

Kennis word hiermee gegee ingevolge Artikel 29(2) van die Plaaslike Regering: Munisipale Strukture Wet, 1998 (Wet 117 van 1998), soos gewysig, dat 'n **Raadsvergadering** van die Munisipaliteit Witzenberg gehou sal word op **Woensdag, 23 Februarie 2022** om **10:00** in die **Stadsaal, Voortrekkerstraat, Ceres.**

Notice is hereby given in terms of Section 29(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, that a **Council meeting** of the Witzenberg Municipality will be held on **Wednesday, 23 February 2022** at **10:00** in the **Town Hall, Voortrekker Street, Ceres.**

Raadslede en Amptenare / Councillors and officials		
Alderman K Adams	Councillor JJ Cloete	Councillor S de Bruin
Councillor GJ Franse	Councillor JP Fredericks	Councillor AL Gili
Councillor LA Hardnek	Councillor P Heradien	Alderman BC Klaasen
Councillor FE Klazen	Councillor GG Laban	Councillor JS Mouton (Speaker)
Councillor MJ Ndaba	Councillor N Nogcinisa	Councillor N Phatsoane
Councillor EM Sidego	Alderman HJ Smit (Executive Mayor)	Councillor D Swart
Councillor IL Swartz	Alderman JJ Visagie	Councillor K Yisa
Councillor J Zalie		
Municipal Manager	Director: Finance	Director: Technical Services
Director: Corporate Services	Deputy Director: Finance	Head: Internal Audit
Manager: Projects and Performance	Manager: Administration	IDP Manager
Manager: Legal Services	Chief Administrative Officer	Committee Clerk


COUNCILLOR JS MOUTON
SPEAKER

16 February 2022

TABLE OF CONTENTS

1.	OPENING AND WELCOME	4
2.	LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION	
2.1	Consideration of application for leave of absence, if any	4
2.2	Confidentiality and Conflict of Interest Declaration	4
3.	STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED	4
3.1	Gratitude, Congratulations and Commiseration	4
3.2	Matters raised by the Speaker	4
3.3	Matters raised by the Executive Mayor	4
3.4	Matters raised by the Municipal Manager	4
4.	MINUTES	5
4.1	Corrections to the minutes	5
4.2	Approval of minutes	5
5.	MOTIONS AND NOTICE OF SUGGESTIONS	6
5.1	Motion: Compilation of Council: Mayoral Committee	6
5.2	Motion: Request for urgent meeting to table a motion of no confidence and to request the removal of the Speaker from office	6
5.3	Election of a Speaker	6
5.4	Motion: Removal of Executive Mayor of Witzenberg municipal Council	8
5.5	Election of Executive Mayor	9
5.6	Motion: Removal of Deputy Executive Mayor of Witzenberg municipal Council	11
5.7	Election of Deputy Executive Mayor	12
6.	INTERVIEWS WITH DELEGATIONS	12
7.	GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS	12
7.1	Minutes: Committee meetings	12
8.	GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS	13
8.1	Direktoraat Finansies / Directorate Finance	13
8.1.1	Proposed revisions to Service Delivery and Budget Implementation Plan 2021/2022 as per Section 54(1)(C) of Municipal Finance Management Act .	13
8.1.2	Finance: Adjustment budget 2021/2022 to 2023/2024	13
8.2	Direktoraat Tegnieuse Dienste / Directorate Technical Services	14
8.2.1	Spatial Development Framework: Ceres Priority Focus Area 1	14
8.2.2	Small Scale Embedded Generation (SSEG) Policy: Methodology, allowable limit and motivation of renewable tariff	14
8.3	Direktoraat Gemeenskapsdienste / Directorate Community Services	15

Agenda: Raadsvergadering 23 Februarie 2022
Agenda: Council meeting 23 February 2022

8.3.1	Presentation: Vredebes Incremental Housing	15
8.3.2	Housing: Witzenberg Municipality: Housing Administration Policy	
8.4	Direktoraat Korporatiewe Dienste / Directorate Corporate Services	17
8.4.1	Appointment of Section 79 Committees by Council	17
8.4.2	Council's representatives on outside bodies	18
8.4.3	Proposed establishment of Ward Committees: 2022 until 2027	18
8.4.4	Proposed Council meeting program: January until June 2022	18
8.4.5	Rules of order for conducting of meetings	21
9.	URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA	21
10.	FORMAL AND STATUTORY MATTERS	21
10.1	Feedback on matters of outside bodies	21
11.	QUESTIONS and/or MATTERS RAISED by COUNCILLORS	21
12.	ADJOURNMENT	21

A G E N D A

1. OPENING AND WELCOME

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

2.1 Consideration of application for leave of absence, if any (3/1/2/1)

2.2 Confidentiality and Conflict of Interest Declaration (3/2/1)

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2.**

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

3.1 Gratitude, Congratulations and Commiseration (11/4/3)

Council's congratulations are conveyed to the following Councillors and spouses on their birthdays:

❖	Ms N Ndaba	3 February
❖	Councillor E Sidego	16 February
❖	Mr M Hardnek	18 February
❖	Alderman H Smit	25 February

NOTED

3.2 Matters raised by the Speaker (09/1/1)

3.3 Matters raised by the Executive Mayor (09/1/1)

3.4 Matters raised by the Municipal Manager

4. MINUTES

**4.1 Corrections to the minutes
(3/1/2/3)**

**4.2 Approval of minutes
(3/1/2/3)**

The following minutes are attached:

- (a) Special Council meeting, held on 15 December 2021: **Annexure 4.2(a).**
- (b) Council meeting, held on 26 January 2022: **Annexure 4.2(b).**
- (c) Special Council meeting, held on 7 February 2022: **Annexure 4.2(c).**

RECOMMENDED

That the following minutes be approved and signed by the Speaker:

- (i) *Special Council meeting, held on 15 December 2021.*
- (ii) *Council meeting, held on 26 January 2022.*
- (iii) *Special Council meeting, held on 7 February 2022.*

AANBEVEEL

Dat die volgende notules goedgekeur en deur die Speaker onderteken word:

- (i) *Spesiale Raadsvergadering, gehou op 15 Desember 2021.*
- (ii) *Raadsvergadering, gehou op 26 Januarie 2022.*
- (iii) *Spesiale Raadsvergadering, gehou op 7 Februarie 2022.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

**5.1 Motion: Compilation of Council: Mayoral Committee
(3/1/1/4)**

A letter from Councillor P Heradien (ICOSA), dated 7 December 2021, is attached as **annexure 5.1**.

Council unanimously resolved on 26 January 2022 that the matter in respect of the motion "Compilation of Council: Mayoral Committee" be held in abeyance and the applicable letter be translated to English.

RECOMMENDED

For consideration.

**5.2 Motion: Request for urgent meeting to table a motion of no confidence and to request the removal of the Speaker from office
(3/2/2)**

The following documents are attached:

- (a) Motion from the DA coalition, dated 26 January 2022:
Annexure 5.2(a).
- (b) Letter from Councillor IL Swartz, dated 6 February 2022:
Annexure 5.2(b).

RECOMMENDED

For consideration.

**5.3 Election of a Speaker
(03/1/1/4)**

Legal background

In terms of Section 36 of the Local Government: Municipal Structures Act, 1998 (Act 117/1998):

Each municipal Council must have a chairperson who will be called the Speaker. At its first sitting after its election, a municipal Council must elect its Speaker from among the Councillors.

The Municipal Manager of the municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government in the province, presides over the election of a Speaker.

The procedure set out in Schedule 3 of the Structures Act applies to the election of a Speaker.

A Councillor may not hold office as Speaker and Mayor at the same time.

In terms of Section 38 of the said act, the Speaker is elected for a term ending when the next Council is declared elected, subject to that in terms of Section 39 a Speaker vacates office during a term if that person -

- Resigns as Speaker;
- Is removed from office by a resolution of Council; or
- Ceases to be a Councillor

PROCEDURE

Schedule 3 of the said Act, which deals with the election of municipal office-bearers, reads as follows:

"Application

1. *The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker.*

Nominations

2. *The person presiding at a meeting to which this schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

3.
 - (1) *A nomination must be made on the form determined by the Municipal Manager.*
 - (2) *The form on which a nomination is made must be signed by two members of the municipal Council.*
 - (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

4. *At a meeting to which this schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

6. *If more than one candidate is nominated -*
- a) *a vote must be taken at the meeting by secret ballot,*
 - b) *each Councillor present at the meeting may cast one vote; and*
 - c) *the person presiding must declare elected the candidate who receives a majority of the votes.*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of sub item (1), the procedure in this Schedule must be applied at that meeting as if it were the first meeting for the election in question."*

The prescribed nomination form is attached as **annexure 5.3**.

RECOMMENDED

For consideration.

5.4 Motion: Removal of Executive Mayor of Witzenberg municipal Council (3/2/2)

A letter from Councillor MJ Ndaba, dated 15 February 2022, is attached as **annexure 5.4**.

RECOMMENDED

For consideration.

5.5 Election of Executive Mayor (03/1/1/4)

If a Municipal Council chooses to have an Executive Mayor it must, in terms of Section 55(1) of the Structures Act, elect an Executive Mayor and, if the MEC for Local Government in the province so approves, also a Deputy Executive Mayor, from among its members at a meeting that must be held within 14 days of the Council election.

In terms of Section 4 of the Section 16 Amendment Notice, Witzenberg Municipality is authorised to elect a Deputy Executive Mayor.

If a municipality chooses to have an Executive Committee System in terms of Section 48 of the Structures Act, it must elect a member of its Executive Committee as the Mayor and, if the MED for Local Government in the province so approves, another member of the Executive Committee as the Deputy Mayor of the municipality.

The procedures set out in Schedule 3 of the Structures Act apply to the election of an Executive Mayor and Deputy Executive Mayor and read as follows:

"Act No 117, 1998 LOCAL GOVERNMENT : MUNICIPAL STRUCTURES ACT, 1998

SCHEDULE 3

The election of a Mayor and Deputy Mayor takes place when the Executive Committee is elected or when it is necessary to fill a vacancy.

Election of municipal office-bearers

Application

- 1. The procedure set out in this Schedule applies whenever a municipal Council meets to elect a Speaker, an Executive Mayor, an Executive Deputy Mayor, a Mayor or Deputy Mayor.*

LEGAL BACKGROUND

In terms of Section 48(1) of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) a municipal Council must elect a member of its executive committee as the Mayor of the municipality.

The election of a Mayor takes place when the executive committee is elected or when it is necessary to fill a vacancy.

A Mayor is elected for the duration of that person's term as a member of the executive committee, but vacates office during a term if that person-

- (a) resigns as Mayor ;
- (b) is removed from office as a member of the Executive Committee in terms of Section 53 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998) or

Nominations

- 2. *The person presiding at a meeting to which this schedule applies must call for the nomination of candidates at the meeting.*

Formal requirements

- 3. (1) *A nomination must be made on the form determined by the Municipal Manager.*
- (2) *The form on which a nomination is made must be signed by two members of the municipal Council.*
- (3) *A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*

Announcement of names of candidates

- 4. *At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates, but may not permit any debate.*

Single candidate

- 5. *If only one candidate is nominated, the person presiding must declare that candidate elected.*

Election procedure

- 6. *If more than one candidate is nominated –*
 - (a) *a vote must be taken at the meeting by secret ballot;*
 - (b) *each Councillor present at the meeting may cast one vote; and*
 - (c) *the person presiding must declare elected the candidate who receives a majority of the votes*

Elimination procedure

7. (1) *If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with Item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
- (2) *When applying sub item (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*

Further meetings

8. (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of sub item (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (3) *If at the further meeting held in terms of sub item (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place."*

The prescribed nomination form is attached as **annexure 5.5**.

RECOMMENDED

That the Speaker calls for nominations for the election of Executive Mayor.

5.6 Motion: Removal of Deputy Executive Mayor of Witzenberg municipal Council (3/2/2)

A letter from Councillor MJ Ndaba, dated 15 February 2022, is attached as **annexure 5.6**.

RECOMMENDED

For consideration.

**5.7 Election of Deputy Executive Mayor
(03/1/1/4)**

For procedures to elect the Deputy Mayor, refer to item 5.5 above.

The prescribed nomination form is attached as **annexure 5.7**.

RECOMMENDED

That the Speaker calls for nominations for Deputy Executive Mayor.

6. INTERVIEWS WITH DELEGATIONS

None.

NOTED

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

**7.1 Minutes: Committee meetings
(03/3/2)**

The minutes of the following meetings are attached:

- (a) Executive Mayoral Committee meeting, held on 27 July 2021:
Annexure 7.1(a).
- (b) Performance, Risk and Audit Committee meeting, held on 30 July 2021:
Annexure 7.1(b).
- (c) Special Performance, Risk and Audit Committee meeting, held on
20 August 2021: **Annexure 7.1(c).**

RECOMMENDED

that notice be taken of the minutes of the Committee meetings and same be accepted.

AANBEVEEL

dat kennis geneem word van die notules van die Komiteevergaderings en genoemde aanvaar word.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

8.1.1 Proposed revisions to Service Delivery and Budget Implementation Plan 2021/2022 as per Section 54(1)(C) of Municipal Finance Management Act (5/1/5/14)

A memorandum from the Manager: Projects and Performance, dated 1 February 2022, is attached as **annexure 8.1.1**.

RECOMMENDED

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the proposed revisions to the 2021/2022 Service Delivery and Budget Implementation Plan as per Section 54(1)(C) of the Municipal Finance Management Act and, after consideration, same be approved and accepted.

8.1.2 Finance: Adjustment budget 2021/2022 to 2023/2024 (5/1/1/19)

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 16 February 2022: **Annexure 8.1.2(a)**.
- (b) Adjustment budget 2021/2022 to 2023/2024: **Annexure 8.1.2(b)**.

RECOMMENDED

that the adjustment budget of Witzenberg Municipality for the financial year 2021/2022 as set out in the budget documents be approved:

- (i) *Table B1: Budget summary;*
- (ii) *Table B2: Adjustments Budget Financial Performance (by standard classification);*
- (iii) *Table B3: Budgeted Financial performance (Revenue and Expenditure) by vote;*
- (iv) *Table B4: Adjustments Budget Financial Performance (revenue by source); and*
- (v) *Table B5: Budgeted Capital Expenditure by Vote, standard classification and funding.*

8.2 Direktoraat Tegniese Dienste / Directorate Technical Services

8.2.1 Spatial Development Framework: Ceres Priority Focus Area 1 (15/04/P)

The following documents are attached:

- (a) Memorandum from the Senior Manager: Town Planning and Building Control, dated 10 March 2021: **Annexure 8.2.1(a)**.
- (b) Draft of the plan for Spatial Development Framework: Ceres Priority Focus Area 1, dated 1 December 2020: **Annexure 8.2.1(b)**.

Council unanimously resolved on 26 January 2022 that the matter in respect of the Ceres Priority Focus Area 1 be held in abeyance for clarification purposes until the next meeting.

RECOMMENDED

- (a) *that the Senior Manager: Town Planning and Building Control makes a presentation to the Executive Mayoral Committee and Council in respect of the Spatial Development Framework: Ceres Priority Focus area 1.*
- (b) *that the Precinct Plan for Ceres Priority Focus Area 1, dated December 2020, be adopted as a supplement to the Witzenberg Spatial Development Framework.*

8.2.2 Small Scale Embedded Generation (SSEG) Policy: Methodology, allowable limit and motivation of renewable tariff (16/3/P)

The following documents are attached:

- (a) Memorandum from Senior Manager: Electro-Technical Services, dated 30 November 2021: **Annexure 8.2.2(a)**.
- (b) Review and Strategic Input report: **Annexure 8.2.2(b)**.

RECOMMENDED

For consideration.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Presentation: Vredebes Incremental Housing (17/04/1/1/1)

The following items refer:

- (a) Item 5.1 of the meeting of the Committee for Housing Matters, held on 24 June 2021, refers.
- (b) Item 6.1 of the Council meeting, held on 25 Augustus 2021.

Ms Karen Siebrits from Messrs ASLA made a presentation in respect of incremental housing, which is attached as **annexure 8.3.1(a)**.

The Department of Human Settlements has noted the densification of informal settlements and is looking at the decanting thereof with the proposed incremental housing.

Vredebes has been identified as the Pilot Project and therefore the enhanced serviced sites are earmarked as part of Phase H.

It is noted that the proposal includes church and crèche sites, but that persons earning more than R7 000-00 also have the option of purchasing a plot.

The Committee for Housing Matters resolved on 24 June 2021 to recommend to the Executive Mayoral Committee and Council that Messrs ASLA presents the concept of incremental housing to Council at the next Council meeting.

Messrs Devco and ASLA, represented by Mr Pierre Blaauw and Ms Karen Siebrits, made a presentation in respect of the Vredebes Incremental Housing, attached as **annexure 8.3.1(b)**.

Council unanimously resolved on 25 August 2021:

- (a) that notice is taken of the presentation in respect of the Vredebes Incremental Housing.
- (b) that Council will discuss the matter supra (a) at a workshop and that Messrs Devco and ASLA will be invited.

RECOMMENDED

For consideration.

8.3.2 Housing: Witzenberg Municipality: Housing Administration Policy (17/4/P)

Item 7.3.6 of the Executive Mayoral Committee meeting, still to be held, refers.

The Housing Administration Policy for Witzenberg Municipality, received from the Municipal Manager, dated 18 February 2020, is attached as **annexure 8.3.2.**

Council unanimously resolved on 25 November 2020 that the matter in respect of the Housing Administration Policy of Witzenberg Municipality be held in abeyance until the next meeting.

Die Raad het eenparig op 25 November 2020 besluit dat die aangeleentheid aangaande die Behuisingsadministrasiebeleid van Munisipaliteit Witzenberg oorstaan tot die volgende vergadering.

RECOMMENDED

That the Executive Mayoral Committee recommends to Council:

that the Housing Administration Policy of Witzenberg Municipality, after consideration, be approved.

AANBEVEEL

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die Behuisingsadministrasiebeleid van Munisipaliteit Witzenberg, na oorweging, goedgekeur word.

8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Appointment of Section 79 Committees by Council (03/3/1/1)

Background

In terms of Section 79 of the Structures Act, Council may establish one or more Committees necessary for the effective and efficient performance of any of Council's functions or the exercising of Council's powers. They are usually set up to investigate a particular issue and do not have decision making powers. They can also make recommendations to Council.

Council appoints the members as well as the Chairpersons of the Section 79 Committees and:

- Must determine the functions of a committee
- May delegate duties and powers to the committees in terms of Section 32 of the said Act
- May authorise a committee to co-opt advisory members who are not members of the Council within the limits determined by the Council
- May remove a member of a committee from time to time
- May determine a committees procedure

Functions of the Section 79 Committees

The following functions can be considered for the Section 79 Committees:

1. At least one meeting per month to consider reports from the directors.
2. Deal with matters that have been referred to the committee by the Council or the Executive Mayor.
3. Review and evaluate policies and make recommendations to Council on amendments thereto and the revoking thereof.
4. Make recommendations to Council on new policy to be implemented.
5. Evaluate and review bylaws and make recommendations to Council thereon.
6. Oversee service delivery within the relevant portfolio.
7. Perform such duties and perform such powers as may be delegated to them by Council in terms of Section 59 of the Structures Act

Council resolved on 15 December 2021:

- (a) that the matter in respect of the appointment of Section 79 Committees by Council be held in abeyance until the next meeting.

- (b) that a Municipal Public Accounts Committee (MPAC) will be appointed by Council.

RECOMMENDED

For consideration.

**8.4.2 Council's representatives on outside bodies
(3/1/1/5)**

A list of outside bodies for which Council must appoint representatives, is attached as **annexure 8.4.2**.

RECOMMENDED

that representatives be appointed for outside bodies.

**8.4.3 Proposed establishment of Ward Committees: 2022 until 2027
(3/3/1/5)**

A report from the Manager: Integrated Development Planning, dated 25 November 2021, is attached as **annexure 8.4.3**.

RECOMMENDED

For consideration.

**8.4.4 Proposed Council meeting program: January until June 2022
(3/1/2/3)**

The following memorandum, dated 18 January 2022, was received from the Manager: Administration:

1. Purpose

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for January until June 2022.

2. For decision

Council.

3. Executive summary

The Council meeting program and meeting schedule for January until June 2022 is attached as **annexure 8.4.4(a)**. The program is essentially similar to that of 2021. It is recommended that the attached program for the period January until June 2022 be approved. SALGA and the Western Cape Government have requested that municipalities finalise their own Council calendar dates in order for them to synchronise dates with everybody. The Western Cape Government meetings calendar for 2022 is attached as **annexure 8.4.4(b)**.

Council is requested to approve the meeting program for January until June 2022. The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and is now submitted to Council for approval.

4. Discussion

4.1 Background and discussion

In terms of Section 19 of the Local Government Municipal Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, dates and venues of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

Council resolved at its meeting during December 2021 to finalise Council and Committee meeting dates only until June 2022.

The proposed Council meeting program for January until June 2022 provides the list of scheduled meetings of Council, the Executive Mayoral Committee, the various Section 80 Committees, Municipal Public Accounts Committee (MPAC), Performance, Risk and Audit Committee (PRAC), the Local Labour Forum (LLF) and the Senior Management with the applicable time, date, venue or modus of the meetings.

Senior Management meetings are once again proposed to be held every Monday, Section 80 Committee meetings on the third Wednesday and Thursday of every month, but meetings of the Committee for Housing Matters on the last Thursday of the month, Council workshops on the day prior to the Council meeting and Council meetings on the last Wednesday of the month, depending on specific circumstances. Council meetings are also synchronised with the Council meetings of the Cape Winelands District Municipality. Meetings of the Executive Mayoral Committee are scheduled twice a month. All meetings can be held virtually or in contact depending on the COVID-19 Regulations and circumstances at the time.

4.2 Constitutional and policy implications

Compliance with COVID-19 Regulations in case of contact meetings and compliance with municipal IT Policy in case of virtual meetings.

4.3 Environmental implications

This program has no environmental implications.

4.4 Financial implications

The monthly Council meetings are published in the local community newspaper, the cost of which is duly budgeted for.

4.5 Legal implications

In terms of Section 19 of the Local Government Municipal Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, date and venue or modus of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

Council meetings are planned for every month except for April and June 2022 and this exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with."

RECOMMENDED

that the proposed Council meeting program for January until June 2022 be approved.

AANBEVEEL

dat die voorgestelde vergaderingsprogram van die Raad vir Januarie tot Junie 2022 goedgekeur word.

**8.4.5 Rules of order for conducting of meetings
(1/3/1/25)**

The By-law on the Rules of Order regulating the conduct of meetings of the Witzenberg Municipality is attached as **annexure 8.4.5**.

Council unanimously resolved on 26 January 2022 that the matter in respect of the Rules of order for the conducting of meetings be held in abeyance until after the SALGA training and after that be workshopped again by Council.

RECOMMENDED

that notice be taken of the Rules of Order for the conducting of meetings of the Witzenberg Municipal Council.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

10. FORMAL AND STATUTORY MATTERS

**10.1 Feedback on matters of outside bodies
(3/R)**

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

12. ADJOURNMENT



CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**Council meeting, held in the Town Hall, Voortrekker Street, Ceres on Wednesday,
23 February 2022**

I, the undersigned, hereby declare:

- That as a Councillor and a participant of this meeting, I shall maintain strict confidentiality in respect of any information of a confidential nature to which I may become privy at meetings of the Witzenberg Council and shall only disclose such information as may become necessary or required for the proper performance of my duties and functions.
- That as a Councillor and a participant of this meeting, I shall declare any conflict of interest that may arise at every meeting and remove myself from any proceedings, in relation to that matter, giving rise to that conflict.

COUNCILLORS

Surname	Initials	Signature
Adams	K	
Cloete	JJ	
De Bruin	S	
Franse	GJ	
Fredericks	JP	
Gili	AL	
Hardnek	LA	
Heradien	P	
Klaasen	BC	

Surname	Initials	Signature
Klazen	FE	
Laban	GG	
Mouton	JS	
Ndaba	MJ	
Nogcinisa	N	
Phatsoane	N	
Sidego	EM	
Smit	HJ	
Swart	D	
Swartz	IL	
Visagie	JJ	
Yisa	K	
Zalie	J	

MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY, 15 DECEMBER 2021 AT 08:30

PRESENT

Councillors

Councillor JS Mouton (Speaker) (ANC)
Alderman HJ Smit (Executive Mayor) (DA)
Councillor K Robyn (Deputy Executive Mayor) (GOOD)
Alderman K Adams (DA)
Alderman JJ Visagie (DA)
Councillor C Lottering (DA)
Councillor EM Sidego (DA)
Councillor D Swart (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor MJ Ndaba (ANC)
Councillor AL Gili (ANC)
Councillor N Nogcinisa (ANC)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)
Councillor FE Klazen (GOOD)
Councillor JJ Cloete (Patriotic Alliance)
Councillor JP Fredericks (Freedom Front Plus)
Councillor LA Hardnek (Witzenberg Party)
Councillor P Heradien (ICOSA) (From 09:30)
Councillor GG Laban (Witzenberg Aksie)
Councillor IL Swartz (EFF)

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Mr M Mpeluza (Director: Corporate Services)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr A Hofmeester (Manager: IDP)
Mr CG Wessels (Manager: Administration)
Ms M Arendse-Smith (Chief Administrative Officer)
Mr CJ Titus (Committee Clerk)
Mr J Pieterse (Senior ICT Officer)

1. OPENING AND WELCOME

The Speaker welcomed everyone present and requested Councillor N Nogcinisa to open the meeting with prayer.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence, if any
(3/1/2/1)**

Application for leave of absence from the meeting was received from Councillor N Phatsoane due to sickness.

Aansoek om verlof tot afwesigheid van die vergadering weens ongesteldheid is vanaf Raadslid N Phatsoane ontvang.

UNANIMOUSLY RESOLVED

that the application for leave of absence from the meeting, received from Councillor N Phatsoane due to sickness, be approved and accepted.

EENPARIG BESLUIT

dat die aansoek om verlof tot afwesigheid van die vergadering, ontvang vanaf Raadslid N Phatsoane as gevolg van ongesteldheid, goedgekeur en aanvaar word.

**2.2 Confidentiality and Conflict of Interest Declaration
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration was duly signed by all Councillors.

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

**3.1 Gratitude, Congratulations and Commiseration
(11/4/3)**

Councillor K Yisa congratulated and conveyed Council's best wishes to the following Councillor and spouse on their birthdays:

❖	Councillor GJ Franse	11 December
❖	Ms M Fredericks	26 December

NOTED

4. MINUTES

**4.1 Corrections to the minutes
(3/1/2/3)**

None

NOTED

**4.2 Approval of minutes
(3/1/2/3)**

The minutes of the Special Council meeting, held on 22 November 2021, are attached as **annexure 4.2**.

UNANIMOUSLY RESOLVED

that the minutes of the Special Council meeting, held on 22 November 2021, be approved and signed by the Speaker.

EENPARIG BESLUIT

dat die notule van die Spesiale Raadsvergadering, gehou op 22 November 2021, goedgekeur en deur die Speaker onderteken word.

5. MOTIONS AND NOTICE OF SUGGESTIONS

**5.1 Mosie: Samestelling van Raad: Burgemeesterskomitee
(3/1/1/4)**

'n Brief vanaf raadslid P Heradien van ICOSA, gedateer 7 Desember 2021, word ingebind as **bylae 5.1**.

UNANIMOUSLY RESOLVED

that the matter in respect of the Motion: Compilation of Council: Mayoral Committee be held in abeyance until the next meeting due to the absence of the initiator from the meeting.

EENPARIG BESLUIT

dat die aangeleentheid rakende die Mosie: Samestelling van Raad: Uitvoerende Burgemeesterskomitee oorstaan tot die eersvolgende vergadering vanweë die afwesigheid van die iniseerder van die vergadering.

6. RESERVED POWERS

6.1. Rules of order for conducting of meetings (1/3/1/25)

The By-law on the Rules of Order regulating the conduct of meetings of the Witzenberg Municipality is attached as **annexure 6.1**.

UNANIMOUSLY RESOLVED

that the matter in respect of the Rules of order for conducting of meetings be held in abeyance and be workshopped by Council.

EENPARIG BESLUIT

dat die aangeleentheid rakende die Ordereëls vir hou van vergaderings oorstaan tot 'n volgende vergadering en deur die Raad op 'n werkswinkel behandel word.

6.2 Announcement of appointment of members of Executive Mayoral Committee by the Executive Mayor (03/1/1/4)

The Executive Mayor appointed and announced the members of the Executive Mayoral Committee in terms of Section 60(a) of the Municipal Structures Act (No. 117 of 1998) as follows:

- Councillor K Robyn: Deputy Executive Mayor / Portfolio Committee for Technical Services
- Councillor FE Klazen: Portfolio Committee for Corporate and Financial Services
- Councillor JP Fredericks: Portfolio Committee for Community Development
- Councillor EM Sidego: Portfolio Committee for Housing Matters
- Alderman JJ Visagie: Portfolio Committee for Local Economic Development and Tourism

UNANIMOUSLY RESOLVED

that the Executive Mayoral Committee consists of the following Councillors:

- (i) Councillor K Robyn: Deputy Executive Mayor and Portfolio Committee for Technical Services.*
- (ii) Councillor FE Klazen: Portfolio Committee for Corporate and Financial Services.*
- (iii) Councillor JP Fredericks: Portfolio Committee for Community Development.*

- (iv) *Councillor EM Sidego: Portfolio Committee for Housing Matters.*
- (v) *Alderman JJ Visagie: Portfolio Committee for Local Economic Development and Tourism.*

EENPARIG BESLUIT

dat die Uitvoerende Burgemeesterskomitee uit die volgende Raadslede bestaan:

- (i) *Raadslid K Robyn: Uitvoerende Onderburgemeester en Portefeuljekomitee vir Tegniese Dienste.*
- (ii) *Raadslid FE Klazen: Portefeuljekomitee vir Korporatiewe en Finansiële Dienste.*
- (iii) *Raadslid JP Fredericks: Portefeuljekomitee vir Gemeenskapsontwikkeling.*
- (iv) *Raadslid EM Sidego: Portefeuljekomitee vir Behuisingsaangeleenthede.*
- (v) *Raadsheer JJ Visagie: Portefeuljekomitee vir Plaaslike Ekonomiese Ontwikkeling en Toerisme.*

6.3 Structuring of Council

6.3.1 Appointment of Section 79 Committees by Council (03/3/1/1)

Councillor MJ Ndaba, on behalf of the ANC component, requested a caucus break from 09:03 until 09:10.

A lengthy discussion in which various Councillors took part were held with regard to the matter.

Alderman JJ Visagie proposed and Alderman HJ Smit seconded that the matter in respect of the appointment of Section 79 Committees be put to a vote.

The ANC coalition raised various questions with regard to what was called *the appointment of a Municipal Public Accounts Committee Chairperson*. Alderman K Adams mentioned that the Speaker entertained a matter which is not on the agenda. The Speaker ruled that the matter in respect of the appointment of Section 79 Committees be held in abeyance.

Various Councillors from both coalitions took part in the discussion. The ANC coalition supported the ruling of Speaker and the DA coalition requested a voting on the matter in order for the majority of Council to make the decision. The DA coalition was of the opinion that the Speaker does not have a casting vote.

The Speaker repeated that a ruling has been made by her and that the decision was final. Alderman K Adams requested that it be minuted that he called Speaker to be out of order. The Speaker verbally agreed that Secretariat may minute the request.

There was no Council resolution on the matter. The Speaker made a ruling:

- (a) that the matter in respect of the appointment of Section 79 Committees by Council be held in abeyance until the next meeting.
- (b) that a Municipal Public Accounts Committee (MPAC) will be appointed by Council.

NOTED

**6.3.2 Appointment of Section 80 Committees by Council
(03/3/1/1)**

UNANIMOUSLY RESOLVED

that the following Section 80 Committees be established:

<i>Name of committee</i>	<i>Chairperson</i>	<i>Committee members</i>
<i>Committee for Housing Matters</i>	<i>Councillor EM Sidego</i>	<i>Councillor S de Bruin Councillor MJ Ndaba Councillor IL Swartz</i>
<i>Committee for Technical Services</i>	<i>Councillor K Robyn</i>	<i>Councillor D Swart Councillor GJ Franse</i>
<i>Committee for Corporate and Financial Services</i>	<i>Councillor FE Klazen</i>	<i>Councillor J Zalie Councillor JJ Cloete Councillor P Heradien Councillor C Lottering</i>
<i>Committee for Community Development</i>	<i>Councillor JP Fredericks</i>	<i>Councillor K Yisa Alderman K Adams Councillor LA Hardnek</i>
<i>Committee for Local Economic Development and Tourism</i>	<i>Alderman JJ Visagie</i>	<i>Councillor GG Laban Councillor N Nogcinisa Councillor N Phatsoane</i>

EENPARIG BESLUIT

dat die volgende Artikel 80 Komitees aangewys word:

<i>Naam van komitee</i>	<i>Voorsitter</i>	<i>Komiteeëdele</i>
<i>Komitee vir Behuisingsaangeleenthede</i>	<i>Raadslid EM Sidego</i>	<i>Raadslid S de Bruin Raadslid MJ Ndaba Raadslid IL Swartz</i>
<i>Komitee vir Tegniese Dienste</i>	<i>Raadslid K Robyn</i>	<i>Raadslid D Swart Raadslid GJ Franse</i>
<i>Komitee vir Korporatiewe en Finansiële Dienste</i>	<i>Raadslid FE Klazen</i>	<i>Raadslid J Zalie Raadslid JJ Cloete Raadslid P Heradien Raadslid C Lottering</i>
<i>Komitee vir Gemeenskapsontwikkeling</i>	<i>Raadslid JP Fredericks</i>	<i>Raadslid K Yisa Raadsheer K Adams Raadslid LA Hardnek</i>
<i>Komitee vir Plaaslike Ekonomiese Ontwikkeling en Toerisme</i>	<i>Raadsheer JJ Visagie</i>	<i>Raadslid GG Laban Raadslid N Nogcinisa Raadslid N Phatsoane</i>

6.4 Council's representatives on outside bodies (3/1/1/5)

A list of outside bodies for which Council must appoint representatives, is attached as **annexure 6.4**.

UNANIMOUSLY RESOLVED

that the matter in respect of Council's representatives on outside bodies be held in abeyance until the next meeting.

EENPARIG BESLUIT

dat die aangeleentheid rakende die Raad se verteenwoordigers op buite-instansies oorstaan tot die volgende vergadering.

6.5 Determination of upper limits of allowances for Councillors and office bearers (5/11/1)

UNANIMOUSLY RESOLVED

that notice be taken of the matter in respect of the determination of upper limits of allowances for Councillors and office bearers.

EENPARIG BESLUIT

dat kennis geneem word van die aangeleentheid rakende die vasstelling van maksimum perke van toelaes vir Raadslede en ampsdraers.

**6.6. IDP and Budget Process Plan for 2022 to 2027
(02/02/1)**

UNANIMOUSLY RESOLVED

- (a) that the IDP and Budget Process Plan for 2022 to 2027 be approved.*
- (b) that in the event of any changes with regard to the dates of the Process Plan, the Municipal Manager be mandated to change same after consultation with the Executive Mayor.*

EENPARIG BESLUIT

- (a) dat die Geïntegreerde Ontwikkelings- en Begrotingsprosesplan vir 2022 tot 2027 goedgekeur word.*
- (b) dat in die geval van enige wysigings rakende die datums van die Prosesplan, die Munisipale Bestuurder bemaagtig word om genoemde datums te wysig na oorlegpleging met die Uitvoerende Burgemeester.*

**6.7 Proposed establishment of Ward Committees: 2022 until 2027
(3/3/1/5)**

UNANIMOUSLY RESOLVED

that the matter in respect of the proposed establishment of Ward Committees for 2022 until 2027 be held in abeyance to be workshopped by Council and after that be tabled to Council again.

EENPARIG BESLUIT

dat die aangeleentheid rakende die voorgestelde stigting van Wykskomitees vir 2022 tot 2027 oorstaan om deur die Raad op 'n werkwinkel bespreek te word en daarna weer aan die Raad voorgelê word.

**6.8 Reconnection of electricity over the festive period
(5/12/1/R)**

UNANIMOUSLY RESOLVED

- (a) that the electricity of prepaid consumers be reconnected free of charge.*
- (b) that the electricity of the suspended conventional consumers be reconnected upon payment of a deposit of R500-00.*
- (c) that the concession of goodwill runs from 22 December 2021 until 4 January 2022.*
- (d) that the Chief Financial Officer ensures that the public be informed of the Council decision via loud hailer and notices placed at all municipal pay points.*

EENPARIG BESLUIT

- (a) dat die dienste van verbruikers van voorafbetaalde elektrisiteit gratis heraangesluit word.*
- (b) dat die elektrisiteit van konvensionele verbruikers wie se dienste opgeskort was, heraangesluit word teen betaling van 'n deposito van R500-00.*
- (c) dat die toeweging van 22 Desember 2021 tot 4 Januarie 2022 geld.*
- (d) dat die Hoof Finansiële Beampte sorg dra dat die publiek ingelig word omtrent die raadsbesluit deur middel van luidsprekeraankondigings en kennisgewings by alle munisipale betaalpunte.*

**6.9 Council matters: Council recess for festive season 2021/2022
(3/1/2/3)**

UNANIMOUSLY RESOLVED

- (a) that the recess period of Council for the 2021/2022 festive season will be from 20 December 2021 until 16 January 2022.*
- (b) that if the Speaker needs to call a Council meeting all Councillors must be available for a virtual Council meeting at all times.*
- (c) that the Executive Mayor and Deputy Executive Mayor will be on standby during the recess period.*

EENPARIG BESLUIT

- (a) dat die Raad vir die 2021/2022 Feesseisoen vanaf 20 Desember 2021 tot 16 Januarie 2022 in reses sal wees.*
- (b) dat alle Raadslede ten alle tye vir 'n virtuele Raadsvergadering beskikbaar moet wees indien dit nodig sou wees dat die Speaker 'n Raadsvergadering belê.*
- (c) dat die Uitvoerende Burgemeester en Uitvoerende Onderburgemeester op bystand sal wees gedurende die reseydperk.*

**7. REFRESHMENTS AT COUNCIL MEETINGS
(5/11/1)**

UNANIMOUSLY RESOLVED

that a deduction of R100 be made monthly from the salaries of all Councillors to provide for refreshments at Council meetings.

EENPARIG BESLUIT

dat 'n bedrag van R100 maandeliks van Raadslede se salarisse verhaal word om voorsiening vir verversings by Raadsvergaderings te maak.

8. COUNCIL-IN-COMMITTEE

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY,
HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY,
26 JANUARY 2022 AT 10:00**

PRESENT

Councillors

Councillor JS Mouton (Speaker) (ANC)

The DA coalition left the meeting at 12:15 at item 8.4.2:

Alderman HJ Smit (Executive Mayor) (DA)
Councillor FE Klazen (Deputy Executive Mayor) (GOOD)
Alderman K Adams (DA)
Alderman BC Klaasen (DA)
Alderman JJ Visagie (DA)
Councillor C Lottering (DA)
Councillor EM Sidego (DA)
Councillor D Swart (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor JP Fredericks (Freedom Front Plus)
Councillor LA Hardnek (Witzenberg Party)
Councillor IL Swartz (EFF)

Councillor MJ Ndaba (ANC)
Councillor N Phatsoane (ANC)
Councillor AL Gili (ANC)
Councillor N Nogcinisa (ANC)
Councillor K Yisa (ANC) (From 10:20)
Councillor J Zalie (ANC)
Councillor JJ Cloete (Patriotic Alliance)
Councillor P Heradien (ICOSA)
Councillor GG Laban (Witzenberg Aksie)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzing (Director: Finance)
Mr H Taljaard (Acting Director: Technical Services)
Mr JH Swanepoel (Manager: Projects and Performance)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr A Hofmeester (Manager: IDP)
Mr CG Wessels (Manager: Administration)
Ms R Hendricks (Manager: Communications and Marketing)
Ms M Arendse-Smith (Senior Administrative Officer)
Mr C Titus (Committee Clerk)
Mr R Rhode (ICT Administrator)
Mr J Pieterse (Senior ICT Officer)
Ms N Matiwana (Communications and Marketing)
Ms MJ Prins (Word Processor Operator)

1. OPENING AND WELCOME

The Speaker welcomed everyone present and requested the Executive Mayor, Alderman H Smit, to open the meeting with a prayer.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence, if any
(3/1/2/1)**

Apologies for absence from the meeting were received from the Director: Technical Services (sick leave), the Director: Corporate Services (sick leave), the Deputy Director: Finance and the Head: Internal Audit (working from home).

UNANIMOUSLY RESOLVED

that notice be taken of the apologies for absence from the meeting, received from the Director: Technical Services, the Director: Corporate Services, the Deputy Director: Finance and the Head: Internal Audit and same be accepted.

EENPARIG BESLUIT

dat kennis geneem word van die verskonings vir afwesigheid van die vergadering, ontvang vanaf die Direkteur: Tegniiese Dienste, die Direkteur: Korporatiewe Dienste, die Adjunk-Direkteur: Finansies en die Hoof: Interne Oudit en genoemde aanvaar word.

**2.2 Confidentiality and Conflict of Interest Declaration
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration was duly signed by all Councillors.

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

3.1 Gratitude, Congratulations and Commiseration (11/4/3)

Council's congratulations were conveyed by Councillor D Swart to the following Councillors and spouses on their birthdays:

❖	Alderman BC Klaasen	8 January
❖	Mr K de Bruin	15 January
❖	Councillor JJ Cloete	21 January
❖	Ms F Adams	24 January

NOTED.

3.2 Matters raised by the Speaker (09/1/1)

- (a) The Speaker reminded Council that the SALGA training for all Councillors in the Witzenberg and Cape Winelands District Municipality will be held in the Town Hall, Tulbagh from Monday, 31 January 2022 until Friday, 4 February 2022. The Speaker encouraged Councillors to attend the training, because it covers all aspects to equip Councillors to be competent and able. New amendments regarding local government law, scenario's which took place in other municipalities to sharpen councillors' awareness of matters, increase their knowledge of local government and inspiration to govern to leave a legacy behind will also be discussed.
- (b) The Speaker referred to the current news, which focusses on the matter of corruption. The Speaker mentioned that the report of the Zondo Commission on state capture mentioned the bad things of much corruption and the involvement of politicians. On the day of this meeting the State President will reveal the report of the Special Investigation Unit on procurement. The news mentioned that 5 467 contracts to the amount of R14,3 billion had been investigated. The Speaker reminded Council that they have an oversight duty and also a responsibility to prevent corruption in the municipality. Speaker requested an attitude from Council to govern without fear or favouritism and to maintain high moral and ethical standards. She requested Council to work together over the borders of party political differences to the benefit of our communities and thus make our Witzenberg residents proud.
- (c) The Speaker informed Councillors that an error was made by the computer program with the deduction of income tax with the January salary run. The matter will be corrected with the February salary run.

NOTED

**3.3 Matters raised by the Executive Mayor
(09/1/1)**

The Executive Mayor expressed, on behalf of Council, condolences to the families of Chriszay Raman and Kelvin Vergotine, two youths of Bella Vista, who had committed suicide.

The Executive Mayor mentioned that it is sad when a child commits suicide and called on Council to investigate all possibilities how children in crises can be supported and assisted before taking such drastic action.

NOTED

3.4 Matters raised by the Municipal Manager

The Municipal Manager informed Council that the legislation libraries for Councillors, donated by the Department Local Government of the Western Cape Government, are still awaited. The municipality was informed that delivery can be expected in the near future. However, the Municipal Manager will follow up on the matter.

NOTED

Councillor K Yisa attended the meeting from 10:20.

The ANC coalition requested a caucus break from 10:23 until 10:30.

4. COUNCIL MATTERS

**4.1 Change in Council of Witzenberg Municipality: Court order for recount of votes
(3/1/1/3)**

A letter from the IEC South Africa, dated 23 December 2021, is attached as **annexure 4.1**.

UNANIMOUSLY RESOLVED

that notice be taken of the contents of the letter from the Independent Electoral Commission and that Alderman BC Klaasen be welcomed.

BESLUIT

dat kennis geneem word van die inhoud van die brief vanaf die Onafhanklike Verkiesingskommissie en dat raadslid BC Klaasen verwelkom word.

**4.2. Election of Deputy Executive Mayor
(03/1/1/4)**

The Speaker declared that Councillor FE Klazen was elected democratically on majority of votes as the Deputy Executive Mayor of Witzenberg Municipality.

Councillor FE Klazen delivered her acceptance speech, which is attached as **annexure 4.2.**

UNANIMOUSLY RESOLVED

that Councillor FE Klazen is democratically elected as the Deputy Executive Mayor of Witzenberg Municipality.

EENPARIG BESLUIT

dat raadslid FE Klazen eenparig verkies word as die Uitvoerende Onderburgemeester van Munisipaliteit Witzenberg.

5. MINUTES

**5.1 Corrections to the minutes
(3/1/2/3)**

The matter in respect of the correction of minutes were not attended to by Council.

NOTED

**5.2 Approval of minutes
(3/1/2/3)**

The following minutes are attached:

- (a) Special Council meeting, held on 8 October 2021: **Annexure 5.2(a).**
- (b) Special Council meeting, held on 16 November 2021: **Annexure 5.2(b).**
- (c) Special Council meeting, held on 15 December 2021: **Annexure 5.2(c).**

RESOLVED

(a) that the following minutes be approved and signed by the Speaker:

- (i) Special Council meeting, held on 8 October 2021.*
- (ii) Special Council meeting, held on 16 November 2021.*

- (b) *that the minutes of the Special Council meeting, held on 15 December 2021, be held in abeyance and that item 6.3.1: Appointment of Section 79 Committees be amended and corrected.*

BESLUIT

- (a) *dat die volgende notules goedgekeur en deur die Speaker onderteken word:*
- (i) *Spesiale raadsvergadering, gehou op 8 Oktober 2021.*
 - (ii) *Spesiale raadsvergadering, gehou op 16 November 2021.*
- (b) *dat die goedkeuring van die notule van die Spesiale Raadsvergadering, gehou op 15 Desember 2021, ontstaan en dat item 6.3.1: Aanstelling van Artikel 79 Komitees gewysig en reggestel word.*

6. MOTIONS AND NOTICE OF SUGGESTIONS

6.1 Motion: Compilation of Council: Mayoral Committee (3/1/1/4)

A letter from Councillor P Heradien (ICOSA), dated 7 December 2021, is attached as **annexure 6.1**.

UNANIMOUSLY RESOLVED

that the matter in respect of the motion "Compilation of Council: Mayoral Committee" be held in abeyance and the applicable letter be translated to English.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

None

NOTED

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

8.1.1 Draft Annual Report 2020/2021

(9/1/1)

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Draft Witzenberg Municipality Annual Report for 2020/2021.*
- (b) that a public participation process be followed as prescribed by law.*
- (c) that the Municipal Public Accounts Committee compiles an oversight report on the Draft Annual Report as per its delegated powers.*

EENPARIG BESLUIT

- (a) dat kennis geneem word van die Konsepjaarverslag van die Munisipaliteit Witzenberg vir 2020/2021.*
- (b) dat 'n openbare deelnameproses gevolg word, soos voorgeskryf deur die wet.*
- (c) dat die Munisipale Publieke Rekeninge Komitee 'n oorsigverslag oor die Konsepjaarverslag ingevolge sy afgestaande magte saamstel.*

8.1.2 Finance: Adjustment budget 2020/2021

(5/1/1/19)

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 19 January 2022: **Annexure 8.1.2(a).***
- (b) Adjustment budget report 2020/2021: **Annexure 8.1.2(b).***
- (c) Budget schedules 2020/2021: **Annexure 8.1.2(c).***

UNANIMOUSLY RESOLVED

that the adjustment budget of Witzenberg Municipality for the financial year 2020/2021, as set out in the budget documents, be submitted to the Municipal Public Accounts Committee with the Annual Report for consideration and recommendation to Council.

EENPARIG BESLUIT

dat die aansuiweringsbegroting van Munisipaliteit Witzenberg vir die finansiële jaar 2020/2021, soos in die begrotingsdokumente uiteengesit, aan die Munisipale Publieke Rekeningekomitee voorgelê word saam met die jaarverslag vir oorweging en 'n aanbeveling aan die Raad.

8.1.3 Finance: Rebates granted during 2020/2021 financial year (5/12/1/7)

The following memorandum, dated 14 January 2022, was received from the Director: Finance:

"1. Purpose

To table before Council a list of all exemptions, rebates and reductions, as prescribed by the Local Government Municipal Property Rates Act (Section 15(3)(a) of 2004) 'The Municipal Manager must annually table in the Council of the municipality a list of all exemption, rebates and reductions granted by the municipality during the previous financial year'. The list is attached as **annexure 8.1.3.**"

UNANIMOUSLY RESOLVED

that notice be taken of the list of exemptions, rebates and reductions granted by the municipality during the 2020/2021 financial year.

EENPARIG BESLUIT

dat kennis geneem word van die lys van vrystellings, kortings en verlaging wat deur die munisipaliteit gedurende die 2020/2021 finansiële jaar toegestaan is.

8.1.4 Quarterly Budget Statement [Section 52(d)] Report: 1st Quarter 2021/2022 (1 July 2021 to 30 September 2021) (9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the first quarter of 2021/2022 is attached as **annexure 8.1.4.**

UNANIMOUSLY RESOLVED

(a) *that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the 1st quarter of 2021/2022.*

- (b) *that Council refers the Quarterly Budget Statement Report in terms of Section 52(d) for the 1st quarter of 2021/2022 to the Committee for Corporate and Financial Services and the Municipal Public Accounts Committee (MPAC) for consideration and thereafter to Council for approval.*

EENPARIG BESLUIT

- (a) *dat kennis geneem word van die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die 1^{ste} kwartaal van 2021/2022.*
- (b) *dat die Raad die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die 1^{ste} kwartaal van 2021/2022 na die Komitee vir Korporatiewe en Finansiële Dienste en die Munisipale Publieke Rekeninge Komitee verwys vir oorweging en daarna na die Raad vir goedkeuring.*

8.1.5 Quarterly Budget Statement [Section 52(d)] Report: 2nd Quarter 2021/2022 (1 October 2021 to 31 December 2021) (9/1/2/2)

The required report in terms of Section 52(d) is attached as **annexure 8.1.5.**"

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the 2nd quarter of 2021/2022.*
- (b) *that Council refers the Quarterly Budget Statement Report in terms of Section 52(d) for the 2nd quarter of 2021/2022 to the Committee for Corporate and Financial Services and the Municipal Public Accounts Committee (MPAC) for consideration and thereafter to Council for approval.*

EENPARIG BESLUIT

- (a) *dat kennis geneem word van die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die 2^{de} kwartaal van 2021/2022.*
- (b) *dat die Raad die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die 2^{de} kwartaal van 2021/2022 na die Komitee vir Korporatiewe en Finansiële Dienste en die Munisipale Publieke Rekeninge Komitee verwys vir oorweging en daarna na die Raad vir goedkeuring.*

8.1.6 Mid-year Budget Statement and Performance Assessment (Section 72) Report 2021/2022: 1 July 2021 until 31 December 2021 (9/1/1 & 5/1/5/14)

The Mid-year report for the 2021/2022 financial year is attached as **annexure 8.1.6.**"

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Mid-year Budget Statement and Performance Assessment Report for the period 1 July 2021 until 31 December 2021.*
- (b) that Council refers the Mid-year Budget Statement and Performance Assessment (Section 72) Report for the period 1 July 2021 until 31 December 2021 to the Committee for Corporate and Financial Services and the Municipal Public Accounts Committee (MPAC) for consideration and thereafter to Council for approval.*

EENPARIG BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat kennis geneem word van die Halfjaarlikse Begrotings- en Prestasie Evalueringsverslag vir die tydperk 1 Julie 2021 tot 31 Desember 2021.*
- (b) dat die Raad die Halfjaarlikse Begrotings- en Prestasie Evalueringsverslag (Artikel 72) vir die tydperk 1 Julie 2021 tot 31 Desember 2021 na die Komitee vir Korporatiewe en Finansiële Dienste en die Munisipale Publieke Rekeninge Komitee verwys vir oorweging en daarna na die Raad vir goedkeuring.*

8.1.7 Delay in completing audit for financial year ended 30 June 2021 (5/14/1/18)

The attached letter, dated 1 December 2021 (**annexure 8.1.7**), was received from the Auditor-general stating that the audit report will not be submitted to the Accounting Officer by 30 November 2021."

UNANIMOUSLY RESOLVED

that notice be taken that there will be a delay in submission of the audit report.

EENPARIG BESLUIT

dat kennis geneem word van die vertraging in die indiening van die ouditverslag.

8.2 Direktooraat Tegnieuse Dienste / Directorate Technical Services

8.2.1 Spatial Development Framework: Ceres Priority Focus Area 1 (15/04/P)

The following documents are attached:

- (a) Memorandum from the Senior Manager: Town Planning and Building Control, dated 10 March 2021: **Annexure 8.2.1(a)**.
- (b) Draft of the plan for Spatial Development Framework: Ceres Priority Focus Area 1, dated 1 December 2020: **Annexure 8.2.1(b)**.

The following recommendation was tabled to Council:

- (a) that the Senior Manager: Town Planning and Building Control makes a presentation to the Executive Mayoral Committee and Council in respect of the Spatial Development Framework: Ceres Priority Focus area 1.
- (b) that the Precinct Plan for Ceres Priority Focus Area 1, dated December 2020, be adopted as a supplement to the Witzenberg Spatial Development Framework.

UNANIMOUSLY RESOLVED

that the matter in respect of the Ceres Priority Focus Area 1 be held in abeyance for clarification purposes until the next meeting.

8.2.2 Council's representation on Ceres Koekedouw Irrigation Board (3/1/1/5)

A memorandum from the Director: Technical Services, dated 14 September 2021, is attached as **annexure 8.2.2**.

UNANIMOUSLY RESOLVED

- (a) *that the Council resolution, as per item 4.4 of 2 September 2016, relating to Council's representation on the Ceres Koekedouw Management Committee which reads*

"That Aldermen JJ Visagie and K Adams be appointed as Council's representatives on the Ceres Koekedouw Irrigation Board."

be rescinded and changed as follows:

that the members seconded from Witzenberg Municipality to the Management Committee of Ceres Koekedouw Irrigation Board be represented by the following job designations:

- (i) *Director: Technical Services*
Secundi: Acting Director: Technical Services
- (ii) *Chief Financial Officer*
Secundi: Manager: Financial Administration
- (iii) *Deputy Chief Financial Officer*
Secundi: Manager: Supply Chain
- (b) *that the above job designations obtain a mandate from the Executive Mayor before attending any Ceres Koekedouw Management meetings.*

8.3 Direktooraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Request for financial support for CCTV security cameras (17/7/5)

A request has been received from Tulbagh Rural Safety, a registered NGO, for financial support for the installation of CCTV cameras at the access routes to Witzenville and Chris Hani. A copy of the letter is attached as **annexure 8.3.1**.

UNANIMOUSLY RESOLVED

- (a) that Council assists with a once-off payment of R96 000 in favour of Tulbagh Rural Safety, a registered NGO, for the installation of CCTV cameras at the access routes to Witzenville and Chris Hani settlements, Tulbagh.*
- (b) that the Director: Finance provides the applicable funding of the amount supra (a) from the adjustment budget.*

8.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Rules of order for conducting of meetings (1/3/1/25)

The By-law on the Rules of Order regulating the conduct of meetings of the Witzenberg Municipality is attached as **annexure 8.4.1**.

UNANIMOUSLY RESOLVED

that the matter in respect of the Rules of order for the conducting of meetings be held in abeyance until after the SALGA training and after that be workshopped again by Council.

EENPARIG BESLUIT

dat die aangeleentheid rakende die Ordereëls vir die hou van vergaderings oorstaan tot na die SALGA-opleiding en daarna weer deur die Raad op 'n werkswinkel behandel word.

8.4.2 Appointment of Section 79 Committees by Council (03/3/1/1)

Background

In terms of Section 79 of the Structures Act, Council may establish one or more Committees necessary for the effective and efficient performance of any of Council's functions or the exercising of Council's powers. They are usually set up to investigate a particular issue and do not have decision making powers. They can also make recommendations to Council.

Council appoints the members as well as the Chairpersons of the Section 79 Committees and:

- Must determine the functions of a committee
- May delegate duties and powers to the committees in terms of Section 32 of the said Act
- May authorise a committee to co-opt advisory members who are not members of the Council within the limits determined by the Council
- May remove a member of a committee from time to time
- May determine a committees procedure

Functions of the Section 79 Committees

The following functions can be considered for the Section 79 Committees:

1. At least one meeting per month to consider reports from the directors.
2. Deal with matters that have been referred to the committee by the Council or the Executive Mayor.
3. Review and evaluate policies and make recommendations to Council on amendments thereto and the revoking thereof.
4. Make recommendations to Council on new policy to be implemented.
5. Evaluate and review bylaws and make recommendations to Council thereon.
6. Oversee service delivery within the relevant portfolio.
7. Perform such duties and perform such powers as may be delegated to them by Council in terms of Section 59 of the Structures Act

Council resolved on 15 December 2021:

- (a) that the matter in respect of the appointment of Section 79 Committees by Council be held in abeyance until the next meeting.
- (b) that a Municipal Public Accounts Committee (MPAC) will be appointed by Council.

A lengthy discussion was held about the matter.

Alderman BC Klaasen proposed and Alderman HJ Smit seconded that a Municipal Public Accounts Committee (MPAC) be established as follows:

Committee consists of five (5) members:

- (i) Councillor L Hardneck: Chairperson
- (ii) The remaining four members consist of each member from political party:
 - 1 x ANC
 - 1 x DA
 - 1 x PA and
 - 1 x EFF

Councillor AL Gili mentioned that an MPAC Chairperson was appointed and requested that the matter be held in abeyance until after the motion of Councillor Heradien was solved and after the minutes of the Special Council meeting held on 15 December 2021, which was held in abeyance, have been approved.

The Speaker mentioned that a conflict existed if the matter of the appointment of the Section 79 Committees are dealt with, because it forms part of the minutes of the Special Council meeting. A contradiction will thus be created.

The Municipal Manager, on request of the Speaker, provided a clarification that the letter of Councillor Heradien requested an investigation in terms of a possible transgression of the Code of Conduct. At the meeting on 15 December 2021 the Speaker made a ruling that the matter be held in abeyance and it was therefore not Council who made the decision.

In terms of the requested clarification Council must consider whether there are to different matters or not. These are:

- (a) The motion being held in abeyance as ruled by the Speaker and not decided on by Council.
- (b) The establishment of Section 79 Committees.

Alderman JJ Visagie raised the opinion that the Speaker made a wrong decision by ruling that the matter be held in abeyance. This is only Council's prerogative to make such decision.

Various Councillors took part in the debate and enquired whether the investigation as requested in the motion was done regarding a possible breach of the Code of Conduct.

Alderman HJ Smit reminded the Speaker that a proposal was on the table requesting that an Municipal Public Accounts Committee be established. No counter proposal was made, thus Speaker must call for a vote to solve the matter.

Councillor P Heradien mentioned that the matter in respect of the appointment of Section 79 Committees must be held in abeyance, because no urgency existed. The person implicated in the letter is proposed by the DA as the Chairperson of the Municipal Public Accounts Committee. The DA made a proposal that the minutes of the Special Council meeting, held on 15 December 2021, be held in abeyance and the matter of the appointment of Section 79 Committees forms part of the minutes.

The Speaker mentioned that Council had decided that the minutes be held in abeyance and the motion of Councillor Heradien are included in the minutes.

Councillor AL Gili mentioned that the matter of the motion was held in abeyance until after the investigation regarding the possible transgression of the Code of Conduct. People want to use numbers (in voting) to resolve on matters. However, the investigation must be done to resolve the matter. The minutes of this motion was held in abeyance, but the request is now to solve the matter on Section 79 Committees, which forms part of the minutes.

Councillor Heradien mentioned that if the minutes were held in abeyance it means that the motion must also stand over.

The Speaker confirmed that Council had resolved that the minutes be held in abeyance.

Councillor A Gili proposed and Councillor MJ Ndaba seconded that the matter regarding the Section 79 Committees be held in abeyance.

The Speaker made a ruling that she had decided that the matter will be held in abeyance until the next meeting.

Alderman BC Klaasen called for a point of order, which was declined by the Speaker. The Alderman mentioned that the Speaker was not in compliance with the regulations of the By-law: Rules of order for meetings. A lengthy debate/argument erupted between the Alderman and the Speaker. The Speaker mentioned that the Alderman is out of order. Chaos erupted in the meeting with various Councillors from both sides shouting in the meeting.

The Speaker repeated that the matter will be held in abeyance and announced the next item on the agenda.

Alderman BC Klaasen put on record that the DA coalition will leave the meeting, because the Speaker refused to entertain the point of order of the Alderman. He mentioned that the consequence will be the lack of a quorum for the meeting. The DA coalition left the meeting at 12:15 without finalising item 8.4.2: Appointment of Section 79 Committees.

The Speaker expressed her disappointment with the actions of the DA coalition and that the debate between the two coalitions could not be solved. The attendance register of the meeting proved that the meeting had started with 23 Councillors. The Speaker requested the Municipal Manager to provide advice regarding a continuation or adjournment of the meeting.

The Municipal Manager advised that in terms of law a quorum was needed to continue the meeting, which is twelve Councillors.

NOTED

12. ADJOURNMENT

The Speaker adjourned the meeting at 13:15 due to the lack of a quorum.

Approved on _____ with / without amendments.

COUNCILLOR JS MOUTON
SPEAKER

/MJ Prins

MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON MONDAY, 7 FEBRUARY 2022 AT 10h00

PRESENT

Councillors

Councillor JS Mouton (Speaker) (ANC)
Alderman HJ Smit (Executive Mayor) (DA)
Councillor FE Klazen (Deputy Executive Mayor) (GOOD)
Alderman K Adams (DA)
Alderman JJ Visagie (DA)
Councillor EM Sidego (DA)
Councillor D Swart (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Alderman BC Klaasen (DA)
Councillor MJ Ndaba (ANC)
Councillor AL Gili (ANC)
Councillor N Nogcinisa (ANC)
Councillor PN Phatsoane (ANC)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)
Councillor JJ Cloete (Patriotic Alliance)
Councillor JP Fredericks (Freedom Front Plus)
Councillor LA Hardnek (Witzenberg Party)
Councillor P Heradien (ICOSA)
Councillor GG Laban (Witzenberg Aksie)
Councillor IL Swartz (EFF)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Finance)
Mr J Barnard (Director: Technical Services)
Mr M Mpeluza (Director: Corporate Services)
Ms L Nieuwenhuis (Manager: Legal Services)
Mr CG Wessels (Manager: Administration)
Ms M Arendse-Smith (Chief Administrative Officer)
Ms M Prins (Word Processor Operator)
Ms R Hendricks (Manager: Communication and Marketing)
Mr CJ Titus (Committee Clerk)
Mr J Pieterse (Senior ICT Officer)

1. OPENING AND WELCOME

The Speaker welcomed everyone present and requested thereafter Councillor L. Hardnek to open the meeting with a prayer.

Speaker conveyed on behalf of Council condolences to the family and DA Coalition of Councillor C Lottering who passed on and wished them well. Council held a standing moment of silence in honour and respect for Councillor C. Lottering.

NOTED

2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

**2.1 Consideration of application for leave of absence, if any
(3/1/2/1)**

None

NOTED

**2.2 Confidentiality and Conflict of Interest Declaration
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2.**

The Confidentiality and Conflict of Interest Declaration was signed by all Councillors.

NOTED

3. MOTIONS AND NOTICE OF SUGGESTIONS

**3.1 Motion: Request for urgent meeting to table a motion of no confidence and to request the removal of the Speaker from office
(3/1/1/4)**

Speaker referred to and read the motion submitted by the DA-coalition and signed by 13 (thirteen) Councillors to request for an urgent meeting of no confidence in and the removal of the Speaker from office (attached as **annexure 3.1(a).**

Alderman J.J. Visagie proposed and Alderman H. Smit second that the meeting be postponed until 21 February 2022 at 10h00.

Speaker read a letter to Council received from Councillor I.L. Swartz, EFF that he withdraw his signature from the motion on grounds that he did not understand the motion. (Letter attached as **annexure 3.1(b).** Director:

Corporate Services translated, the letter to isiXhosa, at the request of the Speaker.

Alderman J.J. Visagie requested on behalf of the DA-caucus a caucus break.

Speaker mentioned that the motion was signed by 13 (thirteen) Councillors. With the passing on of Councillor C. Lottering the number decreased to 12 (twelve) signatures and with the withdrawel of Councillor I.L. Swartz the total decreased to 11 (eleven). Thus there are no more a majority of votes which is $11 + 1 = \text{equals } 12$. The motion cannot carry.

Speaker adjourned the meeting without any discussion.

NOTED

4. ADJOURNMENT

The meeting adjourned at 10h25.

Approved on _____ with / without amendments.

COUNCILLOR JS MOUTON
SPEAKER

/wr

7 December 2021

Councillor P Heradien
Lyell street
Ceres
6835

The Speaker
Witzenberg Municipality
Ceres
6835

Dear Speaker

Re: Compilation of Council: Item 12.1 and 12.2 of the Special Council Meeting
agenda of 22 November 2021

With a recent visit to the Municipal Offices, I became aware that certain Councillors were occupying offices. The Councillors were appointed by the Executive Mayor as Mayoral Committee members.

It is my respectful submission that the above-mentioned item was not discussed at the said meeting and no resolution in this regard taken.

I request that the matter be investigated and in the event of any irregularities or transgressions having taken place, that the relevant persons be held personally liable for any costs related to the transgression.

Thank you.

Yours Truly
Councillor Petrus Heradien



7 Desember 2021

31
1618

Raadslid P Heradien
Lylestraat
Ceres
6835

Die Speaker
Witzenberg Munisipaliteit
Ceres
6835

Geagte Speaker

I.s. Samestelling vd Raad: Item 12.1 en 12.2 vd Spesiale Raadsvergadering Agenda van 22 November 2021

Met n onlangse besoek aan die Munisipale Kantore het ek waargeneem dat sekere raadslede kantore okkupeer. Die raadslede is deur die Uitvoerende Burgemeester aangestel as Burgemeesterskomitee lede.

Dit is my respekvolle mening dat die bovermelde items nie op die genoemde vergadering bespreek is en n besluit dienoreenkomstig geneem is nie.

Ek versoek u om die handeling te ondersoek en indien daar enige oortreding begaan is diegene persoonlik verantwoordelik gehou word vir alle kostes verbonde die handeling.

Ek dank u

Die uwe

Raadslid Petrus Heradien



English on reverse side

SCANNED

3/R

The Speaker
Witzenberg Municipality
50 Voortrekker Street
CERES
6835

26 January 2022

REQUEST FOR URGENT MEETING TO TABLE A MOTION OF NO CONFIDENCE AND TO REQUEST THE REMOVAL OF THE SPEAKER FROM OFFICE

In terms of Section 29 of the Local Government Municipal Structures Act 117/1998, as amended, when the majority of Councillors requests the Speaker in writing to convene a Council Meeting, the Speaker must convene a Meeting at a time as set out in the request.

We the, undersigned majority of, Councillors of the Witzenberg Municipality hereby request you as Speaker to convene a urgent Special Council Meeting on the 07th February 2022 at 09:00 in the Ceres Town Hall, 50 Voortrekker Street, Ceres.

The reason for the urgent Special Meeting is to table a Motion of no confidence and to ask for the removal of the Speaker in terms of Section 40 of the said Municipal Structures Act.

The vote of no confidence in the Speaker is a result of:

1. The Speaker being partial in Council Meetings.
2. The Speaker lacking knowledge of relevant legislation as well as the Rules of Order of Council.
3. The Speaker making Rulings on behalf of Council in substantive matters where the Speaker clearly has not the authority to do so.
4. The majority of Councillors having a total lack of trust and confidence in the Speaker to exercise her oversight and other responsibilities in terms of the said Structures Act.

DATED AND SIGNED AT CERES ON THIS 26TH DAY OF JANUARY 2022.

1. 
HENDRIK J SMIT – DA

2. 
DIRK SWART – DA





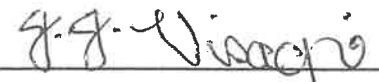
3. KARRIEM ADAMS – DA



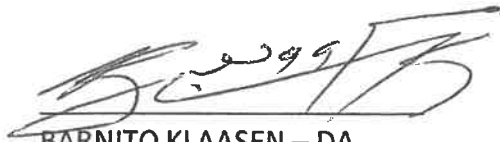
4. ELIZABETH SIDEGO – DA



5. CORNELIUS LOTTERING – DA



6. JOACHEM VISAGIE – DA



7. BARNITO KLAASEN – DA



8. GWEN FRANSE – DA



9. SOPHIA DE BRUIN – DA



10. FELICITY KLAZEN – GOOD



11. LEA HARDNEK - WP



12. JOHN FREDERICKS - VFP



13. ISAK SWARTZ - EFF

Bronaar Plaas

Koue Bokkeveld

6836

06 Februarie 2022

Aan

Die Speaker

Witzenberg Munisipaliteit

Voortekkerweg

Ceres

6835

Insake: Mosie van wantroue teen die Speaker van bogenoemde Raad

Hiermee gee ek Isak Llewellyn Swartz, EFF raadslid van die Witzenberg Raad, kennis dat ek my handtekening van 'n mosie wat ten doel het om die Speaker te verwyder, summier onttrek.

Ek was nie tenvolle bewus waarom die mosie gaan nie, en met die ontvangs van my agenda vir 'n spesiale vergadering, het dit duidelik geword waarom dit gaan. Op die stadium het ek geen mandaat om met enige party saam te werk nie, en sal eers met my party raadpleeg oor die pad vorentoe.

Hoop u vind my skrywe in orde.

By voorbaat dank

Isak Llewellyn Swartz

Handtekening 

Geteken op die 6de dag van Februarie 2022 te Koue Bokkeveld



**NOMINASIEVORM VIR DIE AMP VAN SPEAKER
NOMINATION FORM FOR OFFICE OF SPEAKER**

Ek, die ondergetekende, nomineer hiermee die volgende raadslid vir die amp van Speaker:
I, the undersigned, hereby nominate the following councillor for the office of Speaker:

Naam van nomineerder / Name of nominator	
Handtekening van nomineerder / Signature of nominator	
Datum / Date	

Ek, die ondergetekende, aanvaar hiermee my nominasie as Speaker
I, the undersigned, hereby accept my nomination as Speaker

Naam van genomineerde / Name of nominee	
Handtekening van genomineerde / Signature of nominee	
Datum / Date	

3/2/22

COUNCILLOR M J NDABA

DONKERBOS LANDGOED

PO BOX 82

KOUE BOKKEVELD

6836

15 February 2022



TO: CLLR: J MOUTON
THE SPEAKER
WITZENBERG MUNICIPALITY
VOORTREKKER STREET
CERES

AND TO: MR D NASSON
THE MUNICIPAL MANAGER
WITZENBERG MUNICIPALITY
CERES

BY HAND DELIVERY

MOTION FOR THE REMOVAL OF THE EXECUTIVE MAYOR OF WITZENBERG MUNICIPAL COUNCIL

I, Councillor Mxolisi Joseph Ndaba (ID NR: 720303 7945 089) herewith gives notice of intent to move for the removal of the Executive Mayor, Cllr Hendrik Johannes Smit.

PURPOSE

To present before Council a Motion for the removal of the Executive Mayor, Councillor Hendrik Johannes Smit in terms of Section 58 of the Municipal Structures Act, 117 of 1998 – prior notice of an intention to move a motion for the removal of the Executive Mayor must be given. The motion is submitted by Councillor Mxolisi Joseph Ndaba. The motion is further seconded by Councillor Andile Lulamile Gili.

A handwritten signature of M J NDABA, consisting of stylized initials and a surname, written over a horizontal line.

M J NDABA

A handwritten signature of A L GILI, consisting of stylized initials and a surname, written over a horizontal line.

A L GILI

LEGISLATIVE BACKGROUND

In terms of Section 58 of the Local Government Structures Act 117 of 1998, a municipal council may by resolution remove its Executive Mayor from office. Prior notice of an intention to move a motion for the removal of the Executive Mayor must be given.

A motion of removal is based on:

1. The failure of the Executive Mayor to act in good faith, honesty and transparent according to the Code of Conduct set out in Schedule 7 to Act 117 of 1998 as per the Local Government Structures Amendment Act, 2021.
2. Section 2: General Conduct of Councillors – A councillor must:
 - a) Perform the functions of the office in good faith, honestly and in a transparent manner and,
 - b) At all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.
- i) Cllr Smit has not acted in an honest and transparent manner. On 26 January 2022 at a Council meeting Cllr Smit, in a disrespectful manner left the Council meeting without the consent of the Speaker and also lead the DA Councillors out of the meeting. The Council Meeting was still in process at that particular time and was therefore disrupted.
- ii) The actions of Cllr Smit, as Executive Mayor were not in the best interest of the municipality, and the credibility and integrity of the municipality was compromised by the actions of Cllr Smit.
- iii) Cllr Smit had his own interest and that of his party at heart by acting in such a way and not the interest of the municipality and broader community of the Witzenberg.

In the circumstances I submit that proper grounds exist for the motion to be attended to at the next Council Meeting.

The Speaker is therefore requested to place the motion on the agenda accordingly.



M J NDABA (MOVER)



A L GILI (SECONDAND)



NOMINASIEVORM VIR DIE AMP VAN UITVOERENDE BURGEMEESTER
NOMINATION FORM FOR OFFICE OF EXECUTIVE MAYOR

Ek, die ondergetekende, nomineer hiermee die volgende raadslid vir die amp van Uitvoerende Burgemeester:
I, the undersigned, hereby nominate the following councillor for the office of Executive Mayor:

Naam van nomineerder / Name of nominator	
Handtekening van nomineerder / Signature of nominator	
Datum / Date	

Ek, die ondergetekende, aanvaar hiermee my nominasie as Uitvoerende Burgemeester
I, the undersigned, hereby accept my nomination as Executive Mayor

Naam van genomineerde / Name of nominee	
Handtekening van genomineerde / Signature of nominee	
Datum / Date	

3/2/22

COUNCILLOR M J NDABA

DONKERBOS LANDGOED

PO BOX 82

KOUE BOKKEVELD

6836

15 February 2022



TO: CLLR: J MOUTON
 THE SPEAKER
 WITZENBERG MUNICIPALITY
 VOORTREKKER STREET
 CERES

AND TO: MR D NASSON
 THE MUNICIPAL MANAGER
 WITZENBERG MUNICIPALITY
 CERES

BY HAND DELIVERY

MOTION FOR THE REMOVAL OF THE DEPUTY EXECUTIVE MAYOR OF WITZENBERG MUNICIPAL COUNCIL

I, Councillor Mxolisi Joseph Ndaba (ID NR: 720303 7945 089) herewith gives notice of intent to move for the removal of the Deputy Executive Mayor, Cllr Felicity Klazen.

PURPOSE

To present before Council a Motion for the removal of the Deputy Executive Mayor, Councillor Felicity Klazen in terms of Section 58 of the Municipal Structures Act, 117 of 1998 – prior notice of an intention to move a motion for the removal of the Deputy Executive Mayor must be given. The motion is submitted by Councillor Mxolisi Joseph Ndaba. The motion is further seconded by Councillor Andile Lulamile Gili.

A handwritten signature in black ink, appearing to be 'M J Ndaba', written over a horizontal line.

M J NDABA

A handwritten signature in black ink, appearing to be 'A L Gili', written over a horizontal line.

A L GILI

LEGISLATIVE BACKGROUND

In terms of Section 58 of the Local Government Structures Act 117 of 1998, a municipal council may by resolution remove its Deputy Executive Mayor from office. Prior notice of an intention to move a motion for the removal of the Deputy Executive Mayor must be given.

A motion of removal is based on:

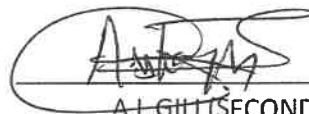
1. The failure of the Deputy Executive Mayor to act in good faith, honesty and transparent according to the Code of Conduct set out in Schedule 7 to Act 117 of 1998 as per the Local Government Structures Amendment Act, 2021.
2. Section 2: General Conduct of Councillors – A councillor must:
 - a) Perform the functions of the office in good faith, honestly and in a transparent manner and,
 - b) At all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.
- i) Cllr Klazen has not acted in an honest and transparent manner. On 26 January 2022 at a Council meeting Cllr Klazen, in a disrespectful manner left the Council meeting without the consent of the Speaker while the meeting was still in process. Cllr Klazen left the meeting together with the DA Councillors with whom her party is in coalition.
- ii) The actions of Cllr Klazen, as Deputy Executive Mayor were not in the best interest of the municipality, and the credibility and integrity of the municipality was compromised by the actions of Cllr Klazen.
- iii) Cllr Klazen had her own interest and that of her party at heart by acting in such a way and not the interest of the municipality and broader community of the Witzenberg.

In the circumstances I submit that proper grounds exist for the motion to be attended to at the next Council Meeting.

The Speaker is therefore requested to place the motion on the agenda accordingly.



M J NDABA (MOVER)



A L GILT (SECONDAND)



NOMINASIEVORM VIR DIE AMP VAN UITVOERENDE ONDERBURGEMEESTER
NOMINATION FORM FOR OFFICE OF DEPUTY EXECUTIVE MAYOR

Ek, die ondergetekende, nomineer hiermee die volgende raadslid vir die amp van Uitvoerende Onderburgemeester:

I, the undersigned, hereby nominate the following councillor for the office of Deputy Executive Mayor:

Naam van nomineerder / Name of nominator	
Handtekening van nomineerder / Signature of nominator	
Datum / Date	

Ek, die ondergetekende, aanvaar hiermee my nominasie as Uitvoerende Onderburgemeester
I, the undersigned, hereby accept my nomination as Deputy Executive Mayor

Naam van genomineerde / Name of nominee	
Handtekening van genomineerde / Signature of nominee	
Datum / Date	

MINUTES OF THE EXECUTIVE MAYORAL COMMITTEE MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 27 JULY 2021 AT 09:00

PRESENT

Executive Mayoral Committee

Alderman BC Klaasen (Executive Mayor) (DA)
Alderman K Adams (Deputy Executive Mayor) (DA)
Alderman HJ Smit (DA)
Alderman JJ Visagie (DA)
Councillor T Abrahams (Virtually) (DA)
Councillor EM Sidego (DA)

Councillors not on Executive Mayoral Committee

Alderman TT Godden (Speaker) (ex officio) (Virtually) (COPE)

Officials

Mr M Mpeluza (Acting Municipal Manager)
Mr HJ Kritzing (Director: Finance)
Mr J Barnard (Director: Technical Services) (Virtually)
Mr JH Swanepoel (Manager: Projects and Performance) (Virtually)
Mr G Louw (Head: Internal Audit) (Virtually)
Mr CG Wessels (Manager: Administration)
Ms M Arendse-Smith (Senior Administrative Officer) (Virtually)
Mr CJ Titus (Committee Clerk)
Mr J Pieterse (Senior ICT Officer) (Virtually)
Ms MJ Prins (Word Processor Operator)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Executive Mayor welcomed everyone present and requested Alderman JJ Visagie to open the meeting with prayer.

NOTED

**2. CONSIDERATION OF APPLICATION FOR LEAVE OF ABSENCE, IF ANY
AANSOEK OM VERLOF TOT AFWESIGHEID, INDIEN ENIGE
(3/1/2/1)**

An apology for absence from the meeting was received from the Municipal Manager as he was in quarantine.

It was also noted that Councillor T Abrahams has logged in from home.

RESOLVED

that the apology for absence from the meeting, received from the Municipal Manager, be accepted.

BESLUIT

dat die verskoning vir afwesigheid van die vergadering, ontvang vanaf die Munisipale Bestuurder, aanvaar word.

3. MINUTES / NOTULES

**3.1 Corrections to the minutes
(3/1/2/3)**

None

NOTED

**3.2 Approval of minutes / Goedkeuring van notules
(3/1/2/3)**

The minutes of the Executive Mayoral Committee meeting, held on 25 May 2021, are attached as **annexure 3.2**.

RESOLVED

that the minutes of the Executive Mayoral Committee meeting, held on 25 May 2021, be approved and signed by the Executive Mayor.

BESLUIT

dat die notule van die Uitvoerende Burgemeesterskomitee vergadering, gehou op 25 Mei 2021, goedgekeur en deur die Uitvoerende Burgemeester onderteken word.

**3.3 Outstanding matters / Uitstaande sake
(3/3/2)**

The Witzenberg Abuse Crisis Centre applied for the use of the Haven Night Shelter as a safe place for abused women. A meeting was held between the respective role players for alternative land and final confirmation is awaited. Alternative proposals were made and engagements held.

RESOLVED

that the matter in respect of the application of the Witzenberg Abuse Crisis Centre for the use of the Haven Night Shelter as a safe place be held in abeyance pending confirmation of outcomes.

BESLUIT

dat die aangeleentheid aangaande die aansoek van die Witzenberg Abuse Crisis Centre vir die gebruik van die Haven Nagskuiling as 'n plek van veiligheid oorstaan hangende bevestiging van die uitkoms.

**4. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED BY EXECUTIVE MAYOR
MEDEDELINGS, AANKONDIGINGS OF SAKE DEUR UITVOERENDE BURGEMEESTER GEOPPER
(9/1/1)**

- (a) The Executive Mayor mentioned that the country is currently in a challenging situation due to the violent actions in Kwazulu-Natal. The Executive Mayor expressed gratitude towards all political parties of Witzenberg Municipality who had signed an agreement to protect and upheld our constitution against anybody who wants to destabilise the municipality.
- (b) The Executive Mayor mentioned that the country is back on adjusted Level 3 of the COVID-19 regulations. In the Witzenberg municipal area the COVID infected numbers are increasing. It seems that those residents who have received the vaccinations are not so careful anymore. The municipality needs to inform the community that those who have been vaccinated, can still spread the virus and must be careful.
- (c) The Executive Mayor expressed gratitude towards the Lord for the welcome snow and rain as well as the influx of tourists to the Witzenberg area. Tourism was one of the sectors severely affected by the lockdown. Challenges arise with the tourists, but they are most welcome in order to contribute to the economy of the region.

- (d) The Executive Mayor mentioned that plans will be implemented in the towns to raise the standard of service delivery. There is a perception that employees, due to the COVID-19 situation, do not render the best service to their abilities. Management is busy with plans to raise the standard of service delivery to levels prior the COVID-19 period.
- (e) The Executive Mayor mentioned that political parties are awaiting the announcement of the coming elections by the IEC after the court procedures. Council has been performing well over the past five years and can be proud of what was done. The months before the election are called the "crazy season" and can be difficult. The Executive Mayor expressed thanks and gratitude to all Administration and Executive Mayoral Committee members who carefully keep an eye on the activities of the municipality.
- (f) The Executive Mayor reminded that a moratorium on the cut-off of electricity until 31 August 2021 was implemented for indigent clients. This is done due to the decrease in income as a result of COVID-19. The municipality needs to make decisions on financial sustainability and effective credit control.

NOTED

5. INTERVIEWS WITH DELEGATIONS / ONDERHOUDE MET AFVAARDIGINGS

None

NOTED

6. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

None

NOTED

7. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

7.1 Direkoraat Finansies / Directorate Finance

7.1.1 Section 71 Monthly Budget Statement Reports of Directorate Finance: January, February, March and April 2021 (9/1/2/2)

The Director: Financial Services submitted the Section 71 Monthly Budget Statement Reports of Directorate Finance for January and February 2021 and highlighted the following:

- R130 million currently in the bank account; the revenue situation stays the same.
- Underperformance on the Capital Budget in respect of expenditure. The Tulbagh Dam is the major reason for the problem; the municipality still awaits the water license.
- On a question the Director: Financial Services responded that the difference of 12 % in income equals approximately R4 million.
- The municipality experiences a delay in the payment for municipal services by some state departments.
- There is a delay in the registration of indigent applications, but the matter is attended to.

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for January, February, March and April 2021 and, after consideration, same be approved and accepted.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat kennis geneem word van die Artikel 71 Maandelikse Begrotingsverslae van die Direkoraat Finansies vir Januarie, Februarie, Maart en April 2021 en genoemde, na oorweging, goedgekeur en aanvaar word.

**7.1.2 Open letter: Witzenberg Justice Coalition
(5/12/P)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that the letter from the Witzenberg Justice Coalition be rejected.*
- (b) that the credit control measures not be suspended, because Witzenberg Municipality cannot bear the financial burden.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat die brief vanaf die Witzenberg Justice Coalition nie aanvaar word nie.*
- (b) dat die kredietbeheermaatreëls nie opgehef word nie, aangesien Munisipaliteit Witzenberg nie die finansiële las kan dra nie.*

**7.1.3 Quarterly Budget Statement [Section 52(d)] Report:
4th Quarter 2020/2021 (1 April 2021 to 30 June 2021)
(9/1/2/2)**

RESOLVED

- (a) That the Chief Financial Officer tables a breakdown to the Executive Mayoral Committee of overtime for each department for further action.*
- (b) That the cost implication related to the overtime worked to repair the pipe burst at Albert Crescent, Ceres be reported by the Chief Financial Officer.*
- (c) That the Executive Mayoral Committee recommends to Council:*
 - (i) that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 April 2021 to 30 June 2021.*
 - (ii) that the report be referred to the Municipal Public Accounts Committee and the Performance, Risk and Audit Committee for their recommendations to Council.*

BESLUIT

- (a) Dat die Hoof Finansiële Beampte 'n uiteensetting van oortyd vir elke departement aan die Uitvoerende Burgemeesterskomitee voorlê vir verdere aksie.*

- (b) *Dat die koste-implikasies met betrekking tot die oortyd gewerk om die pypbreuk in Albertsingel, Ceres te herstel deur die Hoof Finansiële Beampte gerapporteer word.*
- (c) *Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:*
 - (i) *dat kennis geneem word van die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die tydperk 1 April 2021 tot 30 Junie 2021.*
 - (ii) *dat die verslag verwys word na die Munisipale Publieke Rekeninge Komitee en die Prestasie-, Risiko- en Ouditkomitee vir hul aanbevelings aan die Raad.*

7.1.4 Finance: Adjustment budget 2021/2022 (5/1/1/20)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

That the adjustment budget of Witzenberg Municipality for the financial year 2021/2022 as set out in the budget documents be approved:

- (i) *Table B1 – Budget summary.*
- (ii) *Table B2 - Adjustments Budget Financial Performance (by standard classification).*
- (iii) *Table B3 – Budgeted Financial performance (Revenue and Expenditure) by Vote.*
- (iv) *Table B4 - Adjustments Budget Financial Performance (revenue by source).*
- (v) *Table B5 – Budgeted Capital Expenditure by Vote, standard classification and funding.*

**7.1.5 Validity period of General Valuation roll
(5/2/10)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that the current valuation roll be used up to the 2022/2023 financial year.*
- (b) that the process to appoint a new service provider for a new general valuation roll to be implemented from 1 July 2023.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat die huidige waardasierol gebruik word tot die 2022/2023 finansiële jaar.*
- (b) dat die proses om 'n nuwe diensverskaffer vir die nuwe algemene waardasierol aan te stel, vanaf 1 Julie 2023 geïmplementeer word.*

**7.1.6 Finance: Approval of electricity tariffs by NERSA
(5/1/1/20)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the approval of electricity tariffs by NERSA be held in abeyance.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die goedkeuring van elektrisiteitstariewe deur NERSA oorstaan.

7.2 Direktooraat Tegnieuse Dienste / Directorate Technical Services

**7.2.1 NERSA Electrical Department Compliance Audit 2020/2021
(16/3/4/1)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that notice be taken of the NERSA compliance audit outcome of the Electrical Department.*
- (b) that the proposed Corrective Action Plan be approved by Council and submitted to NERSA.*

**7.2.2 Spatial Development Framework: Ceres Priority Focus Area 1
(15/04/P)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Spatial Development Framework: Ceres Priority Focus area 1 be held in abeyance until the next meeting.

**7.2.3 100 MW Licencing threshold embedded generation limit: Implications for Council
(16/3/4/1)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the report regarding the implications of the recently announced increased 100 MW limit on the licencing threshold for power producers.

**7.2.4 Amazing Pies expansion and purchase of erf 8339, Ceres (Adjacent to Vilko)
(16/03/04/1)**

RESOLVED

That the Executive Mayor recommends to Council:

that the Senior Manager: Electro-Technical Services obtains further information from Amazing Pies in respect of the extension and purchase of erf 8339, Ceres (adjacent to Vilko) in order for the Executive Mayoral Committee to make an informed decision.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die Senior Bestuurder: Elektrotegniese Dienste verdere inligting vanaf Amazing Pies inwin rakende die uitbreiding en aankoop van erf 8339, Ceres (langs Vilko) sodat die Uitvoerende Burgemeesterskomitee 'n ingeligte besluit kan neem.

**7.2.5 Safety measures: Request for turn off lanes, MR 310, MR310 / Panorama intersection (KM 3.99) and MR310 / Buiten Street intersection (KM 5.04)
(16/4/4/2)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the Municipal Manager submits an application to the Department of Public Works for the upgrading of the MR310 road at the intersection of Panorama and Buiten Streets, Bella Vista, Ceres.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die Munisipale Bestuurder 'n aansoek aan die Departement van Publieke Werke rig vir die opgradering van die MR310-pad by die kruising van Panorama- en Buitenstrate, Bella Vista, Ceres.

**7.2.6 Draft Witzenberg Integrated Waste Management By-Law
(01/03/R)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Witzenberg Integrated Waste Management By-Law be held in abeyance until the next meeting.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel

dat die aangeleentheid aangaande die Witzenberg Geïntegreerde Afvalbestuur Verordening oorstaan tot die volgende vergadering.

7.3 Direkoraat Gemeenskapsdienste / Directorate Community Services

7.3.1 Community Facilities: Vandalism and theft at sportsgrounds and community halls (17/05/2)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that Council supports the provision of housing for caretakers of municipal sportsgrounds in the Witzenberg municipal area.*
- (b) that a clause be written into the employment contract of the appointed caretaker to reside on the sportsgrounds until the termination of his employment period at the municipality.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat die Raad die voorsiening van behuising vir opsigters van munisipale sportgronde in die Witzenberg munisipale area ondersteun.*
- (b) dat 'n klousule in die dienskontrak van die aangestelde opsigter ingeskryf word om op die sportterrein te woon tot die beëindiging van sy diensperiode by die munisipaliteit.*

7.3.2 Ceres Bowling Club: Erf 1198, Phillip Street, Ceres: Planned expansion of clubhouse (07/1/3)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that a Public Participation Process be followed in respect of the planned expansion of the Ceres Bowling Clubhouse at erf 1198, Phillip Street, Ceres.*
- (b) that the Municipal Manager drafts a policy to ensure that expansions of building facilities of the municipality be handled uniformly.*
- (c) that Council considers the fair market value of the asset and economic and community value to be received in exchange for the asset.*
- (d) that the asset is not needed to provide in the minimum level of basic municipal services.*

- (e) that the matter about outstanding rental monies by the Ceres Bowling Club be addressed.*
- (f) that the period of letting be determined in the lease agreement.*
- (g) that the matter in respect of the planned expansion of the Ceres Bowling Clubhouse be advertised for possible interested parties.*

7.3.3 Proposed By-Law: Municipal parks and open spaces (1/3/R)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that notice be taken of the By-Law on Public Parks and Open Spaces.*
- (b) that Council approves that the by-law be published for public comments and that same be referred back to Council for further consideration.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat kennis geneem word van die Verordening insake Openbare Parke en Oopruimtes.*
- (b) dat die Raad goedkeuring verleen dat die verordening geadverteer word vir publieke kommentaar en genoemde weer na die Raad verwys word vir verdere oorweging.*

7.3.4 Request for financial support for CCTV security cameras (17/7/5)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that Council assists with a once-off payment of R96 000 in favour of Tulbagh Rural Safety, a registered NGO, for the installation of CCTV cameras at the access routes to Witzenville and Chris Hani settlements, Tulbagh.*
- (b) that the Director: Finance provides the applicable funding of the amount supra (a) from the adjustment budget.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat die Raad Tulbagh Rural Safety, 'n geregistreerde Nie-Regeringsorganisasie, ondersteun met 'n eenmalige betaling van R96 000 vir die installering van CCTV-kameras by die ingangstroetes na die woonbuurte van Witzenville en Chris Hani, Tulbagh.*
- (b) dat die Direkteur: Finansies die nodige befondsing vir die bedrag supra (a) vanuit die aansuiweringsbegroting voorsien.*

**7.3.5 Allocation of land for informal traders: Tulbagh
(17/18/1)**

RESOLVED

that the matter in respect of the allocation of land for informal traders in Tulbagh be held in abeyance until the next meeting.

BESLUIT

Dat die aangeleentheid aangaande die toewysing van grond vir informele handelaars in Tulbagh oorstaan tot die volgende vergadering.

7.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services

7.4.1 Mayoral Bursary Fund Policy: Witzenberg Municipality (5/P)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Mayoral Bursary Fund Policy for Witzenberg Municipality be held in abeyance until the next meeting.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die aangeleentheid aangaande die Burgemeestersbeursfondsbeleid vir Munisipaliteit Witzenberg oorstaan tot die volgende vergadering.

7.4.2 Sale of municipal land: Erf 622, Wolseley (7/1/4/2)

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that a Public Participation Process be followed in respect of the sale of municipal land, namely erf 622, Wolseley.*
- (b) that the outcomes of the Public Participation Process supra (a) be submitted to Council for further consideration.*
- (c) that Council considers the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
- (d) that the asset is not needed to provide in the minimum level of basic municipal services.*

**7.4.3 Proposed Council meeting program: July until October 2021
(3/1/2/3)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

that the proposed Council meeting program for July until October 2021 be approved.

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

dat die voorgestelde vergaderingsprogram van die Raad vir Julie tot Oktober 2021 goedgekeur word.

**7.4.4 Recognition of outstanding effort: Global Crime Prevention Unit
(11/4/3)**

RESOLVED

That the Executive Mayoral Committee recommends to Council:

- (a) that the Speaker and Executive Mayor publicly recognise the effort of Global Crime Prevention through the handing over of a Certificate of Appreciation.*
- (b) that the respective Chairpersons of the Committees for Community Development, Technical Services and Corporate and Financial Services be invited to the handing over event of the Certificate of Appreciation.*

BESLUIT

Dat die Uitvoerende Burgemeesterskomitee by die Raad aanbeveel:

- (a) dat die Speaker en Uitvoerende Burgemeester in die openbaar erkenning gee aan Global Crime Prevention deur die oorhanding van 'n Sertifikaat van Waardering.*
- (b) dat die onderskeie Voorsitters van die Komitees vir Gemeenskapsontwikkeling, Tegniiese Dienste en Korporatiewe en Finansiële Dienste genooi word na die oorhandigingseremonie van die Sertifikaat van Waardering.*

8. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None

NOTED

9. FORMAL AND STATUTORY MATTERS

None

NOTED

10. EXECUTIVE MAYORAL COMMITTEE-IN-COMMITTEE

**MINUTES OF THE PERFORMANCE, RISK AND AUDIT COMMITTEE MEETING
OF WITZENBERG MUNICIPALITY, HELD VIRTUALLY (Microsoft Teams) ON
FRIDAY, 30 JULY 2021 AT 09:00**

PRESENT

Performance, Risk and Audit Committee

Mr J George (Chairperson)
Ms MC Fagan
Mr T Lesihla
Mr SA Redelinghuys

Officials

Mr M Mpeluza (Director: Corporate Services)
Mr HJ Kritzinger (Director: Finance)
Mr G Louw (Head: Internal Audit)
Mr JH Swanepoel (Manager: Projects and Performance)
Mr CG Wessels (Manager: Administration)
Mr CJ Titus (Committee Clerk)

Other attendees

Mr D van Huyssteen (AGSA)

1. OPENING AND WELCOME

The Chairperson welcomed everyone present and requested that all attendees confirm attendance verbally by name.

NOTED

**2. CONSIDERATION OF APPLICATIONS FOR LEAVE OF ABSENCE, IF
ANY
(3/1/2/1)**

Apologies for absence from the meeting were received from the Municipal Manager, the Deputy Director: Finance, Manager: Financial Administration, Word Processor Operator, Mr Ashiq Allie (AGSA) and Mr Johan Janse van Rensburg (AGSA).

RESOLVED

that the apologies for absence from the meeting, received from the Municipal Manager, the Deputy Director: Finance, Manager: Financial Administration, Word Processor Operator, Mr Ashiq Allie (AGSA) and Mr Johan Janse van Rensburg (AGSA), be accepted.

3. ATTENDANCE REGISTER AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

The Attendance Register and Confidentiality and Conflict of Interest Declaration is attached as **annexure 3**.

The Confidentiality and Conflict of Interest Declaration was verbally declared.

NOTED

4. MINUTES

4.1 Corrections and matters from the minutes

Item 8.2, third paragraph:

that the sentence which reads:

"AGSA requested approval from the Performance, Risk and Audit Committee that Internal Audit attends the annual stocktake of Supply Chain on behalf of AGSA" be changed to read:

"AGSA requested approval from the Performance, Risk and Audit Committee that Internal Audit attends the annual stocktake of inventory on behalf of AGSA."

**4.2 Approval of minutes
(3/1/2/3)**

The minutes of the Performance, Risk and Audit Committee meeting, held on 25 June 2021, are attached as **annexure 4.2**.

RESOLVED

that the amended minutes of the Performance, Risk and Audit Committee meeting, held on 25 June 2021, be approved and signed by the Chairperson.

**4.3 PRAC resolutions register
(5/14/4)**

- Status of the implementation of PRAC resolutions
- Feedback to PRAC regarding resolutions referred to Council.

The PRAC resolutions register, as at 30 July 2021, is attached as **annexure 4.3**.

