



**Raadslede van die Raad van die
Langeberg Munisipaliteit**

Kennis geskied hiermee van 'n Raadsvergadering
van die Raad van Langeberg Munisipaliteit wat gehou sal word op

24 OKTOBER 2022 om 10H00

in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson
om oorweging te verleen aan die items op die aangehegte agenda.

...

**Councillors of the Council of the
Langeberg Municipality**

Notice is hereby given of a Council Meeting
of the Municipal Council of the Langeberg Municipality to be held on

24 OCTOBER 2022 at 10H00

in the Council Chambers, Municipal Offices,
Church Street, Robertson to discuss the items on the appended agenda.


CLLR • RDL P HESS
SPEAKER

BIRTHDAY LIST 2022

JANUARY	
19	Cllr Owenita Simpson
26	Cllr Johnny Steenkamp
FEBRUARY	
09	Mr Dave van Schalkwyk
24	Mr Theuns Carstens
26	Mr Mike Mgajo
MARCH	
11	Mr Neil Albertyn
APRIL	
03	Cllr Yvonne Siegel
07	Mr Mava Shude
27	Mrs Celeste Matthys
MAY	
05	Cllr Danie September
12	Mrs Suzette Kotzé
20	Mr Anton Everson
26	Cllr Andisiwe Ndongeni
28	Cllr JJ Januarie
JUNE	
01	Cllr Maria Oostendorff-Kraukamp
19	Cllr Gideon Joubert
19	Cllr Catherin Pokwas
24	Ald Schalk van Eeden
30	Mr Kobus Brand

JULY	
07	Mr Carl Posthumus
11	Cllr Craig Steyn
AUGUST	
14	Mr Glenn Slingers
19	Mr Eugene Jooste
29	Cllr Theuns Coetzee
SEPTEMBER	
02	Cllr Denzil Felix
05	Cllr Lungani Gxowa
07	Mr Zamuxolo Qhanqisa
10	Mr Corné Franken
19	Cllr Dendeline B Janse
23	Cllr Lindiwe Kahla
24	Cllr Judy Mafilika
OCTOBER	
17	Cllr Pauline Hess
NOVEMBER	
02	Cllr Nicklaas Beginsel
DECEMBER	
05	Mr Sabelo Ngongolo
09	Cllr Johan Coetzee
25	Cllr Magdalena Gertse
25	Cllr Rosswell Henn
26	Cllr Christopher J Grootboom

A G E N D A

~ 24 OCTOBER 2022 ~

1. Opening / Opening
2. Attendance / Bywoning
3. Applications for leave of Absence / Aansoeke vir verlof tot afwesigheid
4. Approval of Minutes / Goedkeuring van Notule
 - 4.1 Confirmation of the Minutes of an Ordinary Meeting of the Council of Langeberg Municipality held on 27 September 2022 at 09h59 in the Council Chambers, Church Street, Robertson 05 - 15
Bekräftiging van die Notule van 'n Gewone Vergadering van die Raad van Langeberg Munisipaliteit gehou op 27 September 2022 om 09h59 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.
 - 4.2 Confirmation of the Minutes of a Special Meeting of the Council of Langeberg Municipality held on 30 September 2022 at 10h00 in the Council Chambers, Church Street, Robertson 16 - 18
Bekräftiging van die Notule van 'n Spesiale Vergadering van die Raad van Langeberg Munisipaliteit gehou op 30 September 2022 om 10h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.
5. Statements & Announcements by the Speaker / Verklarings & Mededelings deur die Speaker
6. Interviews with Delegations / Onderhoude met Afvaardigings
None / Geen
7. Statements & Announcements by the Mayor / Verklarings & Mededelings deur die Burgemeester
8. Urgent Matters & Reports, Statements & Announcements submitted by the Municipal Manager
Dringende Aangeleenthede & Verslae, Verklarings & Mededelings voorgelê deur die Munisipale Bestuurder
 - 8.1 Matters which must be handled in terms of Section 30(5) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended. Aforesaid stipulation reads as follows: (5) Before a municipal council takes a decision on any of the following matters it must first require its executive committee or executive mayor, if it has such a committee or mayor, to submit to it a report and recommendation on the matter: (1) any matter mentioned in Section 160(2) of the Constitution; (2) the approval of an integrated development plan for the municipality, and any amendment to that plan; and (3) the appointment and conditions of service of the municipal manager and a head of a department of the municipality. *Sake wat hanteer moet word in terme van Artikel 30(5) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig. Voormelde bepaling lees as volg: (5) Alvorens 'n munisipale raad 'n besluit oor enige van die volgende aangeleenthede neem, moet hy eers sy uitvoerende komitee of uitvoerende burgemeester, indien hy so 'n komitee of burgemeester het, versoek om 'n verslag en aanbeveling oor die aangeleentheid aan hom voor te lê: (1) enige aangeleentheid genoem in Artikel 160(2) van die Grondwet; (2) die goedkeuring van 'n geïntegreerde ontwikkelingsplan vir die munisipaliteit, en enige wysigings van daardie plan; (3) die aanstelling en diensvoorwaardes van die munisipale bestuurder en 'n hoof van 'n departement van die munisipaliteit.*
 - 8.2 Matters which must be handled in terms of Section 32(1) and (2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) as amended, and approved per Council Resolution A82 of 19 March 2001. / *Sake wat hanteer moet word in terme van die delegasies toegestaan ingevolge Artikel 32(1) en (2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig en aanvaar per Raadsbesluit A82 van 19 Maart 2001.*
 - 8.3 Report on matters of concern by representatives at the Cape Winelands District Municipality. / *Rapportering aangaande sake van belang deur verteenwoordigers by die Kaapse Wynland Distrikmunisipaliteit.*
 - 8.4 Other Matters / *Ander Sake*

9. Consideration of Notice of Motions / *Oorweging van Kennisgewing van Mosies*

None / Geen

10. Consideration of Notice of Questions / *Oorweging van Kennisgewing van Vrae*

None / Geen

11. Consideration of Urgent Motions / *Oorweging van Dringende Mosies*

None / Geen

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RESUBMISSION - REQUEST FOR LAND – ROBERTSON CDC – WESTERN CAPE GOVERNMENT (7/2/R)
(DIRECTORATE: CORPORATE SERVICES)

Purpose of report

To resubmit to Council for consideration request for land for the Robertson CDC as received from the Western Cape Government: Health, Transport and Public Works.

Background

The following is the contents of a letter dated 14 February 2022 received in the above regard:

“ACQUISITION OF A SITE FOR ROBERTSON CDC

Thank you for the opportunity to meet with you on the 1st of February 2022 to submit the request for a site for the Robertson CDC.

We suggest site size to be around 5000 to 6000m².

The hospital grounds will not be ideal to build the Robertson CDC due to space constraints at the front due to planned extensions to the hospital and the ambulance station on the one side that limit the space and will not be conducive for the flow of the emergency patients. The river on the eastern border limits possible extension in that direction.

The plan to build the CDC in a more central location in the town will contribute to the safety of staff and patients accessing the facility.

The access to preventative health services for the community on the out-laying areas of Bergsig and Nkqubela will be supported by outreach/satellite services. The Community Oriented Primary Care (COPC) model will be used as strategic framework to determine and organize these services that could consist of mobile clinic services and alternative dispensing sites and more.

The building of the Robertson CDC, in terms of MTEF budgeting processes is long overdue due to the difficulty to secure a site. This creates the risk that the priority of replacement or any upgrading of PHC buildings within Robertson will not take place.

We note the following support from the Cape Winelands Amended Spatial Development Framework (SDF):

“Create Integration of urban areas through physical (if possible) and socio-economic integration. Buildings that accommodate community activities, as well as education, health and entrepreneurial development and business and skills training, should be located at points of highest access in urban settlements.”

We would appreciate your consideration of a possible site for the Robertson CDC. Also note that we are copying Infrastructure Planning as well as WCGTPW Immovable Asset Management in this request, as they are the implementing agent for acquisition of Properties.”

Comments:

During the discussions on 1 February 2022 it was indicated that it would be preferable if the site is in close proximity to Robertson hospital.

Taking this into consideration there are only two (2) possible sites, being:

1. A portion of erf 1328, Dirkie Uys Street Robertson (Annexure A) = This is on the same erf as the swimming pool and the (“house”) which is now used as municipal offices.

2. Erf 1704, Van Oudtshoorn Street, Robertson (Annexure B).

In the case of the portion of erf 1328, Robertson, area generally known as a parking area, will we have to have this erf subdivided in order to determine the exact size of the area.

As far as erf 1704, Robertson is 2528m² in extent.

The Directors were requested to comment on the two possible sites. The following comments were received:

Comments: Director Engineering Services

Town Planning has investigated different available options regarding the request for the Robertson CDC.

1. Erf 1704 (Municipal property)

This site is located alongside Van Oudtshoorn Street just below the Gumgrove dam. Water lines feeding the dam as well as Leiwat to the other Leiwat dams are crossing this property which is only 2528m² in extent leaving the available developable area to be inadequate.

2. Portion RE /1328 (Municipal property)

This portion of the property has access from Dirkie Uys as well as Van Zyl Street and is used as a parking area for the swimming pool. The available area measures 3200m².

3. Portion RE/2 (Municipal property)

This portion of property is situated alongside Dirkie Uys and Truter Streets. It is only approximately 2400m² and is currently also been used by the primary school for parking purposes.

4. Portion RE/2 (Between Callie de Wet irrigation dam and Cocos plumose: Municipal property)

An available area of 5000 – 6000m² is serviceable on this portion of land.

Comments: Strategy and Social Development

The 2 Identified portions listed by Corporate Services were what was agreed at a SMT meeting.

Engineering provided additional information on 2 more sites and the recommendation of the site Portion RE/2 (Between Callie de Wet irrigation dam and Cocos plumose: Municipal property) is supported

The only request from IDP perspective to the Department of Health is that a thorough Public Participation process be followed with the community of Nkqubela to inform them of the departments' intention to close the clinic in Nkqubela and the expectation that people will now be expected to cross the railway line and the R62 Provincial Road to access Health services in town.

