



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

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Provinsiale Koerant

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

P.N. 260/2014

3 October 2014

CITY OF CAPE TOWN**BY-ELECTION IN WARD 23: 5 NOVEMBER 2014**

Notice is hereby given in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that a by-election will be held in Ward 23 of the City of Cape Town on Wednesday, 5 November 2014, to fill the vacancy in this ward.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-election will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr Derrick Marco at tel (021) 910 5700.

Signed on this 1st day of October 2014.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

P.K. 260/2014

3 Oktober 2014

STAD KAAPSTAD**TUSSENVERKIESING IN WYK 23: 5 NOVEMBER 2014**

Kennis geskied hiermee ingevolge artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat 'n tussenverkieping in Wyk 23 van die Stad Kaapstad gehou sal word op Woensdag, 5 November 2014, om die vakature in hierdie wyk te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiepingswet, 2000 (Wet 27 van 2000) dat die tydtafel vir die tussenverkieping eersdaags deur die Onafhanklike Verkiepingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr Derrick Marco by tel (021) 910 5700.

Geteken op hierdie 1ste dag van Oktober 2014.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

I.S. 260/2014

3 KweyeDwarha 2014

ISIXEKO SASAKAPA**UNYULO LOVALO-SIKHEWU KUWADI 23: 5 UNOVEMBA KA-2014**

Ngolu xwebhu kwaziswa, ngokweCandelo 25(4) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kuWadi 23 kummandla IsiXeko sasaKapa ngoLwesithathu umhla we-5 uNovemba ka-2014, ukuvala isikhewu kule wadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo zikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa kuMr Derrick Marco, kwnombolo yefowuni ethi (021) 910 5700.

Lusayinwe ngalo mhla we-1 Oktobha ka- 2014.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

P.N. 261/2014

3 October 2014

DRAKENSTEIN MUNICIPALITY (WCO23)**BY-ELECTION IN WARD 16: 5 NOVEMBER 2014**

Notice is hereby given in terms of section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that a by-election will be held in Ward 16 of the Drakenstein Municipality on Wednesday, 5 November 2014, to fill the vacancy in this ward.

Furthermore, notice is hereby given in terms of section 11(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000) that the timetable for the by-election will soon be published in the Provincial Gazette of the Western Cape Province by the Independent Electoral Commission.

For enquiries, please contact Mr James Rhoda at tel (021) 807 6311.

Signed on this 1st day of October 2014.

AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

P.K. 261/2014

3 Oktober 2014

DRAKENSTEIN MUNISIPALITEIT (WCO23)**TUSSENVERKIESING IN WYK 16: 5 NOVEMBER 2014**

Kennis geskied hiermee ingevolge artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) dat 'n tussenverkiesing in Wyk 16 van die Munisipaliteit Drakenstein gehou sal word op Woensdag, 5 November 2014, om die vakature in hierdie wyk te vul.

Kennis geskied hiermee verder ingevolge artikel 11(1)(b) van die Wet op Plaaslike Regering: Munisipale Verkiesingwet, 2000 (Wet 27 van 2000) dat die tydtafel vir die tussenverkiesing eersdaags deur die Onafhanklike Verkiesingskommissie in die Provinsiale Koerant van die Provinsie Wes-Kaap gepubliseer sal word.

Enige navrae kan gerig word aan Mnr James Rhoda by tel (021) 807 6311.

Geteken op hierdie 1ste dag van Oktober 2014.

AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

I.S. 261/2014

3 KweyeDwarha 2014

U MASIPALA WASEDRAKENSTEIN (WCO23)**UNYULO LOVALO-SIKHEWU KUWADI 16: 5 UNOVEMBA KA-2014**

Ngolu xwebhu kwaziswa, ngokweCandelo 25(4) loMthetho wooRhulumente beNgingqi: amaSebe ooMasipala, 1998 (uMthetho 117 wonyaka we-1998), ukuba kuza kubanjwa unyulo lovalo sikhewu kuWadi 16 kummandla uMasipala waseDrakenstein ngoLwesithathu umhla we-5 uNovemba ka-2014, ukuvala isikhewu kule wadi.

Ngokunjalo, ngolu xwebhu kwaziswa, ngokweCandelo 11(1)(b) loMthetho wooRhulumente beeNgingqi: Unyulo looMasipala, 2000 (uMthetho 27 wonyaka wama-2000), ukuba uludwe lwamaxesha okubanjwa konyulo lovalo zikhewu luya kupapashwa kuqala yiKomishoni eZimeleyo yoNyulo kwiGazethi yePhondo leNtshona Koloni.

Nayiphi na imibuzo ekhoyo ingabhekiswa kuMr James Rhoda, kwnombolo yefowuni ethi (021) 807 6311.

Lusayinwe ngalo mhla we-1 Oktobha ka- 2014.

AW BREDELL, UMPHATHISWA WEPHONDO LOORHULUMENTE BOMMANDLA, IMICIMBI YENDALO NOCWANGCISO LOPHUHLISO

P.N. 262/2014

3 October 2014

CITY OF CAPE TOWN (BLAAUWBERG DISTRICT)

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967): ERF 3468, MILNERTON

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 3468, Milnerton, removes conditions B.1.(a) and B.1.(b), contained in Deed of Transfer No.T. 19708 of 2008.

P.K. 262/2014

3 Oktober 2014

STAD KAAPSTAD (BLAAUWBERG-DISTRIK)

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967): ERF 3468, MILNERTON

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eenaar van Erf 3468, Milnerton, hef voorwaardes B.1.(a) en B.1.(b), soos vervat in Transportakte Nr. T. 19708 van 2008, op.

P.N. 263/2014

3 October 2014

CITY OF CAPE TOWN (SOUTHERN DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967**

I, André John Lombaard, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 89638, Cape Town at Kalk Bay, amend condition C.(d) contained in Deed of Transfer No. T. 37212 of 2011, to read as follows:

Condition C.(d) "That no building or structure or any portion thereof, except boundary walls and fences be erected nearer than 3,15 meters to the street line which forms a boundary of this lot, save that an outbuilding designed solely to be used for the housing of vehicles and intended as an adjunct to a building and a storeroom with ablution facility not intended for habitation, may be erected in front of the building line, which forms a boundary of this lot."

TENDERS

N.B. Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

NOTICES BY LOCAL AUTHORITIES

**DRAKENSTEIN MUNICIPALITY
APPLICATION FOR CONSENT USE:
FARM 40/12 PAARL DIVISION**

Notice is hereby given in terms of Regulation 4.7 of the Scheme Regulations promulgated at PN 1048/1988, that an application as set out below has been received and can be viewed during normal office hours at the office of the Deputy Executive Manager: Planning, Drakenstein Municipality, Administrative Offices, c/o Main and Market Street, Paarl (Telephone: 021 807-4836):

Property: Farm 40/12 Paarl Division

Applicant: Louis Hugo Town Planner

Owner: JHV Buxmann en Seun (Pty) Ltd

Locality: Located ±11km north of Wellington, in the direction of Hermon

Extent: ±397.13ha

Zoning: Agricultural Zone I

Existing Use: Bona fide agricultural uses

Proposal: Consent Use on Farm 40/12 Paarl Division in order to establish the following tourist facilities within the existing former mining building (±963m²)

- Two Function Venues for weddings, functions, etc within the southern venue/function room (first floor) and central venue/function room (ground floor) that will accommodate 100 guests each; and
- A Restaurant that will be located within the northern venue/function room (±274m²) (excluding covered stoep) and will be open to the public.

Motivated objections to the above can be lodged in writing to the Municipal Manager, Drakenstein Municipality, PO Box 1, Paarl, 7622 by no later than **Monday, 3 November 2014**. No late objections will be considered.

Persons who are unable to read or write, can submit their objections verbally at the Municipal Offices, Berg River Boulevard, Paarl, where they will be assisted by a staff member, to put their comments in writing.

JF METTLER, MUNICIPAL MANAGER

3 October 2014

51673

P.K. 263/2014

3 Oktober 2014

STAD KAAPSTAD (SUIDELIKE DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Ek, André John Lombaard, in my hoedanigheid as Hoof Grondgebruikbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eenaar van Erf 89638, Kaapstad te Kalkbaai, wysig voorwaarde C.(d) vervat in Transportakte Nr. T. 37212 van 2011, om soos volg te lees:

Voorwaarde C.(d) "That no building or structure or any portion thereof, except boundary walls and fences be erected nearer than 3,15 meters to the street line which forms a boundary of this lot, save that an outbuilding designed solely to be used for the housing of vehicles and intended as an adjunct to a building and a storeroom with ablution facility not intended for habitation, may be erected in front of the building line, which forms a boundary of this lot."

TENDERS

L.W. Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE

**DRAKENSTEIN MUNISIPALITEIT
AANSOEK OM VERGUNNINGSGEBRUIK:
PLAAS 40/12 PAARL AFDELING**

Kennis geskied hiermee ingevolge Regulasie 4.7 van die Skemaregulasies afgekondig by PK 1048/1988, dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Adjunk Uitvoerende Bestuurder: Beplanning, Drakenstein Munisipaliteit, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl (Telefoon 021 807-4836):

Eiendom: Plaas 40/12 Paarl Afdeling

Aansoeker: Louis Hugo Stadsbeplanner

Eenaar: JHV Buxmann en Seun (Edms) Bpk

Ligging: Geleë ±11km noord van Wellington, in die rigting van Hermon

Grootte: ±397.13ha

Sonerings: Landbousone I

Huidige gebruik: Bona fide landbou-aktiwiteite

Voorstel: Vergunningsgebruik op Plaas 849/6 Paarl Afdeling ten einde die volgende toeriste-fasiliteite binne die bestaande voormalige mynbou-gebou (±963m²) te vestig:

- Twee Onthaalokale vir troues, funksies, ens binne die suidelike lokaal (eerste vloer) en die sentrale lokaal (grondvloer) wat 100 gaste elk sal akkommodeer; en
- 'n Restaurant binne die noordelike lokaal (±274m²) (onderdakstoep uitgesluit) wat oop sal wees aan die publiek.

Gemotiveerde besware teen bogemelde aansoek kan skriftelik gerig word aan die Munisipale Bestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622, teen nie later nie as **Maandag, 3 November 2014**. Geen laat besware sal oorweeg word nie.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar mondelings by die Munisipale Kantore, Berggrivier Boulevard, Paarl, aflê, waar 'n personeellid sal help om sy kommentaar/vertoë op skrif te stel.

JF METTLER, MUNISIPALE BESTUURDER

3 Oktober 2014

51673

KANNALAND MUNICIPALITY

**CLOSING OF PORTION OF ALBERT STREET ADJOINING
ERVEN 1393 AND 1354 LADISMITH**

Notice is hereby given in terms of Section 137(1) of the Municipal Ordinance No. 20 of 1974 that the portion of Albert Street adjoining Erven 1393 and 1354 Ladismith has been closed. (SG Reference No. S/771 v4 p.11)

MUNICIPAL MANAGER, PO BOX 30, LADISMITH, 6655

3 October 2014

51668

DRAKENSTEIN MUNICIPALITY

**APPLICATION FOR CONSENT USE:
FARM 249 PAARL DIVISION**

Notice is hereby given in terms of Regulation 4.7 of the Scheme Regulations promulgated at PN 1048/1988, that an application as set out below has been received and can be viewed during normal office hours at the office of the Deputy Executive Manager: Planning, Drakenstein Municipality, Administrative Offices, c/o Main and Market Street, Paarl (Telephone: 021 807-4836):

Property: Farm 249 Paarl Division

Applicant: P-J Le Roux Town and Regional Planners

Owner: Val De Charron Wines (Pty) Ltd

Locality: Located ±5km northeast of Wellington

Extent: ±42.23ha

Zoning: Agricultural Zone I and Agricultural Zone II with land use Application approvals for a wine tasting and sales facility, four additional dwelling units, health and beauty spa, as well approval for guest accommodation for a period of 5 years Bona fide agricultural and associated uses

Proposal: Consent Use on Farm 249 following tourist facilities:

- Function Venue within an existing outbuilding (±200m²) that will accommodate a maximum of 180 guests; and
- Conversion of the existing cottage (±306m²) into a 3-unit guesthouse.

Motivated objections to the above can be lodged in writing to the Municipal Manager, Drakenstein Municipality, PO Box 1, Paarl, 7622 by no later than **Monday, 3 November 2014**. No late objections will be considered.

Persons who are unable to read or write, can submit their objections verbally at the Municipal Offices, Berg River Boulevard, Paarl, where they will be assisted by a staff member, to put their comments in writing.

JF METTLER, MUNICIPAL MANAGER

3 October 2014

51674

SWARTLAND MUNICIPALITY

NOTICE 30/2014/2015**PROPOSED REZONING ON ERF 2049, RIEBEEK
KASTEEL**

Notice is hereby given in terms of section 17(1) of Ordinance 15 of 1985 that an application has been received for the rezoning of erf 2049 (676m² in extent), situated c/o Main and Royal Street, Riebeeck Kasteel from single residential zone 1 to business zone 1. The purpose of the application is to operate a restaurant, flats and shops from the property.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **3 November 2014 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

3 October 2014

51681

KANNALAND MUNISIPALITEIT

**SLUITING VAN GEDEELTES VAN ALBERTSTRAAT LANGS
ERWE 1393 EN 1354 LADISMITH**

Kennis geskied hiermee kragtens Artikel 137(1) van die Munisipale Ordonnansie Nr. 20 van 1974 dat die gedeelte van Albertstraat langs Erwe 1393 en 1354 Ladismith nou gesluit is. (LG verwysingsnr. S/771 v4 p.11)

MUNISIPALE BESTUURDER, POSBUS 30, LADISMITH, 6655

3 Oktober 2014

51688

DRAKENSTEIN MUNISIPALITEIT

**AANSOEK OM VERGUNNINGSGEBRUIK:
PLAAS 249 PAARL AFDELING**

Kennis geskied hiermee ingevolge Regulasie 4.7 van die Skemaregulasies afgekondig by PK 1048/1988, dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Adjunk Uitvoerende Bestuurder: Beplanning, Drakenstein Munisipaliteit, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl (Telefoon 021 807-4836):

Eiendom: Plaas 249 Paarl Afdeling

Aansoeker: P-J Le Roux Stads- en Streekbeplanners

Eienaar: Val De Charron Wines (Edms) Bpk

Ligging: Geleë ±5km noord-oos van Wellington

Grootte: ±42.23ha

Sonering: Landbousone I en Landbousone II met grondgebruiksgoedkeurings vir 'n wynproe- en verkopelokaal, vier addisionele wooneenhede, gesondheid en skoonheidspa, asook goedkeuring vir gaste-akkommodasie vir 'n periode van 5 jaar Bona fide landbou- en geassosieerde aktiwiteite

Voorstel: Vergunningsgebruik op Plaas 249 Paarl Afdeling ten einde die volgende te vestig:

- Funsielokaal binne 'n bestaande buitegebou (±200m²) wat n maksimum van 180 gaste sal akkommodeer; en
- Omskepping van 'n bestaande woonhuis (±200m²) na 'n 3-eenheid gastehuis.

Gemotiveerde besware teen bogemelde aansoek kan skriftelik gerig word aan die Munisipale Bestuurder, Drakenstein Munisipaliteti, Posbus 1, Paarl, 7622, teen nie later nie as **Maandag, 3 November 2014**. Geen laat besware sal oorweeg word nie.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar monderlings by die Munisipale Kantore, Berggrivier Boulevard, Paarl, aflê, waar 'n personeellid sal help om sy kommentaar/vertoë op skrif te stel.

JF METTLER, MUNISIPALE BESTUURDER

3 Oktober 2014

51674

SWARTLAND MUNISIPALITEIT

NOTICE 32/2014/2015**VOORGESTELDE HERSONERING VAN ERF 20149, RIEBEEK
KASTEEL**

Kennis geskied hiermee ingevolge artikel 17(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die hersonering van erf 2049 (groot 676m²) geleë h/v Hoof- en Royalstraat, Riebeeck Kasteel vanaf enkel residensiële sone 1 na sakesone 1. Die doel van die aansoek is om 'n restaurant, woonstel en winkels te bedryf.

Verdere besonderhede is gedurende gewone kantoorure (weekdae) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubesker en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **3 November 2014 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

3 Oktober 2014

51681

DRAKENSTEIN MUNICIPALITY

APPLICATION FOR REZONING, SUBDIVISION AND
CONSENT USE:

FARM 849/6 PAARL DIVISION:

Notice is hereby given in terms of Sections 17(2) and 24(2) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985), that an application as set out below has been received and can be viewed during normal office hours at the office of the Deputy Executive Manager: Planning, Drakenstein Municipality, Administrative Offices, c/o Main and Market Street, Paarl (Telephone: 021 807-4836):

Property: Farm 849/6 Paarl Division

Applicant: Elco Property Developments

Owner: J J Esterhuysen

Locality: Located on the c/o Wemmershoek and Drakenstein Road, across the Boschenmeer Estate

Extent: ±1.26ha

Zoning: Agricultural Zone I

Existing Use: Residential

Proposal: Rezoning of Farm 849/6 Paarl Division from Agricultural Zone I Subdivisional Area for purposes of a filling station and uses; Subdivision of the newly rezoned property into three portions, namely:

- Portion 1 (±3872m²) that will be zoned as Business Zone V for purposes of a filling station;
- Portion 2 (±3092m²) that will be zoned as Transport Zone II for purposes of a public road and will be transferred to the relevant authorities; and
- Remainder (±5658m²) that will be zoned as Business Zone I for purposes of shops and a restaurant (±950m²) as well as a wine boutique (±640m²).

Consent Use in terms of the Business Zone I zoning in order to erect 11 flats on the first floor of the commercial buildings; and

Registration of a right of way servitude over Portion 1 and the Remainder in order to ensure unrestricted access to both properties.

Motivated objections to the above can be lodged in writing to the Municipal Manager, Drakenstein Municipality, PO Box 1, Paarl, 7622 by no later than **Monday, 3 November 2014**. No late objections will be considered.

Persons who are unable to read or write, can submit their objections verbally at the Municipal Offices, Berg River Boulevard, Paarl, where they will be assisted by a staff member, to put their comments in writing.

JF METTLER, MUNICIPAL MANAGER

3 October 2014

51675

CITY OF CAPE TOWN (TYGERBERG DISTRICT)

CLOSURE

- **Portions of Molteno Road and Oxford Way adjoining Erven 3624-3627, 3633, 3637, 3644-3646, 3652 and 14865-14858 Goodwood**

Notice is hereby given in terms of Section 6(1) of the By-law relating to the Management and Administration of the City of Cape Town's Immovable Property that the portions of the Roads have been closed.

(S/1432/108 v1 p 50)

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51660

DRAKENSTEIN MUNISIPALITEIT

AANSOEK OM HERSONERING, ONDERVERDELING EN
VERGUNNINGSGEBRUIK:

PLAAS 849/6 PAARL AFDELING

Kennis geskied hiermee ingevolge Artikels 17(2) en 24(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ord 15 van 1985), dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Adjunk Uitvoerende Bestuurder: Beplanning, Drakenstein Munisipaliteit, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl (Telefoon 021 807-4836):

Eiendome: Plaas 849/6 Paarl Afdeling

Aansoeker: Elco Property Developments

Eienaar: J J Esterhuysen

Ligging: Geleë op die h/v Wemmershoek- en Drakenstein Pad, oorkant Boschenmeer Landgoed

Grootte: ±1.26ha

Sonering: Landbousone I

Huidige gebruik: Residensieel

Voorstel: Hersonering van Plaas 849/6 Paarl Afdeling vanaf Landbousone na Onderverdelingsgebied ten einde 'n vulstasie en verwante gebou te vestig; Onderverdeling van die gehersoneerde eiendom in drie gedeeltes naamlik:

- Gedeelte 1 (±3872m²) wat as Sakesone V gesoneer sal word ten einde 'n vulstasie te vestig;
- Gedeelte 2 (±3092m²) wat as Vervoersone II gesoneer sal word vir doeleindes van 'n publieke pad en sal na die relevant owerhede oorgedra word; en
- Restant (±5658m²) wat as Sakesone I gesoneer sal word ten einde winkels en 'n restaurant (±950m²) asook 'n wynboetiek (±640m²) op die eiendom te akkommodeer.

Vergunningsgebruik onder die Sakesone I sonering ten einde 11 woonstelle op die eerste vloer van die kommersiële geboue te vestig; en

Registrasie van 'n reg van weg servituut (±495m²) oor Gedeelte 1 en Restant ten einde onbeperkte toegang na die eiendomme te verseker.

Gemotiveerde besware teen bogemelde aansoek kan skriftelik gerig word aan die Munisipale Bestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622, teen nie later nie as **Maandag, 3 November 2014**. Geen laat besware sal oorweeg word nie.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar mondelings by die Munisipale Kantore, Bergrivier Boulevard, Paarl, aflê, waar 'n personeelid sal help om sy kommentaar/vertoë op skrif te stel.

JF METTLER, MUNISIPALE BESTUURDER

3 Oktober 2014

51675

STAD KAAPSTAD (TYGERBERG-DISTRIK)

SLUITING

- **Gedeeltes van Molteno Pad en Oxfordweg aangrensend aan Erve 3624-3627, 3633, 3637, 3644-3646, 3652 en 14865-14858 Goodwood**

Kennis geskied hiermee kragtens Artikel 6(1) van die Verordening met Betrekking tot die Bestuur en Administrasie van die Stad Kaapstad se Onroerende Eiendom dat dié gedeeltes van die Pad gesluit is.

(S/1432/108 v1 p 50)

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51660

HESSEQUA MUNICIPALITY

**APPLICATION FOR THE REMOVAL OF RESTRICTIONS,
AND CONSENT USE AND DEPARTURE:
ERF 252, 16 GRYSBOK AVENUE, STILBAAI-WES**

Notice is hereby given in terms of the provisions of the Removal of Restrictions Act, 1967 (Act 84 of 1967), the provisions of Regulation 4.6 of PN 1048/1988 and in terms of the provisions of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), that the Hessequa Council has received the following application on the above mentioned property:

Property: Erf 252,16 Grysbok Avenue, Stilbaai-Wes (729m²)

Proposal:

- Removal of the following Restrictions in Title Deed T69557/93, D, I, 13, (a), (b), (c) and (d) and D, II, 2(b), that read as follows: D. 1.13.

(a) dit mag nie onderverdeel word nie;

(b) dit mag alleen gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig;

(c) op nie meer as die helfte van die oppervlakte daarvan mag gebou word nie;

(d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag binne 4.57 meter van die straatlyn wat 'n grens van hierdie erf vorm, of binne 1.52 meter van die sygrens van 'n aanliggende erf opgerig word nie, met dien verstande dat hierdie voorwaardes nie van toepassing sal wees op die bestaande gebou geleë op Erf Nr 578 tot tyd en wyl die gebou gesloop word nie. By konsolidering van enige twee of meer ewe sal hierdie voorwaarde van toepassing wees op die gekonsolideerde gebied as een erf."

- Consent Use for a "Second Dwelling" of 35m²;
- Departure of the eastern side building line from 1.5m to 1m;
- Departure of the northern back building line from 3m to 1,5m.

Applicant: EJ Kleynhans

Details concerning the application are available at the office of the undersigned and the Still Bay Municipal Offices during office hours. Any objections to the proposed application should be submitted in writing to reach the office of the undersigned not later than **31 October 2014**.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO Box 29, RIVERSDALE, 6670

3 October 2014

51676

HESSEQUA MUNISIPALITEIT

**AANSOEK OM OPHEFFING VAN BEPERKENDE
TITELVOORWAARDES, VERGUNNINGSGEBRUIK EN
AFWYKING: ERF 252, GRYSBOKLAAN 16, STILBAAI-WES**

Kennis geskied hiermee ingevolge die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), die bepalings van Regulasie 4,6 van PK 1048/1988, asook ingevolge die bepalings van Artikel 15(1)(a)(i) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985), dat Hessequa Munisipaliteit die volgende aansoek op bogenoemde eiendom ontvang het:

Eiendom: Erf 252, Grysboklaan 16, Stilbaai-Wes (729m²)

Aansoek:

- Opheffing van beperkende Titelvoorwaardes in Titelakte T69557/93, voorwaarties: D, 1,13, (a), (b), (c) en (d) en D, II, 2(b), wat as volg lui: D. 1.13.

(a) dit mag nie onderverdeel word nie;

(b) dit mag alleen gebruik word vir die doel om een woning tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig;

(c) op nie meer as die helfte van die oppervlakte daarvan mag gebou word nie;

(d) geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag binne 4.57 meter van die straatlyn wat 'n grens van hierdie erf vorm, of binne 1.52 meter van die sygrens van 'n aanliggende erf opgerig word nie, met dien verstande dat hierdie voorwaardes nie van toepassing sal wees op die bestaande gebou geleë op Erf Nr 578 tot tyd en wyl die gebou gesloop word nie. By konsolidering van enige twee of meer ewe sal hierdie voorwaarde van toepassing wees op die gekonsolideerde gebied as een erf."

- Vergunningsgebruik vir 'n "2de Wooneenheid" van 35m²;
- Afwyking van die oostelike kantboulyn vanaf 1.5m na 1m;
- Afwyking van die noordelike agterboulyn vanaf 3m na 1.5m.

Applikant: EJ Kleynhans

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende sowel as die Stilbaai Munisipale Kantoor gedurende kantoorure. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as **31 Oktober 2014**.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantoorure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, Posbus 29, RIVERSDAL, 6670

3 Oktober 2014

51676

LANGEBERG MUNICIPALITY
Ashton Office

MN NO. 74/2013

**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967) ERF 1186, ROBERTSON &
GEORGE STREET, ASHTON**

(Ordinance 15 of 1985, Land Use Planning)

Notice is hereby given in terms of section 3(6) of the above Act that the undermentioned application has been received and is open to inspection during office hours at the office of the Municipal Manager, Langeberg Municipality, as well as the Municipality's Ashton Office and any enquiries may be directed to Mr Jack van Zyl, Private Bag X2, Ashton (023-614 8000). The application is also open to inspection at the office of the Director, Land Management, Provincial Government of the Western Cape, at Room 204, 1 Dorp Street, Cape Town, from 8:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at 021-483 8105 and the Directorate's fax number is 021-483 3633. Any objections, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management, Private Bag X9086, Cape Town, 8000, with a copy to the abovementioned Municipal Manager on or before **1 November 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Applicant: Groenewaldt Attorneys

Nature of application: Removal of restrictive title condition applicable to erf 1186, Ashton, to enable the owner to erect a dwelling on the property.

MUNICIPAL MANAGER

3 October 2014

51677

LANGEBERG MUNISIPALITEIT
Ashton Kantoor

MK NR. 74/2013

**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967) ERF 1186, HV ROBERTSON- &
GEORGESTRAAT, ASHTON**

(Ordonnansie 15 van 1985, Grondgebruikbeplanning)

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê gedurende kantoorure by die kantoor van die Munisipale Bestuurder, Langeberg Munisipaliteit, sowel as die Ashton kantoor van die Munisipaliteit en enige navrae kan gerig word aan mnr Jack van Zyl, Privaatsak X2, Ashton-614 8000). Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Omgewingsbestuur, Provinsiale Regering van die Wes- Kaap, by Kamer 204, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan 021-483 8105 en die Direktooraat se faksnummer is 021-483 3633. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur, Provinsiale Regering, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die bogenoemde Munisipale Bestuurder, ingedien word op of voor **1 November 2014** met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Aansoeker: Groenewaldt Prokureurs

Aard van aansoek: Opheffing van beperkende titelvoorwaardes van toepassing op Erf 1186, Ashton, ten einde die eienaar in staat te stel om 'n woning op die eiendom op te rig.

MUNISIPALE BESTUURDER

3 Oktober 2014

51677

OVERSTRAND MUNICIPALITY

ERF 315, ZWELIHUE AND REMAINDER ERF 243, HERMANUS: OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, CONSOLIDATION REZONING TO SUBDIVISIONAL AREA AND DEPARTURE: URBAN DYNAMICS FOR THE DEVELOPMENT OF HOUSING PROJECT:

Notice is hereby given in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of an application for subdivision of Remainder Erf 243; Hermanus, into a Portion A measuring 1,495ha and a Remainder.

Notice is hereby also given in terms of Section 2.3 in the Overstrand Zoning Scheme Regulations as approved in terms of Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) of an application for the consolidation of Portion A of Remainder Erf 243, Hermanus and Erf 315, Zwelihue, to create a new erf of approximately 3,44ha in extent.

Notice is further given in terms of Sections 17 and 22

- 164 Residential Zone 1 erven;
- 2 Open Space Zone 2 erven;
- 1 Local Business: (B3) erf;
- 1 Authority Zone erf;
- 1 Community Zone 1 erf, and
- Transport Zone 2 (Roads) portion.

Notice is lastly given in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that an application has been received for a departure in order to relax the 1m lateral building lines, which will be applicable to the Residential Zone 1 erven as mentioned in paragraph 3 above, to 0m to accommodate semi-detached dwellings.

Detail regarding the proposal is available for inspection at the Department: Town Planning (16 Paterson Street) during normal office hours. Enquiries regarding the matter should be directed to the Town Planner, Mr. H Olivier (Tel: 028-313 8900 / Fax: 028-313 2093), E-mail enquiries: Loretta Page (loretta@overstrand.gov.za).

Any comments on the proposal should be submitted in writing to reach the undersigned by not later than **Monday, 3 November 2014**. A person who cannot read or write but wishes to comment on the proposal may visit the Directorate: Infrastructure and Planning where a member of staff would assist them to formalize their comment.

Notice No. 59/2014

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

3 October 2014

51679

OVERSTRAND MUNISIPALITEIT

ERF 315, ZWELIHLE EN RESTANT ERF 243, HERMANUS: OVERSTRAND MUNISIPALE AREA: VOORGESTELDE ONDERVERDELING, KONSOLIDASIE, HERSONERING NA ONDERVERDELINGSGBIED EN AFWYKING: URBAN DYNAMICS VIR DIE ONTWIKKELING VAN BEHUISINGSPROJEK: MUNISIPALITEIT OVERSTRAND

Kennis geskied hiermee ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) van 'n aansoek om onderverdeling van Restant Erf 243, Hermanus, in 'n Gedeelte A 1,495ha groot en 'n Restant Kennis geskied hiermee verder ingevolge Artikel 2.3 van die Overstrand Soneringskema-regulasies soos goedgekeur ingevolge Artikel 9 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) van 'n aansoek om konsolidasie van Gedeelte A van Restant Erf 243, Hermanus en Erf 315, Zwelihle, om 'n nuwe erf van ongeveer 3,44ha te skep. Kennis geskied verder ingevolge Artikels 17 en 22(i)(a) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek ontvang is vir die hersonering van die nuwe erf (genoem in paragraaf 2 hierbo) na onderverdelingsgebied, om die volgende grondgebruike te skep en die onderverdeling daarvan:

- 164 Residensiële Sone 1 erwe
- 2 Oopruimtesone 2 erwe;
- 1 Sakesone: (B3) erf;
- 1 Owerheidsone erf;
- 1 Gemeenskapone 1 erf, en
- Vervoersone 2 (Paaie) gedeelte.

Kennis geskied laaste ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek ontvang is vir 'n afwyking om die 1m syboulyne te verslap, wat van toepassing sal wees op die Residensiële Sone 1 erwe soos genoem in paragraaf 3 hierbo, na om die skakelhuus wooneenhede te akkommodeer.

Besonderhede aangaande die voorstel le ter insae by die Departement: Stadsbeplanning (Patersonstraat 16) gedurende normale kantoorure, Navrae kan gerig word aan die Stadsbeplanner, Mnr. H. Olivier, (Tel: 028-3138900/Faks: 028-313 2093), Epos navrae: Loretta Page (loretta@Overstrand.gov.za.)

Enige kommentaar aangaande die voorstel moet op skrif gestel word ten einde die ondergetekende te beretk teen nie later nie as **Maandag, 3 November 2014**. Persone wat wil kommentaar lewer maar nie kan lees of skryf nie mag die Direkoraat: Infrastruktuur en Beplanning besoek waar hul deur 'n amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

Kennisgewing Nr. 59/2014

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

3 Oktober 2014

51679

OVERSTRAND MUNICIPALITY

I-ERF 315, I-ZWELIHLE NENTSALELA KA-ERF 243, E- HERMANUS: INDAWO YOMASIPALA I- OVERSTRAND: INDAWO ECETYWAYO, UKUQINISWA KOIWABIWO KWENYEIMDAWO EYAHLUKILEYO NOKUSUKA: IINGUQU ZEDOLOPHU ZOPHUHLISO IWEPROJEKTHI YEZINDLU: UMASIPALA I-OVERSTRAND

Isaziso ngoko ke senziwa ngokweCandelo lama-24 loMthetho kamasipala weSicwangciso sokuSetyenziswa koMhlaba, 1985 (uMthetho 15 we-1985) wesicelo solwahlulo lweNtsalela ka-Erf 243, eHermanus, ibengumlinganiselo 1 weSahlulo A, 1,495ha neNtsalela.

Isaziso ngoko ke sikwenziwa ngokweCandelo le-2.3 kwiMigaqo yeSkimu sokuHlaliswa sase-Ovestrand njengoko siphunyezwe ngokweCandelo le-9 loMthetho kamasipala weSicwangciso sokuSetyenziswa koMhlaba, 1985 (uMthetho 15 we- 1985) wesicelo sokuqiniswa kweSahlulo A seNtsalela ka-Erf 243, eHermanus no-Erf 315, eZweSihle, Ukudala i-erf entsha yeehektare ezimalunga ne-3,44 zendawo.

Isaziso sikwenziwa ngokwamaCandelo 17 nelama- 22(i)(a) oMthetho kaMasipala weSicwangciso sokuSetyenziswa koMhlaba, 1985 (uMthetho 15 we- 1985) ukuba isicelo sifunyenwe sokuqhuba ukuze kwabiwe ngokutsha i-erf entsha 9ekhankanywe kumhlathi wesi-2 ongentla) kwenye indawo ukuze kudalwe ukusetyenziswa okutsha komhlaba nolwahlulo Iwawo:

- 164 Residential Zone 1 erven;
- 2 Open Space Zone 2 erven;
- Ushishino IwaseKhaya 1: (B3) erf;
- 1-Authority Zone erf; e-1;
- Community Zone 1 erf e-1; ne
- lindawo zeZone yezoThutho 2 (lindlela)

Isaziso okokugqibela senziwa ngokweCandelo le-15 loMthetho kamasipala weSicwangciso sokuSetyenziswa koMhlaba, 1985 (uMthetho 15 we-1985) ukuba isicelo sifunyenwe sokuqhuba ukuze kunyenyiswe i-1m yecala lemigca yesakhiwo, ezakusebenza kwi-Zone yendawo yokuHlala nanjengoko kukhankanyiwe kumhlathi we-3 ongentla, ukuya ku-Om kubonelelwe lindawo zokuhlala ezidibene ngecala elinye.

