

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

# Provincial Gazette

# Provinsiale Koerant

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**PROVINCIAL NOTICES**

The following Provincial Notice are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street  
Cape Town.

P.N. 126/2017

15 June 2017

**RECTIFICATION****CITY OF CAPE TOWN (TABLE BAY DISTRICT)****REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)**

Notice is hereby given that the Minister for 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 471, Bantry Bay, remove condition (d)2. and amends condition (f)2. contained in Deed of Transfer No. T. 12250 of 1965 to read as follows:

“That not more than one dwelling be erected on each subdivided portion of Erf 471 without the written consent of the Council of the City of Cape Town and that not more than one half of the area of the lot be built upon.”

P.N. 52/2017 dated 17 February 2017 is hereby cancelled.

**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****BITOU MUNICIPALITY****NOTICE**

Notice is hereby given in terms of Section 6 of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and in terms of Section 6.1.1 of the Memorandum of Agreement for the Eden Joint Municipal Planning Tribunal (MOA), that Bitou Municipality has resolved to withdraw from the Eden Joint Municipal Planning Tribunal as a participating municipality.

Bitou Municipality will remain a member of the Eden Joint Planning Tribunal for a period of six months from 1 April 2017, in accordance to the MOA and the Regulations.

**Notice No 128/2017**

MUNICIPAL MANAGER, Bitou Municipality

15 June 2017

54696

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,  
Waalstraat,  
Kaapstad.

P.K. 126/2017

15 Junie 2017

**REGSTELLING****STAD KAAPSTAD (TAFELBAAI-DISTRIK)****WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)**

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 eienaar van Erf 471, Bantrybaai, hef voorwaarde (d)2. op en wysig voorwaarde (f)2. vervat in Transportakte Nr. T. 12250 van 1965, om soos volg te lees:

“That not more than one dwelling be erected on each subdivided portion of Erf 471 without the written consent of the Council of the City of Cape Town and that not more than one half of the area of the lot be built upon.”

P.K. 52/2017 gedateer 17 Februarie 2017 word hiermee gekanselleer.

**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****BITOU MUNISIPALITEIT****KENNISGEWING**

Kennis word hiermee gegee ingevolge Artikel 6 van die Ruimtelike Beplanning and Grondgebruikbeplanning Bestuurs Regulasies en Algemene Aaangeleenthede, 105 en ingevolge Artikel 6.1.1 van die Samewerkingsooreenkoms van die Eden Gesamentlike Munisipale Beplanningstribunaal, dat Bitou Munisipaliteit besluit het om aan die Gesamentlike Tribunaal te onttrek.

Bitou Munisipaliteit sal lid bly van die Eden Gesamentlike Munisipale Beplanningstribunaal vir 'n periode van ses maande met ingang van 1 April 2017, in ooreenstemming met die Samewerkingsooreenkoms en die Regulasies.

**Kennisgewing Nommer 128/2017**

MUNISIPALE BESTUURDER, Bitou Munisipaliteit

15 Junie 2017

54696

## SWARTLAND MUNICIPALITY

## NOTICE 114/2016/2017

**PROPOSED REMOVAL OF RESTRICTIVE TITLE  
CONDITION, REZONING AND DEPARTURE ON  
ERF 123, YZERFONTEIN**

*Applicant:* Independent Development Solutions, 6 Collings Road, Oostersee, 7500, Tel no. 021-9303723

*Owner:* CCM & IES Wheatley, PO Box 11, Yzerfontein, 7351. Tel no. 022-4512527

*Reference number:* 15/3/3-14/Erf\_123 & 15/3/5-14/Erf\_123 & 15/3/4-14/Erf\_123

*Property Description:* Erf 123, Yzerfontein

*Physical Address:* 48 Buitenkant Street, Yzerfontein

*Detailed description of proposal:* An application for the removal of restrictive title conditions B.1(1) and B.1(3) of Deed of Transfer T89219/2007 on Erf 123, Yzerfontein in terms of section 15(2)(f) of the Swartland Municipality: By-Law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has been received. The purpose of the removal is to do away with the restrictions stating that the erf may only be used for residential purposes with 1 dwelling on it.

An application for the rezoning of Erf 123, Yzerfontein in terms of section 25(2)(a) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has also been received from residential zone 1 to business zone 1 in order to operate shops and offices.

Application for a departure on Erf 123, Yzerfontein in terms of section 25(2)(b) of Swartland Municipality: By-Law on Municipal Land Use Planning (PG 7741 of 3 March 2017) is further made in order to depart from the 3m side building line to 2m (northern boundary) in order to accommodate the existing building according to the new business zone 1 zoning parameters.

Notice is hereby given in terms of section 45(2) of the By-law on Municipal Land Use Planning that the abovementioned application has been received and is available for inspection from Monday to Thursday between 08:00-13:00 and 13:45-17:00 and Friday 08:00-13:00 and 13:45-15:45 at the Department Development Services, office of the Senior Manager: Built Environment, Municipal Office, Church Street, Malmesbury. **Any written comments whether an objection or support may be addressed in terms of section 50 of the said legislation to The Municipal Manager, Private Bag X52, Malmesbury, 7299. Fax - 022-487 9440/e-mail - swartlandmun@swartland.org.za on or before 10 July 2017 at 17:00, quoting your name, address or contact details as well as the preferred method of communication, interest in the application and reasons for comments.** Telephonic enquiries can be made to the town planning division (Alwyn Burger or Herman Olivier) at 022-487 9400. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, 1 Church Street, MALMESBURY, 7300

15 June 2017

54697

## SWARTLAND MUNISIPALITEIT

## KENNISGEWING 114/2016/2017

**VOORGESTELDE OPHEFFING VAN BEPERKENDE TITEL  
VOORWAARDES, HERSONERING EN AFWYKING OP  
ERF 123, YZERFONTEIN**

*Aansoeker:* Independent Development Solutions, Collingsweg 6, Oostersee, 7500. Tel nr 021-9303723

*Eienaar:* CCM & IES Wheatley, Posbus 11, Yzerfontein, 7351. Tel nr 022-4512527

*Verwysingsnommer:* 15/3/3-14/Erf\_123 & 15/3/4-14/Erf\_123 & 15/3/5-14/Erf\_123

*Eiendomsbeskrywing:* Erf 123, Yzerfontein

*Fisiese Adres:* Buitenkantstraat 48, Yzerfontein

*Volledige beskrywing van aansoek:* Aansoek vir die opheffing van beperkende voorwaardes B.1(1) en B.1(3) van Transportakte T89219/2007 op Erf 123, Yzerfontein ingevolge artikel 25(2)(f) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ontvang. Die opheffing het ten doel om weg te doen met die beperkings om die Erf slegs vir residensiële doeleindes met 1 woonhuis te gebruik.

Aansoek vir die hersonering van Erf 123, Yzerfontein ingevolge artikel 25(2)(a) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ook ontvang. Dit word voorgestel dat Erf 123 hersoneer word vanaf residensiële sone 1 na sakesone 1 ten einde winkels en kantore te bedryf.

Aansoek vir afwyking op Erf 123, Yzerfontein ingevolge artikel 25(2)(b) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is verder ontvang. Die afwykings behels die afwyking van die 3m syboullyn na 2m (noordelike grens) ten einde die bestaande gebou te akkommodeer volgens die nuwe sakesone 1 sonering parameters.

Kennis word hiermee gegee ingevolge artikel 45(2) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruiksbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45-17:00 en Vrydag 08:00-13:00 en 13:45-15:45 by Departement Ontwikkelingsdienste, kantoor van die Senior Bestuurder: Bou-Omgewing, Munisipale Kantoor, Kerkstraat, Malmesbury. **Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevolge artikel 50 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299. Faks - 022-487 9440/e-pos - swartlandmun@swartland.org.za gestuur word voor of op 10 Julie 2017 om 17:00. Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandui, sowel as u belang by die aansoek asook redes vir u kommentaar.** Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger of Herman Olivier) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die sluitingsdatum ontvang word weier. Persone wat nie kan skryf nie sal deur 'n munisipale amptenaar bygestaan word om hulle kommentaar op skrif te stel.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Kerkstraat 1, MALMESBURY, 7300

15 Junie 2017

54697

## SWARTLAND MUNICIPALITY

## NOTICE 115/2016/2017

PROPOSED REZONING AND DEPARTURE ON  
ERF 447, KORINGBERG

*Applicant:* CK Rumboll & Vennote, PO Box 211, Malmesbury, 7299.  
Tel no. 022-4821845

*Owner:* AE Ashuro, 29 Riet Street, Koringberg, 7312. Tel no.  
084724974

*Reference number:* 15/3/3-7/Erf\_447 & 15/3/4-7/Erf\_447

*Property Description:* Erf 447, Koringberg

*Physical Address:* 29 Riet Street, Koringberg

*Detailed description of proposal:* An application for the rezoning of Erf 447 (156m<sup>2</sup> in extent), Koringberg in terms of section 25(2)(a) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has been received from residential zone 2 to business zone 2 in order to operate a neighbourhood shop with a flat.

Application for a departure on Erf 447, Koringberg in terms of section 25(2)(b) of Swartland Municipality: By-Law on Municipal Land Use Planning (PG 7741 of 3 March 2017) is also made in order to depart from the 3m side building lines to 1m (eastern and southern boundaries), the 3m rear building line to 1m, as well as the departure of the required 2 on-site parking by only providing 1 of the required parking bays.

Notice is hereby given in terms of section 45(2) of the By-law on Municipal Land Use Planning that the abovementioned application has been received and is available for inspection from Monday to Thursday between 08:00-13:00 and 13:45-17:00 and Friday 08:00-13:00 and 13:45-15:45 at the Department Development Services, office of the Senior Manager: Built Environment, Municipal Office, Church Street, Malmesbury. **Any written comments whether an objection or support may be addressed in terms of section 50 of the said legislation to The Municipal Manager, Private Bag X52, Malmesbury, 7299. Fax - 022-487 9440/e-mail - swartlandmun@swartland.org.za on or before 10 July 2017 at 17:00, quoting your name, address or contact details as well as the preferred method of communication, interest in the application and reasons for comments.** Telephonic enquiries can be made to the town planning division (Alwyn Burger or Herman Olivier) at 022-487 9400. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, 1 Church Street, MALMESBURY, 7300

15 June 2017

54698

## CEDERBERG MUNICIPALITY

## NOTICE

ADOPTION OF THE CEDERBERG MUNICIPAL SPATIAL  
DEVELOPMENT FRAMEWORK

Notice is given in terms of Section 7(3) of the Cederberg Municipal By-laws on Land Use Planning that the Cederberg Municipal Spatial Development Framework for the entire Cederberg area of jurisdiction was adopted by the Cederberg Municipal Council at a Council Meeting held on 30 May 2017 (RB9.I.5/30-05-2017).

MUNICIPAL MANAGER, MUNICIPAL OFFICE, 2A Voortrekker Street, Clanwilliam

15 June 2017

54700

## SWARTLAND MUNISIPALITEIT

## KENNISGEWING 115/2016/2017

VOORGESTELDE HERSONERING EN AFWYKING OP  
ERF 447, KORINGBERG

*Aansoeker:* CK Rumboll & Vennote, Posbus 211, Malmesbury, 7299.  
Tel nr 022-4821845

*Eienaar:* AE Ashuro, Rietstraat 29, Koringberg, 7312. Tel nr 0848724974

*Verwysingsnommer:* 15/3/3-7/Erf\_447 & 15/3/4-7/Erf\_447

*Eiendomsbeskrywing:* Erf 447, Koringberg

*Fisiese Adres:* Rietstraat 29, Koringberg

*Volledige beskrywing van aansoek:* Aansoek vir die hersonering van Erf 447 (groot 156m<sup>2</sup>), Koringberg ingevolge artikel 25(2)(a) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ontvang. Dit word voorgestel dat Erf 447 hersoneer word vanaf residensiële sone 2 na sakesone 2 ten einde 'n buurtwinkel met 'n woonstel te bedryf.

Aansoek vir 'n afwyking op Erf 447, Koringberg ingevolge artikel 25(2)(b) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ook ontvang. Die afwyking behels die afwyking van die 3m syboulyne na 1m (oostelike en suidelike grense), die 3m agterboulyn na 1m, asook die afwyking van die vereiste op-perseel parkering deur slegs 1 van die vereiste 2 op-perseel parkeerplekke te voorsien.

Kennis word hiermee gegee ingevolge artikel 45(2) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruiksbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45-17:00 en Vrydag 08:00-13:00 en 13:45-15:45 by Department Ontwikkelingsdienste, kantoor van die Senior Bestuurder: Bou-Omgewing, Munisipale Kantoor, Kerkstraat, Malmesbury. **Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevolge artikel 50 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299. Faks - 022-487 9440/e-pos - swartlandmun@swartland.org.za gestuur word voor of op 10 Julie om 17:00. Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandu, sowel as u belang by die aansoek asook redes vir u kommentaar.** Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger of Herman Olivier) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die sluitingsdatum ontvang word weier. Persone wat nie kan skryf nie sal deur 'n munisipale amptenaar bygestaan word om hulle kommentaar op skrif te stel.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Kerkstraat 1, MALMESBURY, 7300

15 Junie 2017

54698

## CEDERBERG MUNISIPALITEIT

## KENNISGEWING

AANVAARDING VAN DIE CEDERBERG MUNISIPALE  
RUIMTELIKE ONTWIKKELINGSRAAMWERK

Kennis geskied hiermee ingevolge Artikel 7(3) van die Cederberg Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 7604 van 15 April 2016) dat die Cederberg Munisipale Raad tydens 'n raadsvergadering gehou op 30 Mei 2017 (RB9.I.5/30-05-2017) die Munisipale Ruimtelike Ontwikkelingsraamwerk vir die totale regsgebied van Cederberg aanvaar het.

MUNISIPALE BESTUURDER, MUNISIPALE KANTOOR, Voortrekkerstraat 2A, Clanwilliam

15 Junie 2017

54700

## SWARTLAND MUNICIPALITY

## NOTICE 116/2016/2017

**PROPOSED REMOVAL OF RESTRICTIVE TITLE  
CONDITION AND CONSENT USE ON ERF 1291,  
YZERFONTEIN**

*Applicant:* CK Rumboll & Partners, PO Box 211, Malmesbury, 7299.  
Tel no. 022-4821845

*Owner:* C & B Beukman, PO Box 414, Yzerfontein, 7351.  
Tel no. 0828741566

*Reference number:* 15/3/5-14/Erf\_1291 & 15/3/10-14/Erf\_1291

*Property Description:* Erf 1291, Yzerfontein

*Physical Address:* 5 Dolfyn Avenue, Yzerfontein

*Detailed description of proposal:* An application for the removal of restrictive title condition B(3), C(3), C(7) and C(8) of Deed of Transfer T63728/2015 on Erf 1291, Yzerfontein in terms of section 15(2)(f) of the Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has been received. The purpose of the removal is to do away with the restriction stating that only 1 dwelling is allowed on the erf as well as the building line restrictions to accommodate the double dwelling house.

Application for a consent use in terms of section 15(2)(o) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has also been received for a double dwelling house on Erf 1291, Yzerfontein.

Notice is hereby given in terms of section 45(2) of the By-law on Municipal Land Use Planning that the abovementioned application has been received and is available for inspection from Monday to Thursday between 08:00-13:00 and 13:45-17:00 and Friday 08:00-13:00 and 13:45-15:45 at the Department Development Services, office of the Senior Manager: Built Environment, Municipal Office, Church Street, Malmesbury. **Any written comments whether an objection or support may be addressed in terms of section 50 of the said legislation to The Municipal Manager, Private Bag X52, Malmesbury, 7299. Fax - 022-487 9440/e-mail - swartlandmun@swartland.org.za on or before 10 July 2017 at 17:00, quoting your name, address or contact details as well as the preferred method of communication, interest in the application and reasons for comments.** Telephonic enquiries can be made to the town planning division (Alwyn Burger or Herman Olivier) at 022-487 9400. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, 1 Church Street, MALMESBURY, 7300

15 June 2017

54699

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

**CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015**

Notice is hereby given in terms of the requirements of Section 48(5)(a) of the City of Cape of Cape Town Municipal Planning By-Law, 2015 that the City has on application by the owner of Erven 14 and 556, Parel Vallei, Somerset West, removed a condition as contained in Title Deed No T49669/2015, in respect of Erf 14, Buitenzorg Street, Parel Vallei, Somerset West, in the following manner:

Removed condition: Clause 1.G.(d).

ACHMAT EBRAHIM, CITY MANAGER

15 June 2017

54704

## SWARTLAND MUNISIPALITEIT

## KENNISGEWING 116/2016/2017

**VOORGESTELDE OPHEFFING VAN BEPERKENDE TITEL  
VOORWAARDES EN VERGUNNINGSGEBRUIK OP ERF 1291,  
YZERFONTEIN**

*Aansoeker:* CK Rumboll & Vennote, Posbus 211, Malmesbury, 7299.  
Tel nr 022-4821845

*Eienaar:* C & B Beukman, Posbus 414, Yzerfontein, 7351.  
Tel nr 0828741566

*Verwysingsnommer:* 15/3/5-14/Erf\_1291 & 15/3/10-14/Erf\_1291

*Eiendomsbeskrywing:* Erf 1291, Yzerfontein

*Fisiese Adres:* Dolfynlaan 5, Yzerfontein

*Volledige beskrywing van aansoek:* Aansoek vir die opheffing van beperkende voorwaardes B(3), C(3), C(7) en C(8) van Transportakte T63728/2015 op Erf 1291, Yzerfontein, ingevolge artikel 25(2)(f) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ontvang. Die opheffing het ten doel om weg te doen met die beperking van slegs 1 woonhuis op die erf sowel as die boulynbeperkings om die voorgestelde dubbelwoonhuis te akkommodeer.

Aansoek vir 'n vergunningsgebruik ingevolge artikel 25(2)(o) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) vir 'n dubbelewoonhuis op Erf 1291, Yzerfontein is ook ontvang.

Kennis word hiermee gegee ingevolge artikel 45(2) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruiksbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45-17:00 en Vrydag 08:00-13:00 en 13:45-15:45 by Departement Ontwikkelingsdienste, kantoor van die Senior Bestuurder: Bou-Omgewing, Munisipale Kantoor, Kerkstraat, Malmesbury. **Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevolge artikel 50 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299. Faks - 022-487 9440/e-pos - swartlandmun@swartland.org.za gestuur word voor of op 10 Julie 2017 om 17:00. Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandui, sowel as u belang by die aansoek asook redes vir u kommentaar.** Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger of Herman Olivier) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die sluitingsdatum ontvang word weier. Persone wat nie kan skryf nie sal deur 'n munisipale amptenaar bygestaan word om hulle kommentaar op skrif te stel.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Kerkstraat 1, MALMESBURY, 7300

15 Junie 2017

54699

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

**STAD KAAPSTAD: VERORDENING OP MUNISIPALE  
BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van Artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van 'n aansoek van die eienaar van Erf 14 en 556, Parel Vallei, Somerset-Wes, soos volg 'n voorwaarde opgehef het ten opsigte van Erf 14, Buitenzorgstraat, Parel Vallei, Somerset-Wes, soos vervat in titelakte no. T49669/2015:

Voorwaarde opgehef: Klousule 1.G.(d).

ACHMAT EBRAHIM, STADSBESTUURDER

15 Junie 2017

54704

## SWARTLAND MUNICIPALITY

## NOTICE 118/2016/2017

PROPOSED REZONING AND DEPARTURE ON  
ERF 1818, MALMESBURY

*Applicant:* CK Rumboll & Partners, PO Box 211, Malmesbury, 7299.  
Tel nr. 022-4821845

*Owner:* SKH Beleggings Beperk., PO Box 9, Malmesbury, 7299.  
Tel no. 083 950 7317

*Reference number:* 15/3/3-7/Erf\_1818 & 15/3/4-7/Erf\_1818

*Property Description:* Erf 1818, Malmesbury

*Physical Address:* Situated between Voortrekker Road, Hill and Piet Retief Street, Malmesbury

*Detailed description of proposal:* An application for the rezoning of Erf 1818 (418.7m<sup>2</sup> in extent), Malmesbury in terms of section 25(2)(a) of Swartland Municipality: By-law on Municipal Land Use Planning (PG 7741 of 3 March 2017) has been received from business zone 1 to community zone 2 in order to operate a place of worship.

Application for a departure on Erf 1818, Malmesbury in terms of section 25(2)(b) of Swartland Municipality: By-Law on Municipal Land Use Planning (PG 7741 of 3 March 2017) is also made in order to depart from the required on-site parking by not providing any of the required 30 on site parking bays.

