



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette  
Igazethi Yephondo  
Provinsiale Koerant**

Vol. 25

**BISHO/KING WILLIAM'S TOWN**  
22 OCTOBER 2018  
22 OKTOBER 2018

**No. 4134**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*

ISSN 1682-4556



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**IMPORTANT NOTICE:**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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# Closing times for **ORDINARY WEEKLY** 2018 EASTERN CAPE PROVINCIAL GAZETTE

The closing time is **15:00** sharp on the following days:

- **20 December 2017**, Wednesday for the issue of Monday **01 January 2018**
- **29 December 2017**, Friday for the issue of Monday **08 January 2018**
- **08 January**, Monday for the issue of Monday **15 January 2018**
- **15 January**, Monday for the issue of Monday **22 January 2018**
- **22 January**, Monday for the issue of Monday **29 January 2018**
- **29 January**, Monday for the issue of Monday **05 February 2018**
- **05 February**, Monday for the issue of Monday **12 February 2018**
- **12 February**, Monday for the issue of Monday **19 February 2018**
- **19 February**, Monday for the issue of Monday **26 February 2018**
- **26 February**, Monday for the issue of Monday **05 March 2018**
- **05 March**, Monday for the issue of Monday **12 March 2018**
- **12 March**, Monday for the issue of Monday **19 March 2018**
- **16 March**, Monday for the issue of Monday **26 March 2018**
- **23 March**, Monday for the issue of Monday **02 April 2018**
- **28 March**, Wednesday for the issue of Monday **09 April 2018**
- **09 April**, Monday for the issue of Monday **16 April 2018**
- **16 April**, Monday for the issue of Monday **23 April 2018**
- **20 April**, Friday for the issue of Monday **30 April 2018**
- **26 April**, Thursday for the issue of Monday **07 May 2018**
- **07 May**, Monday for the issue of Monday **14 May 2018**
- **14 May**, Monday for the issue of Monday **21 May 2018**
- **21 May**, Monday for the issue of Monday **28 May 2018**
- **28 May**, Monday for the issue of Monday **04 June 2018**
- **04 June**, Monday for the issue of Monday **11 June 2018**
- **11 June**, Monday for the issue of Monday **18 June 2018**
- **18 June**, Monday for the issue of Monday **25 June 2018**
- **25 June**, Monday for the issue of Monday **02 July 2018**
- **02 July**, Monday for the issue of Monday **09 July 2018**
- **09 July**, Monday for the issue of Monday **16 July 2018**
- **16 July**, Monday for the issue of Monday **23 July 2018**
- **23 July**, Monday, for the issue of Monday **30 July 2018**
- **30 July**, Monday for the issue of Monday **06 August 2018**
- **03 August**, Friday for the issue of Monday **13 August 2018**
- **13 August**, Monday for the issue of Monday **20 August 2018**
- **20 August**, Monday for the issue of Monday **27 August 2018**
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- **01 October**, Monday for the issue of Monday **08 October 2018**
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- **26 November**, Monday for the issue of Monday **03 December 2018**
- **03 December**, Monday, for the issue of Monday **10 December 2018**
- **10 December**, Monday, for the issue of Monday **17 December 2018**
- **14 December**, Friday for the issue of Monday **24 December 2018**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

### QUOTATIONS

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 215 OF 2018****BUFFALO CITY METROPOLITAN MUNICIPALITY (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****Erf 154 Beacon Bay, East London, Eastern Cape**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act No.16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, a notice is hereby given that Conditions C4 (a-d) in Deed of Transfer No. T1927/2010 applicable to Erf 154 are hereby removed

**PROVINCIAL NOTICE 216 OF 2018****REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIOS FOR ERF 2824, BEACON BAY, EAST  
LONDON, EASTERN CAPE**

I would like to place or publish a notice/advert for the removal of restrictive title conditions 6 (a) and (b) found in Deed of Transfer No T3455/2017, pertaining to ERF 2824, Beacon Bay, East London.

Thanks  
Dr. Asanda Mkruqulwa  
083 866 9468

## LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

## LOCAL AUTHORITY NOTICE 232 OF 2018

## KING SABATA DALINDYEBO MUNICIPALITY



## NOTICE NO. 43 OF 2017

## RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 01 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 that the Council resolved by way of Council resolution number **SCM 122/05/17** to levy the rates on property reflected in the schedule below with effect from 01 July 2017 to 30 June 2018.

Category of property	Cent amount in the Rand rate determined for the relevant property category		
	2016/ 2017	2017/ 2018	
Residential Property	0.65538	0.69732	
Business and Commercial Property	1.31075	1.39464	
Government/ State	1.96613	2.09196	
Parking Development rate	0.16500	0.17556	
Agricultural Property	0.16500	0.17556	
Public Service Infrastructure Property	0.16500	0.17556	
Fire Levy: -	0.20254	.21550	
	Domestic - Per annum	R331.49	R352.71
	Business/ Commercial - Per annum	R596.71	R634.910

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

**M. ZENZILE**  
MUNICIPAL MANAGER  
DATE: 21 August 2017

**LOCAL AUTHORITY NOTICE 233 OF 2018**

REVIEWED: 16.05.2018  
 RECOMMENDED BY MAYCOM: 00.00.0000  
 APPROVED BY COUNCIL: 18.09.2018  
 ITEM NO: 18/09/CORP1

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

## **STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**

**Document Control**

Title of By-Law:	Standing Rules and Orders for the Meetings of Council and all its Committees
Council Meeting:	1 August 2017
Council Resolution Number:	17/07/AME&SP2
<b>Previously Approved:</b>	Yes
Directorate Responsible:	Corporate Services
Status of the Document:	Final
<b>Review Date:</b>	16 May 2018
Council Meeting:	18 September 2018
Council Resolution Number:	18/09/CORP1