The following matters were highlighted:

- (a) Sequence numbers 139 and 140: Quarterly Budget Statement [Section 52(d)] Reports: Second and third quarters of 2020/2021: 1 October 2020 until 31 December 2020 and 1 January 2021 until 31 March 2021

The Director: Finance reported that the applicable Section 52(d) reports have been placed on the Council agenda. The meeting has been postponed and the reports will be discussed at the next Council meeting on 25 August 2021.

- (b) Sequence number 141: PRAC First Bi-Annual Report on Performance Management

The Chairperson informed the meeting that no feedback on the PRAC First Bi-Annual Report on Performance Management has been received from the members. The agreed date for submission was 2 July 2021. The matter will be discussed offline.

- (c) Sequence number 142: Combined Assurance Framework

That the Head: Internal Audit and Ms Connie Fagan (PRAC member) discussed the matter in respect of Combined Assurance Framework.

RESOLVED

That notice be taken of the resolutions register and, after consideration, same be accepted.

5. PRESENTATIONS

5.1 Draft report of External Quality Assessment Review of Witzenberg Municipality's Internal Audit Activity (5/14/3)

The Draft report of the External Quality Assessment Review of Witzenberg Municipality's Internal Audit Activity is attached as **annexure 5.1**.

Mr Marthin Grobler of IA Professionals (Pty) Ltd made a presentation in respect of the Draft report of the External Quality Assessment Review of Witzenberg Municipality's Internal Audit Activity, attached as annexure 5.1.

RESOLVED

- (a) *that the Draft report of the External Quality Assessment Review of Witzenberg Municipality's Internal Audit Activity will be discussed further between the Head: Internal Audit and Mr Grobler.*

- (b) *that the Performance, Risk and Audit Committee takes notice of the Draft report of the External Quality Assessment Review of Witzenberg Municipality's Internal Audit Activity and awaits the final report.*

6. PERFORMANCE MANAGEMENT

None

NOTED

7. RISK MANAGEMENT

**7.1 Risk Management Report: 3rd Quarter 2020/2021
(2/12/1)**

The Risk Management Report for the third quarter of 2020/2021, dated March 2021, is attached as **annexure 7.1**.

RESOLVED

that the Performance, Risk and Audit Committee takes notice of the Risk Management Report for the third quarter of 2020/2021 and accepts same.

**7.2 Risk Management Report: 4th Quarter 2020/2021
(2/12/1)**

The Risk Management Report for the fourth quarter of 2020/2021, dated June 2021, is attached as **annexure 7.2**.

RESOLVED

that the Performance, Risk and Audit Committee takes notice of the Risk Management Report for the fourth quarter of 2020/2021 and accepts same.

**7.3 Annual Risk Assessment Report: 2020/2021
(2/12/1)**

The Head: Internal Audit tabled the Annual Risk Assessment Report for 2020/2021, dated June 2021, attached as **annexure 7.3**.

RESOLVED

that the Performance, Risk and Audit Committee takes notice of the Annual Risk Assessment Report for 2020/2021 and accepts same.

8. AUDIT AND FINANCIAL MANAGEMENT

**8.1 Section 71 Monthly Budget Statement Report of the Directorate Finance: June 2021
(9/1/2/2)**

The Director: Finance tabled the Section 71 Monthly Budget Statement Report of the Directorate Finance for June 2021, attached as **annexure 8.1**.

The following matters were highlighted:

- The Performance, Risk and Audit Committee requested the Chief Financial Officer to try to compare future Section 71 monthly reports with the previous report.
- That credit control is still a challenging matter.
- That state departments are a big concern in respect of their municipal account payment. The Department of Rural Development was pointed out. However, the municipality continues with efforts to get paid. The Performance, Risk and Audit Committee requested that further actions be taken with regard to deadlines and intergovernmental actions. The municipality cannot tolerate the situation in respect of revenue.
- That the municipality issued orders to the value of R36,8 million of which R1,6 million was in terms of deviations.
- The municipality has currently R114 million in its primary bank account with no investments.
- That the calculated cost coverage ratio of the municipality as at the end of June 2021 is 1,75 months.
- The Performance, Risk and Audit Committee was satisfied with answers in respect of matters for clarity i.e.
 - Actuarial valuation of employee benefits.
 - The upheld of an appeal in respect of short term insurance.
 - The process to buy vehicles through City of Cape Town.

RESOLVED

That the Performance, Risk and Audit Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement report of the Directorate Finance for June 2021 and recommends for consideration.

8.2 Internal Audit: Follow-up report on implementation of previously reported internal audit findings: October 2020 and March 2021 (5/14/2)

The Head: Internal Audit tabled the internal audit report on the implementation of previously reported internal audit findings: October 2020 and March 2021, dated 17 June 2021, attached as **annexure 8.2**.

The following matters were highlighted:

- That this report reflects the status before the accounting officer signs off action plans.
- Some action plans not implemented.
- Other matter: Management to accept some risks i.e. sixteen findings identified for action plans. Only one risk accepted. Balance of risks decided by Senior Management to implement action plans.
- Actions plans were implemented and Internal Audit checked it. The following matters were highlighted:
 - Traffic Services received cheques after the banks had stopped all cheques. Traffic revenue not acknowledged in a timely manner.
 - Overtime
 - ❖ The matter of a 10 hour threshold. Not compliant with the Labour Relations Act.
 - ❖ Movement of overtime forms not properly controlled.
 - ❖ Time off in lieu: Still concerns in respect of the completeness of the register. Proper record system needed. Discussions were held with Management in respect of a proper Time Off Register. A proper Standard Operating Procedure needed.

The Performance, Risk and Audit Committee requested the Head: Internal Audit to obtain responses from management why only partly implemented action plans. The Head of Internal Audit requested the Performance, Risk and Audit Committee to approve the principle that if the follow-up audit of controls implemented by management indicates an 80 % effectiveness, this is noted as such in the follow-up report for management attention and that further audit tests for effectiveness are terminated.

RESOLVED

- (a) *that the Head: Internal Audit obtains responses from Management for the partly implementation of action plans in matters as reported on in the Performance, Risk and Audit Committee meeting.*
- (b) *that if the follow-up audit of a control implemented by management indicates an 80 % effectiveness, this is noted as such in the follow-up report for management attention and that audit testing for effectiveness is terminated until the next audit cycle.*
- (c) *that the Performance, Risk and Audit Committee, after consideration, takes notice of and accepts the follow-up report on the implementation of previously reported internal audit findings.*

**8.3 Annual Risk Based Audit Plan: 2021/2022
(5/14/2)**

The Head: Internal Audit tabled the Annual Risk Based Audit Plan for 2021/2022, dated June 2021, attached as **annexure 8.3**.

RESOLVED

that the Performance, Risk and Audit Committee takes notice of the Annual Risk Based Audit Plan for 2021/2022 and accepts same.

9. OTHER MATTERS

**9.1 Completion of contract appointment: Performance, Risk and Audit Committee member: Mr Tsepo Lesihla
(5/14/4)**

The Acting Municipal Manager thanked Mr Lesihla, on behalf of the municipality, for his role in the Performance, Risk and Audit Committee at the Witzenberg Municipality. His efforts to increase the municipality's IT governance were noted and appreciated. The Acting Municipal Manager wished him well on all his future endeavours.

The Chairperson thanked Mr Lesihla on behalf of the Performance, Risk and Audit Committee and wished him well.

Mr. Lesihla expressed his appreciation and gratitude towards the Performance, Risk and Audit Committee and Senior Management for being involved with Witzenberg Municipality for the past six years. It was indeed a wonderful and learning experience to be able to achieve six consecutive clean audits with highly professional people.

NOTED

**10. NEXT MEETING
(03/1/2/3)**

The next Performance, Risk and Audit Committee meeting will be held virtually (Microsoft Teams) on Friday, 20 August 2020 at 09:00.

It is confirmed that the Financial and Performance reports will be finalised by 16 August 2021.

NOTED

11. ADJOURNMENT

The meeting adjourned at 11:50.

Approved on _____ with / without amendments.

**J GEORGE
CHAIRPERSON**

MJ Prins

**MINUTES OF THE SPECIAL PERFORMANCE, RISK AND AUDIT COMMITTEE
MEETING OF WITZENBERG MUNICIPALITY, HELD VIRTUALLY ON FRIDAY,
20 AUGUST 2021 AT 09:00**

PRESENT

Performance, Risk and Audit Committee

Mr J George (Chairperson)
Mr SA Redelinghuys
Ms MC Fagan

Officials

Mr D Nasson (Municipal Manager)
Mr M Mpeluza (Director: Corporate Services)
Mr HJ Kritzingier (Director: Finance)
Mr A Raubenheimer (Deputy Director: Finance)
Mr J Swanepoel (Manager: Projects and Performance)
Mr G Louw (Head: Internal Audit)
Mr W Mars (Manager: Financial Administration)
Mr CG Wessels (Manager: Administration)

1. OPENING AND WELCOME

The Chairperson welcomed everyone present at the meeting and confirmed attendance by name.

NOTED

**2. CONSIDERATION OF APPLICATIONS FOR LEAVE OF ABSENCE, IF
ANY
(3/1/2/1)**

Apologies for absence from the meeting were received from the Committee Clerk, Mr C Titus, and the Word Processor Operator, Ms M Prins.

RESOLVED

that notice be taken of the apologies for absence from the meeting, received from the Committee Clerk, Mr C Titus, and the Word Processor Operator, Ms M Prins.

3. ATTENDANCE REGISTER AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

The Attendance Register and Confidentiality and Conflict of Interest Declaration is attached as **annexure 3**.

The Confidentiality and Conflict of Interest Declaration was declared on the comments facility of the Teams meeting.

NOTED

4. PERFORMANCE MANAGEMENT

**4.1 Draft Annual Performance Report: 2020/2021
(9/1/1)**

The Draft Annual Performance Report for 2020/2021, as included in the 2020/2021 Annual Report as Chapter 3 and 4, is attached as **annexure 4.1**.

The Manager: Projects and Performance tabled the Draft Annual Performance Report for 2020/2021. The following were highlighted:

- 3.1.3: That the confirmation date for the mid-year performance evaluation is awaited and will be corrected.
- TecDir 3:
 - (a) Correct: The bidder for the Van Breda Bridge submitted a letter of dispute and not of an appeal. Therefore the process of awarding can continue.
 - (b) That PRAC takes notice in respect that the calculation of the KPI was adjusted due to the delay for the Water User Licence for the Tulbagh Dam. The municipality had no control over the implementation of the project and the delay had a huge impact on the performance results at year end.
- TecWat20: Correct: Unaccounted water losses not 6 %, but 13,5 % .
- TecEI37: Correct: Bring arrow down due to decrease.
- TecDir2: Noted that the target has been moved to next year.
- FinAdm9: Ratio for Financial Ability Cost Coverage 2,8 for Witzenberg Municipality. Currently National Treasury is 2,0. Ratio accepted by PRAC.
- MMIDP9: Noted that engagement with communities were not held, but with ward committees.

**Minutes: Special Performance, Risk and Audit Committee meeting:
20 August 2021**

- ComDir2: Noted that performance is 83 % . Due to the transversal procurement process for vehicles. Process could not proceed due to waiting on National Treasury to respond. Impact of R2,3 million from budget of R14,3 million noted.
- ComHS15: Noted: Only 14 out of 40 rental stock transferred. Reason due to lockdown. A huge backlog exists at Deeds Office.
- 3.2.4: Using public tap more than 200 m from dwelling. Correct: Remove number 0 (zero) and type/add "unaccounted" for 2019/2020.
- Disaster Response: Second bullet, third paragraph: Correct the date 1 July 2020 – 30 June 2020 to 1 July 2020 – 30 June 2021.
- 3.24.1 Noted: The clarity for number of sick leave taken.
- 4.1.3 Employee Equity: Correct: Figures as discussed.
- 4.2.3 Approved policies: Policies mentioned: Leave; Retirement and Mayoral Bursary: Correct: Add the last date of approval.

The Performance, Risk and Audit Committee requested comments in the preamble of document. Refer to COVID; happenings during the year; over realistic in comparison with previous year, impact of the pandemic etc.

RESOLVED

- (a) *that the Manager: Projects and Performance will amend the Draft Annual Performance Report: 2020/2021 as discussed.*
- (b) *that the amended document supra (a) be submitted to the Performance, Risk and Audit Committee by Friday, 27 August 2021 for any recommendations or comments.*
- (c) *that the final Draft Annual Performance Report for 2020/2021 be submitted to AGSA by Tuesday, 31 August 2021.*
- (d) *that the Performance, Risk and Audit Committee takes notice of the Draft Annual Performance Report for 2020/2021 and the corrections to be made to it by Administration before resubmitting to the Performance, Risk and Audit Committee and after that submission to AGSA.*

5. AUDIT AND FINANCIAL MANAGEMENT

**5.1 Review of annual financial statements for the year ended
30 June 2021
(5/3/1)**

The following memorandum, dated 16 August 2021, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to submit the annual financial statements to PRAC for review.

2. Legal framework

In terms of Section 126(1)(a) of the Municipal Financial Management Act (Act 56 of 2003) the Annual Financial Statements must be submitted to AGSA before 31 August every year.

In terms of Section 166(2)(b) of the Municipal Financial Management Act (Act 56 of 2003) the Audit Committee must review the annual financial statements to provide Council with an authoritative and credible view of the financial position of the municipality.

3. Discussion

The financial statements for the year ended 30 June 2021 are attached as **annexure 5.1.**"

The Director: Finance tabled the Annual Financial Statements for the year ended 30 June 2021 to be reviewed. The following matters were highlighted:

- P1: Correct: Chief Financial Officer not AJ Raubenheimer (Acting) but HJ Kritzing.
- P3: Noted: Cash and Cash Equivalents: R29 million of grants not spent due to circumstances. Included is R10 million in respect of the Tulbagh Dam.
- P3: Noted: Property, Plant and Equipment: Increase due to rehabilitation of landfill sites.
- P3: Noted: Trade and other Payables Exchange Transactions: Increase inter alia for ESKOM.
- P3: Noted: Increase in accumulative surplus.
- P4: Noted: Increase in Property Rates: Due to tariffs and interim valuations.

**Minutes: Special Performance, Risk and Audit Committee meeting:
20 August 2021**

- P4: Noted: Fines, Penalties and Forfeits: Decrease due to service provider for camera fines not appointed.
- P4: Noted: Rental from Fixed Assets: Decrease due to the COVID-19 pandemic.
- P4: Noted: Impairment: Decrease due to bad debts written off; majority traffic fines written off.
- P4: Noted: Bulk Services: Increase due to more consumption by consumers.
- P4: Noted: Transfers and Subsidies: Operational Expenditure: Increase of R5 million paid to ESKOM to improve electricity lines.
- P4: Noted: Construction Cost: No top structures built for housing.
- P5: Noted: Correction of error 36.12 from 2019: Accepted.
- P5: Noted: Government Grants: Decrease due to grants repaid.
- P8: Noted: Bulk Purchases: Difference between final budget and actual: -1 % . Explanation accepted.

P8: Noted: Civil Services: -1 % : CFO will check on impairment again for possible corrections.

P8: Noted: Public Safety: -4 % : CFO will check again for possible corrections.

CFO will disclose matters in respect of difference between final budget and actuals correctly to AGSA. Matter to be submitted to Council after AGSA audit been done.
- P8: Sport and Recreation: Explanation will be taken up in notes.
- P31: Noted: Note in respect of "Concentrations of credit risk...": Explanations and clarity provided by CFO and Deputy Director: Finance accepted by PRAC.
- P58: Irregular Expenditure in terms of Supply Chain Management Regulation no 32: CFO will follow up that National Treasury to condone the non-compliance, but not the amount itself. Deputy Director: Finance will distribute the circular in this regard.
- P68: Noted: Schedule of External Loans: Loans redeemed and not written off. Clarity accepted.

**Minutes: Special Performance, Risk and Audit Committee meeting:
20 August 2021**

RESOLVED

- (a) that the Performance, Risk and Audit Committee reviewed and took notice of the Annual Financial Statements for the year ended 30 June 2021 and that same be accepted.*
- (b) that the Director: Finance amends the material changes as discussed and notify the Performance, Risk and Audit Committee accordingly.*

6. NEXT MEETING

The next meeting will be held virtually (Microsoft Teams) on Friday, 29 October 2021 at 09:00.

The Chief Financial Officer informed the meeting that the municipality is waiting on AGSA for information in respect of the meeting to discuss the Engagement Letter and when to take up physical space in the building.

NOTED

7. ADJOURNMENT

The meeting adjourned at 11:00.

Approved on _____ with / without amendments.

**J GEORGE
CHAIRPERSON**

/MJ Prins

MEMORANDUM

AAN / TO: Municipal Manager

VAN / FROM: Manager: Projects & Performance

DATUM / DATE: 01/02/2022

VERW. / REF.: 05/1/5/14

MID-YEAR REVISION OF KEY PERFORMANCE INDICATORS: SDBIP 2021/22

Herewith an analysis of the 2021/22 SDBIP with the purpose of revision of certain indicators and targets. The revision included the following:

- a. Top Layer Strategic Indicators
For tabling at Council with the adjustment budget and compilation of an adjusted 2021/22 SDBIP
- b. Senior Management Performance Indicators
For tabling at Council with the adjustment budget and adjustment of 2021/22 Performance Agreements

A. Top Layer Strategic Indicators

The Municipal Finance Management Act in terms of Section 54(1)(c) determines that: *"On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must –*

(c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustment budget;"

The Mid-year budget and performance assessment (Section 72 Report) was tabled at the Council meeting held on the 26th of January 2022.

A thorough assessment of the performance of the municipality in the first half of the financial year was completed and revision to the following non-financial annual service delivery targets and performance indicators are proposed: See **Annexure A**.

B. Senior Management Performance Indicators

The Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006: Section 28(4) determines that: *"The employer will be*

entitled to review and make reasonable changes to the provisions of the performance plan from time to time for operational reasons on agreement between both parties.”

The Mid-year budget and performance assessment (Section 72 Report) was tabled at the Council meeting held on the 26th of January 2022.

A thorough assessment of the performance of the municipality in the first half of the financial year was completed. Proposed adjustments to Top Layer indicators is submitted to Council as required in terms of the MFMA 54(1) c. The relevant performance agreements will there for have to be adjusted to accommodate decisions regarding adjustment of Top Layer key performance indicators. The performance agreements also include departmental/operational indicators which in some cases also need adjustment. See **Annexure B**.

ANNEXURE A

Ref	Directorate	Department	Key Performance Indicator	Unit of Measurement	Annual Target 2021/22	Dec Accumulative Monthly Target	Dec Accumulative Monthly Result	Dec Reason if target not achieved	Dec Corrective Measures	Proposed new Annual Target	Reason for adjustment
FinFAdm10	Financial Services	Financial Administration	Financial viability expressed as Debt-Coverage ratio	200 ratio	200	200	391,72			350	Target is increased to align with actual result.
FinInc15	Financial Services	Income	Increased revenue collection	% of Revenue collected	95%	95%	88%	The on going pandemic has a negative affect on the ability of the customers to pay for services and the economic health of the community	Ensure diligent application of Credit Control Policy	93%	Target is decreased to align with budgeted income of 93%
TecEl37, TecWat 20	Technical Services	Electricity, Water	Decrease electricity/water losses	Percentage of unaccounted electricity/water losses							Adjust name of indicator to: Percentage electricity/water losses. The AG has commented that "decrease" might give the impression that the decrease from previous year is measured. The intent is to report only on the percentage losses for a particular period.
TecSan13, TecRef 31, TecWat 22	Technical Services	Sanitation, Solid Waste, Water	Percentage of households in demarcated informal areas with access to a communal toilet/ periodic solid waste removal / water point facility.	Percentage of households							Adjust definition. Remove "radius" as a scale bar is being used. Access are being defined as households within 200m radius of communal toilet / periodic waste pick-up route or skip for household waste / water point.

ANNEXURE B

Ref	Directorate	Department	Key Performance Indicator	Unit of Measurement	Annual Target 2021/22	Dec Accumulative Monthly Target	Dec Accumulative Monthly Result	Dec Reason if target not achieved	Dec Corrective Measures	Proposed new Annual Target	Reason for adjustment
CorpDir11	Corporate Services	Director: Corporate Services	Monthly meetings with chairperson of portfolio committee on corporate matters	Minutes of meeting	12	6	5	Portfolio councillor to be appointed		8	Reduce target due to elections of new councillors and delay in appointment of committee chairpersons. No targets for Oct, Nov, Dec & Jan.
CorpHR6	Corporate Services	Human Resources	Effective labour relations by facilitating regular LLF meetings per annum	10 LLF meetings (if both parties agree that a meeting is not required as per target, it will be counted as if taken place) Excl Dec and Jan.	10	5	0	Covid Restrictions and not all Union Members has access to Computer Facilities	Meetings will be arrange in 3rd Quarter	5	No meetings were held to-date due to covid restrictions.
FinDir4	Financial Services	Director: Financial Services	Draft budget presented in November	Draft budget presented at IDP Strategic workshop	1	1	0	Processes delayed due to Municipal Election Nov 2021	Processes wil resume after Election of new Council		Remove target to Feb
FinDir5	Financial Services	Director: Financial Services	Financial policies & procedures presented at IDP Strategic workshop in January.	Financial policies & procedures presented at IDP Strategic workshop in January.	1						Remove target to Feb
FinDir20	Financial Services	Director: Financial Services	Monthly meetings with chairperson of portfolio committee on finance matters	Minutes of meeting	12	6	6	No meetings were held due to process of election of new Council.	Meetings will be held starting 01 Dec with newly elected committee members	8	Reduce target due to elections of new councillors and delay in appointment of committee chairpersons. No targets for Oct, Nov, Dec & Jan.
FinFAdm21	Financial Services	Financial Administration	Develop & table an asset/loss control policy.	Draft policy tabled to Council by February.	1	1	0	No Meetings held during November due to Mun Election and Audit commitments	Will be tabled to Senior Management Meeting Jan/Febr 2022 for discussion		Shift target to Feb
MMIDP8	Municipal Manager	IDP	Effective functioning of ward committees to ensure consistent and regular communication with residents. Measured in total number off meetings per quarter.	Number of ward committee meetings held	48	24	0	Due to Covid-19 Regulations still in place, no Ward Committee meetings were held	Mechanisms to be designed, in order for Ward Committees to virtually communicate	12	Reduce target to 12 for 4th quarter
MMIA13	Municipal Manager	Internal Audit	Number of Performance, Risk & Audit Committee meetings held.	Number of meetings held	5	3	2	Various meetings was scheduled during the 2nd quarter but postponed to accommodate elections, AGSA audit and 1 instance was due to the lack of a quorum	Meeting scheduled for 21 January 2021	4	Reduce target due to cancellation of meetings in 2nd quarter.
MM14	Municipal Manager	Municipal Manager	Monthly meetings with mayor	Minutes of meeting	12	6	5	No meeting held due to elections		8	Reduce target due to elections of new councillors and delay in appointment of committee chairpersons. No targets for Oct, Nov, Dec & Jan.
MMPerf15	Municipal Manager	Performance Management	Revision of KPI indicators during IDP Strategic Process.	Revision of KPI indicators during IDP Strategic Process in October.	1	1	0	IDP strategic process postponed to January due to elections			Move target to March as IDP discussions was postponed.
TecDir13	Technical Services	Director: Technical Services	Monthly meetings with chairperson of portfolio committee on technical matters	Minutes of meeting	12	6	5	No councillor identified due to elections		8	Reduce target due to elections of new councillors and delay in appointment of committee chairpersons. No targets for Oct, Nov, Dec & Jan.

WITZENBERG

MUNISIPALITEIT

UMASIPALA

MUNICIPALITY

- MEMORANDUM -

AAN / TO: Municipal Manager

VAN / FROM: Director: Finance

DATUM / DATE: 16 February 2022

VERW. / REF.: 05/01/1/20

2021/2022 ADJUSTMENT BUDGET FOR CONSIDERATION

1. PURPOSE

The purpose of this report is to:

- Document the 2021/2022 adjustment budget for consideration to the Municipal Manager and Executive Mayor.
- Provide the background information regarding the consideration and approval of the budget.

2. LEGAL FRAMEWORK

Chapter 4 of the MFMA provides the legal framework for municipal budgets. Section 28 deals with adjustment budgets and is quoted below:

"28. Municipal adjustments budgets — (1) A municipality may revise an approved annual budget through an adjustments budget.

(2) An adjustments budget—

- (a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;*
- (b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;*
- (c) may, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;*
- (d) may authorise the utilisation of projected savings in one vote towards spending under another vote;*
- (e) may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;*
- (f) may correct any errors in the annual budget; and*
- (g) may provide for any other expenditure within a prescribed framework.*

(3) An adjustments budget must be in a prescribed form.

- (4) *Only the mayor may table an adjustments budget in the municipal council, but an adjustments budget in terms of subsection (2) (b) to (g) may only be tabled within any prescribed limitations as to timing or frequency.*
- (5) *When an adjustments budget is tabled, it must be accompanied by—*
 - (a) *an explanation how the adjustments budget affects the annual budget;*
 - (b) *a motivation of any material changes to the annual budget;*
 - (c) *an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and*
 - (d) *any other supporting documentation that may be prescribed.*
- (6) *Municipal tax and tariffs may not be increased during a financial year.*
- (7) *Sections 22 (b), 23 (3) and 24 (3) apply in respect of an adjustments budget, and in such application a reference in those sections to an annual budget must be read as a reference to an adjustments budget."*

Section 23 of the Local Government: Municipal Finance Management Act: Municipal Budget and Reporting Regulations, regulates municipal adjustment budgets and is quoted below:

"Timeframes for tabling of adjustments budgets

- 23. (1) *An adjustment budget referred to in Section 28(2)(b),(d) and (f) of the act may be tabled in the municipal council at any time after the mid-year budget and performance assessment has been tabled in the council, but not later than 28 February of the current year.*
- (2) *Only one adjustment budget referred to in sub regulation (1) may be tabled in the municipal council during a financial year, except when the additional revenues contemplated in section 28(2)(b) of the Act are allocations to a municipality in a national or provincial adjustments budget, in which case sub regulation (3) applies.*
- (3) *If a national or provincial adjustments budgets allocates or transfers additional revenues to a municipality, the mayor of the municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the municipal council to appropriate these additional revenues.*
- (4) *An adjustments budgets referred to in section 28(2)(c) of the Act must be tabled in the municipal council at the first available opportunity after the unforeseeable and unavoidable expenditure contemplated in that section was incurred and within the time period set in section 29(3) of the Act.*
- (5) *An adjustment budget referred to in section 28(2)(e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate.*
- (6) *An adjustment budget contemplated in section 28(2)(g) of the Act may only authorise unauthorised expenditure as anticipated by section 32(2)(a)(i) of the Act, and must be –*
 - a) *dealt with as part of the adjustment budget contemplated in sub regulation (1); and*
 - b) *a special adjustment budget tabled in the municipal council when the mayor tables the annual report in terms of section 127(2) of the Act, which may only deal with unauthorised expenditure from the previous financial year which the council is being requested to authorise in terms of section 32(2)(a)(i) of the Act."*

2 **Progress to date:**

The Annual Budget for 2021/2022 was approved by Council on 26 May 2021.

The Roll Over Adjustments Budget for 2021/2022 was approved by Council by the 25th of August 2021

3. **DISCUSSION**

Councils approval for the adjustments to the budget as per the attached report are requested

4. **RECOMMENDATION**

a) That the adjustment budget of Witzenberg Municipality for the financial year 2021/2022 as set out in the budget documents be approved:

- i. Table B1 - Budget summary;
- ii. Table B2 Adjustments Budget Financial Performance (by standard classification);
- iii. Table B3 – Budgeted Financial performance (Revenue and Expenditure) by Vote;
- iv. Table B4 Adjustments Budget Financial Performance (revenue by source); and
- v. Table B5 – Budgeted Capital Expenditure by Vote, standard classification and funding.

Yours faithfully

HJ Kritizinger
DIRECTOR: FINANCE



Medium Term Revenue and Expenditure Framework

Adjustments Budget
2021/2022 to 2023/2024

Table of Contents

Glossary	3
PART 1 – ADJUSTMENTS BUDGET	5
Section 1 – Mayor’s Report	5
Section 2 – Resolutions	5
Section 3 – Executive Summary	7
PART 2 – SUPPORTING DOCUMENTATION.....	10
Section 4 – Adjustments to budget assumptions	10
Section 5 – Adjustments to budget funding.....	10
Section 6 – Adjustments to expenditure on allocations and grant programmes	11
Section 7 – Adjustments to allocations or grants made by the municipality ...	11
Section 8 – Adjustments to councillors and board members allowances and employee benefits	11
Section 9 – Adjustments to service delivery and budget implementation plan	11
Section 10 Municipal Manager’s quality certification	12

Glossary

Adjustments Budget – Prescribed in section 28 of the MFMA. The formal means by which a municipality may revise its annual budget during the year.
Allocations – Money received from Provincial or National Government or other municipalities.
AFS – Annual Financial Statements.
Budget – The financial plan of the Municipality.
Budget Related Policy – Policy of a municipality affecting or affected by the budget, examples include tariff policy, rates policy and credit control and debt collection policy.
Capital Expenditure - Spending on assets such as land, buildings and machinery. Any capital expenditure must be reflected as an asset on the Municipality's Statement of Financial Performance.
Cash Flow Statement – A statement showing when actual cash will be received and spent by the Municipality. Cash payments do not always coincide with budgeted expenditure timings. For example, when an invoice is received by the Municipality it is shown as expenditure in the month it is received, even though it may not be paid in the same period.
CFO – Chief Financial Officer
DORA – Division of Revenue Act. Annual legislation that shows the total allocations made by national to provincial and local government.
Equitable Share – A general grant paid to municipalities. It is predominantly targeted to help with free basic services.
Fruitless and wasteful expenditure – Expenditure that was made in vain and would have been avoided had reasonable care been exercised.
GFS – Government Finance Statistics. An internationally recognised classification system that facilitates like for like comparison between municipalities.
GRAP – Generally Recognised Accounting Practice. The new standard for municipal accounting and basis upon which AFS are prepared.
IDP – Integrated Development Plan. The main strategic planning document of the Municipality
KPI's – Key Performance Indicators. Measures of service output and/or outcome.
MFMA – The Municipal Finance Management Act – No. 53 of 2003. The principle piece of legislation relating to municipal financial management.
MTREF – Medium Term Revenue and Expenditure Framework. A medium term financial plan, usually 3 years, based on a fixed first year and indicative further two years budget allocations. Also includes details of the previous three years and current years' financial position.
NT – National Treasury
Net Assets – Net assets are the residual interest in the assets of the entity after deducting all its liabilities. This means the net assets of the municipality equates to the "net wealth" of the municipality, after all assets were sold/recovered and all liabilities paid. Transactions which do not meet the definition of Revenue or Expenses, such as increases in values of Property, Plant and Equipment where there is no inflow or outflow of resources are accounted for in Net Assets.
Operating Expenditure – Spending on the day to day expenses of the Municipality such as salaries and wages.
Rates – Local Government tax based on the assessed value of a property. To determine the rates payable, the assessed rateable value is multiplied by the rate in the rand.
R&M – Repairs and maintenance on property, plant and equipment.

SCM – Supply Chain Management.
SDBIP – Service Delivery and Budget Implementation Plan. A detailed plan comprising quarterly performance targets and monthly budget estimates.
Strategic Objectives – The main priorities of the Municipality as set out in the IDP. Budgeted spending must contribute towards the achievement of the strategic objectives.
Unauthorised expenditure – Generally, expenditure without, or in excess of, an approved budget.
Virement – A transfer of budget.
Virement Policy – The policy that sets out the rules for budget transfers.
<p>Vote – One of the main segments into which a budget is divided. In Witzenberg Municipality the following votes and responsible senior manager was approved:</p> <ul style="list-style-type: none"> • Budget & Treasury Office – Director: Financial services • Civil Services - Director: Technical services • Community & Social Services – Director: Community services • Corporate Services – Director: Corporate services • Electro Technical Services - Director: Technical services • Executive & Council – Municipal Manager • Housing– Director: Community services • Planning - Director: Technical services • Public Safety– Director: Community services • Sport & Recreation– Director: Community services

PART 1 – ADJUSTMENTS BUDGET

Section 1 – Mayor’s Report

Speaker
 Aldermen
 Deputy Executive Mayor
 Members of the Mayoral Committee
 Councillors
 Representatives of Provincial Government
 Municipal Manager
 Directors and officials
 Introduction

It is my privilege to present to you the Adjustments Budget for the 2021 / 2022 financial year.

This adjustment budget seeks to adjust revenues and expenditures in terms of section 28 of the MFMA. It is also drafted as a response to the mid-year assessment.

The adjustments, as per the budget improvement plan compiled as a result of the original budget deemed unfunded by Provincial Treasury, has been included in this proposed adjustments budget.

The reason for the tabling of this adjustment budget is fully disclosed in the executive summary of this report.

Tabling

Honourable Speaker, I recommend that the adjustments budget be approved.

COUNCILLOR HJ SMIT
EXECUTIVE MAYOR

Section 2 – Resolutions

ADJUSTMENTS MTREF 2021/2022

The resolutions tabled at Council for consideration with approval of the adjustments budget will be:

RECOMMENDATION:

- a) That the adjustment budget of Witzenberg Municipality for the financial year 2021/2022 as set out in the budget documents for be approved:
 - i. Table B1 - Budget summary;
 - ii. Table B2 - Adjustments Budget Financial Performance (by standard classification);
 - iii. Table B3 - Budgeted Financial performance (Revenue and Expenditure) by Vote;
 - iv. Table B4 - Adjustments Budget Financial Performance (revenue by source); and
 - v. Table B5 - Budgeted Capital Expenditure by Vote, standard classification and funding.
- (b) That the monthly and quarterly financial targets of the service delivery and budget implementation plan be adjusted to correspond with the approved adjustments budget figures.

Section 3 – Executive Summary

3.1 Introduction

Adjustments to both the operating and capital budget are required to make provision for adjustments in expected expenditure and certain capital projects for the financial year.

Operational budget

In summary the Operational Revenue Budget has been adjusted as follow:

Ref	Description	Amount
a	Service Charges-Electricity	R 4 000 000
b	Indigent Rebate	R 5 000 000
c	Rental from Fixed Assets	R 1 500 000
d	Operational Housing Grant	(R 8 389 000)
e	Informal Settlement Upgrading Partnership Grant	R 1 790 000
f	Municipal Service Delivery and Capacity Building Grant	R 600 000
g	Municipal Intervention Grant	(R 600 000)
h	Local Government Public Employment Grant	R 1 600 000
i	Belgium Essen Grant	R 91 000
j	Transfers Recognized Capital	(7 445 854)
Total Operational Revenue Adjustments		R 1 313 854

Reasons for Operational Revenue Adjustments can be summarised as follow:

- Consumption statistics indicates that there is a slight increase in consumption and that the original estimated consumption units will be slightly higher if previous year consumption patterns are applied to the remainder of the year
- Indigent numbers remain constant with slight fluctuations from month to the month. It is expected that the indigent numbers will be lower than originally estimated
- An increase in the rental of facilities is experienced in line with the relaxation of the lockdown levels
- (d)- (h) Adjustments to Provincial Grants as per the Provincial Gazette
- Additional allocation received for capacity building

In summary the Operational Expenditure Budget has been adjusted as follow:

Ref	Description	Funding	Amount
a	Employee Related Cost	Own	(R 1 820 000)
b	Remuneration of Councillors	Own	(R 1 000 000)
c	Contracted Services	Own	(R 7 450 616)
d	Debt Impairment	Own	(R 10 000 000)
e	Bad Debt Written Off	Own	R 10 000 000
f	Bulk Purchases	Own	R 4 000 000
g	Project Linked Support (Housing)	Informal Settlement	R 1 790 000
h	Contracted Services	Capacity Grant	R 600 000
j	Contracted Services	Intervention Grant	(R 600 000)
k	Employee Related Cost	Public Employment	R 1 600 000
l	Contracted Services	Belgium	R91 000
m	Contracted Services – Cemetery Investigation	Own	R 100 000
n	Transfers & Subsidies – Security Cameras	Own	R 96 000
o	Operational Housing Grant	(R 8 389 000)	(R 8 389 000)
Total Operational Expenditure Adjustments			R 10 982 616

Reasons for Operational Expenditure Adjustments can be summarised as follow:

- a-c Adjustments in line with Budget Improvement Plan
- d-e Correction to Debt Impairment and Bad Debt Written. Actual write off of Debt must be accounted for against Bad Debt Written Off and not Debt Impairment as per the mSCOA Requirement. R9m of Bad Debt relates to the write off of Traffic Fines. R1m relates to the provision of write offs in terms of section 26 of the Credit Control Policy
- f Slight increase in electricity consumption
- g-k Adjustments to Provincial Grants as per the Provincial Gazette
- l Funds to be utilised for capacity building
- m Project initiated in previous year, contract already awarded
- n Council resolved that a once off payment be made to Tulbagh Rural Safety
- o Adjustments to Provincial Grants as per the Provincial Gazette

Capital budget

In summary the Capital budget has been adjusted as follow:

Ref	Description	Funding	Amount
a	Hamlet Economic Hub	Own Funding	R 40 000
b	Security Upgrades	Own Funding	R 116 000
c	Plant & Equipment (Pump station)	Own Funding	R 344 000
d	Upgrade Van Breda Bridge	Own Funding	(R 4909 565)
e	Upgrade Van Breda Bridge	Main Roads	(R 7 445 854)

Reasons for Capital Budget Adjustments can be summarised as follow:

- a) Electronic motors required for security gates
- b) Project initiated in previous year, contract already awarded
- c) Project initiated in previous year, contract already awarded
- d) Multi-year project, cash flows aligned to project progress
- e) Multi-year project, cash flows aligned to project progress

3.2 Provision of basic services

The provision of basic services will be improved by the approval of the adjustment budget.

3.3 Effect of the adjustments budget

3.3.1 Service delivery and budget implementation plan

Except for the adjustment of the monthly revenue and expenditure targets the impact to the SDBIP is minimal. No non-financial performance targets have been adjusted.

3.3.2 Service delivery agreements

No Material Adjustments

3.3.3 Medium term revenue and expenditure framework

Except for the depreciation charges of the additional capital expenditure the impact to the outer years is minimal.

3.3.4 Long term financial sustainability

The approval of the adjustment budget will have a positive effect on the long term financial sustainability of the municipality as expenditure is reduced.

3.4 Adjustment highlights

The adjustments budget seeks to comply with section 28 of the MFMA. Therefore, all adjustments are discussed according to the sub-sections of Section 28 of the MFMA.

3.4.1 Correction of expenditure.

No material correction

3.4.2 Appropriation of additional revenues

No material correction

3.4.3 Authorisation of unforeseen and unavoidable expenditure

No material items.

3.4.4 Utilisation of project savings between votes

No material items.

3.4.5 Correction of errors in annual budget

No material items

3.4.6 Roll-over of unspent funds

None

PART 2 – SUPPORTING DOCUMENTATION

Section 4 – Adjustments to budget assumptions

Revenue

Electricity Consumption is expected to be slightly higher than expected.
Other revenue assumptions remain unchanged

Expenditure

There are no changes to the budget assumptions for operating expenditure.

Section 5 – Adjustments to budget funding

5.1 Summary of the impact of the adjustments budget

5.1.1 Funding of operating and capital expenditure

The Budget remains funded by realistic anticipated revenues and cash backed accumulated reserves

5.1.2 Financial plans

No amendments.

5.1.3 Reserves

The only reserve that is cash backed at this stage is the capital replacement reserve.

5.1.4 Financial sustainability of the municipality

The financial sustainability of the municipality remains positive as the municipality is enjoying a positive bank balance whilst the cost coverage ratio and liquidity ratios remains within acceptable norms

5.2 Expenditure funded in accordance with MFMA section 18

No additional new loans included in the budget.

5.3 Adjustments to collection levels estimated

None

5.4 Adjustments to the monetary investments

No major adjustments.

5.5 Adjustments to contributions and donations in cash or in-kind

Donation to Tulbagh Rural Safety for security cameras

5.6 Adjustments related to proceeds from the sale of assets

None

5.7 Adjustments related to proceeds from the lease of assets, where the period of the lease is three years or more;

None

5.8 Adjustments related to the planned use of previous years' cash backed accumulated surplus

None

5.9 Adjustments related to new proposed loans to be raised in the budget year

None

Section 6 – Adjustments to expenditure on allocations and grant programmes

Disclosure on expenditure on allocations and grant programmes is included in supporting table SB7. Small adjustments were made to SB7 in order to align it to the DORA allocations.

Section 7 – Adjustments to allocations or grants made by the municipality

None. The revenue foregone over the MTREF is included in Table B10.

Section 8 – Adjustments to councillors and board members allowances and employee benefits

None.

Section 9 – Adjustments to service delivery and budget implementation plan

9.1 Quarterly service delivery targets and performance indicators in the SDBIP

No adjustments were made to any non-financial indicators.

9.2 Key financial indicators

No adjustments were made to the key financial indicators.

9.3 Monthly targets for revenue, expenditure and cash flow

No major adjustments

Section 10 Municipal Manager's quality certification

Quality Certificate

I, Mr D Nasson, Municipal Manager of Witzenberg Municipality, hereby certify that the adjustment budget and supporting documentation have been prepared in accordance with the Municipal Finance Management Act and the regulations made under the Act, and that the budget and supporting documentations are consistent with the Integrated Development Plan of the municipality.

Print name Mr D NASSON

Municipal Manager of Witzenberg Municipality

Signature _____

Date _____

WITZENBERG

MUNISIPALITEIT UMASIPALA MUNICIPALITY

- MEMORANDUM -

TO : Committee for Technical Services
FROM : Senior Manager: Town Planning and Building Control
DATE : 10 March 2021
REF. : 15/4/P

SPATIAL DEVELOPMENT FRAMEWORK: CERES PRIORITY FOCUS AREA 1

Annexure attached: Spatial Development Framework: Ceres Priority Focus Area 1

BACKGROUND

With the drafting of the Spatial Development Framework specific areas needing further investigation and planning was identified. These areas, called "Priority Focus Areas", were identified due to their strategic importance for development.

The area located between Ceres, Nduli and Bella Vista is designated "Ceres Priority Focus Area 1". Under an extension of the SDF contract the consultant was appointed to draft a precinct plan that would guide future development of the area. The final draft of the plan is attached as an **Annexure** to this memo.

PROCESS

This process was initiated as an extension to the MSDF 2019/20 process. During the month of August and September 2020 the draft document was finalised through the development of a concept and first draft proposals. These proposals were submitted to municipal officials for inputs. Hereafter more detailed proposals such as ideas for structure, key interventions, guidelines, future infrastructure requirements etc. were developed and tested with internal departments and circulated to key stakeholders for inputs. During the months of October and November 2020 engagements and inputs were incorporated and the document was finalised. On 22 February 2021 the document was presented to Senior Management.

PRECINCT PLAN SUMMARY

The plan contains a strategic analyses and the detailing of concepts for future development of Priority Focus Area 1 for Ceres, identified during the 2019-2020 MSDF process as the area between Ceres, Bella Vista and Nduli, in the form of a Precinct Plan as part of the MSDF package. Conceptually, in terms of the overall distribution of uses and activities, it is proposed that:

- Movement connections between the three main concentrations of people and work/ commercial opportunity be improved.
- Activities relying on strong movement flows and exposure be located along major movement routes.
- Residential and space extensive uses be located behind activities reliant on major movement flows and exposure.
- Movement routes be designed in a manner also providing for non-motorised transport.
- Public and social facilities be located on non-motorised transport routes and in a manner accessible to all communities.
- A range of housing types be promoted, providing for all income groups.
- Development be phased, largely starting from the R46 and progressively incorporating land northwards towards Bella Vista.

Due to different characteristics and potentials of parts of the Precinct Plan area, four sub-precincts, was identified and proposed as follows:

Sub-precinct 1: The area of Vredebes and surrounds.

Sub-precinct 2: The area east of Retief Street.

Sub-precinct 3: The central section of mostly farmland south of the Schoonvlei Industrial area.

Sub-precinct 4: The Schoonvlei Industrial area.

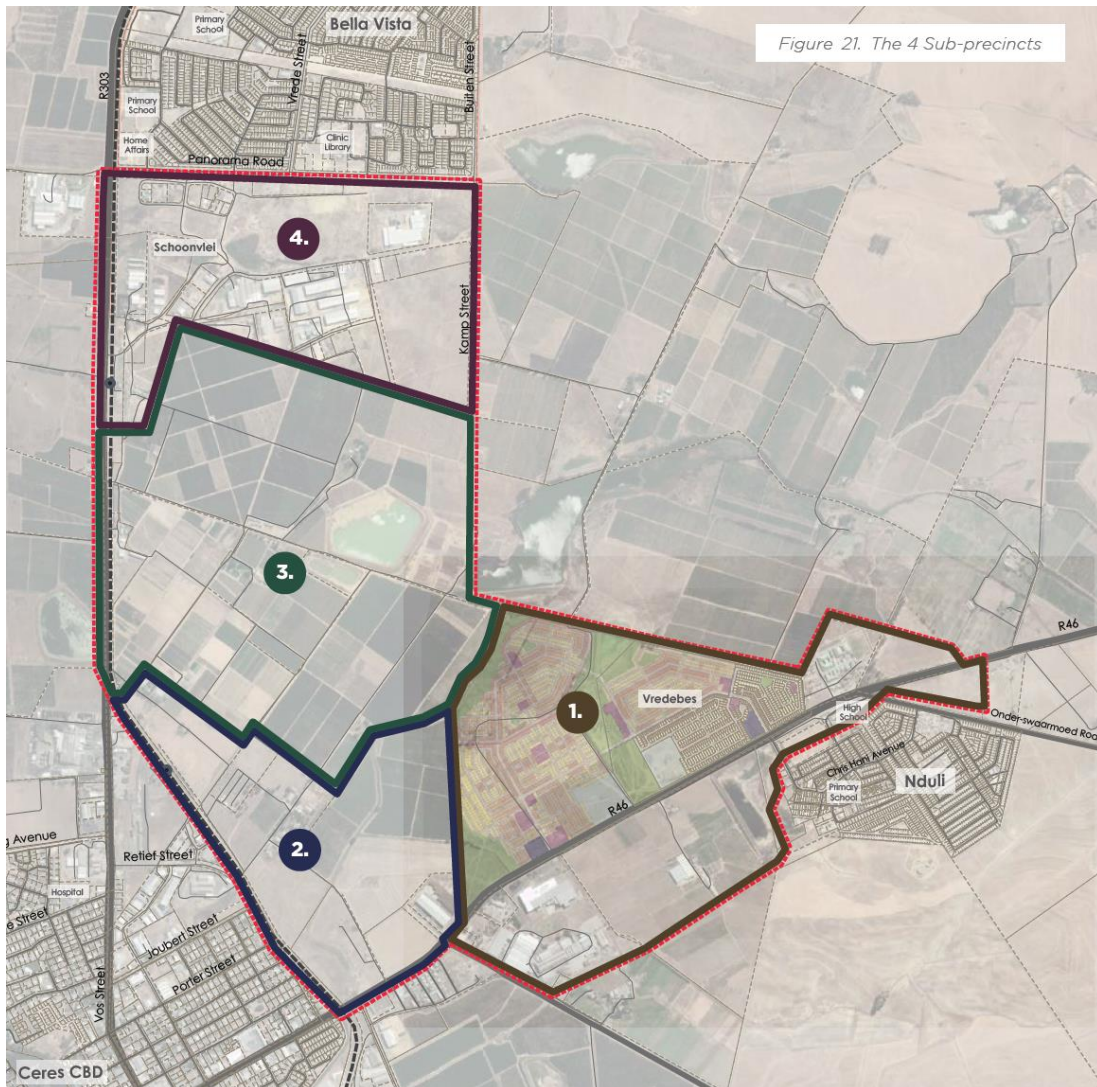


Figure 21. The 4 Sub-precincts

In summary the proposal for each of the sub-precincts are as follows:

Sub-precinct 1:

Non-residential use along the edge of Vredebes abutting the R46 and that the Vredebes housing area could be extended westwards towards the proposed new activity Route. The land area south of the R46 and between Du Toit Fruit/ Ezelfontein Road and Nduli (measuring some 30ha in extent) has been included within the urban edge of the approved 2019 MSDF. Ideally this land should be developed for commercial/ industrial use abutting the R46 and residential use behind.

Sub-precinct 2:

As a principle, it is believed that this triangular shaped land area (measuring approximately 35ha in extent) should be developed for commercial and industrial use abutting major routes with residential use behind. As indicated under sub-precinct 1, the Vredebes housing area could be extended westwards towards the proposed new activity route, with commercial and institutional uses abutting major routes.

Sub-precinct 3:

Sub-precinct 3 is currently outside the urban edge in terms of the approved 2019 MSDF. The sub-precinct measures some 200ha in extent. In general terms, development of this area is the lowest priority of the sub-precincts comprising the Precinct Plan. Every effort should be made to prevent piecemeal development of this area until such time as other sub-precincts have been developed to a large extent. In terms of the future distribution of activities, development of the area should be structured with a north south route connecting Bella Vista, Schoonvlei, and the activity route proposed as part of sub-precinct 2. In general terms, land adjacent to the R303 and north-south route should be used for industrial and commercial opportunity, with residential opportunity behind.

Sub-precinct 4:

The Schoonvlei Industrial area is partially developed. Two large properties abutting the cemetery and Kamp Street – respectively measuring 16ha and 20ha in extent – remain vacant. The Cape Winelands District Rural Development Plan identifies a district Agri-Park as part of the Schoonvlei Industrial area. The facility is seen as a catalyst for rural economic development/ industrialisation ensuring development and growth in order to improve the lives of all communities in the district.

RECOMMENDATION

It is recommended that the Precinct Plan for Ceres Priority Focus Area 1 dated December 2020 be adopted as a supplement to the Witzenberg Spatial Development Framework.

H O TALJAARD

SENIOR MANAGER: TOWN PLANNING AND BUILDING CONTROL



Witzenberg Municipality

Spatial Development Framework: Ceres Priority Focus Area 1

Ceres - Bella Vista - Nduli Integration Area

December 2020



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Glossary of Abbreviations

BNG -	Breaking New Ground (national subsidised housing strategy)	LM -	Local Municipality	RSIF -	Regional Spatial Implementation Framework
CAOZ -	Conservation Area Overlay Zone	LSDF (s) -	Local Spatial Development Framework (Frameworks)	SANBI -	South African National Biodiversity Institute
CBA -	Critical Biodiversity Area	LSU -	Large Stock Unit	SEMF -	Strategic Environment Management Framework
CBD -	Central Business District	LUMS -	Land Use Management System	SDF(s) -	Spatial Development Framework (Frameworks)
CEF -	Capital Expenditure Framework	LUPA -	(Western Cape) Land Use Planning Act	SMME(s) -	Small and Medium Enterprise (Enterprises)
CWDM -	Cape Winelands District Municipality	Mayco -	Mayoral Committee	SOE(s) -	State Owned Enterprise (Enterprises)
DEADP -	Department of Environmental Affairs and Development Planning	MIG -	Municipal Infrastructure Grant (national grant funds for infrastructure)	SPCs -	Spatial Planning Categories
DOCG -	Department of Cooperative Governance	MSA -	Municipal Systems Act, 32 of 2000	SPLUMA -	Spatial Planning and Land Use Management Act
DTPW -	Department of Transport and Public Works	MSDF -	Municipal Spatial Development Framework	UDS -	Urban Development Strategy
FLISP -	Finance Linked Individual Subsidy Programme (a national government housing programme)	MTREF -	Medium Term Revenue and Expenditure Framework	WCBSP -	Western Cape Biodiversity Spatial Plan
GAP -	Government assisted housing in the affordability “gap” for home owners earning between R3 501 and R18 000 per month	NEMA -	National Environmental Management Act	WCG -	Western Cape Government
GCM -	Greater Cape Metro	NDP -	National Development Plan	WM -	Witzenberg Municipality
GDP -	Gross Domestic Produce	NMT -	Non-motorized transport		
HA -	Hectare	NSDF -	National Spatial Development Framework		
IDP -	Integrated Development Plan	PSDF -	Provincial Spatial Development Framework		
ISC -	Integrated Steering Committee	REDZs -	Renewable Energy Development Zones		
IZS -	Integrated Zoning Scheme	RSEP -	Regional Socio-Economic Programme		
IUDF -	Integrated Urban Development Framework				

Content

1. Background and Purpose	9	3.3. Socio-Economic Context	24	6. Implementation	41
1.1. Terms of Reference and Study Area for Precinct Plan	9	3.3.1. Overview	24	6.1. Phasing	41
1.2. Users of the Precinct Plan	10	3.3.2. Key Findings and Informants	25	6.1.1. Current parallel initiatives	41
1.3. Background to the Precinct Plan: 2020 MSDF Proposals	10	3.4. Built Environment Context	26	6.1.2. Medium term (5 years)	41
1.4. Structure of the Precinct Plan	12	3.4.1. Overview	26	6.1.3. Longer term (10 years +)	41
1.5. Precinct Plan Process	12	3.4.2. Key Findings	28	6.2. Infrastructure Planning	41
2. Policy Context and Mandate	15	3.5. Institutional Context:	29	6.3. Funding	41
2.1. Policy Context for Precinct Plans	15	3.5.1. Overview	29	6.4. Land use management processes	42
2.1.1. The National Development Plan 2030	15	3.5.2. Key Findings	29	6.5. Institutional Arrangements	42
2.1.2. Integrated Urban Development Framework (IUDF)	15	3.6. Synthesis of Spatial Challenges and Opportunities	29	6.6. Development guidelines	43
2.1.3. The WCG Provincial Spatial Development Framework (PSDF)	16	4. Vision and Concept	31	6.6.1. General Guidelines	43
2.2. Planning Context	16	4.1. Vision Statement	31	6.6.2. Specific Guidelines	44
2.2.1. Draft Cape Winelands District Spatial Development Framework 2018/2019	16	4.1.1. Key considerations	31	6.6.2.1 <i>Movement routes</i>	44
2.2.2. Witzenberg Municipality 2nd Review Integrated Development Plan (2019 - 2020)	16	4.2. Conceptual Approach	31	6.6.2.2 <i>Housing</i>	45
3. Contextual Analysis	18	5. Development Proposals	34	6.6.2.3 <i>Built form and landscaping</i>	46
3.1. Historical Context and Growth	18	5.1. Overview of Proposals	34	6.6.2.4 <i>Industrial development</i>	52
3.2. Biophysical Context	21	5.1.1. Sub-precincts	34	6.6.2.5 <i>Institutional uses</i>	53
3.2.1. Overview	21	5.1.2. Movement routes	36	6.6.2.6 <i>Public space</i>	54
3.2.2. Key Findings and Informants	23	5.1.3. Land use	37	6.6.2.7 <i>Space for small and emerging entrepreneurs</i>	54
		5.1.4. Land budget	39	6.6.2.8 <i>Specific projects indicated in the MSDF55</i>	
		5.2. Infrastructure Implications	39	List of Documents Reviewed	56
				Annexures	57
				Annexure A: Witzenberg Road Asset Management Plan	58
				Annexure B: Vredebes	59

List of Figures

Figure 1. The study area for this Precinct Plan, as determined during the MSDF process.	6
Figure 2. Composite Development Proposal for the Priority Precinct Area	7
Figure 3. NGI Topocadastral Map of the Precinct Plan Area (CapeFarmMapper, gis.elsenburg.com)	9
Figure 4. Development Plan for Ceres from 2020 MSDF	10
Figure 5. Concept development of the area between Ceres, Bella Vista, and Nduli (work in progress developed for the MSDF)	11
Figure 6. Priority Area Precinct Plan Structure	13
Figure 7. 1942 aerial image of Ceres, showing limited development structured around the original settlement footprint (from the Department of Rural Development and Land Reform's National Geo-spatial Information (NGI) 1926 - 2008 series (DRDLR, 2020)).	18
Figure 8. 1980 and 1987 aerial images of Ceres, showing layouts for Bella Vista appearing to the north of town (from the Department of Rural Development and Land Reform's National Geo-spatial Information (NGI) 1926 - 2008 series (DRDLR, 2020)).	19
Figure 9. Google Earth Image from 2006.	20
Figure 10. Google Earth Image from 2020, showing areas of growth and expansion.	20
Figure 11. Water Systems and 5m contours (Cape Farm Mapper https://gis.elsenburg.com)	21
Figure 12. Conservation and biodiversity elements of the study area (Cape Farm Mapper https://gis.elsenburg.com)	22
Figure 13. Land Capability (Cape Farm Mapper https://gis.elsenburg.com)	23
Figure 14. Crops Census 2017 (Cape Farm Mapper https://gis.elsenburg.com)	24
Figure 15. Agricultural Infrastructure (Cape Farm Mapper https://gis.elsenburg.com)	25
Figure 16. The conceptual framework plan prepared in 2012 for the area between the eastern portion of Ceres and Vredebes, titled "Marseaux" (Urban Dynamics, 2012)	26
Figure 17. Layout plans for Vredebes - work in progress as phasing takes place (Urban Dynamics, 2012)	27
Figure 19. Location of Erf 9602 in relation to the Precinct Plan area	28

Figure 18. Site Development Plan Proposal for the development of a shopping centre along the R46 between Ceres and Nduli (First Plan Town and Regional Planners / Boogertman Partners, 2020)	28
Figure 20. Development Concept for Ceres	32
Figure 21. The 4 Sub-precincts	34
Figure 22. Composite development proposals for the Priority Precinct Plan	35
Figure 23. Movement Route proposals for Ceres Precinct Priority Area.	36
Figure 24. Full extent of development proposals for the Priority Precinct Plan in relation to Sub-Precincts	39
Figure 25. Possible housing typologies, as developed for the Cape Agulhas Municipality 2017 - 2022 MSDF.	45
Figure 26. Diagram illustrating the principle of moving from single use housing delivery only to the development of mixed use human settlements (WCG HSP Guidelines 2020).	45
Figure 27. Incremental housing, as developed for the Cape Agulhas Municipality 2017 - 2022 MSDF.	46
Figure 28. Guidelines for the relationship between buildings (Wellington CBD Urban Design Framework: GAPP, 2016)	46
Figure 29. Guidelines for the relationship between commercial buildings and streets (Wellington CBD Urban Design Framework: GAPP, 2016)	47
Figure 31. Example of outward frontage section for industrial precincts facing onto natural areas (Feasibility Study Opportunities and Constraints Report, February 2020 CK Rumboll and Partners)	52
Figure 32. Example of inward frontage section for industrial precincts (Feasibility Study Opportunities and Constraints Report, February 2020 CK Rumboll and Partners)	52
Figure 33. Example of clustering of facilities into a government precinct (Red Book 2019 - The Neighbourhood Planning & Design Guide)	53
Figure 34. Work Live Units sketch, by Babett Frehrking and Jonker Barnes Architects.	54
Figure 35. Public space forming the central hub supported by activities facing onto the public square.	54
Figure 37. The design of shading and structural elements.	55
Figure 36. Outdoor seating and takeaway area.	55

List of Tables

Table 1. High-level land budget for the various sub-precincts	38
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Executive Summary and Main Focus of Precinct Plan

This report contains a strategic analyses and the detailing of concepts for future development of Priority Focus Area 1 for Ceres, identified during the 2019-2020 MSDF process as the area between Ceres, Bella Vista and Nduli, in the form of a Precinct Plan as part of the MSDF package (see Figure 1 for the delineation of the study area).

The potential of the area to accommodate significant growth and meet diverse needs, including economic development opportunity, a range of housing types, and integrated movement between largely fragmented settlement parts has been acknowledged in various initiatives. To maximise the potential of the area, the need for more detailed “precinct” level planning was identified, building on previous work undertaken as part of the WCG RSEP.

Existing regional and local policy documents support the integrated development of the area between Ceres, Bella Vista and Nduli, while parallel initiative such as the Agri-Park development aligns with the future vision of this strategic area.

A high-level analysis identified the need for non-motorised transport, improved movement routes and access as well as a wider range of housing typologies and other socio-economic opportunities.

In support of the developmental visions as set out in the current IDP and MSDF documents, the planning vision for this Precinct Plan is:

“To guide the development of the Precinct Plan area in a manner which serves Witzenberg’s overall urban development and management objectives, specifically the recognition and safeguarding of Witzenberg’s critical and diverse natural, agricultural, historic, cultural, commercial, and institutional assets while increasing livelihood opportunity for all its citizens.”

To achieve the IDP and MSDF vision, five considerations were stated as critical:

- 1.** First, maintain and protect the integrity, authenticity and accessibility of Witzenberg’s natural environment and associated resources.
- 2.** Second, maintain and expand the Municipality’s key regional and intra-regional infrastructure.
- 3.** Third, maintain and grow the agricultural assets within the Municipality.
- 4.** Fourth, maintain and expand access to Witzenberg’s unique sense of people and place.
- 5.** Fifth, maintain and expand opportunity associated with Witzenberg’s key settlements.

The focus on the Precinct Plan area specifically responds to the following implications of these considerations through:

- Directing urban growth, new development and public infrastructure investment to the main urban centres within the municipality, and to areas within the existing urban footprints of towns where current “buffer” areas are dividing communities.
- Strongly discouraging any development that does not promote integration.
- Prioritising infrastructure and public investment in settlements identified for growth and in a

manner supporting the approved settlement hierarchy for Witzenberg.

- Supporting infill development and increased land uses in areas where existing infrastructure will be able to support additional capacities and as a means to improve efficiency and cost effectiveness in infrastructure provision.
- Ensuring that changes in land use – urban or rural – maintain the integrity, authenticity and accessibility of significant cultural landscapes.
- Encouraging the establishment of appropriate yet strategic gateway nodes or entry points to the various landscapes of the region.

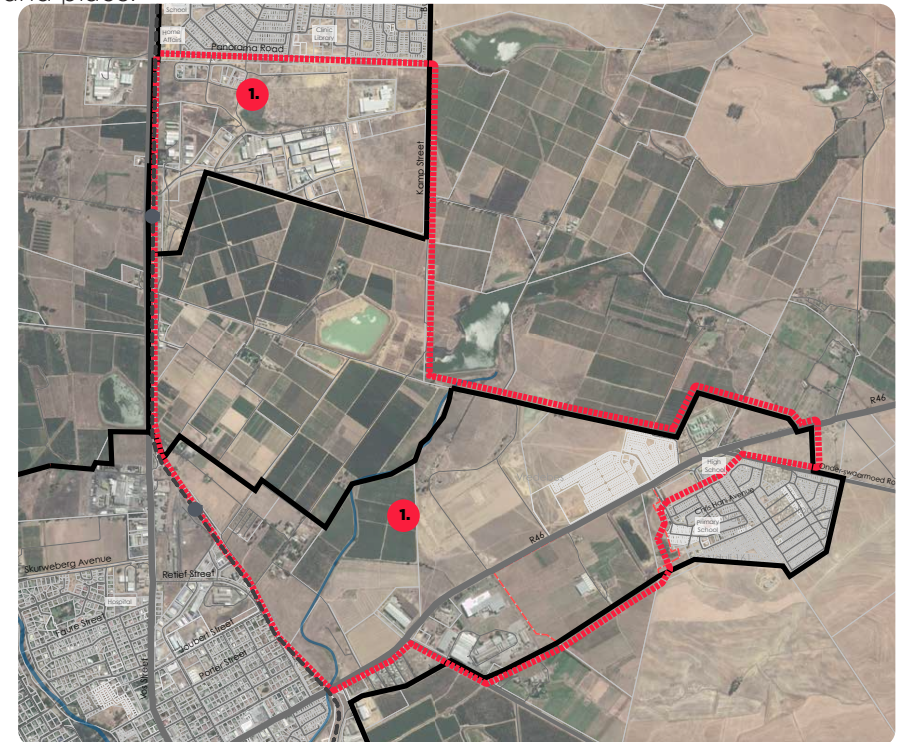


Figure 1. The study area for this Precinct Plan, as determined during the MSDF process.

- Avoiding the subdivision of agricultural land or changes in land-use to minimise the loss of agricultural activities while also avoiding the creation of uneconomical agricultural units.

Albeit full development of the precinct will result in the loss of some agricultural land, it will simultaneously prevent agricultural land loss elsewhere in areas less integrated with existing human settlement development.

The overall conceptual approach to developing the precinct – as fully motivated in the MSDF – is to accommodate most future growth in Witzenberg in an area where livelihood opportunity is maximised, specifically in relation to the distance between places of residence and work, commercial and social opportunity; as well as the opportunity to extend and enhance service infrastructure in a sustainable manner. Conceptually, in terms of the overall distribution of uses and activities, it is proposed that:

- Movement connections between the three main concentrations of people and work/commercial opportunity be improved.
- Activities relying on strong movement flows and exposure be located along major movement routes.
- Residential and space extensive uses be located behind activities reliant on major movement flows and exposure.
- Movement routes be designed in a manner also providing for non-motorised transport.
- Public and social facilities be located on non-motorised transport routes and in a manner accessible to all communities.
- A range of housing types be promoted, providing for all income groups.
- Development be phased, largely starting from the R46 and progressively incorporating land northwards towards Bella Vista (this would necessitate an adjustment of the approved MSDF urban edge).

Given different characteristics and potentials of parts of the Precinct Plan area, it is proposed to identify four sub-precincts:

Sub-precinct 1: The area of Vredebes and surrounds.

Sub-precinct 2: The area east of Retief Street.

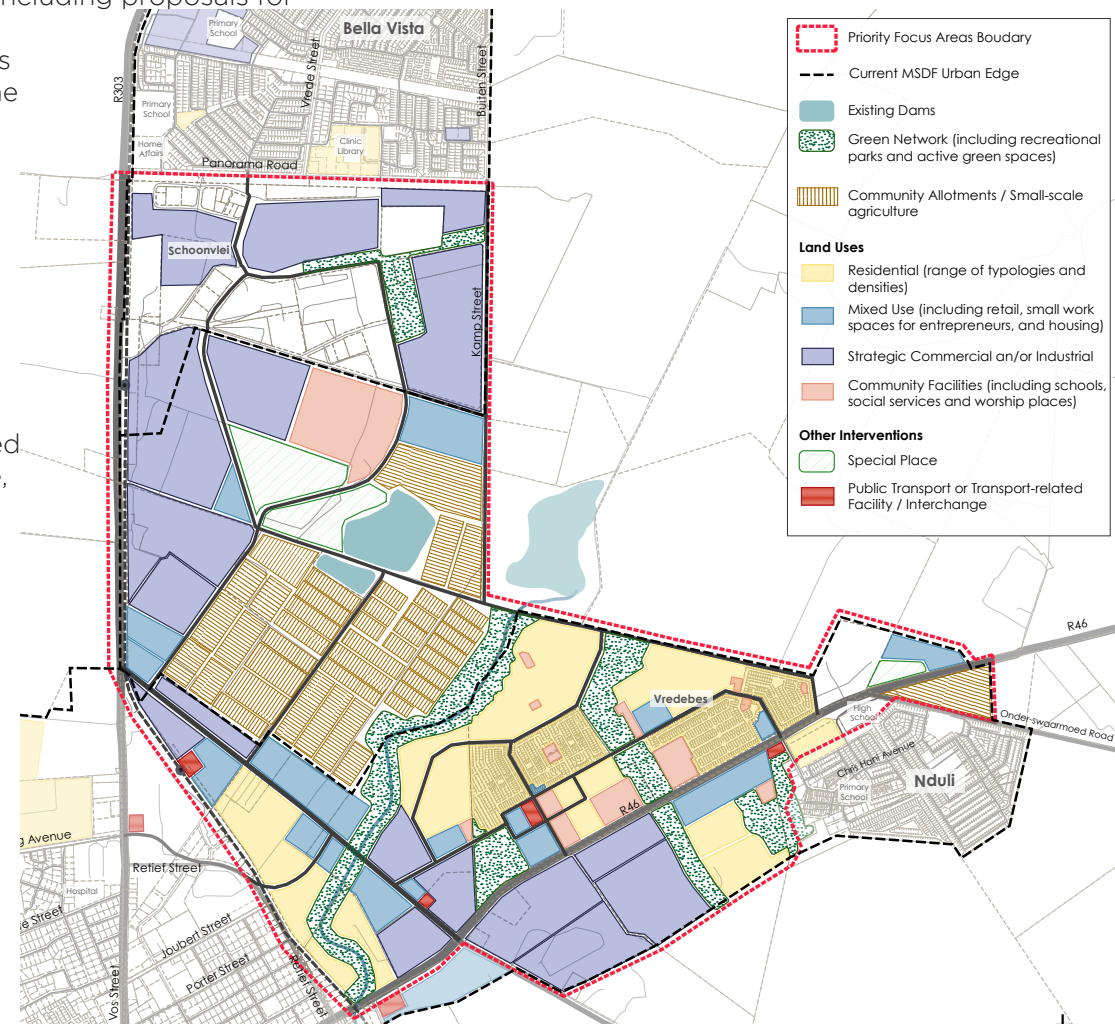
Sub-precinct 3: The central section of mostly farmland south of the Schoonvlei Industrial area.

Sub-precinct 4: The Schoonvlei Industrial area.

Chapter 5 unpacks the development proposals for each sub-precinct, including proposals for movement routes, infrastructure, land uses and land budgeting. The high-level movement structure, distribution of land uses, and land budget provided in the Precinct Plan should provide sufficient information for service departments to undertake parallel bulk infrastructure planning to support the proposed development over time, including long term financial planning and budgeting.

Chapter 6 provides guidelines towards implementation including possible funding mechanisms as well as institutional arrangements to support the continuation of planning processes for the precinct. Within the overall framework set by the Precinct Plan (as a concept development framework for the Precinct Plan area), it is proposed that further planning in terms of the package of plans approach can proceed, once infrastructure planning for the overall area has been completed.

Figure 2. Composite Development Proposal for the Priority Precinct Area





Part 1.

Background and Purpose

1. Background and Purpose

1.1. Terms of Reference and Study Area for Precinct Plan

The 2020 Municipal Spatial Development Framework (MSDF) sets out spatial policy, plans, proposals, guidelines, and implementation measures for Witzenberg Municipality as a whole and individual settlements within the Municipality. The individual town plans in turn each identify priority areas where more detailed planning, such as precinct plans, are required. Priority Focus Area 1 for Ceres was identified as the area between Ceres, Bella Vista and Nduli, where future growth should be accommodated in a structured and integrated manner.

Planning of this area is therefore identified in the MSDF as the first priority for more detailed planning. The potential of the area to accommodate significant growth and meet diverse needs, including economic development opportunity, a range of housing types, and integrated movement between largely fragmented settlement parts has been acknowledged in various initiatives. To maximise the potential of the area, the need for more detailed “precinct” level planning was identified, building on previous work undertaken as part of the WCG RSEP.

This report contains the continuation of a strategic analyses as well as the detailing of concepts for future development of this priority area in the form of a Precinct Plan as part of the MSDF package.

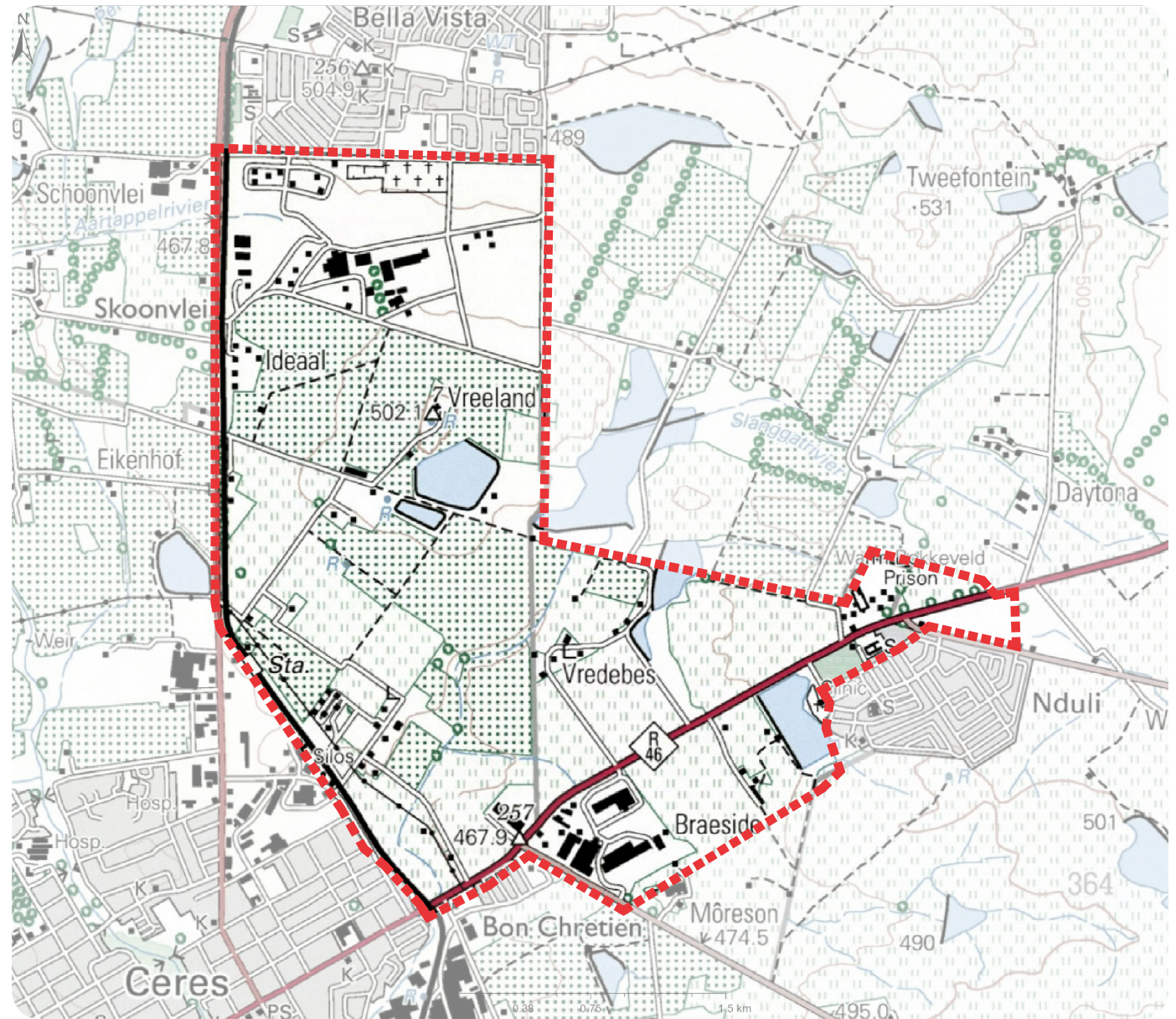


Figure 3. NGI Topocadastral Map of the Precinct Plan Area (CapeFarmMapper, gis.elsenburg.com)

1.2. Users of the Precinct Plan

This report is intended to guide policy makers and local officials in terms of facilitating the future development of this strategic area. These processes will in turn direct developers, land owners and parallel projects such as the WCG RSEP or Agri-Park programme in terms of investment and infrastructure allocation.

1.3. Background to the Precinct Plan: 2020 MSDF Proposals

According to the 2020 MSDF the purpose of the integration project of Ceres, Bella Vista and Nduli is to focus on the required detailed planning to accommodate significant growth in this area, and meeting diverse needs, including economic development opportunity, a range of housing types, and integrated movement between largely fragmented settlement parts.

The MSDF and its focus on this area follows core national and provincial spatial planning principles, including:

- Spatial integration, forging more sustainable and equitable spatial forms in settlement, transport, social and economic areas.
- Inclusion and access, ensuring that all people have access to housing, social and economic services, opportunities and choices.
- Growth, harnessing urban dynamism for inclusive, sustainable economic growth and development.

Focusing future development in the area between Ceres, Bella Vista and Nduli provides the opportunity to concentrate development in proximity to working opportunity, movement routes, and existing commercial and community facilities. It also provides the opportunity to extend and enhance service infrastructure in a sustainable manner and build on the significant Vredebes housing development and initiatives to upgrade Nduli. As a focus for new development, the best

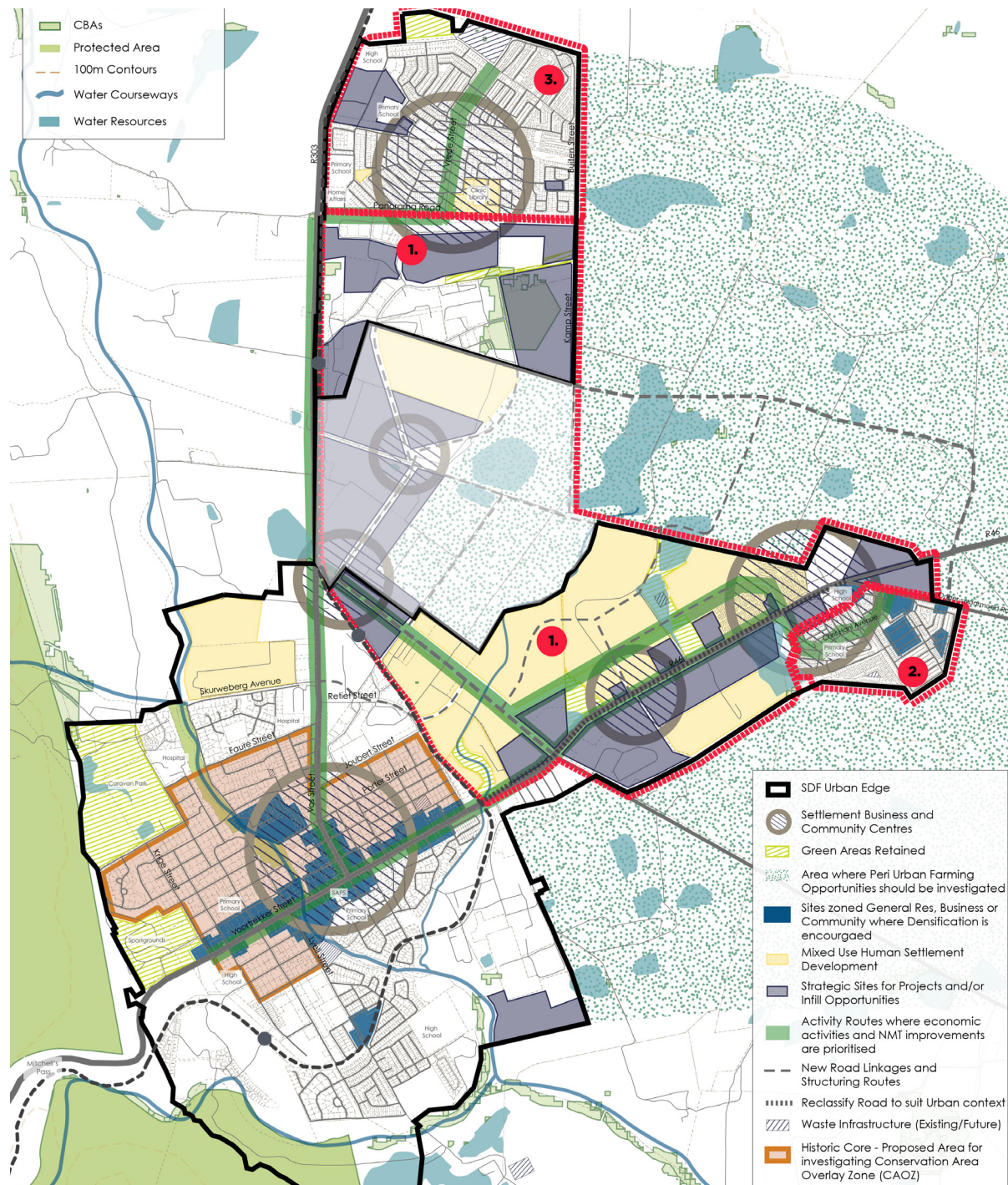


Figure 4. Development Plan for Ceres from 2020 MSDF

livelihood opportunity could be established for existing and new residents, building on existing investment, while, at the same time, protecting existing agricultural and nature resources.

In some way, the progressive development of Vredebes has started development of the area. So has a recent proposal for the establishment of a commercial centre on the R46 east of the existing Ceres town centre towards Nduli.

Given the strategic nature of the area, the MSDF recommends that the package of plans approach – incorporated in the Witzenberg Municipality Land Use Planning By-Law – is followed, enabling structured phases of negotiation, planning and approvals (including the approval of increasing levels of planning detail together with conditions for such approvals).

The MSDF sets out key aspects that precinct planning should consider, inter alia:

- Movement routes which integrate Ceres, Bella Vista, Vredebes, and Nduli (and attract higher order development and uses dependent on passing trade/ access).
- Activities and uses foreseen as part of an agripark.
- Housing opportunity, including opportunity at higher density, a more urban form, and richer range of typology, than traditionally and currently provided with government assistance in Bella Vista and Vredebes.
- The possible reconfiguration of “buffer” strip industrial land south of Bella Vista to also accommodate other uses closer to Ceres.
- Opportunity for start-up or smaller industry/ workshop entrepreneurs.
- An area and facilities which could accommodate large events (e.g. an agricultural festival/ exhibition).
- Higher order institutions.

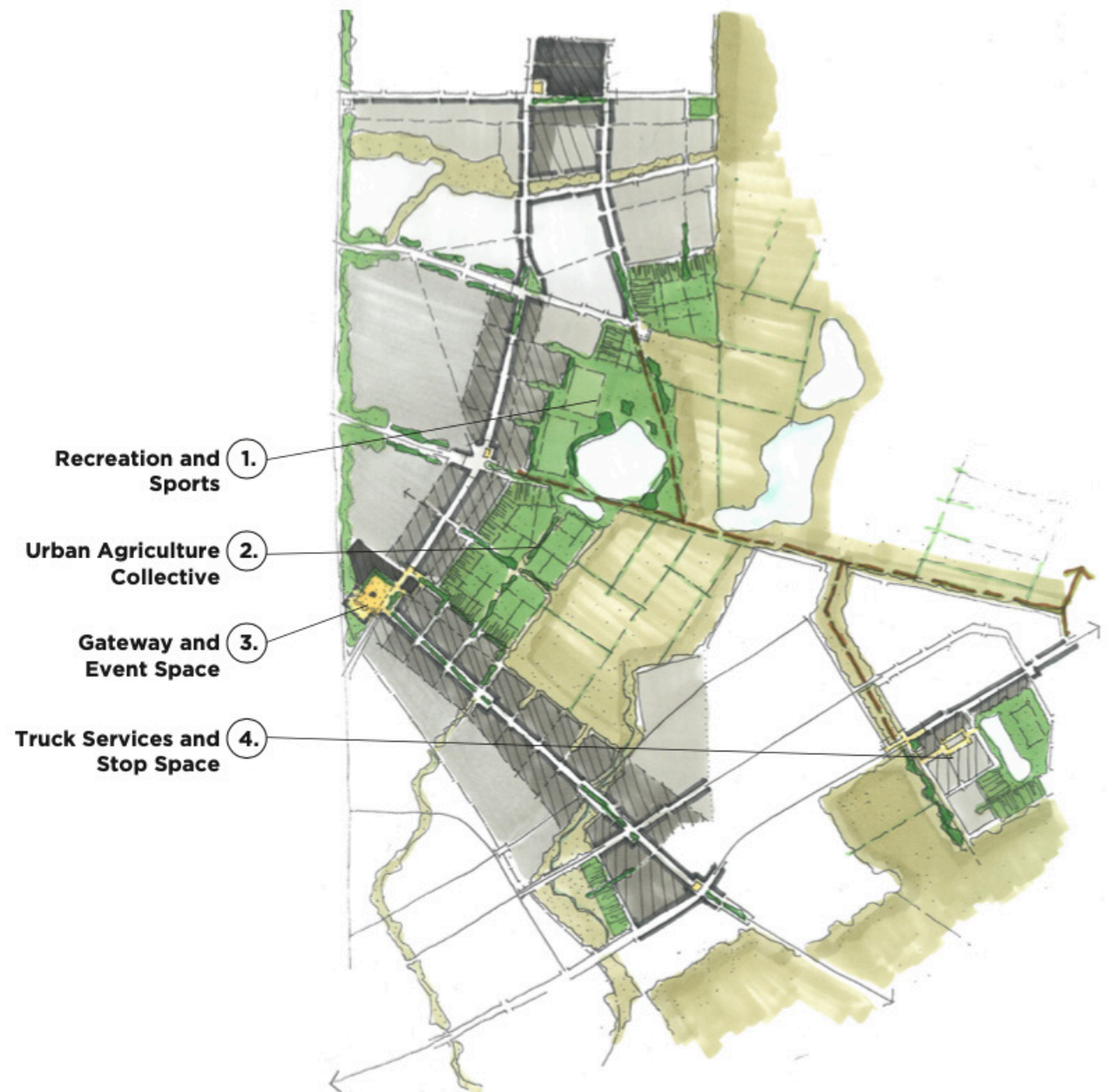


Figure 5. Concept development of the area between Ceres, Bella Vista, and Nduli (work in progress developed for the MSDF)

- Opportunity for small scale farming (to the east).
- A “truck stop” (with appropriate supporting facilities).
- A mixed-use area as part of Nduli with commercial opportunity and public space which can serve as a “gateway” attraction to the Koue Bokkeveld and Tankwa Karoo while providing livelihood opportunity for local residents.

The MSDF proposes that the precinct plan process and deliverables fit the criteria for funding allocation of the Neighbourhood Development Partnership (NDP) Grant of National Treasury, and that it could be beneficial to establish an overlay zone for this area in the municipal Zoning Scheme or make use of the SPOZ allocation.

Figure 5 illustrates the potential of the area in concept form. These proposals – drawn from the MSDF – will form the starting point of this Precinct Plan such that the proposals contained will build on these concepts and first draft ideas.

1.4. Structure of the Precinct Plan

The structure of this precinct plan is based on the DRDLR's Guidelines in terms of the structure and content of a Precinct Plan to align with SPLUMA requirements. The structure has been amended based on project-specific requirements, terms of reference outcomes, and the fact that extensive background work has already taken place during the MSDF process. See Figure 6 for the revised structure of this precinct plan.

Part 1 sets out the background, project objectives, process and methodology and introduces the study area.

Part 2 sets out the policy context and mandate for framing the proposals within this precinct plan.

Part 3 provides a strategic overview of the contextual analysis of the study area and unpacks

relevant opportunities and constraints that inform the proposals.

Part 4 sets out a vision and conceptual spatial strategy by unpacking thematic areas on which the concept for future development is based.

Part 5 provides an overview of development proposals, spatially designated and unpacked while also providing indications of the possible infrastructure implications of the proposals.

Lastly **Part 6** unpacks the requirements for implementation, listing key projects per sub-precinct, and prioritises these according to timeframes and possible funding, as well as required institutional arrangements. Design guidelines and precedent visuals are also provided to assist in the cohesive implementation of projects and proposals.

1.5. Precinct Plan Process

This process was initiated as an extension to the MSDF 2019/20 process. During the month of August and September the draft document was finalised through the development of a concept and first draft proposals. These proposals were submitted to municipal officials for inputs. Hereafter more detailed proposals such as ideas for structure, key interventions, guidelines, future infrastructure requirements etc. were developed and tested with internal departments and circulated to key stakeholders for inputs. Workshops could not be held due to the Covid -19 restrictions. During the months of October and November engagements and inputs were incorporated and the document was finalised as required

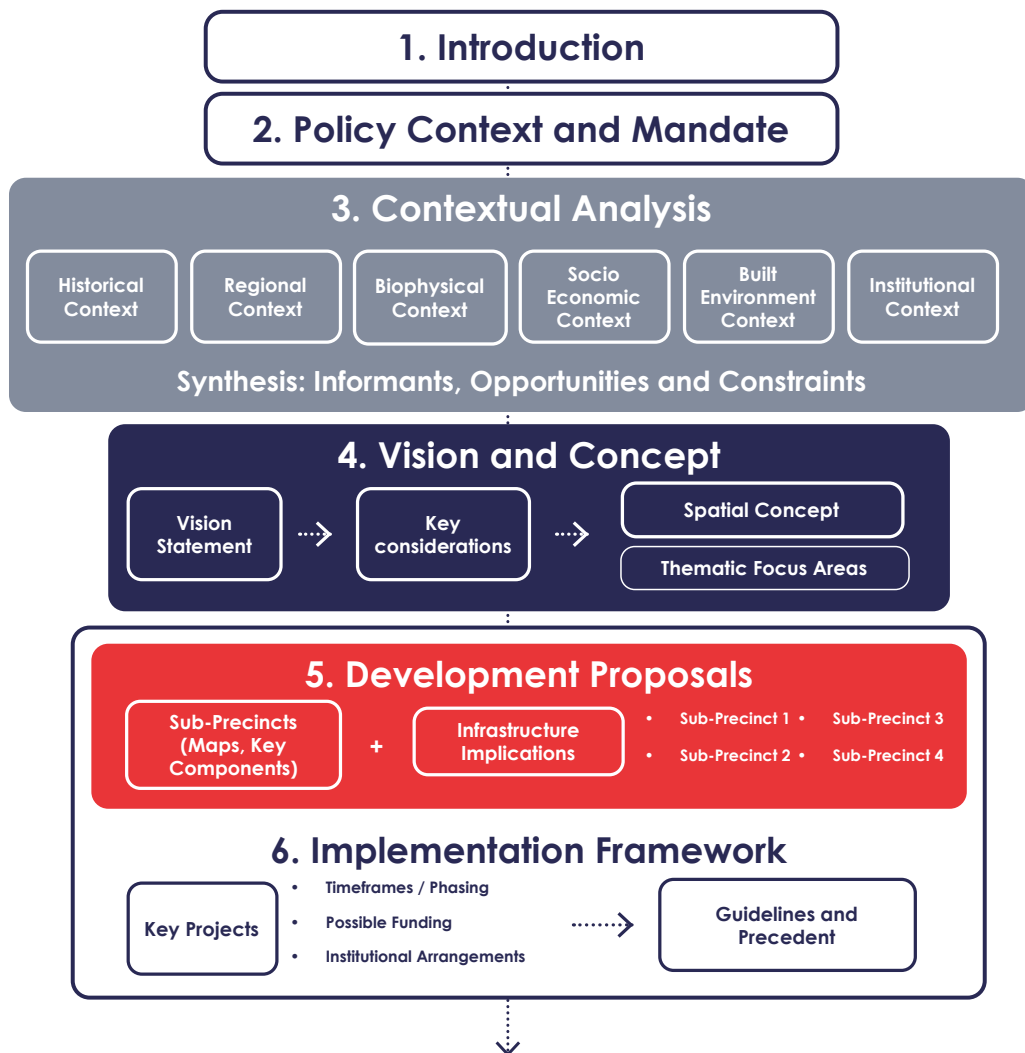


Figure 6. Priority Area Precinct Plan Structure



Part 2.

Policy Context and Mandate

2. Policy Context and Mandate

The preparation of the Ceres Priority Area Precinct Plan occurs within an extensive legislative, policy, programmatic, and planning context which mandates, enables, and informs the work in progress. The following section highlights the key policy informants to derive at a clear mandate for future development of the study area.

2.1. Policy Context for Precinct Plans

Numerous policy frameworks focus the work of government holistically, the spatial arrangement of activities, or specific sectors. In the sections below, only the most specific policy informants to precinct planning are summarised.

2.1.1. The National Development Plan 2030

The National Development Plan (NDP), developed by the National Planning Commission and adopted in 2012, serves as the strategic framework guiding and structuring the country's development imperatives and is supported by the New Growth Path (NGP) and other national strategies. In principle, the NDPP is underpinned by, and seeks to advance, a paradigm of development that sees the role of government as enabling by creating the conditions, opportunities and capabilities conducive to sustainable and inclusive economic growth. The NDPP sets out the pillars through which to cultivate and expand a robust, entrepreneurial and innovative economy that will address South Africa's primary challenge of significantly rolling back poverty and inequality by 2030.

The legacy of apartheid spatial settlement patterns that hinder inclusivity and access to economic opportunities, as well as the poor location and under-maintenance of major infrastructure, are two of the nine identified core challenges facing

the country's development. Aimed at facilitating a virtuous cycle of expanding opportunity for all, the NDPP proposes a program of action that includes the spatial transformation of South Africa's towns, cities and rural settlements given the "enormous social, environmental and financial costs imposed by spatial divides".

Of particular relevance are the recommendations set out in Chapter 8: Transforming Human Settlements and the National Space Economy, including the upgrading of all informal settlements on suitable, well-located land; increasing urban densities to support public transport and reduce sprawl; promoting mixed housing strategies and compact urban development in close proximity to services and livelihood opportunities; and investing in public transport infrastructure and systems (with a special focus on commuter rail) to ensure more affordable, safe, reliable and coordinated public transport.

The spatial objectives outlined in the NDPP's "Urban Hub Toolkit" emphasises three key concepts to guide the restructuring of urban hubs and small towns South African towards vibrant sustainability. These are:

- The interchange zone: This is where the place where rail (if available), bus and taxi modes of public transport are within easy walking distance of one another. The connecting routes, or areas of movement, are designed to become areas of opportunity for retail and service-related businesses which will choose to locate along these routes in response to the high volumes of passing traffic. This improves economic viability (especially of small businesses) as such places become important hubs of activity while also increasing convenience for public transport users.
- Mixed use development and housing compaction: The aim is that the planning and

(re)design of urban hubs (CBDs), achieves more urban (rather than suburban) character and development typologies. This relates to both land use and residential density. With horizontally and vertically mixed-use development, new housing typologies and urban social facility design is possible. Together, these contribute to more lively and walkable places that provide better thresholds of support for public transport.

- Vibrant people friendly public places: The CBDs (or hubs) should be designed as socially, culturally and economically meaningful places. To do this requires that a range of accessible, inclusive and well-designed public spaces are available to residents and visitors to the hub.

2.1.2. Integrated Urban Development Framework (IUDF)

The IUDF, approved by National Cabinet in 2016, aims to steer urban growth nationally towards a sustainable model of compact, connected and coordinated towns and cities. The IUDF provides a roadmap to implement the NDPP's vision for spatial transformation, creating liveable, inclusive and resilient towns and cities while reversing apartheid spatial legacy.

To achieve this transformative vision, four overall strategic goals are introduced:

- Spatial integration; to forge new spatial forms in settlement, transport, social and economic areas.
- Inclusion and access; to ensure people have access to social and economic services, opportunities and choices.
- Growth: to harness urban dynamism for inclusive, sustainable economic growth and development.

- Governance; to enhance the capacity of the state and its citizens to work together to achieve spatial and social integration.

These strategic goals inform the priority objectives of nine policy levers, premised on the understanding that integrated urban planning forms the basis for achieving integrated urban development, which follows a special sequence of urban policy actions. Integrated transport needs to inform targeted investments into integrated human settlements, underpinned by integrated infrastructure network systems and efficient land governance.

2.1.3. The WCG Provincial Spatial Development Framework (PSDF)

The PSDF sets out to:

- Address the lingering spatial inequalities that persist because of apartheid's legacy – inequalities that contribute both to current challenges (lack of jobs and skills, education and poverty, and unsustainable settlement patterns and resource use) and to future challenges (climate change, municipal fiscal stress, food insecurity and water deficits).
- Provide a shared spatial development vision for both the public and private sectors and to guide to all sectoral considerations about space and place.
- Direct the location and form of public investment and to influence other investment decisions by establishing a coherent and logical spatial investment framework.

The spatial agenda advocated by the PSDF includes:

- Managing urban growth pressures to ensure more efficient, equitable and sustainable spatial performance.
- Aligning, and coordinating public investments and leveraging private sector and community

investment to restructure dysfunctional human settlements.

- Supporting municipalities in managing urban informality, making urban land markets work for the poor, broadening access to accommodation options, and improving living conditions.
- Aligning infrastructure, transport and spatial planning, the prioritisation of investment and on the ground delivery.

The PSDF sets out a number of key strategic spatial transitions required to achieve a more sustainable use of provincial assets, the opening-up of opportunities in the space-economy and the development of integrated and sustainable settlements. Included is integrated and sustainable settlements, implying a transition from fragmented, isolated and inefficient community facilities and places to integrated, clustered and well-located community facilities and places.

2.2. Planning Context

2.2.1. Draft Cape Winelands District Spatial Development Framework 2018/2019

The objectives of the Cape Winelands District Municipality (CWDM) SDF are to:

- Improve the quality of life for the people of the region by ensuring principle led responses.
- Plan in advance by considering future population growth, economic and climatic changes.
- ***Manage the impact and exposure of external and internal threats to growth and development.***
- ***Restructure urban settlements through compaction and densification.***
- Promote sustainable resource use and responsible rural development.

- Improve and conserve the district's natural environment.

Towards achieving these objectives the district SDF sets out key strategies and implementation proposals, with a more facilitative role at a regional level. Precinct specific proposals are thus not contained. However, the report proposes small scale farming on municipal commonage - this project entails the establishment of farming opportunities for existing small scale livestock farmers. Policy directives are thus guided by the district-wide approach to infrastructure and incentives for economic opportunities.

2.2.2. Witzenberg Municipality 2nd Review Integrated Development Plan (2019 - 2020)

The Witzenberg Integrated Development Plan (IDO) is the 4th Generation IDP developed and drafted in consultation with the people of Witzenberg, provincial government and sector departments.

The IDP focuses on the implementation of social housing programmes such as Vredebes and the upgrade of the informal settlement in N'Duli. These projects require major bulk infrastructure upgrading that will take up the largest portion of grant funding for the next five years.

One of the four key performance areas include the socio-economic support of the poor and vulnerable through programmes and policy, and enabling environments that attract investment to support the local economy. Proposals and identified projects include the construction of houses in Vredebes, making provision for "GAP" housing under the FLISP Programme of the Department of Human Settlements, and the continued support and implementation of the Agri-Park as an enabler for local economic growth.



Part 3.