Comments: Community Services

A portion of erf 1328 not available used as an official community services hosting housing and community facilities officials. Erf 1704 be considered subject meeting requirement by the department of health and the municipality.

Portion of RE/2 (Between Callie de wet irrigation and Cocos Plumose is supported.

Comments: Chief Financial Officer

I concur with the comments from Strategy and Social Development.

Comments: Cllr C Steyn – Ward 1

In light of what was requested, the piece of land, RE/2, seems to be the only suitable piece of land. I foresee problems when considering the other area's mentioned, especially when it comes to traffic flow and parking. RE/2 is also better located for those people who will need to come out of Nkqubela.

Comments: Cllr J Coetzee – Ward 11

Die verslag is ook na drie wykskomiteelede van wyk 11 verwys vir hul kommentaar. Die Departement van Gesondheid benodig 'n area van tussen 5000 en 6000 vierkante meter. Al erf wat aan hierdie vereiste voldoen is die gedeelte grond, RE/2, wat tussen die Callie de Wet dam en Cocos Plumosa gelee is soos aangedui in die kommentaar van die Direkteur: Ingenieursdienste.

In die lig hiervan word die oop gedeelte grond, RE/2 soos bo beskryf, aanbeveel vir die oprigting van die fasiliteit. Die wykskomiteelede steun almal die aanbeveling.

Further comments: Director: Corporate Services

In terms of the Administration of Immoveable Property Policy may immoveable property be sold out of hand to other spheres of government and other municipalities. All such immoveable property transactions will be considered at a fair market value basis, except in the following cases:

- (1) Where immoveable property was acquired for the development of a less formal township and such township is to be transferred to the Municipality at a later stage;
- (2) (2) where the property will be used for projects with a view to social and economic upliftment of a previously disadvantaged group.

The Policy further also determine that in the case of government, provincial and semi-government organizations, guarantees for payment of the full purchase price on date of transfer are acceptable. In these cases no deposit is payable.

Recommendation / Aanbeveling

1. That it be confirmed that Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$), is not need for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003).
2. That a Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$) be alienated to the Western Cape Government: Health, Transport and Public Works at a market related price subject to the following conditions:
 - 2.1 That the Municipality's intention to alienate this portion of land, be advertised for comments and if no written views of valid objections were received, the alienation process be proceeded with.
 - 2.2 That the market related value be determine by way of a market related value.
 - 2.3 That a land surveyor be appointed to draft a concept layout plan of the proposed site for the Robertson CDC.
 - 2.4 That the purchaser be responsible for all connection fees for municipal services rendered to the property.
 - 2.5 That the purchaser be responsible for all Town Planning costs involved which may include rezoning, subdivision, consolidation, land surveying etc. where applicable.
 - 2.6 That the purchaser be responsible for all costs to transfer the property into his name.
 - 2.7 That the purchase deal be finalize within a period of 8 months after allocation the property, failing which the offer will expire irrevocably.
 - 2.8 That a reversionary clause be included in the Deed of Sale that in the event that the erf is no longer uses for a Robertson CDC, the purchaser must transfer the erf back to the Municipality at the original selling price for the cost of the purchaser.

This item served before the Corporate Services Portfolio Committee on 08 June 2022
Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 08 Junie 2022
Unanimously Resolved / Eenparig Besluit

1. That the report be referred back to the next Corporate Services Portfolio Committee Meeting.
2. That the Western Cape Government: Health, Transport and Public Works be invited to attend the next meeting and give clarity with regards to the land they requested and the effect of the planned CDC on the existing clinics in Nkqubela and Robertson.

Further comments: Director: Corporate Services

A meeting as per point 2 of the resolution by the portfolio committee was arranged for 4 October 2022 to which all councillors was invited to.

Present at the meeting was Ald S van Eeden, Cllrs J Steenkamp, P Hess, C Steyn and C Henn. Officials present was Messrs A Everson, M Mgajo, M Shude, Mrs C Matthys and Mrs S Kotzé.

From the WCG Health was Dr EW Steinmann, Mrs S Neethling and Mrs M van Leeuwen. An apology was received from Cllr J Coetzee.

Cllr Steyn chaired the meeting and welcomed everyone present at the meeting.

Ald Van Eeden asked that if the CDC is centralised in terms and on the site next to Callie de Wet, how will it affect the people of Môreson and Droëheuvel who now have to come all the way to town. He also wanted to know if the department of health will provide transport.

Mrs Neethling said that the department does not provide transport and that mobile clinics is still available.

Cllr Steenkamp said that with the IDP meetings the need for health / Clinic services was a high priority.

Mrs Van Leeuwen said that the norms and standards applicable to the department has a 5km radius, and that the proposed site will fall within the 5km radius.

A long deliberation followed and was it also mentioned by Mrs Matthys and councillors that it will be the responsibility of the department to consult the communities around the intended CDC and effect on current clinics.

Recommendation

1. That it be confirmed that Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$), is not need for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003).
2. That a Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$) be alienated to the Western Cape Government: Health, Transport and Public Works at a market related price subject to the following conditions:
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 - 2.3 That a land surveyor be appointed to draft a concept layout plan of the proposed site for the Robertson CDC.
 - 2.4 That the purchaser be responsible for all connection fees for municipal services rendered to the property.
 - 2.5 That the purchaser be responsible for all Town Planning costs involved which may include rezoning, subdivision, consolidation, land surveying etc. where applicable.
 - 2.6 That the purchaser be responsible for all costs to transfer the property into his name.
 - 2.7 That the purchase deal be finalize within a period of 8 months after allocation the property, failing which the offer will expire irrevocably.

- 2.8 That a reversionary clause be included in the Deed of Sale that in the event that the erf is no longer uses for a Robertson CDC, the purchaser must transfer the erf back to the Municipality at the original selling price for the cost of the purchaser.

This item served before the Corporate Services Portfolio Committee on 11 October 2022

Die item het voor die Korporatiewe Dienste Portefeulje Komitee gediën op 11 Oktober 2022

Recommendation / Aanbeveling

1. That it be confirmed that Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$), is not need for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003).
2. That a Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$) be alienated to the Western Cape Government: Health, Transport and Public Works at a market related price subject to the following conditions:
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 - 2.7 That the purchase deal be finalize within a period of 8 months after allocation the property, failing which the offer will expire irrevocably.
 - 2.8 That a reversionary clause be included in the Deed of Sale that in the event that the erf is no longer uses for a Robertson CDC, the purchaser must transfer the erf back to the Municipality at the original selling price for the cost of the purchaser.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022

Aanbeveling / Recommendation

1. That it be confirmed that Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$), is not need for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003).
2. That a Portion of RE/2, between Callie de Wet irrigation and Cocos Plumosa ($\pm 6\,000\text{m}^2$) be alienated to the Western Cape Government: Health, Transport and Public Works at a market related price subject to the following conditions:
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- 2.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
- 2.8 That a reversionary clause be included in the Deed of Sale that in the event that the erf is no longer used for a Robertson CDC, the purchaser must transfer the erf back to the Municipality at the original selling price for the cost of the purchaser.

RESUBMISSION OF REPORT A4378 : NEW CAPE CENTRAL RAILWAY (NCCR) STEAM TRAINS – ROUTE BETWEEN WORCESTER AND ROBERTSON – ROBERTSON TOWN / WINERY ROUTE / STOP OVER (12/2/3/3)
DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT

Purpose of the Report

At the Ordinary Meeting of Council on 31 August 2022 it was Unanimously Resolved under Report A4378

- 1 That the New Cape Central Railway give a presentation at a Strategy & Social Development Portfolio Committee Meeting.

Background

A new request has been received from Mr. Derick Du Toit from the New Cape Central Railway (NCCR) - (see below):

We have sent the original proposal to Transnet on the 29th of October 2021. With a lot of subsequent meetings and correspondence since then. Nomasonto Ndlovu whom you have met, also motivated the finalization of the Access Agreement between Transnet and NCCR because this will enhance our overall tourism offering. The Blue Train team then accepted our proposal to bring the Blue Train to Robertson and thereby enhance the offering to their passengers by also giving them the opportunity to experience the Robertson area on an NCCR steam train.

We request from Langeberg Municipality:

1. Letter of support
2. Assistance with 3 phase electricity at Station Building
3. Dedicated parking for the tourism precinct on the corner of Voortrekker and Reitz street to allow for parking for train passengers and visitors to the businesses in the tourism precinct.
4. Although NCCR has access to non-potable water from Robertson Winery for the use in our Steam Locomotives we also request a rate for raw water to be used for the generation of steam in the event that we need additional water.
5. We also request a "Memorandum of understanding" or an approval of our Standard Operating Procedures in so far as:
 - 5.1 Disaster Management is concerned and would appreciate a guideline as to a Disaster Management plan that will be acceptable for Langeberg Municipality to support dealing with items:
 - 5.1.1 Fire
 - 5.1.2 Medical Emergency
 - 5.1.3 Spill control
 - 5.1.4 Derailment
 - 5.1.5 Level crossing accidents etc.

Please assist us with the proses as soon as possible on those items that are within your control as we are under severe time constraints.

