Reside" means to live, occupy or inhabit a dwelling or premises;

"Residential premises" means an erf that is situated in an area the has been designated for residential purposes in term of the municipality's zoning schemes;

"Tavern" means any premises from which liquor is sold and includes shebeens, pubs and night clubs.

"Transfer of registration" means the application for the transfer of a registration certificate from the current holder of the license to another person;

"Ward" means ward as defined in in section 1 of the Municipal Structures Act 117 of 1998;

"Ward Committee" means a ward committee duly represented by the ward councillor as contemplated in section 73 of the Municipal Structures Act 117 of 1998;

"Zoning scheme" means the zoning schemes applicable to the Kouga Municipality's area of jurisdiction.

2. Application of By-laws

This By-laws apply to all premises on which liquor is sold within the Municipality's area of jurisdiction.

3. Service by applicant to Ward Committees, governing bodies of educational institutions and places of worship and public consultations regarding an application for registration, transfer, removal and micro-manufacturing

(i) An applicant must serve a notice in the prescribed Form 5 of Annexure 2 to the ward committee of the area where the proposed premises are situated and Form 6 to every educational institution and every place of worship within 500 meters from the premises in respect of which the application is made.

(i) Upon receipt of the notice, the ward committee must within 30 (thirty) days of the receipt of the notice convene a physical meeting or a verifiable community consultation process of households and/or businesses which reside or operate within the ward.

(ii) The ward committee members and the applicant cannot be regarded as community members for the purpose of the attendance of the community consultation.

(iii) The applicant, or any other party other than the ward committee, cannot convene a meeting of community members, seek signatures or conduct door-door process to obtain signatures regarding the application process as required in terms of Section22(2)(d)(i) of the Act.

(1) 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.

(2) The ward committee must consult with the community as per sub-regulation (1) above, within 30 days after receipt of Form 5 and thereafter submit a report in the prescribed Form 7 of Annexure 2 to the Board and the relevant Municipal Council regarding the community consultation meeting, which report must detail the following as prescribed:

   (i) Recommendations of the community regarding the application;

   (ii) The attendance register indicating the names, contact details, signatures and residential addresses of the community members who have been consulted alternatively, should any alternative verifiable community consultation be conducted as per sub-regulation (1) above, proof of names, contact details and residential addresses of the community who have been consulted.

   (iii) Confirmation that the report has been submitted to the relevant Municipal Council.

(3) 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 Office of the Deputy Municipal Manager who will be responsible for all administrative procedures to take the application to finality as per delegated authority (Council Resolution: 24/12/MM3).

(5) For the purpose of considering a report as contemplated for in regulation 3 (2) 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. Recommendations by Ward Committee

a) A Ward Committee may not make any recommendations in respect of any application received where the premises for which the application is made is situated within a radius of 500 meters of any school or church.

b) The Ward Committee may request the Municipality to act on any complaints received from the community for any nuisance caused by any liquor undertaking.

5. Rules in relation to selling liquor

a) Age verification - No liquor may be sold to persons under the age of 18.

b) Registered premises must be weapon free – the registered person or manager must take all reasonable steps to ensure that no weapons or sharp objects are permitted inside registered premises where liquor is consumed.

6. Trading hours for consumption of liquor on licensed premises

a) Licensed undertakings may sell liquor for consumption on licensed premises situated within the area of jurisdiction of the Municipality on any day of the week from Monday to Sunday during the hours as set out in Schedule 1.

b) A hotel or licensed guest house may provide a room service 24 hours per day for seven days per week.

7. Trading days and hours for consumption of liquor <u>off</u> licensed premises

a) Undertakings licensed to sell liquor by the Liquor Licensing Authority in terms of section 20 (a) of the Act, may sell liquor for consumption from the licensed premises of such undertakings situated within the area of jurisdiction of the Municipality during the hours as set out in the Schedule 1.

8. Selling of liquor at times other than provided for in this By-law

(a) The Municipality may, on an application, grant written consent to licensed undertaking to sell liquor at hours other than those stipulated in Schedule 1 of this By-law. Such approval must be obtained prior to commencing by any trading within the amended trading hours.

(b) A licensed undertaking who wishes to deviate from the trading hours as provided for in Schedule 1 must apply to the Municipality in writing by completing the application form contained in Schedule 2.

(c) The Municipality may, after consideration of the application, refuse or approve the application and should the application be approved, the Municipality may impose any conditions or restrictions it may deem necessary and record these in section C of the application form contained in Schedule 2.

(d) A trader who has been granted consent in terms of subsection (3), must display, in a conspicuous place on the premises, a copy of the form on which the consent of the Municipality has been recorded.

(e) A trader who contravenes subsection (1) or (4), or who sells liquor in contravention of a condition or restriction imposed in terms of subsection (3), or who displays a forged form, shall be guilty of an offence.

9. Offences and penalties

a) Any applicant, registered person, appointed manager, person associated with a licensed business or any person who purports to hold any rights under the regulations, who contravenes any provision is guilty of an offence and may on conviction be sentenced to a fine or imprisonment or to both such fine and imprisonment.

b) In the event of a person arrested, found guilty and convicted for contravention of section 19 of the Act, the items or articles used in illegal trading in liquor shall be forfeited to the State.

c) Items shall be forfeited to the State, shall include but not limited to, all the liquor together with carry-crates and empty glass bottles, fridges, refrigerators, cupboards or any container used to store liquor, cash registers including all the money therein and any other relevant item found at the premises.

d) The magistrate of the trial court shall issue a disposal order for the South African Police Service to dispose of the liquor and any other items confiscated and forfeited to the State and such order shall specify the manner of such disposal, which may include the resale by auction of any such item(s), the proceeds of which shall accrue to the State.

In the case of a continuing breach of this By-law the Municipality has the right to withdraw its support for the license and request the Liquor Board to terminate the license.

10. Liaison Forum

a) The Municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this By-law.

b) A liaison forum may consist of –

(i) a member of members of an interest group, or an affected person;

(ii) a designated official or officials of the municipality; and

(iii) the Ward Councillor.

c) The municipality may, when considering an application in terms of this By- law, request the input of a liaison forum.

(i) A liaison forum may, on its own initiative, submit any relevant input to the municipality for consideration.

d) Notwithstanding the community participation process as provided for in this section no Liaison forum shall have powers greater than those of a Ward Committee.

11. Noise Pollution

All complaints received relating to noise will be dealt with in terms Chapter 3, clause 3(1)(r) behaviour and conduct of the Prevention of Nuisance and Keeping of Animals By-law.

12. Health Nuisance

All issues relative to the keeping of premises clean and free of bottles, cans, plastic containers etc. will be dealt with in terms of the Kouga Municipality Environmental Health By-law.

13. Residential premises

The Municipality may designate different trading hours and may impose specific conditions on trade for licensed undertakings that are situated in a residential area.

14. Appeal

An applicant or objector who feels aggrieved by a decision of the board must appeal to the Panel of Appeal in the prescribed Form 26 of Annexure 2 against the decision, no later than 30 (thirty) days from the date upon which he/she was advised thereof.

15. Short title and commencement/review or repeal

15.1 This By-law~~s~~ may be cited as Kouga Municipality By-law on the Sale of Liquor and the Regulating of Trading Hours and comes into force upon publication in the Provincial Gazette.

a) This By-law will be reviewed as and when necessary and any amendments made will be effective from the date that it is published in the Provincial Gazette.

b) This By-law will remain in force in its entirety until it is amended, replaced, or repealed.

SCHEDULE 1

TYPES OF REGISTRATION	EXAMPLES OF OUTLETS OR ESTABLISHMENT	APPROVED TRADING HOURS
Registration in terms of S20(a) of the Act for the retail sale of liquor for consumption off the premises where liquor is sold	Retail warehouse, retail liquor or bottle store, shop, off sales etc.	Monday – Saturday 09:00 – 20:00 Sunday 09:00 – 18:00
Registration in terms of S20 (b) of the Act for the retail sale of liquor for consumption on the premises where liquor is sold. **Category 1**	Clubs Nightclub, pool bars, pubs, place of entertainment.	Monday – Thursday 10:00 -24:00 Friday - Saturday 10:00 – 02:00 Sunday 10:00 – 24:00
Registration in terms of S20(b) of the Act for the sale of liquor for consumption on the premises where liquor is sold. **Category 2** Registration in terms of S20(c) of the Act for the retail sale of liquor for consumption on and off the premises where liquor is sold	Hotels and restaurants Taverns	Monday – Friday 09:00 – 24:00 Saturday & Sunday 09:00 – 24:00 **Off consumption** Monday - Saturday 09:00 – 20:00 Sunday 10:00 - 22:00 **On consumption** Monday - Thursday 10:00 - 24:00 Friday – Saturday 10:00 -02:00 Sunday 10:00 – 22:00
Registration in terms of S20 (d) of the Act for the retail sale of liquor for special event.	Concert, Festival, sporting and entertainment events	Trading hours to be determined by the Events Committee per event.
Registration in terms of S20 (e) of the Act for micro manufacturing	Wholesale, warehouse and micro manufacturing	Monday – Friday 09:00 – 18:00 Saturday 09:00 -15:00

SCHEDULE 2: APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS

A. APPLICANT

Name: _____

I.D. Number: _____

Address: _____

_____

Telephone no._____

B. PARTICULARS

Address (street name and number) of the premises on which the liquor will be sold or supplied:

_____

Reason why this application is made:

_____

Anticipated volume of liquor that will be consumed:

_____

Nature of liquor that will be sold or supplied:

_____

Other particulars (as requested by the Municipality):

_____

_____

Signed: _____ **Date:** _____
(Applicant)

C. CONDITIONS OF APPROVAL

Dates and hours on which liquor will be sold or supplied (be specific):

_____

_____

Any other condition(s):

_____

Signed: _____ Date: _____

(Designated official of Municipality – Deputy Municipal Manager as per delegated authority)

CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

1. **Introduction**

The Cell Phone Policy and Cell Phone Allowance Scheme was submitted to the Policy Workshop Committee held on 13 November 2025 and served at the Municipal By-laws and Policies Committee Meeting held on 1 December 2025. The policy together with proposed amendments to Addendum A, specifically on cellphone allowances, is attached as Annexure A.

2. **Background**

The initial policy presented to the Council was approved in December 2020, containing the same cellphone allowances, and was again approved in October 2023 with same cellphone allowances.

Present allowances are inadequate for employees to secure favorable contracts, and several employees have complained over the past year.

3. **Discussions**

The Municipal By-laws and Policies Committee has considered the amendment of Addendum A and approved the referral of the Cell Phone Policy and Cell Phone Allowance Scheme to the Municipal Council.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	Municipal running cost
Ukey no.	Various per Department/Section
Budgeted Amount	3,600,000.00
Amount spent and committed to date	813,538.64
Amount Available	2,786,461.36
Comment	GR David (Acting Manager Expenditure) - Currently only 13 employees opt for cellular phone allowance.
BTO Signature	KOUGA MUNICIPALITY 2025-11-18 BUDGET & TREASURY

5. **Applicable Legislation**

- Local Government: Municipal System Act (No. 32 of 2000), as Amended.
- Local Government: Municipal Structures Act (No. 117 of 1998), as amended.
- Municipal Finance Management Act, (No. 56 of 2003)
- Remuneration of Public Office Bearers Act (No. 20 of 1998)

6. **Legal Implications**

Should the Committee approve the recommendations below, the Policy must submit the Policy to Council for consideration and approval.

7. **Other Implications**

Should the Policy not be approved, employees will not be able to secure favorable contracts with current cellphone allowance available.

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 and supported.

8.4 **Director: Electro-Mechanical Services**

Item supported

8.5 **Director: Community Services**

Supported

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Cell Phone Policy and Cell Phone Allowance Scheme be submitted to Council for approval.

10.2 That the proposed cell phone allowance be made effective from 1 July 2025, to allow employees to secure favorable contracts.

Item noted by the: Municipal By-Laws & Policy Chairperson 

REVIEWED: 26.09.2023
RECOMMENDED BY MAYCOM: 00.00.0000
APPROVED BY COUNCIL: 27.10.23
ITEM NO: 23/10/DMM1

CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

Policy Title:	Cell Phone Policy and Cell Phone Allowance Scheme
File plan reference number:	2/P
Previous Council approval date	27 October 2023
Directorate:	Office of the Deputy Municipal Manager
Section:	Administration & Auxiliary Services
Responsible Official:	Maalia Rossouw
Version:	3
Status of the document:	Reviewed
Review date:	13 November 2025
Council approval date	
Council resolution number	
Future review date:	

REVIEWED: 26.09.2023
RECOMMENDED BY MAYCOM: 00.00.0000
APPROVED BY COUNCIL: 27.10.23
ITEM NO: 23/10/DMM1

CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

1. INTRODUCTION

In terms of the Constitution of the Republic of South Africa (RSA), Act number 108 of 1996 section 195 (b) stipulates that "*Public Administration must be governed by the democratic values and principles enshrined in the Constitution including the following; to promote the efficient and effective use of resources*"

The local government Municipal Systems Act (No. 32 of 2000), section 51 (j) states that a municipality within its administrative and financial capacity establish and organize its administration in a manner that would enable the municipality to maximize the efficiency of communication and decision – making within the administration.

Municipal Finance Management Act (MFMA) section 62 subsection 1 (a) mentioned that the Accounting Officer of a municipality is responsible for managing the financial administration of municipality and must for this purpose take all reasonable steps to ensure that resources of the municipality are used effectively, efficiently and economically.

Section 63 subsection 1(a) indicates that the Accounting Officer of the municipality is responsible for the managing of the assets of the municipality including the safeguarding and the maintenance of those assets.

The abovementioned statements indicate clearly that the Municipal Manager needs to ensure that the employees within Kouga Local Municipality have all the necessary resources to enable them to perform the expected duties.

It is important to note that the cell phone provided to employees is a tool for communication for work-related matters and therefore the employer reserves the right to decide who qualifies for a cell phone.

2. PURPOSE OF THE POLICY

2.1. The purpose of this policy is to make employees aware of the rules regarding the use and care of Municipal Council resources and to ensure that there is a clear understanding of what is expected of employees and what role would be played by employees who receive cell phones.

2.2 To guide the Municipality in ensuring that cell phones are issued to employees without favor or prejudice but by looking at the functions that the employee performs and the inherent requirements of the job.

3. OBJECTIVE OF THE POLICY

The objectives of the policy are as follows:

3.1 To promote a culture of accountability for Municipal assets.

3.2. To safeguard the assets of the municipality from mismanagement and maladministration and to ensure effective utilization of these resources.

3.3. To ensure that effective control is communicated to management and staff through a clear and comprehensive written document.

3.4. To provide a formal set of financial procedures that can be implemented in compliance with the MFMA.

3.5 To ensure continuous communication for employees whose work requires regular contact while outside their permanent working premises or after hours

4. APPLICATION

4.1. This policy will apply to all users of municipal cell phones regardless of designation or position. Users are expected to comply with the rules laid down in this policy.

4.2. The office of the Deputy Municipal Manager (Administration & Auxiliary Section) will administer the issuing and application of cell phone devices.

5. DEFINITIONS

"Code of Conduct" means the code of conduct for municipal employees as contained in Schedule 2 of the Municipal Systems Act;

"*Council"* means the Kouga Municipal Council;

"Employee" means a contractual and permanent employee of the Municipality. It also includes the Municipal Manager, Directors and Manager for the purpose of this policy

"Emergency Services" means crucial services that are required to prevent communities from harm or rescue services that are provided for public safety;

"Executive authority" means the Mayoral Executive Committee of the Council;

"Fair market value "means the value placed on a cellphone device by taking into account the original cost and depreciation calculated at 25% per annum;

"Head of department" means a person employed at that level which reports directly to the Municipal Manager;

"Gifts" means any object or item given by a service provider as an accompaniment to a cell phone contract, (which usually forms part of the contract), with no cost attached thereto;

"Municipality" means the Kouga Local Municipality;

"*Official"* means an employee of the Municipality;

"*Ownership"* means a legal right to possess anything that has been bought and paid for as well as something that has been legally given as a gift, bequest etc.

"*Payment"* means the monetary compensation or monetary benefit or gift with a monetary value due to an employee or received by an employee in respect of services rendered by the employee to a person or body other than the Council;

"*Permanent employee"* means an employee appointed to a permanent position on the staff structure of the municipality, but excludes a contractual employee, a casual employee, and a temporary employee;

"*SALGA"* means the South African Local Government Association;

"*SALGBC"* means the South African Local Government Bargaining Council and includes Divisions thereof;

"Stand - by employees" – means employees who are required to be available at any time after hours, to perform certain duties within their work competence, as and when required and for which they receive an allowance.

"Service Delivery" – means a critical service by employees in the attendance of urgent and emergency service delivery matters that have a direct impact on the safety and wellbeing of residents

"Cell Phone Allowance" means an additional taxable monthly allowance paid to employees as may be applicable in terms of their respective positions or conditions of work, as part of their salary.

6. LEGISLATION

6.1. The legislation that guides the implementation of the cell phones is as follows:

- The Constitution of the Republic of South Africa, (Act 108 of 1996)
- Local Government: Municipal System Act (No. 32 of 2000)
- Local Government: Municipal Structures Act (No. 117 of 1998)
- Local Government: Municipal Performance Regulation, 2006 Section 10
- Municipal Finance Management Act, (No. 56 of 2003)
- Remuneration of Public Office Bearers Act (No. 20 of 1998)

7. APPROVAL OF PARTICIPATION

7.1. Each Director must make a recommendation to the Deputy Municipal Manager as the Municipal Manager's designated representative, for the approval of employee cell phones and ensure that recommendations are only for employees whose inherent job requires him/her to contact employees under his/her authority or employees who need to be contactable at all times.

7.2. The Deputy Municipal Manager as the Municipal Managers representative, has the right to approve or reject the motivation from a Director based on whether the motivation carries sufficient merit to justify the allocation of a cell phone. If the said motivation is rejected, the Deputy Municipal Manager must respond in writing as to the reasons for the rejection.

7.3. If any Director becomes aware, after approval, that there was no real need for the employee to receive a cell phone, the Director has the right to motivate

and recommend the reallocation of the said cell phone to where it can be utilized more productively. Such motivation and recommendation must be submitted to the Deputy Municipal Manager, in writing.

8. QUALIFYING CRITERIA FOR ALLOCATION OF CELL PHONES

8.1 A cell phone shall be necessary for the execution of official duties, with due regard the nature of the post the employee occupies. Cell phones are allocated to assist employees in the execution of their official municipal duties. It must be clearly understood that this is a working tool and not a ***fringe benefit.***

8.2 All officials who have been allocated a cell phone are ***expected to be available at all times*** (*excluding when an employee is not on duty, i.e. annual leave or sick leave),* therefore it is a condition that cell phones must be kept switched on and answered at all times, or that the official will return a call as soon as possible if he/she was engaged in a meeting at the time of receiving a call.

8.3 If it becomes evident that cell phones are switched off, particularly after hours, or are not being promptly answered, thus making it difficult to reach an official within a ***reasonable time*** (within 24 hours*),* the Director has the right to withdraw the cell phone.

8.4 The following category of employees will be eligible for cell phones:

- Municipal Manager
- Directors
- Managers
- Supervisors
- Employees who are engaged in service delivery

By service delivery in the context of this policy, relates to employees who are critical in the attendance of urgent and emergency service delivery matters that have a direct impact on the safety and wellbeing of residents

- Call Centre employees
- Personal Assistants
- Standby employees
- Emergency Service employees, and
- an employee who is the Secretary General of the Union

8.5 Motivations for allocation of cell phones to employees that fall outside the categories as stated in 8.4 must be submitted by the relevant Director to the Deputy Municipal Manager for approval.

8.6 The package and handset allocated to an employee will be determined by business requirements and is a management prerogative.

9. MANAGEMENT OF CELLULAR PHONES

9.1. The office of the Deputy Municipal Manager (Administration & Auxiliary Section) will be responsible for the implementation and management of this policy and shall maintain all records of approval granted in terms hereof.

9.1.1 The Administration & Auxiliary Section, will near the end of the contract with the current Service Provider re-assesses the cell phone needs of the different Directorates.

9.1.2 Cell phones required by employees that fall outside of the initial 24-month contract period, will receive a cell phone allowance to the value of the cost of the airtime and data needed by the employee, until the Municipality enters into a new/subsequent contract. It must however be noted that an employee cannot receive both an allowance and be on the cell phone scheme.

9.2. The office of the Deputy Municipal Manager (Administration & Auxiliary Section) will facilitate and administer contracts with service providers for the supply of cell phone devices and voice and data packages in respect of the Municipal Manager and other employees, in terms with the Supply Chain Management Policy.

10. CELL PHONE ALLOWANCE

10.1 *Cell Phone Allowance For New Qualifying Employees*

10.1.1 Requests for cell phone allowances for new employees must be submitted by the relevant Director to the Deputy Municipal Manager, in writing for approval.

10.2 *Cell Phone And Package Specification*

10.2.1 Employees qualifying for a cell phone allowance, must contract with a service provider for a cell phone voice and data contract.

10.2.1 Employees must source a cell phone device and package which is equivalent to that of the current cell phone device and package specifications of the municipality. Such specification will be provided to the employee by the Administration & Auxiliary section.

10.3 *Use And Care Of Cell P*hone

10.3.1 Employees qualifying for a cell phone allowance must register their cell phone numbers at the Administration & Auxiliary Section.

10.3.2 Employees are expected to insure such cell phones and in the event of loss or damage of the cell phone, the provisions of the insurance cover must take affect

10.3.3 Under no circumstances will a municipal cell phone be issued as a replacement phone should the employee lose or damage his cell phone device

10.3.4 The employee is expected to use and care for the cell phone with caution and take all reasonable steps to prevent loss and/or damage

10.4 *Availability*

10.4.1 Employees qualifying and receiving a cell phone allowance shall at all times, within the scope of their work, be available to attend to work related calls during and after hours.

10.5 Monthly *Allowance Amount*

10.5.1 The monthly allowance amount is determined by Task Grade, as per attached Addendum A (The attached Addendum is subject to review from time to time)

11. CHOICE OF CELLPHONE DEVICE AND PACKAGE

11.1. The choice of Cell phone devices and packages is determined by Task Grade (as per below):

- Task Level 1-3
- Task Level 4 - 8
- Task Level 9 – 13
- Task Level 14 – 18
- Executive Management, or
- In terms of the employee's operational needs and inherent job requirements

11.2 The package associated with the employee is specific to the work needs and must remain cost-effective.

11.3 The Director of each department will recommend and motivate the airtime and data needs of each eligible employee in his/her department, which will be approved by the Deputy Municipal Manager.

11.4 The parameters of employees eligible for cell phones as outlined in 8.4 above, will be adhered to. Any exceptions to such parameters must be motivated by Directors for approval by the Deputy Municipal Manager.

11.5. All "gifts" or "Promotional Items" that are given by a service provider as a result of the municipality purchasing cell phones, will become the property of the Municipality and must be registered in the asset register. Officials who use such "gifts" during their tenure with the Municipality must return them to the Municipality should they leave the Municipality's service

12. CONTRACTS

12.1. The acquisition of cell phones will be undertaken in line with Supply Chain Management processes.

12.2. The service provider to whom the contract is awarded will be required to enter into a formal contract with the Municipality based on the tender.

12.3. The Municipality will be responsible for the payment of the monthly costs.

12.4. Employees receiving cell phone devices will be required to sign an agreement with the municipality in which they will take full responsibility for the device/s allocated to them.

13. INSURANCE AND TRANSFER OF CELL PHONE DEVICE

13.1 The employee will be responsible for the Insurance of cell phones during the cell phone contract term.

13.2 When a cell phone that has been issued to an employee is damaged or lost, the employee will be liable to contact the Assets Section to his/her claim.

13.3 The employee will be responsible for the excess fee due of the insurance claim as prescribed by the Assets Section.

13.4 In the event of a cell phone device being processed for insurance claim, the sim card that was in the municipal device may be inserted into a personal cell phone device , during the period that the claim is being processed

13.5 Employees who receive pre-used/secondhand devices (if available), in the event of a cell phone device being processed for insurance claim, will be responsible for that cell phone device and in the event of the device being lost, stolen or damaged, the employee will be liable for 50% of the value of

such device in the first 12 months, 25% of the value in the 2nd 12 months and 15% of value in 3rd 12 months

13.6 In the case of attrition of employees, the cellphone will be ceded to a new employee who replaces the previous employee or will be allocated to the pool of cellphones administered by the Administration & Auxiliary Section

13.10 Transfer of Ownership

13.10.1 In the event of the employee still being in the service of the municipality during the cell phone contract term, full ownership of the cell phone device will be transferred to employee **at the end** of the cell phone contract term. Cell phones will remain the property of the municipality for the duration of the agreement/contract with the service provider.

13.11 When an employee leaves the service of the municipality, the cell phone (including accessories such charger, earphones, etc.) must be returned to the Administration & Auxiliary section before any financial benefits or salary owed, will be paid to the employee by the Municipality.

13.12 An employee may not give his/her cell phone to any family member, friend or any other person to use. If the employee does not use his/her cell phone, he/she must inform the Director of his/her department and the cell phone must be returned to Administration & Auxiliary Section for re-allocation.

13.13 Employees must take all reasonable measures to ensure that the cell phone devices are not unnecessarily exposed to any risk that could render the cell phone devices useless. (lost, damaged, stolen etc.)

14. SIM CARD/S

14.1 The sim card/s will remain the property of the Municipality except where the employee arranges with the Municipality to make the sim-card/s prepaid. This could be for example in the case of retirement.

14.2 The Sim card issued for a specific cell phone device may only be used with and for that device and may not be taken out of the device and used on another device. In the case of the cell phone being damaged or lost, the employee will need to submit a formal memorandum to the Manager Administration and Auxiliary Services, requesting authorization to remove the sim card and to use in a different device.

15. E-MAILS AND CELLPHONE NUMBERS

15.1 Every employee who participates in the cell phone scheme and who received a cell phone allowance, as provided for in this policy, shall be obliged to allow their cell phone number and e-mail address to be made public. These must

also be supplied to Administration for publication in the internal telephone lists and external platforms.

16. CONTROL OF CELLPHONES

16.1 The office of the Deputy Municipal Manager (Administration & Auxiliary Section) must maintain an asset register that will record all relevant information relating to the allocation of all cell phone devices issued to officials. Such register shall capture details such as a description of the cell phone device issued, the serial number of the cell phone device, the name of the employee to whom it was issued, the staff number of the employee, ID number, dates on which the devices were issued/replaced/returned, and all other relevant details.

16.2 Whenever a cell phone device is issued to an official, an agreement will be entered into between the employee and the Municipality which will set out the terms of use and the responsibility attached to the use thereof.

17. CELL PHONE APPLICATIONS/SOFTWARE

17.1 The Municipality may require specific applications to be installed on a smartphone and may require the compulsory usage of these applications by the employee. These applications may not be uninstalled by the employee without the written consent of Administration.

17.2 By receiving and using a municipal cell phone device the employee consents to the tracking of the device via software as well as the monitoring of calls made and received or any other activities on the device.

18. TRANSFER OF CELL PHONE

18.1 No user department may transfer any cell phone device from one employee to another employee.

18.2 If a user department realizes that an employee does not need a specific cell phone device, the Director of the department must inform the Manager Administration and Auxiliary Service in writing that the cell phone device must be transferred to another employee and the reason for the transfer.

18.3 The holder of the cell phone device must hand in the device at the Administration & Auxiliary Section where his/her signed the agreement with the Municipality. Such agreement will thereafter be cancelled.

18.4 The newly allocated employee must collect the device from the Administration & Auxiliary Section and sign an agreement with the Municipality.

18.5 The same procedure must be followed when an employee who has a municipal electronic cell phone device retire or leaves the employment of the Municipality (in this case such employee forfeits the transfer of ownership).

19. WHATSAPP COMMUNICATION GROUP

19.1 The municipality's Communications Section has created an official Internal WhatsApp Communications Group for the purpose of disseminating official internal communication. The group is administered by the Communications Officer and it is not a chat group.

19.2 It is compulsory for all employees who receive municipal cell phones and/or cell phone allowances, to be part of the official WhatsApp Communication group. This includes Managers, Directors and the Municipal Manager

19.3 Once included as a participant to this group by the Communications Section, an employee may not leave the group.

19.4 Employees who do not receive a municipal cell phone and/or cell phone allowance, may also join the group. Such employee should contact the Communications Officer to be included in the group

20. CONTRAVENTION

20.1 Any contravention of the policy may lead to disciplinary action.

_____ _____

C DU PLESSIS **DATE**
MUNICIPAL MANAGER

REVIEWED: 26.09.2023
RECOMMENDED BY MAYCOM: 00.00.0000
APPROVED BY COUNCIL: 27.10.23
ITEM NO: 23/10/DMM1

Addendum A

Task Level	ALLOWANCE AMOUNT	PROPOSED ALLOWANCE AMOUNT
1-3	**R450**	**R540**
4-8	**R500**	**R600**
9-13	**R650**	**R780**
14-18	**R750**	**R1,200**
Snr Managers	**R1,000.00**	**R4,000**

APPROVAL OF THE REVIEWED POLICY ON THE STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST KOUGA MUNICIPAL COUNCILLORS

1. **Introduction**

The draft review of the Policy on the Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors was submitted to the Policy Workshop on 13 November 2025 and at the Municipal By-laws and Policy Committee meeting held on 01 December 2025.

2. **Background**

The current policy has been approved by Council in 2020, and since the approval of Council it came into effect. Schedule 1 (Code of Conduct) was previously contained in the Local Government: Municipal Systems Act 32 of 2000 which has been repealed. The previous Schedule has been amended as Schedule 7 (Breach of Code Conduct) which is now contained in the Local Government: Municipal Structures Amendment Act No. 3 of 2021.

3. **Discussion**

The Committee is requested to consider the intended review of the Policy and to approve the referral of the said Policy to a Policy Workshop, affording the Councillors to engage on the proposed amendments of the Policy. The following sections of the policy was reviewed:

- The document control has been amended to reflect the status of the Policy;
- The amendment of Schedule 1 to Schedule 7 under the heading purpose;
- The word Councillor has been capatilsed;
- The insertion of the word deputy to the word Municipal Manager;
- Deletion of the word investigator;
- The inclusion of the Office of the Speaker under the heading of Initiator;
- The removal of two (2) days to be replace with five (5) days for the request for an Interpreter;
- The deletion of clause 14(3) to be replaced with clause 16(4);
- The suggestion to replace the timeframe of two (2) months to three (3) months based on internal processes;
- The deletion of clause 14(2) to be replaced with clause 16(4);
- The amended of Special in respect of Council Meetings;
- The proposal that the amount in respect of a fine by the Speaker to be increased to R1000.00;
- Removal of 30 days in clause 3(c);
- Amendment to the heading of clause 8.

Resolved to recommend (13 November 2025)

- That the period of a request for an interpreter be changed to five (5) workdays.

- That the request for an interpreter be made available in the three official languages (English, Afrikaans and isiXhosa) prevalent in the Kouga Municipal area.

The draft review Policy was subsequently submitted to the Special By-law and Policy Committee meeting held 1 December 2025, where the Committee proposed the following further amendments:

- That clause 4(d) (v) be amended to 'that the request for an interpreter be made available in the official languages prevalent in the Kouga Municipal area.
- That all references to the Deputy Municipal Manager be replaced with the Municipal Manager.

Resolved to recommend (1 December 2025)

1. That the Policy, subject to the proposed amendments, be referred to Council for approval.

4. **Financial Implications**

Not applicable.

5. **Applicable Legislation**

Local Government: Municipal Structures Act 3 of 2021.

6. **Legal Implications**

None.

7. **Other Implications**

None.

8. **Comments by Directorates:**

Not required

8.1 **Deputy Municipal Manager**

Item noted.

8.2 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Policy on the Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors be approved by the Municipal Council.

Item noted by the: Municipal By-Laws & Policy 
Chairperson

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POLICY ON THE STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST KOUGA MUNICIPAL COUNCILLORS

Document Control

Policy Title:	POLICY ON THE STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST KOUGA MUNICIPALITY COUNCILLORS
File plan reference number:	
Previous Council approval date	28 February 2020
Council Resolution Number	20/02/MM7
Directorate	Office of the Deputy Municipal Manager
Section	Office of the Speaker
Version	1
Status of document	Under review
Review date	13 November 2025
Council Approval date	
Council Resolution Number	
Future review date	

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1. PURPOSE

The purpose of this policy is to establish uniform rules and procedures for investigations and actions in terms of the Standing Rules and Order for the meetings of Council and its Committees By-Law, as approved by Council (hereinafter referred to as the By-Law) and the Code of Conduct for Councillors, as contained in Schedule 7 of the Local Government: Municipal Structures Act of 117 of 1998, (hereafter referred to as the Code), both as amended or replaced from time to time.

2. COMPLAINT/SUSPICION

(a) The Speaker must, as soon as possible, after a complaint has been submitted to her/him or when she/he suspects that a Councillor has prima facie committed a breach of the By-Law or Code, investigate the complaint or suspicion or institute an investigation into the matter.

(b) When the Speaker decides to institute an investigation, she/he may request the Deputy Municipal Manager to appoint a person or institution to conduct the investigation (hereinafter referred to as the Investigator) or may elect to investigate the matter him-/herself.

3. INVESTIGATION

(a) The Speaker must give the Councillor written notice of the complaint and
request that her/his comments may be submitted to the Speaker, whichever may be applicable, within 7 calendar days after the date of the notice or such longer period as may be approved by the Speaker.

(b) If the Speaker, after receipt of the comment from the Councillor changes her/his opinion and finds that there are no grounds to continue with a disciplinary hearing, the matter is regarded as finalised.

(c) If the Councillor elects not to comment, or after receipt of the comments of the Councillor, the Speaker is of the opinion that there are indeed grounds to continue with a disciplinary hearing, she/he must refer the matter to the Rules and Ethics Committee (hereinafter referred to as the Committee) as soon as possible, and inform the Municipal Manager.

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4. THE INITIATOR

(a) The Municipal Manager must appoint the Initiator as soon as possible, but in any case, within 30 calendar days after receipt of the decision of the Speaker, in terms of paragraph 3.3 above. The Initiator may be the same person as the investigator appointed in terms of paragraph 2 above.

(b) After the appointment of the Initiator, the Chairperson of the Committee and the Office of the Speaker must determine the date of the hearing as soon as possible in consultation with the Initiator.

(c) After the date of the hearing has been determined, the Initiator must compile a charge sheet regarding the alleged contravention which must as soon as possible be served on the Councillor.

(d) In addition to the charge, the charge sheet must contain the following information: -

the time, date and place where the hearing will be held;

i. the addresses and e-mail detail to which correspondence may be sent;
ii. the right of the Councillor to be represented at own cost and to present evidence her-/himself or through witnesses;
iii. the fact that the hearing will take place in her/his absence if the Councillor is absent without an acceptable reason;
iv. the fact that the Councillor will be entitled to an interpreter if it is requested five (5) working days before the hearing; and
v. That the request for an interpreter be made available in the three official languages (English, Afrikaans and isiXhosa) prevalent in the Kouga Municipal area.
vi. the right of appeal in terms of clause 16(4) of the Code if the Councillor is found guilty and against the sanction imposed by the Council.

(e) The hearing may not take place before expiry of 14 calendar days since the charge sheet was served on the Councillor unless the Councillor is represented, and it was agreed with the representative of the Councillor.

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5. DISCIPLINARY COMMITTEE

The Committee must continue with the hearing as soon as reasonably possible but no later than three (3) months from date of the appointment of an Initiator as referred to in clause 4 above.

The hearing shall commence within a reasonable time from date of service of the Notice of the hearing, but not earlier than 7 (seven) days and not later than 14 (fourteen) days from date of service of such notice.

6. HEARING

(a) The hearing must start on the date, time and place as stated in the Notice of the hearing.

(b) The hearing will be closed to the public.

(c) The Municipal Manager must ensure that: - the place where the hearing is to take place is suitable for the purpose;

i. interpretation services are available if required;

ii. sufficient security measures are in place; and

iii. the necessary administrative support is available, including a sound recorder and operator thereof.

(d) The Committee determines its own procedure subject to compliance with the rules of natural justice.

7. CO-OPTING/APPOINTMENT

(a) The Committee may request the Municipal Manager to appoint a person to advise the Committee on legal and other matters regarding the hearing. If the Committee wants to co-opt the person, it has to have been approved by Council.

8. ROLE OF THE CHAIRPERSON OF THE RULES & ETHICS COMMITTEE

(a) The Chairperson has the following competencies, powers and functions:

(i) to consider and decide on any requests for postponement before the start of the hearing;
(ii) explain the procedure that will be followed at the start of the hearing; and

(iii) to decide on any procedural matter during the hearing, which decision will be final unless it is set aside by a competent court.

9. THE PLEA

(a) If the Councillor pleads guilty, the Committee may, after hearing the parties on this aspect, decide whether or not to accept the plea and whether or not further evidence is required.
(b) If the Councillor pleads not guilty, the presentation of evidence must be proceeded with.
(c) If the Councillor refuses to plead or is absent, a plea of not guilty will be noted.

10. BURDEN OF PROOF

(a) The Initiator bears the burden of proof of the charges on a balance of probabilities, unless facts are agreed between the parties.

11. FINDING

(a) After the evidence is heard, the Committee consider whether the Councillor is guilty or not guilty of the charge/s against her/him.

(b) If the Councillor concerned is found not guilty, the Committee must submit a report to this effect to the Council at its first possible meeting.

(c) If the Councillor concerned is found guilty: -

i. the Committee will, if needed, hear evidence and/or arguments by both parties on an appropriate sanction; and

ii. the Committee determines an appropriate sanction for recommendation to Council, taking into account clause16(4) of the Code and/or fines which have been determined by Council in terms of clause 4 of the Code.

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12. RECOMMENDATION TO COUNCIL

(a) The finding of the Committee and the recommendation on a sanction must be submitted to the Council at its first possible meeting.

(b) The Council decides on the sanction after consideration of the recommendation of the Committee.

(c) If the sanction amounts to the Councillor being suspended or removed from office, the approval of the Provincial Minister responsible for Local Government must be obtained.

(d) If the sanction amounts to a fine, either in terms of section 16(4) of the Code, Section 4 of the Code or in terms of the By-Law, then the Committee shall consider the sanction as follows:

Occurrence of offence:	Fine to the maximum of:
1st offence	10% of monthly salary
2nd offence	15% of monthly salary
3rd offence	20% of monthly salary
4th offence	50% of monthly salary
5th offence and beyond	100% of monthly salary

(e) The Committee can, in its discretion, recommend to Council that the maximum fine be imposed, taking into consideration the seriousness or severity of the offence and or transgression.

13. FINES BY SPEAKER IN COUNCIL MEETINGS

(a) The Speaker may fine any Councillor in attendance at an Ordinary Council or Special Council meeting, who, in his/her discretion, is found to be in breach of the Standing Rules and Orders for the meetings of Council and all its Committees.

(b) A fine issued by the Speaker in terms of this clause 13, shall be subject to a maximum fine of R1000(one thousand rand).

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14. SPEAKER

(a) If the Speaker is implicated and/or cannot act, these rules should be interpreted as if every reference herein to the Speaker refers to the Mayor.

15. SHORT TITLE AND COMMENCEMENT

This Policy is called the Policy of Standing Rules and Procedures with regard to Disciplinary Matters against Kouga Municipal Councillors and takes effect on the date of approval hereof.

16. POLICY REVIEW

The Policy must be reviewed every five (5) years, at least one year after the inception of a new political term or sooner if amended legislation requires a review of the Policy

_____ _____

C DU PLESSIS **DATE OF SIGNATURE**

MUNICIPAL MANAGER

REPORT BACK: MUNIMEC

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KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/M-MEC1**

REPORT: PROVINCIAL POLITICAL MUNIMEC FORUM

1. **Introduction**

The purpose of this item is to provide a report on the Provincial Political MuniMec held from 11–12 November 2025 in East London.

2. **Background**

The Provincial Political MuniMEC Forum serves as a strategic platform for addressing service delivery challenges facing the local state and other spheres of government, particularly in the implementation of infrastructure projects across the Eastern Cape Province. The Forum is committed to pursuing a common agenda that promotes integrated, aligned, and effective service delivery, in line with the mandate of the Intergovernmental Relations Framework Act No. 13 of 2005.

3. **Discussion**

The Provincial Political MuniMEC Forum convened over two days, beginning on 11 November 2025. The agenda covered a range of critical reports and matters, including an update on the Medium-Term Development Plan (MTDP).

Of particular significance was an insightful presentation by the Deputy Minister of COGTA, Dr Masemona, which included an update on the Review of the White Paper on Local Government.

- Refer to Annexure A – Attendance Register
- Refer to Annexure B – Presentation: Key Updates on the Local Government Sphere

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**

Intergovernmental Relations Framework Act No.13 0f 2005.

6. **Legal Implications**

None.

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 is noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

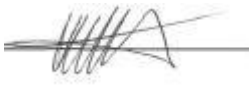
9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council note the report on the Provincial Political MuniMec held from 11–12 November 2025.

Item prepared by the: Manager Special Programmes Unit 

Item approved by the: Deputy Municipal Manager 

Item endorsed by the Municipal Manager: 

Item noted by Executive Mayor: 

Annexure A

Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

IGR & DISTRICT COORDINATION CHIEF DIRECTORATE
Tyamzashe Building | Civic Square | Bhisho | 5605
P/Bag X0035 | Civic Square | Bhisho | 5605
Tel: +27 (0)40 940 7763

ATTENDANCE REGISTER: PROVINCIAL POLITICAL MUNIMEC FORUM

DATE : 11 - 12 NOVEMBER 2025
TIME : 08H00 - 16H30
VENUE : ALEX COUNTRY CLUB- EAST LONDON

INITIAL & SURNAME	ORGANISATION	DESIGNATION	SEX			DISABILITY		CONTACT DETAILS	SIGNATURE DAY 1	SIGNATUR DAY 2
			M	F	OTHER	YES	NO			
H. BORNMAN	KOUGA	EXECUTIVE MAYOR	X				X	Tel: Cell: 0718859888 Email: pamayor@kouga.gov.za		
MD NINI	BCLM	MUNICIPAL MANAGER	✓				X	Tel: 0 Cell: 0795104230 Email: mmanager@bcmm.gov.za		
MS VUSO	KOUKAMMA LM	MAYOR	✓					Tel: Cell: 0721308894 Email: samvuso@gmail.com		
VUKILI	ANDM	MAYOR	X				X	Tel : Cell: 0781513974 Email:		

Annexure B:

cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

KEY UPDATES ON THE LOCAL GOVERNMENT SPHERE

PROVINCIAL POLITICAL MUNIMEC FORUM

Date: 11-12 November 2025
Venue: Alex Golf Country Club; 68 Clovelly road; Sunnyridge; East London | EC

Dr Namane Dickson Masemola | Deputy Minister of Cooperative Governance

PRESENTATION OUTLINE

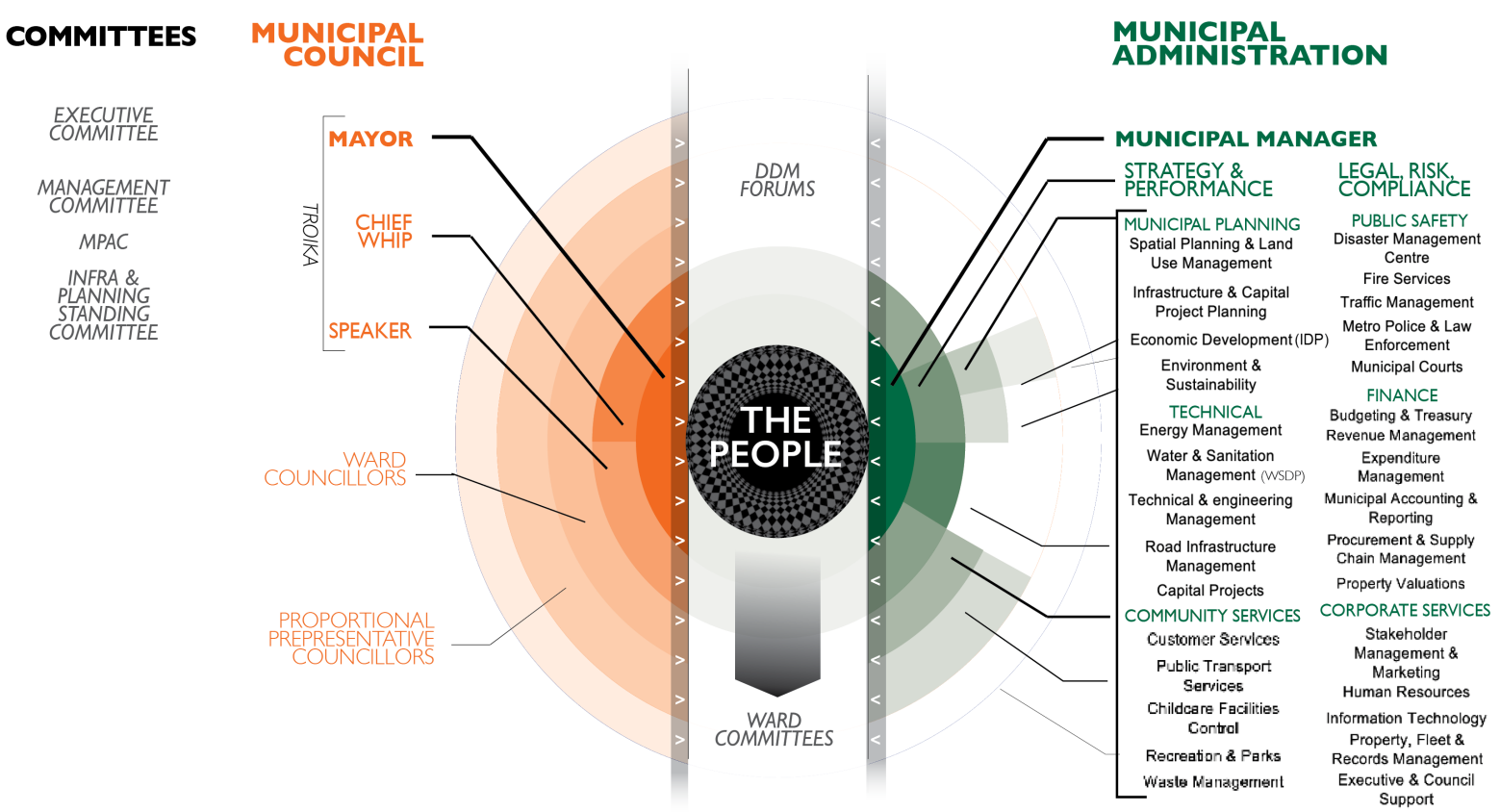
- **Purpose**
- **Chapter 1:** Legislative Developments and Oversight
  - Coalitions Bill
  - General Laws Amendment Bill
  - Intergovernmental Monitoring, Support and Interventions Bill
  - Amendments to IGRFA
- **Chapter 2**: DDM Institutionalization
- **Chapter 3:** Councilor Welfare
- **Chapter 4**: IMC - MPTAS
- **Chapter 5:** Calling and setting the date for the 2026/27 LGE
- **Chapter 6**: Review of the White Paper on Local Government
- **Chapter 7:** Reflections on the LG Indaba – Emerging issues & Resolutions
- **A call to Action**
- **Recommendations**

PURPOSE OF THE PRESENTATION

- To provide members of the Provincial Political Forum with (i) an overview of key **legislative, institutional**, and **policy developments** in local government, including progress on key Bills, (ii) **the institutionalisation of the DDM**, and (iii) the review of the **White Paper on Local Government**.
- The presentation also reflects on outcomes of the Local Government Indaba and outlines the way forward.

RUNNING AN IDEAL MUNICIPALITY MEANS

Anchors: Constitution | SDG | NDP | IUDF | DDM



The ultimate test of achieving an ideal municipality is when citizens attest that they:

1. Have a decent living environment and human settlements that are resilient and can withstand disasters and calamities with minimal damage and loss of lives.
2. Enjoy safety for themselves, particularly women and children.
3. Can easily access education, health, and recreation facilities.
4. Have access to clean water, dignified sanitation, quality transport, consistent energy and electricity, and road networks as well as Information, Communications and Technology (ICT) services.
5. Are part of the fourth industrial revolution (4IR) and have access to digitisation and ubiquitous broadband connectivity.
6. Are part of a vibrant economy creating quality jobs, sustainable livelihoods and promoting inclusiveness; and
7. Have food security, where basics such as fruit, vegetables, and warm bread are sourced locally.

Foundation is built on the objects of LG, Chapter 7 of the Constitution

To provide democratic and accountable government for local communities | to ensure the provision of services to communities in a sustainable manner | to promote social and economic development | to promote a safe and healthy environment |to encourage the involvement of communities and community organisations in the matters of local government.

1996 CONSTITUTION: CHAPTER 1 - FOUNDING PROVISIONS

The Republic of South Africa:

The Republic of South Africa is one, **sovereign, democratic state** founded on the following values:

(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

(b**) Non-racialism and non-sexism.**

(c) Supremacy of the constitution and the rule of law

(d) **Multi-party democracy, accountability, responsiveness and openness.**

Supremacy of Constitution

2. This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the **obligations imposed** by it must be fulfilled.

1.

LEGISLATIVE DEVELOPMENTS & OVERSIGHT

COGTA SUPPORT & INTERVENTIONS

- **Section 154** of the Constitution of the Republic of South Africa, 1996 **empowers the National and Provincial Government, by legislative and other measures** to support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions. Equally **Section 153** directs municipalities to structure and manage:- **administration, budgets and planning to ensure basic needs.**

- To this effect, the Department develops legislation, regulations, monitoring and support initiatives. The **legislative initiatives and technical support that are provided to municipalities are provided in the ensuing slides**.

Department Legislative & Policy Pipeline

Name of Bill	Date of Submission to Cabinet	Date of Introduction to Parliament	Proposed Outcome Sought
Local Government: General Laws Amendment Bill, 2024	December 2026	March 2027	To improve functionality and efficiency of local government through good governance, operational efficiency and improved service delivery in municipalities - The Bill is a step in refining local government legislation, by amending key acts including the Municipal Structures Act of 1998, Municipal Systems Act of 2000, and Municipal Property Rates Act of 2004
Independent Municipal Demarcation Authority Bill	February 2020	June 2022	The Bill establishes the Demarcation and Appeals Authority functions , including criteria and procedures for determination or redetermination of municipal boundaries, delimitation of wards by enhanced public participation; and the settling of disputes; and other matters incidental thereto.
Intergovernmental Monitoring, Support and Interventions (IMSI) Bill	27 March 2024 - **approved** the submission of the IMSI Bill, 2024 to Parliament.	March 2025	The Bill gives effect for application of sections 100 and 139 of the Constitution; to strengthen the processes and procedures of intervening by the national and provincial governments in provinces and municipalities, respectively.
Local Government: Municipal Structures Amendment Bill, 2024 (Coalitions Bill)	December 2025	March 2026	To improve functionality and efficiency of local government through good governance, operational efficiency and improved service delivery in municipalities - The Bill is a step in refining local government legislation, by amending key acts including the Municipal Structures Act of 1998, Municipal Systems Act of 2000, and Municipal Property Rates Act of 2004
Intergovernmental Relations Framework Amendment Bill, 2024	January 2026	March 2026	The Bill is a direct response to the National Development Plan's call to improve and strengthen the intergovernmental relations framework and system in the country, but with a specific focus on improving intergovernmental coordination and cooperation and by extension the functionality of intergovernmental structures and platforms.
Review Of The White Paper On Local Government	April 2026	---	The objective of the review is to identify, rectify and build on assumptions and outcomes that have hindered or advanced the effective functioning of local government focused on improved financial, operational, institutional and governance sustainability to deliver on the constitutional mandate of local government

1.1

COALITIONS BILL

INCREASE IN “HUNG” COUNCILS

- Post the 2021 LGE, the number of hung councils increased significantly, bringing with it many governance and service delivery related challenges within municipalities.
- Number of hung council **increased from 29 in the year 2000 to 82 after the conclusion of the 2021 LGE**, highlighting the need for a framework to guide the formation and management of coalition councils - some have suggested the need for a regulatory framework or guidelines that will guide the formation and management of coalition governments within the LG sphere.
- A number of stakeholders / political parties have pronounced themselves through papers, discussion documents and draft frameworks for coalition governments.
- Department of Cooperative Governance has also been monitoring the various submissions in this regard and has developed proposals to amend the Municipal Structures Act – these amendments will also be supported with Regulations.

DRAFT LG: MStr-Bill, 2023

DCoG developed a draft *LG: Municipal Structures Amendment Bill* to provide for coalition arrangements – proposes the following amendments:

NO.	PROPOSAL	COMMENT
1.	**Enabling MECs to review Section 12 Notices to change from Mayoral Executive to Collective Executive System in hung Councils**	▪ Will promote stability from a governance perspective in that the executive authority will be collectively vested in the executive committee, which will be representative of the political parties in the council and accountable to the municipal council. ▪ This will also bring about greater transparency and accountability.
2.	**Introduction of a 2-year period on the tabling and passing of motions of no confidence in municipal office-bearers**	▪ To further strengthen this provision, options should be explored for insertion of a section that introduces clear grounds upon which motions of no confidence can be introduced. ▪ Will further enable stability and eliminate frivolous motions of no confidence from being raised.

DRAFT LG: MSTR-BILL, 2023

NO.	PROPOSAL	COMMENT
3.	**Conclusion of a coalition agreement (CA) compulsory**	▪ Making the conclusion of a coalition agreement compulsory to enable the participation of political parties in the governance of a municipality will introduce a contractual connotation to the relationship between the different political parties which will be legally enforceable and will constitute a prerequisite for coalition government to govern a municipality. This, coupled with Regulations will bring about predictability in the process. ▪ Regulations to provide for – ○ Party with greatest number of votes to lead CA ○ Mayor and Speaker to come from major party ○ Clear grounds to terminate / amend the CA ○ Consequence management for councillors that breach CA ○ Content of CA, and CA to be made public
4.	**Schedule 1 of the Structures Act**	Schedule 1 of the Act to be amended to introduce a **1% threshold** of valid votes cast for a political party, to qualify for a seat on the municipal council.

VARIOUS THRESHOLD OPTIONS

- There was consensus on majority of the clauses that are contained in the Bills, **except for the various options for the introduction of the threshold for the allocation of seats in municipal councils**. It was therefore resolved that a follow-up engagement must be arranged urgently to finalise this matter. There following are various possible options that were explored for integration into the Municipal Coalitions Bill:

1	2	3	4
Political parties must receive a minimum of 1% of Total Valid Votes (TVV) to qualify for a seat on the municipal council. **Note**: In Denmark they set a threshold at 2% and Germany at just under 5%.	Votes obtained in a ward election must be disregarded for the purpose of calculating PR seats – only votes obtained in the PR election (PR ballot) must be considered in this regard. This will avert a situation whereby parties contest elections in areas with no constituencies, in an effort to gain a few votes per ward and collectively obtain PR seats as per the current formula. Note: Refer to items 12 and 13 of schedule 1.	Parties must first obtain enough valid votes to achieve at least **one seat** on the municipal council before they are entitled to be considered for additional seats under the highest remainder calculation. If a party fails to obtain a seat, it cannot compete with surpluses from other parties	For a party to hold a position within the municipal executive, a minimum threshold **(differentiated for A, B, and C)** of seats must have been obtained. Is proposed to curb the instability caused by smaller parties in as far as wielding power is concerned **(kingmakers).**

MAYORAL EXECUTIVE VERSUS COLLECTIVE EXECTUIVE

MAYORAL EXECUTIVE SYSTEM	COLLECTIVE EXECUTIVE SYSTEM
EXECUTIVE MAYOR (EM)– is elected by Council from amongst ALL councillors; has full executive and delegated functions, executed with support of the Mayoral Committee.	**MAYOR** – Mayor is elected by Council from amongst the EXCO members; limited individual executive functions - executed jointly with EXCO.
MAYORAL COMMITTEE (MAYCO) – members appointed by the EM; EM also appoints MAYCO members as Chairpersons of Section 80 Committees; ONLY EM removes members of MAYCO.	**EXECUTIVE COMMITTEE (EXCO)** – no more than 20% or 10 members (where 20% exceeds 10 members), proportionally representing political parties; Mayor is a member of EXCO; EXCO members are appointed by EXCO as Chairpersons of Section 80 Committees; each party **determines** their members of EXCO.
REPORTING – EM receives reports from Section 80 committees and forward these reports together with recommendations to the council when the matter cannot be disposed of by the EM in terms of the delegated powers.	**REPORTING** – EXCO receives reports from Section 80 Committees and forward these reports together with its recommendations to the council when it cannot dispose of the matter in terms of its delegated powers.

1.2

GENERAL LAWS AMENDMENT BILL

BACKGROUND

- On 5 May 2022, the erstwhile Minister of CoGTA met with the President of SALGA to deliberate about the need to review the various pieces of legislation that impacts on local government with the view to entrenching good practices and to address the challenges that have been experienced.
- The proposed review would ensure that weaknesses in local government legislation are not addressed in a fragmented manner, rather in suite.
- Having regard to the above, the Department initiated a process to review the various pieces of legislation that impacts on local government with the view to entrenching good practices and to address the challenges that have been experienced.
- The process cumulated on the development of the Local Government: General Laws Amendment Bill, 2023 ("the Bill").
- The Bill seeks to review and amend the various pieces of legislation that impacts on local government.

HIGH LEVEL OVERVIEW OF THE BILL

LG: MUNICIPAL SYSTEMS ACT, 2000

- Include **"whip"** in the definition of "political office bearer";
- require publishing of the municipal code (by-laws) on the municipality's website;
- Allow for **electronic communication** of information concerning **community participation**;
- Remove reference to the **Development Facilitation Act** and replace it with the **Spatial Planning and Land Use Management Act;**
- Remove reference to spatial development **"framework"** and replace it with spatial development **"plan"** within the Integrated Development Plan;
- Provide that the **MEC for local government** must facilitate the **coordination and alignment** of Integrated Development Plans across spheres of government;
- Provide that municipalities **display on their official website the roles and areas of responsibility** of each political structure, political office bearer and the municipal manager;
- Increase the period for acting as Municipal Manager from **three to six months**;
- Increase the period within which a **MEC for local government** must **enforce compliance with the provisions for appointment of municipal managers** and allow for a municipal council to reconsider the appointment;
- Increase the period within which **a MEC for local government** must **enforce compliance with the provisions for appointment of managers reporting directly to municipal managers** and allow for a municipal council to reconsider the appointment;
- Provide that the municipal **council may not appoint a municipal manager or managers reporting directly to municipal managers** until the MEC has concurred with that appointment;
- Add further requirements concerning the **maintenance of records of dismissed staff;**
- **Minister of Finance** among parties to be consulted before organised local government embarks on **negotiations in the bargaining council;** and
- Allow for service of documents to be made electronically, and to whom legal documents must be served in a municipality.

LG: MUNICIPAL STRUCTURES ACT, 1998

- Redetermine the date from which to begin the calculation of the period within which a **by-election** to fill a vacancy in a ward must be held to be calculated form a date when IEC is informed, not when vacancy occurred that **no by-elections may be held two months before or one month after National and Provincial elections;**
- Require the **Speaker** to provide reason/s if they **refuse to call a meeting** of the council as requested; to provide for the councillors dissatisfied by the refusal of the speaker or acting speaker to call a meeting of the council or by the reason or reasons given by the speaker or acting speaker for refusing to call a meeting of the council to request the MEC for local government in the province to designate a person to call and chair the meeting;
- **Prohibit councillors** holding the position of speaker, whip or chairperson of a committee reporting directly to the municipal council from being members of an EXCO / mayoral committee or participating in its activities;
- **Prohibit members of EXCO** / mayoral committee from holding the position of speaker, acting speaker or whip;
- Provide that if the **executive mayor vacates office,** the mayoral committee appointed by that executive mayor dissolves and must vacate office;
- Provide for delegations to the Deputy Executive Mayor and **prohibition of acting executive mayor to appoint a mayoral committee;**
- Require metropolitan or local councils to establish **ward committees** within 120 days **after the election of the speaker** of the municipal council;
- Provide the timeframe for MPAC to be established **(30 days),** eligibility of elected councillors to be the Chairperson of the Committee **and procedure for removal of the Chairperson**;
- Provide for the **participation of traditional and KhoiSan leaders** in ward committees;
- Increase the timeframe for the municipal manager to **inform the Electoral Commission of a vacancy**; and
- Require ward **election posters, including by-elections posters, to only portray the picture of the ward candidate** representing the political party or the independent candidate.

LG: MUNICIPAL PROPERTY RATES ACT, 2004

- Allow service of notices of valuation rolls by electronic mail or any appropriate electronic communication.

1.3

INTERGOVERNMENTAL MONITORING, SUPPORT AND INTERVENTIONS BILL

EMPIRICAL EVIDENCE IN ADMINISTRATION OF INTERVENTIONS

- Difficulties by provinces in interpreting what constitute an **"executive obligation in terms of the Constitution or legislation",** and what powers and functions may be usurped or not during intervention processes.
- **Limitation of section 139(1)** to failures to fulfil an "executive obligation" **led to difficulties in interpreting (a) *when* intervention is permitted and (b) what steps are permitted.**
- Except in few instances, **vast majority of interventions were conducted in terms of the general section 139(1)(b) of the Constitution,** and **far much less on financial provisions,** and the **"issuing of directives"** in terms of section 139(1)(a) have not been used optimally.
- Difficulties experienced with regards to the computation of time as to when an intervention has begun.
- Little indication that **provincial legislatures exercised oversight over the PECs' actions** in terms of section 139 of the Constitution;
- Some provinces have been **unable to submit regular progress reports and the final close-out reports.**
- Resistance and **obstructionist tendencies** from Municipal Councils and municipal personnel to the extent that there is no cooperation and at times, bordering on illegal activities such as destroying documentation and issuing of illegal instructions to other municipal officials against the Administrator's work.
- **Provinces tend to interpret the invocation of section 139 of the Constitution differently** from each other despite national guidelines being in place.

EMPIRICAL EVIDENCE IN ADMINISTRATION OF INTERVENTIONS

- When Provinces second an Administrator, **municipal personnel are sceptical and very reluctant, and most times, uncooperative to assisting the Administrator.**
- More often than not, **provinces lack the capacity to deal with their mandate** of monitoring and supporting local government in terms of personnel, funds, institutional knowledge, and expertise.
- **Some of the interventions could have been prevented if an early warning system,** leading to proper support, had been in place. It should also be noted that in certain instances, even though support was provided, the municipality did not take ownership in resolving their problems.
- **NCOP** seems to have played a key role in **providing objectivity, mediation, and on-site investigation.** This begs the question as to whether this could have been done by the province as part of their assistance role?
- There is **uncertainty** regarding the **nature of, and required intensity of the intergovernmental checks** and balances – that is, the review by the Minister and the NCOP;
- **Involvement of district municipalities** in interventions (into local municipalities) appears **disproportionate.**
- **Participation by the local community** in the implementation of section 139(1)(b) interventions is a **critical factor for its success.**

PURPOSE AND OVERVIEW OF IMSI BILL



CHAPTER	SUMMARY
Chapter 1: Deals with the interpretation (**definitions** of key concepts) and application of the Bill.	▪ **Purpose** of Bill is to monitor if provinces and municipalities fulfil their constitutional and statutory obligations. Deals with – o mechanisms for support to provinces and municipalities. o processes established by, and the implementation of **sections 100 and 139** of the Constitution.
Chapter 2: Deals with the **national monitoring of provinces and support to be provided to provinces.**.	▪ Primary **responsibility for ensuring a province fulfils its obligations,** lies with the province itself. ▪ Detection of failure in execution of executive obligations is followed by the concept of **"targeted support".** ▪ Further enlists the types and kinds of targeted support that may be available to the province.
Chapter 3: Deals with processes on **national interventions in provincial governments/ departments.**	▪ Deals with decision-making processes in **determining whether intervention in province is appropriate or not.** ▪ Provides **modes/types of interventions available**, including alternative steps short of invoking direct interventions, the "issuing of directive", and assumption of responsibility for failed executive obligation. ▪ Deals with **suspension of provincial officials** responsible for maladministration/malfeasance leading to interventions, and possible divesting of accounting officer responsibilities away from the incumbent during interventions.
Chapter 4: Deals with the **national and provincial monitoring whether the municipalities are executing their executive obligations in terms of the Constitution or legislation.**	▪ Prescribes **early warning monitoring and reporting systems to alert of any possible or impending non-fulfilment of an executive obligation by the municipality**. ▪ Deals with **targeted support that may be provided by the national and provincial governments** to municipalities in need of such, and the kinds of support that may be available.
Chapter 5: Deals with **provincial interventions in municipalities.**	▪ Deals with decision-making processes in **determining whether an intervention in a municipality is appropriate**. ▪ Provides for alternative steps short of interventions to induce compliance by municipality. ▪ Provides for **modes/types of intervention available** when situation favours the imposition of intervention, including "issuing of directives"; assumption of responsibility; dissolution of Municipal Council; and financial interventions in terms of section 139(4) and (5) of the Constitution, and national intervention in the stead of the provincial executive.
Chapter 6: **Regulate appointment of administrators or national /provincial executive representatives in provincial and municipal interventions.**	▪ Deals with **minimum requirements of administrator / National or Provincial Executive Representative** in relation to skills, expertise, competence, qualifications, termination and other associated matters.
Chapter 7: Deals with miscellaneous matters	▪ Deals with matters such as the costs of interventions; offences and penalties, Memorandum of Understandings between the intervening and the intervened organs of state, Regulations, etc.

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SALIENT FEATURES OF THE BILL

TERMS IN BILL	SUMMARY/EXPLANATION OF TERMS
Definition of Executive Obligation	Is derived from the jurisprudence (Tshwane Municipal Council dissolution appeal judgement April 2020): ‘‘Executive obligation’’, in relation to a province (or municipality), includes a mandatory instruction in law to the province (or municipality) to exercise a function in terms of the provisions of the Constitution or legislation.
Types/modes of interventions	Bill provides for the delineation and differentiation of the substantive and procedural processes for different modes/types of interventions provided for in the Constitution, thus clear processes on invocation of section 100(1)(a) and (b); 139(1)(a); (b); (c); (4); (5) and (7) of the Constitution. Thus, each mode has its own specified processes and procedures.
Administrator / National or Provincial Executive Representative	Bill provides for matters connected with Administrators and National or Provincial Executive Representatives, their appointments, qualifications, roles, reporting lines, roles and other connected matters; and where the Constitution does not use the phrase “Administrator”, it provides for the “representatives” of the 2 executives.
Office of Standards and Compliance	Bill provides that the Minister of Public Service and Administration, through the **Office of Standards and Compliance**, to establish a system to monitor compliance by provinces in execution of their executive obligations.
Alternative Steps to ensure provinces and municipalities fulfills their executive obligations	Bill provides for alternative steps to ensure provinces fulfil their executive obligations, and provides that the national executive may, instead of intervening in terms of section 100(1) of the Constitution, take any other step to ensure that a province fulfils their executive obligations. Thus, the national/provincial executive may, instead of intervening in terms of sections 100(1)/139(1) of the Constitution, utilise other mechanisms established by the Intergovernmental Relations Framework Act, 2003, invoke relevant provisions in the PFMA/MFMA; provide additional support to the provinces/municipality; or approach a court for

SALIENT FEATURES OF THE BILL

TERMS IN BILL	SUMMARY/EXPLANATION OF TERMS
Penalties and Offences	Bill provides for sanctions and penalties against any person or official in a province or municipality if that person willfully interferes, hinders or obstruct an intervention invoked in terms of sections 100 and 139 of the Constitution. Such a person is guilty of an offence and will be liable on conviction to a fine or imprisonment not exceeding 5 years.
Suspension of official in province/ municipality	The Bill provides for suspension of official in the province/municipality if that official is responsible for serious maladministration or malfeasance leading to the intervention, or willfully interferes with, hinders or obstructs the implementation of the intervention; and the continued presence of the official in office threatens to prevent, delay or ultimately undermine the success of the intervention in terms of the appliable labour laws/.
Divesting of accounting officer responsibilities	The Bill enables the NT (through the national coordinating committee) to divest accounting officer responsibilities away from the current incumbent (DG/HoD/MM), and designate such accounting officer responsibilities to another person determined by it (e.g Administrator), to act during an intervention in a provincial department/municipality as the accounting officer (section 36/7 PFMA).
Regulations	The Bill provides for the Minister to develop and issue regulations not inconsistent with the Act, and insofar as such matters relate to matters dealt with in the PFMA or the MFMA, do so in consultation with the Minister of Finance.

1.4

AMENDMENTS TO IGRFA UPDATES

INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT (2005)

The Act sets out general principles & objects of IGR: focused primarily on outcomes to achieve:

1. **Coherent government**
2. **Effective provision of services**
3. **Monitoring implementation of policy and legislation; and**
4. **Realisation of national priorities**

Summary of the Three Components of IGR	
Constitution grants municipalities a degree of **local self-government**	By protecting their **institutions** and their **powers**.
National and Provincial Government must **supervise** municipalities	Through **regulation**, **monitoring/support** and, if need be, **intervention**
Constitution expects **cooperation** between municipalities, organs of state in other spheres of government.	For this, there are **IGR institutions**, **IGR forums**, systems for **joint planning & budgeting**, **horizontal IGR** and **IGR instruments**

INTERGOVERNMENTAL COORDINATION SUCCESS FACTORS & ENABLERS

Systems & Processes

- Planning Cycle: inter-governmental planning, implementation and strategic alignment
- Accountability for performance
- Execution of Powers & Functions per sphere

Mandates

- Constitutional, Legislative and Policy Frameworks
- ***Committed Leadership***
- Coordination of intergovernmental roles and responsibilities

Coordinating Structures

PCC, PICC, Cabinet Clusters, FOSAD, MinMECs, IMCs, Implementation Forums, Premiers Forums, District Forums)

(*Slide courtesy of the DPME, Presidency, adapted)*

KEY CHALLENGES OF THE IGR SYSTEM

1. Lessons from practice have illustrated that, arguably, **the scope of the current Act is not sufficient to provide the full enabling framework to govern the system of cooperative governance**
2. The NDP reflects that IGR structures are not strategic; and they are not fulfilling their objective of acting as a platform for co-ordination across the spheres.
3. In terms of improving coordination between the spheres the NDP proposes a **two- pronged approach that distinguishes between routine and strategic coordination.**
4. There is **also substantial overlap in the responsibilities on major service delivery functions that impact on poverty eradication** and development across the three spheres of government

KEY CHALLENGES OF THE IGR SYSTEM…CONT'D

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5. According to the 2007 DPLG Assessment and 2014 DCOG Functionality Study, pressure points in IGR system continue to be:

- **Poor multi-sectoral coordination,**
- **Lack of standardised strategic agendas, and**
- **Uneven communication capabilities to disseminate resolutions**.

6. There is a **need for a development of a governance framework for managing concurrent functions:**

- Unclear lines of responsibilities between spheres.
- Lack of clarity regarding the minimum acceptable levels and quality of service.
- **Weak monitoring and lack of consequences** for inefficient and poor-quality service delivery by provincial and local government
- Need to strengthen the regulatory framework for norms and standards,
- **Predictable institutional mechanism for addressing integrated planning, budgeting and coherent implementation in municipal spaces.**

GENERAL OBSERVATIONS OF REVIEW PROCESS TO DATE

1. Several interactive IG dialogues and consultations were held in the 2021/22 & 2022/23 financial years – including sector and provincial bilaterals.
2. Request for written inputs were made to all departments, provinces and municipalities – very low return/responses.
3. General acknowledgement and agreement of the proposals for consideration **BUT** requires further dialogues focused on refinement especially on the linkages with the draft section 47(1)(b) of the IGRFA Regulation that will frame the IG institutionalization of the DDM.

CURRENT DRAFT AMENDMENTS TO IGRFA (EXAMPLES)

CHAPTER	Proposed Amendments
Two IGR Structures	**PCC:** • Include other cabinet members***, Metro Mayors***, MECs • Minister in the Presidency to provide **administrative support to PCC**. ❑ Establishment **of Metro-National Government IGR platform** ❑ Expansion of **Inter-Municipality Forums** to accommodate new development regions ❑ Make it compulsory for ALL IGR platforms to adopt resolutions, recommendations and a plan of action at each sitting. ❑ Make to compulsory for ALL IGR platforms to adopt procedures for facilitating non-adherence to the adopted resolutions and recommendations. ❑ Inclusion **of Traditional Leaders** in various IGR platforms, especially at LG level ❑ Clearly stipulate meeting frequency for ALL IGR structures under general requirements. **Premier's Intergovernmental Forum (PIF):** ❑Western Cape emphasis on:" ***The Premier MUST or any member of the Executive MAY establish the PIF***". **Provincial Intergovernmental Forum:** ❑Western Cape emphasis on: ***" The Premier of a province or any member of the Executive may establish a provincial intergovernmental forum".***

CURRENT DRAFT AMENDMENTS TO IGRFA (EXAMPLES)…..

CHAPTER	Proposed Amendments
Three Conduct of IGR	❑ The status of Implementation Protocols be changed from **non-binding to binding- section 35**. ❑ The IGRFA should be Regulatory rather than a Complimentary Act which is auditable by the AG.
Four Intergovernmental coordination of assignment of intergovernmental powers and functions	The original chapter moves lower down to make place of a new chapter on intergovernmental coordination of intergovernmental powers and functions. Set of principles framing how the assignment of intergovernmental powers should be coordinated and managed especially to Local Government.
Five New	***New chapter on managing the coordination of intergovernmental planning, budgeting and implementation.*** ***Set of principles framing the coordination of intergovernmental planning, budget and implementation as per the principles of the DDM***.
Six IG Disputes.	Focus on making national Ministers and MECs responsible for certain functions more involved in the facilitation of IG disputes at national and provincial levels. Clarifying who the responsible party should be for the required costs for IG dispute resource mobilization.
Seven Miscellaneous	Make it mandatory to **submit IGR functionality reports by Ministers and Premiers to COGTA Minister** within a specified timeframe. COGTA Minister "must**" submit reports to Parliament** "at least once in a calendar year".

2.

DDM INSTITUTIONALISATION

BACKGROUND TO THE DDM

THE CHALLENGE OF FRAGMENTATION



Siloed Operations

Persistent fragmentation across national, provincial, and local government spheres undermining effectiveness and development impact

Service Delivery Gaps

Incoherent planning and poor oversight resulted in weak service delivery to communities

Presidential Mandate

HE President Ramaphosa's 2019 SONA called for an integrated district-based based approach to address these challenges

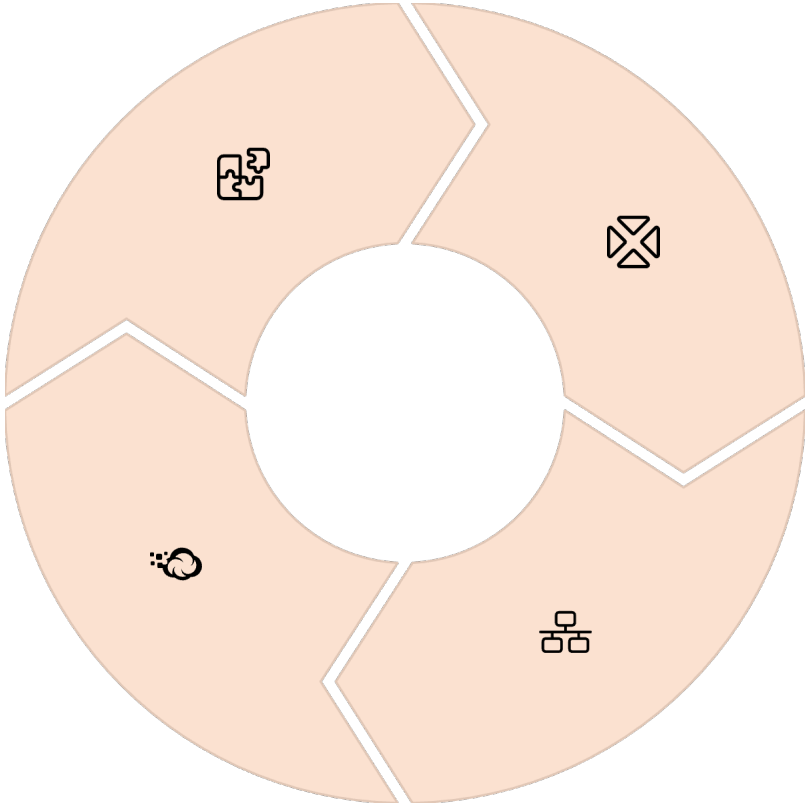
KEY OBJECTIVES OF THE DDM

Break Down Silos

Eliminate departmental and spherical silos silos by creating platforms for joint planning, budgeting and implementation implementation across government.

Promote Inclusivity

Embed gender-responsive budgeting and and planning to ensure equitable development that addresses historical imbalances.



Maximise Impact

Achieve greater developmental outcomes outcomes through aligned programmes, programmes, reduced duplication and more more efficient resource utilisation.

Strengthen Coordination

Enhance district/metro-level cooperation cooperation between all stakeholders to to ensure coherent and responsive governance systems.

"Working in silos" means that individuals, teams, departments or spheres operate in isolation from one another, with little to no communication, collaboration, or sharing of information and resources, ultimately hindering the overall efficiency, innovation, and success of the state.

CABINET APPROVED DDM PHASED IMPLEMENTATION APPROACH

Yr. 1 (Aug. 2019-Mar 2020)	Yr. 1-2 (Aug. 2019-March 2021)	Yr. 2-5 (April. 2021-Mar 2025)	Yr. 5+ (April 2025 - onwards)
1 ESTABLISH	**2 PILOTING**	**3 INSTITUTIONALISATION**	**4 SUSTAINABILITY**
Objectives To obtain approval for the DDM concept document and mobilise stakeholders	**Objectives** To launch the three pilots and establish the requisite technical capacity for the DDM implementation	**Objectives** To improve Integrated long-term planning, budgeting & implementation and the sustainability of local government.	**Objectives** Improve quality of life, transform district/metro economies and further enhance the institutional and financial sustainability of LG.
Outputs • Concept note developed. • Broad Intergovernmental & private sector consultations held. • DDM concept approved by Cabinet. • National and provincial DDM inter-governmental coordinating structures established. • CoGTA national and provincial DDM teams established • Political champions appointed through out the phases.	**Delivery packages/work streams** • Launch of three pilots • Appointment of Implementing Agent (DBSA) • Development of 52 district/metro profiles • Establishment of DDM hubs in pilots • One Plan development for pilots **Key indicators** • 3 pilots launched by Nov. 2019 • DBSA appointed by March 2020 • 52 profiles developed & published by Aug. 2020 • One Plan process guidelines issued by Sept. 2020 • 3 DDM hubs launched by Oct. 2020 • One Plan prototypes developed by March 2021 • DDM IMS One Plan module launched by March 2021 • CoGTA internal DDM institutional realignment completed by March 2021	**Delivery packages/work streams** • Budget reprioritisation and spatialisation. • One Plan development & implementation • Intergovernmental (IGR) coordination & structures • Local Government Recovery & Stabilisation. **Key indicators** • Implementation evaluation study completed in pilot sites. • IMS fully developed • IGR structures strengthened & aligned to DDM approach • IGRF Act regulations promulgated • 52 One Plans developed & adopted by March 2022 • Identified DDM hubs established • LG support & shared services (*powers & functions reviewed*) • Budget reprioritisation and spatialisation principles infused ac • Service delivery improvement- Local Government Report.	**Delivery work streams** • One Plan implementation & monitoring. • IGR coordination & structures • Local Government Stabilisation. **Key indicators: All 52 Spaces** • Inclusive repositioned economies • Spatial transformation and environmental sustainability • Sustainable Infrastructure Development • Reliable service provisioning • Empowered citizens and good governance • Functioning hubs and IGR coordinating structures by 1 April 2025 • LG system supported & effectively performing mandated functions

Transitioning from Institutionalisation to Sustainability



CONSTITUTIONAL AND POLICY FOUNDATIONS

1

1996: Constitution of South Africa

Establishes principles of cooperative governance and intergovernmental relations in Chapter 3, requiring all all spheres to work together in mutual trust and good faith. good faith.

2

1998: White Paper on Local Government

Introduces the concept of developmental local government government with a mandate to work with citizens to create create sustainable communities.

3

2005: Intergovernmental Relations Framework Act

Provides structures and mechanisms for coordination coordination between national, provincial and local government spheres.

4

2019: District Development Model

Builds on previous frameworks to create a practical implementation mechanism aligned with the NDP, African African Union Agenda 2063, and UN SDGs.

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DDM
DISTRICT DEVELOPMENT MODEL

COORDINATION ACROSS SPHERES AND SECTORS

Intergovernmental Collaboration

DDM fosters structured collaboration between national, provincial, and local government, breaking down traditional silos

Multi -Stakeholder Engagement

Actively involves business sector, sector, traditional leadership, civil civil society, academia and social social partners in planning and implementation

Aligned Development Priorities

Sharp focus on job creation, poverty reduction, and addressing persistent persistent inequality through coordinated interventions



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DDM
DISTRICT DEVELOPMENT MODEL

DDM CRITICAL SUCCESS MEASURES

1. Functional Coordination

Ensuring efficient operation of DDM coordination structures for seamless collaboration. Regular reporting & convening of district/metro DDM structures. Effective leadership by political & technical champions is vital for driving the DDM's success.

2. Quality One Plans

Developing credible, spatially aligned & implementable "One Plans" for effective development. Alignment with NDP, MTDP, PGDS & IDP. Evidence of "One Budget" approach through consolidated resource mapping & alignment across all spheres of government.

3. Multi-stakeholder Participation

Active & coordinated participation of all 3 spheres in planning & implementation processes. SOE & DFI Involvement in the One Plan to ensure broader resource mobilisation. Strengthened partnerships with traditional leaders, civil society, private sector & academic institutions fosters inclusivity & innovation.

4. Catalytic Project Implementation & Monitoring

Initiation & implementation of high-priority development projects in the One Plan demonstrating demonstrating tangible progress. Evidence of consistent progress tracking, reporting & proactive proactive problem-solving through established DDM platforms. Effective monitoring of SD and project SD and project delivery outcomes

5. Resourcing & Fiscal Alignment

Increased budget alignment across national, provincial and LG towards One Plan priorities is critical. is critical. Mobilisation of blended financing & partnerships to fund district priorities. Operationalisation Operationalisation of district-specific investment pipelines to attract capital & expertise for local for local growth.

6. Capacity & Systems Strengthening

Deployment of skilled personnel to drive development initiatives. Access to & effective use of integrated data systems (NSH). Widespread uptake of digital tools for planning, project management and monitoring (IDMS)

7. Policy & Legal Support

Embedding DDM principles in legislation, regulations and official guidelines. Provincial and national departments must revise sector policies & frameworks to align seamlessly with the DDM objectives.

8. Demonstrable Outcomes

Achieving tangible and measurable positive development impact & results.

ROLE OF DDM POLITICAL CHAMPIONS

ASSIGNMENT OF DDM POLITICAL CHAMPIONS

HE President assigns Ministers and Deputy Ministers as DDM national political champions for each of the 44 Districts and 8 metros to:

- Provide political oversight and support for cooperation across government spheres to implement the DDM.
- Provide strategic guidance for One Plan development and implementation.
- Contribute to institutional stabilisation and resource reprioritisation.
- Facilitate district-wide adoption and implementation of the One Plan.
- Work with sector Ministries to unblock issues hindering DDM progress.
- Promote transparency and accountability in DDM implementation.

On 15 November 2024, the President assigned DDM DDM political champions for each of **the 44 districts and 8 districts and 8 metros,** as provided for under regulation regulation 5(2) of the DDM Regulations of 2024.



ROLES AND RESPONSIBILITIES OF DDM CHAMPIONS

Strategic Responsibilities

- Facilitate alignment of departmental plans with district/metro priorities
- **Represent the President** & national government in district/metro forums
- Support development and implementation of One Plans
- Identify and unlock blockages to service delivery & catalytic projects
- Report progress to national coordination structures

Stakeholder Engagement

- Interface with Districts/Metros Districts/Metros through established DDM/IGR platforms. platforms.
- Build relationships with provincial provincial and local counterparts counterparts
- Engage private sector and civil civil society organisations
- Facilitate community participation participation in planning processes
- Coordinate with other champions champions to share lessons
- Advocate for district/metro needs needs at national level





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DDM DISTRICT DEVELOPMENT MODEL

ALL-OF-GOVERNMENT & ALL-OF-SOCIETY DDM ROLES

National Government

- Setting policy frameworks and national development priorities priorities
- Providing technical support and capacity building
- Aligning sector department plans with district priorities
- Supporting the mobilisation of resources for catalytic projects projects
- Monitoring implementation and addressing bottlenecks

Provincial Government

- Coordinating provincial departments' involvement in DDM DDM
- Providing oversight and support to municipalities
- Facilitating resolution of cross-district & provincial-wide issues issues
- Ensuring provincial budget alignment with One Plans
- Building capacity in municipalities with specific challenges challenges

Local Government

- Leading local implementation of One Plan initiatives
- Coordinating stakeholders at district/metro level
- Integrating DDM with Integrated Development Plans & SDFs SDFs
- Facilitating community participation and feedback
- Reporting on progress and challenges at local level

Civil Society & Private Sector

- Contributing to One Plan development and refinement
- Participating in DDM forums and implementation
- Investing in district development priorities
- Monitoring service delivery and providing feedback
- Supporting skills development and knowledge transfer

FRAMEWORK: MINIMUM PROGRAMME OF ACTION

- The proposed minimum Programme of Action (PoA) for Political Champions are directly informed by the above-mentioned roles and responsibilities based on the key DDM imperatives.

No.	Thematic Areas	Objectives
1.	Political oversight and support	• To provide political oversight and support to improve practical collaboration across the three spheres of government towards the effective institutionalisation of the DDM approach in the district/metro space. • To participate in the district/metro DDM political committee with the provincial DDM champion and district/metro Mayor. • To consider progress reports from the DDM Technical Committee on the institutionalisation of the DDM in the district/metro space.
2.	Development and implementation of DDM One Plans	• To provide strategic guidance and oversee the development of the One Plan in accordance with the One Plan process and content guidelines. • To ensure that all spheres of government including State Owned Entities (SOEs) actively participate in the One Plan development and implementation processes. • To ensure that civil society, traditional leadership and private sector stakeholders/partners are optimally engaged in the One Plan development and implementation processes. • To facilitate the district-wide adoption of One Plans through the various IGR structures. • To review progress reports from the DDM Technical on the implementation of the One Plan and key catalytic projects. • To exercise this oversight role mainly through the DDM Political Committee.
3.	Critical service delivery and governance issues	• To coordinate effective intergovernmental responses and interventions to address critical service delivery, infrastructure and governance challenges in the district/metro. • To review and support initiatives to combat Gender Based Violence and Femicide (GBVF) in the district/metro.

MTDP DDM REPORTING TARGETS

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS					
Key Responsibility Area 2: Institutional Oversight over the Department and the Accounting Officer					
No	Priority	Interventions	Indicators	Targets	
				Mid Term (2026/27)	End of Term (2028/29)
6	**Role as District Development Model (DDM) champion**	Oversee the implementation of Regulations Framing the Institutionalisation of the DDM	Reports on the implementation of the DDM Regulations	Bi- Annual Reports on the implementation of DDM Regulations	End of terms Report on the implementation of DDM Regulations
		Minister to fulfil their allocated DDM Champion responsibilities	Provide oversight and support to improve cooperation and collaboration across the three spheres of government to implement the DDM	Tabling of DDM Champion Quarterly Reports by due dates	Tabling of DDM Champion Quarterly Reports by due dates

The Ministers in the Cabinet will contribute individually and collectively to the achievement of the MTDP 2024-2029 priorities.

QUARTERLY REPORTING TEMPLATE

No.	Name of DDM Champion				
	District/Metro				
	Date of Visit/Meeting				
	Platform/Forum used for Engagements				
	Thematic Area(s) & Objectives	Outcome of the engagement/ Resolutions	Current / Planned interventions	Stakeholders engaged	Progress on the implementation of Actions & Interventions new steps
1.	Political Oversight and Support				
2.	Development and implementation of DDM One Plan				
3.	Critical Service Delivery and Implementation of Catalytic Projects				
4.	Financial Viability and Governance				
5.	Other Strategic Issues				

PROPOSED DISCUSSION POINTS FOR QUARTERLY MEETINGS WITH DDM NATIONAL CHAMPIONS

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- Economic growth modelling for district and metro spaces.
- Unpacking the role of DDM Political Champions in ensuring that the One Plans are utilised to strategically drive district/metro economic development and spatial transformation.
- Practical implementation of the Integrated Urban Development Framework (IUDF) and Integrated Rural Development Programme (IRDP).
- Analysis of government investment in district and metro spaces through various conditional grants.
- Sharing of lessons, good practices and experiences by Political Champions

REVIEW OF ONE PLANS

THE ONE PLAN: AT THE HEART OF INSTITUTIONALISATION

1

Single Strategic Plan

One long-term strategic plan per district or metro, mitigating fragmented planning approaches

2

Joint Development

Collaboratively developed and agreed by all spheres of government and key stakeholders

3

Electoral Alignment

Implementation aligns with electoral terms, confirms existing plans, and identifies strategic gaps gaps requiring attention

4

Shared Accountability

Emphasises shared vision, measurable outcomes, and clear accountability mechanisms



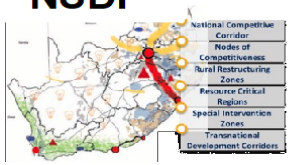
CONTEXT OF ONE PLANS

- One Plans must be developed for each district/ metro space as an all-of-government and all-of-society plan.
- One Plans must serve as a 25-30 year LT strategic framework to guide both public and private sector investment.
- One Plans should not deal with non-strategic aspects that existing plans and frameworks may cover.
- One Plans make strategic sense of the available plans and synthesise/localise the plans within the district context

NATIONAL

2030 NDP

NSDF



MTDP
2025 – 2030
Economic growth
Social wage
Capable state

5-Year Departmental Strategic Plans

Annual Performance Plans (APPs)

National Sector Plans

DPWI | DLRRD | DFFE | Transport | Tourism | DHET

DTIC | DHS | DEE | Agriculture | DWYPD | DBE

PROVINCIAL

PGDS

PSDF

5-Year Departmental Strategic Plans

Annual Performance Plans (APPs)

Economic development

Health Education

LOCAL

CDS | **IDP** | **SDF** | **LED** | **Master Plans** | **SDBIP**

One Plans

Must be aligned with the national, provincial and local development and sectoral plans.

Must take into consideration policy, planning and budget priorities including spatial development frameworks.

May influence the review of existing plans and more strategic and impact-oriented budgeting and reprioritisation of budgets across the three spheres of government.

Six (6) Transformation Areas:

1. People Development
2. Economic Positioning
3. Spatial Restructuring & Environment
4. Infrastructure Engineering
5. Integrated Service Provisioning
6. Governance

STRENGTHENING STRATEGIC FOCUS

From Project Lists

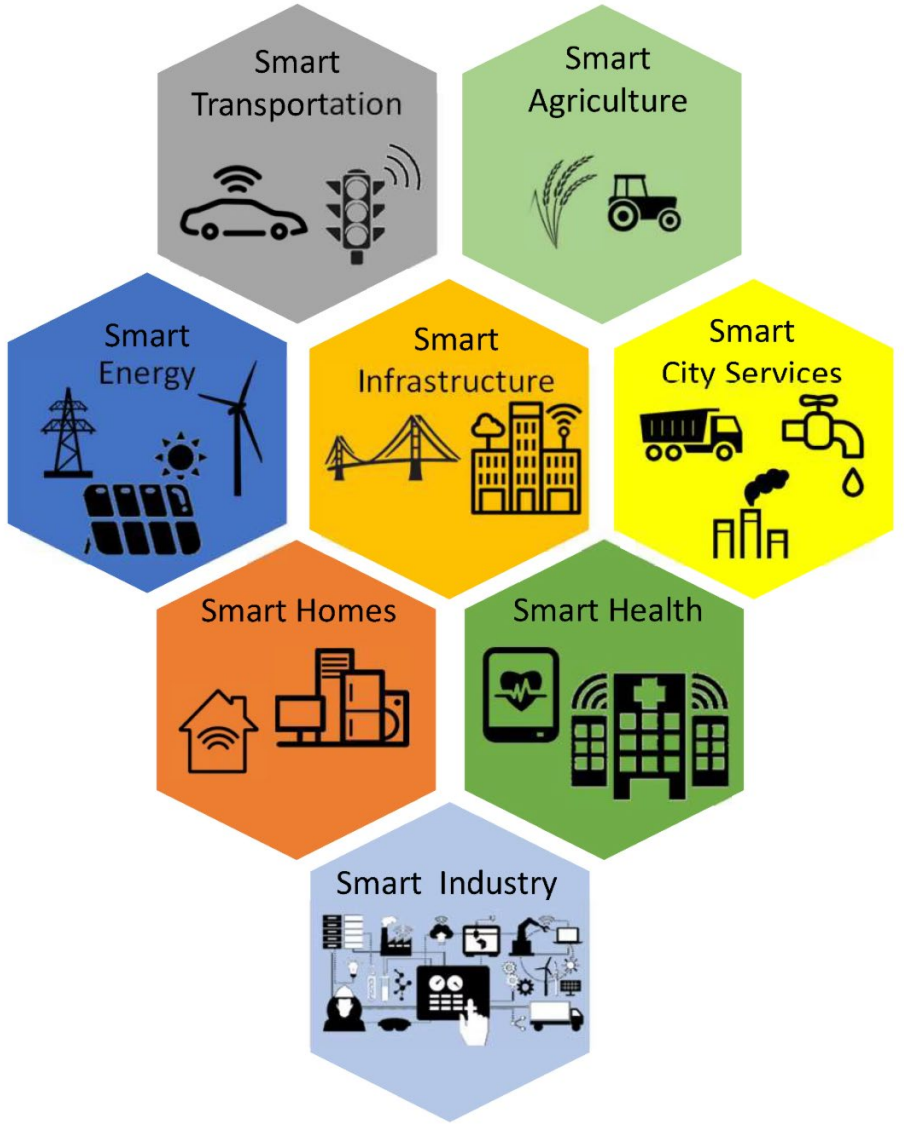
Move away from unfocused 'grocery lists' of disparate projects lacking strategic coherence

To Catalytic Initiatives

Focus on transformative, cross-boundary initiatives with with multiplier effects on economy and society

Strategic Alignment

Align catalytic projects with long-term spatial planning and economic transformation priorities



2025 DDM ONE PLAN PROCESS REVIEW

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DDM CIRCULAR NO 2 OF 2025

FROM: **MR M TSHANGANA**
DIRECTOR-GENERAL: DEPARTMENT OF COOPERATIVE GOVERNANCE

TO: **DIRECTORS-GENERAL OF NATIONAL DEPARTMENTS**
CHIEF EXECUTIVE OFFICERS OF NATIONAL AND PROVINCIAL STATE-OWNED ENTITIES (SOEs)
DIRECTORS-GENERAL OF PROVINCIAL GOVERNMENTS
HEADS OF PROVINCIAL DEPARTMENTS
CHIEF EXECUTIVE OFFICER OF THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)
MUNICIPAL MANAGERS

OUTCOMES OF THE 2024/25 DDM ONE PLAN RAPID ASSESSMENTS AND GUIDANCE ON THE REVIEW OF THE DDM ONE PLANS FOR THE 2025/26 FINANCIAL YEAR

PURPOSE OF THE CIRCULAR

The purpose of this Circular is to inform DDM stakeholders of the key findings and recommendations emanating from the district/metro One Plan Rapid Assessments that were conducted by the Department in the 2024/25 financial year; and to provide further guidance on the review of the One Plans that must be undertaken during the 2025/26 financial year.

The Regulations Framing the Institutionalisation of the District Development Model in terms of s47(1)(b) of the Intergovernmental Relations Framework Act, 2005 (DDM Regulations, 2024) stipulate in sub-regulation 10(3) that "*A One Plan must be reviewed annually for no longer than 6 months*".

The Department issued DDM Circular No. 2 of 2025 on 4th of June 2025 on the Outcomes of the One Plan Assessments and guidance on the review of the One Plans that must be undertaken during the 2025/26 financial year.

According to the circular the review process must be completed by no later than **31 December 2025**.

2025 DDM ONE PLAN PROCESS REVIEW

DDM One Plan **Review Process Explained**

cooperative governance
Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

NATIONAL STRATEGIC HUB

DDM

Living One Plans are the next generation of DDM One Plans.

Process planning and stakeholder engagement (Steps 1 and 2) is supported by Living One Plan templates (guiding questions and catalytic project overview). Living One Plan review, updates, endorsement and adoption (Step 3 - 6) make use of the Living Plans Portal.

Step 1:

Develop a Review Process Plan



The District/Metro in consultation with the Provincial COGTA and Office of the Premier (OTP) develop a Process Plan for the review of the District/Metro One Plan.

Identify specific areas for review such as strategies, outcomes, targets, programmes, projects, and implementation commitments aligned with the six DDM Transformation Areas.





Table the One Plan Review Process Plan at the Provincial and District/Metro DDM IGR Structures for consideration.

Governance Structures
Provincial and District/Metro DDM IGR structures

Stakeholders
Provincial COGTAs, Offices of the Premier, Metros/Districts

Step 2:

Convene Review Working Sessions

Convene working sessions through political and technical DDM IGR structures, workstreams, and clusters to review the District/Metro One Plan.

- Metros, District & Local Municipalities
- Provincial & National Government Departments
- State-Owned Entities
- Private Sector
- Civil Society
- Traditional Leadership



Living One Plan Templates
Download Living One Plan thematic questions and project overview template from the Living Plans Portal to guide discussion and collect inputs.

Governance Structures
Provincial and District/Metro DDM IGR structures

Stakeholders
Local Government, Provincial and National Government Departments, SOEs, Civil Society, Private Sector, Traditional Leadership

Step 3:

Draft the Reviewed One Plan captured on the Living Plans Portal



Consolidate inputs from working sessions into a draft One Plan on the Living Plans Portal.

Portal becomes the platform for housing and managing the final one plan. Living One Plans become the next generation of DDM One Plans.

Table the draft Living One Plan at Provincial and District/Metro IGR structures for consideration.



Governance Structures
Provincial and District/Metro DDM IGR structures

Stakeholders
Provincial COGTA, Office of the Premier, and Districts/Metros

2025 DDM ONE PLAN PROCESS REVIEW

DDM One Plan **Review Process Explained**

Living One Plans are the next generation of DDM One Plans.

Process planning and stakeholder engagement (Steps 1 and 2) is supported by Living One Plan templates (guiding questions and catalytic project overview). Living One Plan review, updates, endorsement and adoption (Step 3 - 6) make use of the Living Plans Portal.

cooperative governance
Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

NATIONAL STRATEGIC HUB

DDM

Step 4:

Finalise the Reviewed Living One Plan on the Living Plans Portal



Based on feedback from Provincial and District/Metro DDM IGR structures, revise and finalise the Living One Plan on the Living Plans Portal.