Inkcukacha malunga nesiphakamiso iyafumaneka ukuze ihlolwe eSebeni: Town Planning (16 Paterson Street) ngeeyure zokusebenza eziqhelekileyo. Imibuzo malunga nalo mba kufanele ibhekiswe kuMchwangcisi weDolophy, uMnu. Olivier (Umnxeba; 028-313 8900/Ifaksi: 028-313 2093). (mibuzo nge-imeyili: Loretta Page (loretta@Overstrand.gov.za),

Naziphina izimvo kwisiphakamiso kufanele zibhalwe zize zifakwe zifikelele kobhalwe ngezantsi kungadlulanga uMvulo womhla **we-3 kuNovember 2014**, Umntu ongakwaziyo ukufunda okanye ukubhala kodwa onqwenela ukuvakalisa uluvo Iwakhe kwisiphakamiso angandwendwela ulawulo: Izisekelo ezingundoqo noCwangciso apho omnye wabasebenzi uyakuthi amncede abhale ngokusesikweni izimvu zabo.

iNombolo. 59/2014

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

3 KweyeDwarha 2014

51679

OVERSTRAND MUNICIPALITY

**ERF 727, 20 PATERSON STREET, HERMANUS OVERSTRAND MUNICIPAL AREA:
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND REZONING**

Notice is hereby given in terms of Section 3 (6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager/Chief Executive Officer, Overstrand Municipality, and any enquiries may be directed to the Senior Town Planner, Ms. H van der Stoep, PO Box 20, Hermanus, 7200, Tel No. (028) 313-8900 and Fax No. (028) 313-2093. E-mail enquiries: Loretta Gillian (loretta@overstrand.gov.za).

The application is also open to inspection at the office of the Director, Land Management: Region 2, Provincial Government of the Western Cape, at Room 606, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483 0783 and the Directorate's fax number is (021) 483 3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management: Provincial Government at Private Bag X9086, Cape Town, 8000, on or before **Friday, 14 November 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Notice is hereby further given in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that an application has been received for the Rezoning of Erf 727, Hermanus from General Residential Zone I to Business Zone 3: Local Business in order to conduct offices on the property concerned.

Full details regarding the proposal are available for inspection at the Department: Town Planning (16 Paterson Street) during normal office hours. Any comment on the proposal should be submitted in writing to reach the undersigned by not later than **Friday, 14 November 2014**.

APPLICANT: Plan Active Town and Regional Planners

NATURE OF APPLICATION:

Removal of restrictive title condition applicable to Erf 727, 20 Paterson Street, Hermanus, to enable the owner to rezone the property from General Residential Zone I to Business Zone 3: Local Business and to then use the property for business purposes.

Municipal Notice No. 58/2014

Overstrand Municipality, PO Box 20, HERMANUS, 7200

3 October 2014

51678

OVERSTRAND MUNISIPALITEIT

**ERF 727, PATERSONSTRAAT 20, HERMANUS, OVERSTRAND MUNISIPALE AREA:
WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967) EN HERSONERING**

Kragtens Artikel (3) 6 van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder/Hoof Uitvoerende Beampte, Overstrand Munisipaliteit en enige navrae kan gerig word aan die Senior Stadsbeplanner, Me. H van der Stoep, Posbus 20, Hermanus, 7200, (028) 313 8900 en by die faksnommer (028 313 2093). Epos navrae: Loretta Gillian (loretta@overstrand.gov.za).

Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Grondbestuur: Streek 2, Provinsiale Regering van die Wes-Kaap, by Kamer 606, Dorpstraat 14 Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 0783 en die Direktoraat se faksnommer is (021) 483 3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Grondbestuur: Streek 2, Provinsiale Regering, Privaatsak X9086, Kaapstad, 8000, ingedien word op of voor **Vrydag, 14 November 2014** met vermelding van bogenoemde Wet en die beswaarmaker se ernommer Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Kennis geskied hiermee ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek ontvang is vir die hersonering van Erf 727, Hermanus vanaf Algemene Residensiële Sone I na Sake Sone 3: Plaaslike Besigheid ten einde kantore op die betrokke eiendom te bedryf.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie by die Departement: Stadsbeplanning (Patersonstraat 16) gedurende normale kantoor-ure. Enige kommentaar op die voorstel moet skriftelik ingedien word ten einde die skrywer te bereik nie later as **Vrydag, 14 November 2014** nie.

AANSOEKER: Plan Active Stads en Streks Beplanners

AARD VAN AANSOEK:

Opheffing van beperkende Titelvoorwaardes van toepassing op Erf 727, Patersonstraat 20, Hermanus, ten einde die eienaar in staat te stel om die eiendom te hersoneer vanaf Algemene Residensiële Sone I na Sake Sone 3: Plaaslike Besigheid en dan om die eiendom vir besigheidsdoeleindes te gebruik.

Kenningsgewing Nr. 58/2014

Overstrand Munisipaliteit Posbus 20, HERMANUS, 7200

3 Oktober 2014

51678

OVERSTRAND MUNICIPALITY

**ISIZA 727, 20 PATERSON STREET, HERMANUS, UMMANDLA KAMASIPALA WASE-OVERSTRAND:
UMTHETHO WOKUSUSA IZITHINTELO, 1987
(UMTHETHO 84 KA-1967) KUNYE NOKWAHLULWA NGEMIMANDLA**

Apha kukhutshwa isaziso, ngokwemiqathango yecandelo 3(6) lalo Mthetho ukhankanywe ngentla apha, sokuba kuye kwafunyanwa esi siceto singezantsi apha, nokuba kuvulelekile ukuba singeza kuphendlwa kwiOfisi yeManejala kaMasipala/iGosa loLawueo eliyiNtloko, uMasipala wase-Overstrand, kwaye nayiphi na imibuzo ingathunyelwa kuMyiliwe Dolophu, uNkosikazi H van der Stoep, PO Box 20, Hermanus, 7200, (KwinomboloYemfonomfonoEngu Engu: (028) 313-8900) InomboloYefeksi (028) 313-2093). I-imeyile: Loretta Gillion (loretta@overstrand.gov.za).

Esisicelo kanaanalo kukwavulelekile nokuba siye kuphendlwa kwiOfisi yoMlawuli: kuLawulo loMhlaba: uMmandla 2, kaRhulumente wePhondo leNtshona Koloni, kwiGumbi elingu-606, 1 Dorp Street, eKapa, ukususela ngentsimbi ye-08:GG ukuya kweye-12:30 nango-13:00 ukuya ku-15:30 (ngoMvulo ukuya kutsho ngoLwesihlanu). Imibuzo eyenziwa ngomnxeba ephathelele kufu mba ingenziwa ngokutsalela kwa-(021) 483-0783, kwaye ke inombolo yefeksi yeli Candelo loLawulo ngu-(021) 483-3098. Naziphi na izikhalazo, ekufuneka zihambe nezizathu ezipheleleyo kufuneka zingeniswe ngento ebhaliweyo kule ofisi ikhankanywe ngentla apha yoMlawuli kuLawulo lokusiNgqongileyo Olumanyanisiweyo, kaRhulumente wePhono, kwaPrivate Bag X9086, Cape Town, 8000, ngomhla we okanye phambi kwawo Lwesihlanu umhla we-14 ku Novemba 2014, kuxelwe lo Mthetho ungentla apha kunye nenombolo yisiza salowo ukhalazayo. Naziphi na izimvo ezithe zafika emva kwalo mhla wokuvala ukhankanyweyo zisenokungahoywa.

Kuphinda kufakwa isicelo ngokweCandelo le-17 loMthetho wokuCandwa koMhlaba oSetyenziswayo, wowe-1985 (ISihlokomso 15 sowe-1985) ukuba sifikile isicelo sakho sokuphambuka kokwahlulwa ngemihlaba kwesiza 727. Indawo yokuhlala nje yoku (1) e Hermanus ibe ngummandla wokuthenga 3: Ishishini lommandla kuvulwe amagumbi eofisi kwisakhiwo esikhoyo.

linkcukacha ezipheleleyo malunga nesi siphakamiso ziyafumaneka xa ufuna ukuzihlola kwicandelo labayili bedolophu elise (16 Paterson Street) ngeeyure eziqhelekileyo zomsebenzi. Nawaphi na amagqabaza onawo malunga nesi sindululo afanele athunyelwe ngembalelwano kulo mntu utyobele apha ngezantsi engadlulanga uLwesihlanu, umhla **we-14 ku Novemba wama-2014**.

UMFAKI SICELo:

Plan Active Town and Regional Planners

UHLOBO IWESICELo:

Ukususwa kwemiqathango yezithintelo zolwakhiwo kwitayitile yesiza 727, 20 Paterson Street, eHermanus, ukuze umininiso awumise ngokutsha umhlaba ukusuka ekubeni nguMmandla weNdawo YokuHlala Jukelele 1 ube NguMmandla woShishino 3: Ushishino IwasekuHlalani ze emva koko umhlaba awusebenzisele iinjongo zoshishino.

Inombolo Yesazisoka Masipala 58/2014

Kwiofisi zikaMasipala, PO Box 20, HERMANUS, 7200

3 KweyeDwarha 2014

51678

SWARTLAND MUNICIPALITY

NOTICE 33/2014/2015

**NOTICE FOR THE INSPECTION OF THE
SUPPLEMENTARY VALUATION ROLL 2014/2015 OF
PROPERTIES SITUATED IN THE SWARTLAND MUNICIPAL
AREA AND LODGING OF OBJECTIONS**

Notice is hereby given, in terms of the provisions of Section 49 (1)(a)(i) read together with Section 78 (2) of the Local Government: Municipal Property Rates Act (no. 6 of 2004), herein after referred to as the "Act", that the Supplementary Valuation Roll 2014/2015 lies open for Public Inspection at the various offices of the Municipality or the Webpage www.swartland.org.za as from **3 October 2014 to 10 November 2014**. An invitation is also extended, in terms of the provisions of Section 49 (1)(a)(ii), read together with Section 78 (2) of the Act, that any owner of immovable property or any other person may submit an objection to the Municipal Manager regarding any matter or omission in connection with the Valuation Roll within the above mentioned period. Your attention is specifically drawn to the provisions of Section 50 (2) of the Act that any objection must refer to a particular property and not to the Valuation Roll as a whole. The prescribed form for the lodging of objections is available on the reverse side of the notice which is posted to the owners of the properties involved where supplementary valuations have been completed. Enquiries may be directed to Hermaine van der Sluys or Elaine Openshaw (022 487 9400).

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

3 October 2014

51680

SWARTLAND MUNISIPALITEIT

KENNISGEWING 33/2014/2015

**KENNISGEWING VIR DIE INSPEKSIE VAN DIE
AANVULLENDE WAARDASIEROL 2014/2015 VAN
EIENDOMME GELEË IN DIE SWARTLAND MUNISIPALE
GEBIED EN INDIENING VAN BESWARE**

Kennis word hiermee gegee kragtens die bepalings van artikel 49 (1)(a)(i) saamgelees met artikel 78 (2) van die Plaaslike Regering: Munisipale Wet op Eiendomsbelasting (Wet nr. 6 van 2004), hierna verwys as die "Wet", dat die Aanvullende Waardasierol 2014/2015 ter insae lê vir openbare inspeksie by die onderskeie Munisipale kantore of die webblad www.swartland.org.za vanaf **3 Oktober 2014 tot 10 November 2014**. 'n Uitnodiging word ook gerig ingevolge die bepalings van Artikel 49 (1)(a)(ii) saamgelees met artikel 78 (2) van die Wet dat enige eienaar van vaste eiendom of enige ander persoon 'n beswaar kan indien by die Munisipale Bestuurder ten opsigte van enige aangeleentheid of uitsluitel rakende die eiendomswaardasierol binne bogenoemde tydperk. Daar word spesifiek verwys na die bepalings van artikel 50 (2) van die Wet dat 'n beswaar moet verwys na spesifieke eiendom en nie teen die waardasierol in geheel nie. Die voorgeskrewe vorm vir die indiening van 'n beswaar is beskikbaar op die keersy van die kennisgewing wat gepos is aan die eienaars van die betrokke erwe waarop aanvullende waardasies plaasgevind het. Enige navrae kan gerig word aan Hermaine van der Sluys of Elaine Openshaw (022 487 9400).

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

3 Oktober 2014

51680

SWARTLAND MUNICIPALITY

NOTICE 32/2014/2015

**PROPOSED CONSENT USE ON ERF 4090,
DARLING**

Notice is hereby given in terms of section 7, Chapter 14.4.1 of the Swartland Integrated Zoning Scheme Regulations that an application has been received for a consent use on a portion of erf 4090 ($\pm 20\text{m}^2$ in extent), Darling. The property is situated c/o Disa Avenue and Madeliefie Street and the purpose of the application is to operate a house shop from property.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **3 November 2014 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

3 October 2014

51682

CITY OF CAPE TOWN (TABLE BAY DISTRICT)

REZONING• **Remainder Erf 148700, Cape Town**

Notice is hereby given in terms of Section 17 of the Land Use Planning Ordinance 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town. Enquiries may also be directed to Joy San Giorgio, Planning & Building Development Management, PO Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, tel (021) 400 6453 or fax (021) 419 4694, week days during 08:00–14:30. Any objections, with full reasons, may be lodged in writing at the office of the abovementioned District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, and may be directed to Joy San Giorgio, Planning & Building Development Management, PO Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, or email your comments/objections to: comments_objections.tablebay@capetown.gov.za, tel (021) 400 6453 or fax (021) 421 1963 on or before **3 November 2014** quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

Applicant: MLH Architects & Planners

Application no: 70072764

Address: Liesbeek Avenue, Observatory (portion of the site on which the existing Courtyard Hotel is located) (As shown on the attached locality plan)

Nature of application:

- It is proposed to rezone the property from a Community Zone 1: Local (CO1) to General Business, Sub-zone GB1. The 20-year temporary departure on the property has lapsed. The rezoning is proposed to ensure the continued existence of the Hotel on the property. (It must be noted that half of the Hotel is located on remainder Erf 118877 & the other half on the subject property, Erf 148700. The existing zoning of remainder Erf 118877 is General Business, Sub-zone GB1 which permits the use in question.)

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51661

SWARTLAND MUNISIPALITEIT

KENNISGEWING 32/2014/2015

**VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 4090,
DARLING**

Kennis geskied hiermee ingevolge artikel 7, Hoofstuk 14.4.1 van die Swartland Geïntegreerde Soneringskema-regulasies dat 'n aansoek ontvang is vir 'n vergunningsgebruik op 'n gedeelte van erf 4090 (groot $\pm 20\text{m}^2$), Darling. Die eiendom is geleë h/v Disalaan en Madeliefiestraat en die doel van die aansoek is om 'n huiswinkel vanaf die eiendom te bedryf.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **3 November 2014 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

3 October 2014

51682

STAD KAAPSTAD (TAFELBAAI-DISTRIK)

HERSONERING• **Restant erf 148700, Kaapstad**

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City-gebou, h.v. Hertzog-boulevard en Heerengracht, Kaapstad. Navrae kan weksdae van 08:00 tot 14:30 gerig word aan Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City-gebou, h.v. Hertzog-boulevard en Heerengracht, Kaapstad, tel. (021) 400 6453 of faks (021) 419 4694. Enige besware, met volledige redes, moet voor of op **3 November 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City-gebou, h/v Hertzog-boulevard en Heerengracht, Kaapstad ingedien word en kan gerig word aan me. Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City-gebou, h/v Hertzog-boulevard en Heerengracht, Kaapstad of stuur u kommentaar/besware per e-pos na: comments_objections.tablebay@capetown.gov.za, tel. (021) 400 6453 of faks (021) 421 1963, met vermelding van bovermelde wetgewing en die beswaarmaker se ernommer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

Aansoeker: MLH Argitekthe & Beplanners

Aansoeknommer: 70072764

Adres: Liesbeeklaan, Observatory (gedeelte van die terrein waarop die bestaande Courtyard Hotel geleë is.) (Soos aangedui op die aangehegte liggingsplan.)

Aard van aansoek:

- Daar word voorgestel om die eiendom van gemeenskapsone 1: plaaslik (CO1) na algemeenskapsone GB1 te hersoneer. Die tydelike afwyking van 20 jaar op die eiendom het verstryk. Die hersonering word voorgestel om die voortgesette bestaan van die hotel op die eiendom te verseker. (Kennis moet geneem word dat die helfte van die hotel op restant erf 118877 en die ander helfte op die betrokke eiendom, erf 148700, geleë is. Die bestaande sonering van restant erf 118877 is algemeenskapsone GB1, wat die onderhawige gebruik toelaat.)

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51661

CAPE AGULHAS MUNICIPALITY

NOTICE CALLING FOR INSPECTION OF SUPPLEMENTARY VALUATION ROLL

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act, Act 6 of 2004 that the Supplementary Valuation Roll for the financial year 2014/2015 lies open for public inspection at the various municipal offices and libraries within the municipal boundaries and municipal website www.capeagulhas.org.za from **3 October 2014 to 7 November 2014**.

NOTICE is further given in terms of Section 49(1)(a)(ii) of the Act, read with Section 78(2), that any owner of property or other person who so desires, may lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from the valuation roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection must be in relation to a specific property and not against the valuation roll as such.

The form for the lodging of an objection is obtainable from our offices in Bredasdorp, Struisbaai en Napier and also on the website.

The completed form must be returned to the Municipal Manager, Cape Agulhas Municipality, PO Box 51, Bredasdorp, 7280. For enquiries please contact ms Carmen Leonard at (028) 425 5500.

DLG O'NEILL, MUNICIPAL MANAGER, Municipal Offices, PO Box 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

3 October 2014

51672

CITY OF CAPE TOWN (HELDERBERG DISTRICT)

REZONING, SUBDIVISION & DEPARTURE• **Erf 4705, 36 Silverboomkloof Road, Spanish Farm, Somerset West**

Notice is hereby given in terms of Sections 17, 24 & 15 of Ordinance 15 of 1985 and the Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager at the First Floor, Municipal Offices, cnr Victoria & Andries Pretorius Streets, Somerset West. Enquiries may be directed to Gabby Wagner/Renee Arendse, PO Box 19, Somerset West, email comments_objections.helderberg@capetown.gov.za, tel (021) 850 4346 or fax (021) 850 4487 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager on or before **3 November 2014**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Messrs Diesel & Munns Inc

Owner: Messrs Lashka (Pty) Ltd

Application number: 70156072

Notice number: 24/2014

Nature of application:

- The rezoning of Erf 4705, 36 Silverboomkloof Road, Spanish Farm, Somerset West from Agriculture to Rural;
- The subdivision of the property into two portion (Portion 1–1,181 ha and Portion 2–1,2452 ha) and a Remainder (1 ha);
- The departure from the Cape Town Zoning Scheme Regulations on Erf 4705, Silverboomkloof Road, Somerset West to permit Rural portions of less than 2 ha.

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51665

KAAP AGULHAS MUNISIPALITEIT

KENNISGEWING WAT BESWARE TEEN VOORLOPIGE AANVULLENDE WAARDASIELYS AANVRA

Kennis geskied hiermee kragtens die bepalings van Artikel 49(1)(a)(i) van die Wet op Plaaslike Owerhede: Munisipale Eiendomsbelasting, Wet 6 van 2004 (hierna verwys as die ("Wet")) dat die Aanvullende Waardasielys vir die boekjaar 2013/2014 ter insae lê vir openbare inspeksie by die onderskeie munisipale kantore en biblioteke binne die munisipale grense asook die webtuiste www.capeagulhas.gov.za vanaf **3 Oktober 2014 tot 7 November 2014**.

KENNISGEWING geskied voorts dat enige eienaar van vaste eiendom of enige ander persoon kragtens die bepalings van Artikel 49(1)(a)(ii) van vermelde Wet, saamgelees met Artikel 78(2), 'n beswaar binne bovermelde tydperk kan indien by die Munisipale Bestuurder ten opsigte van enige aangeleentheid of uitsluitel rakende die eiendomswaardasielys.

Aandag word spesifiek gevestig op die bepalings van Artikel 50(2) van die Wet wat bepaal dat 'n beswaar na 'n spesifieke eiendom moet verwys en nie teen die waardasielys as sulks nie.

Die voorgeskrewe beswaarvorms is beskikbaar by die kantore op Bredasdorp, Struisbaai en Napier asook op die webwerf.

Die voltooië vorms moet terugbesorg word aan die Munisipale Bestuurder, Kaap Agulhas Munisipaliteit, Posbus 51, Bredasdorp, 7280. Navrae kan gerig word aan me Carmen Leonard by (028) 425 5500.

DLG O'NEILL, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 51, BREDASDORP, 7280. Tel: (028) 425 5500, Faks: (028) 425 1019

3 Oktober 2014

51672

STAD KAAPSTAD (HELDERBERG-DISTRIK)

HERSONERING, ONDERVERDELING EN AFWYKING• **Erf 4705, Silverboomkloofweg 36, Spanish Farm, Somerset-Wes**

Kennisgewing geskied hiermee ingevolge artikel 17, 24 en 15 van Ordonnansie 15 van 1985 en die Kaapstadse Soneringskemaeregulasies dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, eerste verdieping, munisipale kantore, h.v. Victoria- en Andries Pretoriusstraat, Somerset-Wes. Navrae kan gerig word aan Gabby Wagner of Renee Arendse, Posbus 19, Somerset-Wes 7129 of stuur e-pos na comments_objections.helderberg@capetown.gov.za, tel. 021 850 4346 of faks 021 850 4487 op weksdae van 08:00–14:30. Enige besware, met volledige redes daarvoor, kan voor of op **3 November 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Mnre. Diesel & Munns Inc

Eienaar: Mnre. Lashka (Edms.) Bpk.

Aansoeknommer: 70156072

Kennisgewingnommer: 24/2014

Aard van aansoek:

- Die hersonering van erf 4705, Silverboomkloofweg 36, Spanish Farm, Somerset-Wes van landbou na landelik;
- Die onderverdeling van die eiendom in twee gedeeltes (gedeelte 1–1,181 ha en gedeelte 2–1,2452 ha) en 'n restant (1 ha);
- Die afwyking van die Kaapstadse Soneringskemaeregulasies vir erf 4705, Silverboomkloofweg, Somerset-Wes om landelike gedeeltes van minder as 2 ha toe te laat.

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51665

SWARTLAND MUNICIPALITY

NOTICE 31/2014/2015

PROPOSED CONSENT USE ON ERF 844,
MALMESBURY

Notice is hereby given in terms of section 7, Chapter 14.4.1 of the Swartland Integrated Zoning Scheme Regulations that an application has been received for a consent use on erf 844 ($\pm 1331\text{m}^2$ in extent), Malmesbury. The property is situated c/o Ford and Lowrycole Street and the purpose of the application is to erect an additional dwelling on the property.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **3 November 2014 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

3 October 2014

51683

CITY OF CAPE TOWN (SOUTHERN DISTRICT)

REZONING & DEPARTURES

• Erf 4078 Hout Bay, Main Road

Notice is hereby given in terms of Section 15 and 17 of the Land Use Planning Ordinance No.15 of 1985 that the under-mentioned application has been received and is open to inspection at the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Ground Floor, 3 Victoria Road, Plumstead (Counter 1.3). Enquiries may be directed to Pierre Evard, from 08:30–14:30 Monday to Friday. Any objections and/or comments, with full reasons therefor, must be submitted in writing at the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Private Bag X5, Plumstead, 7801 or fax (021) 710 8283 or email comments_objections.southern@capetown.gov.za on or before the closing date, quoting the Ordinance, the below-mentioned reference/application number, and the objectors erf and phone numbers and address. Objections and comments may also be hand-delivered to the abovementioned street address by no later than the closing date. If your response is not sent to the above address and/or fax number, or email address, and if, as a consequence it arrives late, it will be deemed to be invalid. For any further information, contact Pierre Evard, tel (021) 444 7726. The closing date for objections and comments is **Monday 3 November 2014**.

File reference: LUM/33/4078 (2)

Case ID No: 70160754

Owner: The Raison D'Etire Trust

Applicant: M.A. Smith Town & Regional Planners

Address: Main Road, Hout Bay

Nature of Application:

- To rezone a portion of the property from Rural Zone to Community Zone 1: Local (CO1) to permit a Place of Instruction (Montessori Pre-School) on the property.
- The following departures from the Cape Town Zoning Scheme are applied for:
- Section 7.1.2(e) to permit the classrooms sited 1.8m, 1.6m and 3m in lieu of 5m from the south west common boundary.

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51662

SWARTLAND MUNISIPALITEIT

KENNISGEWING 31/2014/2015

VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 844,
MALMESBURY

Kennis geskied hiermee ingevolge artikel 7, Hoofstuk 14.4.1 van die Swartland Geïntegreerde Soneringskema-regulasies dat 'n aansoek ontvang is vir 'n vergunningsgebruik op erf 844 (groot $\pm 1331\text{m}^2$), Malmesbury. Die eiendom is geleë h/v Ford- en Lowrycolestraat en die doel van die aansoek is om 'n tweede wooneenheid op te rig.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubesker en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **3 November 2014 om 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

3 Oktober 2014

51683

STAD KAAPSTAD (SUIDELIKE DISTRIK)

HERSONERING EN AFWYKINGS

• Erf 4078 Houtbaai, Hoofweg

Kennisgewing geskied hiermee ingevolge artikel 15 en 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoria-weg 3, Plumstead (toonbank 1.3). Navrae kan weksdae van 08:30 tot 14:30 aan Pierre Evard gerig word. Enige besware en kommentaar, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik aan die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Privaatsak X5, Plumstead 7801 gerig word, na (021) 710 8283 gefaks word, of per e-pos na comments_objections.southern@capetown.gov.za gestuur word, met vermelding van bovermelde wetgewing, onderstaande verwysings-/aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadres afgelewer word. As u reaksie nie na hierdie adres, faksnommer en/of e-posadres gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Om nadere inligting, skakel Pierre Evard by tel. (021) 444 7726. Die sluitingsdatum vir besware en kommentaar is **Maandag 3 November 2014**.

Lêerverwysing: LUM/33/4078 (2)

Saaknommer: 70160754

Eienaar: The Raison D'Etire Trust

Aansoeker: M.A. Smith Stads- en Streekbeplanners

Adres: Hoofweg, Houtbaai

Aard van aansoek:

- Om 'n gedeelte van die eiendom van landelike sone na gemeenskapsone 1: plaaslik (CO1) te hersoneer om 'n plek van onderrig (Montessori- preprimêre skool) op die eiendom toe te laat.
- Daar word om die volgende afwykings van die Kaapstadse Soneringskema aansoek gedoen:
- Artikel 7.1.2(e) om toe te laat dat die klaskamers 1,8m, 1,6m en 3m in plaas van 5m vanaf die suidwestelike gemeenskaplike grens geleë is.

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51662

CITY OF CAPE TOWN (NORTHERN DISTRICT)

AMENDMENT

• **Erf 10378, Verdi Boulevard and De Villiers Avenue, Sonstraal Heights, Durbanville**

Notice is hereby given in terms of Section 42(3)(a) of the Land Use Planning Ordinance No 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager Northern District at the Municipal Offices, Brighton Road, Kraaifontein and that any enquiries may be directed to Lunga Booi, Box 25, Kraaifontein, 7569, tel (021) 980 6146, fax (021) 980 6179 or lunga.booi@capetown.gov.za, week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager to comments_objections.northern@capetown.gov.za, on or before **4 November 2014**, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

Applicant: LMV Cape Town & Regional Planners

Owner: Real Worx Six (Pty) Ltd

Application number: 70164949

Nature of application:

- Amendment of conditions of approval to permit a Place of Instruction in addition to the Place of Worship (Pre-School for 292 Children)
- Approval of Site Development Plan
- The application entails:

Existing Church: 1 135m²
Church additions: 1 174m²
Pre-school additions: 2030m²
Total: 4 340m²

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51664

STAD KAAPSTAD (NOORDELIKE DISTRIK)

WYSIGING

• **Erf 10378, Verdi-boulevard en De Villiers-laan, Sonstraal Hoogte, Durbanville**

Kennisgewing geskied hiermee ingevolge artikel 42(3)(a) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en op weksdae van 08:00 tot 14:30 ter insae beskikbaar is by die kantoor van die distriksbestuurder, noordelike distrik, munisipale kantore, Brightonweg, Kraaifontein en dat enige navrae gerig kan word aan Lunga Booi, Posbus 25, Kraaifontein 7569, tel. (021) 980 6146, faks (021) 980 6179 of e-pos lunga.booi@capetown.gov.za. Enige besware, met volledige redes daarvoor, kan voor of op **4 November 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.northern@capetown.gov.za gestuur word, met vermelding van bovermelde wetgewing en die beswaarmaker se erfnummer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

Aansoeker: LMV Kaapstad Stads- en Streekbepanners

Eienaar: Real Worx Six (Edms) Bpk

Aansoeknommer: 70164949

Aard van aansoek:

- Wysiging van goedkeuringsvoorwaardes om 'n plek van onderrig buiten die plek van aanbidding toe te laat (preprimêre skool vir 292 kinders).
- Goedkeuring van die terreinontwikkelingsplan.
- Die voorstel behels:

Bestaande kerk: 1 135m²
Aanbouings aan kerk: 1 174m²
Aanbouings aan preprimêre skool: 2 030m²
Totaal: 4 340m²

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51664

CITY OF CAPE TOWN (NORTHERN DISTRICT)

REZONING AND SUBDIVISION

• **Erf 18354, Gemini Street, Everite Industria, Brackenfell**

Notice is hereby given in terms of the Land Use Planning Ordinance, No 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager at the Municipal Building, Brighton Road, Kraaifontein. Enquiries may be directed to Lunga Booi, PO Box 25, Kraaifontein, 7569 or the Municipal Building, Brighton Road, Kraaifontein, tel (021) 980 6146, fax (021) 980 6179 or email lunga.booi@capetown.gov.za, week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager on or before **4 November 2014**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Urban Dynamics Western Cape

Owner: Duro Brick (Pty) Ltd

Application no: 70152206

Nature of Application:

- Rezoning of Erf 18354, Brackenfell to Subdivisional Area for General Industrial and Open Space purposes in terms of Section 17(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).
- Subdivision of Erf 18354, Brackenfell in terms of Section 24(1) of the Land Use Planning Ordinance (Ordinance 15 of 1985) into 1 General Industrial erf and 2 Open Space Zone II erven.

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51663

STAD KAAPSTAD (NOORDELIKE DISTRIK)

HERSONERING EN ONDERVERDELING

• **Erf 18354, Geministraat, Everite-industriële gebied, Brackenfell**

Kennisgewing geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder by die munisipale gebou, Brightonweg, Kraaifontein. Navrae kan weksdae van 08:00 tot 14:30 gerig word aan Lunga Booi, Posbus 25, Kraaifontein 7569 of by die munisipale gebou, Brightonweg, Kraaifontein, tel. (021) 980 6146, faks (021) 980 6179, of e-pos lunga.booi@capetown.gov.za. Enige besware, met volledige redes daarvoor, kan voor of op **4 November 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Urban Dynamics Wes-Kaap

Eienaar: Duro Brick (Edms) Bpk

Aansoeknommer: 70152206

Aard van aansoek:

- Hersonering van erf 18354, Brackenfell na onderverdelingsgebied vir die doel van algemeenresidensieel en oopruimte ingevolge artikel 17(1) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985).
- Onderverdeling van erf 18354, Brackenfell ingevolge artikel 24(1) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) in een algemeenindustriële erf en twee oopruimtesone II-erwe.

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51663

CITY OF CAPE TOWN (BLAAUWBERG DISTRICT)
SUBDIVISION & AMENDMENT

• **Portion of Erf 2, Rivergate (Phase 2)**

Notice is hereby given in terms Section 24 & 42 of the Land Use Planning Ordinance No 15 of 1985 that the Council has received the undermentioned application and is open to inspection at the office of the District Manager, Municipal Offices at 87 Pienaar Road, Milnerton. Enquiries may be directed to Alicia C Visagie, PO Box 35, Milnerton, 7435; 87 Pienaar Road, Milnerton; email alicia.visagie@capetown.gov.za, tel (021) 444 0564 or fax (021) 444 0559 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager or by using the following email address: comments_objections.blaauwberg@capetown.gov.za on or before **3 November 2014** quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Allen Goosen/MLH Architects and Planners

Application number: 70157401

Nature of application:

- To subdivide a portion of Erf 2, Rivergate (Phase 2) into eight (8) portions in terms of Section 24 of the Land Use Planning Ordinance, No 15 of 1985 for the establishment of the following zones: Mixed Use 2 (MU2), Utility Zone (UT) & Transport Zone 2 (TR2).
- To amend the following conditions of the Third Development Framework (Rivergate) to allow for Mixed Use Industrial in lieu of Residential for the Phase 2 development area in terms of Section 42 of the Land Use Planning Ordinance, No 15 of 1985:
 - Condition 1.2 which deals with the approved Development Framework Plan, Drawing No. 2002 563 LP-01–01 Rev. C, which is now amended to illustrate the new Phase 2 extent. Refer to attached Drawing No. 2002 536 LP-01–01 Rev E; which substitutes the previous approved diagrams, Drawing No. 2002 536 LP-01–01 Rev C & D.
 - Condition 14(a) deals with the requirements of the Department: Spatial Planning and Urban Design as far as spatial allocation of land uses are concerned. In this regard refer to Drawing No. 2002 536 CP-01–00 Rev A which is substituted by Drawing No. 2002 536 CP-01–00 Rev B.

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51667

STAD KAAPSTAD (BLAAUWBERG-DISTRIK)
ONDERVERDELING EN WYSIGING

• **Gedeelte van Erf 2, Rivergate (Fase 2)**

Kennisgewing geskied hiermee ingevolge artikel 24 en 42 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat die Raad onderstaande aansoek ontvang het, wat ter insae beskikbaar is by die kantoor van die distriksbestuurder by die munisipale kantore, Pienaarweg 87, Milnerton. Navrae kan gerig word aan Alicia C. Visagie, Posbus 35, Milnerton 7435; Pienaarweg 87, Milnerton; e-pos alicia.visagie@capetown.gov.za; tel. (021) 444 0564; of faks (021) 444 0559 op woensdae van 08:00 tot 14:30. Enige besware, met volledige redes daarvoor, kan voor of op **3 November 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.blaauwberg@capetown.gov.za gestuur word, met vermelding van bovermelde wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Allen Goosen/MLH Argitekte en Beplanners

Aansoeknommer: 70157401

Aard van aansoek:

- Onderverdeling van erf 2, Rivergate (Fase 2) in agt (8) gedeeltes ingevolge artikel 24 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) vir die vestiging van die volgende sones: gemengdegebruik 2 (MU2), nutsone (UT) en vervoersone 2 (TR2).
- Om die volgende voorwaardes van die derde ontwikkelingsraamwerk (Rivergate) te wysig om gemengdegebruik industrieel in plaas van residensieel vir die fase 2-ontwikkelingsgebied toe te laat ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985):
 - Voorwaarde 1.2 wat handel oor die goedgekeurde ontwikkelingsraamwerkplan, sketsnommer 2002 563 LP-01–01 Rev. C, wat nou gewysig is om die omvang van die nuwe fase 2 te illustreer. Verwys na aangehegte sketsnommer 2002 536 LP-01–01 Rev E; wat die vorige diagramme, sketsnommer 2002 536 LP-01–01 Rev C en D vervang.
 - Voorwaarde 14(a) handel oor die vereistes van die departement ruimtelike beplanning en stadsontwerp wat met ruimtelike toekenning van grondgebruike verband hou. Verwys in hierdie opsig na sketsnommer 2002 536 CP-01–00 Rev A wat deur sketsnommer 2002 536 CP-01–00 Rev B vervang word.

