SPECIAL COUNCIL MEETING

OPEN



KOUGA
local municipality
Good Governance through Service Excellence

DATE: 27 July 2026
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: 27 July 2026	**UMHLA: 27 EyeKhala 2026**	**DATUM: 27 Julie 2026**
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 29 April 2026 No.5631 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**
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. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

26/07/MM1 Tabling of the Integrated Development Plan (IDP), Budget and Performance Management System Process Plan for the 2027–2032 IDP Cycle

Pages: 7 - 55

12. **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).

13. **REPORTS BY THE EXECUTIVE MAYOR**

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

26/07/FED1 Budget and Treasury: Withdrawals from Municipal Bank Account for the Quarter ended 30 June 2026

Pages: 59 -63

26/07/FED2 Monthly Budget Statements for the Period July 2025 to June 2026 and Financial State of Affairs of the Municipality as at 30 June 2026 (2025/26 Financial Year)

Pages: 64 - 116

26/07/FED3 National Greater Garden Route Tide Breakers High-Speed Inflatable Boat Racing Championship: 3-Year funding

Pages: 117 - 127

26/07/FED4 Rip Curl Grom Pro Junior Seal Point Championship 2026 – Tourism and Youth Development Partnership Funding Proposal

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26/07/FED5 Kouga Hankey Heritage Festival 2026 - Funding Proposal

Pages: 144 - 155

26/07/FED6 Kouga Summer Festival 2025 Report and Summer 2026 Sponsorship

Pages: 156 - 190

26/07/FED7 Supply Chain Management: Quarterly Implementation Report for the Fourth Term of the 2025-2026 Financial Year Ending 30 June 2026

Pages: 191 - 214

26/07/FED8 Supply Chain Management: S36 Deviations for the Month: June 2026

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

26/07/EMS1 Re: Extension of Revenue Enhancement Programme

Pages: 223 - 227

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

26/07/PD1 Request for Approval of the Proposed Amendments to the Kouga Municipality Spatial Planning & Land Use Management By-Law, 2016

Pages: 229 – 408

26/07/PD2 Request for Final Approval: Draft Kouga Municipality Problem Building By-Laws

Pages: 409 - 426

26/07/PD3 Appointment of persons to serve on the Kouga Municipal Planning Tribunal

Pages: 427 - 446

26/07/PD4 Request for Council's final approval for the Right-To-Use (Lease) of a Portion of Erf 8783, Jeffreys Bay to the Jeffreys Bay Animal Rescue

Pages:447 - 463

26/07/PD5 Request for Council's Final Approval for the Right-To-Use (Lease) of a Portion of Erf 499, Humansdorp to SPCA Assisi

Pages: 464 - 470

26/07/PD6 Request for Council's Final Approval: Selling of Farm184 Portion 1, Humansdorp Rd (218 3343m²) and remainder of Farm 182, Humansdorp Rd (81 9073m²)

Pages: 471 - 483

14. **CLOSURE**

Distribution list:

Executive Mayor
Deputy Executive Mayor
Speaker

All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

KOUGA
local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
SPECIAL ORDINARY COUNCIL MEETING
OFFICE OF THE MUNICIPAL MANAGER
DATE: 27 JULY 2026
ITEM NO: **26/07/MM1**

TABLING OF THE INTEGRATED DEVELOPMENT PLAN (IDP), BUDGET AND PERFORMANCE MANAGEMENT SYSTEM PROCESS PLAN FOR THE 2027–2032 IDP CYCLE

1. **Introduction**

The purpose of this item is to provide Council with an opportunity to consider and note the attached draft Process Plan, including the Time Schedule for the 2027/2028 financial year, which will serve as a roadmap for the drafting of the five-year Integrated Development Plan (IDP), the Performance Management System (PMS), and the formulation of the budget.

2. **Background**

The 2027/2028 financial year begins on 1 July 2027 and marks the start of the new five-year IDP cycle (2027–2032). Before that planning work can lawfully begin, Council must adopt a written Process Plan setting out how the IDP, the Budget and the Performance Management System will be prepared, consulted on and approved, and by when.

3. **Discussion**

Approximately six weeks remain before the 31 August 2026 deadline. The sequence set out below therefore needs to begin at the July 2026 ordinary Council meeting:

No.	Action	Legal basis	Responsible	Target date
1	Executive Mayor tables the draft Process Plan; Council notes it and authorises publication for public comment	MFMA s 21(1)(b); MSA s 28(2)	Executive Mayor; Council	July 2026 special Council meeting
2	Publish the draft for comment in the local newspapers, on the Municipal website and notice boards, at libraries, and through ward committees	MSA ss 17, 21 and 21B	Municipal Manager; IDP Office; Communications	By Monday 3 August 2026
3	Allow a public comment period of not less than 21 days	MSA s 28(2); reg 15(3) applied as best practice	IDP Office	3 to 24 August 2026
4	Consolidate the comments received and finalise the Process Plan	MSA s 28(2)	IDP Office; Municipal Manager	25 to 27 August 2026
5	Council adopts the final Process Plan	MSA s 28(1)	Council	By Monday 31 August 2026

6	Publish a notice containing the particulars of the adopted process	MSA s 28(3)	Municipal Manager; Communications	By Friday 4 September 2026

4. **Financial Implications**

Completed by BTO:	
Project Description	
U-Key No.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Section 28(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) requires each municipal council to adopt a process, set out in writing, to guide the planning, drafting, adoption and review of its IDP. Adoption is a Council function; it cannot be delegated to the Executive Mayor or to the administration.

Section 28(2) requires the Municipality, through its public participation mechanisms under Chapter 4 of the Act, to consult the local community before adopting the process. This is the provision that makes advertising the draft for comment compulsory, and it is why the draft must go out for comment first and may only be adopted afterwards.

Section 28(3) requires the Municipality, once the process is adopted, to give notice to the local community of the particulars of the process it intends to follow. This is a second, separate notice and must not be confused with the advertisement of the draft.

Sections 17 and 21 of the Systems Act require that communications of this kind reach the community through the local newspapers determined by Council, the Municipal notice boards and, in terms of section 21B, the Municipal website.

No period is prescribed for the Process Plan itself. The 21-day minimum in regulation 15(3) of the Municipal Planning and Performance Management Regulations, 2001, strictly applies to the draft IDP; the Municipality applies it to the Process Plan as defensible best practice.

6. **Legal Implications**

Adoption without prior community consultation is procedurally defective and may place the process at risk of being challenged, and which may affect each identified milestone in respect of the 2027–2032 IDP and the 2027/2028 Budget.

Non-compliance may further attract findings from the Auditor-General and adverse comments from the MEC responsible for local government.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Item 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 Manager**

Item noted

8.7 **Municipal Manager**

Recommendations supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes and approves the Draft Integrated Development Plan (IDP), Budget and Performance Management System (PMS) Process Plan for the preparation of the 2027–2032 Integrated Development Plan.

10.2 That Council notes the IDP, Budget and PMS Time Schedule for the 2027/2028 financial year, as contained in Annexure A.

10.3 That the Draft Process Plan and Time Schedule be published for public comment for a period of not less than 21 days through the Municipality's approved public participation mechanisms.

10.4 That Council convene a meeting on or before 31 August 2026 to consider the final IDP, Budget and PMS Process Plan.

Item prepared by: Manager IDP 

Item approved by the: Municipal Manager: 

Item endorsed by the Municipal Manager: 

ANNEXURE A

KOUGA
local municipality
Service Excellence through Good Governance

IDP/BUDGET/PMS PROCESS PLAN
For the 2027–2032 IDP Cycle

Approved by Council:
Council Resolution No:

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1. INTRODUCTION

Integrated Development Planning is an elaborate and dynamic process which produces a strategic plan to guide the municipality to eradicate service delivery backlogs, encourage socio-economic development, preserve the natural environment as well as address the spatial disparities of development. The end result should not only be the drafting of the IDP document but rather the implementation of programmes and projects in an integrated and sustainable manner which will ultimately create a conducive environment that enhances socio-economic prosperity for all people in the Kouga Municipal Area.

The Kouga Municipality is committed to bringing good governance and improved service delivery to the people within its jurisdiction. The Vision has a clear direction and that is to govern the municipality effectively and efficiently and to render the best basic services to the community. Its aim is also to inspire the community to participate more actively and to attract the best talent and investment to the municipality.



Vision: Service Excellence through Good Governance.



Mission:

- To be a trustworthy government that addresses the needs and respects the values of 'ubuntu' in our communities.
- To deliver inclusive and affordable services to improve the quality of life of all residents.
- To be a safe environment with diverse opportunities for economic growth and development.
- To be a responsive, accountable and caring government for all our people.
- To be an efficient, well-managed, corruption-free and legally compliant municipality.
- To be an effectively governed administration that is committed to financial sustainability.
- To be a government that empowers residents to take collective accountability in Kouga.

This Process Plan sets out how Kouga Local Municipality will prepare its Integrated Development Plan for the 2027–2032 cycle, together with the annual budget and the review of the performance management system, as a single integrated process. It is prepared in terms of section 28(1) of the Municipal Systems Act, which requires Council to adopt a written process to guide the planning, drafting, adoption and review of the IDP, and section 21(1)(b) of the Municipal Finance Management Act, which requires the Executive Mayor to table a time schedule of key deadlines at least ten months before

the start of the budget year. It sets out the key steps and timeframes for the process, together with the organisational arrangements that will support it. It further describes the mechanisms, processes and procedures for consultation and participation, and for vertical and horizontal alignment, as required by sections 28 and 29 of the Municipal Systems Act. The full legal framework is set out in Section 2.

The 2027–2032 IDP marks the start of a new five-year planning cycle. This process is therefore the development of a new plan in terms of section 25 of the Municipal Systems Act, and not the annual review of an existing plan in terms of section 34. The process will provide councillors, ward committees, local communities, organs of state and other stakeholders with opportunities to identify development needs and priorities, to participate in the drafting of the plan, and to comment on the draft IDP after it is tabled by Council and before the final IDP is adopted.

Section 26 of the Municipal Systems Act prescribes the core components that the IDP must contain. This Process Plan does not predetermine that content. It structures the process through which each component will be developed through situational analysis, public participation and the decisions of the newly elected Council so that the priorities and content of the new IDP emerge from the process itself.

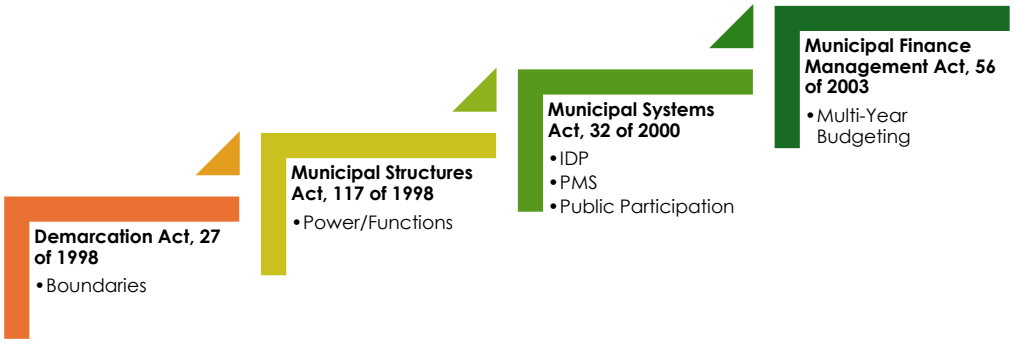
2. LEGAL FRAMEWORK OF IDP AND BUDGET PROCESS

Section 28(1) of the Local Government: Municipal Systems Act No. 32 of 2000 prescribes that a municipal council must adopt a process set out in writing to guide the planning, drafting and review of its integrated development plan. The plan must include the following:

- A programme specifying the time frames for the different planning phases;
- Appropriate mechanisms, processes and procedures for consultation and participation of local communities, organs of state, traditional authorities, and other role players in the IDP drafting process;
- An indication of the organisational arrangements for the IDP process;
- Binding plans and planning requirements, i.e. policy and legislation; and
- Mechanisms and procedures for vertical and horizontal alignment.

Section 21(1) of the Municipal Finance Management Act No. 56 of 2003 further prescribes that the mayor of a municipality must co-ordinate the processes of preparing the annual budget and reviewing the municipality's IDP. It is therefore imperative that a time schedule outlining the key activities in the process with deadlines for attainment be tabled before Council for approval ten (10) months prior to the final approval of the IDP and Budget.

In order to ensure certain minimum quality standards of the IDP process and proper coordination between and within the spheres of government, the preparation of the planning process is regulated by the following legislation:



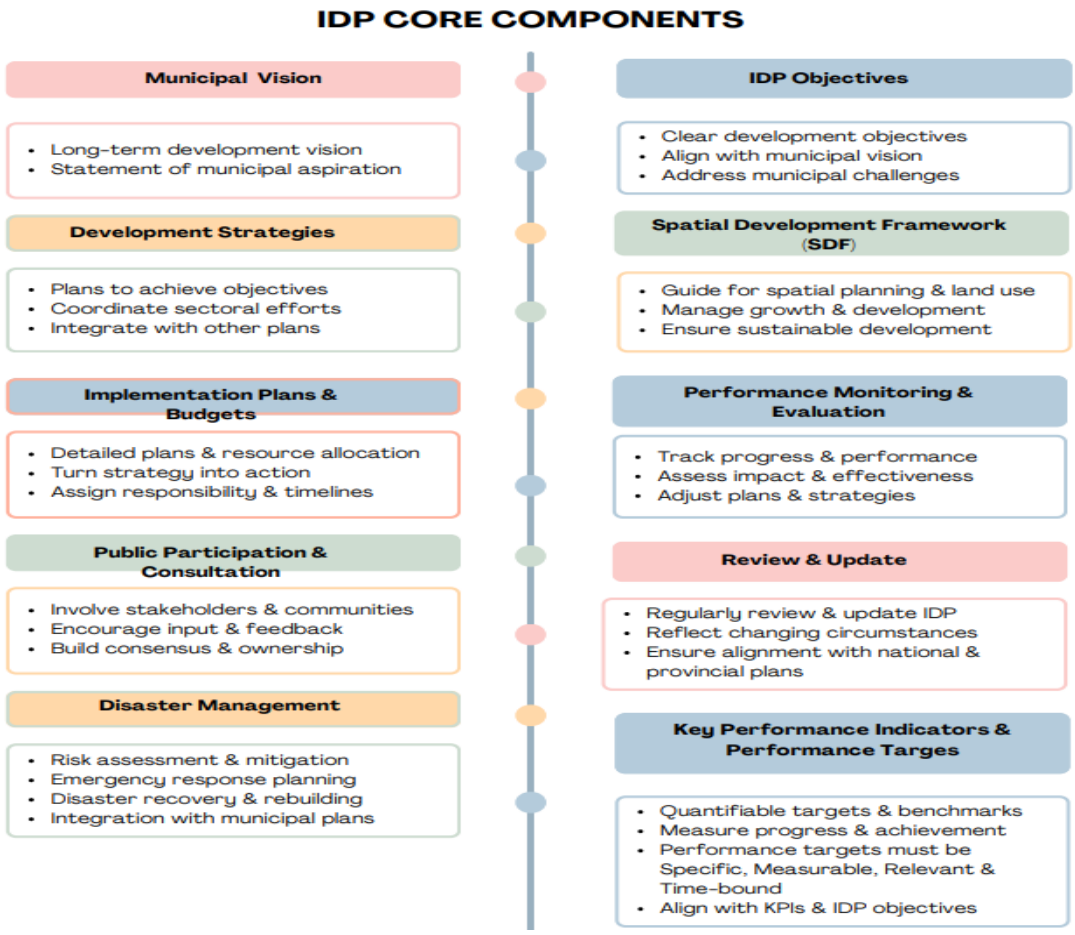
2.1 Integrated Development Planning (IDP)

Chapter 5, Section 25(1) of the Municipal Systems Act No. 32 of 2000 indicates that:
Each municipal council must, within a prescribed period after the start of its elected term, adopt a single, all-inclusive and strategic plan for the development of the municipality which:

(a) Links, integrates and coordinates plans and takes into account proposals for the development of the municipality;
(b) Aligns the resources and capacity of the municipality with the implementation of the plan;
(c) Forms the policy framework and general basis on which annual budgets must be based;
(d) Complies with the provisions of this Chapter; and
(e) Is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

2.2 Core Components of the IDP

Section 26 of the Municipal Systems Act, 32 of 2000 prescribes the core components of an IDP.



Section 28 of the Municipal Systems Act, No. 32 of 2000 prescribes that:

(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.

(2) The municipality must, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.

(3) The municipality must give notice to the local community of the particulars of the process it intends to follow.

Section 29(1) of the Municipal Systems Act, No. 32 of 2000 prescribes that:

(a) The process must be in accordance with a predetermined programme specifying timeframes for the different steps;

(b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for –

(i) the local community to be consulted on its development needs and priorities;

(ii) the local community to participate in the drafting of the integrated development plan; and

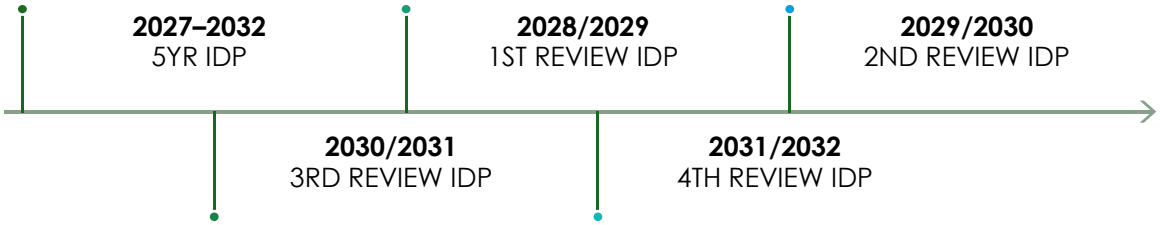
(iii) organs of the state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan;

(c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and

(d) be consistent with any other matters that may be prescribed by regulation.

2.3 Life Cycle of an IDP

The figure below illustrates the life cycle of the Integrated Development Plan for 2027–2032:



2.4 Municipal Spatial Development Framework (MSDF)

The MSDF makes specific recommendations concerning the following elements:

- Bioregions
- Spatial Planning Categories (SPCs) for Land Use Management
- Sustaining the economy
- Major infrastructure projects
- Major Tourism Destinations
- Land Reform
- Urban-related development
- Climate change adaptation
- Urban design guidelines
- Potential rural nodes and periodic rural markets; and settlement hierarchy and structure.

Objectives of the Kouga MSDF:

- A spatial vision for the future of the municipality
- Implementation plans together with the necessary public sector resources to deliver them
- A framework for private investment

The diagram below illustrates the alignment of sector plans with the Municipal Spatial Development Framework (MSDF).

The objective of this integrated planning approach is to use the SDF to guide and align sector plans, infrastructure planning, land use management, and investment decisions across the municipality.

Below is an example of the alignment of the MSDF and the Sector Plans:

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK						
Local Economic Development Strategy	Integrated Human Settlement Plan	Disaster Management Plan Air Quality Plan	Integrated Transport Plan Infrastructure Growth Plan	WSDP Waste Management Plan	Electrical Master Plan	Road and Stormwater Master Plan

2.5 Annual Budget

The annual budget and the IDP are inextricably linked, a relationship formalised through the promulgation of the Municipal Finance Management Act No. 56 of 2003.

Chapter 4, Section 21(1) of the Municipal Finance Management Act (MFMA) indicates that:

The Mayor of a municipality must:

(b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for:

(i) the preparation, tabling and approval of the annual budget;

(ii) the annual review of:

aa) the integrated development plan in terms of section 34 of the Municipal Systems Act, 32 of 2000; and

bb) the budget-related policies.

(iv) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and

(v) the consultative processes forming part of the processes referred to in subparagraphs (i), (ii), and (iii).

2.6 Service Delivery and Budget Implementation Plan

The Service Delivery and Budget Implementation Plan (SDBIP) is an implementation plan of the approved Integrated Development Plan (IDP) and Medium-Term Revenue and Expenditure Framework. Therefore, only projects that are budgeted for are implemented. The SDBIP serves to address the development objectives derived from the approved IDP.

Section 1 of the MFMA defines the SDBIP as:

(a) a detailed plan approved by the mayor of a municipality in terms of section 53(1)(c)(ii) for implementing the municipality's delivery of services and the execution of its annual budget and which must include (as part of the top-layer) the following:

(i) revenue to be collected, by source; and

(ii) operational and capital expenditure, by vote; and

(b) Service delivery targets and performance indicators for each quarter.

2.7 Performance Management

Chapter 7 of the Constitution of the Republic of South Africa, Act No. 108 of 1996, deals exclusively with the local sphere of government and lists the objects and developmental duties of municipalities. Section 19(1) of the Municipal Structures Act states that a municipal council must strive within its capability to achieve the objectives as set out in Section 152 of the Constitution. Section 19(2) of the Municipal Structures Act also states that a municipal council must annually review its overall performance in achieving the objectives referred to in subsection (1). Through the implementation of performance management, the municipality will monitor, manage and report on the achievement of its developmental objectives.

3. INVOLVEMENT OF COMMUNITIES

The municipality needs to establish a set of organisational arrangements to:

- Institutionalise the participation process of all stakeholders;
- Effectively manage outputs; and
- Give affected parties access to contribute to the decision-making process.

The municipality should consider existing arrangements, use and adapt them, if necessary, and avoid duplication of mechanisms. This section deals with the organisational structure and the terms of reference for each of the arrangements/structures.

3.1 IDP and Budget Steering Committee

As part of the IDP & Budget preparation process, the Executive Mayor must establish an IDP & Budget Steering Committee which is constituted as per section 4 of the Local Government: Budget and Reporting Regulations as follows:
Section 4(1) states that the mayor of a municipality must establish a budget steering committee to provide technical assistance to the mayor in discharging the responsibilities set out in section 53 of the Act.

The committee will act as an advisory and support structure to the Executive Mayor in providing a platform for him/her to provide political guidance and to monitor progress made in the IDP and budget process. National Treasury has introduced a new Standard Chart of Accounts commonly referred to as msCOA. The municipality has already established a mSCOA Budget Steering Committee which comprises the following councillors and officials as prescribed in section 4(2) of the Budget and Reporting Regulations:

- Executive Mayor
- Mayoral Committee
- Municipal Manager
- Deputy Municipal Manager
- Chief Financial Officer
- All Senior Managers
- Manager IDP
- Manager Budget and Treasury

3.2 Terms of Reference for the IDP and Budget Steering Committee

The terms of reference for the IDP and Budget Steering Committee are as follows:

- Provide terms of reference for the various planning activities
- Commission research studies
- Process, summarise and document outputs
- Make recommendations
- Prepare, facilitate and document meetings
- Compile a status quo report in respect of spatial planning
- Consider and process all comments received from various stakeholders in respect of the draft IDP, budget and SDF subsequent to a public participation process.

3.3 IDP Representative Forum

The IDP Representative Forum is constituted as part of the preparation phase of the IDP and will continue its functions throughout the IDP development process. The composition of the IDP Representative Forum is as follows:

- Executive Mayor
- Mayoral Committee
- Councillors
- Ward Committees
- Community Development Workers (CDWs)
- Municipal Manager
- All senior managers
- National and Provincial Departments
- Stakeholder representatives of organised sector groups
- NGOs
- Parastatals
- Business Forums

3.4 Terms of Reference for the IDP Representative Forum

The forum will be responsible for:

(a) Representing the interests of their constituents in the IDP process
(b) Providing an organisational mechanism for discussion, negotiation and decision-making between the stakeholders and the municipality to fulfil the public participation requirements in terms of the budgeting, performance management and service level agreement processes;
(c) Ensuring communication between all the stakeholder representatives;
(d) Monitoring the performance of the planning and implementation process;
(e) Discussing and commenting on the draft IDP and Budget.

3.5 Ward Committees

The ward committees will serve as the official advisory and consultation platform with the community of Kouga throughout the IDP and budget process. The role of ward committees in respect of the IDP and budget will be to:

- Assist the ward Councillor to identify service delivery needs and development challenges
- Mobilise communities to attend IDP/Budget meetings
- All committee members must be present at the IDP community meetings to assist marginalised groups and those who cannot read or write
- Participate in the ward-based planning process
- Prioritise community inputs and determine the top five (5) priorities of the ward
- Give details on priority issues and problems
- Monitor the implementation of projects and programmes in the ward

4. ROLES AND RESPONSIBILITIES

4.1 Internal Stakeholders

INTERNAL ROLE PLAYERS	
ROLE-PLAYER	**ROLES AND RESPONSIBILITIES**
Council	▪ Approves and adopts the IDP process plan and budget timetable ▪ Approves the IDP and Budget ▪ Monitors the implementation of the IDP and budget and considers any amendments to the plan when necessary
Executive Mayor and Mayoral Committee	▪ Consider the IDP Process Plan and Budget timetable and submit it to the Council for approval ▪ Overall management, coordination and monitoring of the IDP and budget process ▪ Assign and delegate responsibilities to the Municipal Manager. Submit the draft and final IDP and Budget to Council for approval ▪ Provide political guidance in respect of the IDP and budget process
Speaker	▪ Overall monitoring of the public participation process. ▪ Establishment and oversight of the ward committee system
Ward Councillors	▪ Liaison between the public and the municipality ▪ Assist to facilitate meaningful participation by the public and relevant stakeholders in the IDP and Budget processes ▪ Oversee the public meetings and other engagements in their respective wards ▪ Monitor the implementation of the IDP in respect of their wards

INTERNAL ROLE PLAYERS	
ROLE-PLAYER	**ROLES AND RESPONSIBILITIES**
Municipal Manager	▪ Fulfils the duties and responsibilities of the Accounting Officer as per the MFMA ▪ Manages and coordinates the entire IDP and budget process ▪ Chairs the IDP and Budget Steering Committee
Chief Financial Officer	▪ Performs all the budgeting duties as delegated by the Accounting Officer in terms of Section 81 of the MFMA ▪ Manages and coordinates the entire budgeting process ▪ Ensures proper alignment and implementation of programmes/projects identified in the IDP
IDP Manager	▪ Prepare the IDP process plan and co-ordinate the implementation thereof ▪ Manage and co-ordinate the day-to-day activities of the entire IDP process ▪ Facilitate effective engagements for public and stakeholder participation in all wards ▪ Represent the municipality at intergovernmental engagements with other spheres of government ▪ Draft all IDP documentation ▪ Submit the draft IDP to the MEC for comment ▪ Publish the draft IDP for comment to the public ▪ Ensure alignment of the municipal IDP with the IDP Framework of the District Municipality ▪ Facilitate alignment between the IDP and Budget ▪ Amend the IDP document in accordance with the comments of the MEC
Senior Managers	▪ Provide technical and financial information in respect of analysing the priority issues of communities ▪ Provide technical and budgetary input in respect of the development and operational strategies of the municipality ▪ Prepare project proposals and business plans for priority projects ▪ Ensure integration of all projects and programmes culminating from the IDP process ▪ Submit project proposals and business plans to the relevant authorities for funding and/or technical support ▪ Facilitate the incorporation and updating of all relevant sector plans in the IDP

4.2 External Stakeholders

EXTERNAL ROLE-PLAYERS	
ROLE-PLAYER	**ROLES AND RESPONSIBILITIES**
Local communities, residents and stakeholders (SOEs)	▪ Represent interests and contribute knowledge and ideas in the IDP process by participating in and through the ward committee ▪ Keep constituencies informed about IDP activities and outcomes
Sarah Baartman District Municipality	▪ Ensure vertical and horizontal alignment of the IDP between the municipality and the district municipality as well as neighbouring municipalities ▪ Facilitate district-wide IDP engagements to foster cross-border planning between municipalities and the Sarah Baartman District ▪ Facilitate joint planning initiatives between municipalities in the district and the national and provincial spheres of government through structured intergovernmental engagements ▪ Assessment of the MTREF to improve the responsiveness of the budget ▪ Preparation of joint strategy workshops with local municipalities; provincial and national role-players and other subject matter specialists.
Provincial Government: COGTA	▪ Ensure horizontal alignment of the municipal IDP with all the relevant provincial sector departments ▪ Facilitate structured inter-governmental engagements between the municipality and provincial government ▪ Participate in the IDP processes through local offices ▪ Assess and comment on draft IDPs to strengthen their credibility ▪ Assessment of the MTREF to improve the responsiveness of the budget to the priority needs of communities ▪ Provincial Treasury provides guidelines for budget preparation ▪ Ensure efficient financial management of provincial IDP grants ▪ Monitor the progress of the IDP process ▪ Facilitate resolution of disputes related to the IDP ▪ Assist municipalities in the IDP drafting process where required; and ▪ Coordinate and manage the MEC's assessment of IDPs.
Sector Departments	▪ Contribute sector expertise and technical knowledge to the formulation of municipal strategies and projects; ▪ Provide sector plans and programmes for inclusion in the IDP

EXTERNAL ROLE-PLAYERS	
ROLE-PLAYER	**ROLES AND RESPONSIBILITIES**
National Government	▪ National Treasury issues guidelines on the manner in which municipal councils should process their annual budgets ▪ Assists with funding and technical support in respect of projects and programmes emanating from the IDP process

5. MECHANISM FOR PUBLIC PARTICIPATION

The involvement of community stakeholders in the IDP process is one of the main features of the integrated development planning process. Participation by all stakeholders ensures that the IDP addresses issues experienced by the communities. The following means of communication can be utilised:

- Municipal website and intranet
- Notices at all municipal offices
- Municipal newsletters and press releases
- Loud-hailing prior to the public meetings
- Adverts in local newspapers
- Radio announcements
- Emails and bulk SMS messages to stakeholders on the consolidated municipal database
- Social media platforms, e.g. Facebook and WhatsApp

MECHANISM	REASON
Newspaper publications	• To invite comments from the public for both the draft and the final documents • To ensure the municipality adheres to legislation in terms of publishing notices in the local newspapers
Loud-hailing	• To alert the community to the IDP process and encourage attendance at public participation meetings where needs can be identified
Ward Committee Meetings	• Ward committees serve as an official participatory structure within the municipality and play a key role in promoting community participation, facilitating consultation, and strengthening communication between residents and the municipality. • Ensure constructive and harmonious interaction between the municipality and community through the use and co-ordination of ward residents' meetings and other community development forums.
Mayoral roadshows	• To interact with communities in the different wards in order to keep track of the issues they face as well as give feedback regarding various municipal matters
Public engagements/public "walk-in"	• Ensure that venues for public meetings are selected in a manner that enables easy access for community members to attend.

6. Integrated Development Planning Process

The phases of the IDP/Budget process are indicated in the diagram below. The process speaks to planning, preparation, implementation & monitoring of the IDP/Budget/PMS.

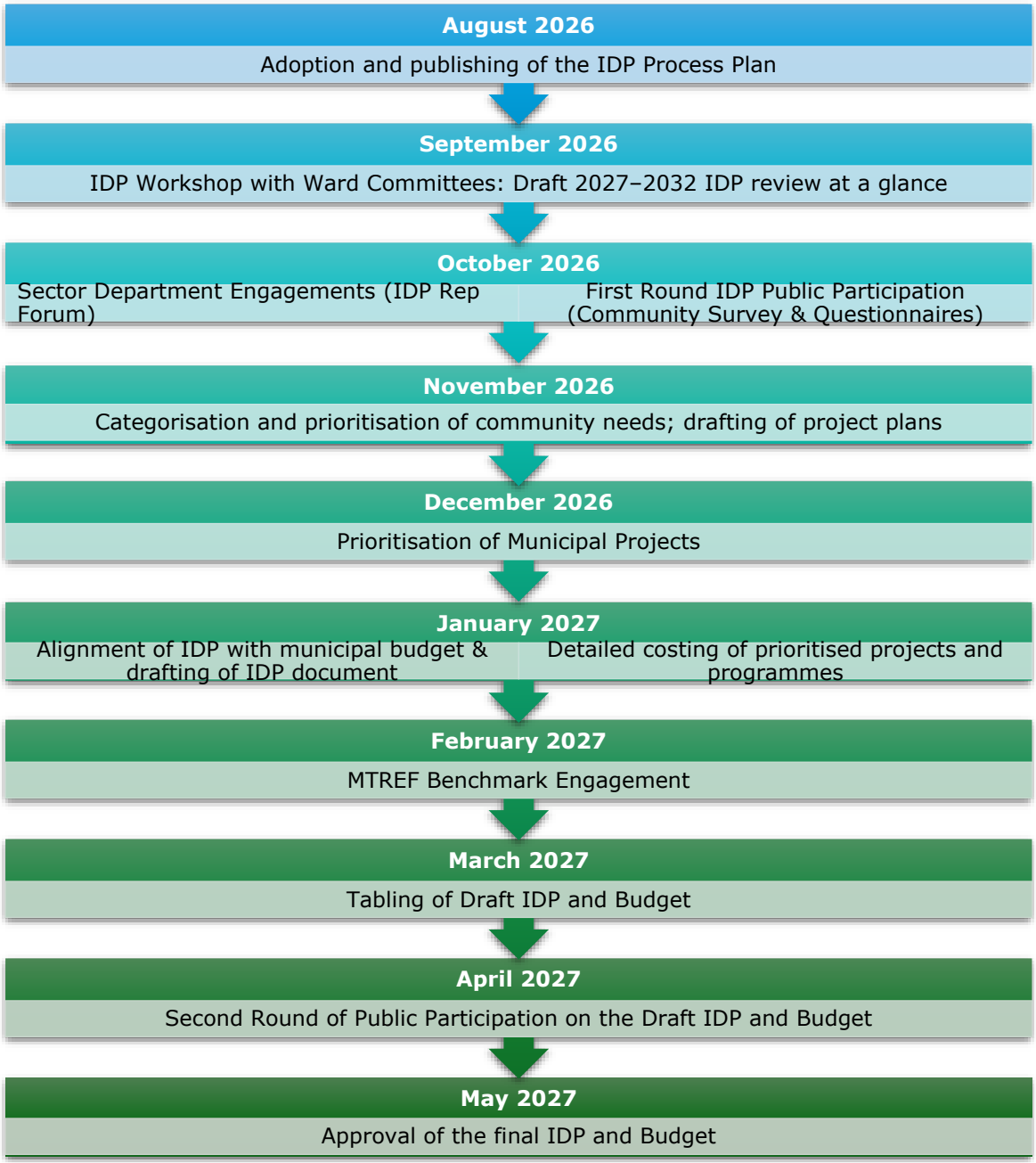


The table below summarises the important activities and deliverables to be considered during the different phases of the IDP Process:

PHASE	ACTIVITIES	DIRECTORATE / STRUCTURE
Preparation	Approval of IDP Process Plan	Council
Analysis	Establishment of ward committees	PPU
	Conduct community needs analysis through a comprehensive process of public participation	Executive Mayor IDP Manager
	Conduct a socio-economic analysis	All directorates
	Develop ward-based development plans	IDP Manager
	Conduct an organisational SWOT analysis	Municipal Manager
Strategy	Develop strategic objectives through a strategic planning session of Council	Council
	Set specific service delivery and development targets	Council
	Review all sector plans	All directorates
Projects	Develop business plans to give effect to the strategic objectives of Council	All directorates

PHASE	ACTIVITIES	DIRECTORATE / STRUCTURE
Integration	Horizontal and vertical alignment of council strategic objectives with other spheres of government	Municipal Manager
	Actively participate in relevant inter-governmental engagements	Council All directorates
Approval	Apply all legislative requirements to ensure the credibility of the IDP process	Executive Mayor Council

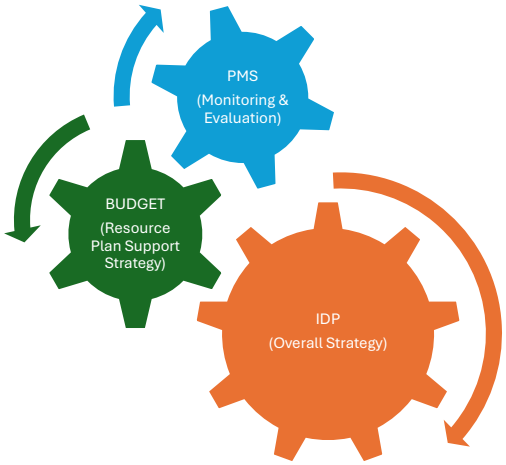
The summary below illustrates the phases for preparing the 2027–2032 IDP/Budget/PMS Process Plan with key milestones:



7. ALIGNMENT

7.1 Alignment of the IDP, Budget and Performance Management

The IDP development process is mainly geared towards identifying early-warning signs for corrective action whenever it is required. The performance indicators flow from the IDP and constitute the heart of the Performance Management System. The IDP Process Plan 2027–2032 aligns the IDP, Budget Process and Performance Management in order to adhere to the legislative requirements. The linkages of the three processes are summarised in the following diagram:



7.1.1 District Alignment

Sarah Baartman District Municipality has established a District IDP Engagement Forum which is attended by the Department of Co-operative Governance, Human Settlements and Traditional Affairs and the Office of the Premier to provide strategic direction in terms of IDPs. The IDP preparation process utilises this forum to ensure vertical and horizontal alignment.

7.1.2 Alignment with Sector Departments

Alignment with sector departments is essential to ensure that Kouga Municipality's priorities and projects are reflected in sector departments' prioritisation processes and in the IDP document.

7.1.3 REPORTING REQUIREMENTS

FREQUENCY	MSA/MFMA – PMS	SECTION
Quarterly reporting	• The municipal manager collates the information and drafts the organisational performance report, which is submitted to Internal Audit. • The Internal Auditors (IA) must submit quarterly reports to the Municipal Manager.	*MSA Regulation 14(1)(c)*

FREQUENCY	MSA/MFMA – PMS	SECTION
Mid-year reporting	• The Performance Audit Committee must review the PMS and make recommendations to the Council.	*MSA Regulation 14(4)(a)*
	• The Performance Audit Committee must submit a report to Council at least twice during the financial year.	*MSA Regulation 14(4)(a)*
	• The municipality must report to Council at least twice a year.	*MSA Regulation 14(4)(a)*
	• The Accounting Officer must, by 25 January of each year, assess the performance of the municipality and submit a report to the Mayor, National Treasury and the relevant Provincial Departments.	*MFMA S72*
Annual Reporting	• The annual report of a municipality must include the annual performance report and any recommendations of the municipality's audit committee.	*MFMA S121(3)(c)(j) & MSA S46*
	• The Accounting Officer of a municipality must submit the performance report to the Auditor-General for auditing within two months after the end of the financial year to which that report relates.	*MFMA S126(1)(a)*
	• The Auditor-General must audit the performance report and submit the report to the accounting officer within three months of receipt of the performance report.	*MFMA S126(3)(a)(B)*
	• The Mayor of a municipality must, within seven months after the end of the financial year, table in the municipal council the annual report of the municipality.	*MFMA S127(2)*
	• The Auditor-General may submit the performance report and audit report of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (2) and (3).	*MFMA S127(4)(a)*
	• Immediately after an annual report is tabled in the council, the accounting officer of the municipality must submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.	*MFMA S127(5)(b)*

FREQUENCY	MSA/MFMA – PMS	SECTION
	• The Council of the municipality must consider the annual report no later than two months after the date on which the annual report was tabled, adopt an oversight report containing Council's comments on the annual report.	*MFMA S129(1)*
	• The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organ of state.	*MFMA S130(1)*
	• The cabinet member responsible for local government must annually report to Parliament on actions taken by the MECs for local government to address issues raised by the Auditor-General.	*MFMA S134*

8. IDP/BUDGET & PMS TIME SCHEDULE OF KEY DEADLINES FOR THE PREPARATION OF THE 2027–2032 IDP AND 2027/2028 MTREF

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			JULY 2026			
1.	**SBDM IDP Consultations with Municipalities**	MSA-S29 (1)(b)(i)	Meeting convened by SBDM for LM IDP Officials to inform SBDM of development in their LM	IDP Office	Exchange of Knowledge	2 July 2026
2.	**IDP/Budget 2027/28**	MSA s28	Prepare Municipal Process Plan	IDP Office	Draft Process Plan	17 July 2026
3.	**IDP/Budget 2027/28**	MSA s28	Table Draft Process Plan	Executive Mayor	Approved Draft Process Plan	27 July 2026
4.	**Monthly Budget Statements**	MFMA - Sec 71(1)	**Reporting:** Submit a monthly report on the budget for the period ending 30 June 2026 within 10 working days to the Executive Mayor.	CFO	MFMA Section 71 Report	July 2026
5.	**Capital Adjustments Budget - rollovers**	MFMA Sec28(2)(e) (b) MBRR - Reg 23(5)	**Deadline for departments' application for rollovers**: Commence with the preparation of Capital Adjustments Budget for the 2026/2027 Financial year.	CFO	Memo circulated to all Directorates on adjustments budget process.	July 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
6.	**Quarterly Financial Performance Reports**	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29	**Reporting:** Submit a quarterly report for the period ending 30/06/2026 on implementation of the budget and financial situation of the municipality to Council.	CFO	Council Resolution	July 2026
7.	**Budget 2027/28**	MFMA s 53	Mayor begins planning for the next three-year budget in accordance with the co-ordination role in the budget process.	CFO	Budget Process	July 2026
8.	**Performance Management**	MSA S56&S57	**Performance Agreements: 2026/27** Finalise the performance agreements of the Municipal Manager and managers reporting to the Municipal Manager: - Submit to MEC - Publicise within 14 days (including placement on the municipal website).	Municipal Manager	Signed agreements and Proof of website publication	31 July 2026
9.	**IDP/Budget**	N/a	Submit Draft IDP/Budget Time	BTO	Proof of submission	31 July 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			Schedule to PT for comment.			
10.	**Reporting: SDBIP 2025/26**	MPPMR 27(4)(d) and (e)	Quarterly SDBIP performance progress report for 4th Quarter of 2025/26 and finalise Annual Performance Evaluation.	MM	Proof of Submission to Council	31 July 2026
AUGUST 2026						
11.	**IDP/Budget 2027/28**	MSA s28 (2) & (3); s19; s21; s21 (A) (B)	**Advertise** Advertise Draft IDP/Budget Process Plan for public input (21 days)	IDP Office	Public notification of process	23 July – 21 August 2026
12.	**IDP/Budget 2027/28**	MSA s28	**Council Meeting: Final IDP Process Plan** Council Approval of Process Plan	Council	Approved Final IDP/Budget Process Plan	31 August 2026
13.	**Reporting: SDBIP 2025/26**	MFMA S75(2) MSA 21(b)	Place the fourth-quarter performance report for 2025/26 on the municipal website not later than five days after it is tabled in Council or on the date on which it must be made public, whichever occurs first.	Manager: PMS	Notice on website	August 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
14.	**Provincial IDP Assessments**	MSA s31(a)	Provincial IDP Annual Assessment Session on Final IDP by Provincial COGTA.	Provincial COGTA	Assessment Report on the IDP	July/August 2026
15.	**Monthly Budget Statements**	MFMA - Sec 71(1)	Submit a monthly report on the budget for the period ending 31 July 2026 within 10 working days to the Executive Mayor.	CFO	MFMA Section 71 Report	17 August 2026
16.	**Budget: Special Adjustment Budget 2026/27**	MFMA - Sec 28(2)(e) MBRR - Reg 23 (1) (5)	**Budget:** Council approves 2026/27 Capital Roll-Over Budget (to be approved by August 2026).	CFO	Council Resolution	August 2026
17.	**IDP/Budget**	MFMA S21(1)(b)	**COUNCIL MEETING:** Approval of the IDP, PMS & Budget Process Plan.	Council	Council Resolution	August 2026
18.	**Budget 2027/28**	MFMA S17(3)	Determine revenue projections and proposed rate and service charges and draft initial allocations to functions and departments for the next financial year after considering strategic objectives.	CFO	Revenue projections and proposed rate and service charges and drafts initial allocations	August – October 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
19.	**Budget 2027/28**	MFMA S17(3) (j)	Engages with Provincial and National sector departments on sector-specific programmes for alignment with municipality's plans (schools, libraries, clinics, water, electricity, roads, etc.)	CFO	Summary of inputs from Provincial and National sectors.	August/ September 2026
20.	**Annual Report & Annual Financial Statements**	MFMA S126 (1)(a) MSA S46 (1) (2)	**Annual Report & AFS** Submit Annual Financial Statements (AFS) and Annual Performance Report to the AG	Budget & MM Office	Proof of submission/ acknowledgement of receipt	31 August 2026
SEPTEMBER 2026						
21.	**IDP/Budget 2027/28**	MSA s28, 29 & 34 MFMA s21,53	**Submission of Final IDP Process Plan** Submit IDP/Budget Process Plan to Prov COGTA/Prov Treasury & District Municipality	IDP Office	Compliance/Transparency	01 September 2026
22.	**IDP/Budget 2027/28**	MSA s28 (2); s17, s18; s20; MSA s28 (3)	**Public Notification** Notification of approved IDP/Budget Time Schedule 2027/28	IDP Office	Transparency/Communication	01 September 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			Advertise Council approved IDP/Budget Process Plan: 2027–2032			
23.	**IDP/Budget 2027/28**	MSA-S29 (1) (b)(i)	**First round community engagement through questionnaires and surveys** Identification of municipal needs as well as needs falling within functional mandates of - Other organs of state for submission to them - Community surveys & questionnaires for public input	IDP Office & ALL Directors	Public input Information on context, causes, dynamics of priority issues and problems	September 2026
24.	**District IDP Representative Forum**	MSA S29 (3)	Workshop with SBDM on District Alignment	IDP Office	Alignment of IDP	10 September 2026
25.	**Monthly Budget Statements**	b) MFMA Section 71(1)	Reporting: Submit a monthly report on the budget for the period ending 31 August 2026 within 10	CFO	MFMA Section 71 Report	14 September 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			working days to the Executive Mayor.			
26.	**IDP/Budget 2027/28**	MFMA – Sec 75 (2) MSA- S21A & 21B	**Public Notification:** Place an advertisement notifying the public of the approved Time Schedule on the municipal website, in local newspapers and on notice boards.	IDP Office	Advertisement/ Notice	07 September 2026
27.	**IDP/Budget 2027/28**	MSA S32(1)(b)(i)	Submit the adopted Time Schedule to the MEC for Local Government & PT.	IDP Office	Proof of submission/ acknowledgement of receipt	07 September 2026
28.	**IDP Rep Forum: Coordination Engagements**	MSA S 29 (1) (iii)	Align provincial & national programmes to IDP	Sector Departments, IDP Office, MM and All Directors	Sector Alignment	21 September 2026
29.	**IDP/Budget 2027/28**	n/a	**Collating information** Desktop exercise	IDP Office	Centralised Information	September 2026
30.	**IDP/Budget 2027/28**	n/a	**Internal Analysis** - Critical issues/challenges with respect to every service - Minimum service levels - Institutional - Finance - Performance	IDP Office	Draft Situational Analysis	September

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			External Analysis - Data collation and analysis			
OCTOBER 2026						
31.	**Monthly Budget Statements**	MFMA Section 71(1)	Submit a monthly report on the budget for the period ending 30 September 2026 within 10 working days to the Executive Mayor.	CFO	MFMA Section 71 Report	14 October 2026
32.	**Quarterly Financial Performance Reports**	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29	Submit a quarterly report for the period ending 30 September 2026 on implementation of the budget and financial situation of the municipality to Council.	CFO	Council Resolution	14 October 2026
33.	**Budget & IDP Steering Committee**	MBRR Reg 4 (1)	Budget & IDP Steering Committee Meeting.	Executive Mayor	Meeting outcomes/resolution	October 2026
34.	**SBDM IDP Consultations with Municipalities**	MSA-S29 (1) (b)(i)	Meeting convened by SBDM for LM IDP Officials to inform SBDM of development in their LM	IDP Office	Exchange of Knowledge	16 October 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
35.	**Reporting: SDBIP 2026/27**	MPPMR 14(1)(a) and (b)1	**Reporting: SDBIP 2026/27** Quarterly SDBIP performance report for 1st Quarter 2026/27 to Council.	Office of the Municipal Manager (PMS Unit)	SDBIP performance report noted	October 2026
36.	**Budget 2027/28**	MFMA s21	New Budget Preparations: MTREF and Revenue Projections BTO to send out mSCOA-compliant budget preparation documents to Directorates for completion (MTREF) - Capital - Operational - Policies - Tariffs	BTO	Budget guidelines	October 2026
37.	**Budget 2027/28**	MFMA s53	2nd IDP/Budget Steering Committee - Budget workshop discussion (guideline) - BTO to send out current year adjustment budget	BTO	Budget guidelines	October 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			preparation documents to Directorates for completion			
38.	**Budget 2026/2027**	n/a	Draft Budget submission Corporate directorates to submit draft budgets to BTO	BTO	Draft corporate budgets	October 2026
NOVEMBER 2026						
39.	**Publication of quarterly financial performance reports**	MFMA – 75(2)	Place 2026/27 First Quarter Performance Reports on the municipal website	Manager: BTO	Website publication	November 2026
40.	**Monthly Budget Statements**	MFMA Section 71(1	Submit a monthly report on the budget for the period ending 31 October 2026 within 10 working days to the Executive Mayor	CFO	MFMA Section 71 Report	16 November 2026
41.	**Strategic Planning Session**	N/A	Council Strategic Session - Handover to the new Council - Internal analysis of	Council/MM/Deputy/ MM Councillors and Directors	Strategic intent	November 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			each directorate			
42.	**IDP/Budget 2027/28**	MFMA s53	1st IDP/Budget Steering Committee - Discuss and agree on the outcomes of the strategic workshop for finalisation by Council - Discuss draft internal analysis report	IDP Office & BTO	IDP/Budget Guidelines	November 2026
43.	**Submission of 2026/27 Adjustments Budget inputs by Directorates**	MFMA – Sec 28	**Adjustment Budget:** Directorates to submit completed current year adjustments to BTO	All Directorates	Directorate Adjustments budget inputs	30 November 2026
44.	**IDP/BUDGET 2027/28**	MSA s73	**Ward Committees** Establishment of 15 Ward Committees	PPU	Ward Committees established	12 November – 15 December 2026
DECEMBER 2026						
45.	**Monthly Budget Statements**	MFMA Section 71(1	Submit a monthly report on the budget for the period ending 30 November 2026 within 10 working	CFO	MFMA Section 71 Report	14 December 2026

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			days to the Executive Mayor			
46.	**IDP/Budget 2027/28**	MFMA Guidelines	**Budget Alignment**: Check with National, Provincial & District Municipality for any adjustments to projected allocations for the next three years	Budget Office	Budget Alignment	December 2026
47.	**Review of Performance by MPAC**	MFMA Circular 63 MSA S126(1)(a) MFMA S129	Moderate the performance evaluation reports prepared for Council.	MPAC Council	Reports moderated and adopted by Council	December 2026
48.	**SDBIP 2026/27**	MFMA S54(1)	**SDBIP Amendments:** Directorates to submit current year SDBIP amendments to MM's Office (PMS Unit).	All Directorates	SDBIP amendments	December 2026
JANUARY 2027						
49.	**2027/28 Draft Annual Budget.**	MFMA, MBRR and mSCOA regulations	A budget process plan outlining the 2027/28 draft operating and capital budget inputs, legislative requirements and engagement schedule is	Budget Office	Budget strategy with high-level estimates	5 January 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			circulated to all directorates			
50.	**Monthly Budget Statements**	MFMA Section 71(1	Submit a monthly report on the budget for the period ending 31 December 2026 within 10 working days to the Executive Mayor	CFO	MFMA Section 71 Report	15 January 2027
51.	**Quarterly Financial Performance Reports**	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29	Submit a quarterly report for the period ending 31 December 2026 on implementation of the budget and financial situation of the municipality to Council	CFO	Council Resolution	January 2027
52.	**Mid-Year Budget and Performance Assessment**	MFMA S72	Prepare and submit Mid-Year Budget and Performance Assessment Report to the Executive Mayor, Provincial Treasury and National Treasury	MM, CFO and All Directors	MFMA Section 72 Report	January 2027
53.	**Mid-Year Budget and Performance Assessment**	MFMA S72	Submit Mid-Year Budget and Performance Assessment Report to Council	MM, CFO and All Directors	Council	January 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
54.	**Budget 2026/27: Adjustment Budget**	MFMA S28	The Executive Mayor tables the adjustments budget for approval by Council in terms of section 28 of the MFMA.	Executive Mayor	Approved adjustments budget	January 2027
55.	**Section 56/57 Managers' half-yearly evaluations for 2026/27**	MSA S56 or 57	Conduct mid-year evaluations.	MM & Executive Mayor	Performance evaluated	January–March 2027
56.	**Section 56/57 Managers' yearly evaluations for 2025/26**	MSA S56 or 57	Conduct the annual 2025/2026 performance evaluation	MM & Executive Mayor	Performance evaluated	January–March 2027
57.	**Annual Report 2025/2026**	MFMA S121	Table Draft AR & AFS: Mayor tables draft AR & AFS.	Executive Mayor	Approved Draft AR & AFS	25 January 2027
58.	**Review of budget-related policies**	MFMA – Sec21 MBRR – Part 3	Policy workshop	Councillors/MM/DMM/ Directors and Managers	Reviewed Budget-Related Policies.	20 January 2027
59.	**Submission of 2027/28 Draft Annual Budget inputs by Directorates.**	MFMA S16	Receive input from Directorates for 2027/28 Draft Annual Budget.	All Directorates	Draft budget inputs	29 January 2027
60.	**IDP/Budget 2027/28**	MFMA Guidelines	Draft Budget: Review financial input and conduct one-on-one	BTO	Budget Alignments	January 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			KLM interdepartmental meetings			
61.	**Submission of 2027/28 Draft Tariff inputs by Directorates.**	MFMA S16	Receive input from Directorates for 2027/28 Draft Tariffs.	All Directorates	Draft inputs submitted	29 January 2027
FEBRUARY 2027						
62.	**IDP/Budget 2027/28**	MSA s28 (2); s17, s18; s20	Ward Meetings: Reprioritisation of ward priorities considering public input	IDP Office & Public Participation Unit		February 2027
63.	**Strategic Planning Session**	MSA s56 (2)	**Council IDP Workshop** - Reconcile different views and opinions of the political structures and administration and define the mission, vision and strategic objectives of Council for the term of the IDP after consideration of the financial	Council/MM/Deputy/ MM Councillors and Directors	- Long-term vision - Midterm objectives - Strategies developed - Identified projects	February 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			assessment, strategic risks, community needs and other relevant information - Agreed-upon vision, Mission, Strategic Objectives and Predetermined Objectives			
64.	**Publication of quarterly financial performance reports**	MFMA – 75(2)	Place 2026/27 Second Quarter Performance Reports on the municipal website.	Manager: BTO	Website publication	February 2027
65.	**Publication of Mid-Year Budget and Performance Assessment**	MFMA – 75(2)	Make the Mid-Year Budget and Performance Report public on the municipal website.	Manager: BTO	Website publication	February 2027
66.	**Monthly Budget Statements**	MFMA Section 71(1	Submit a monthly report on the budget for the period ending 31 January 2027 within 10 working days to the Executive Mayor.	CFO	MFMA Section 71 Report	15 February 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
67.	**Publication of the approved 2026/27 Adjustments Budget**.	MFMA – Sec 28(7)	Make public the approved 2026/27 Adjustments Budget on the municipal website.	Manager: BTO	Website publication	February 2027
68.	**IDP Rep Forum Coordination Engagements**	MSA29 (1) (iii)	Align provincial & national programmes to IDP priorities	IDP Office & Executive Mayor's Office	Priority Alignment	February 2027
69.	**Submission of tabled Adjustments Budget to National & Provincial Treasury**	MFMA S28 MBRR Reg. 24 & 27	Submit tabled adjustments budget	MM & CFO	Proof of submission (NT GoMun Upload)	February 2027
70.	**IDP/Budget 2027/28**	MFMA s21	Budget Alignment Check with National, Provincial Government & District Municipality for any projected allocations for the next three years	BTO	Sector Alignment	February 2027
71.	**Provincial Treasury Assessment Meeting on Mid-year Performance**	MFMA S (4) & S5(2)	Mid-Year Engagement	MM & CFO	Assessment outcomes	February 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
72.	**Budget and IDP Steering Committee.**	Compliance with legislative requirements	**Budget and IDP Steering Committee Meeting:** Directors present priority issues/proposed projects	IDP & Budget Steering Committee	Develop objectives for priority issues and determine programmes to achieve strategic intent including the development of the Strategic Scorecard	February 2027
73.	**IDP/Budget**		**Ward Committee Capacity Building:** Training of new Ward Committee Members on the IDP/Budget processes.	IDP Office	IDP awareness	February 2027
74.	**SDBIP 2026/27**	MFMA S53 (1) (b)	Co-ordinate the development of draft 2026/27 SDBIP One on one with all Directorates to confirm KPIs and performance targets	PMS Office	Draft SDBIP	February 2027
75.	**Draft Annual Budget 2027/28**	MFMA S75, 87 & 68	**Tariff Workshop**: Review tariffs	CFO	Budget guidelines	February 2027
76.	**Alignment**	MSA S 29 (3)	**District IDP Forum:** Workshop with all SBDM Local Municipalities on IDP alignment	IDP Office	Alignment of priorities	18 February 2027
MARCH 2027						
77.	**SDBIP 2026/27**	MFMA S54 (1) (c)	**SDBIP 2026/27 Amendments:** Submit amendments to the	PMS Manager	Council Resolution	March 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			SDBIP following adjustment budget			
78.	**IDP/Budget 2027/28**	MFMA Section 71(1)	**Monthly Budget Statements:** Submit a monthly report on the budget for the period ending 28 February 2027 within 10 working days to the Executive Mayor	CFO	MFMA Section 71 Report	12 March 2027
79.	**IDP/Budget 2027/28**	MFMA s 42	The accounting officer incorporates any changes in prices for bulk resources as communicated by 15 March.	MM & CFO	Changes in price for bulk resources incorporated	15 March 2027
80.	**IDP/Budget 2027/28**	MFMA – Sec16(2) MSA – Sec 25 MBRR – Part 3	**Tabling of the Draft IDP, Budget, Tariffs, Budget-Related Policies and SDBIP in Council:** Council to consider and adopt the Draft IDP, Budget, Tariffs, Budget-Related Policies and SDBIP (at least 90 days before the start of the budget year)	Executive Mayor	Approved Draft IDP, Budget, Tariffs, Budget-Related Policies and SDBIP	31 March 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
81.	**Council adopts Annual & Oversight Report by 31 March MFMA Section 129(1)**	MFMA S129 (1)	Annual Report and Oversight Report to be tabled before Council	MM & Executive Mayor	Oversight report approved	31 March 2027
82.	**Adopted Annual Report including Oversight Report made public within seven days of adoption MFMA Section 129(3) & MSA Section 21A**	MFMA S 129 (3) & MSA Section 21 (A)	Annual Report and Oversight Report to be made public in a newspaper	MM and PMS Manager		31 March 2027
83.	**SDBIP 2026/27**	MFMA S53 (1) (b)	Setting up of Key Performance Indicators and targets linked to the municipal strategic objectives including predetermined objectives	PMS Office	Draft SDBIP	31 March 2027
84.	**IDP/Budget 2027/28**	MSA S41	**Integration of sector plans and institutional programmes: To inform the review and updating of the IDP**	IDP Office, MM and All Directors		March 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			and institutional SDBIP.			
APRIL 2027						
85.	**Submission of the Annual Report and Oversight Report to the Provincial Legislature and relevant MECs within seven days of adoption**	MFMA S 129 (3) & MSA Section 21 (A)	Documents to be submitted	MM		07 April 2027
86.	**Alignment**	MSA S 29 (3)	**District IDP Forum:** Workshop with all SBDM Local Municipalities on IDP alignment	IDP Office	Alignment of priorities	8 April 2027
87.	**Publication of approved Draft IDP/Budget and the relevant documentation.**	MFMA – Sec 22(a) MSA – Sec 21A	Advertise the Draft IDP, Budget, SDBIP and other required documents and provide at least 21 days for public comments and submissions.	IDP OFFICE	Advertisements and municipal website notices	April 2027
88.	**Submission of the Draft IDP and Budget Documents.**	MFMA S 22 (b), MSA S 32(1), MBRR – Reg. 20	Submit the Draft IDP, Budget and SDBIP to National and Provincial Treasury	IDP/Budget Office/MM	Proof of submission (Emails and NT GoMun Upload)	April 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			and prescribed national or provincial organs of state.			
89.	**Monthly Budget Statements**	MFMA Section 71(1	Submit a monthly report on the budget for the period ending 31 March 2027 within 10 working days to the Executive Mayor.	CFO	MFMA Section 71 Report	14 April 2027
90.	**Quarterly Financial Performance Reports**	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29	Submit a quarterly report for the period ending 31 March 2027 on implementation of the budget and financial situation of the municipality to Council.	CFO	Council Resolution	April 2027
91.	**Reporting: SDBIP 2026/27**	MPPMR 14(1)(a) and (b)1	**Reporting: SDBIP 2026/27** Quarterly SDBIP performance report for 3rd Quarter 2026/27 to Council.	Office of the Municipal Manager (PMS Unit)	SDBIP performance report noted	April 2027
92.	**Budget and Benchmark Assessments**	MSA 31 (a) (b) & (c)	To monitor the budget process and ensure that timeframes and compliance issues are met	IDP Office, MM and All Directors	Assessment Report	April 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
93.	**IDP/Budget**	MPPR Reg. 15	**Second round of public participation:** - Invite public comments on Draft IDP and Budget including engagements with all 15 ward committees. - To provide feedback on IDP projects as proposed by wards and present the Draft Budget	ALL	Incorporate programmes and projects in the IDP	April/May 2027
94.	**District IDP Representative Forum**	MSA29 (3)	Legal compliance	IDP Office		02 April 2027
			MAY 2027			
95.	**Publication of quarterly financial performance reports**	MFMA – 75(2)	Place 2026/27 Third Quarter Performance Reports on the municipal website	Manager: BTO	Website publication	5 May 2027
96.	**IDP Rep Forum: Co-ordination Engagements**	MSA S 29 (1) (iii)	Align provincial & national programmes to IDP	Sector Departments, IDP Office, MM and All Directors	Sector Alignment	May 2027
97.	**Monthly Budget Statements**	MFMA Section 71(1)	Submit a monthly report on the budget for the period ending 30 April 2027 within 10	CFO	MFMA Section 71 Report	14 May 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			working days to the Executive Mayor			
98.	**District IDP Representative Forum**	MSA S29 (3)	Workshop with SBDM on IDP Alignment	IDP Office	Alignment of IDP	18 May 2027
99.	**Approval of the Final IDP, Budget, Tariffs and Budget-Related Policies in Council.**	MFMA – Sec24	Council meeting to adopt final IDP, Budget and Budget-Related Policies (at least 30 days before the start of the budget year)	Council	Approved IDP, Budget, Tariffs and Budget-Related Policies	28 May 2027
JUNE 2027						
100.	**IDP/Budget 2027/28**	MFMA – Sec 22 & 75 MSA – Sec 21A & 21B	**Publication of approved Final IDP/Budget and the relevant documentation:** Place the IDP, Budget, all Budget-Related documents and all Budget-Related Policies on the municipal website	IDP/Budget Office	Website publication	11 June 2027
101.	**IDP/Budget 2027/28**	MBRR Reg. 20 (2) & MFMA S24 (3)	**Submission of the Final IDP and Budget Documents:** Submit the approved IDP and Budget to	IDP/Budget Office/MM	Proof of submission (Emails and NT GoMun Upload)	11 June 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			National and Provincial Treasuries and the relevant organs of state and departments			
102.	**IDP/Budget 2027/28**	MFMA Section 71(1	**Monthly Budget Statements:** Submit a monthly report on the budget for the period ending 31 May 2027 within 10 working days to the Executive Mayor	CFO	MFMA Section 71 Report	14 June 2027
103.	**System of delegations**	MFMA s59, 79, 82; MSA s 59-65	The council must finalise a system of delegations.	Council/Executive Mayor/MM/CFO	System of delegations	June 2027
104.	**SDBIP 2027/2028**	MFMA S53 (1) (b) & MSA S57	Finalisation and submission of the draft 2027/28 SDBIP and annual performance agreements by the Municipal Manager to the Executive Mayor	MM	Approved SDBIP and annual performance agreements	June/July 2027
105.	**SDBIP 2027/2028**	MFMA S53	The Executive Mayor approves the 2027/2028 SDBIP and annual performance agreements of the Municipal Managers	Executive Mayor	Approved SDBIP and annual performance agreements	June/July 2027

No.	PROCESS	LEGISLATIVE REQUIREMENT	ACTIVITY	RESPONSIBILITY	OUTPUT	TIMEFRAME
			within 28 days after the approval of the IDP and budget			
106.	**SDBIP 2027/2028**	MSA S53 (3) (b)	Submit the approved SDBIP and performance agreements to the MEC for Local Government within 14 days after approval	MM/ IDP/ Budget Office	Approved SDBIP and annual performance agreements	July 2027

This is to certify that the Integrated Development Plan (IDP) and Budget Process Plan, together with the Time Schedule for the 2027–2032 IDP, were tabled before Council at a duly convened Council meeting held on 27 July 2026.

Designation	Name	Date	Signature
Manager IDP	Thobeka Twani		
Chief Financial Officer	Riaaz Lorgat		
Municipal Manager	Charl Du Plessis		
Executive Mayor	Cllr. Hattingh Bornman		

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
local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED1**

BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 JUNE 2026

1. **Introduction**

The purpose of this report is to report on specific withdrawals from the Municipal bank account in terms of Section 11(4) of the Municipal Finance Management Act, No. 56 of 2003.

2. **Background**

Section 11(4) of the MFMA**:**

"The accounting officer of a municipality must within 30 days after the end of each quarter –
a) table in the municipal council a consolidated report of all withdrawals made in terms of subsection 1(b) to (j)during that quarter; and
b) submit a copy of the report to the relevant provincial treasury and the Auditor-General".

3. **Discussion**

The report provides specific withdrawals from the municipal back account and attached as **"Annexure A"** the withdrawals from municipal bank account for the quarter ended 30 June 2026.

The following information should be noted for the quarter ended 30 June 2026:

Section 11(1)(b): Expenditure that were authorised in terms of section 26(4) of the MFMA.

No withdrawals

Section 11(1) (c): Unforeseeable and unavoidable expenditure

No withdrawals

Section 11(1) (d): Withdrawals in respect of Trust, and so forth

No withdrawals

Section 11(1) (e): Third party payment of monies received on behalf of a person or state body.

As per attached **"Annexure A"**.

Section 11(1) (f): Monies erroneously deposited into the municipal bank account.

No withdrawals

Section 11(1) (g): Guarantees, sureties and security deposits refunded.

No withdrawals

Section 11(1) (h): Cash management and investment

As per attached "**Annexure A".**

Section 11(1) (i): Increased expenditure in terms of section 31 of MFMA

No withdrawals

Section 11(1) (j): Other purposes as prescribed

No withdrawals

4. **Financial Implications**

Completed by BTO -	As stipulated in report. Refer to "**Annexure A"**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

Section 11(4) of the Municipal Finance Management Act 56 of 2003, MFMA.

6. **Legal Implications**

Any non-compliance with the provisions of the Municipal Finance Management Act 56 of 2003, may result in an act of financial misconduct in terms of section 171 of the MFMA.

7. **Other Implications**

A copy of the consolidated report of all withdrawals must be submitted to the Eastern Cape Provincial Treasury as well as the Auditor General.

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.

8.4 **Director: Electro/Mechanical Services**

Noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Recommendations supported

9. **Delegated Authority**

To be noted by Council.

10. **Recommendations**

10.1 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 June 2026; and

10.2 That a copy of the Report herein be submitted to the Eastern Cape Provincial Treasury and to the Auditor-General as stipulated in section 11(4) (b) of the MFMA.

Item prepared by the Manager Budget and Treasury:

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure A:

PROVINCIAL TREASURY Withdrawals from Municipal Bank Accounts in accordance with section 11(1)(b) to (j)		
NAME OF MUNICIPALITY:	**KOUGA LOCAL MUNICIPALITY (EC108)**	
QUARTER ENDED:	**30 JUNE 2026**	
MFMA section 11(1) Only the accounting officer or the chief financial officer of the municipality acting on the written authority of the accounting officer may withdraw money or authorize the withdrawal of money from any of the municipality's bank accounts, and may do so only-	**Amount**	**Reason for withdrawal**
(b) to defray expenditure authorized in terms of section 26(4)	R 0.00	
(c) to defray unforeseeable and unavoidable expenditure authorized in terms of section 29(1)	R 0.00	
(d) in the case of a bank account opened in terms of section 12, to make payments from the account in accordance with subsection (4) of that section	R 0.00	
(e) to pay over to a person or organ of state money received by the municipality on behalf of that person or organ of state, including – i. money collected by the municipality on behalf of that person or organ of state by agreement; or ii) any insurance or other payments received by the municipality for that person or organ of state	R 17,618,635.17	Motor registration transaction fees.
(f) to refund money incorrectly paid into a bank account	R 0.00	
(g) to refund guarantees, sureties and security deposits	R 0.00	
(h) for cash management and investment purposes in accordance with section 13	R 234,086,614.56	Transferred to investment accounts (Call Accounts).
(i) to defray increased expenditure in terms of section 31; or	R 0.00	
(j) for such other purposes as may be prescribed	R 0.00	
(4) the accounting officer must within 30 days after the end of each quarter –	**Name and Surname:**	Mr. C. Du Plessis

a) table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1) (b) to (j) during that quarter; and b) submit a copy of the report to the relevant provincial treasury and the Auditor-General	**Municipal Manager** **Date:**	
Telephone Nr.	**Fax Nr.**	**E-mail**
042 – 200 2064	N/A	zgongqoba@kouga.gov.za
The completed form must be submitted within 30 days after the end of each quarter to Provincial Treasury and Auditor General.		

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO**: 26/07/FED2**

MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2025 TO JUNE 2026 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 JUNE 2026 (2025/26 FINANCIAL YEAR)

1. **Introduction**

The purpose of this report is to comply with Section 71 and Section 52(d) of the Municipal Finance Management Act (MFMA), read together with Regulation 28 of the Municipal Budget and Reporting Regulations as promulgated in the Government Gazette No 32141 of 17 April 2009, which requires that specific financial particulars be reported on and in the formats prescribed.

2. **Background**

MFMA Accountability cycle begins with the preparation and approval of the IDP, MTREF and SDBIP, which is followed by in year reporting, Annual Financial Statements, Annual Audit (Audit Report) and Annual and Oversight Reports. The MFMA legislates what must be reported on, by when, and the Municipal Budget and Reporting Regulations prescribes the format of the reports.

In accordance with Section 71(1) of the MFMA, the Accounting Officer must by no later than 10 working days after the end of each month, submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget.

In accordance with Section 52(d) of the MFMA, the Executive Mayor must within 30 days of the end of each quarter submit a report to the Council on the implementation of the budget and the financial state of affairs of the municipality.

In accordance with regulation 28 of the MBRR, the monthly budget statements of a municipality must be in the format specified in Schedule C and include all the required tables, charts, and explanatory information, considering any guidelines issued by the Minister in terms of section 168(1) of the Municipal Management Finance Act".

3. **Discussion**

The monthly budget statement report provides a balance and consolidated financial performance overview to assist the Executive Mayor in his oversight role.

The report complies with Schedule C of the Municipal Budget and Reporting Regulations (MBRR), the following detailed schedules are attached for the period, ending 30 June 2026:

"**Annexure A"** – Financial Overview

"Annexure A1" – Operating Revenue and Expenditure Performance

"Annexure A2" - Capital Budget Performance

"Annexure A3" - Projected Cash Flow Statement

"Annexure A4" – Municipal Monthly Budget Tables

"Annexure A5" - Analysis of Municipality's Statement of Financial

Performance

i. Overview of Outstanding Consumer Debtors
ii. Overview of Creditors position
iii. Grants' receipts and Expenditure
iv. Councillors & Employee benefits
v. Key performance Indicators

4. **Financial Implications**

Completed by BTO -	As stipulated in the report. Refer to **"Annexure A"**
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

5. **Applicable Legislation**

- Section 71 and 52(d) of the Local Government: Municipal Finance Management Act No. 56 of 2003.
- Local Government: Municipal Budget and Reporting Regulations, 17 April 2009.
- Local Government: Municipal Finance Management Act: Municipal Regulations on a Standard Chart of Accounts (mSCOA), 22 April 2014.

6. **Legal Implications**

Any non-compliance with the provisions of the Local Government: Municipal Finance Management Act 56 of 2003, may result in an act of financial misconduct in terms of section 171 of the MFMA.

7. **Other Implications**

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.

8.4 **Director: Electro and Mechanical Services**

Noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Recommendations supported

9. **Delegated Authority**

To be noted by Council.

10. **Municipal Manager's Quality Certificate**

I, Charl Du Plessis, Municipal Manager of Kouga Local Municipality hereby certify that the monthly budget statements have been prepared in accordance with the Municipal Finance Management act and regulations made under the Act, and that monthly budget statements are consistent with the Integrated Development Plan of the municipality.
Print Name _Charl Du Plessis
Municipal Manager of Kouga Local Municipal.

Signature…… ……..

Date……14 July 2026…….....

11. Recommendations

11.1. 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.

11.2 That the Executive Mayor's report on the implementation of the budget and the financial state affairs of the municipality, in accordance with section 52(d) of the MFMA be noted.

11.3. That the Executive Mayor comply with the submission requirement in respect of the monthly budget statements report to provincial treasury as stipulated in section 71(1) of the MFMA.

Item prepared by the Manager Budget and Treasury: 

Item approved by the Chief Financial Officer: 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 

"ANNEXURE A"

1. **FINANCIAL OVERVIEW**

This report provides a balanced and consolidated financial performance overview to assist the Executive Mayor in his oversight role.

An analysis of the financial position and performance was undertaken to determine the relative financial strength and liquidity of the Municipality. This was complemented by analysing the cash flow position, the investment portfolio, ratios, the operating, and capital budget performance for the month of May 2026, to facilitate an informed assessment of the relative liquidity and financial position of the Municipality.

The financial performance highlights are as follows:

- Operating revenue amounted to R 1,391,181 million, whilst operating expenditure amounted to R 1,442,690 million, resulting in an operating deficit of R 51,510 million.
- Capital expenditure constituted 43.20% of the 2025/26 Adjusted Capital Budget.
- Overdue consumer debts increased by R 38,695 million (15.10%) since June 2025.
- An amount of R 79,122 million is owing to creditors, 93.74% represent current creditors. Currently all outstanding creditors are not reflected on the creditors age analysis.

The municipality's investment portfolio has increased by R 53,505,396 (29.63%) since June 2025, from R 180,581,218 to R234,086,615.

Below is an analysis of the Investment Portfolio as at 30 June 2026.

	Balance as at 30 June 2025	Invested	Interest	Withdrawals	Adjustments	Balance as at 30 June 2026
Standard Bank	22 335 077	49 329 097	1 949 969	36 403 096		37 211 047
ABSA	37 961 946	155 679 314	2 660 153	144 454 966	-	51 846 446
Nedbank	31 546 835	64 525 951	2 596 729	64 345 517		34 323 999
RMB	39 647 190	38 965 843	2 307 198	45 249 643		35 670 587
INVESTEC	29 600 838	54 951 627	2 413 184	52 892 058		34 073 590
Total	**161 091 885**	**363 451 831**	**11 927 233**	**343 345 280**	**-**	**193 125 669**
INVESTMENT	**Balance as at 30 June 2025**	**Invested**	**Interest**	**Withdrawals**	**Adjustments**	**Balance as at 30 June 2026**
General Account	23 745 388	203 107 991	11 020 969	220 553 320		17 321 028
Cash Reserves (DBSA)	92 170 550	100 000 000		49 090 412		143 080 139
Unspent borrowings (DBSA)		4 519 000				4 519 000
Cash Reserves (ESKOM)	14 500 000					14 500 000
Cash Reserves (Development Charges)	2 186 308	3 125 840				5 312 147
Conditional Grants	19 590 377	52 699 000		67 540 382		4 748 994
Housing Funds	8 899 262		906 264	6 161 165		3 644 361
Total	**161 091 885**	**363 451 831**	**11 927 233**	**343 345 280**	**-**	**193 125 669**
	Balance as at 30 June 2025	**Invested**	**Interest**	**Withdrawals**	**Adjustments**	**Balance as at 30 June 2026**
Cheque Accounts FNB 52540020791	800 205			(277 635)		522 570
Cheque Accounts FNB 52540033504	9 157 718			(6 781 269)		2 376 449
Cheque Accounts FNB 4123734437	-	606 155				606 155
Cheque Accounts FNB 63022194441	513 734			(357 513)		156 221
Cheque Accounts ABSA 4114176482	5 899 110	25 296 873				31 195 982
Cheque Accounts ABSA 4114114771	2 052 903	3 833 695				5 886 599
Cheque Accounts ABSA 4114176474	935 410			(910 293)		25 117
Cheque Accounts ABSA 4114176490	130 253	61 600				191 853
	19 489 333	**29 798 323**	**-**	**(8 326 710)**	**-**	**40 960 946**
Total	**180 581 218**	**393 250 153**	**11 927 233**	**335 018 570**	**-**	**234 086 615**

The following analysis indicates the extent to which the investments are committed:

Cash backed Reserves.

Bank Balances and Cash	R 40,960,946
Short-term Investment Deposits	R 193,125,669
	R 234,086,615

Application of Cash

Unspent Conditional Grants	R 15,416,335
Unspent Borrowings (DBSA)	R143,080,140
Cash Reserves – ESKOM	R 4,519,000
Cash Reserves – DBSA	R 14,500,000
Cash Reserves – Developmental Charges	R 5,312,147
Operational Commitments	R 8,436
Outstanding Creditors Liability	R 79,122,274
	R 261,958,332
Cash Shortfall	**(R 27,871,717)**

The commitments exceed cash reserves at this stage by an amount of R 27,872 million.

The following key financial ratios are monitored on an on-going basis:

Ratio	Actuals as at 30 June 2024	Actuals as at 30 June 2025	MFMA Circular 71 Norms	Actuals as at 30 June 2025	Approved Adjusted Budget 2025/26	Actuals as at 31 May 2026	Actuals as at 30 June 2026
Current Ratio	0.87:1	1.04:1	1.5:1 to 2:1	1.38:1	0.98:1	1.60:1	1.28:1
Liquidity Ratio	0.47:1	0.50:1		0.68:1	0.37:1	0.81:1	0:61:1
Cost Coverage (Excluding unspent conditional grants)	1.19 Months	0.53 Months	1 Month to 3 Months	0.74 Months	0.94 Months	0.39 Months	0.33 Months
Debtors Collection Rate	91.01%	91.38%	95%	91.38%	95%	93.24%	93.72%
Capital Expenditure	71.38%	84.49%	95%	67.88%	95%	28,13%	43.20%

"ANNEXURE A1"

1. OVERVIEW OF OPERATING REVENUE AND EXPENDITURE PERFORMANCE FOR THE PERIOD JULY TO JUNE 2026.

1.1. Summary Statement of Financial Performance

Description	Budget Year 2025/26					
R thousands	Original Budget	Adjusted Budget	Monthly Actual	Year TD Actual	Year TD Budget	YTD Variance
Revenue						
Total Revenue (excluding capital transfers and contributions)	1 468 686	1 461 865	130 270	1 391 181	1 461 865	(70 684)
Total Expenditure	1 581 117	1 545 173	186 046	1 442 690	1 545 173	(102 482)
Surplus/(Deficit)	(112 431)	(83 308)	(55 776)	(51 510)	(83 308)	(173 166)

The statement of financial performance reflects an operating deficit of R 51,510 million for the financial year.

1.2. Revenue

Main revenue sources for 2025/26

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD actual	
R thousands			%
Revenue	-	-	-
Exchange Revenue	**796 671**	**703 463**	
Service charges - Electricity	473 955	460 106	97,08%
Service charges - Water	123 885	112 258	90,62%
Service charges - Waste Water Management	71 792	74 648	103,98%
Service charges - Waste management	53 826	52 521	97,58%
Sale of Goods and Rendering of Services	10 044	10 962	109,14%
Agency services	4 554	1 120	24,59%
Interest earned from Receivables	11 618	12 818	110,33%
Interest earned from Current and Non Current Assets	16 273	14 230	87,44%
Rental from Fixed Assets	4 312	5 083	117,88%
Licence and permits	2 856	2 920	102,26%
Special rating levies	15 436	-	0,00%
Operational Revenue	8 122	6 230	76,71%
Non-Exchange Revenue	**665 193**	**638 284**	
Property rates	307 899	321 482	104,41%
Surcharges and Taxes	25 277	20 989	83,03%
Fines, penalties and forfeits	90 465	52 877	58,45%
Licence and permits	3 139	3 417	108,86%
Transfer and subsidies - Operational	214 697	216 512	100,85%
Interest	4 050	3 610	89,12%
Operational Revenue	19 666	19 338	98,33%
Gains on disposal of Assets	–	60	
Total Revenue (excluding capital transfers and contributions)	**1 461 865**	**1 391 181**	**95,16%**

Reasons for major over-/under-recovery per revenue source

In terms of the National Treasury norms, a variance of 10% between the budgeted and actual amounts is considered material. Below is an explanation for variances above 10% of the budgeted amount and actual amounts.

- **Sales Of Good and Rendering Services**
  The sale of goods and services relates to various sources of rendering of services such as application fees for land usage, building plan fees, cemeteries' fees and removal of restrictions fees etc. These revenue sources are influenced by community demands.

- **Agency Services**
  Agency services relate to the Department of Transport, commission received by the municipality as an acting agency for the collection of motor registration licences, drivers' licences and other vehicle permits. An allocation is yet to be made in this regard.

- **Interest earned from Current and Non-Current Assets**
  This interest relates to the interest earned from our bank accounts and investments portfolio which amounts to R 234,087 million as at 30 June 2026.

- **Rental from fixed assets**
  This relates to the rental of municipal buildings, community halls, caravans parks and camping sites, and other municipal facilities. The revenue is influenced by the extent of rental agreements and seasonal demands.

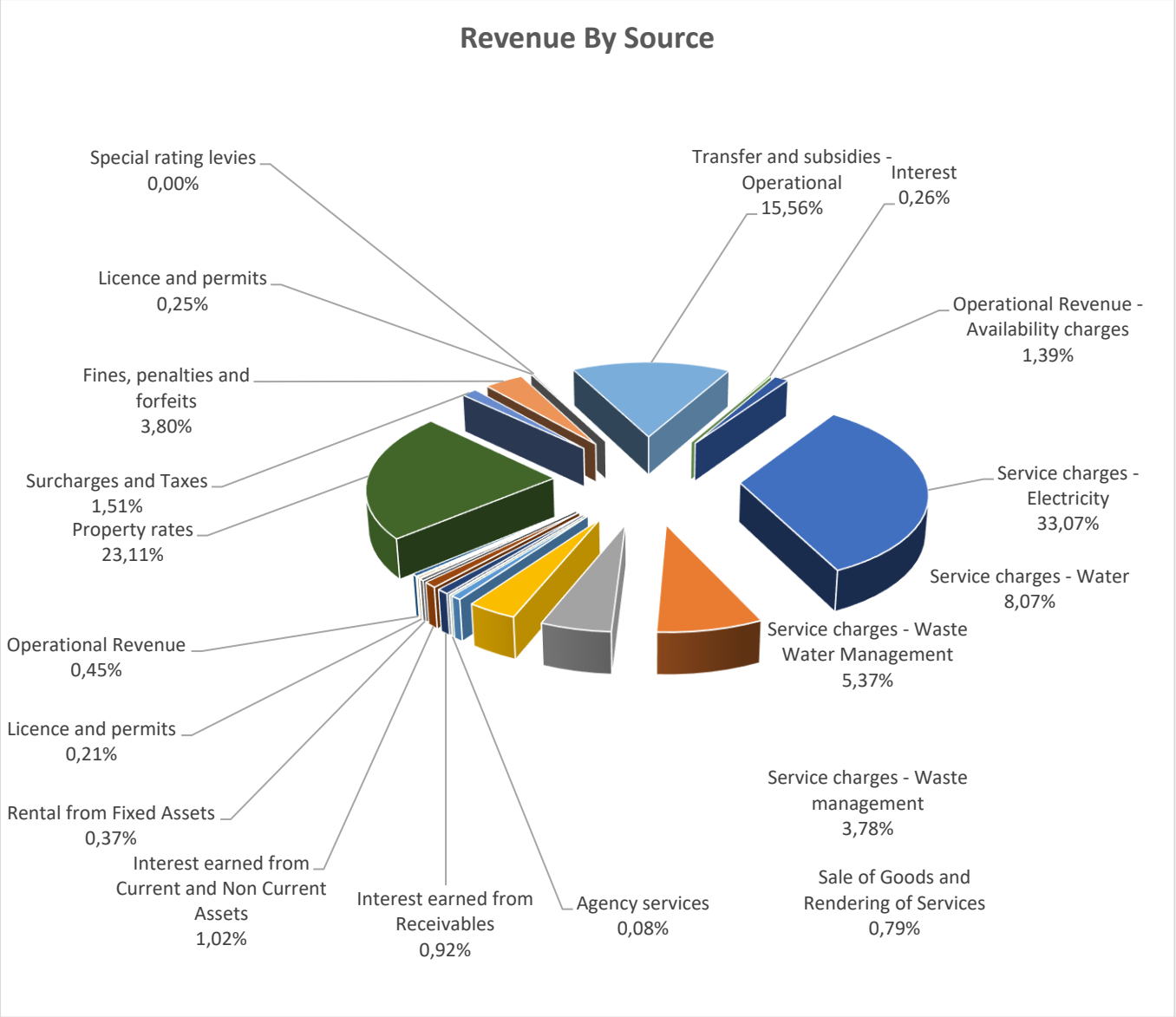
- **Operational Revenue (Exchange Revenue)**
  The other revenue relates to various sources of operating revenue such as staff recovery, insurance refunds and skills development levy refunds.
  The revenue is influenced by anticipated augmentation fees amounting to R 5,312 million.

- **Surcharges and Taxes**
  The surcharges and taxes relate to Environmental Management Fees and the Riparian levies which are currently allocated to waste management and licenses and permit revenue.

- **Fines, Penalties and Forfeits**
  The fines, penalties and forfeits budget mostly relate to speeding camera fines and the high budget is mainly due to the accounting for traffic fines issued in line with the Generally Recognised Accounting Practice (GRAP) requirements. The actual traffic fines issued revenue recognition is done on yearly basis at this stage. We are in consultation with the service provider to do it monthly.

- **Non-Exchange: Licence and permits**

The license and permits included the misallocation of riparian levies amounting to R 2,234 million, and this will be corrected in the next reporting period.



1.3. Expenditure

Main expenditure types for 2025/26

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD actual	
R thousands			%
Revenue			
Expenditure By Type			
Employee Related Cost	440 383	462 182	104,95%
Remuneration of councillors	16 550	15 602	94,27%
Bulk purchases - electricity	436 820	459 058	105,09%
Inventory consumed	116 555	121 955	104,63%
Debt impairment	64 219	38 231	59,53%
Depreciation and amortisation	142 422	108 291	76,04%
Interest	39 542	20 730	52,42%
Contracted Services	121 310	103 604	85,40%
Transfers and subsidies	950	478	50,36%
Irrecoverable debts written off	54 197	16 418	30,29%
Operational Cost	97 170	94 349	97,10%
Losses on Disposal of Assets	–	1792	
Other Losses	15 051	–	0,00%
Total Expenditure	**1 545 173**	**1 442 690**	**93,37%**

Reasons for major over-/under expenditure per type

In terms of the National Treasury norms, a variance of 10% between the budgeted and actual amounts is considered material. Below is an explanation for variances above 10% of the budgeted amount and actual amounts.