REVIEWED: 16.05.2018  
 RECOMMENDED BY MAYCOM: 00.00.0000  
 APPROVED BY COUNCIL: 18.09.2018  
 ITEM NO: 18/09/CORP1

**STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL  
 AND ALL ITS COMMITTEES**

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REVIEWED: 16.05.2018  
RECOMMENDED BY MAYCOM: 00.00.0000  
APPROVED BY COUNCIL: 18.09.2018  
ITEM NO: 18/09/CORP1

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48. Legal defense and indemnification of Councillors and Officers of Council
49. Speaker may refer matters for legal advice
50. Activities prohibited within the Council Chamber or meeting venue and the use of the Council Chamber by other persons or institutions
51. Ward Committees
52. Sanctions and offences
53. Dress code
54. Invitation to address Council
55. Language Use

### **1. Application of rules**

- 1.1 The rules of order contained herein apply to all meetings of the municipal Council and any committee of the municipal Council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.
- 1.2 The rules are aimed to encourage free, open and constructive debate during meetings, to encourage and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.
- 1.3 The rules endeavour to create the opportunity for Councillors serving in Council structures to air their view on any matter of public importance.
- 1.4 The rules of order are applicable to:
  - 1.4.1 All Councillors;
  - 1.4.2 Traditional Leaders participating in Council and its committees in terms of Section 81 of the Municipal Structures Act;
  - 1.4.3 Any municipal officials of the municipality; and
  - 1.4.4 Any member of the public while present in the Council Chambers and precinct.



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## 2. Definitions

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

- “Alternate member” shall mean a member of Council appointed by Council to represent a member of a committee of Council, in the event that the such member of the committee is absent as contemplated in Rule 22;
- “Committee” shall mean any committee established in the municipality, including committees established in terms of Section 79 and 80 of the Structures Act;
- “Constitution” shall mean the Constitution of the Republic of South Africa, 1996;
- “Council” shall mean the municipal Council for the Kouga Municipality;
- “Councillor” shall mean a member of the municipal Council;
- “Day” shall mean a day that is not a public holiday, Saturday or Sunday, and for the calculation of days the first day will be excluded and the last day included;
- “Executive Mayor” shall mean the Executive Mayor of the municipality as elected in terms of Section 55 of the Structures Act;
- “In Committee” shall mean the part of the meeting of the municipal Council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, will be excluded from the meeting, based on the nature of the business being transacted;
- “Mayoral Committee” means the committee appointed by the Executive Mayor in terms of Section 60 of the Structures Act;
- “Member” shall mean a Councillor serving in the municipal Council of the municipality;
- “Motion” shall mean a matter submitted by a member in accordance with Rule 29 below;



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“Municipality”	shall mean the Kouga Municipality;
“Notice”	shall mean a notification, in writing, sent to members of Council or its committees, informing them of a time, date and location of a Council meeting or of its committees;
“Point of clarity”	shall mean the explanation of some material part of a member’s speech which has not been understood or which contains incorrect assertions during the cause of the debate, but not once the debate is closed;
“Point of order”	shall mean a point raised by a Councillor during Council meeting and shall only relate to a matter of procedure and provided for in the rules of order;
“Privilege”	shall mean the right of freedom of speech for Councillors in Council and committee meetings, subject to the rules of order, of any ruling of the Speaker in terms thereof as well as the right not to be held liable for civil or criminal proceedings for anything they said, produced or submitted to Council or Committee;
“Procedural motion”	shall mean a matter raised by a member at a meeting in terms of Rule 29;
“Report”	shall mean any item appearing on the agenda for consideration by Council or a committee;
“Sargent-at-arms”	shall mean a person in the full-time employment of the municipality entrusted to assist the Speaker to maintain order during Council meetings and assisted by such staff members as the Speaker may direct;
“Senior managers”	shall mean the persons appointed by Council as the Municipal Manager and all managers directly accountable to the Municipal Manager as approved on the official organisational structure of the municipality
“Speaker”	shall mean the person as elected in terms of Section 36 of the Structures Act;
“Structures Act”	shall mean the Local Government: Municipal Structures Act, No. 117 of 1998;
“Sub-committee”	means any other committee, other than the Mayoral Committee or Committees appointed by Council or the Mayoral committee;
“Systems Act”	shall mean the Local Government: Municipal Systems Act, 2000;



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“Traditional Leader”	shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal Council in terms of Rule 81 of the Structures Act;
“Whip”	shall mean a member of the municipal Council appointed by each political party represented in Council;
“Whip of Council”	shall mean the person elected as the Whip of Council.
“Quorum”	shall mean 50% of the Council or committee members plus 1.

### 3. Meeting of Council open to public

- 3.1. The Municipal Council shall conduct its business in an open manner and every meeting of Council and all committees, including the Mayoral Committee shall be open to the public; provided that this rule shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of Section 20 (1) (a) and (b) of the Systems Act.
- 3.2 The Mayoral Committee, as contemplated in Section 60 of the Local Government: Municipal Structures Act (as amended) may, subject to sub-section (1)(a), close any or all of its meetings to the public, including the media.
- 3.3 Council may deal “In Committee” when discussing any of the following matters:
  - 3.3.1 a trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;
  - 3.3.2 personal and private information of any Councillor or an employee of the municipality;
  - 3.3.3 the intention of the municipality to purchase or acquire land or buildings;
  - 3.3.4 the price a municipality may offer for the purchase or acquisition of land or buildings;
  - 3.2.5 any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
  - 3.3.6 disciplinary proceedings or proposed disciplinary proceedings against any employee;
  - 3.3.7 any matter that may not be disclosed in terms of legislation;
  - 3.3.8 consideration of the minutes of previous “In Committee” discussions.
  - 3.3.9 After confidential matters served before Council it is open to public domain, except when a Council decides not to open certain matters to the public.