ACHMAT EBRAHIM, STADSBEStuurDER

3 Oktober 2014

51667

MATZIKAMA MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION AMENDMENT BY-LAW

(1/2013)

In terms of section 156 (2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) read together with section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) Matzikama Municipality ordained as follows–

1. Amendment of By-law

The by-law in Appendix A is hereby amended to the extent set out in the third column thereof.

2. Short title and commencement

This by-law shall be called the Credit Control and Debt Collection Amendment By-law of Matzikama Municipality (1/2013) and shall come into operation on the date of publication thereof in the Provincial Gazette.

APPENDIX A

Short Title	Provincial Gazette	Extent of amendment
Credit Control and Debt Collection By-law	No. 6788 of 10 September 2010	The definition of “policy” be substituted by the following definition: “policy” means the credit control and debt collection policy of the Council as adopted by resolution 7.3.7 of 28 May 2013

MUNICIPAL MANAGER

3 October 2014

51671

MATZIKAMA MUNISIPALITEIT

WYSIGINGSVERORDENING INSAKE KREDIETBEHEER EN SKULDINVORDERING

(1/2013)

Ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996) saamgelees met artikel 98 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) verorden Matzikama Munisipaliteit soos volg —

1. Wysiging van Verordening

Die Verordening in Bylae A word hiermee gewysig in die mate in die derde kolom daarvan uiteengesit.

2. Kort titel en inwerkingtrede

Hierdie verordening heet die Wysigingsverordening insake Kredietbeheer en Skuldinvordering van Matzikama Munisipaliteit (1/2013) en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

BYLAE A

Kort titel	Provinsiale Koerant	Omvang van wysiging
Verordening insake Kredietbeheer en Skuldinvordering	No. 6788 van 10 September 2010	Die woordskrywing van “ beleid ” word deur die volgende woordskrywing vervang: “ beleid ” die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid soos goedgekeur deur die Raad by besluit 7.3.7 van 28 Mei 2013

MUNISIPALE BESTUURDER

3 Oktober 2014

51671

MATZIKAMA MUNICIPALITY

UMTHETHO KAMASIPALA OHLONYELWEYO WOKULAWULWA KWAMATYALA NOKUQOKELELWA KWAMATYALA

(1/2013)

Ngokwecandelo le-156 (2) loMgaqo-siseko waseMzantsi Afrika, ka-1996 (Umthetho we-108 ka-1996) ekufuneka ufundwe kunye necandelo lama-98 loMthetho weeNkqubo zikaMasipala: kuRhulumente wasekuhlaleni, ka-2000 (Umthetho wama-32 ka-2000) uMasipala waseMatzikama uqinisekisa oku kulandelayo –

1. Ukuhlonyelwa koMthetho kaMasipala

Umthetho kaMasipala kwiSihlomelo A uhlomele umhlathi wesithathu.

2. Isihloko esifutshane nokuqaliswa kwawo

Lo mthetho kamasipala uza kubizwa ngokuba nguMthetho kaMasipala waseMatzikama ohlonyelweyo wokuLawulwa kwamatyala nokuQokelelwa kwamatyala (1/2013) kwaye uza kuqala ukusebenza ngomhla opapashwa ngazo kwiGazethi yePhondo.

ISIHLOMELO A

Isihloko esifutshane	IGazethi yePhondo	Ubungakanani besihlomelo
Umthetho kamasipala wokuLawulwa kwamatyala nokuQokelelwa kwamatyala	OnguNombolo. 6788 we-10 kuSeptemba ngo-2010	Inkcazelo “ yomgaqo-nkqubo ” utshintshwe ube yile nkcazelo ilandelayo: “ umgaqo-nkqubo ” uthetha umgaqo-nkqubo weBhunga wokulawulwa kwamatyala nokuqokelelwa kwamatyala njengoko uvunyiwe kwisigqibo se-7.3.7 somhla wama-28 kuMeyi ngo-2013

MUNICIPAL MANAGER

3 KweyeDwarha 2014

51671

GEORGE MUNICIPALITY

NOTICE NO: 125/2014

REZONING: ERF 1069, BEACON ROAD, WILDERNESS

Notice is hereby given that Council has received the following application on the abovementioned property:

1. Rezoning in terms of Section 17(2)a of Ordinance 15 of 1985 **FROM UNDETERMINED ZONE TO:**
 - (a) SINGLE RESIDENTIAL ZONE in respect of 6 footprint portions of 300m² each for the development of 6 dwelling units of 150m² each;
 - (b) PRIVATE OPEN SPACE (including the access road to the dwelling units) in respect of the remainder portion of the property.

Details of the proposal are available for inspection at the Council's office, Civic Centre, 5th Floor, York Street, George, during normal office hours, Monday to Friday. **Enquiries:** Keith Meyer, **Reference:** Erf 1069, Wilderness.

Motivated objections, if any, must be lodged in writing with the abovementioned office by not later than **Monday, 3 November 2014**. **Please take note that no objections by e-mail will be accepted.**

Any person, who is unable to write, can submit their objection verbally to the Council's office where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9435, Fax: 086 529 9985
Email: keith@george.org.za

3 October 2014

51669

GEORGE MUNISIPALITEIT

KENNISGEWING NR: 125/2014

HERSONERING: ERF 1069, BEACONWEG, WILDERNIS

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Hersonering in terme van Artikel 17(2)a van Ordonnansie 15 van 1985 **VANAF ONBEPAALEDSONE NA:**
 - (a) **ENKELWOONSONE** met betrekking tot 6 voetspoor gedeeltes van 300m² elk vir die ontwikkeling van 6 wooneenhede van 150m² elk;
 - (b) **PRIVAAT OOPRUIMTE** (ingesluit die toegangspad na die wooneenhede) met betrekking tot die restant gedeelte van die eiendom.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae beskikbaar wees by die Raad se kantoor, Burgersentrum, 5de Vloer, Yorkstraat, George. **Navrae:** Keith Meyer, **Verwysing:** Erf 1069, Wildernis.

Gemotiveerde besware, indien enige, moet skriftelik by die bogenoemde kantoor ingedien word nie later nie as **Maandag, 3 November 2014**. **Let asseblief daarop dat geen e-pos besware aanvaar word nie.**

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê waar 'n personeelid sal help om die kommentaar/vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9435, Faks: 086 529 9985
Epos: keith@george.org.za

3 Oktober 2014

51669

CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

REMOVAL OF RESTRICTIONS

- **Erf 1265 Grassy Park at 10 Italian Road, Grassy Park (second placement)**

Notice is hereby given in terms of Section 3(6) of the Removal of Restriction Act, Act 84 of 1967 that the undermentioned application has been received and is open to inspection at the office of the District Manager at Planning & Building Development Management, Ledger House, corner of Aden Avenue and Georges Street, Athlone, and that any enquiries may be directed to Justin Dido, PO Box 283, Athlone, 7760 email justin.dido@capetown.gov.za, tel 021 684 4349 and fax 021 684 4420 week days during 08:00–14:30. The application is also open to inspection at the office of the Director: Land Management: Region 2, Provincial Government of the Western Cape at Room 604, No 1 Dorp Street, Cape Town, from 08:00–12:30 and 13:00–15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at 021 483 8332 and the Directorate's fax number is 021 483 3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director: Land Management at Private Bag X9086, Cape Town, 8000, with a copy to the abovementioned District Manager or by using the email address comments_objections.capeflats@capetown.gov.za on or before **3 November 2014**, quoting the above Act and the objector's erf number. Any comments received after aforementioned closing date may be disregarded.

Applicant: F. Khan Attorney at Law

Case ID: 70071035

File Reference: LUM/30/1265

Address: 10 Italian Road, Grassy Park

Nature of application: Removal of restrictive title conditions pertaining to Erf 1265 at No 10 Italian Road, Grassy Park, to enable the owner to subdivide the property into four (4) portions, namely Portion 1: ±500m² in extent; Portion 2: ± 504m² in extent, Portion 3: ±408m² in extent and Portion 4: ±408m² in extent for residential purposes.

ACHMAT EBRAHIM, CITY MANAGER

3 October 2014

51666

STAD KAAPSTAD (KAAPSE VLAKTE-DISTRIK)

OPHEFFING VAN BEPERKINGS

- **Erf 1265 Grassy Park te Italianweg 10, Grassy Park (tweede plasing)**

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op die Opheffing van Beperkings (Wet 84 van 1967) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, beplanning en bou-ontwikkelingsbestuur, Ledger House, h.v. Adenlaan en Georgesstraat, Athlone en dat enige navrae gerig kan word aan Justin Dido, Posbus 283, Athlone 7760, e-pos justin.dido@capetown.gov.za, tel. 021 684 4349 of faks 021 684 4420 op woensdae van 08:00 tot 14:30. Die aansoek is ook woensdae van 08:00 tot 12:30 en 13:00 tot 15:30 ter insae beskikbaar by die kantoor van die direkteur, grondbestuur: streek 2, Wes-Kaapse regering, kamer 604, Dorpstraat 1, Kaapstad. Telefoniese navrae in dié verband kan aan 021 483 8332 gerig word en die direktoraat se faksnommer is 021 483 3098. Enige besware, met volledige redes, moet voor of op **3 November 2014** skriftelik aan die kantoor van bogenoemde direkteur, grondbestuur, Privaat sak X9086, Kaapstad 8000 gestuur word, met 'n afskrif aan bovermelde distriksbestuurder of deur die e-posadres comments_objections.capeflats@capetown.gov.za te gebruik, met vermelding van bovermelde wetgewing en die beswaarmaker se erfnummer. Enige kommentaar wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

Aansoeker: F. Khan Prokureur

Saaknommer: 70071035

Lêerverwysing: LUM/30/1265

Adres: Italianweg 10, Grassy Park

Aard van aansoek: Opheffing van beperkende titelvoorwaardes ten opsigte van erf 1265 te Italianweg 10, Grassy Park om die eienaar in staat te stel om die eiendom in vier (4) gedeeltes vir residensiële doeleindes te onderverdeel, naamlik gedeelte 1: ± 500 m² groot, gedeelte 2: ± 504 m² groot, gedeelte 3: ± 408 m² groot en gedeelte 4: ± 408 m² groot.

ACHMAT EBRAHIM, STADSBESTUURDER

3 Oktober 2014

51666

CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

UKUSUSWA KWEZITHINTELO

- **Isiza-1265 Grassy Park, 10 Italian Road, e-Grassy Park (sikhutshwa okwesibini)**

Kukhutshwa isaziso ngokweCandelo-3(6) loMthetho wokuSuswa kweziThintelo onguNomb.84 wango-1967, sokuba isicelo esikhankanywe ngezantsi apha, apha, sifunyenwe kwaye sivulelekile ukuba sihlolwe kwi-ofisi yoMphathi weSithili, kwiSebe loCwanciso noLawulo loPhuhliso loLwakhiwo, Ledger House, kwikona ye-Aden Avenue ne-Georges Street, e-Athlone, kwakhona nayiphina imibuzo ingajoliswa ku-Justin Dido, PO Box 283, Athlone, 7760 i-imeyile justin.dido@capetown.gov.za, umnxeba 021 684 4349 nefeksi ngu- 021 684 4420 kwiintsuku eziphakathi evekini ukususela ngeye-8: 00 ukuya ngeye-14: 30. Isicelo kwakhona sivulelekile ukuba sihlolwe kwi-ofisi yoMlawuli woLawulo loMhlaba, kwiNgingqi-2, kubuRhulumente bePhondo laseNtshona Koloni, kwiGumbi-604, 1 Dorp Street, eKapa ukususela ngeye-08:00–12:30 nokususela kweyo-13:00 – 15:30 ngoMvulo ukuya ngoLwesihlanu. Imibuzo ngomnxeba ngokuphathelene nalo mbandela ingenziwa kwa-021 483 8332 nakwinombolo yefeksi yoMlawuli engu-021 483 3098. Naziphina izichaso ezinezizathu ezivakalayo kufuneka zingeniswe ngokubhaliweyo kwi-ofisi ekhankanywe ngentla apha yoMlawuli woLawulo loMhlaba, Private Bag X9086, Cape Town, 8000, kunye nekopi ijoliswe kuMphathi weSitgili okhankanywe ngentla apha okanye ngokusebenzisa idilesi ye-imeyile engu comments_objections.capeflats@capetown.gov.za ngomhla okanye ngaphambi kowe-**3 Novemba 2014**, ucaphule uMthetho ongentla apha nenombolo yesiza somchasi. Naziphina izichaso ezifunyenwe emva kwalo mhla ukhankanywe ngentla apha, zisenokungahoywa.

Umfaki-sicelo: F. Khan Attorney at Law

Isazisi sombandela: 70071035

Umqulu wesalathiso: LUM/30/1265

Idilesi: 10 Italian Road, Grassy Park

Ubume besicelo:

Ukususwa kwezithintelo zetayitile yobunini ngokujoliswe kwisiza-1265 kwaNomb.10 Italian Road, e-Grassy Park, ukuze umnini abenakho ukwahlula-hlula ipropati ukuba ibeziziqephu ezine (4): isiqephu-1 esibukhulu obumalunga nama-±500m²; isiqephu-2 esibukhulu obumalunga nama-± 504m²; isiqephu-3 esibukhulu obumalunga nama-±408m² nesiqephu-4 esimalunga nama-±504m² kulungiselelwa imibandela yokuhlala.

ACHMAT EBRAHIM, CITY MANAGER

3 KweyeDwarha 2014

51666

MOSSSEL BAY MUNICIPALITY

CUSTOMER CARE, INDIGENT, CREDIT CONTROL AND DEBT COLLECTION POLICY

Whereas section 98 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) provides that a municipal council must adopt a Customer Care, Indigent, Credit Control and Debt Collection Policy and By-laws to give effect to that policy, and its implementation and enforcement;

And whereas the Council of the Mossel Bay Municipality has adopted a revised Customer Care, Indigent, Credit Control and Debt Collection Policy on 29 May 2014, Resolution E58-05/2014;

Now therefore the revised Customer Care, Indigent, Credit Control and Debt Collection Policy is hereby published in English for general information. The revised Customer Care, Indigent, Credit Control and Debt Collection Policy will be made available upon request in Afrikaans and Xhosa. In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

This Customer Care, Indigent, Credit Control and Debt Collection Policy repeals all previous Customer Care, Indigent, Credit Control and Debt Collection Policies.

KLIËNTEDIENS, DEERNIS, KREDIETBEHEER EN SKULDINVORDERINGSBELEID

Nademaal Artikel 98 van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet No. 32 van 2000) voorsiening maak dat 'n Munisipale Raad moet 'n Kliëntediens, Deernis, Kredietbeheer en Skuldinvorderingsbeleid en Verordeninge aanvaar en uitvoering gee aan die Beleid asook die implementering en afdwinging daarvan.

En nademaal die Raad van Mosselbaai Munisipaliteit 'n hersiene Kliëntediens, Deernis, Kredietbeheer en Skuldinvorderingsbeleid aangeneem het op 29 Mei 2014, Besluit E58-05/2014, aanvaar het.

Aldus die hersiene beleid hiermee gepubliseer word in Engels vir algemene inligting. Die hersiene Kliëntediens, Deernis, Kredietbeheer en Skuldinvorderingsbeleid sal op aanvraag beskikbaar gestel word in Afrikaans en Xhosa. In die geval van 'n teenstrydigheid tussen die Engels, Afrikaans en Xhosa teks, sal die Engelse teks geldig wees.

Hierdie Kliëntediens, Deernis, Kredietbeheer en Skuldinvorderingsbeleid herroep alle vorige Kliëntediens, Deernis, Kredietbeheer en Skuldinvorderingsbeleide.

UXOMEZELELO EKUKHATHALALENI BAXHAMLI, ABEZIBONELELO, UKULAWULWA KWAMATYALA KUNYE NOMGAQO-NKQUBO WOKUQOKELWA KWAMATYALA

Nangona iCandelo 98 lika-Rhulumente Wesithili: iCandelo le-Nkqubo kaMasipala, 2000 (inombolo yeCandelo.32 ka 2000) livumela ukuba ibhunga lika-masipala lithabathele kulo ukukhathalela abaxhamli, abezibonelelo, uLawulo Lwamatyala kunye noMgaqo-Nkqubo wokuQokelelwa kwaMatyala kwakunye noKongezwa kwe-Mithetho ekuwunikeneni amandla umgaqo-nkqubo, ukuwusebenzisa kunye nokuwugunyazisa;

Kwaye nangona iBhunga lo Masipala wase-Mossel Bayi sele ikwamkele uhlaziyo kulo Mgaqo-Nkqubo oKhathalela a Baxhamli, abeZibonelelo, uLawulo Lwamatyala kunye no Mgaqo-Nkqubo wokuQokelela amaTyali ngo 29 May 2014, isiGqibo E58-05/2014;

Kungokoke lo Mgaqo-Nqubo ohlaziweyo okhathalela abaxhamli, abezibonelelo, uLawulo Lwamatyala kunye no Mgaqo-Nkqubo wokuQokelela kwamatyala uye wapapashwa ngesi-Ngesi ukuze lube lwaziwegabalala. LoMgaqo-Nqubo uhlaziweyo okhathalela abaxhamli, abezibonelelo, uLawulo Lwamatyala kunye no Mgaqo-Nkqubo wokuQokelela kwamaTyala uyakufumaneka xa u celwa nge-Afrikaans nangesiXhosa. Xa kunokuthi kanti kukho ukungahla ngani phakathi kwesi-Ngesi, iAfrikaans nesiXhosa, umbhalo wesiNgesi uyakwamkeleka.

Lo uMgaqo-Nqubo oKhathalela abaxhamli, abezibonelelo, uLawulo Lwamatyala kunye no Mgaqo-Nkqubo wokuQokelela kwamatyala ubhangisa nke eminye imiGaqo-Nkqubo efana neyoku Khathalela abaxhamli, abezibonelelo, uLawulo Lwamatyala kunye no Mgaqo-Nkqubo wokuQokelela kwamaTyala.

DR. M GRATZ, MUNICIPAL MANAGER

MOSSEL BAY MUNICIPALITY**CUSTOMER CARE, CREDIT CONTROL, DEBT COLLECTION, INDIGENT AND TAMPERING POLICY****INDEX**

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MOSSEL BAY MUNICIPALITY

CUSTOMER CARE, CREDIT CONTROL, DEBT COLLECTION, INDIGENT AND TAMPERING POLICY

1 INTRODUCTION

This policy is established in terms of Chapter 9 of the Municipal Systems Act (No.32 of 2000) and section 62(f)(iii) of the Municipal Finance Management Act (56 of 2003) which requires that a municipality establish and maintain a credit control and debt collection policy.

2 SCOPE OF THE POLICY

- (a) This Policy applies to the Mossel Bay Municipality and all persons of this administration.
- (b) This Policy as approved by Council, has been passed into a municipal bylaw in terms of the Local Government: Municipal Systems Act No 32 of 2000 and such Policy will be binding on the public, officials and Councillors of the Municipality of Mossel Bay and no interference in the process will be permitted.
- (c) The Policy is applicable until such time as it is reviewed and Council approves the revisions. All acts performed in terms of the above approved Policy, and the existing municipal bylaw, will not be invalidated due to the timing differences between approval and promulgation.
- (d) All acts performed as mentioned in the previous paragraph will be ratified with the promulgation of the related municipal bylaw.

3 OBJECTIVES OF THE POLICY

The objectives of this Policy are to:

- (a) Define a framework within which the municipality can exercise its executive and legislative authority with regard to credit control and debt collection and to develop an effective procedure to bill and collect its revenues;
- (b) ensure that all monies due and payable to the municipality are collected in full and used to deliver municipal services in the best interest of the community, residents and ratepayers and in a financially sustainable manner as prescribed by the Municipal Systems Act, 2000 (Act No, 32 of 2000), and other applicable legislation;
- (c) ensure that the principles applied, as a result of this policy, will enhance and support a healthy working capital position for the Mossel Bay Local Authority;
- (d) provide a framework for consumer care and indigent support;
- (e) set realistic targets for credit control and debt collection;
- (f) enable the implementation of this Policy throughout the Mossel Bay Local Municipality;
- (g) effectively and efficiently deal with defaulters in accordance with the terms and conditions of this Policy; and
- (h) promote a culture of payment and instil a sense of responsibility towards the payment of municipal accounts and reduction of municipal debt.

4 PRINCIPLES

- (a) The administrative integrity of the municipality must be maintained at all times. The democratically elected councillors are responsible for policy-making, while it is the responsibility of the Municipal Manager to ensure the execution of these policies.
- (b) All customers must complete an official application form, formally requesting municipal services. Existing customers may be required to complete new application forms from time to time, as determined by the Municipal Manager. The most important rights and obligations of the consumer and the Municipality must be included in the service application form.
- (c) A copy of the application form including conditions of services must be handed to every new customer on date of application for services. All customers must be informed of the contents of the council's Credit Control and Debt Collection policy and a copy made available to any customer on request.

- (d) Billing is to be accurate, timeous and understandable.
- (e) The customer is entitled to reasonable access to pay points and to a variety of reliable payment methods.
- (f) The customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.
- (g) Enforcement of payment must be prompt, consistent and effective.
- (h) Unauthorized consumption, connection and reconnection, the tampering with or theft of meters, service supply equipment and the reticulation network and any fraudulent activity in connection with the provision of municipal services will lead to disconnections, penalties, loss of rights and criminal prosecutions.
- (i) Incentives and disincentives may be used in collection procedures.
- (j) The collection process must be cost effective.
- (k) Results will be regularly and efficiently reported and monitored.
- (l) There must be legal cause between the municipality and its customer, and customer debt must arise out of a legal framework and must be legally collectable.
- (m) Debtors may be referred to third party debt collection agencies and may be placed on the National Credit Bureau.
- (n) Targets for performance in both customer service and debt collection will be set and pursued and remedies implemented for non-performance.
- (o) Consumers that meet council's indigent criteria must be identified and supported.
- (p) The Municipality shall not conduct any business activity with or provide any services to any persons with arrear municipal accounts except as provided for in the policy and as determined by the Municipality from time to time, nor will any refunds of credits be made to any debtor who is in arrears with their Municipal account.

5 DEFINITIONS

In this policy any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, has that meaning, unless the context, indicates otherwise-

“**account**” means a notification by means of a statement of account to a ratepayer or customer who is liable for payments of any amount to the municipality and any authorised service provider in respect of the following:-

- (a) electricity that is consumed by a consumer based on a meter reading or an estimated consumption and any service fee;
- (b) water that is consumed by a consumer based on a meter reading or an estimated consumption or water availability fees;
- (c) refuse removal and disposal;
- (d) sewerage services and sewer availability fees;
- (e) rates;
- (f) interest;
- (g) connection fees;
- (h) collection charges, miscellaneous;
- (i) sundry fees;
- (j) default administration charges;
- (k) housing, rentals and instalments.

“**Accounting Officer**” means the person appointed by the council as the Municipal Manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act No. 117 of 1998 and being the head of the administration and accounting officer in terms of section 60 of the Local Government: Municipal Systems Act 200 (Act no 32 of 2000). It will also include any person to whom the Municipal Manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

“Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended from time to time;

“actual consumption” means the measured consumption by a customer of a municipal service;

“agreement” means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality's approval of a written application for municipal services, including any subsequent variation that may be made to that agreement in conformity with this policy, or that is deemed to be an agreement;

“applicable charges” means the rate (including assessment rates), charges, tariffs or subsidies determined by the council;

“area of supply” means any area within or partly within the area of jurisdiction of the municipality to which a service is provided;

“arrears” means any amount that is due, owing and payable by a customer in respect of a municipal service provided to such customer that has not been paid on or before the due date reflected on an account rendered in respect thereof;

“arrangements” means a written agreement or an acknowledgement of debt in terms of which a municipality agrees to the payment over a period of time of a debt that is outstanding;

“authorised agent” means:

- (a) any person authorized by the council to perform any act, function or duty in terms of or to exercise any power under this policy;
- (b) any person to whom the council has delegated responsibilities, duties or obligations in respect of the provision of revenue collection services; or
- (c) any person appointed by the council, in a written contract, as a service provider for the provision of revenue collection services or a municipal service to customers on its behalf, to the extent authorized by that contract;

“average consumption” means the average consumption by a customer of a municipal service during a specific period, which consumption is calculated by dividing by four the total measured consumption of that service by that customer over the preceding four months;

“billing” refers to the process of charging for services provided by issuing accounts.

“by-law” means a legislation that is made by a decision taken by the Council of the municipality binding in the municipality on the persons to whom it applies and is published in terms of the Municipal Systems Act;

“Chief financial officer” means the official of the Municipality appointed by council to administer its finances regardless of the designation or title attached to the post. He/she is responsible for the collection of moneys owed to the Municipality and/or any other staff member to whom he/she has delegated specific duties and responsibilities in terms of this Policy;

“collection costs” means an amount that the Municipality can charge with regard to the enforcement of a consumer's monetary obligations,

“commercial customer” means a customer other than a domestic customer and an indigent customer, including, but not limited to, a business or an industrial, governmental or an institutional customer;

“connection” means the point at which a customer gains access to municipal services;

“consolidated” refers to the combining of all debt in order to establish the total obligation the debtor has to the Municipality;

“consumer” mean any occupier of a property to which the Municipality has agreed to supply services or already supplies services to, or when the occupier is not the responsible person, then the owner of the property;

“continuous service” means the supply for consideration of a municipal service with the intent that so long as the agreement to supply the service remains, the Municipality will make the service continuously available to be used by the consumer;

“Council” means the Council of the Local Municipality of Mossel Bay. A structure or person exercising delegated authority and power or carrying out an instruction in terms of these by-laws or a service provider fulfilling the responsibility under these by-laws;

“credit control and debt collection” refers to the action/s required to safeguard revenue including disconnections, reconnections, normalizing installations and follow-up procedures and data integrity;

“customer” means a person with whom the municipality has concluded or is deemed to have concluded an agreement for the provision of a municipal service;

“default administration charges” means a charge that may be imposed by the Municipality to recover administration costs incurred as a result of a consumer’s default;

“defaulter” means a customer who owes money to the municipality after the due date for payment has expired;

“debt collection” refers to the debt recovery process and includes sanctions (warning, disconnection, adverse credit rating, legal process and/or eviction, etc.) to be applied in the event of non-payment of accounts;

“disconnection” means interrupting the supply of water or electricity to a debtor as a consequence of ignoring a notice for payment;

“domestic customer” means a customer who, primarily for residential purposes, occupies a dwelling, structure or premises;

“due date” means the date on which an amount payable in respect of an account becomes due, owing and payable by a customer, which date shall be the 15th of the month following the monthly debit raising;

“effective disconnection” includes, inter alia, the physical removal of connections and/or equipment as a consequence of unauthorised reconnection (tampering and/or by-passing) of the disconnected service;

“emergency situation” means a situation that would, if allowed to continue, pose a substantial risk, threat, impediment or danger to the present or future financial viability or sustainability of the municipality or to a specific municipal service;

“estimated consumption” means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed and that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of municipal services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

“equipment” means a building or other structure, pipe, pump, wire, cable, meter, engine or any accessories;

“financial year” means a year ending 30 June;

“household” means all occupants older than 18 years within the jurisdiction of the Council regardless whether the person rents or owns the property. The family unit is determined by the municipality to be traditional by taking into account the number of persons in the unit, the relationship between the members of a household, their ages and any other factor that the municipality considers to be relevant;

“illegal connection” means a connection to any system through which a municipal service is provided and that is not authorized or approved by the municipality;

“Indigent amount” refers to the applicable value of the indigent subsidy as determine by the Council of the Municipality from time to time;

“indigent household” a Household qualify as indigent on the following conditions:

- (a) Total monthly household income must not be more than twice (2x) the monthly State old age pension, and
- (b) The average electricity consumption for the past four months must not exceed 400kwh per month, and

- (c) The average water consumption for the past four months must not exceed 15kl water per month.

“infrastructure” means the facilities, installations or devices required for the rendering of a municipal service or for the functioning of a community including but not limited to facilities, installation or devices relating to water, power, electricity, transport, sewerage, gas and waste disposal;

“interest” means a charge levied on arrear rates, sewerage and availability fees and calculated at a rate of 1% higher than the prime interest rate;

“interest on overdue accounts” is based on a full month and part of a month shall be deemed to be a full month;

“Municipal consumer debt” refers to the non-payment or late payment by consumers of property rates and municipal services (water, electricity, sanitation, refuse removal) traffic fines and rental housing payments, and includes any amounts considered as irrecoverable;

“Municipal Property Rates Act” means the Local Government: Municipal Property Rates Act No. 6 of 2004;

“municipality” means:

- (a) the Municipality of Mossel Bay, a local municipality established in terms of paragraph 12 of the Local Government: Municipal Structures Act No. 117 of 1998 and its successors-in-title; or
- (b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by this policy, the Municipal Manager or his/her delegated, in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms thereof or any other law; or
- (c) an authorized agent of the municipality;

“municipal services” for purposes of this policy, means services provided by the municipality, including refuse removal, water supply, sanitation, electricity services and rates either collectively or singularly;

“non-residential debtors” are classified as those debtors who do not qualify for or receive free electricity and/or water;

“occupier” means any person who resides on and/or occupies any premises to which municipal services are supplied;

“owner”

- (a) the person in whose name the property is legally vested;
- (b) in the case where the person in whose name the property is vested, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuarius, servitude holder or any other legal representative;
- (c) in the case where the council is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;
- (d) in the case of a lease agreement in excess of 30 years was entered into, then the lessee;
- (e) regarding:
- i. a portion of land allotted on a sectional title plan and which is registered in terms of the Sectional Title Act, 1986 (Act 95 of 1986), without limiting it to the developer or managing body to the communal property;
 - ii. a portion as defined in the Sectional Title Act, the person in whose name that portion is registered in terms of a “sectional title, including the legally appointed representative of such person;

- (f) any legal entity including but not limited to;
- i. a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust *inter vivos*, trust *mortis causa*, a closed corporation registered in terms of the Close Corporation Act, 1984 (Act 69 of 1984), and any voluntary organization;
 - ii. any provincial or national government department, local authority;
 - iii. any council or management body established in terms of any legal framework applicable to the Republic of South Africa; and
 - iv. any embassy or other foreign entity.
- (g) In respect of a property owned by a council and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
- (h) In respect of a property owned by or under the control or management of a council while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property;

“payment” refers to any form of redemption acceptable to the Council of Mossel Bay from time to time towards the balance on an account;

“person” means any person, whether natural or juristic, and includes but is not limited to any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“poor households” means a household which qualify as a poor household on the following conditions:

- (a) Total monthly household income must be more than twice (2x) the monthly State old age pension and less than the amount determined by council during approval of the annual budget; and
- (b) The average electricity consumption for the past four months must not exceed 400kwh per month; and
- (c) The average water consumption for the past four months must not exceed 15kl water per month.

“premises” means any piece of land, the external surface boundaries of which are delineated on-

- (a) *a general plan or diagram registered in terms of the Land Survey Act No. 9 of 1927 or in terms of the Deeds Registries Act No. 47 of 1937;*
- (b) *a sectional plan registered in terms of the Sectional Titles Act No. 95 of 1986; or*
- (c) *a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority; and, where the text so requires, includes any building, structure or the like erected on such land;*

“prescribed tariff or charge” means a charge prescribed by the Municipality;

“principle debt” means a debt that is owed to the municipality in respect of rates and services. It may include interest, collection charges, default administration charges, connection charges and any other charges;

“property” means any portion of land, of which the boundaries are determined, within the jurisdiction of the Municipality;

“public notice” means publication in the media including one or more of the following:

- (a) publication of a notice, in at least two of the official languages in general use within the Province or area in question and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the municipality;

- (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the council as a newspaper of record; or
 - (iii) on the official website of the municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality or of its authorized agent and to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

“residential debtors” are classified as those debtors who qualify for and receive free electricity and/or water;

“service” means a municipal service rendered by the Municipality and includes the supply of electricity, water, sanitation and refuse removal;

“subsidised service” means:

- (a) a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service and includes services provided to customers at no cost;
- (b) an area, as determined by the council, within which all customers are provided with services from the same bulk supply connection; and
- (c) the receipt, use or consumption of any municipal service which is not in terms of an agreement or authorized or approved by the municipality;

“sundry debt” refers to any debt other than for rates, housing, metered services, sewerage and refuse removal;

“supply” means any metered supply of water or electricity;

“tampering” means the unauthorised interference with a service rendered by the municipality, or to damage or make unauthorised changes to the equipment or property of the municipality used in connection with the provision of municipal services. Reconnection of a supply that has been disconnected for non-payment, the interference with the supply mains or bypassing of the metering equipment to obtain an un-metered service;

“total household income or household income” refers to the total formal and informal gross income of all people living permanently or temporarily on the property on which the account is based;

“unauthorised service” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with or approved by the municipality.

6 DUTIES AND FUNCTIONS

6.1 Duties and Functions of Council

- (a) To approve a budget consistent with the needs of communities, ratepayers and residents, consistent with Council's Integrated Development Plan.
- (b) To impose rates and taxes and to determine service charges, fees and penalties to finance the budget.
- (c) To facilitate sufficient funds to give access to basic services for the poor.
- (d) To provide for a bad debt provision, in line with the payment record of the community, ratepayers and residents, as reflected in the financial statements of the municipality.
- (e) To set an improvement target for debt collection, in line with acceptable accounting ratios and the ability of the implementing authority.
- (f) To approve a reporting framework for credit control and debt collection.
- (g) To consider and approve bylaws to give effect to the Council's policy.

- (h) To revise the budget should Council's targets for credit control and debt collection not be met.
- (i) To take disciplinary and/or legal action against councillors, officials and agents who do not execute council policies and bylaws, or act improperly in terms of such policies and By-laws.
- (j) To delegate the required authorities to monitor and execute the credit control and debt collection policy to the Executive Mayor and Municipal Manager and Service Provider respectively.
- (k) To provide sufficient capacity in the municipality's Finance Department for credit control and debt collection. Alternatively to appoint a Service Provider as debt collection agent (such service provider must be a registered debt collection agent in terms of legislation).
- (l) To provide funds for the training of staff.

6.2 Duties and Functions of the Executive Mayor

- (a) To ensure that Council's budget, cash flow and targets for debt collection are met and executed in terms of the policy and relevant by-laws.
- (b) To monitor the performance of the Accounting Officer in implementing the policy and by-laws.
- (c) To review and evaluate the policy and by-laws in order to improve the efficiency of Council's credit control and debt collection procedures, mechanisms and processes.
- (d) To report to Council.

6.3 Duties and Functions of Ward Councillors

- (a) To hold regular ward meetings.
- (b) To adhere to and convey council policies to residents and ratepayers and in particular the credit control and debt collection policy and procedure.
- (c) To adhere to the Code of Conduct for Councillors.
- (d) To act in terms of the roles and functions as approved by Council and assist in the dissemination and distribution of information.

6.4 Responsibilities of all councillors

- (a) To always pay amounts that are owed in respect municipal rates, taxes and services as required by section 12A of Schedule 1 of the Municipal Systems Act and not to default on payments for a period longer than 3 months.
- (b) The Municipality may deduct any outstanding amounts from a councillor's allowance, if the councillor has not paid amounts that are due to the Municipality for more than 3 months.
- (c) The normal credit control procedures shall also apply to any arrear account of a councillor.
- (d) All agreements with councillors must not exceed the expiry date of the term of office
- (e) To report to the Municipal Manger any person who;
 - (i) receives a subsidy and does not qualify;
 - (ii) Is illegally connected to services.