Notice is hereby given in terms of section 45(2) of the By-law on Municipal Land Use Planning that the abovementioned application has been received and is available for inspection from Monday to Thursday between 08:00-13:00 and 13:45-17:00 and Friday 08:00-13:00 and 13:45-15:45 at the Department Development Services, office of the Senior Manager: Built Environment, Municipal Office, Church Street, Malmesbury. **Any written comments whether an objection or support may be addressed in terms of section 50 of the said legislation to The Municipal Manager, Private Bag X52, Malmesbury, 7299/Fax - 022-487 9440/e-mail - swartlandmun@swartland.org.za on or before 17 July 2017 at 17:00, quoting your name, address or contact details as well as the preferred method of communication, interest in the application and reasons for comments.** Telephonic enquiries can be made to the town planning division (Alwyn Burger or Herman Olivier) at 022-487 9400. The Municipality may refuse to accept comment received after the closing date. Any person who cannot write will be assisted by a municipal official by transcribing their comments.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices,  
Private Bag X52, MALMESBURY, 7300

15 June 2017

54701

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015

Notice is hereby given in terms of the requirements of Section 48(5)(a) of the City of Cape of Cape Town Municipal Planning By-Law, 2015 that the City has on application by the owner of Erf 1753, Gordon's Bay, removed conditions as contained in Title Deed No T25573/2016, in respect of Erf 1753, corner of Boundary Road and Sir Lowry's Pass Road, Gordon's Bay, in the following manner:

Removed condition: C(b), C(c), C(d) and Clause D(c)

ACHMAT EBRAHIM, CITY MANAGER

15 June 2017

54705

## SWARTLAND MUNISIPALITEIT

## KENNISGEWING 118/2016/2017

VOORGESTELDE HERSONERING EN AFWYKING OP  
ERF 1818, MALMESBURY

*Aansoeker:* CK Rumboll & Vennote, Posbus 211, Malmesbury, 7299.  
Tel no. 022-4821845

*Eienaar:* SKH Beleggings Beperk, Posbus 9, Malmesbury, 7299.  
Tel no. 0839507317

*Verwysingsnommer:* 15/3/3-8/Erf\_1818 & 15/3/4-8/Erf\_1818

*Eiendomsbeskrywing:* Erf 1818, Malmesbury

*Fisiese Adres:* Geleë tussen Voortrekkerweg, Hill- en Piet Retiefstraat, Malmesbury

*Volledige beskrywing van aansoek:* Aansoek vir die hersonering van Erf 1818 (groot ±418.7m<sup>2</sup>), Malmesbury ingevolge artikel 25(2)(a) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ontvang. Dit word voorgestel dat 'n gedeelte van Erf 1818 hersoneer word vanaf sakesone 1 na gemeenskapsone 2 ten einde 'n plek van aanbidding te bedryf.

Aansoek vir 'n afwyking op Erf 1818, Malmesbury ingevolge artikel 25(2)(b) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning (PG 7741 van 3 Maart 2017) is ook ontvang. Die afwyking behels die afwyking van die vereiste op-perseel parkeering deur geen van die vereiste 30 op-perseel parkeerplekke te voorsien.

Kennis word hiermee gegee ingevolge artikel 45(2) van Swartland Munisipaliteit se Verordening op Munisipale Grondgebruiksbeplanning dat bogenoemde aansoek ontvang is en beskikbaar is vir inspeksie vanaf Maandag tot Donderdag tussen 08:00-13:00 en 13:45-17:00 en Vrydag 08:00-13:00 en 13:45-15:45 by Departement Ontwikkelingsdienste, kantoor van die Senior Bestuurder: Bou-Omgewing, Munisipale Kantoor, Kerkstraat, Malmesbury. **Enige skriftelike kommentaar hetsy 'n beswaar of ondersteuning kan ingevolge artikel 50 van genoemde wetgewing aan Die Munisipale Bestuurder, Privaatsak X52, Malmesbury, 7299/Faks - 022-487 9440/e-pos - swartlandmun@swartland.org.za gestuur word voor of op 17 Julie om 17:00. Die kommentaar moet asseblief u naam, adres en kontakbesonderhede asook die voorkeurwyse waarop daar met u gekommunikeer moet word aandui, sowel as u belang by die aansoek asook redes vir u kommentaar.** Telefoniese navrae kan gerig word aan die stadsbeplanningsafdeling (Alwyn Burger of Herman Olivier) by 022-487 9400. Die Munisipaliteit mag kommentaar wat na die sluitingsdatum ontvang word weier. Persone wat nie kan skryf nie sal deur 'n munisipale amptenaar bygestaan word om hulle kommentaar op skrif te stel.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore,  
Privaatsak X52, MALMESBURY, 7300

15 Junie 2017

54701

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

STAD KAAPSTAD: VERORDENING OP MUNISIPALE  
BEPLANNING, 2015

Kennis geskied hiermee ingevolge die vereistes van Artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van 'n aansoek van die eienaar van Erf 1753, Gordonsbaai, soos volg voorwaardes opgehef het ten opsigte van Erf 1753, hoek van Boundaryweg en Sir Lowryspasweg, Gordonsbaai, soos vervat in titelakte no. T25573/2016:

Voorwaarde opgehef: C(b), C(c), C(d) en Klousule D(c)

ACHMAT EBRAHIM, STADSBESTUURDER

15 Junie 2017

54705

## BEAUFORT WEST MUNICIPALITY

## Notice no. 56/2017

The Council of the Municipality of Beaufort West publishes the sub-joined By-Law relating to the amendment of the By-Law on Municipal Land Use Planning for Beaufort West Municipality, for general notice.

## GENERAL EXPLANATORY NOTE:

[ ] Words in body type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

**BY-LAW RELATING TO THE 1st AMENDMENT OF THE  
BY-LAW ON MUNICIPAL  
LAND USE PLANNING FOR BEAUFORT WEST  
MUNICIPALITY**

## INTRODUCTION

**WHEREAS** the Municipality of Beaufort West is vested with legislative authority in terms of the Constitution of the Republic of South Africa (Act No. 108 of 1996);

**AND WHEREAS** the Municipality in the exercise of its functions deemed it necessary to amend the By-Law on Municipal Land Use Planning for Beaufort West Municipality as enacted on 19 June 2015 by Notice 72/2016;

Be it therefor enacted by the Municipality of Beaufort West as follows:—

**AMENDMENT OF SECTION 79 OF BY-LAW ON MUNICIPAL  
LAND USE PLANNING FOR BEAUFORT WEST  
MUNICIPALITY, NOTICE No. 72/2015.**

**1. SECTION 79(1) OF THE BY-LAW ON MUNICIPAL LAND  
USE PLANNING FOR BEAUFORT WEST MUNICIPALITY,  
NOTICE No. 72/2015 IS, HEREBY AMENDED BY THE  
FOLLOWING:—**

“(1) The [**Council**] executive authority is the Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 68(a) or (b) and a failure to decide on an application as contemplated in section 58.”

Ref. No. 1/1/5/4

R.E. VAN STADEN, ACTING MUNICIPAL MANAGER, Municipal Offices, 112 Donkin Street, Beaufort West, 6970.

15 June 2017

54702

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

## RECTIFICATION

**CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015**

Notice is hereby given in terms of the requirements of Section 48(5)(a) of the City of Cape of Cape Town Municipal Planning By-Law, 2015 that the City has on application by the owner of Erven 24878 and 24879, Strand, removed conditions as contained in Title Deed No T10655/2014, in respect of Erven 24878 and 24879, 9 Osmond Close, Helderberg Industrial Park, Strand, in the following manner:

Removed condition: Erf 24878 Strand: Clause 1.F(d) and (e)

Erf 24879 Strand: Clause 2.F(b) and (c)

Notice 54294 dated 9 December 2016 is hereby withdrawn.

ACHMAT EBRAHIM, CITY MANAGER

15 June 2017

54706

## BEAUFORT-WES MUNISIPALITEIT

## Kennisgewing no. 56/2017

Die Raad van die Munisipaliteit van Beaufort-Wes publiseer die onderstaande Verordening insake die Wysiging van die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes Munisipaliteit, vir algemene kennisname.

## ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n vol streep daaronder dui invoegings in bestaande verordenings aan.

**VERORDENING INSAKE DIE 1ste WYSIGING VAN DIE  
VERORDENING OP MUNISIPALE  
GRONDGEBRUIKBEPLANNING VIR BEAUFORT-WES  
MUNISIPALITEIT**

## INLEIDING

**AANGESIEN** die Munisipaliteit van Beaufort-Wes ingevolge die Grondwet van die Republiek van Suid-Afrika (Wet 108 van 1996) wetgewende bevoegdheid het;

**EN AANGESIEN** die Munisipaliteit in die uitvoering van sy funksies dit nodig ag om die Verordening op Munisipale Grondgebruikbeplanning vir Beaufort-Wes Munisipaliteit, Kennisgewingnommer 72/2015 dateer 19 Junie 2015, te wysig;

Verorden die Munisipaliteit van Beaufort-Wes soos volg:—

**WYSIGING VAN ARTIKEL 79 VAN DIE VERORDENING  
OP MUNISIPALE GRONDGEBRUIKBEPLANNING VIR  
BEAUFORT-WES MUNISIPALITEIT, KENNISGEWING  
No. 72/2015**

**1. ARTIKEL 79(1) VAN DIE VERORDENING OP MUNISI-  
PALE GRONDGEBRUIKBEPLANNING VIR BEAUFORT-  
WES MUNISIPALITEIT, KENNISGEWING No. 72/2015,  
WORD HIERONDER GEWYSIG:—**

“(1) The [**Council**] executive authority is the Appeal Authority in respect of decisions of the Tribunal or an authorised employee contemplated in sections 68(a) or (b) and a failure to decide on an application as contemplated in section 58.”

Verw. No. 1/1/5/4

R.E. VAN STADEN, WAARNEMENDE MUNISIPALE BESTUURDER, Munisipale Kantore, Donkinstraat 112, Beaufort-Wes, 6970.

15 Junie 2017

54702

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

## REGSTELLING

**STAD KAAPSTAD: VERORDENING OP MUNISIPALE  
BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van Artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad 'n aansoek ontvang het van die eienaar van Erf 24878 en 24879, Strand om voorwaardes vervat in oordragakte no. T10655/2014 ten opsigte van Erwe 24878 en 24879, Osmondslot 9, Helderberg-industriële park, Strand, soos volg op te hef:

Voorwaardes opgehef: Erf 24878 Strand: Klousule 1.F(d) en (e)

Erf 24879 Strand: Klousule 2.F(b) en (c)

Kennisgewing 54294 van 9 Desember 2016 word hiermee teruggetrek.

ACHMAT EBRAHIM, STADSBESTUURDER

15 Junie 2017

54706

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

**CITY OF CAPE TOWN:  
MUNICIPAL PLANNING BY-LAW, 2015**

Notice is hereby given in terms of the requirements of section 48(5)(a) of the City of Cape Town Municipal Planning By-Law, 2015 that the City has on application by the owner of Erf 52 Constantia removed conditions as contained in Title Deed No. T10018/2014, in respect of Erf 52 Constantia in the following manner:

Removed conditions:

C. (a) "it shall not be subdivided."

C. (b) "It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;"

D. (I)(b) "Only one dwelling together with such outbuildings as are ordinarily required to be used therewith, shall be erected on the said property save with the consent in writing of the Company, and in particular no building of the type commonly known as 'flats' shall be erected on the said property without such consent."

D. (II)(a) "The said property shall not be subdivided."

ACHMAT EBRAHIM, CITY MANAGER

15 June 2017

54703

## STAD KAAPSTAD (SUIDELIKE-DISTRIK)

**STAD KAAPSTAD:  
VERORDENING OP MUNISIPALE BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van 'n aansoek van die eienaar van Erf 52, Constantia, soos volg voorwaardes opgehef het ten opsigte van Erf 52, Constantia, soos vervat in titelakte no. T10018/2014:

Voorwaardes opgehef (vertaal):

C. (a) "Dit mag nie onderverdeel word nie."

C. (b) "Dit mag slegs gebruik word vir die oprigting van een woning daarop met buitegeboue soos wat gewoonlik daarmee hand aan hand gaan."

D. (I)(b) "Slegs een woning met buitegeboue soos wat gewoonlik daarmee hand aan hand gaan, mag op die betrokke eiendom opgerig word, behalwe met die skriftelike toestemming van die maatskappy, en veral geen gebou van die tipe wat algemeen as 'woonstelle' bekend is, mag sonder hierdie toestemming op die betrokke eiendom opgerig word nie."

D. (II)(a) "Die betrokke eiendom mag nie onderverdeel word nie."

ACHMAT EBRAHIM, STADSBESTUURDER

15 Junie 2017

54703

## BEAUFORT WEST MUNICIPALITY

**Notice No. 58/2017****BY-LAW ON MUNICIPAL LAND  
USE PLANNING FOR BEAUFORT WEST, 2015:  
AMENDMENT OF MUNICIPAL PLANNING TRIBUNAL**

Notice is hereby given that Mr J.C.L. Smit being a former employee of Beaufort West Municipality, who was appointed by the Municipal Council on 25 August 2015 in terms of Section 72(11) of the By-Law on Municipal Land Use Planning for Beaufort West, 2015 as the deputy chairperson of the Beaufort West Municipal Planning Tribunal, has resigned.

In terms of Section 72(11) of the By-Law on Municipal Land Use Planning for Beaufort West, 2015 notice is hereby given that the Municipal Council of Beaufort West on 31 May 2017 appointed the following official to serve as member of the Beaufort West Municipal Planning Tribunal, established in terms of Section 72(1) of said By-Law read together with Section 35(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16/2013):

**Official designated in terms of Section 71(1)(a):**

Mr. A.C. Makendlana [Deputy Chairperson]

Ref. No. 12/8/B

K HAARHOFF, ACTING MUNICIPAL MANAGER,  
112 Donkin Street, BEAUFORT WEST, 6970

15 June 2017

54711

## BEAUFORT-WES MUNISIPALITEIT

**Kennisgewing Nr 58/2017****VERORDENING OP MUNISIPALE GRONDGEBRUIK  
BEPLANNING VIR BEAUFORT-WES, 2015: WYSIGING  
VAN MUNISIPALE BEPLANNINGSTRIBUNAAL**

Kennis geskied hiermee dat Mnr J.C.L. Smit synde 'n voormalige amptenaar van Beaufort-Wes Munisipaliteit, wie ingevolge Artikel 72(11) van die Verordening op Munisipale Grondgebruik Beplanning vir Beaufort-Wes, 2015 deur die Munisipale Raad van Beaufort-Wes as onder voorsitter van die Munisipale Beplanningstribunaal op 25 Augustus 2015 aangestel was, bedank het.

Ingevolge Artikel 72(11) van die Verordening op Munisipale Grondgebruik Beplanning vir Beaufort-Wes, 2015, word hiermee kennis gegee dat die Munisipale Raad van Beaufort-Wes op 31 Mei 2017 die volgende amptenaar aangewys het as lid van die Munisipale Beplanningstribunaal vir Beaufort-Wes, wat ingevolge Artikel 72(1) van voormelde verordening saamgelees met Artikel 35(1) van die Wet op Ruimtelike en Grondgebruikbestuur, 2013 (Wet 16/2013) tot stand gebring is:

**Amptenaar wat ingevolge Artikel 71(1)(a) aangewys is:**

Mnr. A.C. Makendlana [Onder-Voorsitter]

Verw. Nr 12/8/B

K HAARHOFF, WND E MUNISIPALE BESTUURDER,  
Donkinstreet 112, BEAUFORT-WES, 6970

15 Junie 2017

54711



THEEWATERSKLOOF MUNICIPALITY

**DETERMINATION OF TARIFFS FOR THE FINANCIAL YEAR 1 JULY 2017 TO 30 JUNE 2018**

Notice is hereby given in terms of the provisions of section 75A(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, and section 14 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), that the Theewaterskloof Municipality amended the tariffs for water, electricity, sewage, refuse removal, sundry items and property rates per Council resolution SC06/2017 dated 29 May 2017. The amended tariffs will be applied as from 1 July 2017.

The following property rates will be levied from 1 July 2017:

Industrial, Business and Non Residential property	2.2376 cent/Rand
Agricultural property	0.2508 cent/Rand
Public service infrastructure	0.2507 cent/Rand
Residential property	1.0030 cent/Rand

Full details of the Council resolution, rebates on property rates and particulars of the determined tariffs are available for inspection on the municipal website ([www.twk.gov.za](http://www.twk.gov.za)), at all public libraries and municipal offices in the area of the Municipality.

J BARNARD, ACTING MUNICIPAL MANAGER, P.O. Box 24, CALEDON, 7230

15 June 2017

54710

MATZIKAMA MUNICIPALITY

**MUNICIPAL NOTICE**

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2017 TO 30 JUNE 2018**

Notice is hereby given in terms of Section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; as amended by the Municipal Property Rates Amended Act, 2014 (No 29 of 2014) that the Council resolved by way of **council meeting held on 30 May 2017**, to levy the rates on property reflected in the schedule below with effect from 1 July 2017.

Category of Property	Cent amount in the Rand rate determined for the relevant Property Category
Residential Property, Agricultural Small Holdings	0.008510
Industrial, Business & Commercial, State Properties	0.010894
State Infrastructure	0.002128
Agricultural Property	0.001702
Public Service Organizations	0.002724

Full details of the Council Resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.matzikamamun.co.za](http://www.matzikamamun.co.za)) and all public libraries.

DP LUBBE, MUNICIPAL MANAGER, 37 Church Street, VREDENDAL, 8160, Tel: 027 201 3300

NOTICE: K33/2017

15 June 2017

54716

THEEWATERSKLOOF MUNISIPALITEIT

**TARIEFVASTELLING VIR DIE FINANSIËLE JAAR 1 JULIE 2017 TOT 30 JUNIE 2018**

Kennis geskied hiermee ingevolge die bepalings van artikel 75A(3)(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000, (Wet No 32 van 2000), soos gewysig, en artikel 14 van die Wet op Plaaslike Regering: Munisipale Eiendomsbelasting, 2004, (Wet No. 6 van 2004), dat die Munisipaliteit Theewaterskloof water-, elektrisiteit-, riool-, vullisverwydering-, diverse- en eiendomsbelastingtariewe aangepas het, per Raadsbesluit SC06/2017 gedateer 29 Mei 2017. Aangepaste tariewe sal op 1 Julie 2017 in werking tree.

Die volgende eiendomsbelastingtariewe sal vanaf 1 Julie 2017 van toepassing wees:

Industrieel, Besighede en Nie Residensiële eiendom	2.2376 sent/Rand
Landbou eiendom	0.2508 sent/Rand
Openbare dienste infrastruktuur	0.2507 sent/Rand
Residensiële eiendom	1.0030 sent/Rand

Volle besonderhede van die Raadsbesluit, kortings op eiendomsbelasting en vasgestelde tariewe is ter insae op die munisipale webwerf ([www.twk.gov.za](http://www.twk.gov.za)) en by alle publieke biblioteke en munisipale kantore in die gebied van die Munisipaliteit.

J BARNARD, WAARNEMENDE MUNISIPALE BESTUURDER, Posbus 24, CALEDON, 7230

15 Junie 2017

54710

MATZIKAMA MUNISIPALITEIT

**KENNISGEWING**

**RESOLUSIE- HEFFING VAN EIENDOMSBELASTING VIR DIE FINANSIËLE JAAR 1 JULIE 2017 TOT 30 JUNIE 2018**

Kennis geskied hiermee ingevolge Artikel 14(1) en (2) van die Wet op Munisipale Eiendomsbelasting, 2004, soos gewysig deur die Wet op Munisipale Eiendomsbelasting, Gewysigde Wet, 2014 (Nr 29 van 2014) dat die Matzikama munisipale raad tydens 'n Raadsvergadering **gehou op 30 Mei 2017** besluit het op die onderstaande heffings effektief vanaf 1 Julie 2017.

Kategorie van die Eiendom	Sent bedrag in die rand vasgestel vir die toepaslike Kategorie
Residensiële, Landbou-Kleinhoues	0.008510
Industrieel, Besigheid & Kommersieel, Staats Eiendomme	0.010894
Staats Infrastruktuur	0.002128
Landbou	0.001702
Publieke Diens-Organisasies	0.002724

Volledige besonderhede van die Resolusie, kortings, afslag en uitsluitings spesifiek ten opsigte van elke kategorie van eiendomme of 'n spesifieke kategorie ten opsigte van die eiendomme soos bepaal in die eiendomsbelastingbeleid is beskikbaar vir inspeksie by die munisipale kantore, webtuiste ([www.matzikamamun.co.za](http://www.matzikamamun.co.za)) asook by alle biblioteke.

DP LUBBE, MUNISIPALE BESTUURDER, Kerkstraat 37, VREDENDAL, 8160, Tel: 027 201 3300

KENNISGEWING: K33/2017

15 Junie 2017

54716

## CITY OF CAPE TOWN (HELDERBERG DISTRICT)

**CITY OF CAPE TOWN:  
MUNICIPAL PLANNING BY-LAW, 2015**

Notice is hereby given in terms of the requirements of Section 48(5)(a) of the City of Cape of Cape Town Municipal Planning By-Law, 2015 that the City has on application by the owner of Erf 213, Parel Vallei, Somerset West, removed conditions as contained in Title Deed No T051011/08, in respect of Erf 213, 18 Preller Street, Somerset West, in the following manner:

Removed condition: Clause C6(b)

ACHMAT EBRAHIM, CITY MANAGER

15 June 2017

54707

## MATZIKAMA MUNICIPALITY

**NOTICE****APPROVED AMENDMENT TO THE SPATIAL  
DEVELOPMENT FRAMEWORK, 2017**

In terms of Section 7(3) of the “*Matzikama Municipality: Land Use Planning By-Law*” notice is hereby given that the Amendment to the Spatial Development Framework for Matzikama Municipality, 2017 was accepted and approved during a council meeting held on Tuesday, 30 May 2017.