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- 3.4 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in Rule 3.2 above, and provided it is not a matter that is required in law to be dealt with in open Council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

#### **4. Council meetings**

- 4.1 Council shall hold an ordinary meeting for the transaction of business not less than once in every three months.

#### **5. Special Council meetings**

- 5.1 The Speaker may at any time of own accord and shall, upon request in writing by a majority of Councillors of the municipality, call a special meeting of Council, provided that no such special meeting shall take place unless all Councillors were given at least 48 hours' notice prior to the date and time set for the meeting. The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 5.2 In the event where the Speaker fails and/or refuses to call a special meeting when requested in accordance with Rule 5.1 above, the Municipal Manager of the municipality may call the meeting, accordingly.

#### **6. Service of notices**

- 6.1 At least 7 days , but no less than 5 days, before any ordinary meeting of Council and at least forty-eight hours before any special meeting of Council, a notice to attend the meeting, specifying the business proposed to be transacted there and signed by the Speaker or the Municipal Manager as contemplated in Rule 5.2 above, shall be left or delivered to an accessible distribution point within the municipality as determined by Council from time to time or sent by electronic mail to an address provided by the Councillor as his/her official address or an email address assigned by the municipality to Councillors, as his/her official email address.
- 6.2 The Agenda for such a meeting must accompany such a notice of a meeting, unless same would not be reasonably practical, given the specific circumstances.
- 6.3 The Municipal Manager, or in his /her absence, a person designated by the Speaker, must give notice to the public of every meeting at least 7 days before such meeting, except in the event of a special and urgent meeting of Council, or a continuation of an adjourned meeting under circumstances stipulated in Rule 36.



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## 7. Non-service of notices

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

## 8. Urgent matters

- 8.1 No business shall be transacted at a meeting of Council or any committee other than that specified in the agenda relating thereto, except any matters which the relevant Chairperson considers urgent and the said Chairperson has ruled the matter to be urgent.
- 8.2 The Municipal Manager may raise matters which in his or her discretion is urgent, for decision by Council. A matter will be deemed urgent when the decision required, if delayed, would prejudice Council and / or its operations.
- 8.3 The Speaker or Chairperson of the meeting will determine an appropriate time when the Municipal Manager may raise urgent matters and the time available for discussion thereof, provided that the Speaker may rule that the matter is not urgent as defined in Rule 8.2 above.

## 9. Conduct at meetings

- 9.1 The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:
- 9.1.1 Maintain order during meetings.
  - 9.1.2 Ensure compliance with the Code of Conduct for Councillors during meetings.
  - 9.1.3 Ensure that meetings are conducted in accordance with the rules.
  - 9.1.4 Ensure that members conduct themselves in a dignified and orderly manner during meetings.
  - 9.1.5 Ensure that members of the public attending meetings are seated in areas designated for that purpose.
  - 9.1.6 Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting.
  - 9.1.7 Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or Chairperson leaves the meeting.
  - 9.1.8 Ensure that the Whip of each political party represented in the municipal Council as well as the Whip of Council maintains discipline during any meeting.



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## 10. Interpretation of rules

- 10.1 The ruling of the Speaker or the Chairperson in the event of a meeting other than a Council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding, provided that the Speaker / Chairperson may be required to provide reasons for a ruling.
- 10.2 Any ruling made by the Speaker must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- 10.3 Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register, kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

## 11. Quorum and acts of Council

- 11.1 A majority of Councillors must be present at a meeting of Council before any matter may be considered and / or voted on.
- 11.2 Should the meeting not be quorate, the meeting must be suspended for no more than 20 minutes, and if at the end of the said period there is still no quorum, the Speaker or Chairperson may suspend the meeting for such a period he/she deems fit and thereafter adjourn the meeting to another date, time and/or venue.

## 12. Alternates for Portfolio Committee and Sub-Committee members

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

## 13. Decisions and Voting

- 13.1 Subject to 13.3 below, all matters will be decided by a majority of Councillors present at the meeting.
- 13.2 Before a formal vote is taken on any matter before Council, the Speaker shall cause the bell to be rung for a period of 1 minute, after which all doors shall be closed, and no member or other person shall be allowed to enter or leave the chamber.
- 13.3 Any matter referred to in rule 160(2) of the Constitution shall be decided on by a majority of Councillors in the municipal Council.



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- 13.4 If on any question there is an equality of votes, the Speaker or Chairperson of the Committee may exercise a casting vote in addition to that particular Councillor's deliberative vote, provided that the casting of such vote shall fall within the ambit of the powers duly delegated to the relevant committee, provided that for those matters listed in rule 160(2) of the Constitution, there will be no provision for a casting vote.
- 13.5 If the Speaker or Chairperson of a meeting asks the meeting if it is in agreement with the recommendations and if it is not opposed by any member present, the recommendations are adopted.
- 13.6 In the event of there being opposition to a recommendation, the proposal to be decided upon will be done by means of voting, either by show of hands or if requested and approved by the Speaker or Chairperson, by way of secret ballot.
- 13.7 The Municipal Manager or an official designated by him or her shall count the votes and declare to the Chairperson the result of the divisions. In the event of a secret ballot, the Municipal Manager shall hand to each Councillor a ballot paper bearing the official mark or logo of the municipal Council, and having the alternates to be voted for clearly depicted thereon, substantially in accordance with the following:



**Date:**.....

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

**1. For**

**2. Against**



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- 13.8 The Municipal Manager shall collect all the ballot papers and count same in the presence of a representative from each party represented on Council or committee and present at such meeting.
- 13.9 The Speaker or Chairperson shall thereupon declare the motion carried or lost, and it shall be entered upon the minutes.
- 13.10 The number of members voting, and the general result of the vote will be recorded, and the outcome of the voting will be announced by the Speaker.
- 13.11 A member may abstain from voting without leaving the chamber.
- 13.12 A member may request that his/her support / dissent / abstention be recorded in the minutes of the meeting.