- **Inventory consumed.**
  Inventory consumed as at 30 June 2026 includes the following expenditure items:

Item Description	Adjusted Budget	YTD Actuals	%
Standard Rated	4 720 670	3 662 702	77,59%
Materials and Supplies	50 140 677	47 874 412	95,48%
Zero Rated	21 000 000	25 598 940	121,90%
Water	40 694 032	44 819 020	110,14%
Total	**116 555 379**	**121 955 074**	**104,63%**

- **Debt impairment**
  At this stage, the municipality recognizes the debt impairment at the end of the financial year, rather than monthly.

- **Depreciation and amortization**
  Depreciation and amortization are mainly influenced by the level of capital acquisition to date, which currently reflects 76.04% expenditure, compared to the approved adjusted budget.
- **Interest**
  Interest relates to the DBSA loan, finance leases and the employee benefits provisions amounting to R 22,788 million. The interest is mainly influenced by the employee benefits provisions which are recognized at end year.

- **Transfers and subsidies**
  Transfers and subsidies relate to grant-in-aid given by the municipality to various non-profit organisations, in line with the Council approved grant-in-aid policy.
- **Irrecoverable debts written off**
  Irrecoverable debts are written off upon Council approval.
- **Other Losses**
  Other losses relate to the water losses and at this stage, the municipality recognizes the water losses at the end of the financial year, rather than on a monthly basis.

Contracted services as at

Item Description	Adjusted Budget 2025/26	YTD Actuals	%
Aloe Cup	68 000	-	0,00%
Animal Care	508 000	490 503	96,56%
Audit of Municipal Land & Properties	2 989 565	828 160	27,70%
BUILDING CONTROL	25 000	17 577	70,31%
Burial Services	77 000	68 258	88,65%
Calamari Festival	200 000	-	0,00%
Catering Services	736 350	476 347	64,69%
Clean up Operation	1 025 000	1 013 503	98,88%
Clearing and Grass Cutting Services	1 390 000	1 273 282	91,60%
Conducting of feasibility studies (EIA)	630 435	746 435	118,40%
Connection/Dis-connection:Electricity	475 000	407 585	85,81%
Consultants and Professional Services	9 529 492	7 752 783	81,36%
Destination Marketing & Promotion	400 000	377 751	94,44%
Drivers Licence Cards	603 000	463 992	76,95%
Dune Rehabilitation and Coastal Zone	1 220 000	910 543	74,63%
EC Tourism Awards	260 662	260 663	100,00%
Electricity Generation Project	1 460 000	900 000	61,64%
Environmental protection	312 000	3 460 955	1109,28%
Event Promoters	3 745	3 745	100,00%
Internal Auditors	300 000	30 000	10,00%
KBF	100 000	100 000	100,00%
KLTO	360 000	360 000	100,00%
Kouga Family Fun Day	85 000	85 000	100,00%
Kouga Mayoral Summer Festival	850 000	850 000	100,00%
Laboratory Services:Water	- 10 340 249	810 750	-7,84%
Legal Advice and Litigation	2 342 400	3 021 193	128,98%
Legal Cost:Collection	2 100 000	2 014 327	95,92%
LTO Capacitation	109 000	54 033	49,57%
Maintenance of Buildings and Facilities	8 925 461	6 974 909	78,15%
Maintenance of Electrical Infrastructure	6 498 811	6 612 609	101,75%
Maintenance of Equipment	1 435 000	1 085 393	75,64%
Maintenance Of Fire Equipment	52 000	50 952	97,98%
Maintenance of Vehicles	9 391 000	8 735 797	93,02%
Maintenance STORMWATER	855 000	278 197	32,54%
Media Monitoring	120 000	104 340	86,95%
Mscoa Alignment	791 633	791 633	100,00%
New Meter Installations	1 796 156	1 728 736	96,25%
Occupational Health and Safety	1 400 000	1 043 855	74,56%
Oceans Economy Masterplan	300 000	300 000	100,00%
Other Contracted Services	9 368 508	7 203 306	76,89%
Personnel and Labour	19 549 000	2 229 475	11,40%
PGA Championship Sponsorship	288 750	288 750	100,00%
Pollution Control	200 000	83 700	41,85%
Precinct Plans Project Hankey and St Francis Bay C	425 000	-	0,00%
Private Plots_Alien Vegetation Control	360 000	338 077	93,91%
Qualification Verification	500 000	412 791	82,56%
Replacement of Stormwater Headwalls along Kouga Co	85 000	-	0,00%

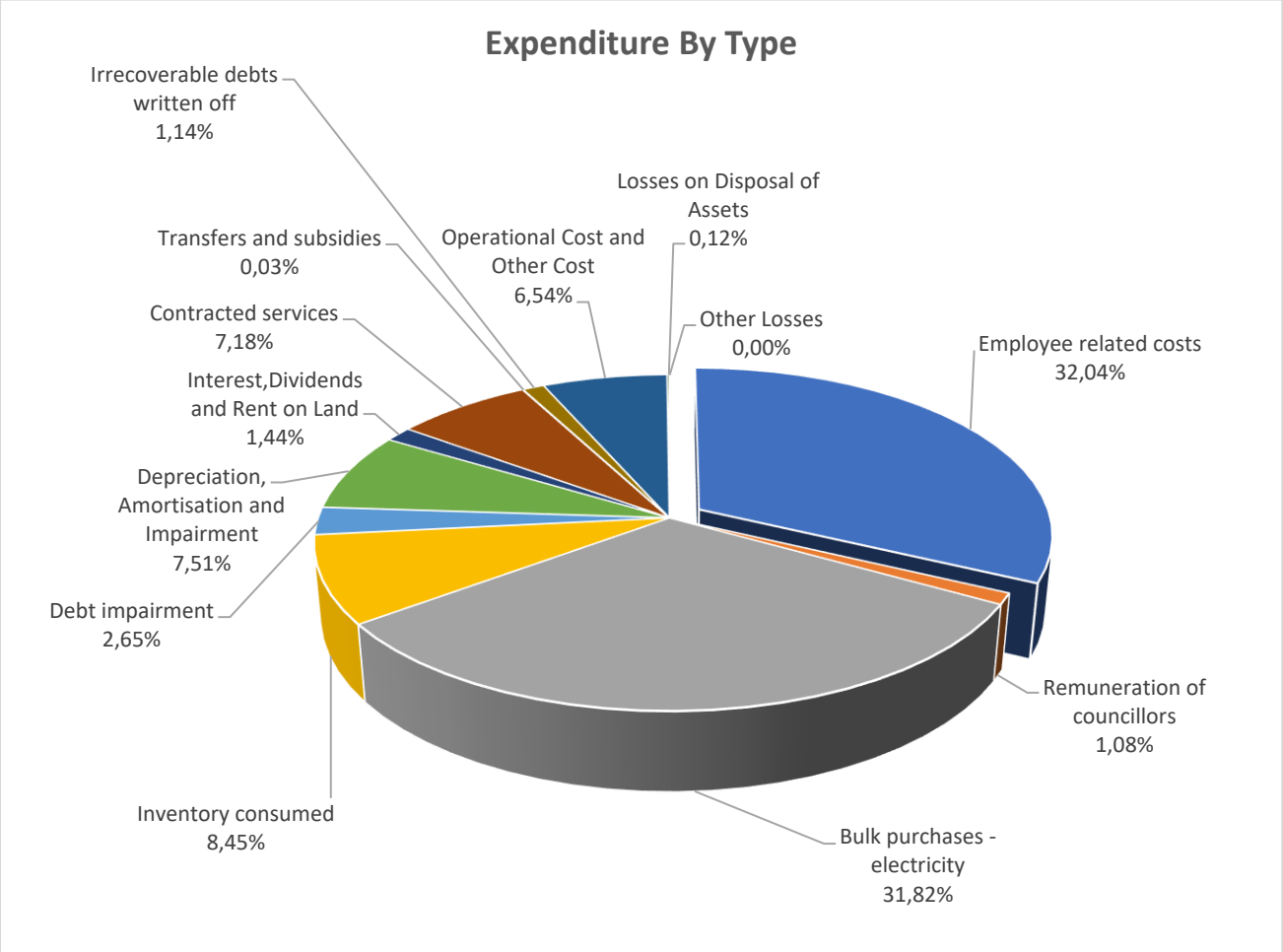
30 June 2026 are broken down as follows:

Contracted services as at **30 June 2026** continue to:

Item Description	Adjusted Budget 2025/26	YTD Actuals	%
Resealing & Maintenance of Roads in KLM	10 000 000	8 140 786	81,41%
Restricted Water Flow	200 000	200 000	100,00%
Revision of SDF	170 000	53 250	31,32%
Roads Defects Repairs	360 000	36 537	10,15%
SA Longboard Championship	315 000	273 913	86,96%
SA Open water swim	175 000	175 000	100,00%
Security Services	10 296 600	14 285 562	138,74%
SMART City Strategy	300 000	-	0,00%
SMME Capacitation Program	200 000	118 762	59,38%
Special Rating Area	13 951 880	12 170 272	87,23%
Technical Support Services	783 000	313 911	40,09%
Tourism Branding	300 000	215 872	71,96%
Upgrade and Repair SCADA	783 000	577 273	73,73%
Valuer	700 000	513 000	73,29%
Winterfest	1 785 000	992 659	55,61%
WSL Music Festival	279 769	69 769	24,94%
WTM Africa, Indaba, Meetings Africa, Educationals,	550 000	427 686	77,76%
	121 309 968	**103 604 154**	**85,40%**

The other expenditure as at **30 June 2026** is broken down as follows:

Item Description	Adjusted Budget 2025/26	YTD Actuals	%
Achievements and Awards	3 762 000	3 426 295	91,08%
Advertising, Publicity and Marketing	5 473 380	4 520 210	82,59%
Bank Charges	1 100 000	1 734 655	157,70%
Bargaining Council	5 245 665	4 833 408	92,14%
Cellular Contract (Subscription and Calls)	3 597 000	3 295 476	91,62%
Claims paid to Third Parties	466 000	444 925	95,48%
Expenditure:Operational Cost:Professional Bodies, Members	370 500	283 104	76,41%
External Audit Fees	4 500 000	4 392 962	97,62%
External Computer Service:Internet Charge	6 710 000	6 495 794	96,81%
Hire Charges	5 196 970	4 988 401	95,99%
Insurance Claims	254 000	249 776	98,34%
Insurance Underwriting:Premiums	3 764 237	3 965 028	105,33%
Leases:Furniture and Office Equipment	2 640 000	2 646 057	100,23%
Leases:Other Assets	4 923 500	4 925 260	100,04%
Motor Vehicle Licence and Registrations	1 741 446	1 167 426	67,04%
Other	1 056 772	2 641 520	249,96%
Postage/Stamps/Franking Machines	1 892 350	1 702 895	89,99%
Registration Fees:Professional and Regulatory Bodies	273 290	228 053	83,45%
Registration Fees:Seminars, Conferences, Workshops	1 698 658	1 300 394	76,55%
Remuneration to Ward Committees	1 980 000	1 993 200	100,67%
Riparian Levies	8 465 273	8 339 584	98,52%
SABC TV LICENCES	3 000	2 915	97,17%
Signage	605 650	569 004	93,95%
Skills Development Fund Levy	4 782 009	4 494 811	93,99%
Software Licences	10 952 550	11 294 753	103,12%
Storage of Files (Archiving)	120 000	64 767	53,97%
Third Party Vendors	3 517 000	3 639 746	103,49%
Travel and Subsistence	4 157 814	3 080 129	74,08%
Uniform and Protective Clothing	4 348 096	3 969 912	91,30%
Vehicle Tracking	895 300	1 086 853	121,40%
Workmen's Compensation Fund	2 677 641	2 571 587	96,04%
	97 170 101	**94 348 899**	**97,10%**



1.4. **Repairs and Maintenance**

Below is an analysis of actual repairs and maintenance expenditure as at 30 June 2026, compared to the 2025/26 Approved Budget.

Item Description	Budget Year 2025/26		
	Adjusted Budget 2025/26	YTD Actuals	%
Repairs and Maintenance by Expenditure Items			
Employee Related Cost	110 081 031	104 767 356	95.17%
Other materials	40 754 780	34 748 214	85.26%
Contracted Services	36 642 677	34 453 987	94.03%
Other expenditure	3 797 570	3 858 089	101.59%
Total	**191 276 058**	**177 827 645**	**92.97%**

1.5. Trading Services Performance

1.5.1. Electricity

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD Actual	%
R thousands			
Revenue			
Exchange Revenue			
Service charges - Electricity	473 955	422 999	89,25%
Interest earned from Receivables	837	1 820	217,49%
Operational Revenue	1 630	1 196	73,36%
Non-Exchange Revenue			
Transfers and subsidies - Operational	2 243	2 242	99,94%
Service charges - Electricity	10 089	9 183	91,01%
Total Revenue	**488 754**	**437 439**	**89,50%**
Expenditure By Type			
Employee related costs	23 340	21 967	94,12%
Bulk purchases - electricity	440 010	414 431	94,19%
Inventory consumed	15 692	14 545	92,69%
Debt impairment	13 133	–	0,00%
Depreciation and amortisation	13 139	7 610	57,92%
Interest	488	452	92,66%
Contracted services	10 161	7 038	69,26%
Irrecoverable debts written off	5 573	900	16,14%
Operational costs	3 720	3 310	88,98%
Total Expenditure	**525 257**	**470 254**	**89,53%**
Surplus/(Deficit)	**(36 503)**	**(32 815)**	

1.5.1.1 Revenue

- The electricity service charges revenue reflects 89.25% of budget as at 30 June 2026, and this is in line with the projected budget ratio of 91.67% as at 30 June 2026.
- Transfers and subsidies – operational relate to the Equitable share allocation for the indigent subsidy.

1.5.1.2 Expenditure

- the bulk electricity reflects 94.19% of budget expenditure as at 30 June 2026.

1.5.1.3 Net surplus/deficit of electricity ratio

- Electricity reflects a deficit of R 32,815 million as at 30 June 2026 and the deficit amount equates to 7.5%, compared to the revenue. The adjusted budget deficit for the 2025/26 amount to R 36,503 million and equates to 7.47%, compared to total revenue.

1.5.2 Water

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD Actual	%
R thousands			
Revenue			
Exchange Revenue			
Service charges - Water	123 885	103 543	83,58%
Interest earned from Receivables	5 567	5 651	101,52%
Operational Revenue	681	427	62,65%
Non-Exhange Revenue			
Transfers and subsidies - Operational	22 970	22 956	99,94%
Service charges - Water	6 398	5 864	91,65%
Total Revenue	**159 501**	**138 441**	**86,80%**
Expenditure By Type			
Employee related costs	38 268	34 740	90,78%
Inventory consumed	49 917	51 562	103,30%
Debt impairment	(14 655)	–	0,00%
Depreciation and amortisation	22 378	18 568	82,97%
Interest	506	1 108	218,92%
Contracted services	(9 328)	1 745	-18,71%
Irrecoverable debts written off	21 454	5 341	24,90%
Operational costs	1 752	1 516	86,50%
Other losses	15 051	–	0,00%
Total Expenditure	**125 343**	**114 580**	**91,41%**
Surplus/(Deficit)	**34 159**	**23 860**	

1.5.2.1 Revenue

- The water service charges revenue reflects 83.58% of budget as at 30 June 2026.
- Transfers and subsidies – operational relate to the Equitable share allocation for the indigent subsidy.
- Operational revenue (non-exchange revenue) relates to the water availability charges.

1.5.2.2 Expenditure

- Inventory consumed includes a budget amount of R 40,694 million for the bulk water purchases and the expenditure amount of R 42,886 million (94.89% of budget).
- Debt impairment reflects a negative budget amount of R 14,655 million and this was influenced by the irrecoverable debts written off budget of R 21,454 million, this will be corrected in the next reporting period.
- Contracted services budget reflects a negative amount of R 9,328 million and this is influenced by the recognition of water inventory from natural resources.

1.5.2.3 Net surplus/deficit of water ratio

- The water reflects a surplus of R 23,860 million as at 30 June 2026 and equates to 17.24% of total revenue.

1.5.3 Waste Water Management

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD Actual	%
R thousands			
Revenue			
Exchange Revenue			
Service charges - Waste Water Management	71 792	68 234	95,04%
Operational revenue	572	506	88,46%
Interest earned from Receivables	2 033	1 907	93,79%
Non-Exchange Revenue			
Transfers and subsidies - Operational	14 617	14 608	99,94%
Service charges - Waste Water Management	3 179	2 909	91,51%
Total Revenue	**92 192**	**88 163**	**95,63%**
Expenditure By Type			
Employee related costs	13 156	10 526	80,01%
Inventory consumed	15 869	13 264	83,59%
Debt impairment	(3 718)	–	0,00%
Depreciation and amortisation	36 895	26 685	72,33%
Interest	977	937	95,89%
Contracted services	4 133	7 737	80,73%
Irrecoverable debts written off	7 569	2 310	30,52%
Operational costs	5 723	4 977	86,96%
Total Expenditure	**80 603**	**66 437**	**76,97%**
Surplus/(Deficit)	**11 588**	**21 726**	

1.5.3.1 Revenue

- The waste water service charges revenue reflects 95.04% of budget as at 31 May, and this is in line with the projected budget ratio of 91.67% as at 30 June 2026.
- Transfers and subsidies – operational relate to the Equitable share allocation for the indigent subsidy.
- Operational revenue (non-exchange revenue) relates to the waste water availability charges.

1.5.3.2 Expenditure

- At this stage, the municipality recognises the debt impairment at the end of the financial year, rather than on the monthly basis.

1.5.3.3 Net surplus/deficit of wastewater management ratio

- The waste water management revenue reflects a surplus of R 21,726 million as at 30 June 2026 and equates to 24.64% of total revenue. Council approved a surplus budget of R 11,588 million for the 2025/26 financial year.

1.5.4. Waste Management

Description	Budget Year 2025/26		
	Adjusted Budget	YearTD Actual	YTD Variance
R thousands			%
Revenue			
Exchange Revenue			
Service charges - Waste	53 826	48 138	89,43%
Operational revenue	122	76	62,52%
Sale of Goods and Rendering of Services	9	2	19,23%
Interest earned from Receivables	3 056	2 201	72,04%
Non-Exchange Revenue			
Transfers and subsidies - Operational	25 847	25 831	99,94%
Surcharges and Taxes - Waste	15 872	13 046	82,20%
Total Revenue	**98 730**	**89 294**	**90,44%**
Expenditure By Type			
Employee related costs	42 683	39 284	92,04%
Inventory consumed	7 887	8 329	105,60%
Debt impairment	3 638	3 258	89,55%
Depreciation and amortisation	3 195	1 077	33,69%
Interest	831	752	90,43%
Contracted services	15 605	12 283	78,71%
Irrecoverable debts written off	–	–	
Operational costs	4 495	3 509	78,06%
Total Expenditure	**78 334**	**68 490**	**87,43%**
Surplus/(Deficit)	**20 396**	**20 804**	

1.5.4.1 Revenue

- The waste service charges revenue reflects 89.43% of budget as at 30 June 2026, and this is in line with the projected budget ratio of 91.67% as at 30 June 2026.
- Transfers and subsidies – operational relate to the Equitable share allocation for the indigent subsidy.
- It must be noted that the waste management is the combination of waste services and environmental management services.

1.5.4.2 Expenditure

- At this stage, the municipality recognises the debt impairment at the end of the financial year, rather than monthly.

1.5.4.3 Net s.urplus/deficit of waste management ratio

- The waste management revenue reflects a surplus of R 20,804 million as at 30 June 2026 and equates to 23.30% of total revenue. Council approved a surplus budget of R 20,396 million for the 2025/26 financial year.

1.6 Cost Containment Measures

The main purpose of the Municipal Cost Containment Regulations, 2019 is to ensure that the resources of the municipality are used effectively, efficiently, and economically by the implementation of cost containment measures. Cost containment measures policy was reviewed on 03 March 2025 and approved by Council on 29 May 2025.

Description	Budget Year 2025/26			
	Adjusted Budget	YearTD Actual	YearTD Budget	YTD Variance
R Thousands				
1. Temporary Appointments, Contractual Appointments, Unemployed Graduates and Experiential Learners	19 549	2 229	19 549	(17 320)
2. Travel claims	4 158	3 069	4 158	(1 089)
3. Overtime	28 771	31 564	28 771	2 794
4. Catering Costs	736	476	736	(260)
5. Events, Advertising and sponsorships	6 175	5 085	6 175	(1 090)
6. Attendance of Conferences, Seminars & Workshops	1 699	1 300	1 699	(398)
7. Municipal Workshops, Retreats, Strategic Sessions and Internal training	988	480	988	(509)
9. Essential User Scheme	2 643	2 643	2 643	–
Total	**64 719**	**46 847**	**64 719**	**(17 872)**

A comparison of the year-to-date actuals to the adjusted budget reflects savings, amounting to R 17,872 million as at 30 June 2026.

1.7 Unauthorised Expenditure by Directorate

Below is an assessment table for the unauthorised expenditure in terms of MFMA requirements and National Treasury MFMA Circular No. 68 guidelines.

Description	Budget Year 2025/26			YTD Actuals			
R thousands	Approved Adjusted Budget- Operating	Approved Adjusted Budget- Capital Budget	Appproved Adjusted Budget 2025/26	Operating Expenditure	Capital Actuals	Total Expenditure	Unathorised Expenditure
Expenditure by Vote							
Civil & Water Services	326 236	245 875	572 110	288 982	82 552	371 534	–
Community Services	331 156	4 890	336 046	308 036	4 509	312 545	–
Electro & Mechanical Services	552 576	44 135	596 711	558 713	41 322	600 035	–
Finance and Economic Development	126 048	1 335	127 382	104 569	1 162	105 731	–
Office of the DMM	152 894	2 660	155 554	132 240	2 147	134 387	–
Office of the MM	17 968	5	17 973	16 061	5	16 066	–
Planning and Development	38 295	23 666	61 961	34 089	7 656	41 746	–
Total Expenditure by Vote	**1 545 173**	**322 565**	**1 867 738**	**1 442 690**	**139 353**	**1 582 043**	-

No unauthorised expenditure reported for the period ended 30 June 2026.

Annexure "A2"

1. CAPITAL BUDGET PERFORMANCE

1.1. Summary Capital Expenditure and Funding

The capital expenditure as at 30 June 2026, constituted 43.20% of adjusted capital budget and the funding is broken down as follows:

- Grant funding is 56.91% of approved grant funding budget.
- Borrowing funding is 19.01% of approved borrowing funding budget.
- Internally generated funds are 80.60% at this stage.

Capital budget by municipal vote for 2025/26

Vote Description	Budget Year 2025/26			
	Original Budget	Adjusted Budget	YearTD Actual	%
R thousands				
Multi-Year expenditure appropriation				
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER	–	5	5	100,00%
Vote 2 - OFFICE OF THE DEPUTY MUNICIPAL MANAGER	1 050	2 660	2 147	80,71%
Vote 3 - FINANCE AND ECONOMIC DEVELOPMENT	621	1 335	1 162	87,03%
Vote 4 - COMMUNITY SERVICES	4 891	4 890	4 509	92,21%
Vote 5 - CIVIL AND WATER SERVICES	206 142	245 875	82 552	33,57%
Vote 6 - ELECTRO/MECHANICAL SERVICES	49 509	44 135	41 322	93,63%
Vote 7 - PLANNING AND DEVELOPMENT	3 250	23 666	7 656	32,35%
Total Capital Multi-year expenditure	**265 462**	**322 565**	**139 353**	**43,20%**

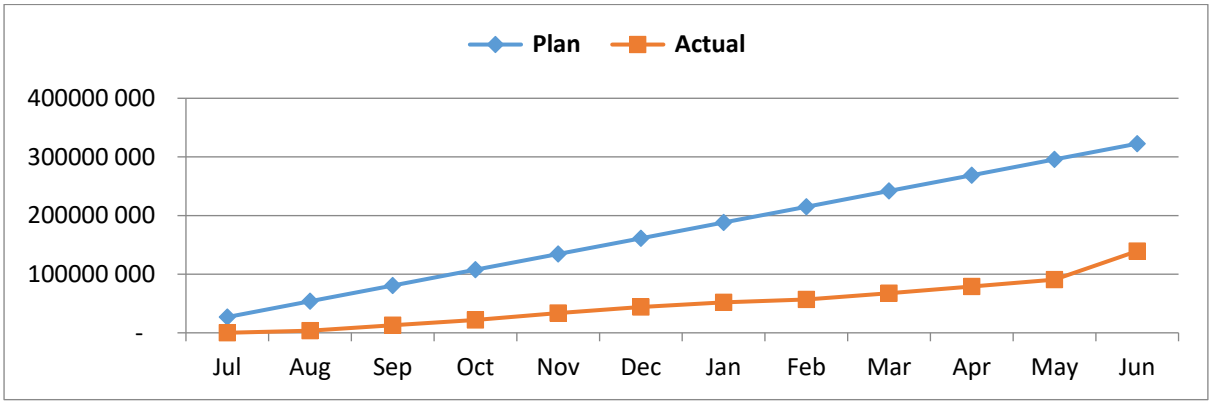
The capital expenditure as at 30 June 2026, constituted 43.20% of adjusted capital budget.

The capital expenditure is broken down per directorate as follows:

- Office Of the Municipal Manager is 100.0% of R 5 thousand budget.
- Office Of the Deputy Municipal Manager is 80.71% of R 2,660 million budget.
- Finance & Economic Development is 87.03% of R 1,335million budget.
- Community Services is 92.21% of R 4,890 million budget.
- Civil & Water Services 33.57% of R 245,875 million budget.
- Electro & Mechanical Services is 93.63% of R 44,135 million budget.
- Planning & Development is 32.35% of R 23,666 million budget.

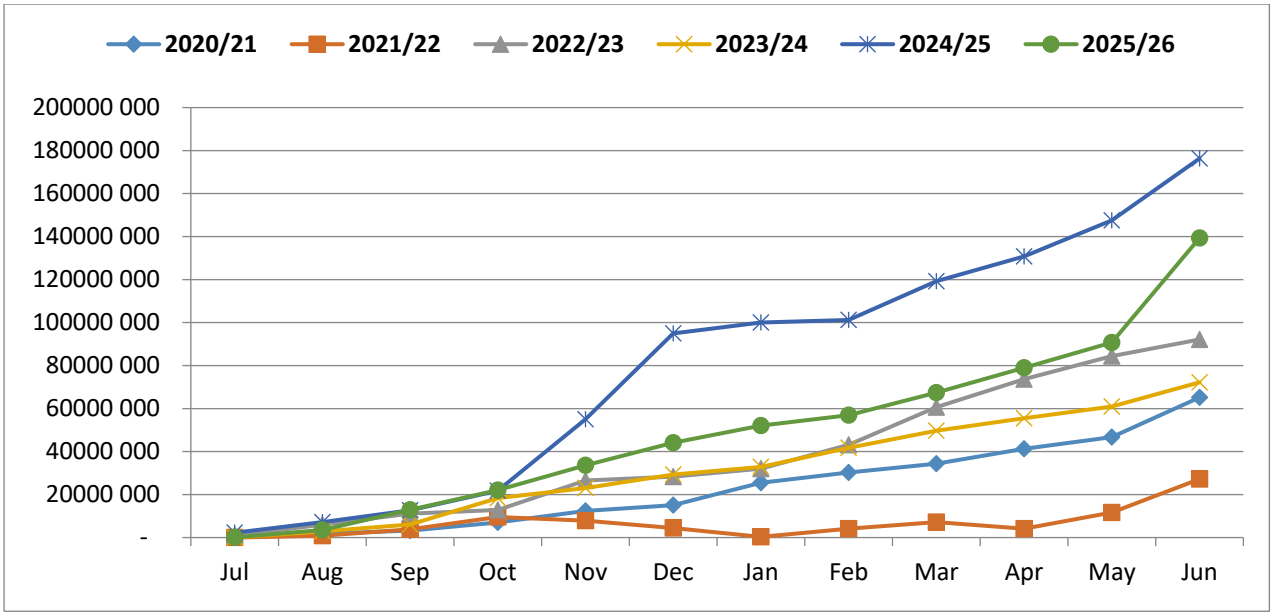
1.2. Monthly capital expenditure

The graph below reflects the municipality's monthly capital expenditure to date measured against the 2025/26 current budget.



Capital expenditure trend over the current- and past two years.

The graph below shows the municipality's capital expenditure trend for 2020/21, 2021/22, 2022/23, 2023/24, 2024/25 and 2025/26.



Status of capital programmes/projects in the Municipality as at 30 June 2026:

DEPARTMENT	FUNDING SOURCE	PROJECT DESCRIPTION	Adjusted Budget 2025/26	YearTD actuals	%
CIVIL AND WATER SERVICES					
DEVELOPMENTAL BANK OF SOUTH AFRICA					
ROADS AND STORMWATER	DBSA-LOAN	Roads Infrastructure	153 002 755	28 585 243	18,68%
			153 002 755	**28 585 243**	**18,68%**
INTERNALLY FUNDED					
PROJECT MANAGEMENT UNIT (PMU)	INTERNAL	Upgrading/Improvement of Sport Facilities within K	630 816	84 486	13,39%
PROJECT MANAGEMENT UNIT (PMU)	INTERNAL	Paving of Main Beach	44 029	44 029	100,00%
ROADS AND STORMWATER	INTERNAL	Jeffreys Bay CBD Precinct Upgrades	1 000 000	-	0,00%
ROADS AND STORMWATER	INTERNAL	George Road, Re-instatement of Embankment, Water &	1 226 900	122 550	9,99%
ROADS AND STORMWATER	INTERNAL	Seekoei Estuary Causeway	3 535 940	3 514 729	99,40%
ROADS AND STORMWATER	INTERNAL	Umzamowethu SW Management Plan	400 000	-	0,00%
SEWERAGE	INTERNAL	Hankey: Refurbishment of WWTW	2 296 691	2 231 691	97,17%
SEWERAGE	INTERNAL	Oyster Bay: Umzamowethu WWTW – Planning Stag	637 410	270 188	42,39%
SEWERAGE	INTERNAL	Fencing of Sewer Pump Station	800 000	791 537	98,94%
SEWERAGE	INTERNAL	La Mer: Construction of New Sewer Rising Main	811 148	806 110	99,38%
WATER	INTERNAL	Storage Containers	200 000	-	0,00%
WATER	INTERNAL	Machinery at WTW Facilities	868 120	449 571	51,79%
WATER	INTERNAL	Humansdorp: Gill Marcus Water Supply	108 674	108 675	100,00%
WATER	INTERNAL	ProtAPP Software	300 000	208 696	69,57%
WATER	INTERNAL	MIMOSA STREET PIPELINE REPLACEMENT	105 152	75 997	72,27%
WATER	INTERNAL	Construction of Civil Services in Donkerhoek & Hum	678 345	-	0,00%
			13 643 225	**8 708 259**	**63,83%**
MUNICIPAL DISASTER RESPONSE GRANT					
ROADS AND STORMWATER	MDRG	Re-instatement of Sherley Street	1 539 318	1 486 618	96,58%
ROADS AND STORMWATER	MDRG	Re-instatement of Mountain Road and upgrade of sto	914 386	761 291	83,26%
ROADS AND STORMWATER	MDRG	Re-instatement of Da Gama Road in the Kabeljous ar	1 048 958	873 486	83,27%
ROADS AND STORMWATER	MDRG	George Road, Re-instatement of Embankment, Water &	753 391	753 377	100,00%
ROADS AND STORMWATER	MDRG	Re-instatement of Phillip Street low level water c	1 652 292	1 199 469	72,59%
ROADS AND STORMWATER	MDRG	Sea Vista Access ring road damaged pavement layers	765 960	762 556	99,56%
ROADS AND STORMWATER	MDRG	Re-instatement of Ketse Street and stormwater infr	1 138 688	594 239	52,19%
ROADS AND STORMWATER	MDRG	Re-instatement of Nanto Street and stormwater infr	1 276 986	1 258 483	98,55%
ROADS AND STORMWATER	MDRG	Re-instatement of Meyer Street and stormwater infr	1 002 820	906 334	90,38%
			10 092 799	**8 595 852**	**85,17%**
MUNICIPAL INFRASTRUCTURE GRANT					
PROJECT MANAGEMENT UNIT (PMU)	MIG	Specialized Waste Management Vehicles	2 816 677	2 816 678	100,00%
PROJECT MANAGEMENT UNIT (PMU)	MIG	Upgrade of Phillipsville Sportsfield	115 652	115 652	100,00%
ROADS AND STORMWATER	MIG	Upgrading of Kouga Gravel Roads	12 650 231	12 650 230	100,00%
SEWERAGE	MIG	Arcadia Street: Refurbishment of Sewer Pump Station	202 419	202 419	100,00%
SEWERAGE	MIG	La Mer: Construction of New Sewer Rising Main	52 600	52 600	100,00%
SEWERAGE	MIG	Jeffreys Bay: Upgrade of Ocean View Sewer Pipe	184 765	184 765	100,00%
SEWERAGE	MIG	Kwanomzamo: Upgrading of WWTW	6 694 055	5 947 646	88,85%
WATER	MIG	Infrastructure Management Plan	1 531 682	1 531 682	100,00%
			24 248 081	**23 501 672**	**96,92%**

DEPARTMENT	FUNDING SOURCE	PROJECT DESCRIPTION	Adjusted Budget 2025/26	YearTD actuals	%
UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME					
SEWERAGE	UISP	Kwanomzamo: New Sewer Pump Station & Rising Main - Bulk Sanitation	183 706	183 706	100,00%
SEWERAGE	UISP	Kruisfontein: Bulk Sewer Link Line	191 464	-	0,00%
SEWERAGE	UISP	Design: Upgrade Weston WWTW Outfall & Reticulation	1 141 258	1 041 764	91,28%
SEWERAGE	UISP	Apiesdraai: Sewer Pump Station	3 544 185	46 445	1,31%
SEWERAGE	UISP	Ramaphosa Sewer Pump Station Upgrade	5 239 443	65 940	1,26%
SEWERAGE	UISP	Upgrade of Thornhill Sewer Treatment Works - Phase	2 219 112	17 285	0,78%
WATER	UISP	Humansdorp: Upgrading of Kwanomzamo Informal Settl	2 734 069	2 085 750	76,29%
WATER	UISP	Thornhill: Upgrading of Informal Settlement	419 403	411 822	98,19%
WATER	UISP	Patensie: Upgrading of Cyril Ramaphosa Informal Se	1 146 142	105 110	9,17%
WATER	UISP	Jeffreys Bay: Upgrading of Ocean View Informal Set	2 926 119	1 695 752	57,95%
WATER	UISP	Humansdorp: Upgrading of Kruisfontein Informal Set	2 118 388	1 880 435	88,77%
WATER	UISP	Kruisfontein: Upgrade of Gill Marcus Bulk Water Reservoir & Pipeline	5 780 466	512 515	8,87%
WATER	UISP	Kwanomzamo: New Bulk Water Pipeline	8 870 938	-	0,00%
			36 514 693	**8 046 525**	**22,04%**
WATER SERVICES INFRASTRUCTURE GRANT					
SEWERAGE	WSIG	Loerie: Upgrade of Sewer Pump Station & New Sewer	5 096 909	4 458 885	87,48%
WATER	WSIG	St Francis Bay: Groundwater Supply	3 276 130	655 844	20,02%
			8 373 039	**5 114 729**	**61,09%**
SUBTOTAL			**245 874 592**	**82 552 281**	**33,57%**

DEPARTMENT	FUNDING SOURCE	PROJECT DESCRIPTION	Adjusted Budget 2025/26	YearTD actuals	%
COMMUNITY SERVICES					
DISTRICT					
FIRE SERVICES	DISTRICT	Fire Services - Vehicle (DISTRICT)	955 034	955 034	100,00%
			955 034	**955 034**	**100,00%**
INTERNALLY FUNDED					
FIRE SERVICES	INTERNAL	Fire Services - Vehicle (District)	434 642	434 641	100,00%
FIRE SERVICES	INTERNAL	Extension of Incident Command Centre (ICC)	1 000 000	905 451	90,55%
LAW ENFORCEMENT	INTERNAL	Security Cameras	1 000 000	909 159	90,92%
WASTE SERVICES	INTERNAL	Fencing of Humansdorp Landfill Site	1 500 000	1 304 348	86,96%
			3 934 642	**3 553 599**	**90,32%**
ELECTRO AND MECHANICAL SERVICES					
INTEGRATED NATIONAL ELECTRIFICATION PROGRAMME					
METERING AND REVENUE	INEP	Electrification of 1250 houses in Kouga	4 730 433	5 148 638	108,84%
			4 730 433	**5 148 638**	**108,84%**
INTERNALLY FUNDED					
METERING AND REVENUE	INTERNAL	Shore Road Miniature Substation & Associated Switc	2 000 000	1 921 025	96,05%
METERING AND REVENUE	INTERNAL	Battery Storage	22 500 000	17 985 076	79,93%
METERING AND REVENUE	INTERNAL	SeaVista Electrification	2 000 000	1 970 633	98,53%
METERING AND REVENUE	INTERNAL	Thornhill Electrification	1 500 000	1 497 884	99,86%
METERING AND REVENUE	INTERNAL	OceanView Electrification	2 500 000	2 441 916	97,68%
METERING AND REVENUE	INTERNAL	Electrical Oil circuit breakers replacement with v	1 560 165	2 549 013	163,38%
			32 060 165	**28 365 548**	**88,48%**
MUNICIPAL INFRASTRUCTURE GRANT					
METERING AND REVENUE	MIG	Design of New High Mast Lights - Construction	7 286 955	7 286 138	99,99%
			7 286 955	**7 286 138**	**99,99%**
UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME					
METERING AND REVENUE	UISP	Kwanomzamo Bulk Electrical - Boskloof Secondary Feeder Line & Substation	29 703	-	0,00%
METERING AND REVENUE	UISP	Oceanview Substation Upgrade	27 938	27 939	100,00%
			57 641	**27 939**	**48,47%**
FINANCE LEASE					
FLEET AND WORKSHOP	LEASE	Vehicle	**-**	493 606	
			-	**493 606**	
SUBTOTAL			**290 009 786**	**123 874 148**	**42,71%**

DEPARTMENT	FUNDING SOURCE	PROJECT DESCRIPTION	Adjusted Budget 2025/26	YearTD actuals	%
FINANCE AND ECONOMIC DEVELOPMENT					
FINANCIAL MANAGEMENT GRANT					
BUDGET AND FINANCIAL REPORTING	FMG	FMG Interns Laptops	128 700	128 620	99,94%
			128 700	128 620	**99,94%**
FINANCE AND ECONOMIC DEVELOPMENT					
INTERNALLY FUNDED					
ASSET MANAGEMENT	INTERNAL	AIR CONDITIONERS-WHOLE OF MUNICIPALITY	150 000	148 171	98,78%
ECONOMIC DEVELOPMENT	INTERNAL	Furniture and Office Equipment	10 000	4 996	49,96%
EXPENDITURE	INTERNAL	Computer Equipment	57 000	52 763	92,57%
EXPENDITURE	INTERNAL	Furniture and Office Equipment	50 000	36 060	72,12%
LOCAL ECONOMIC DEVELOPMENT	INTERNAL	Computer Equipment	28 500	19 740	69,26%
REVENUE	INTERNAL	Vehicle	570 600	547 826	96,01%
REVENUE	INTERNAL	Furniture and Office Equipment	60 561	22 776	37,61%
REVENUE	INTERNAL	Computer Equipment	114 000	103 930	91,17%
SUPPLY CHAIN AND CONTRACT MANAGEMENT	INTERNAL	Furniture and Office Equipment	10 700	8 730	81,59%
SUPPLY CHAIN AND CONTRACT MANAGEMENT	INTERNAL	Computer Equipment	154 575	87 931	56,89%
			1 205 936	**1 032 924**	**85,65%**
OFICCE OF THE DMM					
INTERNALLY FUNDED					
ADMINISTRATION SERVICES	INTERNAL	Generator - Humansdorp Main Building	300 000	-	0,00%
ADMINISTRATION SERVICES	INTERNAL	Furniture and Office Equipment	180 000	57 816	32,12%
HUMAN RESOURCES	INTERNAL	Furniture and Office Equipment	50 000	27 585	55,17%
HUMAN RESOURCES	INTERNAL	HR Sound System	15 000	11 500	76,67%
HUMAN RESOURCES	INTERNAL	Recording Devices: Labour Relations	15 000	13 300	88,67%
INFORMATION COMMUNICATION TECHNOLOGY (ICT)	INTERNAL	Computer Equipment	2 000 000	1 990 892	99,54%
LEGAL SERVICES	INTERNAL	Furniture and Office Equipment	50 000	17 150	34,30%
MEDIA LIAISON	INTERNAL	Camera Equipment	50 000	28 661	57,32%
			2 660 000	**2 146 904**	**80,71%**
OFICCE OF THE DMM					
INTERNALLY FUNDED					
RISK AND INTERNAL AUDIT	INTERNAL	Furniture and Office Equipment	5 000	5 000	100,00%
			5 000	**5 000**	**100,00%**
PLANNING AND DEVELOPMENT					
INTERNALLY FUNDED					
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Acquisition of Land	2 900 000	2 900 000	100,00%
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Furniture and Office Equipment	175 000	1 704	0,97%
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Computer Equipment	175 000	159 443	91,11%
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Fencing (Oceanview)	1 200 000	-	0,00%
LAND AND PROPERTY ADMINISTRATION	INTERNAL	Fencing (Sea Vista)	200 000	-	0,00%
			4 650 000	**3 061 147**	**192,08%**
DEPARTMENT OF HUMAN SETTLEMENTS					
HUMAN SETTLEMENT	DOHS	HANKEY 990-PHASE 2	6 731 296	4 595 220	68,27%
HUMAN SETTLEMENT	DOHS	HANKEY 990-PHASE 3	12 284 786	-	0,00%
SUBTOTAL			**19 016 082**	**4 595 220**	**24,16%**
TOTAL			**322 565 180**	**139 352 596**	**43,20%**

Status of capital programmes/projects in the Municipality as at 30 June 2026: Summary

	Budget Year 2025/26		
FUNDED BY:	**Adjusted Budget**	**YearTD Actual**	**%**
TOTAL GRANTS FUNDING	111 403 457	63 400 366	56.91%
BORROWINGS	153 002 755	29 078 849	19,01%
TOTAL INTERNALLY GENERATED FUNDS	58 158 968	46 873 381	80.60%
TOTAL CAPITAL FUNDING	**322 565 180**	**139 352 596**	**43.20%**

Annexure "A3"

1. PROJECTED CASH FLOW STATEMENT FOR THE 2025/26 FINANCIAL YEAR

1.1. Projected Cash Flow Statement as at 30 June 2026

The purpose of the cash flow statement is to compare the cash inflows (receipts) with the cash outflows (payments), to ascertain the adequacy of the cash inflows to cover the cash outflows.

Table C7 Monthly Budget Statement – Cash Flow – M12 June 2026

Description	Ref	2024/25	Budget Year 2025/26							
R thousands		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
CASH FLOW FROM OPERATING ACTIVITIES	1								%	
Receipts										
Property rates		263 763	294 809	296 352	23 421	320 151	296 352	23 799	8%	296 352
Service charges		719 038	908 343	846 520	61 658	716 775	846 520	(129 745)	-15%	846 520
Other revenue		52 563	112 594	131 358	15 731	363 203	131 358	231 846	176%	131 358
Transfers and Subsidies - Operational		201 325	214 766	214 697	–	215 553	214 697	856	0%	214 697
Transfers and Subsidies - Capital		57 409	82 934	104 439	–	74 330	104 439	(30 109)	-29%	104 439
Interest		1 659 179	16 273	16 273	1 810	15 127	16 273	(1 145)	-7%	16 273
Dividends		–	–	–	–	–	–	–		–
Payments										
Suppliers and employees		(298 661)	(1 485 124)	(1 422 023)	(66 443)	(1 549 922)	(1 422 023)	127 900	-9%	(123 760)
Interest		–	(19 267)	(19 267)	(3 009)	(15 442)	(19 267)	(3 825)	20%	(19 267)
Transfers and Subsidies		–	(950)	(950)	–	–	(950)	(950)	100%	(950)
NET CASH FROM/(USED) OPERATING ACTIVITIES		**2 654 615**	**124 378**	**167 398**	**33 168**	**139 775**	**167 398**	**27 623**	**17%**	**1 465 660**
CASH FLOWS FROM INVESTING ACTIVITIES										
Receipts										
Proceeds on disposal of PPE		–	–	–	–	–	–	–		–
Decrease (increase) in non-current receivables		–	–	–	–	–	–	–		–
Decrease (increase) in non-current investments		–	–	–	–	–	–	–		–
Payments										
Capital assets		(130 825)	(265 462)	(318 057)	(55 896)	(160 255)	318 057	478 312	150%	318 057
NET CASH FROM/(USED) INVESTING ACTIVITIES		**(130 825)**	**(265 462)**	**(318 057)**	**(55 896)**	**(160 255)**	**318 057**	**478 312**	**150%**	**318 057**
CASH FLOWS FROM FINANCING ACTIVITIES										
Receipts										
Short term loans		–	–	–	–	–	–	–		–
Borrowing long term/refinancing		(120 000)	100 000	100 000	–	100 000	100 000	–		100 000
Increase (decrease) in consumer deposits		–	–	–	–	–	–	–		–
Payments										
Repayment of borrowing		(23 418)	(23 990)	(23 990)	1 658	(26 014)	(23 990)	2 024	-8%	(23 990)
NET CASH FROM/(USED) FINANCING ACTIVITIES		**(143 418)**	**76 010**	**76 010**	**1 658**	**73 986**	**76 010**	**2 024**	**3%**	**76 010**
NET INCREASE/ (DECREASE) IN CASH HELD		**2 380 372**	**(65 075)**	**(74 649)**	**(21 070)**	**53 505**	**561 465**			**1 859 727**
Cash/cash equivalents at beginning:		297 312	194 402	180 582		180 581	180 582			180 581
Cash/cash equivalents at month/year end:		2 677 684	129 327	105 933		234 087	742 046			2 040 308

Annexure "A4"

1. MUNICIPAL MONTHLY BUDGET TABLES

1.1. MONTHLY BUDGET TABLES

The seven main budget tables, as required in terms of the Municipal Budget and Reporting Regulations, are included in this section of the report. These tables set out the Municipality's 2025/26 budget performance for the period of May 2026 and are to be noted. Each table is accompanied by explanatory notes.

Table C1 Monthly Budget Statement Summary – M12 June 2026

Description	2024/25	Budget Year 2025/26							
R thousands	Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
								%	
Financial Performance									
Property rates	298 334	304 484	307 899	36 542	321 482	307 899	13 583	4%	307 899
Service charges	629 997	761 356	723 457	56 621	699 533	723 457	(23 924)	-3%	723 457
Investment revenue	13 689	16 273	16 273	1 646	14 230	16 273	(2 043)	-13%	16 273
Transfers and subsidies - Operational	205 382	214 766	214 697	1 123	216 512	214 697	1 815	1%	214 697
Other own revenue	174 612	171 808	199 539	34 339	139 424	199 539	(60 115)	-30%	199 539
Total Revenue (excluding capital transfers and contributions)	**1 322 015**	**1 468 686**	**1 461 865**	**130 270**	**1 391 181**	**1 461 865**	**(70 684)**	**-5%**	**1 461 865**
Employee costs	418 731	525 261	440 386	53 040	462 182	440 386	21 796	5%	440 386
Remuneration of Councillors	15 443	15 988	16 550	1 342	15 602	16 550	(949)	-6%	16 550
Depreciation and amortisation	115 298	142 422	142 422	9 049	108 291	142 422	(34 131)	-24%	142 422
Interest	13 825	20 106	39 542	8 297	20 730	39 542	(18 812)	-48%	39 542
Inventory consumed and bulk purchases	521 483	555 432	553 375	57 281	581 013	553 375	27 637	5%	553 375
Transfers and subsidies	447	950	950	–	478	950	(472)	-50%	950
Other expenditure	333 344	320 959	351 947	57 036	254 395	351 947	(97 552)	-28%	351 947
Total Expenditure	**1 418 571**	**1 581 117**	**1 545 173**	**186 046**	**1 442 690**	**1 545 173**	**(102 482)**	**-7%**	**1 545 173**
Surplus/(Deficit)	**(96 556)**	**(112 431)**	**(83 308)**	**(55 776)**	**(51 510)**	**(83 308)**	**31 798**	**-38%**	**(83 308)**
Transfers and subsidies - capital (monetary allocations)	109 313	82 934	125 262	13 880	71 114	125 262	(54 148)	-43%	125 262
Transfers and subsidies - capital (in-kind)	15 000	–	–	–	–	–	–		–
Surplus/(Deficit) after capital transfers & contributions	**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**	**(22 349)**	**-53%**	**41 954**
Share of surplus/ (deficit) of associate	–	–	–	–	–	–	–		–
Surplus/ (Deficit) for the year	**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**	**(22 349)**	**-53%**	**41 954**
Capital expenditure & funds sources									
Capital expenditure	**151 442**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**
Capital transfers recognised	103 754	72 117	111 403	13 121	63 400	111 403	(48 003)	-43%	111 403
Borrowing	69 882	152 174	153 003	12 587	29 079	153 003	(123 924)	-81%	153 003
Internally generated funds	44 891	41 172	58 159	22 897	46 873	58 159	(11 286)	-19%	58 159
Total sources of capital funds	**218 527**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**
Financial position									
Total current assets	378 763	266 780	315 185		490 761				315 185
Total non current assets	2 363 867	2 577 825	2 592 388		2 440 043				2 592 388
Total current liabilities	364 097	285 984	322 671		384 030				322 671
Total non current liabilities	368 452	465 849	473 581		468 232				473 581
Community wealth/Equity	2 058 047	2 092 771	2 111 322		2 078 542				2 111 322
Cash flows									
Net cash from (used) operating	2 654 615	124 378	167 398	33 168	139 775	167 398	27 623	17%	1 465 660
Net cash from (used) investing	(130 825)	(265 462)	(318 057)	(55 896)	(160 255)	318 057	478 312	150%	318 057
Net cash from (used) financing	(143 418)	76 010	76 010	1 658	73 986	76 010	2 024	3%	76 010
Cash/cash equivalents at the month/year end	**2 677 684**	**129 327**	**105 933**	**–**	**234 087**	**742 046**	**507 960**	**68%**	**2 040 308**
Debtors & creditors analysis	**0-30 Days**	**31-60 Days**	**61-90 Days**	**91-120 Days**	**121-150 Dys**	**151-180 Dys**	**181 Dys-1 Yr**	**Over 1Yr**	**Total**
Debtors Age Analysis									
Total By Income Source	92 822	12 983	12 338	11 663	9 933	9 555	98 167	140 360	387 821
Creditors Age Analysis									
Total Creditors	74 170	3 716	450	518	82	579	392	(785)	79 122

Explanatory notes to Table C1 – Monthly Budget Summary

The aim of the Budget Summary is to provide a concise overview of the actual budget performance from all of the major financial perspective (operating expenditure, capital expenditure, financial position, cash flow, and MFMA funding compliance).

The table provides an overview of the actual amounts spent compared to the monthly budget projections within the context of operating performance, resources utilised for capital expenditure, financial position, cash and funding compliance.

Table C2 Monthly Budget Statement – Financial Performance (standard classification) – M12 June 2026

Description	Ref	2024/25	Budget Year 2025/26							
R thousands		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
									%	
Revenue - Functional										
Governance and administration		**551 646**	**530 621**	**576 997**	**67 402**	**536 035**	**576 997**	(40 961)	-7%	**576 997**
Executive and council		53	142	165	847	847	165	682	412%	165
Finance and administration		551 593	530 479	576 831	66 555	535 188	576 831	(41 643)	-7%	576 831
Internal audit		–	–	–	–	–	–	–		–
Community and public safety		**68 805**	**50 121**	**81 763**	**2 820**	**33 069**	**81 763**	(48 694)	-60%	**81 763**
Community and social services		3 335	3 385	3 464	34	3 442	3 464	(22)	-1%	3 464
Sport and recreation		7 349	12 255	13 245	247	10 763	13 245	(2 482)	-19%	13 245
Public safety		1 535	1 870	1 368	4	1 014	1 368	(354)	-26%	1 368
Housing		53 075	30 000	61 074	2 527	14 170	61 074	(46 905)	-77%	61 074
Health		3 511	2 612	2 612	7	3 680	2 612	1 069	41%	2 612
Economic and environmental services		**49 967**	**40 955**	**58 069**	**4 827**	**51 794**	**58 069**	(6 275)	-11%	**58 069**
Planning and development		8 979	10 838	11 675	2 013	13 669	11 675	1 995	17%	11 675
Road transport		21 204	10 185	23 787	1 689	17 061	23 787	(6 726)	-28%	23 787
Environmental protection		19 784	19 932	22 608	1 124	21 064	22 608	(1 544)	-7%	22 608
Trading services		**775 911**	**929 924**	**870 298**	**69 101**	**841 396**	**870 298**	(28 901)	-3%	**870 298**
Energy sources		417 937	501 093	494 194	38 308	480 865	494 194	(13 328)	-3%	494 194
Water management		165 405	203 581	169 130	11 453	153 798	169 130	(15 332)	-9%	169 130
Waste water management		121 149	141 631	128 457	14 729	130 213	128 457	1 756	1%	128 457
Waste management		71 420	83 619	78 517	4 611	76 520	78 517	(1 997)	-3%	78 517
Other	4	–	–	–	–	–	–	–		–
Total Revenue - Functional	2	**1 446 328**	**1 551 621**	**1 587 126**	**144 150**	**1 462 295**	**1 587 126**	**(124 831)**	**-8%**	**1 587 126**
Expenditure - Functional										
Governance and administration		**310 795**	**402 672**	**376 867**	**31 468**	**335 570**	**376 867**	(41 297)	-11%	**376 867**
Executive and council		49 885	66 561	60 854	4 057	59 134	60 854	(1 720)	-3%	60 854
Finance and administration		260 774	332 893	312 793	27 150	274 733	312 793	(38 060)	-12%	312 793
Internal audit		136	3 218	3 219	261	1 703	3 219	(1 516)	-47%	3 219
Community and public safety		**109 518**	**141 482**	**119 944**	**10 813**	**120 615**	**119 944**	672	1%	**119 944**
Community and social services		12 638	12 289	13 095	1 035	11 654	13 095	(1 441)	-11%	13 095
Sport and recreation		60 815	73 671	63 050	5 893	63 300	63 050	250	0%	63 050
Public safety		29 230	35 167	31 428	2 718	35 104	31 428	3 676	12%	31 428
Housing		1 253	11 626	9 446	1 025	9 081	9 446	(366)	-4%	9 446
Health		5 583	8 729	2 924	142	1 477	2 924	(1 447)	-49%	2 924
Economic and environmental services		**207 757**	**206 880**	**251 754**	**74 996**	**206 680**	**251 754**	(45 074)	-18%	**251 754**
Planning and development		33 240	39 914	33 922	3 521	30 964	33 922	(2 958)	-9%	33 922
Road transport		162 100	158 635	198 503	69 073	157 800	198 503	(40 703)	-21%	198 503
Environmental protection		12 417	8 331	19 329	2 402	17 915	19 329	(1 414)	-7%	19 329
Trading services		**790 138**	**830 084**	**796 244**	**68 738**	**779 477**	**796 244**	(16 767)	-2%	**796 244**
Energy sources		467 394	527 947	528 425	55 897	529 962	528 425	1 537	0%	528 425
Water management		177 229	121 164	126 271	3 723	119 230	126 271	(7 041)	-6%	126 271
Waste water management		86 800	109 169	80 603	6 736	73 174	80 603	(7 430)	-9%	80 603
Waste management		58 714	71 803	60 945	2 382	57 112	60 945	(3 833)	-6%	60 945
Other		**363**	–	**363**	**30**	**348**	**363**	**(16)**	**-4%**	**363**
Total Expenditure - Functional	3	**1 418 571**	**1 581 117**	**1 545 173**	**186 046**	**1 442 690**	**1 545 173**	**(102 482)**	**-7%**	**1 545 173**
Surplus/ (Deficit) for the year		**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**	**(22 349)**	**-53%**	**41 954**

Explanatory notes to Table C2 – Budgeted Financial Performance (revenue and expenditure by standard classification)

The standard classification refers to a modified Government Finance Statistics (GFS) reporting structure. The aim of the standard classification approach is to ensure that all municipalities report their operations in one common format, to facilitate comparison across all municipalities.

Table C3 Monthly Budget Statement – Financial Performance (revenue and expenditure by municipal vote – M12 June 2026

Explanatory notes to Table C3 – Budgeted Financial Performance (revenue and expenditure by municipal vote)

The purpose of the format in which the monthly budget reporting table is represented, is to enable the Council to enforce a vote in accordance with the municipality's organisational structure, so as to assign responsibility for the revenue

and expenditure recorded against these votes to the Municipal Manager and Directors concerned.

Operating revenue and expenditure are thus presented by "vote". A "vote" is defined as one of the main segments into which a budget of a municipality is divided into, for the appropriation of funds.

Table C4 Monthly Budget Statement – Financial Performance (revenue and expenditure) – M12 June 2026

Description	Ref	2024/25	Budget Year 2025/26							
R thousands		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
Revenue									%	
Exchange Revenue										
Service charges - Electricity		400 468	479 524	473 955	37 107	460 106	473 955	(13 849)	-3%	473 955
Service charges - Water		104 737	147 583	123 885	8 716	112 258	123 885	(11 627)	-9%	123 885
Service charges - Waste Water Management		66 111	81 259	71 792	6 414	74 648	71 792	2 856	4%	71 792
Service charges - Waste management		58 681	52 990	53 826	4 384	52 521	53 826	(1 304)	-2%	53 826
Sale of Goods and Rendering of Services		6 687	10 044	10 044	1 868	10 962	10 044	918	9%	10 044
Agency services		6 045	4 554	4 554	–	1 120	4 554	(3 434)	-75%	4 554
Interest		–	–	–	–	–	–	–		–
Interest earned from Receivables		22 366	34 661	11 618	1 151	12 818	11 618	1 200	10%	11 618
Interest earned from Current and Non Current Assets		13 689	16 273	16 273	1 646	14 230	16 273	(2 043)	-13%	16 273
Dividends		–	–	–	–	–	–	–		–
Rent on Land		–	–	–	–	–	–	–		–
Rental from Fixed Assets		4 068	3 322	4 312	130	5 083	4 312	771	18%	4 312
Licence and permits		2 137	2 856	2 856	183	2 920	2 856	65	2%	2 856
Special rating levies		–	15 436	15 436	(12 883)	–	15 436	(15 436)	-100%	15 436
Operational Revenue		8 061	1 955	8 122	719	6 230	8 122	(1 892)	-23%	8 122
Non-Exchange Revenue										
Property rates		298 334	304 484	307 899	36 542	321 482	307 899	13 583	4%	307 899
Surcharges and Taxes		–	22 602	25 277	3 547	20 989	25 277	(4 289)	-17%	25 277
Fines, penalties and forfeits		96 016	45 795	90 465	40 078	52 877	90 465	(37 588)	-42%	90 465
Licence and permits		6 849	3 139	3 139	(2 167)	3 417	3 139	278	9%	3 139
Transfer and subsidies - Operational		205 382	214 766	214 697	1 123	216 512	214 697	1 815	1%	214 697
Interest		3 214	5 841	4 050	290	3 610	4 050	(441)	-11%	4 050
Fuel Levy		–	–	–	–	–	–	–		–
Operational Revenue		19 241	21 605	19 666	1 383	19 338	19 666	(328)	-2%	19 666
Gains on disposal of Assets		(689)	–	–	40	60	–	60		–
Other Gains		617	–	–	–	–	–	–		–
Discontinued Operations		–	–	–	–	–	–	–		–
Total Revenue (excluding capital transfers and contributions)		**1 322 015**	**1 468 686**	**1 461 865**	**130 270**	**1 391 181**	**1 461 865**	**–**		**1 461 865**
Expenditure By Type										
Employee related costs		418 731	525 261	440 386	53 040	462 182	440 386	21 796	5%	440 386
Remuneration of councillors		15 443	15 988	16 550	1 342	15 602	16 550	(949)	-6%	16 550
Bulk purchases - electricity		427 467	441 010	436 820	44 627	459 058	436 820	22 238	5%	436 820
Inventory consumed		94 016	114 422	116 555	12 654	121 955	116 555	5 400	5%	116 555
Debt impairment		(68 470)	65 115	64 219	38 231	38 231	64 219	(25 988)	-40%	64 219
Depreciation and amortisation		115 298	142 422	142 422	9 049	108 291	142 422	(34 131)	-24%	142 422
Interest		13 825	20 106	39 542	8 297	20 730	39 542	(18 812)	-48%	39 542
Contracted services		92 976	142 734	121 310	4 325	103 604	121 310	(17 706)	-15%	121 310
Transfers and subsidies		447	950	950	–	478	950	(472)	-50%	950
Irrecoverable debts written off		173 925	11 487	54 197	3 917	16 418	54 197	(37 779)	-70%	54 197
Operational costs		93 868	101 623	97 170	9 744	94 349	97 170	(2 821)	-3%	97 170
Losses on Disposal of Assets		13 672	–	–	818	1 792	–	1 792		–
Other Losses		27 372	–	15 051	–	–	15 051	(15 051)	-100%	15 051
Total Expenditure		**1 418 571**	**1 581 117**	**1 545 173**	**186 046**	**1 442 690**	**1 545 173**	**(102 482)**	**-7%**	**1 545 173**
Surplus/(Deficit)		**(96 556)**	**(112 431)**	**(83 308)**	**(55 776)**	**(51 510)**	**(83 308)**	**102 482**	**(0)**	**(83 308)**
Transfers and subsidies - capital (monetary allocations)		109 313	82 934	125 262	13 880	71 114	125 262	(54 148)	**(0)**	125 262
Transfers and subsidies - capital (in-kind)		15 000	–	–	–	–	–	–		–
Surplus/(Deficit) after capital transfers & contributions		**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**			**41 954**
Income Tax		–	–	–	–	–	–	–		–
Surplus/(Deficit) after income tax		**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**			**41 954**
Share of Surplus/Deficit attributable to Joint Venture		–	–	–	–	–	–			–
Share of Surplus/Deficit attributable to Minorities		–	–	–	–	–	–			–
Surplus/(Deficit) attributable to municipality		**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**			**41 954**
Share of Surplus/Deficit attributable to Associate		–	–	–	–	–	–			–
Intercompany/Parent subsidiary transactions		–	–	–	–	–	–			–
Surplus/ (Deficit) for the year		**27 757**	**(29 497)**	**41 954**	**(41 896)**	**19 604**	**41 954**			**41 954**

Explanatory notes to Table C4 – Budgeted Financial Performance (revenue and expenditure)

The Financial Performance Budget is required to be approved concurrently by revenue source and expenditure type, so as to ensure consistency with annual reporting format requirements. A key aim is to facilitate comparison between the monthly results, the monthly budget-to-date projections, and the original budget, so as to assess performance.

Table C5 Monthly Budget Statement – Capital Expenditure (municipal vote, standard classification and funding) – M12 June 2026

Vote Description	Ref	2024/25	Budget Year 2025/26							
		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance %	Full Year Forecast
R thousands	1									
Multi-Year expenditure appropriation	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		–	–	5	–	5	5	–		5
Vote 2 - OFFICE OF THE DEPUTY MUNICIPAL MANAGER		1 623	1 050	2 660	118	2 147	2 660	(513)	-19%	2 660
Vote 3 - FINANCE AND ECONOMIC DEVELOPMENT		2 001	621	1 335	767	1 162	1 335	(173)	-13%	1 335
Vote 4 - COMMUNITY SERVICES		861	4 891	4 890	861	4 509	4 890	(381)	-8%	4 890
Vote 5 - CIVIL AND WATER SERVICES		61 676	206 142	245 875	25 595	82 552	245 875	(163 322)	-66%	245 875
Vote 6 - ELECTRO/MECHANICAL SERVICES		85 369	49 509	44 135	18 248	41 322	44 135	(2 813)	-6%	44 135
Vote 7 - PLANNING AND DEVELOPMENT		(112)	3 250	23 666	3 016	7 656	23 666	(16 010)	-68%	23 666
Vote 8 - [NAME OF VOTE 8]		–	–	–	–	–	–	–		–
Vote 9 - [NAME OF VOTE 9]		–	–	–	–	–	–	–		–
Vote 10 - [NAME OF VOTE 10]		–	–	–	–	–	–	–		–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–		–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–		–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–		–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–		–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–		–
Total Capital Multi-year expenditure	4,7	**151 419**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**
Single Year expenditure appropriation	2									
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		23	–	–	–	–	–	–		–
Vote 2 - OFFICE OF THE DEPUTY MUNICIPAL MANAGER		–	–	–	–	–	–	–		–
Vote 3 - FINANCE AND ECONOMIC DEVELOPMENT		–	–	–	–	–	–	–		–
Vote 4 - COMMUNITY SERVICES		–	–	–	–	–	–	–		–
Vote 5 - CIVIL AND WATER SERVICES		–	–	–	–	–	–	–		–
Vote 6 - ELECTRO/MECHANICAL SERVICES		–	–	–	–	–	–	–		–
Vote 7 - PLANNING AND DEVELOPMENT		–	–	–	–	–	–	–		–
Vote 8 - [NAME OF VOTE 8]		–	–	–	–	–	–	–		–
Vote 9 - [NAME OF VOTE 9]		–	–	–	–	–	–	–		–
Vote 10 - [NAME OF VOTE 10]		–	–	–	–	–	–	–		–
Vote 11 - [NAME OF VOTE 11]		–	–	–	–	–	–	–		–
Vote 12 - [NAME OF VOTE 12]		–	–	–	–	–	–	–		–
Vote 13 - [NAME OF VOTE 13]		–	–	–	–	–	–	–		–
Vote 14 - [NAME OF VOTE 14]		–	–	–	–	–	–	–		–
Vote 15 - [NAME OF VOTE 15]		–	–	–	–	–	–	–		–
Total Capital single-year expenditure	4	23	–	–	–	–	–	–		–
Total Capital Expenditure	3	**151 442**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**
Capital Expenditure - Functional Classification										
Governance and administration		**51 929**	**2 621**	**4 911**	**885**	**4 663**	**4 911**	(248)	-5%	**4 911**
Executive and council		293	–	–	–	–	–	–		–
Finance and administration		51 613	2 621	4 906	885	4 658	4 906	(248)	-5%	4 906
Internal audit		23	–	5	–	5	5	–		5
Community and public safety		**520**	**2 441**	**21 456**	**861**	**6 919**	**21 456**	(14 537)	-68%	**21 456**
Community and social services		–	50	50	–	29	50	(21)	-43%	50
Sport and recreation		–	–	–	–	–	–	–		–
Public safety		632	2 391	2 390	861	2 295	2 390	(95)	-4%	2 390
Housing		(112)	–	19 016	–	4 595	19 016	(14 421)	-76%	19 016
Health		–	–	–	–	–	–	–		–
Economic and environmental services		**20 298**	**173 232**	**190 204**	**22 093**	**59 615**	**190 204**	(130 589)	-69%	**190 204**
Planning and development		2 143	6 580	8 296	3 036	6 147	8 296	(2 149)	-26%	8 296
Road transport		18 155	166 652	181 909	19 057	53 469	181 909	(128 440)	-71%	181 909
Environmental protection		–	–	–	–	–	–	–		–
Trading services		**78 695**	**87 169**	**105 994**	**24 766**	**68 155**	**105 994**	(37 839)	-36%	**105 994**
Energy sources		36 398	49 509	44 135	18 248	40 828	44 135	(3 307)	-7%	44 135
Water management		14 419	18 289	31 064	2 537	9 722	31 064	(21 342)	-69%	31 064
Waste water management		27 878	17 872	29 295	3 981	16 301	29 295	(12 994)	-44%	29 295
Waste management		–	1 500	1 500	–	1 304	1 500	(196)	-13%	1 500
Other		–	–	–	–	–	–	–		–
Total Capital Expenditure - Functional Classification	3	**151 442**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**
Funded by:										
National Government		67 436	44 639	54 860	11 445	49 776	54 860	(5 084)	-9%	54 860
Provincial Government		35 687	26 087	55 588	2 110	12 670	55 588	(42 919)	-77%	55 588
District Municipality		632	1 391	955	(435)	955	955	–		955
Transfers and subsidies - capital (monetary allocations) (Nat / Prov Departm Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporatons, Higher Educ Institutions)		–	–	–	–	–	–	–		–
Transfers recognised - capital		**103 754**	**72 117**	**111 403**	**13 121**	**63 400**	**111 403**	**(48 003)**	**-43%**	**111 403**
Borrowing	6	69 882	152 174	153 003	12 587	29 079	153 003	(123 924)	-81%	153 003
Internally generated funds		44 891	41 172	58 159	22 897	46 873	58 159	(11 286)	-19%	58 159
Total Capital Funding	7	**218 527**	**265 462**	**322 565**	**48 605**	**139 353**	**322 565**	**(183 213)**	**-57%**	**322 565**

Explanatory notes to Table C5 – Budgeted Capital Expenditure by vote, standard classification and funding

Table C5 is a breakdown of the capital programme in relation to capital expenditure by municipal vote; capital expenditure by standard classification; and the funding necessary to fund the capital budget, including information on capital transfers from national and provincial departments.

Table C6 Monthly Budget Statement – Financial Position – M12 June 2026

Description R thousands	Ref	2024/25 Audited Outcome	Budget Year 2025/26 Original Budget	Adjusted Budget	YearTD Actual	Full Year Forecast
ASSETS	1					
Current assets						
Cash and cash equivalents		180 582	143 991	120 544	234 087	120 544
Trade and other receivables from exchange transactions		63 211	59 899	63 211	124 099	63 211
Receivables from non-exchange transactions		79 492	26 651	79 496	39 197	79 496
Current portion of non-current receivables		–	–	–	–	–
Inventory		24 825	22 450	21 281	27 564	21 281
VAT		27 507	12 790	27 507	63 032	27 507
Other current assets		3 145	999	3 145	2 782	3 145
Total current assets		**378 763**	**266 780**	**315 185**	**490 761**	**315 185**
Non current assets						
Investments		–	–	–	–	–
Investment property		246 290	250 794	246 427	246 290	246 427
Property, plant and equipment		2 117 365	2 326 613	2 345 450	2 193 399	2 345 450
Biological assets		–	–	–	–	–
Living and non-living resources		–	–	–	–	–
Heritage assets		–	–	–	–	–
Intangible assets		212	419	512	355	512
Trade and other receivables from exchange transactions		–	–	–	–	–
Non-current receivables from non-exchange transactions		–	–	–	–	–
Other non-current assets		–	–	–	–	–
Total non current assets		**2 363 867**	**2 577 825**	**2 592 388**	**2 440 043**	**2 592 388**
TOTAL ASSETS		**2 742 630**	**2 844 605**	**2 907 573**	**2 930 804**	**2 907 573**
LIABILITIES						
Current liabilities						
Bank overdraft		–	–	–	–	–
Financial liabilities		29 869	31 944	23 538	605	23 538
Consumer deposits		34 505	31 660	34 505	38 701	34 505
Trade and other payables from exchange transactions		210 501	143 222	196 030	213 777	196 030
Trade and other payables from non-exchange transactions		20 944	–	0	15 416	0
Provision		39 189	64 451	39 509	39 189	39 509
VAT		29 089	14 707	29 089	76 342	29 089
Other current liabilities		–	–	–	–	–
Total current liabilities		**364 097**	**285 984**	**322 671**	**384 030**	**322 671**
Non current liabilities						
Financial liabilities		119 060	203 183	201 401	218 840	201 401
Provision		135 422	139 560	140 339	135 422	140 339
Long term portion of trade payables		–	–	–	–	–
Other non-current liabilities		113 970	123 106	131 841	113 970	131 841
Total non current liabilities		**368 452**	**465 849**	**473 581**	**468 232**	**473 581**
TOTAL LIABILITIES		**732 549**	**751 834**	**796 251**	**852 262**	**796 251**
NET ASSETS	2	**2 010 081**	**2 092 771**	**2 111 322**	**2 078 542**	**2 111 322**
COMMUNITY WEALTH/EQUITY						
Accumulated Surplus/(Deficit)		2 055 861	2 078 271	2 091 822	2 073 230	2 091 822
Reserves and funds		2 186	14 500	19 500	5 312	19 500
Other		–	–	–	–	–
TOTAL COMMUNITY WEALTH/EQUITY	2	**2 058 047**	**2 092 771**	**2 111 322**	**2 078 542**	**2 111 322**

Explanatory notes to Table C6 – Budgeted Financial Position

i. The table represents Assets less Liabilities as Community Wealth. The order of items within each group is also aligned to the convention of showing items in order of liquidity, i.e. assets readily converted to cash or liabilities immediately required to be met from cash appear first.

ii. Any movement on the Budgeted Financial Performance or the Capital Budget will invariably impact on the Budgeted Financial Position.
For example, the collection rate assumption will impact on the cash position of the municipality and consequently inform the level of cash and cash equivalents at year end.

Similarly, the collection rate assumption informs the budget provision for bad debts. These budget and planning assumptions form a critical link in determining the applicability and relevance of the budget as well as compliance assessment is directly informed by forecasting the statement of financial position.

Table C7 Monthly Budget Statement – Cash Flow – M12 June 2026

Description	Ref	2024/25	Budget Year 2025/26							
R thousands		Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
CASH FLOW FROM OPERATING ACTIVITIES	1								%	
Receipts										
Property rates		263 763	294 809	296 352	23 421	320 151	296 352	23 799	8%	296 352
Service charges		719 038	908 343	846 520	61 658	716 775	846 520	(129 745)	-15%	846 520
Other revenue		52 563	112 594	131 358	15 731	363 203	131 358	231 846	176%	131 358
Transfers and Subsidies - Operational		201 325	214 766	214 697	–	215 553	214 697	856	0%	214 697
Transfers and Subsidies - Capital		57 409	82 934	104 439	–	74 330	104 439	(30 109)	-29%	104 439
Interest		1 659 179	16 273	16 273	1 810	15 127	16 273	(1 145)	-7%	16 273
Dividends		–	–	–	–	–	–	–		–
Payments										
Suppliers and employees		(298 661)	(1 485 124)	(1 422 023)	(66 443)	(1 549 922)	(1 422 023)	127 900	-9%	(123 760)
Interest		–	(19 267)	(19 267)	(3 009)	(15 442)	(19 267)	(3 825)	20%	(19 267)
Transfers and Subsidies		–	(950)	(950)	–	–	(950)	(950)	100%	(950)
NET CASH FROM/(USED) OPERATING ACTIVITIES		**2 654 615**	**124 378**	**167 398**	**33 168**	**139 775**	**167 398**	**27 623**	**17%**	**1 465 660**
CASH FLOWS FROM INVESTING ACTIVITIES										
Receipts										
Proceeds on disposal of PPE		–	–	–	–	–	–	–		–
Decrease (increase) in non-current receivables		–	–	–	–	–	–	–		–
Decrease (increase) in non-current investments		–	–	–	–	–	–	–		–
Payments										
Capital assets		(130 825)	(265 462)	(318 057)	(55 896)	(160 255)	318 057	478 312	150%	318 057
NET CASH FROM/(USED) INVESTING ACTIVITIES		**(130 825)**	**(265 462)**	**(318 057)**	**(55 896)**	**(160 255)**	**318 057**	**478 312**	**150%**	**318 057**
CASH FLOWS FROM FINANCING ACTIVITIES										
Receipts										
Short term loans		–	–	–	–	–	–	–		–
Borrowing long term/refinancing		(120 000)	100 000	100 000	–	100 000	100 000	–		100 000
Increase (decrease) in consumer deposits		–	–	–	–	–	–	–		–
Payments										
Repayment of borrowing		(23 418)	(23 990)	(23 990)	1 658	(26 014)	(23 990)	2 024	-8%	(23 990)
NET CASH FROM/(USED) FINANCING ACTIVITIES		**(143 418)**	**76 010**	**76 010**	**1 658**	**73 986**	**76 010**	**2 024**	**3%**	**76 010**
NET INCREASE/ (DECREASE) IN CASH HELD		**2 380 372**	**(65 075)**	**(74 649)**	**(21 070)**	**53 505**	**561 465**			**1 859 727**
Cash/cash equivalents at beginning:		297 312	194 402	180 582		180 581	180 582			180 581
Cash/cash equivalents at month/year end:		2 677 684	129 327	105 933		234 087	742 046			2 040 308

Explanatory notes to Table C7 – Budgeted Cash Flow Statement

i. The budgeted cash flow statement represents the first measurement in determining whether the budget is funded.

ii. It reflects the expected cash inflows versus outflows that are likely to result from the implementation of the budget.

Annexure "A5"

1. ANALYSIS OF THE MUNICIPALITY'S STATEMENT OF FINANCIAL POSITION

In this section the Municipality's Debtors, Creditors and Investments will be analysed. These components have a significant impact on the Municipality's financial position.

1.1. Overview of outstanding Consumer Debtors (Inclusive of VAT)

Below is an analysis of the outstanding consumer debtors as at 30 June 2026, compared to the position as at 30 June 2025.

Debtors' Age Analysis (Inclusive of VAT) as at 30 June 2026

Description	Budget Year 2025/26								
R thousands	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total
Debtors Age Analysis By Income Source									
Trade and Other Receivables from Exchange Transactions - Water	34 174	4 820	5 220	5 232	4 190	4 169	22 504	22 677	102 985
Trade and Other Receivables from Exchange Transactions - Electricity	37 925	1 930	1 404	1 220	900	790	3 331	7 393	54 894
Receivables from Non-exchange Transactions - Property Rates	24 892	2 466	2 045	1 702	1 587	1 445	6 943	24 301	65 381
Receivables from Exchange Transactions - Waste Water Management	15 063	1 693	1 708	1 605	1 383	1 320	6 825	7 753	37 348
Receivables from Exchange Transactions - Waste Management	10 689	1 334	1 216	1 141	1 089	1 051	5 695	6 604	28 819
Receivables from Exchange Transactions - Property Rental Debtors	–	–	–	–	–	–	–	–	–
Interest on Arrear Debtor Accounts	5 483	311	377	444	450	493	12 657	29 570	49 786
Recoverable unauthorised, irregular, fruitless and wasteful expenditure	–	–	–	–	–	–	–	–	–
Other	(35 404)	430	368	319	334	287	40 212	42 062	48 608
Total By Income Source	**92 822**	**12 983**	**12 338**	**11 663**	**9 933**	**9 555**	**98 167**	**140 360**	**387 821**
Debtors Age Analysis By Customer Group									
Organs of State	1 496	475	523	362	354	382	6 562	3 161	13 315
Commercial	13 718	423	305	270	219	190	2 015	6 312	23 452
Households	77 604	12 084	11 510	11 030	9 359	8 983	89 587	130 887	351 045
Other	4	1	0	0	0	0	3	–	8
Total By Customer Group	**92 822**	**12 983**	**12 338**	**11 663**	**9 933**	**9 555**	**98 167**	**140 360**	**387 821**

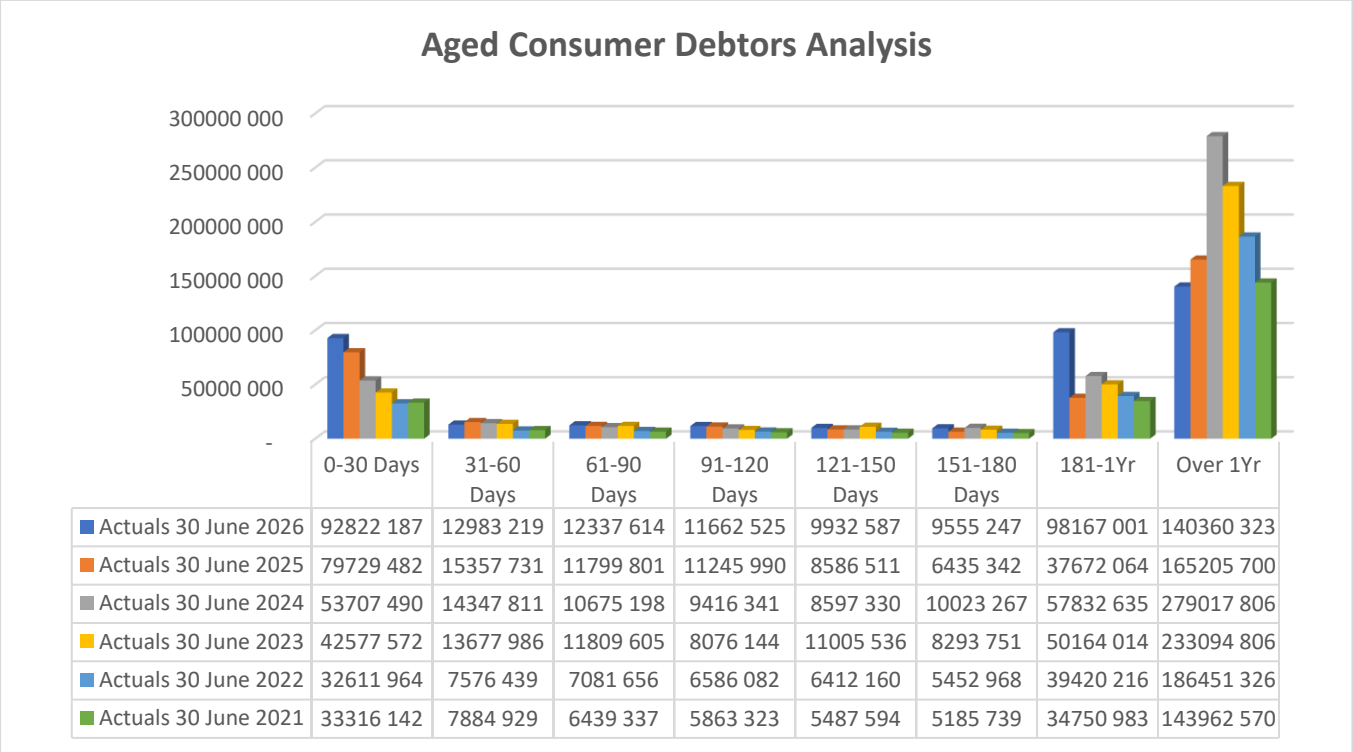
Debtors' Age Analysis (Inclusive of VAT) as at 30 June 2025

Description	Budget Year 2024/25								
R thousands	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Dys	151-180 Dys	181 Dys-1 Yr	Over 1Yr	Total
Debtors Age Analysis By Income Source									
Trade and Other Receivables from Exchange Transactions - Water	28,680	5,190	4,620	4,594	3,061	2,488	11,553	38,052	98,238
Trade and Other Receivables from Exchange Transactions - Electricity	35,660	2,601	1,789	1,437	1,179	898	4,080	12,231	59,875
Receivables from Non-exchange Transactions - Property Rates	22,917	2,601	1,859	1,593	1,365	1,265	10,636	29,366	71,601
Receivables from Exchange Transactions - Waste Water Management	12,361	1,881	1,655	1,800	1,305	778	3,775	15,177	38,732
Receivables from Exchange Transactions - Waste Management	9,817	1,360	1,194	1,107	1,008	532	2,915	19,392	37,325
Receivables from Exchange Transactions - Property Rental Debtors	–	–	–	–	–	–	–	–	–
Interest on Arrear Debtor Accounts	4,827	1,351	343	406	366	317	2,848	38,902	49,359
Recoverable unauthorised, irregular, fruitless and wasteful expenditure	–	–	–	–	–	–	–	–	–
Other	(34,533)	374	340	310	303	158	1,865	12,086	(19,097)
Total By Income Source	**79,729**	**15,358**	**11,800**	**11,246**	**8,587**	**6,435**	**37,672**	**165,206**	**336,033**
Debtors Age Analysis By Customer Group									
Organs of State	(46)	793	608	624	396	317	2,209	7,514	12,415
Commercial	10,797	489	415	382	289	257	1,240	7,397	21,267
Households	68,974	14,074	10,775	10,239	7,900	5,860	34,217	150,280	302,321
Other	4	1	1	1	1	1	6	15	29
Total By Customer Group	**79,729**	**15,358**	**11,800**	**11,246**	**8,587**	**6,435**	**37,672**	**165,206**	**336,033**

The analysis indicates that from 30 June 2025 to 30 June 2026, the overdue debts have increased by R 38 695 million from R 256,303 million to R 294,999 million, as follows:

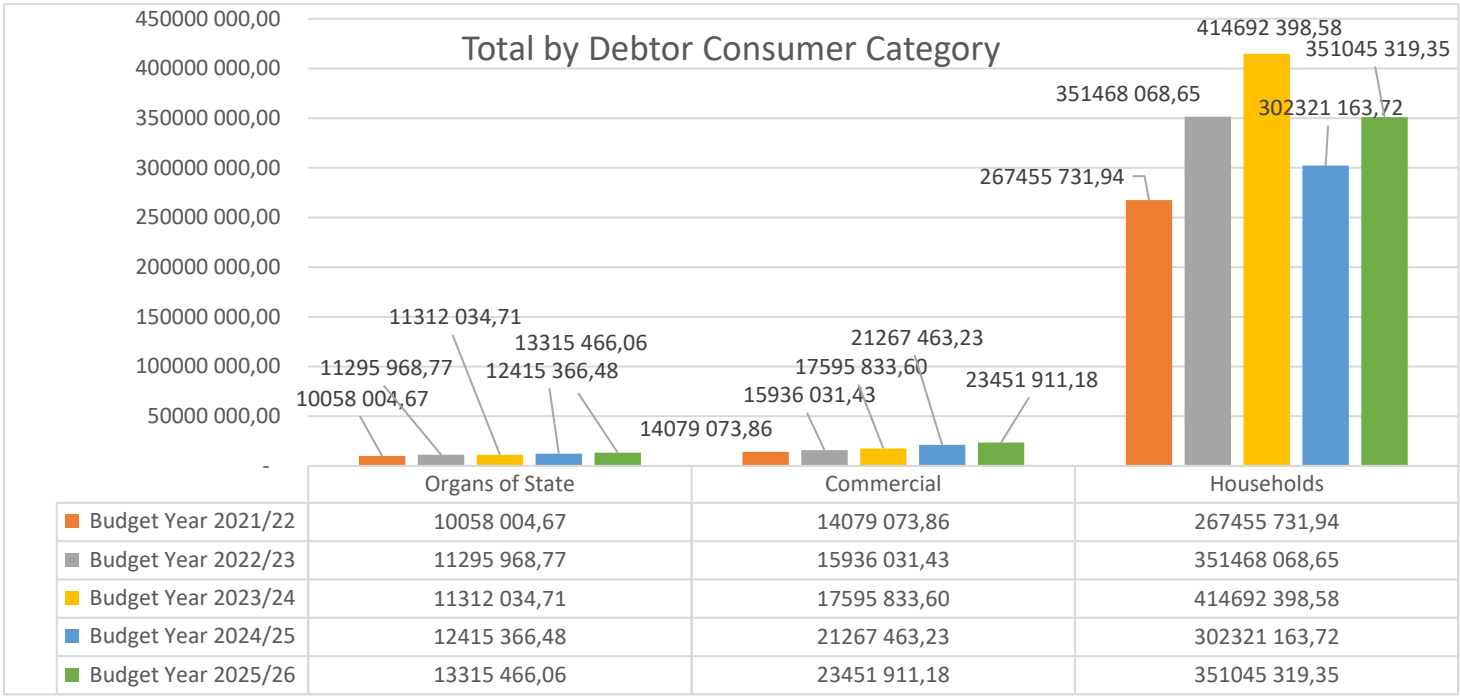
R thousands	OVERDUE AMOUNTS AS AT		
Debtors Age Analysis By Income Source	**30-Jun-25**	**30-Jun-26**	**DIFFERENCE**
Trade and Other Receivables from Exchange Transactions - Water	69 558	68 811	(747)
Trade and Other Receivables from Exchange Transactions - Electricity	24 215	16 969	(7 246)
Receivables from Non-exchange Transactions - Property Rates	48 684	40 489	(8 196)
Receivables from Exchange Transactions - Waste Water Management	26 371	22 285	(4 086)
Receivables from Exchange Transactions - Waste Management	27 508	18 131	(9 378)
Receivables from Exchange Transactions - Property Rental Debtors	–	–	–
Interest on Arrear Debtor Accounts	44 532	44 303	(229)
Recoverable unauthorised, irregular, fruitless and wasteful expenditure	–	–	–
Other	15 436	84 012	68 576
Total By Income Source	**256 303**	**294 999**	**38 695**
Debtors Age Analysis By Customer Group			
Organs of State	12 461	11 819	(642)
Commercial	10 471	9 734	(736)
Households	233 347	273 441	40 094
Other	25	4	(21)
Total By Customer Group	**256 303**	**294 999**	**38 695**

Graphical Analysis of consumer debtors



	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121-150 Days	151-180 Days	181-1Yr	Over 1Yr
Actuals 30 June 2026	92822 187	12983 219	12337 614	11662 525	9932 587	9555 247	98167 001	140360 323
Actuals 30 June 2025	79729 482	15357 731	11799 801	11245 990	8586 511	6435 342	37672 064	165205 700
Actuals 30 June 2024	53707 490	14347 811	10675 198	9416 341	8597 330	10023 267	57832 635	279017 806
Actuals 30 June 2023	42577 572	13677 986	11809 605	8076 144	11005 536	8293 751	50164 014	233094 806
Actuals 30 June 2022	32611 964	7576 439	7081 656	6586 082	6412 160	5452 968	39420 216	186451 326
Actuals 30 June 2021	33316 142	7884 929	6439 337	5863 323	5487 594	5185 739	34750 983	143962 570

Graphical Analysis of consumer debtors (total by Debtor Consumer Category)



	Organs of State	Commercial	Households
Budget Year 2021/22	10058 004,67	14079 073,86	267455 731,94
Budget Year 2022/23	11295 968,77	15936 031,43	351468 068,65
Budget Year 2023/24	11312 034,71	17595 833,60	414692 398,58
Budget Year 2024/25	12415 366,48	21267 463,23	302321 163,72
Budget Year 2025/26	13315 466,06	23451 911,18	351045 319,35

1.2 Overview of Creditors position

Below is an analysis of the status of the major creditors.