DP LUBBE, MUNICIPAL MANAGER

NOTICE: K31/2017

15 June 2017

54717

## GEORGE MUNICIPALITY

**NOTICE NO: 103/2017****REMOVAL OF RESTRICTION AND DEPARTURE:  
ERF 602, TULIP STREET, GEORGE**

Notice is hereby given in terms of Section 33(7) of the George Municipality’s By-Law on Municipal Land Use Planning By-Law (2015) that the Deputy Director Planning Authorised Official on 21 April 2017, removed conditions D4(a) and (b) in terms of 15(2)(f) of the said By-Law, applicable to the abovementioned property as contained in Title Deed: T61598/2015.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530.

15 June 2017

54719

## STAD KAAPSTAD (HELDERBERG-DISTRIK)

**STAD KAAPSTAD:  
VERORDENING OP MUNISIPALE BEPLANNING, 2015**

Kennis geskied hiermee ingevolge die vereistes van Artikel 48(5)(a) van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 dat die Stad na aanleiding van ’n aansoek van die eienaar van Erf 213, Parel Vallei, Somerset-Wes, soos volg voorwaardes opgehef het ten opsigte van Erf 213, Prellerstraat 18, Somerset-Wes, soos vervat in titelakte no. T051011/08:

Voorwaarde opgehef: Klousule C6(b)

ACHMAT EBRAHIM, STADSBESTUURDER

15 Junie 2017

54707

## MATZIKAMA MUNISIPALITEIT

**KENNISGEWING****GOEDGEKEURDE WYSIGING VAN DIE RUIMTELIKE  
ONTWIKKELINGSRAAMWERK VIR 2017**

Ingevolge Artikel 7(3) van die “*Matzikama Municipality: Land Use Planning By-Law*” word hiermee kennis gegee dat die Wysiging van die Ruimtelike Ontwikkelingsraamwerk vir Matzikama Munisipaliteit, 2017 tydens die raadsvergadering gehou op Dinsdag, 30 Mei 2017, aanvaar en goedgekeur is.

DP LUBBE, MUNISIPALE BESTUURDER

KENNISGEWING: K31/2017

15 Junie 2017

54717

## GEORGE MUNISIPALITEIT

**KENNISGEWING NR: 103/2017****OPHEFFING VAN BEPERKING EN AFWYKING:  
ERF 602, TULIP STRAAT, GEORGE**

Kennisgewing word hiermee gegee, in terme van Artikei 33(7) van die George Munisipaliteit: Verordening op Grondgebruiksbeplanning (2015), dat die Adjunk Direkteur: Beplanning (Gemagtigde Beampte) op 21 April 2017, voorwaardes D4(a) en (b) in terme van Artikel 15(2)(f) van die genoemde Verordening, van toepassing op die bogenoemde eiendom soos vervat in die Titelakte: T61598/2015 opgehef het.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530.

15 Junie 2017

54719

NOTICE

# Petroleum Agency SA

Tygerpoort Building · 7 Mispel Street · Bellville 7530 · P.O. Box 5111 Tygervalley 7536 · South Africa  
 Tel: +27 21 938 3500 · Fax: +27 21 938 3520  
 E-mail: plu@petroleumagencyrsa.com



NOTICE REGARDING CONSULTATION WITH INTERESTED AND AFFECTED PERSONS IN TERMS OF SECTION 10 READ WITH REGULATION 3 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT NO. 28 OF 2002)

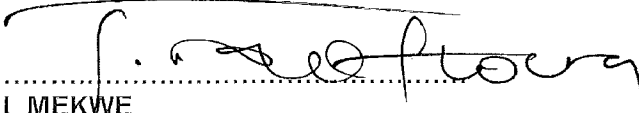
**File Ref No: 12/3/335 ER**

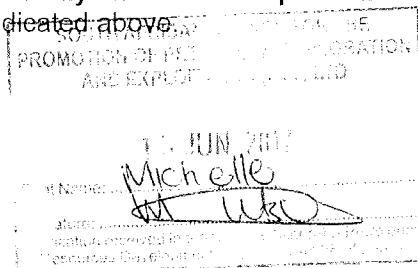
Notice is hereby given in terms of Section 10 (1) of the Mineral and Petroleum Resources Development Act 2002 (Act No.28 of 2002) that I, Lindiwe Mekwe, Acting Chief Executive Officer of Petroleum Agency SA have on the **13<sup>th</sup> of June 2017** accepted an application for an exploration right for **Petroleum and Natural Gas** submitted by Impact Africa Limited.

APPLICATION DETAILS:	
Date of receipt of application:	09 June 2017
Property/properties that form the subject of the relevant application:	Block 3314 and 3315, Offshore, Orange Basin, Western Cape Province as depicted in the Sketch Plan attached hereto as Annexure A.
Contact Details of the Applicant	Mr. Philip Birch Impact Africa Limited Griffin House West Street Woking United Kingdom GU216BS E- Mail: p.birch@impactoilandgas.com
Contact Details of the Agency	Chief Executive Officer P.O Box 5111 Tygervalley 7536  Tel: 021 938 3500 Fax: 021 938 3520

Any person wishing to submit comments on the above application should, in accordance with Section 10 (1) (b) of the above Act, do so in writing **within 30 days from date of publication**, for the attention of the **Chief Executive Officer** at the address indicated above.

Dated in Cape Town on the **13<sup>th</sup> of June 2017**.

  
**L MEKWE**  
 ACTING CHIEF EXECUTIVE OFFICER



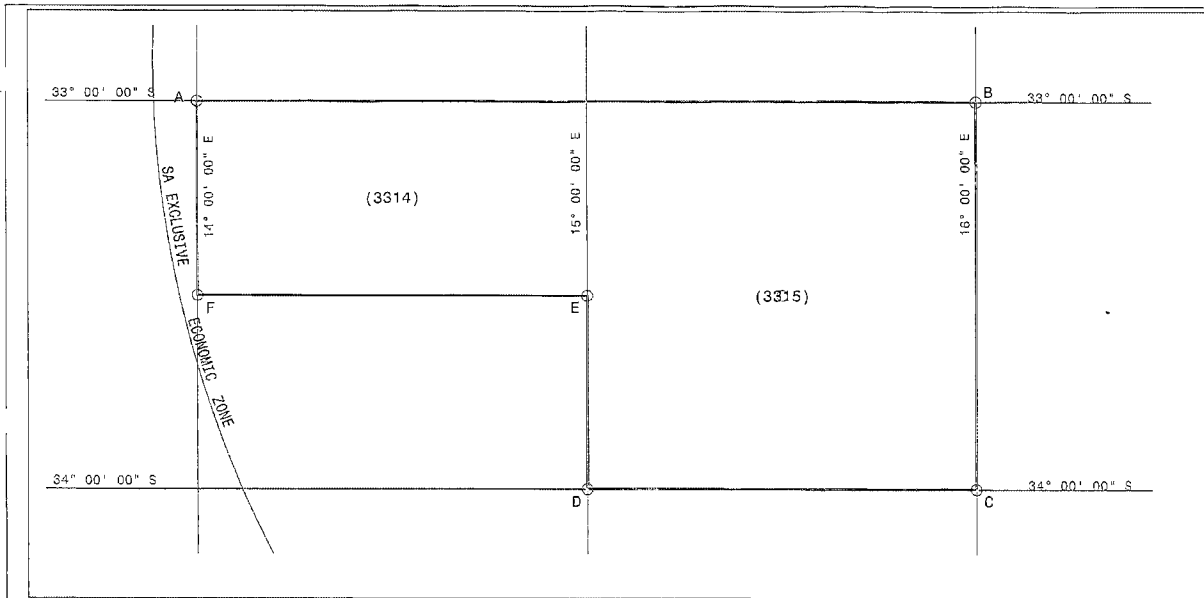
Directors: MP Fusi (Chairperson)

B Luthuli R Nkambule T Ramuedzisi L Nengovhela L Mekwe (Acting Executive)

Company Secretary: E Hendricks

Subsidiary of CEF SOC Ltd  
 South African Agency for Promotion of Petroleum Exploration and Exploitation SOC Ltd. Registration No. 1999/015715/30





**IMPACT AFRICA LIMITED**  
**ORANGE BASIN DEEP**

PLAN OF AREA FOR AN EXPLORATION RIGHT FOR  
 PETROLEUM

The figure defined by the points A B C D E F represents 15473.93 square kilometres of seabed within the exclusive economic zone of the Republic of South Africa being an area for which an application is made for an exploration right for petroleum in terms of section 79 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

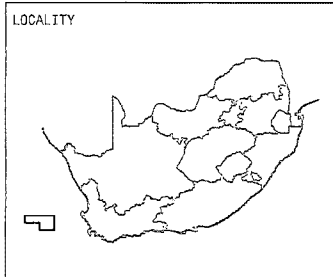
SHEET 1 OF 1

Plan prepared in accordance with regulation 2(2) of the Mineral and Petroleum Resources Development Act, 2002 (28 of 2002),

PASA reference no. \_\_\_\_\_

CO-ORDINATE LIST: DATUM WGS 84						
Side	Distance metres	Forward Azimuth d m s	Reverse Azimuth	Point	Latitude d m s	Longitude d m s
AB	186906.43	90 00 00.0000	RHUMBLINE	A	33 00 00.0000 S	14 00 00.0000 E
BC	110913.40	180 00 00.0000	RHUMBLINE	B	33 00 00.0000 S	16 00 00.0000 E
CD	92384.79	270 00 00.0000	RHUMBLINE	C	34 00 00.0000 S	16 00 00.0000 E
DE	55458.94	0 00 00.0000	RHUMBLINE	D	34 00 00.0000 S	15 00 00.0000 E
EF	92922.54	270 00 00.0000	RHUMBLINE	E	33 30 00.0000 S	15 00 00.0000 E
FA	55454.46	0 00 00.0000	RHUMBLINE	F	33 30 00.0000 S	14 00 00.0000 E

- Plan prepared from information supplied by National Geo-spatial Information (NGI), Mowbray, Cape Town, the Petroleum Agency South Africa (PASA), the Chief Surveyor General and by the applicant.
- No verification of information depicted has been made by field survey, field inspection or any other means.
- Datum and areas refer to the WGS84 ellipsoid.
- All sides of the application area are lines of constant geographic direction (rhumbines).



APPROX. SCALE 1 : 1 000 000

APPLICANT *[Signature]* 8 June 2017  
 signature date

PROFESSIONAL *[Signature]* 31 May 2017  
 LAND SURVEYOR MB Straughan date  
 Registration No. PLS0907

\_\_\_\_\_  
 signature date

CHIEF EXECUTIVE OFFICER, PETROLEUM AGENCY SA,  
 CAPE TOWN

CEDERBERG MUNICIPALITY  
**PROPERTY RATES BY-LAW, 2017**  
**To Give effect to Propoperty Rates Policy**

**GENERAL INDEX**

1. DEFINITIONS
2. RATING OF PROPERTY
3. GENERAL PRINCIPLES
4. CLASSIFICATION OF SERVICES & EXPENDITURE
5. CATEGORIES OF PROPERTIES AND OWNERS
6. PROPERTY USED FOR MULTIPLE PURPOSES
7. DIFFERENTIAL RATNG
8. CRITERIA FOR EXCEMPTIONS, REBATES, REDUCTIONS
9. IMPERMISSABLE RATES
10. EXEMPTIONS
11. REBATES
12. REDUCTIONS
13. COST OF EXEMPTIONS, REBATES & REDUCTIONS
14. PHASING – IN OF RATES
15. RATES INCREASES
16. NOTIFICATION OF RATES
17. PAYMENT OF RATES
18. DEFERRAL OF PAYMENT OF RATES LIABILITIES
19. SPECIAL RATING AREA
20. INTERIM VALUATION DEBTS
21. OWNERSHIP
22. RATES CLEARANCE CERTIFICATE
23. SECTIONAL TITLE SCHEMES
24. GENERAL AND SUPPLEMENTARY VALUATIONS
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26. SHORT TITLE

**CEDERBERG LOCAL MUNICIPALITY  
PROPERTY RATES BY-LAW**

Whereas section 156(2) of the Constitution empowers a municipality to make and administer by-laws for the effective administration of matters which it has the right to administer and Whereas section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) requires a municipality to adopt By-Laws to give effect to the implementation of its Property Rates Policy.

Now therefore the Municipal Council of **Cederberg Local Municipality** approves and adopts the following Property Rates By-Law.

**1. Definitions:**

For the purpose of this by-law any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and the Property Rates Policy adopted and implemented in terms thereof shall bear the same meaning in this By-law, and unless the context indicates otherwise-

“**Act**” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

“**Municipality**” means the municipal council for the **municipal area of Cederberg**

“**Rates policy**” means the policy adopted and implemented by the council in terms of section 3 of the act. In terms of Section 229 of the constitution, a municipality may impose rates on property

In terms of section 4(1) of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000, a municipality has the right to finance the affairs of the municipality by imposing, inter alia, rates on the property.

In terms of Section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates policy.

In terms of section 2(1) Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) a metropolitan or local municipality may levy a rate on property in its area in accordance with the other provisions of the Local Government: Municipal Property Rates Act, 2004 (No 6 of 2004).

This By-Law must be read with and is subject to the provisions of the Local Government: Municipal Property Rates Act, 2004 (No 6 of 2004), as amended by the Rates Amendment Act, published in the Government Gazette: Vol. 590, No 37922, 18 August 2014 and the Property Rates By-law.

**1. Definitions:**

For the purpose of this policy any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) and the Property Rates Policy adopted and implemented in terms thereof shall bear the same meaning in this Bylaw, and unless the context indicates otherwise—

“**Act**” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

“**Municipality**” means the municipal council for the **municipal area of Cederberg**

“**Private towns serviced by the owner**” means single properties situated in an area not ordinarily serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and / or sectional titles and where all the rates related services inter alia for water, electricity, sewerage and refuse removal inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by residents of such estate.

## **2. Rating of property:**

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to—

- (a) Section 229 and other applicable provisions of the Constitution
- (b) The provisions of the Act
- (c) The municipality’s Rates Policy.

## **3. General principles:**

- (1) Rates to balance the operating budget after taking into account the profits generated on trading and economic services and the amounts required to finance the exemptions, rebates and reductions as approved by council are levied as an amount in the Rand based on the market value of all ratable property contained in the municipality’s valuation roll.
- (2) Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- (3a) Different rates will be levied for different categories of ratable property determined in terms of section 8 of the Act.
- (3b) Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- (4) All ratepayers with similar properties will be treated the same.
- (5) The financial ability of a person to pay rates will be taken into account.
- (6) Provision may be made for the promotion of local social development and sustainable local government.
- (7) The rate imposed by council will be equitable, affordable, sustainable and cost effective;
- (8) Property rates will be used to finance subsidized and community services only;

- (9) Take into account the effect of rates on the poor.
- (10) The cost and benefit of exemptions, rebates, reductions, and phasing –in of rates must be identified and qualified;
- (11) The effect of rates on public benefit organizations and psi’s must be taken into account.
- (12) Promote local and social economic development.

**4. Classification of services and expenditure:**

- (1) The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Executive Mayor or Committee and principles contained in the Rates Policy will classify services, categories expenditure and create cost centers to prevent that property rates subsidize trading and economic services;
- (2) Trading and economic services will be ring-fenced and finance from service charges while community and subsidized service charges will be financed from rates, rates related income and regulatory fees. Surpluses on the trading and economic services may only be transferred to subsidize the community and subsidized services.

**5. Categories of properties and owners:**

- (1) In terms of section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- (2) In terms of sections 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- (3) The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality’s Rates Policy and may be adjusted annually, if required, during the budget process.

**6. Properties used for multiple purposes:**

Rates on properties used for multiple purposes will be levied on properties used for—

- (a) A purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- (b) A purpose corresponding with the dominant (main or primary) use of the property; or
- (c) By apportioning the market value of a property to the different purposes for which the property is used.

*The municipality will, in relation with Section 9(1) of the act utilize the dominant use of the property which will be used for multiple purposes being assigned to a property category.*

- (d) Applying the relevant cent amount in the rand to the corresponding apportioned market value.



**7. Differential rating:**

- (1) Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to—
- (a) The use of the property.
  - (b) Permitted use of the property; or
  - (c) A combination of (a) and (b).
- (2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category and/or by way of reductions and rebates

**8. Criteria for exemptions, reductions and rebates:**

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to—

- (a) Indigent status of the owner of a property
- (b) Sources of income of the owner of a property
- (c) Owners of property situated within an area affected by—
  - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - ii. Any other serious adverse social or economic conditions;
- (d) owners of residential properties with a market value below a determined threshold
- (e) owners temporarily without income
- (f) the services provided to the community by public service organizations
- (g) the need to preserve the cultural heritage of the local community
- (h) the need to encourage the expansion of psi's
- (i) The need to accommodate indigents, less affluent pensioners and people depending on social grants for their livelihood.
- (j) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services, they produce
- (k) The value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities; or
- (l) owners of agricultural properties who are *bona fide* farmers.
- (m) The requirements of the Act.

**9. Impermissible Rates:**

The municipality may not levy rates on categories of property and categories of owners of property as determined in sections 16(1) & 17(1) of the Act.

### Section 93A: Transitional arrangement: Public service infrastructure

Rates may not be levied on the following properties referred to in the definition of public service infrastructure:

- (a) Roads
- (b) Water infrastructure
- (e) Rail infrastructure
- (g) airports and the vacant land surrounding it which must be vacant for air navigation purposes
- (h) breakwaters, quays etc

The prohibition on levying rates on the above properties must be **phased out with effect 01<sup>st</sup> of July 2017**.

#### 10. Exemptions:

##### Categories of properties:

- (1) Over and above the exemptions provided for in paragraph 9 above, specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of section 15(1)(a) of the Act and 10(2) to 10(7) of this policy.

Description of category of property	Criteria
Municipal properties	10(2)
Residential properties	10(3)
Cemeteries and Crematoriums	10(4) and 10(9)
Public service infrastructure	As prescribed in the Act
Public Benefit organisations	10(5) and 10(9)
Museums	10(6) and 10(9)
National Monuments	10(7) and 10(9)
A right registered against immovable property	10(8) and 10(9)

- (2) Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.

- (3) All residential properties (including informal settlements) with a market value of less than R50, 000 are exempted from paying rates. The R50, 000 impermissible rates contemplated in terms of section 17(1)(h) of the Property Rates Act is included in the R50, 000 amounts.

This is an important part of the council's indigent policy and is aimed primarily at alleviating poverty

- (4) Cemeteries and crematoriums registered in the names of private persons and operated not for gain.

- (5) Public benefit organizations as provided for in the Rates Policy may apply for the exemption of property rates subject to producing a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962):
- (6) Registered Museums
- (7) Registered National monuments
- (8) A right registered in the deeds office against immovable property
- (9) Exemptions will be subject to the following conditions:
  - (a) All applications must be addressed in writing to the municipality;
  - (b) A SARS tax exemption certificate must be attached to all applications;
  - (c) The municipal manager or his/her nominee must approve all applications;
  - (d) Applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought; and
  - (e) The municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

**11. Rebates:**

**(1) Categories of properties**

- (a) The municipality may grant rebates within the meaning of section 15(1)(b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 11(1)(b) to 11(1)(f) of this policy:

<b>Description of category of property</b>	<b>Criteria</b>
(a) Residential	11(1)(d)
(b) Industrial	11(1)(b)
(c) Business/commercial	11(1)(b)
(d) Agricultural	11(1)(e)
(e) properties owned by organ of state and used for public service purposes	11(1)(c)
(f) Property below a prescribed valuation level	11(1)(f)

- (b) The municipality may grant rebates to ratable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy.
  - i. The following criteria will apply:
    - a. job creation in the municipal area;
    - b. social upliftment of the local community; and
    - c. creation of infrastructure for the benefit of the community.

- ii. Rebates will be granted on application subject to:
  - a. a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
  - b. a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
  - c. an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
  - d. a municipal resolution.
  
- (c) Properties owned by an organ of state and used for public service purposes which are:
  - i. Hospitals and clinics;
  - ii. Schools, pre-schools, early childhood development centres or further education and training colleges;
  - iii. National and provincial libraries and archives;
  - iv. Police stations;
  - v. Correctional facilities; or
  - vi. Courts of law, but excludes property contemplated in the definition of "public service infrastructure".
  
- (d) Residential properties
  - i. used predominantly for residential purposes, with not more than two dwelling units per property,
  - ii. Registered in terms of the Sectional Title Act,
  - iii. Owned by a share-block company,
  - iv. A ratable residence on property used for or related to educational purposes
  
- (e) Agricultural property rebate
  - i. Agricultural properties will be granted a rebate based on certain applicable information in an affidavit by 30 September each year.
  - ii. Qualifying requirements are that the owner should be taxed by SARS as a *bona fide* farmer and the last tax assessment must be provided as proof.
  - iii. The following rebates may apply:

***Flat rebate applicable to all agricultural properties.***

75 %

***Additional rebates applicable to bona fide farmers only.***

80 %

- (f) Properties with a market value below a prescribed valuation level may, instead of a rate determined on the market value, be levied a uniform fixed amount per property.