Table the final Living One Plan at Provincial and District/Metro DDM IGR structures for endorsement.



Governance Structures
Provincial and District/Metro DDM IGR structures

Stakeholders
Provincial COGTAs, Offices of the Premier and Districts/Metros

Step 5:

Endorsement of the Final Reviewed Living One Plan

Living Plans Portal used by stakeholders to review the final Living One Plan

Submit the final reviewed Living One Plan, via the Living Plans portal, to Local/District/Metro Municipal Councils for endorsement.





Submit the final reviewed Living One Plan to the Provincial Executive Council for endorsement and written recommendation to the Minister of COGTA.

Governance Structures
Municipal Councils and Provincial Executive Council

Stakeholders
Local and Provincial Political Leadership

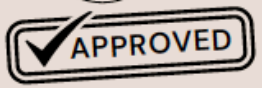
Step 6:

Submission for Ministerial Approval and Cabinet Adoption

Living Plans Portal tracks submission, approval, and version control



Submit the Living One Plan via the Living Plans portal to the Minister of CoGTA for review and approval.



Minister submits the Living One Plan to Cabinet for adoption.



Governance Structures
Minister of COGTA, President's Coordinating Council and Cabinet

Stakeholders
National Government

3.

COUNCILLOR WELFARE

COUNCILLOR WELFARE

- **Independent Commission for the Remuneration of Public Office Bearers** conducted a comprehensive review of remuneration and benefits applicable to all Public Office Bearers (POBs), including for members of municipal councils. The report identifies disparities, inefficiencies, and areas requiring reform, and provides recommendations to ensure fairness, sustainability, and alignment with best practices.
- The study that was undertaken reviewed role profiles, municipal grading methodologies, remuneration structures, and benefits such as medical aid and pension funds. Stakeholder engagement was conducted through correspondence, meetings, and focus groups with entities such as SALGA, and the Department of Cooperative Governance. International benchmarking was also undertaken to compare remuneration practices and roles of Cllrs in other countries .

COUNCILLOR WELFARE: KEY FINDINGS

- **Job Profiles & Grading:**
  - Roles of councillors are outdated and not aligned with current service delivery expectations.
  - Disparities exist in municipal grading and remuneration between municipalities of similar functions.

- **Remuneration Structure:**
  - Current structures result in inequality due to MEC concurrence systems.
  - Recommendations were made for aligned and simplified pay structures per municipal grade.

- **Pension & Medical Aid Benefits:**
  - Pension fund membership is not compulsory; the existing Municipal Councillors Pension Fund has operational challenges.
  - Medical aid benefits are optional; affordability and accessibility are barriers, especially in rural areas.

- **Tools of Trade:**
  - Inadequate access to essential tools like laptops, office space, and support staff hinders councillor performance.
- **Once-off Gratuity Payments:**
  - Gratuities are not sustainable; although previously granted, the Commission recommends **phasing out gratuity payments** after the present term (in 2026).

COUNCILLOR WELFARE: RECOMMENDED ACTIONS FOR IMPLEMENTATION

1.	2.	3.	4.	5.
Legislative & Policy Reform	**Remuneration Framework**	**Benefits Structure**	**Tools of Trade**	**Gratuity Payments**

• Amend the Municipal Structures Act to:
  ○ Update councillor job profiles and responsibilities.
  ○ Consolidate the roles of Mayor and Executive Mayor where possible.
	• Standardize salaries for Grades 1–3 municipalities across provinces, without MEC concurrence.
	• Pay councillors directly from the **National Revenue Fund**.
	• Implement an 8/8th model (like public service) for full-time councillors.
	• Apply a capped 10% limit on MEC adjustments to eliminate excessive discretion.
		Retirement:
		○ Make membership in a defined contribution pension scheme compulsory for all full-time councillors.
		○ Establish a single retirement fund across Executive, Legislative, and Local Government sectors.
		Medical Aid:
		○ Make membership compulsory where feasible.
		○ Initiate discussions with Treasury, COGTA, SALGA, and major medical aid providers to develop affordable options.
			• Standardize provisions (laptops, IT equipment, office space, stationery, support staff, etc.), based on 2011 Gazette, and update accordingly.
			• Ensure equitable access for Cllrs regardless of municipality grade.
				• Allow once-off gratuity **for councillors exiting in 2026**.
				• Completely phase out all gratuity payments **after 2026**.
				<u>This would be applicable to public office-bearers in ALL spheres of government.</u>

COUNCILLOR WELFARE

❑ SUMMARY OF RECOMENDATIONS

- Implement a harmonized remuneration structure with clear grading and salary scales across Local Government.
- Compulsory pension fund membership for full-time Cllrs.
- Compulsory medical aid membership, where feasible.
- Limit MEC discretion on remuneration adjustments.
- Phase out once-off gratuity payments by 2026 **(Local Government)** and 2029 **(Executive and Legislative sectors).**
- Update tools of trade provisions to align with international standards.

CONCLUSION

- Recommendations of the Commission aim to modernize and align the remuneration, benefits, and support for Cllrs, promote consistency across municipalities, and ensure fiscal sustainability. Legislative amendments, policy reform, national standardization, and stakeholder collaboration will be central to successful implementation.
- **CoGTA and SALGA will jointly engage National Treasury** to implement the recommendations of the Commission.

4

IMC - MPTAS

ESTABLISHMENT OF IMC: MPTAS

- In August 2024, the Auditor-General of South Africa presented findings on the municipal audit outcomes for the
  - 2022/2023 Financial Year to the Cabinet. The AGSA reported that out of 257 municipalities –

Percentages 2022/23 FY	Audit Description	Percentages 2023/24 FY
13%	Obtained an unqualified opinion with no findings (a drop of 4 municipalities from previous FY)	**16%**
43%	Obtained an unqualified opinion with findings (an increase by 5 municipalities from previous FY)	**39%**
33%	Obtained a qualified opinion (an increase by 6 municipalities)	**35%**
2%	Had adverse findings	**2%**
5%	Obtained disclaimers (a decrease by 12)	**4%**
4%	Had outstanding audits	**4%**

- AGSA cited service delivery planning and reporting, infrastructure, and financial performance being primary weaknesses that stifle progress in municipalities. The AGSA highlighted the following weaknesses in respect of underperforming municipalities –

  - **Inadequate skills and capacity;**
  - **Governance failures;**
  - **A culture of no accountability and consequences; and**
  - **Poor-quality performance reports submitted for audit.**

- Reviews of local government have featured it primarily in the “30 Years of Democracy Report”, highlighting governance, financial, and service delivery challenges, and the current MTDP has specific outcomes to be achieved for the 7th administration.

ESTABLISHMENT OF IMC: MPTAS

- Cabinet approved the establishment of an **IMC–MPTAS** to focus on the ten (10) prioritized distressed municipalities to implement a performance turnaround plan focused on the following targets, outputs, and outcomes:
  - Debt owed to **Eskom and Water Service Utilities and Boards**;
  - **Debt** owed to municipalities by Organs of State;
  - Focus on the **prioritized distressed municipalities** in the first phase of the action plan;
  - Focus on municipalities that pass **unfunded budgets**;
  - Establishment of a team to finalize the **funding model** and review the funding assumptions for local government;
  - Establish a technical team to manage to develop and implement a plan to **reverse the poor audit outcomes** obtained by municipalities, as released by AGSA; Develop a plan to **create functional municipalities**, including review and improvement of demarcation; and Improved **competency and skills development of elected, administration, and technical management** of municipalities

ESTABLISHMENT OF IMC: MPTAS

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- The implementation of the MPTAS will focus on, in the short-term, on the 10 worst-performing municipalities (in the Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, North-West and Northern Cape), and thereafter on the remainder of the 35 identified distressed municipalities.

Phase	Milestone/S	Description/ Activity
Short-term	Sept - Dec 2024	Focused on assessing the state of the specific municipalities, including identification of deficiencies, gaps, challenges and ascertaining the type of support and intervention required in the municipality.
Medium-term	Jan – June 2025	Focused on the actual implementation of remedial measures to address deficiencies identified in phase 1.
Long-term	July 2025 - Jun 2026	Focused on continued implementation, monitoring and evaluation of impact of the MPTAS.

5.

CALLING AND SETTING THE DATE FOR THE 2026/27 LG ELECTIONS

BACKGROUND

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- Section 159 of the Constitution (1996) provides that **the term of a Municipal Council may be no more than five years**, as determined by National Legislation.
- Section 24 of the Structures Act provides –

> **24 Term of municipal councils**
>
> (1) The term of municipal councils is five years, calculated from the day following the date set for the previous election of all municipal councils in terms of subsection (2).
>
> [Sub-s. (1) substituted by s. 5 of Act 58 of 1999 (wef 14 January 2000).]
>
> (2) Whenever necessary, the Minister, after consulting the Electoral Commission, must, by notice in the *Government Gazette*, call and set a date for an election of all municipal councils, which must be held within 90 days of the date of the expiry of the term of municipal councils. The notice may be published either before or after the term of municipal councils expires in terms of subsection (1).
>
> [S. 24 amended by s. 93 of Act 27 of 2000 (wef 11 July 2000).]

- Last LGEs was held on **1 November 2021** – current term of office of the municipal councils elected on **1 November 2021**, expires on **1 November 2026**. This means that the next LGE must be held from **2 November 2026**, and not later than **30 January 2027**.
- *In Electoral Commission of South Africa v Minister of CoGTA and Others 2021,* **the Constitutional Court determined that general elections of municipal councils may "never" be deferred beyond the 90-day period,** following the end of term of local government, as prescribed.
- In the past, **Minister would engage with the President of the Republic South Africa after consultation with the IEC on the suitable date** for the LGEs.
- **President would announce the date** on which the elections will be held, and **thereafter the Minister, publishes the date in the *Government Gazette***, calling and setting the date for the LGEs.

6.

REVIEW OF THE WHITE PAPER ON LOCAL GOVERNMENT

AIM AND OBJECTIVES OF THE WHITE PAPER REVIEW

Aim

- To **review the performance of the local government system** within a framework of cooperative governance against the assumptions, concepts and recommendations of the WPLG98.

Objective

- **Publish a revised and updated** Local Government White Paper by March 2026 (WPLG26).
- Recommendations requiring **legislative amendments will be included in the General Laws Amendment Bill** and other relevant national legislation to be tabled in 2026.

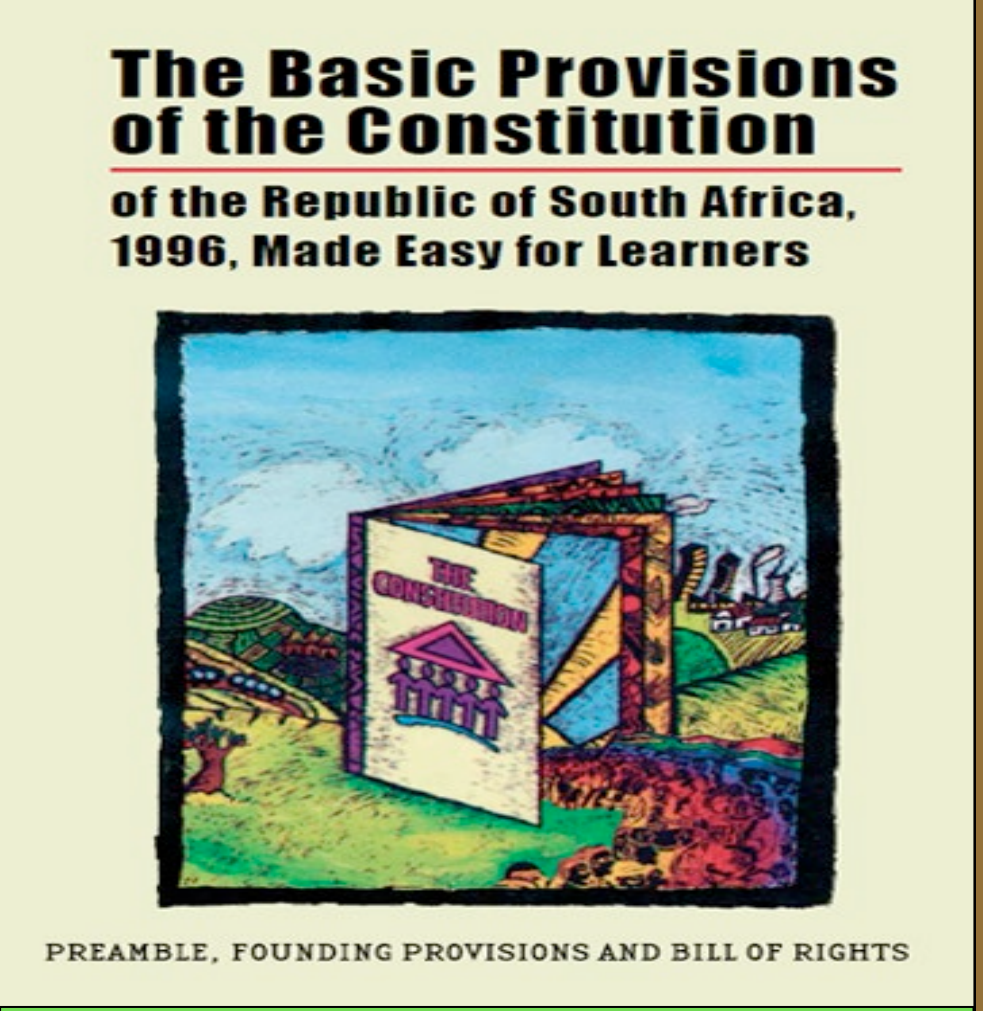
Process

- A WPLG **Discussion Document** was published for comments between April - June 2025 (Extended to 31 July 2025).
- This will be **followed by an extensive and inclusive process of consultation** during 2025, together with a coordinated research process.

Reference Points:

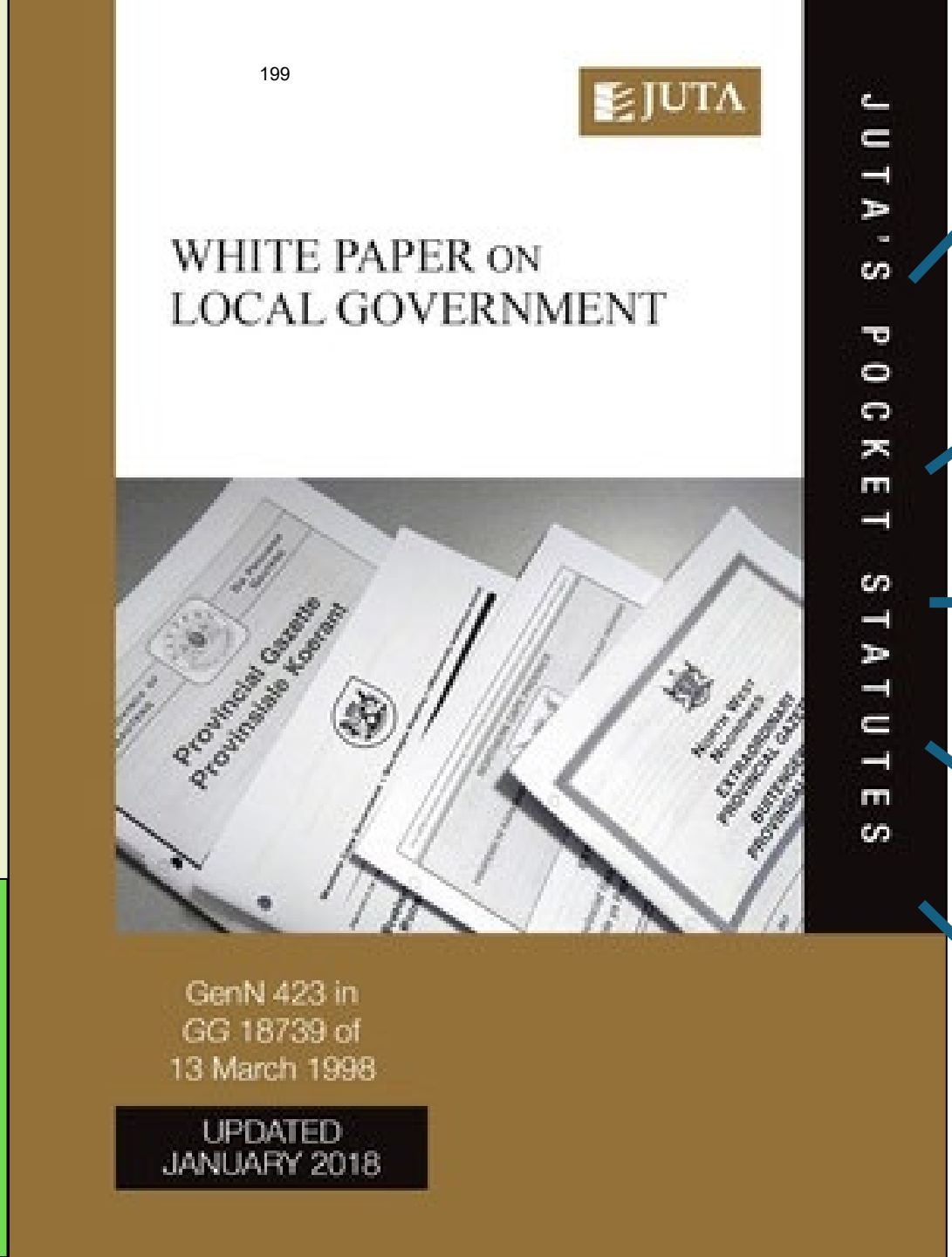
The WPLG98 Review process will consider:

- **1996 Constitutional provisions** on local government.
- Subsequent local government **'foundation' legislation and regulations** that gave effect to the recommendations of the WPLG98.
- Impact of the **four reviews of local government, and related interventions,** that were carried out between 2007 and 2023.
- **Efficacy of the local government** support, monitoring, oversight and intervention **system implemented by provincial and national government.**



CHAPTER 7:OBJECTS OF LOCAL GOVERNMENT

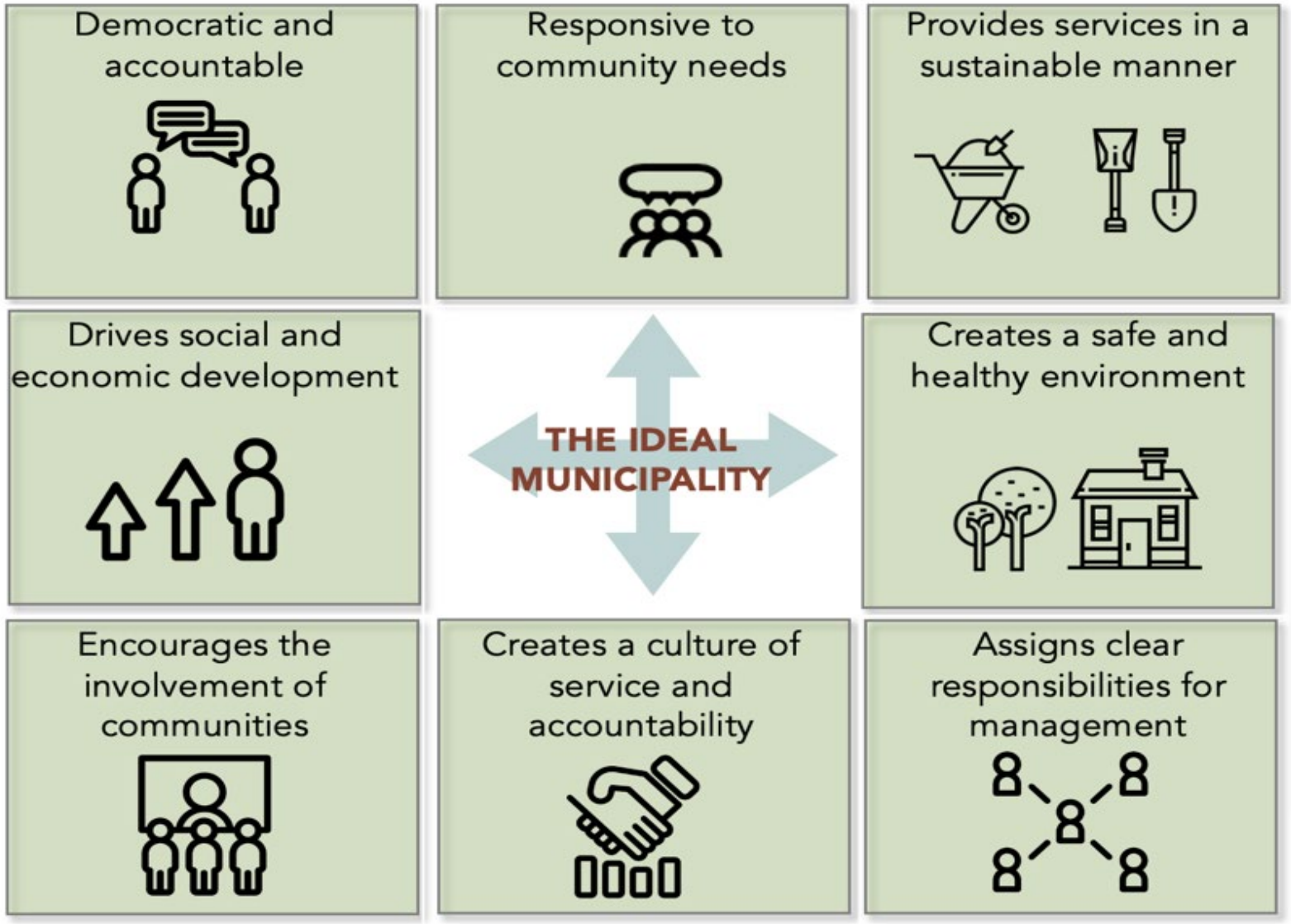
- Democratic and accountable Government
- Provide services to communities
- Social and economic development
- Safe and healthy communities
- Community involvement in local government matters



- Municipal Demarcation Act
- Municipal Structures Act
- Municipal Systems Act
- Municipal Property Rates Act
- Municipal Finance Management Act

WPLG98 VISION - AN IDEAL MUNCIPALITY

The ultimate test of achieving an ideal municipality is when a municipality is enabled to:



The White Paper on Local Government (1998) envisaged an 'ideal municipality.' Source: Local Government 21- Year Review, Department of Cooperative Governance, 2021-2023.

PROJECT MILESTONES: PHASE 1[01] (1 JULY 2024 TO 31 MARCH 2025)

1

Approval of the Project Concept, TORs & Plan

1 July 2024 – 30 September 2024

2

Establishment of Project Governance Structures

09 September 2024 – 18 November 2024

3

Stakeholder Consultation & Engagement

1 October – 31 December 2024

4

Consolidated report with inputs from stakeholders

1 November - 31 December 2024

5

Political leadership (Ministry), Political Steering Committee (PSC) , PCC and Cabinet engagements

11 & 14 March 2025

6

Draft Discussion Document containing problem statements for review

1 January - 31 March 2025

PROJECT MILESTONES: PHASE 2 (1 APRIL 2025 TO 31 MARCH 2026)

7
Further consultations and invitation of public views on the Discussion Document

1 April 2025– 30 June 2025

8
Commissioning of research on identified areas for review

1 April – 30 September 2025

9
Report with proposed policy options emanating from the participatory and research processes
1 August – 30 September 2025

10
Draft White Paper produced and published for comments

1 October – 30 November 2025

11
Consolidation of inputs emanating from public comments
1 December 2025 – 31 January 2026

12
Submission of the Reviewed White Paper to Minister/PSC/Cabinet
1 February – 31 March 2026

WPLG26 PROCESS FOLLOWED: MULTI - PHASED APPROACH

The White Paper on Local Government Review consists of several parallel processes:

- ❑ Initial round of extensive stakeholder engagements from Oct - Dec 2024
- ❑ Sector focused engagements (Jan - March 2025).
- ❑ Overview assessment of previous reviews and literature.
- ❑ Diagnostic analysis - Gazetting the Discussion document and public submissions (by 31 July 2025).
- ❑ Development of Research Agenda and Mapping the legislative ecosystem & possible alignment with other key national mandates.
- ❑ Research inputs to ensure an evidence-based approach.
- ❑ Development of policy and legislative options
- ❑ Draft reviewed white paper developed

WPLG26 PROCESS FOLLOWED: STAKEHOLDER ENGAGEMENTS

EVENT /ITEM	STAKEHOLDER ENGAGED
LGWPR Process Launch (Brown Bag Session)	DCoG, DTA, MISA, NDMC, SALGA, SACN, DPME, DMRE, NT, UJ, UWC, DUT, PARI, CSIR, Isandla, HSRC, INTERNAL DCOG STAFF
Preliminary Consultations with key stakeholders	Internal DCoG Structures, Isandla Institute, IMATU, IMESA, NSI, GCRO, DOI, MISTRA, CSIR, NBI, NEDLAC, Wits School of Governance, PARI, NPC, OUTA, SALGA, IEC
Extensive Consultations - key stakeholders and role players	DCOG - NATIONAL BUSINESS INITIATIVE (NBI) ROUNDTABLE WITH BUSINESS PARTNERS (3) 1. Cape Town (PepsiCo); 2 Johannesburg (Deloitte); 3. Kwa Zulu Natal (SAPPI); 4.Eastern Cape (Mercedez Benz -30 July 2025)
	NEDLAC BUSINESS CHAMBER:INITIAL ENGAGEMENT ON WPLG REVIEW (NOV 2024) 1. First Dialogue Session on thematic areas 1 (Governance and Admin 30 May 2025); 2. Second dialogue Session in Finance & Infrastructure 3 July 2025) 3. Third dialogue Session on LED/Spatial Planning due in August 2025), Fourth dialogue Session on thematic areas 4 Structure of LG and IGR (4 September 2025) & 5. Thematic area 5- Traditional Land Khoisan Leadership and Local governance (25 September 2025)
	JOINT DCOG/SANDLA ROUNDTABLE: Academic & Research Partners: UWC, UCT, Stellenbosch, HSRC, IBP- SA Civil Society: DAG, Ndifuna Ukwazi, Planact, SA Food Lab; Government: SALGA, DHS, NT CSP, City of Tshwane
	PALOG webinar- engagement with LG Practitioners
National Departments Provinces & Municipalities	National: PRESIDENTIAL COORDINATING COUNCIL (PCC), POLITICAL STEERING COMMITTEE (PSC), FOSAD, CABINET Provinces & Municipalities: Provinces have been consulted through both Technical and Political MINMEC; Technical and Political IGR Forum consultations completed: EC PIGF, EC MuniMEC, FS PEC/MECLOGA, WC MinMAY, MP PIGF/MunMEC, LIM PEC/PIGF/MUnMEC, NW PCC, /MunMEC, GT IGR, KZN LG Summit, NC Special MuniMEC; SALGA Speakers Forum (EC, WC, Limpopo), SALGA NMA
Formal submissions	Letters sent to all sector departments & partner institution to request them to make formal submissions before 13 December 2024. (Deadline extended to 28 February 2025.
Focused Engagements with Sector Depts & Partners	Intimate engagements with sector departments and key partner institutions on sector legislative and regulatory reforms impacting on local government policy NPC, AGSA, NT, DPME- Presidency (PRS), DFFE, DWS, DEE, SACN, SALGA, IEC, MDB, NDMC, MISA, DOT, PSC, DOH, DRDLR, NPC, TEI, IBP SA, Asivikelani NGO Network, Kagiso Trust
COGTA Engagement Initiatives	1. Discussion Document (Community consultations) – Gazzetted on 10 April 2025, Deadline 30 June 2025 (Extension granted – 31 July 2025) 2. WPLG Launch – 19 May 2025 (Attended by Key Partner Instititons, National and Provincial Houses of Traditional & Khoiisan leaders Provincial IEC, Provincial SALGA, Provincial CoGTAs, Municipalities (Mayors & Speakers) 3. Dialogue with political parties – 23 June 2025 (Attended by National and Municipal Level Political Parties) 4. Dialogue with Youth and Women – 28 February 2025 (Attended by Women and Youth Formations, DWYPD, COGTA, NYDA)

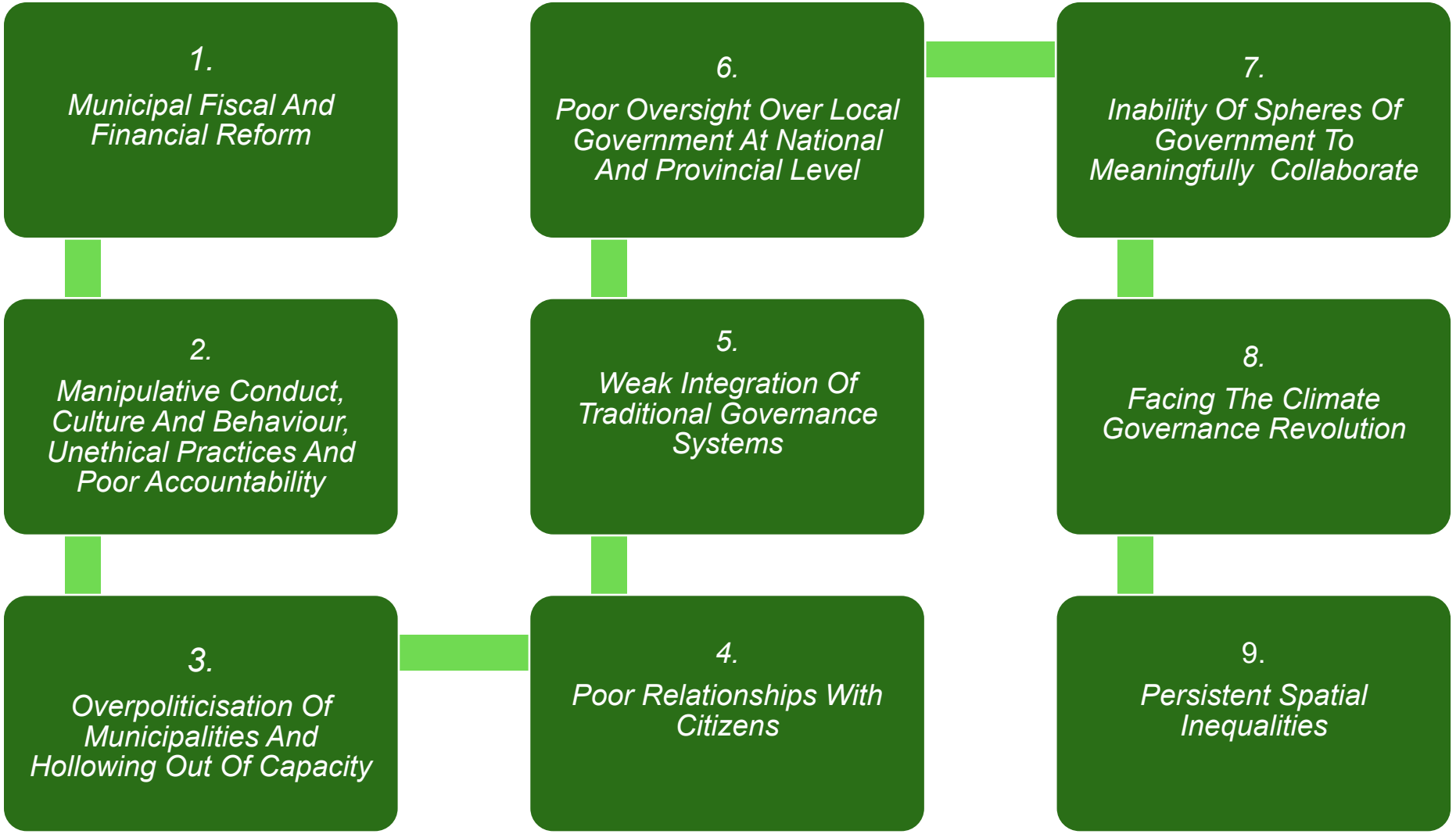
WPLG REVIEW PROCESS FOLLOWED: INITIAL THOUGHTS AND EXPERIENCES

During the consultation process between October – December 2024, individual participants and organisations were asked to share their initial thoughts and experiences on the journey of local government since the inception of the WPLG98.

Letters were sent to departments, Provinces and individuals and organisations to elicit responses to the following questions:

- **What has been achieved under the WPLG98? (Accomplishments since 1998)**
- **What are the main problems with the system of local government? (Problems)**
- **How has the external context changed since 1998; what new problems and innovations have emerged, and how are these affecting local government? (New problems and developments since 1998)**
- **How should the White Paper address failings in the current system of local government, changes in the external context, new priorities, and emerging problems and opportunities? (Proposals and new directions for inclusion in the WPLG26)**

WPLG REVIEW PROCESS FOLLOWED: VIEWS EXPRESSED BY STAKEHOLDERS



WPLG REVIEW PROCESS FOLLOWED: PRESSING AND POTENTIAL "TOUGH" ISSUES - EXAMPLES



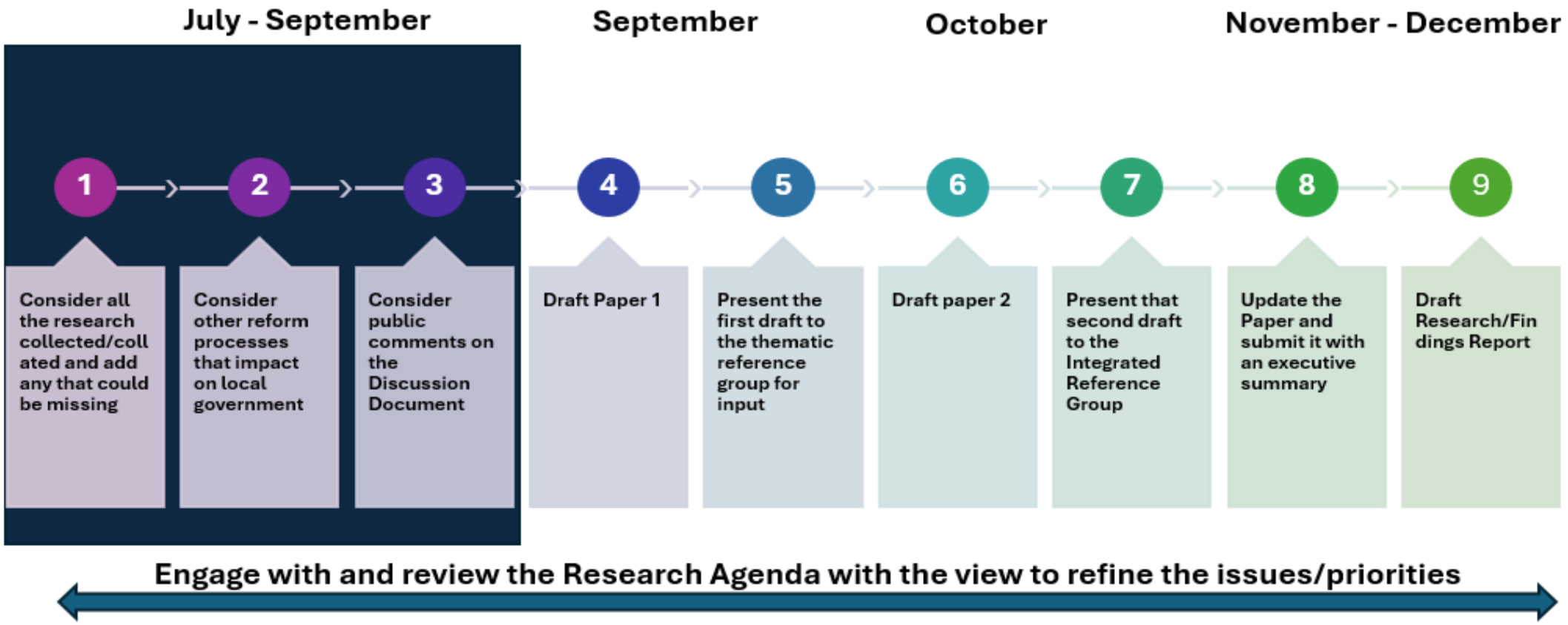
RESEARCH AREAS AND THEMATIC AREAS

No.	RESEARCH AREA
1.	**Governance and political leadership**
2.	**Municipal administration and capacity**
3.	**Citizen and community relations**
4.	**The structure of the local government system, powers and functions and differentiation**
5.	**Local government in intergovernmental relations**
6.	**Finance**
7.	**Infrastructure**
8.	**Local Economic Development**
9.	**Planning and spatial transformation**
10.	**Environment, climate and disaster management**
11.	**Traditional and Khoi-San Leadership and Local Government**

Research Themes And Reference Groups

1. Governance, institutions, administration, and citizen relations.
2. Structure of local government and inter-governmental relations.
3. Finance and infrastructure
4. Local government in growth and development; spatial planning and transformation
5. Traditional and Khoisan leadership & Local Government

RESEARCH PROCESS – KEY RESEARCH MILESTONES



RESEARCH PROCESS – THE NEXT STEPS

Develop/finalise analytical framework

Develop report format

Refence Group meetings to process Draft 1 Papers

Reference Group meetings to process Draft 2 Papers

Integrated Reference Group Workshop

Final Papers with Executive Summaries

Draft Research/Findings Report to Lead Writer

OVERVIEW OF PREVIOUS REVIEWS



- ❑ Four (4) formal reviews conducted
- ❑ Combined 35 recommendations identical to issues being raised today (Summaries are contained in the Discussion Document)
- ❑ Multiple interventions, yet the challenges and weaknesses persist

TWO INTERRELATED CHALLENGES

1. The persistent weaknesses in the local government system itself.
2. The persistent ineffectiveness of policy reform and implementation demonstrated by little change over the past 20 years despite four formal reviews conducted and many interventions announced.

Both these challenges need to be tackled simultaneously.

30+ PROCESSES CURRENTLY UNDERWAY IN NATIONAL GOVERNMENT THAT IMPACT THE LOCAL GOVERNMENT SYSTEM

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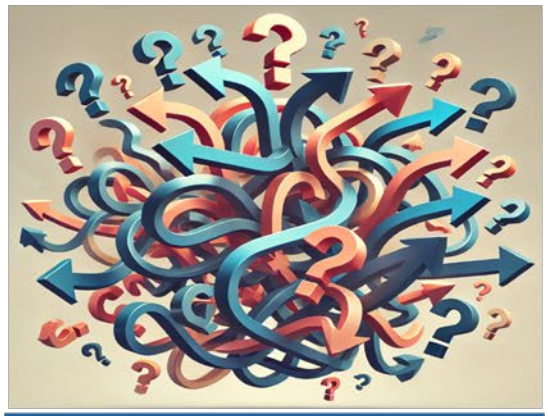
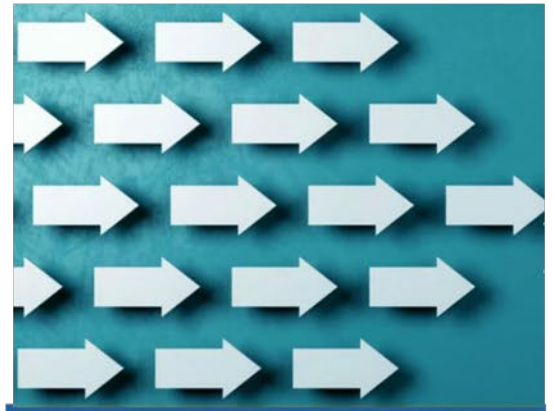
WHERE ARE ON TH EPOLICY IMPACT IMPLEMENTATION SCALE



Negative impact



Minimal impact



Improved impact



Collective impact

DISORDER/CONFUSION

- No shared goals
- Competing and overlapping mandates
- Rivalry and sabotage
- Competitive attitudes and behaviours
- Poor communication

ISOLATION

- May work well for one sector department
- 'Bypass perceived blockages' approach
- Isolated and separate activities and processes

ALIGNMENT

- Shared ideas and goals
- Lots of 'coordination' but many processes are parallel but separate
- Improved communication

COLLECTIVE IMPACT

- Shared goals and common agenda leading to joint action
- Agreement in place on collaboration mechanisms
- Mutual accountability

TIME HORIZON FOR LOCAL GOVERNMENT REFORMS

Thinking through sequencing of change processes

How do we **align and sequence** short-term, medium-term and long-term interventions to ensure **coherency of local government reform**?

ST: Stabilisation now to prevent collapse

MT: What must be put in place before the next municipal term of office (end 2026)?

LT: What changes should be implemented during the next term of office (2026-2031)?

Immediate: What needs to delivered in the short-term to stabilise municipalities and to prevent further deterioration of the local government system

- Agreements on debt management
- Resolution to pension fund administration
- Stabilisation of key metros and secondary cities
- Strengthen anti-corruption measures
- Collaboration agreement on local government oversight, monitoring and intervention, with consequence management.

What needs to be put in place in time for the next local government elections (late 2026/early 2027)

- Approved White Paper as new policy statement for the future of Local Government
- Commitment to culture change starting with ethical leaders who model transparency, accountability, and responsiveness, and support strengthening of anti-corruption measures.
- Coalitions legislation
- Agreement on professionalisation in LG
- Agreement on role of traditional authorities
- Independent Municipal Demarcations Authority

Long term restructuring of local government system

- Agreement on assumptions and architecture for new local government system
- New financial framework
- Governance arrangements
- Institutional arrangements: Possible differentiated and asymmetric approaches to allocation of powers and functions
- Service delivery arrangements
- Infrastructure funding arrangements

REQUIRED SHORT-, MEDIUM- AND LONG-TERM LOCAL GOVERNMENT REFORM MEASURES[215]

Key Considerations:

- How do we align and sequence short-term, medium-term and long-term reforms?
- What could be implemented before local government elections in 2026?
- What could happen after local government elections 2026-2031?

WPLG26 Long Term Horizon - 2031 And Beyond

- Re-Imagined System of Local Government
- Modernised and fit-for-purpose system
- Appropriate number of municipalities
- Differentiated and asymmetric approaches to allocation of powers and functions
- Effective implementation of Regional/District Development Plans

Post LGE and MTDP 2026– 2031

- More reliable delivery of water and electricity through ring-fenced regulated and licenced utilities in the Metros
- Viable and sustainable funding model for Local Government
- Approved White Paper as new policy statement for the future of local government in the country
- Professional local government managers recruited through a standardised approach
- Related legislative amendments

Pre-Elections Priorities

- Coalitions Bill
- Framework for professionalisation in local government
- Independent Municipal Demarcations Authority
- Amended general laws amendment bill
- Agreements on debt management
- Resolution to pension fund administration
- Improved roll out of DDM one plans and Priorities

SHORT-TERM TO MEDIUM TERM LOCAL GOVERNMENT STABILIZATION STRATEGY

Presidency

- Facilitating multi-stakeholder turnaround interventions such as the Presidential eThekwini Working Group (PeWG) and the Presidential Johannesburg Working Group (PJWG)
- Supporting implementation of the Local Government Collaboration Framework between the Department of Cooperative Governance (DCoG), National Treasury (NT), and the Presidency
- Coordinating local government reform efforts as part of Operation Vulindlela Phase II, which explicitly identifies municipal performance as a constraint on economic growth

Treasury

City Advisory Support to all 8 Metros

Components Support: Capacity building and technical assistance are provided through several components:

- The Human Settlements Transformation (HSTP)
- City Infrastructure Development Management System (CIDMS).
- The Metro Trading Services Reform Programme (MTSP).
- The City Business Process Optimisation Project (City-BPoP)
- Public Transport and Mobility Support

CoGTA

- Focus on Distressed Municipalities
- Local Government Interventions support
  - Governance
  - Finance
  - DDM
  - Infrastructure (Electricity and Water)
  - Community Works Programme
- Convene WPLG26 review process

DBSA

- Trading reform work (Water and Electricity)
- Asset specific engagement
  - Project Finance and Packaging
  - Technical Assistance
  - Major Landing Agency
  - Mobilising Private Sector Investments
- Partnering District Programme
  - DDM Planning to Implementation
  - Capacity Support
  - Align to financing

SHORT-TERM TO MEDIUM TERM LOCAL GOVERNMENT STABILISATION STRATEGY

Public Private Growth Initiative (PPGI)

1. Strengthens Trust, Inclusivity & Collaboration

- PPGI fosters inclusive engagement and trust between the public and private sectors, as exemplified by its role in establishing sectoral Masterplans and implementing the Forestry Masterplan as a pilot.

2. Mobilises Existing Resources Strategically

- Aligns private sector efforts with National priorities by integrating ongoing municipal capacity-building into Operation Vulindlela's strategic framework.

3. Establishes Joint Structures for Execution

- Supports the creation of multi-sector teams to oversee project implementation, ensuring accountability and alignment with shared goals.

4. Leverages Pilot Learnings to Drive Local Investment

- Applies insights from the District Development Model pilot municipalities, where coordinated strategies between municipalities and local businesses created an enabling environment for investment, including joint infrastructure financing and service delivery improvements.

ENABLERS FOR LOCAL GOVERNMENT STABILISATION STRATEGY



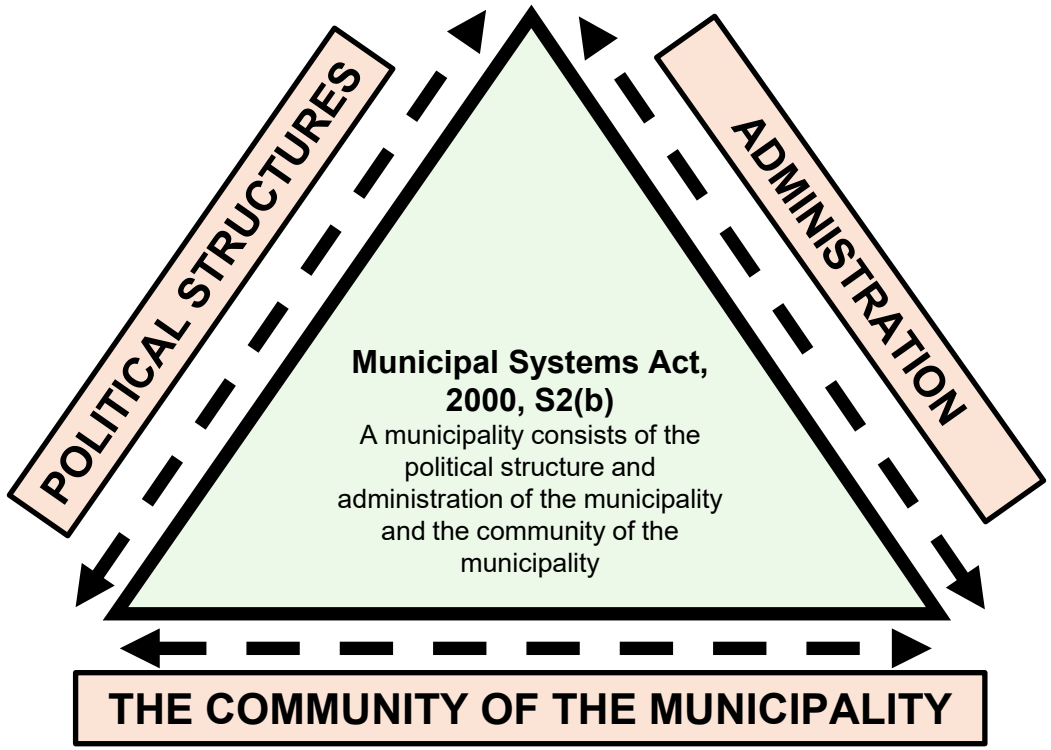
KEY COMPONENTS OF AN EFFECTIVE LOCAL GOVERNMENT SYSTEM

INTERCONNECTED & INDIVISIBLE



RELATIONAL GOVERNANCE

Cooperative governance (whole of government approach)



Participatory governance (whole of society approach)

Municipalities in South Africa were designed to function as a *three-way partnership* between the elected political structure, the administration, and the community, within a framework of cooperative and participatory governance. The Discussion Document emphasises the need to improve relationships (relational governance) through political and institutional culture change. (DD, page 33).

DISCUSSION DOCUMENT – WPLG REVIEW LAUNCH & CALL FOR SUBMISSIONS



DISCUSSION DOCUMENT – 222 SUBMISSIONS RECEIVED

BY 31 JULY 2025, A TOTAL OF 244 SUBMISSIONS HAD BEEN RECEIVED FROM VARIOUS STAKEHOLDERS, WITH A FURTHER 21 SUBMISSIONS SUBMITTED AFTER THE CLOSING DATE (INCLUDES 101 SUBMISSIONS RECEIVED FROM MEMBERS OF THE PUBLIC)

1.

Covert into an analysis broken down into the 5 Themes by the end of August

2.

Interrogate the submissions and use to respond to critical questions that need analytical, data and evidence backing

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3.

Generate report for further consultation on the WPLG 26 Review during the Departmental LG Indaba in October 2025

4.

Indaba to provide further platform to build consensus on key WPLG critical policy and legislative proposals

SUBMISSIONS RECEIVED BY ORGANISATION & TYPE

DISCUSSION DOCUMENT – SUBMISSIONS BY TYPE & ORGANISATION

ORGANISATIONS	NUMBER OF SUBMISSIONS
National departments	8
Provincial departments	11
Municipalities	23
Chapter 9 institutions	3
State entities	6
Professional bodies	14
Academic & research institutions	8
Trade unions	3
Consulting firms	13
NGOs / NPOs	41
Global partnerships	1
Political parties	23
Partner institutions	7
Organised business	3
Members of the public	101
Total Received	**244 Submissions (Received** *by closing date - of 31 July 2025*)
	265 submissions (an additional 21 submissions received after closing date)

EMERGING POLICY ISSUES FROM SUBMISSIONS RECEIVED

REFERENCE GROUPS AND THEMES

The Submissions have been group into the 5 Reference group themes and 11 thematic research areas as follows:

A. Governance, Institutions, Administration & Citizen Relations

1. Governance & Political Leadership
2. Municipal Administration & Capacity
3. Citizen & Community Relations

B. Structure of Local Government & Intergovernmental Relations (IGR)

4. Local Government Structure, Powers, Functions & Differentiation
5. Local Government In IGR

C. Finance & Infrastructure

6. Finance
7. Infrastructure

D. Growth & Development, Spatial Planning & Transformation

8. Local Economic Development
9. Planning & Spatial Transformation
10. Environment, Climate & Disaster Management

E. Traditional-Khoi-San Leadership & Local Government

11. Traditional & Khoi-San Leadership & Local Government

REFERENCE GROUP A

GOVERNANCE, INSTITUTIONS, ADMINISTRATION AND CITIZEN RELATIONS REFERENCE GROUP

THEME 1: GOVERNANCE & POLITICAL LEADERSHIP

Addressing political instability, corruption,[228] weak accountability, and coalition fragility

- Professionalise political leadership: mandatory competency and ethics standards; induction and continuous development; performance contracts with public KPIs.
- Depoliticise municipal administration: independent panels for senior appointments; outlaw appointments based on political loyalties; ban/codify limits on political interference in supply chain management and HR; criminal and disciplinary sanctions.
- Strengthen oversight and consequences: empower MPACs and audit committees (independent chairs, resources); enhance Auditor-General enforcement; specialised anti-corruption units; lifestyle audits; blacklisting.
- Stabilise coalitions and rules of the game: legalise public coalition agreements; mediation before no-confidence motions; modest thresholds; consider directly elected mayors.
- Transparency and citizen oversight: real-time procurement and performance dashboards; participatory budgeting; ward-level forums with monitoring powers.

- Independent, merit-based hiring: statutory professional bodies for key roles (MM, CFO, engineers) with continuing professional development and codes of conduct; protected tenure to reduce churn.
- Mandatory qualifications/training for officials and councillors: national/local academies; mentorship/secondments; skills pipelines for scarce disciplines.
- Unified HR/finance/asset/records systems: digitised workflows; spatial/asset registers; common M&E with cascading performance agreements and consequence management.
- Differentiation and shared services: tiered compliance; non-political district/regional technical hubs; review municipal viability and rationalise where necessary.
- Targeted fiscal/finance support: revenue collection reforms; audit-triggered support; rapid-deployment financial teams; align remuneration to capacity and outcomes.

THEME 3: CITIZEN AND COMMUNITY RELATIONS

Strengthening trust, participation,[230] transparency, and accountability

- Institutionalise continuous participation: participatory budgeting, empowered ward forums/assemblies, and clear performance rules (including recall options where appropriate).
- Proactive transparency: publish budgets, contracts, IDPs/SDFs, audits and disciplinary outcomes; enforce PAIA and clarify POPIA to prevent misuse.
- Two-way communication & citizen care: multilingual plain-language info; CRM/USSD/app channels; civic education; accessible venues and formats.
- Accountability tools: local ombuds offices: citizen scorecards, citizen-triggered audits, and CSO observer status on oversight bodies.
- Inclusive design: targets for youth/women/disability participation: traditional leader interfaces; whole-of-society safety partnerships to stabilise public spaces

REFERENCE GROUP B

STRUCTURE OF LOCAL GOVERNMENT & INTERGOVERNMENTAL RELATIONS (IGR)

- Adopt a differentiated/asymmetrical municipal model: categories (metros/secondary cities/rural) with tailored powers, autonomy, and compliance calibrated to capacity and performance.
- Reconfigure the two-tier system: repurpose districts as non-political shared-service agencies or consolidate into single-tier entities where evidence supports.
- Publish a binding functional assignment map with 'finance follows function': resolve overlaps (e.g., fire/disaster, air quality, energy distribution).
- Harmonise legislation (Constitution, Systems/Structures Acts, MFMA, SPLUMA, DMA): streamline compliance and eliminate contradictory mandates.
- Spatial alignment and demarcation: adjust boundaries to functional regions; provide transition funding; sub-council models to improve responsiveness.

THEME 5: LOCAL GOVERNMENT IN INTERGOVERNMENTAL RELATIONS (IGR)

Enhancing coordination, oversight, and cooperative governance mechanisms.[233]

- Shift from voluntary coordination to rules-based cooperative governance via enforceable IGR compacts with clear obligations, dispute-resolution, and consequences for non-performance.
- Create a national functional compliance matrix aligning powers, roles and reporting across spheres: standardise inter-sphere decision forums with mandatory senior attendance.
- Institutionalise an annual inter-sphere planning and budgeting calendar (IDP/MTEF alignment) with joint hearings and a single set of performance indicators.
- Clarify and tighten section 139 intervention triggers, timelines and escalation: early-warning systems and support compacts before interventions.
- Legislate/clarify the District Development Model (DDM) as a coordination platform (not de facto centralisation) or formally fold its functions into IDP processes with binding MOUs.
- Harmonise frameworks (MFMA, MSA, SPLUMA and sector laws) through a 'clearing house' to remove conflicts and reduce duplicated reporting and unfunded mandates.
- Define inter-sphere service-level agreements for concurrent functions (e.g., health/ECD, disaster/fire, environmental management) with funding, data-sharing, and accountability.

REFERENCE GROUP C

FINANCE AND INFRASTRUCTURE

THEME 6: FINANCE

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Strengthening fiscal sustainability, diversifying revenue, and improving financial management.

- ❑ Align grants and equitable share to clearly assigned mandates; resolve unfunded mandates; differentiate performance-linked transfers by municipal category.
- ❑ Diversify revenue: land value capture, targeted levies, green bonds, digitised collection, link to SARS/credit bureaus and pooled municipal credit facility.
- ❑ Ring-fence operations & maintenance (≈8–15% of budgets) and require asset care plans; tighten debt/borrowing controls with MFMA refinements

THEME 7: INFRASTRUCTURE

Addressing ageing systems, poor maintenance, and climate resilience

- Mandate asset registers, maintenance plans and drills: national municipal infrastructure support PMO to drive project preparation and execution.
- Shared utilities/regional services where capacity is weak: enforce sector minimum competencies; embed climate resilience and disaster risk reduction.
- Blue/Green Drop compliance and transparent service dashboards at ward level.

REFERENCE GROUP D

LOCAL GOVERNMENT IN GROWTH AND DEVELOPMENT, SPATIAL PLANNING AND TRANSFORMATION

THEME 8: LOCAL ECONOMIC DEVELOPMENT (LED)

Promoting inclusive, place-based growth and investment.

- Community-driven LED with SMME support, township/rural economies, and responsible tourism: structured partnerships with private sector and NGOs.
- Land use and infrastructure as enablers: streamline approvals; service industrial and mixed-use nodes; integrate LED into IDP and budget with measurable outcomes.
- Skills pipelines and youth employment programmes linked to municipal projects (maintenance, green jobs).

THEME 9: PLANNING AND SPATIAL TRANSFORMATION

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Promote integrated planning and spatial transformation in local government

- Harmonise and simplify planning instruments (IDP/SDF/SDBIP) and align with budgets; use GIS-based systems and open spatial data.
- Address apartheid spatial legacies via inclusionary housing: and densification along corridors, and informal settlement upgrading.
- Strengthen land use management capacity and clarity on delegations: standardise public participation in planning decisions.

Theme 10: ENVIRONMENT, CLIMATE & DISASTER MANAGEMENT

Mainstreaming sustainability, resilience, and risk management into municipal planning.

- ❑ Embed climate risk screening in all municipal plans and projects: earmark DRR budgets; early-warning systems and inter-agency protocols.
- ❑ Clarify municipal environmental roles: enforce compliance and promote distributed renewable energy and efficiency in municipal operations.
- ❑ Community partnerships for stewardship (waste, biodiversity, urban greening).

REFERENCE GROUP E

TRADITIONAL AND KHOI-SAN LEADERSHIP AND LOCAL GOVERNMENT

THEME 11: TRADITIONAL & KHOI-SAN LEADERSHIP & LOCAL GOVERNMENT

Institutionalising structured collaboration to ensure legitimacy, inclusivity, and cultural recognition

- Formalise interfaces with traditional councils for joint planning/budgeting and land administration; FPIC for projects affecting indigenous communities.
- Define dispute-resolution mechanisms and regular reporting on shared functions; designate liaison roles and sub-structures where appropriate.
- Ensure constitutional consistency while recognising customary tenure and cultural practices within municipal frameworks.

7.

REFLECTIONS ON THE LG INDABA
Emerging issues & Resolutions

BACKGROUND

- Aim of Indaba is in pursuit of workable solutions / alternative policy reforms to address the challenges that are currently facing the local government sphere. **The key outcomes of the Local Government Indaba** included the provisions of the following aspects:

Reward best performing municipalities, within different specific categories, to encourage excellence.	
Provide a platform for practitioners in local government, researchers, policy makers, officials, councillors and other interested parties to delve deeper into topical issues facing local government.	**Highlight areas of success and those requiring further attention to find workable, lasting solutions.**
Inform stakeholders on where interventions should be directed to strengthen municipal governance and audit outcomes and improve service delivery.	**Creation of a vibrant "community of practice" for purposes of ongoing peer review and mutual support.**

- The Local Government Indaba dealt with the following key topics in an effort to accelerate and improve local governance, administration and service delivery at a municipal level under the auspices geared towards the establishment of an "Ideal Municipality":
  - Policy Review and Legislative Reforms
  - Municipal Governance, Ethics and Finance
  - Service Delivery and Infrastructure
  - Municipal HRM and Institutional Capacity
  - Intergovernmental Relations and Planning
  - Role of Traditional and Khoisan Leadership in Local Governance

PARTICIPATION / GUEST LIST

- Ministers
- MECs responsible for local government;
- Traditional and Khoi-San Leadership;
- AGSA;
- Law enforcement agencies;
- Organised labour;
- Various Sectoral Departments providing services within municipalities;
- Members of parliament (Portfolio Committee, Select Committee of the NCOP);
- Heads of Provincial Department responsible for local government;
- Local government Office-Bearers (Executive/Mayors, Deputy Mayors, Speakers).

- Local government officials (Municipal Managers; Chief Financial Officers, Technical);
- Local Government Practitioners and Professional Bodies;
- Local government academic practitioners (researchers);
- SALGA
- Municipal Demarcation Board;
- Independent Electoral Commission;
- MOU Partners such as Isandla Institute;
- Business and private sector;
- Organised labour; and
- Any other interested parties.

Over 1,500 Attendees

OVERVIEW OF THE LG INDABA

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- The Ministry of Cooperative Governance and Traditional Affairs (CoGTA) hosted the Local Government Indaba on 2 and 3 October 2025 at the Gallagher Convention Centre, Gauteng, under the **theme: *"Every Municipality Must Work"*** .The Indaba was geared towards conducting an introspection on the previous Local Government Summit held on September 2022 by reflecting on the progress made in the transformation and improving local governance over the years.

- The Local Government Indaba also reflected on our commitment towards fostering good governance, citizen-centric solutions, and cooperative governance by focusing on the best practices, policy implementation, and addressing challenges at the local government level, ultimately aiming to create a local government that truly serves the people.

- The **Indaba straddled over two (2) days period**, and included keynotes addresses, messages of support from other sectoral institutions, panel discussions, and various commissions focused on critical themes for transformative local governance, and the unveiling of the first ever Departmental Local Government Awards.

COMMISSION 1: POLICY REVIEW & LEGISLATIVE REFORMS

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❑ **During deliberations, the following several key issues were highlighted:**

- The quality and competency of councillors was consistently raised, with concerns that there are no minimum qualification thresholds and that this undermines effective oversight and decision-making.
- Coalition instability emerged as another pressing issue, with frequent motions of no confidence destabilising councils.
- The political administrative interface was flagged as a core fault line, where cadre deployment and political patronage undermine professionalism in administration.
- Fiscal inequities were seen as a structural failure, particularly the design of the equitable share and the proliferation of unfunded mandates, which render many municipalities incapable of fulfilling their functions.
- Public participation mechanisms were described as weak and ineffective, failing to bridge the widening trust gap between municipalities and citizens.

COMMISSION 1: POLICY REVIEW & LEGISLATIVE REFORMS

- The **following are some of the critical resolutions** that were adopted by Commission 1 after deliberations for consideration in the WPLG review process:

NO.	RESOLUTIONS
1.	Redefine and enforce separation between political and administrative roles.
2.	Introduce minimum competency standards for councillors, mayors, speakers, and MMCs.
3.	Regulate coalition governments to promote council stability.
4.	Address affordability and effectiveness of 9,000 councillors.
5.	Review and redesign the equitable share formula to reflect differentiated needs.
6.	Reform Municipal Finance Management Act (MFMA).
7.	Strengthen revenue collection and debt recovery.
8.	Promote business-model approach to municipal operations.
9.	Encourage PPPs and innovative finance mechanisms.
10.	Extend tenure of municipal managers beyond five years.
11.	Strengthen capacity-building and career pathways.
12.	Enhance provincial oversight of municipal performance.
13.	A shared services approach be explored, using the DDM and the Private sector to improve delivery capacity.
14.	Incentives for water harvesting be introduced in communities.
15.	Enhance Municipal Revenue, Water Boards and ESKOM to remain with bulk supply and reticulation be the responsibility of municipalities.
16.	Institutionalise ward committees and participatory structures.

COMMISSION 2: MUNICIPAL GOVERNANCE, ETHICS AND FINANCE

❑ **During deliberations, the following several key issues were highlighted:**

- **Reinforced transparency and accountability** in municipal operations.
- Focus on **strengthening oversight structures** like audit committees and council subcommittees to ensure effective performance monitoring and compliance enforcement.
- Promoting **ethical leadership and institutionalising codes of conduct** are key to fostering a culture intolerant of corruption and unethical behavior.
- **Transparent procurement processes** and consequences for misconduct are essential to restoring integrity.
- The Commission therefore highlighted the need to explore ways to empower communities in anti-corruption efforts, including protecting whistleblowers and supporting officials engaged in integrity work.
- Enhancing community participation is vital to building resilient, trustworthy, and transparent local governance.

COMMISSION 2: MUNICIPAL GOVERNANCE, ETHICS AND FINANCE

❑ The **following are some of the critical resolutions** that were adopted by Commission 2 after deliberations:

NO.	RESOLUTIONS
1.	Municipal leadership should set the tone and drive good governance, including putting in place appropriate governance structures to effectively ensure the implementation of integrity and anti-corruption programmes.
2.	The Local Government Ethical Leadership Initiative (LGELI) should be prioritized, adopted, institutionalized and integrated into performance management systems.
3.	There is a need for ethics governance and management infrastructure to be expressly stated in the regulatory framework for local government - through the review of the White Paper on Local Government, 1998.
4.	To address instability in coalition-led municipalities, the Amendment to the Local Government: Municipal Structures Act, 1998, must be strengthened to accommodate the shift from executive mayor systems to collective executive committees in hung councils.
5.	To ensure stability in municipalities, the Coalition Bill must be expedited and finalised before the upcoming local government elections to introduce an electoral threshold.
6.	There is a need to formalize mandatory and enforceable written coalition agreements to reduce opportunistic behavior and improve predictability in governance.
7.	There is a need for capacity building and training initiatives for Councillors regarding coalition management, negotiation, and conflict resolution to equip councillors for multi-party governance.
8.	Local Government Ethics Committees must be established with clear mandates to monitor conduct and promote integrity.
9.	There must be collaborative efforts from local government stakeholders (DCoG, SALGA, National Treasury and Provincial CoGTAs) to invest in leadership training focused on integrity, servant leadership, and community-centered governance.
10.	The oversight mechanisms introduced in the legislation to monitor the Local Government (viz MPAC and empowered Speakers) must be supported whilst implementing their functions, including probing financial reports, Auditor - General findings, and service delivery metrics.

COMMISSION 3: SERVICE DELIVERY AND INFRASTRUCTURE

❑ **During deliberations, the following several key issues were highlighted:**

- Concerns were raised regarding inadequate capacity of existing infrastructure to meet the service delivery demands.
- Vandalization and theft of municipal infrastructure.
- Number of concerns were raised regarding financing of infrastructure. These include, current funding model being not fit for purpose, diminishing tax bases in municipalities.
- lack of internal technical capacity – municipalities do not have internal technical capacity to operate, maintain and safeguard municipal infrastructure and relies heavily on consultants.
- Civic education on infrastructure related matters were also discussed by the Commission.
- It was highlighted that some municipalities do not have assets registers hence it is difficult to maintain the infrastructure.
- The impact of climate change was also highlighted as exacerbating the challenges as disasters destroy infrastructure and funding for rehabilitation of this infrastructure is inadequate.

COMMISSION 3: SERVICE DELIVERY AND INFRASTRUCTURE

❑ The **following are some of the critical resolutions** that were adopted by Commission 3 after deliberations:

NO.	RESOLUTIONS
1.	Municipalities must keep frequently update infrastructure asset registers to assist them to better plan for maintenance.
2.	Ring-fencing MIG funds for the development of other infrastructure such as roads in municipalities.
3.	Municipalities must use smart planning, implementation and decision making that is informed by data based on modeling, simulation, forecasting and scenario planning to determine growth patterns and inform infrastructure planning and development.
4.	Use of technology such as AI enabled cameras and sensors to detect criminality around municipal infrastructure.
5.	AI enabled cameras must be supported by law enforcement when criminality is detected, which in some municipalities means reliance on SAPS. NPA must come to the party in successfully prosecuting those involved in vandalism and theft of municipal infrastructure as the people involved are the same people in most instances.
6.	The market for the stolen infrastructure must also be dismantled (businesses that are found with stolen goods must be closed down).
7.	Development of tailor-made municipal project preparation support to attract external funding.
8.	Increase off balance sheet funding instruments for municipalities to take up frontloading of conditional grants.
9.	Implementing a partner-a-district support model within the DDM.
10.	Municipalities must leverage on the existing options such as Critical Infrastructure Programme (managed by the Department of Trade, Industry and Competition (DTIC)) to increase the funding basket for infrastructure.

COMMISSION 4: MUNICIPAL HUMAN RESOURCE SYSTEMS AND INSTITUTIONAL

- **The deliberations in commission 4 were categorised into 5 sections. The section below provides for the various matters highlighted during the presentations:**

Poor Recruitment and Selection Practices in Local Government *(Professionalisation of HRMS)*

- Emphasised lack of transparency and prevalence of patronage in municipal recruitment.
- Proposed involvement of the Public Service Commission (PSC) and professional associations.

Lack of Skills and Technical Competence in Local Government

- Differentiated skills planning from skills development, stressing their interdependence.
- Noted that Workplace Skills Plans often misrepresent actual needs.
- Stressed the importance of alignment with Integrated Development Plans (IDPs).

Productivity and Performance Management in Local Government

- Identified inadequate training, weak compliance to recruitment norms, and poor induction systems.
- Proposed adoption of ISO standards and risk-based performance approaches

Good Governance and Accountability

- Noted institutional dysfunction due to poor leadership and weak HR systems.
- Stressed the importance of linking individual performance to organisational outcomes.
- Highlighted the constitutional requirement for development-oriented public administration

Remuneration Model of Local Government

- Shared survey results showing employees prioritise fair pay, meaningful work, and resilience support.
- Called for a holistic “people value proposition” covering pay, benefits, culture, and growth opportunities.

COMMISSION 4: MUNICIPAL HUMAN RESOURCE SYSTEMS AND INSTITUTIONAL

❑ The **following are some of the critical resolutions** that were adopted by Commission 4 after deliberations:

NO.	RESOLUTIONS
1.	The critical importance of human resource governance in local government must be acknowledged in the review of the WPLG. Foundational importance of effective human resource governance systems is important to realise the objectives of the professionalization of the public service.
2.	Strengthening merit-based recruitment and disqualification criteria
3.	Inclusion of external members in selection panels and piloting reforms in metropolitan municipalities.
4.	Ensure appointment of the top-ranked, suitably qualified candidate after objective assessment.
5.	Mandatory written motivation for any deviation from appointing the top-ranked candidate, with approval from provincial CoGTA.
6.	Prohibit the commencement of employment for a lower-ranked candidate until provincial CoGTA has approved the deviation in writing.
7.	Develop clear, standardised competency profiles for each occupational category (e.g., engineers, planners, finance managers, HR practitioners).
8.	Conducting a sector-wide and comprehensive assessment of existing skills, qualifications, and competencies of municipal staff.
9.	Identifying critical gaps between current capabilities and the requirements of municipal mandates and IDPs.
10.	Create a national oversight unit (within CoGTA or PSC) to monitor recruitment, vet appointments, and ensure compliance with HR regulations.

COMMISSION 5: INTERGOVERNMENTAL RELATIONS AND PLANNING

❑ The section below provides for the various matters highlighted during the presentations:

Fragmentation and Misalignment

- **Planning Misalignment:** IDPs are developed locally with minimal provincial or national input, resulting in plans that are escalated upward but not integrated.
- **Overlapping Mandates:** SPLUMA, the MSA, and the IGR Act overlap, generating confusion and institutional competition instead of coordination.
- **Forum Ineffectiveness:** IGR structures are seen as "talk shops" with little authority to drive decisions or implementation.
- **Budget Disconnect:** National and provincial budgets often fail to align with municipal priorities, undermining the credibility of plans.

Institutional and Legislative Weakness

- The current legislative framework is discretionary and unenforceable; there is no legal compulsion for attendance, accountability, or follow-through.
- Section 139 interventions have largely failed to correct systemic weaknesses.

Capacity, Leadership and Professionalisation

- Politicization of appointments undermines technical capacity and accountability in municipalities.
- Senior managers often lack requisite planning qualifications or experience; professional registration is not consistently enforced.
- The system rewards political loyalty over technical competence.

- **Compliance vs Development**
- A pervasive tension exists between compliance-driven reporting and developmental outcomes.
- Performance is assessed through audits and APPs rather than developmental impact or spatial transformation.
- The system lacks flexibility and continuity across political terms.

COMMISSION 5: INTERGOVERNMENTAL RELATIONS AND PLANNING

❑ The **following are some of the critical resolutions** that were adopted by Commission 5 after deliberations:

NO.	RESOLUTIONS
1.	Reform the IGR Act to move from voluntary coordination to rules-based cooperative governance, with mandatory attendance, defined responsibilities, and consequence management.
2.	Eliminate overlapping mandates between SPLUMA, the MSA, and the IGR Act and other legislation pertaining to IGR to establish a coherent framework for integrated planning and implementation.
3.	Consider empowering the Office of the Premier as a consolidator of provincial-municipal plans
4.	Institutionalise Capital Planning Forums linking IDP, finance, and technical services functions to integrate priorities and budgets.
5.	Enforce professional registration as a minimum requirement for senior planning posts.
6.	Establish recruitment reforms to ensure merit-based, depoliticised appointments.
7.	Conduct regular planning capacity assessments across municipalities.
8.	Implement a “One Plan, One Budget” approach that places local government at the top of the triangle rather than at the bottom, to ensure coherent funding and execution locally.
9.	Institutionalise spatial targeting and reprioritisation mechanisms linked to measurable developmental outcomes.
10.	Develop clear guidelines for traditional leaders’ participation in municipal planning and revenue systems.

- **The Commission emphasized at the role of traditional leadership within the local government sphere: Case study input on a practical working relationship on land release processes for the following development initiatives:**

  - Local House of Traditional and Khoi-San Leader's perspective on local governance.
  - Allocation of roles to traditional leaders in terms of the TKLA.
  - Mandatory inclusion of traditional leaders in IGR structures at all spheres of government.
  - Strengthening participation of traditional and Khoi-san leaders in government planning; and implementation and monitoring of development processes.

COMMISSION 6: COLLABORATION BETWEEN TRADITIONAL LEADERSHIP AND MUNICIPALITIES

❑ The **following are some of the critical resolutions** that were adopted by Commission 6 after deliberations:

NO.	RESOLUTIONS
1.	The Constitution must be amended to allocate powers, role and functions to traditional leadership.
2.	In the same way as the powers, roles and functions of municipal councils are clearly outlined in the Constitution, the same must be done with traditional leadership.
3.	Traditional Councils must become Traditional Authorities to reflect effective powers for traditional leadership.
4.	Other relevant legislation must be amended to allocate a meaningful role of traditional leadership in local government.
5.	The legislative vacuum created by the declaration of the TKLA as unconstitutional and invalid must be filled as soon as possible.
6.	Traditional Councils must be the primary structure of government in the local sphere.
7.	A formal engagement must be arranged with the COGTA MECs to engage with traditional leadership on issues affecting them.
8.	TCs must become organs of state and have a dedicated budget in the same way as municipalities.
9.	All state land in communal areas must be transferred to Traditional Councils in the same way that some of it was transferred to municipalities through Municipal Infrastructure Grant (MIG).
10.	Land taken away from Africans which are in private hands must be returned to TCs.

CALL TO ACTION

Municipalities are expected to ensure the following:

- ❑Accelerate basic service delivery
- ❑Maintenance, effective and sustainable infrastructure
- ❑Capable local government and institutional capability
- ❑Reconnect, restore trust and accountability
- ❑Local Economic Development and jobs
- ❑Strategic and educative communication

RECOMMENDATIONS

It is recommended that members of the Provincial Political MUNNIMEC Forum note:

- ❑ Progress on the development and processing of key legislative reforms to strengthen governance, oversight, and intergovernmental coordination. Serve the people with integrity and humulity
- ❑ Progress on the institutionalisation of the District Development Model (DDM) as the core framework for integrated planning, budgeting, and implementation.
- ❑ The roles and responsibilities of DDM Champions appointed by the President and by the Premier.
- ❑ The guidance issued by DCOG for the review of second-generation One Plans, due for completion by 31 December 2025, and that the Office of the Premier and Provincial COGTA will oversee and support this process.
- ❑ Progress on the Review of the White Paper on Local Government (WPLG26), including ongoing issue-focused research and stakeholder engagements informing the revised policy framework.
- ❑ Key issues arising from the Local Government Indaba held on 2–3 October 2025.

THANK YOU

Ngiyabonga | Re a leboga | Ndo livhuwa | Nndza nkhensa | Ke a leboha haholo | Dankie | Enkosi

REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

KOUGA
local municipality
Service Excellence through Good Governance

2025/26 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SEPTEMBER 2025

1. **Introduction**

The implementation progress report on the 25/26 Service Delivery and Budget Implementation Plan, is herewith submitted Council for purposes of oversight and consideration.

The Quarter 1 Performance Report on the implementation of the 2025/26 Service Delivery and Budget Implementation Plan is attached as Annexure "A".

2. **Background**

The Quarter 1 Performance Report on the implementation of the 2025/26 Service Delivery and Budget Implementation Plan is submitted to Council for purposes of oversight and consideration.

It must be noted that the revenue and expenditure budgets is reported in year in terms of the Section 71 Report submitted to Council and Financial Portfolio Committee.

3. **Discussion**

Directorates have been made aware that all areas of under-performance must be discussed at the Portfolio Committee level, with the monthly submission of Departmental SDBIP implementation reports, to determine corrective actions towards ensuring the achievement of the annual targets.

All corrective actions agreed to at the level of the Portfolio Committee must be inserted in the quarterly SDBIP implementation reports by Directorates for consolidation into the Institutional Performance Report where applicable to the Top Layer Service Delivery and Budget Implementation Plan.

The following reflects Top Layer SDBIP quarter 1 targets that have not been achieved:

KPI	Q1 TARGET	ACHIEVEMENT	COMMENT
Number of formal residential properties that receive piped water that is connected to the municipal water	22 366	21 163	This is an annual target and incorrectly reflected on the SDBIP as a quarterly target. Corrections can only be made with the

KPI	Q1 TARGET	ACHIEVEMENT	COMMENT
infrastructure network and billed for the service as at 30 June (Reg 796)			SDBIP amendment following the mid-year adjustments budget
Limit unaccounted electricity to less than 18% as at 30 June 2026 {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold (incl Free basic electricity)) / Number of Electricity Units Purchased and/or Generated) × 100} (rolling twelve month average)	18%	0%	This is an annual target and incorrectly reflected on the SDBIP as a quarterly target. Corrections can only be made with the SDBIP amendment following the mid-year adjustments budget
Number of formal residential properties connected to the municipal electrical infrastructure network (credit and prepaid electrical metering)(Excluding Eskom areas) and billed for the service as at 30 June (Reg 796)	26 507	0	This is an annual target and incorrectly reflected on the SDBIP as a quarterly target. Corrections can only be made with the SDBIP amendment following the mid-year adjustments budget
Number of formal residential properties connected to the municipal wastewater sanitation/sewerage network for sewerage service (inclusive of septic tanks), irrespective of the number of water closets (toilets) and billed for the service as at 30 June (Reg 796)	19 684	Not reported	This is an annual target and incorrectly reflected on the SDBIP as a quarterly target. Corrections can only be made with the SDBIP amendment following the mid-year adjustments budget
The percentage of the municipal capital budget spent on	5%	4.41%	Target nearly achieved, capital budget expenditure is

KPI	Q1 TARGET	ACHIEVEMENT	COMMENT
capital projects as at 30 June 2026			being monitored to ensure improved expenditure
Provide free basic sanitation to indigent households in terms of the approved tariffs as at 30 June 2026	7 111	5 644	This is an annual target and incorrectly reflected on the SDBIP as a quarterly target. Corrections can only be made with the SDBIP amendment following the mid-year adjustments budget

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**

In terms of the provisions of National Treasury Circular 13 dated 31 January 2005 is the SDBIP required to define quarterly implementation targets relevant to the adopted IDP to allow monitoring and oversight of progress and achievements.

In terms of the provisions of paragraph 10.2 of the Performance Management Policy Framework must quarterly SDBIP implementation reports be submitted.

6. **Legal Implications**

No Legal Implications foreseen.

7. **Other Implications**

No other implications foreseen.

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**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

For consideration by Council.

9. **Delegated Authority**

None

10. **Recommendations**

10.1 That the Quarter 1 institutional performance report on progress made with the implementation of the 2025/26 Service Delivery and Budget Implementation Plan be noted.

Item prepared by the: Manager PMS

Item endorsed by the Municipal Manager:

KOUGA
local municipality
Good Governance through Service Excellence

2025/26

QUARTER 1

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN

IMPLEMENTATION PERFORMANCE REPORT

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3. Capital Budget Expenditure

DEPARTMENT	FUNDING	PROJECT DESCRIPTION	Adjusted Budget 2025/26	Actuals as at 30 Sept 2025	%
CIVIL AND WATER SERVICES					
ROADS AND STORMWATER	DBSA	Roads Infrastructure	153 002 755	1 190 455	0,78%
PROJECT MANAGEMENT UNIT (PMU)	INTERNAL	Upgrading/Improvement of Sport Facilities within Kouga	595 923	-	
PROJECT MANAGEMENT UNIT (PMU)	INTERNAL	Upgrading Loerie Sports Facilities	34 894	-	
PROJECT MANAGEMENT UNIT (PMU)	INTERNAL	PAVING OF MAIN BEACH	44 030	44 029	100,00%
ROADS AND STORMWATER	INTERNAL	Jeffreys Bay CBD Precinct Upgrades	1 000 000	-	
ROADS AND STORMWATER	INTERNAL	Sea Vista Access ring road damaged pavement layers	765 960	15 951	2,08%
ROADS AND STORMWATER	INTERNAL	George Road, Re-instatement of Embankment, Water & Stormwater network	673 392	15 605	2,32%
ROADS AND STORMWATER	INTERNAL	Seekoei Estuary Causeway	1 954 000	1 265 948	64,79%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Meyer Street and stormwater infrastructure	1 002 820	18 139	1,81%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Phillip Street low level water crossing bridge	630 554	34 666	5,50%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Sherley Street	1 039 319	32 076	3,09%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Nanto Street and stormwater infrastructure	1 276 987	37 960	2,97%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Da Gama Road in the Kabeljous area and stormwater infrastructure re-instatement	648 959	2 857	0,44%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Mountain Road and upgrade of stormwater culvert	916 126	42 468	4,64%
ROADS AND STORMWATER	INTERNAL	Re-instatement of Ketse Street and stormwater infrastructure	1 138 689	23 667	2,08%
SEWERAGE	INTERNAL	Hankey: Refurbishment of WWTW	2 388 083	159 000	6,66%
SEWERAGE	INTERNAL	Oyster Bay: Umzamowethu WWTW – Planning Stage	637 410	-	
SEWERAGE	INTERNAL	Kwanomzamo Sewerage Pump Station	508 609	-	
SEWERAGE	INTERNAL	Fencing of Sewer Pump Station	800 000	-	
SEWERAGE	INTERNAL	LA MER NEW SEWER RISING MAIN	811 149	-	
WATER	INTERNAL	Storage Containers	200 000	-	
WATER	INTERNAL	Machinery at WTW Facilities	450 000	-	
WATER	INTERNAL	Humansdorp: Groundwater Supply	547 000	-	
WATER	INTERNAL	Humansdorp: Gill Marcus Water Supply	108 675	-	
WATER	INTERNAL	Construction of Civil Services in Donkerhoek & Hum	1 678 346	-	
PROJECT MANAGEMENT UNIT (PMU)	MIG	Upgrade of Phillipsville Sportsfield	173 913	-	

DEPARTMENT	FUNDING	PROJECT DESCRIPTION	Adjusted Budget 2025/26	Actuals as at 30 Sept 2025	%
PROJECT MANAGEMENT UNIT (PMU)	MIG	Specialized Waste Management Vehicles	3 155 652	-	
ROADS AND STORMWATER	MIG	Upgrading of Kouga Gravel Roads	13 478 101	-	
SEWERAGE	MIG	Arcadia Street: Refurbishment of Sewer Pump Station	57 391	-	
SEWERAGE	MIG	Jeffreys Bay: Upgrade of Ocean View Sewer Pipe	69 565	69 565	100,00%
SEWERAGE	MIG	Kwanomzamo: Upgrading of WWTW	6 763 811	2 961 284	43,78%
SEWERAGE	MIG	La Mer: Construction of New Sewer Rising Main	86 956	-	
WATER	MIG	Infrastructure Management Plan	1 662 695	-	
SEWERAGE	UISP	Kwanomzamo: New Sewer Pump Station & Rising Main - Bulk Sanitation	183 706	-	
SEWERAGE	UISP	Ramaphosa Sewer Pump Station Upgrade	197 333	-	
SEWERAGE	UISP	Upgrade of Thornhill Sewer Treatment Works - Phase 1	159 600	17 285	10,83%
SEWERAGE	UISP	Design: Upgrade Weston WWTW Outfall & Reticulation	1 141 258	190 808	16,72%
SEWERAGE	UISP	Apiesdraai: Sewer Pump Station	212 990	-	
WATER	UISP	Patensie: Upgrading of Cyril Ramaphosa Informal Settlement	1 318 063	-	
WATER	UISP	Thornhill: Upgrading of Informal Settlement	482 313	-	
WATER	UISP	Humansdorp: Upgrading of Kwanomzamo Informal Settlements (Bungalows, Polar Parks & Shukushukuma)	3 144 179	450 877	14,34%
WATER	UISP	Humansdorp: Upgrading of Kruisfontein Informal Settlement (Donkerhoek)	2 436 146	-	
WATER	UISP	Kwanomzamo: New Bulk Water Pipeline	109 304	-	
WATER	UISP	Kruisfontein: Upgrade of Gill Marcus Bulk Water Reservoir & Pipeline	5 780 467	235 870	4,08%
WATER	UISP	Jeffreys Bay: Upgrading of Ocean View Informal Settlement	3 365 037	419 381	12,46%
SEWERAGE	WSIG	Beach Sewer Pump Station and New Sewer Bypass	200 000	-	
SEWERAGE	WSIG	St Francis Bay: Sewer Pump Station & Reticulation	34 782	-	
SEWERAGE	WSIG	Loerie: Upgrade of Sewer Pump Station & New Sewer Rising Main	6 925 670	-	
WATER	WSIG	St Francis Bay: Replacement of Main Waterline (Sout River Bridge Crossing)	100 000	-	
WATER	WSIG	St Francis Bay: Groundwater Supply	1 012 590	-	
WATER	WSIG	St Francis Bay: Replacement of Waterpipe	100 000	-	
			225 205 202	**7 227 891**	**3,21%**
COMMUNITY SERVICES					
FIRE SERVICES	DISTRICT	Fire Services - Vehicle (DISTRICT)	1 391 304	-	
FIRE SERVICES	INTERNAL	Extension of Incident Command Centre (ICC)	1 000 000	-	
LAW ENFORCEMENT	INTERNAL	Security Cameras	1 000 000	3 750	0,38%
WASTE SERVICES	INTERNAL	Fencing of Humansdorp Landfill Site	1 500 000	-	
			4 891 304	**3 750**	**0,08%**

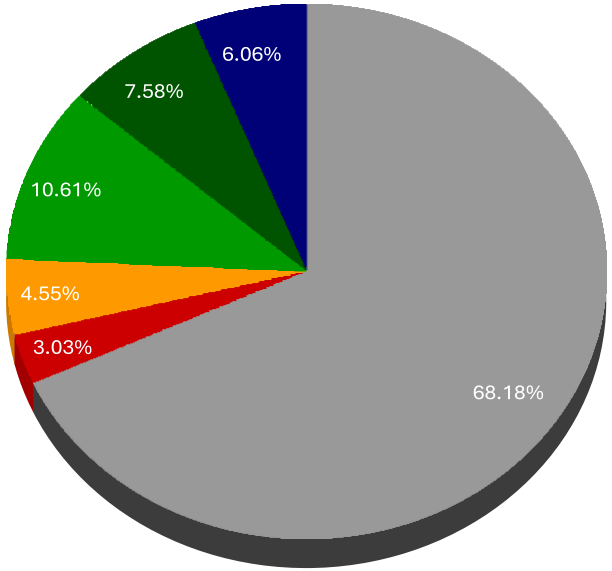
DEPARTMENT	FUNDING	PROJECT DESCRIPTION	Adjusted Budget 2025/26	Actuals as at 30 Sept 2025	%
ELECTRO/MECHANICAL SERVICES					
FLEET AND WORKSHOP	Finance Lease	Vehicle	-	493 606	
METERING AND REVENUE	INEP	Electrification of 1250 houses in Kouga	4 730 434	424 520	8,97%
METERING AND REVENUE	INTERNAL	Shore Road Miniature Substation & Associated Switchgear	2 000 000	753 858	37,69%
METERING AND REVENUE	INTERNAL	Battery Storage	25 000 000	-	
METERING AND REVENUE	INTERNAL	Electrical Oil circuit breakers replacement with vacuum SCADA ready breakers	1 560 165	-	
METERING AND REVENUE	MIG	Design of New High Mast Lights - Construction	6 086 956	-	
METERING AND REVENUE	UISP	Kwanomzamo Bulk Electrical - Boskloof Secondary Feeder Line & Substation	29 703	-	
METERING AND REVENUE	UISP	Oceanview Substation Upgrade	27 939	-	
			39 435 197	**1 671 983**	**4,24%**
FINANCE AND ECONOMIC DEVELOPMENT					
REVENUE	INTERNAL	FURNITURE &EQUIPMENT	40 561	-	
REVENUE	INTERNAL	Computer Equipment	22 477	-	
REVENUE	INTERNAL	Vehicle	620 600	-	
SUPPLY CHAIN MANAGEMENT	INTERNAL	Computer Equipment	25 131	-	
			708 769	**-**	**0,00%**
OFFICE OF THE DEPUTY MUNICIPAL MANAGER					
INFORMATION COMMUNICATION TECHNOLOGY (ICT)	INTERNAL	Computer Equipment	1 000 000	866 204	86,62%
MEDIA LIAISON	INTERNAL	Camera Equipment	50 000	-	
			1 050 000	**866 204**	**82,50%**
PLANNING AND DEVELOPMENT					
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Electronic Equipment	50 000	-	
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Acquisition of Land	3 200 000	-	
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Procurement of Homeless Shelter Property	1 400 000	-	
HUMAN SETTLEMENT	UISP	HANKEY 990-PHASE 2	6 731 297	3 163 220	46,99%
HUMAN SETTLEMENT	UISP	HANKEY 990-PHASE 3	10 624 531	-	
			22 005 828	**3 163 220**	**14,37%**
			293 296 300	**12 933 049**	**4,41%**

4.1 TOP LAYER GRAPH QUARTER 1

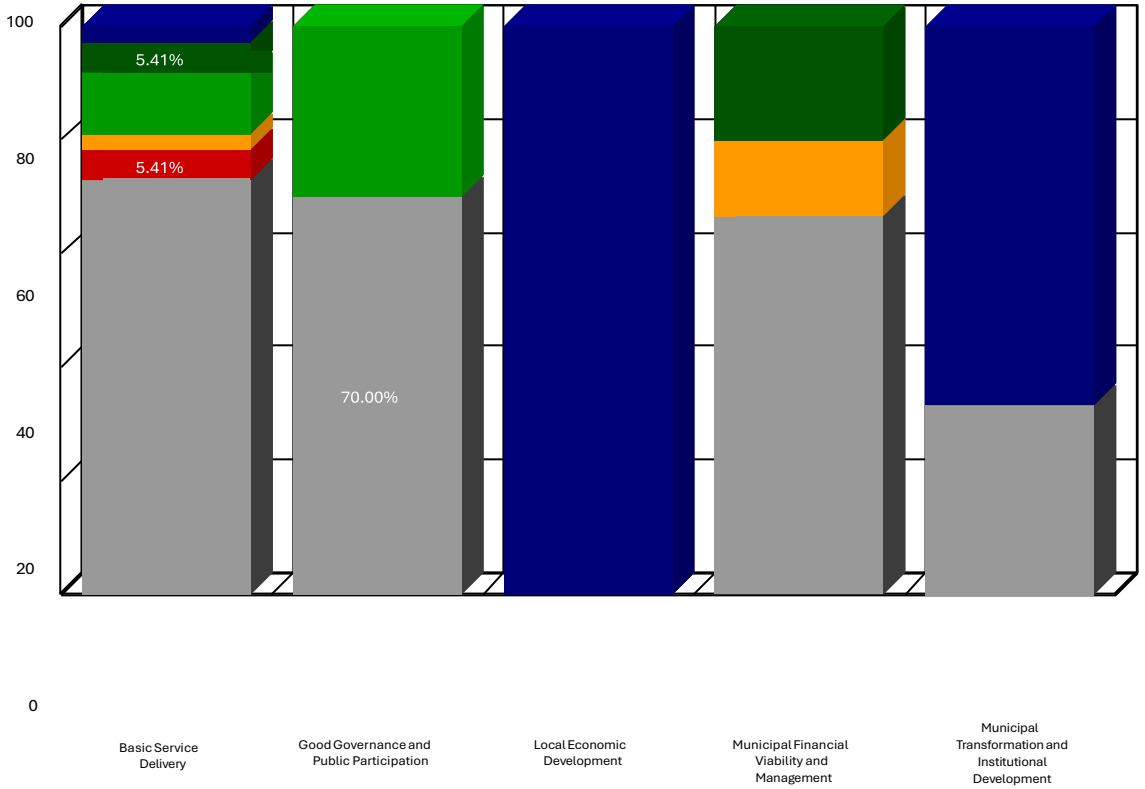
Report drawn on 29 October 2025 at 07-38

for the months of Quarter ending September 2025 to Quarter ending September 2025.