#### **14. When Councillors may not attend or participate in meetings**

- 14.1 When Councillors may not attend or participate in the proceedings of Council, mayoral committee, portfolio committee or subcommittee  
  
A Councillor shall-
  - 14.2 Disclose to Council, or to any committee of which that Councillor is a member, any direct personal or private business interest that Councillor, or the spouse, partner or business associate of that Councillor may have in any matter before Council or the committee;
  - 14.3 Withdraw from the proceedings of Council or committee meeting when the matter is being considered by Council or committee, unless Council or the committee decides by resolution, that Councillor's direct or indirect interest in the matter is trivial or irrelevant. A Councillor who has so disclosed his/her interest may, with the approval of majority of the members of Council or its committee, address Council or committee on the matter prior to the deliberation and vote on the matter taking place, subject always to the ruling of the Speaker or Chairperson on the time to be allowed for such an address.
  - 14.4 A Councillor who, or whose spouse, partner or business associate or close family member, acquires or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which Councillor is aware at the first meeting of Council or committee of Council at which it is possible for Councillor to make a disclosure.
  - 14.5 This provision does not apply to an interest or benefit which a Councillor, or a spouse, partner or business associate or close family members, has or acquired in common with other residents and ratepayers of the municipality.



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### **15. Walkout**

- 15.1 If a Councillor or group of Councillors leave any meeting in protest, and the remainder of Councillors constitute a quorum the business of the meeting shall be proceeded with.

### **16. Count out**

- 16.1 If during any sitting of Council or any committee, the attention of the Speaker or Chairperson is called to the number of members present, he/she shall count them, and if found that there is not a quorum present, the matter shall be dealt with in accordance with Rule 11.2 above.

### **17. Adjourned meetings**

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

### **18. Notice of adjourned meeting**

- 18.1 When a meeting is adjourned, notice of the adjourned meeting shall be sent out to each member of Council or committee, specifying the time, date and place of such adjourned meeting, except under the circumstances contemplated in 36 below.
- 18.2 A notice setting out the particulars of the continuation of an adjourned meeting must be published in a newspaper in the manner determined by Council, and a notice must be placed on the municipal notice boards, except under the circumstances contemplated in 36 below.

### **19. Chairperson of Meetings**

- 19.1 At every meeting of Council the Speaker, or if he/she is not present, an Acting Speaker shall be the Chairperson. An acting Speaker may be elected by the majority of Councillors present at any meeting of Council where the Speaker is not present.
- 19.2 The Executive Mayor shall Chair meetings of the Mayoral Committee and if not present, the Deputy Executive Mayor or if the Deputy Executive Mayor is also not available, any other Councillor appointed by a majority members of the Mayoral Committee in attendance.
- 19.3 The Chairperson appointed by the Executive Mayor shall Chair meetings of the portfolio committees. The portfolio Chairperson may request a member of its portfolio committee to take the Chair of such a portfolio meeting, in the absence of the portfolio Chairperson, in respect a portion of the meeting or in its totality.



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19.4 The person so nominated by Council, Mayoral Committee or committee for that meeting shall Chair meetings of committees and subcommittees; provided that where no such person was nominated, the members present may elect their own Chairperson.

## 20. Agenda

20.1 Subject to Rule 20.2 and Rule 20.3 below, all meetings must be conducted in accordance with the order in which matters appear on the agenda and only matters which appear on the agenda may be debated.

20.2 The Speaker or Chairperson may, after considering a duly motivated request, change the order of matters appearing on the agenda.

20.3 The Speaker or Chairperson may, after considering a duly motivated request, direct that a matter be moved between the confidential and open parts of the agenda.

## 21. Business at Council Meetings

21.1 The order of business at every ordinary meeting of Council, the Mayoral Committee or a committee is as follows:

<b>COUNCIL</b>
<ul style="list-style-type: none"> <li>Opening: Moment of reflection</li> <li><input type="checkbox"/> Notice of the meeting</li> <li><input type="checkbox"/> Applications for leave of absence</li> <li><input type="checkbox"/> Acceptance of the agenda</li> <li><input type="checkbox"/> Declaration of interest</li> <li><input type="checkbox"/> <b>Announcements</b></li> <li><input type="checkbox"/> Presentations</li> <li><input type="checkbox"/> Confirmation of minutes from previous meeting</li> <li><input type="checkbox"/> Outstanding matters</li> <li><input type="checkbox"/> Submission of reports from Council representatives from District/Local municipality</li> <li><input type="checkbox"/> Reports of the Executive Mayor, under the rules: recommendations to Council, decisions under delegated authority and decisions of the Executive Mayor taken with the Mayoral Committee</li> <li><input type="checkbox"/> Reports from MPAC</li> <li><input type="checkbox"/> Report from the Audit Committee</li> <li><input type="checkbox"/> Reports on ward committees / consolidated report on ward committees</li> <li><input type="checkbox"/> Report on SALGA activities</li> <li><input type="checkbox"/> Monthly Activities</li> <li><input type="checkbox"/> Reports for noting</li> <li><input type="checkbox"/> Reports for consideration</li> <li><input type="checkbox"/> Reports - In-Committee;</li> <li><input type="checkbox"/> Notice of Motion</li> <li><input type="checkbox"/> Questions</li> <li><input type="checkbox"/> Urgent reports - allowed only with the consensus of the Chairperson; and</li> <li><input type="checkbox"/> Confirm the signing of the attendance register</li> </ul>