**(2) Categories of owners:**

- (a) The following categories of owners of ratable properties may be granted a rebate on rates within the municipality within the meaning of section 15(1) (b) of the Act:

Description of Category of Owners	Criteria
Retired and disabled persons	11(2)(b)
Owners temporarily without income	11(2)(c)
Public benefit organizations	11(2)(d)

- (b) Criteria for granting rebates to category of owners

- i. Retired and Disabled Persons Rate Rebate  
To qualify for the rebate a property owner must:
  - a. occupy the property as his/her normal residence;
  - b. be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
  - c. Be in receipt of a total monthly income from all sources (including income of spouses of owner) not exceeding the amount annually set by the council.
  - d. not be the owner of more than one property; and
  - e. Provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
- iii. Applications must be accompanied by—
  - a. a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
  - b. sufficient proof of income of the owner and his/her spouse;
  - c. an affidavit from the owner;
  - d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
  - e. if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- iv. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.
- v. The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete or incorrect or false.

- (c) Owners who are temporarily without income due to Economic/ labour circumstances or for reasons beyond their control.

These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.

The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

- Owners of ratable property registered in the name of institutions or organizations, which in the opinion of the council, performs welfare, charitable and humanitarian work;
- cultural work; amateur sport and social activities;
- protect or maintain collections or buildings of historical or cultural interest, including art galleries, archives and libraries;
- conservation; environment and animal welfare; education and development; health care;
- agricultural (Experimental farms);municipal property and usage
- where the council is engaged in land sales transactions which take place after the financial year has started;
- where the municipality register a road reserve or servitude on a privately owned property a pro-rata rebate equal to the value of the
- reserve or servitude will be given to the owner;
- State hospitals, clinics and institutions for mentally ill persons, which are not performed for gain.

These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.

The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false;

## **12. Reductions:**

### **(1) Categories of property and owners**

- (a) A reduction in the rates payable as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by—
- i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - ii. Any other serious adverse social or economic conditions
- (b) The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.
- (c) All categories of owners can apply for a reduction in the rates payable as described above.

- (d) Owners of the following categories of ratable property situated within the municipality may be granted a reduction within the meaning of section 15(1)(b) of the Act in the rates payable in respect of their properties and subject to the conditions contained in 12 of this policy:

Description of category of property	Criteria
(a) Residential	12(1)(e)
(b) Industrial	12(1)(e)
(c) Business	12(1)(e)
(d) Agricultural	12(1)(e)
(e) properties owned by organ of state and used for public service purposes	12(1)(e)
(f) Municipal owned properties	12(1)(e)
(g) Public service infra-structure	12(1)(e)
(h) Public benefit organizations (Part 1 of the Ninth Schedule to the Income Tax Act)	12(1)(e)
(i) Multiple purpose property	12(1)(e)
(j) Private towns serviced by the owner	The Municipality grants a rebate of 75%, which applies to privately owned towns, serviced by the owner qualifying as such and as defined in the definition paragraph of this policy, provided an application to that effect is received not later than 31 October of each year.

(e) Criteria for granting reductions

- i. A reduction in the rates payable in section 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolition or floods.
- ii. The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.

**13. Cost of exemptions, rebates & reductions:**

The Chief Financial Officer must inform the council of all the costs associated with the exemptions, rebates & reductions.

Provisions must be made in the operating budget for the full potential income associated with property rates, and the full cost of the exemptions, rebates & reductions. A list of all exemptions, rebates & reductions must be tabled before Council.

**14. Phasing-in of certain rates:**

Rates levied on newly ratable property must be phased in over a three year period, or the period indicated in the Act for certain specified properties, the MEC for Local Government may extend, on written request by the municipality, this period to a maximum of six financial years. When extending the period the MEC must determine the minimum phasing-in discount on the rate payable during each financial year in the extended period.

**15. Rates increases:**

- (1) The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- (2) Rate increases will be used to finance the increase in operating costs of community and subsidized services.
- (2) Relating to community and subsidized services the following annual adjustments will be made:
  - (a) All salary and wage increases as agreed at the South African Local Government Bargaining Council
  - (b) An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
  - (c) Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- (4) Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- (5) Affordability of rates to ratepayers.
- (6) All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

**16. Notification of rates:**

- (1) The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days' notice will be based on the new rates.
- (2) A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be advertised in the media and the resolution will be displayed by the municipality at places provide for in legislation and the municipality's website and also promulgated in terms of and in accordance with section 14 of the Act.

**17. Payment of rates:**

- (1) Ratepayers may, by special written arrangements with the Council, choose to pay rates annually in one installment on or before 30 September, normally the rates will be payable intwelve equal installments on or before the tenth day of the month following on the month in which it becomes payable.
- (2) The municipality must furnish each person liable for rates with a detailed account as set out in section 27 of the Act.



- (3) Interest on arrears rates, whether payable on or before 30 September or in equal monthly installments, shall be calculated in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the municipality.
- (4) If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the Municipality.
- (5) Joint owners are jointly and severally liable for the amount due for rates. In the case of agricultural property the rates due will be recovered as stipulated in the council's Rates Policy
- (6) Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- (7) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (8) In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

**18. Deferral of payment of rates liabilities:**

The municipality will consider each application for deferral of rates, taking into account the merits and demerits of each and the financial implications thereof in so far the cash-flow of the municipality is concerned.

**19. Special rating area:**

The municipality may by council resolution, after consultation with the local community to obtain the majority's consent, determine an area within its boundaries as a special rating area for the purpose of raising funds for improving or upgrading that area; and differentiate between categories of property when levying an additional rate.

The municipality must determine the boundaries and indicate how the area is to be improved by the additional rates and establish a separate accounting and record-keeping system regarding the income & expenditure. The municipality may establish a committee representing the community to act as a consultative and advisory forum. Representation, including gender must be taken into account when establishing such a committee.

## 20. Supplementary Valuation Debits:

In the event that a property has been transferred to a new owner and an Supplementary Valuation took place, the previous owner as well as the new owner will jointly and separately be held responsible for the outstanding amount due for rates.

## 21. Ownership:

Properties which vests in the municipality during developments, i.e. open spaces and roads should be transferred at the cost of the developer to the municipality. Until such time, rates levied will be for the account of the developer;

## 22. Rates Clearance Certificate:

### Rates Clearance Certificate and Rates Refunds

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(1)(a) of the Systems or Section 89 of the Insolvency Act, (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:

- 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;
- developer's contributions will be due and payable before any rates Clearance certificate is issued on new erven developments;
- in the case of new sectional title developments payment of developers contribution will be due before services will be connected;
- no interest shall be paid by the Municipality to the registered seller in respect of these payments which are deemed to be due; and
- all payments will be allocated to the registered seller's municipal accounts and all refunds will be made to the transferring attorney;
- **refunds will only be issued on written request or application for refund of the transferring attorney;**
- **Refunds will be allocated to arrear service debt of tenants and only the balance will be refunded.**
- **Refunds will not be issued if the services have not been connected on the new owner and the deed confirming new ownership is received. Outstanding services of tenants may only be recovered for a maximum period of two years if a request is lodged for a Section 118(1) of the Municipal Systems Act (32 of 2000) Clearance Certificate. If this is done the conveyancer as well as the buyer of the property must be informed that the remaining debt will remain on the property according to subsection 3, the buyer will then be held responsible for it.**

- The clearance certificate will only be valid for 120 days;
- Extension on a clearance certificate will be granted, if all services is paid in advance for another 120 days; If the valid period surpasses 30 June of the year in which the request was received, the total annual debit for the following financial year will be payable.

**23. Sectional Title Schemes:**

A rate on property which is subject to a sectional title scheme, will be levied on the individual sectional title units in the scheme.

**24. General and Supplementary valuations:**

A municipality intending to levy a rate on property must cause a general valuation based on the market value of the property to be made on all properties, and prepare a valuation roll in terms of such valuation. The municipality shall prepare a new general valuation roll of all properties every (5) five years and a supplementary valuation roll annually.

If the municipality does not intend to levy rates on its own properties, public infrastructure in the name of the municipality, on rights in properties and properties of which it is impossible or unreasonably difficult to establish the market value because of legal insecure tenure resulting from past racial discrimination, the municipality is not obliged to value such property.

The General valuation roll takes effect from the start of the financial year following completion of the public inspection period and remains valid for that financial year or for one or more subsequent financial years, as the municipality may decide, but in total not for more than 5 (five) financial years. The Supplementary Valuation roll remains valid for the duration of the current general valuation roll.

**25. Disregarded items for valuation purposes:**

The items described in section 45(3) of the Act must not be taken into account in determining the market value of the property.

**26. Short title:**

This by-law is the Property Rates By-Law of the Cederberg Local Municipality.

CEDERBERG MUNICIPALITY  
**PROPERTY RATES POLICY REVIEWED MARCH 2017  
IMPLEMENTED JULY 2017**

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**CEDERBERG LOCAL 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) as amended. In 2015 Cederberg 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 and has been effective as from 1 July 2016.

Date of valuation = 1 July 2015

Date of implementation = 1 July 2016

**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 No. 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, (Act No. 6 of 2004) as amended, a local Municipality may levy a rate on property in its area in accordance with the other provisions of this Act. Herein after referred to as the MPRAA.

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 (MPRAA), 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.

Now therefore the Municipal Council of **Cederberg Local Municipality** approves and adopts the following Property Rates Policy.

**3. Definitions:**

For the purpose of this policy any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) as amended and the Property Rates Policy adopted and implemented in terms thereof shall bear the same meaning in this policy, and unless the context indicates otherwise—

“**Act**” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) as amended.

“**Municipality**” means the municipal council for the **municipal area of Cederberg**.

“**Rates policy**” means the policy adopted and implemented by the council in terms of section 3 of the act. In terms of Section 229 of the constitution, a municipality may impose rates on property.

In terms of section 4(1) of the Local Government: Municipal Systems Act, 2000 (No 32 of 2000), a municipality has the right to finance the affairs of the municipality by imposing, inter alia, rates on the property.

In terms of Section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, 2003 (No. 56 of 2003) the municipal manager must ensure that the municipality has and implements a rates policy.

In terms of section 2(1) Local Government: Municipal Property Rates Act, 2004 (No 6 of 2004) a metropolitan or local municipality may levy a rate on property in its area in accordance with the other provisions of the Local Government: Municipal Property Rates Act, 2004 (No 6 of 2004) as amended.

**"Private towns serviced by the owner"** means single properties situated in an area not ordinarily serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/or sectional titles and where all the rates related services inter alia for water, electricity, sewerage and refuse removal inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by residents of such estate.

#### **4. Rating of property:**

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to—

- (a) Section 229 and other applicable provisions of the Constitution
- (b) The provisions of the Act.
- (c) The municipality's Rates Policy.

#### **5. General principles:**

1. Rates to balance the operating budget after taking into account the profits generated on trading and economic services and the amounts required to finance the exemptions, rebates and reductions as approved by council are levied as an amount in the Rand based on the market value of all ratable property contained in the municipality's valuation roll.
2. Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
3. Different rates will be levied for different categories of ratable property determined in terms of section 8 of the Act.
4. Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
5. All ratepayers with similar properties will be treated the same.
6. The financial ability of a person to pay rates will be taken into account.

7. Provision may be made for the promotion of local social development and sustainable local government.
8. The rate imposed by council will be equitable, affordable, sustainable and cost effective.
9. Property rates will be used to finance subsidized and community services only.
10. Take into account the effect of rates on the poor.
11. The cost and benefit of exemptions, rebates, reductions, and phasing –in of rates must be identified and qualified.
12. The effect of rates on public benefit organizations and psi's must be taken into account;
13. Promote local and social economic development.
14. In Relation with Section 9(1) of the act the municipality will utilize the dominant use of the property which will be used for multiple purposes being assigned to a property category. See point 8 below.

**6. Classification of services and expenditure:**

- (1) The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Executive Mayor or Committee and principles contained in the Rates Policy will classify services, categories expenditure and create cost centers to prevent that property rates subsidize trading and economic services.
- (2) Trading and economic services will be ring-fenced and financed from service charges while community and subsidized services will be financed from rates, rates related income and regulatory fees. Surpluses on the trading and economic services may be transferred to subsidize the community and subsidized services.

**7. Categories of properties and owners:**

- (1) In terms of section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- (2) In terms of sections 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.

**8. Properties used for multiple purposes:**

Rates on properties used for multiple purposes will be levied on properties used for—

- (a) A purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- (b) A purpose corresponding with the dominant (main or primary) use of the property; or

- (c) By apportioning the market value of a property to the different purposes for which the property is used.

*in Relation with Section 9(1) of the act the municipality will utilise the dominant use of the property which will be used for multiple purposes being assigned to a property category.*

- (d) Applying the relevant cent amount in the rand to the corresponding apportioned market value.

#### **9. Differential rating:**

- (1) Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to—
  - (a) The use of the property.
  - (b) Permitted use of the property; or
  - (c) A combination of (a) and (b).

Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category and/or by way of reductions and rebates.

#### **10. Criteria for exemptions, reductions and rebates:**

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to—

- (a) Indigent status of the owner of a property;
- (b) Sources of income of the owner of a property;
- (c) Owners of property situated within an area affected by—
  - i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - ii. Any other serious adverse social or economic conditions;
- (d) Owners of improved residential properties with a market value below a determined threshold of R50 000.
- (e) Owners temporarily without income.
- (f) The services provided to the community by public service organizations.
- (g) The need to preserve the cultural heritage of the local community.
- (h) The need to encourage the expansion of psi's.
- (i) The need to accommodate indigents, less affluent pensioners and people depending on social grants for their livelihood.
- (j) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services, they produce



- (k) The value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities; or
- (l) owners of agricultural properties who are *bona fide* farmers;
- (m) 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 each financial year: occupy the property as his/her Primary Residence, and be at least 60 years of age, or has been declared medically unfit even if not yet 60 years of age, and be in receipt of a gross monthly household income not exceeding the amount determined by Council during the Municipality's budget process.
- (n) The requirements of the Act.
- (o) Places of Worship, Churches and one main residential property where the full-time pastor or reverend resides, as being the property registered in the name of the church.

#### **11. Impermissible Rates:**

The municipality may not levy rates on categories of property and categories of owners of property as determined in sections 16(1) & 17(1) of the Act.

#### **Section 93 A: Transitional arrangement: Public service infrastructure**

Rates may not be levied on the following properties referred to in the definition of public service infrastructure:

- (a) Roads
- (b) Water infrastructure
- (c) Rail infrastructure
- (d) airports and the vacant land surrounding it which must be vacant for air navigation purposes
- (e) Breakwaters, quays etc.

The prohibition on levying rates on the above properties must be **phased out with effect 01<sup>st</sup> of July 2017.**

## 12. Exemptions, reductions and rebates:

### Categories of properties:

- (1) Over and above the exemptions provided for in paragraph 9 above, specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of section 15(1)(a) of the Act and section 10 of this policy.

### EXEMPTIONS CATEGORY

<b>Description of category of property</b>	<b>Criteria</b>	<b>% Exemption</b>
Municipal properties	10(2)	<b>100%</b>
Cemeteries and Crematoriums	10(4) and 10(9)	<b>100%</b>
Public service infrastructure (PSI)	As prescribed in the Act	<b>100%</b>
Registered Public Benefit organisations	10(5) and 10(9)	<b>100%</b>
Registered Museums	10(6) and 10(9)	<b>100%</b>
Registered National Monuments	10(7) and 10(9)	<b>100%</b>
A right registered against immovable property	10(8) and 10(9)	<b>100%</b>
Registered Old Age Homes	10(5) and 10(9)	<b>100%</b>
Improved Residential Properties with a General Valuation less than R50 000;	Section 17(1)(h)	<b>100%</b>
Protected Areas/ Nature Reserves		<b>100%</b>
Places of Worship, Churches and one main residential property where the full-time pastor or reverend resides, as being the property registered in the name of the church.	10(5) and 10(9)	<b>100%</b>

### REBATE CATEGORY

The municipality may grant rebates within the meaning of section 15(1)(b) of the Act on the rates to the owners of the following categories of properties.

<b>Description of category of property</b>	<b>Criteria</b>	<b>% Rebate</b>
Self-Sustainable towns without municipal services outside municipal towns at Residential Rate. (No R50k Discount)	Section 3 of policy	<b>75% (Rebate)</b>

Flat rebate applicable to all agricultural properties.  Qualifying requirements are that the owner should be taxed by SARS as a <i>bona fide</i> farmer and the last tax assessment must be provided as proof	Section 10 of policy	<b>75% (Rebate)</b>
Additional rebates applicable to bona fide farmers only	Section 10 of policy	<b>5% (Rebate) Maximum 80% rebate</b>
Registered owners of Residential Properties who are pensioners qualify for special rebates.	The relevant Tariffs as approved and adopted by Council for the financial year. Reapplication each financial year.	<b>Maximum 40%</b>

This is an important part of the council's indigent policy and is aimed primarily at alleviating poverty.

#### **SPECIAL INCENTIVES TO DEVELOPERS:**

Rebates will be granted as incentives to CederbergMill Mall and phased out over a 6 year period to Investors whom contribute to large capital developments and infrastructure to the Cederberg area. This will be stipulated in a development agreement.

The following rates rebates will be implemented.

Rates and taxes Year 1 100,00%  
 Rates and taxes Year 2 100,00%  
 Rates and taxes Year 3 100,00%  
 Rates and taxes Year 4 100,00%  
 Rates and taxes Year 5 100,00%  
 Rates and taxes Year 6 95,00%

Year 7 – fully rateable.

The rate in rand, as well as the rebates, will be determined and approved by Council when the budget and tariffs are annually submitted for consideration

#### **Criteria to qualify for Exemptions:**

Public benefit organizations, inclusive of Old Age Homes, Museums, National Monuments as provided for in this Rates Policy may apply for the exemption of property rates subject to producing a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962):

A) Exemptions will be subject to the following conditions:

- (a) All applications must be addressed in writing to the municipality;
- (b) A SARS tax exemption certificate must be attached to all applications;
- (c) The municipal manager or his/her nominee must approve all applications;
- (d) Applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought; and
- (e) The municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

**Criteria to qualify for Rebates:**

1. Flat rebate applicable to all **agricultural properties (To qualify for the AGR category)**. Qualifying requirements are that the owner should be taxed by SARS as a *bona fide* farmer and the last tax assessment must be provided as proof; (AGR is a category with a limit on the ratio of 1 to 0.25 on the tariff)

2. **Self-Sustainable towns** without municipal services outside municipal towns at Residential Rate. (No R50 k Discount). Towns to be identified by Council's Valuer.

3. The municipality may grant rebates to **enterprises that promote local, social and economic development in its area of jurisdiction**, based on its Local, Social and Economic Development Policy.

\* The following criteria will apply:

- A. job creation in the municipal area;
- B. social upliftment of the local community; and
- C. creation of infrastructure for the benefit of the community.

\* Rebates will be granted on application subject to:

- A. a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
- B. a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
- C. an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
- D. a municipal resolution.

4. Criteria for granting rebates to category of owners:

i **Retired and Disabled Persons Rate Rebate**

To qualify for the rebate a property owner must:

- a. occupy the property as his/her normal residence;

- b. be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
  - c. Be in receipt of a total monthly income from all sources (including income of spouses of owner) not exceeding the amount annually set by the council.
  - d. not be the owner of more than one property; and
  - e. Provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- ii. Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
  - iii. Applications must be accompanied by—
    - a. a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
    - b. sufficient proof of income of the owner and his/her spouse;
    - c. an affidavit from the owner;
    - d. if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
    - e. If the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
  - iv. These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.  
The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

#### 5. Other

- Owners of ratable property registered in the name of institutions or organizations, which in the opinion of the council, performs welfare, charitable and humanitarian work;
- cultural work; amateur sport and social activities;
- protect or maintain collections or buildings of historical or cultural interest, including art galleries, archives and libraries;
- conservation; environment and animal welfare; education and development; health care;
- agricultural (Experimental farms);municipal property and usage
- where the council is engaged in land sales transactions which take place after the financial year has started;
- where the municipality register a road reserve or servitude on a privately owned property a pro-rata rebate equal to the value of the
- reserve or servitude will be given to the owner;
- State hospitals, clinics and institutions for mentally ill persons, which are not performed for gain.

These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.

**13. Cost of exemptions, rebates & reductions:**

The Chief Financial Officer must inform the council of all the costs associated with the exemptions, rebates & reductions.

Provisions must be made in the operating budget for the full potential income associated with property rates, and the full cost of the exemptions, rebates & reductions. A list of all exemptions, rebates & reductions must be tabled before council.

**14. Rates increases:**

- (1) The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- (2) Rate increases will be used to finance the increase in operating costs of community and subsidized services.
- (2) Relating to community and subsidized services the following annual adjustments will be made:
  - (a) All salary and wage increases as agreed at the South African Local Government Bargaining Council
  - (b) An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
  - (c) Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- (4) Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- (5) Affordability of rates to ratepayers.
- (6) All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

**15. Notification of rates:**

1. The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days' notice will be based on the new rates.
2. A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be advertised in the media and the resolution will be displayed by the municipality at places provide for in legislation and the municipality's website and also promulgated in terms of and in accordance with section 14 of the Act.

**16. Payment of rates:**

Ratepayers may, by special written arrangements with the council, choose to pay rates annually in one installment on or before 30 September, normally the rates will be payable in twelve equal installments on or before the tenth day of the month following on the month in which it becomes payable.

- The municipality must furnish each person liable for rates with a detailed account as set out in section 27 of the Act.
  1. Interest on arrears rates, whether payable on or before 30 September or in equal monthly installments, shall be calculated in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the municipality.
  2. If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the Municipality.
  3. Joint owners are jointly and severally liable for the amount due for rates. In the case of agricultural property the rates due will be recovered as stipulated in the council's Rates Policy.
  4. **Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.**
  5. Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
  - 5.b Supplementary Valuations will be implemented during the year of review and date of the property to be billed on the amended valuation will be determined by Senior Management but not later than 3 months after the valuation has been performed.
  6. In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

**17. Deferral of payment of rates liabilities:**

The municipality will consider each application for deferral of rates, taking into account the merits and demerits of each and the financial implications thereof in so far the cash-flow of the municipality is concerned.

