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CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICE				GOEWERMENTSKENNISGEWING			
Provincial and Local Government, Department of				Provinsiale en Plaaslike Regering, Departement van			
<i>Government Notice</i>				<i>Goewermentskennisgewing</i>			
R. 796	Local Government: Municipal Systems Act (32/2000): Local Government: Municipal Planning and Performance Management Regulations, 2001	3	22605	R. 796	Wet op Plaaslike Regering: Munisipale Stelsels (32/2000): Plaaslike Regering: Munisipale Beplanning en Prestasiebestuur Regulasies, 2001	19	22605

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT DEPARTEMENT VAN PROVINSIALE EN PLAASLIKE REGERING

No. R. 796

24 August 2001

LOCAL GOVERNMENT: MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001

Under section 120, read with sections 37, 43 and 49, of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), I, Fholisani Sydney Mufamadi, after consultation with the MEC's for local government and organised local government representing local government nationally, hereby make the regulations in the Schedule.

F. S. MUFAMADI

Minister for Provincial and Local Government

SCHEDULE

CHAPTER 1 INTERPRETATION

Definitions

1. In these regulations a word or phrase to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), has that meaning and, unless the context otherwise indicates-

"ad hoc committee" means a committee appointed in terms of section 33(1) of the Act;

“financial year” means the financial year of municipalities that end on 30 June of each year;

“input indicator” means an indicator that measures the costs, resources and time used to produce an output;

“outcome indicator” means an indicator that measures the quality and or impact of an output on achieving a particular objective;

“output indicator” means an indicator that measures the results of activities, processes and strategies of a program of a municipality;

“the Act” means the Local Government: Municipal Systems Act, 2000.

CHAPTER 2

INTEGRATED DEVELOPMENT PLANNING

Detail of integrated development plan

2. (1) A municipality's integrated development plan must at least identify-
 - (a) the institutional framework, which must include an organogram, required for-
 - (i) the implementation of the integrated development plan; and
 - (ii) addressing the municipality's internal transformation needs, as informed by the strategies and programmes set out in the integrated development plan;
 - (b) any investment initiatives in the municipality;
 - (c) any development initiatives in the municipality, including infrastructure, physical, social, economic and institutional development;
 - (d) all known projects, plans and programs to be implemented within the municipality by any organ of state; and
 - (e) the key performance indicators set by the municipality.
- (2) An integrated development plan may-
 - (a) have attached to it maps, statistics and other appropriate documents; or
 - (b) refer to maps, statistics and other appropriate documents that are not attached, provided they are open for public inspection at the offices of the municipality in question.

(3) A financial plan reflected in a municipality's integrated development plan must at least-

- (a) include the budget projection required by section 26(h) of the Act;
- (b) indicate the financial resources that are available for capital project developments and operational expenditure; and
- (c) include a financial strategy that defines sound financial management and expenditure control, as well as ways and means of increasing revenues and external funding for the municipality and its development priorities and objectives, which strategy may address the following:
 - (i) Revenue raising strategies;
 - (ii) asset management strategies;
 - (iii) financial management strategies;
 - (iv) capital financing strategies;
 - (v) operational financing strategies; and
 - (vi) strategies that would enhance cost-effectiveness.

(4) A spatial development framework reflected in a municipality's integrated development plan must-

- (a) give effect to the principles contained in Chapter 1 of the Development Facilitation Act, 1995 (Act No. 67 of 1995);
- (b) set out objectives that reflect the desired spatial form of the municipality;
- (c) contain strategies and policies regarding the manner in which to achieve the objectives referred to in paragraph (b), which strategies and policies must-
 - (i) indicate desired patterns of land use within the municipality;
 - (ii) address the spatial reconstruction of the municipality; and
 - (iii) provide strategic guidance in respect of the location and nature of development within the municipality;
- (d) set out basic guidelines for a land use management system in the municipality;
- (e) set out a capital investment framework for the municipality's development programs;
- (f) contain a strategic assessment of the environmental impact of the spatial development framework;

- (g) identify programs and projects for the development of land within the municipality;
- (h) be aligned with the spatial development frameworks reflected in the integrated development plans of neighbouring municipalities; and
- (i) provide a visual representation of the desired spatial form of the municipality, which representation -
 - (i) must indicate where public and private land development and infrastructure investment should take place;
 - (ii) must indicate desired or undesired utilisation of space in a particular area;
 - (iii) may delineate the urban edge;
 - (iv) must identify areas where strategic intervention is required; and
 - (v) must indicate areas where priority spending is required.

Process for amending integrated development plans

3. (1) Only a member or committee of a municipal council may introduce a proposal for amending the municipality's integrated development plan in the council.

(2) Any proposal for amending a municipality's integrated development plan must be-

- (a) accompanied by a memorandum setting out the reasons for the proposal; and
- (b) aligned with the framework adopted in terms of section 27 of the Act.

(3) An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.

(4) No amendment to a municipality's integrated development plan may be adopted by the municipal council unless-

- (a) all the members of the council have been given reasonable notice;

- (b) the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment;
- (c) the municipality, if it is a district municipality, has complied with subregulation (5); and
- (d) the municipality, if it is a local municipality, has complied with subregulation (6).

(5) A district municipality that considers an amendment to its integrated development plan must-

- (a) consult all the local municipalities in the area of the district municipality on the proposed amendment; and
- (b) take all comments submitted to it by the local municipalities in that area into account before it takes a final decision on the proposed amendment.

(6) A local municipality that considers an amendment to its integrated development plan must-

- (a) consult the district municipality in whose area it falls on the proposed amendment; and
- (b) take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.

Procedure and manner of referring an objection to *ad hoc* committee

4. (1) Whenever a MEC for local government decides to refer an objection to an *ad hoc* committee in terms of section 33(4) of the Act, the MEC must-

- (a) within seven days of such decision, notify the relevant municipal council that the municipal council's objection is being referred to an *ad hoc* committee;
- (b) submit the following to the *ad hoc* committee as soon as it is appointed:
 - (i) A copy of the MEC's request in terms of section 32(2) of the Act;
 - (ii) written reasons for the MEC's proposals referred to in section 32(2)(a) of the Act;
 - (iii) a copy of the municipal council's objection and the reasons for disagreeing with the MEC's proposals.

(2) An *ad hoc* committee must-

- (a) inform the relevant municipal council in writing of the date or dates on which the *ad hoc* committee would consider the municipal council's objection; and
- (b) afford the relevant municipal council at least seven days before such date or dates to make written representations to the *ad hoc* committee regarding the reasons for the MEC's proposals referred to in subregulation (1)(b)(ii).

(3) An *ad hoc* committee must, within 21 days of the date on which it was appointed, notify the relevant municipal council and the MEC concerned in writing of the committee's decision regarding the municipal council's objection.

Proceedings of *ad hoc* committee

5. (1) (a) A MEC for local government who appoints an *ad hoc* committee must convene the first meeting of the *ad hoc* committee.

(b) The chairperson of the *ad hoc* committee convenes the subsequent meetings of the *ad hoc* committee.

(2) (a) At the first meeting of the *ad hoc* committee, the members of the *ad hoc* committee must elect a member of the committee as chairperson after nominations have been called for.