Description	Budget Year 2025/26								
R thousands	0 - 30 Days	31 - 60 Days	61 - 90 Days	91 - 120 Days	121 - 150 Days	151 - 180 Days	181 Days - 1 Year	Over 1 Year	Total
Creditors Age Analysis By Customer Type									
Bulk Electricity	50 547	–	–	–	–	–	–	–	**50 547**
Bulk Water	2 049	185	(20)	199	80	80	178	(817)	**1 933**
PAYE deductions	6 720								**6 720**
VAT (output less input)									**–**
Pensions / Retirement deductions									**–**
Loan repayments									**–**
Trade Creditors	14 854	3 531	470	319	2	499	214	32	**19 922**
Auditor General									**–**
Other									**–**
Total By Customer Type	**74 170**	**3 716**	**450**	**518**	**82**	**579**	**392**	**(785)**	**79 122**

The above amounts represent invoices still to be paid. The major creditors as at 30 June 2026 are as follows:

Eskom	R 50,547million
NMBM	R 1,933 million
PAYE	R 6,720 million
Other Creditors	R 19,922 million
Total	**R 79,122 million**

It must be noted that the Eskom amount of R 50,547 million, represents the current account for June 2026, which is due in June 2026.

It is to be noted that the SARS amount of R 6,720 million, represents the current account for June 2026, which is due in June 2026.

1.3 Allocation and Grants receipts and expenditure for the 2025/26 financial year

Supporting Table SC6 Monthly Budget Statement – transfers and grant receipts – M12 June 2026.

Description	Budget Year 2025/26							
	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance	Full Year Forecast
R thousands							%	
RECEIPTS:								
Operating Transfers and Grants								
National Government:	**209 308**	**209 160**	**-**	**209 160**	**209 160**	**-**	**0,00%**	**209 160**
Operational Revenue:General Revenue:Equitable Share	203 533	203 533	-	203 533	203 533	-	0,00%	203 533
Expanded Public Works Programme Integrated Grant for Municipalities [Schedu	2 081	2 081	-	2 081	2 081	-	0,00%	2 081
Local Government Financial Management Grant [Schedule 5B]	1 785	1 637	-	1 637	1 637	-	0,00%	1 637
Municipal Infrastructure Grant [Schedule 5B]	1 909	1 909	-	1 909	1 909	-	0,00%	1 909
Provincial Government:	**2 955**	**3 034**	**-**	**3 034**	**3 034**	**-**	**0,00%**	**3 034**
Humam Settlement Grant	-	-	-	-	-	-		-
Library grant	2 955	3 034	-	3 034	3 034	-	0,00%	3 034
District Municipality:	**2 503**	**2 503**	**-**	**3 480**	**3 480**	**-**	**0,00%**	**2 503**
Environmental health subsidy	2 503	2 503	-	3 480	3 480	-	0,00%	2 503
Other grant providers:	-	-	-	-	-			-
Departmental Agencies and Accounts	-	-	-	-	-	-		-
Total Operating Transfers and Grants	**214 766**	**214 697**	**-**	**215 674**	**215 674**	**-**	**0,00%**	**214 697**
Capital Transfers and Grants								
National Government:	**51 334**	**51 482**	**-**	**49 153**	**49 153**		**0,00%**	**51 482**
Local Government Financial Management Grant [Schedule 5B]	-	148	-	148	148			148
Municipal Disaster Relief Grant	-	-	-	-	-	-		-
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]	5 440	5 440	-	5 440	5 440		0,00%	5 440
Municipal Infrastructure Grant [Schedule 5B]	36 265	36 265	-	36 265	36 265		0,00%	36 265
Water Services Infrastructure Grant	9 629	9 629	-	7 300	7 300		0,00%	9 629
Provincial Government:	**30 000**	**51 858**	**-**	**15 616**	**15 616**		**0,00%**	**51 858**
Human Settlement Grant	30 000	51 858	-	15 616	15 616		0,00%	51 858
District Municipality:	**1 391**	**1 098**	**-**	**930**	**930**	**-**		**1 098**
Fire Services Subsidy	1 391	1 098	-	930	930	-		1 098
Total Capital Transfers and Grants	**82 726**	**104 439**	**-**	**65 699**	**65 699**	**-**	**0,00%**	**104 439**
TOTAL RECEIPTS OF TRANSFERS & GRANTS	**297 491**	**319 135**	**-**	**281 373**	**281 373**	**-**	**0,00%**	**319 135**

Below is an analysis of the spending associated with the grants as at 30 June 2026:

Supporting Table SC7 Monthly Budget Statement – transfers and grants expenditure – M12 June 2026.

Description	2025/26	Buget Year 2025/26						
	Original Budget	Adjusted Budget	Monthly actual	YearTD actual	YearTD budget	YTD variance	YTD variance%	Full Year Forecast
R thousands								
EXPENDITURE								
Operating expenditure of Transfers and Grants								
National Government:	**209 308**	**209 160**	**155**	**209 151**	**209 160**	**8**	**0**	**209 160**
Operational Revenue:General Revenue:Equitable Share	203 533	203 533	–	203 533	203 533	–	0%	203 533
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B	2 081	2 081	–	2 081	2 081	–	0%	2 081
Local Government Financial Management Grant [Schedule 5B]	1 785	1 637	155	1 629	1 637	8	1%	1 637
Municipal Infrastructure Grant [Schedule 5B]	1 909	1 909	–	1 909	1 909	–	0%	1 909
Provincial Government:	**2 955**	**3 034**	**–**	**3 034**	**3 034**	**–**	**–**	**3 034**
Human Settlement Grant	–	–	–	–	–			–
Library grant	2 955	3 034	–	3 034	3 034	–		3 034
District Municipality:	**2 503**	**2 503**	**–**	**3 480**	**3 480**	**–**	**–**	**2 503**
Environmental health subsidy	2 503	2 503	–	3 480	3 480	–	0%	2 503
Other grant providers:	**–**	**–**	**–**	**–**	**–**	**–**		**–**
Departmental Agencies and Accounts	–	–	–	–	–			–
Total operating expenditure of Transfers and Grants:	**214 766**	**214 697**	**155**	**215 665**	**215 674**	**8**	**1%**	**214 697**
Capital expenditure of Transfers and Grants								
National Government:	**51 334**	**63 089**	**11 353**	**56 019**	**63 089**	**7 070**	**0,11**	**63 089**
Local Government Financial Management Grant [Schedule 5B]	–	148	–	148	148			148
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]	5 440	5 440	304	5 422	5 440	**18**	**0%**	5 440
Municipal Infrastructure Grant [Schedule 5B]	36 265	36 265	7 922	35 407	36 265	**858**	**2%**	36 265
Water Services Infrastructure Grant	9 629	9 629	1 678	5 583	9 629	**4 046**	**42%**	9 629
Municipal Disaster Relief Grant	–	11 607	1 448	9 458	11 607	2 148	**19%**	11 607
Provincial Government:	30 000	**61 074**	**2 527**	**14 165**	**61 074**	**46 909**	**77%**	**61 074**
Human Settlement	30 000	61 074	2 527	14 165	61 074	**46 909**	**77%**	61 074
District Municipality:	**1 391**	**955**	**–**	**955**	**955**	**–**		**955**
Fire Services Subsidy	1 391	955	–	955	955	–		955
Total capital expenditure of Transfers and Grants	**82 726**	**125 118**	**13 880**	**71 139**	**125 118**	**53 979**	**43%**	**125 118**
TOTAL EXPENDITURE OF TRANSFERS AND GRANTS	**297 491**	**339 815**	**14 035**	**286 805**	**340 792**	**53 987**	**16%**	**339 815**

CONDITIONAL GRANTS, SUBSIDIES AND DONATIONS RECEIVED

CONDITIONAL GRANTS, SUBSIDIES AND DONATIONS								
Reconciliation Grant Register as at 30 June 2026 (2025/26 F/Y)								
Name of Grants	**Name of organ of state**	**Opening balances (Rollovers) as at 1 July 2025**	**Monthly Receipts**	**YTD Receipts**	**YTD Expenditure**		**% of Spending to date**	**Unspent Balances**
Opex grants, subsidies and donations								
Financial Management Grant	DORA	-	1 636 995	1 636 995	1 628 573	8 422	99,49%	8 422
Expanded Public Works Programme	DORA	-	2 081 000	2 081 000	2 081 000	-	100,00%	-
Municipal Infrastructure Grant	DORA	-	1 908 700	1 908 700	1 908 700	-	100,00%	-
		-	**5 626 695**	**5 626 695**	**5 618 273**	**8 422**		**8 422**
Capex grants, subsidies and donations						-		
Municipal Infrastructure Grant	DORA	-	36 265 300	36 265 300	35 407 353	857 947	97,63%	857 947
Financial Management Grant	DORA	-	148 005	148 005	147 912	93	99,94%	93
Integrated National Electrification Programme	DORA	-	5 440 000	5 440 000	5 422 438	17 562	99,68%	17 562
Water Services Infrastructure Grant	DORA		7 300 000	7 300 000	5 583 312	1 716 688	76,48%	1 716 688
Municipal Disaster Response Grant	DORA	11 606 728	-	11 606 728	9 458 444	(9 458 444)	81,49%	2 148 284
			-					
Housing: Human Settlements Dev. Grant (Beneficiaries)	Provincial: Department of Infrastructure	9 216 084	15 616 123	24 832 207	14 164 866	1 451 257	57,04%	10 667 341
		20 822 812	**64 769 428**	**85 592 240**	**70 184 326**	**(5 414 898)**	**82,00%**	**15 407 914**
			70 396 123	**91 218 935**	**75 802 599**	**(5 406 476)**	**83,10%**	**15 416 336**

1.4 Councillor and employee benefits

Below is an analysis of Councillor and employee benefits:

Table SC8 Monthly Budget Statement – Councillor and staff benefits – M12 June 2026

Summary of Employee and Councillor remuneration	2024/25	Budget Year 2025/26							
	Audited Outcome	Original Budget	Adjusted Budget	Monthly Actual	YearTD Actual	YearTD Budget	YTD Variance	YTD Variance	Full Year Forecast
R thousands								%	
	A	B	C						D
Councillors (Political Office Bearers plus Other)									
Basic Salaries and Wages	10 607	10 879	10 761	919	10 639	10 761	(122)	-1%	10 761
Pension and UIF Contributions	–	–	–	–	–	–	–		–
Medical Aid Contributions	–	–	–	–	–	–	–		–
Motor Vehicle Allowance	3 427	3 626	4 153	306	3 569	4 153	(584)	-14%	4 153
Cellphone Allowance	1 409	1 483	1 637	118	1 394	1 637	(243)	-15%	1 637
Housing Allowances	–	–	–	–	–	–	–		–
Sub Total - Councillors	**15 443**	**15 988**	**16 550**	**1 342**	**15 602**	**16 550**	**(949)**	**-6%**	**16 550**
Senior Managers of the Municipality									
Basic Salaries and Wages	10 400	9 436	10 393	939	12 470	10 393	2 077	20%	10 393
Pension and UIF Contributions	13	11	13	1	15	13	2	17%	13
Medical Aid Contributions	–	–	–	–	–	–	–		–
Overtime	–	–	–	–	–	–	–		–
Performance Bonus	1 657	395	761	–	1 707	761	945	124%	761
Motor Vehicle Allowance	1 024	655	1 085	90	1 080	1 085	(5)	0%	1 085
Cellphone Allowance	24	–	96	8	132	96	36	37%	96
Housing Allowances	–	–	–	–	–	–	–		–
Other benefits and allowances	10	0	28	(15)	35	28	7	24%	28
Sub Total - Senior Managers of Municipality	**17 381**	**10 498**	**12 376**	**1 166**	**16 825**	**12 376**	**4 449**	**36%**	**12 376**
Other Municipal Staff									
Basic Salaries and Wages	254 014	309 705	268 340	37 616	284 111	268 340	15 770	6%	268 340
Pension and UIF Contributions	36 539	52 636	45 383	3 756	42 936	45 383	(2 447)	-5%	45 383
Medical Aid Contributions	16 734	28 847	20 946	6 160	23 694	20 946	2 748	13%	20 946
Overtime	37 582	37 741	39 573	5 569	42 538	39 573	2 965	7%	39 573
Performance Bonus	979	227	1 010	–	948	1 010	(62)	-6%	1 010
Motor Vehicle Allowance	10 046	13 359	12 181	1 000	11 117	12 181	(1 064)	-9%	12 181
Cellphone Allowance	103	–	120	10	117	120	(3)	-2%	120
Housing Allowances	677	951	865	66	809	865	(56)	-6%	865
Other benefits and allowances	32 181	45 629	37 589	1 332	33 026	37 589	(4 563)	-12%	37 589
Payments in lieu of leave	–	–	0	3 021	3 021	0	3 021	151029643%	0
Long service awards	8 522	1 583	2 002	1 521	3 033	2 002	1 030	51%	2 002
Post-retirement benefit obligations	3 972	24 085	–	(8 176)	9	–	9		–
Sub Total - Other Municipal Staff	**401 350**	**514 763**	**428 010**	**51 874**	**445 358**	**428 010**	**17 348**	**4%**	**428 010**
Total Parent Municipality	**434 173**	**541 249**	**456 936**	**54 382**	**477 784**	**456 936**	**20 848**	**5%**	**456 936**
TOTAL SALARY, ALLOWANCES & BENEFITS	**434 173**	**541 249**	**456 936**	**54 382**	**477 784**	**456 936**	**20 848**	**5%**	**456 936**
TOTAL MANAGERS AND STAFF	**418 731**	**525 261**	**440 386**	**53 040**	**462 182**	**440 386**	**21 796**	**5%**	**440 386**

1.5. Key performance indicators

The table below reflects the key performance indicators as per the 2025/26 Budget and the associated performance to date.

Borrowing Management		**Actuals as at 30 June 2023**	**Actuals as at 30 June 2024**	**Actuals as at 30 June 2025**	**Actuals as at 30 June 2025**	**Approved Adjusted Budget 2025/26**	**Actuals as at 30 June 2026**
Capital Charges to Operating Expenditure	Interest & principal paid/Total Operating Expenditure	0.32%	0.52%	2.23%	2.50%	2.8%	2.87%
Borrowed funding of "own" capital expenditure	Borrowings/Capital expenditure excl. transfers & grants	0%	0%	269.91%	487.58%	171.94%	62.04%
Debt Servicing Costs to Operating Revenue	Debt Servicing Costs / Total Operating Revenue - Conditional Grants	0.00	0.01	0.02	0.03	0.03	0.03
Liquidity							
Current Ratio	Current assets / current liabilities	0.91	0.87	1.04	1.38:1	0.98	1.28
Liquidity Ratio	Monetary assets / current liabilities	0.40	0.47	0.50	0.68:1	0.37	0.61
Revenue Management							
Annual Debtors Collection Rate	Billed Revenue / Receipted Revenue	86.71%	91.01%	91.38%	91.38%	95%	93.72%

Other indicators		Actuals as at 30 June 2023	Actuals as at 30 June 2024	Actuals as at 30 June 2025	Actuals as at 30 June 2025	Approved Adjusted Budget 2025/26	Actuals as at 30 June 2026
Cost coverage	(Cash and cash equivalents - Unspent Conditional Grants - Overdraft) + Short term investment)/monthly fixed operational expenditure excluding (depreciation, amortisation, provision for bad debts, impairment and loss on disposal of assets)	0.98	1.19 Months	0.53 Months	0.74 Months	0.94 Months	0.33 Months
Employee Costs	Employee Costs / Total Operating Expenditure	29.47%	30.85%	29.53%	31.08%	28.5%	32.04%
Capital Expenditure	Capital Expenditure / Capital Budget	94.66%	71.38%	84.49%	67.88%	95%	43.20%
Repairs and Maintenance as % of Total Operating Expenditure	Repairs and Maintenance / Total Operating Expenditure	3.86%	2.24%	2.33%	15.31%	12.15%	12.33%
Repairs and Maintenance as % of PPE (Book Value)	Repairs and Maintenance / Net PPE	2.32%	1.42%	1.52%	9.45%	8%	8.11%
Own Revenue Sources / Total Operating Revenue (Including operating grants)	Own Revenue Sources / Total Operating Revenue (Including Conditional Grants)	77.74%	83.49%	84.46%	83.34%	85.31%	84.44%

The above table is discussed in detail below.

1.1 Borrowing Management

1.1.1. Capital charges to Operating Expenditure.

The Ratio indicates the cost required to service the borrowing. It assesses the Borrowing or Payment obligation expressed as percentage of Total Operating Expenditure.

Capital charges/Total Operating Expenditure to date.

The ratio is 2.87% as at 30 June 2026, compared to the approved adjusted budget ratio of 2.8%.

Borrowed funding of capital expenditure.

This ratio indicates the proportion of borrowed funding to actual capital expenditure to date (excluding transfers and grants). The ratio also indicates the extent of capital expenditure being financed from borrowed funding compared to own and other funding sources, excluding transfers and grant funded expenditure.

The ratio is determined as follows:

Capital expenditure funded from Borrowings/Total Capital Expenditure to date (excluding transfers and grants)

As at 30 June 2026, the ratio indicates 62.04% of borrowed funding, compared to total expenditure to date, excluding transfers and grants.

1.1.2. Debt Servicing Costs to Operating Revenue Ratio

This ratio indicates the proportion of debt servicing costs (interest and principal paid on borrowing) to actual operating revenue to date.

The ratio is determined as follows:

Debt Servicing Costs/Operating Revenue

As at 30 June 2026, the ratio indicates 0.03, compared to the approved adjusted budget of 0.03.

1.1.3. Current ratio

The Ratio assesses the Municipality's ability to meet its Short-term Liabilities (Debt and Payables) with its Short-term Assets (Cash, Inventory, Receivables etc.).

The ratio is determined as follows:

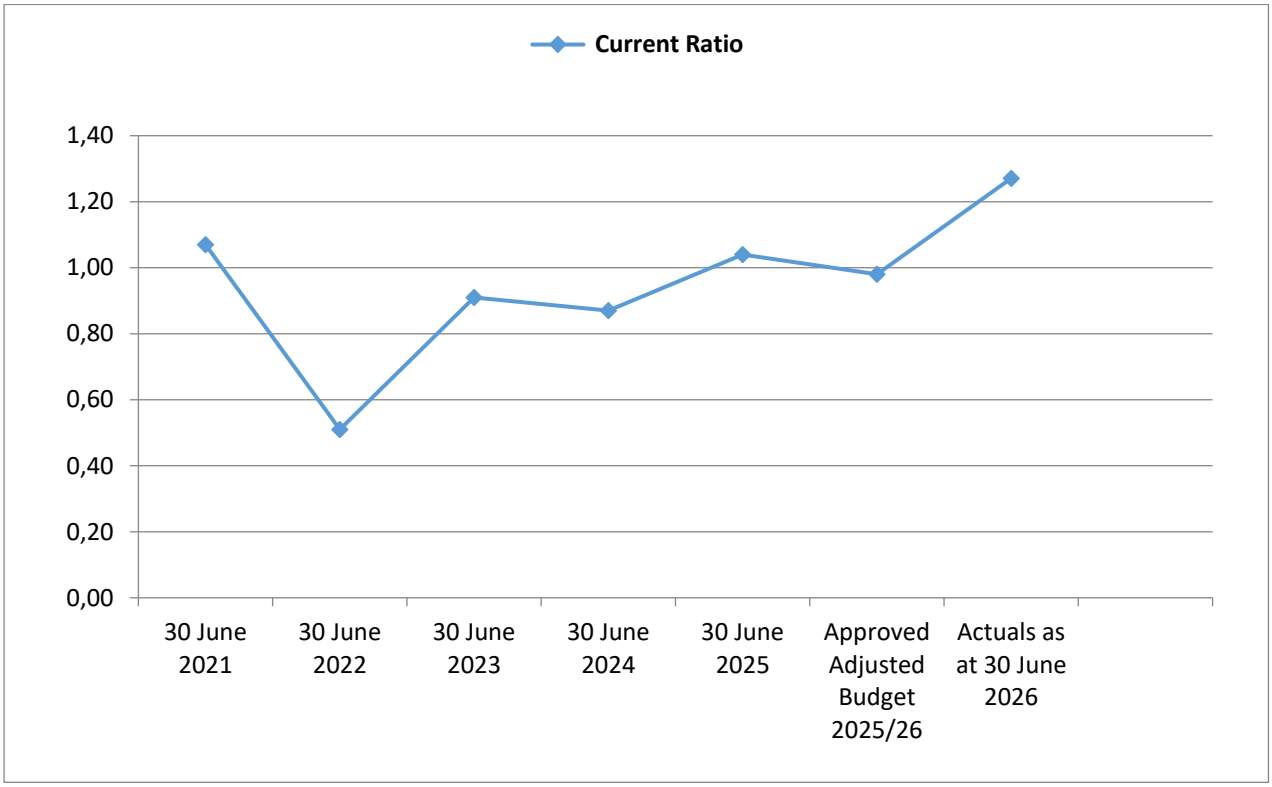
Current assets/Current liabilities

The ratio as at 30 June 2026 was 1.28:1, compared to the approved adjusted budget ratio of 0.80:1. As at 30 June 2026, cash reserves/commitments amounted to R 181,856 million, the current ratio excluding the cash reserves constitute 1.01:1.

In terms of the MFMA Circular No. 71, the norm is 1.5:1 to 2:1

The higher the current Ratio, the stronger the Municipality's financial capacity to meet its current obligations.

A ratio of below 1:1 would suggest that the Municipality would be unable to meet all of its current obligations as and when they fall due.



1.1.4. Liquidity Ratio

The liquidity ratio assesses a Municipality's ability to meet its short-term commitments from Monetary Assets.

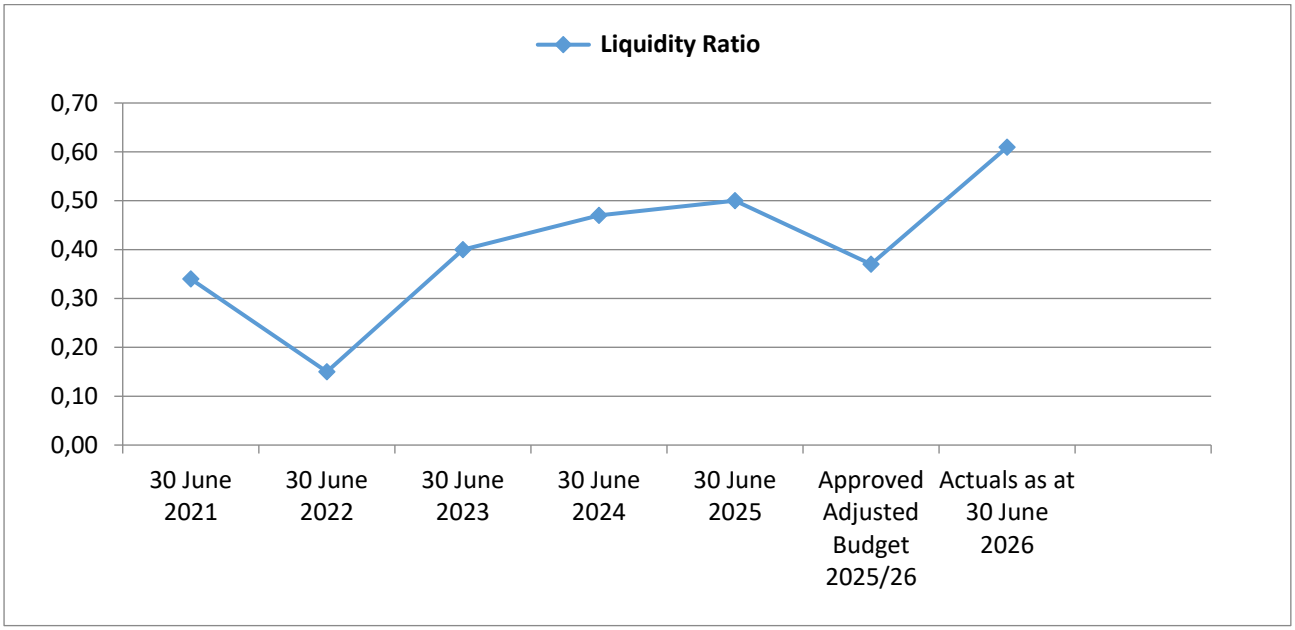
The ratio is determined as follows:

Monetary assets/Current liabilities

A favourable ratio would ensure that the Municipality is able to settle its short-term commitments from monetary assets. The liquidity ratio as at 30 June 2026 was 0.61:1 compared to the approved adjusted budget ratio of 0.37:1.

As at 30 June 2026, cash reserves/commitments amounted to R 181,856 million, the liquidity ratio excluding the cash reserves constitute 0.14:1.

The liquidity ratio is of the utmost importance to measure the financial liquidity and sustainability of the municipality.



1.2. Revenue Management

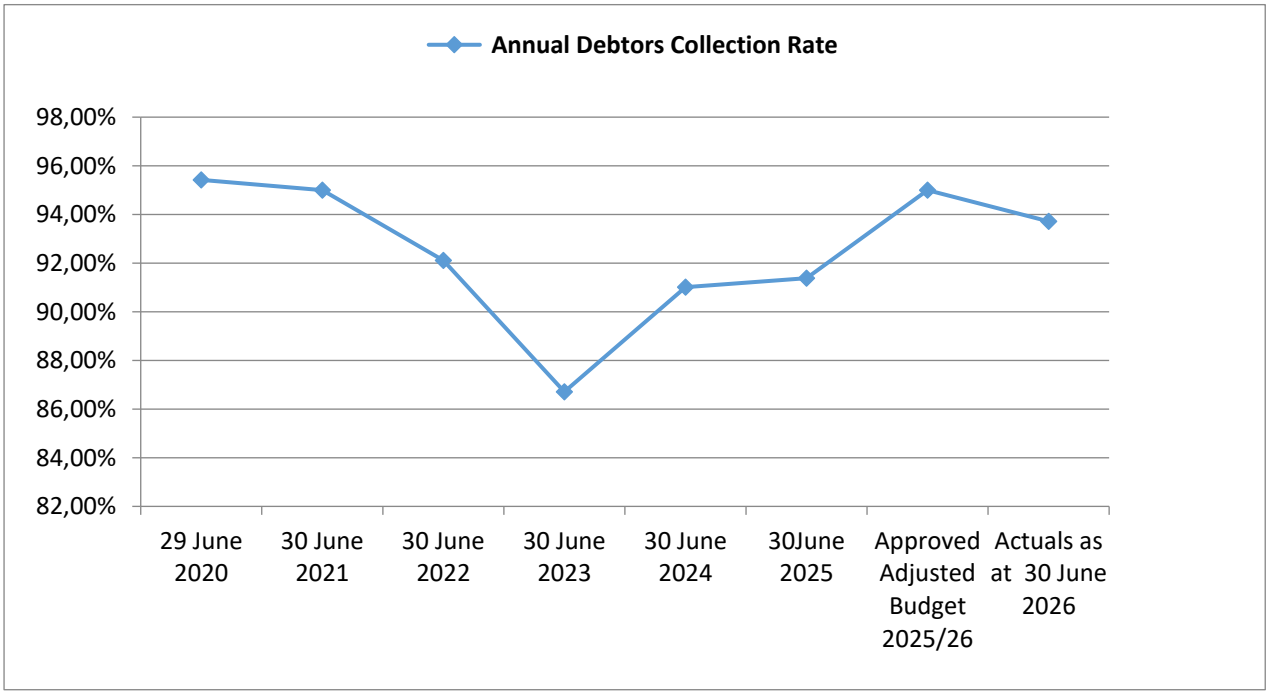
1.2.1. Annual Debtors Collection Rate

This ratio assesses the actual cash collected, compared to the monetary value of the municipal accounts rendered for municipal rates and services.

The ratio to determine the percentage collection rate is as follows:

Gross Debtors Opening Balance + Billed Revenue – Gross Debtors Closing Balance - Bad Debts Written Off) / Billed Revenue x 100

The average collection rate as at 30 June 2026 was 93.72%, compared to the approved adjusted budget collection rate of 95%. The actual collection rate for May is 99.51 %.



1.3. Other indicators

1.3.1. Cost coverage

The Ratio indicates the Municipality's ability to meet at least its monthly fixed operating commitments from cash and short-term investments, without collecting any additional revenue, during that particular month.

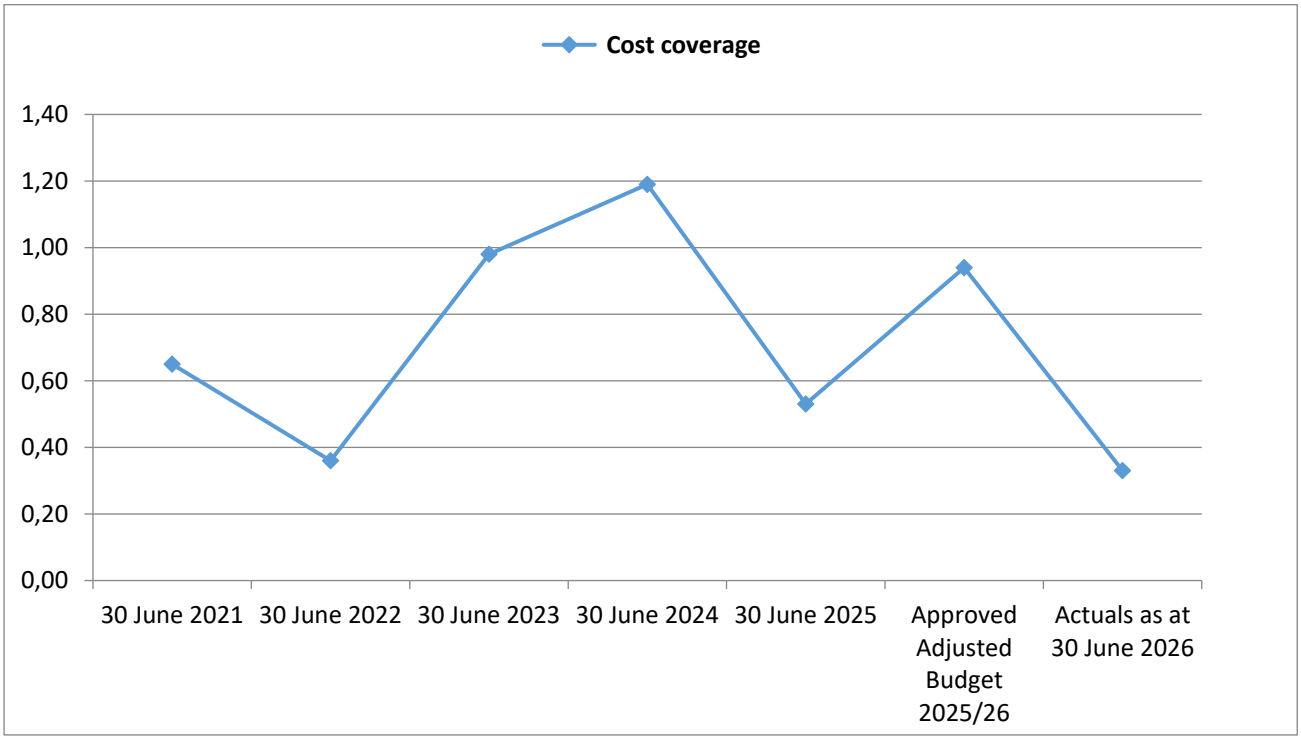
The Ratio is adjusted for Unspent Conditional Grants, Unspent borrowings, Cash Reserves for Eskom and Cash Reserves provided for the Development Bank of South Africa (DBSA) and augmentation fees, as the cash is not available for normal day-to-day operational expenditure but rather reserved for Grant and Capital related expenditure.

The ratio is determined as follows:

Cash and cash equivalents – unspent conditional grants – unspent borrowings – cash reserves - overdraft + short-term investments/ monthly fixed operational expenditure excluding (depreciation, amortisation, provisions for bad debts, impairment and loss on the disposal of assets)

As at 30 June 2026, the Ratio was 0.33 months, compared to the approved adjusted budget ratio of 0.94 months.

In terms of MFMA Circular No. 71, the norm is 1 month to 3 months.



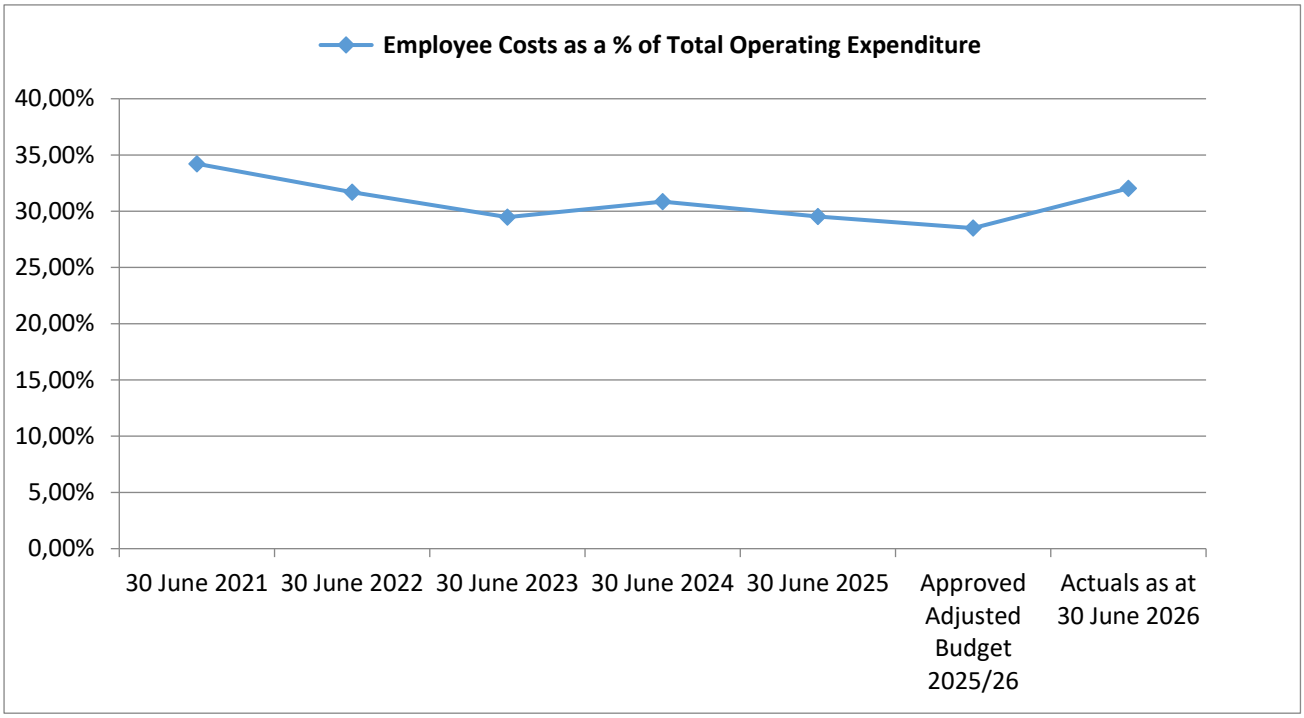
1.3.2. Employee costs as a % of Total Operating Expenditure

This ratio assesses the extent to which the Municipality's Total Operating Expenditure is consumed by costs associated with the employment of human resources.

The ratio is determined as follows:

Employee Costs to date/Total Operating Expenditure to Date

As at 30 June 2026, Employee Related Costs constituted 32.04% of the Total Operating Expenditure, compared to the approved adjusted budget ratio 28.5%.



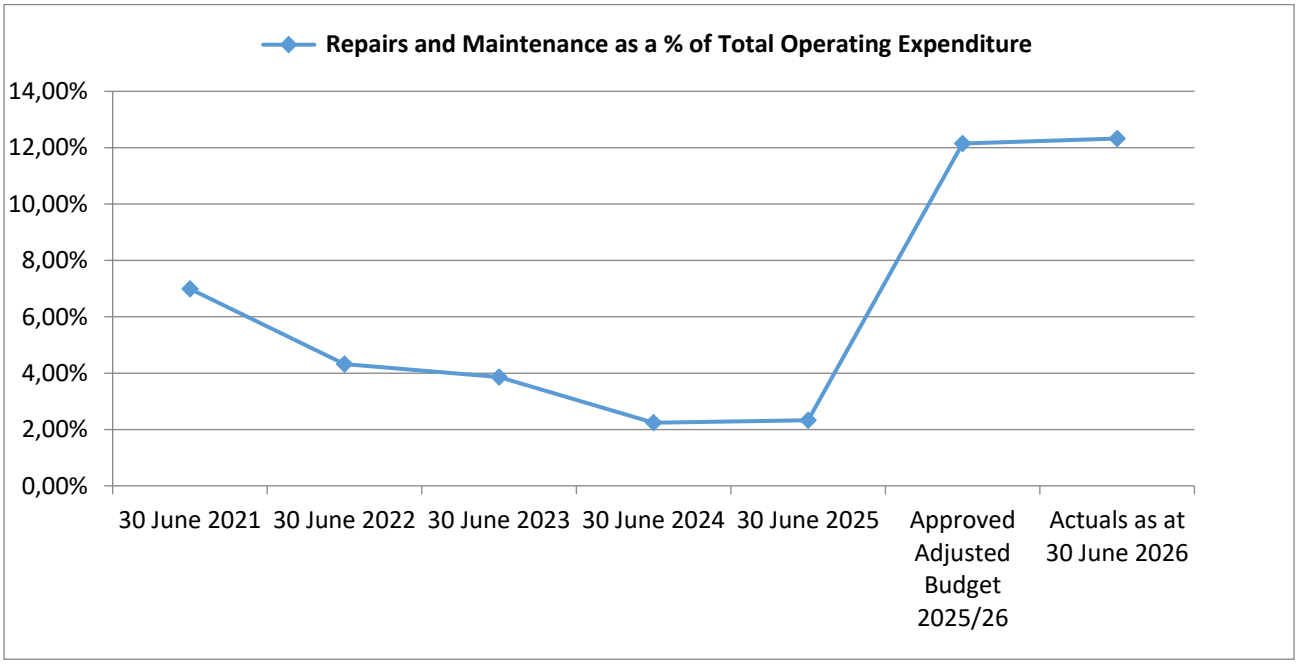
1.3.3. Repairs and Maintenance as a % of Total Operating Expenditure

This ratio assesses the extent to which the Municipality's Total Operating Expenditure is consumed by costs associated with the repairs and maintenance of its assets.

The ratio is determined as follows:

Repairs and maintenance expenditure to date / Total Operating Expenditure to date

As at 30 June 2026, the ratio was 12.33%, compared to the approved adjusted budget ratio of 12.15%.



1.3.4. Repairs and Maintenance as a % of the book value of Property, Plant and Equipment (PPE)

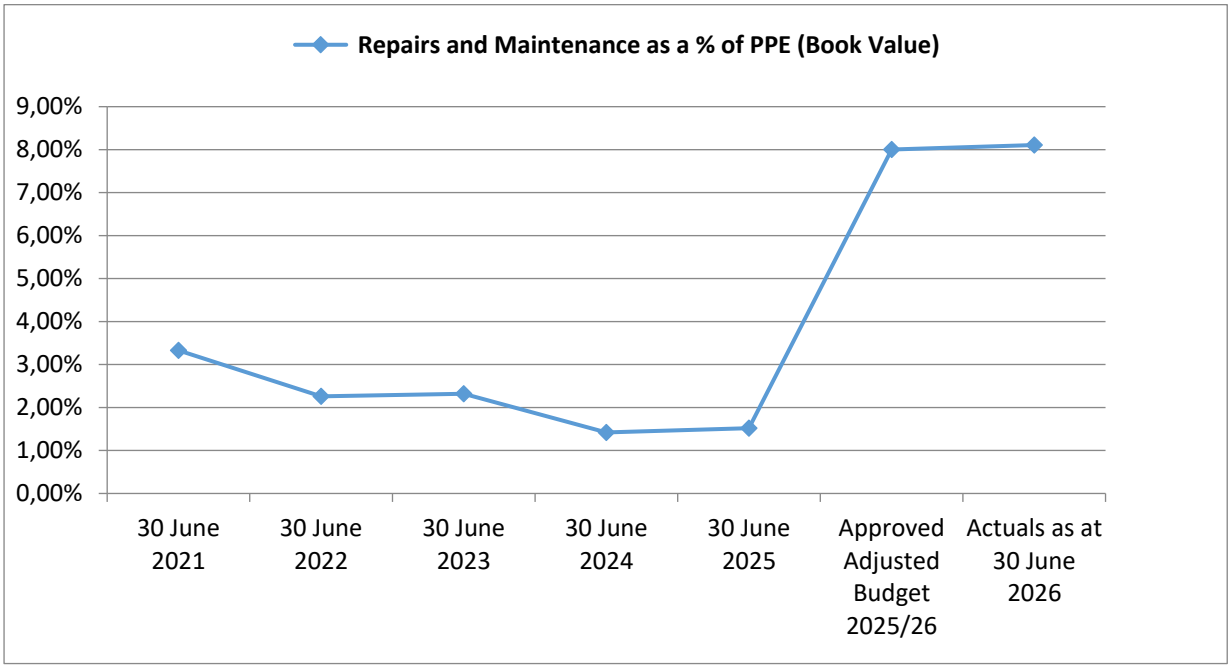
The Ratio measures the level of repairs and maintenance to ensure adequate maintenance to minimise breakdowns and interruptions in service delivery.

The ratio is determined as follows:

Repairs and maintenance expenditure to date / Book value of PPE to date

As at 30 June 2026, repairs and maintenance expenditure constituted 8.11% of the book value of PPE, compared to the approved adjusted budget ratio of 8%.

In terms of the MFMA Circular No.71, the norm is 8%.



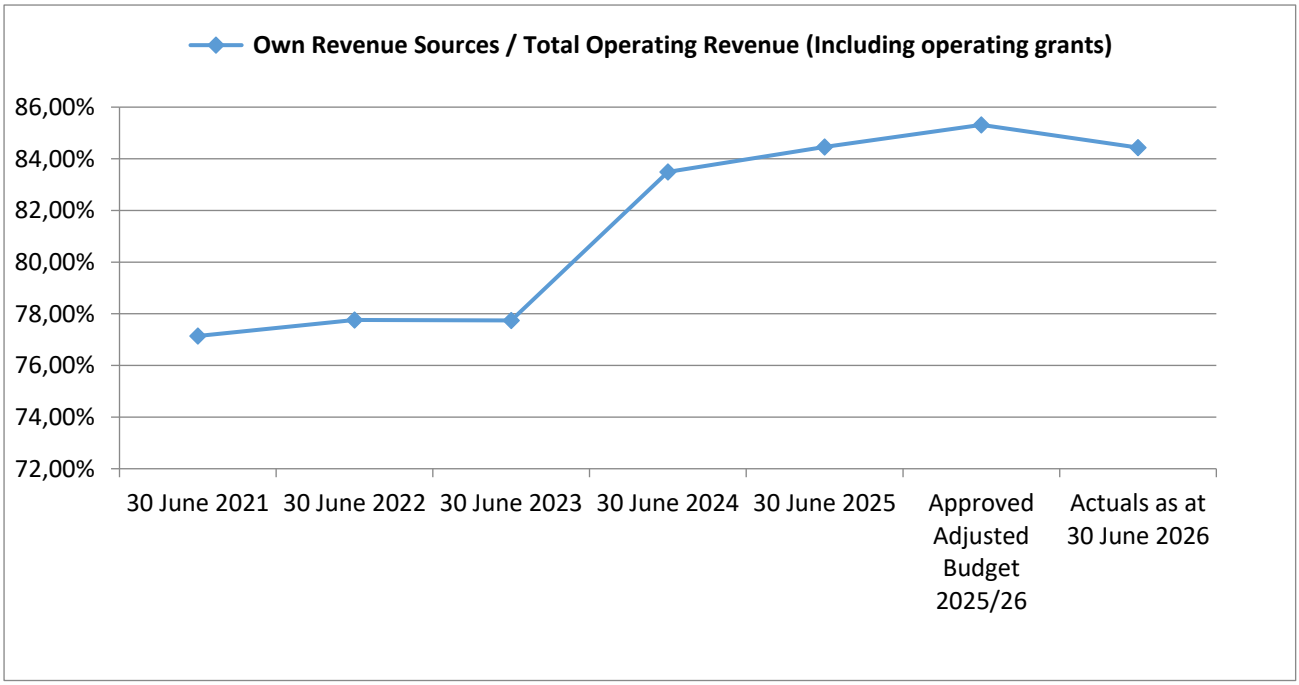
Own Revenue Generation

This ratio measures the extent to which the Municipality has control over its revenue sources, i.e., what percentage of its revenue is generated locally. The higher the ratio, the less reliant a Municipality is on Provincial and National Government to support its operations.

The ratio is determined as follows:

Own Revenue Sources / Total Operating Income (includes operating grants)

As at 30 June 2026, the Municipality's own revenue sources constituted 84.44% of its total Operating Income, compared to the approved adjusted budget ratio of 85.31%.



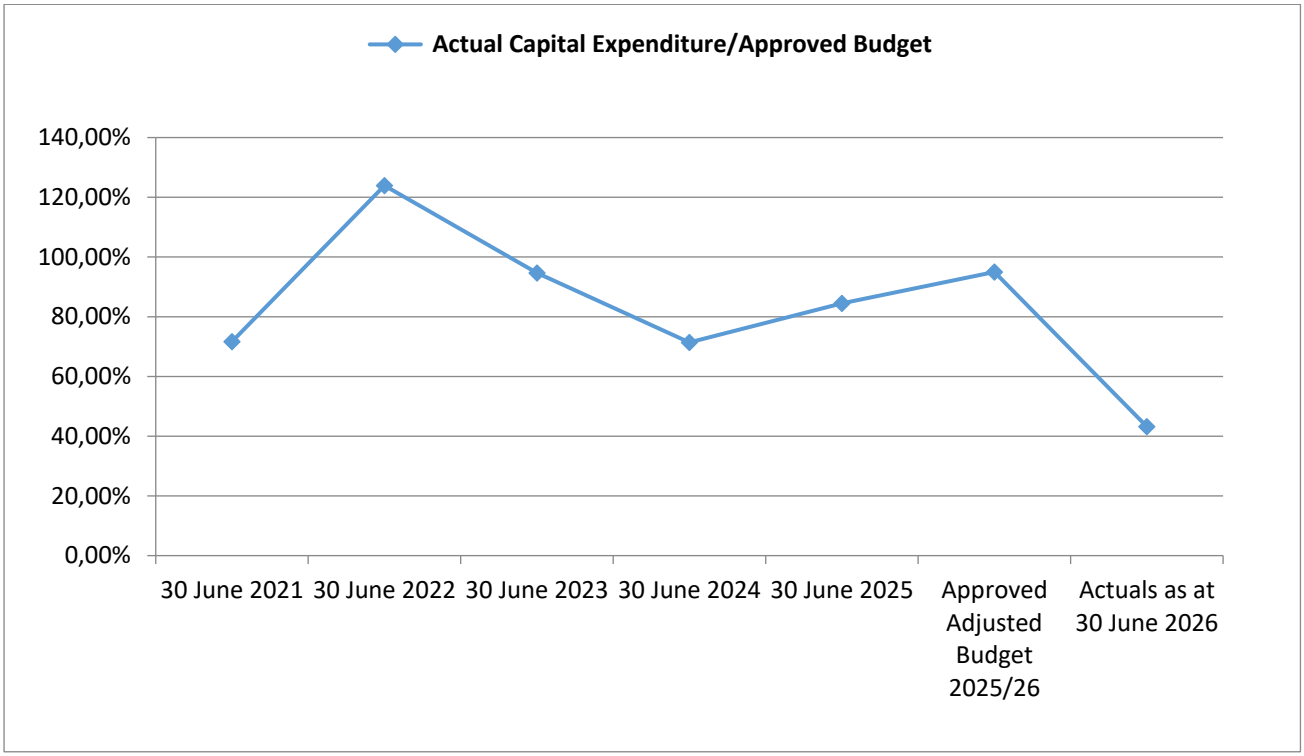
1.3.5. Capital Budget Spending

This ratio assesses the level of actual capital spending, compared to the budgeted capital expenditure.

The ratio is determined as follows:

Actual Capital spending / Approved Capital Budget

The actual spending as at 30 June 2026 amounted to 43.20%, compared to the approved adjusted budget ratio of 95%.



KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED3**

NATIONAL GREATER GARDEN ROUTE TIDE BREAKERS HIGH-SPEED INFLATABLE BOAT RACING CHAMPIONSHIP: 3-YEAR SPONSORSHIP

1. **Introduction**

The purpose of this item is to seek Council's approval for a three (3) year sponsorship for the National Greater Garden Route Tide Breaker High-Speed Inflatable Boat Racing Championship hosted from 7th to 9th August 2026 at Dolphin Beach within a designated area.

2. **Background**

The sponsorship will assist in delivering a recognised powerboat racing event that is expected to attract competitors, officials, spectators and visitors, thereby contributing to tourism growth and local economic development.

The Greater Garden Route Tide breaker Classic National Championship 2026 is a high-profile national and international powerboat racing event, to be hosted in Jeffreys Bay from 7 to 9 August 2026. It is anticipated that approximately 45 boats will compete, with teams, crew, officials, families, and spectators travelling to the region for the long weekend with an estimated 1200 people attending.

This event will be the National championship, positioning Kouga Municipality and Jeffreys Bay as a premier niche water sport destination. The Greater Garden Route Inflatable Boat club is a local club that was formed after the huge success of the 2025 event. The club aims to grow this sport in Kouga.

During the championship held in Kouga during 2025, 2 teams from Scotland also participated in the event.

3. **Discussion**

The Greater Garden Route Tide Breaker Championship is a competitive inflatable powerboat racing event featuring specially designed high-performance inflatable craft competing over timed race circuits and endurance challenges.

Kouga Local Municipality has established itself as one of South Africa's leading coastal tourism destinations through its world-renowned beaches, outdoor recreation events, surfing events, sporting competitions and marine-based activities. Continued investment in niche events that attract visitors outside of the traditional peak holiday periods aligns with the Municipality's Economic Development objectives and Tourism Plan.

The Greater Garden Route Tide Breaker High-Speed Inflatable Boat Racing Championship represents an opportunity to expand Kouga's events portfolio by introducing a high-energy marine sporting event capable of attracting regional and national visitors while showcasing the municipality's exceptional coastline and marine environment.

Municipal support for the event would demonstrate Council's commitment to growing sports tourism, stimulating the visitor economy and positioning Kouga as a premier destination for water-based sporting events.

The championship is expected to include:

- National and regional inflatable boat racing teams.
- Professional and amateur competitors.
- Marine equipment manufacturers and exhibitors.
- Safety demonstrations and water rescue displays.
- Family entertainment.
- Food and craft vendors.
- Local tourism product exhibitions.
- Environmental awareness initiatives promoting marine conservation.

The event will be promoted nationally through digital marketing, social media, sporting organisations and tourism partners.

The proposed event is anticipated to become an annual fixture on the national sporting calendar.

- Official Designation
  - Kouga can claim the "Official Host City" and partner designation status for three (3) consecutive years.

- Digital inclusion
  - Kouga Local Municipality logo placement on all marketing collateral.
  - Motorsport and marine sport platforms.

- On-Site branding
  - High-visibility branding rights at the events high-traffic areas on Dolphin Beach and at the prizegiving.

- Social Media
  - Inclusion in the event's social media roll-out featuring dedicated content block focusing on the Kouga region as a travel destination.

- Direct Marketing and Promotion
  - Inclusion of the Kouga (J Bay) Logo in participants Newsletters
  - Dedicated feature articles regarding the destination to the whole database.
  - Kouga (J Bay) Logo logo on all marketing elements advertising the event on the South Africa powerboat racing federation and various championship channels.

- Content and Media Rights

- Full, unrestricted rights to use official race photography and video footage for direct destination marketing promotion or as content creation.

The funding request is for set values over a three (3) year period inclusive of VAT as outlined below:

Year 1	2026/2027	R100 000.00
Year 2	2027/2028	R100 000.00
Year 3	2028/2029	R100 000.00

Refer to Annexure A attached for an overview of the event proposal.

Refer to Annexure B attached for an overview of course route and beach layout

4. **Financial Implications**

Completed by BTO -	Not applicable
Project Description	GGR Tied Breakers National Championship
Ukey no.	20260629060264
Budgeted Amount	R100,000-00
Amount spent and committed to date	R0,00
Amount Available	R100,000-00
Comment	

KOUGA MUNICIPALITY
2026-07-17
BUDGET & TREASURY

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government 67.

(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(1) has the capacity and has agreed-

(i) to comply with any agreement with the municipality;

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;

(2) implements effective, efficient, and transparent financial management and 15 internal control systems to guard against fraud. theft and financial mismanagement; and

(3) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the 20 requirements of subsection (1) in respect of a previous transfer, the municipality may

(I)(c) make a further transfer to that organisation or body provided that-

(1) subsection (I)(a) and (b) is complied with, and

(2) the relevant provincial treasury has approved the transfer.

(1) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

Should Council approve the resolutions below, the Municipality must enter into a funding agreement with the Beneficiary, setting out the applicable provisions of the Local Government: Municipal Finance Management Act, and to which agreement both parties will be legally bound.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer**

Recommendations supported.

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Item noted.

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That a funding agreement of R100 000 (VAT inclusive) for each of the 2026/27 to 2028/29 financial years be approved with the Greater Garden Route Inflatable Boat club, subject to all event approval requirements and conditions being met.

10.2 That the Accounting Officer is authorised to conclude a Funding Agreement with the GGR Tide Breakers National Championship – Event Organiser, in accordance with the funding allocated in recommendation 10.1 above.

Item prepared by the: Acting Manager ED&T

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by the Portfolio Councillor:

ANNEXURE A

Funding Proposal

Greater Garden Route Tide breaker Classic National Championship 2026
Jeffreys Bay Main Beach

7 – 9 August 2026

1. Applicant Details

Organisation : Greater Garden Route Inflatable Boat Club
Contact Person: Leilani Elsa Coetsee
Email: leilanicoetsee19@gmail.com
Phone: 084 681 3702

2. Event Overview

The Greater Garden Route Tide breaker Classic National Championship 2026 is a high-profile national and international powerboat racing event, to be hosted in Jeffreys Bay from 7 to 9 August 2026. Greater garden Route Inflatable Boat club is a local club that was formed after the huge success of the 2025 event. The club aims to grow this sport in Kouga.

This event will be the National championship, positioning Kouga Municipality and Jeffreys Bay as a premier water sporting destination.

We anticipate approximately 45 competing boats, with teams, crew, officials, families, and spectators travelling to the region for the long weekend. The perfect opportunity to showcase our region. Visitors from Scotland also made their way last year for the race.

3. Objectives of the Event

- Promote Kouga Municipality as a leading tourism and sporting destination
- Attract domestic and international visitors to the region
- Increase occupancy of local accommodation establishments
- Drive foot traffic to local restaurants, retailers, and service providers
- Strengthen Jeffreys Bay's profile in international powerboat racing
- Deliver economic stimulation during a long-weekend period
- Drive local job creation for casual workers over the long weekend

4. Economic & Tourism Impact

The event is expected to generate significant direct and indirect economic benefits, including:

- **Accommodation demand:** Holiday apartments, guesthouses, and self-catering units will benefit from multi-night stays
- **Hospitality spend:** Restaurants, Bars, coffee shops, take-away outlets and children entertainment, tourist attractions as it is a long weekend
- **Retail & Services:** Fuel, transport, retail shopping
- **Extended stays:** Visitors encouraged to explore surrounding attractions in the Kouga region as it is a long weekend
- **Job Creation:** Many local community members are involved in this event. Water safety teams, assistants, officials and event role players as well as local food trucks.

With racing spread over 3 days, this event supports sustained visitor presence rather than a single-day spike.

5. Event Programme

- **7 August:** Arrival of teams, boat scrutineering, registration, opening function
- **8 – 9 August:**
    - Daily race heats
    - Public viewing and hospitality zones
    - Tourism activations and local business promotions
    - Evening social and networking events showcasing Kouga attractions

Tourism activities will be promoted between race sessions to encourage visitor movement throughout the region.

6. Marketing & Destination Promotion

The event will be marketed nationally and internationally through:

- Powerboat racing federations and championship channels
- Social media campaigns
- Motorsport and marine sport platforms
- Event website and digital media
- Press and media coverage

All marketing will highlight **Jeffreys Bay and the Kouga region** as the host destination.

7. Funding Request

Greater Garden Route Tide breaker Classic 2026 hereby requests **R100,000** in grant funding from Kouga Municipality for 3 consecutive years to support:

- Event logistics and infrastructure
- Safety and marine management

- Marketing and destination promotion
- Equipment & Logistics

8. Municipal Branding & Return on Investment

In return for funding, Kouga Municipality will receive:

- Official designation as **Event Partner / Sponsor**
- Prominent branding on:
  - Event signage and banners
  - Race programmes and digital media
  - Social media and marketing material
  - On-site branding and public address mentions
- Acknowledgement in all press and media releases
- Opportunity to showcase municipal tourism initiatives on-site

9. Conclusion

The Greater Garden Route Tide breaker Classic 2026 represents a strategic opportunity to:

- Grow sports tourism in Kouga
- Attract high-value visitors
- Stimulate the local economy
- Position Jeffreys Bay on the international marine sporting calendar
- Create Free entertainment for the Kouga community

We believe this partnership will deliver strong returns for Kouga Municipality and its business community, and we look forward to working together to make this event a flagship annual attraction.



THE RACE

3 Days of Adrenaline on the Waves

DAY 1 | FRIDAY 7 AUGUST
Scrutineering and training
09:00 - 16:00 |

DAY 2 | SATURDAY 8 AUGUST
Area-bound surf race close to shore
09:00 - 14:00 | Maximum spectator visibility

DAY 3 | SATURDAY 9 AUGUST
70+ km long-haul endurance race
09:00 - 14:00 | Checkpoint at Main Beach



JOIN THE ACTION

Free Entry for All Spectators

The Racing

Watch high-powered inflatable boats charge through the surf in an adrenaline-fueled showdown of speed and skill

The Experience

Beach food stalls, coffee stands, and local restaurants running event specials throughout the weekend

The Location

Jeffreys Bay Main Beach — one of South Africa's most iconic coastal destinations





Certificate issued by the Commissioner of Companies & Intellectual Property Commission on Friday, March 20, 2026 at 11:35

Companies and Intellectual Property Commission
a member of the dti group

COR14.3: Registration Certificate

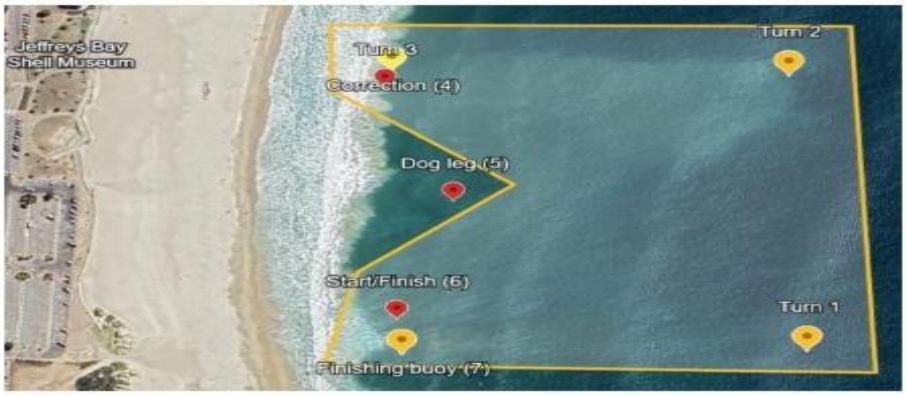
Registration Number: **2026 / 239768 / 08**
Enterprise Name: **GREATER GARDEN ROUTE INFLATABLE BOAT CLUB**

ENTERPRISE INFORMATION

Registration Number	2026 / 239768 / 08	
Enterprise Name	GREATER GARDEN ROUTE INFLATABLE BOAT CLUB	
Registration Date	20/03/2026	
Business Start Date	20/03/2026	
Enterprise Type	Non Profit Company	
Enterprise Status	In Business	
Financial Year End	December	
TAX Number	9799777199	
Addresses	POSTAL ADDRESS	ADDRESS OF REGISTERED OFFICE
	PLOT 40 MILTON HANKEY HANKEY EASTERN CAPE 6350	PLOT 40 MILTON HANKEY HANKEY EASTERN CAPE 6350

ANNEXURE B

CIRCUIT COURSE



LONGHAUL COURSE



BEACH LAYOUT



KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED4**

RIP CURL GROM PRO JUNIOR SEAL POINT CHAMPIONSHIP 2026 – TOURISM AND YOUTH DEVELOPMENT PARTNERSHIP SPONSORSHIP PROPOSAL

1. **Introduction**

The purpose of this item is to request Council's approval for a municipal funding contribution towards the hosting of the **Rip Curl Grom Pro Junior Seal Point 2026 Surfing Championship**, a World Surf League (WSL) sanctioned junior surfing event to be held at Seal Point, Cape St Francis on **15–16 August 2026.**

The event forms part of the official WSL Junior Series and provides a strategic opportunity for youth development, tourism growth, and destination marketing for the Kouga region

2. **Background**

The Rip Curl Grom Pro Junior Seal Point 2026 is an internationally recognized Junior surfing competition hosted at one of South Africa's premier surfing destinations.

The event attracts approximately:

- 50 junior competitors
- 20 event staff and officials
- Coaches, families, and supporters from across South Africa

This results in a meaningful visitor footprint within the Kouga region during the traditionally quieter winter tourism period.

The event is sanctioned under the World Surf League junior pathway, providing young athletes with exposure to structured international-level competition.

3. **Discussion**

Strategic Objectives

The event aligns with municipal priorities in the following areas:

3.1 Youth Development

- Provides competitive exposure for junior athletes
- Build discipline, confidence, and sportsmanship
- Supports development of South Africa's future surfing talent

3.2 Tourism Growth

- Hosted during August, supporting winter tourism stimulation
- Increases occupancy in local accommodation establishments
- Drives spent in restaurants, retail, fuel, and tourism services

3.3 Women's Month Activation

- Includes both boys' and girls' divisions
- Promotes participation of young female athletes in competitive sport
- Supports gender inclusion in sport development

3.4 Destination Marketing

- Showcases Seal Point and Cape St Francis as world-class surfing destinations
- National and international exposure via webcast and media coverage
- Long-term promotional benefit through digital content and media assets

Economic Impact

The event is expected to generate direct and indirect economic benefits for the Kouga region, including:

- Accommodation bookings
- Restaurant and café spending
- Retail and fuel purchases
- Tourism-related activities
- Local transport services

Projected Economic Value

- Direct visitor spending: ± R500,000.00
- Media and promotional value: ± R1.9 million
- Total combined value: ± R2.4 million+

Municipal Partnership Benefits

Should Council approve the funding request, Kouga Municipality will receive:

- St Francis Bay / Cape St Francis branding on selected event infrastructure
- Recognition in event marketing and media material
- Inclusion in press releases and promotional campaigns
- Visibility during webcast coverage
- Destination marketing exposure through commentary and media
- Opportunity for Executive Mayor participation in event programming

Annexure A – RIP CURL PRO JUNIOR SEAL POINT 2026 PROPOSAL

Annexure B – Support Letter – WSL

4. **Financial Implications**

Completed by BTO -	
Project Description	Rip Curl Grom Surfing Championship

Ukey no.	20260629060266
Budgeted Amount	R200 000.00
Amount spent and committed to date	R0,00
Amount Available	R200 000.00
Comment	



5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government 67.

(1) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(1) has the capacity and has agreed-

(i) to comply with any agreement with the municipality;

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;

(2) implements effective, efficient, and transparent financial management and 15 internal control systems to guard against fraud. theft and financial mismanagement; and

(3) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the 20 requirements of subsection (1) in respect of a previous transfer, the municipality may

(I)(c) make a further transfer to that organisation or body provided that-

(1) subsection (I)(a) and (b) is complied with, and

(2) the relevant provincial treasury has approved the transfer.

(1) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

Should Council approve the resolutions below, the Municipality must enter into a funding agreement with the Beneficiary, setting out the applicable provisions of the Local Government: Municipal Finance Management Act, and to which agreement both parties will be legally bound.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer**

Recommendations supported.

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Noted.

8.4 **Director: Electro-Mechanical Services**

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 a funding agreement of R200,000.00 (Two hundred thousand Rand) only, VAT inclusive for the Rip Curl Pro Junior be approved for the 2026/2027 financial year, subject to all event approval requirements and conditions being met.

10.2 That the Accounting Officer be authorised to conclude a Funding Agreement with the Event Organiser, in accordance with the funding allocated in recommendation 10.1 above.

Item prepared by the: Acting Manager ED&T

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

Annexure A: RIP CURL PRO JUNIOR PROPOSAL



RIP CURL PRO JUNIOR SEAL POINT 2026

Tourism and Youth Development Partnership Proposal: 03 June 2026

Presented to

Kouga Local Municipality

Seal Point, Cape St Francis

World Surf League (WSL) Pro Junior Series

15 - 16 August 2026

Funding Request: R200,000

Supporting youth sport, promoting Women's Month, stimulating winter tourism and showcasing Kouga through a World Surf League event.



EVENT OVERVIEW



The Rip Curl Pro Junior Seal Point 2026 is a World Surf League sanctioned junior surfing event that will take place at Seal Point, Cape St Francis, on 15 and 16 August 2026.

The event attracts South Africa's leading junior surfers together with officials, coaches, families and supporters from around the country. Hosted at one of South Africa's premier surfing destinations, the event forms part of the official World Surf League Junior Series and provides a recognised pathway for young athletes competing within the international surfing system.

The event is expected to host approximately 50 competitors and 20 event staff and officials, together with accompanying family members and supporters, creating a meaningful visitor footprint within the Kouga region.

Beyond the sporting competition, the event delivers important tourism, economic and youth development benefits while showcasing Cape St Francis and the wider Kouga region to a national audience through webcast coverage, media exposure and digital promotion.

Community Benefits



Supporting Winter Tourism

The Rip Curl Pro Junior takes place during August, a traditionally quieter tourism period within the Kouga region. The event attracts visitors from across South Africa who utilise local accommodation establishments, restaurants, coffee shops, retail outlets and tourism services, generating valuable economic activity during the winter season.

Youth Development

The event provides young athletes with the opportunity to compete in a professionally managed World Surf League competition while developing confidence, discipline, sportsmanship and competitive experience. It supports the continued development of South Africa's next generation of surfing talent.

Women's Month

Hosted during Women's Month, the event includes both boys' and girls' divisions and provides a platform for young female athletes competing at a

recognised international standard. The event celebrates participation, achievement and opportunity for young women in sport.

Destination Marketing

Seal Point is recognised nationally and internationally as one of South Africa's premier surfing locations. Through webcast coverage, photography, video content, social media activity and media coverage, the event provides valuable exposure for Cape St Francis and the Kouga region.



ECONOMIC IMPACT



The event is expected to attract competitors, officials, coaches, family members and supporters from across South Africa.

These visitors contribute directly to the local economy through:

- Accommodation bookings
- Restaurant and café spending
- Fuel purchases
- Retail spending
- Tourism and leisure activities
- Local transport services

Based on competitor, official and accompanying visitor attendance, the event is expected to generate approximately R500,000 in direct visitor

spending within the Kouga region through accommodation, dining, retail and tourism-related activities.

The event also delivers long-term value through destination marketing and positive exposure for Cape St Francis and Kouga.

PROJECTED RETURN ON INVESTMENT

Municipal Investment Requested

R200,000

Projected Combined Economic and Media Value

R2,400,000+

Projected Return on Investment

12:1

The Rip Curl Pro Junior Seal Point 2026 delivers measurable value through tourism, destination marketing, youth development and media exposure.

The event attracts competitors, officials, families and supporters from across South Africa, generating direct visitor spending within the Kouga region through accommodation, dining, retail purchases, fuel sales and tourism-related activities.

In addition to direct economic activity, the event generates substantial promotional value through World Surf League exposure, webcast coverage, media distribution, photography, video production, social media activity and destination marketing content.

Projected Value Components

Direct Visitor Economy ..... R500,000+

Webcast Production and Exposure ..... R500,000+

Destination Marketing Value ..... R250,000+

National Media Distribution ..... R250,000+

World Surf League Promotional Value ..... R250,000+

Social Media Exposure ..... R200,000+

Regional Digital Media Coverage ..... R150,000+

National Photography & Media Pickups ..... R150,000+

Video Assets ..... R150,000+

Projected Combined Value ..... R2,400,000+

The event's promotional impact extends well beyond the competition period. Event photography, video content, webcast recordings, media coverage and social media content continue to promote Seal Point, Cape St Francis and the Kouga region long after the event has concluded.

Through a municipal investment of R200,000, Kouga Municipality gains association with a World Surf League event while supporting youth development, Women's Month initiatives, winter tourism and destination marketing within the region.



MEDIA AND PROMOTIONAL REACH

The Rip Curl Pro Junior Seal Point benefits from a comprehensive media and promotional programme before, during and after the event.

Coverage includes:

- World Surf League promotion
- Event webcast coverage
- LiveHeats scoring platform
- St Francis Today coverage
- National media distribution
- Surfing media coverage
- Social media promotion
- Professional event photography
- Professional video production
- Post-event reporting and results coverage

The event's media footprint extends well beyond the competition period. Event photography, video content, webcast coverage, news articles and social media content continue promoting Seal Point, Cape St Francis and the Kouga region long after the event has concluded.

MUNICIPAL PARTNERSHIP OPPORTUNITIES



As an official funding partner, Kouga Municipality will benefit from extensive visibility throughout the event.

Partnership opportunities include:

- Municipal branding on selected event infrastructure
- Recognition in event media and promotional material
- Inclusion in event press releases
- Visibility within webcast coverage
- Destination marketing opportunities during commentary
- Participation opportunities for the Executive Mayor within the webcast broadcast programme and activities.

FUNDING REQUEST



Kouga Municipality is invited to partner with the Rip Curl Pro Junior Seal Point 2026 through a funding contribution of R200,000.

Municipal support will contribute towards event infrastructure, water safety, medical services, operational logistics, event personnel, webcast delivery and the successful hosting of a World Surf League event within the municipality.

This investment will assist in delivering a nationally significant sporting event while generating tourism activity, destination marketing exposure and economic benefit for the Kouga region.

CONCLUSION



The Rip Curl Pro Junior Seal Point represents an opportunity to showcase Kouga Municipality on a national stage while supporting youth sport, celebrating Women's Month, stimulating winter tourism and generating positive exposure for the region.

Through a partnership with Kouga Municipality, the event will continue to grow as one of South Africa's leading junior surfing competitions while delivering measurable benefits to the local economy and community.

CONTACT

Craig Jarvis

Event Organiser

082 376 4443

ANNEXURE B: SUPPORT LETTER

Date: 28 October 2025

To Whom It May Concern,

Subject: WSL Interest in Hosting a Regional Surfing Event in St Francis Bay

The World Surf League (WSL) is the global governing body of professional surfing and coordinates, produces and sanctions professional surfing competitions across the globe.

The World Surf League (WSL) Africa is exploring opportunities to bring a WSL Regional event to the St Francis Bay area.

As part of this process, Craig Jarvis from Truth Collective will be connecting with local stakeholders, community representatives, and potential partners to discuss the idea and assess the feasibility of hosting such an event.

Craig is working closely with WSL Africa to help us better understand local perspectives and possibilities. His conversations and outreach will help shape how we might collaborate with the community to create an event that benefits both surfers and the region.

We appreciate your time and support in engaging with Craig as we explore this exciting opportunity for St Francis Bay and the South African surf community.

Kind regards,

Luqmaan Bruce
Regional Tour Manager - Africa
lbruce_contractor@worldsurfleague.com
+27 65 944 0056

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED5**

KOUGA HANKEY HERITAGE FESTIVAL 2026 - SPONSORSHIP PROPOSAL

1. Introduction

The purpose of this item is to seek Council's approval for sponsorship for the 1st Kouga Hankey Heritage Festival to take place on 26 September 2026 in Hankey at Centerton Sports field.

2. Background

The festival is intended to celebrate and showcase the rich cultural heritage, diversity, local talent, and tourism potential of the Kouga region while stimulating local economic activity and supporting community development initiatives. The event is expected to attract visitors from across the Kouga region and the Eastern Cape, providing opportunities for local artists, vendors, tourism operators, and small businesses.

Heritage Day is nationally recognised as a celebration of South Africa's diverse cultures and traditions. The proposed Kouga Heritage Festival seeks to align with this objective by creating a platform for cultural expression, community participation, tourism promotion, and economic development.

The festival will feature the following:

- Live cultural performances;
- Local and national artists;
- Heritage exhibitions and displays;
- Craft and food markets;
- Family entertainment activities;
- Community participation programmes; and
- Tourism promotion initiatives

The details of the above will be finalized by the Event Organisor once the sponsorship is secured.

The event is anticipated to attract approximately 4,000 attendees and provide direct and indirect economic benefits to local businesses and tourism stakeholders through the utilization of local accommodation, restaurants, transport, local vendors and local artists.

3. Discussion

The festival presents an opportunity to:

- Promote Kouga as a tourism destination;
- Showcase local culture, heritage, and talent;

- Support local economic development initiatives;
- Create opportunities for local vendors and entrepreneurs;
- Encourage community cohesion and participation; and
- Generate positive exposure for the municipality and its tourism offerings.

The event further aligns with municipal objectives relating to local economic development, tourism growth, cultural preservation, and community upliftment.

The estimated budget for the event is approximately R615,000 (as indicated in the attached proposal), which includes costs associated with:

Items:	**Amount:**
Stage, Sound, Infrastructure, Marketing	R295,000
Artist Fees	R190,000
Safety and Security	R55,000
Hospitality, Accommodation, Transport	R75,000
TOTAL	**R615,000**

Funding will be sought through sponsorship opportunities and partnerships with public and private sector stakeholders.

Projected Impact

Indicator	Target
Local Job Creation Rate	75%
Staff Employed	49
Local Artists & Performers	40%

75% of 49 staff employed will be local (Kouga Jurisdiction)

Annexure A: Sponsorship letter
Annexure B: Kouga Heritage Festival 2026 Proposal

4. **Financial Implications**

Completed by BTO -

Project Description	
Ukey no.	20250708985843
Budgeted Amount	R220,500.00
Amount spent and committed to date	R0.00
Amount Available	R220,500.00
Comment	

KOUGA MUNICIPALITY
2026-07-17
BUDGET & TREASURY

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organizations and bodies outside government 67.

(1) Before transferring funds of the municipality to an organization outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organization or body-

(1) has the capacity and has agreed-

(i) to comply with any agreement with the municipality;

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;

(2) implements effective, efficient, and transparent financial management and 15 internal control systems to guard against fraud. theft and financial mismanagement; and

(3) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the 20 requirements of subsection (1) in respect of a previous transfer, the municipality may

(I)(c) make a further transfer to that organisation or body provided that-

(1) subsection (I)(a) and (b) is complied with, and

(2) the relevant provincial treasury has approved the transfer.

(1) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

Should Council approve the resolutions below, the Municipality must enter into a funding agreement with the Beneficiary, setting out the applicable provisions of the Local Government: Municipal Finance Management Act, and to which agreement both parties will be legally bound.

7. **Other Implications**

The event will be subject to approval of the event, all applicable legislation, municipal by-laws, safety regulations, event management requirements, and permit conditions.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Noted.

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That a funding agreement of R220,500.00 (Two hundred and twenty thousand five hundred rand) only, VAT inclusive for the Kouga Hankey Heritage Festival 2026 be approved for the 2026/2027 financial year, subject to all event approval requirements and conditions being met.

10.2 That the Accounting Officer be authorised to conclude a Funding Agreement with the Event Organiser, in accordance with the funding allocated in recommendation 10.1 above.

Item prepared by the: Acting Manager ED&T

Item approved by the Chief Financial Officer:

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

ANNEXURE A: SPONSORSHIP LETTER

Dear Executive Mayor Hattingh, Chief Financial Officer, and Kouga Local Municipality Management Team

RE: REQUEST FOR FINANCIAL AND IN-KIND SUPPORT – KOUGA HERITAGE FESTIVAL

We would like to express our sincere appreciation for the invitation to attend the Events Briefing Meeting held last month. The engagement provided valuable insight into the Municipality's vision for community events and tourism development within the Kouga region.

As discussed during the meeting, we are proposing to host the inaugural **Kouga Heritage Festival** in Hankey. This event aims to become a flagship annual celebration of the rich cultural diversity, heritage, traditions, and community spirit of the Kouga region.

Following a comprehensive feasibility assessment, we have determined that the estimated operational cost of hosting the festival is approximately **R615,000.00**. To successfully deliver the event, we respectfully request financial and in-kind support from Kouga Local Municipality.

We are seeking a financial contribution of **R350,000.00** towards the event. The remaining costs will be funded through our own contribution, sponsorships, partnerships, vendor participation, and other fundraising initiatives.

In recognition of the Municipality's support, **Kouga Local Municipality will be acknowledged as the Title Sponsor of the Kouga Heritage Festival**, receiving prominent branding and recognition across all event marketing, promotional material, media campaigns, and event-day branding.

About the Kouga Heritage Festival

The Kouga Heritage Festival is a vibrant celebration of the rich cultural diversity, heritage, and traditions of the Kouga region. The festival aims to bring together communities, families, and visitors to experience and appreciate the unique cultural identity of the area through a variety of engaging activities and entertainment.

The event will feature:

- Live music performances by local and regional artists
- Traditional dance and cultural singing performances
- Arts, crafts, and heritage exhibitions
- A dedicated Kids' Zone with family-friendly entertainment and activities
- A Stance Car Show and Shine showcasing customised and classic vehicles
- A Potjiekos Competition celebrating local culinary traditions
- Food stalls offering a variety of cuisines and local delicacies
- Cultural games and interactive activities for all ages
- Opportunities for local artists, crafters, entrepreneurs, and community organisations to showcase their talents and products

Community and Economic Impact

The festival promotes cultural preservation, social cohesion, tourism development, and local economic growth while creating a safe and inclusive environment where residents and visitors can celebrate the heritage of Kouga together.

Furthermore, the event supports the Municipality's strategic objectives by:

- Promoting tourism and destination marketing within Kouga
- Supporting local economic development and small business participation
- Creating opportunities for youth involvement and skills development
- Strengthening community cohesion and social inclusion
- Providing positive recreational opportunities that contribute towards addressing social challenges such as crime, gangsterism, and substance abuse
- Showcasing the cultural assets and heritage of the region

We believe the Kouga Heritage Festival has the potential to become a signature event on the municipal calendar, attracting visitors, stimulating economic activity, and fostering pride among residents.

We respectfully request the Municipality's favourable consideration of our sponsorship application and look forward to partnering with Kouga Local Municipality to deliver a successful and impactful inaugural festival.

Thank you for your time and consideration.

Yours faithfully,

Rochey Walters
Events Director



ANNEXURE B: SPONSORSHIP PROPOSAL





Who We Are

Khoi kulcha Events Has produced festivals and lifestyle events over a decade. In 2023c 2024, 2025 and 2026, we partnered with sponsors , Kouga municipality and the Khoi kulcha foundation a NPO focused on youth empowerment, and job creation to host the Humansdorp community festival.

The Festival

The Kouga Heritage Festival celebrates the rich cultural identity of the Kouga region. It draws visitors from across the Eastern Cape and beyond, delivering live performances rooted in local culture, traditional arts, craft markets, heritage food, a car stance show, and family-friendly activations. Every edition backs local artists, creates jobs, and builds cultural pride.

Stats strip: 4+ Years Running, 49 Direct Jobs Created, 40% Local Artists and Performers, Eastern Cape Cultural Reach

KOUGA HERITAGE FESTIVAL

EVENT PLAN

VENUE:
Centerton Sports Field, Hankey, Kouga, Eastern Cape
Date: Saturday, 26 September 2026
Time of Event : Gates open 10am

EVENT STARTS 12PM
12pm - 4pm Traditional Culture and Heritage performances
4pm - 7pm Local Artist Performances
7pm Opening Ceremony
8pm - 1am - Headliners

TICKETS
Early Bird - R80
Pre Sold R - 100
Gate R120 VIP 250 & Kids R50



EVENT HIGHLIGHTS

Live Cultural Performances
Local and national artists perform music rooted in South African heritage.

Kids Heritage Zone
Rides, cultural games, and activities designed for all ages.

Car Stance Show
Custom cars and automotive culture celebrated alongside heritage.

Heritage Food and Craft Market
Traditional food, handmade crafts, and local artisan goods.

Cultural Activations
Heritage displays, storytelling booths, and brand activations.

Safety and Security
25 marshals and a full safety team on-site throughout the event.





WHY SPONSOR THIS FESTIVAL?

Large and Culturally Diverse Audience
Reach thousands of locals, tourists, and visitors from across the Kouga region and Eastern Cape.

Brand Exposure
Your brand appears on event signage, social media, and on-stage throughout the day.

Cultural Impact
Back a heritage-driven event that creates jobs, uplifts local artists, and preserves cultural identity.
Positive Brand Association
Align your brand with a family-friendly celebration of South African culture and heritage.

Networking
Connect with local businesses, cultural stakeholders, and potential customers face to face.
Together, we honour heritage, create opportunities, and build a stronger Kouga

BENEFITS

	BRONZE SPONSOR	SILVER SPONSOR	GOLD SPONSOR	PLATINUM SPONSOR
Logo on all event marketing material	✓	✓	✓	✓
Social Media Recognition	✓	✓	✓	✓
On Stage Recognition	✓	✓	✓	✓
Exhibition Space / Activation Booth	-	✓	✓	✓
Complimentary Passes	2 PASSES	5 PASSES	10 PASSES	25 PASSES
Logo on event Website	✓	✓	✓	✓
Exclusive Branding Opportunities	-	-	✓	✓
On Stage Speaking Activation	-	-	-	✓
Naming Rights	-	-	-	✓

BUDGET AND IMPACT

75% Job Creation Rate 49 Staff Employed 40% Local Artists and Performers

Budget Allocation:

Stage, Sound, Infrastructure, Marketing
R295,000

Artist Fees
R190,000

Safety and Security
R55,000

Hospitality, Accommodation, Transport
R75,000

TOTAL - R615,000



KOUGA HERITAGE FESTIVAL

SPONSORSHIP OPPORTUNITIES

Custom opportunities are available to match your brand goals.
Activation Booths Engage directly with attendees at a branded booth.
Heritage events attract high-dwell audiences.
Stage Partnerships Place your brand alongside live cultural performances and main-stage visibility.

Heritage Initiatives Support cultural programs that preserve identity and associate your brand with meaningful impact.
Media and Marketing Gain reach through radio, print, digital, and social media tied to the heritage narrative.
Product and Prize Sponsorship Donate products or prizes for giveaways.
Build brand goodwill among a loyal audience.
Let's build something meaningful for Kouga's heritage together.



KOUGA HERITAGE FESTIVAL

VENUE LAYOUT

Centerton Sports Field Hankey
Kouga, Eastern Cape

Zones:
Main Stage, VIP Area,
Beer Garden, Food Stalls,
Market Zone, Car Stance,
Kids Zone, Cultural Zone, Toilets,
First Aid Single entrance/exit point
at the south end of the field.

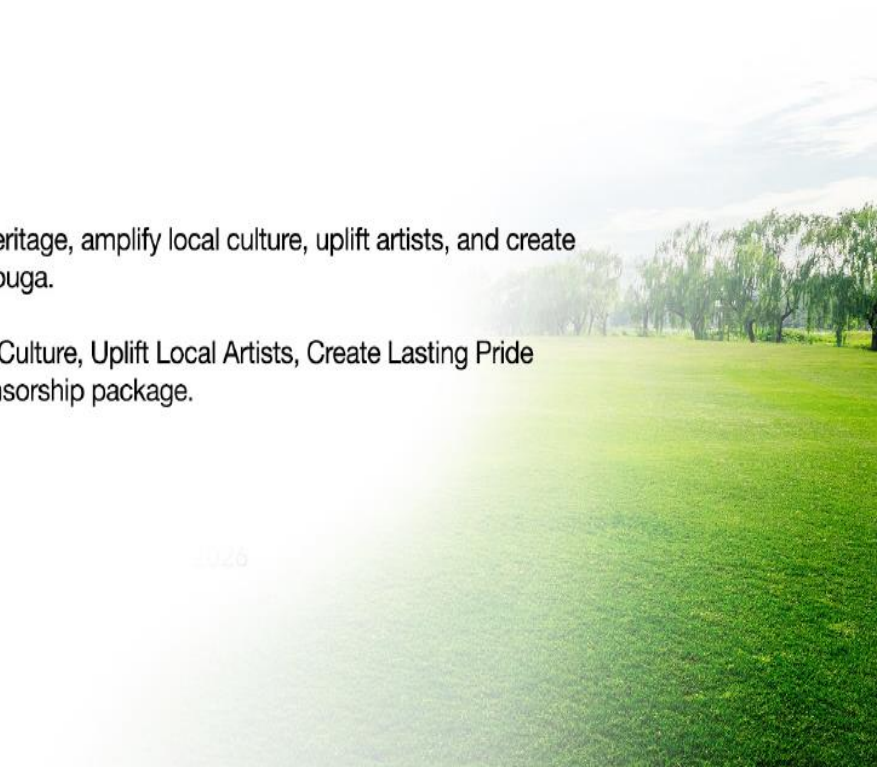


KOUGA HERITAGE FESTIVAL

THANK YOU

Together, We Thrive.
Your support helps us honour heritage, amplify local culture, uplift artists, and create lasting pride for the people of Kouga.