Contextual Analysis

3. Contextual Analysis

3.1. Historical Context and Growth

According to research conducted in 2005 by the Centre for Social Science Research (CSSR) via the University of Cape Town (UCT), the history of Ceres can be conceptualised as a story of roads, routes and remoteness since long before deciduous fruit became a major industry. Settled in the 18th century, the town only experienced significant growth around the 1870s, when its location on the 'great road' to the north east that connected the Cape with the diamond mines of Kimberley brought it some prominence as a way station (Smuts & Alberts 1988). Ceres was formally established in 1854 on the farm of Jan Frederik Munnik, and municipal status was granted 10 years later. From the outset, the civic leaders assiduously promoted the development of both public and private gardens as well as tree planting on an extensive scale. This accounts for the many oak, poplar, pine and bluegum trees that continue to line the streets, farm roads and rural lanes of the area.

Increasing integration into national networks and markets opened the path for the development of fruit farming in the region, and while the wine farming areas in the surrounding Breede River region stagnated, mostly due to anti-apartheid sanctions, Ceres steadily grew. Mixed farming (fruit, wheat, vegetables and livestock) increasingly gave way to specialisation and, by the 1990s, Ceres was a major centre of intensive deciduous fruit production for export. By 1998, with more than 11 000 ha of land planted to deciduous fruit, Ceres was producing almost 60% of South Africa's entire pear crop, and had a gross geographic product of R265 million (du Toit, 2005).

Following an application by Ceres Fruit Growers for expansion of their business premises and housing for their workers, the divisional council took a call option in 1965 on the land where Bella



Figure 7. 1942 aerial image of Ceres, showing limited development structured around the original settlement footprint (from the Department of Rural Development and Land Reform's National Geo-spatial Information (NGI) 1926 - 2008 series (DRDLR, 2020)).



Vista is located today. On 6 November 1969 the area known as Area K was proclaimed a coloured area.

The expansion of the area was “problematic” as it was seen as an independent coloured area that had to replace the existing coloured areas of the town. The development of Nduli started during the 1940s when mention was made of the

provision of a ‘location’ for Black African people. However, Black Africans had been living in the Ceres district for a long time in Sakkiesdraai. Later accommodation was supplied outside the town in Nduli, meaning ‘on the hill’. During the 1960’s people were moved from Sakkiesdraai to this new development outside Ceres. After the abolishment of influx control the population of Nduli increased significantly and a housing shortage developed.



Figure 8. 1980 and 1987 aerial images of Ceres, showing layouts for Bella Vista appearing to the north of town (from the Department of Rural Development and Land Reform’s National Geo-spatial Information (NGI) 1926 - 2008 series (DRDLR, 2020)).

Figures 7 and 8 portray the development of the areas around Ceres, showing town expansion as well as the first layouts for Nduli and Bella Vista in the 80’s.

The area constituting the study area for this precinct plan is therefore characterised by these two outlying settlements on the northern and south eastern edges and their considerable distance between the town centre where, historically, economic opportunities have been concentrated. The rest of the study area developed through the expansion of agricultural industrial activities, cultivation and conversion of land pockets.



Figure 9. Google Earth Image from 2006.

As can be seen on Figures 9 and 10, the areas where most significant growth has taken place is in the area just south of Bella Vista, called Schoonvlei where various industry activities have established, and the area north of Nduli called Vredebes where government funded housing and infrastructure has been implemented since 2016

Sources:

du Toit, A. (2005). *Forgotten by the Highway: Globalisation, Adverse Incorporation and Chronic Poverty in a Commercial Farming District*. Published by the Centre for Social Science Research, University of Cape Town, 2005.

<https://ceresmuseum.co.za/history/forced-removals/> (accessed 14 September 2020)

Witzenberg Municipal Spatial Development Framework, September 2012.



Figure 10. Google Earth Image from 2020, showing areas of growth and expansion.

3.2. Biophysical Context

3.2.1. Overview

The biophysical landscape directly surrounding the Ceres area is dominated by agricultural activities such as fruit orchards and fruit packaging facilities. With Ceres situated within the Upper Breede River catchment, these agricultural activities have had an impact on the river system, although, according to the 2017 Environmental Resources Protection Plan for the Breede River Catchment in the Western Cape report (WCG DEA&DP) the tributaries of the Upper Breede River are generally still in a good state. The main impacts have been from invasive alien vegetation (black wattle) and alien fish (sharptooth catfish and smallmouth bass). Habitat modification as a result of in-stream structures (dams and low water bridges), bulldozing, encroaching agricultural activities and mining have also impacted on the riparian and in-stream habitat.

Figure 11 indicates a slight hill due to topographical characteristics of the area south of Schoonvlei. The rest of the study area is relatively flat.

The study area is home mostly to farmlands and the associated infrastructure, of which includes water resources and dams. A stream also runs through the central part of the site, from the edge of Ceres town centre passing the northern portion of Vredebes. Although the status of these streams and water sources are not currently quantified in exact detail, and reports on the exact quality of soils in this precinct are not available at the time this report was compiled, it is imperative that the impact of climate change has resulted and will continue to result in changes in area, water use and welfare of the farmers in and around Ceres (Abiodun et al, 2018). The general trend, according to a 2016 case study of Ceres¹, will be the substitution of high valued crops (fruits) with vegetables and annual crops, with the emphasis



Figure 11. Water Systems and 5m contours (Cape Farm Mapper <https://gis.elsenburg.com>)

¹ Abiodun A. Ogundeji, Henry Jordaan & Jan Groenewald (2018) Economics of climate change adaptation: a case study of Ceres – South Africa, Climate and Development, 10:4, 377-384



- Legend**
- BSP ESA: Restore
- ESA2: Restore from plantation or high density IAP
 - ESA2: Restore from other land use
- BSP ESA
- ESA: Aquatic
 - ESA: Terrestrial
- BSP CBA: Degraded
- CBA2: Aquatic
 - CBA2: Terrestrial
- BSP CBA
- CBA: Terrestrial
 - CBA: Wetland

Scale: 1:18 056
Date created: September 18, 2020

Compiled with CapeFarmMapper



Figure 12. Conservation and biodiversity elements of the study area (Cape Farm Mapper <https://gis.elsenburg.com/>)

turning to get the best returns to water, rather than to land. Crops yielding better return to the decreased water availability will become more and more preferable. Water resources management is therefore important in ensuring that agricultural production can withstand the stresses caused by climate change. Improvement in irrigation efficiency is crucial in ensuring the availability of water.

Figure 12 relates to the biodiversity system which reinforces the importance of the natural streams as they are identified as critical biodiversity within the study area. This calls for the potential restoration and celebration of these natural features into future development proposals.

3.2.2. Key Findings and Informants

- A number of streams and waterbodies exist in the area which could be incorporated in the layout of the area.
- Natural systems should be incorporated in a manner which forms a continuous network.
- Development setbacks from water courses should follow prescribed norms and standards.

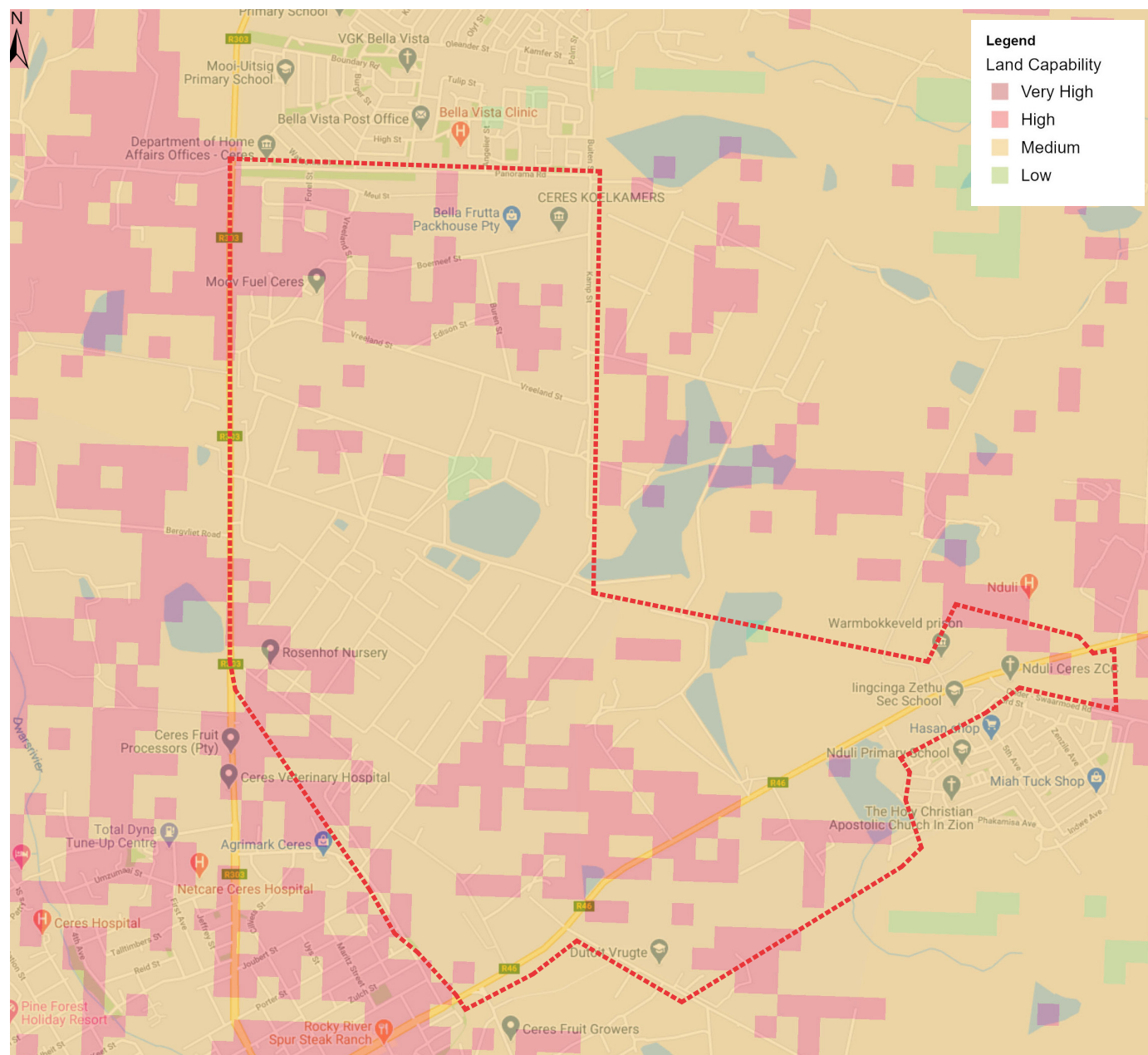


Figure 13. Land Capability (Cape Farm Mapper <https://gis.elsenburg.com>)

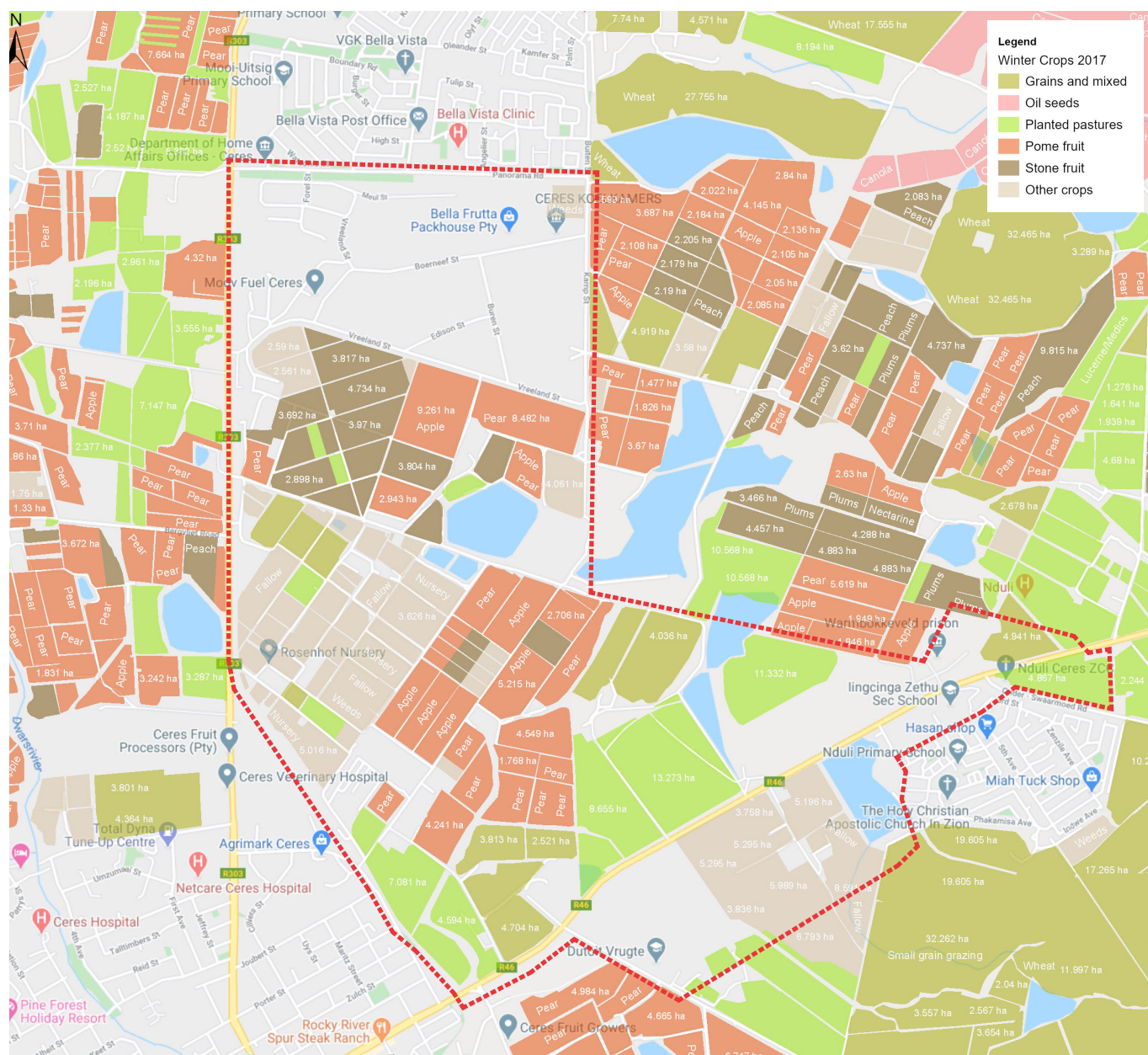
3.3. Socio-Economic Context

3.3.1. Overview

More than half of the population of Witzenberg Municipality is located in urban settlements, with the majority (58,3%) concentrated in Ceres (which includes Nduli and Bella Vista). Surrounding the planning area, Ceres can be typified as having the most opportunity and highest income residents. Bella Vista – mostly developed with formal housing – has lower mean incomes, fewer opportunity. Nduli is a focus of lower income residents, unemployment, and informal attempts at structuring housing. Each of these areas – Ceres, Bella Vista, and Nduli – has roughly an equal population size. Resident growth is faster, however, in Bella Vista and Nduli than in Ceres town.

The Witzenberg Municipality has a relatively small economy, contributing R8,2 billion to the economy of the CWD (13,5%) and provides employment for just over 60 000 people. The largest economic sectors in the Witzenberg economy in 2016 included the wholesale and retail trade, catering and accommodation sector (17,4%); the finance, insurance, real estate and business services sector (15,9%); and the agriculture, forestry and fishing sector (15,2%). Collectively, these sectors contributed R4 billion to the Witzenberg economy (48,5%), emphasising their importance locally and the impact of the sectoral performance on the overall stability of the Witzenberg economy.

The agriculture, forestry and fishing sector, the major contributor to employment in (22,6% in 2016), grew significantly in 2017 but shed an estimated 2 308 jobs in 2017, following job losses in 2016 as well. Since this sector is a valuable source of employment, particularly in rural areas, these continued job losses can contribute to the increase in poverty and the need for support from government institutions. Access to agriculture for small scale farmers and entrepreneurs remains limited.



3.3.2. Key Findings and Informants

- Communities with lower incomes remain in areas generally marginalised from existing opportunity (resulting, inter alia, in high transport cost to access opportunity).
- Relatively low economic growth and performance continues in Witzenberg as a whole.
- Agriculture remains the largest employer (50%), However, the sector is experiencing a high rate of net job losses, and often only provides seasonal opportunities.
- While the areas' population is set to increase, the provision of skills, training and employment opportunities have not been able to meet current demand.
- Alternative models for farming and enabling economic growth such as eco-tourism or green agriculture, within the context of the Fourth Industrial Revolution towards future sustainability and resilience, have not been properly explored in this area.

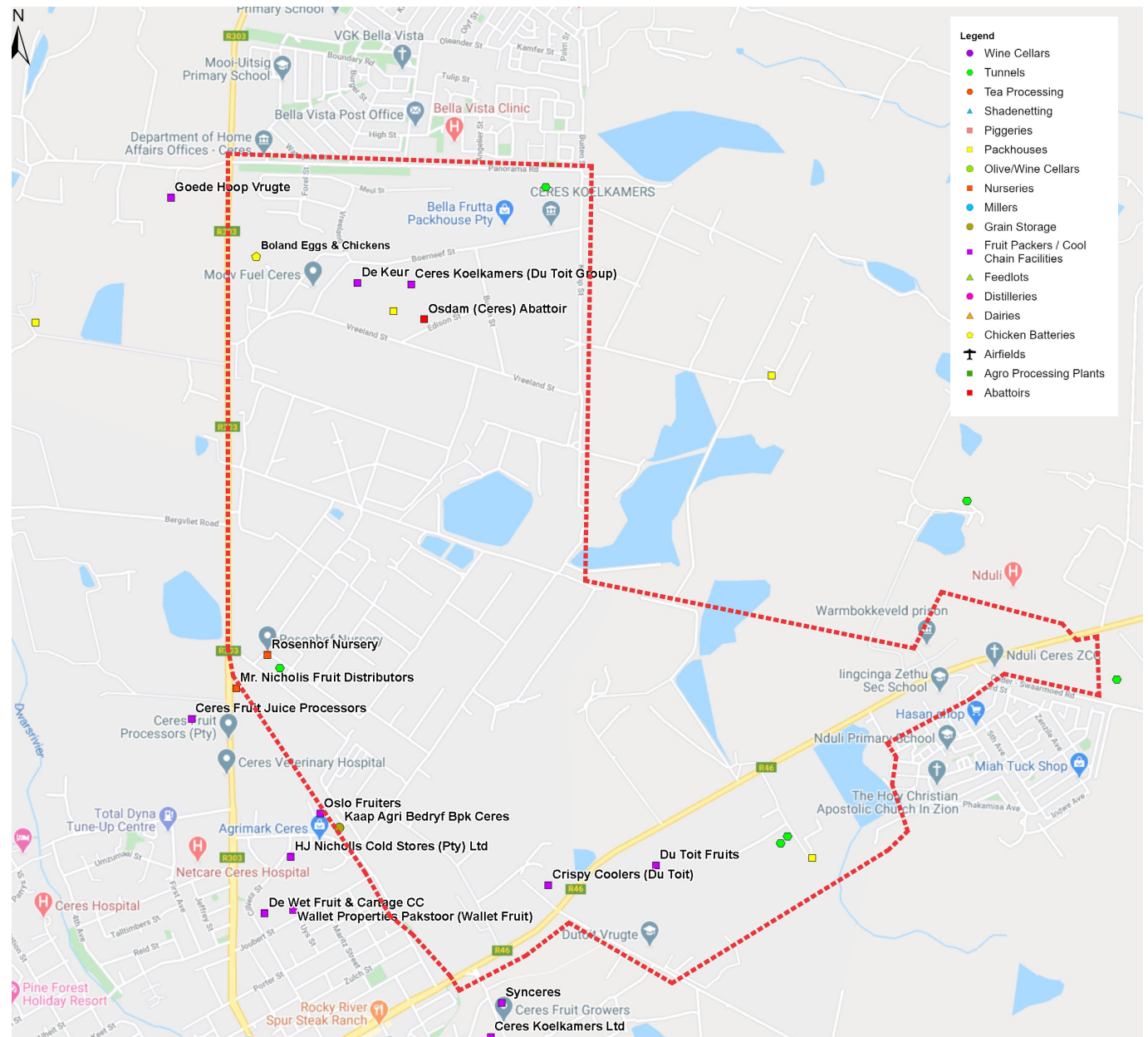


Figure 15. Agricultural Infrastructure (Cape Farm Mapper <https://gis.elsenburg.com>)

3.4. Built Environment Context

3.4.1. Overview

As described in section 3.1., the Precinct Plan area in many ways came about through the establishment of Bella Vista, Schoonvlei, Nduli, Vredebes as “distinct” places and the gradual expansion of these areas towards each other. While large parts are still farmed as Pome Fruit, Stone Fruit, and Planted Pasture, there is pressure from the north, south, and east towards the “centre” of the area.

The edges of the area reflect various the settlement approaches followed in establishing these places, ranging from the grid-like subdivision of the residential area in the Piet Retief Street area (following the pattern of the old town), to the curvilinear lay-out of Schoonvlei and Vredebes. Along the R46, some industrial development benefit from access to this important route.

In many ways, the central undeveloped part of the area remains inaccessible from its surrounds, and therefore the surrounding areas from each other.

A previous conceptual framework plan prepared in 2012 for sub-precinct 2 (named “Marseaux” - see Figure 16) indicates the area west of the for farm-worker housing, residential, and industrial use (abutting the R46). Development of this area will effectively link Vredebes with Ceres town (see Annexure B for Vredebes layout). The Municipality has also received an application for a major shopping centre in sub-precinct 2 on Erf 9602, south of the R46 and at the intersection of the R46 and Ezelfontein Road (see Figure 18). The location of this facility is appropriate in relation to access to many parts of Ceres town and different communities. The proposal makes provision for ± 18 500 m² of GLA, which will include the shopping centre as well as car dealerships, a petrol station, restaurants and around 740 parking bays. The proposal includes three entrances.

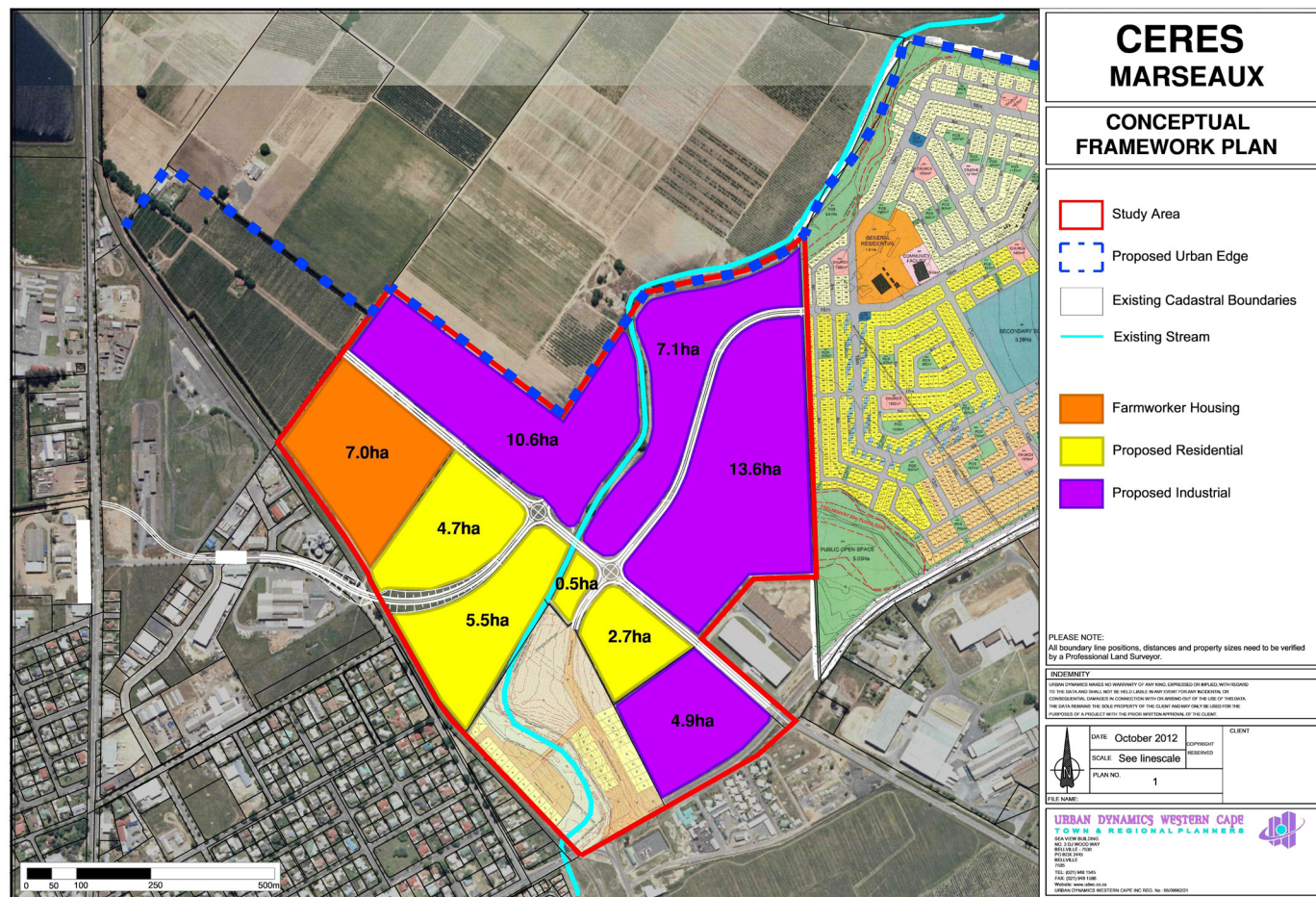


Figure 16. The conceptual framework plan prepared in 2012 for the area between the eastern portion of Ceres and Vredebes, titled “Marseaux” (Urban Dynamics, 2012)

Development of Marseaux and the shopping centre potentially knits Vredebes, Nduli, and Ceres town together, and provide for more convenient living, with work, social facilities, and commercial opportunities located closer to places of residence.

Critical to integrating the different areas will be providing for non-motorised transport along major routes, including the R303, R46, and routes provided internal to the precinct area.

As most of the area is farmed (and zoned agricultural), urban infrastructure networks do not exist, with infrastructure network expanded to service the surrounding areas as distinct places.

The area abuts two major regional distributor routes, the R46 and R303. Neither of these routes currently provide for non-motorised transport, enabling ease of access between Ceres, Bella Vista, and Nduli. Little direct access is possible between Bella Vista and Nduli.

In overall development, the area represents an agricultural “buffer” between Ceres town, Bella Vista and the Schoonvlei industrial area to its south, and Nduli and Vredebes. From a human development perspective, it potentially represents an area rich in opportunity, with a range of activities and associated opportunity in proximity. While some loss of agricultural land is inevitable, there is also the opportunity to maintain agricultural activity, including increased access to small scale farming.

The R46 in particular is not fully used as an attractor of development which benefits from passing flows, in that way also limiting ready access to residents of Nduli (and increasingly Vredebes) from a full range of urban activities in proximity to places of residence.

The range of housing types envisaged for Vredebes is arguably limited (in relation to overall needs in the area) and planned internal activity routes not enabling of full integration of the area with its surrounds (see Figure 17).

While new development will require expanded infrastructure, the opportunity exists to connect into established networks of the surrounding the area.

The Vredebes project when completed will have a significant influence on the municipal financial viability, service delivery, transport network and Ceres CBD. The Provincial Government will assist Witzenberg through the Regional Social and Economic Programme (RSEP) to develop an implementation plan for Vredebes to ensure an integrated and sustainable community. At the time of this report the plans were being reformulated to prioritise NMT facilities along major transport routes.

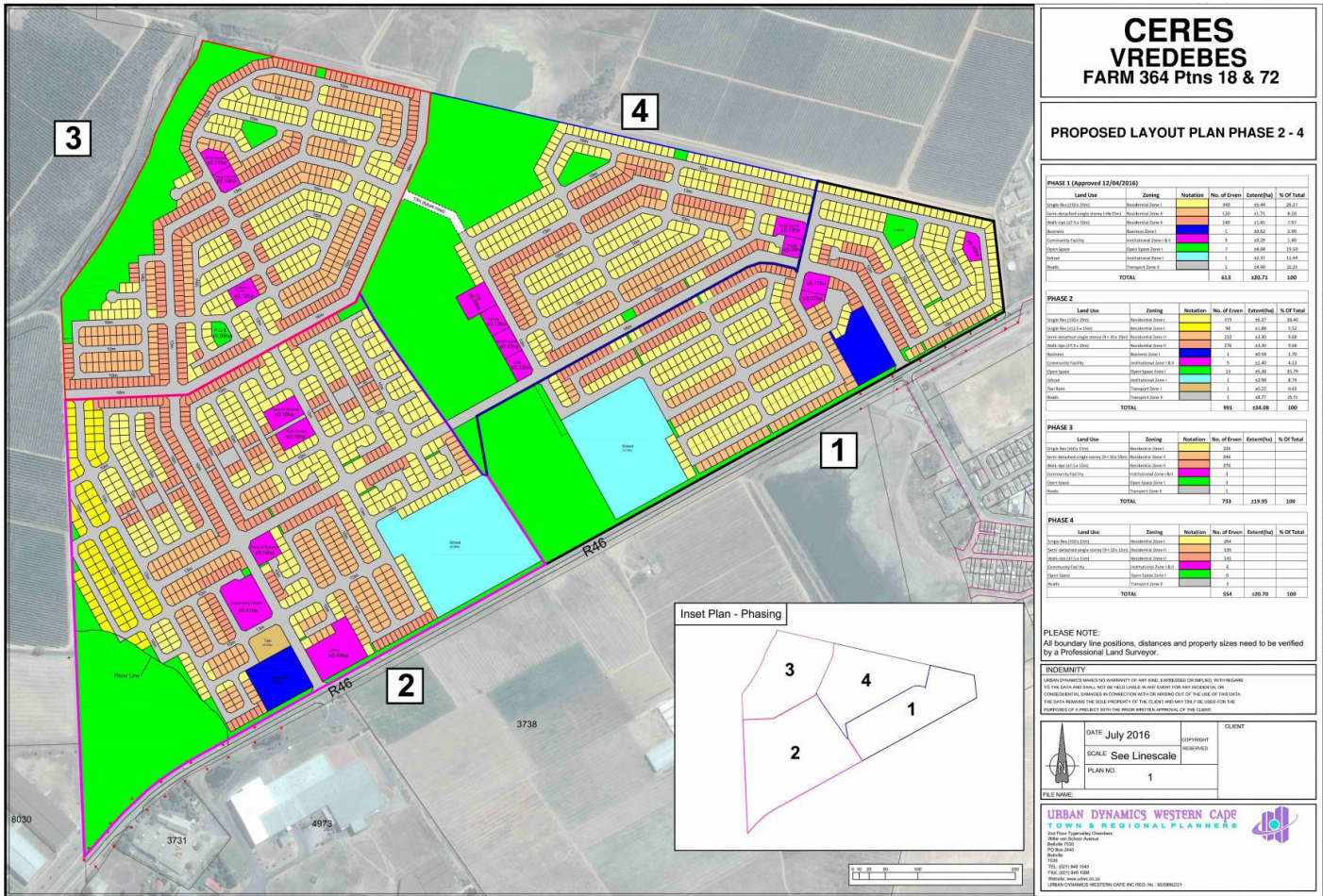


Figure 17. Layout plans for Vredebes - work in progress as phasing takes place (Urban Dynamics, 2012)

3.4.2. Key Findings

- While potentially very accessible, the area and adjacent development is currently not well integrated, specifically for non-motorised transport.
- The generative capacity of major routes adjoining the area – to attract higher order uses – has not been fully exploited.
- Current housing provided in the area do not provide a range of typologies fully meeting the needs of residents.
- Albeit new infrastructure will be required, infrastructure can connect to established networks surrounding the area.

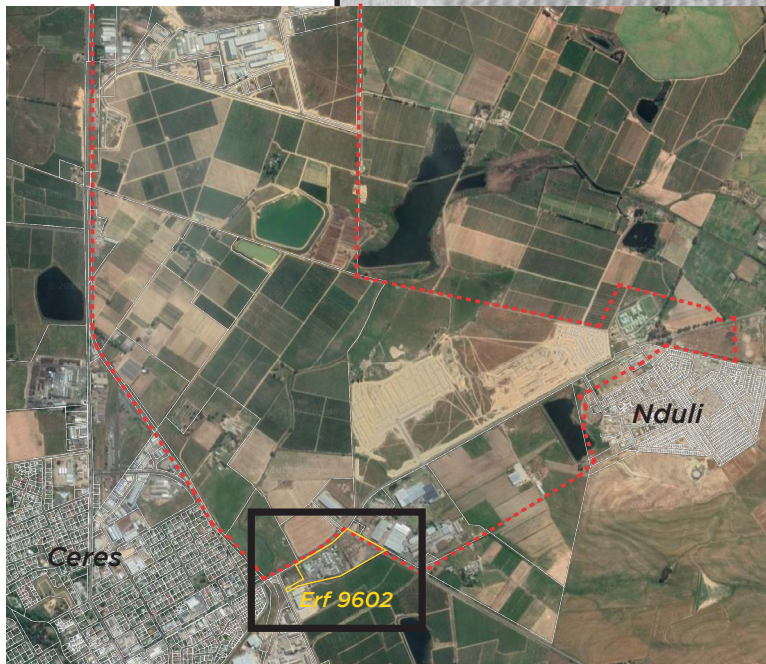


Figure 18. Site Development Plan Proposal for the development of a shopping centre along the R46 between Ceres and Nduli (First Plan Town and Regional Planners / Boogertman Partners, 2020)

Figure 19. Location of Erf 9602 in relation to the Precinct Plan area

3.5. Institutional Context:

3.5.1. Overview

As indicated in the MSDF, the Witzenberg Municipality has limited development planning and management capacity (especially given the large spatial extent of the Municipality). Nevertheless, the large Vredebes development is supported by inter-governmental institutional arrangements which can possibly be expanded to accommodate development of the priority area. National Treasury can also provide capacity and assistance through the Neighbourhood Development Partnership Grant mechanism.

Maximising the potential of the area for integration and accommodating future growth demand will require a more integrated approach institutionally. In many ways, the stage has been set for this to occur through previous work undertaken as part of the previous work undertaken as part of the WCG RSEP, and the recognition of the area as a integration and growth area through the 2019 MSDF (and associated urban edge recommendations).

Critical also for an integrated institutional response to the area is the provisions of Section 97 of the Witzenberg Municipality Land Use Planning By-Law (2015), which states that the Municipality may require a package of plans to be submitted for approval in respect of an application for rezoning of certain planning areas.

3.5.2. Key Findings

- Through the development of Vredebes, institutional arrangements have been developed which could be expanded to enable development of the area as a whole.
- National Treasury can provide development management capacity and assistance through the Neighbourhood Development Partnership Grant mechanism.

3.6. Synthesis of Spatial Challenges and Opportunities

Key challenges have been synthesised and listed below, as well as a list of opportunities that need to inform future development proposals.

- **Current major routes abutting the area do not provide for non-motorised transport and higher order uses dependent on passing movement flows.**
- **The Vredebes housing development provides for a limited range of housing typologies.**
- **New infrastructure will be required to serve the development.**
- **Witzenberg Municipality does not have extensive institutional capacity to manage major development extensions.**

- **Current major routes abutting the area can be reconfigured to enable non-motorised transport and attract uses dependent on passing movement flows.**
- **There is an opportunity to provide a broader range of housing typologies than provided in Vredebes.**
- **Albeit new infrastructure is required, infrastructure can connect to existing networks surrounding the area.**
- **Institutional arrangements developed for Vredebes can potentially be expanded to accommodate the development as well as the National Treasury's Neighbourhood Partnership Development Grant.**



Part 4.

Vision and Concept

4. Vision and Concept

4.1. Vision Statement

The Witzenberg Municipal IDP sets out the following vision to drive the agenda for integrated development and planning:

“A municipality that cares for its community, creating growth and opportunities.”

In line with this vision, the Municipality commits itself to improve the quality of life of its community by providing and maintaining affordable services, promoting social and economic development, ensuring for the effective and efficient use of available resources and facilitating effective stakeholder and community participation.

The vision developed for directing preparation of the MSDF in line with the IDP was:

“Managing spatial development and land use change in a manner that recognises and safeguards Witzenberg’s critical and diverse natural, agricultural, historic, cultural, commercial, and institutional assets while increasing livelihood opportunity for all its citizens.”

In support of the IDP and MSDF visions, the planning vision for the Precinct Plan is:

“To guide the development of the Precinct Plan area in a manner which serves Witzenberg’s overall urban development and management objectives, specifically the recognition and safeguarding of Witzenberg’s critical and diverse natural, agricultural, historic, cultural, commercial, and institutional assets while increasing livelihood opportunity for all its citizens.”

4.1.1. Key considerations

To achieve the IDP and MSDF vision, five considerations were stated as critical:

1. First, maintain and protect the integrity, authenticity and accessibility of Witzenberg’s natural environment and associated resources.

2. Second, maintain and expand the Municipality’s key regional and intra-regional infrastructure.
3. Third, maintain and grow the agricultural assets within the Municipality.
4. Fourth, maintain and expand access to Witzenberg’s unique sense of people and place.
5. Fifth, maintain and expand opportunity associated with Witzenberg’s key settlements.

The focus on the Precinct Plan area specifically responds to the following implications of these considerations:

- Directing urban growth, new development and public infrastructure investment to the main urban centres within the municipality, and to areas within the existing urban footprints of towns where current “buffer” areas are dividing communities.
- Strongly discouraging any development that does not promote integration.
- Prioritising infrastructure and public investment in settlements identified for growth and in a manner supporting the approved settlement hierarchy for Witzenberg.
- Supporting infill development and increased land uses in areas where existing infrastructure will be able to support additional capacities and as a means to improve efficiency and cost effectiveness in infrastructure provision.
- Ensuring that changes in land use – urban or rural – maintain the integrity, authenticity and accessibility of significant cultural landscapes.
- Encouraging the establishment of appropriate yet strategic gateway nodes or entry points to the various landscapes of the region.

- Avoiding the subdivision of agricultural land or changes in land-use to minimise the loss of agricultural activities while also avoiding the creation of uneconomical agricultural units.

Albeit full development of the precinct will result in the loss of some agricultural land, it will simultaneously prevent agricultural land loss elsewhere in areas less integrated with existing human settlement development.

4.2. Conceptual Approach

The overall conceptual approach to developing the precinct – as fully motivated in the MSDF – is to accommodate most future growth in Witzenberg in an area where livelihood opportunity is maximised, specifically in relation to the distance between places of residence and work, commercial and social opportunity; as well as the opportunity to extend and enhance service infrastructure in a sustainable manner. The area is situated between Ceres town, Bella Vista, and Nduli, each of almost equal population, and includes the major concentration of industry in Witzenberg. It is also abutted by major routes connecting Ceres to surrounding towns and areas.

In some way, the progressive development of Vredebes has started this integration process between Ceres town, Bella Vista, and Nduli. So has a recent proposal for the establishment of a commercial centre on the R46 east of the existing Ceres town centre towards Nduli (see Section 3.4).

Conceptually, in terms of the overall distribution of uses and activities, it is proposed that:

- Movement connections between the three main concentrations of people and work/commercial opportunity be improved.
- Activities relying on strong movement flows and exposure be located along major movement routes.

- Residential and space extensive uses be located behind activities reliant on major movement flows and exposure.
- Movement routes be designed in a manner also providing for non-motorised transport.
- Public and social facilities be located on non-motorised transport routes and in a manner accessible to all communities.
- A range of housing types be promoted, providing for all income groups.
- Development be phased, largely starting from the R46 and progressively incorporating land northwards towards Bella Vista (this would necessitate an adjustment of the approved MSDF urban edge).

Figure 19 illustrates the conceptual development approach for Ceres as developed for the recently reviewed MSDF. The diagram indicates new structures and movement routes between the urban centres of Ceres, Bella Vista and Nduli and implies the importance of the precinct area between these three nodes. The diagram provides a high level conceptual interpretation of the principles unpacked above, with areas for new development and a new urban node just north of the R46 indicated along with green networks and retained edges.



Figure 20. Development Concept for Ceres



Part 5.

Development Proposals

5. Development Proposals

Specific development proposals are indicated on Figure 21 and 22 and unpacked in the following sections in terms of movement routes, land uses and infrastructure implications.

5.1. Overview of Proposals

5.1.1. Sub-precincts

Given different characteristics and potentials of parts of the Precinct Plan area, it is proposed to identify four sub-precincts, (see Figure 20):

Sub-precinct 1: The area of Vredebes and surrounds.

Sub-precinct 2: The area east of Retief Street.

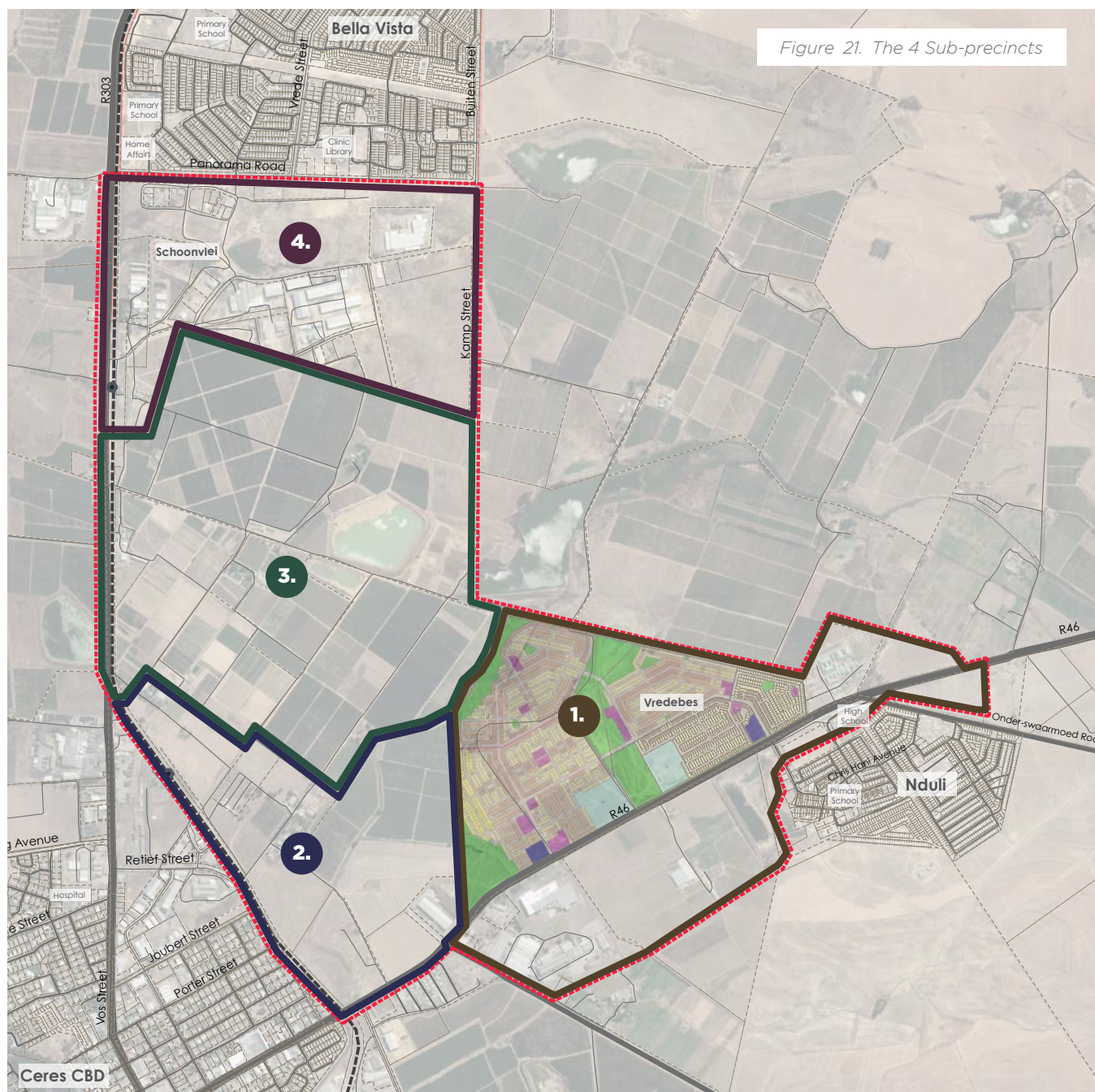
Sub-precinct 3: The central section of mostly farmland south of the Schoonvlei Industrial area.

Sub-precinct 4: The Schoonvlei Industrial area.

Sub-precincts are not cadastral entities but rather broad areas of like character and potential. They also overlap and span critical movement routes in some cases. This is because land adjacent to routes should be planned – in most cases – in an integrated manner.

Including areas of different use in each sub-precinct as far as possible brings the critical issue of integration and convenience to the fore, at the same time ensuring that sensitive interface issues between uses and activities are addressed.

Albeit excluded from the study area, Nduli could also be regarded as a sub-precinct, specifically as proposals related to the R46 and adjoining land – as well as other movement routes proposed which propose improved linkages between Nduli, Schoonvlei, and Bella Vista – is also aimed at the integration of this neighbourhood with its surrounds. Nduli is, however, the subject of a dedicated in-situ upgrade and improvement programme.



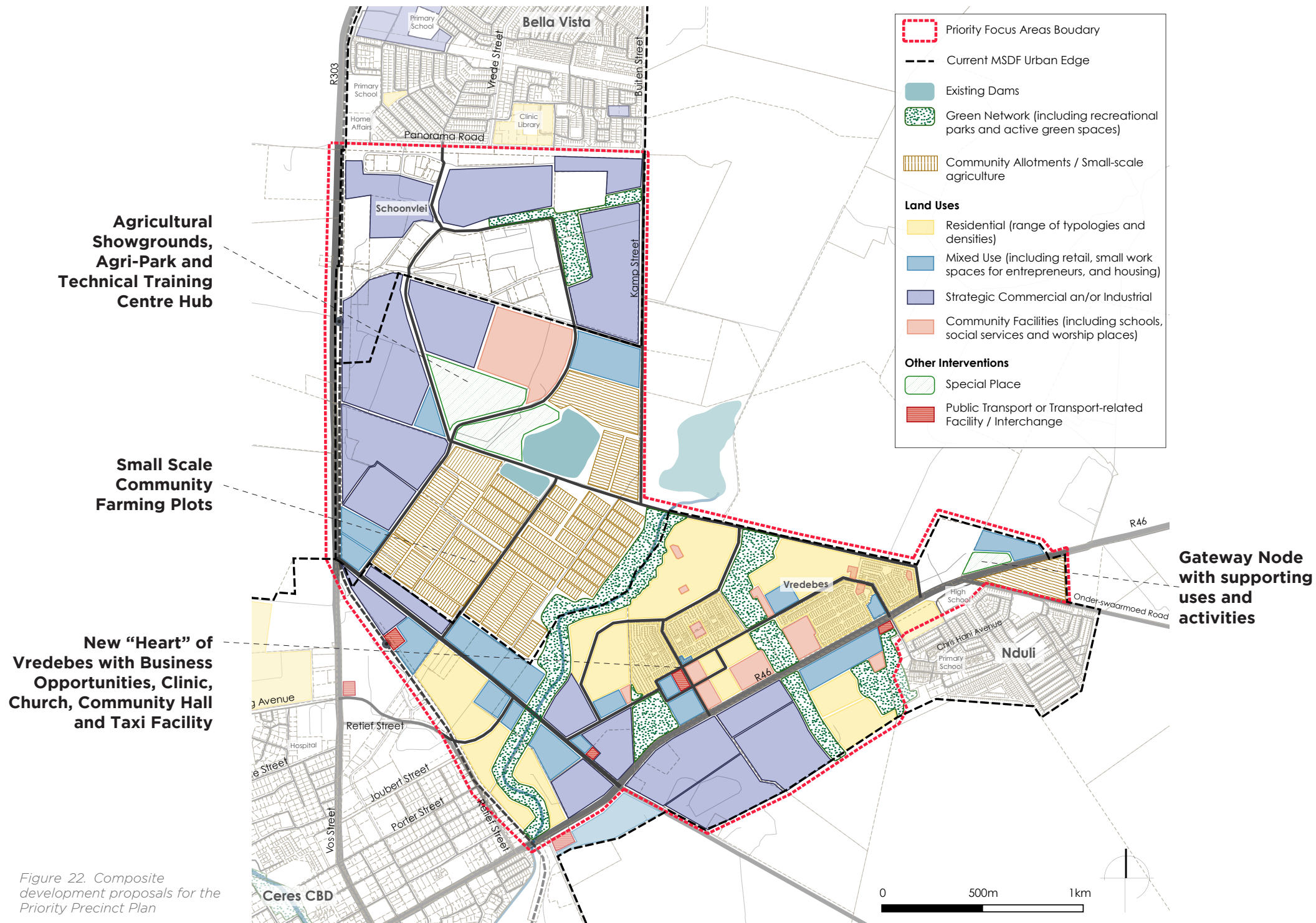


Figure 22. Composite development proposals for the Priority Precinct Plan

5.1.2. Movement routes

Key proposals related to movement routes are:

- The redesign of the cross-section of the R46 from Ceres to Nduli to accommodate both its function as a regional distributor (Class 1 Regional Distributor) and non-motorised transport (between Ceres, Vredebes, and Nduli).
- Upgrade of the R303 to enable safe non-motorised transport between Bella Vista and Ceres town.
- An activity route (Class 3 District Distributor) east of Retief Street and the rail line connecting the R46 (at the point where Ezelfontein Road connects with the R46) and the R303.
- A class 3 Regional Distributor connecting the R303, industrial area and R46 east of Nduli.
- The continuation of Skurweberg Avenue across the R303 to link with the new activity route.
- A connecting route from Vredebes to the activity route.
- North-south linkages between Bella Vista and the activity route (through the industrial area and the undeveloped area south of the industrial area).

These routes are largely as indicated on Diagram 14a of the Witzenberg Road Asset Management Plan (prepared by SMEC - see Annexure A).

Three aspects, however, require further consideration:

1. The current proposal indicate the class 3 Regional Distributor connecting the R303, industrial area and R46 east of Nduli, as continuing on the west-east alignment of Vreeland Street, through an agricultural area, and linking with the R46 some distance east of the Warmbokkeveld Prison. An alternative for this route could be via Vreeland Street and

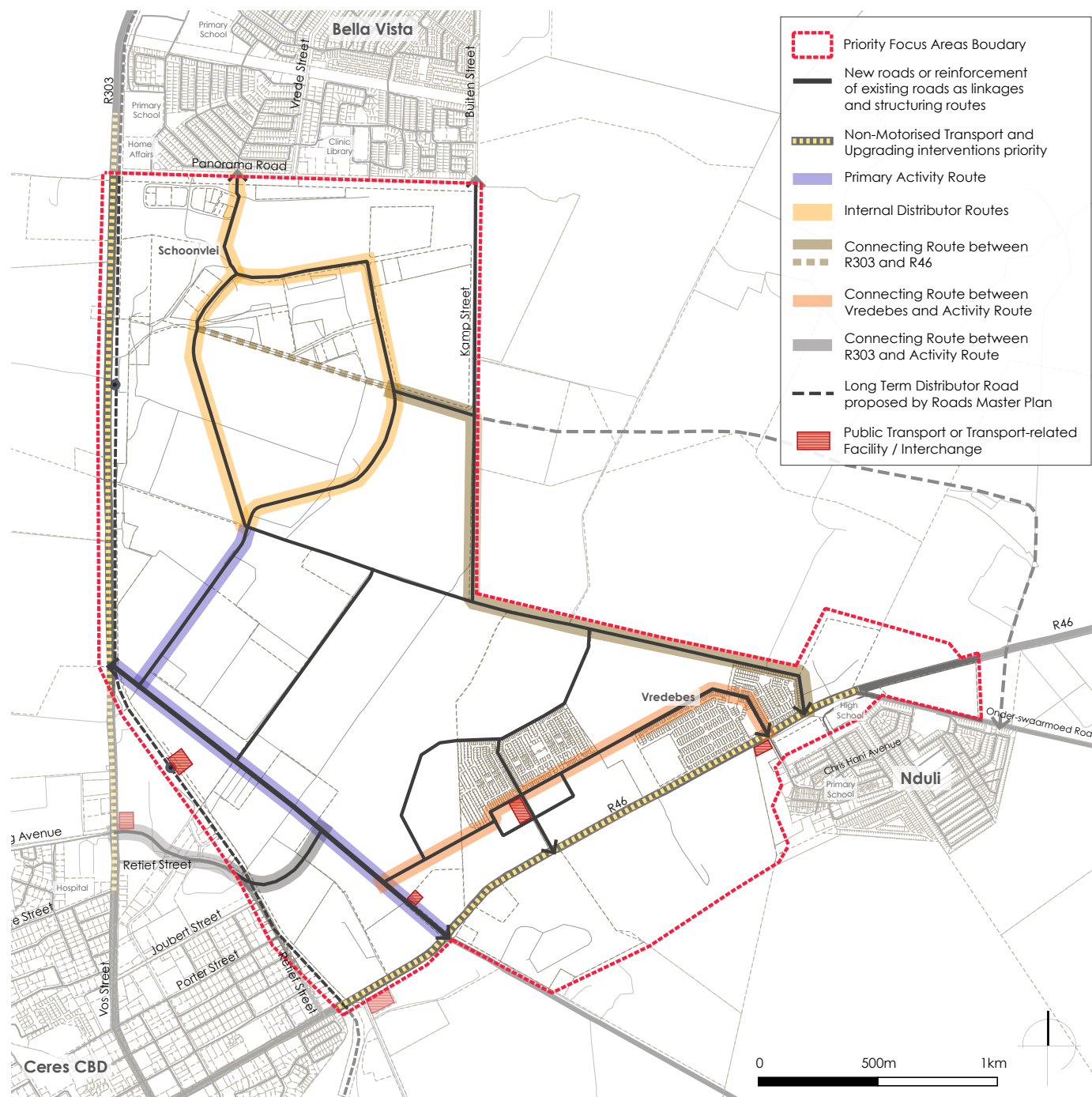


Figure 23. Movement Route proposals for Ceres Precinct Priority Area.

Kamp Street and then following the on-named route immediately north of Vredebes to link with the R46 closer to the Warmbokkeveld Prison. It is unlikely that the area of farmland crossed by the route indicated on diagram 14a will be developed over the longer term.

2. The Vredebes Road Hierarchy Plan indicates two 16m District Distributor routes, running largely parallel to the R46. The northern one is designed to continue and link to the activity route (Class 3 District Distributor) east of Retief Street while the southern Vredebes Distributor “stops short”. Ideally, this route should also be continued to link with the activity route east of Retief Street. Continuation of this route will also provide an interface between commercial and industrial use envisaged along the R46 and residential uses behind. This precinct plan therefore proposes the ***amendments to the Vredebes layout plan to facilitate this connecting route.***
3. Diagram 14a (annexure A) indicates awkward, indirect north-south linkages between Bella Vista and the activity route through the industrial area and the undeveloped area south of the industrial area. This is largely owing to the curvilinear layout of Schoonvlei Industrial area which inhibits seamless through connections. It is believed critical that ***easily negotiable routes through Schoonvlei should be established, at least for non-motorised transport.***

5.1.3. Land use

Sub-precinct 1:

Previous concept plans prepared in 2012 for most of sub-precincts 1 and 2 (named Ceres Vredebes: Conceptual Development Framework Overlay and Ceres Marseaux: Conceptual Framework Plan) indicates the area west of the Vredebes housing area for industrial use, also adjoining the proposed activity route connecting the R46 and the R303

(this area was indicated as Area D in the previous MSDF).

Except for two schools, a clinic, and open space, this proposal also indicates considerable housing abutting the R46.

A better distribution of land use appears to be one where commercial, industrial, and institutional activity abuts important routes and residential use is accommodated behind the commercial and industrial uses. Major movement routes are the focus for significant development related “energy”, and land adjacent to key section of these routes within settlements should be exploited for economic development opportunity.

This would imply more non-residential use along the edge of Vredebes abutting the R46 and that the Vredebes housing area could be extended westwards towards the proposed new activity route (this approach has been adopted in the 2019 Witzenberg MSDF).

The land area south of the R46 and between Du Toit Fruit/ Ezelfontein Road and Nduli (measuring some 30ha in extent) has been included within the urban edge of the approved 2019 MSDF. Ideally this land should be developed for commercial/ industrial use abutting the R46 and residential use behind.

In developing land abutting the R46 every effort should be made to also provide for small and emerging entrepreneurs, whether in the form of basic trading infrastructure or smaller structures to house business and service industries.

Previous proposals indicate a possible truck stop facility, west or east of Nduli. It is not believed desirable to accommodate such a facility directly adjacent to a residential area. A truck stop facility – should there be private sector interest – could be better located along the R303 or in association with the Schoonvlei Industrial area and the class 3 Regional Distributor connecting the R303, industrial area and R46 east of Nduli.

As indicated in the approved 2019 MSDF, the vacant area east of Nduli along the R46 is proposed as a mixed-use area with commercial opportunity and public space which can serve as a “gateway” attraction to the Koue Bokkeveld and Tankwa Karoo while providing livelihood opportunity for local residents.

Sub-precinct 2:

A previous conceptual framework plan prepared in 2012 for sub-precinct 2 (named “Marseaux”) indicates the area west of the for farmworker housing, residential, and industrial use (abutting the R46).

As a principle, it is believed that this triangular shaped land area (measuring approximately 35ha in extent) should be developed for commercial and industrial use abutting major routes with residential use behind. As indicated under sub-precinct 1, the Vredebes housing area could be extended westwards towards the proposed new activity route, with commercial and institutional uses abutting major routes.

The Municipality has received an application for a major shopping centre in sub-precinct 2, south of the R46 and at the intersection of the R46 and Ezelfontein Road. The location of this facility is appropriate in relation to access to many parts of Ceres town and different communities. Key matters to consider in land use management deliberations related to this facility are:

- The continuity of non-motorised transport routes past and to the facility.
- Safe and convenient public transport (taxi) drop-off and pick-up points associated with the facility.
- A transparent and well-landscaped interface between the facility and the R46.
- The provision of opportunity for small and emerging entrepreneurs as part of the facility.

Sub-precinct 3:

Sub-precinct 3 is currently outside the urban edge in terms of the approved 2019 MSDP. The sub-precinct measures some 200ha in extent.

In general terms, development of this area is the lowest priority of the sub-precincts comprising the Precinct Plan. Every effort should be made to prevent piecemeal development of this area until such time as other sub-precincts have been developed to a large extent.

In terms of the future distribution of activities, development of the area should be structured with a north south route connecting Bella Vista, Schoonvlei, and the activity route proposed as part of sub-precinct 2. In general terms, land adjacent to the R303 and north-south route should be used for industrial and commercial opportunity, with residential opportunity behind.

The Western Cape Rural Guidelines contain specific measures to support aspirant emerging farmers with access to land for commercial and subsistence farming purposes. Specifically, the Guidelines support creating opportunities to develop agricultural holdings in the urban fringe. In order to prevent the urbanisation of the urban fringe and ensure that areas set aside for small scale farming do not lead to uncontrolled urban sprawl or settlement formation, the Guidelines advise that authorities should restrict residential rights on agricultural holdings (but make provision for temporary structures on these properties for tool sheds, produce stores, security purposes, etc.). Further, municipalities should ensure that appropriate zoning or overlay zones are available and used for this purpose to differentiate from conventional agricultural areas, which accommodates multiple dwellings and ancillary uses. Land reform beneficiaries are encouraged to settle in nearby settlements.

Ideally, a portion of sub-precinct 3 should be retained for small-scale agriculture. The area east of the north-south connecting route will be ideal

Table 1. High-level land budget for the various sub-precincts

Sub-precinct	Specific Area	Developable Land (ha)	Residential / Institutional	Commercial / Industrial
Sub-precinct 1	Area west of Vredebes	±40ha	±30ha	±10ha
	South of the R46	±30ha	±20ha	±10ha
Sub-precinct 2	West of activity route	±35ha	±20ha	±15ha
Sub-precinct 3	Whole area currently excluded from the urban edge	±200ha	±30ha*	±70ha*
Sub-precinct 4	Schoonvlei Industrial	Larger sites measuring ±40ha in extent remain vacant	-	-

* Assuming about half the area (on the eastern side) is retained for small scale farming and exhibition purposes.

for this purpose. Reserving land to the east for emerging farmers is also appropriate in relation to location proximate to the proposed Agri-Park.

The approved 2019 MSDP indicates the potential opportunity of Witzenberg hosting large scale agricultural shows/exhibitions similar to the annual NAMPO Agricultural Trade Show at Bothaville, one of the largest agricultural exhibitions under private ownership in the southern hemisphere². The area of sub-precinct 3 south of the Schoonvlei Industrial area and east of the north-south route is ideally located as a venue for major shows/ exhibitions.

² An agricultural show can contribute significantly to local economic development and job creation. The four-day NAMPO show attracts up to 100 000 visitors, 750+ exhibitors, and utilises some 200 000m² exhibition space. The annual economic contribution of the show to Bothaville is estimated at some R35-45m, including daily occupancy of 5 000+ beds in guest houses and B&Bs in Bothaville and surrounding towns, as well as hundreds of temporary jobs. The facility provides water, power, communication, 22 temporary restaurant and take-a-way food establishments, and ablution facilities. A temporary media and business centre is provided, as well as commuter services between the Park and Bothaville.

Sub-precinct 4:

The Schoonvlei Industrial area is partially developed. Two large properties abutting the cemetery and Kamp Street – respectively measuring 16ha and 20ha in extent – remain vacant.

The Cape Winelands District Rural Development Plan identifies a district Agri-Park as part of the Schoonvlei Industrial area. The facility is seen as a catalyst for rural economic development/ industrialisation ensuring development and growth in order to improve the lives of all communities in the district.

As indicated above, the curvilinear street layout of the Schoonvlei Industrial area inhibits seamless and direct through connections between Bella Vista and sub-precinct 3. Every effort should be made to provide direct, easily negotiable north-south non-motorised transport routes through Schoonvlei.

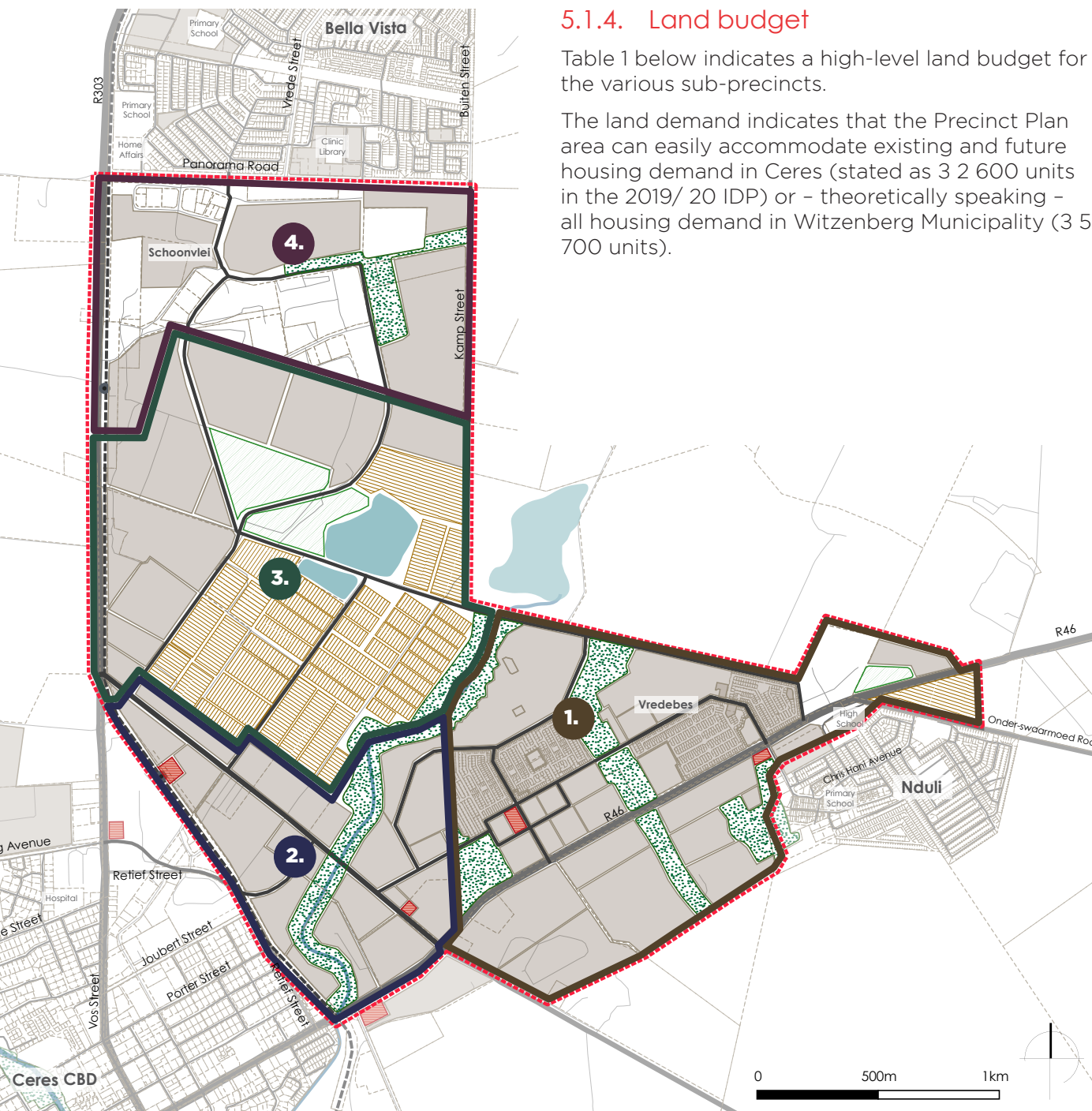


Figure 24. Full extent of development proposals for the Priority Precinct Plan in relation to Sub-Precincts

5.1.4. Land budget

Table 1 below indicates a high-level land budget for the various sub-precincts.

The land demand indicates that the Precinct Plan area can easily accommodate existing and future housing demand in Ceres (stated as 3 2 600 units in the 2019/ 20 IDP) or – theoretically speaking – all housing demand in Witzenberg Municipality (3 5 700 units).

5.2. Infrastructure Implications

As indicated in the 2019/ 20 IDP, Witzenberg Municipality has significant infrastructure challenges which may impede further development. Specifically:

- The Municipality is running at its NMD (Notified Maximum Demand) of 42,8 MVA. The current Eskom backbone network does not permit an increase of NMD until such time as their backbone network has been upgraded. The implications thereof are four years and R360m of investment, meaning that 2021 is the earliest that NMD can be upgraded.
- A number of landfill site in the Municipality are under stress, and where closed or to be closed, resource constraints limit rehabilitation. To address solid waste issues, development of a regional landfill site at Worcester is currently in process with the purpose to accommodate the municipalities of Witzenberg, Breede Valley (Worcester) and Langeberg (Robertson, Ashton, Montagu)

As with many other municipalities, limited resources underly infrastructure challenges.

Development of the Precinct Plan area will require infrastructure enhancements. To enable long-term resource planning, the nature of these enhancements and associated costs need to be determined.

With the short to medium term in mind, it is also critical to determine what capacity exists in relation to existing and planned infrastructure improvements, specifically in relation to sub-precinct 1, to enable, for example, the extension of Vredebes westwards and development of the part of sub-precinct 1 south of the R46.



Part 6.

Implementation

6. Implementation

6.1. Phasing

In terms of phasing, the following progression of development is foreseen:

6.1.1. Current parallel initiatives

- The completion of Vredebes (sub-precinct 1) and amendments as required to align with precinct plan proposals.
- Possible extension of Vredebes westwards should the need exist (sub-precinct 1).
- Private development of a shopping centre (sub-precinct 2).
- Upgrading of the R46 between Ceres town and Nduli, also accommodating non-motorised transport (sub-precincts 1 and 2).
- Upgrading of R303, also accommodating non-motorised transport (sub-precincts 3 and 4).
- Further development of Schoonvlei vacant land should demand exist (sub-precinct 4).

6.1.2. Medium term (5 years)

- Activity route and connections to Vredebes (sub-precincts 1 and 2).
- Development of sub-precinct 2.
- Development of the area of sub-precinct 1 south of the R46.

6.1.3. Longer term (10 years +)

- Inclusion of sub-precinct 3 within the urban edge.
- North-south connecting routes.
- Development of sub-precinct 3.
- Connector routes between Bella Vista, Schoonvlei and R46 north of Nduli.

6.2. Infrastructure Planning

The high-level movement structure, distribution of land uses, and land budget provided in the Precinct Plan should provide sufficient information for service departments to undertake parallel bulk infrastructure planning to support the proposed development over time, including long term financial planning and budgeting.

6.3. Funding

To date, the Witzenberg Municipality has been assisted in planning for the Precinct Plan area through the WCG's Regional Socio-Economic Programme (RSEP), an intergovernmental programme which focuses on urban upgrading and renewal focusing on previously disadvantaged neighbourhoods through pro-poor and social upliftment interventions and to address the legacies of spatial segregation in South Africa.

This is done by implementing physical projects that will have an immediate impact and demonstrate “what can be done” in order for municipalities to mainstream this directive in their normal day-to-day work and future planning initiatives and budgeting processes. In addition, non-physical projects are also undertaken (e.g. precinct planning, urban design, and facilitating partnerships and collaboration).

The Programme also aims to promote a “whole-of- society” approach which envisions provincial and local government partnering with active citizens, communities and stakeholders to promote social and economic inclusion; and furthermore, to establish a “whole-of-government” approach to enhance planning-led budgeting through coordinated multi-sector spending in the province.

The programme is therefore focused on bringing together a range of stakeholders, both local, provincial, national and private, in order to

achieve effective and efficient joint planning and implementation at the local level and to improve quality of life of citizens and in communities.

Following community workshops, the focus has therefore been on two projects. The first is pedestrian and cycle access between Bella Vista (along the R303/ Vos Street) and Nduli (along the R46) and the main town of Ceres (where most employment and commercial opportunity is located). A budget of R5,61 m has been approved for the pedestrian ways (R1,61 m has been provided by Witzenberg and the remainder by the RSEP). Construction of pedestrian walkways is planned for 2019/ 20. The second is focused on Vredebes (a large housing project) where it was found that social facilities will not be completed in parallel with housing development. It was agreed to establish a Collaboration Committee, tasked to assist with the coordinated and sustainable development of the area. A concept plan has been prepared to assist the work of the Collaboration Committee, to established during the 2019/ 20 financial year.

A definite option for Witzenberg to secure significant further funding for the Precinct Plan area is the National Treasury's Neighbourhood Development Programme (NDP).

This Programme provides technical assistance and grant funding to municipalities for capital projects that will leverage further public and private sector investment in strategic locations around the country. Through the NDP, Treasury established a partnership with the Department of Rural and Land Reform (DRDLR) in 2014 on the regeneration of small towns. The partnership established with DRDLR was to ensure that rural municipalities remain a priority. This programme calls for the focus area for intervention to be small towns and not villages or the rural hinterland.

According to National Treasury's NDP Guidelines, the outcome of a Precinct Plan must focus on a detailed composition of the future spatial structure of the identified precinct area by means of maps as well as design guidelines. In addition, the Precinct Plan must be able to prepare the Municipality for the submission of a precinct phasing plan and a table of prioritised projects for approval by NDP. A Precinct Plan must therefore also contain Project Plans with detail on individual projects.

The locally specific emphasis of a precinct plan will vary based on the specific context and local issues, but in general should contain sufficient detail to:

- Indicate desired patterns of land use within the precinct and set out basic guidelines for implementation.
- Identify programmes, projects and restructuring elements for the development of land within the precinct.
- Set out a clear implementation plan and the associated costs. Identify where public investment should be prioritised while also identifying 3rd party investment.

Therefore, a precinct plan must identify:

- Sub-precincts and associated detailed interventions.
- Required bulk capacities for implementation.
- Pipeline of projects (spatial and non-spatial) for funding and implementation across spheres of government.

The National Treasury methodology is aligned with the Municipality supported Package of Plans approach as outlined in Section 97 of the Witzenberg Municipality Land Use Planning By-Law (2015).

6.4. Land use management processes

The Witzenberg Municipality Land Use Planning By-Law (2015) has been adopted to regulate and control municipal land use planning. The preparation and adoption of the By-Law follows on and has occurred within the framework of:

- Section 156(1) of the Constitution conferring on municipalities the executive authority and right to administer local government matters as set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution (and Part B of Schedule 4 to the Constitution listing municipal planning as a local government matter). SPLUMA requiring the executive authority of a municipality to oversee such responsibilities as it may designate to officials of such municipality and non-officials in the implementation of the Act.
- LUPA requiring a municipality to regulate inter alia the development, adoption, amendment and review of a zoning scheme for the municipal area, the procedures in terms of which the municipality receives, considers and decides on land use applications (including public participation and criteria for decision making).
- Section 156 (2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer.

In terms of Section 97 of the By-Law:

- The Municipality may require a package of plans to be submitted for approval in respect of an application for rezoning of certain planning areas.
- The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas. It is a phased process of negotiation, planning and approvals,

whereby increasing levels of planning detail are approved together with conditions for such approvals.

- The Municipality may require that the area covered by a development framework shall extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the municipality may determine the extent of such area.

Within the overall framework set by the Precinct Plan (as a concept development framework for the Precinct Plan area), further planning in terms of the package of plans approach can proceed (once infrastructure planning for the overall area has been completed).

6.5. Institutional Arrangements

To ensure integrated further planning and development of the Precinct Plan area, it is recommended that the Municipality form a working group comprising:

- Officials from the relevant service departments (specifically planning, engineering services, housing, and community services.
- Representatives from Provincial government (and National government should the NDP planning/ funding route be pursued).

6.6. Development guidelines

6.6.1. General Guidelines

Two sets of general guidelines are applicable to the Precinct Plan area:

1. The Western Cape Rural Guidelines include general development guidelines as well as specific recommendations for the location, form and management of specific activities in the rural area.
2. The PSDF's Settlement Toolkit which provides spatial guidance on the PSDF's proposals for key themes at municipal, rural, town and precinct scales.

As part of the area is envisaged to remain outside the urban edge – and a part of the rest abuts agricultural land – the Western Cape Rural Guidelines are applicable. In general terms, the guidelines state that development in the rural area should not:

Have a significant negative impact on biodiversity or ecological system services.

- Lead to the loss or alienation of agricultural land or has a cumulative impact there upon.
- Compromise existing or potential farming activities.
- Compromise the current and future possible use of mineral resources.
- Be inconsistent with the cultural and scenic landscape within which it is situated.
- Lead to inefficient service delivery or unjustifiable extensions to the Municipality's reticulation networks.
- Impose real costs or risks to the Municipality delivering on their mandate.
- Infringe on the authenticity of the rural landscape.

To support aspirant emerging farmers with access to land for commercial and subsistence

farming purposes, create opportunities to develop agricultural holdings in the urban fringe, and support different settlement options to allow rural dwellers and their dependants to fully benefit from the various tenure, housing and subsidy benefits and rights which are availed to them. Part of sub-precinct 3 has been identified as suitable for subsistence farming. The Western Cape Rural Guidelines maintains inter alia that:

- Where an agricultural land reform project is implemented on a farm, the same rights apply as in “normal” areas.
- If a group of individuals collectively own the land, the provision of housing to all beneficiaries of the land reform project is discouraged as only one homestead for the owner is allowed. The remaining occupants on the farm could be accommodated as agri-workers, but settlement formation should be guarded against.
- New agricultural holdings (small agricultural properties) in the urban fringe within the Agriculture SPC are encouraged for cultivation and livestock purposes.
- Municipal commonage (which should not be alienated or fragmented) and state-owned land should be considered for the establishment of (community) food gardens and the entry of new farmers into the market.
- A minimum agricultural holding size of 8000m² is recommended and such properties should include an independent water source, or a secured water source for the intended agricultural or economic activities and purposes on the land.
- In order to prevent the urbanisation of the urban fringe and ensure that areas set aside for small scale farming do not lead to uncontrolled urban sprawl or settlement formation, authorities should restrict residential rights on agricultural holdings (but make provision for temporary structures on these properties for

tool sheds, produce stores, security purposes, etc.).

- Municipalities should ensure that appropriate zoning or overlay zones are available and used for this purpose to differentiate from conventional agricultural areas, which accommodates multiple dwellings and ancillary uses.
- Land reform beneficiaries are encouraged to settle in nearby settlements. Only in exceptional cases, should authorities deviate from these guidelines and permit a maximum of one dwelling per agricultural holding for settlement of the owner or those who work the land.
- The subdivision of agricultural land in the rural landscape for individual title to provide security of tenure to agri-workers and rural dwellers are not supported.
- Agri-villages can be considered in a farming area where there is a concentration of agri-workers due to the type of agricultural activities (and a substantial demand for “off-the-farm” settlement), where there are no established settlements within practical commuting distance (approximately 30km), where the owners and workforce of a company farm (or a group of neighbouring farms) identify sufficient demand and the capacity for the establishment of a centrally located settlement where housing and communal facilities and services can be cost effectively provided to the local agri-worker community.
- Security of tenure is afforded by way of a lease or notarial deed of servitude, as the land and housing remain the property of the institution/legal entity.

The PSDF's Settlement Toolkit guidelines is organised around four themes. At the precinct scale, the following guidelines are applicable:

Accessibility

- Ensure that settlement layouts provide clear and direct pedestrian linkages and routes.
- Avoid convoluted road networks which favour vehicular circulation.
- Promote streets as multi-purpose spaces designed to accommodate all modes of transport and a range of activities.
- Encourage walking and cycling by providing safe, legible and attractive environments free from traffic and ensure that these
- routes are edged by buildings that overlook space rather than blank walls and backs of buildings.
- Manage parking so that it is used more efficiently and does not dominate the streetscapes of the town by placing it behind or to the side of the building to avoid impeding pedestrian access.
- Minimise driveway widths so as to conflict as little as possible with pedestrian traffic.
- Encourage pedestrian access by placing buildings adjacent to the street with minimal setbacks (no more than 3-5 meters for commercial and mixed-use or 6-8 meters for residential), rather than behind large parking lots. Primary entrances should open to the street and be located as close as possible to transit stops.

Activities Patterns and Land Use

- Local precincts within towns must be mixed use, with properly-scaled residential and commercial development to make transportation systems more efficient and affordable, to create economic opportunity and to enhance the community.
- Ensure that all communities and neighbourhoods have access to the full range of services, amenities and opportunities.

- Aim for “neighbourhood completeness” through clustering to increase the liveability, accessibility and vitality of settlements
- Group public facilities, services and government offices to increase convenience and efficiency and align this with higher densities
- Ground floor uses facing the street should be “active” uses as much as possible (such as retail or community uses) and should be mostly transparent (e.g., windows, display cases) rather than blank walls facing the street.

Facilities and Social Services

- Encourage multi-functionality, safety, legibility and access through well-designed community facilities.
- Edge community facilities with functional public spaces, housing or retail activities, not vast vacant land.
- Always consider positive edges and public interfaces, accessible and well-defined entrances when designing the form and layout of education and health facilities.

Informality, Housing Delivery, Inclusion and Urban Land Markets

- Improve the spatial design qualities of new housing projects through improved layout and unit design and appropriate orientation of buildings.
- Consider sustainable urban systems and infrastructure through green building technologies and infrastructure options.
- Prioritise investment into community facilities, public infrastructure and public space rather than a single focus on housing or top structures (as per the NDP).
- Encourage the development of new social housing stock and provide access to municipal

rental stock, land and buildings for social housing development.

6.6.2. Specific Guidelines

6.6.2.1 Movement routes

Albeit proposed movement routes – at the level of the Precinct Plan – have considered cadastral boundaries and the boundaries of current cultivated land units as far as possible to ensure easier negotiations and viable land units, the planning of movement routes should in the first instance pursue a logical grid system which is:

- Easily negotiable.
- Follow the shortest possible route for non-motorised transport.

Furthermore, the movement network should not be planned in the manner of the existing Schoonvlei Industrial area which prohibits through-movement and the easy connection and integration of sub-precincts.

The cross-section of distributor routes should specifically provide for non-motorised transport, as well as the planting of street trees.

6.6.2.2 Housing

It is critical that the range of housing options be increased, providing in the needs of more citizens.

General guidelines for a range of publicly assisted housing are provided below. Guidelines include options for incremental development, a new National and Provincial policy focus in response to resource constraints in providing a completed unit to each beneficiary.



Description	Urban Form	Density	Locations
Single Storey Freestanding Housing		Nett: 10 - 20 DU/Ha Gross: 30 – 50 DU/Ha	Small settlements and on periphery of towns or semi-rural settings
Single Storey semi-detached Housing		Nett: 20 – 25 DU/Ha Gross: 40 – 55 DU/Ha	On periphery of towns within walking distance of lower order public facilities
Single Storey Row Housing		Nett: 25 – 35 DU/Ha Gross: 45 – 60 DU/Ha	Close to lower order facilities such as schools and community centres and play areas
Double Storey semi-detached Housing		Nett: 30 – 40 DU/Ha Gross: 50 – 65 DU/Ha	Areas within close walking distance of higher order urban opportunities
Double Storey row Housing		Nett: 35 – 45 DU/Ha Gross: 55 – 75 DU/Ha	Inner city or town locations close to urban opportunities and around inner city public spaces
Multi Storey Row Housing		Nett: 40 – 50 DU/Ha Gross: 60 – 90 DU/Ha	Inner city or town locations close to urban opportunities

Figure 25. Possible housing typologies, as developed for the Cape Agulhas Municipality 2017 - 2022 MSDF.

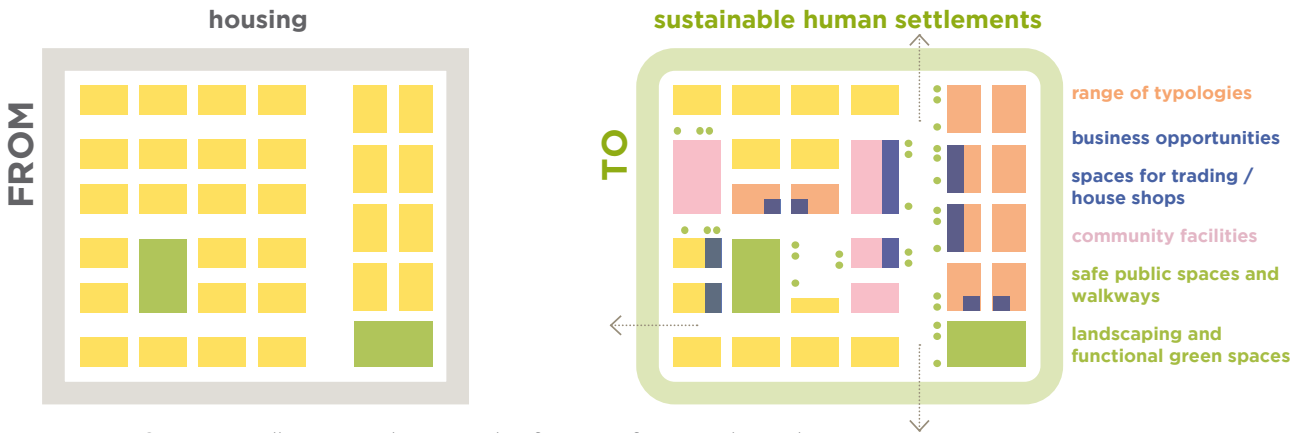


Figure 26. Diagram illustrating the principle of moving from single use housing delivery only to the development of mixed use human settlements (WCG HSP Guidelines 2020).

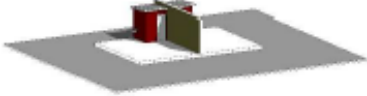



Incremental Housing		Build Plinth	Provides solid base for construction and deals with flooding issues
		Build Firewall	Prevents the spread of fires and provides structural element for additions
		Build Wet core	Bathroom and kitchen
		Build street facade Complete house with formal or informal construction methods (second storey can be added)	Defines street interface, positively impacting on the dignity of the unit as well as the character of the public environment Initial informal construction gets structural integrity from the pre-existing structures and does not have a visual impact on the street, as it is behind the street facade.

Figure 27. Incremental housing, as developed for the Cape Agulhas Municipality 2017 - 2022 MSDF.

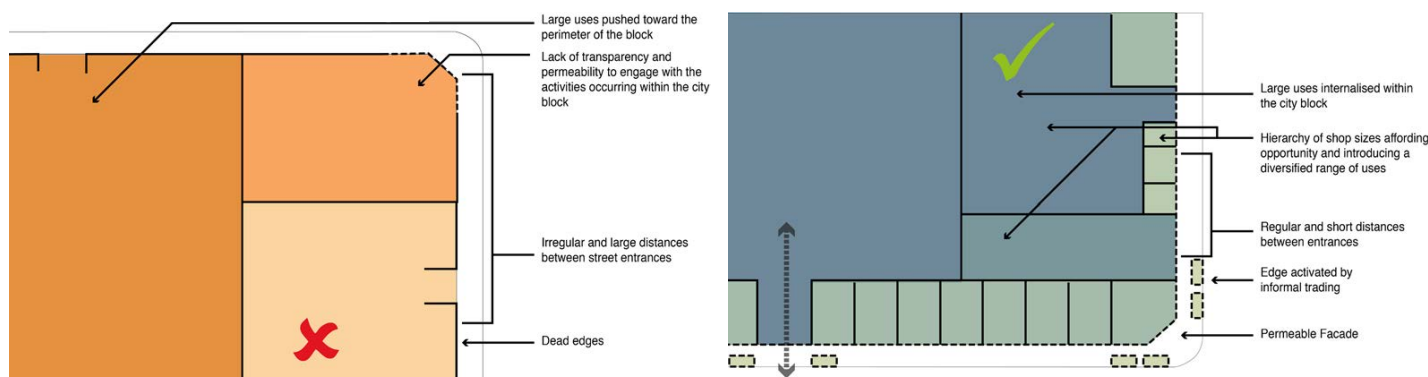


Figure 28. Guidelines for the relationship between buildings (Wellington CBD Urban Design Framework: GAPP, 2016)

6.6.2.3 Built form and landscaping

The following figures illustrate guidelines in relation to the built form and landscaping of new development areas proposed for the precinct. These images were developed for the Wellington CBD Urban Design Framework (GAPP, 2016) and are useful in terms of their relevance to the Ceres context while still illustrating generic spatial guidelines relating to the following themes:

1. The relationship between buildings:

- Avoid large box uses on the perimeter block of activity streets.
- Avoid blank walls and dead edges
- Create permeable, accessible and varied blocks with small shop frontages and permeable facades.

2. The relationship between commercial buildings and streets:

- Avoid blank walls facing onto public realm
- Avoid narrow sidewalks and overly wide streets
- Ensure an active building edge with colonnade/overhang
- Ensure safety through surveillance
- Limit service entrances to back of building
- Avoid high walls on street edge and parking lots in front of building
- Create transparent & positive building edges
- Ensure safety through surveillance

3. The relationship between public facilities and streets:

- Ensure active fronts to public facilities
- Use low walls to define boundaries to forecourts
- When appropriate, encourage public facilities to open onto public space

4. The intensification of development over time:

- Put in place enabling zoning to encourage single storey buildings to intensify into mixed use buildings with active commercial ground floor and residential above

5. The interface between urban and rural development, river corridors, and street planting:

- Ensure active edges onto street
- Encourage positive frontages that open onto the river
- Introduce safe and overlooked pedestrian bridges
- Provide low maintenance pathways to accommodate pedestrians and cyclists.
- Introduce natural, lightweight look-out decks.
- Use deciduous trees that provide shade in summer and lets warmth through in winter.

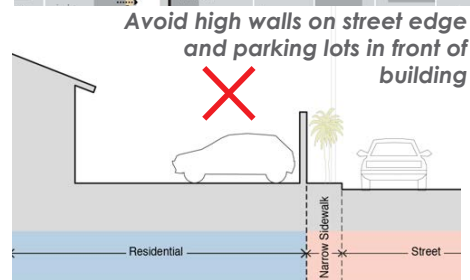
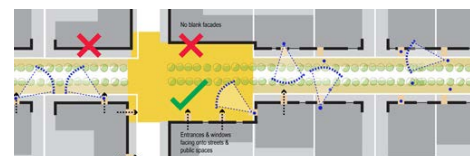
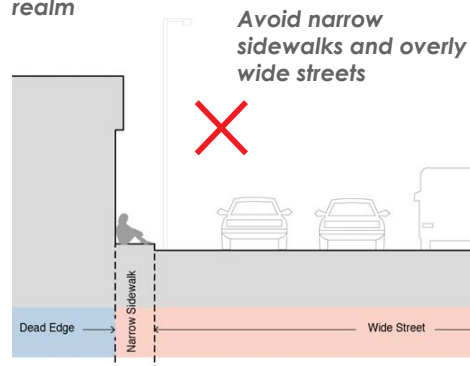
6. Design of street furniture, lighting, and surfacing of public spaces:

- Create seating and low walls that are robust and provide opportunities to sit and linger is safe spaces
- Ensure lighting is human scaled, especially around public spaces and along pedestrian routes
- Create a family of signage to be used throughout the town.
- Ensure signage is incorporated with buildings, lighting and street furniture to avoid over cluttering the street and public space environment.

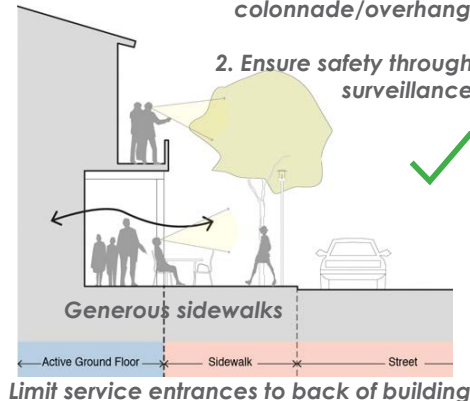
7. Design of parking in commercial areas:

- Create parking lots that are multi-functional parking courts and accommodates public events as well as cars.

Avoid blank walls facing onto public realm



1. Ensure an active building edge with colonnade/overhang



1. Create transparent & positive building edges

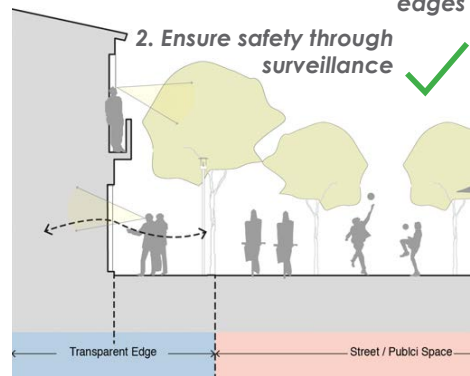


Figure 29. Guidelines for the relationship between commercial buildings and streets (Wellington CBD Urban Design Framework: GAPP, 2016)

- Ensure parking courts are well landscaped with tree avenues and paving where possible.

Design of safe pedestrian crossing of streets:

- Use raised crossings to provide continuity and safety in the public realm as a continuation of the sidewalk over the street.
- Ensure raised crossing occur at important intersections acting as a traffic calming measures

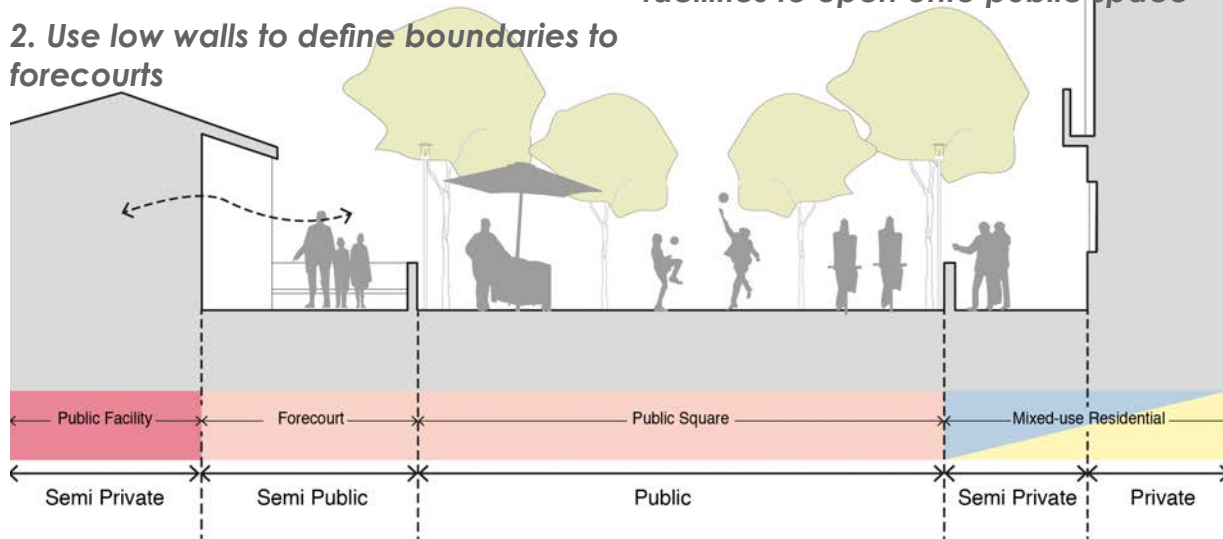
- Ensure raised crossing are gradual and occur over a minimum of 5m to accommodate trucks on provincial routes

Design of trading spaces abutting streets:

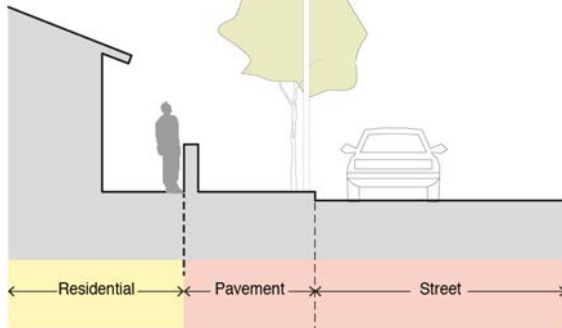
- Use street trading stalls to activate the dead edge of an existing building.