6.5 Duties and Functions of the Accounting Officer

The Municipal Manager as the accounting officer of the municipality must take all reasonable steps to ensure that –

- (a) the municipality has effective revenue collection systems consistent with Section 95 of the Municipal Systems Act and the Municipality's Credit Control and Debt Collection bylaws ensures that;
- (b) good customer care management systems and council's customer care, credit control and debt collection policy are implemented;
- (c) revenue due to the Municipality is calculated on a monthly basis;
- (d) accounts for municipal tax and charges for municipal services are prepared on a monthly basis;
- (e) all money received is promptly deposited into the Municipality's primary and other bank accounts;
- (f) the Municipality has and maintains a management, accounting and information system which recognises revenue when it is earned; accounts for debtors; and accounts for receipts of revenue;
- (g) the Municipality has and maintains a system of internal control in respect of debtors and revenue, as may be prescribed;
- (h) the Municipality charges interest and other permissible charges on arrears, except where the Council has granted exemptions;
- (i) all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled regularly;
- (j) the accounting officer immediately informs the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are in arrears for periods of more than 30 days.

6.6 Responsibilities of all municipal staff

- (a) To always pay amounts that are owed in respect of municipal rates, taxes and services and not to default on payments for a period longer than 3 months.
- (b) The Municipality may deduct any outstanding amounts from a staff member, if the staff member has not paid amounts that are due to the municipality for more than 3 months.
- (c) The normal credit control procedures shall also apply to any arrear account of an official.
- (d) Keep the municipality informed of his/her correct address

6.7 Duties and Functions of Communities, Ratepayers and Residents

The responsibilities of communities, ratepayers and residents are to;

- (a) fulfil certain responsibilities, as brought about by the privilege and or right to use and enjoy public facilities and municipal services;
- (b) pay deposits, service fees, rates on property and other taxes, levies and duties imposed by the Municipality on or before the due date;
- (c) obtain a duplicate account at the municipal help desk if an account is not delivered during the normal billing cycle;
- (d) notify the Municipality in writing when services are no longer required at a particular service delivery point and of address changes;
- (e) safeguard and maintain service meters in a readable condition;
- (f) observe the mechanisms and processes of the Municipality in exercising their rights;

- (g) allow municipal officials reasonable access to their property to execute municipal functions at a time that is agreeable by the consumer and municipal officials;
- (h) comply with the bylaws and other applicable legislation;
- (i) refrain from tampering with Municipal services and property;
- (j) maintain credit and pre-payment electricity and water meters;
- (k) not to move any meter without written permission from the municipality.
- (l) To keep meters accessible and readable at all times.

6.8 Performance evaluation

The municipal council in consultation with the Accounting Officer must establish a mechanism to set targets for debt collection, customer care and administrative performance, evaluate performances and take corrective actions on a regular basis to enhance credit control and debt collection.

6.9 Income collection targets

Council must create targets that include reductions in present monthly increase in debt in line with performance agreements as determined by council from time to time.

6.10 Consumer Service Targets

Council to create targets that would include:

- (a) Response time to consumer queries;
- (b) date of first account delivery to new consumers;
- (c) reconnection time lapsed;
- (d) meter reading cycle

6.11 Administrative Performance

Council to create targets that will include:

- (a) Cost efficiency of debt collection;
- (b) query and appeal periods;
- (c) enforcement mechanism ratios

6.12 Reporting

- (a) The Chief Financial Officer shall report monthly to the Accounting Officer in a suitable format to enable the Accounting Officer to report to the Executive Mayor as supervisory authority in terms of section 99 of the Systems Act, read with section 100(c). This report shall contain particulars on performance against targets agreed to in item 6.8 of this policy document.
- (b) If in the opinion of the Chief Financial Officer, Council will not achieve cash receipt income equivalent to the income projected in the annual budget as approved by Council, the Chief Financial Officer will report this with motivation to the Accounting Officer who will, if he/she agrees with the Chief Financial Officer, immediately move for a revision of the budget according to realistically realizable income levels
- (c) The Executive Mayor as Supervisory Authority shall, at intervals of 3 months, report to Council as contemplated in section 9(c) of the Systems Act.

7 CUSTOMER CARE

7.1 Objective

To focus on the client's needs in a responsible and pro-active way, to enhance the payment for services and to create a positive and cooperative relationship between the persons responsible for the payment for services received, and the Municipality, and where applicable, any service provider.

In terms of Section 95 of the Local Government Municipal Systems Act 2000, in relation to the levying of rates and other taxes by a municipality and the charging of fees for municipal services, a Municipality must, within its financial and administrative capacity to provide for:

7.2 Service Delivery:

Establish a sound Customer Management System that aims to create a positive and reciprocal relationship between persons liable for these payments and the Municipality itself;

7.3 Communication:

- (a) Establish mechanisms for users of services and ratepayers to provide feedback to the Municipality or other service provider regarding the quality of the services and the performance of the service provider;
- (b) take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
- (c) within its financial and administrative capacity, conduct an annual process of compiling and communicating its budget, which may include targets for credit control and debt collection;
- (d) make available Council's Customer Care, Indigent, Credit Control and Debt Collection Policy by general publication, on specific request, and which will also be available for perusal at Council's offices;
- (e) endeavour to distribute a regular newsletter, which will give prominence to customer care and debt issues;
- (f) require Ward councillors to hold regular ward meetings, at which Customer care and debt collection issues will be given prominence;
- (g) encourage the press to give prominence to Council's Customer Care, Credit control and Debt Collection policies, and will be invited to Council or Committee meetings where these are discussed.

7.4 Personal contact

Telephonic contact, agents calling on clients:

- (a) Council will endeavour, within the constraints of affordability and available capacity, to make personal, electronic or telephonic contact with certain arrear debtors to encourage their payment, and to inform them of their arrears state, their rights (if any) to conclude arrangements or to indigent subsidies, other related matters and will provide information on how and where to access such arrangements or subsidies.
- (b) Such contact is not a right for debtors to enjoy and disconnection of services and other collection proceedings may continue in the absence of such contact for whatever reason.

7.5 Metering

- (a) The municipality will, endeavour, within practical and financial limits, to provide meters to every paying consumer for all services.
- (b) Where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
- (c) All meters will be read monthly, if at all possible. If the meter is not read monthly the council will estimate the consumption in terms of council's operational procedures;
- (d) Consumers are entitled to request verification of meter readings and accuracy within reason, but may be held liable for the cost thereof.
- (e) Consumers will be informed of meter replacement.

- (f) If a service is metered but it cannot be read due to financial and human resource constraints or circumstances out of the control of the Municipality or its authorised agent, and the consumer is charged for an estimated consumption, the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustments.
- (g) If an electricity meter cannot be read due to no access, the meter may be replaced with a pre-paid meter at the cost of the owner.
- (h) The occupier can give the readings through telephonically but at least every three months a true reading must be obtained by the meter reader.
- (i) If no reading on a water meter can be obtained for more than three consecutive months the meter may be moved at the cost of the owner/occupier

7.6 Accounts and billing

- (a) Consumers on the billing system will receive an understandable and accurate bill from the Municipality, which bill will consolidate all rates and service costs for that property.
- (b) Accounts will be produced in accordance with the meter reading cycle and due dates will be linked to the statement date.
- (c) Accounts will be rendered monthly in cycles of approximately 30 days at the address last recorded with the Municipality or its authorised agent.
- (d) It is the consumer's responsibility to ensure that the postal address and other contact details are correct.
- (e) It is the consumer's responsibility to make enquiries and ensure timeous payments in the event of accounts not received.
- (f) Settlement or due dates will be as indicated on the statement.
- (g) Where any payment made to the Municipality or its authorized representative by negotiable instrument and it is later dishonoured by the bank, the Municipality or its authorized agent:
 - (i) May recover an admin fee as determined by Council relating to dishonoured negotiable instruments against the account of the consumer.
 - (ii) Shall regard such an event as a default on payment.
 - (iii) May insist on cash payments for all future accounts.
- (h) The Municipality or its authorised agent must, if administratively possible, issue a duplicate account or any acceptable alternative to a consumer on request, at a cost determined by Council from time to time.

7.7 Payment facilities and methods

- (a) The Municipality will operate and maintain suitable payment facilities, which facilities will be accessible to all users.
- (b) The Municipality will, at its discretion allocate a payment between service debts. A consumer who has overdue debt, may not specify that the payment is for a specific portion of the account.
- (c) The Municipality may in terms of section 103 of the Systems Act, with the consent of a consumer, approach an employer to secure a debit or stop order arrangement.
- (d) The consumer will acknowledge, in the consumer agreements that the use of consumer agents in the transmission of payments to the Municipality is at the risk of the consumer – also for the transfer time of the payment.

- (e) Cheques and Postal orders must be crossed and be made payable to Mossel Bay Municipality. Post-dated cheques will not be accepted unless prior arrangements have been made. Receipts will not be mailed for payment made by cheque. If a receipt is required the words "RECEIPT REQUIRED", must be written on the account.
- (f) Payments will always be appropriated to the oldest account (notwithstanding the kind of service), where after it will be appropriated in order of a predetermined priority as approved by the municipality
- (g) Payments can be made:
 - (i) at any of the Municipal Offices from Mondays to Fridays (public holidays excluded) 08:00 to 15:30 (Mossel Bay Office) and 08:00 to 15:00 (Great Brak River, Hartenbos, D'Almeida and Kwanonqaba offices);
 - (ii) at any of the Easy Pay or Pay@ pay points as approved by council. Please note that at least 48 hours should be allowed for processing of all third party payments; However payments made at a third party will be done at own risk. It also remains the responsibility of the person making the payment, to ensure that the receipt is correct;
 - (iii) by direct Bank – and/or electronic payments to the municipal bank account using Mossel Bay Municipality as beneficiary . The Municipal account number must at all times be used as the reference number;
 - (iv) by way of an automatic debit order. These forms are available at any of the Municipal Offices.

7.8 Incentives for prompt payment

- (a) During the budget process Council may, to encourage prompt payment and/or to reward regular payers, consider from time to time incentives for the prompt payment of accounts or payment by debit or stop order.
- (b) The cost associated with the incentive scheme, if introduced, will be reflected in annual budgets as additional expenditure.
- (c) Council may consider the use of agents as service providers and innovative debt collection methods and products. Cost effectiveness, the willingness of agents to work under appropriate codes of conduct and the success of such agents and products will be part of the agreement Council might conclude with such agents or service providers and will be closely monitored by Council
- (d) Appropriate measures will be taken to inform consumers what the responsibilities of service providers will be regarding customer care, credit control and debt collection.

7.9 Enquiries, appeals and service complaints

Within its administration and financial ability the Municipality will establish:

- (a) A central complaints/feedback office;
- (b) A centralized complaints database to enhance co-ordination of complaints, their speedy resolution and effective communication with consumers;
- (c) Appropriate training for officials dealing with the public to enhance communications and service delivery; and
- (d) A communication mechanism to give council feedback on the application of the policies on customer care and management, credit control and debt collection and other issues of concern;
- (e) accessible mechanisms for those persons to query or verify accounts and metered consumptions, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;

- (f) mechanisms to monitor the response time and efficiency in complying with the above point;

7.10 Water leakages

- (a) If the leakage is on the consumer's side of the meter, the consumer will be responsible for the payment of all water supplied to the property.
- (b) The consumer has the responsibility to control and monitor his/her water consumption.
- (c) A consumer may qualify for a percentage reduction as determined by Council on his/her account in the event of a water leakage, if:
- (i) The leakage was underground and not easily detectable; and
 - (ii) The leakage was repaired within 48 hours after detection; and
 - (iii) the consumer submits a sworn affidavit by him/herself confirming that his/her insurance(s) does not cover such losses; and
 - (iv) A written confirmation from the consumer's insurance also be submitted together with the sworn affidavit in which they confirm that the insurance policy of the consumer indeed does not cover any losses due to leakages and
 - (v) The consumer has not applied for discount within the previous 12 months;
 - (vi) An authentic certificate issued by a registered plumber must reach the municipality within 10 days after completion of repairs done with respect to water leakage and must contain the following:
 - The date of the invoice and repair work as well as the receipt
 - Confirmation that surface leakage was not visible
 - Certify that the leakage originated from pipes listed on the schedule of approved pipes held by the Town Engineer
- (d) When the Accounting Officer declares that the dam volume has dropped to below 25% no water charges in respect of water losses because of leakages will be written off.
- (e) Water lost due to the meter being stolen, defective irrigation, broken geyser, leaking toilet or leaking tap cannot be considered for write off.
- (f) Council will only allow a write off, of 60% of the losses and to the maximum of R25 000.

7.11 Clients in correctional care or clients who were imprisoned

- (a) Must obtain a letter from correctional services, which indicates the date of release.
- (b) If a lodger occupies the dwelling while the owner is imprisoned, such lodger should accept responsibility for levies.
- (c) If no tenant is occupying the dwelling the services should be terminated until the owner is released from prison.

7.12 Temporary suspension of actions for special reasons

The written approval of the Director: Financial Services or his delegate to suspend temporary actions must at all times be obtained for special reasons. If the suspension of actions in terms of this policy exceeds 3 months, it must be reported to council.

7.13 Restricted water

- (a) If a person is in arrears and his/her water has been restricted, such person should negotiate a settlement agreement to redeem the debts.
- (b) The water restriction however cannot be restored until the arrear debt is paid in full.
- (c) Once the account has been paid in full, the water flow can be restored.

7.14 Process regarding disabled persons or persons who are linked to a respirator or life supporting machine.

- (a) The indigent or poor household subsidy of people dependent on life support will not be cancelled if the electricity usage is more than the allowed usage.
- (b) All collection actions can be suspended where needed with the Accounting Officer's consent.
- (c) A medical certificate to confirm the client's health condition must be obtained at regular intervals to qualify for this support.

7.15 Inheritor of an insolvent estate

Where the inheritor of a property, with no, or an insolvent estate, qualifies for an indigent subsidy, the outstanding debt can be written off by council in order for clearance to be given and the property be transferred.

7.16 Rate rebates

Subject to certain criteria the municipal council may grant rate rebates annually to certain categories of ratepayers in accordance to the Municipality's rates policy and By-law.

7.17 Arrangements for settlements

- (a) If required consumers with arrears must convert to a pre-payment meter, and when implemented the cost of the conversion and the arrears total, will be paid off either by-
 - (i) adding the debt to the arrears bill and repaying it over the agreed period; or
 - (ii) adding the debt as a surcharge to the pre-paid electricity cost, and repaying it with each purchase of electricity until the debt is liquidated;
 - (iii) installation of pre-paid meter is free of charge if a person is indigent.
- (b) Council reserves the right to raise the deposit requirement of debtors who seek arrangements.
- (c) If an arrangement is not honoured the arrangement will be cancelled.
- (d) All arrangements for settlements will be in accordance to the processes and guidelines approved by the Accounting Officer or Chief Financial Officer from time to time in pursuance of the credit control and debt collection targets set by council.

7.18 Consumer categories

Consumers will be categorized according to specific classifications based on *inter alia* the type of entity, applicable tariffs and risk levels. Processes for credit control, debt collection and consumer care may differ from category to category, as deemed appropriate from time to time by the Accounting Officer.

7.19 Priority Consumer Management

- (a) Certain consumers may be classified as priority consumers based on criteria determined by the Accounting Officer from time to time, such as the number of properties owned or volume of consumption.

- (b) A person nominated by the Accounting Officer will be responsible for the on-going management of the consumers so classified and will perform tasks such as the review of monthly accounts to ensure accuracy, the monitoring of prompt settlement of accounts and response to queries.

7.20 Restriction of services

If the municipal manager is of the opinion that the termination of services, in the case of a particular property in respect of which the account is in arrear, is not in the best interests of the community, specifically because of the potential endangerment of the life of any person, whether resident in or outside the property concerned, the municipal manager may appropriately restrict rather than terminate the services in question

7.21 Deceased (Ref C/R F202-08/04)

- (a) A death certificate of the deceased should be presented.
- (b) Proof from the Registrar of Estates should be obtained that the deceased estate is not liable for any claims.
- (c) Should the estate however be liable for claims, a claim should be laid against the said estate.
- (d) If a death certificate was obtained while no estate was registered, such debts should be written off with effect from the date of death.
- (e) Should the new owner be an indigent case, the total outstanding amount should be written off.
- (f) However If the new tenant/owner does not qualify for a subsidy, the client shall be obliged to settle the outstanding amount from the date of death up to the current date or to arrange for a settlement agreement.
- (g) Child headed families, where the parents are deceased and only unemployed minor children lives in the dwelling, the debt can be written off.

7.22 Tenant Accounts

A tenant account may be opened without first settling the outstanding account, if:

- (a) The property has been sold without transfer taking place and the registered owner cannot be traced (proof to be provided upon request); or
- (b) The owner is deceased and the property has not yet been transferred to the next of kin. (A letter of authority must however accompany the application).

The above will however only be allowed for the first tenant application and not for any further service applications

8 CREDIT CONTROL POLICY

Specific objectives

To implement procedures that will restrict the unauthorised use of municipal services, escalation of debt and limit Municipality's risks.

8.1 APPLICATION FOR MUNICIPAL SERVICES

- (a) All consumers of services will be required to sign an agreement governing the supply and cost of municipal services. Owners (with their written consent) may allow tenants to sign separate agreements with the Municipality, which the Municipality may at its own discretion accept or reject.
- (b) The process must occur at least seven days prior to taking occupation of the premises, so that the Municipality can ensure that a meter reading is taken on the appropriate day and that the services are available when occupation is taken. Failure to adhere to the timeframe may result in customers not having the services available when occupation is taken.

- (c) Applicants for municipal services may be checked for creditworthiness including banking details and information from credit bureaus, other local authorities, trade creditors and employers. This will require the provision of, an Identity Document, binding lease agreement, title deed and other supporting documents as required by Council from time to time.
- (d) Applications for services from businesses, including but not limited to trusts, companies, close corporations and partnerships must include a resolution delegating authority to the applicant to apply for the relevant service and furnishing, if applicable, the business entity's registration number or ID number, the names, addresses and all relevant contact particulars of all the business's directors, members, trustees, proprietors or partners.
- (e) An applicant must provide all the information and documentation which the Municipality requires.
- (f) If an applicant for municipal service is an existing customer of the Municipality in respect of any other municipal service and such customer has an outstanding amount that is due and payable to the municipality:
 - (i) the arrears must be paid; or
 - (ii) an agreement for payment of arrears must be concluded with the municipality before an application for services can be approved.
- (g) If a consumer fails or refuses to sign a new service agreement or pay the deposit the municipality may discontinue services until the necessary agreement has been signed or deposit been paid.
- (h) The Municipality will render the first account after the first meter reading cycle to be billed following the date of signing the service agreement.
- (i) Consumers who illegally consume services without this agreement will be subject to punitive action.

8.2 PROPERTY DEVELOPMENTS

- (a) A property developer must inform the municipality of the nature and extent of the municipal services or services that will be provided as well as the measuring devices that will be used.
- (b) A property developer who fails to comply with the provisions of subparagraph (a) shall be liable for the payment of all the applicable charges that would have been payable by customers in respect of municipal services that have been used or consumed by such customers.

8.3 TERMINATION OF SERVICES

- (a) It is the responsibility of the consumer to notify the municipality when municipal services are no longer required due to the sale of the property or other reasons.
- (b) Failure to comply with the provision of sub-paragraph (a) above renders the consumer liable for all service charges and interest thereon accumulated from the date when the premises are vacated to the date when council becomes aware of such vacation.
- (c) A customer may terminate an agreement for the supply of municipal services by giving at least 15 (fifteen) days written notice to the municipality of such termination.
- (d) The municipality may terminate an agreement for the supply of municipal services by giving at least 30 (thirty) days written notice to a customer where the premises have been vacated by the tenant concerned and no arrangement for the continuation of the agreement has been made with the municipality provided that, in the event of the customer concerned not being the registered owner of the premise, a copy of the aforesaid notice shall also be served on such registered owner.

- (e) A customer shall remain liable for all arrears and applicable charges that are payable for municipal services rendered prior to the termination of an agreement. With termination of the agreement the services will automatically be transferred to the account of the owner.

8.4 PAYMENT OF A DEPOSIT

- (a) Every consumer must, on application for the provision of municipal services pay a deposit to the municipality prior to the provision of any municipal services. A minimum deposit will be payable equal to twice the largest consumption used during the previous six months or the amount determined by Council from time to time, whichever is the largest.
- (b) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (c) The Council may from time to time review the sum of money deposited by a consumer in terms of this section and, in accordance with such review require that an additional amount be deposited by the consumer.
- (d) The Municipality shall give the owner or occupier of premises, where municipal services are rendered reasonable notice of any increase of the deposit.
- (e) An aggrieved owner or occupier of property where municipal services are provided may within the prescribed time lodge an objection to any increase of the deposit.
- (f) An amount deposited with the Municipality in terms of this Section shall not be regarded as being in payment or part payment of an account due for services rendered except in the case of a final account where the final amount will first be cleared before the remaining portion of the deposit can be paid back.
- (g) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this Section.
- (h) An agreement for the provision of services may contain a condition that a deposit shall be forfeited to the Municipality or its authorised agent if it has not been claimed within twelve months of the termination of the agreement.
- (i) The Municipality will not accept a bank guarantee as a deposit.
- (j) Only on the termination of the agreement the amount of the deposit, less any outstanding amount due to the Municipality, will be refunded to the consumer or transferred to any other outstanding account of the client.
- (k) **Commercial, Business and Industrial**
 - (i) Deposits on businesses may be levied according to the highest bill during the previous 12 months for similar businesses.
 - (ii) New connections at new extensions of businesses will be as specified in the tariff list for the current year.
- (l) For any changes requested on the connection type the deposit will be adjusted accordingly and in accordance with the current approved tariff list.

8.5 RECOVERY OF ADDITIONAL COSTS

The municipality may, in addition to any charge, tariff, levy or payment of any kind referred to in this policy, recover from a customer any reasonable costs incurred by it in implementing this policy, including all legal costs, including attorney and client costs incurred in the recovery of arrears which shall be debited against such customer as arrears in his account.

8.6 PAYMENT FOR MUNICIPAL SERVICES PROVIDED

- (a) A customer shall be responsible for the payment of all municipal services accounts rendered to him/her from the commencement date of the agreement until the account have been paid in full and the municipality shall be entitled to recover all payments due to it from the customer concerned.
- (b) Payments will always be appropriated to the oldest account (notwithstanding the kind of service), where after it will be appropriated in order of a priority as determined by the municipality. Post-dated cheques are not acceptable unless prior arrangements have been made.
- (c) If a customer uses a municipal service for a use other than that for which it is rendered by the municipality in terms of an agreement and if he is charged an amount lower than the applicable prescribed charge, the municipality may alter the amount so charged and recover from him/her the difference between the altered charge and the amount initially charged to him/her.
- (d) Discontinuation of services and rendering of a final account will always be between two debit raisings. Thus any request for discontinuation of services after the 16th of a month (or if on a weekend or public holiday the first working day thereafter) will only be finalised with the next debit raising of the following month and the basic for that period will be payable.
- (e) The basic fee for water or electricity will only be levied on accounts with active meters. This is to ensure that the basic fee is not duplicated where one consumer vacates a property and a new consumer moves in. For example if a final account is requested during a period as mentioned in (d) above, the meter will stay active until the following debit raising when the account will be finalised and transferred to the new consumer. Although the new consumer will be liable for the water usage from date of the final reading the basic fee will only be levied from the following debit raising when the meter becomes active on the new account.
- (f) "Full and final settlement" of an amount: Where an account is not settled in full, any lesser amount tendered to and accepted by the municipality shall not constitute a full and final settlement of such an account despite the fact that the payment was tendered in full and final settlement unless the Municipal Manager or his nominee or the manager of the municipality's authorized agent expressly accepts such payment in writing as being in full and final settlement of the amount reflected on the relevant account.
- (g) Responsibility for payment of amounts due and payable
 - (i) Notwithstanding any other provision in this policy, an owner of premises shall be liable for the payment of any amount that is due and payable to the municipality by a customer who is a lessee or occupier of such premises to which municipal services have been provided, if the municipality, after having taken reasonable steps to recover from such customer any amount due and payable by him/her, could not do so;
 - (ii) Subparagraph (a) must not be construed as absolving the municipality from its responsibility to collect outstanding amounts in respect of municipal services provided to premises from the customer who has benefited there from nor for timeously informing the owner of the premises concerned that the occupying customer has defaulted in making payments due to the municipality in respect of rendered municipal services.
- (h) **Dishonoured payments**
 - (i) If the drawer of the cheque, or the consumer who received value from the depositing of the cheque, is an existing consumer of Council, the reversal and penalty fee may be debited to an account of the drawer or beneficiary and a letter of notification must be sent to the consumer. Such fee shall be deemed to be a tariff charge and shall be recovered from the consumer. Council reserves the right to refuse to accept further cheques from the drawer or beneficiary, to place the matter on the National Adverse Credit Listing and also institute legal action which may include criminal charges against the offender.

- (ii) If the drawer of the cheque is not an existing debtor of Council, then a sundry debtor account is opened and the debit and penalty is raised. Once the account is submitted and the debtor fails to honour the cheque and pay the penalty within 14 days of receipt, a final demand is generated and submitted.
 - (iii) If the drawer of the cheque, or the debtor who received value from the depositing of the cheque is an existing debtor of Council, the reversal and penalty fee may be debited to an account of the drawer or beneficiary and a letter of notification must be sent to the debtor. Such fee shall be deemed to be a tariff charge and shall be recovered from the debtor. Council reserves the right to refuse to accept further cheques from the drawer or beneficiary and also institute legal action which may include criminal charges against the offender.
- (i) The Council may, by resolution, approve incentive schemes to encourage prompt payment of charges for services rendered and to reward customers who pay their accounts regularly and on time.
 - (j) The aforementioned incentive schemes may include the conclusion of a written agreement with the employer of a customer in terms of which such employer undertakes to deduct outstanding rates and service charges or to settle regular monthly accounts, through deductions from the relevant customer's salary or wages, in exchange for a monetary reward either by way of payment of a commission or the grant of a rebate on the charges owing by the employer concerned to the municipality in respect of services rendered to such employer.
 - (k) **Pay points and payment methods**
 - (i) A customer must pay his account at pay points specified by the municipality or by an approved agent of the municipality.
 - (ii) The municipality must inform customers of the location of specified pay-points and the identity of approved agents who may receive payments on its behalf in respect of services rendered to customers.
 - (iii) Subparagraphs (i) and (ii) must not be construed as prohibiting a customer from paying amounts due to the municipality or its authorized agent by means of electronic payment methods provided that the date of receipt of a payment shall be the date such payment appears on or is reflected in the banking account of the municipality.

8.7 PAYMENT OF INTEREST

- (a) Except where expressly provided to the contrary in this Policy, the Municipality may levy interest on all rates, sewerage and availability arrears at a rate of prime plus 1%, subject to review as part of the budget review process
- (b) Interest on arrear debt shall be calculated for each month for which such payment remains unpaid and part of the month shall be deemed to be a month
- (c) The interest that is payable cannot exceed the capital amount that is owed by the consumer at any time.

8.8 ACCOUNTS AND BILLING

- (a) The Municipality shall provide every person liable to pay for municipal services assessments rates and taxes with an account in respect of every property for which that person is liable and all services rendered in respect of that property at the address last recorded with the Municipality.
- (b) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable. The onus shall be on the consumer to obtain a copy of the account before the due date.
- (c) If no account has been received before the 15th on a month, a copy should be obtained from the Municipality. The account must at all times be produced when payments are done or enquiries are made.

- (d) An account rendered by the Municipality for services provided to a consumer shall be paid not later than the last date for payment specified in such account which date will not be more than 21 days after the date of the account.
- (e) Accounts will be rendered on a monthly basis in cycles of 30 days and shall be payable on the due date as indicated on the account.
- (f) Payments shall be deemed to be late unless received on or before the due date as determined by the Municipality. Electronic payments and payments made through agents must be received in a municipal bank account by the close of business on the due date.
- (g) The Municipality may consolidate any separate accounts for which a customer is liable for payment.
- (h) Accounts must contain at least the following;
 - (i) the consumption or estimated consumption of water and electricity as determined for the measuring or consumption period;
 - (ii) the erf number
 - (iii) the measuring or consumption period for water and electricity;
 - (iv) the amount due based on the measured or estimated consumption;
 - (v) the amount due and payable for any other municipal service;
 - (vi) the applicable tariff;
 - (vii) the amount due in terms of the consumption;
 - (viii) the amount in arrears, if any;
 - (ix) the interest payable on any arrears, if any;
 - (x) collection charges if any
 - (xi) the final date for payment;
 - (xii) the methods, places and approved agents where payment may be made.
- (i) **Accounts may be accompanied by a notice stating that –**
 - (i) the consumer may conclude an agreement with the Municipality for payment of the arrear amount in instalments at the Municipality 5 working days before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into, the Municipality may, in accordance with the Policy contained herein, limit the water services to the consumer by installing a water restrictor and disconnection of electricity;
 - (iii) legal action may be instituted against any consumer for the recovery of any arrear amount in terms of the Policy contained herein ;
 - (iv) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (v) the account may be handed over to a debt collector for collection;
 - (vi) proof of registration, as an indigent consumer, in terms of the Municipality's indigent Policy must be handed in before the final date for payment

8.9 DISPUTES, QUERIES AND COMPLAINTS

- (a) In this section "Dispute" refers to when a consumer questions the correctness of any account rendered by the Municipality to such consumer and the consumer lodges an appeal with the Council in accordance with this section. A consumer may lodge a query or a complaint in respect of any amount that is due and payable by him/her before or on the due date for payment specified in the account concerned or as soon as reasonably possible thereafter.
- (b) Procedure to be followed. In order for a dispute to be registered with the Municipality, the following procedures must be followed:

By the Consumer:

- (i) The consumer must submit the dispute in writing to the Municipal Manager of the Municipality before or on the due date for payment specified in the account concerned or as soon as reasonably possible thereafter.
- (ii) It must clearly state that it is a dispute
- (iii) No dispute will be registered verbally whether in person or over the telephone.
- (iv) The consumer must furnish his full personal particulars including the account number, direct contact telephone number, fax, e-mail addresses and any other relevant information as may be required by the Municipality.
- (v) The full nature of the dispute must be described in the correspondence referred to above.
- (vi) The onus will be on the consumer to ensure that he receives a written acknowledgement of receipt of the dispute from the Municipality.
- (vii) In the interim the debtor must pay the average of the last four months accounts as calculated by the municipality where such history of the account is available. Where no such history is available, the debtor must pay without prejudice of rights an estimate provided by the Municipality before payment due date until the matter is resolved.

By the Council:

On receipt of the query or dispute, the following actions are to be taken:

- (i) All incoming queries or disputes must be registered on the collaborator system and a reference number obtained. Within 14 days after receipt of a query it must be answered via e-mail, telephonically or by normal mail depending on the contact details available.
- (ii) If the client is not satisfied with the reply or the corrective actions regarding the query and a formal written dispute is received, the authorised official must ensure that the dispute is taken to the Chief Financial Officer for a final decision.
- (iii) A written acknowledgement of receipt of the dispute must be provided to the consumer within 7 days.
- (iv) The municipality should not institute enforcement proceedings against the consumer for an amount or an account entry that is in dispute until it has resolved the dispute.
- (v) All investigations regarding disputed amounts must be concluded by Council's Chief Financial Officer or his/her delegate within 21 calendar days from receipt thereof.
- (vi) The consumer shall be advised in writing of the findings.

8.10 APPEALS AGAINST FINDINGS

- (a) A consumer may, in writing, appeal against a finding of the Municipality.
- (b) An appeal shall be in writing and shall clearly state that it is an appeal, set out the reasons for the appeal and be lodged with the Municipal Manager within 21 days from the date the consumer was advised of the findings of the dispute investigation.
- (c) An appeal must be decided by the Council of the Municipality at its first ordinary meeting held after the appeal was lodged.

- (d) The decision of the Council shall be final and the consumer must pay any amounts due and payable in terms of such decision within 14 days from the date of the letter of him/her being advised of the Council's decision.
- (e) The Council may, in its sole discretion, condone the late lodging of an appeal or other procedural irregularity.
- (f) If the consumer is not satisfied with the outcome of the appeal, he may, under protest, pay the amount in dispute and redress his action in a court of law.

8.11 AGREEMENT FOR THE PAYMENT OF ARREARS IN INSTALMENTS

- (a) Only a consumer with positive proof of identity or a person authorised in writing by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (b) The offer by the consumer to settle arrear amounts plus accrued interest thereon shall be embodied in a written agreement signed by the parties. The aforesaid agreement shall include an acknowledgement of debt signed by the consumer and a copy of the agreement shall be made available to the consumer. The cost of preparation of the agreement plus any incidental costs associated therewith shall be borne by the consumer.
- (c) A consumer will, in the agreement, assume liability for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (d) The Municipality may, on an individual basis, allow a longer period than twenty four months for the payment of arrears if special circumstances prevail that, in the opinion of the Municipality, warrants such an extension and which the consumer reasonably could not prevent or avoid. Documentary proof of any special circumstances must be furnished by the consumer on request by the Municipality.
- (e) In concluding an agreement with a consumer, the arrangement criteria referred to in other sections of this policy shall be applied and, as far as possible, be incorporated into the agreement referred to in this Section.
- (f) The Municipality may, in exercising its discretion have regard to a consumer's—
 - (i) credit record;
 - (ii) consumption;
 - (iii) level of service;
 - (iv) previous breaches of agreements for the payment of arrears in instalments; and
 - (v) any other relevant factors.
- (g) Should a consumer fail to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will immediately be due and payable, without further notice or correspondence.
- (h) A consumer may, in the sole discretion of the Chief Financial Officer, be allowed to enter into a new agreement for the payment of arrears in instalments where that consumer has failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice. In the event of such further agreement been permitted, then the arrangements mentioned in 9.4(f) below shall be applied to such consumer on the basis of primary arrangements.
- (i) Where a body corporate is responsible for the payment of any arrear amount to the Municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly and severally and the agreement shall reflect this status accordingly.
- (j) A copy of the agreement will, on request, be made available to the consumer.

8.12 UNAUTHORISED RECONNECTION OF WATER/ELECTRICITY SUPPLY (TAMPERING)

- (a) The unauthorised reconnection of, or tampering with a service supply is prohibited and shall constitute a criminal offence that will result in legal action being taken against the person responsible for such unauthorised reconnection or tampering. Where this has occurred the service reconnected without authorisation or tampered with will be effectively disconnected.
- (b) The full amount of arrears plus any unauthorised consumption, and any applicable reconnection tariffs, will be payable prior to reconnection. Should exceptional circumstances exist, adequate payment arrangements may be permitted at the sole discretion of the Financial Officer with the right to sub-delegate.

8.13 UNOCCUPIED PREMISES

- (a) When a consumer terminates a services agreement and no new service agreement is entered into with the municipality, the property shall be deemed to be unoccupied.
- (b) Whenever water and/or electricity consumption is recorded at a property that is deemed to be unoccupied, an account will be raised and forwarded to the owner of the property for payment.