Honour Heritage, Amplify Local Culture, Uplift Local Artists, Create Lasting Pride
Contact us to confirm your sponsorship package.
rochewalters@gmail.com
0783767848
Kouga, Eastern Cape



KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED6**

KOUGA SUMMER FESTIVAL 2025 CLOSE OUT REPORT AND SUMMER 2026 SPONSORSHIP

1. **Introduction**

The purpose of this item is to provide a report back on the Kouga Summer Festival 2025 hosted by Jbay Tourism and ask Council approval for hosting Summer Festival 2026.

2. **Background**

Over the years, Kouga Local Municipality has played a pivotal role in supporting and facilitating tourism initiatives that enhance community vibrancy and position the region as a preferred visitor destination.

Jeffreys Bay Tourism and St Francis Tourism have each submitted comprehensive seasonal programmes, which proposed a series of family-friendly, free public events. These initiatives were implemented with the coordinated support and assistance of the relevant departments within Kouga Local Municipality, in alignment with the Municipality's tourism promotion and local economic development objectives.

3. **Discussion**

The JBay Summer Fun Festival exploded in Jeffreys Bay, throughout December 2025, turning this world-famous surf-known seaside village into an epicentre of high-energy and fun for all travellers far and wide.

St Francis Bay known as the "Calamari Capital of South Africa" made a vibrant seasonal mark by hosting its opening-of-season and catering for both local resident and holiday goers.

Both featured a warm welcome from our esteemed Mayor, fun entertainment and electrifying live music.

Jeffreys Bay boasted with acts from local legends to well-known national artists, family adventure zones with touch rugby on the beach, picnic in the park evenings, beach walks, art exhibitions and markets bursting with street food and crafts in the town center, and offbeat pop-ups like eco-hikes in Noorsekloof Nature Reserve, Car Boot Sales, Mr & Ms Jbay Summer Fun and activations from well-known brands like Clover Tropica and ending the year with an epic fireworks display at Dolphin Beach.

Drawing record crowds under the endless summer sun, this 2025 edition captured JBay' s unbreakable spirit. Herewith is a full recap of highlights, attendee vibes, and standout moments.

These events not only showcased the unique offerings of Jeffreys Bay and St Francis but also mark an important milestone for Kouga by hosting inaugural festive season events.

Two (2) Local Tourism Info Offices received sponsorships from Kouga Local Municipality, facilitated by the Economic Development and Tourism Department. The sponsorship covered essential event logistics, entertainment, marketing and promotion, that ensured the success and sustainability of these initiatives for years to come.

1. Jeffreys Bay Tourism - J'Bay Summer Fun Programme:
    - Budget Request: R800,000.00
    - Events include Mayoral welcoming of tourists, Mayoral Opening of the Season, Variety shows, Christmas light theme park with shows and markets, music picnics, and a New Year's Eve beachfront bash to showcase Jeffreys Bay as a premier holiday destination along the Garden Route of South Africa.

      Refer to Annexure A: Jeffreys Bay Tourism report
2. St Francis Tourism - Opening of Season 2025:
    - Budget Request: R50,000.00
    - Events include a Christmas lights display, Santa photos, local artist performances, and festive celebrations at the St Francis Canal System. Refer to Annexure B: ST Francis Tourism report.

3. Data report and statistics – Season 2025

Summer events			
Event	Town	Attendance 2025	Attendance 2024
Opening of Season	Jeffreys Bay	±5500	±1500
Opening of Season	STFB	±250	180
Shipwreck Museum	STFB	301	-
Christmas Lights Tour	Jeffreys Bay	Not available	Not available
Nature Walk	Jeffreys Bay	80	-
Arts Exhibition	Jeffreys Bay	331	-
Christmas under the stars	Jeffreys Bay	±3000	±2000
Picnic in the Park	Jeffreys Bay	±600 - 700	±1500
1Touch rugby	Jeffreys Bay	1500	±925
New year's bash	Jeffreys Bay	±15000	±10000
Shell Museum	Jeffreys bay	1193	812
Humansdorp Museum	Humansdorp	117	65

Accommodation establishments – Summer 2025						
Tourism Product	Area	Occupancy rate - average	Domestic	International	International Countries	Comments
On the Beach	Jeffreys Bay	85%	60%	40%	Germany 30% Switzerland 5% UK 3% Netherlands 2%	8% more occupancy than in 2024
Mandyville	Jeffreys Bay	55%	70%	30%	Germany 10% Switzerland 5% Brazil 5% Span 5% Other 5%	10% more occupancy than in 2024

Mentorskraal Country Estate and Hancke flats	Jeffreys Bay	53%	95%	5%	Not available	Domestic inbound only
CSTF Resort	Cape St Francis	88%	85%	15%	Sweden Germany UK Netherlands Belgium Austria France New Zealand USA	Longer and better season than 2024
African Perfection	Jeffreys Bay	80%	52%	48%	German American Netherlands UK Australia	Longer season than 2024 – nearly full for 4 weeks. Much busier
Supertubes Guesthouse	Jeffreys Bay	80%+	50%	50%	Germany Netherlands Switzerland Brazil UK	Better season than 2024.

Vehicles entering Kouga: 01/12/2025 – 10/01/2026

2025-12-01 / Mon	47920
2025-12-02 / Tue	46414
2025-12-03 / Wed	46924
2025-12-04 / Thu	50092
2025-12-05 / Fri	56836
2025-12-06 / Sat	46648
2025-12-07 / Sun	43690
2025-12-08 / Mon	46762
2025-12-09 / Tue	46627
2025-12-10 / Wed	50951
2025-12-11 / Thu	53311
2025-12-12 / Fri	62198
2025-12-13 / Sat	55532
2025-12-14 / Sun	50068
2025-12-15 / Mon	56113
2025-12-16 / Tue	52840
2025-12-17 / Wed	57783
2025-12-18 / Thu	63487
2025-12-19 / Fri	77925
2025-12-20 / Sat	81855

2025-12-21 / Sun	65164
2025-12-22 / Mon	84055
2025-12-23 / Tue	92508
2025-12-24 / Wed	78342
2025-12-25 / Thu	51055
2025-12-26 / Fri	78717
2025-12-27 / Sat	89429
2025-12-28 / Sun	83682
2025-12-29 / Mon	85962
2025-12-30 / Tue	86901
2025-12-31 / Wed	75425
2026-01-01 / Thu	70005
2026-01-02 / Fri	86400
2026-01-03 / Sat	89190
2026-01-04 / Sun	79255
2026-01-05 / Mon	72881
2026-01-06 / Tue	68043
2026-01-07 / Wed	67855
2026-01-08 / Thu	75913
2026-01-09 / Fri	79786
2026-01-10 / Sat	59156

4. Funding Proposal for Kouga Summer Festival 2026:
   Objectives:

   - Promote Kouga as a family-friendly holiday destination.
   - Support local businesses, create employment opportunities and increase bottom-line revenue to aid economic development.
   - Highlight local talent and culture and heritage.
   - Foster community pride and engagement.
   - Promote investment potential.

   An exciting and enhanced Summer 2026 Programme has been developed to further position Kouga Local Municipality as one of South Africa's premier festive season destinations. The programme is expected to attract significantly higher visitor numbers than in previous years, generating substantial economic benefits for the local tourism, hospitality, retail, and service sectors while enhancing the Municipality's destination brand.

   As a flagship component of the programme, JBay Grootfees, in partnership with the nationally acclaimed Coleske Artist Management, one of South

Africa's leading music production and entertainment companies, has partnered with Kouga Local Municipality to present the Opening of the Summer Season on 17 December 2026 and the New Year's Bash on 31 December 2026. Additional sponsorships are being secured to ensure that this materialises.

This strategic partnership will bring renowned national artists to the Kouga region, complemented by performances from local artists, creating world-class entertainment that will elevate the profile of the Summer Programme. The collaboration is expected to increase overnight visitor stays, stimulate local economic activity, create opportunities for local businesses and event service providers, strengthen destination marketing efforts, and reinforce Kouga's reputation as a vibrant, year-round tourism and events destination.

Funding request attached to host Kouga Summer Festival 2026.

Refer to Annexure C

4. **Financial Implications**

Completed by BTO -	
Project Description	Summer 2026
Ukey no.	20260629060272
Budgeted Amount	R900 000.00
Amount spent and committed to date	R0.00
Amount Available	R900 000.00
Comment	

KOUGA MUNICIPALITY
2026-07-17
BUDGET & TREASURY

5. **Applicable Legislation**

Funds transferred to external organisations or bodies must comply with section 67 of the MFMA, Act 56 of 2003:

Funds transferred to organisations and bodies outside government 67.

(3) Before transferring funds of the municipality to an organisation outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body-

(4) has the capacity and has agreed-

(i) to comply with any agreement with the municipality;

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;

(5) implements effective, efficient, and transparent financial management and 15 internal control systems to guard against fraud. theft and financial mismanagement; and

(6) has in respect of previous similar transfers complied with all the requirements of this section.

(4) If there has been a failure by an organisation or body to comply with the 21 requirements of subsection (1) in respect of a previous transfer, the municipality may

(I)(c) make a further transfer to that organisation or body provided that-

(3) subsection (I)(a) and (b) is complied with, and

(4) the relevant provincial treasury has approved the transfer.

(2) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

6. **Legal Implications**

Should Council approve the resolutions below in respect of the funding application, the Municipality must enter into a funding agreement with the Beneficiary, setting out the applicable provisions of the Local Government: Municipal Finance Management Act, and to which agreement both parties will be legally bound.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations supported

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

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**

Supported

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council notes the 2025 Close-out report.

10.2 That Council approve Jeffreys Bay Tourism for hosting Kouga Summer Fun 2026.

10.3 That a funding agreement of R900,000.00 (Nine hundred thousand Rand) only, VAT inclusive for the Kouga Summer Fun 2026 be approved for the 2026/2027 financial year, subject to all event approval requirements and conditions being met.

10.4 That the Accounting Officer be authorised to conclude a Funding Agreement with Jeffreys Bay Tourism as Event Organiser, in accordance with the funding allocated in recommendation 10.1 above.

Item prepared by the: Acting Manager: ED&T A Jonck

Item approved by the: Chief Financial Officer:

Item endorsed by the: Municipal Manager

Item noted by Portfolio Chairperson:

ANNEXURE A: JEFFREYS BAY TOURISM SUMMARY REPORT

The Jbay Summer Fun series of events was staged as FREE of charge to visitors and the community from 15-31 December 2025.

Jeffreys Bay Tourism organised and hosted the "JBay Summer Fun 2025" programme in conjunction with several other stakeholders and key Kouga Municipality officials.

The strategy was to host signature events during Festive High Season which would attract tourists and visitors alike to the Dolphin Beach area, promenade, parks and reserves and provide entertainment on selected days. The series of events that was hosted included national as well as local artists and residents.

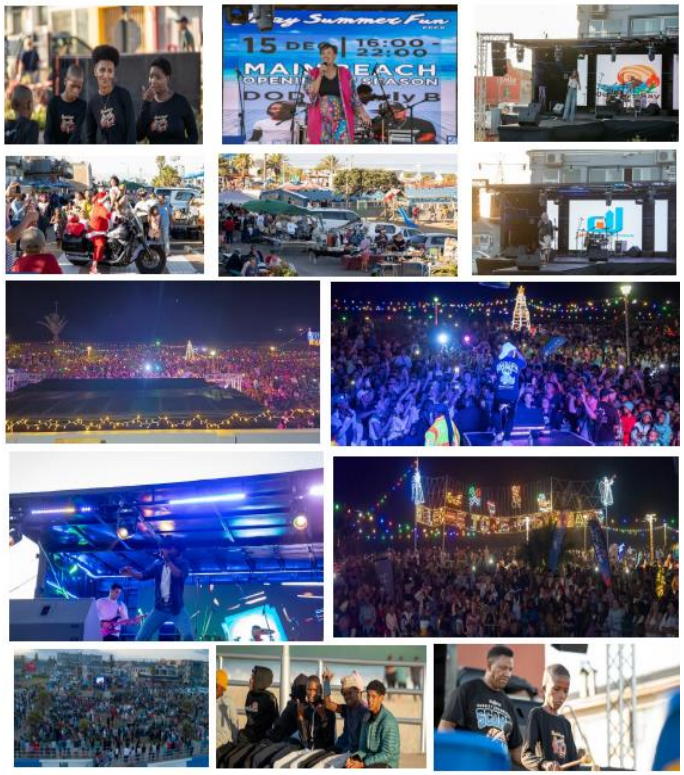
To ensure the longevity of each event and to promote Jeffreys Bay as a destination of choice, marketing played a substantial role, and various initiatives were used:

- Events had video feeds to all our social media platforms to encourage destination marketing,
- Events were safe, disabled and family "friendly"
- Events supported local businesses and created casual jobs for the community
- Tourism or access for all was well presented with disabled parking spaces, bathroom amenities and the use of the water wheelchair and the beach chair on the beach.

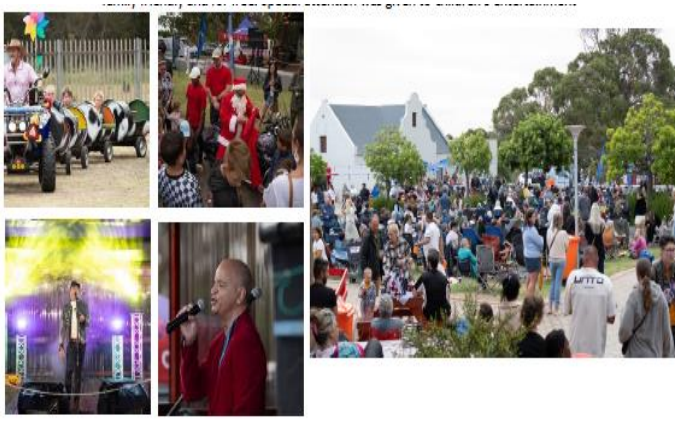
1. **Tourism Information** – Statistics attached regarding job creation and utilization of local business information depicted in table below:

SUMMERFUN BUDGET AND TEMPORAY JOB CREATION			
ACTIVITY	**REAL COST**	**ACTUAL EXPENDITURE**	**JOB CREATION**
Opening of the season	R 210 000,00	R 178 805,91	60
Art exhibition	R 17 000,00	R 9500 ,00	19
Noorsekloof Nature walk	R 6 000,00	R 1 752,00	11
Christmas under the Stars	R 100 000,00	R 68 462,95	35
Music and picnic in the park	R 130 000,00	R 91 712,20	47
New Years Beach Bash	R 295 000,00	R 176 836,85	69
Sundry fees	R 40 000,00	R 20 000,00	0
SAMRO	R 30 000,00	R -	0
Safety officer	R 20 000,00	R -	1
Public Liability	R 35 000,00	R -	0
Coordinator	R 50 000,00	R 37 000,00	1
Fireworks	R 300 000,00	R 300 000,00	2
Marketing	R 100 000,00	R 16 147,00	22
TOTAL	**R 1 333 000,00**	**R 900 216,91**	**267**

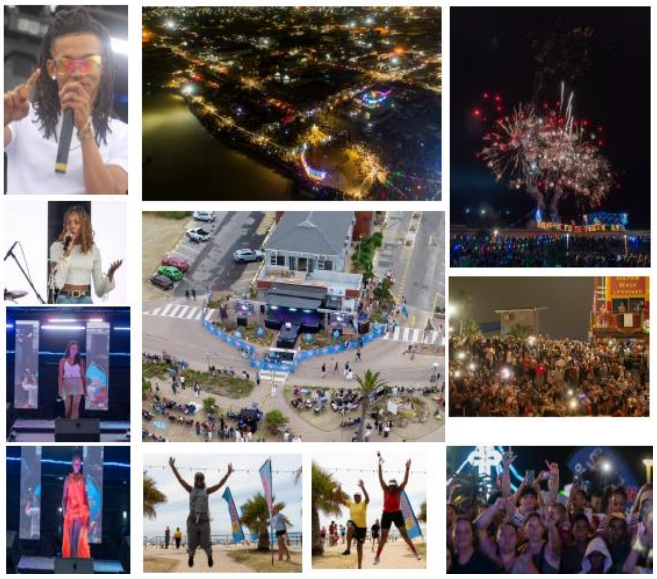
SERIES OF EVENTS

Date	Event Name	Approx Attendees
15 Dec 2025	**OPENING OF THE SEASON 2025** **Venue: DOLPHIN BEACH** The **Opening of the Season** event, held on the 15th of December at the main beach, was the catalyst for the campaign. The Jeffreys Bay boot sale was in the form of a night market and was loved by all. Photos with Santa, local artists, schools and 2 national artists DODO NYOKA and EARLY B entertained the crowd of approximately 5500. The switching on off the lights was greeted with much cheer and enjoyment as Mayor Hattingh Bornman officially declared the holiday season OPEN. The date and the weather were perfect. Most companies, including construction, closed on the 13th of December 2025. The stage set up was a mobile truck with an LED screen that displayed all the sponsors. This event was hosted after the weekend which allowed tourists to travel to the preferred destination	Estimated Pax ±5 500 

15-31 Dec 2025	**CHRISTMAS LIGHTS TOUR** The "**Christmas Lights Route**" was launched on the 15th of December with great excitement. Before the launch, locals who opted to decorate their homes with Christmas lights were invited to sign up to be added to a convenient virtual map. This map could be used by both locals and visitors for a leisurely drive, allowing them to enjoy the festive decorations with family or friends. The main beach area was a spectacular showcase of lights and drew visitors from far.	
16 Dec 2025	**NATURE WALK** **Venue: NOORSEKLOOF NATURE RESERVE** For the first time this **Gem** in the middle of the Wavecrest suburb was presented to visitors and residents during the holiday season and approximately 80 people attended the walk with their children. Tyron guided the tourists and showcased interesting trees and wildlife on the walking trail. Councillor Reinhardt Foley officially opened the event at 9 o'clock. All the people were very excited on their return and recommended that it must be advertised and more tourists must be able to enjoy the beauty of nature in the middle of Jeffreys Bay. Christa Venter and Marco are in the process with a rehabilitation process inside the reserve.	Estimated Pax 80 (adults & children) Total Donations Raised: R850.00 Monies handed to Community Services. It will be utilized to build a bench inside the Noorsekloof Nature Reserve. 
18-23 Dec 2025	**ARTS EXHIBITION**	Estimated Pax that attended the Art Exhibition

	Venue: NEWTON HALL This Art exhibition was the second arts exhibition hosted during the December holidays in partnership with Kouga Arts Society, art from children were also included for the first time, with the aim the give exposure to artists from all ages. This exhibition will become an annual event for KAS. The event entry was also free of charge. Visitors appreciated the work and talent on display. Councillor Reinhardt Foley opened the exhibition on the 19th of December. 28 local artists showcased and sold art pieces.	331 Revenue Generated by artists due to sales of private art pieces R20 000+  
20 Dec 2025	**CHRISTMAS UNDER THE STARS** **Venue: FOUNTAINS MALL** This event took place on 20 December 2025 at the Fountains Mall (THE WERF). Hosted by JBay Tourism, LC events and The Fountains Mall. This was the second time the event was hosted. We staged a taste of local craft rum and wine, many stalls and for the second time a car boot sale which were well received. Santa Clause welcomed visitors. Local artists performed Christmas Carols and JAY, a well-known national artist took to the stage and was the main performer. Many tourists and residents with families attended.	Estimated Pax ±3000 

	This event showed big growth with over 3000 people attending, the biggest ever and once again family friendly and for free. Special attention was given to children's entertainment.	
27 Dec2025	**MUSIC AND PICNIC IN THE PARK** **Venue: EQUILIBRIUM PARK** The venue was the Equilibrium Park in Dogwood Road, Noorsekloof. Many will know the park as the famous Labyrinth is also situated there. Perfect weather enticed families to bring their blankets or chairs and picnic baskets to settle in for an evening of wholesome togetherness and entertainment. Approximately 600 to 700 people attended this free event in the park. The event was jam-packed with something for everyone to enjoy, food trucks, tjoek-tjoek train for the kids and loads of live musical entertainment, Deon Groot was the national artist, and it was well received by the public. There was an overwhelmingly positive response. "Encore!" was the word on everyone's lips person This event was on request of the public. This will be a standard event in future. The stage was in the form of a truck, and it worked perfectly to spread the sound evenly outdoors.	Estimated Pax ±600-700     

31 Dec 2025	**NEW YEARS EVE BASH** **Venue: MAIN BEACH** This included a 5km fun run on the beach at 09:00am, followed by the castings and crowning of the different categories for Mr and Miss JBay Summer Fun sponsored by Jeffreys Bay Tourism and TROPIKA. The New Year's Eve music line up included special local artists Malgatlewe Entertainment, Breyton Vogel, Jenedine Jantjies and The Unexpected Dance crew with the likes of Gerrit de Jager aka Gertjie. De Jager won numerous awards in the industry during 2025 for his music. Cordelia and Gift Matjila further enhanced the festivities, all while families could enjoy the main beach attractions. The stage from Ian Rudman included two LED side screens that were used to live stream the happenings on the stage. The crowd loved it. Dolphin Beach was packed with a lineup stretching from as early as 08:00 in the morning (fun run registration) all the way through to midnight. A full day of kid's entertainment were also hosted by the ED&T section on the main beach. Crowds could enjoy live musical performances. The New Year was ushered in with the climax of the Summer Fun Events, a jaw droppingly amazing professional fireworks show. We estimated that there were approximately 12 000 and 15	Estimated Pax ±15 000 

	000 people attending the music festival and the fireworks. The boardwalk was jam packed with people all the way from Je'Vista to the NSRI tower. If it weren't for the individuals who helped with all the arrangements, or the locals who volunteered in whichever capacity, or the lovely holidaymakers and residents who came to enjoy it all, this would not have been possible. A special thank you to the Kouga Municipal Management team for trusting us with this year-end project.	
December 2025	**HERITAGE & CULTURE**	
01-31 Dec 2025	Jeffreys Bay Shell Museum	Estimated visitors 1193 Revenue Generated R40 510
01-31 Dec 2025	Humansdorp Museum	Estimated Visitors 117 Revenue Generated R2 005
15-31 Dec 2025	St Francis Shipwreck Museum OFFICIAL OPENING: 15 December 2025 The Museum was received well with both locals' residents and visitors alike.	Estimated Visitors 301 Revenue Generated R5 150

Directorates Involved / Meetings Held

- MM Charl du Plessis
- EDT Anene Jonck

	Heidi Halgryn
• Community Services	Director Nomvula Machelesi
	Christa Venter
	Nomfundo Blom + Darryl
	Harriet (Newton Hall)
• Law Enforcement	
• Traffic	
• Boots on the Ground	
• Fire Brigade	
• Electrical Department	Director Theo Madatt
	Mandla and Clinton
• Media Liaison:	Monique Basson
• SAPS	Captain Doubell & Team

Digital Statistics and Images: Jbay Tourism:

Jeffreys Bay Tourism Social Media Summary Report

January - December 2025

Total Views:

4.1 Million

Total Estimated Viewers:

950 000*

Total Page Followers at the time of compiling this summary:

21 817

Executive Summary:

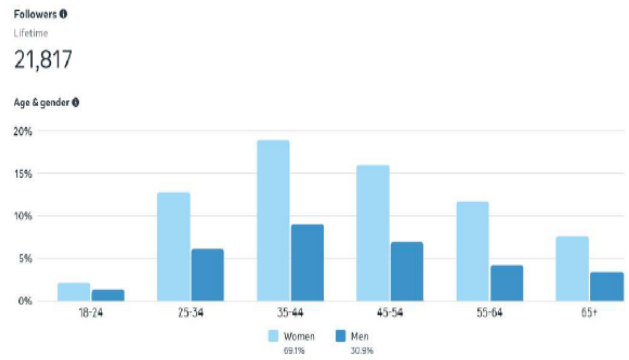
The Facebook page has demonstrated significant growth and engagement over the past year, highlighting a strong return on investment (ROI) for our efforts. During 2025, the page has reached a total of 21 817 followers, reflecting an increase of 4 135 during 2025.

With total post views exceeding 4 million during 2025, our strategy of daily posts featuring tourism members—accommodation partners, restaurants, activities, and events—has successfully driven awareness and engagement.

Social media searching:

Women: 69,1%
Men: 30,9%
Age group: 35 – 44 and 45 - 54

Demographics:



Quarterly Breakdown:

January - March 2025

Net Followers Added:	979
Post Views:	998 871
Content Interactions:	10 337

April - June 2025

Net Followers Added:	893
Post Views:	626 293
Content Interactions:	10 531

July - September 2025

Net Followers Added:	831
Post Views:	1 010 909
Content Interactions:	12 618

October - December 2025

Net Followers Added:	1 478
Post Views:	1 508 667
Content Interactions:	11 119

December 2025 Peak season stats

Net Followers Added:	1 478
Post Views:	1 049 901
Content Interactions:	6973

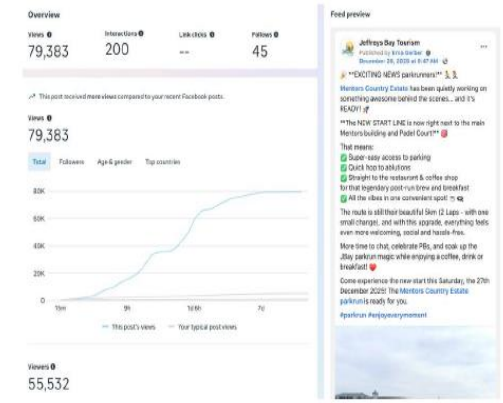
New JBay Summer Fun page Launched 10 December

Stats based on 10 - 31 December 2025

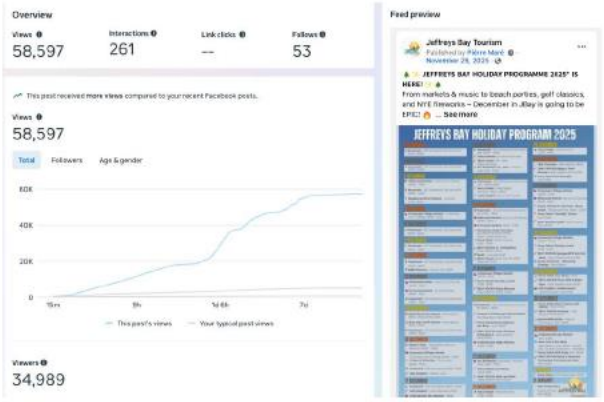
Net Followers Added:	276
Post Views:	62 698
Content Interactions:	610

TOP 5 POSTS BY VIEWS FOR 2025

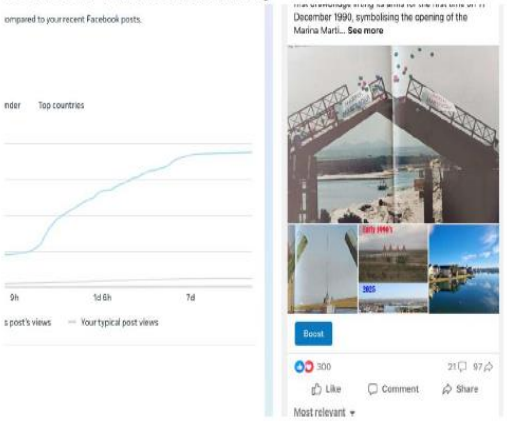
December 26 - Park Run



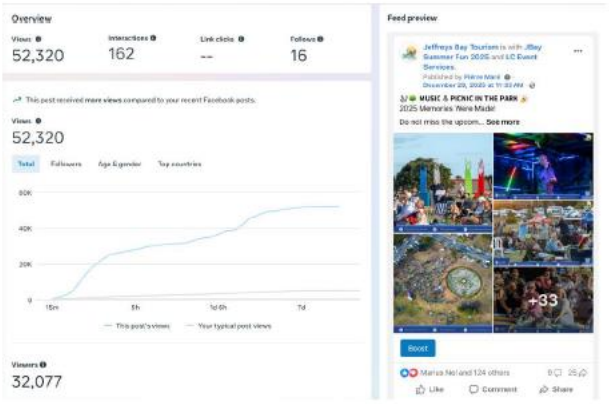
November 29 - Jeffreys Bay Holiday Programme



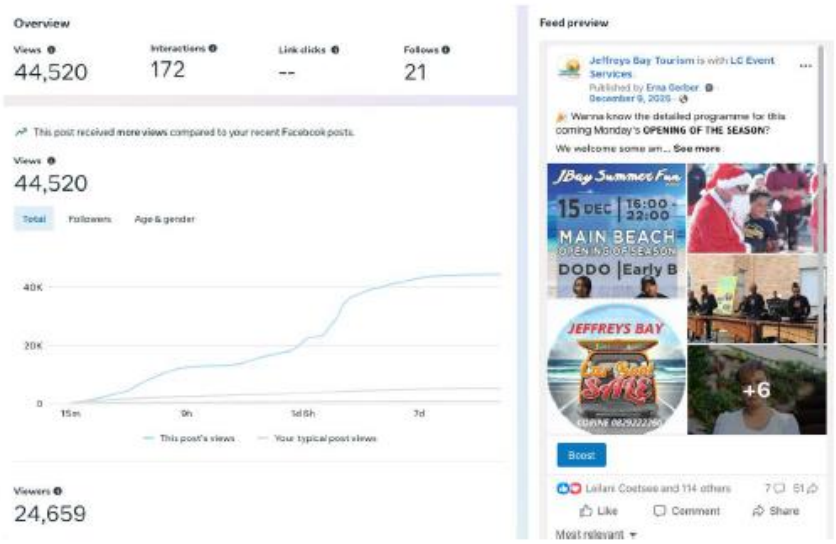
December 11 - Marina 35th Anniversary



December 29 - Music & Picnic in the park memories

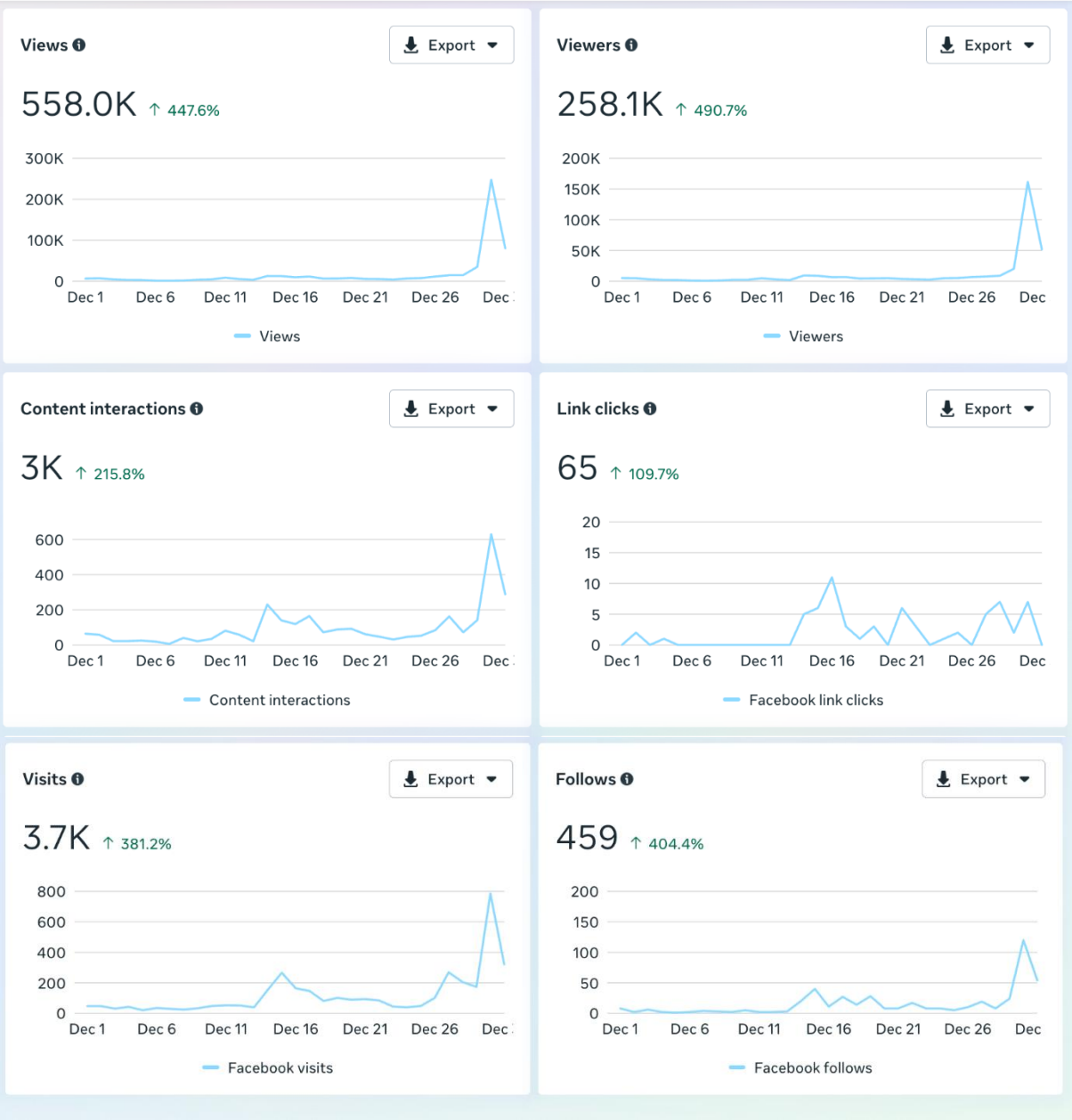


December 9 - Opening of the season programme



KOUGA TOURISM
Eastern Cape

Kouga Tourism Social Media Summary for December 2025:

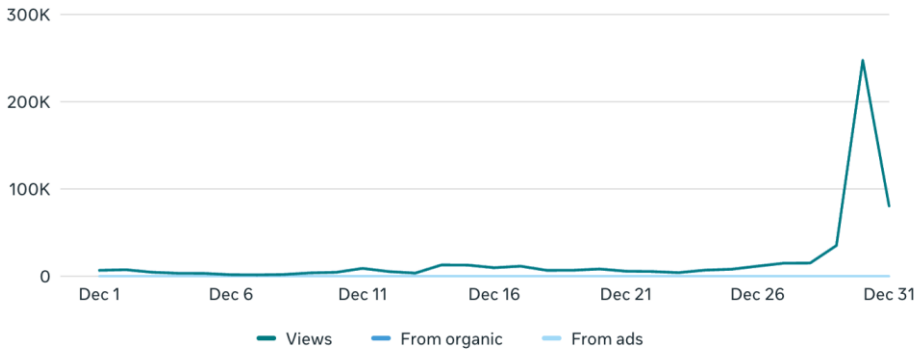


Content overview

Breakdown: Organic/ads

All | Reels | Live | Posts | Stories

Views	3-second views	1-minute views	Content interactions	Watch time
558.0K ↑ 447.6%	38.3K ↑ 5.5K%	539 ↑ 53.8K%	3K ↑ 215.8%	5d 23h ↑ 4.9K%



Views breakdown

Dec 1, 2025 – Dec 31, 2025

Total
558,044 ↑ 447.6%

From organic
558,044 ↑ 447.6%

From ads
0 0%

Viewers
258,145 ↑ 490.7%

Top content formats

Export

Published content
Based on up to 200 pieces of content
+181.0% vs. Oct 31, 2025 - Nov 30, 2025

Photos	89
Reels	14
Text	13
Others	1
Links	1
Stories	0

Views
+447.6% vs. Oct 31, 2025 - Nov 30, 2025

Multi photo	348,047
Photos	89,623
Reels	80,687
Links	39,634
Others	38
Text	8
Multi media	7

Content interactions
+215.8% vs. Oct 31, 2025 - Nov 30, 2025

Multi photo	1,154
Reels	1,059
Links	375
Photos	298
Others	105

ANNEXURE B: ST FRANCIS TOURISM

St Francis Tourism hosted the Opening of Season event on 17th December 2025, and it was noted as a great success with financial assistance and resources from Kouga. This event has grown over the last couple of years and has become a must attend event by locals and holiday makers.

a. Tourism had posters in many shops in the village, the event was also marketed on the website and all social media.
b. Tourism decorated the open area at the small boat Harbour in La Dique Place with the assistance of Kouga Municipality Electrical Department, as well as the Riparian's Association of St Francis Bay.
c. Some of the funds were used to decorate the bridges in the canal area to add to the festive atmosphere.
d. The Salty Rootz band welcomed the attendees with their music and Santa arrived on a boat to hand out sweets and entertain the kids.
e. St Francis United Church led in Christmas Carols after the Executive Mayor opened the season and officially switched on the lights.

Funds Breakdown	
Live Band and equipment	R 13 500
Church choir	R 4 500
Father Christmas	R 2 000
Taxi fee	R 1 500
Advertising, printing and design	R 2 050
Insurance	R 1 500
Décor	R 8 480
Entertainment	R 3 450
Casual wages	R 2 000
Safety officer	R 7 020
Management fee	R 4 000
TOTAL EXPENDITURE	**R50 000**

With the huge success of the Opening of Season for 2025, St Francis Tourism expressed thanks to Kouga Municipality for the financial assistance, and to the Electrical Department in St Francis Bay for the in-kind assistance with the lights and their dedication to this event.

Without this assistance of Kouga Municipality this event would not have been such a success.

Digital Statistics and Images:



Social Media Report

01 Dec 25 - 31 Dec 25

St Francis Tourism

St Francis Tourism

st_francis_tourism

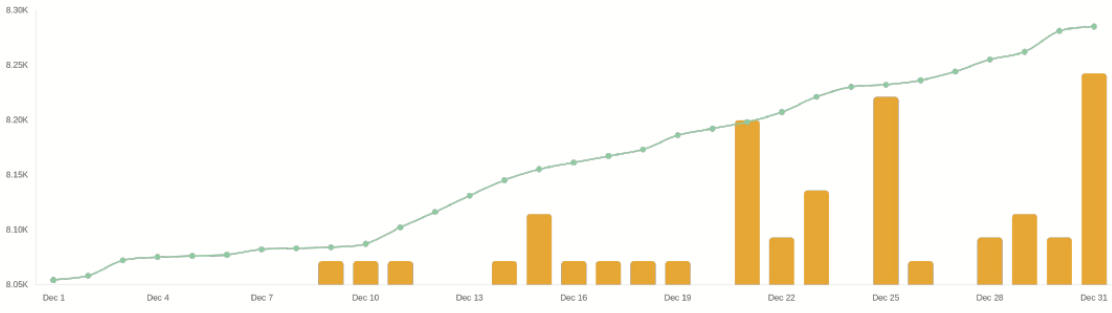
Community growth

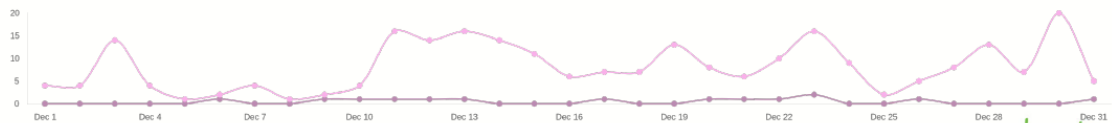
St Francis Tourism

8285	49	253	14
+2.93%	+68.97%	+43.75%	-30.00%
Followers	Total content	Acquired	Lost



Last 12 months





01 Dec 25 - 31 Dec 25

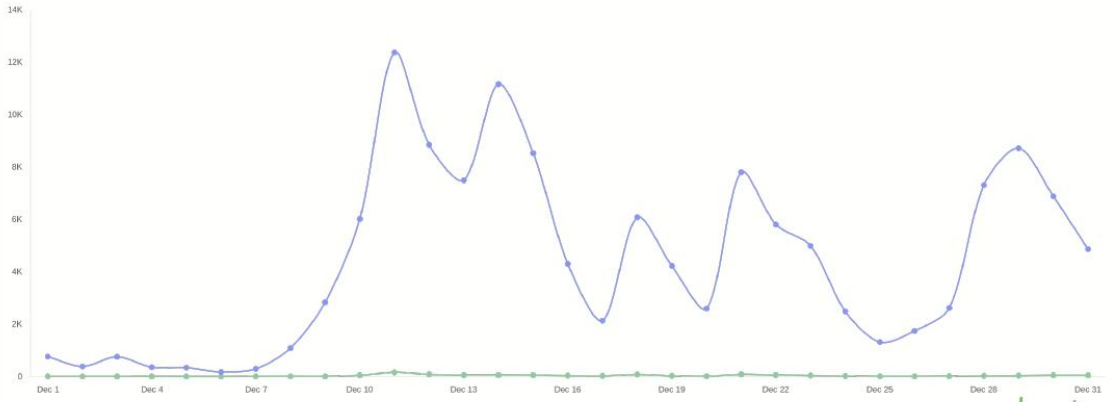
Posts viewed in period

St Francis Tourism

135.14K	1003
+13.67%	-29.86%
Views	Reactions



Last 12 months



01 Dec 25 - 31 Dec 25

Demographics: countries and cities

St Francis Tourism

Top 10 countries

South Africa	94.33%
United Kingdom	1.53%
United States	0.74%
Australia	0.56%
Netherlands	0.29%
Germany	0.22%
New Zealand	0.19%
Brazil	0.19%
United Arab Emirates	0.18%
Pakistan	0.18%

Top 10 cities

Port Elizabeth, South Africa	19.00%
St. Francis Bay, South Africa	11.68%
Kouga, South Africa	7.87%
Cape Town, South Africa	5.76%
Jeffrey's Bay, South Africa	2.66%
Pretoria, South Africa	2.40%
Humansdorp, South Africa	2.17%
Uitenhage, South Africa	1.99%
East London, South Africa	1.79%
Sandton, South Africa	1.24%

01 Dec 25 - 31 Dec 25

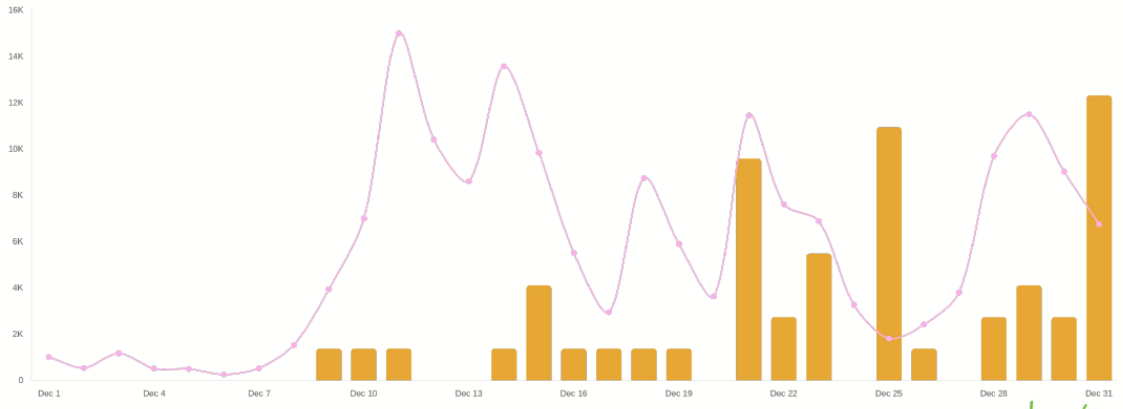
Content Views on the page

St Francis Tourism

175.13K	49
+18.62%	+68.97%
Views	Total content



Last 12 months



01 Dec 25 - 31 Dec 25

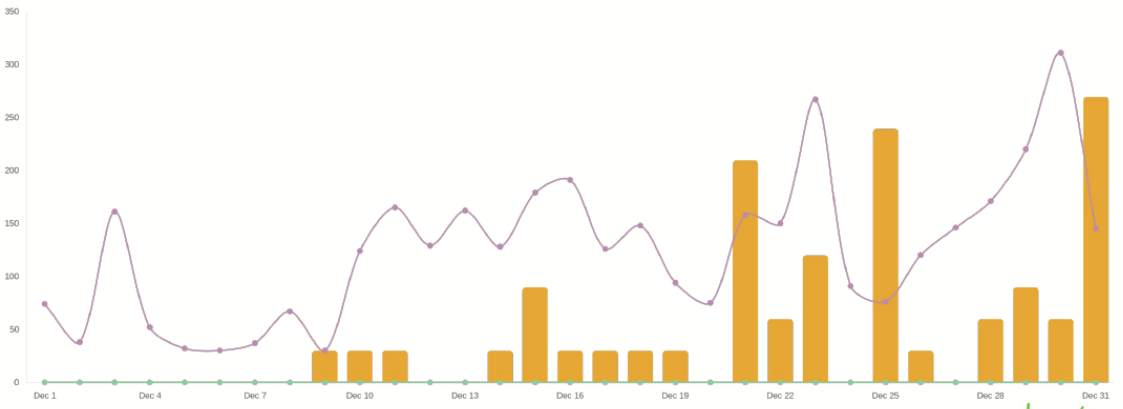
Clicks on page

St Francis Tourism

0	3897	49
	+119.67%	+68.97%
Total clicks	Page views	Total content



Last 12 months



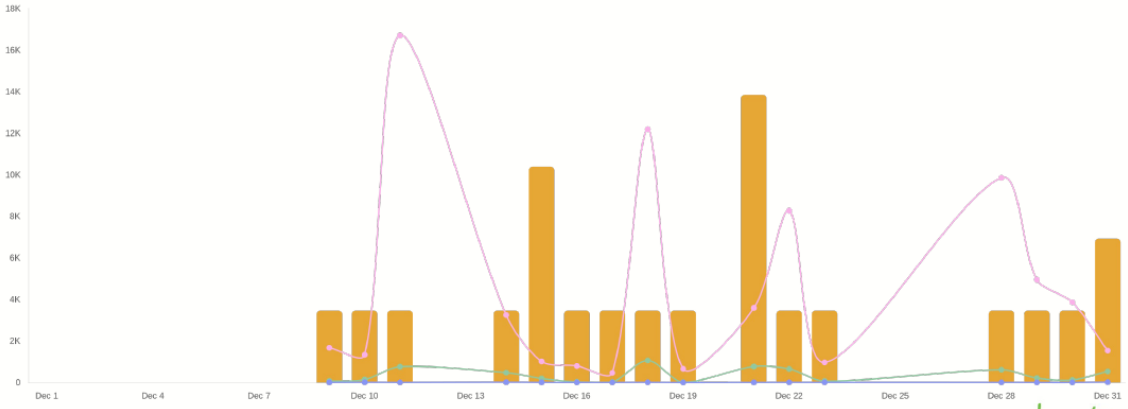
01 Dec 25 - 31 Dec 25

Posts published in period

St Francis Tourism

6.65	5683	3881.68	22
-28.91%	-12.80%	-33.09%	+83.33%
Engagement	Interactions	Avg reach per post	Posts





01 Dec 25 - 31 Dec 25

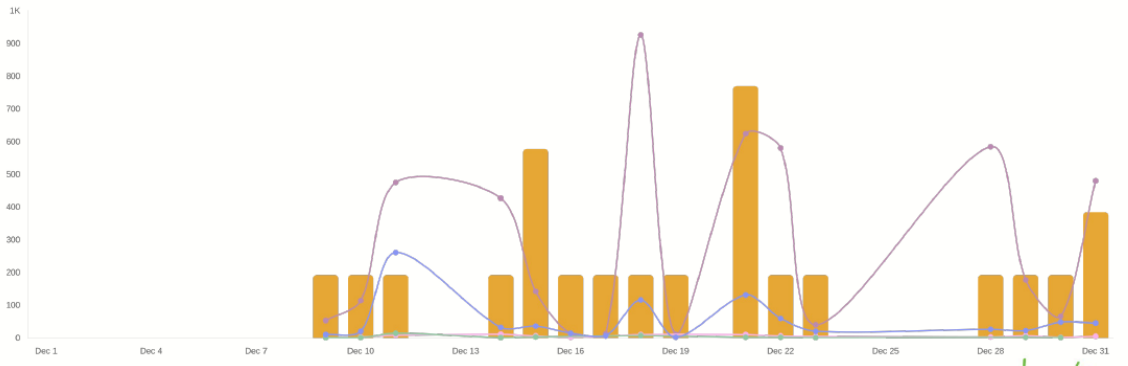
Interactions of published posts

St Francis Tourism

848	35	78	4722
-28.50%	-42.62%	-30.36%	-8.45%
Reactions	Comments	Shares	Clicks

22
+83.33%
Posts





01 Dec 25 - 31 Dec 25

Ranking of posts

St Francis Tourism

Showing 5 posts sorted by engagement

Published	Type	Text		Reactions	Comments	Shares	Clicks	Link clicks	Views	Reach	Video views	Engagement
Dec 31, 2025 12:22 PM		-	Go	33	0	2	319	0	2348	1358	0	26.07
Dec 14, 2025 5:30 PM		What's On 15 – 21 December 202...	Go	32	1	11	427	19	4944	3245	0	14.51
Dec 10, 2025 1:52 PM		What's On 8 – 14 December 2025...	Go	20	1	3	114	11	2038	1333	0	10.35
Dec 31, 2025 8:10 AM		✨ New Year in St Francis ✨ If...	Go	12	0	3	161	0	2400	1702	0	10.34
Dec 21, 2025 7:47 PM		-	Go	9	0	1	90	0	1632	998	0	10.02

01 Dec 25 - 31 Dec 25

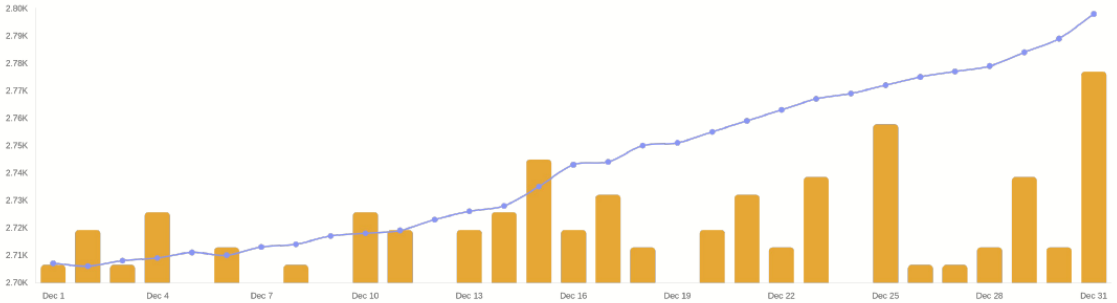
Community growth

st_francis_tourism

2798	92	92
+3.40%		+124.39%
Followers	Followers balance	Total content



Last 12 months



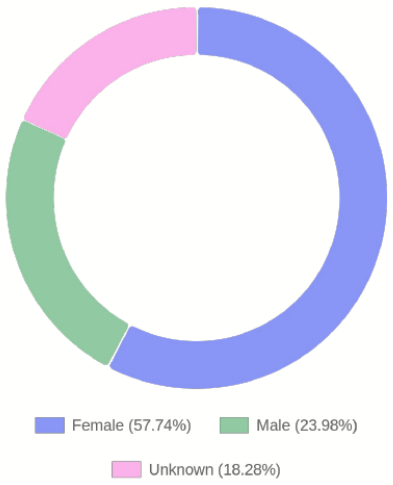


01 Dec 25 - 31 Dec 25

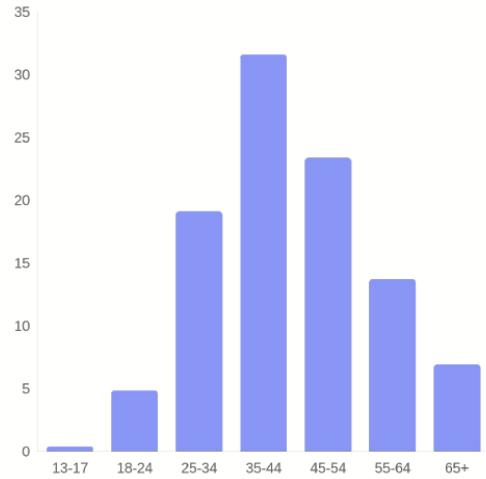
Demographics: gender and age

st_francis_tourism

Gender



Ages



01 Dec 25 - 31 Dec 25

Demographics: countries and cities

st_francis_tourism

Top 10 countries

South Africa	**90.43%**
United Kingdom	**2.21%**
United States	**0.93%**
Germany	**0.68%**
Australia	**0.61%**
Nigeria	**0.36%**
Netherlands	**0.32%**
New Zealand	**0.32%**
United Arab Emirates	**0.29%**
Canada	**0.29%**

Top 10 cities

Kouga, Eastern Cape	**13.64%**
Cape Town, Western Cape	**12.53%**
Port Elizabeth, Eastern Cape	**11.60%**
St. Francis Bay, Eastern Cape	**6.00%**
Pretoria, Gauteng	**3.25%**
Johannesburg, Gauteng	**3.00%**
Sandton, Gauteng	**2.96%**
Roggebaai, Western Cape	**1.75%**
Centurion, Gauteng	**1.71%**
Durban, KwaZulu-Natal	**1.21%**

01 Dec 25 - 31 Dec 25

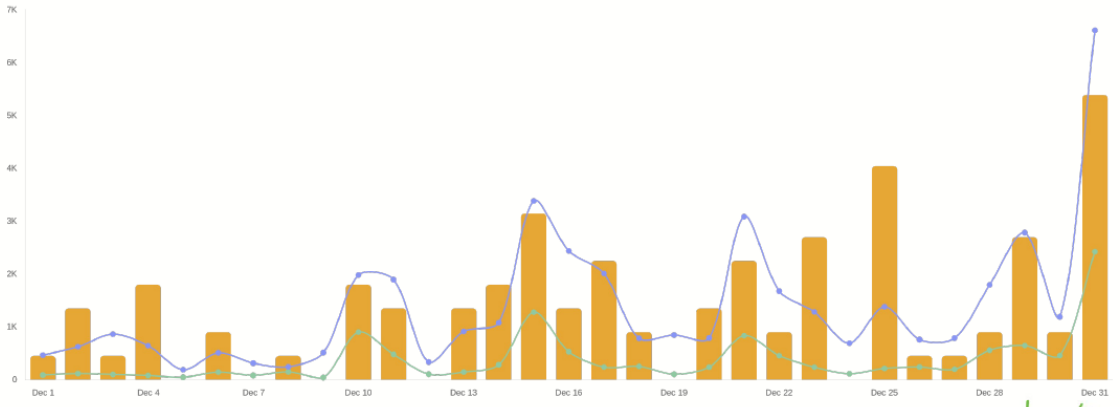
Average reach per day

st_francis_tourism

42.74K	375.16	92
+97.97%	+256.20%	+124.39%
Views	Average reach per day	Total content



Last 12 months



01 Dec 25 - 31 Dec 25

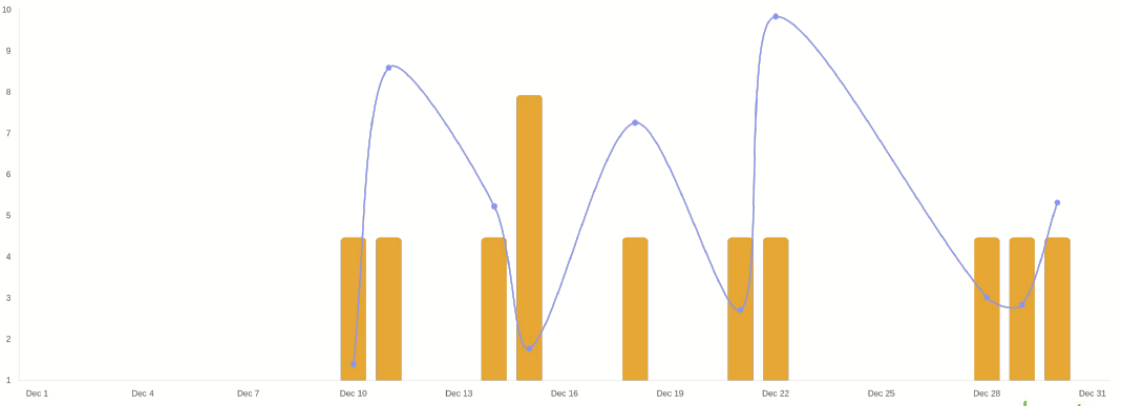
Posts published in period

st_francis_tourism

3.56	11
-49.59%	+120.00%
Engagement	Posts



Last 12 months



01 Dec 25 - 31 Dec 25

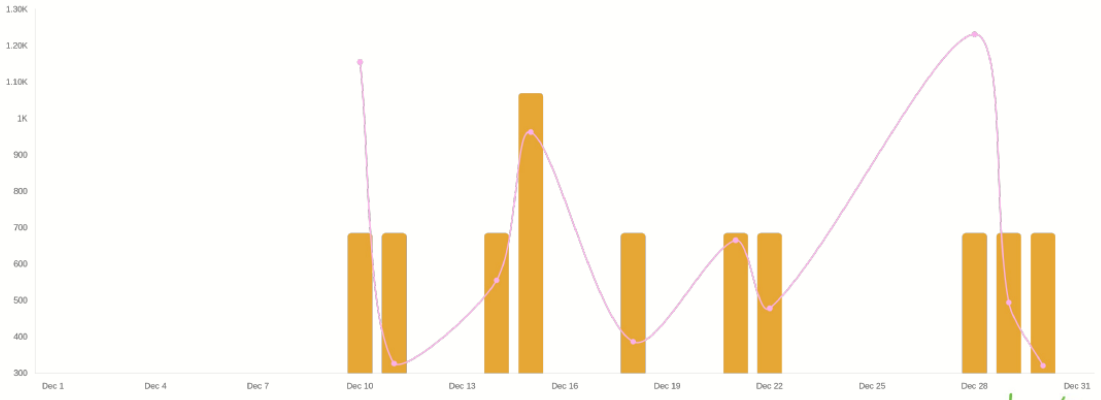
Reach of published posts

st_francis_tourism

685	11
+61.10%	+120.00%
Avg reach per post	Posts



Last 12 months



01 Dec 25 - 31 Dec 25

Interactions of published posts

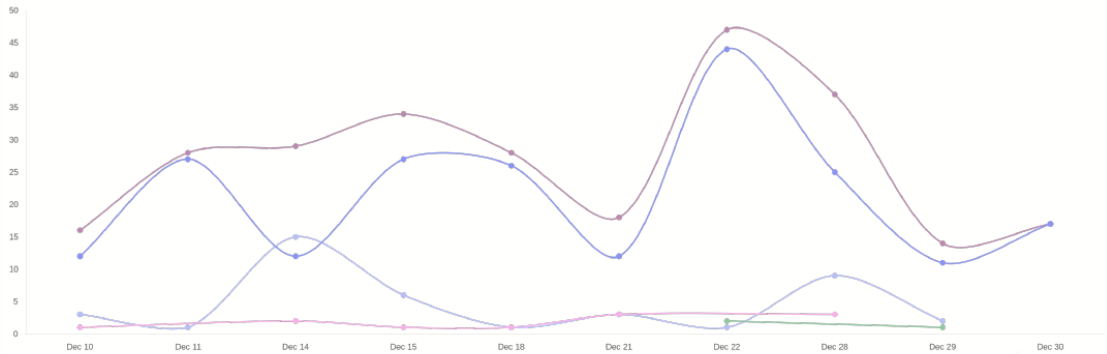
st_francis_tourism

213	3	11	41
+52.14%	+200.00%	+1000.00%	+412.50%
Likes	Comments	Saved	Shares

268
+78.67%
Interactions



Last 12 months



01 Dec 25 - 31 Dec 25

Ranking of posts

st_francis_tourism

Showing 5 posts sorted by likes

Published		Type	Text		Views	Reach	Likes	Comments	Saved	Engagement
Dec 22, 2025 10:02 AM			#localTip There is a buzz in the bay! In the lea...	Go	1152	478	44	2	0	9.83
Dec 11, 2025 10:02 AM			We love hearing how locals speak about the place t...	Go	813	326	27	0	0	8.59
Dec 18, 2025 10:02 AM			If you find yourself at Port St Francis, take the ...	Go	921	386	26	0	1	7.25
Dec 28, 2025 10:01 AM			What's On 29 Dec – 4 Jan 2026 in St Francis! For...	Go	2408	1231	25	0	3	3.01
Dec 30, 2025 10:01 AM			Captured during our Show Me Your St Francis photo ...	Go	605	320	17	0	0	5.31

01 Dec 25 - 31 Dec 25

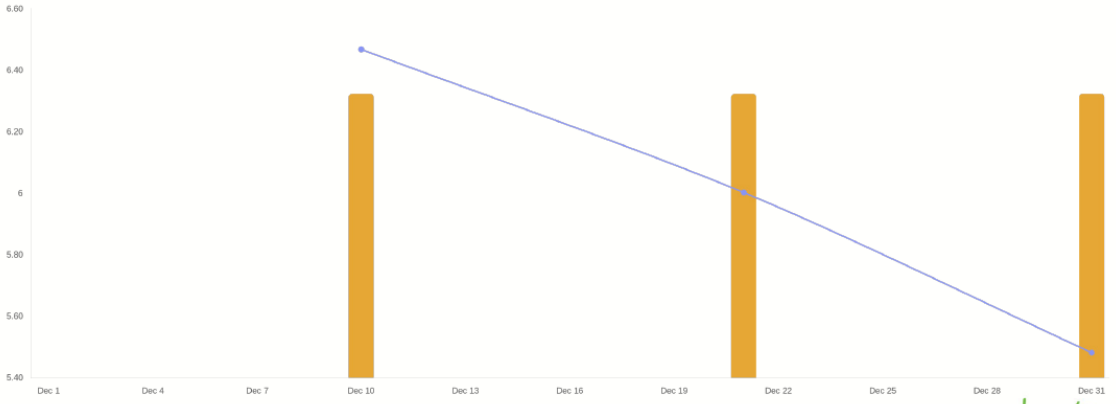
Reels published in period

st_francis_tourism

5.65	3
Engagement	Reels



Last 12 months



01 Dec 25 - 31 Dec 25

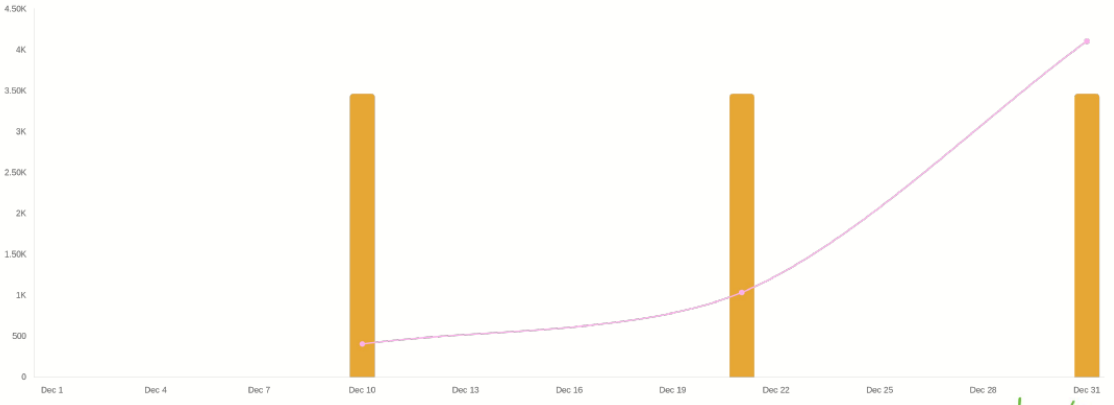
Reach of published reels

st_francis_tourism

1846.67	3
Avg reach per reel	Reels



Last 12 months



01 Dec 25 - 31 Dec 25

Interactions of published reels

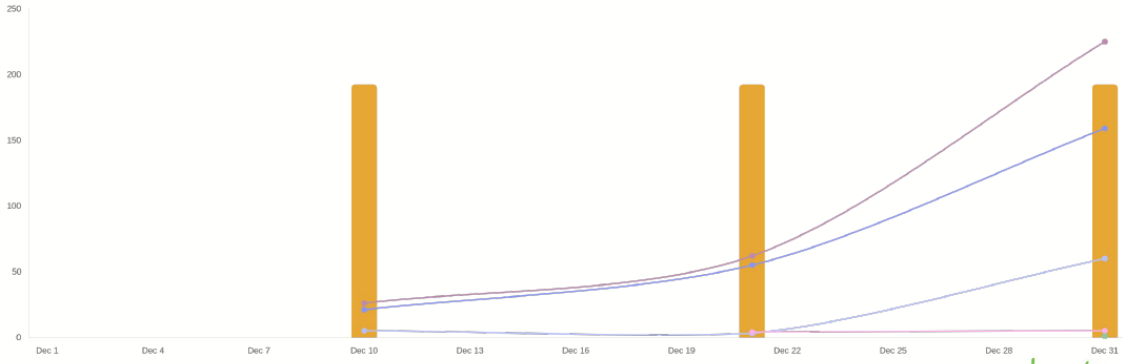
st_francis_tourism

235	1	9	313
Likes	Comments	Saved	Interactions

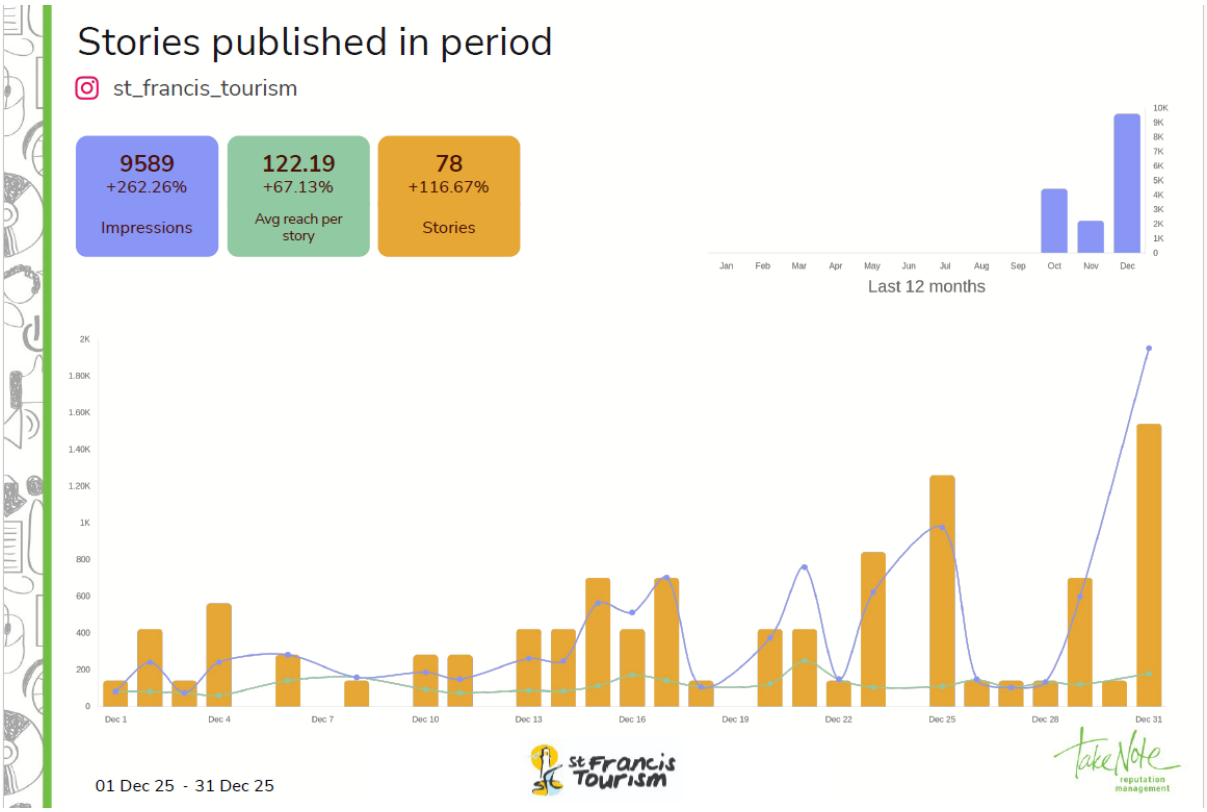
68	3
Shares	Reels



Last 12 months



01 Dec 25 - 31 Dec 25


Stories published in period
st_francis_tourism
9589
+262.26%
Impressions
122.19
+67.13%
Avg reach per story
78
+116.67%
Stories
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Last 12 months
Dec 1 Dec 4 Dec 7 Dec 10 Dec 13 Dec 16 Dec 19 Dec 22 Dec 25 Dec 28 Dec 31
01 Dec 25 - 31 Dec 25
St Francis Tourism
TakeNote
reputation management

Annexure C: Kouga Summer Festival 2026 proposal

Jeffreys Bay Tourism
17 Da Gama Road
Shell Museum Complex
Jeffreys Bay, 6300
Telephone : 042 293 2923
WhatsApp : 064 966 9933
Email : info@jeffreysbaytourism.org

01 March 2026

Cllr. Hattingh Bornman
Kouga Executive Mayor
Kouga Local Municipality
33 Da Gama Road
Jeffreys Bay
6330

Dear Executive Mayor H Bornman,

Re: Proposal for the J-Bay Summer Fun Programme 2026
We hope this letter finds you well. On behalf of Jeffreys Bay Tourism, we are excited to present our proposal for your consideration regarding the sponsorship of the J-Bay Summer Fun Programme. We firmly believe that our collaboration can create a positive impact on our local community, businesses, residents, and visitors alike.

1. Introduction
The J-Bay Summer Fun Programme is an annual community programme that aims to promote tourism, local businesses, and the spirit of togetherness in the beautiful town of Jeffreys Bay. It offers a diverse range of activities and FREE entertainment for residents and tourists during the summer season, contributing to the economic and cultural development of our region.

2. Program Overview
The J-Bay Summer Fun Programme includes a variety of events and activities, such as:

Date: 17 December 2026
Event: Opening of the Season
Venue: Dolphin Beach Amphitheatre
Time: 18:00 – 22:00
10:00 - One Touch Touchies Tournament
18:30 – A Photo opportunity with J-Bay Santa for visitors at the main beach
19:00 – Local Kouga performers
20:00 – A well-known National artist with live performance
21:00 - Executive Mayor Switching on Lights and launch the annual Christmas lights tour
21:15 – Live DJ performance

Date: 17 – 31 December 2026
Event: J Bay Christmas lights tour
Venue: Dolphin Beach beachfront, various homes and businesses in Jeffreys Bay
Time: Daily 20:00 – 22:00

The main beach gets transformed into a wonderland of lights and various homes and businesses in Jeffreys Bay light up their properties each night. A FREE virtual map is available on social media to guide families to do a private tour daily.

18 - 23 December 2026
Event: Kouga Arts Society Arts Exhibition
Venue: Newton Hall
Time: Daily between 11:00 and 17:00
Daily arts exhibition by local artists from Kouga Arts Society. These artists are all local artists and the exposure is great for our local talent. Art work gets sold thus the artists earn an income with the exhibition.

19 December 2026
Event: Taste of local
Venue: Die Werf venue @ Fountains Mall
Time: 17:00 – 22:00
Night market, wine, gin, and rum tastings from local distilleries.
Food court with local stall holders.
Live music performances.
Jeffreys Bay Bootsale
Jumping castles, Jungle gym.
Fire dancing, drumming, live art.

20 December 2026
Event: Noorsekloof Nature walk
Venue: Noorsekloof Nature Reserve
Time: 08:00 – 11:00
Families are encouraged to bring children and experience the lovely trail right in the heart of Jeffreys.

22 December 2026
Event: Christmas movies @Supertubes Park
Venue: Supertube Park
Time: 19:00 – 22:00
Food court with local stall holders.
Inflatable movie screen with a Christmas movie starting at 20:00
Christmas music and atmosphere

27 December 202
Event: Music and Picnic in the Park
Venue: Equilibrium Park - Noorsekloof
Time: 17:00 – 22:00
Families are encouraged to bring blankets, chairs, and picnic baskets for an evening of wholesome togetherness and entertainment.
Kids' play area
Food trucks
Live musical entertainment

Date: 31 December 2025
Event: J-Bay New Year's Eve Bash
Venue: Dolphin Beach
Time: 08:00 – 24:00
08:00 – 10:00: Beach Fun Run – 5km route on the main beach
18:00 – 19:00 Local artists performing

20:30 – 24:00: Live Stage National artists, fire dancers etc
24:00 – Fireworks display by Kouga Municipality

3. Objective:
Our primary goal is to create a vibrant, inclusive, and engaging summer program that not only boosts local tourism and business but also enriches the lives of our community members. By offering these events, we aim to bring people together and enhance the image of Jeffreys Bay as a must-visit destination.

4. Sponsorship Request:
To achieve our vision for the J-Bay Summer Fun Programme, we are seeking financial support from the Kouga Local Municipality. Your sponsorship will help cover event production costs, including an entertainment stage with sound and lights, event equipment, marketing and promotion, hospitality services, security and crowd control, and essential services.

We kindly request financial assistance of **R1 100 000.00** to ensure the success of this program. Below is a draft estimated budget.

Marketing	R50 000
Safety Officer	R60 000
Branding Team	R20 000
Risk Categorization - Medium J0c	R10 000
Event Organizer	R45 000
SAMRO License	R25 000
Opening of the Season	R150 000
Taste of local@ Die werf	R50 000
Christmas Movie	R40 000
Nature Walk	R5 000
Arts Exhibition	R5 000
Music and Picnic in the Park	R80 000
New Years Eve Bash	R210 000
Fireworks	R300 000
STF Tourism Opening of Season	R 50 000

Benefits to Kouga Local Municipality:
Positive Community Impact: Your sponsorship will directly benefit our local community by offering free and affordable activities that enhance residents' quality of life.
Economic Growth: By supporting the J-Bay Summer Fun Programme, you will stimulate local tourism, increase footfall to local businesses, and boost the town's economy.
Kouga Brand Exposure: As a sponsor, the Kouga Local Municipality will receive prominent recognition through event signage, media coverage, and promotional materials and marketing Jeffreys Bay and the rest of Kouga as a tourist destination.
Civic Pride: Supporting such a vibrant community event will foster a sense of pride and togetherness among Kouga residents.

We believe that by joining hands, we can create an unforgettable summer experience for all.

We kindly request an opportunity to discuss this proposal with you in more detail. Please feel free to contact us to arrange a meeting at your convenience.

Sincerely

Deon Freemantle
Chairman Jeffreys Bay Tourism

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED7**

SUPPLY CHAIN MANAGEMENT: QUARTERLY IMPLEMENTATION REPORT FOR THE FOURTH TERM OF THE 2025-2026 FINANCIAL YEAR ENDING 30 JUNE 2026

1. **Introduction**

The purpose of this item is to report on the Supply Chain Management activities for the fourth quarter of the 2025/ 2026 Financial Year starting 01 April 2026 and ending 30 June 2026

2. **Background**

In terms of clause 6 of the Supply Chain Management Policy, the Council must maintain oversight over the implementation of this policy to ensure that the Accounting Officer implements all Supply Chain Management activities in accordance therewith.

3. **Discussion**

The fourth Quarterly Supply Chain Management Report, is attached as "**Annexure A"**

4. **Financial Implications**

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

5. **Applicable Legislation**

Municipal Supply Chain Regulations, Gazette No. 27636 dated 30 May 2005

6. **Legal Implications**

Failure to meet reporting obligations may constitute an act of financial misconduct in terms of section 171 of the Local Government: Municipal

Finance Management Act, and for which criminal sanctions may be imposed.

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**

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**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council approve the Supply Chain Management Quarter 4 Report in line with the applicable reporting requirements, in respect of the fourth quarter of the of the 2025/2026 Financial year starting 01 April 2026 and ending 30 June 2026.

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:

"Annexure A":

A. Compliance and Reporting

1. National Treasury Centralised Supplier Database

The municipality is registered on the National Treasury Centralised Supplier database, with the supplier number **MAAA0214163**. The centralised database and the Municipal Supply Chain Database are used to vet companies that are doing business with the municipality, in checking their compliance for doing business with the state.

2. Bid Committees

The committees mentioned below are established and functioning in accordance with the SCM Policy

- Bid Specification Committee (BSC)
- Bid Evaluation Committee (BEC)
- Bid Adjudication Committee (BAC)

The number of meetings held for the 3rd quarter is reflected in Tables below:

Table 2a: Bid Specification Meetings:

No. of meetings held in April 2026	**Cancelled**
3 (Formal Tenders)	1-No quorum
7 (Informal Tenders)	0
No. of meetings held in May 2026	**Cancelled**
4 (Formal Tenders	0
6 (Informal Tenders)	0
No. of meetings held in June 2026	**Cancelled**
2 (Formal Tenders)	1
0 (informal Tenders)	0

Please note meetings between demand management and project managers for research purposes and correction of items is not captured above*.**

Table 2b: Bid Evaluation Meetings

No. of Meetings held in April 2026	**Cancelled.**

21 (Formal Tenders)	3 Notice 53/2026 – Item rep not available Notice 67/2026 – Chairperson not available Notice 68/2026 – Chairperson not available
3 (Informal Tenders)	0
No. of Meetings held in May 2026	**Cancelled**
20(Formal Tenders)	0
14 (Informal Tenders)	0
No. of Meetings held in June 2026	**Cancelled**
27 (Formal Tenders)	3 Notice 67/2026 – Chairperson not available Notice 43/2026 – Item rep not available Notice 121/2026 – Chairperson not available
9 (Informal Tenders)	0

Table 2c: Bid Adjudication Committee Meetings

No. of Meetings held in April 2026	**Cancelled**
4	1
No. of Meetings held in May 2026	**Cancelled**
4	0
No. of Meetings held in June 2026	**Cancelled**
3	0

1- **Training: Supply Chain/Stores Section**

Some official attended MS office training in May 2026.

2- **Monthly / Weekly Reports**

Weekly reports are submitted to the Chief Financial Officer.
Monthly Deviation reports are submitted in terms of the SCM policy for the procurement of goods and services.
Monthly reports are submitted through the Chief Financial Officer to the various committees and where required, to Council. These reports are submitted in terms of Paragraph 6 of the Supply Chain Policy.

3- SCM Policy Implementation changes

The Municipal Restriction policy was approved in Council on 29 April 2026.

Supplier review templates were issued in June to ensure uniformity.

4- **Advertisements**

The following tables reflects the twelve (12) informal tenders (7day notice), and the fourteen (14) formal tenders (competitive bids) done for the period

Informal tenders

Tender Notice	Tender Description	Date of Advert
Notice 95 of 2026	Supply and Delivery of Steel Shelving Equipment until 30 June 2026	15-Apr-26
Notice 100 of 2026	Supply and Delivery of 22KV Automatic Circuit Recloser in Humansdorp	15-Apr-26
Notice 107 of 2026	Appointment of Service Provider for Dune Vegetation Panting for Dune rehabilitation at Jeffreys Bay, St Francis Bay/ Cape St Franics and Oyster Bay	23-Apr-26
Notice 108 of 2026	Hiring of Equipment for Oyster Bay Dune Management	23-Apr-26
Notice 112 of 2026	Renovation of the netball Court at Kruisfontein Sports field	23-Apr-26
Notice 110 of 2026	Supply and Delivery of 38 KVA 3-Phase Diesel Generator	29-Apr-26
Notice 114 of 2026	Hiring of Mobile Water Pump	29-Apr-26
Notice123 of 2026	Supply, Delivery, Installation and Commissioning of Audio and Visual System	07-May-26
Notice 124 of 2026	Supply and Delivery of Cordless Side Cutters	07-May-26
Notice 122 of 2026	Supply and Delivery of 22kv Resin Encapsulated Single Phase Voltage Transformer Unit in Humansdorp	11-May-26
Notice 132 of 2026	Supply and Delivery of Petrol Cut-Off Machine (Pipe Cutter)	15-May-26
Notice 140 of 2026	Review of 2025/26 Annual Financial Statements	29-May-26

Formal tenders

Tender Notice	Tender Description	Date of Advert
Notice 97 of 2026	Supply and Delivery of Mobile handsets including voice, data and SMS packages for a period of period of 3 years	10-Apr-26
Notice 99 of 2026	Supply and Delivery of Concrete Poles and Street Name Plates	10-Apr-26
Notice 106 of 2026	Kwanomzamo Bulk Sanitation: New Sewer Pump Station and Rising Main	17-Apr-26
Notice 98 of 2026	Further Education and Training	20-Apr-26
Notice 104 of 2026	Printing and Mailing of Consumer Accounts	20-Apr-26
Notice 96 of 2026	Fumigation and Pest Control Services	30-Apr-26

Notice 115 of 2026	Upgrade of Phillipsville Sports Facility in Hankey	30-Apr-26
Notice 120 of 2026	Appointment of a Service Provider to provide Technical Financial Support to Enhance the Financial Sustainability and Improve Audit Outcomes at Kouga Municipality for a period of 3 years	11-May-26
Notice 121 of 2026	Reconstruction and rehabilitation of roads (Phase 4)	11-May-26
Notice 134 of 2026	Phase 4 of 66kV double circuit overhead line between Melkhout Substation at Humansdorp and the Main Intake Substation at Jeffreys Bay	19-May-26
Notice 125 of 2026	Supply, Delivery, Installation, Maintenance & Servicing of Office Equipment (Printers, Copiers, and Multifunction Machines: Lease Option) and Print Management Software for a period of three (3) years	21-May-26
Notice 135 of 2026	Provision of Support & Maintenance Services for the Incident Command Centre (ICC)	08-Jun-26
Notice 142 of 2026	Compilation and Maintenance of General and Supplementary Valuations of all Properties to the Kouga Municipality	08-Jun-26
Notice 148 of 2026	Supply, Deliveryof Laptop and Desktop Devices for a period of Two (2) Years	29-Jun-26

5- **Tender Clarification Meetings.**

The table below reflects the twenty-two (22) clarification meetings held during this period.

Tender Notice	**Tender Description**	**Date of Meeting**
Notice 87 of 2026	**RFQ**: Completion of 1,4KM Motto Wire Fence at 1,4M Height on Erf 746 Portion 62 Sea Vista (re-advertisement Notice 45 of 2026)	2026/04/07 (Site Meeting)
Notice 73 of 2026	**RFQ:** Supply, Delivery and Installation of Steel Doors and gates at Various Facilities	08-Apr-26
Notice 84 of 2026	Electrical Works to Administration buildings and word offices as and when required for a period of one year.	08-Apr-26
Notice 85 of 2026	Supply and Delivery of Oil and lubricants	14-Apr-26
Notice 86 of 2026	Advanced road Safety Solutions	14-Apr-26
Notice 97of 2026	Supply and Delivery of Mobile handsets including voice, data and SMS packages for a period of period of 3 years	24-Apr-26
Notice 99 of 2026	Supply and Delivery of Concrete Poles and Street Name Plates	29-Apr-26
Notice 112 of 2026	**RFQ:** Renovation of the netball Court at Kruisfontein Sports field	30-Apr-26

Notice 106 of 2026	Kwanomzamo Bulk Sanitation: New Sewer Pump Station and Rising Main	05-May-26
Notice 104 of 2026	Printing and Mailing of Consumer Accounts	06-May-26
Notice 98 of 2026	Further Education and Training	07-May-26
Notice 110 of 2026	**RFQ:** Supply, Delivery and Installation of 38kva 3-Phase Diesel Generator	2026/05/07 (Site Meeting)
Notice 96 of 2026	Fumigation and Pest Control Services	15-May-26
Notice 115 of 2026	Upgrade of Phillipsville Sports Facility in Hankey	18-May-26
Notice 121 of 2026	Reconstruction and Rehabilitation of roads (Phase 4)	25-May-26
Notice120 of 2026	Appointment of a Service Provider to provide Technical Financial Support to Enhance the Financial Sustainability and Improve Audit Outcomes at Kouga Municipality for a period of 3 years	26-May-26
Notice 134 of 2026	Phase 4 of the 66kV double circuit overhead line between Melkhout Substation and the Main intake Substation at Jeffreys Bay	2 June 2026 (virtual) & 8 June 2026 (Site meeting)
Notice 125 of 2026	Office Equipment and Print Management Software	04-Jun-26
Notice142 of 2026	Compilation and Maintenance of General and Supplementary Valuations	22-Jun-26
Notice135 of 2026	Provision of Support & Maintenance Services for the Incident Command Centre (ICC	23 June 2026 (virtual) 25 June 2026(Site Meeting-non compulsory),

6- **Seven-Day Notices (Price Quotations) Awarded**

The tables below reflect the fourteen (14) informal notice was awarded and Five (5) cancellations was done for the period.

Notice & Description	**Service Provider**	**Date Of Award**	**Amount/ Cancelled**	**Workdays-Completion of Evaluation**
Notice 56 of 2026 Appointment of Service Provider for long Service Event Management	Bay Fun Event Services Pty Ltd	1 April 2026	R 205 000.00	9 Working days
Notice 60 of 2026 Appointment of a Service Provider for the exhibition Stands Set Up and Dismantling at the World Travel Market (WTM)	Scan Display Solutions (Pty) ltd	1 April 2026	R 195 716.20	4 Working days

Notice 49 of 2026 Supply, Delivery and Off-loading of Tables for Community Services	Phadaphada Projects (Pty) Ltd	2 April 2026	Various rates	16 Working days
Notice 83/2026 Appointment of a Service Provider to provide Supervisory Skills Training	TASC Business Consulting and Training (Pty) Ltd	21-Apr-26	R5 175.00 per Delegate	6 Working days
Notice 95 of 2026 Supply and Delivery of Steel Shelving Equipment until 30 June 2026	Elite Noble Trading (Pty) Ltd	7 May 2026	Various rates	5 Working days
Notice 73 of 2026 Supply, Delivery and Installation of Steel Doors and gates at Various Facilities	All type Enterprises (Pty) Ltd	12-May-26	Various Rates	14 Working days
Notice 87 of 2026 Completion of 1,4KM Motto Wire Fence at 1,4M Height on Erf 746 Portion 62 Sea Vista (re-advertisement Notice 45 of 2026)	Mazemane Trading and Projects (Pty) Ltd	14-May-26	R 188 019.34	19 Working days
Notice 55 of 2026 Supply and Install additional element services of 2500l hot water Boiler	Cancelled	22 May 2026	n/a	37 Working days
Notice 112 of 2026 Renovation of the netball Court at Kruisfontein Sports field	Jafta and Mazantsi Enterprises (Pty) Ltd	22-May-26	R 206 134.00	8 Working days
Notice 107 of 2026 Appointment of Service Provider for Dune Vegetation Panting for Dune rehabilitation at Jeffreys Bay, St Francis Bay/ Cape St Francis.	Mesrazest Pty Ltd	25-May-26	R 191 245.00	12 Working days
Notice 108 of 2026 Hiring of Equipment for Oyster Bay Dune Management.	Avile Amakhozi Projects Pty Ltd	25-May-26	Various rates	10 Working days
Notice 110 of 2026 Supply and Delivery of 38KVA 3-Phase Diesel Generator	Cancelled	01-Jun-26	n/a	9 Working days
Notice 114 of 2026 Hiring of Mobile Water Pump	Cancelled	01-Jun-26	n/a	11 Working days
Notice 124 of 2026 Supply and delivery of Cordless Side Cutters	Premier Pipe Supply (Pty) Ltd	1 June 2026	Rated items	7 Working days

Notice 122 of 2026 Supply and Delivery of 22KV Resin Encapsulated Single Phase Voltage Transformer Unit	Blackfama (Pty) Ltd	03-Jun-26	R 40 000.00 per unit	7 Working days
Notice 100 of 2026 Supply and Delivery of 22KV Automatic Circuit Recloser in Humansdorp	Tavreda Electric Africa (Pty) Ltd	10-Jun-26	R235 750.00	29 Working days
Notice 132 of 2026 Supply and Delivery of Petrol Cut-Off Machine (Pipe Cutter)	Premier Pipe Supply (Pty) Ltd	19 June 2026	R 18 296.50 Per unit	6 Working days
Notice 140 of 2026 Review of 25/26 Annual Financial Statement	Cancelled	25-Jun-26	n/a	10 Working days
Notice 123 of 2026 Supply, Delivery, Installation and Commissioning of Audio and Visual System.	Cancelled	30-Jun-26	n/a	29 Working days

7- **Competitive bids Awarded/ Cancelled for the Period**

The tables below reflect the eighteen (18) competitive bids awarded and two (2) cancellations, one (1) partial cancellation, and six (6) panel awards was done for the period.