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### MAYORAL COMMITTEE

- Opening: Moment of reflection
- Notice of the meeting
  - Applications for leave of absence
  - Acceptance of the agenda
  - Declaration of interest
  - Announcements**
  - Presentations
  - Confirmation of minutes from previous meeting
  - Outstanding matters
  - Reports from Portfolio Committees
  - Reports from Audit Committees
  - Reports for noting
  - Reports for consideration
  - In-Committee reports
  - Notice of Motion, and
  - Urgent reports allowed only with the consensus of the Chairperson

### COMMITTEES OF COUNCIL

- Opening: Moment of reflection
- Notice of the meeting
  - Applications for leave of absence
  - Acceptance of the agenda
  - Declaration of interest
  - Announcements**
  - Presentations
  - Confirmation of minutes from previous meeting
  - Outstanding matters
  - Reports for noting
  - Reports for consideration
  - In-Committee reports
  - Notice of Motion, and
  - Urgent reports allowed only with the consensus of the Chairperson



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## **22. Leave of absence**

- 22.1 Applications for leave of absence from any Council or Committee meeting must be submitted to the Speaker in writing and signed by the member applying for leave, and thereafter the member should notify the Chairperson.
- 22.2 All applications for leave must be submitted at least 12 hours before the starting time of the meeting, except where it is not reasonably possible due to unforeseen circumstances, and in which instance such an application for leave must be lodged with the Speaker within 10 days from the date on which the meeting, from which the member was absent, took place.
- 22.3 The Speaker shall grant leave at his or her sole discretion, and the Speaker is at liberty to reject such an application for leave of absence.
- 22.4 Leave will be deemed to have been granted if a Councillor has been delegated to attend a meeting or engagement on behalf of Council.
- 22.5 The onus rests solely on the individual members to sign the attendance register circulated at Council and Council committees' meetings.

## **23. Minutes to be kept and confirmation thereof**

- 23.1 Minutes of the proceedings of every meeting of Council and its committees, shall be electronically or otherwise recorded and be kept for that purpose by the Director: Corporate Services. The Municipal Manager shall be responsible for the correctness of same, and the minutes of every meeting shall be confirmed at a subsequent ordinary meeting.
- 23.2 Minutes of the proceedings of every meeting of Council or a committee shall be word processed or typed and printed, and shall if confirmed, be signed at the next ensuing ordinary meeting by the Chairperson. Minutes shall be bound and kept secure.
- 23.3 The Municipal Manager must ensure that the minutes reflect the names of the members who attended the meeting, those who were absent and those who had been granted leave of absence.
- 23.4 The minutes of the proceedings of every meeting of Council or its committees shall be distributed to all members within 10 days after the meeting was held.

## **24. No discussion on minutes under confirmation of minutes**

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



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## **25. Petitions to be written, typed or printed**

- 25.1 Petitions, which must be clearly written, typed or printed, must be signed by not less than three citizens and must be couched in respectful language and presented to the office of the Municipal Manager who shall, if he/she deems it necessary, bring the matter before the Mayoral Committee.

## **26. Deputations to submit memorandum**

- 26.1 Deputations wishing to be received by the Mayoral Committee shall be required, in the first instance to send a duly motivated memorandum in writing requesting same, and the Municipal Manager shall bring the memorandum before the Mayoral Committee, which it may authorise, if it sees fit to receive the deputation, and to report to Council forthwith.

## **27. Reception of deputations**

- 27.1 A deputation wishing to address the Mayoral Committee shall not exceed five in number, but only one member thereof shall be at liberty to address the committee (except in reply to questions from members of the committee) and only for a period not exceeding ten minutes. The committee shall not further consider the matter until the deputation shall have withdrawn itself from the meeting.

## **28. Moving a report**

- 28.1 The Speaker or Chairperson shall move the recommendation contained in a report unless he/she shall have previously stated his/her disagreement with it. The Chairperson of a committee or other member presenting a report may withdraw or amend any rule with the consent of the committee, only if it has been established that a particular item or items in the original report was or were incorrectly recorded or it has been established that it would be in the best interest of Council not to adopt a recommendation or a part or parts thereof.

## **29. Motions**

- 29.1 No matter shall be brought before Council or a committee by any member of Council except upon a notice of motion, which shall be in writing and signed by the member giving the notice as well as the member seconding it, provided that a person who has a personal electronic mail address from where he or she can be identified by the Municipal Manager, can submit such motion by official electronic mail address.
- 29.2 Any notice of motion shall be submitted to the Speaker or Chairperson before 12:00, ten days prior to the meeting of Council or committee.
- 29.3 A motion shall lapse if the member who submitted the motion is not present at the meeting where the motion is to be debated.



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- 29.4 A member submitting a motion shall introduce such a motion and shall have the right of reply thereto.
- 29.5 When a member introduces a motion which is intended to rescind or amend a resolution passed by Council in the preceding three months or which has the purport as a motion that was not supported within the three preceding months shall not be entertained.
- 29.6 When dealing with motions, the motion shall be read out together with the number thereof and the name of the mover.
- 29.7 The Speaker or Chairperson shall ascertain which motions are unopposed and these shall be passed without debate and thereafter the opposed motions shall be called in accordance with the order of the agenda.
- 29.8 All notices of motion shall be dated and numbered as received by the Municipal Manager and shall be entered on the agenda paper in the order in which it was received, save and except that notices of amendment to motions shall be entered immediately after such notice of motion, irrespective of the time at which the notice shall have been received.
- 29.9 No member shall have more than two notices of motion on the same agenda at the same time.
- 29.10 Before any notice of motion is placed on the agenda paper it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Executive Mayor and Whip of Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda paper.
- 29.11 A motion affecting the making or amending of a by-law, shall be submitted to the Speaker for a report before Council passes a resolution in this regard.
- 29.12 The Speaker may disallow a motion which:
- 29.12.1 May lead to discussions of a matter already dealt with on the agenda
  - 29.12.2 Addresses a matter where Council has no jurisdiction
  - 29.12.3 Addresses a matter where a decision of a judicial or quasi-judicial body is pending
  - 29.12.4 Has not been seconded
  - 29.12.5 If passed, would be contrary to the law.
- 29.13 The mover with the consent of the seconder may withdraw a motion or amendment.