1. Ensure active fronts to public facilities 3. When appropriate, encourage public facilities to open onto public space

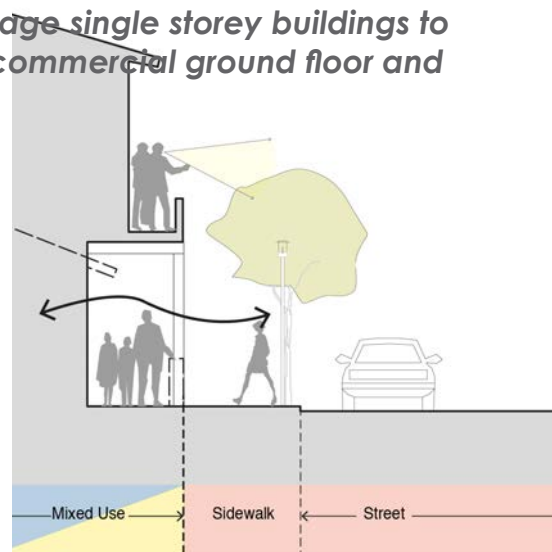
2. Use low walls to define boundaries to forecourts



1. Put in place enabling zoning to encourage single storey buildings to intensify into mixed use buildings active commercial ground floor and residential above



EXISTING SINGLE STORY RESIDENTIAL



ENVISAGED INTENSIFICATION



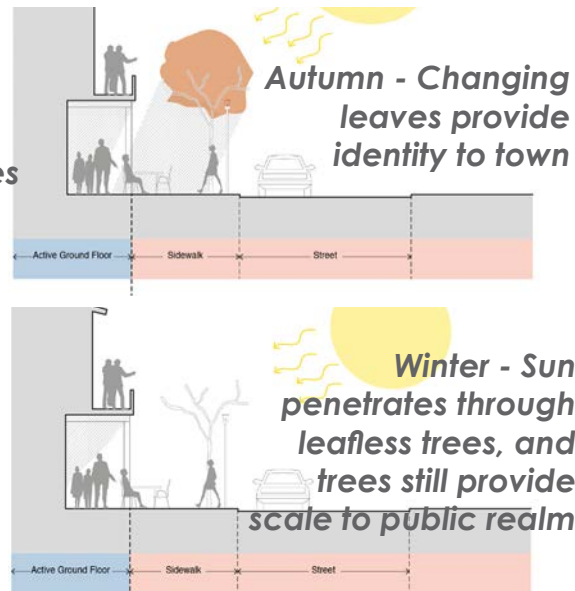
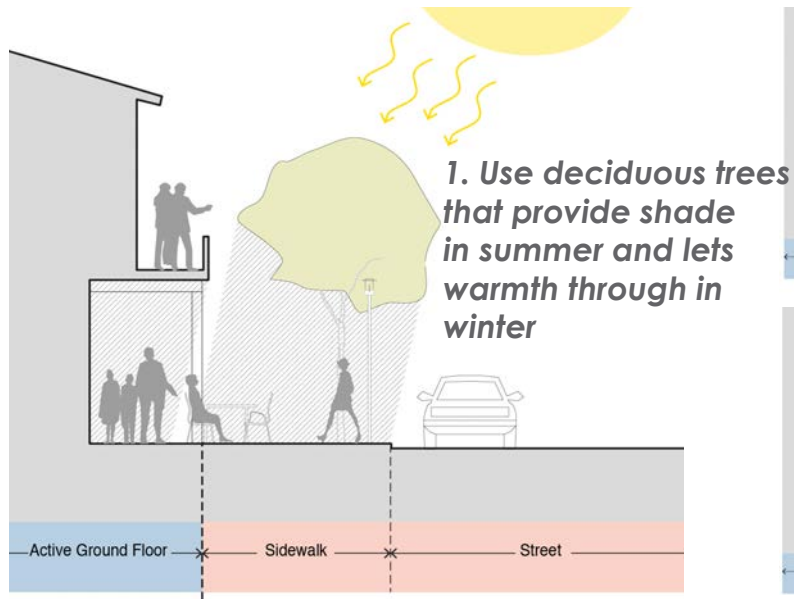
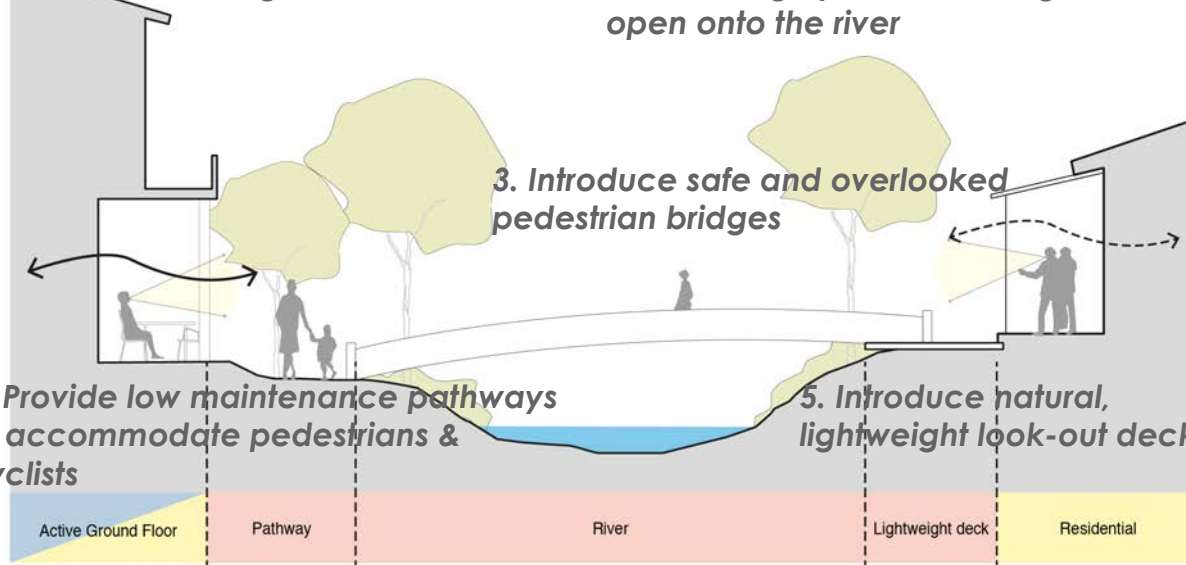
1. Ensure active edges onto street

2. Encourage positive frontages that open onto the river

3. Introduce safe and overlooked pedestrian bridges

4. Provide low maintenance pathways to accommodate pedestrians & cyclists

5. Introduce natural, lightweight look-out decks





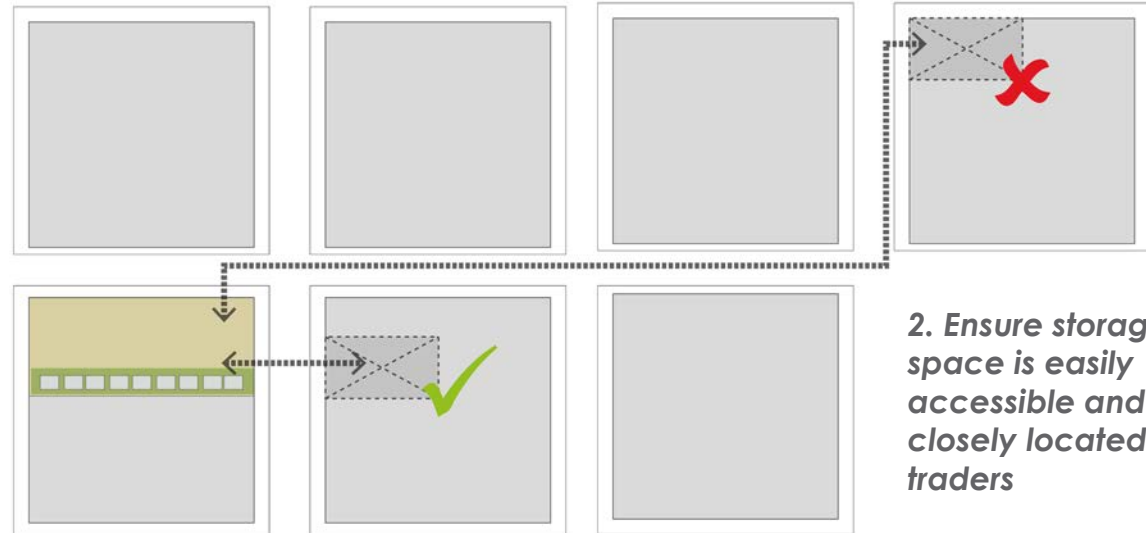
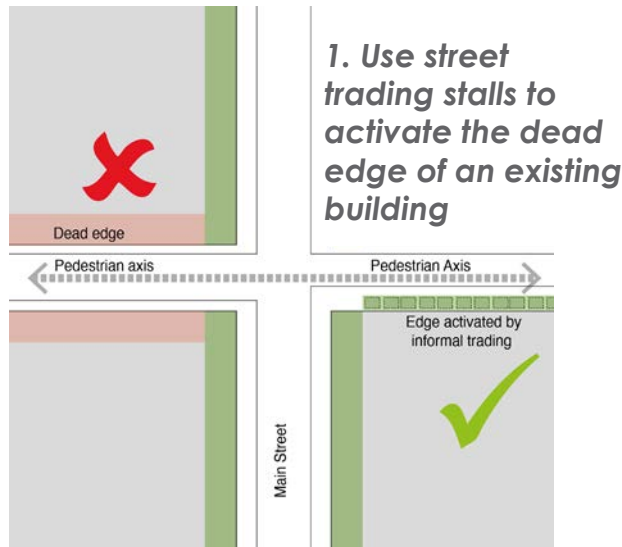
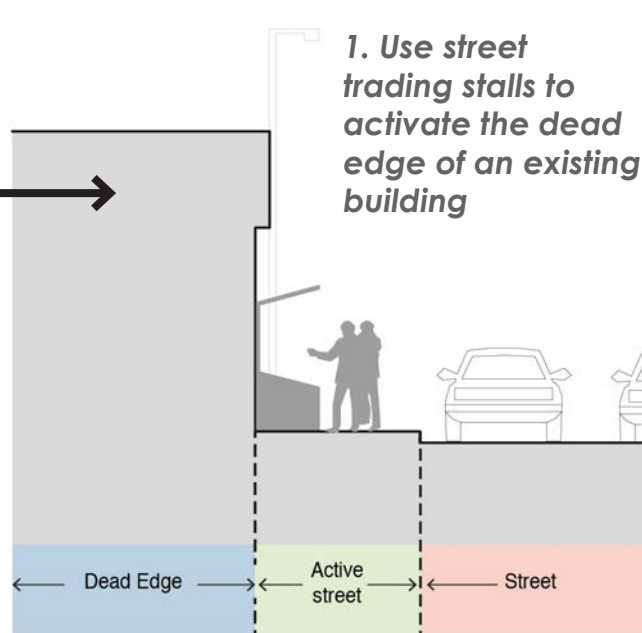
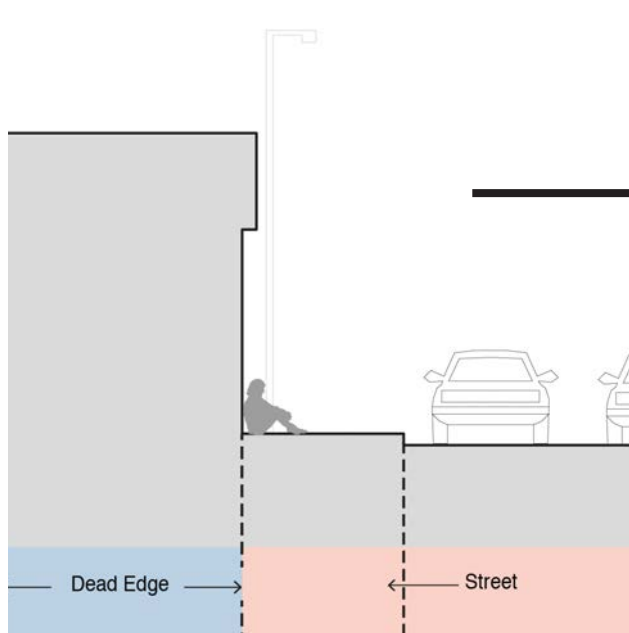
1. Create seating and low walls that are robust and provide opportunities to sit and linger in safe spaces

2. Ensure lighting is human scaled, especially around public spaces and along pedestrian routes

3. Create a family of signage to be used throughout the town.

4. Ensure signage is incorporated with buildings, lighting and street furniture to avoid cluttering the street and public space environment.





6.6.2.4 Industrial development

Industrial/ manufacturing establishments should be encouraged to establish “public fronts”; outlets of products, areas illustrating how manufacturing takes places, or “plant tours”, where local goods can be purchased or visitors can learn about how goods are processed/ manufactured.

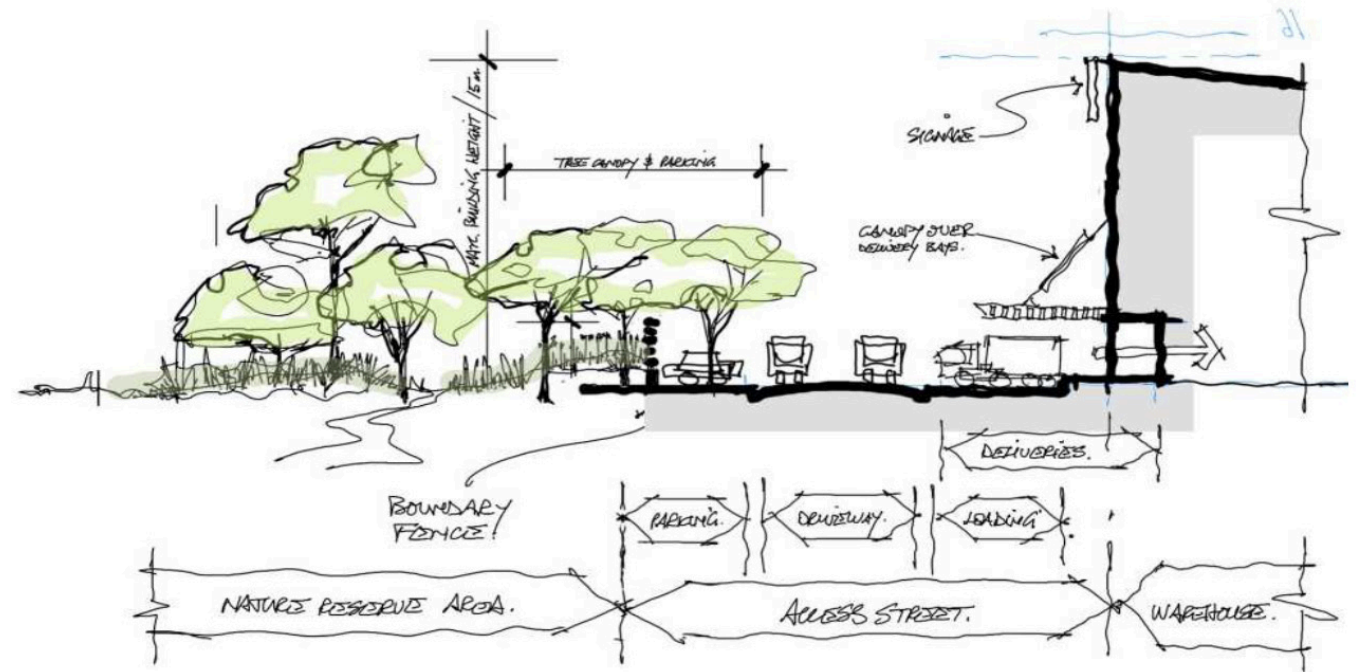


Figure 31. Example of outward frontage section for industrial precincts facing onto natural areas (Feasibility Study Opportunities and Constraints Report, February 2020 CK Rumboll and Partners)

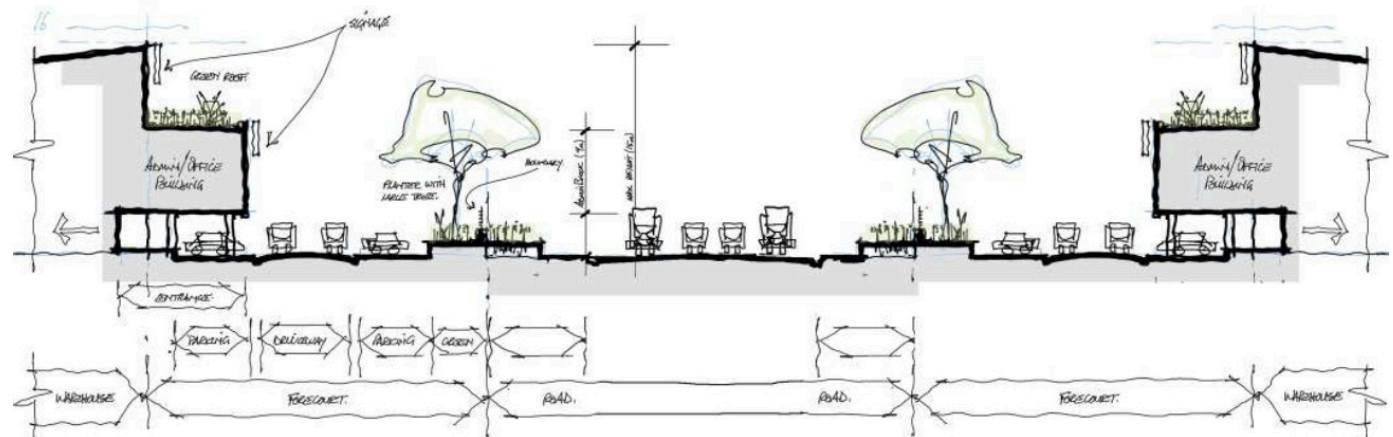


Figure 32. Example of inward frontage section for industrial precincts (Feasibility Study Opportunities and Constraints Report, February 2020 CK Rumboll and Partners)

6.6.2.5 Institutional uses

- Strategically locate and align the provision of facilities and social services with access networks to ultimately increase convenience, access and viability (for example, schools should be located on district distributors).
- Cluster social facilities at accessible locations to optimise the catalytic potential of public services and buildings as instruments for urban regeneration and to define vibrant public spaces.

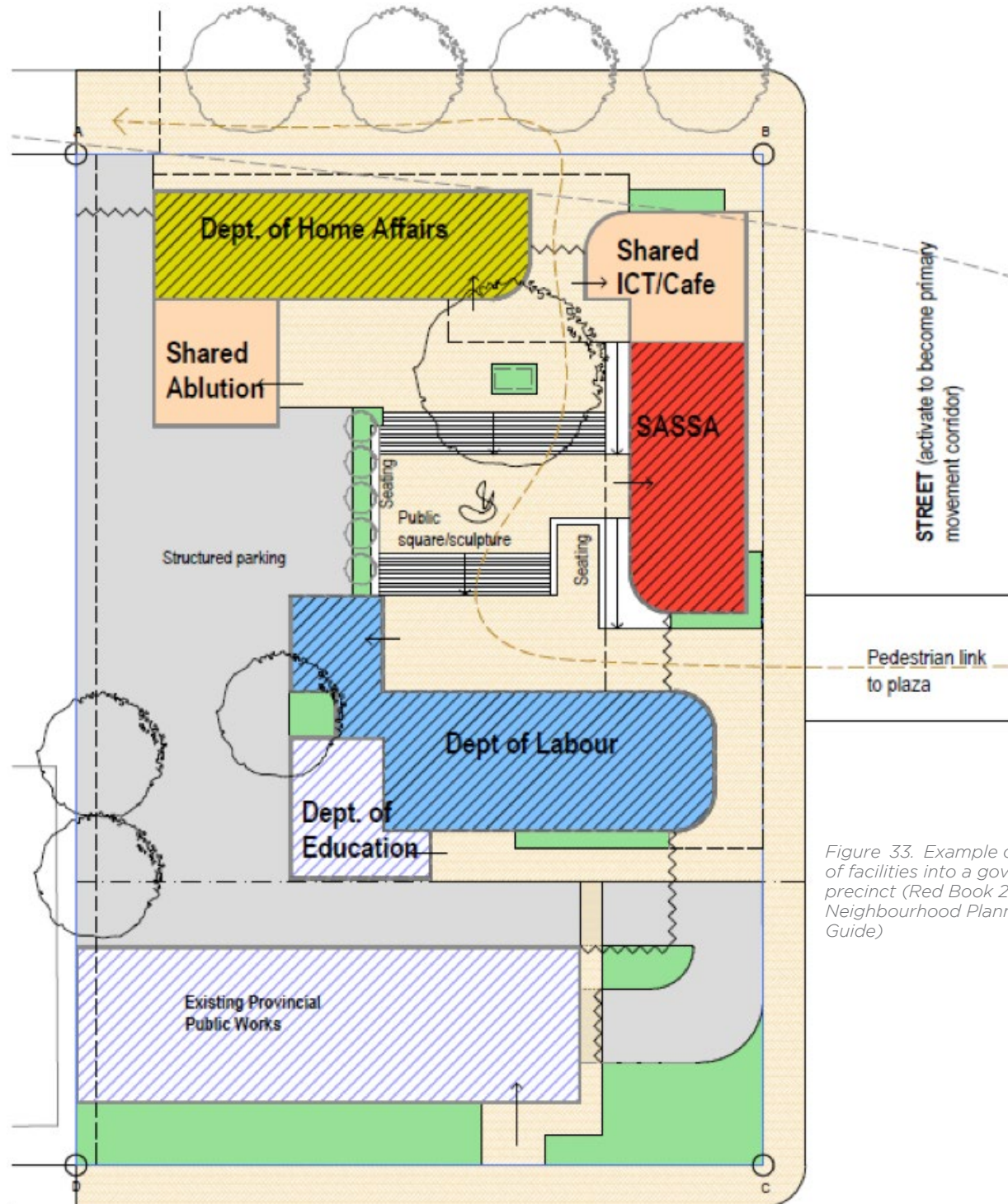


Figure 33. Example of clustering of facilities into a government precinct (Red Book 2019 - The Neighbourhood Planning & Design Guide)

6.6.2.6 Public space

- A range of public spaces should be provided, from small “packet parks” or seating areas to spaces for social ball-games.
- Public spaces should be positioned and designed for surveillance; excluding “dead” walled frontages and with abutting development overlooking them.

6.6.2.7 Space for small and emerging entrepreneurs

Traditionally, space for small and emerging entrepreneurs focuses on informal trading and the provision of various facilities – water, shading, storage, and so on – serving traders.

It is believed critical to expand access to facilities for small entrepreneurs beyond informal trading to include small workshops and commercial spaces.

One option could be to make Municipally owned industrial land available for the building of small work spaces benefiting from shared facilities.

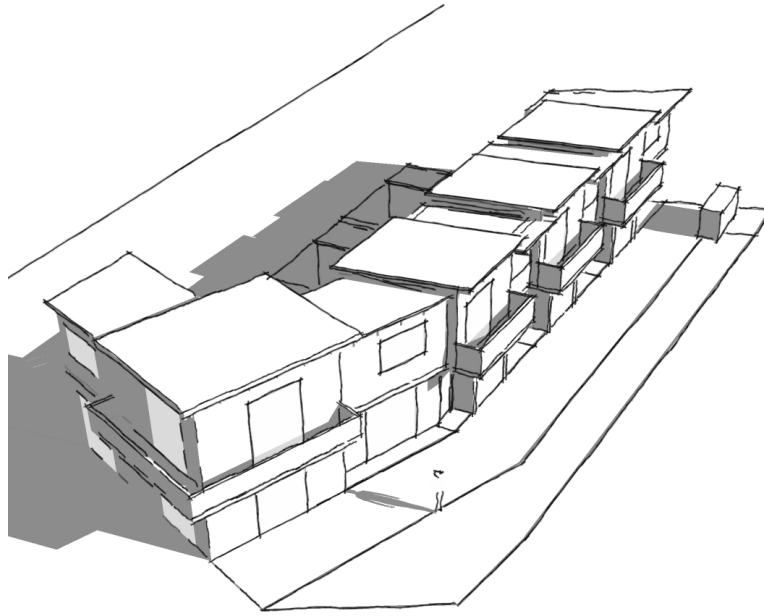


Figure 34. Work Live Units sketch, by Babett Frehrking and Jonker Barnes Architects.

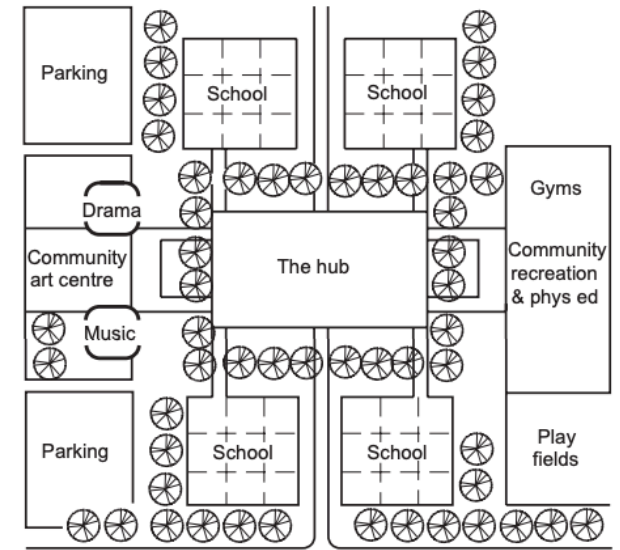


Figure 35. Public space forming the central hub supported by activities facing onto the public square.



6.6.2.8 Specific projects indicated in the MSDF

A “gateway” to the Tankwa

The MSDF identifies the opportunity for a mixed-use area as part of Nduli with commercial opportunity and public space which can serve as a “gateway” attraction to the Koue Bokkeveld and Tankwa Karoo while providing livelihood opportunity for local residents.

The most appropriate location is the triangular site east of Nduli abutting the R46. The area can provide:

- A restaurant/ eatery/ convenience store.
- Ablution facilities.
- Government information offices.
- Trading spaces for emerging entrepreneurs.
- Safe parking.

(See Elgin example of a market that promotes local economic development through the trading of local goods while attracting passers-by and build on existing tourist patterns.)

Gateway Example: Peregrine “Village”, Elgin

Peregrine Farm Stall has established itself as a tourist destination and pit stop for travelers traveling the N2. The site is nestled in the foothills of the Elgin Valley and has gained popularity over the years which in turn meant that both automobile and human traffic jams and a lack of seating were causing customers to decrease. In 2015 a branding company was approached to solve this problem, who's solution saw the introduction of a shipping container “village” featuring the Padkos Express – a quick-serve coffee and pie station, surrounded by local pop-up stores in containers, with a kids play area in the centre. The architectural elements were sourced from the region and the design and aesthetics provide good shading as well as appropriate human scale spaces. The container material also ensures safety for products and provides protection against natural elements.

Read more at: <http://www.rocketfuel.co.za/portfolio-item/rocketfuel-sets-sales-records-for-peregrine-farm-stall/>



Figure 36. Outdoor seating and takeaway area.

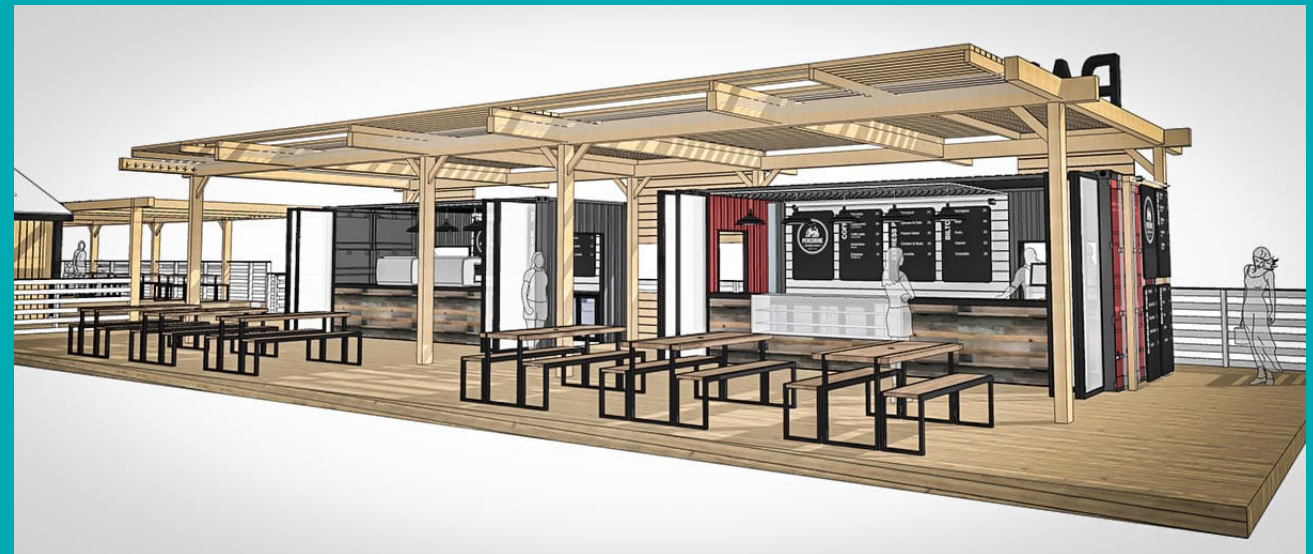


Figure 37. The design of shading and structural elements.

List of Documents Reviewed

CSIR, Guidelines for the Provision of Social Facilities in South African Settlements, 2012

Department of Rural Development and Land Reform, AGRI-PARK: Your agri-park; Your future, 2015

Department of Rural Development and Land Reform, Guidelines for the Development of Provincial, Regional and Municipal Spatial Development Frameworks and Precinct Plans, 2017

WCG DEADP, PSDF Settlement Toolkit, 2014

WCG, RSEP/VPUU Programme: Feasibility Study for Witzenberg Local Municipality, 2018

Witzenberg Municipality, Witzenberg Spatial Development Framework, 2019

Witzenberg Municipality Land Use Planning By-Law, 2015

Witzenberg Municipality Draft Human Settlement Plan, 2016

Witzenberg Municipality, IDP 2017-2022, 2017

Witzenberg Municipality, Reviewed IDP 2018-2019, 2018

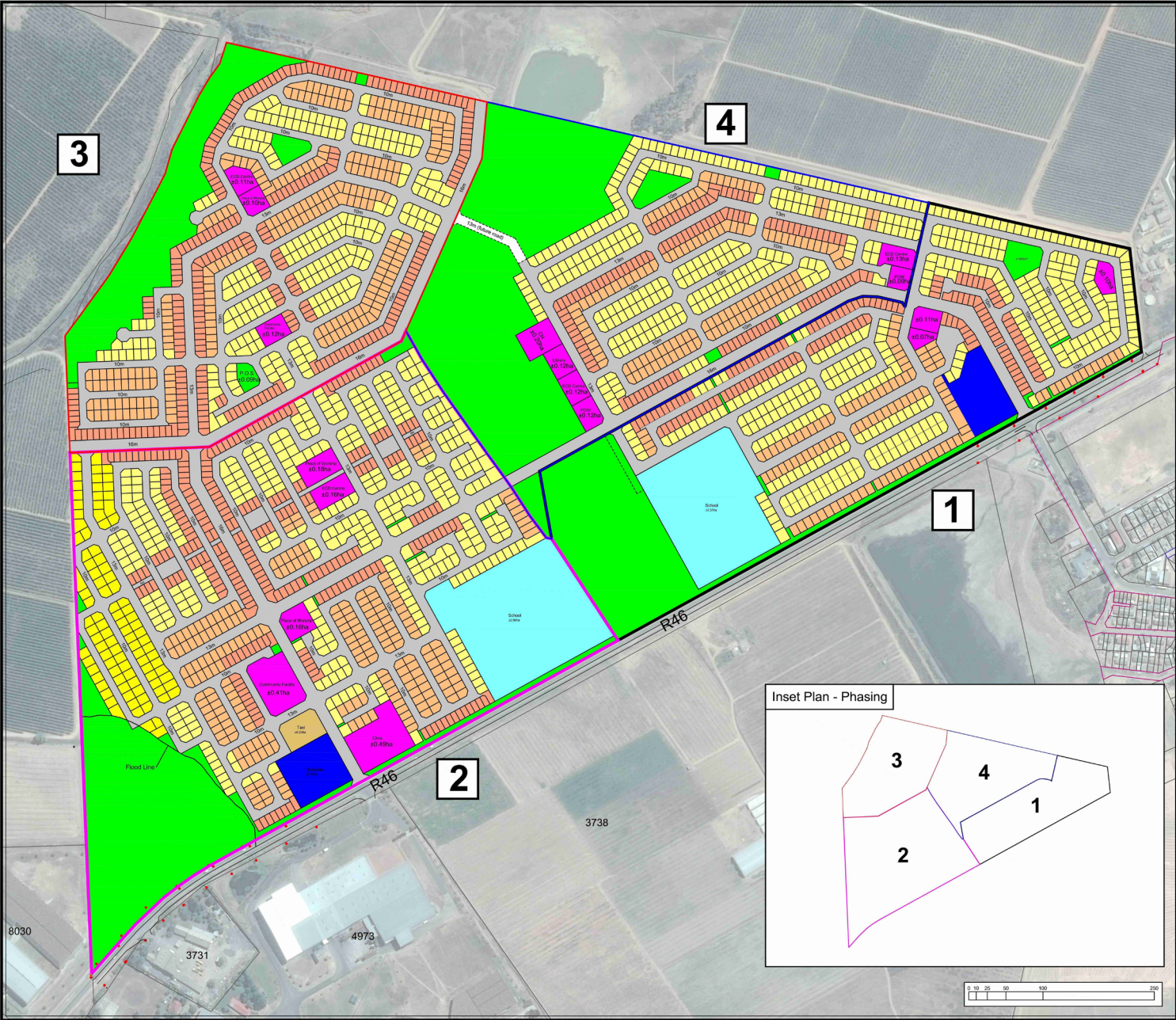
Witzenberg Municipality, Reviewed IDP 2019-2020, 2019

Annexures

Annexure A: Witzenberg Road Asset Management Plan



Annexure B: Vredebes



CERES VREDEBES

FARM 364 Ptns 18 & 72

PROPOSED LAYOUT PLAN PHASE 2 - 4

PHASE 1 (Approved 12/04/2016)

Land Use	Zoning	Notation	No. of Erven	Extent(ha)	% Of Total
Single Res (10x15m)	Residential Zone I		340	±5.44	26.27
Semi-detached single storey (10x15m)	Residential Zone II		120	±1.71	8.20
Work-use (10x15m)	Residential Zone II		140	±1.45	7.97
Business	Business Zone I		1	±0.02	2.99
Community Facility	Institutional Zone I & II		3	±0.29	1.40
Open Space	Open Space Zone I		7	±4.04	19.50
School	Institutional Zone I		1	±2.97	11.44
Roads	Transport Zone II		1	±4.60	22.33
TOTAL			613	±20.71	100

PHASE 2

Land Use	Zoning	Notation	No. of Erven	Extent(ha)	% Of Total
Single Res (10x15m)	Residential Zone I		373	±6.27	16.40
Single Res (12.5x15m)	Residential Zone I		98	±1.88	5.52
Semi-detached single storey (10x15m)	Residential Zone II		222	±3.30	9.68
Work-use (10x15m)	Residential Zone II		276	±3.30	9.68
Business	Business Zone I		1	±0.18	1.70
Community Facility	Institutional Zone I & II		5	±1.40	4.11
Open Space	Open Space Zone I		13	±5.18	15.79
School	Institutional Zone I		1	±2.08	8.74
Play Field	Transport Zone I		1	±0.22	0.65
Roads	Transport Zone II		1	±8.77	25.71
TOTAL			991	±34.08	100

PHASE 3

Land Use	Zoning	Notation	No. of Erven	Extent(ha)	% Of Total
Single Res (10x15m)	Residential Zone I		226		
Semi-detached single storey (10x15m)	Residential Zone II		244		
Work-use (10x15m)	Residential Zone II		276		
Community Facility	Institutional Zone I & II		3		
Open Space	Open Space Zone I		3		
Roads	Transport Zone II		1		
TOTAL			753	±19.95	100

PHASE 4

Land Use	Zoning	Notation	No. of Erven	Extent(ha)	% Of Total
Single Res (10x15m)	Residential Zone I		254		
Semi-detached single storey (10x15m)	Residential Zone II		136		
Work-use (10x15m)	Residential Zone II		141		
Community Facility	Institutional Zone I & II		6		
Open Space	Open Space Zone I		6		
Roads	Transport Zone II		1		
TOTAL			554	±20.70	100

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

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DATE: July 2016
SCALE: See Linescale
PLAN NO.: 1

CLIENT

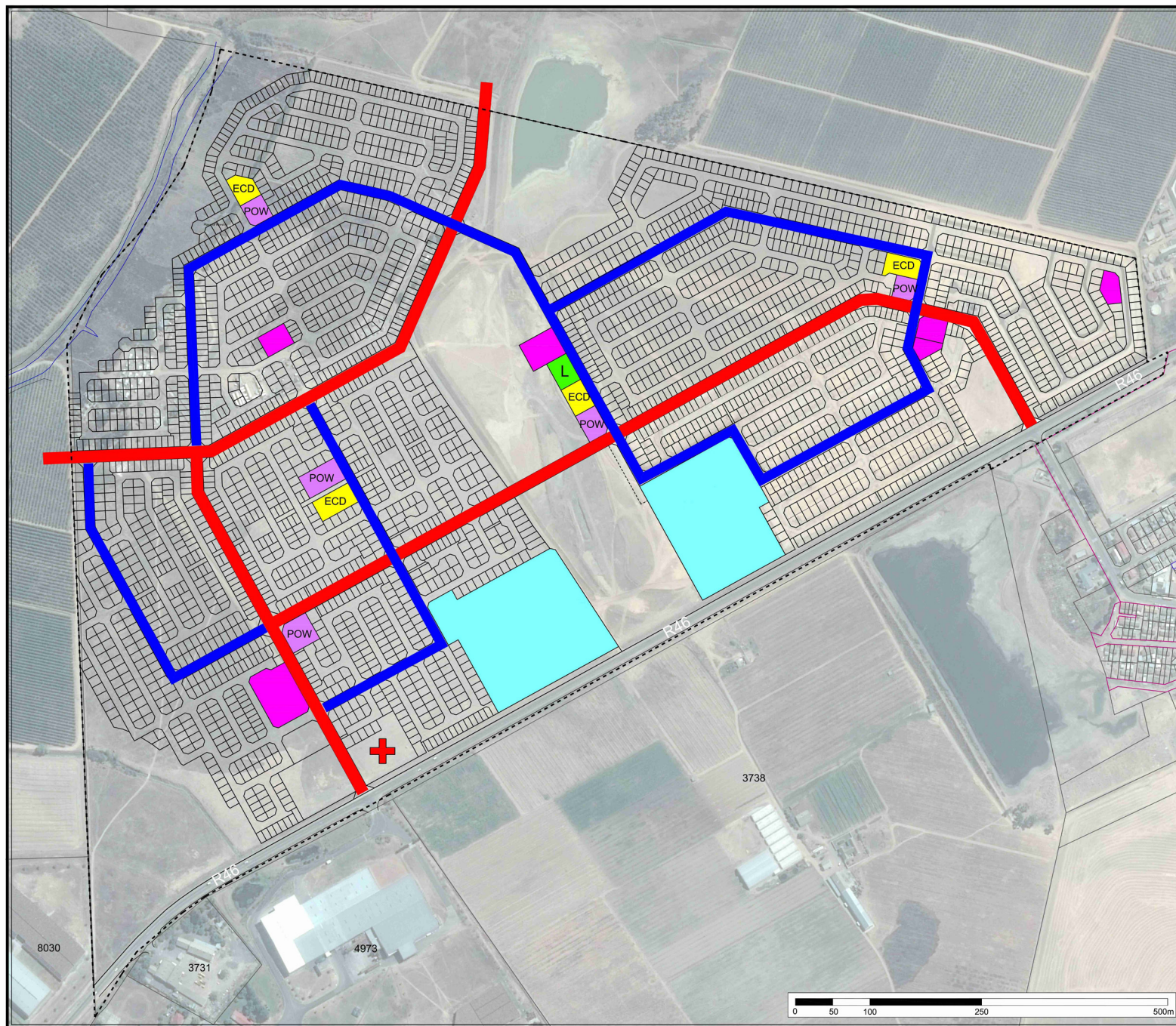
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URBAN DYNAMICS WESTERN CAPE INC REG. NO: 1650960271

Inset Plan - Phasing

Witzenberg Municipality / Ceres Priority Focus Area 1 Precinct Plan / December 2020 59



CERES VREDEBES PORTION OF FARM 18/364


ROAD HIERARCHY AND COMMUNITY FACILITIES PLAN

25m Provincial Road	
16m District Distributor	
13m Local Distributor	
Community Facilities	
Schools	
Place of Worship (POW)	
ECD	
Library (L)	
Clinic (CL)	

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

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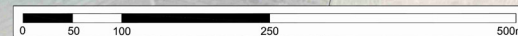
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URBAN DYNAMICS WESTERN CAPE INC REG. NO. 950996021



MEMORANDUM

To: Director: Technical Services
Municipal Manager
From: Senior Manager: Electro-technical Services & Director Finance
Date: 2021/11/30
Ref: Policies

APPROVAL OF METHODOLOGY, ALLOWABLE LIMIT AND MOTIVATION OF RENEWABLE TARIFF- SMALL SCALE EMBEDDED GENERATION [SSEG] POLICY

Purpose

To provide the regulatory background to the installation of SSEG by consumers and to motivate a renewable energy tariff to Council, as well as the motivation of changes in the existing policy.

Background

Council approved the “*Approval of Energy Plan (Small Scale Embedded Generation*” (16/3/P – 31 October 2018) as a measure to control the numerous applications at the time. This policy has proven its worth as far as potential applicants are concerned with regard to requirements and procedures.

There are however three issues that will have to be addressed, namely the implementation of a RENEWABLE tariff, proposed adjustments to the existing policy and an explanation of relevant legislation.

The current status is that Council does not have a RENEWABLE tariff and the current limit is 15% of the NMD of each town, measured in kVA.

Discussion

REGULATORY IMPLICATIONS

Regarding the consumer’s rights to install SSEG the regulations state the following.

Section 35 of the Electricity Regulation Act stipulates that NERSA may make rules, guidelines and codes of conduct and practice. As such the Grid Code (South African Distribution Code) is a document approved by NERSA in terms of the Electricity Regulation Act. As a licenced electricity distributor we are obliged to comply with the Grid Code as required in section 27 of the Electricity Regulation Act.

The Electricity Regulation Act empowers the SA Distribution code which in terms of paragraph 3.2 states that:

3.2.1 upon receipt of the application for connection to the distribution system, the distributor shall advise whether the applicant can be connected to the existing system and / or what technical improvements are required to enable the new connection;

3.2.2 the distributor shall provide an offer to connect and if accepted by the customer, both parties shall enter into a connection agreement

3.2.3 The connection agreement shall include information such as project planning data, inspection, testing and commissioning programs, electrical diagrams and any other information the Distributor may deem necessary to proceed with the processing of the application for connection.

3.2.4 If the application for connection has been declined, the Distributor shall advise the customer on the alternative options available for connection to make the connection successful.

The Distribution Code therefore provides that the municipality is obliged to provide reasons for declining an application for connection insofar as the municipality must provide an applicant with the technical information and improvements required to connect their system and of the alternative options available to rectify an unsuccessful application

Paragraph 4 of the Distribution Code sets out the responsibilities of distributors and stipulates

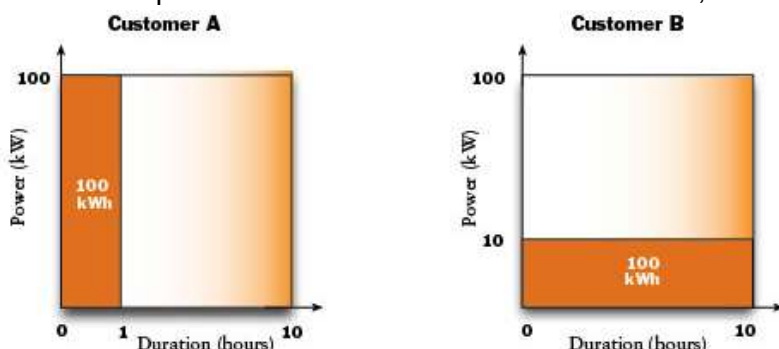
4(1) that the distributor **shall** make capacity available on its networks and provide open and non-discriminatory access for the use of this capacity to all customers including embedded generators

Paragraph 4 further states that “the distributor is entitled to a fair compensation through the electricity tariffs as described in the electricity code”. For this reason it is necessary that the Municipality implement SSEG tariffs to prevent further financial impact on the Municipality.

ALLOWABLE LIMIT

Although a percentage of the NMD was an initial measurement, the fact is that NMD is measured in kVA and Solar Panels are measured in kWp, this has proven somewhat impractical. The more appropriate method would be to use a kWh generated/annum limit as compared to Councils total kWh purchases from Eskom per annum.

In order to explain the difference between kW and kWh, consider the following diagram:



Ceres is geographically placed such that with the available Solar Radiation energy, a 1kWp solar panel can generate in the order of 1680kWh of energy per year, under actual circumstances.

Considering that the current 15% (kVA based) Ceres limit has been reached, which is currently 5 600 kWp, this equates to $5\,600\text{ kWp} \times 1\,680\text{ kWh/kWp} = 9\,408\,000\text{ kWh}$ that can be generated by the installed panels in a year.

During the 18/19 financial year, a total of 162 968 602 kWh was purchased from Eskom. The ratio of Eskom purchased to installed panels generated (above) is $9\,408\,000\text{ kWh} / 162\,968\,602\text{ kWh}$ which is 5,77%.

Thus the old impractical kVA based 15% method is in reality equivalent to 5,77% kWh based methodology which is far more appropriate, since the Municipality is only concerned about the energy generated in kWh.

The Western Cape Provincial Gazette (6792 of 20 September 2010) – White Paper on Sustainable Energy for the WC Province – sets a provincial target for energy efficiency improvement of 15% by 2014. This is where the original interim 15% limit was obtained, albeit being inaccurately applied to the kVA instead of the kWh.

At this point it should be mentioned that no other Councils with SSEG policies have a limitation. The limitation was also applied to protect the sustainability of the Municipality. With the new Renewable Energy Tariff that is proposed in this item, the 15% limitation can remain, but is no longer required for the sustainability of the Municipality. The only limitation that remain is the infrastructure limitations, that will be addressed during the applications received. Should there be a technical limitation, the customer can address these limitations by doing the necessary upgrading to the network.

It is therefore proposed that Council resolve that the Municipal Manager, in collaboration with the Director Technical Services and Chief Financial Officer, be mandated to adjust on this percentage as the situation dictates.

Below is Ceres approved applications in the new and old format, as an example

INSTALLED SSEG - WITZENBERG CERES

Date	Town	Applicant Name	SSEG kW installed	kWh generated/annum	Installer details
18 - 2 - 2016	Ceres	OAST Farming (Loxtonia)	100	168 000	van Wyk Elektries, Malmesbury
02 - 11 - 2017	Ceres	De Keur	70	117 600	African Technical Innovations, Ceres
2-12-2017	Ceres	Bloubos Gat - Nico Bester	25	42 000	African Technical Innovations, Ceres
27 - 1 - 2017	Ceres	CFP	100	168 000	African Technical Innovations, Ceres
3 - 2 - 2016	Ceres	CCS	400	672 000	African Technical Innovations, Ceres
20 - 4 - 2018	Ceres	Boland Stud - Eugene Freeman	25	42 000	African Technical Innovations, Ceres
25 - 7 - 2017	Ceres	Netcare	50	84 000	Energyneering, Midrand
Oct-13	Ceres	CFG	986	1 656 480	African Technical Innovations, Ceres
Jan-13	Ceres	CCS	508	853 440	African Technical Innovations, Ceres
Des 2012	Ceres	Kobus Engelbrecht	10	16 800	African Technical Innovations, Ceres
Mrt 2013	Ceres	Francis Matthee	5	8 400	African Technical Innovations, Ceres
Aug-15	Ceres	Anton reinecke	3	5 040	African Technical Innovations, Ceres
Sep-12	Ceres	Pieter du Doit	17	28 829	African Technical Innovations, Ceres
Mar-18	Ceres	Elrio	179	300 720	Emergy
Sep-12	Ezelfontein	Steven Versveld	17	28 560	African Technical Innovations, Ceres
20-Sep-18	Ceres	De Keur	75	126 000	African Technical Innovations, Ceres
05-Dec-18	Ceres	De Keur Sentrum (PnP)	280	470 400	RenEnergy
Jun-17	Ceres	Bella Frutta	200	336 000	African Technical Innovations, Ceres
20 - 12 - 2018	Ceres	CFP	500	840 000	RenEnergy
Jan-19	Ceres	CFG	1 500	2 520 000	Unknown
May-19	Ceres	du Toit vrugte	550	924 000	Energy partners
		TOTAL kW installed	5 600	9 408 269	TOTAL kWh generated
		Ceres NMD	36 500	162 968 602	Annual Eskom kWh purchases
		% kW installed vs KVA	15%	5.77%	% kWh capacity installed vs Eskom purchases

THE CASE FOR IMPLEMENTING A RENEWABLE TARIFF

The difference between the tariff charged to a Time off Use Customer (TOU) and the tariff paid to Eskom during Standard time in the low season is used to determine the potential loss to the Municipality. (approximately 30c per kWh generated)

A Basic Charge per kWh that can be generated by the SSEG plant are therefore recommended for Non-Residential customers. This basic charge should be equal to at least the difference in the energy sold on the specific tariff to the customer and the rate at which the power is bought from Eskom. This will ensure that the Municipality makes no loss once any renewable installation is done.

It is estimated that a 100 kWp plant can generate an average of 151 200 kWh per annum. The plant also loses up to 20% efficiency after 20 years' lifetime. The basic charge will therefore be calculated at only 90% of the total plant output. The relevant Basic Charge can therefore be calculated as follows:

$$151\,200 \times 0.30 \times 90\% \div 12$$

$$= R\,3\,402 \text{ per } 100 \text{ kW installation per month.}$$

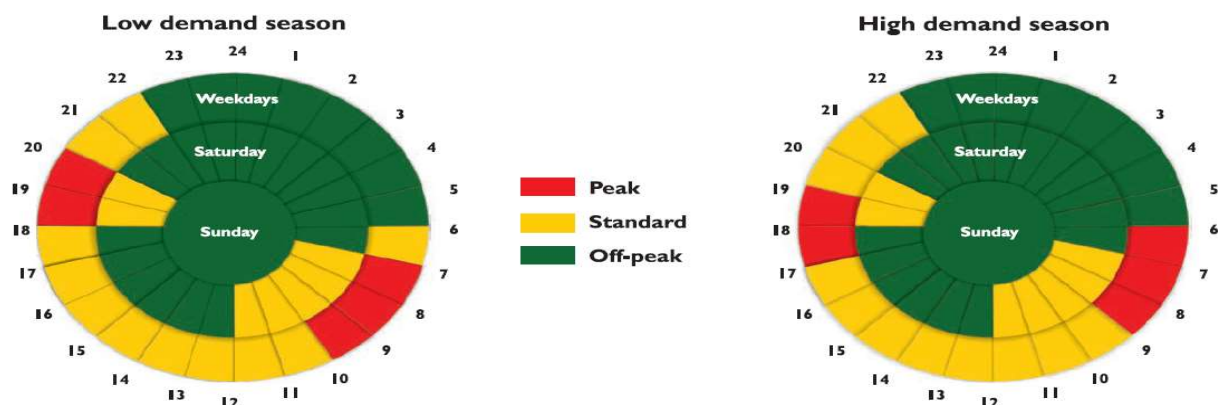
Applying this basic principle to all the current Power User (greater than 100kVA) tariffs results in the undermentioned Basic Charge per kWh generated.

		Municipal Buy from Eskom R/kWh	Municipal Sell to Customer R/kWh	Municipal Mark-up R/kWh	Proposed Municipal Basic on installed panels. R/kWh For use in tariff	Customer Save On Solar R/kWh
Agri Customers	2.4					
<25 kVA	2.4.1	1.131931	2.31	1.178069	1.178	1.132
25kVA--50 kVA	2.4.2	1.131931	2.31	1.178069	1.178	1.132
50kVA--100kVA	2.4.3	1.131931	2.246	1.114069	1.124	1.122
Bulk Customers	2.5					
Agri Customers	2.5.1					
Time Of Use Customers	2.5.1.1					
<1MW High Tension	2.5.1.1.1	1.131931	1.177583	0.045652	0.16	1.018
<1MW Low Tension	2.5.1.1.2	1.131931	1.288571	0.15664	0.16	1.129
Normal	2.5.1.2					
<1MW High Tension	2.5.1.2.1	1.131931	1.23	0.098069	0.16	1.070
<1MW Low Tension	2.5.1.2.2	1.131931	1.100087	-0.03184	0.16	0.940
Urban Customers	2.5.2					
Time of Use Customers	2.5.2.1					
>1MVA High Tension	2.5.2.1.1	1.131931	1.360601	0.22867	0.23	1.131
<1MVA High Tension	2.5.2.1.2	1.131931	1.451322	0.319391	0.32	1.131
<1MVA Low Tension	2.5.2.1.3	1.131931	1.415728	0.283797	0.284	1.132
Normal	2.5.2.2					
>1MVA High Tension	2.5.2.2.1	1.131931	1.5	0.368069	0.368	1.132
<1MVA High Tension	2.5.2.2.2	1.131931	1.48	0.348069	0.348	1.132
<1MVA Low Tension	2.5.2.2.3	1.131931	1.558435	0.426504	0.427	1.131

The business sector agree with the Basic Charge as far as new approvals are concerned, but not for plants already approved.

Their proposal provides for net metering – excess kWh exported to the municipal network can be used at a later stage in the same tariff time frame and same tariff. Electricity exported a specific colour timeframe can only be used in that timeframe.

As indicated, the 30c/kWh is just an average value of the difference in customer tariffs and the purchase price from Eskom. This basic charge should be equal to at least the difference in the energy sold on the specific tariff to the customer and the rate at which the power is bought from Eskom. This will ensure that the Municipality makes no loss once any renewable installation is done.



For residential customers a refit tariff of 50c/kWh is proposed. – Excess kWh generated will be purchased by the municipality and sold to other customers. R100.00 is recommended for residential customers for this renewable tariff.

Kindly note that all proposed tariffs can only be levied once approved by council and NERSA. The expected date for implementation of the tariffs is therefore 1 July 2022.

It is important to note the any SSEG installation can only generate electricity, whilst the power from the Municipal grid is on. The basic charge is calculated on the total output of a renewable energy PV Plant in the Witzenberg area that did not experience any electricity network interruptions. Should there be load shedding or a prolonged interruption, the Director Technical services shall quantify the implications of the interruption on the production of the SSEG plant and a correction in the basic charge will be proposed to finance for correction.

THE CURRENT POLICY

Below is the Council resolution “Approval of Energy Plan (Small Scale Embedded Generation” (16/3/P – 31 October 2018)

UNANIMOUSLY RESOLVED

- (a) that Council takes notice of the co-authored inputs and documentation of the Association of Municipal Electrical Undertakings, Western Cape Provincial Government, Cape Town and Green Cape as the nationally accepted standardised policy related to the implementation of Renewable Energy (Small Scale Embedded Generation) within municipalities.

- (b) *that Council adopts the NRS 097-2-1 (2010) and NRS 097-2-3 (2014) Grid Interconnection of Embedded Generation, Section 1 – Utility Interface, Section 2 – Simplified utility connection criteria for low-voltage connected generators as the basis of its Energy Plan and Small Scale Embedded Generation Policy.*
- (c) *that the supporting documents, including the undermentioned, are accepted as official documentation related to the application processes related to any consumer intending to install Renewable Energy:*
 - (i) *Requirements for Embedded Generation*
 - (ii) *Contract for Embedded Generation*
 - (iii) *Application Form*
 - (iv) *Commissioning Form*
 - (v) *Decommissioning Form*
- (d) *that any amendments to the relevant NRS standards automatically be included in the Council's Energy Policy.*
- (e) *that any amendment to the Electrical Bylaws as well as the implementation of a Renewable Tariff will automatically form part of Council's Energy Policy as and when approved by Council.*
- (f) *that the Administration will table a report to Council on a suitable Renewable Tariff for further discussion.*
- (g) *that Council reserves the right to refuse or limit the installation of Small Scale Embedded Generation plants if it is determined that they are having an onerous effect on the Quality of Supply of the Electrical Network of the municipality.*
- (i) *that any Large Power Users applying for permission to install Small Scale Embedded Generation plants must supply proof of their facility having an average power factor of 0,85 or better before any application will be considered.*
- (j) *that all existing Small Scale Embedded Generation installations commissioned prior to the approval of this Energy Policy will be required to comply with the policy as amended from time to time, whilst the municipality reserves the right to install suitable bi-directional four quadrant meters to monitor that connection.*
- (k) *that any meters currently installed and allowed in writing by the municipality to run in reverse, will be expected to comply with these requirements once the Renewable Tariff is implemented.*
- (l) *that for future applicants successfully requesting permission to install Small Scale Embedded Generation plants, the costs of installing the required bi-directional four quadrant meters are for the applicants' costs.*
- (m) *that conventional or pre-payment meters are not allowed to run backwards.*

As stated, the current policy and documentation remains relevant. But as the report is addressed to methodology and RENEWABLE tariff, the undermentioned changes to the policy are proposed.

Legend:

- ~~Strikethrough~~: Means remove
- Underline: Means add

RECOMMENDATION

- (a) That Council rescind the previous decision "Approval of Energy Plan (Small Scale Embedded Generation (16/3/P – 31 October 2018))"
- (b) that Council takes notice of the co-authored inputs and documentation of the Association of Municipal Electrical Undertakings, Western Cape Provincial Government, Cape Town and Green Cape as the nationally accepted standardised policy related to the implementation of Renewable Energy (Small Scale Embedded Generation) within municipalities.
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- (e) that any amendments to the relevant NRS standards automatically be included in the Council's Energy Policy.
- (f) that any amendment to the Electrical Bylaws as well as the implementation of a ~~REFIT (Renewable Energy Feed-in Tariff)~~ RENEWABLE energy tariff will automatically form part of Council's Energy Policy as and when approved by Council.
- (g) that the Administration will table a report to Council on a suitable REFIT (Renewable Energy Feed-in Tariff) for further discussion. That the Municipality include the following RENEWABLE tariff for approval from NERSA in the 2022/2023 NERSA tariff application. This tariff will be additional and mandatory for new SSEG installations and new approvals: -

Category	Basic/ month	Refit / kWh
Residential	R100.00	R0.50
Commercial, LPU	Solar Basic - Municipal mark-up on sales for the specific tariff x (Energy Generated per Year x 90% / 12) determined annually	One for One as per current existing tariff (Zeroed end of each financial year)
	As per undermentioned table, updated annually.	

Municipal Mark-up calculator (2021/2022)

		Municipal	Municipal		Proposed Municipal Basic on installed panels.	Customer
		Buy from Eskom R/kWh	Sell to Customer R/kWh	Municipal Mark-up R/kWh	R/kWh	Save On Solar R/kWh
Agri Customers	2.4					

<25 kVA	2.4.1	1.131931	2.31	1.178069	1.178	1.132
25kVA--50 kVA	2.4.2	1.131931	2.31	1.178069	1.178	1.132
50kVA--100kVA	2.4.3	1.131931	2.246	1.114069	1.124	1.122
Bulk Customers	2.5					
Agri Customers	2.5.1					
Time Of Use	2.5.1.1					
Customers	2.5.1.1.1	1.131931	1.177583	0.045652	0.16	1.018
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- (h) that Council reserves the right to refuse or limit the installation of Small Scale Embedded Generation plants if it is determined that they are having an onerous technical effect on the Quality of Supply of the Electrical Network of the municipality.
- (i) that once the total sum of approved Renewable Energy applications reaches 15 % of the municipality's total ESKOM purchased kWh for the preceding financial year or a 'technical limit' in terms of a network impact study ~~approved notified maximum demand~~ for each town, whichever comes first, no further applications will be considered.
- (j) that any ~~Large~~ Power Users (greater than 100kVA) applying for permission to install Small Scale Embedded Generation plants must supply proof of their facility having an average power factor of 0,85 or better before any application will be considered.
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connection. The new Renewable Energy Tariff shall not be applicable to installations commissioned prior to this implementation.

- (l) that any meters currently installed and allowed in writing by the municipality to run in reverse, will be expected to comply with these requirements once the REFIT tariff is implemented.
- (m) that for future applicants successfully requesting permission to install Small Scale Embedded Generation plants, the costs of installing the required bi-directional four quadrant meters are for the applicants' costs.
- (n) that domestic conventional or pre-payment meters are not allowed to run backwards.
- (o) for continued participation in the SSEG program customers must always be NET consumers.
- (p) that permission to install Small Scale Embedded Generation will automatically lapse after 12 months from date of approval, if the installation process has not been started, unless an arrangement, in writing, has been agreed with the Municipality.

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Project report

Review and Strategic Input to an Updated Municipal SSEG Tariff Structure – Phase 2

Second and third project headline if required

Witzenberg Municipality

Document control record

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Document Control						
Project name		Review and Strategic Input to an Updated Municipal SSEG Tariff Structure – Phase 2				
Document number		509152_2	Project number		509152	
Client		Witzenberg Municipality				
Client contact		Pierre van der Heever	Client reference			
Rev	Date	Revision details/status	Author	Reviewer	Verifier (if required)	Approver
0	2021/06/24	Draft Report	George Raju Roché Cronje	Corné van Diemen		Lloyd Wallace
1	2021/06/28	Draft Report	George Raju Roché Cronje	Corné van Diemen		Lloyd Wallace
3	2021/06/28	Revision	George Raju Roché Cronje	Corné van Diemen		Lloyd Wallace
4	2021/07/05	Revision	George Raju Roché Cronje	Corné van Diemen		Lloyd Wallace
5	2021/07/23	Revision	George Raju Roché Cronje	Corné van Diemen		Lloyd Wallace
Current revision		5				

Approval			
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Title	Senior Consultant	Title	Associate

Contents

Executive Summary	4
Introduction	5
Technical	5
Introduction	5
Methodology.....	5
Data Gathering and Review.....	5
Area and Network Overview	6
Network Modelling.....	6
Technical Evaluation	6
Conclusions and Recommendations	6
Network Overview	6
Network Modelling.....	7
Technical Evaluation	9
Technical Impacts of SSEG.....	9
Assessment Criteria	10
Network Assessment.....	12
Assumptions and Limitations	12
Network Scenarios	12
SSEG Modelling	13
Load flow results	14
Conclusions and Recommendations	18
Estimated Solar PV Energy Output.....	19
SSEG Plant and Energy Storage	20
Financial review of Required Revenue	23
Introduction	23
Methodology.....	23
Structure of SSEG tariffs	23
Customer Data	26
Cost plus methodology to determine required revenue.....	27
Assessment of tariff increases	29
Affordability	31
Assumptions.....	32
Results 34	
Effect on revenue considering the SSEG tariff vs. doing nothing	34
SSEG Limit	35
Proposed Witzenberg Levy Model	38
Conclusion	40
Appendix A: Sensitivity: Revenue Requirement	42
Appendix B: Sensitivity: Annual Forecasts	46
Appendix C: Load Flow Ceres, Tulbagh, Wolsey	53

Executive Summary

Witzenberg Municipality has experienced declining electricity sales over the past year. The following trends have been further observed: increases in Small-Scale Embedded Generation (SSEG), consumers improving their energy efficiency and intermittent levels of load shedding across the municipal area. These changes coupled with a tariff structure that remains unamended are believed to be responsible for the declining energy sales from the Witzenberg consumer base. SSEG systems, which are currently solar photovoltaic (PV) installations, should be installed in line with the requirements of the Witzenberg SSEG Policy (Energy Plan) approved in October 2018. However, the SSEG tariff referred to in the Policy has not been implemented yet. A full, detailed tariff study is required in order to determine an appropriate SSEG tariff but this is expected to take a significant amount of time and effort. This high-level assessment aims to propose an interim SSEG tariff and determine the impact it will have on the municipality and its revenue stream, until the full study can be undertaken.

As per the Previous report (Phase 1) it was found that Witzenberg Municipality's current tariffs are not sustainable, resulting in an increasing reduction in revenue. The residential tariff specifically, was found to be low in comparison to the national benchmarks and we recommend that the municipality considers adjusting these tariffs to be in line with other surrounding municipalities.

This study was to try and determine a middle-of-the-road interim SSEG tariff for each of the user groups defined by the municipality. The tariff consists of a fixed monthly charge (R/month) and a Renewable Energy Feed-In Tariff (REFiT), or energy charge, which is based on a rand per kilowatt-hour (R/kWh). These values were informed by NERSA guidelines, as well as SSEG tariffs of other municipalities.

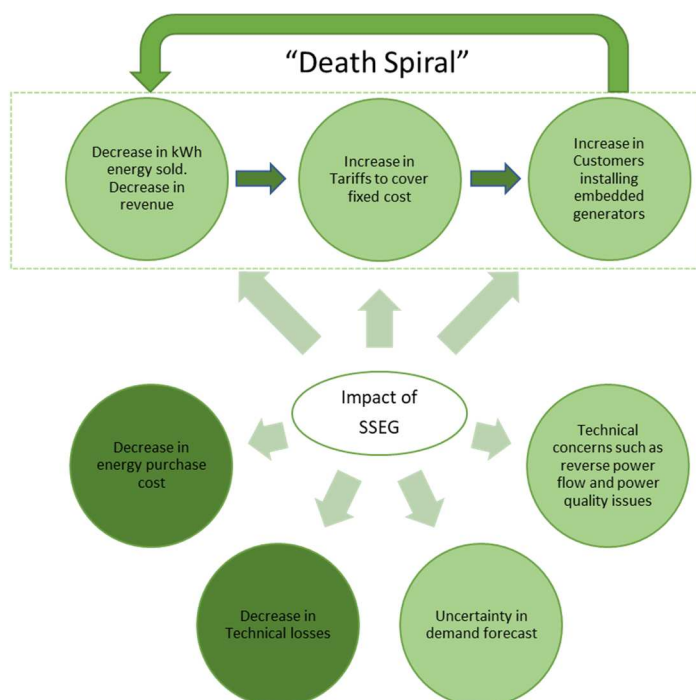


Figure 1: impact of increased SSEG on the Witzenberg electricity system

Introduction

Due to limited timeframe of this Review and Strategic Input to an Updated Municipal SSEG Tariff Structure – Phase 2, it was decided to focus on short term goals in order to have the most impact on focused areas. To achieve as much as possible in the short time available, the team focused on two aspects namely, a technical study, that would help form the basis for the second aspect, the financial modelling. This was grounded on the information as requested from the Witzenberg Municipality, as well as information that was available from the Phase 1 project.

Technical

Introduction

This section outlines the technical impacts of Small-Scale Embedded Generation (SSEG) on the Witzenberg Municipality distribution network. The uptake in solar PV generation has increased significantly over the last five years in line with the SSEG policy of the municipality. Current SSEG policy at Witzenberg and other municipalities in South Africa limit the total sum of approved SSEG plant installed capacity to 15% of the Notified Maximum Demand (NMD) in the respective area of supply. The challenge with most municipalities, as is the case with Witzenberg, is that the NMD usually occurs during the evening times when there is no contribution from solar sourced SSEG, and the impact of allowing additional SSEG might pose a risk to supply the NMD from the grid alone when SSEG contribution is at its lowest.

This technical impact assessment will assess the current levels of SSEG, the potential technical risks, and impacts associated with increasing SSEG beyond the 15% limit.

High levels of SSEG penetration in distribution networks affects various network parameters that should be studied to mitigate the negative impacts:

- Voltage regulation and thermal loading of equipment
- Network fault levels
- Protection grading
- Network reliability planning
- Power quality
- Reverse power flow
- Safe network isolation for maintenance repairs due to additional generation sources

Methodology

The study consisted of the following main tasks:

Data Gathering and Review

Project supporting information was collected and reviewed including:

- Demand information
- Schematic diagrams and geospatial (GIS) data of the existing electrical network
- Network models
- Existing SSEG installation data

Area and Network Overview

This task involved familiarising the team with the study area location, current electrical coverage, and capacity of the existing network within the study area.

Network Modelling

This task involved the development of a representative load flow simulation model, network scenarios and modelling SSEG installations in the study area.

Technical Evaluation

The technical impact of varying levels of SSEG in the distribution network was assessed on a high level. A review of existing technical standards and design criteria applicable to SSEG integration was conducted. The impact of SSEG on voltage regulation, thermal loading of equipment, fault levels in the network and reverse power flow were analysed through steady state load flow analysis.

Conclusions and Recommendations

The study results were summarized, recommendations made to mitigate the negative impacts on the network and further studies required.

Network Overview

Witzenberg municipality has 3 supply areas being supplied from Eskom via four 11kV intake points. At the Eskom substations, voltage is stepped down from 66kV to 11kV and distributed at 11kV. The three main supply areas; Ceres, Wolseley and Tulbagh consist mostly of radial feeders and a mix between meshed and radial feeder system in Ceres. The distribution system consists of switching stations, ring main units (RMUs), mini-substations and pole mounted transformers (PMTs) stepping voltage down from 11kV to 400V. The MV feeder network (in red) is shown in Figure 2 below with blue circles showing the intake points:

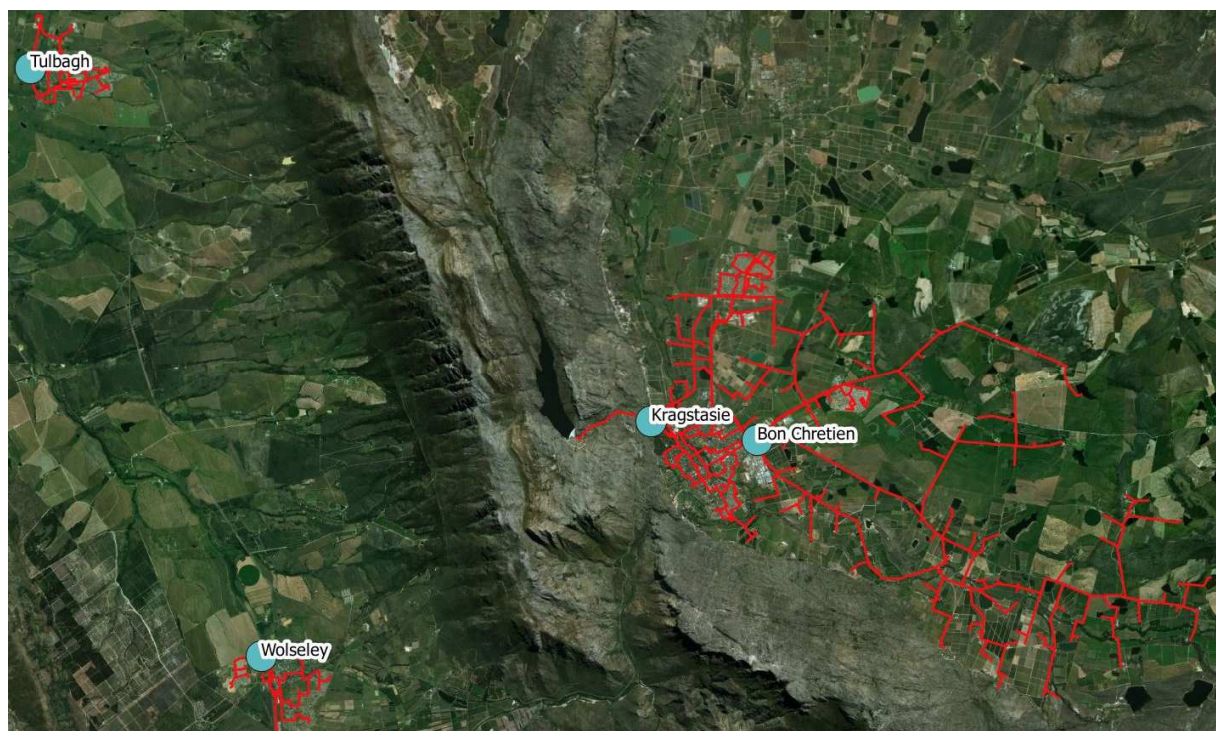


Figure 2: Witzenberg Municipality MV Feeder Network (Source: Bing Maps, Municipality GIS data)

Metered load data at the intake points was provided and reviewed to obtain the study area load profiles. The study area consists of mainly of residential, industrial, and agricultural consumer types. Figure 3 shows the 2019 yearly load profiles of Ceres, Wolseley, and Tulbagh with the 2019 NMDs shown with orange horizontal lines.

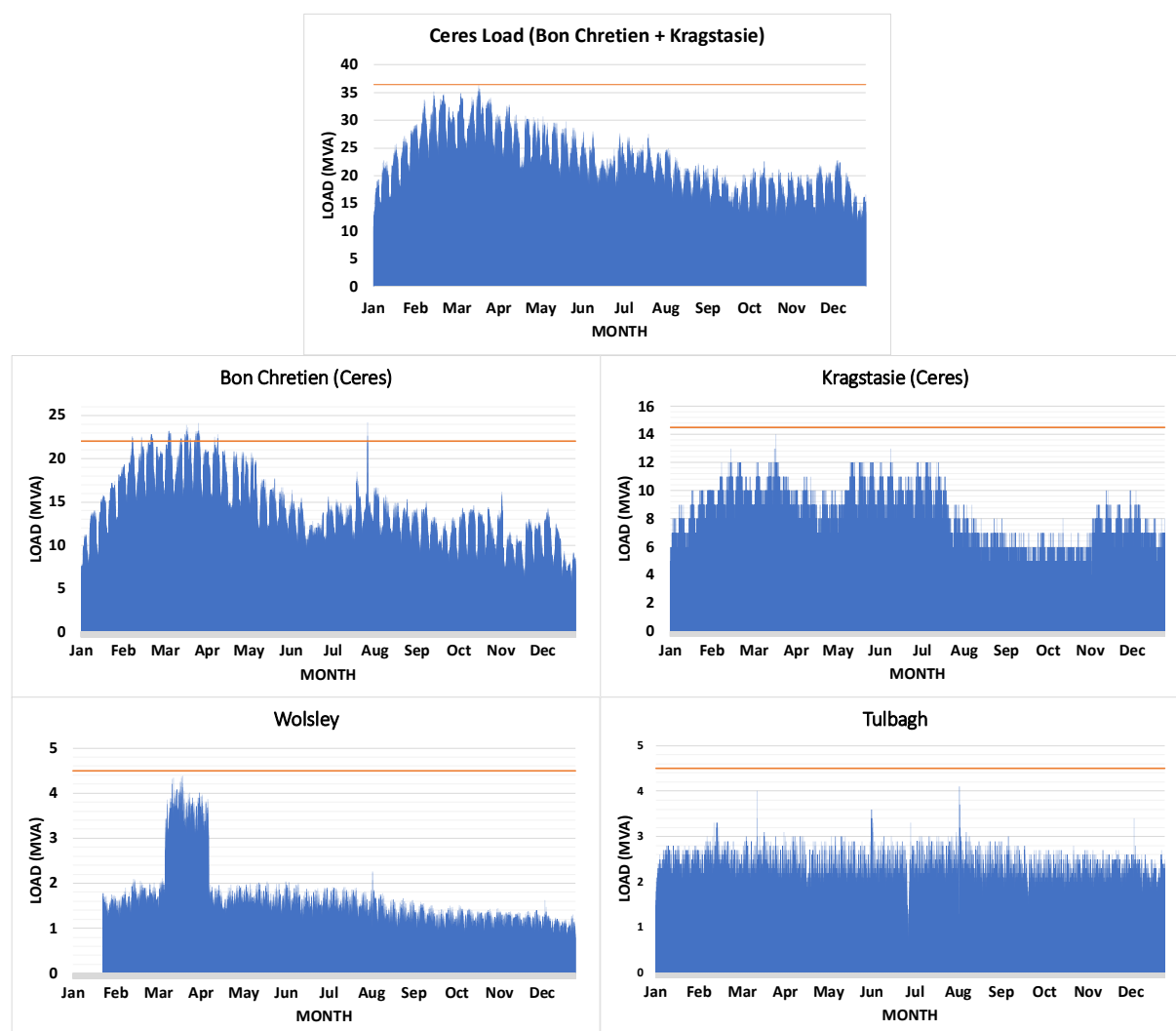


Figure 3: Study Area 2019 Yearly Load Profiles and NMDs

As seen in Figure 3, the maximum demand for the Bon Chretien intake substation in Ceres has exceeded the NMD of 22 MVA in 2019. Witzenberg has applied for a 5 MVA NMD increase for Bon Chretien in May 2019 and an NMD increase of 0.7 MVA was approved for Wolseley in January 2021. Table 1 shows the NMDs for each intake substation in 2021.

Table 1: 2021 NMDs Per Intake Substation

Intake Substation	NMD (MVA)
Bon Chretien (Ceres)	22
Kragstasie (Ceres)	14.5
Wolseley	5.2
Tulbagh	4.5

Network Modelling

A network model of the distribution network within Power Tools analytical software, study area single line diagrams (SLDs) and study results from a 2018 network master plan study was made available for

the study. The network model was imported into ETAP 16.2 and reviewed by checking and confirming the network connectivity as well as the equipment ratings and network parameters. By utilizing the provided network information, a representative load flow simulation model of the 2018 distribution network was developed. A screenshot showing the representation of a distribution substation (De Bos) as modelled in ETAP is shown in Figure 4. Complete single line diagram snapshots for each supply area as modelled in ETAP are included in Appendix C.

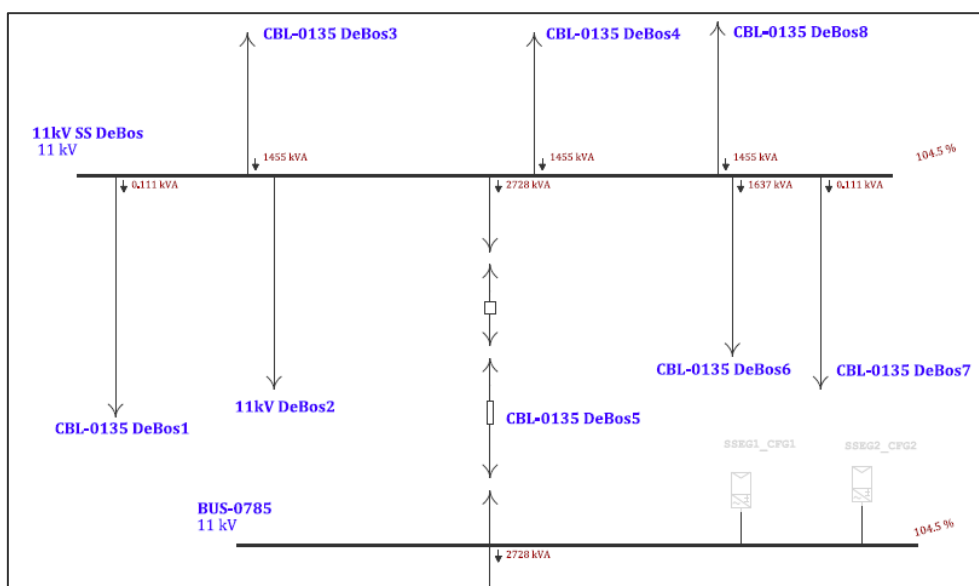


Figure 4: ETAP Simulation Model - One Line Diagram Representation

Table 2 to Table 5 summarize the study area intake substation grid parameters, line impedances and main switching substations in the study area

Table 2: Intake Substation External Grid Parameters

Intake Substation	Capacity (MVA)	Three phase Fault Levels (kA)
Kragstasie (Ceres)	20	7.1
Bon Chretien (Ceres)	2 x 20	4.3
Wolseley	10	5.7
Tulbagh	20	3.9

Table 3: Cable parameters

Circuit Type	Voltage (kV)	R1 (ohm/km)	X1 (ohm/km)	Rated Current (A)	Rated Power (MVA)
PILC 185mm ² Cu	11	0.04	0.02	349	6.6
PILC 185mm ² Al	11	0.06	0.03	269	5.1
PILC 95mm ² Cu	11	0.07	0.02	240	4.6
PILC 70mm ² Cu	11	0.10	0.03	207	3.9
XLPE 35mm ² Cu	11	0.21	0.03	140	2.7
PILC 25mm ² Cu	11	0.26	0.03	115	2.2
PILC 16mm ² Cu	11	0.38	0.03	75	1.4

Table 4: Overhead line parameters

Transmission Line Type	Voltage (kV)	Impedance per phase		Rated Current (A)	Rated Power (MVA)
		R (ohm/km)	X (ohm/km)		

Hare	11	0.44	0.62	360	6.9
Rabbit	11	0.87	0.65	240	4.6
Fox	11	1.26	0.68	190	3.6
Gopher	11	1.76	0.69	150	2.9

Table 5: Study Area Main Substations

Substation		Voltage (kV)	No. of Feeders
Name	Type		
Ceres			
Bon Chretien	Main Intake	11	19
Kragstasie	Main Intake	11	15
Panorama	Distribution Sub	11	12
Vredebes	Distribution Sub	11	12
Jakaranda	Distribution Sub	11	7
De Bos	Distribution Sub	11	8
Lyell	Distribution Sub	11	6
Wolseley			
Wolseley	Main Intake	11	5
Voortrekker	Distribution Sub	11	3
Tulbagh			
Tulbagh	Main Intake	11	3
Stasieweg	Distribution Sub	11	5

Technical Evaluation

Technical Impacts of SSEG

Figure 5 illustrates some of the technical impacts of SSEG on the distribution network.

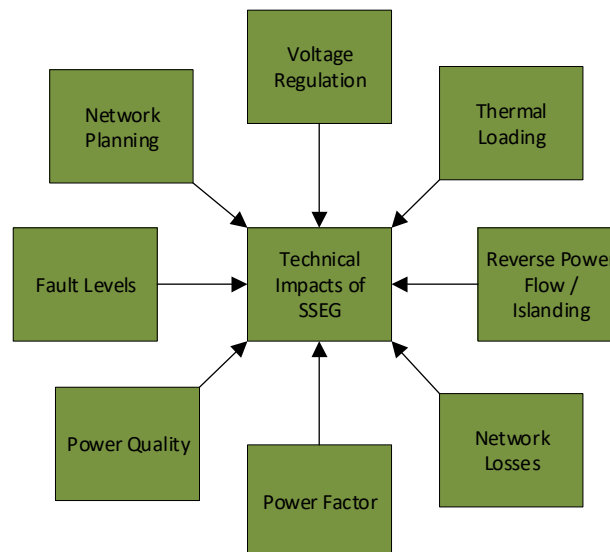


Figure 5: Technical Impacts of SSEG on the distribution Network

Voltage regulation: SSEG can cause significant voltage rise at the point of connection (POC) which has an impact on the overall system voltage regulation and operation of distribution transformers and tap changers. If the SSEG contribution is not consistent, tap changing

and voltage compensation equipment operations and switching will be increased and probably lead to earlier equipment failure and increased maintenance costs.

Thermal Loading: SSEG can decrease feeder loading depending on the connection point location and power output.

Reverse Power Flow: High levels of SSEG penetration can result in power flow from the LV network into the MV feeder source and cause certain types of protection relays to operate and disconnect associated circuits creating an island condition. In addition, the safe operation and isolation of networks become more challenging especially if the SSEG location and connectivity is not properly documented and the network switching officers are not aware of SSEG locations during circuit isolation and testing.

Network Losses: Integration of SSEG affects the losses in distribution networks. In general, grid losses are reduced with SSEG.

Power Factor: Most PV inverter systems operate close to unity power factor and supplies most of the active power demand while the grid supplies the reactive power demand. SSEG can affect the ratio of active to reactive power supplied by the grid and therefore change the power factor of the grid supply.

Power Quality: PV inverter systems can inject harmonics into the network causing a decrease in power quality. Inverters are generally required to be type tested to ensure harmonic contribution is within the emission limits specified in NRS048-4 “Electricity Supply – Quality of Supply Part 4: Application practices for licensees”.

Fault Levels: SSEG affects the fault current in the distribution network and high levels of SSEG may require reconfigurations in protection relays as well as review of equipment fault carrying capacity ratings that might have to be increased due to higher fault levels.

Network Planning: Traditional network planning principles which assumed one directional power flow have changed due to the increasing levels of SSEG penetration. SSEG causes more variation in customer load profiles which poses a challenge in network planning and assessment of network capacity. In typical residential supply areas, SSEG mainly contributes during the day, leaving the grid to be designed to supply the evening demand, which is often less cost effective, resulting in applying more prudent design practises.

Assessment Criteria

There are several technical standards and guidelines that can be applied when considering the integration of SSEG. These standards aim to maintain network adequacy and are used to protect the interests of all network users. The “Grid Connection Code for Renewable Power Plants (RPPs) Connected to the Electricity Transmission System (TS) or the Distribution System (DS) in South Africa” specifies the minimum technical and design grid connection requirements for renewable generators and includes specific requirements applicable to the three categories of RPPs:

Table 6: RPP Categories in South Africa

Category		Rated Power
A	A1	0 - 13.8 kVA
	A2	13.8 - 100 kVA
	A3	100 - 1MVA
B		1 - 20 MVA
C		100 - 1MVA

The standard includes the requirements of the RPP to withstand frequency and voltage deviations at the Point of Connection (POC), reactive power capability, power quality, protection, curtailment, control, testing and reporting requirements. In general, requirements are most stringent on category C plants and less on category B and A respectively.

The NRS097 is a two-part document that specifies technical requirements for the interconnection of embedded generation to low, medium, and high voltage distribution networks. NRS097-1 “Distribution standard for the interconnection of embedded generation” applies to MV and HV networks and is in course of preparation. NRS097-2 “Small-scale embedded generation” specifies the technical requirements for the utility interface, the embedded generator and utility distribution network with regards to embedded generators smaller than 1000 kVA connected to low-voltage networks.

Witzenberg requirements and application process for solar PV embedded generator connection are detailed in a “Requirements for Small Scale Embedded Generation” policy document published in 2018. The document details the technical requirements and application process of the municipality for connecting solar PV embedded generation to the municipal electricity network. The document covers requirements for installation sizes up to 1MVA connected to low-voltage networks. The policy states that once the total sum of approved SSEG plants equals a maximum of 15% of Witzenberg municipalities NMD for each supply area, no further applications will be approved.

NRS097-2 Section 3 “Simplified utility connection criteria for low-voltage connected generators” guidelines serves as a simplified guideline for assessing embedded generator applications that do not require detailed grid studies. Technical limits that constrain the amount of SSEG in the network, as per NRS097-2-3, are:

- Thermal ratings of equipment (lines, cables, and transformers) may not be exceeded
- MV and LV voltage regulation should be within the limits specified in NRS048-2:

Table 7: Maximum Deviation from Standard Voltage Levels

Voltage level (kV)	Compatibility Level
11	±5%
0.4	±10%

- The maximum change in LV voltage due to embedded generators are limited to 3%. This limit is based on common international practice and ensures that short-term variations in generation output will not cause significant changes in voltage regulation. The NRS097-2-3 guidelines state that based on South African standard voltage levels and limits, MV voltage control practises and the MV/LV transformer voltage ratio and tap settings, voltage rise on LV feeders due to embedded generation should ideally be limited to 1%.
- Reverse power flow into MV feeder sources which can cause islanding by directional protection relays should be avoided.
- Fault level contribution of SSEG should be limited to prevent the need for reconfiguration of protection relays and/or replacement of equipment not designed for the higher fault levels.

The application of the limits given above result in the following proposed technical criteria for SSEG size limitations:

Table 8: Criteria for SSEG size limits (NRS097-2-3)

Category	Criteria
Voltage rise on LV feeders	<1%
Maximum generation connected to a MV transformer	75% of transformer rating
Customer on dedicated LV feeders	75% of NMD

Customer on shared LV feeders	25% of NMD
Total generation connected to a MV feeder	15% of maximum load

Network Assessment

The impact of the current and anticipated penetration levels of SSEG on the distribution network was studied through load flow simulations on the 2018 distribution network. The study focused on the 15% limit of total installed capacity of SSEG per supply area, voltage regulation, and fault level contribution of SSEG.

Assumptions and Limitations

The following assumptions were applied to this study:

- The study was based on data provided by Witzenberg and is assumed to be accurate.
- Locations of the existing PV installations were determined from the data and schematic diagrams provided. Where the location of the installation could not be determined, high level assumptions were made.
- The study only considered PV systems and did not include other forms of SSEG such as diesel generators or battery storage.
- The study focused on the MV (11kV) network and excluded LV feeders (400V).
- PV installations and inverters were modelled using standard ETAP equipment libraries and modelled on the MV/LV bus closest to the associated load, depending on level of detail in the network model.

The following limitations apply to this study:

- Load flow studies were limited to a single loading scenario and did not include simulations for peak and minimum system loading.
- PV systems were simulated at maximum active power output, at unity power factor, and were not simulated at varying power factors.

Network Scenarios

Three network scenarios were selected for the study:

Base Scenario – No SSEG

No SSEGs are in service and study area power is supplied fully from the intake substations.

Scenario 1 – 15% SSEG

The combined installed capacity of SSEG is 15% of the peak load (NMD) at each of the supply areas intake points. This Scenario adopts the guidelines and SSEG limits of NRS097-2-3.

Scenario 2 – 30% SSEG

A simplified approach was used in doubling the installed capacity of each SSEG installations in Scenario 1 to assess the impact on the network.

Table 9: Installed SSEG capacity for network scenarios

Supply Area	Current NMD (MVA)	Planned NMD (MVA)	Current SSEG Capacity (MVA)*	15% of planned NMD SSEG limit (MVA)**	Scenario 2 SSEG (MVA)
-------------	-------------------	-------------------	------------------------------	---------------------------------------	-----------------------

Ceres	36.5	41.5	6	6.2	12.4
Wolseley	5.2	5.2	0.2	0.8	1.6
Tulbagh	4.5	4.5	0.003	0.7	1.4

* For the study, installations where the application status was rejected or still in process were considered installed

The received network model contained two loading categories for each load in the model:

1. Design: Load in kVA is equal to the associated transformer kVA rating
2. Normal: 50% of the design load

Due to time constraints and the limitations in the way ETAP allows the user to scale loads, a single loading scenario was developed for the study by scaling down the loads to 25% of the design value. The modelled loads represent a typical afternoon when PV generation is at a maximum. Table 10 shows the modelled at each intake substation.

Table 10: Load Flow Study Area Loads

Substation	Modelled Load (MVA)
Kragstasie (Ceres)	8.6
Bon Chretien (Ceres)	12.6
Wolseley	2.5
Tulbagh	2.5

SSEG Modelling

A consolidated list of Witzenberg PV applications and installations was used to model the existing PV systems on the distribution grid. Most of the current installations are in Ceres and are by bulk and agriculture consumers with a small percentage of installed capacity by residential consumers. For the study, installations smaller than 50kW were not modelled. The installed capacity of 15% for network Scenario 1 was obtained by modelling an additional 15 hypothetical PV systems at the far end of various feeders in the study area. Table 11 shows the full list of SSEG PV systems considered in the study.

Table 11: SSEG PV Systems modelled

Supply Area	ETAP Model Name	SSEG Name	Actual or Hypothetical	SSEG kWp installed		
				Scenario 1	Scenario 2	Not modelled
Ceres	SSEG1_CFG1	CFG	Actual	1500	3000	-
Ceres	SSEG2_CFG2	CFG	Actual	986	1972	-
Ceres	SSEG3_DTV	du Toit vrugte	Actual	550	1100	-
Ceres	SSEG6_CCS1	CCS	Actual	508	1016	-
Ceres	SSEG5_CFP	CFP	Actual	500	1000	-
Ceres	SSEG6_CCS2	CCS	Actual	400	800	-
Ceres	SSEG7_DK1-2	De Keur Sentrum (PnP)	Actual	280	560	-
Ceres	SSEG8_VG	Vadersgawe - Ian Versveld	Actual	224	447	-
Ceres	SSEG10_BF	Bella Frutta	Actual	200	400	-
Ceres	SSEG11_EL	Elrio	Actual	179	358	-
Ceres	SSEG13_OF	OAST Farming (Loxtonia)	Actual	100	200	-
Ceres	SSEG12_CFP2	CFP	Actual	100	200	-
Ceres	SSEG7_DK1-2	De Keur, Schoonvlei (CA Rooms)	Actual	75	150	-
Ceres	SSEG14_DK3-4	De Keur	Actual	75	150	-
Ceres	SSEG14_DK3-4	De Keur	Actual	70	140	-
Ceres	SSEG15_TP	Tommie Prins, Uitzicht Farm	Actual	50	100	-
Ceres	SSEG16_NC	Netcare	Actual	50	100	-
Ceres	SSEG17_PW	PJ de Wet Fruit & Cartage	Actual	48	96	-
Ceres	SSEG_BUS-1011	Esselfontein Dairy Load Bus (East)	Hypothetical	61	122	-
Ceres	SSEG_BUS-0345	Agterfontein2 Load Bus (North East)	Hypothetical	61	122	-
Ceres	SSEG_BUS-0340	PMT Sewerage Load Bus (South Central)	Hypothetical	61	122	-
Ceres	SSEG_BUS-0478	Karee MS Load Bus (North)	Hypothetical	61	122	-
Ceres	SSEG_BUS-1023	Ideaal3 Load Bus (North West)	Hypothetical	61	122	-
Ceres	-	Bloubos Gat - Nico Bester	Actual	-	-	25
Ceres	-	Boland Stud - Eugene Freeman	Actual	-	-	25
Ceres	-	Pieter du Doit	Actual	-	-	17

Ceres	-	Steven Versveld	Actual	-	-	17
Ceres	-	Kobus Engelbrecht	Actual	-	-	10
Ceres	-	Francis Matthee	Actual	-	-	5
Ceres	-	Anton reinecke	Actual	-	-	3
Total SSEG Ceres (kW):				6200	12400	102
Wolseley	SSEG_BUS-0072	Wolfpack	Hypothetical	160	320	-
Wolseley	SSEG_RMU MALVA	RMU MALVA	Hypothetical	160	320	-
Wolseley	SSEG_BUS-0025	Blomme	Hypothetical	160	320	-
Wolseley	SSEG_RMU STAMPER	Stamper	Hypothetical	160	320	-
Wolseley	SSEG_BUS-0063	Rewinder	Hypothetical	160	320	-
Wolseley	-	Kobus Engelbrecht / Tiaan Bester / Grassroots	Actual	-	-	200
Total Wolseley (kW):				800	1600	200
Tulbagh	SSEG_BUS-0126	Tulpak	Hypothetical	140	280	-
Tulbagh	SSEG_BUS-0136	Gevangenis	Hypothetical	140	280	-
Tulbagh	SSEG_BUS-0224	TRF NO.4	Hypothetical	140	280	-
Tulbagh	SSEG_BUS-0208	Duifstraat	Hypothetical	140	280	-
Tulbagh	SSEG_RMU PIET RETIEF2	RMU PIET RETIEF2	Hypothetical	140	280	-
Tulbagh	-	Jean Reynaud Venter	Actual	-	-	3
Total SSEG Tulbagh (kW):				700	1400	3

Load flow results

The impact of the SSEG penetration levels in network Scenario 1 (15%) and network Scenario 2 (30%) were analysed through steady state load flow analysis. Load flow simulations were conducted for each scenario to compare and assess the impact at varying levels of SSEG penetration.

Voltage Deviation

Voltage rise in the network was calculated by subtracting the base scenario busbar voltage magnitude from the Scenario 1 and Scenario 2 busbar voltage magnitude. Figure 6 shows the percentage voltage deviation observed on Ceres area 11 kV (MV) busbars. In the figure, the voltage deviation is sorted from highest to lowest, left to right.

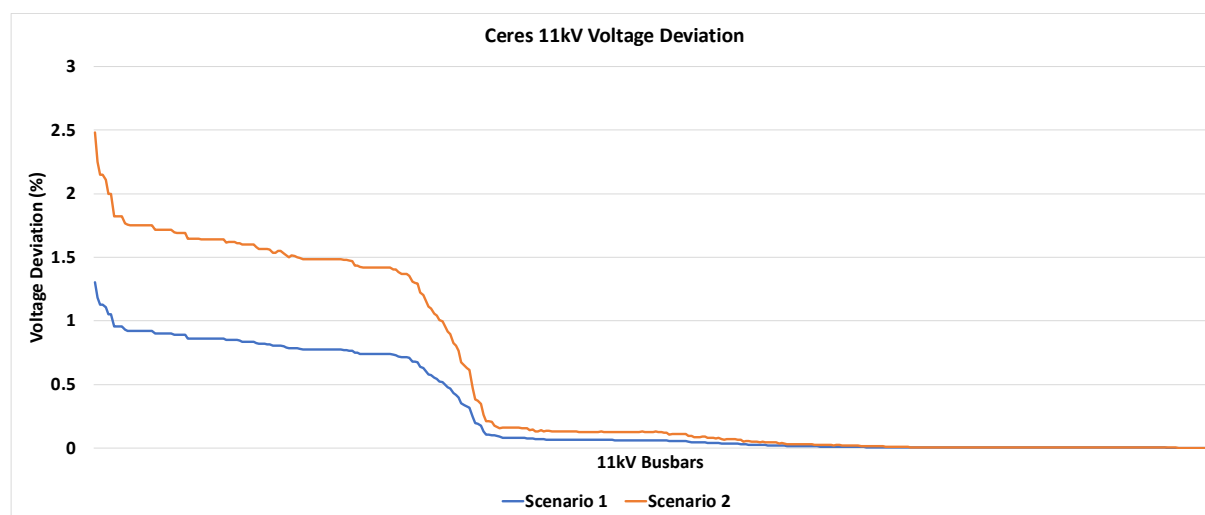


Figure 6: Ceres 11kV Voltage Deviation

Figure 7 shows the percentage voltage deviation observed on Ceres area 400 V (LV) busbars. In the figure, the voltage deviation is sorted from highest to lowest, left to right.

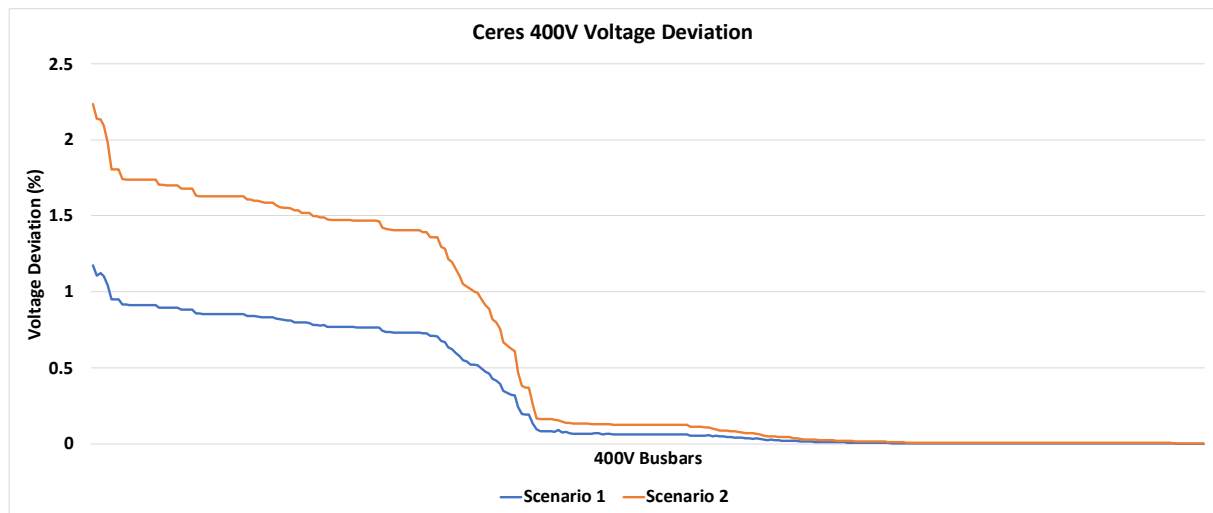


Figure 7: Ceres 400V Voltage Deviation

As seen in Figure 6 and Figure 7, most of the busbar voltage deviation observed is below 1% for Scenario 1 (15% SSEG) and below 2% for Scenario 2 (30% SSEG).

For Wolseley and Tulbagh, a similar approach was used to calculate voltage deviation on the 11 kV and 400 V busbars. The results showed much smaller deviations compared to Ceres. Table 12 summarizes voltage deviation results in each area for Scenario 1 and Scenario 2.

Table 12: Voltage Deviation results

Supply Area	11kV Voltage Deviation				400V Voltage Deviation			
	Highest Deviation (%)		Average Deviation (%)		Highest Deviation (%)		Average Deviation (%)	
	Scenario 1	Scenario 2	Scenario 1	Scenario 2	Scenario 1	Scenario 2	Scenario 1	Scenario 2
Ceres	1.31	2.48	0.29	0.55	1.18	2.23	0.31	0.60
Wolseley	0.07	0.14	0.02	0.05	0.05	0.09	0.03	0.05
Tulbagh	0.11	0.21	0.06	0.11	0.11	0.21	0.06	0.12

The voltage deviation results observed in Ceres show that for Scenario 2, there are a significant number of busbars that exceed the 1% voltage deviation criteria for LV busbars given in Table 8. The worst affected busbars were observed at distances further away from the intake points.

For Wolseley and Tulbagh, the low voltage deviation observed can be attributed to a healthy base scenario voltage regulation and the fact that PV systems were modelled with unity power factor.

Fault Levels

Fault level increase as a result of the SSEG penetration levels in Scenario 1 (15% SSEG) and Scenario 2 (30% SSEG) was calculated at each 11kV busbar by subtracting the Scenario 1 and Scenario 2 fault levels at each 11kV busbar from the base Scenario fault level at the busbar. Faults were applied only to MV buses in the system and calculated using the IEC method. Table 13 summarizes the maximum three phase fault level increases in each area for Scenario 1 and Scenario 2.