(b) If the chairperson of the *ad hoc* committee is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson for that meeting.

(3) An objection referred to an *ad hoc* committee must be decided on the written documentation submitted to it.

(4) (a) An *ad hoc* committee may determine its own voting procedure for deciding a matter before it, taking into account the requirement of section 33(4) of the Act that at least two spheres of government must agree on the matter.

(b) No sphere of government represented in an *ad hoc* committee may abstain from voting.

Giving effect to integrated development plan

6. A municipality's integrated development plan must –

- (a) inform the municipality's annual budget that must be based on the development priorities and objectives referred to in section 26(c) of the Act and the performance targets set by the municipality in terms of regulation 12; and
- (b) be used to prepare action plans for the implementation of strategies identified by the municipality.

CHAPTER 3

PERFORMANCE MANAGEMENT

Nature of performance management system

7. (1) A municipality's performance management system entails a framework that describes and represents how the municipality's cycle and processes of performance planning, monitoring, measurement, review, reporting and improvement will be conducted, organised and managed, including determining the roles of the different role-players.

(2) In developing its performance management system, a municipality must ensure that the system-

- (a) complies with all the requirements set out in the Act;
- (b) demonstrates how it is to operate and be managed from the planning stage up to the stages of performance review and reporting;
- (c) clarifies the roles and responsibilities of each role-player, including the local community, in the functioning of the system;
- (d) clarifies the processes of implementing the system within the framework of the integrated development planning process;
- (e) determines the frequency of reporting and the lines of accountability for performance;
- (f) relates to the municipality's employee performance management processes;

- (g) provides for the procedure by which the system is linked to the municipality's integrated development planning processes; and

Adoption of performance management system

8. A performance management system must be adopted before or at the same time as the commencement by the municipality of the process of setting key performance indicators and targets in accordance with its integrated development plan.

Setting of key performance indicators

9. (1) (a) A municipality must set key performance indicators, including input indicators, output indicators and outcome indicators, in respect of each of the development priorities and objectives referred to in section 26(c) of the Act.
- (b) A key performance indicator must be measurable, relevant, objective and precise.
- (2) In setting key performance indicators, a municipality must ensure that-
- (a) communities are involved; and
 - (b) the key performance indicators inform the indicators set for-
 - (i) all its administrative units and employees; and
 - (ii) every municipal entity and service provider with whom the municipality has entered into a service delivery agreement.

General key performance indicators

10. The following general key performance indicators are prescribed in terms of section 43 of the Act:

- (a) The percentage of households with access to basic level of water, sanitation, electricity and solid waste removal;
- (b) the percentage of households earning less than R1100 per month with access to free basic services;

- (c) the percentage of a municipality's capital budget actually spent on capital projects identified for a particular financial year in terms of the municipality's integrated development plan;
- (d) the number of jobs created through municipality's local economic development initiatives including capital projects
- (e) the number of people from employment equity target groups employed in the three highest levels of management in compliance with a municipality's approved employment equity plan;
- (f) the percentage of a municipality's budget actually spent on implementing its workplace skills plan; and
- (g) financial viability as expressed by the following ratios:

(i)
$$A = \frac{B - C}{D}$$

Where –

"A" represents debt coverage

"B" represents total operating revenue received

"C" represents operating grants

"D" represents debt service payments (i.e. interest + redemption) due within the financial year;

(ii)
$$A = \frac{B}{C}$$

Where –

"A" represents outstanding service debtors to revenue

"B" represents total outstanding service debtors

"C" represents annual revenue actually received for services;

(iii)
$$A = \frac{B + C}{D}$$

Where –

"A" represents cost coverage

"B" represents all available cash at a particular time

"C" represents investments

"D" represents monthly fixed operating expenditure.

Review of key performance indicators

11. (1) A municipality must review its key performance indicators annually as part of the performance review process referred to in regulation 13.

(2) Whenever a municipality amends its integrated development plan in terms of section 34 of the Act, the municipality must, as part of the process referred to in regulation 3, review those key performance indicators that will be affected by such amendment.

Setting of performance targets

12. (1) A municipality must, for each financial year, set performance targets for each of the key performance indicators set by it.

(2) A performance target set in terms of subregulation (1) must -

(a) be practical and realistic;

(b) measure the efficiency, effectiveness, quality and impact of the performance of the municipality, administrative component, structure, body or person for whom a target has been set;

(c) be commensurate with available resources;

(d) be commensurate with the municipality's capacity; and

(e) be consistent with the municipality's development priorities and objectives set out in its integrated development plan.

Monitoring, measurement and review of performance

13. (1) A municipality must, after consultation with the local community, develop and implement mechanisms, systems and processes for the monitoring, measurement and review of performance in respect of the key performance indicators and performance targets set by it.

(2) The mechanisms, systems and processes for monitoring in terms of subregulation (1) must-

- (a) provide for reporting to the municipal council at least twice a year;
- (b) be designed in a manner that enables the municipality to detect early indications of under-performance; and
- (c) provide for corrective measures where under-performance has been identified.

(3) Performance measurement in terms of subregulation (1) must include the measurement of -

- (a) costs, resources and time used to produce outputs in accordance with the input indicators referred to in regulation 9;
- (b) the extent to which the municipality's activities or processes produced outputs in accordance with the output indicators referred to in regulation 9; and
- (c) the total improvement brought by outputs in accordance with the outcome indicators referred to in regulation 9.

(4) The mechanisms, systems and processes for review in terms of subregulation (1) must at least -

- (a) identify the strengths, weaknesses, opportunities and threats of the municipality in meeting the key performance indicators and performance targets set by it, as well as the general key performance indicators prescribed by regulation 10;
- (b) review the key performance indicators set by the municipality in terms of regulation 9; and
- (c) allow the local community to participate in the review process.

Internal auditing of performance measurements

14.(1) (a) A municipality must develop and implement mechanisms, systems and processes for auditing the results of performance measurements as part of its internal auditing processes.

(b) Any auditing in terms of paragraph (a) must include assessments of the following:

- (i) The functionality of the municipality's performance management system;
- (ii) whether the municipality's performance management system complies with the Act; and
- (iii) the extent to which the municipality's performance measurements are reliable in measuring performance of municipalities on indicators referred to in regulation 9 and 10

(c) A municipality's internal auditors must -

- (i) on a continuous basis audit the performance measurements of the municipality; and
- (ii) submit quarterly reports on their audits to the municipal manager and the performance audit committee referred to in subregulation (2).

(2) (a) A municipality must annually appoint and budget for a performance audit committee consisting of at least three members, the majority of which may not be involved in the municipality as a councillor or an employee.

(b) A performance audit committee appointed in terms of paragraph (a) must include at least one person who has expertise in performance management.

(c) A municipality may utilise any audit committee established in terms of other applicable legislation as the performance audit committee envisaged in paragraph (a), in which case the provisions of this subregulation, read with the necessary changes, apply to such an audit committee.

(d) The council of a municipality must designate a member of the performance audit committee who is not a councillor or an employee of the municipality as chairperson of the committee.

(e) If the chairperson of the performance audit committee is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson for that meeting.

(f) In the event of a vacancy occurring amongst the members of the performance audit committee, the municipality concerned must fill that vacancy for the unexpired portion of the vacating member's term of appointment.