Notice & Description	**Service Provider**	**Date Of Award**	**Amount/ Cancelled**	**Workdays- Completion of Evaluation**
Notice 220 of 2025: Appointment of a contractor for the Rehabilitation and Reseal of Roads in St Francis Bay, Cape St Francis and Oyster Bay in the Kouga Local Municipal area	Makali Plant Hire (Pty) Ltd	02-Apr-26	R26 562 095.96	94 Working Days
Notice 3 of 2026 Supply, delivery and offloading of New Tyres and Tubes for a Period of Three (3) years	Tiximate (Pty) Ltd t/a Sharwoods Bestdrive Humansdorp	02-Apr-26	Various Rates	12 Working Days
Notice 25 of 2026: Appointment of a registered professional service provider for the provision of cash-in-transit services for a period of 3 years	Fidelity Cash Solutions (Pty) Ltd	02-Apr-26	Various rated	4 Working Days
Notice 26/2026: Provision of K9 security services for a period of 3 years	Schutzhunde K9 (Pty) Ltd	02-Apr-26	Various rates	2 Working Days

Notice 50 of 2026 Supply, Delivery, Installation and Maintenance of Air Conditioners	Cancelled	15-Apr-26	n/a	3 Working days
Notice 237 of 2025 Supply, delivery, assembling and installation of office furniture, filing cabinets, high-density filing system and electrical appliances for a period of three (3) years.	Vicfhatu General Trading CC **(Partial award- Section A)**	16-Apr-26	Various rates	87 Working Days
Notice 4 of 2026: Supply, delivery and offloading of new/ used steel converted shipping containers for a Period of Three (3) years	GMC Plant and Equipment (Pty) Ltd	17-Apr-26	Various Rates	24 Working Days
Notice 24 of 2026: Appointment of a registered professional service provider to provide Auctioneering Service to dispose of municipal movable and immovable property for a period of three years	Customized Auctions (Pty) Ltd	17-Apr-26	Various Rates	13 Working Days
Notice 2 of 2026 Extension of the ICC Building in Humansdorp	HM Can Do (Pty) Ltd	24-Apr-26	R 861 444.00	25 Working Days
Notice 5 of 2026 Supply, delivery and offloading of valves and pipes for a Period of Three (3) year	KFC Engineering (Pty) Ltd Sizabantu Piping System (Pty) Ltd Take Note Trading 245 CC Wesflo (Pty) Ltd	24-Apr-26	Various Rates	20 Working Days
Notice 35/2026: Supply, Delivery and Offloading of Streetlight Poles and Adaptor Brackets	Obhejane (Pty) Ltd All Type Enterprises (Pty) Ltd	24 April 2026	Various rates	11 Working Days
Panel- Notice 185/2023 Notice C&W 04/26: Appointment of a Suitably Qualified Professional Service Provider for the Design and Preparation of a Business Plan for Proposed New Waterborne Sanitation Infrastructure (Bulk and Reticulation) in areas of St Francis Bay	Zutari (Pty) Ltd	28-Apr-26	R2 995 117.50	29 Working Days(received 10 March 2026 from end user)
Panel Notice 1 of 2026: Notice C&W 12/25: Appointment of Contractor for the Reinstatement/Repairs of Stormwater Infrastructure in Various Kouga Municipality	Enzel 186 CC	23-Apr-26	Various Rates	84 Working Days (received 3 Feb 2026 from end user)

Notice 33 of 2026 Travel Agency Services	Jeffreys Bay Travel CC	05-May-26	Various Rates	10 Working Days
Notice 237 of 2025 Supply, delivery, assembling and installation of office furniture, filing cabinets, high-density filing system and electrical appliances for a period of three (3) years.	Lutak Consulting Pty Ltd **(Partial award- Section B, C, D &E)**	06-May-26	Various rates	71 Working Days
Notice 71 of 2026 Appointment of Service Provider for the Street Sweeping, Road Verge Cleaning and Grass Cutting Projects in Kouga Municipality	Cancelled	08-May-26	n/a	4 Working Days
Notice 48/2026: Provision of a Seven (7) Seater Vehicle	Baycon Pty Ltd	15-May-26	R630 000	6 Working Days
Notice 4 of 2026: Supply, delivery and offloading of new/ used steel converted shipping containers for a Period of Three (3) years	Cancellation- Partial Cancellation on Pricing Schedule 4	20-May-26	n/a	61 Working Days
Notice 51 of 2026 Appointment of Professional Service Provider for the Development of an Environmental Management Framework	Coastal and Environmental Services Pty ltd	25-May-26	R 1 273 337.50	13 Working Days
Panel- Notice 185/2023 Notice P&D 06/25: Appointment of a Suitably Qualified Professional Service Provider to prepare a conceptual Design and viability report for the new municipal offices- Erves 5803 &5804	SMEC South Africa (Pty) Ltd	25-May-26	R 1 322 500.00	126 Working Days (received 23 Jan 2026 from end user)
Panel Notice 1 of 2026: Notice C&W 9/25: Stormwater Stone Pitch Channel and Water Drift Donkerhoek, Kruisfontein	Vitsha Trading CC	25-May-26	R 206 136.00	101 Working Days (received 10 Feb 2026 from end user)
Notice 44 of 2026: Supply and Delivery of Floodlights for a Period of Three (3) years	Mukan Energy (Pty) Ltd	08-Jun-26	Various Rates	21 Working Days
Notice 54/2026: Provision of Services for the Disconnection & Re-connection of Municipal Services for a period of 3 years	Inzalo Utility Management Services (Pty) Ltd	11-Jun-26	Various Rates	35 Working Days

Notice 72/2026: Appointment of a Service Provider for the Construction of 280m x1.6 high Free Standing Boundary Wall and 258m x 1.8 High Clear Vu Fence on Erf 335 PTN 125, Ocean View Jeffreys Bay	MB Fencing & Civils (Pty) Ltd	15-Jun-26	R 1 495 246.27	38 Working Days
Notice 53 of 2025: Supply, Delivery and Offloading of Hardware Items for a Period of 3 Years	Bay-Con (Pty) Ltd Marzlink (Pty) Ltd Memotek Trading (Pty) Ltd	18-Jun-26	Various rates	37 Working days
Notice 85/2026: Supply, Delivery and Offloading of Oil and Lubricants for a Period of Three Years (3)	Piston Power Chemicals (Pty) Ltd Premier Pipe Supply (Pty) Ltd	19-Jun-26	Various Rates	23 Working Days
Notice 212/2026, Contract P&D 01/2026: Appointment of a Professional Service Provider for the Review of the Jeffreys Bay CBD Local Spatial Development Framework to Kouga Local Municipality	Maswana JV (Pty) Ltd	24-Jun-26	R 356 327.50	12 Working Days
Contract No.01/2025, RFQ NO. C&W 13/25: Appointment of Contractor for the Reinstatement/Repairs of Road Infrastructure in Various Kouga Municipality	Enzel 186 CC	29-Jun-26	Various Rates	111 Working Days

9. Variations awarded for the 4th Quarter

Notice & Description	Service Provider	Amount	Date
Variation: Notice 225 of 2025 Supply and Delivery of Disaster Relief Items (mattresses & blankets)	Glynren Trading Pty Ltd	R 33750.00	10 June 2026

10. Termination of Contracts

One termination was reported to Supply Chain in the fourth quarter.

Notice & Description	Service Provider	Date
Notice 154/2024-005 The Appointment of a Service Provider for the Supply, Delivery and Offloading of Electrical Cables for a Period of Three (3) Years (Partial award)	Norolor (Pty) Ltd	18 June2026

11. Section 36 Deviations in terms of SCM Policy

The total deviation value for the fourth quarter amounted to **R 4 839 501.77** as follows:

- April deviations amounted to **R 924 640.55**
- May deviations amounted to **R 41 893 991.38**
- June deviations amounted to **R 2 020869.84**

DIRECTORATE	AMOUNT
Civil and Water Services	R 4 207 473.96
Electro- Mechanical Services	R 114 517.00
Community Services	R 330 063.91
Office of DMM	R 187 446.90
Finance and Economic Development	R 0.00
Planning and Development	R 0.00

REFER TO DETAILED BREAKDOWN -TABLE 11A BELOW. TABLE 2 REFLECT DEVIATION SIGNED IN JUNE REFLECTIVE OF THE 26/27 FINANCIAL YEAR.

12. Quarterly Requisitions Report

SCM REQUISITIONS REPORT FOR THE FOURTH QUARTER					
DIRECTORATE	**TOTAL NUMBER OF REQUISITIONS RECEIVED**	**TOTAL NUMBER OF REQUISITIONS FINALISED WITHIN 5 DAYS**	**TOTAL NUMBER OF REQUISITIONS NOT FINALISED WITHIN 5 DAYS**	**REASONS - BY SCM**	**REASONS - BY USER DEPARTMENT**
Civil & Water Services	193	126	67	Delayed Processing (19): Weekend / Public Holiday (11), waiting approval (2) delayed approval (6)	Rejected-non essential (2), rejected awaiting response from End user (18), rejected-stock item (1)Budget exceeded (8)
Community Services	217	161	56	Delayed Processing (5): Weekend inclusive (13, Delayed Approval (4)	Rejected-nonessential (13), Rejected awaiting response from End user (6) Budget Exceeded (6) Tax Compliant (5) Cancelled(4)

Office of DMM	203	158	45	Delayed Processing (13) Weekend inclusive (10) Delayed Approval (2)	Rejected – nonessential (6) rejected-awaiting response from End user (6) Budget Exceeded (6), cancelled (2)
MM & Mayors	50	45	5	Inclusive of Weekend (2)	Rejected-Nonessential (1), Budget Exceeded (2)
Electro - Mechanical: Electrical	82	57	25	Delayed Approval (1) Delayed Processing (2)	Rejected awaiting response from end user (3) Budget exceeded (16) Tax Non-compliant SP (3)
Electro - Mechanical: Workshop	287	253	34	Delayed Approval, (12) Delayed processing (2)	Budget Exceeded (9), Tax non - compliant SP (11)
Finance & Economic Development	165	137	28	Delayed Processing (8) Inclusive of Weekend (4), Delayed Processing (3)	Rejected-nonessential (5) Budget Exceeded (4), Awaiting response from end-user (4)
Planning & Development	22	18	4	Inclusive of Weekend (1), Delayed Processing (1)	Rejected-nonessential (2)
Totals	**1219**	**955**	**264**	**121**	**143**

Please note: *that the totals above excludes the purchases done through the inventory section.*

13. Report on the Balance of Stock at hand at Stores for the period.

This tables below shows movement of stock the Stores Section has received from various suppliers as procured by Stores Section and stock issued to various directorate for the period dated 1 April 2026 to 30 June 2026.

Table 13a

STOCK BALANCING REPORT- APRIL 2026						
DATE	**BALANCE**		**ISSUES**	**RECEIPTS**	**JNL/RETURN**	**BALANCE**
01/04/2026	25,635,786.50	19	93,250.52	190,681.25		25,733,217.23
02/04/2026	25,733,217.23	0	-			25,733,217.23
03/04/2026	25,733,217.23	0				25,733,217.23
06/04/2026	25,733,217.23	0				25,733,217.23
07/04/2026	25,733,217.23	0	170506.43	141394.43	(91,797.12)	25,612,308.11
08/04/2026	25,612,308.12	8	200,475.45	17,700.00	30.67	25,429,563.34
09/04/2026	25,429,563.34	16	130,044.41	122,556.16		25,422,075.09
10/04/2026	25,422,075.09	12	41,815.81	80,911.60	259.59	25,461,430.47
13/04/2026	25,461,430.47	13	139,294.26			25,322,136.21
14/04/2026	25,322,136.21	17	54,236.13	23,668.20	1,859.33	25,293,427.61
15/04/2026	25,293,427.61	9	29,651.53	329,333.76		25,593,109.84
16/04/2026	25,593,109.84	26	94,144.93	13,350.00	1,930.69	25,514,245.60
17/04/2026	25,514,245.60	16	75,081.71	210,203.56	96.00	25,649,463.45
20/04/2026	25,649,463.45	13	246,320.08	329,692.16		25,732,835.53
21/04/2026	25,732,835.53	20	52,362.40		1,144.14	25,681,617.27
22/04/2026	25,681,617.27	22	484,674.00	44,350.00	3.93	25,241,297.20
23/04/2026	25,241,297.20	8	128,944.62			25,112,352.58
24/04/2026	25,112,352.58	5	13,657.30			25,098,695.28
27/04/2026	25,098,695.28	0				25,098,695.28
28/04/2026	25,098,695.28	11	35,975.54	136,423.70	188,060.00	25,387,203.44
29/04/2026	25,387,203.44	20	180,244.70	62,506.00	255.10	25,269,719.84
30/04/2026	25,269,719.84	17	51,983.01	(0.43)	7,454.23	25,225,190.63
		252	2,222,662.83	1,702,770.39	109,296.56	

Table 13b

STOCK BALANCING REPORT- MAY 2026						
DATE	**BALANCE**		**ISSUES**	**RECEIPTS**	**JNL/RETURN**	**BALANCE**
01/05/2026	25,225,190.63					25,225,190.63
04/05/2026	25,225,190.63	9	31,769.20	135,360.00	876.57	25,329,658.00
05/05/2026	25,329,658.00	0				25,329,658.00
06/05/2026	25,329,658.00	36	87,778.40	37,746.00		25,279,625.60
07/05/2026	25,279,625.60	20	74794.73		7,500.75	25,212,331.62
08/05/2026	25,212,331.62	15	57,692.58		2,064.99	25,156,704.03

11/05/2026	25,156,704.03	19	43,035.24	266,324.58	568.37	25,380,561.74
12/05/2026	25,380,561.74	20	127,313.78	254,240.00		25,507,487.96
13/05/2026	25,507,487.96	14	84,145.84	150,828.02	909.64	25,575,079.78
14/05/2026	25,575,079.78	18	57,296.01		88.63	25,517,872.40
15/05/2026	25,517,872.40	17	66,909.14	41,331.80	169.36	25,492,464.42
18/05/2026	25,492,464.42	22	75,229.38	25,541.73	634.59	25,443,411.36
19/05/2026	25,443,411.36	26	221,524.73			25,221,886.63
20/05/2026	25,221,886.63	16	197,652.80	111,291.40	410.69	25,135,935.92
21/05/2026	25,135,935.92	15	72,908.28	17,371.20		25,080,398.84
22/05/2026	25,080,398.84	6	12,177.18	67,660.00	4,824.83	25,140,706.49
25/05/2026	25,140,706.49	19	66,566.73	158,586.00		25,232,725.76
26/05/2026	25,232,725.76	11	51,774.28	51,140.00	202.92	25,232,294.40
27/05/2026	25,232,294.40	9	105,620.32	11,821.74	848.71	25,139,344.53
28/05/2026	25,139,344.53	4	12,895.47	93,280.00		25,219,729.06
29/05/2026	25,219,729.06	7	53,622.82	58,938.00	1,045.78	25,226,090.02
		303	1,500,706.91	1,481,460.47	20,145.83	

Table 13c

STOCK BALANCING REPORT- JUNE 2026						
DATE	**BALANCE**		**ISSUES**	**RECEIPTS**	**JNL/RETURN**	**BALANCE**
01/06/2026	25,226,090.02	15	26,101.35		190.58	25,200,179.25
02/06/2026	25,200,179.25					25,200,179.25
03/06/2026	25,200,179.25	15	97,359.68	1,990,445.96	33.37	27,093,298.90
04/06/2026	27,093,298.90	3	18,282.92			27,075,015.98
05/06/2026	27,075,015.98	21	297721.47		3,867.01	26,781,161.52
08/06/2026	26,781,161.52	11	22,402.57	134,966.00		26,893,724.95
09/06/2026	26,893,724.95	8	62,163.36	40,664.00		26,872,225.59

10/06/2026	26,872,225.59	5	11,285.87	43,143.96	7,852.30	26,911,935.98
11/06/2026	26,911,935.98	6	17,467.19	15,750.00	189.84	26,910,408.63
12/06/2026	26,910,408.63	6	29,774.33	118,385.20		26,999,019.50
15/06/2026	26,999,019.50	13	42,149.80	75,210.00		27,032,079.70
16/06/2026	27,032,079.70					27,032,079.70
17/06/2026	27,032,079.70	1	25,145.11			27,006,934.59
18/06/2026	27,006,934.59	2	7,631.59	52,243.20		27,051,546.20
19/06/2026	27,051,546.20	7	10,739.70	517.00		27,041,323.50
22/06/2026	27,041,323.50	10	30,796.14			27,010,527.36
23/06/2026	27,010,527.36	7	19,651.21	95.60	759.36	26,991,731.11
24/06/2026	26,991,731.11	17	180,577.21			26,811,153.90
25/06/2026	26,811,153.90	9	86,598.23		4,320.00	26,728,875.67
26/06/2026	26,728,875.67	12	199,915.84			26,528,959.83
29/06/2026	26,528,959.83	4	9,736.95	9,673.84		26,528,896.72
30/06/2026	26,528,896.72			48,120.00		26,577,016.72
		172	1,195,500.52	2,481,094.76	17,212.46	

14. SCM Management component for 01 April 2026-30 June 2026.

The section operated with a total staff complement of 13 permanent staff members of which three (3) officials were completing their probationary period, 1 intern, 1 EPWP workers and 6 vacancies.

Below details depicts the detail of the officials:

- Mrs. C. Groenewald- Manager Supply Chain Management

SUPPLY CHAIN MANAGEMENT	STORES
Mrs. N. Goeda (Permanent)	Mr. E. Felix (Permanent)
Ms. A. Smith (Permanent)	Mr. Delaino Domingo (Permanent)
Ms. A. Gorden (Permanent)	Mr. D. Volontiya (Permanent)
Ms. N. Mandeka (Permanent)	Mr. F. Msolo (Permanent)
Ms. A. Lloyd (Permanent)	Mr. M. Cimile - EPWP Programme
Ms. A. Kolyt (Permanent)	Mr. Z. Mafana- EPWP Programme
Ms. S. Malusi (Probation Period)	
Mr. R. Matthee (Probation Period)	
Ms. S. Raco (Probation Period)	
Mrs. U. Sukata (Intern-Finance)	

TABLE 11A QUARTER 3 DEVIATIONS BREAKDOWN											
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**
23-24/ CW40	09-Apr-26	Civil & Water Engineering Services	PMU Unit	Rudcor Engineering (Pty) Ltd	No	Appointment of a contractor for the construction of internal streets and stormwater infrastructure for Hankey Housing Development (Phase 2) **Total deviation amount R17677321.20 Amount paid is reflected in next column**	R 663 419,38	01-Mar-24	14-Mar-24	S36 (1)(a)(i)	**Req No**.183110, 175988 **Order No.** 249164, 249105
25-26/ CWS 2 & 25-26/ CWS 19	07-Apr-26	Civil & Water Engineering Services	PMU Unit	LRC Civils CC	No	**CW14/24:** Seekoei Estuary Causeway Reconstruction: **Partial 50 % retention release**	R 232 078,97	07-Apr-26	17-Apr-26	S36 (1)(a)(v)	**Req No**. 183103 **Order No.** 248670
25-26/ CWS 8	May-26	Civil & Water Engineering Services	Water Services	Qpoint Group (Pty) Ltd	No	**Approved Deviation: 24-25 Fin Year:** 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 1 219 144,27	30-Jun-25	09-Sep-26	S36 (1)(a)(v)	**Req No**. 177630, 177650, 177652 **Order No.** 249627, 250306, 250416

						((transaction value spent reported in next column)					
25-26/ CWS 21	06-May-26	Civil & Water Engineering Services	Water Services	Northfield Engineering (Pty) Ltd	No	**Emergency Hiring:** Hiring of pump set for 10 days to assist with flooded areas.	R 142 453,38	11-May-26	11-May-26	S3 (1) (a) (i)	**Req No.** 175880 **Order No**. 249612
25-26/ CWS 22	22-May-26	Civil & Water Engineering Services	Water Services	Aqua Transport and Plant Hire	No	**Emergency Hiring:** Hiring of 16,000L Water Tankers for critical water supply needs	R 59 800,00	20-May-26	22-May-26	S36 (1)(a)(i)	**Req No**. 184651 **Order No.** 250274
25-26/ CWS	10-Jun-26	Civil & Water Engineering Services	PMU Unit	JG Afrika	No	Additional direct costs of PSP, Seekoei Estuary	R 503 412,65	12-May-26	25-Jun-26	S36 (1)(a)(v)	**Req No.** 183143 **Order No**. 250698
25-26/ CWS8	Jun-26	Civil & Water Engineering Services	Water Services	Qpoint Group (Pty) Ltd	No	**Approved Deviation: 24-25 Fin Year:** Sampling, transportation, analysis and preparing certificates of analysis of all samples taken at the Water and Waste Water Treatment works throughout Kouga Local Municipality. (transaction value spent reported in next column)	R 1 387 165,31	30-Jun-25	09-Sep-26	S36 (1)(a)(v)	**Req No**.177659, 177664 & 177665 **Order No.** 250678, 250687 & 250740
25-26/ EM	18-May-26	Electro-Mechanical	Electrical Services	Amandla Tech (Pty) Ltd	Yes	**Emergency procurement:** Replacement of 2x Faulty transformer in Metmelville substation and Common	R 114 517,00	13-May-26	29-May-26	S36 (1)(a)(i)	**Req No**: 179055

						substation in Humansdorp.					
25-26/ COMM2	24-Apr-26	Community Services	Waste and Environmental Management	National Health Laboratory Services	No	**Approved Deviation Laboratory Tests:** Water Samples - Amount spent reflected)	R 19 993,90	01-Jul-25	22-Jul-25	S36 (1)(a)(v)	**Req No**: 97880 **Order No**: 249413
25-26/ COMM2	Jun-26	Community Services	Waste and Environmental : Environmental Health	National Health Laboratory Services	No	**Approved Deviation Laboratory Tests:** Water Samples - Amount spent reflected)	R 35 271,97	01-Jul-25	22-Jul-25	S36 (1)(a)(v)	**Req No**: 97892, 97894 **Order No**: 250661,250662
25-26/ COMM9	05-May-26	Community Services	Waste and Environmental Management	Nu- Plant Projects (-ty) Ltd	Yes	**Foot and Mouth Disease - Phase 2** Digging of trenches in and around Masterton Farm 1.3 km hard rock trenching and Poplar Grove Farm 1.9km, hard rock trenches to mitigate against the spread of Foot and Mouth Disease	R 263 925,00	28-Apr-26	06-May-26	S36 (1)(a)(i)	**Req No**: 186132 **Order No**: 249610
25-26/ COMM10	22-May-26	Community Services	Safety and Security	Truvelo Africa Electronics Division (Pty) Ltd	No	Calibration of Speed Equipment (Prolaser PL-10824)	R 7 460,53	25-Mar-26	26-May-26	S36 (1)(a)(v)	**Req No**: 181059 **Order No**: 250350
25-26/ COMM11	25-Jun-26	Community Services	Disaster	SPAR Jeffreys Bay 2026	Yes	Flood Disaster Groceries	R 3 412,51	14-May-26	25-Jun-26	S36 (1)(a)(i)	**Req No.** 176771 **Order No.** 249833

25-26/ DMM1	24-Apr-26	Office of DMM	Legal Services	CW Malan Jeffreys bay	Yes	**Approved deviation: Legal Services-25-26 Fin Year** Van der Westhuizen and others, MEC CoGTA (Oliphant), MEC CoGTA (Petersen) and Freddy van Rooyen (transaction value spent reported in next column	R 9 148,30	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No.** 176748 **Order No.** 249440
25-26/ DMM1	May-26	Office of DMM	Legal Services	CW Malan Jeffreys bay	Yes	**Approved deviation: Legal Services-25-26 Fin Year** Van der Westhuizen and others, MEC CoGTA (Oliphant), MEC CoGTA (Petersen) and Freddy van Rooyen (transaction value spent reported on matters under approved deviation not finalised in next column)	R 4 678,95	23-Jul-26	28-Jul-25	S36 (1)(a)(v)	**Req No.** 176771, 1762772 **Order No.** 249833, 249843
25-26/ DMM1	Jun-26	Office of DMM	Legal Services	CW Malan Jeffreys Bay	Yes	**Approved deviation: Legal Services-25-26 Fin Year various matters(transaction value spent on matters not finalised reported in next column)**	R 34 465,25	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176794, 176797, 176798 **Order No.** 250775

25-26/ DMM 8	14-May-26	Office of DMM	HR Department - OHS	Sheqomspec (Pty) Ltd	No	Appointment of Service Provider to do a Risk Profile for Medical Surveillance and PPE	R 82 012,25	23-Apr-26	19-May-26	S36 (1)(a)(v)	**Req No.** 160816 **Order No.** 250015
25-26/ DMM2	Jun-26	Office of DMM	Legal Services	Billet Gouws	Yes	**Approved deviation: Legal Services-25-26 Fin Year** various matters(transaction value spent on matters not finalised reported in next column)	R 57 142,15	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176790 **Order No.** 250775
						TOTAL	**R 4 839 501,77**				

TABLE 11B

DEVIATIONS – 26/27 FINANCIAL YEAR- APPROVED IN JUNE											
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**
26-27/ DMM1	23-Jun-26	Office of DMM	Legal Services	CW Malan Jeffreys Bay	Yes	**Legal Services-26-27 FY** Van der Westhuizen and others, MEC CoGTA (Petersen)	R0,00	23-Jun-26	25-Jun-26	S36 (1)(a)(v)	**n/a**
26-27/ DMM2	23-Jun-26	Office of DMM	Legal Services	Billett and Gouws	Yes	**Legal Services 26/27FY-** Papiesfontein Eviction, Papiesfontein Criminal matters, labour Investigation, R Petersen vs Phelan, Laverns	R0,00	23-Jun-26	25-Jun-26	S36 (1)(a)(v)	**n/a**

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
FINANCE & ECONOMIC DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/FED8**

SUPPLY CHAIN MANAGEMENT: S36 DEVIATIONS FOR THE MONTH: JUNE 2026

1. **Introduction**

The purpose of this item is to inform Council of the Section 36 Deviations for the month of July 2026.

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:

(I) 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 June 2026- 30 June 2026:

Refer to:

"Annexure A"
- Table 1 -Deviations for month -June 2026
- Table 2 -Deviations approved in June applicable to 26/27 financial year.

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

6. **Legal Implications**

Regulation 36 of the Supply Chain Management Regulations makes provision

for specific instances where the municipality may deviate from the legislated procurement processes as contained in its Supply Chain Management Policy. Should the municipality fail to adhere to the specific provisions and record such deviations, the related expenditure may be considered, irregular and such conduct may lead to potential financial misconduct as described in the Local Government: Municipal Finance Management Act No. 56 of 2003.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendation supported.

8.2 **Director: Planning & Development**

Noted

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Report noted.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the Deviation report for the month of June 2026 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- JUNE 2026											
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/ CWS23	10-Jun-26	Civil & Water Engineering Services	PMU Unit	JG Afrika	No	Additional direct costs of PSP, Seekoei Estuary	R 503 412,65	12-May-26	25-Jun-26	S36 (1)(a)(v)	**Req No.** 183143 **Order No**. 250698
25-26/ CWS8	Jun-26	Civil & Water Engineering Services	Water Services	Qpoint Group (Pty) Ltd	No	**Approved Deviation: 24-25 Fin Year:** Sampling, transportation, analysis and preparing certificates of analysis of all samples taken at the Water and Wastewater Treatment works throughout Kouga Local Municipality. (transaction value spent reported in next column)	R 1 387 165,31	30-Jun-25	09-Sep-26	S36 (1)(a)(v)	**Req No.**177659, 177664 & 177665 **Order No.** 250678, 250687 & 250740
25-26/ COMM2	Jun-26	Community Services	Waste and Environmental: Environmental Health	National Health Laboratory Services	No	Laboratory Tests: Water Samples	R 35 271,97	01-Jul-25	22-Jul-25	S36 (1)(a)(v)	**Req No**: 97892, 97894 **Order No**: 250661,250662

25-26/ COM M	25-Jun-26	Community Services	Disaster	SPAR Jeffreys Bay 2026	Yes	Flood Disaster Groceries	R 3 412,51	14-May-26	25-Jun-26	S36 (1)(a)(i)	**Req No.** 176771 **Order No.** 249833
25-26/ DMM1	Jun-26	Office of DMM	Legal Services	CW Malan Jeffreys Bay	Yes	**Approved deviation: Legal Services-25-26 Fin Year** various matters (transaction value spent on matters not finalised reported in next column)	R 34 465,25	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176794, 176797, 176798 **Order No.** 250775
25-26/ DMM2	Jun-26	Office of DMM	Legal Services	Billet Gouws	Yes	**Approved deviation: Legal Services-25-26 Fin Year** various matters(transaction value spent on matters not finalised reported in next column)	R 57 142,15	23-Jul-25	28-Jul-25	S36 (1)(a)(v)	**Req No**. 176790 **Order No.** 250775
						TOTAL	R 2 020 869,84				

TABLE 2

DEVIATIONS – 26/27 FINANCIAL YEAR- APPROVED IN JUNE											
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**
26-27/ DMM1	23-Jun-26	Office of DMM	Legal Services	CW Malan Jeffreys Bay	Yes	**Legal Services-26-27 FY** Van der Westhuizen and others, MEC CoGTA (Petersen)	R0,00	23-Jun-26	25-Jun-26	S36 (1)(a)(v)	**n/a**
26-27/ DMM2	23-Jun-26	Office of DMM	Legal Services	Billett and Gouws	Yes	**Legal Services 26/27FY-** Papiesfontein Eviction, Papiesfontein Criminal matters, labour Investigation, R Petersen vs Phelan, Laverns	R0,00	23-Jun-26	25-Jun-26	S36 (1)(a)(v)	**n/a**

REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES

KOUGA
local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
ELECTRO-MECHANICAL SERVICES
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/EMS1**

RE: EXTENSION OF THE REVENUE ENHANCEMENT PROGRAMME

1. **Introduction**

This submission proposes an extension of the Revenue Enhancement Programme, approved to run from 1 March 2026 - 30 June 2026 under Resolution 26/02/EMS7. The program targets consumers that have tampered with electricity meters and customers with rooftop solar PV systems which are not yet registered with the municipality.

The programme allows residents/consumers to voluntarily regularize their accounts and comply with municipal regulations without the applicable penalties being applied. This will improve billing accuracy, enhance revenue collection, and support the integration of solar PV systems into the municipal electricity network, while promoting compliance and sustainable energy management.

2. **Background**

2.1 **Prepaid Electricity Meter Tampering**

Electricity meter tampering is a major contributor to non-technical losses, inaccurate billing, and reduced municipal revenue. It often originates from affordability issues, lack of awareness, or unqualified interventions. Tampered meters undermine fair billing, increase costs for compliant customers, and add operational burdens through audits and enforcement.

Strict enforcement alone discourages voluntary disclosure, leaving many customers outside the formal system and limiting accurate energy accounting. An amnesty program offers an opportunity for customers to regularize connections, restore metering integrity, and re-enter compliance without fear of penalties.

2.2 **Registration for SSEG Installations**

Residential solar PV installations in Kouga have increased significantly due to rising tariffs, load shedding, and the national push for renewable energy. While these systems reduce grid demand and improve resilience, many remain unregistered with the municipality.

Unregistered SSEG systems pose serious risks, including back-feeding during outages, voltage fluctuations, protection failures, and safety hazards for municipal staff. They also prevent accurate data collection, limiting the municipality's ability to manage load profiles, plan infrastructure, and comply with NERSA regulations.

A number of conventional meters that register "0" reading was visited through spot checks, evidently most of these meters had SSEG installed, this basically mean that the impact of the SSEG system compromised the integrity of the meter which result in dysfunctionality.

3. **Discussion**

The proposed extension with four (4) months for electricity prepayment meter amnesty and SSEG registration initiative provides a practical and balanced approach to addressing long standing challenges related to electricity meter tampering and unregistered solar PV installations within Kouga Local Municipality. The current exercise where only 255 meters were reached out of 3011 demonstrated the need for a longer period to properly deal with the matter. We have seen an uptake in SSEG registrations through this drive which is extremely positive and will contribute to enhance our revenue. Through workshops that will be conducted throughout Kouga to better explain to the consumers what the impact is of their systems not being registered, this will create better relations between Kouga and the consumers as well. A meeting between Kouga's electrical team and the ECA with their members will take place on 2 July 2026 to also clarify their role in this spectrum. The losses currently sustained is not feasible and will have to be reduced.

4. **Financial Implications**

Completed by BTO -	Not Applicable
Project Description	Replace the meters at a cost of R 2672.45 excl. VAT, per meter
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	Cost of project to be determined by Council.
BTO Signature	

5. **Applicable Legislation**

The Constitution of South Africa (1996)
The Electricity Act (No. 41 of 1987)
The Energy Act (No. 34 of 2008)
NERSA Guidelines for Small-Scale Embedded Generation (SSEG)
The National Electricity Regulation Act (No. 4 of 2006)
Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
The Occupational Health and Safety Act (No. 85 of 1993)
The South African Bureau of Standards (SABS) 0142: Wiring Code

6. **Legal Implications**

Should Council approve the implementation of the Revenue Enhancement Program; the criteria established must be complied with.

7. **Other Implications**

Should staff be injured due to illegal connections, the organization is subjected to legal challenges. Our financial situation will improve should this be addressed.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations supported.

Budget should be made available from internal funds and the allocation of additional funds can be considered during the mid-year adjustment budget based on the additional revenue impact from the project.

8.2 **Director: Planning & Development**

Supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

I support the proposal, as many residents cannot afford to pay the fines. This will assist us in addressing all these challenges and ensure that every resident within Kouga buys electricity.

This will further reduce electricity losses and ensure revenue enhancement. It must also be made clear to the residents of Kouga that it is important that meters are only operated by a municipal official.

I want to propose that an awareness drive be implemented throughout Kouga with the assistance of PPU. To educate communities that even buying electricity at higher cost from shops is illegal.

Since amnesty was granted for SSEG consumers, 197 applications were received, of that figure 177 were received subsequent to the podcast on facebook where the consumers better understood the process. This proof that the awareness programs are efficient. The department will engage consumers and educate the consumer in terms of their SSEG installation and why is it important, this will happen from the second week of July 2026. A meeting engaging the ECAEC and its members took place on the 2 July 2026 to make them aware of the importance of registering as per the ERA 0f 2006.

Over the past three months, it has become evident that a longer period is required to effectively address electricity theft. In the initial proposal to Council, attention was drawn to the department's resource needs, which was not honoured. At present, we are replacing meters at our own cost, funds that should have been allocated to maintenance. The manpower required for this project has had to be redirected from other essential work.

We have only two contractual employees assisting in this regard; our resources are limited and the approval process will be delayed unless the Council fully understands the importance of this and assists with additional resources. At the initiation of this project, our requirements were provided to ensure this is rolled successfully and these were not met, compromising the success of the project.

In certain areas, law enforcement support is necessary to enable staff to perform their duties safely. While staff safety remains the highest priority, the presence of law enforcement is unfortunately perceived negatively in some communities.

8.5 **Director: Community Services**

Supported

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Report noted

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council approves an extension of the Electricity Revenue Enhancement Programme, as approved by Council under Resolution 26/02/EMS7, with four (4) months, ending 30 October 2026.

Item prepared by the: Acting Manager Electrical Services

Item approved by the: Director Electromechanical Engineering Services

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT SERVICES

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KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD1**

REQUEST FOR FINAL APPROVAL OF THE PROPOSED AMENDMENTS TO THE KOUGA MUNICIPALITY SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW, 2016

1. **Introduction**

The purpose of this report is to request Council's final approval of the proposed amendments to the Kouga Municipality Spatial Planning & Land Use Management By-law, 2016. See **Annexure A**

2. **Background**

The Kouga Municipality Spatial Planning & Land Use Management By-law (the By-law) was adopted by Council on 29 May 2015 per Resolution 15/05/IPD12. It was promulgated in the Provincial Gazette on 4 March 2016 per Notice Number EC Gazette 3609.

The proposed amendments were presented at the Policy Workshop for review on 10 October 2024. It was resolved that the proposed amendments be discussed with Legal Services for inputs and proposed changes be circulated to all Councillors and relevant directorates for input before submission to the Policy and By-Laws Committee.

3. **Discussion**

Since the date of commencement of the By-law, the Town Planning Department has identified certain shortfalls in the document, which require formal amendment to ensure efficiency. Amendments consist of deletions, insertions, and substitutions made to existing provisions.

The proposed amendments were discussed with Legal Services, and there were no additional amendments proposed by the appointed service provider. There are no amendments to the proposals presented at the Policy Workshop.

On 26 June 2025, Council granted permission to proceed with public participation. The draft document was advertised for 60 days in accordance with the provision of the Municipal Systems Act. The MEC: Department of Cooperative Governance and Traditional Affairs was also informed.

Four comments were received during public participation and were addressed by the Town Planning Department. See **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**

None

6. **Legal Implications**

Council is advised that a by-law must be made by a decision taken by a Municipal Council with a supporting vote of a majority of its members. Section 13 further provides that a by-law passed by a Municipal must be published promptly in the Provincial Gazette, and when feasible, also in a local newspaper or in any other practical way to bring the contents of by-law to the attention of the local community, and takes effect when published or on a future date determined in or in terms of the law.

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 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 the draft amendments of the Kouga Municipality Spatial Planning & Land Use Management By-law, 2016.

10.2 That the approved amended by-law shall repeal and replace all previously approved Kouga Local Municipality Spatial Planning & Land Use Management By-law, 2016.

10.3 That the approved Kouga Municipality Spatial Planning & Land Use Management By-law be advertised in the Government Gazette for promulgation.

Item prepared by the: Manager: Manager: Town Planning

Item approved by the: Director: Planning and Development

Item endorsed by the: Municipal Manager

Item noted by Portfolio Chairperson:

REVIEW OF KOUGA MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016

Draft Proposed By-law Amendments

Date: June 2026

GENERAL EXPLANATORY NOTE

[ ] Words in bold type in square brackets indicate deletions and/or omissions from the existing enactments.

_____ Words underlined with a solid line indicate insertions in the existing enactments.

BE IT ENACTED by the council of Kouga Local Municipality, as follows:

Amendments to section 1 of the Kouga Municipality: Spatial Planning and Land Use Management By-Law, 2016 ("hereinafter referred to as the By-Law")

1 Section 1 of the By-Law is hereby amended by the deletion of the following definitions:

[

(a) **"communal land"**;

(b) **"consent"**;

(c) **"consolidation"**;

(d) **"departure"**;

(e) **"diagram"**;

(f) **"deeds registry"**;

(g) **"file"**;

(h) **"service provider"**;

(i) **"subdivision"**;

(j) **"traditional communities"]**

2 Section 1 of the By-Law is hereby amended by the insertion of "applicant" following the definition of appeal authority:

"applicant" means an owner(s); or duly authorised person on behalf of the owner or property(ies); who submits a land development application in

terms of the provision of this By-law. It also includes the municipality and organ of the state under whose control and management of property(ies) or land falls.

3 Section 1 of the By-Law is hereby amended by the insertion of "approval" following the definition of applicant:

approval means permission granted in terms of this By-Law and includes the conditions of approval;

4 Section 1 of the By-Law is hereby amended by the insertion of "authorised official" following the definition of approval:

authorised official means a designated municipal employee authorised by the Municipal Council to exercise any power, function or duty as contemplated in section 35(2) of the Act and as defined in Regulation 1 of the regulations to the Act;

5 Section 1 of the By-Law is hereby amended by the insertion of the definition of "consent use":

consent use means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme;

6 Section 1 of the By-Law is hereby amended by the insertion of "date of notification" following the definition of council:

date of notification means the date on which a notice is served or delivered on a person or body as contemplated in the provisions of this By-law or published in the media or *Provincial Gazette* as the case may be;

7 Section 1 of the By-Law is hereby amended by the insertion of "day" following the definition of date of notification:

day means a calendar day provided that when any number of days is prescribed for the doing of any act in terms of this By-law, it must be calculated by excluding the first day and including the last day; provided further that, if the last day falls on a Saturday, Sunday or public holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday; and further if the day on which a notice in terms of this By-law must appear in any media or *Provincial Gazette* such notice may not published on a Saturday, Sunday or public holiday;

8 Section 1 of the By-Law is hereby amended by the insertion of "Development Charges" following the definition of date of notification:

Development Charges means a monetary contribution as envisaged in Chapter 7 of this By**-**Law.

9 Section 1 of the By-Law is hereby amended by the insertion of "SDF Deviation" following the definition of spatial development framework:

SDF Deviation means a proposal that deviate or depart from the provisions of an approved spatial development framework as set out in section 22(2) of the Act;

10 Section 1 of the By-Law is hereby amended by the insertion of "Permanent Departure" following the definition of overlay zone:

Permanent Departure means the right to deviate from provisions or development parameters of the land use scheme that is applicable to

a land unit to allow permanent improvements in line with the zoning of the property;

11 Section 1 of the By-Law is hereby amended by the insertion of "Temporary Departure" following the definition of subdivision:

Temporary Departure means the right to use land on a temporary basis for a purpose for which no provision is made in zoning applicable to the property;

12 Section 1 of the By-Law is hereby amended by the insertion of "erf":

Erf means land unit that is registered in a deeds registry.

13 Section 1 of the By-Law is hereby amended by the insertion of "Temporary Departure" following the definition of subdivision:

land means any land unit or any portion of a land unit, and includes any improvement or building on the land and any real right or interest in land;

14 Section 1 of the By-Law is hereby amended by the insertion of "land development" following the definition of subdivision:

'**land development** means the erection of buildings or structure on land or the change in use of land, including the rezoning, subdivision or consolidation of land or use permitted in terms of the land use scheme, and '**development of land** and '**develop land**' have corresponding meanings;

15 Section 1 of the By-Law is hereby amended by the insertion of "land unit" following the definition of subdivision:

land unit	means a portion of land registered or capable of being registered in a deeds registry and includes a portion of land to which a registered servitude right or registered lease relates;

16 Section 1 of the By-Law is hereby amended by the insertion of "land use" following the definition of subdivision:

land use	means the purpose for which land is or may be used lawfully in terms of the land use scheme, existing scheme or in terms of any other authorization, permit or consent issued

17 Section 1 of the By-Law is hereby amended by the insertion of "owner" following the definition of overlay zone:

owner	includes their successor-in-title and means – (a) the person whose name is registered in a deeds registry as the owner of land; (b) the beneficial owner of land in law; (c) the owner of land by virtue of vesting in terms of this By-Law or another law; and (d) the legal representative of the owner or their estate where the registered owner lacks legal capacity for any reason including age, mental health, mental disability, death or insolvency; (beneficiary owner- to be clarified)

18 Section 1 of the By-Law is hereby amended by the insertion of "owner's association":

owners' association means an owners' association established or deemed to have been established in terms of Schedule 5;

19 Section 1 of the By-Law is hereby amended by the insertion of "township":

township means any property(ies), sites and/or land that :

(a) is laid out or divided or subdivided into or developed or to be developed, as a single property or multiple properties for residential, business, industrial, institutional, educational, community; services and/or similar or other purposes or land uses, as may be contained in a Land Use Scheme:

(b) are arranged in such a manner as to have the character of what constitutes a township, in the opinion of the Municipality, including:

(i) intended or Actual single or multiple ownership of erven, land or units, and or multiple land use rights; and/or

(ii) which may or may not be intersected or connected by or abut on any public or private street or roadway, in the case of a proposed sectional title scheme; and

(iii) public or private streets or roadways shall for the purposes of this definition include a right of way or any land used for purposes of a street, road, or roadway whether surveyed and/or registered, which is only notional in character;

Amendments to section 13 of the By-Law

20 Section 13 of the By-law is hereby amended by the following deletions and insertions in subsection (2):

(2) Subject to section 22(2) of the Act, the Municipal Planning Tribunal or Authorised Official may **[support]** approve an application that will result in a departure from the provisions of the municipal spatial development framework only if site-specific circumstances justify such deviation or departure from the spatial development framework. **[,but such support must be made subject to the condition that the Council approves the amendment to the municipal spatial development framework and the application cannot be approved until the amendment of the municipal spatial development framework is approved by the Council and the Council must determine whether they trigger amendment or not].**

21 Section 13 of the By-law is hereby amended by the following deletions and insertions in subsection (3):

(3) **[If a]** All approvals granted by the Municipal Planning Tribunal or Authorised Official **[supports an application]** as contemplated in subsection (2)**[, it, he or she]** must be recorded and reported to Council during the annual review of the municipal spatial development framework. **[inform the Council of such support and request the Council to consider an amendment of the municipal spatial development framework.]**

22 Section 13 of the By-law is hereby amended by the following deletions and insertions in subsection (4):

(4) The Council must consider **[such a proposed amendment and may amend]** all approvals contemplated in subsection (2) during any amendment or review of the municipal spatial development framework in terms of the provisions of this Chapter.

23 Section 13 of the By-law is hereby amended by the insertion of subsection (6):

(6) Where an approval of an application will result in a departure or deviation from the Municipal Spatial Development Framework:

a) The applicant's motivation must explain why site-specific circumstances justify the deviation; and

b) Notice of application must specify that the application requires departure or deviation from the Spatial Development Framework.

Amendment to section 15 of the By-Law

24 Section 15 of the By-law is hereby amended by the following deletion and insertion:

15 Applicability of Act

Sections 24 to **[30]** 29 of the Act apply to any land use scheme developed, prepared, adopted and amended by the Municipality.

Amendments to section 16 of the By-Law

25 Section 16 of the By-law is hereby amended by the following deletions and insertions, including the introduction of subsections (1) and (2):

16 Purpose of land use scheme

[In addition to the purposes of a land use scheme stipulated in

section 25(1) of the Act, the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote:

(a) harmonious and compatible land use patterns;
(b) aesthetic considerations;
(c) sustainable development and densification;
(d) the accommodation of cultural customs and practices of traditional communities in land use management; and
(e) a healthy environment that is not harmful to a person's health]

16. Purpose of land use scheme

(1) The land use scheme adopted and approved in terms of section 15 must give effect to and be consistent with the municipal spatial development framework and determine the use and development of land within the Municipal area in order to promote:

(a) economic growth;
(b) social inclusion;
(c) efficient land development; and
(d) minimal impact on public health, the environment and natural resources.

(2) In addition to the purposes of a land use scheme stipulated in subsection (1), the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote:

(a) harmonious and compatible land use patterns;
(b) aesthetic considerations;
(c) sustainable development and densification;

(d) the accommodation of cultural customs and practices of traditional communities in land use management; and

(e) a healthy environment that is not harmful to a person's health.

Amendment to section 17 of the By-Law

26 Section 17 of the By-law is hereby amended by the following deletion in subsection (1)(a) as follows:

(a) develop a **[draft]** land use scheme as contemplated in section 18;

Amendment of section 18 of the By-Law

27 The heading of section 18 of the By-law is hereby amended by the following deletion and insertion:

18. Development of **[draft]** a land use scheme.

Amendment of section 24 of the By-Law

28 Section 24 of the By-law is hereby amended by the deletion of subsections (1)(a) and (1)(b) and insertion within the context of subsection (1) as follows:

24. Submission of land use scheme to Council for approval and adoption

(1) The project committee must **[–**

(a) within 60 days from the closing date for objections contemplated in section 21(2)(d)(i); or

(b) if a further consultation and public participation process is followed as contemplated in section 23, within 60 days from the closing date of such further objections permitted in terms of section 23 read with section 21(2)(d)(i),]

, after satisfaction of sections 21, 22 and 23, submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.

Amendments to section 32 of the By-Law

29 Section 32 of the By-law is hereby amended by the following deletions and insertions in subsection (1) and overhaul change of subsection (2) as follows:

32. Designation and functions of Authorised Official

(1) The Municipality must, **[in writing]** through Council resolution, **[determine]** appoint suitably qualified official in the employ of the Municipality **[that the incumbent of a particular post on the Municipality's post establishment is the]** as an Authorised Official **[of the Municipality].**

(2) The Authorised Official shall consider the application with due regard to the content of the application and information required for consideration as contemplated in section 85 of this By-law, all approved policies of the Municipality, its Integrated Development Plan and Municipal Spatial Development

Framework and its components as contemplated in the Municipal Systems Act, 2000 (Act 32 of 2000), read with section 42 of the Act or any other relevant law and may for that purpose as he/she may deem expedient:

(i) carry out an inspection or institute any investigation;

(ii) request any person to furnish relevant information and the provisions of section 104 shall apply mutatis mutandis.

Amendments to section 53(1) of the By-Law

30 Section 53 of the By-law is hereby amended by the following deletion in subsection (1) (f):

(f) a written assessment by a **[professional]** planner registered in terms of the Planning Profession Act, 2002, in respect of the following applications:

31 The insertion after subsection 53(1(f) of the following paragraph:

(*f*A) the impact of the proposed land development on municipal engineering service;

32 The deletion and insertion in subsection 53(1)(l) as follows:

(l) where applicable, **[the]** a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act or provincial regional spatial development framework;

Amendment to section 53(2) of the By-Law

33 Section 53(2) of the By-Law is hereby amended by the following insertion and deletion in subsection (2):

(2) Where required in terms of applicable development parameters or conditions of approval, the Municipality must approve a site development plan **[submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval]** if the site development plan -

(a) is consistent with the development rules of the zoning;
(b) is consistent with the development rules of an overlay zone, if applicable;
(c) complies with the conditions of approval; and (d) complies with this By-law.

Amendments to section 57 of the By-Law

34 Section 57 of the By-Law is hereby amended by the substitution of section 57 of the as follows:

57. Types of applications

(1) The owner of land or his or her agent may apply to the Municipality in terms of this Chapter and Chapter 6 for the following in relation to the development of the land concerned:

(a) subdivision of land
(b) a rezoning of land;
(c) a removal, suspension or amendment of restrictive title conditions in respect of a land unit;

(d) any consent, approval or permission required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme;

(e) amendment or cancellation in whole or in part of an approved General Plan;

(f) a permanent departure from the development parameters of the zoning scheme;

(g) a temporary departure granted on a temporary basis to for a purpose not permitted as a primary use or consent use in the zoning applicable to the land;

(h) the consolidation of land;

(i) registration of a servitude or lease agreement;

(j) an amendment, deletion or imposition of conditions in respect of an existing approval;

(k) an extension of the validity period of an approval granted for a period less than five years;

(l) a determination of a zoning;

(m) permanent closure of any public place or part thereof;

(n) a consent use contemplated in the land use scheme;

(o) an occasional use of land;

(p) establishment or disestablishment a homeowner's association and constitution;

(q) any other approval in terms of this By-Law.

Amendments of section 58 of the By-Law

35 Section 58 of the By-law is hereby amended by deletion in subsection (1) and introduction of new subsection (1A) as follows:

58. Land use and land development

(1) No person may use or commence with **[,carry on or cause the commencement with or carrying on of]** land development which is not permitted in the land use scheme or for which an approval is not granted in terms of this By-law.

(1A) Any land use right granted in terms of an approval of an application or reflected in the land use scheme vest in the land and not in the owner or applicant, otherwise/unless specified in conditions of approval.

Amendment to section 61 of the By-Law

36 Section 61 of the By-law is hereby amended by the following deletion in subsection 61(3):

(3) For purposes of subsection (1), the Municipality must provide **[to]** the applicant **[a final schedule as contemplated in section 59 (4) and (5); of the conditions of approval together]** with **[a stamped and approved subdivision plan]** conditions of approval together with a stamped and approved layout plan.

37 Section 61 of the By-law is hereby amended by the following deletions and insertions in subsection 61(4):

(4) The Municipality may **[for purposes of],** prior to applicant lodging the documents contemplated in subsection (1), require that the applicant applies **[determine public]** street names and numbers **[on the subdivision plan]** which shall be indicated on the layout plan in accordance with approved Council policy.

38 Section 61 of the By-law is hereby amended by the substitution of subsection 61(5) as follows:

(5) **[Where the applicant fails, within a reasonable time as may be determined by the Municipality after he or she has lodged the plans, diagrams or other documents contemplated in subsection (1), to comply with any requirement the Surveyor-General may lawfully determine, the Surveyor-General shall notify the Municipality that he or she is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the approval lapses.]**

Where the applicant has lodged the plans, diagrams or other documents contemplated in subsection (1) but fails to comply with any requirements set by the Surveyor-General, within a period determined by the Surveyor-General, which determination of time shall take into account the provisions of this By-law and shall not accumulatively exceed 5 years read with section 43(2) of the Act, the application shall lapse.

39 Section 61 of the By-law is hereby amended by the following deletion and insertion in subsection 61(6):

(6) After an applicant has been notified that his or her application has been approved, the municipality may **[:**

(a) where the documents contemplated in subsection (1) have not yet been lodged with the Surveyor General;

(b) where the documents contemplated in subsection (1) have been lodged with the Surveyor General, after consultation with the Surveyor General,] consent to the amendment of such **[documents]** approval, unless the amendment is in its opinion, so material as to constitute a new application.

Amendment to section 69 of the By-Law

40 Section 69 of the By-Law is hereby amended by the following deletions and insertion in the heading of the section:

69 **[Requirements]** Application for amendment, suspension or removal of restrictive conditions **[or obsolete condition, servitude or reservation registered against title of land]**

41 Section 69 of the By-Law is hereby amended by the deletion of section 69(1) as follows:

(1) [The Municipality may, of its own accord or on application by notice in the *Provincial Gazette* amend, suspend or remove, either permanently or for a period specified in the notice and either unconditionally or subject to any condition so specified, any restrictive conditions.]

Amendment to section 76 of the By-Law

42 Section 76 of the By-law is hereby amended by the following deletion and insertions in relation to subsections (1) to (7):

[(1) Permanent departure applications are applications that will result in permanent amendment of land use scheme provisions applicable to land, such as:
(a) relaxations of development parameters such as building line, height, coverage or number of storeys; and
(b) departure from any other provisions of a land use scheme that will result in physical development or construction of a permanent nature on land.
(2) Temporary departure applications are applications that do not result in an amendment of the land use scheme including:

(a) prospecting or mining rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
(b) any other application to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone.
(3) An applicant may apply for a departure in the manner provided for in Chapter 6.
(4) A Municipality may grant approval for a departure:
(a) contemplated in subsection (2)(a), for the period of validity specified in the prospecting or mining license; or
(b) contemplated in subsection (2)(b), for a period of five years or a shorter period.
(5) The Municipality may grant extensions to the period contemplated in subsection (4)(b) if the approval was granted for a period shorter than five years.
(6) A temporary departure contemplated in subsection (2) may be granted more than once in respect of a particular use on a specific land unit.
(7) In the event of a temporary departure being approved in terms of subsection (2), any improvements to the land must be permissible in terms of the land use restrictions that apply to the land in terms of its zoning and all such improvements are done at the risk of the applicant.]

76.A Application for permanent or temporary departures

(1) An applicant may apply to the Municipality for—
(a) a permanent departure from the development parameters of a zoning or an overlay zone; or
(b) a temporary departure to utilise land on a temporary basis for a purpose not permitted in terms of the primary rights of the zoning applicable to the land for a period not exceeding five years.

(2) A departure contemplated in subsection (1)(a) lapses after the applicable period from the date that the approval comes into operation if, within that period—

(a) the departure is not utilised in accordance with the approval; or

(b) commencement of construction of the building.

(3) The Municipality may approve a departure contemplated in subsection (1)(b) for a period shorter than five years but, if a shorter period is approved, the period together with any extension approved in accordance with section 110 may not exceed five years;

(4) A temporary departure contemplated in subsection (1)(b) may not be approved more than once in respect of a particular use on a specific land unit.

(5) A temporary departure contemplated in subsection (1)(b) may include an improvement of land only if—

(a) the improvement is temporary in nature; and

(b) the land can, without further construction or demolition, revert to its previous lawful use upon the expiry of the use right.

Amendment of section 79 of the By-Law

43 Section 79 of the By-law is hereby amended by the following deletions and insertions:

79. First transfer

Where an owner of land to which an application relates is required to transfer land to the Municipality or an owners' association,

by virtue of a condition set out in the conditions to the approval contemplated in section 54, the land must be so transferred at the expense of the applicant **[upon the registration of the first erf portion or opening of a sectional title scheme.]**, within a period of six months from the date of the land use rights coming into operation in terms of section 64, or within such further period as the Municipality may allow, but in any event prior to any registration or transfer of any erf, portion, opening of a sectional title scheme or unit within the development.

Deletion of section 80 of the By-Law

44 Section 80 of the By-law is hereby deleted:

80. [Certification by Municipality

(1) **A person may not apply to the Registrar of Deeds to register the transfer of a land unit, unless the Municipality has issued a certificate in terms of this section.**

(2) **The Municipality may not issue a certificate to transfer a land unit in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—**

(a) **a certificate of a conveyancer confirming that funds due by the transferor in respect of land, have been paid;**

(b) **proof of payment of any contravention penalty or proof of compliance with a directive contemplated in Chapter 9;**

(c) **proof that the land use and buildings constructed on the land unit comply with the requirements of the land use scheme;**

(d) **proof that all common property including private roads and private places originating from the subdivision, has been transferred to the owners' association as contemplated in Schedule 5; and**

(e) **proof that the conditions of approval that must be complied with before the transfer of erven have been complied with.]**

Amendment of section 81 of the By-Law

45 The heading of section 81 of the By-law is hereby amended with the following insertion:

81. Application affecting national and provincial interest

Deletion of section 83 of the By-Law

46 Section 83 of the By-law is hereby deleted.

83 [Applicability of Chapter]

This Chapter applies to all applications submitted to the Municipality in terms of Chapter 5]

Amendment of section 84 of the By-Law

47 Section 84 of the By-law is hereby amended by insertion between section 84 and 85 of the following:

84(A) Pre-Application Consultation

(1) An applicant who wishes to lodge an application in terms of this By-law may be subjected to a pre-application consultation with the municipality,

(2) The municipality may in its own discretion determine whether an application lodged in terms of this By-law is subjected to a pre-application consultation or not.

Amendment of section 85 of the By-Law

48 Section 85 of the By-law is hereby amended by the insertion in subsection 85(3) for subsection 85(3)(f) for the following paragraph:

(f) in the case of an application for the consolidation or subdivision of any land, the documents contemplated in Schedule 10;

Amendment of section 86 of the By-Law

49 Section 86(1) of the By-law is hereby amended by following deletions:

(1) An applicant must pay the application fees as determined by the Municipality **[prior to submitting an application in terms of this By-law]**.

50 Section 86(2) of the By-law is hereby amended by following deletions:

(2) Application fees that are paid to the Municipality are non-refundable. **[and proof of payment of the application fees must accompany the application].**

51 Section 86(3) of the By-law is hereby amended by insertion after sub-section 86(2) of the following:

(3) A submission made to the Municipality in terms of this By-law may only be deemed to be an application upon receipt of full payment of fees in accordance with sub-section (1).

Amendment of Section 90 of the By-Law

52 Section 90 of the By-law is hereby amended by the substitution in subsection 90(1)(e) as follows:

90. Confirmation of complete application

(e) The Municipality must notify the applicant in writing that the application is complete within **[21]** 30 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.

Amendment of Section 93 of the By-Law

53 Section 93 of the By-law is hereby amended by the insertion in subsection 93(1) of the following words:

93. Notification of application

(1) The Municipality may instruct the applicant to cause notice to be given in the media and cause notice to be served, in accordance with section 94, of the following applications:

54 Section 93 of the By-law is hereby amended by insertion on subsection 93(1)(g) as follows:

(g) an application in respect of a removal, amendment or suspension of restrictive title conditions.

55 Section 93 of the By-law is hereby amended by deletion and insertion on subsection 93(1)(h):

(h) an application for a **special** consent uses other than second dwelling

56 Section 93(2)(a) of the By-law is hereby amended of the following:

(a) publishing a notice of the application, in newspapers with a general circulation in the area concerned in [**at least two of the official languages of the Province most spoken in the area concerned; or**] an official language determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act;

57 Section 93(2)(b) of the By-law is hereby amended as follows:

(b) **[if there is no newspaper with a general circulation in the area]**, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned in accordance with section 95(1)(a) and on any other notice board as may be determined by the Municipality.

Amendment of Section 94 of the By-Law

58 Section 94 of the By-law is hereby amended by the deletion of subsection 94(1)(b) as follows:

94. Serving of notices

[(b) must be in at least two of the official languages of the Province most spoken in the area concerned]; and

Amendment of Section 96 of the By-Law

59 Section 96(1) of the By-law is hereby amended by the insertion in subsection 96(1)(g) of the following:

(g) To send an e-mail to an interested or affected party.

Amendment of section 103 of the By-Law

60 Section 103 of the By-law is hereby deleted and substituted by the following section:

[103 Applicant's right to reply

(1) **Copies of all objections, comments or representations**

lodged with a Municipality must be provided to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.

(2) **The applicant may, within a period of 30 days from the date of the provision of the objections, comments or representations, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections, comments or representations.**

(3) **The applicant may before the expiry of the 30-day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further period of 14 days to lodge a written reply.**

(4) **If the applicant does not submit comments within the period of 30 days or within an additional period 14 of days if applied for, the applicant is considered to have no comment.**

(5) **If as a result of the objections, comments or representations lodged with a Municipality, additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.**

(6) **If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 89(2) to (5) with the necessary changes, applies.]**

103. A Applicant's right to reply

(1) Copies of all objections, comments or representations lodged with a Municipality must be provided to the applicant within 14 days after receipt of proof of public participation together with a notice informing the applicant of its rights in terms of this section.

(2) The applicant may, within a period of 30 days from the date of the provision of the objections, comments or representations, submit written reply thereto with the Municipality.

(3) The applicant may before the expiry of the 30-day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further 14 days or as determined by the municipality to lodge a written reply.

(4) If the applicant does not submit comments within the period of 30 days or within an additional period as granted, as per sub-section (3), if applied for, the applicant is considered to have no comment.

(5) If, as a result of the objections, comments or representations lodged with the Municipality, additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.

(6) If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 89(2) to (5) with the necessary changes, applies.

Amendment of Section 104 of the By-Law

61 Section 104 (1) & (2) of the By-law is hereby amended of the following:

104. Written assessment of application

(1) A suitably qualified employee authorised by the Municipality must in writing assess an application in accordance with **[section 53]** the criteria for consideration and determination of an application and recommend to the Municipal Planning Tribunal or Authorised Official whether the application must be approved or refused.

(2) An assessment of an application must include a motivation for the recommendation based on the compliance with the applicable municipal policies relevant to land development applications and where applicable, the proposed conditions of approval contemplated in section 54 of this By-law.

Amendment of Section 107 of the By-Law

62 Section 107 of the By-law is hereby amended by the deletion and insertion in subsection 107(1) of the following words**:**

(1) A suitably qualified **[An]** employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building to conduct an inspection for the purpose of **[assessing]** obtaining information to assist in the assessment of an application in terms of this By-law and to prepare a report contemplated in section 104.

Amendment of Section 108 of the By-Law

63 Section 108 of the By-law is hereby amended by the substitution for section 108 as follows:

[108 Determination of application
The Municipality may in respect of any application submitted in terms of this Chapter -
(a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;

(b) on the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;

(c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law, the Act and provincial legislation;

(d) conduct any necessary investigation;

(e) give directions relevant to its functions to any person in the service of a Municipality;

(f) decide any question concerning its own jurisdiction;

(g) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law;]

108. Determination of Application

An Authorised Official or the Municipal Planning Tribunal, as the case may be, may in respect of an application contemplated in section 57(1)—

(a) approve, in whole or in part, or refuse that application;
(b) upon the approval of that application, impose conditions in terms of section 54;
(c) conduct any necessary inspection to assess an application in terms of section 107;

(d) in the case of the Tribunal, appoint a technical adviser to advise or assist in the performance of the Tribunal's functions in terms of this By-law.

Amendment of Section 109 of the By-Law

64 Section 109 of the By-law is hereby amended by the substitution of section 109 as follows:

[109 Notification of decision

(1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the decision of the decision and their right to appeal if applicable.

(2) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.]

109. Notification and Coming into Operation of Decision

(1) The Municipality must, within 21 days from date of decision, in writing, notify the applicant and any person whose rights are affected by the decision of the decision, the reasons for the decision and their right to appeal, if applicable.

(2) A notice contemplated in subsection (1) must inform an applicant when an approval comes into operation.

(3) If the owner has appointed an agent, the agent must take steps to ensure that the owner is notified of the decision of the Municipality.

(4) An approval comes into operation only after the expiry of the period contemplated in section 136 within which an appeal must be lodged, if no appeal has been lodged.

(5) Subject to subsection (6), the operation of the approval of an application that is the subject of an appeal is suspended pending the decision of the Appeal Authority on the appeal.

(6) If an appeal is lodged only against conditions imposed in terms of section 54, the Tribunal or the authorised employee who imposed the conditions may determine that the approval of the application is not suspended.

Amendment of Section 110 of the By-Law

65 Section 110 of the By-law is hereby amended by the insertion of subsection (5) as follows:

(5) The period for compliance for any extension that may be granted, may not exceed five years.

Amendment of Section 113 of the By-Law

66 Section 113 of the By-law is hereby amended by the substitution for section 113 as follows:

113. Withdrawal of approval

(1) The Municipality may withdraw an approval granted **[for consent use or temporary departure]** in any application contemplated in section 57(1) if the applicant or owner fails to comply with a condition of approval, but prior to doing so —

(a) the Municipality must serve a notice on the owner—

(i) informing the owner of the alleged breach of the condition;

(ii) instructing the owner to rectify the breach within a specified time period; and

(iii) allowing the owner to make representations on the notice within a specified time period."

68. Section 113 of the By-law is hereby amended by the substitution for section 113 by deletion and substitution of section (2) as follows:

[(2) Prior to doing so the Municipality must serve a notice on the owner—
(a) informing the owner of the alleged breach of the condition;
(b) instructing the owner to rectify the breach within a specified time period; and
(c) allowing the owner to make representations on the notice within a specified time period.]

(1) An applicant:

(a) who does not wish to proceed with the implementation or the development of land based on an approved land development application; or

(b) who wishes to avoid the payment of development charges and monies for the provision of open spaces or parks, as may be levied by the Municipality in terms of Chapter 7 of this By-law, may within a period of 60 days from the date of having been notified of the approval of the land development application by the Municipal Planning Tribunal, Authorised Official or Municipal Appeal Authority, notify the Municipality of his or her intention to withdraw the approval granted in terms of this By-law.

Amendment of Section 114 of the By-Law

67 Section 114 of the By-law is hereby amended by the substitution of section 114 of the following section:

114. Procedure to withdraw an approval

[(1) The Municipality may withdraw an approval granted—

(a) after consideration of the representations made in terms of section 113(2)(c); and

(b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 113(2)(b).

(2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the activity immediately.

(3) The approval is withdrawn from date of notification of the owner.]

(1) The Municipality may withdraw an approval granted:

(a) after consideration of the representations made in terms of section 113(2)(c); and

(b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 113(2)(b).

(2) An applicant may request the Municipality to withdraw the approval by—

(a) submitting a written request for withdrawal to the Municipality and to any interested person or body that submitted an objection or made a representation on the application; and

(b) providing proof to the satisfaction of the Municipality, that all interested persons or bodies have been notified.

(3) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the activity immediately.

(4) The approval is withdrawn from date of notification of the owner.

Amendments to Section 126 of the By-Law

68 The heading of Part A in Chapter 8 (Appeal Procedures) is hereby amended to generally refer to establishment of Appeal Authority by the following deletion and insertion:

Part A: Establishment of **[Municipal]** the Appeal **[Tribunal]** Authority

69 Section 126 of the By-law is hereby amended by the following deletions and insertions in subsections 1, 2, 3, 6 and 7:

126. Establishment of Municipal Appeal Tribunal

(1) The Municipality **[must]** may, **[if it decides to implement section 51(6) of the Act]**, authorise a body or institution outside of the municipality, established as a Municipal Appeal Tribunal in accordance with section 51(6) of the Act and the provisions of this Part, and **[the Municipal Appeal Tribunal is hereby authorised]** to assume the obligations of the appeal authority.

(2) The Municipality may**, [if it is a member of a joint or District Municipal Planning Tribunal,]** in writing, agree with one other or more municipalities **[the other party to the joint or District Municipal Planning Tribunal agreement]**, to establish a joint **[or District]** Municipal

Appeal Tribunal, or consent to be a member of the **[provided that not all the parties to a joint or District Municipal Planning Tribunal have to be a party to a joint or]** District Municipal Appeal Tribunal.

(3) If a joint or District Municipal Appeal Tribunal is established that joint or District Municipal Appeal Tribunal **[is hereby]**–will be authorised to assume the obligations of the appeal authority.

(6) The Municipality must, within 30 days after the authorisation referred to in subsection **[(2)]** (5) publish a notice of the agreement in the Provincial Gazette and one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act.

(7) If a joint or District Municipal Appeal Tribunal is established in terms of this Part, a person who wants to appeal a decision taken by the **[joint or District]** Authorised Official or Municipal Planning Tribunal must appeal against that decision to the joint or District Municipal Appeal Tribunal, as the case may be.

Amendments to Section 127 of the By-Law

70 Section 127 of the By-Law is hereby amended by the insertion of subsection 127(2)(aA) as follows:

127. Institutional requirements for establishment of Municipal Appeal Authority

2. The Municipality may not appoint any person to the Municipal Appeal Tribunal if that person –

(a) is disqualified from appointment as contemplated in section 129; or

(aA) has had their membership of Municipal Appeal Tribunal terminated in accordance with section 130; or

(b) is disqualified from appointment as contemplated in section 129; or

71 Section 127 of the By-Law is hereby amended by the following insertions in subsection (3)(a):

3. The Council must –

(a) remunerate members of the Municipal Appeal Tribunal and appointed technical advisors for each hearing of the Municipal Appeal Tribunal they serve, in accordance with the rates determined by Treasury; and

Amendments to Section 128 of the By-Law

72 Section 128 of the By-law is hereby amended by the following deletions and insertions in subsection (1), (2) and (3):

128. Composition, term of office and code of conduct of Municipal Appeal Tribunal

(1) The chief presiding officer **[~~must~~]** may designate at least three members of the Municipal Appeal Tribunal to hear,

consider and decide a matter which comes before it and must designate one member as the presiding officer.

(2) No member or technical advisor of the Municipal Planning Tribunal **[or joint Municipal Planning Tribunal]** may serve on the Municipal Appeal Tribunal.

(3) If a person referred to in subsection **[(3)]** (2) is a member of the Municipal Appeal Tribunal hearing the appeal, his or her membership renders the decision of the Municipal Appeal Tribunal on that matter void.

Amendment to Section 130 of the By-Law

73 Section 130 of the By-Law is hereby amended by the following deletion and insertion in subsection (1):

130. Termination of membership of Municipal Appeal Tribunal

(1) A person's membership of the Municipal Appeal Tribunal may be terminated by a decision of **[the Municipalities]** Council if there are good reasons for doing so after giving such member an opportunity to be heard.

Amendments to Section 131 of the By-Law

74 Section 131 is hereby amended by the deletion of current provisions in section 131 and introduction of section 131A which includes subsections 131A(1) to 131(3)(b) as follows:

131. [Status of decision of joint Municipal Appeal Tribunal

A decision of a joint Municipal Appeal Tribunal relating to land located in the municipal area of the Municipality is binding on the parties to the appeal and the Municipality.]

131A Municipal Appeal Authority

(1) The executive authority of the Municipality is the appeal authority in respect of decisions of the Municipal Planning Tribunal and the Authorised Official.

(2) Unless otherwise resolved through a Council resolution, the Executive Mayor, is the appeal authority and assumes the obligations of the presiding officer.

(3) Council may by resolution:

a. authorise members of mayoral committee or members council to assume obligations of the appeal authority, in which case it must designate a presiding officer and a deputy presiding officer; or

b. establish a Municipal Appeal Tribunal as provided in section 126.

Amendment to Section 132 of the By-Law

75 Section 132 of the By-law is hereby amended by the following deletions and insertions:

132 Presiding officer of appeal authority

The **[presiding officer of]** executive mayor is the appeal

authority and is responsible for managing the judicial functions of **[that]** the appeal authority.

Amendments to Section 133 of the By-Law

76 Section 133 of the By-law is hereby amended by the following deletions and insertions in subsections (1), (2), (3), (4) and (6):

(1) No **[presiding officer or]** member of an appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the official contemplated in section 35(2) of the Act and he or she made the decision that is the subject of the appeal.

(2) A **[presiding officer or]** member of an appeal authority who has or appears to have a conflict of interest as defined in subsections (5) and (6) must recuse himself or herself from the appeal hearing.

(3) A party may in writing to the appeal authority request the recusal of **[the presiding officer or]** member of that appeal authority on the grounds of conflict of interest and the presiding officer must decide on the request and inform the party of the decision in writing through the registrar.

(4) **[A decision by a presiding officer or member to recuse himself or herself or a decision by the appeal authority to recuse a presiding officer or member, must be communicated to the parties concerned by the registrar.]**

(6) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following:

(a) A person with whom the **[presiding officer or]** member has a personal, familiar or professional relationship;

(b) a matter in which the **[presiding officer or]** member has previously served in another capacity, including as an adviser, counsel, expert or witness; or

Amendments to Section 134 of the By-Law

77 Section 134 of the By-law is hereby amended by the following deletions and insertions in subsections (1), (2) and (3):

(1) The municipal manager **[of a municipality]** is the registrar of the appeal authority.

(2) Notwithstanding the provisions of **[subregulation]** subsection (1), **[a municipal]** Council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and **[if it so appoints or designates a person or an official,]** that person or official [has] shall have delegated authority as contemplated in section 56 of the Act.

(3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant**, [the municipal]**Council may, **[after consultation with the presiding officer of the appeal authority,]** authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.

Amendments to Section 135 of the By-Law

78 Section 135 of the By-law is hereby amended by the following deletions and insertions in subsections (2)(d) and subsection (3):

2. The duties of the registrar include -

d. transmission of all documents and making all notifications required by the procedures laid down in the provincial spatial planning and land use management legislation;

3. The **[presiding officer of the]** appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.

Amendments to Section 136 of the By-Law

79 Section 136 of the By-law is hereby amended to include 4 new subsections with deletions and insertions as follows:

136 Commencing of appeal

(1) An applicant or objector whose rights are affected by the decision of the Municipal Planning Tribunal or the Authorised Official and a person or party contemplated in section 140(1)(c) and (e) to (g) may submit an appeal the appeal authority.

(2) An appellant must commence an appeal by delivering a Notice of Appeal on a form approved by the Council to the municipal manager **[and the parties to the original**

application] within 21 days as contemplated in section 51 of the Act.

(3) A person who lodges an appeal must within the period referred to in subsection (2), make payment of appeal fees as may be determined by the Municipality, and provide proof thereof.

(4) Unless confirmed otherwise by the Municipality, an approval of the Municipal Planning Tribunal or Authorised Official on a land use application upon which an appeal is submitted is deemed to be suspended until the date that the appeal is decided by the appeal authority.

Amendments to Section 137 of the By-Law

80 Section 137 of the By-law is hereby amended with the following deletions and insertions in subsection (1)(c), (1)(f) and subsection (2):

(1)(c) the grounds of appeal **[including]** which may include:

(i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
(ii) grounds relating to the merits of the land development or land use application on which the appellant believes the Municipal Planning Tribunal or Authorised Official erred in reaching the decision, as the case may be;
(iii) any findings of fact or conclusions of law the appellant relies on;

(1)(e) any issues that the appellant wants the appeal authority to consider in making its decision.; **[and]**

(1)(f) **[a motivation of an award for costs.]**

(2) **[An appellant may, within seven days from receipt of a notice to oppose an appeal amend the notice of appeal and must submit a copy of the amended notice to the appeal authority and to every respondent.]**

Amendment to Section 139 of the By-Law

81 Section 139 of the By-law is hereby amended by the following deletions and insertions:

139 **Screening of appeal**

(1) **[When the appeal authority receives]** The registrar must upon receipt of a Notice of Appeal, **[it must]** screen such Notice to determine whether:

c. it is submitted within the required time limit; [and],

d. the appeal authority has jurisdiction over the appeal;

e. it complies with all other requirements in terms of this By-law.

(2) **[If a Notice of Appeal does not comply with the form approved by Council, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.**

(3) **If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be**

considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) **If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.**

(5) **If the appeal relates to a matter that appears to be outside the jurisdiction of the appeal authority, it must notify the parties in writing.**

(6) **The appeal authority may invite the parties to make submissions on its jurisdiction and it will then determine, based on any submissions received, if it has jurisdiction over the appeal and must notify the parties in writing of the decision.**

(7) **The provisions of this section apply, with the necessary changes, to a notice to oppose an appeal contemplated in section 138.]**

(2) An appeal is invalid if:

(a) it is not lodged within the period referred in section 136(2);

(b) a notice of appeal does not comply with the form approved by Council as contemplated in section 136(2);

(c) Payment of appeal fees, as may be determined by Council, has not been made within the 21 days contemplated in section 136(2);

(d) the matter to which the appeal relates does not pertain to the application decided upon by the Municipal Planning Tribunal or Authorised Official;

(e) it is not submitted by a person with a right of appeal as contemplated in section 140(1);

(f) the appellant does not clearly describe the application against which the appeal is lodged;

(3) No later than 14 days after a valid appeal is lodged, the registrar must give notice of the appeal to, and invite comment on the appeal in writing within 21 days from:

(a) the applicant, if the applicant is not the appellant; or

(b) the objectors and/or other relevant parties to the application, if the applicant is the appellant.

(4) Any person who has been served with a notice of appeal may oppose the appeal by submitting a notice contemplated in section 138 to the Municipality within 21 days of receipt of such notice.

(5) Late opposition to or comment on the appeal will not be considered, unless the appeal authority condones the late submission on good cause shown.

(6) An appellant has no right reply to opposition or comment on an appeal unless afforded the opportunity to do so by the appeal authority.

(7) The appeal authority may grant an appellant a right of reply, if satisfied that:

(a) a party has raised material and adverse information for the first time in its response to an appeal; and

(b) fairness requires the appellant to be heard on the new matter.

(8) The appeal authority may not decide the appeal until all the parties entitled to comment have done so or the period allowed for comment has lapsed.

(9) A registered planner must prepare and provide to the registrar a report assessing the notice of appeal, notice(s) to oppose appeal and other relevant information incidental to the appeal.

(10) The registrar must submit to the appeal authority the appeal together with the registered planner's report and all relevant documentation within 150 days from date of receipt of the appeal.

(11) The appeal authority must decide the appeal within 240 days after lodgement of the appeal.

(12) The Municipality may prescribe additional procedures for appeals.

Amendments to Section 140 of the By-Law

82 Section 140 of the By-law is hereby amended by the following deletions and insertions in subsections (1)(a) to (1)(g):

140 Parties to appeal

(1) The parties to an appeal before an appeal authority are:

(a) **[the appellant who has lodged the appeal with the appeal authority in accordance with section 51(1) of the Act and this Chapter;]** an objector who submitted a valid objection to a land development application or part thereof;

(b) the applicant**, [if the applicant is not the appellant as contemplated in paragraph (a)];**

(c) the Municipal Planning Tribunal **[that]** or the **[official authorised by the municipality]** Authorised Official as contemplated in section 35(2) of the Act who made the decision;

(d) **[any]** A person who **[has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under]** successfully petitioned the Municipal Planning Tribunal, Authorised Official or the Appeal Authority to obtain intervener status in terms of section 45(2) of the Act; **[to be granted intervener status].**

(e) The owner of land, if the owner is not the applicant;

(f) Interested and affected persons who conditionally supported a land development application where such condition is deemed to have a material impact to proposed land development.

(g) Any person or owner of land in respect of which the Municipality decides to withdraw an approval for consent use or temporary departure as contemplated in section 113 and section 114.

Amendments to Section 141 of the By-Law

83 Section 141 of the By-law is hereby amended as follows:

141. Intervention by interested person

2. The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she—

(a) does not collude with any **[of the appellants]** party to the appeal; and

3. The registrar must determine whether the requirements of this **[regulation]** section have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

4. The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status, having due regard to regulation 31(4) of the Regulations to the Act, and the decision of the presiding officer is final and must

be communicated to the petitioner and the parties by the registrar.

Amendment of Section 143 of the By-Law

84 Section 143 of the By-law is hereby amended as follows:

143 Methods for consideration [~~Oral or written~~] of appeal [~~hearing~~] by the appeal authority

[An appeal may be heard by an appeal authority by means of a written hearing and if it appears to the appeal authority that the issues for determination of the appeal cannot adequately be determined in the absence of the parties by considering the documents or other material lodged with or provided to it, by means of an oral hearing.]

(1) An appeal may be considered by the appeal authority by means of:

(a) the consideration of the written appeal and comments; or

(b) an oral hearing.

(2) The appeal may be considered in terms of subsection (1)(a) if it appears to the appeal authority that the issues for determination of the appeal can be adequately determined in the absence of the parties to the appeal by considering the documents or other material lodged or provided to it.

(3) An oral hearing may be held if it appears to the appeal authority that the issues for determination of the appeal cannot be adequately determined in the absence of the

parties by considering the documents or other material lodged with or provided to it, or if it is deemed that such hearing would assist in the expeditious and fair disposal of the appeal.

Amendment of Section 145 of the By-Law

85 Section 145 of the By-law is hereby amended as follows:

145. Opportunity to [make submissions concerning evidence] present information to the appeal authority

(1) The appeal authority must ensure that every party to a proceeding before the appeal authority is given a reasonable opportunity to present his or her case and, in particular, to inspect any documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

(2) An appellant or party to the appeal may request to make presentation at the appeal hearing at least 7 days before the meeting.

(3) Admission for presentation at the appeal hearing is at the presiding officer's permission.

(4) A party which seeks to make presentation at the oral hearing must submit such presentation to the registrar not less than 3 days prior to the meeting.

Amendment of Section 146 of the By-Law

86 Section 146 is hereby amended as follows:

146. Notification of date, time and place of hearing

1. The appeal authority must notify the appellant and other parties to the appeal of its intention to adjudicate an appeal and communicate the date, time and place of a hearing **[no later than]** at least 14 days **[after]** before the **municipal manager submitted the appeal to the appeal authority** meeting.
2. The **[appeal authority will provide]** notification contemplated in subsection (1) **[of the hearing to the appellant at the appellant's]** may be provided by means of electronic communication. **[address for delivery.]**

Amendment of Section 147 of the By-Law

87 Section 147(2) is hereby amended as follows:

147. Hearing date

2. The**[parties and the]** presiding officer may, in consultation with the registrar, agree to an extension of the date referred to in subsection (1).

Amendment of Section 148 of the By-Law

88 Section 148 is hereby amended as follows:

148. Adjournment

(1) ~~**[If a party requests an adjournment more than one day prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority]**~~.

An Appellant or other party to the appeal may request an adjournment of a matter before the appeal authority at least 7 days prior to the meeting.

(2) The party requesting an adjournment must **~~[deliver]~~** send the request with good cause and valid reasons to the registrar who shall refer such submission to the presiding officer of the appeal authority **[a completed form including reasons for the request.]** for consideration and decision.

(3) The presiding officer must, as soon as possible and reasonably before the meeting date, decide on the adornment request, after which the **[appeal authority]** registrar [**will]** must notify the parties in writing of **[the]** such decision, **[of the presiding officer of the appeal authority.]** provided that:

(a) if the request is refused, only the party which requested adjournment is notified; and

(b) if the request is approved, all parties to the appeal are notified together with confirmation of an alternative date where determined.

(4) If the presiding officer of the appeal authority **[or the other party does not consent to]** refuses the request for an adjournment, the hearing will not be adjourned.

(5) **[If a party requests an adjournment within one day prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.]** Notwithstanding the provisions in this section, the appeal authority may adjourn an appeal

hearing in or before the meeting in the interest of fair administrative process and/or fair adjudication of the matter before it.

Amendment of Section 149 of the By-Law

89 Section 149 is hereby amended as follows:

149. [Urgency and c] Condonation

(1) The **[registrar]** appeal authority may –

(a) **[on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;]**

(b) on good cause shown, condone any failure by any party to an appeal to comply with these **[Regulations]** provisions or any directions given in terms hereof, if **[he or she]** it is of the opinion that such failure has not unduly prejudiced any other person;

(2) Every application for condonation made in terms of this **[~~regulation~~]** provision must be:

(3) Where a failure is condoned in terms of **[subregulation]** subsection (1)[**~~(b)~~**], the applicant for condonation must comply with the directions given by the **[registrar]** appeal authority when granting the condonation concerned.

Amendment of Section 150 of the By-Law

90 Section 150 is hereby amended as follows:

150. Withdrawal of appeal

An appellant or any **[respondent may]** party to the appeal, may at any time before the appeal hearing, withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar **[and all other parties to]** of the appeal authority.

Amendment of Section 151 of the By-Law

91 Section 151 is hereby amended as follows:

151. Location of oral hearing

1. An oral hearing must be held in a location within the area of jurisdiction of the municipality where the land affected by the decision is located.,**[but may not be held in the office of the Municipal Planning Tribunal or the Authorised Official authorised in terms of section 35(2) of the Act whose decision is under appeal.]**

(2) If appropriate in the circumstances, the oral hearing may be held by electronic means.

Amendment of Section 152 of the By-Law

92 Section 152 is hereby amended as follows:

152. **Presentations [of each party's case] at the oral hearing**

(1) **[Each]** Any party **has the right to** granted permission to make presentation at the oral hearing, as contemplated in section 145, may present evidence and make arguments in support of **[that party's]** its case.

(2) The appellant will have the opportunity to present evidence and make arguments first, followed by the [**Municipal Planning Tribunal or the Authorised Official]** other parties to the appeal.

(3) Notwithstanding subsection (2), a single party may make presentation may **[make presentation]** to the appeal authority.

Amendment of Section 153 of the By-Law

93 Section 153 is hereby amended as follows:

153. **Witnesses**

2. Each party may call witnesses to give evidence before the **[panel]** appeal authority.

Deletion of Section 157 of the By-Law

94 Section 157 is hereby deletion as follows:

[157. Additional documentation

(1) **Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the appeal authority at least three days**

before the hearing date.