Table 13: Three Phase Fault Level Increase

Supply Area	Highest 11kV Fault Level Increase (A)	
	Scenario 1	Scenario 2
Ceres	82.7	197.9
Wolseley	8.1	15.5
Tulbagh	7.7	15.6

The high fault levels observed in Scenario 2 in Ceres can possibly be attributed to high transformer overloads which were observed on the hypothetical PV systems modelled on 400V busbars in Ceres. In reality, these overloads will not occur because the modelling assumed lumped PV system modelled at a single busbar where in reality the PV systems would be in smaller sizes and distributed along the feeder.

Network Losses

Network losses in the system were calculated in each supply area for each Scenario and the results summarized in Table 14 below:

Table 14: Network Losses

Supply Area	Network Losses		
	S0	S1	S2
	kW	kW	kW
Ceres	172.2	141.9	122.2
Wolseley	7.9	6.7	6.1
Tulbagh	14.2	11.9	10.4

The results show a decrease in network losses for increased levels of SSEG in the network.

Reverse Power Flow

The likelihood of reverse power flow into the MV feeder source (intake substations) was assessed by comparing typical solar generation profiles of the total installed SSEG capacity (PV Systems) modelled in Scenario 1 and Scenario 2 to the load profiles in each supply area. A typical low load day was selected for the comparison. Figure 8, Figure 9, and Figure 10 show the load profiles versus the PV generation profiles for Ceres, Wolseley, and Tulbagh. The PV generation profiles in the figures represent typical PV profiles, and were not based on actual site conditions (solar irradiance levels) in the study area. The load profiles were selected for a typical low load day and do not represent the study area 'absolute' minimum loads. The graphs show that there is a significant chance of reverse power flow into the MV feeder source (intake substations) for Scenario 2 (30% SSEG), especially in Ceres and Wolseley and during low loading conditions.

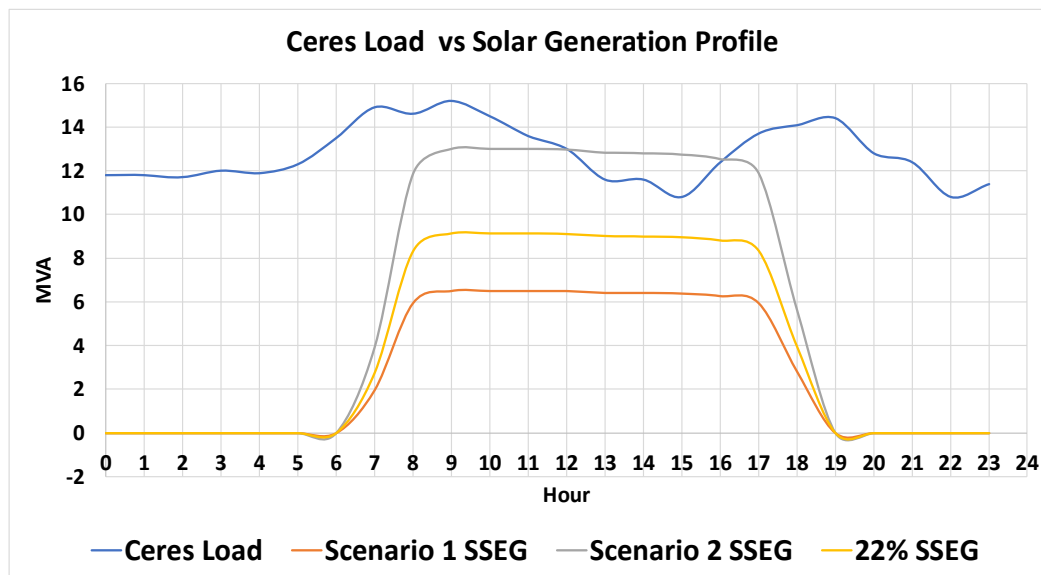


Figure 8: Ceres Load vs PV Generation Profile

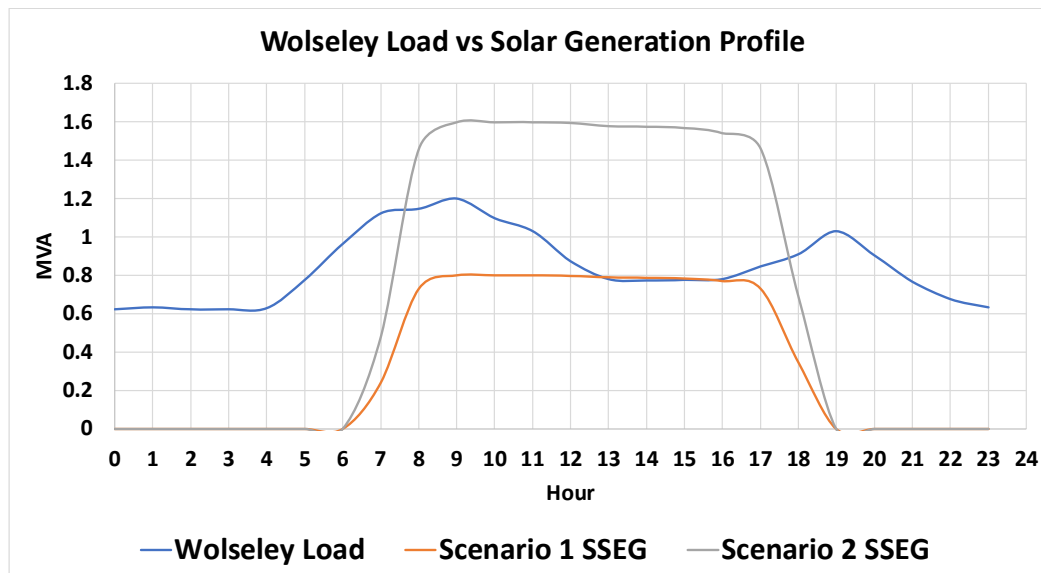


Figure 9: Wolseley Load vs PV Generation Profile

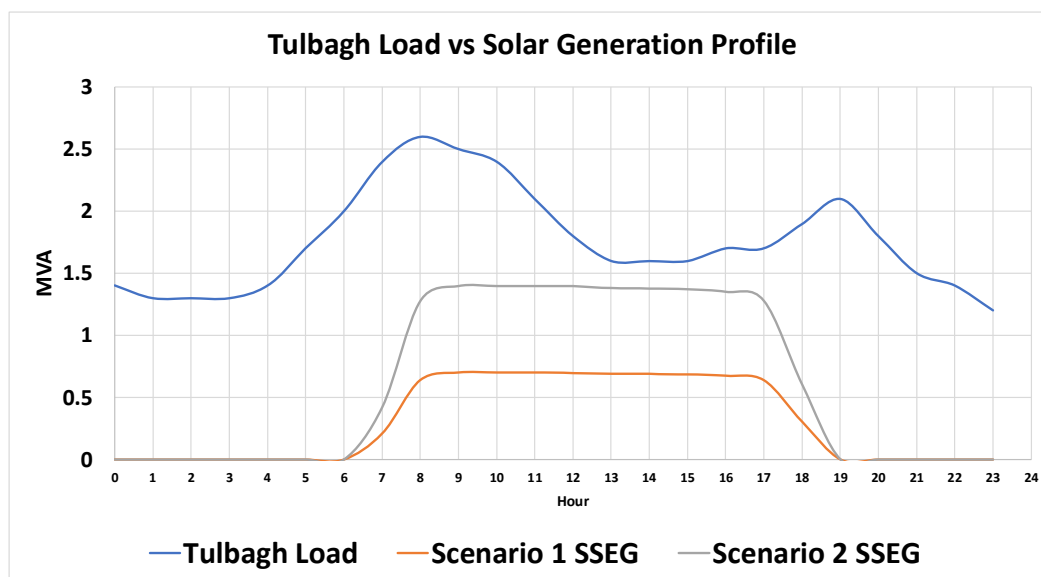


Figure 10: Tulbagh Load vs PV Generation Profile

Conclusions and Recommendations

The study results show the technical impacts of varying levels of SSEG on the voltage regulation, fault levels and chance of reverse power flow into intake substations in the Witzenberg distribution network. The study highlighted the impact of increasing the installed capacity of SSEG beyond the 15% of NMD by analysing two network scenarios with different levels of installed capacity of SSEG.

Scenario 1: installed capacity of SSEG is **15% of the peak load** (NMD) at each of the supply areas

Scenario 2: installed capacity of SSEG is **30% of the peak load** (NMD) at each of the supply areas

1. Voltage rise in the network

The study results show that in Ceres, voltage rise on the MV and LV busbars were limited to 1% for Scenario 1 and 2% in Scenario 2. In Wolseley and Tulbagh, voltage rise caused by Scenario 1 and Scenario 2 SSEG limits were below 1%.

2. Thermal loading

Thermal overloading of lines and transformers were not observed in this study. A few transformers were observed to overload at points of connection where lumped, hypothetical PV systems were modelled. These overloads will not occur in reality as generation will rarely exceed the load at a given connection point and PV systems will be sized to minimize the magnitude of this exceedance.

3. Network Losses

The study results show a decrease in network losses for both Scenario 1 and Scenario 2.

4. Fault level contribution

The impact on fault levels in the system were calculated for Scenario 1 and Scenario 2. Although fault levels were higher in Scenario 2, the fault level increase calculated in this study is will not require reconfiguration of existing protection relays.

5. Reverse power flow

Reverse power flow into the intake points were not observed for any of the any of the three network Scenarios in the load flow simulation study. When considering the study area minimum loads, there is a high probability of reverse power flow in Scenario 2 and a lower probability in Scenario 1.

6. Witzenberg SSEG Capacity

Voltage rise results from the load flow study show a significant number of busbars, further away from the intake points, that violate the 1% voltage rise criteria limit from in Scenario 2 (30% SSEG). It should be noted that the approach used in this study for Scenario 2 was to double the installed capacity of each SSEG installations in Scenario 1 to assess the impact on the network. The effect of voltage rise on the network is greater when the generation output from a PV system exceeds the associated load which was indeed the (unrealistic) case in most of the PV systems in Scenario 2. In order to make reasonable conclusions about the effect of increased levels of SSEG penetration levels on the distribution network, the study should be conducted with realistic sizes of SSEG modelled instead if the hypothetical generators modelled in this study.

The study shows that during low load conditions and Scenario 2 (30% SSEG), there is significant chance of reverse power flow into MV intake point sources. Reverse power flow into the intake substations represents conditions in which no power is drawn from the grid and the area is supplied completely from embedded generation. This scenario should be avoided as it generally requires isolation from the grid supply (intake points). Table 15 summarises the potential risk of reverse power flow into the intake substations for each supply area and for Scenario 1 and Scenario 2.

Table 15: Risk of Reverse Power Flow into Intake Substations

Supply Area	Limiting Criteria	Scenario 1 (15% SSEG)	Scenario 2 (30% SSEG)
Ceres	Reverse Power flow into intake substations	No problem	High Risk
Wolseley		Medium Risk	High Risk
Tulbagh		No problem	High Risk

Based on the results from this study, SSEG capacity limits shown in Table 16 below are proposed in each supply area. The limits are calculated based on the current policy of Witzenberg which limits the total installed capacity of SSEG to 15% of Witzenberg municipalities NMD for each supply area. For Ceres, the planned NMD is used in the calculation of the SSEG limit. At the proposed limits in Table 16, reverse power flow into the intake substations and any of the other negative technical impacts mentioned in this report are low, except for reverse power flow in Wolseley for the 15% limit.

Table 16: SSEG limits per Supply Area

Supply Area	SSEG limit (MVA)
Ceres	6.225
Wolseley	0.78
Tulbagh	0.675

7. Future SSEG technical impact studies

Future SSEG technical impact studies should include the following:

- Studies at minimum and maximum loading conditions
- Studies with transformer tap changer parameters and settings
- Studies with PV systems operating at different power factors
- Studies to determine possible network upgrades that reduce the effect of voltage rise on the network caused by SSEG
- Studies on the LV feeders
- Fault level studies on the LV network
- PV systems modelled with actual equipment parameters instead of generic parameters used in this study
- Generation output meter data of existing PV systems in the study area
- PV systems modelled at the correct locations, at the correct voltage level instead of the lumped hypothetical systems modelled in this study
- PV generation profiles should be modelled and assessed based on actual solar irradiance levels of the study area to better understand the impact on the network load profiles
- Other forms of embedded generation in the network such as diesel generators and battery storage systems

Estimated Solar PV Energy Output

The estimated energy generated per annum of the existing and anticipated penetration levels of SSEG in the network is shown in Table 17 and was calculated based on the following assumptions:

- All existing and future SSEG installations are Solar PV type

- Global Horizontal Irradiation (GHI) data for the three supply areas are (Solargis data):
 - Ceres: 1796 kWh / sqm
 - Tulbagh: 1984 kWh / sqm
 - Wolseley: 1979 kWh / sqm
- Gain from tilt in solar panels = 7%
- Performance ratio (including all system losses) = 82 %
- Anticipated penetration levels are based on the current policy at Witzenberg which limits the total installed capacity of SSEG to 15% of the NMD for each supply area

Table 17: Current and Anticipated SSEG Installation Capacity and Energy Generated per annum

Supply Area	Installed capacity (kWp)		Estimated Generated Energy (kWh per annum)	
	Current Installations	Anticipated Penetration (15% SSEG)	Current Installations	Anticipated Penetration (15% SSEG)
Ceres	4124	6225	6,498,343	9,809,420
Wolseley	200	780	348,152	1,357,794
Tulbagh	5	675	7,987	1,172,053
Total	4328	7680	6,854,482	12,339,267

SSEG Plant and Energy Storage

An investigation into the feasibility of a municipality owned solar PV plant with the primary goal to reduce the impact of financial penalties incurred for exceeding the NMD was conducted. Bon Chretien substation intake point in Ceres is currently affected the most by the NMD exceedances and it was therefore decided to limit the investigation to the Ceres area. Table 18 below summarises the NMD exceedance over the last three years in Ceres.

Table 18: NMD and Actual MD in Ceres

Year	Ceres		Bon Chretien		Kragstasie	
	NMD	Actual MD	NMD	Actual MD	NMD	Actual MD
2019		36.4		24.2		14.0
2020	36.5	39.4	22.0	25.7	14.5	15.0
2021		37.0		31.0		14.6

NMD exceedance was observed typically during the evening when Solar PV generation is low. Figure 11 shows a typical daily load profile of Ceres for a high demand day. In the figure, the NMD is shown with a horizontal orange line. As shown in Figure 11, the NMD is exceeded by 2.2 MVA (38.7 - 36.5 MVA).

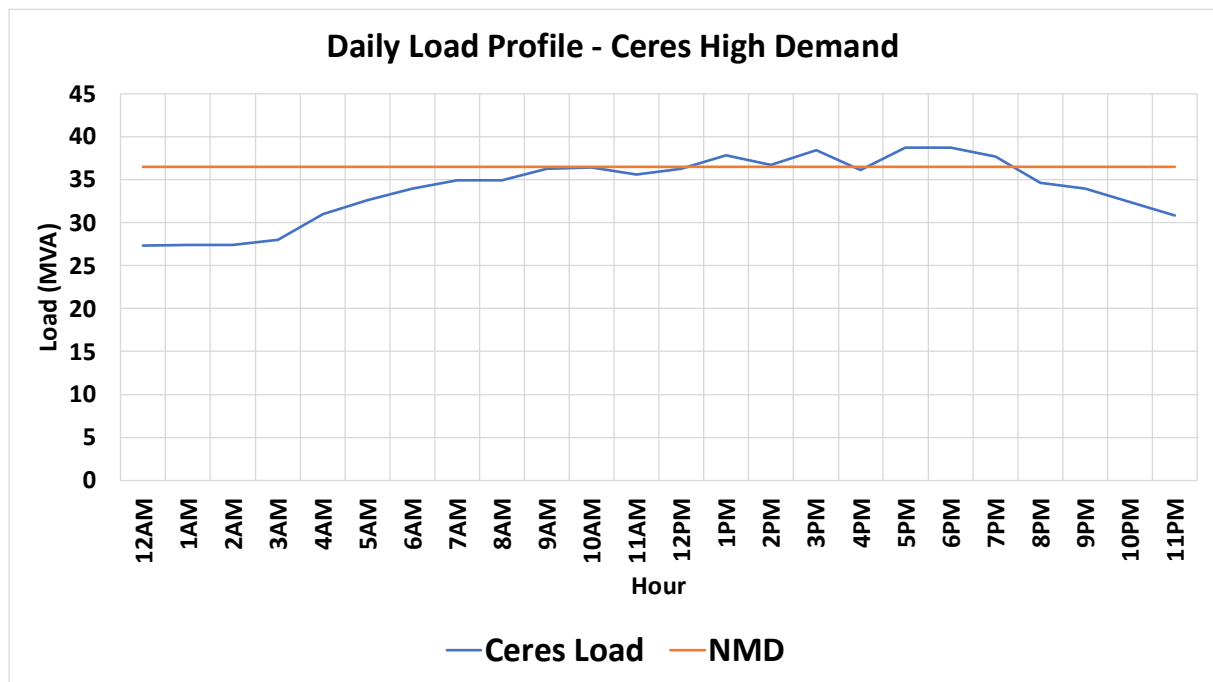


Figure 11: Ceres High Demand Daily Load Profile

A high-level approach was used in determining the system size requirements for the Solar PV plant and Battery Energy Storage System (BESS). The rated power capacity of the battery system should be large enough to reduce the evening peak demand when Solar PV generation is zero. Based on the values in Table 18 and Figure 11, a storage system between 2 MVA and 5MVA is sufficient to reduce the evening peak below the NMD. High level estimates of the capital costs, land requirements and technical requirements associated with the evacuation of generated power into the existing network were considered in determining the size of the Solar PV plant. Table 19 lists two design options that were considered in the investigation and the associated system sizing:

Table 19: Solar PV Plant and BESS Options

Solar PV Plant and BESS	Size
Option 1	10 MVA Solar PV with 2.5 MVA 7.5 MVAh BESS
Option2	15 MVA Solar PV with 3.5 MVA 10.5 MVAh BESS

Figure 12 and Figure 13 show the resultant load profile for the high demand day for Option 1 and Option 2 of the proposed Solar PV plant and BESS. The new demand seen at the intake substations is shown by the green line. As seen in the figures, solar energy from plant is used to charge the battery during the day. In the evening, the battery discharges to reduce the demand. Both options show that the demand can be reduced to below the NMD for Ceres. The solar PV generation profiles in the figures represent generic curves of typical generation output. Generation profiles vary on a daily and seasonal basis depending on the variation in solar radiation. Rainy or cloudy days are also expected with no solar PV generation. To prevent NMD exceedances on such days, other forms of generator and storage technologies such as diesel or gas generators may be considered.

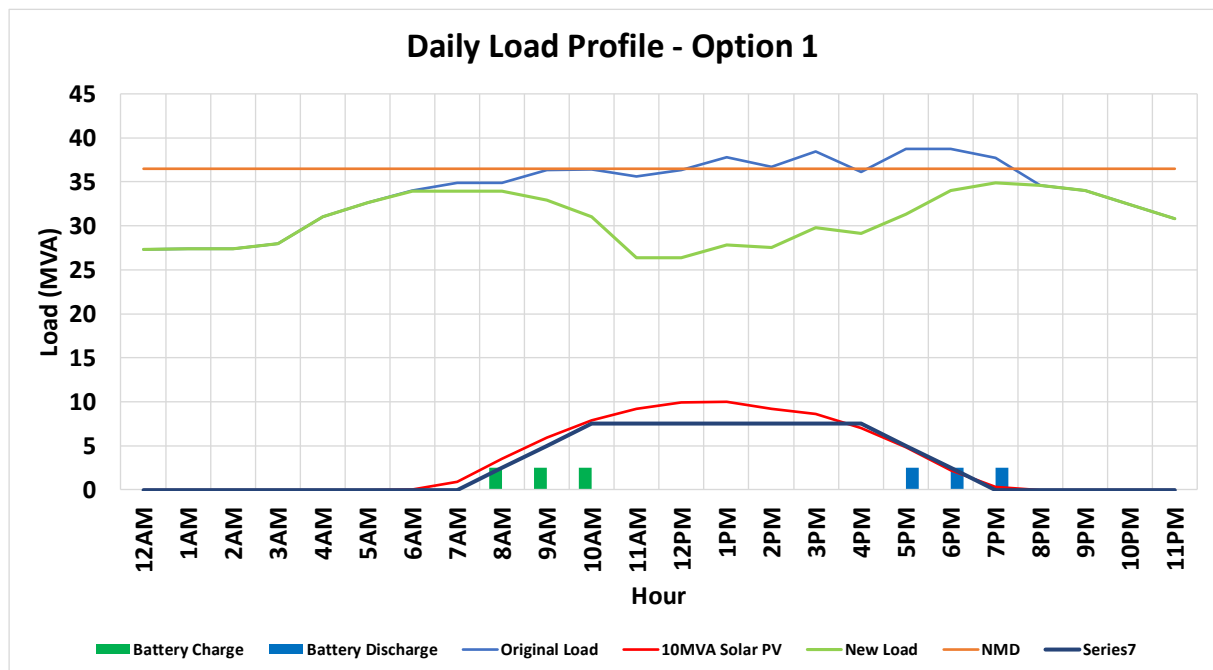


Figure 12: Ceres High Demand Daily Load Profile – Option 1

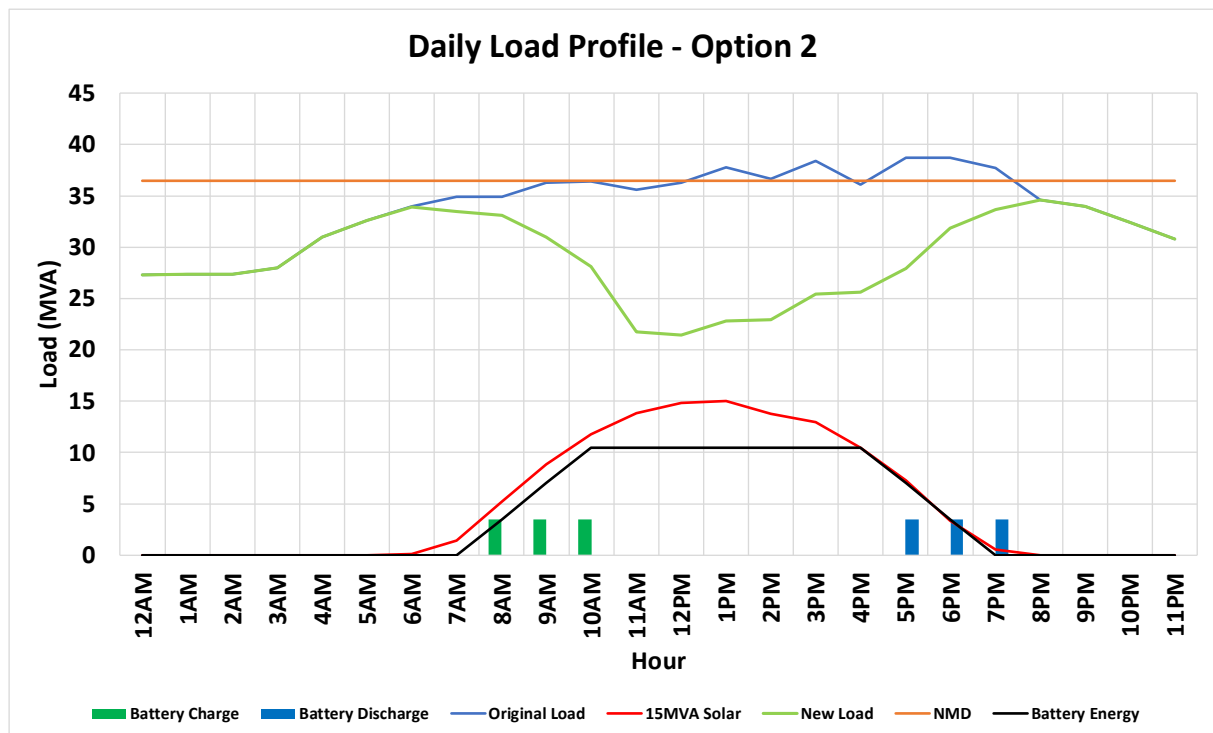


Figure 13: Ceres High Demand Daily Load Profile - Option 2

Financial review of Required Revenue

Introduction

Although rapid small-scale embedded generation (SSEG) adoption has the potential to benefit municipalities by lowering electricity costs and reducing technical losses, many municipalities have legitimate concerns about how these systems will affect their networks/technical operations, as well as electricity-related revenue. To address and mitigate any adverse impacts caused by SSEG installations appropriate regulations and tariffs are required. Understanding the cost of supply provides a foundation for determining tariffs and should be the starting point of assessing the short medium- and long-term requirements for municipal revenue.

As Witzenberg Local Municipality has not compiled a cost of supply study, this report only focusses on the potential impact of SSEG installation on the revenue requirement and not the cost or structure of existing tariffs. As such it is recommended that a formal cost of supply and tariff setting study is performed to refine the results in this report as well as the proposed tariffs Interim SSEG tariff and implication assessment report (Aurecon, 2020).

The purpose of this section is to:

- Describe the effects of renewable energy installations on Municipal sustainability.
- Assess the sustainability of providing energy over a 10-year period.
- Discuss the effect on revenue considering the SSEG tariff vs. doing nothing.
- Review the proposed REFIT tariff; and
- Discuss any possible revenue loss/gain.

Methodology

Structure of SSEG tariffs

South African electricity pricing policy indicates that economic efficiency/cost reflectivity should be the foundation of rate setting. Electricity tariffs need to cover the costs of supplying the related energy and should be constructed by considering the underlying costs. The typical cost structure for South African municipalities is determined by NERSA, depicted in Figure 14, and is compiled from a survey performed on the annual D-Forms.

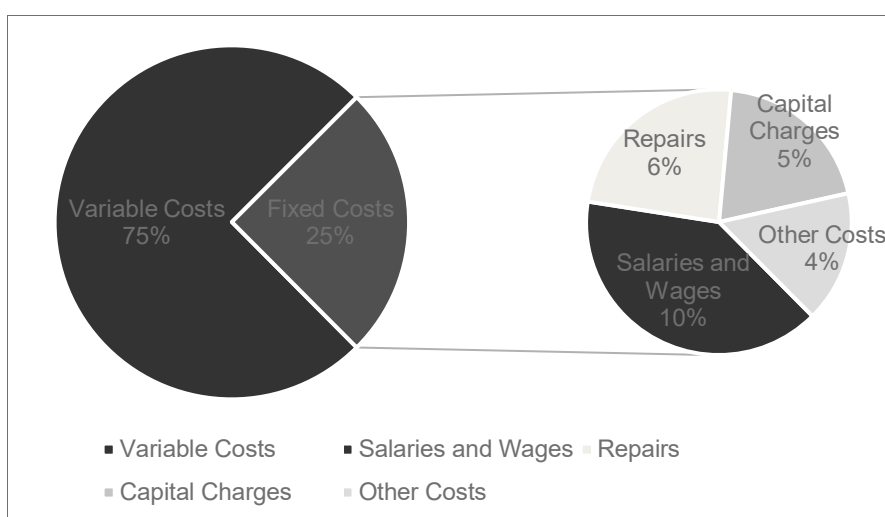


Figure 14: Average municipal cost structure

The cost structure includes a variable portion (mostly related to energy and vary with the quantity of energy sold) and a fixed portion (stable monthly or annual costs).

SSEG tariffs typically have three components: a fixed charge, an import tariff and an export tariff:

- The fixed charge covers the demand- and customer-based costs of providing a grid connection to the SSEG customer. Because most SSEG customers remain connected to the grid and continue to draw electricity from the grid at certain times of day, the grid must still be operated and maintained. It is thus important that SSEG customers pay a fixed charge to cover the costs of operating and maintaining the grid. GreenCape (2016) recommend that the fixed charges for a SSEG customer are the same as for non-SSEG customers. The inclusion of a fixed charge in an electricity tariff is vitally important in an environment where SSEG uptake is growing as this ensures that a municipality continues to generate revenue to operate and maintain the grid.
- The import tariff is the consumption-based tariff that a SSEG customer pays to the municipality for the electricity that it draws from the grid. This can be at the same level as the consumption-based charge for non-SSEG customers.
- The export tariff is sometimes referred to as a Feed In Tariff (FIT). This is the tariff that the municipality pays to the customer for electricity that the customer feeds back into the grid from its SSEG system.

When revenue recovery is based on a single volumetric charge (excluding a fixed cost), SSEG customers tend to contribute disproportionately compared to customers with a conventional connection. A fixed charge is typically introduced in the SSEG tariff structure to ensure the required contribution is adequate.

The Interim SSEG tariff and implication assessment report (Aurecon, 2020) considered the following:

- An average tariff (for peak, standard and off-peak energy charges) was used to estimate the total customer charge;
- A flat Feed-In-Tariff of R0.50 / kWh (including VAT) across customers was assumed, as per the recommended NERSA guidelines.
- A fixed charge based on customer type (R 1200 per month for TOU or bulk users, R 600 for commercial customers and R 50 for residential customers).

SSEG installations can affect a municipality's revenue in a number of ways. Figure 15, below, shows the basic architecture of the revenue impact of the model. Revenue is reduced in two ways: reduced sales volume to SSEG customers and compensating these customers for the electricity that is fed onto the grid. At the same time the municipality's costs decrease because of (i) a reduction in bulk power purchases from Eskom, (ii) a reduction in technical losses from these purchases, and (iii) cheaper electricity from SSEG customers can be on-sold to other customers with a slightly higher profit margin than from the bulk purchases.

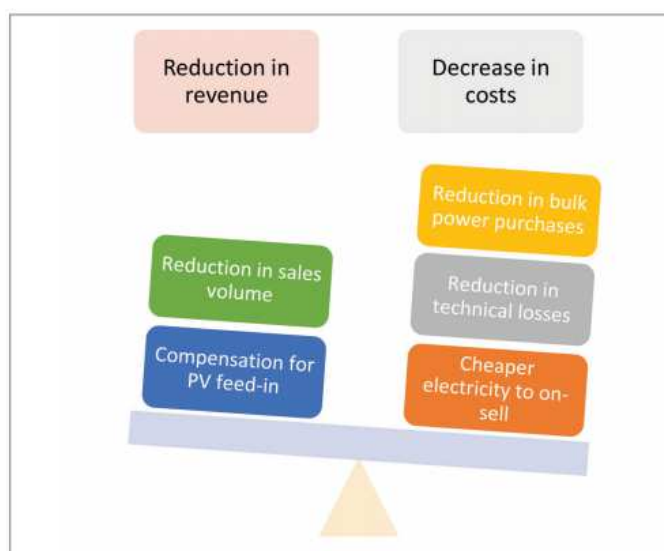


Figure 15: Factors affecting municipal revenue with the installation of solar PV

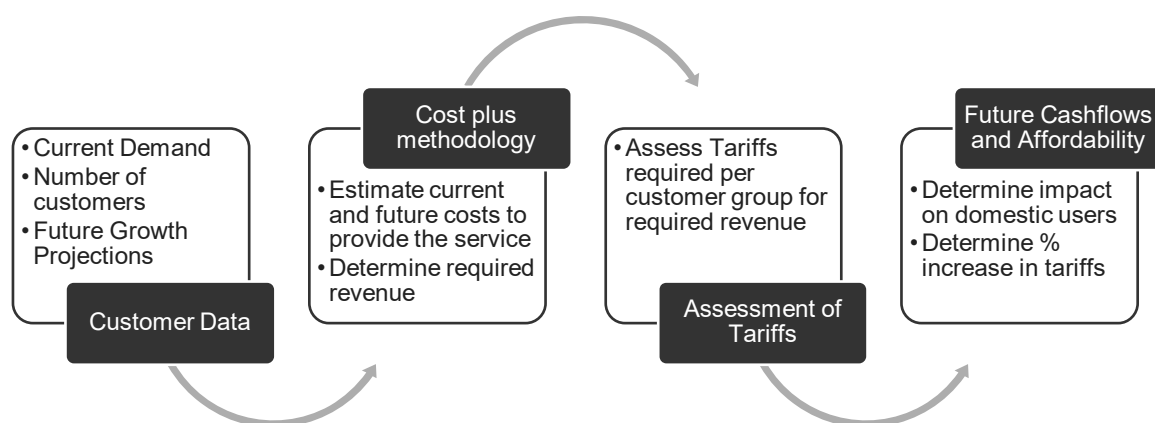
Source: SALGA / GIZ SSEG Impact Model Guidelines

When setting tariffs, it is important to balance cost recovery for services and utility sustainability with fair grid access and affordable tariffs. These are key objectives of South Africa's energy sector, as highlighted in the White Paper on Energy Policy (1998) and the Electricity Pricing Policy (2008). Therefore, it is vital to understand the impact of SSEG tariffs on a customer's electricity bill.

Experience suggests that if the tariffs are too unattractive, frustrated customers will be driven to invest in off-grid solutions or connect their SSEG installations illegally. To consider the customer's perspective, the Interim SSEG tariff and implication assessment report (Aurecon, 2020) indicates how favourable the customer's business case is to install solar PV under the proposed SSEG tariffs by calculating the payback period of the solar PV installation – i.e., the time it takes the savings on the customer's monthly electricity bill to recover the initial cost of the installation.

To develop a view on the impact on municipal revenue the approach adopted in this section has been segmented into an assessment of:

- 1) Customer information, sourced from Witzenberg Local Municipality, used as the baseline information for the assessment, including demand per customer group, number of customers per group, growth/decline in demand as per historic trends etc.
- 2) The required revenue per annum, based on the cost-plus methodology and used to determine the required revenue (adjusted for an appropriate surplus) as per the National Energy Regulator of South Africa's (NERSA) Cost of Supply Framework;
- 3) The required tariffs, and annual increases, per customer group to address the revenue requirement; and
- 4) The impact on affordability by assessing a typical monthly electricity bill and assessment of the impact on tariff increases versus the anticipated baseline increase in energy costs.



Customer Data

The monthly energy statistics including customer type, number of customers and total consumption were provided by Witzenberg Local Municipality. A summary of the customer information is provided in Table 20.

Table 20 Customer Information

Customer Number	Customer Category	Customer Name	Descriptor	Number of Customers	Demand (kWh)
C1	Commercial	1 Phase	150A	2	236 993
C2	Commercial	1 Phase	20A	6	72 582
C3	Commercial	1 Phase	40A	34	701 235
C4	Commercial	1 Phase	60A	8	375 192
C5	Commercial	1 Phase	80A	8	179 823
C6	Commercial	3 Phase	100A	55	3 427 989
C7	Commercial	3 Phase	150A	63	3 952 313
C8	Commercial	3 Phase	200A	20	1 245 562
C9	Commercial	3 Phase	20A	2	122 295
C10	Commercial	3 Phase	250A	30	1 957 094
C11	Commercial	3 Phase	30A	1	11 594
C12	Commercial	3 Phase	40A	5	257 696
C13	Commercial	3 Phase	60A	33	1 971 066
C14	Commercial	3 Phase	80A	33	2 021 050
C15	district	(blank)	< 1000	30	1 401 989
C16	district	(blank)	> 1000	127	5 984 485
C17	Domestic	1 Phase		1 372	10 118 181
C18	Domestic	3 Phase		83	2 454 414
C19	Normaal < 1 MVA Hoogspanning	Normaal < 1 MVA Hoogspanning		6	7 819 230
C20	Normaal Laagspanning	Normaal Laagspanning		39	12 453 669
C21	Sport	sport		8	62 087
C22	streetlight	streetlight		84	2 471 495
C23	Tyd - Laagspanning	Tyd - Laagspanning		2	1 927 989

Customer Number	Customer Category	Customer Name	Descriptor	Number of Customers	Demand (kWh)
C24	Tyd < 1 MVA Hoogspanning	Tyd < 1 MVA Hoogspanning		6	8 826 746
C25	Tyd > 1 MVA Hoogspanning	Tyd > 1 MVA Hoogspanning		6	74 144 219
C26	Prepaid	Prepaid		10 624	33 499 225
	Total			12 687	177 696 212

Cost plus methodology to determine required revenue

The Cost Plus methodology determines the revenue requirement by allowing the municipality to recover the total cost to supply electricity, including a reasonable margin that is represented by a percentage surplus. The methodology is depicted in Table 21, and considers:

- purchases [this includes purchases from Eskom, Independent Power Producers (IPPs), own generation and other sources];
- operating costs;
- repairs and maintenance;
- depreciation/amortisation of refurbishment and capital costs;
- interest on loans; and
- shared costs.

The cost plus methodology is summarised in Table 21, with detail pertaining to the subsections listed below.

Table 21: Approach to the Cost Plus Methodology

Total Required Purchases (kWh)				X
(a) Sales forecast (Expected sales to customers)				
(b) Electricity purchased for own use				
(c) Street lighting				X
				X
(d) = (a) + (b) + (c) Total sales forecast				X
(e) Allowable loss factor (Represents a percentage energy loss of 10%) ²				1.10
(f) = (d) x (e) Required purchases				xx
Sources of Electricity Purchases	(g) Volume (kWh)	(h) Weight (%)	(i)= (j) / (g) Average Purchase Price(c/kWh)	(j} = (g) X (i) Total Cost (R)
Purchases from Eskom				X
Purchases from IPPs				X
Own Generation				X
Purchases - Other options				X
Total		100%		xx
Add other costs				
Operating expenditure				X
Shared costs				

Depreciation/amortisation of refurbishment and capital costs	X X X
Interest on loans	
(k) Total costs before Repairs and Maintenance (R&M) costs	xx
(l) = (k) x 6% Repairs and Maintenance costs at 6% of total costs before R&M	X
(m) = (k) + (l) Total costs before surplus	xx
(n) = (m) + 15% Add surplus allowable	15%
(o) = (m) + (n) Total Allowable Revenue	xxx
(p) = (o) / (f) Average selling price	X X X %
(q) Previous year price	
(w) = (p) / (q) - 1 x 100 Average percentage price increase	

Purchases

This takes into account purchases from Eskom, IPPs, other sources and own generation. The forecast purchases include street lighting electricity, own use electricity and the allowable loss factor. The allowable loss factor is defined as 10% of total anticipated purchases (refer to Table 21 above). This represents a 10% energy loss as per current NERSA benchmarks. The tolerable range for energy losses is 5-12%.

The forecast purchases are weighed against the percentage contribution of each source of electricity to arrive at the average purchase price (APP) and consequently, the total purchase cost of a licensee.

Operational expenditure

Allowable expenses relate to all expenses that are incurred in the production and supply of electricity. These costs include normal operating expenditures such as manpower or labour costs and overheads (centrally administrative and general expenses allocated) that are normally recovered within one financial year but excludes refurbishment costs that must be capitalised.

The anticipated operational requirement has been based on the Interim SSEG tariff and implication assessment (Aurecon, 2020).

Depreciation

- Depreciation shall be based on the straight-line method of depreciation and on the expected useful life of the assets.

Repairs and maintenance

A minimum of 6% of total cost (before profit margin) is allowed for repairs and maintenance.

Margin

After total costs have been ascertained, the revenue requirement will be determined by adding a profit margin. The margin is represented by the surplus to be earned by the licensee. The surplus is determined by the Energy Regulator after taking into account the peculiar circumstances of each licensee. Currently, the Energy Regulator uses a tolerable range of 10-20% and a target of 15% on the percentage surplus.

Benchmarks

NERSA has a series of financial benchmarks that suggests municipalities should operate within to maintain a sustainable and efficient energy business. The financial benchmarks shown in Table 22 formed the basis to determine the financial sustainability of Witzenberg's electrical services.

Table 22: NERSA financial benchmarks for municipalities

	Benchmark ¹	Acceptable Range
Percentage Power Cost	75%	58% – 78%
Percentage Surplus	15%	10% – 20%
System Losses	10%	10% – 12%
Average Sales Price to Average Purchase Price Ratio	1:1.58	1:1.58 – 1.62
Repairs & Maintenance	Minimum of 6%	
Debt Collection Rate	95%	85% – 100%
Gross Profit Margin	58%	58% – 62%
Net Profit Margin	15%	10% – 20%

Assessment of tariff increases

The methodology and accompanying tool outline a simple process for calculating municipal tariffs, which comprises the following key steps:

1. Determine a basic cost of supply for each service as a whole
2. Determine the revenue requirement for each service as whole
3. Assess the customer mix and allow for growth in number of customers and volumes sold
4. Determine the average unit cost per customer category
5. Determine the revenue requirement per customer category
6. Select a tariff structures and calculate the tariffs

Determine the cost per customer group

In this methodology, determining the cost per customer group is a simple process of allocating direct and indirect costs to different customers based on consumption.

Determine the revenue requirement

After determining the basic cost per customer group, the required revenue was determined using the cost plus methodology.

The Municipal Fiscal Powers and Functions Act Number 12 of 2007 allows municipalities to levy a surcharge on tariffs in appropriate circumstances. This is a “charge in excess of the municipal base tariff that the municipality may impose on fees for a service provided by or on behalf of the municipality”. Consequently, the municipality would generate a surplus on its budget. For electricity, the NERSA tariff guidelines and benchmarks recommends a surplus of 15% (NERSA, 2019: 15).

Assess the customer mix and allow for growth

There are three types of data that may be important in setting tariffs for customers. These are data on:

- the volumes of service sold to each customer category,
- the demand for services by each customer category, and
- the total number of customers in each category.

Tariffs are set for a financial budget year but data on volumes sold, demand and number of customers will be actual data based on a current or previous financial year. Therefore, the sales volumes,

¹ Adapted from municipal tariff guideline increase, benchmarks and proposed timelines for municipal tariff approval process

number of customers, and demand for services data were adjusted upwards to reflect anticipated sales volumes, customer numbers and demand for the forecast period.

Determine the average unit cost per customer category

After the total cost was calculated and the customer mix assessed, the average unit cost per customer category was determined.

Variable costs were allocated between customer categories based on the volume of a service sold to that category. This was based on the kWh sold per respective customer category.

For this assessment the total volume of energy sales in kWhs for different customer categories was used to allocate fixed costs.

Calculating the average unit cost per customer category

Unit costs are calculated in order to provide a basis for comparing tariffs levied to unit costs.

The average fixed cost of a single unit per customer category is calculated by dividing the total fixed cost per customer category by the total number of customers in each category. Average variable costs per customer category are calculated by dividing total variable costs per category by total volumes sold to each category.

Determine the revenue requirement per customer category

The revenue requirement per customer category is calculated by allocating non-tariff revenue sources, deficits and surpluses between customer categories to determine the revenue required per customer category.

Although there is a need to allocate non-tariff revenue sources between customer categories, the effect of non-tariff related revenues have been omitted for this study. Recall that non-tariff revenue sources include operating grants and subsidies, property rates, other income sources, and non-tariff service charges and have been kept constant to assess the impact of the tariff alone.

Operating grants and subsidies are typically allocated to any customer category that has been defined as indigent or lifeline. This will reduce the revenue required from that customer category and thus lower the tariff. No allowance has been made for lifeline or indigent customers as the electrical statistics received did not delineate between residential customers and indigents.

Select a tariff structure and calculate the tariffs per customer group

Fixed charges are unrelated to the amount of service sold to the customer. Fixed charges may be levied on various bases, for example per customer or per demand. Fixed charges are the simplest tariff structure. They are a mechanism for recovering the fixed costs of providing a service (customer or demand costs) but not very effective at recovering variable costs.

In the current environment, with sales of electricity declining, including a fixed charge in a tariff structure to cover at least a portion of the fixed costs of providing the service is increasingly regarded as best practice. Ideally, the fixed charge should cover 100% of the fixed costs. However, this may result in a fixed charge that is unaffordable to poor households. As a result, there may be a need to reduce the fixed charge in order to manage the potential regressive impacts on poor households. The energy demand has been used in this study to assign costs to a specific customer group.

Consumption-based tariffs are levied per unit that the customer consumes. Consumption-based tariffs are considered equitable because a customer who uses more of a service will pay more for the service.

The current tariff structure (including fixed and variable charges) has been used as the starting point of this assessment.

Table 23 Average Cost Tariff Applied per Customer Group

ID	Tariff Group	Tariff Name	Descriptor	Basic Charge Per Month (R/month)	Block 1 (R/kWh)	Block 2 (R/kWh)
C1	Commercial	1 Phase	150A	1 393.44	2.11	
C2	Commercial	1 Phase	20A	442.55	2.11	
C3	Commercial	1 Phase	40A	809.38	2.11	
C4	Commercial	1 Phase	60A	976.51	2.11	
C5	Commercial	1 Phase	80A	977.86	2.11	
C6	Commercial	3 Phase	100A	2 205.37	1.87	
C7	Commercial	3 Phase	150A	2 705.85	1.87	
C8	Commercial	3 Phase	200A	3 233.08	1.87	
C9	Commercial	3 Phase	20A	1 421.25	1.87	
C10	Commercial	3 Phase	250A	3 304.35	1.87	
C11	Commercial	3 Phase	30A	1 594.19	1.87	
C12	Commercial	3 Phase	40A	1 594.19	1.87	
C13	Commercial	3 Phase	60A	1 703.41	1.87	
C14	Commercial	3 Phase	80A	1 822.23	1.87	
C15	district	(blank)	< 1000	693.41	1.84	
C16	district	(blank)	> 1000	1371.12	1.84	
C17	Domestic	1 Phase		0	1.85	3.10
C18	Domestic	3 Phase		0	1.05	1.51
C19	Normaal < 1 MVA Hoogspanning	Normaal < 1 MVA Hoogspanning		11257.72	1.17	
C20	Normaal Laagspanning	Normaal Laagspanning		9158.15	1.27	
C21	Sport	sport		0	2.47	
C22	streetlight	streetlight		0	2.07	
C23	Tyd - Laagspanning	Tyd - Laagspanning		9008.99	1.48	
C24	Tyd < 1 MVA Hoogspanning	Tyd < 1 MVA Hoogspanning		9918	1.47	
C25	Tyd > 1 MVA Hoogspanning	Tyd > 1 MVA Hoogspanning		16567.06	1.39	
C26	Prepaid	Prepaid		0	1.62	2.80

Affordability

It is widely accepted that affordability stands out as one of the fundamental requirements of electricity pricing in developing countries. Electricity has the potential to improve quality of life by bringing convenience and dignity to the ordinary household, while unlocking the potential for a wider array of business activities. However, affordability does not necessarily mean a very low price of electricity.

The process of generating, transporting and delivering electricity has associated costs and these need to reflect in the price of the product to send the correct consumption signals to customers. In order for the electricity supply industry to be sustainable, average tariff levels must reflect the cost of supply and should, as far as possible, exclude inefficiencies. Affordability may, nonetheless, necessitate clearly identified subsidies or cross-subsidies targeted towards specific consumers.

The issue of affordability is complex and there is an extensive literature on the subject. Accurate assessments of affordability can only really be obtained through willingness to pay surveys. However, rules of thumb related to the size of the monthly household bill as a percentage of household income can be a useful rough assessment of affordability. Since municipalities seldom have accurate information on the level of income of their customers, calculating the bill as a percentage of income is likely to require some assumptions about household incomes.

Assumptions

Time related assumptions

The base year for the study is the 2019/20 financial year (last full financial year). Table 24 indicates the escalation factors applied in the revenue forecasts.

Table 24 Escalation factors applied

Increase in costs	Percentage increase in Electricity (Nersa Megaflex average increase)	Percentage Increase in employee related costs (CPI + X%)	Total Increase in employee related costs	Percentage increase in general costs (CPI)
2019/2020	15.63%	1.50%	6.70%	5.20%
2020/2021	8.76%	0.20%	4.40%	4.20%
2021/2022	17.80%	0.50%	5.00%	4.50%
2022/2023	8.00%	0.75%	5.45%	4.70%
2023/2024	5.00%	1.00%	5.70%	4.70%
2024/2025	5.00%	1.50%	6.20%	4.70%
2025/2026	5.00%	1.50%	6.20%	4.70%
2026/2027	5.00%	1.50%	6.20%	4.70%
2027/2028	5.00%	1.50%	6.20%	4.70%
2028/2029	5.00%	1.50%	6.20%	4.70%
2029/2030	5.00%	1.50%	6.20%	4.70%
2030/2031	5.00%	1.50%	6.20%	4.70%

Growth assumptions

The provincial growth rate of 1% has been applied to the growth in customer numbers for future annual periods with an additional allowance of 1% for growth in energy demand per year.

Anticipated Expenditures

The anticipated costs for the base year, depicted in Table 25, was based on the current tariff levels and NERSA cost benchmarks.

Table 25 Anticipated fixed and Variable Costs for the base year

Calculation	Description			2019/2020
(a)	Sales Forecast (Expected Sales To Customers)			177 696 212
(b)	Electricity Purchased for own use			
(c)	Street lighting			
(d) = (a) + (b) + (c)	Total Sales Forecast			177 696 212
(e)	Allowable Loss Factor			109.1%
(f) = (d) x (e)	Required Purchases			193 866 568
	Cost		(g)	191 584 305
	Average Purchase Cost	Eskom	(h)	0.99
	Average Purchase Cost	SSEG		-
				(i) = (g) x (h)
	Sources of electricity Purchases			Total Cost
	Purchases from Eskom			193 866 568
	Purchases from IPP's			-
	Purchase Costs - Eskom			191 584 305
	Purchase Costs - SSEG			-
(j)	Total			191 584 305

Calculation	Description			2019/2020
	General Expenses (please specify below) (Group into 6-main categories)	Percentage of Total Cost	Percentage of Purchase Cost	
	1. Depreciation and Amortisation	1.17%	1.50%	2 873 765
	2. Operational Costs	4.67%	6.00%	11 495 058
	3. Consumables	0.08%	0.10%	191 584
	4. Outsourced services	0.78%	1.00%	1 915 843
	5. Impairment Gain/Loss on Receivables	1.56%	2.00%	3 831 686
	6. Staff Costs	7.78%	10.00%	19 158 431
(k)	Total Costs before repairs and maintenance costs			39 466 367
(l)	Repairs and maintenance costs (Excluding Staff)	1.56%	2.00%	3 831 686
	Repairs and maintenance costs (Staff)	4.67%	6.00%	11 495 058
(m) = (k) + (l) + (j)	total costs before surplus			246 377 417
(n) = (m) + 15%	Add surplus allowable		15%	36 956 612.50

Cost Allocation to Customer Groups

Costs have been allocated to customer groups based on annual energy demand (kWh).

Modelling assumptions

- The estimated total SSEG capacity is aligned to Table 9 of this report, it is assumed that approximately 6 854 482 kWh of the total anticipated limit of 12 339 267 kWh has been allocated to customers in the past. It is therefore assumed that any further demand loss includes the original export of approximately 6 854 482. A difference of 5 484 785 kWh is thus assumed to be available to future SSEG export.
- All further demand losses are modelled to occur instantaneously in a specific year (2021/22) to act as a demand shock to the municipal supply. The demand shock indicates outcomes where the total SSEG limit is consumed and provides insight to potential long term effects on the electricity department's revenue without modelling excessively long periods.
- The model only considers the total loss in demand (kWh) as a whole, including export purchases and fixed cost charges and does not attribute this to any particular customer group.

Results

Effect on revenue considering the SSEG tariff vs. doing nothing

The effect of implementing a REFIT tariff versus doing nothing for varying percentages of demand loss (% PV penetration for a forecast period of 10 years) is indicated in Figure 16 and Figure 17. The impact of a further loss in demand is tested in both figures (in excess of historic demand loss).

The three scenarios considered in these figures include:

- Baseline – Assuming no loss to the system due to customers moving to alternative energy sources. This case is highly unlikely to persist in future due to increasing energy costs and past observed trends in consumer behaviour. The scenario does however provide a reference point for future forecast periods.
- SSEG – the impact of applying the recommended SSEG tariff and fixed cost (Aurecon, 2020) for different levels of demand loss from the municipal supply (% PV penetration).
- Excluding SSEG – the impact of losing demand with no SSEG applied representing a dead-loss to the municipality.

Figure 16 reflects the average annual surplus for a 10 year period. As the total demand for grid energy decreases, the allowed revenue (and total surplus) reduces. The SSEG tariff contains a fixed charge to allow for an equitable contribution between SSEG and non-SSEG customers to network fixed costs and assists with maintaining a neutral revenue.

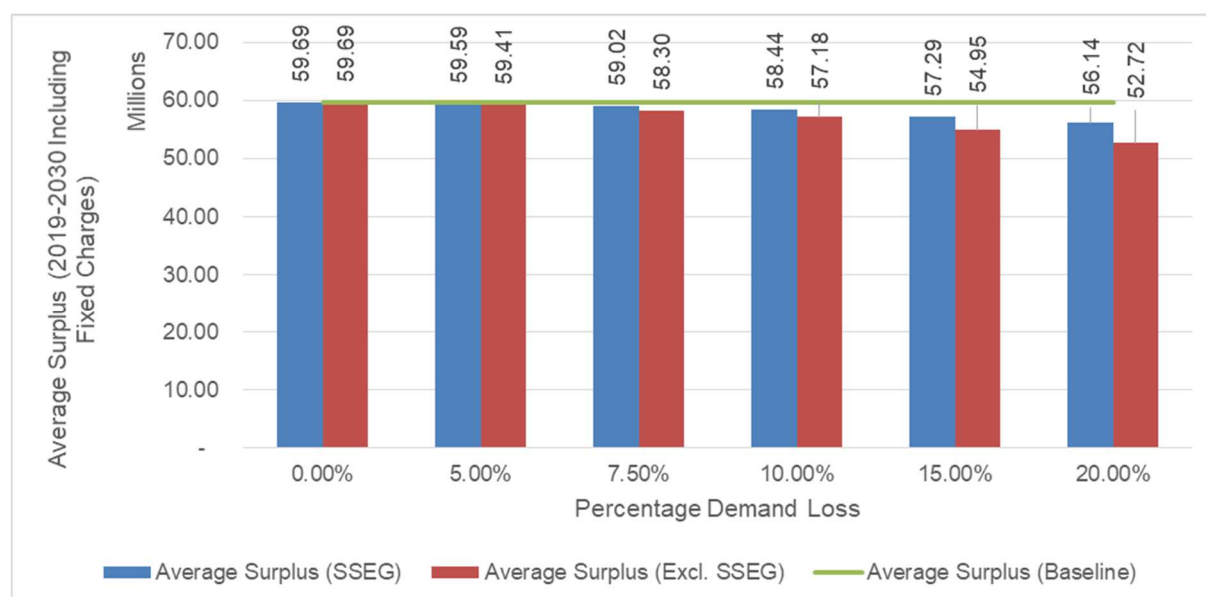


Figure 16: Effect of applying a REFIT tariff compared to Do Nothing (Dead loss)

Figure 17 indicates the average cost price per kilowatt. The implementation of an SSEG export tariff allows the municipality to purchase a percentage of the bulk energy at a reduced cost, the variable component of the total cost. As the total demand loss increases a larger portion of the fixed cost contributes to the average tariff. The steady increase in the SSEG scenario indicates that the fixed cost contribution may not be sufficient at levels exceeding 10% additional loss to the municipal demand and may need to be reconsidered closer to these levels. The effect of not applying an SSEG tariff is both a reduction in the total revenue and a higher monthly electrical bill to the end-user to maintain the required revenue.

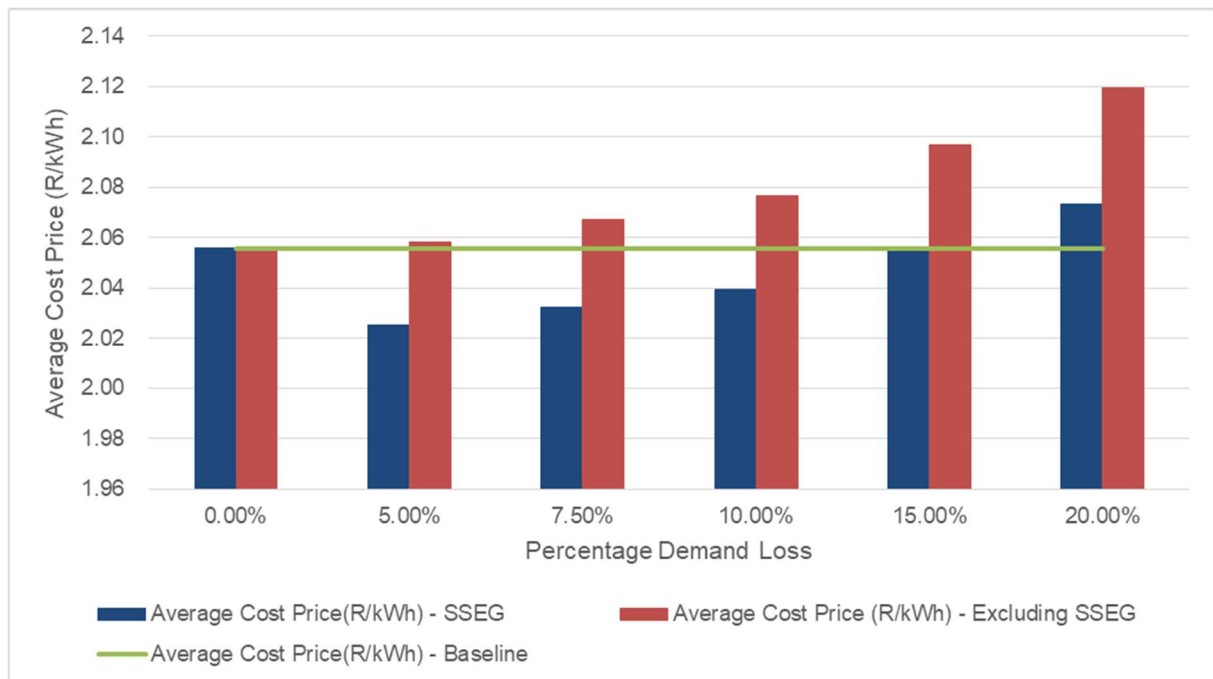


Figure 17: Average cost price of REFIT tariff compared to Do Nothing (Dead loss)

SSEG Limit

Figure 18 indicates the % SSEG export required per % PV penetration to reach the additional SSEG supply of 5 484 785 kWh (refer to Section modelling assumptions). It is important to note that the export is limited by the total installed capacity of SSEG (15% of the NMD for each supply area) and not necessarily the kWh supplied per annum. Figure 18 therefore represents an estimate of the percentage of PV penetration that is recovered through the export process (SSEG supply to municipal bulk requirement) to meet the 5 484 785 kWh SSEG supply.

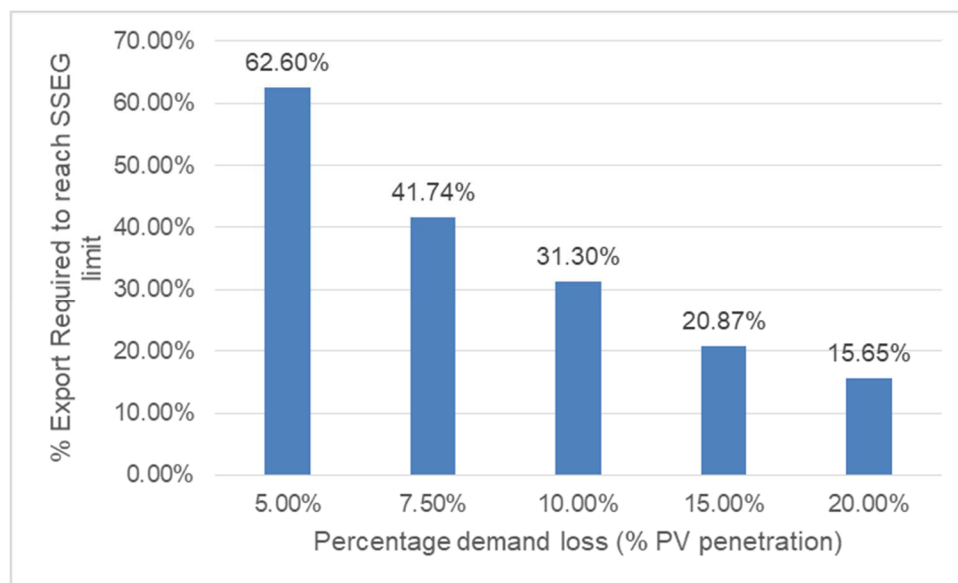


Figure 18 % export required from SSEG customers vs. % PV penetration to reach SSEG limit

Review of the Required Revenue

Figure 19 and Figure 21 depicts the balance between the quantity of total demand lost (5% and 20% of export between Figure 19 and Figure 21 respectively).

The SSEG tariff as proposed in the Interim SSEG tariff and implication assessment report (Aurecon, 2020) provides a neutral impact (almost net-zero) on the required revenue for a demand loss up to an additional 7.5% of the total municipal demand (in excess of historic demand losses).

Figure 20 and Figure 22 summarise the reduction in cost price due to the SSEG exports and Impact on the end-user. Appendix A and B contain sensitivities at various export percentages.

In excess of 7.5% demand loss, a further reduction in the number of customers concentrates the fixed costs on the remaining non-SSEG customers increasing the average cost price per unit of electricity sold. This impacts the selling price, final end-user tariff and higher average monthly bill. If a net neutral revenue is desired beyond a 7.5% loss of the total municipal demand the fixed costs will need to be recovered at a higher rate. Table 26 indicates the percentage increase required to return a net neutral revenue. Any increase in the fixed cost portion of the SSEG tariff needs to be considered from both the revenue retention perspective (municipal interest to protect revenue) and the business case to the SSEG customer (as contemplated in the Interim SSEG tariff and implication assessment report (Aurecon, 2020)).

Table 26 Increase required in fixed costs to deliver a net-zero revenue.

Percentage of Municipal Demand lost	5.00%	7.50%	10.00%	15.00%	20.00%
Factor increase required in fixed costs	1.0885	1.39.54	1.5489	1.7023	1.7790%
Total shortfall	1 240 007.63	2 384 422.83	3 528 838.04	5 817 668.45	8 106 498.86
Additional monthly requirement	103 333.97	198 701.90	294 069.84	484 805.70	675 541.57

The reduction in revenue, as the demand decreases, is a result of the cost plus method utilised in NRS058 to determine the required revenue. As the amount of energy sold decreases, due to a loss of demand, the cost of service delivery's variable cost component decreases as well. The allowed surplus (assumed as 15%) is based on the total cost of service delivery and considers both the fixed and variable cost components. A reduction in the variable costs therefore reduces the total cost of supply and therefore the quantity of the allowed surplus per annum. Figure 19 and Figure 21 considers the average annual surplus generated for a 10 year period at various levels of PV penetration.

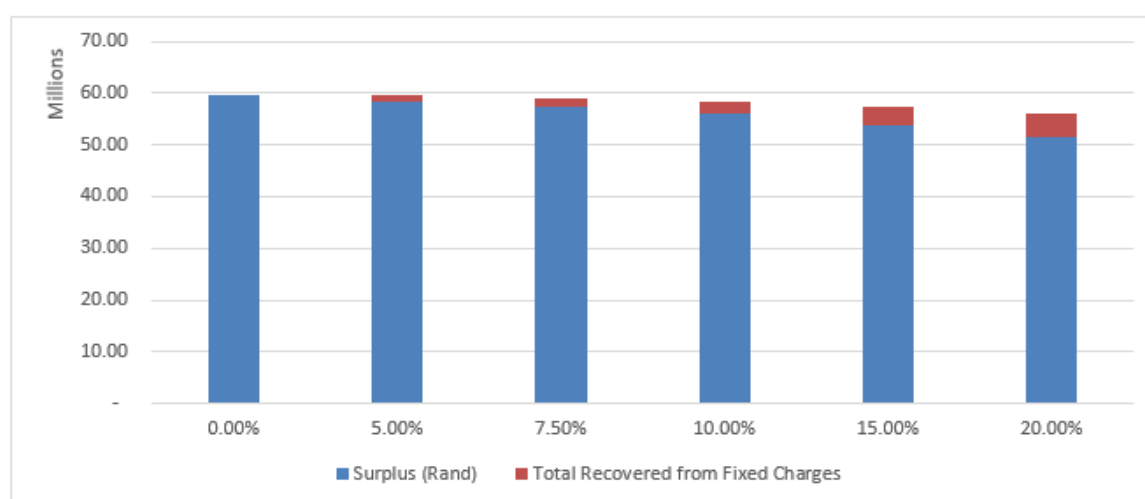


Figure 19 Impact on future revenue (average annual surplus 2019-2030) vs. percent PV penetration (5% export from SSEG)



Figure 20 Average cost price vs. Average selling price for different levels of PV penetration (2019-2030) (5% export from SSEG)

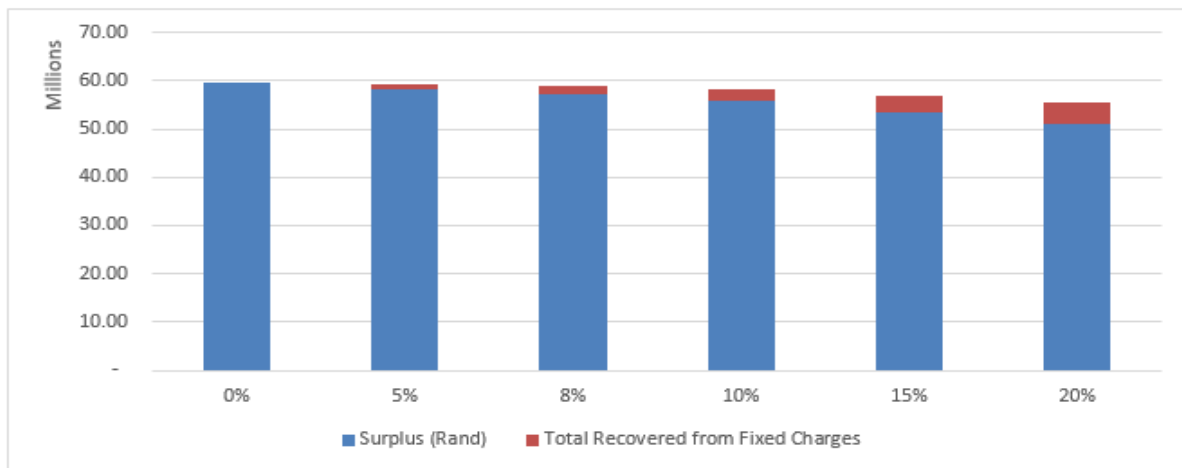


Figure 21 Impact on future revenue (average annual surplus 2019-2030) vs. percent PV penetration (20% export from SSEG)

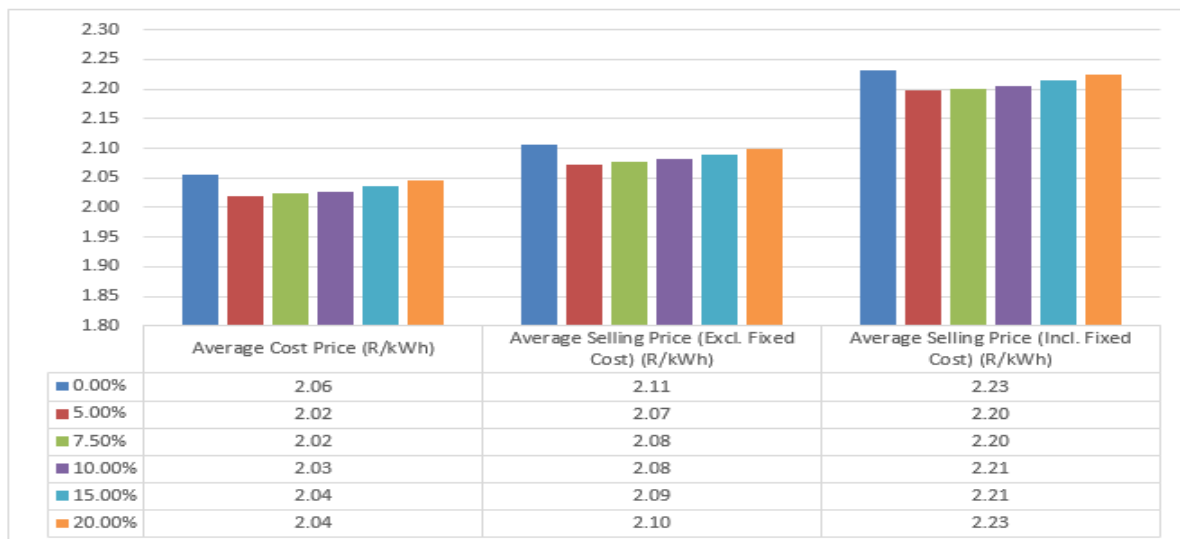


Figure 22 Average cost price vs. Average selling price for different levels of PV penetration (2019-2030) (20% export from SSEG)

Proposed Witzenberg Levy Model

The interim levy model proposed by Witzenberg Local Municipality assesses the required fixed contribution from potential SSEG customers as a function of the installed plant size. In this scenario the REFIT fixed charge is not applicable, however a levy is raised in its place based on the total energy generated (kWh) and a fixed charge (R/kWh) per customer. The levy is based on the Municipal Loss and this loss is raised as a levy.

The following example used by WLM has been sourced from the Energy Plan - Small Scale Embedded Generation (SSEG) presentation dated March 2021:

- A typical 100 kW solar system can generate 168 882 kWh per year in Ceres
- Thus the customer must pay the municipality $R0.272 \times 168\,882 = R45\,950$ per year. (R3830/m)
- Current average cost of energy from Eskom, for municipality, during the time when solar can generate electricity is R0.961 per kWh Excl VAT.
- During the same time period the average selling price of electricity to time of use > 1MW customers is R1.233 per kWh excl VAT CFO verify figures
- Thus for every 1 kWh of energy sold to the customer Witzenberg generates R0.272 of markup or put differently the municipality loses R0.272 per kWh when this customer generates his own electricity with solar.

WLM requirements under the levy model:

- Customer may generate own energy with solar.
- Customer must go onto time of use tariff and must have a 4-quadrant digital meter. Customer must install another 4-quadrant digital energy meter at the solar generator. Customer's cost
- TOU not supported for everybody. No tariff changes.
- Customer must pay the municipality the equivalent of the markup per kWh that the municipality would have generated for every kWh produced by the solar.

The estimated levy of R0.272 has been applied to the SSEG revenue assessment to determine the impact of the proposed levy on future municipal revenue. Similar to the assumptions used to assess the SSEG impact (Summarised under the modelling assumptions), the demand loss (% PV penetration) is assumed to occur instantaneously in 2021/22 as a demand shock. Figure 23 and Figure 24 indicate the impact on the average municipal surplus generated per annum for a 10 year period to compare the impact of the WLM levy model as compared to the normal REFIT tariff fixed charges. Figure 23 and Figure 24 considers a 5% and 20% export from SSEG customers respectively.

In both export cases the WLM levy model produces a more revenue neutral outcome to the municipality when the fixed charge is based on the plant size of the SSEG customer and not a flat rate. Consideration needs to be given to the following if the levy model is to be considered:

- The business case for prospective customers is dependent on the payback period and potential returns generated to compensate for capital expenses incurred with the installation of the off-grid solution. As the levy is based on the SSEG plant size larger plant sizes will increase the revenue from fixed charges from the Municipality's perspective. From the customer's perspective, if larger plant sizes are required to accommodate a target export percentage the reduction in returns per additional kW capacity installed may demotivate customers if the charge is excessive.
- The intent of the fixed cost portion of the REFIT tariff is to recover a correspondingly fair fixed cost when compared to on-grid customers.
- From an allowed revenue perspective the cost plus methodology used by NERSA regulates the returns based on the cost of supply and not a target revenue. This assessment is beyond the scope of this study, but may need to be accounted for when formally assessing the cost of supply and subsequent tariff setting.

Table 27 Witzenberg levy model vs. REFIT fixed charges at various PV penetration levels

Percentage PV penetration	5%	8%	10%	15%	20%
Total Recovered from Fixed Charges (5% export) - WLM levy model	2 085 174.14	3 127 761.21	4 170 348.28	6 255 522.42	8 340 696.56
Total Recovered from Fixed Charges (20% export) - WLM levy model	2 383 056.16	3 574 584.24	4 766 112.32	7 149 168.48	9 532 224.64
Total Recovered from Fixed Charges (5% and 20% export) – Normal REFIT	1 139 175.09	1 708 762.64	2 278 350.18	3 417 525.27	4 556 700.36

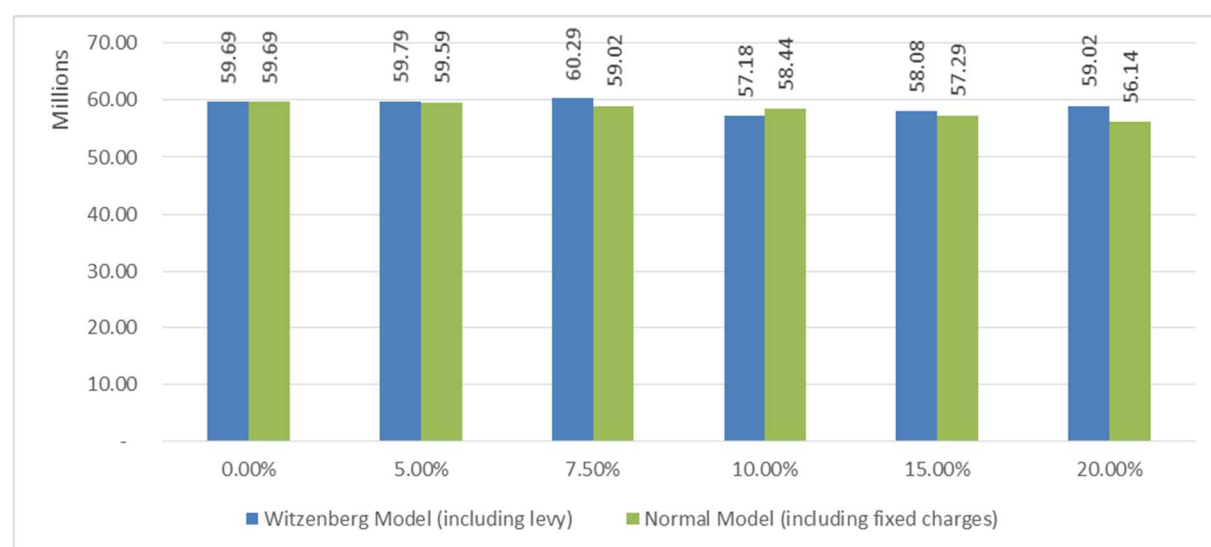


Figure 23 Average Annual Surplus Generated: Witzenberg proposed levy model (5% export at various PV penetration percentages 2019-2030)

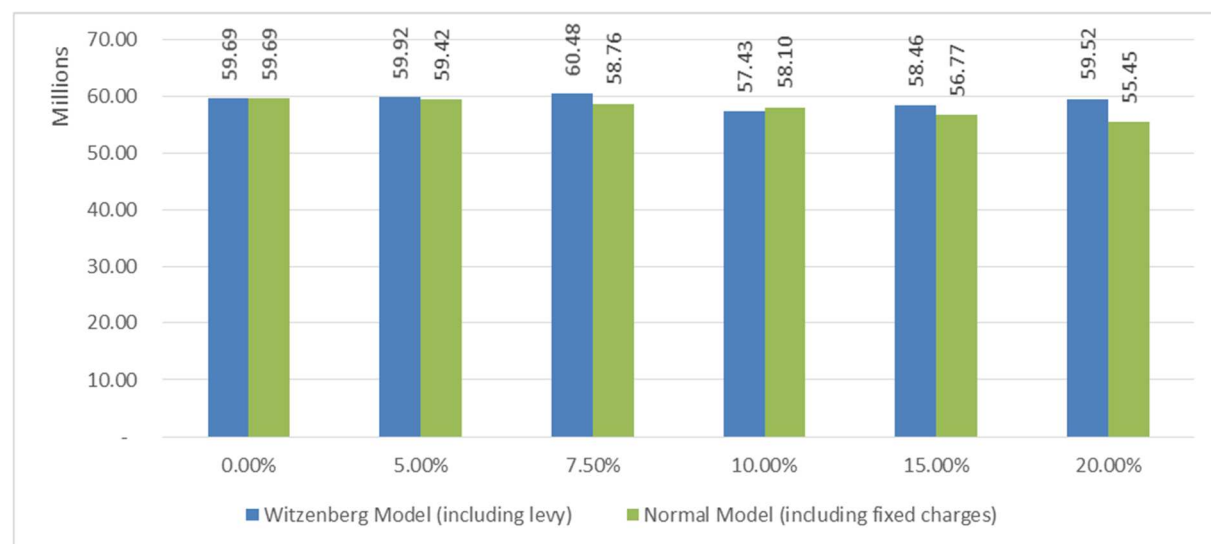


Figure 24 Average Annual Surplus Generated: Witzenberg proposed levy model (20% export at various PV penetration percentages 2019-2030)

Conclusion

Energy security concerns, rising electricity prices, the emergence of low-cost renewable energy technologies and the growth of distributed generators have resulted in a range of challenges for utilities, including for municipal distributors. In light of these dynamics, municipalities are compelled to re-define their role in the electricity value chain and adapt their funding and operating models.

South Africa's electricity sector has been historically monopolistic and has created environments for lack of transparency and accountability, corruption and maladministration. Social, political and economic complexities in the sector are often underplayed. The system is shaped by and interacts with differentiated patterns of domestic and industrial consumption; socio economic equality and uneven access to services; processes of spatial development, land tenure regulations; municipal level governance and the strong influencing role that vested interests can have in electricity policy and planning.

Traditional business models of electricity utilities are based on selling as much energy as possible at fixed rates. Many utilities are seeing the need to re-examine this model and apply a decoupling mechanism due to the impacts of SSEG, Energy Efficiency Demand Side Management (EEDSM) and decarbonization. As the technology costs of solar PV continue to decline, South Africa's electricity rates go up and Eskom's crisis escalates, the installation of grid-tied SSEG has become an increasingly attractive option for businesses and high-income residential household customers.

The costs incurred by utilities do not decrease in proportion to the decrease in electricity consumed. There is still need to finance the expenditure of grid infrastructure that are not related to kWh consumed but to kW capacity invested.

There are opportunities for utilities to make the transition to a more decentralized, decarbonized and digitized energy industry work in their favor while forming better relationships with their customers and embracing competition market. This transition should be implemented in a controlled manner with awareness of the regulatory environment, financial and technical risks.

Electricity demand is still expected to increase in the future with new customer connections and more industries such as electric vehicles shifting away from fossil fuels. Additionally, SSEG and energy storage is expected to become cheaper, cleaner and more reliable for everyone. Consumers or "prosumers" providing energy and services to the grid could be a viable new business model.

Small-scale embedded generation has the potential to benefit Witzenberg Local Municipality by reducing the average cost price of energy through blending SSEG and Eskom supply sources. To achieve this an effective tariff is required, calculated from a sound understanding of the total cost of supply. It is therefore recommended that the Municipality conduct a Cost of Supply study according to the NRS:058 requirements.

The tariffs applied need to be cost reflective. The municipality is not a generator of electricity however a transporter of electricity. Hence ideally, the energy costs and "transportation costs" should be split. Historically this was not promoted mainly due to cheap electricity prices. This principle ensures that the municipal cost recovery is not affected by the direction of electricity flow as is currently the case. As such the following is recommended in terms of the tariff structure (including charges for fixed costs):

- Costs incurred by municipality are separated and charged as a fixed charge (R/month) and a volumetric charge (c/kWh).
- It is advisable to utilise an unbundled tariff structure for SSEG customers to ensure that they pay their fair share of fixed costs.
- A central principle in tariff setting is cost reflectivity, and all municipal electricity tariffs, including SSEG tariffs, should work towards this.
- Both current and future demand and changes in customer behaviour needs to be considered.



As the cost plus methodology adopted in NRS:058 determines the allowed revenue, changes in the demand for services or the supply cost elements are ultimately governed by the regulated allowable surplus. Embedded generation (with an export tariff) affect both demand and supply and a balance needs to be found to secure both the interests of the municipality and customer. Municipal revenue can be protected whilst ensuring a reasonable business case for SSEG customers.

The proposed REFIT tariff as per the Interim SSEG tariff and implication assessment (Aurecon, 2020) returns a net neutral revenue when the total demand lost is less than 7.5% of the total municipal supply. Following the 7.5% demand threshold the fixed charges for SSEG will need to be reconsidered.

Summary

Current status:

- The municipality is currently running at 6.26% demand loss and an additional total of 7.5% is the limit in order to be revenue neutral and beneficial to utilise the proposed REFIT tariff and fixed costs up to this limit.
- Refit tariffs (both export and fixed components) proposed in the Interim SSEG tariff and implication assessment (Aurecon, 2020) provide a business case for both the municipality and prospective SSEG customers.
- The outcomes of the assessment indicate that if the REFIT export tariff and fixed charges are implemented for the approved PV installations it would have a beneficial impact on the long term revenue of the electrical department.

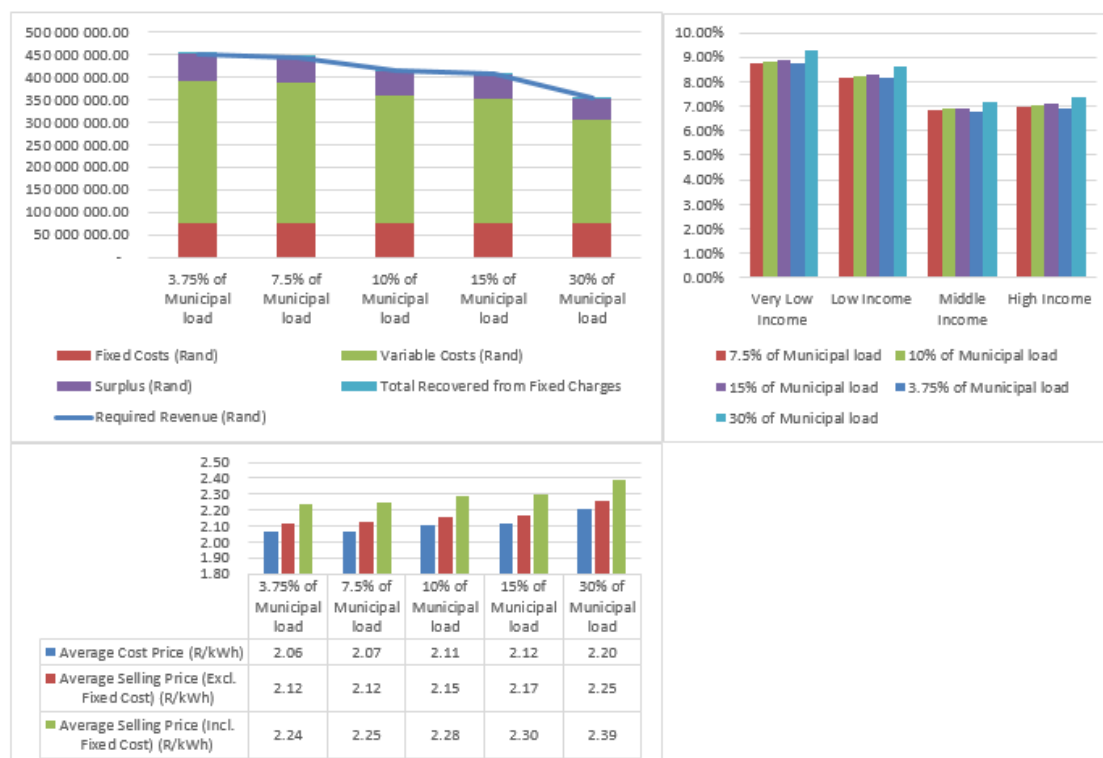
Future Investigation:

- For the Witzenberg levy model, the REFIT fixed charge is replaced with a levy dependant on the SSEG customer's plant size.
- SSEG tariff structures be re-evaluated once a formal cost of supply study is conducted.