(g) A municipality must provide secretariat services for its performance audit committee.

(h) (i) A local municipality may in stead of appointing a performance audit committee elect to make use of the performance audit committee of the district municipality in whose area it falls, and that performance audit committee is to be regarded as the performance audit committee of the local municipality in question.

(ii) A local municipality that elects to make use of the performance audit committee of the district municipality in whose area it falls, must notify that district municipality of its decision and make suitable arrangements with the district municipality regarding the availability of that performance audit committee.

(i) A member of the performance audit committee who is not a councillor or an employee of the municipality concerned, may be remunerated taking into account the tariffs determined by the South African Institute of Chartered Accountants in consultation with the Auditor-General.

(3) (a) A performance audit committee must meet at least twice during the financial year of the municipality concerned.

(b) A special meeting of the performance audit committee may be called by any member of the committee.

(c) A performance audit committee may determine its own procedures after consultation with the executive mayor or the executive committee of the municipality concerned, as the case may be.

(4) (a) A performance audit committee must –

- (i) review the quarterly reports submitted to it in terms of subregulation (1)(c)(ii);
- (ii) review the municipality's performance management system and make recommendations in this regard to the council of that municipality; and
- (iii) at least twice during a financial year submit an audit report to the municipal council concerned.

(b) In reviewing the municipality's performance management system in terms of paragraph (a)(ii), the performance audit committee must focus on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets set by the municipality are concerned.

(c) A performance audit committee may -

- (i) communicate directly with the council, municipal manager or the internal and external auditors of the municipality concerned;
- (ii) access any municipal records containing information that is needed to perform its duties or exercise its powers;
- (iii) request any relevant person to attend any of its meetings, and, if necessary, to provide information requested by the committee; and
- (iv) investigate any matter it deems necessary for the performance of its duties and the exercise of its powers.

CHAPTER 4 MISCELLANEOUS

Community participation in respect of integrated development planning and performance management

- 15. (1) (a)** In the absence of an appropriate municipal wide structure for community participation, a municipality must establish a forum that will enhance community participation in -
- (i) the drafting and implementation of the municipality's integrated development plan; and
 - (ii) the monitoring, measurement and review of the municipality's performance in relation to the key performance indicators and performance targets set by the municipality.
- (b)** Before establishing a forum in terms of paragraph (a), a municipality must, through appropriate mechanisms, invite the local community to identify persons to serve on the forum, including representatives from ward committees, if any.
- (c)** A forum established in terms of paragraph (a) must be representative of the composition of the local community of the municipality concerned.
- (2)** A municipality must -
- (a)** convene regular meetings of the forum referred to in subregulation (1) to -
 - (i) discuss the process to be followed in drafting the integrated development plan;
 - (ii) consult on the content of the integrated development plan;
 - (iii) monitor the implementation of the integrated development plan;
 - (iv) discuss the development, implementation and review of the municipality's performance management system; and
 - (v) monitor the municipality's performance in relation to the key performance indicators and performance targets set by the municipality; and
 - (b)** allow members of the forum at least 14 days before any meeting of the forum to consult their respective constituencies on the matters that will be discussed at such a meeting.

- (3) A municipality must afford the local community at least 21 days to comment on the final draft of its integrated development plan before the plan is submitted to the council for adoption.

Short title

16. These regulations are called the Local Government: Municipal Planning and Performance Management Regulations, 2001.

No. R. 796

24 Augustus 2001

**PLAASLIKE REGERING: MUNISIPALE BEPLANNING EN PRESTASIEBESTUUR
REGULASIES, 2001**

Kragtens artikel 120, gelees met artikels 37, 43 en 49, van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), vaardig ek, Fholisani Sydney Mufamadi, na oorleg met die LUR'e vir plaaslike regering en georganiseerde plaaslike regering wat plaaslike regering nasionaal verteenwoordig, hierby die regulasies in die Bylae uit.

F.S. MUFAMADI

Minister vir Provinsiale en Plaaslike Regering

BYLAE

**HOOFTUK 1
INTERPRETASIE**

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) toegeken is, daardie betekenis, en tensy uit die samehang anders blyk, beteken-

"ad hoc komitee" 'n komitee wat ingevolge artikel 33(1) van die Wet aangestel word;

"boekjaar" die boekjaar van munisipaliteite wat op 30 Junie van elke jaar eindig;

"die Wet" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000;

"gevolg-aanwyser" 'n aanwyser wat die kwaliteit en of inslag van 'n opbrengs meet by die bereiking van 'n besondere oogmerk;

“inset-aanwyser” ‘n aanwyser wat die kostes, hulpbronne en tyd meet wat verbruik is om ‘n opbrengs voort te bring;

“opbrengs-aanwyser” ‘n aanwyser wat die resultate meet van aktiwiteite, prosesse en strategië van ‘n program van ‘n munisipaliteit.

HOOFSTUK 2

GEÏNTEGREERDE ONTWIKKELINGSBEPLANNING

Besonderhede van geïntegreerde ontwikkelingsplan

2. (1) ‘n Munisipaliteit se geïntegreerde ontwikkelingsplan moet ten minste-
 - (a) die institusionele raamwerk, wat ‘n organogram moet insluit, identifiseer wat benodig word vir –
 - (i) die implementering van die geïntegreerde ontwikkelingsplan; en
 - (ii) die aanspreek van die munisipaliteit se interne transformasie-behoeftes,soos toegelig deur die strategië en programme wat in die geïntegreerde ontwikkelingsplan uiteengesit word;
 - (b) enige beleggingsinisiatiewe in die munisipaliteit identifiseer;
 - (c) enige ontwikkelingsinisiatiewe in die munisipaliteit identifiseer, wat insluit infrastruktuur, fisiese, sosiale, ekonomiese en institusionele ontwikkeling;
 - (d) alle bekende projekte, planne en programme identifiseer wat binne die munisipaliteit deur ‘n staatsorgaan geïmplementeer staan te word; en
 - (e) die sleutelprestasië-aanwysers identifiseer wat deur die munisipaliteit daargestel is.
- (2) ‘n Geïntegreerde ontwikkelingsplan kan-
 - (a) kaarte, statistieke en ander gepaste dokumente by dit aangeheg hê; of
 - (b) verwys na kaarte, statistieke en ander gepaste dokumente wat nie aangeheg is nie, mits hulle vir openbare ondersoek by die kantore van die betrokke munisipaliteit ter insae lê.
- (3) ‘n Finansiële plan wat in ‘n munisipaliteit se geïntegreerde ontwikkelingsplan weerspieël word, moet ten minste-