8.14 INSTALLATION OF PREPAID METER

If required consumers with arrears must convert to a pre-payment meter, and when implemented the cost of the conversion and the arrears total, will be paid off either by-

- (a) adding the debt to the arrears bill and repaying it over the agreed period; or
- (b) adding the debt as a surcharge to the pre-paid electricity cost, and repaying it with each purchase of electricity until the debt is liquidated;
- (c) installation of pre-paid meter is free of charge for indigent and subsidised households.

8.15 ALLOCATION OF PREPAID PURCHASES TO ARREARS

The Municipality will use its pre-payment system to-

- (a) link the provision of electricity by the Municipality to a "pre-payment" system comprising, first prepaid kWh electricity; and
- (b) raise and recover payments in respect of arrear municipal taxes and other municipal levies, tariffs and duties in respect of services such as water, refuse removal, sanitation and sewerage via a percentage as determined by Council, of the value of units purchased for electricity allocated to any arrears;
- (c) to enforce satisfactory arrangements with consumers in arrears by blocking the prepaid meter in order to prevent purchasing of electricity;
- (d) Pre-paid electricity tokens must be inserted into the meter within three months after the purchase date as the tokens can expire after three months and no refund or replacement of the tokens are allowed.

8.16 RIGHT OF ACCESS

- (a) An authorised representative of the Municipality must, at all reasonable hours, be given unrestricted access to the consumer's premises in order to read, inspect, install or repair any meter, service or service connection for reticulation, or to disconnect, reconnect, stop or restrict the provision of any service.
- (b) The owner will be responsible for all the cost associated with the relocation of a meter if satisfactory access is not possible.

8.17 EMPLOYER DEDUCTIONS

The Council may, enter into a written agreement with any employer within the Council's area of jurisdiction to deduct outstanding rates and service charges or to settle regular monthly accounts through deductions from salaries or wages of its employees.

8.18 RATES

(a) Rates (and other annual levies)

- (i) Where rates, sewerage and availability fees (on vacant erven) are paid on a monthly basis or annually, such payment must be made before the due date for payment. Failing this, interest at the standard rate of prima +1%, will be levied on the outstanding amount.
- (ii) If an account is not paid by the due date as displayed on the account, a notice shall be issued showing the total amount owed to Council.
- (iii) If an account is not settled or there is no response from the consumer to make acceptable arrangements to repay the debt, summons shall be issued and the legal process followed.
- (iv) At any stage while the debt is outstanding, all reasonable steps shall be taken to ensure that the ultimate sanction of a sale-in-execution is avoided or taken only as a last resort. The Council, however, has total commitment to a sale-in-execution should the consumer fail to make use of the alternatives provided for by the Council from time to time.
- (v) All rate payers will be placed on the monthly rates payment arrangement but on request can be changed to an annual rates payment.

(b) Monthly Rates

- (i) Interest will be charged on all overdue accounts at an interest rate of Prime + 1%.
- (ii) The monthly amount payable for current annual rates will be calculated to allow the total balance of such amount to be paid in equal instalments by the end of that financial year.

(c) Rates Clearance Certificate:

No rates clearance certificate will be issued by the Municipality contrary to the provisions of Section 118 of the Local Government: Municipal Systems Act, 2000. The Municipality may only issue a rates clearance certificate, valid for 120 days, after the relevant fee for the certificate was deposited in the Municipality's primary account. Debt older than two years that remain unpaid shall remain as a charge against the property and the new owner shall become liable thereof.

On the sale of any property in the municipal jurisdiction, Council will withhold the transfer until all rates and service charges in connection with a property are paid by withholding a rates clearance certificate.

8.19 PERSONS AND BUSINESSES WHO TENDER TO THE MUNICIPALITY

The Procurement Policy and Tender Conditions of the Municipality will include the following;

reject any bid from a bidder if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the Municipality, or to any other Municipality or municipal entity, are in arrears for more than three months, except if an arrangement has been made in terms of the Municipality's Credit Control Policy. This arrangement must already be in place on or before the date and time the bid is advertised;

9 DEBT COLLECTION POLICY

Objective

To provide procedures and mechanisms to collect all the monies due and payable to Council arising out of the supply of services and annual levies, in order to ensure financial sustainability and delivery of municipal services in the interest of the community.

9.1 DISCONNECTION / RESTRICTION OF SERVICES

- (a) Consumers who are in arrears with their municipal account and who have not made arrangements with the council will have their supply of electricity and water, and other municipal services, suspended, restricted or disconnected.
- (b) Council reserves the right to deny or restrict the sale of electricity to consumers who are in arrears with their rates or other municipal charges.

9.2 RESTORATION OF SERVICES

Upon the liquidation of arrears, or the conclusion of acceptable arrangements for term payment, the service will be reconnected as soon as conveniently possible

9.3 DISCRETION: NEGOTIABLE AMOUNTS

- (a) Discretion in terms of the agreement amounts as per this Policy is delegated to the Chief Financial Officer with the right to sub- delegate.
- (b) Officials with delegated powers may use discretion as a final tool by which decisions can be made in accordance with this Policy.
- (c) At all times, and at all levels, discretion will only be used so as to apply the principles embodied in the Policy and to ensure that some form of payment acceptable to Council is forthcoming from negotiations with the consumer.

9.4 ARRANGEMENTS

Principles for Residential Debtors

- (a) Notwithstanding that all debts should be treated the same, certain categories of debt may be subject to category specific repayment parameters.
- (b) Current charges must be paid in full and cannot be negotiated.
- (c) The consumer may be required to prove levels of income and must agree to a monthly payment towards arrears based on his ability to pay or based on his total liquidity if Council so requires.
- (d) All negotiations with the consumer should strive to result in an agreement that is sustainable and is most beneficial to Council.
- (e) Interest will be charged on arrear rates, sewerage and availability fees at an interest rate of prime + 1% or as determined by Council from time to time.
- (f) Debtors, excluding housing debtors, who default on three occasions in respect of arrangements made, will be denied the privilege of making further arrangements and the full amount becomes due and payable.
- (g) All arrangements should be subject to periodic review.
- (h) All services may be disconnected or restricted and legal action will be taken against consumers as provided for in this Policy and/or such debt may be referred to third party debt collectors, for recovery.

9.5 ARRANGEMENT CRITERIA FOR RESIDENTIAL DEBTORS

All consumers who are in arrears and apply to make arrangements to reschedule their debt will, be obliged to make the following minimum payment requirements at the time of entering into such arrangement:

- current account, plus;
- an initial payment towards arrears with the minimum payment being 10% of the arrear amount and a monthly instalment which will liquidate the arrear amount plus accrued interest thereon within a period of 24 months;

- each following month the consumer will be required to pay:
- current account; plus
- an instalment as determined in (b) above.

In all cases, failure to respond to notices will result in normal credit control procedures and/or legal processes being followed.

9.6 ARRANGEMENT CRITERIA FOR NON-RESIDENTIAL DEBTORS

- (a) Non-residential debtors may make arrangements to liquidate their arrears where it would be financially beneficial to the Council for them to do so.
- (b) The final decision to make these arrangements will rest with the Chief Financial Officer with the authority to sub-delegate.

9.7 LISTING OF DEBTOR WITH CREDIT BUREAU

Where an account rendered to a consumer remains outstanding for more than 90 days

- (a) the defaulting consumer's name may, at the option of the Municipality, be listed with a credit bureau or any other equivalent body as a defaulter; and
- (b) may be handed over to a debt collector or an attorney for collection

9.8 TERMINATION, LIMITATION AND DISCONTINUATION OF SERVICES

- (a) A consumer may terminate an agreement for the provision of services by giving to the Municipality not less than fifteen calendar days' notice in writing of the consumer's intention to do so.
- (b) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (c) The Municipality may, subject to the conditions contained in this Policy, limit or discontinue services provided in terms of this Policy –
 - (i) on failure by the consumer to pay the prescribed tariffs or charges on the date specified and after the final demand referred to in this policy has been issued and there has been no response from the consumer.
 - (ii) on the failure of the consumer to comply with the provisions of any agreement entered into with the Municipality in terms of this Policy.
 - (iii) on failure by the consumer to comply with any other provisions of this policy and after due notice has been given to the consumer.
 - (iv) if the agreement for the provision of services has been terminated and the Municipality has not received an application for subsequent services to the premises after a period of 30 days of such termination, transfer the services to the account of the owner;
 - (v) if the building on the premises to which services were provided has been demolished;
 - (vi) if the consumer has interfered with a limited or discontinued service; or
 - (vii) obstructs the efficient supply of electricity, water or any other municipal services to another customer;
 - (viii) supplies such municipal service to a consumer who is not entitled thereto or permits such service to continue;
 - (ix) causes a situation, which in the opinion of the Municipality is dangerous, or a contravention of relevant legislation;

- (d) The deposit of any defaulter will be adjusted and brought into line with relevant policies of Council.
- (e) The cost of the restriction or disconnection and the reconnection, will be payable as per the tariffs approved by Council.
- (f) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of services provided in terms of this Section.

9.9 SERVICES NOT RECONNECTED OR REINSTATED AFTER FOUR WEEKS

If services have been terminated or restricted in the case of a property in respect of which the account is in arrear, and the accountholder has not paid such arrears, including the interest raised on such account, or made an acceptable arrangement with the municipal manager for the payment of the arrear account, including the interest raised on such account, within a period of 28 (twenty eight) calendar days after the date of termination or restriction of the service(s) concerned, the municipal manager or the municipality's debt collection agent shall forthwith proceed with legal actions collection and such further action as is deemed necessary.

Such further action shall include if necessary the sale in execution of such property to recover arrear property rates and service charges (if the accountholder is also the owner of the property). All legal expenses incurred by the municipality shall be for the account of the defaulting accountholder.

9.10 NOTICES AND DOCUMENTATION

- (a) An order, notice or other document issued by the Municipality in terms of this Policy shall be deemed to be duly authorised by the Council of the Municipality if signed by the Municipal Manager or by a duly authorised employee of the Council.
- (b) Any notice or other document served on a person by a Municipality in terms of any other legislation is regarded as having been served by;
 - (i) delivering the notice to him/her personally or to his duly authorised agent; or
 - (ii) by delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
 - (iii) if he has nominated an address for legal purposes, by delivering the notice to such an address; or
 - (iv) if he has not nominated an address for legal purposes, delivering it to the address given by him/her in his application for the provision of water services, for the reception of an account for the provision of water services;
 - (v) sending it by pre-paid registered or certified post addressed to his last known address;
 - (vi) in the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
 - (vii) if service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place.
- (c) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.
- (d) Delivery of a copy of the document shall be deemed to be delivery of the original.

9.11 LEGAL PROCEESS / USE OF ATTORNEYS / USE OF CREDIT BUREAUS

- (a) The Accounting Officer may, when a debtor is in arrears, commence legal process against that debtor, which process could involve final demands, disconnections, restrictions, summonses, judgements, execution of loose assets, garnishee orders and as a last resort, sales in execution of property.

- (b) The Accounting Officer will exercise strict control over this process, to ensure accuracy and legality within it, and will require regular reports on progress from outside parties, be they attorneys or any other collection agents appointed by council.
- (c) Council will establish procedures and codes of conduct where external service providers have been appointed to collect outstanding debtors.
- (d) Garnishee orders, in the case of employed debtors, are preferred to sales in execution, but both are part of Council's system of debt collection procedures.
- (e) All steps in the consumer care and credit control procedure will be recorded for Council's records and for the information of the debtor.
- (f) Individual debtor accounts are protected and are not the subject of public information. However Council may release debtor information to credit bureaus.
- (g) Council may consider the cost effectiveness of the legal process, and will receive reports on relevant matters.
- (h) Council may consider the use of agents as service providers and innovative debt collection methods and products. Cost effectiveness, the willingness of agents to work under appropriate codes of conduct and the success of such agents and products will be part of the agreement Council might conclude with such agents or service providers; and will be closely monitored by Council
- (i) Appropriate measures will be taken to inform consumers what the responsibilities of service providers will be regarding customer care, credit control and debt collection.

10 INDIGENT AND POOR HOUSEHOLD MANAGEMENT POLICY

10.1 The objectives of this policy are to:-

- (a) determine the criteria for qualification of indigent and poor households;
- (b) ensure that the criteria is applied correctly and fairly to all applicants;
- (c) allow the Municipality or its authorised agent to conduct in loco visits to the premises of applicants to verify the actual status of the household;
- (d) allow the Municipality to maintain and publish the register of names and addresses of account holders receiving subsidies;
- (e) ensure the provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council; and
- (f) ensure the provision of procedures and guidelines for the subsidisation of basic service charges to indigent households.

10.2 Principles of policy:-

- (a) The administrative integrity of the Municipality must be maintained at all costs. The democratically elected councillors are responsible for making of policy, while it is the responsibility of the Accounting Officer to ensure the execution of this policy;
- (b) All applicants must complete an official application form, which is to be submitted together with the supporting documents as specified in this policy;

10.3 Criteria for indigent or poor households:-

To qualify for a subsidy, a household must comply with the following criteria:

- (a) For an Indigent subsidy the verified gross monthly income of all occupants over 18 years of age may not exceed the sum of two times the amount of state funded social pension and for a Poor household subsidy may not exceed the amount predetermined by Council;

- (b) The average monthly consumption of electricity by the household over the previous four months may not exceed 400kWh;
- (c) The average monthly consumption of water by the household over the previous four months may not exceed 15kl;
- (d) Must be a permanent occupier of the applicable property.
- (e) The registered indigent must be the full-time occupant or owner of the property concerned. This includes cases where the occupant rents the property and is a South African Citizen.

10.4 Application for Indigent or Poor household Subsidy;-

The account holder must apply in person at a customer care office of the Municipality on the prescribed application form. The following items must accompany the application:

- (a) The latest municipal account of the household;
- (b) Proof of the account holders identity;
- (c) Proof of income of the total household;
- (d) Sworn statement.

10.5 Local audit (verification)

The Municipality reserves the right to send officials and/or representatives of the Municipality to the household or site of the applicant(s) at any reasonable time, with the aim of carrying out a local verification of the accuracy of the information provided by the applicant(s)

The municipality also reserves the right to contact employers in Mossel Bay to verify whether a person applying for subsidy is employed by them.

10.6 Subsidy

- (a) Indigent subsidies will be funded from the equitable share contribution made from the national government's fiscus and as provided for in the municipal budget.
- (b) Subsidised services may include water, electricity, sewerage, refuse removal and assessment rates.
- (c) If a consumer's consumption or use of the municipal service is less than the subsidised service, the unused portion will not be accrued by the consumer and will not entitle the consumer to cash or a rebate in respect of the unused portion.
- (d) In order to assist the subsidised households, who uses more than the qualifying amount of water and electricity, not to lose their subsidy, these services may be restricted to allow only the use of maximum 15kl water and 400kWh electricity.
- (e) All consumers who qualify for a subsidy must agree to the installation of a prepaid electricity meter and will, if in arrears, be placed on restricted service levels in order to limit further escalation of debt. Installation of a pre-paid meter is free of charge for indigent and subsidised households.
- (f) When a household qualifies for a subsidy for the first time, the arrear account will be taken to council to consider writing off the debt.
- (g) Where a qualifying consumer's account is paid in full at the date of application, or regularly maintains a paid up account after receiving the subsidy, the restriction on service levels will be waived. If the account is cleared due to the arrear debts being written off, the restriction on service levels can only be waived after a period of six months during which the account was paid in full every month and after a written request has been received.

- (h) Where the household qualifies for the subsidy but is not the owner or account holder of the property and the owner cannot be traced, a tenant account can be opened for the occupier without a deposit. If at any stage the situation of this person should change and he is de-registered, a deposit must be paid.
- (i) A subsidised consumer must immediately request deregistration by the Municipality or its authorized agent if his/her circumstances have changed to the extent that he/she no longer meet the criteria.
- (j) A subsidised consumer may at any time request deregistration.
- (k) A list of subsidised consumers will be maintained and audited on a regular basis and the info may be supplied to the general public.

10.7 Water leakages and other problems at indigent households

Where water leakages occur at indigent households, such leakages must be reported by the occupier in order to be repaired at Councils expense and the cost thereof recovered from the equitable share grant.

10.8 Additional subsidy categories

- (a) Subject to the extent of the equitable share contribution received and affordability levels council may provide, free of charge to consumers, certain basic levels of water and electricity.
- (b) Further rebates may be provided as determined from time to time in council's policies and By-laws.
- (c) The Council adopt the Indigent Management Policy which shall provide for the procedures and guidelines for the provision of indigent benefits to indigent households in its municipal area.

11 IRRECOVERABLE DEBT

The Municipal Council may, on recommendation from the Municipal Manager, or any duly delegated official, write off any debt or portion thereof, provided that the Municipal Council is satisfied that the debt or portion thereof is irrecoverable or that it will be in the best interest of the municipality to accept part payment of the debt in full and final settlement.

The Executive Mayor may recommend to the municipal council that any outstanding debt or portion thereof be written off, if in his/her opinion it would be in the best interest of the municipality, and that the writing off of the debt will not be contrary to the provisions of the Local Government: Municipal Finance Management Act, No. 56 of 2003.

The Executive Mayor and Municipal Manager also have the right to authorise write off, of debt if the amount falls within their delegated power.

11.1 Debt will be regarded as irrecoverable if:

The Accounting Officer has ensured that all avenues were utilized to collect the arrear debt.

Circumstances whereby a municipal Council may validate the termination of debt collection procedures as contemplated in section 109(2) of the Municipal Systems Act:

- (a) All reasonable notifications and cost effective measures to recover a specific outstanding amount have been exhausted; or
- (b) If the amount to be recovered is too small to warrant further endeavours to collect it; or
- (c) The cost to recover the debt does not warrant further action, i.e. to summons in another country; or
- (d) Inactive accounts where all the necessary steps have been taken with no success and/or the debtor has no assets.
- (e) The amount outstanding is the residue after payment of a dividend in the rand from an insolvent estate, sequestration, liquidation; or

- (f) A deceased estate has no liquid assets to cover the outstanding amount; or
- (g) Poor household with no liquid assets (nulla bona) to cover the outstanding debt; or
- (h) It has been proven that the debt has prescribed; or
- (i) The consumer is untraceable or cannot be identified so as to proceed with further action; or
- (j) It is impossible to prove the debt outstanding; or
- (k) The outstanding amount is due to an administrative error by Council.
- (l) If the debtor qualifies as an indigent or poor household and are receiving a subsidy;
- (m) Clients in correctional care or clients who are imprisoned and there is no way of recovering the debt.
- (n) Water leakages resulting in high water levies at registered indigent or poor households.

11.2 Criteria for the determination of the recoverability or non-recoverability of debt

- (a) All cases with the following classification “summons, judgment or execution” should be tested prior to the taking of action, with regard to the following:
 - (i) Asset’s Survey. To undertake a home visit to make a survey of the type of house, its contents and other assets like vehicles registered in the name of the account holder as well as the combined income of the household. The result of this survey will determine whether further action is to be taken.
 - (ii) Consumption. If a consumer has consumption of an average of more than 400kWh electricity or 15kl of water taken over a period of 4 months, this consumption indicates the ability of the person to pay or to make an arrangement.
- (b) If the survey however reveals that the debt is still not recoverable after all necessary steps has been taken, it should be tabled together with the “write off compliance report” for consideration by Council to write off the debts.

12 OFFENCES AND PENALTIES

- (a) The Council acknowledges that, in terms of Section 119 of the Local Government: Municipal Systems Act 2000 it is an offence for any person who-
 - (i) fails to give the access required by a duly authorised representative of the municipality in terms of this policy as refers to in clause 8.17 above;
 - (ii) obstructs or hinders a duly authorised representative of the municipality in the exercise of his or her powers or performance of functions or duties in terms of this policy;
 - (iii) unlawfully uses or interferes with municipal equipment or the consumption of services supplied to any customer;
 - (iv) tampers with or breaks any seal on a meter or on any equipment belonging to the municipality, or causes a meter not to register properly the service used;
 - (v) fails, or refuses, to give a duly authorised representative of the municipality such information as he or she may reasonably require for the purpose of exercising or performing his or her powers or functions in terms of this policy, or gives such representative false or misleading information, knowing it to be false or misleading; or
 - (vi) contravenes, or fails to comply with, a provision of this policy, shall be guilty of an offence.

- (b) Upon conviction in a court, an offender shall be liable for a fine not less than the cost of repairing the damage or any such cost determined by the municipality, or to imprisonment for a period not exceeding 12 (twelve) months, or both such a fine and imprisonment, and may be charged for consumption, as determined by the chief financial officer, and based on average monthly consumption, or as determined by resolution of the municipality from time to time.

13 TAMPERING POLICY

13.1 Objective

- (a) Section 97(1) (h) of the Act stipulates that a municipality's Credit Control and Debt Collection Policy must provide for matters relating to unauthorised consumption of services, theft and damages.
- (b) The objective of this Policy is to provide in this policy an extension of Credit Control and Debt Collection Policy for the matters referred to in that section.

13.2 Implementing Authority:

The Accounting Officer must implement and enforce this policy and any by-laws enacted to give effect to this policy.

13.3 Unauthorised use of property of the Council

- (a) No one may tamper with any municipal equipment or property.
- (b) An authorised officer must inspect the equipment and property of the municipality when he or she suspects tampering.
- (c) that any illegal connections were attached to such equipment or property, or
- (d) that any unauthorised consumption or use of services is taking place, or
- (e) any theft of such equipment or property, or
- (f) any damage to such equipment or property.

13.4 Municipality's right of access to premises

In terms of section 101 of the Act the occupier of premises in a municipality must give an authorised officer access at all reasonable hours to the premises in order to read, inspect, repair; any meter or service connection for reticulation, or to stop or restrict the provision of any service.

13.5 Power to restrict or terminate supply of services

- (a) Where the municipality has suffered any loss or damage as a result of any act contemplated in paragraph 13.3 a penalty equal to the amount of damages or loss may be imposed on the occupier of the premises concerned.
- (b) The occupier must be notified of the amount of damage or loss by means of a notice which is hand delivered, or sent per mail, to the latest recorded address of the occupier, and such notice must also stipulate the date on or before which such amount must be paid to the municipality.
- (c) The Council may in addition to the steps contemplated in paragraph (2) limit or discontinue the supply of water and electricity in terms of the prescribed disconnection procedures or discontinue any other service to any premises.
- (d) The Council may hand deliver or send per mail to the latest recorded address of the consumer a discontinuation notice informing such consumer –
 - (i) that the provision of the service will be, or has been discontinued on the date stated on the discontinuation notice, and
 - (ii) of the steps which can be taken to have the service reconnected.

- (e) The council shall reconnect or restore full levels of supply of any of the restricted or discontinued municipal services only after the full amount of the penalty, including the costs of such disconnection and reconnection, if any, have been paid in full, or any other relevant condition or conditions of the Council's credit control policy as it may deem fit have been complied with.
- (f) The right of the Council or any duty appointed agent to limit or discontinue water to any premises or customer, shall be subject to the provisions of sections 3 and 4 of the Water Service Act 1997 (Act 108 of 1997).

13.6 Illegal reconnections and/or tampering

The Accounting Officer shall, as soon as it comes to his/her attention that any terminated or restricted service has been irregularly reconnected or reinstated, instate one, some or all of the following enforcement actions;

- (a) disconnect or restrict such service(s),
- (b) permanently remove such service(s),
- (c) require pre-payment technology to be installed,
- (d) not reinstate such service(s) until the arrear account, including the interest raised on such amount, the charges for the notice sent in terms of paragraph 1 and the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit and penalty have been paid in full.
- (e) laying criminal charges with the police,
- (f) cancel the contract.
- (g) In the event of a second tampering of an electricity installation or where the meter has been damaged with the tampering, the meter will be removed, and only be replaced with a prepaid split meter, after the cost of the meter as well as the fine has been paid.

All indigent households shall be visited by a person or firm delegated by council on a regular basis to investigate tampering and illegal connection cases and or to inspect the status of meters connections and restrictions and/or flow limiters.

14. Conflict

In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

15 Commencement

This policy will come into effect on 1 July 2014

DOCUMENT AND VERSION CONTROL

Version: Revision 10

Date: May 2014

Summary: This document describes the Customer Care, Credit Control, Debt Collection, Indigent and Tapering Policy that will be applicable to the Mossel Bay Municipality, with effect from 1 July 2014

Signature: _____ Date: _____

Municipal Manager
(Accounting Officer)

Signature: _____ Date: _____

Executive Mayor

MOSEL BAY MUNICIPALITY

PROPERTY RATES POLICY

Whereas Chapter 2 of the Local Government: Municipal Property Rates Act, 2004 (Act no. 6 of 2004) provides that a municipal council must adopt a Property Rates Policy and By-Laws to give effect to that policy, and its implementation and enforcement;

And whereas the Council of Mossel Bay Municipality has adopted a revised Property Rates Policy on 29 May 2014, Resolution E58-05/2014.

Now therefore the revised Property Rates Policy is hereby published in English for general information. The revised Property Rates Policy will be made available upon request in Afrikaans and Xhosa. In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

This Property Rates Policy repeals all previous Property Rates Policies.

EIENDOMSBELASTING BELEID

Nademaal Hoofstuk 2 van die Plaaslike Regering: Munisipale Eiendomsbelasting Wet, 2004 (Wet no. 6 van 2004) voorsiening maak dat 'n Munisipale Raad 'n Eiendomsbelasting Beleid en Verordeninge moet aanneem om uitvoering te gee aan daardie beleid, en die implementering en uitvoering daarvan;

En nademaal die Raad van die Munisipaliteit Mosselbaai 'n hersiene Eiendomsbelasting Beleid aangeneem het op 29 Mei 2014, Besluit E58-05/2014;

Aldus die hersiene beleid hiermee gepubliseer word in Engels vir algemene inligting. Die hersiene Eiendomsbelasting beleid sal op aanvraag beskikbaar gestel word in Afrikaans en Xhosa. In die geval van 'n teenstrydigheid tussen die Engels, Afrikaans of Xhosa teks, sal die Engelse teks geldig wees.

Hierdie Eiendomsbelasting Beleid herroep alle vorige Eiendomsbelasting Beleide.

IZILUNGISO ZOMGAQO-NKQUBO WERHAFU

Nangona Isiqendu 2 seCandelo leRhafu yoMhlaba kaMasipala loRhulumente weDolophu, 2004 (Candelo no. 6 ka-2004) libonelela ngokuthi ibhunga lika-masipala kufuneka lamkele uMgaqo-Nkqubo wee-Rhafu kunye neMithetho yeDolophu/imiMiselo yokubangela okokuba usetyenziswe lomgaqo-nkqubo, kwanoku-zalisekiswa kunye nokugunyaziswa kwawo

Kwaye nangona iBhunga lo Masipala wase-Mossel Bayi sele ikwamkele uhlaziyo lo Mgaqo-Nkqubowe Rhafu ngo 29 May 2014, iSiqqibo E58-05/2014.

Kungoko ke loMgaqo-Nqubo weRhafu upapashwa ngesi-Ngesi ukuze lube lwaziwe gabalala. Lo Mgaqo-Nkqubo weRhafu uyakufumaneka xa ucelwa nge-Afrikaans nangesiXhosa. Xa kunokuthi kanti kukho ukungahlangani phakathi kwesi-Ngesi, iAfrikaans okanye umbhalo wesiXhosa, umbhalo wesi-Ngesi uyakwakeleka.

Lo uMgaqo-Nkqubo weRhafu ubhangisa yonke eminye imiGaqo-Nkqubo yeRhafu ibikho ngaphambili.

DR. M GRATZ, MUNICIPAL MANAGER

MOSSEL BAY MUNICIPALITY

PROPERTY RATES POLICY

1. BACKGROUND

This Policy is formulated in terms of Section 3 of the Local Government Municipal Property Rates Act, Act 6 of 2004) which became operative on 2 July 2005. In 2007, Mossel Bay Municipality initiated a process to prepare a General Valuation Roll of all property situated within the geographical boundaries of the Municipality in terms of this Act,. A further General Valuation has been completed in 2011 and will be effective as from 1 July 2012.

2. LEGISLATIVE CONTEXT

- 2.1 In terms of Section 229 of the Constitution, a municipality may impose property rates on property.
- 2.2 In terms of Section 4(1)(c) of the Municipal Systems Act, Act 32 of 2000, a municipality has the right to finance the affairs of the municipality by imposing, inter alia, property rates on property.
- 2.3 In terms of Section 2(1) of the Municipal Property Rates Act, a local municipality may levy a rate on property in its area in accordance with the other provisions of this Act.
- 2.4 This Policy must be read together with, and is subject to the provisions of the Municipal Property Rates Act and the Property Rates By-Law.
- 2.5 In terms of Section 8(1) of the Municipal Property Rates Act, the Municipality is levying property rates on the use of the property as determined on the valuation roll in terms of Section 48 of this Act.
- 2.6 In terms of Section 26 of the Municipal Property Rates Act - Method and time of payment – (1) A municipality may recover a rate –
- a) On a monthly basis or less often as may be prescribed in terms of the Municipal Finance Management Act; or
 - b) Annually, as may be agreed to with the owner of the property.
- (2) (a) if a rate is payable in a single amount annually it must be paid on or before a date determined by the municipality.
- (b) If a rate is payable in installments it must be paid on or before a date in each period determined by the municipality.
- (3) Payment of a rate may be deferred but only in special circumstances.
- 2.7 In terms of Section 12 of the Municipal Property Rates Act – Period for which property rates may be levied
- (1) When levying property rates, a municipality must levy the property rate for a financial year. A property rate lapses at the end of the financial year for which it was levied.

3. DEFINITIONS

In addition to the definitions contained in the Municipal Property Rates Act and the Property Rates By-Law, the following words and phrases bear the meanings assigned to them below:

“Accommodation Establishment” in relation to a property means the supply of overnight facilities to guests and tourists.

“Actual use” means actual activities that are taking place on the property

“Agricultural Property” Means a property used for bona fide agricultural purposes in which the property owner is deriving his principle source of income from the produce of the land on such property. Agricultural/farming property not used for bona fida agricultural/farming purposes shall be rated according to the actual use thereof.

“Agricultural use” means a farm or a smallholding used for the production of goods or products through farming or forestry activities.

“**Category**” in relation to:

- Property, means a category of properties determined in terms of Section 8 of the Act, and
- Owners of properties, means a category of owners determined in terms of Section 15(2) of the Act.

“**Dominant use**” means 60% or more of the use of a property (as determined by the valuer).

“**CFO**” means the Chief Financial Officer of the Municipality, being a person designated in terms of Section 80(2)(a) of the MFMA, or his/her nominee.

“**Gross monthly household income**” means the gross monthly income from all sources, including but not limited to salaries, wages, dividends, pensions, grants, rentals, board and lodging, interest received, donations and any other form of financial support or investment income, received by every person residing on the property;

“**Homeless people’s shelters**” means a *bona fide* non-profit organisation (NPO) which operates a shelter used primarily for the accommodation of homeless people and which has applied in writing for and been registered as such shelter by Council.

“**interest**” means a charge levied on arrear property rates, sewerage and availability fees calculated at a rate of 1% higher than the prime interest rate

“**MFMA**” means the Local Government: Municipal Finance Management Act, 56 of 2003.

“**MPRA**” means the Local Government: Municipal Property Rates Act, 6 of 2004.

“**MPRA Rate Ratio Regulations**” means the Municipal Property Rates Regulations on the Rate Ratio between Residential and Non-Residential Properties promulgated in terms of the MPRA published under Government Notice R195, Government Gazette 32991, on 1 March 2010.

“**Non-Residential Property**” means all properties other than those defined as residential.

“**Multiple Properties**” means property that is utilised for more than one determined category and where differential property rates will be made by setting different rates in the rand for each category.

“**Municipality**” means the Mossel Bay municipality.

“**owner**”-

- (a) the person in whose name the property is legally vested;
- (b) in the case where the person in whose name the property is vested, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuarius, servitude holder or any other legal representative;
- (c) in the case where the council is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;
- (d) in the case of a lease agreement in excess of 30 years was entered into, then the lessee;
- (e) regarding:
 - (i) a portion of land allotted on a Sectional title plan and which is registered in terms of the Sectional Title Act, 1986 (Act 95 of 1986), without limiting it to the developer or managing body to the communal property;
 - (ii) a portion as defined in the Sectional Title Act, the person in whose name that portion is registered in terms of a “sectional title, including the legally appointed representative of such person;
- (f) any legal entity including but not limited to :
 - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a trust *inter vivos*, trust *mortis causa*, a closed corporation registered in terms of the Close Corporation Act, 1984 (Act 69 of 1984), and any voluntary organization;
 - (ii) any provincial or national government department, local authority;

- (iii) any council or management body established in terms of any legal framework applicable to the Republic of South Africa; and
 - (iv) any embassy or other foreign entity.
- (g) In respect of a property owned by council and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
- (h) In respect of a property owned by or under the control or management of council while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.

"Private Open Space (POS)" means vacant land belonging to private owners.

"Public benefit organisation (PBO)" means properties owned by public benefit organisations and used for any specific public benefit activities listed in Part 1 of the 'Ninth Schedule to the Income Tax Act;

"Public Open Space Municipality (POSM)" means vacant land owned by the Municipality

"Public Open Space Private (POSP)" means small pieces of vacant land *in private complexes used for playgrounds, parking, gardening, etc.*

"Public Service Infrastructure (PSI)" means publicly controlled infrastructure such as, national, provincial or other public roads, railway lines, etc. (full definition included under MPRA above)

"Public Service Infrastructure Private (PSIP)" properties, mostly found in private owned complexes used for streets, right of way, pavements, etc.

"Ratepayer" means a person or entity that is liable, in terms of the MPRA, for the payment of property rates on property levied by the Municipality;

"Property Rates By-law" means the Municipality: Property Rates By-law promulgated in the Provincial Gazette No. 6917 of 14 October 2011 .

"Residential Property" means a property as defined in the MPRA and which includes the following:

- used predominantly (60% or more) for residential purposes.
- a unit registered in terms of the Sectional Titles Act, 95 of 1986, used predominantly (60% or more) for residential purposes, and includes any unit in the same Sectional title scheme registered in the name of the same owner which is used together with the residential unit as if it were one property, for example a garage or domestic worker's quarters. (Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes and for clearance application purposes); or
- owned by a share block company and used predominantly (60% or more) for residential purposes but will be considered as one Residential property as set out in 5.1 below; or
- a retirement scheme or life right scheme used predominantly (60% or more) for residential purposes; or
- an old age home used predominantly (60% or more) for residential purposes; or
- a block of flats used predominantly (60% or more) for residential purposes, but will be considered as one Residential property as set out in 5.1 below.

"Systems Act" means the Local Government: Municipal Systems Act, 32 of 2000.

"Valuation Roll" means a valuation roll made in terms of Section 30 of the MPRA or a supplementary valuation roll made in terms of Section 78 of the MPRA.

"Vacant Land" means a property without any buildings or structures that could be used for residential or other purposes.