**18. Special rating area:**

The municipality may by council resolution, after consultation with the local community to obtain the majority's consent, determine an area within its boundaries as a special rating area for the purpose of raising funds for improving or upgrading that area; and differentiate between categories of property when levying an additional rate.

The municipality must determine the boundaries and indicate how the area is to be improved by the additional rates and establish a separate accounting and record-keeping system regarding the income & expenditure.

The municipality may establish a committee representing the Community to act as a consultative and advisory forum.

Representivity, including gender must be taken into account when Establishing such a committee.

**19. Supplementary Valuation Debits:**

In the event that a property has been transferred to a new owner and a Supplementary Valuation took place, the previous owner as well as the new owner will jointly and separately be held responsible for the outstanding amount due for rates.

**20. Ownership:**

Properties which vests in the municipality during developments, i.e open spaces and roads should be transferred at the cost of the developer to the municipality. Until such time, rates levied will be for the account of the developer

**21. Rates Clearance Certificate and Rates Refunds**

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(1)(a) of the Systems or Section 89 of the Insolvency Act, (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:

- 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;
- developer's contributions will be due and payable before any rates Clearance certificate is issued on new erven developments;
- in the case of new sectional title developments payment of developers contribution will be due before services will be connected;
- no interest shall be paid by the Municipality to the registered seller in respect of these payments which are deemed to be due; and
- all payments will be allocated to the registered seller's municipal accounts and all refunds will be made to the transferring attorney;



- **refunds will only be issued on written request or application for refund of the transferring attorney;**
- **Refunds will be allocated to arrear service debt of tenants and only the balance will be refunded.**
- **Refunds will not be issued if the services have not been connected on the new owner and the deed confirming new ownership is received. Outstanding services of tenants may only be recovered for a maximum period of two years if a request is lodged for a Section 118(1) of the Municipal Systems Act (32 of 2000) Clearance Certificate. If this is done the conveyancer as well as the buyer of the property must be informed that the remaining debt will remain on the property according to subsection 3, the buyer will then be held responsible for it.**
- The clearance certificate will only be valid for 120 days;
- Extension on a clearance certificate will be granted, if all services is paid in advance for another 120 days; If the valid period surpasses 30 June of the year in which the request was received, the total annual debit for the following financial year will be payable.

**22. Sectional Title Schemes:**

A rate on property which is subject to a sectional title scheme will be levied on the individual sectional title units in the scheme.

**23. General and Supplementary valuations:**

The municipality shall prepare a new general valuation roll of all properties at least every (5) five years and at least one supplementary valuation roll annually; The General valuation roll takes effect from the start of the financial year following completion of the public inspection period and remains valid for that financial year or for one or more subsequent financial years, as the municipality may decide, but in total not for more than 5 (five) financial years.

The Supplementary Valuation roll remains valid for the duration of the current general valuation roll.

## STELLENBOSCH MUNICIPALITY

**PROMULGATION OF THE PROPERTY RATES BY- LAW  
AFKONDIGING VAN EIENDOMSBELASTING VERORDENING**

Notice is given in terms of section 75(1) of the Municipal Systems Act 32 of 2000 that the following **PROPERTY RATES BY- LAW** was approved by the Stellenbosch Municipality Council at the 9<sup>th</sup> Council Meeting held 31 May 2017:

Kennis geskied hiermee in terme van artikel 75(1) van die Munisipale Stelsels Wet Nommer 32 van 2000, dat die onderstaande **EIENDOMSBELASTING VERORDENING** goedgekeur is op die 9de Raadsvergadering van die Stellenbosch Munisipale Raad, gehou op 31 Mei 2017.

**STELLENBOSCH MUNICIPALITY  
PROPERTY RATES BY-LAW**

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**1. PREAMBLE**

- (1) Section 229(1) of the Constitution authorizes a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.
- (2) Section 13 of the Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province,
- (3) In terms of section 3 of the Property Rates Act, a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable properties in the municipality.
- (4) In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.
- (5) In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(1) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

**2. INTERPRETATION**

In this By-Law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, (Act 6 of 2004) shall bear the same meaning unless the context indicates otherwise.

“**Municipality**” means the Stellenbosch Municipality (WC024).

“**Rates Policy**” means the Property Rates Policy adopted by the Municipality in terms of this By-Law.

“**Constitution**” means the Constitution of the Republic of South Africa.

“**Council**” means the Council of the Municipality.

“**Credit Control and Debt Collection Policy**” means the Municipality's Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

“**Systems Act**” means the Local Government: Municipal Systems Act, (Act 32 of 2000).

“**Property Rates Act**” means the Local Government: Municipal Property Rates Act, (Act 6 of 2004) including the amendment Acts and Regulations pertaining to the same.

“**Rates**” means a municipal rate on property as envisaged in section 229(1)(a) of the Constitution.

### 3. OBJECTS

The object of this By-Law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Property Rates Act.

### 4. ADOPTION AND IMPLEMENTATION OF RATES POLICY:

- (1) The Council shall adopt and implement a rates policy consistent with the Property Rates Act on the levying of rates on rateable properties within the jurisdiction of the Municipality.
- (2) The Council shall not be entitled to levy rates other than in terms of the valid Rates Policy.

### 5. CONTENTS OF RATES POLICY

The Municipality's Rates Policy shall, inter alia:

- (1) Apply to all the rates levied by the Municipality pursuant to the adoption of the Municipality's annual budget.
- (2) Comply with requirements for;
  - (a) the adoption and contents of a rates policy specified in section 3 of the Property Rates Act.
  - (b) the differentiation of categories of properties and categories of owners of properties as provided for in section 6 of the Property Rates Act.
  - (c) the process of community participation specified in section 4 of the Property Rates Act.
  - (d) the annual review of a rates policy specified in terms of section 5 of the Property Rates Act.
- (3) Specify principles, criteria and implementation measures consistent with the Property Rates Act for the levying of rates which the Council may wish to adopt.
- (4) Specify principles, criteria and implementation measures for the judicious granting of relief measures by means of Exemptions, Reductions and/or Rebates consistent with the Property Rates Act which the Council may wish to adopt.

- (5) Include such further administrative, control and enforcement mechanisms if any that are consistent with the Property Rates Act and the Systems Act, as the Council may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and its associated Policy.

**6. ENFORCEMENT OF RATES POLICY**

The Rates Policy of the Municipality shall be enforced through the Municipality's Credit Control and Debt Collection By-Law and its associated Policy and any further enforcement mechanisms stipulated in the Municipality's Rates Policy.

**7. REPEAL**

The provisions of any by-laws relating to Property Rates by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

**8. INTERPRETATION**

- (i) If there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.
- (ii) This By-Law must be read in conjunction with the Rates Policy.

**9. SHORT TITLE and EFFECTIVE DATE**

This By-Law is the Property Rates By-Law of Stellenbosch Municipality and shall take effect on 01 July 2017.

G. METTLER, MUNICIPAL MANAGER, Plein Street, P.O. Box 17, STELLENBOSCH, 7599  
Telephone Number: 021 808 8025

## STELLENBOSCH MUNICIPALITY

**PROMULGATION OF THE TARIFF BY- LAW  
AFKONDIGING VAN TARIWE VERORDENING**

Notice is given in terms of section 75(1) of the Municipal Systems Act 32 of 2000 that the following **TARIFF BY- LAW** was approved by the Stellenbosch Municipality Council at the 9<sup>th</sup> Council Meeting held 31 May 2017:

Kennis geskied hiermee in terme van artikel 75(1) van die Munisipale Stelsels Wet Nommer 32 van 2000, dat die onderstaande **TARIEWE** Verordening goedgekeur is op die 9de Raadsvergadering van die Stellenbosch Munisipale Raad, gehou op 31 Mei 2017.

## STELLENBOSCH MUNICIPALITY

## TARIFF BY-LAW

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8. **INTERPRETATION**
9. **SHORT TITLE and EFFECTIVE DATE**

**1. PREAMBLE**

- (1) Section 229(1) of the Constitution authorizes a municipality to impose:
  - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
  - (b) if authorized by national legislation, other taxes, levies and duties.
- (2) In terms of section 75A of the Systems Act a municipality may:
  - (a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
  - (b) recover collection charges and interest on any outstanding amount.
- (3) In terms section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (4) In terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

- (5) In terms of section 75(2) of the Systems Act, by-laws adopted in terms of section 75(1) of the Systems Act may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.
- (6) In furtherance of reusable energy, Council may determine tariffs pertinent to the purchase of surplus energy from consumers, subject to regulations issued and approved by the National Electricity Regulator of South Africa (NERSA).

## 2. INTERPRETATION

“**Municipality**” means the Stellenbosch Municipality (WC024).

“**Tariff Policy**” means the Tariff Policy adopted by the Municipality in terms of this By-Law.

“**Constitution**” means the Constitution of the Republic of South Africa.

“**Council**” means the Council of the Municipality.

“**Credit Control and Debt Collection Policy**” means the Municipality's Credit Control and Debt Collection Policy as stipulated by sections 96(b) and 97 of the Systems Act.

“**Systems Act**” means the Local Government: Municipal Systems Act, (Act 32 of 2000).

“**Finance Management Act**” means the Local Government: Municipal Finance Management Act, (Act 53 of 2003).

“**Tariff**” means fees, charges or any other tariffs levied by the Municipality in respect of any function or service provided, or surplus energy purchased, by the Municipality including rates levied by the Municipality in terms of the Local Government: Property Rates Act, (Act 6 of 2004).

“**Tariff List**” or “**Tariff Schedule**” means the list of the Tariffs applicable and in respect of any function or service provided, or surplus energy purchased, by the Municipality. This list, effective for a specific financial year, is approved by Council during the annual budget process.

## 3. OBJECTS

The object of this By-Law is to give effect to the implementation of the Tariff Policy as contemplated in section 74(1) of the Systems Act, and of the Tariff Schedule for a given financial year as approved by Council during the Municipality's annual budget process.

## 4. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- (1) The Municipality shall adopt and implement a Tariff Policy on the levying of fees for a municipal service provided by the Municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Municipal Finance Management Act and any other applicable legislation.
- (2) The Municipality shall not be entitled to impose tariffs other than in terms of the valid Tariff Policy.

## 5. CONTENTS OF TARIFF POLICY

The Municipality's Tariff Policy shall, inter alia:

- (1) Apply to all the tariffs fees (as per the Tariff List) imposed by the Municipality pursuant to the adoption of the Municipality's annual budget.

- (2) Reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of Tariffs which the Municipality may wish to adopt.
- (3) Specify the manner in which the principles referred to in paragraph 4(2) above are to be implemented in terms of the Tariff Policy.
- (4) Specify the basis of differentiation, if any, for tariff purposes between the different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.
- (5) Include such further enforcement mechanism, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection Policy.
- (6) Provide tariffs for the export of surplus energy from approved and certified consumers, within the jurisdiction of the Municipality, into the Municipality's distribution network.

#### **6. ENFORCEMENT OF TARIFF POLICY**

The Tariff Policy shall be enforced through the Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Municipality's Tariff Policy.

#### **7. REPEAL**

The provisions of any by-laws relating to Tariffs by the Municipality are hereby repealed insofar as they relate to matters provided for in this By-Law.

#### **8. INTERPRETATION**

If there is a conflict of interpretation between the English version of this By-Law and a translated version, the English version prevails.

#### **9. SHORT TITLE AND EFFECTIVE DATE**

This By-law is the Tariff By-Law of Stellenbosch Municipality and shall take effect on 01 July 2017.

G. METTLER, MUNICIPAL MANAGER, Plein Street, P.O. Box 17, STELLENBOSCH, 7599  
Telephone Number: 021 808 8025

THEEWATERSKLOOF MUNICIPALITY  
Approved by Council: SC06/2017 – 29 May 2017

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## **1. Aim of the policy**

- 1.1 This policy aims to address the key issues and challenges of credit control and debt collection. The strategic aim is to create an enabling environment in which the objectives of credit control and debt collection can be realised.

## **2. Background and concept**

- 2.1 Local government in South Africa has undergone an unprecedented change. This includes socio-economic issues in the wake of socio-political reform. The Municipal Systems Act, the Municipal Structures Act, the Municipal Finance Management Act (MFMA), and other legislation created a new dispensation for local government in South Africa. This policy is aimed at guiding officials in the legislative implementation processes necessary to ensure optimal revenue generation and collection.
- 2.2 Increased revenue forms the base for effective service delivery, infrastructure development, and economic growth. It also contributes to poverty alleviation, the eradication of unemployment, and the redistribution of resources including economic empowerment.
- 2.3 In line with the objective of creating a vibrant and growing Theewaterskloof Municipality (hereinafter referred to as municipality), the credit control and debt collection policy is also aligned to the principles of Batho-Pele.

Service delivery is one of Government's eight priorities as set out in the White Paper on the Transformation of the Public Service. To this effect, government has launched an initiative in South Africa under the banner of Batho-Pele – meaning 'People First' in Sesotho – aimed at improving the delivery of public services. Batho-Pele further aims to ensure that attitudes, systems and procedures are capable of delivering enhanced public services. Batho-Pele is also about ensuring that the resources available are used to the best possible extent, eliminating wasteful and expensive procedures and reducing unnecessary expenditure on inefficient processes and systems.

## **3. Structure of the policy document**

- 3.1 This policy is divided into (2) chapters, excluding the aim, background and the structure of the document. The first chapter provides an overview of credit control and debt collection. The second chapter outlines the credit control and debt collection policy.

### **Chapter 1: Credit control and debt collection overview**

#### **1. Introduction**

- 1.1 The municipality, in adopting this policy on credit control and debt collection, recognises its constitutional obligations to develop the local economy and to provide acceptable services to its residents. The municipality cannot fulfil these constitutional obligations unless it extracts payment for the services which it provides and the taxes which it legitimately levies in full from those residents who can afford to pay, and in accordance with its indigent relief measures for those who have registered as indigents in terms of the municipality's approved indigent policy.

- 1.2 It is vital to the long term financial viability of any municipality that it collects the revenues (such as levies, tariffs, rates and taxes) due to it for services rendered. In terms of Section 96 of the Local Government Municipal Systems Act 2000, a municipality
- 1.2.1 must collect all money that is due and payable to it, subject to this Act and any other applicable legislation; and
  - 1.2.2 for this purpose, must adopt, maintain and implement a credit control and debt collection policy, which is consistent with rates and tariff policies and complies with the provisions of this Act.
- 1.3 For these reasons, the implementation of the credit control and debt collection policy cannot be compromised.

## 2. Objective

- 2.1 The objective of a credit control and debt collection policy is to define a framework within which effective procedures could be developed to identify defaulters. A further objective is to ensure that their failure to meet their financial obligations towards the municipality would be treated in a consistent, fair and effective manner.
- 2.2 In terms of Section 97 of the Local Government Municipal Systems Act 2000, a credit control and debt collection policy must provide for
- 2.2.1 credit control procedures and mechanisms
  - 2.2.2 debt collection procedures and mechanisms
  - 2.2.3 indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents
  - 2.2.4 realistic targets consistent with
    - 2.2.4.1 generally recognised accounting practices and collection ratios; and
    - 2.2.4.2 the estimates of income set in the budget less an acceptable provision for bad debts.
  - 2.2.5 interest on accounts in arrears, where appropriate
  - 2.2.6 extensions of time for payment of accounts
  - 2.2.7 termination of services or the restriction of the provision of services when payments are in arrears
  - 2.2.8 matters relating to unauthorised consumption of services, theft and damages; and
  - 2.2.9 any other matters that may be prescribed by regulation in terms of section 104 of the Local Government Municipal Systems Act, 2000.
- 2.3 A credit control and debt collection policy differentiates between different categories of ratepayers, users of services, debtors, tax services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.
- 2.4 The effective and efficient implementation of this policy will improve the recovery rate of the municipality's debtors. In turn, this will contribute to the realisation of the constitutional objective of providing basic services for human dignity. Increased revenue forms the basis for effective service delivery, infrastructure development, and economic growth.

### **3. Municipal responsibility/accountability**

- 3.1 Section 62 of the Municipal Finance Management Act, 2003 states that the accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that the municipality has and implements a credit control and debt collection policy.
- 3.2 Section 64 of the Municipal Finance Management Act, 2003 states that the accounting officer of a municipality is also responsible for the management of revenue of the municipality.
- 3.3 The accounting officer and his/her designate must take effective and appropriate steps to collect all money due to the institution including as necessary
- 3.3.1 maintenance of accurate accounts and records for all debtors, including amounts received in part payment; and
  - 3.3.2 referral of a matter to the State Attorney, where economical, to consider a legal demand and possible legal proceedings in a court of law.
- 3.4 Should an accounting officer and his/her designate experience undue interference or influence by a municipality or councillor that prohibits the execution of his/her responsibilities with regard to this policy, he/she should report this to the relevant MEC.
- 3.5 In terms of section 173 of the MFMA, the accounting officer is guilty of an offence if he/she contravenes or fails to comply with credit control and debt collection provisions in terms of the MFMA.
- 3.6 A person is liable on conviction of an offence in terms of section 173 to imprisonment for a period not exceeding five years or to an appropriate fine determined in terms of applicable legislation.

### **4. Governments responsibility/accountability**

- 4.1 The principle of co-operative government forms the basis of the municipality's request for payment. In terms of section 34(2) of the MFMA, 2003 the national and provincial governments must support the efforts of municipalities to identify and resolve their financial problems.
- 4.2 In accordance with Chapter 3 of the Constitution, national and provincial departments and public entities must promptly meet their financial commitments towards municipalities.
- 4.3 According to schedule 8 of the amended Treasury Regulations, in terms of the Public Finance Management Act, 1999 [section 38(1)(f) and 76 (4)(b)] unless determined otherwise in contract or other agreement, all payments due to creditors must be settled within 30 days from receipt of an invoice or, in the case of civil claims, from the date of settlement or court judgement. Government therefore has an obligation to settle its municipal debt within 30 days.
- 4.4 In case of any dispute between the municipality and an organ of state the matter must be reported to National Treasury for intervention in line with the principles of co-operative governance.

### **5. Principles of credit control and debt collection**

- 5.1 Inherent in the credit control and debt collection policy is the municipality's vision of driving the right behaviour. The aim is to get municipal officials to adhere to acceptable standards of performance. The policy is also built on the principles of good corporate governance which can be

defined as the system by which the municipality is directed and controlled. The policy is therefore based on the following principles

- 5.1.1 discipline
  - 5.1.2 transparency
  - 5.1.3 independence
  - 5.1.4 accountability
  - 5.1.5 responsibility
  - 5.1.6 fairness; and
  - 5.1.7 social responsibility.
- 5.2 This policy will not make allowance for unacceptable behaviour of any party.
- 5.3 Considering the socio-economic conditions such as the level of unemployment and poverty amongst other conditions presently prevalent in South Africa, the enforcement of payment for services will only be effective if based on acceptable principles. Furthermore, the ability to pay has to be separated from indigent members of the community.
- 5.4 The following principles should be considered
- 5.4.1 The municipality should at all times be aware of the national credit control and debt collection initiatives. There are also numerous support mechanisms that the municipality need to be aware of.
  - 5.4.2 The municipal manager should report any challenges that officials are experiencing to enforce credit control and debt collection to the municipal council. Reporting frameworks to the municipality for credit control and debt collection should be decided upon by the municipality.
  - 5.4.3 Credit control and debtors procedures must be understandable, uniform, fair and consistently applied. Members of the community must understand these procedures to lessen possible disputes when applied. A fair, uniform system would ensure that any two community members in exactly the same situation would be treated in exactly the same way. This will enhance the community's perception of the municipality and aid in the acceptance of the procedures.
  - 5.4.4 Credit control must be effective, efficient and economical. To be effective the credit control policies and procedures must result in the improvement of the recovery rate of the municipality's debtors.
  - 5.4.5 The measures taken must be sustainable in the long term. Policies and procedures that are adopted should not be "quick fix" solutions but should lay the foundations for a system that can continuously and effectively address credit control issues.
  - 5.4.6 A proper indigent policy must be in place. Such a policy will enable the municipality to differentiate between community members that cannot pay and those that simply don't want to pay.
  - 5.4.7 The implementation of this policy requires the full cooperation of all sections within the municipality. The cooperation of the finance, engineering, and corporate service divisions are particularly important for the implementation of this policy.
  - 5.4.8 Inherent in the credit control and debt collection policy is the Municipality's vision of driving the right behaviour. The municipality will not utilise service providers (including directors and owners) who have not settled their municipal accounts.