- (a) die begrotingsvooruitskatting insluit wat deur artikel 26(h) van die Wet vereis word;
 - (b) die geldmiddele aandui wat vir kapitaalprojek-ontwikkelings en operasionele besteding beskikbaar is; en
 - (c) 'n finansiële strategie insluit wat gesonde finansiële bestuur en uitgawe beheer, so wel as maniere vir die toename van inkomste en eksterne befondsing van die munisipaliteit en sy ontwikkelingsprioriteite en -oogmerke uiteensit, welke strategie die volgende kan aanspreek:
 - (i) Inkomste verhoging strategie;
 - (ii) bate bestuur strategie;
 - (iii) finansiële bestuur strategie;
 - (iv) kapitaal finansiering strategie;
 - (v) operasionele finansiering strategie; en
 - (vi) strategie wat koste-effektiwiteit sal verhoog.
- (4) 'n Ruimtelike ontwikkelingsplan wat in 'n munisipaliteit se geïntegreerde ontwikkelingsplan weerspieël word, moet-
- (a) uitvoering gee aan die beginsels wat in Hoofstuk 1 van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995) vervat is;
 - (b) oogmerke uiteensit wat die verlangde ruimtelike gedaante van die munisipaliteit reflekteer;
 - (c) strategie en beleidsake bevat betreffende die wyse waarop die oogmerke bedoel in paragraaf (b) behaal moet word, welke strategie en beleidsake -
 - (i) verlangde patrone van grondgebruik binne die munisipaliteit moet aandui;
 - (ii) die ruimtelike heropbou van die munisipaliteit moet aanspreek; en
 - (iii) voorsiening moet maak vir strategiese leiding ten opsigte van die plasing en aard van ontwikkeling binne die munisipaliteit;
 - (d) basiese riglyne vir 'n grondgebruik bestuurstelsel in die munisipaliteit uiteensit;
 - (e) 'n kapitaal investeringsraamwerk vir die munisipaliteit se ontwikkelings programme uiteensit;
 - (f) 'n strategiese waardering van die omgewingsimpak van die ruimtelike ontwikkelingsraamwerk bevat;

- (g) programme en projekte vir die ontwikkeling van grond binne die munisipaliteit identifiseer;
- (h) in lyn gebring word met die ruimtelike ontwikkelingsraamwerk wat in die geïntegreerde ontwikkelingsplanne van aangrensende munisipaliteite weerspieël word; en
- (i) 'n visuele voorstelling voorsien van die verlangde ruimtelike gedaante van die munisipaliteit, welke voorstelling-
 - (i) moet aandui waar openbare en private grondontwikkeling en infrastruktuur investering behoort plaas te vind;
 - (ii) verlangde of ongewenste gebruik van spasie in 'n bepaalde gebied aandui;
 - (iii) die stedelike rant kan skets;
 - (iv) gebiede moet identifiseer waar strategiese inmenging benodig word; en
 - (v) gebiede moet aandui waar voorkeur besteding benodig word.

Proses vir wysiging van geïntegreerde ontwikkelingsplanne

3. (1) Slegs 'n lid of komitee van 'n munisipale raad kan 'n voorstel vir wysiging van die munisipaliteit se geïntegreerde ontwikkelingsplan by die raad indien.

(2) 'n Voorstel vir wysiging van 'n munisipaliteit se geïntegreerde ontwikkelingsplan moet-

- (a) vergesel gaan van 'n memorandum wat die redes vir die voorstel uiteensit; en
- (b) in lyn gebring wees met die raamwerk wat ingevolge artikel 27 van die Wet aangeneem is.

(3) 'n Wysiging aan 'n munisipaliteit se geïntegreerde ontwikkelingsplan word aangeneem deur 'n besluit wat deur 'n munisipale raad geneem word ooreenkomstig die reëls en orders van die raad.

(4) Geen wysiging aan 'n munisipaliteit se geïntegreerde ontwikkelingsplan mag deur die munisipale raad aangeneem word nie, tensy-

- (a) al die lede van die raad redelike kennis gegee is;

- (b) die voorgestelde wysiging vir 'n tydperk van minstens 21 dae vir openbare kommentaar gepubliseer is op 'n wyse wat die publiek 'n geleentheid bied om versoë met betrekking tot die voorgestelde wysiging te rig;
- (c) die munisipaliteit, indien dit 'n distriksmunisipaliteit is, aan subregulasie (5) voldoen het; en
- (d) die munisipaliteit, indien dit 'n plaaslike munisipaliteit is, aan subregulasie (6) voldoen het.

(5) 'n Distriksmunisipaliteit wat 'n wysiging aan sy geïntegreerde ontwikkelingsplan oorweeg, moet-

- (a) met al die plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit oorleg pleeg oor die voorgestelde wysiging; en
- (b) al die kommentaar wat aan hom deur die plaaslike munisipaliteite in daardie gebied voorgelê is, in ag neem voordat hy 'n finale besluit oor die voorgestelde wysiging neem.

(6) 'n Plaaslike munisipaliteit wat 'n wysiging aan sy geïntegreerde ontwikkelingsplan oorweeg, moet-

- (a) met die distriksmunisipaliteit in wie se gebied hy val, oorleg pleeg oor die voorgestelde wysiging; en
- (b) al die kommentaar wat aan hom deur die distriksmunisipaliteit voorgelê is, in ag neem voordat hy 'n finale besluit oor die voorgestelde wysiging neem.

Prosedure en wyse van verwysing van beswaar na *ad hoc* komitee

4. (1) Telkens as 'n LUR vir plaaslike regering besluit om 'n beswaar na 'n *ad hoc* komitee te verwys ingevolge artikel 33(4) van die Wet, moet die LUR-

- (a) binne sewe dae na sodanige besluit, die betrokke munisipale raad in kennis stel dat die munisipale raad se beswaar na 'n *ad hoc* komitee verwys word;
- (b) die volgende aan die *ad hoc* komitee voorlê sodra hy aangestel is:
 - (i) 'n Afskrif van die LUR se versoek ingevolge artikel 32(2) van die Wet;
 - (ii) skriftelike redes vir die LUR se voorstelle bedoel in artikel 32(2)(a) van die Wet;
 - (iii) 'n afskrif van die munisipale raad se beswaar en die redes waarom nie met die LUR se voorstelle saamgestem word nie.

- (2) 'n *Ad hoc* komitee moet-
- (a) die betrokke munisipale raad skriftelik inlig van die datum of datums waarop die *ad hoc* komitee die munisipale raad se beswaar sal oorweeg; en
 - (b) die betrokke munisipale raad minstens sewe dae gun om voor sodanige datum of datums skriftelike verhoë aan die *ad hoc* komitee te rig betreffende die redes vir die LUR se voorstelle bedoel in subregulasie (1)(b)(ii).

(3) 'n *Ad hoc* komitee moet binne 21 dae vanaf die datum waarop hy aangestel is die betrokke munisipale raad en die betrokke LUR skriftelik in kennis stel van die komitee se beslissing betreffende die munisipale raad se beswaar.

Verrigtings van *ad hoc* komitee

5. (1) (a) 'n LUR vir plaaslike regering wat 'n *ad hoc* komitee aanstel, moet die eerste vergadering van die *ad hoc* komitee belê.
- (b) Die voorsitter van die *ad hoc* komitee belê die daaropvolgende vergaderings van die *ad hoc* komitee.
- (2) (a) Op die eerste vergadering van die *ad hoc* komitee, moet die lede van die *ad hoc* komitee 'n lid van die komitee verkies as voorsitter nadat nominasies verkry is.
- (b) Indien die voorsitter van die *ad hoc* komitee van 'n spesifieke vergadering van die komitee afwesig is, moet die aanwesige lede 'n voorsitter vanuit die aanwesige lede kies as voorsitter vir daardie vergadering.
- (3) 'n Beswaar wat na 'n *ad hoc* komitee verwys word, word beslis op die skriftelike dokumentasie wat aan hom voorgelê is.
- (4) (a) 'n *Ad hoc* komitee kan sy eie stemprosedure bepaal vir beslissing van 'n aangeleentheid voor hom, met inagneming van die vereiste van artikel 33(4) van die Wet dat minstens twee regeringsfere moet saamstem oor die saak.
- (b) Geen regeringsfeer wat in 'n *ad hoc* komitee verteenwoordig word, mag buite stemming bly nie.