Appendix A: Sensitivity: Revenue Requirement

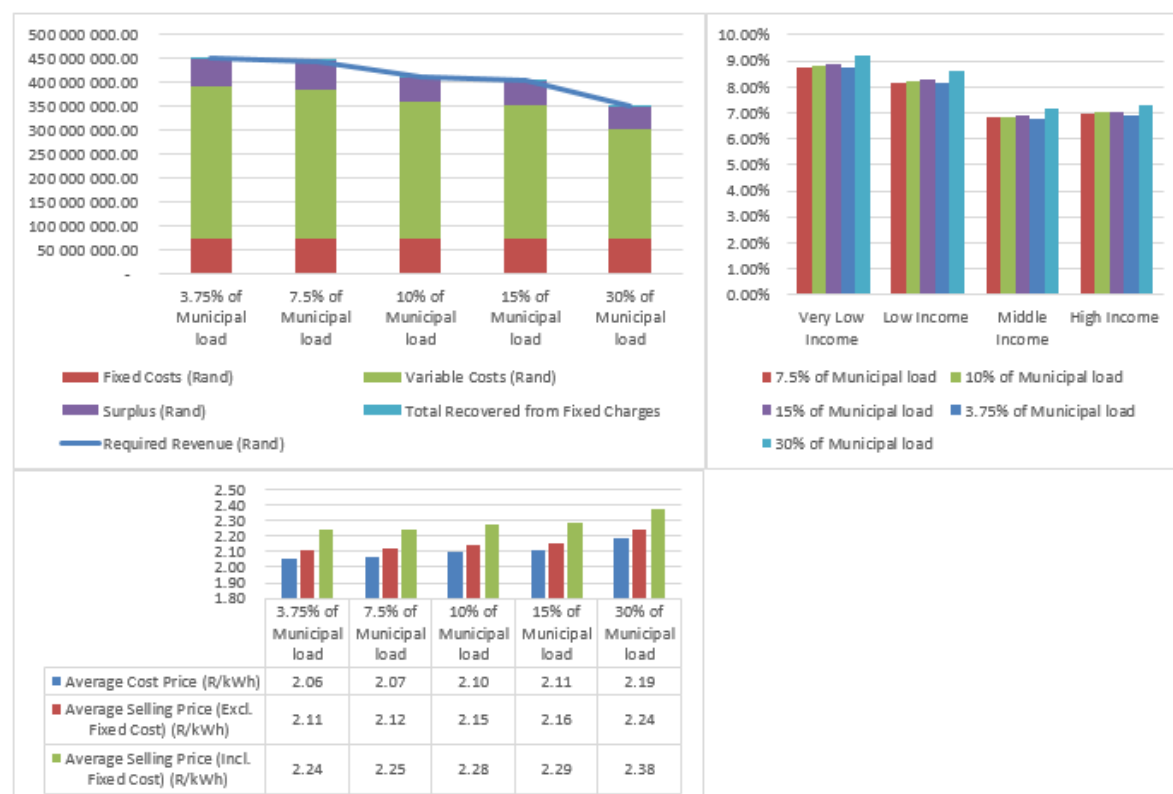
	3.75% of Municipal load	7.5% of Municipal load	10% of Municipal load	15% of Municipal load	30% of Municipal load
SSEG Tariff (R/kWh)	0.43	0.43	0.43	0.43	0.43
% Export	1.00%	1.00%	1.00%	1.00%	1.00%
Average Annual SSEG Import (kWh)	65 709.27	131 418.54	197 127.81	262 837.08	525 674.15

Description	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Required Revenue (Rand)	451 342 379.61	444 696 138.65	412 639 931.21	405 328 530.22	351 774 970.11
Fixed Costs (Rand)	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32
Variable Costs (Rand)	318 652 785.12	312 873 445.16	284 998 482.17	278 640 742.17	232 072 429.03
Surplus (Rand)	58 870 745.17	58 003 844.17	53 822 599.72	52 868 938.72	45 883 691.75
Total Recovered from Fixed Charges	311 013.50	622 027.01	933 040.51	1 244 054.01	2 488 108.02
Average Revenue (including fixed Charges)	59 181 758.67	58 625 871.18	54 755 640.23	54 112 992.73	48 371 799.77
% Energy Cost to total Cost	80.91%	80.64%	79.29%	78.93%	75.86%
% SSEG Purchases to total Purchases	0.03%	0.05%	0.09%	0.12%	0.30%
	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Anticipated Increase In Eskom Supply Cost (%)	7.52%	7.52%	7.52%	7.52%	7.52%
Average Tariff Increase for required revenue (%)	6.23%	6.30%	6.38%	6.48%	6.96%
Energy Sold Per Annum (kWh)	188 762 777.09	185 507 285.18	170 201 843.83	166 646 739.13	140 851 518.28
Average Cost Price (R/kWh)	2.06	2.07	2.11	2.12	2.20
Average Selling Price (Excl. Fixed Cost) (R/kWh)	2.12	2.12	2.15	2.17	2.25
Average Selling Price (Incl. Fixed Cost) (R/kWh)	2.24	2.25	2.28	2.30	2.39
Percent of Monthly Income	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Very Low Income	8.72%	8.77%	8.84%	8.91%	9.25%
Low Income	8.14%	8.19%	8.25%	8.31%	8.64%
Middle Income	6.79%	6.82%	6.88%	6.93%	7.20%
High Income	6.93%	6.97%	7.02%	7.07%	7.35%



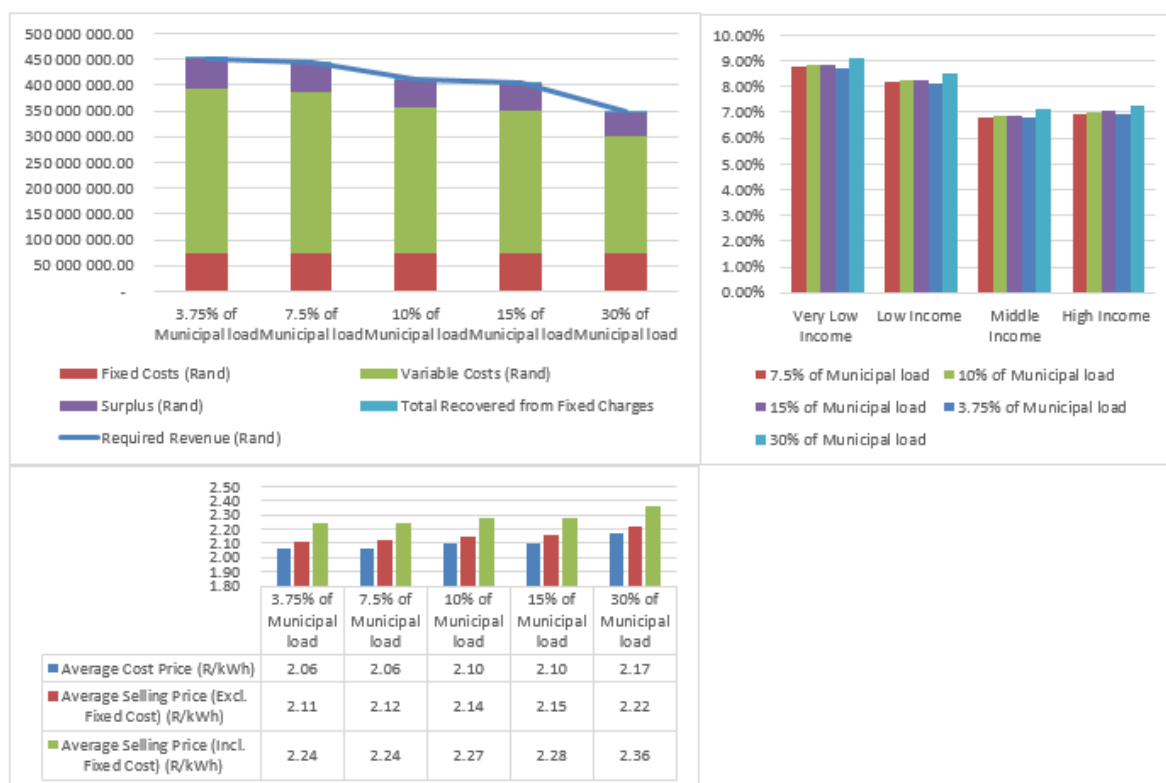
	3.75% of Municipal load	7.5% of Municipal load	10% of Municipal load	15% of Municipal load	30% of Municipal load
SSEG Tariff (R/kWh)	0.43	0.43	0.43	0.43	0.43
% Export	5.00%	5.00%	5.00%	5.00%	5.00%
Average Annual SSEG Import (kWh)	328 546.35	657 092.69	985 639.04	1 314 185.38	2 628 370.76

Description	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Required Revenue (Rand)	451 076 983.41	444 165 346.27	411 843 742.63	404 266 945.45	349 651 800.56
Fixed Costs (Rand)	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32
Variable Costs (Rand)	318 422 005.82	312 411 886.56	284 306 144.27	277 717 624.98	230 226 194.65
Surplus (Rand)	58 836 128.27	57 934 610.38	53 718 749.04	52 730 471.15	45 606 756.60
Total Recovered from Fixed Charges	311 013.50	622 027.01	933 040.51	1 244 054.01	2 488 108.02
Average Revenue (including fixed Charges	59 147 141.77	58 556 637.39	54 651 789.55	53 974 525.16	48 094 864.62
% Energy Cost to total Cost	80.90%	80.62%	79.25%	78.88%	75.72%
% SSEG Purchases to total Purchases	0.13%	0.27%	0.45%	0.61%	1.51%
	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Anticipated Increase In Eskom Supply Cost (%)	7.52%	7.52%	7.52%	7.52%	7.52%
Average Tariff Increase for required revenue (%)	6.22%	6.28%	6.36%	6.45%	6.89%
Energy Sold Per Annum (kWh)	188 762 777.09	185 507 285.18	170 201 843.83	166 646 739.13	140 851 518.28
Average Cost Price (R/kWh)	2.06	2.07	2.10	2.11	2.19
Average Selling Price (Excl. Fixed Cost) (R/kWh)	2.11	2.12	2.15	2.16	2.24
Average Selling Price (Incl. Fixed Cost) (R/kWh)	2.24	2.25	2.28	2.29	2.38
Percent of Monthly Income	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Very Low Income	8.72%	8.76%	8.82%	8.89%	9.20%
Low Income	8.14%	8.18%	8.24%	8.29%	8.58%
Middle Income	6.78%	6.82%	6.86%	6.91%	7.15%
High Income	6.93%	6.96%	7.01%	7.06%	7.30%



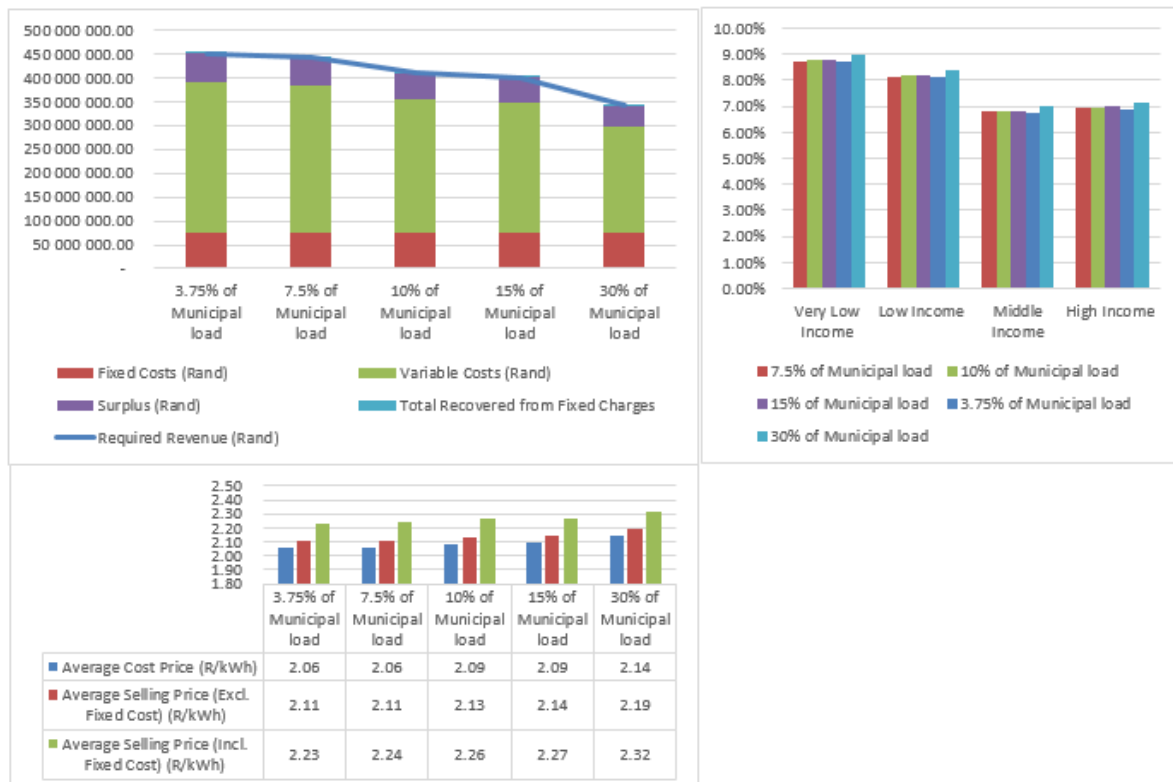
	3.75% of Municipal load	7.5% of Municipal load	10% of Municipal load	15% of Municipal load	30% of Municipal load
SSEG Tariff (R/kWh)	0.43	0.43	0.43	0.43	0.43
% Export	10.00%	10.00%	10.00%	10.00%	10.00%
Average Annual SSEG Import (kWh)	657 092.69	1 314 185.38	1 971 278.07	2 628 370.76	5 256 741.53

Description	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Required Revenue (Rand)	450 745 238.17	443 501 855.78	410 848 506.91	402 939 964.49	346 997 838.63
Fixed Costs (Rand)	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32
Variable Costs (Rand)	318 133 531.70	311 834 938.32	283 440 721.90	276 563 728.49	227 918 401.66
Surplus (Rand)	58 792 857.15	57 848 068.15	53 588 935.68	52 557 386.67	45 260 587.65
Total Recovered from Fixed Charges	311 013.50	622 027.01	933 040.51	1 244 054.01	2 488 108.02
Average Revenue (including fixed Charges)	59 103 870.66	58 470 095.15	54 521 976.19	53 801 440.68	47 748 695.67
% Energy Cost to total Cost	80.89%	80.60%	79.20%	78.81%	75.53%
% SSEG Purchases to total Purchases	0.26%	0.54%	0.90%	1.22%	3.02%
	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Anticipated Increase In Eskom Supply Cost (%)	7.52%	7.52%	7.52%	7.52%	7.52%
Average Tariff Increase for required revenue (%)	6.21%	6.27%	6.33%	6.41%	6.79%
Energy Sold Per Annum (kWh)	188 762 777.09	185 507 285.18	170 201 843.83	166 646 739.13	140 851 518.28
Average Cost Price (R/kWh)	2.06	2.06	2.10	2.10	2.17
Average Selling Price (Excl. Fixed Cost) (R/kWh)	2.11	2.12	2.14	2.15	2.22
Average Selling Price (Incl. Fixed Cost) (R/kWh)	2.24	2.24	2.27	2.28	2.36
Percent of Monthly Income	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Very Low Income	8.71%	8.75%	8.80%	8.86%	9.13%
Low Income	8.13%	8.17%	8.22%	8.27%	8.52%
Middle Income	6.78%	6.81%	6.85%	6.89%	7.10%
High Income	6.92%	6.95%	6.99%	7.03%	7.25%



	3.75% of Municipal load	7.5% of Municipal load	10% of Municipal load	15% of Municipal load	30% of Municipal load
SSEG Tariff (R/kWh)	0.43	0.43	0.43	0.43	0.43
% Export	20.00%	20.00%	20.00%	20.00%	20.00%
Average Annual SSEG Import (kWh)	1 314 185.38	2 628 370.76	3 942 556.15	5 256 741.53	10 513 483.06

Description	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Required Revenue (Rand)	450 081 747.69	442 174 874.82	408 858 035.47	400 286 002.56	341 689 914.78
Fixed Costs (Rand)	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32	73 818 849.32
Variable Costs (Rand)	317 556 583.45	310 681 041.82	281 709 877.17	274 255 935.51	223 302 815.70
Surplus (Rand)	58 706 314.92	57 674 983.67	53 329 308.97	52 211 217.72	44 568 249.75
Total Recovered from Fixed Charges	311 013.50	622 027.01	933 040.51	1 244 054.01	2 488 108.02
Average Revenue (including fixed Charges)	59 017 328.42	58 297 010.68	54 262 349.48	53 455 271.73	47 056 357.77
% Energy Cost to total Cost	80.86%	80.54%	79.11%	78.68%	75.15%
% SSEG Purchases to total Purchases	0.53%	1.08%	1.79%	2.45%	6.03%
	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Anticipated Increase In Eskom Supply Cost (%)	7.52%	7.52%	7.52%	7.52%	7.52%
Average Tariff Increase for required revenue (%)	6.20%	6.23%	6.28%	6.34%	6.60%
Energy Sold Per Annum (kWh)	188 762 777.09	185 507 285.18	170 201 843.83	166 646 739.13	140 851 518.28
Average Cost Price (R/kWh)	2.06	2.06	2.09	2.09	2.14
Average Selling Price (Excl. Fixed Cost) (R/kWh)	2.11	2.11	2.13	2.14	2.19
Average Selling Price (Incl. Fixed Cost) (R/kWh)	2.23	2.24	2.26	2.27	2.32
Percent of Monthly Income	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)	Average (FY 2019-2030)
Very Low Income	8.70%	8.73%	8.76%	8.80%	8.98%
Low Income	8.12%	8.14%	8.18%	8.21%	8.39%
Middle Income	6.77%	6.79%	6.81%	6.84%	6.99%
High Income	6.91%	6.93%	6.96%	6.99%	7.14%



Appendix B: Sensitivity: Annual Forecasts

SSEG Tariff (R/kWh)	0
% Export	0.00%
Average Annual SSEG Import (kWh)	-

Percentage of Customers 0.00%

Description	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Required Revenue (Rand)	283 334 029.15	311 256 038.11	363 435 429.83	396 643 569.15	423 395 715.94	452 085 430.35	482 972 235.82	515 989 810.71	551 286 198.72	589 019 783.19	629 360 012.09	672 488 173.84
Fixed Costs (Rand)	54 793 111.32	58 102 155.45	60 607 860.52	63 505 946.21	66 759 628.52	70 275 408.46	74 177 794.36	78 300 757.80	82 656 970.15	87 259 841.24	92 123 562.87	97 263 154.98
Variable Costs (Rand)	191 584 305.33	212 555 269.00	255 422 948.03	281 401 505.22	301 410 559.25	322 842 357.07	345 798 062.87	370 386 034.13	396 722 333.09	424 931 274.58	455 146 012.86	487 509 170.10
Surplus (Rand)	36 956 612.50	40 598 613.67	47 404 621.28	51 736 117.71	55 225 528.17	58 967 664.83	62 996 378.58	67 303 018.79	71 906 895.49	76 828 667.37	82 090 436.36	87 715 848.76
Total Recovered from Fixed Charges	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenue (including fixed Charges)	36 956 612.50	40 598 613.67	47 404 621.28	51 736 117.71	55 225 528.17	58 967 664.83	62 996 378.58	67 303 018.79	71 906 895.49	76 828 667.37	82 090 436.36	87 715 848.76
% Energy Cost to total Cost	78%	79%	81%	82%	82%	82%	82%	83%	83%	83%	83%	83%
% SSEG Purchases to total Purchases	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Anticipated Increase In Eskom Supply Cost (%)	15.63%	8.76%	17.80%	8.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Average Tariff Increase for required revenue (%)		7.75%	14.53%	7.05%	4.70%	4.73%	4.78%	4.79%	4.79%	4.79%	4.80%	4.80%
		< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed
Demand lost to SSEG (kWh)	-	-	-	-	-	-	-	-	-	-	-	-
Energy Purchased from SSEG (kWh)	-	-	-	-	-	-	-	-	-	-	-	-
Energy Sold Per Annum (kWh)	177 696 212.30	181 267 906.17	184 911 391.08	188 628 110.04	192 419 535.05	196 287 167.71	200 232 539.78	204 257 213.83	208 362 783.83	212 550 875.78	216 823 148.38	221 181 293.67
Average Cost Price (R/kWh)	1.39	1.49	1.71	1.83	1.91	2.00	2.10	2.20	2.30	2.41	2.52	2.64
Average Selling Price (Excl. Fixed Cost) (R/kWh)	1.42	1.53	1.75	1.87	1.96	2.05	2.15	2.26	2.36	2.48	2.60	2.72
Average Selling Price (Incl. Fixed Cost) (R/kWh)	1.51	1.62	1.86	1.99	2.08	2.18	2.28	2.39	2.50	2.62	2.75	2.88
Percent of Monthly Income	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Very Low Income	7.39%	7.66%	8.44%	8.68%	8.74%	8.80%	8.87%	8.94%	9.00%	9.07%	9.14%	9.21%
Low Income	6.90%	7.15%	7.87%	8.10%	8.16%	8.22%	8.28%	8.34%	8.40%	8.47%	8.53%	8.60%
Middle Income	5.75%	5.96%	6.56%	6.75%	6.80%	6.85%	6.90%	6.95%	7.00%	7.06%	7.11%	7.16%
High Income	5.87%	6.08%	6.70%	6.90%	6.94%	6.99%	7.04%	7.10%	7.15%	7.21%	7.26%	7.32%

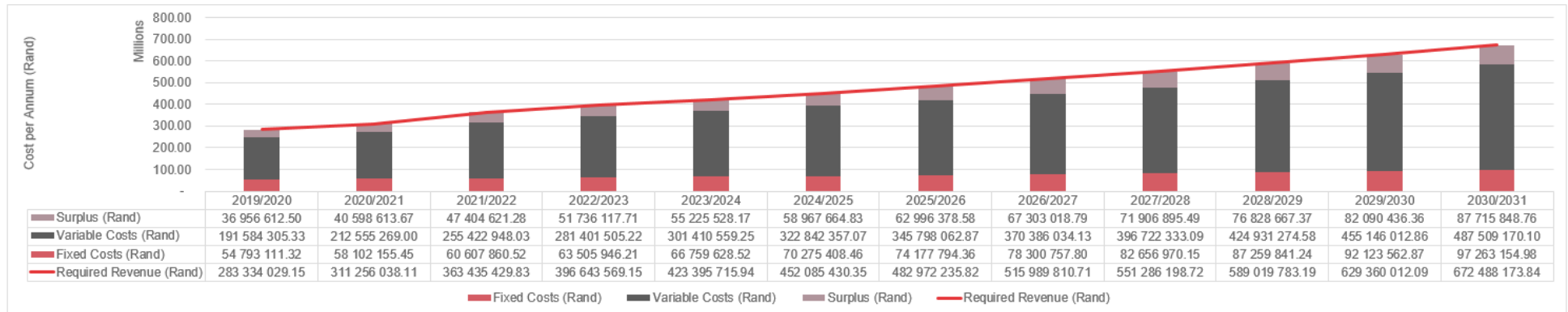


Figure 25 – Annual forecast: Baseline (No SSEG)

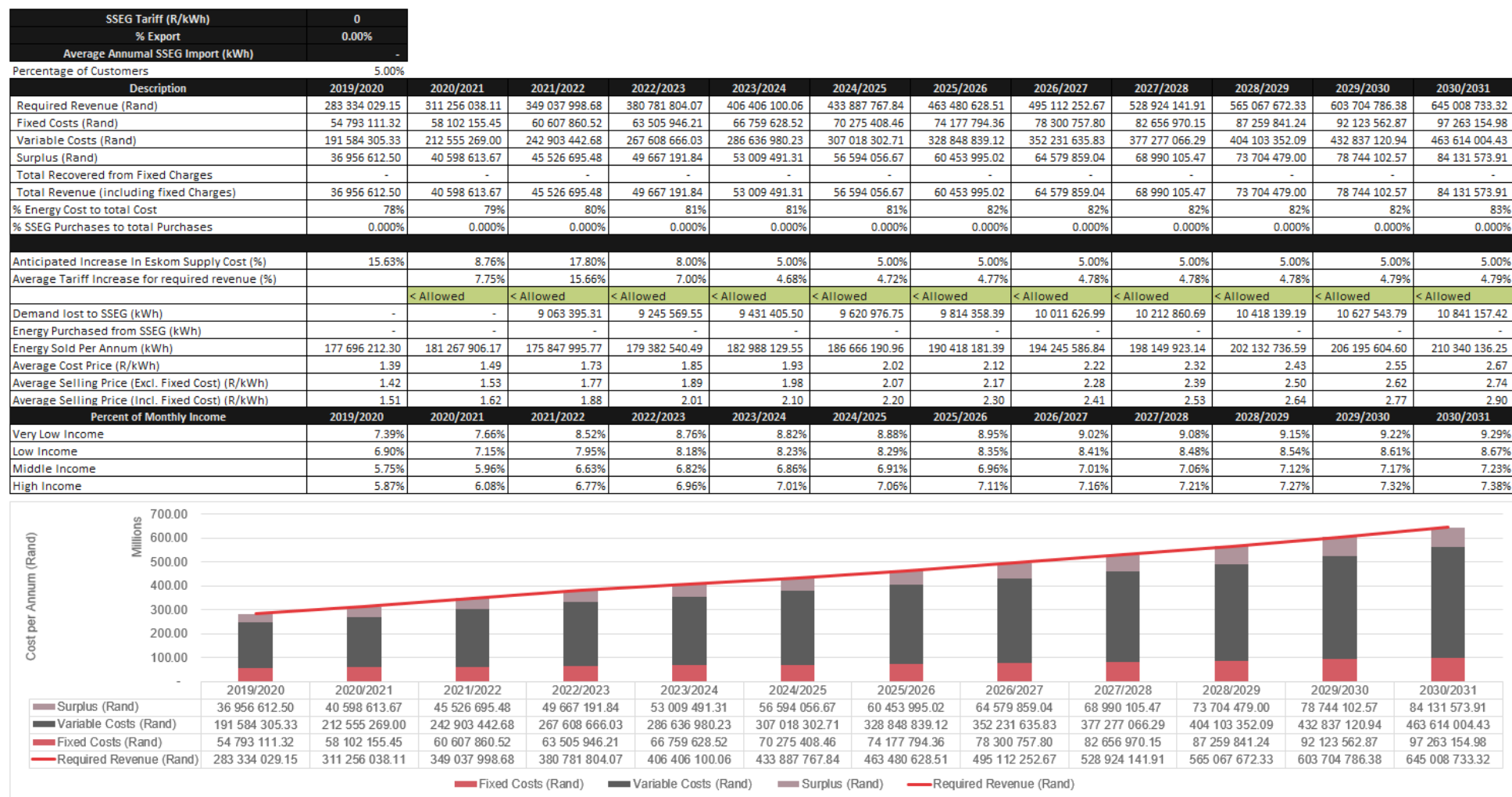


Figure 26 – Annual forecast: No SSEG (5% PV penetration)

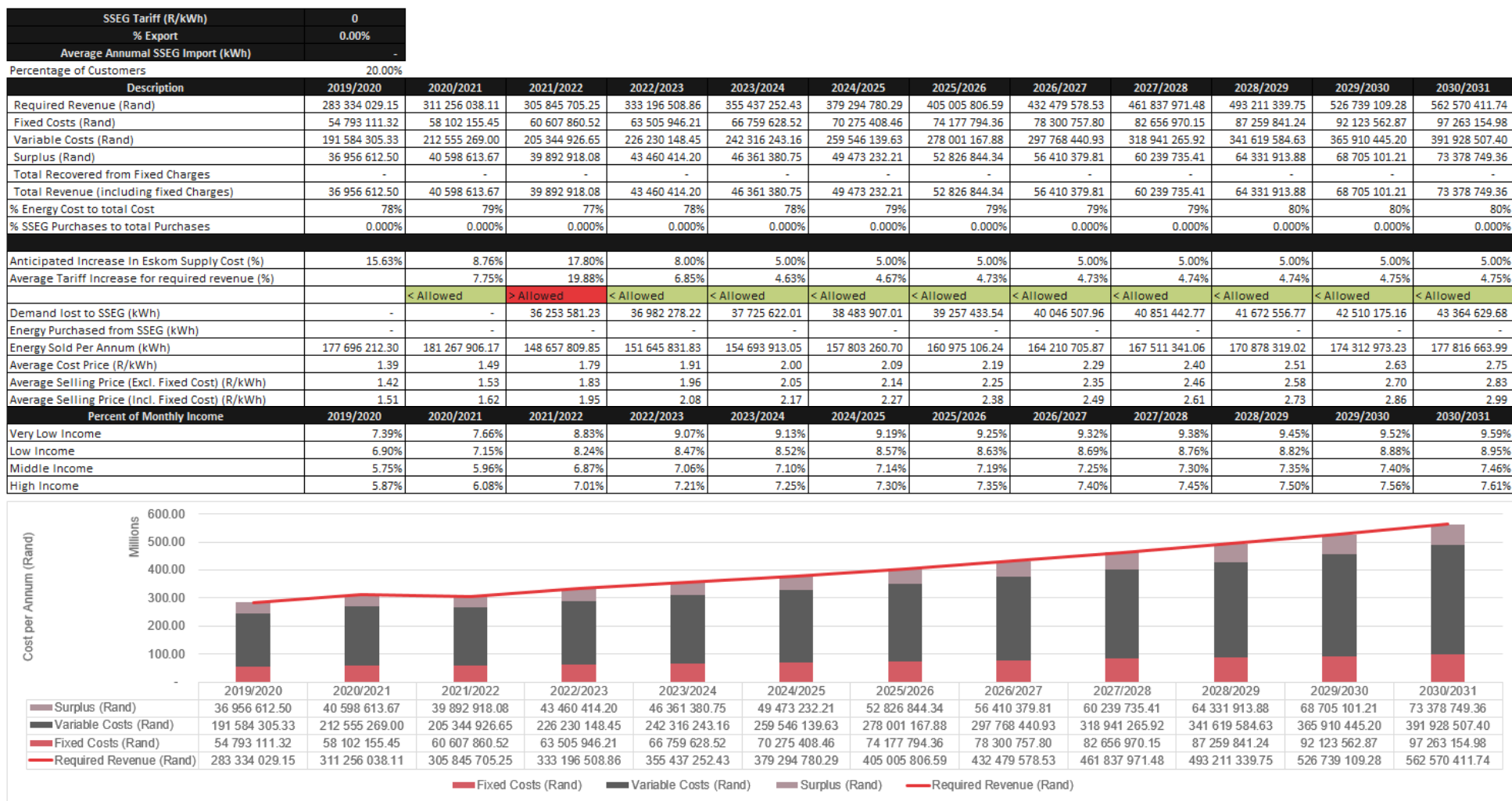


Figure 27 – Annual forecast: No SSEG (20% PV penetration)

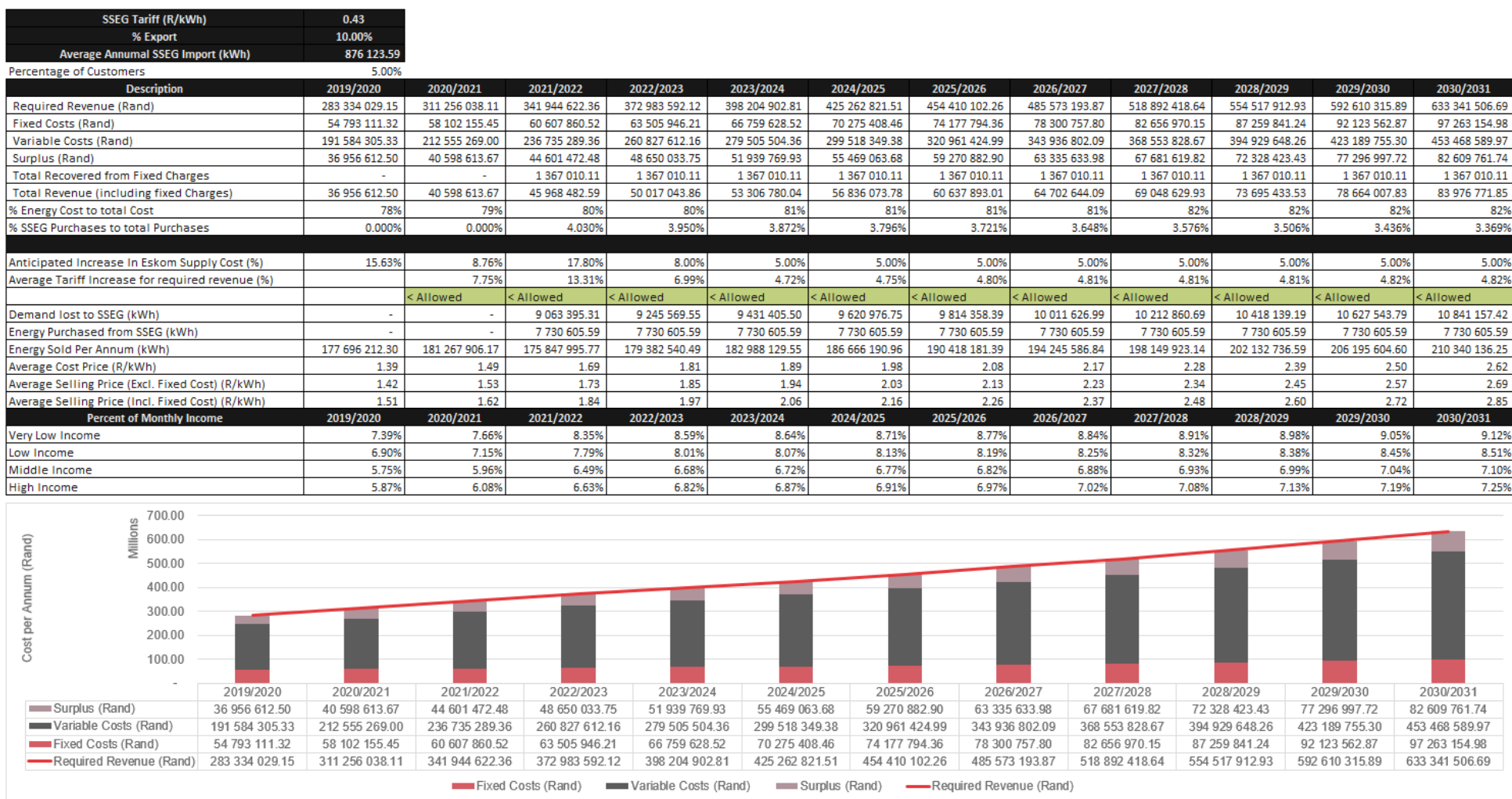


Figure 28 – Annual forecast: SSEG (5% PV penetration – 10% export)

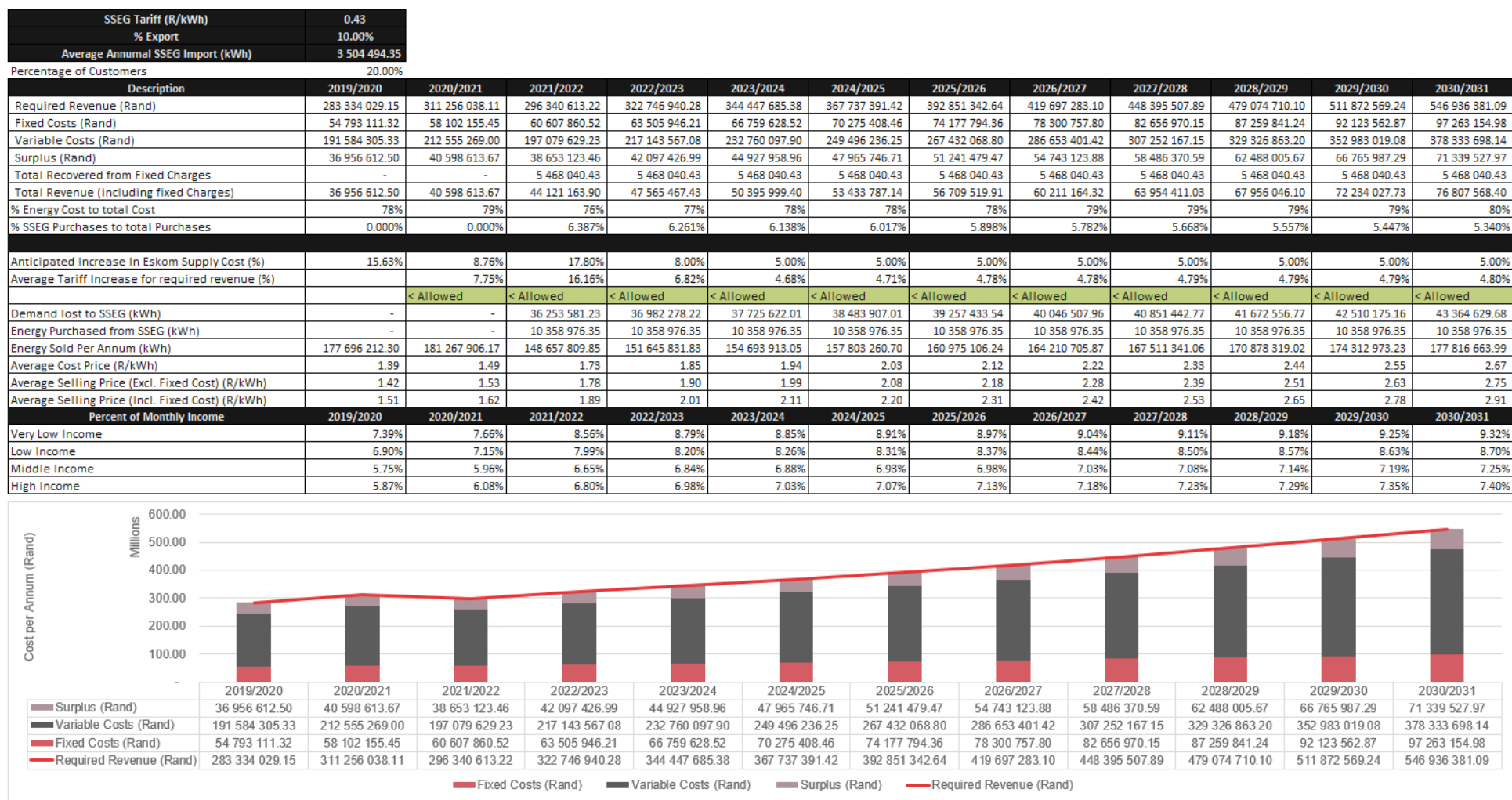


Figure 29 – Annual forecast: SSEG (20% PV penetration – 10% export)

SSEG Tariff (R/kWh)	0.43
% Export	15.00%
Average Annual SSEG Import (kWh)	5 256 741.53

Percentage of Customers 20.00%

Description	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Required Revenue (Rand)	283 334 029.15	311 256 038.11	294 732 802.74	320 979 369.20	342 588 772.19	365 782 429.72	390 795 384.17	417 535 125.34	446 121 681.02	476 683 463.27	509 357 856.21	544 291 845.07
Fixed Costs (Rand)	54 793 111.32	58 102 155.45	60 607 860.52	63 505 946.21	66 759 628.52	70 275 408.46	74 177 794.36	78 300 757.80	82 656 970.15	87 259 841.24	92 123 562.87	97 263 154.98
Variable Costs (Rand)	191 584 305.33	212 555 269.00	195 681 533.17	215 606 548.75	231 143 651.64	247 796 269.56	265 644 278.83	284 773 264.24	305 274 926.39	327 247 518.12	350 796 312.10	376 034 101.60
Surplus (Rand)	36 956 612.50	40 598 613.67	38 443 409.05	41 866 874.24	44 685 492.02	47 710 751.70	50 973 310.98	54 461 103.31	58 189 784.48	62 176 103.90	66 437 981.24	70 994 588.49
Total Recovered from Fixed Charges	-	-	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43	5 468 040.43
Total Revenue (including fixed Charges)	36 956 612.50	40 598 613.67	43 911 449.49	47 334 914.68	50 153 532.46	53 178 792.14	56 441 351.41	59 929 143.74	63 657 824.91	67 644 144.34	71 906 021.68	76 462 628.92
% Energy Cost to total Cost	78%	79%	76%	77%	78%	78%	78%	78%	79%	79%	79%	79%
% SSEG Purchases to total Purchases	0.000%	0.000%	7.468%	7.320%	7.176%	7.035%	6.896%	6.760%	6.627%	6.496%	6.368%	6.243%
Anticipated Increase In Eskom Supply Cost (%)	15.63%	8.76%	17.80%	8.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Average Tariff Increase for required revenue (%)		7.75%	15.53%	6.82%	4.69%	4.72%	4.79%	4.79%	4.80%	4.80%	4.80%	4.81%
		< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed
Demand lost to SSEG (kWh)	-	-	36 253 581.23	36 982 278.22	37 725 622.01	38 483 907.01	39 257 433.54	40 046 507.96	40 851 442.77	41 672 556.77	42 510 175.16	43 364 629.68
Energy Purchased from SSEG (kWh)	-	-	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53
Energy Sold Per Annum (kWh)	177 696 212.30	181 267 906.17	148 657 809.85	151 645 831.83	154 693 913.05	157 803 260.70	160 975 106.24	164 210 705.87	167 511 341.06	170 878 319.02	174 312 973.23	177 816 663.99
Average Cost Price (R/kWh)	1.39	1.49	1.72	1.84	1.93	2.02	2.11	2.21	2.32	2.43	2.54	2.66
Average Selling Price (Excl. Fixed Cost) (R/kWh)	1.42	1.53	1.77	1.89	1.97	2.07	2.17	2.27	2.38	2.49	2.61	2.74
Average Selling Price (Incl. Fixed Cost) (R/kWh)	1.51	1.62	1.88	2.00	2.10	2.19	2.30	2.41	2.52	2.64	2.76	2.90
Percent of Monthly Income	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Very Low Income	7.39%	7.66%	8.51%	8.74%	8.80%	8.86%	8.93%	8.99%	9.06%	9.13%	9.20%	9.27%
Low Income	6.90%	7.15%	7.94%	8.16%	8.21%	8.27%	8.33%	8.39%	8.46%	8.52%	8.59%	8.66%
Middle Income	5.75%	5.96%	6.62%	6.80%	6.84%	6.89%	6.94%	7.00%	7.05%	7.10%	7.16%	7.21%
High Income	5.87%	6.08%	6.76%	6.94%	6.99%	7.04%	7.09%	7.14%	7.20%	7.25%	7.31%	7.37%

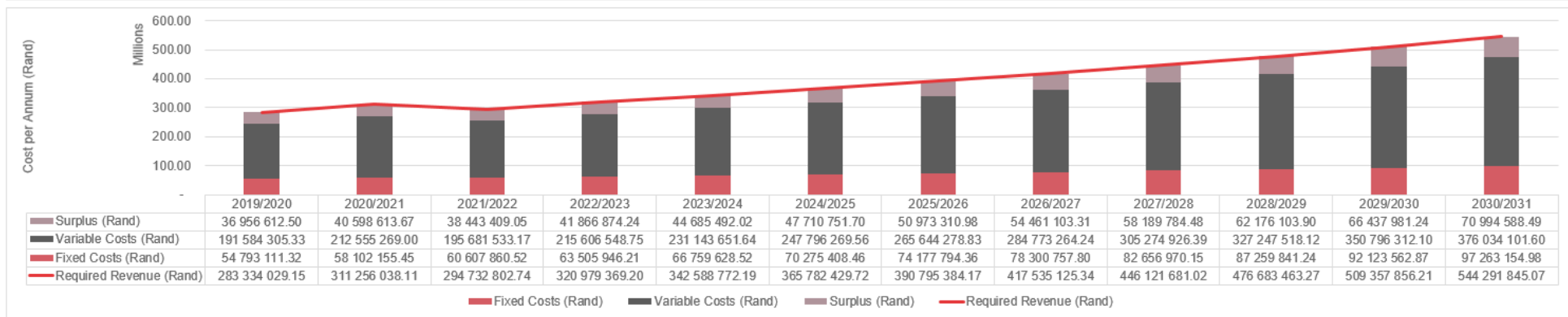


Figure 30 – Annual forecast: SSEG (20% PV penetration – 15% export – Most probable case)

SSEG Tariff (R/kWh)	0.43
% Export	20.00%
Average Annual SSEG Import (kWh)	5 256 741.53

Description	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Required Revenue (Rand)	283 334 029.15	309 746 554.96	303 703 078.39	329 155 907.15	349 533 046.94	371 292 417.87	394 647 426.60	419 481 923.75	445 907 607.84	474 009 343.66	503 893 965.75	535 675 142.65
Fixed Costs (Rand)	54 793 111.32	58 102 155.45	60 607 860.52	63 505 946.21	66 759 628.52	70 275 408.46	74 177 794.36	78 300 757.80	82 656 970.15	87 259 841.24	92 123 562.87	97 263 154.98
Variable Costs (Rand)	191 584 305.33	211 242 674.95	203 481 772.86	222 716 581.75	237 182 151.43	252 587 563.60	268 993 880.94	286 466 132.42	305 088 775.80	324 922 196.73	346 045 103.00	368 541 316.89
Surplus (Rand)	36 956 612.50	40 401 724.56	39 613 445.01	42 933 379.19	45 591 266.99	48 429 445.81	51 475 751.30	54 715 033.53	58 161 861.89	61 827 305.69	65 725 299.88	69 870 670.78
Total Recovered from Fixed Charges	-	-	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17	8 579 002.17
Total Revenue (including fixed Charges)	36 956 612.50	40 401 724.56	48 192 447.18	51 512 381.37	54 170 269.17	57 008 447.98	60 054 753.47	63 294 035.71	66 740 864.07	70 406 307.87	74 304 302.05	78 449 672.95
% Energy Cost to total Cost	78%	78%	77%	78%	78%	78%	78%	79%	79%	79%	79%	79%
% SSEG Purchases to total Purchases	0.000%	0.000%	7.194%	7.097%	7.002%	6.907%	6.814%	6.722%	6.631%	6.541%	6.452%	6.365%
Anticipated Increase In Eskom Supply Cost (%)	15.63%	8.76%	17.80%	8.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Average Tariff Increase for required revenue (%)		7.81%	14.19%	6.90%	4.74%	4.77%	4.84%	4.84%	4.84%	4.84%	4.84%	4.84%
		< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed	< Allowed
Demand lost to SSEG (kWh)	-	-	28 330 592.48	28 745 289.85	29 165 448.11	29 594 449.01	30 029 113.38	30 477 418.34	30 923 700.68	31 375 860.92	31 833 972.00	32 298 107.71
Energy Purchased from SSEG (kWh)	-	-	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53	12 111 223.53
Energy Sold Per Annum (kWh)	177 696 212.30	180 148 521.19	154 304 730.70	156 411 805.22	158 548 871.96	160 716 352.85	162 914 675.63	165 144 273.84	167 413 572.80	169 715 191.87	172 049 585.03	174 417 212.41
Average Cost Price (R/kWh)	1.39	1.50	1.71	1.83	1.92	2.01	2.11	2.21	2.32	2.43	2.55	2.67
Average Selling Price (Excl. Fixed Cost) (R/kWh)	1.42	1.53	1.75	1.87	1.96	2.06	2.16	2.26	2.37	2.49	2.61	2.74
Average Selling Price (Incl. Fixed Cost) (R/kWh)	1.51	1.63	1.86	1.99	2.08	2.18	2.29	2.40	2.51	2.63	2.76	2.89
Percent of Monthly Income	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031
Very Low Income	7.39%	7.66%	8.41%	8.65%	8.71%	8.78%	8.85%	8.92%	8.99%	9.06%	9.14%	9.21%
Low Income	6.90%	7.15%	7.85%	8.07%	8.13%	8.19%	8.26%	8.32%	8.39%	8.46%	8.53%	8.60%
Middle Income	5.75%	5.96%	6.54%	6.73%	6.78%	6.83%	6.88%	6.94%	6.99%	7.05%	7.11%	7.16%
High Income	5.87%	6.09%	6.68%	6.87%	6.92%	6.97%	7.03%	7.08%	7.14%	7.20%	7.26%	7.32%

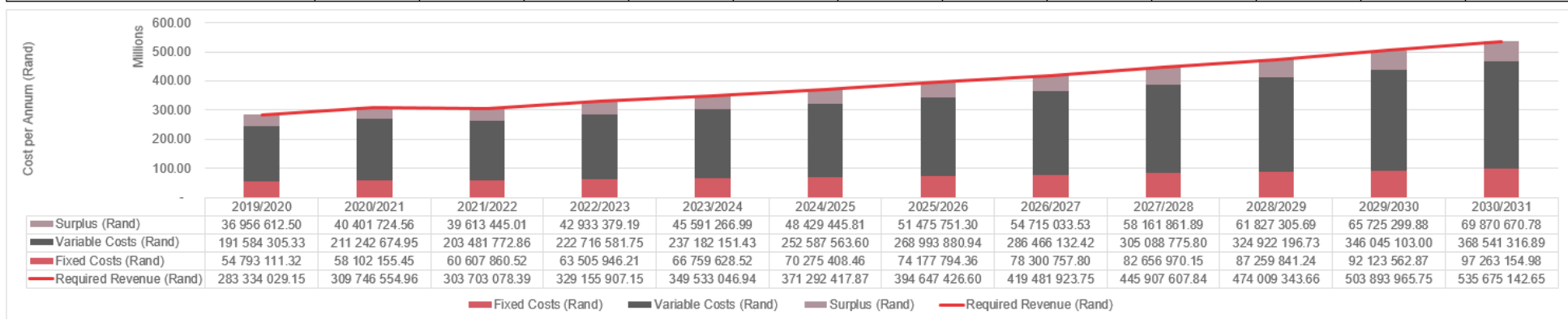


Figure 31 – Annual forecast: Witzenberg levy Model (20% PV penetration – 15% export – Most probable case)

Appendix C: Load Flow Ceres, Tulbagh, Wolsey

In diversity there is beauty and there is strength.

MAYA ANGELOU

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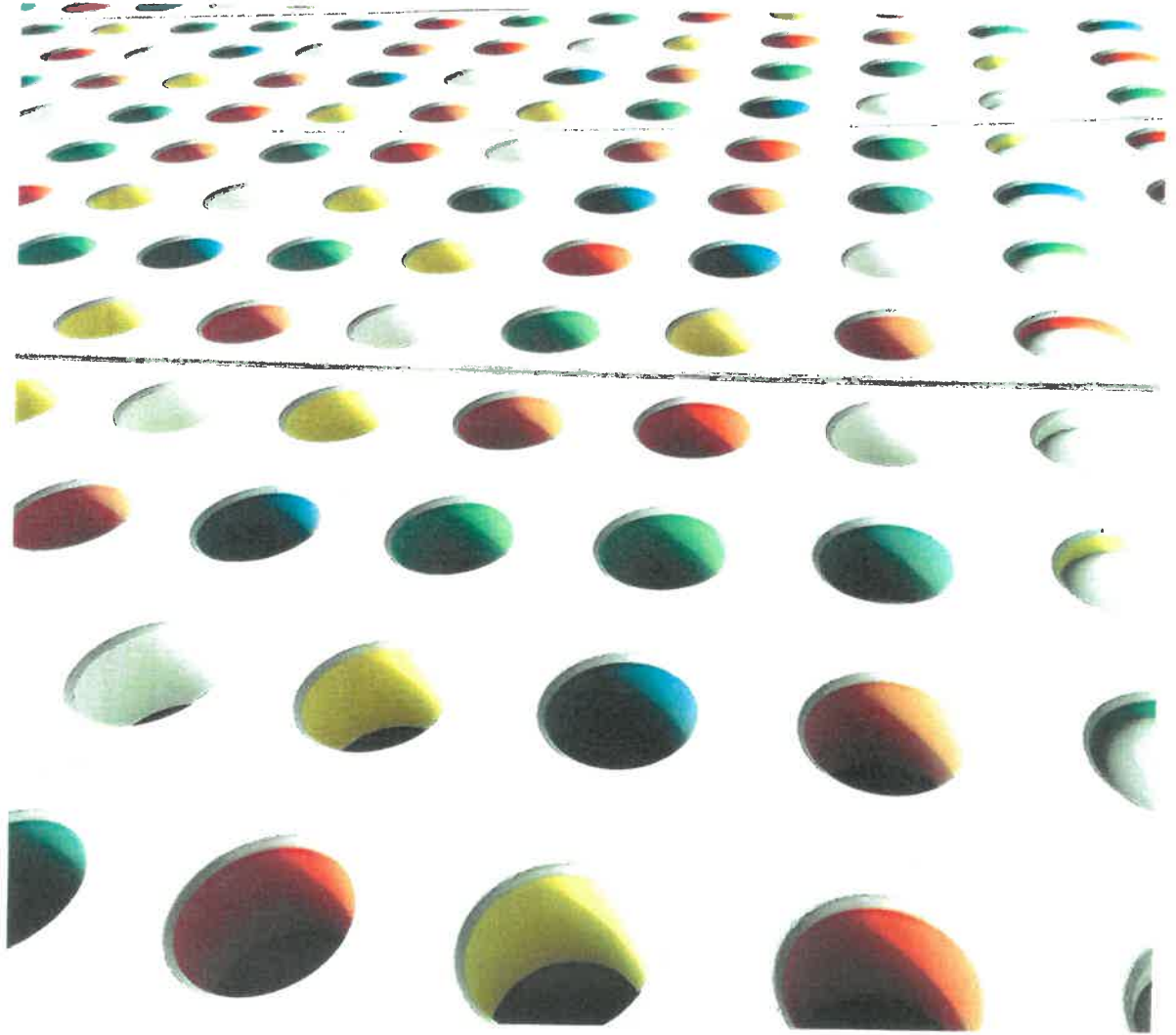
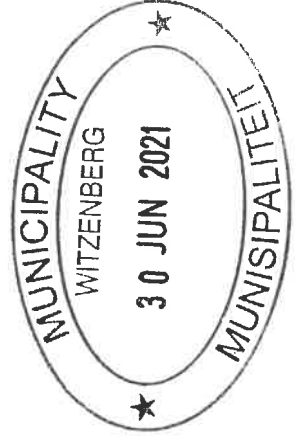


ZUTARI
IMPACT. ENGINEERED.

17/04/11/2/4

Incremental Housing

ASLA



The need for an Incremental alternative

- The National Department of Human Settlements communicated to all provinces that the allocation of housing will henceforth be targeting vulnerable groups including the older people, military veterans, those living with disabilities and child-headed households.
- The Western Cape Department of Human Settlements has taken the instruction from National to heart and adopted a strict approach to allocate houses in accordance with the directive from National.
- This means that those beneficiaries that have been on the waiting list for many years but who are younger than 55 will not receive a house. In light of this and after consultation with WCDoHS, the Enhanced Service Policy is being evaluated to make provision for an enabling increment rather than just a serviced site with a toilet facility.
- ASLA is well positioned, given its patented frame structure, to provide an Enabling Increment with the objective to address the immediate need for housing and to enable the beneficiary through incremental self-improvements to the structure to achieve the aspirations of the beneficiary with regards to housing.

ENABLING INCREMENT

- A 40 m² frame structure.
- Total area of 20 m² under roof and enclosed.
- Shared wall between units complete.
- Bathroom enclosed with toilet and concrete floor – space for shower.
- Wash through for multi purpose use.
- Hard standing floor finish on full 40 m².
- DB Board only.

ENCLOSING THE UNIT

- Quantify the increments required to enclose the balance of the unit, complete the bedrooms, include electrical reticulation and comply with thermal requirements.
- Increments linked to a voucher system whereby:
 - A beneficiary will approach a partner bank to qualify for unsecured loan for the number of increments the beneficiary may be able to afford;
 - Upon approval of the funding a voucher is issued to a major hardware group against which pre-determined material parcels can be drawn based on the particular increment/s being addressed;
 - Furthermore upon approval, DoHS is notified and a pre-approved small contractor will be instructed to implement the applicable increment and once concluded and inspected, funding is transferred to the small contractor for labour;
 - Beneficiary communities can also use a Stokvel who will open a bank account at a partner bank until the savings are sufficient to address an increment of a stokvel member, after which the same process will ensue as with an unsecured loan.
- A Beneficiary can also complete the house with own funds and according to own requirements. The aforementioned incremental approach serve as a regulated program to achieve a completed unit that generally comply with the BNG house standards and whereby beneficiaries will have the peace of mind that they work with pre-approved contractors and payment system that protect their interest.

OUTCOME

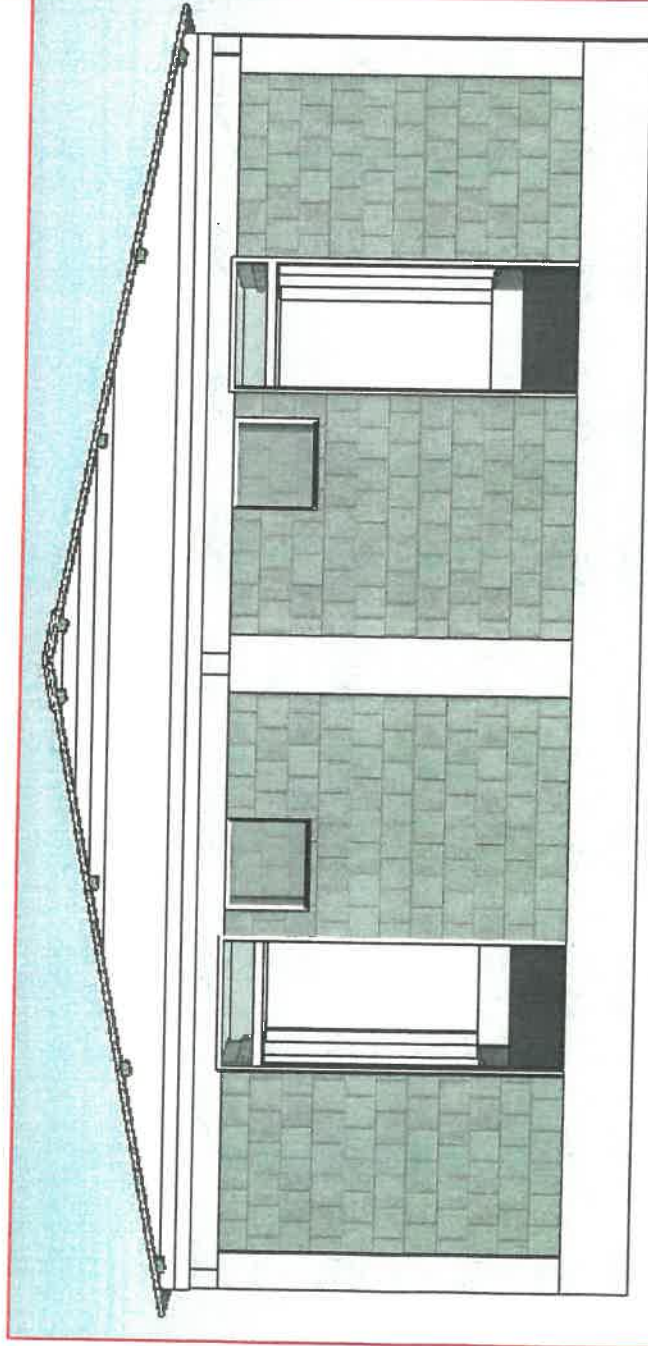
- Minor changes to the Enhanced Services Policy is required.
- Address the housing demand up to R7000 income. All beneficiaries that can get a serviced site in terms of the current IRDP policy.
- Stimulate local job creation through:
 - Building of the enabling increment;
 - Enclosing the structure at the hand of unsecured finance/voucher or stokvel initiatives.
- An incremental approach to housing can also be used in the GAP/Affordable market. Servicing of sites through IRDP. Basic unit is provided and purchaser make incremental improvements in accordance with pre-approved plan.

CHALLENGES

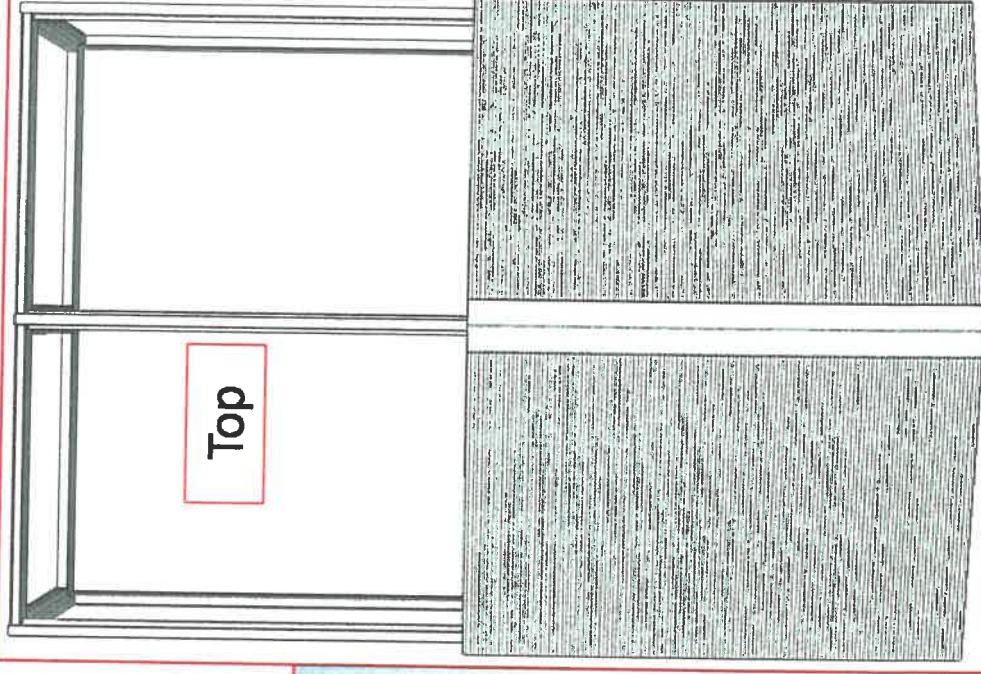
- Acceptance of the product within beneficiary communities in the absence of uniform application of the approach to address housing for qualifying beneficiaries outside the most deserved category.
- Building control accepting an incremental product which will evolve organically over a period and providing an occupancy certificate. Non-compliance with SANS 10400XA and not NHBRC enrolled.
- Approval of product.
- Identification of suitable pilot project.

PLANS

Front

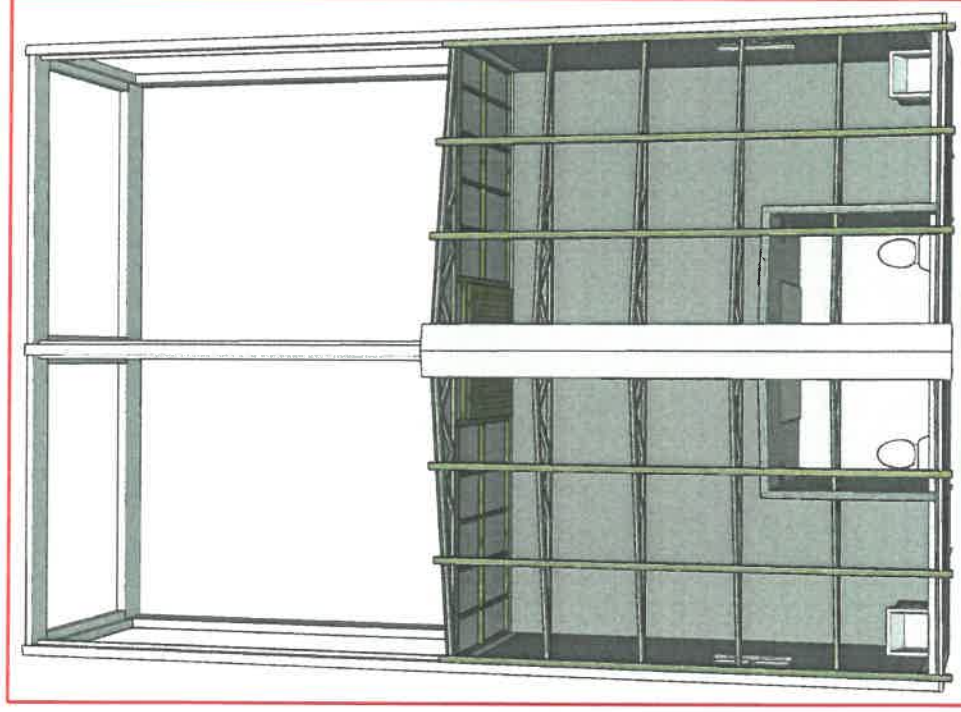


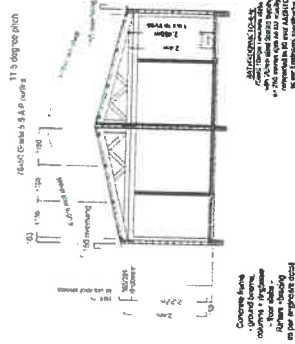
Top



PLANS (Continued)

View from Top

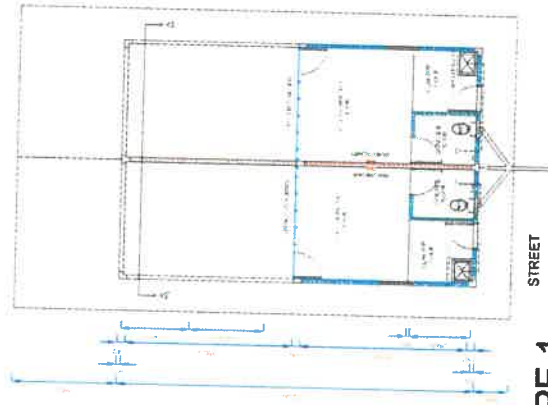




CROSS SECTION

OPTION 1 - Serviced site with enclosed welcome, completed firewall, roof (20sqm) and completed concrete frame for a 40sqm future Two Bedroom Semi-detached House.

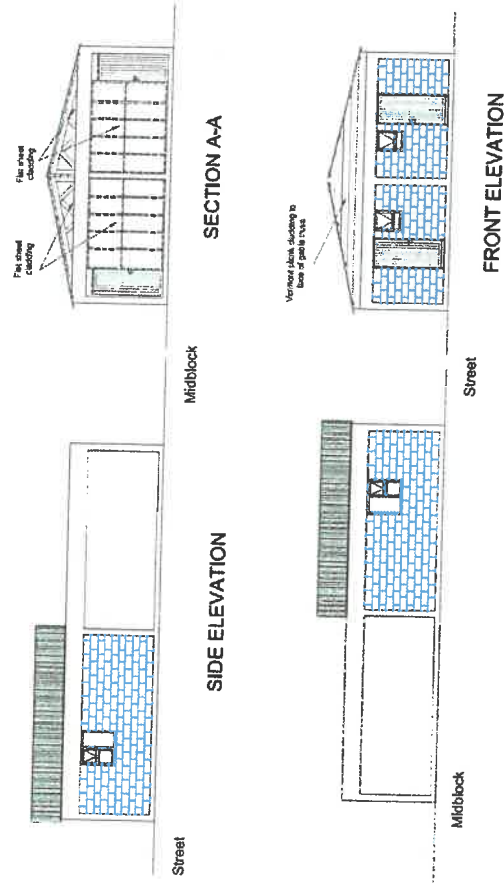
Incremental House TYPE 1



SEMI-DETACHED
 SINGLE-STORY
 INCREMENTAL HOUSE
 40sqm Concrete Frame

0

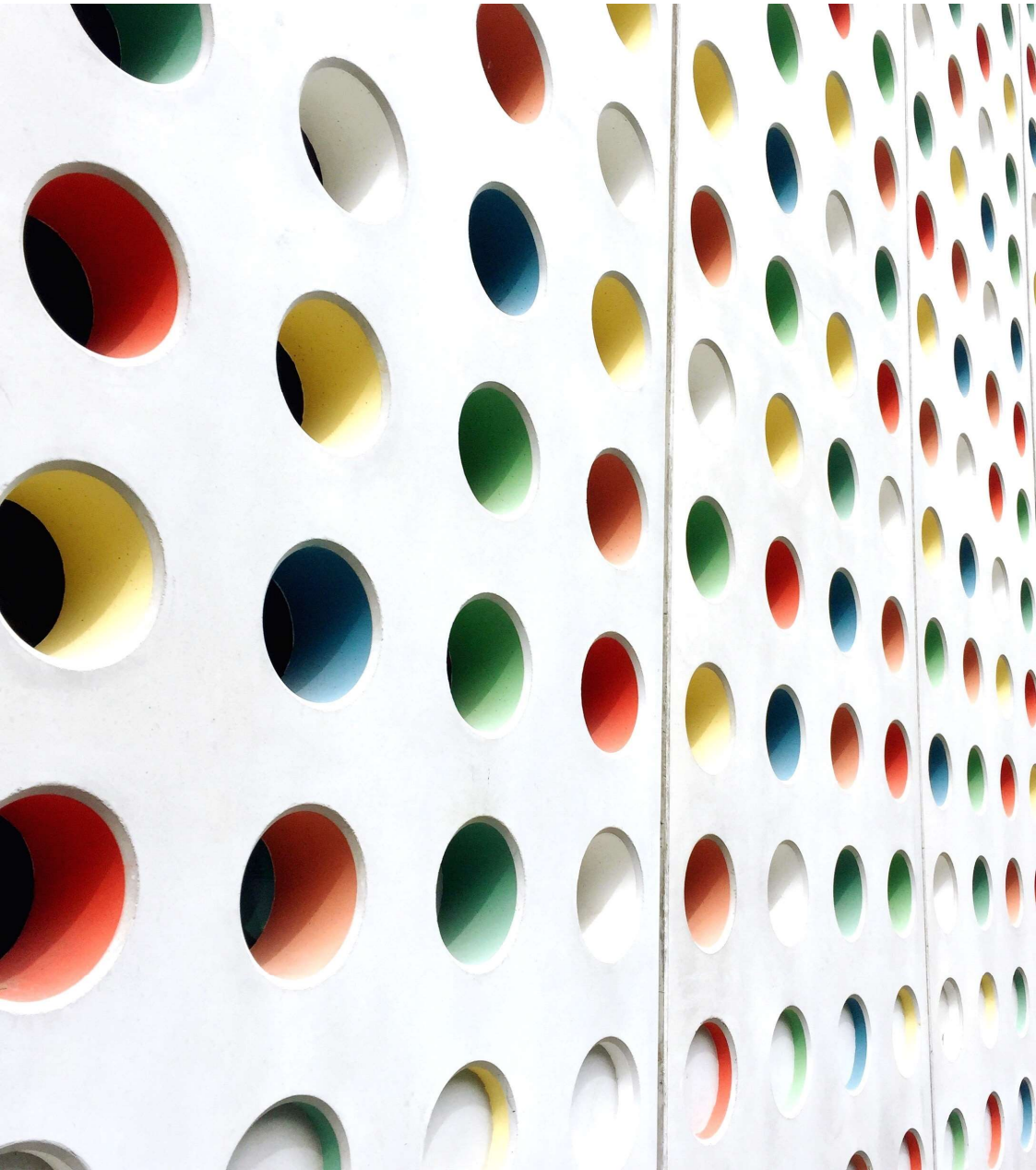
GROUND PLAN



PLANS (Continued)



SDP Unit
Plots



Incremental Housing

WITZENBERG & ASLA

CORE CHARACTERISTICS

- Provide an **enabler** that can be extended with 'off the shelf' products to address aspiration on a sweat equity basis.
- **Permanent engineered structure** that is placed on the basis of a pre-approved SDP.
- Provide **dignity** through the provision of:
 - Water and sanitation
 - A minimum area that provides a secure living space
 - Access to electricity
- Basic **aesthetics**
- Catalyst for local economic enterprise activity
- **Cost** effective

INSTITUTIONAL ARRANGEMENTS

- ISUP (Informal Settlements Upgrading Policy) expanded to include provision for an enabling increment and details on the following.
 - Beneficiaries
 - Basic specification
 - Amount
- Zoning – Municipality in agreement the current zoning valid to erect incremental structure.
- Plan to be submitted to Municipality for enabling increment.

PROPOSED PILOT

- DoHS will fund a pilot project on Vredebes Ph H.
- Purpose of the site is to provide an area for permanent relocation of people from informal settlements in Witzenberg, in particular Nduli.
- Potential beneficiaries will be qualifiers and non-qualifiers. It is proposed that all beneficiaries receive the same enabling increment. Qualifiers will receive ownership of the erven, and non-qualifiers to sign a rental agreement with the Municipality.
- SDP – Example on placement of units irrespective of erf size. No distinction between qualifiers and non-qualifiers - all erven could be included.



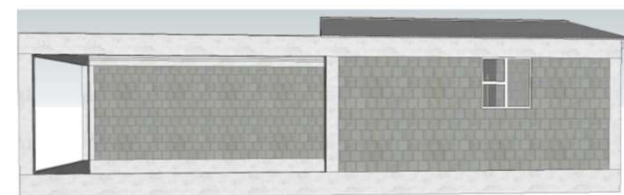
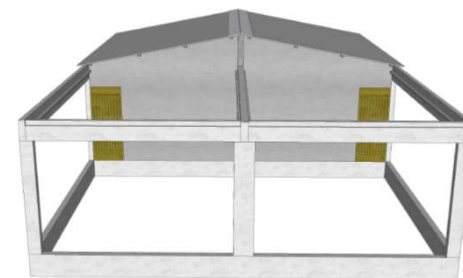
PROPOSED ENABLING INCREMENT

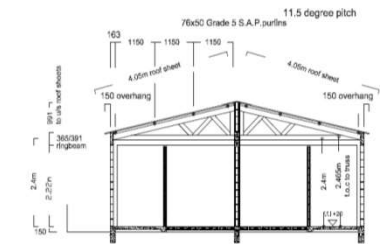
- A 40 m² frame structure for future extension.
- Total area of 20 m² under roof and enclosed.
- Shared fire wall between units complete.
- Bathroom enclosed with toilet and concrete floor – space for shower.
- Wash through for multi purpose use with concrete floor.
- Hard standing floor finish on balance of 40 m².
- Ready Board only
- Back wall to be re-used in future configuration.

PLAN

INCREMENT 0





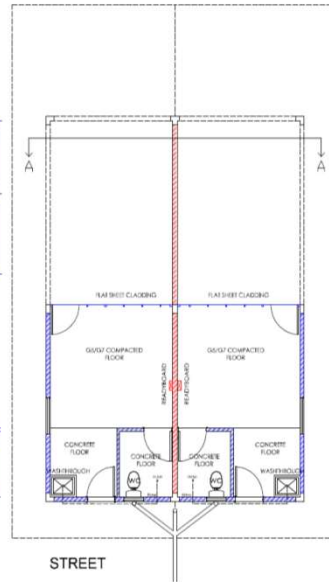


CROSS SECTION

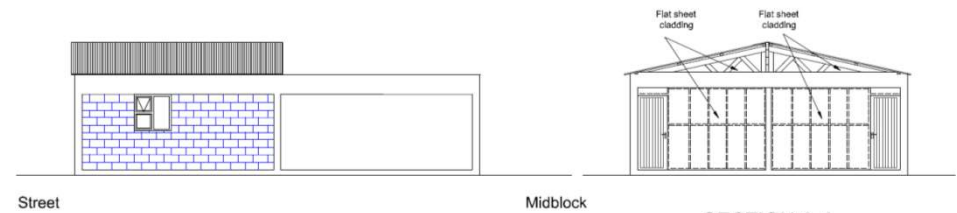
OPTION 1 - Serviced site with enclosed
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completed concrete frame for a 40sqm future
Two Bedroom Semi-detached House.

Incremental House TYPE 1

SEMI-DETACHED
SINGLE-STOREY
INCREMENTAL HOUSE
40sqm Concrete Frame

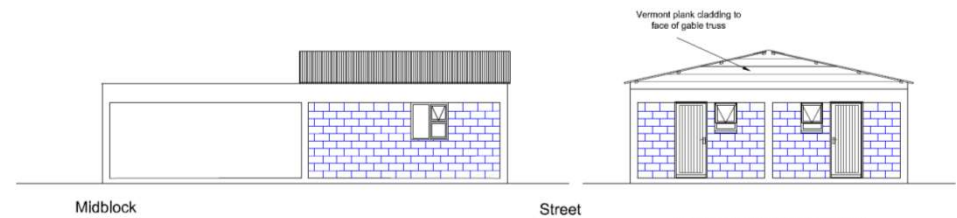


GROUND PLAN



SIDE ELEVATION

SECTION A-A



FRONT ELEVATION

WAY FORWARD

- Decision on final level of specification to be agreed between the developer and DoHS.
- Decision on beneficiaries and finalise/approve SDP
- Funding approval for additional amount
- Plan submission and approval
- Finalise beneficiary list – subsidy approval for qualifiers/rental agreements non-qualifiers
- Commencement of works
- Anticipated program: appr. 40 Weeks for 522 erven.

17141P

WITZENBERG MUNICIPALITY

HOUSING ADMINISTRATION POLICY



CONTENTS

1. DEFINITIONS
2. INTRODUCTION
 - 2.1 Legal Framework
 - 2.2 Guiding Principles
3. INTEGRATED APPROACH TO HUMAN SETTLEMENTS
4. HOUSING DATABASE
5. NEW HOUSING DEVELOPMENT ALLOCATIONS
6. HOUSING ALLOCATIONS IN RESPECT OF MUNICIPAL RENTAL UNIT STOCK
7. DEALING WITH EVICTIONS – RENTAL STOCK
8. EMERGENCY HOUSING ASSISTANCE
9. PRE-EMPTIVE RIGHT
10. ILLEGAL OCCUPATION OF LAND AND EVICTIONS
11. PREVENTION OF ANTI-SOCIAL BEHAVIOUR BY TENANTS OF MUNICIPAL RENTAL STOCK

In this Policy, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meaning:

Aged - meaning any person who receives and qualifies for a state pension grant (60 years and older)

Anti-social behaviour – conduct of a person /s with the intention to destabilize the community through the illicit sale of drugs, liquor without a license and gang related activities)

Basic municipal engineering services - limited to water services, sanitation services, access roads and open lined storm water systems provided on a shared base in a dense settlement pattern;

Disabled* - member of a household who receives a permanent disability grant from SASSA until the person reached the old aged grant (pensionable age of 60)

Financial dependent - Minor biological children, adopted children, foster children; children 18 years and over who are studying AND financially dependent; biological parents and grandparents; parents and grandparents in-law; siblings under 18; siblings 18 and over who are financially dependent; extended family members who are financially dependent (National Housing Code).

Municipality - Witzenberg Municipality.

Policy - The policy set out in this document, as amended from time to time;

Beneficiary – Member of the public who has completed a registration for assistance to acquire a house from the variety of housing options available through the National Housing Programmes, and whose details have been captured on the National Housing Needs Register

Approved Beneficiary – A Beneficiary whose application for a housing subsidy has been approved by the Provincial Department of Human Settlements

Housing Allocation – Allocation of a new state subsidized house or rental unit to a specific applicant who has met the selection criteria for the dwelling or project.

Housing Demand Database (the 'Database') - The Housing Demand Database is the Municipality's integrated housing database comprising the consolidation of all the legacy waiting lists or housing databases and lists of the different areas and towns within the Municipality.

Housing Opportunities – Housing opportunities include the full spectrum of opportunities available in terms of the Integrated Residential Development Programme and includes the allocation of serviced stands to households that do not qualify for housing subsidies

Housing Projects – Housing projects undertaken by the Municipality in terms of the National Housing Programmes (UISP, IRDP, CRU, EHP, PHP)

Meaningful Engagement - Affected communities / individuals must be engaged as a group in relation to the impending removal, as well as at an individual and household level, in order to ensure that all relevant personal circumstances are taken into account in the process.

Selection Criteria – Selection criteria are the factors of parameters used in selecting a set of applicants for housing opportunities.

Vulnerable - meaning any person / household living in dangerous circumstances (which is life threatening), dilapidated structures (not informal structures), gross overcrowding.

Council has adopted a Human Settlement Plan which forms part of the Witzenberg Integrated Development Plan as an attempt to expedite housing delivery to its homeless households within its jurisdiction.

The cornerstone of this policy is:-

- (a) the focus on creating partnerships between the various spheres of government, the private sector and communities ;
- (b) that the quality and affordability of the housing delivered, is of central importance ; and
- (d) the focus on creating a wholesome living environment conducive to attracting private investment.
- (e) Management and control of the spread of informal settlements, land invasion and evictions from land, and
- (f) Promotion of integrated housing development; and
- (g) the equitable, non-discriminatory administration of housing issues, including housing provision to the disabled
- (h) Registration of all Witzenberg residents' applications for housing assistance into a computerized housing database

2.1 Legal framework

Although not exhaustive, the following legislation and policies provide the appropriate legislative framework within which the Witzenberg Housing Administration Policy is drafted:

- Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No 19 of 1998)
- Extension of Security of Tenure Act, 1997 (Act No 62 of 1997)
- Less Formal Township Establishment Act, 1991 (Act No 113 of 1991)
- Municipal Systems Act, 2000 (Act No 32 of 2000)
- Local Government Municipal Finance Management Act, 2003 (Act No.56 of 2003)
- Housing Act, 1997 (No 107 of 1997)
- Rental Housing Act, 1999 (No 50 of 1999)
- National Housing Code, 2000
- National Environmental Management Act, 1998 (No 107 of 1998)
- Land Use Planning Ordinance, 15 of 1985

2.2 Guiding Principles

The following principles serve as guides in the implementation of the Witzenberg Housing Administration Policy:

Sustainability

Promotion of the establishment of socially and economically viable communities and safe and healthy conditions for human settlement while ensuring that residential developments do not impact adversely on the environment.

Fairness and Equity

Housing development shall promote equal access to opportunities as well as promote equity in respect of race, gender, religion and creed.

Integration

Integrating social, economic, institutional, physical and environmental issues in the development of sustainable human settlements whilst ensuring that new developments lead to the integration of urban and rural areas in support of one another

Affordability

Residential development shall be economically, fiscally, socially and financially affordable and sustainable and houses shall have a market value

Innovation and Choice

Promoting innovative responses that increase the availability of choice and variety to the consumer

Combating Urban Sprawl

Ensuring that new developments contribute to the compaction of towns and are contained within the urban fringes as defined in the Spatial Development Framework of the municipality

Community Participation

Ensuring that affected communities actively participate in the development process

Empowerment

Ensuring that development incorporates capacity building programmes that promote the utilisation of local skills and resources as well as the participation of previously disadvantaged communities

Habitability

Only suitable land for human occupation shall be considered for housing development

Proximity to Economic Opportunities

Land for housing shall be ideally located next to economic opportunities to lessen the transport cost for residents going to work

Quality

New housing developments shall comply with the minimum quality standards

Environmentally friendly

Promoting the utilisation of environmentally friendly resources and designs that focus on energy

Nature Centred Development

Creating synergy between man-made and ecological systems through the continuation of green spaces in human settlements and the utilisation of environmentally friendly resources and designs that focus on energy saving

Human Centred Development

Ensuring that the developmental needs and activities of people living in settlements are catered for and that opportunities for people to achieve their full potential through their own efforts are maximized

Chapter Integrated approach to Human

3 Settlements

In its attempt to integrate human settlements:

- The housing development shall be located closer to economic opportunities
- The housing development shall lead to the compacting of the towns and avoid urban sprawl
- The housing development shall be integrated with other municipal services – social, economic and infrastructure to establish sustainable human settlements
- All housing developments (low, middle and high-income) within the Municipality shall be approved by Council in line with the provisions of the Human Settlement Plan (HSP), the Spatial Development Framework (SDF) and the Integrated Development Plan (IDP).
- Municipal departments be coordinated to work together in planning and implementing housing projects
- The promotion of middle and high-income housing will in turn generate resources to improve low-income areas
- Equal preference be given to urban and rural development projects
- To promote environmental sensitive and energy efficient housing

3.1 Establishing an Integrated approach to human settlements

Council shall make available land for human settlement for Greenfield developments, infill planning, urban renewal or *in situ* upgrading projects as prioritized in the Human Settlement Plan, the SDF and the IDP of the municipality.

- 3.1.1 Council shall support and participate in, where feasible, the development of a variety of high, middle and low-income residential developments which combine single residential as well as cluster housing on both Greenfield and urban renewal, *in-situ* upgrading or infill planning sites.
- 3.1.2 All future development proposals shall show how due consideration has been given to social, physical, environmental and economic aspects in the project design. An Environmental Impact Assessment or any other study to support decision-making in this regard may be required from the developer.
- 3.1.3 Council shall support urban developments within the urban fringe. Rural development shall be supported if proven feasible.
- 3.1.4 Council shall support developments that promote the optimum utilization of infrastructure and resources.
- 3.1.5 Council shall support development that is located in close proximity to socio-economic opportunities.
- 3.1.6 New housing developments shall only be supported if in line with the Human Settlement Plan, Spatial Development Framework and the Integrated Development Plan of the municipality.
- 3.1.7 Projects shall be designed to minimize the negative impact on the environment and environmentally sensitive developments shall get preference.

- 4.1 The Housing Administration section shall use the Western Cape Provincial Department of Human Settlements Housing Demand Database.
- 4.2 The Database is housed at the Western Department of Human Settlements.
- 4.3 The Database shall be linked and accessible through computers in the in the Witzenberg Municipality housing offices.
- 4.4 The manager Human Settlement is tasked with the responsibility to oversee update the housing database.
- 4.5 The housing database will be made of the following components:
 - Occupants of informal settlements
 - Backyard dwellers
 - People applying for housing opportunities for subsidized housing
 - People applying for housing opportunities other than subsidized housing
 - Occupant of municipal rental housing accommodation
 - Occupants of houses not registered in the name of owners.
- 4.6 The housing database, in addition to the above will also contain the waiting list of applications seeking accommodation.
- 4.7 The Housing Waiting List shall be updated regularly as and when new allocations are made during the course of the year and when new applications are received.
- 4.8 Auditing of the housing database will be undertaken as necessary and required by the internal auditing section of Council.
- 4.9 Housing officials dealing with the database will access the system through a password that must be kept secret.
- 4.10 After the updating of the database, on a quarterly basis, the list must be distributed to the housing portfolio committee and relevant Ward Councillors to make the information available to the community, to check and verify their information.

Chapter New Housing Development Allocations

5

5.1 Council in through its housing allocation supports the following objectives:

- 5.1.1 Promotion of equal access to housing for Witzenberg residents
- 5.1.2 Transparency
- 5.1.3 Prevention of unfair discrimination
- 5.1.4 Promotion of fair administrative justice
- 5.1.5 The principle of "first come first serve" where possible
- 5.1.6 Proper recording of all housing applicants

5.2 Allocation framework

Council has in terms of the Municipal Structures Act No 117 of 1998 established a Section 79 / 80 Housing Committee and has delegated certain powers and functions to the housing committee to deal with housing related matters.

The Council Housing Committee will determine the criteria for a specific housing project prior to the identification process of all beneficiaries for the project. The Council Committee will inter alia consider the following criteria for allocations:

- 5.2.1 All persons who want to qualify for state financed housing must complete the standard application form to be registered on the housing database.
- 5.2.2 Only applicants who appears on the housing database will be considered for any state subsidized housing assistance.
- 5.2.3 Completed applications shall be lodged at the Housing Office of Council who shall capture the information in the Housing Demand Database (Provincial).
- 5.2.4 Applicants shall be Witzenberg residents for a period of not less than 5 years;
- 5.2.6 The principle of first come first serve will apply as far as possible;
- 5.2.6 Preference will as far as possible and per the further criteria of the Committee, be given to the vulnerable groupings within the Witzenberg community;
- 5.2.7 Allocation of housing subsidies shall comply with the provisions of the Housing Act, the Housing Code, the Provincial and Municipal housing policies;
- 5.2.8 Waiting list numbers are not transferable to other members of a household in any circumstance, especially in circumstances where the person on the waiting list does not qualifies for a government subsidy. No waiting list transfers will be allowed.
- 5.2.9 Financial dependents can only be used once for a subsidy application approval and the necessary support documentation (proof of adoption, affidavits if extended family financial dependent must be provided);
- 5.2.10 Where a person is living with HIV / AIDS (stage 4) will be classified as vulnerable (support documentation must be provided (doctor / clinic certificate / report).
- 5.2.11 The Housing department will investigate each case in terms of section (c) and submit a detail report on the circumstances for approval.

5.3 After an application has been approved, the Municipality or service provider shall inform the applicant through any of the following:

- (a) A letter, where an address has been provided in the application form
- (b) A telephone call / sms / email
- (c) A fax, where a fax number has been provided, and
- (d) Notices on the notice boards of the Municipality and its satellite offices

5.4 The full list of approved allocations will be display on notice boards at municipal offices (where a project is implemented) for transparency purposes and also for possible comments.

Chapter Housing Allocation with regard to Municipal Rental Stock

6

A distinction is drawn between state funded municipal rental stock and own municipal rental stock. All state funded municipal stock are occupied and this policy attempts to guide the allocation thereof in the event of a vacancy and / or illegal occupation of state funded rental stock. This policy will deal with own municipal rental stock as a separate process.

6.1 Subsidized Municipal Rental Stock

- 6.1.1 Before any allocation of rental stock to a person is made a complete report from the housing administration must be submitted to the housing portfolio committee for consideration.
- 6.1.2 The housing committee will give preference to the dependants of the Lessee's where the household have been staying in the rental stock for a minimum period of three years.
- 6.1.3 In the event of the rental stock being unoccupied and / or where the Lessee has passed away with no dependants then the housing committee will consider allocations from the housing waiting list as per the subsidized housing allocation criteria and the urgency and dire circumstances of destitute people.
- 6.1.4 The approved applicant shall sign a lease agreement with the Municipality and the rental fee in terms of the tariffs for that particular financial year will be applicable.
- 6.1.5 Upon the death of a legal occupant, a rental contract must be entered into with the surviving family member/s who at the time of death where residing in that specific unit.
- 6.1.6 In the case of the death of a legal occupant where no surviving family members resides with the legal occupant at the time of death, the unit will be allocated to the next person on the waiting list.
- 6.1.7 Where a person is in possession of a rental Unit and still has other residential property, the Council will forthright take the rental unit and reallocate it from the waiting list (one person one property).
- 6.1.8 Where a tenant signs off his/her rental unit for whatever reason, all his/her belongings and people or dependents must vacate the unit.

6.2. ALLOCATION / QUALIFYING CRITERIA

- 6.2.1 Applicants shall be residents of the Witzenberg Municipality for a period of at least 3 years;
- 6.2.2 Single persons without financial dependents will not be considered.
- 6.2.3 An applicant must automatically be placed on both the Rental and low cost housing lists if the applicant did not possess any property that was or is registered in his or her name.

6.3 RENTAL PAYABLE

- 6.3.1 The rental to be paid will be charged in terms of council policy and budgets applicable for that particular financial year.

- 6.3.2 The above charges include all other municipal services and charges excluding water and electricity.
- 6.3.3 Rental is payable monthly in advance.

6.4 MAPLE PARK APARTMENTS

- 6.4.1 Only people above the age of 60 will be considered as a Lessee for any apartment.
- 6.4.2 Accept for the spouse and / or partner of a Lessee, who should also be a pensioner no dependants of any Lessee will be allowed to be part of a household of any unit.
- 6.4.3 A separate housing waiting list will be maintained for the purposes of an allocation of any housing opportunity.
- 6.4.4 The housing committee will consider the following criteria when considering making an allocation:
 - 6.4.4.1 Any application should have stayed within the Witzenberg district for a minimum period of 10 years.
 - 6.4.4.2 The units are catering for people who are in physical position to support themselves and the applicants must be self-supportive.
 - 6.4.4.3 Applicants must be a recipient of a pension whether private or from government.
 - 6.4.4.4 The housing committee may from time to time set any criteria which they regard as necessary in determining a fair and equitable allocation.
 - 6.4.4.5 The rental payable will be inclusive of any municipal services except for the prepaid electricity and will be based on the rates as determined by Council in its annual budget.
 - 6.4.4.6 The housing administration must table a full report to the housing department before any allocation will be made.

6.5 TRICHARD STREET APARTMENTS

- 6.5.1 Council has taken into consideration the scarcity of accommodation for young professionals, especially for Council itself and has earmarked the Trichard Street apartments as a housing opportunity for such young professionals.
- 6.5.2 The Trichard Street apartments will only cater for single, married couples or partners living as husband and wife with no dependants.
- 6.5.3 The rental payable will be market related and payable in advance.
- 6.5.4 The young professionals must earn a minimum salary of at least R10 000, 00 per month.
- 6.5.5 Preference will be given to young professionals who are on the housing database but it should be noted that this will not be a determining consideration for the committee.
- 6.5.6 The committee will evaluate each and everyone's particular situation in terms of the need, urgency and possible impact from both employee and employer in the event of the young professional not having accommodation in Witzenberg.
- 6.5.7 The housing administration must table a full report to the housing department before any allocation will be made.

Chapter Dealing with Evictions – Rental stock

7

7.1 POLICY FRAMEWORK IN RESPECT OF UNLAWFUL OCCUPATION OF COUNCIL RENTAL UNITS.

7.1.1. PRINCIPLES

7.1.1.1 An unlawful occupant is a person who:

- has moved into a vacant municipal rental unit without Council's authorization, or
- has forced the legal tenant out of a municipal rental unit or
- has been left behind by a vacating tenant or when the tenant dies and is not a family member of the original household (includes families living in backyard structures).

7.1.1.2 Children of former tenants who move into their parents' municipal rental unit will not be considered as unlawful provided that:

- (a) They can show that they have lived in the municipal rental unit for a period of not less than 24 months (unbroken) prior to the termination of the tenancy.
- (b) They can prove that their absence from the Unit was due to economic reasons and are actively contributing to the livelihood of the tenant (working out of town)
- (c) They are not in occupation of another Council owned dwelling
- (d) Doubtful cases will be referred to the Manager: Human Settlements for adjudication after an inspection was undertaken and a report was tabled to the Manager.

7.1.1.3 In dealing with unlawful occupants, Council will ensure that the rights of the occupants are not undermined.

7.1.1.4 Unlawful occupants will be dealt with in terms of set administrative procedures.

7.2. ADMINISTRATIVE PROCEDURES: UNLAWFUL OCCUPANT:

- 7.2.1 A home visit must immediately be conducted after a report is received or it is suspected for any reason that there is an unlawful occupant in occupation to establish the following:
- (a) Date the tenant vacated or died
 - (b) That persons who are members of the tenant's household and who may have claim to the tenancy are no longer in the dwelling.
 - (c) Ascertain the date unlawful occupant moved into the dwelling.
- 7.2.2 The unlawful occupant / s details are checked and any special circumstances pertaining to the occupant / s noted (e.g. invalids, terminally ill persons, health stricken, pregnant persons, wheelchair-bound persons, whether the household is headed by a woman, whether there are minor children, elderly, whether they are employed, etc.)
- 7.2.3 At the interview, the unlawful occupant must be advised about his/her rights as well as the implications of the illegal occupancy.
- 7.2.4 The unlawful occupant will be given a maximum of 14 days, notice letter or sent by registered post to vacate the premises or face eviction.
- 7.2.5 After the 14 days' notice period a process of meaningful engagement will be followed to discuss options not to render the unlawful occupant homeless.
- 7.2.6 Where no agreement can be reached with the unlawful occupant or all alternatives have been explored and eviction is the only option, Council's attorneys will be instructed to institute the required proceedings for the eviction.
- 7.2.7 The same process (*notification, interview and meaningful engagement, eviction*) will be followed against a tenant who is responsible for anti-social behaviour.
- 7.2.8 The Housing committee will approve of any eviction action that needs to be undertaken against any legal occupant and / or occupant where the lease has been terminated.

Chapter Emergency Housing Assistance

8

8.1 AIMS

To establish a basis for the implementation of all relevant and applicable legislation which is utilised in the decision making process on the provision of emergency housing. The aim is to provide temporary aid and assistance in the form of basic municipal engineering services and/or shelter in emergency situations to persons who are destitute and in desperate need and/or crisis situations.

Note that the provision of this type of assistance does not detract from the municipalities overall objectives in terms of section 26 of the Constitution and does not promote queue jumping in that the provision of this type of temporary assistance is limited to emergencies and homelessness due to evictions.

8.2 SCOPE AND CRITERIA

821 SCOPE

Persons who are destitute and who find themselves in desperate need and/or crisis situations, such situations being referred to and defined below as "Emergencies", and only these persons will qualify for temporary emergency housing assistance.

The Municipality also acknowledges that there is a relationship between housing and evictions. A wealth of jurisprudence in respect of housing and evictions law was developed over the last number of years that influence the Municipality's involvement in providing alternative accommodation to evictees who will be rendered homeless. Municipalities must provide reasonable steps to realize the right to housing as enshrined in Chapter 26 of the Constitution of the Republic of South Africa and also endorsed by the Grootboom case (Government of South Africa and other vs Grootboom and others, 2001, Constitutional Court).

822 CRITERIA

Assistance provided under this Policy will only be of a temporary nature, and is not intended to provide a permanent solution and should not be considered as such.

8221 **"Emergencies"** An emergency exists when the Municipality, after application by the affected persons on the prescribed form, has confirmed that the persons affected qualify as a "Beneficiary".

Where such a beneficiary have become:

- a) Destitute and homeless as a result of a declared state of disaster, where assistance is required, including cases where initial remedial measures have been taken in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) by government, to alleviate the immediate crisis situation;
- b) destitute and homeless as a result of a situation which is not declared as a disaster, but destitution is caused by extraordinary occurrences such as floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents;
- c) Or live in professionally declared dangerous conditions such as on land being prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes.
- d) Or live in the way of engineering services or proposed services such for water, sewerage, power, roads or railways, or in reserves established for any such purposes;
- e) Or are legally evicted or threatened with imminent eviction in accordance with a final eviction order from a competent Court from land or from unsafe buildings, or are in unsafe situations where based on professional advice warrants proactive steps ought to be taken to forestall such consequences;
- f) Or whose homes are demolished, or who are in situations where proactive steps ought to be taken to forestall such consequences;
- g) Or are displaced or threatened with imminent displacements as a result of a state of civil conflict or unrest, or are in situations where pro-active steps ought to be taken to forestall such consequences;
- h) Or live in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance;

8222 **“Evictees”** – person or persons evicted from private or public land that will become homeless due to a court granting a final eviction order.

8.3 CATEGORIES OF ASSISTANCE

The various categories of assistance provided under this Policy depend on the specific circumstances and are dictated by the specific situation, as the case may be.

The various categories are the following:

- (a) **Accommodation kept in reserve for possible disasters.** This entails the accommodation of persons in community halls or other buildings designated for this purpose as a temporary measure.
- (b) **Temporary accommodation that is readily available.** This entails the temporary accommodation of persons at any place as decided by Council from time to time. Persons assisted will be provided with a temporary residential unit of a dignified nature and have access to services, which may be communal.

- (c) **transitional accommodation** · this form of accommodation will be established under the relevant housing programme of national and provincial government by setting aside sites for formal housing in human settlement projects, as identified and earmarked by the Municipality from time to time, and applying for funding in this regard, depending on the need that may exist.

A TRA (Temporary Relocation Area) can also be established that can provide for alternative accommodation for persons affected in terms of this policy. Persons assisted will be provided with a structure that meets the requirements of the relevant chapter of the National Housing Code and have access to services, which may be communal.

Persons who are evicted and rendered homeless will be assisted under this section of the policy.

- (d) **shelters** · this entails the temporary accommodation of persons at one of the shelters operated or funded by the Municipality, if any; It is in the discretion of the Municipality to determine which categories of assistance apply to specific persons and which category of assistance to use in a specific situation, depending on, and with reference and having regarded to, the specific circumstances of particular persons.

The assistance is only of a temporary nature and should not be considered as a permanent measure. The Municipality can and reserves the right to, in its discretion, temporarily move persons to another suitable site. Any person assisted under this Policy will be required to enter into an agreement with the Municipality in order to regulate the terms and conditions of such person's accommodation, in particular the temporary nature thereof and any ancillary and / or related obligations.

- (e) **Financial assistance** – the only financial assistance that will be provided is the provision of a food parcel, blankets, donated clothing to an affected household.

Chapter 9 Regulating Informal Settlements

9.1 Preamble

Witzenberg Municipality is faced with the continuous proliferation of informal settlements. This situation restricts the municipality from exercising its mandate in rendering basic services to the affected communities.

It is believed that informal settlements are driven by the following issues:

- a. A perception by rural migrants and people from poor small towns, that settling in informal settlements, illegal squatting in urban areas will usher them to a better life.
- b. Initial occupants of informal settlements, illegal squatters and evictees often rally the support of other potential occupants to strengthen their negotiation power with the land owner
- c. The perception that people in informal settlements, illegal squatters and evictees are helped first before those on a housing waiting list also fuels the spread of informal settlements
- d. The lack of timely planning to accommodate population growth
- e. Community ignorance on the intended use of vacant land or open areas earmarked for development within existing settlements.
- f. The lack of a coordinated approach among spheres of government to release land and/or funding for the planning and servicing of priority areas.
- g. The lack of policy and enforcement by authorities.
- h. Land owners that want to use their land for other profitable means, evict residents.

9.2 Addressing informal settlements

9.2.1 The Policy: Existing Informal Settlements

Council will only recognise informal settlements that existed in its municipal area before the adoption of this policy or where the court did not grant a court interdict for eviction of illegal occupants.

Council will only consider *in-situ* upgrading of an existing informal settlement if:

- a) It is recognised as an existing informal settlement.
- b) It is a priority identified in the Integrated Development Plan (IDP) of the Municipality.
- c) It conforms to the Housing Sector Plan and the Spatial Development Framework (SDF) of the Municipality.
- d) It will create habitable sustainable human settlements.
- e) It is in the interest of those staying in the area as well as the rest of the community.
- f) It conforms to the general principles outlined in the policy.

9.2.2 Council will give priority for relocation of residents from an informal settlement if:

- a) The settlement does not comply with any of the conditions set out in 4.1.2 above.
- b) The health and well-being of people staying in and around the area is adversely affected.
- c) The area proves to be too small to accommodate all residents in a sustainable manner.
- d) The area proves to be inhabitable.
- e) Basic services cannot be rendered in an affordable and efficient manner.

9.3 Administrative procedures: Existing Informal Settlements

9.3.1 Pro-active measures: Existing Informal Settlements

- a) The implementation of Council's Illegal squatting Policy shall act as a pro-active measure to curb the proliferation of informal settlements.
- b) The implementation of Greenfield developments shall also pro-actively address the need for residential sites, thus impacting on the proliferation of informal settlements.
- c) Where this policy has failed to pro-actively address the proliferation of informal settlements, a distinction shall be made between areas that are suitable for human occupation and those that might adversely affect the health and well-being of the community or adjacent communities.
- d) Those areas suitable for human occupation shall be treated as *in-situ* upgrading projects while those not suitable shall be treated as relocation projects.
- e) A further distinction shall be made between the availability of council property for relocation and cases where suitable land will have to be acquired by council for the purpose of relocation

9.3.2 Administrative Procedures: *In-situ* upgrading project

- a) If Council decide to upgrade an existing informal settlement, the Housing Department, shall compile a Site Register of all occupants of the informal settlement.
- b) A cut -off date must be decided by Council to include those residing in the informal settlement in the site register.
- c) The site register shall make a distinction between occupants who qualify for housing subsidies and those who do not qualify, South African citizens and those who are illegal immigrants including those who desire to be relocated elsewhere, etc.
- d) The Housing Department shall capture this information into the Housing Database.
- e) The Housing Department shall report all illegal immigrants to the Department of Home Affairs.
- f) The Housing Department shall consult with the Planning Department to investigate the suitability of the land.
- g) The Administration Department (Property Management) shall verify land ownership and identify alternative land for relocation if necessary.
- h) The Director Technical Services shall assess the possibility of servicing the land.
- i) Environmental assessment shall be made to determine the potential impact of the proposed development.
- j) The Manager: Human Settlements shall table a combined report to Council outlining the feasibility of upgrading the informal settlement versus the relocation of the affected community and shall incorporate the various recommendations made from the various departments involved (outcomes of (d) to (g) above).

- k) Council shall approve the project and instruct the completion of the Business Plan for submission to Provincial Housing Department for approval.
- l) Once the process of formalization has been completed, the Housing Department shall allocate sites to potential beneficiaries in terms of the housing allocation policy.
- m) The construction of houses shall then begin.

9.3.3 Administrative Procedures: Relocation to Council Property

- a) The same process will be followed as with the *in-situ* upgrading project [Points (a) to (g)].
- b) However, if the Planning Department has identified that the area occupied by an existing informal settlement is not suitable for human settlement [point (f)] and land is available for relocation [point (g)], the Manager: Human Settlements shall submit a report to council recommending relocation.
- c) Council shall take a decision on the process of relocation and the way sites will be allocated in terms of the housing allocation policy
- d) The Executive Mayor shall be involved in the in negotiating with the affected community around the relocation.
- e) Before a community can be relocated, the Planning Department shall prepare a preliminary layout plan for adoption and approval by Council.
- f) Once the preliminary layout plan has been adopted, the Planning Department shall ensure that the sites are pegged and clearly identified for occupation.
- g) The affected community shall be relocated onto the identified sites per guidelines set by the Council.
- h) Once the community has been relocated according to the guidelines given by council, the Department Civil Engineering Services shall supply basic infrastructure to this community.
- i) The Planning Department shall lodge an application for township establishment with the relevant authorities to formalize the area.
- j) The Housing Department shall lodge a housing subsidy application for those beneficiaries who qualify.

9.3.4 Administrative Procedures: Demolishing of informal structure once formal housing is provided

There is a tendency that residents during *in-situ* upgrading projects or when formal provided, let or sold their informal structure to third parties, thereby creating additional problems and defeating Councils' objectives to eradicate informal settlements.

The following procedure will be applicable:

- a) The person staying in an informal structure who receives a formal house will sign an agreement that he/she will not sell or let his informal structure or plot to a third party and that the structure will be demolished by the owner.
- b) The Manager: Human Settlements will ensure that compliance regarding this policy takes place and that the procedures are followed with regards to the demolishing of the informal structure.

- c) The applicable connection fee for services must be paid in full before the person can move to the new formal house.
- d) The person will only be allowed to move into the allocated formal house once the informal structure is demolished and if an official of the Housing Department certifies to the fact.
- e) No person will be allowed to move into a formal house if the informal structure is not demolished and the material be removed.

Chapter Illegal Occupation of land and 10 Evictions

10.1 PREAMBLE

Witzenberg Municipality is faced with the continuous proliferation illegal squatting and evictions (legal and illegal). These situation restrict the municipality from exercising its mandate in rendering basic services to the affected communities

10.2 Obligations of the Municipality in cases of evictions:

- 10.2.1** We must adopt a reasonable housing policy, which provides not only for permanent housing solutions, but also provides for the provision of adequate accommodation for persons who face homelessness due to aneviction.
- 10.2.2** We are required to meaningfully engage with the parties to eviction proceedings.
- 10.2.3** We may be joined to eviction proceedings in instances where the occupiers that face eviction could be rendered homeless due to an eviction.
- 10.2.4** We are required to place sufficient information before a court for it to be able to make a just and equitable decision having regard to all the relevant circumstances.
- 10.2.5** We are specifically obliged to provide information about its housing policy and how it would provide alternative accommodation to those who require itupon eviction.
- 10.2.6** We are constitutionally obliged to provide access to adequate alternative accommodation to occupiers who are evicted from their home and would otherwise be rendered homeless due to such eviction.
- 10.2.7** In light of the *Blue Moonlight* judgment, it is also clear that we are obliged to budget for all categories of persons in desperate or emergency need of housing and, if necessary, we must leverage provincial and/or national funding to do so.

10.3 Addressing illegal occupation of land and evictions (private and public)

10.3.1 The Policy: Illegal occupation of land

- 10.3.1.1** Council shall not tolerate the illegal occupation of land within its area of jurisdiction.
- 10.3.1.2** All measures available to Council shall be exhausted to prohibit the illegal occupation of land.
- 10.3.1.3** Council shall apply to court for the eviction of illegal occupants when due processes has been followed.
- 10.3.1.4** Once a case of illegal occupation of land has been reported the administrative procedures outlined in the policy shall be adhered to.

10.3.1.5 Council shall only recognize illegally occupied land as an existing informal settlement if:

- (a) The land has been illegally occupied before the adoption date of this policy and an eviction order was not granted by the court
- (b) It is a priority identified in the Integrated Development Plan (IDP) of the Municipality
- (c) It conforms to the Housing Sector Plan (HSP) and the Spatial Development Framework (SDF) of the Municipality
- (d) It will create a habitable sustainable human settlement
- (e) It is in the interest of those staying in the area as well as the rest of the community to be upgraded
- (f) It conforms to the general principles outlined in the policy.

10.3.2 Administrative Procedures: Illegal Occupation of land

10.3.2.1 Pro-Active measures: Illegal occupation of land

- (a) Council shall take all possible measures to prohibit the illegal occupation of land. The following pro-active measures shall therefore be put in place:

(i)	To erect signboards on all open and undeveloped pieces of land stating the purpose of the land and that land invasion or dumping on the site is illegal.
(ii)	To regularly patrol all council property and report invasions immediately.
(iii)	To budget for the planning, pegging and servicing of new residential areas.
(iv)	To timeously identify land needed for future development and budget to acquire the land.

10.3.2.2 Administrative procedures: Illegal occupation of land

- a) Any land invasion to be reported to the Manager: Human Settlements.
- b) Once a case has been reported, the Manager: Human Settlements shall investigate and verify the land ownership.
- c) A detailed report with the details of all the invaders must be compiled and photos must be taken of the area which was invaded.
- d) If it is Council property, notice must be given to the illegal occupants to vacate the area. A process of interview, giving notice, meaningful engagement, relocation or eviction will take place.
- e) If the illegal occupation takes place on private land, the land owner will be informed to take the necessary legislative processes
- f) The process shall then unfold in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act No 19 of 1998.

Chapter 11 PREVENTION OF ANTI-SOCIAL BEHAVIOUR BY TENANTS OF MUNICIPAL RENTAL HOUSING STOCK

11.1 PREAMBLE

Witzenberg Municipality recognizes that it has a duty in terms of, among others, section 26(2) of the Constitution of the Republic of South Africa Act, 1996, (Act 108 of 1996) to take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of the right to have access to adequate housing. The Municipality further recognizes its duty to assist persons who are destitute and in desperate need of housing.

However Council also recognizes that it has a duty to promote a safe and healthy environment for all who lives within its geographical area of operation. In fulfilment of these duties the Municipality has developed strategies to address needs of the community, but this is subject to the balance being maintained between both duties, referred to above, which is included within the Constitution.

This Policy is implemented in furtherance and fulfilment of the Municipality's duties in terms of the Constitution and other relevant legislation as well as related statutory instruments and case law.

11.2 PURPOSE

The purpose of this implementation guidelines will enable the municipality to prevent and deal with the occurrences of the anti-social behavioral patterns within municipal rental housing stock.

11.3 RELEVANT LEGISLATION

- Constitution for the Republic of South Africa Act, 1996 (Act 108 of 1996).
- Criminal Procedure Act, 1997 (Act 51 of 1977).

11.4 GLOSSARY OF ANTI-SOCIAL BEHAVIOUR

There is no precise definition of anti-social behaviour in housing. Broadly, it is acting in a way that causes or is likely to cause harassment, alarm or distress and even criminal activities, which affects neighbouring tenants.

In order for it to be deemed anti-social behaviour, such behaviour must be persistent in nature.

Anti-social behaviour must be seen to include, but not limited to:

- (a) Sub-letting of the rental units;
- (b) Causing noise pollution;
- (c) Engaging, on the premises or in the rental unit, in the unlawful personal usage of dependency forming substances and / or drugs;
- (d) Engaging, on the premises or in the rental unit, in the unlawful sale of dependency forming substances and / or drugs to persons who are users of such substances and / or drugs;
- (e) Engaging, on the premises or in the rental unit, in the unlawful sale of alcoholic beverages to persons who are users of such alcoholic beverages;
- (f) Possession, usage and / or trafficking dependency forming substances;
- (g) intimidation of neighbours and others through threats or actual violence;
- (h) harassment, including racial harassment;
- (i) verbal abuse;
- (j) homophobic behaviour;
- (k) systematic bullying of children in public recreation grounds;
- (l) abusive behaviour aimed at causing distress or fear to certain people, for example, elderly or disabled people;
- (m) dumping of rubbish and other items;
- (n) animal nuisance, including dog fouling;
- (o) vandalism, property damage and graffiti; and
- (p) criminal activities as described in the South African Criminal Procedures Act.