## **6. Customer Care**

- 6.1 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, the municipality must, within its financial and administrative capacity
- 6.1.1 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
  - 6.1.2 establish mechanisms for users of services and ratepayers to provide feedback to the municipality or other service providers regarding the quality of the services and the performance of a particular service provider
  - 6.1.3 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 way in which monies raised from the service are utilised
  - 6.1.4 where the consumption of services have to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems
  - 6.1.5 ensure that persons liable for payments receive regular and accurate accounts and indicate the basis for calculating the amounts due
  - 6.1.6 provide 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
  - 6.1.7 provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality
  - 6.1.8 provide mechanisms to monitor the response time and efficiency in complying with the above point; and
  - 6.1.9 provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

## **Chapter 2: Credit Control and Debt Collection Policy**

### **1. Debtors from services rendered**

- 1.1 The municipality will raise a debtor for all services delivered in line with the tariff and rate policy. The municipality will also raise a debtor for all other services where income is due to the municipality.
- 1.2 A service agreement shall be entered into with the municipality for each new application to which the municipality is expected to provide all or any of the following services
- 1.2.1 water;
  - 1.2.2 electricity (to be determined);
  - 1.2.3 refuse collection;
  - 1.2.4 sewerage; and
  - 1.2.5 sundries and other debt.
- 1.2.6 The applicant may be required to undergo a full credit check in an endeavour to trace all debt inclusive of municipal debt owed by the applicant. This will require the provision of; inter alia, acceptable means of identification.

- 1.3 Such contract shall set out the conditions on which services are provided and shall require the signatory to note the contents of the municipality's credit control and debt collection policy. An abbreviated extract of this policy will be supplied to the consumer, as well an extract from the Municipal Systems Act 32/2000 relating to access to property.
- 1.4 (a) All new agreements, for the rendering of services, with non-indigent consumers will only be entered into with the owner of the property. (Section 118 of the Municipal Systems Act, Act 32 of 2000, should be brought under the attention of the owner or his duly authorised agent). Except when an owner is untraceable the account can be opened in the name of the occupant.
- (b) Indigent Tenants: An account may be opened in the name of the tenant on successful application to be classified as indigent, provided that the owner gives written consent that the tenant is the occupant, the amount of monthly rental payable and a further undertaking that the owner must inform council in writing when the tenant vacates the house in order to terminate the subsidy. If not terminated, the owner will be held liable for any undue subsidies granted to him (owner) or a new tenant. (A separate group code must be opened for "Tenants Indigents".)
- 1.5 Other service level agreements could be entered into with various role-players to implement the socio-economic objectives of Government.
- 1.6 Where no Service Level Agreement exists for functions rendered from other spheres of Government, Service Level Agreements need to be concluded.
- 1.7 Owners and tenants will be held responsible for the unpaid municipal charges of the tenants. This places a direct administrative obligation on owners to ensure that their tenants pay their municipal services. A prescribed surety form must be completed by owners in respect of service agreements of tenants.

## **2. Accounts for services rendered**

- 2.1 Accounts should be rendered promptly on a monthly basis to all consumers or owners of properties. Accounts must be prepared by the last working day of the month and must be posted to the consumers immediately thereafter as the consumer must settle the account on or before the 25<sup>th</sup> of every month.
- 2.2 The account/invoice must be printed on a standard form which must contain the following details:
- 2.2.1 consumer name
  - 2.2.2 consumer account number
  - 2.2.3 consumer postal address
  - 2.2.4 residence/erven details to where the service(s) have been supplied
  - 2.2.5 all details of services that have been supplied i.e. electricity, water, rates, refuse removal, etc.
  - 2.2.6 any outstanding balance from the previous month;
  - 2.2.7 amount paid;
  - 2.2.8 any accrued interest or fines
  - 2.2.9 VAT registration
  - 2.2.10 Date of meter reading

- 2.3 Owners of property will be assured that accounts are accurate, and metered services are being read on a monthly basis. Where it is impractical to read meters, alternative control mechanisms will be used to prepare a fair account.
- 2.4 A person is liable for payment of an account, whether or not that person has received an account by mean of posting, email or hand delivery.
- 2.5 In Deceased Estates the following:
- The municipality reserves the right to terminate all services after death if the account fall into arrears or no new application for services is received.
- An account for services may be opened in the name of the occupant/tenant/beneficiary (the application for services needs to be accompanied by the registered owner's death certificate and affidavit of date of occupation)
- No indigent subsidy will be approved if owner is deceased, unless the tenants/occupants qualify in terms of the Indigent Policy and acceptable arrangements is made.

### **3. Receipts and debtors collections**

- 3.1 All funds due to the municipality must be collected timeously and banked on a daily basis. Apart from not earning interest, cash left in the safe could result in higher insurance premiums to cover the additional risk. Cheque payments in excess of R100 000 must be deposited into the bank account on the same day when necessary.
- 3.2 All moneys collected by the municipality must be banked in the primary bank account of the municipality. Traffic money collected and deposited into traffic bank account must be transferred into the primary bank account daily.
- 3.3 Moneys collected by some other agency on behalf of the municipality shall be paid over to the municipality or deposited in the bank account of the municipality in a manner prescribed by the municipal manager [Section 64(2)(d)].
- 3.4 The receipt of all monies collected by the municipality shall be acknowledged forthwith by the issue of a numbered official receipt. Cash payment should not be made without a receipt being issued.
- 3.5 The person responsible for receipting of monies received from debtors must not be the debtor's clerk. The two positions must be kept separate and filled by different people. This is done to reduce the risks of fraud within the municipality.
- 3.6 All receipts must be correctly allocated to the relevant debtor's account. Furthermore, the amount must be correctly allocated to the services that are being paid for. A principle of oldest debt first will be followed. On current accounts credits will be allocated as follows
- 3.6.1 first, to any unpaid costs incurred by the municipality in respect of notices, legal expenses and reconnections or reinstatements of services of the account or property concerned
  - 3.6.2 second, to any unpaid interest raised on the account
  - 3.6.3 third, to any unpaid sewerage charges
  - 3.6.4 fourth, to any unpaid refuse collection charges
  - 3.6.5 fifth, to any unpaid water charges
  - 3.6.6 sixth, to any unpaid electricity charges; and
  - 3.6.7 last, to any unpaid property rates.

- 3.7 Any unknown receipts will be left temporarily in a debtor's receipts clearing or suspense account. These amounts must be traced to deposits or remittances and must be followed up without delay by contacting the payee or bank where applicable, to verify for what or whom the payment was received.
- 3.8 The debtor's receipts clearing or suspense accounts must be cleared at least on a weekly basis.
- 3.9 All payments by cheques should reflect the ID number, account number and telephone number of the drawer.
- 3.10 Cashier must ensure that cheque amount correspond to digits and that the dates are correct, cheque signed and that no alterations are effected on the cheque.
- 3.11 Consumers who pay electronically or by direct deposit must clearly specify the details of payment and/or send such details to the municipality.
- 3.12 Review debt collection performance by comparing the debtors outstanding in relation to total turnover. The outcome is then compared with previous financial years to determine the status of the debt collection process.

#### **4. Accuracy of customer billings**

- 4.1 The debtors system must correctly reflect all monies owed to the municipality. Furthermore, a well-managed debtors and banking control system must be implemented to ensure that funds owed to the municipality are correctly determined, received and banked.
- 4.2 If the municipality is unable to read any meter on any property because the meter has been rendered inaccessible through any act or omission of the accountholder or owner of the property concerned, the municipal manager shall estimate the consumption of the service concerned by determining the monthly average of the metered consumption recorded on the three most recent accounts for which meter readings were obtained (or a longer period, if justifiable). The accountholder will then be billed for the monetary value of such estimated consumption until the meter is again rendered accessible.
- 4.3 Payment of consumption by contractor.
- 4.4 No remission will be given for high water consumption as a result of leakage/vandalism if the building is occupied or regularly utilised for meetings or gatherings.

Applications for high water consumption as a result of leakage/vandalism in cases where a building is not occupied, or the water pipe is not near the building, will be considered by the Director: Financial Services.

If the application is approved by the Director: Financial Services, an average of the previous 3 months consumption will be used to determine the consumption for the month in which the pipe breakage took place.

- 4.4 A Consumer may qualify for a percentage reduction on his/her account in the event of a water leakage, if:
  - a) the leakage was underground or under the foundation of the building and not easily detectable; and



- b) the leakage was repaired within 48 hours after detection
- c) the consumer submits a sworn affidavit by him/herself confirming that his/her insurance(s) does not cover such losses; and
- d) a written confirmation from the consumer's insurance must 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
- e) the consumer has not applied for discount within the previous 12 months;
- f) an authentic certificate issued by a registered plumber must reach the Municipality within 10 days after completion of repairs done with respect to a water leakage and must contain the following:
  - i) 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 of approved pipes held by Technical services
  - ii) water lost due to the meter being stolen, defective irrigation, broken geyser, leaking toilet or leaking tap cannot be considered for write off;
  - iii) council may only allow a write off, of 60% of the losses and to the maximum of R25,000.00

## 5. Arrear accounts

5.1 The following must be implemented in terms of section 96 of the Local Government Municipal Systems Act 2000

- 5.1.1 An age analysis must be printed on a regular basis. Any amounts outstanding over 30 days must be followed up immediately. Consumers must settle the account on or before the 25<sup>th</sup> of every month.
- 5.1.2 When accounts are printed at the end of each month, the total of the accounts printed must agree to the age analysis. Any difference must be reconciled immediately and corrected.
- 5.1.3 Any amounts over 30 days must be reported to the Chief Financial Officer. The consumer must be notified that should the account not be paid WITHIN 48 HOURS FOR BUSINESSES or 14 (Fourteen) DAYS FOR RESIDENTIAL CONSUMERS the service(s) will be disconnected/restricted or prepaid water meter may be installed. It is the Finance Department's responsibility to notify the Engineering Department thereafter to the Town Manager of the relevant cut-offs (subject to compliance with Water & Service Electricity Acts).
- 5.1.4 The consumer will be held liable for all disconnection and reconnection charges.
- 5.1.5 A consumer's supply may not be reconnected until such time as the consumers account is settled in full or with appropriate arrangements in terms of Section 7 including any reconnection/disconnection charges and interest that may have been accrued
- 5.1.6 Should a consumer fail to pay their account even once the service has been terminated, the credit control and debt collection policy must be implemented to recover the outstanding amount due.
- 5.1.7 The council may install prepaid water and electricity meters at its discretion when debtors enter into agreement to pay off arrears.
- 5.1.8 The council may replace existing credit meters for water and electricity with prepaid meters at its discretion to prevent debtors already in arrears to accumulate further debts for the services of water and electricity.

In terms of section 28(1) of Municipal Property Rates Act, 2004: If an amount due for rates levied in respect of a property is unpaid by the owner of the property, the municipality may recover the amount in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier. The municipality may recover an amount only after the municipality has served a written

notice on the owner and tenant/s and/or occupier/s. Any amount a municipality recovers from the tenant or occupier of the property must be set off by the tenant or occupier against any money owed by the tenant or occupier to the owner. The tenant or occupier of a property must, on request by a municipality, furnish the municipality with a written statement specifying all payments to be made by the tenant or occupier to the owner of the property for rent to other money payable on the property during a period determined by the municipality.

5.1.9 In terms of Section 28(1) of Municipal Property Rates Act, 2004: If an amount due for rates levied in respect of a property is unpaid by the owner of the property, the municipality may recover the amount in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier. The municipality may recover an amount only after the municipality has served a written notice on the owner and tenant/s and/or occupier/s. Any amount a municipality recovers from the tenant or occupier of the property must be set off by the tenant or occupier against any money owed by the tenant or occupier to the owner. The tenant or occupier of a property must, on request by a municipality, furnish the municipality with a written statement specifying all payments to be made by the tenant or occupier to the owner of the property for rent or other money payable on the property during a period determined by the municipality.

5.1.10 The Municipality reserves the right to refer debtors in arrears to Credit rating Agencies for collection which could lead to these debtors being listed with an adverse credit rating.

5.1.11 The municipality may—

- (a) consolidate any separate accounts of persons liable for payments to the municipality;
- (b) credit a payment by such a person against any account of that person; and
- (c) implement any of the debt collection and credit control measures provided for in this policy in relation to any arrears on any of the accounts of such a person.

5.1.12 Disputes

Withholding payments on levies for municipal services and property rates are limited to specific services and amounts. Valid levies and other valid outstanding amounts are still payable and will not prohibit efforts to collect these valid amounts. (Refer Art 102 of Systems Act)

5.1.13 Query or verify of Consumer accounts

1) Query or verify

- (a) To query or verify an account refers to the instance when a debtor queries any specific amount or any contend contained in any account as rendered by TWK to that personas per the process contained herein;
- (b) When a debtor queries an account such debtor must furnish full personal particulars including any acceptable means of identification, all account numbers held with TWK Municipality, direct contact telephone numbers, fax numbers, postal and e-mail addresses and any other relevant particulars required by TWK;
- (c) All queries shall be acknowledged and dealt with as promptly and efficiently as possible by TWK Municipality
  - (i) Where required an outcome shall be conveyed to the debtor; and
  - (ii) Where an account query has arisen, the amount queried shall not be subject to the debt collection by TWK until the query has been resolved and the outcome has been communicated to all parties, where relevant;

- (d) The Municipal Manager may suspend any debt collection action, pending the outcome of any query;
- (e) Notwithstanding any query on any account the account must still be paid, in terms of the provisions contained in the policy, once any queries have been resolved, where relevant; or
  - (i) Subject to any other legislation, payment must be based on the normal average of past accounts rendered until the query is resolved by the Municipal Manager; and
  - (ii) That portion of the account which is not subject to the query must still be paid; and
- (f) Should a debtor not be satisfied with the outcome of the query, a debtor may lodge an appeal in terms of section 62, as read with Section 95(f), of the Municipal Systems Act;
- (g) The onus will be on the debtor to ensure that a written acknowledgement of receipt is received for any correspondence lodged with TWK; and
- (h) The onus will be on the debtor to ensure that a suitable response to any query is received.

## 2) General

- (a) The Municipal Manager may require that any official attend any meeting in order to assist with the investigation relating to the facts surrounding any query, verification of any account or any dispute; and
  - i) The Municipal Manager has the right to call for any document, book, and computer data or record which in his or her sole discretion is deemed necessary to assist in attempting to deal with any issue referred to in this policy.
  - ii) Failure to produce any information as required in terms of sub-item (i) may result in restriction, disconnection or discontinuation of any supply of services, or any relevant action in terms of this policy.

## 6. Interest on arrears

6.1 Interest at the rate as determined by the municipality (normally one percent higher than the prime rate) in accordance with the Municipal Systems Act 32, 2000 will be charged on arrears on the day following the final date for payment as indicated on the account. For this purpose, part of a month will be treated as a full month. Interest rate determined on a monthly basis at Prime + 1%

6.1.1 No interest to be charged on consumer accounts in the name of Theewaterskloof Municipality with the exception of rental contracts.

6.1.2 Household consumers with total earnings of less than R5 000 per month be given grace-period until the last working day of the month to pay their monthly accounts.

### Conditions:

- They must apply in writing on a prescribed form.
- If they fail to settle by the prescribed date, they will be disqualified.

## 7. Debtor arrangements

- 7.1 Extensions for payment will only be granted for
- 7.1.1 administrative or calculation errors on accounts, however this is applicable to the disputed amount only and the undisputed amount must be paid in full
  - 7.1.2 the finalisation of a late estate; and
  - 7.1.3 any other request for extension subject to the guideline laid down by this policy.
- 7.2 Extension will be handled on the merit of the case and the term of extension should be handled on merit in a fair, unbiased and practical manner. Relevant documentation may be required to substantiate the arrangement.
- 7.3 The municipal manager or his/her designate will use his/her discretion whether defaulting accountholders are allowed to make arrangements for the payment of arrears. Each defaulting accountholder shall be allowed a reasonable maximum period within which to pay an account in arrears, together with the interest accrued on such an account. A condition for such an arrangement shall be that the accountholder is bound to pay every current municipal account in full and on time during the period over which such an arrangement extends. If an accountholder breaches any material term of an arrangement, the balance of the arrear accounts, together with the balance of interest raised on such account, shall immediately become due and payable to the municipality. Moreover, if the accountholder defaults on such payment, the municipal manager or his/her designate shall terminate/restrict water and or electricity services to the property in question and shall forthwith institute legal action. An accountholder who has breached an arrangement as set out above shall not be allowed to make any further arrangements for the account(s) in arrears. Instead, after dispatching the initial notice of default as stipulated in the actions against defaulters and the failure by the accountholder to pay the accounts in arrears, including the interest raised on such an account, the defaulting accountholder shall be proceeded against as required in terms of such notice, as though such accountholder had breached a material term of an arrangement.

- 7.4 The following arrangements for the payment of accounts in arrears (for debt incurred before the policy) should be considered

7.4.1	If the overdue balance contains amounts which have been outstanding for longer than twelve months, there should be a $\frac{1}{12}$ amount of the total overdue balance that will be accepted as an initial payment. The municipal manager may decide on an arrangement to settle the balance in equal instalments. The maximum period is twelve months within the financial year.
7.4.2	If the overdue balance contains amounts which have been outstanding for less than twelve months, there should be a $\frac{1}{6}$ for 12 months, $\frac{1}{8}$ for 8 months of the total overdue balance that will be accepted as an initial payment. The balance should be settled in equal instalments over a maximum period of six months.
7.4.3	A debtor who, without notifying the municipal manager or his/her designate, fails to comply with any arrangements, is automatically excluded from the right to be considered for a further extension. The Municipal Manager or his/her designate is not obliged to notify the debtor of the failure.
7.4.4	If after continuation, the debtor again applies for arrangement, the municipal manager or his/her designate may consider this. However, if services have been discontinued or restricted, such further arrangement will exclude the continuation of the service until full payment has been received by the municipality.
7.4.5	**Alternative payment arrangements may be negotiated under set conditions, which the municipal manager or his/her designate may determine.
7.4.6	Council may deduct 10% to 50% of Electricity Purchases amount to settle unpaid Rates and Services Debts form 10% escalating with 10% per number of months in arrears.  That sewer blockages at non-indigent households be affected before payment if the household is unable to pay in advance and that the account be debited with such charges.

\*\* Written confirmation of alternative payment arrangements will specify the due dates, the disconnection process, the reconnection processes, penalties, etc. The condition that any future monthly accounts are paid by the standard due date will be automatically included.

- 7.5 That the requirement that municipal debt should not be in arrears will be waved as a requirement for SMME's and that it be agreed that debt payments must be deducted from payments due to appointed tenderers who owes the municipality.

## 8. Unauthorised consumption of services

- 8.1 A debtor who reinstates his/her full water and electricity capacity will be regarded as illegal and unauthorised.
- 8.2 The connection will be removed at the owners cost and will not be reinstated until such time the full outstanding cost is paid to the municipality and the penalties, additional service connection, and consumer deposit will be levied in accordance with the municipality's tariff of charges and by-laws.

- 8.3 All current illegal connections will have five (5) working days to declare and legalise their connection from the date of the implementation of this policy.
- 8.4 After the period of five (5) working days, all users of illegal connection will be prosecuted.
- 8.5 The municipal manager shall, as soon as it comes to his notice that any terminated or restricted service has been irregularly reconnected or reinstated, report such action to the South African Police Service (to criminally prosecute), disconnect or restrict such service(s), and not terminate or reinstate such service(s) until the accounts in arrears, including the interest raised on such account, the charges for the notice sent and the charges for both the original and subsequent reconnection or reinstatement of the service(s) and the revised deposit have been paid in full, together with such penalty as may be determined by the municipality from time to time.

## **9. Action against non-payment or defaulters**

- 9.1 As the accrual system is used to record income it requires that all income must be collected to finance expenditure. The principle is accepted that recurring income must finance recurring expenditure within the budget cycle of twelve months. The debtors turnover rate should not at any time exceed the national norm of forty two days.
- 9.2 Letter of demand
- 9.2.1 Notice will be given by letter of demand, electricity and water notice, or sms to every owner or consumer, who is in arrears with his/her municipal account,
- 9.2.2 However, within seven (7) calendar days after each monthly due date for payment of municipal accounts for property rates and/or service charges, the municipal manager shall send out the letter of demand to every defaulting account holder. Every defaulting account holder who as at the date of the notice not paid the monthly account in full or has not made an acceptable arrangement with the municipal manager for partial or late payment, a notice stating that unless full payment is received or an acceptable arrangement made with the municipal manager for partial or late payment, the municipal water and electricity supply of the property to which the account in arrears relates, shall be terminated or restricted seven (7) calendar days after the date of the notice for residential properties and 48 hours for businesses. Disconnections/restrictions will not be affected on Friday to Sunday or any day on/before a Public Holiday. It shall be specifically recorded that the water connection for residential consumers shall not be disconnected, instead it will be restricted.
- 9.3 Restriction/discontinuance of service
- 9.3.1 Water and electricity services
- 9.3.1.1 Services will be restricted with immediate effect if payment arrangements are not adhered to. Alternative arrangements need to be in place. Should it be noted that consumption is registered after disconnection, the connection will be removed at the owners cost and will not be reinstated until such time the full outstanding cost is paid to the municipality including the additional service connection and consumer deposit required. There must be no political interference in the process being followed by the municipal manager in the collection of tariffs (Municipal Finance Management Act).

9.3.1.2 If the municipal manager is of the opinion that the restriction of water services, in the case of a particular property in respect of which the account is in arrears, is not in the best interest of the community – specifically because of the potential endangerment of the life of any person, whether a resident in or outside the property is concerned – he/she may appropriately restrict rather than terminate the water and electricity services in question, provided that such restricted services shall not exceed 6 kl per month in the case of water.

9.3.1.3 If a debtor's account is in arrears for more than 30 days, water and electricity will be restricted (or disconnected where appropriate) to the minimum level (where appropriate) as approved by municipality in the budget for the year. It shall be specifically recorded that the water connection for residential consumers shall not be disconnected, instead it will be restricted.