Gee van uitvoering aan geïntegreerde ontwikkelingsplan

6. 'n Munisipaliteit se geïntegreerde ontwikkelingsplan moet –
- (a) die munisipaliteit se jaarlikse begroting toelig wat gebaser moet wees op die ontwikkelingsprioriteite en –oogmerke bedoel in artikel 26(c) van die Wet en die prestasiedoelwitte wat deur die munisipaliteit ingevolge regulasie 12 daargestel is; en
 - (b) gebruik word om aksieplanne voor te berei vir die implementering van strategieë wat deur die munisipaliteit geïdentifiseer word.

HOOFSTUK 3 PRESTASIEBESTUUR

Aard van prestasiebestuurstelsel

7. (1) 'n Munisipaliteit se prestasiebestuurstelsel behels 'n raamwerk wat aandui en weergee hoe die munisipaliteit se siklus en prosesse van prestasiebeplanning, -monitering, -meting, -hersiening, –verslagdoening en –verbetering gedoen, georganiseer en bestuur sal word, insluitende die bepaling van die rolle van die verskillende rolspelers.
- (2) By die ontwikkeling van sy prestasiebestuurstelsel moet 'n munisipaliteit verseker dat die stelsel-
- (a) voldoen aan al die vereistes wat in die Wet uiteengesit word;
 - (b) aandui hoe dit bedryf en bestuur staan te word vanaf die beplanningstadium tot by die stadiums van prestasie-hersiening en verslagdoening;
 - (c) die rolle en verantwoordelikhede van elke rolspeler, insluitende die plaaslike gemeenskap, in die funksionering van die stelsel verduidelik;
 - (d) die prosesse vir die implementering van die stelsel binne die raamwerk van die geïntegreerde ontwikkelingsbeplanning-proses verduidelik;
 - (e) die frekwensie van verslagdoening en die verantwoordelikhedslýne vir prestasie bepaal;
 - (f) verband hou met die munisipaliteit se werknemer-prestasiebestuur prosesse; en

- (g) voorsiening maak vir die prosedure ingevolge waarvan die stelsel aan die munisipaliteit se geïntegreerde ontwikkelingsbeplanning-prosesse gekoppel word.

Aanneming van prestasiebestuurstelsel

8. 'n Prestasiebestuurstelsel moet voor of terselfdertyd aangeneem word as wanneer die proses vir die daarstelling van sleutelprestasie-aanwysers en doelwitte deur 'n munisipaliteit ooreenkomstig sy geïntegreerde ontwikkelingsplan begin.

Daarstelling van sleutelprestasie-aanwysers

9. (1) (a) 'n Munisipaliteit moet ten opsigte van elkeen van die ontwikkelingsprioriteite en –oogmerke bedoel in artikel 26(c) van die Wet, sleutelprestasie-aanwysers, insluitende inset-aanwysers, opbrengs-aanwysers en gevolg-aanwysers, daarstel.
- (b) 'n Sleutelprestasie-aanwyser moet meetbaar, relevant, objektief en presies wees.
- (2) By die daarstel van sleutelprestasie-aanwysers, moet 'n munisipaliteit verseker dat-
- (a) gemeenskappe betrek word; en
- (b) die sleutelprestasie-aanwysers die aanwysers toelig wat daargestel word vir-
- (i) al sy administratiewe eenhede en werknemers; en
- (ii) elke munisipale entiteit en diensverskaffer met wie die munisipaliteit 'n diensleweringsooreenkoms aangegaan het.

Algemene sleutelprestasie-aanwysers

10. Die volgende algemene sleutelprestasie-aanwysers word ingevolge artikel 43 van die Wet voorgeskryf:
- (a) Die persentasie huishoudings wat toegang het tot 'n basiese vlak van water, sanitasie, elektrisiteit en vaste afval verwydering ;

- (b) die persentasie huishoudings wat minder as R1100 per maand verdien en wat toegang het tot gratis basiese dienste;
- (c) die persentasie van 'n munisipaliteit se kapitaal begroting wat werklik gespandeer is op kapitaal projekte wat geïdentifiseer is vir 'n besondere boekjaar ingevolge die munisipaliteit se geïntegreerde ontwikkelingsplan;
- (d) die aantal werksgeleenthede wat geskep is deur die munisipaliteit se plaaslike ekonomiese ontwikkelingsinisiatiewe, insluitend kapitaalprojekte;
- (e) die aantal persone van billike indiensnemingsteiken-groepe wat in die drie hoogste vlakke van bestuur in diens geneem is ooreenkomstig 'n munisipaliteit se goedgekeurde indiensnemings-billikheidsplan;
- (f) die persentasie van 'n munisipaliteit se begroting wat daadwerklik gespandeer is op die implementering van sy werksplek-vaardighedsplan; en
- (g) finansiële lewensvatbaarheid soos uitgedruk deur die volgende verhoudings:

$$(i) \quad A = \frac{B - C}{D}$$

Waar –

“A” skulddekking verteenwoordig

“B” totale bedryfsinkomste ontvang, verteenwoordig

“C” bedryfstoekennings verteenwoordig

“D” skulddiens-betalings (d.w.s rente + delging) wat in die boekjaar verskuldig is, verteenwoordig;

$$(ii) \quad A = \frac{B}{C}$$

Waar –

“A” uitstaande dienste-debiteure tot inkomste verteenwoordig

“B” die totale uitstaande dienste-debiteure verteenwoordig

“C” die jaarlikse inkomste wat daadwerklik vir dienste ontvang is, verteenwoordig;

$$(iii) \quad A = \frac{B + C}{D}$$

Waar –

“A” koste dekking verteenwoordig

“B” alle beskikbare kontant op ‘n betrokke tydstop verteenwoordig

“C” beleggings verteenwoordig

“D” maandelikse vaste bedryfsuitgawes verteenwoordig

Hersiening van sleutelprestasië-aanwysers

11. (1) ‘n Munisipaliteit moet jaarliks sy sleutelprestasië-aanwysers hersien as deel van die prestasië-hersieningsproses bedoel in regulasie 13.

(2) Telkens as ‘n munisipaliteit sy geïntegreerde ontwikkelingsplan ingevolge artikel 34 van die Wet wysig, moet die munisipaliteit as deel van die proses bedoel in regulasie 3, daardie sleutelprestasië-aanwysers hersien wat deur sodanige wysiging geraak sal word.

Daarstelling van prestasiedoelwitte

12. (1) ‘n Munisipaliteit moet vir elke boekjaar prestasiedoelwitte daarstel vir elkeen van die sleutelprestasië-aanwysers wat deur hom daargestel is.