11.5 IMPLEMENTATION GUIDELINES

11.5.1 When a report / complaint is received that a tenant, a member of his / her household, a relative, a friend or an associate commits or committed any of the transgressions described under clause 3 above, on the premises or in the rental unit, the recipient of the report must make every effort to ascertain the exact address where the transgression is occurring or has occurred.

11.5.2 Upon establishing the identity of the tenant and that the transgression has indeed occurred at the address of the tenant, a letter is then sent inviting the tenant to call the department of housing of Witzenberg Municipality. The interview with the tenant is followed up with a letter confirming the interview and the contents thereof:

- (a) During the course of the interview, the tenant is advised of the nature of the complaint/ transgression, and the implications, if the report / complaint is found to be true;
- (b) The source of the report / complaint shall neither be included or divulged to the tenant nor recorded in the tenant's file;
- (c) Upon receipt of a second and third report / complaint from the previous or different reporter(s) the tenant shall be served with a letter, warning him / her of the alleged abuse of the premises or rental unit and the degree of criminality attached to the transgression;
- (d) A letter shall be simultaneously forwarded, by the Manager : Housing to the South African Police Services requesting:
 - i) an investigation of the alleged transgression(s) and
 - ii) a raid at the address concerned if *prima facie* evidence exists
 - iii) an enquiry should be made to SAPS, as to whether they have any convictions against anyone residing at this address.
- (e) In the event of the SAPS' response that no record of convictions exist and reports / complaints are still being received by the Housing Department, a strongly worded letter must be forwarded to the tenant appealing to the tenant to desist immediately from continued illegal practices on the premises or in the rental unit;
- (f) If more than six months have elapsed since the last report / complaint against the tenant , another letter should be sent to the tenant as a reminder of the reports / complaints against him / her;

- (g) In the event, however, that the SAPS confirms convictions against anyone residing at that address, a detailed report must be forwarded immediately to the Manager : Housing, setting out the activities of the tenant or anybody else residing at that address as well as any convictions against the tenant or any co-habitant. A recommendation for the eviction of the tenant must accompany the report to the Director : Community Services;
- (h) If the Director approves the recommendation for an eviction, the tenant must be served with a one month's notice to vacate the rental unit, commencing on the first day of the month. The tenant should be allowed to make representation, why he/she should not be evicted. The notice shall be sent by registered post and shall include an advice that the tenant shall not be considered for re-housing in public rental stock;
- (i) If the tenant fails to respond or vacate the unit by the expiry date of the notices, the matter shall be referred to the municipality's attorneys for an application for an eviction order at court and, if successful, the Sheriff of the Court must attend to said eviction. The tenant shall be liable for all costs incurred to effect the eviction;
- (j) Tenants who were evicted as a result of anti-social behaviour or associated misconduct shall not be considered for re-housing in public rental stock.
- (k) A copy of this chapter of the Housing Administration Policy will be attached to a rental agreement for signature and discussion with the tenant

Policy owner	Director Community Services
Policy adopted by Council	
Policy implementation date	
Policy responsibility for implementation	Manager: Housing

RAAD SE VERTEENWOORDIGERS / COUNCIL'S REPRESENTATIVES[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

- MEMORANDUM –

AAN / TO : Municipal Manager

VAN / FROM : Manager: IDP

DATUM / DATE : 25 November 2021

VERW. / REF : 03/03/01/05

Establishment of Ward Committees

1. The process of establishing Ward Committees in each of twelve (12) Wards will be facilitated by the Municipality in collaboration with officials from the local office of the Independent Electoral Commission (IEC). This process will be driven by the Integrated Development Planning Unit, with the Councils Speaker as Champion of this program.
2. The Municipality will roll out the process, which will start the end of December, and should be completed by the end-February 2022 in all Wards.

A media campaign will be launched to ensure maximum community participation in this process. This will include informing members of the community that they may only nominate and vote in ward committee elections in the wards in which they are a resident and registered to nominate and vote, as well as providing information of when and where the elections in each ward will take place and what they need to bring with them (e.g. ID document).

Through this establishment process, it is intended that members of the community will understand the purpose and potential benefits of the Ward Committee System. Community members should also be in a better position to make informed decisions with regard to nominating and electing appropriate members of Ward Committees and be able to hold Ward Committees accountable once they are established.

3. The municipality will conduct a one day training session with the relevant officials on the procedure to use for elections.
4. It is envisaged that an election meeting will be held in each of the twelve (12) wards on weekdays in the evening at 18h00.
5. A two day introductory training and capacity building session will be provided for each of the twelve (12) newly elected Ward Committees.

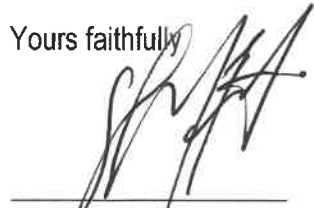
The aim of the capacity building is to create a deeper understanding amongst the Ward Committee members. The Ward Committee Induction Manual (workbook and guide), SAQA ID: 242896 and 242892 will be used as training material.

Five officials from the Municipality already underwent Train the Trainer training, in order to rollout the capacity building once all twelve (12) Ward Committees have been established.

6. See the attached process plan hereto for proposed timeframes.

7. The term of office for Ward Committees is set out in the Witzenberg Municipality's Policy on Ward Committees. The Policy on Ward Committees will be work-shopped with the elected Ward Councillors, and if needed be amended by Council.
8. Witzenberg Municipality, the Integrated Development Planning Unit will make administrative arrangements to support Ward Committees in performing their functions.

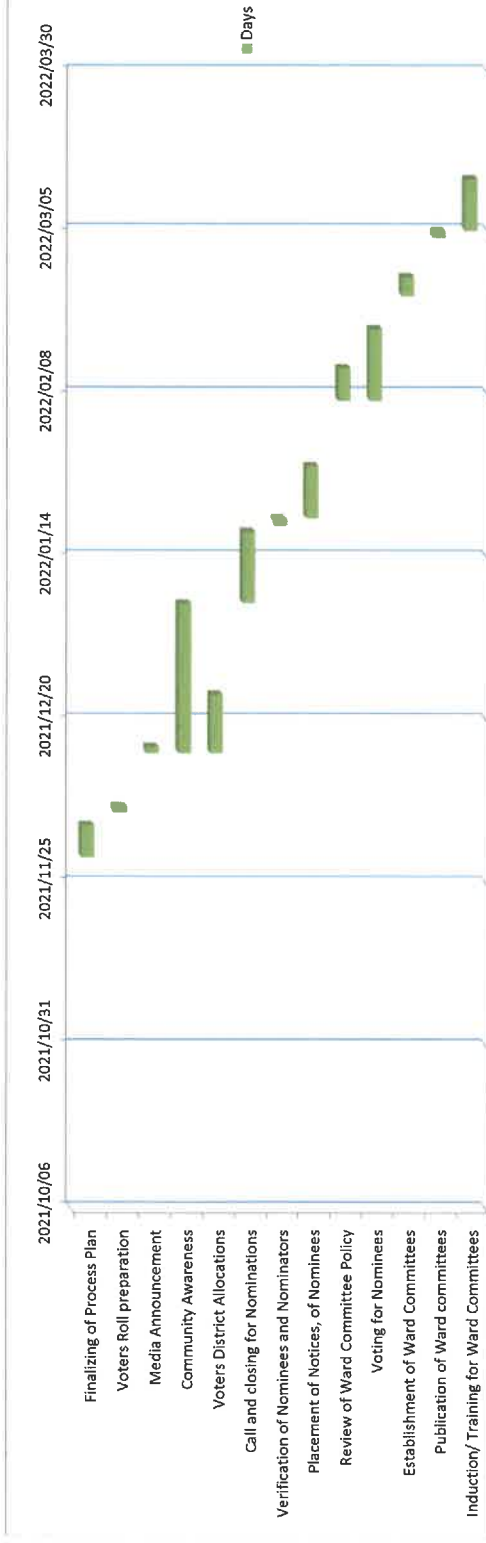
Yours faithfully

A handwritten signature in black ink, appearing to be 'SRA', written over a horizontal line.

Manager: IDP

Establishment of Ward Committees

Activity	Start Date	Days	End Date
Finalizing of Process Plan	29-Nov-21	5	03-Dec-21
Voters Roll preparation	06-Dec-21	1	06-Dec-21
Media Announcement	15-Dec-21	1	15-Dec-21
Community Awareness	15-Dec-21	23	07-Jan-22
Voters District Allocations	15-Dec-21	9	23-Dec-21
Call and closing for Nominations	07-Jan-22	11	18-Jan-22
Verification of Nominees and Nominators	19-Jan-22	1	19-Jan-22
Placement of Notices, of Nominees	20-Jan-22	8	28-Jan-22
Review of Ward Committee Policy	07-Feb-22	5	11-Feb-22
Voting for Nominees	07-Feb-22	11	17-Feb-22
Establishment of Ward Committees	23-Feb-22	3	25-Feb-22
Publication of Ward committees	04-Mar-22	1	04-Mar-22
Induction/ Training for Ward Committees	05-Mar-22	8	12-Mar-22



COUNCIL MEETING SCHEDULE: JANUARY UNTIL JUNE 2022

MONTH	DATE	TIME	VENUE	MEETING
January	18	09:00	Virtual meeting / Council Chambers	Senior Management
	19	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	21	09:00	Virtual meeting	Performance, Risk and Audit Committee
	24	09:00	Virtual meeting / Council Chambers	Senior Management
	25	10:00	Town Hall, Ceres	Council workshop
	26	10:00	Town Hall, Ceres	Council meeting
	31	09:00	Virtual meeting / Council Chambers	Senior Management
		08:00	Town Hall, Tulbagh	SALGA Councillor training
February	4	08:00	Town Hall, Tulbagh	SALGA Councillor training
	7	09:00	Virtual meeting / Council Chambers	Senior Management
	8	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	9	10:00	Virtual meeting / Town Hall, Ceres	Committee for Technical Services
	9	14:00	Virtual meeting / Town Hall, Ceres	Committee for Local Economic Development & Tourism
	10	10:00	Virtual meeting / Town Hall, Ceres	Committee for Community Development
	10	14:00	Virtual meeting / Town Hall, Ceres	Committee for Corporate and Financial Services
	14	09:00	Virtual meeting / Council Chambers	Senior Management
	16	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	21	09:00	Virtual meeting / Council Chambers	Senior Management
	22	10:00	Town Hall, Ceres	Council workshop
	23	10:00	Town Hall, Ceres	Council meeting
	24	10:00	Virtual meeting / Town Hall, Ceres	Committee for Housing Matters
	28	09:00	Virtual meeting / Council Chambers	Senior Management

March	1	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	7	09:00	Virtual meeting / Council Chambers	Senior Management
	9	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	10	10:00	Virtual meeting / Town Hall, Ceres	Municipal Public Accounts Committee
	11	09:00	Virtual meeting	Performance, Risk and Audit Committee
	14	09:00	Virtual meeting / Council Chambers	Senior Management
	15	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	28	09:00	Virtual meeting / Council Chambers	Senior Management
	29	10:00	Town Hall, Ceres	Council workshop
	30	10:00	Town Hall, Ceres	Council meeting
April	4	09:00	Virtual meeting / Council Chambers	Senior Management
	5	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	6	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	11	09:00	Virtual meeting / Council Chambers	Senior Management
	19	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	20	10:00	Virtual meeting / Town Hall, Ceres	Committee for Technical Services
	20	14:00	Virtual meeting / Town Hall, Ceres	Committee for Local Economic Development and Tourism
	21	10:00	Virtual meeting / Town Hall, Ceres	Committee for Community Development
	21	14:00	Virtual meeting / Town Hall, Ceres	Committee for Corporate and Financial Services
	25	09:00	Virtual meeting / Council Chambers	Senior Management
	28	10:00	Virtual meeting / Town Hall, Ceres	Committee for Housing Matters

May	3	10:00	Virtual meeting / Town Hall	Executive Mayoral Committee
	6	09:00	Virtual meeting	Performance, Risk and Audit Committee
	9	09:00	Virtual meeting / Council Chambers	Senior Management
	11	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	16	09:00	Virtual meeting / Council Chambers	Senior Management
	17	10:00	Virtual meeting / Town Hall	Executive Mayoral Committee
	19	10:00	Virtual meeting / Town Hall, Ceres	Committee for Housing Matters
	23	09:00	Virtual meeting / Council Chambers	Senior Management
	25	10:00	Town Hall, Ceres	Council workshop
	26	10:00	Town Hall, Ceres	Council meeting
	30	09:00	Virtual meeting / Council Chambers	Senior Management
June	6	09:00	Virtual meeting / Council Chambers	Senior Management
	7	10:00	Virtual meeting / Town Hall, Ceres	Executive Mayoral Committee
	8	14:00	Plantation Hall, Pine Forest Resort, Ceres	Local Labour Forum
	9	14:00	Virtual meeting / Town Hall, Ceres	Municipal Public Accounts Committee
	13	09:00	Virtual meeting / Council Chambers	Senior Management
	14	10:00	Virtual meeting / Town Hall, Ceres	Committee for Technical Services
	14	14:00	Virtual meeting / Town Hall, Ceres	Committee for Local Economic Development & Tourism
	15	10:00	Virtual meeting / Town Hall, Ceres	Committee for Community Development
	15	14:00	Virtual meeting / Town Hall, Ceres	Committee for Corporate and Financial Services
	23	10:00	Virtual meeting / Town Hall, Ceres	Committee for Housing Matters

WESTERN CAPE PROVINCE INTERGOVERNMENTAL ENGAGEMENTS CALENDAR 2022											
JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
1 Public Holiday - Good Friday			1 First Thursday 1960	1 Public Holiday - Good Friday	1 First Thursday 1760		1 Cabinet Outreach (Cape Winelands)	1 First Thursday 1760			1 First Thursday 1760
2	2 First Thursday 1760	2 Thursing Planning Forum	2	2 Public Holiday - Good Friday	2 First Thursday 1760		2 Cabinet Briefdown	2	2	2	2
3	3 First Thursday 1760	3 Thursing Planning Forum	3	3	3		3 Cabinet Briefdown	3	3	3 First Thursday 1760	3
4	4 Audit Committee - COWM	4	4	4 Cabinet 1960	4	4	4 First Thursday 1760	4	4	4	4
5	5	5	5 Cabinet meets Business	5 First Thursday 1760	5	5	5	5 PTM 1960	5	5	5
6	6	6 MPAC - Langkling	6	6	6	6	6	6	6 First Thursday 1760	6	6 QC 1460 (MCO) - MAYCO - Cape Agulhas
7	7 PTM 1960	7 PTM 1960	7 MPAC - Swellendam	7	7 MPAC - George - Local Labour Forum - George	7	7	7 MPAC - Langkling	7 MPAC - Swellendam - Local Labour Forum - George - Audit Committee - COWM	7 Cabinet Outreach (Cape Winelands)	7 MAYCO - Swellendam
8	8 Cabinet Briefdown	8 WC Budget Day	8 MPAC - George - Local Labour Forum - George	8 Audit Committee - COWM	8 Cabinet 1960	8 MPAC - Langkling - Local Labour Forum - Swellendam - MAYCO - COWM	8 Audit Committee - COWM	8	8	8 Cabinet Briefdown	8 Cabinet 1960
9	9 Cabinet Briefdown	9 MPAC - Langkling - Local Labour Forum - Swellendam - MAYCO - COWM	9 MPAC - Langkling - Local Labour Forum - Swellendam - MAYCO - COWM	9 Audit Committee - COWM	9 Cabinet Outreach	9 Cabinet Briefdown	9 Public Holiday - National Day	9 MPAC - Swellendam	9	9 Cabinet Briefdown	9 Cabinet Briefdown
10	10 SOWA	10 Eco-MAYCO - George	10 Cabinet 1960	10 Eco-MAYCO - George	10 Cabinet Briefdown	10 MPAC - George - Local Labour Forum - George	10	10	10 PTM 1960	10 Eco-MAYCO - George	10
11	11	11	11	11	11 Cabinet Briefdown	11	11	11 Eco-MAYCO - George	11	11 MPAC - George	11
12	12	12	12 Cabinet meets RGL	12 MPAC - George	12 Cabinet Briefdown	12	12 MPAC - George	12	12 MPAC - Swellendam	12 Cabinet 1960	12 PTM 1960
13	13 MPAC - George	13 Eco-MAYCO - Swellendam	13 SAGA REC	13	13 PTM 1960	13 MPAC - Swellendam	13	13	13 MPAC - George	13 Eco-MAYCO - Swellendam	13 MPAC - George
14	14 Special Council - George	14 MPAC - Swellendam	14 Cabinet 1960	14 Eco-MAYCO - George	14 SAGA REC	14 MPAC - Swellendam	14	14	14 Cabinet 1960	14 MPAC - Swellendam	14 Cabinet 1960
15	15	15 SOWA	15 Head of Disaster Management Centre	15 Eco-MAYCO - Swellendam	15 SAGA REC	15 MPAC - Swellendam	15	15 Eco-MAYCO - Swellendam	15 MPAC - Swellendam	15 Eco-MAYCO - Swellendam	15 Eco-MAYCO - Swellendam
16	16	16 SOWA	16 Head of Disaster Management Centre	16 Eco-MAYCO - Swellendam	16 SAGA REC	16 MPAC - Swellendam	16	16 Eco-MAYCO - Swellendam	16 MPAC - Swellendam	16 Eco-MAYCO - Swellendam	16 Eco-MAYCO - Swellendam
17	17 SAGA REC	17 MPAC - Swellendam	17 Cabinet 1960	17 Eco-MAYCO - Swellendam	17 SAGA REC	17 MPAC - Swellendam	17	17 Eco-MAYCO - Swellendam	17 MPAC - Swellendam	17 Eco-MAYCO - Swellendam	17 Eco-MAYCO - Swellendam
18	18 SAGA Provincial Conference - George	18 Central Provincial Disaster Management Centre	18 MPAC - Swellendam	18 Eco-MAYCO - Swellendam	18 SAGA REC	18 MPAC - Swellendam	18	18 Eco-MAYCO - Swellendam	18 MPAC - Swellendam	18 Eco-MAYCO - Swellendam	18 Eco-MAYCO - Swellendam
19	19	19	19 PTM 1960	19 Eco-MAYCO - Swellendam	19 SAGA REC	19 MPAC - Swellendam	19	19 Eco-MAYCO - Swellendam	19 MPAC - Swellendam	19 Eco-MAYCO - Swellendam	19 Eco-MAYCO - Swellendam
20	20 Eco-MAYCO - George	20 SOWA	20 Head of Disaster Management Centre	20 Eco-MAYCO - Swellendam	20 SAGA REC	20 MPAC - Swellendam	20	20 Eco-MAYCO - Swellendam	20 MPAC - Swellendam	20 Eco-MAYCO - Swellendam	20 Eco-MAYCO - Swellendam
21	21 MAVCO - COWM	21 Audit Committee - Cape Agulhas	21 PTM 1960	21 Eco-MAYCO - Swellendam	21 SAGA REC	21 MPAC - Swellendam	21	21 Eco-MAYCO - Swellendam	21 MPAC - Swellendam	21 Eco-MAYCO - Swellendam	21 Eco-MAYCO - Swellendam
22	22	22 PTM 1960	22 Eco-MAYCO - Swellendam	22 SAGA REC	22 MPAC - Swellendam	22 Eco-MAYCO - Swellendam	22	22 Eco-MAYCO - Swellendam	22 MPAC - Swellendam	22 Eco-MAYCO - Swellendam	22 Eco-MAYCO - Swellendam
23	23	23 Cabinet 1960	23 Eco-MAYCO - Swellendam	23 SAGA REC	23 MPAC - Swellendam	23 Eco-MAYCO - Swellendam	23	23 Eco-MAYCO - Swellendam	23 MPAC - Swellendam	23 Eco-MAYCO - Swellendam	23 Eco-MAYCO - Swellendam
24	24 PAMTEC 2	24 WCMMP	24 Cabinet 1960	24 Eco-MAYCO - Swellendam	24 SAGA REC	24 MPAC - Swellendam	24	24 Eco-MAYCO - Swellendam	24 MPAC - Swellendam	24 Eco-MAYCO - Swellendam	24 Eco-MAYCO - Swellendam
25	25 PAMTEC 2	25 WCMMP	25 Cabinet 1960	25 Eco-MAYCO - Swellendam	25 SAGA REC	25 MPAC - Swellendam	25	25 Eco-MAYCO - Swellendam	25 MPAC - Swellendam	25 Eco-MAYCO - Swellendam	25 Eco-MAYCO - Swellendam
26	26 PAMTEC 2	26 WCMMP	26 Cabinet 1960	26 Eco-MAYCO - Swellendam	26 SAGA REC	26 MPAC - Swellendam	26	26 Eco-MAYCO - Swellendam	26 MPAC - Swellendam	26 Eco-MAYCO - Swellendam	26 Eco-MAYCO - Swellendam
27	27 PAMTEC 2	27 WCMMP	27 Cabinet 1960	27 Eco-MAYCO - Swellendam	27 SAGA REC	27 MPAC - Swellendam	27	27 Eco-MAYCO - Swellendam	27 MPAC - Swellendam	27 Eco-MAYCO - Swellendam	27 Eco-MAYCO - Swellendam
28	28 PAMTEC 2	28 WCMMP	28 Cabinet 1960	28 Eco-MAYCO - Swellendam	28 SAGA REC	28 MPAC - Swellendam	28	28 Eco-MAYCO - Swellendam	28 MPAC - Swellendam	28 Eco-MAYCO - Swellendam	28 Eco-MAYCO - Swellendam
29	29	29	29	29	29	29	29	29	29	29	29
30	30	30	30	30	30	30	30	30	30	30	30
31	31 ISC 1960	31 Council - Cape Agulhas	31 Cabinet 1960	31 Eco-MAYCO - Swellendam	31 SAGA REC	31 MPAC - Swellendam	31	31 Eco-MAYCO - Swellendam	31 MPAC - Swellendam	31 Eco-MAYCO - Swellendam	31 Eco-MAYCO - Swellendam

Weekends		Local Labour Forum	
Public Holidays		Sector Engagement / Main Advisory Forum	
Provincial Government		Tabling of Draft Budget / Adjustment Budget	
MAYCO / EDC MAYCO			
Audit Committee / Audit & Audit Ref			
MPAC / Special MPAC			
Council / Special Council			
WCMMP			
DOTTECH / DCI			



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

7898

Wednesday, 14 March 2018

**Buitengewone
Provinsiale Koerant**

7898

Woensdag, 14 Maart 2018

**Isongezelelo
kwiGazethi yePhondo**

7898

uLwesithathu, 14 keyoKwindla 2018

Registered at the Post Office as a Newspaper

CONTENTS

(Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

Local Authority

Witzenberg Municipality: By-law on the Rules of Order for the Meetings of the Witzenberg Council and its Committees 2

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Plaaslike Kennisgewing

Witzenberg Munisipaliteit: Verordening op die Ordereëls vir die Hou van Vergaderings van Witzenberg se Raad en sy Komitees 35

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho sePhondo, 7 Wale Street, eKapa 8001.)

IGunya loMmandla

LoMasipala waseWitzenberg: umThetho gabaLala kaMasipala omaLunga neMigaqo yoKuma kweeNtlanganiso zeBhunga laseWitzenberg kunye neeKomiti zalo..... 69

BY-LAW ON THE RULES OF ORDER FOR THE MEETINGS OF THE WITZENBERG COUNCIL AND ITS COMMITTEES

To provide for Rules of Order for the internal arrangements and the business and proceedings of the Council of the Witzenberg Municipality and its Committees, and to provide for matters in connection therewith.

TABLE OF CONTENTS

CHAPTER 1

INTRODUCTION

1. Definitions
2. Application of rules
3. Duty of Speaker, councillors and members of public

CHAPTER 2

MEETINGS

4. Order of business
5. Agenda
6. Meetings
7. Functions of Speaker regarding meetings
8. Attendance by councillors
9. Procedure for leave of absence
10. Sanctions for non-attendance
11. Minutes
12. Quorum

CHAPTER 3

DECISIONS

13. Unopposed matters
14. Opposed matters
15. Decisions

CHAPTER 4

ATTENDANCE BY MEMBERS OF THE PUBLIC

16. Attendance by members of the public
17. Exclusion of public from meetings
18. Re-admission of members of the public

CHAPTER 5

CONDUCT IN MEETINGS

19. Conduct of councillors and members of the public

CHAPTER 6

DEBATE AND MOTIONS

20. Addressing the Speaker
21. Right to speak and limitation
22. Debate management
23. Content of debate
24. Points of order
25. Explanations
26. Motions
27. Notice of motions
28. Questions
29. Motions of exigency
30. Motions of course
31. Precedence of debate
32. Amendment motions
33. Motion for postponement of matter
34. Motion for adjournment of meeting for another date
35. Motion for adjournment of meeting for specified time
36. Motion of adjournment of debate on matter for specified time
37. Motion that matter be put to vote
38. Motion to remove matter from agenda
39. Motion to refer matter to committee
40. Withdrawal of motions or questions
41. Absence of councillor who gave notice of motion or question
42. Re-introduction of motions or questions

- 43. Motions or questions on matters referred to committee
- 44. Recommendation by Executive Mayor or executive committee

CHAPTER 7

LEGISLATIVE PROCESS

- 45. Introduction of draft by-laws
- 46. Introduction of draft by-laws by councillors
- 47. Introduction of draft by-laws by Executive Mayor
- 48. Publication of draft by-laws
- 49. Consideration of draft by-laws

CHAPTER 8

MISCELLANEOUS MATTERS

- 50. Official languages
- 51. Municipal employees
- 52. Offences and penalties
- 53. Short title

CHAPTER 1

INTRODUCTION

Definitions

1. In this by-law, including the rules, unless the context indicates otherwise —

“Code” means the Code of Conduct for Councillors set out in Schedule 1 to the Systems Act;

“committee” means a committee established by the Council in terms of section 79 of the Structures Act;

“Council” means the municipal council of the Witzenberg Municipality;

“councillor” means a member of the Council, including a political office bearer as referred to in section 1 of the Systems Act;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“meeting” means any meeting of the Council;

“member” means a member of a committee;

“member of the public” means a person who is not a councillor or an employee of a municipality and who attends a meeting of the Council or a committee;

“municipality” means the Witzenberg Municipality;

“Municipal Manager” means the person appointed as municipal manager by the Council in terms of section 54A of the Systems Act, or a person delegated by the Municipal Manager;

“Provincial Minister” means the provincial minister responsible for local government in the province;

“rules” means the rules provided for in this by-law;

“law enforcement” means a person in the employ of the Municipality and who may be requested by the Speaker to maintain order during council meetings and assisted by such staff members as the circumstances may require;

“Speaker” means the Speaker of the Council elected under section 36 of the Structures Act or a councillor elected as acting Speaker under section 41 of the Structures Act;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“whip” means a member of the Municipal Council appointed by each political party represented in the Council; and

“working day” means any day of the week except Saturday or Sunday or a public holiday.

Application of rules

2. (1) These rules apply to all meetings.

(2) Except where it is clearly inappropriate, a rule applying to a councillor in any proceedings also applies to a member of the public who takes part in those proceedings.

(3) These rules apply to all meetings of committees except to committees established in terms of item 14(1)(b) of the Code and section 62 of the Systems Act. Unless clearly inappropriate, any reference to the Council is regarded as a reference to the committee, and any reference to the Speaker is regarded as a reference to the chairperson of the committee or a person acting as the chairperson of the committee.

Duty of Speaker, councillors and members of the public

3. The Speaker, councillors and members of the public must familiarise themselves with these rules.

CHAPTER 2

MEETINGS

Order of business

4. (1) The order of business in ordinary meetings is as follows, unless the order has been changed in terms of sub-rule (2)-

(a) election of acting speaker, if necessary;

(b) application for leave of absence;

- (c) confirmation of minutes;
- (d) statements and communications by the Speaker;
- (e) statements and communications by Executive Mayor or executive committee;
- (f) consideration of reports;
- (g) report on delegated powers;
- (h) urgent matters submitted by the Municipal Manager;
- (i) consideration of motions;
- (j) consideration of questions;
- (k) consideration of motions of exigency; and
- (l) adjournment.

- (2) The Speaker may change the order of business appearing on the agenda.
- (3) A councillor who wishes to have the order of business on the agenda changed must approach the Speaker prior to the meeting.

Agenda

- 5. (1) The Speaker or Municipal Manager or a person designated by the Municipal Manager must prepare the agenda for a meeting.
- (2) The Speaker may at any time during a meeting introduce an urgent matter which does not appear on the agenda, unless the Council resolves otherwise.
- (3) Except as otherwise provided in these rules or in terms of sub-rule (2), no matter not appearing on the agenda may be transacted at a meeting, except any matters which the relevant chairperson considers urgent and said chairperson has ruled the matter to be urgent.
- (4) The Municipal Manager may raise matters which in his/her discretion is urgent for decision by the Council. A matter will be deemed urgent when the decision required, if delayed, will prejudice the Council and/or its operations.

Meetings

6. (1) The Council must meet at least quarterly, as required by section 18(2) of the Structures Act.
- (2) All meetings must be open to members of the public, unless they have been excluded under rule 17.
- (3) Subject to sub-rule (1), the Speaker decides when and where the Council meets.
- (4) The Municipal Manager or, in his or her absence, a person designated by the Municipal Manager must give notice to each councillor and to the public of every meeting.
- (5) If the position of Speaker is vacant, the Municipal Manager or, in the absence of the Municipal Manager, a person designated by the Provincial Minister, must —
 - (a) convene a special meeting to elect a speaker or an acting speaker, and
 - (b) give notice to each councillor and to the public of the meeting.
- (6) (a) The Speaker may at any time of own accord, and shall upon request in writing of a majority of councillors, call a special council meeting, provided that no such meeting shall take place unless all councillors were given at least 48 hours' notice prior to the date and time set for the meeting.
 - (b) A notice by the majority of councillors must clearly indicate the business that will be conducted at the special council meeting. No other business may be conducted at the special council meeting.
- (7) The notice referred to in sub-rules (4) and (5) must state the date, time and venue of the meeting, and must be —
 - (a) given in writing, together with the agenda, to each councillor by any reasonable means to achieve the purpose;
 - (b) published in a local newspaper determined by the Municipal Manager or a person designated; and
 - (c) posted on a notice board at the municipality's head office.

- (8) The Municipal Manager or a person designated under sub-rule (4) or (5) may depart from the requirement of sub-rule (6)(b) in the case of an urgent or special meeting when time constraints make it impossible to comply with the requirement.
- (9) At least seven (7) days before any ordinary meeting of the Council and at least 48 hours before any special meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted there at and signed by the Speaker, or Municipal Manager if so designated by the Speaker, shall be left at or delivered to an accessible distribution point within the municipality as determined by the Council from time to time/send by electronic mail to an address provided by the councillor as his/her official address/mail address.
- (10) Accidental omission to serve on any councillor a notice of meeting shall not invalidate the proceedings of that meeting.

Functions of Speaker regarding meetings

- 7. (1) The Speaker must take the chair precisely at the time the meeting has been scheduled for.
- (2) In addition to the functions referred to in section 37 of the Structures Act and any other law, the Speaker —
 - (a) must preserve decorum in meetings;
 - (b) must give a ruling in respect of a question of order raised by a councillor, including a question in relation to the priority of the business; and
 - (c) may give a ruling in respect of any procedural eventuality for which these rules do not provide.
- (3) The ruling referred to in sub-rule (2) must be entered into the minutes.

Attendance by councillors

A councillor —

- 8.1 shall, subject to item 3 of the Code, rule 9 and rule 19, attend each meeting and must sign his or her name in the attendance register;
- 8.2 shall disclose to the Council, or to any committee of which that councillor is a member, any direct personal or private business interest that the councillor, or the spouse, partner or business associate of that councillor, may have in any matter before the council or the committee; and
- 8.3 shall withdraw from the proceedings of the Council or committee meeting when the matter is being considered by the Council or committee, unless the Council or the committee decides by resolution that the councillor's direct or indirect interest in the matter is trivial or irrelevant. A councillor who has so disclosed his/her interest may, with the approval of majority of the members of the Council or its committee, address the Council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or chairperson on the time to be allowed for such an address.
- 8.4 A councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the Council or committee of the Council at which it is possible for the councillor to make a disclosure.
- 8.5 This provision does not apply to an interest or benefit which a councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.

Procedure for leave of absence

9. (1) A councillor must, before absenting himself or herself from a meeting, make an application to the Speaker by signing a leave form and delivering the completed leave form to the Municipal Manager at least 72 hours before the meeting.
- (2) The Municipal Manager must submit the application to the Speaker before the commencement of the meeting.
- (3) Upon receipt of the application referred to in sub-rule (1), the Speaker must consider the application and may approve or reject the application. The Speaker must notify the councillor of his or her decision at least 24 hours before the meeting.

- (4) The Speaker, on good cause shown, may grant leave of absence to a councillor who has been prevented by special circumstances from applying for leave of absence in accordance with sub-rule (1).
- (5) The special circumstances referred to in sub-rule (4) may include —
 - (a) illness of the councillor; or
 - (b) illness or death in the family of the councillor; and
 - (c) any emergency situation that may arise.
- (6) The names of all councillors present at a meeting and of all councillors to whom leave of absence from the meeting has been granted must be entered into the minutes.
- (7) If the Speaker rejects the application referred to in sub-rule (1), he or she must provide a reason therefore.
- (8) Sub-rules (1) to (6) apply, with the necessary changes, in respect of the Speaker, and in such application, a reference in those sub-rules to the Speaker is regarded to be a reference to the Council.

Sanctions for non-attendance

- 10. (1) Except for the instances contemplated in rule 9(4) and (5), a councillor is in breach of the rules if he or she without leave —
 - (a) absents himself or herself from a meeting;
 - (b) fails to be in attendance at the commencement of a meeting; or
 - (c) fails to remain in attendance until the end of a meeting.
- (2) A councillor who is absent from three or more consecutive meetings which he or she is required to attend in terms of rule 8 is in breach of the Code.
- (3) The Council may appoint a special committee comprising of councillors to investigate and report to the Council on any alleged breach referred to in sub-rule (1) or (2).

- (4) The special committee must notify the councillor in writing of his or her alleged breach of the rules or the Code. The councillor must be given seven days from date of the written notice to respond in writing regarding the alleged breach.
- (5) The Council must decide whether the rules or the Code has been breached or not, after receiving a report from the special committee.
- (6) If the Council finds that a councillor has breached the rules as contemplated in sub-rule (1), the Council must fine the councillor 10% of his or her monthly salary.
- (7) If the Council finds that a councillor has breached the Code as contemplated in sub-rule (2), the Council must request the Provincial Minister to remove the councillor from office.
- (8) Sub-rules (1) to (7) apply, with the necessary changes, in respect of the Speaker.

Minutes

11. (1) The Municipal Manager must —
- (a) compile the minutes of the proceedings of a meeting in writing within two weeks of the meeting; and
 - (b) provide each councillor with a copy of the minutes within a reasonable period.
- (2) The minutes of a meeting must be considered by the Council at its next meeting and, if confirmed, must be signed by the Speaker.
- (3) The Municipal Manager must keep a record of the signed minutes.
- (4) The minutes are taken as read, for the purpose of sub-rule (2), if they were provided to each councillor within a reasonable period before the meeting considering them.
- (5) No motion or discussion is allowed on the confirmation of the minutes, except in connection with the correctness thereof.
- (6) If a councillor is dissatisfied with the correctness of the minutes, the councillor must —
- (a) state the item with which he or she is dissatisfied; and

- (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (7) The minutes of a meeting must set out the date, time and place of the meeting and the decisions or other action taken at the meeting.

Quorum

- 12.**
- (1) A majority of the councillors constitutes a quorum as referred to in section 30(1) of the Structures Act.
 - (2) If there is no quorum at the time for which the meeting is scheduled, the Speaker must take the chair as soon as a quorum is present.
 - (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if at the end of that period, there is no quorum, the Speaker must adjourn the meeting for another time, date and venue at his or her discretion and record the names of those members present.
 - (4) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of that period, no meeting may take place and the Municipal Manager must record the names of the members present.
 - (5) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes or such longer time the Speaker may allow, there is still no quorum, the Speaker must adjourn the meeting.
 - (6) Whenever a meeting is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
 - (7) The Speaker must report the names of the absentee members to the committee appointed in terms of rule 10(3) for the purposes of an investigation of a breach of these rules.

CHAPTER 3

DECISIONS

Unopposed matters

13. Whenever Council is called upon to consider a matter before it and there is no opposition from any councillor, a unanimous vote will be recorded in the minutes.

Opposed matters

14. (1) The Speaker must put every opposed matter to the vote by calling upon councillors to indicate by a show of hands, unless otherwise prescribed by any law or the Council resolves otherwise, whether they are for that matter or against it, whereupon the Speaker must announce the result of the vote.
- (2) Upon the announcement of the result of a vote, a councillor may demand that his or her vote be recorded against the decision concerned.
- (3) If there is an equality of votes on any matter, the Speaker must exercise a casting vote.

Decisions

15. (1) In accordance with section 160(3) of the Constitution, a supporting vote of a majority of councillors is necessary to decide on —
- (a) the passing of by-laws;
 - (b) the approval of the budget;
 - (c) the imposition of rates and other taxes, levies and duties; and
 - (d) the raising of loans.
- (2) In accordance with section 34 of the Structures Act, a supporting vote of at least two-thirds of councillors is necessary to adopt a decision to dissolve the Council.
- (3) All other questions before the Council are decided by a majority of the votes cast, as contemplated by section 160(3)(c) of the Constitution.
- (4) If there is an equality of votes on any question, the Speaker must exercise a casting vote, as contemplated by section 30(4) of the Structures Act.

CHAPTER 4

ATTENDANCE BY MEMBERS OF THE PUBLIC

Attendance by members of the public

16. The Speaker must take reasonable steps to regulate public access to and public conduct at meetings.

Exclusion of the public from meetings

17. (1) The public may be excluded from the meeting —
- (a) where so directed by the Speaker; or
 - (b) where so decided by Council upon a motion from any councillor to that effect.
- (2) If a motion to exclude the public from the meeting is seconded, the motion must be put to the vote, after discussion of the reasons but without discussion of the matter.
- (3) If a motion to exclude the public is carried, the place of meeting shall be cleared of all members of the public, including the media.
- (4) The motivation for the exclusion of the public must be minuted.

Re-admission of members of the public

18. (1) A councillor may during the course of a meeting from which the public were excluded, move a motion "that the meeting again be opened" and state the reasons for the motion.
- (2) If the motion is seconded, it must be put to the vote forthwith without debate.
- (3) If the motion is carried, the Speaker must ensure that members of the public are allowed access to the meeting again.

CHAPTER 5

CONDUCT IN MEETINGS

Conduct of councillors and members of the public

- 19. (1)** Councillors and members of the public must preserve order and decorum at meetings, and they may not —
- (a) behave in an unseemly manner;
 - (b) obstruct the business of a meeting;
 - (c) challenge the ruling of the Speaker on any point of order; or
 - (d) commit any breach of the rules.
- (2)** The Speaker or the chairperson of the meeting in the event of a meeting other than a Council meeting shall:
- 2.1. maintain order during meetings;
 - 2.2. ensure compliance with the Code of Conduct for councillors during meetings;
 - 2.3. ensure the meetings are conducted in accordance with the rules;
 - 2.4. ensure the members conduct themselves in a dignified and orderly manner during meetings;
 - 2.5. ensure that members of the public attending meetings are seated in areas designated for that purpose;
 - 2.6. ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting;
 - 2.7. ensure that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting; and
 - 2.8. ensure that the whip of each political party represented in the municipal Council maintains discipline during any meeting.
- (3)** If a councillor or member of the public breaches sub-rule (1), the Speaker must direct the councillor or member of the public to refrain from the breach.

- (4) If a councillor or member of the public disregards the directions of the Speaker under sub-rule (2), the Speaker may direct the councillor or member of the public —
- (a) if speaking, to discontinue his or her speech; or
 - (b) to withdraw from the place of meeting for the remainder of the meeting or, if necessary, to be removed by the Sergeant at Arms.
- (5) The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the chair, provided that a formal process will be initiated after the conclusion of the meeting.
- (6) Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request the Sergeant at Arms to facilitate the removal of such councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The chairperson may rule that after the second adjournment, the meeting will re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sergeant at Arms of the Council will ensure that such councillor/s does/do not enter such an alternative venue.
- (7) If the Speaker fails to act under sub-rule (3), any councillor may move a motion to require the Speaker to do so.
- (8) The motion referred to in sub-rule (4) must be moved without notice, and if the motion is seconded, it must be put to the vote forthwith without debate.
- (9) Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the Council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sergeant at arms will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the Council chamber or the meeting venue for such period as it may be deemed fit.

CHAPTER 6

DEBATE AND MOTIONS

Addressing the Speaker

- 20.** (1) A councillor or a member of the public who is recognised to speak at a meeting must address the Speaker.
- (2) A member of the public who is recognised by the Speaker must state his or her name and, if he or she is representing an organisation or any group, identify the organisation or group.

Right to speak and limitation

- 21.** (1) A councillor may speak or proceed to speak at a meeting after being recognised by the Speaker.
- (2) A councillor who is not a member of a committee may request the Chairperson of that committee meeting to speak, which permission will be at the sole discretion of the Chairperson and which will not reasonably be withheld.
- (3) A councillor must avoid personal attacks on other councillors and must refrain from impugning the motives for any argument or vote of another councillor.
- (4) A councillor may speak only once to —
- (a) the matter before the Council;
 - (b) any motion before the Council;
 - (c) any amendments to a motion before the Council; or
 - (d) a point of order or a question,
- unless authorised by the Speaker or as provided for in these rules.
- (5) A councillor may not be interrupted while speaking, unless called to order by the Speaker or a point of order is raised by any other councillor.
- (6) The Speaker may not recognise a councillor to speak on a matter once that matter has been voted on.

(7) The Speaker may not allow a debate on a matter —

- (a) which may anticipate any matter on the agenda; or
- (b) in respect of which a decision by a judicial or administrative body or a commission of enquiry is pending.

Debate Management

22. (1) At least 24 hours prior to a meeting of Council, the political whips of the parties in Council must provide to the Speaker a list showing —

- (a) which items on the agenda for that meeting are to be debated; and
 - (b) the total time to be allocated to the debate of each item, provided that the maximum time allocated for debate on each item on the agenda will be thirty (30) minutes or any such time as decided on by the Speaker.
- (2) Based on the list drawn up in terms of sub-rule (1), each party must deliver to the Chief Whip, at least 12 hours before a Council meeting, a list of the councillors who will speak on an item and the time allocated to each such councillor, which will not be more than three (3) minutes, provided that the total time located to all councillors of a party shall not exceed one-third of the time allocated to that party in terms of sub-rule (1)(b).
- (3) On receipt of the lists referred to in sub-rule (2), the Speaker must, if he or she wishes to deviate from the provisions of those lists, convey his or her decision in this regard to the whips of the parties within a reasonable time prior to the Council meeting.
- (4) All matters before the Council which are not listed in accordance with sub-rule (1) must individually be put to the meeting for adoption without debate before the matters listed in sub-rule (1) are considered.
- (5) At the discretion of the Speaker, a time of three minutes of response may be allowed to the Mayor or relevant member of the mayoral committee, or the mover of a motion, to conclude the debate on an item debated in terms of sub-rule (2).
- (6) Notwithstanding any provisions contained in sub-rules (1) to (5), the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The ruling of the Speaker after exercising his/her discretion in this regard shall be final.

Content of debate

23. (1) A councillor who speaks must direct his or her speech to the matter before the Council.

(2) If a councillor persists in irrelevance after being requested by the Speaker to confine his or her speech to the matter before the Council, the Speaker must order him or her to be seated and not to speak further in respect of that matter.

(3) Councillors and members of the public must preserve order and decorum at meetings, and they may not indulge in tedious repetition of arguments, or unbecoming language or remarks which are of a defamatory nature.

Points of order

24. (1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules or a statutory provision.

(2) A point of order may be raised in relation to —

(a) a procedural matter; or

(b) the conduct of a councillor, a member of the public, or an employee of the municipality.

(3) A councillor raising a point of order must immediately be heard, and he or she must —

(a) state the point of order; and

(b) the rule or statutory provision that is being breached.

(4) A councillor who is speaking when a point of order is raised must immediately stop speaking until the point of order is ruled on by the Speaker. All other matters before the Council must be suspended until the point of order is ruled on.

(5) If ruled to be in order, the councillor must be allowed to proceed with his or her speech.

(6) If ruled to be out of order, the councillor must remain silent or must retract or change any remarks so as to comply with the ruling.

(7) The Speaker's ruling on a point of order is final and not open to debate, and it must be entered in the minutes.

Explanations

- 25.** (1) The Speaker may allow a councillor to explain a previous speech, but only when and to the extent that a material part of the speech may have been misunderstood.
- (2) The councillor giving the explanation may not introduce any new matter, and no debate on the explanation may be allowed.

Motions

- 26.** A councillor may move a motion only when it is put by the Speaker and if seconded by another councillor, except if provided otherwise in these rules.

Notice of motions

- 27.** (1) Unless provided otherwise in these rules, a notice of motion must be in writing, motivated, signed by the relevant councillor, dated and delivered to the Speaker at least six (6) working days before the date of the meeting at which it is to be moved.
- (2) The Speaker must either put the motion in the agenda or refer such motion to the committee which is dealing with the matter.
- (3) Sub-rule (1) does not apply to the following motions:
- (a) a motion of exigency; or
 - (b) a motion of course.

Questions

- 28.** (1) After a motion has been moved and seconded or at the conclusion of any speech on the motion, a councillor may ask put question relevant to the motion to any other councillor.
- (2) No supplementary questions may be asked, except by the councillor who asked the question and then only in respect of matters arising out of the reply to that question.
- (3) The councillor to whom the question is directed may either reply thereto forthwith or require that notice be given of the question.

(4) The notice referred to in sub-rule (3) must be in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager.

(5) When the Municipal Manager receives the notice, he or she must within five (5) days forward the notice to the councillor to whom the question has been directed and —

(a) request the councillor to submit a reply to the question in writing to the Municipal Manager; and

(b) notify the Speaker of any reply received in respect of the question.

(6) The Speaker must ensure that the reply is placed on the agenda of the next meeting.

(7) A councillor may ask a question requiring a written reply from another councillor concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers.

(8) Notice of a question in sub-rule (7) must be given in writing, signed by the relevant councillor, dated and delivered to the Speaker and the Municipal Manager. The procedures in sub-rules (5) and (6) apply to the question.

Motions of exigency

29. (1) A councillor may direct the attention of the Council to any matter which does not appear on the agenda, and of which no notice has been given, by stating briefly the subject of the matter and without comment thereon moving a motion "that the motion to which attention has been directed be considered forthwith as a matter of exigency".

(2) If the motion in sub-rule (1) is seconded and carried, the member who moved the motion may be permitted without notice to have the matter considered.

Motions of course

30. (1) The following are regarded as motions of course:

(a) that precedence be given to the consideration of any particular matter appearing on the agenda;

(b) that any report referred to in the agenda be noted, adopted, acted upon or referred back;

(c) that any document before the Council be acted upon in the manner specified in the motion;

- (d) that action be taken in regard to any matter submitted for consideration in the manner specified in the motion; and
 - (e) that the Speaker must direct that a councillor or a member of the public withdraw from the meeting, as well as
 - (f) any motion referred to in rule 31.
- (2) If a motion of course is seconded, it must be put to vote forthwith without debate.

Precedence of debate

31. When a motion is under debate, no further motion may be received except that—

- (a) the motion be amended;
- (b) the consideration of the matter be postponed to a fixed or undetermined date;
- (c) members of the public be excluded;
- (d) members of the public be re-admitted;
- (e) the meeting be adjourned to another date;
- (f) the meeting be adjourned for a specified time;
- (g) the debate on the matter be adjourned for a specified time;
- (h) the matter be put to the vote;
- (i) the matter be removed from the agenda; or
- (j) the question or motion be withdrawn.

Amendment motions

- 32.** (1) A councillor may move an amendment motion by stating “that the motion be amended”, and stating how the original motion should be amended.
- (2) The motion referred to in sub-rule (1) must be seconded and need not be in writing.
- (3) An amendment must be relevant to the original motion on which it is moved, and must be moved while the original motion is under consideration.
- (4) The amendment must be considered before considering the original motion.

(5) If the Speaker so requires, a proposed amendment must be in writing, signed by the councillor who moved it and handed to the Speaker.

(6) If there is more than one amendment to the original motion, the last proposed amendment must be put to the vote first and, if carried, the matter must be resolved accordingly.

(7) If the last proposed amendment is rejected, the amendment proposed immediately before the last amendment must be put to the vote. When all amendments have been disposed of, the original motion or the original motion as amended, as the case may be, must be put to the vote.

(8) No further amendment to the original motion may be moved after the Speaker has commenced to take the vote on that original motion.

(9) An amendment may not amend, in a material way, the principle embodied in the original motion, but may vary its terms in one or more particulars.

(10) The Speaker must decide whether or not an amendment complies with sub-rule (9) and must rule accordingly.

Motion for postponement of matter

33. (1) A councillor may at the conclusion of a speech move "that the consideration of the matter be postponed to a fixed or undetermined date".

(2) The motion must be seconded and need not be in writing.

(3) The councillor who moved the motion may speak to the motion.

(4) The councillor who moved the original motion in respect of the matter under debate may reply, after which the motion referred to in sub-rule (1) must be put to the vote without further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter must be placed first on the agenda of matters to be considered at the meeting to which it has been postponed.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

Motion for adjournment of meeting to another date

34. (1) A councillor who has not yet participated in the debate on a matter may, at any time during the discussion of that matter, except during the course of a speech by another councillor or while a vote is being taken, move "that the meeting adjourn to another date".
- (2) The motion must be seconded and need not be in writing.
- (3) The councillor who moved the motion may speak to the motion.
- (4) No debate on the motion may be permitted, except that the first councillor to indicate his or her opposition to the motion may speak in opposition thereof.
- (5) No amendment to the motion may be moved, except in relation to the period of adjournment.
- (6) If the motion is carried, the meeting must forthwith adjourn and be reconvened on the date specified in the motion or amended motion, unless the Speaker directs that the meeting proceed first to dispose of business other than opposed business.
- (7) If the motion is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until half-an-hour has elapsed.
- (8) If the motion is carried during a debate and before the conclusion thereof, the councillor who moved the motion is entitled to speak first when the matter concerned is reopened for discussion at the adjourned meeting.
- (9) No business may be transacted at an adjourned meeting other than the business that was on the agenda for the meeting of which it is an adjournment.

Motion for adjournment of meeting for specified time

35. (1) A councillor may at any time, except during the course of a speech by another councillor or while a vote is being taken, move "that the meeting adjourn for a specified time", up to one hour.
- (2) The motion must be seconded and need not be in writing.
- (3) If the motion is carried, the meeting must forthwith adjourn for the specified time and reconvene on the time specified in the motion.

(4) If the motion is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until half-an-hour has elapsed.

(5) The Speaker may at any time adjourn a meeting for a specified time, on good cause shown.

Motion of adjournment of debate on matter for specified time

36. (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move "that the debate on the matter be adjourned for a specified time".

(2) The motion must be seconded and need not be in writing.

(3) The councillor who moved the motion may speak to the motion.

(4) No debate is permitted on the motion, except that the first councillor to indicate his or her opposition to the motion may speak in opposition thereto.

(5) No amendment to the motion may be moved, except in relation to the period of adjournment.

(6) If the motion is carried, the meeting proceeds to the next item on the agenda, and the adjourned debate is resumed at the time specified in the motion.

(7) On the resumption of the adjourned debate, the councillor who moved the adjournment is entitled to speak first.

(8) If the motion is not carried, the debate on the matter proceeds as though no interruption occurred, and the Speaker may not accept a similar motion until half-an-hour has elapsed.

(9) A councillor may not move or second more than one motion for the adjournment of the debate on the matter during the course of that debate.

(10) The Speaker may at any time adjourn a debate for the specified time, on good cause shown.

Motion that matter be put to vote

37. (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move "that the matter be put to the vote".

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

Motion to remove matter from agenda

38. (1) A councillor who has not yet participated in the debate on a matter may, at the conclusion of any speech on that matter, move "that the matter be removed from the agenda".

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter must be removed from the agenda of the meeting, and may not be further pursued at that meeting.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

Motion to refer matter to committee

39. (1) A councillor may, at the conclusion of any speech on a matter, move "that the matter be referred to a committee".

(2) The motion must be seconded and need not be in writing.

(3) Subject to sub-rule (4), a motion referred to in sub-rule (1) is not open to debate.

(4) The councillor who moved the original motion under debate may, when a motion referred to in sub-rule (1) has been moved, speak on that original motion, whereupon the motion referred to in sub-rule (1) must be put to the vote without any further debate.

(5) If the motion referred to in sub-rule (1) is carried, the matter under debate may not be further pursued at the meeting.

(6) If the motion referred to in sub-rule (1) is not carried, the meeting proceeds as though no interruption occurred, and the Speaker may not accept a similar motion.

Withdrawal of motions or questions

40. (1) A councillor who has moved a motion may at any time withdraw it with the permission of the Council and the councillor who seconded it.

(2) A councillor may not speak on a motion after the Council has permitted the withdrawal of the motion.

(3) A councillor who has asked a question may withdraw it, without the permission of the Council, at any time before the question is answered.

Absence of councillor who gave notice of motion or question

41. If the councillor who gave notice of a motion or a question is not present when called upon by the Speaker, the motion may be moved or the question may be asked by any other councillor.

Re-introduction of motions or questions

42. (1) A motion which has been rejected by the Council, or a question which has been answered, may not again be moved or asked within a period of three (3) months of the meeting at which it was rejected or answered, except with the permission of the Council.

(2) A councillor who wishes to re-introduce a motion or question must give notice in writing to the Speaker.

(3) If the Speaker receives a notice referred to in sub-rule (2), he or she must place the notice on the agenda of the next meeting.

Motions or questions on matters referred to committee

43. (1) A councillor may not give notice of a motion or question with regard to any matter that is before a committee for consideration, unless notice of the motion or question —

(a) has also been submitted to that committee; or

(5) If the Executive Mayor decides to support the draft by-law, the Municipal Manager must publish the draft by-law for public comment in accordance with rule 48.

(6) If the Executive Mayor decides not to support the draft by-law, the Executive Mayor must submit a report to the Council which sets out the following:

- (a) an executive summary of the draft by-law;
- (b) a memorandum on the objects of the draft by-law;
- (c) the contents of the draft by-law;
- (d) other by-laws that will have to be repealed or amended if the draft by-law is adopted;
- (e) any relevant comments or proposals;
- (f) the reasons why the draft by-law is not supported; and
- (g) a recommendation.

(7) After considering the report referred to in sub-rule (6), the Council must decide to either reject the draft by-law or to approve the commencement of the legislative process set out in rules 48 and 49 in respect of the draft by-law.

(8) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.

(9) When the commencement of the legislative process in respect of a draft by-law has been approved in terms of sub-rule (7), the draft by-law must be published for public comment in accordance with rule 48.

(10) If the municipality does not have an Executive Mayor, the councillor who introduced the draft by-law must submit a report setting out the matters referred to in sub-rule (6)(a) to (g) to the Council where after the procedures set out in sub-rules (7) to (9) apply.

Introduction of draft by-laws by Executive Mayor

47. (1) An Executive Mayor introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker and the Municipal Manager.

(2) The Municipal Manager must publish the draft by-law for public comment in accordance with rule 48.

- (b) is part of the referral of the matter to that committee for consideration and report.

(2) A member of a committee may, if he or she is of the opinion that the matter is one of urgency, give notice of a motion or question on a matter referred to the committee, despite the fact that the motion or question has not been submitted to or considered by that committee.

Recommendation by Executive Mayor or executive committee

44. (1) A recommendation contained in a report submitted by the Executive Mayor to the Council is considered to have been moved by the Executive Mayor.

(2) The motion does not need to be seconded.

(3) The Executive Mayor or any member of the executive mayoral committee may speak on the matter and reply but in replying, he or she must confine himself or herself to answer the matter and may not introduce any new matter into the debate.

CHAPTER 7

LEGISLATIVE PROCESS

Introduction of draft by-laws

45. In accordance with section 12 of the Systems Act, a draft by-law may be introduced only by a councillor or a committee.

Introduction of draft by-laws by councillors

46. (1) A councillor introduces a draft by-law by submitting it, together with a memorandum on its objects, to the Speaker.

(2) The Speaker must obtain the comments of the Municipal Manager on the contents of the draft by-law and may solicit the comments of any other person.

(3) The Speaker must submit a draft by-law, together with any comments received in terms of sub-rule (2), to the Executive Mayor, if the municipality has such a mayor or committee, for a report and recommendation in accordance with section 30(5) of the Structures Act.

(4) The Executive Mayor must within three (3) months of receipt of a draft by-law from the Speaker consider the draft by-law and decide to either support or not support it.

Publication of draft by-laws

48. The Municipal Manager must as soon as possible after —

- (a) the Executive Mayor has decided to support the draft by-law under rule 46(5);
- (b) the Council has given approval in terms of rule 46(7) for the commencement of the legislative process; or
- (c) the Executive Mayor has introduced a draft by-law in terms of rule 47(1)

publish the draft by-law for public comment in accordance with section 12(1)(b) of the Systems Act for at least 30 days, unless the Council has approved a shorter period.

Consideration of draft by-laws

49. (1) The Municipal Manager must, as soon as possible after the closing date for public comment referred to in rule 48, submit a report to the Council or, if the municipality has an Executive Mayor, to that mayor, together with —

- (a) a copy of the draft by-law;
- (b) copies of the advertisements inviting the public to make representations;
- (c) any comments received from the public; and
- (d) any other comments or recommendations from the Municipal Manager.

(2) The Executive Mayor, if the municipality has such a mayor, must consider the report by the Municipal Manager and must —

- (a) submit a report to the Council which sets out the following:
 - (i) an executive summary of the draft by-law,
 - (ii) a memorandum on the objects of the draft by-law,
 - (iii) the view of the Executive Mayor on the need for the draft by-law,
 - (iv) the contents of the draft by-law,
 - (v) other by-laws that will have to be repealed or amended if the draft by-law is adopted, and

- (vi) any relevant comments or proposals; and
- (b) recommend to the Council to pass the by-law, to pass the by-law in an amended form or to reject the by-law.
- (3) When a draft by-law has been rejected by the Council, no by-law of the same substance may be introduced within a period of six (6) months from the date of rejection.
- (4) When a by-law has been passed, it must be published in accordance with section 13 of the Systems Act.

CHAPTER 8

MISCELLANEOUS MATTERS

Official languages

50. Anyone who speaks at a meeting may use any of the three official languages recognised by the Constitution of the Western Cape, 1997, namely Afrikaans, English and isiXhosa.

Municipal employees

51. (1) The employees of the municipality who attend a meeting must observe the rules and decorum applicable to councillors.
- (2) A municipal employee must attend a meeting if requested to do so by the Municipal Manager.

Offences and penalties

52. (1) A councillor or a member of the public who—
- (a) refuses to withdraw from a place of meeting of the Council or a committee when directed to do so by the Speaker or chairperson of a meeting in terms of rule 19(3)(b); or
 - (b) returns to a meeting from which he or she has withdrawn or was removed in terms of rule 19(3)(b)

may be forcibly removed and is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six (6) months or to both such fine and such imprisonment.

(2) No councillor or member of the public may—

- (a) improperly interfere with—
 - (i) or impede a council or committee when such council or committee is exercising its authority or performing its functions, or
 - (ii) the performance by a councillor of his or her functions as a councillor;
 - (b) threaten or obstruct a councillor proceeding to or going from a meeting of a council or committee;
 - (c) assault or threaten a councillor, or deprive a councillor of any benefit on account of the conduct of the councillor in a Council or committee meeting;
 - (d) while a council or committee is meeting, create or take part in any disturbance within the precincts;
 - (e) fail or refuse to comply with an instruction by the person presiding at a meeting of a council or committee regarding the presence of any person at that meeting; or
 - (f) fail or refuse to comply with an instruction by a duly authorised official of the Council regarding—
 - (i) the presence of persons at a particular meeting of the Council or a committee, or
 - (ii) the possession of any article, including a firearm, in the precincts or any part thereof.
- (3) A person may not by fraud, intimidation, force, insult or threat of any kind, or by the offer or promise of any inducement or benefit of any kind, or by any other improper means—
- (a) influence a councillor in the performance of the functions of said councillor;
 - (b) induce a councillor to be absent from a Council or committee meeting; or

- (c) attempt to compel a councillor to declare himself or herself in favour of or against anything pending before or proposed or expected to be submitted to Council or a committee.
- (4) A person, including a councillor, who contravenes sub-rules (2) and (3) is guilty of an offence and on conviction is liable to a fine or to imprisonment for a period not exceeding three (3) years or to both the fine and the imprisonment.

Short title

- 53.** This by-law is called the Rules of Order for Internal Arrangements By-law, 2018.

VERORDENING OP DIE ORDEREËLS VIR DIE HOU VAN VERGADERINGS VAN WITZENBERG SE RAAD EN SY KOMITEES

Om bepalings neer te lê ten opsigte van die ordereëls wat vir die interne reëlings en algemene sake en verrigtinge van die Raad van Witzenberg Munisipaliteit en sy komitees geld, sowel as om bepalings neer te lê vir aangeleenthede wat daarmee verband hou.

INHOUDSOPGAWE

HOOFSTUK 1

INLEIDING

1. Woordomskrywings
2. Toepassing van reëls
3. Plig van Speaker, raadslede en lede van publiek

HOOFSTUK 2

VERGADERINGS

4. Volgorde van sake
5. Sakelys
6. Vergaderings
7. Funksies van Speaker ten opsigte van vergaderings
8. Bywoning deur raadslede
9. Prosedure vir verlof tot afwesigheid
10. Sanksies vir nie-bywoning
11. Notules
12. Kworum

HOOFSTUK 3

BESLUIE

13. Onbestrede aangeleenthede
14. Bestrede aangeleenthede
15. Besluite

HOOFSTUK 4

BYWONING DEUR LEDE VAN DIE PUBLIEK

16. Bywoning deur lede van die publiek
17. Uitsluiting van publiek van vergaderings
18. Hertoelating van lede van publiek

HOOFSTUK 5

GEDRAG TEN TYE VAN VERGADERINGS

19. Gedrag van raadslede en lede van die publiek

HOOFSTUK 6

DEBATVOERING EN MOSIES

20. Aanspreek van die Speaker
21. Reg om te praat en beperkings daarop
22. Behartiging van debatvoering
23. Inhoud van debatte
24. Punte van orde
25. Verduidelikings
26. Mosies
27. Kennisgewing van mosies
28. Vrae
29. Dringende mosies
30. Mosies van orde
31. Rangorde van debatvoering
32. Wysiging van mosies
33. Mosie vir uitstel van aangeleentheid
34. Mosie vir verdaging van vergadering tot 'n latere datum
35. Mosie vir verdaging van vergadering vir gespesifiseerde tyd
36. Mosie vir verdaging van debat oor aangeleentheid vir gespesifiseerde tyd
37. Mosie dat aangeleentheid tot stemming gebring word
38. Mosie dat aangeleentheid van sakelys verwyder word
39. Mosie om aangeleentheid na komitee te verwys
40. Terugtrekking van mosies of vrae
41. Afwesigheid van raadslid wat kennis van mosie of vraag gegee het
42. Herinstelling van mosies of vrae

- 43. Mosies of vrae oor aangeleenthede wat na komitee verwys is
- 44. Aanbeveling deur Uitvoerende Burgemeester of uitvoerende komitee

HOOFSTUK 7

WETGEWENDE PROSES

- 45. Indiening van konsepverordeninge
- 46. Indiening van konsepverordeninge deur raadslede
- 47. Indiening van konsepverordeninge deur Uitvoerende Burgemeester
- 48. Publisering van konsepverordeninge
- 49. Oorweging van konsepverordeninge

HOOFSTUK 8

DIVERSE AANGELEENTHEDE

- 50. Amptelike tale
- 51. Munisipale werknemers
- 52. Oortredings en strawwe
- 53. Korttitel

HOOFSTUK 1

INLEIDING

Woordomskrywings

1. In hierdie verordening, met inbegrip van die reëls, het die volgende woorde die volgende betekenis, tensy dit uit die samehang anders blyk —

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996;

“Kode” die Gedragskode vir Raadslede soos uiteengesit in Bylae 1 tot die Stelselswet;

“komitee” ’n komitee wat deur die Raad ingevolge artikel 79 van die Strukturewet daargestel is;

“lid” ’n lid van ’n komitee;

“lid van die publiek” ’n persoon wat nie ’n raadslid of ’n werknemer van ’n munisipaliteit is nie en wat ’n vergadering van die Raad of ’n komitee bywoon;

“Munisipale Bestuurder” die persoon wat deur die Raad as munisipale bestuurder aangestel is ingevolge artikel 54A van die Stelselswet, of ’n persoon wat deur die Munisipale Bestuurder gedelegeer is;

“munisipaliteit” die Witzenberg Munisipaliteit;

“Provinsiale Minister” die provinsiale minister verantwoordelik vir plaaslike regering in die provinsie;

“Raad” die munisipale raad van Witzenberg Munisipaliteit;

“raadslid” ’n lid van die Raad, met inbegrip van politieke ampsdraers soos na verwys in artikel 1 van die Stelselswet;

“reëls” die reëls waarvoor bepalings in hierdie verordening neergelê word;

“Speaker” die speaker van die Raad wat ingevolge artikel 36 van die Strukturewet verkies is of ’n raadslid wat ingevolge artikel 41 van die Strukturewet as waarnemende speaker verkies is;

“Stelselswet” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

“Strukturewet” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

“vergadering” enige vergadering van die Raad;

“sweep” ’n lid van die munisipale raad wat deur elke politieke party verteenwoordig in die Raad aangestel is;

“werksdag” enige dag van die week behalwe Saterdag of Sondag of ’n openbare vakansiedag; en

“wetstoepassing” ’n persoon in diens van die munisipaliteit en wie deur die Speaker versoek mag word om orde tydens raadsvergaderings te handhaaf en wie deur sodanige personeellede bygestaan mag word as wat omstandighede mag noodsaak.

Toepassing van reëls

2. (1) Hierdie reëls geld vir alle vergaderings.
- (2) Uitgesonder waar dit ooglopend onvanpas sou wees, is ’n reël wat op ’n raadslid in enige verrigtinge van toepassing is, ook van toepassing op ’n lid van die publiek wat aan daardie verrigtinge deelneem.
- (3) Hierdie reëls geld vir alle vergaderings van komitees behalwe komitees wat ingevolge punt 14(1)(b) van die Kode en artikel 62 van die Stelselwet daargestel is. Tensy duidelik onvanpas, word enige verwysing na die Raad as ’n verwysing na die komitee beskou, en word enige verwysing na die Speaker beskou as ’n verwysing na die voorsitter van die komitee of ’n persoon wat as die voorsitter van die komitee waarneem.

Plig van Speaker, raadslede en lede van die publiek

3. Die Speaker, raadslede en lede van die publiek moet hulself met hierdie reëls vereenselwig.

HOOFSTUK 2

VERGADERINGS

Volgorde van sake

4. (1) Die volgorde van sake in gewone vergaderings is as volg, tensy die volgorde verander is ingevolge subreël (2) —
 - (a) verkiesing van waarnemende speaker, indien nodig;

- (b) aansoek om verlof tot afwesigheid;
 - (c) goedkeuring van notules;
 - (d) verklarings en mededelings deur die Speaker;
 - (e) verklarings en mededelings deur Uitvoerende Burgemeester of uitvoerende komitee;
 - (f) oorweging van verslae;
 - (g) verslag oor gedelegeerde magte;
 - (h) dringende aangeleenthede deur die munisipale bestuurder voorgelê;
 - (i) oorweging van mosies;
 - (j) oorweging van vrae;
 - (k) oorweging van dringende mosies; en
 - (l) verdaging.
- (2) Die Speaker kan die volgorde van sake, soos op die sakelys aangetoon, verander.
- (3) 'n Raadslid wat die volgorde van sake op die sakelys wil verander, moet die Speaker vóór die vergadering nader.

Sakelys

5. (1) Die Speaker of munisipale bestuurder of 'n persoon wat deur die munisipale bestuurder aangewys is, moet die sakelys vóór die vergadering voorberei.
- (2) Die Speaker kan op enige tydstip tydens 'n vergadering 'n dringende aangeleentheid opper wat nie op die sakelys verskyn nie, tensy die Raad anders sou besluit.
- (3) Uitgesonder soos in hierdie reëls en ingevolge subreël (2) bepaal, mag geen aangeleentheid wat nie op die sakelys verskyn tydens 'n vergadering behandel word nie, behalwe aangeleenthede wat deur die tersaaklike voorsitter as dringend geag word en waar die voorsitter beslis het dat die aangeleentheid dringend is.
- (4) Die munisipale bestuurder kan aangeleenthede opper wat, volgens sy/haar diskresie, dringende besluitneming deur die Raad noodsaak. 'n Aangeleentheid sal as dringend geag word wanneer die verlangde besluit, indien vertraag, die Raad en/of sy werksaamhede sal benadeel.

Vergaderings

6. (1) Die Raad moet minstens kwartaalliks vergader, soos verlang deur artikel 18(2) van die Strukturewet.
- (2) Alle vergaderings moet oop wees vir lede van die publiek, tensy hulle ingevolge reël 17 uitgesluit word.
- (3) Onderworpe aan subreël (1) sal die Speaker besluit waar en wanneer die Raad vergader.
- (4) Die munisipale bestuurder of, in sy of haar afwesigheid, 'n persoon wat deur die munisipale bestuurder aangewys is, moet kennis gee aan elke raadslid en aan die publiek van elke vergadering.
- (5) As die pos van Speaker vakant is, moet die munisipale bestuurder, of in die afwesigheid van die munisipale bestuurder, 'n persoon wat deur die provinsiale minister aangewys is —
- (a) 'n spesiale vergadering belê om 'n speaker of 'n waarnemende speaker te verkies, en
- (b) kennis gee aan elke raadslid en aan die publiek van sodanige vergadering.
- (6) (a) Die Speaker kan op enige tydstip uit eie beweging, en sal op skriftelike versoek van 'n meerderheid raadslede, 'n spesiale vergadering belê, met dien verstande dat geen sodanige vergadering sal plaasvind nie tensy alle raadslede ten minste 48 uur vooraf kennis gegee is van die datum en tyd waarop die vergadering gehou gaan word.
- (b) Kennisgewing deur die meerderheid raadslede moet duidelik aantoon watter sake tydens die spesiale raadsvergadering behartig sal word. Geen ander sake mag tydens die spesiale raadsvergadering behartig word nie.
- (7) Die kennisgewing waarna in subreëls (4) en (5) verwys word, moet die datum, tyd en plek van die vergadering vermeld, en moet —
- (a) op enige redelike wyse wat vir die doel geskik is skriftelik tesame met die sakelys aan elke raadslid oorgedra word;
- (b) in 'n plaaslike koerant, soos bepaal deur die munisipale bestuurder of 'n aangewese persoon, gepubliseer word; en
- (c) op 'n kennisgewingbord by die munisipaliteit se hoofkantoor aangebring word.

- (8) Die munisipale bestuurder of 'n persoon wat onder subreël (4) of (5) gedelegeer is, mag afwyk van die vereiste wat in subreël (6)(b) gestel word in die geval van 'n dringende of spesiale vergadering waar tydsbeperkings dit onmoontlik maak om aan hierdie vereiste te voldoen.
- (9) Minstens sewe (7) dae vóór 'n algemene Raadsvergadering en minstens 48 uur voor enige spesiale Raadsvergadering sal 'n kennisgewing om sodanige vergadering by te woon gelaat word by of afgelewer word aan 'n toeganklike verspreidingspunt binne die munisipaliteit soos van tyd tot tyd deur die Raad bepaal of per elektroniese pos versend word na 'n adres wat deur die raadslid as sy/haar amptelike adres/posadres aangedui is. Sodanige kennisgewing sal spesifiseer watter sake tydens die vergadering behandel gaan word en moet deur die Speaker, of deur die munisipale bestuurder indien deur die Speaker gedelegeer, onderteken word.
- (10) Toevallige versuim om enige raadslid kennis te gee van 'n vergadering beteken nie dat die verrigtinge van daardie vergadering nietig verklaar sal word nie.

Funksies van Speaker ten opsigte van vergaderings

- 7. (1) Die Speaker moet die stoel inneem op die presiese tyd waarvoor die vergadering belê is.
- (2) Benewens die funksies waarna in artikel 37 van die Strukturewet en enige ander wet verwys word, moet die Speaker —
 - (a) betaamlike gedrag ten tye van vergaderings handhaaf;
 - (b) 'n beslissing lewer oor 'n vraag of punt van orde wat deur 'n raadslid geopper word, met inbegrip van 'n vraag wat met die rangorde van sake verband hou; en
 - (c) beslis oor enige prosessuele gebeurlikheid waarvoor geen bepalinge in hierdie reëls neergelê is nie.
- (3) Die beslissing waarna in subreël (2) verwys word, moet in die notule aangeteken word.

Bywoning deur raadslede

'n Raadslid sal —

- 8.1 onderworpe aan punt 3 van die Kode, sowel as reël 9 en reël 19, elke vergadering bywoon en moet sy of haar naam in die bywoningsregister aanteken;

- 8.2 enige regstreekse persoonlike belang of private sakebelang wat die raadslid, of sy/haar eggenoot/eggenote, lewensmaat of vennoot/sakevennoot dalk mag hê by enige aangeleentheid wat by die Raad aanhangig gemaak word, aan die Raad en of enige komitee verklaar; en
- 8.3 onttrek aan enige verrigtinge van die Raad of komitee wanneer sodanige aangeleentheid deur die Raad of komitee oorweeg word, tensy die Raad of die komitee by wyse van 'n resoluëie besluit dat die raadslid se regstreekse of onregstreekse belang by die aangeleentheid onbeduidend of nie ter sake is nie. 'n Raadslid wat op hierdie wyse sy/haar belang openbaar het, kan met die goedkeuring van 'n meerderheid lede van die Raad of sy komitee die Raad of komitee toespreek oor die aangeleentheid voordat daar oor die aangeleentheid beraadslaag en gestem word, met dien verstande dat die Speaker deurentyd sal beslis oor hoeveel tyd daar aan sodanige voorlegging afgestaan mag word.
- 8.4 'n Raadslid wat, of wie se eggenoot/note, lewensmaat of sakevennoot of nabye familielid, enigsins regstreeks gaan baat by 'n kontrak wat met die munisipaliteit gesluit word (of dalk enigsins regstreeks daarby kan baat), moet volledige besonderhede rakende hierdie voordeel waarvan die raadslid bewus is, openbaar maak tydens die eerste vergadering van die Raad of komitee van die Raad waartydens dit vir die raadslid moontlik is om 'n openbaarmaking te maak.
- 8.5 Hierdie bepaling geld nie vir 'n belang of voordeel wat 'n raadslid, of 'n eggenoot/note, lewensmaat of sakevennoot of nabye familielid, het of bekom wat algemeen deur ander inwoners en belastingbetalers van die munisipaliteit gedeel word nie.

Prosedure vir verlof tot afwesigheid

9. (1) 'n Raadslid moet, voordat hy/sy homself of haarself van 'n vergadering verskoon, sodanige aansoek aan die Speaker rig deur 'n verlofvorm te onderteken en die ingevulde verlofvorm minstens 72 uur vóór die vergadering aan die munisipale bestuurder besorg.
- (2) Die munisipale bestuurder moet die aansoek by die Speaker indien vóór die aanvang van die vergadering.
- (3) By ontvangs van die aansoek na verwys in subreël (1) moet die Speaker die aansoek oorweeg en kan die aansoek óf goedkeur óf verwerp. Die Speaker moet die raadslid minstens 24 uur vóór die vergadering oor sy of haar besluit inlig.
- (4) Die Speaker kan, met afdoende rede, verlof tot afwesigheid aan 'n raadslid toestaan wat weens spesiale omstandighede daarvan weerhou is om ingevolge subreël (1) aansoek om verlof te doen.

- (5) Die spesiale omstandighede waarna verwys word in subreël (4) kan die volgende insluit —
 - (a) siekte van die raadslid; of
 - (b) siekte of dood in die raadslid se familie; en
 - (c) enige noodsituasie wat dalk kan ontstaan.
- (6) Die name van alle raadslede wat by 'n vergadering teenwoordig is en van alle raadslede aan wie verlof tot afwesigheid van die vergadering toegestaan is, moet in die notules aangeteken word.
- (7) As die Speaker die aansoek soos na verwys in subreël (1) verwerp, moet hy of sy 'n rede daarvoor verskaf.
- (8) Subreëls (1) tot (6) geld, met die nodige veranderings, ten opsigte van die Speaker, en in sodanige toepassing word 'n verwysing na die Speaker in daardie subreëls as 'n verwysing na die Raad beskou.

Sanksies vir nie-bywoning

- 10. (1) Behalwe vir die gevalle beoog in reël 9(4) en (5) oortree 'n raadslid die reëls as hy of sy sonder verlof —
 - (a) homself of haarself van 'n vergadering verskoon;
 - (b) nalaat om teenwoordig te wees by die aanvang van 'n vergadering; of
 - (c) nalaat om teenwoordig te bly tot aan die einde van 'n vergadering.
- (2) 'n Raadslid wat afwesig is van drie of meer opeenvolgende vergaderings wat hy of sy ingevolge reël 8 verplig is om by te woon, oortree die Kode.
- (3) Die Raad kan 'n spesiale komitee bestaande uit raadslede aanstel om ondersoek in te stel na enige beweerde oortreding verwys na in subreël (1) of (2) en om hieroor aan die Raad verslag te doen.
- (4) Die spesiale komitee moet die raadslid skriftelik in kennis stel van sy of haar beweerde oortreding van die reëls of die Kode. Die raadslid moet sewe dae vanaf die datum van die skriftelike kennisgewing gegun word om skriftelik op die beweerde oortreding te reageer.

- (5) Die Raad moet besluit of die reëls of die Kode oortree is al dan nie, nadat 'n verslag van die spesiale komitee ontvang is.
- (6) As die Raad bevind dat 'n raadslid die reëls soos beoog in subreël (1) oortree het, moet die Raad die raadslid met 10% van sy of haar maandelikse salaris beboet.
- (7) As die Raad bevind dat 'n raadslid die Kode soos beoog in subreël (2) oortree het, moet die Raad die provinsiale minister versoek om die raadslid van sy of haar amp te onthef.
- (8) Subreëls (1) tot (7) geld, met die nodige veranderings, ten opsigte van die Speaker.

Notules

- 11.** (1) Die munisipale bestuurder moet —
- (a) die notules van die verrigtinge van 'n vergadering binne twee weke vanaf die vergadering skriftelik opstel; en
 - (b) elke raadslid binne 'n redelike tydperk van 'n afskrif van die notules voorsien.
- (2) Die notules van 'n vergadering moet deur die Raad oorweeg word by sy volgende vergadering en, indien bekragtig, deur die Speaker onderteken word.
- (3) Die munisipale bestuurder moet 'n rekord hou van die ondertekende notules.
- (4) Die notules word, vir die doeleinde van subreël (2), as gelees beskou as hulle aan elke raadslid voorsien is binne 'n redelike tydperk vóór die vergadering waarin hulle oorweeg word.
- (5) Geen mosie of bespreking oor die bekragtiging van die notules word toegelaat nie, behalwe in verband met die juistheid daarvan.
- (6) As 'n raadslid ontevrede is met die juistheid van die notules, moet die raadslid —
- (a) die punt noem waarmee hy of sy ontevrede is; en
 - (b) 'n mosie voorstel waarin die alternatiewe bewoording ter wysiging van die notules duidelik uiteengesit word.

- (7) Die notules van 'n vergadering moet die datum, tyd en plek van die vergadering uiteensit sowel as die besluite en ander aksies wat tydens die vergadering geneem is.

Kworum

12. (1) 'n Meerderheid van die raadslede maak 'n kworum uit soos na verwys in artikel 30(1) van die Strukturewet.
- (2) As daar op die tyd waarvoor die vergadering geskeduleer is nie 'n kworum is nie, moet die Speaker die stoel inneem sodra 'n kworum teenwoordig is.
- (3) Wanneer daar nie 'n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, moet die Speaker die vergadering verskuif na 'n ander tyd, datum en plek na sy of haar goeie dinge en die name aanteken van daardie lede wat teenwoordig is.
- (4) Wanneer die Speaker nie teenwoordig is nie en daar nie 'n kworum is nie, moet die aanvang van die vergadering met hoogstens 30 minute vertraag word en as daar aan die einde van daardie tydperk nog nie 'n kworum is nie, mag geen vergadering plaasvind nie en moet die munisipale bestuurder die name aanteken van die lede wat teenwoordig is.
- (5) Wanneer daar tydens 'n vergadering nie 'n kworum is nie, moet die Speaker die verrigtinge opskort totdat 'n kworum weer teenwoordig is, met dien verstande dat as daar ná 10 minute (of sodanige langer tydperk as wat die Speaker mag vergun) nog nie 'n kworum is nie, die Speaker die vergadering moet verdaag.
- (6) Wanneer 'n vergadering weens die afwesigheid van 'n kworum verdaag word, moet die tyd van sodanige verdaging sowel as die name van die teenwoordige lede, in die notules aangeteken word.
- (7) Die Speaker moet die name van die afwesige lede rapporteer aan die komitee wat ingevolge reël 10(3) aangestel is met die doel om 'n ondersoek van 'n oortreding van hierdie reëls te onderneem.

HOOFSTUK 3

BESLUIE

Onbestrede aangeleenthede

13. Wanneer die Raad versoek word om 'n aangeleentheid voor hom te oorweeg en daar geen teenkanting van enige raadslid is nie, moet 'n eenparige stemming in die notules aangeteken word.

Bestrede aangeleenthede

14. (1) Die Speaker moet 'n stemming hou oor elke aangeleentheid wat teengestaan word deur raadslede te versoek om deur die opsteek van hande, tensy anders voorgeskryf in enige wet of tensy die Raad anders besluit het, aan te dui of hulle vir of teen daardie aangeleentheid is, waarna die Speaker die uitslag van die stemming moet aankondig.
- (2) Wanneer die uitslag van 'n stemming aangekondig word, kan 'n raadslid daarop aandring dat sy of haar stem teen die betrokke besluit aangeteken word.
- (3) As daar 'n staking van stemme oor enige aangeleentheid is, moet die Speaker 'n beslissende stem uitbring.

Besluite

15. (1) Ingevolge artikel 160(3) van die Grondwet is 'n ondersteunende stem van 'n meerderheid van die raadslede nodig om te besluit oor —
- (a) die aanneem van verordeninge;
 - (b) die goedkeuring van die begroting;
 - (c) die oplegging van eiendomsbelasting en ander belastings, heffings en verpligtinge; en
 - (d) die aangaan van lenings.
- (2) Ingevolge artikel 34 van die Strukturewet is 'n ondersteunende stem van minstens tweederdes van die raadslede nodig om 'n besluit te aanvaar om die Raad te ontbind.
- (3) Daar word oor alle ander vrae voor die Raad beslis by wyse van 'n meerderheid van stemme wat uitgebring is, soos beoog in artikel 160(3)(c) van die Grondwet.

- (4) As daar 'n staking van stemme oor enige vraag is, moet die Speaker 'n beslissende stem uitbring, soos beoog in artikel 30(4) van die Strukturewet.

HOOFSTUK 4

BYWONING DEUR LEDE VAN DIE PUBLIEK

Bywoning deur lede van die publiek

16. Die Speaker moet redelike stappe neem om die publiek se toegang tot en die publiek se gedrag ten tye van vergaderings te reguleer.

Uitsluiting van publiek van vergaderings

17. (1) Die publiek kan van die vergadering uitgesluit word —
- (a) indien die Speaker so gelas het; of
 - (b) indien so besluit deur die Raad na aanleiding van 'n mosie deur enige raadslid tot daardie effek.
- (2) Indien 'n mosie gesekondeer word om die publiek van 'n vergadering uit te sluit, moet die mosie tot stemming gebring word, ná bespreking van die redes maar sonder om die aangeleentheid te bespreek.
- (3) As 'n mosie om die publiek uit te sluit aanvaar word, moet alle lede van die publiek, met inbegrip van die media, uit die vergaderlokaal verwyder word.
- (4) Die motivering vir die uitsluiting van die publiek moet genotuleer word.

Hertoelating van lede van die publiek

18. (1) 'n Raadslid mag in die loop van 'n vergadering waarvan die publiek uitgesluit is, voorstel "dat die vergadering weer oopgestel word", met vermelding van die redes vir sodanige mosie.
- (2) As die mosie gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.
- (3) As die mosie aanvaar word, moet die Speaker verseker dat lede van die publiek weer tot die vergadering toegelaat word.

HOOFSTUK 5

GEDRAG TEN TYE VAN VERGADERINGS

Gedrag van raadslede en lede van die publiek

- 19.** (1) Raadslede en lede van die publiek moet orde en betaamlike gedrag ten tye van vergaderings handhaaf, en hulle mag nie —
- (a) hulself op 'n onbetaamlike wyse gedra nie;
 - (b) die sake van 'n vergadering belemmer nie;
 - (c) die beslissing van die Speaker oor enige punt van orde bevraagteken nie; of
 - (d) enige oortreding van die reëls begaan nie.
- (2) Die Speaker of die voorsitter van 'n vergadering in die geval van 'n vergadering anders as 'n Raadsvergadering sal:
- 2.1. orde tydens vergaderings handhaaf;
 - 2.2. nakoming van die Gedragskode vir raadslede tydens vergaderings verseker;
 - 2.3. verseker dat vergaderings ooreenkomstig die reëls verloop;
 - 2.4. verseker dat lede hulself op 'n waardige en ordelike manier tydens vergaderings gedra;
 - 2.5. verseker dat lede van die publiek wat vergaderings bywoon hul plekke inneem in areas wat vir daardie doel aangewys is;
 - 2.6. verseker dat lede van die publiek wat vergaderings bywoon hulself op 'n ordelike wyse gedra en die reëls gehoorsaam wat deur die Speaker of voorsitter van die vergadering neergelê is;
 - 2.7. verseker dat enige raadslid of lid van die publiek wat weier om gehoor te gee aan die Speaker of voorsitter se lasgewings die vergadering verlaat; en
 - 2.8. verseker dat die sweep van elke party wat verteenwoordiging in die munisipale Raad geniet dissipline tydens enige vergadering handhaaf.

- (3) As 'n raadslid of lid van die publiek subreël (1) oortree, moet die Speaker gelas dat die raadslid of lid van die publiek hom of haar van sodanige oortreding weerhou.
- (4) As 'n raadslid of lid van die publiek die lasgewings van die Speaker ingevolge subreël (2) verontagsaam, kan die Speaker gelas dat die raadslid of lid van die publiek —
- (a) indien hy of sy aan die woord is, sy of haar redevoering staak; of
 - (b) hom- of haarself aan die vergaderlokaal onttrek vir die duur van die res van die vergadering of, indien nodig, gelas dat hy of sy deur 'n ampswag verwyder word.
- (5) Die Speaker of 'n voorsitter kan vir sodanige tydperk as wat hy/sy gerade mag ag enige lid uitsluit wat hom of haar skuldig gemaak het aan 'n misdryf of wat op 'n onbetaamlike wyse opgetree het of deurentyd die verloop van die vergadering se verrigtinge ontwig het of wat deurentyd die gesag van die voorsitter verontagsaam het, met dien verstande dat 'n formele proses ná afloop van die vergadering van stapel gestuur sal word.
- (6) Indien 'n raadslid weier om te onttrek of in gevalle waar een of meer raadslid uit die vergadering verwyder moet word, en sodanige raadslid/lede verseg om die vergadering te verlaat, sal die Speaker die ampswag versoek om die verwydering van sodanige raadslid/lede vanuit die raadsaal te bewerkstellig. As dit nie ordelik kan geskied nie, sal die voorsitter die vergadering se verrigtinge vir hoogstens 15 minute verdaag sodat die ter sprake raadslede kan onttrek of uit die vergaderlokaal verwyder kan word. As die raadslid/lede na hervatting van die verrigtinge nog nie vertrek het/verwyder is nie, kan die vergadering met 'n verdere 10 minute verdaag word om die situasie op te los. Ná die tweede verdaging kan die voorsitter beslis dat die vergadering vir 'n ander lokaal herbelê sal word en dat enige raadslid/lede wat aangesê is om te onttrek of wat uit die vergaderlokaal verwyder is, toegang tot die alternatiewe vergaderlokaal geweier sal word. Die Raad se ampswag sal verseker dat sodanige raadslid/lede nie toegang tot die alternatiewe vergaderlokaal verkry nie.
- (7) As die Speaker versuim om ingevolge subreël (3) op te tree, kan enige raadslid 'n voorstel indien dat die Speaker wel tot sulke stappe oorgaan.
- (8) Die mosie waarna in subreël (4) verwys word, moet sonder kennisgewing geskied en indien die mosie gesekondeer word, moet dit onmiddellik sonder bespreking tot stemming gebring word.

- (9) Enige persoon, met uitsondering van 'n raadslid, wat hom- of haarself aan wangedrag skuldig maak, op 'n onbetaamlike manier optree of die verrigtinge van enige Raad- of komiteevergadering ontwig, sal volgens lasgewing van die Speaker of voorsitter verwyder word van die raadsaal of vergaderlokaal waar die vergadering gehou word. As die persoon verseg om hom/haarself te verskoon, sal die ampswag daarvoor verantwoordelik wees om die persoon uit die vergadering te verwyder. Die voorsitter mag enige sodanige persoon toegang tot die Raadsaal of die vergaderlokaal weier vir 'n tydperk wat hy of sy gerade ag.

HOOFSTUK 6

DEBATVOERING EN MOSIES

Aanspreek van die Speaker

20. (1) 'n Raadslid of 'n lid van die publiek aan wie vergunning verleen is om 'n vergadering toe te spreek, moet die Speaker aanspreek.

(2) 'n Lid van die publiek aan wie die Speaker erkenning verleen het, moet sy of haar naam vermeld en, indien hy of sy 'n organisasie of enige groep verteenwoordig, daardie organisasie of groep identifiseer.

Reg om te praat en beperkings daarop

21. (1) 'n Raadslid mag praat of 'n vergadering toespreek nadat hy of sy deur die Speaker erken is.

(2) 'n Raadslid wat nie 'n lid van 'n vergadering is nie, mag die voorsitter van daardie komitee versoek om 'n toespraak te lewer, met dien verstande dat sodanige toestemming slegs na goeddunke van die voorsitter verleen sal word en nie redelikerwys weerhou sal word nie.

(3) 'n Raadslid moet persoonlike aanvalle op ander raadslede vermy en moet nie die motiewe vir enige argument of stem van 'n ander raadslid betwis nie.

(4) 'n Raadslid mag net een keer praat oor —

- (a) die aangeleentheid voor die Raad;
- (b) enige mosie voor die Raad;

(c) enige wysigings aan 'n mosie voor die Raad; of

(d) 'n punt van orde of 'n vraag,

tensy deur die Speaker gemagtig of anders bepaal in hierdie reëls.

(5) 'n Raadslid mag nie in die rede geval word terwyl hy of sy praat nie, tensy hy of sy deur die Speaker tot orde gemaan word of indien 'n punt van orde deur 'n ander raadslid geopper word.

(6) Die Speaker mag nie 'n raadslid toelaat om oor 'n aangeleentheid te praat nadat daardie aangeleentheid tot stemming gebring is nie.

(7) Die Speaker mag nie 'n debat toelaat oor 'n aangeleentheid —

(a) wat enige aangeleentheid op die sakelys dalk sal vooruitloop nie; of

(b) ten opsigte waarvan 'n besluit deur 'n juridiese of administratiewe liggaam of 'n kommissie van ondersoek hangende is nie.

Behartiging van debatvoering

22. (1) Minstens 24 uur vóór 'n vergadering van die Raad moet die swepe van die politieke partye in die Raad die Speaker van 'n lys voorsien wat aantoon —

(a) watter punte op die sakelys vir daardie vergadering bespreek gaan word; en

(b) die totale tyd wat vir die bespreking van elke punt toegewys moet word, met dien verstande dat die maksimum tyd wat vir bespreking oor elke punt op die sakelys dertig (30) minute sal wees of enige tyd wat na die Speaker se goeddunke toegewys word.

(2) Gegrand op die lys wat ingevolge subreël (1) opgestel is, moet elke party minstens 12 ure vóór 'n Raadsvergadering die hoofswEEP voorsien van 'n lys van die raadslede wat oor 'n punt gaan praat en die tyd wat aan elke sodanige raadslid toegewys is, wat nie meer as drie (3) minute sal wees nie, met dien verstande dat die totale tyd wat aan alle raadslede van 'n party toegewys word, nie langer sal wees as 'n derde van die totale tyd wat ingevolge subreël (1)(b) aan die party toegewys is nie.

(3) By ontvangs van die lyste waarna in subreël (2) verwys is, moet die Speaker, as hy of sy van die bepalings van daardie lyste wil afwyk, sy of haar besluit in hierdie verband binne 'n redelike tydperk vóór die Raadsvergadering aan die swepe van die partye oordra.

- (4) Alle aangeleenthede voor die Raad wat nie ingevolge subreël (1) gelys is nie, moet individueel aan die vergadering gestel word vir aanvaarding sonder bespreking voordat die aangeleenthede wat ingevolge subreël (1) gelys is, oorweeg word.
- (5) Na goeëdunke van die Speaker kan 'n antwoordtyd van drie minute aan die Burgemeester of 'n ter sprake lid van die burgemeesterskomitee vergun word, of aan die voorsteller van 'n mosie, om die debat af te sluit oor 'n punt wat ingevolge subreël (2) bespreek is.
- (6) Desnieteenstaande enige bepalings vervat in subreëls (1) tot (5) mag die Speaker nie, in die uitoefening van enige diskresie ingevolge hierdie Reëls, enige party benadeel ten opsigte van die tyd wat aan enige party toegestaan word nie. Die beslissing van die Speaker nadat hy/sy na goeëdunke in hierdie verband gehandel het, is finaal.

Inhoud van debatte

- 23.** (1) 'n Raadslid wat aan die woord is, moet sy of haar toespraak streng hou by die aangeleentheid voor die Raad.

(2) As 'n raadslid aanhou om van die punt af te dwaal nadat hy of sy deur die Speaker versoek is om sy of haar toespraak te hou by die aangeleentheid voor die Raad moet die Speaker hom of haar aansê om sy of haar plek in te neem en nie verder oor daardie aangeleentheid te praat nie.

(3) Raadslede en lede van die publiek moet orde en betaamlike gedrag by vergaderings handhaaf, en hulle mag hulle nie skuldig maak aan langdradige herhalings van argumente of onvanpaste taalgebruik of opmerkings van 'n beledigende aard nie.

Punte van orde

- 24.** (1) 'n Raadslid mag gedurende 'n vergadering 'n punt van orde opper om die Speaker se aandag te vestig op 'n oortreding van die reëls of enige statutêre bepaling.

(2) 'n Punt van orde mag geopper word ten opsigte van —

- (a) 'n prosessuele aangeleentheid; of
- (b) die gedrag van 'n raadslid, 'n lid van die publiek, of 'n werknemer van die munisipaliteit.

(3) 'n Raadslid wat 'n punt van orde opper, moet onmiddellik aangehoor word, en hy of sy moet —

- (a) die punt van orde vermeld; en
- (b) die reël of statutêre bepaling wat oortree word.

(4) 'n Raadslid wat aan die woord is wanneer 'n punt van orde geopper word, moet onmiddellik ophou praat totdat die Speaker oor die punt van orde beslis het. Alle ander aangeleenthede voor die Raad moet opgeskort word totdat daar oor die punt van orde beslis is.

(5) Indien in orde bevind, moet die raadslid toegelaat word om sy of haar toespraak voort te sit.

(6) Indien buite orde bevind, moet die raadslid swyg of enige opmerkings terugtrek of wysig ten einde aan die beslissing te voldoen.

(7) Die Speaker se beslissing oor 'n punt van orde is finaal en kan nie bespreek word nie, en dit moet in die notules aangeteken word.

Verduidelikings

25. (1) Die Speaker mag 'n raadslid toelaat om 'n vorige toespraak te verduidelik, maar slegs wanneer en tot die mate waartoe 'n wesentlike deel van die toespraak dalk verkeerd verstaan is.

(2) Die raadslid wat die verduideliking gee, mag nie enige nuwe aangeleentheid opper nie, en geen debat oor die verduideliking word toegelaat nie.

Mosies

26. 'n Raadslid mag slegs 'n mosie voorstel indien dit deur die Speaker gestel word en deur 'n ander raadslid gesekondeer word, tensy anders in hierdie reëls bepaal.

Kennisgewing van mosies

27. (1) Tensy anders in hierdie reëls bepaal, moet 'n kennisgewing van 'n mosie skriftelik geskied, deur die ter sprake raadslid gemotiveer, onderteken en gedateer word en minstens ses (6) werksdae vóór die datum van die vergadering waarop dit voorgestel gaan word aan die Speaker besorg word.

(2) Die Speaker moet die mosie óf by die sakelys insluit óf sodanige mosie verwys na die komitee wat die aangeleentheid behartig.

(3) Subreël (1) geld nie vir die volgende mosies nie:

- (a) 'n dringende mosie; of
- (b) 'n mosie van orde.

Vrae

28. (1) Nadat 'n mosie voorgestel en gesecondeer is of na afloop van enige toespraak oor die mosie, kan 'n raadslid versoek om 'n vraag relevant tot die mosie aan enige ander raadslid te stel.