#### 9.3.2 Rates, Refuse Removal, Sewerage, and sundries

The municipality will institute legal action and take steps to attach or dispose of the applicable properties in lieu of outstanding rates and charges.

#### 9.3.3 Land and rental instalments

The deed of a sale or a lease agreement will be cancelled and eviction orders will be obtained. Outstanding amounts will be recovered through legal action (defined in the deed of sale) and/or listing with the Information Trust Corporation (Credit Bureau).

#### 9.4 Agents' attorneys and other collection agents

All external agents acting on behalf of a municipality are to be named together with their account details and contact information. Under no circumstances may agents negotiate terms, extend payment periods or accept cash on behalf of a municipality, unless specifically instructed in writing to do so. The liability for the cost of legal action and other credit control actions must, as far as is legally possible, be for the account of the debtor.

#### 9.5 Legal action

9.5.1 The issuing of letter of demand to defaulters is the beginning of a legal process and payments for amounts outstanding can only be made to the municipality.

9.5.2 It is important that legal action be instituted against defaulters when the credit control section was unsuccessful with the collection process. The legal process (including judgement and execution of firstly moveable and thereafter immoveable assets) will be followed against defaulters who do not respond to letters of demand.

9.5.3 In any event, if water and electricity services have been terminated or restricted in the case of a property in respect of which the account is in arrears, and the account holder 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 account in arrears, 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 shall forthwith institute legal action.

9.5.4 If accounts are handed over for collection to an external Attorney, the debtor will be responsible for all legal costs to the Municipality.

9.6 Credit Bureau listings

The names of debtors in accordance with the municipality's records will, after court judgement, be automatically listed with credit bureaus simultaneously with the handing over of amounts for collection.

**10. Realistic targets/performance management**

In terms of the budget approved by the municipality, and in accordance with commonly accepted best practice, this municipality will have to strive to its utmost to ensure that payment levels for the present and future financial years, in respect of all amounts legitimately owed to the municipality – that is, inclusive of the balance of the monthly accounts payable by registered indigents – are maintained at a high level.

**11. Consumer deposits**

Deposits of defaulters may be adjusted or recalculated to cover at least two times the estimated consumption and basic fees for the services of water, electricity, refuse and sewerage. The minimum deposits required shall be approved with the tariff and charges annually. The deposits will be applied to defaulters and new owners.

**12. Other debtors**

Amounts due to the municipality for any other services rendered shall be due and payable when the service is rendered. Notwithstanding any disputes that may arise, the outstanding amounts will bear interest and all amounts outstanding after 90 days shall be handed over for collection.

**13. Indigent households**

Indigent households will be handled in terms of the municipality's indigent policy. Although the municipality has adopted an indigent policy, every consumer will be subject to conditions set in this policy and any by-law that emerges from this policy.

**14. Uncollectible arrears**

The effective implementation of the present policy also implies a realistic review of the municipality's debtors' book on an ongoing basis. The municipal manager should regularly report to the municipal council on irrecoverable arrears written off by the Municipal Manager in consultation with Executive Mayor and Director: Financial Services taking in account prescription and economic benefit of such write off. All debts write off must be reported to Council at least quarterly and approved by the municipality to effect such write offs.



## 15. Writing off bad debts

Debt will only be considered as irrecoverable and only be written off after all reasonable steps have been taken to recover the debt, in accordance with this policy, and the municipality is convinced that

- 15.1 recovery of the debt would be uneconomical
- 15.2 recovery would cause undue hardship to the debtor or his/her dependants; and
- 15.3 it would be an advantage to the municipality to effect a settlement of its claim or to waive the claim
- 15.4 qualify for consideration as follow:
  - (a) all reasonable notifications and cost effective legal avenues have been exhausted to recover a specific outstanding amount; or
  - (b) any amount equal to or less than R1000.00, or as determined by Council from time to time, will be considered too small, after having followed basic checks, to warrant further endeavours to collect it; These amounts to be submitted to the Chief Financial Officer for consideration to write-off. These amounts to be presented to Council for notification after the fact.
  - (c) the amount outstanding is the residue after payment of a dividend in the rand from an insolvent estate; or
    - (i) there is a danger of a contribution; or
    - (ii) no dividend will accrue to creditors; or
  - (d) a deceased estate has no liquid assets to cover the outstanding amount following the final distribution of the estate; or
    - (i) where the estate has not been reported to the Master and there are no assets of value to attach; or
    - (ii) it has been proven that the debt has prescribed; or
  - (e) the debtor is untraceable or cannot be identified so as to proceed with further action; or
  - (f) the debtor has emigrated leaving no assets of value to cost effectively recover Councils claim; or
  - (g) it is not possible to prove the debt outstanding; or
    - (i) a court has ruled that the claim is not recoverable; or
    - (ii) the outstanding amount is due to an irreconcilable administrative error by the Municipality; or
  - (h) conversion of old dormant account balances of debtors, inherited from the previous municipalities which now form part of the Theewaterskloof Municipality, and where reasonable steps have been taken to recover these debts; or
    - (i) all debtors who are registered as indigent as more fully set out in Indigent Policy will have their arrears written off; or
    - (j) an offer of full and final settlement written offer must be submitted to a committee of Council for consideration
  - (k) all arrears may be written off to bad debts where Council—
    - (i) expropriates any property; or
    - (ii) purchases any property in terms of item 10(1)(f); or
  - (l) through supporting Theewaterskloof housing related debt management processes and in instances where a housing debtor has applied for and been granted a housing indigent grant in terms of the Indigent Policy, all debt related to that property for that debtor (excluding capital debt of home ownership units), up to the date of granting of indigent status will be written back.
  - (m) this assistance will only be granted to an organization subject to the condition that an electricity repayment meter and a water management device must be installed, where applicable;

- (n) should any tampering with or bypassing of the water and electricity meters be discovered, any arrears written-off, in terms of this sub-item, will become payable with immediate effect and any other action as per any legislation or policy that applies to such tampering and/or bypassing will be instituted;

15.5. Authorisation

- (1) In respect of other debt, schedules indicating the debtor account number, the debtor's name, the physical address in respect of which the debt was raised, address, erf number, if applicable, amount per account category as well as a reason to write-off the amount must be compiled.
- (2) Notwithstanding the above, the Municipality or its authorised officials will be under no obligation to write-off any particular debt and will always retain sole discretion to do so.

15.6 be disclosed in the annual financial statements, indicating the policy in terms of which the debt was written off; and

15.7 Council to only consider writing off debts by indigent consumers who have been classified as indigent consumers for more than 3 (three) months.

## 16. Approval of Building Plans

Approval of Building Plans including applications for rezoning, consent use, subdivisions and any other related applications are subject to settlement of all outstanding amounts on the erf.

## 17. Issuing of Rate Clearance Certificates

17.1 The following fees must be paid before a rates clearance certificate is issued:

17.1.1 Valuation certificate.

17.1.2 Clearance certificate.

17.1.3 Municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties for a minimum of three (3) months or as determined in the application request from the Attorneys.

In terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) it is hereby certified that all amount that became due to Theewaterskloof Municipality in connection with the under mentioned property situated within the municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the 2 (two) years preceding the date of application for this certificate, have been fully paid.

If however there is still an amount outstanding debt on a said property which remains a charge upon the property by virtue of Section 118(3) of Systems Act and is then deemed to be recoverable from any owner at the time through instituting legal proceedings.

Municipal debts include: debts up to 30 years old for rates, refuse and sewer charges; and debts up to 3 years old for electricity and water consumption.

Section 118(1) refers to debts incurred within the “two years” prior to the application for a clearance certificate. Such debt must be paid in full, failing which the municipality can exercise a restraint on the transfer of the property until the debt is settled. Such a provision is known as a veto or embargo provision.

Section 118(3), creates a charge over the property in favour of the municipality. In addition Section 118(3) gives the municipality a “preferent” right which ranks higher than that of the Bank in respect of mortgaged property.

The Municipality can take legal action against the present owner of a property for any municipal debts owing by that owner and any previous owner of that property, provided the amounts have not prescribed and that all by-laws have been complied with. It can include debts up to 30 years old (for rates, refuse and sewer charges) and 3 years old (for electricity and water consumption), including debts of more than one previous owner. Such legal action would entail suing the new owner for the old owners debt and attaching and selling the property itself, which stands as security in terms of Section 118 (3).

The municipality’s right to claim the proceeds of the sale of property trumps the banks right to claim what is owed in terms of the mortgage bond. Consequently the banks risk assessment of purchasers of immovable property can never be accurately done, as it cannot realistically assess the risk that the purchaser may be called upon to settle the debts of previous owners.

If however there is still an amount outstanding debt on a said stand, which remains a charge upon the property by virtue of Section 118(3) of the Systems Act and is deemed to be recoverable from any owner at the time of legal proceedings.

- 17.2 All debt must be recovered (including tenants’ accounts) before Clearance Certificates are issued: Owner remains liable for all debt to a property.
- 17.3 Business Licences are not granted to those who owe council.

## **18. General**

This policy is to be applied by all officials in the Municipality.

**THEEWATERSKLOOF MUNICIPALITY****TARIFF POLICY**

Approved by Council: SC06/2017 – 29 May 2017

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## TARIFF POLICY

## THEEWATERSKLOOF MUNICIPALITY

**PREAMBLE**

**Whereas** a tariff policy must be compiled, adopted and implemented in terms of Section 74 of the Local Government: Municipal Systems Act 2000, such policy to cover, among other things, the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements;

**And whereas** the tariff policy at least should include the principles in section 74(2);

**And whereas** the tariff policy may differentiate between different categories of users, debtors, service providers, service standards and geographical areas as long as such differentiations does not amount up to unfair discrimination;

**Now therefore** the Municipal Council of the Theewaterskloof Municipality adopts the following tariff policy.

**1. DEFINITIONS**

In this tariff policy, unless inconsistency with the context, a word or expressions to which a meaning in the Act has been attached means—

- 1) ***“agricultural consumers”*** include but are not limited to—  
farms, smallholdings and agricultural show grounds;
- 2) ***“break even”*** occurs where the volume sales are equal to the fix and variable cost associated with the provision of the service;
- 3) ***“charitable and welfare institutions and organisations”*** include but are not limited to—  
any institution managed on a non-profitable basis by a church association or a registered charity organisation for example old ages homes, pre-primary schools, care facility for preprimary children, old age facility, homes and/or care facilities for the homeless and children homes;
- 4) ***“commercial consumers”*** include but are not limited to—  
business undertakings, shops, offices, liquor stores, supermarkets, public garages, gathering places, nurseries, places of entertainment, service stations, hairdressings salons, banks, hotels, guesthouses, boarding houses and doctor- and dentist consulting rooms;
- 5) ***“community service”*** are services that the Council has classified as such and the tariffs have been compiled with the intention that the costs of the services cannot be recovered fully from public service charges and are of a regulatory nature;
- 6) ***“councillor for financial matters”*** the councillor of the municipal council responsible for financial matters;
- 7) ***“domestic consumers”*** include but are not limited to—  
residence, group housing, town houses, semi-detached houses, and flats;

- 8) *“economic services”* are services that the Council has classified as such and the tariffs have been compiled with the intention that the total costs of the services are recovered from customers;
- 9) *“educational and communal institutions”* include but are not limited to—  
schools, colleges, pre-primary schools not operated by a registered charity or welfare organisations, libraries, museums, churches, hospitals, clinics, correctional institutions, school hostels and community halls;
- 10) *“fixed costs”* are costs which do not vary with consumption or volume produced;
- 11) *“geographical areas”* areas identified as such by council due to service backlogs, social circumstances or any other similar reasons;
- 12) *“indigent households”* are households that are registered at the municipality as such and meet the criteria as stipulated in the credit control and debt collection policy and occupying a property within the jurisdiction of the municipality;
- 13) *“industrial consumers”* include but are not limited to—  
industrial undertakings, factories, warehouses, workshop, scrap yards, stores, wine cellars, abattoir, dairy processing plants and fish markets; or any consumer who’s volume of consumption of municipal services are of such a nature that it does not fall within the ordinary definition of a business consumer
- 14) *“in season”* refers to the period from Western Cape’s September Holidays until Easter Weekend;
- 15) *“lifeline tariffs”* a unit charge calculated by dividing the total cost associated with the service by the volume consumed (units); A special electricity tariff introduced by council aimed at assisting low income earners to reduce electricity bills.
- 16) *“municipal property”* include but are not limited to—  
all properties registered in the name of the Theewaterskloof Municipality or controlled by the municipality including libraries, museums, and contagious diseases hospital and caravan parks;
- 17) *“resident”* a person who is ordinary resident in the municipal area;
- 18) *“special agreements”* are special tariff agreements entered into with consumers making significant economic contribution to the community and create job opportunities;
- 19) *“sport and recreation facilities”* include but are not limited to—  
properties used exclusively for sport and recreation purposes including school sport fields which are metered separately for water and electricity consumption and caravan parks;
- 20) *“the Act”* the Local Government: Municipal Systems Act, 2000 (Act no 32 of 2000);
- 21) *“total cost”* is the sum of all fixed and variable costs associated with a service;
- 22) *“trading services”* are services that the Council has classified as trading services and the tariffs have been compiled with the intention that the Council makes a profit on the delivery of the services;
- 23) *“two-part tariffs”* are tariffs that are raised to cover the fixed and variable costs separately. The fixed costs are recovered by dividing the total fixed costs by the number of customers per category and the variable costs are recovered by dividing the total variable costs by the volume consumed;

- 24) *“units consumed”* are the number of units consumed of a particular service and are measured in terms of the tariff structure reflected in Section 7;
- 25) *“variable costs”* are costs that vary with consumption or volume produced.

## 2. PURPOSE OF THIS POLICY

The Theewaterskloof Municipality wishes to achieve the following objectives by adopting this tariff policy.

- (1) To comply with the provisions of section 74 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) To prescribe procedures for calculating tariffs where the municipality wishes to appoint service providers in terms of section 76(b) of the Act.
- (3) To give guidance to the Councillor responsible for finance regarding tariff proposals that must be submitted to Council annually during the budget process.

## 3. TARIFF PRINCIPLES

In setting its annual tariffs the council shall at all times take due cognisance of the tariffs applicable elsewhere in the economic region, and of the impact which its own tariffs may have on local economic development.

The Theewaterskloof Municipality wishes to record that the following tariff principles will apply.

Service tariffs imposed by the local municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the ability of the relevant consumer or user of the services to which such tariffs relate, shall not be considered as a relevant criterion (except in the case of the indigent relief measures approved by the municipality from time to time).

The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.

Tariffs for the four major services rendered by the municipality, namely:

- \* electricity
- \* water
- \* sewerage (waste water)
- \* refuse removal (solid waste),

shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff which a particular consumer or user pays shall therefore be directly related to the standard of service received and the quantity of the particular service used or consumed.

The municipality shall, as far as circumstances reasonably permit, ensure that the tariffs levied in respect of the foregoing services further generate an operating surplus each financial year of up to 20%. Such surpluses shall be applied in relief of property rates and for the partial financing of general services or for the future capital expansion of the service concerned, or both. The modesty of such surplus shall prevent the service tariffs concerned from being viewed as concealed taxes.

The municipality shall develop, approve and at least annually review an indigent support programme for the municipal area. This programme shall set out clearly the municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents, and the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.

In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies. Such differentiation shall, however, at all times be reasonable, and shall be fully disclosed in each annual budget.

The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidisation between categories of consumers or users shall be evident to all consumers or users of the service in question.

The municipality further undertakes to ensure that its tariffs shall be easily explainable and understood by all consumers and users affected by the tariff policy concerned.

The municipality also undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.

In the case of directly measurable services, namely electricity and water, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. The charges levied on consumers shall be proportionate to the quantity of the service which they consume.

In addition, the municipality shall levy monthly basic charges for the services concerned, and these charges shall be fixed for each type of property as determined in accordance with the detailed policies set out below. Generally, consumers of water and electricity shall therefore pay two charges: one, relatively minor, which is unrelated to the volume of consumption and is levied because of the availability (which include the fixed cost related to making such service available) of the service concerned; and another directly related to the consumption of the service in question.

In considering the costing of its water, electricity and sewerage services, the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for, and that demand levels which fluctuate significantly over shorter periods are also met. This may mean that the services operate at less than full capacity at various periods, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

In adopting what is fundamentally a two-part tariff structure, namely a fixed basic charge coupled with a charge based on consumption, the municipality believes that it is properly attending to the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

It is therefore accepted that part of the municipality's tariff policy for electricity services will be to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, will have to bear the costs associated with these charges. To this end the municipality shall therefore install demand meters to measure the maximum demand of such consumers during certain periods. Such consumers shall therefore pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.



Furthermore the following principles will also apply:

- (1) Free services will only be possible if the National Government pay to the municipality an equitable share subsidy which covers the full costs of the free services.
- (2) All users of municipal services will be treated equitably. The various categories of customers will pay the same charges based on the same cost structure.
- (3) The amount payable by consumers will be in proportion to usage of the service.
- (4) Indigent households must at least have access to basic services through lifeline tariffs or direct subsidisation.
- (5) Tariffs must reflect the total cost of services.
- (6) Within limits, customers should be free to choose from a range of applicable tariffs.
- (7) Tariffs must be set at a level that facilitates the sustainability of services. Sustainability will be achieved by ensuring that:
  - (a) Cash inflows cover cash outflows. This means that sufficient provision for working capital and bad debts will be made.
  - (b) Access to the capital market is maintained. This will be achieved by providing for the repayment of capital, maintaining sufficient liquidity levels and making profits on trading services.
- (8) Provision will be made in appropriate circumstances for a surcharge on a tariff. This will be required during a national disaster and periods of droughts when a restriction of usage is required.
- (9) Efficient and effective use of resources will be encouraged by providing for penalties to prohibit exorbitant use.
- (10) The extent of subsidisation of tariffs will be disclosed.

#### **4. CATEGORIES OF CUSTOMERS**

- (1) Separate tariffs structure may be raised for the following categories of customers
  - a) domestic consumers;
  - b) commercial consumers;
  - c) industrial consumers;
  - d) agricultural consumers;
  - e) municipalities;
  - f) consumers with whom special agreements were made;
  - g) consumers in certain geographical areas;
  - h) sport and recreation facilities
  - i) educational and communal institutions; and
  - j) charitable and welfare institutions and organisations.
  - k) Governmental Institution
  - l) Other categories may defined and added to categories should the need arise to further differentiates during a financial year.

- (2) Where there is a substantial difference between the infrastructure use to provide a service to a specific group of users within a category and/or standard of services provided, the Council can, after the considering a report by the Municipal Manager or the relevant Head of Department, determine differentiated tariffs for the different consumer within the specific category.
- (3) The differentiation must be based on one or more of the following elements; infrastructure costs, volume usage, availability and service standards, where applicable.

## 5. SERVICE-, EXPENDITURE CLASSIFICATIONS AND COST ELEMENTS

### Service classification

- (1) The Chief Financial Officer shall, subject to the guidelines provided by the National Treasury of the Department of Finance and Mayoral Committee of the Council, make provision for the following classification of services.
  - (a) *Trading services*
    - (i) Water.
    - (ii) Electricity.
    - (iii) Camping facilities.
  - (b) *Economic services*
    - (i) Refuse removal.
    - (ii) Sewerage disposal.
  - (c) *Community services*
    - i) Air pollution.
    - ii) Firefighting services.
    - iii) Local tourism.
    - iv) Town planning.
    - v) Municipal public works, only in respect of the needs of municipalities in the discharge of their responsibilities and to administer functions specially assigned to them under the Constitution or any other law.
    - vi) Storm water management system in built-up areas.
    - vii) Trading regulations.
    - viii) Fixed billboards and the display of advertisements in public places.
    - ix) Cemeteries.
    - x) Control of public nuisances.
    - xi) Control of undertakings that sell liquor to the public.
    - xii) Facilities for accommodation, care and burial of animals.
    - xiii) Fencing and fences.
    - xiv) Licensing of dogs.
    - xv) Licensing and control of undertakings that sell food to the public.
    - xvi) Local amenities.
    - xvii) Local sport facilities.
    - xviii) Municipal parks and recreation.
    - xix) Municipal roads.
    - xx) Noise pollution.
    - xxi) Pounds.
    - xxii) Public places.

- xxiii) Street trading/street lighting.
  - xxiv) Traffic and parking.
  - xxv) Building control.
  - xxvi) Licensing of motor vehicles and transport permits.
  - xxvii) Nature reserves.
- (d) ***Subsidised services***
- (i) Health and ambulance.
  - (ii) Libraries and museums.
  - (iii) Proclaimed roads.

### ***Expenditure classification***

(2) Expenditure will be classified in the following categories.

(a) Subjective classification:

- (i) Employee Related Costs;
- (ii) Remuneration of Councillors;
- (iii) Bad Debts;
- (iv) Collection Costs;
- (v) Depreciation;
- (vi) Repairs and Maintenance;
- (vii) Interest on External Borrowings;
- (viii) Bulk Purchases;
- (ix) Contracted Services;
- (x) Grants and Subsidies paid;
- (xi) General Expenditure;
- (xii) Contributions to fixed assets;
- (xiii) Contributions to funds, reserves & provisions;
- (xiv) Loss on disposal of Property, Plant and Equipment;
- (xv) Less: Inter Departmental Charges; and
- (xvi) Surplus / (Deficit)

(b) ***Objective classification:***

- (i) Cost centres will be created to which the costs associated with providing the service can be allocated:
  - a) Function.
  - b) Department.
  - c) Section.
- (ii) The subjective classification of expenditure each with a unique vote will be applied to all cost centres.