4. GUIDING PRINCIPLES

- 4.1 The Municipality's Property Rates Policy is based on the following guiding principles:
- equity;
 - affordability;
 - poverty alleviation;
 - social and economic development;
 - financial sustainability; and
 - cost efficiency.
- 4.2 Property Rates are levied in accordance with the MPRA as a cent-in-the-rand based on the property value contained in the Municipality's General Valuation Roll of 2011 and Supplementary Valuation Rolls.
- 4.3 As allowed for in the MPRA, the Municipality has chosen to differentiate between various categories of property and owners of property. Some categories of property and categories of owners are granted relief from property rates. However, the Municipality does not grant relief in respect of payments for property rates to any category of owners or properties, or to owners of properties on an individual basis, other than by way of an exemption, rebate or reduction provided for in this Policy.
- 4.4 The following categories are applicable to the Municipality:
- Accommodation establishments
 - Additional Residential Units
 - Businesses and Commercial Properties
 - Central Business District
 - Farm Properties used for
 - Agricultural purposes
 - accommodation purposes
 - residential purposes
 - business and commercial purposes
 - multipurpose
 - Government
 - Industrial
 - Municipal Properties
 - National Monuments
 - Place of Worship – Church
 - Place of Worship – Parsonages
 - Private Open Space
 - Private Owned town (only applicable to Vleesbaai)
 - Protected Area
 - Public Benefit Organisations
 - Public Open Space
 - Public open space Private
 - Public Service Infrastructure
 - Public Service Infrastructure Private
 - Residential
- 4.5 The rate charged as a cent-in-the-rand for Industry/Commercial Properties as per the definitions (above) is the base rate and the rates charged in respect of all other categories of properties are reflected as ratios to the Industry/Commercial rate as set out below.

PROPERTY RATES TARIFF STRUCTURE

TARIFF TYPE		STRUCTURE
Industry/Commercial	BASE TARIFF	100%
Accommodation	Ratio to base tariff	70%
Agricultural used as business	Ratio to base tariff	70%
Residential	Ratio to base tariff	50%
Private open space	Ratio to base tariff	50%
Vleesbaai	Ratio to base tariff	15%
Agricultural	Ratio to base tariff	12.5%
Public Service Infrastructure	Ratio to base tariff	12.5%
Public Benefit Organisation	Ratio to base tariff	12.5%

5. APPLICATION OF THE POLICY

5.1 Residential Property

- 5.1.1. (a) The first R15 000 of the market value as per the Valuation Roll on Residential Properties as set out in Section 17(1)(h) of the MPRA is exempted from paying property rates.
- (b) The Municipality will grant a rebate in terms of Section 15(1)(b) of the MPRA on the balance of the market value up to R35 000 in respect of residential properties, as an important part of the Municipality's indigent relief measures aimed primarily at alleviating poverty amongst those persons owning low-value properties (revenue foregone).
- 5.1.2 The maximum reduction of up to R50 000 as mentioned in (a) and (b) above will be granted to every individually valued Residential Property.

5.2 Public Service Infrastructure (PSI)

- 5.2.1 For Public Service Infrastructure (as defined in the MPRA) the first 30% of its market value in terms of Section 17(1)(a) of the MPRA is exempted from paying property rates.
- 5.2.2 The Municipality grants a 75% property rates rebate for the categories of PSI's (public service infrastructure), as defined in paragraph 4.4 above. These categories of properties and/or owners of properties are deemed to contribute services or benefits to the community.

5.3 Public Service Infrastructure Private (PSIP)

The Municipality grants a 100% property rates rebate for the categories of PSIP's (public service infrastructure Private), as defined in paragraph 4.4 above, where the valuation of the property is less than R100 000. These categories of properties and/or owners of properties are deemed to contribute services or benefits to the community.

5.4 Public Open Space Private (POSP)

The Municipality grants a 100% property rates rebate for the categories of POSP's or public open spaces private, as defined in paragraph 4.4 above, where the valuation of the property is less than R100 000. These categories of properties and/or owners of properties are deemed to benefit the community.

5.5 Agricultural Use

- 5.5.1 A farm is an area of land, including various structures thereon, devoted primarily to the practice of producing and managing food (produce, grains or livestock) or forestry products. The farming activity must be intense, must not be a mere hobby and must contribute to the local economy.
- 5.5.2 In terms of the MPRA, the definition of agricultural purpose excludes the use of a property for the purpose of eco-tourism or for the trading in or hunting of game.
- 5.5.3 If agricultural properties are not used solely for agricultural purposes and where the municipal valuator considers it reasonable to apply the category of multiple-use properties, the apportionment of value for each distinct use of the property will be calculated by the municipal valuator and used for billing at the applicable rate of the specific property rates category.

5.6 Multiple-Use Properties

Properties used for multiple purposes which do not fall within the definition of Residential Properties and, accordingly, do not qualify for the residential rate, may be included into the category of multiple-use properties, for which an apportionment of value for each distinct use of the property will be calculated by the municipal valuator and used for billing at the appropriate and applicable rate, in cases where the municipal valuator considers it reasonable to apply this category.

5.7 Municipal Properties

In terms of Section 7 of the MPRA the Municipality will not levy property rates on-

- (i) properties of which the municipality is the owner;
- (ii) Public Service Infrastructure owned by a municipal entity;
- (iii) Leased Municipal Properties with a nominal value and/or portions of the commonage property where it is not practical to levy property rates.

5.8 Pensioners

5.8.1 Registered owners of Residential Properties who are pensioners qualify for special rebates according to gross monthly household income of all persons permanently residing on that property. To qualify for the rebate a property owner must be a natural person and the registered owner of a property which satisfies the requirements of the definition of Residential Property. This property owner must on 1 July of the financial year:

- o occupy the property as his/her Primary Residence, and
- o be at least 60 years of age, or
- o has been declared medical unfit even if not yet 60 years of age, and
- o be in receipt of a gross monthly household income not exceeding the amount determined by Council during the Municipality's budget process.

5.8.2 The owner must submit the application by 1 July for this rebate to be granted for the financial year in which the application is submitted. (Application forms can be obtained from the Municipality).

5.8.3 Any owner who, during a financial year, for the first time, meets all the other criteria above may apply to receive the rebate. From the date the Municipality receives the application until the end of that financial year a pro-rata rebate will be calculated, where after all the criteria set out above will apply to applications for rebates in subsequent financial years.

5.9 Religious Institutions

5.9.1 In terms of Section 17(1)(i) of the MPRA, the Municipality may not levy a rate on property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community which is occupied by an office bearer of that community who officiates at services at that place of worship.

5.10 Public Benefit Organisations (PBO) / Non-Profit Organisations (NPO)

5.10.1 The Municipality grants a 75% property rates rebate for the categories of NPOs or public benefit organisations (PBOs) if they comply with the conditions in 5.10.2 and 5.10.3 below. These categories of properties and/or owners of properties are deemed to contribute services or benefits to the community.

5.10.2 In order to be considered, the organisations must either be registered as NPOs under the Non-Profit Organisations Act, 71 of 1997, or be PBOs that qualify for tax exemption as contemplated by Part 1 of Section 30 of the Ninth Schedule of the Income Tax Act. Such registration must be supplied upon request.

5.10.3 In exceptional circumstances the CFO may accept that a property registered in a name other than that of the organisation be regarded as the property of the organisation if it can be proven that the registration is merely to facilitate transfer of the property into the name of the organisation.

6. GENERAL

6.1 Persons who have submitted false information and/or false affidavits and/or failed to notify the CFO of any amended use of properties owned or used by them will have the exemptions, rebates or reductions withdrawn with effect from the date of the incident in question and interest raised as provided for in the Municipality's Credit Control and Debt Collection Policy and By-Law. The Municipality may also take further appropriate action against them.

- 6.2 All applications for exemptions, rebates or reductions will require the applicant's municipal accounts to have been paid up to date or the conclusion of a suitable arrangement with the Municipality as provided for in the Municipality's Credit Control and Debt Collection By-Law and Policy, which may include water and electricity saving measures. Should there be a default on the arrangements, all the rebates, exemptions or reductions granted may be reversed with effect from the date on which the default took place.
- 6.3 Any late applications or deviations from the ownership, registration or usage requirements of this Policy must be motivated in writing to the CFO and will be dealt with in the sole discretion of the CFO, taking into account any factors which he/she deems to be relevant, including, but not limited to considerations of fairness and equity.

7. REGULAR REVIEW PROCESSES

The Municipality's Property Rates Policy will be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives and with legislation.

8. LIABILITY FOR AND PAYMENT OF PROPERTY RATES

Liability for and payment of property rates is further governed by the MPRA and the Municipality's Credit Control and Debt Collection By-Law and Policy.

9. DUE DATES

The due date for payment of property rates in terms of Sections 26(2)(a) and (b) and 78(4) of the MPRA means the date reflected on a municipal invoice as the final date on which payment is due and payable.

10. CLEARANCE CERTIFICATES

All monies collected by the Municipality including in respect of Special Rating Areas (including City Improvement Districts) and any estimated amounts for the duration of the validation period of a certificate in terms of Section 118(1a) of the Systems Act or Section 89 of the Insolvency Act, 24 of 1936, are for the purpose of Section 118 of the Systems Act, deemed to be due and must be paid in order to facilitate the transfer of immovable property:

- 10.1 all amounts that are due must be paid in full prior to the issuing of any clearance certificate in terms of Section 118, of the Systems Act;
- 10.2 no interest shall be paid by the Municipality to the registered seller in respect of these payments which are deemed to be due; and
- 10.3 all payments will be allocated to the registered seller's municipal accounts and all refunds will be made to the transferring attorney .

11. EFFECTS OF OBJECTIONS AND APPEALS ON LIABILITY FOR PAYMENT

In terms of the MPRA:

- 11.1 the lodging of an objection or an appeal in terms of Sections 50 and 54 of the MPRA does not defer liability for the payment of property rates beyond the dates determined for payment in terms of this Policy;
- 11.2 the review of the municipal valuer's decision in terms of Section 52 of the MPRA does not defer liability for the payment of property rates beyond the dates determined for payment in terms of this Policy.

12. INDIGENCY

In terms of Section 3(3)(f) and Section 15 of the MPRA all indigents, for rating purposes, will qualify in respect of their Residential Properties for the benefits as set out in paragraph 5.1 of this Policy.

13. INTEREST

Interest shall be raised on overdue accounts as determined in the Credit Control and Debt Collection By-Law and Policy.

14. **ADJUSTMENT OF PROPERTY RATES PRIOR TO SUPPLEMENTARY VALUATION (SV)**

- 14.1 In circumstances where a valuation has been carried out by the municipal valuator in pursuance of a SV in terms of Section 78(1)(c), 78(1)(d), 78(1)(f), or 78(1)(g) of the MPRA as a result, for example, of a demolition having taken place on a property or a fire having destroyed buildings on a property, but the Municipality has not yet included such valuation of the relevant property in a SV, such valuation shall be submitted to the CFO for approval to levy property rates on the property in accordance with such valuation, with effect from the date of the occurrence of the event which caused a SV to be required.
- 14.2 If the owner of a property which has been subdivided or consolidated after the last general valuation wishes to sell the consolidated erf, or one or more of the erven which have been subdivided off the parent erf, as the case may be, applies to the Municipality for a clearance certificate in terms of Section 118 of the Systems Act and if the Municipality has not yet included such valuation of the relevant property(ies) in a SV:
 - 14.2.1 the municipal valuator shall conduct a valuation of the relevant property(ies) for purposes of a Supplementary Valuation; and
 - 14.2.2 the valuation shall be submitted to the CFO for approval of the levying of property rates on such property(ies) in accordance with such valuation, with effect from the date on which the relevant subdivision or consolidation (as the case may be) was registered in the Deeds Office.
- 14.3 Any valuations performed in terms of paragraph 15 shall be included in the next SV prepared by the Municipality without any amendments to the valuation and any objections to such valuation may only be lodged once such SV is made public in terms of Section 49 of the MPRA.

15. **Corrections on Property Rates** can only be done via Supplementary valuations and according to Section 78 of the MPRA.

16. **This policy will come into effect on 1 July 2014**

DOCUMENT AND VERSION CONTROL

Version: **Revision 10**

Date: **May 2014**

Summary: This document describes the Property Rates Policy that will be applicable to the Mossel Bay Municipality, with effect from

1 July 2014

Signature: _____ Date: _____

Municipal Manager
(Accounting Officer)

Signature: _____ Date: _____

Executive Mayor

MOSEL BAY MUNICIPALITY

TARIFF POLICY

Whereas section 75 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) provides that a municipal council must adopt a Tariff Policy and By-laws to give effect to that policy, and its implementation and enforcement;

And whereas the Council of Mossel Bay Municipality has adopted a revised Tariff Policy on 29 May 2014, Resolution E58-05/2014;

Now therefore the revised Tariff Policy is hereby published in English for general information. The revised Tariff Policy will be made available upon request in Afrikaans and Xhosa. In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

This Tariff Policy repeals all previous Tariff Policies.

TARIEF BELEID

Nademaal artikel 75 van die Plaaslike Regering: Munisipale Stelsels Wet, 2000 (Wet Nr. 32 van 2000) bepaal dat 'n Munisipale Raad 'n Tarief Beleid en Verordeninge moet aanneem om uitvoering te gee aan die implementering en uitvoering van die beleid.

En nademaal die Raad van die Mosselbaai Munisipaliteit 'n hersiene Tarief Beleid aangeneem het op 29 Mei 2014, Besluit E58-05/2014;

Aldus die hersiene beleid hiermee gepubliseer word vir algemene inligting. Die hersiene Tarief beleid sal op aanvraag beskikbaar gestel word in Afrikaans en Xhosa. In die geval van 'n teenstrydigheid tussen die Engels, Afrikaans en Xhosa teks, sal die Engelse teks geldig wees.

Hierdie Tarief Beleid herroep alle vorige Tarief Beleide.

INGUQULELO KUMGAQO-NKQUBO WAMAXABISO

Nanjengoko icandelo 75 leeNkqubo zooMasipala:uMthetho weeNkqubo zooMasipala,2000(uMthetho 32 ka 2000)limisela ukuba ibhunga likamasipala kufuneka limisele uMgaqo-Nkqubo wamaxabiso kunye nemithetho yangaphakathi kwanokusetyenziswa kwale mithetho kwanokunyanzeliswa kwayo;

Kwaye nangona iBhunga lo Masipala wase-Mossel Bayi ikwamkele uhlaziyo kuMgaqo-Nkqubo wamaXabiso ngo 29 May 2014, iSigqibo E58-05/2014.

Kungoko ke lo Mgaqo-Nqubo wamaXabiso uye wapapashwa ngesi-Ngesi ukuze lube lolwaziwa gabalala. Lo Mgaqo-Nqubo wamaXabiso uhlaziweyo uyafumaneka xa ucelwa nge-Afrikaans nangesiXhosa. Xa kunokuthi kanti kukho ukungahlangani phakathi kwesi-Ngesi, iAfrikaans okanye isiXhosa, umbhalo wesi-Ngesi uyakwakeleka.

Lo Mgaqo-Nqubo wamaXabiso ubhangisa yonke eminye imiGaqo-Nkqubo yangaphambili ibikhona.

DR. M GRATZ, MUNICIPAL MANAGER

MOSSEL BAY MUNICIPALITY**TARIFF POLICY****INDEX**

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MOSSEL BAY MUNICIPALITY

TARIFF POLICY

1. Introduction

In terms of section 74 of the Local Government : Municipal Systems Act, 2000, the Mossel Bay Council must adopt and implement a Tariff Policy that complies with the provisions of any applicable legislation on the levying of fees for municipal services provided by or on its behalf. The Tariff Policy may differentiate between different categories of users, debtors, service providers, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination. Section 75 of the Systems Act requires that the Council adopt by-laws to give effect to the implementation and enforcement of its Tariff Policy.

2. Definitions

In this Policy, unless inconsistent with the context-

“Accounting Officer” means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 177 of 1998) and being the head of administration and accounting officer in terms of section 60 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);

“Accommodation Establishments” in relation to a property means the supply of overnight facilities to guests and tourists.

“Additional residential units” additional units erected on an erf zoned as single or general residential, it can form part of the main structure or be separated. The size of the additional units must vary between 30 and 120 square meters and does not have to have separate service connections. Loose standing units may only have a ground level structure. Each unit must have direct access from ground level.

“Availability charges” An availability charge for electricity, water and sewerage as determined from time to time by the Council shall be levied on all properties with or without improvements, whether or not the property is connected to the electricity reticulation / water network / sewerage network systems of the Council. Such fee shall be levied only if;

1. a monthly Basic fee is not levied;
2. the property is adjacent to such a service; and
3. in the opinion of the Council, the services can reasonably be connected.

“customer/user” means any person to whom a service is rendered or made available by the council;

“households” all matured persons older than 18 years that occupied a property within the jurisdiction of the Council regardless whether the person rents or owns the property;

“indigent household” a Household qualify as indigent on the following conditions:

- (i) Total monthly household income must not be more than twice (2x) the monthly State old age pension; and
- (ii) The average electricity consumption for the past four months must not exceed 400kwh per month, and
- (iii) The average water consumption for the past four months must not exceed 15kl water per month.

“Interest” means a charge levied, with the same legal priority as service charges, on arrear amounts calculated at an interest rate which is one percent higher than the prime interest rate;

“municipal area” means the area in respect of which the municipality has executive and legislative authority as determined by the Constitution and national legislation and the area as demarcated by the Demarcation Act 1998 (Act 27 of 1998);

“municipal council” means the council of Mossel Bay Municipality;

“municipality” means:

- (a) an organ of state within the local sphere of government exercising legislative and executive authority in an area determined under the Local Government: Municipal Demarcation Act 1998 (Act 27 of 1998);
- (b) a municipality consists of:
 - (i) the political structures and administration of the municipality; and
 - (ii) the community of the municipality;
- (c) functions in the area in keeping with the political, statutory and other relationships between its political structures, political office bearers and administration and its community; and
- (d) as a separately legal personality that excludes liability on the part of its community for the actions of the municipality.

“occupier” means the person who controls and resides on, or who controls and otherwise uses immovable property or a portion thereof; provided that-

- (a) the husband or wife of the owner of immovable property which is at any time used by such owner and husband or wife as a dwelling, shall be deemed to be the occupier thereof;
- (b) where husband and wife both reside on immovable property and one of them is an occupier thereof, the other shall also be deemed to be an occupier thereof, and
- (c) a person who-
 - (i) resides in or occupies a room or rooms in a boarding house, lodging house, home for elderly people (other than a person, and the husband or wife of such person, who, by paying a capital amount, has acquired and exercises a lifelong right to so reside in or occupy a room or rooms in a home for elderly people), hostel, hotel, motel, hotel, club mess, barracks, nurses home or other place of a like nature;
 - (ii) resides in or occupies a separate room or rooms on immovable property occupied by any relative of such person;
 - (iii) as a boarder or lodger, resides in or occupies a room or rooms on immovable property owned or occupied by any other person; or
 - (iv) occupies an area of land or building or portion of a building solely for the purpose of parking, leaving or storing any vehicle or craft thereon or therein;

shall be deemed not to be an occupier of the immovable property concerned.

“owner” means

- (a) the person in whom the legal title to the premises is vested;
- (b) in a case where the person in whom the legal title is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereof;
- (d) leased for a period of not less than 30 (thirty) years, whether the lease is registered or not, the lessee thereof;

- (e) in relation to –
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional titles Act 1986, (Act 95 of 1986), and without restricting the above provisions, the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, including the lawfully appointed representative of such person;
- (f) any legal person including but not limited to:
- (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973) Trust *inter vivos*, Trust *mortis causa*, a closed Corporations Act, 1984 (Act 69 of 1984), and a Voluntary Association;
 - (ii) any government department;
 - (iii) any council or board established in terms of any legislation applicable to the Republic of South Africa;
 - (iv) any embassy or other foreign entity;
- (g) owned by a council and which has been disposed of, but which has not been transferred to the person it has been disposed of, from the date of the disposition concerned, such person; and
- (h) owned by or under the control or management of a council while held under a lease of any express or tacit extension thereof or under any other contract or under a servitude or right analogous thereto, the person so holding the immovable.

“poor households” A household qualify as a poor household on the following conditions:

- (a) Total monthly household income must be more than twice (2x) the monthly State old age pension, but less than an amount determined by Council;
- (b) The average electricity consumption for the past four months must not exceed 400kwh per month; and
- (c) The average water consumption for the past four months must not exceed 15kl water per month;

“Private Open Space (POS)” means vacant land belonging to private owners;

“Protected Area” Those parts of a special nature reserve, national park or nature reserve within the meaning of the national Environmental Management Protected Areas Act, 57 of 2003, or of a national botanical garden within the meaning of the National Environmental Management Biodiversity Act (Act 10 of 2004), which are not developed or used for commercial, business, agricultural or residential purposes.

“Public benefit organisation (PBO)” means properties owned by public benefit organisations and used for any specific public benefit activities listed in Part 1 of the Ninth Schedule to the Income Tax Act;

“Public Open Space Municipality (POSM)” means vacant land owned by the Municipality;

“Public Open Space Private (POSP)” means small pieces of vacant land in private complexes used for playgrounds, parking, gardening, etc;

“Public Service Infrastructure (PSI)” means publicly controlled infrastructure such as, national, provincial or other public roads, railway lines, etc. (full definition included under MPRA above);

“Public Service Infrastructure Private (PSIP)” properties, mostly found in private owned complexes used for streets, right of way, pavements, etc;

“**Tariff Policy**” means a Tariff Policy on the levying of fees, rates or taxes for municipal services provided by the municipality itself and that complies with the Municipal Systems Act 2000 (Act 32 of 2000);

“**the Act**” means the Municipal Systems Act, 2000 (Act 32 of 2000);

3. General Principles

3.1 Objective

The objective of this Tariff Policy is to ensure the following:

- (a) Tariffs must conform to acceptable policy principles;
- (b) Municipal services must be sustainable;
- (c) Tariffs must comply with the applicable legislation; and
- (d) Tariffs should take poor people and limited consumption into consideration

3.2 Responsibility / accountability

The Mossel Bay Council has the overall responsibility of laying down the Tariff Policy.

3.3 Tariff Policy principles

In terms of section 74(2) of the Systems Act 2000, the Municipality's Tariff Policy reflects the following principles:

- (a) Users of municipal services are treated equitably in the application of tariffs;
- (b) The amount individual users pay for services are generally in proportion to their use of that service;
- (c) Poor households have access to at least basic services through:
 - (i) Special or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - (ii) Any other direct or indirect method of subsidisation of tariffs for poor households;
 - (iii) Tariffs reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration, replacement costs and interest charges;
- (d) Tariffs are set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned. A service is financially sustainable when it is provided in a manner that would ensure its financing from internal and external sources is sufficient to cover the costs of the initial capital expenditure required, operating the service, maintaining, repairing and replacing the physical assets used in its provision;
- (e) Provision is made in appropriate circumstances for a surcharge or a rebate on the tariff for a service;
- (f) Provision is made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- (g) The economical, efficient and effective use of resources, the recycling of waste and other appropriate environmental objectives are encouraged; and

- (h) The extent of subsidisation of tariffs for poor households and other categories of users are fully disclosed;
- (i) It can be further stated that tariffs, rates and the employment of resources, in general, take into account the Council's IDP principles and goals.

4. Need for a Tariff Policy

4.1 Revenue adequacy and certainty

The Municipality must have access to adequate sources of revenue to enable it to carry out its functions. The Municipality must:

- (a) Fully exploit the available sources of revenue to meet its development objectives; and
- (b) Be reasonably certain of its revenue to allow for realistic planning.

4.2 Sustainability

Financial sustainability requires a budget that balances. This means that the Municipality must ensure that:

- (a) Services are provided at affordable levels; and
- (b) It is able to recover the costs of service delivery.

It must be realised that no bailout will be provided if the budget is exceeded or if proper financial management controls are not established. Indigent members of the community have the right to have access to at least a minimum level of basic services. Therefore, there is a need to subsidise poor households, who are unable to pay for full service costs.

4.3 Effective and efficient resource use

Resources are scarce and must be used in the best possible way to reap the maximum benefit for the community. However, there are no mechanisms available to ensure the effective allocation of resources. It is therefore important that the community provide the necessary checks and balances. They can do this by participating in the budget process. Efficiencies in spending and resource allocation will ultimately increase the access of the poor to basic services.

4.4 Accountability, transparency and good governance

The Municipality must be accountable to the community for the use of its resources. Councillors must be able to:

- (a) Justify their expenditure decisions; and
- (b) Explain why and how, the revenue necessary to sustain expenditure is raised.

Budgeting and the financial affairs must be open to public scrutiny. The community must have greater voice making decisions about how revenue is raised and spent. Community participation in budgeting must include those groups in the community who face particular constraints in participating. It must also include a capacity-building component to ensure that people understand the prioritisation process (why resources are allocated to one area rather than another).

4.5 Equity and redistribution

Members of the community must be treated equitably with regard to the provision of services.

4.6 **Development and investment**

Meeting basic needs in the context of existing services backlogs will require increased investment in municipal infrastructure.

5. **Sources of Revenue**

- (a) In terms of section 229 of the Constitution of the Republic of South Africa 1996, Act 108 of 1996, the Municipality may impose:
- (i) Rates on property and surcharges on fees for services provided by or on behalf of the Municipality; and
 - (ii) If authorised by national legislation, other taxes, levies and duties appropriate to local government, but it may not impose income tax, value-added tax, general sales tax or customs duty.
- (b) The power of the Municipality to impose rates on property, surcharges on fees for services provided by or on behalf of the Municipality, or other taxes, levies or duties:
- (i) May not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities across municipal boundaries, or the national mobility of goods, services, capital or labour; and
 - (ii) May be regulated by national legislation.
- (c) In terms of section 4(1)(a) of the Systems Act, the Council has the right, amongst other things, to finance the affairs of the Municipality by:
- (i) Charging fees for services; and
 - (ii) Imposing surcharges on fees, rates on property and to the extent authorised by national legislation, other taxes, levies and duties.

Section 16 of the Systems Act requires the Municipality to establish appropriate mechanisms, procedures and processes to ensure community participation in, amongst other things, the preparation of its budget.

6. **Pricing Strategy**

The strategy must be to recover the full financial cost of rendering the services required by and delivered to the community from the community, including the cost of capital. The points of departure pertaining to a pricing strategy are:

- (a) The starting point to recover cost is the determination of service levels. These shall be based on basic human needs;
- (b) The second point will be to ensure a sustainable service delivery based on the set service level; and
- (c) The third point will be the upgrading of services to higher levels in accordance with the level of affordability by the community and the ability to render the upgraded services in a sustainable manner.

The following must be considered in the pricing strategy in order to accurately determine and recover the cost pertaining to a service:

6.1 **Management cost**

Resource management expenditure is those activities that are required to deliver, regulate, manage and maintain the service.

- 6.2 **Capital costs**
Capital cost expenditure is the obligation to meet the repayments on loans negotiated to finance the provision of the service.
- 6.3 **Maintenance costs**
These are normal running costs to maintain the service at the established level of service provision.
- 6.4 **Consumption / Usage**
In the case of a measurable service, the actual cost of usage of the service is easily determined. Where measurable services are provided (usually to informal areas) without measuring devices being installed, the cost will be calculated by using the appropriate charge multiplied by the bulk registered consumption or estimated volume of consumption divided by the number of households / properties.
- 6.5 **Cost of immeasurable services**
These services are normally community based and subsidised services and the cost will be recoverable through a rating policy as determined from time to time. Recovery of costs will therefore be equalised over the total area of jurisdiction and the principle of collective payment will apply.

7. **Categories of Tariff Charges**

- 7.1 **Services charges**
An important source of local own revenue is charges that are directly related to the provision of municipal services.
The majority of these are utility charges, such as electricity and water, which have contributed significantly to the growth of revenue of municipalities. Cost recovery is an essential part of sustainable service delivery. The system of revenue sharing within a service is aimed at subsidising the operating costs of basic services to indigent and low-income households.
- 7.2 **Collection of levies**
The municipality may in future be required to impose and collect levies for other authorities, such as a District Municipality, or community based organisations. Such levies are imposed as the result of provisions contained in acts or bylaws and individual service delivery agreements. The municipality acts as an agent for such an organisation and may recover its cost by means of commissions or administration fees.

8. **Legislation**

Section 160 of the Constitution determines that the Municipality may not delegate the power to impose taxes, tariffs and other charges. Such tariffs must be approved by means of a decision of the majority of the Councillors in a Council, after taking all the required factors into consideration.

- 8.1 **Water & Sanitation**
In respect of the provision of water and sanitation services, the Water Services Act of 1997 determines that a Municipality or another water services provider must supply water and sanitation services in terms of conditions set by the Municipality. The condition that must be set, amongst other things, is to provide for the determination and structure of tariffs. These powers must be read with section 21 of the Act in terms of which the Municipality must pass bylaws that provide, amongst other things, for the determination and structure of tariffs and the payment and collection of money due for water and sanitation.
- 8.2 **Electricity**
In terms of section 9 of the Electricity Act 1987 the holder of an electricity license may not charge any consumer with other tariffs than those specified in the schedule of approved tariffs in its license. Further, a Municipality that holds an electricity license is obliged to supply electricity within the area of supply mentioned in its license, to every applicant who is in a position to make satisfactory arrangements for payment thereof.

8.3 **Other Services**

In terms of section 74 of the Systems Act, the Council must adopt and implement a Tariff Policy that complies with the provisions of any applicable legislation on the levying for municipal services provided by or on its behalf. The Tariff Policy may differ between different categories of users, debtors, service providers, service standards geographical areas and other matters as long as the differentiation does not promote discrimination. Section 75 of the Systems Act requires that the Council adopt a bylaw effecting to the implementation and enforcement of its Tariff Policy. Such bylaws may differentiate between categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount in discrimination.

9. **Classification of Services**

Traditionally, municipal services have been classified into five groups:

9.1 **Trading services**

Water and electricity provisions are trading services. Typically the consumption of a trading service is measurable and can be apportioned to an individual consumer. These services are managed like businesses. The tariffs for these services are determined in such a way that a nett trading surplus is realised. The trading surplus is used to subsidise the tariffs of non-trading services, in other words, to relieve property rates.

9.2 **Economical services**

Sewerage and refuse removal are economic services. Whilst they are also managed like businesses, the tariffs for services are determined in such a way that user charges cover the cost of providing the service. It is, however, common practice to set tariffs at a profit margin if possible subsidise tariffs on non-trading services.

9.3 **Subsidised services**

Subsidised services include fire fighting, approving building plans and the construction of buildings, leasing of municipal facilities, selling of burial sites and certain town planning functions. The consumption of subsidised services can be determined reasonably accurately and apportioned to individuals and consumers. However, if the tariffs for using this service were based on its real cost, nobody would be able to afford it. In most cases not only would the consumer benefit from using the service, but also other people.

A user charge is payable for using the service, but the tariff is much lower than the real cost of providing the service.

9.4 **Community services**

Community services are those services where the consumption cannot be determined nor apportioned to individual consumers. These services are typically financed through rates. Examples are the establishment, operation and maintenance of parks and recreation facilities, provision and maintenance of roads and storm water drainage systems, the establishment management and maintenance of cemeteries and traffic regulation.

9.5 **Support services**

The Municipality also provides services in support of the above-mentioned services. These are staff functions and include secretarial and committee services, records and archives, financial-, technical- and corporate management, accounting and stores, Information Technology, occupational health and safety and human resources management. These services are financed through property rates.

10. **Policy Proposal**

10.1 **A minimum amount of basic services must be subsidised to the poor.**

- (a) The Municipality subscribes to a policy that entitles poor households which includes indigent consumers to a minimum amount of subsidised basic services. A basic service is a service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety of the environment. This goal is achieved by providing a minimum amount of subsidised basic services to such consumers through its policy on indigence.

The specific services are:

- (i) Potable water;
 - (ii) Domestic sewerage removal;
 - (iii) Domestic refuse removal; and
 - (iv) Electricity
- (b) The determination of minimum levels of these services is influenced by national guidelines as well as local social and economic conditions.
- (c) The subsidies are financed from the Equitable Share allocations by National Treasury in terms of which the Division of Revenue Act must be determined in such a way that the sustainability of the special fund, created for this purpose, be guaranteed. Council will strive to minimise the burden of shortfalls in subsidies in poor households. Any shortfalls can be subsidised by Rates and Service charges.

10.2 **Keeping tariffs affordable**

The Council is keenly aware of the financial situation of most residents within the municipal area. Therefore, the Council undertakes to keep tariffs at affordable levels as far as possible. In order to ensure that tariffs remain affordable, the Council will ensure that:

- (a) Services are delivered at an appropriate level;
- (b) Efficiency improvements are actively pursued across all its operations;
- (c) A performance management system is introduced to ensure that plans that are devised are actually implemented, that resources are obtained as economically as possible, used efficiently and effectively and the appropriate service delivery mechanisms are used;
- (d) Any service that is provided for which there is little demand, that is priced under the actual cost of providing it, and which requires the maintenance of significant infrastructure and other facilities, will be phased out, except where the Council is by law required to provide such a service.

10.3 **Fully exploiting sources of revenue**

- (a) Property rates are an important source of discretionary revenue for the Municipality. It is used to finance services that cannot be apportioned to individual consumers and to balance the budget after service charges have been determined. It is therefore imperative that property rates must be imposed on, and is payable in respect of, all rateable properties within the municipal area. All rateable properties will be subject to and liable for paying rates.
- (b) Consequently it is the policy of the Council:
 - (i) That tariffs for service and property rates will be reviewed annually;
 - (ii) That tariff increases must be in line with increases in the price of goods, material and other resources acquired and used by the Municipality to perform its function, as well as any specific costs relating to the supply of a service during a financial year; and

- (iii) The tariff for a particular service must be calculated in such a way that all relevant costs are covered. This means that a tariff for a service must include at least the capital expenditure required and interest thereon, the cost of managing and operating the service and the cost of maintaining, repairing and replacing the physical assets used in its provision – this is only applicable for Economic and Trading Services.

10.4 **Introducing the "Consumer Must Pay Principle"**

Having regard for the above-mentioned policy on a minimum amount of subsidised basic services for the indigent, the Council believes that consumers of services must pay for the amount of services that they use. Where it is possible to measure the consumption of services, the Council will develop a program to install meters in appropriate cases. Also it is the Council's policy that the tariffs for such services must include all relevant cost factors.

10.5 **Redistribution / Cross-subsidisation**

Those that pay higher property rates based on the value of their properties, in fact subsidise those who pay less tax. The Council will ensure that the cross-subsidisation occurs between and within services to further contribute to its redistribution objectives.

10.6 **Promoting local economic competitiveness and development**

The size of the property rates and service charges accounts presented to local business is a significant business overhead for any business enterprise in the municipal area.

The overhead of a business is one of the factors that influence the price of goods and services sold by it, and therefore its profitability and chances of survival. The Council will take care that the municipal account presented to local business is fair. To ensure fairness toward local business the Council will, when it determines tariffs, take into account the desire:

- (a) To promote local economic competitiveness; and
- (b) To promote local economic development and growth.

10.7 **Ensuring financial sustainability of service delivery**

- (a) The Constitution, Systems Act and Water Services Act require that the Municipality must ensure that the services that it provides must be sustainable. Financial sustainability of an enterprise will be achieved when it is financed in a manner that ensures that its financing is sufficient. The tariff for a service must therefore be sufficient to cover the cost of the initial capital expenditure required and interest thereon, managing and operating the service and maintaining, repairing and replacing the physical assets used in its provision. However, sustainability does not only mean that the price of the service must include all the relevant cost elements, it also means that the charges to be levied must be collected.
- (b) The Council therefore adopted and applies a Credit Control policy to ensure that property rates and service charges are recovered. Where a trading and economic service is available to a property, an availability levy is imposed if the occupier of the property does not use the service concerned or if the property is vacant. The availability levy must be adequate to cover the pro rata cost of the initial capital expenditure and the maintenance of the infrastructure associated with service delivery.