Recommendations

Council note the presentation done to the portfolio committee

This item served before the Strategy & Social Development Portfolio Committee on 11 October 2022.
Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 11 Oktober 2022
Aanbeveling / Recommendation

Council note the presentation done to the portfolio committee

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022
Aanbeveling / Recommendation

Council note the presentation done to the portfolio committee

RESUBMISSION: VISIT BY THE PHELOPHEPA HEALTH CARE TRAIN (12/2/1/30) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)

Purpose of the Report

To resubmit the report regarding the Phelophepa Health Care Train to Council for information purposes

Background

The following Council Resolution was taken on the 31 August 2022 per Item A4388

This item served before an Ordinary Meeting of Council on 31 August 2022

Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 31 Augustus 2022

Eenparig Besluit / Unanimously Resolved

1. That the visit of the Phelophepa Health Care Train to the Langeberg Municipal area, from the Monday, 5 September 2022 to Friday, 16 September 2022, be supported
2. That the Municipal Manager delegate the Manager: LED and Rural Development to serve as the coordinator for the Phelophepa Health Care Train
3. That the following services requested be rendered during the Phelophepa Health Care Trains visit, be supported and approved.
 - That a water connection be made available on the Aston Station platform, from the existing fire hydrants to the train.
 - That Langeberg Municipality provide a water quality certificate.
 - That the Manager: Fire and Disaster Management, in consultation with Municipal Traffic and Ashton SAPS, compile a Disaster Management Plan.
 - That a Transport Plan be compiled.
 - That all sewage be permitted to be disposed of at the Ashton Waste Water Treatment Plant by the trains "honey sucker vehicle"
 - Assist with the cleaning of the Ashton Station and surroundings prior to the trains visit
 - Provide a 6m³ refuse skip for all waste generated on the train and the removal thereof, when needed
 - Provide a venue, in Ashton, for the orientation of all temporary employees, preferably the Ashton Town Hall.
 - Provide a venue, in Ashton, for the Edu Clinic Training (Basic First Aid Training), priority will be given to Early Childhood Development Facilities and Assistant Teachers. Preferably the Ashton Town Hall
 - Complete a resource list for the Langeberg Municipal area
 - That the Municipal networks (Web site, social media platforms) be used to market the train and the services offered.
 - That advertisements will also be placed in the Gazette informing residents of the trains visit and the services offered.
4. That the Municipal Manager be delegated to provide additional support / services, should the need arise.

Comments

The Phelophepa Health Care Train arrived in Ashton on Sunday, 4 September 2022 when the official handover was done at 14h00, by the Local Organizing Committee (LOC). The train left Ashton on Friday afternoon, 16 September 2022, to continue services at Darling Station

The following statistics, for the period 5 to 16 September 2022, have been received from the train manager, Mr Bheki Mendiula, and are attached to this report.

A summary of the statistics is as follows:

Ethnic profile of patients who attended the train – 2 973 patients

- Disabled 66
- Coloured 1 299
- Indian 9
- Black 1 561
- White 38

Eye Clinic – 990 patients

- Eye tests done 990
- Glasses dispensed 1 207
- Bacterial Conjunctivitis over 15 years of age 3
- Bacterial Conjunctivitis over 15 years of age 1
- Allergic Conjunctivitis over 15 years of age 7
- Allergic Conjunctivitis under 15 years of age 23
- Cataracts 18
- Glaucoma 2

Dental Clinic – 879 patients

- Total tested 879
- Teeth extracted 1 126
- Restorations 5
- Tooth paste distributed 1 496
- Tooth brushes distributed 1 496
- Dental /Fissure Sealants 0

Health Clinic – 1 038 patients

- Breast examinations 166
- Pap Smears 129
- PSA 132
- Cancer referrals 1
- HCT 48
- Condom distribution 2 600
- TB 46
- Emergency 0
- Adult hypertension old 106
- Adult hypertension new 14
- Adult diabetes new 6
- Adult diabetes old 44
- Diabetes new child 0
- Diabetes old child 0

It is pleasing to note that 2 973 residents in the Langeberg Municipal area received medical treatment, in one way or another, from the Phelophepa Health Care Train

Recommendations

That the statistics presented by the Phelophepa Health Care Train's visit, from 5 to 16 September 2022, be noted and accepted

NOTE: The annexure was distributed as part of the agenda for the Strategy & Social Development Portfolio Committee meeting of 11 October 2022 (pg. 10 – 11)

This item served before the Strategy & Social Development Portfolio Committee on 11 October 2022.

Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 11 Oktober 2022
Aanbeveling / Recommendation

That the statistics presented by the Phelophepa Health Care Train's visit, from 5 to 16 September 2022, be noted and accepted

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022

Aanbeveling / Recommendation

That the statistics presented by the Phelophepa Health Care Train's visit, from 5 to 16 September 2022, be noted and accepted

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – AUGUST 2022 : DIRECTORATE:
CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

Purpose of Report

To submit a report on deviations from the normal procurement processes for Council's notification.

Background

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include it as a note to the annual financial statements.*

The Report on Deviations for August 2022 was attached to this report.

Aanbeveling / Recommendation

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

This item served before the Municipal Public Accounts Committee (MPAC) on 11 October 2022
Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 11 Oktober 2022
Unanimously Resolved / Eenparig Besluit

That the report be referred back to the next MPAC meeting.

NOTE: The annexure was distributed as part of the agenda for the Special MPAC Committee meeting of 19 October 2022 (pg. 04 – 05)

This item served before the Special Municipal Public Accounts Committee (MPAC) on 19 October 2022
Die item het voor die Spesiale Munisipale Openbare Rekeninge Komitee (MORK) gedien op 19 Oktober 2022
Recommendation / Aanbeveling

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - AUGUST 2022 : DIRECTORATE STRATEGY & SOCIAL DEVELOPMENT (9/2/1) (CHIEF FINANCIAL OFFICER)

Purpose of Report

To submit a report on deviations from the normal procurement processes for Council's notification.

Background

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for August 2022 is attached to this report.

Aanbeveling / Recommendation

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

This item served before the Municipal Public Accounts Committee (MPAC) on 11 October 2022
Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 11 Oktober 2022
Recommendation / Aanbeveling

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – AUGUST 2022 : DIRECTORATE
COMMUNITY SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

Purpose of Report

To submit a report on deviations from the normal procurement processes for Council's notification.

Background

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include it as a note to the annual financial statements.*

The Report on Deviations for August 2022 **is attached to this report.**

Aanbeveling / Recommendation

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

This item served before the Municipal Public Accounts Committee (MPAC) on 11 October 2022
Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 11 Oktober 2022
Recommendation / Aanbeveling

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – AUGUST 2022 : DIRECTORATE
ENGINEERING SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

Purpose of Report

To submit a report on deviations from the normal procurement processes for Council's notification.

Background

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for August 2022 was attached to this report.

Aanbeveling / Recommendation

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

This item served before the Municipal Public Accounts Committee (MPAC) on 11 October 2022
Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 11 Oktober 2022
Unanimously Resolved / Eenparig Besluit

That the report be referred back to the next MPAC meeting.

NOTE: The annexure was distributed as part of the agenda for the Special MPAC Committee meeting of 19 October 2022 (pg. 07 – 13)

This item served before the Special Municipal Public Accounts Committee (MPAC) on 19 October 2022
Die item het voor die Spesiale Munisipale Openbare Rekeninge Komitee (MORK) gedien op 19 Oktober 2022
Recommendation / Aanbeveling

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

**DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – AUGUST 2022 : DIRECTORATE
FINANCIAL SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

Purpose of Report

To submit a report on deviations from the normal procurement processes for Council's notification.

Background

Paragraph 27(2) of the Supply Chain Management Policy of Council reads as follows:

- (2) *The Accounting Officer must record the reasons for any deviations in terms of subparagraph 1(a) and 1(b) of this Policy and report them to the next meeting of the Council and include as a note to the annual financial statements.*

The Report on Deviations for August 2022 **is attached to this report.**

Aanbeveling / Recommendation

That the contents of the report of deviations from the procurement processes be noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

This item served before the Municipal Public Accounts Committee (MPAC) on 11 October 2022

Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 11 Oktober 2022

Recommendation / Aanbeveling

That the contents of the report on deviations from the procurement processes is noted.

Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.

APPLICATION TO PURCHASE ERF 497, NKQUBELA, ROBERTSON (7/2/3/2/5) (DIRECTORATE: CORPORATE SERVICES)

Purpose of report

To submit a report to the Mayoral Committee for consideration regarding an application received from Mr G Baadjies.

Background

The following letter was received from Mr G Baadjies:

"Application to buy erf 497, 29 Mabombo Street Nkqubela, Robertson for residential purpose.

I wish my letter receive your positive consideration."

A location map was attached.

The following comments were received:

Comments: Director: Strategy & Social Development

If there is currently no structure or infrastructure services running over the erf I suggest it be sold via open public tender

Comments: Director: Community Services

Properties on Erf 497 Nkqubela be sold by way of public tender.

Comments: Director: Engineering Services

The current zoning is single residential. The application is also to purchase erf 497 for single residential. All engineering services are available to erf 497 and the application is supported.

Comments: Chief Financial Officer

In terms of section 14 of the MFMA. Disposal of capital assets.—(1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

Should council decide to sell the property, this should be done via open market tender

Comments: Cllr Ggowa

I support the application

Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr G Baadjies to purchase erf 497 Nkqubela, Robertson not be approved.
3. That erf 497 Nkqubela, Robertson be alienated by way of public tender for residential purpose subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.7 That the purchase deal be finalized within a period of 6 months after allocation of the property, failing which the offer will expire irrevocably.

NOTE: The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 11 October 2022 (pg. 40)

This item served before the Corporate Services Portfolio Committee on 11 October 2022

Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 11 Oktober 2022

Recommendation / Aanbeveling

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr G Baadjies to purchase erf 497 Nkqubela, Robertson not be approved.
3. That erf 497 Nkqubela, Robertson be alienated by way of public tender for residential purpose subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.

- 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
- 3.7 That the purchase deal be finalized within a period of 6 months after allocation of the property, failing which the offer will expire irrevocably.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022

Aanbeveling / Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr G Baadjies to purchase erf 497 Nkqubela, Robertson not be approved.
3. That erf 497 Nkqubela, Robertson be alienated by way of public tender for residential purpose subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.7 That the purchase deal be finalized within a period of 6 months after allocation of the property, failing which the offer will expire irrevocably.

LEGAL FRAMEWORK FOR PROCUREMENT OF NEW GENERATION ENERGY CAPACITY BY MUNICIPALITIES AND MUNICIPAL ENTITIES: (DIRECTOR ENGINEERING SERVICES)

Purpose of report

To submit a report to council regarding the Legal Framework for Procurement of New Generation Energy Capacity by Municipalities and Municipal Entities.