(2) **The registrar must distribute the documentation to the other party and the members of the appeal authority.**

(3) **If the party is unable to provide the additional documentation to the appeal authority at least 3 days prior to the hearing, the party may provide it to the appeal authority at the hearing**

(a) **The party must bring copies of the additional documentation for the members of the appeal authority and the other party.**

(b) **If the additional documentation brought to the hearing is substantive or voluminous, the other party may request an adjournment from the appeal authority.]**

95 Heading of Part H in Chapter 8 is hereby amended with the following deletion and addition:

[Part H: Written Hearing Procedure] Adjudication of appeal through written submissions

Amendment of Section 158 of the By-Law

96 Section 158 of the By-law is hereby amended by the following deletions and insertions, with introduction of subsections (a) and (b):

158 **[Commencement]** Determination of appeal through written **[hearing]** submissions

[The written hearing process commences with the issuance of a letter from the appeal authority to the parties establishing a

submissions schedule].

The appeal authority may adjudicate an appeal through the consideration of written submission without oral hearing, where:

(a) no party to the appeal requested permission or was granted permission to make presentation to the appeal authority; and

(b) it is deemed that the appeal can be adequately considered in the absence of the parties to the appeal by considering the documents or other material lodged or provided to the appeal authority.

Deletion of Section 159 of the By-Law

97 Section 159 is hereby deleted as follows:

159 [Presentation of each party's case in written hearing

(1) **Each party must be provided with an opportunity to provide written submissions to support their case.**

(2) **The appellant will be given 21 days to provide a written submission.**

(3) **Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Authorised Official.**

(4) **The Municipal Planning Tribunal or the Authorised Official has 21 days in which to provide a submission in response.**

(5) **If no submission is received by a party in the time established**

in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.]

Deletion of Section 160 of the By-Law

98 Section 160 is hereby deleted as follows:

[160. Extension of time

(1) **If a party wishes to request an extension of the time established to provide a written submission, this request must be in writing to the appeal authority in advance of the date on which the submission is due.**

(2) **Any request for an extension must be accompanied by the reasons for the request.**

(3) **Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.]**

Amendment of Section 161 of the By-Law

99 Section 160 is hereby amended with deletion of subsections (1) to (4) and introduction of two new subsections as follows:

161. Adjudication of written submissions

(1) **[Following receipt of any written submissions from the parties, the registrar must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.**

(2) **If no written submissions are received from the parties, the registrar will forward the existing appeal record to the appeal authority for adjudication.**

(3) **Any submission received after the date it was due but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.**

(4) **The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given seven days to provide a written submission in response.]**

(1) Prior to adjudication of appeal through written submissions, the appeal authority must be satisfied that all parties to the appeal were appropriately informed of its intention to adjudicate the appeal on or at the specific date, time and place.

(2) The appeal authority must consider all information, including documents and material lodged or provided to it, towards a decision on the specific appeal.

Amendment of Section 162 of the By-Law

100 Section 162 is hereby amended with the deletions and insertions as follows:

162 Further information or advice

The appeal authority may, **[A]**after hearing **[all]** the parties to the appeal **[on the day of**] at the oral hearing or considering the written

submissions, **[the appeal authority]** prior to making its decision –

(a) **[may in considering its decision]** request any further information from any party to the appeal **[hearing]** or conduct any investigation which it considers necessary;

(b) **[may]** postpone the matter for a reasonable period to obtain further information or advice, in which case it must without undue delay make a decision as contemplated **[by paragraph (c)]** in section 163.

(c) **[must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor].**

(d) refer the appeal back to the registrar or registered planner responsible for the appeal report with directives to report back to the appeal authority after further investigation, obtaining information or considering specific facts or issues.

Amendment of Section 163 of the By-Law

101 Section 163 is hereby amended with the deletions and insertions as follows:

163 Decision of appeal authority

(1) The appeal authority may – **[confirm, vary or revoke the decision of the Municipal Planning Tribunal or Authorised Official and may include an award of costs]**

(a) confirm the decision appealed against;

(b) uphold part or all of the appeal and –

(i) vary the decision appealed against;

(ii) revoke the decision and make a new decision;

(iii) revoke the decision and remit the matter to the decision-maker, with or without directives to any person or body to take appropriate steps;

(c) refer the appeal back to the registrar or registered planner responsible for the appeal report with directives to report back to the appeal authority after further investigation, obtaining information or considering specific facts or issues.

(2) The appeal authority must issue its decision together with the reasons and/or any directives within 21 days after the last date of the oral hearing or consideration of written submissions.

(3) The presiding officer must sign the decision **[of]** and any directives made by the appeal authority. **[and any order made by it].**

Amendment of Section 164 of the By-Law

102 Section 164 is hereby amended by the following deletions and insertions, including the introduction of subsections (1) and (2):

164 Notification and effect of decision

(1) The registrar must notify the parties of the decision of the appeal authority, together with the reasons therefor within **[seven]** 7 days after the appeal authority handed down its decision.

(2) The appeal authority's decision replaces the decision by

the first decision-maker, and it is the only decision of the Municipality with a legal effect.

Amendment of Section 165 of the By-Law

103 Section 165 is hereby amended with the following deletion of the current provisions and introduction of section 165A as follows:

165. [Directives to Municipality

The appeal authority must, in its decision, give directives to the Municipality concerned as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the municipality as far as implementation of the decision is concerned.]

165A Duty to exhaust an internal remedy

Subject to section 7(2) of the Promotion of Administrative Justice Act 3 of 2000, a person must exhaust an internal remedy under this By-law before approaching a court or tribunal to review an administrative action taken in terms of this By-law.

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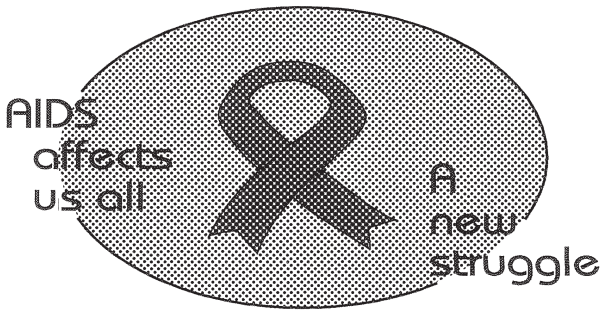

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In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 19 OF 2016

THE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS

February 2015

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CHAPTER 1

DEFINITIONS, APPLICABLITY AND CONFLICT OF LAWS

1 Definitions

In these By-Laws, unless the context indicates otherwise, a word or expression defined in the Act or provincial legislation has the same meaning as in these By-laws and -

"Act" means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013);

"appeal authority" means the executive authority of the municipality or any other body or institution outside of the municipality authorised by that municipality to assume the obligations of an appeal authority for purposes of appeals lodged in terms of the Act;

"By-Law" mean this By-Law and includes the schedules attached hereto or referred to herein.

"communal land" means land under the jurisdiction of a traditional council determined in terms of section 6 of the Eastern Cape Traditional Leadership and Governance Act, (Act 4 of 2005) and which was at any time vested in -

(a) the government of the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or

(b) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971);

"consent" means a land use right that may be obtained by way of consent from the municipality and is specified as such in the land use scheme;

"consolidation" means the joining of two or more pieces of land into a single entity;

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

"Council" means the municipal council of the Municipality;

"departure" for the purposes of Part I of Chapter 5, means an application for a temporary deviation from, or permanent amendment of, land use scheme provisions applicable to land;

"diagram" means a diagram as defined in the Land Survey Act, 1997 (Act No. 8 of 1997);

"deeds registry" means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

"file" means the lodgement of a document with the appeal authority of the municipality;

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"land" means -

(a) any erf, agricultural holding or farm portion, and includes any improvements or building on the land and any real right in land, and

(b) the area of communal land to which a household holds an informal right recognized in terms of the customary law applicable in the area where the land to which such right is held is situated and which right is held with the consent of, and adversely to, the registered owner of the land;

"land development area" means an erf or the land which is delineated in an application submitted in terms of this By-law or any other legislation governing the change in land use and "land area" has a similar meaning;

"Authorised Official" means an official who may consider and determine applications as contemplated in section 35(2) of the Act;

"land use scheme" means the land use scheme adopted and approved in terms of Chapter 3 and for the purpose of these By-laws include an existing scheme until such time as the existing scheme is replaced by the adopted and approved land use scheme.

"Member of the Executive Council" means the Member of the Executive Council responsible for local government in the Province;

"municipal area" means the area of jurisdiction of the Kouga Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

"Municipal Manager" means the person appointed as the Municipal Manager of the Municipality in terms of section 54A of the Municipal Systems Act and includes any person acting in that position or to whom authority has been delegated;

"Municipal Planning Tribunal" means the Municipal Planning Tribunal for the municipal area established in terms of section 33, the joint Municipal Planning Tribunal established in terms of section 45 or the District Municipal Planning Tribunal established in terms of section 49;

"Municipality" means the Kouga Municipality or its successor in title as envisaged in section 155(1) of the Constitution, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act, section 56 of the Act or section 182 of this By-Law;

"objector" means a person who has lodged an objection with the Municipality to a draft municipal spatial development framework, draft land use scheme or a land development and land use application;

"overlay zone" means a mapped overlay superimposed on one or more established zoning areas which may be used to impose supplemental restrictions on uses in these areas or permit uses otherwise disallowed;

"Premier" means the Premier of the Province of Eastern Cape;

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"previous planning legislation" means any planning legislation that is repealed by the Act or the provincial legislation;

"provincial legislation" means legislation contemplated in section 10 of the Act promulgated by the Province;

"Province" means the Province of Eastern Cape referred to in section 103 of the Constitution;

"Regulations" means the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015;

"service provider" means a person lawfully appointed by a municipality or other organ of state to carry out, manage or implement any service, work or function on behalf of or by the direction of such municipality or organ of state;

"spatial development framework" means the Kouga Municipal Spatial Development Framework prepared and adopted in terms of sections 20 and 21 of the Act and Chapter 2 of this By-Law;

"subdivision" means the division of a piece of land into two or more portions**;**

"the Act" means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and any subsidiary legislation or other legal instruments issued in terms thereof;

"traditional communities" means communities recognised in terms of section 3 of the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005).

2 Application of By-law

(1) This By-law applies to all land within the geographical area of the Municipality, including land owned by the state.

(2) This By-law binds every owner and their successor-in-title and every user of land, including the state.

3 Conflict of laws

(1) This By-Law is subject to the relevant provisions of the Act and the provincial legislation.

(2) When considering an apparent conflict between this By-law and another law, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.

(3) Where a provision of this By-law is in conflict with a provision of the Act or provincial legislation, the Municipality must institute the conflict resolution measures provided for in the Act or in provincial legislation, or in the absence of such measures, the measures provided for in the Intergovernmental Relations Framework Act, 2005 (Act No.13 of 2005); to resolve the conflict and until such time as the conflict is resolved, the provisions of this By-law shall prevail.

(4) Where a provision of the land use scheme is in conflict with the provisions of this By-law, the provisions of this By-law shall prevail.

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(5) Where there is a conflict between this By-law and another By-law of the Municipality, this By-Law prevails over the affected provision of the other By-law in respect of any municipal planning matter.

CHAPTER 2
MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

4 Municipal spatial development framework

(1) The Municipality must draft a municipal spatial development framework in accordance with the provisions of sections 20 and 21 of the Act read with sections 23 to 35 of the Municipal Systems Act.

(2) A municipal spatial development framework does not confer or take away land use rights but guides and informs decisions to be made by the Municipality relating to land development.

(3) The provisions of this Chapter apply, with the necessary change, to the review or amendment of a municipal spatial development framework.

5 Contents of municipal spatial development framework

(1) A municipal spatial development framework must provide for the matters contemplated in section 21 of the Act, section 26 of the Municipal Systems Act and provincial legislation, if any, and the Municipality may for purposes of reaching its constitutional objectives include any matter which it may deem necessary for municipal planning.

(2) Over and above the matters required in terms of subsection (1), the Municipality may determine any further plans, policies and instruments by virtue of which the municipal spatial development framework must be applied, interpreted and implemented.

(3) A municipal spatial development framework must make provision for transitional arrangements with regard to the manner in which the municipal spatial development framework is to be implemented by the Municipality.

6 Intention to prepare, amend or review municipal spatial development framework

A Municipality which intends to prepare, amend or review its municipal spatial development framework-

(a) may convene an intergovernmental steering committee and must convene a project committee in accordance with section 7;

(b) must publish a notice in a newspaper circulating in the area concerned in two of the official languages of the Province most spoken in the municipal area of the Municipality of its intention to prepare, amend or review the municipal spatial development framework and the process to be followed in accordance with section 28(3) of the Municipal Systems Act;

(c) must inform the Member of the Executive Council in writing of -

(i) its intention to prepare, amend or review the municipal spatial development framework; and

(ii) the process that will be followed in the drafting or amendment of the municipal spatial development framework including the process for public participation; and

(d) must register relevant stakeholders who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development

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framework as part of the process to be followed.

7 Institutional framework for preparation, amendment or review of municipal spatial development framework

(1) The purpose of the intergovernmental steering committee contemplated in section 6(a) is to co-ordinate the applicable contributions into the municipal spatial development framework and to-

(a) provide technical knowledge and expertise;

(b) provide input on outstanding information that is required to draft the municipal spatial development framework or an amendment or review thereof;

(c) communicate any current or planned projects that have an impact on the municipal area;

(d) provide information on the locality of projects and budgetary allocations; and

(e) provide written comment to the project committee at each of various phases of the process.

(2) If the Municipality decides to establish an intergovernmental steering committee, the Municipality must, before commencement of the preparation, amendment or review of the municipal spatial development framework, in writing, invite nominations for representatives to serve on the intergovernmental steering committee from—

(a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and

(b) any other body or person that may assist in providing information and technical advice on the content of the municipal spatial development framework.

(3) The purpose of the project committee contemplated in section 6(a) is to –

(a) prepare, amend or review the municipal spatial development framework for adoption by the Council;

(b) provide technical knowledge and expertise;

(c) monitor progress and ensure that the drafting of the municipal spatial development framework or amendment of the municipal spatial development framework is progressing according to the approved process plan;

(d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;

(e) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and organs of state as contemplated in section 24(1) of the Municipal Systems Act;

(f) facilitate the integration of other sector plans into the municipal spatial development framework;

(g) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment or review of the municipal spatial development framework to address comments obtained during the process of drafting thereof;

(h) if the Municipality decides to establish an intergovernmental steering committee –

(i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and

(ii) ensure the flow of information between the project committee and the intergovernmental steering committee.

(4) The project committee must consist of –

(a) the Municipal Manager;

(b) municipal employees in the full-time service of the Municipality designated by the Municipality.

8 Preparation, amendment or review of municipal spatial development framework

(1) The project committee must compile a status quo document setting out an assessment of existing levels of development and development challenges in the municipal area and, where an intergovernmental steering committee has been established, must submit it to the intergovernmental steering committee for comment.

(2) After consideration of the comments of the intergovernmental steering committee, the project committee must finalise the status quo report and submit it to the Council for adoption.

(3) The project committee must prepare a first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and –

(a) if no intergovernmental steering committee has been established, must submit it to the Council together with the report referred to in subsection (5), to approve the publication of a notice referred to in section 6(b) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment; or

(b) if an intergovernmental steering committee has been established, must submit it to the intergovernmental steering committee for comment.

(4) If an intergovernmental steering committee has been established and provides comment, the project committee must consider the comments of that intergovernmental steering committee and finalise the first draft of the municipal spatial development framework or first draft amendment or review of the municipal spatial development framework and submit it to the Council, together with the report referred to in subsection (5), to approve the publication of a notice referred to in section 6(b) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment.

(5) The project committee must submit a written report as contemplated in subsections 3(a) and (4) which must at least -

(a) indicate the rationale in the approach to the drafting of the municipal spatial development framework;

(b) summarise the process of drafting the municipal spatial development framework;

(c) summarise the consultation process to be followed with reference to section 9 of this By-law;

(d) indicate the involvement of the intergovernmental steering committee, if convened by the Municipality;

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(e) indicate the departments that were engaged in the drafting of the municipal spatial development framework;

(f) indicate the alignment with the national and provincial spatial development frameworks;

(g) indicate any sector plans that may have an impact on the municipal spatial development framework;

(h) indicate how the municipal spatial development framework complies with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Council; and

(i) recommend the adoption of the municipal spatial development framework for public participation as the draft municipal spatial development framework for the Municipality, in terms of the relevant legislation and this By-law.

(6) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment or review of the municipal spatial development framework for adoption by the Council.

(7) If the final municipal spatial development framework or final amendment or review of the municipal spatial development framework, as contemplated in subsection (6), is materially different to what was published in terms of subsection (4), the Municipality must follow a further consultation and public participation process before it is adopted by the Council.

(8) The Council must adopt the final municipal spatial development framework or final amendment or review of the municipal spatial development framework, with or without amendments, and must within 21 days of its decision -

(a) give notice of its adoption in the media and the Provincial Gazette; and

(b) submit a copy of the municipal spatial development framework to the Member of the Executive Council.

9 Public participation

(1) Public participation undertaken by the Municipality must contain and comply with all the essential elements of any notices to be placed in terms of the Act or the Municipal Systems Act.

(2) In addition to the publication of notices in the Provincial Gazette and a newspaper that is circulated in the municipal area, the Municipality may, subject to section 21A of the Municipal Systems Act, use any other method of communication it may deem appropriate.

(3) The Municipality may for purposes of public engagement on the content of the draft municipal spatial development framework arrange -

(a) a consultative session with traditional councils and traditional communities;

(b) specific consultations with professional bodies, ward communities or other groups; and

(c) public meetings.

(4) The notice contemplated in section 6(b) must specifically state that any person or body wishing to provide comments shall-

(a) do so within a period of 60 days from the first day of publication of the notice;

(b) provide written comments; and

(c) provide their contact details as specified in the definition of contact details.

10 Local spatial development framework

(1) The Municipality may adopt a local spatial development framework for a specific geographical area of a portion of the municipal area.

(2) The purpose of a local spatial development framework is to:

(a) provide detailed spatial planning guidelines or further plans for a specific geographic area or parts of specific geographical areas and may include precinct plans;

(b) provide more detail in respect of a proposal provided for in the municipal spatial development framework or where considered necessary to give effect to the municipal spatial development framework and or its integrated development plan and other relevant sector plans;

(c) address specific land use planning needs of a specified geographic area;

(d) provide detailed policy and development parameters for land use planning;

(e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; or

(f) guide decision making on applications;

(g) comply with any other relevant provision that will give effect to its duty to manage municipal planning in the context of its constitutional obligations.

11 Preparation, amendment or review of local spatial development framework

(1) If the Municipality prepares, amends or reviews a local spatial development framework, it must comply with the requirements and procedures for the preparation, amendment or review of the municipal spatial development framework, including notification and public participation prescribed in terms of this Chapter and sections 5 to 9 apply with the necessary changes as the context may require.

(2) The municipality must, within 21 days of adopting a local spatial development framework or an amendment of local spatial development framework, publish a notice of the decision in the media and the Provincial Gazette.

12 Effect of local spatial development framework

(1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in section 11(2).

(2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away land use rights.

13 Departure from municipal spatial development framework

(1) For purposes of section 22(2) of the Act, site specific circumstances include –

(a) a departure, deviation or amendment that does not materially change the desired outcomes

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and objectives of a municipal and local spatial development framework, if applicable;

(b) a subsequent discovery that renders the site unsuitable for the proposed development as reflected in the municipal spatial development framework; or

(c) an unique circumstance pertaining to a discovery of national or provincial importance that results in an obligation in terms of any applicable legislation to protect or conserve such discovery.

(2) The Municipal Planning Tribunal or Authorised Official may support an application that will result in a departure from the municipal spatial development framework, but such support must be made subject to the condition that the Council approves the amendment to the municipal spatial development framework and the application cannot be approved until the amendment of the municipal spatial development framework is approved by the Council.

(3) If a Municipal Planning Tribunal or Authorised Official supports an application contemplated in subsection (2), it, he or she must inform the Council of such support and request the Council to consider an amendment of the municipal spatial development framework.

(4) The Council must consider such a proposed amendment and may amend the municipal spatial development framework in terms of the provisions of this Chapter.

(5) For purposes of this section, “site” means a spatially defined area that is impacted by the decision, including neighbouring land.

14 Record of and access to municipal spatial development framework and local spatial development framework

(1) The Municipality must keep, maintain and make accessible to the public, including on the Municipality’s website, the approved municipal or local spatial development framework and or any component thereof applicable within the jurisdiction of the Municipality.

(2) Should anybody or person request a copy of the municipal or local spatial development framework the Municipality must provide on payment by such body or person of the prescribed fee, a copy to them of the approved municipal spatial development framework or any component thereof.

CHAPTER 3
LAND USE SCHEME

15 Applicability of Act

Sections 24 to 30 of the Act apply to any land use scheme developed, prepared, adopted and amended by the Municipality.

16 Purpose of land use scheme

In addition to the purposes of a land use scheme stipulated in section 25(1) of the Act, the Municipality must determine the use and development of land within the municipal area to which it relates in order to promote -

(a) harmonious and compatible land use patterns;

(b) aesthetic considerations;

(c) sustainable development and densification;

(d) the accommodation of cultural customs and practices of traditional communities in land use management; and

(e) a healthy environment that is not harmful to a person's health.

17 General matters pertaining to land use scheme

(1) In order to comply with section 24(1) of the Act, the Municipality must -

(a) develop a draft land use scheme as contemplated in section 18;

(b) create the institutional framework for the preparation, review or amendment of land use scheme as contemplated in section 19;

(b) obtain Council approval for publication of the draft land use scheme as contemplated in section 20;

(c) embark on the necessary public participation process as contemplated in section 21;

(d) incorporate relevant comments received during the public participation process as contemplated in section 22;

(e) prepare the land use scheme as contemplated in section 23;

(f) submit the land use scheme to the Council for approval and adoption as contemplated in section 24;

(g) publish a notice of the adoption and approval of the land use scheme in the Provincial Gazette as contemplated in section 25; and

(h) submit the land use scheme to the Member of the Executive Council as contemplated in section 26.

(2) The Municipality may, on its own initiative or on application, create an overlay zone for land within the municipal area.

(3) Zoning may be made applicable to a land unit or part thereof and must follow cadastral boundaries when situated inside the urban edge and for a land unit or part thereof which has not been surveyed or which is situate outside the urban edge, a reference or description as generally approved by Council may be used to demarcate a zoning.

(4) The land use scheme of the Municipality must take into consideration:

(a) the Integrated Development Plan in terms of the Municipal Systems Act;

(b) the Spatial Development Framework as contemplated in Chapter 4 of the Act and Chapter 2 of this By-law, and

(c) provincial legislation; and

(d) an existing town planning scheme.

18 Development of draft land use scheme

(1) When the Municipality intends to prepare, review or amend its land use scheme, it -

(a) may convene an intergovernmental steering committee and must convene a project committee in accordance with section 19;

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(b) must publish a notice in one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to the language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act of its intention to prepare, review or amend the land use scheme;

(c) must inform the Member of the Executive Council in writing of its intention to prepare, review or amend the land use scheme;

(d) must register relevant stakeholders who must be invited to comment on the draft land use scheme or draft review or amendment of the land use scheme as part of the process to be followed;

(e) must determine the form and content of the land use scheme;

(f) must determine the scale of the land use scheme maps;

(g) must determine any other relevant issue that will impact on the development and final adoption of the land use scheme which will allow for it to be interpreted and or implemented; and

(h) must confirm the manner in which the land use scheme must *inter alia* set out the general provisions for land uses applicable to all land, categories of land use, zoning maps, restrictions, prohibitions and or any other provision that may be relevant to the management of land use, which may or may not require a consent or permission from the Municipality for purposes of the use of land.

19 Institutional framework for preparation, review or amendment of land use scheme

(1) The purpose of the intergovernmental steering committee contemplated in section 18(a) is to co-ordinate the applicable contributions into the land use scheme and to-

(a) provide technical knowledge and expertise;

(b) provide input on outstanding information that is required to draft the land use scheme or an review or amendment thereof;

(c) communicate any current or planned projects that have an impact on the municipal area;

(d) provide information on the locality of projects and budgetary allocations; and

(e) provide written comment to the project committee at each of various phases of the process.

(2) The Municipality must, if it decides to convene an intergovernmental steering committee and before commencement of the preparation, review or amendment of the land use scheme, in writing, invite nominations for representatives to serve on the intergovernmental steering committee from—

(a) departments in the national, provincial and local sphere of government, other organs of state, community representatives, engineering services providers, traditional councils; and

(b) any other body or person that may assist in providing information and technical advice on the content of the land use scheme.

(3) The purpose of the project committee contemplated in section 18(a) is to –

(a) prepare, review or amend the land use scheme for adoption by the Council;

(b) provide technical knowledge and expertise;

(c) monitor progress and ensure that the development of the land use scheme or review or amendment thereof is progressing according to the approved project plan;

(d) guide the public participation process, including ensuring that the registered key public sector stakeholders remain informed;

(e) ensure alignment of the land use scheme with the municipal spatial development framework, development plans and strategies of other affected municipalities and organs of state;

(f) oversee the incorporation of amendments to the draft land use scheme or draft review or amendment of the land use scheme to address comments obtained during the process of drafting thereof;

(g) if the Municipality decides to establish an intergovernmental steering committee—

(i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and

(ii) ensure the flow of information between the project committee and the intergovernmental steering committee.

(4) The project committee must consist of –

(a) the Municipal Manager; and

(b) employees in the full-time service of the Municipality and designated by the Municipality.

20 Council approval for publication of draft land use scheme

(1) Upon completion of the draft land use scheme, the project committee must -

(a) if no intergovernmental steering committee has been established, submit it to the Council together with the report referred to in subsection (3), to approve the publication of a notice referred to in section 21(2) that the draft land use scheme is available for public comment.; or

(b) if an intergovernmental steering committee has been established, submit it to the intergovernmental steering committee for comment.

(2) If an intergovernmental steering committee has been established and provides comment, the project committee must consider the comments of that intergovernmental steering committee and finalise the first draft of the draft land use scheme and submit it to the Council, together with the report referred to in subsection (3), to approve the publication of a notice referred to in section 21(2) that the draft municipal spatial development framework or an amendment or review thereof is available for public comment.

(3) The submission of the draft land use scheme to the Council must be accompanied by a written report from the project committee and the report must at least –

(a) indicate the rationale in the approach to the drafting of the land use scheme;

(b) summarise the process of drafting the draft land use scheme;

(c) summarise the consultation process followed with reference to section 21 of this By-law;

(d) indicate the departments that were engaged in the drafting of the draft land use scheme;

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(e) indicate how the draft land use scheme complies with the requirements of relevant national and provincial legislation, and relevant mechanism controlling and managing land use rights by the Municipal Council;

(f) recommend the approval of the draft land use scheme for public participation in terms of the relevant legislation and this By-law.

(4) An approval by the Council of the draft land use scheme and the public participation thereof must be in terms of this By-law and the relevant legislation referred to in section 15.

(5) The Municipality must inform the Member of the Executive Council in writing of the intention to draft a land use scheme and provide him or her with a copy of the draft land use scheme after it has been approved by the Council as contemplated in this section.

21 Public participation

(1) The public participation process must contain and comply with all the essential elements of any notices to be placed in terms of this By-law and in the event of an amendment of the land use scheme, the matters contemplated in section 28 of the Act.

(2) Without detracting from the provisions of subsection (1) above the Municipality must -

(a) publish a notice in the *Provincial Gazette*; and

(b) publish a notice in a newspaper that is circulated in the municipal area of the municipality in the official language/s determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act, once a week for two consecutive weeks; and

(c) enable traditional communities to participate through the appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act,

(d) use any other method of communication it may deem appropriate and the notice contemplated in subparagraph (b) must specifically state that any person or body wishing to provide comments and or objections shall:

(i) do so within a period of 60 days from the first day of publication of the notice; and

(ii) provide written comments; and

(iii) provide their contact details as specified in the notice.

(3) The Municipality may for purposes of public engagement arrange -

(a) consultative session with traditional councils and traditional communities;

(b) specific consultations with professional bodies, ward communities or other groups; and

(c) public meetings.

22 Incorporation of relevant comments

(1) Within 60 days after completion of the public participation process outlined in section 21 the project committee must–

(a) review and consider all submissions made in writing or during any engagements; and

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(b) prepare a report including all information they deem relevant, on the submissions made; provided that:

(i) for purposes of reviewing and considering all submissions made, the Municipal Manager may elect to hear the submission through an oral hearing process;

(ii) all persons and or bodies that made submissions shall be notified of the time, date and place of the hearing as may be determined by the Municipality not less than 30 days prior to the date determined for the hearing, by means of registered mail;

(iii) for purposes of the consideration of the submissions made on the land use scheme the Municipality may at any time prior to the submission of the land use scheme to the Council, request further information or elaboration on the submissions made from any person or body.

(2) The project committee must for purposes of proper consideration provide comments on the submissions made which comments must form part of the documentation to be submitted to the Council as contemplated in subsection (1)(b).

23 Preparation of land use scheme

The project committee must, where required and based on the submissions made during public participation, make final amendments to the draft land use scheme, provided that; if such amendments are in the opinion of the Municipality materially different to what was published in terms of section 21(2), the Municipality must follow a further consultation and public participation process in terms of section 21(2) of this By-law, before the land use scheme is adopted by the Council.

24 Submission of land use scheme to Council for approval and adoption

(1) The project committee must -

(a) within 60 days from the closing date for objections contemplated in section 21(2)(d)(i), or

(b) if a further consultation and public participation process is followed as contemplated in section 23, within 60 days from the closing date of such further objections permitted in terms of section 23 read with section 21(2)(d)(i),

submit the proposed land use scheme and all relevant supporting documentation to the Council with a recommendation for adoption.

(2) The Council must consider and adopt the land use scheme with or without amendments.

25 Publication of notice of adoption and approval of land use scheme

(1) The Council must, within 60 days of its decision referred to in section 24(2), give notice of its decision to all persons who made submissions on the land use scheme, and publish such notice in the media and the Provincial Gazette.

(2) The date of publication of the notice referred to in subsection (1), in the *Provincial Gazette*, is the date of coming into operation of the land use scheme unless the notice indicates a different date of coming into operation.

26 Submission to Member of Executive Council

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After notice of the adoption of the land use scheme is published in terms of section 25 the Municipality must submit the approved land use scheme to the Member of the Executive Council for cognisance.

27 Records

(1) The Municipality must, in hard copy and electronic format, keep record in the register of amendments to the land use scheme contemplated in section 29, of the land use rights in relation to each erf or portion of land and which information shall be regarded as part of its land use scheme.

(2) The Municipality must keep, maintain and make accessible to the public, including on the Municipality's website, the approved land use scheme and or any component thereof applicable within the municipal area of the Municipality.

(3) Should any person request a copy of the approved land use scheme or any component thereof, the Municipality must provide, on payment by such person of the prescribed fee, a copy to them of the approved land use scheme or any component thereof in accordance with the provisions of its Promotion of Access to Information By-Law or policy, if applicable.

28 Contents of land use scheme

(1) The contents of a land use scheme prepared and adopted by the Municipality must include all the essential elements contemplated in Chapter 5 of the Act and provincial legislation and must contain –

(a) a zoning for all land within the municipal area in accordance with a category of zoning as approved by Council;

(b) land use regulations including specific conditions, limitations, provisions or prohibitions relating to the exercising of any land use rights or zoning approved on a property in terms of the approved land use scheme or any amendment scheme, consent, permission or conditions of approval of an application on a property;

(c) provisions for public participation that may be required for purposes of any consent, permission or relaxation in terms of an approved land use scheme;

(d) provisions relating to the provision of engineering services, which provisions must specifically state that land use rights may only be exercised if engineering services can be provided to the property to the satisfaction of the Municipality;

(e) servitudes for municipal services and access arrangements for all properties;

(f) provisions applicable to all properties relating to storm water;

(g) provisions for the construction and maintenance of engineering services including but not limited to bodies established through the approval of applications to undertake such construction and maintenance;

(h) zoning maps as approved by Council that depicts the zoning of every property in the municipal area as updated from time to time in line with the land use rights approved or granted; and

(i) transitional arrangements with regard to the manner in which the land use scheme is to be implemented.

(2) The land use scheme may –

(a) determine the components of the land use scheme for purposes of it being applied, interpreted and implemented; and

(b) include any matter which it deems necessary for municipal planning in terms of the constitutional powers, functions and duties of a municipality; and

29 Register of amendments to land use scheme

The Municipality must keep and maintain a land use scheme register in a hard copy and electronic format as approved by the Council and it must contain the following but is not limited to:

(a) Date of application;

(b) name and contact details of applicant;

(c) type of application;

(d) property description and registration division;

(e) previous and approved zoning and existing land use;

(f) a copy of the approved site development plan referred to in section 53(2);

(g) item number;

(h) item date;

(i) decision (approved/on appeal/not approved);

(j) reasons for the decision; and

(k) decision date.

30 Amendment of land use scheme

(1) Where as a result of repealed legislation, the demarcation of municipal boundaries or defunct processes it is necessary in the opinion of the Municipality for certain areas where land use rights are governed through a process, other than a land use scheme; the Municipality may for purposes of including such land use rights into a land use scheme, prepare an amendment scheme and incorporate it into the land use scheme.

(2) The provisions of sections 15 to 29 apply, with the necessary changes, to the review or amendment of an existing land use scheme.

CHAPTER 4

INSTITUTIONAL STRUCTURE FOR LAND USE MANAGEMENT DECISIONS

Part A: Division of Functions

31 Categories of applications for purposes of section 35(3) of Act

(1) The Council must, subject to subsection 4, by resolution, categorise the type of applications referred to in section 57 to be considered by the Authorised Official and applications to be referred to the Municipal Planning Tribunal.

(2) When categorising applications contemplated in subsection (1), the Council must take cognisance of the aspects referred to in regulation 15(2) of the Regulations.

(3) If the Council does not categorise applications contemplated in subsection (1), regulation 15(1) of the Regulations apply.

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(4) If the municipality is a member of a joint or District Municipal Planning Tribunal by virtue of an agreement concluded in terms of section 34 of the Act, and the agreement does not contain a categorisation as contemplated in section 35(3) of the Act, the Council must, by resolution, categorise applications to be considered by the Authorised Official and applications to be referred to the Municipal Planning Tribunal.

Part B: Authorised Official

32 Designation and functions of Authorised Official

(1) The Municipality must, in writing, determine that the incumbent of a particular post on the Municipality's post establishment is the Authorised Official of the Municipality.

(2) The Authorised Official must:

(a) assist the Municipality in the management of applications submitted to the Municipality;

(b) consider and determine categories of applications contemplated in section 31(1).

(3) The Authorised Official may refer any application that he or she may decide in terms of section 31, to the Municipal Planning Tribunal.

Part C: Establishment of Municipal Planning Tribunal for Local Municipal Area

33 Establishment of Municipal Planning Tribunal for local municipal area

If the Municipality –

(a) does not become a member of a joint Municipal Planning Tribunal or a District Municipal Planning Tribunal as contemplated in section 34(1) and (2) of the Act; or

(b) withdraws from an agreement to establish a joint Municipal Planning Tribunal or a District Municipal Planning Tribunal as contemplated in section 34(1) and (2) of the Act;

the municipality will established, in compliance with section 35 of the Act, establish a Municipal Planning Tribunal and the provisions of this Part will apply to such Municipal Planning Tribunal.

34 Composition of Municipal Planning Tribunal for local municipal area

(1) The Municipal Planning Tribunal consists of between 5 and 16 members made up as follows:

(a) three officials in the full-time service of the Municipality;

(b) two persons who are registered as professional planners with the South African Council for Planners in terms of the Planning Profession Act, 2002 (Act No. 36 of 2002);

(c) two persons who are registered as professionals with the Engineering Council of South Africa in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

(d) two persons with financial experience relevant to land development and land use and who are registered with a recognised voluntary association or registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);

(e) two persons either admitted as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979) or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964);

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(f) two persons who are registered as professional land surveyors in terms of the Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), or a geomatics professional in the branch of land surveying in terms of the Geomatics Profession Act, 2013 (Act No. 19 of 2013);

(g) two persons who are registered as environmental assessment practitioners registered with a relevant professional body;

(h) any other person who has knowledge and experience of spatial planning, land use management and land development or the law related thereto.

(2) The officials referred to in subsection (1)(a) must have at least five years' experience in the field in which they are performing their services.

(3) The persons referred to in subsection (1)(b) to (h) must –

(a) demonstrate knowledge of spatial planning, land use management and land development of the law related thereto;

(b) have at least five years' practical experience in the discipline within which they are registered or in the case of a person referred to in subsection (1)(g) in the discipline in which he or she is practising; and/ or

(c) demonstrate leadership in his or her profession or vocation or in community organisations.

35 Nomination procedure

(1) The Municipality must -

(a) in the case of the first appointment of members to the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of Chapter 2 of the Regulations as soon as possible after the approval of the Regulations by the Minister; and

(b) in the case of the subsequent appointment of members to the Municipal Planning Tribunal, 90 days before the expiry of the term of office of the members serving on the Municipal Planning Tribunal, invite and call for nominations as contemplated in Part B of Chapter 2 of the Regulations.

(2) The invitation to the organs of state and non-governmental organisations contemplated in regulation 3(2)(a) of the Regulations must be addressed to the organs of state and non-governmental organisations and must be in the form contemplated in Schedule 1 together with any other information deemed necessary by the Municipality.

(3) The call for nominations to persons in their individual capacity contemplated in regulation 3(2)(b) of the Regulations must be in the form contemplated in Schedule 2 and –

(a) must be published in one local newspaper that is circulated in the municipal area of the Municipality in two languages commonly spoken in the area having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act;

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(b) may be submitted to the various professional bodies which registers persons referred to in section 34(1) with a request to distribute the call for nominations to their members and to advertise it on their respective websites;

(c) may advertise the call for nominations on the municipal website; and

(d) utilise any other method and media it deems necessary to advertise the call for nominations.

36 Submission of nomination

(1) The nomination must be in writing and be addressed to the Municipal Manager.

(2) The nomination must consist of –

(a) the completed declaration contained in the form contemplated in Schedule 3 and all pertinent information must be provided within the space provided on the form;

(b) the completed declaration of interest form contemplated in Schedule 3;

(c) the motivation by the nominator contemplated in subsection (3)(a); and

(d) the summarised curriculum vitae of the nominee contemplated in subsection (3)(b).

(3) In addition to the requirements for the call for nominations contemplated in regulation 3(6) of the Regulations, the nomination must request –

(a) a motivation by the nominator for the appointment of the nominee to the Municipal Planning Tribunal which motivation must not be less than 50 words or more than 250 words; and

(b) a summarised curriculum vitae of the nominee not exceeding two A4 pages.

37 Initial screening of nomination by Municipality

(1) After the expiry date for nominations the Municipality must screen all of the nominations received by it to determine whether the nominations comply with the provisions of section 36.

(2) The nominations that are incomplete or do not comply with the provisions of section 36 must be rejected by the Municipality.

(3) Every nomination that is complete and that complies with the provisions of section 36 must be subjected to verification by the Municipality.

(4) If, after the verification of the information by the Municipality, the nominee is ineligible for appointment due to the fact that he or she –

(a) was not duly nominated;

(b) is disqualified from appointment as contemplated in section 38 of the Act;

(c) does not possess the knowledge or experience as required in terms of section 34(3); or

(d) is not registered with the professional councils or voluntary bodies contemplated in section 34(1), if applicable, the nomination must be rejected and may not be considered by the evaluation panel contemplated in section 38.

(5) Every nomination that has been verified by the Municipality and the nominee found to be eligible for appointment to the Municipal Planning Tribunal, must be considered by the evaluation panel contemplated in section 38.

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(6) The screening and verification process contained in this section must be completed within 30 days from the expiry date for nominations.

38 Evaluation panel

(1) The evaluation panel contemplated in regulation 3(1)(g) read with regulation 3(11) of the Regulations, consists of five officials in the employ of the Municipality appointed by the Municipal Manager.

(2) The evaluation panel must evaluate all nominations within 30 days of receipt of the verified nominations and must submit a report with their recommendations to the Council for consideration.

39 Appointment of members to Municipal Planning Tribunal by Council

(1) Upon receipt of the report, the Council must consider the recommendations made by the evaluation panel and thereafter appoint the members to the Municipal Planning Tribunal.

(2) After appointment of the members to the Municipal Planning Tribunal, the Council must designate a chairperson and a deputy chairperson from the members so appointed.

(3) The Municipal Manager must, in writing, notify the members of their appointment to the Municipal Planning Tribunal and, in addition, to the two members who are designated as chairperson and deputy chairperson, indicate that they have been appointed as such.

(4) The Municipal Manager must, when he or she publishes the notice of the commencement date of the operations of the first Municipal Planning Tribunal contemplated in section 44, publish the names of the members of the Municipal Planning Tribunal and their term office in the same notice.

40 Term of office and conditions of service of members of Municipal Planning Tribunal for local municipal area

(1) A member of the Municipal Planning Tribunal appointed in terms of this Chapter is appointed for a term of five years, which is renewable once for a further period of five years.

(2) The office of a member becomes vacant if that member -

(a) is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;

(b) tenders his or her resignation in writing to the chairperson of the Municipal Planning Tribunal;

(c) is removed from the Municipal Planning Tribunal under subsection (3); or

(d) becomes permanently incapacitated or dies.

(3) The Council may remove a member of the Municipal Planning Tribunal if -

(a) sufficient reasons exist for his or her removal;

(b) a member contravenes the code of conduct contemplated in Schedule 4;

(c) a member becomes subject to a disqualification as contemplated in section 38(1) of the Act.

after giving the member an opportunity to be heard.

(4) An official of a municipality contemplated in section 34(1)(a) who serves on the Municipal Planning Tribunal –

(a) may only serve as member of the Municipal Planning Tribunal for as long as he or she is in the full-time employ of the municipality;

(b) is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;

(c) who is found guilty of misconduct under the collective agreement applicable to employees of the Municipality shall immediately be disqualified from serving on the Municipal Planning Tribunal.

(5) A person appointed by a municipality in terms of section 34(1)(b) to (g) to the Municipal Planning Tribunal -

(a) is not an employee on the staff establishment of that municipality;

(b) if that person is an employee of an organ of state as contemplated in regulation 3(2)(a) of the Regulations, is bound by the conditions of service determined in his or her contract of employment and is not entitled to additional remuneration, allowances, leave or sick leave or any other employee benefit as a result of his or her membership on the Municipal Planning Tribunal;

(c) performs the specific tasks allocated by the chairperson of the Municipal Planning Tribunal to him or her for a decision hearing of the Municipal Planning Tribunal ;

(d) sits at such meetings of the Municipal Planning Tribunal that requires his or her relevant knowledge and experience as determined by the chairperson of the Municipal Planning Tribunal;

(e) in the case of a person referred to in regulation 3(2)(b) of the Regulations is entitled to a seating and travel allowance for each meeting of the Municipal Planning Tribunal that he or she sits on determined annually by the municipality in accordance with the Act;

(f) is not entitled to paid overtime, annual leave, sick leave, maternity leave, family responsibility leave, study leave, special leave, performance bonus, medical scheme contribution by municipality, pension, motor vehicle or any other benefit which a municipal employee is entitled to.

(6) All members of the Municipal Planning Tribunal shall sign the Code of Conduct contained in Schedule 4 before taking up a seat on the Municipal Planning Tribunal.

(7) All members serving on the Municipal Planning Tribunal shall adhere to ethics adopted and applied by the Municipality and shall conduct themselves in a manner that will not bring the name of the Municipality into disrepute.

(8) The members of the Municipal Planning Tribunal in the execution of their duties shall comply with the provisions of the Act, provincial legislation, these By-laws and the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

41 Vacancy and increase of number of members of Municipal Planning Tribunal

(1) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 35.

(2) A member who is appointed by virtue of subsection (1) holds office for the unexpired portion of the period for which the member he or she replaces was appointed.

(3) The Municipality may, during an existing term of office of the Municipal Planning Tribunal and after a review of the operations of the Municipal Planning Tribunal, increase the number of members appointed in terms of this Part and in appointing such additional members, it must adhere to the provisions of sections 34 to 39.

(4) In appointing such additional members the Municipality must ensure that the total number of members of the Municipal Planning Tribunal does not exceed 16 members as contemplated in section 34.

(5) A member who is appointed by virtue of subsection (3) holds office for the unexpired portion of the period that the current members of the Municipal Planning Tribunal hold office.

42 Proceedings of Municipal Planning Tribunal for local municipal area

(1) The Municipal Planning Tribunal must operate in accordance with the operational procedures determined by the Municipality.

(2) The three or more members designated by the Municipal Planning Tribunal to hear, consider and decide a matter before the Municipal Planning Tribunal as contemplated in section 40(1) of Act, must hear, consider and decide that matter.

(3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his or her deliberative vote as a member of the Municipal Planning Tribunal.

(4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the operational procedures of the Municipal Planning Tribunal but meetings must be held at least once per month, if there is an application to consider.

(5) The chairperson may arrange multiple Municipal Planning Tribunal meetings on the same day constituted from different members of the Municipal Planning Tribunal and must designate a presiding officer for each of the meetings.

(6) If an employee of the Municipality makes a recommendation to the Municipal Planning Tribunal regarding an application, that employee may not sit as a member of the Municipal Planning Tribunal while that application is being considered and determined by the Municipal Planning Tribunal but such employee may serve as a technical adviser to the Municipal Planning Tribunal.

43 Tribunal of record

(1) The Municipal Planning Tribunal is a Tribunal of record and must record all proceedings, but is not obliged to provide the in -committee discussions to any member of the public or any person or body.

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(2) The Municipality must make the record of the Municipal Planning Tribunal available to any person upon payment of the fee approved by the Council and in accordance with the provisions of its Promotion of Access to Information By-Law or policy, if applicable.

44 Commencement date of operations of Municipal Planning Tribunal for local municipal area

(1) The Municipal Manager must within 30 days of the first appointment of members to the Municipal Planning Tribunal -

(a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and

(b) after receipt of the confirmation referred to in paragraph (a) publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence with its operation together with the information contemplated in section 39(4).

(2) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (1).

Part D: Establishment of Joint Municipal Planning Tribunal

45 Agreement to establish joint Municipal Planning Tribunal

(1) If a Municipality decides to establish a joint Municipal Planning Tribunal, it must, as soon as possible, commence discussions with any other Municipality that has indicated that it would be party to a joint Municipal Planning Tribunal.

(2) The Municipality must, as soon as practicable, conclude an agreement to establish a joint Municipal Planning Tribunal that complies with the requirements of the Act.

(3) The Municipality must, as soon as is practicable after signing the agreement, to establish a joint Municipal Planning Tribunal, publish notice of the agreement as contemplated in section 34(3) of the Act and the Municipality may issue a joint notice together with any other municipality that is party to the agreement to establish a joint Municipal Planning Tribunal.

(4) Upon publication of the notice referred to in subsection (3), the joint Municipal Planning Tribunal is established and remains the Municipal Planning Tribunal for the municipal area of the Municipality until such time as the agreement referred to in this section is terminated or the Municipality terminates its participation in the agreement in accordance with the provisions thereof.

46 Composition of joint Municipal Planning Tribunal

(1) If a joint Municipal Planning Tribunal is established in accordance with the Act and this Part, it must consist of such members as determined in the agreement to establish a joint Municipal Planning Tribunal contemplated in section 34(1) of the Act.

(2) The persons in the full-time service of the Municipality referred to in regulation 3(1)(a) of the Regulations must have at least three years' experience in the field in which they are performing their services.

(3) The persons referred to in regulation 3(1)(b) of the Regulations must –

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(a) demonstrate knowledge of spatial planning, land use management and land development or the law related thereto;

(b) have at least five years' practical experience in the discipline within which they are registered or are practising; and

(c) demonstrate leadership in his or her profession or vocation or in community organisations.

(4) No municipal councillor of any municipality, whether that municipality is a party to the agreement referred to in section 45(2) or not, may be appointed as a member of the joint Municipal Planning Tribunal.

47 Status of decision of joint Municipal Planning Tribunal

A decision of the joint Municipal Planning Tribunal is binding on both the applicant and the Municipality as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

48 Applicability of Part C, F and G to joint Municipal Planning Tribunal

(1) Subject to subsection (2), the provisions of Part C, F and G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

(2) The Municipality, in the establishment of a joint Municipal Planning Tribunal -

(a) must, in a joint invitation and notice with the other municipality that is party to the agreement referred to in section 45(2), issue the invitation and call for nominations for appointment of the persons referred to in section 46(3), as contemplated in section 35;

(b) must together with the other municipality that is party to the agreement referred to in section 45(2)establish a joint evaluation panel to evaluate nominations and the powers and functions of an evaluation panel as contemplated in this Chapter apply to the joint evaluation panel;

(c) must screen all nominations or assign the screening of nominations to the District Municipality as contemplated in section 37, before they submit the compliant nominations to the joint evaluation panel referred to in paragraph (b);

(d) must designate the employees contemplated in section 46(2) and appoint the members contemplated in section 46(3) and inform the Municipal Manager of the District Municipality thereof;

(e) notwithstanding section 39(2) and subject to subsection (3), must designate the chairperson and deputy chairperson from the members referred to in section 46(2);

(f) hereby assign the power to notify the members of their appointment to the joint Municipal Planning Tribunal and the power to notify the chairperson and the deputy-chairperson of their designation as such, to the Municipal Manager of the District Municipality;

(g) must, in a joint notice together with the other municipality that is party to the agreement referred to in section 45(2), publish the names and term of office of the members contemplated in section 39(4) and the commencement of the operation of the joint Municipal Planning Tribunal as contemplated in section 44.

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(3) The term of office of a chairperson and deputy chairperson is one year and the office must be occupied by the members of the joint Municipal Planning Tribunal in the rotation order provided for in the agreement to establish the joint Municipal Planning Tribunal.

Part E: Establishment of District Municipal Planning Tribunal

49 Agreement to establish District Municipal Planning Tribunal

(1) If, after a request from the relevant District Municipality, the Municipality decides to become a member of a District Municipal Planning Tribunal, it must, as soon as possible, commence discussions with the District Municipality and the other local municipalities in the district.

(2) The Municipality must, as soon as practicable, conclude an agreement to establish a District Municipal Planning Tribunal that complies with the requirements of the Act.

(3) The Municipality must, as soon as is practicable, after signing the agreement, to establish a District Municipal Planning Tribunal, publish notice of the agreement as contemplated in section 34(3) of the Act and may issue a joint notice with the district and other local municipalities that are parties to the agreement.

(4) Upon publication of the notice referred to in subsection (3), the District Municipal Planning Tribunal is established and remains the Municipal Planning Tribunal for the municipal area of the Municipality until such time as the agreement referred to in this section is terminated or the Municipality terminates its participation in the agreement in accordance with the provisions thereof.

50 Composition of District Municipal Planning Tribunal

(1) If a District Municipal Planning Tribunal is established in accordance with the Act and this Part, it must consist of such members as determined in the agreement to establish a District Municipal Planning Tribunal contemplated in section 49(2).

(2) The persons in the full-time service of the Municipality referred to in regulation 3(1)(a) of the Regulations must have at least three years' experience in the field in which they are performing their services.

(3) The persons referred to in regulation 3(1)(b) of the Regulations must –

(a) demonstrate knowledge of spatial planning, land use management and land development or the law related thereto;

(b) have at least five years' practical experience in the discipline within which they are registered or are practising; and

(c) demonstrate leadership in his or her profession or vocation or in community organisations.

(4) No municipal councillor of any municipality, whether it is a party to the agreement referred to in section 49 or not, may be appointed as a member of a District Municipal Planning Tribunal.

51 Status of decision of District Municipal Planning Tribunal

A decision of a District Municipal Planning Tribunal is binding on both the applicant and the Municipality as if that decision was taken by a Municipal Planning Tribunal for a local municipal area.

52 Applicability of Part C, F and G to District Municipal Planning Tribunal

(1) Subject to subsection (2), the provisions of Part C, Part F and Part G apply, with the necessary changes, to a joint Municipal Planning Tribunal.

(2) The Municipality, in the establishment of a District Municipal Planning Tribunal -

(a) must, in a joint invitation and notice together with the other municipalities who are party to the agreement referred to in section 49(2), issue the invitation and call for nominations for appointment of the persons referred to in section 50(3) as contemplated in section 35;

(b) must establish a district evaluation panel together with the other municipalities who are party to the agreement referred to in section 49(2), to evaluate nominations and the powers and functions of an evaluation panel as contemplated in this Chapter apply to the district evaluation panel;

(c) must screen all nominations or assign the screening of nominations to the District Municipality as contemplated in section 37, before they submit the compliant nominations to the district evaluation panel referred to in paragraph (b);

(d) must designate the employees contemplated in section 50(2) and appoint the members contemplated in section 50(3) and inform the Municipal Manager of the District Municipality thereof;

(e) notwithstanding section 39(2) and subject to subsection (3), must designate the chairperson and deputy chairperson from the members referred to in section 50(2) recommended by the district evaluation panel;

(f) hereby assign the power to notify the members of their appointment to the joint Municipal Planning Tribunal and the power to notify the chairperson and the deputy-chairperson of their designation as such, to the Municipal Manager of the District Municipality;

(g) must, in a joint notice together with the other municipalities who are party to the agreement referred to in section 49(2), publish the names and term of office of the members contemplated in section 39(4) and the commencement of the operation of the District Municipal Planning Tribunal as contemplated in section 44.

(3) The term of office of a chairperson and deputy chairperson is one year and the office must be occupied by the members of the joint Municipal Planning Tribunal in the rotation order provided for in the agreement to establish the District Municipal Planning Tribunal.

Part F: Decisions of Municipal Planning Tribunal

53 General criteria for consideration and determination of application by Municipal Planning Tribunal or Authorised Official

(1) When the Municipal Planning Tribunal or Authorised Official considers an application submitted in terms of this By-law it, he or she must have regard to the following:

(a) the procedure followed in processing the application;

(b) the desirability of the proposed utilisation of land and any guidelines issued by the member of the Executive Council regarding proposed land uses;

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(c) the comments in response to the notice of the application and the comments received from organs of state and internal departments;

(d) the response by the applicant to the comments referred to in paragraph (c);

(e) investigations carried out in terms of other laws which are relevant to the consideration of the application;

(f) a written assessment by a professional planner registered in terms of the Planning Profession Act, 2002, in respect of the following applications:

(i) a rezoning;

(ii) a subdivision of more than 20 cadastral units;

(iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use.

(iv) an amendment, deletion or introduction of additional conditions in respect of an existing approval, listed in this paragraph;

(v) an approval of an overlay zone as provided in the land use scheme;

(vi) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;

(vii) a determination of a zoning as contemplated in section 181;

(viii) a closure of a public place or part thereof;

(g) the integrated development plan and municipal spatial development framework;

(h) the applicable local spatial development frameworks adopted by the Municipality;

(i) the applicable structure plans;

(j) the applicable policies of the Municipality that guide decision-making;

(k) the provincial spatial development framework;

(l) where applicable, the regional spatial development framework;

(m) the policies, principles, planning and development norms and criteria set by national and provincial government;

(n) the matters referred to in section 42 of the Act;

(o) the relevant provisions of the land use scheme.

(2) A municipality must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—

(a) is consistent with the development rules of the zoning;

(b) is consistent with the development rules of the overlay zone;

(c) complies with the conditions of approval; and

(d) complies with this By-law.

(3) When a site development plan is required in terms of development parameters or conditions of approval—

(a) the municipality may not approve a building plan if the site development plan has not been approved; and

(b) the municipality may not approve a building plan that is inconsistent with the approved site development plan.

(4) For the purpose of subsection (1)(b), desirability is the degree of acceptability of the proposed utilisation of land and matters which impact on the desirability which may be considered by the Municipal Planning Tribunal or Authorised Official are, amongst others:

(a) the land's suitability for proposed utilisation of land in terms of location, accessibility and physical characteristics;

(b) conformity with the municipal spatial development framework or the local spatial development framework, if applicable;

(c) the compatibility of the proposed utilisation of land with the character and the existing spatial structure of the surrounding area;

(d) the accessibility of the land regarding existing development and infrastructure;

(e) the cost and availability of required services and infrastructure;

(f) the external visual impact of the proposed utilisation of the land;

(g) any potential disruption of or damage to the environment or public nuisance as a result of the proposed utilisation of land and proposed mitigation measures;

(h) the potential impact on immediate neighbours and existing rights as well as the surrounding community;

(i) the proposed layout, including street pattern, density and open space and community facility provision; and

(j) traffic impact and access arrangements

(5) The professional planner referred to in subsection (1)(f), must be in the full-time service of the Municipality and if there is no professional planner in the full-time service of the Municipality, a professional planner contracted by the Municipality to provide the assessment contemplated in that subsection.

54 Conditions of approval

(1) When the Municipal Planning Tribunal or Authorised Official approves an application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.

(2) Conditions imposed in accordance with subsection (1) may include conditions relating to—

(a) the provision of engineering services and infrastructure;

(b) the cession of land or the payment of money;

(c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;

(d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;

(e) settlement restructuring;

(f) agricultural or heritage resource conservation;

(g) biodiversity conservation and management;

(h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;

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(i) energy efficiency;

(j) requirements aimed at addressing climate change;

(k) the establishment of an owners' association in respect of the approval of a subdivision;

(l) the provision of land needed by other organs of state;

(m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality or the registration of public places in the name of the municipality, and the transfer of ownership to the municipality of land needed for other public purposes; (n) the implementation of a subdivision in phases;

(o) requirements of other organs of state.

(p) the submission of a construction management plan to manage the impact of a new building on the surrounding properties or on the environment;

(q) agreements to be entered into in respect of certain conditions;

(r) the phasing of a development, including lapsing clauses relating to such phasing;

(s) the delimitation of development parameters or land uses that are set for a particular zoning;

(t) the setting of validity periods, if the Municipality determined a shorter validity period as contemplated in this By-law;

(u) the setting of dates by which particular conditions must be met;

(v) requirements relating to engineering services as contemplated in Chapter 7;

(w) requirements for an occasional use that must specifically include –

(i) parking and the number of ablution facilities required;

(ii) maximum duration or occurrence of the occasional use; and

(iii) parameters relating to a consent use in terms of the land use scheme;

(3) If a Municipal Planning Tribunal or Authorised Official imposes a condition contemplated in subsection (2)(a), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.

(4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with norms and standards, as may be prescribed by the Minister.

(5) Except for land needed for public places, social infrastructure or internal engineering services, any additional land required by the municipality or other organs of state arising from any approval of an application must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.

(6) Conditions which require a standard to be met must specifically refer to an approved or published standard.

(7) No conditions may be imposed which affect a third party or which are reliant on a third party for fulfilment, with the exception of a condition that requires the approval in terms of other legislation..

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(8) If the Municipal Planning Tribunal or Authorised Official approves a land development or use application subject to conditions, it, he or she must specify which conditions must be complied with before the sale, development or transfer of the land.

(9) After the applicant has been notified that his or her application has been approved, the Municipal Planning Tribunal or Authorised Official or at the applicant's request may, after consultation with the applicant, amend or delete any condition imposed in terms of this section or add any further condition, provided that if the amendment is in the opinion of the Municipal Planning Tribunal or Authorised Official so material as to constitute a new application, the Municipal Planning Tribunal or Authorised Official may not exercise its, his or her powers in terms hereof and must require the applicant to submit an amended or new application and in the sole discretion of the Municipal Planning Tribunal or Authorised Official to re-advertise the application in accordance with section 93.

Part G: Administrative Arrangements and General Provisions

55 Administrator for Municipal Planning Tribunal for local municipal area

(1) The Municipal Manager must designate an employee as the administrator for the Municipal Planning Tribunal.

(2) The person referred to in subsection (1) must—

(a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipal Planning Tribunal;

(b) maintain a diary of hearings of the Municipal Planning Tribunal;

(c) allocate meeting dates and application numbers to applications;

(d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;

(e) arrange venues for Municipal Planning Tribunal meetings;

(f) administer the proceedings of the Municipal Planning Tribunal;

(g) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;

(h) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal, in accordance with the directions of the chairperson of the Municipal Planning Tribunal;

(i) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;

(j) notify parties of orders and directives given by the Municipal Planning Tribunal;

(k) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—

(i) decisions of the Municipal Planning Tribunal;

(ii) on-site inspections and any matter recorded as a result thereof;

(iii) reasons for decisions; and

(iv) proceedings of the Municipal Planning Tribunal; and

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(l) keep records by any means as the Municipal Planning Tribunal may deem expedient.

56 Reference to Municipal Planning Tribunal

Any reference to a Municipal Planning Tribunal in this Chapter is deemed to be a reference to a joint Municipal Planning Tribunal or a District Municipal Planning Tribunal, unless the context clearly indicates otherwise.

CHAPTER 5
DEVELOPMENT MANAGEMENT
Part A: Types of Applications

57 Types of applications

A person may make application for the following in terms of this By-Law –

(a) subdivision of land;
(b) phasing of a subdivision;
(c) amendment of an existing scheme or land use scheme by the rezoning of land, including rezoning to an overlay zone;
(d) removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
(e) consolidation of land;
(f) amendment or cancellation of a subdivision plan;
(g) permanent closure of any public place;
(h) consent use;
(i) development on communal land that will have a high impact on the traditional community concerned;
(j) permanent or temporary departure from land use scheme
(k) extension of the period of validity of an approval;
(l) exemption of a subdivision from the need for approval in terms of this By-Law as contemplated in section 66;
(m) determination of a zoning as contemplated in section 181;
(n) amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of section 54(9);
(o) approval of the constitution of an owners' association or an amendment of the constitution of the owners' association;
(p) any other application provided for in this By-Law;
(q) any other application which the Council may determine in terms of this By-Law and/ or
(r) any combination of the applications referred to in this section submitted simultaneously as one application.

58 Land use and land development

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(1) No person may use or commence with, carry on or cause the commencement with or carrying on of land development which is not permitted in the land use scheme or for which an approval is granted in terms of this By-Law.

(2) When an applicant or owner exercises a land use right granted in terms of an approval he or she must comply with the conditions of the approval and the applicable provisions of the land use scheme.

(3) In addition to the provisions of this Chapter, the provisions of Chapter 6 apply to any application submitted to the Municipality in terms of this Chapter.

(4) Any reference to the Municipality in this Chapter includes a reference to the Municipal Planning Tribunal and the Authorised Official, as the case may be.

Part B: Subdivision

59 Application for subdivision

(1) No person may subdivide land without the approval of the Municipality, unless the subdivision is exempted under section 66.

(2) An applicant who wishes to subdivide land must apply to the Municipality for the subdivision of land in the manner provided for in Chapter 6.

(3) The Municipality must cause notice of the application to be given in the media as contemplated in section 93.

(4) The Municipality must, in approving an application for subdivision, set out the conditions of approval in a statement of conditions and the statement of conditions must, in the opinion of the Municipality, substantially be in accordance with this By-law.

(5) The statement of conditions must, read with directives that may be issued by the Registrar of Deeds, contain the following:

(a) Specify those conditions that must be complied with prior to registration by the Registrar of Deeds, including conditions relating to installation of engineering services;

(b) the conditions that must remain applicable to erven created by the subdivision;

(c) conditions of title to be incorporated into the title deeds of erven created by the subdivision;

(d) third party conditions as required by the Registrar of Deeds;

(e) if a non-profit company is to be established for purposes of maintaining or transfer of erven created by the subdivision, the conditions that must apply to them;

(f) any other conditions and or obligation on the owner of erven created by the subdivision, which are in the opinion of the Municipality deemed necessary for the proper implementation of land development linked to the subdivision.

60 Phasing of subdivision

(1) An applicant who has been notified in terms of section 109 that his or her application has been approved may, within the period permitted by the Municipality, apply to the Municipality for the phasing of subdivision.

(2) On receipt of an application in terms of subsection (1) the Municipality must evaluate the application and may for purposes of the evaluation of the application require the applicant to indicate

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whether the necessary documents were lodged with the Surveyor-General or provide proof that he or she consulted with the Surveyor General.

(3) Where the Municipality approves an application it may impose any additional condition it may deem expedient and must notify the applicant in writing thereof and of any conditions imposed.

(4) The applicant shall, within a period of 3 months or such further period approved by the Municipality from the date of the notice contemplated in subsection (3), submit to the Municipality such plans, diagrams or other documents and furnish such information as may be required in respect of each separate phase of development.

(5) On receipt of the documents or information contemplated in subsection (4) the Municipality must notify the Surveyor-General, and the registrar in writing of the approval of the application for phasing and such notice must be accompanied by a copy of the plan of each separate phase of development.

61 Lodging of subdivision for approval with Surveyor-General

(1) If the Municipality approves an application for a subdivision, the applicant must, within a period of five years or shorter period as the Municipality may determine, from the date of approval of the subdivision or the date that the approval comes into operation, lodge for approval with the Surveyor-General such plans, diagrams or other documents as the Surveyor-General may require, including proof to the satisfaction of the Surveyor-General of -

(a) the Municipality's decision to approve the subdivision;

(b) the conditions of approval contemplated in section 59 (4) and (5); and

(c) the approved subdivision plan.

(2) If the applicant fails to lodge such plans, diagrams or other documents as contemplated in subsection (1) to enable transfer of at least one erf within the period of validity of the approval, the approval lapses.

(3) For purposes of subsection (1), the Municipality must provide to the applicant a final schedule as contemplated in section 59 (4) and (5); of the conditions of approval together with a stamped and approved subdivision plan.

(4) The Municipality may for purposes of lodging the documents contemplated in subsection (1) determine public street names and numbers on the subdivision plan.

(5) Where the applicant fails, within a reasonable time as may be determined by the Municipality after he or she has lodged the plans, diagrams or other documents contemplated in subsection (1), to comply with any requirement the Surveyor-General may lawfully determine, the Surveyor-General shall notify the Municipality that he or she is satisfied, after hearing the applicant, that the applicant has failed to comply with any such requirement without sound reason, and thereupon the approval lapses.

(6) After an applicant has been notified that his or her application has been approved, the municipality may:

(a) where the documents contemplated in subsection (1) have not yet been lodged with the Surveyor General;

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(b) where the documents contemplated in subsection (1) have been lodged with the Surveyor General, after consultation with the Surveyor General, consent to the amendment of such documents, unless the amendment is, in its opinion, so material as to constitute a new application

62 Compliance with conditions of approval

(1) The applicant must within a period of five years or shorter period as the Municipality may determine, from the date of approval of the subdivision or the date that the approval comes into operation, provide proof to the satisfaction of the Municipality within the timeframes as prescribed in terms of this By-law, that all conditions contained in the schedule to the approval of an application as contemplated in section 59(4) and (5) have been complied with.

(2) The Municipality must certify that all the conditions that have to be complied with by the applicant or owner as contemplated in section 59(4) and (5) have been complied with including the provision of guarantees and payment of monies that may be required.

(3) The Municipality must at the same time notify the Registrar of Deeds and Surveyor General of the certification by the Municipality in terms of subsection (2).

(4) The Municipality may agree to an extension of time as contemplated in subsection (1), after receiving a written application from the applicant for an extension of time: Provided that such application provides motivation for the extension of time.

(5) A confirmation from the Municipality in terms of subsection (2) that all conditions of approval have been met, which is issued in error, does not absolve the applicant from complying with the obligations imposed in terms of the conditions or otherwise complying with the conditions after confirmation of the subdivision.

63 Registration at Deeds Office

(1) The applicant shall lodge with the Registrar of Deeds the plans and diagrams contemplated in section 61 as approved by the Surveyor-General together with the relative title deeds for endorsement or registration, as the case may be.

(2) For purposes of subsection (1) the Registrar shall not accept such documents for endorsement or registration until such time as the Municipality has certified that the applicant has complied with such conditions as the Municipality may require to be fulfilled in terms of section 59(4) and (5).

(3) The plans, diagrams and title deeds contemplated in subsection (1) and certification contemplated in subsection (2) shall be lodged within a period of five years or shorter period as the Municipality may determine, from the date of approval of the subdivision or the date that the approval comes into operation, or such further period as the Municipality may allow.

(4) If the applicant fails to comply with the provisions of subsections (1), (2) and (3), the application lapses.

(5) Having endorsed or registered the title deeds contemplated in subsection (1), the Registrar shall notify the Municipality forthwith of such endorsement or registration.

64 Extension of validity periods

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(1) A conditional approval of a subdivision lapses if the applicant does not comply with section 61, 62 and 63.

(2) An applicant may apply for an extension of the period to comply with section 61, 62 and 63 in accordance with the provisions of section 110 or must comply with subsection (4).

(3) An extension contemplated in subsection (2) may be granted for a period not exceeding the period contemplated in section 43(2) of the Act and if after the expiry of the extended period the requirements of section 61, 62 and 63 have not been complied with, the subdivision lapses and subsection (4) applies.

(4) If an approval of a subdivision lapses under subsection (1) and the applicant does not apply within the 90 day period referred to in section 82 —

(a) the Municipality must—

(i) amend the zoning map and, where applicable, the register accordingly; and

(ii) notify the Surveyor-General accordingly; and

(b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

65 Amendment or cancellation of subdivision plan

(1) The Municipality may approve the amendment or cancellation of a subdivision plan, including conditions of approval, the general plan or diagram, in relation to land units shown on the general plan or diagram of which no transfer has been registered in terms of the Deeds Registries Act.

(2) The Municipality must cause notice of the application to be given in the media as contemplated in section 93.

(3) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment or cancellation of the subdivision.

(4) An approval of a subdivision in respect of which an amendment or cancellation is approved in terms of subsection (1), remains valid for the remainder of the period contemplated in sections 61, 62 and 63 applicable to the initial approval of the subdivision, calculated from the date of approval of the amendment or cancellation in terms of subsection (1).

66 Exemption of subdivisions and consolidations

(1) The consolidation or subdivision of land in the following circumstances does not require the approval of the Municipality:

(a) if the land to be consolidated all have the same zoning and do not contain conditions of title restricting consolidation;

(b) if the subdivision arises from the implementation of a court ruling;

(c) if the subdivision arises from an expropriation;

(d) a minor amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10 per cent;

(e) the registration of a servitude or lease agreement for the provision or installation of—

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(i) infrastructure such as water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines by or on behalf of an organ of state or service provider;

(ii) telecommunication lines by or on behalf of a licensed telecommunications operator;

(iii) the imposition of height restrictions;

(f) the exclusive utilisation of land for agricultural purposes, if the utilisation—

(i) requires approval in terms of legislation regulating the subdivision of agricultural land; and

(ii) does not lead to urban expansion.

(g) the subdivision of a closed public place and closed public roadway, provided that the land will be consolidated with an abutting erf;

(h) the granting of a right of habitation or usufruct.

(i) The subdivision of land for the purpose of the construction or alteration of roads or any other matter related thereto.

(j) The subdivision of land in order to bring about its conveyance to a local authority, semi-state institution or other statutory body.

(k) The subdivision of land in order to bring about its conveyance from a local authority, semi-state institution or other statutory body. This does not, however, include land units which are alienated for development.

(l) The subdivision of land where the State may require a survey, whether or not the State is the land-owner.

(m) The subdivision of land in existing housing schemes in order to make private property ownership possible.

(2) The Municipality must, in each case, certify in writing that the subdivision has been exempted from the provisions of this Chapter and impose any condition it may deem necessary.

(3) The Municipality must indicate on the plan of subdivision that the subdivision has been exempted from the provisions of sections 59 to 65.

67 Services arising from subdivision

Subsequent to the granting of an application for subdivision in terms of this By-law the owner of any land unit originating from the subdivision must—

(a) allow without compensation that the following be conveyed across his or her land unit in respect of other land units:

(i) gas mains;

(ii) electricity cables;

(iii) telephone cables;

(iv) television cables;

(v) other electronic infrastructure;

(vi) main and other water pipes;

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(vii) foul sewers;

(viii) storm water pipes; and

(ix) ditches and channels;

(b) allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:

(i) surface installations such as mini–substations;

(ii) meter kiosks; and

(iii) service pillars;

(c) allow access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) and (b); and

(d) receive material or permit excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he or she elects to build retaining walls to the satisfaction of and within a period to be determined by the Municipality.

Part C: Rezoning of land

68 Application for rezoning of land

(1) An applicant, who wishes to rezone land, must apply to the Municipality for the rezoning of the land in the manner provided for in Chapter 6.

(2) A rezoning approval lapses after a period of five years or shorter period as the Municipality may determine, calculated from the date of approval or the date that the approval comes into operation if, within that five year or shorter period -

(a) the conditions of approval contemplated in section 54 have not been met; and

(b) the development charges referred to in Chapter 7 have not been paid or paid in the agreed instalments.

(3) If an approval is granted for a period shorter than five years –

(a) an applicant may, prior to the lapsing of the period of validity of that approval, apply for an extension of that period, in accordance with the provisions of section 110; and

(b) the Municipality may grant that extension but the shorter period together with any extension that the Municipality grants, may not exceed five years.

(4) Upon compliance with subsection 2(a) and (b), the approval of the rezoning is confirmed and cannot lapse and the Municipality must update the register as contemplated in section 29 and amend the land use scheme map accordingly.

(5) If a rezoning approval lapses, the zoning applicable to the land prior to the approval of the rezoning applies, or where no zoning existed prior to the approval of the rezoning, the Municipality must determine a zoning as contemplated in section 181.

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Part D: Removal, Amendment or Suspension of Restrictive or Obsolete Condition, Servitude or Reservation Registered Against Title of Land

69 Requirements for amendment, suspension or removal of restrictive conditions or obsolete condition, servitude or reservation registered against title of land

(1) The Municipality may, of its own accord or on application by notice in the *Provincial Gazette* amend, suspend or remove, either permanently or for a period specified in the notice and either unconditionally or subject to any condition so specified, any restrictive condition.

(2) An applicant who wishes to have a restrictive condition amended, suspended or removed must apply to the municipality for the amendment, suspension or removal of the restrictive condition in the manner provided for in Chapter 6.

(3) In addition to the procedures set out in Chapter 6, the owner must—

(a) submit the original title deed to the Municipality or a certified copy thereof; and

(b) submit the bondholder's consent to the application, where applicable.

(4) The Municipality must cause a notice of its intention to consider an application under subsection (1) to be served on—

(a) all organs of state that may have an interest in the title deed restriction;

(b) every holder of a bond encumbering the land;

(c) a person whose rights or legitimate expectations will be materially and adversely affected by the approval of the application; and

(d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.

(5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

(c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;

(d) the social benefit of the restrictive condition remaining in place in its existing form;

(e) the social benefit of the removal or amendment of the restrictive condition; and

(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

70 Endorsements in connection with amendment, suspension or removal of restrictive conditions

(1) The applicant shall, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 69(1), submit the following to the Registrar of Deeds:

(a) the original title deed;

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(b) the original letter of approval; and

(c) a copy of the notification of the approval.

(2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette*, as contemplated in section 69(1), make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan in their respective offices or submitted to them, as may be necessary to reflect the effect of the amendment, suspension or removal of the restrictive condition.

Part E: Consolidation

71 Application for consolidation

(1) No person may consolidate land without the approval of the Municipality, unless the consolidation is exempted under section 66.

(2) The Municipality may approve the consolidation and impose any condition it may deem necessary.

(3) If the Municipality approves an application for consolidation, the applicant must within a period of five years or the shorter period as the Municipality may determine, from the date of approval of the consolidation, comply with the following requirements:

(a) obtain approval by the Surveyor-General of the consolidation diagram;

(b) furnish proof to the satisfaction of the Municipality that all relevant conditions contemplated in subsection 2 have been met; and

(c) obtain registration of the new consolidation land unit in terms of the Deeds Registries Act.

(4) Upon confirmation of the registration by the Registrar of Deeds, the Municipality must amend the zoning map and, where applicable, the register accordingly.

72 Lapsing of consolidation and extension of validity periods

(1) If a consolidation of land units is approved but no consequent registration by the Registrar of Deeds takes place within five years of the approval, the consolidation approval lapses.

(2) If an approval is granted for a period shorter than five years –

(a) an applicant may, prior to the lapsing of the period of validity of that approval, apply for an extension of that period, in accordance with the provisions of section 110; and

(b) the Municipality may grant that extension but the shorter period together with any extension that the Municipality grants, may not exceed five years.

(3) If after the expiry of the extended period, the requirements of subsection (1) has not been complied with, the consolidation lapses.

(4) If an approval of a consolidation lapses the Municipality must notify the Surveyor-General accordingly and request the Surveyor-General to endorse the records of the Surveyor-General's office to reflect the notification that the subdivision has lapsed.

Part F: Permanent Closure of Public Place

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73 Closure of public places

(1) The Municipality may on own initiative initiate a request to the office of the Surveyor General for the closure of a public place or any portion thereof.

(2) Any member of the public may request the Municipality to initiate a process for closing of a public place.

(3) The ownership of the land comprised in any public place or portion thereof that is closed in terms of this section continues to vest in the Municipality unless the Municipality determines otherwise.

(4) The municipal manager may, without complying with the provisions of this Chapter temporarily close a public place—

(a) for the purpose of or pending the construction, reconstruction, maintenance or repair of the public place;

(b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;

(c) if the street or place is, in the opinion of the municipal manager, in a state dangerous to the public;

(d) by reason of any emergency or public event which, in the opinion of the municipal manager, requires special measures for the control of traffic or special provision for the accommodation of crowds, or

(e) for any other reason which, in the opinion of the municipal manager, renders the temporary closing of the public place necessary or desirable.

(5) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1).

Part G: Consent Use

74 Application for consent use

(1) An applicant may apply to the Municipality for a consent use provided for in the land use scheme in the manner provided for in Chapter 6.

(2) Where the development parameters for the consent use that is being applied for are not defined in an applicable land use scheme, the Municipality must determine the development parameters that apply to the consent use as conditions of approval contemplated in section 54.

(3) A consent use may be granted permanently or for a specified period of time in terms of conditions of approval contemplated in section 54 and the specified period may not exceed five years.

(4) A consent use granted for a specified period of time contemplated in subsection (3) must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land.

(5) A consent use granted for a specified period as contemplated in subsection (3) lapses after a period of five years from the date that the approval comes into operation if, within that five year period or shorter period—

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(a) the consent use is not utilised in accordance with the approval thereof; or

(b) the following requirements are not met:

(i) the approval by the Municipality of a building plan envisaged for the utilisation of the approved use right; and

(ii) commencement with the construction of the building contemplated in subparagraph (i).

(6) If an approval is granted for a period shorter than five years –

(a) an applicant may, prior to the lapsing of the period of validity of that approval, apply for an extension of that period, in accordance with the provisions of section 110; and

(b) the Municipality may grant that extension but the shorter period together with any extension that the Municipality grants, may not exceed five years.

Part H: Communal Land

75 Application for development on or change to land use purpose of communal land

(1) An applicant who wishes to develop on or change the land use purpose of communal land located in the area of a traditional council where such development will have a high impact on the community or such change requires approval in terms of a land use scheme applicable to such area, must apply to the Municipality in the manner provided for in Chapter 6.

(2) No application pertaining to land development on or change the land use purpose of communal land may be submitted unless accompanied by power of attorney signed by the applicable traditional council.

(3) For the purpose of this section, a “high impact” development includes any of the following:

(a) abattoir;

(b) cemetery;

(c) community services, including educational institutions and health care facilities;

(d) crematorium and funeral parlour;

(e) factory;

(f) filling station and public garage;

(g) guest house;

(h) high density residential;

(i) industry and light industry;

(j) manufacturing, micro-manufacturing, retail selling and distribution as contemplated in the Liquor Act, 2003 (Act No. 59 of 2003);

(k) mining;

(l) noxious use;

(m) office;

(n) panelbeating;

(o) place of worship;

(p) retail service including a shopping complex and a supermarket;

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(q) scrapyard;

(r) tavern; and

(s) any other development which may require a specialised report, including a geotechnical report or environmental impact assessment.

Part I: Departures from Provisions of Land Use Scheme

76 Application for permanent or temporary departures

(1) Permanent departure applications are applications that will result in permanent amendment of land use scheme provisions applicable to land, such as:

(a) relaxations of development parameters such as building line, height, coverage or number of storeys; and

(b) departure from any other provisions of a land use scheme that will result in physical development or construction of a permanent nature on land.

(2) Temporary departure applications are applications that do not result in an amendment of the land use scheme including:

(a) prospecting or mining rights granted in terms of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);

(b) any other application to utilise land on a temporary basis for a purpose for which no provision is made in the land use scheme in respect of a particular zone.

(3) An applicant may apply for a departure in the manner provided for in Chapter 6.

(4) A Municipality may grant approval for a departure:

(a) contemplated in subsection (2)(a), for the period of validity specified in the prospecting or mining license; or

(b) contemplated in subsection (2)(b), for a period of five years or a shorter period.

(5) The Municipality may grant extensions to the period contemplated in subsection (4)(b) if the approval was granted for a period shorter than five years.

(6) A temporary departure contemplated in subsection (2) may be granted more than once in respect of a particular use on a specific land unit.

(7) In the event of a temporary departure being approved in terms of subsection (2), any improvements to the land must be permissible in terms of the land use restrictions that apply to the land in terms of its zoning and all such improvements are done at the risk of the applicant.

Part J: General Matters

77 Ownership of public places and land required for municipal engineering services and social facilities

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(1) The ownership of land that is earmarked for a public place as shown on an approved subdivision plan vests in the Municipality upon confirmation of the subdivision or a part thereof.

(2) The Municipality may in terms of conditions imposed in terms of section 54 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved subdivision plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

78 Restriction of transfer and registration

(1) Notwithstanding the provisions contained in this By-law or any conditions imposed in the approval of any application, the owner shall, at his or her cost and to the satisfaction of the Municipality, survey and register all servitudes required to protect the engineering services provided, constructed and installed as contemplated in Chapter 7.

(2) No Erf/Erven and/or units in a land development area, may be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the owner, prior to the Municipality certifying to the Registrar of Deeds that:

(a) All engineering services have been designed and constructed to the satisfaction of the Municipality, including guarantees for services having been provided to the satisfaction of the Municipality as may be required; and

(b) all engineering services and development charges have been paid; and

(c) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes; and

(d) all conditions of the approval of the application have been complied with or that arrangements have been made to the satisfaction of the Municipality for the compliance there of within 3 months of having certified to the Registrar in terms of this section that registration may take place; and

(e) that the Municipality is in a position to consider a final building plan; and

(f) that all the properties have either been transferred or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

79 First transfer

Where an owner of land to which a subdivision application relates is required to transfer land to the Municipality or an owner's association, by virtue of a condition set out in the conditions to the approval of an application contemplated in section 54, the land shall be so transferred at the expense of the applicant upon the registration of the first erf portion or opening of a sectional title scheme.

80 Certification by Municipality

(1) A person may not apply to the Registrar of Deeds to register the transfer of a land unit, unless the Municipality has issued a certificate in terms of this section.

(2) The Municipality may not issue a certificate to transfer a land unit in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—

(a) a certificate of a conveyancer confirming that funds due by the transferor in respect of land, have been paid;

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(b) proof of payment of any contravention penalty or proof of compliance with a directive contemplated in Chapter 9;

(c) proof that the land use and buildings constructed on the land unit comply with the requirements of the land use scheme;

(d) proof that all common property including private roads and private places originating from the subdivision, has been transferred to the owners' association as contemplated in Schedule 5; and

(e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with.

81 National and provincial interest

(1) In terms of section 52 of the Act an applicant shall refer any application which affects national or provincial interest respectively to the Minister and the Member of the Executive Council for comments, which comments are to be provided within 21 days as prescribed in subsection 52(5) of the Act.

(2) Where any application in terms of this By-law, which in the opinion of the Municipal Manager affects national or provincial interest as defined in section 52 of the Act, is submitted, such application must be referred to the Minister or the Member of the Executive Council respectively and the provisions of subsections 52(5) to 52(7) of the Act, apply with the necessary changes.

(3) The Municipal Planning Tribunal or Authorised Official as the case may be, as contemplated in this By-law and the Act, may direct that an application before it, be referred to the Minister and the Member of the Executive Council, if such an application in their opinion affects national or provincial interest and the provisions of subsections 52(5) to 52(7) of the Act apply with the necessary changes.

(4) Subsections (1) to (3) shall be read with subsection 33(1) of the Act in that the national and or provincial departments becomes parties to the application that affects national or provincial interest, but the Municipality remains the decision maker of first instance.

82 Procedure subsequent to lapsing of conditional approval of subdivision

(1) If a conditional approval of a subdivision has lapsed as contemplated in the Act, provincial legislation, a condition of approval or this By-Law, the applicant may -

(a) if he or she has substantially complied with the conditions of approval, within 90 days after the date that the conditional approval lapsed, submit a new application to the Municipality, and the Municipality may, in its sole discretion, determine which of the procedures required in Chapter 6, if any, apply to that new application; or

(b) request the Municipality to request an exemption from provision 43(2) of the Act as contemplated in section 55(1) of the Act.

(2) If a conditional approval has lapsed as contemplated in the Act, provincial legislation, a condition of approval of this By-Law and the applicant has not endeavoured to comply with the conditions of approval or has not substantially complied with the conditions of approval, he or she may submit a new application to the Municipality and the provisions of Chapter 6 apply to such application.

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(3) The provisions of Chapter 5 apply to an application submitted after a conditional approval for subdivision has lapsed

CHAPTER 6
GENERAL APPLICATION PROCEDURES

83 Applicability of Chapter

This Chapter applies to all applications submitted to the Municipality in terms of Chapter 5.

84 Procedures for making application

(1) The Municipal Manager may determine in relation to any application required in terms of this By-Law –

(a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;

(b) the manner of submission of an application;

(c) any other procedural requirements not provided for in this By-Law in accordance with the guidelines determined by the Municipality in accordance with section 184, if the Municipality has determined guidelines.

(2) A determination contemplated in subsection (1) may –

(a) relate to the whole application or any part of it; and

(b) differentiate between types of applications contemplated in section 57, categories of applications contemplated in section 31 or the type of applicant contemplated in section 45 of the Act.

(3) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter 5 or the relevant section of this By-law and the determination made by the Municipal Manager.

85 Information required

(1) Any application required in terms of this By-Law must be duly completed on a form approved by the Council, signed by the applicant and submitted to the Municipality.

(2) Any application referred to in subsection (1) must be accompanied by -

(a) if the applicant is not the owner of the land, a power of attorney signed by the owner authorising the applicant to make the application on behalf of the owner and –

(i) if the application is for development on communal land referred to in section 75, the power of attorney required in terms of this paragraph is the power of attorney referred to in section 75(2);

(ii) if the owner is married in community of property the power of attorney must be signed by both spouses;

(b) if the owner of the land is a company, closed corporation, body corporate or owners' association, proof that the person is authorised to act on behalf of the company, closed corporation, body corporate or owners' association;

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(c) if the owner of the land is a trust, the application must be signed by all the trustees;

(d) a written motivation for the application based on the criteria for consideration of the application; and

(e) proof of payment of application fees.