(2) ‘n Sleutelprestasië-aanwyser wat ingevolge subregulasie (1) daargestel is, moet –

- (a) prakties en realisties wees;
- (b) die doeltreffendheid, effektiwiteit, kwaliteit en inslag van die prestasië van die munisipaliteit, administratiewe komponent, struktuur, liggaam of persoon vir wie ‘n doelwit gestel is, meet;
- (c) eweredig tot beskikbare middele wees;
- (d) eweredig tot die munisipaliteit se kapasiteit wees; en
- (e) bestaanbaar wees met die munisipaliteit se ontwikkelingsprioriteite en -oogmerke wat in sy geïntegreerde ontwikkelingsplan uiteengesit word.

Monitering, meting en hersiening van prestasie

13. (1) 'n Munisipaliteit moet, na oorleg met die plaaslike gemeenskap, meganismes, stelsels en prosesse vir die monitering, meting en hersiening van prestasie ontwikkel en implementeer ten opsigte van die sleutelprestasie-aanwysers en prestasiedoelwitte wat deur hom daargestel is.

(2) Die meganismes, stelsels en prosesse vir die monitering ingevolge subregulasie (1) moet-

- (a) vir ten minste twee keer per jaar se verslagdoening aan die munisipale raad voorsiening maak;
- (b) op so 'n wyse ontwerp wees dat die munisipaliteit in staat gestel word om vroeë aanduidings van onder-prestasie agter te kom; en
- (c) voorsiening maak vir regstellende maatreëls waar onder-prestasie geïdentifiseer is.

(3) Prestasie meting ingevolge subregulasie (1) moet die meting van -

- (a) koste, hulpbronne en tyd gebruik om opbrengste voort te bring ooreenkomstig die inset-aanwysers bedoel in regulasie 9, insluit;
- (b) die omvang waartoe die munisipaliteit se aktiwiteite of prosesse opbrengste voortgebring het ooreenkomstig die opbrengs-aanwysers bedoel in regulasie 9, insluit; en
- (c) die gehele verbetering deur die opbrengste meegebring ooreenkomstig die gevolg-aanwysers bedoel in regulasie 9, insluit.

(4) Die meganismes, stelsels en prosesse vir hersiening ingevolge subregulasie (1) moet ten minste -

- (a) die sterkpunte, swakplekke, geleenthede en bedreigings van die munisipaliteit identifiseer ter voldoening aan die sleutelprestasie-aanwysers en prestasiemaatstawwe wat deur hom daargestel is, so wel as die algemene sleutelprestasie-aanwysers voorgeskryf deur regulasie 10;
- (b) die sleutelprestasie-aanwysers hersien wat deur die munisipaliteit ingevolge regulasie 9 daargestel is; en
- (c) die plaaslike gemeenskap toelaat om aan die hersieningsproses deel te neem.

Interne ouditering van prestasiemaatstawwe

- 14.(1)** (a) 'n Munisipaliteit moet meganismes, stelsels en prosesse ontwikkel en implementeer vir die ouditering van die uitslae van prestasiemaatstawwe as deel van sy interne ouditeringsprosesse.
- (b) Enige ouditering ingevolge paragraaf (a) moet waarderings van die volgende insluit:
- (i) Die funksionaliteit van die munisipaliteit se prestasiebestuurstelsel;
 - (ii) of die munisipaliteit se prestasiebestuurstelsel voldoen aan die Wet; en
 - (iii) die mate waarin die munisipaliteit se prestasiemaatstawwe betroubaar is vir die meting van prestasie van munisipaliteite ten opsigte van aanwysers soos bedoel in regulasie 9 en 10.
- (c) 'n Munisipaliteit se interne ouditeure moet –
- (i) op 'n deurlopende grondslag die prestasiemaatstawwe van die munisipaliteit ouditeer; en
 - (ii) kwartaal verslae van hulle ouditering aan die munisipale bestuurder en die prestasie auditkomitee bedoel in subregulasie (2) voorlê.
- (2)** (a) 'n Munisipaliteit moet jaarliks 'n prestasie auditkomitee wat uit ten minste drie lede bestaan en waarvan die meerderheid nie by die munisipaliteit as 'n raadslid of 'n werknemer betrokke is nie, aanstel en daarvoor begroot.
- (b) 'n Prestasie auditkomitee wat ingevolge paragraaf (a) aangestel word moet ten minste een persoon insluit wat kundigheid het in prestasiebestuur.
- (c) 'n Munisipaliteit kan 'n auditkomitee wat ingevolge ander toepaslike wetgewing ingestel is, gebruik as die prestasie auditkomitee beoog in paragraaf (a), in welke geval die bepalings van hierdie subregulasie, gelees met die nodige aanpassings, op sodanige auditkomitee van toepassing is.

(d) Die raad van 'n munisipaliteit moet 'n lid van die prestasie ouditkomitee wat nie 'n raadslid of 'n werknemer van die munisipaliteit is nie as voorsitter van die komitee aanwys.

(e) Indien die voorsitter van die prestasie ouditkomitee van 'n spesifieke vergadering van die komitee afwesig is, moet die aanwesige lede 'n voorsitter vanuit die aanwesige lede kies om as voorsitter vir daardie vergadering op te tree.

(f) Ingeval 'n vakature onder die lede van die prestasie ouditkomitee ontstaan, moet die betrokke munisipaliteit daardie vakature vul vir die oorblywende gedeelte van die ontruimende lid se termyn van aanstelling.

(g) 'n Munisipaliteit moet sy prestasie ouditkomitee van sekretariaat-dienste voorsien.

(h) (i) 'n Plaaslike munisipaliteit kan in plaas daarvan om 'n prestasie ouditkomitee aan te stel, besluit om gebruik te maak van die prestasie ouditkomitee van die distriksmunisipaliteit in wie se gebied hy val, en daardie prestasie ouditkomitee word geag die prestasie ouditkomitee van die betrokke plaaslike munisipaliteit te wees.

(ii) 'n Plaaslike munisipaliteit wat besluit om gebruik te maak van die prestasie ouditkomitee van die distriksmunisipaliteit in wie se gebied hy val, moet daardie distriksmunisipaliteit van sy besluit in kennis stel en gepaste reëlings met die distriksmunisipaliteit tref met betrekking tot die beskikbaarheid van daardie prestasie ouditkomitee.

(i) 'n Lid van die prestasie ouditkomitee wat nie 'n raadslid of 'n werknemer van die betrokke munisipaliteit is nie, kan besoldig word met inagneming van die tariewe wat deur die Suid-Afrikaanse Instituut vir Geoktrooieerde Rekenmeesters in oorleg met die Ouditeur-Generaal vasgestel is.

(3) (a) 'n Prestasie ouditkomitee moet ten minste twee keer gedurende die boekjaar van die betrokke munisipaliteit vergader.

(b) 'n Spesiale vergadering van die prestasie ouditkomitee kan deur enige lid van die komitee belê word.

(c) 'n Prestasie ouditkomitee bepaal sy eie prosedures na oorleg met die uitvoerende burgemeester of uitvoerende komitee van die betrokke munisipaliteit, na gelang van die geval.