Background

National Treasury published Circular No. 118 in terms of the Municipal Finance Management Act, Act No. 56 of 2003, in June 2022. The purpose of the Circular is to provide advice to municipalities and municipal entities, relating to the legal framework for procurement of new generation energy capacity, particularly from renewable energy sources, within the provision of the Constitution, MFMA and other related legislation.

The Department of Mineral Resources and Energy published amendments to the New Generation Capacity Regulations in terms of the Electricity Regulation Act, Act 4 of 2006, as amended on 16 October 2020.

The National Treasury, in collaboration with the Department of Mineral Resources and Energy Regulator and SALGA have developed the supporting information to assist municipalities and municipal entities.

1. SCENARIOS

1.1 In providing guidance, considering the applicable legislation for municipal procurement of new generation capacity and related aspects under the below scenarios ("**different Scenarios**"). These are dealt with below and in the supporting **Annexures covering roadmaps** in order to assist municipalities and municipal entities, in considering how they may procure, buy, sell and generate electricity in the applicable Scenario. The salient aspects are summarized below.

1.2 The different Scenarios are as follows:

1.2.1 Municipal IPP procurement programme in which the DMRE is the procurer and the municipality are the buyers following a determination:

A Municipal IPP procurement programme which may be similar to the REIPP with necessary differences as may apply to municipalities (e.g. the DMRE continues to be the procurer pursuant to Section 34 Determination, but the municipalities become the off-takers/buyers as opposed to Eskom acting as the single off-taker as it is the case in REIPPP). It is noted that at the date of issuing this Circular, procurement under Scenario 1 requires capacity to be mobilized within the DMRE. Scenario 1 is therefore under consideration and may be initiated subject to terms and conditions determined by the DMRE and in line with existing legislation.

1.2.2 Municipal IPP procurement programme where IPP's will bid for projects that are located on a non-municipal site and the municipality does not take any site or development risks.

A Municipal IPP procurement programme, where an IPP is located within the municipality and where the municipality would be the procurer and the off-taker. In this Scenario, the potential IPPs will bid for projects that will be located within the municipality boundaries, but the municipality does not make the site available or take any site or development risk. Therefore, if the procurement relates to 100 MW and below, it be directed to Schedule 2. If the procurement is above 100 MW, it be undertaken in line with Section 34 and directed to the DMRE.

1.2.3 Municipal IPP procurement programme where the IPP's will bid for projects that are located on a municipal site and the municipality takes all or most of the site risk.

A Municipal IPP procurement process, where the IPP is located within the municipality on a municipal-owned site and where

the municipality would be the procurer and the off-taker. In this Scenario, the potential IPPs will bid for a project to be located on municipal land.

1.2.4 A municipality constructing its own power plant and generating its own electricity whether in the municipal jurisdiction or outside the municipal jurisdiction.

A municipality constructing its own power plant and generating its own electricity whether in the municipal jurisdiction or outside the municipal jurisdiction.

1.2.5 A municipality owned and constructed generation facility that can supply surrounding municipalities.

A municipality owned and constructed generation facility that can supply surrounding municipalities. The municipalities that are capable of executing this task may be specified according to its financial status, institutional capacity, human resources and distribution license status.

1.2.6 A multi-buyer scheme and municipal power pool arrangement.

A multi-buyer scheme where a municipality is one of more than one off-taker with a potential IPP.

1.2.7 Unsolicited Bids

Unsolicited bids (i.e. where a municipality is approached by a bidder or developer with a specific project and the municipality seeks to enter into an agreement with such party in the absence of a competitive tender)

1.3 The afore-mentioned scenarios are not the only scenarios available to municipalities under which new generation capacity may be established or procured. There may be various permutations of the scenarios or other scenarios which have not been considered. Therefore, this information serves as a guide to use by municipalities and municipal entities performing this function.

1.4 The annexures relating to the Scenarios and Roadmaps are as follows:

Annexure A:	Scenario 1 Roadmap - MIPPP with a Ministerial Determination
Annexure B:	Scenario 2 Roadmap - MIPPP in which the municipality is both procurer and buyer
Annexure C:	Scenario 3 Roadmap - MIPPP based on PPP requirements
Annexure D:	Scenario 4 and 5 Roadmap - MIPPP based on developing and operating own power plant

In respect of each of these Scenarios, the applicable legal framework is identified and key aspects in the process are highlighted. This will assist municipalities and municipal entities to ensure risk mitigation measures are included and addressed appropriately.

1.5 The Report highlights to municipalities and municipal entities the other licenses, permits and authorizations required to construct and operate renewable energy electricity generation infrastructure, see **Annexure E**. It must be noted that this reform is emerging and, in that context, any changes to approval and authorization by different institutions be directed to the specific institutions responsible for its administration.

1.6 It must be noted that this Report does not take a view on the legal status of municipalities' rights to procure new generation capacity.

2. ACRONYMS

2.1 Acronyms used in this and other Annexures

2.1.1	2015 Consultation Paper	means the 2015 Consultation Paper on Small Scale Embedded Generation published by the NERSA
2.1.2	2019 IRP	means the Integrated Resource Plan issued by the Minister of Energy under Government Notice 1360 under in <i>Government Gazette</i> 42784 on 18 October 2019, pursuant to the ERA
2.1.3	B-BBEE	means Broad-Based Black Economic Empowerment as defined in the Broad-Based Black Economic Empowerment Act 53 of 2003
2.1.4	Commercial Close	means the date on which the Preferred Bid and the relevant municipality sign the PPA; PPP agreement where applicable; or any other relevant ancillary agreement
2.1.5	Constitution	means the Constitution of the Republic of South Africa, 1996
2.1.6	CSP	Concentrated Solar Power
2.1.7	COS Framework	Cost of Supply Framework for Licensed Electricity Distributors in South Africa issued by the NERSA.
2.1.8	COGTA	Cooperative Governance and Traditional Affairs
2.1.9	COGTA Minister	Minister of Cooperative Governance and Traditional Affairs
2.1.10	DBSA	Development Bank of Southern Africa
2.1.11	Determination Ministerial Determination or	means a determination issued by the Minister of Mineral Resources and Energy to determine that new generation capacity is needed, in terms of section 34 of the Electricity Regulation Act 4 of 2006
2.1.12	Deviation Ministerial Deviation or	means obtaining approval by the Minister of Mineral Resources and Energy for the deviation from the Integrated Resource Plan in terms of section 10(2)(g) of the Electricity Regulation Act 4 of 2006
2.1.13	DMRE	Department of Mineral Resources and Energy
2.1.14	Energy Policy	means the White Paper on the Energy Policy of the Republic of South Africa approved by Cabinet on 2 December 1998 published under General Notice 3007 in <i>Government Gazette</i> 19606 on 17 December 1998
2.1.15	EPP	means the Electricity Pricing Policy of the South African Electricity Supply Industry published by the Department of Minerals and Energy under Government Notice 1398 in <i>Government Gazette</i> 31741 on 19 December 2008
2.1.16	ERA	means the Electricity Regulation Act 4 of 2006
2.1.17	Eskom	Eskom Holdings SOC Limited
2.1.18	GW	Gigawatt
2.1.19	IDP	Integrated Development Plan
2.1.20	IGFA	means the Intergovernmental Relations Framework Act 13 of 2005, as amended
2.1.21	IPP	Independent Power Producer
2.1.22	IPP Office	Independent Power Producer Office of the DMRE
2.1.23	IRP	means an Integrated Resource Plan issued by the Minister of Mineral Resources and Energy
2.1.24	ISMO	Independent System and Market Operator

2.1.25	ISMO Bill	means the Independent System and Market Operator Bill, 2012
2.1.26	LGFDPM	means the Local Government Framework for Infrastructure Delivery and Procurement Management
2.1.27	kV	Kilovolt
2.1.28	MEC	means a Member of the Executive Council
2.1.29	Minister or Minister of Mineral Resources and Energy	means a member of cabinet that is responsible for mineral resources and energy
2.1.30	Ministerial Consent	means the consent of the Minister of Mineral Resources and Energy referred to in Regulation 5(3) of the New Gen Regulations which a municipality which wishes to procure or buy new generation capacity in accordance with IRP is required to obtain
2.1.31	MFMA	means the Local Government: Municipal Finance Management Act 56 of 2003
2.1.32	MPPP Regulations	means the Municipal Public-Private Partnership Regulations published under Government Notice R309 in <i>Government Gazette</i> 27431 of 1 April 2005, as amended
2.1.33	Municipal Council	means the municipal council of a municipality
2.1.34	Municipal Fiscal Act	means the Municipal Fiscal Powers and Functions Act 12 of 2007, as amended
2.1.35	Municipal IPP procurement programme	means a potential IPP procurement programme that may involve one or more of the Scenarios covered in this Circular
2.1.36	Municipal SCM Regulations	means the Municipal Supply Chain Management Regulations published under General Notice 868 in <i>Government Gazette</i> 27636 on 30 May 2005 under the MFMA, as amended
2.1.37	Municipal Systems Act	means the Local Government: Municipal Systems Act 32 of 2000
2.1.38	MW	Megawatt
2.1.39	National Transmission Company	means Eskom
2.1.40	New Generation Capacity	has the meaning given to it in the New Gen Regulations
2.1.41	New Gen Regulations	means the Electricity Regulations on New Generation Capacity published in terms of the ERA in Government Notice R399 in <i>Government Gazette</i> 34262 of 4 May 2011, as amended
2.1.42	NERSA	means the National Energy Regulator of South Africa established in terms of section 3 of the National Energy Regulator Act 40 of 2004
2.1.43	Network Charges Rules	means the NERSA Regulatory rules on network charges for Third Party Transportation of Energy, March 2012