Kouga Municipality



National KPA



National KPA

Kouga Municipality	Basic Service Delivery	Good Governance and Public Participation	Local Economic Development	Municipal Financial Viability and Management	Municipal Transformation and Institutional Development	[Unspecified]
Not Yet Applicable	**45 (68.18%)**	27 (72.97%)	7 (70.00%)	-	10 (66.67%)	1 (33.33%)	-
Total:	66	**37**	**10**	**1**	**15**	**3**	**-**
	100%	**56.06%**	**15.15%**	**1.52%**	**22.73%**	**4.55%**	**-**
Not Met	**2 (3.03%)**	2 (5.41%)	-	-	-	-	-
Almost Met	**3 (4.55%)**	1 (2.70%)	-	-	2 (13.33%)	-	-
Met	**7 (10.61%)**	4 (10.81%)	3 (30.00%)	-	-	-	-
Well Met	**5 (7.58%)**	2 (5.41%)	-	-	3 (20.00%)	-	-
Extremely Well Met	**4 (6.06%)**	1 (2.70%)	-	1 (100.00%)	-	2 (66.67%)	-
Did Not Occur	**-**	-	-	-	-	-	-
Total:	66	**37**	**10**	**1**	**15**	**3**	**-**
	100%	**56.06%**	**15.15%**	**1.52%**	**22.73%**	**4.55%**	**-**

Kouga Municipality

TOP LAYER SDBIP IMPLEMENTATION QUARTER 1

4.2 Basic Service Delivery

KPI Ref	National KPA	KPI	Unit of Measurement	YTD Actual	Quarter ending September 2025				Overall Performance for Quarter ending September 2025 to Quarter ending September 2025		
					Target	Actual	R	Corrective Measures	Target	Actual	R
TL5	Basic Service Delivery	Spend 90% of the allocated capital budget for ICT by 30 June 2026 {(Total actual capital expenditure /Total capital amount budgeted) x100}	% of budget spent	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL27	Basic Service Delivery	95% of water samples comply with SANS241 micro biological indicators {(Number of water samples that comply with SANS241 indicators/Number of water samples tested) x100}	% of water samples compliant	96.40%	95%	96.40%	G2		**95%**	**96.40%**	G2
TL28	Basic Service Delivery	Limit non-revenue water to less than 35% as at 30 June 2026	% non-revenue water	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL29	Basic Service Delivery	Achieve a 50% Green Drop compliance for the 2025/26 financial year	% Green Drop compliance	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL30	Basic Service Delivery	Achieve a 70% Blue Drop Compliance for the 2025/26 financial year	% Blue Drop Compliance	0%	0%	0%	N/A		**0%**	**0%**	N/A

TL31	Basic Service Delivery	Number of formal residential properties that receive piped water that is connected to the municipal water infrastructure network and billed for the service as at 30 June (Reg 796)	Number of formal residential properties which are billed for water	21 163	22 366	21 163	O		**22 366**	**21 163**	O
TL32	Basic Service Delivery	Complete the upgrade of Kwanomzamo Sport Facility by 30 June 2026	Number of upgrades completed	0	0	0	N/A		**0**	**0**	N/A
TL33	Basic Service Delivery	Restore the existing roads and stormwater infrastructure for Seekoei Cause Way by 30 June 2026	Number of projects completed	0	0	0	N/A		**0**	**0**	N/A
TL34	Basic Service Delivery	Rehabilitate and reseal 20 kilometres of surfaced roads and stormwater in Kouga by 30 June 2026	Number of kilometres of road rehabilitated and resurfaced	5	5	5	G		**5**	**5**	G
TL35	Basic Service Delivery	Complete the refurbishment of the Hankey WWTW by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL36	Basic Service Delivery	Complete the upgrade of the Kwanomzamo WWTW by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL37	Basic Service Delivery	Complete the planning for the beach sewer pumpstation by 30 June 2026	Tender completed	0	0	0	N/A		**0**	**0**	N/A
TL38	Basic Service Delivery	Complete the construction of the Loerie Sewer Pumpstation and rising main by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL39	Basic Service Delivery	Develop new boreholes in St Francis Bay by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL40	Basic Service Delivery	Complete the provision of basic services in Donkerhoek and Humansdorp by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A

TL41	Basic Service Delivery	Number of formal residential properties connected to the municipal wastewater sanitation/sewerage network for sewerage service (inclusive of septic tanks), irrespective of the number of water closets (toilets) and billed for the service as at 30 June (Reg 796)	Number of residential properties which are billed for sewerage	0	19 684	0	R		**19 684**	**0**	R
TL42	Basic Service Delivery	Complete the construction of the Gill Marcus Reservoir and feeder line for the Kruisfontein Bulk Water Supply by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL43	Basic Service Delivery	Complete the street re-instatement and stormwater infrastructure for Ketse Street, Nanto Street, Meyer Street and Mountain Road by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL44	Basic Service Delivery	Complete the reinstatement of the Philip Street low level water crossing bridge by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL45	Basic Service Delivery	Complete the re-instatement of Shirley Street by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL46	Basic Service Delivery	Complete the re-instatement of Da Gama Road in the Kabeljouws area and stormwater re-instatement by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL47	Basic Service Delivery	Complete the George Road re-instatement of embankment, water and stormwater network by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL48	Basic Service Delivery	Appoint a consultant for an infrastructure asset	Consultant appointed	1	1	1	G		**1**	**1**	G

		management plan by 30 September 2025									
TL49	Basic Service Delivery	Complete the formalisation of 5 informal settlements (Kwanomzamo, Ramaphosa Village, Tjoks in Thornhill, Donkerhoek and Oceanview (80 ha)) by 30 June 2026	Consultant appointed	0	0	0	N/A		**0**	**0**	N/A
TL50	Basic Service Delivery	Limit unaccounted electricity to less than 18% as at 30 June 2026 {(Number of Electricity Units Purchased and/or Generated - Number of Electricity Units Sold (incl. Free basic electricity)) / Number of Electricity Units Purchased and/or generated) × 100} (rolling twelve-month average)	% unaccounted electricity	0%	18%	0%	B		**18%**	**0%**	B
TL52	Basic Service Delivery	Provide electricity connections in Ocean View Phase 3 to 200 beneficiaries by 30 June 2026	Number of electricity connections provided	0	0	0	N/A		**0**	**0**	N/A
TL53	Basic Service Delivery	Complete the installation of the SCADA system by 31 December 2025	% of the system installed	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL54	Basic Service Delivery	Number of formal residential properties connected to the municipal electrical infrastructure network (credit and prepaid electrical metering) (Excluding Eskom areas) and billed for the service as at 30 June (Reg 796)	Number of formal residential properties which are billed for electricity or have pre paid meters (Excluding Eskom areas)	0	26 507	0	R		**26 507**	**0**	R

TL55	Basic Service Delivery	Complete the installation of a renewable energy project (battery 5MW) to manage demand in St Francis Bay by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL56	Basic Service Delivery	Complete the construction of 10 High Mast Lights in Kouga by 30 June 2026	Project completed	0	0	0	N/A		**0**	**0**	N/A
TL58	Basic Service Delivery	Number of residential properties for which refuse is removed once per week and billed for the service as at 30 June 2026	Number of residential properties which are billed for refuse removal	24 522	24 522	24 522	G		**24 522**	**24 522**	G
TL59	Basic Service Delivery	75% emergency response time within 15 minutes from when call is received to areas where the service is available	% response time for fire and emergency incidents	20.50%	75%	82%	G2		**75%**	**82%**	G2
TL60	Basic Service Delivery	Appoint the service provider to develop the Environmental Framework and submit to Council by 30 June 2026	Service provider appointed	0	0	0	N/A		**0**	**0**	N/A
TL61	Basic Service Delivery	Develop the costing plan in terms of the Public Safety Plan and submit it to the MM by 30 September 2025	Costing Plan developed and submitted to the MM	1	1	1	G		**1**	**1**	G
TL62	Basic Service Delivery	Complete the beautification of two entrances and report to the MM by 30 June 2026	Number of entrances beautified and reported on	0	0	0	N/A		**0**	**0**	N/A
TL64	Basic Service Delivery	Submit the Final Amended SPLUMA By-law to Council by 30 June 2026	Number of By-laws submitted	0	0	0	N/A		**0**	**0**	N/A
TL65	Basic Service Delivery	Appoint the service provider for the servicing of sites for Hankey 990 Phase 3 by 31 December 2025	Appointment completed	0	0	0	N/A		**0**	**0**	N/A

Summary of results:
Basic Service Delivery

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	27
R	KPI Not Met	0% <= Actual/Target <= 74.999%	2
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	1
G	KPI Met	Actual meets Target (Actual/Target = 100%)	4
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	2
B	KPI Extremely Well Met	150.000% <= Actual/Target	1
N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**37**

4.3 Good Governance and Public Participation

KPI Ref	National KPA	KPI	Unit of Measurement	YTD Actual	Quarter ending September 2025				Overall Performance for Quarter ending September 2025 to Quarter ending September 2025		
					Target	Actual	R	Corrective Measures	Target	Actual	R
TL1	Good Governance and Public Participation	Obtain and maintain an unqualified audit opinion on Annual Financial Statements for the 2024/25 financial year	Audit opinion received on the Annual Financial	0	0	0	N/A		**0**	**0**	N/A

			Statements for 2024/25								
TL2	Good Governance and Public Participation	Compile a Risk Based Audit Plan (RBAP) and submit to the Audit Committee by 30 June 2026	RBAP submitted to the Audit Committee	0	0	0	N/A		**0**	**0**	N/A
TL3	Good Governance and Public Participation	Review the strategic risk register and submit to the Audit Committee by 30 June 2026	Strategic risk report submitted to the Audit Committee	0	0	0	N/A		**0**	**0**	N/A
TL6	Good Governance and Public Participation	Review the Employment Equity Plan and submit to the Accounting Officer for approval by 31 August 2025	Number of Employment Equity Plans reviewed and submitted	1	1	1	G		**1**	**1**	G
TL9	Good Governance and Public Participation	Review the Workplace Skills Plan and submit plan to the LGSETA by 30 April 2026	Workplace Skills Plan submitted to LGSETA by 30 April 2026	0	0	0	N/A		**0**	**0**	N/A
TL10	Good Governance and Public Participation	Report on the number of people from previously disadvantaged groups employed in the three highest levels of management in compliance with the municipality's approved employment equity plan	Number of reports on the EE Candidates employed in the three highest levels of management and report submitted to the Municipal Manager quarterly	1	1	1	G		**1**	**1**	G

TL18	Good Governance and Public Participation	Submit the approved financial statements for 2024/25 to the Auditor-General by 31 August 2025	Approved financial statements for 2024/25 submitted to the AG	1	1	1	G		**1**	**1**	G
TL57	Good Governance and Public Participation	Review and submit the Disaster Management Plan to Portfolio Committee by 31 May 2026	Disaster Management Plan reviewed and submitted to Portfolio Committee	0	0	0	N/A		**0**	**0**	N/A
TL63	Good Governance and Public Participation	Submit the revised Spatial Development Framework (SDF) to Council by 31 May 2026	Spatial Development Framework submitted to Council	0	0	0	N/A		**0**	**0**	N/A
TL66	Good Governance and Public Participation	Review the Land Invasion By-law and submit to Council by 30 June 2026	Land Disposal Policy reviewed	0	0	0	N/A		**0**	**0**	N/A

Summary of Results: Good Governance and Public Participation

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	7
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	0
G	KPI Met	Actual meets Target (Actual/Target = 100%)	3
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	0
B	KPI Extremely Well Met	150.000% <= Actual/Target	0

N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**10**

4.4 Local Economic Development

KPI Ref	National KPA	KPI	Unit of Measurement	YTD Actual	Quarter ending September 2025				Overall Performance for Quarter ending September 2025 to Quarter ending September 2025		
					Target	Actual	R	Corrective Measures	Target	Actual	R
TL19	Local Economic Development	The number of FTE's created through the EPWP programme by 30 June 2026	Number of FTE's created through the EPWP programme	60	25	60	B		**25**	**60**	B

Summary of Results: Local Economic Development

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	0
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	0
G	KPI Met	Actual meets Target (Actual/Target = 100%)	0
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	0
B	KPI Extremely Well Met	150.000% <= Actual/Target	1

N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**1**

4.5 Municipal Financial Viability and Management

KPI Ref	National KPA	KPI	Unit of Measurement	YTD Actual	Quarter ending September 2025				Overall Performance for Quarter ending September 2025 to Quarter ending September 2025		
					Target	Actual	R	Corrective Measures	Target	Actual	R
TL4	Municipal Financial Viability and Management	The percentage of the municipal capital budget spent on capital projects as at 30 June 2026	% of the municipal capital budget spent	4.41%	5%	4.41%	O		**5%**	**4.41%**	O
TL11	Municipal Financial Viability and Management	Provide free basic water to indigent households in terms of the approved tariffs as at 30 June 2026	Number of indigent households receiving free basic water	7 112	7 104	7 112	G2		**7 104**	**7 112**	G2
TL12	Municipal Financial Viability and Management	Provide free basic electricity to indigent households in terms of the approved tariffs as at 30 June 2026	Number of indigent households receiving free basic electricity	7 015	6 805	7 015	G2		**6 805**	**7 015**	G2
TL13	Municipal Financial Viability and Management	Provide free basic sanitation to indigent households in terms of the approved tariffs as at 30 June 2026	Number of indigent households receiving free basic sanitation	5 644	7 111	5 644	O		**7 111**	**5 644**	O

TL14	Municipal Financial Viability and Management	Provide free basic refuse removal to indigent households in terms of the approved tariffs as at 30 June 2026	Number of indigent households receiving free basic refuse removal	7 118	5 639	7 118	G2		**5 639**	**7 118**	G2
TL15	Municipal Financial Viability and Management	Financial viability measured in terms of the municipality's ability to meet its service debt obligations as at 30 June 2026	% of debt coverage	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL16	Municipal Financial Viability and Management	Financial viability measured in terms of the outstanding service debtors as at 30 June 2026	% of outstanding service debtors	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL17	Municipal Financial Viability and Management	Cost coverage	Cash/Cost coverage ratio (Annual Target)	0	0	0	N/A		**0**	**0**	N/A
TL20	Municipal Financial Viability and Management	Current ratio of 1:1 for the 2025/26 financial year (Current assets/Current liabilities)	Current ratio	00:01	00:01	00:01	N/A		**00:01**	**00:01**	N/A
TL21	Municipal Financial Viability and Management	Liquidity ratio of 0.5:1 for the 2025/26 financial year (Cash and cash equivalents/Current liabilities)	Liquidity ratio	00:01	00:01	00:01	N/A		**00:01**	**00:01**	N/A
TL22	Municipal Financial Viability and Management	Submit Final Budget to Council for approval by 31 May 2026	Final Annual Budget submitted	0	0	0	N/A		**0**	**0**	N/A
TL23	Municipal Financial Viability and Management	Submit Adjustments Budget to Council for approval by the end of February 2026	Adjustments Budget submitted to Council	0	0	0	N/A		**0**	**0**	N/A

TL24	Municipal Financial Viability and Management	Cash and cash equivalent	% Change in cash and cash equivalent (short term) between original approved budget versus actual (Annual target)	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL25	Municipal Financial Viability and Management	Expenditure on remuneration	% of total operating budget expenditure on remuneration (Excluding Councillors and non-cash items) (Annual target)	0%	0%	0%	N/A		**0%**	**0%**	N/A
TL26	Municipal Financial Viability and Management	Revenue collection	% revenue collected against revenue raised on municipal service accounts	0%	0%	0%	N/A		**0%**	**0%**	N/A

Summary of Results: Municipal Financial Viability and Management

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	10
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	2
G	KPI Met	Actual meets Target (Actual/Target = 100%)	0
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	3
B	KPI Extremely Well Met	150.000% <= Actual/Target	0
N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**15**

4.6 Municipal Transformation and Institutional Development

KPI Ref	National KPA	KPI	Unit of Measurement	YTD Actual	Quarter ending September 2025				Overall Performance for Quarter ending September 2025 to Quarter ending September 2025		
					Target	Actual	R	Corrective Measures	Target	Actual	R
TL7	Municipal Transformation and	Spend 90% of the Skills Development Training Budget by 30 June 2026	% Expenditure of the Skills Development	0%	0%	0%	N/A		**0%**	**0%**	N/A

	Institutional Development		Training Budget	287							
TL8	Municipal Transformation and Institutional Development	Limit vacancy rate to 10% of funded posts by 30 June 2026 {(Number of funded posts vacant divided by budgeted funded posts) x100}	(Number of funded posts vacant divided by budgeted funded posts) x100	1%	10%	1%	B		**10%**	**1%**	B
TL51	Municipal Transformation and Institutional Development	Purchase 3 vehicles to replace redundant vehicles by 30 June 2026	Number of vehicles purchased	8	0	8	B		**0**	**8**	B

Summary of Results: Municipal Transformation and Institutional Development

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	1
R	KPI Not Met	0% <= Actual/Target <= 74.999%	0
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	0
G	KPI Met	Actual meets Target (Actual/Target = 100%)	0
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	0
B	KPI Extremely Well Met	150.000% <= Actual/Target	2
N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**3**

4.7 Overall Summary of Results

N/A	KPI Not Yet Applicable	KPIs with no targets or actuals in the selected period.	45
R	KPI Not Met	0% <= Actual/Target <= 74.999%	2
O	KPI Almost Met	75.000% <= Actual/Target <= 99.999%	3
G	KPI Met	Actual meets Target (Actual/Target = 100%)	7
G2	KPI Well Met	100.001% <= Actual/Target <= 149.999%	5
B	KPI Extremely Well Met	150.000% <= Actual/Target	4
N/A	KPI Did Not Occur	KPIs with a target which did not materialise	0
	Total KPIs:		**66**

Report generated on 28 October 2025 at 07:57.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/MM2**

DESIGNATION OF FULL-TIME COUNCILLOR – MPAC CHAIRPERSON

1. Introduction

The purpose of the item is to present the Policy Framework for the Designation of Full-Time Councillors dated 31 May 2022, promulgated under Proclamation Notice 63 of 2022, in relation to the designation of the MPAC Chairperson as a full-time Councillor.

2. Background

Section 18 of the Local Government: Municipal Structures Act 117 of 1998 as amended provides as follows:

Municipalities must have municipal councils

18. (1) Each municipality must have a municipal council.
(2) A municipal council must meet at least quarterly.
(3) A municipal council consists of a number of councillors determined by the MEC for local government in the province concerned by notice in the *Provincial Gazette.*
(4) A municipality has the power to designate councillors determined by the MEC for local government as full-time, An MEC's determination must be in accordance with a policy framework as maybe determined by the Minister after consulting the MECs for local government.

Under section 18 (4) as provided above, the Minister of CoGTA, after consulting the MEC's responsible for local government, promulgated the Policy Framework for the designation of Full-time Councillors on 31 May 2022, under Proclamation Notice 63 of 2022. Refer to Annexure A.

In terms of the Policy Framework, the member of the Executive Council of a province responsible for local government may determine that Councillors who have been elected or appointed to certain offices in a municipal council, Categories A, B and C municipalities, may be designated as full-time.

3. Discussion

As the Kouga Municipality is a Category B Municipality, the following Councillors elected or appointed to any of the following offices may be designated as full-time Councillors.

- Speaker;
- Executive Mayor;
- Mayor;
- Deputy Executive Mayor;
- Deputy Mayor;
- A member of an Executive Committee other than the Mayor and Deputy Mayor;

- A member of a Mayoral Committee;
- Chairperson of a sub-Council;
- Chairperson of a Committee established in terms of Section 79 (in municipalities with 40 or more Councillors);
- Chairperson of the Municipal Public Accounts Committee, and
- Whip (appointed for Council in Municipalities with 40 or more Councillors).

Currently the Kouga Municipality has a part-time MPAC Chairperson and in accordance with the Policy Framework for the Designation of Full-time Councillors dated 31 May 2022, promulgated under Proclamation Notice 63 of 2022, it is proposed that the Municipal Council considers the designation of the MPAC Chairperson as a full-time Councillor, subject to the provisions of the Remuneration of Public Office Bearers Act: Determination of upper limits of salaries, allowances and benefits of different members of Municipal Councils

4. **Financial Implications**

Completed by:	Acting Manager: Expenditure
Project Description	SALARIES AND WAGES: COUNCILLORS
Ukey no.	VARIOUS
Budgeted Amount	R 11 063 487 .08
Amount spent and committed to date	R 4 924 272.92
Amount Available	R 6 139 214.16
Comment	BUDGET AS AT 30 OCT 2025 – COUNCILORS EMPLOYEE RELATED COST

5. **Applicable Legislation**

- Section 18 (4) of the Local Government: Municipal Structures Act 117 of 1998 as amended.
- Policy Framework for the Designation of Full-time Councillors dated 31 May 2022.
- Public Officer Bearers Act No.20 of 1998

6. **Legal Implications**

Should the Council resolve for the Chairperson of the Municipal Public Account Committee to be designated as a full-time Councillor, then the office of the MPAC chair shall be full-time and no longer a part-time Councillor status as defined in the Determination of Upper Limits of Salaries, Allowances and Benefits of different members of Municipal Councils.

7. **Other Implications**

None

8. **Comments by Directorates:**

The recommendations for this item do not require comments from the Directors.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Municipal Council considers the designation of the MPAC Chairperson who is currently a part-time Councillor to a full-time Councillor.

10.2 That should the Municipal Council consider the designation of the MPAC Chairperson as a full-time Councillor, the Municipal Manager be mandated to write to the MEC of Local Government in the Eastern Cape to make such determination in accordance with the Policy Framework for the Designation of Full-time Councillors dated 31 May 2022, and to subsequently thereto, report back to the Municipal Council.

Item prepared by: The Municipal Manager 

Item approved by: The Municipal Manager 

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 63 OF 2022

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT NO. 117 OF 1998

POLICY FRAMEWORK FOR THE DESIGNATION OF FULL-TIME COUNCILLORS

NO. **MAY 2022**

I, Nkosazana Clarice Dlamini Zuma, Minister of Cooperative Governance and Traditional Affairs, under section 18(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended, and after consulting the MECs responsible for local government in the provinces, determined the policy framework for the designation of full-time councillors, as set out in the Schedule.

NC Zuma

DR NKOSAZANA CLARICE DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 13. 05. 2022

SCHEDULE

The member of the Executive Council of a province responsible for local government may determine that councillors who have been elected or appointed to any of the following offices in a municipal council, may be designated as full-time:

CATEGORY A MUNICIPALITIES

- Speaker;
- Executive Mayor;
- Mayor;
- Deputy Executive Mayor;
- Deputy Mayor;
- A member of an Executive Committee other than the Mayor and Deputy Mayor;
- A member of a Mayoral Committee;
- Chairperson of a Sub-Council;
- Chairperson of a Committee established in terms of section 79;
- Chairperson of the Municipal Public Accounts Committee; and
- Whip.

CATEGORY B MUNICIPALITIES

- Speaker;
- Executive Mayor;
- Mayor;
- Deputy Executive Mayor;
- Deputy Mayor;
- A member of an Executive Committee other than the Mayor and Deputy Mayor;
- A member of a Mayoral Committee;
- Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors;
- Chairperson of the Municipal Public Accounts Committee; and
- Whip appointed for council in municipalities with 40 or more councillors.

CATEGORY C MUNICIPALITIES

- Speaker;
- Executive Mayor;
- Mayor;
- Deputy Executive Mayor;
- Deputy Mayor;
- A member of an Executive Committee other than the Mayor and Deputy Mayor;
- A member of a Mayoral Committee;
- Chairperson of a Committee established in terms of section 79 in municipalities with 40 or more councillors;
- Chairperson of the Municipal Public Accounts Committee; and
- Whip appointed for council in municipalities with 40 or more councillors.

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/MM3**

REPORT BY THE PUBLIC PROTECTOR AND ACTION PLAN ARISING FROM THE PUBLIC PROTECTOR REPORT, NO 15 OF 2025/2026: INVESTIGATION INTO ALLEGATIONS OF FAILURE BY THE FUNCTIONARIES OF KOUGA LOCAL MUNICIPALITY TO ENSURE THAT JEFFREYS BAY AND KWANOMZAMO WASTEWATER TREATMENT PLANT ARE PROPERLY MAINTAINED

1. **Introduction**

The purpose of this item is for Council to take note of the KLM response report and action plan resulting from the Public Protector's report, Report No 15 of 2025/2026, received on 30 September 2025.

2. **Background**

2.1 The sequence of events:

2.1.1 The Public Protector issued a Section 7(9)(a) Notice on 10 June 2025 to KLM regarding the investigation into allegations that KLM functionaries failed to ensure proper maintenance of the Jeffreys Bay and Kwanomzamo Wastewater Treatment plants.

2.1.2 A written representation on behalf of Kouga Local Municipality in response to the Section 7(9)(a) Notice was forwarded to the Public Protector on 30 June 2025.

2.1.3 The Public Protector issued its report with findings on 30 September 2025. The Report outlines several remedial actions and monitoring requirements that involve various stakeholders and affected parties. **Refer to Annexure A.**

The specific remedial actions **applicable to KLM** include the following:

- The Municipal Manager
- The Executive Mayor

From the said report, the following was highlighted:

"8. REMEDIAL ACTION"

8.1. The Public Protect or is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action with a view of redressing the conduct referred to in this report upon the conclusion of an investigation where adverse findings are made.

8.2. In the matter of the Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and others, the Constitutional Court per Mogoeng, CJ held that the remedial action taken by the Public Protector has a binding effect.

8.3. Having regard to the evidence, the regulatory framework determining the standard that the functionaries of Kouga Local Municipality should have complied with, the Public Protector is taking the following remedial action in terms of section 182(1)(c) of the Constitution.

"The Municipal Manager"

8.3.4 Within sixty (60) calendar days from the date of receipt of this report, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act:

8.3.4.1 Submit a quarterly report on the implementation of the Refurbishment Programme.

8.3.4.2 Submit a quarterly report of the maintenance undertaken at Jeffreys Bay WWTP as proposed in the response to the section 7(9) notice, as indicated in paragraph 6.1.40.46(b) above.

8.3.4.3 Submit a quarterly report of the Environmental Monitoring and Disclosure regarding effluent quality testing as indicated in paragraph 6.1.40.46(c) above, for the next twelve months.

8.3.5 Within ninety (90) calendar days from the date of completion of the project to refurbishment and upgrade KwaNomzamo Wastewater Treatment Plant, provide the Public Protector with the Close-out certification confirming the completion of the project.

8.3.6 Within sixty (60) calendar days after the installation of the CCTV surveillance system to be piloted at KwaNomzamo WWTP anticipated in October 2025, as indicated in the response to the section 7(9) notice or paragraph 6.,1.40.43(f), in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act submit a report to the Public Protector confirming the installation of the CCTV system.

8.3.7 Within sixty (60) calendar days of being informed of the outcome of the request to procure the CCTV system, submit a report to the Public Protector of the outcome, should procurement of the CCTV system not be granted, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act, submit an Implementation Plan setting out the measures, including prioritisation of capital funding within the municipality's available resources to improve security measures to the at KwaNomzamo Wastewater Treatment Works to ensure that no further damage or vandalism occur at the plant.

8.3.8 Submit the Implementation Plan to the Executive Mayor of the KLM ***for tabling at the Municipal Council*** *of the KLM and to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape province for monitoring of implementation.*

"The Executive Mayor"

8.3.9 Take cognisance of the findings and remedial action in this report and ensure implementation thereof and consider the Implementation Plan developed by the Municipal Manager, setting out steps/measures to be taken by the KLM to address deficiencies and shortcomings at Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

8.3.10 Within sixty (60) calendar days from the date of receipt of this report, table the report through the Speaker to the Municipal Council for discussion in line with his powers and functions in terms of section 56(1) of the Local Government: Municipal Structures Act, 1998.

"9. MONITORING"

9.1 The Municipal Manager is to submit an action plan to the Public Protector within thirty (30) calendar days from the date of receipt of this report on the implementation of the remedial action referred to in paragraph 8 above.

9.2 The submission of the Implementation Plan and the implementation of the remedial action shall, in the absence of a court order, be complied with within the period prescribed in this report to avoid being in contempt of the Public Protector."

2.1.4 The Action Plan as per the Public Protectors findings were submitted during November 2025. **Refer to Annexure B.**

2.2 Remedial action taken:

As of June 2025, the following activities were actioned and executed at the said WWTW as mentioned in the Public Protector Report, including the following:

2.2.1 Jeffreys Bay Wastewater Treatment Works:

Expenditure from 10 June to date:

EXPENDITURE FROM JUNE 2025 UNTIL NOVEMBER 2025FOR JEFFREYS BAY WWTW				
DATE	**DESCRIPTION**	**SERVICE PROVIDER**	**REQ NO**	**AMOUNT**
20/06/2025	Fine screw	Northfield	165831	R219,657.84
20/06/2025	Generator	IMP	165858	R15,162.75
9/7/2025	Disinfectant Green dip	Stores	N/A	R3,789.60
9/7/2025	Disinfectant Black Dip	Stores	N/A	R858.96
10/7/2025	Deodorant blocks-5kg	Stores	N/A	R308.96
15/08/2025	Stilling Drum	Northfield	170548	R965,568.64
25/08/2025	Power supply	Flash Electric	165879	R747.88
25/08/2025	Webbling slings	Flash Electric	165874	R828.03
8/9/2025	Onesto & Enclosure T3	Echo Elekries	170541	R1,545.30
19/09/2025	Time TDDGT	Echo Elekries	170575	R1,897.79
19/09/2025	E-Stop	Flash Electric	170575	R1,919.64
11/10/2024	Light Fittting	Echo Elekries	165823	R1,242.00
15/10/2025	Schneider	Flash Electric	170594	R1,413.17
15/10/2025	Vacuum cleaner	Unique Forest & Gardern	170595	R1,850.00
22/10/2025	Brushcutter trousers	Stores	N/A	R1,739.20
22/10/2025	Sun Hat	Stores	N/A	R337.65
22/10/2025	Joint KIts P2(10mm-16mm)	Stores	N/A	R59.90
22/10/2025	Skudo pig skin gloves	Stores	N/A	R542.65
22/10/2025	Dish swabs	Stores	N/A	R140.67
11/10/2025	Light Fittting	Echo Elekries	165823	R1,242.00
6/11/2025	Manifold	IMP	177710	R42,913.09
18/11/2025	Replacement of Scrapers	Northfield	177720	R563,177.71
As Necessary	Chlorine gas	Protea Chemicals	Per Tender	R64,078.00
9/25/2029	PPE	SRNC	170585	R13,556.05
				R 1,904,577.48

Further to the above activities that indicate constant and continuous attention to maintenance and upkeep, the Directorate Civil and Water Services have received the Process Audits conducted on all WWTW and WTW. The final approved Process Audit outcome is currently under scrutiny and will direct the municipality as to the exact required budget to address all refurbishment and upgrade matters.

2.2.2 Kwanomzamo Wastewater Treatment Works:

The primary focus of this contract is to replace the mechanical and electrical equipment on site. Much of the critical equipment was either vandalized or in a state of disrepair, necessitating replacement with new equipment to restore the plant's operational capacity.

Some of the electrical equipment that remains functional has been refurbished and reinstated. The vandalized Motor Control Centre (MCC) panels have been replaced with new equipment to ensure the energization of their respective systems.

The total MIG Budget for Kwanomzamo WWTW is R49,316,288.00.

Expenditure to date is: R46,375,378.62.

Scope of work entailed:

- Dismantling and removal of disused equipment
- Disposal or transfer off-site of disused equipment to a suitable location identified by the Employer
- Emptying and cleaning of structures
- Handling and disposal of sludge/grit to a hazardous landfill site
- New mechanical front raked screen
- New screening washer compactor and conveyor
- New wash water pumps and pipework
- New paddle drive, blowers, pipework, and valves for vortex degritter
- New grit classifier
- Refurbishment of horizontal brush aerator blades, shafts, and bridge structure, etc.
- New horizontal brush aerator motors and gearboxes
- Replacement of existing clarifier bridges is complete
- New clarifier weirs, stilling wells, scum boxes, and baffle plates
- New self-priming WAS pumps, pipework, valves etc.
- New sludge withdrawal telescopic valves
- New RAS Archimedean screw pumps
- New submersible supernatant pumps
- New chlorination equipment (Calcium hypochlorite briquette dosing unit)
- Ad-hoc civil repairs where required
- Renovations/repairs of site outbuildings
- Replacement of existing belt press with volute dehydrator or screw press

- Replacement of existing poly dosing equipment and compressed air system
- New MCC's for the inlet works and dewatering building
- Refurbishment of reactor MCC and new tier for the Archimedes screw and WAS pumps
- New electrical and control equipment
- Refurbishment of existing Mini-sub
- Instrumentation
- Earthing and lightning protection
- Site lighting
- Signage
- Installation of new perimeter security fence (Shukuma-type or similar approved)
- Repair of existing concrete palisade fencing where vandalised and install a new Shekuma Fen- Construction of a new Chlorine Contact Tank
- Construction of a new Chlorination Building
- Construction of valve chambers and associated pipework
- Surface localised epoxy repairs to concrete, reprofiling, and crack-injection of epoxy into the walls, and application of migrating corrosion inhibitor to existing structures where required, and as instructed by the Engineer
- Performance Acceptance Testing
- Tests on Completion
- Commissioning
- Trial Operation Period
- Training of operators of new equipment
- Operating and Maintenance Manuals.
- Application for WULA (Water Use Licence Application)

3. **Discussion**

As directed by the Public Protector, Council is to take cognizance of the Public Protector's Report, as well as the Municipality's formal response thereto, according to the guidance provided. Council to further note the accompanying response report and action plan outlining the action plan complied to address the matters raised and to ensure ongoing compliance with the Public Protector's directives as per the set schedules for such.

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**

Local Government Systems Act, Act 32 of 2000, as amended.
Local Government Structures Act, Act 117 of 1998, as amended.
Public Protector Act No. 23 of 1994, as amended

6. **Legal Implications**

Should the municipality fail to comply with the outcome of the Public Protector Report, the municipality may be in contempt of the Public Protector.

7. **Other Implications**

The Implementation Plan is tabled to the Municipal Council and must be subsequently tabled to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape province for purposes of monitoring of implementation. The outcome of the investigations and contempt thereof may also be tabled in Parliament.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

The report by the Public Protector together with the response report and action plan undertaken by various sister directorates will constantly address the matters highlighted. This will bring about the required attention to these WWTW.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted.

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council take note of the Public Protector Report together with the Response Report and Action Plan submitted by KLM to the Public Protector.

10.2 That the Implementation Plan be submitted to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape Province for purposes of monitoring of implementation.

Item prepared by the Municipal Manager 

Item approved by the Municipal Manager: 

REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION 182(1)(b) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 AND SECTION 8(1) OF THE PUBLIC PROTECTOR ACT, 1994

PUBLIC PROTECTOR
SOUTH AFRICA

REPORT NUMER: 15 OF 2025/2026

ISBN NUMBER: 978-0-6398573-5-0

INVESTIGATION INTO ALLEGATIONS OF FAILURE BY THE FUNCTIONARIES OF KOUGA LOCAL MUNICIPALITY TO ENSURE THAT JEFFREYS BAY AND KWANOMZAMO WASTEWATER TREATMENT PLANTS ARE PROPERLY MAINTAINED

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LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS / ABBREVIATIONS	DESCRIPTION
CONSTITUTION	Constitution of the Republic of South Africa
CAP	Corrective Action Plan
DDG	Deputy Director General
DEFF	Department of Environment, Forestry and Fisheries
EMIs	Environmental Management Inspectors
IMP	International Metal Processing
IRS	Integrated Regulatory Information System
MIG	Municipal Infrastructure Grant
KLM	Kouga Local Municipality
MUNICIPAL STRUCTURES ACT	Local Government: Municipal Structures Act,1998
MUNICIPAL SYSTEMS ACT	Local Government: Municipal Systems Act, 2000
NEMA	National Environmental Management Act,1998
NPC	Non-Profit Company
PUBLIC PROTECTOR	Public Protector of the Republic of South Africa
PUBLIC PROTECTOR ACT	Public Protector Act,1994
PUBLIC PROTECTOR RULES	Rules relating to investigations by the Public Protector and Matters Incidental Thereto, 2018 as amended and promulgated in terms of section 7(11) of the Public Protector Act
SPS	Sewer Pump Station
WSA	Water Services Act,1997
WWTW	Wastewater Treatment Works

EXECUTIVE SUMMARY

(i) This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996, (the Constitution), which empowers the Public Protector to report on any conduct in state affairs that is suspected to be improper or to result in any impropriety or prejudice and section 8(1) of the Public Protector Act, 1994 (Public Protector Act), which provides that the Public Protector may make known the findings, point of view or recommendation of any matter investigated by her.

(ii) The report relates to an investigation into allegations of failure by the functionaries of Kouga Local Municipality to ensure that Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are properly maintained.

(iii) The investigation emanates from a complaint lodged with the Eastern Cape Provincial Office of the Public Protector in Bhisho on 27 January 2023, by Mr Edddie van Rooyen (the Complainant), who is the founding Director of Masikhathalelaneni, a Non-Profit Company (NPC), based in Jeffreys Bay.

(iv) In essence, the Complainant alleged that:

(a) There is continued sewage spillage and environmental pollution by Kouga Local Municipality in Jeffrey's Bay and Humansdorp, KwaNomzamo. In Jeffrey's Bay it is happening in different public places even the beaches. People are sharing the main beach in Jeffrey's Bay with a sewerage dam. This sewage ends up in the ocean from time to time where people are swimming.

(b) The Jeffreys Bay and KwaNomzamo Wastewater Treatment Works have not been operational for the last four (04) years. The plant in Jeffrey's Bay releases millions of litres of untreated sewage into the environment.

(c) The sewage goes through a neighbouring farm, Jubilee Estates into the Swart River and into the Seekoei River where the Kouga Municipality open the lagoon from time to time so that the sewage can go into the ocean.

(d) The Municipality knew about the environmental pollution as he discovered through Seekoei Forum that there was an investigation by the Department of Forestry, Fisheries and the Environment.

(e) KwaNomzamo Wastewater Treatment Works release its sewage into the Seekoei River. He opened a criminal case at Jeffrey's Bay Police Station on 28 February 2023 under CAS 128/02/2023 against the Municipality for environmental pollution.

(f) The Municipality has been receiving Notices of Intention to Issue a Coastal Notice in terms of section 59 of the National Environmental Management: Integrated coastal Management Act, 2008 in respect of unlawful discharge of untreated sewage since 2019 from the Department of Forestry, Fisheries and the Environment, but nothing happened, or no action has been taken by the Municipality.

(g) Infrastructure is not a priority for the Municipality and people were encouraged to swim in the contaminated water of the Estuary at own risk in December 2021. The sewage spillage is a health risk and a threat to the economy as the Municipality is a tourist destination. Jobs are at stake and the health system is being compromised.

(h) The cattle drink sewage water and are thereafter sold to people for human consumption. Fish caught from the sea, especially in Jeffreys Bay might be a health risk. The signage alongside the Estuary clearly states the risks.

(v) Based on the analysis of the complaint, the following issue was considered and investigated:

(a) Whether the functionaries of Kouga Local Municipality did not properly maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants in an effective manner as contemplated in the Constitution, the Water Services Act of 1997, the Municipal Systems Act of 2000, the Municipal Structures Act 1998, the Municipal Finance Management Act of 1998 and the National Environmental Management Act of 1998, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994.

(vi) The investigation was conducted in terms of section 182(1) of the Constitution and sections 6 and 7 of the Public Protector Act. It included an analysis of all the relevant documents, a consideration and application of relevant laws, regulatory framework and prescripts.

(vii) A Notice in terms of section 7(9)(a) of the Public Protector Act (the Notice) was issued to the following implicated and/or affected parties to provide them with an opportunity to respond to the likely findings and remedial action on 10 June 2025.

(a) Ms Pemmy Majodina (Ms Majodina), the Minister of Water and Sanitation;
(b) Dr Duncan Pieterse (Dr Pieterse), the Director General of National Treasury;
(c) Mr Mbulelo Tshangana (Mr Tshangana), Director-General Department of Cooperative Governance and Traditional Affairs;
(d) Mr. Lubabalo Oscar Mabuyane (Mr Mabuyane), Premier: Eastern Cape Province;
(e) Mr. Zolile Williams (Mr Williams), MEC for Cogta;
(f) Mr. Hattingh Bornman (Mr Bornman), Executive Mayor Kouga Local Municipality and
(g) Mr. Charl Du Plessis (Mr Du Plessis), Municipal Manager Kouga Local Municipality

(viii) Written responses to the notice were received from:

(a) Mr Tshangana on 24 June 2025;
(b) Mr D. De Jager, Acting Municipal Manager of KLM on 30 June 2025;

(ix) The responses and information/evidence submitted in response to the section 7(9)(a) notice were duly considered by the Public Protector.

(x) There were no responses to section 7(9)(a) notice from Ms Majodina, Dr Pieterse, Mr Mabuyane; Mr Williams and Mr Bornman.

(xi) Having regard to the evidence, the regulatory framework determining the standard Kouga Local Municipality should have complied with and the impact on good administration, the following findings are made:

(a) Whether the functionaries of Kouga Local Municipality did not properly maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants in an effective manner as contemplated in the Constitution, the Water Services Act of 1997, the Municipal Systems Act of 2000, the Municipal Structures Act 1998, the Municipal Finance Management Act of 1998 and the National Environmental Management Act of 1998, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994

(aa) The allegation that the functionaries of KLM did not properly maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants, is **substantiated**.

(bb) Following a comprehensive investigation into the state and management of the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants, it is evident that at the time the matter was reported to the Public Protector, the KLM did not have adequate measures in place towards the maintenance

and upgrading of the wastewater treatment infrastructure at both WWTP, resulting in operational inefficiencies, environmental pollution, and health risks to surrounding communities.

(cc) The investigation confirmed that, at the time the matter was reported to the Public Protector, Jeffreys Bay Wastewater Treatment Plant was not operational or functioning at optimal capacity due to outdated infrastructure that was constructed in 2012.

(dd) The treatment plants were found to be non-compliant with key provisions of the National Water Act, the National Environmental Management Act, and applicable municipal by-laws. Effluent discharge exceeded permissible limits, contributing to contamination of nearby water sources as confirmed by the Environmental Management Inspectors from the DFFE, during inspections carried out on 05 August 2022 and 26 September 2022, respectively, who determined that the Plant was not operating at full capacity and was releasing sewage into adjacent wetlands and river systems, which ultimately feed into the Seekoei River and flow towards the Aston Bay Lagoon in contravention of the National Water Act 36 of 1998 and the National Environmental Management Act 107 of 1998.

(ee) The inspection by the DFFE further established that Jeffrey's WWTP did not adequately treat or disinfect sewage due to, amongst others, the unmonitored outside inlet, lack of plant maintenance, lack of chlorine and the absence of a backup generator when there is power outage.

(ff) The EMI inspection also found that there was no proper disinfection of Jeffreys Bay WWTP due to a lack of chlorine dosing. There was also a lack of maintenance of the clarifiers and filtering systems, external inlet flows were not monitored and the absence of backup power generation during load shedding. These deficiencies which interfered with continuous plant operation and water quality.

(gg) KwaNomzamo WWTP was not properly maintained and had not been operating at full capacity as a result of administrative deficiencies dating back to 2016, resulting in sewage spillage and untreated /or partially treated water flowing from the WWTP through the street towards Polar Park Informal Settlement into Dieklen Farm. This situation resulted in the pollution of the environment and poses danger to public health and safety of the environment.

(hh) The community of KwaNomzamo, the residents of Polar Park informal settlements, Vergenoeg township and surrounding communities had to endure uncontrolled odour from the plant and untreated/ partially treated wastewater spillage due to lack of maintenance of the plant.

(ii) Furthermore, KwaNomzamo WWTP has a shortage of security personnel and there is no other form of security to the infrastructure which continues to pose a security risk. The WWTP has only one security officer which is inadequate to monitor the WWTP, especially at night.

(jj) The deficiencies in wastewater treatment services infringed upon the constitutional rights of residents, particularly the rights to human dignity, a safe environment, and access to basic municipal services as enshrined in sections 10, 24, and 27 , as well as section 152(1)(b) and (d) of the Constitution, which require local government to ensure sustainable service delivery and promote a safe and healthy environment.

(kk) The municipality's response to known deficiencies was delayed and lacked urgency, noting that some of the intervening measures were only implemented after almost a decade. Oversight mechanisms were weak, and there were insufficient monitoring and enforcement of compliance standards. This delay exacerbated the environmental and health risks and contributed to the erosion of public trust.

(ll) Despite the above shortcomings, the Public Protector acknowledges the recent initiatives undertaken by the Kouga Local Municipality, including:

(a) Commencement of refurbishment projects at both wastewater treatment plants.
(b) Upgrading of mechanical components and infrastructure to improve operational capacity.
(c) Reallocation of municipal resources to prioritize water and sanitation services.

(mm) These actions demonstrate a renewed commitment to addressing service delivery failures and restoring functionality to critical infrastructure.

(nn) The Municipality has received targeted grants from the Department of Water and Sanitation and other government entities to support the rehabilitation of the wastewater treatment facilities. These funds are earmarked for infrastructure upgrades, compliance improvements, and capacity building, which is a positive step toward sustainable remediation.

(oo) The Department of Water and Sanitation and the Department of Cooperative Governance and Traditional Affairs (CoGTA) have committed to working jointly with the Kouga Local Municipality to address the identified deficiencies. This includes technical support for infrastructure upgrade, capacity building, and coordinated oversight to ensure sustainable remediation and compliance monitoring.

(pp) This collaborative approach reflects a shared commitment to improving service delivery and ensuring accountability across all spheres of government as envisaged in section 154 of the Constitution.

(qq) The improvements in the water quality evident in the Blue Drop audit rating in both Jeffreys Bay and KwaNomzamo WWTP as confirmed in the DWS are indicative of the collaborative measures taken by the Municipality, COGTA and the DWS to ensure that all its water treatment works are fully registered and that their classifications have been approved in terms of the Integrated Regulatory Information System.

(rr) While notable progress has been made, there is a need to ensure improved transparency in project implementation and expenditure, regular public reporting on refurbishment progress and compliance status and meaningful community engagement to ensure that residents are informed and empowered, to restore public trust.

(ss) The collaborative effort by KLM, COGTA and DWS will ensure sustainable improvement which will require ongoing vigilance, responsible leadership, and a culture of accountability.

(tt) This report serves as a reminder that the right to basic services is not a privilege, but it is a constitutional guarantee. Therefore, the Public Protector calls upon all spheres of government, local, provincial, and national, to act decisively and collaboratively to implement the remedial actions outlined in this report. Accountability must be enforced, and sustainable solutions must be prioritised to prevent recurrence and ensure that communities like Jeffreys Bay and KwaNomzamo are not left behind. These remedial actions must also serve as reforms in all related areas, not necessarily investigated under this matter.

(uu) Accordingly, the Public Protector finds that the conduct of the functionaries of the KLM constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

(vv) The Public Protector urges all stakeholders to uphold their constitutional and legislative obligations with urgency and transparency. The success of these initiatives will depend on continued oversight, community engagement, and a shared commitment to accountability.

(ww) Therefore, continued intergovernmental cooperation envisaged in section 154 of the Constitution and institutional reform will be essential to restoring public trust and ensuring sustainable service delivery.

(xii) The appropriate remedial action taken in terms of section 182(1)(c) of the Constitution are the following:

The Premier of the Eastern Cape

(a) Take note of the findings and remedial action of the Public Protector in this Notice and further exercise and/or ensure executive oversight on the remedial action from the date of receipt of this report, in line with his powers as envisaged in section 125(2) of the Constitution.

The Eastern Cape MEC for COGTA

(b) Take cognizance of the findings and remedial action in this report and ensure implementation thereof from the date of receipt of this report, in line with the provisions section 133(1) of the Constitution.

(c) Within **sixty (60) calendar days** from the date of receipt of the Implementation Plan developed by the Municipal Manager, establish appropriate monitoring mechanisms in line with the powers vested to him under section 105(1) of Local Government Municipal Systems Act in order to oversee KLM's progress in connection with measures to address deficiencies in Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

The Municipal Manager

(d) Within **sixty (60) calendar days** from the date of receipt of this report, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act:

(aa) Submit a quarterly report on the implementation of the

Refurbishment Programme.

(bb) Submit a quarterly report of the maintenance undertaken at Jeffreys Bay WWTP as proposed in the response to the section 7(9) notice, as indicated in paragraph 6.1.40.46(b) above.

(cc) Submit a quarterly report of the Environmental Monitoring and Disclosure regarding effluent quality testing as indicated in paragraph 6.1.40.46(c) above, for the next twelve months.

(e) Within **ninety (90) calendar days** from the date of completion of the project of refurbishment and upgrade of the KwaNomzamo Wastewater Treatment Plant provide the Public Protector with the Close-out certification confirming the completion of the project.

(f) Within **sixty (60) calendar days** after the installation of the CCTV surveillance system to be piloted at KwaNomzamo WWTP anticipated in October 2025, as indicated in the response to the section 7(9) notice or paragraph 6.1.40.43(f), in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act, submit a report to the Public Protector confirming the installation of the CCTV system.

(g) Within **sixty (60) calendar days** of being informed of the outcome of the request to procure the CCTV system, submit a report to the Public Protector of the outcome, should procurement of the CCTV system not be granted, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act, submit an Implementation Plan setting out the measures, including prioritisation of capital funding within the municipality's available resources to improve security measures at KwaNomzamo Wastewater Treatment Works to ensure that no further damage or vandalism occur at the plant.

(h) Submit the Implementation Plan to the Executive Mayor of the KLM for tabling at the Municipal Council of the KLM and to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape province for monitoring of implementation.

The Executive Mayor

(i) Take cognisance of the findings and remedial action in this report and ensure implementation thereof and consider the Implementation Plan developed by the Municipal Manager, setting out steps/measures to be taken by the KLM to address deficiencies and shortcomings at Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

(j) Within **sixty (60) calendar days** from the date of receipt of this report, table this report through the Speaker to the Municipal Council for discussion in line with his powers and functions in terms of section 56(1) of the Local Government: Municipal Structures Act, 1998.

The Minister for the DWS

(k) Within **sixty (60) calendar days** from the date of this report, take appropriate steps or measures as may deem necessary in line with his/her powers as contemplated in terms of section 73(1) of the Water Services Act in order to ameliorate the situation that contributes to the poor quality of water and pollution to the environment at Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

The Director-General for Co-Operative Governance

(l) Within **sixty (60) calendar days** from the date of receipt of this report in line with the provisions of section 9(1) of DoRA develop monitoring mechanisms on financial and non-financial performance of the KLM regarding the

KwaNomzamo Water Project funded by an allocation in Part A of Schedule 4, in accordance with subsection (2) and the applicable framework, for the current financial year.

(m) In terms of section 9(1)(b) of DoRA, provide National Treasury with monitoring information on financial and non-financial performance by the KLM of the USDG against the capital budget and the service delivery and budget implementation plan.

(n) Provide a quarterly report to the Public Protector on the measures implemented by the Department in line with section 20 of the Division of Revenue Act in respect of the MIG allocation to ensure that the municipality addresses the challenges posed by the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants until the projects have been completed, as undertaken in the response dated 24 June 2025, to the section 7(9) notice.

(o) Within sixty (60) calendar days of receipt of this report provide an implementation plan and/ or written guidance to the Municipality to ensure that it maximises the ringfencing of 10% of its MIG allocation for repairs and refurbishment of the wastewater treatment plants as undertaken in the response to the section 7(9) notice.

(p) Within **thirty (30) calendar days** of receipt of this report put in place measures to evaluate the performance of the KwaNomzamo Water Project funded by the allocation and submit such evaluations to the National Treasury and the Minister of COGTA with recommendation on action to be taken.

The Director-General of the National Treasury

(q) Within **sixty (60) calendar days** from the date of this report, take appropriate steps in line with section 2 of the DoRA to ensure the provision of equitable division of revenue anticipated to be raised nationally through

prioritisation of the KwaNomzamo Water Project and sanitation bulk infrastructure development and promote co-operative governance and intergovernmental relations on budgetary matters between the KLM, DWS and COGTA;

(r) Ensure, in line with the provisions of section 6(3) of DoRA that any portion of national government's equitable share or excess revenue envisaged in subsection (2), is appropriated through the applicable legislation envisaged in section 12 of the Money Bills and Related Matters Act, 2009 to make further allocations to the KLM for purposes of addressing the KwaNomzamo WWTW challenges highlighted in this report;

(s) In line with the provisions of section 9(2) of DoRA approve a monitoring programme or system that is used to monitor information on financial and non-financial performance of a programme partially or fully funded by a Schedule 4 allocation to the KLM on the KwaNomzamo Water Project and submit same to the Minister of Finance for consideration;

(t) Ensure in accordance with section 11(1) of DoRA, that the KLM Municipal Manager fully complies with the applicable framework and provides a report to National Treasury on such compliance and the manner in which the allocation received from a transferring officer regarding the KwaNomzamo Water Project was spent; and

(u) Ensure in accordance with section 11(2) that the KLM Municipal Manager must certify to the National Treasury that the municipality has specifically and exclusively appropriated in Schedule 4 allocation budget for utilisation only according to the purpose of the allocation for the KwaNomzamo Water project;

(v) In line with section 5(2) of the Municipal Finance Management Act, 2003 (MFMA) monitor the budget of the KLM to establish whether it is consistent with the national government's fiscal and macro-economic policy, promotes

good budget and fiscal management by KLM and for this purpose monitor the implementation of KLM's budget including its expenditure, revenue collection and borrowing and assess compliance by KLM with this Act and any applicable standards of generally recognised accounting practice. Furthermore, investigate any system of financial management and internal control in the KLM and recommend improvement.

1. INTRODUCTION

1.1. This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996, (the Constitution) and section 8(1) of the Public Protector Act, 1994 (the Public Protector Act).

1.2. This report is submitted in terms of section 8(1) read with section 8(3) of the Public Protector Act, which empowers the Public Protector to make known the findings of an investigation, to implicated and affected parties, for such persons to note the outcome of the investigation and to implement the remedial action where appliable:

1.2.1 Ms Pemmy Majodina, the Minister of Water and Sanitation;
1.2.2 Mr Mbulelo Tshangana, Director-General: Department of Cooperative Governance and Traditional Affairs;
1.2.3 Dr Duncan Pieterse, Director General: National Treasury
1.2.4 Mr Lubabalo Oscar Mabuyane, Premier: Eastern Cape Province;
1.2.5 Mr Zolile Williams, MEC for Cogta;
1.2.6 Mr Hattingh Bornman , Executive Mayor: Kouga Local Municipality and
1.2.7 Mr Charl Du Plessis, Municipal Manager: Kouga Local Municipality

1.3. The report relates to an investigation into allegations of failure by the functionaries of Kouga Local Municipality to ensure that Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are properly maintained.

2. THE COMPLAINT

2.1 The complaint was lodged with the Eastern Cape Provincial Office of the Public Protector in Bhisho on 27 January 2023, by Mr Eddie van Rooyen (the Complainant), who is the founding Director of Masikhathalelaneni, a Non-Profit Company (NPC), based in Jeffrey's Bay.

2.2 In essence, the Complainant alleged that:

2.2.1 There is continued sewage spillage and environmental pollution by Kouga Local Municipality in Jeffrey's Bay and Humansdorp, KwaNomzamo.

2.2.2 In Jeffrey's Bay, it is happening in different public places even at the beaches. People are sharing the main beach in Jeffrey's Bay with a sewerage dam. This sewage ends up in the ocean from time to time where people are swimming.

2.2.3 The Jeffreys Bay and KwaNomzamo Wastewater Treatment Works have not been operational for the last four (04) years. The plant in Jeffrey's Bay releases millions of litres of untreated sewage into the environment.

2.2.4 The sewage goes through a neighbouring farm, Jubilee Estates into the Swart River and into the Seekoei River where the Kouga Municipality open the lagoon from time to time so that the sewage can go into the ocean.

2.2.5 The Municipality knew about the environmental pollution as he discovered through Seekoei Forum that there was an investigation by the Department of Forestry, Fisheries and the Environment.

2.2.6 KwaNomzamo Wastewater Treatment Works release its sewage into the Seekoei River. He opened a criminal case at Jeffrey's Bay Police Station on 28 February 2023 under CAS 128/02/2023 against the Municipality for environmental pollution.

2.2.7 The Municipality has been receiving Notices of Intention to Issue a Coastal Notice in terms of section 59 of the National Environmental Management: Integrated coastal Management Act, 2008 in respect of unlawful discharge of untreated sewage since 2019 from the Department of Forestry, Fisheries and the Environment, but nothing happened, or no action has been taken by the Municipality.

2.2.8 Infrastructure is not a priority for the Municipality and people were encouraged to swim in the contaminated water of the Estuary at own risk in December 2021. The sewage spillage is a health risk and a threat to the economy as the Municipality is a tourist destination. Jobs are at stake and the health system is being compromised.

2.2.9 The cattle which drinks sewage water is sold to people for human consumption. Fish caught from the sea, especially in Jeffreys Bay, might be a health risk. The signage alongside the Estuary clearly states the risks.

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1 The Public Protector is an independent constitutional institution established in terms of section 181(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2 Section 182(1) of the Constitution provides that, *"The Public Protector has the power, as regulated by national legislation –*

(a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
(b) to report on that conduct; and
(c) to take appropriate remedial action".

3.3 Section 182(2) of the Constitution directs that the Public Protector has the additional powers and functions prescribed by national legislation. The Public Protector's powers are regulated and amplified by the Public Protector Act which states, amongst others, that the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.

3.4 Kouga Local Municipality is an organ of state in terms of section 239 of the Constitution and the conduct of its functionaries amounts to conduct in state affairs, as a result, the Public Protector is satisfied that the complaint falls within its competency to conduct an investigation as envisaged in section 182(1)(a) of the Constitution and section 6(4)(a)(i) of the Public Protector Act. Furthermore, the jurisdiction of the Public Protector was not disputed in this regard.

4. ISSUE IDENTIFIED FOR INVESTIGATION

4.1 Based on the analysis of the complaint, the following issue was identified to inform and focus the investigation:

4.1.1 Whether the functionaries of Kouga Local Municipality did not maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plant in an effective and sustainable manner as contemplated in the Constitution, the Water Services Act of 1997, the Municipal Systems Act of 2000, the Municipal Structures Act 1998, the Municipal Finance Management Act of 1998 and the National Environmental Management Act of 1998, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994.

5. THE INVESTIGATION

5.1 Methodology

5.1.1 The investigation was conducted in terms of section 182(1) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and sections 6 and 7 of the Public Protector Act.

5.1.2 Section 7(1)(b)(i) of the Public Protector Act confers on the Public Protector the sole discretion to determine the format and procedure to be followed in conducting any investigation with due regard to the circumstances of each case.

5.2 Approach to the investigation

5.2.1 The approach to the investigation included the exchange of documents, analysis of the relevant documentation, consideration and application of the relevant laws, regulatory framework and prescripts. Inspections *in loco* were conducted, and interviews were held with functionaries of the Kouga Local Municipality.

5.2.2 The investigation was approached using an enquiry process that seeks to determine:

5.2.2.1 What happened?

5.2.2.2 What should have happened?

5.2.2.3 Is there a discrepancy between what happened and what should have happened and does that deviation amount to improper conduct and maladministration?

5.2.2.4 In the event of a violation what action should be taken?

5.2.3 The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and evidence independently sourced during the investigation. Evidence is evaluated and a determination is made on a balance of probabilities. In this case, the factual enquiry principally focused on whether the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are properly maintained by the functionaries of the Kouga Local Municipality.

5.2.4 The enquiry regarding what should have happened, focuses on the law or rules that regulate the standard that should have been met by the functionaries of the Municipality in the execution of their duties relating to the subject of the complaint.

5.3 Key sources of information

5.3.1 Correspondence sent and received

5.3.1.1 Complaint email from the Complainant dated, 26 January 2023;

5.3.1.2 Notice in terms of Rule 23 (1) of the Public Protector Rules as amended dated 22 February 2023, issued to the Municipal Manager of Kouga Local Municipality raising the allegations by the Complainant;

5.3.1.3 Response letter from the Municipal Manager to the Rule 23 (1) Notice, dated 13 March 2023;

5.3.1.4 Letter from the Public Protector to the Municipal Manager of KLM confirming the availability of the functionaries of the municipality for on-site inspection of the Jefferey's Bay and KwaNomzamo Wastewater Treatment Plants on 06 June 2023, dated 31 May 2023;

5.3.1.5 Email from KLM addressed to the Investigation Team confirming availability of the Municipality for inspection of the Jefferey's Bay and KwaNomzamo Wastewater Treatment Plant on 06 June 2023, dated 05 June 2023;

5.3.1.6 Notice in terms of Rule 23 (1) of the Public Protector Rules as amended relating to Investigation by the Public Protector addressed to the Office Administrator in the Office of the Deputy Director General Regulatory Compliance and Sector Monitoring of the Department of Forestry, Fisheries and the Environment, to respond to the allegations raised by the Complainant, dated 22 November 2023,

5.3.1.7 Response letter from Mr Frances Craigie, Chief Director, Sector Enforcement of DFFE, which indicated that the findings of the EMIs Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are not fully functional, dated 11 December 2023;

5.3.1.8 Notice in terms of section 7 (4) (b) of the Public Protector Act addressed to the Station Commander of Jeffreys Bay Police Station, Lt. Col Kiviet, to confirm whether there is a criminal case opened against the KLM for environmental pollution, dated 21 November 2023;

5.3.1.9 A response letter from Lt. Col Kiviet, confirming that a docket was registered as per Jeffreys Bay CAS 128/02/2023 and that the matter was under investigation, dated 22 November 2023;

5.3.1.10 Letter from the Public Protector Investigation Team addressed to the Municipal Manger of the KLM to make their own submission on the state of KwaNomzamo Wastewater Treatment Plant, dated 02 February 2024;

5.3.1.11 Submission on the state of KwaNomzamo Wastewater Treatment Plant from the Municipal Manager of KLM, dated 16 February 2024;

5.3.1.12 Letter from the Public Protector Investigation Team to the Municipal Manager dated 20 May 2025, seeking clarity on whether the upgrade of KwaNomzamo Wastewater Treatment Plant was completed on 18 May 2025;

5.3.1.13 Response email dated 21 May 2025, from Mr Botha indicating that KwaNomzamo Wastewater Treatment Plant was not completed on 18 May 2025 and the revised anticipated completion date is 15 August 2025;

5.3.1.14 Email from the Public Protector Investigation Team addressed to Mr Botha seeking clarity regarding circumstances relating to a letter of acceptance of

Lekratek Water Technology (Pty) Ltd, titled re-instatement of full scope of work and approval of 20% variation, dated 21 May 2025;

5.3.1.15 Response email from Mr Botha addressed to the Public Protector Investigation Team indicating that the variation order was required due to cost increase caused by escalation as the tender closed in 2019, dated 21 May 2025

5.4 Documents received

5.4.1 Copy of the Intention to issue Coastal Protection from DEFF to the Municipal Manager of KLM, dated 21 December 2022;

5.4.2 Appointment letter of Flash Electric cc T/A Flash Electric by KLM, dated 29 September 2023;

5.4.3 Appointment letter of International Metal Processing by KLM, dated 29 September 2023;

5.4.4 Letter of acceptance titled "R*e-instatement of full scope of work and approval of 20% variation from KLM to Lakratek Water Techology (Pty) Ltd"*, dated 12 September 2023;

5.4.5 Spreadsheet illustrating KLM 2023/2024 Water and Sanitation Budget received from KLM;

5.4.6 Project Implementation Plan of KwaNomzamo Wastewater Treatment Plant by Lakratek Water Techology (Pty) Ltd reflecting the completion date of the plant as 18 March 2025; and

5.4.7 Project Progress Report dated 19 May 2025: KwaNomzamo Humansdorp WWTW Phase 2 Contract 222/2019: Monthly Progress Report – March / April 2025;

5.5 Inspections *in loco*

5.5.1 Inspections *in loco* were conducted by the Investigation Team at Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants on the following dates, 06 June 2023 and 07 February 2024, respectively.

5.6 Legal Framework

5.6.1 Constitution of the Republic of South Africa, 1996;
5.6.2 Public Protector Act, 1994;
5.6.3 Water Services Act,1997;
5.6.4 National Water Act,1998;
5.6.5 Local Government: Municipal Systems Act, 2000;
5.6.6 Local Government: Municipal Structures Act,1998;
5.6.7 Municipal Finance Management Act, 2003;
5.6.8 National Environmental Management Act,1998 and
5.6.9 Division of Revenue Act, 2023

5.7 Case Law

5.7.1 Economic Freedom Fighters and Others v Speaker of the National Assembly and Another (CCT6/17 (2017) ZACC 47,2018 (3) BCLR 259 (CC) 29 December 2017); and

5.7.2 City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd 2012 (2) SA 104 CC.

5.8 Notice issued in terms of section 7(9)(a) of the Public Protector Act

5.8.1 A Notice in terms of section 7(9)(a) of the Public Protector Act (Notice), dated 10 June 2025 issued via email to the following implicated and/or affected parties to provide them with an opportunity to respond to the likely findings and remedial actions:

5.8.1.1 Ms Majodina

5.8.1.2 Dr Duncan Pieterse

5.8.1.3 Mr Tshangana

5.8.1.4 Mr Mabuyane;

5.8.1.5 Mr Williams;

5.8.1.6 Mr Bornman and

5.8.1.7 Mr Du Plessis

5.8.2 Responses to the Notice were received from the following parties:

5.8.2.1 Ms Mr Tshangana on 24 June 2025; and

5.8.2.2 Mr De Jager on 30 June 2025.

5.8.3 Despite being duly served with the Section 7(9)(a) Notice, no responses or representations were received from Ms Majodina, Dr Pieterse, Mr Mabuyane, Mr Williams, and Mr Bornman within the prescribed timeframe.

6. THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPT

6.1 Whether the functionaries of Kouga Local Municipality did not properly maintain Jeffreys Bay Wastewater Treatment Plants in an effective manner and sustainable as contemplated in the Constitution, the Water Services Act of 1997, the Municipal Systems Act of 2000, the Municipal Structures Act 1998, the Municipal Finance Management Act of 1998 and the National Environmental Management Act of 1998, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994

Common cause

6.1.1 The Jeffreys Bay Wastewater Treatment Plant (Jeffreys Bay WWTP) is situated in Jeffreys Bay within the jurisdiction of Kouga Local Municipality.

6.1.2 KwaNomzamo Wastewater Treatment Plant (KwaNomzamo WWTP) is located in Humansdorp also within Kouga Local Municipality, on the eastern outskirts of KwaNomzamo Township.

Issue in dispute

6.1.3 The issue for the Public Protector's determination is whether the maintenance of the JBWWTP by the KLM functionaries was in line with their prescribed responsibilities and mandate.

The Complainant's version

6.1.4 The Complainant contented that JBWWTP and KNWWTP have not been operational since 2019 as a result of the failure by functionaries of the Municipality to properly maintain the Wastewater Treatment Plants. He further alleged that this has resulted in continued sewage spillage and environmental pollution in Jeffrey Bay and KwaNomzamo Humansdorp. The plant in Jeffrey's Bay releases millions of litres of untreated sewage into the environment. The Municipality failed to maintain the Wastewater Treatment Plants.

6.1.5 He opened a criminal case against the Municipality at Jeffrey's Bay Police Station on 28 February 2023 under CAS 128/02/2023.

The Municipality's version

6.1.6 On 22 February 2023, the Public Protector Investigation Team (Investigation Team) issued a Notice in terms of Rule 23(1) of the Public

Protector Rules as amended to Mr Charl Du Plessis (Mr Du Plessis), the Municipal Manager of Kouga Local Municipality (KLM), requesting him to respond to the allegations raised by the Complainant.

6.1.7 On 13 March 2023, a response was received from Mr Du Plessis stating, *inter alia,* that:

6.1.7.1 The Kouga Municipality acknowledges that it is similar to many other local municipalities that suffer from continuous extreme vandalism of municipal infrastructure by communities and reduced budgets for maintenance of municipal facilities. More money is needed to address the effects of load shedding, vacancies on critical skills and the lack of transfer of skills to Wastewater Treatment Work Staff;

6.1.7.2 La Mer (main beach Jeffreys Bay) is the main sewer pump station (SPS), which receives the bulk of effluent material produced by several suburbs and developments that fall along the coast of Jeffreys Bay;

6.1.7.3 Effluent materials are conveyed through the existing infrastructure to the next link, which is the Koraal SPS and thereafter through 4B SPS, eventually processed and treated at the Jeffreys Bay Wastewater Treatment Work;

6.1.7.4 All sewerage outlets that connect to the stormwater system have been closed and sealed off, however, it appears as though some material still find its way into the stormwater system due to the physical pipe infrastructure breaks, which is swept up and collected by the stormwater run-off from residential and informal areas, which is eventually expelled via the system onto the beach;

6.1.7.5 The Municipality is currently obtaining funding for the implementation of the pipeline capacity upgrades. A number of capital projects have been identified which will directly affect rectifying the identified shortcomings in the infrastructure and in the meantime the plants are being closely monitored to ensure that any sewerage spillage is prevented;

6.1.7.6 The plants have never been designed to function at full capacity for twenty-four (24) hours a day, due to the lack of standby and back-up electricity supplies. The load shedding also has a negative impact on full time operations for the plants;

6.1.7.7 Maintenance is being performed on the plants on a continuous basis. The urgency of ensuring fully operational plants is regarded as high priority and essential to complying with the legal licence issued to the plants;

6.1.7.8 The quality of water before it connects to the Swart River complies with the prescribed water quality standards. The Municipality denies that any sewerage is flowing into open pastures, as only treated water is allowed to flow into the final pond and then through the reed beds, which acts as a natural filtration system that can be used to improve water quality prior to the discharge of water into the environment;

6.1.7.9 The Municipality is permitted to discharge treated water sewage effluent into an unnamed tributary of Swart River and disposal by irrigation of treated wastewater effluent onto irrigation pastures of Farm Klein Seekoei River under Water and Sanitation licence no: 12/K90F/EF/4333;

6.1.7.10 It should be noted that neighbouring farms practice open field agricultural activities in the form of livestock grazing and during periods of over irrigation and such runoffs could contribute largely to the E-coli;

6.1.7.11 The signage was erected by the Municipality during February 2022, and it was due to a built-up of dead matter/debris/dead plant material flowing into the lagoon from the Seekoei and Swart Rivers. The causeway over the lagoon is a cemented structure which, from time to time, contributes to the build-up of dead plant matter and debris, which in turn causes an awful smell creating a nuisance to the residents and patrons in the immediate area; and

6.1.7.12 Signage was erected to mitigate any health risks of residents and patrons to the lagoon in line with the Seekoei Estuary Management Plan and was in

no way as a result of any sewage contamination as alleged by the Complainant. The Municipality is unaware of any reports or instances where E. coli levels materially affected members of the public.

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Inspection in loco conducted by the Investigation Team at the Jeffreys Bay Wastewater Treatment Plant

6.1.8 On 06 June 2023, the Investigation Team, conducted an *inspection in loco* at Jeffreys Bay WWTP and was assisted by Mr Andre Botha (Mr Botha), Manager for Civil and Water Services at the Municipality. Mr Botha stated, *inter alia,* that:

6.1.8.1 Jeffreys Bay WWTP is ten (10) years old and was built around 2012 and was not operational or functioning at its peak performance in 2018, 2019 and 2021, but it is currently operational;

6.1.8.2 The Investigation Team observed during the onsite inspection that the Wastewater Treatment Plant was fully operational.



Picture 1: Depicts the Jeffreys Bay Wastewater Treatment Plant

6.1.8.3 The Complainant, who was present during the inspection was also interviewed by the Investigation Team, and he stated that the last time he visited the plant was in November 2022 and it was not operational, however, he conceded that the plant is now fully operational.

Inspection in loco conducted by the Investigation Team at the KwaNomzamo Wastewater Treatment Plant

6.1.9 On 06 June 2023, the Investigation Team also conducted an *inspection in loco* at the KwaNomzamo WWTP and was also accompanied by Mr Botha. During the inspection, the Investigation Team observed that the KNWWTP was not operational.



Picture 2: KwaNomzamo Wastewater Treatment Plant

6.1.10 Furthermore, the KNWWTP was in a poor state, indicating inadequate maintenance by the functionaries of KLM as shown in the pictures below:



Picture 3: KwaNomzamo Wastewater Treatment Plant in a state of poor maintenance

6.1.11 There is constant sewage spillage and untreated or partially treated wastewater flowing from the plant through the street towards Polar Park Informal Settlement into Dieklen Farm.



Picture 4: Sewage spillage flowing from KwaNomzamo Wastewater Treatment Plant towards Polar Park Informal Settlement

Interview with Mr Botha, 06 June 2023

6.1.12 Mr Botha who was interviewed by the Investigation Team during the onsite inspection stated, *inter alia,* that:

6.1.12.1 KwaNomzamo Wastewater Treatment Plant has not been operating at full capacity since 2016, due to vandalism and cable theft;

6.1.12.2 There is one (01) security guard at night and there are two (02) people per shift working at the plant; and

6.1.12.3 A forty two million rand (R 42 000 000) Municipal Infrastructure Grant (MIG), was allocated to the Municipality for the refurbishment of the plant.



Picture 5: Skip Trailer without wheels due to theft at the plant

Submission from the Department of Forestry, Fisheries and the Environment

6.1.13 On 22 November 2023, the Investigation Team addressed a letter to Ms Phumzile Sabeka (Ms Sabeka), the Office Administrator in the Office of the Deputy Director General (DDG) Regulatory Compliance and Sector Monitoring of the Department of Forestry, Fisheries and the Environment (DFFE), to respond to the allegations of the Complainant.

6.1.14 On 11 December 2023, a response was received from Mr Frances Craigie, (Mr Craigie) the Chief Director, Sector Enforcement of DFFE. In his response, Mr Craigie stated, *inter alia,* that:

6.1.14.1 DFFE received a number of complaints of sewage spills and resultant pollution in Jeffreys Bay and KwaNomzamo. In response to these complaints, environmental management inspectors (EMIs) from DFFE undertook joint inspections and investigations with other relevant departments to ascertain the cause and extent of the problem;

6.1.14.2 The EMIs made the following key findings:

(a) Kouga Local Municipality is responsible for the management and maintenance of Jeffrey's Bay and KwaNomzamo Wastewater

Treatment Works (WWTWs), which are not fully functional;

(b) The Jeffrey's Bay WWTW is discharging sewage into nearby wetlands and river systems, which feed to the Seekoei River and flow down to the Aston Bay Lagoon;

(c) The Jeffrey's Bay WWTW does not adequately treat or disinfect sewage due to, amongst others, the unmonitored outside inlet, lack of plant maintenance, lack of chlorine and the absence of a backup generator when there is power outages;

(d) The Kouga Local Municipality is responsible for excavating or digging up the land to facilitate the dumping of faeces by toilet rental companies near the Jeffrey's Bay WWTW, which is likely to contribute to the pollution and contamination of the nearby wetland and river systems which feed the Aston Bay Lagoon;

(e) At KwaNomzamo, untreated sewage was observed flowing from the plant into a nearby dam which feeds into the Seekoei River and then down to the Aston Bay Lagoon;

(f) Kouga Local Municipality is responsible for ensuring that both Jeffrey's Bay and KwaNomzamo WWTWs are repaired, maintained, and managed to their full operational state in order to prevent any further discharges of raw sewage into freshwater systems which flow down to Aston Bay Lagoon; and

(g) The sewage from Jeffrey's Bay and KwaNomzamo WWTWs has caused eutrophication in Aston Bay Lagoon as most of the lagoon is covered in Algal bloom.

6.1.14.3 The Chief Directorate: Sector Enforcement responded to the complaint by initially following an administrative enforcement process against the Municipality.

6.1.14.4 To that effect, an intention to issue a Coastal Protection Notice in terms of section 59 of the Integrated Coastal Management Act, 2008 was issued to the Municipality, to which representations were made by the Municipality to DFFE.

6.1.14.5 The administrative enforcement process was escalated to a criminal investigation due to the persistent challenges resulting in serious pollution, the complaints received in relation to this matter and the failure by the Municipality to provide meaningful commitments to address the problems.

6.1.14.6 A member of the public also registered a case docket in relation to this matter which was later referred to the EMIs of the Department for criminal investigation. Currently the criminal case is still under investigation with Cas number 128/02/2023. The case docket was presented to the Deputy Director of Public Prosecutions (DPP) in Grahamstown and the DPP returned the docket with queries, which the EMIs are currently attending to.

Documents received from Mr Craige

6.1.15 Attached to his response to the Investigation Team, Mr Craigie submitted the following documents:

Notice of Intention to issue Coastal Protection Notice from DFFE dated 21 December 2022

6.1.16 A letter of intention to issue a Coastal Protection Notice addressed to the Municipal Manager of KLM, Mr Du Plessis reflects that the EMIs from the Directorate, Enforcement Oceans and Coast within DFFE conducted site inspections in Jeffreys Bay and KwaNomzamo Wastewater Plants on 05 August 2022 and 26 September 2022 respectively.

6.1.17 According to the Notice of intention to issue a Coastal Protection letter, the following findings and observations were made:

6.1.17.1 KLM is responsible for the management and maintenance of the Jeffreys Bay and KwaNomzamo WWTWs, which are not fully functional;

6.1.17.2 Jeffreys Bay WWTWs is discharging sewage into nearby wetlands and river systems, which feed to the Seekoei River and which together flow down to Aston Bay Lagoon;

6.1.17.3 The Jeffreys Bay WWTWs does not treat or disinfect all its sewage due to, amongst others, the unmonitored outside inlet, lack of plant maintenance, lack of chlorine and the absence of a backup generator when there is power outages;

6.1.17.4 KLM is responsible for excavating or digging up the land to allow toilet rental companies to dump faeces nearby the Jeffreys Bay WWTWs, which is likely to contribute to the pollution and contamination of the nearby wetland and river systems which feed to Aston Bay Lagoon;

6.1.17.5 KLM is responsible for ensuring that both the Jeffreys Bay and KwaNomzamo WWTWs are repaired, maintained and managed to their full operational state, in order to prevent any further discharges of raw sewage into freshwater systems which flow down to Aston Bay Lagoon, and

6.1.17.6 The sewage from Jeffreys Bay and KwaNomzamo WWTWs has caused eutrophication in Aston Bay Lagoon as most parts of it are covered in algal bloom.

Representations by KLM to the Notice of Intention to issue a Coastal Protection Notice

6.1.18 In a response or representations to the Notice of Intention to issue a Coastal Protection Notice, Mr Du Plessis stated, *inter alia,* that:

6.1.18.1 The Municipality is currently in the process of repairing the Jeffreys Bay WWTW plant. A service provider, Tecrovere, was appointed to undertake repairs to two separation/filtering screens. The chemical (Chlorine) dosing pump has been repaired and is fully functional;

6.1.18.2 The plant's clarifier/settling tank, which was temporarily out of commission to remove excess sludge to ensure that activated sludge is returned to the activator tank for optimal operations and treatment is again functional and operating normally;

6.1.18.3 KLM is also in the process of repairing the KwaNomzamo WWTW plant which was severely vandalised during a violent protest in April 2021, where trucks stationed there were set alight and destroyed;

6.1.18.4 The plant has been partially repaired to allow for better quality flow, however, some damage remains due to a lack of funds for full repairs and a wall of one of the sumps is cracked which results in a water leak;

6.1.18.5 KLM applied and received approval for funding in the amount of forty two million rand (R 42 000 000), not only for repairs, but also to increase the WWTW processing capacity. These funds will be available during the 2023/2024 financial year;

6.1.18.6 KLM is permitted to discharge treated sewage effluent into an unnamed tributary of the Swart River and disposal by irrigation of treated wastewater effluent onto irrigation pastures of the Farm Klein Seekoei River under water and Sanitation licence no: 12/k90F/EF/4333;

6.1.18.7 The Municipality monitors the Seekoei and Swart Rivers and their respective water qualities. Recent samples taken at the Happy Hippo Weir (Seekoei River) indicates that no trace of Ecoli elements are present, which suggest that KwaNomzamo WWTW contaminates the Seekoei Estuary as the Ecoli levels detected in the weir are very low;

6.1.18.8 Farmers utilise water from the dam behind the WWTW for irrigation purposes and therefore little or no water from KwaNomzamo WWTW flows into the Seekoei River, unless heavy rainfall is experienced; and

6.1.18.9 Various factors can lead to eutrophication and the Algae Bloom on the estuary. Algae occur naturally, providing food for aquatic species/organisms.

Submission from the South African Police Service

6.1.19 On 21 November 2023, a Notice in terms of section 7(4) b of the Public Protector Act was sent to the Station Commander of Jeffreys Bay Police Station, Lieutenant Colonel (Lt. Col) Makhosana Lenah Kiviet (Lt. Col Kiviet), to confirm whether there is a criminal case opened against Kouga Local Municipality for environmental pollution.

6.1.20 On 22 November 2023, Lt. Col Kiviet responded and confirmed that a docket was registered as per Jeffreys Bay CAS 128/02/2023 and the matter was under investigation.

Second Inspection in loco conducted by the Investigation Team at the KwaNomzamo Wastewater Treatment Plant

6.1.21 On 07 February 2024, the Investigation Team conducted a second *inspection in loco* at KwaNomzamo Wastewater Treatment Plant. The purpose of the second inspection was to establish whether there were any improvements at the plant with respect to the observations that were made during the first inspection.

6.1.22 During the inspection, Mr Botha was interviewed by the Team and he stated, *inter alia,* that:

6.1.22.1 The size of the plant is 1.6 hectors and it was established in the 1980's to

support all townships in Humansdorp including KwaNomzamo Township; and

6.1.22.2 The Municipality with the assistance of the Eastern Cape Department of Human Settlements (ECDHS) is planning to relocate the residence of Polar Park Informal Settlement away from the plant.

6.1.23 The Investigation Team noted that the *status quo* regarding what was observed during the first *inspection in loco* was still the same and the following additional observations were made:

6.1.23.1 The company called Lekratek Water Technology (Pty) Ltd was already on site;

6.1.23.2 International Metal Processing (IMP) was appointed on 29 September 2023 for the duration of six (06) months to repair and conduct maintenance of the Kouga Sewer Pump stations as well as for water purification; and

6.1.23.3 Flagt Electric cc T/A Flash Electric was also appointed by the Municipality on 29 September 2023 for six (06) months for the repairs and maintenance of the Kouga Sewer Pumpstations as well as for water purification.

Further submission from KLM

6.1.24 On 02 February 2024, the Investigating Team addressed a letter to Mr Du Plessis, to make their own submission on the state of KwaNomzamo Wastewater Treatment Plant.

6.1.25 On 16 February 2024, Mr Du Plessis responded to the Investigation Team and stated, *inter alia,* that:

6.1.25.1 The challenges of vandalism at KwaNomzamo Wastewater Treatment Plant are ongoing and although the perimeter fencing and a night shift security

guard is provided, the theft of electrical cables and metals with scrap value persists since 2018;

6.1.25.2 The cost of ongoing repairs to vandalised equipment over the years has become unsustainable causing the general maintenance of the plant and its functionality to be compromised. The inlet works was upgraded to mechanical screens during the first phase of the refurbishment project in July 2021;

6.1.25.3 The perimeter fencing around the inlet works was also upgraded by installing a “Clear View fence”, which provides an additional layer of security to the new inlet works;

6.1.25.4 The rest of the treatment process is currently not functioning as designed due to the condition of the mechanical equipment on the plant;

6.1.25.5 After the screening process at the inlet works the partially treated wastewater flows through the works to the outlet point, into a channel, leading to a dam downstream of the works. The owner of this dam is a farmer who uses the water for irrigation of cattle grazing fields;

6.1.25.6 The KwaNomzamo WWTW is located on the eastern outskirts of the KwaNomzamo suburb, next to the R330 road to St Francis Bay;

6.1.25.7 The residential suburb to the west of the treatment works consists of an informal settlement on Erf RE/1968. This informal settlement was developed next to the treatment works before 2003, leaving an open buffer strip of approximately 80 meters wide between the settlement and the WWTW boundary. The buffer strip was invaded by squatters around 2010 and has been illegally occupied since then.

6.1.25.8 This illegally occupied area known as Polar Park has gradually been densified as more people moved to the area. KLM has secured adjacent

farmland to the west of KwaNomzamo for the development of a residential area;

6.1.25.9 The Municipality is currently in the planning phase with the assistance of the ECDHS to develop this land with the intention to relocate the residents of Polar Park away from the KwaNomzamo WWTW;

6.1.25.10 Regarding Operational Staff, KLM has process controllers and general workers working shifts to attend to the operation of the plant. A process controller is always on duty, 24 hours per day, 7 days a week;

6.1.25.11 The Municipality has two (02) qualified millwrights employed to take care of the mechanical and electrical maintenance of the plants. In addition to these artisans, KLM also has a team of qualified electricians employed to look after the electrical maintenance of the plants;

6.1.25.12 Major repairs requiring more resources or special skills are outsourced to the two (02) contracted service providers Flash Electric and International Metal Processing;

6.1.25.13 Due to the age and poor condition of the KwaNomzamo WWTW, KLM applied for MIG funding to undertake a major refurbishment and upgrade of the plant. The project is funded by MIG to the value of forty two million three hundred and sixty thousand five hundred and fifty six rand and ninety one cents (R 42 360 556.91). The process to apply for funding, tender for appointment of a professional service provider for the design and tender as well as the appointment of a contractor for the construction work, took more than three (03) years to complete. KLM can gladly report that this process has been successfully concluded and the contractor commenced with the construction work in October 2023; and

6.1.25.14 The estimated completion date of the refurbishment of the plant is 18 March 2025.

Documents received from Mr Du Plessis

6.1.26 Attached to his response to the Investigation Team, Mr Du Plessis submitted the following documents:

Appointment Letter of Flash Electric cc T/A Flash Electric

6.1.26.1 An appointment letter, dated 29 September 2023, reflects that Flash Electric was appointed for the repairs and maintenance of Kouga Sewer Pumpstations and water purification plant projects.

Appointment Letter of International Metal Processing

6.1.26.2 An appointment letter, dated 29 September 2023, reflects that IMP was appointed for the repairs and maintenance of Kouga Sewer Pumpstations and water purification plant projects.

Letter from Kouga Local Municipality to Lekratek Water Technology (Pty) Ltd, dated 12 September 2023

6.1.26.3 A letter of acceptance titled re- instatement of full scope of work and approval of 20% variation, reflects that Lekratek was appointed for the upgrade and refurbishment of KwaNomzamo Wastewater Treatment Plant.

KLM 2023/2024 Water and Sanitation Budget

6.1.26.4 The spreadsheet below illustrates the KLM 2023/24 water and sanitation budget, and the amount spent as of 31 January 2024.

UKE NR	DEPARTMENT NAME	ITEM DESCRIPTION	PROJECT DESCRIPTION	APPROVED BUDGET 2023/2024	YTD ACTUALS AT 31 JANUARY 2024	% Spent

2017070 2073275	Sanitatio n	Expenditure Operational Cost Hire Charges	Operational: Municipal Running Cost	3 300 000 00	2004 531.12	60.74%
2017070 2071304	Sewerage	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Planned: Sanitation Infrastructure: Pump Station: Pipe Work	2 000 000 00	132781182	66.39
2017070 201305	Sewerage	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Planned: Sanitation Infrastructure: Pump Station: Mechanical Equipment	3 000 000 00	873 669.65	29.12%
2017070 2071310	Sewerage	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Sanitation Infrastructure: Reticulation: Pipe Work	228 636.00	222 068.12	97.13%
2017070 2071312	Sewerage	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Sanitation Infrastructure: Pump station: Electrical equipment	2 000 000 00	110879.00	5.54%

2017070 2072396	Sewerage	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Sanitation Infrastructure: Wastewater Treatment: Pipe Work	209 000.00	138 404.06	66.22%
2017070 2072397	Sewerage	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Sanitation Infrastructure: Wastewater Treatment: Pipe Work	355 300.00	31 468.95	8.86%
2017070 2072404	Sewerage	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Planned Sanitation Infrastructure: Pump Station: Buildings	261 250.00	7 767.52	2.97%
2017070 2072428	Sewerage	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Planned Sanitation Infrastructure: Pump Station: Electrical Equipment	391 875.00	356 677.31	91.02%
2020112 6131409	Sewerage	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Non-Infrastructure: Preventative Maintenance: Interval Based: Transport Assets	200 000.00	159 761.33	79.88%

2022070 7986937	WATER	Expenditure: Contracted Services: Consultants and Professional Services: Laboratory Services: Water	Operational: Typical Work Streams: Drinking Water quality	2 150 000.00	450 236.39	20.94%
2017070 2071354	Water	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational Maintenance: Contracted Services: Contractors: Maintenance of Unspecified Assets	456 205.00	179 285.60	39.30%
2017070 2071365	Water	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply Infrastructure: Pump Station: Mechanical Equipment	134 109.00	30 973.00	23.10%
2017070 2071421	Water	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply infrastructure: Distribution: Pipe Work	53 938.00		0.00%
2021071 0001604	WATER	Expenditure: Contracted Services: Contractors: Maintenance of Unspecified Assets	Operational: Maintenance: Infrastructure: Preventative Maintenance: Condition Based: Water Supply Infrastructure: Bulk Mains: Electrical Equipment	20 588.00	13 938.00	67.70%

2017070 2072474	Water	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Preventative Maintenance: Condition Based: Water Supply Infrastructure: Bulk Mains: Pipe Work	794 200.00	562 917.63	70.88%
2017070 2072492	Water	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply infrastructure: Bulk Mains: Pipe Work	1 567 500.00	1 338 410.97	85.39%
2017070 2072518	Water	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply infrastructure: Distribution: Pipe Work	313 500.00	78 198.33	24.94%
2017070 2072532	Water	Expenditure: Inventory consumed: Materials and Supplies	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply infrastructure: Distribution: Pipe Work	574 750.00	2 13105.59	3
2017070 2072534	Water	Expenditure: Inventory consumed: Materials and Supplies	Operational: Municipal Running Cost	2 000 000. 00	1830 315.00	91.52%
2017070 2073468	Water	Expenditure: Operational Cost Hire Charges	Operational: Maintenance: Infrastructure: Corrective Maintenance: Emergency: Water Supply Infrastructure: Bulk Mains Pipe Work	3 448 500. 00	407 146.24	11.81%
			TOTAL	**23 459 351.00**	**10 337 565.63**	**44.07%**

Project Implementation Plan, KwaNomzamo WWTW

6.1.26.5 A project implementation plan by Lektratek indicates that the estimated completion date of KwaNomzamo WWTW is 18 March 2025.

6.1.27 On 20 May 2025, the Investigation Team addressed a letter to Mr Du Plessis seeking clarity on whether the upgrade of KwaNomzamo WWTW was completed on 18 May 2025.

6.1.28 In an email dated 21 May 2025, Mr Botha stated, *inter alia,* that:

6.1.28.1 KwaNomzamo WWTW was not completed on 18 May 2025, as originally programmed. The revised anticipated completion date is 15 August 2025;

6.1.28.2 The reason for the extended contract period is that the MIG budget was reduced for the 2023/24 financial year causing construction activities on site to be delayed as reflected from extract of the Government Gazette No.50134 dated 16 February 2024, regarding Division of Revenue Act allocations, as shown in the table below.

Department of Cooperative Governance (Vote 3)			Municipal Infrastructure Grant			
			Column A			Column C
			2023/24 Main allocation	Adjustments- October gazette No. 49584	Adjustments- MTBPS	2023/24 Adjusted allocation
			R'000	R'000	R'000	R'000
EASTERN CAPE						
B	EC101	Dr Beyers Naude	23 871		(1 597)	22 274
B	EC102	Blue Crane Route	24 268		(1 623)	22 645
B	EC104	Makana	28 455		(1 903)	26 552
B	EC105	Ndlambe	31 956		(2 137)	29 819
B	EC106	Sundays River Valley	29 921		(2 001)	27 920
B	EC108	Kouga	37 367		(2 499)	34 868
B	EC109	Kou-Kamma	17 570		(1 175)	16 395
Total: Sarah Baartman Municipalities			193 408	-	(12 935)	180 473

6.1.28.3 The contractor claimed for extension of time due to the delay as indicated in the table below:

Claim No	Notice of Claim Received	Formal Claim Submitted	Description of Claim	Date of EA's Ruling	EoT Determined	Additional Cost Determined	Outcome of EA's Ruling
1	26/04/24	01/08/24	EOT – Reduced MIG budget allocation for FY2023/24	Meeting minutes 5 – 15 August 204	Yes	No additional cost	EoT granted

6.1.28.4 The maintenance had to be done to provide additional funding of seven million rand (R 7 000 000) which will only become available in the new financial year, starting 1 July 2025.

6.1.29 Mr Botha submitted the following documents with his response:

Project Progress Report dated 19 May 2025: KwaNomzamo Humansdorp WWTW Phase 2 Contract 222/2019: Monthly Progress Report – March / April 2025

6.1.29.1 The progress report reflects the summarised contract details between KLM and Lektratek Water Technology (Pty) Ltd as indicated in the table below:

Description	Detail
Contract Number	222/2019
Contract Description	Plant Design and Build for The Upgrade and Refurbishment of The Kwanomzamo Humansdorp Wastewater Treatment Works
Approved Contract Amount (Inc. VAT)	R 39 757 523.14 (Incl. VAT) Awaiting Budget Maintenance approval for R44 466 603.90 (Incl. VAT)
Number of Extra Work Orders	30
Contract Commencement Date	18 September 2023.
Original Contract Period	18 Months, including special non-working days and 28-day Trial Operation Period
Original Due Completion Date	18 March 2025
Extension of Time Granted	The Contractor and Employer agreed that the Contractor was delayed due to Project budget reduction from April

	to June 2024 and scope variations and approvals that were finalized in July 2024, which will affect the commencement of the civil works scheduled for mid-July to start of August 2024. The Contractor's revised programme (Rev 3) shows a Revised Completion date of 31 July 2024.
Revised Completion Date	31 July 2025
Anticipated Completion Date	15 August 2025

6.1.30 On 21 May 2025, the Investigation Team addressed an email to Mr Botha seeking clarity regarding circumstances relating to a letter of acceptance of Lekratek by KLM, titled re-instatement of full scope of work and approval of 20% variation.

6.1.31 In an email dated 21 May 2025, Mr Botha stated *inter alia* that:

6.1.31.1 The original tender price was thirty million eight hundred and twenty-eight thousand one hundred and eighty two rand (R 30 828 182) in 2019. The approved Water Services Infrastructure Grant (WSIG) was thereafter reduced to five million nine hundred and twenty-three thousand and eight rands (R 5 923 008) so the scope of work had to be reduced to match the available budget.

6.1.31.2 Lekratek did stop work and vacated the site after Phase 1 was completed. In 2023, more funding from MIG was allocated so that the original scope of work could be reinstated.

6.1.31.3 The variation order was required due to cost increase caused by escalation as the tender closed in 2019 already,

Responses to the Notice issued in terms of section 7(9)(a) of the Public Protector Act

6.1.32 On 10 June 2025, a Notice in terms of section 7(9)(a) of the Public Protector Act (the Notice) was issued to the following implicated and/or affected

parties to provide them with an opportunity to respond to the likely findings and remedial actions:

6.1.32.1 Ms Majodina
6.1.32.2 Dr Duncan Pieterse
6.1.32.3 Mr Tshangana
6.1.32.4 Mr Mabuyane;
6.1.32.5 Mr Williams;
6.1.32.6 Mr Bornman and
6.1.32.7 Mr Du Plessis

6.1.33 Section 7(9)(a) of the Public Protector Act, 1994 enjoins the Public Protector, during the course of an investigation, to afford any person being implicated in the matter under investigation, and where such implication may be to the detriment and/or interest of that person or where an adverse finding and/or remedial action pertaining to that person may result, an opportunity to respond in connection thereto.

6.1.34 in line with the audi alteram partem principle, as entrenched in Section 33 of the Constitution and affirmed in *Public Protector v Mail & Guardian Ltd 2011 (4) SA 420 (SCA)*, as well as subsequent judgments such as *President of the Republic of South Africa v Public Protector 2020 (5) SA 299 (CC*), the Notice was also issued to affected persons to afford them an opportunity to make representations.

6.1.35 Responses to the Notice were received from the following persons:

6.1.35.1 Ms Mr Tshangana on 24 June 2025; and
6.1.35.2 Mr De Jager on 30 June 2025.

6.1.36 Despite being duly served with the Section 7(9)(a) Notice, no responses were received from Ms Majodina, Dr Pieterse, Mr Mabuyane, Mr Williams, or Mr Bornman.

6.1.37 The absence of responses from the abovementioned individuals therefore implies that the investigation will proceed to finalisation on the strength of the evidence already gathered, without the benefit of their rebuttal or mitigating submissions.

6.1.38 The responses, information, and evidence submitted by the respondents were duly considered by the Public Protector in line with the constitutional imperative of fairness and the requirements of the Public Protector Act. This consideration formed an integral part of the investigative process to ensure that all relevant facts, perspectives, and rebuttals were taken into account before final findings were made.

Response from Mr Tshangana, Director General for CoGTA

6.1.39 Mr Tshangana responded to the Notice in a letter dated 24 June 2025 and stated, *inter alia*, the following:

6.1.39.1 In line with section 154 of the Constitution of the Republic of South Africa, the Department commits to work together with KLM and the DWS to address the reported challenges;

6.1.39.2 In terms of the provision of support, the Department will endeavour to apply the provisions of section 20 of the Division of Revenue Act in respect of the MIG allocation to the extent possible to ensure that the municipality addresses these serious challenges posed by the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants;

6.1.39.3 The Department will further ensure that the municipality maximises the ringfencing of 10% of its MIG allocation for repairs and refurbishment of the wastewater treatment plants and

6.1.39.4 The Department will abide by the remedial actions proposed by the Public Protector.

Response from Mr De Jager, Acting Municipal Manager of KLM

6.1.40 On 30 June 2025, Mr De Jager responded to the Notice and stated, *inter alia* that:

6.1.40.1 The complaint giving rise to investigation by the Public Protector was lodged in 2023, during a period when both Jeffreys Bay and KwaNomzamo WWTPs were facing critical operational challenges due to historical infrastructure decay, vandalism and limited funding. Due to public unrest and vandalism occurring during September 2017, KwaNomzamo WWTP was rendered inoperative and that resulted in loss of operation and capacity at the plant for a short period of time before the Municipality implemented its current action plan. However, the circumstances have materially changed since 2021;

6.1.40.2 Between March and September 2023, the Municipality undertook and implemented multiple corrective and improvement measures, including the appointment of contractors, initiation of refurbishment projects and environmental monitoring protocols;

6.1.40.3 The factual basis for the complaint, namely, persistent non functionality and untreated effluent discharge no longer accurately reflects the Municipality's current position or the substantial remedial progress made over the past three (03) years;

6.1.40.4 The Municipality acknowledges the serious concerns raised in the Section 7(9) Notice and concedes that the maintenance of the Jeffreys Bay and KwaNomzamo WWTPs had faced significant challenges of vandalism, infrastructure decay, load shedding and limited funding. However, it is the Municipality's submission that theses challenges have not arisen from neglect or improper conduct, but rather from factors beyond the municipality's immediate control;

6.1.40.5 The Municipality has proactively and consistently taken steps to restore and upgrade the functionality of both WWTPs and remains committed to achieving full compliance with applicable laws and environmental obligations;

6.1.40.6 The Municipality acknowledges that the Jeffreys Bay and KwaNomzamo WWTPs experienced operational deficits in the past, particularly between 2018 and 2021 as a result of legacy infrastructure that was never fully upgraded to match urban growth, as well as budgetary, technical, and environmental factors that disrupted plant functionality;

6.1.40.7 At the Jeffreys Bay WWTP, the treatment capacity was compromised due to aging mechanical components, including the clarifier tank, chlorine dosing pump, and filtration system. These deficiencies were exacerbated by national loadshedding schedules, which interfered with continuous plant operation.

6.1.40.8 The Municipality undertook a structured intervention an in March 2023, a service provider Tecrovere was appointed to restore the dosing and filtration systems. By April 2023, major components including the clarifier and chlorine dosing system had been repaired and monthly water quality monitoring in May 2023 confirmed an improved output standard;

6.1.40.9 As for the site inspection conducted on 06 June 2023, the facility was operating within its licensed parameters;

6.1.40.10 The KwaNomzamo WWTP suffered an acute breakdown following violent protest action in April 2021 which resulted in the destruction of trucks and mechanical installations. Prior to the ongoing vandalism and theft of copper wiring, electrical boards, and pumps had already weakened the plant's operational integrity.

6.1.40.11 The Municipality implemented a phased rehabilitation plan. In July 2021, Phase 1 of the refurbishment was completed, involving inlet works repair and perimeter security updgrades;

6.1.40.12 On 12 September 2023, Lekratek Water Technology (Pty) Ltd was appointed to carry out the core plant refurbishment under Phase 2;

6.1.40.13 Supplementary contractors, Flash Electric cc and International Metal Processing were appointed on 29 September 2023 to restore the related pump stations and electrical systems;

6.1.40.14 Construction works formally commenced on 18 September 2023, funded by forty two million three hundred and sixty thousand five hundred and fifty six rand and ninety one cents (R 42 360 556 91) in MIG allocations and the full project completion is anticipated by 15 August 2025.

6.1.40.15 The Municipality disputes the assertion that untreated sewage is systematically discharged from the Jeffreys Bay and KwaNomzamo WWTPs. While past infrastructure constraints and vandalism resulted in operational setbacks, measures have been taken to mitigate pollution risks and improve treatment capacity;

6.1.40.16 The Jeffreys Bay WWTP, although operating below peak performance between 2018 and 2021, has since been repaired and is functioning optimally. The discharge from the facility is regulated under water use license No. 12/K90F/EF/4333. The plant employs natural reed bed filtration and clarified effluent is directed through retention ponds and wetland buffers before entering the environment. Signage erected in February 2022, in the estuarine area was a precautionary response to organic debris and not to sewerage contamination. The DFFE samples taken in October 2023 from the Seekoei River confirmed low E. coli levels;

6.1.40.17 Partially treated wastewater has at times been discharged from KwaNomzamo WWTP into a downstream dam which is used by local farmers for irrigation. However, the dam is not hydrologically connected in a manner that results in direct contamination of public recreational or aquatic areas under normal weather conditions. Waterflow into the Seekoei River occurs only in cases of excessive rainfall;

6.1.40.18 The Municipality has prioritised the restoration of KwaNomzamo WWTP. Interim containment and screening mechanism have been implemented to limit environmental exposure. Additionally, public health risk indicators, such as fish mortality or significant algal blooms directly attributed to untreated sewage, have not been observed at a scale to confirm causation. Algal blooms noted in Aston Bay Lagoon are likely due toa combination of factors including natural nutrient accumulation, stormwater runoff, and surrounding land use;

6.1.40.19 The Municipality continues to work in coordination with DFFE and the DWS to ensure regulatory compliance, and requests that these transitional limitations be assessed within the context of demonstrated remedial action, cooperation, and long term infrastructural planning;

6.1.40.20 The DWS in its report dated 26 June 2025 confirmed that the JWWTP improved its Blue Drop audit score to 89% up from the previous score of 70% and the Municipality was commended by the DWS for its efforts to comply with the Blue Drop requirements;

6.1.40.21 The DWS further commended the Municipality on ensuring that all its water treatment works are fully registered and that their classifications have been approved in terms of the Integrated Regulatory Information System (IRIS);

6.1.40.22 The Municipality disputes the finding that it failed to adequately monitor wastewater outputs or failed to act on notices from DFFE. While the monitoring regime was historically limited due to equipment shortfalls and

operational contrariants, a progressive improvement plan has been in effect since early 2023;

6.1.40.23 As early as January 2023, the Municipality submitted a comprehensive written response to the DFFE's Notice of Intention to Issue a Coastal Protection Notice, dated 21 December 2022, outlining the context of the operational difficulties, remedial plans, funding challenges and presented an initial step in restoring regulatory alignment;

6.1.40.24 Since May 2023, the Municipality has initiated a consistent programme of effluent monitoring at both WWTPs and discharge points into surrounding natural systems, with sample data collected monthly and shared with oversight bodies where appropriate. The monitoring effort includes E. coli level testing, flow-rate checks, and physical inspections of critical inflow and outflow channels;

6.1.40.25 The Municipality has engaged third party contractors with specialist knowledge of wastewater systems to assist in both maintenance and performance audits, which form part of the broader remedial strategy;

6.1.40.26 The Municipality has integrated compliance responses into its project reporting to the MIG administrators and National Treasury. The appointment of Lekratek Water Technology, Flash Electric CC, and International Metal Processing in September 2023 demonstrates the Municipality's practical commitment to addressing DFFE's concerns through infrastructure renewal and technical enhancement;

6.1.40.27 The Municipality requests that its ongoing efforts and cooperation be recognised and support from national and provincial government be increased to assist in infrastructure upgrading and protection;

6.1.40.28 The Municipality is acutely aware of its duty to ensure a healthy environment and mitigate any public health risks. It has actively engaged in risk reduction and transparency through the following actions;

(a) Conducting regular water testing at discharge points and river intersections since July 2023;
(b) The continuous water sampling at the Seekoei River since October, which indicated low E. coli levels;

(c) Implementing warning signage at key sites in February 2022 to inform the public of safety precautions;

(d) Submitting project timelines and budgets to National Treasury and MIG administrators through the 2023/24 Division of Revenue reporting process;

6.1.40.29 The Municipality acknowledges that residents in the vicinity of both the Jeffreys Bay and KwaNomzamo WWTPs have raised concerns regarding intermittent unpleasant odours. These occurrences have typically coincided with power interruptions due to load shedding or mechanical failures, which temporarily disrupted aeration and chemical dosing processes. This led to the build-up of anaerobic conditions in containment tanks or reed beds, resulting in sulphurous odours. Such odours while unpleasant do not in themselves establish a public health risk.