(4) (a) 'n Prestasie ouditkomitee moet –

- (i) die kwartaal verslae wat aan hom ingevolge subregulasie (1)(c)(ii) voorgelê word, hersien;
- (ii) die munisipaliteit se prestasiebestuurstelsel hersien en aanbevelings in hierdie verband aan die raad van daardie munisipaliteit maak; en
- (iii) ten minste twee keer gedurende 'n boekjaar 'n ouditeursverslag aan die betrokke munisipale raad voorlê.

(b) By die hersiening van die munisipaliteit se prestasiebestuurstelsel ingevolge paragraaf (a)(ii), moet die prestasie ouditkomitee konsentreer op ekonomie, doeltreffendheid, effektiwiteit en inslag na mate die sleutelprestasie-aanwysers en prestasiedoelwitte wat deur die munisipaliteit daargestel is, betrokke is.

(c) 'n Prestasie ouditkomitee kan-

- (i) direk met die raad, munisipale bestuurder of die interne en eksterne ouditeure van die betrokke munisipaliteit kommunikeer;
- (ii) tot enige munisipale rekords toegang verkry wat inligting bevat wat benodig word vir die uitvoering van sy pligte en die uitoefening van sy magte;
- (iii) enige betrokke persoon versoek om enige van sy vergaderings by te woon, en, indien nodig, inligting te verskaf wat deur die komitee versoek word; en
- (iv) enige aangeleentheid ondersoek wat hy nodig ag vir die uitvoering van sy pligte en die uitoefening van sy magte.

HOOFSTUK 4**DIVERSE****Gemeenskapsdeelname ten opsigte van geïntegreerde ontwikkelingsbeplanning en prestasiebestuur**

15. (1) (a) In die afwesigheid van 'n toepaslike munisipale wye struktuur vir gemeenskapsdeelname, moet 'n munisipaliteit 'n forum instel wat gemeenskapsdeelname sal bevorder in –
- (i) die opstel en implementering van die munisipaliteit se geïntegreerde ontwikkelingsplan; en
 - (ii) die monitering, meting en hersiening van die munisipaliteit se prestasie met betrekking tot die sleutelprestasie-aanwysers en prestasiedoelwitte wat deur die munisipaliteit daargestel is.
- (b) Voordat 'n forum ingevolge paragraaf (a) ingestel word, moet 'n munisipaliteit deur middel van toepaslike meganismes die plaaslike gemeenskap uitnoui om persone te identifiseer om in die forum te dien, insluitende verteenwoordigers van wykskomitees, indien enige.
- (c) 'n Forum wat ingevolge paragraaf (a) ingestel word, moet verteenwoordigend wees van die samestelling van die plaaslike gemeenskap van die betrokke munisipaliteit.
- (2) 'n Munisipaliteit moet –
- (a) gereelde vergaderings van die forum bedoel in subregulasie (1) belê om –
- (i) die proses te bespreek wat gevolg staan te word in die opstel van die geïntegreerde ontwikkelingsplan;
 - (ii) oor die inhoud van die geïntegreerde ontwikkelingsplan te konsulteer;
 - (iii) die implementering van die geïntegreerde ontwikkelingsplan te monitor;
 - (iv) die ontwikkeling, implementering en hersiening van die munisipaliteit se prestasiebestuurstelsel te bespreek; en
 - (v) die munisipaliteit se prestasie met betrekking tot die sleutelprestasie-aanwysers en prestasiedoelwitte wat deur die munisipaliteit daargestel is, te monitor; en

- (b) lede van die forum minstens 14 dae gun voor 'n vergadering van die forum om hulle onderskeie steunbasisse te raadpleeg oor die aangeleenthede wat op sodanige vergadering bespreek sal word.

(3) 'n Munisipaliteit moet die plaaslike gemeenskap minstens 21 dae gun om op die finale konsep van sy geïntegreerde ontwikkelingsplan kommentaar te lewer voordat die plan aan die raad vir aanneming voorgelê word.