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- 29.14 The Speaker or Chairperson may call upon any mover of an amendment to a motion to reduce the same to writing, and, after signing it, to hand it to the Municipal Manager to read the amendments for the meeting to either adopt or reject such amendment.
- 29.15 Except upon the recommendation of the committee to which Council has delegated powers or duties to deal with the particular subject matter, no resolution passed at any meeting of Council shall be revoked or altered at any subsequent meeting unless notice of motion so to revoke or alter such resolution shall have been given to the Municipal Manager at least seven days before such subsequent meeting and the Municipal Manager shall, at least two days before such subsequent meeting, have forwarded a copy of such notice of motion to each Councillor.
- 29.16 Sub-rules 29.1 and 29.2 shall not apply to a motion of exigency.

### **30. Motion of exigency**

- 30.1 A member may direct the attention of Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon moving 'that the motion to which attention has been directed be considered forthwith as a matter of exigency'.
- 30.2 Such motion is herein referred to as a motion of exigency.
- 30.3 If such motion is seconded and carried by a majority of the members present, the mover shall be permitted, without notice, to bring the matter under consideration by way of motion or question.

### **31. Precedence of the Speaker**

- 31.1 During the sitting of Council or a committee, members, except lady members and members in traditional, cultural or religious headdress shall have their heads uncovered.
- 31.2 When speaking, Councillors shall stand, but at all times, address their speech to the Speaker or Chairperson.
- 31.3 Whenever the Speaker or Chairperson speaks, any member then speaking or offering to speak must be silent and seated, in order for the Speaker to be audible and speak without interruption.
- 31.4 That all Councillors stand when the Executive Mayor and the Speaker enter Council Chambers unless he/she is unable to do so due to medical reasons or a form of disability.
- 31.5 A Councillor wishing to be recognised by the Speaker or Chairperson must raise his/her hand, wait for acknowledgment from the Speaker or Chairperson, and stand to his/her feet once given the opportunity to speak.



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### 32. Relevance

- 32.1 A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

### 33. Councillor to speak once only

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

### 34. Debate management

- 34.1 Time allocated to each political party or interest group will be determined by the Speaker.
- 34.2 At least 24 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which items on the agenda are to be debated.
- 34.3 At least 12 hours before the meeting, the whip of each political party or interest group represented in the municipality will provide the Speaker or Chairperson with a list indicating which members will speak on which item included in the agenda.
- 34.4 The Speaker will determine the allocation of time per item and inform the whips of the speaking time allowed to each member included in the list, based on the principle in Rule 34.1 above.
- 34.5 Each political party or interest group represented in the municipality has the right to speak on each item on the agenda.
- 34.6 At the discretion of the Speaker, he/she may allow 3 minutes of response to the Executive Mayor, relevant Mayoral Committee Member, or the mover of the motion, to conclude the debate on an item debated in terms of this Rule 34.

### 35. Length of address

- 35.1 No speaker, recognized by the Speaker or Chairperson, shall exceed **three (3)** minutes in length without the consent of the Speaker other than the Executive Mayor, Speaker or Chairperson. This period shall exclude consecutive translation time required.
- 35.2 The Speaker or the Chairperson shall be entitled to, at any time, to set, limit or extend reasonable time limits for the discussion of and/or any decision or any item or group of items on the relevant agenda.



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

### **36. Disorderly conduct of Councillors and the duty of the Chairperson**

- 36.1 If at any meeting of Council or committee, a Councillor conducts himself or herself in an improper fashion, behaves in an unseemly manner or persistently obstructs business to be carried out or challenges the ruling of the Speaker or Chairperson on any point of order or declines to withdraw an expression when required to do so by the Chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the Chairperson shall direct such Councillor to conduct himself or herself properly and, if speaking, to discontinue his/her speech and resume his/her seat, if he/she was standing.
- 36.2 In the event of persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such Councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 36.3 The Speaker or a Chairperson may exclude from a meeting, for such period of time during the meeting as he/she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the Chair, provided that a formal process will be initiated after the conclusion of the meeting.
- 36.4 Where a Councillor refuses to retire or in the event of more than one Councillor having to be ejected from the meeting, and such Councillor/s refuse/s to leave the meeting, the Speaker shall request the Sargent at Arms to facilitate the removal of such Councillor/s from the Chamber. If this cannot be done orderly, the Chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, Councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The Sargent at Arms of the Council will ensure that such Councillor/s does not enter such an alternative venue.



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### **37. Obstruction by persons other than Councillors**

- 37.1 Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of Council or any committee at any meeting shall, if the Speaker or Chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Sargent-at-arms will be responsible to remove such person from the meeting. The Chairperson may exclude such person from further admittance to Council chamber or the meeting venue for such period as it may be deemed fit.

### **38. Points of order and personal explanation and points of clarity**

- 38.1 Any member, regardless of whether he/she addressed Council on the matter under debate or not, may:
- 38.1.1 raise a point of order, or
  - 38.1.2 raise a point of personal explanation at the end of the debate
- 38.2 Any point of order or personal explanation will not constitute a speech and will therefore not affect the right of any member to speak on a particular item, provided that the member will not be allowed to spend more than 2 (two) minutes on the point of order or personal explanation.
- 38.3 Any member contemplated in Rule 38.1 shall be entitled to be heard and Councillor speaking at the time shall remain silent until a ruling has been made by the Speaker or Chairperson.
- 38.4 The ruling of the Speaker or Chairperson on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.
- 38.5 Any member will only be allowed to raise one point of order and one point of personal explanation during Council meeting. Only one point of order on the same matter will be allowed.
- 38.6 Any member persisting in a point of order or personal explanation after a ruling has been made by the Speaker will be subject to the provision of Rule 36 above.
- 38.7 Any point of clarity shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity.
- 38.8 Any member, whether he/she addressed Council on the matter under debate or not, may raise his/her hand on a point of clarity at the end of the debate.