6.1.40.30 The Municipality has responded to such reports by dispatching maintenance teams as needed. Since April 2023, the reactivation of chlorination systems and the repair of clarifiers have significantly reduced odour related complaints at Jeffreys Bay WWTP;

6.1.40.31 At KwaNomzamo WWTP refurbishment of ventilation, dosing, and pump mechanisms commenced in September 2023, and odour suppression will improve further once the full restoration is complete in August 2025. The Municipality is also exploring longer term interventions such as biological

odour neutralisers and increased buffer landscaping, to minimise community impact;

6.1.40.32 The is no verified evidence of chronic respiratory issues, toxic exposure or waterborne illnesses linked to the WWTPs. No formal health assessments or environmental toxicity studies have been submitted as part of the complaint. The Municipality continues to cooperate with local health authorities and the DWS to ensure the safety and well being of the community;

6.1.40.33 The Municipality recognises that consistent and targeted vandalism, theft, and unauthorised access have contributed significantly to the historical deterioration and interruptions in operation at both the Jeffreys Bay and KwaNomzaomo WWTPs. These incidents not only led to costly damage and system downtime but also posed risks to environmental and public health;

6.1.40.34 The Municipality has undertaken the following comprehensive and phased approach to security enhancement at both facilities, which reflect a deliberate and evolving security strategy aligned with the Municipality's duty to safeguard public infrastructure and service continuity.

(a) At KwaNomzamo WWTP, Clear View perimeter fencing was installed in July 2021 as part of Phase 1 of the refurbishment project. This fencing improves visibility, deters unauthorised access, and allows for better surveillance by security personnel;

(b) Controlled access systems have been installed at both WWTPs. This includes heavy duty gates with locking mechanisms, designated access points for authorised personnel and visible signage warning of restricted entry. In addition, key equipment and buildings now include reinforced doors and enclosed electrical panels;

(c) A security patrol rotation was introduced with dedicated personnel present on site during peak hours and periodic patrols at night. The Municipality has also engaged the services of private security firms for flexible reinforcement during known periods of heightened risk such as service delivery protests;

(d) Lighting infrastructure has been improved particularly at KwaNomzamo WWTP where solar power floodlights were installed in November 2023 to improve visibility and deter unlawful entry during load shedding hours;

(e) A risk-based budget allocation for security services and infrastructure upgrades has been embedded in the operational budget for both 2023/24 and 2024/25 financial years ensuring continuity of protection measures;

(f) The Municipality is in the process of procuring a basic CCTV surveillance system to be piloted at KwaNomzamo WWTP with installation anticipated by October 2025, subject to final procurement approvals;

6.1.40.35 The Municipality remains committed to strengthen efforts in coordination with local law enforcement, community stakeholders and intergovernmental partners;

6.1.40.36 It is denied that the Municipality or its officials have committed any form of maladministration or improper conduct. The Municipality submits that while there have been operational delays or imperfect implementation, these do not rise to the level of improper conduct as contemplated in law. The totality of the evidence shows good faith efforts, accountability and progressive improvement;

6.1.40.37 The JBWWTP is fully operational and functioning within the parameters of its licensed discharge conditions. Following repairs undertaken between March and April 2023, the plant's clarifier, filtration system and chlorine dosing mechanisms have been restored. The facility now undergoes monthly effluent monitoring and test results since May 2023 have consistently reflected compliance with regulatory standards;

6.1.40.38 The KwaNomzamo WWTP is currently under active refurbishment. The plant operates in a limited capacity with partially treated wastewater undergoing primary screening and containment prior to discharge. Major mechanical and structural restoration are underway, with the refurbishment project managed by Lekratek Water Technology (Pty) Ltd since September 2023 supported by Flash Electric CC and IMP. The refurbishment includes upgrades to aeration systems, sludge handling infrastructure, and dosing mechanisms. The project is on track for completion by 15 August 2025;

6.1.40.39 The temporary containment interventions and odour mitigation strategies are in place at KwaNomzamo WWTP to minimise environmental impact. In addition, the Municipality has implemented enhanced security, signage, and access control protocols at both sites to safeguard operational integrity;

6.1.40.40 Both plants are now managed under structured project and maintenance frameworks, with active compliance oversight and intergovernmental reporting in place;

6.1.40.41 The Municipality's submission is that the Public Protector's concerns must be balanced with the material improvements made since 2023 and the principle that remedial action should complement not frustrate recovery. Any findings or enforcement measures must be proportionate, prospective and responsive to the evolving landscape;

6.1.40.42 From a financial perspective the proposed actions are not accompanied by additional funding mechanisms or support. The Municipality is currently

executing a multi-year, MIG funded refurbishment project at KwaNomzamo WWTP with a committed allocation of over R 42 million;

6.1.40.43 The Municipality has since 2021 implemented appropriate disciplinary actions against key municipal personnel and which the municipality submits were sufficient and within the provisions of the applicable labour relations legislation;

6.1.40.44 The Public Protector's remedial action overlooks the complexities of intergovernmental coordination and procurement timelines required under the MFMA, the Municipal Systems Act, and Treasury regulations. Forcing expedited or overlapping remedial measures could breach existing contractual obligations, invalidate procurement processes or expose the Municipality to audit risk. Furthermore, duplicated oversight or competing mandates from external entities may conflict with current DFFE and MIG monitoring frameworks, frustrating efforts at coordinated compliance;

6.1.40.45 Should the Municipality be publicly censured without full recognition of progress made since January 2023 complaint, it may erode public trust in governance processes and may deter skilled professionals from municipal service due to a perceived culture of scapegoating in complex resource-constrained environments. Such a narrative does not reflect the good faith efforts undertaken by the Municipality, nor the improved operational status of the WWTPs as of mid- 2025;

6.1.40.46 The Municipality puts forward the following alternative remedial steps which are realistic, time bound and fully aligned with the legislative and compliance framework applicable to municipalities:

(a) Continued implementation and Reporting on the Refurbishment Programme;

(b) The Jeffreys Bay WWTP will remain under scheduled maintenance protocols, with progress reported bi-annually to both the Provincial Department of Environmental Affairs and the Department of Water and Sanitation

(c) Environmental Monitoring and Disclosure regarding effluent quality testing will continue and results will be published on the Municipal website and shared with stakeholders by the 15th of each subsequent month, starting from July 2025.

(d) Continued upgrading of security at the KwaNomzamo WWTP.

6.1.40.47 The Municipality remains committed to its constitutional duties under section 152 of the Constitution and welcomes further engagement to ensure long term environmental sustainability and service delivery to all communities.

Additional documents received from KLM

6.1.41 Attached to his response to section 7 (9)(a) Notice, Mr De Jager submitted the following documents:

Copy of SAPS case docket Cas No. 217/09/2017

6.1.41.1 The docket reflects that in 2018 the Control Prosecutor declined to prosecute the case on charges relating to damage to infrastructure, public violence and malicious injury to property.

Site Inspection Feedback: Jeffreys Bay, Gill Marcus and Humansdorp Water Treatment Works (11 – 12 June 2025)

6.1.41.2 A letter dated 26 June 2025, by Mr NG Lawry, Deputy Director: Water Service Regulation from the Department of Water and Sanitation reflects that the Department of Water and Sanitation (DWS) conducted site inspection at Jeffreys Bay, Gill Marcus and Humansdorp Wastewater

Treatment Plants on 11 and 12 June 2025. The letter further indicates that the DWS observation based on the Blue Drop audit requirements during site inspection reflects significant improvement score of 89 % at Jeffreys Bay compared to 70.96% score during the Blue Drop assessment of 2023, and improvement of 83 % score for Humansdorp compared to 73.12% in 2023.

6.1.41.3 In this letter, the DWS also noted a lack of Process Controller registration on Integrated Regulatory Information System (IRIS) in terms of Regulation 3630 and KLM was required to submit a corrective action plan (CAP) by 31 July 2025.

Response to Section 7(9) notice from Mr Mlokoti, Head of Department, Eastern Cape CoGTA

6.1.42 In response to the Section 7(9) notice dated 01 September 2025, Mr Mlokoti stated inter alia that they note the requirement for COGTA to request the Implementation Plan from the Municipal Manager and to establish appropriate monitoring mechanisms thereof. The Department commits to ensuring compliance with the recommendations as follows:

6.1.42.1 Monitor progress until full execution of the implementation Plan, ensuring that both Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are maintained in a manner consistent with constitutional and legislative obligations; and

6.1.42.2 The Department reaffirms its commitment to cooperate with the Office of the Public Protector I this matter and will provide progress reports as required.

Progress of refurbishments at KwaNomzamo WWTP

6.1.43 In response to Section 7(9) notice, Mr de Jager indicated that KwaNomzamo Wastewater Treatment Plant is presently undergoing a comprehensive refurbishment aimed at restoring its operational integrity,

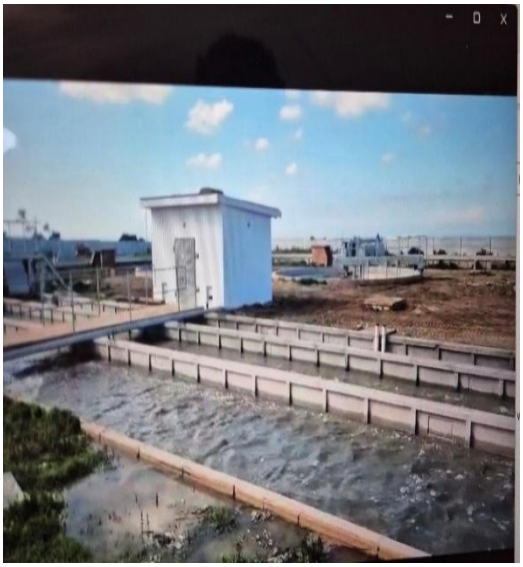
enhance its treatment capacity and ensure long-term reliability and compliance with environmental standards. Since September 2023, the refurbishment has been led by Lekratek Water Technology (Pty) Ltd, with technical support from Flash Electric CC and IMP.

6.1.44 While the plant remains functional in a limited capacity, it currently processes wastewater through primary screening and containment prior to discharge. The project is progressing steadily and remains on schedule for completion by 15 August 2025, marking a critical milestone in the municipality's efforts to improve sanitation services and safeguard public health.

6.1.45 On 26 September 2025, the Public Protector was furnished with a video reflecting progress made in the refurbishment of KwaNomzamo WWTP. According to Mr Botha, the project was completed at the revised date of 15 August 2025, as previously undertaken.

6.1.46 The pictures below which were developed from the video taken on 26 September 2025, WWTP, mark significant improvement of KwaNomozamo WWTP compared to the

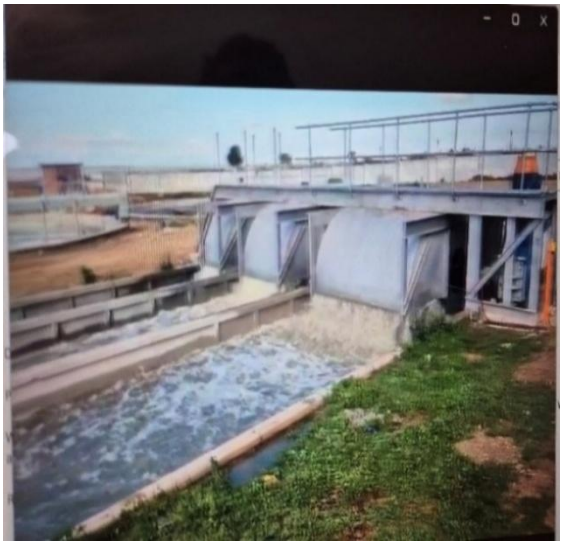




observations made during on-site inspection conducted by the Investigation Team on 06 June 2023.

BEFORE (06 June 2023) **AFTER (**6 September 2025)





BEFORE (06 June 2023) **AFTER** (26 September 2025)

Applicable law

The Constitution of the Republic of South Africa, 1996

6.1.47 Section 10 of the Constitution provides that everyone *has inherent dignity and the right to have their dignity respected and protected*.

6.1.48 Section 24(a) of the Constitution provides that:

"everyone has the right-
(a) to an environment that is not harmful to their health or well–being…"

6.1.49 Section 152 of the Constitution provides, *inter alia*, that:

"(1) The objects of local government are –
(a) to provide democratic and accountable government of local communities;

(b) to ensure the provision of services to communities in a sustainable manner;

(c) ….;

(d) To promote a safe and healthy environment; and

(e) …'

(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1)".

6.1.50 Section 195 of the Constitution makes provision for the principles of good administration in all spheres of government and it provides as follows:

" (1) Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

(a) A high standard of professional ethics must be promoted and maintained,

(b) …

(c) ...;

(d) …:

(e) People's needs must be responded to;

(f) Public administration must be accountable;

(g) Transparency must be fostered by providing the public with timely, accessible and accurate information…"

(h) …….

(i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation".

6.1.51 Section 237 of the Constitution states that "*All constitutional obligations must be performed diligently and without delay*".

Water Services Act, 1997

6.1.52 Section 2 of the Water Services Act provides for:

"(a) *the right of access to basic water supply and the right to basic sanitation necessary to ensure sufficient water and an environment not harmful to human health or well-being;…"*

6.1.53 Section 3 of the Water Services Act provides for the right of access to basic water supply and basic sanitation as follows:

"(1) *Everyone has a right of access to basic water supply and basic sanitation.*

(2) Every water service institution must take reasonable measures to realise these rights".

6.1.54 Section 62 of the Water Services Act deals with the monitoring of water services institutions and provides that:

(1) The Minister and any relevant province must monitor the performance of every water services institution in order to ensure:

(a) Compliance with all applicable national standards prescribed under this Act;

(b) Compliance with all norms and standards for tariffs prescribed under this Act, and

(c) Compliance with every applicable development plan, policy statement or business plan adopted in terms of this Act…

6.1.55 Section 63(1) of the Water Services Act states that if a water services authority has not effectively performed any function imposed on it by or under this Act, the Minister may, in consultation with the Minister for Provincial Affairs and Constitutional Development, request the relevant province to intervene in terms of section 139 of the Constitution.

6.1.56 In terms of section 73(1) of the Water Services Act, the Minister amongst other things may construct, operate, alter or repair any water services work with the permission of the relevant water services institution. The Minister may also contract with any person to perform any work which s/he is authorised to perform under this Act; act as a water services provider under contract or approval only if the relevant water services authority is unable to provide the water services; provide water services in emergency situations, perform the functions of a water services authority or water board and issue guidelines to water services institutions on performing their functions in terms of this Act.

The National Water Act, 1998

6.1.57 Section 2 (2) of the National Water Act (NWA), provides that the purpose of the Act is to ensure that the nation and water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors:

(a) Meeting the basic human needs of present and future generations;
(b) Promoting equitable access to water;
(c) Redressing the results of past racial and gender discrimination;
(d) Promoting the progressive, sustainable and beneficial use of water in the public interest;
(e) Facilitating social and economic development;
(f) Providing for growing demand for water use;
(g) Protecting aquatic and associated ecosystems and their biological diversity;

(h) Reducing and preventing pollution and degradation of water resources;

(i) Meeting international obligations…

6.1.58 Section 3(1) of the NWA states, *inter alia,* that *"as the public trustee of the nation's water resources the National Government acting through the Minister must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate".*

6.1.59 In terms of section 3(2), the Minister is ultimately responsible to ensure that water is allocated equitably and used beneficially in the public interest, while promoting environmental values. Section 3(3) of the Water Act states that the National Government acting through the Minister, has the power to regulate the use, flow and control of all water in the Republic.

6.1.60 Section 19 of NWA stipulates amongst other things that an owner of land, a person in control of land or a person who occupies or uses the land on which any activity or process is or was performed or undertaken; or any other situation exists, which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.

6.1.61 Section 53 of the NWA provides for rectification of contraventions of NWA and states amongst other things that the responsible authority shall take any other action necessary, including issuing written notices or directives against the contravening party to rectify the contravention. A responsible authority may also carry out any works to rectify the contravention and recover its reasonable costs from the person on whom the notice was served or apply to a competent court for appropriate relief.

The Local Government: Municipal Systems Act, 2000

6.1.62 Section 1 of the Municipal Systems Act defines "basic municipal services" as a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety or the environment.

6.1.63 Section 4(2) of the Act, defines duties as well as rights of Municipal Councils and these include duties to:

(a) exercise their powers and use their resources in the best interest of the local community;
(b) provide, without favour or prejudice, democratic and accountable government;
(c) …..;
(d) ensure that municipal services are provided to the local community in an equitable, and financially and environmentally sustainable manner;
(e) …….;

6.1.64 Section 4(2)(f) of the Municipal Systems Act provides, *inter alia,* that:

"(2) The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to-

(f) Give members of the local community equitable access to the municipal services to which they are entitled".

6.1.65 Section 55(1)(d) of the Municipal Systems Act provides that:

"As head of administration the municipal manager of a municipality, is subject to the policy directions of the Municipal Council, responsible and accountable for-

(a) the management of the provision of service to the local community in a sustainable and equitable manner".

6.1.66 Section 73 of the Municipal Systems Act provides for the general duty of the municipality in providing municipal services as follows:

"(1) A municipality must give effect to the provisions of the Constitution and-

(a) give priority to the basic needs of the local community;
(b) …,: and
(c) ensure that all members of the local community have access to at least the minimum level of basic municipal services.

(2) Municipal services must-
(a) be equitable and accessible…".

Local Government: Municipal Structures Act, 1998

6.1.67 Section 56(3) of the Municipal Structures Act provides that "the executive *mayor*" in performing the duties of office, must –

(b) oversee the provision of services to communities in the municipality in a sustainable manner…

Municipal Finance Management Act, 2003

6.1.68 Section 63(1)(a) of the Municipal Finance Management Act provides that the accounting officer of a municipality is responsible for the management of the assets of the municipality, including the safeguarding and maintenance of those assets.

National Environmental Management Act,1998

6.1.69 Section 28(1) of the National Environmental Management Act (NEMA), provides that every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable

measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

6.1.70 Section 2(2), (3) and (4) of the Act provides, *inter alia*, that:

"(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably….

(3) Development must be socially, environmentally and economically sustainable.

(4)(a) Sustainable development requires the consideration of all relevant factors including the following:

(i) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;

(ii) That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;

(iii) …….;

(iv) that the waste is avoided or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner.

Division of Revenue Act, 2023

6.1.71 *Urban Settlements Development Grant* is described in Section 1 of DoRA as the Grant referred to in Part B of Schedule 4 to the Act. The Grant is meant for the Implementation of infrastructure projects.

6.1.72 Section 2(a) of the DoRA provides that the objects of this Act are as required by section 214(1) of the Constitution to provide for—

(i) the equitable division of revenue raised nationally among the three spheres of government;

(ii) the determination of each province's equitable share of the provincial share of that revenue; and

(iii) other allocations to provinces, local government or municipalities from the national government's share of that revenue and conditions on which those allocations are made;

(b) to promote predictability and certainty in respect of all allocations to provinces and municipalities, in order that provinces and municipalities may plan their budgets over a multi-year period and thereby promote better coordination between policy, planning and budgeting; and

(c) to promote transparency and accountability in the resource allocation process, by ensuring that all allocations, except Schedule 6 allocations, are reflected on the budgets of provinces and municipalities and the expenditure of conditional allocations is reported on the receiving provincial departments and municipalities

Case Law

6.1.73 The Constitutional Court in *the City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd and Another*, stated that section 73(1) of the Local Government Municipal Systems Act places a general duty on municipalities to give effect to the provisions of the Constitution and to give priority to the basic needs of the local community; promote the development of the local community; and ensure that all

members of the local community have access to at least the minimum level of basic services.

Analysis

Jeffreys Bay Wastewater Treatment Plant

6.1.74 Evidence before the Public Protector indicates that between 2018 and 2021, the Jeffreys Bay WWTW, which receives the bulk of effluent generated from surrounding suburbs and coastal developments, was not operating at peak performance due to aged infrastructure. This infrastructure, originally commissioned in 2012, had deteriorated to such an extent that functionality was materially impaired, as confirmed during the inspection *in loco*, on 6 June 2023.

6.1.75 Inspections conducted by Environmental Management Inspectors (EMIs) of the Department of Forestry, Fisheries and the Environment (DFFE) in August and September 2022, confirmed that Jeffreys Bay WWTW was discharging inadequately treated sewage into sensitive ecosystems.

6.1.76 These findings were also confirmed by Mr Craigie, the Chief Director: Sector Enforcement of DFFE, in his response to the Public Protector Investigation Tem on 11 December 2023, in which he stated, *inter alia,* that the EMIs made the following key findings during their inspection at Jeffrey's Bay WWTW:

6.1.76.1 The Wastewater Treatment Works was not fully functional and discharging sewage into nearby wetlands and river systems, which feed to the Seekoei River and flow down to the Aston Bay Lagoon;

6.1.76.2 The WWTW did not adequately treat or disinfect sewage due to, amongst others, the unmonitored outside inlet, lack of plant maintenance, lack of chlorine and the absence of a backup generator when there is power

outages; and

6.1.76.3 The Kouga Local Municipality is responsible for excavating or digging up the land to facilitate the dumping of faeces by toilet rental companies near Jeffrey's Bay WWTW, which is likely to contribute to the pollution and contamination of the nearby wetland and river systems which feed the Aston Bay Lagoon.

6.1.77 The Deputy Municipal Manager, Mr De Jager, when responding to the section 7(9) notice On 30 June 2025, as the Acting Municipal Manager at the time, stated that the complaint giving rise to investigation by the Public Protector was lodged in 2023, during a period when both Jeffreys Bay and KwaNomzamo WWTPs were facing critical operational challenges due to historical infrastructure decay, vandalism and limited funding. However, the circumstances have materially changed since 2021.

6.1.78 He conceded that at Jeffreys Bay WWTP, the treatment capacity was compromised due to aging mechanical components, including the clarifier tank, chlorine dosing pump, and filtration system, further exacerbated by national loadshedding schedules, which interfered with continuous plant operation. This led to the build-up of anaerobic conditions in containment tanks or reed beds, resulting in sulphurous odours. However, he contended that such odours while unpleasant do not in themselves establish a public health risk.

6.1.79 He pointed out that between March and September 2023, the Municipality undertook and implemented multiple corrective and improvement measures, including the appointment of contractors, initiation of refurbishment projects and environmental monitoring protocols. Therefore, the factual basis for the complaint regarding persistent non functionality and untreated effluent discharge no longer accurately reflect the Municipality's current position or the substantial remedial progress made over the past three (03) years.

6.1.80 Mr de Jager pointed out that since March 2023, the Municipality undertook structured intervention, including the appointment of a service provider, Tecrovere, to restore dosing and filtration systems. He highlighted that by April 2023, major components, including the clarifier and chlorine dosing pump, were repaired, resulting in water quality monitoring in May 2023 confirming improved output standards further evident during the site inspection on 6 June 2023.

6.1.81 JBWWTP is fully operational and is operating within its licensed parameters. The facility now undergoes monthly effluent monitoring and test results since May 2023 have consistently reflected compliance with regulatory standards.

6.1.82 He emphasised that effluent discharged from Jeffreys Bay WWTW is regulated under Water Use Licence No. 12/K90F/EF/4333 and is directed through reed bed filtration, retention ponds, and wetland buffers before reaching the natural environment. He noted that warning signage erected in February 2022 was a precautionary measure in response to organic debris and not sewerage contamination. Supporting this, the Municipality referred to DFFE sampling conducted in October 2023 at the Seekoei River, which confirmed low E. coli levels.

6.1.83 Mr de Jager highlighted improvements confirmed by the Blue Drop audit, where Jeffreys Bay WWTP improved from 70.96% in 2023 to 89% as confirmed in the DWS report dated 26 June 2025 in which the Department also commended the KLM for its efforts to comply with the Blue Drop requirements and ensuring that all its water treatment works are fully registered and that their classifications have been approved in terms of the Integrated Regulatory Information System.

6.1.84 It further cited monthly effluent monitoring, improved security measures (fencing, patrols, lighting, CCTV procurement), and public transparency measures such as posting signage and reporting to Treasury and

oversight bodies. He further stated that the Municipality has responded to reports of foul odours by dispatching maintenance teams as needed and since April 2023, the reactivation of chlorination systems and the repair of clarifiers have significantly reduced odour related complaints at Jeffreys Bay WWTP.

KwaNomzamo Wastewater Treatment Plant

6.1.85 The investigation into the KwaNomzamo Wastewater Treatment Works (WWTW) is analysed against the legal duties imposed on municipalities and the responses submitted by Kouga Local Municipality (KLM) to the Section 7(9) Notice. The evidence gathered, together with KLM's representations, demonstrates persistent governance and compliance challenges that have resulted in the violation of constitutional and statutory obligations.

6.1.86 Evidence before the Public Protector, including inspection reports of Environmental Management Inspectors from the Department of Forestry, Fisheries and the Environment (DFFE) conducted on 5 August 2022 and 26 September 2022, confirms that the KwaNomzamo WWTW was not fully operational and that untreated or partially treated effluent was discharged into surrounding wetlands and water systems. This discharge created a direct threat to both ecological integrity and the health of residents.

6.1.87 During the onsite inspection conducted on 06 June 2023, the Investigation Team observed that the KwaNomzamo Wastewater Treatment Plant was not operating at its full capacity. Mr Botha indicated that the Plant has not been fully operational since 2016, primarily due to incidents of vandalism and cable theft.

6.1.88 This situation was further corroborated by Mr Du Plessis in his response to the EMI's findings, where he associated the challenges encountered at KwaNomzamo Wastewater Treatment Works to the vandalism that

occurred during a violent protest in April 2021 and is ongoing. The theft of electrical cables and metals that have scrap value, despite the installation of perimeter fencing and the absence of a night shift security guard. He submitted that the cost of continuous repairs as a result of vandalism of equipment over the years has become unsustainable, resulting in the compromise of the overall maintenance and functionality of the plant.

6.1.89 As a result of KwaNomzamo WWTP not being fully functional, there is constant sewage spillage and untreated / partially treated water flows along the street towards Polar Park Informal Settlement and into Dieklen Farm.

6.1.90 The evidence further reveals that the EMI's from DFFE made key findings during inspections they conducted on 05 August 2022 and 26 September 2022 respectively, in respect of KwaNomzamo Wastewater Treatment Works, where they found that untreated sewage was flowing from the plant into a nearby dam, which feeds into the Seekoei River and down to the Aston Bay Lagoon. Mr Du Plessis, however, contended that KLM is permitted to discharge treated sewage effluent into an unnamed tributary of the Swart River and disposal by irrigation of treated wastewater effluent onto irrigation pastures of the Farm Klein Seekoei River under water and Sanitation licence no: 12/k90F/EF/4333.

6.1.91 He averred that the Municipality monitors the Seekoei and Swart Rivers and their respective water qualities and farmers utilise water from the dam behind the Wastewater Treatment Works for irrigation purposes. Therefore, little or no water from KwaNomzamo Wastewater Treatment Works flows into the Seekoei River unless heavy rainfalls are experienced. He disputed that eutrophication and the algae bloom on the estuary are a result of the lack of maintenance of the Wastewater Treatment Works and contended that this can be caused by various factors as algae occur naturally, providing food for aquatic species/organisms.

6.1.92 He also attributed the problem at the Wastewater Treatment Works to the invasion of the buffer strip between the Plant and the informal settlement which was developed next to the treatment plant before 2003, leaving an open buffer strip of approximately 80 meters wide between the settlement and Wastewater Treatment Plant boundary by squatters around 2010 in the area now known as Polar Park informal settlement. He submitted that the plant has undergone partial repairs to enhance the quality of flow.

6.1.93 He submitted that the inlet works have been upgraded to mechanical screens during the first phase of the refurbishment project in July 2021 and the perimeter fencing around the inlet works has been upgraded by installing a “Clear View fence”, which provides an additional layer of security to the new inlet works. However, some damage persists due to insufficient funds for complete repairs and one of the sump walls is cracked, leading to a water leak. Furthermore, the rest of the treatment process is currently not functioning as designed due to the condition of the mechanical equipment at the Plant.

6.1.94 Section 24 of the Constitution provides that everyone has a right to an environment not harmful to their health or well-being and that the environment is also protected. Section 63(1)(a) of the Municipal Finance Management Act places an obligation on the accounting officer of a municipality for the management of the assets of the municipality, including the safeguarding and maintenance of those assets.

6.1.95 Therefore, KLM is obligated to implement all reasonable measures to avert any pollution from occurring, persisting, or reoccurring at Jeffreys Bay and KwaNomzamo Wastewater Treatment Works, as outlined in section 19 of the NWA which enjoins the owner of land, a person in control of land or a person who occupies or uses the land on which any activity or process is or was performed or undertaken; or any other situation exists, which causes, has caused or is likely to cause pollution of a water resource to take all

reasonable measures to prevent any pollution from occurring, continuing or recurring.

6.1.96 It was evident from the inspections conducted that the rights of the community of KwaNomzamo, the residents of Polar Park informal settlements and Vergenoeg township are not being safeguarded. They are compelled to endure the overwhelming odour emanating from the Plant and the spillage of untreated or partially treated wastewater spillage, which is a result of inadequate maintenance of the Plant by the officials of KLM in violation of section 10 of the Constitution, which asserts that every individual possesses inherent dignity and the right to have their dignity respected and protected.

6.1.97 In response to the Section 7(9) notice, Mr de Jager acknowledged that KwaNomzamo WWTP suffered an acute breakdown following violent protest action in April 2021, which resulted in the destruction of trucks and mechanical installations. Prior to the ongoing vandalism and theft of copper wiring, electrical boards, and pumps had already weakened the plant's operational integrity.

6.1.98 In its submission, KLM stated that it inherited aged infrastructure, built at a time when population growth was not anticipated at current levels, and that demand has since outstripped plant capacity. The municipality emphasised that it faces budgetary constraints, limited revenue collection, and competing service delivery priorities, which together undermine its ability to maintain and upgrade the plant.

6.1.99 Mr de Jager further averred that the Municipality disputes the finding that it failed to adequately monitor wastewater outputs or failed to act on notices from DFFE and submitted that while the monitoring regime was historically limited due to equipment shortfalls and operational contrariants, a progressive improvement plan has been in effect since early 2023.

6.1.100 He stated that as early as January 2023, the Municipality submitted a comprehensive written response to the DFFE's Notice of Intention to Issue a Coastal Protection Notice, dated 21 December 2022, outlining the context of the operational difficulties, remedial plans, funding challenges and presented an initial step in restoring regulatory alignment. As a result, the Municipality has since May 2023, initiated a consistent programme of effluent monitoring at both WWTPs and discharge points into surrounding natural systems, with sample data collected monthly and shared with oversight bodies where appropriate. The monitoring effort includes E. coli level testing, flow-rate checks, and physical inspections of critical inflow and outflow channels.

6.1.101 The Municipality has also engaged third party contractors with specialist knowledge of wastewater systems to assist in both maintenance and performance audits, which form part of the broader remedial strategy. The Municipality implemented a phased rehabilitation plan, in July 2021 with Phase 1 of the refurbishment, involving inlet works repair and perimeter security updgrades, completed. On 12 September 2023, Lekratek Water Technology (Pty) Ltd was appointed to carry out the core plant refurbishment under Phase 2 and supplementary contractors, Flash Electric cc and International Metal Processing were appointed on 29 September 2023 to restore the related pump stations and electrical systems.

6.1.102 The Municipality is acutely aware of its duty to ensure a healthy environment and mitigate any public health risks. It has actively engaged in risk reduction and transparency through the following actions:

(e) Conducting regular water testing at discharge points and river intersections since July 2023;

(f) The continuous water sampling at the Seekoei River since October, which indicated low E. coli levels;

(g) Implementing warning signage at key sites in February 2022 to inform the public of safety precautions;

(h) Submitting project timelines and budgets to National Treasury and MIG administrators through the 2023/24 Division of Revenue reporting process;

6.1.103 At KwaNomzamo WWTP refurbishment of ventilation, dosing, and pump mechanisms commenced in September 2023, and odour suppression will improve further once the full restoration is complete in August 2025. The Municipality is also exploring longer term interventions such as biological odour neutralisers and increased buffer landscaping, to minimise community impact.

6.1.104 The is no verified evidence of chronic respiratory issues, toxic exposure or waterborne illnesses linked to the WWTPs. No formal health assessments or environmental toxicity studies have been submitted as part of the complaint. The Municipality continues to cooperate with local health authorities and the DWS to ensure the safety and wellbeing of the community.

6.1.105 Furthermore, the Municipality recognises that consistent and targeted vandalism, theft, and unauthorised access have contributed significantly to the historical deterioration and interruptions in operation at both the Jeffreys Bay and KwaNomzaomo WWTPs. These incidents not only led to costly damage and system downtime but also posed risks to environmental and public health;

6.1.106 The Municipality has undertaken the following comprehensive and phased approach to security enhancement at both facilities, which reflect a deliberate and evolving security strategy aligned with the Municipality's duty to safeguard public infrastructure and service continuity.

(a) At KwaNomzamo WWTP, Clear View perimeter fencing was installed in July 2021 as part of Phase 1 of the refurbishment project. This fencing improves visibility, deters unauthorised access, and allows for better surveillance by security personnel;

(b) Controlled access systems have been installed at both WWTPs. This includes heavy duty gates with locking mechanisms, designated access points for authorised personnel and visible signage warning of restricted entry. In addition, key equipment and buildings now include reinforced doors and enclosed electrical panels;

(c) A security patrol rotation was introduced with dedicated personnel present on site during peak hours and periodic patrols at night. The Municipality has also engaged the services of private security firms for flexible reinforcement during known periods of heightened risk such as service delivery protests;

(d) Lighting infrastructure has been improved particularly at KwaNomzamo WWTP where solar power floodlights were installed in November 2023 to improve visibility and deter unlawful entry during load shedding hours;

(e) A risk-based budget allocation for security services and infrastructure upgrades has been embedded in the operational budget for both 2023/24 and 2024/25 financial years ensuring continuity of protection measures;

(f) The Municipality is in the process of procuring a basic CCTV surveillance system to be piloted at KwaNomzamo WWTP with installation anticipated by October 2025, subject to final procurement approvals.

6.1.107 The Municipality remains committed to strengthen efforts in coordination with local law enforcement, community stakeholders and intergovernmental partners.

6.1.108 It is denied that the Municipality or its officials have committed any form of maladministration or improper conduct. The Municipality submits that while there have been operational delays or imperfect implementation, these do not rise to the level of improper conduct as contemplated in law. The totality of the evidence shows good faith efforts, accountability and progressive improvement.

6.1.109 The KwaNomzamo WWTP is currently under active refurbishment. The plant operates in a limited capacity with partially treated wastewater undergoing primary screening and containment prior to discharge. Major mechanical and structural restoration are underway, with the refurbishment project managed by Lekratek Water Technology (Pty) Ltd since September 2023 supported by Flash Electric CC and IMP. The refurbishment includes upgrades to aeration systems, sludge handling infrastructure, and dosing mechanisms. The project is on track for completion by 15 August 2025;

6.1.110 The temporary containment interventions and odour mitigation strategies are in place at KwaNomzamo WWTP to minimise environmental impact. In addition, the Municipality has implemented enhanced security, signage, and access control protocols at both sites to safeguard operational integrity;

6.1.111 Both plants are now managed under structured project and maintenance frameworks, with active compliance oversight and intergovernmental reporting in place;

6.1.112 The Municipality's submission is that the Public Protector's concerns must be balanced with the material improvements made since 2023 and the principle that remedial action should complement not frustrate recovery. Any findings or enforcement measures must be proportionate, prospective and responsive to the evolving landscape;

6.1.113 From a financial perspective the proposed actions are not accompanied by additional funding mechanisms or support. The Municipality is currently executing a multi-year, MIG funded refurbishment project at KwaNomzamo WWTP with a committed allocation of over R 42 million;

6.1.114 The Municipality has since 2021, implemented appropriate disciplinary actions against key municipal personnel and which the municipality submits were sufficient and within the provisions of the applicable labour relations legislation;

6.1.115 The Public Protector's proposed action overlooks the complexities of intergovernmental coordination and procurement timelines required under the MFMA, the Municipal Systems Act, and Treasury regulations. Forcing expedited or overlapping remedial measures could breach existing contractual obligations, invalidate procurement processes or expose the Municipality to audit risk. Furthermore, duplicated oversight or competing mandates from external entities may conflict with current DFFE and MIG monitoring frameworks, frustrating efforts at coordinated compliance;

6.1.116 Should the Municipality be publicly censured without full recognition of progress made since January 2023 complaint, it may erode public trust in governance processes and may deter skilled professionals from municipal service due to a perceived culture of scapegoating in complex resource-constrained environments. Such a narrative does not reflect the good faith efforts undertaken by the Municipality, nor the improved operational status of the WWTPs as of mid- 2025;

6.1.117 The Municipality proposes the following alternative remedial steps which are realistic, time bound and fully aligned with the legislative and compliance framework applicable to municipalities:

(a) Continued implementation and Reporting on the Refurbishment Programme;

(b) The JBWWTP will remain under scheduled maintenance protocols, with progress reported bi-annually to both the Provincial Department of Environmental Affairs and the Department of Water and Sanitation

(c) Environmental Monitoring and Disclosure regarding effluent quality testing will continue and results will be published on the Municipal website and shared with stakeholders by the 15th of each subsequent month, starting from July 2025.

(d) Continued upgrading of security at the KwaNomzamo WWTP

6.1.118 The Municipality remains committed to its constitutional duties under section 152 of the Constitution and welcomes further engagement to ensure long term environmental sustainability and service delivery to all communities and requests that its ongoing efforts and cooperation be recognised and support from national and provincial government be increased to assist in infrastructure upgrading and protection;

6.1.119 Construction works formally commenced on 18 September 2023, funded by forty two million three hundred and sixty thousand five hundred and fifty six rand and ninety one cents (R 42 360 556 91) in MIG allocations and the full project completion is anticipated by 15 August 2025.

6.1.120 Partially treated wastewater has at times been discharged from KwaNomzamo WWTP into a downstream dam which is used by local farmers for irrigation. However, the dam is not hydrologically connected in a manner that results in direct contamination of public recreational or aquatic areas under normal weather conditions. Waterflow into the Seekoei River occurs only in cases of excessive rainfall.

6.1.121 The Municipality has prioritised the restoration of KwaNomzamo WWTP. Interim containment and screening mechanism have been implemented to

limit environmental exposure. Additionally, public health risk indicators, such as fish mortality or significant algal blooms directly attributed to untreated sewage, have not been observed at a scale to confirm causation. Algal blooms noted in Aston Bay Lagoon are likely due toa combination of factors including natural nutrient accumulation, stormwater runoff, and surrounding land use.

6.1.122 The Municipality continues to work in coordination with DFFE and the DWS to ensure regulatory compliance, and requests that these transitional limitations be assessed within the context of demonstrated remedial action, cooperation, and long-term infrastructural planning.

6.1.123 The evidence before the Public Protector, including findings from the DFFE's EMIs in 2022, confirms that for a significant period the Jeffreys Bay and KwaNomzamo WWTPs did not comply with constitutional and statutory obligations, resulting in pollution and environmental harm, contrary to the provisions of Section 19 of the National Water Act, 36 of 1998 (NWA), which imposes a duty to take reasonable measures to prevent pollution of water resources. The municipality also acknowledged in correspondence to the Public Protector infrastructural challenges, citing funding constraints, population growth, and maintenance backlogs.

6.1.124 Evidence also revealed that both Jeffreys Bay and KwaNomzamo WWTPs experienced infrastructure shortcomings and sewerage spillages that negatively affected the quality of discharged water. The continuing risks underscore incomplete compliance with constitutional and statutory obligations.

6.1.125 Section 73(1)(c) of the Municipal Systems Act, 32 of 2000 (MSA), which obliges municipalities to provide services in a manner that is sustainable and environmentally sound.

6.1.126 The Public Protector, however, notes that the complaint was lodged in January 2023, and the Municipality has taken concrete steps to restore

compliance and improve treatment capacity, with measurable improvements confirmed during inspections and sampling by the DWS. The Public Protector further notes the remedial progress made at Jeffrey's Bay WWTP, as evidenced by improved Blue Drop audit scores which reflect a significant improvement of 89 % at Jeffreys Bay compared to 70.96% score during the Blue Drop assessment of 2023, and improvement of 83 % score for Humansdorp compared to 73.12% in 2023, contractor-led refurbishments, and demonstrated cooperation with COGTA and DWS.

6.1.127 These measures reflect compliance with the principles of accountability and transparency in section 195 of the Constitution and operational duties under the MSA and MFMA.

6.1.128 Accordingly, while historical maladministration is established, the Municipality's progressive remedial actions and current operational improvements in furtherance of the municipality's responsibility under Section 11 of the MSA, which mandates municipalities to exercise executive authority to ensure sustainable service provision and environmental health.

6.1.129 The Public Protector takes cognisance with appreciation, the undertaking by Mr Tshangana, the Director-General for COGTA to comply with the remedial actions and further acknowledges the Department's commitment to collaborate with KLM and the DWS in addressing the operational deficiencies at Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants.

6.1.130 The Public Protector further commends the Department's resolution to invoke the provisions of Section 20 of the Division of Revenue Act in support of the municipality, specifically through the Municipal Infrastructure Grant (MIG) allocation, and to ensure that a minimum of 10% of such funding is ringfenced for the repair and refurbishment of the

aforementioned wastewater treatment facilities, in alignment with applicable legislative and constitutional obligations.

6.1.131 The Public Protector appreciates the commitment expressed by the Head of Department, Mr Mlokoti of the Eastern Cape COGTA, to comply with the remedial actions and statutory obligations arising from the Section 7(9) notice. The Department's undertaking to monitor the full execution of the Implementation Plan and to ensure that the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants are maintained in accordance the principles of cooperative governance and complies with applicable legislative frameworks, including the Municipal Systems Act and the National Environmental Management Act is duly noted.

6.1.132 Furthermore, the Department reaffirms its commitment to cooperate fully with the Office of the Public Protector in this matter and will submit progress reports as required, in line with the provisions of the Public Protector Act, 1994

6.1.133 This commitment reflects a constructive and cooperative approach to governance, and the Public Protector commends the Department's willingness to engage meaningfully with oversight processes. Such responsiveness is in alignment with the principles of accountability, transparency, and effective service delivery as enshrined in the Constitution and the Public Protector Act.

6.1.134 The collaborative effort between the KLM, COGTA and DWS is a meaningful step toward upholding the rights of affected communities and ensuring that basic services are provided in a manner consistent with the values of accountability, responsiveness, and good governance enshrined in the Constitution. This is in line with Section 154 of the Constitution which mandates national government and provincial governments, by legislative and other measures, to support and strengthen the capacity of

municipalities to manage their own affairs, to exercise their powers and to perform their functions effectively.

6.1.135 The Public Protector commends this undertaking as a constructive step toward realising the constitutional imperative of accountable governance and effective service delivery, particularly in addressing systemic challenges affecting vulnerable communities.

Conclusion

6.1.136 The Municipality acknowledged that the Jeffreys Bay and KwaNomzamo WWTPs experienced operational deficits in the past, particularly between 2018 and 2021 as a result of legacy infrastructure that was never fully upgraded to match urban growth, as well as budgetary, technical, and environmental factors that disrupted plant functionality.

6.1.137 The investigation into the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants highlighted critical deficiencies in infrastructure maintenance, environmental compliance, and service delivery at the time the matter was reported to the Public Protector. These shortcomings have undermined the constitutional right to a clean and safe environment.

6.1.138 However, the Public Protector also acknowledges the positive steps taken by the Kouga Local Municipality to address these challenges such as the refurbishment projects aimed at improving the operational capacity of both treatment plants. These efforts have been bolstered by the allocation of targeted grants, which signal a commitment to restoring essential services and upgrading aging infrastructure.

6.1.139 Encouragingly, the Department of Water and Sanitation, along with the Department of Cooperative Governance and Traditional Affairs (CoGTA), has pledged to work collaboratively with the municipality to ensure sustainable solutions are implemented. This intergovernmental

cooperation is vital to overcoming systemic obstacles and ensuring that remedial actions are not only executed but maintained over time.

7. FINDINGS

Having regard to the evidence, the regulatory framework determining the standard that Kouga Local Municipality should have complied with and the impact on good administration, the Public Protector makes the following findings:

7.1. **Whether the functionaries of Kouga Local Municipality did not properly maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants in an effective manner as contemplated in the Constitution, the Water Services Act of 1997, the Municipal Systems Act of 2000, the Municipal Structures Act 1998, the Municipal Finance Management Act of 1998 and the National Environmental Management Act of 1998, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act, 1994**

7.1.1 The allegation that the functionaries of KLM did not properly maintain Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants, is **substantiated**.

7.1.2 Following a comprehensive investigation into the state and management of the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants, it is evident that at the time the matter was reported to the Public Protector the KLM did not have adequate measures in place towards the maintenance and upgrading of the wastewater treatment infrastructure at both WWTP, resulting in operational inefficiencies, environmental pollution, and health risks to surrounding communities.

7.1.3 The investigation confirmed that, at the time the matter was reported to the Public Protector, Jeffreys Bay Wastewater Treatment Plant was not operational or functioning at optimal capacity due to outdated infrastructure that was constructed in 2012.

7.1.4 The treatment plants were found to be non-compliant with key provisions of the National Water Act, the National Environmental Management Act, and applicable municipal by-laws. Effluent discharge exceeded permissible limits, contributing to contamination of nearby water sources as confirmed by the Environmental Management Inspectors from the DFFE, during inspections carried out on 05 August 2022 and 26 September 2022, respectively, who determined that the Plant was not operating at full capacity and was releasing sewage into adjacent wetlands and river systems, which ultimately feed into the Seekoei River and flow towards the Aston Bay Lagoon in contravention of the National Water Act 36 of 1998 and the National Environmental Management Act 107 of 1998.

7.1.5 The inspection by the DFFE further established that Jeffrey's WWTP did not adequately treat or disinfect sewage due to, amongst others, the unmonitored outside inlet, lack of plant maintenance, lack of chlorine and the absence of a backup generator when there is power outage.

7.1.6 The EMI inspection also found that there was no proper disinfection of Jeffreys Bay WWTP due to a lack of chlorine dosing. There was also a lack of maintenance of the clarifiers and filtering systems, external inlet flows were not monitored and the absence of backup power generation during load shedding. These deficiencies interfered with continuous plant operation and water quality.

7.1.7 KwaNomzamo WWTP was not properly maintained and had not been operating at full capacity as a result of administrative deficiencies dating back to 2016, resulting in sewage spillage and untreated /or partially treated water flowing from the WWTP through the street towards Polar Park

Informal Settlement into Dieklen Farm. This situation resulted in the pollution of the environment and poses danger to public health and safety of the environment.

7.1.1 The community of KwaNomzamo, the residents of Polar Park informal settlements, Vergenoeg township and surrounding communities had to endure uncontrolled odour from the plant and untreated/ partially treated wastewater spillage due to lack of maintenance of the plant.

7.1.2 Furthermore, KwaNomzamo WWTP has a shortage of security personnel and there is no other form of security to the infrastructure which continues to pose a security risk. The WWTP has only one security officer which is inadequate to monitor the WWTP, especially at night.

7.1.8 The deficiencies in wastewater treatment services infringed upon the constitutional rights of residents, particularly the rights to human dignity, a safe environment, and access to basic municipal services as enshrined in sections 10, 24, and 27 , as well as section 152(1)(b) and (d) of the Constitution, which require local government to ensure sustainable service delivery and promote a safe and healthy environment.

7.1.9 The municipality's response to known deficiencies was delayed and lacked urgency, noting that some of the intervening measures were only implemented after almost a decade. Oversight mechanisms were weak, and there were insufficient monitoring and enforcement of compliance standards. This delay exacerbated the environmental and health risks and contributed to the erosion of public trust.

7.1.10 Despite the above shortcomings, the Public Protector acknowledges the recent initiatives undertaken by the Kouga Local Municipality, including:

(d) Commencement of refurbishment projects at both wastewater treatment plants.

(e) Upgrading of mechanical components and infrastructure to improve operational capacity.

(f) Reallocation of municipal resources to prioritize water and sanitation services.

7.1.11 These actions demonstrate a renewed commitment to addressing service delivery failures and restoring functionality to critical infrastructure.

7.1.12 The Municipality has received targeted grants from the Department of Water and Sanitation and other government entities to support the rehabilitation of the wastewater treatment facilities. These funds are earmarked for infrastructure upgrades, compliance improvements, and capacity building, which is a positive step toward sustainable remediation.

7.1.13 The Department of Water and Sanitation and the Department of Cooperative Governance and Traditional Affairs (CoGTA) have committed to working jointly with the Kouga Local Municipality to address the identified deficiencies. This includes technical support for infrastructure upgrade, capacity building, and coordinated oversight to ensure sustainable remediation and compliance monitoring.

7.1.14 This collaborative approach reflects a shared commitment to improving service delivery and ensuring accountability across all spheres of government as envisaged in section 154 of the Constitution.

7.1.15 The improvements in the water quality evident in the Blue Drop audit rating in both Jeffreys Bay and KwaNomzamo WWTP as confirmed in the DWS are indicative of the collaborative measures taken by the Municipality, COGTA and the DWS to ensure that all its water treatment works are fully registered and that their classifications have been approved in terms of the Integrated Regulatory Information System.

7.1.16 While notable progress has been made, there is a need to ensure improved

transparency in project implementation and expenditure, regular public reporting on refurbishment progress and compliance status and meaningful community engagement to ensure that residents are informed and empowered to restore public trust.

7.1.17 The collaborative effort by KLM, COGTA and DWS will ensure sustainable improvement will require ongoing vigilance, responsible leadership, and a culture of accountability.

7.1.18 This report serves as a reminder that the right to basic services is not a privilege, but it is a constitutional guarantee. Therefore, the Public Protector calls upon all spheres of government, local, provincial, and national, to act decisively and collaboratively to implement the remedial actions outlined in this report. Accountability must be enforced, and sustainable solutions must be prioritised to prevent recurrence and ensure that communities like Jeffreys Bay and KwaNomzamo are not left behind.

7.1.3 Accordingly, the Public Protector finds that the conduct of the functionaries of the KLM constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

7.1.4 The Public Protector urges all stakeholders to uphold their constitutional and legislative obligations with urgency and transparency. The success of these initiatives will depend on continued oversight, community engagement, and a shared commitment to accountability.

7.1.5 Therefore, continued intergovernmental cooperation envisaged in section 154 of the Constitution and institutional reform will be essential to restoring public trust and ensuring sustainable service delivery.

8. REMEDIAL ACTION

8.1. The Public Protector is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action with a view of redressing the conduct referred to in this report upon the conclusion of an investigation where adverse findings are made.

8.2. In the matter of the *Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and others,* the Constitutional Court per Mogoeng, CJ held that the remedial action taken by the Public Protector has a binding effect.

8.3. Having regard to the evidence, the regulatory framework determining the standard that the functionaries of Kouga Local Municipality should have complied with, the Public Protector is taking the following remedial action in terms of section 182(1)(c) of the Constitution.

The Premier of the Eastern Cape

8.3.1 Take note of the findings and remedial action of the Public Protector in this Notice and further exercise and/or ensure executive oversight on the remedial action from the date of receipt of this report, in line with his powers as envisaged in section 125(2) of the Constitution.

The Eastern Cape MEC for COGTA

8.3.2 Take cognizance of the findings and remedial action in this Notice and ensure implementation thereof from the date of this report in line with the provisions section 133(1) of the Constitution.

8.3.3 Within **sixty (60) calendar days** from the date of receipt of the Implementation Plan developed by the Municipal Manager, establish appropriate monitoring mechanisms in line with the powers vested to him

under section 105(1) of Local Government Municipal Systems Act in order to oversee KLM's progress in connection with measures to address deficiencies in Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

The Municipal Manager

8.3.4 Within **sixty (60) calendar days** from the date of receipt of this report, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act:

8.3.4.1 Submit a quarterly report on the implementation of the Refurbishment Programme.

8.3.4.2 Submit a quarterly report of the maintenance undertaken at Jeffreys Bay WWTP as proposed in the response to the section 7(9) notice, as indicated in paragraph 6.1.40.46(b) above.

8.3.4.3 Submit a quarterly report of the Environmental Monitoring and Disclosure regarding effluent quality testing as indicated in paragraph 6.1.40.46(c) above, for the next twelve months.

8.3.5 Within **ninety (90) calendar days** from the date of completion of the project to refurbishment and upgrade KwaNomzamo Wastewater Treatment Plant, provide the Public Protector with the Close-out certification confirming the completion of the project.

8.3.6 Within **sixty (60) calendar days** after the installation of the CCTV surveillance system to be piloted at KwaNomzamo WWTP anticipated in October 2025, as indicated in the response to the section 7(9) notice or paragraph 6.1.40.43(f), in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act submit a report to the Public Protector confirming the installation of the

CCTV system.

8.3.7 Within **sixty (60) calendar days** of being informed of the outcome of the request to procure the CCTV system, submit a report to the Public Protector of the outcome, should procurement of the CCTV system not be granted, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act, submit an Implementation Plan setting out the measures, including prioritisation of capital funding within the municipality's available resources to improve security measures to the at KwaNomzamo Wastewater Treatment Works to ensure that no further damage or vandalism occur at the plant.

8.3.8 Submit the Implementation Plan to the Executive Mayor of the KLM for tabling at the Municipal Council of the KLM and to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape province for monitoring of implementation.

The Executive Mayor

8.3.9 Take cognisance of the findings and remedial action in this report and ensure implementation thereof and consider the Implementation Plan developed by the Municipal Manager, setting out steps/measures to be taken by the KLM to address deficiencies and shortcomings at Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

8.3.10 Within **sixty (60) calendar days** from the date of receipt of this report, table the report through the Speaker to the Municipal Council for discussion in line with his powers and functions in terms of section 56(1) of the Local Government: Municipal Structures Act, 1998.

The Minister for the DWS

8.3.11 Within **sixty (60) calendar days** from the date of the this report, take appropriate steps or measures as may deem necessary in line with his/her powers as contemplated in terms of section 73(1) of the Water Services Act in order to ameliorate the situation that contributes to the poor quality of water and pollution to the environment at Jeffrey's Bay and KwaNomzamo WWTW, as highlighted in this report.

The Director-General for Co-Operative Governance

8.3.12 Within **sixty (60) calendar days** from the date of receipt of this report in line with the provisions of section 9(1) of DoRA develop monitoring mechanisms on financial and non-financial performance of the KLM regarding the KwaNomzamo Water Project funded by an allocation in Part A of Schedule 4, in accordance with subsection (2) and the applicable framework, for the current financial year.

8.3.13 In terms of section 9(1)(b) of DoRA, provide National Treasury with monitoring information on financial and non-financial performance by the KLM of the USDG against the capital budget and the service delivery and budget implementation plan.

8.3.14 Provide a quarterly report to the Public Protector on the measures implemented by the Department in line with section 20 of the Division of Revenue Act in respect of the MIG allocation to ensure that the municipality addresses the challenges posed by the Jeffreys Bay and KwaNomzamo Wastewater Treatment Plants until the projects have been completed, as undertaken in the response dated 24 June 2025, to the section 7(9) notice.

8.3.15 Within sixty (60) calendar days of receipt of this report provide an implementation plan and/ or written guidance to the Municipality to ensure that it maximises the ringfencing of 10% of its MIG allocation for repairs and refurbishment of the wastewater treatment plants as undertaken in the response to the section 7(9) notice.

8.3.16 Within **thirty (30) calendar days** of receipt of this report put in place measures to evaluate the performance of the KwaNomzamo Water Project funded by the allocation and submit such evaluations to the National Treasury and the Minister of COGTA with recommendation on action to be taken.

The Director-General of the National Treasury

8.3.17 Within **sixty (60) calendar days** from the date of receipt of this report, take appropriate steps in line with section 2 of the DoRA to ensure the provision of equitable division of revenue anticipated to be raised nationally through prioritisation of the KwaNomzamo Water Project and sanitation bulk infrastructure development and promote co-operative governance and intergovernmental relations on budgetary matters between the KLM, DWS and COGTA;

8.3.18 Ensure, in line with the provisions of section 6(3) of DoRA that any portion of national government's equitable share or excess revenue envisaged in subsection (2), is appropriated through the applicable legislation envisaged in section 12 of the Money Bills and Related Matters Act, 2009 to make further allocations to the KLM for purposes of addressing the KwaNomzamo WWTW challenges highlighted in this report;

8.3.19 In line with the provisions of section 9(2) of DoRA approve a monitoring programme or system that is used to monitor information on financial and non-financial performance of a programme partially or fully funded by a

Schedule 4 allocation to the KLM on the KwaNomzamo Water Project and submit same to the Minister of Finance for consideration;

8.3.20 Ensure in accordance with section 11(1) of DoRA, that the KLM Municipal Manager fully complies with the applicable framework and provides a report to National Treasury on such compliance and the manner in which the allocation received from a transferring officer regarding the KwaNomzamo Water Project was spent; and

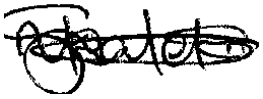
8.3.21 Ensure in accordance with section 11(2) that the KLM Municipal Manager must certify to the National Treasury that the municipality has specifically and exclusively appropriated in Schedule 4 allocation budget for utilisation only according to the purpose of the allocation for the KwaNomzamo Water project;

8.3.22 In line with section 5(2) of the Municipal Finance Management Act, 2003 (MFMA) monitor the budget of the KLM to establish whether it is consistent with the national government's fiscal and macro-economic policy, promotes good budget and fiscal management by KLM and for this purpose monitor the implementation of KLM's budget including its expenditure, revenue collection and borrowing and assess compliance by KLM with this Act and any applicable standards of generally recognised accounting practice. Furthermore, investigate any system of financial management and internal control in the KLM and recommend improvement.

9. MONITORING

9.1 The Municipal Manager is to submit an action plan to the Public Protector within **thirty (30) calendar days** from the date of receipt of this report on the implementation of the remedial action referred to in paragraph 8 above.

9.2 The submission of the Implementation Plan and the implementation of the remedial action shall, in the absence of a court order, be complied with within the period prescribed in this report to avoid being in contempt of the Public Protector.



ADV. KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE: 30 SEPTEMBER 2025

Assisted by: Ms Sibongile Lwana
Eastern Cape Provincial Representative

Annexure B:

KOUGA
local municipality
Service Excellence through Good Governance

DIRECTOR: CIVIL AND WATER SERVICES
CHARLES DE KOCK
ENQUIRIES: SUZETTE RAUTENBACH – OFFICE ADMINISTRATOR

KOUGA MUNISIPALITEIT | KOUGA MUNICIPALITY | KOUGA MASIPALA

5 November 2025

The Public Protector
Adv Ngamlana
Senior Investigator
Email: vusumuzin@pprotect.org

Dear Advocate Ngamlana

RESPONSE REPORT AND ACTION PLAN ARISING FROM THE PUBLIC PROTECTOR REPORT NO: 15 OF 2025/2026

We acknowledge receipt of the investigation report from the Public Protector, dated 30 September 2025.

Attached, please find the response report and action plan related to the Public Protector's findings. (Annexure A)

Kind regards

R VAN DER RYST
MANAGER: WSA

C.DE KOCK
DIRECTOR : CIVIL AND WATER SERVICES

C DU PLESSIS
MUNICIPAL MANAGER

CC : Adv Deon Barnard
Executive Manager : PII Coastal
Email : sibongilel@pprotect.org

PPR REQUIREMENT	RELEVANT DIRECTORATE /DEPARTMENT	INPUT REQUIERED	WHO RESPONCIBLE	POE	FREQUENCY	COMMENT	DUE DATE
WITHIN 60 DAYS							
Establish appropriate monitoring mechanisms	CIVIL & WATER SERVICES: (WSA)	SOP's and On-site Admin register and data capturing	H Hammes (make a front page copy of all the registers)	Register and SOPs	ONCE -OFF	Prot Software on pilot stage at St Francis WWTW and Humandorp WTW. Used for daily monitoring and data capturing: Musawenkosi Ndlovu- 082 087 4482	Existing and in place
Submit a quarterly report on the implementation of the Refurbishment Programme.	CIVIL & WATER SERVICES: (PMU)	Refurbishment Programme by Consultant	H Hammes (gather all progress reports from PMU)	Programme	QUATERLY	Details from PMU and Consultant	Quarterly 31 December 2025
Submit a quarterly report of the maintenance undertaken at Jeffreys Bay WWTP	CIVIL & WATER SERVICES: (WSA)	REPORT	Manager WSA R van Der Ryst	Report	QUATERLY	Report by Pieter Weideman on all weekly activities. Compile a decent template that will clearly reflect actions undertaken.	Quarterly 31 December 2025
Submit a quarterly report of the Environmental Monitoring and Disclosure regarding effluent quality testing	COMMUNITY SERVICES: ENVIRONMENTAL OFFICER	REPORT	Director Machelesi	Report	QUATERLY	Proof of Environmental Monitoring	Quarterly 31 December 2025
After the installation of the CCTV surveillance system to be piloted at KwaNomzamo WWTP anticipated in October 2025, submit a report to the Public Protector confirming the installation of the CCTV system.	COMMUNITY SERVICES: SECURITY	REPORT	Director Machelesi	Report	ONCE -OFF	POE - Completion Certificate	30-Nov-25
Within sixty (60) calendar days of being informed of the outcome of the request to procure the CCTV system, submit a report to the Public Protector of the outcome, should procurement of the CCTV system not be granted, in line with the responsibilities of the municipal manager in terms of section 55 of the Local Government Municipal Systems Act, submit an Implementation Plan setting out the measures, including prioritisation of capital funding within the municipality's available resources to improve security measures at KwaNomzamo Wastewater Treatment Works to ensure that no further damage or vandalism occur at the plant.	COMMUNITY SERVICES: SECURITY	NONE	Director Machelesi	NONE	NONE	Cameras were installed POE of Camera's (photo evidence and opperational status confirmation)	30-Nov-25
Submit the Implementation Plan to the Executive Mayor of the KLM for tabling at the Municipal Council of the KLM and to the Member of the Executive Council (MEC) for the Department of Cooperative Governance and Traditional Affairs (COGTA) in the Eastern Cape province for monitoring of implementation	CIVIL & WATER SERVICES: WSA	IMPLEMENTATION PLAN SUBMITTED TO MAYOR/MM & TABLED TO COUNCIL	R van Der Ryst (submit through your portfolio item this document)	Action Plan	ONCE-OFF	Hannelie to please assist with the detials, content, previous action plan submitted.	At next Council meeting
Within sixty (60) calendar days from the date of receipt of this report, table this report through the Speaker to the Municipal Council for discussion in line with his powers and functions in terms of section 56(1) of the Local Government: Municipal Structures Act, 1998.	OFFICE OF THE MAYOR	PUBLIC PROTECTOR REPORT MUST BE TABLED TO COUNCIL TOGETHER WITH THIS RESPONSE REPORT	Director de Kock PA - Item to Council	Council Agenda	ONCE-OFF	Report to be submitted to Speaker's Office for further submission.	30-Nov-25

Ensure in accordance with section 11(2) that the KLM Municipal Manager must certify to the National Treasury that the municipality has specifically and exclusively appropriated in Schedule 4 allocation budget for utilisation only according to the purpose of the allocation for the KwaNomzamo Water project;	OFFICE OF THE MUNICIPAL MANAGER	BUDGET ALLOCATION FOR KWANOMZAMO	CFO Lorgat Manager PMU (MIG)	2025/26 Budget	ONCE-OFF	Provide assurance of budget allocations to Kwanomzamo WWTW (MIG)	25-Nov
WITHIN 90 DAYS							
Within ninety (90) calendar days from the date of completion of the project of refurbishment and upgrade of the KwaNomzamo Wastewater Treatment Plant provide the Public Protector with the Close-out certification confirming the completion of the project	CIVIL & WATER SERVICES: (PMU)	CLOSE-OUT REPORT AND CERTIFICATE	Manager WSA - R van Der Ryst	Report and Certificate	ONCE -OFF	Gather this from PMU/Consultant	Quarterly 31 December 2025
ONGOING & OTHER							
The Jeffreys Bay WWTP will remain under scheduled maintenance protocols, with progress reported bi-annually to both the Provincial Department of Environmental Affairs and the Department of Water and Sanitation	CIVIL & WATER SERVICES: WSA	PROGRESS REPORT	Manager WSA - R van der Ryst	Report	BI -ANNUALLY	Bi-annual repprting on scheduled maintenance.	30 December 2025 30 June 2026
Environmental Monitoring and Disclosure regarding effluent quality testing will continue and results will be published on the Municipal website and shared with stakeholders by the 15th of each subsequent month, starting from July 2025.	COMMUNITY SERVICES: ENVIRONMENTAL OFFICER & ICT TO SUPPLY POE'S OF ALL WATER SAMPLING IN THE VARIOUS ESTUARIES	TEST RESULTS	Director Machelesi	Post test results on website	MONTHLY		Backdated since 30 July 2025 and monthly by 15th
Noted a lack of Process Controller registration on Integrated Regulatory Information System (IRIS) in terms of Regulation 3630 and KLM was required to submit a corrective action plan (CAP) by 31 July 2025.	CIVIL & WATER SERVICES (WSA) FINANCE	CORRECTIVE ACTION PLAN	Manager WSA - R van der Ryst H Hammes	Action Plan on register PC's on IRIS	MONTHLY PROGRESS	Please compile a summary of what HR agreed to do with regards to staff compliment.	Backdated status quo since 31 July 2025 and update progress monthly.

REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

KOUGA
local municipality
Service Excellence through Good Governance

MEDIA AND COMMUNICATION: CORPORATE SHOP (BRANDED CORPORATE CLOTHING)

1. **Introduction**

The purpose of this item is to recommend to Council for the disposal of the remaining inventory at the Kouga Local Municipality Corporate Shop. The intention is to dispose of the current remaining inventory by way of donation to various departments, such as for use in recognition awards or as giveaways during workshops and conferences, on applications to that effect received from the various directorates and/or departments, and while stock lasts.

It is also the request that Council consider the closure of the Corporate Shop.

2. **Background**

The Corporate Shop was established in July 2021 by the Internal Communication section as a branding initiative to provide Kouga Local Municipality employees with branded clothing.

The clothing items were procured by the Municipality and subsequently sold to employees at cost price, ensuring no profit was generated. To facilitate affordability, employees were offered the option to pay for their purchases over one to three months by way of agreed salary deductions.

To improve operational efficiency, a stock management system was implemented in June 2022, enabling the administrator to track inventory using stock codes and descriptions, thereby ensuring full accountability.

However, sales have significantly declined, with only 63 items sold from 01 July 2024 to 31 March 2025 – an average of seven items per month.

To clear remaining stock, Council resolved on 31 March 2025 **(25/03/DMM1)** that the Corporate Shop's remaining inventory be offered to municipal employees at a 50% discount. This measure aimed to accelerate stock clearance and allow for the closure of the Corporate Shop once all items were sold.

Between 01 April 2025 and 30 June 2025, a total of 68 items were sold, resulting in a discounted write-off value of R7 010.00. Despite the reduced prices, sales showed only a slight increase, indicating that the remaining inventory is largely redundant and does not align with employees' current preferences or needs.

As of 1 July 2025, the Corporate Shop holds approximately 333 clothing items, with a total inventory value of R70,130.00.

3. **Discussion**

Annexure A provides an overview of the inventory list as on 30 June 2025.

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**

None.

6. **Legal Implications**

None.

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 supported.

8.4 **Director: Electro-Mechanical Services**

Supported

8.5 **Director: Community Services**

Supported

8.6 **Deputy Municipal Manager**

Item supported.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the remaining inventory at the Kouga Local Municipality Corporate Shop be disposed of through donations to the internal departments for purposes such as recognition awards or gifts, giveaways during strategic sessions, workshops, and conferences.

10.2 The distribution of the donated items should be conducted based on an application by the internal directorates and/or department, while stock lasts, together with written proof of the intended use.

10.3 That the Corporate Shop be closed.

Item prepared by the: Manager: Communication 

Item approved by the: Deputy Municipal Manager 

Item endorsed by the: Municipal Manager 

Item noted by Portfolio Chairperson: 

ANNEXURE A					
30-Jun-25					
STORE	**STOCK NUMBER**	**DESCRIPTION**	**QUANTITY ON HAND**	**PRICE PER ITEM**	**TOTAL PRICE**
CS	BL001	BLOUSE S/S OXFORD (FORMAL) (BLUE)- S	0	0,00	0,00
CS	BL002	BLOUSE S/S OXFORD (FORMAL) (BLUE)- M	0	0,00	0,00
CS	BL003	BLOUSE S/S OXFORD (FORMAL) (BLUE)- L	0	0,00	0,00
CS	BL004	BLOUSE S/S OXFORD (FORMAL) (BLUE)- XL	0	0,00	0,00
CS	BL005	BLOUSE S/S OXFORD (FORMAL) (BLUE)- 2XL	0	0,00	0,00
CS	BL006	BLOUSE S/S OXFORD (FORMAL) (BLUE)- 3XL	0	0,00	0,00
CS	BL007	BLOUSE S/S OXFORD (FORMAL) (BLUE)- 4XL	0	0,00	0,00
CS	BL008	BLOUSE S/S OXFORD (FORMAL) (BLUE)- 5XL	6	300,00	1 800,00
CS	BL009	BLOUSE L/S OXFORD (FORMAL) (BLUE)- S	0	0,00	0,00
CS	BL010	BLOUSE L/S OXFORD (FORMAL) (BLUE)- M	0	0,00	0,00
CS	BL011	BLOUSE L/S OXFORD (FORMAL) (BLUE)- L	0	0,00	0,00
CS	BL012	BLOUSE L/S OXFORD (FORMAL) (BLUE)- XL	0	0,00	0,00
CS	BL013	BLOUSE L/S OXFORD (FORMAL) (BLUE)- 2XL	0	0,00	0,00
CS	BL014	BLOUSE L/S OXFORD (FORMAL) (BLUE)- 3XL	0	0,00	0,00
CS	BL015	BLOUSE L/S OXFORD (FORMAL) (BLUE)- 4XL	0	0,00	0,00
CS	BL016	BLOUSE L/S OXFORD (FORMAL) (BLUE)- 5XL	3	300,00	900,00
CS	BL017	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- S	0	0,00	0,00
CS	BL018	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- M	0	0,00	0,00
CS	BL019	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- L	0	0,00	0,00
CS	BL020	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	BL021	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- 2XL	0	0,00	0,00
CS	BL022	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- 3XL	0	0,00	0,00
CS	BL023	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- 4XL	0	0,00	0,00
CS	BL024	BLOUSE S/S COTTON TWILL (FORMAL) (NAVY)- 5XL	0	0,00	0,00
CS	BL025	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- S	0	0,00	0,00
CS	BL026	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- M	0	0,00	0,00
CS	BL027	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- L	0	0,00	0,00
CS	BL028	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	BL029	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- 2XL	0	0,00	0,00
CS	BL030	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- 3XL	0	0,00	0,00
CS	BL031	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- 4XL	0	0,00	0,00
CS	BL032	BLOUSE L/S COTTON TWILL (FORMAL) (NAVY)- 5XL	1	320,00	320,00
CS	BL033	BLOUSE S/S DENIM - S	2	250,00	500,00
CS	BL034	BLOUSE S/S DENIM - M	0	0,00	0,00
CS	BL035	BLOUSE S/S DENIM - L	0	0,00	0,00
CS	BL036	BLOUSE S/S DENIM - XL	0	0,00	0,00
CS	BL037	BLOUSE S/S DENIM - 2XL	0	0,00	0,00
CS	BL038	BLOUSE S/S DENIM - 3XL	0	0,00	0,00
CS	BL039	BLOUSE S/S DENIM - 4XL	0	0,00	0,00
CS	BL040	BLOUSE S/S DENIM - 5XL	0	0,00	0,00
CS	BL041	BLOUSE L/S DENIM - S	0	0,00	0,00
CS	BL042	BLOUSE L/S DENIM - M	0	0,00	0,00
CS	BL043	BLOUSE L/S DENIM - L	0	0,00	0,00
CS	BL044	BLOUSE L/S DENIM - XL	0	0,00	0,00
CS	BL045	BLOUSE L/S DENIM - 2XL	0	0,00	0,00
CS	BL046	BLOUSE L/S DENIM - 3XL	0	0,00	0,00
CS	BL047	BLOUSE L/S DENIM - 4XL	0	0,00	0,00
CS	BL048	BLOUSE L/S DENIM - 5XL	0	0,00	0,00
CS	BL049	BLOUSE TULIP (FORMAL) (WHITE) - S	0	0,00	0,00
CS	BL050	BLOUSE TULIP (FORMAL) (WHITE) - M	0	0,00	0,00
CS	BL051	BLOUSE TULIP (FORMAL) (WHITE) - L	0	0,00	0,00
CS	BL052	BLOUSE TULIP (FORMAL) (WHITE) - XL	0	0,00	0,00
CS	BL053	BLOUSE TULIP (FORMAL) (WHITE) - 2XL	0	0,00	0,00
CS	BL054	BLOUSE TULIP (FORMAL) (WHITE) - 3XL	0	0,00	0,00
CS	BL055	BLOUSE TULIP (FORMAL) (WHITE) - 4XL	1	330,00	330,00
CS	BL056	BLOUSE TULIP (FORMAL) (WHITE) - 5XL	8	330,00	2 640,00
ACS	BL065	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - S	0	0,00	0,00
CS	BL066	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - M	0	0,00	0,00
CS	BL067	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - L	0	0,00	0,00
CS	BL068	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - XL	0	0,00	0,00
CS	BL069	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - 2XL	0	0,00	0,00
CS	BL070	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - 3XL	0	0,00	0,00
CS	BL071	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - 4XL	0	0,00	0,00

CS	BL072	BLOUSE S/S CLAYTON (FORMAL) (WHITE) - 5XL	2	320,00	640,00
CS	BL073	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - S	0	0,00	0,00
CS	BL074	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - M	0	0,00	0,00
CS	BL075	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - L	0	0,00	0,00
CS	BL076	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - XL	0	0,00	0,00
CS	BL077	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - 2XL	0	0,00	0,00
CS	BL078	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - 3XL	0	0,00	0,00
CS	BL079	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - 4XL	1	320,00	320,00
CS	BL080	BLOUSE L/S CLAYTON (FORMAL) (WHITE) - 5XL	2	320,00	640,00
CS	BW001	WESTFIELD BODY WARMER - S	0	0,00	0,00
CS	BW002	WESTFIELD BODY WARMER - M	0	0,00	0,00
CS	BW003	WESTFIELD BODY WARMER - L	0	0,00	0,00
CS	BW004	WESTFIELD BODY WARMER - XL	0	0,00	0,00
CS	BW005	WESTFIELD BODY WARMER - 2XL	0	0,00	0,00
CS	BW006	WESTFIELD BODY WARMER - 3XL	0	0,00	0,00
CS	BW007	WESTFIELD BODY WARMER - 4XL	3	660,00	1 980,00
CS	BW008	WESTFIELD BODY WARMER - 5XL	2	660,00	1 320,00
CS	FL001	ENDURO FLEECE - S	0	0,00	0,00
CS	FL002	ENDURO FLEECE - M	0	0,00	0,00
CS	FL003	ENDURO FLEECE - L	0	0,00	0,00
CS	FL004	ENDURO FLEECE - XL	0	0,00	0,00
CS	FL005	ENDURO FLEECE - 2XL	0	0,00	0,00
CS	FL006	ENDURO FLEECE - 3XL	0	0,00	0,00
CS	FL007	ENDURO FLEECE - 4XL	3	120,00	360,00
CS	FL008	ENDURO FLEECE - 5XL	0	0,00	0,00
CS	GS001	GOLF SHIRT LADIES - S	0	0,00	0,00
CS	GS002	GOLF SHIRT LADIES - M	0	0,00	0,00
CS	GS003	GOLF SHIRT LADIES - L	0	0,00	0,00
CS	GS004	GOLF SHIRT LADIES - XL	0	0,00	0,00
CS	GS005	GOLF SHIRT LADIES - 2XL	0	0,00	0,00
CS	GS006	GOLF SHIRT LADIES - 3XL	0	0,00	0,00
CS	GS007	GOLF SHIRT LADIES - 4XL	0	0,00	0,00
CS	GS008	GOLF SHIRT LADIES - 5XL	0	0,00	0,00
CS	GS009	GOLF SHIRT MENS - S	0	0,00	0,00
CS	GS010	GOLF SHIRT MENS - M	0	0,00	0,00
CS	GS011	GOLF SHIRT MENS - L	0	0,00	0,00
CS	GS012	GOLF SHIRT MENS - XL	0	0,00	0,00
CS	GS013	GOLF SHIRT MENS - 2XL	0	0,00	0,00
CS	GS014	GOLF SHIRT MENS - 3XL	0	0,00	0,00
CS	GS015	GOLF SHIRT MENS - 4XL	2	180,00	360,00
CS	GS016	GOLF SHIRT MENS - 5XL	2	180,00	360,00
CS	JK001	STRADFORD JACKET - S	0	0,00	0,00
CS	JK002	STRADFORD JACKET - M	0	0,00	0,00
CS	JK003	STRADFORD JACKET - L	0	0,00	0,00
CS	JK004	STRADFORD JACKET - XL	0	0,00	0,00
CS	JK005	STRADFORD JACKET - 2XL	0	0,00	0,00
CS	JK006	STRADFORD JACKET - 3XL	0	0,00	0,00
CS	JK007	STRADFORD JACKET - 4XL	0	0,00	0,00
CS	JK008	STRADFORD JACKET - 5XL	0	0,00	0,00
CS	JS001	BENTLEY PULL-OVER (NAVY) - S	0	0,00	0,00
CS	JS002	BENTLEY PULL-OVER (NAVY) - M	0	0,00	0,00
CS	JS003	BENTLEY PULL-OVER (NAVY) - L	0	0,00	0,00
CS	JS004	BENTLEY PULL-OVER (NAVY) - XL	0	0,00	0,00
CS	JS005	BENTLEY PULL-OVER (NAVY) - 2XL	0	0,00	0,00
CS	JS006	BENTLEY PULL-OVER (NAVY) - 3XL	2	450,00	900,00
CS	JS007	BENTLEY PULL-OVER (NAVY) - 4XL	2	450,00	900,00
CS	JS008	BENTLEY PULL-OVER (NAVY) - 5XL	1	450,00	450,00
CS	JS009	BASIC JERSEY (NAVY) - S	0	0,00	0,00
CS	JS010	BASIC JERSEY (NAVY) - M	0	0,00	0,00
CS	JS011	BASIC JERSEY (NAVY) - L	0	0,00	0,00
CS	JS012	BASIC JERSEY (NAVY) - XL	0	0,00	0,00
CS	JS013	BASIC JERSEY (NAVY) - 2XL	0	0,00	0,00
CS	JS014	BASIC JERSEY (NAVY) - 3XL	0	0,00	0,00
CS	JS015	BASIC JERSEY (NAVY) - 4XL	1	450,00	450,00
CS	JS016	BASIC JERSEY (NAVY) - 5XL	0	0,00	0,00
CS	SH001	SHIRT S/S OXFORD (FORMAL) (BLUE)- S	0	0,00	0,00
CS	SH002	SHIRT S/S OXFORD (FORMAL) (BLUE)- M	0	0,00	0,00
CS	SH003	SHIRT S/S OXFORD (FORMAL) (BLUE)- L	0	0,00	0,00
CS	SH004	SHIRT S/S OXFORD (FORMAL) (BLUE)- XL	0	0,00	0,00
CS	SH005	SHIRT S/S OXFORD (FORMAL) (BLUE)- 2XL	0	0,00	0,00

CS	SH006	SHIRT S/S OXFORD (FORMAL) (BLUE)- 3XL	1	300,00	300,00
CS	SH007	SHIRT S/S OXFORD (FORMAL) (BLUE)- 4XL	3	300,00	900,00
CS	SH008	SHIRT S/S OXFORD (FORMAL) (BLUE)- 5XL	1	300,00	300,00
CS	SH009	SHIRT L/S OXFORD (FORMAL) (BLUE)- S	0	0,00	0,00
CS	SH010	SHIRT L/S OXFORD (FORMAL) (BLUE)- M	0	0,00	0,00
CS	SH011	SHIRT L/S OXFORD (FORMAL) (BLUE)- L	0	0,00	0,00
CS	SH012	SHIRT L/S OXFORD (FORMAL) (BLUE)- XL	0	0,00	0,00
CS	SH013	SHIRT L/S OXFORD (FORMAL) (BLUE)- 2XL	3	300,00	900,00
CS	SH014	SHIRT L/S OXFORD (FORMAL) (BLUE)- 3XL	3	300,00	900,00
CS	SH015	SHIRT L/S OXFORD (FORMAL) (BLUE)- 4XL	1	300,00	300,00
CS	SH016	SHIRT L/S OXFORD (FORMAL) (BLUE)- 5XL	1	300,00	300,00
CS	SH017	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- S	0	0,00	0,00
CS	SH018	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- M	0	0,00	0,00
CS	SH019	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- L	0	0,00	0,00
CS	SH020	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	SH021	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- 2XL	2	320,00	640,00
CS	SH022	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- 3XL	4	320,00	1 280,00
CS	SH023	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- 4XL	0	0,00	0,00
CS	SH024	SHIRT S/S COTTON TWILL (FORMAL) (NAVY)- 5XL	12	320,00	3 840,00
CS	SH025	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- S	0	0,00	0,00
CS	SH026	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- M	0	0,00	0,00
CS	SH027	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- L	0	0,00	0,00
CS	SH028	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	SH029	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- 2XL	1	320,00	320,00
CS	SH030	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- 3XL	6	320,00	1 920,00
CS	SH031	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- 4XL	7	320,00	2 240,00
CS	SH032	SHIRT L/S COTTON TWILL (FORMAL) (NAVY)- 5XL	6	320,00	1 920,00
CS	SH033	SHIRT S/S DENIM - S	0	0,00	0,00
CS	SH034	SHIRT S/S DENIM - M	3	250,00	750,00
CS	SH035	SHIRT S/S DENIM - L	0	0,00	0,00
CS	SH036	SHIRT S/S DENIM - XL	0	0,00	0,00
CS	SH037	SHIRT S/S DENIM - 2XL	0	0,00	0,00
CS	SH038	SHIRT S/S DENIM - 3XL	4	250,00	1 000,00
CS	SH039	SHIRT S/S DENIM - 4XL	6	250,00	1 500,00
CS	SH040	SHIRT S/S DENIM - 5XL	0	0,00	0,00
CS	SH041	SHIRT L/S DENIM - S	0	0,00	0,00
CS	SH042	SHIRT L/S DENIM - M	0	0,00	0,00
CS	SH043	SHIRT L/S DENIM - L	0	0,00	0,00
CS	SH044	SHIRT L/S DENIM - XL	0	0,00	0,00
CS	SH045	SHIRT L/S DENIM - 2XL	0	0,00	0,00
CS	SH046	SHIRT L/S DENIM - 3XL	0	0,00	0,00
CS	SH047	SHIRT L/S DENIM - 4XL	2	250,00	500,00
CS	SH048	SHIRT L/S DENIM - 5XL	0	0,00	0,00
CS	SH065	SHIRT S/S CLAYTON (FORMAL) (WHITE) - S	0	0,00	0,00
CS	SH066	SHIRT S/S CLAYTON (FORMAL) (WHITE) - M	0	0,00	0,00
CS	SH067	SHIRT S/S CLAYTON (FORMAL) (WHITE) - L	0	0,00	0,00
CS	SH068	SHIRT S/S CLAYTON (FORMAL) (WHITE) - XL	0	0,00	0,00
CS	SH069	SHIRT S/S CLAYTON (FORMAL) (WHITE) - 2XL	2	320,00	640,00
CS	SH070	SHIRT S/S CLAYTON (FORMAL) (WHITE) - 3XL	5	320,00	1 600,00
CS	SH071	SHIRT S/S CLAYTON (FORMAL) (WHITE) - 4XL	5	320,00	1 600,00
CS	SH072	SHIRT S/S CLAYTON (FORMAL) (WHITE) - 5XL	1	320,00	320,00
CS	SH073	SHIRT L/S CLAYTON (FORMAL) (WHITE) - S	0	0,00	0,00
CS	SH074	SHIRT L/S CLAYTON (FORMAL) (WHITE) - M	0	0,00	0,00
CS	SH075	SHIRT L/S CLAYTON (FORMAL) (WHITE) - L	0	0,00	0,00
CS	SH076	SHIRT L/S CLAYTON (FORMAL) (WHITE) - XL	0	0,00	0,00
CS	SH077	SHIRT L/S CLAYTON (FORMAL) (WHITE) - 2XL	3	320,00	960,00
CS	SH078	SHIRT L/S CLAYTON (FORMAL) (WHITE) - 3XL	5	320,00	1 600,00
CS	SH079	SHIRT L/S CLAYTON (FORMAL) (WHITE) - 4XL	5	320,00	1 600,00
CS	SH080	SHIRT L/S CLAYTON (FORMAL) (WHITE) - 5XL	4	320,00	1 280,00
CS	SH081	SHIRT S/S UNITY CHECK (BLUE)- S	0	0,00	0,00
CS	SH082	SHIRT S/S UNITY CHECK (BLUE)- M	0	0,00	0,00
CS	SH083	SHIRT S/S UNITY CHECK (BLUE)- L	0	0,00	0,00
CS	SH084	SHIRT S/S UNITY CHECK (BLUE)- XL	0	0,00	0,00
CS	SH085	SHIRT S/S UNITY CHECK (BLUE)- 2XL	0	0,00	0,00
CS	SH086	SHIRT S/S UNITY CHECK (BLUE)- 3XL	2	350,00	700,00
CS	SH087	SHIRT S/S UNITY CHECK (BLUE)- 4XL	5	350,00	1 750,00
CS	SH088	SHIRT S/S UNITY CHECK (BLUE)- 5XL	0	0,00	0,00
CS	SH089	SHIRT L/S UNITY CHECK (BLUE)- S	0	0,00	0,00
CS	SH090	SHIRT L/S UNITY CHECK (BLUE)- M	0	0,00	0,00
CS	SH091	SHIRT L/S UNITY CHECK (BLUE)- L	0	0,00	0,00

CS	SH092	SHIRT L/S UNITY CHECK (BLUE)- XL	0	0,00	0,00
CS	SH093	SHIRT L/S UNITY CHECK (BLUE)- 2XL	0	0,00	0,00
CS	SH094	SHIRT L/S UNITY CHECK (BLUE)- 3XL	0	0,00	0,00
CS	SH095	SHIRT L/S UNITY CHECK (BLUE)- 4XL	1	350,00	350,00
CS	SH096	SHIRT L/S UNITY CHECK (BLUE)- 5XL	6	350,00	2 100,00
CS	SH113	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- S	0	0,00	0,00
CS	SH114	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- M	0	0,00	0,00
CS	SH115	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- L	0	0,00	0,00
CS	SH116	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	SH117	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- 2XL	0	0,00	0,00
CS	SH118	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- 3XL	0	0,00	0,00
CS	SH119	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- 4XL	0	0,00	0,00
CS	SH120	SHIRT S/S PIONEER CHECK (FORMAL) (NAVY)- 5XL	0	0,00	0,00
CS	SH121	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- S	0	0,00	0,00
CS	SH122	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- M	0	0,00	0,00
CS	SH123	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- L	0	0,00	0,00
CS	SH124	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- XL	0	0,00	0,00
CS	SH125	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- 2XL	0	0,00	0,00
CS	SH126	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- 3XL	3	350,00	1 050,00
CS	SH127	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- 4XL	7	350,00	2 450,00
CS	SH128	SHIRT L/S PIONEER CHECK (FORMAL) (NAVY)- 5XL	1	350,00	350,00
CS	TS001	T-SHIRT LADIES BARONNESS (NAVY) - S	0	0,00	0,00
CS	TS002	T-SHIRT LADIES BARONNESS (NAVY) - M	0	0,00	0,00
CS	TS003	T-SHIRT LADIES BARONNESS (NAVY) - L	0	0,00	0,00
CS	TS004	T-SHIRT LADIES BARONNESS (NAVY) - XL	1	100,00	100,00
CS	TS005	T-SHIRT LADIES BARONNESS (NAVY) - 2XL	3	100,00	300,00
CS	TS006	T-SHIRT LADIES BARONNESS (NAVY) - 3XL	13	100,00	1 300,00
CS	TS007	T-SHIRT LADIES BARONNESS (NAVY) - 4XL	10	100,00	1 000,00
CS	TS008	T-SHIRT LADIES BARONNESS (NAVY) - 5XL	15	100,00	1 500,00
CS	TS009	T-SHIRT MENS BARONNESS (NAVY) - S	0	0,00	0,00
CS	TS010	T-SHIRT MENS BARONNESS (NAVY) - M	0	0,00	0,00
CS	TS011	T-SHIRT MENS BARONNESS (NAVY) - L	0	0,00	0,00
CS	TS012	T-SHIRT MENS BARONNESS (NAVY) - XL	0	0,00	0,00
CS	TS013	T-SHIRT MENS BARONNESS (NAVY) - 2XL	12	100,00	1 200,00
CS	TS014	T-SHIRT MENS BARONNESS (NAVY) - 3XL	11	100,00	1 100,00
CS	TS015	T-SHIRT MENS BARONNESS (NAVY) - 4XL	14	100,00	1 400,00
CS	TS016	T-SHIRT MENS BARONNESS (NAVY) - 5XL	16	100,00	1 600,00
CS	TS017	T-SHIRT MENS V-NECK (WHITE) - S	0	0,00	0,00
CS	TS018	T-SHIRT MENS V-NECK (WHITE) - M	0	0,00	0,00
CS	TS019	T-SHIRT MENS V-NECK (WHITE) - L	0	0,00	0,00
CS	TS020	T-SHIRT MENS V-NECK (WHITE) - XL	0	0,00	0,00
CS	TS021	T-SHIRT MENS V-NECK (WHITE) - 2XL	0	0,00	0,00
CS	TS022	T-SHIRT MENS V-NECK (WHITE) - 3XL	0	0,00	0,00
CS	TS023	T-SHIRT MENS V-NECK (WHITE) - 4XL	0	0,00	0,00
CS	TS024	T-SHIRT MENS V-NECK (WHITE) - 5XL	0	0,00	0,00
CS	TS025	T-SHIRT MENS V-NECK (NAVY) - S	0	0,00	0,00
CS	TS026	T-SHIRT MENS V-NECK (NAVY) - M	0	0,00	0,00
CS	TS027	T-SHIRT MENS V-NECK (NAVY) - L	0	0,00	0,00
CS	TS028	T-SHIRT MENS V-NECK (NAVY) - XL	0	0,00	0,00
CS	TS029	T-SHIRT MENS V-NECK (NAVY) - 2XL	0	0,00	0,00
CS	TS030	T-SHIRT MENS V-NECK (NAVY) - 3XL	0	0,00	0,00
CS	TS031	T-SHIRT MENS V-NECK (NAVY) - 4XL	0	0,00	0,00
CS	TS032	T-SHIRT MENS V-NECK (NAVY) - 5XL	0	0,00	0,00
CS	TS033	T-SHIRT LADIES BARRONESS (WHITE) - S	0	0,00	0,00
CS	TS034	T-SHIRT LADIES BARRONESS (WHITE) - M	0	0,00	0,00
CS	TS035	T-SHIRT LADIES BARRONESS (WHITE) - L	0	0,00	0,00
CS	TS036	T-SHIRT LADIES BARRONESS (WHITE) - XL	0	0,00	0,00
CS	TS037	T-SHIRT LADIES BARRONESS (WHITE) - 2XL	0	0,00	0,00
CS	TS038	T-SHIRT LADIES BARRONESS (WHITE) - 3XL	0	0,00	0,00
CS	TS039	T-SHIRT LADIES BARRONESS (WHITE) - 4XL	4	100,00	400,00
CS	TS040	T-SHIRT LADIES BARRONESS (WHITE) - 5XL	5	100,00	500,00
CS	TS041	T-SHIRT MENS BARRONESS (WHITE) - S	0	0,00	0,00
CS	TS042	T-SHIRT MENS BARRONESS (WHITE) - M	0	0,00	0,00
CS	TS043	T-SHIRT MENS BARRONESS (WHITE) - L	0	0,00	0,00
CS	TS044	T-SHIRT MENS BARRONESS (WHITE) - XL	17	100,00	1 700,00
CS	TS045	T-SHIRT MENS BARRONESS (WHITE) - 2XL	27	100,00	2 700,00
CS	TS046	T-SHIRT MENS BARRONESS (WHITE) - 3XL	0	0,00	0,00
CS	TS047	T-SHIRT MENS BARRONESS (WHITE) - 4XL	20	100,00	2 000,00
CS	TS048	T-SHIRT MENS BARRONESS (WHITE) - 5XL	0	0,00	0,00
CS	VS001	VISOR (NAVY)	0	0,00	0,00

			333	**18 140,00**	**70 130,00**

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE DEPUTY MUNCIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/DMM2**

SPONSORSHIP OF THE INKANYEZI EVENTS - WORKING WORLD EXHIBITION – CAREERS AND SKILLS DEVELOPMENT INITIATIVE IN KOUGA

1. **Introduction**

This item is to request Council's approval for a sponsorship with Inkanyezi events to participate in Working World Exhibition - Careers and Skills Development initiative in Kouga.

2. **Background**

The Working World Exhibition alongside the Office of the Executive Mayor seeks to host an exciting and empowering event designed to equip learners for the evolving world of work. The Working World Exhibition is South Africa's most comprehensive career guidance platform, delivering an interactive and impactful experience to school-leaving youths.

3. **Discussion**

The exhibition aims to provide learners with invaluable resources, including expert-led seminars on in-demand careers, bursary opportunities, and entrepreneurship pathways. As part of the experience, each learner receives the official Workbook, endorsed by the Department of Education, which supports the Life Orientation curriculum.

Over the past 25 years, the Working World Exhibition has attracted more than 360 000 visitors. The most recent exhibition, held in February 2025 in Jeffreys Bay, welcomed over 1600 attendees and featured about 40 exhibitors including educational institutions, employers, government departments, and youth development agencies. The exhibition specifically targets learners aged 16 to 19, as well as approximately 200 Life Orientation teachers and headmasters each year.

Supporting or sponsoring this exhibition offers significant benefits to Kouga Local Municipality, the local community, and the regional tourism sector. It enhances Kouga's visibility as an education and youth development hub, aligning with the Municipality's commitment to empower young people through access to knowledge and opportunity. Moreover, a sponsorship with such impactful initiatives strengthen public–private collaboration, foster community pride, and contribute to Kouga's reputation as a progressive and inclusive Municipality that invests in its youth and future workforce.

4. **Financial Implications**

Completed by BTO -	

Project Description	Working World Exhibition – Career and Skills Development Initiative in Kouga.
Ukey no.	20250206074741
Budgeted Amount	R250 000
Amount spent and committed to date	R342,69
Amount Available	R249 657,31
Comment	
BTO Signature	

KOUGA MUNICIPALITY
2025-11-25
BUDGET & TREASURY

5. **Applicable Legislation**

Local Government: Municipal Finance Management Act 56 of 2003, section 67 of the Act.

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:**

Noted

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item supported.

8.4 **Director: Electro-Mechanical Services**

Supported

8.5 **Director: Community Services**

Supported

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Item noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council approves the annual funding allocation of R250 000 to Inkanyezi Events Working World Exhibition for the 2025/2026, 2026/2027 and 2027/2028 Financial Years.

10.2 That Council authorizes the Accounting Officer to conclude a Sponsorship Agreements with Inkanyezi Events Working World Exhibition in accordance with the funding allocated in recommendation 10.1 above.

Item prepared by the: Manager Special Programmes Unit 

Item approved by the: Deputy Municipal Manager 

Item endorsed by the Municipal Manager: 

Item noted by Executive Mayor: 

Annexure A

Working World Exhibition Budget
9 and 10 April 2025

WORKING WORLD EXHIBITION 2026 KOUGA_BUDGET							
						Inkanyezi	Kouga LM
EXPENSES							
Section of Initiative	Description		Excl Vat	Vat	Total		
Venue hire and related items	Venue, catering, accommodation		129217.39				148 600,00
Table and chairs	Exhibition and briefing area - included in venue hire		0,00				
Sound & AV	Included in venue cost		0,00				
Exhibition infrastructure	Shell Scheme including lights and plug points		73 040,00				83 996,00
Security	Security - venue provides		0,00				
Medical	EMS Service - arranged y KLM						
Branding / signage	4 x pull ups and 2 x Media wall banners		9564.35				10 999,00
Printing	Workbook printing		0,00				
Advertising & Marketing	Kouga rates flyers, street poles, leaflet drops		0,00				
Marshalls	Marshalls 2 x R300 x 3 days		1 800,00				1 800,00
Workbooks	Printing of Workbook		0,00				
Parking	Included in venue hire		0,00				
Salaries & HR	1 full time resource, 3 part time resource, 4 event staff		295 000,00			295 000,00	
Photography & Videography			4 590,00				4 590,00
Transport	Schools		0,00				
TOTAL EXPENSES			374 430,00	0,00	0,00	295 000,00	249 985,00









KOUGA WORKING WORLD CAREERS EXPO

10-11 APRIL 2025 | MENTORS COUNTRY ESTATE, JEFFREYS BAY

2025 REPORT

KOUGA local municipality
Good Governance through Service Excellence

working world
KOUGA CAREERS EXPO 2025

INKANYEZI

Mentors
COUNTRY ESTATE JEFFREYS BAY

CONTENTS

Executive Summary 2
Exhibitors 3
Schools 6
Resources 8
Marketing 9
Gallery 13
Conclusion / Recommendations 14

EXECUTIVE SUMMARY



The inaugural Kouga Working World Careers Expo was hosted by the Kouga Local Municipality in partnership with Inkanyezi Event Organisers and Mentors Country Estate on Thursday 10 and Friday 11 April.