10.8 **Tariff determination process**

- (a) Except in special circumstances, such as significant increases in the wholesale price of goods and services that the Council purchases during a year to provide services, the Council will review its tariffs during the preparation of the annual budget in accordance with the policy stated above. Proposed tariffs will be presented to the community during the Council's consultations on the budget.

- (b) Immediately after the Council has determined or amended a tariff, the Accounting Officer must cause a notice in this regard to be displayed at a place installed for this purpose at all the offices of the Municipality as well as at such other places within the municipal area as she/he may determine. The notice must state:
 - (i) The general purpose of the resolution;
 - (ii) The date on which the notice is displayed;
 - (iii) That any person who desires to object to such determination or amendment must do so in writing within 14 days after the date on which the notice was displayed; and
 - (iv) That any person who cannot write may come, during office hours, to a place where a staff member of the Municipality named in the notice, will assist that person to transcribe her/his objection.
- (c) If no objection is lodged within the period stated in the notice, the determination or amendment will come into operation on the date determined by the Council. Where an objection is lodged, every objection must be considered. The Council may, after it has considered all objections, confirm, amend, or withdraw the determination or amendment and may determine another tariff and the date on which the determination or amendment will come into operation.
- (d) After the Council has determined another tariff, it will again give notice of the determination, amendment or date as determined above and will also publish it as prescribed.
- (e) All tariff adjustments shall be effective from the first account levied in July of each year.

10.9 Limiting of the financial risk of service delivery

- (a) Due to the fact that accounts for most services are payable between three and six weeks after the services were rendered, it is necessary to hold guarantees, in the form of deposits, for such consumers:
 - (i) to cover the cost of services not yet billed; and
 - (ii) as a guarantee against non-payment of accounts, as stipulated in the policy on credit control.
- (b) As a part of the assessment of risks involved in the supply of services to consumers, the Council must decide whether the risks are sufficiently covered or whether deposits should be held in respect of a service by a consumer as well as the amount of such a deposit.
- (c) The risk of the provision of a service to each consumer must be assessed and a deposit should be calculated, taking into account, the consumption patterns of a specific consumer or property. Although this effectively reduces risk, the administration of such individual assessments in a high customer turnover environment may not be a practical and economically viable option. It must be further noted that, although the risk of service delivery is minimised if deposits are held, it soon becomes insufficient as the cost of service delivery increases and the deposit remains at the same level. It is very unpopular to increase deposits regularly and deposits of current consumers are only adjusted on default.
- (d) As an alternative deposits may be standardised for different services, consumers or locations. Although this method simplifies the administration of deposits, it does not cater for individual needs and may not necessarily provide sufficient coverage of the risks involved.

In practice it is found that a combination of the two methods provides a suitable solution to the problem.

- (i) Standardised deposits are applied in respect of services for which the risks can be calculated, especially if such risks are not influenced by personal consumption variances.
- (ii) Minimum levels of deposit are calculated in respect of the average exposure per group of consumers within a service, i.e. domestic. Should it be necessary to adjust such a deposit to a higher level due to higher consumption patterns or other risks, it is done at the discretion of the official, following clear guidelines in this respect.
- (iii) Adjustment of deposits resulting from non-payment of account is described in the policy on credit control.

Due to the tendency of liquidators to immediately seize any bank guarantees issued by insolvent estates or business entities, the Council decided not to accept bank guarantees as a guarantee for service delivery.

- (e) When a tenant defaults on payment of a deposit or for services, the owner stays liable.
- (f) Where changes are made on existing installations or services the deposit must be adjusted to the required deposit at the time of change
- (g) No deposit will be refunded except where the account has been finalised and the final debits were raised, and if the owner of the deposit does not have any other arrear accounts with the municipality.
- (h) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this Section.
- (i) Council reserves the right to refuse services where no deposit has been paid.
- (j) A special Service deposit for subsidised households, as annually determined by Council during the budget process, is applicable.

10.10 Limiting of financial risk pertaining to new tariff options

- (a) In the course of the budgetary process tariffs are calculated at levels that will produce the income required to cover costs for a financial year or to reach the required surplus. Any changes in tariff structures and the level of tariffs during the course of a financial year, will impact on income. The amendment of tariff structures during a financial year should therefore take into account the effect thereof on the budget.
- (b) In order to regulate such amendments and to prevent a drastic impact on the budget, the following rules must be applied:
 - (i) The Council must consider and approve/not approve all requests for amendments.
 - (ii) Request for amendments must be accompanied by detailed calculations and estimates of the impact thereof on the budget. Such calculations should furthermore take into account all the relevant factors and be backed by data and projections over reasonable period. Such impacts must be verified by the department of the Manager: Financial Services
 - (iii) The Council may approve only amendments that can be accommodated in such a way that it will not have a detrimental effect on the operating budget.

- (iv) Any amendment to tariff structures, in respect of trading and economic services, that may impose a drastic impact on the present budget may only be considered for the next financial year and should form part of a new budgetary process.

10.11 Discontinuation of services and the final account

- (a) Discontinuation of services and rendering of a final account will always be between two debit raisings. Thus any request for discontinuation of services after the 16th of a month (or if on a weekend or public holiday the first working day thereafter) will only be finalised with the next debit raising of the following month and the basic for that period will be payable.
- (b) The basic fee for water or electricity will only be levied on accounts with active meters. This is to ensure that the basic fee is not duplicated where one consumer vacates a property and a new consumer moves in. For example if a final account is requested during a period as mentioned in (d) above, the meter will stay active until the following debit raising when the account will be finalised and transferred to the new consumer. Although the new consumer will be liable for the water usage from date of the final reading the basic fee will only be levied from the following debit raising when the meter becomes active on the new account.

11 Property Rates

11.1 The usage of a property will be determined by the relevant Rates Category as per the category on the valuation roll

e.g.

- if any property is used as a business, the business tariff will apply
- if an agricultural property is used or partly used for business the property or portion will be levied on the applicable tariff as accepted by Council.

11.2 The following rates tariff structure will apply as from the 2013/2014 financial year.

TARIFF TYPE	BASE TARIFF	STRUCTURE
Industry/Commercial	BASE TARIFF	100%
Accommodation	Ratio to base tariff	70%
Agricultural used as business	Ratio to base tariff	70%
Residential	Ratio to base tariff	50%
Public open space	Ratio to base tariff	50%
Vleesbaai	Ratio to base tariff	15%
Public Service Infrastructure	Ratio to base tariff	12.5%
Agricultural	Ratio to base tariff	12.5%
Public benefit Organisation	Ratio to base tariff	12.5%

11.3 Categories applicable to the Municipality

- (a) Accommodation establishments
- (b) Additional Residential Units
- (c) Businesses and Commercial Properties
- (d) Farm Properties used for
- (i) Agricultural purposes
 - (ii) accommodation purposes
 - (iii) residential purposes
 - (iv) business and commercial purposes
 - (v) multipurpose
- (e) Government
- (f) Industrial
- (g) Municipal Properties

- (h) National Monuments
- (i) Place of Worship – Church
- (j) Place of Worship – Parsonages
- (k) Private Open Space
- (l) Private Owned town (only applicable to Vleesbaai)
- (m) Protected Area
- (n) Public Benefit Organisations
- (o) Public Open Space
- (p) Public open space Private
- (q) Public Service Infrastructure
- (r) Public Service Infrastructure Private
- (s) Residential

11.4 Properties exempted from paying property rates

- (a) Municipal properties
- (b) Churches
- (c) Parsonages
- (d) Protected Area

11.5 Special rating area

- (a) Commercial properties (CID)
- (b) Residential properties (CID)

11.6 Requirements for pensioners discount

- (a) The applicant must be the registered owner; and
- (b) The person must occupy the property permanently; and
- (c) Minimum age of the registered owner and his/her spouse must be at least 60 years or older; or
- (d) The registered owner of the property is declared medical unfit and receives a pension to this effect; and
- (e) .The total income of the husband and wife may not exceed the amount determined by council during the annual budget.

11.7 Public Service Infrastructure (PSI)

- (a) For Public Service Infrastructure (as defined in the MPRA) the first 30% of its market value in terms of section 17(1)(a) of the MPRA is exempted from paying rates.
- (b) The Municipality grants a 75% rates rebate for the categories of PSI's (public service infrastructure), as defined in paragraph 4.4 above. These categories of properties and/or owners of properties are deemed to contribute services or benefits to the community.

11.8 Public Service Infrastructure Private (PSIP)

The Municipality grants a 100% rates rebate for the categories of PSIP's (public service infrastructure Private), as defined in paragraph 4.4 above, where the valuation of the property is less than R100 000. These categories of properties and/or owners of properties are deemed to contribute services or benefits to the community.

11.9 Public Open Space Private (POSP)

The Municipality grants a 100% rates rebate for the categories of POSP's or public open spaces private, as defined in paragraph 4.4 above, where the valuation of the property is less than R100 000. These categories of properties and/or owners of properties are deemed to benefit the community.

11.10 Responsibility for payment of accounts

- (a) The owner will be liable for payment of rates and sewerage fees. The occupier will be liable for the water, electricity and refuse removal services in all circumstances.
- (b) If an occupier did not pay a deposit, the owner stays responsible for all debits raised against the account. Therefore, if an occupier does not pay the account, the owner stays responsible for the account.
- (c) Any disputes between owners or an owner and tenant must be resolved by them, employees of the Municipality may not get involved.

12. Tariffs for trading economical and other services

Electricity and water supply are treated as trading services, operated as separate accounts with the aim of producing a profit to be utilised as a subsidy for other services.

- (a) The supply of and tariff structures for these services are influenced by local conditions as well as national guidelines and prescriptions by the National Electricity Regulator (NER) and the Water Services Act.
- (b) Sewerage and refuse removal are treated as economical services. Tariffs structures are only influenced by local conditions, but the cost of these services are influenced by regional and national regulations as well as minimum standards that must be conformed to.
- (c) Cost related to the provision of services can be grouped into two basic elements, i.e.
 - (i) Fixed costs can be regarded as basic cost and is used as a basis to calculate availability fees in respect of such a service, if applicable. These cost elements are not directly influenced by variances in demand for a service.
 - (ii) Variable production costs, which consists of the direct production cost elements. Increases or decreases in production costs can directly be attributed to variances in demand for a service. These costs are treated as consumption costs of such services.

13 Deposits**13.1 Electricity deposits**

- (a) Credit meters for domestic use, and all other users except businesses and accommodation establishments, but including churches, schools, crèches, general lighting, swimming pools, lifts;
- (b) Business: Single Phase credit meters on the two-part tariff;
- (c) Business: Single Phase Pre-paid meters on the two-part tariff;
- (d) Domestic Three-Phase tariff for credit meters including churches, schools, crèches, general lighting, swimming pools, lifts;
- (e) Domestic Three-Phase tariff for pre-paid credit as well as pre-paid meters including churches, schools, crèches, general lighting, swimming pools, lifts;
- (f) Business: Three Phase credit meter two-part tariff;
- (g) Business: Three Phase Pre-paid meter two part tariff;
- (h) Light Industrial meters;
- (i) Bulk meters;

- (j) Time-of-use meters.
- (k) Commercial, Business and Industrial;
 - Deposits on businesses will be levied according to twice the highest bill during the previous 12 months.
 - New connections at new extensions of businesses will be as specified in the tariff list for the current year.

13.2 Water and other service deposits

- (i) Subsidised
- (ii) Economic
- (iii) Additional household or business units
- (iv) Medium consumers
- (v) Bulk consumers using more than 1000kl water

13.3 Builders deposits

13.4 Refundable deposit for use at Harry Giddy Park

13.5 Posters/Placards (Maximum 100)

13.6 Breakage deposits - Sport facilities, Halls and Club houses.

13.7 General

- (i) Tariffs as well as the minimum levels of deposits will be revised annually during the budgetary process.
- (ii) The minimum levels for deposits may be increased for individual consumers at the discretion of Chief Financial Officer, should consumption levels or other risks necessitate it.
- (iii) No new account will be opened or deposits accepted if there is an arrear amount outstanding on the current account of a consumer except where the only arrear services are on the consolidated account of the owner and the owner is deceased or untraceable (as per the Credit Control Policy of the municipality)

14 Electricity Tariffs

14.1 General

- (a) In addition to general cost factors, the following will be considered in the determination of a tariff structure for electricity:
 - (i) Bulk electricity is supplied by a sole supplier, Eskom, and distributed by the Municipality via an electricity reticulation system consisting of substations, mini substations, underground and overhead distribution lines and metered connections to consumers.
 - (ii) Minimum standards for distribution are determined nationally and must be adhered to in order to conform to both safety and continuity of supply norms.
 - (iii) Due to the fact that a large part of the operating expenditure consists of bulk electricity purchases, tariff structures and levels are very sensitive to any change in the cost of supply by Eskom.

- (b) Electricity is supplied under a distribution license, granted by the National Electricity Regulator (NER) for a specific area of jurisdiction, which also regulates the following aspects:
 - (i) classification of consumer categories;
 - (ii) permissible tariff structure options are determined at a national level and distributors are obliged to apply these structures to obtain uniformity;
 - (iii) all tariff structures and tariffs must be approved by the NER prior to application thereof by a distributor;
- (b) The following tariff structure options are available:
 - (i) **one-part tariff**
This tariff consists of a tariff expressed as a cent per kWh charge only and does not contain a fixed monthly charge (basic or minimum charge)
 - (ii) **two-part tariff**
This tariff is also applicable to residential and business application and contains a fixed or basic fee, combined with an energy fee.
 - (iii) **Two-part demand tariff**
a demand meter is installed to determine the demand factor. It is applicable for larger commercial, industrial and agricultural customers.
 - (iv) **three-part tariff**
a demand meter is installed to determine the demand factor It is applicable for larger commercial, industrial and agricultural customers.
 - (v) **three-part time-of-use tariff (TOU tariff)**
This tariff is applicable for larger commercial, industrial and agricultural customers who are able to shift load into off-peak periods, thus effecting savings both to themselves and the distributor.
- (c) The three-part TOU tariff structure closely resembles the tariff structure utilised by Eskom to supply bulk electricity to the Municipality and is therefore the most cost reflective structure. Due to the capital outlay required it can, however, only be utilised in the case of large power users. To gain maximum benefits from this relatively complex tariff structure the end-user must have a certain level of expertise and it requires a substantial capital investment.
- (d) Any block tariff structure is sensitive to consumption over a specified period. It is therefore essential that meters be read regularly at intervals as near as possible to 30 days as longer or shorter consumption periods may affect the monthly consumption volumes in specific tariff blocks.

14.2 Domestic Supply

- (a) A two part tariff structure for single phase meters with up to 60 ampere is applied in respect of credit meters as well as prepaid meters. This tariff is also applicable to schools, churches, crèches, general lighting, swimming pool pumps and lifts, but without any free units when applicable for households.
- (b) All Households with a prepaid meter using less than 400 kWh (based on the average purchases of the previous four months) will automatically be placed on the domestic two part tariff except in the following cases:
 - (i) Indigent or poverty-stricken consumers

- (ii) Consumers identified as permanent inhabitants for at least nine month of a year. To be identified as such, a consumer has to hand in a sworn affidavit signed by a Commissioner of Oath.
- (iii) Churches, crèches, general lighting, swimming pool pumps and lifts, on prepaid (but without any free units when applicable for households).
- (c) A one-part tariff – all household consumers with single phase pre-paid meters who use more than 400kWh electricity per month and who permanently occupies the property for at least nine month of a year.
- (d) A one-part Indigent inclining block Tariff - for permanent residents who qualify for an indigent subsidy.
- (e) A certain amount of electricity could be distributed free of charge every month. This is decided on by council during the budgetary process.
- (f) A two-part domestic tariff structure for three phase meters, are applied in respect of credit meters as well as prepaid meters and is also applicable to churches, crèches, general lighting, swimming pool pumps and lifts, but without any free units when applicable for households.

14.3 Commercial Supply

- (a) A two-part tariff structure is applied in respect of single phase credit meters and prepaid meters.
- (b) A one part tariff structure is applied in respect of single phase prepaid meters.
- (c) A two-part tariff structure is applied in respect of three phase credit and prepaid meters.
- (d) A one part tariff structure is applied in respect of three phase prepaid meters.

The one part tariff as in (b) and (d) above is only applicable to existing meters and consumers on this tariff subject to the following:

All new consumer agreements, new commercial installations and increased capacity applications will automatically be placed on the two part tariff as in (a) and (c) above.

Domestic as well as Commercial Consumers on the one part tariff can be transferred to the two part tariff if the request is made in writing.

Pre-paid electricity tokens must be inserted into the meter within three months after the purchase date as the tokens can expire after three months and no refund or replacement of the tokens are allowed.

14.4 Light Industrial/Bulk Supply

- (a) A three-part tariff structure is applied in respect of light industrial meters
- (b) A three-part tariff structure is applied in respect of bulk supply meters
- (c) A three-part time-of-use tariff structure is applied in respect of special bulk supply meters

14.5 Other Supply

- (a) A three-part tariff structure is applied in respect of Mossgas (Klipheuwel)
- (b) A two-part demand tariff structure is applied for agricultural supply
- (c) A one-part tariff is charged for agricultural water pumping
- (d) A one-part tariff is charged for street lighting where electricity supply is metered

- (e) A one-part fixed tariff is charged for private street lighting
- (f) A one-part tariff is charged for sport fields but varying in the following instances:
 - (i) Below 2000 units;
 - (ii) Above 2000 units;
 - (iii) Off-peak tariff - water pumping only;
- (g) Sport field lighting

14.6 Miscellaneous

- (a) An availability fee will be charged on properties not connected to the electricity network, should it be available to that property. This fee aims to recoup capital and maintenance costs of networks as well as certain fixed administrative costs in respect of such properties. If the owner connects the service with the intention to improve the property the debit will be adjusted pro-rata from the date of the connection.
- (b) A fixed tariff as determined by council is charged for:
 - (i) temporary disconnections and re-connections on request of the consumer;
 - (ii) temporary disconnections and re-connections for non-payment;
 - (iii) new connections;
 - (iv) other connections;
 - (v) special meter readings;
 - (vi) testing of meters;
 - (vii) service calls;
 - (viii) replacing of breakers;
 - (ix) installing of pre-paid meters;
 - (x) replacing of meters;
 - (xi) conversion from three phase to single phase and vice versa;
 - (xii) erecting of street lights;
 - (xiii) damage to, or tampering with meters;
 - (xiv) moving of meter;
 - (xv) damaging of medium or low voltage cables by contractors;
 - (xvi) Replacement of traffic- or streetlight pole;
 - (xvii) Hiring of power points;
 - (xviii) Hiring of equipment;
 - (xix) old age homes.
- (c) For each additional residential unit on a single residential property (whether or not a second electricity meter is installed and even if there is only one water meter), a basic fee for water the applicable sewerage as well as refuse removal fee, will be payable for each additional unit.
- (d) The developer or registered owner is at all times responsible for payment of services on a property.
- (e) At no stage may an electricity meter be moved from one premises to another by anyone.
- (f) The owner occupier is at all times responsible for the maintenance and safekeeping of the meter.
- (g) If a meter cannot be read by the meter reader due to no access or other obstructions, the municipality has the right to install a pre-paid meter at the expense of the owner.

15 **Water Tariffs**

15.1 **General**

Water is supplied to end-users by means of the following specialised infrastructure:

- (a) retaining and storage dams;
- (b) supply lines;
- (c) water purification plants;
- (d) water reticulation networks; and
- (e) metered connections to the properties of consumers.

The variable cost of supply is, however, sensitive to prices of essential materials such as chlorine, which is used in the purification processes. Apart from normal price increases, the price is also influenced by exchange rates.

The supply of water is regulated by the Water Services Act 1997, Act 108 of 1997, but without a centralised regulatory body such as the NER. Certain minimum standards as well as guidelines for tariffs are contained in the Act.

Many aspects pertaining to water supply is influenced by the same factors as that of electricity supply. Due to this, only those factors unique to water supply and the accompanying tariff structure are discussed.

Water is a scarce commodity with little alternatives available (contrary to electricity). Tariff structures should therefore be aimed at the reduction of consumption. For this reason a declining block tariff structure is not an option.

Water is bought at a one-part tariff expressed in Rand per kilolitre. For this reason it is found that water tariff structures for end-users follow the same trend. In order to cut consumption, an inclining block rate tariff structure with a basic fee is applied in Mossel Bay.

The first block rate represents the lifeline volume of 6 kl per month, which is supplied at no cost to households. Losses incurred in this tariff category are recouped by contributions from the higher tariff categories, conforming to the principle of cross-subsidisation. Council however reserves the right to decrease or discontinue the free 6kl per month in the case of a drought.

It is the consumer's responsibility to ensure that the meter is readable and accessible for meter readers. If not the meter may be moved at the expense of the owner/occupier

15.2 **Categories of consumers and charges:**

Provisions are made for the following categories of users:

(a) **Consumers with connections up to 25mm**

- (i) Single residential, Flats, Other Residential, Complexes with businesses and residential combined. (up to four consumers with one joint meter), as well as Indigent consumers will pay:
 - The basic per consumer according to domestic tariff
 - Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption
 - Only indigent consumers and domestic users on this tariff will receive the number of free kl (as determined by council) on a monthly basis
- (ii) Business complexes with more than 4 business consumers and with one joint meter.
 - The basic fee per consumer

- Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption

(iii) Flats and residential consumers with more than four consumers with one joint meter.

- The basic fee per consumer
- Free kl as determined by council
- Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption

(b) **Consumers with connections bigger than 25mm**

(i) Medium connections with up to nine consumers and with one joint meter using less than 1000kl per month

- A fixed basic fee
- Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption

(ii) Medium connections with more than nine consumers and with one joint meter using less than 1000kl per month.

- A basic fee per customer
- Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption

(iii) Bulk consumers (consuming more than 1000kl per month, for four months over a period of twelve months)

- A fixed basic fee
- Metered consumption according to the consumers tariff, linked with the size of the connection and/or consumption (if more than 1000 kl consumed for a 4 month period over year as well as old age homes and retirement villages regardless of the consumptions.

(iv) Old Age Homes and Retirement Villages may, once annually, before the start of a new financial year, with a written request choose whether to be levied on (ii) or (iii) above, if it would be to their advantage.

(c) **Special Water Tariffs**

- (i) Raw water
- (ii) Searles Slood
- (iii) Buffalo Farming
- (iv) Buysplaas
- (v) JB Hoovers
- (vi) Vleesbaai
- (vii) Sporting Bodies
- (viii) Supply of water from Reverse Osmoses Plant
- (ix) Old age homes and retirement villages,

Water delivery in rural areas,:

- (i) A fixed predetermined amount will be charged to cover the transport cost.
- (ii) In the case of registered indigent consumers the cost will be recovered from the applicable grant.
- (iii) Only 6kl water per household will be delivered per month.
- (iv) Delivery per area will only be made according to a fixed schedule.

15.3 Miscellaneous

- (a) An availability fee will be charged on users and/or properties not connected to the water network, should it be available. This fee aims to recoup capital and maintenance costs of networks as well as certain fixed administrative costs in respect of such properties. If the owner connects the service with the intention to improve the property the debit will be adjusted pro-rata from the date of the connection.
- (b) A certain quantity of water may be distributed free of charge every month. This is decided on by council during the budgetary process.

15.4 A fixed tariff is charged for:

- (a) water restrictions
- (b) Water restriction fine
- (c) water connections
- (d) upgrading of water meters to a larger connection
- (e) test of water meter
- (f) water meter inspection - service fee
- (g) Consumer tap to meter
- (h) shift of water meter
- (i) replacement of bulk water meter insert
- (j) uncovering of meters that cannot be read
- (k) Restrict or on restrict of water meter
- (l) Special reading of water meter
- (m) fine for tampering with installation
- (n) water drawn by contractor at the fire station
- (o) filling of pool
- (p) water flow restrictions - programmable flow restrictor
- (q) moving of meters
- (r) replacement of a meter when damaged or stolen

15.5 Water tariff during a Drought

When the dam water supply drops to below a certain percentage, as determined by council during the annual budget, the water tariffs will increase. These tariffs will be included in the annual tariff list as an annexure and will be advertised with the annual budget documents.

15.6 Leakages

- (a) A consumer may qualify for a percentage reduction as determined by Council on his/her account in the event of a water leakage, if:
 - (i) The leakage was underground and not easily detectable;
 - (ii) The leakage was repaired within 48 hours after detection;

- (iii) The consumer submits a sworn affidavit by him/herself confirming that his/her insurance(s) does not cover such losses.
- (iv) A written confirmation from the consumer's insurance is submitted together with the sworn affidavit in which they confirm that the insurance policy of the consumer indeed does not cover any losses due to leakages.
- (v) The consumer has not applied for discount within the previous 12 months;
- (vi) Only leakages within 50 meters from the meter will be considered for write off.
- (b) A authentic certificate by a registered plumber_must reach the municipality within 10 days after completion of repairs done and must contain the following:
 - (i) The date of the invoice and repair work as well as the receipt
 - (ii) Confirmation that surface leakage was not visible
 - (iii) Certify that the leakage originated from pipes listed on the schedule of approved pipes held by the City Engineer
 - (iv) When the Accounting Officer declares that the dam volume has dropped to below 25% no water charges in respect of water losses because of leakages will be written off.
- (c) No water lost due to the meter being stolen, broken irrigation, broken geyser, leaking toilet or leaking tap can be considered for write off.
- (d) Council will only allow a write off, of 60% of the losses and to the maximum amount of R25 000

15.7 **Water restrictions in the case of a drought**

Refer to the Water Demand Management Policy.

16 Refuse removal tariff structures

16.1 General

- (a) **The factors and principles that impact on tariff structures are:**
 - (i) Operating cost of vehicles;
 - (ii) The cost of labour, fuel and maintenance of vehicles. This is a labour intensive service and changes in any of these cost elements may have a drastic influence on the total cost;
 - (iii) National and regional standards in respect of dump sites and transfer stations must be adhered to and may necessitate additional expenditure;
- (b) **In general refuse volumes are influenced by the following factors:**
 - (i) the number of occupants on a property;
 - (ii) garden refuse that is produced;
 - (iii) the nature and volumes of business and industrial refuse; and
 - (iv) habits of consumers and facilities available to them.

- (c) Each consumer pays for the privilege to have a certain volume of refuse removed from his/her premises. Should certain consumers have a need for increased volumes, they must bear the additional cost themselves. This principle has the result that a more affordable service is supplied to the average consumer, while large consumers pay for their additional volumes.
- (d) A consumer who chooses to do his/her own refuse removal will still be liable for paying the refuse tariff, as the service is available to all consumers.
- (e) Tariffs are based on units of refuse removal. One unit is defined as one bag of refuse removed once a week.
- (f) For each additional residential unit, an additional domestic refuse unit removal will be levied.
- (g) Refuse removal at accommodation establishments will be levied at an amount calculated on a minimum of three units.
- (h) In caravan parks or camping areas two stands, bungalows and/or chalets will be levied as one refuse removal unit.
- (i) A refuse fee will be charged for each dwelling on a property, to all occupiers. Owners of improved properties, whether or not an electricity meter has been installed. A refuse levy will also be payable by the owner where a building/house is unoccupied.
- (j) Tariffs as well as units to be removed from categories of consumers will be revised annually during the budgetary process.
- (k) Only refuse in the prescribed black plastic bags should be removed
- (l) Only refuse in the prescribed black plastic bags should be removed.
- (m) An additional service should be available upon special request for the removal of garden refuse. Spare capacity of vehicles and teams could be utilised for this purpose. Tariffs should be at such a level that total cost is recovered. Consumers should be encouraged to do their own removals. Contractors should pay a dumping fee.
- (n) In the event of business is being conducted from a residential property the business tariff will be levied for refuse removal.
- (o) Refuse levy will be payable on properties used as storage or unoccupied properties. This however is not applicable to a garage on a residential property which is used for storage or as a workshop.

16.2 Categories of consumers

Provisions is made for the following categories of consumers:

- (a) Domestic consumers
- (b) Accommodation establishments
- (c) Commercial Industrial
- (d) Old age homes and retirement villages
- (e) Additional household units
- (f) Special Agreements
- (g) Caravan Parks and chalets
- (h) Removal on Request
- (i) Sale of refuse containers
- (j) Businesses on Residential Properties
- (k) Additional Removals

17 Sewerage tariff**17.1 General**

- (a) Tariffs will be revised annually during the budgetary process. Sewerage is levied annually and divided into twelve equal monthly instalments. On written request it can be paid annually by 30 September.
- (b) Where rates, sewerage and availability fees (on vacant erven) are paid on a monthly or annually basis, such payment must be made before the expiry date. Failing this, interest at the standard rate of prima +1%, will be levied on the outstanding payment

17.2 The following services are rendered in the Municipal area:

- (a) An internal water borne sewerage system consisting of reticulation network and sewerage works;
- (b) A small number of properties are serviced by a septic tank service.

17.3 A fixed rate structure is applicable, which only differentiate between groups of properties:

- (a) Single residential
- (b) Sectional title units
- (c) Rondawels/chalets with own facilities
- (d) Rondawels (without own facilities)
- (e) Granny flats
- (f) Additional residential units
- (g) Accommodation Establishments
- (h) Business and other properties
- (i) Churches
- (j) Night soil bucket
- (k) Industrial effluent

17.4 Discount to Pensioners

- (a) Requirements
 - (i) The applicant must be the registered owner of the property; and
 - (ii) The person must be the permanent occupier of the property; and
 - (iii) Minimum age of the registered owner as well as his/her spouse must be 60 years or older; or
 - (iv) The registered owner of the property is declared medical unfit and receives a pension to this effect; and
 - (v) The total income of the husband and wife may not exceed the amount determined by council during the annual budget.
- (b) Discount to qualifying Pensioners

The percentage discount will be determined by council during the compilation process of the annual budget.

17.5 Discounts to Schools

Schools receive a nett sewerage account based on the number of learners and calculated as below:

The different components used for the calculation is as follows:

- (i) Liter per learner per day is 6.5 liter
- (ii) Number of learners
- (iii) Capital cost per kl (which is determined by dividing the capital cost (interest and redemption) by the cost per kiloliter purified sewerage)
- (iv) Operating cost per kl. (which is determined by dividing the operating cost by the cost per kiloliters purified sewerage)

The capital cost recovery is as follows:

1 learner per day x 365 days x number of learners x capital cost per kl divided by 1000

The operating cost recovery is as follows:

1 learner per day x 202 days x number of learners x operating cost per kl divided by 1000

The discount to schools are equal to the actual debits raised less the actual cost as calculated above.

17.6 Miscellaneous

- (a) An availability fee will be charged on vacant properties not connected to the sewage system should it be available. This fee aims to recoup capital and maintenance costs of networks as well as certain fixed administrative costs in respect of such properties. If the owner connects the service with the intention to improve the property the debit will be adjusted pro-rata from the date of the connection.
- (b) A fixed tariff is charged for:
 - (i) sewerage connections
 - (ii) larger connection
 - (iii) inspections for blockages
 - (iv) opening of sewage blockages
 - (v) emptying of septic tanks

18 Sundry service tariff structures

- (a) A variety of sundry tariffs are applied to recoup costs of sundry services provided to the public. All such tariffs are based on cost of supply, but individual tariffs may be set at:
 - (i) subsidised levels;
 - (ii) levels reflecting actual cost; or
 - (iii) levels producing profits.
- (b) The level, at which the Council sets a sundry service tariff, takes into account factors such as:
 - (i) affordability;
 - (ii) socio-economic circumstances;
 - (iii) utilisation of amenities and resources;
 - (iv) national and regional agreements and provisions; and
 - (v) any other factors influencing such decisions.

- (c) These tariff structures and tariffs will be revised at least once a year, during the annual budgetary process.

19 Conclusion

- (a) Tariffs represent the charges levied by Council on consumers for the utilisation of services provided by the Municipality and rates on properties. Tariffs may be calculated in various ways, dependent upon the nature of the service being provided. Tariffs may be set in such a manner so as to recover the full cost of the service being provided or to recover a portion of those costs.
- (b) The same principles stipulated in this policy will unilaterally apply in Trading-, Economical-, Subsidised and Community Services.

20 Adjustments of services

Where incorrect debits were raised regarding service charges, the accounts under query will be rectified for the year in which the error was found or reported, and two preceding years. The Municipal Manager may extend the period of corrections in cases of incorrect debits due to administrative errors.

21. Conflict

In the event of an inconsistency between the English, Afrikaans or Xhosa text, the English text shall prevail.

22 Commencement

This policy will come into effect on 1 July 2014

DOCUMENT AND VERSION CONTROL

Version: **Revision 10**

Date: **May 2014**

Summary: This document describes the Tariff Policy that will be applicable to the Mossel Bay Municipality, with effect from

1 July 2014

Signature: _____ Date: _____

Municipal Manager
(Accounting Officer)

Signature: _____ Date: _____

Executive Mayor

MATZIKAMA MUNICIPALITY

**BY-LAW REGARDING THE MANAGEMENT AND ADMINISTRATION OF
MUNICIPAL IMMOVABLE PROPERTY USED FOR SOCIAL CARE****1. INTRODUCTION/AIM**

To regulate the letting (making available/use/control/management) and alienation of immovable property of Matzikama Municipality that is used for providing social care, and to establish application procedures, criteria and conditions for regulating, managing and coordinating the development and facilitation of appropriate private/public partnerships regarding the properties concerned.

2. DEFINITION OF TERMS

- 2.1 **General upkeep** includes everything that is excluded under "maintenance".
- 2.2 **Property** refers to the plot or part thereof, the buildings or the infrastructure that is being used and that is provided by the Municipality, and/or the buildings or infrastructure provided by the institution.
- 2.3 **Long-term letting** refers to continuous letting to the same institution or person for a maximum of 3 (three) years.
- 2.4 **Matzikama Municipality** refers to the Matzikama Municipality as proclaimed in Provincial Gazette No. 481 of 2000, as amended. **Municipality** carries the same meaning.
- 2.5 **Minimum fair market-related letting value** is the amount determined by a registered estate agent or property evaluator, unless the department can determine this amount by referring to similar values obtained during the preceding 18 (eighteen) months or unless the council makes a different decision in this regard.
- 2.6 **Minimum fair market-related selling value** is the amount determined by the municipal evaluator, unless the department can determine this amount by referring to similar values obtained during the preceding 18 (eighteen) months or unless the council makes a different decision in this regard.
- 2.7 **Maintenance** refers to the repairing of defects in a building that have developed because of age and/or features that do not function anymore; the term excludes damage to buildings and infrastructure as well as cleaning and painting of buildings.
- 2.8 **Privately funded institution(s)** refers to institutions that generate the largest part of their income by means of contributions from parents, fund raising, private donations, etc., unless the lease agreement between the parties concerned determines otherwise.
- 2.9 **Council** refers to the elected members of Matzikama Municipality and/or tender evaluation committees and/or the accounting officer, as determined and defined in relevant legislation.
- 2.10 **The right to use, control or manage** has the same meaning as set out in the relevant legislation.
- 2.11 **Social care** refers to services delivered to the community to stimulate training and social development and to provide security and food, as well as services delivered by registered welfare, charity, non-profit, cultural and religious organisations.
- 2.12 **State-subsidised institution(s)** refers to institutions that obtain the largest part of their income in the form of allocations and allowances from a governmental department.
- 2.13 **Relevant legislation** refers to the Local Government: Municipal Finance Management Act of 2003, Asset Transfer Regulations of 2008 and the assets management policy and supply chain management policy and relevant by-laws of Matzikama Municipality.
- 2.14 **Exceptional cases** is where the Municipality is of the opinion that public competition will not serve a useful purpose or will not be in the interests of the community and the Municipality, where motivation for this opinion agrees with the stipulations set out in relevant legislation and where such opinion does not conflict with any other stipulation of this by-law.