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- 38.9 A member contemplated in Rule 38.8 shall be entitled to be heard forthwith, and the member speaking at the same time shall remain silent and be seated, until a ruling has been made by the Speaker.
- 38.10 The ruling by the Speaker on the admissibility of a point of clarity shall be final and shall not be open for discussion.

### **39. Questions**

- 39.1 Any member may submit a question requiring a written reply from any political office bearer, the municipal manager or senior manager of the municipality, concerning any matter related to the effective performance of the functions of the municipality and the exercise of its powers, provided that a written notice of such a questions has been submitted to the Speaker or Chairperson and the Municipal Manager at least 10 (ten) days prior to Council or committee meeting and the political office bearer and the municipal manager shall ensure that the member receive a written reply at the meeting.
- 39.2 If after the question has been replied to, a member is of the opinion that the reply is not clear or satisfactory, he or she may, with the permission of the Speaker or Chairperson, request a follow up question.
- 39.3 All questions duly given notice of and all responses submitted shall be recorded in the minutes of the meeting.

### **40. Terms of reference of sub-committees**

- 40.1 Upon the appointment of any sub-committee, Council shall specifically determine the terms of reference of such sub-committee and shall fix the quorum of such sub-committee. Council's standing rules and orders shall apply to all sub-committees.

### **41. Council may increase or restrict powers**

- 41.1 With the exception of the Mayoral Committee whose functions are determined in terms of the Structures Act, and the committees whose functions and powers are determined in terms of Section 80 of the Structures Act by the Executive Mayor, Council may at any time extend, withdraw or modify the duties and powers of a committee or sub-committee appointed in terms of Section 79 of the Structures Act.

### **42. Minutes of the Mayoral Committee, Committees and Sub-committees**

- 42.1 Every committee, including the Mayoral Committee, except when specifically exempted from this provision by a resolution of Council or the Mayoral Committee in view of the sensitivity, confidentiality or otherwise of the subject matter of a particular meeting and provided the final resolution or recommendation is duly recorded in writing, shall record minutes of its proceedings and cause the same to be duly kept by the Director: Corporate



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Services. At every ordinary meeting of a committee the unconfirmed minutes shall be taken as read, with a view to confirmation, provided that a copy of such minutes shall have been sent to each member of the committee twenty-four hours previously. No discussion shall be allowed upon the minutes, except as to their accuracy save at portfolio committees and even then, at the sole discretion of the Chairperson.

#### **43. Inspection of minute books by Councillors**

- 43.1 The minutes of every Council or committee shall be open for inspection by every member of Council during office hours; provided the demands of duties of the registry and secretariat staff is taken into account.

#### **44. Non-attendance of members of committees**

- 44.1 Should any member of a committee fail to attend three consecutive meetings of the same committee of which he or she is a member, without leave of absence having been granted as contemplated in Rule 22 above, he/she shall be required to submit a motivation for such absence and if the Speaker is not satisfied with such explanation, it shall be reported to the municipal Council that Councillor is deemed to have forfeited his/her seat on such committee, and such forfeiture shall be reported to Council or the executive / mayoral committee to the end that the vacancy may be filled by the executive / mayoral committee, and the formal disciplinary procedures for Councillors be implemented by the office of the Speaker.

#### **45. Members of Council attending committee meetings of which they are not members**

- 45.1 Members of the municipal Council may attend the meeting of any committee that they are not a member of but will in all instances be granted the status of an observer and will not be allowed to participate or vote at such meetings.
- 45.2 The provisions of Rule 45.1 will not be applicable to the Municipal Public Accounts Committee (MPAC) and members of the executive can be requested to attend the MPAC meeting and the request for attendance will specify the matters that the member of the executive will be expected to address the MPAC on.
- 45.3 The rules with regard to agendas as set out in Rule 20 will also be applicable to requests to attend MPAC and address it.
- 45.4 Any member of the executive requested to attend the MPAC may instruct the municipal manager or a senior manager to accompany him/ her to the MPAC meeting but may not instruct such official to appear and address the MPAC on his /her behalf.



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#### **46. Information to be obtained from Municipal Manager or the head of Department concerned**

- 46.1 Subject to the provisions of Rule 39 above, members of Council who desire to obtain from any official of Council information with regard to the administrative work of Council, which is not accessible to the general public, should address their enquiries firstly to the Municipal Manager and then to the relevant senior manager.

#### **47. Information to the press or other sources of media: In-committee discussions**

- 47.1 The Executive Mayor, or in his/her absence the Deputy Executive Mayor, the Speaker or the Municipal Manager in their discretion may, on application being made to him/her by any registered newspaper, radio station, television service or internet publisher, supply to such media or its representative, information and reports relating to the work of the municipality.
- 47.2 In view of the Municipal Manager, the Speaker or the Executive Mayor being the authorised channel through which the media may receive information and reports, members of Council are therefore expected to refrain from sending to the media documents or information supplied to them with a view to their consideration by Council or any committee: Provided that this clause shall not be construed as abrogating a Councillors individual constitutional right to make press statements which reflect his/her own personal or political view and not that of Council, further provided however, that no discussion that took place in-committee may be conveyed to the public or the press except by the Executive Mayor, Speaker or Municipal Manager.
- 47.3 Chairpersons of committees must liaise with the Executive Mayor, Speaker and Municipal Manager for the publication of any information relating to committee and the Municipal Manager shall arrange, if approved, the publication of the relevant information.