The participation of the Kouga community was very pleasing and met initial attendance projections. Over 1600 people visited the exhibition, including Grade 12 learners from 11 high schools in the region.

Around 40 different organisations participated in the exhibition. These included educational institutions, employers, including government departments, and youth development agencies. Each provided visitors with opportunities or resources around study and work options.
The educational sector was represented by universities, technical colleges and private training institutions. The business community was represented by companies from a wide spectrum of economic sectors, including engineering, alternate energy, tourism, the financial sector and technology/IT.

Several government departments including the Kouga Local Municipality, and Non Profit organisations also participated.

EXHIBITORS

The following organisations took up an exhibition stand which included Octanorm shell scheme with vinyl cut facia name, 15amp plug and light. Exhibitors were also provided with a table. In total 51 stands were set up with the stage area allocated to the Career Guidance Café which featured in-person and online career guidance counselling and assessments via 40 tablets.

The International Hotel School
Eduvos
UNISA
UNISA engineering and technology
Total Concept Hair & Beauty Academy
Rhodes University
Nelson Mandela University
University of Limpopo
Injonga FET & SETA College
AFDA
DigitSA
Action Volunteers Africa [AVA]
Department of Employment & Labour
JBay Technical College
Industries Education and Training Institute [IETI]
ABSA
Jeffreys Bay Tourism
St Francis Tourism
Social Development
ACS Academy
Boston City College
Gamtoos Water
Pick-Me
Kouga Wind Farm
Capsicum Culinary Studio
COEGA
DBI Intelligent Technology Group
The Co-Op - Die Kooperasie
CTU Training
St Francis Resort
Oasis FM
NECSA
Halalisana Incubation
Cennergi
Sambo Interactive Prep
Relay EMS
Standard Bank
South African National Defense Force
SA Navy
SANRAL
Kouga Local Municipality [KLM]
KLM Civil & Water
KLM Community Service
KLM Electro Mechanic
KLM Finance
KLM Planning & Development
South African Police Service [SAPS]
HRM Career Info Centre & Recruitment
Human Resources Development
Sports
Police Band/Music
Mounted Unit
K9 Search & Rescue/Diving
Proactive Policing (Gender Based Violence)
DPCI (Hawks)
Crime Scene Management (Local Criminal Record Centre)
Technological Management Service (Radio Tech)
Electrical Engineering – Computer Technology and related Services
Networking
Software/Hardware
Explosive Unit
Protection and Security Service
Communication and Liaison
1011 Centre
Collision Unit
Financial Services and Administration
Supply Chain Management Mechanical Services (Automotive Engineering)

Attending exhibitors were asked for feedback.

The provided average rating (on a scale from 1-10) from 33 respondents is listed below.

7.9: The numbers of learners & visitors attending the show:
7.5: The extent to which visiting learners were your target market:
7.0: The number and quality of Leads generated:
8.2. The extent to which you achieved your objective for exhibiting:
8.8: The extent to which you believe the show was effective at providing guidance to learners:
7.8: The extent to which the show impacted learners from poorer, under-serviced communities:
9.2: The quality of the overall infrastructure set-up:
9.0: The flow of the floorplan:
9.0: The suitability of the venue:
7.5: The quality of the catering provided:
32 out of 33 respondents stated that they would consider participating again in 2026.

GENERAL FEEDBACK

Well done on a very successful event for youth to explore career opportunities. The booklet handed to all visitors is a very helpful document full of useful info. Thank you for the opportunity to be part of the WWEs.

Well done guys. I think you first expo in Kouga was very successful."

The food was amazing.

The assistance by staff with carrying things to the venue and to the car after packing up was much appreciated.

The Children were well Organized

Staff were amazing, helpful and attentive at all times.

Great event. Well done Kouga!

Good to plan annually.

Youth were given a whole platform of possibilities right at their doorstep.
Good event, with excellent effort from local municipality to participate , cover and market.
This was a first for Kouga and it kicked off amazing. Well planned and sat out. I believe our learners were given hope again especially for those who can't go to University

SUGGESTIONS

Exhibition times - would recommend ending a bit earlier on the second day as exhibitors are tired after day 1 and some still need to travel back to their area of operations.

Perhaps it must be looked at to have the event only for either 1 full day and only until 12:00 on the 2nd day as it was quite a “waste of time” just sitting around for half the day.

Please bring back the competition for best stand

Maybe also give opportunities for presentations right through the day like on agriculture or further education or any opportunities for the youth

I would like a “”snake layout”” more. This will allow exhibitors to see all the learners going through.

I Would recommend that something (coffee/Water) to drink be available at tea time as we are doing a lot of talking. Paper cups would also help as we were not allowed to take mugs out of the restaurant area to our stalls.

Catering needs to improve, the food is seriously not appetising. Please also ensure you also provide water in future expos, we talk throughout the day at least supply us with

Perhaps more lunch tickets Per stall depending on need. At some stall was 4 reps Per dept
Water to be provided daily on tables at stalls for people managing stalls

The children are not used to big events and should be motivated more to interact withe the exhibitors. It went a lot better on day 2

Let’s encourage SGB Members/Headmasters/HoD/Teachers to attend as well.

I would also be very nice if these kinds of Exhibitions can be held in community halls where the children from our communities who can’t really afford transport can attend.



SCHOOLS

1050 Learners from 10 school groups attended at pre-arranged time-slots, over two days. Represented, organised school groups included:

- Nico Malan
- Kings College
- Patensie Agricultural School
- Hankey Senior Secondary School
- Global Leadership Academy
- Lungiso High
- Qhayiyalethu FET
- Jeffreys Bay Comprehensive High School
- Jbay Academy High school Gr 12
- Jbay Academy High school Gr 11

Thanks to the Kouga Local Municipality and Kouga Wind Farm Development Trust for transporting school learners.

Kouga Local Municipality provided transportation for the following schools:
- Petensie Agriculture School
- Hankey Senior Secondary School
- Global Leadership Academy
- Jefferys Bay Comprehensive High School
- Jbay Academy High school

Kouga Windfarm Development Trust provided transportation for the following schools:
- Lungiso High
- Humansdorp Senior Secondary

Nico Malan Hoerskool, Qhayiyalethu FET and Kings College had their own transportation.

FEEDBACK

Attending schools were asked for feedback.

The provided average rating (on a scale from 1-10) from 7 schools is listed below.

9.6: The value of the exhibition as a whole to your learners

9.6: The value of the career guidance workbook to your learners

9.3: The value of the other career resources, including career guidance assessment (Careers Cafe) to your learners

9.7:The quality of the exhibitors as a means to equipping learners with ideas and options

HIGHLIGHTS NOTED INCLUDED:

The live interviews with Media as well as the variety of exhibits. Thank You.

The Career Expo was exceptionally well-organized, providing learners with valuable insights into various career paths and industries. The event featured diverse exhibitors, including professionals, universities, and companies, who shared detailed information about different fields, required qualifications, and job opportunities.

It was productive, the learners showed interest surely now they know which path to take next year

It was educational

Relay showing learners how to do CPR as well as Oasis Radio interviews with the learners was interesting to hear what they have to say about the expo as well as their future

Good organisation of expo, learners enjoy and learned a lot

The help with transport, as well as the time slots were very helpful to organise our learners. Thank you.

Interactive workshops, motivational talks, and one-on-one consultations allowed learners to engage directly with experts

SUGGESTION INCLUDED:

It would be fruitful if grade 11 can also be part of it so that when they are in garage 12 they already got a picture of the working world and the careers they will embark on

It would be great if grade 11 learners would be part of the career expo in the nearest future so that they can well equipped

Nursing College such as Lilitha

VW and Toyota

If the organisers could arrange for more retail companies to be present as retail is also a leading industry in our area. Learners could then be advised on how to develop themselves when in the retail industry.

I would suggest that the expos happen more than once a year in order for schools to allow more learners from other grades to attend.

Will be great to have an expo every year in the Kouga Area

There can definitely be a bigger emphasis/exposure to the mechanical and civil engineering, aviation degrees, architecture, construction, manufacturing and design.

More universities if possible and more sport related organisations. Otherwise the variety of directions to study was great for all learners.

In addition to schools, it is estimated that 500 members of the community attended.

RESOURCES



The Kouga Working World Careers Expo provided all visitors with free access to:

- A Career Guidance Guide or workbook that is also a DOE approved text for the Gr12 Life Orientation syllabus.
- Career Guidance Counselling and access to an online career assessment as well as prolonged access to the online careers portal.
- Access to the exhibition
- A motivational talk and careers briefing



MARKETING

Marketing achieves two key aims:
- Enlisting the participation of exhibiting companies
- Ensuring the participation of schools and other community members.

This was achieved through joint efforts by KLM and Inkanyezi.

The campaign included:
- Direct Communication
- Social Media
- Mailers to Inkanyezi's database of educational institutions and current exhibitors
- Print Advertising
- Media Partnerships with for example Oasis FM (who broadcast live from the event)
- Oasis FM
  - Facebook Post
  - Radio Campaign announcement
  - 9th April 2025 Live Facebook Interview [15:30]
  - 10th April 2025 Live Broadcast [All day]
  - 11th April 2025 Live Broadcast [All day]
- Kouga Express
  - Full page article on the 3rd of April 2025



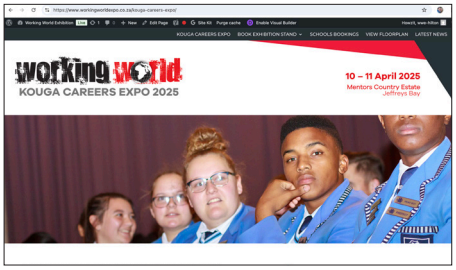


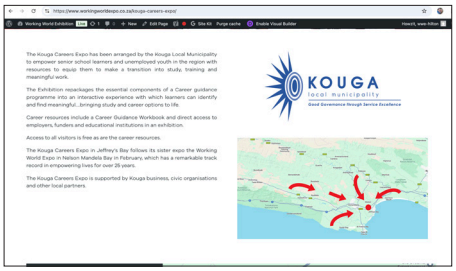
Newsletters / Mailers





Email Signatures





Working World Expo Website



Factsheet



Community Invite (English, Afrikaans & Xhosa)



















Social Media Posts















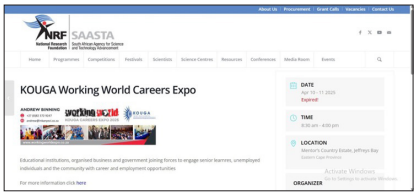


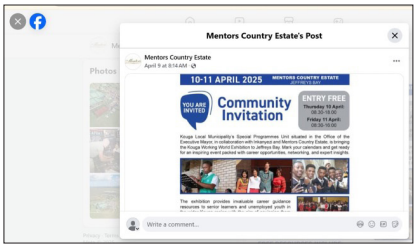


Exhibitor Social Media Posts

Online Articles

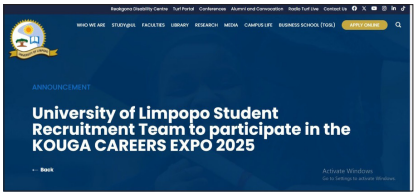


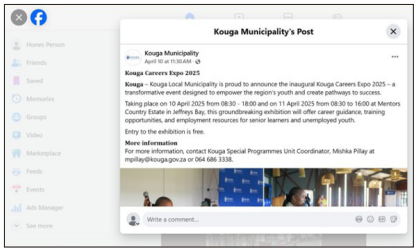




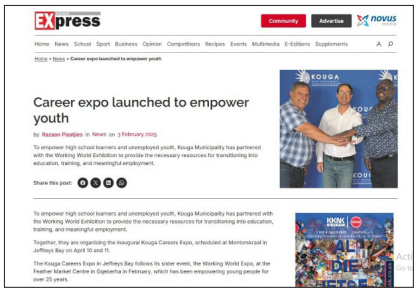




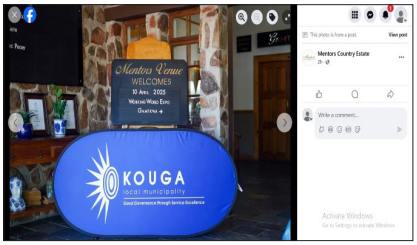




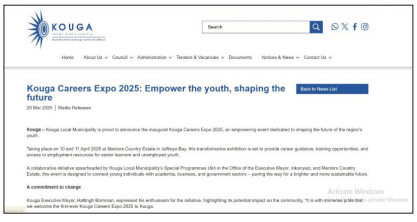












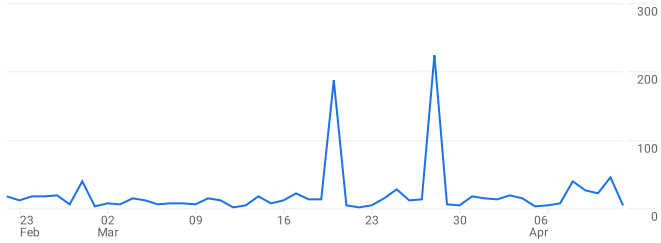






www.workingworldexpo.co.za - Website Statistics from 22 February 2025 - 12 April 2025. (Dates before this mailnly include the WWE Gqeberha traffic / statistics)

Active users 980 | New users 941

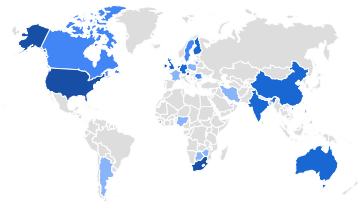


Total Visitors

New users by First user primary channel gro...

FIRST USER PRIMARY CHA...	NEW USERS
Direct	695
Organic Search	152
Organic Social	58
Referral	34
Unassigned	2

Source of Traffic



COUNTRY	ACTIVE USERS
South Africa	462
Netherlands	164
Ireland	126
United States	109
Austria	25
China	21
Finland	18

Country

PLATFORM / DEVICE CATE...	ACTIVE USERS
web / desktop	698
web / mobile	280
web / smart tv	1
web / tablet	1

Device Used

CITY	ACTIVE USERS
Amsterdam	163
Dublin	125
Cape Town	93
Gqeberha	70
Johannesburg	52
Pretoria	49
Jeffreys Bay	29

City

Plot rows | Search... | Rows per page: 10 | Go to: 1 | 1-10 of 36

		Page path and screen class	Views	Active users	Views per active user	Average engagement time per active user	Event count (All events)	Key events (All events)	Total revenue
☑		Total	1,777 100% of total	980 100% of total	1.81 Avg 0%	37s Avg 0%	4,943 100% of total	0.00	$0.00
☑	1	/kouga-careers-expo/	625 (35.17%)	533 (54.39%)	1.17	15s	1,812 (36.66%)	0.00 (–)	$0.00 (–)
☑	2	/	322 (18.12%)	223 (22.76%)	1.44	11s	1,000 (20.23%)	0.00 (–)	$0.00 (–)
☑	3	/product/kouga-careers-expo-3m-x-2m-exhibition-stand/	229 (12.89%)	90 (9.18%)	2.54	1m 26s	532 (10.76%)	0.00 (–)	$0.00 (–)
☑	4	/2024/04/12/sas-biggest-careers-fair-set-for-early-2025/	118 (6.64%)	91 (9.29%)	1.30	42s	389 (7.87%)	0.00 (–)	$0.00 (–)
☑	5	/home/	84 (4.73%)	60 (6.12%)	1.40	43s	195 (3.94%)	0.00 (–)	$0.00 (–)
☐	6	/kouga-exhibitor-feedback/	49 (2.76%)	33 (3.37%)	1.48	21s	134 (2.71%)	0.00 (–)	$0.00 (–)
☐	7	/my-account/lost-password/	45 (2.53%)	37 (3.78%)	1.22	13s	113 (2.29%)	0.00 (–)	$0.00 (–)
☐	8	/kouga-schools-bookings/	44 (2.48%)	33 (3.37%)	1.33	19s	92 (1.86%)	0.00 (–)	$0.00 (–)
☐	9	/kouga-individual-booking/	42 (2.36%)	34 (3.47%)	1.24	10s	130 (2.63%)	0.00 (–)	$0.00 (–)
☐	10	/checkout/	38 (2.14%)	19 (1.94%)	2.00	4m 15s	77 (1.56%)	0.00 (–)	$0.00 (–)

Page Engagement

GALLERY




ACS ACADEMY PTY LTD


STANDARD BANK
Standard Bank


KOUGA




Mentors
OASISFM
Bringing Living Water
office@oasisfm.co.za
www.oasisfm.co.za
@oasisfmza
oasisfmza



















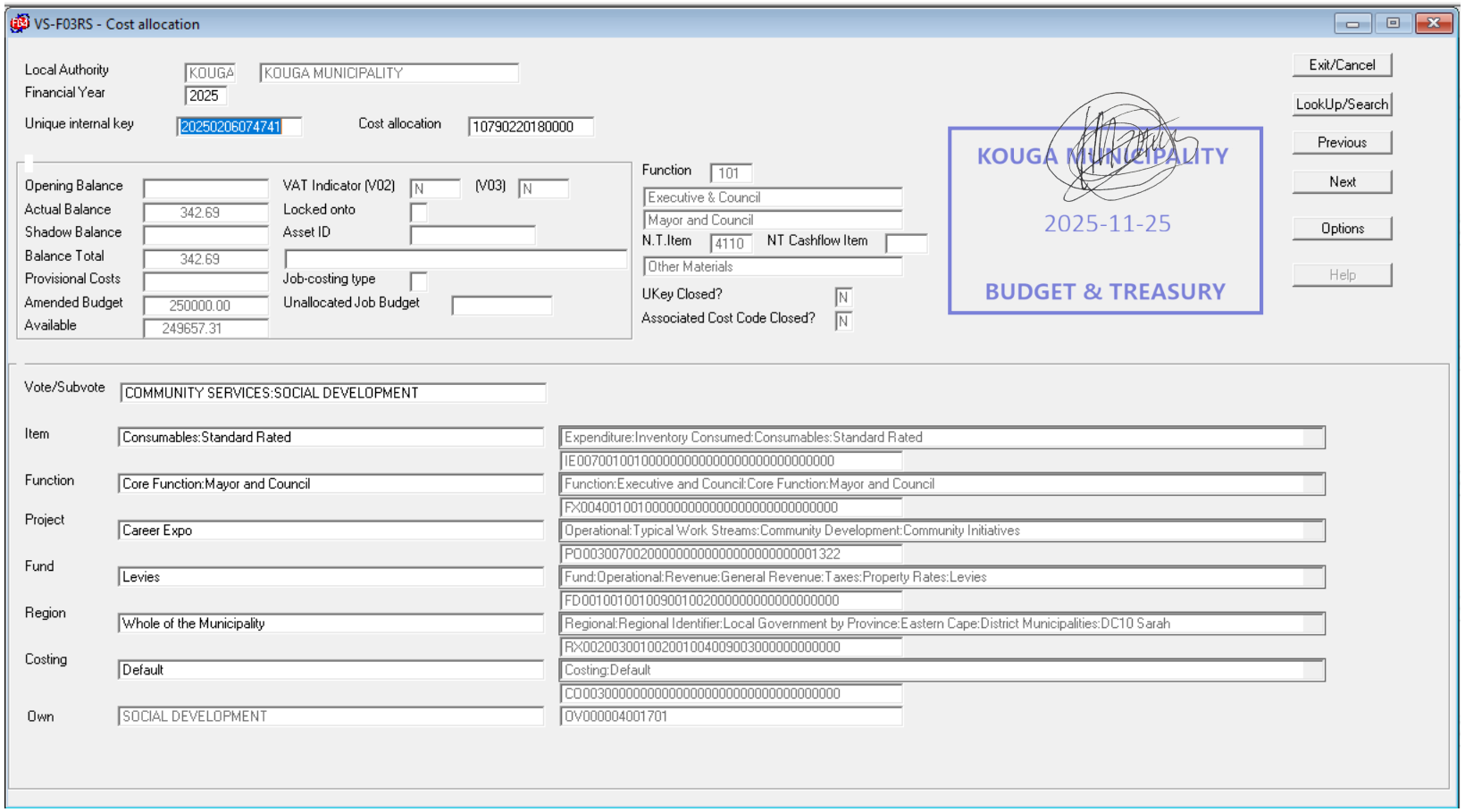
CONCLUSION AND RECOMMENDATIONS

The Kouga Working World Careers Expo has made a substantial contribution to equipping youth with resources to make informed decisions that we all trust will result in greater numbers of youth in meaningful work and a reduction in the social ills caused by youth unemployment, in South Africa but particularly in the Kouga region. The Kouga event has given easy access to world-class resources that are ordinarily only available at the annual flagship Working World Expo in Nelson Mandela Bay, which has impacted over 320 000 Gr 12s over the past 26 years.

Based on the outcomes it is suggested that the Kouga Working World Careers Expo will become an annual highlight on the Kouga calendar.

Partnerships remain essential. The contribution of Kouga Local Municipality, Mentors Country Estate and media partners like Oasis FM are central to the event's success. As income is generated only from exhibitors (in 2025 only 33 of the stands were paid for at a nominal fee of R5000), alternate revenue streams need to be considered to grow the event.

It is suggested that any future editions run from 8.30am-5pm on Day 1 and from 8.30-1pm on Day 2.


VS-F03RS - Cost allocation
Local Authority
KOUGA
KOUGA MUNICIPALITY
Financial Year
2025
Unique internal key
20250206074741
Cost allocation
10790220180000
Opening Balance
Actual Balance
342.69
Shadow Balance
Balance Total
342.69
Provisional Costs
Amended Budget
250000.00
Available
249657.31
VAT Indicator (V02)
N
(V03)
N
Locked onto
Asset ID
Job-costing type
Unallocated Job Budget
Function
101
Executive & Council
Mayor and Council
N.T.Item
4110
NT Cashflow Item
Other Materials
UKey Closed?
N
Associated Cost Code Closed?
N
KOUGA MUNICIPALITY
2025-11-25
BUDGET & TREASURY
Exit/Cancel
LookUp/Search
Previous
Next
Options
Help
Vote/Subvote
COMMUNITY SERVICES:SOCIAL DEVELOPMENT
Item
Consumables:Standard Rated
Expenditure:Inventory Consumed:Consumables:Standard Rated
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Function
Core Function:Mayor and Council
Function:Executive and Council:Core Function:Mayor and Council
FX0040010010000000000000000000000000000
Project
Career Expo
Operational:Typical Work Streams:Community Development:Community Initiatives
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Fund
Levies
Fund:Operational:Revenue:General Revenue:Taxes:Property Rates:Levies
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Region
Whole of the Municipality
Regional:Regional Identifier:Local Government by Province:Eastern Cape:District Municipalities:DC10 Sarah
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Costing
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KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE DEPUTY MUNCIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/DMM3**

NOMINATED ALTERNATE MEMBERS OF THE MUNICIPAL BY-LAW AND POLICY COMMITTEE

1. **Introduction**

The purpose of the item is to provide feedback and request Council to approve names of nominated alternate members submitted for the Municipal By-law and Policy Committee.

2. **Background**

It was resolved at an Ordinary Council meeting held on 29 October 2025, Resolution no 25/10/DMM1:

- That three alternates be added to the composition of the Municipal By-law and Policy Committee.

- That the names of the proposed alternate members comprising of two Councillors from the Democratic Alliance (DA) and one Councillor from the African National Congress (ANC) be submitted to the Office of the Speaker within seven (7) days for consideration and formal inclusion in the Committee's alternate membership structure.

3. **Discussion**

The nominated alternate members have been submitted for approval.

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 Council approve the recommendation below, the nominated Councillors shall serve as alternates on the Municipal By-law and Policy Committee.

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**

Item noted.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the names of nominated alternate members submitted for Municipal By-law and Policy Committee be approved as below:

Municipal By-laws and Policy Committee:

Committee Members	**Alternate members**
Chairperson: Cllr F Heystek	Cllr M Nicholls
Cllr A Hendricks	Cllr S Ruth
Ald D Benson	Cllr M Mbandana
Cllr R Foley	
Vacant	
Cllr G Stuurman	
Cllr T Mbuqu	
Cllr K Ndzelani	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Item prepared by the: Manager: Administration & Auxiliary Services

Item approved by the: Deputy Municipal Manager

Item endorsed by the: Municipal Manager

Item noted by Portfolio Chairperson:

COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

1. **Introduction**

The coming Summer Holiday Season includes a formal recess of the Council from 12 December 2025 to 11 January 2026.

During the recess, all 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 delegated authority to deal with all matters within the ambit of the municipal Councils legislative authority, but in exclusion of resolutions dealing with or related to the following matters:

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**

That Council granting the Executive Mayor delegated authority to deal with all matters within the ambit of the municipal Councils legislative authority, but in exclusion of resolutions dealing with or related to the following matters:

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.

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.
Delegation Register as approved by Council.

6. **Legal Implications**

Should the Council approve the recommendations herein, the Executive Mayor shall have the delegated authority of the municipal council during Council's period of recess and may thus take resolutions as if Council so resolved. The Executive Mayor must then at the next sitting of Council, following the delegation period report to council on resolutions taken during this delegation period.

Section 64 of the Local Government: Municipal Systems Act No 32 of 2000 provides that the withdrawal, amendment or lapsing of the delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.

7. **Other Implications**

No other implications are foreseen.

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**

Item noted.

8.7 **Municipal Manager**

Recommandations supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That a Council recess be approved from 12 December 2025 to 11 January 2026.

10.2 That Council resolves that the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 12 December 2025 to 11 January 2026, 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, in respect of this delegation, be submitted to Council in report format for information or for review to a Council meeting following the delegation period.

Item prepared by the: Manager: Administration & Auxiliary Services

` Item approved by the: Deputy Municipal Manager

Item endorsed by the: Municipal Manager:

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
OFFICE OF THE DEPUTY MUNCIPAL MANAGER
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/DMM5**

AMENDED COMMITTEE MEMBERSHIP - SECTION 80, 79 AND 79A COMMITTEES-REPLACEMENT OF COUNCILLOR

1. **Introduction**

The purpose of the item is for Council to approve the replacement of the previous Democratic Alliance Councillor on the current committees of Council.

2. **Background**

Cllr Bonita Moos of the Democratic Alliance (DA) was sworn in on the 03rd of December 2025 as a Ward Councillor of the Kouga Local Municipality Council. Cllr Moos replaces previous DA Councillor Mr H Murray.

3. **Discussion**

Following these changes, Cllr Moos replaces the previous DA Councillor Mr H Murray on the existing Section 80, 79 and 79(A) committees.

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

6. **Legal Implications**

Should Council resolve on the recommendations below, the Section 79 and the Section 80 Committees will be composed as per the Council resolution.

7. **Other Implications**

None

8. **Comments by Directorates:**

The recommendations for this item do not require comments from the Directors.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council resolve that Cllr B Moos replace Mr H Murray on the respective Section 79 committees as follows:

Municipal By-laws and Policy Committee:

Committee Members
Chairperson: Cllr F Heystek
Cllr A Hendricks
All D Benson
Cllr R Foley
Cllr B Moos
Cllr G Stuurman
Cllr T Mbuqu
Cllr K Ndzelani
Cllr C Pietersen
Cllr W van der Linde
Cllr L Nkilishane

10.2 That Council resolve that Cllr B Moos replaces Mr H Murray on the composition of members for the Section 79(A) committee as follows:

Municipal Public Accounts Committee:

Committee Members
Chairperson : Cllr M van Niekerk
Cllr B Moos
Cllr C August
Cllr G Stuurman
Cllr W Gertenbach
Cllr F Heystek
Cllr V Zana
Cllr P Oliphant
Cllr C Pietersen
Cllr W van der Linde
Cllr L Nkilishane

10.3 That Council resolve that Cllr B Moos replace Mr H Murray on the composition of members for the Section 80 committees as follows:

Corporate & Communication Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr M Nicholls	Cllr B Dhludhlu
Ald D Benson	Cllr S Ruth
Cllr M van Niekerk	Cllr T Mbuqu
Cllr B Moos	
Cllr G Stuurman	
Cllr V Gunuza	
Cllr Ntshota	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Electro-Mechanical Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: J Alexander	Cllr B Dhludhlu
Cllr S Ruth	Cllr B Moos
Cllr A Hendricks	Cllr Ntshota
Cllr W Gertenbach	
Cllr M Nicholls	
Cllr M Valgee	
Cllr M Mbandana	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Finance & Economic Development Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr S Ruth	Cllr B Moos
Cllr A Hendricks	Cllr R Foley
Cllr B Dhludhlu	Cllr M Yali
Cllr F Heystek	
Cllr W Gertenbach	
Cllr P Oliphant	
Cllr W Petersen	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Community and Safety Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Ald D Benson	Cllr S Ruth
Cllr G Stuurman	Cllr J Alexander
Cllr C August	Cllr N Ntengwane
Cllr F Heystek	

Cllr B Moos	
Cllr E Mbuqu	
Cllr K Ndzelani	
Cllr C Pietersen	
Cllr W van der Linde	
Cllr L Nkilishane	

Item prepared by: Manager Administration & Auxiliary Services

Item approved by: The Deputy Municipal Manager

Item supported by: The Municipal Manager

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

KOUGA
local municipality
Service Excellence through Good Governance

REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

KOUGA
local municipality
Service Excellence through Good Governance

REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

KOUGA
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KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO**: 25/12/FED1**

DESTINATION MARKETING – INTERNATIONAL TRADE SHOW FY 2025/2026

1. **Introduction**

This item requests Council's approval to participate in International Tourism Trade Shows for the 2025/2026 financial year. These destination marketing initiatives aim to promote Kouga's nine (9) small dorpies', towns and villages to attract leisure and business tourism to stimulate local economy throughout the year and not only over two (2) key holiday seasons namely Easter and December summer.

2. **Background**

The Tourism Economic Sector is one of the six sectors identified in the Integrated Economic Growth Strategy (IEGS) that contributes towards the economy of the Kouga area and requires focused attention to enhance the growth within the sector.

The IEGS requires that a Tourism Plan (Destination Management and Marketing) be developed to address key challenges and leverage on existing opportunities within the sector.

Kouga needs to market itself as a desirable destination, by promoting the attractions within Kouga locally, nationally and internationally to drive sustainable tourism growth and to ensure that tourism continues to contribute to the GDP and overall economic development growth of our area.

In the past 18 months (18) months great strides were made to place the destination on the South African Tourism map for in-bound tourism.

The main aim of tourism destination marketing is to attract and increase the number of visitors to Kouga and its towns and villages. This involves promoting the destination's graded establishments, unique attributes, experiences, attractions and facilities for potential visitors. The overarching goals are:

a) **Boost Visitor Numbers**: Increase the number of tourists who visit Kouga, thereby expanding the reach and influence of the location on an international platform that is already available through South Africa Tourism and the Department of Tourism. By utilizing the online diary system that is available to exhibitors one month prior to the exhibition and targeting specific tour operators that do not know the availability of the products in our regions, we set the platform for visibility and influence.

b) **Enhance Economic Impact**: Drive economic benefits by generating revenue for local businesses, creating jobs, and stimulating investment in infrastructure and services related to tourism.

c) **Strengthen Destination Brand**: Build and communicate a strong, positive image of the destination that distinguishes it from competitors and highlights its unique offerings. By marketing Kouga's nine towns and the unique offerings as a preferred destination for at least a one-night stay before departing via Airport.

d) **Improve Visitor Experience**: Ensure that tourists have a memorable and enjoyable experience, which can lead to repeat visits and positive word-of-mouth recommendations. As Kouga, we have unique experiences, activities and products in all nine towns that are domestically known and require to be known and spread nationally.

e) **Support Sustainable Tourism**: Promote practices that ensure tourism development is environmentally friendly and beneficial to the local community, preserving the destination's attractiveness for future generations. Agri-tourism, blue tourism and Cultural and heritage tourism, falls within a desired category to be explored and marketed internationally.

f) **Foster Community Engagement**: Involve local residents and stakeholders in the tourism process to ensure that tourism growth is in harmony with the community's interests and needs.

By achieving these aims, destination marketing aimed to create a thriving tourism sector that contributed to the overall prosperity and well-being of the destination.

3. Discussion

Tourism is recognized for its immense potential and its significant contribution to the economy. The 1996 White Paper on the Development and Promotion of Tourism confirmed South Africa's approach to tourism as one which is "government led, private sector driven and community based", and grounded in cooperation and close partnerships between all stakeholders. This sets the scene and is still relevant today.

Tourism is a complex industry which involves a wide range of stakeholders and businesses working together at different levels to provide a service for individuals or a group of people travelling away from home for purposes of either leisure, business or visiting friends and relatives (VFR) – including expatriate visitors.

In Kouga, participants include air, road and sea transporters; accommodation providers such as guest houses, backpackers, lodges, homestays, short term vacation rentals (STR), caravanning and camping, and bed and breakfast establishments; all forms of entertainment, events and attractions (such as parks, reserves, conservation and heritage sites); tour guiding services; restaurants and less formal food service companies; travel agents, tour operators and other intermediary services such as meetings professionals; corporate incentive travel, and shopping centers.

A multitude of "indirect" goods and service providers support the tourism economy, such as those providing food supplies, security, laundry, marketing and other services to the tourism industry.

Tourism is misunderstood by many to only mean holiday travel.

It is also about business and trade travel, medical and religious travel, Expatriate travel and VFR (which accounts for most domestic travel).

Special interest tourism (niche tourism), accounts for many particular motivators of leisure and purpose travel, including birding, food and wine tourism, medical tourism, eco- tourism, science tourism, cruise tourism and meetings tourism, incentive tourism, conference tourism and exhibition tourism.

Furthermore, the system is supported by multiple relations and connections that the sector has with other sector departments, which are essential and have a high degree of influence on the delivery of complete tourist experience.

Examples include interactions with the securing of a free and safe Kouga destination and its environment which is a competency of the South African Police Service (SAPS); the Department of Transport (DoT) on aviation and road infrastructure development; the Department of Cooperative Governance and Traditional Affairs (COGTA) in relation to support for local government/municipalities, and other government departments such as the Department of Arts & Culture (DAC), the Department of Sport & Recreation (DSR), Department of Economic Development, Environmental Affairs and Tourism DEDEAT, all of which play a crucial role to support tourism.

Kouga, in itself, is a little gem in the tourism sector in South Africa as it is situated a mere 45minutes from an international airport and within 40minutes, any visitor can go from beach holiday to bush break.

The majority of our hospitality products are unique and not part of major organizations or franchises. Kouga boasts with a wide spread of tourism sectors that is outlined below. It is the responsibility of local government to promote and assist in generating tourism initiatives to increase our market share and footprint within the international tourism field.

1. Adventure Tourism	Adventure tourism is a type of tourism in which tourists do some adventure activities. Kouga offers an array of things such as skydiving, trail walking, climbing, scuba diving. Reef and shipwreck diving, sand sledding and more. Some with the help of a professional guide or expert.
2. Culinary Tourism	Culinary tourism or food tourism or gastronomy tourism is the exploration of food as the purpose of tourism. It is considered a vital component of the tourism experience. Dining out is common among tourists and "food is believed to rank alongside climate, accommodation, and scenery" in importance to tourists. St Francis Tourism launched the calamari route that allows visitors to taste local calamari prepared in various ways. This is a route that has been promoted, and tour operators have been requesting to package this route for itineraries. With unique restaurants like Padlangs, Wal Skipper, De Viswijf, Nevermind, Bruces, Chokka Block, Ninas and more, Kouga offers authentic culinary tourism like no other.

3.	Sport Tourism	Sports tourism refers to travel which involves either observing or participating in a sporting event, while staying apart from the tourists' usual environment. Sport tourism in Kouga is across all age groups and is a fast-growing sector of the global travel industry that requires to be promoted more. Identified sport tourism within Kouga is as follows: All water sports (surfing, swimming), land sports (mountain biking, trail running and riding, hiking routes and all school sporting activities. Kouga boasts with all the above opportunities for sport tourism to grow.
4.	Agri Tourism	Agritourism involves any agriculturally active operation that brings visitors to a farm. Eco (sustainable form of travel that focuses on experiencing natural environments in a way that conserves ecosystems, supports local communities, and promotes environmental education) and green tourism (environmentally friendly travel that minimizes negative impacts on the environment while supporting local economies and promoting sustainable practices) are a large part of Agri Tourism with a large inbound market. Within Kouga, the following local Agri tourism products like: Strawberries, Honey, Citrus, Dairy, and other products have successfully gained domestic growth, it is now time to grow more international interest.
5.	Township Tourism	Township tourism is defined as traveling for the purpose of observing the cultural expression and lifestyles of South Africans and offers first-hand experience of the practices of another culture. Currently there is a township tour in St Francis and Oyster Bay. These are already being packaged and sold to the international market by Cape St Francis Resort. To gain more attention to these, it requires it to be marketed on international platforms.
6.	Heritage Tourism	A specific type of tourism relating to tourist activities occurring within the heritage sector, such as museums, heritage attractions, or heritage sites. Khoi tours are currently being promoted in the Gamtoos on a domestic level but for the Sarah Baartman Centre of Remembrance we require to work together with the Department of Tourism and South Africa Tourism on an international pavilion to promote and gain interest to sell on an itinerary when the center nears completion.
7.	Medical Tourism	Medical tourism refers to people traveling abroad to obtain medical treatment. In the past, this usually referred to those who traveled from less-developed countries to major medical centers in highly developed countries for treatment unavailable at home. Mentors Country Estate recently hosted its first MedTech conference. After gaining 4 Star grading status, we could advertise mentors as a convention center as they seat 200pax in cinema style.

	With promoting Convention, that is possible in Kouga, we are gaining a growing market for medical meetings and conferences are not allowed to be in Metros, which must be two hours from an international airport and not be close to any large entertainment centers.
8. Safari & 4x4 Tourism	A safari is an overland journey to observe wild animals in a 4x4, Game Drive or Overland vehicle. The so-called "Big Five" game animals of Africa – lion, leopard, rhinoceros, elephant, and Cape buffalo – particularly form an important part of the safari market, both for wildlife viewing and big-game hunting. Brakkeduine and Oyster Bay are well known for their 4x4 tours. Kouga currently hosts and can market the "Big Seven" as we are merely one and half hour drive from ADDO as part of the Greater Garden Route. St Francis Ocean Safaris offers whale, dolphin and penguin tours. Canal Cruises are also gaining momentum.
9. Avi Tourism	Bird watching or bird tourism (called Avi-tourism) is a highly specialized sector of nature-based tourism and is fixed on viewing avian species in their natural habitat. Photographers and tick-box listers fly internationally to record certain bird species. Avi Tourism Travelers will travel far and wide for that one photo of a bird on their tick-box list.
10. Rural Tourism	This takes place in destinations with low population density where agriculture and forestry are prevalent. International visitors are mesmerized by South Africa as we offer a multitude of cultures. Kouga can be classified as a rural tourism destination for international marketing because it offers a rich blend of natural landscapes, agricultural experiences, cultural heritage, and small-town hospitality—characteristics that appeal to international travelers seeking authentic, off-the-beaten-path experiences in a rural South African setting.
11. Beach & Ocean Tourism	Coastal, Maritime and Inland Water Tourism includes all water-related activities. The most prominent category is Sun and Beach Tourism. Boasting various blue-flag beaches in Kouga, we offer a coastal experience for many a discerning traveler.
12. Eco Tourism	Eco-tourism, referred to as ecological tourism, emphasizes responsible travel to natural areas that conserve the environment, respects local cultures, and promotes education about ecological conservation.
13. MICE	Meetings Travel Incentive Travel Conference / Convention Events / Exhibitions

	Kouga offers various conference halls that are of top quality. ● Mentors Country Estate (Convention possibility) ● Cape St Francis Resort ● Pabala Private Nature Reserve ● Inthle Boutique Hotel ● Lombardini Guest Farm ● Gamtoos Ferry Hotel ● The Mandyville

Trade Relations Objectives (Travel trade support, relationship building and education).

1. Network with DMC's (Destination Management Companies) and key tour operators through diarized meetings, sales calls, product workshops and representation at trade seminars.
2. Building destination awareness amongst tour operators, wholesalers (direct sellers), travel and transfer agents and guides.
3. Maintain and increase awareness of new products, activities and experiences and encourage tour operators to include these in their brochures / programmes / itineraries.

To reach the objectives outlined above the marketing activities will be executed through the following channels:

- Joint Marketing Agreements with relevant media, digital platforms, online tour affiliations
- Country Representatives representing specific international markets, like Netherlands, Belgium, Germany, Sweden, etc.
- Trade and Roadshows – tour operators, general public, digital marketers and media
- Emerging Markets: Benelux, Latin American market, Greater Germany
- Marketing Collateral – promotional items and local product marketing material
- Trade Education – bringing all contacts made back to local product for future interaction and marketing
- Cooperative Marketing Partnerships – digital media platforms
- Media Plan

All stakeholders contribute to the success of the tourism economy through effective implementation of the roles and responsibilities. Economic Development and Tourism will continue to collaborate with identified stakeholders to create synergy, which is essential to the success of international activities, with information sharing being at the heart. As this is the first year of attendance to these relevant markets for roadshows, our main targets are operators selling small groups and Free international travelers (self-drive travelers)

International Trade Shows and Roadshows are the main methods used to engage in international trade and to connect with trade from the host countries.

Vakantiebeurs Trade and Roadshow: 08-23 January 2026

Kouga Local Municipality was requested by South African Tourism to attend both the Vakantiebeurs and the Roadshow on cost sharing. This means that South African Tourism covers some of the stand costs.

Vakantiebeurs serves as a platform for industry professionals, travel companies and tourists to come together and explore different travel opportunities. It focuses on a worldwide platform however Benelux are the most sought after markets that trade during this week. Vakantiebeurs is part of the Dutch Travel Week. During Dutch Travel Week, Utrecht is "the center of the world" for a week. It also includes the only Plus50 Travel that focuses on pensioner travel with packaged itineraries.

The Roadshow offers a direct link to operators:

Between January and May 2025, South Africa recorded 88,996 arrivals from the Benelux regions, a 4.1% increase compared to the same period in 2024. The Netherlands, accounting for approximately 65% of these arrivals, is notable as one of only two international markets where tourists visited all nine South African provinces in 2024/2025.

The Netherlands and Belgium remain South Africa's third-largest European source market and fourth largest globally. Strategic market access initiatives like Vakantiebeurs and the Roadshow are therefore essential for sustaining and growing tourism from these countries.

Financial expenditure:

Vakantiebeurs Travel consumer show stand space and roadshows:
R93,574.40 (discount from SAT: R71,588.00)
Air travel and accommodation: R105,000.00

"Annexure A"

Monitoring impact on trade shows

The countries that we will be visiting forms part of the highest number of tourists visiting South Africa. Unfortunately, most of the visitors do not come to our area and bypass our area when travelling along the Garden Route. Promoting our area as a destination of choice is key in driving more tourists that are already coming to South Africa, to visit our area.

The attendance at the Trade Shows allows Kouga to promote the 9 Towns within Kouga and the main attractions within the entire area to thousands of exhibitors from over 100 countries, who are operating within the tourism industry.

Our target as Kouga is engaging with tour operators to promote Kouga and invite them to visit Kouga. This is done through one-on-one meetings with tour operators at the Trade Shows.

The **first objective** is to successfully manage to have the tour operators visit our area where we expose the tour operators to the area and all the attractions that are of interest to them.

The **second objective** is to influence the tour operators into incorporating visiting our area and attractions into their tour packages. This is a medium-term objective as the tour operators work one year in advance due to them promoting packages at least for a year before the actual tour takes place.

The **third objective** is to ensure that the tourists have the best experience in our area so that our area can be promoted by word of mouth by the visitors.
The Impact of the attendance at the Trade Shows can therefore be demonstrated by the following measurements –

1. Number of tour operators engaged at the Trade Shows
2. Number of tour operators visiting Kouga
3. Number of tour packages that incorporate any of the 9 Towns as a destination to visit with the activities
4. Number of tourists visiting Kouga from these countries
5. The amount spent within Kouga from these countries

Number 1 to 3 can be easily quantified and reported on. However, number 4 and 5 require us to put a monitoring mechanism in place to continuously receive statistics on the number of tourists, the countries that they from and the estimated amount spent by the tourists.

4. Financial Implications

Completed by BTO -	
Project Description	International Tourism Markets
Ukey no.	20250708985797
Budgeted Amount	R450 000.-
BTO Signature	KOUGA MUNICIPALITY 2025-08-21 BUDGET &TREASURY
Date	12/08/2025
Amount spent and committed to date	R0.00
Amount Available	R450,000.00

Comment	

5. Applicable Legislation

The following legislation is considered in all tourism activities:

a) Tourism White Paper released in May 1996
The role of Tourism starts with Local Government – this is clearly defined in the Tourism White Paper released in May 1996. This outlines the development and promotion of tourism in South Africa and indicates the roles of tourism within local government as follows:

The government is committed to providing a climate conducive to the growth, development and profitability of the tourism sector on behalf of the private sector.

b) Tourism Act No3 of 2014 (07 April 2014)
Tourism Act No. 3 of 2014 makes provisions for the development and promotion of sustainable tourism for the social, economic and environmental benefit of South African citizens and its visitors.

c) National Development Plan (NDP)
SA Tourism is entrusted with a critical mandate of contributing towards creating an environment for sustainable employment and inclusive economic growth through tourism. SA Tourism has specifically interrogated and aligned its role to the National Development Plan 2030.

d) National Tourism Strategy (NTSS)
The NTSS was approved by the Cabinet and launched in March 2011. It sets bold commitments for the tourism sector. The NTSS advocates the development of a Tourism Growth Strategy aimed at increasing tourism's contribution to the economy.
NTSS's objectives are dependent on a collaborative effort between National, Provincial, Local government and the private sector.

In doing so, KLM takes a range of national and provincial legislation into account, including, but not exclusively, the legislation listed in the table below:

Marine Living Resources Act, 1998 (Act 18 of 1998)	This is the primary legislation governing the management of marine living resources and is applicable to all Marine Protected Areas
National Environmental Management Act, 1998 (Act 107 of 1998)	This is the national environmental legislation which provides guidance on environmental management

Tourism Act, 2014 (Act 3 of 2014)	- The promotion of responsible tourism practices - Provisions for the effective marketing of the province, both domestically and internationally - The promotion of quality tourism products and services - The promotion of economic growth and development of the sector - The establishment of concrete inter-governmental relations to develop and manage tourism
World Heritage Convention Act, 1999 (Act 49 of 1999)	This is the primary legislation governing the management of World Heritage Sites, which, in the case of the KLM, is applicable to the management of the Baviaanskloof section of the Cape Floral Region World Heritage Site that falls within the Gamtoos Valley Tourism boundaries and an ECPTA scope.
NEM: Integrated Coastal Management Act, 2008 (Act 24 of 2008)	This is the primary legislation governing the management of the coastal areas and prescribes the management of coastal protected areas

6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer**

Recommendation supported.

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**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council approves the participation of Kouga Municipality in the Vakantiebeurs & Roadshow to take place from 07 - 22 January 2026

10.2 That Council approve the following attendees:

Acting Manager F&ED: Mrs. Anene Jonck
Tourism & Marketing Officer: Mrs. Heidi Halgryn

Item prepared by the Acting Manager EDT: A Jonck

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

ANNEXURE A:

SAT Approval – Vakantiebeurs and Benelux Roadshow

From: Zora Klaasen
Sent: Friday, August 15, 2025 3:22 PM
To: Heidi Halgryn
Subject: Application Outcome – Vakantiebeurs and Benelux Roadshow

Dear Heidi,

I hope you are well.

On behalf of South African Tourism North Europe, it is our absolute pleasure to offer you a place on the Vakantiebeurs and our Come Find Your Joy Benelux Roadshow 2026.

Over the coming weeks, we'll be in touch with more details about the programme and logistics to help you make the most of this exciting opportunity. In the meantime, please mark your calendar for the following dates:

- Vakantiebeurs: 7-11 January 2026
- Come Find Your Joy North Europe Roadshow: 13–22 January 2026

We can't wait to have you on board.

If you require a visa letter, please let us know.

Thank you once again for your dedication and the effort you put into your application. We look forward to working together to make the Vakantiebeurs and Come Find Your Joy North Europe Roadshow a resounding success.

Kind regards,

Zora Klaasen
Trade Relations Manager

South African Tourism
Tribes Building Second Floor, Raamplein 1 1016XK
North Europe Hub

Telephone: +316 1111 6802
Cell:
Email: zora@southafrica.net
Visit us at www.southafrica.net

SOUTH AFRICAN TOURISM

COME FIND YOUR JOY EUROPE ROADSHOW

13 - 22 JANUARY 2025

OBJECTIVE:

The objective of this roadshow is to contribute to the growing of arrivals from the Netherlands and Belgium to South Africa. As the trade in these countries are key partners that we rely on to bring arrivals and assist in the acquisition of new customers for the destination, equipping the trade with product knowledge and new experiences that they can package is a pivotal requirement.

A secondary objective for this roadshow is to provide market access for the South African travel trade value chain (product owners) to Dutch, Belgian and Swedish buyers (tour operators and travel agents).

This will be done through convincing the travel trade that currently sell South Africa that there is still ample opportunity beyond the high price and value packages that have been historically sold, while educating them about differentiated product and packaging opportunities. We will collaborate with South African trade and suppliers qualified to accompany South African Tourism to the North Europe hub in presenting the very best of what South Africa has to offer.

The following will be provided in order to assist you in compiling your application:

1. A summary of consumer insights, arrival and spend results
2. A list of our 6 key experience pillars that highlight our brand attributes that we use to market the destination
3. High level program for roadshow and cities that will be visited
4. Costs of participation and inclusions
5. Instructions for applications product/accommodation suppliers/destination marketing organisations, and instructions for DMC applications - as these application processes will be different

NORTH EUROPE STRATEGY 25/26:

As a team leading growth and new customer acquisition out of North Europe (and as SA Tourism), we pride ourselves on decision making led by sound insights, data and research. The consumer set that holds the most potential for volume (numbers) and value (money spent in South Africa for tourism purposes) for the North European region is the customer set that is targeted in all our marketing communications and is central to all decision making we undertake as a hub. In stating this, the below

SOUTH AFRICAN TOURISM

is a summary of insights from the Netherlands, the biggest market out of this hub, documented in our brand tracker survey:

1. The total outbound long haul untapped consumer opportunity for the Netherlands is 9,42 million consumers. Of this number 53% of the consumer set is aware of South Africa and 25% are positive about South Africa as a destination.

2. Beautiful scenery, wildlife/safari, experience a different culture and adventure are the main reasons provided for travelling to South Africa

3. Sustainability and responsible tourism are key considerations that are taken into account when making decisions on where to travel. Values - based decision making is prevalent amongst younger consumers within younger cohorts (millennials, Gen Z) but is increasingly surpassing generational groupings as a need when making consumption decisions. Responsible tourism is therefore an important aspect of the South African product landscape that we aim to expose and educate Dutch and Belgian trade on through our platforms.

4. In 2024, total tourism foreign direct spend (TTFDS) was recorded as an average of ZAR 21 559 per traveller for the Netherlands and R17 986 per traveller for Belgium. These numbers indicate the value that travellers from these countries provide but also highlights the need for differentiation of packages and price points that are offered to the market. South Africa is currently seen as a high cost market based on packages currently on offer.

5. The travellers from this region are currently made up of 49% repeaters vs 51% first timers. This repeater/first timer split highlights the need for both classics (for first timers) as well as new, unique, off the beaten track experiences.

6. Arrivals from the Netherlands and Belgium from January to August 2023 are:

- 132 422 from the Netherlands: a 0.8% increase from 2023 arrivals and 91% towards arrivals achieved for the same period in 2019
- 45 225 from Belgium: a 2.4% decrease from 2023 arrivals and 86% towards arrivals achieved for the same period in 2019

These arrivals solidifies the Netherlands position as the 4th largest international market behind the USA, the UK and Germany, and is the 3rd largest source market out of Europe.

The 91% progress towards 2019's recovery target can be attributed to consistent efforts by the North Europe team to showcase South Africa as a welcoming, responsible tourism destination, highlighting

SOUTH AFRICAN TOURISM

experiences that align with intrepid, green economy conscious and wanderluster consumer segment traveller needs.

KEY EXPERIENCE PILLARS

- Scenic beauty
- Wildlife and safari
- Active adventure
- Culture and roots
- City lifestyle
- Coastal beaches
- Sustainability

ROADSHOW DETAILS AND ITINERARY:

South African Tourism will take a total of 20 businesses on a roadshow through the Netherlands and Belgium, covering seven cities. The details for this roadshow is as follows:

1. Tuesday 13 January 2026: Utrecht
2. Wednesday 14 January 2026: Den Bosch
3. Thursday 15 January 2026: Rotterdam
4. Friday 16 January 2026: The Hague
5. 17 - 18 January 2026: Travel to Antwerp (Belgium)
6. Monday 19 January 2026: Antwerp
7. Tuesday 20 January 2026: Brussels
8. Wednesday 21 January 2026: Amsterdam

We are targeting 120 - 140 pax (inclusive of both travel agents and tour operators) in total over the 4 cities visited

PARTICIPATION COSTS

The cost of participation is **R66542.00** per business (inclusive of a maximum of 2 representatives - at one table)

*if you would like to attend both Vakantiebeurs and the roadshow - the total cost will be **R93 574.40** inclusive of both shows participation (Vakantiebeurs only cost is **R58 244.00**).

The following is included in the participation cost of **R66542.00**:

SOUTH AFRICAN TOURISM

experiences that align with intrepid, green economy conscious and wanderluster consumer segment traveller needs.

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SOUTH AFRICAN TOURISM

The following is included in the participation cost of **R66542.00:**

- All accommodation on a bed and breakfast basis for the duration of the roadshow (12 - 21 January 2025 - check out on 22 January)

- 2 pax per table All transport between roadshow cities by bus (4 cities) Workshop participation costs - targeting 60 + agents and tour operators per workshop Welcome and farewell dinner Light snack/dinner on workshop days

The following is excluded:

- All international flights Room nights before 12 January and after 21 January (check out 22 January)
- All meals not mentioned (only breakfast has been provisioned with hotel costs, with light meal provided at workshops on workshop days)

INSTRUCTIONS FOR APPLICATION (EXCLUDING DMCS - DMC APPLICATION PROCESS BELOW)

1. Submit a 300 word profile of your business highlighting:
    a. Key experience pillar (pillars that your business falls into)
    b. Consumer segments that your business normally appeals to
    c. Current customer base
    d. Current tourism network affiliations if applicable
    e. Province in which you are based
    f. Any additional information you deem relevant

2. Top line marketing plan to market yourself to potential trade partners in this region using the insights provided in this document - no more than 1 page. Include strategic objective, pricing strategy etc.
3. The score card for applications to be selected will reflect the following:
    a. Diversity and uniqueness of experiences (linked to experience pillars) 30%
    b. as well as marketing strategy compiled: 30% of score
    c. Aligned with answering to consumer needs in the region (consumer needs highlights detailed above) - 30%
    d. Responsible tourism opportunities highlighted (if applicable): 10%

SOUTH AFRICAN TOURISM

4. Everyone is welcome to apply - if many applications are received, preference will be given to suppliers who have not attended before

DMC APPLICATION PROCESS:

1. Please indicate the provinces in which you currently sell packages for
2. Present 2 different itineraries that could potentially be packaged incorporating the consumer insight elements detailed above. Score will be awarded for inclusivity and responsible tourism aspects reflected in the itinerary. Your 2 itineraries also need to be segmented as follows: Repeater itinerary (x1 itinerary) vs first timer itinerary (x1 itinerary). Please align both themes to consumer insights as reflected above. Further clarification as follows:
    a. What kind of itinerary would you showcase to a first timer needing to see the classics (aligned to the consumer insights)? Please submit 1 in accordance with key experience pillars provided above
    b. What kind of itinerary would you showcase to a repeat visitor? Please submit 1 in accordance with key experience pillars provided above

The scorecard will be reflected as follows:

1. How many provinces are reflected in existing packages (score only awarded if proof provided)? 4+ provinces = 5 (30% of total score)
2. Inclusivity reflected in itinerary? 40% or more inclusive representation = 5 (30% of total score)
3. 2 itineraries reflecting first timer vs repeater experiences aligned with consumer insights? Marketing strategy compiled for these itineraries (40% of total score)
4. The remaining 10% will be based on whether DMC is leisure focused more than business/ incentive and whether the company is South African owned.
5. Only 3 DMCs will be accepted

If you have any questions, please feel free to reach out to us.

Please email your applications to: netrade@southafrica.net by the closing date and time.

Closing date for applications: 17:00 on 01 August 2025.

Kind regards

A Jacobs

Acting Hub Head: North Europe at South African Tourism

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/FED2**

ADJUSTMENTS BUDGET FOR THE 2024/25 UNSPENT MUNICIPAL DISASTER RECOVERY GRANT (NATIONAL TREASURY APPROVED ROLLOVER) AND OTHER ADJUSTMENTS

1. **Introduction**

The purpose of this item is to seek Council approval for the unanticipated 2024/25 unspent Municipal Disaster Recovery Grant to be rolled over to the 2025/26 financial year.

National Treasury approved the rollover in terms of section 21(2) of the 2024 Division of Revenue Amendment Act, (Act No. 48 of 2024) (DORAA) to retain an amount of **R 11,6 million** allocated to the municipality in the 2024/25 financial year through the DORA.

The National Treasury approval letter is attached as **"Annexure A".**

2. **Background**

In accordance with Section 28(2)(b) of the Municipal Finance Management Act (MFMA), Council may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.

In terms of the Municipal Budget and Reporting Regulations (MBRR), regulation 23, sub regulation (3), if a national or provincial adjustments budget allocates or transfers additional revenues to a Municipality, the Mayor of the Municipality must, at the next available Council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the Municipal Council to appropriate these additional revenues.

3. **Discussion**

The following projects were unspent as at 30 June 2025 and are funded through the Municipal Disaster Recovery Grant (MDRG).

PROJECT DESCRIPTION	Adjusted Budget 2024/25	Actuals as at 30 June 2025	Unspent as at 30 June 2025	Adjustments	Adjusted Budget 2025/26
Re-instatement of Sherley Street	1 608 696	69 377	1 539 319		1 539 319
Re-instatement of Mountain Road and upgrade of stormwater culvert	1 565 217	129 091	1 436 126	(521 739)	914 387
Re-instatement of Da Gama Road in the Kabeljous area and stormwater infrastructure re-instatement	1 086 957	37 997	1 048 960		1 048 960
George Road, Re-instatement of Embankment, Water & Stormwater network	782 609	29 217	753 392		753 392
Re-instatement of Phillip Street low level water crossing bridge	1 173 913	43 359	1 130 554	521 739	1 652 293
Sea Vista Access ring road damaged pavement layers	800 000	34 040	765 960		765 960
Re-instatement of Ketse Street and stormwater infrastructure	1 186 957	48 268	1 138 689		1 138 689
Re-instatement of Nanto Street and stormwater infrastructure	1 339 130	62 143	1 276 987		1 276 987
Re-instatement of Meyer Street and stormwater infrastructure	1 047 826	45 006	1 002 820		1 002 820
TOTAL	**10 591 305**	**498 498**	**10 092 807**	-	**10 092 807**

Additional Adjustments on Internally Funded Projects

The adjustments below are required urgently to implement or complete the project and avoid delays. The adjustments do not require additional funds as funds are being redirected based on savings on projects.

Department	Project Description	Item Description	2025/26 Approved Budget	Actuals as at 24 November 2025 (Includes commitments)	Available Budget	Adjustments	Adjusted Budget 2025/26
ROADS AND STORMWATER	Seekoei Estuary Causeway		1 954 000	1 265 948	688 052	1 147 000	3 101 000
SEWERAGE	Hankey: Refurbishment of WWTW		2 388 083	159 000	2 229 083	(600 000)	1 788 083
WATER	Humansdorp: Groundwater Supply		547 000	-	547 000	(547 000)	-
ELECTRICITY	Battery Storage		25 000 000	22 135 565	2 864 435	(2 500 000)	22 500 000
ELECTRICITY	London 250 electrification	Materials and Supplies	-		-	1 600 000	1 600 000
ELECTRICITY	London 250 electrification	Contracted Services	-		-	900 000	900 000
			29 889 083	**23 560 514**	**6 328 569**	**-**	**29 889 083**

4. Financial Implications

Completed by BTO -	As stipulated in this item.
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
BTO Signature	

5. Applicable legislation

- Section 28 of the Local Government: Municipal Finance Management Act No. 56 of 2003.
- Local Government: Municipal Budget and Reporting Regulations, 17 April 2009

6. **Legal Implications**

Compliance with Section 28 of the Local Government: Municipal Finance Management Act No. 56 of 2003 and Regulation 23 of the Local Government: Municipal Budget and Reporting Regulations.

7. **Other Implications**

None.

8. **Comments by Directorates**

8.1. **Chief Financial Officer**

Recommendation supported.

8.2. **Director: Planning and Development**

Recommendation supported

8.3. **Director: Community Services**

Supported

8.4. **Director: Civil and Water Services**

Item supported.

8.5. **Director: Electro - Mechanical Services**

Item supported

8.6. **Deputy Municipal Manager**

Supported.

8.7. **Municipal Manager**

Supported.

9. **Delegation Authority**

Council.

10. **Recommendations**

10.1. That the Executive Mayor recommends 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 following adjustments budget for the 2025/26 financial year.

10.1.1. Rollover of the Municipal Disaster Recover Grant

PROJECT DESCRIPTION	Adjusted Budget 2024/25	Actuals as at 30 June 2025	Unspent as at 30 June 2025	Adjustments	Adjusted Budget 2025/26
Re-instatement of Sherley Street	1 608 696	69 377	1 539 319		1 539 319
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Re-instatement of Ketse Street and stormwater infrastructure	1 186 957	48 268	1 138 689		1 138 689
Re-instatement of Nanto Street and stormwater infrastructure	1 339 130	62 143	1 276 987		1 276 987
Re-instatement of Meyer Street and stormwater infrastructure	1 047 826	45 006	1 002 820		1 002 820
TOTAL	**10 591 305**	**498 498**	**10 092 807**	**-**	**10 092 807**

10.1.2. Adjustments on Internally Funded Capital Projects

Department	Project Description	Item Description	2025/26 Approved Budget	Actuals as at 24 November 2025 (Includes commitments)	Available Budget	Adjustments	Adjusted Budget 2025/26
ROADS AND STORMWATER	Seekoei Estuary Causeway		1 954 000	1 265 948	688 052	1 147 000	3 101 000
SEWERAGE	Hankey: Refurbishment of WWTW		2 388 083	159 000	2 229 083	(600 000)	1 788 083
WATER	Humansdorp: Groundwater Supply		547 000	-	547 000	(547 000)	-
ELECTRICITY	Battery Storage		25 000 000	22 135 565	2 864 435	(2 500 000)	22 500 000
ELECTRICITY	London 250 electrification	Materials and Supplies	-		-	1 600 000	1 600 000
ELECTRICITY	London 250 electrification	Contracted Services	-		-	900 000	900 000
			29 889 083	**23 560 514**	**6 328 569**	**-**	**29 889 083**

Item prepared by the Manager Budget & Treasury:

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/FED3**

SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH: OCTOBER 2025

1. **Introduction**

The purpose of this item is to inform Council of the Section 36 Deviations for the month of October 2025.

2. **Background**

Council plays an oversight role with regards to the implementation of the Supply Chain Management Policy as set out in Section 6 of the Policy.

Section 36 (1) (a) of the Municipality's Supply Chain Management Policy stipulates the following:

(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.

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 (f) and Section 36 (1) (b) of this policy and report them to the next meeting of the Council and include such reasons as a note to the annual financial statements of the Municipality.

3. **Discussion**

Deviations for the month starting 1 October 2025 - 31 October 2025:

Refer to:

"Annexure A"- Table 1 -Deviations for month -October 2025

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 Regulations, Gazette No. 27636 dated 30 May 2005
Kouga Municipality Supply Chain Management Policy, approved by Council.

6. **Legal Implications**

None.

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 is noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Deviation report for the month of October 2025 be approved by Council.

Item prepared by the Manager SCM:

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by the Portfolio Councillor:

TABLE 1
DEVIATIONS- OCTOBER 2025

DEV NO:	DATE RECEIVED	DIRECTORATE	SECTION	SUPPLIER	SUPPLIER LOCAL	NATURE OF GOODS/ SERVICE	VALUE	DATE OF REQUEST ON FORM	DATE APPROVED BY MM	SECTION 36 REF	NOTES
25-26/ EM4	26-Sep-25	Electro-Mechanical	Mechanical	Flash Electrical	Yes	Emergency repairs to 22KW Robot pump for Vergenoeg Pumpstation including installation.	R 54 175,24	28-Aug-25	01-Oct-25	S36 (1)(a)(v)	**Req No**: 162178 **Order No**: 244886
25-26/ EM 5	20-Oct-25	Electro-Mechanical	Mechanical	International Metal Processing	Yes	Repairs to Jeffreys Bay Borehole 4 due to vandalism	R 94 715,73	18-Sep-25	27-Oct-25	S36 (1)(a)(i)	**Req No**.162192 **Order No.**245465
25-26/ CWS10	08-Oct-25	Civil & Water Engineering Services	PMU Unit	Tshepega Civil Engineering	No	Professional Service Provider for Planning and Design services for Donkerhoek	R 2 801 567,17	19-Sep-25	08-Oct-25	S36 (1)(a)(v)	**Req No.** 176180 **Order No.** 245100
25-26/ CWS8	09-Oct-25	Civil & Water Engineering Services	Water Services	Qpoint Group (Pty) Ltd	No	**Approved Deviation:** Sampling, transportation, analysis and preparing certificates of analysis of all samples taken at the Water and Waste Water Treatment works throughout Kouga Local Municipality.	R 644 002,82	30-Jun-25	09-Sep-25	S36 (1)(a)(v)	**Req No**. 165883 **Order No.** 245143

25-26/ DMM1	Oct-25	Office of DMM	Legal	CW Malan Jeffreys Bay	Yes	**Approved deviation: Legal Services** Van der Westhuizen and others, MEC CoGTA (Oliphant), MEC CoGTA (Petersen) and Freddy van Rooyen (transaction value spent reported in next column	R 51 347,79	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176617, 176618, 176619, 176620 **Order No**. 245081, 245008, 245010, 245079
25-26/ DMM2	Oct-25	Office of DMM	Legal	Billett and Gouws	Yes	**Approved deviation- Legal Services:** Papiesfontein Eviction, Papiesfontein Criminal matters, labour Investigation, R Petersen vs Phela. Lovens (transaction value spent reported in next column)	R 71 939,75	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176626, 176629, 176630 , **Order No**. 245629, 245630 245631
25-26/ DMM4	29-Oct-25	Office of DMM	Administration	Bambelela Property Development	Yes	**Approved Deviation: 25-26 Fin Year**: Servicing air conditioning units 6 monthly, repairs and maintenance of air conditioning units, including replacement if required.	R6 928,75	26-Aug-25	27-Aug-25	S36 (1)(a)(v)	**Req No**. 169963 **Order No**. 245649
						TOTAL	**R 3 724 677,25**				

ERF 4169 – HUMANSDORP SPEKBOOM COURT

1. **Introduction**

This item is prepared in accordance with the Augmentation Policy. The report presents recommendations for consideration by the Municipal Manager or Council, aimed at ensuring alignment with strategic planning objectives and sustainable infrastructure investment.

2. **Background**

A development charge (augmentation) is a once-off charge levied by a municipality on the landowner/developer as a condition for approving land development application. It is imposed to defray the costs incurred by the municipality when installing new infrastructure or upgrading an existing infrastructure to service the intended development.

Development charges cover costs associated with the provision of municipal services outlined in SPLUMA and as per the Municipal Fiscal Powers and Function Amendment Act, 2024 such as - the provision of potable water, sanitation, electricity, municipal roads, storm water drainage, gas and solid waste management.

The developer and/or landowner shall be held liable for the payment of a development charge, if such has been indicated as a condition of the approval for the intended development, or if additional bulk services become a requirement for the specific development after approval of the development. The payment for development charges may be affected either as a monetary contribution or an in-kind payment where the developer and/or landowner installs infrastructure, approved by the Municipality and to the benefit and ownership of the municipality.

3. **Discussion**

Scope of the Development

WAMABLA (PTY) LTD (the Developer) applied for the above development to the Kouga Local Municipality (KLM). This application is adjacent to another development (Erf 4168 Spekboom Villas) that was also submitted to the KLM by the Developer.

The developer of Spekboom Court will require services such as potable water, sanitation, stormwater, roads, solid waste, and electrical services from the KLM. All relevant information for this project was obtained and included in a proposed Engineering Services Agreement (as per the requirements of Act No 04 of 2024 and the Council approved Augmentation Policy) and bound together with all the relevant addendums.

The Developer proposed payment for the said development (refer to Annexure A attached hereto.)

The Developer proposes a 40% upfront payment and 15% per phase for each of the four phases of the development.

As this proposed payment terms are a deviation from the Council approved Policy, the proposal must be considered by Council.

The DC Committee recommended payment of 50% of the calculated development charges be due and payable on date of conclusion of the Engineering Services Agreement, with the remainder amount to be paid equally between the proposed phases at a percentage of 12.5% of the calculated development charges on or before date of submission of building plans in respect of the development phases.

At a DC Meeting held on 19 November 2025, the Committee recommended as follows:

- That 50% of the calculated development charges be due and payable on date of conclusion of the Engineering Services Agreement, with the remainder amount to be paid equally between the proposed phases at a percentage of 12.5% of the calculated development charges on or before date of submission of building plans in respect of the development phases.

Planning outcomes

The rezoning and subdivision for the project have been approved by the Municipal Planning Tribunal (MPT).

Deviations to Policy

Proposed payment terms – Refer to attached "**Annexure A"**: Motivation letter from the developer.

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	

Development Charges breakdown (table):

Description	Tariff (Incl Vat) (1)	Number of Equivalent erven (EE's) (2)	DC for Civil Services:	50% Upfront Payment	4 x 12.5% Payments
1. Civil Rate per Equivalent Erf:					
Water	R31,515.00	55.2	R1,739,628.00	R869,814.00	R217,453.50
Sewerage	R32,362.00	55.2	R1,786,382.40	R893,191.20	R223,297.80
Refuse/Solid Waste	R2,232.00	55.2	R123,206.40	R61,603.20	R15,400.80
Roads & S/W	R6,531.00	55.2	R360,511.20	R180,255.60	R45,063.90
Total for Civil services	**R72,640.00**		**R4,009,728.00**	**R2,004,864.00**	**R501,216.00**
2. Electrical Services Rate per ERU:					
Electrical Services	R19,400.07	85.0	R1,649,005.95	R824,502.98	R206,125.74
Total DC s Payable			**R5,658,733.95**	**R2,829,366.98**	**R707,341.74**

Notes:
(1) As Per KLM Final Tariffs for 2025/26
(2) based on water demand in KL/d

5. **Applicable Legislation**

Augmentation Policy as approved by Council
The Municipal Fiscal Powers and Functions Amendment Act, 2024

6. **Legal Implications**

Should Council approve the recommendations herein, the Accounting Officer will be authorised to deviate from the approved Council Policy and enter into an appropriate Engineering Services Agreement wherein the payment terms in respect of the Development Charges will be documented and both parties to the agreement would be contractually bound.

7. **Other Implications**

None.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted.

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item supported.

8.4 **Director: Electro-Mechanical Services**

Supported

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manger**

Item noted.

8.7 **Municipal Manger**

Supported.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That 50% of the calculated development charges be due and payable on date of conclusion of the Engineering Services Agreement, with the remainder amount to be paid equally between the proposed phases at a percentage of 12.5% of the calculated development charges on or before date of submission of building plans in respect of the development phases.

10.2 That the Accounting Officer be authorized to enter into an appropriate Engineering Service Agreement in respect of the approved Development.

Item prepared by the Chief Financial Officer:

Item approved by the Municipal Manager:

Item noted by the Portfolio Councilor:

ANNEXURE A

KOUGA
local municipality
Service Excellence through Good Governance

OFFICE OF THE DIRECTORATE CIVIL AND WATER SERVICES
DIRECTOR CIVIL AND WATER SERVICES
CHARLES DE KOCK

KOUGA MUNISIPALITEIT | KOUGA MUNICIPALITY | KOUGA MASIPALA

3 October 2025

The Director
WAMABLA (PTY) LTD
Umthombo Business Park
Glen Austin, Midrand
Johannesburg

Dear Mr Brits

Your proposed developments, known as Humansdorp Spekboom Villas and Humansdorp Spekboom Court, to be situated at Kort Street, Humansdorp, consisting of 55 and 128 Units respectively, were presented to the DC (Development Charges) Committee on Wednesday, 01 October 2025.

It is with great pleasure that this communication has the intent to indicate that the said development is receiving positive attention. To finally conclude on the payable Development Charges, the following amounts are payable as DC to the municipality and as follows:

1. Development: Humansdorp Spekboom Villas with DC payable of R 2 411 932.04
2. Development: Humansdorp Spekboom Court with DC payable of R 5 443 645.70.

As these developments will lean heavily on Bulk Services and the availability thereof, the full and upfront payment of the above-mentioned DC fees will support such directly. The full and upfront payment of the DC fees will also have the effect that the development can be concluded in a signed ESA. Should you prefer alternative payment methods other than in full, the item will have to appear before a formal Council Meeting, upon which the outcome will be implemented.

Kindly indicate as soon as possible your position on the payment of the said DC fees. Whatever the position you decide to embark upon to be motivated in detail, including payment amounts, timeframes, or any other alternative suggestion. This is required to form part of the content that will be presented before Council.

Thank you kindly

W Hofmeyr
TECHNICAL ADVISOR

C E G de Kock
DIRECTOR: CIVIL AND WATER SERVICES

Outlook

MOTIVATIONAL REQUEST: FULL PAYMENT OF AUGMENTATION FEES- SPEKBOOM VILLAS AND STRUCTURED PAYMENT FOR SPEKBOOM COURT

From Tania Schaefer <tania@schaeferattorneys.co.za>
Date Mon 11/10/2025 2:26 PM
To William Hofmeyr <whofmeyr@kouga.gov.za>
Cc Warwick Blamey <warwick@foxvestgroup.com>; Johan Britz <johan@brimasa.co.za>

1 attachment (337 KB)
scanner@kouga.gov.za_20251003_111145-1.pdf;

You don't often get email from tania@schaeferattorneys.co.za. Learn why this is important

Dear Mr Hofmeyr

MOTIVATIONAL REQUEST: FULL PAYMENT OF AUGMENTATION FEES- SPEKBOOM VILLAS AND STRUCTURED PAYMENT FOR SPEKBOOM COURT
Projects: Spekboom Villas & Spekboom Court (Humansdorp)

We act on behalf of WAMABLA PROPRIETARY LIMITED, Registration Number: 2018/540442/07.

We refer to your correspondence dated 3 October 2025 (see attached) regarding the above developments and the Municipality's requirement, in terms of the existing Augmentation Policy, for 100% upfront payment of augmentation fees prior to development approval as follows. The current payment amounts are as follows:

SPEKBOOM VILLAS total payable R2411 932.04
SPEKBOOM COURT total payable R5443 645.70

Wamabla Proprietary Limited (Reg. No. 2018/540442/07), represented by its Director Mr Warwick Blamey, is the registered developer of Spekboom Villas and Spekboom Court. The developer respectfully requests Council's consideration and approval for the phased payment of augmentation fees for SPEKBOOM COURT. The total upfront payment of all augmentation fees was not considered in the planning of the development and hugely affects the development's cash flow and capital holding cost.

1. Background and Precedent
It is noted that, in all previous Kouga Municipality developments, Council approved phased or partial payment arrangements for augmentation fees, allowing progress in stages while ensuring full protection of the Municipality's revenue interests.

A similar approach is now sought for the Spekboom developments, which are of notable community importance.

2. Motivation for Deviation from 100% Upfront Rule
Humansdorp faces an acute shortage of affordable and middle-income housing, and very few new residential projects are underway. These two schemes will directly address that shortage, while generating employment and economic upliftment for the local community.

However, the obligation to pay augmentation fees in full before commencement places a heavy financial strain on the project during the early infrastructure phase, before any unit transfers or revenue occur.

Approval of a phased-payment arrangement will preserve financial feasibility and allow timely delivery of much-needed housing, without compromising the Municipality's financial security.

3. Proposed Payment Schedule and Safeguards
It is proposed that the augmentation fees be settled as follows:

1. SPEKBOOM VILLAS: R2411 932.04 in full after the signing of the ESA.

2. SPEKBOOM COURT:
   A. 40% in advance before the commencement of the building of the units: R 2177 458,28.
   B. 15% per phase (4 phases) to be paid in advance on the submission of the municipal plans for approval: R816 546,86 per phase.

4. **Community and Municipal Benefits**
The proposed developments will:
- Deliver much-needed housing stock in Humansdorp.
- Expand Kouga Municipality's rates base.
- Stimulate local employment and supplier participation; and
- Advance socio-economic growth and spatial development objectives.

Granting the phased-payment request will enable these outcomes to materialise without undue delay.

5. Conclusion
In light of the above motivation, Wamabla Proprietary Limited respectfully requests Council's approval for a deviation from the standard 100% upfront augmentation-fee rule for SPEKBOOM COURT in line with the proposal aforementioned.

We believe this arrangement strikes an equitable balance between protecting the Municipality's interests and ensuring that two critical housing projects for Humansdorp proceed to implementation.

We thank the Municipality for its kind consideration and continued cooperation.

Yours faithfully

TANIA SCHAEFER

Schaëfer
INCORPORATED
ATTORNEYS I CONVEYANCERS I NOTARIES
THE HUSBAND AND WIFE TEAM

TANIA SCHAEFER
Director | Attorney | Notary Public | Conveyancer



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KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/FED5**

ERF 3298 – HUMANSDORP SCHOOL ON R 102: APPLICATION FOR EXEMPTION OF ENGINEERING SERVICES DEVELOPMENT CHARGES.

1. **Introduction**

This item is prepared in accordance with the Augmentation Policy. The report presents recommendations for consideration by the Municipal Council, aimed at ensuring alignment with strategic planning objectives and sustainable infrastructure investment.

2. **Background**

A development charge is a once-off charge levied by a municipality on the landowner as a condition for approving land development application. It is imposed to defray the costs incurred by the Municipality when installing new infrastructure or upgrading an existing infrastructure to service the intended development.

Development charges cover costs associated with the provision of municipal services outlined in SPLUMA and as per the Municipal Fiscal Powers and Function Amendment Act, 2024 such as - the provision of potable water, sanitation, electricity, municipal roads, storm water drainage, gas and solid waste management.

The developer and/or landowner shall be held liable for the payment of a development charge, if such has been indicated as a condition of the approval for the intended development, or if additional bulk services become a requirement for the specific development after approval of the development. The payment for development charges may be affected either as a monetary contribution or an in-kind payment where the developer and/or landowner install infrastructure, approved by the Municipality, and to the benefit and ownership of the municipality.

3. **Discussion**

Scope of the Development

The Kouga Wind Farm (the Developer) negotiated with the KLM Council, on behalf of The Eastern Cape Department of Education, to donate land in Humansdorp (on the R 102) for the development of a New Primary School. Council granted approval for the donation of the unregistered Erf 3298 (a portion of Erf 3298 as per the Rezoning and Subdivision approval) under the condition that the ECDOE offers a suitable property, in exchange to the KLM.

In the application the developer submitted that the development would require connections to the municipal water, sanitation, stormwater, roads and solid waste services.

All relevant information for this project will be included in a proposed Engineering Services Agreement (as per the requirements of Act No. 4 of 2024 and the Council approved Augmentation Policy) and bound together with all the relevant addendums.

The Developer submitted a motivation letter refer to "**Annexure A**" in which the KLM is requested to waive the augmentation fees (DCs) and all fees associated with the infrastructure designs and installation of engineering services for the intended school to be developed.

As this proposed waiver herein is considered to be a deviation from the Council approved Policy, and as such will have to be considered by Council as per the Policy provisions

Planning outcomes

The rezoning and subdivision for the project have been approved by the Planning and Development Municipal Planning Tribunal.

Development charges committee

On 25 November 2025, the Committee deliberated on the application for the exemption from payment of augmentation fees (DCs) and all fees associated with the infrastructure designs and installation of engineering services and recommended as follows:

- *The committee is not in support of the exemption from payment of augmentation fees (DCs) and all fees associated with the infrastructure designs and installation of engineering services.*
- *That the request for deviation from the approved Augmentation Policy be referred to Council for consideration.*

Reasons for recommendation

Development charges are required and levies to allow the Kouga Local Municipality to fund the upgrading of existing bulk services required for the proposed development (refer to Item 2 above).

In terms of Section 9A (2) of the said Act (No. 4 of 2024), a municipality must exercise its power to levy a development charge for the purposes of funding or acquiring capital infrastructure in a timely and sufficient manner and to support current and projected land development in the municipal area".

Section 9E (2) provides that if a rebate or exemption is granted, the Municipality must set out the reasons and identify the alternative funding source for the required bulk engineering services to the value of the rebate or exemption.

Alternative sources of funding are not available at present to accommodate the provision of services required by the developer and the calculated development charges are therefore required for servicing the services demands for the development.

4. **Financial Implications**

Development Charges breakdown (table) -

Description	Tariff (Incl Vat) (1)	Number of Equivalent erven (EE's) (2)	DC for Civil Services:	100 % Upfront Payment	Phased Payments
1. Civil Rate per Equivalent Erf:					
Water	R31,515.00	40.2	R1,266,903.00	R1,266,903.00	R0.00
Sewerage	R32,362.00	40.2	R1,300,952.40	R1,300,952.40	R0.00
Refuse/Solid Waste	R2,232.00	40.2	R89,726.40	R89,726.40	R0.00
Roads & S/W	R6,531.00	40.2	R262,546.20	R262,546.20	R0.00
Total for Civil services	**R72,640.00**		**R2,920,128.00**	**R2,920,128.00**	R0.00
2. Electrical Services Rate per ERU:					
Electrical Services	R19,400.07	0.0	R0.00	R0.00	R0.00
Total DC s Payable			**R2,920,128.00**	**R2,920,128.00**	**R0.00**
Notes:					
(1) As Per KLM Final Tariffs for 2025/26					
(2) based on water demand in KL/d					

5. **Applicable Legislation**

Augmentation Policy approved by Council.
The Municipal Fiscal Powers and Functions Amendment Act, 2024.

6. **Legal Implications**

Should council approve the recommendations, the outcome of the application by the developer to waive the development charges must be communicated in writing, together with the reasons for Council's decision.

7. **Other Implications – author of item**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations supported.

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted. Augmentation Fees form an integral part of ensuring all types of applicable infrastructure is made available, is found operational and is constantly upgraded to ensure suitable levels of required services can indeed be rendered.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manger**

Item noted.

8.7 **Municipal Manger**

In support of the recommendation

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the application for the exemption from the payment of augmentation fees (DCs) and all fees associated with the infrastructure designs and installation of engineering services be rejected.

10.2 That the Accounting Officer be authorized to enter into an appropriate Engineering Service Agreement in respect of the approved Development.

Item prepared by the Chief Financial Officer:

Item approved by the Municipal Manager:

Item noted by the Portfolio Councilor:

kouga wind farm
COMMUNITY DEVELOPMENT TRUST

042 004 0003 info@kwftrust.co.za kwftrust.co.za 7 Kemp Street, Humansdorp

20th October 2025

Attention:

Charl du Plessis
Municipal Manager
Kouga Local Municipality
Jeffreys Bay

RE: WAIVERING OF INFRASTRUCTURE DEVELOPMENT AND SERVICE FEES

Dear Mr du Plessis

The Kouga Wind Farm Community Development Trust (KWFCDT) was founded by the investors of Kouga Wind Farm, for the purpose of facilitating and fostering community development in its identified beneficiary communities and designated areas. The stated vision of the Trust is to empower and enable communities to be resilient, self-reliant, and sustainable. Shaped by these three principles, the Trust strives to help create communities that manage their resources effectively and reflexively, adapt to adversity, and have control over their own affairs and an accompanying commitment to self-improvement. The mission of the Trust emphasises the enhancement of the quality of life and education through collaborative efforts with stakeholders and institutional partnerships.

It is against this background that KWFCDT intentionally agreed to collaborate with the EC Department of Education in the establishment of a new primary school in Humansdorp. This is a long-term intervention and in order to ensure the success of this ambitious project, KWFCDT committed to be involved in the technical feasibility elements, construction of the school and the establishment of the operations of the school. These elements included land surveying and registration with Deeds office, environmental authorisation, re-zoning and subdivision, traffic impact assessment, civil and structural bulk utilities assessment and designs, architectural and electrical designs including quantity surveyor services. **These have been huge and significant costs (approx R8m to date) for KWFCDT.**

KWFCDT also appreciates the land donation done by Kouga Local Municipality to enable this project to unfold. In line with KLM's principle of spearheading collaborative development in the area, KWFCDT thus requests KLM, to waive all fees associated with approval of the infrastructure designs,

kouga wind farm
COMMUNITY DEVELOPMENT TRUST

042 004 0003 info@kwftrust.co.za kwftrust.co.za 7 Kemp Street, Humansdorp

augmentation and civil service fees normally levied by KLM for such projects. These have been estimated at:

Humansdorp Erf 3928 Augmentation fee Calculation				
Ref	**Description**	**ee**	**Rate**	**Amount**
	Bulk Services			
	Water	50,85	R27 405,00	R1 393 544,25
	Electricity			
	Sewerage	50,85	R28 141,00	R1 430 969,85
	Roads and SW	50,85	R5 679,00	R288 777,15
3,13	Refuse	50,85	R2 232,00	R113 497,20
				R3 226 788,45

We recognize that this is a community development initiative which will be catalytic in changing the education landscape in the area thereby aiding KLM's socio-economic development of the local municipality. Such a waiver would be a significant contribution to the realization of the project by KLM and would allow KWFCDT to invest back such funds into communities managed by KLM.

Looking forward to your supportive response as always.

Kind regards

Prince M Matonsi
General Manager

REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT SERVICES

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KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/PD1**

REQUEST FOR COUNCIL'S AUTHORISATION TO ADVERTISE AN IN-PRINCPLE APPROVAL FOR THE ALIENATION (SALE) OF ERF 4298, HUMANSDORP (AN UNREGISTERED PORTION OF ERF 499, HUMANSDORP)

1. **Introduction**

The purpose of this item is to request Council's in principle approval for the alienation of Erf 4298 Humansdorp (an unregistered portion of Erf 499, Humansdorp) to Eskom.

2. **Background**

In October 2019, the Municipality granted approval for Eskom to register a servitude and right to use the newly created Erf 4298. The agreement was only for a period of two years; however, Eskom's intention is to purchase Erf 4298 Humansdorp to develop a Battery Energy Storage Systems (Bess). ****See Annexure "A"**

3. **Discussion**

An application was received from Eskom to purchase Erf 4298, Humansdorp (an unregistered portion of Erf 499, Humansdorp) which measures approximately 3.1 hectares. Eskom intends to develop a Battery Energy Storage Systems (Bess) on the subject property. This project will be the first for Eskom to roll out in the Eastern Cape. The main objective is to design, install and commission BESS for a minimum of 35MW/140MWh. It will be connected to the Melkhout Substation which is a collector substation for five wind generation Independent Power Producers (IPPs).

Section 14 comments have been obtained from service departments and are attached as **Annexure "B"**.

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 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 on the Disposal and Leasing of Council Owned Immovable Property, 26 June 2025

6. **Legal Implications**

Should the Council resolve to approve the recommendations herein, the Administration may proceed with advertising the Council's intention to alienate the immovable property by way of a lease for public comment and/or objections.

7. **Other Implications**

The intended out of hand alienation herein may be considered as an unsolicited bid, the policy provisions regarding alienation under this method must be adhered to.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item noted

8.2 **Director: Planning & Development**

Recommended for approval.

8.3 **Director: Civil & Water Services**

Item noted. Access to municipal boreholes (HD1 to 4) to be assured at all times. Main rising main and power supply to boreholes also to be assured.

8.4 **Director: Electro-Mechanical Services**

Item noted, the portion being considered must be located in a manner where it would not affect Kouga's own renewable energy project development on the site already earmarked for development.

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant in-principle approval** to alienate Erf 4298, Humansdorp (an unregistered portion of Erf 499, Humansdorp) to Eskom to construct a Battery Energy Storage Systems (Bess).

10.2 That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate the property to Eskom.

10.3 The Council confirms that the immovable properties contemplated herein are not needed for the provision of the minimum level of basic Municipal services.

10.4 That Council authorizes the Accounting Officer to obtain market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.

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"

Eskom

The Municipal Manager
Kouga Local Municipality
De Gama Drive
JEFFREY'S BAY

5 November 2025

Enquiries: N Makonza
Tel: 083 688 5502
Email: makonzn@eskom.co.za

Dear Mr. C du Plessis

INTENT TO PURCHASE PIECE OF LAND BEING ERF 4298 (PORTION OF ERF 499) FOR DEVELOPMENT OF BATTERY ENERGY STORAGE SYSTEMS (BESS) AT HUMANSDORP

1. BACKGROUND.

Eskom Cape Coastal Cluster had previously engaged the Municipality for the acquisition of a portion of land close to Eskom Substation called Melkhout in Humansdorp. The land is earmarked for a Battery Energy Storage Project. This project will be one of the first for Eskom to roll out in the Eastern Cape. Eskom would like to commence with the appointment of the Engineer, Procure and Construct (EPC) contractor to conclude the designs but need some assurance that the land will be obtainable from the Kouga Local Municipality.

A subdivision of the portion of land was done but it has not yet been registered at the deeds office.

BESS will be located at Eskom Melkhout substation in Kouga Local Municipality. This BESS programme is being executed in 2 phases, where Melkhout BESS site forms part of Phase 1. The EPC contract will consist of Design, Supply and Installation (DS&I) and commissioning of BESS for a minimum and 35MW/140MWh including 5 years operation & maintenance (O&M).

The contract is planned to be awarded in December 2025 with construction starting in the first quarter of 2026.

2. MOTIVATION

Melkhout BESS will be situated in an area that has high variable renewable energy share in the Eastern Cape. It will be connected at Melkhout Substation that is a collector substation for five wind generation Independent Power Producers (IPPs). The 132kV corridor between Grassridge and Melkhout substation experiences congestion when all wind generating plants are generating in the vicinity. This makes it difficult to evacuate power from Melkhout to the rest of the system. On days when the congestion takes place, the BESS will be dispatched to charge from the nearby Wind Energy Farms (WEF) and the energy can be used when required by the System Operator (SO). Melkhout BESS will be used for

- Congestion relief,
- Energy Support,

Eskom Distribution – Eastern Cape Operating Unit
Land Development
Cnr. Quenera and Bonza Bay Road, Beacon Bay 5241
Private Bag X1, Beacon Bay 5205
Tel +27 43 703 2336 Fax +27 43 703 2392 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06

- Ancillary services, and
- Renewable energy shifting

The congestion issue is estimated to take place 10 times in a year. That means the BESS will be largely available to support the SO requirements.
The BESS integration to the grid is via 132kV Point of Connection (POC). This enables the BESS to be scheduled to charge during WEF generation in the area and it can be applied for Ancillary Services when available.

3. SUPPLIER DEVELOPMENT AND LOCALIZATION

EPC Contractors are required to commit on SDL&I and indicate that at least a minimum of 20% of the proposed contract value will represent Procurement Spend within South Africa. This will consist of subcontracting a minimum of 30% of the allocated 20% of the total contract value to previously disadvantaged groups and associated skills development. The Contractor can achieve compliance to this local procurement spend requirements through the SDL&I and BBBEE programs that already exists as means of facilitating Social and Economic sustainability.

Skills development targets will be in terms of the Standard for Developing Skills through Infrastructure Contracts published by the Construction Industry Development Board ("the CIDB Skills Standard"). Local employment of unskilled, semi-skilled and skilled will be strictly local to Kouga Local Municipality.
The skills development calculation will be based on the class of construction works for Electrical Engineering works (infrastructure) and Civil Engineering works (CE).

Eskom will actively engage with stakeholders to ensure the achievement of our strategy and strive towards a multi-stakeholder approach towards solving difficult project challenges. The BESS stakeholder management plan is informed by Eskom's internal and external stakeholder priorities.

The strategy aims to respond to Eskom's strategic issues, addressing stakeholder concerns, as well as building more trust-based relationships with stakeholders. Eskom's engagements will include communities, Non-Governmental Organisations, Senior government officials, local government officials, the media and contractors' employees.

4. RESOLUTION REQUIRED

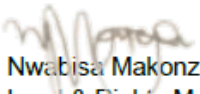
Eskom would like to pursue the transfer of the subdivided land as per diagram number SG 86/ 2022. Eskom therefore would like to enter into a sale agreement with Kouga Municipality to buy the portion of land as mentioned in this document.

A valuation will determine an amount that is fair and just. That amount will be paid by Eskom to the municipality on registration of the land through the land registration process in the Deeds Office. Eskom will be responsible for the registration and rezoning of the land.

5. RECOMMENDATION

Eskom acknowledges that the land acquisition process may take longer and requests that the Municipality grants Eskom an approval to continue with construction. Eskom still commits to work with the Municipality in providing all the necessary documents needed to finalise the process.

Kind regards



Nwabisa Makonza
Land & Rights Manager
Eskom – Cape Coastal Cluster
EAST LONDON.

Eskom

The Planning & Development Manager
Kouga Local Municipality
De Gama Drive
JEFFERIES BAY

Dear Ms. Mari du Toit.

12 September 2019

Enquiries: H Blane
Tel +27 43 703 5429
Email: blaneh@eskom.co.za

SIGN OPTION DIAGRAMS FOR ERF 499 & FARM 346 PORTION 4 AT MELKHOUT SUBSTATION.

Could you please have your Municipal Manager sign the attached option diagrams for Erf 499 & Farm 346 portion 4.

1. The diagram issued to you shows the two portions of land, marked ABCDEFGHJ on Erf 499 and ABCD on the farm 346/4. The total size of the land is 3, 8100 hectares.
2. I have also attached the option diagram that was signed a number of years ago for Farm 346 portion 4
3. Please let me know when the Municipal Manager has signed the documents, I will make arrangements to collect.

The matter is now very urgent and Eskom ECOU would like to have it concluded as soon as possible. I would appreciate it if you could let me know if there is anything else Eskom needs to do to conclude this transaction.

Kind Regards

Howard Blane
Land & Right Manager
Eskom – ECOU
EAST LONDON
Cell No; 0836312510

Received by. KOUGA MUNICIPALITY Name... C. DU PLESSIS Date... 03/10/2019
Kouga Municipality.

Eskom Distribution – Eastern Cape Operating Unit
Land Development
Cnr. Quenera and Bonza Bay Road, Beacon Bay 6241
Private Bag X1, Beacon Bay 5205
Tel +27 43 703 2336 Fax +27 43 703 2392 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/06

ESKOM
LAND DEVELOPMENT
PRIVATE BAG X1
BEACON BAY 5205

Eskom

RIGHT(S): Melkhout Substation - Battery Storage Project.	
PROJECT NO: N.EGBTRYS.C	ITEM NO:
COST CENTRE: 511009	FILE NO:
UNIQUE/ASSET NO:	

OPTION TO ACQUIRE A SERVITUDE

I/We, the undersigned, (full names and addresses)

1. Kouga Local Municipality - The Municipal Manager
Mr. Charl du Plessis
Address: P.O Box 21 Jeffreys Bay ID No.: .....
Postal Code: 6330 Tel. No.: 042 - 200 2700
Married in/out of community of property on: ..... To: .....
ID No.: .....

2. .....
Address: ..... ID No.: .....
Postal Code: ..... Tel. No.: .....
being the REGISTERED OWNER(S) (hereinafter referred to as the "Registered Owner") and

3. .....
Address: ..... ID No.: .....
Postal Code: ..... Tel. No.: .....
Being the PURCHASER(S)/LESSEE(S) (hereinafter referred to as the "Purchaser/Lessee") and

4. .....
Address: ..... ID No.: .....
Postal Code: ..... Tel. No.: .....
Being the USUFRUCTUARY/HEIR(S) (hereinafter referred to as the "Usufructuary/Heir")

5. Hereinafter referred to jointly or separately as the "OWNER" of the following property/properties in terms of
TITLE DEED No: T5522/1902
FARM NAME: ERF 499 REGISTRATION DIVISION: Humansdorp District
EXTENT: 382,8749 ha
(hereinafter referred to as the "Property")

Initial

6. hereby offer to

ESKOM HOLDINGS LIMITED
Registration Number 2002/015527/06

or its successors in title, assigns or licensees (hereinafter referred to as Eskom) the rights in respect of the Property as set out in the Annexure(s) hereto, which form part hereof, for the consideration and subject to the terms and conditions as set out herein.

7. This Option consist of the following two elements:

7.1 The offer to acquire the rights as set out in clause 6 hereof (hereinafter referred to as "the Offer"; and
7.2 The agreement between the parties that the said Offer, referred to in clauses 6 and 7.1 hereof, shall be held open for acceptance for a specified period (as set out here below) (hereinafter referred to as "the Contract").
7.3 Wherever the word "Option" is used in this document or the annexure hereto, it refers to both of these elements collectively.

8. The Option is granted on the following terms and conditions:

8.1 The Option is binding and enforceable against the Owner, his successors in title, heirs, executors, administrators and assigns. Should the Owner decide to sell or otherwise dispose of the Property or any portion thereof or any rights in respect thereof before registration of the notarial agreement hereinafter referred to, in such a manner that the rights granted under this Option are affected, the Owner shall notify any such successor in title, heir or assign of the existence of the Option and the rights granted in terms hereof and the Owner shall obtain the signature of any such person as an endorsement on Page 4 hereof and shall thereafter send the document to Eskom.

8.2 The receipt by Eskom's negotiator of this "Option to acquire a servitude" is Eskom's acceptance of the Contract.

8.3 The offer shall be irrevocable for a period of ..2..... years from the date of granting thereof.

8.4 Whether Eskom accepts or declines the offer, it shall be done in writing to be binding and sent by registered post addressed to the Owner at his address as stated on Page 1 hereof.

8.5 The acceptance or declining of the offer is invalid if it is not approved by an Eskom Tender Committee and there after signed by an authorised representative.

8.6 Eskom may start with construction by exercising its rights as acquired herein, after acceptance of the offer as per paragraph 8.4 above, for this reason Eskom pays interest as per paragraph 8.9 below.

8.7 The rights granted to Eskom in terms hereof shall not be applicable to any portion of the Property which is expropriated on date hereof and shall be subject to any existing servitude or other real right which is held in respect of the Property by any person who is not a party hereto.

8.8 After Eskom has accepted the offer, the consideration as set out in Annexure A will be paid to the Owner / Purchaser / Usufructuary / Nominee after registration of the servitude

8.9 Should the offer be accepted, Eskom shall also pay interest on the compensation from the date of granting of the option to the date of payment of the consideration mentioned in Annexure A, at the rate determined by the Minister of Finance in terms of Section 80 of the Public Finance Management Act No. 1 of 1999, provided that should the registration of the servitude be delayed through lack of co-operation on the part of the owner the obligation to pay interest shall be suspended for the duration of the delay. The capital and interest shall be payable in a lump sum.