In this by-law, unless the content indicates otherwise, each word or expression to which a meaning has been linked in terms of the relevant legislation carries the meaning of such legislation read together with the content of this document.

3. GENERAL PRINCIPLES AND MANAGEMENT RULES

- 3.1 The council may use, profit from, alienate, make available or rent out any immovable property owned by the Municipality or allow it to be built upon, occupied, fenced off or cultivated, unless the Municipality is prevented from doing so by legislation or by the conditions under which the Municipality acquired such immovable property.
- 3.2 The Municipality's immovable property must be inspected at regular intervals to ensure that the terms and conditions of the sale or lease agreement are complied with.
- 3.3 In exceptional cases immovable property may be let by private treaty to existing users who have been using the property concerned for social care with the Municipality's consent for five years or longer.
- 3.4 When a lease agreement with existing lessees regarding municipal immovable property that is used for social care expires, and such lease agreement was an exceptional case, it may be renewed according to the stipulations of the existing conditions of lease.
- 3.5 Immovable property that has been used for social care for 5 (five) years may be sold by private treaty as an exceptional case. In such cases the council must minute in full the reasons why the property will be or was sold by private treaty.
- 3.6 The long-term letting of public open spaces will be subject to the following conditions, and the accompanying costs will be for the account of the prospective lessee:
 - (i) approval of closing, application for change in land use, etc. to the Municipality's satisfaction;
 - (ii) re-laying or installation of services as may be required, and
 - (iii) protection or registration of servitudes.

4. APPLICATION PROCESS AND CONDITIONS FOR THE RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL PROPERTY FOR A PERIOD SHORTER THAN A CALENDAR MONTH

- 4.1 A written application, under the institution's letterhead, that covers or addresses the following matters sufficiently must be submitted for consideration at least 4 (four) weeks before the commencement date:

the proposed property (plot number or clear site address), proposed period (dates and times), expected number of persons involved, an area with enough parking spaces, water supply point and source (including potable water), approved measures for waste removal and electricity supply (power generator excluded) and proof of payment of the amount approved in the financial budget.

- 4.2 As requested, the period for submission of the required written approval is excluded from the period referred to in 4.1.
- 4.3 Upon completion of a full investigation and if the application is approved, the applicant will be issued with a written communication containing the following conditions, too:
 - 4.3.1 The responsibility for providing sufficient services (such as waste removal, water, electricity and ablution facilities) will rest on the applicant. Applicants may arrange for services to be provided against their account with the Municipality, if it is available.
 - 4.3.2 The applicant must pay the deposit, if required, for the provision of services by the Municipality at least 24 (twenty-four) hours before the commencement of the period concerned. Payment must be done at the Municipality and the receipt supplied to the department concerned. The actual cost of the services used must be paid within 7 (seven) days after the period concerned has expired.
 - 4.3.3 The applicant must return the property in its original state on the agreed-upon date.
 - 4.3.4 The applicant or institution must indemnify the Municipality against any damages and claims.
 - 4.3.5 The applicant undertakes to compensate the Municipality for damages to municipal property, whatever the circumstances leading up to it.
- 4.4 No further consent will be granted for an institution or person to use council property before the conditions set out in the notice of approval for a previous use (occasion) have been fulfilled.

5. GENERAL CONDITIONS TO BE INCLUDED IN LEASE AGREEMENTS

- 5.1 The maximum lease period is 3 (three) years, with an option to renew the lease for a further period provided that a written application to that effect be considered before the lease period expires.
- 5.2 The rent is payable monthly and will escalate annually according to the formula $CPI + 2\%$ and/or as approved in the Municipality's financial budget.
- 5.3 The rent will escalate yearly on 1 July and the increased amount will be stated in an annexure to the existing lease agreement.
- 5.4 In addition to the rent, the lessee will also be responsible for taxes and for service, insurance and security fees unless the lease agreement stipulates otherwise.
- 5.5 Audited financial statements of the lessee, showing their sources of income as well as their profits or losses for the preceding year, must be submitted at the Municipality – initially with the signed lease agreement, and subsequently no later than 1 July until the agreement is terminated.
- 5.6 The lessee may sublet, cede or assign no immovable property without obtaining the Municipality's consent beforehand.
- 5.7 The lessee must indemnify the Municipality against any possible damages and claims arising from the letting or use of the immovable property.
- 5.8 The property may be used only for the purposes for which it is let and according to the zoning scheme regulation, unless written consent for deviation has been obtained beforehand.
- 5.9 Municipal officers have the right to enter the immovable property and inspect it at reasonable hours.
- 5.10 Improvements made by the lessee that the Municipality wants to keep will revert without compensation to the Municipality upon the termination of the lease period, unless the lease agreement stipulates otherwise.
- 5.11 The lessee will be responsible for the general upkeep of the property, and the lessor for maintenance.
- 5.12 Changes to the building and the installation of communications infrastructure, air-conditioning, security lighting, etc. are for the lessee's account and will be regarded as improvements that may be effected only upon receipt of written approval beforehand.
- 5.13 Development must commence within 3 (three) months, or such longer period as agreed upon in writing, from the date on which the lease agreement was signed, otherwise the agreement will be terminated.
- 5.14 A lease agreement must be signed by the lessee (written delegate) within 30 (thirty) days after the Municipality has served it on the social care provider for signing. Should the lessee fail to comply with this request, approval for the letting of the property will lapse.
- 5.15 The responsibility to supply sufficient services (such as waste removal, water, electricity and ablution facilities) will rest on the applicant.
- 5.16 Municipal property is let in its state as is (voetstoots), and the cost of any upgrading or installation of infrastructure will be for the new lessee's account.

6. GENERAL CONDITIONS TO BE INCLUDED IN AGREEMENTS OF SALE

- 6.1 The applicant must cover all costs regarding a transaction of sale – which includes legal costs, surveying, closing of public open spaces, obtaining environmental approvals, removing of title restrictions, re-zoning, subdivision, consolidations, advertising, re-laying and/or the installation of services and the registration of plot or servitudes – unless the agreement of sale stipulates otherwise.
- 6.2 No agreement of sale will be drawn up and submitted for signing before the prospective buyer has confirmed in writing that he or she is willing to pay all expenses and the statutory requirements have been fulfilled. A deposit for covering the expenses may also be required upon the signing of the agreement of sale.
- 6.3 A servitude regarding municipal services in favour of the Municipality must be protected by registering such servitude.
- 6.4 A reverting and a building clause must be included in the agreement of sale and the title deed.
- 6.5 Unless advance consent has been obtained, immovable property may be used only for the purposes approved in terms of the zoning scheme regulations.

- 6.6 An agreement of sale must be signed within 30 (thirty) days after an official request from the Municipality; failure to comply with this will result in the expiry of the approval of sale.
- 6.7 Registration of the property must occur within 4 (four) months after the last party signed the agreement of sale, unless otherwise agreed upon consideration of a written motivation from the conveyancers.
- 6.8 A suspensive clause regarding the period within which registration must occur will be contained in all transactions in the sales agreement that are subject to the approval of a re-zoning, subdivision, consolidation, removal of title restriction, closing of public open space, environmental approval, etc.
- 6.9 The immovable property must be sold at the minimum fair market-related selling value, unless the council decides otherwise and the motivation for such decision is minuted.
- 6.10 Immovable property may be sold by private treaty to other spheres of government and other local authorities in accordance with the stipulations of relevant legislation. All such transactions regarding immovable property must be considered with reference to market value, except in cases where immovable property is acquired with the aim to develop a less formal urban area and such urban area has to be conveyed to the Municipality later on, or where the aim of selling the property to the former is specifically to deliver a service in the Matzikama municipal area as set out in the Constitution of South Africa.
- 6.11 Any other conditions as determined by the council.

7. REVOCATION OF BY-LAWS

The stipulations of a pre-existing by-law of this Municipality or any municipal areas that were abolished and have been transformed to this Municipality regarding any aspect stipulated in this by-law are hereby revoked.

8. SHORT TITLE AND EFFECTIVE DATE

This by-law may be cited as the By-law Regarding the Management and Administration of Municipal Immovable Property Used for Social Care, and will come into effect upon publication in the Provincial Gazette.

3 October 2014

51670

MATZIKAMA MUNISIPALITEIT

VERORDENINGE INSAKE DIE BESTUUR EN ADMINISTRASIE VAN MUNISIPALE ONROERENDE EIENDOM WAT VIR SOSIALE SORG AANGEWEND WORD

1. INLEIDING/DOEL

Om die verhuring (besikbaarheidstelling/gebruik/beheer/bestuur) en vervreemding van Matzikama Munisipaliteit se onroerende eiendom wat vir die lewering van sosiale sorg aangewend word, te reguleer en aansoekprosesse, kriteria en voorwaardes daar te stel vir die regulering, bestuur en koördinerings om toepaslike privaat/openbare vennootskappe ten opsigte van die betrokke eiendomme te ontwikkel en te fasiliteer.

2. WOORDOMSKRYWINGS

- 2.1 **Algemene instandhouding** sluit alles in wat by “onderhoud” uitgesluit is.
- 2.2 **Eiendom** beteken die gedeelte van die erf/erf wat aangewend word/geboue/infrastruktuur deur die Munisipaliteit opgerig en/of die geboue/infrastruktuur wat deur die instansie opgerig is.
- 2.3 **Langtermynverhuring** beteken aaneenlopende verhuring aan dieselfde instansie/persoon vir 'n maksimum tydperk van 3 (drie) jaar.
- 2.4 **Matzikama Munisipaliteit** beteken die Matzikama Munisipaliteit soos geproklameer in Provinsiale Koerant No. 481 van 2000, soos gewysig. Munisipaliteit het dieselfde betekenis.
- 2.5 **Minimum billike markverwante huurwaarde** word geag die bedrag soos deur 'n geregistreerde eiendomsagent of evalueerder, bepaal, tensy dit departementeel ooreenkomstig soortgelyke waardes wat gedurende die voorafgaande 18 (agtien) maande ingewin is, bepaal kan word of 'n ander besluit in die verband deur die raad geneem word.
- 2.6 **Minimum billike markverwante verkoopswaarde** is die bedrag wat deur die munisipale waardeerder bepaal word, tensy dit departementeel ooreenkomstig soortgelyke waardes wat gedurende die voorafgaande 18 (agtien) maande ingewin is, bepaal kan word of 'n ander besluit in die verband deur die raad geneem word.
- 2.7 **Onderhoud** beteken die regmaak van gebreke aan 'n gebou wat weens ouderdom ontstaan het en/of nie meer funksioneer nie, maar sluit nie beskadiging van geboue en infrastruktuur in nie en ook nie die skoonmaak en verf van geboue in nie.
- 2.8 **Privaat gefinansierde instansie/s** beteken die grootste bron van inkomste word deur die instansie gegeneer deur ouer bydraes, fondsin-samelings, privaat skenkings, ensovoorts tensy anders in die huurooreenkoms tussen die betrokke partye ooreengekom word.
- 2.9 **Raad** beteken die verkose lede van Matzikama Munisipaliteit en/of bodbeoordelingskomitees en/of die rekenpligtige beampste, soos in toepaslike wetgewing bepaal en gedefinieer.
- 2.10 **Reg om te gebruik, beheer of te bestuur** het dieselfde betekenis as uiteengesit in die toepaslike wetgewing.
- 2.11 **Sosiale sorg** beteken dienste wat aan die gemeenskap gelewer word om opleiding en sosiale ontwikkeling te stimuleer, sekuriteit en voedsel te bied asook dienste wat deur geregistreerde welsyns-, liefdadigheids-, nie-winsgewende-, kulturele- en godsdienstige organisasies voorsien word.
- 2.12 **Staatsgesubsidieerde instansie/s** beteken die grootste bron van inkomste van die instansie word gegeneer deur toekennings- en toelaes van een of ander staatsdepartement.
- 2.13 **Toepaslike wetgewing** beteken die Plaaslike Regering: Munisipale Finansiële Bestuurswet, 2003, “Asset Transfer Regulations”, 2008 en Bate bestuurbeleid en Voorsieningskanaalbestuursbeleid en toepaslike verordeninge van Matzikama Munisipaliteit.
- 2.14 **Uitsonderlike gevalle** is waar die Munisipaliteit van mening is dat openbare mededinging nie 'n nuttige doel sal dien of in die belang van die gemeenskap en die Munisipaliteit is nie, waar motivering hiervoor ooreenstem met die bepalinge soos in toepaslike wetgewing uiteengesit en waar dit nie in konflik met enige bepaling van hierdie verordening is nie.

In hierdie verordening, tensy die inhoud anders weergee, het elke woord of uitdrukking waaraan 'n bedoeling in terme van die toepaslike wetgewing gekoppel is, die bedoeling van laasgenoemde saamgelees met hierdie die inhoud van hierdie dokument.

3. ALGEMENE BEGINSELS EN BESTUURSREËLS

- 3.1 Die raad kan enige onroerende eiendom wat deur die Munisipaliteit besit word, gebruik, voordeel daaruit trek, vervreem, beskikbaarstel, verhuur of toelaat dat daarop gebou word, dit geokkuper word, omhein of bewerk word, tensy die Munisipaliteit belet word om dit te doen deur wetgewing of die voorwaardes waar kragtens sodanige onroerende eiendom deur die Munisipaliteit aangeskaf is.
- 3.2 Die Munisipaliteit se onroerende eiendom moet met gereëldde tussenposes geïnspekteer word om nakoming van die terme en voorwaardes van die verkoop- of verhuurooreenkoms te verseker.
- 3.3 Onroerende eiendom mag in uitsonderlike gevalle uit die hand aan bestaande gebruikers wat die betrokke eiendom reeds vyf jaar of langer met toestemming van die Munisipaliteit vir sosiale sorg aangewend het, verhuur word.
- 3.4 Huurooreenkoms met bestaande huurders van munisipale onroerende eiendom wat vir sosiale sorg aangewend word, wat verstryk en 'n uitsonderlike geval is, kan ooreenkomstig die bepalings van die bestaande huurvoorwaardes hernu word.
- 3.5 Onroerende eiendom wat reeds vir meer as 5 jaar vir sosiale sorg aangewend word kan uit die hand as 'n uitsonderlike geval verkoop word. In laasgenoemde geval moet die Raad die redes waarom die eiendom uit-die-hand verkoop word, volledig notuleer.
- 3.6 Die langtermynverhuring van openbare oop ruimtes sal onderhewig wees aan die volgende en die kostes sal vir die rekening van die voornemende huurder wees:
 - (i) goedkeuring van sluiting, grondgebruikveranderingsaansoek, ens. tot die Munisipaliteit se bevrediging.
 - (ii) die herlê of installering van dienste, soos vereis word.
 - (iii) beskerming/registrasie van serwitute.

4. AANSOEKPROSES EN VOORWAARDES VIR DIE REG OM MUNISIPALE EIENDOM TE GEBRUIK, TE BEHEER OF TE BESTUUR VIR 'N TYDPERK KORTER AS 'N KALENDER MAAND

- 4.1 'n Skriftelike aansoek, op die instansie se briefhoof, wat die volgende voldoende bevat/aanspreek moet 'n minimum van 4 (vier) weke voor die aanvangsdatum vir oorweging ingedien word:

Voorgestelde eiendom (eiendomsnommer/duidelike liggingsadres), voorgestelde tydperk (datums en tye), aantal verwagte betrokkenes, area met voldoende parkeerruimtes, watervoorsieningspunt en -bron (ook drinkwater), goedgekeurde vullisverwydering- en elektrisiteitsvoorsieningsmaatreëls (kragopwekker uitgesluit) en bewys van betaling van die bedrag soos in die finansiële begroting goedgekeur.
- 4.2 Die tydperk vir die indiening van vereiste skriftelike goedkeurings, soos versoek, is uitgesluit by die tydperk vervat in 4.1.
- 4.3 'n Skrywe waarin ook die volgende voorwaardes vervat word sal aan die aansoeker uitgereik word, na die volledige ondersoek gedoen is en indien die aansoek goedgekeur word:
 - 4.3.1 Die verskaffing van voldoende dienste (soos vullisverwydering, water, elektrisiteit, ablusie geriewe, ens.) sal die applikant se verantwoordelikheid wees. Die applikant kan vir sy/haar rekening met die Munisipaliteit reël vir die voorsiening daarvan, indien dit beskikbaar is;
 - 4.3.2 Die applikant sal die deposito vir die voorsiening van die dienste deur die Munisipaliteit ten minste 24 (vier-en-twintig) uur voor die in aanvangsneem van die betrokke tydperk, waar nodig, by die Munisipaliteit inbetaal en die kwitansie aan die betrokke departement voorsien. Die werklike kostes vir die gebruik van die dienste sal binne 7 (sewe) dae na afloop van die betrokke tydperk betaal word.
 - 4.3.3 Die applikant sal die eiendom, soos op die datum waarop ooreengekom word, in sy oorspronklike toestand terug besorg;
 - 4.3.4 Die applikant/instansie sal die Munisipaliteit vrywaar teen enige skade en eise;
 - 4.3.5 Die applikant onderneem om die Munisipaliteit vir skade aangerig aan munisipale eiendom, wat uit welke omstandighede ookal mag ontstaan, te vergoed.
- 4.4 Geen verdere toestemming van die gebruik deur die instansie/persoon van raadseiendom sal goedgekeur word alvorens aan die voorwaardes in die toestemmingskrywe vir die afgelope gebruik (samekoms) voldoen is nie.

5. ALGEMENE VOORWAARDES WAT IN HUUROOREENKOMSTE VERVAT MOET WORD

- 5.1 'n Maksimum huurtermyn van 3 (drie) jaar met die opsie om die termyn vir 'n verdere tydperk te verleng nadat 'n skriftelike aansoek in die verband, voor die verstryking van die huurtydperk, oorweeg is.
- 5.2 Maandelikse huurbedrae, wat jaarliks sal eskaleer op die basis van VPI + 2% en/of soos in die munisipale finansiële begroting goedgekeur word, sal betaalbaar wees.
- 5.3 Die huurbedrag sal jaarliks op 1 Julie eskaleer en die verhoogde bedrag sal met 'n addendum aan die bestaande huurooreenkoms gevoeg word.
- 5.4 Die huurders sal addisioneel tot die huurbedrag ook verantwoordelik wees vir die betaling van belastings-, dienste, versekerings- en sekuriteitsgelde tensy anders in die huurooreenkoms ooreengekom.
- 5.5 Geouditeurde finansiële state van die huurders waarin die inkomstebronne asook die wins/verlies vir die voorafgaande jaar getoon word moet aanvanklik saam met die getekende huurooreenkoms en daarna jaarliks nie later nie as 1 Julie by die Munisipaliteit ingedien word tot die ooreenkoms beëindig word.
- 5.6 Geen onroerende eiendom mag deur die huurders onderverhuur, gesedeer of toegewys word sonder die voorafverkreë toestemming van die Munisipaliteit nie.
- 5.7 Die huurders moet die Munisipaliteit vrywaar teen enige moontlike skade en eise voortspruitend uit die verhuring of gebruik van die onroerende eiendom.
- 5.8 Die eiendom mag slegs gebruik vir die doeleindes waarvoor dit verhuur is en ooreenkomstig die soneringskema regulasies, tensy vooraf skriftelike toestemming om af te wyk, verkry is.

- 5.9 Beamptes van die Munisipaliteit het die reg om binne redelike tye die onroerende eiendom te betree en dit te inspekter.
- 5.10 Verbeterings wat deur die huurders aangebly word en wat die Munisipaliteit wil behou, sal sonder vergoeding na die Munisipaliteit terugval wanneer die huurtermyn beëindig word, tensy anders ooreengekom in die huurooreenkoms.
- 5.11 Die huurders sal verantwoordelik wees vir algemene instandhouding van die eiendom en die verhuurder vir die onderhoud.
- 5.12 In terme van veranderings van die gebou, installasie van kommunikasie-infrastruktuur, lugversorgers, veiligheidsligte, ensovoorts is vir die rekening van die huurders en word as verbeterings geag wat slegs met vooraf skriftelike goedkeuring aangebly mag word.
- 5.13 Ontwikkeling moet binne drie maande, of sodanige langer tydperk waartoe skriftelik ooreengekom word, vanaf die datum waarop die huurooreenkoms onderteken is in aanvang neem, indien nie, word die ooreenkoms beëindig.
- 5.14 'n Huurooreenkoms moet deur die huurder (skriftelike afgevaardigde) onderteken word binne 30 (dertig) dae nadat die Munisipaliteit dit op die sosiale sorgleweringsorganisasie vir ondertekening bedien het. Indien versuim word om aan versoek te voldoen sal die goedkeuring vir die huur van die eiendom verval.
- 5.15 Die verskaffing van voldoende dienste (soos vullisverwydering, water, elektrisiteit, ablusie geriewe, ens.) sal die applikant se verantwoordelikheid wees.
- 5.16 Munisipale eiendom word in die toestand waarin dit is (voetstoots) huur en kostes vir enige opgradering van infrastruktuur en installasie daarvan sal vir die rekening van die nuwe huurder wees.

6. ALGEMENE VOORWAARDES WAT IN VERKOOPPOOREENKOMSTE VERVAT MOET WORD

- 6.1 Alle koste met betrekking tot 'n kooptransaksie, wat insluit regskostes, opmeting, sluiting van publieke oopruimtes, omgewingsgoedkeurings, opheffing van titelbeperkings, hersonering, onderverdeling, konsolidasies, advertering, herlê en/of installasie van dienste, registrasie van erf/serwitute, ensovoorts, moet deur 'n applikant gedra word, tensy anders in die kooppooreenkoms, ooreengekom.
- 6.2 Geen kooppooreenkoms sal opgestel en vir ondertekening voorgelê word voordat die voornemende koper skriftelik bevestig dat hy/sy bereid is om alle onkoste te betaal nie en die statutêre vereistes nagekom is nie. 'n Deposito om die uitgawes te dek, mag ook met die ondertekening van die kooppooreenkoms, vereis word.
- 6.3 'n Serwituu ten opsigte van munisipale dienste ten gunste van die Munisipaliteit moet by wyse van die registrasie daarvan beskerm word.
- 6.4 'n Terugval- en bouklousule moet in die verkooppooreenkoms en titelakte ingesluit word.
- 6.5 Behalwe met vooraf toestemming mag onroerende eiendom slegs gebruik word vir die goedgekeurde aanwending in terme van die Soneeringskema regulasies.
- 6.6 'n Verkoopsooreenkoms moet binne 30 (dertig) dae vanaf datum van 'n amptelike versoek van die Munisipaliteit, onderteken word; versuim om hieraan te voldoen sal meebring dat die verkoopsgoedkeuring verval.
- 6.7 Registrasie van die eiendom moet binne 4 (vier) maande na ondertekening deur die laaste party op die kooppooreenkoms, geskied tensy anders ooreengekom nadat die skriftelike motivering van die aktebesorgers oorweeg is.
- 6.8 'n Opskortende voorwaarde ten opsigte van die tydperk waarbinne registrasie moet plaasvind sal op alle transaksies wat onderhewig is aan die goedkeuring van 'n hersonering, onderverdeling, konsolidasie, opheffing van titelbeperking, sluiting van publieke oopruimte, omgewingsgoedkeuring ens, in die kooppooreenkoms vervat word.
- 6.9 Die onroerende eiendom sal teen die minimum billike markverwante verkoops waarde verkoop word, tensy anders deur die Raad besluit en die motiveringredes daarvoor genotuleer is.
- 6.10 Onroerende eiendom mag aan ander sferre van regering en ander plaaslike owerhede uit die hand verkoop word ooreenkomstig die bepalinge van toepaslike wetgewing. Alle sodanige onroerende eiendomstransaksies moet op 'n markwaarde grondslag oorweeg word, behalwe in gevalle waar onroerende eiendom aangeskaf word vir die ontwikkeling van 'n minder formele dorpsgebied en sodanige dorpsgebied weer later na die Munisipaliteit getranspoteer moet word of die aankoop van die eiendom deur eersgenoemde spesifiek daarop gerig is om 'n diens, soos in die Grondwet van Suid-Afrika uiteengesit is, in Matzikama Munisipale area te lewer.
- 6.11 Enige ander voorwaardes soos deur die Raad besluit.

7. HERROEPING VAN VERORDENINGE

Die bepalinge van 'n vorige verordening deur hierdie munisipaliteit of enige van die afgeskafte munisipale areas wat nou na hierdie munisipaliteit getranspoteer is word hiermee herroep ten opsigte van enige aspekte in hierdie verordening gestipuleer.

8. KORT TITEL EN INWERKINGTREDING

Hierdie verordening kan aangehaal word as Verordening insake die bestuur en administrasie van Munisipale Onroerende Eiendom wat vir Sosial sorg aangewend word, en tree inwerking by publikasie in die Provinsiale Koerant.

OVERSTRAND MUNICIPALITY
(Hangklip-Kleinmond Administration)

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)
PROPOSED DEPARTURE OF LAND USE RESTRICTION: ERF 4437, KLEINMOND**

Notice is hereby given in terms of section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the Municipal offices, 37 Fifth Avenue, Kleinmond, during office hours (Enquiries: P Bezuidenhout, tel. (028) 271 8407, fax (028) 271 8428, e-mail fbezuidenhout@overstrand.gov.za), and at the office of the Director, Land Management: Region 2, Provincial Government of the Western Cape, Room 606, 1 Dorp Street, Cape Town, from 08:00–12:30 and 13:00–15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at tel. (021) 483 5834 and fax (021) 483 3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director, Land Management: Region 2, Private Bag X9086, Cape Town, 8000, with a copy to the above-mentioned local authority (Private Bag X3, Kleinmond, 7195), before or on **Friday, 26 September 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Applicant: JP Schronen

Nature of application: Removal of a restrictive title condition applicable to Erf 4437, Second Avenue, Kleinmond, in order to legalise the street building line encroachments of the existing dwelling-house and garage and to enable the owner to convert the garage into a bedroom.

Notice is also hereby given in terms of section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), that an application for a departure of the street building line restriction has been received in order to legalise the encroachments of the existing dwelling-house and garage and to enable the owner to convert the garage into a bedroom.

Further details are available for inspection during office hours at the Municipal offices, 37 Fifth Avenue, Kleinmond. (Enquiries: P Bezuidenhout, tel. (028) 271 8407, fax (028) 271 8428, e-mail fbezuidenhout@overstrand.gov.za). Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, Private Bag X3, Kleinmond, 7195, before or on **Friday, 26 September 2014**.

In addition, notice is also hereby given in terms of section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) that persons who cannot write may approach the above-mentioned offices, during office hours, where they will be assisted to put their comments or objections in writing.

C GROENEWALD, MUNICIPAL MANAGER, PO Box 26, GANSBAAI 7220

Notice no 023–2014

3 October 2014

51684

OVERSTRAND MUNISIPALITEIT
(Hangklip-Kleinmond Administrasie)

**WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)
VOORGESTELDE AFWYKING VAN GRONDGEBRUIKBEPERKING: ERF 4437, KLEINMOND**

Kennis geskied hiermee ingevolge artikel 3(6) van bogenoemde Wet dat die onderstaande aansoek ontvang is en ter insae lê by die Munisipale kantore, Vyfdelaan 37, Kleinmond, gedurende kantoorure (navrae: P Bezuidenhout, tel. (028) 271 8407, faks (028) 271 8428, e-pos fbezuidenhout@overstrand.gov.za), en by die Kantoor van die Direkteur, Grondbestuur: Streek 2, Provinsiale Regering van die Wes-Kaap, Kamer 606, Dorpstraat 1, Kaapstad, vanaf 08:00–12:30 en 13:00–15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan tel. (021) 483 5834 en faks (021) 483 3098. Enige besware, met volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur, Grondbestuur: Streek 2, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die bogenoemde plaaslike owerheid (Privaatsak X3, Kleinmond, 7195), voor of op **Vrydag, 26 September 2014**, ingedien word, met vermelding van bogenoemde Wet en die beswaarmaker se erfnummer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Aansoeker: JP Schronen

Aard van aansoek: Opheffing van 'n beperkende titelvoorwaarde van toepassing op Erf 4437, Tweedelaan, Kleinmond, ten einde die straatboulyn oorskryding van die bestaande woonhuis en motorhuis te wettig en die eienaar in staat te stel om die motorhuis in 'n slaapkamer te omskep.

Kennis geskied ook hiermee, ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek om afwyking van die straatboulynbeperking ontvang is ten einde die oorskryding van die bestaande woonhuis en motorhuis te wettig en die eienaar in staat te stel om die motorhuis in 'n slaapkamer te omskep.

Nadere besonderhede lê ter insae by die Munisipale kantore, Vyfdelaan 37, Kleinmond, gedurende kantoorure. (Navrae: P Bezuidenhout, tel 028 271 8407, faks 028 271 8428, e-pos fbezuidenhout@overstrand.gov.za). Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Privaatsak X3, Kleinmond, 7195, voor of op **Vrydag, 26 September 2014** ingedien word.

Kennis geskied verder ingevolge artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) dat persone wat nie kan skryf nie bogenoemde kantore, tydens kantoorure, kan nader waar hulle gehelp sal word om hul kommentaar of versoë op skrif te stel.

C GROENEWALD, MUNISIPALE BESTUURDER, Posbus 26, GANSBAAI 7220

Kennisgewing nr 023–2014

3 Oktober 2014

51684

UMASIPALA WASE-OVERSTRAND
(Kwii-Ofisi ZoLawulo ZaseHangklip NaseKleinmond)

**UMTHETHO WOKUSUSA IZITHINTELO, 1967 (UMTHETHO 84 KA-1967)
INGCABANGO OKANYE INDLELA YO KUSETYENZISWA KOMHLABA NGOKOMLINGANISELO:
KWISIZA 4437, EKLEINMOND**

Apha kukhutshwa isaziso, ngokwemiqathango yecandelo 3(6) lalo Mthetho ukhankanywe phantsi kwesicelo, esiye safunyanwa, kwavulwa ukuba singakhangelwa okanye sihlolwe kwiOfisi kaMasipala, 37 Fifth Avenue, Kleinmond ngexesha lomsebenzi (Imibuzo: P Bezuidenhout, imfonomfono (028) 271 8407, fekisi (028) 271 8428, i-imeyile fbezuidenhout@overstrand.gov.za) nakwinkatolo zoMphathi, UManejala womhlaba: kwiNgingqi yesibini ,kwiSithili soRhulumente weKapa,kwiNdlu 606, kwiSitalato sedolophu ekunombolo yokuqala, eKapa, ngentsimbi yesibhozo ukuya kwintsimbi yecala emva kweyeshumi elinesibini nangentsimbi yokuqala ukuya kweyecala emva kweyesithathu emva kwemini (uMvulo ukuya ngoLwesihlanu.) Imibuzo ngomxeba ephathelele kulo mba ingenziwa ngokutsalela kwa-(021) 483 5834 inombolo yefeksi ngu (021) 483 3098. Naziphi na izikhalazo, ezinezizathu ezigcweleyo,zaziswe ngembalelwano zifakwe kwinkatolo zoMphathi ochazwe ngentla, kwi Manejala yoMhlaba: Ingingqi nombolo yesibini, Private Bag x9066, eKapa 8000, nekopi eya kosamagunyeni ochazwe ngentla (Private Bag X3, Kleinmond, 7195) phambi okanye **ngoLwesihlanu umhla wamashumi amabini anesithandathu kuSeptemba 2014**, ukuphindwa koMthetho ongentla kunye nomchasi wesiza. Naziphi na izimvo ezithe safika emva kwalo mhla wokuvala ukhankanyiweyo zisenokungahoywa.

Umfakisicelo: JP Schronen

Uhlobo lwesicelo: Ukususwa kwemiqathango yezithintelo zolwakhiwo kwitayitile yesiza 4437, Second Avenue, eKleinmond, ukuze kuvunyelwe ukuguqulwa kwegaraji ngumnini-mhlaba ukuze akhe igumbi lokulala.

Apha kukhutshwa isaziso, ngokwemiqathango yecandelo 15 le-Land Use Planning Ordinance, 1985 (i-Ordinance 15 ka 1985), sokuba isicelo sokususa isithintelo solwakhiwo sifunyenwe ukuze kwenziwe kubesemthethweni ukungananzwa kwezithintelo zolwakhiwo kwindlu elapho negaraji khon 'ukuze umniniso aguqule igaraji ibeligumbi lokulala.

Inkcukacha ezithe vetshe ziyafumaneka kwabo bafuna ukuzihlola ngexesha lomsebenzi kwii-ofisi zikaMasipala, kwa-37 Fifth Avenue, eKleinmond. (Imibuzo mayibhekiswe: kuP Bezuidenhout, kulo mnxeba: (028) 271 8407, ifekisi: (028) 271 8428, i-imeyili: fbezuidenhout@overstrand.gov.za). Ukuba kukho naziphi na izimvo ezichasene noku, kunye nezizathu ezigcweleyo, mazingeniswe ngokubhalela apha: kuManejala kaMasipala, Private Bag X3, Kleinmond, 7195, ngaphambi okanye **ngoLwesihlanu umhla wamashumi ambini anesithandathu kuSeptemba 2014**.

Ukwaleka umsundulo, kwisaziso esikwakhutshwe sanikezwa ngokwemigaqo yomhlathi 21(4) womthetho kaRhulumente wokuhlala; Inkqubo kaMasipala ,2000 (Umthetho 32 ka 2000)) abantu abangakwaziyo ukubhala bangeza kwezi ofisi zikhankanywe ngasentla ngexesha lomsebenzi apho baya kuthi bancedwe ukuze amagqabaza okanye izimvo zabo ezichasene noku zibhalwe phantsi.

C GROENEWALD, UMANEJALA KAMASIPALA, PO BOX 26, GANSBAAI 7220

Isaziso nombolo 023–2014

3 KweyeDwarha 2014

51684

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Notices must reach the Director-General not later than 10:00 on the last working day but one before the issue of the *Gazette*.

Whilst every effort will be made to ensure that notices are published as submitted and on the date desired, the Administration does not accept responsibility for errors, omissions, late publications or failure to publish.

All correspondence must be addressed to the Director-General, PO Box 659, Cape Town 8000, and cheques, bank drafts, postal orders and money orders must be made payable to the Department of the Premier.

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Kennisgewings moet die Direkteur-generaal voor 10:00 op die voorlaaste werksdag voor die uitgawe van die *Koerant* bereik.

Hoewel alle pogings aangewend sal word om te sorg dat kennisgewings soos ingedien en op die vereiste datum gepubliseer word, aanvaar die Administrasie nie verantwoordelikheid vir foute, weglatings, laat publikasies of versuim om dit te publiseer nie.

Alle briefwisseling moet aan die Direkteur-generaal, Posbus 659, Kaapstad 8000, gerig word en tjeks, bankwissels, posorders en poswissels moet aan die Departement van die Premier betaalbaar gemaak word.

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