Kort titel

16. Hierdie regulasies heet die Plaaslike Regering: Munisipale Beplanning en Prestasiebestuur Regulasies, 2001.

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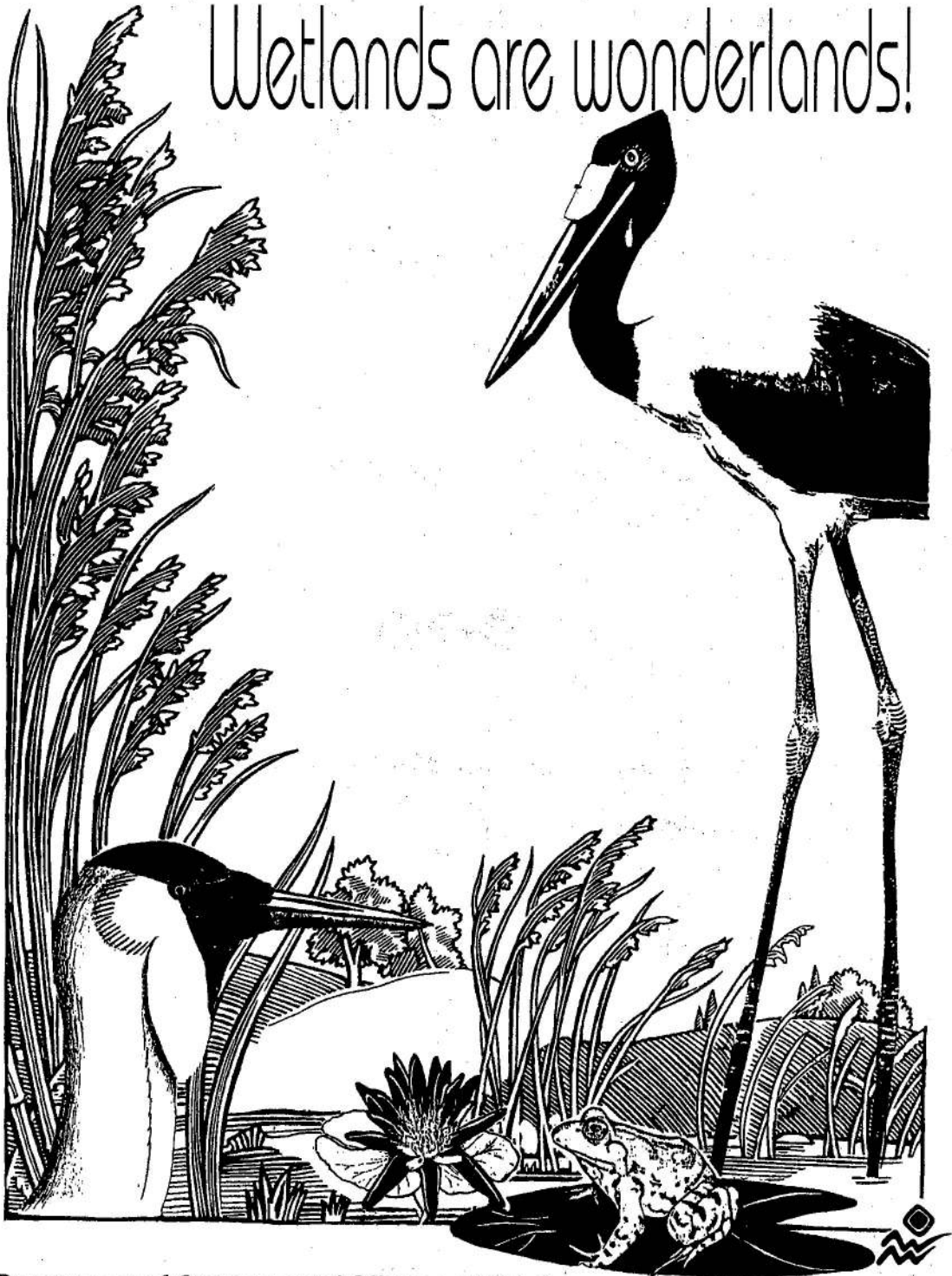
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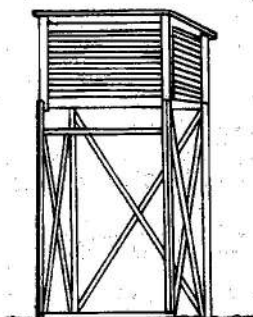
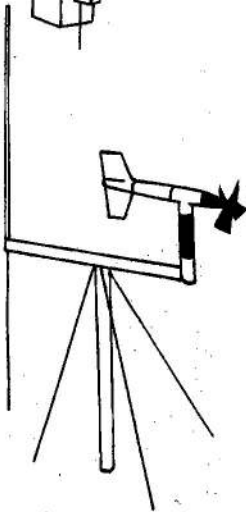
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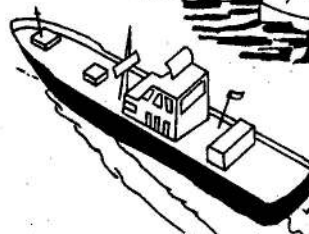
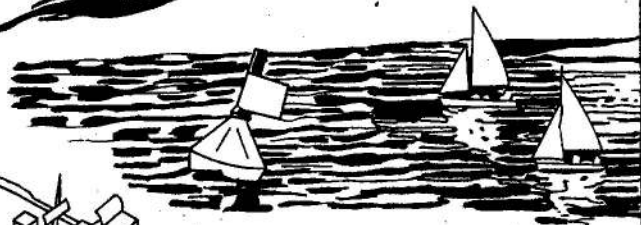
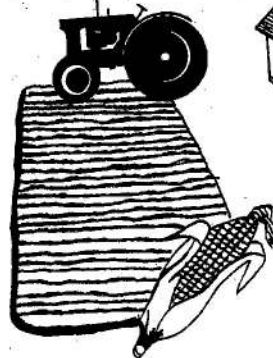
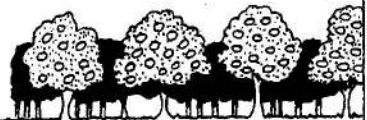
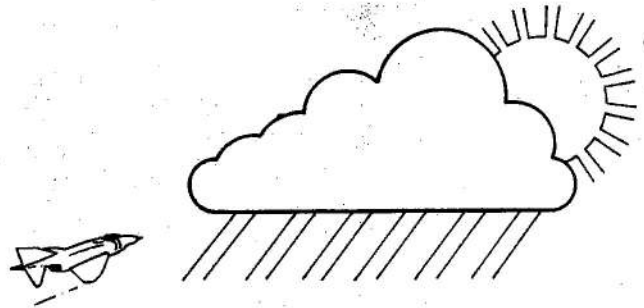


Department of Environmental Affairs and Tourism

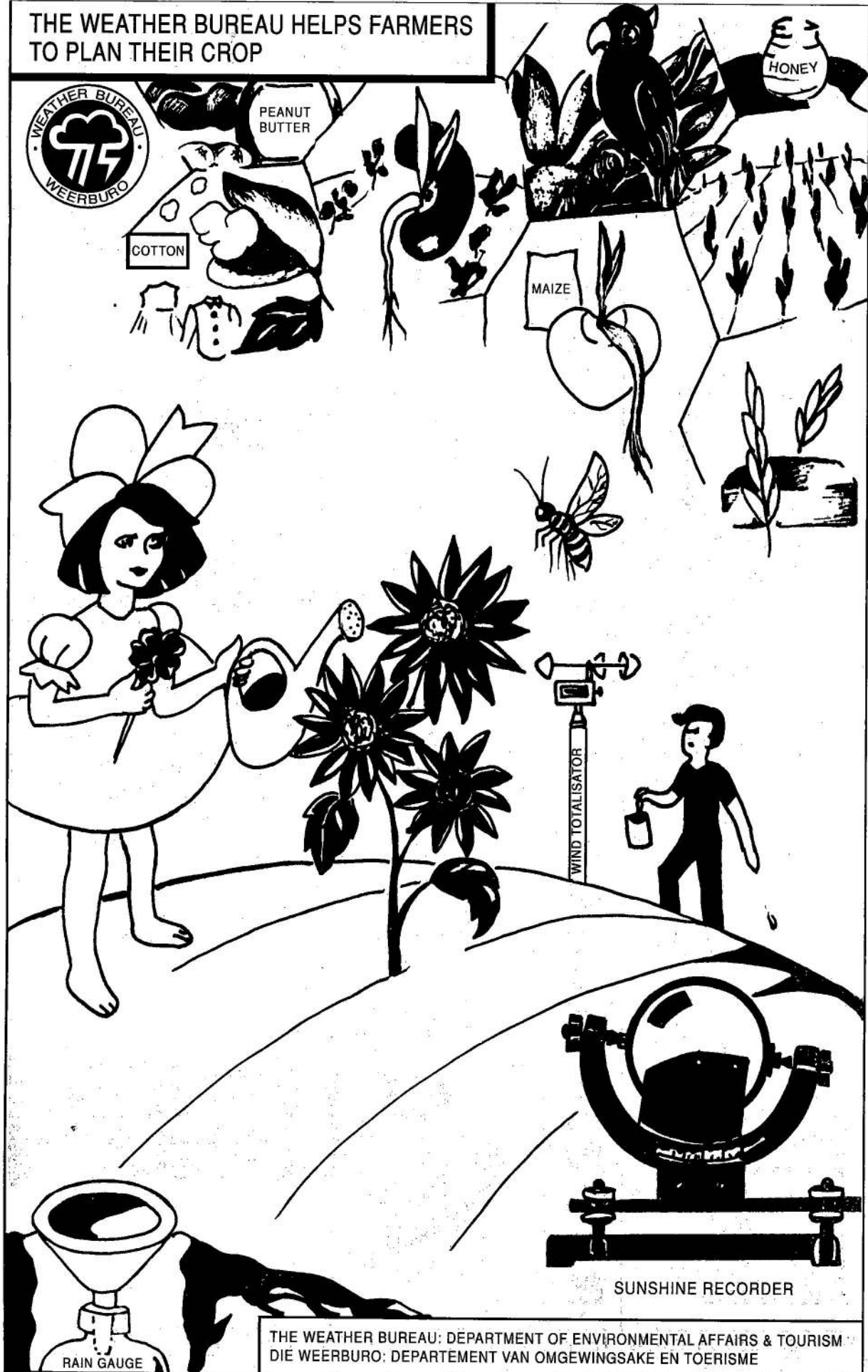
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