8.10 Should Eskom accept the Offer it shall have the right to obtain registration of its rights in terms hereof in any manner provided for in the Deeds Registries Act, 1937, and should Eskom elect to register its rights in general terms, any reference to a specific route shall be omitted from the notarial agreement. Notwithstanding the foregoing, such omission shall in no way vitiate Eskom's contractual obligation to erect the line on the route agreed upon. Eskom shall have the subsequent right to change any registration of the servitude in general terms by registering the rights with reference to an approved diagram. The notarial agreement shall contain the terms and conditions as set out in Annexure A.

8.11 The reasonable cost of registration of the notarial agreement and of any subsequent agreement which determines the servitude route by reference to an approved diagram and the cost of such diagram shall be paid by Eskom. Eskom shall have the right to appoint attorneys, notaries and/or conveyancers to draw up the necessary documents and effect registration thereof.

8.12 Should Eskom accept the Offer the Owner undertakes, upon request, to furnish all title deeds, diagrams and documents relating to the Property for the purpose of registration of the notarial agreement and to render assistance in obtaining consents and documents necessary for registration purposes.

Signed at ..... on this ..... day of ..... 20..... X

In the presence of the undersigned witnesses:
AS WITNESSES:
1. .....
2. .....
.....
Registered Owner or Authorised Agent

Signed at ..... on this ..... day of .....20.....
In the presence of the undersigned witnesses:
AS WITNESSES:
1. .....
2. .....
.....
Registered Owner or Authorised Agent

~~Signed at ..... on this ..... day of ..... 20..... in~~
the presence of the undersigned witnesses:
AS WITNESSES:
1. .....
2. .....
.....
Purchaser/Lessee

Signed at ..... on this ..... day of ..... 20..... in
the presence of the undersigned witnesses:
AS WITNESSES:
1. .....
2. .....
.....
~~Usufructuary/Trustee~~

The owner/s hereby approve (s) that the consideration in this Option must be paid into the following bank account: Account Holder: ..... Bank a/c No.: ..... Bank: ..... Branch Name/Code:	Owner Title Deed & Bond Details: Title Deed in safe-keeping with: ..... Bond Holder: ..... Tel: .....
Owner Tax Details: SARS (Tax) Reference No.	Eskom Representative ..... Tel / Cell : .....

WP dot
MS

P...

ANNEXURE "C"

SUB-STATION – Melkhout Substation Humansdorp

1. GENERAL

Capitalised words used herein are defined in the Option and Servitude Rights Offer, to which this document is an annexure.

2. THE RIGHTS

2.1 The Owner grants, to Eskom, the right (herein the "Rights") in perpetuity and over the Property for the construction of a sub-station, and all ancillary infrastructure necessary for the proper functioning of the sub-station, and, to the extent required, office blocks or related infrastructure, within the servitude area that is represented by the figure ABCDEFGHJ on the attached sketch plan, dated 05/09/2019, Melkhout Substation Extension (the "Servitude Area").

2.2 The Rights include the right to:

2.2.1 construct, operate and maintain a sub-station;

2.2.2 erect structures, conductors, overhead and underground cables, appliances, and, to the extent required, office blocks or related infrastructure, and, without limitation, everything else as may be necessary or convenient in exercising the Rights (herein referred to as the "Goods");

2.2.3 enter and be upon the Property at any time in order to construct, erect, operate, use, maintain, repair, re-erect, alter or inspect the Goods or in order to gain access to any adjacent property in the exercise of rights similar to the Rights;

2.2.4 use existing roads and gates giving access to and running across the Property and to erect in any fence such gates as may be necessary or convenient to gain access to or exit from the Property and the Goods or in order to gain access to any adjacent property in the exercise of rights similar to the Rights;

2.2.5 remove any material or structures, and cut or trim any tree, bush or grass within the Servitude Area or to the extent necessary where the Goods extends beyond the Servitude Area, in order to comply with the restrictions referred to in paragraph 3.3 hereof; and

and every ancillary right necessary or convenient for the proper exercise of the Rights.

2.3 Eskom may:

2.3.1 let any portion of the Goods to any third party on such conditions as Eskom may deem fit;

2.3.2 cede all or any of the Rights to any third party, be it before or after exercising of the Option or before or after registration of the Servitude;

NP

WS

2.3.3 decide, in its discretion, to take transfer of the full ownership of the land comprising the Servitude Area at any time after sub-divisional diagrams in respect thereof have been approved by the Surveyor-General. Such transfer will be free of any conditions or servitudes other than those registered against the title deed of the Property, and no consideration other than as set out in clause (4).

3. THE OBLIGATIONS

3.1 Eskom must:

3.1.1 ensure that any of Eskom's gates that it had used is closed after use;

3.1.2 pay reasonable compensation for unlawful intentional damage or damage caused through a negligent act or omission of Eskom, its employees or agents in pursuit of the Rights, save where it is acting in accordance with sub-clause 2.2.5 of this annexure; and

3.1.3 where a Contractor exercises the Rights, ensure that the Contractor complies with the obligations contained in sub-clause 2.3.

3.2 Despite the content of sub-clause 3.1.2, no compensation is payable for damage to natural vegetation within the Servitude or Restricted Area.

3.3 The Owner must:

3.3.1 ensure that no building or structure is erected or installed above or below the surface of the ground within the Servitude Area and no tree or bush is planted within the Servitude Area (the "Restricted Area");

3.3.2 ensure that no material which may in the opinion of Eskom endanger any power line or the sub-station is placed within the Servitude Area;

3.4 The Owner's attention is drawn to the provisions of section 10.17.1 of the regulations promulgated in terms of the Explosives Act 26 of 1956, which prescribes that when blasting is to be done within 500 (five hundred) metres of any electricity infrastructure, written confirmation must first be obtained from Eskom concerning the protection of electricity infrastructure.

4. CONSIDERATION

4.1 The consideration is **R 80 000.00 for 3.1590** ha @ **R 25 000.00** per hectare. (Eighty thousand rand) for portion ABCDEFGHJ, as shown on attached map.

4.2 The consideration does not include value-added tax (VAT). VAT the amount will be R 12 000.00 (Twelve thousand rand) will be added at the standard rate if the Owner is a registered VAT vendor.

x
x NP
x

Pg 6

Signed at Jeffreys Bay on this 3 day of October 2019 in the presence of the undersigned witnesses

AS WITNESSES:

1. .....

2. .....

.....
* REGISTERED OWNER or AUTHORISED AGENT

X

Signed at East London on this 9th day of May 2019 in the presence of the undersigned witnesses

AS WITNESSES:

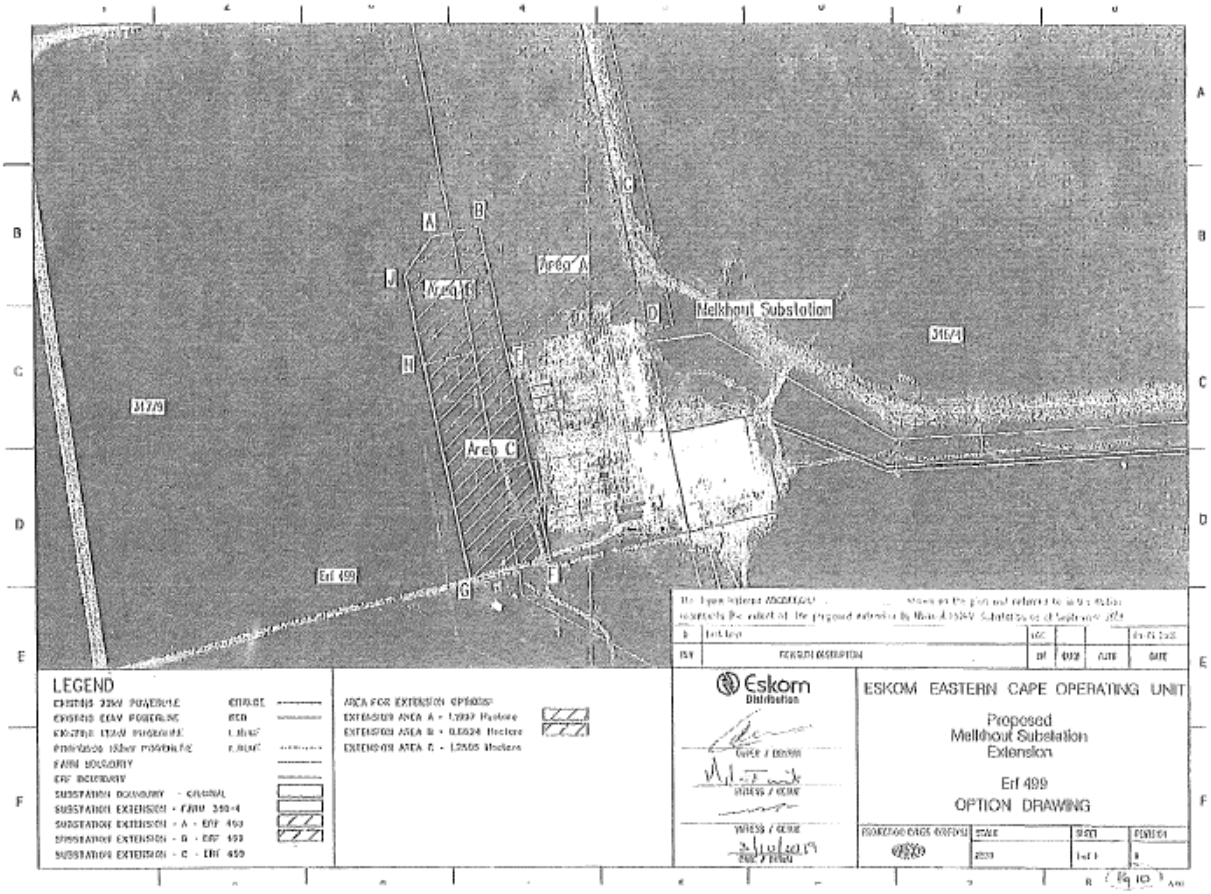
1. .....

2. .....

H C Blane
* ESKOM REPRESENTATIVE

ESKOM
LAND DEVELOPMENT
PRIVATE BAG X1
BEACON BAY 5205

Pg 7

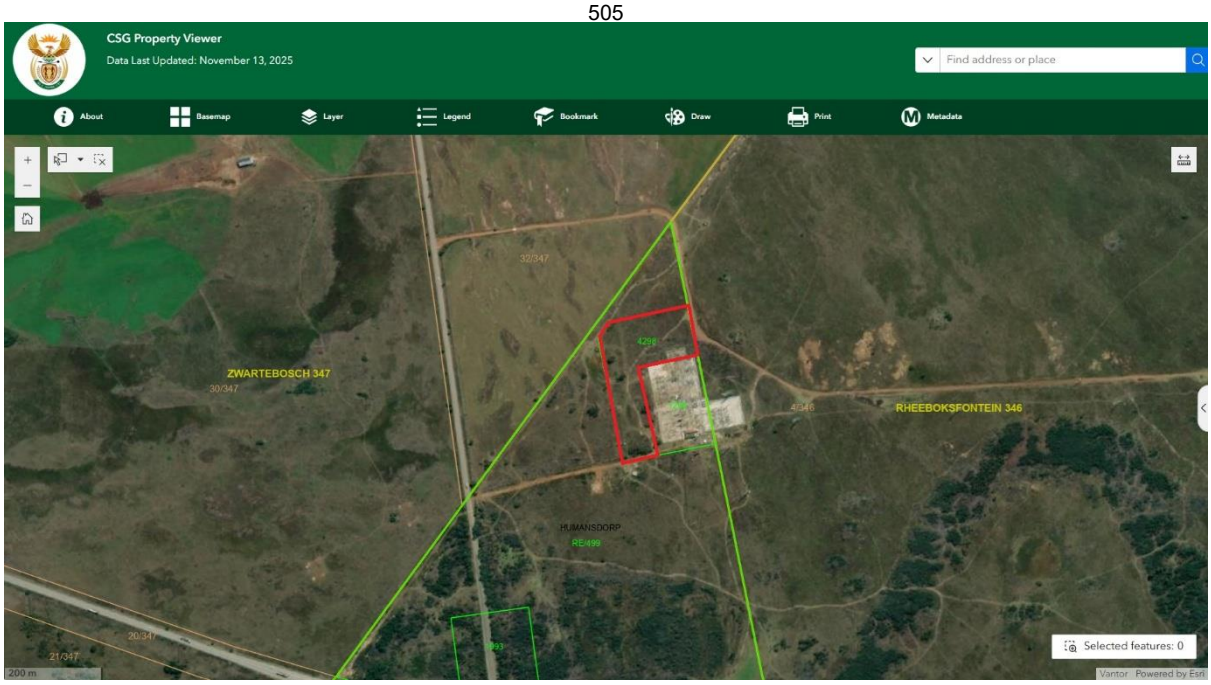


KOUGA MUNICIPALITY

SUBDIVISION APPROVED IN TERMS OF SECTION 108 OF THE SPLUMA BY LAW, KOUGA MUNICIPALITY, 2016 AS WELL AS SECTION 25 OF ORDINANCE 15 OF 1985

MUNICIPAL MANAGER

DATE


CSG Property Viewer
Data Last Updated: November 13, 2025
Find address or place
About
Basemap
Layer
Legend
Bookmark
Draw
Print
Metadata
ZWARTEBOSCH 347
30/347
32/347
4298
4346
RHEEBOKSFONTEIN 346
HUMANSDORP
RE/499
20/347
21/347
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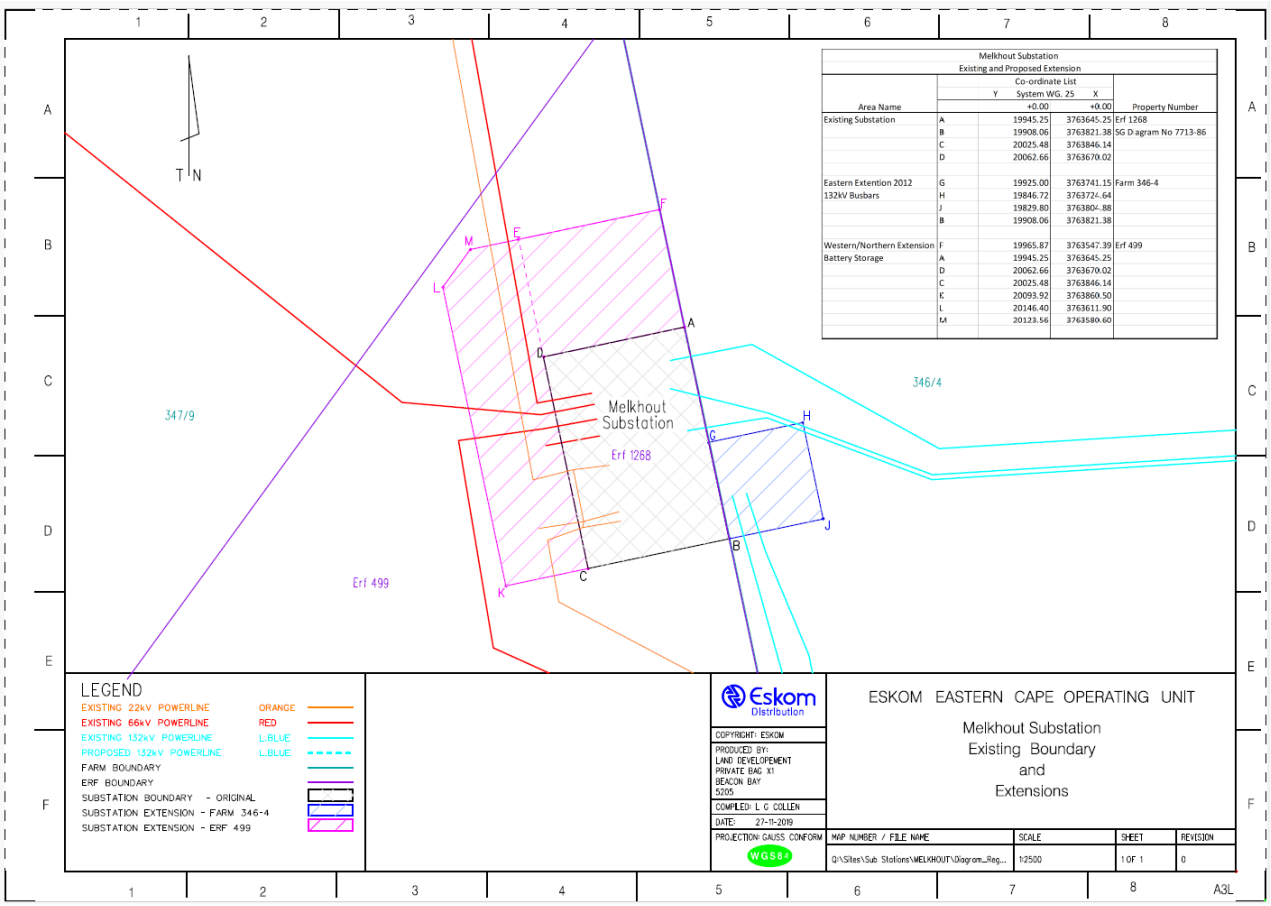
200 m
Vantor Powered by Esri


Melkhout Substation
Existing and Proposed Extension
Co-ordinate List
Area Name | | Y System WG. 25 +0.00 | X +0.00 | Property Number
Existing Substation | A | 19945.25 | 3763645.25 | Erf 1268
B | 19908.06 | 3763821.38 | SG Diagram No 7713-86
C | 20025.48 | 3763846.14
D | 20062.66 | 3763670.02
Eastern Extention 2012 | G | 19925.00 | 3763741.15 | Farm 346-4
132kV Busbars | H | 19846.72 | 3763727.64
J | 19829.80 | 3763804.88
B | 19908.06 | 3763821.38
Western/Northern Extension | F | 19965.87 | 3763547.39 | Erf 499
Battery Storage | A | 19945.25 | 3763645.25
D | 20062.66 | 3763670.02
C | 20025.48 | 3763846.14
K | 20093.92 | 3763860.50
L | 20146.40 | 3763611.90
M | 20123.56 | 3763580.60
T N
347/9
346/4
Melkhout Substation
Erf 1268
Erf 499
LEGEND
EXISTING 22kV POWERLINE ORANGE
EXISTING 66kV POWERLINE RED
EXISTING 132kV POWERLINE L.BLUE
PROPOSED 132kV POWERLINE L.BLUE
FARM BOUNDARY
ERF BOUNDARY
SUBSTATION BOUNDARY - ORIGINAL
SUBSTATION EXTENSION - FARM 346-4
SUBSTATION EXTENSION - ERF 499
Eskom Distribution
COPYRIGHT: ESKOM
PRODUCED BY:
LAND DEVELOPEMENT
PRIVATE BAG X1
BEACON BAY
5205
COMPILED: L C COLLEN
DATE: 27-11-2019
PROJECTION: GAUSS CONFORM
WGS84
ESKOM EASTERN CAPE OPERATING UNIT
Melkhout Substation
Existing Boundary
and
Extensions
MAP NUMBER / FILE NAME
Q:\Sites\Sub Stations\MELKHOUT\Diagram_Reg...
SCALE
1:2500
SHEET
1 OF 1
REVISION
0
A3L

ANNEXURE "B"

Section 14

ERF	ZONING	LAND USE	SPATIAL PLAN	DEPARTMENTS
Erf 4298 (Unregistered portion of erf 499, Humansdorp	Agriculture Zone	Supported, on condition that the Applicant undertakes the appropriate process to formalize the land unit and land use rights on the land/area to be acquired, in line with requirements of the Spatial Planning and Land Use Management By-law.	Supported. The area under application is noted to abut existing activities for energy generation	**Environmental**: No objection. **Environmental Health:** No objection **Economic Development:** No objection. **Human Settlement:** No objection **Building Control:** Supported on condition that applicant to comply with Town Planning & Service departments requirements before submitting building plan to Building Control for approval of the Battery Energy Storage System. **Electrical Department:** No objection.

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/PD2**

REVIEW OF JEFFREYS BAY CENTRAL BUSINESS DISTRICT LOCAL SPATIAL DEVELOPMENT FRAMEWORK, 2021

1. **Introduction**

The purpose of this report is to request the Council's permission to review the Jeffreys Bay Central Business District (CBD) Local Spatial Development Framework, 2021, in accordance with the provisions of the Kouga Municipality Spatial Planning & Land Use Management By-law, 2016, read with the provisions of the Municipal Systems Act (Act No. 32 of 2000)

2. **Background**

A local Spatial Development Framework (LSDF) is a policy instrument that provides detailed spatial planning guidelines for a specific geographic area. The Jeffreys Bay CBD LSDF was adopted by the Council in August 2021 in accordance with the provisions of the Kouga Municipality Spatial Planning and Land Use Management By-law, 2016.

3. **Discussion**

Since the adoption of the Jeffreys Bay CBD LSDF in 2021, the need arises for review of the height restriction, as well as parking provision requirements within the CBD, to promote optimal development in the area.

The project entails the following processes:

- Notification in respect of the municipality's intention to review the Jeffreys Bay CBD LSDF.
- Establishment of the Project Committee.
- Appointment of service provider from an internal panel of professional specialists.
- Registration of Interested and Affected Parties and Public Participation Process.

It is required that a project committee be established in terms of Section 6 of the Spatial Planning and Land Use Management By-law: Kouga Municipality, 2016. In terms of Section 7(4) of the said by-law, the project committee must consist of –

- The Municipal Manager
- Employees in the full-time service of the Municipality and designated by the Municipality.
  It is suggested that the Project Committee in this regard, comprise of the following persons:
  i. The Municipal Manager
  ii. Manager: Legal Services (or representative)
  iii. Director: Planning & Development (or representative)
  iv. Director: Civil and Water Services(or representative)

v. Director: Community Services (or representative)
vi. Director: Electro-Mechanical Services (or representative)
vii. Environmental Officer
viii. Other members to be co-opted as needed.

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	Review of Jeffreys Bay Central Business District Local Spatial Development Framework.
Ukey no.	20240131064514
Budgeted Amount	R 500 000.00
Amount spent and committed to date. Balance	R 0 (R 0)
Amount Available	R 500 000.00
Comment:	

KOUGA MUNICIPALITY
2025-11-24
BUDGET & TREASURY

5. **Applicable Legislation**

- Spatial Planning and Land Use Management Act (16 of 2013).
- Kouga Local Municipal Spatial Planning and Land Use Management By-law, 2016.
- Local Government: Municipal Systems Act, No.32, 2000. (Chapter 5.)

6. **Legal Implications**

Should the Council approve the recommendations herein, the provisions for the review must be complied with, failing which the review might be subjected to objections, appeals or judicial reviews.

7. **Other Implications**

The review of the Jeffreys Bay Central Business District Local Spatial Development Framework, 2021, is imperative for compliance with relevant legislation.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item supported.

8.4 **Director: Electro-Mechanical Services**

Supported

8.5 **Director: Community Services**

Supported.

8.6 **Deputy Municipal Manager**

Supported.

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the permission be granted to review the Jeffreys Bay Central Business District Local Spatial Development Framework, 2021.

10.2 That the Council approves the establishment of a Project Committee, comprising of the following persons:

i. The Municipal Manager
ii. Manager: Legal Services (or representative)
iii. Director: Planning & Development (or representative)
iv. Director: Civil & Water Services (or representative)
v. Director: Community Services (or representative)
vi. Director: Electro-Mechanic Services (or representative)
vii. Environmental Officer
viii. Other members to be co-opted as needed.

Item prepared by the: Manager Town & Regional Planning

Item approved by the: Director Planning & Development

Item endorsed by the: Municipal Manager:

Item noted by Portfolio Chairperson:

REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION (SALE) OF A PORTION OF ERF 499, HUMANSDORP

1. **Introduction**

The purpose of this item is to request Council's in-principle approval for the alienation (sale) of a portion of Erf 499 situated in Humansdorp to CD Freight Logistics (Pty) Ltd.

2. **Background**

On 27 October 2023, Council approved a long-term lease of the subject property to CD Freight Logistics (Pty) Ltd for industrial use. CD Freight Logistics (Pty) Ltd currently has a long-term lease agreement with the Municipality on the above portion of erf 499 which measures approximately 10 hectares. The development has not commenced since the applicant still awaits the outcome of the environmental impact assessment.

3. **Discussion**

In September 2025, a revised application was received from CD Freight Logistics (Pty) Ltd to acquire 5 hectares of the same property for the development of a storage facility. ****See Annexure "A"**.

On 19 September 2025, the applicant received letters of intent from Woodlands Dairy and Endulini Fruit to use the proposed facility. ****See Annexure "B"**. However, the applicant confirmed that the funding for the proposed facility is on condition that he get full ownership of the property. The subject property was identified due to its proximity to Woodland's dairy, access from the N2 and surrounding developments. The proposal is in line with the envisaged Humansdorp Eco Industrial Park which is proposed on Erf 499 Humansdorp.

CD Freight Logistics (Pty) Ltd. is a local business with at least 25 employees. The company is also involved in other businesses and wants to further expand by acquiring 5 hectares of Erf 499, Humansdorp.

The applicant estimates that his development will create 500 permanent and 100 seasonal job opportunities. The development will also contribute to the economic growth of the Humansdorp Area.

Section 14 comments have been obtained from service departments and are attached as **an Annexure "C"**.

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**

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 resolve to approve the recommendations herein, the Administration may proceed with advertising the Council's intention to alienate the immovable property by way of a lease for public comment and/or objections.

7. **Other Implications**

The intended out of hand alienation herein may be considered as an unsolicited bid, the policy provisions regarding alienation under this method must be adhered to.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item noted

8.2 **Director: Planning & Development**

Recommended for approval.

8.3 **Director: Civil & Water Services**

Item noted. Subsurface water resources (aquafers) are very prominent in the said area which has to be directed upon as soon as proposed activities are submitted.

The ESA required, together with all Specialists report outcomes, in which clear protection measures of the aquafer and watercourse to be detailed. Augmentation fees applicable.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant in-principle approval** for the alienation (sale) of a portion of Erf 499, Humansdorp to CD Freight Logistics (Pty) Ltd.

10.2 That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate the property by way of a sale.

10.3 The Council confirms that the immovable property contemplated herein is not needed for the provision of the minimum level of basic municipal services.

10.4 That Council authorizes the Accounting Officer to obtain market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.

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: CD FREIGHT LOGISTICS (PTY) LTD

ID NUMBER: 2022/281257/07

CONTACT DETAILS: 082 611 8481

ERF/PROPERTY APPLYING FOR:

AREA: KOUGA FIRE STATION HUMANSDORP

ERF NUMBER: 499

ADDRESS: HUMANSDORP

PURPOSE OF APPLICATION:

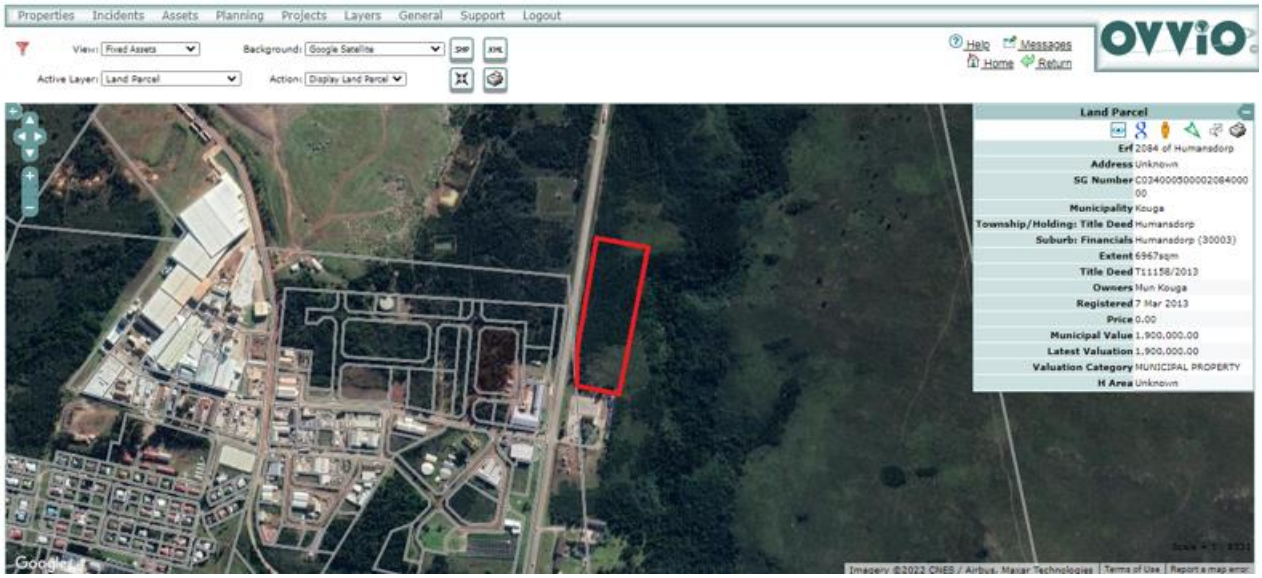
TO DEVELOP A MULTIFUNTIONAL INDUSTRIAL BUSINESS FACILITY

MOTIVATION:

* TO CREATE JOB OPPORTUNITIES FOR THE LOCAL COMUNITY
* THIS PROJECT WILL PROVIDE 50 000 PERMANENT JOBS WITH A FURTHER 100 SEASONAL EMPLOYMENT OPPORTUNITIES
* AFTER COMPLITION OF THE FACILITY, THE MUNICIPALITY WILL BENEFIT FROM THE RATES AND TAXES THAT WILL BE PAYED BY THE COMPANY.

NAME: CLAYTON DAMONS

SIGNATURE: _____ **DATE:** 17-09-2025


Properties Incidents Assets Planning Projects Layers General Support Logout
View: Fixed Assets
Background: Google Satellite
Active Layer: Land Parcel
Action: Display Land Parcel
Help Messages
Home Return
OVVIO
Land Parcel
Erf 2084 of Humansdorp
Address Unknown
SG Number C0240005000020840000
Municipality Kouga
Township/Holding: Title Deed Humansdorp
Suburb: Financials Humansdorp (30003)
Extent 6967sqm
Title Deed T11158/2013
Owners Mun Kouga
Registered 7 Mar 2013
Price 0.00
Municipal Value 1,900,000.00
Latest Valuation 1,900,000.00
Valuation Category MUNICIPAL PROPERTY
H Area Unknown
Google
Imagery ©2022 CNES / Airbus, Maxar Technologies Terms of Use Report a map error

Land Parcel

21 Oct 2025 00:07

Erf	499 of Humansdorp	**Zoning: Financials**	AGRIC
Address	Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Authority Zone
SG Number	C03400050000049900000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Humansdorp	**Ward: Demarcation Board**	Kouga 15
Suburb: Financials	Humansdorp (30003)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	34.01806978701065S 24.78194676277873E	**Effective**	
Sectional Title	No		
Extent	376.3013Ha		
Extent (SG)	368.5911Ha		
Extent (Title Deed)	376.3013H		

Comments

Status	Comment	Type	User Name	Date Made	Date Edited
	Title Deed search from WinDeed requested by regardt.		regardt (Regardt van Vuuren)	14 Feb 2017 14:54	
	HD1/499 booked out to Estelle	Files	estellevdm (Estelle van der Merwe)	10 Dec 2013 08:35	

Land Parcels for Incident

Incident
I22-11260 (Buildings: Corporate Services) Humansdorp Fire Department
I22-13568 (Sewer) Sewer Blocked

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T5522/1902	0.0000		6 Jun 1902	SECT 16	
Mun Kouga	T74868/2008	0.0000			TRANSFER BY ENDORSEMENT	
Mun Humansdorp	T5522/1902	0.0000			Unknown	T36874/1995
Oorgangsraad-Humansdorp	T5522/1902	0.0000			SECT 16	T74868/2008

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
003000499016	Kouga Municipality		Departmental (DEPAR)	Owner (Kouga)
003000499195	Hiver Solar South Africa (Pty)		Email Accounts (EMAIL)	Tenant (Kouga)
003088888236	Eastern Cape Parkes & Tourism		State (S)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400050000049900 00000000	Mun Kouga Mun Kouga		

Valuations and Surveys

Project	Category / Usage	H Area			Status	Review Status	Current Value
Interim Valuation 2011-01	Unknown (As Per MPRA)	Unknown			Valued		4,807,000.00
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	CENTRAL			Valued		4,810,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown			Valued		3,400,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		3,800,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		4,140,000.00

ANNEXURE B

WOODLANDS DAIRY

Reg. No. 1988/002068/07
9 Kudu Drive, PO Box 4, Humansdorp, 6300
Tel: +27 42 200 3400 | Fax: +27 42 291 0940

www.woodlandsdairy.co.za | www.firstchoice.co.za

Woodlands Dairy is the proud producer of First Choice® products.

19 September 2025

To: The Management: CD Freight Logistics (PTY) Ltd

Subject: Letter of Intent – External Storage for UHT Milk Volumes and Packaging Material

Dear Sir/Madam,

We hereby submit this Letter of Intent on behalf of Woodlands Dairy to formally express our interest in engaging CD Freight Logistics (PTY) Ltd as a potential provider of external storage facilities for our peak overflow volumes of UHT milk.

In light of seasonal production surges and variable market demand, Woodlands Dairy has identified a strategic need for supplementary storage capacity beyond our existing infrastructure. Accordingly, we are seeking a reputable logistics partner capable of offering compliant, secure, and scalable storage solutions to support our operational continuity.

Should CD Freight Logistics (PTY) Ltd be in a position to offer such facilities, Woodlands Dairy intends to commence utilization of the proposed storage services effective 01 August 2026, with the arrangement continuing indefinitely, subject to mutual agreement and satisfactory performance.

To facilitate further evaluation and planning, we respectfully request that CD Freight Logistics (PTY) Ltd submit a formal proposal detailing the following:

- Available storage capacity and facility specifications
- Location and logistical accessibility
- Compliance with food safety and quality assurance standards
- Pricing structure and contractual terms
- Any ancillary services offered (e.g. inventory management, transportation support)

Please note that this Letter of Intent is non-binding and does not constitute a contractual commitment or obligation on the part of Woodlands Dairy. It is intended solely to communicate our interest and initiate discussions regarding the potential engagement.

We trust that CD Freight FULL NAME !!!will give due consideration to this request and we look forward to your proposal and the opportunity to engage in further discussions.

Best regards,

LOYISO SIMON
GM: Logistics - Woodlands Dairy

ENDULINI
—FRUIT—

Date: 19 September 2025

To:

Mr. Clayton Damons
CD Freight Logistics (Pty) Ltd
17 Koning Street
Jeffreys Bay
6330

Commitment to Cold Storage Capacity

Dear Mr. Damons,

Endulini Fruit (Pty) Ltd hereby confirms its commitment to utilize the cold storage facility to be constructed by CD Freight Logistics (Pty) Ltd near Humansdorp.

As part of this commitment, Endulini Fruit secures capacity for **8,000 pallets of citrus per season**, starting from the 2026 **after** the commencement of the facility's operations, for a period of ten (10) years.

This commitment is necessary to support the continued growth of Endulini Fruit and to ensure that we have adequate and reliable cold storage capacity for our product during each citrus season.

We hereby authorize CD Freight Logistics (Pty) Ltd to prepare and finalize the formal contract reflecting these terms for signature by both parties.

We are grateful for the opportunity to work together in this long-term partnership that will strengthen the citrus value chain in the region.

Yours faithfully,
For and on behalf of Endulini Fruit (Pty) Ltd

ANNEXURE "C"

Section 14

ERF	ZONING	LAND USE	SPATIAL DEV	DEPARTMENTS
Portion of erf 499, Humansdorp	Agriculture Zone	Supported, Although the specific area under application is not clearly reflected in the application, it was conveyed by the Land and Properties Department that it is immediately east for R330 and positioned immediately north of the Fire Station in Humansdorp.	Supported = Subject to rezoning and subdivision	**Environmental:** Supported, on condition of the applicant to indicate the proposed area on Erf 499. Applicant to also indicates type of industrial business to be developed. Listed activities may be triggered. **Assets Department:** Supported, on condition that all legislation be complied with. **Building Control:** Supported on condition that applicant to comply with Town Planning & Service departments requirements before submitting building plan to Building Control for approval. **Electrical Department:** The application is supported. The applicant must visit or contact the Electrical Department to confirm the required NMD so that the Municipality can verify the point of supply and available spare capacity. The applicant's electrical engineer will be required to submit an engineering report.

				Applicable augmentation fees will apply.

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/PD4**

REQUEST FOR COUNCIL TO WAIVE PENALTIES IMPOSED FOR UNAUTHORISED BUILDING WORKS

1. **Introduction**

The purpose of this item is to request Council's authorization to waive penalties imposed on building plan submissions containing existing unauthorized building works.

2. **Background**

In terms of the approved tariffs, property owners are required to pay a penalty (4 times the building plan fee amount) for all existing unauthorised structures. The Department Planning & Development received numerous requests from property owners in the Kouga Municipal area for exemption of fines and penalties imposed for non-compliance with National Building Regulations.

3. **Discussion**

The Department continuously receives complaints from property owners alleging that they recently bought properties with unauthorised structures and did not know there are no approved plans. The problem emanated from historical reasons such as:

- Previous owners built or extended their buildings without approved plans.
- Inspections by the municipal officials in the past not done properly and final inspections were not done, and occupation certificates not issued.
- Building plans never returned by architects or draught person to the Municipality for final approval.
- Registered Architectural professionals not assisting owners to receive occupancy certificate.

It is hereby proposed that amnesty exempting property owners from paying penalties for unauthorised buildings be considered for a period of 11 months. The intended date of commencement being 01 February 2026 until 15 December 2026. This will ensure that occupation certificates are issued for properties with old unauthorised buildings. It will further encourage property owners to submit building plans to ensure compliance with the National Building Regulations and Standards Act, Act 103 of 1977.

It is further proposed that applications for construction work undertaken from 01 January 2025 not be considered during this amnesty period.

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 Finance Management Act, Act 56 of 2003

6. **Legal Implications**

Should the Council approve the recommendations an amnesty period of 11 months may be implemented, whereby applicant property owners, subject to the circumstances portrayed in this item, will be exempted from paying penalties for unauthorised buildings.

7. **Other Implications**

Specific requirements for compliance with the scope of the amnesty to be imposed must be determined and communicated to the public.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item 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**

Item noted

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approves amnesty exempting penalties on building plans containing historic unauthorized structures for a period of 11 months, from 1 February 2026 until 15 December 2026.

10.2 That all amnesty applications be submitted together with building plans and all other documentation as per standard operating procedure.

10.3 That the normal building plan application fees be applicable and be paid before any approval.

10.4 The proposed period for exemption determined by the Council be published in the local newspaper to inform all residents of the waiver period for penalties.

10.5 That applications for construction work undertaken from 01 January 2025 not be considered during this amnesty period.

Item prepared by the: Director Planning & Development 

Item approved by the: Municipal Manager: 

Item noted by Portfolio Chairperson: 

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
ORDINARY COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 11 DECEMBER 2025
ITEM NO: **25/12/PD5**

REQUEST FOR COUNCIL'S APPROVAL FOR THE CLOSURE, SUBDIVISION, CONSOLIDATION AND REZONING OF A PORTION OF ERF 1 HUMANSDORP AND A PORTION OF ERF 499, HUMANSDORP

1. **Introduction**

The purpose of this item is to request Council's approval for the closure, subdivision, consolidation and rezoning of a Portion of Erf 1 Humansdorp and a Portion of Erf 499, Humansdorp to construct a New Municipal Workshop.

2. **Background**

A request was received from the Municipal Fleet Department for a portion of Erf 1 and a portion of Erf 499 in Humansdorp between the fire department and the old abattoir. The intention is to develop a workshop which will incorporate the current parking area south of the Fire Station and new offices for the Electro-Mechanical Section.

3. **Discussion**

According to the user department, the current workshop where they operate from is not conducive for the number of vehicles that must be maintained, and there is also not enough office space.

Additionally, parking of vehicles after hours has become a major concern. It is also worth noting that the current workshop was built in the late eighties and was meant to cater only for the old Jeffreys Bay Municipality, which did not have twenty vehicles at the time. At present the user department must cater for the entire municipal fleet that consists of 275 units.

Productivity is severely hampered due to the number of vehicles that the team can work on, and some mechanics are forced to work on vehicles next to the road in front of our workshop. On instances where there are two trucks in the workshop, they can work on nothing else. During rainy days, more than half of the workshop cannot be utilized since there are no doors. ****See Annexure "A"**

It is also proposed that the outstanding planning activities for the current Fire Station be finalized simultaneously with the new workshop and vehicle park.

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20210710001552
Budgeted Amount	R750 ,000.00

Amount spent and committed to date	R110 ,675.00 KOUGA MUNICIPALITY 2025-12-01 BUDGET &TREASURY
Amount Available	R639,325.00
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, the Accounting Officer will be authorised to proceed with the proposed closure, subdivision, consolidation and rezoning of a Portion of Erf 1 Humansdorp and a Portion of Erf 499, Humansdorp. The implementation of same must be done in line with the legislative provisions of the legislation mentioned in 5 above.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item noted

8.2 **Director: Planning & Development**

Recommendation supported

8.3 **Director: Civil & Water Services**

Item supported. As a growing municipality, the inevitable to grow our fleet resources has to take place. The establishment / expansion of a fleet service center is strongly supported. Due to the close proximity of a water course, mitigation measures against any and all possible pollution to be put in place.

8.4 **Director: Electro-Mechanical Services**

The current fleet workshop is inadequate to service all 274 municipal vehicles. Establishing a new central facility equipped with advanced technology is essential to meet the demands of modern vehicles and to ensure the municipal fleet is maintained with greater efficiency.

8.5 **Director: Community Services**

Item noted.

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **approve the** closure, subdivision, consolidation and rezoning of a Portion of 1 Humansdorp and a Portion of Erf 499, Humansdorp to construct a New Municipal Workshop.

10.2 That a service provider be appointed to finalize all town planning activities and legislative provisions in relation to the properties in 10.1.

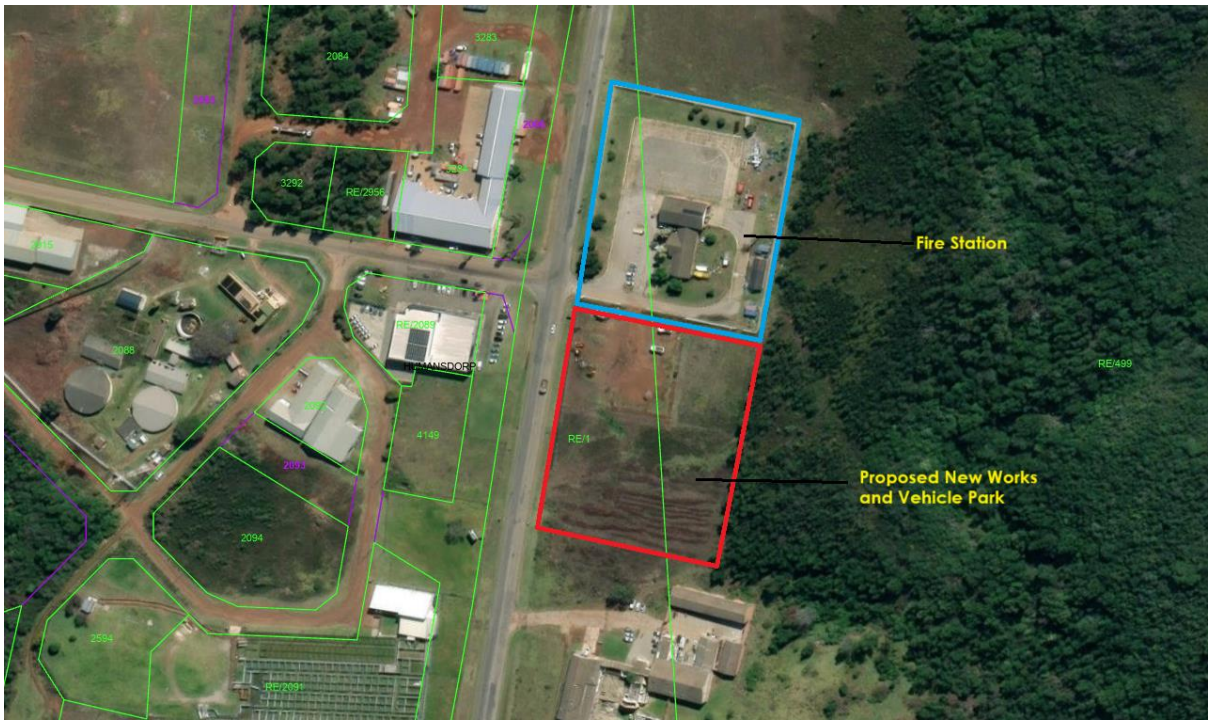
Item prepared by the: The Manager: Land & Property Administration

Item approved by the: Director Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure "A"


Fire Station
Proposed New Works
and Vehicle Park
RE/499
RE/1
4149
2094
2088
3292
RE/2956
2084
3283
RE/2091

Land Parcel

21 Oct 2025 00:07

Erf	499 of Humansdorp	**Zoning: Financials**	AGRIC
Address	Unknown	**Zoning**	Kouga Municipality Land Use Scheme - Authority Zone
SG Number	C03400050000049900000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Humansdorp	**Ward: Demarcation Board**	Kouga 15
Suburb: Financials	Humansdorp (30003)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	34.01806978701065S 24.78194676277873E	**Effective**	
Sectional Title	No		
Extent	376.3013Ha		
Extent (SG)	368.5911Ha		
Extent (Title Deed)	376.3013H		

Comments

Status	Comment	Type	User Name	Date Made	Date Edited
	Title Deed search from WinDeed requested by regardt.		regardt (Regardt van Vuuren)	14 Feb 2017 14:54	
	HD1/499 booked out to Estelle	Files	estellevdm (Estelle van der Merwe)	10 Dec 2013 08:35	

Land Parcels for Incident

Incident
I22-11260 (Buildings: Corporate Services) Humansdorp Fire Department
I22-13568 (Sewer) Sewer Blocked

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T5522/1902	0.0000		6 Jun 1902	SECT 16	
Mun Kouga	T74868/2008	0.0000			TRANSFER BY ENDORSEMENT	
Mun Humansdorp	T5522/1902	0.0000			Unknown	T36874/1995
Oorgangsraad-Humansdorp	T5522/1902	0.0000			SECT 16	T74868/2008

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
003000499016	Kouga Municipality		Departmental (DEPAR)	Owner (Kouga)
003000499195	Hiver Solar South Africa (Pty)		Email Accounts (EMAIL)	Tenant (Kouga)
003088888236	Eastern Cape Parkes & Tourism		State (S)	Tenant (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400050000049900 00000000	Mun Kouga Mun Kouga		

Valuations and Surveys

Project	Category / Usage	H Area			Status	Review Status	Current Value
Interim Valuation 2011-01	Unknown (As Per MPRA)	Unknown			Valued		4,807,000.00
2008 GV (from TruVal data)	Sect 8(2)(h) - Municipal (As Per MPRA)	CENTRAL			Valued		4,810,000.00
2013 - 2018_DDP Valuation Roll as Printed	2h-04 (Municipal-Public Roads) (Kouga)	Unknown			Valued		3,400,000.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		3,800,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		4,140,000.00

Land Parcel

25 Nov 2025 14:10

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	34.02912718087416S 24.770609573838616E	**Effective**	
Sectional Title	No		
Extent			
Extent (SG)			
Extent (Title Deed)	800 DUM		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T5522/1902	0.0000		6 Jun 1902	R	
Mun Humansdorp	T5522/1902	0.0000		6 Jun 1902		T36874/1995
Oorgangsraad-Humansdorp	T5522/1902	0.0000		6 Jun 1902	SECT 16	T74868/2008

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
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		1,000.00
SV3 (2018-2023)	MUNICIPAL PROPERTY (GV2018)	Unknown			Valued		1,000.00
2023 General Valuation	MUNICIPAL PROPERTIES 2023 (2023 General Valuation)	Unknown			Valued		1,000.00

Land Use Applications

Land Use Application	Address	Sectional Title
JL2021-00087	Unknown	
JC2223-00025	Unknown	

Consolidations and Subdivisions

Date	Type	From	To
11 Sep 1998	Subdivision	1 of Humansdorp	2379 of Humansdorp
16 Sep 2004	Subdivision	1 of Humansdorp	1920 of Humansdorp
8 Dec 2015	Subdivision	1 of Humansdorp	353 of Humansdorp
27 Jan 2017	Subdivision	1 of Humansdorp	3783 of Humansdorp

REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES

KOUGA
local municipality
Service Excellence through Good Governance

APPROVAL OF SUSTAINABLE DEVELOPMENT GOALS (SDGS) IMPLEMENTATION FRAMEWORK

1. **Introduction**

The purpose of this report is to seek Council approval for the adoption and implementation of the Sustainable Development Goals (SDGs) Framework to integrate into municipal planning, budgeting, service delivery, and monitoring.

2. **Background**

The United Nations adopted the 17 Sustainable Development Goals (SDGs) (attached as Annexure A) as a universal call to action to end poverty, protect the planet, and ensure peace and prosperity for all by 2030. South Africa, as a signatory, has committed to localising and integrating the SDGs into national, provincial, and local government systems.

Municipalities play a critical role in achieving the SDGs through service delivery, environmental management, social development, and local economic development. Aligning municipal strategies with the SDGs strengthens developmental outcomes and enhances compliance with national frameworks such as the National Development Plan (NDP) and the Integrated Urban Development Framework (IUDF).

3. **Discussion**

Currently, the Municipality does not have a structured, formalised framework to integrate the SDGs into its planning cycles, including the Integrated Development Plan (IDP), Service Delivery and Budget Implementation Plan (SDBIP), and Annual Performance Plans. This results in fragmented planning, limited reporting, and missed opportunities for funding and strategic partnerships.

3.1 **Objectives of the SDG Implementation Framework**

- Integrate SDGs into municipal strategic planning and performance management.
- Enhance monitoring, evaluation, and reporting on progress.
- Promote collaboration across municipal departments and external stakeholders.
- Strengthen resource mobilisation for sustainable development initiatives.

3.2 **Alignment with Municipal Planning Tools**

The framework will align the SDGs with the IDP priorities, Key Performance Areas (KPAs), and departmental objectives. Each municipal program will be mapped against relevant SDG targets and indicators.

3.3 **Institutional Arrangements**

- Establishment of an SDG Steering Committee.

- Integration of SDG reporting into existing performance management structures.
- Capacity-building for municipal officials on SDG implementation and reporting.
- Ongoing stakeholder engagement, and resource mobilisation initiatives to strengthen SDG implementation.

-

3.4 **Expected Benefits**

- Improved service delivery outcomes.
- Enhanced access to national and international funding.
- Strengthened accountability, transparency, and developmental impact.
- Increased stakeholder involvement and public participation.

3.5 **Risk Assessment**

- **Risk:** Limited capacity for implementation.
  - **Mitigation:** Training and capacity-building programs.
- **Risk:** Inadequate data for monitoring.
  - **Mitigation:** Development of data management systems and partnerships with research institutions.
- **Risk:** Lack of departmental alignment.
  - **Mitigation:** Cross-departmental coordination mechanisms.

3.6 **Public Participation**

Public participation will be incorporated through community engagement sessions, IDP consultations, and stakeholder forums to ensure inclusivity and transparency.

3.7 **Conclusion**

The adoption of the SDG Implementation Framework positions the Municipality to deliver sustainable, equitable, and future-focused development. Council approval will ensure coherent planning, improved performance, and meaningful contributions to national and global sustainable development commitments.

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	

Implementation of the framework will be accommodated within existing departmental budgets. Additional funding opportunities may be accessed

through partnerships, grants, and national programs supporting sustainable development.

5. **Applicable Legislation**

The framework aligns with the Constitution of South Africa, Municipal Systems Act, Municipal Finance Management Act (MFMA), National Development Plan, and other relevant policies that promote sustainable and integrated development.

6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item 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**

Item noted.

8.7 **Municipal Manager**

Noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approves adoption and implementation of the Sustainable Development Goals (SDGs) Framework to integrate into municipal planning, budgeting, service delivery, and monitoring.

10.2 That Council authorizes the Municipal Manager to oversee the rollout and monitoring of the framework.

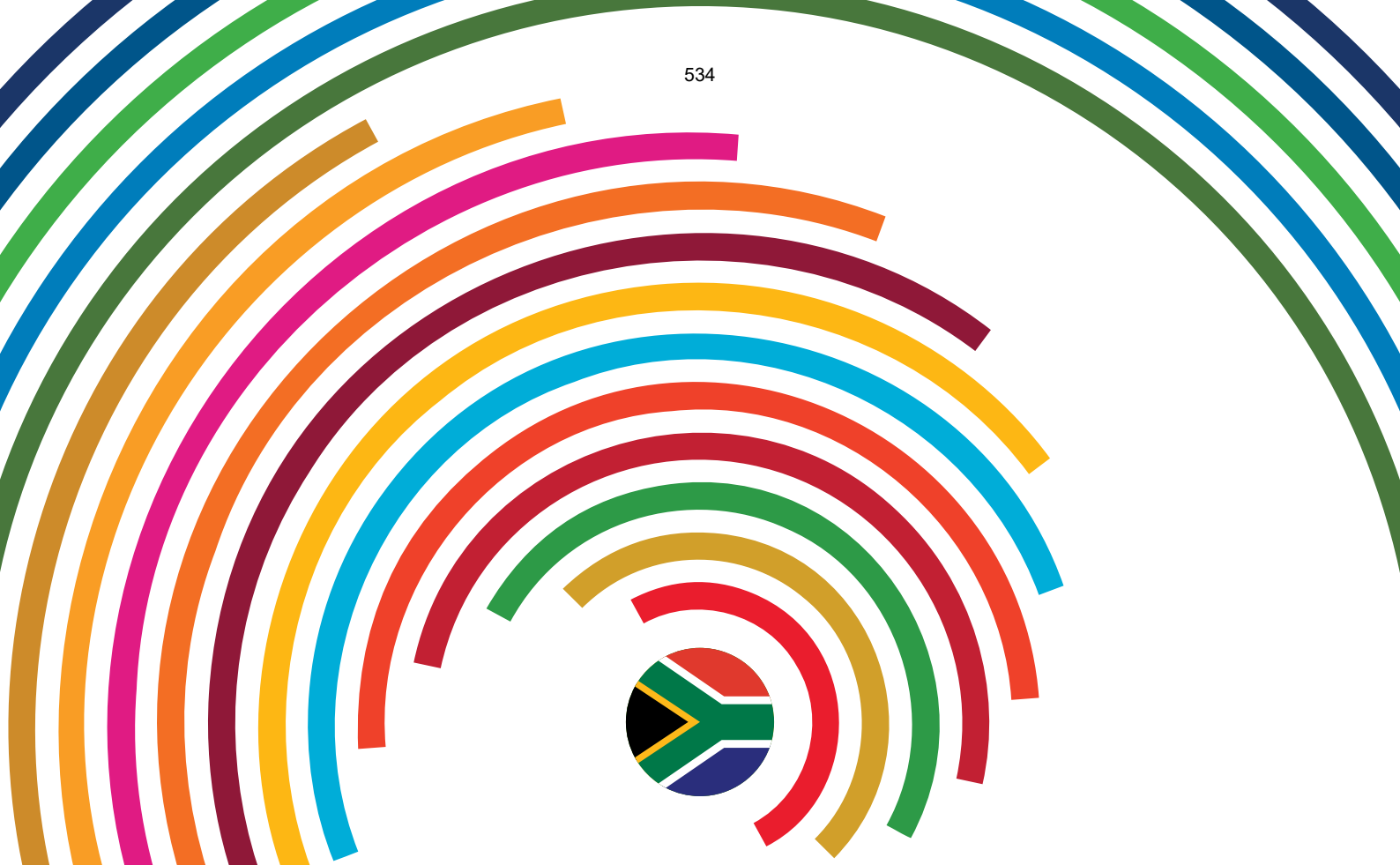
10.3 That Council approves the establishment of an SDG Steering Committee.

Item prepared by the: Manager: Waste and Environment 

Item approved by the: Director: Community Services 

Item endorsed by the: Municipal Manager: 

Item noted by the: Portfolio Chairperson: 



SUSTAINABLE DEVELOPMENT GOALS

THE PEOPLE'S REPORT ON THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

A CIVIL SOCIETY COMPLEMENTARY REPORT TO
THE **SOUTH AFRICA'S** NATIONAL VNR REPORT 2024

JULY 2024





SDG PEOPLE'S REPORT WRITING GROUP LEADS AND CONTRIBUTORS

SDG PEOPLE'S REPORT @ 2024

South African CSO Working Group on SDGs (SAWG)

SECRETARIAT: AFRICAN MONITOR

Puseletso Maile, Joseph Maniragena, Nangamso Kwinana, Ameerah Abrahams, Miriam du Toit and Anda Mondileki

www.africanmonitor.org

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PUBLISHER

African Monitor

GRAPHIC DESIGN AND LAYOUT

Jo Davidson (JoStudio Design)

COPY EDITOR

Jill Kronenberg

This report is published as part of a project financed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, commissioned by the Government of the Federal Republic of Germany. It was co-financed by Action for Sustainable Development (Action4SD) with funding from the Swiss Development Cooperation Agency (SDC), and ABSA Bank Limited.

The contents of this report, incorporating the results of an independent evaluation undertaken by civil society organisations, are the sole responsibility of the South African Working Group on SDGs.

ACRONYMS

COSATU	Congress of South African Trade Unions
CSR	Corporate Social Responsibility
CTF	Counter-terrorist financing
DAARLD	Department of Agriculture, Land Reform, and Rural Development
DAFF	Department Agriculture, Forestry, and Fisheries
DBE	The Department of Basic Education
DHET	The Department of Higher Education and Training
DoJ	Department of Justice and Constitutional Development
DPME	Department of Planning, Monitoring, and Evaluation
DSD	Department of Social Development of South Africa
ECD	Early childhood development
EEA	Employment Equity Act 55 of 1988
EEAA	Employment Equity Amendment Act (2022)
ELP	Early Learning Programme
EPWP	Extended Public Works Programme
ERRP	The Economic Reconstruction and Recovery Plan
FATF	Financial Action Task Force
FDI	Foreign Direct Investment
FES	The Friedrich-Ebert-Stiftung
FIES	Food Insecurity Experience Scale
G20	Group of 20
GBVF	Gender-based violence and femicide
GDP	Gross domestic product
GHG	Greenhouse gasses
GVA	Gross Value Added
ICMs	Intermediate City Municipalities
IDPs	Integrated Development Plans
ILO C190	International Labour Organisation Violence and Harassment Convention (No. 190)
IRP	Integrated Resource Plan
KZN	KwaZulu-Natal
LBPL	Lower-bound poverty line
LGBTQI+	Lesbian, gay, bisexual, transgender, and queer or questioning
LTSM	Learning and teaching support material
MTEF	Medium-Term Expenditure Framework
NCCAS	The National Climate Change Adaptation Strategy
NCDs	Non-communicable diseases
NDC	Nationally Determined Contribution
NDP	National Development Plan
NDSF	National Development Stakeholders Forum
NEDLAC	National Economic Development and Labour Council
NEMA	National Environmental Management Act 107 of 1988
NEPA	The National Education Policy Act 27 of 1996
NFNSP	National Food and Nutrition Security Plan for South Africa
NGM	National gender machinery
NGOs	Non-governmental organisation
NGPF	National Gender Policy Framework for Women's Empowerment and Gender Equality
NMW	National minimum wage
NPFNS	National Policy on Food and Nutrition Security
NSFAS	National Student Financial Aid Scheme
NSNP	National School Nutrition Programme
NSO	National Statistics Office
NSP-GBVF	National Strategic Plan on Gender Based Violence and Femicide
PACOTIP	Prevention and Combating of Trafficking in Persons Act 7 of 2013
PEDs	Provincial education departments
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
PES	Presidential Employment Stimulus
PFMA	Public Finance Management Act 1 of 1999
PIT	Personal income tax
PPPs	Public-private partnerships
R&D	Research and development
REIPPPP	Renewable Energy Independent Power Producer Procurement Programme
SADC	Southern African Development Community
SAFSC	South African Food Sovereignty Campaign
SALGA	South African Local Government Association
SAPS	South African Police Service
SAREM	South African Renewable Energy Master Plan
SARIS	South African Research and Innovation Strategy
SARS	South African Revenue Service
SASA	South African Schools Act 84 of 1996
SASSA	South African Social Security Agency
SDGs	Sustainable Development Goals
SDs	Sectoral Determinations
SEFA	Small enterprises funding
SLPs	Social and labour plans
SMEs	Small and Medium Enterprises
SOEs	State-owned enterprise
SPP	Surplus People Project
SRD	Social Relief of Distress
Stats SA	Statistics South Africa
TERS	Temporary Employer-Employee Relief Scheme
TIA	Technology Innovation Agency
TVET	Technical and vocational education and training
UIF	Unemployment Insurance Fund
UNDP	United Nations Development Programme
UNFCCC	The United Nations Framework Convention on Climate Change
USAID	United States Agency for International Development
USD	United States Dollar
VAT	Value-added Tax
VLR	Voluntary Local Review
VNR	Voluntary National Review
WCFSSF	West Coast Food Sovereignty and Solidarity Forum
WHO	World Health Organisation
WJP	World Justice Project

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INTRODUCTION AND POLITICAL OVERVIEW

The second CSOs People's report on Sustainable Development Goals (SDGs) implementation in South Africa is part of the Voluntary National Review (VNR) process that countries committed to during the adoption of Agenda 2030.

This report, together with the complementary report from the business sector, serve as annexures to the country's official VNR report, and aims to track South Africa's progress in achieving Agenda 2030 through the lens of Civil Society Organizations (CSOs), and will spotlight specific aspects of SDG delivery.

The report draws attention to the halfway point of the 2030 Agenda for Sustainable Development, underscoring the substantial divergence from the intended course. This is evident in the figure that summarises the current status of the Sustainable Development Goals. Without urgent course correction and acceleration, humanity will face prolonged periods of crisis and uncertainty—triggered by and reinforcing poverty, inequality, hunger, disease, conflict, and disaster. At a global level, the "Leave no one behind" principle is at significant risk.

The 2023 Global Sustainable Development Report (GSDR),[1] themed "Times of Crisis, Times of Change: Science for Accelerating Transformations to Sustainable Development", finds that at this critical juncture—midway to 2030—incremental and fragmented change is insufficient to achieve the SDGs in the remaining seven years.

The 2023 report says that implementation of the 2030 Agenda requires the active mobilisation of political leadership and ambition for science-based transformations. It is crucial to achieve this globally, with no country, society, or person left behind. The report is an invitation to embrace transformations with the urgency needed to accelerate progress towards the SDGs.

This civil society report aims to review the country's progress of the Sustainable Development Goals from the people's perspective, providing an independent assessment of progress. It seeks to amplify the voices of grassroots and marginalised communities, foster multi-stakeholder engagement, and highlight key challenges and opportunities, with the principle of Leaving No One Behind as a cross-cutting agenda. The report is intended to complement the government's Voluntary National Review report, not compete with it. Policy and institutional enabling environment.

South Africa has aligned, as far as possible, the implementation of the SDGs and Agenda 2063 with that of its National Development Plan (NDP). The NDP, enacted in 2012, has had a significant influence on South Africa's position and adaption of Agenda 2063 and the SDGs. In addition to the NDP, in South Africa, all three spheres of government conduct development planning: the Provincial Growth and Development Strategies (PGDS) at a provincial level, and the Integrated Development Plans (IDP), set by each municipality to ensure effective service delivery.iThis alignment means that efforts to achieve the SDGs have the potential to significantly impact the achievement of the country's national priorities as expressed in the NDP, and vice versa. An analysis of the NDP objectives and the SDGs shows a 74% convergence between the NDP and the SDG agenda.[2]

The Department of Performance Monitoring and Evaluation (DPME) posits that the Medium-Term

1 Independent Group of Scientists appointed by the Secretary-General, Global Sustainable Development Report 2023: Times of crisis, times of change: Science for accelerating transformations to sustainable development, (United Nations, New York, 2023).
2 NPC & UNDP SA. (2021). Mapping the National Development Plan to the United Nations and the African Union Sustainable Development Agendas.

Strategic Framework (MTSF) 2019–2024[3] is informed by several key international and regional policies and commitments, including the United Nations (UN) SDGs, the African Union's (AU) Agenda 2063, and the Southern African Development Community (SADC) Regional Instruments, all which provide an important context for developing this five-year implementation plan.

The MTSF 2019-2024, which is also the second 5-year implementation plan for the NDP, sets out the package of interventions and programmes that will advance the seven priorities adopted by the government for the sixth administration: building a capable, ethical, and developmental state; economic transformation and job creation; education, skills, and health; consolidating the social wage; spatial transformation, environmental affairs, local government, and basic services; social cohesion and safe communities; and a better Africa and world.

Despite a comprehensive plan under the NDP and the MTSF, as well as the provincial and local planning, progress in delivering the NDP and SDGs remains a challenge.

NDP TEN-YEAR REVIEW

The National Planning Commission (NPC) conducted a Ten-Year Review of the National Development Plan in 2023. This review provides an update on the core NDP targets over the last ten years, forms the basis for recommendations for implementation in the remaining eight years, and identifies corrective measures based on the changing circumstances over the past decade.

According to the review, South Africa had the highest number of Covid-19 infections on the African continent.

The deterioration of the policy environment, leadership challenges across society, lack of cohesion in executing the NDP, and poor implementation—all amidst a turbulent regional and global environment—resulted in the inability to achieve crucial NDP targets. The following challenges were further found to have impeded NDP implementation: weakening government and state institutions, poor public service performance eroding societal trust, blurred lines between political and administrative functions exacerbating governance issues, systemic corruption in both public and private sectors, severe fiscal constraints worsened by state-owned enterprises (SOEs), persistent and brutal crime including gender-based violence, and political leadership failing to prioritise the NDP, leading to inadequate advocacy and implementation. The review found that the interim phase did not achieve the implementation of the NDP, as set out in the vision and priorities.

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RESILIENCE AND RESPONSE TO UNEXPECTED DISASTERS

Covid-19 and climate-related disasters have had an adverse impact on the country's progress on SDGs. The pandemic's social impact on South Africa has been high, with many South Africans having lost their jobs and being at risk of falling into poverty due to labour market disruptions. The Covid-19 social protection response package, which cushioned 1.9 million people against this impact, came at a high economic cost. Public finances–which had been on a deteriorating trajectory for several years–was additionally pressured, making it more urgent to restore fiscal sustainability. In 2020, the deficit reached 12.9% of gross domestic product (GDP),

3 Department of Planning, Monitoring and Evaluation (DPME). (2019). The Medium-Term Strategic Framework (MTSF) 2019-2024. Government of South Africa. Retrieved from https://www.dpme.gov.za/keyfocusareas/outcomesSite/MTSF_2019_2024/2019-2024%20MTSF%20Comprehensive%20Document.pdf

resulting in public debt of 78.8% of GDP— with GDP having contracted by 7% for the same period.

South Africa is currently confronting a climate crisis, as demonstrated through multiple disasters, due to a warming rate that is double the global average. For instance, in 2021 alone, all nine provinces had experienced floods, with some provinces experiencing large wildfires as well. In April 2022, severe flooding in KwaZulu-Natal Province resulted in over 400 fatalities, with over 12,000 houses destroyed and more than 40,000 people displaced.

In 2022, South Africa adopted the Climate Change Bill[4] to enable the development of an effective climate change response and a long-term, just transition to a low-carbon and climate-resilient economy and society in the context of sustainable development, and to provide financing for matters connected therewith.

ACCELERATION MECHANISMS

Global scenario projections by the 2023 Global Sustainable Development Report show that business-as-usual strategies will not deliver the SDGs by 2030—or even 2050—but working through key entry points to leverage interlinkages in line with national circumstances and priorities could unleash rapid progress.

The 30-Year Review[5] acknowledges both the progress made and the challenges faced by a growing democracy like South Africa. These challenges include an underperforming economy, high unemployment rates, persistent poverty, stubbornly high and racially biased inequality, and threats to human development gains due to energy and water security issues, as well as gaps in service delivery that impact the most vulnerable.

The SA VNR 2024 report proposes the following mechanisms for acceleration of the implementation of the SDGs:

1. Prioritise human well-being and enhanced capabilities through sustainable development.
2. Invest in young people to participate in those fields with a high job growth potential, such as the green and digital economies.
3. Create economic growth and opportunities by increasing sustainable energy sources.
4. Unblock infrastructure constraints and invest in green and resilient infrastructure.
5. Rebuild trust through effective and responsive institutions.



4 Minister of Foresty, Fisheries and the Environment, 2022. Republic of South Africa Climate Change Bill. Available at https://www.parliament.gov.za/storage/app/media/Bills/2022/B9_2022_Climate_Change_Bill/B9_2022_Climate_Change_Bill.pdf

5 Department of Planning, Monitoring and Evaluation. (2023) "Towards a 30 Year Review of South Africa's Democracy (1994 – 2024)", Pretoria: Department of Planning, Monitoring and Evaluation. https://www.dpme.gov.za/publications/30-Year/30%20Year%20Review/30%20Year%20Review%20Synthesis%20Report.pdf

METHODOLOGY

The People's Report provides a civil society perspective on South Africa's progress on goals currently being reviewed under the High-Level Political Forum on Sustainable Development (HLPF): SDG 1 - No Poverty, SDG 2 - Zero Hunger, SDG 13 - Climate Action, SDG 16 - Peace, Justice, and Strong Institutions, and SDG 17 - Partnerships for the Goals. Civil society has also identified the following additional goals for review: SDG 4 - Quality Education, SDG 5 - Gender Equality and Women's Empowerment, and SDG 8 - inclusive growth and decent work. The report also includes civil society's reflection on the voluntary local review processes.

Eight sector-specific writing groups conducted the South African civil society review, with support from technical researchers. The review processes included desktop review with particular emphasis on civil society produced body of knowledge and conducted multiple consultive workshops with broader civil society groups. The writing groups used the adapted Civil Society scorecards developed by Action for Sustainable Development for their assessments (see below).

The civil society writing groups also made submissions to the official country VNR Report and formed part of the national VNR drafting team, which comprised both state and non-state stakeholders, including business, academia, and the United Nations.

CIVIL SOCIETY SCORECARDS

The scorecard provides an assessment of the current level of implementation of the selected goals. By taking into consideration the following parameters: (1) National Policy Framework, (2) Sectoral Plans, Strategies and Programs, (3) Institution, (4) Budgets, (5) Implementation and Service Delivery, (6) Awareness, (7) Transparency and Accountability (8) Multi-Stakeholder Partnerships (9) Citizen and Civil Society Engagement. The final score is computed once the group rates each target relevant for the country or constituency on a scale of 1-5 based on the parameters provided in the matrix. An average is calculated to determine the final score.



RATING	PARAMETERS
Very low progress (1)	Policy frameworks are being developed or updated in light of the SDGs for most targets; progress on this SDG is still minimal but showing positive early trends
Low progress (2)	Policy frameworks are starting to be meaningfully implemented; progress is slowly starting to be seen for some of the targets in this SDG
Medium progress(3)	Policy frameworks are starting to show positive outcomes for most targets; progress for this SDG shows a positive trend
High progress (4)	Policy frameworks are consolidating, and their implementation shows continuous positive outcomes for most targets; most of the targets for this SDG are on track to be achieved
Very high progress (5)	Strong and successful policy frameworks guide government programs effectively and in line with SD principles. Statistical indicators show that all of the targets for this SD will be achieved

1 END POVERTY IN ALL ITS FORMS EVERYWHERE

1.1 INTRODUCTION AND CONTEXT

Goal 1 of the SDGs aims to end poverty in all its forms everywhere by 2030.[6] It is a pivotal goal of the 2030 Agenda for Sustainable Development.

South Africa's progress on Goal 1 has been slow, and early gains have been largely reversed. Poverty declined from 1990 to 2015, but recent estimates show an increase. According to a Statistics South Africa (Stats SA) report, as of 2022, approximately 40% of the population lives below the lower-bound poverty line of ZAR 1 058.00, and a further 55% live below the upper-bound poverty line of ZAR1 558. Moreover, 13.8 million people (25%) experience food poverty (set at 760 in 2023).[7]

In South Africa, poverty is mainly intertwined with inequality and unemployment, collectively known as the "triple challenge". The historical legacy of Apartheid, income inequality, unemployment, limited access to livelihood capital, education, social exclusion, and vulnerability contribute to poverty in South Africa.[8] Livelihood capital, which had been stripped from the majority of people during the colonial and apartheid eras, has not been restored, but there are signs of households rebuilding it through social protection and other measures.

The National Development Plan (NDP) had set a poverty alleviation target of "have no people living both under the food poverty line (FPL) and the lower-bound poverty line (LBPL) by 2030".[9] The Medium Term Strategic Framework (MTSF) 2019-2024 sets a target of reducing poverty, based on the LBPL, to 28% by 2024.[10] The strategic framework addresses this through social protection, capability building measures, labour market activation programmes for under- and unemployed individuals, and protection for nutritional and food security.

South Africa's government developed a poverty alleviation plan that focuses on enhancing capabilities, providing pathways out of poverty, and improving coordination and integration to ensure that the interventions are successful. This approach promises to tackle the root causes of poverty by rebuilding productive livelihoods capital and enabling households to pursue multiple strategies for their livelihoods.


Richard van der Spuy / Shutterstock.com

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7 Stats SA. (2023). National Poverty Lines. Stats SA. https://www.statssa.gov.za/publications/P03101/P031012023.pdf
8 Trading Economics. (2023). South Africa Unemployment Rate. Trading Economics. https://tradingeconomics.com/south-africa/unemployment-rate
9 National Planning Commission. (2019). Medium term strategic framework 2019-2024. DPME. https://www.dpme.gov.za/keyfocusareas/outcomesSite/MTSF_2019_2024/2019-2024%20MTSF%20Comprehensive%20Document.pdf
10 National Planning Commission. (2019). Medium term strategic framework 2019-2024. DPME. https://www.dpme.gov.za/keyfocusareas/outcomesSite/MTSF_2019_2024/2019-2024%20MTSF%20Comprehensive%20Document.pdf

BOX 1
CIVIL SOCIETY SCORE CARD

The CSO technical writing group considered 4 targets including ending extreme poverty (1.1), reduce poverty by 50% (1.2), national social protection coverage (1.3), and equal rights to economic resources (1.4). Based on the review of the above targets and using the scorecard developed for this study, the CSO working group rated South Africa's performance on Goal 1 as **Level 2: low progress.**

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	2
4. Budgets	2
5. Implementation	2
6. Public Awareness	2
7. Transparency and accountability	1
8. Multi-stakeholder partnerships	2
9. Citizen participation and civil society engagement	2
TOTAL	2.1

South Africa has policies, strategies, and plans in place for implementing SDG 1, including the National Poverty Alleviation Acceleration Plan of 2023, which brings coherence on poverty alleviation strategies and responds to root causes of poverty. There is, though, a lack of alignment in the institutional support between national and local governments, as well as across departments. The coverage in social protection and the social wage has been improving over time, addressing multidimensional poverty in South Africa. While there have been some improvements, South Africa is still far from achieving productive and sustainable livelihoods for poor and marginalised communities.

Updated data on poverty rates and livelihoods asset ownership is lacking, hindering insight into the country's poverty reduction efforts. There is a pressing need to enhance transparency and accountability mechanisms in the execution of poverty reduction policies and programs. Multistakeholder partnerships exist, but greater collaboration is needed among civil society, the private sector, and government to achieve the goal. Citizen participation and engagement are present, but financial constraints limit support for grassroots communities.

1.2 PERFORMANCE ON TARGETS

Target 1.2: By 2030, reduce at least by half the proportion of men, women, and children of all ages living in poverty in all its dimensions according to national definitions.

Progress on poverty reduction has been slow or reversed. As of 2022, approximately 40% of the population lives below the lower-bound poverty line of ZAR1,058.00, and a further 55% live below the upper-bound poverty line of ZAR1,558. Moreover, a total of 13.8 million people (25%) experience food poverty (set at 760 in 2023),[11] meaning they are unable to purchase enough food to give them a sufficient nutritional diet. In 2021, it was estimated that 6.3% of South Africans are multi-dimensionally poor, with an additional 12.2% classified as vulnerable to multidimensional poverty.[12] This encompasses poor health, hunger, lack of clean water, insufficient access to healthcare, and substandard housing.

The Covid-19 pandemic undid progress on poverty reduction, resulting in increased poverty levels. The

11 Stats SA. (2023). Sustainable Development Goals Country Report 2023 South Africa. Stats SA https://www.statssa.gov.za/MDG/SDG_Country_report.pdf
12 UNDP. (2023). Briefing note for countries on the 2023 Multidimensional Poverty Index South Africa. UNDP https://hdr.undp.org/sites/default/files/Country-Profiles/MPI/ZAF.pdf

South African economy declined by 6.3% in 2020, during the Covid-19-induced hard shutdown; over 2 million jobs were shed, and many South Africans lost their income.

Social protection has provided relief to 27.3 million South Africans living in poverty, and the Expanded Public Works Programme (EPWP) has provided many South Africans with income and temporary work opportunities, creating 938,688 work opportunities in 2020/21.[13] However, the EPWP work opportunities do not address the approximately 10 million jobs needed. Its long-term impact on sustainable livelihoods and skills development remains debated.

Target 1.3: Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

According to Stats SA, the percentage of individuals who benefited from social grants consistently increased from 12.7% in 2003 to 30.1% in 2015.[14] Children covered by the child-support grant account for 70% of all people covered by social welfare transfers. The child-support grant accounts for 36% of total grant expenditure and, since 2011, includes children up to the age of 18.[15]

Currently, 27.3 million individuals receive grants, comprising roughly 45% of the total population, with a financial outlay of ZAR232 billion. Of these, 18.825 million people receive traditional social grants, while approximately 8.5 million receive Covid-19 Social Relief of Distress (SRD) grants. However, this assistance is not a permanent, sustainable solution to poverty.[16]

The Department of Social Development introduced the Social Relief of Distress grant during the Covid-19 pandemic to support unemployed individuals affected by the lockdowns. A report on the rapid assessment of the implementation and utilisation of the SRD grant indicates that recipients mainly used the grant to buy food. 70% of applicants in the survey undertaken were below 34 years old and had matric and higher education qualifications (degree or diploma). Black Africans made up 82.8% of grant applicants. Gauteng had the highest number of respondents (28.2%), followed by KZN (18.7%).[17] Initially introduced in May 2020, the grant has been extended until March 2025.

Target 1.4: By 2030, ensure that all, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.

Poor South African households have limited access to livelihood capital such as social, human, financial and physical assets. These assets include access to land and other productive assets, social networks, knowledge and skills that can generate income, access to basic services, transport, a home from which they may run their businesses, and a safe environment. Public investment is needed for households to build back the capital and engage in multiple livelihoods strategies.

Since 2001, access to basic services in South Africa has increased significantly. Over 80% of households now have access to piped water, either inside their dwellings or within their yards. The reliance on piped water sources outside yards or community stands has decreased over time; in 1996, 19.6% of households depended on such sources, but by 2022, this figure had dropped to 8.9%.[18] Despite these improvements, the persistent lack of essential services such as clean water, sanitation, electricity, and waste collection disproportionately affects marginalised and impoverished communities. These groups often cannot afford alternative private solutions, leading to significant negative consequences for their development and overall well-being.

13 SA Cities Network. (2022). The Expanded Public Works Program. SA Cities Network https://www.sacities.net/wp-content/uploads/2022/05/EPWP-2020_2021-Report_0405_electronic.pdf
14 Stats SA. (2017). Poverty Trends in South Africa: An examination of absolute poverty between 2006 and 2015. Stats Sa http://www.statssa.gov.za/publications/Report-03-10-06/Report-03-10-062015.pdf.
15 Department of Social Development. (2021). Annual Report 2020/21. Gov.za. https://www.gov.za/sites/default/files/gcis_document/202111/dsd-annual-report-2021-final.pdf
16 Department of Social Development. (2023). SASSA Annual Performance Report, 2022 – 2023. Department of Social Development. https://www.sassa.gov.za/annual%20reports/Documents/SASSA%20ANNUAL%20REPORT%202022-23.pdf.
17 Department of Social Development. (2021). Rapid Assessment of the Implementation and Utilisation of the Special Covid-19 SRD. Department of Social Development. https://www.dsd.gov.za/index.php/component/jdownloads/?task=download.send&id=316:the-rapid-assessment-of-the-implementation-and-utilisation-of-the-special-covid-19-srd-grant&catid=7&m=0&Itemid=101
18 Water and sanitation. (2023). South African Government https://www.gov.za/about-sa/water-affairs

1.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

As a policy reaction to Covid-19, the President of South Africa launched the Economic Reconstruction and Recovery Plan (ERRP) in October 2020. ERRP is a strategic framework to revive and create conditions for economic recovery following the economic downturn exacerbated by the Covid-19 pandemic. Key focus areas of the framework include infrastructure development, employment creation, industrialisation and manufacturing, and support for small and medium enterprises (SMEs).

The government provided unemployment relief with an investment of ZAR23.5 billion during the Covid-19 pandemic. This was accomplished through the Presidential Employment Stimulus (PES), a government response to the pandemic's devastating economic impact on jobs and livelihoods. The PES is part of the ERRP.

As of 2022, the initiative has benefited 960,972 people, with 84% of them being young people and 58% being women. A total of 726,638 (83% of target) jobs were generated, 23, 592 (75% of target) livelihoods supported, and 40,526 (67% of target) positions retained.[19] The PES, through direct public investment, promotes job creation, employment protection, and livelihood assistance programmes as part of a larger economic recovery effort. All this progress is expected to reduce poverty.



South Africa is currently finalising the drafting process of the Poverty Alleviation Acceleration Plan and, in 2023, the Presidency proposed an annual budget of up to ZAR88.5 billion for an Anti-Poverty Plan. The plan includes measures like food aid, job development efforts, and a permanent basic income support grant. The projected costs are estimated to be between ZAR36 billion and ZAR50 billion per year, with contributions expected from the business sector. Additionally, ZAR2 billion of the proposed budget would be allocated towards food subsidies specifically targeting children's nutrition.

1.4 GAPS AND ACCELERATORS

Civil society's assessment of South Africa's performance on Goal 1 has revealed the gaps and identified accelerators listed below.

Gaps

- Lack of policy coherence in poverty reduction strategies and lack of coordination of the government's national, provincial, and local spheres.
- Misalignment of legislative, policy, and institutional frameworks.
- Lack of updated poverty statistics to inform policy and implementation.
- Lack of adequate finance for integrated and coordinated poverty alleviation efforts.

Accelerators

- Enable productive livelihoods by redefining informal work as a legitimate source of livelihood, manage hostilities from authorities, and ensure decriminalisation of such work. There is a need to build an ecosystem of social and economic services to improve productivity in the informal sector. This must be linked to township economy initiatives and should enhance economic opportunities, access to essential and social services, and improve governance. Additionally, a comprehensive livelihood strategy and plan should be developed considering rural and urban poverty, which would require different pathways out of poverty. The initiative must

19 Department of Tourism.(2022). Economic Reconstruction & Recovery Plan Progress Report. Department of Tourism https://www.tourism.gov.za/AboutNDT/Publications/Economic%20Reconstruction%20%26%20Recovery%20Plan%20Progress%20Report.pdf

consider building livelihood assets, which are a resource base of the marginalised and historically disadvantaged groups, including human, natural, financial, physical, and social capital. The strategy should include a special focus on rural poverty among small landholders, particularly indigenous populations, that addresses the question of land ownership and transfer resources.

- Beneficiation of minerals is critical if we are to economically empower our communities, as we are 'exporting jobs' by not implementing it. Implementing mineral beneficiation locally will create numerous job opportunities by establishing processing plants and related industries, which in turn require a skilled workforce for various stages of the beneficiation process. This leads to direct employment in the plants and indirect employment in supporting sectors such as equipment manufacturing, logistics, and maintenance. By generating these jobs, local communities will gain steady incomes, reducing poverty levels. The increased economic activity will also stimulate local businesses, further promoting economic development and improving living standards.

- Many workers live far from their workplaces and end up spending a significant portion of their earnings on transportation, which perpetuates the cycle of poverty. By investing in proper and reliable infrastructure, such as efficient public transportation systems and affordable housing closer to employment hubs, the burden of high transport costs can be alleviated. This not only increases workers' disposable income but also improves their quality of life. Enhanced infrastructure can lead to more equitable access to job opportunities, education, and healthcare, all of which are critical for reducing poverty and fostering sustainable economic growth.

- Ensure sustainable human settlements by developing a National Indigency Policy that provides a basis for delivering free basic services to the indigent, enhancing current indigent policies applied by municipalities. Strengthening the existing human settlement programmes (national and provincial) to target the progressive realisation of the right to housing within a timeline proposed to reduce existing backlogs, serve the qualifying growing population, and secure the necessary resources and skills.

- Comprehensive social protection floor by converting the Social Relief of Distress grant into a Basic Income Support grant for those aged 18 to 59 years with no or little income. The means test of this grant must be pegged at the food poverty line, currently ZAR711. Credible research from various sources indicates that most recipients use the ZAR350 SRD grant to buy food. The DSD and the South African Social Security Agency (SASSA) must increase the grant amount to the food poverty level. The government must ensure the allocation of adequate financing towards strengthening the Basic Income Support grant.

- The government, through IDPs and Skills Development Plans (SLPs) needs to invest more in skills development focusing more on the needed relevant 21st Century digital skills to ensure the employability of local communities considering modernization in the mines.

1.5 LEAVE NO ONE BEHIND

Poverty remains concentrated in previously disadvantaged areas, such as the former homelands—areas that were set aside for black South Africans along ethnic lines during Apartheid. It also affects female-headed households rather than male-headed households. Marginalised groups such as black people, females, children, and people living in rural areas therefore remain left behind in South Africa.

1.6 INTERLINKAGES

As mentioned above, poverty in South Africa is closely linked with inequality and unemployment. South Africa is one of the most unequal societies globally, with historical factors like apartheid contributing significantly to persistent inequality. In South Africa, SDG 1 is therefore interlinked with SDG 10.

Gender inequality is another dimension that impacts poverty. Women in South Africa often face higher rates of poverty and unemployment, and promoting gender equality is crucial for reducing overall poverty and links this SDG to SDG 5 (gender equality and women's empowerment). High unemployment rates are a critical factor contributing to poverty in South Africa.

Poverty is also a symptom of an inadequate and unjust education system, which traps many

individuals in circumstances of deprivation; SDG 1 is therefore also linked to SDG 4. As Kumi Naidoo (2010:111) argues, education provides a chance to break free from poverty. He added that it's the absence of education opportunities that trap people in a lifetime of poverty.

Creating decent jobs and fostering economic growth are vital to lifting people out of poverty; this links this SDG to SDG 8 (decent work and economic growth).

Food insecurity is a significant aspect of poverty. Many South Africans struggle with hunger due to unemployment and economic challenges. SDG 2 and SDG1 are therefore also interlinked.

1.7 CONCLUSION

South Africa has made limited progress on ending poverty by 2030. There is marginal progress on multidimensional poverty due to the increased access to social wages, including health care, education, and housing. The root causes of poverty in South Africa is lack of livelihood capital for households to engage in livelihoods activities. Communities depend on the labour market for their livelihoods, with limited access to land and livelihood assets. The national strategy to reduce poverty includes provision of social protection; a social wage comprising access to health, education, and housing; as well the expanded public works program.

It is important to consider enabling productive livelihoods by redefining informal work as a legitimate source of livelihood and build an ecosystem of social and economic services to improve productivity in the informal sector. This must be linked to township economy initiatives and should enhance economic opportunities, access to essential and social services, and improve governance. A comprehensive livelihood strategy and plan must consider rural and urban poverty, which would require different pathways out of poverty.

Introducing a comprehensive social protection floor or permanent Basic Income Support grant for individuals aged 18-59 with minimal or no income should align with the progressive realization of the right to social assistance. This grant should at least be at the current food poverty line of ZAR760, working toward the upper–bound poverty line, reflecting its primary use for essential food purchases, as evidenced by research.

We cannot end poverty without talking about the elephant in the room—the land issue. Land can play a pivotal role in enhancing productive assets and achieving economic justice through land restitution. Currently, the black majority, who were historically dispossessed of their land, hold a disproportionately small share of the country's land. By returning land to this majority, beneficiaries can engage in agriculture, start businesses, and secure loans, transforming the land into productive assets. This can lead to increased food production, job creation, and poverty reduction. Additionally, developing industrial zones and affordable housing on restituted land can stimulate local economies, create employment, and reduce transport costs for workers. This dual approach addresses historical injustices and promotes sustainable development, ultimately contributing to a more equitable and prosperous society.



2 ZERO HUNGER



2.1 INTRODUCTION AND CONTEXT

SDG 2[20] seeks to end hunger, achieve security, improve nutrition, and promote sustainable agriculture. This report aims to complement South Africa's Report on the SDGs 2024 and incorporates perspectives from non-governmental organisations, community groups, and other civil society stakeholders involved in food security and agricultural sustainability in South Africa.

While the country has been characterised as being nationally food secure, there are concerning pockets of food insecurity expressed through hunger. According to the 2020 Food Insecurity Experience Scale (FIES) data, 17.3% of South Africans experienced moderate-to-severe food insecurity, while 7% experienced extreme food insecurity.[21] Although South Africa allocates a higher percentage of its GDP to social assistance (3%)[22] compared to other countries on the continent, there is little to no access to nutritious food for low-income households.

In 2023, South Africa faced notable food price increases driven by inflationary pressures stemming from global geopolitical tensions and export restrictions by major grain producers. It is expected that by 2025, nearly half of South Africa's population will be food insecure, with 48.96% potentially not having enough to eat.[23]

South Africa has a well-developed commercial agricultural sector that is globally competitive. Its commercial food sector comprises 40,000 farms and vibrant agro-industries that produce 80% of food. The maturity of the commercial agricultural sector is reflected in the increase in South Africa's total agricultural production over the past 10 years. This sector produces high-quality food that is exported to countries around the world, accounting for approximately 5% of GDP and 14% of total merchandise exports.[24] Statistics South Africa reports a rise in the gross value added (GVA) of agriculture, forestry, and fishing from ZAR165.2 billion in 2014 to ZAR210.4 billion in 2023 (nominal value).

The NDP states that "The strategy should ensure access to basic services, food security and the empowerment of farmworkers".[25] Thus, central to the achievement of food security is the exploration of sustainable agricultural practices to deal with the challenges of climate change. The government has tried to ensure that there are frameworks that ensure that it meets the goal of promoting access

20 Writing group contributors: Zanele Matebula (FES), Dr Mbuso Nkosi (University of Witwatersrand), Zanele Mabaso (Kagiso Trust), Lynette Maart, Gijs Boor, Yared Tsegay and Puseletso Maile (African Monitor), Adela Ndlovu (Harambee Youth Employment Accelerator), Jessica Williams, Angelina Mdakanevi , Awande Nxumalo, Isabella Liba, Lebohang Mothapo, Lesedi Malemela Luvuyo Sandi, Nyeleti Mlambo, Neliswa Fuku and Rakgadi Mangweta (Kagiso Trust), Bakang Enele, Batlhalifi Nkgothoe (Global Change Institute), Bongani Mkhize, Christopher Matshidzula (Uthando Primary School), Cornelius Sibusiso Mpinga (Iketleng Primary School),Dladla Mokeki, Emily Tjale (Land Access Movement of South Africa), Faiza Abraham-Smith (Institute for the Advocacy of Journalism), Gladys Ndebele, Goodboy Cyril Gumede, Itumeleng Tau, Iyedi Mashifane, Jane Mabaso (Imperial & Motus Community Trust), Kat Yassim, Kedibone Ditshego, Kgotso Letsoko, Lemogang Senna (Thulamela Business Forum), Leona Archary (Agricultural Development Agency), Mamashoabathe Noko (Foundation for Human Rights), Masivelane Sweleka (Engcobo Men As Partners), Matlhodi Mashifane, Michael Chauke (Moretele Community Foundation), Moeketsi Koahela, Mpho Nchabeleng, Mthandeki Calvin (Makhanga YouthSA), Naphtali Ng'uni (Operation Hunger),Nomkhosi Khumalo, Ntokozo Zondi (The Foundation for Human Rights), Ntsoaki Phali (Food Empowerment Zone), Palesa Madito, Patricia Mokgosi (The Department of Educational Foundation-Tshwane University of Technology), Pinkie Malepe, Robert Langa, Sihle Mahonga (Rural Health Advocacy Project), Simon Ramapuputla (Workers World), Smanga Mgida, Tamsin Mzozoyana (Krystal Consulting) and Tlotliso Nhlapo (Food Empowerment Zone).

21 Stats SA. (2020). Measuring Food Security in South Africa: Applying the Food Insecurity Experience Scale. Stats SA https://www.statssa.gov.za/publications/Report-03-00-19/Report-03-00-192020.pdf

22 World Bank. (2021). South Africa Social Assistance Programs and Systems Review. World Bank. https://documents1.worldbank.org/curated/en/238611633430611402/pdf/South-Africa-Social-Assistance-Programs-and-Systems-Review.pdf

23 Shoprite Holdings. (2023). Calls for action to counter food insecurity. Shoprite Holdings https://www.shopriteholdings.co.za/newsroom/2023/world-food-day-2023.html#:~:text=By%202025%20nearly%20half%20of,next%20meal%20will%20come%20from

24 Food and Agriculture Organization of the United Nations; European Union; Agriculture Research for Development. (2022). Food systems profile. Food Security. https://foodsecurity.ac.za/wp-content/uploads/2022/06/Food-Systems-Profile-South-Africa-Catalysing-the-sustainable-and-inclusive-transformation-of-food-systems.pdf

25 National Planning Commission. (2012). National Development Plan 2030: Our Future - Make it Work. DPME https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf

BOX 2
CIVIL SOCIETY SCORE CARD

The CSO technical writing group considered five of the eight targets including (2.1) end hunger and ensure access by all people; (2.2) end all forms of malnutrition; (2.3) double the agricultural productivity and incomes of small-scale food producers; (2.5) maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species; and (2.A) increase investments in rural agriculture, research, and technology.

Based on the above targets and using the scorecard developed for this study, the CSO working group rated South Africa's performance on Goal 2 as **Level 2: low progress.**

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	3
4. Budgets	3
5. Implementation	3
6. Public Awareness	2
7. Transparency and accountability	2
8. Multi-stakeholder partnerships	2
9. Citizen participation and civil society engagement	3
TOTAL	**2.7**

The working group acknowledges that South Africa has policies in place and that there is alignment between the SDG agenda and the national plan, with budgets in place. However, the budgets are not standardised and the plans in place do not align with processes at the local level.

Transparency and accountability mechanisms are being planned, but government accountability to citizens must be strengthened according to Agenda 2030. Strengthening multi-stakeholder partnerships is essential to ensure collaboration, capacity building, and coherence of programmes between and amongst departments and various stakeholders.

There is some citizen participation and civil society engagement with non-state actors through government departments that are responsible for the implementation of the targets and goals. Public hearings are an example of government inviting civil society for its contributions in crafting policies – but without supporting participation.

to food. This finds expression in the 2014 National Policy on Food and Nutrition Security and the 2017 National Food and Nutrition Security Plan.

Civil society holds the view that food security in South Africa can be only addressed by reforming the food system through adopting an agroecological approach to agriculture. This transformative framework is inclusive and green—an alternative to the prevailing market-driven approach, is a key lever for achieving food sovereignty, is sustainable, and has the potential to address inequalities and hunger. Civil society groups led by South African Food Sovereignty Campaign (SAFSC) has initiated a process to develop a People's Food Sovereignty Act to transform the country's unjust and unsustainable food system.[26]

26 Food Sovereignty Campaign. (2018). Food Sovereignty Campaign.

2.2 PERFORMANCE ON TARGETS

The civil society technical writing group reviewed South Africa's performance on Goal 2, considering the national context and features of the food systems, policy frameworks, food insecurity, and access to land and support.

Target 2.1: By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious, and sufficient food all year around.

Access to land is one of the principal contributors to food security in South Africa. The data below shows that households engaged in agricultural activities are less likely to consider themselves as having inadequate access to food. A Stats SA report shows that in 2021, 20.9% of households nationally considered their access to food as inadequate or severely inadequate. In certain areas, such as the Northern Cape (35.8%), Mpumalanga (32.6%), and the North West (30.9%), inadequate access to food was more common. In contrast, only 5.7% of households in Limpopo, which had the highest number of households (37.9%) involved in agricultural activities in 2021, reported inadequate access to food. In Gauteng and KwaZulu-Natal, 14.9% and 14.2% of households respectively reported food inadequacy.[27] Limpopo also had the lowest percentage of people experiencing food inadequacy.

Research shows that poor households allocate 40% of their income on food, compared to 5% for wealthy households. The 28-item urban food basket increased by 9.6% from December 2022 (ZAR1,131.01) to December 2023 (ZAR1,239.59), with a monthly increase of 0.6% during that period.[28] As a result, a large proportion of poor South African households are struggling to afford a basic healthy food basket. South Africa has further encountered food price fixing issues, particularly for bread and maize meal.[29]

South Africa has a range of food and social safety nets. These include social assistance grants, school feeding programmes, community food gardens, food banks, emergency relief efforts, nutrition education, subsidised food programmes, unemployment insurance, healthcare access through the National Health Insurance (NHI), social housing, skills development, and community-based support services. However, these initiatives do not provide the comprehensive support needed to combat malnutrition and hunger effectively.[30]

Target 2.2: By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.

South Africa is 'on course' to meet two of the global nutrition targets for which there was sufficient data to assess progress: wasting, with 3.4% of children under 5 years of age affected (lower than the 6% average for the African region); and the prevalence of overweight children under 5 years of age, which in 2020 stood at 11.6%.[31]

No progress has been made towards achieving the target of reducing anaemia among women of reproductive age. The low-birth-weight target remains unachieved, with 14.2% of infants having a low weight at birth, and there is insufficient data to assess progress towards the exclusive breastfeeding target.