2.1.44	NSP	Network Services Provider
2.1.45	National Treasury	South African National Treasury established in terms of section 216 of the Constitution
2.1.46	NT CSP	South African National Treasury's Cities Support Programme
2.1.47	PFMA	means the Public Finance Management Act 1 of 1999, as amended
2.1.48	PFMA SCM Regulations	means the Amendment of Treasury Regulations in terms of section 76 published under Government Notice R225 in <i>Government Gazette</i> 27388 on 15 March 2005, as amended
2.1.49	PPA	Power Purchase Agreement
2.1.50	PPP	Private Public Partnership
2.1.51	PPPFA	means the Preferential Procurement Policy Framework Act 5 of 2000, as amended
2.1.52	PV	Photovoltaics
2.1.53	Preferred Bidder	means an IPP that is selected following a competitive evaluation process and which, upon acceptance of such appointment, will conclude a PPA with the relevant municipality
2.1.54	Property Rates Act	means the Local Government: Municipal Property Rates Act 6 of 2004, as amended
2.1.55	Registration Procedure	Registration Procedure applicable to activities listed in terms of Schedule 2 of the ERA, Version 2, October 2020
2.1.56	RE	means Renewable Energy
2.1.57	Reference Group	means the municipal procurement of energy reference group that assisted the National Treasury analyse and map the legal and regulatory framework, processes applicable to municipalities in the procurement of new electricity generation capacity and <i>inter alia</i> comprising of representatives from DMRE; AMEU; SALGA; and various units within National Treasury
2.1.58	REFIT	Renewable Energy Feed-in Tariff
2.1.59	RFP	Request for Proposal
2.1.60	RFQ	Request for Quotation
2.1.61	REIPP	means the renewable energy independent power producer procurement programme which is currently run by the IPP Office under different bidding windows
2.1.62	SALGA	South African Local Government Association
2.1.63	Scenarios	means the scenarios contemplated in paragraph 2.2
2.1.64	SCM	Supply Chain Management
2.1.65	SIPDM	National Treasury's Standard for Infrastructure Procurement and Delivery Management
2.1.66	SSEG	Small-Scale Embedded Generation
2.1.67	Stats Act	The Statistics Act 6 of 1999
2.1.68	Structures Act	means the Local Government: Municipal Structures Act 117 of 1998, as amended
2.1.69	Study	means the project by NT supported by DMRE to set out the regulatory framework that applies to the procurement of new generation capacity by municipalities
2.1.70	S&EIR	Scoping and Environmental Impact Circular Report

2.1.71	ToR	Terms of reference for the Study attached as Annexure F
2.1.72	TVR	means treasury views and recommendations at different stages of the PPP including: (i) TVR I which is the treasury views and recommendations on the feasibility study; (ii) TVR IIA which is the treasury views and recommendations on the draft of procurement documents which must be taken into account and addressed before the procurement documents may be released to market; (iii) TVR IIB which is the treasury views and recommendations on the bid evaluation outcome and/or value for money circular; and (iv) TVR III which is the treasury views and recommendations on the final PPP agreement and the value for money circular
2.1.73	TWh	Terawatt-hours
2.1.74	UOS	Use-of-system
2.1.75	WB	The World Bank

3. PROJECT SIZE DISTINCTIONS

- 3.1 The terms “utility scale”; “distributed generation” and “SSEG” are used to distinguish between different generation plant name plate capacity sizes as the legal and policy approach to these different plant sizes differs.
- 3.2 The legal and policy approach to these different plant sizes differs. The terms “utility scale”; “distributed generation” and “SSEG” themselves however may not be found consistently in the relevant legislation and policy documents.
- 3.3 Explanations on how the distinctions were derived are explained below.

Utility scale plants are considered those with a name plate capacity of more than 10 MW

3.3.1 A facility of this size is distinguishable because:

- 3.3.1.1 Previously 10 MW was the limit which had been indicated for licensing of a generation facility under ERA. This has however fallen away, and the Minister has recently raised the licensing threshold under the ERA to above 100 MW thereby distinguishing a facility of this size. ¹
- 3.3.1.2 The 10MW as the threshold for a “utility scale” facility as a facility of this size has been retained as it would generally have to be connected to the transmission system, raising the possibility of wheeling arrangements with the transmission system operator (generally Eskom, the National Transmission Company).
- 3.3.1.3 If a municipal utility scale project needed a license (which is presently only a facility of over 100 MW) it would need an IRP Deviation as all utility scale capacity provided for in the 2019 IRP have been taken up with a Determination for procurement by the DMRE.
- 3.3.1.4 The facility would need a long-term PPA (15-20 years) to ensure the financial viability of the facility.
- 3.3.1.5 Such a facility may be best suited to serve large load centers such as a metropolitan municipality or a district municipality.

Distributed generation scale plants are considered those with a name plate capacity of more than 1 MW but less than 10 MW

- 3.3.2 This term is not to be confused with the term “embedded generation” which is used to mean a generation facility that is connected into the distribution grid of a municipality which operates at below 132kV as per the definition of a “distribution power system” in section 1 of the ERA. Often a distributed generation facility would also be “embedded generation”.

3.3.3 A facility of this size is distinguishable because:

- 3.3.3.1 The 2019 IRP specifically defined “distributed generation” as 1-<10 MW size facilities embedded in a municipal network, ² and allowed 500 MW allocation per annum to such facilities, the relevance of this has however fallen away with the removal of a licensing requirement for such facilities.
- 3.3.3.2 Such facilities may connect to a distribution or transmission power system, raising the possibility of wheeling arrangements with either the distribution system operator (generally Eskom or the municipality) or the transmission system operator (generally Eskom, as the National Transmission Company).
- 3.3.3.3 These projects are also likely to need a long-term PPA (15-20 years) to support their financial viability, although at the lower end of the size scale there is the possibility of alternative

agreements, such as net metering or shorter contracts, even though there is limited prospect of contracts of less than three years.

3.3.3.4 Such a facility may be best suited to a metropolitan or district municipality due to load and demand factors but could also be found within a local municipality in appropriate circumstances.

3.3.3.5 There is no license required for such a facility but it must be registered with NERSA.

Small-scale embedded generation (SSEG) are considered those with a name plate capacity of less than 1 MW.

3.3.3.6 A facility of this size is distinguishable because:

3.3.3.7 SSEG facilities are currently exempt from licensing under the ERA and are subject to registration.³ Detailed registration guidelines facilitate this.⁴

3.3.3.8 Many municipalities already provide a tariff for such facilities to connect and feed the municipal grid on a "net metering" basis.

3.3.3.9 The IRP does not contain any limit on SSEG facilities.⁵

3.3.3.10 Such facilities would generally connect to the distribution system. These facilities could include a range of feedstock types but PV is probably the most likely project at this size.

3.3.3.11 These projects are unlikely to need a long-term PPA to reach financial viability and may be concluded based on "short-term" contracts (i.e. less than three years).

3.3.3.12 These facilities could suit any type of municipality.

3.3.3.13 As with all facilities below 100 MW SSEG facilities are exempt from licensing under the ERA and are subject to registration.⁶ Detailed registration guidelines facilitate this, the current version is specifically applicable to SSEG.⁷

4. SUMMARY OF CONSTITUTIONAL AUTHORITY AND COMPETENCY OF MUNICIPALITIES TO PROCURE OR ESTABLISH NEW GENERATION CAPACITY

4.1 Subject to compliance with the laws applicable to the regulation of new generation capacity; public procurement requirements and other legal requirements, it can be interpreted that:

4.1.1 Metropolitan municipalities and local municipalities have the power and competency to:

4.1.1.1 purchase electricity from an IPP or a neighboring municipality;

4.1.1.2 establish or procure generation facilities; and

4.1.1.3 supply customers within their area of jurisdiction (including industrial customers) on non-discriminatory terms and in accordance with the municipal tariff.

4.1.2 The authority to participate in the Municipal IPP procurement programme contemplated in the different Scenarios arises from the municipal constitutional function to reticulate or supply electricity to their local communities. This means municipalities may construct generation facilities, distribution networks and enter into PPAs with IPPs and any other ancillary agreements, as the reforms in the sector allow.

4.1.3 District municipalities have the power to:

4.1.3.1 purchase electricity from an IPP (or a neighboring district municipality);

4.1.3.2 establish or procure generation facilities; and

4.1.3.3 supply municipalities within their area of jurisdiction.

4.1.4 It is noted that in the case of many local municipalities in the country, the “bulk supply” powers of the district municipality in respect of electricity have specifically been extended to these local municipalities. This may be interpreted to give these local municipalities the power to extend their area of supply beyond their territorial area of jurisdiction and supply other municipalities within the district with electricity. The prohibitions in section 164 and the safeguards therein apply.

4.1.5 Provincial government has a concurrent competence in electricity supply regulation and could pass legislation which empowers a role for provincial government in activities which assist municipalities to deliver electricity reticulation. This could include a provincial power pool or agency-based procurement role for municipalities.

4.1.5.1 A municipality may supply a customer outside of its municipal jurisdiction provided the neighboring municipality consents. This may not be on “commercial” terms and must be “non-discriminatory”. As such, the terms of service and price for the electricity would be regulated under the neighboring municipalities’ tariff although the seller could act as collecting agent for the municipality and retain the agreed cost of supply before paying the balance over to the municipality. Please note that the NERSA process will apply.

5. LEGAL FRAMEWORK REGARDING LICENSING AND REGISTRATION

5.1 Generation activities <100 MW do not require licensing but do require registration. NERSA is responsible for setting out the procedure to register these facilities.

5.2 Any generation facility of more than 100 MW will need a license from NERSA.⁸ This may require a Deviation or Determination (or Ministerial Consent granted in terms of Regulation 5 of the New Gen Regulations). The length of the process for approval of any of the aforementioned is outlined in the DMRE Section 34 determination terms of reference.

5.3 If the Municipal IPP projects are individually 100 MW or less, there is no need for seeking a Determination or Deviation because none of these are required for registration purposes. NERSA required these for licensing purposes.

5.4 The ERA provides a framework for municipalities to develop wheeling agreements and a wheeling tariff.

6. MUNICIPAL AND PROCUREMENT LAW CONSIDERATIONS APPLICABLE TO PROCUREMENT OF ELECTRICITY BY A MUNICIPALITY OR BY A THIRD PARTY ON BEHALF OF MUNICIPALITIES

6.1 The legal and regulatory principles should be carefully considered when a municipality considers procurement of electricity either itself or through a third party.