(3) In addition to the documents referred to in subsection (2), an application referred to in subsection (1) must be accompanied by the following documents:

(a) in the case of an application for the amendment of an existing scheme or land use scheme by the rezoning of land, the documents contemplated in Schedule 6;

(b) in the case of an application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land, the documents contemplated in Schedule 7;

(d) in the case of an application of the amendment or cancellation in whole or in part of a general plan of a township, such plans, diagrammes and other documents contemplated in Schedule 8;

(e) in the case of an application for the subdivision of any land, the documents contemplated in Schedule 9;

(f) in the case of an application for the consolidation of any land, the documents contemplated in Schedule 10;

(g) in the case of the permanent closure of any public place, the documents contemplated in Schedule 11;

(h) in the case of an application for consent use, the documents contemplated in Schedule 12;

(i) in the case of an application for the permanent or temporary departure from the land use scheme, the documents contemplated in Schedule 13; and

(j) in the case of any other application not referred to in this section, the documents determined by the Municipality.

(4) The Council may, by resolution –

(a) require additional documents, other than the documents listed in Schedules 6 to 13, to accompany an application listed in subsection (3); and

(b) determine that certain documents listed in Schedules 6 to 13 no longer have to accompany an application listed in subsection (3).

(5) In addition to the requirements of this section, the Municipality may make guidelines as contemplated in section 184 relating to the type of documentation required per type of application, the submission of additional information and procedural requirements.

86 Application fees

(1) An applicant must pay the application fees determined by the Municipality prior to submitting an application in terms of this By-law.

(2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany the application.

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87 Grounds for refusing to accept application

The Municipality may refuse to accept an application if—

(a) the municipality has already decided on the application;

(b) there is no proof of payment of fees;

(c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of an application as set out in section 85.

88 Receipt of application and request for further documents

The Municipality must—

(a) record the receipt of an application in writing or by affixing a stamp on the application on the day of receipt;

(b) notify the applicant in writing of any outstanding or additional plans, documents, other information or additional fees that it may require within 30 days of receipt of the application or the further period as may be agreed upon, failing which it is regarded that there is no outstanding information or documents; and

(c) if the application is complete, notify the applicant in writing that the application is complete within 30 days of receipt of the application.

89 Additional information

(1) The applicant must provide the Municipality with the information or documentation required for the completion of the application within 30 days of the request therefor or within the further period agreed to between the applicant and the Municipality.

(2) The Municipality may refuse to consider the application if the applicant fails to provide the information within the timeframes contemplated in subsection (1).

(3) The Municipality must notify the applicant in writing of the refusal to consider the application and must close the application.

(4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (3) to refuse to consider the application.

(5) If an applicant wishes to continue with an application that the Municipality refused to consider under subsection (3), the applicant must make a fresh application and pay the applicable application fees.

90 Confirmation of complete application

(1) The Municipality must notify the applicant in writing that the application is complete within 21 days of receipt of the additional plans, documents or information required by it or if further information is required as a result of the furnishing of the additional information.

(2) If further information is required, section 89 applies to the further submission of information that may be required.

91 Withdrawal of application

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(1) An applicant may, at any time prior to a decision being taken, withdraw an application on written notice to the Municipality.

(2) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney that authorised another person to make an application on his or her behalf.

92 Notice of applications in terms of integrated procedures

(1) The Municipality may, on prior written request and motivation by an applicant, determine that—

(a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or

(b) notice of an application made in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of other legislation.

(2) If a Municipality determines that an application may be published as contemplated in subsection (1)(b) an agreement must be entered into by the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.

(3) The Municipality must, within 30 days of having notified the applicant that the application is complete, simultaneously—

(a) cause public notice of the application to be given in terms of subsection 93(1); and

(b) forward a copy of the notice together with the relevant application to every municipal department, service provider and organ of state that has an interest in the application,

unless it has been determined by the Municipality that a procedure in terms of another law, as determined in subsection (1), is considered to be public notice in terms of this By-law.

(4) The Municipality may require the applicant to give the required notice of an application in the media.

(5) Where an applicant has published a notice in the media at the request of a Municipality, the applicant must provide proof that the notice has been published as required.

93 Notification of application

(1) The Municipality must cause notice to be given in the media and cause notice to be served, in accordance with section 94 , of the following applications:

(a) an application for a rezoning or a rezoning on the initiative of the Municipality;

(b) the subdivision of land larger than five hectares inside the urban edge as reflected in its municipal spatial development framework;

(c) the subdivision of land larger than one hectare outside the urban edge as reflected in its municipal spatial development framework;

(d) if the Municipality has no approved municipal spatial development framework or urban edge depicted for the area in question, the subdivision of land larger than five hectares inside the physical edge, including existing urban land use approvals, of the existing urban area;

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(e) if the Municipality has no approved municipal spatial development framework or urban edge depicted for the area in question,, the subdivision of land larger than one hectare outside the physical edge, including existing urban land use approvals, of the existing urban area;

(f) the closure of a public place;

(g) an application in respect of a restrictive condition;

(h) an application for a special consent;

(i) an application for a temporary land use departure;

(j) other applications that will materially affect the public interest or the interests of the community if approved.

(2) Notice of the application in the media must be given by—

(a) publishing a notice of the application, in newspapers with a general circulation in the area concerned in at least two of the official languages of the Province most spoken in the area concerned; or an official language determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act

(b) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned in accordance with section 95(1)(a) and on any other notice board as may be determined by the Municipality.

(3) For all applications not referred to in subsection 1, the applicant must submit proof of consent from such owners of abutting properties that are determined by the Municipality or notices served by registered post.

94 Serving of notices

(1) Notice of an application contemplated in section 93(1) and subsection (2) -

(a) is considered as having been served when:

(i) it has been delivered to that person personally;

(ii) it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

(iii) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;

(iv) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (i), (ii) or (iii); or

(v) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(b) must be in at least two of the official languages of the Province most spoken in the area concerned; and

(c) must be served on any person who, in the opinion of the municipal manager has an interest in the matter or whose rights may be affected by the approval of the application.

(2) Where an applicant has served a notice, the applicant must provide proof that the notice has been served as required.

(3) The date of notification in respect of a notice served in terms of this section—

(a) when it has been served by certified or registered post is the date of registration of the notice; and

(b) when it has been delivered to that person personally is the date of delivery to that person;

(c) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years is the date on which it has been left with that person; or

(d) when it has been posted in a conspicuous place on the property or premises to which it relates is the date that it is posted in that place.

95 Content of notice

When notice of an application must be given in terms of section 93 or served in terms of section 94, the notice must contain the following information:

(a) the details of the applicant;

(b) identify the land or land unit to which the application relates by giving the property description and the physical address;

(c) state the intent and purpose of the application;

(d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;

(e) state the contact details of the relevant municipal employee;

(f) invite members of the public to submit written comments, objections or representations together with the reasons therefor in respect of the application;

(g) state in which manner comments, objections or representations may be submitted;

(h) state the date by when the comments, objections or representations must be submitted which may not be less than 30 days from the date on which the notice was given;

(i) state that any person who cannot write may during office hours attend at an address stated in the notice where a named staff member of the Municipality will assist that person to transcribe that person’s objections, comments or representations.

96 Additional methods of public notice

(1) If the Municipality considers notice in accordance with sections 93 or 94 to be ineffective or the Municipality decides to give notice of any application in terms of this By-law, the Municipality may on its own initiative or on request require an applicant to follow one or more of the following methods to give additional public notice of an application:

(a) to display and maintain a notice contemplated in section 93 of a size of at least 60 cm by 42 cm on the frontage of the erf concerned or at any other conspicuous and easily accessible place on the erf, provided that—

(i) the notice must be displayed for a minimum of 30 days during the period that the public may comment on the application;

(ii) the applicant must, within 21 days from the last day of display of the notice, submit to the Municipality—

(aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and

(bb) at least two photos of the notice, one from nearby and one from across the street.

(b) to convene a meeting for the purpose of informing the affected members of the public of the application;

(c) to broadcast information regarding the application on a local radio station in a specified language;

(d) to hold an open day or public meeting to notify and inform the affected members of the public of the application;

(e) to publish the application on the Municipality's website for the duration of the period that the public may comment on the application; or

(f) to obtain letters of consent or objection to the application.

(2) Where an applicant has given additional public notice of an application on behalf of a Municipality, the applicant must provide proof that the additional public notice has been given as required.

97 Requirements for petitions

(1) All petitions must clearly state—

(a) the contact details of the authorised representative of the signatories of the petition;

(b) the full name and physical address of each signatory; and

(c) the objection and reasons for the objection.

(2) Notice to the person contemplated in subsection (1)(a), constitutes notice to all the signatories to the petition.

98 Requirements for objections, comments or representations

(1) A person may, in response to a notice received in terms of sections 93, 94 or 96, object, comment or make representations in accordance with this section.

(2) Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice and in the manner set out in this section.

(3) The objection must state the following:

(a) the name of the person or body concerned;

(b) the address or contact details at which the person or body concerned will accept notice or service of documents;

(c) the interest of the body or person in the application;

(d) the reason for the objection, comment or representation.

(4) The reasons for any objection, comment or representation must be set out in sufficient detail in order to—

(a) indicate the facts and circumstances which explains the objection, comment or representation;

(b) demonstrate the undesirable effect which the application will have on the area;

(c) demonstrate any aspect of the application which is not considered consistent with applicable policy.

(5) Any objection, comment or representation that is received after the closing date of the period referred to in subsection (2) is deemed not to be valid and the Municipality must not accept any such objection, comment or representation.

99 Requirements for intervener status

(1) Where an application has been submitted to the Municipality, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the Municipal Planning Tribunal or the Authorised Official in writing on the form approved by Council to be granted intervener status.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

(a) does not collude with any of the parties; and

(b) is willing to deal with or act in regard to the application as the Municipal Planning Tribunal or the Authorised Official may direct.

(3) The Municipal Planning Tribunal or the Authorised Official must determine whether the requirements of this section have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

(4) The presiding officer of the Municipal Planning Tribunal or the Authorised Official must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer or the Authorised Official is final and must be communicated to the petitioner and the parties.

100 Amendments prior to approval

(1) An applicant may amend his or her application at any time after notice of the application has been given in terms of these by-laws and prior to the approval thereof—

(a) at the applicant's own initiative;

(b) as a result of objections and comments made during the public notification process; or

(c) at the request of the Municipality.

(2) If an amendment to an application is material, the Municipality may require that further notice of the application be given in terms of this By-law and may require that the notice and the application be resent to municipal departments, organs of state and service providers.

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101 Further public notice

(1) The Municipality may require that a new notice of an application be given if more than 18 months has elapsed since the first public notice of the application and if the application has not been considered by the Municipality.

(2) The Municipality may, at any stage during the processing of the application—

(a) require notice of an application to be republished or to be served again; and

(b) an application to be resent to municipal departments for comment,

if new information comes to its attention which is material to the consideration of the application.

102 Cost of notice

The applicant is liable for the costs of giving notice of an application.

103 Applicant's right to reply

(1) Copies of all objections, comments or representations lodged with a Municipality must be provided to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.

(2) The applicant may, within a period of 30 days from the date of the provision of the objections, comments or representations, submit written reply thereto with the Municipality and must serve a copy thereof on all the parties that have submitted objections, comments or representations.

(3) The applicant may before the expiry of the 30 day period referred to in subsection (2), apply to the Municipality for an extension of the period with a further period of 14 days to lodge a written reply.

(4) If the applicant does not submit comments within the period of 30 days or within an additional period 14 of days if applied for, the applicant is considered to have no comment.

(5) If as a result of the objections, comments or representations lodged with a Municipality, additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.

(6) If the applicant does not provide the information within the timeframes contemplated in subsection (5), section 89(2) to (5) with the necessary changes, applies.

104 Written assessment of application

(1) An employee authorised by the Municipality must in writing assess an application in accordance with section 53 and recommend to the Municipal Planning Tribunal or Authorised Official whether the application must be approved or refused.

(2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

105 Decision-making period

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The Municipal Planning Tribunal and the Authorised Official must, if no integrated process in terms of another law is being followed, consider and decide on the application within the period referred to in regulation 16(4) and (5) of the Regulations.

106 Failure to act within time period

If no decision is made by the Municipal Planning Tribunal within the period required in terms of the Act, it is considered undue delay for purposes of these By-Laws and the applicant or interested person may report the non-performance of the Municipal Planning Tribunal or Authorised Official to the municipal manager, who must report it to the municipal council and mayor.

107 Powers to conduct routine inspections

(1) An employee authorised by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a report contemplated in section 104.

(2) When conducting an inspection, the authorised employee may—

(a) request that any record, document or item be produced to assist in the inspection;

(b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;

(c) on providing a receipt, remove a record, document or other item that is related to the inspection; or

(d) inspect any building or structure and make enquiries regarding that building or structure.

(3) No person may interfere with an authorised employee who is conducting an inspection as contemplated in subsection (1).

(4) The authorised employee must, upon request, produce identification showing that he or she is authorised by the Municipality to conduct the inspection.

(5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

108 Determination of application

The Municipality may in respect of any application submitted in terms of this Chapter -

(a) approve, in whole or in part, or refuse any application referred to it in accordance with this By-law;

(b) on the approval of any application, impose any reasonable conditions, including conditions related to the provision of engineering services and the payment of any development charges;

(c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law, the Act and provincial legislation;

(d) conduct any necessary investigation;

(e) give directions relevant to its functions to any person in the service of a Municipality;

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(f) decide any question concerning its own jurisdiction;

(g) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law;

109 Notification of decision

(1) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the decision of the decision and their right to appeal if applicable.

(2) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.

110 Extension of time for fulfilment of conditions of approval

(1) If an applicant wishes to request an extension of the time provided for in the approval in order to comply with the conditions of approval, this request must be in writing and submitted to the Municipality least 60 days prior to the date of the lapsing of the period of validity of the approval.

(2) Any request for an extension of time must be accompanied by the reasons for the request.

(3) The Municipality may not unreasonably withhold an approval for the extension of time.

(4) Following receipt of a request for an extension of time, the Municipality must issue a decision in writing to the applicant.

111 Duties of agent of applicant

(1) An applicant who is not the owner of the land concerned must ensure that he or she has the contact details of the owner of the property.

(2) The agent must ensure that all information furnished to the Municipality is accurate.

(3) The agent must ensure that no misrepresentations are made.

(4) The provision of inaccurate, false or misleading information is an offence.

112 Errors and omissions

(1) The Municipality may at any time correct an error in the wording of its decision provided that the correction does not change its decision or results in an alteration, suspension or deletion of a condition of its approval.

(2) The Municipality may, of its own accord or on application by an applicant or interested party, upon good cause being shown, condone an error in the procedure provided that such condonation does not have material adverse impact on or unreasonably prejudice any party.

113 Withdrawal of approval

(1) The Municipality may withdraw an approval granted for a consent use or temporary departure if the applicant or owner fails to comply with a condition of approval.

(2) Prior to doing so, the Municipality must serve a notice on the owner—

(a) informing the owner of the alleged breach of the condition;

(b) instructing the owner to rectify the breach within a specified time period;

(c) allowing the owner to make representations on the notice within a specified time period.

114 Procedure to withdraw approval

(1) The Municipality may withdraw an approval granted—

(a) after consideration of the representations made in terms of section 113(2)(c); and

(b) if the Municipality is of the opinion that the condition is still being breached and not being complied with at the end of the period specified in terms of section 113(2)(b).

(2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the activity immediately.

(3) The approval is withdrawn from date of notification of the owner.

115 Exemptions to facilitate expedited procedures

(1) The Municipality may in writing -

(a) exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of -

(i) integrated application processes as contemplated in section 92;

(ii) the provision of housing with the assistance of a state subsidy; or

(iii) incremental upgrading of informal areas;

(b) in an emergency situation authorise that a development may depart from any of the provisions of this By-law.

(2) If the Municipality exempts a development from compliance with the provisions of this By-law as contemplated in subsection (1), alternative provisions must be substituted to apply in such case.

CHAPTER 7

ENGINEERING SERVICES AND DEVELOPMENT CHARGES

Part A: Provision and Installation of Engineering Services

116 Responsibility for providing engineering services

(1) Every land development area must be provided with such engineering services as the Municipality may deem necessary for the appropriate development of the land.

(2) An applicant is responsible for the provision and installation of internal engineering services required for a development at his or her cost when an application is approved.

(3) The Municipality is responsible for the installation and provision of external engineering services, unless the engineering services agreement referred to in section 118 provides otherwise.

117 Installation of engineering services

(1) The applicant must provide and install the internal engineering services, including private internal engineering services, in accordance with the conditions of establishment and to the satisfaction of the Municipality, and for that purpose the applicant shall lodge with the Municipality such reports, diagrams and specifications as the Municipality may require.

(2) The Municipality shall have regard to such standards as the Minister/MEC may determine for streets and storm water drainage, water, electricity and sewage disposal services in terms of the Act.

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(3) If an engineering service within the boundaries of the land development area is intended to serve any other area within the municipal area, such engineering service and the costs of provision thereof must be treated as an internal engineering service to the extent that it serves the land development and as an external engineering service to the extent that it serves any other development.

(4) The Municipality must, where any private roads, private open spaces or any other private facilities or engineering services are created or to be constructed with the approval of any application set the standards for the width and or any other matter required to provide sufficient access and engineering services; including but not limited to:

(a) roadways for purposes of sectional title schemes to be created;

(b) the purpose and time limit in which private roads, private engineering services and private facilities are to be completed;

118 Engineering services agreement

(1) An applicant of an application and the Municipality must enter into an engineering service agreement if the Municipality requires such agreement.

(2) The engineering services agreement must –

(a) classify the services as internal engineering services, external engineering services or private engineering services;

(b) be clear when the applicant and the Municipality are to commence construction of internal engineering services, whether private engineering services or not, and external engineering services, at which rate construction of such services is to proceed and when such services must be completed;

(c) provide for the inspection and handing over of internal engineering services to the Municipality or the inspection of private internal engineering services;

(d) determine that the risk and ownership in respect of such services must pass to the Municipality or the owners' association as the case may be, when the Municipality is satisfied that the services are installed to its standards;

(e) require the applicant and the Municipality to take out adequate insurance cover in respect of such risks as are insurable for the duration of the land development; and

(f) provide for the following responsibilities after the internal services have been handed over to the Municipality or the owners' association:

(i) when normal maintenance by the relevant authority or owners' association must commence;

(ii) the responsibility of the applicant for the rectification of defects in material and workmanship; and

(iii) the rights of the relevant authority or owners' association if the applicant fails to rectify any defects within a reasonable period after having been requested to do so;

(g) if any one of the parties is to provide and install an engineering service at the request and at the cost of the other, such service must be clearly identified and the cost or the manner

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of determining the cost of the service must be clearly set;

(h) determine whether additional bulk services are to be provided by the Municipality and, if so, such services must be identified;

(i) determine which party is responsible for the installation and provision of service connections to residential, business, industrial, community facility and municipal erven, and the extent or manner, if any, to which the costs of such service connections are to be recovered;

(j) define the service connections to be made which may include all service connections between internal engineering services and the applicable erf or portion of the land and these include –

(i) a water-borne sewerage pipe terminating at a sewer connection;

(ii) a water-pipe terminating at a water meter; and

(iii) an electricity house connection cable terminating on the relevant erf; and

(k) clearly identify the level and standard of the internal engineering services to be provided and installed and these include, amongst others –

(i) water reticulation;

(ii) sewerage reticulation, sewage treatment facilities and the means of disposal of effluent and other products of treatment;

(iii) roads and storm-water drainage;

(iv) electricity reticulation (high and low tension);

(v) street lighting.

(3) The engineering services agreement may –

(a) require that performance guarantees be provided, or otherwise, with the provision that -

(i) the obligations of the parties with regard to such guarantees are clearly stated;

(ii) such guarantee is irrevocable during its period of validity; and

(iii) such guarantee is transferable by the person to whom such guarantee is expressed to be payable; and

(b) provide for the manner in which the parties are to finance their relative responsibilities in terms of the engineering services agreement and where appropriate, either party may undertake to provide bridging finance to the other party.

(4) Where only basic services are to be provided initially, the timeframes and the responsibility of the parties for the upgrading (if any) of services must be recorded in the engineering services agreement.

119 Abandonment or lapsing of application

Where an application is abandoned by the applicant or has lapsed in terms of any provision in terms of the Act, provincial legislation or conditions or this By-law, the engineering services agreement referred to in section 118 lapses and if the applicant had installed any engineering services before the lapsing of the application in terms of the engineering services agreement, he or she shall have no claim against the Council with regard to the provision and installation of any engineering services of whatsoever nature.

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120 Internal and external engineering services

For the purpose of this Chapter:

(a) **"external engineering services"** has the same meaning as defined in section 1 of the Act and consist of both "bulk services" and "link services";

(b) **"bulk services"** means all the primary water, sewerage, waste disposal, sewage treatment facilities and means of disposal of effluent and other products of treatment, electricity and storm-water services, as well as the road network in the system to which the internal services are to be linked by means of link services;

(c) **"link services"** means all new services necessary to connect the internal services to the bulk services; and

(d) **"internal engineering services"** has the same meaning as defined in section 1 of the Act and includes any link services linking such internal services to the external engineering services.

Part B: Development Charges

121 Payment of development charge

(1) The Municipality must develop a policy for development charges and may levy a development charge in accordance with the policy, for the provision of -

(a) the engineering services contemplated in this Chapter where it will be necessary to enhance or improves such services as a result of the commencement of an approved development; and

(b) open spaces or parks or other uses, such as social facilities and services, where the commencement of an approved development will bring about a higher residential density.

(2) If an application is approved by the Municipal Planning Tribunal subject to, amongst others, the payment of a development charge, the applicant or owner of the land to which the scheme relates, must, subject to section 123, pay the development charge to the Municipality.

(3) An applicant or owner who is required to pay a development charge in terms of this By-law shall pay such development charges to the Municipality before:

(a) a written statement contemplated in section 118 of the Municipal System Act is furnished in respect of the land;

(b) a building plan is approved in respect of:

(i) the proposed alteration of or addition to an existing building on the land;

(ii) the erection of a new building on the land, where that building plan, were it not for the approval of an application, would have been in conflict with the land use scheme in operation;

(c) the land is used in a manner or for a purpose which, were it not for the approval of an application would have been in conflict with the land use scheme in operation.

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122 Offset of development charge

(1) An agreement concluded between the Municipality and the applicant in terms of section 49(4) of the Act, to offset the provision of external engineering services against the applicable development charge, must be in writing and must include the estimated cost of the installation of the external engineering services.

(2) The applicant or the owner must submit documentary proof of the estimated cost of the installation of the external engineering services.

(3) The amount to be offset against the applicable development charge must be determined by the Municipality.

(4) If the cost of the installation of the external engineering services exceeds the amount of the applicable development charge, the Municipality may refund the applicant or the owner if there are funds available in the Municipality's approved budget.

(5) This section does not oblige the Municipality to offset any costs incurred in the provision of external engineering services other than that which may have been agreed upon in the engineering services agreement contemplated in section 118.

123 Payment of development charge in instalments

The Municipality may -

(a) in the circumstances contemplated in subparagraph (b) or (c), allow payment of the development charge contemplated in section 121 in instalments agreed to in the engineering services agreement which must comply with the timeframes provided for in the Municipality's Credit Control and Debt Collection By-Law or, if last-mentioned By-Law does not provide for such instalments, over a period not exceeding three years;

(b) in any case, allow payment of the development charge contemplated in section 121 to be postponed for a period not exceeding three months where security for the payment is given to its satisfaction;

(c) in exercising the power conferred by subparagraphs (a) or (b), impose any condition, including a condition for the payment of interest.

124 Refund of development charge

No development charge paid to the Municipality in terms of section 121 or any portion thereof shall be refunded to an applicant or owner: Provided that where the owner paid the applicable charge prior to the land use rights coming into operation and the application is abandoned in terms of section 119 the Municipality may, on such terms and conditions as it may determine, authorise the refund of development charges or any portion thereof.

125 General matters relating to contribution charges

(1) Notwithstanding any provision to the contrary, where a development charge or contribution for open space or other social facility is paid to the Municipality, such funds must, in terms of the provisions of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003), be kept separate and only applied by the Municipality towards the improvement and expansion of the services infrastructure or the provision of

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open space or parking, as the case may be, to the benefit and in the best interests of the general area where the land area is situated or in the interest of a community that occupies or uses such land area.

(2) The Municipality must annually prepare a report on the development charges paid to the Municipality together with a statement of the expenditure of such amounts and the purposes of such expenditure and must submit such report and statement to the Premier.

CHAPTER 8
APPEAL PROCEDURES
Part A: Establishment of Municipal Appeal Tribunal

126 Establishment of Municipal Appeal Tribunal

(1) The Municipality must, if it decides to implement section 51(6) of the Act, establish a Municipal Appeal Tribunal in accordance with the provisions of this Part and the Municipal Appeal Tribunal is hereby authorised to assume the obligations of the appeal authority.

(2) The Municipality may, if it is a member of a joint or District Municipal Planning Tribunal, in writing, agree with the other party to the joint or District Municipal Planning Tribunal agreement, to establish a joint or District Municipal Appeal Tribunal, provided that not all the parties to a joint or District Municipal Planning Tribunal have to be a party to a joint or District Municipal Appeal Tribunal.

(3) If a joint or District Municipal Appeal Tribunal is established that joint or District Municipal Appeal Tribunal is hereby authorised to assume the obligations of the appeal authority.

(4) An agreement to establish a joint or District Municipal Appeal Tribunal must describe the rights, obligations and responsibilities of the participating municipalities and must provide for -

(a) the name and demarcation code of each of the participating municipalities;

(b) the budgetary, funding and administrative arrangements for the joint or District Municipal Appeal Tribunal;

(c) the manner of appointment of members to the joint or District Municipal Appeal Tribunal, the filling of vacancies and the replacement and recall of the officials;

(d) the appointment of a chief presiding officer;

(e) the appointment of a nominee to inspect, at any time during normal business hours, the records, operations and facilities of the joint or District Municipal Appeal Tribunal on behalf of the participating municipalities;

(f) determine the conditions for, and consequences of the withdrawal from the agreement of a participating municipality;

(g) determine the conditions for, and consequences of, the termination of the agreement, including the method and schedule for winding-up the operations of the joint or District Municipal Appeal Tribunal; and

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(h) any other matter relating to the proper functioning of the joint or District Municipal Appeal Tribunal.

(5) The Municipality must, within 30 days after signing of the agreement contemplated in this section, authorise the joint or District Municipal Appeal Tribunal to assume the obligations of the appeal authority.

(6) The Municipality must, within 30 days after the authorisation referred to in subsection (2) publish a notice of the agreement in the *Provincial Gazette* and one newspaper that is circulated in the municipal area in two official languages determined by the Council, having regard to language preferences and usage within its municipal area, as contemplated in section 21 of the Municipal Systems Act.

(7) If a joint or District Municipal Appeal Tribunal is established in terms of this Part, a person who wants to appeal a decision taken by the joint or District Municipal Planning Tribunal must appeal against that decision to the joint or District Municipal Appeal Tribunal, as the case may be.

(8) Any reference in this Part to the Municipal Appeal Tribunal is, unless the context indicates otherwise, a reference to the joint or District Municipal Appeal Tribunal and the Municipality may, when the publication of a notice is required in this Part, jointly issue such notice together with the other participating Municipalities.

127 Institutional requirements for establishment of Municipal Appeal Tribunal

(1) The Municipality, in establishing a Municipal Appeal Tribunal in terms of section 126, must, amongst others –

(a) determine the terms and conditions of service of the members of the Municipal Appeal Tribunal;

(b) identify any additional criteria that a person who is appointed as a member of the Municipal Appeal Tribunal must comply with;

(c) consider the qualifications and experience of the persons it is considering for appointment to the Municipal Planning Tribunal, make the appropriate appointments and designate the chief presiding officer;

(f) inform the members in writing of their appointment;

(g) publish the names of the members of the Municipal Appeal Tribunal and their term of office in the *Provincial Gazette*;

(h) determine the location of the office where the Municipal Appeal Tribunal must be situated; and

(i) develop and approve operational procedures for the Municipal Appeal Tribunal.

(2) The Municipality may not appoint any person to the Municipal Appeal Tribunal if that person -

(a) is disqualified from appointment as contemplated in section 129; or

(b) if he or she does not possess the knowledge or experience required in terms of section 128 or the additional criteria determined by the Municipality in terms of subsection (1)(b).

(3) The Council must –

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(a) remunerate members of the Municipal Appeal Tribunal for each hearing of the Municipal Appeal Tribunal in accordance with the rates determined by Treasury; and

(b) designate an employee of the Municipality or appoint a person as secretary to the Municipal Appeal Tribunal.

128 Composition, term of office and code of conduct of Municipal Appeal Tribunal

(1) The chief presiding officer must designate at least three members of the Municipal Appeal Tribunal to hear, consider and decide a matter which comes before it and must designate one member as the presiding officer.

(2) No member of the Municipal Planning Tribunal or joint Municipal Planning Tribunal may serve on the Municipal Appeal Tribunal.

(3) If a person referred to in subsection (3) is a member of the Municipal Appeal Tribunal hearing the appeal, his or her membership renders the decision of the Municipal Appeal Tribunal on that matter void.

(4) The term of office of the members of the Municipal Appeal Tribunal is five years.

(5) After the first terms of office of five years referred to in subsection (4) has expired the appointment of members of the Municipal Appeal Tribunal for the second and subsequent terms of office must be in accordance with the provisions of this Part.

(6) A member whose term of office has expired may be re-appointed as a member of the Municipal Appeal Tribunal.

(7) Members of the Municipal Appeal Tribunal must sign and uphold the code of conduct contemplated in Schedule 14.

129 Disqualification from membership of Municipal Appeal Tribunal

(1) A person may not be appointed or continue to serve as a member of the Municipal Appeal Tribunal, if that person –

(a) is not a citizen of the Republic, and resident in the province;

(b) is an un-rehabilitated insolvent;

(c) is of unsound mind, as declared by a court;

(d) has at any time been convicted of an offence involving dishonesty;

(e) has at any time been removed from an office of trust on account of misconduct; or

(f) has previously been removed from a Municipal Planning Tribunal or Municipal Appeal Tribunal for a breach of any provision of this Act.

(2) A member must vacate office if that member becomes subject to a disqualification as contemplated in subsection (1).

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130 Termination of membership of Municipal Appeal Tribunal

(1) A person's membership of the Municipal Appeal Tribunal may be terminated by a decision of the Municipalities if there are good reasons for doing so after giving such member an opportunity to be heard.

(2) The reasons for removal referred to in subsection (1) may include, but are not limited to –

(a) misconduct, incapacity or incompetence; and

(b) failure to comply with any provisions of the Act or this By-Law.

(3) If a member's appointment is terminated or a member resigns, the Municipality must publish the name of a person selected by the Municipality to fill the vacancy for the unexpired portion of the vacating member's term of office.

(4) The functions of the Municipal Appeal Tribunal must not be affected if any member resigns or his or her appointment is terminated.

131 Status of decision of joint Municipal Appeal Tribunal

A decision of a joint Municipal Appeal Tribunal relating to land located in the municipal area of the Municipality is binding on the parties to the appeal and the Municipality.

Part B: Management of Appeal Authority

132 Presiding officer of appeal authority

The presiding officer of the appeal authority is responsible for managing the judicial functions of that appeal authority.

133 Bias and disclosure of interest

(1) No presiding officer or member of an appeal authority may sit at the hearing of an appeal against a decision of a Municipal Planning Tribunal if he or she was a member of that Municipal Planning Tribunal when the decision was made or if he or she was the official contemplated in section 35(2) of the Act and he or she made the decision that is the subject of the appeal.

(2) A presiding officer or member of an appeal authority who has or appears to have a conflict of interest as defined in subregulations (5) and (6) must recuse himself or herself from the appeal hearing.

(3) A party may in writing to the appeal authority request the recusal of the presiding officer or member of that appeal authority on the grounds of conflict of interest and the presiding officer must decide on the request and inform the party of the decision in writing.

(4) A decision by a presiding officer or member to recuse himself or herself or a decision by the appeal authority to recuse a presiding officer or member, must be communicated to the parties concerned by the registrar.

(5) For the purpose of this Chapter "conflict of interest" means any factor that may impair or reasonably give the appearance of impairing the ability of a member of an appeal authority to independently and impartially adjudicate an appeal assigned to the appeal authority.

(6) A conflict of interest arises where an appeal assigned to an appeal authority involves any of the following:

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(a) A person with whom the presiding officer or member has a personal, familiar or professional relationship;

(b) a matter in which the presiding officer or member has previously served in another capacity, including as an adviser, counsel, expert or witness; or

(c) any other circumstances that would make it appear to a reasonable and impartial observer that the presiding officer's or member's participation in the adjudication of the matter would be inappropriate.

134 Registrar of appeal authority

(1) The municipal manager of a municipality is the registrar of the appeal authority.

(2) Notwithstanding the provisions of subregulation (1), a municipal council may appoint a person or designate an official in its employ, to act as registrar of the appeal authority and if it so appoints or designates a person or an official, that person or official has delegated authority as contemplated in section 56 of the Act.

(3) Whenever by reason of absence or incapacity any registrar is unable to carry out the functions of his or her office, or if his or her office becomes vacant, the municipal council may, after consultation with the presiding officer of the appeal authority, authorise any other competent official in the public service to act in the place of the absent or incapacitated registrar during such absence or incapacity or to act in the vacant office until the vacancy is filled.

(4) Any person appointed under subsection (2) or authorised under subsection (3) may hold more than one office simultaneously.

135 Powers and duties of registrar

(1) The registrar is responsible for managing the administrative affairs of the appeal authority and, in addition to the powers and duties referred to in this Chapter, has all the powers to do what is necessary or convenient for the effective and efficient functioning of the appeal authority and to ensure accessibility and maintenance of the dignity of the appeal authority.

(2) The duties of the registrar include –

(a) the determination of the sitting schedules of the appeal authority;

(b) assignment of appeals to the appeal authority;

(c) management of procedures to be adhered to in respect of case flow management and the finalisation of any matter before the appeal authority;

(d) transmission all documents and making all notifications required by the procedures laid down in the provincial spatial planning and land use management legislation;

(e) the establishment of a master registry file for each case which must record –

(i) the reference number of each appeal;

(ii) the names of the parties;

(iii) all actions taken in connection with the preparation of the appeal for hearing;

(iv) the dates on which any document or notification forming part of the procedure are received in or dispatched from his or her office;

(v) the date of the hearing of the appeal;

(vi) the decision of the appeal authority;

(vii) whether the decision was unanimous or by majority vote; and

(viii) any other relevant information.

(3) The presiding officer of the appeal authority may give the registrar directions regarding the exercise of his or her powers under this Chapter.

(4) The registrar must give written notice to the presiding officer of all direct or indirect pecuniary interest that he or she has or acquires in any business or legal person carrying on a business.

Part C: Appeal Process

136 Commencing of appeal

An appellant must commence an appeal by delivering a Notice of Appeal on a form approved by the Council to the municipal manager and the parties to the original application within 21 days as contemplated in section 51 of the Act.

137 Notice of appeal

(1) A Notice of appeal must clearly indicate:

(a) whether the appeal is against the whole decision or only part of the decision and if only a part, which part;

(b) where applicable, whether the appeal is against any conditions of approval of an application and which conditions;

(c) the grounds of appeal including any findings of fact or conclusions of law;

(d) a clear statement of the relief sought on appeal;

(e) any issues that the appellant wants the appeal authority to consider in making its decision; and

(f) a motivation of an award for costs.

(2) An appellant may, within seven days from receipt of a notice to oppose an appeal amend the notice of appeal and must submit a copy of the amended notice to the appeal authority and to every respondent.

138 Notice to oppose an appeal

A notice to oppose an appeal must clearly indicate:

(a) whether the whole or only part of the appeal is opposed and if only a part, which part;

(b) whether any conditions of approval of an application are opposed and which conditions;

(c) whether the relief sought by the appellant is opposed; and

(d) the grounds for opposing the appeal including any finding of fact or conclusions of law in dispute;

(e) a clear statement of relief sought on appeal.

139 Screening of appeal

(1) When the appeal authority receives a Notice of Appeal, it must screen such Notice to determine whether:

(a) the person or party submitting the appeal fulfils the requirements to qualify as an appellant

(b) It complies with the form approved by Council;

(c) it is submitted within the required time limit; and,

(d) the appeal authority has jurisdiction over the appeal.

(2) If a Notice of Appeal does not comply with the form approved by Council, the appeal authority must return the Notice of Appeal to the appellant, indicating what information is missing and require that information to be provided and returned to the appeal authority by the appellant within a specific time period.

(3) If the Notice of Appeal is not provided and returned to the appeal authority with the requested information within the specified time period, the appellant's appeal will be considered abandoned and the appeal authority must notify the parties in writing accordingly.

(4) If the Notice of Appeal is received by the appeal authority after the required time limit has expired, the party seeking to appeal is deemed to have abandoned the appeal and the appeal authority will notify the parties in writing.

(5) If the appeal relates to a matter that appears to be outside the jurisdiction of the appeal authority, it must notify the parties in writing.

(6) The appeal authority may invite the parties to make submissions on its jurisdiction and it will then determine, based on any submissions received, if it has jurisdiction over the appeal and must notify the parties in writing of the decision.

(7) The provisions of this section apply, with the necessary changes, to a notice to oppose an appeal contemplated in section 138.

Part D: Parties to Appeal

140 Parties to appeal

(1) The parties to an appeal before an appeal authority are:

(a) the appellant who has lodged the appeal with the appeal authority in accordance with section 51(1) of the Act and this Chapter;

(b) the applicant, if the applicant is not the appellant as contemplated in paragraph (a);

(c) the Municipal Planning Tribunal that or the official authorised by the municipality as contemplated in section 35(2) of the Act who made the decision;

(d) any person who has been made a party to the proceeding by the appeal authority after a petition to the appeal authority under section 45(2) of the Act to be granted intervener status.

141 Intervention by interested person

(1) Where an appeal has been lodged by an appellant to the appeal authority, an interested person referred to in section 45(2) of the Act may, at any time during the proceedings, petition the appeal authority

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in writing to be granted intervener status on the grounds that his or her rights may have been affected by the decision of the Municipal Planning Tribunal or official referred to in section 34(2) of the Act and might therefore be affected by the judgement of the appeal authority.

(2) The petitioner must submit together with the petition to be granted intervener status an affidavit stating that he or she –

(a) does not collude with any of the appellants; and

(b) is willing to deal with or act in regard to the appeal as the appeal authority may direct.

(3) The registrar must determine whether the requirements of this regulation have been complied with and must thereafter transmit a copy of the form to the parties of the appeal.

(4) The presiding officer of the appeal authority must rule on the admissibility of the petitioner to be granted intervener status and the decision of the presiding officer is final and must be communicated to the petitioner and the parties by the registrar.

Part E: Jurisdiction of Appeal Authority

142 Jurisdiction of appeal authority

An appeal authority may consider an appeal on one or more of the following:

(a) the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and

(b) the merits of the application.

143 Oral or written appeal hearing by appeal authority

An appeal may be heard by an appeal authority by means of a written hearing and if it appears to the appeal authority that the issues for determination of the appeal cannot adequately be determined in the absence of the parties by considering the documents or other material lodged with or provided to it, by means of an oral hearing.

144 Representation before appeal authority

At the hearing of an appeal before an appeal authority, a party to the proceeding may appear in person or may be represented by another person.

145 Opportunity to make submissions concerning evidence

The appeal authority must ensure that every party to a proceeding before the appeal authority is given a reasonable opportunity to present his or her case and, in particular, to inspect any documents to which the appeal authority proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

Part F: Hearings of Appeal Authority

146 Notification of date, time and place of hearing

(1) The appeal authority must notify the parties of the date, time and place of a hearing no later than 14 days after the municipal manager submitted the appeal to the appeal authority.

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(2) The appeal authority will provide notification of the hearing to the appellant at the appellant's address for delivery.

147 Hearing date

(1) A hearing will commence on a date determined by the registrar, which hearing may not take place later than 60 days from the date on which the municipal manager submitted the appeal to the appeal authority.

(2) The parties and the presiding officer may agree to an extension of the date referred to in subsection (1).

148 Adjournment

(1) If a party requests an adjournment more than one day prior to the hearing, the party must obtain the written consent of the other party and the presiding officer of the appeal authority.

(2) The party requesting an adjournment must deliver to the appeal authority a completed form including reasons for the request.

(3) The appeal authority will notify the parties in writing of the decision of the presiding officer of the appeal authority.

(4) If the presiding officer of the appeal authority or the other party does not consent to the request for an adjournment, the hearing will not be adjourned.

(5) If a party requests an adjournment within one day prior to the hearing, the request must be made to the appeal authority at the hearing and may be made notwithstanding that a prior request was not consented to.

149 Urgency and condonation

(1) The registrar may –

(a) on application of any party to an appeal, direct that the matter is one of urgency, and determine such procedures, including time limits, as he or she may consider desirable to fairly and efficiently resolve the matter;

(b) on good cause shown, condone any failure by any party to an appeal to comply with these Regulations or any directions given in terms hereof, if he or she is of the opinion that such failure has not unduly prejudiced any other person;

(2) Every application for condonation made in terms of this regulation must be –

(a) served on the registrar;

(b) accompanied by a memorandum setting forth the reasons for the failure concerned; and

(c) determined by the presiding officer in such manner as he or she considers proper.

(3) Where a failure is condoned in terms of subregulation (1)(b), the applicant for condonation must comply with the directions given by the registrar when granting the condonation concerned.

150 Withdrawal of appeal

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An appellant or any respondent may, at any time before the appeal hearing, withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.

Part G: Oral Hearing Procedure

151 Location of oral hearing

An oral hearing must be held in a location within the area of jurisdiction of the municipality where the land affected by the decision is located, but may not be held in the office of the Municipal Planning Tribunal or the Authorised Official authorised in terms of section 35(2) of the Act whose decision is under appeal.

152 Presentation of each party's case

(1) Each party has the right to present evidence and make arguments in support of that party's case.

(2) The appellant will have the opportunity to present evidence and make arguments first, followed by the Municipal Planning Tribunal or the Authorised Official.

153 Witnesses

(1) Each party may call witnesses to give evidence before the panel.

(2) A witness may not be present at the hearing before giving evidence unless the witness is:

(a) an expert witness in the proceedings;

(b) a party to the appeal; or

(c) a representative of a party to the appeal.

154 Proceeding in absence of party

(1) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party if the party was notified of the hearing.

(2) Prior to proceeding, the appeal authority must first determine whether the absent party received notification of the date, time and place of the hearing.

(3) If the notice requirement was not met, the hearing cannot proceed and the presiding officer of the appeal authority must reschedule the hearing.

155 Recording

Hearings of the appeal authority must be recorded in hard copy and electronic format.

156 Oaths

Witnesses (including parties) are required to give evidence under oath or confirmation.

157 Additional documentation

(1) Any party wishing to provide the appeal authority with additional documentation not included in the appeal record should provide it to the appeal authority at least three days before the hearing date.

(2) The registrar must distribute the documentation to the other party and the members of the appeal authority.

(3) If the party is unable to provide the additional documentation to the appeal authority at least 3 days prior to the hearing, the party may provide it to the appeal authority at the hearing.

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(4) The party must bring copies of the additional documentation for the members of the appeal authority and the other party.

(5) If the additional documentation brought to the hearing is substantive or voluminous, the other party may request an adjournment from the appeal authority.

Part H: Written Hearing Procedure

158 Commencement of written hearing

The written hearing process commences with the issuance of a letter from the appeal authority to the parties establishing a submissions schedule.

159 Presentation of each party's case in written hearing

(1) Each party must be provided with an opportunity to provide written submissions to support their case.

(2) The appellant will be given 21 days to provide a written submission.

(3) Upon receipt of the appellant's submission within the timelines, the appeal authority must forward the appellant's submission to the Municipal Planning Tribunal or the Authorised Official.

(4) The Municipal Planning Tribunal or the Authorised Official has 21 days in which to provide a submission in response.

(5) If no submission is received by a party in the time established in the submissions schedule, it will be deemed that the party declined the opportunity to provide a submission.

160 Extension of time

(1) If a party wishes to request an extension of the time established to provide a written submission, this request must be in writing to the appeal authority in advance of the date on which the submission is due.

(2) Any request for an extension must be accompanied by the reasons for the request.

(3) Following receipt of a request for an extension of time, the appeal authority will issue a decision in writing to the parties.

161 Adjudication of written submissions

(1) Following receipt of any written submissions from the parties, the registrar must forward the appeal record, which includes the written submissions, to the appeal authority for adjudication.

(2) If no written submissions are received from the parties, the registrar will forward the existing appeal record to the appeal authority for adjudication.

(3) Any submission received after the date it was due but before the appeal authority for adjudication has rendered its decision will be forwarded to the presiding officer of the appeal authority to decide whether or not to accept the late submission.

(4) The appeal authority must issue a decision in writing to the parties and, if the submission is accepted, the other party will be given seven days to provide a written submission in response.

Part I: Decision of Appeal Authority

162 Further information or advice

After hearing all parties on the day of the hearing, the appeal authority –

(a) may in considering its decision request any further information from any party to the appeal hearing or conduct any investigation which it considers necessary;

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(b) may postpone the matter for a reasonable period to obtain further information or advice, in which case it must without delay make a decision as contemplated by paragraph (c);

(c) must within 21 days after the last day of the hearing, issue its decision on the appeal together with the reasons therefor.

163 Decision of appeal authority

(1) The appeal authority may confirm, vary or revoke the decision of the Municipal Planning Tribunal or Authorised Official and may include an award of costs.

(2) The presiding officer must sign the decision of the appeal authority and any order made by it.

164 Notification of decision

The registrar must notify the parties of the decision of the appeal authority, together with the reasons therefor within seven days after the appeal authority handed down its decision.

165 Directives to Municipality

The appeal authority must, in its decision, give directives to the Municipality concerned as to how such a decision must be implemented and which of the provisions of the Act and the Regulations have to be complied with by the municipality as far as implementation of the decision is concerned.

Part J: General

166 Expenditure

Expenditure in connection with the administration and functioning of the appeal authority must be defrayed from moneys appropriated by the applicable municipality.

CHAPTER 9
COMPLIANCE AND ENFORCEMENT

167 Enforcement

The Municipality must comply and enforce compliance with—

(a) the provisions of this By-law;

(b) the provisions of a land use scheme;

(c) conditions imposed in terms of this By-law or previous planning legislation; and

(d) title deed conditions.

168 Offences and penalties

(1) Any person who—

(a) contravenes or fails to comply with subsection (2);

(b) fails to comply with a compliance notice issued in terms of section 169;

(c) utilises land in a manner other than prescribed by the land use scheme of the Municipality;

(d) upon registration of the first land unit arising from a subdivision, fails to transfer all common property, including private roads and private places originating from the subdivision, to the owners' association;

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(e) supplies particulars, information or answers in an application or in an appeal to a decision on an application, knowing it to be false, incorrect or misleading or not believing them to be correct;

(f) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee; or

(g) hinders or interferes an authorised employee in the exercise of any power or the performance of any duty of that employee,

is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

(2) An owner who permits land to be used in a manner set out in subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of the land use scheme of the Municipality, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.

(3) A person convicted of an offence under this By-law who, after conviction, continues with the action in respect of which he or she was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he or she so continues or has continued with that act or omission.

(4) A Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

169 Service of compliance notice

(1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence contemplated in terms of section 168.

(2) A compliance notice must direct the occupier and owner to cease the unlawful land use or construction activity or both, forthwith or within the time period determined by the Municipality and may include an instruction to—

(a) demolish unauthorised building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or such other time period determined by the Municipal Manager; or

(b) submit an application in terms of this By-law within 30 days of the service of the compliance notice and pay the contravention penalty.

(3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).

(4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.

(5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorised work.

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(6) A person who received a compliance notice in terms of this section may lodge representations to the Municipality within 30 days of receipt of the compliance notice.

170 Content of compliance notices

(1) A compliance notice must—

(a) identify the person to whom it is addressed;

(b) describe the activity concerned and the land on which it is being carried out;

(c) state that the activity is illegal and inform the person of the particular offence contemplated in section 168 which that person allegedly has committed or is committing through the carrying on of that activity;

(d) describe the steps that the person must take and the period within which those steps must be taken;

(e) indicate anything which the person may not do, and the period during which the person may not do it;

(f) provide for an opportunity for a person to lodge representations contemplated in terms of section 169 with the contact person stated in the notice;

(g) issue a warning to the effect that—

(i) the person could be prosecuted for and convicted of and offence contemplated in section 168;

(ii) on conviction of an offence, the person will be liable for the penalties as provided for;

(iii) the person could be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;

(iv) in the case of a contravention relating to a consent use or temporary departure, the approval could be withdrawn;

(v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty including any costs incurred by the Municipality, will be imposed;

(2) Any person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 171.

171 Objections to compliance notice

(1) Any person or owner who receives a compliance notice in terms of section 168 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.

(2) Subject to the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—

(a) may suspend, confirm, vary or cancel a notice or any part of the notice; and

(b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or modified.

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172 Failure to comply with compliance notice

If a person fails to comply with a compliance notice the Municipality may—

(a) lay a criminal charge against the person;

(b) apply to the High Court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned; or

(c) in the case of a temporary departure or consent use, the Municipality may withdraw the approval granted and then act in terms of section 169.

173 Urgent matters

(1) In cases where an activity must be stopped urgently, the Municipality may dispense with the procedures set out above and issue a compliance notice calling upon the person or owner to cease immediately.

(2) If the person or owner fails to cease the activity immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

174 Subsequent application for authorisation of activity

(1) If instructed to rectify or cease an unlawful land use or building activity, a person may make an application to the Municipality for any land development contemplated in Chapter 5, unless the person is instructed under section 169 to demolish the building work.

(2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

175 Power of entry for enforcement purposes

(1) An authorised employee may, with the permission of the occupier or owner of land, at any reasonable time, and without a warrant, and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.

(2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of this By-law.

(3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

176 Power and functions of authorised employee

(1) In ascertaining compliance with this By-law as contemplated in section 167, an authorised employee may exercise all the powers and must perform all the functions granted to him or her under section 32 of the Act.

(2) An authorised employee may not have a direct or indirect personal or private interest in the matter to be investigated.

177 Warrant of entry for enforcement purposes

(1) A magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—

(a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or

(b) purpose of the inspection would be frustrated by the prior knowledge thereof.

(2) A warrant referred to in subsection (1) may be issued by a judge of a High Court or by a magistrate who has jurisdiction in the area where the land in question is situated, and may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—

(a) an authorised employee has been refused entry to land or a building that he or she is entitled to inspect;

(b) an authorised employee reasonably anticipates that entry to land or a building that he or she is entitled to inspect will be refused;

(c) there are reasonable grounds for suspecting that a contravention contemplated in section 167 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or

(d) the inspection is reasonably necessary for the purposes of this By-law.

(3) A warrant must specify which of the acts as contemplated in section 176(1) may be performed under the warrant by the person to whom it is issued and authorises the Municipality to enter upon the land or to enter the building or premises and to perform any of the acts referred to in section 176(1) as specified in the warrant on one occasion only, and that entry must occur—

(a) within one month of the date on which the warrant was issued; and

(b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

178 Regard to decency and order

The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include a person's right to respect for and protection of his or her dignity.

179 Court order

Whether or not a Municipality has instituted proceedings against a person for an offence contemplated in section 168, the Municipality may apply to the High Court for an order compelling that person to—

(a) demolish, remove or alter any building, structure or work illegally erected or constructed;

(b) rehabilitate the land concerned;

(c) to cease with the unlawful activity; or

(d) any other appropriate order.

CHAPTER 10
TRANSITIONAL PROVISIONS

180 Transitional provisions

(1) Any application or other matter in terms of any provision of National or Provincial legislation dealing with applications that are pending before the Municipality on the date of the coming into operation of this By-law, shall be dealt with in terms of that legislation or if repealed in terms of its transitional

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arrangements or in the absence of any other provision, in terms of this By-law, read with section 2(2) and section 60 of the Act;

(2) Where on the date of the coming into operation of an approved land use scheme in terms of section 26(1) of the Act, any land or building is being used or, within one month immediately prior to that date, was used for a purpose which is not a purpose for which the land concerned has been reserved or zoned in terms of the provisions of a land use scheme in terms of this By-law read with section 27 of the Act, but which is otherwise lawful and not subject to any prohibition in terms of this By-law, the use for that purpose may, subject to the provisions of subsection (3), be continued after that date read with the provisions of a Town Planning Scheme or land use scheme.

(3) The right to continue using any land or building by virtue of the provisions of subsection (2) shall;

(a) where the right is not exercised in the opinion of the Municipality for a continuous period of 15 months, lapse at the expiry of that period;

(b) lapse at the expiry of a period of 15 years calculated from the date contemplated in subsection (2);

(c) where on the date of the coming into operation of an approved land use scheme -

(i) a building, erected in accordance with an approved building plan, exists on land to which the approved land use scheme relates;

(ii) the erection of a building in accordance with an approved building plan has commenced on land and the building does not comply with a provision of the approved land use scheme, the building shall for a period of 15 years from that date be deemed to comply with that provision.

(d) where a period of 15 years has, in terms of this subsection, commenced to run from a particular date in the opinion of the Municipality in respect of any land or building, no regard shall, for the purposes of those subsections, be had to an approved scheme which comes into operation after that date.

(e) within one year from the date of the coming into operation of an approved land use scheme -

(i) the holder of a right contemplated in subsection (2) may notify the Municipality in writing that he is prepared to forfeit that right;

(ii) the owner of a building contemplated in paragraph (c) may notify the Municipality in writing that he is prepared to forfeit any right acquired by virtue of the provisions of that subsection;.

(4) Where at any proceedings in terms of this By-law it is alleged that a right has lapsed in terms of subsection (3)(a), such allegation is deemed to be correct until the contrary is proved.

(5) Where any land use provisions are contained in any title deed, deed of grant or 99 year leasehold, which did not form part of a town planning scheme, such land use provisions shall apply as contemplated in subsection (2).

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(6) If the geographic area of the Municipality is demarcated to incorporate land from another municipality then the land use scheme or town planning scheme applicable to that land remains in force until the Municipality amends, repeals or replaces it.

181 Determination of zoning

(1) Notwithstanding the provisions of section 180(2) and (3), the owner of land or a person authorised by the owner may apply to the Municipality for the determination of a zoning for land referred to in section 26(3) of the Act

(2) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:

(a) the lawful utilisation of the land, or the purpose for which it could be lawfully utilised immediately before the commencement of this By-law if it can be determined;

(b) the zoning, if any, that is most compatible with that utilisation or purpose and any applicable title deed condition;

(c) any departure or consent use that may be required in conjunction with that zoning;

(d) in the case of land that was vacant immediately before the commencement of this By-law, the utilisation that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and

(e) where the lawful utilisation of the land and the purpose for which it could be lawfully utilised immediately before the commencement of this By-law, cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.

(3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and give notice of its intention to do so in terms of section 93.

(4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be the lawful land use.

CHAPTER 11
GENERAL PROVISIONS

182 Delegations

Any power conferred in this By-law on the Municipality, Council or municipal manager may be delegated by the Municipality, Council and the municipal manager subject to section 56 of the Act and section 59 of the Local Government: Municipal Systems Act.

183 Fees payable

Any fee payable to the Municipality in terms of this By-Law is determined annually in terms of section 24(2) of the Municipal Finance Management Act, 2003 read with sections 74 and 75A of the Municipal Systems Act and forms part of the By-Law to constitute the Tariff Structure of the Municipality.

184 Policy, procedure, determination, standard, requirement and guidelines

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(1) The Municipality may adopt a policy, procedure, determination, standard, requirement or guidelines, not inconsistent with the provisions of the Act and this By-Law, for the effective administration of this By-Law.

(2) Unless the power to determine is entrusted to the Council, another person or body, the Municipal Manager may determine anything which may be determined by the Municipality in terms of the Act, the Regulations or this By-Law.

(3) The Municipality must make available any policy, procedure, determination, standard, requirement or guidelines.

(4) An applicable policy, procedure, determination, standard, requirement and guidelines apply to an application submitted and decided in terms of this By-Law.

185 Short title and commencement

(1) This By-law is called the By-law on Spatial Planning and Land Use Management.

(2) This By-law comes into operation on the date of publication in the *Provincial Gazette*.

SCHEDULE 1

INVITATION TO NOMINATE A PERSON TO BE APPOINTED AS A MEMBER TO THE KOUGA MUNICIPAL PLANNING TRIBUNAL

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the Kouga Municipality hereby invites nominations for officials or employees of the (*insert name of organ of state or non-governmental organisation contemplated in regulation (3)(2)(a) of the Regulations*) to be appointed to the Kouga Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the Kouga Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 34(1)(b) – (f) of the By-law on Municipal Land Use Planning, 2015, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.
Each nomination must be in writing and must contain the following information:

(a) The name, address and identity number of the nominee;

(b) The designation or rank of the nominee in the organ of state or non-governmental organisation;

(c) A short curriculum vitae of the nominee (not exceeding two pages);

(d) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Nominations must be sent to:
The Municipal Manager
Kouga Municipality
P.O. Box _____
_____
_____
For Attention: _____
For Enquiries: _____
Tel _____

_____

* I, ……..…..(full names of nominee),
ID No (of nominee) …….,
hereby declare that –

(a) I am available to serve on _____ Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me OR I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);

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(b) there is no conflict of interest OR I have the following interests which may conflict with the _____ Municipal Planning Tribunal which I have completed on the declaration of interest form (*delete the option not applicable*);

(c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the Kouga Municipal Planning Tribunal and I authorise the Kouga Municipality to verify any record in relation to such disqualification or requirement.

(d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Kouga Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

CLOSING DATE: (INSERT DATE)

_____

Signature of Nominee

_____

Full Names of Nominee

_____

Signature of Person signing on behalf of the Organ of State or Non-Governmental Organisation

_____

Full Names of Person signing on behalf of the Organ of State or Non-Governmental Organisation

SCHEDULE 2

CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE KOUGA MUNICIPAL PLANNING TRIBUNAL

CLOSING DATE: (INSERT DATE)

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, the Kouga Municipality hereby call for nominations for members of the public to be appointed to the Kouga Municipal Planning Tribunal for its first term of office.

The period of office of members will be five years calculated from the date of appointment of such members by the Kouga Municipality.

Nominees must be persons registered with the professional bodies contemplated in section 34(1)(b) – (g) of the By-law on Municipal Land Use Planning, 2015, who have leadership qualities and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto.

Each nomination must be in writing and must contain the following information:

(a) The name and address of the nominator, who must be a natural person and a person may nominate himself or herself;

(b) The name, address and identity number of the nominee;

(d) Motivation by the nominator for the appointment of the nominee to the Kouga Municipal Planning Tribunal (no less than 50 words and no more than 250 words);

(e) A short curriculum vitae of the nominee (not exceeding two pages);

(f) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements may result in the disqualification of the nomination.

Nominations must be sent to:

The Municipal Manager

Kouga Municipality

P.O. Box _____

_____

_____

For Attention: _____

For Enquiries: _____

Tel _____

_____

* I, ……..…..(full names of nominee),

ID No (of nominee) …….,

hereby declare that –

(a) I am available to serve on Kouga Municipal Planning Tribunal and I am willing to serve as chairperson or deputy chairperson should the Council designate me / I am not willing to serve a chairperson or deputy chairperson (*delete the option not applicable*);

(b) there is no conflict of interest OR I have the following interests which may conflict with the Kouga Municipal Planning Tribunal and which I have completed on the declaration of interest form (*delete the option not applicable*);

(c) I am not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act, 16 of 2013 to serve on the Kouga Municipal Planning Tribunal and I authorise the Kouga Municipality to verify any record in relation to such disqualification or requirement;

(d) I undertake to sign, commit to and uphold the Code of Conduct applicable to members of the Kouga Municipal Planning Tribunal.

No nominations submitted after the closing date will be considered.

_____

Signature of Nominee

_____

Full Names of Nominee

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SCHEDULE 3
DISCLOSURE OF INTERESTS FORM

I, the undersigned,

Full names: _____
Identity Number: _____
Residing at: _____
_____
_____
_____

do hereby declare that -

(a) the information contained herein fall within my personal knowledge and are to the best of my knowledge complete, true and correct, and

(b) that there is no conflict of interest between myself and the Kouga Municipal Planning Tribunal; or

(c) I have the following interests which may conflict or potentially conflict with the interests of the Kouga Municipal Planning Tribunal;

CONFLICTING INTERESTS

(d) the non-executive directorships previously or currently held and remunerative work, consultancy and retainership positions held as follows:

1. NON-EXECUTIVE DIRECTORSHIP	
Name of Company	**Period**
1.	
2.	
3.	
4.	
5.	

2. REMUNERATIVE WORK, CONSULTANCY & RETAINERSHIPS			
Name of Company& Occupation	**Type of Business**	**Rand amount per month**	**Period**
1.			
2.			
3.			
4.			
5.			

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3. CRIMINAL RECORD	
Type of Offence	**Dates/Term of Sentence**
1.	

(e) I am South African citizen or a permanent resident in the Republic

(f) I am not a member of Parliament, a provincial legislature, a Municipal Council or a House of Traditional Leaders;

(g) I am not an un-rehabilitated insolvent;

(h) I have not been declared by a court of law to be mentally incompetent and have not been detained under the Mental Health Care Act, 2002 (Act No. 17 of 2002);

(i) I have not at any time been convicted of an offence involving dishonesty;

(j) I have not at any time been removed from an office of trust on account of misconduct;

(k) I have not previously been removed from a tribunal for a breach of any provision of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Land Use Planning By-Laws, 2015 enacted by the Kouga Municipality;

(l) I have not been found guilty of misconduct, incapacity or incompetence; or

(m) I have not failed to comply with the provisions of the Spatial Planning and Land Use Management Act, 2013 or provincial legislation or the Land Use Planning By-Laws, 2015 enacted by the Kouga Municipality.

Signature of Nominee: _____

Full Names: _____

SWORN to and **SIGNED** before me at _____on this _____day of_____.

The deponent having acknowledged that he knows and understands the contents of this affidavit, that the contents are true, and that he or she has no objection to taking this oath and that he or she considers the oath to be binding on his or her conscience.

_____

COMMISSIONER OF OATHS

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

SCHEDULE 4

CODE OF CONDUCT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

I, the undersigned,

Full names: _____
Identity Number: _____
Residing at: _____
_____
_____
_____

do hereby declare that I will uphold the Code of Conduct of the Kouga Municipal Planning Tribunal contained hereunder:

General conduct

1. A member of the Municipal Planning Tribunal must at all times—
   (a) act in accordance with the principles of accountability and transparency;
   (b) disclose his or her personal interests in any decision to be made in the planning process in which he or she serves or has been requested to serve;
   (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which he or she has a personal interest and leave any chamber in which such matter is under deliberation unless the personal interest has been made a matter of public record and the municipality has given written approval and has expressly authorised his or her participation.

2. A member of the Municipal Planning Tribunal may not—
   (a) use the position or privileges of a member of the Municipal Planning Tribunal or confidential information obtained as a member of the Municipal Planning Tribunal for personal gain or to improperly benefit another person; and
   (b) participate in a decision concerning a matter in which that member or that members' spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence a person's objectivity as an advisor or decision-maker in the planning process.

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Undue influence

4. A member of the Municipal Planning Tribunal may not—

(a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;

(b) use confidential information acquired in the course of his or her duties to further a personal interest;

(c) disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and

(d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

Signature of Nominee: _____

Full Names: _____

Date: _____

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SCHEDULE 5
OWNERS' ASSOCIATIONS

General

1. The Municipality may, when approving an application for a subdivision of land impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
2. An owners' association that comes into being by virtue of sub item 1 is a juristic person and must have a constitution.
3. The constitution of an owners' association must be approved by the Municipality before the transfer of the first land unit and must provide for—
   (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
   (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
   (c) the regulation of at least one yearly meeting with its members;
   (d) control over the design guidelines of the buildings and erven arising from the subdivision;
   (e) the ownership by the owners' association of private open spaces, private roads and other services arising out of the subdivision;
   (f) enforcement of conditions of approval or management plans;
   (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;
   (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
4. The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.
5. The constitution of an owners' association may be amended when necessary provided that an amendment that affects the Municipality or a provision referred to in subitem 3 is approved by the Municipality.
6 An owners' association which comes into being by virtue of sub-item 1 -
   (a) has as its members all the owners of land units originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
   (b) is upon registration of the first land unit, automatically constituted.
7. The design guidelines contemplated in subitem 3(d) may introduce more restrictive development rules than the rules provided for in the zoning scheme.
8. If an owners' association fails to meet any of its obligations contemplated in subitem 3 and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in subitem 6(a), the amount of any expenditure incurred by it in respect of those actions.

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9. The amount of any expenditure so recovered is, for the purposes of subitem 8, considered to be expenditure incurred by the owners' association.

Owners' association ceases to function

1. If an owners' association ceases to function or carry out its obligations, the Municipality may—
   (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
   (b) subject to the amendment of the conditions of approval remove the obligation to establish an owners' association; or
   (c) subject to amendment of title conditions pertaining to the owners' association remove any obligations in respect of an owners' association.
2. In determining which option to follow, the Municipality must have regard to—
   (a) the purpose of the owners' association;
   (b) who will take over the maintenance of infrastructure which the owners' association is responsible for, if at all; and
   (c) the impact of the dissolution or the owners' association on the members and the community concerned.

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SCHEDULE 6
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE AMENDMENT OF AN EXISTING SCHEME OR LAND USE SCHEME BY THE REZONING OF LAND

1. An application for the amendment of an existing scheme or land use scheme by the rezoning of land must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a certified copy of the title deed of relevant land;

   (b) a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;

   (c) a locality plan on an appropriate scale;

   (d) a zoning plan or land use rights plan, in colour and on an appropriate scale, of the application surrounding properties;

   (e) a site development plan;

   (f) if the land is encumbered by a bond, the consent of the bondholder,

2, An application contemplated in Part C of Chapter 5 does not have to be accompanied by a certified copy of the title deed of the relevant land or the consent of the bondholder.

3. The motivation contemplated in section 85(2)(d) must contain at least the following information:

   (a) An indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them;

   (b) the interest of the applicant in bringing the application;

   (c) a discussion on the content of the scheme prior to the proposed amendment and the need for the amendment;

   (d) a discussion on the proposed amendment;

   (e) the expected impact on the current, adopted municipal spatial development framework and integrated development plan;

   (f) the possible impact of the amendment on the environment and probable mitigating elements;

   (g) an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;

   (h) an indication of the persons, communities and institutions likely to be affected by the amendment and the likely impact on them.

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SCHEDULE 7
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE REMOVAL, AMENDMENT OR SUSPENSION OF A RESTRICTIVE OR OBSOLETE CONDITION, SERVITUDE OR RESERVATION REGISTERED AGAINST THE TITLE OF THE LAND

1. An application for the removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a certified copy of the title deed of the land;

   (b) a certified copy of the notarial deed of servitude;

   (c) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;

   (d) a copy of the servitude diagram approved by the Surveyor-General;

   (e) a locality plan on an appropriate scale;

   (f) a description of all existing and proposed servitudes and services on the land; and

   (g) if the land is encumbered by a bond, the consent of the bondholder.

2. The motivation contemplated in section 85(2)(d) must make specific reference to the applicable condition or servitude, as well as a motivation on the necessity and desirability of the application.

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SCHEDULE 8
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION OF THE AMENDMENT OR CANCELLATION IN WHOLE OR IN PART OF A SUBDIVISION PLAN

1. An application for the amendment or cancellation in whole or in part of a subdivision plan must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) copies of the relevant sheet of the general plan which may be reduced copies of the original;

   (b) copies of a plan of the township showing the posed alteration or amendment or, if partial cancellation is applied for, the portion of the plan cancelled;

   (c) copy of the title deed which is registered in the Deeds Office at the time when the application is submitted of the land affected by the alteration, amendment or total or partial cancellation;

   (d) if the land is encumbered by a bond, the bondholder's consent;

2. The motivation contemplated in section 85(2)(d) must state the reasons for the posed alteration or amendment.

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SCHEDULE 9
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE SUBDIVISION OF ANY LAND

1. An application for the subdivision of land must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a certified copy of the title deed of the land;

   (b) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;

   (c) the appropriate consent where required in terms of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) or any subsequent amended act;

   (d) a locality plan on an appropriate scale;

   (f) a layout plan in the scale approved by the Council and containing the information as considered necessary by the Municipality;

   (g) draft conditions of establishment for the proposed subdivision;

   (h) a copy of the appropriate zoning of the applicable land;

   (i) if the land is encumbered by a bond, the consent of the bondholder.

2. The motivation contemplated in section 85(2)(d) must contain at least the following information:

   (a) The development intentions of the Municipality on the application property, as contained in the spatial development framework and other municipal policies;

   (b) the need and desirability of the proposed subdivision;

   (c) a justification on the suitability of the land for subdivision;

   (d) a traffic impact assessment of the proposed development;

   (e) an assessment of the social impact of the proposed land development;

   (f) the impact of the proposed land development on the future use of land in the locality;

   (g) the impact of the proposed subdivision on the future use of land in the locality;

   (h) the availability of subdivided land in the area and the need for the creation of further erven or subdivisions;

   (i) the effect of the development on the use or development of other land which has a common means of drainage;

   (j) the subdivision pattern having regard to the physical characteristics of the land including existing vegetation;

   (k) the density of the proposed development;

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(l) the area and dimensions of each erf;

(m) the layout of roads having regard to their function and relationship to existing roads;

(n) the existing land use rights on the property;

(o) the movement of pedestrians and vehicles throughout the development and the ease of access to all erven;

(p) the provision and location of public open space and other community facilities;

(q) the phasing of the subdivision;

(r) the provision and location of common property;

(s) the functions of any body corporate;

(t) the availability and provision of municipal services;

(u) if the land is not serviced and no provision has been made for a waterborne sewer system, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each erf or subdivided land parcel;

(v) whether, in relation to subdivision plans, any sensitive vegetation can be protected through subdivision and siting of open space areas;

(w) an indication whether an application must be made for an environmental authorization in terms of the National Environmental Management Act, 1998;

(x) the existing land use rights on the property; and

(y) the applicable regulations as contained in the land use scheme.

SCHEDULE 10
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR THE CONSOLIDATION OF ANY LAND

1. An application for the consolidation of land must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a certified copy of the title deed of the land;

   (b) a copy of the diagram of every property concerned or, where such diagram is not available, a plot diagram to every piece of land concerned;

   (c) a locality plan on an appropriate scale;

   (d) a layout plan in the scale approved by the Council;

   (e) draft conditions of establishment for the proposed consolidation;

   (f) a copy of the appropriate zoning of the applicable land;

   (g) if the land is encumbered by a bond, the consent of the bondholder.

2. The motivation contemplated in section 85(2)(d) must explain and motivate the application.

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SCHEDULE 11
ADDITIONAL DOCUMENTS REQUIRED FOR THE PERMANENT CLOSURE OF A PUBLIC PLACE IF AN APPLICATION IS SUBMITTED

1. An application for the permanent closure of a public place must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a copy of the relevant general plan;

   (b) a copy of the approved conditions of establishment of the existing township;

   (c) a locality plan on an appropriate scale;

   (d) a layout plan in the scale approved by the Council;

2. The motivation contemplated in section 85(2)(d) must explain and motivate the application.

SCHEDULE 12
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR CONSENT OR APPROVAL REQUIRED IN TERMS OF A CONDITION OF TITLE, A CONDITION OF SUBDIVISION OR CONDITION OF AN EXISTING SCHEME OR LAND USE SCHEME

1. An application for the consent or approval required in terms of a condition of title, a condition of subdivision or condition of an existing scheme or land use scheme must, in addition to the documentation referred to in section 85(2), be accompanied by –

   (a) a certified copy of the title deed of relevant land;

   (b) a copy of the diagram of every application property or, where such diagram is not available, a plot diagram to every piece of land being the subject of the application;

   (c) a locality plan on an appropriate scale;

   (d) a description of all existing and proposed servitudes and/or services on the applicable land;

   (e) the copy of the land use rights certificate on the applicable land;

   (f) if the land is encumbered by a bond, the consent of the bondholder;

   (g) a zoning plan or land use rights plan; and

   (h) a land use plan.

2. The motivation contemplated in section 85(2)(d) must make specific reference to the zoning and other regulations in terms of the land use scheme.

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SCHEDULE 13
ADDITIONAL DOCUMENTS REQUIRED FOR AN APPLICATION FOR TEMPORARY USE

1. An application for temporary use must, in addition to the documentation referred to in section 85(2), be accompanied by –
   (a) a power of attorney from the registered owner of the land if the applicant is not the registered owner;
   (b) if the land is encumbered by a bond, the bondholder's consent'
   (c) a locality plan;
   (d) a copy of the title deed which is registered in the Deeds Office at the time when the application is submitted;
   (e) a copy of the zoning certificate, including any notices published in terms of this By-law which has the purpose of changing the land use rights which may be applicable.
2. The motivation contemplated in section 85(2)(d) must contain at least the following information:
   (a) reference to the objective and principles contained in this By-law;
   (b) reference to the Integrated Development Plan and Municipal Spatial Development Framework and its components and any other policies, plans or frameworks with specific reference on how this application complies with it or deviated from it;
   (c) the need and desirability of the application;
   (d) discuss the application in terms of the development principles, norms and standards as referred to in Chapter 2 of the Act.

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SCHEDULE 14
CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL APPEAL TRIBUNAL

I, the undersigned,

Full names: _____
Identity Number: _____
Residing at: _____
_____
_____
_____

do hereby declare that I will uphold the Code of Conduct of the Municipal Appeal Tribunal contained hereunder:

General conduct

1. I, as a member of the Municipal Appeal Tribunal will at all times—
   (a) act in accordance with the principles of accountability and transparency;
   (b) disclose my personal interests in any decision to be made in the appeal process in which I serve or have been requested to serve;
   (c) abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which I have a personal interest and I will leave any chamber in which such matter is under deliberation unless my personal interest has been made a matter of public record and the Municipality has given written approval and has expressly authorised my participation.

3. I will not, as a member of the Municipal Appeal Tribunal -
   (a) use the position or privileges as a member of the Municipal Appeal Tribunal or confidential information obtained as a member of the Municipal Appeal Tribunal for personal gain or to improperly benefit another person; and
   (b) participate in a decision concerning a matter in which I or my spouse, partner or business associate, has a direct or indirect personal interest or private business interest.

Gifts

3. I will not, as a member of the Municipal Appeal Tribunal receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers are intended or expected to influence my objectivity as a member of the Municipal Appeal Tribunal.

Undue influence

4. I will not, as a member of the Municipal Appeal Tribunal -

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(e) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;

(f) use confidential information acquired in the course of my to further a personal interest;

(g) disclose confidential information acquired in the course of my duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and

(h) commit a deliberately wrongful act that reflects adversely on the Municipal Appeal Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that I am prepared, willing or able to influence decisions of the Municipal Appeal Tribunal by improper means.

Signature of Member: _____

Full Names: _____

Date: _____

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Stakeholder	Section	Summary of Comments	Response
Private	**Draft By-Law Amendment 2** (Substitution of Section 13(2))	The amendment grants the Municipal Planning Tribunal (MPT) or Authorised Official (AO) authority to **approve** an application that departs from the MSDF. The departure is only noted retrospectively during the annual review.	This is inconsistent with the SPLUMA provisions. An item must only be submitted to Council for noting and permission to include during the review of the SDF. The by-laws only make provision for immaterial deviations from the SDF. The proposed amendment will facilitate development which is already supported by the MPT.
Private	**Draft By-Law Amendment 45** (Substitution of Section 109(1))	Changes the trigger for decision notification from "within 21 days of its decision" to "within 21 days from **approval of minutes** ".	Comment supported. Section retained to read 'the Municipality must, **within 21 days of its decision**, in writing notify the applicant."
Private	**Draft By-Law Amendment 37** (Deletion of Section 93(1)(h) & (i))	Deletes mandatory public notification for **"an application for a special consent"** and **"an application for a temporary land use departure"**	Section amended to allow neighbours consent for 2nd dwellings only. All other special consent will be subjected to full participation. Second dwellings are deemed to have minimal impact of immediate environment.
Private	**Draft By-Law Amendment 66** (Substitution of Section 132)	Designates the **executive mayor** as the appeal authority presiding officer. The appeal function is quasi-judicial and demands impartiality. Introducing political authority (Executive Mayor) compromises this impartiality, acknowledging the risk that an **"impartial observer"** may view this participation as **"inappropriate"** .	SPLUMA already identifies the executive Mayor as the appeal authority. Additional provisions are made for Council to appoint an appeal tribunal comprising of external member. The proposed amendment further makes provision for Council to appoint Mayoral Committee members as Appeal Authority and not just advisors.
Private	**Proposed Amendments to Section 61(5) and Section 61(6)**	Section 61(5) shifts authority from the municipality to the Surveyor-general but Section 61(6) removes the requirement for consultation with the	This is a requirement in terms of SPLUMA. The applicant must ensure endorsement by the SG within 5 years from date of approval.

		Surveyor-general. As a non-expert I may find this contradictory, but the planning department may have a very valid reason for the proposed amendments.	Section amended to clarify the contradiction.
Private	**Comment on Amendment to Section 76: Application for Permanent or Temporary Departures**	The proposed amendment to Section 76 replaces the existing framework for managing applications for permanent and temporary departures and introduces significant procedural and substantive changes with implications for flexibility, administrative certainty, and alignment with other legislation.	Temporary departures are limited to five years in terms of SPLUMA and may not be extended beyond five years. Permanent structures will result in non-compliance after the lapsing of the land use application.

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD2**

REQUEST FOR FINAL APPROVAL: DRAFT KOUGA MUNICIPALITY PROBLEM BUILDING BY-LAW

1. **Introduction**

The purpose of this report is to submit to Council the Draft Kouga Municipality Problem Building By-laws for final approval. (See Annexure A)

2. **Background**

Kouga Municipality currently faces challenges posed by unsafe, abandoned, poorly maintained, illegally occupied, or otherwise hazardous buildings. The Draft Kouga Municipality Problem Building By-law was presented at the Policy Workshop on 19 February 2026.

3. **Discussion**

The proposed Kouga Municipality Problem Building By-laws provides a structured legal framework to enable the Municipality to identify, investigate, declare, and take appropriate action in respect of problem buildings while ensuring procedural fairness and constitutional compliance. The By-law provides a legal framework that can be enforced in court, protecting the community's rights.

On 29 April 2026, Council approved the Draft Kouga Municipality Problem Building By-law and further granted permission to undertake public participation. The bylaw was published for comments on the 21 May 2026 for 60 days, ending 21 July 2026. There were no comments received from the public.

4. **Financial Implications**

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

KOUGA MUNICIPALITY:

PROBLEM BUILDINGS BY-LAW

DOCUMENT CONTROL:

By-Law Title:	Kouga Problem Buildings By-Law
File plan reference number:	
Directorate:	Planning and Development
Section:	Building Control
Responsible Official:	
Version:	1
Status of the document:	New
Council approval date	
Council resolution number	
Future review date:	
Gazette number:	
Date of gazette:	

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PREAMBLE

Whereas a Municipality, in terms of section 156 (1) (a) of the Constitution of the Republic of South Africa, 1996, has executive authority in respect of, and has the right to administer matters as set out in Part B of Schedule 4.

Whereas a Municipality may, in terms of Section 151 (2) of the Constitution, make and administer by-laws for the effective administration of the matters it has a right to administer.

Whereas it is the intention Kouga Municipality to identify problem buildings and to take the necessary measures to ensure compliance with Kouga Municipality's by-laws, policies and plans and legislation related to Building and the use of Building;

Whereas it is the principal purpose of this By-law is to secure compliance rather than demolition and re-development;

BE IT THEREFOR ENACTED BY THE COUNCIL OF KOUGA MUNICIPALITY AS FOLLOWS: —

1. DEFINITIONS

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

"Authorised official" means an employee of the Kouga Municipality responsible for carrying out any duty or function or exercising any power in terms of this By-law or any other applicable by-law and includes an employee delegated to carry out such duties, functions or exercise such powers;

"Building" means "building" as defined in the National Building Regulations And Building Standards Act No. 103 of 1977;

"Waste disposal facility" means a site, or premises which is licensed in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and used for the accumulation or disposal of waste;

"Local Authority" means the Municipality of Kouga established in terms of Section 12 of the Municipal Structures Act 117 of 1998 (as amended), under Provincial Notice 484 dated 22 September 2000 and includes any political structure, political office bearer, Councillor, duly authorized agent or employee acting in accordance with this By-Law by virtue of a power vested in the Municipality and delegated and sub-delegated to such political structure, political office-bearer, Councillor, agent or employee;

"National Building Regulations Act" means the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977) any amendments thereto or substitution thereof;

"Occupant" means any natural or juristic person who resides in, inhabits, occupies, controls, conducts business in, or otherwise uses or has possession of a building or any portion thereof, whether lawfully or unlawfully, temporarily or permanently, and includes a tenant, lessee, sub-lessee, informal occupier, caretaker, employee, agent, or any person claiming a right of occupation through or under another person, but excludes a person present on the premises solely for the purpose of inspection, maintenance, repair, or the rendering of a professional or emergency service.

"Owner" in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office: Provided that if

(a) such person in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act 18 of 1973, or if his/her estate has been sequestrated, the executor or curator concerned, as the case may be;
(b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
(c) such person is absent from the Republic (including territory) or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of building or land or who is responsible for;
(d) the local authority in question is unable to determine the identity of such person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land;

"Problem Building" means Building, or structure that poses a threat to public safety, health, or well-being, and or violates local municipal by-laws. This definition encompasses various issues, including abandoned buildings, non-compliance with regulations, and the presence of criminal activity.

2. APPLICABLE LEGISLATION

- The Constitution of the Republic of South Africa 108 of 1996;
- National Building Regulations and Building Standards Act 103 of 1977, as amended;
- National Environmental Management: Waste Act 59 of 2008;
- Sectional Title Act 95 of 1986;
- Criminal Procedure Act 51 of 1977, as amended;
- Local Government: Municipal Structures Act 117 of 1998, as amended;
- Local Government: Municipal Systems Act 32 of 2000, as amended;
- Local Government: Municipal Building Rates 6 of 2004.

3. APPLICATION OF THIS BY-LAW

(1) The Kouga Municipality adopts this By-Law to provide for the identification, control and management of dilapidated and problem buildings (Buildings) and in land in its area of jurisdiction with the aim of protecting and promoting the interests of all people in Kouga Municipality jurisdiction by providing, in conjunction with applicable laws, a legal and administrative framework within which Kouga Municipality can develop and manage its constitutional and other legislative obligations, including but not limited to its obligations to promote a safe and healthy environment.

(2) In the implementation and enforcement of this By-Law, the Municipality may take into consideration the realities of area, the different customs, cultures, circumstances, geographical areas, types of premises, levels of development and conventions.

(3) The Municipality may from time to time determine the areas in which the By-law will be applicable.

PART A: DUTY AND LIABILITY OF OWNERS

4. DUTY OF OWNERS

(1) Every owner of a Building must-
- (a) maintain the building in a good state of repair and in a safe condition;
- (b) notify the Municipality if the condition of any building is dangerous to life;
- (c) not permit it to be unlawfully occupied or used for criminal activities; and
- (d) not permit the dumping of waste on the building.

(2) During the erection of a building, the owner of the building must proceed with its erection without delay and take reasonable measures during its erection to prevent unauthorised access to the building.

(3) If a period exceeding three (3) months the erection of a building is not proceeded with, Kouga Municipality may by a notice in writing, served by post or delivered, order the owner of such building to resume and to complete the erection of such building within the periods in such notice.

(4) If the owner of a building on or whom a notice was served or delivered, fails to resume or complete the erection of such building within the prescribed period specified in the notice, the Municipality may extend such periods from time to time if such owner satisfies that it that such failure was due to circumstances beyond his control.

(5) If the owner of a building or on whom a notice was served or delivered, fails to resume or complete the erection of such building within the period

specified in a extended and the Municipality is of the opinion that the such building is unsightly, dangerous or derogated from the adjoining or neighbouring Buildings, the Municipality may in notice in writing, served by post or delivered, order such owner to demolish the building, to remove the material of which such building is consisted and any other material or rubbish from the site, and to clean up such site within the period specified in the final notice.

5. DUTY TO TAKE MEASURES

(1) If a Building is unlawfully occupied or used for criminal activities, the owner must take the necessary measures to evict the occupants.

(2) If waste has been dumped or accumulated on the building, the owner must remove the waste and transport it to a licensed designated disposal facility at the owner's cost.

6. LIABILITY OF OWNERS FOR DAMAGES AND COSTS

(1) An owner is liable for the costs incurred by the Municipality to-
(a) maintain, repair, renovate, or alter the building;
(b) secure, close or barricade the building, demolish a building on the Building; or otherwise enforce compliance with this By-law.

(2) Any damages and costs must be paid by the owner to the Municipality upon demand.

7. CONDUCT THAT IS PROHIBITED

No person may –

(a) Abandon a building
(b) Fail to comply with or maintain a building in accordance with health and fire-safety and town planning schemes or by-laws
(c) Fail to maintain lifts
(d) Conduct or permit the conduct of criminal activities
(e) Occupy a building illegally
(f) Fail to comply with a Notice as contemplated in the National Building Regulations and Building Standards Act;
(g) Allow a building to be a threat or danger to the safety of the occupiers, registered owners, responsible person or the public;
(h) Allow a building to be in a state of partial completion, to become an abandoned or structurally unsound and to the show the signs of any of the risks referred to above.

PART B: INVESTIGATION AND COMPLIANCE ORDERS

8. INVESTIGATION

(1) An authorised official may enter any building at a reasonable time to inspect and determine whether the owner of the building complies with this By-law.

(2) An authorised official may only enter a Building:
(a) with the consent of the owner or occupant;
(b) on 7 days written notice to the owner or occupant of an intention to inspect the building;
(c) with a warrant to enter and search the building issued by a local magistrate; or
(d) without a warrant if the authorized official reasonably believes that the delay in the issue of the warrant will defeat the purposes of the entry in terms of the Criminal Procedure Act 51 of 1977;

(3) A search warrant may be issued if it appears on information provided on oath that there are reasonable grounds for believing that the building is unlawfully occupied or used for criminal activities.

(4) An authorised official may be accompanied by any approved competent person (building control officer) who is instructed to examine the building and report on the state of the building and any measures to be taken.

(5) A notice issued permits the authorised official to enter the building more than once provided that it is on written notice that may be less than 7 days.

9. COMPLIANCE NOTICE

(1) An authorised official may issue a compliance notice on the owner of a building if that official considers that-
(a) the owner has failed to comply with the duties of an owner;
(b) the failure can be remedied without the declaration of a problem Building.

(2) The compliance notice must specify-
(a) the measures that the owner must take to remedy the non-compliance with the owner's duties;
(b) a reasonable period within which the measures must be taken;
(c) the amount of the administrative fine imposed, if the owner fails to comply; and
(d) the date by which the owner may make representations to amend or withdraw the notice.

(3) The measures contemplated in subsection:
(a) cleaning, repairing, repainting, renovating or altering the building.
(b) securing, fencing or barricading the building.
(c) completing the construction of a building or structure on that building;
(d) closing or demolishing a structure, building or part of a building;
(e) disposing of, or removing, any waste dumped or stored on a Building.

(4) The authorised official may amend the compliance order after receiving any representations from the owner.

10. FAILURE TO COMPLY WITH COMPLIANCE ORDER

(1) If the owner of the building fails to comply with a compliance order, an authorised official -
(a) may extend the period or otherwise amend the compliance order;
(b) may declare the building to be a problem building;
(c) must impose the administrative fine.

(2) The owner is liable for the costs incurred in respect of an approved competent person for examining and reporting on the state of the building and the measures to be taken.