The nutritional status of children and young people in South Africa is poor and linked to inequities.[32] Stunting—an indicator of chronic undernutrition—affects around 27% of the country's children, with coexisting challenges of wasting, micronutrient deficiencies, and obesity.[33] While self-reported hunger of children has declined, stunting remains exceptionally high for an upper middle-income country. The accompanying rise in child and

27 Stats SA. (2021). Assessing Food Inadequacy and Hunger in South Africa 2021: Using the General Household Survey. Stats SA. https://www.statssa.gov.za/publications/03-00-20/03-00-202021.pdf
28 NAMC. (2024). Food basket monthly. NAMC. https://www.namc.co.za/wp-content/uploads/2024/01/Food-Basket-Price-Monthly-Report-January-2024.pdf.
29 Business Tech. (2023). Competition Commission launches inquiry into food prices in South Africa. BusinessTech. https://businesstech.co.za/news/government/664917/competition-commission-launches-inquiry-into-food-prices-in-south-africa/
30 Food and Agricultural Organization. (2023). National Food and Nutrition Security Plan. FAO. https://www.fao.org/faolex/results/details/en/c/LEX-FAOC211944
31 Global Nutrition Report. (2020). South Africa: The burden of malnutrition at a glance. Global Nutrition Report. https://globalnutritionreport.org/resources/nutrition-profiles/africa/southern-africa/south-africa/
32 Food and nutrition security. (2020). South African Child Gauge. Innovation Edge. https://innovationedge.org.za/wp-content/uploads/2021/02/ChildGauge_2020_screen_final.pdf
33 Ibid



adolescent obesity has resulted in more diet-related non-communicable diseases (NCDs), with 42.9% of adult (aged 18 years and over) women and 18.2% of adult men living with obesity.[34]

One way in which the government has tried to deal with nutrition and stunted growth is by promoting the National School Nutrition Programme (NSNP). Data gathered between 2009 and 2021 indicates that "three-quarters (77,3%) of learners who attended public schools benefitted from school feeding schemes in 2021, compared to 63,1% in 2009. Learners in Limpopo (91,9%) and Mpumalanga (89,1%) most commonly benefitted from this programme, while only 55,2% of learners in Western Cape and 61,2% of learners in Gauteng benefitted from this type of programme".[35]

The NSNP needs to be expanded to factor in the needs of the community, especially women and those living with disabilities. Schools with available hectares of land should embark on agroecological farming through the Sovereignty Hubs suggested above. Involving unskilled and semi-skilled community members in these initiatives ensures that the NSNP safety net extends beyond learners.

Target 2.3 By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

At the household level, South Africa has low agricultural production. In 2021, 3.1 million (17.3%) households were involved in agricultural activities. Most of these households are located in non-metro and rural areas: Limpopo (37,9%), Eastern Cape (33,4%) and Mpumalanga (32,2%) were most involved, while only 2,9% of households in Western Cape, and 6,4% of households in Gauteng engaged in some agricultural activity.[36] About 12% of the households involved in agricultural activities reported that it was their main source of food.[37]

Small-scale farmers in South Africa confront numerous obstacles, including difficulties in accessing suitable land, finance, and markets. Climate change-induced challenges exacerbate their struggles, as erratic weather patterns and environmental degradation impact crop yields and livestock productivity. Moreover, limited access to technical support, inputs, and modern farming technologies hinder their ability to adopt efficient agricultural practices. Policy and institutional constraints, coupled with social and economic marginalisation, further compound their vulnerability.

The 1913 Land Act initiated the process of confinement of the black population of South Africa into specific areas that represented less than 10% of the country's land. Land redistribution has been very slow. A Quality-of-Life Survey commissioned by the Department of Land Affairs identified food security as the primary determinant of the well-being of people directly affected by land reform. Vulnerable and disadvantaged South Africans, in particular black South Africans, continue to face the effects of land dispossession. This challenge is exacerbated by a lack of adequate attention to finalising land restitution claims and addressing issues pertaining to the access, use, and management of land as afforded by the Spatial Planning and Land Use Management Act of 2013, Restitution of Land Rights Act of 1994 and Provision of Land and Assistance Act of 1993, amongst other provisions. In 1994, the new government set a target of redistributing 30% of the 77 million hectares within the first five years in government. Over the years, the government has consistently adjusted this target, and now their aim is to achieve 30% by 2030.

Through the acquisition of 115 467 hectares of strategically located land, the Department of Agriculture, Land Reform and Rural Development (DALRRD) stated in its 2023 Budget Vote that it would concentrate on promoting fair land redistribution and agricultural development over the medium term.[38] Of this land, 50% is to be allocated to women, 40% to young people, and 10% to people with disabilities.

34 Ibid
35 Statistics South Africa. (2021). General Household Survey 2021. Stats SA. https://www.statssa.gov.za/publications/P0318/P03182021.pdf
36 Ibid.
37 Statistics South Africa. (2023). Focus on food inadequacy and hunger in South Africa in 2021. Stats SA. https://www.statssa.gov.za/?p=16235
38 National Treasury. (2023). Budget Vote 29 of the Department of Agriculture, Land Reform and Rural Development. DARRLD. https://www.treasury.gov.za/documents/national%20budget/2023/ene/Vote%2029%20Agriculture,%20Land%20Reform%20and%20Rural%20Development.pdf

Target 2.5: By 2020, maintain the genetic diversity of seeds, cultivated plants, and farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at the national, regional, and international levels and promote access to and fair and equitable sharing of benefits arising from the utilisation of generic resources and associated traditional knowledge, as internationally agreed.

Land degradation in South Africa is a significant environmental issue with severe impacts on the country's ecosystems and agricultural productivity. Soil degradation affects 70% of the country's land, with sheet and gully erosion covering an area of 0.72 million hectares. Vegetation degradation is also widespread, with areas of severe degradation corresponding closely with the distribution of communal rangelands in provinces like Limpopo, KwaZulu-Natal, and the Eastern Cape. Land degradation is primarily driven by land tenure, inappropriate land use, and management practices within unique ecosystems.

The South African government, through the Department of Agriculture Land Reform and Rural Development, operates a seed distribution programme that provides communities with vegetable seeds for farming. The seeds provided though are genetically modified, making it hard to rehabilitate the soil in future and creating conditions where many communities end up farming a single crop (monocropping). Many communities are struggling with the distribution and sharing of seeds, which is why we recommend the creation of food hubs.

DAARLD is seeking to become a party to the International Treaty on Plant Genetic Resources for Food and Agriculture, which ensures that farmers and plant breeders can easily access the raw genetic material needed to develop new crop varieties, including those with higher yields and those that are resilient to climate change. South Africa is requesting entry to jointly share information in an effort to benchmark and obtain the highest calibre plant material.[39] Additionally, it is for security purposes as materials are registered upon South Africa's ratification of the treaty, granting protection. This means that South Africa can rely on other nations for research and access to existing material in the unlikely event that all maize varieties are lost.

Civil society advocates for food sovereignty because of its potential to address unemployment in rural areas, and because it also gives South Africa the right to protect its local producers from cheap imports and controls production. It also ensures that the right to use and manage lands, territories, water, seeds, livestock and biodiversity are in the hands of those who produce food — and not the corporate sector.[40] According to Surplus People Project (SPP), additional to land reform, a comprehensive agrarian reform policy/strategy is required to address broader issues of the rural economy (e.g. housing, infrastructure, roads, health care, education, inputs, research, extension, markets, processing, and infrastructure, etc.). Access to land creates livelihood opportunities for the poor and vulnerable in the areas that we work and enhanced the opportunities of residents.[41]

In the West Coast of South Africa, in Lutzville, we saw the community forming the West Coast Food Sovereignty and Solidarity Forum (WCFSSF) in 2016. The women-led WCFSSF started community gardens by using indigenous seeds which they collected by visiting various community gardens and farms. WCFSSF prides itself in practising agroecology and, during the Covid-19 lockdowns, they were able to distribute cultural seeds and seedlings in the community and shared the produce within the community to combat hunger.

2.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

South Africa introduced the National Policy on Food and Nutrition Security (NPFNS) in 2014 and the National Food and Nutrition Security Plan for South Africa (NFNSP) in 2017.

The Department of Agriculture, Forestry and Fisheries introduced the NPFNS and recognises the policy's role as a key pillar in delivering the objectives of the National Development Plan. The aim of the NPFNS is to provide a broad framework

39 Statistics South Africa. (2023). Focus on food inadequacy and hunger in South Africa in 2021. Stats SA. https://www.statssa.gov.za/?p=16235
40 Surplus People Project. (n.d). SPP and Agrarian Transformation. SPP. https://spp.org.za/impact-areas/agrarian-transformation/
41 Surplus Peoples Project. (2018). Submission to the South African Human Rights Commission (SAHRC) on The Impact of Rural Land Use and Ownership Patterns on Human Rights From the Surplus People Project. SPP. https://spp.org.za/wp-content/uploads/2018/04/Submission-to-the-South-African-Human-Rights-Commission-SAHRC.pdf

which guides national, provincial, and local governments in pursuing food security at every level. Its strategic goal is to ensure the availability, accessibility of safe and nutritious food at national and household levels, with the policy centred around the following five pillars: the availability of improved nutritional safety nets which include NGO interventions, improved nutrition education, aligning investment in agriculture towards local economic development in rural areas, improve market participation of the emerging agricultural sector through public-private partnerships, and food and nutrition security risk management in response to the (production) challenges.[42]

National Food and Nutrition Security Plan for South Africa (NFNSP) followed three years after the NPFNS was first introduced. By this time, South Africa had almost 60 different policies, strategies, plans and programmes targeting hunger and malnutrition, but still lacked a single integrated national plan to achieve food security.

The NFNSP was therefore introduced to serve 'as a coherent framework to harness all these [different] efforts towards a common direction. Its vision is to achieve optimal food security and enhanced nutritional status for all South Africans, and its mission is to significantly improve food security and reduce malnutrition in all its forms to enable healthy and productive lives for the people of South Africa.

2.4 GAPS AND ACCELERATORS

Civil society's assessment of the country's performance on Goal 2 revealed the gaps and accelerators listed below.

Gaps

- The slow progress on land reform in South Africa is having significant implications for marginalised communities, particularly in terms of their access to markets and access to nutritious food.
- A few retailers control the distribution of food, with the market dominating it. The lack of capital restricts many community farming projects, further limiting their access to food and making them reliant on large agribusiness and commercial retailers.
- Inflation and price fixing by retailers significantly exacerbate food insecurity among the vulnerable by eroding their purchasing power and making it increasingly difficult to afford nutritious food.
- Limited access to financial resources, technical support, and land for marginalised groups and lack of acknowledgment of urban food insecurity, and low agricultural output of subsistence farming at the household level, especially in urban areas.

Accelerators

- To bolster land ownership in rural areas, particularly under tribal control in South Africa, expedited land restitution processes, community engagement, and adequate budget allocations are essential. Additionally, investing in capacity building and ensuring transparency and accountability will accelerate land restitution, promote rural development, and foster greater social and economic inclusion for historically marginalised groups.

2.5 LEAVE NO ONE BEHIND

In general, food insecurity and malnutrition are more common in poor black homes than in white households. Women-headed households suffer more from food insecurity than male-headed households. Moreover, socioeconomic inequalities contribute to poor health as more females (55.1%) than males (41.1%) develop non-communicable disease comorbidities. NCD prevalence is also higher in urban (57%) than rural areas (43%).[43] Women and young people, especially those from a lower socioeconomic status and young people not in school, are at the greatest risk across urban and rural areas.

42 Ibid.
43 Ajaero, C. K., De Wet, N., & Odimegwu, C. O. (2020). Integrating rural–urban differentials in the appraisal of prevalence and risk factors of non-communicable diseases in South Africa. GeoJournal, 1-15. https://link.springer.com/article/10.1007/s10708-020-10282-5



- The Competition Commission requires increased capacity to tackle price-fixing in the food industry. This involves leveraging advanced data analysis and surveillance techniques, implementing whistleblower programmes, gathering market intelligence, collaborating with industry stakeholders, conducting compliance audits, enforcing stringent penalties, adopting technology and automation, and fostering cross-agency collaboration.

- The government should consider implementing a Food Security Act to oversee the entire agricultural value chain, ensuring equitable and affordable access to food for all citizens. This legislation aims to address issues of food scarcity, accessibility, and affordability by monitoring and regulating farming, food production, processing, and distribution. Through this comprehensive approach, the government can work towards achieving sustainable food security and reducing food insecurity among its citizens.

- The decrease in emerging black farmers highlights the crucial need to address barriers such as limited access to financial resources, technical support, and land. Solutions include providing tailored financial assistance, comprehensive training programs, and equitable access to land through redistribution efforts. These measures aim to empower emerging farmers, revitalise the agricultural sector, and promote inclusive rural development in South Africa.

2.6 INTERLINKAGES

In the context of South Africa, food security links to Goal 1 (No Poverty), Goal 8 (Decent Work), Goal 10 (Reduced Inequality), Goal 13 (Climate Action),and Goal 5 (Gender Equality). This is because the current state of food insecurity in South Africa is equally exacerbated by load shedding, rising cost of living, high unemployment, climate change, and sluggish agricultural growth, putting vulnerable and historically disadvantaged groups at risk.[44] For instance, climate change can cause crop and water scarcity, and livestock damage leading to higher food expenses and increased prices for essential food items. In such conditions, food insecurity becomes imminent.

2.7 CONCLUSION

While South Africa has put social protection systems in place to ensure that people have food on the table, it is still far from achieving food security, instead more of its population is at risk of being food insecure. There is a lot more still needs to be done to ensure that people have access to nutritious food. The ZAR350 SRD grant is insufficient for food and should be raised to the monthly food poverty line of ZAR760. Moreover, access to land for marginalised groups should be fast- tracked. There is also a need to open the agricultural commercial sector to be more inclusive and supportive of emerging black farmers. Given issues around land degradation in the country, there is also a need to encourage and support at community level and increase the number of households and communities involved in farming through agriculture practices such as agroecology.

44 Ibid.

3 QUALITY EDUCATION

3.1 INTRODUCTION AND CONTEXT

Goal 4[45] of the SDG agenda aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

South Africa's education system faces significant challenges related to quality and performance. South African learners' reading proficiency is a major concern, with 81% of grade 4 learners unable to read for meaning in 2021 (up from 78% in 2016). Brazilian grade 4 students scored 419 points, while South Africa scored 288 points, putting the average South African student 3.3 years behind. Despite similar GDP per capita, Brazilian grade 4 students have a 61% basic reading level, compared to 19% in South Africa.

Racial, economic, and social disparities persist in South Africa's education system. The top 200 schools in the country achieve more distinctions in mathematics than the next 6,600 schools combined.[46] The test score gap between the top 20% of schools and the rest is the widest globally

The education system in South Africa also continues to be characterised by inadequate and unsafe infrastructure in public schools, lack of learning and teaching support material (LTSM), unqualified and underqualified teachers, overcrowded classrooms, and inequalities. There continue to be great disparities in implementation between the nine Provincial Education Departments (PEDs), reflecting the socio-economic status.[47]

Covid-19 disruptions in 2020 and 2021 had a detrimental effect on the education field, resulting in learning losses due to school closures, online teaching, and rotational timetables. Covid-19 laid bare the inequalities that the education system still faces in terms of the availability of water, sanitation, and connectivity. At the same time, it also showed a resilient system able to respond to challenges and able to develop guidelines to remove uncertainty in the shortest possible time.[48]

South Africa's education system involves various key players who contribute to policymaking, implementation, oversight, and support. The Department of Basic Education (DBE) is responsible for primary and secondary education in South Africa and develops policies, curriculum standards, and oversees implementation at the provincial and national levels. The Department of Higher Education and Training (DHET) oversees post-secondary education, including universities, technical and vocational education and training (TVET) colleges, and other institutions of higher education. The National Student Financial Aid Scheme (NSFAS) provides financial assistance to eligible students from low-income families to pursue higher education. Other key players include the Provincial Education Departments, the school governing body/ bodies (SGB), teacher unions, civil society, businesses, etc.

South Africa has both prior to and in the aftermath of the adoption of 2030 Agenda passed laws and adopted policies to foster universal access to

45 This working group was composed of Zanele Mabaso, Jessica Williams and Boichoko Ditlhake (Kagiso Trust), Ashton Mahery (Saide), Amaha Naidu (Learning Roads Solutions Academy), Puseletso Maile and Joseph Maniragena (African Monitor), Sabelo Mnguni (Mining Affected Communities United in Action), Desiree Letshuh, Lwanele Ndayi and Tshepo Nchabeleng (Tsogang Youth), Kevin Mahlobogoane, Dion Mahlangu and Mfundo Moyo (Tasty Tours), and Innocentia Mgyima.
46 Amnesty International. (2020). South Africa: Broken and unequal education perpetuating poverty and inequality. Amnesty International.
47 World Bank. (2018). Overcoming poverty and inequality in South Africa: An assessment of drivers, constraints and opportunities. World Bank. https://elibrary.worldbank.org/doi/abs/10.1596/29614
48 Department of Planning, Monitoring and Evaluation. (2023). Towards a 30 Year Review of South Africa's Democracy. DPME. https://www.dpme.gov.za/publications/30-Year/30%20Year%20Review/30%20Year%20Review%20Synthesis%20Report.pdf.

BOX 3
CIVIL SOCIETY SCORE CARD

In reviewing South Africa's progress and performance on SDG 4, the CSO working group considered the progress the country has made towards achieving the 3 targets under SDG 4 namely: universal primary and secondary education; early childhood development (ECD) and universal pre-primary education; equal access to technical/ vocational and higher education; relevant skills for decent work; gender equality and inclusion; universal youth literacy and education for sustainable development and global citizenship.

Based on the above targets and using the scorecard developed for this study, the CSO working group rated South Africa's performance on Goal 4 as **Level 2: low progress.**

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	2
4. Budgets	3
5. Implementation	2
6. Public Awareness	2
7. Transparency and accountability	2
8. Multi-stakeholder partnerships	3
9. Citizen participation and civil society engagement	2
TOTAL	**2.4**

The working group acknowledged that the country has developed some crucial policies and legislation together with related plans, strategies, programmes to deliver inclusive and quality education and its targets in line with the 2030 Agenda. South Africa has also allocated a budget and resources to deliver on these goals. However, implementing these policies, laws, plans, and strategies has been slow and protracted. The lack of clear mandate, capacity, and resources in underdeveloped state institutions and agencies contributes to the slow start of implementation for inclusive and quality education. In addition, although some mechanisms have been created to ensure transparency and accountability, they have yet to deliver on their mandate.

Public awareness of the agenda 2030 in the country remains relatively little, affecting citizen participation and civil society engagement on the goal. There is a significant lack of public awareness about the SDGs-including SDG4-amongst certain sectors of the population, such as rural communities and the youth. The existence of multi-stakeholder partnerships at different levels will aid in continuing to steer the implementation of this goal.

education and improve the quality of its education in line with the aims of SDG 4. Key education policies adopted by the country over the years cover access to schools, curriculum and assessment, school management and funding. These include the National Integrated Early Childhood Development Policy published in 1995; the South African Schools Act (No.84 of 1996); the Policy on Adult Basic Education Training adopted in December 1997; Draft Policy on Rural Education released for public comment in 2017; and the National Policy on an Equitable Provision of an Enabling School Physical Teaching and Learning Environment published in June 2010. There is close alignment between the SDG goals and the South African National Development Plan 2030, which sets out the country's overall development strategy.

3.2 PERFORMANCE ASSESSMENT

Target 4.1: By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education, leading to relevant and effective learning outcomes.

Access to and participation in education has increased. Recent statistics from 2022 place the total number of learners in school in South Africa at 13.4 million, meaning the majority (nearly 98%) of children of school going age (7-17) attend school. Of those, 12.7 million learners (95%) attend public schools. Many of the public schools in the country are "no fee schools" in line with the goal of free education.[49] The percentage of school learners in basic education not required to pay fees has increased from 71% in 2018 to 75% in 2021. These schools are not, however, automatically free, undermining the realisation of free education for some.

Completion rate of learners in primary education, lower secondary education, and upper secondary education have increased. The national completion rate for grade 7 has increased from 92.2% in 2010 to 96.6% in 2021.[50] The 2023 Stats SA SDG Country Report also shows a steady increase in grade 12 completion rates since 2010, going up from 45.6% to 61.3% in 2021.[51] While the report highlights an overall improvement in reducing dropout rates for the youth population, the specific figures for 2021 reveal variations among different age groups. Data indicates that efforts may need to be targeted at certain age cohorts, such as 19-year-olds, to address and prevent higher dropout rates.

South Africa's performance on quality education measured by proficiency levels in reading and mathematics, has over the years shown a slight improvement. The 2023 Stats SA SDG Country Report notes that grade 3 learner reading proficiency on PIRLS improved from 2006 to 2016.[52] The report highlights an improvement in grade 9 learner mathematics proficiency, from 11.0% in 2002 to 41% in 2019.[53] Though improvement in literacy and numeracy skills both at primary and secondary school levels are welcome, they continue to fall far below the targets set by the government, reinforcing the fact that the country is making slower progress than expected on providing quality education.

Pregnancy is a major cause of school disruption, particularly among secondary students, often leading to the end of their education. In South Africa, only a third of pregnant adolescent girls return to school, with each passing year after childbirth decreasing the likelihood of their return. This cycle of disadvantage highlights the urgent need for targeted interventions to support pregnant and parenting teenagers in accessing education and breaking the cycle of poverty.[54]

Education has received one of the greatest shares of government spending over the years. This trend is set to continue. The World Bank reported that the government allocated 6.1835% of GDP for education in South Africa in 2022.[55] The 2023 budget speech stated that government aims to allocate at least ZAR1.4 trillion to higher and basic education over the next three years.[56]

The DPME report highlights pro-poor policies that have made attending school more accessible, leading to significant changes in education, including:

- The National School Nutrition Program that successfully fed over 9.6 million learners daily, but requires efficiency improvements amid rising food prices.
- Scholar transport enhances access and safety, but needs better resource allocation and coverage.
- The expansion of no-fee schools, support for learners with special needs, and school connectivity efforts have also contributed, though challenges in infrastructure and technology remain.

49 Department of Education. (2023). Education. South Africa Government. https://www.gov.za/about-sa/education
50 Ibid.
51 Stats SA. (2023). Sustainable Development Goals Country Report 2023 South Africa,. Stats SA. https://www.statssa.gov.za/MDG/SDG_Country_report.pdf
52 Ibid.
53 Ibid.
54 Commission for Gender Equality. (2023). Learner Pregnancy-Policy Interplay: School Dropout of Adolescent Girls During Pregnancy and in the Postpartum Period in Selected South African Provinces. CGE https://cge.org.za/wp-content/uploads/2023/07/cge-teenage-pregnacy-report.pdf
55 South African Government News Agency. (24 February 2021). Education to remain a priority in 2021. SAnews. https://www.sanews.gov.za/south-africa/education-remain-priority-2021
56 Godogwana, E. (2023). Budget 2023 speech. National Treasury. https://www.treasury.gov.za/documents/national%20budget/2023/speech/speech.pdf



- The Accelerated Schools Infrastructure Delivery Initiative (ASIDI) and the SAFE initiative which have improved school facilities, but face persistent challenges due to slow progress, poor management, and maintenance issues.

Target 4.2: By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education.

Despite some progress in recent years, many children in South Africa still lack access to quality Early Childhood Development (ECD) services. According to the Thrive by Five Index 2022, only 45-55% of the approximately 1.2 million children in South Africa aged 4 to 5 years attend an Early Learning Programme (ELP), and two-thirds of these children live in households with a per capita income below the poverty line.

Before they even enter their first school classroom, most poor children in South Africa face significant barriers to success. As a result, about 57% of children enrolled in ELPs in South Africa fail to thrive by age five. In a typical group of 20 children starting Grade R, only eight will begin their formal education with the appropriate foundations in place. These children are likely to start school "On Track" and are more likely to stay "On Track". Conversely, 11 out of these 20 children (more than half) will start school already struggling, either because of physical stunting or a lack of basic learning foundations. Of great concern is that one in every 20 children will enter Grade R at a significant disadvantage.

To improve equity, the government introduced the ECD conditional grant in 2017/18, to allow provinces to subsidise a larger number of children from poor households. Even though there is no data on the number of ECD subsidy recipients based on specific ages, implementing the grant resulted in a real increase in expenditure on ECD programmes. However, there has not been a statistically significant concurrent increase in nationwide enrolment. Total expenditure on early learning, family support, and early nutrition interventions included in this review stood at ZAR36.1 billion in 2021/2022, the equivalent of 1.7% of total public expenditure, or 0.6% of GDP.[57]

Early Childhood Development shifted from the Department of Social Development to the Department of Basic Education in 2022. The Department of Basic Education now leads a coordinated strategy across departments for this sector.[58] This significant step ensures that a proper foundation is laid for children to develop their capabilities. The World Health Organisation's Nurturing care framework progress report states that a child's first five years of life are crucial for development when most brain growth occurs. Therefore, children need care during this stage of Early Childhood Development. The appropriate care must include suitable healthcare and nutrition, stimulation, stress relief, and chances for play and learning[59].

Target 4.3: By 2030, ensure equal access for all women and men to affordable and quality technical, vocational, and tertiary education, including university.

More than 25% of young adults aged 18-25 in South Africa are not in employment, education, or training.

South Africa has universities, FET colleges, and adult education and training colleges in its higher education system, totaling over 4,000 institutes. In 2015, 6% of South Africans had a degree and 5.9% had a diploma. By 2023, these numbers increased to 7.3% and 6%, respectively.

The gender gap in tertiary education attainment almost closed in 2022, with females surpassing males at 13.1% compared to 12.3%. This marks a significant advancement from 1996, when only 6,7% of females and 8,6% of males had obtained tertiary education.[60] Of the 23 universities in South Africa, all but three enrolled more women than men in 2013, leading to a gender imbalance in favour of women of over 163,000.[61]

57 World Bank. (2023). South Africa public expenditure and institutional review for early childhood development 2023. World Bank https://documents1.worldbank.org/curated/en/099192001242341964/pdf/P1756791e5e59bde1ad6714d311b6261dd284d0e6d65.pdf
58 Department of Planning, Monitoring and Evaluation. (2023). Towards a 30 Year Review of South Africa's Democracy (1994 – 2024). Pretoria: Department of Planning, Monitoring and Evaluation.https://www.dpme.gov.za/publications/30-Year/30%20Year%20Review/30%20Year%20Review%20Synthesis%20Report.pdf
59 World Health Organization, & United Nations Children's Fund. (2023). Nurturing care framework progress report 2018-2023: reflections and looking forward. World Health Organization. https://iris.who.int/bitstream/handle/10665/369449/9789240074460-eng.pdf?sequence=1
60 Stats SA (2024). Census 2022: A profile of education enrolment, attainment and progression in South Africa. Stats SA. https://www.statssa.gov.za/?page_id=1854&PPN=Report-03-01-81&SCH=73904
61 Ibid.



NSFAS funding for economically disadvantaged students in universities and TVET colleges has doubled from ZAR21 billion in 2018 to nearly ZAR50 billion in 2023. The funding covers registration, tuition, food, accommodation, transport, learning materials, and personal care allowances for approved students. A new loan scheme assists the 'missing middle', benefiting an extra 30,000 students annually, aiming to enhance access to higher education and promote inclusivity. The new direct payment system introduced by NSFAS has faced controversy and payment delays, marring its success. Corruption allegations surround the appointment of service providers by NSFAS leaders for fund disbursement and accommodation.

3.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

Several key policies and legislation govern education in South Africa. The fundamental policy framework is outlined in the Ministry of Basic Education's White Paper on Education and Training published in February 1995. This document emphasises the importance of lifelong learning and the need for an integrated approach to education and training.

The National Education Policy Act (NEPA) (Act 27 of 1996) established the policies, responsibilities, and relations between national and provincial authorities in education. To ensure that all learners have equal access to quality education without any form of discrimination, the South African Schools Act (SASA), passed in 1996 (Act 84 of 1996), makes it mandatory for children aged seven to 15 to attend school. Public adult learning centres are regulated by the Adult Basic Education and Training (ABET) Act (Act 52 of 2000) for their establishment, governance, funding, and quality assurance.

Cabinet approved the white paper for post-school education and training, which was set out to transform the post-school system, on 20 November 2013. The white paper sets out guidelines to improve the capacity of the post-school education and training system to meet the country's needs, as well as to integrate the various components of the post-school system. Some objectives of the white paper include:

- Dramatically increasing enrolments in Technical and Vocational Education and Training colleges from 400,000 in 2012 to 2.5 million students by 2030;
- Establishing 12 additional TVET Colleges by 2030; and
- Absorbing millions of youth and adults who have never attended school or dropped out into the new Community Colleges, aiming for 1 million enrolments by 2030.



3.4 GAPS AND ACCELERATORS

The civil society assessment of the goal has identified the following major challenges (gaps) and accelerators:

Gaps

- The education system continues to be characterised by inadequate and unsafe infrastructure in public schools, lack of learning and teaching support material (LTSM), unqualified and underqualified teachers, overcrowded classrooms, and inequalities. There continue to be great disparities in implementation between the nine Provincial Education Departments, reflecting the socio-economic status.

- The Auditor General of South Africa (AGSA) audit reports show irregular and wasteful expenditure on portions of the budget allocated to education. Reports by Corruption Watch and others echo these findings. The Sound the Alarm report[62] released by Corruption Watch highlights 3,667 reports of education-related corruption received between 2012 and 2021. This problem is most prevalent at the provincial government level, where policy implementation occurs, but where the responsibilities and mandates are unclear. In addition, these policies do not always contain robust accountability, monitoring, and evaluation measures.

- The Schools Act has some gaps and needs to be amended urgently. Some court judgments have already highlighted and addressed some of these gaps, serving as a legal precedent that contributes to strengthening the legal framework on education. The formulation of this and other laws (and policies) related to education has some gaps and weaknesses, which some stakeholders attribute to the continued inadequate consultation of citizens and civil society during their development.

Accelerators

- The government of South Africa needs to ensure that the proposed amendments to the Schools Act (the Basic Education Laws Amendment Bill) strengthen governance and accountability in a manner that complies with the Constitution. The amendments should include clear measures to monitor progress and hold all stakeholders accountable for achieving educational goals.

- Promoting equitable learning by including LGBTQ+, disabled, and other vulnerable learners—including those from indigent households—in education services.

- In terms of digitisation, civil society advocates for access to free technological skills and resources in disadvantaged communities. This will help resolve the labour market mismatch.

62 Ncala, M. (2022). Sound the Alarm. Corruption Watch. https://www.corruptionwatch.org.za/wp-content/uploads/2022/08/Sound-the-Alarm-Sectoral-Report-Education_Aug2022.pdf

- Scaling up successful pilot programs that are changing the landscape of education, such as the Beyers Naude District Whole School Development programme (DSWP), which is a holistic model-based intervention that addresses infrastructure development, curriculum support through educator capacitation and training, learner development, social welfare, as well as instructional leadership and governance in the schools including youth leadership development.

- The Funza Lushaka Bursary Scheme, a government-funded multi-year programme aimed at promoting teaching as a career choice, remains crucial, especially as nearly half of current teachers are set to retire within this decade. It enables eligible students to complete teaching qualifications in critical subjects, aiming to place graduates at teaching posts.

3.5 LEAVE NO ONE BEHIND

Poverty and exclusion are perpetuated among poor children in South Africa due to their challenging early years, affecting their education and long-term economic inclusion. Poverty also exacerbates the extra costs associated with disability, reducing families' ability to pay for education. Although there has been progress, people with disabilities, migrants and refugees, and those from poor socio–economic backgrounds are still left behind in accessing quality education.

3.6 INTERLINKAGES

Goal 4 (quality education) links to Goal 1 (no poverty), Goal 2 (zero hunger), Goal 5 (gender equality), Goal 8 (decent work and economic growth), and Goal 16—especially in its target 16.1, Reduce Violence Everywhere. The inadequate and unequal provision of learning opportunities for young children and youth in South Africa contributes to the high levels of unemployment and inequality faced by the country. As previously indicated, poverty affects young children's educational outcomes. A child's ability to learn effectively is hindered when they are sick or hungry, and chronic malnutrition compromises neurological and cognitive development.

3.7 CONCLUSION

While South Africa has made significant strides in increasing access to education at the primary and secondary levels, substantial challenges remain in ensuring the quality and equity of education. Profound disparities and inequalities mar the education system, with the top-performing schools achieving far greater results than the majority, highlighting a pronounced achievement gap. Issues such as inadequate infrastructure, insufficient learning materials, unqualified teachers, and overcrowded classrooms further exacerbate these challenges.

Efforts to improve the quality of education through policy reforms and increased government spending have shown some progress but do not meet the targets set by SDG 4. The legal and policy frameworks in place, while robust, require urgent amendments and better implementation to address gaps and ensure more effective governance and accountability.

To truly realize the goals of SDG 4, South Africa must address these multifaceted challenges through comprehensive, inclusive, and sustainable education reforms that leave no one behind. This requires the active participation of all stakeholders, including government, civil society, and the private sector, to create a fair and high-quality education system that can drive the nation's socio-economic development.

Finally, investing more in Early Childhood Development is essential, as it lays a proper foundation for children's development. The first five years of a child's life are crucial, as most brain growth occurs during this period. Therefore, children need comprehensive care that includes suitable healthcare and nutrition, stimulation, stress relief, and opportunities for play and learning. By prioritizing investments in ECD, we will ensure that children develop their full capabilities, setting them on a path for success in life.

4 ACHIEVE GENDER EQUALITY AND EMPOWER WOMEN AND GIRLS

5 GENDER EQUALITY

4.1 INTRODUCTION AND CONTEXT

South Africa has made significant strides to accelerate gender equality and women's empowerment[63] through legislation, policies, and programmes. Despite this progress, more efforts are needed to achieve gender equality by 2030.

The Constitution of the Republic of South Africa promotes non-discrimination, including that based on gender. The 2012 National Development Plan aims to achieve inclusive growth, prosperity, and development for all citizens of the country—including marginalised groups like LGBTQI+, People with Disability, and the girl-child—through social, economic, and political transformation. However, South Africa remains the most unequal society in the world, with inequality manifesting in skewed income distribution, unequal access to opportunities, gender disparities, and regional gaps that leave rural inhabitants significantly poorer than their urban counterparts.

South Africa has developed legislation and policies to ensure women's full and effective participation in the economy and equal leadership opportunities across political, economic, and public life. Women's socio-economic development is supported by specific plans, strategies, and programmes across all the three spheres of government. These include, amongst others, the National Gender Policy Framework (NGPF) for Women's Empowerment and Gender Equality.

Globally, labour markets disadvantage women and young people, who often bear the brunt of inequalities. This is also the case for South Africa. The General Household Survey (GHS) conducted by Statistics South Africa in 2021 reveals that women in the country face higher unemployment rates and lower workforce participation compared to men. In 2023, women had a labour force participation rate of 54.3% while men had a rate of 64.9%, creating a gap of 10.6 percentage points. Moreover, the female labour force participation rate has risen by only 4 percentage points in a decade, from 50.3% in 2013 to 54.3% in 2023.[64]

South Africa's struggle with women's equal participation in the economy persists, despite the existence of laws supporting gender equality. Most women depend on grants and remittances as their main income sources. When employed, women are more likely to work in low-paying jobs under vulnerable conditions. Furthermore, 51.1% of South Africans are female, and women head 42% of households.[65]



Bohemian Photography / Shutterstock.com

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64 Stats SA. (2023). Quarterly Labour Force Survey (QLFS), 2nd Quarter 2023. Stats SA. https://www.statssa.gov.za/publications/P0211/P02112ndQuarter2023.pdf
65 Stats SA. (2022). General Household Survey 2021. Stats SA. https://www.statssa.gov.za/publications/P0318/P03182021.pdf.

BOX 4
GOAL 5 PERFORMANCE SCORECARD

Drawing on their vast experience in project implementation and research on gender equality and women's empowerment, the CSO working group on Goal 5 assessed progress on specific targets (5.1, 5.2, 5.4, 5.5 and 5.A) by considering policy and institutional frameworks, resource allocation, and progress on delivery on the ground.

Participants included individuals working at grassroots level through community-based organisations, as well as those involved in policy advocacy and assessing gender equality at higher levels. This facilitated robust discussions that went beyond conventional research and surveys, incorporating the experiences and perspectives of individuals at the coalface of gender inequality in South Africa. Based on the above targets, the CSO working group rated South Africa's performance on Goal 5 as L**evel 1: very low progress.**

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	2
4. Budgets	2
5. Implementation	1
6. Public Awareness	1
7. Transparency and accountability	1
8. Multi-stakeholder partnerships	1
9. Citizen participation and civil society engagement	1
TOTAL	**1.6**

South Africa has comprehensive policies, laws, programmes, frameworks, and strategies to address gender inequalities and empower women. Despite this, there are still significant gaps in policy implementation. For instance, the National Strategic Plan on Gender-Based Violence 2020-2030 (GBVF-NSP) is yet to be localised. There is a lack of coordination between the different spheres of government in terms of implementation at the local level.

Government agencies have not been cohesive in responding to policies related to gender equality and GBV. The government's failure to estimate the costs of GBV-related Bills and Acts of Parliament has an impact on GBV. This is underscored by the absence of budgets for these initiatives in Municipal Integrated Development Plans. GBV is therefore not given priority by municipalities as it is an unfunded mandate. While there are local level frameworks in place, the lack of political will hampers the enforcement of adopted laws and policies across all levels of government.

The SDGs are not known by communities, rather in more high-level policy advocacy platforms. There is also a lack of transparency with respect to data. For example, the annual crime statistics from the Minister of Police do not provide specific details about different kinds of sexual offences reported in the various localities, making it difficult to clarify rape cases.

Collaboration among the private sector, government, civil society, and academia is essential for effectively addressing GBV in South Africa and fulfilling our collective responsibility. Civil society organises and coordinates citizen participation initiatives, inviting key stakeholders to engage, yet more must be done to educate and empower citizens.

4.2 ASSESSMENT OF PROGRESS ON DELIVERY

Target 5.1: End all forms of discrimination against all women and girls everywhere.

South Africa has ratified and domesticated various international, continental, and regional instruments, conventions, protocols, and declarations aimed at addressing gender-based discrimination, including the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) 4 of 2000.[66] The lived reality of South African women does not align with these laws. The Covid-19 pandemic and resulting lockdown measures, for example, not only worsened gender-based violence (GBV) but also hindered women's economic participation, leading to increased poverty among female-headed households. Women emerged from the Covid-19 pandemic as the most socio-economically affected of the marginalised groups, notwithstanding the fact that women-owned businesses (fully owned as well as partially owned), also received Covid-19 funds.

Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

Gender-based violence and femicide (GBVF) is one of the most prevalent forms of violence in South Africa.[67] According to 2020 estimates from the World Health Organisation (WHO), 12.1 in every 100,000 women in South Africa are killed by an intimate partner annually, exceeding the global average (2.6) by more than five times.[68]

In 2020, South Africa enacted the National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF), a comprehensive and multi-sectoral policy framework, as a national response to the crisis of GBVF. Despite the NCGBVF Bill being passed in Parliament in late 2023, the Council is yet to be established. The lack of resources poses a significant obstacle to fully and effectively implementing the NSP-GBVF.

Target 5.4: Recognize and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

The distribution of unpaid care work is unequal between genders, with women shouldering a significantly larger burden.[69] Women in South Africa do eight times more unpaid care work than men, as per the 2010 Stats SA Time Use Survey.[70] Women's employment prospects are impacted by the amount of time dedicated to unpaid care work.[71] Studies show that a higher number of children per household significantly decreases labour force engagement.[72] The restriction of women's participation in the labour market often stems from traditional gender norms, which place expectations for women to perform unpaid care work.[73]

In 2023, the Johannesburg High Court ruled that certain sections of the Basic Conditions of Employment Act 75 of 1997 and Unemployment Insurance Fund Act 63 of 2001–specifically provisions for maternity, parental, adoption and commissioning parent leave–were unconstitutional due to their unequal treatment of mothers and fathers, among others.[74] While Parliament has until 2025 to rectify the defects of the provisions, the recent ruling grants all parents the right to share parental leave, a significant advancement towards gender equality.

Target 5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.

66 Department of Justice and Constitutional Development [Promotion of equality and prevention of unfair discrimination act 4 of 2000]. (2023). Justice.
67 World Bank. (2019). Gender-based violence: Violence against women and girls. World Bank. https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls
68 Africa Centre for HIV/AIDS Management. (08 August 2023). Always on the alert: Has this become 'normal' for women? Stellenbosch University. https://www.aidscentre.sun.ac.za/always-on-the-alert-has-this-become-normal-for-women/#:~:text=According%20to%202020%20estimates%20from,in%20dodgy%20areas%20at%20night.
69 Stats SA. (2010). Time use survey 2010. Stats SA. https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/497
70 Ibid.
71 Statistics South Africa. (2022). Gender Series Volume IX: Women Empowerment, 2017–2022. Stats SA. https://www.statssa.gov.za/publications/Report-03-10-26/WE_Gender%20Presentation%2018-10_22_%20Final%20for%20SG%20.pdf
72 Ibid.
73 Ibid.
74 The Commission for Conciliation, Mediation and Arbitration (2023). Van Wyk & Others v Minister of Labour and Employment. CCMA. https://www.ccma.org.za/labourlaws/breaking-the-mold-equal-parental-leave-for-all/



South Africa has made strides in enacting gender equality and women's empowerment legislation, but practical implementation is still needed to achieve true equity. In April 2023, President Cyril Ramaphosa signed the Employment Equity Amendment Act of 2022 (EEAA), intended to strengthen the Employment Equity Act 55 of 1998 (EEA), into law. Section 15A of the EEAA introduces sectoral numerical targets to the equitable representation of people from designated groups at all occupational levels in the workforce.

In terms of the workforce representation in South Africa, the 2023 Employment Equity Report revealed the following percentages of females compared to men: 26.5% in top management, 37.2% in senior management, 48.2% in professional qualifications, 49.4% in technical skills, 44.8% in semi-skilled roles, and 43.5% in unskilled roles.[75]

By 2021, South Africa's municipal workforce numbered 282,286 individuals, of which 13,492 were at senior-level posts, encompassing directors and managers. According to Stats SA's latest report, 5,312 of these senior-level positions were occupied by women, accounting for only 39% - falling well below the 50% target for gender representation.[76] However, in aggregate, municipalities are doing better than the general labour force. In 2021, women held 32% of managerial posts in the South African workforce, with government reaching 39%.[77]

A 2021 Commission for Gender Equality (CGE) report reveals a concerning outlook on gender mainstreaming and implementation of the Women's Charter in municipalities.[78] Local government is struggling with the target of enabling women's participation and decision-making roles at all levels. The situation is far from ideal. In a male-dominated workforce, women cannot simply become leaders out of nowhere.

4.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

South Africa has subscribed to several frameworks that are aimed at improving the quality of life of women. Nationally, women's empowerment has found its expression in the National Development Plan (NDP 2030), a blueprint of the country's developmental agenda. Key enabling elements of empowerment include increasing the participation of women in education and the labour market and implementing the principle of equal pay for work of equal value. Empowerment of women is also a cornerstone of the National Strategic Plan of Gender-Based Violence and Femicide 2020-2030, which argues that if women's economic situations are improved, their susceptibility to abuse and violence becomes less.

75 Department of Employment and Labour. (2023). About a quarter of females sit in the top management level in SA labour market – Employment Equity. Labour. https://www.labour.gov.za/Media-Desk/Media-Statements/Pages/About-a-quarter-of-females,-sit-in-the-top-management-level-in-SA-labour-market-%E2%80%93-Employment-Equity.aspx
76 Statistics South Africa. (2023). Gender Equality in local government: an update. Stats SA. https://www.statssa.gov.za/?p=16582
77 CCMA 2023.
78 Ibid.

The Covid-19 pandemic and the subsequent lockdown measures further compounded GBV in South Africa. In 2020, the South African government amended three existing GBV laws to respond to the GBV trends in South Africa, namely the Criminal Law (Sexual Offences and Related Matters) Amendment Act; the Criminal and Related Matters Amendment Act; and the Domestic Violence Amendment Act.

To improve the conditions and environment for the participation of women in the economy, South Africa has domesticated the International Labour Organisation's Violence and Harassment Convention (ILO C190) through the gazetting of the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace. The National Economic Development and Labour Council (NEDLAC) drove public participation, including a social dialogue between government, business, labour, and civil society which eventually resulted in the domestication of ILO C190.

4.4 GAPS AND ACCELERATORS

Civil society's assessment of the country's performance on Goal 5 has identified the following gaps and accelerators:

Gaps

- The continued lack of gender (sex) disaggregated data
- The implementation of recently amended GBV laws faces the following gaps: (1) Staff training, particularly in the South African Police Service, where training manuals for new recruits need to be revised to align with the amendments. (2) Building the capacity of in-service police officials to ensure awareness of the amendments. (3) Public awareness campaigns in communities to raise awareness about the new changes.
- The lack of coordination within the Gender Machinery and lack of leadership cooperation with the CGE at all levels, linked to an absence of an enabling environment, hinders the promotion of women, youth, PWD, and non-gender conforming individuals.

Accelerators / Solutions

The civil society review identified the following accelerators which need to be considered:

- Stats SA is to take the lead in a heightened effort to collect gender-disaggregated data, partnering with both state and non-state actors, such as CGE, academic institutions, and civil society.
- Strengthening the monitoring and reporting framework is crucial to improve the performance of the GBVF Response Fund and enhance coordination, transparency, and accountability fundraising and allocation, ensuring impactful support for community-based organisations working to combat gender-based violence.
- Government has ongoing efforts to deliver on the goals and respective targets of SDG 5. For example, a gender-responsive implementation approach is seen in the current Medium-Term Strategic Framework 2019-2024, which incorporates gender as a cross-cutting mainstreaming criteria. This was made possible by the adoption of a Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing framework by the Cabinet in 2019.

4.5 LEAVE NO ONE BEHIND

South Africa continues to grapple with persistently high levels of unemployment, with the burden falling heavily on women and young people. Resources should be redirected to black women, who have long borne the brunt of economic hardships. One approach is gender budgeting, which considers black women in the informal sector. This includes ensuring that GBV responders, particularly in rural areas, receive adequate resources and funding to effectively assist victims of violence. Economic empowerment of women through resource redirection can lead to a decrease in gender-based violence, as economic independence decreases vulnerability. Gender mainstreaming and integration, grounded in sound gender analysis, ensure women are not left behind.

4.6 INTERLINKAGES

Gender equality is central to the realisation of the SDGs and is interlinked to all the goals. The face of poverty in South Africa is gendered and young, with the highest gender gaps observed among individuals aged 25 to 34. Women of this age group are more likely to live in extreme poverty than their male counterparts. Achieving zero poverty for all women and girls by 2030 necessitates taking action on long-standing gender disparities in access to land, healthcare, and political and economic representation. Gender equality is a cross-cutting objective, a gender-responsive budgeting should be costed separately but in conjunction with all other goals.

4.7 CONCLUSION AND RECOMMENDATIONS

South Africa's progress towards achieving SDG 5 by 2030 remains challenging, despite three decades of democracy and significant strides in establishing gender equality laws, policies, and programmes. Women and young people remain disproportionately affected by poverty, unemployment, and inequality. The labour force participation rate for women is significantly lower than that for men, and women are more likely to work in low-paying jobs under vulnerable conditions. Gender-based violence remains a pervasive issue.

Addressing GBV in South Africa necessitates collaboration and partnership between the public and private sectors. Domestic violence and sexual harassment, among other forms of GBV, impede women and girls from fully and equally participating in the workforce and school. The GBVF Fund, despite being primarily supported by the private sector, does not ensure workplace safety. Female employees who experience this form of violence endure negative effects on their physical and mental health, resulting in stress, anxiety, decreased self-esteem, motivation, and even unemployment. Additionally, this worsens the gender pay disparity, limiting women's opportunities for advancement and career progression.

A comprehensive approach is necessary to address the inequalities faced by women, especially in rural areas, which involve gender mainstreaming and the redistribution of resources to marginalized groups. South Africa must enhance coordination, transparency, and accountability in its efforts to deliver on the SDG 5 targets, ensuring no one is left behind on the journey toward gender equality and sustainable development.



5 SDG 8: DECENT WORK AND INCLUSIVE GROWTH

5.1 INTRODUCTION AND CONTEXT

SDG 8[79] focuses on sustained and inclusive economic growth, full and productive employment, and decent work. This involves addressing unemployment challenges, improving working conditions, and fostering economic opportunities to enhance well-being.

The progress on Goal 8 has been slow and uneven, as economic growth has slowed down and limited new employment opportunities. South Africa's economic growth averaged 0.9% between 2019 and 2023, with a significant slowdown from 1.9% in 2022 to 0.6% in 2023. While 2023's growth was affected by logistical and energy constraints and lower global and domestic demand, the economy was 0.9% higher than 2019's pre-pandemic level. In the last five years, employment has increased from 10,288 million in December 2019 to 10,705 million in December 2023, a 417,000 increase in employment.[80] And in the context of its colonial and apartheid past, unemployment and inequality remain persistently high. A mismatch of skills required in the economy and limited employment opportunities exacerbates youth unemployment.

South Africa's economy's key sectors include agriculture (and forestry), mining, manufacturing, automotive, tourism, retail and financial services. Areas identified for economic transformation by the 2018 Presidential Jobs Summit include agriculture and agro-processing, manufacturing, the automotive industry, and the green industries, i.e. power generation, renewable energy, waste management and reducing greenhouse gas emission. Several master plans have been developed.

The footprint of small and medium enterprises increased between 2013 to 2019, contributing to some form of diversification of the economy. Small businesses in 2013 generated 16% of total turnover in the formal business sector, expanding to 22% (ZAR2,3 trillion of ZAR10.5 trillion) in 2019, while the contribution of large businesses waned over the same period, from 75% to 68%.[81] The collective impact of the Covid pandemic, energy crisis, and cost-of-living increase has dampened the prospects in 2023.

South Africa has a comprehensive set of labour legislation that protects workers' rights, namely the Basic Conditions of Employment Act, Labour Relations Act, National Minimum Wage Act, Unemployment Insurance Act and Occupational Health and Safety. The Employment Equity Amendment Act (2022), signed into law in April 2023, aims to promote diversity and equality in the workplace and applies to companies with more than 50 people.



79 Working group contributors: Matthew Parks (COSATU), Lynette Maart, Yared Tsegay (African Monitor).
80 Statistics South Africa. (2024). Quarterly employment statistics (QES)- Statistical release. Stats SA. https://www.statssa.gov.za/publications/P0277/P0277December2023.pdf
81 Statistics South Africa. (2020). , Three facts about small business turnover in South Africa. Stats SA. https://www.statssa.gov.za/?p=13900

BOX 5
CIVIL SOCIETY SCORE CARD

The CSO working group considered four of the eight targets; based on assessment of delivery on the targets and using the scorecard developed for this study, the CSO working group rated South Africa's performance on Goal 8 as **Level 3: medium progress.**

AREAS	RATING
1. Governance and policy framework	3.0
2. Plans and strategies	2
3. Institutional support	3.0
4. Budgets	2.0
5. Implementation	3.0
6. Public Awareness	3.0
7. Transparency and accountability	4.0
8. Multi-stakeholder partnerships	3.0
9. Citizen participation and civil society engagement	3.5
TOTAL	**3.1**

The economy grew 0.9% per year from 2019 to 2023. Total employment rose by 417,000 between December 2019 and December 2023. While progress has been made in the National Minimum Wage policy and legislative framework, the absence of an effective growth strategy raises doubts about how the South African economy will move towards accelerated growth. There are programmes and plans to rebuild the economic infrastructure in response to energy and network challenges, but these investments might not be adequate. SOEs' contribution to the economy has been diminished because of governance challenges.

South Africa has made progress on multi-stakeholder partnerships through social compacts and a Job summit. While NEDLAC continues to function as a platform for engagement between government, business, labour, and civil society on labour and economic policy, strengthening collaboration between all stakeholders is vital for coherent programmes.

5.2 ASSESSMENT OF PROGRESS ON DELIVERY

Slow economic growth and high levels of unemployment, which was impacted by logistical and energy constraints as well as lower global and domestic demand, have impeded progress on Goal 8.

Target 8.2: Diversify, innovate and upgrade for economic productivity

The national government has developed a package of support to address key obstacles to growing the economy, some of which are supported by trade unions and businesses. Challenges include electricity generation, port issues, freight and commuter rail problems, and varying public and municipal services.

In July 2022, an Energy Action Plan was developed to attain energy security. After years of load shedding, a five pillars national energy plan is in place comprising 1) fixing Eskom, 2) accelerating private investment, 3) sourcing new energy capacity, 4) investing in rooftop solar, and 5) working towards long-term energy security.[82] An Energy Minister appointed an independent board for the National Transmission Company of South Africa. Weeks away from the 2024 general election, on 16 May 2024, Parliament passed the Electricity Regulation Amendment Bill.[83]

82 Republic of South Africa. (2024). Progress on Energy Action Plan. South Africa Government. https://www.gov.za/sites/default/files/progress_on_EAP.pdf.pdf
83 Energy Council of South Africa. (2024). Parliament Passes the Electricity Regulations Amendment (ERA) Bill. Energy Council of South Africa. https://www.energycouncil.org.za/news/parliament-passes-the-electricity-regulations-amendment-era-bill



Other economic infrastructure interventions include a rail transportation plan, as expressed in the Department of Transport's 2022 white paper on the National Rail Policy.[84] Creating a decisive break from the past, the policy directs rail transport to contribute more meaningfully to the economy and reduce greenhouse gas emissions within an integrated transport value chain.

Target 8.3 Promote development-oriented policies that support productive activities

The NDP had set a target of nine million jobs to be created through SMMEs, which is an ambitious target for the small business sector. During the 2022/23 financial year, only 104,547 jobs were facilitated via 74,762 MSMEs. The slow growth in job creation was further exacerbated by barriers, particularly for township enterprises, such as access to value chains markets and credit.

Programmes such as the Presidential Employment Stimulus programme provided 1.7 million unemployed, especially young people, with opportunities to earn an income, skills, and experience towards long-term employment. These opportunities are not decent jobs, and the number is insufficient to address the unemployment crisis.

SMEs struggle with regulations, market access, and credit availability. The Small Enterprises Funding Agency (SEFA), during 2022/23, approved loans to the value of R1.706 billion and disbursed R2.4 billion. In the same period, SEFA was able to impact 74 762 MSMEs, which facilitated 104 547 jobs. However, at this rate, South Africa will not reach its target of 9 million jobs via SSMEs by 2030.

Target 8.5: Employment and decent work with equal pay

The Basic Conditions of Employment Act, 75 of 1997 (BCEA) made provision for the establishment of an Employment Conditions Commission (ECC), which replaced the Wage Board.[85] However, the Act did not provide for a mechanism to amend existing wage determinations either in the main Act or in the schedules thereto. Amendments to the BCEA, in 2002, created a vehicle to deal with wage determinations through sectoral determinations. Thirteen Sectoral Determinations (SDs)[86] are in place to regulate employment conditions for specific vulnerable sectors based on the Basic Conditions of Employment Act. Despite these sectoral determinations, there are still high wage violations, attributed to the complexity of wage levels.

84 National Land Transport Act: White Paper on the National Rail Policy. (2022). South Africa. https://www.gov.za/documents/notices/national-land-transport-act-white-paper-national-rail-policy-march-2022-12-may

85 Department of Labour. (2022). Sectoral Determinations: Historical Overview. Department of Labour. https://www.labour.gov.za/DocumentCenter/Publications/Employment%20Equity/Sectoral%20Determinations%20Historical%20Overview/20yrssectoral.pdf

86 These are Forestry, Agriculture, Contract Cleaning, Children in the Performance of Advertising, Artistic and Cultural Activities (under fifteen years of age), Taxi Operators, Civil Engineering, Learnerships, Private Security, Domestic Workers, Wholesale and Retail, and Hospitality. The minimum wage in these industries are updated for inflation through a formal gazetting process.

The government, supported by trade unions, introduced a legislated National Minimum Wage (NMW) Act in 2018,[87] which raised the wages of nearly half (50%) of the workforce approximately 6 million workers in the most vulnerable sectors of the economy. Minimum wages, for example, for domestic and farm workers, nearly doubled as these categories are no longer pegged at 75% of the NMW, which has consistently increased above the inflation rate. In March 2024, it raised from ZAR25,42 to ZAR27,58 for each ordinary hour worked, helping vulnerable workers survive while simultaneously stimulating the economy.[88]

The NMW is an important tool not only to measure the eradication of poverty (SDG 1) but also to monitor the reduction of income inequality (SDG 10). For the NMW to have a high impact, enforcement is crucial. Trade unions are experiencing challenges to ensure full compliance, especially amongst unorganised sectors. An important spinoff is that public procurement policy now requires companies doing business with the government to be in compliance with the NMW.

Target 8.8: Protect labour rights and promote safe working environments

In an effort to reduce unemployment and counter the Covid-19 pandemic's impact, the government closely collaborated with labour and civil society to provide relief to workers and the unemployed.

Since 2019, at least three measures have been implemented:

- The Unemployment Insurance Amendment Act (Act 10 of 2016) allows the Unemployment Insurance Fund (UIF) to provide financial support to schemes that aim to retain the employment of workers. Covid-19 Temporary Employer-Employee Relief Scheme (TERS) was initiated during the pandemic, in concurrence with labour and social partners at the National Economic Development and Labour Council (NEDLAC). By 31 March 2021, the UIF disbursed more than R64 billion to 5.7 million workers to take care of their families.[89] This figure surpassed its initial budget by R24 billion. The Auditor-General of South Africa report exposed irregular payments, including monies not paid to workers. Stringent security controls were introduced, including verification of salaries and blocking all underage from applying.

- Social Relief of Distress (SRD) Grant of R350 per month was introduced in 2020 for those aged 18 to 59, which increased by R20 in April 2024.[90] This means-tested grant provides relief to approximately eight million unemployed persons and has laid the foundation for a basic income grant.

- Legislation, supported by trade unions, is in place enabling workers experiencing financial distress to access their pension funds earlier. Under the current system, some members resign to access their retirement fund savings to pay off debt, which may be detrimental from economic, financial planning, and retirement provision point of view. The two-pot retirement system,[91] effective from September 2024, will provide significant relief for millions of workers and help stimulate the economy, whilst in the longer term preserving pension funds to reduce the levels of workers retiring in poverty.

In summary, South Africa's social protection system is resilient and has expanded to include the 18 to 59 age cohort. It is offering some respite from shocks of particularly the Covid-19 pandemic and persistent unemployment. Through Covid-19 TERS, the UIF disbursed R64 billion to 5.7 million workers. The new SRD grant provides relief to approximately 8 million unemployed persons, laying the basis for a permanent basic income grant. The two-pot retirement system will enable workers in financial distress to access to their pension funds earlier.

87 Department of Employment and labour. (2021). National minimum wage act no 9 of 2018 Investigation into the national minimum wage. Department of Employment and Labour. https://www.gov.za/sites/default/files/gcis_document/202112/45649gon1616.pdf
88 Department of Employment and Labour. (2024). National Minimum Wage Act ,2024. Labour. https://www.labour.gov.za/DocumentCenter/Regulations%20and%20Notices/Regulations/Basic%20Conditions%20of%20Employment/National%20Minimum%20Wages%20Wage%20increase%201%20March%202024.pdf
89 Department of Labour. (2022). Two year Anniversary of the UIF's Covid-19 TERS,. Labour. https://www.labour.gov.za/two-year-anniversary-of-the-uif%E2%80%99s-covid-19-ters
90 SA News. (2024). Social grants to increase in 2024. SA News. https://www.sanews.gov.za/south-africa/social-grants-increase-2024
91 Treasury. (2024). Two pot retirement system. Treasury. https://www.treasury.gov.za/2024%20Two-Pot%20System%20-%20FAQ.pdf

5.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

South Africa has a comprehensive set of labour legislation that protects the rights of workers, as well as a well-developed labour policy framework aligned with Agenda 2030. However, implementation remains a challenge. It is necessary to put in more effort to ensure the protection of labour rights for precarious workers, including those in casual employment or working in the informal sector. An inclusive model is needed for continuous contributions and monitoring of policy implementation by all social partners.

Some industries, such as construction, retail, and hospitality, have made precarious employment the 'norm', where employment is casual or considered informal work.[92] For example, estimates indicate that a large percentage of the construction labour force are casual workers.

During the pandemic (2020 – 2022), NEDLAC established a Covid Rapid Response Task Team, to consider the Economic Recovery and Growth Plan.[93] This new mechanism enabled better cooperation between government, business, labour and civil society. Policy frameworks discussed included UIF, Covid-19 TERS, pension fund provisions, Social Relief of Distress grant/ Basic Income Grant, gender-based violence, as well as a response to the pandemic including vaccine delivery and the safe reopening of workplaces.[94]

NEDLAC also considered the four-pillar Decent Work Country Programme, which involves strengthening fundamental principles and rights at work; promotion of employment creation; strengthening and broadening social protection coverage; and strengthening tripartism-plus and social dialogue. These engagements, to some degree, accelerated the implementation of SDGs 1,2,3,5 and 8.

A Presidential Jobs Summit in October 2018 took stock of the economy and job creation. Since 2019, some industry master plans have been developed to ground medium to long-term implementation. These include the commercial forestry, poultry, automotive, sugar, steel, and metal industries; as well as for the furniture, retail, clothing, textile, footwear and leather value chains.[9596]

South Africa's delivery of SDG 8 is crawling at a slow pace. However, legislation and programmes alone cannot create decent jobs or grow the economy. Sectoral economic plans require resources, leadership, political will, and commitment from all sectors.

5.4 GAPS AND ACCELERATORS

Civil society's assessment of South Africa's performance on Goal 8 has revealed the gaps and identified accelerators listed below.

Gaps

- Deteriorating infrastructure in energy and transport limits economic growth.
- There are various employment programmes including the EPWP and PES. However, these efforts often provide questionable skills training, low wages, and limited paths to employment.
- The government funds industrialisation and export programmes, but they are insufficient due to high unemployment and lack of economic growth.
- Skills shortages and mismatches remain prevailing bottlenecks to growth and inclusiveness.

Accelerators

- Address the crises in electricity, rail, ports, roads, and water and sanitation.
- Review and consolidate existing employment programs.
- Promote and decriminalise black women-led businesses, particularly in the informal sector, to reduce inequality.

92 Casual Workers Advice Office. (2023). Labour Flexibility. CWAO. https://www.cwao.org.za/about-context.html
93 NEDLAC. (2023). The Covid-19 pandemic: Learning the lessons, creating a legacy. NEDLAC. https://nedlac.org.za/wp-content/uploads/2023/09/COVID19-PANDEMIC-NEDLAC-REPORT.pdf
94 Ibid.
95 Institute for Economic Justice. (2019). Job Summit Policy Briefs. Institute for Economic Justice. https://iej.org.za/wp-content/uploads/2019/05/IEJ-Jobs-Summit-Policy-Briefs-compilation-Final.pdf
96 Department of Trade, Industry and Competition. (2023). Annual Performance Plan 2023/24. Department of Trade, Industry and Competition. https://www.thedtic.gov.za/wp-content/uploads/Revised-DTIC-APP-202324.pdf

- Retool the private sector, nurture collaboration, and leverage incentives for job growth.
- Consultation with the South African retail industry is crucial for manufacturing localisation within the "Presidential Jobs Summit." South African private sector and big businesses need to commit to this agenda.
- Fair remuneration and working conditions for particularly low-income employees should be prioritised.
- Massify upskilling, particularly of youth and women, not only through the SETAs but equally through tailored programs that involve the private sector and civil society.
- Enforce decent working conditions and fair wages for all employees, respecting minimum national wage regulations and addressing the impact of inflation.
- Invest in high-demand (i.e. technical) skills through education and training, especially in-service training at technical and vocational training beginning at secondary school. This will alleviate the 'mismatch' problem in the economy, where available labour is not absorbed into the economy.
- Massify job creation in the green economy and energy sector through the localisation of the value chain and integrating the imperative job creation in the just energy transition plan.

5.5 CONCLUSION

The progress on decent work and inclusive growth has been slow and uneven. The South African economy has slowed down, and is faced with energy crises and deteriorating transport network infrastructure including ports and railways, due to years of under-investment and maintenance. Additionally, the mismanagement of the state-owned enterprises has further exacerbated the infrastructure challenges.

The last five years have witnessed limited job creation under such an economic context, with employment surpassing pre-pandemic levels only in the third quarter of 2023, and the unemployment rate reaching 32% in the first quarter of 2024. The rise in precarious employment is a growing concern in South Africa's labour market.



6 SDG 13: CLIMATE ACTION

6.1 INTRODUCTION AND CONTEXT

Goal 13[97] of the SDG agenda aims to take urgent action to combat climate change and its Impacts. It calls for climate action in terms of both mitigation of greenhouse gas emissions and adaptation to climate impacts, as well as education and capacity building to effectively pursue mitigation and adaptation goals.

Though the climate crisis is global, South Africa is importantly situated as both a major greenhouse gas (GHG) emitter—the twelfth-highest emitter per capita globally—and as a nation that is particularly vulnerable to the climate crisis' most devastating effects. Notably, South Africa has already warmed at a rate that is twice the global average.[98]

South Africa is also a significant contributor to global greenhouse gas emissions. 92% of the country's energy comes from coal-fired power stations.[99] This, combined with the race for oil and gas in the country and the international focus on South Africa as a key just transition country, makes progress on climate action even more critical to South Africa's overall sustainable development.

Recurring droughts in Limpopo have resulted in severe water shortages, sky-rocketing food prices, and the loss of thousands of agricultural jobs.[100] In March 2020, the second national state of disaster in three years was declared for drought affecting Limpopo, Northern Cape, Western Cape, and Eastern Cape.[101] Meanwhile, climate-induced droughts have sparked increased wildfires in the Eastern and Western Cape.[102] In 2021 alone, all nine provinces had experienced floods, as well as some provinces experiencing large wildfires.[103] In April 2022, severe flooding in KwaZulu-Natal Province resulted in over 400 fatalities, over12,000 houses destroyed, and more than 40,000 people displaced.[104] This is just a small sampling of illustrative climate impacts.

South Africa is currently taking steps to establish a policy framework aimed at addressing climate change. This includes the development of various initiatives such as the Climate Change Bill, the Just Energy Transition Framework, the Carbon Tax Act, the Renewable Energy Masterplan, and the Low Emission Development Strategy. Furthermore, South Africa has outlined its goals through the submission of its Nationally Determined Contribution (NDC).



97 Writing group contributors: Jacqueline Rukanda (Natural Justice), Shannon Marcoux, Yared Tsegay, Puseletso Maile (African Monitor) and Dr Janet Munakanwe (Wits Mining Institute).
98 Mail & Guardian. (2019). For Communities in South Africa, Climate Change is Now. HRW. https://www.hrw.org/news/2019/09/17/communities-south-africa-climate-change-now.
99 Trading Economics. (2023). South Africa-Electricity Production From Coal Sources (% of Total). https://tradingeconomics.com/south-africa/electricity-production-from-coal-sources-percent-of-total-wb-data.html
100 SABC Digital News. (2019). Drought leaves Limpopo's Mopani district without clean water. SABC. https://www.sabcnews.com/sabcnews/drought-leaves-limpopos-mopani-district-without-clean-water
101 World Bank. (2022). South Africa: Disaster Risk Finance Diagnostic. World Bank. South Africa: Disaster Risk Finance Diagnostic, 2022, World Bank https://documents.worldbank.org/pt/publication/documentsreports/documentdetail/099742311072334460/idu075f77db50660c0401e087780c7d7beb1447c
102 UNDP. (n.d.). Reducing Disaster Risks from Wildlife Hazards Associated with Climate Change in South Africa. UNDP. https://www.adaptation-undp.org/projects/reducing-disaster-risks-wildfire-hazards-associated-climate-change-south-africa
103 Institute for Security Studies. (2021). Urban South Africa Is Ill-Prepared for the Coming Climate Change Storm. ISS Africa. https://issafrica.org/iss-today/urbansouth-africa-is-ill-prepared-for-the-coming-climate-change-storm
104 CIVICUS. (2022). South Africa: The Deadly Impacts of Climate Change. CIVICUS. https://lens.civicus.org/south-africa-the-deadly-impacts-of-climate-change/.

BOX 6
CIVIL SOCIETY SCORE CARD

While the CSO technical writing group considered three of the five targets, due to the broad scope of SDG 13, this report focuses primarily on adaptation (target 13.1) and mitigation (target 13.2). Based on the assessment of the above targets and using the scorecard developed for this study, the CSO working group rated South Africa's performance on Goal 2 as **Level 2: low progress.**

AREAS	RATING
1. Governance and policy framework	4
2. Plans and strategies	3
3. Institutional support	3
4. Budgets	2
5. Implementation	2.5
6. Public Awareness	2.5
7. Transparency and accountability	3
8. Multi-stakeholder partnerships	3.5
9. Citizen participation and civil society engagement	3
TOTAL	**2.9**

South Africa has developed a set of policies which includes the Climate Change Bill, Just Transition Framework, South Africa Renewable Energy Masterplan, and Low Emissions Development Strategy 2050. It has set up a Presidential Climate Commission and in 2021 submitted an updated NDC that aims at a 17% reduction in the upper end of the target range in 2025 and a 32% reduction in the upper end of the target range in 2030, as well as a 12% reduction in the lower end of the target range. There have been instances of positive engagement between government and stakeholders outside of government, but there have also been concerning trends in the exclusion of outside stakeholders–civil society in particular–from important climate policy and climate finance decision-making processes.

6.2 ASSESSMENT OF PROGRESS ON DELIVERY

Due to the broad scope of SDG 13, this report focuses primarily on the adaptation target (13.1) and mitigation target (13.2) and does not as thoroughly analyse South Africa's progress on Target 13.3–improving education and awareness on climate change mitigation, adaptation, impact reduction, and early warning. This report does, however, analyse progress on Target 13.3 in terms of its relevance to improving human and institutional capacity to deliver on Targets 13.1 and 13.2.

Target 13.1 Strengthen resilience and adaptive capacity to climate-related disasters

South Africa has adopted several national and local disaster risk reduction strategies. It approaches disaster risk management through adaptation, prevention, and mitigation. The Disaster Management Act (Act 57 of 2002) and Amendment Bill (2015), along with the National Disaster Management Framework (2005), provide guidelines for more effective disaster prevention, mitigation, and preparedness.[105]

105 Statistics South Africa. (2023). Sustainable Development Goals Country Report 2023 South Africa,. Statistics South Africa. https://www.statssa.gov.za/MDG/SDG_Country_report.pdf

South African law requires that, in addition to the National Disaster Risk Management Centre, a disaster risk management centre be established in every province, district, and metropolitan municipality to coordinate disaster management within their respective spheres of responsibility.[106] Provincial and municipal administrations must also prepare and implement a disaster management framework[107] and plan.[108]

Climate-related natural disasters have been on the rise in recent years. In 2021 alone, floods affected all nine provinces, while some provinces experienced significant wildfires.[109] In April 2022, severe flooding in KwaZulu-Natal Province resulted in over 400 fatalities, more than 12,000 houses destroyed, and more than 40,000 people displaced.[110]

In October 2019, the Eastern Cape declared a state of disaster due to drought.[111] In January 2020, the Northern Cape declared a provincial state of disaster after five years of compounding droughts.[112] In March 2020, a national state of disaster was declared for drought affecting Limpopo, Northern Cape, Western Cape, and Eastern Cape – the second in three years.[113]

Drought and water insecurity are two of the climate impacts that are projected to most adversely impact South Africa. In response to this, some municipalities have engaged in water security assessments and planning processes. For example, through the Urban Water Resilience Initiative, Johannesburg and Gqeberha have partnered with the World Resources Institute to develop a City Characterisation Report that maps key water, climate, and development risks, and a Water Profile that assesses the city's water resilience.[114]

Target 13.2 Integrate climate change measures into policies and planning

South Africa's first Nationally Determined Contribution under the United Nations Framework Convention on Climate Change (UNFCCC) took the form of a "peak, plateau, and decline" emissions trajectory. The initial NDC set the following ambition: South Africa's emissions by 2025 and 2030 will be in a range between 398 and 614 Mt CO2-eq.[115] In 2021, South Africa updated its NDC according to the Paris Agreement.

The updated mitigation targets are as follows:

YEAR	TARGET	IMPLEMENTATION PERIOD
2025	National annual emissions between 398-510 Mt CO2-eq	**2021-2025**
2030	National annual emissions between 350-420 Mt CO2-eq	**2026-2030**

The updated NDC constitutes a 17% reduction in the upper end of the target range in 2025 and a 32% reduction in the upper end of the target range in 2030, as well as a 12% reduction in the lower end of the target range.[116] While the lower bound of the updated emissions target is 1.5°C compatible when compared to modelled emissions pathways, the upper bound of the target range is only ranked as "Almost sufficient" by the Climate Action Tracker[117] and "Not on Track for a 1.5°C World" by Climate Transparency.[118]

South Africa submitted its National Climate Change Adaptation Strategy (NCCAS) in August 2020, its Low Emission Development Strategy 2050 in

106 Government Gazette 24252. (2002). Disaster Management Act, Act No. 57 of 2002. https://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/disaster-management-act.pdf.
107 Ibid.
108 Ibid.
109 Institute for Security Studies 2021.
110 CIVICUS 2022
111World Bank. (2022). South Africa: Disaster Risk Finance Diagnostic. World Bank. https://documents.worldbank.org/pt/publication/documents-reports/documentdetail/099742311072334460/idu075f77db50660c0401e087780c7d7beb1447c
112 Ibid.
113 Ibid.
114 World Resources Institute. (2023). South African Cities Show Commitment to Accelerate Water Resilience at 2023 UN Water Conference. WRI. https://www.wri.org/update/south-african-cities-show-commitment-accelerate-water-resilience-2023-un-water-conference
115 UNFCCC. (2021). First Nationally Determined Contribution Under the Paris Agreement: Updated September 2021. First Nationally Determined Contribution Under the Paris Agreement: Updated September 2021, pg 15, UNFCCC https://unfccc.int/sites/default/files/NDC/2022 - 06/South%20Africa%20updated%20first%20NDC%20September%202021.pdf
116 Ibid.
117 Climate Action Tracker. (2023). South Africa country targets. Climate Action Tracker. https://climateactiontracker.org/countries/south-africa/targets/.
118 Climate Transparency. (2022). Comparing G20 Climate Action: South Africa. Climate Transparency. https://www.climate-transparency.org/countries/africa/south-africa.

February 2020, and its first NDC in 2016, as well as an updated NDC in September 2021.[119] South Africa remains uninvolved in the four Glasgow sectoral initiatives: methane, the coal exit, 100% electric vehicles, and forestry.[120] The targets listed in the proposed NDC for Adaptation include enhancing adaptation governance and legal frameworks, developing an understanding of climate impacts, implementing NCCAS adaptation interventions, mobilising funding through multilateral mechanisms, and quantifying adaptation efforts.[121]

South Africa ranks 11th globally as the highest emitter of greenhouse gases and is the largest greenhouse gas emitter in Africa.[122] It is one of the world's least energy-efficient nations.[123] South Africa's annual greenhouse gas emissions increased between 2000 and 2009 before beginning to decrease,[124] albeit with ups and downs thereafter.

Looking in particular at the period between 2015 and 2022, South Africa has shown some progress in terms of overall reductions in annual greenhouse gas emissions, but certain years, such as 2019, show significant spikes in emissions. Post 2019, South Africa's annual emissions do appear to be on the decline, though South Africa is not on pace to meet its Nationally Determined Contribution under the UNFCCC (more on this in subsequent sections). One promising development is that South Africa's per capita greenhouse gas emissions have been in a far more apparent and steady decline since their height in 2008-09. However, as the last column makes clear, South Africa's per capita greenhouse gas emissions are still significantly higher than the global average.

6.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

South Africa has implemented policies and legislation to comply with international climate agreements and address climate change through sector-specific policies.[125]

Climate Change Bill (2022)

The main objective of the Climate Bill is to create a sustainable and low-carbon economy in South Africa, while ensuring a just transition. It aims to achieve this by regulating greenhouse gas mitigation, managing climate adaptation, and assigning responsibilities to various government departments at the national, provincial, and local levels, including municipalities. The Bill, once passed, will establish a legal framework for the country's commitments under the Paris Agreement.

The Climate Change Bill affirms the principles espoused in the National Environmental Management Act (Act No 107 of 1998) (NEMA). It also affirms the principles of inclusive decision-making (including the special needs and circumstances of people particularly vulnerable groups), science-based decision-making (that climate change mitigation and adaptation responses are based on scientific knowledge and that decisions be based on the best available science); and accountability (those responsible for the adverse effects of climate must pay for the cost of responding). It therefore aligns with the concept of accountability enforced by the Carbon Tax Act 2019.

In Section 7, the Climate Change Bill requires any government body either affected by climate change or involved in sustainable development to align its policies, laws, measures, programs, and decisions to ensure that the risks of climate change impacts and vulnerabilities are considered and to give effect to the principles and objects of the Climate Change Act. The goal is to ensure that climate action is aligned across all sectors of industry and government, achieving South Africa's climate change goals.

Importantly, the Bill also defines a just transition as "[A] shift towards a low-carbon, climate-resilient economy and society and ecologically sustainable

119 Statistics South Africa. (2023). Sustainable Development Goals Country Report 2023 South Africa,. Statistics South Africa. https://www.statssa.gov.za/MDG/SDG_Country_report.pdf
120 Climate Action Tracker. (2023). South Africa: Policies & Action. Climate Action Tracker. https://climateactiontracker.org/countries/south-africa/policies-action/.
121 UNFCCC. (2021).
122 Qu, M. H., Suphachalasai, S., Thube, S. D., & Walker, M. S. (2023). South Africa carbon pricing and climate mitigation policy. International Monetary Fund.
123 New Development Bank. (2023). South Africa Greenhouse Gas Emission Reduction and Energy Sector Development Project Approach Paper: Methodology and Process. New Development Bank. https://www.ndb.int/wp-content/uploads/2023/05/South-Africa-Project-Evaluation-18ZA02-Approach-Paper_.pdf
124 Statistics South Africa. (2023). Sustainable Development Goals Country Report 2023 South Africa. Statistics South Africa. https://www.statssa.gov.za/MDG/SDG_Country_report.pdf
125 Department of Science and Innovation. (2021). South Africa Hydrogen Society Roadmap Sets forth national ambitions, sector prioritisation, and the policy framework for the hydrogen economy in South Africa. DST. https://www.dst.gov.za/images/South_African_Hydrogen_Society_RoadmapV1.pdf
Low Emissions Development Strategy 2050 (LEDS), 2020, Department of Environmental Affairs https://www.dffe.gov.za/sites/default/files/docs/2020lowemission_developmentstrategy.pdf

economies and societies which contribute toward the creation of decent work for all, social inclusion and the eradication of poverty."[126]

Just Transition Framework (2022)

The Just Transition Framework establishes the basis for a unified national policy statement which guides the just transition. Government established the Presidential Climate Commission (PCC) "to oversee and facilitate a just transition to a low-emissions and climate resilient economy."[127]

This tool sets forth actions the government and its social partners will take to minimise the social and economic impacts of the climate transition and improve the livelihoods of South Africans most vulnerable to the impacts of climate change. The Just Transition Framework, like the Climate Change Bill, acknowledges and affirms the Bill of Rights and NEMA principles. Both the National Climate Change Response White Paper (2011) and the National Development Plan (2012) are emphasised as policies to achieve a just transition in South Africa.

The Just Transition Framework holds that three main principles should guide the just transition: distributive justice, restorative justice, and procedural justice. Part of distributive justice involves national economic and social policies that address who benefits and who bears the burden economically and socially. Restorative justice prioritises redressing past harms and supporting the constitutional right to a healthy environment. This includes raising awareness about the health and environmental impacts of coal and other fossil fuels, transitioning away from them, and building a decentralised, net-zero emissions economy. The significance of procedural justice lies in its role in fostering active participation in just transition policy-making processes.

The Carbon Tax Act (2019) gives effect to the 'polluter pays' principle for large emitters and helps to ensure that firms and consumers take the negative adverse costs into account in their future production, consumption, and investment decisions. The Carbon Tax Act is aimed at reducing greenhouse gas emissions by placing a price on carbon emissions from fuel combustion, industrial processes, and fugitive emissions that exceed set GHG thresholds. The tax was introduced in 2019 and is being implemented in phases, with specific allowances in the first phase (1 June 2029 to 31 December 2022). A carbon tax was initially levied at R120 per ton of CO2 equivalent to GHG emission per taxpayer and this amount was increased in 2021 to R134 per ton.

The Draft South Africa Renewable Energy Masterplan (SAREM) (2023) seeks to establish a comprehensive and inclusive development blueprint for renewable energy storage and value chains, with a clear vision for 2030. The link between the draft SAREM and the Just Transition is acknowledged, with a deliberate prioritisation of coal areas like the Mpumalanga Highveld. The draft however excludes areas affected by the decline of the petrochemical industry, such as South Durban, Sasolburg, Mossel Bay, and Milnerton. Moreover, the draft SAREM has no constitutional or human rights framework. SAREM missed the opportunity to flag section 24(b)(iii) of the Constitution and "ecologically sustainable development", which should be the framing throughout.

6.4 GAPS AND ACCELERATORS

Civil society's assessment of South Africa's performance on Goal 13 has revealed the gaps and identified accelerators listed below.

Gaps

- South Africa is meeting its UNFCCC reporting obligations, but its current policy framework does not support the country in fulfilling its UNFCCC mitigation and adaptation obligations. South Africa submitted its National Climate Change Adaptation Plan in August 2020, its Low Emission Development Strategy 2050 in February 2020, its first Nationally Determined Contribution in 2016, and its updated NDC under the Paris Agreement in September 2021. South African officials confirmed that South Africa will not achieve even the upper bound of its 2030 NDC target in large part due to delays in coal power plant decommissioning efforts.[128]

126 Department of Forestry, Fisheries and the Environment. (2022). Climate Change Bill. PMG. https://static.pmg.org.za/B9B-2022_Climate_Change.pdf
127 Presidential Climate Commission. (2022). Framework for a Just Transition. Presidential Climate Commission. https://pccommissionflo.imgix.net/uploads/images/22_PAPER_Framework-for-a-Just-Transition_revised_242.pdf
128 Reuters. (2023). South Africa to miss 2030 emissions goal as it keeps coal plants burning,. Reuters. https://www.reuters.com/sustainability/south-africa-miss-2030-emissions-goal-it-keeps-coal-plants-burning-2023-11-09/


CLIMATE
ACTION
NOW

- Key policy instruments to enable climate action have been introduced or are in place, but improved implementation is necessary for their potential impact to be realised. South Africa's Climate Change Bill, once finally enacted into law, will make South Africa's NDC legally binding under domestic law and establish key bodies to foster interdepartmental cooperation, as well as cooperation across national, provincial, and municipal governments.[129] Other legislation, such as the Carbon Tax Act, provides critical legislative infrastructure to achieve greenhouse gas mitigation goals.[130] However, many of these policies are not being adequately implemented. For example, delayed implementation of key provisions of the Carbon Tax Act will also prevent South Africa from meeting its NDC.[131] The Climate Change Bill, though it makes the NDC legally binding at the national level, lacks the necessary implementation and enforcement provisions to meet South Africa's greenhouse gas mitigation obligations.[132]

- The rapid growth of investment and interest in renewable energy have been impeded by grid capacity constraints and regulatory issues, hampering the country's energy security and mitigation goals. By implementing strategies to accelerate renewable energy procurements and encourage self-generation of renewable energy, South Africa achieved a new solar energy investment record in 2023.[133] However, due to grid capacity constraints, planned renewable energy projects were cancelled and the commissioning of new renewables capacity through the Independent Power Producer programmes delayed.[134]

- Budget allocation for disaster response is insufficient to cover average costs. There is a significant gap between the average cost of disaster response in South Africa and the disaster funds available. The average annual cost of disaster response is R3.7 billion, with a 1-in-50-year shock costing up to R22.5 billion.[135] Existing instruments to finance disaster response only provide R1.4 billion, leaving an annual funding gap of R2.3 billion.[136]

- South Africa has secured key just transition financing commitments, but there are concerns about exacerbating South Africa's debt crisis, and lack of transparency makes it difficult to assess the efficacy of this funding in achieving SDG 13. The Just Energy Transition Investment Plan identifies US$98 billion in financial requirements to come from the public and private sector over the next five years.[137] While some financing commitments have been secured through international agreements, such as the South African Just Transition Partnership which has garnered US$12.5 billion in financial commitments to date, very little of that promised financing has come to fruition.[138] Furthermore, there has not yet been a consolidated disclosure of grant-funded projects arising from the South Africa Just Energy Transition Partnership, and there has been no transparency in the selection of recipients and project.[139]

Accelerators

- There is a need to expedite the decommissioning of coal-fired power plants. The estimated consequences of delaying the decommissioning, as outlined in Eskom's 2022 Emissions Reduction Plan, include 2,800 excess deaths and a ZAR 61 billion economic cost.[140] The 2023 Draft IRP further delays coal power plant decommissioning, which will lead to more excess deaths and economic costs, and it will also prevent South Africa from meeting even the upper bound of its NDC 2030 target, as officials confirmed in late 2023.

129 UNFCCC. (2021).
130 Qu, M. H., Suphachalasai, S., Thube, S. D., & Walker, M. S. (2023). South Africa carbon pricing and climate mitigation policy. International Monetary Fund.
131 Ibid.
132 Climate Action Tracker. (2023)
133 Ibid.
134 Khavhagali, V., Reckien, D., Biesbroek, R., Mantlana, B., & Pfeffer, K. (2023). Understanding the climate change adaptation policy landscape in South Africa. Climate Policy, 24(4), 458–472. https://doi.org/10.1080/14693062.2023.2268576
135 Ibid.
136 Ibid.
137 World Economic Forum. (2023). Fostering Effective Energy Transition. World Economic Forum. https://www.weforum.org/publications/fostering-effective-energy-transition-2023/
138 News24. (2023). Renée Bonorchis, SA takes on an extra R34 billion in loans to help fund transition to renewable energy. News24. https://www.news24.com/fin24/climate_future/energy/sa-takes-on-an-extra-r34-billion-in-loans-to-help-fund-transition-to-renewable-energy-20231121
139 Financial Mail. (2024). JET funding fuels concerns,. BusinessLive. https://www.businesslive.co.za/fm/opinion/on-my-mind/2024-02-15-tracey-davies-jet-funding-fuels-concerns/.
140 Myllyvirta, L & Kelly, J. (2023). Health impacts of delaying coal power plant decommissioning in South Africa. The Centre for Research on Energy and Clean Air. https://energyandcleanair.org/wp/wp-content/uploads/2023/10/CREA_Health-impacts-of-delaying-coal-power-plant-decommissioning-in-South-Africa_10.2023.pdf

- There is a need to prioritise renewable energy over gas in the 2023 IRP. Investments in gas power infrastructure and production, as called for in both the 2019 IRP and the 2023 Draft IRP, are not cost-effective, will lock South Africa into infrastructure investments that will soon be outdated, and will prevent South Africa from meeting its international emissions reduction obligations. The proposed expansion of gas power must be removed from South Africa's 2023 IRP in favour of prioritising renewable energy production.

- South Africa must improve transparency and community engagement in energy transition policy decisions and just transition financing. Much of South Africa's energy policy, including just energy transition policies that are intended to benefit the public, is shrouded in a lack of transparency. South Africa must make the data, studies, and analysis underpinning its Draft IRP available for public scrutiny. Without making the underlying data and analysis available, the public's ability to meaningfully participate and comment on important energy policy through the Draft IRP is compromised. Further, the lack of transparency around just transition financing will prevent these funds from being used in a manner that maximises sustainable development outcomes. The failure to disclose current funding recipients and projects, as well as the failure to publish the criteria the government is using to select projects to fund, is unacceptable and will undermine the efficacy of the funds.

6.5. CONCLUSION AND RECOMMENDATIONS

South Africa has put in place policy instruments to enable climate action, but effective implementation is necessary to fully realise their potential impact. South Africa's Climate Change Bill, once finally enacted into law, will make South Africa's NDC legally binding under domestic law and establish key bodies to foster interdepartmental cooperation, as well as cooperation across national, provincial, and municipal governments. Other legislation, such as the Carbon Tax Act, provides critical legislative infrastructure to achieve greenhouse gas mitigation goals. However, many of these policies are not being adequately implemented. For example, delayed implementation of key provisions of the Carbon Tax Act will also prevent South Africa from meeting its NDC. The Climate Change Bill, though it makes the NDC legally binding at the national level, lacks the necessary implementation and enforcement provisions to meet South Africa's greenhouse gas mitigation obligations.

South Africa is meeting its UNFCCC reporting obligations, but its current policy framework will not enable it to fulfil its UNFCCC mitigation and adaptation obligations.



7 SDG 16 PEACE, JUSTICE, AND STRONG INSTITUTIONS

7.1 INTRODUCTION AND CONTEXT

The 2030 Agenda recognises the need to build peaceful, just, and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels, and transparent, effective and accountable institutions.[141]

South Africa faces complex social challenges that impact the prevalence of violence. Historical inequalities rooted in apartheid have left a legacy of social fragmentation. High levels of poverty, unemployment, and inadequate access to education contribute to a sense of disenfranchisement among specific segments of the population. These factors create a fertile ground for social tensions and contribute to various forms of violence, including interpersonal violence and crime.

Civil society organisations must actively engage in the SDGs to promote various strategies as advocates for marginalised groups like women, persons with disabilities, youth, and other marginalized communities. The private sector is also key in contributing towards good governance structures to eliminate graft, fraud, and poverty as fundamental to accountable business practice and a thriving economy. Local government, parliamentarians, and academia are the other critical stakeholders in implementing SDG 16 and the 2030 Agenda as a whole. The state together with international actors should be encouraged to strengthen their commitments and their actions on these interlinkages, to avoid the risk of falling further behind.

The political context in South Africa is characterised by a transition from apartheid to democracy. While significant strides have been made in establishing inclusive institutions, some challenges persist. Economic disparities play a substantial role in shaping the violence landscape. High levels of unemployment, particularly among the youth, contribute to frustration and social unrest. Economic inequality is often linked to crime rates, as individuals facing financial hardships may resort to illegal activities. Addressing economic disparities through inclusive economic policies and job creation is essential for reducing violence in the South African context.

Even though South Africa is considered peaceful due to the absence of war, the country remains fragile. The unprecedented social unrest of July 2021, which tragically claimed over 300 lives and caused billions of Rands in damage, exposed the underlying issues of poverty and the risks threatening the social fabric of South Africa as a rainbow nation.

South Africa has demonstrated a commitment to building inclusive and accountable institutions. Establishing anti-corruption bodies, transparency measures, and efforts to strengthen democratic institutions contribute to progress. However, challenges remain in ensuring uniform implementation and addressing corruption at all levels of government.



141 This working group was composed of Liezelle Khumalo and Lindokuhle Malambe (CSVR); Cathy Kodiemoka (HURISA); Paul Mulindwa and David Kode (CIVICUS); Kim Lithgow (Same Love Toti) Sixolile Ngcobo, Joseph Maniragena, and Puseletso Maile (African Monitor); and Mashile Phalane (Batlhabane Foundation).

BOX 7
CIVIL SOCIETY SCORE CARD

The civil society technical working group on Goal 16 assessed progress by focusing on five targets (16.1, 16.2, 16.3 , 16.7 and 16.9) that cover enabling policy and institutional framework resources allocation, and progress on delivery.

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	2
4. Budgets	2
5. Implementation	2
6. Public Awareness	2
7. Transparency and accountability	1
8. Multi-stakeholder partnerships	2
9. Citizen participation and civil society engagement	1
TOTAL	**2**

The CSO working group rated South Africa's performance on Goal 16 as **Level 2: low progress.**

South Africa faces significant challenges in implementing Sustainable Development Goal 16, despite having some of the best policy frameworks globally. The country has the highest crime index in Africa and ranks fifth most dangerous worldwide. Violence against women and children continues to impede inclusive participation and social cohesion. Moreover, issues such as discrimination, repression of civic space, corruption, poor governance, and a weak judiciary system further hinder the implementation of SDG 16. South Africa has taken several steps to address these challenges and strengthen its legal frameworks. It has implemented plans and strategies to combat crime, human trafficking, and restrictions on civic space. This is through the establishment of the National Strategic Plan on Gender-Based Violence and Femicide.

Despite progress in budget allocation, there is a noticeable lack of visibility regarding funding for civil society organisations (CSOs) working on GBV and human trafficking against children, even in the implementation of the National Action Plan on Women, Peace, and Security (NAP on WPS). The government has not allocated funding for the NAP on WPS, with most funding sourced from the international community.

Public services and institutions in South Africa can deliver on SDG 16, with the DPME in the Presidency overseeing the implementation of Agenda 2030. This department ensures that the agenda is incorporated into the work of directorial departments and provincial and local governments. The UNDP and SALGA have been assisting municipalities in conducting VLRs to contribute to the national report. Ten municipalities, including five metropolitan areas and five Intermediate City Municipalities (ICMs), have committed to conducting VLRs, reflecting a growing commitment to localising SDG implementation.

Despite these efforts, awareness of Agenda 2030 remains minimal, with greater knowledge concentrated among those involved at higher levels, while grassroots awareness is significantly lacking. Launching public awareness campaigns to educate communities about the goals of SDG 16 and the role they can play by utilising various media platforms to disseminate information widely and engage the public in discussions about Goal 16 is needed. Existing policies must be reviewed, and new ones must be developed to promote peace, justice, and strong institutions. Initiatives that promote transparency in governance and establish mechanisms for holding institutions accountable, including independent audits and citizen feedback systems must be supported.

7.2 PERFORMANCE ASSESSMENT PER SELECTED TARGET

Target 16.1: Reduce Violence Everywhere

South Africa's crime levels have continued to increase, encompassing both violent and non-violent offences within its jurisdiction. The country's murder rate in 2022 was reported as the second highest in the world among countries with reliable data. Murder has increased by 62% from 15,554 deaths in 2011/12 to 25,181 in 2021/22 and, based on SAPS statistics for April to September 2022, indicate that the 2022/23 annual murder rate may be over 44 murders per 100,000 people.[142] Making it a country with the highest murder rate.

Efforts to reduce violence and death rates have seen mixed results. While there have been improvements in certain areas, particularly urban centres, challenges persist in high-crime areas and specific regions. Comprehensive community-based initiatives, law enforcement strategies, and socio-economic interventions are ongoing to address these challenges.

Crimes against women and children remain a deeply disturbing issue in the country. In March 2019, President Cyril Ramaphosa launched the Presidential Summit Declaration against Gender-Based Violence and Femicide (GBV-F). The Declaration sets out specific actions that the country must undertake to prevent GBV-F. In May 2020, the President further launched the National Strategic Plan on Gender-Based Violence and Femicide (2020-2030), intended to guide the country in implementing the Presidential Summit Declaration.

The Department of Justice aims to enhance access to justice for women, particularly victims of gender-based violence and femicide. This includes implementing the National Strategic Plan on GBV-F, maintaining a 70% conviction rate for sexual offences, and establishing 70 additional sexual offences courts. Furthermore, efforts will focus on improving the management of the national register for sex offenders to enhance vetting processes for individuals working with vulnerable groups. The Department plans to modernise and digitise its services, moving 14 services, such as maintenance and protection order applications, online. As part of their plans, the Department will extend virtual court facilities to 156 courts, ensuring enhanced access to justice.

Target 16.2: End abuse, exploitation, trafficking, and forms of violence against and torture of children.

Human trafficking syndicates continue to thrive in South Africa; they are well-funded, organised, protected, and ruthless. Syndicates are known to threaten the lives of prosecutors, victims and their families, community members, law enforcement agencies, NGOs, and government members, which results in people being less likely to take a stand against them.[143] According to a recent report, the police service's Directorate for Priority Crime Investigation—commonly known as the Hawks—received 91 human trafficking cases between 9 August 2015 and 17 January 2022. These cases involved 522 adults and 102 children, and, in six of the cases, victim ages were unknown. The South African Police Service (SAPS) recorded 781 South African children as victims of child trafficking between 2028 and 2021.[144]

There are currently not enough countermeasures in place in South Africa to address human trafficking, which prevents coordinated and efficient responses. While the South African government has taken steps to address human trafficking and protect children through legislation, enforcement, and awareness campaigns, challenges remain. These challenges include the vastness of the problem, limited resources, and difficulties in identifying and prosecuting traffickers. In addition, there is a lack of reliable statistics about the extent and nature of human trafficking in South Africa, making it hard to address and prevent the issue. Trafficked children and adults, both nationals and foreigners, are victims of serious human rights violations and are entitled to protection, assistance, and redress under international human rights and anti-trafficking laws.[145]

142 Institute for Security Studies. (2023). Soaring murder rates underline the lack of sound direction for policing. https://issafrica.org/iss-today/soaring-murder-rates-underline-the-lack-of-sound-direction-for-policing
143 The Southern Cross. (2018). The Reality of Human Trafficking in South Africa. https://www.scross.co.za/2017/08/reality-human-trafficking-south-africa/
144 Van der Watt, M. (2022). Research into the Nature and Scope of Trafficking in Persons in South Africa: Prevalence insights from the criminal justice system and relevant reporting mechanisms. Supplement to agreement no AID-7200AA18CA00009) (July 2022) Laser Pulse. https://laserpulse.org/publication/research-into-the-nature-and-scope-of-trafficking-in-persons-in-south-africa-prevalence-insights-from-the-criminal-justice-system-and-relevant-reporting-mechanisms/
145 Department of Justice and constitutional development. (2013). Prevention and combating of trafficking in persons national framework. Department of Justice.

South Africa's Prevention and Combating of Trafficking in Persons Act (PACOTIP) of 2013 criminalises sex trafficking and labour trafficking, with penalties including life imprisonment and significant fines. However, important provisions of the Act have remained dormant for ten years as a result of parliament's delays in formally adopting them. Despite having various laws in place to combat trafficking, including provisions in addressing the exploitation of children, implementing these laws is lacking, leading to gaps in enforcement. The Act is comprehensive and, if properly implemented, human trafficking in South Africa will be combated successfully. To achieve this, it is imperative to have a capable police service for law enforcement and resilient border control units to apprehend both suspected traffickers and victims of trafficking.[146]

Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice.

While South Africa upholds human rights principles and operates under the rule of law as a constitutional democracy, there have been limited advancements in promoting the rule of law and guaranteeing equal access to justice. Available data highlight stark inequalities, gun violence, corruption, weak judiciary, shrinking civic space and divergent trends in some indicators, especially between men and women.

The 2023 World Justice Project (WJP) Rule of Law Index ranks South Africa 56th out of 142 countries, highlighting strengths in judicial and legislative oversight, reflecting effective safeguard of government powers. However, the country faces significant challenges with corruption, which impacts various sectors, including public services and the judiciary.

Despite its moderate success in protecting fundamental rights, South Africa continues to grapple with issues like police violence and minority rights. High crime rates undermine order and security, and access to civil justice is hindered by barriers such as cost and procedural complexity. Additionally, the criminal justice system struggles with efficiency, due process, and detainee treatment.[147]

There are programmes focused on ensuring access to justice for all. Over the Medium-Term Expenditure Framework (MTEF) period, the Department of Justice and Constitutional Development (DoJ) is planning to convert more periodical and/or branch courts into full services courts. This initiative will significantly enhance access to justice, bringing more services to communities and thereby reducing the travelling costs they had to incur when they want to resolve legal disputes.[148]

Corruption has become entrenched and systemic in South African politics, economy, and business. This was particularly evident in the state capture inquiry, which revealed that corruption has eroded state institutions. The inquiry into state capture, chaired by Justice Raymond Zondo from August 2018 to August 2021, highlighted the extent of this problem and its threat to democratic institutions. Responding to the commission's recommendations, the government submitted the Public Procurement Bill to parliament in 2023 to increase transparency and accountability in procurement processes. Additionally, the State-Owned Enterprises Bill aims to enhance oversight and accountability in SOEs.[149]

Target 16.7 Ensure responsive, inclusive, participatory and representation decision-making at all levels.