7. THE LEGAL FRAMEWORK FOR THE REGULATION OF ELECTRICITY PRICES AND TARIFFS

7.1 There is no statutory restriction on the price a municipality may pay to purchase electricity under a municipal PPA. However, decision-making is premised on concepts such as value for money, reasonably incurred costs, prudence, financial sustainability and transparent pricing.

- 7.2 The NERSA will require a Cost of Supply study for any change to the tariff structure that arises from procurement of electricity from IPPs or own build New Generation Capacity. The EPP anticipates that RE may come at a higher cost, but this would have to be reasonably capable of justification and should generally not cause the municipal tariff to rise significantly above the benchmark rise set by the NERSA annually.
- 7.3 There are multiple levels of decision points and oversight regarding the price charged under a PPA to a municipality, particularly one which is for a period of more than three years and requires licensing (>100 MW) rather than registration.
- 7.4 NERSA will interrogate the PPA at both registration and licensing stage.
- 7.5 A net metering arrangement probably has the least direct scrutiny, it is justified annually at tariff setting stage by the Municipal Council and submitted for approval to the NERSA.
- 7.6 A PPA of more than three years would be subject to the provisions of section 33 of the MFMA.
- 7.7 If a PPA is entered into following a Determination and in accordance with the scheme provided for in the New Gen Regulations, then the NERSA will communicate with the municipality relating to the pass through the full costs which it incurs under the PPA in its tariff to consumers.

8. MUNICIPAL LONG-TERM CONTRACTS AND SECTION 33 REQUIREMENTS

8.1 Summary of the MFMA Section 33 Requirements

8.1.1 In terms of section 33 of the MFMA, a municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year.

8.1.2 However, if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, the municipality may do so only if approval is obtained from the municipal council after following the process required in terms of section 33 of the MFMA stated below:

Section 33 of the MFMA: Contracts having future budgetary implications.

"(1) A municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year, but if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, it may do so only if--

8.1.2 the municipal manager, at least 60 days before the meeting of the municipal council at which the contract is to be approved-

(i) has, in accordance with section 21A of the Municipal Systems Act-

(aa) made public the draft contract and an information statement summarizing the municipality's obligations in terms of the proposed contract; and

(bb) invited the local community and other interested persons to submit to the municipality comments or representations in respect of the proposed contract; and

(ii) has solicited the views and recommendations of-

(aa) the National Treasury and the relevant provincial treasury; (bb) the national department responsible for local government; and

(cc) if the contract involves the provision of water, sanitation, electricity, or any other service as may be prescribed, the responsible national department;

8.1.2.1 the municipal council has taken into account-

(i) the municipality's projected financial obligations in terms of the proposed contract for each financial year covered by the contract;

(ii) the impact of those financial obligations on the municipality's future

(iii) any comments or representations on the proposed contract received from the local community and other interested persons; and

(iv) any written views and recommendations on the proposed contract by the National Treasury, the relevant provincial treasury, the national department

responsible for local government and any national department referred to in paragraph (a)(ii)(cc); and

8.1.2.2 the municipal council has adopted a resolution in which-

- (i) it determines that the municipality will secure a significant capital investment or will derive a significant financial economic or financial benefit from the contract;
- (ii) it approves the entire contract exactly as it is to be executed; and
- (iii) it authorizes the municipal manager to sign the contract on behalf of the municipality.

(2) The process set out in subsection (1) does not apply to-

- (a) contracts for long-term debt regulated in terms of section 46(3);
- (b) employment contracts; or
- (c) contracts-
 - (i) for categories of goods as may be prescribed; or
 - (ii) in terms of which the financial obligation on the municipality is below-
 - (aa) a prescribed value; or
 - (bb) a prescribed percentage of the municipality's approved budget for the year in which the contract is concluded.

(3)(a) All contracts referred to in subsection (1) and all other contracts that impose a financial obligation on a municipality-

- (i) must be made available in their entirety to the municipal council; and
- (ii) may not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(b) Paragraph (a)(i) does not apply to contracts in respect of which the financial obligation on the municipality is below a prescribed value.

(4) This section may not be read as exempting the municipality from the provisions of Chapter 11 to the extent that those provisions are applicable in a particular case."

8.1.3 The main steps of the section 33 process are-

8.1.3.1 public participation;

8.1.3.2 the soliciting and consideration of the views and recommendations of the National Treasury, the relevant provincial treasury and certain government departments; and

8.1.3.3 the approval of the Municipal Council.

8.1.4 Specific requirements apply to each of these steps. This is a process which may take between three to six months, as amongst others, the municipal management must at least sixty days before the meeting of the Municipal Council make the draft contract and information statement summarizing the municipality's obligations publicly available and invite the local community and interested persons to submit comments. ⁹

8.2 Application of the MFMA Section 33 Process and Practical Guidance for Applying these Requirements

8.2.1 From the outset, while there are several procedural requirements that are applicable to the conclusion of long-term contracts none of which preclude or prohibit such contracts from being concluded, provided they can be financially justified by the municipality.

8.2.2 Procedurally, the requirements for long-term contracts are as follows:

8.2.2.1 Firstly, the municipal manager must, at least 60 days before the meeting at which the contract is to be approved by the Municipal Council (i) make public the draft contract and other information and conduct a public participation process in accordance with section 21A of the Municipal Systems Act; and (ii) solicit the views and recommendations of the National Treasury and the relevant provincial treasury; the national department responsible for local government; ¹⁰and, if the contract involves the provision of electricity, the national department responsible energy policy, being the DMRE.

8.2.2.2 Secondly, when entering into contracts having future budgetary implications, the Municipal

Council must take into account a number of factors, namely-

- the municipality's projected financial obligations in terms of the proposed contract for each financial year covered by the contract;
- the impact of those financial obligations on the municipality's future municipal tariffs and revenue;

8.2.2.2.1 any comments or representations on the proposed contract received from the local community and other interested persons; and

8.2.2.2.2 any written views and recommendations on the proposed contract by the National Treasury, the relevant provincial treasury, the national department responsible for local government (COGTA) and any national department referred to above.¹¹

8.2.2.3 Thirdly, the Municipal Council must adopt a resolution in which it (i) determines that the municipality will secure a significant capital investment or will derive a significant financial economic or financial benefit from the contract; (ii) it approves the entire contract exactly as it is to be executed; and (iii) it authorizes the municipal manager to sign the contract on behalf of the municipality.¹²

8.2.3 The theme of financial sustainability runs through both the MFMA and the Municipal Systems Act. For section 73(2) of the Municipal Systems Act requires that Municipal services must be provided in a manner that is financially sustainable.¹³

8.2.4 Further, the section 33 process requires consultation with organs of, or other State functionaries that have other mandates in the electricity generation and distribution value chain. This is because section 33(1)(a)(ii) of the MFMA provides that "*if the contract involves the provision of water, sanitation, electricity, or any other service as may be prescribed, the responsible national department*", the municipality must consult with the department responsible for the provision of the relevant services. The DMRE is not responsible for providing electricity but is responsible for policy and regulation of the electricity supply. As a result, before entering into a long-term PPA, a municipality must solicit the views of the DMRE in terms of 33(1)(a)(ii)(cc) of MFMA.

8.2.5 Section 33 requires consultation with:

8.2.5.1 The local community and other interested persons;

8.2.5.2 National Treasury and the relevant provincial treasury;

8.2.5.3 the national department responsible for local government (COGTA); and

8.2.5.4 if the contract involves the provision of water, sanitation, electricity, or any other service as may be prescribed, the responsible national department.

8.2.6 In this case this would require consultation with:

8.2.6.1 The DMRE (as the national department responsible for the policy and regulation of the electricity supply);

8.2.6.2 COGTA (as the national department responsible for local government).¹⁵

8.2.6.3 The National Treasury and relevant provincial treasury.

8.2.7 Accordingly, in terms of section 33(1)(b)(iv) of the MFMA, the municipality must take into account the views of the DMRE, COGTA, National Treasury and the relevant provincial treasury before it passes a resolution authorizing the conclusion of a long-term PPA.

9. BRIEF RISKS IDENTIFIED ACCORDING TO THE LEGAL AND REGULATORY ANALYSIS

Scenario	Risks and Observations
Municipal IPP procurement programme in which the DMRE is the procurer and the Municipalities are the buyers following a Determination	At the time of publishing this document, this Scenario is viable because it would have policy support from the outset. When the Minister grants or issues a determination to which NERSA concurs which identifies the municipality as the buyer, that would indicate policy support for the Municipal IPP procurement programme. This Scenario requires capacity to be mobilized within the DMRE. Therefore, it is under consideration and may be initiated subject to terms and conditions determined by the DMRE and in line with existing legislation.
Municipal IPP procurement programme where the IPPs will bid for projects that are located on a non-municipal site And the municipality does not take any site or development risks.	Besides the policy issues, this Scenario presents a complex decision-making process and some of the decisions may not have clear timeline and decision-making criteria. Therefore, if the procurement relates to 100 MW and below, it be directed to Schedule 2. If the procurement is above 100 MW, it be undertaken in line with Section 34 and directed to the DMRE.
Municipal IPP procurement programme where the IPPs will bid for projects that are located on a municipal or a non-municipal site and the municipality takes all or most of the site risk.	The key considerations which apply to Scenario 2 are a factor in this Scenario. These would require decision-making and timing considerations. We must state upfront that the mere fact that a municipality makes a site available for the generation facility does not on its own establish a MPPP.