### ***Cost elements***

(3) The following cost elements will be used to calculate the tariffs of the different services:

- (i) Fixed costs which consist of the capital costs (interest and redemption) on external loans as well as internal advances and or depreciation whichever are applicable to the service and any other costs of a permanent nature as determined by the Council from time to time.

- (ii) Variable cost: This includes all other variable costs that have reference to the service.
- (iii) Total cost: consist of the fixed cost and variable cost.

## 6. TARIFF TYPES

In determining the type of tariff applicable to the type of service the municipality shall make use of the following five options or a combination of the same.

- (1) **Single tariff:** this tariff shall consist of a cost per unit consumed. All costs will be recovered through unit charges at the level where income and expenditure breaks even. Subject to a recommendation by the Chief Financial Officer the council may decide to approve profits on trading services during the budget meeting. Such profits will be added to the fixed and variable cost of the service for the purpose of calculating the tariffs.
- (2) **Cost related two to three part tariff:** this tariff shall consist of two to three parts. Management, capital, maintenance and operating costs will be recovered by grouping certain components together e.g. management, capital and maintenance costs may be grouped together and be recovered by a fixed charge, independent of consumption for all classes of consumers, while the variable costs may be recovered by a unit charge per unit consumed. Three part tariffs will be used to calculate the tariff for electricity and to provide for maximum demand and usage during limited demand.
- (3) **Inclining block tariff:** this tariff is based on consumption levels being categorised into blocks, the tariff being determined and increased as consumption levels increase. This tariff will only be used to subsidise free basic services and prohibit the exorbitant use of a commodity.
- (4) **Declining block tariff:** this tariff is the opposite of the inclining block tariff and decreases as consumption levels increase. The first step will be calculated by dividing the fix and variable cost and profit determined by council from time to time by the volume consumed. This tariff will only be used for special agreements.
- (5) **Regulating tariff:** this tariff is only of a regulatory nature and the municipality may recover the full or a portion of the cost associated with rendering the service.

## 7. TARIFF STRUCTURES AND METHODS OF CALCULATIONS

### 7.1 CALCULATION OF TARIFFS FOR MAJOR SERVICES

In order to determine the tariffs which must be charged for the supply of the four major services, the municipality shall identify all the costs of operation of the undertakings concerned, including specifically the following:

- \* Cost of bulk purchases in the case of water and electricity.
- \* Distribution costs.
- \* Distribution losses in the case of electricity and water.
- \* Depreciation expenses.
- \* Maintenance of infrastructure and other fixed assets.
- \* Administration and service costs, including:

- service charges levied by other departments such as finance, human resources and legal services;
- reasonable general overheads, such as the costs associated with the office of the municipal manager;
- adequate contributions to the provisions for bad debts and obsolescence of stock;
- all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area (note: the costs of the democratic process in the municipality – that is, all expenses associated with the political structures of the municipality – shall form part of the expenses to be financed from property rates and general revenues, and shall not be included in the costing of the major services of the municipality).

\* The intended surplus to be generated for the financial year, such surplus to be applied as per Council's Accounting Policy:

- as an appropriation to capital reserves; and/or
- generally in relief of rates and general services.
- The cost of approved indigent relief measures.

The municipality shall annually during the budget process decide on the units kWh electricity per month and the kl of water per month to be supplied free of charge to consumers who have registered as indigents in terms of the municipality's indigent relief programme. The municipality shall further consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigents to the extent that the council deems such relief affordable in terms of each annual budget, but on the understanding that such relief shall not be less than a discount of 50% on the monthly amount billed for the service concerned.

Council may approve discounted tariffs for pre-paid meters.

The following tariff structure will, where possible, be used to determine tariffs:

#### 7.1.1 WATER

##### (a) Tariff structure

- (i) Fixed plus rising block tariffs will be applied to all domestic consumers. Rising block tariffs will be applied to all other consumers.
- (ii) The following blocks will apply:

Domestic consumers:

- 0 to 6kl
- > 6 to 15kl
- > 15 to 30kl
- > 30 to 40kl
- > 40kl

Other/Non-domestic consumers:

- 0 to 30kl
- > 30 to 40kl
- > 40kl

Sports Clubs (for irrigation of sports fields only)

- 0 to 500kl
- > 501kl

Schools

- 0 to 500kl
- > 501kl

Proefplaas

- 0 to 167kl
- 168 to 222kl
- > 222kl

(b) Method of calculation

- (i) Approved Indigent Households will receive free water up to 6kl per month at cost
- (ii) The number of users and estimated volume consumed per category will be used to determine the fixed tariff per category.
- (iii) The variable costs or unit charge will be calculated on the following sliding scales:

Domestic consumers:

- 0 to 6kl
- > 6 to 15kl
- > 15 to 30kl
- > 30 to 40kl
- > 40kl

Other/Non-domestic consumers:

- 0 to 30kl
- > 30 to 40kl
- > 40kl

Sports Clubs (for irrigation of sports fields only)

- 0 to 500kl
- >500kl

Schools

- 0 to 500kl
- >500kl

## Proefplaas

0 to 167kl  
168 to 222kl  
>223kl

- (iv) Where properties are not connected to the water service or can reasonably be connected to the service an availability tariff will be payable. The tariff will be a portional calculation of the deemed fixed cost.

- (c) Tariff structure and method of calculation "leiwater" maintenance

## Leiwater

Fixed amount per minute per year

### 7.1.2 ELECTRICITY

- a) Price policy

Council decided on the following basis for determining electricity tariffs:

- Prices shall be determined in line with the nationally approved Electricity price policy.
- The level of tariffs shall be determined in such a way that the total electricity revenue shall cover the total cost of electricity provision, including the following:
  - The purchase cost plus any own generating costs.
  - The maintenance costs of the network.
  - The client services and administration involved in providing electricity services.
  - The necessary provisions such as bad debts, accumulated leave, etc.
  - Provision for capital for the expansion of the network and upgrading of the current outdated assets.
  - All services delivered by external parties or any other department of the Municipality in respect of electricity.
  - Minus any services delivered to other parties.
  - Plus a surcharge on electricity as contribution to municipal rates relief.
- The individual tariffs shall be determined as follows:
  - In respect of individual level and structures, tariffs shall as far as possible cover the structure and level of costs of provision:
    - Basic charges to cover the fixed monthly costs.
    - Capacity or maximum demand charges to cover network costs plus partial surplus.
    - Energy charges to cover energy costs per time of consumption plus partial surplus.

- Tariff categories shall be charged according to the various client types, which shall primarily be determined by cost of provision and metering considerations.
- Provision for subsidising the poor shall be made as follows:
  - Clients who are willing to have their capacity restricted to 20
  - Ampère and who have been supplied with a prepaid meter.
  - The tariff shall have only one energy charge without any basic charge or capacity charge.
  - The energy rate shall be lower than the regular cost-reflective tariffs. The lower tariff will be applicable to the first 350 kWh minus the free 70 kWh in the case of an indigent
- Council shall continue to maintain a list of indigents. These clients would have to comply with the conditions for subsidised tariffs after which they will receive 70 kWh/m (or as may be determined from time to time) free of charge, which shall be covered from the Equitable Share.
- Clients may be supplied with prepaid meters according to the policy as may be determined from time to time and the tariff shall be independent of the type of meter.
- The financial impact (loss) of subsidisation of the poor shall be borne by all electricity clients as an equal c/kWh surcharge.
  - The tariffs shall be submitted to NERSA for approval. If NERSA's approval is not in line with

b) Tariffs

Council sets the following tariffs:

TARIFF	COMPONENT METERING UNITS			
	Basic charge R/ Consumer/ Month	Energy charge (c/kWh)	Time of energy consumption charges	Maximum demand/ capacity charges (R/kVA/month)
Single Tariff (energy costs only)		X		
Two-part Tariff (Basic & energy)	X	X		
Time of use Tariff	X		X	X

c) Single tariff (energy cost only)

This tariff is suitable for households and small business consumers.

- One part Pre-paid domestic Tariff
- Life line tariff: Prepaid limited to 20 Amps
- One part Pre-paid tariff for business consumers up to 20 ASF



## d) Two-part tariff

This tariff is suitable for household consumers and business consumers.

- The basic charge must cover the estimated fixed client costs.
- Currently, the network, energy and surplus must be covered by the energy charge.

## e) Time of use tariff

This tariff is suitable for larger clients. It is not only the most cost-reflective tariff, but also offers clients the opportunity of moving loads to cheaper times, thereby reducing their accounts. This tariff is available for clients  $\geq 50$  kVa and compulsory for clients  $\geq 100$  kVa. New clients  $\geq 500$ kVa to be on Time of use tariff Medium Voltage

- The basic charge must cover the estimated fixed client costs.
- The capacity charge covers the estimated indivisible portion of the network costs. The charge is calculated on the greatest of the reported demand or the recorded maximum demand.
- The maximum demand charge receives the joint portion of the network costs plus partial surplus and is calculated on the highest demand recorded in each month.
- The energy charges cover the purchase cost and the rest of the surplus. The energy charges are determined on Eskom's purchase costs per time of consumption period plus the same c/kWh surcharge for all the periods.
- The reactive energy charge is determined to cover the Eskom reactive energy charge as well as to send a price signal to council's clients to uphold their labour factor.

f) Where properties are not connected to the electricity service but can reasonably be connected to the service, an availability tariff will be payable. The tariff will be a proportional calculation of the deemed fixed cost.

### 7.1.3 REFUSE REMOVAL

## (a) Tariff structure

## (i) Removals per week.

1 Containers per week (volume)(240 litre)(1,1m<sup>3</sup>)

2 Establish dumping site rehabilitation reserve fund.

## (b) Method of calculation

- (i) The costs per unit of measurement will be determined by dividing the total costs of the service by the total number of users. The total cost of the service includes the removal cost plus the operating cost associated with the service. A cost per month will be calculated for domestic consumers based on the number of removals per week.

- (ii) The cost associated with the removal of bulk containers will be determined by calculating how many of the smallest removal units will be absorbed by a specific container.
  - (iii) Calculation for Capital Reserve Fund Purposes to be based as follow:
    - Projected rehabilitation cost amounts to be projected to dump site lifespan e.g. years
    - Determine funding to be made from annual contributions to Reserve Fund at end of dump site life and capital funding to be made available from loans
    - identify or define quantity of current users to contribute to projected amount for contribution.
    - Calculate monthly/annual tariff using above information to make provision for contributions towards cash funded reserve only i.e. taking non-payment into consideration.
  - (iv) After council has consulted with owners or occupiers of commercial and industrial undertakings which do not make use of the standard black bags or mass containers tariffs will be determined based on the estimated volume that will be removed per month.
  - (v) Private dumping at the disposal site will be allowed after a tariff based on the estimated volume of the dumping has been paid.
  - (vi) A refuse removal tariff will be raised and is payable by all owners or occupiers of each developed property connected to the water and electricity distribution network of the council or any other service provider or those who have applied to be connected whether such owner or occupier uses the refuse removal service or not or those who are not connected to the distribution networks to whom a refuse removal service is rendered on request.
  - (vii) No refuse removal tariffs will be raised in Tesselaarsdal, except where refuse removal is requested in writing.
- (c) Where properties can make use of a refuse removal service an availability tariff will be payable. The tariff will be a proportional calculation of the deemed fixed cost.

#### **7.1.4 SEWERAGE/EMPTYING OF CONSERVANCY TANKS**

- (a) Unit of measurement
  - (i) Number of toilet pans or urinals.
  - (ii) Tanker load.
  - (iii) per half an hour or part thereof
- (b) Method of calculation
  - (i) Properties used for residential purposes will pay a fixed tariff per month irrespective of the number of toilet pans or urinals, such fixed tariff will also be applicable where no municipal sewerage network exists. This tariff will entitled owners of conservancy tanks to one removal per month.
  - (ii) All other categories (excluding industrial consumers) will pay a variable cost based on the number of toilet pans or urinals and the variable cost allocated to that particular category.
  - (iii) Residential properties, business premises and farms where no municipal sewer network exists shall pay a tariff per half-hour (30 minutes) or portion thereof.

- (iv) Tariffs for the treatment of industrial effluent will be calculated according to the following formula:  $R = V [(A + B) + 10^{-3} Cs]$

Where

R is the amount in cents due to the Council per cycle;

V equals the total volume of industrial effluent discharged from the premises during the cycle concerned in kiloliters;

A is the capital cost (depreciation) plus maintenance costs for the cycle concerned on the sewage treatment works, divided by the total flow in  $M^3$  received at the works during the cycle, (in cents. $M^3$ );

B is the capital cost (depreciation) plus maintenance costs for the cycle concerned on the pipe system as used by the consumer, divided by the total flow for the cycle (in cents/ $M^3$ );

C is the cost of treating on kl of sewage (in cents/ $M^3$ ), and

S is the average chemical oxygen demand in (mg/l) measured on the industrial effluent during the cycle.”

- (c) Industrial consumers will pay an ordinary sewage tariff, calculated on the same basis as business sewage plus an additional amount for the treatment of their industrial effluent
- (d) Where properties are not connected to the sewerage service or can reasonably be connected to the service an availability tariff will be payable. This will be a proportional calculation of the deemed fixed cost.
- (e) That sewerage blockages be effected free of charge at indigent households.
- (f) That sewer blockages at non-indigent households be effected before payment. If the household is unable to pay in advance, the account must be debited with such charges.

## 7.2 CALCULATION OF MINOR TARIFFS

All minor tariffs shall be approved by the council in each annual budget, and shall, when deemed appropriate by the council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot accurately be determined, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

All minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, shall annually be adjusted at least in line with the prevailing consumer price index, unless there are compelling reasons why such adjustment should not be effected.

The following services shall be considered as subsidised services, and the tariffs levied shall cover 50% or as near as possible to 50% of the annual operating expenses budgeted for the service concerned:

- burials and cemeteries
- rentals for the use of municipal sports facilities

The following services shall be considered as community services, and nominal tariffs shall be levied for their use:

- municipal swimming pool
- municipal museum and art gallery
- disposal of garden refuse at the municipal tip site
- municipal reference library
- municipal lending library
- municipal botanical garden, and all other parks and open spaces.

The following services shall be considered as economic services, and the tariffs levied shall cover 100% or as near as possible to 100% of the budgeted annual operating expenses of the service concerned:

- maintenance of graves and garden of remembrance (cremations)
- housing rentals
- rentals for the use of municipal halls and other premises (subject to the proviso set out below)
- building plan fees
- sales of plastic refuse bags
- sales of refuse bins
- cleaning of stands
- electricity, water, sewerage: new connection fees
- sales of livestock and plants
- photostat copies and fees
- clearance certificates
- removal of garden and other refuse
- town planning applications
- Camp-site tariffs

Council may annually during the budget process determine a different tariff for hall rentals depending on the purpose of the rental or the organization by which it is rented by.

Penalty charges for the submission of dishonoured debit orders and direct deposits. All costs charged to the municipality will be charged to the default consumer.

The following charges and tariffs shall be considered as regulatory or punitive, and shall be determined as appropriate in each annual budget:

- fines for lost or overdue library books
- advertising sign fees
- pound fees
- internal legal fees (75% of magistrates fees)
- electricity, water: disconnection and reconnection fees
- penalty and other charges imposed in terms of the approved policy on credit control and debt collection
- penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques, debit orders and direct deposits.
- flea market stands
- traffic pound and storage charges
- traffic escort services
- parking fees

Market-related rentals shall be levied for the lease of municipal properties.

The municipal manager shall determine whether an indemnity or guarantee must in each instance be lodged for the rental of municipal halls, premises and sports fields, and in so determining shall be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.

(a) Tariff structure:

The unit of measurement as reflected in the separate list of tariffs approved annually will be used to determine regulatory community and subsidised services.

(b) Method of calculation

These tariffs will be adjusted annually by increasing the tariff that applied during the previous financial year by a percentage increase as determined by the majority councillors present at the meeting where the budget is approved.

## **8. NOTIFICATION OF TARIFFS, FEES AND SERVICE, CHARGES**

- (1) The council will give notice of all proposed tariffs considered at the annual budget meeting (where the draft was tabled) 10 working day succeeding the date of such a meeting.
- (2) A notice stating the purport of the council resolution, date on which the new tariffs shall become operational and invitation for objections will be displayed by the municipality at a place installed for that purpose.

- (3) All tariffs approved must be considered at the annual budget meeting.
- (4) A resolution levying rates in a municipality will be promulgated by publishing in the Provincial Gazette.
- (5) Notification of outcome of objections and furnishing of reasons:  
Tariffs according work done in terms of S53 of the MPRA:  
Prescribed fees will be calculated on the actual cost of the Valuer cost plus 15% administration fee.

## **9. IMPLEMENTING AND PHASING IN OF THE POLICY**

- (1) The principle contained in this policy will be reflected in the various budget proposals submitted to council on an annual basis, service bylaws as promulgated and adjusted by Council from time to time and the tariff by-laws referred to in section 75 of the Act.
- (2) The council may determine conditions applicable to community service of a regulatory nature. These conditions will be reflected in the standing orders of council.

## **10. SHORT TITLE**

This policy is the Tariff Policy of the Theewaterskloof Municipality.

## **11. ADJUSTMENT OF ACCOUNTS**

Where incorrect debits were raised, the accounts under query will be rectified for the current financial year and two preceding years.

## **12. CHARGING OF INTEREST ON ARREAR ACCOUNTS**

Interest to be calculated at PRIME Rate plus 1%, becomes owing and payable on any balance which is outstanding after the expiry date specified in any account. A portion of a month will be deemed to be a full month.

## **13. SERVICES DEPOSITS**

A consumer deposit will be required for every new service agreement. The deposit will be calculated as follow:

- to include the basic fees of sewerage and refuse to be charged on a monthly basis to this account for two (2) months
- in the case of conventional (Read) meters the expected consumption for water and/or electricity for two months
  - (i) Household (20 kl) electricity (500kwh)
  - (ii) Businesses as per comparable business or upon advice from Technical Services
- The deposit to be accepted as a general municipal services deposit and will not be service specific
- Cash and bank guarantees acceptable as service deposits.

## **14. LEGAL REQUIREMENTS**

### **SECTION I: WATER SERVICES ACT NO. 108 OF 1997**

#### **SECTION 10: NORMS AND STANDARDS FOR TARIFFS**

A municipality, in its capacity as a water services institution, must apply a tariff for water services which is not substantially different from any norms and standards which the Minister of Water Affairs and Forestry, with the concurrence of the Minister of Finance, has prescribed in terms of the present Act.

#### **SECTION 21: BY-LAW**

A municipality, in its capacity as water services authority, must make by-laws which contain conditions for the provision of water services, and which provide for at least the following (inter-alia):

- the standard of the services;
- the technical conditions of supply, including quality standards, units or standards of measurement, the verification of meters, acceptable limits of error and procedures for the arbitration of disputes relating to the measurement of water services provided;
- the determination and structure of tariffs in accordance with Section 10 of the present Act.

If the municipality, in its capacity as water services authority, has imposed conditions under which water services are provided, such conditions must be accessible to consumers and potential consumers.

If the municipality, in its capacity as water services authority, provides water for industrial use, or controls a system through which industrial effluent is disposed of, it must make by-laws providing for at least the following:

- the standards of the service;
- the technical conditions of provision and disposal;
- the determination and structure of tariffs.

### **SECTION II: LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000**

#### **SECTION 74: TARIFF POLICY**

The council of a municipality must adopt and implement a tariff policy on the levying of fees for the services provided by the municipality itself or by way of service delivery agreements.

Such policy must comply with the provisions of the present Act and any other applicable legislation.

Such tariff policy must reflect at least the following principles:

- that users of municipal services must be treated equitably in the application of the municipality's tariffs;
- that the amount individual users pay for services must generally be in proportion to the use of such services;

- that poor households must have access to at least basic services through tariffs which cover only operating and maintenance costs, special tariffs or lifeline tariffs for low levels of use or consumption of services or for basic levels of services, or any other direct or indirect method of subsidisation of tariffs for poor households;
- that tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
- that tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
- that provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
- that provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
- that the economic, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged;
- that the extent of subsidisation of tariffs for poor households and other categories of users must be fully disclosed.

The tariff policy may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas.

If the policy entails such differentiation, the municipality must ensure that this does not amount to unfair discrimination.

### **SECTION 73: GENERAL DUTY**

The municipality must give effect to the provisions of the Constitution, and in doing so give priority to the basic needs of the local community, promote the development of the local community, and ensure that all members of the local community have access to at least the minimum level of basic municipal services.

The services provided by the municipality must be: equitable and accessible; provided in a manner conducive to the prudent, economic, efficient and effective use of available resources, and the improvement of standards of quality over time; financially sustainable; environmentally sustainable; and regularly reviewed with a view to upgrading, extension and improvement.

### **SECTION 75: BY-LAWS TO GIVE EFFECT TO POLICY**

The council of the municipality must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

Such by-laws may differentiate in respect of services, service standards, service providers and other matters between different categories of users, debtors or geographical areas, but in a manner which does not amount to unfair discrimination.



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