Regarding gender equality in local government, the boundaries for the current municipal structure, consisting of 257 municipalities, were adopted during the 2016 local government elections and were first reported on in the non-financial census of municipalities report for 2017. This allows for meaningful comparisons over the 2017–2021 period. In 2017, women occupied 36% of senior-level posts across local government, rising to 39% in 2021 according to Stats SA's non-financial census of municipalities report.[150]

Women in South Africa continue to encounter substantial obstacles in achieving leadership positions, despite the country's progressive constitution and efforts to advance gender equality. These concerns are likely due to restrictive laws, cultural diversities and practices, institutional

146 Yesufu, S. (2020). Human trafficking: a South African perspective. e-BANGI, 17(6), 103-120.
147 Department of Justice and Constitutional Development. (2022). Strategic Plan 2021 – 2025. Department of Justice and Constitutional Development. https://www.justice.gov.za/mtsf/dojcd-strat-2021-2025.pdf
148 Parliamentary Monitoring Group. (2024). Revised Annual Performance Plan 2022 -2023. Parliamentary Monitoring Group. https://static.pmg.org.za/dojcd-app-2021-2023.pdf.
149 South African Government. (2023). Working to prevent state capture now and into the future. https://www.gov.za/blog/working-prevent-state-capture-now-and-future
150 Statistics SA. (2023). Gender equality in local government: an update. Stats SA. https://www.statssa.gov.za/?p=16582

barriers, and disproportionate access to quality education, healthcare, and resources.[151]

The Traditional Leadership and Governance Framework Act 41 of 2003 makes provision for women to constitute at least 30% of the National House of Traditional Leaders. Transforming traditional leadership poses significant challenges, necessitating substantial changes in the sector. Despite some improvements, women in these leadership structures continue to encounter unequal treatment compared to their male counterparts.[152]

Target 16.9: By 2023, provide legal identity for all including birth registration.

In accordance with the United Nations Convention on the Rights of the Child (1989), every child is entitled to a name, nationality, and official birth registration. Birth registration is essential for legitimising a child's existence and failure to do so limits their future opportunities in education, economic participation, and the exercise of human rights. Sustainable Development Goal 16.9 emphasises the need for legal identity, including birth registration, to prevent abuse, exploitation, trafficking, and violence against children.[153] According to the UN, Census data from 2001 to 2011, women–representing 55% of residents in certain areas–are disproportionately affected by statelessness, particularly black African women accounting for 32.2% of this group.

The Department of Home Affairs has set up 'offices' at major hospitals and clinics to issue birth certificates directly. However, this is not always accessible to parents–especially those parents who are not South African.

Travelling to the closest Home Affairs office or clinic poses a challenge for people living in remote areas of the country and those with very low incomes. Moreover, there are instances in South Africa where children were abandoned by their parents at a very early age (between five and seven years old). Consequently, these individuals face obstacles in obtaining an identity document in adulthood as they lack any form of documentation to verify their parental heritage. This has resulted in many children not being issued a birth certificate in South Africa.[154]

7.3 POLICY AND INSTITUTIONAL READINESS TO DELIVER ON 2030 AGENDA

In efforts to create a policy and institutional enabling environment, South Africa has developed a comprehensive policy framework to address the goals outlined in SDG 16. Specific policies like the National Crime Prevention Strategy focus on reducing crime rates and improving community safety.

The South African Police Service has implemented community policing initiatives to enhance collaboration between law enforcement and communities, fostering a safer environment. While South Africa has established a robust policy framework, challenges persist in achieving complete coherence. There is a need for improved coordination across various government departments and agencies to ensure a unified approach to addressing the root causes of violence.

The South African government has put measures in place to ensure that the Medium-Term Strategic Framework includes targets, indicators, and intervention measures that are gender responsive, and which must be achieved within the period 2019-2024. This demonstrates that gender mainstreaming is possible for all government programmes and interventions.

The South African government passed the Prevention and Combating Torture of Persons Act in 2013, which characterises torture as a crime and made punishable by law. Although the act allows torture to be prosecuted, there is a gap between legal protection and the implementation of the law. The Children's Amendment Act 17 (2022) aims to close gaps and resolve problems in the childcare and protection system, develop solutions for these problems, and improve the protection of vulnerable children through a coordinated provision of care and protection services.

151 Frontiers. (2018). Womens visibility in decision making processes in Africa – progress, challenges and way forward. Frontiers. https://www.frontiersin.org/articles/10.3389/fsoc.2018.00038/full
152 COGTA. (2003). TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT 41 OF 2003. COGTA. https://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/TLGFA-Traditional-Leadership-and-Governance-Framework-Act-2003-Act-No-41-of-2003.pdf
153 United Nations. (2015). Transforming our world: The 2030 Agenda for Sustainable Development. United Nations https://sustainabledevelopment.un.org/post2015/transformingourworld
154 Department of Justice and Constitutional Development. (2019). Prevention and combating of trafficking in persons national framework. Justice. https://www.justice.gov.za/docs/other-docs/2019-TIP-NPF-10April2019.pdf


NO
JUSTICE
NO PEACE

Civil society organisations have played a crucial role in supporting the government's implementation of activities under the National Gender Machinery (NGM), which serves as a mechanism and strategy to tackle women's inequalities in all aspects of life, whether private or public. The NGM calls for the collection of data on the status of women to address their socio-economic development and ensure their integration into the future we want.

7.4 GAPS AND ACCELERATORS

Civil society's assessment of South Africa's performance on Goal 16 has revealed the gaps and identified accelerators listed below.

Gaps

- Limited government coordination, insufficient resources, and infrastructure hamper the holistic implementation of violence reduction strategies and the effective functioning of the justice system.
- Legal system delays, disparities in access, and persisting violence in certain regions. Additionally, varying legislative approaches by states, including the exclusion of internal trafficking of citizens in some jurisdictions, further complicate the understanding and resolution of human trafficking.
- Femicide rates are high, and data limitations hinder accurate measurement of non-lethal violence.

Accelerators

- Strengthening inter-agency coordination, increasing justice sector budget allocations, and implementing socio-economic interventions.
- Comprehensive, multi-faceted approaches are needed to combat child trafficking, including legislation enforcement, awareness, education, and victim support.
- Efforts are needed to tackle inequalities, increase awareness of laws combating gender-based violence (GBV), and invest in a robust, independent judiciary.

7.5 LEAVE NO ONE BEHIND

Underreporting, especially in cases of violence against children, women, and LGBTIQ+, remains a significant challenge due to fear of reprisal, parental involvement, and secondary victimisation during the reporting process. Although victimisation surveys provide alternative insights, they also have limitations in terms of recall and disclosure. Additionally, the lack of a dedicated mechanism to identify stateless individuals complicates policy responses and the protection of human rights for these populations.

7.6 INTERLINKAGES

Achieving gender equality and empowering women and girls (SDG 5) is crucial for promoting peaceful and inclusive societies (SDG 16), and women's participation in decision-making, peacebuilding, and conflict resolution processes is essential for sustainable peace and development. Conflict, violence, and lack of access to justice disproportionately affect the poor, trapping them in a cycle of poverty. Achieving peaceful and inclusive societies (SDG 16) is essential for ending poverty (SDG 1). Inequalities, discrimination, and exclusion can fuel conflict and violence, undermining efforts to build peaceful and inclusive societies (SDG 16). Reducing inequalities (SDG 10) is therefore essential.

7.7 CONCLUSION

Addressing the multifaceted challenges of violence and injustice in South Africa requires a coordinated and holistic approach. Implementing targeted socio-economic programmes in vulnerable communities, alongside private sector collaboration for mentorship and opportunity creation, is essential to mitigate factors contributing to violence, such as unemployment and lack of educational opportunities.

Strengthening the legislative framework to address emerging forms of violence and criminal activities, particularly gender-based violence, domestic violence, and hate crimes, is critical. Continuous review and enforcement of laws, aligned with international best practices, are necessary to ensure effective protection and justice for all citizens.



Public awareness campaigns are crucial in educating the population about the impact of violence, advocating for conflict resolution, and incorporating peace education into school curricula. Media partnerships are crucial for responsible reporting and fostering a culture of respect and non-violence.

To combat child trafficking and exploitation effectively, it is imperative to strengthen laws and establish comprehensive support services for victims, including shelters, counselling, and medical assistance. Collaborating with NGOs for rehabilitation and reintegration programs is essential for survivors' recovery and reintegration into society.

Enhancing the rule of law in South Africa demands robust legal and policy reforms to address inequalities and ensure compliance with human rights standards. This includes strengthening the capacity of the judiciary and justice system bodies, along with establishing effective monitoring mechanisms for accountability.

In essence, a comprehensive and integrated approach encompassing legislative reform, socio-economic empowerment, public awareness, and protection of rights is necessary to foster a safer, more just society for all South Africans.

8 GOAL 17: PARTNERSHIPS FOR THE GOALS

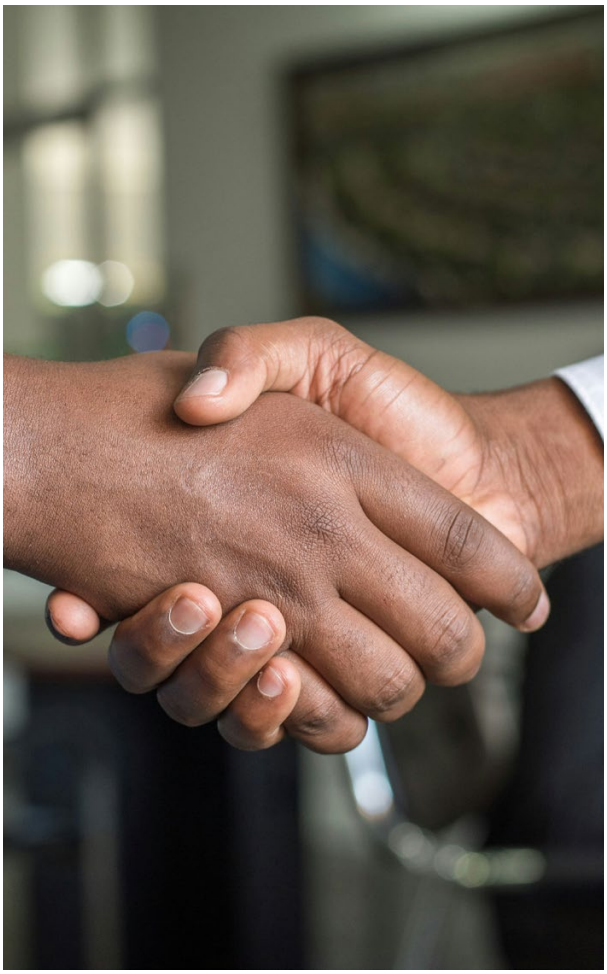
8.1 INTRODUCTION AND CONTEXT

This report reviews South Africa's progress on Sustainable Development Goal 17[155], which focuses on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development.

South Africa has also made limited progress in mobilizing partnerships and strengthening means of implementation. These include strengthening the domestic resource mobilisation, attracting foreign direct investment, establishing partnerships with bilateral and multilateral institutions, negotiating trade agreements, securing development assistance, and leveraging diaspora remittances. Issuing sovereign bonds, collaborating with development finance institutions, and active participation in international organisations have bolstered resource mobilisation efforts.

South Africa continues actively participating in multilateral forums- including the Group of Twenty (G20) and the Brazil, India, China and South Africa (BRICS) bloc-to foster multilateralism, equitable global and intra-African trade, sustainable development, and regional integration.[156] These multilateral groups provide platforms for South Africa to collaborate with other countries on key issues affecting the continent and the world, such as sustainable development, trade, development, and peacekeeping.

Significant challenges in strengthening means for implementation include increasing the financing gap and rising debt levels. In the 2023/24-year, South Africa's budget deficit reached ZAR347 billion, and its debt stock accounted for 73.9% of GDP. The debt service costs amounted to ZAR356 billion, which is 5.1% of GDP or 20.8% of primary budget revenue.[157] Tax revenue growth in the 2023/24 fiscal year was impeded by global geopolitical tensions, energy supply uncertainties, logistical challenges, weak global and domestic economic growth prospects, and rising inflation.



155 This working group was composed of Puseletso Maile and Yared Tsegay (African Monitor); Kwanele Sishi, Dr Dineo Seabe and Glenn Farred, Thamsanqa Dlambulo (Mpumelelo Youth Movement), Mahadi Ramotsamai (Africa Unite), Cathy Kodiemoka (HURISA), and Norman Mapela (Isiziba Constituency).
156 Department of International Relations and Cooperation. (2023). Multilateral Relations. DIRCO. https://dirco.gov.za/multilateral/#:~:text=Multilateralism%2C%20and%20by%20implication%20the,existence%20on%2024%20October%201945.
157 National Treasury. (2024). Budget review government debt and contingent liabilities. Treasury. https://www.treasury.gov.za/documents/National%20Budget/2024/review/Chapter%207.pdf

BOX 8
CIVIL SOCIETY SCORE CARD

The CSO technical writing group evaluated progress on nine targets (17.1, 17.2, 17.3, 17.4, 17.7, 17.8, 17.12, 17.7, 17,7) and, using the scorecard developed for this study, rated South Africa's performance on Goal 17 as **Level 3: medium progress.**

AREAS	RATING
1. Governance and policy framework	3
2. Plans and strategies	3
3. Institutional support	2
4. Budgets	2
5. Implementation	2
6. Public Awareness	2
7. Transparency and accountability	1
8. Multi-stakeholder partnerships	2
9. Citizen participation and civil society engagement	1
TOTAL	**2**

South Africa has policies, plans, and strategies in place to achieve this goal. The country is also making notable progress across several thematic areas of SDG 17, including finance, technology, capacity building, and trade. South Africa's commitment to SDG 17 is evident through its establishment of partnerships at both national and international levels. These partnerships involve collaboration with United Nations (UN) agencies, civil society organizations, the private sector, and international entities to advance sustainable development initiatives. However, there is rising financing gap: national debt levels are rising, tax justice issues need to be address, and illicit outflows and profit shifting abase erosion continues weaken domestic resources mobilisation efforts.

There are ongoing endeavors to mobilize multi-stakeholder partnerships, and the government has expressed its intention to establish the National Development Stakeholder Forum as a key component of the national SDG framework. Nevertheless, the formalisation of the multi-stakeholder partnership has yet to be realised.

8.2 PERFORMANCE ASSESSMENT

Target 17.1: Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection.

South Africa's tax-to-GDP ratio for the 2022/23 fiscal year was 25.1%, the highest ratio attained since 1994/95.

Tax collection initiatives have also yielded positive results. The fiscal year ending on March 31, 2022, saw tax revenue surge by ZAR314.1 billion, reaching at total of ZAR 1,563.8, thanks to a healthy post-pandemic economic recovery. SARS noted a significant surge in total tax revenue collection, with the figures climbing from rising from ZAR1,216.5 billion in 2017/18 to ZAR1,563.8 billion in 2021/22.

Personal Income Tax (PIT) continues to be the largest contributor to tax revenue at 35.5%, followed by Value Added Tax (VAT) at 25%, and Corporate Income Tax (CIT) at 20.7%. When combined, these sources contribute 81.2% of total tax revenue collections. Following a decrease from 23.8% in 2019/20 to 22.3% in 2020/21, the tax-to-GDP ratio rebounded to 24.9% in 2022.

In February 2023, the Financial Action Task Force (FATF) placed South Africa on its "grey list," subjecting the country to heightened monitoring. This decision followed the FATF's 2021 Report, which evaluated South Africa's compliance with the FATF 40 Recommendations and the effectiveness of its anti-money laundering (AML) and counter-terrorist financing (CTF) system. Greylisting has diverse implications for South Africa, impacting its reputation and economy.[158]

158 National Treasury. (2023). What does FATF greylisting mean for a country. Treasury. https://www.treasury.gov.za/comm_media/press/2023/2023022501%20FATF%20Grey%20Listing%20Fact%20Sheet.pdf

Tax justice issues persist. The tax system, although progressive in theory, places heavy tax burdens on middle- and lower-income groups due to enforcement and compliance issues and tax loopholes. Value added tax and similar indirect taxes disproportionately affect the poor. Tax avoidance is prevalent among corporations and high-net-worth individuals. Base erosion and profit shifting, as well as illicit outflows, continue to erode South Africa's tax base. According to Global Financial Integrity,[159] illicit outflows averaged around USD20 billion annually from 2009 to 2018,

Targets 17.2 and 17.3: Official development assistance and mobilisation of financial resources for developing countries

South Africa has demonstrated a positive trend in achieving the targets for mobilising additional financial resources for developing countries through diverse channels. Across the Southern African Development Community (SADC), many households rely on cross-border remittances as a vital source of income. The pivotal role of these remittances cannot be underestimated. They facilitate access to essential services for recipients and play a significant role in bolstering micro-economies within various SADC communities, fostering regional socio-economic advancement. The total value of formal outbound remittances from South Africa in 2022, facilitated by authorised dealers or dealers with limited authority, was approximately USD991 million. This amount is closely mirrored by the estimated value of informal remittances closely mirrors this amount.13 The volume of remittances, measured as a percentage of total GDP, showed a consistent upward trajectory, peaking at USD1.27 billion in 2020 due to increased financial support amid the global Covid-19 pandemic. However, in 2021, it decreased to USD1.1 billion and 2022 saw a further decline to USD991 million. Formal outbound remittances from South Africa in 2022 amounted to approximately USD991 million, with informal remittances estimated to be of similar value.

South Africa's development agenda relies heavily on FDI to drive economic prosperity, social welfare, and global competitiveness. South Africa has traditionally been a hub for significant FDI. However, in 2022, FDI inflows decreased by a significant 78.68% from USD40.6 billion in 2021 to USD9.1 billion. The remarkable increase in 2021 was primarily attributed to a single Naspers deal, yet the overall trend has historically shown stability.12

Target 17.4: Assist developing countries in attaining debt sustainability

In 2023/24, South Africa's debt stock hit ZAR5.21 trillion (73.9% of GDP), while debt service cost[160] amounted to ZAR356 billion, which is 5.1% of GDP or 20.8% of primary budget revenue. The average foreign currency debt will average ZAR606.9 billion or 10.2% of total debt. Guarantees to state-owned companies, independent power producers, and public-private partnerships have contributed to the government contingent liability, which had reached ZAR1.07 trillion in 2022/23.

The cost of borrowing has increased as South Africa's credit rating has deteriorated over the last five years. In 2023, Moody's and S&P maintained South Africa's sovereign credit rating at sub-investment grade with a stable outlook. In January 2024, Fitch affirmed the country's long-term debt ratings at "BB-" and maintained a stable outlook, attributing it to low real GDP growth, high inequality, a high and rising government debt-to-GDP ratio, and a modest fiscal consolidation plan. Over the medium term, the government will focus on raising GDP growth through structural reforms and stabilising debt and debt service costs.

Target 17.7: Promote sustainable technologies to developing countries

South Africa has significantly advanced its efforts to strengthen regional and international cooperation, including North-South, South-South, and triangular partnerships, to improve access to and collaboration in science, technology, and innovation. By January 2023, South Africa had 43.48 million active internet users, with around 25.8 million people social media platforms, representing approximately 43% of the total population.16 Most South Africans (78.7%) utilised mobile devices to access the internet in 2022. These efforts facilitate knowledge sharing, technology access, policy coordination, joint research and development, supporting inclusive growth and sustainable growth in the region.17

159 Global Financial Integrity. (2021). Trade-Related Illicit Financial Flows in 134 Developing Countries 2009-2018. Global Financial Integrity. https://gfintegrity.org/report/trade-related-illicit-financial-flows-in-134-developing-countries-2009-2018/
160 National Treasury. (2024). Budget review government debt and contingent liabilities. Treasury. https://www.treasury.gov.za/documents/National%20Budget/2024/review/Chapter%207.pdf

Target 17.8: Strengthen the science, technology and innovation capacity

Investment in research, science, technology, and innovation is a priority for the South African government. This commitment is essential for progress in multiple economic sectors, promoting sustainability, and enhancing global competitiveness.

South Africa has recognised the importance of research, science, and technology in achieving its developmental goals outlined in strategies such as the National Development Plan (NDP) and the South African Research and Innovation Strategy (SARIS). These strategies aim to harness the potential of science, technology, and innovation to address socio-economic challenges, stimulate economic growth, and enhance the country's global competitiveness.

The government has established various institutions and initiatives to support research, innovation, and technology development, such as the Department of Science and Innovation (DSI), the Council for Scientific and Industrial Research (CSIR), and the Technology Innovation Agency (TIA). These organisations provide funding, infrastructure, and support for research and innovation activities across different sectors.

The South African government prioritises funding for research and innovation as a crucial driver of socio-economic development and global competitiveness. By allocating resources and fostering collaboration with academia and industry, it aims to harness creative potential and advance in key areas such as renewable energy and biotechnology. South Africa aims to construct a knowledge-based economy, tackle societal challenges, and position itself as a leader in global innovation through policies, incentives, and strategic partnerships.

Despite a decline in GDP by 6.4% in 2021 because of the pandemic, gross domestic expenditure on R&D for 2020/21 was ZAR33.541 billion. However, adjusted for constant 2015 prices, it decreased by 7.6% from the previous year. Government funding mainly benefits higher education and science councils, but there is a call for increased private-sector investment. Medical and health sciences receive the most R&D expenditure (22.1%). The corporate sector reported the largest nominal expenditure decrease for 2020/21 (-6.1%). Despite this, the government remains the primary contributor to R&D spending (56.3%), followed by businesses (26.9%). Foreign funding decreased, while domestic sources increased slightly.19

Target 17.12: Remove trade barriers for least developed countries

The signing of the African Continental Free Trade Area (AfCFTA) by South Africa presents significant potential for economic and sustainable development. By reducing trade barriers and fostering intra-African trade, AfCFTA can stimulate economic growth, create jobs, and diversify export markets for South Africa. In 2022, South Africa's intra-African merchandise trade was valued at approximately U$ 40 billion, accounting for only 17% of the country's total merchandise trade. Between 2021 and 2022, intra-African merchandise trade increased by 13%, with Mozambique, Botswana, Namibia, and Zimbabwe accounting for 51% of the total. South Africa's main intra-African trading partners are Southern African Customs Union (SACU) and SADC members, except for Nigeria.

In 2022, South Africa's intra-African exports amounted to about USD30 billion, comprising 24% of its total exports – a 14% rise from the previous year. South Africa's main intra-African exports are light oils, bituminous coal, ferrochromium, chromium ores, electrical energy, goods vehicles, and non-agglomerated iron ores. Mozambique, Botswana, Namibia, Zimbabwe, and Zambia are the top destination markets for South Africa's intra-African exports, making up 67% of the total.

In 2022, South Africa's intra-African imports were valued at about USD10 billion, making up just 9% of the country's total imports, but showing a 7% growth compared to the previous year. South Africa mainly imports petroleum oils, gold, natural gas, mixtures of odoriferous substances, electrical energy, and non-industrial diamonds from other African countries, with the bulk (64%) sourced from Nigeria, Eswatini, Mozambique, Namibia, and Botswana.10

Target 17.16: Enhance the global partnership for sustainable development, and 17.17: Encourage effective partnerships

South Africa has made significant achievements towards the achievement of Goals 17.16 and 17.17, which focus on forming multi-stakeholder partnerships for SDGs in the country. Government has laid the foundation to build strong alliances between the state and social partners through

the SDG Coordination Mechanism, which included provisions for the National Development Stakeholder Forum (NDSF), a multi-stakeholder partnership on the SDGs aimed at ensuring coordinated collaboration on the planning, implementation, and monitoring of the goals, as well as resource mobilisation to ensure their achievement in the country.[161] By collaborating with government, civil society organisations, academia, labour, private sector, and Chapter 9 institutions, the NDSF created Principles and Modalities in 2020 to guide its work.

The slow progress in establishing the National SDG Coordination Mechanism has hindered the mobilisation of political support for the National Development Stakeholders Forum, which is crucial for driving action on the SDGs in the country. The MSPs mentioned above are just a few examples of the numerous multi-stakeholder partnerships in the country that focus on SDG-related issues. Insufficient research in this field makes it difficult to evaluate the scope and impact of these partnerships, impending our understanding of progress on targets 17.16 and 17.17.

South Africa's statistical legislation, plan, and census

South Africa's National Statistics Office (NSO) operates under the statutory framework provided by the Statistics Act no. 6 of 1999, aligning its practices with the internationally recognised United Nations Fundamental Principles of Official Statistics. The NSO further adheres to the guidelines outlined in the African Charter of Statistics, emphasising the importance of accurate and reliable data collection and analysis.

Fully funded by the government, the NSO serves as the cornerstone of South Africa's statistical planning and implementation efforts. It plays a pivotal role in collecting, analysing, and disseminating essential data vital for informed decision-making across various sectors of the economy and society. The NSO receives robust support from the Ministry of Planning, Monitoring, and Evaluation, which contributes to the effectiveness and efficiency of statistical initiatives. Through this collaboration, statistical data is effectively use to inform policy formulation, programme planning, and evaluation, leading to improved governance and socio-economic development outcomes.

Updating birth and death registration records through surveys is a vital aspect of the NSO's activities, as it ensures accurate demographic databases for analysis, public health planning, and social welfare programmes. Supported by government funding and the Ministry of Planning, Monitoring, and Evaluation, the NSO plays a vital role in promoting evidence-based decision-making and fostering socio-economic development in South Africa.

8.3 GAPS AND ACCELERATORS

In its assessment of South Africa's performance on Goal 17, the civil society working group identified the following gaps and accelerators.

Gaps

- There is growing concern about a host of political, economic, and regulatory factors that affect foreign businesses adversely. These include reports about corruption and mismanagement in government, significant unemployment, violent crime, insufficient infrastructure, and poor government service delivery to impoverished communities; these factors were exacerbated by the Covid-19 pandemic.

- State-Owned Enterprises face significant challenges, such as financial mismanagement, governance deficiencies, operational inefficiencies, high debt, limited competition, economic distortions, and declining public trust. Over ZAR308 billion has been spent bailing out failing SOEs, reducing funds available for essential services and infrastructure by ZAR257 billion22. Restoring public confidence and improving SOE performance may require considering options such as restructuring, privatisation, or partnerships with the private sector.

- Mismanagement of public spending, including low value for money, corruption, and wasteful expenditure, is a critical challenge. This has exacerbated increased public wage bills, putting pressure on the budget and limiting spending in other areas. Finding a balance between fair wages and fiscal sustainability is a crucial challenge.

161 Tsegay, Y., & Seabe, D. (2022). "South Africa: Promising preconditions calling for recognition and a roadmap". Nachhaltigkeitsrat. https://www.nachhaltigkeitsrat.de/wp-content/uploads/2022/03/Global-Forum-Study_Pieces-of-a-Puzzle_March-2022.pdf

Accelerators

The civil society review identified the following accelerators which need to be considered:

- South Africa has to deal with Energy Crisis, which has become a bottleneck for accelerated growth. The South African government has implemented a comprehensive plan to address the nation's energy crisis. Key initiatives include optimising Eskom's coal-fired power stations, combating corruption and theft within the energy sector, restructuring Eskom to improve efficiency, promoting the adoption of solar power through incentives and financing adjustments, and facilitating private investment to expand electricity generation capacity. These efforts aim to diversify energy sources, enhance reliability, and ensure long-term energy security for the nation. Effective coordination and decisive action are crucial for the successful implementation of these measures.

- Improving public expenditure management entails implementing key measures such as transparent budgeting processes, open procurement data, and public participation in budget discussions. Strengthening anti-corruption institutions, enforcing stricter penalties for malfeasance, and protecting whistle-blowers are essential. Revising the Public Finance Management Act (PFMA) and implementing a Spending Efficiency Framework proposed by the National Treasury are vital steps. These efforts aim to enhance accountability, mitigate corruption risks, and ensure effective and equitable use of public resources for the benefit of all citizens.

- Operationalisation of the National SDG coordination mechanism and the establishment and institutionalisation of the National Development Stakeholders Forum (NDSF) must be prioritised. The NDSF coud facilitate synergies and links between state and non-state actors working on the SDGs in South Africa, through better communication, coordination, dialogue and interaction between government and the relevant stakeholders from the various sectors of South African society. Incorporating the voices of all citizens in development planning and implementation ensures that no one is left behind, taking a holistic approach that considers all SDGs and their interactions.

- Strengthening oversight and accountability to improve public expenditure, which involves transparent budgeting, open procurement data, increased public participation in budget discussions, strengthening anti-corruption institutions, enforcing stricter penalties for malfeasance, and protecting whistleblowers.

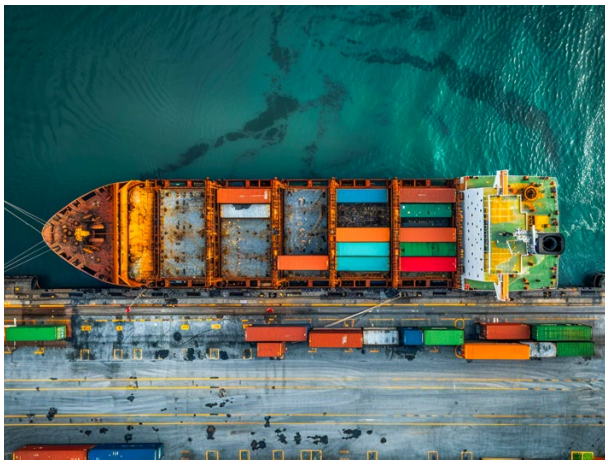
- Revising the Public Finance Management Act (PFMA) to achieve more sustainable and equitable public expenditure to safeguard against corruption as an immediate policy intervention.

- Immediate implementation of the "Framework for Achieving Spending Efficiency in a Fiscally Constrained Environment" proposed by the National Treasury in 2021.

8.4 CONCLUSION

This report highlighted South Africa's commitment to achieving Sustainable Development Goal 17, focusing on strengthening implementation means and revitalising global partnerships for sustainable development.

The country has made significant progress in finance, technology, capacity building, and trade through active national and international collaborations. Despite facing challenges such as rising debt levels, mismanagement of public spending, and energy crises, South Africa has shown resilience by mobilising international resources, enhancing tax revenue collection, and participating in multilateral forums like G20 and BRICS.



9 REFLECTION ON THE VOLUNTARY LOCAL REVIEWS

9.1 INTRODUCTION

For the 2024 Voluntary National Review (VNR), ten out of 13 municipalities initially selected successfully participated in compiling supplementary baseline VLR reports. Participating metropolitan municipalities included Buffalo City, Johannesburg, Tshwane, and eThekwini. At the local level, participation came from Mogale City, uMhlathuze, Mossel Bay, Mogale City, Rustenburg, and Koukamma.

The VLR process offers several advantages:

- Creating baseline reports that track actual progress towards SDG implementation.
- Identifying and capitalising on linkages between SDG indicators, the NDP, and IDPs to guide planning and resource allocation.
- Facilitating mutual learning among municipalities to enhance their capacity and knowledge.
- Connecting local insights with national, regional, and international platforms.

This section reflects on the collaborative efforts of the South African Civil Society Organisations Working Group (SAWG), led by African Monitor, with four municipalities. It focuses on both the process and content, particularly emphasising the goal of leaving no one behind.

9.2 PROCESS

Following United Nation department in Economic and Social affairs (UNDESA)guidelines, the VLR process encompassed four phases.

Phase 1: Preparation

Initial organisation included developing work plans and setting up institutional arrangements. These were developed at a series of workshops held in 2023.

- A National Capacity Building workshop was convened in March 2023, Jointly organised by UNDESA and DMPE, which brought together representatives from Department of Cooperative Governance and Traditional Affaires, South African local government association , Municipalities, and Civil society.
- Regional workshops were held on:
  - 29 - 31 August 2023, in Ekurhuleni
  - 27 - 29 September 2023, in Gqeberha
  - 25 - 27 October 2023, in Gauteng
  - 28 - 30 November 2023, in Ethekwini

These training workshops aimed to assist municipalities in integrating SDGs into municipal planning and budgeting systems. The objectives included:

- Enhancing local governance through VLR implementation.
- Strengthen awareness and multi-stakeholder partnerships for sub-national implementation and monitoring of the 2030 Agenda.
- Building capacity for comprehensive sub-national reviews of SDG implementation that complement national processes.
- Addressing urban-rural disparities through improved data gathering and analysis.

Phase 2: Stakeholder Engagement

Stakeholder engagement involved identifying stakeholders, developing engagement plans, organising consultations, and conducting workshops. SAWG participated in six engagements and facilitated four, responding to requests from SALGA or directly from the municipalities.

Reasons for engagement requests included:

- broadening stakeholder engagement, particularly with civil society and other government department actors;
- addressing trust deficits with communities as a result of perceived and real service delivery challenges – or promises made by councillors and political leaders;
- augmenting municipal external stakeholder databases;
- lack of funding to convene consultation workshops; and
- securing independent facilitators.

Multistakeholder engagements attended by a total of 277 participants were held as follows:

- City of Tshwane, 19 March 2024
- City of Johannesburg, 10 April 2024
- Mogale City, 11 April 2024
- Koukamma, 10 May 2024

These sessions provided platforms for facilitated discussions on SDG progress, challenges, and interventions. Participants were requested to provide input per SDG on the following:

1. Policy frameworks put in place to achieve SDGs in the municipalities.
2. Significant advancements made towards specific SDGs, supported by relevant data.
3. Obstacles impeding SDG progress, supported by relevant data.
4. Recommend interventions that would significantly accelerate progress towards achieving the SDGs in the municipality.

Phase 3: Gathering Inputs and Data

This phase focused on collecting, analysing, and synthesising stakeholder inputs for the VLR report, using administrative data as the primary source for ongoing progress assessment. Therefore, the current reports serve as baseline reports.

Phase 4: Preparing the VLR Report

The final phase involved synthesising inputs, review and quality control measures, validation, approval, and publication.

At a finalisation and validation workshop, held from 27 February to 1 March 2024 at Birchwood Hotel & OR Tambo Conference Centre, municipalities and other stakeholders had the opportunity to provide inputs into the draft reports and used it as a writing retreat to strengthen their drafts. Additionally, municipalities were able to draft their key messages.

9.3 CHALLENGES

1. Data sources

The availability of credible data sources was an initial challenge for most municipalities. The Koukamma Local Municipality, for instance, uses multiple data sources for its VLR report, including information provided by consultants who help generate technical municipal reports.

The transition to using Stats SA as the primary source remains a challenge because:

- Stats SA data is not always available at the sub-regional level.
- Municipalities generate their own information, often available publicly: they have information on households benefitting from free utility services; and technical reports on water quality and services, sanitation, housing, etc.
- Municipalities also draw on qualitative data sources such as stakeholder engagement workshops and quality assessments on transport or other services conducted by the municipality or with the help of academia or other entities.

2. Human resources

Municipalities were required to work in teams of three. However, some could only send one or two people to attend the workshops and work on the reports. Some municipal staff lacked the capacity to write the reports, with local municipalities experiencing the most difficulty.

3. Interface with communities

Some communities are not involved in municipal processes, resulting in little to no communication between the municipalities and the writing teams. Consequently, coordinating stakeholder engagements was challenging for some writing teams.

4. Competing priorities

Some writing team members work on multiple portfolios, and this made it difficult for them to dedicate all their time on the writing of the report. The training workshops and the writing retreat assisted to some level.

5. Location of the VLR and support

The degree of support extended to the VLR process and staff was contingent on their positions. In municipalities where senior executives were involved, the process received more support, making it easier for the writing team to complete their tasks. In municipalities where the municipal managers and mayors supported the process, progress was swifter.

9.4 CIVIL SOCIETY'S REFLECTION ON SDG DELIVERY AT THE LOCAL LEVEL

In the sample of four municipalities:

- All municipalities selected goals that encompass its core mandate namely SDG 11 (Sustainable Communities and Cities) with interlinkages to SDGs 6 (Clean Water and Sanitation), SDG 7 (Affordable and Clean Energy) and, in metros, to SDG 13 (Climate Action).
- A few also included SDG 1 (End to Poverty) and SDG 2 (Zero Hunger). Selected goals are also interlinked with SDG 5 to ensure gender equality.
- One of the municipalities also included SDG 8 (Decent Work and Economic Growth). While IDPs contain a Local Economic Development (LED) component to deal with the high local unemployment rates and poverty, it is often an unfunded mandate. Apart from national programmes like the Expanded Public Works Programme, it is unclear who is accountable for driving local economic activities that lead to job creation.

Below is a reflection on two critical content issues affecting service delivery to vulnerable groups in these municipalities: SDG 6 with an emphasis on water, and SDG 11 focusing on housing and basic services.

SDG 6: CLEAN WATER AND SANITATION

The NDP Vision 2030 strives for all citizens to have drinking water, while municipalities aim for universal access to water. The assessment focused on selected targets and indicators for SDG 6, Agenda 2030.

- Target 6.1: By 2030, achieve universal and equitable access to safe and affordable drinking water for all.
- Target 6.2: By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.
- Target 6.3: By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing the release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally.

South Africa has limited water resources and is ranked 29th out of 193 countries surveyed by the Intergovernmental Panel on Climate Change (IPCC),[162] with an average annual rainfall of 450 mm/annum, or about 50% of the world average. South Africa imports nearly 25% of its water from Lesotho through the Integrated Vaal River Water System.

The National Water Act (36 of 1998) furthers the constitutional right to water and governs the conservation, allocation and management of the country's water resources.[163] Throughout South Africa, water services authorities (WSAs) are

162 Maluleke, L. (2023, September 27). South Africa's water security crisis worsens. Mail & Gaurdian. https://mg.co.za/thought-leader/opinion/2023-09-27-south-africas-water-security-crisis-worsens/#:~:text=South%20Africa%20is%20one%20of,50%25%20of%20the%20world%20average.
163 Office of the President of South Africa. (1998). National Water Act. Government Gazette 19182. https://www.gov.za/sites/default/files/gcis_document/201409/a36-98.pdf



required to report monthly on the quality of drinking water. The Department of Water and Sanitation (DWS), supported by the Institute of Municipal Engineering of Southern Africa (IMESA) and Water Institute of Southern Africa (WISA), has in place a Water Quality Management System to provide useful information on water quality, trends and other data. Water users have recourse to the South African Human Rights Commission (SAHRC) if their right to water is compromised.

Achievements across the four municipalities

In the Sarah Baartman district (Eastern Cape) piped (tap) water inside the dwelling has improved by 13,4% from 51% in 2011 to 64% in 2022 (Census 2022). Koukamma Local Municipality, with the highest percentage in the district of households with piped water inside the dwelling, increased by 16% from 68,2% in 2011 to 84,2% in 2022.

Mogale City Local Municipality (MCLM) reflects that 98.6% of the population has safely managed drinking water services (Census 2022).[164] However, no Blue Drop analysis[165] was provided.

For the City of Johannesburg (COJ) access to improved water facilities has increased by 3.8% from 91,60% in 2011 to 95.40% in 2022 (Census 2022). The quality of water provided by the CoJ is excellent according to Blue Drop Watch Report (status of drinking water) and scored 99.43% on Microbiological Compliance and 99.54% on Chemical Compliance.[166] A total of 1,453 households gained access to basic water services, and 806.36 million litres of water were delivered to stationary tanks in informal settlements (City of Johannesburg, 2023). A total of 19.14 kilometres of water pipes were replaced during the 2022/23 financial year and 21,670 water pipe bursts were fixed within 48 hours of notification.

Challenges across the four municipalities

A major challenge for the Mogale City Local Municipality (MCLM) remains restricted access to portable drinking water, particularly for informal settlements and rural regions via standpipes and tinkering trucks.[167]

The Koukamma Local Municipality made progress in improving the quality of drinking water since 2012 when the blue drop score was below 6%. It reached a higher score of 25.77% in 2014 but dropped to 24.05 % in 2023. A major challenge for the municipality is retaining equal access to high-quality drinking water.

The City of Tshwane has a challenge with maintaining its wastewater treatment works resulting in unsafe water quality as outlined in Case Study 1 below.

164 African Monitor; Mogale City. (2024). Mogale City VLR notes.
165 Department of Water Sanitation. (2023). Blue Drop Watch Report. BDWR. https://ws.dws.gov.za/IRIS/releases/BDWR.pdf
166 African Monitor; Johannesburg. (2024). City of Johannesburg VLR notes.
167 African Monitor; Mogale City. (2024). Mogale City VLR notes.

CASE STUDY 1: CITY OF TSHWANE

The City of Tshwane is water insecure and highly dependent on water transfers from Rand Water and Magalies Water. The demand for water (and sanitation services) continues to grow due to economic activity and migration.

In December 2018, the Department of Water and Sanitation approached the courts for the City of Tshwane to comply with remedial actions to stop pollution emanating from water treatment plants within its jurisdiction.[168] DWS initiated the action following complaints from the South African Human Rights Commission in August 2018, to ensure that water pollution stopped immediately. The situation since 2010, however, deteriorated due to the metro's non-cooperation, which impacted directly on DWS's ability to deliver on its obligation to provide safe and drinkable water to affected communities. A July 2018 Action Plan was rejected since the City of Tshwane failed to deal with the crisis.

"Freshwater sources in Tshwane, including the Hennops River and Roodeplaat Dam, are being polluted with untreated and partially treated sewage and sludge with devastating effects because of a failure to maintain wastewater treatment works (WWTWs) in Pretoria".[169] Water samples from the Magalies Water Board showed high levels of faecal coliforms and E.coli which expose people and animals to illnesses such as bilharzia, cholera and hepatitis. Management failures, caused a regression in standards of delivery i.e. poor planning and implementation with insufficient WWTWs to provide for the growing metro population. The SAHRC recommended that the municipal managers, who oversaw the failed wastewater treatment works, be held to account.

The City of Tshwane entered into a Water Resilient Cities partnership agreement with the City of Aarhus (Denmark) that commenced in 2015. A strategic priority was the electrical grid and water infrastructure. Recognising the significance of water and energy as critical drivers for growth and development, the City of Tshwane is working towards a water security strategy (or vision), placing water at the centre of its development, planning and decision-making.

The City of Tshwane is currently working on a partnership with a Water Forum in Finland to cooperate on water resource management focussing on scientific, technological, training and economic aspects as well as facilitate exchange programmes between the entities.

Fast forward, to June 2024, DWS and the City of Tshwane signed a MoU to collaborate on various strategic areas, such as infrastructure planning and development, water resource planning and infrastructure solutions, and capacity-building of City of Tshwane officials.[170] A flagship engineering candidacy development programme, and secondment of candidate engineers as well as professional engineers to be contracted to the City for three years are on the cards. At the signing ceremony, the City of Tshwane noted that it was facing significant water challenges that negatively impacted some residents for a long period which has been linked to ageing infrastructure and maintenance challenges at treatment plants.



168 South African Government. (2018). Water and Sanitation takes Tshwane Metropolitan Municipality to court for pollution of rivers. Water and Sanitation. https://www.gov.za/news/media-statements/water-and-sanitation-takes-tshwane-metropolitan

169 Tshwane failed to maintain wastewater plants, leading to pollution of rivers, dams - SAHRC. (2021, October 26). News 24. https://www.news24.com/news24/southafrica/news/tshwane-failed-to-maintain-wastewater-plants-leading-to-pollution-of-rivers-dams-sahrc-20211026

170 City of Tshwane. (2024). City of Tshwane and the Department of Water and Sanitation sign a Memorandum of Understanding to address the City's water constraints. City of Tshwane. https://www.tshwane.gov.za/?p=73964

For the City of Johannesburg (CoJ) 46.1%, of its water supply is non-revenue generating as it is lost to leaks, theft, or non-payment (City of Johannesburg, 2023). Ageing infrastructure and leaking pipes are also challenges for the Koukamma Local Municipality, Mogale City Municipality and the City of Tshwane (as indicated in Case Study 1). The 2023 Blue Drop Watch report indicates that 13 water supply systems have no water quality data reported, indicating a clear lack of monitoring.[171] It points to the failure of governance at both national and local levels to uphold water, sanitation and hygiene standards as well as sustainable development goal six, clean water and sanitation for all. Upgrading ageing water infrastructure, such as pipes and water meters, would contribute towards a sustainable solution.

The Public Affairs Research Institute (PARI) notes "Municipal services — electricity, water, sanitation and waste removal — were intended to be a tool to reduce poverty and inequality, raise living standards and facilitate economic opportunities."[172] Furthermore, "when services are unaffordable for poor households, the value of the social wage is eroded." Affordability is a key factor in achieving universal access to basic services. As only a small percentage of households currently benefit, the policy of free basic service has little impact.

Public affaires research institute (PARI) notes urgent action is required to ensure universal access to services, both physical access and genuine affordability.

SDG 11: SUSTAINABLE CITIES AND COMMUNITIES

Selected Target

Target 11.1: By 2030, ensure access for all to adequate, safe, and affordable housing and basic services.

Achievements (across the four municipalities)

The City of Tshwane (CoT) has 1 322 252 households, with 13.1% in informal dwellings (Census 2022). Progress made in servicing informal dwellings are:

- 91 informal settlements are re-arranged or re-blocked with upgrading plans in place, at various stages of formalization.
- 30 informal settlements were formalised in 2023 compared to only one in 2018. Where upgrading plans must still start or are in the process of implementation, the households receive rudimentary or interim services i.e. water and sanitation.
- 56 informal settlements are currently at the township establishment stage (Phase 2).

More households in Koukamma Local Municipal (KKLM) live in formal dwellings (Census 2022). Between 1996 and 2022 the percentage grew by 15% from 79,2% to 94,1%. Informal housing also reduced from 17,7% to 4,8% as well as traditional housing from 2,5% to 0,5%.

In 2011, Mogale City Local Municipality (MCLM) had 85% formal housing and 25% informal dwelling (Census 2011). Informal housing dropped to 14% (2022 Census). MCLM benefits from the Intermediate Cities Support Programme. It is developing a long-term infrastructure investment plan which enables the MCLM to better plan for the future. To further reduce informal settlements, several housing projects are under construction and upgrades to four hostels are in the planning phase.

Challenges across the four municipalities

In the May 2024 Koukamma Local Municipal stakeholder engagement workshop, civil society asked about vulnerable groups excluded from housing and utility services provision. These include backyard dwellers, farm dwellers currently residing on privately owned property, restitution claimants living on trust land, as well as those living on state-owned farms. In Case Study 2 we describe challenges faced by these excluded sections of the population.

171 Maluleke, L. (2023, September 27). South Africa's water security crisis worsens. Mail & Gaurdian. https://mg.co.za/thought-leader/opinion/2023-09-27-south-africas-water-security-crisis-worsens/#:~:text=South%20Africa%20is%20one%20of,50%25%20of%20the%20world%20average.

172 Public Affairs Research Institute. (2021). Access to Basic Services: Enabling Progressive Transformation or Entrenching Poverty and Inequality? Pari. https://pari.org.za/press-release-are-basic-services-entrenching-poverty-and-inequality/

CASE STUDY 2: KOUKAMMA

Farm dwellersWhile individual farm dwellers have rights to housing and services under the Extension of Security of Tenure (ESTA), families are often evicted by private landowners without providing alternative accommodation. Civil society expressed the view that taking these cases to the Commission for Conciliation, Mediation and Arbitration (CCMA) seems futile.

Currently, the municipality does not have a programme to serve evicted farm dwellers nor available land to accommodate them. While the Koukamma Municipality is engaging a local farm owner to secure land, it will apply to the Department of Human Settlement (DHS) for emergency alternative accommodation of such vulnerable groups as part of the Disaster Relief Programme. Public education is essential as evictees, and civil society organisations supporting them, are unaware of these mechanisms and how to access them. In future, the Koukamma Municipality ought to ensure the projected housing needs of farm and backyard dwellers are registered on the municipal waiting list, integrated into the Integrated Development Plan (IDP) and with adequate funding.

Housing backlog and quality

Civil society, citing the Louterwater example, noted that no land appears to be available for future housing development. The KKLM has not built any new housing for the past 15 years.

- Some housing stock is old and has asbestos roofing, gutters, and underground water pipes.
- Housing built post-1994 is often of poor quality and too small to accommodate the needs of an average size family.
- Furthermore, while municipalities are compelled to use local Small Medium and Micro Enterprises (SMMEs) on housing and infrastructure projects, their lack of skills and the general lack of quality control of contractors by the municipality have resulted in poor quality housing and services.

Civil society was informed that the Spatial Development Framework, in progress, should take account of the 12 informal settlements and the needs of other vulnerable groups. The municipality noted that the construction of poor-quality social housing is a national crisis. Going forward, the Koukamma Municipality need to work in partnerships to ensure quality assurance throughout the housing and infrastructure construction projects.

Land Restitution

Another category that is excluded is previously disadvantaged people living on land secured through the national government's restitution programme which is managed by a Trust or a Communal Property Associations. A reason is that the municipality does not have jurisdiction over the land, and is therefore 'unable' to supply housing and basic services to citizens. It is encouraging to note that in the case of Amanfengu (Tsitsikamma), negotiations are underway between different government departments including the Department of Human Settlements and Koukamma Municipality to conclude a Memorandum of Understanding (MOU) that will facilitate the provision of housing and basic services. There are many restitution cases in the Eastern Cape and across the country where claimants are waiting for at least a decade. Many have become impatient. A future case study on the resolution of the Amanfengu will help other municipalities with similar challenges.

The enormous growth of backyard dwellings and informal settlements in Gauteng province, is placing enormous strain on the bulk utility infrastructure with the added challenge of inequality in accessing basic services. [173]

173 City of Johannesburg. (2024). City of Johannesburg VLR Report.

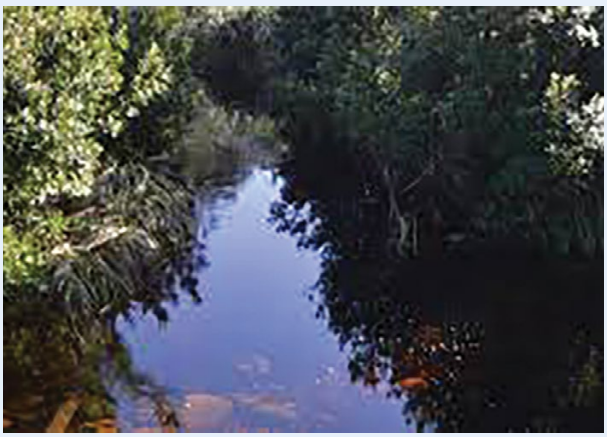
Informal Settlements

The percentage of households in informal dwellings in the City of Johannesburg (CoJ) decreased between 2016 and 2021 from 21.5% to 17.3% but increased in 2022 to 19% (Census 2022). As many residents living in informal settlements lack basic services, poverty and inequality persist. In response to poor service delivery, residents in informal settlements installed their own household connections to electricity and water, else connected to services illegally.[174]

Backyard dwellings

In Gauteng, backyard dwellings saw a faster growth rate (205%) compared to informal settlements (51%) between 2001 and 2016 (GCRO, 2018). The increase in backyard dwelling is particularly notable in disadvantaged areas such as Soweto, Orange Farm, and Diepsloot, as well as inner city neighbourhoods and new Reconstruction and Development Programme (RDP) settlements. While cheap and convenient for young persons, backyard dwellings put pressure on the delivery of bulk utility services.

During the stakeholder engagement, civil society offered three recommendations with opportunities for partnerships, namely rental housing for backyard dwellers (PlanAct); encouraging people to build their own houses (Habitat for Humanity); and considering a “transit camp” as temporary accommodation while housing is being upgraded.



Rapid urbanization - due to natural population growth, country and international migration - is not a phenomenon unique to Gauteng, but a trend experienced in other cities chiefly in Asia, Africa, and Latin America. The densification of existing suburbs; the sprawl of new formal housing developments; the explosion of backyard dwellings coupled with the growing number of informal settlements and the occupation of vacant buildings and land present the province with serious challenges of water, sanitation, electricity, and housing provision and service delivery. Demand outstrips the pace of formal supply. An additional challenge for metros is competition for limited arable land which is being used for housing and to expand industry, instead of agriculture.

Citizens are more aware of their human rights, enshrined in the Constitution, and are demanding these rights. Some continue to ‘wait’ in the queue for their turn to access a formal dwelling with piped water and sanitation.

As outlined in the case studies above, several vulnerable groups remain ‘invisible’ and are excluded from the waiting list and housing provision. Yet, others have become impatient and appropriated buildings and land through occupation. Opportunities exist for better communication and working in partnerships with all stakeholders.

174 African Monitor. (2024). City of Johannesburg VLR slides and stakeholder feedback report.

9.5 CONCLUSION

Recommendations on the Process

In the future, local municipalities could benefit from:

a) Comprehensive capacity training for officials to effectively navigate the Stats SA data system;

b) Introducing qualitative survey(s) to regularly gather feedback on service delivery, especially at the local level;

c) Developing a comprehensive municipal database accessible by authorised personnel, facilitating instant generating of reports on the SDGs, NDP, and the IDP.

d) Provision of research and report writing resources by SALGA to support the VLR (and other) processes.

Moving forward, municipalities should prioritise and integrate external stakeholder participation throughout the VLR process. This proactive approach will help identify issues affecting vulnerable groups early on and uncover new solutions for persistent challenges. It is crucial to ensure the active involvement of vulnerable groups in the VLR process. Furthermore, while municipalities may have reservations about including businesses as stakeholders, overlooking them could mean missing out on valuable insights and opportunities.

Recommendations on the Content

South Africa has adequate water infrastructure, but it requires consistent maintenance and upgrades. Municipalities, supported by the national government, must stop violating citizens' constitutional right to have access to clean water. There is a critical need to improve water quality, monitored through initiatives like the Blue Drop Watch, and to prevent pollution from water treatment plants. Sustainable, long-term plans are essential to replace ageing water infrastructure such as pipes and water meters.

The challenge of housing with services persists, adversely affecting vulnerable groups such as backyard dwellers, informal settlements, farm dwellers, and restitution claimants. It is crucial for metros and civil society organisations to collaborate in seeking sustainable solutions, particularly for vulnerable groups highlighted in Cases 4 and 5. Additionally, SALGA, in partnership with municipalities, could establish thematic focus areas to address the needs of these communities and develop lasting sustainable solutions.


true

10 CONCLUSION

As South Africa submits its second Voluntary National Review report, it is important to appreciate the opportunity this process brings for the collective assessment of countries' progress against targets. This review tracks the implementation of the 2030 Agenda, including the goals and their targets, with a particular focus on the poorest, most vulnerable, and marginalised groups. VNRs are expected to facilitate concrete and tangible actions to ensure the realisation of the 2030 Agenda.

As one of the major stakeholders in the 2030 Agenda for Sustainable Development, civil society organisations through the SAWG and led by African Monitor contributed to the National VNR report coordinated by the National Planning Commission. Parallel to our participation in the national process, CSOs produced this complimentary report to ensure that elements not included in the national VNR are expressed.

In addition to this report, civil society organisations arranged stakeholder engagements in at least four local municipalities to contribute to the Voluntary Local Reviews. Only 13 municipalities opted to participate in the VLR process, suggesting that while strides have been made, increased resources and support are required to broaden participation across the country.

While national alignment is well-addressed, understanding and mainstreaming SDGs into local plans is crucial. Local governments need to feel ownership and see their role in SDG implementation. Currently, many view SDGs as extra work rather than integrated into their activities. They need to understand that SDGs complement and align with their existing efforts, not create new ones.

There is a lack of a Whole Society approach at the local level, which calls for local government to collaborate with the private sector, labour, civil society, and other stakeholders including academia to co-define solutions. While the SDGs are global, their achievement depends on our ability to make them a reality in our cities and municipalities. As stressed in the Synthesis Report of the UN Secretary-General, "many of the investments to achieve the sustainable development goals will take place at the subnational level and be led by local authorities". Public participation and collaboration are lacking in many municipalities and, where attempted, it has been more of a ticking boxes approach. This should be rectified.

One positive element of VNR 2024 is that was inclusive and collaborative, ensuring that diverse voices were heard from a range of stakeholders including academia, civil society organisations, and the private sector. Engagement in the VNR process and inclusion in the drafting team have strengthened civil society's capacity to monitor and evaluate SDG implementation effectively, enhancing efforts to hold the government accountable.

Challenges identified—and which we would like to see improved—include a lack of understanding of the SDGs across all stakeholders, incoherent policy, and inadequate data. Furthermore, the involvement of CSOs has been constrained in certain cases due to inadequate allocation of time and resources for meaningful participation. Limited funding and resources for CSOs in South Africa restrict our ability to fully engage in the VNR process and contribute effectively.

With this rich experience, we have outlined gaps in the implementation of specific SDGs and made recommendations for each goal. We also identified accelerators—or key priorities with a multiplier effect on society—per goal that need to be extended to the local level with appropriate budgeting. There should be an enabling environment in local municipalities that fosters collaboration, strategic alliances, and stakeholder partnerships for the SDGs at both local and national levels.

We are calling government and all stakeholders, including academia, to invest in robust data collection mechanisms at the local level to address data gaps and provide a clearer picture of SDG implementation. As CSOs, we are ready to contribute our part, including our experience in citizen-generated data (CGD).

CIVILE SOCIETY'S REFLECTION ON SDG DELIVERY

As we conclude this report, allow us to reiterate some of the recommendations under the Sectoral Working Groups (SWG), namely social, economic, environmental and governance, peace and security.

PRIORITISE HUMAN WELL-BEING AND CAPABILITIES (GOALS 1, 2, 4, AND 5)

South Africa has made limited progress in attempting to end poverty by 2030. While there has been some improvement in multidimensional poverty due to increased access to healthcare, education, and housing, the root causes remain local human and social capital, as well as limited access to land and livelihood assets. Communities rely heavily on the labour market for their livelihoods. The national strategy to reduce poverty includes social protection, access to health, education, and housing, along with expanded public works programmes. Government and the private sector should invest in the productive assets essential for massive industrialisation, particularly in industries like manufacturing, renewable energy, and information technology. This includes advanced machinery, technology, and skilled labour.

Civil society stresses that addressing land issues is crucial to ending poverty in South Africa due to historical and racial disparities in land ownership. Equitable land reform is essential for redressing past injustices, providing economic empowerment, and fostering sustainable development. Without resolving the land issue, poverty eradication efforts will remain incomplete.

With regard to education, there has been progress in access to education in South Africa, but the quality remains a significant challenge. Reading proficiency is particularly concerning. The education system continues to be characterised by inadequate and unsafe infrastructure in public schools, lack of learning and teaching support material (LTSM), unqualified and underqualified teachers, overcrowded classrooms, and other inequalities. There continue to be great disparities in implementation between the nine Provincial Education Departments (PEDs), reflecting the socio-economic status.

To achieve SDG 4 effectively, South Africa must tackle these complex challenges through comprehensive education reforms that are inclusive and sustainable. Investing significantly in Early Childhood Development (ECD) is paramount to building an equitable and high-quality education system, as it establishes a crucial foundation for children's development. The first five years are critical for brain growth, requiring comprehensive care including healthcare, nutrition, stimulation, stress relief, and learning opportunities. Prioritizing ECD investments in South Africa will ensure that children can reach their full potential, paving the way for lifelong success.

On Goal 5, South Africa has introduced a set of legislations, policies, programmes, frameworks, and strategies to address gender inequalities and promote women's empowerment at various levels. However, significant gaps remain in policy implementation, revealing a disconnect between different government spheres, particularly at the local level. Government agencies have struggled to respond cohesively to gender equality and policies addressing gender-based violence (GBV), and inadequate funding hampers the effectiveness of Bills and Acts of Parliament related to this scourge.

Robust gender budgeting is necessary to achieve gender equality by ensuring effective allocation of resources to support women's empowerment initiatives. Policies must be aligned with practical actions to translate theoretical commitments into tangible improvements in women's lives. By ensuring adequate funding and effectively implementing policies, we can make significant progress towards gender equality. Addressing the inequalities faced by women, especially in rural areas, necessitates a comprehensive approach that includes gender mainstreaming and the redirection of resources to marginalized groups.

BROAD-BASED AND INCLUSIVE GROWTH (GOALS 7 AND 8)

South Africa struggles with achieving SDG 7 primarily due to persistent load shedding, resulting in job losses across energy-intensive sectors like mining, manufacturing, hospitality, and agriculture. This issue intersects closely with SDGs 1 and 2, as unreliable energy undermines inclusive development and social equity, contradicting the principle of leaving no one behind in the transition to green energy. Vulnerable communities, unable to afford renewable energy solutions, bear the brunt of this energy crisis, exacerbating social disparities and hindering a fair transition to clean energy.

The country needs to address energy challenges through policies that promote equitable access to renewable energy, support economic resilience, and prioritise the needs of marginalised communities. This will involve substantial investments in renewable energy infrastructure and innovative solutions to ensure energy security for all.

HUMAN SETTLEMENT AND CLIMATE ACTION (GOALS 11 AND 13)

South Africa has established a comprehensive suite of policies, including the Climate Change Bill, Just Transition Framework, South Africa Renewable Energy Masterplan, and Low Emissions Development Strategy 2050. Additionally, a presidential climate commission has been instituted. While these key policy instruments lay the groundwork for climate action, their effective implementation is crucial to realising their full potential impact.

It is essential for South Africa to enhance transparency and community involvement in energy transition policy decisions and just transition financing. The current lack of transparency in the country's energy policies, particularly those related to a just energy transition, hinders their ability to deliver intended benefits to the public. Making the data, studies, and analyses supporting the Draft Integrated Resource Plan (IRP) readily accessible for public scrutiny is critical to fostering trust and informed participation in energy policy formulation.

IMPROVED GOVERNANCE AND INCLUSIVE INSTITUTIONS (GOAL 16 AND 17)

South Africa faces complex social challenges that impact the prevalence of violence. Historical inequalities rooted in apartheid have left a legacy of social fragmentation. High levels of poverty, unemployment, and inadequate access to education contribute to a sense of disenfranchisement among specific segments of the population. These factors create a fertile ground for social tensions and contribute to various forms of violence, including interpersonal violence and crime.

To effectively address crime, collaboration is essential across sectors, emphasising that government alone cannot achieve this goal. As advocates for marginalised groups—including women, persons with disabilities, youth, and other vulnerable communities—civil society organisations play a crucial role in advancing multiple strategies. The private sector's involvement is pivotal in promoting good governance structures to combat corruption, fraud, and poverty; essential for accountable business practices and a thriving economy. Local governments, parliamentarians, and academia are equally critical stakeholders in the implementation of SDG 16 and the broader 2030 Agenda.

Currently, despite legislative efforts, enforcement actions, and awareness campaigns by the government to protect children and address human trafficking, significant challenges persist. These include the widespread nature of trafficking, resource constraints, and difficulties in identifying and prosecuting traffickers. Moreover, the absence of reliable data on the scope and characteristics of trafficking complicates prevention efforts. Trafficked individuals, including children and adults of both national and foreign origin, endure severe human rights abuses and are entitled to protection, support, and justice under international laws against trafficking and human rights violations.

To combat child trafficking and exploitation effectively, it is imperative to strengthen laws and establish comprehensive support services for victims, including shelters, counselling, and medical assistance. Collaborating with NGOs for rehabilitation and reintegration programs is essential for survivors' recovery and reintegration into society.

We strongly request the need to address the issue of prolonged court cases in South Africa and implement measures for judicial reform aimed at improving efficiency and reducing delays. There is a need to increase judicial resources, such as appointing more judges and court personnel, improving case management systems to streamline proceedings, and investing in technology to facilitate faster processing of cases. Additionally, training for judicial officers and legal professionals on effective case handling could definitely help expedite justice delivery and ensure that delays do not result in justice being denied.

We recommend that the Department of Home Affairs (DHA) implements dedicated and accessible mobile registration units, similar to those used during election mobilisation efforts. These units should be strategically deployed to remote and underserved communities, making it easier for children, young people, adults without birth certificates, and stateless individuals to obtain vital documentation. This approach will ensure that legal recognition and access to essential services are extended to all, reducing barriers and promoting inclusivity across South Africa.

The DHA need to address the backlog and consistent denial of documentation for foreign nationals, including asylum seekers and refugees. There is a need to streamline and expedite the application and processing procedures. This can be achieved by increasing staffing levels and resources dedicated to handling asylum and refugee applications, implementing clear and transparent guidelines, and ensuring timely and fair adjudication of cases. Additionally, Home Affairs should prioritise training for staff on international human rights standards and refugee protection principles to ensure that decisions are made in accordance with these standards.

With regards to Goal 17, South Africa has made significant progress in finance, technology, capacity building, and trade through active national and international collaborations. Despite facing challenges such as rising debt levels, mismanagement of public spending, and energy crises, South Africa has shown resilience by mobilising international resources, enhancing tax revenue collection, and participating in multilateral forums like G20 and BRICS. The civil society recommends putting the National SDG coordination mechanism into operation and establishing and institutionalising the National Development Stakeholders Forum (NDSF).

The primary objective of the NDSF is to expedite efforts towards the attainment of the sustainable development agenda by means of continuous engagement, and deliberation on policy priorities, goals, and strategic interventions. Consequently, the NDSF will function as a platform to pinpoint urgent development priorities, informed by comprehensive research, and to facilitate the pooling of resources for concrete action from various sectors of South African society through collaborative efforts and shared leadership.

Civil society has conducted stakeholder mapping and presented a business case for NDSF; it is over to the government to implement. The right time is now—or never.

In conclusion, as South Africa commemorates 30 years of democracy and anticipates a new government of unity following the recent general election, we are presented with an opportunity to reassess how we can better support the most underprivileged in our society.

We would like to conclude this report by drawing on the stirring message that Njongo Ndungane, former Anglican Archbishop of Cape Town and founder of African Monitor, delivered at the UN General Assembly on the eve of the SDGs adoption. Archbishop Ndungane emphasised the need to shift away from outdated and ineffective development approaches and transform the culture of our development institutions. He advocated for a people-centred agenda where citizens are not just beneficiaries but also legitimate participants in planning, implementing, and monitoring development outcomes. According to him, governments should exist to serve citizens, with citizen satisfaction being the ultimate measure of government success. He stressed that effective development programmes should focus on creating opportunities for all segments of society, particularly youth, women, and the less privileged, to realize their full potential as productive members of society.

Archbishop Ndungane's words resonate strongly today, urging us not to fail our people and to strive towards achieving these goals in our generation.







SUSTAINABLE DEVELOPMENT GOALS

CLOSE-OUT REPORT – DISASTER MANAGEMENT EDUCATIONAL EXCURSION TO THAILAND

1. **Introduction**

The purpose of this item is to submit the closeout report on the participation of two representatives from Kouga Local Municipality in the disaster management educational excursion to Thailand, organized by Rural Metro Emergency Management Services (Pty) Ltd in collaboration with Sarah Baartman District Municipality.

2. **Background**

Council previously approved the participation of the Director of Community Services, Nomvula Machelesi, and the Manager of Fire and Disaster, Dewald Barnard, in the international educational tour focused on disaster preparedness and response.

The excursion took place from **27 September to 4 October 2025** in Thailand. All travel and subsistence costs were funded by Sarah Baartman District Municipality through the Fire Contributions to Municipalities allocation for the 2025/26 financial year.

Thailand has transformed its disaster management approach following catastrophic events such as the 2004 tsunami. The country now boasts integrated systems combining technology, governance, and community engagement. South Africa faces similar risks, including floods, droughts, and fires, making this learning opportunity critical for improving local disaster management strategies.

3. **Discussion**

The educational excursion included:

- Attendance at workshops and presentations on global best practices in disaster management.
- Site visits to emergency response facilities and disaster recovery centers in Thailand.
- Engagement with international experts on disaster risk reduction strategies.

Key Outcomes:

- Improved understanding of international disaster management frameworks and response protocols.
- Identification of best practices applicable to Kouga Local Municipality, including early warning systems and community-based disaster preparedness.

- Strengthened intergovernmental relations and collaboration opportunities with Sarah Baartman District Municipality and Rural Metro Emergency Management Services (Pty) Ltd.

  See Annexure A – SBDM Thailand: Disaster Management Learning Symposium

4. **Financial Implications**

Completed by BTO -	
Project Description	Capacity Building
Ukey no.	20230220992848, 20241015024634, 20210710002125
Budgeted Amount	R75 000.00
Amount spent and committed to date	R33 966.39
Amount Available	R41 033.61
Comment	
BTO Signature	

KOUGA MUNICIPALITY
2025-11-24
BUDGET & TREASURY

5. **Applicable Legislation**

None

6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Item 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 Supported.

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Noted.

9 **Delegated Authority**

Council

10 **Recommendations**

10.1 That Council notes the close-out report on the Disaster Management Educational Excursion to Thailand.

10.2 That Council supports the integration of lessons learned into Municipal disaster management strategies, including early warning systems, community volunteer networks, and urban resilience planning.

Item prepared by the: Manager Fire & Disaster 

Item approved by the: Director: Community & Safety Services 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 



SARAH BAARTMAN DISTRICT MUNICIPALITY

THAILAND: DISASTER MANAGEMENT LEARNING SYMPOSIUM
BANGKOK, THAILAND – 2025



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SARAH BAARTMAN DISTRICT MUNICIPALITY COVER PAGE 1

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7. South African Context: Comparing Risks and Opportunities 14

8. Conclusion 15

adpc Asian Disaster Preparedness Center
safer communities and sustainable development through disaster risk reduction









1. Introduction

Disaster management is no longer a topic confined to emergency services; it is now at the heart of governance, community resilience and sustainable development. The growing unpredictability of climate change, the impact of urbanisation, and the rising occurrence of both natural and human-made disasters demand a rethinking of how societies prepare, respond and recover.

Thailand has faced devastating disasters in recent decades — most notably the 2004 Indian Ocean tsunami, which remains one of the most catastrophic events of modern times. Yet from tragedy emerged transformation. The Thai Government and its civil society partners committed to creating a future where communities are better prepared and less vulnerable. Their integrated approach combines government structures, world-class early warning systems, international partnerships, and strong community involvement.

For South Africa, this presents a learning opportunity of immense value. Our municipalities face growing risks — from flooding and droughts to industrial accidents and fires. These challenges require not only robust systems but also innovative thinking and community-driven resilience.

This report documents the insights, lessons, and reflections of the Sarah Baartman District Municipality delegation during its 2025 Disaster Management Preparedness Excursion to Bangkok. It highlights the importance of diplomacy, knowledge exchange and global collaboration in ensuring that communities are empowered to withstand disasters.

2. Purpose of the Excursion

The main purposes of this excursion were:

Knowledge Acquisition: To study Thailand’s disaster preparedness and response models, with particular emphasis on early warning systems, multi-agency collaboration and grassroots involvement.

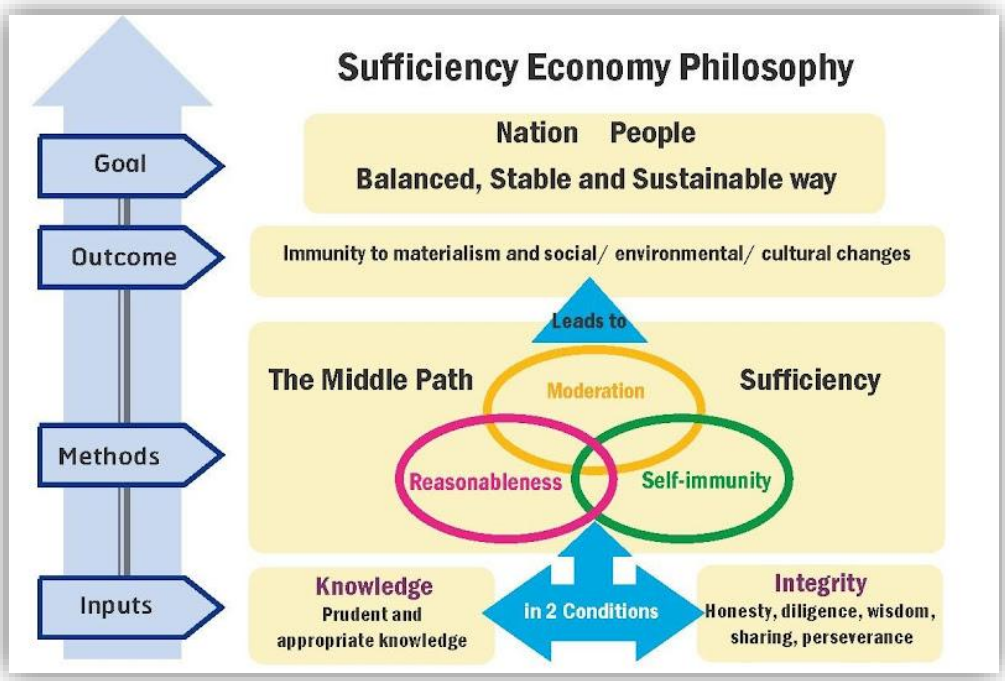
Capacity Building: To strengthen the expertise of South African municipal disaster management officials, enabling them to adopt international best practices.

Partnership Development: To explore opportunities for ongoing collaboration with Thai disaster management institutions and international partners.

Community Resilience: To draw practical lessons that can be applied to South African municipalities, especially in building community-driven disaster preparedness and response.

Policy Alignment: To align municipal disaster management strategies with international frameworks, particularly the Sendai Framework for Disaster Risk Reduction (2015–2030).

Through this excursion, delegates gained a deeper appreciation of the interconnectedness of disaster management. Preparedness is not a single agency's responsibility; it is a shared endeavour spanning governments, civil society, international organisations and communities.





3. Program

South African Embassy 12A Floor, M-Thai Tower All Seasons Place, No. 87 Wireless Road,Pathumwan Bangkok, 10330, Thailand Tel: +66(0)2 092 2900 Fax: +66(0)2 685 3500 Duty: +66(0)81 934 8862 Cell:	**Accommodation:** Grand Mercure Bangkok Atrium 1880 New Petchaburi Rd, Bangkapi, Khet Huai Khwang, Bangkok 10310, Thailand Phone: +66 2 718 2000 **Translator:** Ms. Apsorn S. (Abby) WhatsApp is +66823553314 **Transport:**

Time	Program	Location	Remarks
Tuesday 23 September 2025			
10h00-11h00	Courtesy call on Amabssador Darkey Africa	The South African Embassy 12 A, Fl, M-Thai Tower All Seasons Place 87 Wireless Rd, Pathumwan Bangkok 10330	Tel. +66(0) 0922900 Duty: +66(0)81 934 8862
14h00-15h00	Meeting at Asian Disaster Preparedness Center (ADPC)	Asian Disaster Preparedness Center SM Tower, 24th Floor, 979/66-70 Phahonyothin Road, Phaya Thai, Bangkok 10400, Thailand	Ms Apitsada Wetchakit Tel: +660 2298 0681 ext. 304 Email: oed-adpc@adpc.net *Visitors amount should not be added because of the meeting room's size limitation * Please prepare gifts
Wednesday 24 September 2025			
10h00-12h00	Meeting/Visit National Disaster Warning Center (NDWC), Department for Diaster Prevention and Mitigation, Ministry of Interior The Director of the Bureau of Research and International Cooperation, Deptpartment of Disaster Prevention and Mitigation, will give a presentation on Nationally Disaster Prevention and Mitigation plan. A representative from the National Disaster Warning Center will then present on the warning system. After that there'll be a study visit and the Director will host a lunch	National Disaster Warning Center (NDWC) 4353 Sukhumvit Rd, Bang Na Tai, Bang Na, Bangkok 10260, Thailand Tel: +66(0)2 399 4114	Please prepare gifts
	that provided by the Dept of Disaster Prevention and Mitigation		
Thursday 25 September 2025			
10h00-12h00	Meeting/Visit Poh Teck Tung foundation + Translator	Poh Teck Foundation 326 Chaokhamrop Rd, Pom Prap Sattru Phai District Bangkok 10100	Public Relation Section Mob +66(0)86 854 1418 Tel: +66(0)-2623-0545-52 Kindly support by making a donation as the foundation is a non-profit org that committed to serving society

4. Welcome by the SA Ambassador to Thailand

The delegation was warmly received by His Excellency Mr. D Africa, South African Ambassador to Thailand. His remarks set the tone for the excursion.

Ambassador Africa emphasised that disasters know no borders, and therefore disaster preparedness must be a shared global responsibility. He reminded delegates that the knowledge and relationships gained in Thailand must translate into tangible improvements in South Africa's municipalities, ensuring communities are better protected against emerging risks.

He also reflected on Thailand's unique position as a global hub for disaster management learning. Bangkok, home to both the Asian Disaster Preparedness Centre and the National Disaster Warning Centre, provides a living laboratory for disaster preparedness strategies that balance technology, governance and community resilience.

The Ambassador pledged the Embassy's support in strengthening collaboration between Thai institutions and South African municipalities, particularly through exchange programs, joint training and knowledge-sharing platforms.



5. Organisations Visited

A. The South African Embassy in Bangkok

Who they are:
The Embassy serves as the diplomatic and cultural representation of South Africa in Thailand. It also acts as a bridge for collaboration across multiple sectors, including disaster management.

Key insights from the visit:

- The Embassy reinforced the importance of diplomacy in facilitating knowledge-sharing and international cooperation.
- It emphasised opportunities for partnership building between South African municipalities and Thai institutions.
- Delegates were encouraged to not only learn but also to create reciprocal opportunities, where Thai experts could contribute to disaster management initiatives in South Africa.

Why it matters:
The Embassy is not just a diplomatic outpost; it is a facilitator of progress. By leveraging its networks, South African municipalities can secure access to training, partnerships, and joint projects that will strengthen disaster preparedness across both nations.



B. The Asian Disaster Preparedness Centre (ADPC)

Who they are:
Established in 1986, the ADPC is an independent international organisation based in Bangkok. It is a global leader in disaster risk reduction and building climate resilience. With a footprint across more than 40 countries, it combines cutting-edge research, policy advocacy and practical training.

What they do:

- **Climate and disaster resilience:** ADPC assists governments in developing national strategies that integrate disaster risk reduction and climate adaptation.

- **Technology-driven solutions:** They use satellite data, artificial intelligence, and predictive modelling for early warning systems.

  Capacity building: ADPC offers specialised training courses, e-learning, and field exercises for disaster practitioners.

- **Policy support:** They assist governments in aligning with global frameworks like the **Sendai Framework** and the **Paris Agreement**.

- **Community empowerment:** Their projects ensure that disaster resilience begins at the grassroots level.

Insights from the visit:
Delegates were introduced to ADPC's **Urban Resilience Program**, which provides practical tools for cities facing rapid urbanisation and climate risks — highly relevant to South African metros. The visit also highlighted ADPC's emphasis on **knowledge management and global partnerships**, offering opportunities for South African officials to tap into a global pool of expertise.





C. The National Disaster Warning Centre (NDWC), Department of Disaster Prevention and Mitigation (DDPM)

Who they are:
The NDWC is Thailand's premier early warning hub, responsible for monitoring, analysing, and disseminating multi-hazard alerts. It operates under the Ministry of Interior and coordinates closely with the Department of Disaster Prevention and Mitigation.

What they do:

- Operate **24-hour hazard monitoring systems**, including seismic sensors, ocean buoys, and weather radars.
- Disseminate warnings using a **multi-channel approach**: TV, radio, SMS, mobile apps, and public sirens.
- Train communities and local governments in interpreting early warnings.
- Manage a **network of one million volunteers**, ready to support rapid response operations.

Insights from the visit:
Delegates were shown how NDWC's **end-to-end system** functions — from hazard detection to community action. Of particular interest was their ability to issue **tsunami warnings within 10 minutes of seismic detection**, a benchmark that highlights the importance of rapid communication.

For South Africa, the NDWC model offers inspiration for building stronger early warning systems for floods, wildfires and coastal hazards. The emphasis on integrating technology with community mobilisation was particularly instructive.





D. The Poh Teck Tung Foundation (Non-Profit Organisation)

Who they are:
Founded in 1910, the Poh Teck Tung Foundation is a donor-funded organisation that plays a dual role: emergency rescue and social welfare. Its roots in Buddhist compassion drive its mission to serve those most in need, regardless of race, religion, or background.

What they do:

- Provide **emergency rescue services**, including medical response and road accident assistance.
- Deliver **disaster relief**, such as food, blankets, and water tanks to disaster-affected communities.
- Support **long-term welfare programs**, including scholarships, prisoner support, and elderly care.
- Mobilise thousands of volunteers during disasters, providing a human-centred response.

Insights from the visit:
Delegates were struck by the Foundation's ability to maintain **large-scale operations purely through donations and volunteerism**. It highlighted the importance of engaging civil society in disaster management and creating strong community ownership of resilience.

For South Africa, the Poh Teck Tung model offers lessons in how **public-private partnerships and volunteerism** can complement government disaster response, especially in resource-constrained municipalities.





6. Case Study

Case Study 1: KwaZulu-Natal Floods – South Africa (2022 & 2025)

Background
In April 2022, KwaZulu-Natal experienced its **deadliest floods in living memory**. Torrential rains triggered landslides, destroyed infrastructure, and displaced thousands. More than **440 people lost their lives**, with damages exceeding **R17 billion**. In February 2025, KZN suffered **renewed flooding**, causing R3.1 billion in damages and claiming at least 22 lives.

Response Mechanisms

- The South African Weather Service (SAWS) issued rainfall alerts, but dissemination to vulnerable communities was limited.
- The government declared a **national state of disaster**.
- Relief efforts involved the **South African National Defence Force (SANDF)**, NGOs, and community groups.
- Long-term recovery included large-scale infrastructure rehabilitation, particularly around eThekwini.

Strengths

- Mobilisation of multiple agencies at national and provincial level.
- Community resilience — civil society and volunteers provided food, shelter, and support.

Gaps

- Lack of **real-time early warning systems** (sirens, App with SMS alerts) reaching informal settlements.
- Poor urban planning: homes on floodplains and unstable slopes.
- Weak coordination between local municipalities and national relief bodies.

Lessons for South Africa (linked to Thailand's NDWC & ADPC):

- Thailand's **multi-channel early warning** (sirens, mobile apps, radio) could prevent deaths by ensuring every household receives alerts.
- ADPC's **urban resilience programs** can inspire South African municipalities to integrate **disaster risk reduction into land-use planning**.
- Volunteer mobilisation (like Thailand's million-strong network) should be formalised in South Africa.

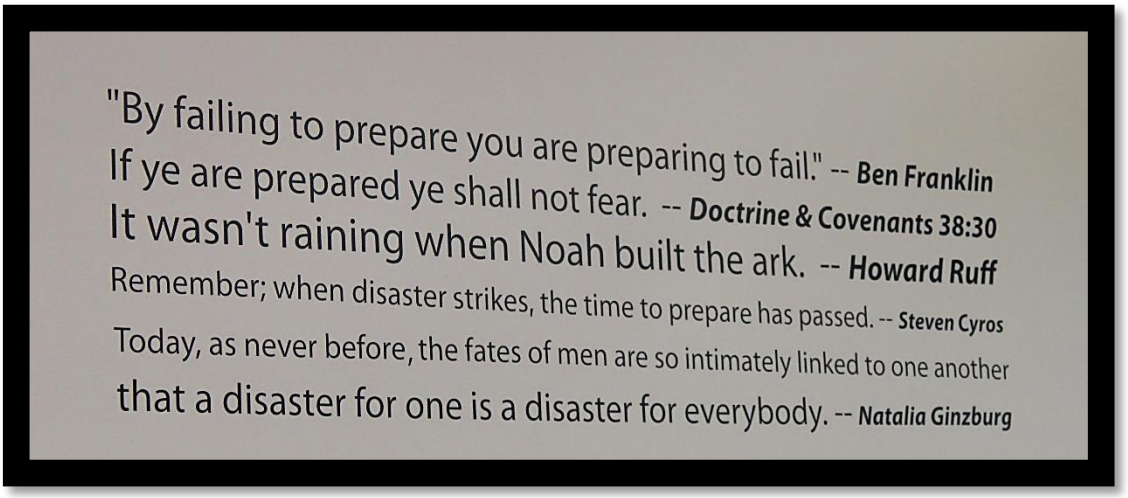
7. South African Context: Comparing Risks and Opportunities

Thailand's experiences provide mirrors and contrasts for South Africa:

- **Floods:** Both countries face devastating floods. Thailand has invested in warning towers and community drills; South Africa relies heavily on SADC forecasts but lacks localised dissemination systems.
- **Drought:** Thailand has invested in water reservoirs and integrated agricultural support. South Africa struggles with cyclical drought in Eastern Cape and Western Cape. Lessons on **climate-smart agriculture** can be adapted.
- **Urbanisation:** Bangkok's floods exposed the dangers of poor urban planning. South Africa's informal settlements are at similar risk during heavy rains and fires.
- **Civil Society Engagement:** Poh Teck Tung's model of large-scale volunteerism demonstrates how communities can be the backbone of resilience. South Africa could **mobilise community-based disaster volunteers** at ward level.

Opportunities for South Africa:

1. Partner with ADPC for training and regional exchanges.
2. Develop an integrated **national early warning dissemination system** using SMS, sirens and apps.
3. Foster **public-private partnerships** to resource municipal disaster management units.
4. Formalise volunteerism through a structured **Community Disaster Volunteer Network**.





8. Conclusion

This excursion has highlighted that disaster management is not only about responding to crises but also about building resilience before disaster strikes. Thailand's models offer a holistic approach that balances prevention, preparedness, response and recovery, providing South Africa with practical pathways to:

- Improve early warning communication through technology-driven systems and community engagement, ensuring that vital information reaches even the most vulnerable populations in time.

- Integrate disaster risk reduction into urban planning by designing resilient infrastructure, enforcing building codes, and considering environmental factors that mitigate hazards.

- Empower communities as first responders by providing training, resources, and awareness programs, cultivating a culture of self-reliance and proactive participation in disaster preparedness.

- Foster international cooperation and training by sharing expertise, conducting joint exercises, and leveraging global best practices to strengthen national and regional disaster management capacity.

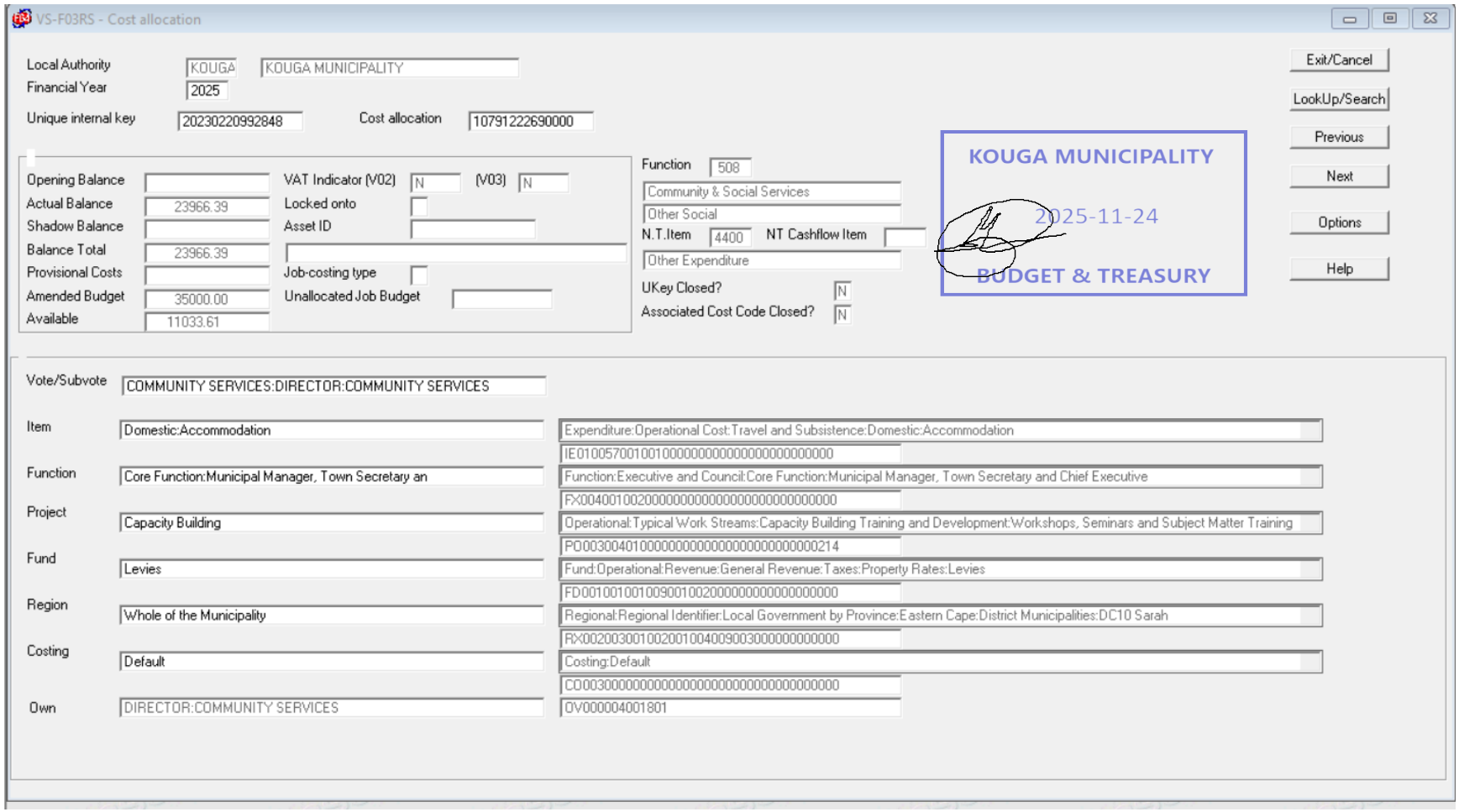
The South African delegation leaves Thailand not only enriched with technical knowledge but also inspired by the spirit of collaboration, resilience, and community solidarity that underpins Thailand's disaster management framework. Witnessing first-hand how government agencies, non-profit organisations and local communities work together to anticipate and respond to disasters underscores the critical importance of a unified, coordinated approach.

The final responsibility now rests with us: to translate these lessons into tangible action across our municipalities, ensuring that the communities we serve are safer, stronger and better prepared for the uncertainties of tomorrow. By embedding these principles into policy, practice and daily civic life, South Africa can foster a disaster-ready culture that not only reacts effectively in times of crises but also anticipates and mitigates them before they escalate.



REPORT COMPILED BY:

Mr. Chris Gilbert
Rural Metro Emergency Management Services (PTY) Ltd.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KOUGA MUNICIPALITY
2025-11-24
BUDGET & TREASURY
Vote/Subvote
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Expenditure:Operational Cost:Travel and Subsistence:Domestic:Accommodation
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Function:Executive and Council:Core Function:Municipal Manager, Town Secretary and Chief Executive
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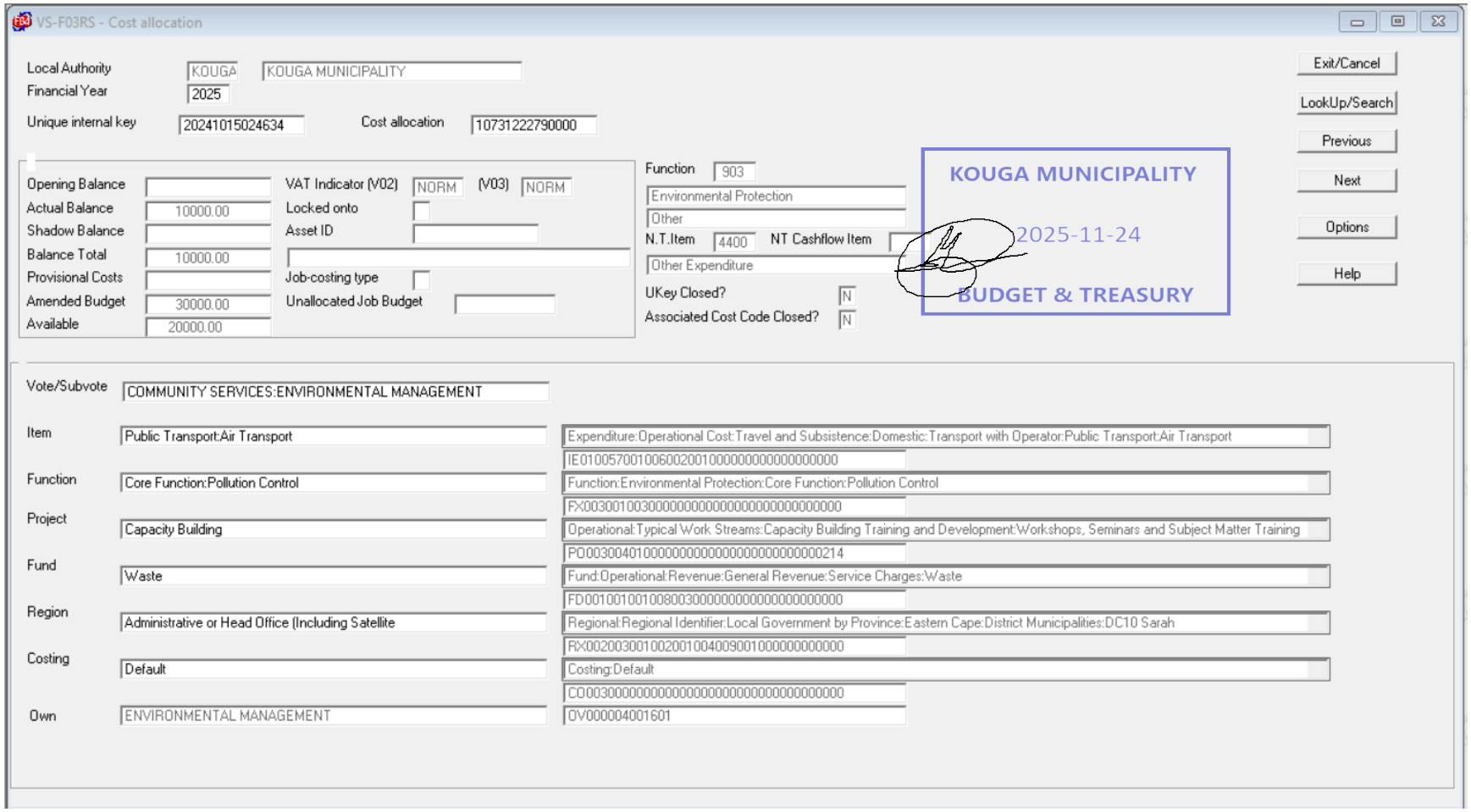
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NT Cashflow Item
Other Expenditure
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Associated Cost Code Closed?
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KOUGA MUNICIPALITY
2025-11-24
BUDGET & TREASURY
Vote/Subvote
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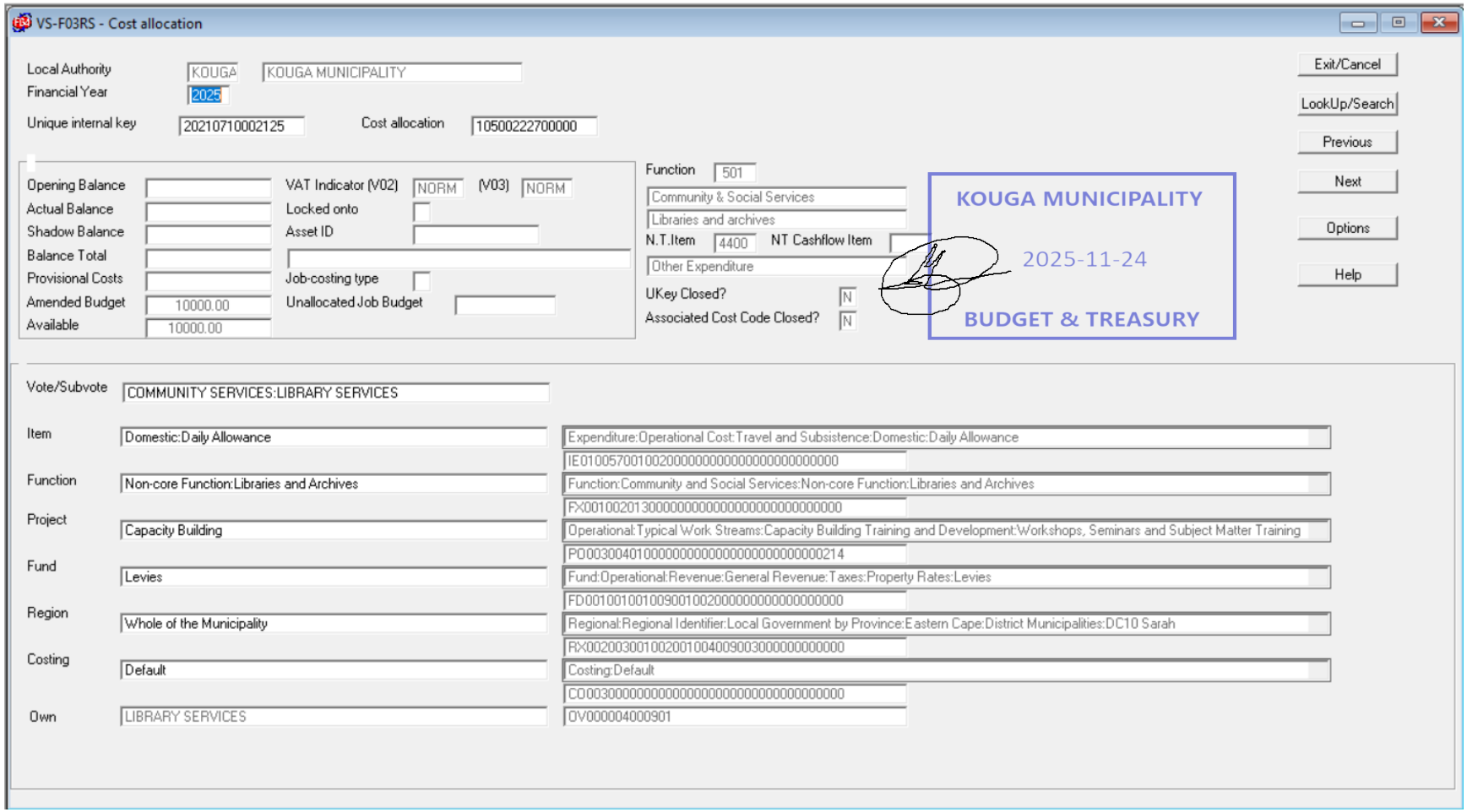
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Shadow Balance
Balance Total
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Community & Social Services
Libraries and archives
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2025-11-24
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Vote/Subvote
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Expenditure:Operational Cost:Travel and Subsistence:Domestic:Daily Allowance
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Function:Community and Social Services:Non-core Function:Libraries and Archives
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