(2) Geen aanvullende vrae mag gevra word nie, behalwe deur die raadslid wat die vraag gestel het en dan slegs ten opsigte van aangeleenthede wat uit die repliek op daardie vraag voortspruit.

(3) Die raadslid aan wie die vraag gerig word, kan óf onmiddellik daarop antwoord óf versoek dat kennisgewing van die vraag gegee word.

(4) Die kennisgewing waarna in subreël (3) verwys word, moet skriftelik wees, deur die ter sprake raadslid onderteken en gedateer word en aan die Speaker en die munisipale bestuurder besorg word.

(5) Wanneer die munisipale bestuurder die kennisgewing ontvang, moet hy of sy die kennisgewing binne vyf (5) dae aanstuur na die raadslid aan wie die vraag gerig is en —

- (a) die raadslid versoek om 'n repliek op die vraag skriftelik aan die munisipale bestuurder te rig; en
- (b) die Speaker in kennis stel van enige repliek wat ten opsigte van die vraag ontvang is.

(6) Die Speaker moet sorg dat die repliek op die sakelys van die volgende vergadering geplaas word.

(7) 'n Raadslid mag 'n vraag vra wat 'n skriftelike repliek van enige ander raadslid verlang rakende enige aangeleentheid verwant aan die doeltreffende verrigting van die munisipaliteit se funksies en die uitoefening van sy magte.

(8) Kennisgewing van 'n vraag in subreël (7) moet skriftelik wees, deur die ter sprake raadslid onderteken en gedateer word en aan die Speaker en die munisipale bestuurder besorg word. Die prosedures in subreëls (5) en (6) is van toepassing op die vraag.

Dringende mosies

29. (1) 'n Raadslid kan die aandag van die Raad vestig op enige aangeleentheid wat nie op die sakelys verskyn nie, en waarvan daar nie vooraf kennis gegee is nie, deur kortliks die onderwerp van die aangeleentheid te meld en sonder kommentaar daarop voor te stel "dat die mosie waarop die aandag gevestig is, onverwyld as 'n saak van dringendheid oorweeg word".

(2) Indien die mosie in subreël (1) gesekondeer en aanvaar word, kan die lid wat die mosie voorgestel het, toegelaat word om sonder kennisgewing te versoek dat die aangeleentheid oorweeg word.

Mosies van orde

30. (1) Die volgende word as mosies van orde beskou:
- (a) dat voorrang verleen word aan die oorweging van enige spesifieke aangeleentheid wat op die sakelys verskyn;
 - (b) dat enige verslag waarna in die sakelys verwys word, aanvaar, tot uitvoer gebring of terugverwys word;
 - (c) dat daar uitvoering gegee word aan enige dokument voor die Raad op die wyse in die mosie vermeld;
 - (d) dat daar gehandel word ten opsigte van enige aangeleentheid wat vir oorweging voorgelê is op die wyse wat in die mosie gespesifiseer is; en
 - (e) dat die Speaker 'n raadslid of 'n lid van die publiek moet gelas om hom- of haarself aan die vergadering te onttrek, sowel as
 - (f) enige mosie waarna in reël 31 verwys word.
- (2) As die mosie van orde gesekondeer word, moet dit onverwyld en sonder bespreking tot stemming gebring word.

Rangorde van debatvoering

31. Wanneer 'n mosie bespreek word, kan geen verdere mosie aanvaar word nie behalwe dat —
- (a) die mosie gewysig word;
 - (b) die oorweging van die aangeleentheid uitgestel word tot 'n vasgestelde of onbepaalde datum;
 - (c) lede van die publiek uitgesluit word;
 - (d) lede van die publiek hertoegelaat word;
 - (e) die vergadering verdaag word tot 'n latere datum;
 - (f) die vergadering verdaag word vir 'n gespesifiseerde tyd;
 - (g) die debat oor die aangeleentheid verdaag word vir 'n gespesifiseerde tyd;
 - (h) die aangeleentheid tot stemming gebring word;
 - (i) die aangeleentheid uit die sakelys geskrap word; of
 - (j) die vraag of mosie teruggetrek word.

Wysiging van mosies

32. (1) 'n Raadslid mag voorstel dat 'n mosie gewysig word deur te sê “dat die mosie gewysig word”, en te sê hoe die oorspronklike mosie gewysig moet word.
- (2) Die mosie waarna in subreël (1) verwys word, moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) 'n Wysiging moet betrekking hê op die oorspronklike mosie waarvoor dit voorgestel word, en moet voorgestel word onderwyl die oorspronklike mosie onder oorweging is.
- (4) Die wysiging moet oorweeg word voordat die oorspronklike mosie oorweeg word.
- (5) Indien die Speaker dit verlang, moet 'n voorgestelde wysiging op skrif gestel en deur die raadslid wat dit voorgestel het, onderteken word en aan die Speaker oorhandig word.

(6) As daar meer as een wysiging aan die oorspronklike mosie is, sal die laaste voorgestelde wysiging eerste tot stemming gebring word en, indien aanvaar, sal daar dienoooreenkomstig oor die aangeleentheid beslis word.

(7) As die laaste voorgestelde wysiging verwerp word, sal die wysiging wat onmiddellik vóór die laaste wysiging voorgestel is, tot stemming gebring word. Wanneer daar oor alle wysigings gestem is, sal die oorspronklike mosie of die oorspronklike mosie soos gewysig, na gelang van die geval, tot stemming gebring word.

(8) Geen verdere wysigings aan die oorspronklike mosie kan voorgestel word nadat die Speaker 'n stemming oor daardie oorspronklike mosie uitgeroep het nie.

(9) 'n Wysiging mag nie, op enige wesentlike wyse, die beginsel vervat in die oorspronklike mosie wysig nie, maar kan varieer in die terminologie wat vir sy uiteensetting gebruik word.

(10) Die Speaker moet besluit of 'n wysiging aan subreël (9) voldoen al dan nie en dienoooreenkomstig beslis.

Mosie vir uitstel van aangeleentheid

33. (1) 'n Raadslid kan na afloop van 'n toespraak voorstel "dat die oorweging van die aangeleentheid uitgestel word tot 'n bepaalde of onbepaalde datum".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.

(4) Die raadslid wat die oorspronklike mosie ten opsigte van die aangeleentheid onder bespreking voorgestel het, kan 'n repliek lewer waarna die mosie verwys na in subreël (1) sonder verdere bespreking tot stemming gebring moet word.

(5) As die mosie soos na verwys in subreël (1) aanvaar word, moet die aangeleentheid bo-aan die lys geplaas word van sake wat oorweeg moet word tydens die vergadering waarna dit uitgestel is.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

Mosie vir verdaging van vergadering tot 'n latere datum

34. (1) 'n Raadslid wat nog nie aan die bespreking oor 'n aangeleentheid wat op daardie tydstip voor die vergadering dien, deelgeneem het nie, kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander raadslid of terwyl daar gestem word, voorstel "dat die vergadering nou tot 'n latere datum verdaag".
- (2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.
- (4) Geen bespreking van die mosie word toegelaat nie, behalwe dat die eerste raadslid wat hom of haar daarteen verset, oor sy of haar teëkanting teen die mosie kan praat.
- (5) Geen wysiging van die mosie kan voorgestel word nie, behalwe in verband met die tydperk van verdaging.
- (6) As die mosie aanvaar word, moet die vergadering onverwyld verdaag en weer hervat op die datum wat in die mosie of gewysigde mosie gespesifiseer is, tensy die Speaker gelas dat die vergadering eers onbestrede sake moet afhandel.
- (7) As die mosie nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.
- (8) As die mosie tydens 'n bespreking en vóór afhandeling daarvan aanvaar word, is die raadslid wat die mosie voorgestel het daarop geregtig om eerste te praat wanneer die betrokke aangeleentheid weer by die uitgestelde vergadering heropen word.
- (9) Geen sake mag op 'n verdaagde vergadering afgehandel word nie, uitgesonderd die sake wat op die sakelys verskyn het van die vergadering waarvan dit 'n verdaging is.

Mosie vir verdaging van vergadering vir gespesifiseerde tyd

35. (1) 'n Raadslid kan te eniger tyd, uitgesonderd in die loop van 'n toespraak deur 'n ander raadslid of terwyl daar gestem word, voorstel "dat die vergadering vir 'n gespesifiseerde tyd verdaag", tot en met 'n uur.
- (2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.
- (3) As die mosie aanvaar word, moet die vergadering onmiddellik vir die gespesifiseerde tyd verdaag en weer byeenkom op die tyd wat in die mosie gespesifiseer is.

(4) As die mosie nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.

(5) Die Speaker kan, met afdoende rede, 'n vergadering vir 'n gespesifiseerde tyd verdaag.

Mosie vir verdaging van debat oor aangeleentheid vir gespesifiseerde tyd

36. (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die debat oor die aangeleentheid verdaag word vir 'n gespesifiseerde tyd".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Die raadslid wat die mosie voorgestel het, kan oor die mosie praat.

(4) Geen bespreking van die mosie word toegelaat nie, behalwe dat die eerste raadslid wat hom of haar daarteen verset, oor sy of haar teëkanting teen die mosie kan praat.

(5) Geen wysiging van die mosie kan voorgestel word nie, behalwe in verband met die tydperk van verdaging.

(6) As die mosie aanvaar word, beweeg die vergadering aan na die volgende punt of die sakelys en die verdaagde bespreking word hervat op die tydstip wat in die mosie gespesifiseer is.

(7) By hervatting van die verdaagde bespreking, is die raadslid wat die verdaging voorgestel het daarop geregtig om eerste te praat.

(4) As die mosie nie aanvaar word nie, word die bespreking van die aangeleentheid voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar alvorens 'n halfuur verstryk het nie.

(9) 'n Raadslid mag nie meer as een mosie vir die verdaging van die debat oor die aangeleentheid in die loop van daardie vergadering voorstel of sekondeer nie.

(5) Die Speaker kan, met afdoende rede, 'n debat vir 'n gespesifiseerde tyd verdaag.

Mosie dat aangeleentheid tot stemming gebring word

37. (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die aangeleentheid tot stemming gebring word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

Mosie dat aangeleentheid van sakelys verwyder word

38. (1) 'n Raadslid wat nog nie aan die bespreking van 'n aangeleentheid deelgeneem het nie, kan by afhandeling van enige toespraak oor daardie aangeleentheid voorstel "dat die aangeleentheid van die sakelys verwyder word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie waarna verwys word in subreël (1) aanvaar word, moet die aangeleentheid uit die sakelys van die vergadering verwyder word en mag nie verder by daardie vergadering nagevolg word nie.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

Mosie om aangeleentheid na komitee te verwys

39. (1) 'n Raadslid mag, by afsluiting van enige toespraak oor 'n aangeleentheid, voorstel "dat die aangeleentheid na 'n komitee verwys word".

(2) Die mosie moet gesekondeer word en hoef nie skriftelik te wees nie.

(3) Onderworpe aan subreël (4) is 'n mosie waarna verwys word in subreël (1) nie oop vir bespreking nie.

(4) Die raadslid wat die oorspronklike mosie onder bespreking voorgestel het, kan wanneer 'n mosie soos na verwys in subreël (1) voorgestel is, oor daardie oorspronklike mosie praat, waarna die mosie waarna in subreël (1) verwys word tot stemming gebring moet word sonder enige verdere bespreking.

(5) As die mosie waarna verwys word in subreël (1) aanvaar word, moet die aangeleentheid onder bespreking nie verder by die vergadering nagevolg word nie.

(6) As die mosie soos na verwys in subreël (1) nie aanvaar word nie, word die vergadering voortgesit asof daar geen onderbreking was nie, en die Speaker mag nie 'n soortgelyke mosie aanvaar nie.

Terugtrekking van mosies of vrae

40. (1) 'n Raadslid wat 'n mosie voorgestel het, kan dit op enige tydstip terugtrek met die toestemming van die Raad en die raadslid wat dit gesekondeer het.

(2) 'n Raadslid mag nie oor 'n mosie praat nadat die Raad toegestem het dat die mosie teruggetrek mag word nie.

(3) 'n Raadslid wat 'n vraag gevra het, kan dit, sonder toestemming van die Raad, terugtrek op enige tydstip voordat die vraag beantwoord word.

Afwesigheid van raadslid wat kennis van mosie of vraag gegee het

41. As die raadslid wat kennis van 'n mosie of 'n vraag gegee het nie teenwoordig is wanneer die Speaker hom of haar versoek om die mosie voor te stel of die vraag te vra nie, kan die mosie voorgestel of die vraag gevra word deur enige ander raadslid.

Herinstelling van mosies of vrae

42. (1) 'n Mosie wat deur die Raad verwerp is, of 'n vraag wat beantwoord is, kan nie weer voorgestel word of gevra word binne 'n tydperk van drie (3) maande vanaf die vergadering waarop dit verwerp of beantwoord is nie, behalwe met die toestemming van die Raad.

(2) 'n Raadslid wat 'n mosie of vraag wil herinstel, moet die Speaker skriftelik kennis gee.

(3) As die Speaker 'n kennisgewing ontvang soos na verwys in subreël (2) moet hy die kennisgewing op die sakelys van die volgende vergadering plaas.

Mosies of vrae oor aangeleenthede wat na komitee verwys is

43. (1) 'n Raadslid mag nie kennis gee van 'n mosie of vraag ten opsigte van enige aangeleentheid wat vir oorweging voor 'n komitee dien nie, tensy die kennisgewing van die mosie of vraag —

- (a) ook aan daardie komitee voorgelê is; of
- (b) dit deel is van die verwysing van die aangeleentheid na daardie komitee vir oorweging en verslagdoening.

(2) 'n Lid van 'n komitee kan, as hy of sy van mening is dat die aangeleentheid 'n saak van dringendheid is, kennis gee van 'n mosie of vraag oor 'n aangeleentheid wat na die komitee verwys is, ondanks die feit dat die mosie of vraag nog nie by daardie komitee ingedien of deur die komitee oorweeg is nie.

Aanbeveling deur Uitvoerende Burgemeester of uitvoerende komitee

44. (1) 'n Aanbeveling vervat in 'n verslag wat deur die Uitvoerende Burgemeester aan die Raad voorgelê is, sal geag word as voorgestel deur die Uitvoerende Burgemeester.

(2) Die mosie hoef nie gesekondeer te word nie.

(3) Die Uitvoerende Burgemeester of enige lid van die uitvoerende burgemeesterskomitee mag oor die aangeleentheid praat en repliek lewer, maar in sy of haar repliek moet hy of sy hom- of haarself streng by antwoorde oor die aangeleentheid bepaal en mag nie enige nuwe aangeleentheid by die bespreking inlui nie.

HOOFSTUK 7**WETGEWENDE PROSES****Indiening van konsepverordeninge**

45. Ingevolge artikel 12 van die Stelselwet kan 'n konsepverordening slegs deur 'n raadslid of 'n komitee ingedien word.

Indiening van konsepverordeninge deur raadslede

46. (1) 'n Raadslid dien 'n konsepverordening in deur dit, tesame met 'n memorandum oor sy bedoeling, aan die Speaker voor te lê.

(2) Die Speaker moet die kommentaar van die munisipale bestuurder op die inhoud van die konsepverordening bekom en kan die kommentaar van enige ander persoon versoek.

(3) Die Speaker moet 'n konsepverordening, tesame met enige kommentaar wat ontvang is ingevolge subreël (2), aan die Uitvoerende Burgemeester, as die munisipaliteit só 'n burgemeester of komitee het, voorlê vir 'n verslag en aanbeveling ingevolge artikel 30(5) van die Strukturewet.

(4) Die Uitvoerende Burgemeester moet binne drie (3) maande van ontvangs van 'n konsepverordening vanaf die Speaker die konsepverordening oorweeg en besluit om dit óf te ondersteun óf nie te ondersteun nie.

(5) As die Uitvoerende Burgemeester besluit om die konsepverordening te ondersteun, moet die munisipale bestuurder ingevolge reël 48 die konsepverordening vir openbare kommentaar publiseer.

(6) As die Uitvoerende Burgemeester besluit om nie die konsepverordening te ondersteun nie, moet die Uitvoerende Burgemeester 'n verslag aan die Raad voorlê waarin die volgende uiteengesit word:

- (a) 'n beknopte oorsig van die konsepverordening;
- (b) 'n memorandum oor die bedoeling van die konsepverordening;
- (c) die inhoud van die konsepverordening;
- (d) ander verordeninge wat herroep of gewysig sal moet word as die konsepverordening aanvaar word;
- (e) enige tersaaklike kommentaar of voorstelle;
- (f) die redes waarom die konsepverordening nie ondersteun word nie; en
- (g) 'n aanbeveling.

(7) Nadat die verslag soos na verwys in subreël (6) oorweeg is, moet die Raad besluit om óf die konsepverordening te verwerp óf om die aanvang van die wetgewende proses soos uiteengesit in reëls 48 en 49 ten opsigte van die konsepverordening goed te keur.

(8) Wanneer 'n konsepverordening deur die Raad verwerp is, mag geen verordening met dieselfde hoofinhoud binne 'n tydperk van ses (6) maande vanaf die datum van verwerping ingelei word nie.

(9) Wanneer die aanvang van die wetgewende proses ten opsigte van 'n konsepverordening ingevolge subreël (7) goedgekeur is, moet die konsepverordening ingevolge reël 48 vir openbare kommentaar gepubliseer word.

(10) As die munisipaliteit nie 'n Uitvoerende Burgemeester het nie, moet die raadslid wat die konsepverordening ingedien het 'n verslag aan die Raad voorlê waarin die aangeleenthede soos na verwys in subreël (6)(a) tot (g) uiteengesit word waarna die prosedures soos uiteengesit in subreëls (7) tot (9) van toepassing sal wees.

Indiening van konsepverordeninge deur Uitvoerende Burgemeester

47. (1) 'n Uitvoerende Burgemeester dien 'n konsepverordening in deur dit, tesame met 'n memorandum oor sy bedoeling, aan die Speaker en die munisipale bestuurder voor te lê.

(2) Die munisipale bestuurder moet die konsepverordening ingevolge reël 48 vir openbare kommentaar publiseer.

Publisering van konsepverordeninge

48. Die munisipale bestuurder moet so gou as moontlik nadat —

- (a) die Uitvoerende Burgemeester besluit het om die konsepverordening onder reël 46(5) te ondersteun;
- (b) die Raad ingevolge reël 46(7) goedkeuring verleen het vir die aanvang van die wetgewende proses; of
- (c) die Uitvoerende Burgemeester 'n konsepverordening ingevolge reël 47(1) ingelei het

die konsepverordening ingevolge artikel 12(1)(b) van die Stelselwet vir minstens 30 dae vir openbare kommentaar publiseer, tensy die Raad 'n korter tydperk goedgekeur het.

Oorweging van konsepverordeninge

49. (1) Die munisipale bestuurder moet, so gou as moontlik ná die sluitingsdatum vir openbare kommentaar soos na verwys in reël 48, 'n verslag voorlê aan die Raad of, as die munisipaliteit 'n Uitvoerende Burgemeester het, aan die burgemeester, tesame met —

- (a) 'n afskrif van die konsepverordening;
- (b) afskrifte van die advertensies waarin die publiek genooi word om vertoë te rig;

- (c) enige kommentaar wat vanaf die publiek ontvang is; en
 - (d) enige ander kommentaar of aanbevelings van die munisipale bestuurder.
- (2) Die Uitvoerende Burgemeester, as die munisipaliteit só 'n burgemeester het, moet die verslag deur die munisipale bestuurder oorweeg en moet —
- (a) 'n verslag aan die Raad voorlê waarin die volgende uiteengesit word:
 - (i) 'n beknopte oorsig van die konsepverordening,
 - (ii) 'n memorandum oor die bedoeling van die konsepverordening,
 - (iii) die beskouing van die Uitvoerende Burgemeester oor die behoefte aan die konsepverordening,
 - (iv) die inhoud van die konsepverordening,
 - (v) ander verordeninge wat herroep of gewysig sal moet word as die konsepverordening aanvaar word, en
 - (vi) enige tersaaklike kommentaar of voorstelle; en
 - (b) by die Raad aanbeveel om die verordening aan te neem, die verordening in 'n gewysigde vorm aan te neem of die verordening te verwerp.
- (3) Wanneer 'n konsepverordening deur die Raad verwerp is, mag geen verordening met dieselfde hoofinhoud binne 'n tydperk van ses (6) maande vanaf die datum van verwerping ingelei word nie.
- (4) Wanneer 'n verordening aangeneem is, moet dit ingevolge artikel 13 van die Stelselwet gepubliseer word.

HOOFSTUK 8

DIVERSE AANGELEENTHEDE

Amptelike tale

50. Enige een wat by 'n vergadering praat, mag enige van die drie amptelike tale gebruik wat deur die Grondwet van die Wes-Kaap, 1997, erken word, naamlik Afrikaans, Engels en isiXhosa.

Munisipale werknemers

51. (1) Die werknemers van die munisipaliteit wat 'n vergadering bywoon, moet die reëls en betaamlike gedrag handhaaf wat op raadslede van toepassing is.
- (2) 'n Munisipale werknemer moet 'n vergadering bywoon indien so versoek deur die munisipale bestuurder.

Oortredings en strawwe

52. (1) 'n Raadslid of 'n lid van die publiek wat —

- (a) weier om te onttrek van 'n vergaderlokaal van die Raad of 'n komitee indien so ingevolge reël 19(3)(b) deur die Speaker of voorsitter van 'n vergadering gelas; of
- (b) terugkeer na 'n vergadering waaraan hy ingevolge reël 19(3)(b) gelas is om te onttrek of van verwyder is,

kan deur brute krag verwyder word en is skuldig aan 'n oortreding en kan, by skuldigbevinding, 'n boete of gevangenisstraf opgelê word vir 'n tydperk van nie langer nie as ses (6) maande of beide sodanige boete en sodanige gevangenisstraf.

- (2) Geen raadslid of lid van die publiek mag —

- (a) onbehoorlik inmeng met —
 - (i) 'n raad of komitee of die voormelde in die uitoefening van sy gesag of die verrigting van sy funksies verhinder nie, of
 - (ii) 'n raadslid of die voormelde in die verrigting van sy of haar funksies as 'n raadslid verhinder nie;
- (b) dreig om of fisies verhoed dat 'n raadslid na 'n vergadering van 'n raad of 'n komitee mag gaan;
- (c) 'n raadslid aanrand of dreig, of 'n raadslid ontnem van enige voordeel gegrond op die optrede van 'n raadslid in 'n Raad- of komiteevergadering;
- (d) terwyl 'n raad of komitee vergader enige steurnis in die omstreke skep of daaraan deelneem;

- (e) nalaat of weier om 'n instruksie van die persoon wat voorsit by 'n vergadering van 'n raad of komitee te gehoorsaam rakende die teenwoordigheid van enige persoon by daardie vergadering; of
 - (f) nalaat of weier om 'n instruksie van 'n behoorlik gemagtigde amptenaar van die Raad te gehoorsaam rakende —
 - (i) die teenwoordigheid van persone by 'n spesifieke vergadering van die Raad of 'n komitee, of
 - (ii) die besit van enige artikel, ingeslote 'n vuurwapen, in die omstreke of enige afdeling daarvan.
- (3) 'n Persoon mag nie by wyse van bedrog, intimidasie, dwang, hoon of 'n dreigement van enige aard, of by wyse van 'n aanbod of belofte van enige aansporing of bevoordeling van watter aard ook al, of op enige ander onbetaamlike wyse —
- (a) 'n raadslid in die uitvoering van die funksies van daardie raadslid beïnvloed nie;
 - (b) 'n raadslid oorhaal om hom- of haarself van 'n Raad- of komiteevergadering te verskoon nie; of
 - (c) probeer om 'n raadslid te oortuig om 'n stem ten gunste van of teen enige aangeleentheid uit te bring wat voor die Raad of 'n komitee dien nie of wat na verwagting aan die Raad of komitee voorgehou of ingedien gaan word.
- (4) 'n Persoon, met inbegrip van 'n raadslid, wat subreëls (2) en (3) oortree, is skuldig aan 'n oortreding en kan, by skuldigbevinding, 'n boete of gevangenisstraf opgelê word vir 'n tydperk wat nie drie (3) jaar oorskry nie of beide die boete én die gevangenisstraf opgelê word.

Korttitel

53. Hierdie verordening staan bekend as die Verordening op Ordereëls vir Interne Reëlins, 2018.

UMTHETHO GABALALA KAMASIPALA OMALUNGA NEMIGAQO YOKUMA KWEENTLANGANISO ZEBHUNGA LASEWITZENBERG KUNYE NEEKOMITI ZALO

Ukunika imiGaqo yokuMa kwamalungiselelo angaphakathi kunye nemisebenzi kwaneenkqubo zeBhunga loMasipala waseWitzenberg kunye neeKomiti zalo; kwanokulungiselela imiba enxulumene noko.

ISIQULATHO

ISAPHLUKO SOKU-1

INTSHAYELELO

1. lingcaciso
2. Ukusetyenziswa kwale migaqo
3. Umsebenzi kaSomlomo, ookhansila kunye nabahlali

ISAPHLUKO SESI-2

IINTLANGANISO

4. Imiba yengxoxo
5. I-ajenda
6. Iintlanganiso
7. Imisebenzi kaSomlomo ngokunxulumene neentlanganiso
8. Ukuhanjwa kweentlanganiso ngookhansila
9. Inkqubo yezingxengxeko ezintlanganisweni
10. Izohlwayo zokuphosa iintlanganiso
11. Imizuzu
12. Ikhoram

ISAPHLUKO SESI-3

IZIGQIBO

13. Imiba engaphikiswanga
14. Imiba ephikisiweyo
15. Izigqibo

ISAHLUKO SESI-4

UKUYA KWABAHLALI EZINTLANGANISWENI

16. Ukuya kwabahlali ezintlanganisweni
17. Ukungavunyelwa kwabahlali ezintlanganisweni
18. Ukubuyiselwa kwabahlali ezintlanganisweni

ISAHLUKO SESI-5

INDLELA YOKUZIPHATHA EZINTLANGANISWENI

19. Indlela yokuziphatha kwookhansila kunye nabahlali

ISAHLUKO SESI-6

IINGXOXO NEZIPHAKAMISO

20. Ukuthetha noSomlomo
21. Ilungelo lokuthetha kunye nokwalelwa kwalo
22. UkuLawulwa kweNgxoxo
23. Umxholo wengxoxo
24. Iziphakamiso zokuba ubani uphumile emxholweni
25. Iingcaciso
26. Iziphakamiso
27. Ukuthathelwa ingqalelo kwesiphakamiso
28. Imibuzo
29. Iziphakamiso zemiba engxamisekileyo
30. Iziphakamiso ezithethelelayo
31. Ukuhlakulela ingxoxo
32. Iziphakamiso zohlaziyo
33. Isiphakamiso sokunqunyanyiswa komba
34. Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngenye imini
35. Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngexesha elithile
36. Isiphakamiso sokunqunyanyiswa kwengxoxo iphinde iqhutywe ngexesha elithile
37. Isiphakamiso sokuvotelwa komba othile
38. Isiphakamiso sokususwa komba othile kwajenda
39. Isiphakamiso sokuba umba othile udluliselwe kwikomiti
40. Ukurhoxiswa kwemibuzo okanye iziphakamiso
41. Ukungabikho kukakhansila ophakamise umba okanye umbuzo
42. Ukuvuselelwa kwemibuzo okanye iziphakamiso

- 43. Iziphakamiso okanye imibuzo emalunga nemiba edluliselwe kwikomiti
- 44. Izindululo zikaSodolophu okanye isiGqeba esiLawulayo

ISAPHLUKO SESI-7

INKQUBO YEZOMTHETHO

- 45. Ukwaziswa kwemithetho esayilwayo kamasipala
- 46. Ukwaziswa kwemithetho esayilwayo kamasipala isaziswa ngookhansila
- 47. Ukwaziswa kwemithetho esayilwayo kamasipala nguSodolophu weSithili, uSodolophu kaMasipala weNdawo okanye ikomiti
- 48. Ukupapashwa kwemithetho esayilwayo kamasipala
- 49. Ukuthathelwa ingqalelo kwemithetho esayilwayo kamasipala

ISAPHLUKO SESI-8

IMIBA GABALALA

- 50. Iilwimi ezisemthethweni
- 51. Abasebenzi bakamasipala
- 52. Ukungalandelwa komthetho
- 53. Isihloko esifutshane

ISAHLUKO SOKU-1

INTSHAYELELO

lingcaciso

1. Ngaphandle kokuba ngomnye umxholo, kulo Mthetho kaMasipala, kuquka imigaqo ebekwe apha —

“iNdlela yokuziPhatha” ithetha iNdlela yokuziPhatha yooKhansila, njengoko ibekwe kwiShedyuli yoku-1 yoMthetho weeNdlela zokuSebenza zikaMasipala;

“ikomiti” ithetha ikomiti esekwe liBhunga ngokwecandelo lama-79 loMthetho wamaCandelo kaMasipala;

“iBhunga” lithetha ibhunga likamasipala loMasipala waseWitzenberg;

“ukhansila” uthetha ilungu leBhunga, kuquka ilungu lesigqeba elimele umbutho wezopolitiko, njengoko licaciswe kwicandelo loku-1 loMthetho weeNdlela zokuSebenza zikaMasipala;

“uMgaqo-siseko” uthetha uMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996;

“intlanganiso” ibhekisa kuyo nayiphi intlanganiso yeBhunga;

“ilungu” lithetha ilungu lekomiti;

“umhlali” uthetha umntu ongengokhansila okanye ongaqeshwanga ngumasipala nochophele intlanganiso yeBhunga okanye yekomiti;

“umasipala” uthetha umasipala waseWitzenberg;

“UMlawuli kaMasipala” uthetha umntu oqeshwe liBhunga njengomlawuli kamasipala, ngokwecandelo 54A loMthetho weeNdlela zokuSebenza zikaMasipala, okanye umntu onyulwe nguMlawuli kaMasipala;

“UMphathiswa wePhondo” uthetha uMphathiswa wePhondo ojongene norhulumente weendawo ePhondweni;

“imigaqo” ithetha imigaqo ebekwe kulo Mthetho kaMasipala;

“umGcini-mthetho” uthetha umntu oqeshwe nguMasipala, onokucelwa nguSomlomo ukuba agcine ucwangco ngethuba ngethuba leentlanganiso zebhunga yaye ancediswe ngabo basebenzi bafaneleke kuloo meko;

“uSomlomo” uthetha uSomlomo weBhunga onyulwe phantsi kwecandelo lama-36 loMthetho wamaCandelo kaMasipala okanye ukhansila onyulwe njengeBambela-Somlomo, phantsi kwecandelo lama-41 loMthetho wamaCandelo kaMasipala;

“uMthetho wamaCandelo kaMasipala” uthetha uRhulumente weNdawo: uMthetho wamaCandelo kaMasipala (iMunicipal Structures Act), ka-1998 (uMthetho we-117 ka-1998);

“uMthetho weeNdlela zokuSebenza zikaMasipala” uthetha uRhulumente weNdawo: UMthetho weeNdlela zokuSebenza zikaMasipala (iMunicipal System Act), ka-2000 (uMthetho wama-32 ka-2000);

“iSabhokhwe” sithetha ilungu leBhunga likaMasipala elichongwa ngumbutho wezopolitiko ngamnye ukuba liwumele kwiBhunga;

“usuku lomsebenzi” luthetha usuku lweveki olungengoMgqibelo okanye iCawa lungeyiyo neholidi kawonke-wonke.

Ukusetyenziswa kwale migaqo

2. (1) Le migaqo iya kusebenza kuzo zonke iintlanganiso.
- (2) Umgaqo ngamnye osebenza kukhansila kuyo nayiphi indibano, ukwasebenza nakumhlali othatha inxaxheba kuloo ndibano, ngaphandle kwaxa ungangeni ndawo loo mgaqo.
- (3) Le migaqo isebenza kuzo zonke iintlanganiso zeekomiti, ngaphandle kweekomiti ezisekwe ngokwenqaku 14(1) (b) leNdlela yokuziPhatha kunye necandelo lama-62 loMthetho weeNdlela zokuSebenza zikaMasipala; nantoni na ebhekisa kwiBhunga ikwabhekisa kwikomiti, yaye nantoni na ebhekisa kuSomlomo ikwabhekisa kusihlalo wekomiti okanye umntu osebenza njengosihlalo wekomiti, ngaphandle kokuba oko akufanelekanga kuloo meko.

Umsebenzi kaSomlomo, ookhansila kunye nabahlali

3. USomlomo, ookhansila kunye nabahlali kufuneka bayifunde bayiqonde le migaqo.

ISAPHLUKO SESI-2**IINTLANGANISO****Ukuma kokwenziwa komsebenzi**

4. (1) Iintlanganiso zesiqhelo ziya kuma ngolu hlobo lulandelayo, ngaphandle kokuba kuye kwatshintshwa ngokomgaqwana (2)-

- (a) ukunyulwa kwebambela-somlomo, xa kuyimfuneko;
- (b) ukufakwa kwesingxengxezo;
- (c) ukuvunywa kwemizuzu;
- (d) iintetho neembalelwano zikaSomlomo;
- (e) iintetho neembalelwano zikaSodolophu okanye isiGqeba esiLawulayo;
- (f) ukunikwa nokuxoxwa kweengxelo;
- (g) *ingxelo malunga nokunikezelwa kwamagunya;*
- (h) imiba engxamisekileyo efakwe nguMlawuli kaMasipala;
- (i) ukujongwa kweziphakamiso;
- (j) ukujongwa kwemibuzo;
- (k) ukujongwa kwemiba engxamisekileyo ephakanyisiweyo; kunye
- (l) nokunqunyanyiswa kwentlanganiso.

- (2) USomlomo unokuyitshintsha imiba yengxoxo ekwajenda.

- (3) Kufuneka ukhansila ongathanda ukuba kutshintshwe imiba yengxoxo ekwajenda aqale athethe noSomlomo kwangaphambi kwentlanganiso.

IMiba yeNtlanganiso

5. (1) Kufuneka uSomlomo okanye uMlawuli kaMasipala kungenjalo umntu othunywe nguMlawuli kaMasipala alungise iajenda yentlanganiso.
- (2) USomlomo unokuthi afake umba obalulekileyo ongaveliyo kwiajenda, nangaliphi ixesha ngethuba lentlanganiso, ngaphandle kokuba iBhunga lithi makwenziwe ngenye indlela.
- (3) Akukho mba unokuxoxwa entlanganisweni ube ungaveli kwiajenda, ngaphandle kwawo nawuphi umba othathwa nguSihlalo waloo ntlanganiso njengongxamisekileyo abe noSihlalo ofanelekileyo ewuthatha njengongxamisekileyo, ngaphandle kokuba kulandelwa indlela ebekwe kule migaqo okanye ngokomgaqwana (2).
- (4) UMlawuli kaMasipala unokuphakamisa imiba ayithatha njengekungxamisekileyo ukuba ithathelwe izigqibo liBhunga. Umba uya kuthathwa njengongxamisekileyo ukuba eso sigqibo sifunekayo sinokuthi xa sithe salibaziseka kubekho ukudleleleka kweBhunga kunye/okanye nomsebenzi walo.

Iintlanganiso

6. (1) Kufuneka iBhunga lidibane ubuncinane qho ngekota, njengoko kubekiwe kwicandelo 18(2) loMthetho wamaCandelo kaMasipala.
- (2) Kufuneka zonke iintlanganiso zivuleleke kubahlali, ngaphandle kokuba abavumelekanga phantsi komgaqo we-17.
- (3) USomlomo uthatha izigqibo malunga nokuba iBhunga lidibana nini yaye lidibanela phi, ngokomgaqwana (1).
- (4) Kufuneka uMlawuli kaMasipala, okanye xa engekho, umntu onyulwe nguMlawuli kaMasipala azise ukhansila ngamnye kunye nabahlali ngokubanzi malunga nazo zonke iintlanganiso.
- (5) Xa singenamntu isikhundla sikaSomlomo, uMlawuli kaMasipala okanye, xa engekho uMlawuli kaMasipala, umntu onyulwe nguMphathiswa wePhondo kufuneka —
- (a) abize intlanganiso yesikhawu apho kuza kunyulwa khona usomlomo okanye ibambela-somlomo; yaye
- (b) azise ukhansila ngamnye kunye nabahlali ngokubanzi malunga nentlanganiso leyo.

- (6) (a) USomlomo unokubiza intlanganiso yesikhawu nangaliphi na ixesha alibona lifanelekile, naxa ethe wabhalelwa sisininzi sookhansila bemcela ukuba abize le ntlanganiso, ngokuxhomekeke ekubeni loo ntlanganiso ayiyi kuchotshelwa de babe bonke ooKhansila banikwe isaziso kwithuba elingaphezu kweeyure ezingama-48 phambi komhla nexesha lentlanganiso leyo.
- (b) Eso saziso sivela kwisininzi sookhansila kufuneka siwucacise owona mcimbi ubizelwa loo ntlanganiso yesikhawu yebhunga. Akukho mcimbi wumbi unokuxoxwa kwintlanganiso yesikhawu yebhunga.
- (7) Esi saziso kuthethwe ngaso kumgaqwana (4) no-(5) kufuneka sibeke umhla, ixesha nendawo yaloo ntlanganiso yaye kufuneka —
- (a) sibhalwe phantsi, sikhathshwe yiajenda xa sisisiwa kukhansila ngamnye ngayo nayiphi na indlela eza kwenza ukuba asifumane kwangethuba;
- (b) sipapashwe kwiphephandaba lendawo elikhethwe nguMlawuli kaMasipala okanye umntu onyulwe nguye; yaye
- (c) sixhonywe kwibhodi yezaziso ekwiofisi kandlunkulu kamasipala.
- (8) Umlawuli kaMasipala okanye umntu onyulwe nguye phantsi komgaqwana (4) okanye we-(5) unokungazilandeli ncam iimfuno ezibekwe kumgaqwana (6)(b) kwintlanganiso engxamisekileyo okanye yesikhawu, xa ixesha lingavumi.
- (9) Kufuneka kukhutshwe isaziso sentlanganiso esisayinwe nguSomlomo, okanye uuMlawuli kaMasipala ukuba nguye othunywe nguSomlomo, esixela imiba ekucetywa ukuba ixoxwe apho kuloo ntlanganiso, saziso eso siya kushiya okanye sisiwe kwindawo efikelekayo apho kwamasipala, ndawo leyo iya kumana ibekwa liBhunga amaxesha ngamaxesha / sithunyelwe ngeimeyile kwidilesi enikwe liBhunga njengedilesi esesikweni yaloo mntu ubuncinane kwiintsuku ezisi-7 phambi kwentlanganiso yesiqhelo yeBhunga yaye kubuncinane beeyure ezingama-48 phambi kwayo nayiphi iNtlanganiso eKhethekileyo yeBhunga.
- (10) Xa uKhansila othile ethe walityalwa ukuthunyelelwa isaziso sentlanganiso, loo nto ayiyi kwenza ukuba ingaqhubeki loo ntlanganiso.

Imisebenzi kaSomlomo ngokunxulumene neentlanganiso

7. (1) USomlomo kufuneka abe ngusihlalo lakufika ithuba lentlanganiso ebekiweyo.
- (2) Ngaphezu kwemisebenzi ebalulwe kwicandelo lama-37 loMthetho wamaCandelo kaMasipala kunye nawo nawuphi na omnye umthetho, uSomlomo —

- (a) kufuneka agcine ucwangco ezintlanganisweni;
 - (b) kufuneka anike ilizwi lokugqibela ngokunxulumene nombuzo okanye umba ophakanyiswe ngukhansela othile, kuquka umbuzo onxulumene nokuba kuhlalwe emxholweni wentlanganiso; aze
 - (c) abe nokunika ilizwi lokugqibela malunga nayo nantoni na eyenzeka entlanganisweni ibe ingachatshazelwanga kule migaqo.
- (3) Esi sigqibo sibalulwe kumgaqwana (2) kufuneka sifakwe kwimizuzu yentlanganiso.

Ukuhanjwa kweentlanganiso ngookhansila

Kuya kufuneka ukuba uKhansila—

- 8.1 Aye kwintlanganiso nganye aze asayine igama lakhe kwiphepha lobhaliso lwabakhoyo, ngokwenqaku lesi-3 weNdlela yokuziPhatha, umgaqo we-9 kunye nowe-19.
- 8.2 Azixele kwiBhunga okanye nayiphi ikomiti alilungu layo xa kukho umba oza kuxoxwa libhunga okanye ikomiti leyo onokuthi umchaphazele yena buqu okanye ishishini lakhe labucala, okanye kuchaphazeleka umlingane wakhe nokwasemtshatweni, ihlakani lakhe ngokoshishino;
- 8.3 Arhoxe kwiingxoxo zentlanganiso yebhunga okanye yekomiti xa kuxoxwa loo mba umchaphazelayo, ngaphandle kokuba ibhunga okanye ikomiti leyo ithathe isigqibo sokuba ukuchaphazeleka okungqalileyo okanye okungangqalanga kwaloo khansila akubalulekanga kuloo mba uxoxwayo. Ukhansila oye wabika ukuchaphazeleka kwakhe uya kuthi, ngemvume yesininzi samalungu ebhunga okanye ekomiti, athethe nebhunga okanye ikomiti leyo malunga naloo mba achaphazeleka kuwo ingekaqaliswa ingxoxo kunye nevoti malunga nawo, kodwa oko kuya kusoloko kuxhomekeke ekubeni uSomlomo okanye usihlalo ugqibe ekubeni ukhansila lowo ayenze nini loo ntetho.
- 8.4 Ukhansila ochaphazelekayo, okanye onomlingane wasemtshatweni, ihlakani lezoshishino, kungenjalo isizalwane esinomdla wokuzuza kwikhontrakthi ekhutshwe ngumasipala, kufuneka afake iinkcukacha ezipheleleyo zaloo nzuzo ayaziyo ukhansila lowo, loo nto eyenza kwintlanganiso yokuqala yebhunga okanye yekomiti yebhunga ekukwazekayo kuyo ukuba ukhansila lowo abike ukuchaphazeleka kwakhe okanye komntu amaziyo.

- 8.5 Lo mgaqo awungeni xa loo nzuzo okanye umdla apho ukhansila, okanye umlingane wasemtshatweni, ihlakani lezoshishino okanye isizalwane sichaphazeleka kunye nabanye abahlali okanye abahlawuli beenkonzi zikamasipala lowo.

Inkqubo yezingxengxezo ezintlanganisweni

9. (1) Xa ukhansila engazi kubakho entlanganisweni, kufuneka afake isicelo kuSomlomo ngokusayina ifomu yekhefu aze loo fomu yekhefu igcwalisiweyo ayise kuMlawuli kaMasipala kwithuba elibubuncinane beeyure ezingama-72 phambi kwentlanganiso.
- (2) Kufuneka uMlawuli kaMasipala afake isicelo kuSomlomo phambi kokuba iqale intlanganiso leyo.
- (3) Esakufumana eso sicelo sibalulwe kumgaqwana (1), kufuneka uSomlomo asithathele ingqalelo, yaye unokusivuma okanye asale isicelo eso. Kufuneka uSomlomo amazise ukhansila lowo malunga nesigqibo asithathileyo kubuncinane beeyure ezingama-24 phambi kwentlanganiso.
- (4) USomlomo unokuthi esakubona isizathu esiphathekayo, semeko enikwe ngukhansila engaphaya kwamandla akhe, amvumele ukuba angabikho entlanganisweni ngokomgaqwana (1).
- (5) Ezo meko zingaphaya kwamandla akhe zixelwe kumgaqwana (4) zinokuquka –
- (a) ukugula kukakhansila; okanye
 - (b) ukugula okanye ukusweleka kwesizalwane sikakhansila.
 - (c) nayiphi imeko engxamisekileyo enokumvelela.
- (6) Kufuneka afakwe kwimizuzu amagama abo bonke ookhansila abakhoyo entlanganisweni kunye nabo bonke ookhansila abafake izingxengxezo ezivunyiweyo.
- (7) Ukuba uSomlomo akasivumanga isicelo esibalulwe kumgaqwana (1) kufuneka anike isizathu soko kungasivumi.
- (8) Imigaqwana (1) ukuya ku-(6) iya kusebenza, nangona iya kuba neenguqu ezithile xa ibhekisa kuSomlomo, yaye kwisicelo esinjalo kufuneka xa ibhekisa kuSomlomo ithathwe njengokuba ibhekisa kwiBhunga.

Izohlwayo zokuphosa iintlanganiso

10. (1) Ngaphandle kwakwiimeko ezicaciswe kumgaqo 9(4) no-(5), ukhansila uya kuba waphule le migaqo xa ethe engafumananga mvume —
- (a) wangabikho entlanganisweni;
 - (b) wafika sele iqalile intlanganiso; okanye
 - (c) wahamba ingekapheli intlanganiso.
- (2) Ukhansila ongayanga kwiintlanganiso ezintathu ezilandelelanayo abemele ukuya kuzo ngokomgaqo wesi-8, uya kuba waphule imigaqo yale Ndlela yokuziPhatha.
- (3) IBhunga linokunyula ikomiti ekhethekileyo eyenziwa ngookhansila, ukuba iphande ize inike ingxelo kulo malunga nako nakuphi ukwaphulwa kwemigaqwana (1) no-(2) ekucingeleka ukuba kwenzekile.
- (4) Loo komiti ikhethekileyo kufuneka imazise ngokubhaliweyo loo khansila malunga nokutyholwa kwakhe ngokwaphula le migaqo okanye le Ndlela yokuziPhatha. Loo khansila makanikwe iintsuku ezisixhenxe ukususela ekufumaneni kwakhe isaziso ukuba aziphendulele ngokubhaliweyo malunga nezo zityholo abekwa zona.
- (5) Kufuneka iBhunga lithathe isigqibo malunga nokuba waphuliwe na okanye hayi loo mgaqo weNdlela yokuziPhatha, emva kokuba lifumene ingxelo yekomiti ekhethekileyo.
- (6) Ukuba iBhunga limfumanisa ukhansila eyaphule le migaqo ngokomgaqwana (1), kufuneka loo khansila iBhunga limdle i-10% yomvuzo wakhe wenyanga.
- (7) Ukuba iBhunga limfumanisa ukhansila eyaphule le migaqo yeNdlela yokuziPhatha ngokomgaqwana (2), kufuneka iBhunga licele uMphathiswa wePhondo ukuba amgxothe loo khansila.
- (8) Imigaqwana (1) ukuya ku-(7) iya kulungiswa ngokufanelekileyo ukuze isebenze kuSomlomo.

Imizuzu

11. (1) Kufuneka uMlawuli kaMasipala —
- (a) adibanise imizuzu yeenkqubo zentlanganiso ezibhaliweyo zingadlulanga iiveki ezimbini zentlanganiso; yaye
 - (b) anike ukhansila ngamnye ikopi yemizuzu lingadlulanga ithuba elifanelekileyo.
- (2) Kufuneka imizuzu yentlanganiso iqwalaselwe liBhunga kwintlanganiso yalo elandelayo, ize ithi yakuvunywa isayinwe nguSomlomo.
- (3) Kufuneka uMlawuli kaMasipala agcine irekhodi yemizuzu esayiniweyo.
- (4) Loo mizuzu iya kuthathwa njengefundiweyo, ngokomgaqwana (2), xa iye yanikwa ukhansila ngamnye kwangethuba elifanelekileyo ukuze bayifunde kwangaphambi kwentlanganiso.
- (5) Akukho mba uphakanyiswayo okanye ngxoxo iya kuvunyelwa emva kokuvunywa kwemizuzu, ngaphandle kokuba loo mba unento yokwenza nokuchaneka kwemizuzu leyo.
- (6) Ukuba ukhansila akaneliseki kukuchaneka kwemizuzu, kufuneka —
- (a) axele loo mba anganelisekanga nguwo; aze
 - (b) aphakamise umba ocacisa eyona ndlela imele ukubekwa ngayo loo nto ayilungisayo kwimizuzu.
- (7) Imizuzu yentlanganiso mayibeke umhla, ixesha nendawo ebiqhubeke kuyo loo ntlanganiso kunye nezigqibo okanye izinto eziza kwenziwa ngokwezigqibo zaloo ntlanganiso.

Ikhoram

12. (1) Ikhoram yenziwa sisininzi sookhansila ababalulwe kwicandelo 30 (1) loMthetho wamaCandelo kaMasipala.
- (2) Ukuba ayenzeki ikhoram ngexesha elibekelwe intlanganiso, kufuneka uSomlomo achophele indawo yokuba ngusihlalo xa iphelela ikhoram.

- (3) Rhoqo xa ingenzeki ikhoram kufuneka intlanganiso ilityaziswe ithuba elingedlulanga kwimizuzu engama-30, yaye ukuba ayikabikho ikhoram nasemva kwelo thuba, kufuneka uSomlomo athathe isigqibo sokuyirhoxisela elinye ixesha, umhla nendawo intlanganiso leyo, atsho abhale namagama amalungu akhoyo.
- (4) Ngalo lonke ixesha uSomlomo engekho yaye ingenzeki nekhoram, kufuneka intlanganiso leyo ilityaziswe ithuba elingaphezu kwemizuzu engama-30, ze kuthi ukuba ayikenzeki ikhoram xa kuphela elo thuba, ingaqhubeki loo ntlanganiso; yaye kufuneka umlawuli kamasipala abhale amagama abantu abebekho.
- (5) Nanini na apho intlanganiso ingayenziyo ikhoram, kufuneka uSomlomo azirhoxise iingxoxo de kube kukho ikhoram eyaneleyo, ze ukuba ayikabikho ikhoram emva kwemizuzu eli-10 okanye elo thuba longezelelweyo linokuvunyelwa nguSomlomo, uSomlomo ayirhoxise loo ntlanganiso.
- (6) Nanini na apho ithe yarhoxiswa intlanganiso ngenxa yokungapheleli kwekhoram, kufuneka kubhalwe kwimizuzu ixesha lokurhoxiswa kwayo ngokunjalo namagama abo bebhona.
- (7) Kufuneka uSomlomo axele amagama amalungu abengekho kuloo komiti yonyulwe ngokomgaqo 10(3), ukwenzela ukuba kuphandwe malunga nokwaphulwa kwale migaqo.

ISAHLUKO SESI-3

IZIGQIBO

Imiba engaphikiswanga

- 13. Nanini na apho iBhunga licelwe ukuba lijonge umbu othiwe thaca phambi kwalo, uze loo mba ungaphikiswa nguye nawuphi ukhansila, kufuneka kubhalwe kwimizuzu ukuba loo mba uye wavotelwa ngumntu wonke.

Imiba ephikisiweyo

- 14. (1) Kufuneka uSomlomo ayalele ukuba kuvotelwe wonke umbu ophikiswayo ngokuthi acele ookhansila ukuba baphakamise izandla bavotele ukuxhasa okanye ukuchasa umbu othile, ngaphandle kokuba umthetho okanye iBhunga lithatha esinye isigqibo, apho uSomlomo kufuneka uSomlomo abhengeze isiphumo sovoto olo.

- (2) Emva kokubhengezwa kweziphumo zovoto, ukhansila usenokunyanzelisa ukuba ukuvota kwakhe kubhalwe njengokuchasa eso sigqibo sithathiweyo.
- (3) Ukuba iivoti ziyalingana kuwo nawuphi umba, kufuneka uSomlomo anike ivoti ethatha isigqibo.

Izigqibo

- 15.** (1) Ngokwecandelo 160(3) loMgaqo-siseko, kufuneka ivoti exhasa isininzi sookhansila xa —
- (a) kuvunywa imithetho kamasipala;
 - (b) xa kuvunywa ibhajethi;
 - (c) kunyanzeliswa iintlawulo zeenkonzo zikamasipala kunye neerhafu neemali zikamasipala; okanye
 - (d) kunyuswa imali-mboleko.
- (2) Ngokwecandelo lama-34 loMthetho wamaCandelo kaMasipala, ukuze isigqibo sivunywe liBhunga kufuneka ivoti exhasayo ibe sisibini esithathwini sookhansila.
- (3) Yonke eminye imibuzo eziswe kwiBhunga iya kugqitywa sisininzi seevoti ezinikiweyo, njengoko kubekwe kwicandelo 160(3)(c) loMgaqo-siseko.
- (4) Ukuba iivoti ziyalingana kuwo nawuphi umbuzo, kufuneka uSomlomo anike ivoti ethatha isigqibo.

ISAPHLUKO SESI-4

UKUYA KWABAPHLALI EZINTLANGANISWENI

Ukuya kwabaphlali ezintlanganisweni

- 16.** Kufuneka uSomlomo athathe amanyathelo afanelekileyo okulawula ukuba ngoobani abaphlali abaza kungena entlanganisweni kwanendlela abaziphatha ngayo kwezo ntlanganiso.

Ukungavunyelwa kwabahlali ezintlanganisweni**17. (1) Abahlali banokungavunyelwa ukuba bachophele intlanganiso-**

- (a) xa etsho njalo uSomlomo; okanye
 - (b) xa kusitsho iBhunga emva kwesiphakamiso esivela kukhansila ocela njalo.
- (2) Xa eso siphakamiso sokungabavumeli abahlali kuloo ntlanganiso siye saxhaswa, kufuneka eso siphakamiso sivotelwe, emva kokuxoxwa kwezizathu zokungavunyelwa kwabo, kodwa ungaxoxwanga umba wokungavunyelwa kwabo.
- (3) Ukuba uyalandelwa umba wokungavunyelwa kwabahlali entlanganisweni, kufuneka kungavunyelwa mhlali kuloo ndawo yentlanganiso, kuquka neentatheli.
- (4) Kufuneka izizathu zoko kungavunyelwa kwabahlali kubhalwe kwimizuzu.

Ukubuyiselwa kwabahlali ezintlanganisweni

18. (1) Kusekunothi ngethuba kuqhuba intlanganiso kubekho ukhansila ophakamisa “ukuvulelwa kwabahlali kwakhona” kwintlanganiso leyo aze abeke izizathu zeso siphakamiso sakhe.
- (2) Ukuba eso siphakamiso siyaxhaswa, kufuneka sivotelwe ngaphandle kokuxoxwa.
- (3) Ukuba eso siphakamiso siyalandelwa, kufuneka uSomlomo aqinisekise ukuba abahlali bayaphinda bavunyelwe ukuba bangene kuloo ntlanganiso.

ISAPHELA SESI-5**INDLELA YOKUZIPHATHA EZINTLANGANISWENI****Indlela yokuziphatha kwookhansila kunye nabahlali**

19. (1) Kufuneka ookhansila nabahlali bahlale ngocwangco ezintlanganisweni yaye abanakho —
- (a) ukuziphatha ngendlela engamkelekanga;
 - (b) ukuphazamisa ukuqhuba kwentlanganiso;

- (c) ukucela umngeni isigqibo sikaSomlomo okanye nasiphi isiphakamiso sokuba ubani uphumile emxholweni; okanye
 - (d) ukwaphula nayiphi na imigaqo.
- (2) Kufuneka uSomlomo okanye usihlalo wentlanganiso, xa ingeyontlanganiso yebhunga:
- 2.1. Agcine ucwangco ngethuba leentlanganiso.
 - 2.2. Aqinisekise ngokulandelwa kweNdlela yokuziPhatha kookhansila ngethuba leentlanganiso.
 - 2.3. Aqinisekise ukuba iintlanganiso zilandela le migaqo ibekiweyo.
 - 2.4. Aqinisekise ukuba amalungu aziphatha ngendlela enesidima nenocwangco ngethuba lokuqhuba kweentlanganiso.
 - 2.5. Aqinisekise ukuba abahlali abaye kuloo ntlanganiso bahlala kwiindawo ezibekelwe oko.
 - 2.6. Aqinisekise ukuba abahlali abakuloo ntlanganiso baziphatha ngendlela enocwangco yaye bayayilandela nayiphi imigaqo ebekwe nguSomlomo okanye usihlalo waloo ntlanganiso.
 - 2.7. Aqinisekise ukuba uyakhutshwa entlanganisweni nawuphi na ukhansila okanye umhlali ongavumiyo ukulandela isigqibo sikaSomlomo okanye usihlalo.
 - 2.8. Aqinisekise ukuba iSabhokhwe esingummeli weqela ngalinye lezopolitiko kwibhunga likamasipala, sigcina ucwangco ngethuba lentlanganiso nganye.
- (3) Ukuba ukhansila okanye umhlali waphula umgaqwana (1), kufuneka uSomlomo ayalele loo khansila okanye umhlali lowo ukuba ayeke ukwaphula loo mgaqo.
- (4) Ukuba ukhansila okanye umhlali akawuthatheli ngqalelo umyalelo kaSomlomo ngokomgaqwana (2), uSomlomo usenokuyalela loo khansila okanye umhlali lowo —
- (a) ukuba athule ukuba uyathetha; okanye
 - (b) ayishiye intlanganiso okanye akutshwe nguNogada, xa kuyimfuneko oko.

- (5) Ilungu eliye laziphatha kakubi okanye eliye laqhuba nokuphazamisana nokuqhuba kwentlanganiso okanye elingakhange limhloniphe usihlalo linokungavunyelwa entlanganisweni nguSomlomo okanye usihlalo, ithuba alibona lifanelekile ngokuxhomekeke ekubeni kuza kulandelwa inkqubo esesikweni yokulohlwaya emva kwentlanganiso.
- (6) Apho ukhansila angavumiyo ukuphuma entlanganisweni okanye apho kufuneka kukhutshwe ookhansila abaninzi, aze loo khansila/ abo khansila bangavumi ukuphuma entlanganisweni, uSomlomo uya kucela uNogada ukuba amkhuphe loo khansila/ abakhuphe abo khansila kwindawo yentlanganiso. Ukuba loo nto ayinakwenzeka ngendlela enocwangco, usihlalo angayinqumamisa ithuba lemizuzu eli-15 intlanganiso leyo esenzela ukuba abo khansila baphume okanye bakhutshwe kwindawo yentlanganiso. Ukuba kuthe xa kuphinda kuqhutywa intlanganiso wabe loo khansila/ abo khansila bengekaphumi okanye bakhutshwe, intlanganiso inokuphinda inqunyanyiselwe eminye imizuzu eli-10 ukwenzela ukulungisa loo meko. Usihlalo unokuthatha isigqibo sokuba intlanganiso iye kuqhutyelwa kwenye indawo, emva kokunqunyanyiswa kwayo okwesibini, aze angavunyelwa kuloo ndawo intsha nawuphi ukhansila okanye ookhansila abebeyalelwe ukuba baphume okanye abebekhutshiwe entlanganisweni. UNogada webhunga uya kuqinisekisa ukuba loo khansila/abo khansila abangeni kuloo ndawo intsha ibanjelwe kuyo intlanganiso.
- (7) Ukuba uSomlomo akakwazanga ukwenza oko kubekwe kumgaqwana (3), nawuphi ukhansila unokuphakamisa ukuba uSomlomo enze ngokwalo mgaqwana.
- (8) Oku kuphakanyiswa komba kuxelwe kumgaqwana (4) kufuneka kuqhutywe ngaphandle kwamagingxigingxi, kuze ukuba kuthe kwaxhaswa kuvotelwe ngaphandle kwengxoxo.
- (9) Nawuphi umntu ongengokhansila, othe waziphatha kakubi okanye waphazamisa inkqubo kuyo nayiphi intlanganiso yebhunga okanye yekomiti, uya kukhutshwa kwigumbi lentlanganiso xa ethe wayalela njalo uSomlomo. Ukuba loo mntu akafuni kuphuma, iya kuba nguNogada onoxanduva lokukhupha loo mntu kuloo ntlanganiso. Usihlalo unokungamvumeli loo mntu ukuba aphinde avunyelwe kwigumbi lokubambela iintlanganiso zebhunga okanye kwindawo yentlanganiso, ithuba alibona lifanelekile.

ISAPHLUKO SESI-6

IINGXOXO NEZIPHAKAMISO

Ukuthetha noSomlomo

20. (1) Umntu onokuthetha noSomlomo ngukhansila okanye umhlali okhonjelwe ukuthetha.

(2) Umhlali okhonjwe nguSomlomo kufuneka axele igama lakhe, axele nombutho okanye iqela lakhe ukuba umele umbutho okanye iqela elithile.

Ilungelo lokuthetha kunye nokwalelwa kwalo

21. (1) Ukhansila unokuthetha okanye aqhube nokuthetha entlanganisweni emva kokuba ekhonjwe nguSomlomo.

(2) Ukhansila ongelolungu lakomiti unokucela uSihlalo waloo ntlanganiso yekomiti ukuba athethe, yaye ukunikwa kwemvume yokuthetha kuya kuxhomekeka kuSihlalo lowo, nosenakho ukungayiniki loo mvume.

(3) Kufuneka ukhansila angabahaseli abanye ookhansila yaye kufuneka azinxweme ekuceleni umngeni kuwo nawuphi umba okanye ivoti yomnye ukhansila.

(4) Ukhansila unokuthetha kube kanye kuphela —

- (a) kumba othiwe thaca phambi kweBhunga;
- (b) kuwo nawuphi umba ophakanyiswe phambi kweBhunga;
- (c) kuzo naziphi izilungiso zomba ophakanyiswe phambi kweBhunga; okanye
- (d) ekuphakanyisweni kokuphuma emxholweni okanye umbuzo,

ngaphandle kokuba ugunyaziswe nguSomlomo okanye ngokwendlela ebekwe kule migaqo.

(5) Akufunekanga ukhansila aphazanyiswe esathetha, ngaphandle kokuba ulungiswa nguSomlomo okanye kukho omnye ukhansila ophakamisa ukuphuma emxholweni kwesithethi eso.

(6) USomlomo usenokungamkhombi ukhansila ukuba athethe kumba othile xa sele uvotelwe loo mba.

(7) USomlomo usenokungakuvumeli ukuxoxwa komba —

- (a) onokuphembelela nawuphi umba okwiajenda; okanye
- (b) osalinde ukuthathelwa isigqibo liqela lezomthetho okanye lezokulawula kungenjalo ikomishoni yophando.

UkuLawulwa kweNgxoxo

22. (1) Ubuncinane beeyure ezingama-24 phambi kwentlanganiso yeBhunga, abameli bamaqela ezopolitiko abakwiBhunga kufuneka banike uSomlomo uluhlu olubonisa ukuba—
- (a) yiyiphi imiba yeajenda eza kuxoxwa kuloo ntlanganiso;
 - (b) ixesha elipheleleyo elibekelwe ukuxoxwa komba ngamnye, ngokuxhomekeke ukuba elona xesha lininzi libekelwe umba ngamnye liya kuba yimizuzu engamashumi amathathu (30) okanye naliphi ixesha anokuthatha isigqibo salo uSomlomo
- (2) Ngokuxhomekeke kuluhlu olubekwe ngokomgaqwana (1), iqela ngalinye lezopolitiko kufuneka linike iSabhokhwe esiyiNtloko uluhlu lookhansila abaya kuthetha kumba othile kubuncinane beeyure ezili-12 phambi kwentlanganiso yeBhunga, yaye ithuba eliya kunikwa ukhansila ngamnye aliya kuba ngaphezu kwemizuzu emi-3, ngokuxhomekeke ekubeni ixesha elipheleleyo likakhansila ngamnye weqela lezopolitiko aliya kuba ngaphezu kwesithathu sexesha elibekelwe elo qela lezopolitiko ngokomgaqwana (1)(b).
- (3) Ukuba uSomlomo ufuna ukutshintsha kuloo nto ikwezo zintlu, kufuneka adlulise isigqibo sakhe ngokunxulumene neZabhokhwe zamaQela ezopolitiko, lingedlulanga ixesha elifanelekileyo phambi kwentlanganiso yeBhunga, emva kokufunyanwa koluhlu olubalulwe kumgaqwana (2).
- (4) Yonke imiba yeBhunga engadweliswanga ngokomgaqwana (1) kufuneka ukuba umba ubekwe ngamnye ukuba uvunywe entlanganisweni ngaphandle kwengxoxo, phambi kokuba kujongwe le miba idweliswe kumgaqwana (1).
- (5) Xa ebona kufanelekile uSomlomo unokunika uSodolophu okanye iLungu elifanelekileyo leKomiti kaSodolophu kungenjalo umntu ophakamise umba othile, imizuzu emithathu ukuba aphenule, njengendlela yokuvala ingxoxo emalunga nomba oxoxwe ngokwenqaku lomgaqwana (2).

- (6) Nokuba ulandela nawuphi kwimigaqo ekwimigaqwana (1) ukuya ku-(5), uSomlomo akanakuthi xa ethabatha isigqibo sakhe ngokwale miGaqo, adlelelele naliphi iqela lezopolitiko ngokunxulumene nexesha elinikwa amaqela ezopolitiko. Asinakuphinda sixoxwe isigqibo sikaSomlomo ngokunxulumene nalo mba.

Umxholo wengxoxo

23. (1) Ukhansila oza kuthetha kufuneka loo nto ayithethayo ayingqalise kwiBhunga.

(2) Ukuba ukhansila uqhubeka ngenkani nombona ongekho mxholweni, emva kokucelwa nguSomlomo ukuba angaphumi emxholweni wentetho yakhe ayibeka phambi kweBhunga, kufuneka uSomlomo amyalele ukuba ahlale phantsi ayeke ukuqhuba nokuxoxa malunga naloo mba.

(3) Ookhansila kunye nabahlali kufuneka bagcine ucwangco ezintlanganisweni, yaye abavumelekanga ukuba baqhube umlebelele wengxoxo ephindaphinda into enye, bengavumelekanga nokuba basebenzise ulwimi olukwada kungenjalo bathukane entlanganisweni.

Isiphakamiso sokuba ubani uphumile emxholweni

24. (1) Ukhansila unokuphazamisa intlanganiso kuba efuna ukuphakamisa ukuba isithethi siphumile emxholweni, apho abonisa uSomlomo ukuba kophulwe umgaqo othile okanye umgaqo womthetho othile.

(2) Isiphakamiso sokuphuma emxholweni sinokwenziwa ngokunxulumene —

- (a) nokungalandelwa kwenkqubo efanelekileyo; okanye
- (b) indlela aziphethe ngayo ukhansila, umhlali, okanye umsebenzi kamasipala.

(3) Ukhansila ophiakamisa ukuphuma emxholweni kwesithethi kufuneka amanyelwe ngoko nangoko, yaye kufuneka —

- (a) atsho loo nto ayilungisayo; kunye
- (b) nomgaqo lowo okanye umgaqo womthetho owophulweyo.

(4) Ukhansila othethayo kuze kuphakanyiswe ukuphuma kwakhe emxholweni, kufuneka anqumame ayeke ukuthetha ngoko nangoko de abe uSomlomo uwulungisile loo mba wokuphuma kwakhe emxholweni. Kufuneka inqunyanyiswe yonke imiba ebekwe phambi kweBhunga de ube ugqityiwe loo mba ubulungiswa.

(5) Ukuba kugqitywe ekubeni ulandela imigaqo, kufuneka loo khansila avunyelwe ukuba aqhube nentetho yakhe.

(6) Ukuba kugqitywe ukuba uphumile emxholweni, kufuneka loo khansila athule okanye arhoxise kungenjalo atshintshe nayiphi kuloo nto abeyithetha ukwenzela ukuba ahambelane naloo nto igqityiweyo.

(7) Isigqibo sikaSomlomo malunga nokuphuma emxholweni asiyi kuphikiswa singayi kuxoxwa, yaye kufuneka sibhalwe kwimizuzu.

lingcaciso

25. (1) USomlomo unokuvumela ukhansila ukuba acacise intetho abeyenza, kodwa loo nto ayenze xa kukho imfuneko yoko yaye agxile kule ndawo kuthiwa uphazame kuyo.

(2) Xa ukhansila ecacisa intetho yakhe akanakuza namba mtsha, yaye akunakuvunyelwa ngxoxo malunga noko.

Iziphakamiso

26. Ukhansila unokuphakamisa umba othile kuphela xa uthe wabekwa nguSomlomo naxa uxhaswe ngomnye ukhansila, ngaphandle kwaxa kubekwe ngenye indlela kule migaqo.

Ukuthathelwa ingqalelo kweziphakamiso

27. (1) Isiphakamiso masibhalwe phantsi, sicaciswe, sisayinwe nguloo khansila usiphakamisayo, sibhalwe umhla size sisiwe kuSomlomo kubuncinane beentsuku ezintandathu zomsebenzi ngaphambi komhla wentlanganiso ophakanyiselwa yona, ngaphandle kokuba le migaqo ithetha enye into.

(2) Kufuneka uSomlomo awufake kwiajenda loo mba okanye awudlulisele kwikomiti ejongene nawo.

(3) Umgaqwana (1) awungeni xa kuphakanyiswe le miba ilandelayo:

(a) Isiphakamiso somba ongxamisekileyo; okanye

(b) Ukuthethelela umbono.

Imibuzo

28. (1) Emva kokuba kuye kwaphakanyiswa kwaza kwaxhaswa umba okanye ekupheleni kwayo nayiphi intetho emalunga nombaba obuphakanyisiwe, ukhansila unokubuza imibuzo enxulumene naloo mba ewubuza kuye nawuphi omnye ukhansila.
- (2) Akunakubuzwa mibuzo ingenelelayo, ngaphandle kokuba loo mbuzo ubuzwa nguloo khansila ubebuza umbuzo yaye ube unxulumene nempendulo enikwe kuloo mbuzo ububuzwa.
- (3) Ukhansila obuzwa umbuzo unokuphendula ngoko nangoko okanye acele ukuba loo mbuzo ubhalwe kwisaziso.
- (4) Eso saziiso kuthethwe ngaso apha kumgaqwana (3) masibhalwe phantsi, sisayinwe ngukhansila ofanelekileyo, sibekwe umhla size sisiwe kuSomlomo kunye noMlawuli kaMasipala.
- (5) Xa uMlawuli kaMasipala efumana eso saziiso, kufuneka asidlulisele kuloo khansila ubuzwa kuye loo mbuzo zingedlulanga iintsuku ezintlanu, aze —
- (a) acele ukhansila lowo ukuba anike uMlawuli kaMasipala impendulo ebhaliweyo; yaye
- (b) azise uSomlomo malunga nayo nayiphi impendulo efumanekileyo malunga naloo mbuzo.
- (6) Kufuneka uSomlomo aqinisekise ukuba loo mpendulo ifakwa kwiajenda yentlanganiso elandelayo.
- (7) Ukhansila unokubuza umbuzo ofuna impendulo ebhaliweyo evela komnye ukhansila ngokunxulumene nawo nawuphi umba onxulumene nokwenziwa kakuhle kwemisebenzi kwanokusetyenziswa kwamagunya kamasipala.
- (8) Esi saziiso sombuzo kuthethwe ngaso apha kumgaqwana (7) masibhalwe phantsi, sisayinwe ngukhansila ofanelekileyo, sibekwe umhla size sisiwe kuSomlomo kunye noMlawuli kaMasipala. Kuza kulandelwa iinkqubo zomgaqwana (5) no-(6) ngokunxulumene naloo mbuzo.

Iziphakamiso ezingxamisekileyo

29. (1) Ukhansila unokubonisa iBhunga nawuphi umba ongabhalelwanga saziiso ube ungaveli kwiajenda ngokuthi awucacise ngokufutshane, kuze kuthi kungakhange kuhlonyulwe malunga nawo aphakamise "ukuba loo mba uthathelwe ingqalelo njengomba ongxamisekileyo".

(2) Ukuba lo mba uphakanyiswe kumgaqwana (1) uye waxhaswa waza wavunywa, loo mntu ubewuphakamisile uya kuvunyelwa ukuba awubeke nangona engawufakanga ngesaziso.

Ukuthethelela umba

30. (1) Oku kulandelayo kuthathwa njengokuthethelela umba:

- (a) Ukuba kuqale kuxoxwe malunga nawo nawuphi umba okwiajenda;
- (b) ukuba kuthathelwe ingqalelo, kuvunywe kuze kulandelwe okanye kubuyiselwe umva nayiphi ingxelo ekwiajenda;
- (c) ukuba nawaphi amaxwebhu athe eziswa kwiBhunga alandelwe ngendlela ecaciswe kuloo mba uphakanyisiweyo;
- (d) ukuba kuthathelwa ingqalelo nawuphi umba ofakelwe ukujongwa ngokwendlela ecaciswe ekuphakanyisweni komba;
- (e) ukuba uSomlomo ayalele ukhansila okanye umhlali ukuba aphume entlanganisweni; kunye
- (f) naso nasiphi isiphakamiso ekuthethwe ngaso kumgaqo 31.

(2) Ukuba isiphakamiso siyaxhaswa, kufuneka sivotelwe ngaphandle kokuxoxwa.

Ukuhlakulela ingxoxo

31. Akukho siphakamiso sinokwamkelwa xa kusekho esisaxoxwayo, ngaphandle kwaxa—

- (a) eso siphakamiso silungiswa;
- (b) ukuxoxwa kwaloo mba kuza kuhlehliselwa umhla othile okanye ongabekwanga;
- (c) bengazi kubandakanywa abahlali;
- (d) beza kubuyiselwa entlanganisweni abahlali;
- (e) intlanganiso iza kunqunyanyiselwa omnye umhla;
- (f) intlanganiso iza kunqunyanyiselwa ixesha elithile;
- (g) ingxoxo yaloo mba iza kunqunyanyiselwa ixesha elithile;

- (h) loo mba uza kuvotelwa;
- (i) loo mba uza kukhutshwa kwiajenda; okanye
- (j) loo mbuzo okanye umba uza kurhoxiswa.

Iziphakamiso zohlaziyo

- 32.** (1) Ukhansila unokuza nesiphakamiso sokuhlaziya ngokutsho ukuba "ukuba loo mba uhlaziye", aze atsho ukuba kufuneka ulungiswe njani loo mba ebewubeke kuqala.
- (2) Lo mba kuthethwa ngawo kumgaqwana (1) mawuxhaswe yaye awunyanzelekanga ukuba ubhalwe phantsi.
- (3) Uhlaziyo maluhambelane nesiphakamiso sokuqala, yaye masicelwe kwangeli xesha usaxoxwayo lo mba wokuqala.
- (4) Makuqale kuxoxwe uhlaziyo phambi kokuba kubuyelwe kwisiphakamiso sokuqala.
- (5) Ukuba ufuna njalo uSomlomo, kungafuneka olo hlaziyo lucetywayo lubhalwe, lusayinwe ngukhansila oluphakamisileyo luze lunikwe uSomlomo.
- (6) Ukuba kulungiswa ngaphezu komba omnye kwisiphakamiso sokuqala, esona siphakamiso sokugqibela sicetywayo masiqale sivotelwe, size ukuba sivunyiwe, loo mba ulungiswe ngokufanelekileyo.
- (7) Ukuba saliwe isilungiso esiphakanyiswayo, kufuneka kuvotelwe eso silungiso siphakanyiswe ngaphambi kweso sokugqibela. Xa zigqityiwe zonke izilungiso, kufuneka kuvotelwe isiphakamiso sokuqala okanye isiphakamiso sokuqala esilungisiweyo.
- (8) Akukho zilungiso zinokuphinda zenziwe kwisiphakamiso sokuqala emva kokuba uSomlomo eye wavulela ukuvotelwa kwesiphakamiso sokuqala.
- (9) Isilungiso asinakulungisa owona mba ubuphakanyiswa sisiphakamiso sokuqala, koko unokulungisa indlela yokuwubeka lo mba.
- (10) Kufuneka uSomlomo athathe isigqibo sokuba isilungiso siyawulandela na umgaqwana (9) aze aphenule ngokufanelekileyo malunga neso silungiso.

Isiphakamiso sokunqunyanyiswa komba

33. (1) Ekupheleni kokubekwa kwentetho, ukhansila unokuphakamisa "ukuba ukuxoxwa kwaloo mba kuhlehliselwe umhla othile okanye ongaxelwanga".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.
- (4) Lo khansila ubephakamise isiphakamiso sokuqala salo mba kuxoxwa ukuhlehliswa kwawo unakho ukuphendula, ze emva koko esi siphakamiso kuthethwe ngaso kumgaqwana (1) sivotelwe ngaphandle kokuphinda sixoxwe.
- (5) Ukuba siyaqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), kufuneka loo mba uqale ufakwe kwiajenda yemiba eya kuxoxwa kwintlanganiso yaloo mhla uhlehliselwe kuwo.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngenye imini

34. (1) Ukhansila ongekathathi nxaxheba kwingxoxo yomba, unokuthi nangaliphi ixesha kuxoxwa loo mba, aphakamise "ukuba intlanganiso inqunyanyiselwe omnye umhla", ngaphandle kokuba kusekho omnye ukhansila osathethayo okanye kusavotwa.
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.
- (4) Akunakuvunyelwa ngxoxo yaloo mba, ngaphandle kokuba ukhansila wokuqala ubonisa ukungakungasivumi isiphakamiso eso, nalapho anokuthi acacise ukuba akasivumi ngazizathu zini.
- (5) Awunakuphakanyiswa ukuhlaziywa kweso siphakamiso, ngaphandle kokuba oko kunxulumene nobude bethuba emayinqunyanyiswe ngalo intlanganiso.
- (6) Ukuba siyaqhutywa eso siphakamiso sokunqunyanyiswa kwentlanganiso, kufuneka inqunyanyiswe intlanganiso leyo ize iphinde ihlale ngomhla obekwe kwisiphakamiso eso okanye kuhlaziyo lwaso, ngaphandle kokuba uSomlomo uyalela ukuba intlanganiso iqale iqhube de kugqitywe enye ingxoxo ngaphandle kwekhatywayo.

(7) Ukuba asiqhutywa esi siphakamiso, loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(8) Ukuba eso siphakamiso sokuhlehliswa kwentlanganiso siye saqhutywa kusekho umba ongekagqitywa ukuxoxwa, loo khansila uphakamise eso siphakamiso unelungelo lokuthetha kuqala xa uphinda uvulelwa ingxoxo loo mba kwintlanganiso eqhuba leyo ibinqunyanyisiwe.

(9) Akukho miba yimbi inokuxoxwa kuloo ntlanganiso iqhuba leyo ibinqunyanyisiwe ngaphandle kwale miba ibikwajenda yentlanganiso eye yanqunyanyiswa.

Isiphakamiso sokunqunyanyiswa kwentlanganiso iphinde iqhutywe ngexesha elithile

35. (1) Ukhansila unokuthi nangaliphi na ixesha aphakamise ukuba "intlanganiso inqunyanyiswe ze iphinde iqhutywe ngexesha elithile", ngaphandle kwaxa kukho omnye ukhansila othethayo okanye kukho uvoto oluqhubekayo. Olo nqunyanyiso lunokuya kutsho kwiyure enye.

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ukuba siyaqhutywa eso siphakamiso sokunqumamisa intlanganiso, kufuneka intlanganiso leyo inqunyanyiselwe ukuphinda iqhutywe ngexesha elithile, ize iphinde iqhuba kanye ngelo xesha libekwe kwisiphakamiso.

(4) Ukuba asiqhutywa esi siphakamiso, loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(5) USomlomo unokuyinqumamisela ukuba iphinde iqhutywe ngexesha elithile intlanganiso, xa kukho isizathu esiphathekayo esinikiweyo.

Isiphakamiso sokunqunyanyiswa kwengxoxo iphinde iqhutywe ngexesha elithile

36. (1) Ukhansila ongekathathi nxaxheba kwingxoxo malunga nombala othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo ngxoxo inqunyanyiselwe ixesha elithile".

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ukhansila owenze esi siphakamiso sokuhlehlisa unokucacisa uluvo lwakhe malunga nesi siphakamiso sokuhlehlisa.

(4) Akunakuvunyelwa ngxoxo yaloo mba, ngaphandle kokuba ukhansila wokuqala ubonisa ukungakungasivumi isiphakamiso eso, nalapho anokuthi acacise ukuba akasivumi ngazizathu zini.

(5) Awunakuphakanyiswa ukuhlaziywa kweso siphakamiso, ngaphandle kokuba oko kunxulumene nobude bethuba emayinqunyanyiswe ngalo ngxoxo leyo.

(6) Ukuba siyaqhutywa eso siphakamiso sokunqunyanyiswa kwengxoxo, intlanganiso leyo iya kudlulela kumba olandelayo weajenda, kuze kuphinde kubuyelwe kuloo ngxoxo inqunyanyisiweyo ngelo xesha belibekwe kwisiphakamiso.

(7) Xa kuphinda kuqhutywa naloo ngxoxo ibinqunyanyisiwe, umntu onelungelo lokuthetha kuqala nguloo khansila ubephakamise oko kunqunyiswa kwengxoxo leyo.

(8) Ukuba asiqhutywa esi siphakamiso, loo ngxoxo malunga naloo mba iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo de kuphele isiqingatha seyure.

(9) UKhansila akanakuphakamisa okanye axhase ngaphezu kwesiphakamiso esinye sokunqunyanyiswa kwengxoxo malunga nombala othile ngethuba lokuxoxwa kweso siphakamiso sokunqumamisa ngxoxo leyo.

(10) USomlomo unokuyinqumamisela ngxoxo ukuba iphinde iqhutywe ngexesha elithile, xa kukho isizathu esiphathekayo esinikiweyo.

Isiphakamiso sokuvotelwa kombala othile

37. (1) Ukhansila ongekathathi nxaxheba kwengxoxo malunga nombala othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo mba uvotelwe".

(2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.

(3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).

(4) Xa kuphakanyiswe umbala okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.

(5) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokunga khange iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

Isiphakamiso sokususwa komba othile kwiajenda

38. (1) Ukhansila ongekathathi nxaxheba kwingxoxo malunga nombaba othile unokuthi xa kugqiba kuthetha nabani na malunga naloo mba, aphakamise "ukuba loo mba ukhutshwe kwiajenda".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).
- (4) Xa kuphakanyiswe umbaba okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.
- (5) Ukuba siyaqhutywa eso siphakamiso esibalulwe kumgaqwana (1), kufuneka loo mba ususwe kwiajenda yaloo ntlanganiso, yaye akunakuphinda kuthethwe ngawo kuloo ntlanganiso.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokungakhangela iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

Isiphakamiso sokuba umbaba othile udluliselwe kwikomiti

39. (1) Ukhansila unokuthi kusakugqiba ukuthetha nabani na obethetha malunga nombaba othile, aphakamise ukuba "loo mba udluliselwe kwikomiti".
- (2) Esi siphakamiso masixhaswe yaye asinyanzelekanga ukuba sibhalwe phantsi.
- (3) Ngokuxhomekeke kumgaqwana (4), asivumelekanga ukuba sixoxwe isiphakamiso ekuthethwe ngaso kumgaqwana (1).
- (4) Xa kuphakanyiswe umbaba okumgaqwana (1), ukhansila ophakamise isiphakamiso sokuqala esixoxwayo unokucacisa malunga nesiphakamiso sakhe sokuqala, apho eso siphakamiso kuthethwe ngaso kumgaqwana (1) kufuneka sivotelwe singakhange siphinde sixoxwe.
- (5) Ukuba uyaqhutywa umbaba obalulwe kumgaqwana (1), loo mba ubuxoxwa awunakuphinda uxoxwe kuloo ntlanganiso.
- (6) Ukuba asiqhutywa esi siphakamiso kuthethwe ngaso kumgaqwana (1), loo ntlanganiso iya kuqhuba ngokungakhangela iphakazanyiswe, aze uSomlomo angaphindi avume siphakamiso sinjalo.

Ukurhoxiswa kwemibuzo okanye iziphakamiso

40. (1) Ukhansila owenze isiphakamiso angasirhoxisa nanini na xa evunyelwa liBhunga kunye nokhansila osixhasileyo.
- (2) Ukhansila akanakuthetha malunga nesiphakamiso emva kokuba iBhunga sele livumele ukurhoxiswa kweso siphakamiso.
- (3) Ukhansila obuze umbuzo angawurhoxisa, nangaliphi na ixesha ungekaphendulwa, engakhange afumane mvume yeBhunga.

Ukungabikho kukakhansila ophakamise umba okanye umbuzo

41. Ukuba akekho ukhansila onike isaziso sesiphakamiso okanye umbuzo xa ebizwa nguSomlomo, eso siphakamiso singaphakanyiswa okanye kubuzwe umbuzo nguye nawuphi omnye ukhansila.

Ukuvuselelwa kwemibuzo okanye iziphakamiso

42. (1) Isiphakamiso esaliwe liBhunga okanye umbuzo ophendulweyo awunakuphinda uphakanyiswe okanye ubuzwe lingaphelanga ithuba leenyanga ezintathu zentlanganiso obuwaliwe okanye waphendulwa kuyo, ngaphandle kokuba kuvume iBhunga.
- (2) Ukhansila ongathanda ukubuyisa isiphakamiso okanye umbuzo, kufuneka afake isiphakamiso esibhaliweyo esiya kuSomlomo.
- (3) Ukuba uSomlomo ufumana isaziso esibalulwe kumgaqwana (2), kufuneka afake isaziso kwiajenda yentlanganiso elandelayo.

Iziphakamiso okanye imibuzo emalunga nemiba edluliselwe kwikomiti

43. (1) Ukhansila akanakunika saziso sasiphakamiso okanye umbuzo obhekisele kuwo nawuphi umba odluliselwe kwikomiti, ngaphandle kokuba eso siphakamiso okanye loo mbuzo —
- (a) ukwafakwe nakuloo komiti; okanye
- (b) uyinxalenye yoko kudluliswa komba kuloo komiti iza kuwujonga kunye nengxelo.
- (2) Ukuba ilungu lekomiti libona ngathi umba ungxamisekile, elo lungu linokunika isaziso sesiphakamiso okanye umbuzo malunga nombala odluliselwe kwikomiti, nokuba eso siphakamiso asifakwanga okanye asijongwanga yiloo komiti.

Izindululo zikaSodolophu

- 44.** (1) Isindululo esikwingxelo efakwe nguSodolophu kwiBhunga sithathwa njengokuba siphakanyiswe nguSodolophu.
- (2) Eso siphakamiso asidingi kuxhaswa.
- (3) USodolophu okanye naliphi ilungu leKomiti kaSodolophu, linokuthetha lize liphendule malunga nalo mba, kodwa ekuphenduleni kwalo kufuneka lizibophelele ekuphenduleni loo mba kuphela yaye alinakufaka mba mtsha kuloo ngxoxo.

ISAPHLUKO SESI-7**INKQUBO YEZOMTHETHO****Ukwaziswa kwemithetho esayilwayo kamasipala**

- 45.** Ngokwecandelo le-12 loMthetho weeNdlela zokuSebenza zikaMasipala, umthetho oyilwayo kamasipala unokuziswa ngukhansila okanye ikomiti kuphela.

Ukwaziswa kwemithetho esayilwayo kamasipala isaziswa ngookhansila

- 46.** (1) Ukhansila ufaka umthetho oyilwayo kamasipala kuSomlomo, aze afake nememorandum emalunga neenjongo zawo.
- (2) USomlomo kufuneka afumane izimvo zoMlawuli kaMasipala malunga nomxholo womthetho oyilwayo kamasipala yaye usenokucela izimvo zakhe nawuphi omnye umntu.
- (3) Ukuba umasipala unaye usodolophu okanye ikomiti, uSomlomo kufuneka afake kuSodolophu umthetho oyilwayo kamasipala, ukunye nazo naziphi izimvo ezifunyenwe ngokomgaqwana (2), ukuze afumane ingxelo kunye nezindululo ngokwecandelo 30(5) loMthetho wamaCandelo kaMsipala.
- (4) Kufuneka uSodolophu ajonge umthetho oyilwayo kamasipala aze athathe isigqibo sokuba uyawuxhasa na okanye hayi, zingaphelanga iinyanga ezintathu ewufumene kuSomlomo.
- (5) Ukuba uSodolophu ugqiba ekubeni awuxhase uthetho oyilwayo kamasipala, kufuneka uMlawuli kaMasipala awupapashe loo mthetho uyilwayo kamasipala esenzela ukuba abahlali baveze izimvo zabo ngokomgaqo wama-48.

(6) Ukuba uSodolophu ugqiba ekubeni angawuxhasi loo mthetho uyilwayo kamasipala, kufuneka afake kwiBhunga ingxelo ebeka oku kulandelayo:

- (a) Isishwankathelo esinabileyo saloo mthetho uyilwayo kamasipala;
- (b) imemorandum emalunga neenjongo zomthetho oyilwayo kamasipala;
- (b) okuqulethwe nguloo mthetho uyilwayo kamasipala;
- (d) ukuba uyavunywa loo mthetho uyilwayo kamasipala, eminye imithetho eyilwayo kamasipala eya kubhangiswa okanye ihlaziywe;
- (e) naziphi ezinye izimvo okanye iingcebiso;
- (f) izizathu zokuba kutheni ungaxhaswanga loo mthetho uyilwayo kamasipala; kunye
- (g) nesindululo.

(7) Emva kokujonga ingxelo ekuthethwe ngayo kumgaqwana (6), kufuneka iBhunga lithathe isigqibo sokuba liyawala na loo mthetho uyilwayo kamasipala okanye liyakuvuma ukudluliselwa kwawo kwinkqubo yomthetho ebekwe kumgaqo wama-48 nowama-49 ngokunxulumene naloo mthetho uyilwayo kamasipala.

(8) Xa umthetho oyilwayo kamasipala waliwe liBhunga, akunakuphinda kufakwe omnye umthetho kamasipala ofana nalowo de kuphele iinyanga ezintandathu emva komhla wokwaliwa kwawo.

(9) Xa sele kuvunyiwe ukuqalwa kwenkqubo yomthetho ngokunxulumene nomthetho oyilwayo kamasipala ngokomgaqwana (7), kufuneka loo mthetho uyilwayo kamasipala upapashwe ukuze abahlali bafumane ithuba lokuvakalisa izimvo zabo ngokomgaqo wama-48.

(10) Ukuba umasipala awunaye uSodolophu, kufuneka loo khansila ubefake umthetho oyilwayo kamasipala afake kwiBhunga ingxelo ecacisa le miba ibalulwe kumgaqwana (6)(a) ukuya ku-(g), kuze emva koko kulandelwe iinkqubo ezibekwe kumgaqwana (7) ukuya ku-(9).

Ukwaziswa kwemithetho esayilwayo kamasipala nguSodolophu

47. (1) USodolophu ufaka umthetho oyilwayo kamasipala kuSomlomo noMlawuli kaMasipala, aze afake nememorandam emalunga neenjongo zawo.

(2) Ukuba uSodolophu ugqiba ekubeni awuxhase uthetho oyilwayo kamasipala, kufuneka uMlawuli kaMasipala awupapashe loo mthetho uyilwayo kamasipala esenzela ukuba abahlali baveze izimvo zabo ngokomgaqo wama-48.

Ukupapashwa kwemithetho esayilwayo kamasipala

48. Kufuneka uMlawuli kaMasipala athi nje kwangoko kangangoko emva —

- (a) kokuba uSodolophu egqibe ekubeni awuxhase umthetho oyilwayo kamasipala phantsi komgaqo 46(5);
- (b) kokuba iBhunga linike imvume yokuba kuqhutywe inkqubo yezomthetho ngokomgaqo 46(7); okanye
- (c) kokuba uSodolophu efake umthetho oyilwayo kamasipala ngokomgaqo 47(1),

apapashe umthetho oyilwayo kamasipala ukuze abahlali bafake izimvo zabo ngokwecandelo 12(1)(b) loMthetho weeNdlela zokuSebenza zikaMasipala ubuncinane beentsuku ezingama-30, ngaphandle kokuba iBhunga livume ithuba elifutshane kunelo.

Ukuthathelwa ingqalelo kwemithetho esayilwayo kamasipala

49. (1) Kufuneka uMlawuli kaMasipala afake ingxelo kwiBhunga okanye ukuba umasipala unaye uSodolophu, afake kuloo sodolophu, kwangoko kangangoko emva komhla wokuvalwa kwezimvo zabahlali ezibalulwe kumgaqo wama-48, ize loo ngxelo ihambe —

- (a) Nekopi yaloo mthetho uyilwayo kamasipala;
- (b) iikopi zezibhengezo ezimema izimvo zabahlali;
- (c) naziphi izimvo ezifunyenwe kubahlali; kunye
- (d) nazo naziphi ezinye izimvo okanye izindululo ezivela kuMlawuli kaMasipala.

- (2) Ukuba loo masipala unaye usodolophu, kufuneka uSodolophu ajonge loo ngxelo ifakwe nguMlawuli kaMasipala yaye kufuneka —
- (a) afake kwiBhunga ingxelo ecacisa oku kulandelayo:
- (i) Isishwankathelo esinabileyo saloo mthetho uyilwayo kamasipala;
 - (ii) imemorandum emalunga neenjongo zomthetho oyilwayo kamasipala;
 - (iii) uluvo lukaSodolophu malunga nemfuneko yalo mthetho uyilwayo kamasipala.
 - (iv) okuqulethwe nguloo mthetho uyilwayo kamasipala;
 - (v) ukuba loo mthetho uyilwayo kamasipala uyavunywa, eminye imithetho eyilwayo kamasipala eya kubhangiswa okanye ihlaziye; kunye
- (e) naziphi ezinye izimvo okanye iingcebiso; aze
- (b) aphakamise ukuba iBhunga liwupasise loo mthetho kamasipala, liwupasise ukwimo ehlaziyiweyo loo mthetho kamasipala okanye liwale umthetho kamasipala lowo.
- (3) Xa umthetho oyilwayo kamasipala waliwe liBhunga, akunakuphinda kufakwe omnye umthetho kamasipala ofana nalowo de kuphele iinyanga ezintandathu emva komhla wokwaliwa kwawo.
- (4) Xa umthetho kamasipala upasisiwe, kufuneka upasiswe ngokwecandelo le-13 loMthetho weNdlalela zokuSebenza zikaMasipala.

ISAHLUKO SESI-8

IMIBA GABALALA

IiLwimi eziseMthethweni

50. Nabani na othetha entlanganisweni angasebenzisa naluphi kwezi lwimi zintathu zisemthethweni nezibalulwa nguMgaqo-siseko weNtshona Koloni, 1997, isiBhulu, isiNgesi nesiXhosa.

Abasebenzi bakamasipala

51. (1) Abasebenzi bakamasipala abachophela intlanganiso mabalandele imigaqo babambe nocwangco olubhekisa kookhansila.

(2) Umsebenzi kamasipala kufuneka aye entlanganiswe xa ecelwe nguMlawuli kaMasipala.

Amatyala nezohlwayo

52. (1) Ukhansila okanye umhlali othe—

- (a) wangavumi ukuphuma entlanganisweni yebhunga okanye yekomiti akucelwa nguSomlomo okanye usihlalo waloo ntlanganiso ukuba aphume ngokomgaqo 19(3)(b); okanye
- (b) obuyela entlanganisweni abegxothwe okanye wakhutshwa kuyo ngokomgaqo 19(3)(b) unokukhutshwa ngenkani yaye unetyala lokophula umthetho kananjalo eya kujongana nokugwetywa intlawulo okanye avalelwe entolongweni ithuba elingekho ngaphezu kweenyanga ezintandathu, kungenjalo ahlawuliswe aze avalelwe entolongweni.

- (2) Akukho khansila okanye umhlali unokuthi—

- (a) aphazamisane-
 - (i) kungenjalo axabe endleleni yebhunga okanye ikomiti xa elo bhunga okanye ikomiti isebenzisa amagunya ayo okanye isenza umsebenzi wayo; okanye
 - (ii) ukhansila ekwenzeni kwakhe umsebenzi wakhe njengokhansila;

- (b) agrogrise okanye avalele ukhansila ukuba angakwazi kudlula okanye ukuya entlanganisweni yebhunga okanye yekomiti;
 - (c) ahlasele okanye agrogrise ukhansila, kungenjalo angamniki isibonelelo sakhe ukhansila, ngenxa yendlela aye waziphatha ngayo loo khansila kwintlanganiso yebhunga okanye ekomitini;
 - (d) adale okanye athathe inxaxheba kuko nakuphazamisana okukwindawo ekuqhuba kuyo intlanganiso yebhunga okanye yekomiti;
 - (e) angaphumeleli okanye angavumi ukulandela umyalelo onikwa ngumntu ophethe intlanganiso yebhunga okanye yekomiti, ngokunxulumene nobukho bakhe nawuphi umntu kuloo ntlanganiso; kungenjalo
 - (f) angaphumeleli okanye angavumi ukulandela umyalelo onikwa ligosa eligunyaziswe libhunga ngokunxulumene—
 - (i) nobukho babantu abathile kwintlanganiso ethile yebhunga okanye yekomiti; okanye
 - (ii) nokuphatha nasiphi na isixhobo, kuquka umpu, kwindawo leyo yentlanganiso okanye nayiphi na inxenye yayo.
- (3) Akukho mntu unokuthembisa ukwenza nantoni na okanye anike nasiphi isibonelelo ngendlela engafanelekanga esebenzisa ubuqhophololo, izigrogriso, izinyanzeliso, izithuko okanye naluphi uhlobo lokoyikisa—
- (a) aphembelele ukhansila ekwenzeni kwakhe umsebenzi wakhe loo khansila;
 - (b) anyanzelise ukhansila ukuba angayi kwintlanganiso yebhunga okanye yekomiti; okanye
 - (c) azame ukunyanzelisa ukhansila ukuba abhengeze yena kuyo nayiphi into ebisaza kufakwa okanye icetywe kungenjalo elindele ukufakwa kwintlanganiso yebhunga okanye yekomiti.
- (4) Umntu, kuquka nokhansila, owaphula umgaqwana (2) no-(3) unetyala yaye xa ethe wafunyaniswa enetyala ngenene uya kujongana nentlawulo okanye ukuvalwelwa entolongweni ithuba elingekho ngaphezu kweminyaka emithathu kungenjalo ahlawuliswe intlawulo aphinde avalelwe entolongweni.

Isihloko esifutshane

53. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala omalunga nemiGaqo yokuMa kweNtlanganiso zeBhunga, ka-2018.