A municipality constructing its own power plant and generating its own electricity whether in the municipal jurisdiction or outside the municipal jurisdiction.	From an approval/authorization point of view this Scenario has similarities to Scenario 1. In respect of this Scenario the municipality will in addition have to comply with requirements that are common to most Scenarios and also have to comply with the requirements of procuring strategic infrastructure or assets. This will also require further analysis as there may be implications for a municipality and its neighboring municipality, depending on the location of the asset, which impact on operations outside of its jurisdiction or boundaries. The MFMA has some specific prohibitions or conditions in section 164, relating to the latter point.
A municipality owned and constructed generation facility that can supply surrounding municipalities.	This is very similar to Scenario 4 but introduces intra-municipal arrangements relating to supplying other municipalities.
A multi-buyer scheme and municipal power pool arrangements.	This is another Scenario which with clear policy support is viable. There are different models which can be adopted to give effect to this Scenario. The different models include establishing a multi-jurisdictional service utility or incorporate of a state-owned entity to which two or more municipalities are shareholders.
Unsolicited Bids.	This scenario is not recommended due to a lack of competition. Outside the set pre-conditions, it is difficult to justify unsolicited bids especially in the power purchase environment. The National Treasury recommends that electricity procurement processes are fair, equitable, transparent, competitive and cost-effective.

10. DIFFERENT SCENARIOS

10.1 Scenario 1 – MUNICIPAL PROCUREMENT PROGRAMME IN WHICH THE DMRE IS THE PROCURER AND THE MUNICIPALITIES ARE THE BUYERS FOLLOWING A DETERMINATION

Summary of Approvals/Relevant Authority/Key Considerations

The Type of Approval	Relevant Authority and Key Stakeholders	Timing – When to Apply for /Obtain the Relevant Approval and Other Considerations
Section 34 Determination naming a municipality as a buyer in a Municipal IPP procurement programme.	Minister of Mineral Resources and Energy. NERSA concurrence. Relevant municipal council approving the municipality's participation in the municipal IPP procurement programme and agreeing that the municipality is named as the buyer in the Determination.	We envisage this done in a pragmatic manner. Timing and other considerations will be agreed before the municipal IPP procurement programme is initiated.
Ministerial consent under regulation 5 of the New Gen Regulations.	Minister of Mineral Resources and Energy – approving authority. Municipality as the applicant after completing a feasibility study. Visit the DMRE website under programmes and projects, information in the application forms.	<i>Key considerations</i> In respect of this scenario, we do not anticipate ministerial consent being required if the determination is issued to allow procurement by the DMRE/IPP office. <i>Timing for application and approval</i> Because this scenario will only work if there is a determination which is mutually agreed, we anticipate timing and other key considerations being agreed upfront.
Registration in terms of Schedule 2 of ERA.	NERSA – authority empowered to register generation facilities. The generator applies for registration certificate.	<i>Key considerations</i> We have assumed that the projects that will participate in the Municipal IPP procurement programme will generate 100 MW or less which will mean they do not require a generation license but do require registration with NERSA. Registration itself is done in terms of the SSEG registration procedure to be updated from time to time. <i>Timing for Application</i> Following appointment as Preferred Bidder <i>Timing for approval</i> The registration certificate is required to be issued within 60 days of NERSA Or its electricity sub-committee receiving the evaluation report.

<p>Section 33 Requirements for conclusion of a contract longer than 3 years.</p>	<p>Municipal council approves the contract after public participation process and consultation with National Treasury, COGTA and DMRE among others. Information to be made available for public participation process. It is also advisable to include this during the municipal IDP consultation processes.</p>	<p><i>Key considerations</i> Public notice and comment required. Solicitation of views and recommendations from a range of government stakeholders will be required as these have long term financial and other obligations for the municipality and it promotes the key principles of transparency and accountability. <i>Timing for applying/obtaining the approval</i> After appointment of Preferred Bidder and prior to final PPA approval by the municipal council, depending on the municipal council policy and processes. A 60-day comment period is required.</p>
<p>Price under the PPA.</p>	<p>NERSA</p>	<p><i>Key Considerations</i> Considered and approved at registration, also considered during annual tariff approval process. Updated Cost of Supply Study to reflect and changes arising from the PPA. <i>Timing for applying or obtaining the approval of the tariff</i> Municipal electricity tariffs approved annually by NERSA.</p>
<p>Government Guarantee.</p>	<p>Minister of Mineral Resources and Energy, Minister of Finance, Municipal Council.</p>	<p><i>Key Considerations</i> The provision of financial support is generally addressed in the Annual Division of Revenue Act. National Treasury has not issued guarantees for a Municipal IPP procurement programme. The current policy position is that such transactions be undertaken within the financial capacity of the municipality. <i>Timing for application/approval</i> The RFP must be developed consistent with the current policy. Any guarantees to be secured, before the PPA and incidental agreements (e.g. Implementation Agreement is signed).</p>

10.2 Scenario 2: MUNICIPAL IPP PROCUREMENT PROGRAMME, WHERE THE IPPs WILL BID FOR PROJECTS THAT ARE SITUATED ON A NON-MUNICIPAL SITE AND THE MUNICIPALITY DOES NOT TAKE ANY SITE OR DEVELOPMENT RISKS

Summary of Approvals/Relevant Authority/Key Considerations

The Type of Approval	Relevant Authority and Key Stakeholders	Timing – When to Apply for /Obtain the Relevant Approval and Other Considerations
Section 34 Determination naming a municipality as a buyer in a Municipal IPP procurement programme.	Minister of Mineral Resources and Energy NERSA concurrence Relevant municipal council approving the municipality's participation in the municipal IPP procurement programme and agreeing that the municipality is named as the buyer in the determination.	<i>Key considerations</i> In light of changes to the generation facilities licensing requirements, the requirement to obtain a Determination before initiating procurement will be confirmed by the procedures agreed to within DMRE and NERSA. As a result, this may be required at Preferred Bidder stage. DMRE view is that if Regulation 5 approval is granted, then section 34 Determination will follow. The Determination could be sought at the same time as Ministerial Consent. <i>Timing for Application:</i> A Determination may be required for registration purposes however, it is not required presently. <i>Timing for approval:</i> No statutory time period. It is therefore recommended that all relevant information is provided as early as possible. It could be a lengthy process, however, DMRE has indicated it will expedite all processes.
Ministerial consent under regulation 5 of the New Gen Regulations.	Minister of Mineral Resources and Energy – approving authority. Municipality as the applicant after completing a feasibility study.	<i>Key Considerations</i> DMRE advises that Ministerial Consent is needed for a generation facility and requires registration. To ensure Ministerial Consent, a feasibility study that complies with regulation 5(2) of the New Gen Regulations will need to be undertaken. <i>Timing for Application:</i> Ministerial Consent may be linked to registration.

		<p>This could be sought at Preferred Bidder stage.</p> <p><i>Timing for approval:</i></p> <p>No statutory time period. It is therefore recommended that all relevant information is provided as early as possible. It could be a lengthy process, however, DMRE has indicated it will expedite all processes.</p>
<p>Registration in terms of Schedule 2 of ERA.</p>	<p>NERSA – authority empowered to register generation facilities.</p> <p>The generator applies for registration certificate.</p>	<p><i>Key Considerations</i></p> <p>We have assumed that the projects that will participate in the Municipal IPP procurement programme will generate 100 MW or less which will mean they do not require a generation license but do require registration with NERSA.</p> <p>Registration itself is done in terms of the SSEG registration procedure to be updated from time to time.</p> <p><i>Timing for Application</i></p> <p>Following appointment as Preferred Bidder</p> <p><i>Timing for approval</i></p> <p>The registration certificate is required to be issued within 60 days of NERSA or its electricity subcommittee receiving the evaluation report.</p>
<p>Section 33 Requirements for conclusion of a contract longer than 3 years.</p>	<p>Municipal council approves the contract after public participation process and consultation with National Treasury, COGTA and DMRE among others. Information to be made available for public participation process. It is also advisable to include this during the municipal IDP consultation processes.</p>	<p><i>Key considerations</i></p> <p>Public notice and comment required.</p> <p>Solicitation of views and recommendations from a range of government stakeholders will be required as these have long term financial and other obligations for the municipality and it promotes the key principles of transparency and accountability.</p> <p><i>Timing for applying/obtaining the approval</i></p> <p>After appointment of preferred bidder and prior to final PPA approval by the municipal council.</p> <p>60-day comment period required.</p>

Price under the PPA.	NERSA	<p><i>Key Considerations</i></p> <p>Considered and approved at registration, also considered at during annual tariff approval process.</p> <p>Updated Cost of Supply Study to reflect and changes arising from the PPA.</p> <p><i>Timing for applying or obtaining the approval of the tariff</i></p> <p>Municipal electricity tariffs approved annually by NERSA.</p>
Government Guarantee.	Minister of Mineral Resources and Energy, Minister of Finance, Municipal Council.	<p><i>Key Considerations</i></p> <p>The Minister under section 34(2)(e) of the ERA is empowered to provide a government guarantee to support the PPA if the Municipal IPP procurement programme is procured by the municipality under a Determination.</p> <p>The provision of financial support is generally addressed in the Annual Division of Revenue Act. National Treasury has not issued guarantees for a Municipal IPP procurement programme. The current policy position is that such transactions be undertaken within the financial capacity of the municipality.</p> <p><i>Timing for application/approval</i></p> <p>Before the PPA and incidental agreements (e.g. Implementation Agreement is signed).</p>

10.3 Scenario 3: MUNICIPAL IPP PROCUREMENT PROGRAMME, WHERE IPPs WILL BID FOR PROJECTS THAT ARE SITUATED ON MUNICIPAL LAND OR A NON-MUNICIPAL SITE AND THE MUNICIPALITY TAKES ALL OR MOST OF THE SITE RISKS

Summary of Approvals/Relevant Authority/Key Considerations

The Type of Approval	Relevant Authority and Key Stakeholders	Timing – When to Apply for /Obtain the Relevant Approval and Other Considerations
<p>MPPP approvals if a project participating in a municipal IPP procurement programme is a PPP.</p>	<p>Accounting officer of the municipality must notify the National Treasury and the relevant provincial treasury in writing of the municipality's intention to procure power through a PPP arrangement. Among others, the notification must include information on the municipality's ability to comply with the provisions of section 120 of the MFMA</p> <p>Appoint a transaction advisor, if required.</p> <p>Conduct and complete feasibility study.</p> <p>Accounting officer to submit feasibility study to Municipal Council for a decision on PPP (after having made particulars of the feasibility study public and considered comments of the public) and views of National Treasury, COGTA and provincial / national organs dealing with regulation of electricity (DMRE)</p> <p>Before the proposed bid documentation is made public, the municipality must solicit the views of National Treasury and the relevant provincial treasury on the procurement document. The views of these bodies must be solicited at least 30 days before they are released to the public.</p> <p>An award can only be made after the National Treasury and the relevant provincial treasury views on the evaluation outcome have been solicited; the agreement is made available for public comment and the approval process envisaged in section 33 of the MFMA and discussed above has been followed.</p>	<p><i>Timing for application</i></p> <p>Prior to issuing bid documents.</p> <p><i>Timing for approval</i></p> <p>Varies per step and this will require further consideration after feasibility study if any project proceeds this way.</p>