#### **48. Legal defense and indemnification of Councillors and officers of Council**

- 48.1 Council may determine the circumstances in which it will undertake the defense of or pay the legal costs or the total costs and the amount in respect of any legal proceedings, whether civil or criminal, a Councillor or an official may have against any person, body, organisation or institution arising from Councillor's or official's capacity as a Councillor or official of the Municipality.

#### **49. Speaker may refer matters for legal advice**

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



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## **50. Activities prohibited within Council Chambers or a meeting venue and the use of Council Chamber by other persons or institutions**

- 50.1 The decorum of Council Chamber as the official seat of governance of the Municipality shall at all times be respected and adhered to by any person or institution using the facilities.
- 50.2 No cellphones will be allowed in the meetings of Council or its committees unless such cellphone is kept on the silent mode during the course of the meeting so as to cause no disturbance during the course of the meeting.
- 50.3 No one shall be allowed to answer his/her cellphone during the course of a meeting of Council or its committees.
- 50.4 No food or drinks shall be allowed in Council Chamber or venue where a Council or its committee's meeting is held, excluding water provided at the meeting.
- 50.5 Caucus meetings of the various political parties may be held in the chamber provided it is booked with the Senior Administrative Officer: Committees prior to the meeting, and subject to such bookings to be on a rotational basis for all the parties.
- 50.6 The use of Council Chambers by any other person or institution, other than a recognised committee, body of or person in the employ of the Municipality shall be subject to the approval by the Speaker, and at all times subject to the availability thereof in terms of Council's calendar of use, and the purpose for which it is applied for. Applications for use shall be made in writing to the Speaker who shall confer with the Director: Corporate Services in making the venue available in writing.

## **51. Ward Committees**

- 51.1 Council may by resolution determine the rules of procedure for the election of ward committees, the procedures at meetings, the reporting rules, and the rendering of secretarial services to these committees.

## **52. Sanctions and offences**

- 52.1 Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

## **53. Dress code**

- 53.1 Council may by resolution prescribe a dress code for Councillors and traditional leaders attending meetings.



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53.2 Notwithstanding the provisions of any resolution passed in accordance with Rule 53.1, no Councillor or member of the public shall be allowed to wear any clothing or accessory containing party political regalia to any meeting of Council or its committees.

#### 54. Invitation to address Council

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

#### 55. Language Usage

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

H HENDRICKS  
EXECUTIVE MAYOR

18 September 2018

DATE

H BORNMAN  
SPEAKER

18 September 2018

DATE

LOCAL AUTHORITY NOTICE 234 OF 2018

**PROVINCIAL NOTICE NO 180(A)/2018**

**EASTERN CAPE PROVINCE**

**KOUGA MUNICIPALITY (EC 108)**

**REMOVAL OF RESTRICTIVE CONDITIONS**

**ERF 631 (7 END STREET), HUMANSDORP**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 13 September 2018, removed Condition C.6.(b)(i)&(ii) applicable to Erf 631, Humansdorp as contained in Certificate of Consolidation Title T29939/1996 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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**MUNICIPAL MANAGER**

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**JEFFREYS BAY**  
**6330**

**For Publication:**

PROVINCIAL GAZETTE

**LOCAL AUTHORITY NOTICE 235 OF 2018**  
**PROVINCIAL NOTICE NO 180(B)/2018**

**EASTERN CAPE PROVINCE**

**KOUGA MUNICIPALITY (EC 108)**

**REMOVAL OF RESTRICTIVE CONDITIONS**

**ERF 211 (CNR OF IMMERGROEN & HARMONIE CRESCENT), PARADISE BEACH**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 13 September 2018, removed Condition No. 7 applicable to Erf 211, Paradise Beach as contained in Certificate of Consolidation Title T1170/2015 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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LOCAL AUTHORITY NOTICE 236 OF 2018

**PROVINCIAL NOTICE NO 180(C)/2018**

**EASTERN CAPE PROVINCE**

**KOUGA MUNICIPALITY (EC 108)**

**REMOVAL OF RESTRICTIVE CONDITIONS**

**ERF 1069 (128 MIMOSA STREET), JEFFREYS BAY**

**SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016: KOUGA MUNICIPALITY**

Notice is hereby given that the Municipal Planning Tribunal on 13 September 2018, removed Condition B.7.(b)(i)&(ii) applicable to Erf 1069, Jeffreys Bay as contained in Certificate of Consolidation Title T55262/1995 in terms of Section 69 of the Spatial Planning and Land Use Management By-Law, 2016: Kouga Municipality

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**LOCAL AUTHORITY NOTICE 237 OF 2018****MAKANA MUNICIPALITY****Erf 8517 Grahamstown, Eastern Cape**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Section 69 of the Makana Municipality Spatial Planning and Land Use Management By-Law of 2016 and upon instructions by the Local Authority, a notice is hereby given that conditions **listed hereunder** contained in Deed of Transfer No.T 75390/2000 applicable to Erf 8517 are hereby removed.

- I.A.1., 1.B.(b), I.C.
- II.A., II.B.
- III.A., III.B., III.C.
- IV.A., IV.B.(i), IV.C.1., IV.C.2., IV.C.3., IV.C.4., IV.C.8., IV.C.9., IV.C.10., IV.C.11
- V.A., V.C., V.C.1., V.C.2., V.C.3., V.C.4., V.C.8., V.C.9., V.C.10., V.C.11.,
- VI.A

**M. MENE**  
**MUNICIPAL MANAGER**  
**REF: R/R (8517)**

**LOCAL AUTHORITY NOTICE 238 OF 2018****Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and land Use Management Act, 2013 (Act 16 of 2013)

ERF 129 Mount Road, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that Conditions "C"4 (a), (b), (c), (d) and "D" (b) as contained in Deed of transfer NoT46599/2016 applicable to Erf 129, Mount Road, are hereby removed.



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Tel. (040) 635-0052.