PART C: DECLARATION OF A PROBLEM BUILDING

11. NOTICE OF INTENTION TO DECLARE A PROBLEM BUILDING

(1) An authorised official may issue a notice of intention to declare a building to be a problem building if the official is satisfied that there are good grounds for believing that the building-
(a) is abandoned or derelict;
(b) is unlawfully occupied or overcrowded;
(c) is or is becoming unhealthy, unsanitary, unsightly, dilapidated or objectionable;
(d) is illegally connected to electricity, supplies or sewers;
(e) is being used for criminal activities;
(f) has without, planning permission, been altered so as to have the effect of preventing the South African Police Service, the Law Enforcement Officials, its inspection authorities and authorised officials from lawfully entering the building without notice in order to frustrate the purpose of an investigation;
(g) is structurally unsound or is or becoming dangerous to life or building;
(h) is being used to dump waste or allowed to accumulate waste; or
(i) the construction of which is incomplete and has not been proceeded with for more than three months.

(2) The notice must-
  (a) give the owner 7 days within which to make representations as to why the building should not be declared a problem building and why the measures specified in subsection (b) should be amended or withdrawn;
  (b) specify the measures and the time period within which the measures must be taken to prevent the building being declared a problem building.

(3) If in the representations the owner undertakes, in writing, to take the measures specified in subsection (2)(b), subject to such conditions that the authorised official may require, the official may defer a decision in terms of section 10(1).

12. DECLARATION OF A PROBLEM BUILDING

(1) An authorised official may declare a building a problem building if-
  (a) the owner fails to comply with a compliance notice issued;
  (b) the owner fails to make representations addressed to the Municipal Manager;
  (c) representations have been made, but the official is nevertheless satisfied that there are good grounds to declare the building a problem building;
  (d) the owner fails to comply with the undertaken;

(2) The declaration, in a form to be determined by the Municipal Manager, must set out the measures and the dates within which the measures must be taken by the owner.

(3) The measures contemplated include-
  (a) any measure contemplated;
  (b) an order requiring the evacuation of the building if the official has reason to believe that the building is unsafe and requires immediate evacuation;
  (c) a requirement that the owner take the necessary steps to evict the occupants of the building.

(4) A measure may only require an owner to institute proceedings in a court of law to evict occupants on the building if-
  (a) the occupants are unlawfully occupying the building;
  (b) the premises are being used for criminal activities;
  (c) it is in the interests of safety and security of the occupants or the public or both that occupants are temporarily or permanently evicted; or
  (d) requires that the premises be vacated either temporarily or permanently in order to either effect alterations to the building or to demolish a building or structure on the building.

(5) The Municipality must-
(a) serve the declaration on the owner;
(b) at the owner's cost, erect sign boards and publish advertisements in community newspapers notifying the public that the building has been declared a problem building setting out the measures to be taken and any orders or requirements as to access or occupation in the declaration.

13. THE OWNER'S FAILURE TO COMPLY WITH THE DECLARATION

(1) If the owner fails to comply with any measure, the Municipality may-
(a) impose an administrative; and
(b) carry out the measure, including approaching a court for orders; or
(c) apply to court for the appointment of an administrator.

(2) If the Municipality gives effect to the measures, the owner is liable for the costs and expenses of effecting the measure.

PART D: APPOINTMENT OF ADMINISTRATOR

14. APPOINTMENT OF ADMINISTRATOR

(1) The Municipality may apply to the Court for the appointment of an administrator if the building has been declared a problem Building and the Court may appoint the administrator on such terms as it deems fit in the circumstances to give effect to the measures contained in the declaration.

(2) The remuneration and expenses of the administrator are payable through cost recovery or from the owner.

(3) An administrator appointed by the Court has the powers and duties of the registered owner of the building, including the following powers, or such powers and duties as the Court may direct:
(a) The collection of rental and other charges from the occupiers;
(b) The maintenance, repair or renovation of the problem building utilizing the rental so collected or from other funding as obtained from whatever source;
(c) The payment of charges for the supply of electricity, water, sanitation and rates and taxes from such rental or other funding as obtained from whatever source;
(d) The appointment of a committee to assist in the management of the problem building;
(e) The opening and operating of an account with a bank;
(f) Any other action-
(i) required to give effect to measures;
(ii) damages and costs
(iii) reasonably required to be taken in terms of managing the problem Building;

(iv) which the owner would, in normal course of business and management of the problem Building, have been able to take.

(4) The administrator must submit the following documents to the owner, the Municipality and the Court-
(a) A monthly report in the form determined by the Municipal Manager;
(b) A final report and account in the form determined by the Municipal Manager on the completion of the administrator's mandate.

(5) The Court may, at its discretion or on the application of the owner or the Municipality -,
(a) replace the administrator;
(b) require the administrator to account for and justify any action taken;
(c) reverse or amend any decision taken by the administrato;
(d) terminate the mandate of the administrator.

PART E: EVACUATION, EVICTION AND DEMOLITION

15. EVACUATION

(1) If a building has been declared to be a problem building in terms of section 10(1) and an authorised official has reasonable grounds for believing that a building is dangerous to life and Building and that the immediate evacuation of the Building is necessary-
(a) the official may make an order requiring the evacuation of the Building and;
(b) if the order is not obeyed, the Municipality may apply to Court on an urgent basis for an order-
(i) compelling all persons on the building to evacuate the building.
(ii) prohibiting any person from entering the building.

(2) A Court may-
(a) grant an order contemplated if it is satisfied that the building is unsafe and that the immediate evacuation of the Building is necessary;
(b) require the owner to provide temporary accommodation for the occupants to be evacuated;
(c) make, in addition to any order of costs against the owner, an order regarding the costs incurred in implementing the order.

(3) It is an offence for any person not to comply with an order.

16. EVICTION

(1) If an authorised official has reasonable grounds for believing that an eviction is a necessary measure to achieve the purposes of the By-law, the Municipality may-

(a) require the owner to take all necessary lawful steps to evict the occupants of the Building; or
(b) institute eviction proceedings in Court against the occupants on the following grounds-
(i) the occupants are in unlawful occupation of the Building;
(ii) the Building is being used for criminal activities;
(iii) it is in the interests of the safety or security of the occupants or the public; and

(c) join the owner in the proceedings contemplated and seek, in addition to any order of costs against the owner, the costs of implementing the order.

(2) A court may-
(a) grant an order if it is satisfied that eviction is a necessary measure to achieve the purpose of the By-law;
(b) make, in addition to any order of costs against the owner, an order regarding the costs incurred in implementing the order.

17. DEMOLITION

(1) If an authorised official has reasonable grounds for believing that the demolition of a building is a necessary measure, the Municipality may-
(a) require the owner to demolish the structure, building or part of a building; or
(b) institute proceedings in a Court to order directing the owner or authorising the Municipality to demolish the building on one or more of the following grounds-
(i) the building or its alteration is without planning permission;
(ii) the building is structurally unsafe and not capable of being made safe;
(iii) the building is or becoming dangerous to life and Building;
(iv) the owner has failed to comply with the measures issued in and the costs of complying with those measures exceed the costs of demolition.

(2) A Court may-
(a) grant an order for the demolition of a building if it is satisfied that the demolition is a necessary measure; and
(b) make an order of costs against the owner including the costs of the demolition.

18. EXPROPRIATION

(1) The Municipality may apply to court to expropriate a problem Building if -
(a) the owner fails to comply with the order; and
(b) it is unlikely that its costs in effecting the measures required are likely to be recovered from the owner or from a sale in execution (public

auction) of the Building pursuant to a court order for the recovery of the Municipality's costs.

PART F: ENFORCEMENT

19. CIVIL PROCEEDINGS

(1) The Municipality or administrator may, by way of civil proceedings and in accordance with Kouga Municipality's: Credit Control and Debt Collection policy, as approved by Council, recover from the owner-
   (a) any costs incurred in effecting any measure or performing any function in terms of this By-law; and
   (b) any unpaid administrative fine imposed in terms of this By-law.

20. ADMINISTRATIVE FINES

(1) An authorised official may impose an administrative fine for a failure to comply with this By-law or any notice or declaration made in terms of it.

(2) Council may impose fines as approved by council.

21. OFFENCES AND PENALTIES

(1) A person is guilty of an offence and, on conviction, liable to a penalty, if that person –
   (a) contravenes or fails to comply with any provision of this By-law;
   (b) contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-law;
   (c) fails to comply with a lawful instruction of an authorised official;
   (d) threatens, resists, interferes with or obstructs any authorised official in the performance of that official's duties or functions in terms of this By-law;
   (e) knowingly makes a false statement.

(2) Any person who is convicted of an offence under this By-law is liable to-
   (a) a fine;
   (b) imprisonment for a period not exceeding 3 years; or
   (c) both such fine and imprisonment.

(3) In the case of a continuous offence, the Court may impose in respect of each day on which the offence continues-
   (a) an additional fine;
   (b) imprisonment for a period not exceeding 10 days; or
   (c) both such fine and imprisonment.

(4) The Court may in terms of section 300 (award compensation) of the Criminal Procedure Act 51 of 1977, determine any costs incurred by

Kouga Municipality or administrator in effecting any measure or performing any function in terms of this By-law and make an appropriate order including an order for legal costs.

(5) If civil proceedings have been instituted for the collection of an administrative fine against any person in respect of a contravention no criminal proceedings may be instituted against that person in respect of that contravention.

PART G: GENERAL

22. APPEALS

In terms of the Local Government Municipal Systems Act of 2000 states in Section 62(1) a person who's rights are affected by decisions taken by a political structure or political office bearer, councillor or staff member of the municipality in terms of the power or duty delegated or sub-delegated by a delegating authority to the political structure to the political office bearer, councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

23. APPOINTMENT OF AUTHORISED OFFICIALS

The delegated authority may appoint authorised officials to implement this By-law and may appoint such official as a building control officer in terms of section 5 of the National Building Regulations and Building Standards Act.

24. DELEGATION

The Municipal Manager is authorised to exercise all the powers and perform all the duties and functions conferred on the Municipality under this By-law and may delegate such powers and functions to authorised officials other than the powers and function.

25. POWERS OF AUTHORISED OFFICIALS

(1) An authorised official may, when entering a Building-
   (a) inspect or investigate the Building;
   (b) question the owner, management agent or occupier of the Building;
   (c) take photographs of the Building;
   (d) take samples and remove any document, sample or thing for the purpose of evidence in any civil or criminal proceedings.

(2) An authorised official may exercise any power conferred on a building control officer in terms of section 15 of the National Building Regulations Act.

26. FORM OF NOTICES, DECLARATIONS AND SIGN BOARDS

The Municipal Manager must determine the form of the notices, declarations and sign boards that are required to be issued or erected in terms of this By-law.

27. SERVING OF NOTICES

(1) Whenever any notice or declaration is required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served-
   (a) when delivered to that person personally;
   (b) when it has been left with a person apparently over the age of 16 years at that person's place of residence or business or registered address in the Republic of South Africa;
   (c) when it is posted by registered or certified mail to that person's last known residential or business address and an acknowledgement of the posting is produced; or
   (d) when it is affixed to a noticeable place on the building.

(2) Service on any of the following persons or addresses constitutes service on the owner of the Building:
   (a) an agent appointed by the owner to sell, lease or manage the building;
   (b) a person appointed to supervise the building;
   (c) a person seemingly in charge of the building or collecting rent from occupants on the Building.

28. SHORT TITLE

This By-law is called Kouga Local Municipality: Problem Building By-law, 2026.

Comment	

5. **Applicable Legislation**

Local Government: Municipal Systems Act, Act 32 of 2000, as amended.

6. **Legal Implications**

Council is advised that a by-law must be made by a decision taken by a Municipal Council with a supporting vote of a majority of its members. Section 13 further provides that a by-law passed by a Municipal must be published promptly in the Provincial Gazette, and when feasible, also in a local newspaper or in any other practical way to bring the contents of by-law to the attention of the local community and takes effect when published or on a future date determined in or in terms of the law.

7. **Other Implications**

No other implications are foreseen.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

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 the Kouga Municipality Problem Building By-law.

10.2 That the approved Kouga Municipality Problem Building By-Law be published in the Government Gazette for promulgation.

Item prepared by the: Manager Building Control, Compliance and Outdoors Advertising

Item approved by the: Director Planning & Development

Item endorsed by the Municipal Manager:

Item noted by Portfolio Chairperson:

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD3**

APPOINTMENT OF PERSONS TO SERVE ON THE KOUGA MUNICIPAL PLANNING TRIBUNAL

1. **Introduction**

The purpose of this report is to recommend to Council the appointment of persons to serve on the Kouga Municipal Planning Tribunal (MPT) for its third term.

2. **Background**

The Council appointed the Kouga Municipal Planning Tribunal for its second five-year term, and the names were published in the Provincial Gazette on 25 October 2021 under Notice No. 4643. In accordance with the Kouga Municipality Spatial Planning & Land Use Management By-law ("the By-law"), the Department: Town & Regional Planning called for nominations for external members to serve on the MPT for its third term. Nine (9) nominations were received and evaluated by a panel constituted in accordance with the By-law (see **Annexure A**). The By-law further requires municipal officials to be appointed as internal members of the MPT.

3. **Discussion**

The following persons were nominated to serve as external members on the Planning Tribunal for Kouga Municipality:

Charlotte Van der Merwe	Professional Town Planner (SACPLAN)
Nicolaas Hendrik Janse van Rensburg	Registered Professional Engineer - Engineering Council of South Africa (ECSA), Fellow and Council Member – Institute of Municipal Engineering of SA (IMESA)
Johan Van der Westhuysen	Professional Town Planner – SA Council for Planners (SACPLAN)
Pheeha Arthur Molele	Professional Town Planner - SA Council for Planners (SACPLAN)

Kreason Naidoo	Professional Town Planner - SA Council for Planners (SACPLAN)
Deon Lategan	Professional Land Surveyor – SA Geomatics Council; Sectional Title Practitioner – Office Chief Surveyor General
Blake Schraader	Retired Professional Engineer – Engineering Council of South Africa (ECSA)
Joan Barnes	No information submitted
Freddy Raseote	Professional Accountant – SA Institute of Professional Accountants

The list with full details of the nominated persons is attached hereto.

During its meeting held on 17 July 2026 (See **Annexure B**), the Evaluation Panel recommended the following persons for appointment as members of the MPT for its third term of operation:

Mr. Kreason Naidoo – Town Planner (Chairperson)
Mr. Pheeha Molele – Town Planner
Mr. Johan van der Westhuysen – Town Planner
Mr. Blake Schraader – Engineer
Mr. Deon Lategan – Land Surveyor

4. **Financial Implications**

Completed by BTO -	
Project Description	Travel and Subsistence: Non-employees KOUGA MUNICIPALITY 2026-07-17 BUDGET &TREASURY
Ukey no.	20260629061070
Budgeted Amount	R400 000-00

Amount spent and committed to date	None
Amount Available	R400 000-00
Comment	

5. **Applicable Legislation**

Spatial Planning & Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA)

Kouga Municipality Spatial Planning & Land Use Management By-law, 2016

6. **Legal Implications**

Should Council resolve on the recommendations below, the Municipal Planning Tribunal will be composed accordingly.

7. **Other Implications**

No other implications are foreseen.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Recommendations supported

8.2 **Director: Planning & Development**

Recommendation supported.

8.3 **Director: Civil & Water Services**

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**

Item noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That in terms of the provisions of Section 39 (1) of the Kouga Municipality Spatial and Land Use Planning and Land Use Management By-Law, 2016 the following persons be considered for appointment as **external members** of the Kouga Municipal Planning Tribunal:

Mr. Kreason Naidoo – Town Planner
Mr. Pheeha Molele – Town Planner
Mr. Johan van der Westhuysen – Town Planner
Mr. Blake Schraader – Engineer
Mr. Deon Lategan – Land Surveyor

10.2 That the appointment of the Kouga Municipal Planning Tribunal Members be for a period of 5 years as from 1 November 2026 until 31 October 2031.

10.3 That in terms of the provisions of Section 39 (3) of the Kouga Municipality Spatial and Land Use Planning and Land Use Management By-Law, Mr. Kreason Naidoo be appointed as Chairperson and Mr. Lawrence Ramakuwela be appointed as Deputy Chairperson of the Kouga Municipal Planning Tribunal.

10.4 That in terms of the provisions of Section 39 (4) of the Kouga Municipality Spatial and Land Use Planning and Land Use Management By-Law, 2016 the names of the members and the commencement date of the Kouga Municipal Planning Tribunal be published in the Provincial Gazette.

10.5 That the following officials be appointed as **internal members** of the Kouga Municipal Planning Tribunal:

Mr. L. Ramakuwela - Director: Planning & Development
Ms. Nomvelo Siwela – Environmental Specialist
Mr. M. Engelbrecht - Environmental Officer
Mr. André Botha – Manager: Water & Sanitation Services
Ms. Amanda Nyathela – Manager Roads & Stormwater Services
Mr. T. Madatt – Director: Electro-Mechanical Services
Mr. M. Mangembe – Area Electrical Engineer
Mrs. L. Opperman – Manager: Legal Services
Ms. R. Tsatsimpe – Legal Officer
Mr. R. Lorgat – Chief Financial Officer

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: 

ANNEXURE A

MPT NOMINATIONS – JULY 2026

	Name	Surname	Place of residence	Qualifications	Working Experience	Other bodies	Prof Registrations
1	Charlotte	Van der Merwe	Jeffreys Bay	B-Degree in Town & Regional Planning (UP, 1989)	Director: Statutory Planning, Cite Plan(currently)	SAACPP, SAPOA National Developers Committee, SAPOA Gqeberha Regional Committee, Kouga Business Forum, NMB Chamber of Commerce **No proof of membership submitted**	Registered Professional Planner (SACPLAN)
2	Nicolaas Hendrik	Janse van Rensburg	Jeffreys Bay	BSc (Civ)Eng, Pr Eng (UP, 1980)	Pilot: SA Airforce (1969 – 1974), Construction Officer: SA Air Force 1979 – 1982, Engineer, Associate, Director: TBI Consulting Engineers, 1982 - 1995, Deputy City Engineer: Polokwane	Corporate Member - SA Association of Consulting Engineers (SAICE)	Registered Professional Engineer - Engineering Council of South Africa (ECSA), Fellow and Council Member – Institute of Municipal Engineering of SA (IMESA)

					Municipality, 1995 – 2005, Director Technical & Engineering Services (Thaba Chew Municipality) 2005 – 2010, Mpumalanga Office Manager (Infraburo Consulting Engineers) 2010 – 2014, Owner/Manager (Nick van Rensburg Consulting) 2010 – 2026		
3	Johan	Van der Westhuysen	Gqeberha	B-degree in Town & Regional Planning (UP, 1991)	Director (Habitat Link) 2017 – date, Director (Urban Dynamics EC Inc) 1999 – date, Director (Garwood Investment) 1999 – date, Senior Town Planner (Urban Dynamics EC Inc) 1999, Assistant Director (Department of Housing & Local Government: Town	Corporate Member – SA Planning Institute (SAPI), Treasurer – EC Branch of SA Planning Institute (1998 – 2009), Board Member - EC Branch of SA Planning Institute(1998 – date), Board Member – EC Planning Advisory Board (2004 – 2015), Tribunal Member – Chris Hani District Municipal	Registered Professional Planner - SA Council for Planners (SACPLAN)

					Planning) 1996 – 1997, Senior Town Planner (EC Department of Housing & Local Government) 1994 – 1996, Town Planner (South Cape District Council) 1992 – 1994, Town Planner in Training (Student): Midrand Municipality, 1988 – 1991.	Planning Tribunal (2015 – 2022), Tribunal Member – Joe Gabi Municipal Planning Tribunal (2025 – present), Tribunal Member – Sarah Baartman Municipal Planning Tribunal (2025 – present)	
4	Pheeha Arthur	Molele	Port Elizabeth (Gqeberha)	Postgraduate Dipl. In Sustainable Local Economic Development (Erasmus University, Rotterdam, 2023), M-Degree in Urban & Regional Planning (UFS, 2021), Short Learning	Unit Head: Spatial Development (Coega Development Corporation) – currently; Chief Town Planner (Kouga Local Municipality); Acting Director (Nelson Mandela Metropolitan Municipality); Senior Town Planner (Stellenbosch Municipality &		Professional Town Planner - SA Council for Planners (SACPLAN)

				Programme: Legislative Drafting (UJ, 2018, Certificate: SPLUMA Implementation (UJ), 2017), Certificate: ArcGIS Basic (ESRI SA, 2016), B-Degree in Urban & Regional Planning (University of Venda -2012)	Polokwane Municipality)		
5	Kreason	Naidoo	East Londen	B. Tech Degree in Town & Regional Planning (ML Sultan Technikon/ Durban University – 2000); Nat. Dipl. in Town & Regional Planning (ML Sultan	Tshani Consulting CC	Corporate Member – SA Planning Institute (SAPI); President of the Border Kei Chamber of Business (BKCOB); Committee Member – EC Regional South African Property Association Owners (SAPOA)	Professional Town Planner - SA Council for Planners (SACPLAN)

				Technikon, Durban University – 1999);			
6	Deon	Lategan	Humansdorp	B.Sc Surveying (UCT – 1995)	Professional Land Surveyor (Maarschalk & Partner Inc, 2004 – present); Surveyor (Cotech Engineering Ltd, UK, 1997 – 1999); Professional Land Surveyor in Training (Maarschalk 1996 – 1997).	Member- SA Geomatics Institute	Professional Land Surveyor – SA Geomatics Council; Sectional Title Practitioner – Office Chief Surveyor General
7.	Blake	Schraader	Aston Bay	Magister Degree in Business Administration (NWU – 1991); B. Civ. Eng (UP – 1984)	Consulting 2020 – Current; General Manager Technical Services (Kruger National Park, 2001-2020); Manager: Civil & Building (Kruger National Park, 1998 – 2000); Deputy City Engineer (Springs Stadsraad – 1994 – 1997); Assistant & Deputy Town Engineer (Nigel	Retired Professional Construction Programme Manager (SA Council for Project & Construction Management Professions); Member of the Water Institute of SA.	Retired Professional Engineer – Engineering Council of South Africa (ECSA)

					Stadsraad, 1985 – 1994)		
8	Joan	Barnes	Bedford	BA Hons Interior Design (Notingham Trent University, Johannesburg – 1997); Graphic Design (Witwatersrand Technikon – 1979)	Draughting (self-employed, 2004 – present); Draughting (PV & E Urbanists, Johannesburg – 1990); Assistant to Urban Designer (VKE Consulting Engineers, Cape Town, 1985 – 1989); Draughting (Soekor, 1982 – 1984); Draughting (Land Survey Department, 1980 – 1982)	No information submitted	No information submitted
9	Freddy	Raseote	Durban	Dipl. Procurement Supply (Chartered Institute of Purchasing and Supply – 2025); Dipl. Procurement & Supply (Chartered Institute of	Head/Manager (Ports Regulator of SA, 2022 – present); Director: Supply Chain Management & Assets Management (Dept of Forestry, Fisheries & the Environment, 2021 – 2022); Manager: Administration	Professional Acountant – SA Institute of Professional Accountants; Disciplinary & Appeal Tribunal Committee Member - Office of the Legal Services Onbuds (2025 – present); Shared Regional Audit	

				Purchasing and Supply – 2023); Postgraduate Dipl. Public Procurement Policy & Regulation (US – 2022); Advanced Dipl. Procurement & Supply (Chartered Institute of Purchasing and Supply – 2019); Advanced Programme in Taxation (UNISA – 2017); Postgraduate Dipl. Forensic Auditing (UNISA – 2016); Advanced Programme in Sourcing & Supply Chain Management (UNISA – 2015); B.Com Account (University of	(Legal Aid SA, 2017 – 2021); Manager: Supply Chain Management (Robben Island Museum, 2015 – 2017); Assistant Manager: Supply Chain Management (SA Heritage Resources Agency, 2015); Senior Provisioning Administrative Officer/Practitioner: Supply Chain Management (SA Social Security Agency, 2012 – 2015); Senior Internal Auditor (SASSA, 2011 – 2012); Administrator: Record Management (SASSA,	Committee Member – West Rand District Municipality (2025 – present); Human Resource Ethics & Social Committee Member – Pension Funds Adjudicator (2025 – present); Deputy Chairperson of Bid Appeal Tribunal – Harry Gwala District Municipality (2025 – present); Board Member – Mzanzi Craft Council (11 Aug – present); Council Member – Lovedale TVET College (4 Aug 2025 – present); Finance Committee Member – Lovedale TVET College (4 Aug 2025 – present); Human Resource Committee Member – Lovedale TVET College (4 Aug 2025 – present); ICT & Infrastructure Committee Member –	

				Limpopo – 2006); Pastel Accounting (Proforum Limpopo Training Centre); Computer Literacy (University of Limpopo); Certificate of Entry Into Senior Management Services (National School of Government); Life Skills Development Programme (University of Limpopo); Oracle (SASSA)		Lovedale TVET College (4 Aug 2025 – present); Board Member – Alexkor SOC Ltd (28 March 2025 – present); Audit & Risk Committee Chairperson – Alexkor SOC Ltd (28 March – present); Environmental, Operations & Rehabilitation Committee Member – Alexkor SOC Ltd (28 March 2025 – present); Board Council Member – uMsundusi and Ncome Museums (9 Dec – present); Audit,Risk & ICT Committee Member – uMsundusi and Ncome Museums (9 Dec – present); Finance & Fundraising Committee Member – uMsudusi and Ncone Museums (9 Dec –	

						present); Council Member – University of Zululand (27 Nov 2024 – present); Audit & Risk Committee Member – North West Housing Corporation (16 Apr – present); Board Member - SA Language Practitioners Council (1 Jul 2023 – present); Audit & Risk Committee Chairperson - SA Language Practitioners Council (1 July 2023 – present); Human Resource , Remuneration, Nomination, Ethics & Social Committee Member - SA Language Practitioners Council (1 July 2023 – present); Finance Committee Member – Kwazulu-Natal Amafa & Research Institute	

						(15 May 2023 – present)	

ANNEXURE B

KOUGA local municipality
Service Excellence through Good Governance

MEETING NAME: MPT - Valuation Committee
VENUE: Mayoral Boardroom
DATE: 21/07/2026
TIME: 13h00.

KOUGA MUNISIPALITEIT | KOUGA MUNICIPALITY | KOUGA MASIPALA

ATTENDANCE REGISTER

NAME	ORGANISATION	EMAIL	CONTACT NUMBER	SIGNATURE
CHRISTA VENTER	CS WASTE	cventer@kouga.gov.za	0670540402	
Edu Rens	MM			
C. de Kock	Dir. CMS	cdekock@kouga.gov.za	067 108 3503	
L RAMAKUWELA	DIR: P&D	lramakuwela@kougagov	072 10 8789	
L. LOUBSER	CFO	cfoyat@kouga.gov.za	084 991 4476	
L. Oppelmeer	KLM - Legal	loppelmeyer@kouga.gov	081 217 6577	
Jodene Thomas	KLM	jthomas@kouga.gov.za	071 885 6607	
Theo Mouton	Dir. Electro.	tmouton@kouga.gov.za	067 108 2069	
E. van Biljon	Manager: T&R Planning	evbiljon@kouga.gov.za	081 219 7602	

MINUTES of the Evaluation Committee held on Tuesday, **21 July 2026** at 13h00pm, in Mayoral Boardroom, 33 Da Gama Road, Jeffreys Bay.

EVALUATION COMMITTEE PRESENT:

Charl Du Plessis	-	Municipal Manager
Lawrence Ramakuwela	-	Director: Planning and Development
Lee-Ann Opperman	-	Manager: Legal Services
Riaaz Lorgat	-	Chief Financial Officer
Christa Venter	-	Acting Director: Community Services
Theo Madatt	-	Manager: Electrical Services
Jodene Thomas	-	Manager: Human Resources
Charles de Kock	-	Director: Civil & Water
Elsa van Biljon	-	Manager: Town Planning

1. **WELCOME**

The Municipal Manager opened the meeting and welcomed the Evaluation Committee. He handed over to Mrs van Biljon to provide a summary of the process followed.

2. **SUMMARY**

a. Mrs van Bilon stated that the advertisement for the nomination of MPT members was advertised in local newspapers as well as on the Kouga municipal website. It was advertised in two of the official languages being Afrikaans and English. Mrs van Biljon indicated that it was advertised in the first round and only 2 applications were received, after which it was advertised for a second round. A total of 11 applications were received.

3. DISCUSSION

a. Municipal Manager Du Plessis enquired as to what the criteria was for the nominees to become a part of the Municipal Planning Tribunal.
b. Director Ramakuwela stated that the candidates should have expertise in the spatial planning and land use, Built Environment, Legal Expertise and should be registered to a Professional Body.
c. Mrs van Biljon indicated that Section 34 of the By-law makes further provisions in terms of the criteria and requirements in which candidates may be considered as members of the Tribunal.
d. Ms van der Merwe is a Town Planner, she is registered to a Professional Body, however she lacks experience as a member of the Municipal Planning Tribunal.
e. Mr van Rensburg is currently a member and the Chairperson of the MPT, unfortunately he served 2 terms on the Kouga MPT. In terms of the SPLUMA provisions, a member cannot serve more than 2 terms on a Municipal Planning Tribunal.
f. Mr van der Westhuysen is a registered Town Planner, he is registered to a Professional Body. He has the relevant qualifications and MPT experience. Furthermore, he complies with the requirements and has a wide range of experience relating to other Institutions. He is the Director of Eastern Cape Urban Dynamics.
g. Mr Pheeha Molele is a registered Town Planner, and he is registered with a Professional Body. He complies with requirements as he has the relevant municipal qualifications and experience.
h. Mr Naidoo is a registered Town Planner and registered with a Professional body. He complies with the requirements and is currently a member of the Kouga MPT, serving his first term.
i. Deon Lategan is a Professional Land Surveyor. He is registered to a Professional Body.
j. Mr Blake Schraader is an Engineer by profession who complies with all the requirements in terms of qualification and experience.
k. Ms Joan Barnes submitted her application. She has an Honours degree in Graphic Design; she did not provide any proof of being registered to a Professional Body.

l. Mr Freddie is a registered Accountant with wide range of experience, unfortunately it is not experience relating to the functions of the MPT.

m. MM Du Plessis requested that the nominees which did not comply in respect of SPLUMA requirements, relevant experience and qualifications should be disqualified from the selection process.

n. MM Du Plessis further stated that it is important that there is some continuity from the old MPT Committee to the new Committee.

o. Director Ramakuwela agreed and stated that Mr Naidoo can give the continuity as he is currently serving on the MPT.

p. MM Du Plessis proposed that the MPT committee must consist of candidates with expertise in all relevant fields such as engineering and land surveying. As there were no other nominations received in respect of engineering and land surveying, the Municipal Manager proposed that the nominees in these specific fields, should automatically be considered for their expertise. Director Ramakuwela stated that he agrees with the MM.

q. Mrs Venter enquired whether members will be compensated for travel as she can see they must travel from far. Director Ramakuwlea stated that it can be considered however members that are not from here usually attend MPT meetings virtually.

r. MM Du Plessis stated that Ms Van der Merwe is a local Town Planner and questioned why she is not considered. Director Ramakuwela stated that she is a local but it must be noted that she submits a lot of applications, which a lot will serve before the MPT. Furthermore, Mrs Van der Merwe never served on a Municipal Planning Tribunal.

s. Director Ramakuwels stated that Mr Van der Westhuysen is also a Town Planner and has served on several Municipal Planning Tribunals. He also submits application but mostly government subsidized projects.

t. MM Du Plessis enquired about Mr Molele's experience. Director Ramakuwela indicated that Mr Molele is working in Port Elicabeth and complied with all the requirements. He has expertise in respect of Kouga Municipal by-laws and polices.

u. CFO Lorgat stated that the 2 Town Planners will bring a good balance to the MPT considering they are not from the Kouga region and will bring objectivity to the MPT.

v. Manager: Human Resources indicated the importance of equity in the establishment of the Committee.

w. MM Du Plessis stated that based on all input provided, he can understand why Mrs van der Merwe cannot be considered. She is submitting so much applications that it will create conflict of interest when applications serve before the MPT.

x. MM Du Plessis, in conclusion stated as Mr Naidoo is currently an MPT member, it will be good for continuity if he can serve as the MPT Chairperson.

4. RECOMMENDATION

1. The Evaluation Committee concluded and recommended that the nominees be appointed as external members of the Municipal Planning Tribunal in the following order:

i.	Mr Kreason Naidoo	-	MPT Chairperson
ii.	Mr Johan Van der Westhuysen	-	Town Planner
iii.	Mr Pheeha Molele	-	Town Planner
iv.	Mr Blake Shraader	-	Engineer
v.	Mr Deon Lategan	-	Land Surveyor

5. CLOSURE

MM Du Plessis thanked the Evaluation Committee for their input and contributions during the meeting.

The meeting adjourned.

...22 July 2026.....
DATE

MR. C. DU PLESSIS
MUNICIPAL MANAGER

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD4**

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE RIGHT-TO-USE (LEASE) OF A PORTION OF ERF 8783, JEFFREYS BAY TO THE JEFFREYS BAY ANIMAL RESCUE

1. **Introduction**

The purpose of this item is to request Council's final approval for the right-to-use of a portion of Erf 8783, Jeffreys Bay by the Jeffreys Bay Animal Rescue.

2. **Background**

A request was received from Jeffreys Bay Animal Rescue for the formalization of a long-term lease agreement for a portion of Erf 8783, Jeffreys Bay, for an essential service they deliver in Jeffreys Bay.

3. **Discussion**

The initial agreement expired in 2020 and from there on, it was leased on a month-to-month basis. ****See attached Annexure "A"**

The Jeffreys Bay Animal Rescue focusses on the prevention of animal cruelty and assisting especially the underprivileged community.

Section 14 comments as well as public participation, Notice no 129/2026 and is attached as **Annexure "B".**

4. **Financial Implications**

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

5. **Applicable Legislation**

Local Government: 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**

Failure to adhere to the applicable legislation may render the decision unlawful and subject to judicial review. Any option to renew must be subject to a further process required in terms of the applicable legislation.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported

8.3 **Director: Civil & Water Services**

Item noted

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grants final** approval for the right-to-use of a portion of Erf 8783, Jeffreys Bay by the Jeffreys Bay Animal Rescue for 9 years and 11 months.

10.2 That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.

10.3 That 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.

10.4 That Council notes that no objections were received for the intended alienation of the immovable property.

10.5 That Council authorizes the Accounting Officer to enter into a right to use agreement with the Jeffreys Bay Animal Rescue.

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”

From: jbayanimals@gmail.com <jbayanimals@gmail.com>
Sent: Tuesday, October 3, 2023 12:06 PM
To: Khanyisile Didloft <kdidloft@kouga.gov.za>
Cc: Cedrick Grootboom <cgrootboom@kouga.gov.za>
Subject: FW: JBAY ANIMAL RESCUE SANCTUARY - LEASE AGREEMENT FOR GRIFFITHS MXENGE CLINIC

Hi
We would appreciate if you could please attend to the lease agreement for 85 Griffiths Mxenge Jbay Animal rescue Sanctuary Clinic as our roof is leaking really bad and we cannot get the roof fixed by Kouga under lease in order.
The animals are suffering as the children as we cannot hold outreaches and keep animals safe.
Also this is holding up our sterilisations as the vet cannot operate in wet circumstances.
We would so appreciate
Many thanks
Jessica

KOUGA
local municipality
Good Governance through Service Excellence

KOUGA MUNICIPALITY (EC108)

CONSENT USE AGREEMENT

JBAY ANIMAL RESCUE

PORTION OF THE PROPERTY SITUATED ON ERF 8783 , JEFFREYS BAY

Initial:

AGREEMENT FOR CONSENT OF USE

between

THE KOUGA MUNICIPALITY

A municipality as defined by the Local Government: Municipal Systems Act

And herein represented by

The Municipal Manager: Charl Du Plessis

Identity number: 6710155014085

And duly authorised thereto
(hereinafter referred to as the **"Landowner"**)

And

JBAY ANIMAL RESCUE

MRS. JESSICA LIEPNER NAUDE
Identity number: 5905160096082
And duly authorised thereto
(hereinafter referred to as the **"Operator"**)

WHEREAS the Landowner is the owner of the land known as Erf 8783, Jeffreys Bay; and

WHEREAS the Operator is desirous to lease from the Landowner a portion of the erf described above, for purposes of Animal community clinic; and

WHEREAS the Landowner has agreed to lease the land to the Operator for the purposes of Animal community clinic; and

Initial

WHEREAS the parties hereto agree on the importance of utilizing this vacant land to enhance the revenue base of the municipality.

WHEREAS the Kouga Municipal Council resolved, under resolution 17/12/F12 and dated 19 December 2017 on the consent use of the said property to the Operator.

NOW THEREFORE THE PARTIES AGREES AS FOLLOWS:

1. **Property Description**

   The Landowner hereby leases to the Operator, to occupy and use for Animal community clinic and related purposes, the following described property:

   Erf 3783 Jeffreys Bay, to the extent of 2.6211 Ha, which erf is zoned for Restricted Business: Authority

2. **Commencement and duration**

   2.1 The parties agree that, notwithstanding the date of signature hereof, this lease shall commence on 09 September 2020 and shall continue for a period of 3 years.

   2.2 The parties agree that the Operator may, during the course of this agreement approach the Landowner for the extension of the duration of this agreement, should the Landowner grant an application to this effect to the Operator, such an extension shall be in writing and attached to this agreement as an addendum.

3. **Rental and other charges**

   3.1 The parties agree that the Operator shall pay the rent herein monthly in advance on or before the 7th day of the month and which rent shall be in the amount of R0

   3.2 The parties agree that the monthly rental shall escalate on an annual basis by 0%, which escalation shall take effect annually on the anniversary of the commencement date as stipulated in 2.1 above.

   3.3 All municipal services charges in respect of the land shall be for the account of the Operator, and which account shall be paid promptly by the Operator as and when an account is so provided. In the event that the Operator is not receiving any accounts from the Landowner, it is the sole responsibility of the Operator to enquire from the Landowner for the accounts in respect of the leased property.

Initial _____

3.3 The Operator understands and agrees that interest will be charged by the Landowner in respect of any late payments of any payments due in terms of this agreement.

4. Operator's duties

4.1 The Operator shall be entitled to use the lease premises solely for purposes of Animal community clinic and related purposes, and not for any other purpose whatsoever without the prior written consent of the Landowner.

4.2 The Operator shall be responsible for procuring suitable security arrangements in respect of the leased premises in order to secure any and all assets brought onto the premises by the Operator.

4.3 The Operator shall at all times, and at his own expense keep and maintain the leased property in a need and tidy condition.

4.4 The Operator shall assume all responsibility to all expenses of the fence lines, and improvements on the leased property.

4.5 The Operator shall execute all the necessary environmental legal obligations, if any,

4.6 The Operator shall not under any circumstances allow his Animals to become a a nuisance to surrounding property owners or occupants and shall in no way allow the Animal to break through the fence on roam on a public open space.

4.7 The Operator shall be responsible to insure all his Animal, implements and equipment brought onto the leased property.

4.8 The Operator shall not permit or allow anything to be done on the leased property, that might result in any insurance policy held by the Landowner in respect of the property, being rendered void or voidable.

4.9 If the insurance policy held by the Landowner is increased by reason of the nature of the use of the premises by the Operator, or as a result of the Operator not complying with the aforesaid conditions, then without prejudice to any other rights which the Landowner may have as a result thereof, the Operator shall on demand refund to the Landowner the amount of that additional premium.

4.10 The Operator shall ensure that it has adequate public liability insurance.

4.11 The Operator may not erect buildings, structures and fences on the property without the prior written consent from the Landowner, or make any improvements, alterations or additions without having obtained the prior written consent from the Landowner.

Initial

4.12 The Operator shall not in any way sub-let the leased property or any portion thereof, or cede his rights or assign his obligations under this Lease to any other party, or part with possession of the property or any portion thereof.

4.13 The Operator shall not permit any unauthorized person to occupy the leased property.

4.14 The Operator shall ensure that he, his employees, agents or any authorized person attending to his Animal, takes the utmost care such Animal in a responsible manner, having regard to the guidelines and regulations as provided for by the Department Agriculture, Forestry and Fishery, so as to prevent overgrazing of the property and degrading the property.

5. Right of entry

5.1 The Landowner, as well as its agents and employees, reserve the right to enter the leased property at any reasonable time for purposes of consultation with the Operator, making repairs, improvements, and inspections.

5.2 In addition to the above the Operator will grant the Landowner, its agents and employees unfettered access to the lease premises so as to attend to any matter in relation to the pump station situated on the leased premises. The Operator shall at all times ensure that the Landowner has a key to all the gates granting access to the leased premises and shall in no way whatsoever prevent the Landowner, its agents or employees from entering the premises in order to attend to the pump station.

6. No partnership created

This lease shall not be deemed to give any rise to a partnership relation, and neither party shall have authority to obligate the other, expect as specifically provided in this lease.

7. Breach and Cancelation

7.1 Should the Landowner breach any of its obligations under this Agreement and fail to remedy such breach within a period of 14 (fourteen) days (or such longer period as may be necessary to facilitate the remedying of the breach by diligent application thereto), the Operator shall be entitled, without prejudice to any of its other rights under this Agreement, to claim specific performance, if such an appropriate remedy in the circumstances, or to cancel this Agreement by way of written notice to the Landowner and, in either event, to claim such damages as it may thereby have suffered.

Initial

7.1 Should the Operator –

7.1.1 fail to pay any rent or other amount due by it to the Landowner in terms of this Lease on the due date therefor; or

7.1.2 commit any breach of the terms and conditions of this Lease which is incapable of being remedied and which goes to the root of the agreement; or

7.1.3 commit any breach of the terms of this Lease and fails to remedy such breach within 7 (seven) days (or such longer period as may be reasonably required should such breach not be capable of being remedied within 7 (seven) days) after written notice requiring that it be remedied; or

7.1.4 so consistently breaches the terms of this Lease (whether by non-payment of rent or any other amount due to the Landowner on the due date therefore or by non-compliance with its terms) as to justify the Landowner in holding that the Operator conduct is inconsistent with an intention or an ability to carry out these terms; or

7.1.5 being a natural person dies during the currency of the Lease; or

7.1.6 being a natural person, partnership or trust, commit an act of insolvency within the meaning of section 8 of the Insolvency Act, No. 24 of 1936, as amended, or its successor in title; or

7.1.7 being a company or close corporation, is or is deemed in accordance with applicable legislation, to be unable to pay its debts; or

7.1.8 be a partnership, and admits any new partners or in any way changes the partners of the partnership, unless the new partner/s has first bound himself jointly and severally with the other partners as a tenant unto the Landowner (and with application, *mutatis mutandis*, to an incorporated company with unlimited liability),

then and in any of such events, the Landowner shall have the right but not be obliged, without prejudice to and in addition to any other rights which it may have at law and in its sole discretion to the remedies set out in 7.3 below.

7.2 Under the circumstances described in 7.2 above, the Landowner shall be entitled to –

7.2.1 cancel this Lease, claim damages and retake possession of the Premises without prejudice to any of its other rights under this Lease or at law. In so doing, the Landowner shall be entitled to remove from the Premises any goods situate therein and all Animal on the premises, in which event, the Operator shall have no claim whatsoever either for damages or otherwise against the Landowner. Any goods and Animal so removed from the Premises, shall be stored at the cost and risk of the Operator; and/or

7.2.2 convert this Lease into one which the Landowner (but not the Tenant who shall continue to be bound for the full period of the Lease) shall be entitled to terminate by giving 1 (one) month's

Initial:

written notice to the Operator, the remaining terms and conditions being otherwise unaffected, without prejudice to the Landowner's claim for arrear rent and/or damages which it may have suffered by reason of the Operator's breach or of the premature cancellation; and/or

7.2.3 claim specific performance and damages.

7.3 In the event of the Landowner cancelling this lease and the Operator disputing its right to cancel and remaining in occupation of the Premises, the Operator shall, pending the determination of such dispute, continue to pay to the Landowner an amount equivalent to the monthly rental and or other sums payable hereunder on the date or dates upon which such sum would have been due but for the cancellation, and the Landowner shall be entitled to accept and recover such payments. The acceptance thereof shall be without prejudice to and shall not in any way whatsoever affect the Landowner's cancellation then in dispute. Should the dispute be determined in favour of the Landowner, the payments made and received in terms of this clause shall be deemed to be amounts paid by the Operator on account of damages suffered by the Landowner by reason of the cancellation of the lease and/or the unlawful holding over by the Operator.

7.4 In the event of the Landowner instructing its attorneys to take legal action or other measures for the enforcement of any of the Landowner's rights under this Lease, the Operator shall pay to the Landowner such legal fees and collection charges on an attorney-and-own-client scale (alternatively the highest permissible scale of legal fees) together with collection commission, counsel's fees, auditor's fees, forensic auditor's fees, valuator's fees, architect's fees, quantity surveyor's fees, other consultants, professional or expert's fees and all other reasonable costs incurred by the Landowner in having to take such legal steps as shall be lawfully charged by such persons to the Landowner, on demand made therefor by the Landowner.

7.5 Any payments made by the Operator after legal action has been instituted, shall be appropriated first towards such legal costs as contemplated in 7.5 above.

7.6.1 The Parties acknowledge and agree that the Landowner shall be at liberty to cancel this agreement by way of a six (6) months written notice, in the event that the land is required for any development purposes or required for the provision of minimum level of basic municipal services as contemplated in the Local Government: Municipal Finance Management Act No.56 of 2003.

7.6.2 The parties agree that should the Landowner cancel the agreement as provided for in 7.6.1 above, the Operator shall have no further claims against the Landowner as a result of such cancelation having been effected.

8 RESOLUTION OF DISPUTES

8.1 Any dispute which the parties are unable to resolve by negotiation between them (and following reference of the dispute to the Accounting Officer or his designate of each of the parties), shall, at the instance of either party, be submitted to and decided by arbitration if it concerns:

Initial

8.1.1 any matter arising out of, or the interpretation of , or the termination of, or any matter arising out of this agreement.

8.2 The arbitration referred to in clause 8.1 8.1 above shall be held:

8.2.1 at Jeffreys Bay or Port Elizabeth;

8.2.2 in English and in accordance with the provisions of the Arbitration Act then in force in South Africa;

8.2.3 as soon as is reasonably practicable in the circumstances and with a view to it being completed expeditiously.

8.3 The arbitrator shall be a person agreed between the parties and, failing agreement, a person nominated for such purpose by the President (or failing him, the Secretary) for the time being of the Cape Law Society (or, if applicable, the successor to the Cape Law Society), subject to the following provisions –

8.3.1 if the question in issue is primarily a financial one, the arbitrator shall be an independent accountant of not less than 10 (TEN) years standing as such;

8.3.2 if the question in issue is primarily a legal matter or is not a matter which falls within the category contemplated in clause 8.3.1 above, the arbitrator shall be an admitted attorney or a practising Senior Counsel at the Eastern Cape Society of Advocates.

8.4 The arbitrator shall determine, *inter alia*, which party shall pay the costs of and incidental to the arbitration or, if each is to contribute, the ratio of their respective contributions.

8.5 The parties irrevocably agree that the decision of the arbitrator shall, in the absence of manifest error :

8.5.1 be binding on them;

8.5.2 be carried into effect;

8.5.3 be capable of being made an Order of any Court of competent jurisdiction.

8.6 Notwithstanding the above, either party shall be entitled to apply to the High Court for an interdict or a *mandamus* where such is appropriate in the circumstances.

9 NOTICES AND *DOMICILIA*

9.1 Each Party chooses as its *domicilium citandi et executandi* its address set out in this 9 for all purposes arising out of or in connection with this Lease at which address all the processes and notices arising out of or in connection with this Lease, its breach or termination may validly be served upon or delivered to the Party.

9.2 For the purpose of the Lease, the Parties' respective addresses shall be –

9.2.1 **The Landowner**: 33 Da Gama Road, Jeffreys Bay, 6330, and

9.2.2 **The Operator**: Oceanview Taxi rank

or at such other address in the RSA, not being a post office box or *poste restante*, of which the party concerned may notify the others in writing.

9.3 Any notice given in terms of the Lease shall be in writing and shall –

9.3.1 if delivered by hand be deemed to have been duly received by the addressee on the date of delivery; and

Initial:

9.3.2 if delivered by recognised courier service be deemed to have been received by the addressee on the first Business Day following the date of such delivery by the courier service concerned.

10. **Special Conditions**

10.1 The Operator will revamp the fence on the property which fence will be adjacent to the Griffths Mzingi road.

10.2 The Operator will clear out all the rubbish inside and around the building.

11. **Exclusion of liability**

11.1 Neither the Landlord nor any of its directors, agents, employees or servants shall be liable for -

11.1.1 personal injury to or the death of any person or the loss of or damage to any property of whatever nature in the Property, or the Building, if any, howsoever arising or caused, save by reason of the wilful default or gross negligence of the Landowner or of any of the said persons or otherwise;

11.1.2 any failure or suspension of, or any interruption in, the supply of water, electricity, gas, district cooling, air-conditioning, heating, telecommunication service or any other amenity or service to the Property or any part of the Property whatever the cause may be;

11.1.3 any breakdown of, or interruption in the operation of, any machinery, plant, equipment, installation, or system situated in or on, or serving the Property or any part of the Premises, including, geyser, boiler, burglar alarm, or security installation or system, if any, whatever the cause may be;

11.1.4 any interruption of, or interference with, the enjoyment or beneficial occupation of the Property or any part thereof caused by any building operations or other works to the Property or elsewhere on or about the Property, whether by the Landowner or by anybody else; or

11.1.5 any loss which the Operator may suffer as a result of the business activities of any other occupants of the Property.

11.2 For the purposes of 11.1.3, "personal injury to or death of any person or of loss of or damage to any Property" shall include loss of profits, consequential damages or any damage to Animal, equipment, machines, raw materials, papers or other articles kept on the Property by rain, hail, lightning or fire or by reason of riots, strikes, state's enemies or as a result of theft or burglary, with or without forceful entry, or through any cause whatsoever.

11.3 The Operator hereby indemnifies the Landowner and its employees,, agents, and servants against any claim of whatever nature which may be made against any of them arising out of any of the aforegoing occurrences.

Initial

12. **Whole agreement, relaxation and variation**

12.1 This agreement constitutes the whole agreement between the Parties, as to the subject matter of this agreement and no agreement, representation or warranties between the Parties other than those set out herein are binding on the Parties.

12.2 No addition to or variation, consensual cancellation or novation of the agreement and no waiver of any right arising from this agreement or its breach or termination shall be of any force or effect unless reduced to writing and signed by all the Parties or their duly authorized representatives.

12.3 No latitude, extension of time or other indulgence which may be given or allowed by the Landowner to the Operator in respect of the performance of any obligation hereunder or enforcement of any right arising from the agreement and no single or partial exercise of any right by the Landowner shall under any circumstances be construed to be an implied consent by the Landowner or operate as a waiver or a novation of, or otherwise affect any of the Landowner's rights in terms of or arising from this agreement or estop the Landowner from enforcing, at any time and without notice, strict and punctual compliance with each and every provision or term hereof.

Signed at Jeffreys Bay on 28 day of September 2020

Witnesses:

Name: Vuyisani Adolf

Signature:

Name: Jessica Mandi

Signature:

OPERATOR

Signed at: JEFFREYS BAY on 4 day of SEPTEMBER 2020

Initial

Witnesses:

Name: _____

Signature: _____

Name: CARLOS

Signature: _____

LANDOWNER

Initial _____

Annexure "B"

Section 14 comments

For ease of reference and consideration in the agreement please see the comments from service departments:

- There was a general view that a month-to-month agreement be entered into to allow the applicant to:
  - Comply with all Town Planning and Building Control requirements, and
  - For Spatial Planning to finalize the subdivision of the property (until the precinct plan has been concluded).

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local municipality
Good Governance through Service Excellence

NOTICE NO. 129/2026

PUBLIC PARTICIPATION NOTICE

PUBLIC INVITATION FOR COMMENTS AND OBJECTIONS TO COUNCIL'S INTENDED ALIENATION OF MUNICIPAL PROPERTIES

Notice is hereby given that at a Council Meeting held on 29 April 2026, the following was resolved:

RESOLUTION 26/04/PD4, the council resolved to call for public comments and objections on the intended alienation of a portion of Erf 499, Humansdorp by way of a long-term right-to-use (lease) to the Humansdorp SPCA Assisi for the purpose of operating a facility for preventing animal cruelty and assisting the underprivileged with their animals.

RESOLUTION 26/04/PD5, the council resolved to call for public comments and objections on the intended alienation of Erf 13, Patensie (Municipal House) for residential purposes.

RESOLUTION 26/04/PD6, the council resolved to call for comments and objections on the intended alienation of unregistered Erf 3292, Humansdorp to Ten-to-Nine Funeral Services by way of a long-term lease for the purpose of developing a coffin and furniture manufacturing facility.

RESOLUTION 26/04/PD7, the council resolved to call for public comments and objections on the intended alienation of a portion of Erf 8783, Jeffreys Bay by way of a long-term right-to-use (lease) to the Jeffreys Bay Animal Rescue for the purpose animal cruelty prevention and assisting especially the underprivileged with their animals.

RESOLUTION 26/04/PD10, the council resolved to call for public comments and objections on the intended permanent disposal of a portion of erf 238, Pellsrus (a portion of road in Pellsrus to Victory 4 All Foundation Trust that will be consolidated with erven 190 and 197 Pellsrus currently occupied by a crèche and foster home where four classrooms will be built as an extension.

RESOLUTION 26/04/PD11, the council resolved to call public comments and objections on the intended re-advertisement for the permanent disposal by way competitive sale of portion 1 of Farm 184 Humansdorp RD (218 3343m2) and remainder of Farm 182 Humansdorp RD (81 9073m2).

Members of the public or interested parties are hereby invited to submit comments and objections, on the intention of the municipality to alienate the above municipal properties in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay, cgrootboom@kouga.gov.za on or before 30 days of this publication.

Further particulars are available for inspection at the office of the Directorate Planning and Development: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact: Mr. S. Grootboom: 0422002168

MR. D de JAGER - DEPUTY MUNICIPAL MANAGER

11399

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD5**

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE RIGHT-TO-USE (LEASE) OF A PORTION OF ERF 499, HUMANSDORP TO SPCA ASSISI

1. **Introduction**

The purpose of this item is to request Council's final approval for the right-to-use of a portion of Erf 499, Humansdorp to SPCA Assisi.

2. **Background**

A request was received from the SPCA Assisi for the formalization of a lease agreement for a portion of Erf 499, Humansdorp, for an essential service they deliver in the whole of Kouga as well as the occupation of the building since 1982. ****See attached Annexure "A"**

3. **Discussion**

The Planning & Development Directorate is the custodian of the Asset Disposal and Lease Policy for Municipal Owned Immovable Properties and in conjunction with the relevant Heads of Departments, responsible for the implementation of the policy as well as the monitoring of adherence thereof.

The SPCA focusses on the prevention of animal cruelty and assisting especially the underprivileged with their animals.

Section 14 comments attached as well as public participation, Notice no 129/2026 and is attached as **Annexure "B".**

4. **Financial Implications**

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

5. **Applicable Legislation**

Local Government: 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**

Failure to adhere to the applicable legislation may render the decision unlawful and subject to judicial review. Any option to renew must be subject to a further process required in terms of the applicable legislation.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommended for approval

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported.

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grants final** approval for the right-to-use of a portion of Erf 499, Humansdorp to the SPCA Assisi for 9 years and 11 months.

10.2 That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.

10.3 That 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.

10.4 That Council notes that no objections were received for the intended alienation of the immovable property.

10.5 That Council authorizes the Accounting Officer to enter into a right to use agreement with the SPCA Assisi.

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: SPCA ASSISI

ID NUMBER: NPO 041-023-NPO

CONTACT DETAILS: LOUISE BAKKES 082 879 6509 (ID: 580419 0006 080)

ERF/PROPERTY APPLYING FOR:

AREA: KWANOMZAMO HUMANSDORP

ERF NUMBER: 499

ADDRESS: ST FRANCIS ROAD HUMANSDORP

PURPOSE OF APPLICATION:

Although we've been occupying the premises since 1982, we've been unable to locate a fo lease agreement, and there doesn't appear to be a traceable copy. Given this situaiton , it's essential to consider next steps.

MOTIVATION:

As our mission is preventing of animal cruelty and assist the underprivileged with their animals, our position is absolutely perfect and within walking distance of our Kwanomzamo community. We have taken great care of maintaining and improving our facility, to uphold the highest standards. As our facility needs expanding, we are concerned to invest in improvements without the certainty of a lease agreement from the KOUGA MUNICIPALITY.

NAME: LOUISE BAKKES 082 879 6509

SIGNATURE: Bakkes **DATE:** 08/09/2025

Annexure "B"

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
A portion of 499, Humansdorp	Humansdorp	No objection. Developer/lessee must obtain appropriate land use rights in terms of SPLUM By-law.	Supported on condition that applicant to comply with Town Planning & Service department's requirements before submitting building plan to Building Control for approval.	**Health Comment:** No objection **CS (Environmental)**: No objection. **C&W**: No objection No objection from **Human Settlements**. **AS**: No objection from Assets **Electrical**: Supported, the customer need to apply for electrical connection from electrical department. All electrical installation on customer's side must comply to SANS 10142, Kougal Municipality By-laws and SSEG policy

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Good Governance through Service Excellence

NOTICE NO. 129/2026

PUBLIC PARTICIPATION NOTICE

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Notice is hereby given that at a Council Meeting held on 29 April 2026, the following was resolved:

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RESOLUTION 26/04/PD5, the council resolved to call for public comments and objections on the intended alienation of Erf 13, Patensie (Municipal House) for residential purposes.

RESOLUTION 26/04/PD6, the council resolved to call for comments and objections on the intended alienation of unregistered Erf 3292, Humansdorp to Ten-to-Nine Funeral Services by way of a long-term lease for the purpose of developing a coffin and furniture manufacturing facility.

RESOLUTION 26/04/PD7, the council resolved to call for public comments and objections on the intended alienation of a portion of Erf 8783, Jeffreys Bay by way of a long-term right-to-use (lease) to the Jeffreys Bay Animal Rescue for the purpose animal cruelty prevention and assisting especially the underprivileged with their animals.

RESOLUTION 26/04/PD10, the council resolved to call for public comments and objections on the intended permanent disposal of a portion of erf 238, Pellsrus (a portion of road in Pellsrus to Victory 4 All Foundation Trust that will be consolidated with erven 190 and 197 Pellsrus currently occupied by a crèche and foster home where four classrooms will be built as an extension.

RESOLUTION 26/04/PD11, the council resolved to call public comments and objections on the intended re-advertisement for the permanent disposal by way competitive sale of portion 1 of Farm 184 Humansdorp RD (218 3343m2) and remainder of Farm 182 Humansdorp RD (81 9073m2).

Members of the public or interested parties are hereby invited to submit comments and objections, on the intention of the municipality to alienate the above municipal properties in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay, cgrootboom@kouga.gov.za on or before 30 days of this publication.

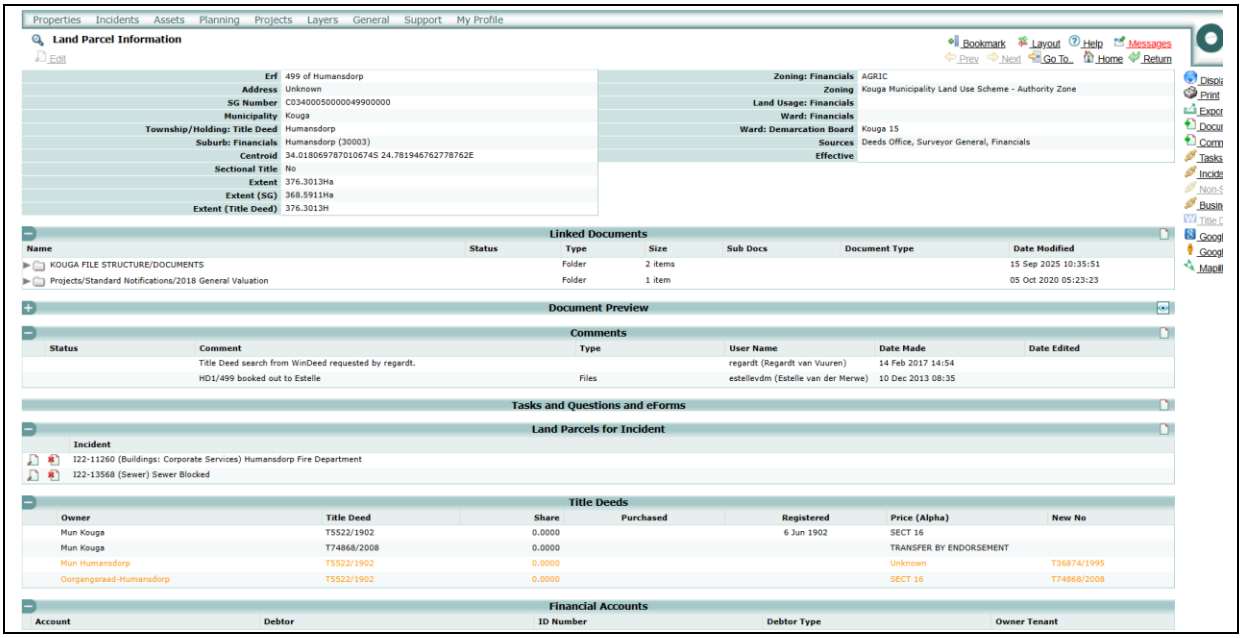
Further particulars are available for inspection at the office of the Directorate Planning and Development: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact: Mr. S. Grootboom: 0422002168

MR. D de JAGER - DEPUTY MUNICIPAL MANAGER

11399

Annexure “C”


Property Search
May 13, 2024 Version
SPCA
HUMANSDORP


Properties Incidents Assets Planning Projects Layers General Support My Profile
Land Parcel Information
Bookmark Layout Help Messages
Edit
Prev Next Go To Home Return
Erf 499 of Humansdorp
Address Unknown
SG Number C0340005000049900000
Municipality Kouga
Township/Holding: Title Deed Humansdorp
Suburb: Financials Humansdorp (30003)
Centroid 34.0180697870106745 24.781946762778762E
Sectional Title No
Extent 376.3013Ha
Extent (SG) 368.5911Ha
Extent (Title Deed) 376.3013H
Zoning: Financials AGRIC
Zoning Kouga Municipality Land Use Scheme - Authority Zone
Land Usage: Financials
Ward: Financials
Ward: Demarcation Board Kouga 15
Sources Deeds Office, Surveyor General, Financials
Effective
Linked Documents
Name Status Type Size Sub Docs Document Type Date Modified
KOUGA FILE STRUCTURE/DOCUMENTS Folder 2 items 15 Sep 2025 10:35:51
Projects/Standard Notifications/2018 General Valuation Folder 1 item 05 Oct 2020 05:23:23
Document Preview
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
Tasks and Questions and eForms
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

KOUGA local municipality
Service Excellence through Good Governance

KOUGA MUNICIPALITY (EC 108)
SPECIAL COUNCIL MEETING
PLANNING & DEVELOPMENT
OPEN
DATE: 27 JULY 2026
ITEM NO: **26/07/PD6**

REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF FARM 184 PORTION 1, HUMANSDORP RD (218 3343m²) AND REMAINDER OF FARM 182, HUMANSDORP RD (81 9073m²)

1. Introduction

The item seeks to request Council's final approval to dispose Portion 1 of Farm 184, Humansdorp RD (218 3343m²) and remainder of Farm 182, Humansdorp RD (81 9073m²) .

2. Background

On 19 December 2017, Council granted in-principle approval to dispose (sell) Portion 1 of Farm 184, Humansdorp RD, and remainder of Farm 182, Humansdorp RD, through a competitive process (17/12/F12). Below is an extract of the 2017 Council resolution.

Farm 184 Portion 1 And Farm 182 Portion 0 Humansdorp Rd

i) That the water quotas for the canals be verified to ensure that the alienation of this land will not influence the water supply.

Z:\Minutes\Council\2017 Council Minutes\Special Council\19 December 2017 - Special Council Meeting.docx

ii) Should there be any water quota problems the water rights on the said properties will be withheld.

iii) That the land be sold per the competitive bidding processes.
iv) That notices be published calling for any objections.

v) That it be confirmed that the land will not be required by the municipality for future development.

In 2018, the Council's intention to alienate the subject property was advertised for public comment, and no objections were received. However, this process was never finalized, **see annexure "A".**

3. Discussion

The subject properties are currently zoned Agriculture under the Kouga Integrated Land Use Scheme. Both properties are mainly uneven, with mountains and rocky terrain, and some parts feature rocky rolling hills and many valleys. The portions in consideration are currently unfenced with no infrastructure or services. A report from the then Regional Land Claims

Commissioner: Eastern Cape-Post Settlement Unit highlights that the land is not agriculturally viable and is only suitable for conservation.

Under the Municipal Spatial Development Framework, the subject property is earmarked for conservation. As it is outside the urban edge, only conservation use is recommended. In response to several requests, the municipality granted in-principle approval for conservation use. The intention to alienate was advertised in 2018 with no objections, but the process was not finalized. Given the time lapse since the resolution, it was recommended that the intention to alienate be re-advertised for public comment.

Section 14 comments to confirm the above resolution by Council was requested from departments, in compliance with Municipal Finance Management Act, 2003 (Act 56 of 2003) – Sections 14, 90 and 33 (MFMA) (Annexure B). The proposal was supported by all relevant departments. ****See annexure "B"**

The Gamtoos Water Board was also consulted regarding water rights and confirmed that there are none on the two properties.

Market-related valuations for the two properties were also obtained and attached as **annexure "C".**

The application was re-advertised as per Notice No. 129/2026, and no objection was received during the public participation period. ****See annexure "D"**

4. **Financial Implications**

Completed by BTO -	
Project Description	Land Valuations & surveyor & planning services
Ukey no.	20240212015325
Budgeted Amount	R2 000 000
Amount spent and committed to date	See Attached KOUGA MUNICIPALITY 2026-07-17 BUDGET &TREASURY
Amount Available	
Comment	All administrative costs for consolidations, transfers, valuations, etc. will be for the Applicant.

5. **Applicable Legislation**

Local Government: 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**

Failure to adhere to the applicable legislation may render the decision unlawful and subject to judicial review.

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Director: Planning & Development**

Recommendation supported

8.3 **Director: Civil & Water Services**

Item noted.

8.4 **Director: Electro-Mechanical Services**

Item noted

8.5 **Director: Community Services**

Item noted

8.6 **Deputy Municipal Manager**

Item noted

8.7 **Municipal Manager**

Supported

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That Council **grant final approval** to alienate Portion 1 of Farm 184, Humansdorp RD (218 3343m²) and the Remainder of Farm 182, Humansdorp RD (81 9073m²) through a competitive process.

10.2 That Council confirms that Portion 1 of Farm 184, Humansdorp RD and Remainder of Farm 182, Humansdorp RD are not needed to provide the minimum level of basic municipal services.

10.3 That Council notes the market valuation of R1220 000.00 for Portion 1 of Erf 184 Humansdorp RD & R550 000.00 for Remainder of 182 Humansdorp RD.

10.4 That the property be used for conservation purposes in accordance with the Kouga Integrated Land Use Scheme.

10.5 That Council grant authorization to the Accounting Officer to enter into a deed of sale agreement with successful applicant.

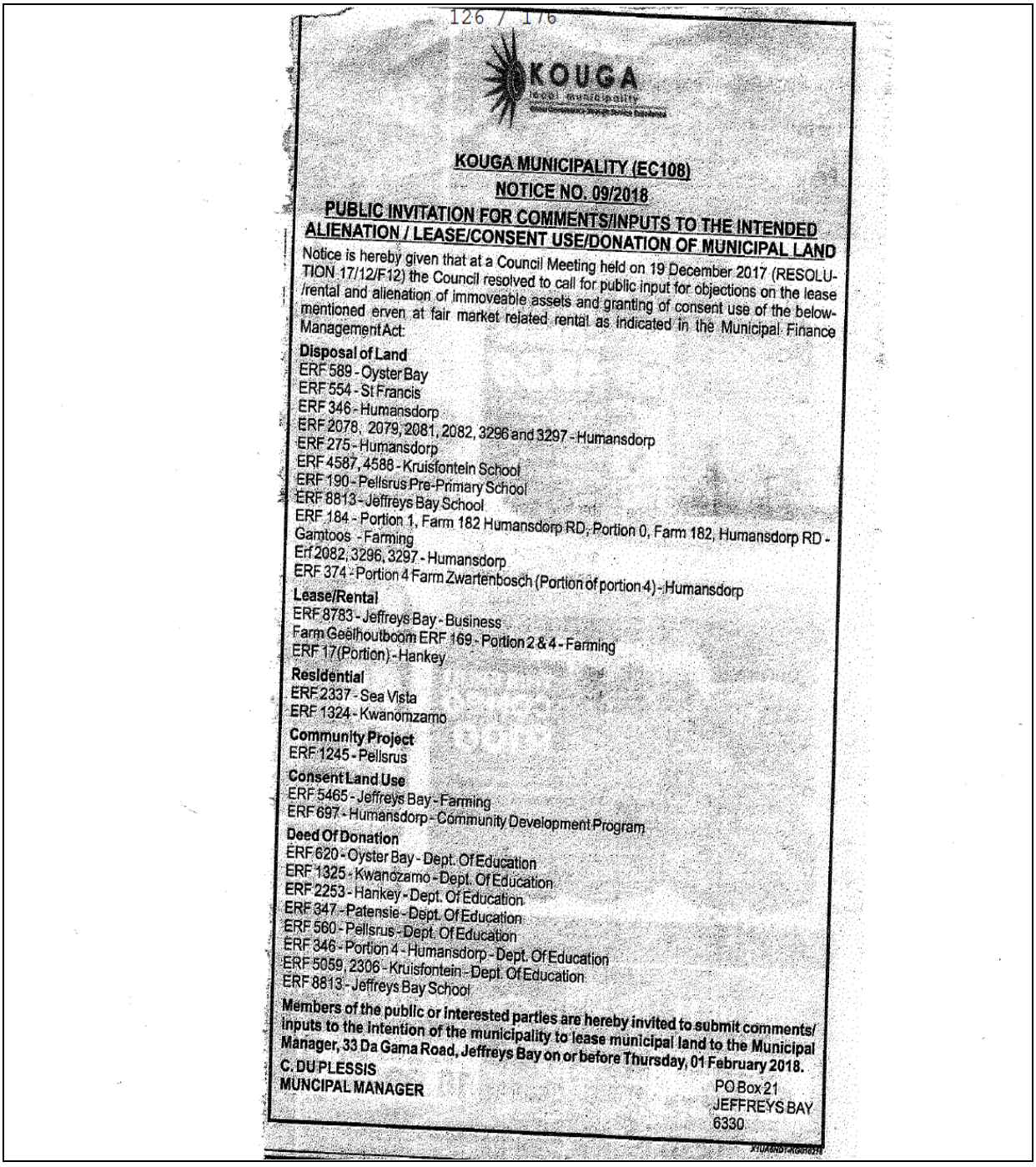
Item prepared by: The Manager Land & Property Administration 

Item approved by the: Director Planning & Development 

Item endorsed by the Municipal Manager: 

Item noted by Portfolio Chairperson: 

Annexure "A"



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KOUGA
local municipality

KOUGA MUNICIPALITY (EC108)

NOTICE NO. 09/2018

PUBLIC INVITATION FOR COMMENTS/INPUTS TO THE INTENDED ALIENATION / LEASE/CONSENT USE/DONATION OF MUNICIPAL LAND

Notice is hereby given that at a Council Meeting held on 19 December 2017 (RESOLUTION 17/12/F12) the Council resolved to call for public input for objections on the lease /rental and alienation of immoveable assets and granting of consent use of the below-mentioned erven at fair market related rental as indicated in the Municipal Finance Management Act:

Disposal of Land
ERF 589 - Oyster Bay
ERF 554 - St Francis
ERF 346 - Humansdorp
ERF 2078, 2079, 2081, 2082, 3296 and 3297 - Humansdorp
ERF 275 - Humansdorp
ERF 4587, 4586 - Kruisfontein School
ERF 190 - Pellsrus Pre-Primary School
ERF 8813 - Jeffreys Bay School
ERF 184 - Portion 1, Farm 182 Humansdorp RD, Portion 0, Farm 182, Humansdorp RD - Gamtoos - Farming
Erf 2082, 3296, 3297 - Humansdorp
ERF 374 - Portion 4 Farm Zwartenbosch (Portion of portion 4) - Humansdorp

Lease/Rental
ERF 8783 - Jeffreys Bay - Business
Farm Geelhoutboom ERF 169 - Portion 2 & 4 - Farming
ERF 17(Portion) - Hankey

Residential
ERF 2337 - Sea Vista
ERF 1324 - Kwanomzamo

Community Project
ERF 1245 - Pellsrus

Consent Land Use
ERF 5465 - Jeffreys Bay - Farming
ERF 697 - Humansdorp - Community Development Program

Deed Of Donation
ERF 620 - Oyster Bay - Dept. Of Education
ERF 1325 - Kwanozamo - Dept. Of Education
ERF 2253 - Hankey - Dept. Of Education
ERF 347 - Patensie - Dept. Of Education
ERF 560 - Pellsrus - Dept. Of Education
ERF 346 - Portion 4 - Humansdorp - Dept. Of Education
ERF 5059, 2306 - Kruisfontein - Dept. Of Education
ERF 8813 - Jeffreys Bay School

Members of the public or interested parties are hereby invited to submit comments/ inputs to the intention of the municipality to lease municipal land to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay on or before Thursday, 01 February 2018.

C. DU PLESSIS
MUNCIPAL MANAGER

PO Box 21
JEFFREYS BAY
6330

Annexure "B"

Section 14 comments

ERF	AREA	LAND USE SCHEME	BUILDING CONTROL	MANAGEMENT
Remainder of Farm 182 and Portion of Farm 184, Humansdorp RD Zoned: Agriculture	81,9073ha 218,3343ha	Supported: As proposed use is in line with the zoning.	Supported. Applicant to comply with Town Planning and service department requirements.	**HS:** Supported **C&W:** Supported, no infrastructure or boreholes on the properties. **CS:** Supported **AS**: Supported **LS:** Was on tender but Section 14 comments needed. **All Departments:** Support that the properties be disposed of through competitive process

Zoning and property information:

Land Parcel

24 May 2023 14:10

Erf	182 of Humansdorp RD	**Zoning: Financials**	AGRIC
Address	Human Street (	**Zoning**	Kouga Municipality Land Use Scheme - Agriculture Zone
SG Number	C03400000000018200000	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	Kouga 13
Township/Holding: Title Deed	Twin Valley	**Ward: Demarcation Board**	Kouga 7
Suburb: Financials	Humansdorp Rural District (90001)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.87069395032578S 24.907770356258332E	**Effective**	
Sectional Title	No		
Farm Name	BOSCH BOK HOEK		
Extent	81.9073Ha		
Extent (SG)	371.4487Ha		
Extent (Title Deed)	81.9073 H		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T21945/1966	0.0000		20 Oct 1966	R	
Mun Hankey	T21945/1966	0.0000		20 Oct 1966		
Oorgangsraad-Hankey	T21945/1966	0.0000		20 Oct 1966	END	T51703/2001
Mun Hankey T5939/1986 Nil	T21945/1966	0.0000		20 Oct 1966		T60812/1995

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
009030182100	Kouga Municipality (Humansdorp		Departmental (DEPAR)	Owner (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C034000000000182000000000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Land Value	Improvements Value	Land Area	Improvements Area
		Type MUN	290000	0	819073	0

Valuations and Surveys

Project	Category / Usage	H Area	P / C	Status	Current Value
2013 - 2018_DDP Valuation Roll as Printed	2d-01 (Farm-Agricultural) (Kouga)	Unknown		Valued	286,700.00
2018 General Valuation	MUNICIPAL PROPERTY (GV2018)	Unknown		Valued	290,000.00

Land Parcel

24 May 2023 14:11

Erf	184 of Humansdorp RD (Portion 1)	**Zoning: Financials**	AGRIC
Address	Human Street	**Zoning**	Kouga Municipality Land Use Scheme - Agriculture Zone
SG Number	C03400000000018400001	**Land Usage: Financials**	
Municipality	Kouga	**Ward: Financials**	
Township/Holding: Title Deed	Humansdorp RD	**Ward: Demarcation Board**	Kouga 7
Suburb: Financials	Humansdorp Rural District (90001)	**Sources**	Deeds Office, Surveyor General, Financials
Centroid	33.84720775582009S 24.90082074077402E	**Effective**	
Sectional Title	No		
Farm Name	GAMTOUS RIVIERS WAGENDRIFT		
Extent	218.3343Ha		
Extent (SG)	200.9368Ha		
Extent (Title Deed)	218.3343 H		

Title Deeds

Owner	Title Deed	Share	Purchased	Registered	Price (Alpha)	New No
Mun Kouga	T21945/1966	0.0000		20 Oct 1966	R	
Mun Hankey	T21945/1966	0.0000		20 Oct 1966		
Oorgangsraad-Hankey	T21945/1966	0.0000		20 Oct 1966	END	T51703/2001
Mun Hankey T5939/86 Nil	T21945/1966	0.0000		20 Oct 1966		T60812/1995

Financial Accounts

Account	Debtor	ID Number	Debtor Type	Owner Tenant
009030184009	Kouga Municipality (Humansdorp		Departmental (DEPAR)	Owner (Kouga)

Properties

Unit	26 Digit Code	Owner(s) and Id(s)	Scheme	Scheme Number
0	C03400000000018400 00100000	Mun Kouga		

Current Municipal Information

Valuation Date	Valuation Category	Valuation Category Tariff	Land Value	Improvements Value	Land Area	Improvements Area
		Type MUN	830000	0	2183343	0

Valuations and Surveys

Project	Category / Usage	H Area	P / C	Status	Current Value
Original Values before 2008 GV (Samras 1 Jun 2009)	Unknown (As Per MPRA)	Unknown		Valued	220,000.00
2013 - 2018_DDP Valuation Roll as Printed	2d-01 (Farm-Agricultural) (Kouga)	Unknown		Valued	764,000.00
2018 General Valuation	AGRICULTURAL PROPERTIES (GV2018)	Unknown		Valued	830,000.00
SV4 (2018-2023)	MUNICIPAL PROPERTY (GV2018)	Unknown		Valued	830,000.00

Annexure "C"

EVERGREEN VALUERS Pty Ltd

Year Round Meticulous

PROPERTY DESCRIPTION:

PORTION 1 OF ERF 184 HUMANSDORP RD, EASTERN CAPE (218 3343m²)

This one-page certificate has been prepared on instruction received from Kouga Municipality, as represented by **Marius Gysman**.



DEFINITION OF MARKET VALUE:

"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion." (IVSC, 2005)

I the undersigned, L. Ferreira, consider this valuation to be a true reflection and a fair assessment of the subject property as on the date of valuation.

R 1 220 000.00
(One Million Two Hundred and Twenty Thousand Rand Only)

L. Ferreira
Professional Valuer
(SACPVP Reg. No.: 7007/2)

Date: 29 September 2023

Caveats

This one-page valuation certificate has been prepared on the basis that full disclosure of all information and factors, which may affect the valuation should have been made available to ourselves and we cannot accept any liability or responsibility whatsoever for the valuation if any information was withheld.

We have assumed that the property and its value are unaffected by any statutory notice, and that neither the property nor its condition, current use or intended use, is or will be unlawful.

Neither the valuer, nor Evergreen Valuers (Pty) Ltd, have any interest in this property or any other properties which would affect the statements or values contained in this valuation report. All figures quoted are exclusive of Value Added Tax.

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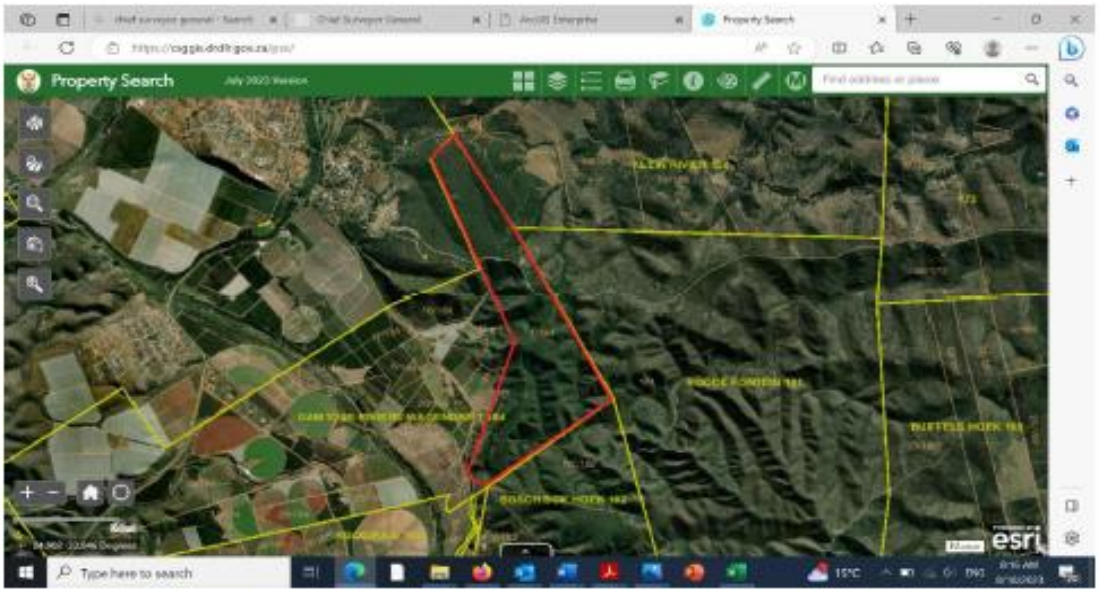
Le-Shaun Ferreira: 0833546797
info@evergreenvaluers.co.za
www.evergreenvaluers.co.za



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EVERGREEN VALUERS Pty Ltd

Year Round Meticulous

PROPERTY DESCRIPTION:

REMAINDER OF ERF 182 HUMANSDORP RD, EASTERN CAPE (81 9073m²)

This one-page certificate has been prepared on instruction received from Kouga Municipality, as represented by **Marius Gysman**.



DEFINITION OF MARKET VALUE:

"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion." (IVSC, 2005)

I the undersigned, L. Ferreira, consider this valuation to be a true reflection and a fair assessment of the subject property as on the date of valuation.

R 550 000.00
(Five Hundred Fifty Thousand Rand Only)

L. Ferreira
Professional Valuer
(SACPVP Reg. No.: 7007/2)

Date: 29 September 2023

Caveats

This one-page valuation certificate has been prepared on the basis that full disclosure of all information and factors, which may affect the valuation should have been made available to ourselves and we cannot accept any liability or responsibility whatsoever for the valuation if any information was withheld.

We have assumed that the property and its value are unaffected by any statutory notice, and that neither the property nor its condition, current use or intended use, is or will be unlawful.

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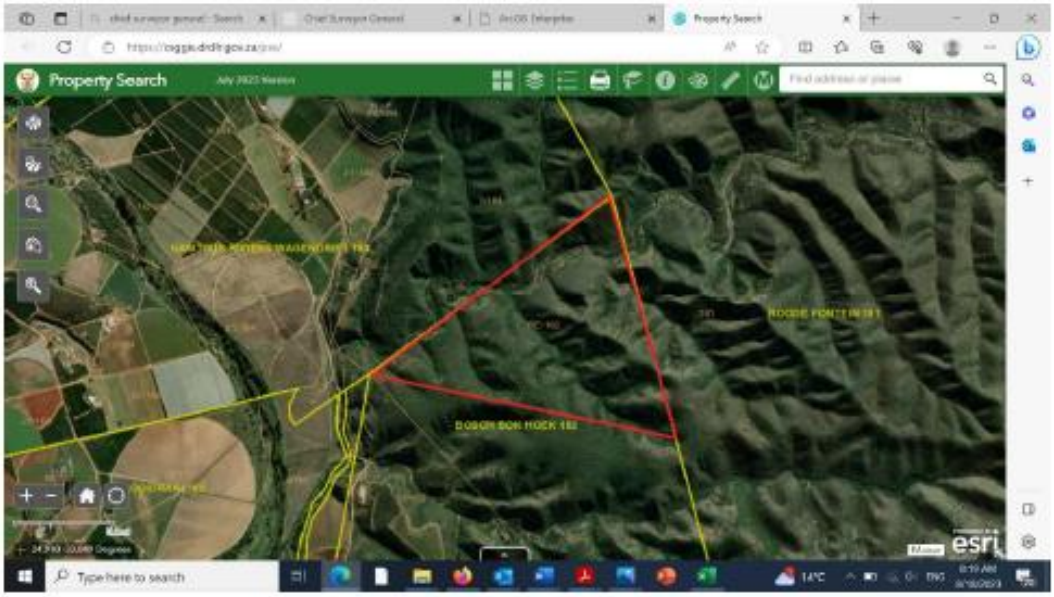

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Annexure "D"

KOUGA local municipality
Good Governance through Service Excellence

NOTICE NO. 129/2026

PUBLIC PARTICIPATION NOTICE

PUBLIC INVITATION FOR COMMENTS AND OBJECTIONS TO COUNCIL'S INTENDED ALIENATION OF MUNICIPAL PROPERTIES

Notice is hereby given that at a Council Meeting held on 29 April 2026, the following was resolved:

RESOLUTION 26/04/PD4, the council resolved to call for public comments and objections on the intended alienation of a portion of Erf 499, Humansdorp by way of a long-term right-to-use (lease) to the Humansdorp SPCA Assisi for the purpose of operating a facility for preventing animal cruelty and assisting the underprivileged with their animals.

RESOLUTION 26/04/PD5, the council resolved to call for public comments and objections on the intended alienation of Erf 13, Patensie (Municipal House) for residential purposes.

RESOLUTION 26/04/PD6, the council resolved to call for comments and objections on the intended alienation of unregistered Erf 3292, Humansdorp to Ten-to-Nine Funeral Services by way of a long-term lease for the purpose of developing a coffin and furniture manufacturing facility.

RESOLUTION 26/04/PD7, the council resolved to call for public comments and objections on the intended alienation of a portion of Erf 8783, Jeffreys Bay by way of a long-term right-to-use (lease) to the Jeffreys Bay Animal Rescue for the purpose animal cruelty prevention and assisting especially the underprivileged with their animals.

RESOLUTION 26/04/PD10, the council resolved to call for public comments and objections on the intended permanent disposal of a portion of erf 238, Pellsrus (a portion of road in Pellsrus to Victory 4 All Foundation Trust that will be consolidated with erven 190 and 197 Pellsrus currently occupied by a crèche and foster home where four classrooms will be built as an extension.

RESOLUTION 26/04/PD11, the council resolved to call public comments and objections on the intended re-advertisement for the permanent disposal by way competitive sale of portion 1 of Farm 184 Humansdorp RD (218 3343m2) and remainder of Farm 182 Humansdorp RD (81 9073m2).

Members of the public or interested parties are hereby invited to submit comments and objections, on the intention of the municipality to alienate the above municipal properties in writing to the Municipal Manager, 33 Da Gama Road, Jeffreys Bay, cgrootboom@kouga.gov.za on or before 30 days of this publication.

Further particulars are available for inspection at the office of the Directorate Planning and Development: Municipal Offices, 16 Woltemade Street, Jeffreys Bay. Contact: Mr. S. Grootboom: 0422002168

MR. D de JAGER - DEPUTY MUNICIPAL MANAGER

11399