<p>Approval for leasing of land from municipality <R10million and <3 years.</p>	<p>Lease must be approved by municipal council or accounting officer of the municipality (if delegated authority exists).</p>	<p><i>Timing for application</i> Prior to entering into lease.</p> <p><i>Timing for approval</i> There is no prescribed time period.</p>
<p>Approval for leasing of land from municipality >R10million and >3 years.</p>	<p>Municipal council approves in principle.</p> <p>Minimum of 60-day public participation for the proposed lease and views of National Treasury and relevant provincial treasury.</p> <p>Municipal council meeting for approval.</p> <p>Note provisions in the Municipal Asset Transfer Regulations issued under the MFMA.</p>	<p><i>Timing for application</i> Prior to entering into lease.</p> <p><i>Timing for approval</i> The prescribed timeline for approval but can only be approved after the public participation process.</p>

10.4 Scenario 4: MUNICIPALITY CONSTRUCTING ITS OWN POWER PLANT AND GENERATING ITS OWN ELECTRICITY WHETHER IN THE MUNICIPAL JURISDICTION OR OUTSIDE THE MUNICIPAL JURISDICTION

Summary of Approvals/Relevant Authority/Key Considerations

The Type of Approval	Relevant Authority and Key Stakeholders	Timing – When to Apply for /Obtain the Relevant Approval and Other Considerations
Section 34 Determination setting out terms on which a municipality may establish new generation capacity.	Minister of Mineral Resources and Energy NERSA concurrence	<p><i>Key considerations</i></p> <p>In light of changes to the generation facilities licensing requirements, the requirement to obtain a Determination before initiating procurement will be confirmed by the procedures agreed to within DMRE and NERSA. As a result, this may be required at Preferred Bidder stage.</p> <p>DMRE view is that if Regulation 5 approval is granted, then section 34 Determination will follow. The Determination could be sought at the same time as Ministerial Consent.</p> <p><i>Timing for Application:</i></p> <p>A Determination may be required for registration purposes however, it is not required presently.</p> <p><i>Timing for approval:</i></p> <p>No statutory time period. It is therefore recommended that all relevant information is provided as early as possible. It could be a lengthy process, however, DMRE has indicated it will expedite all processes.</p>
Ministerial consent under regulation 5 of the New Gen Regulations.	Minister of Mineral Resources and Energy – approving authority. Municipality as the applicant after completing a feasibility study.	<p><i>Key Considerations</i></p> <p>DMRE advises that Ministerial Consent is needed for a generation facility and requires registration.</p> <p>To ensure Ministerial Consent, a feasibility study that complies with regulation 5(2) of the New Gen Regulations will need to be undertaken.</p> <p><i>Timing for Application:</i></p>

		<p><i>Ministerial Consent may be linked to registration.</i></p> <p>This could be sought at Preferred Bidder stage.</p> <p><i>Timing for approval:</i></p> <p>No statutory time period. It is therefore recommended that all relevant information is provided as early as possible. It could be a lengthy process, however, DMRE has indicated it will expedite all processes.</p>
Registration in terms of Schedule 2 of ERA.	<p>NERSA – authority empowered to register generation facilities.</p> <p>The generator applies for registration certificate.</p>	<p><i>Key Considerations</i></p> <p>We have assumed that the projects that will participate in the Municipal IPP procurement programme will generate 100 MW or less which will mean they do not require a generation license but do require registration with NERSA.</p> <p>Registration itself is done in terms of the SSEG Registration Procedure to be updated from time to time.</p> <p><i>Timing for Application</i></p> <p>Following appointment as Preferred Bidder</p> <p><i>Timing for approval</i></p> <p>The registration certificate is required to be issued within 60 days of NERSA or its electricity subcommittee receiving the evaluation report.</p>
Section 33 Requirements for conclusion of a contract longer than 3 years.	<p>Municipal council approves the contract after public participation process and consultation with National Treasury, COGTA and DMRE among others. Information to be made available for public participation process. It is also advisable to include this during the municipal IDP consultation processes.</p>	<p><i>Key considerations</i></p> <p>Public notice and comment required.</p> <p>Solicitation of views and recommendations from a range of government stakeholders will be required as these have long term financial and other obligations for the municipality and it promotes the key principles of transparency and accountability.</p> <p><i>Timing for applying/obtaining the approval</i></p> <p>After appointment of preferred bidder and prior to final PPA approval by the municipal council.</p> <p>60- day comment period required.</p>

Price under the PPA.	NERSA	<p><i>Key Considerations</i></p> <p>Considered and approved at registration, also considered at during annual tariff approval process.</p> <p>Updated Cost of Supply Study to reflect and changes arising from the PPA.</p> <p><i>Timing for applying or obtaining the approval of the tariff</i></p> <p>Municipal electricity tariffs approved annually by NERSA.</p>
Government Guarantee.	Minister of Mineral Resources and Energy, Minister of Finance, Municipal Council.	<p><i>Key Considerations</i></p> <p>The Minister under section 34(2)(e) of the ERA is empowered to provide a government guarantee to support the PPA if the Municipal IPP procurement programme is procured by the municipality under a Determination.</p> <p>The provision of financial support is generally addressed in the Annual Division of Revenue Act. National Treasury has not issued guarantees for a Municipal IPP procurement programme. The current policy position is that such transactions be undertaken within the financial capacity of the municipality.</p>

10.5 Scenario 5- A MUNICIPALITY OWNED AND CONSTRUCTED GENERATION FACILITY THAT CAN SUPPLY SURROUNDING MUNICIPALITIES

Summary of Approvals/Relevant Authority/Key Considerations

This Scenario has many similarities to Scenario 4. The key difference is that the municipality will also supply electricity from the facility it builds to other neighboring municipalities and customers outside its jurisdiction. As a result, the roadmaps or flow chart in **Annexure D** is equally applicable to this Scenario.

10.6 Scenario 6 - A MULTI-BUYER SCHEME AND MUNICIPAL POWER POOL ARRANGEMENTS

This Scenario contemplates a multi-buyer scheme. This scheme may either be regional pooling arrangements or establishment of a multi-jurisdictional service utility that will undertake procurement on behalf of the relevant municipalities.

Summary of Approvals/Key Considerations

The specifics which apply to each type of possible vehicle which the municipalities may use are not discussed here. This discussion is quite specific and requires an in-principle decision based on exactly what is intended. For example, are municipalities considering providing this service through a state-owned company as opposed to a service utility. If a service utility is contemplated, is the intention for this entity to have customer interface or it will just be selling power to the participating municipalities.

10.7 Scenario 7: UNSOLICITED BIDS

Summary of Approvals/Key Considerations

The criteria for unsolicited bids are clearly articulated in section 113 of the MFMA and Regulation 37 Municipal SCM Regulations.

The National Treasury recommends that electricity procurement processes are fair, equitable, transparent, competitive and cost-effective.

If the criteria and threshold in the SCM Regulations are met, a municipality may proceed to the next step.

11. CONCLUSION

- 11.1 This guidance to municipalities and municipal entities was developed through an analysis and mapping of the legal and regulatory framework and processes in the possible procurement of new generation capacity, relevant at the time of the project. Further updates and as the sector policy reforms unfold can be located from the contact information mentioned below.
- 11.2 This guidance is intended to assist municipalities and municipal entities in considering how they may procure, buy, sell and generate electricity having regard to the applicable Scenario and navigating such path, bearing in mind that the Scenarios outlined above are not exhaustive.

Recommendation

- 1. That council approve and adopt the Legal Framework for Procurement of New Generation Energy Capacity by Municipalities and Municipal Entities.
- 2. That all applications future applications for New Generation Energy Capacity be submitted to council for consideration.

NOTE: The annexure was distributed as part of the agenda for the Engineering Services Portfolio Committee meeting of 11 October 2022 (pg. 31 – 34)

This item served before the Engineering Services Portfolio Committee on 11 October 2022

Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gediens op 11 Oktober 2022

Aanbeveling / Recommendation

1. That council approve and adopt the Legal Framework for Procurement of New Generation Energy Capacity by Municipalities and Municipal Entities.
2. That all future applications for New Generation Energy Capacity be submitted to council for consideration.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022

Aanbeveling / Recommendation

1. That council approve and adopt the Legal Framework for Procurement of New Generation Energy Capacity by Municipalities and Municipal Entities.
2. That all future applications for New Generation Energy Capacity be submitted to council for consideration.

ELECTRICAL MASTER PLAN: (DIRECTOR ENGINEERING SERVICES)**Purpose of report**

To submit a report to council regarding the Langeberg Electrical Master plan that was recently updated.

Background

An electricity master plan is a long-term planning document that investigates the current infrastructure and status of the electrical network, which forms the basis for future planning and network upgrade recommendations.

The Langeberg Municipality procured the services of a consultant through a competitive bidding process to update the electrical master plan. The funding was from the Western Cape Government by means of a grant.

The Electrical Master Plan was done per town / area. The following sections provide an executive summary for each town / area.

Robertson (Main)

This section deals with the electrical infrastructure in the Robertson supply area of Langeberg Municipality. The current notified maximum demand is 36MVA with recent maximum demand peaking at 36.18MVA. Application has been made to increase NMD to 38MVA. The load growth is forecasted at 1.85% per year based on historical average with several developments planned and applications already submitted indicating that the revised NMD of 38MVA might be exceeded by 2024.

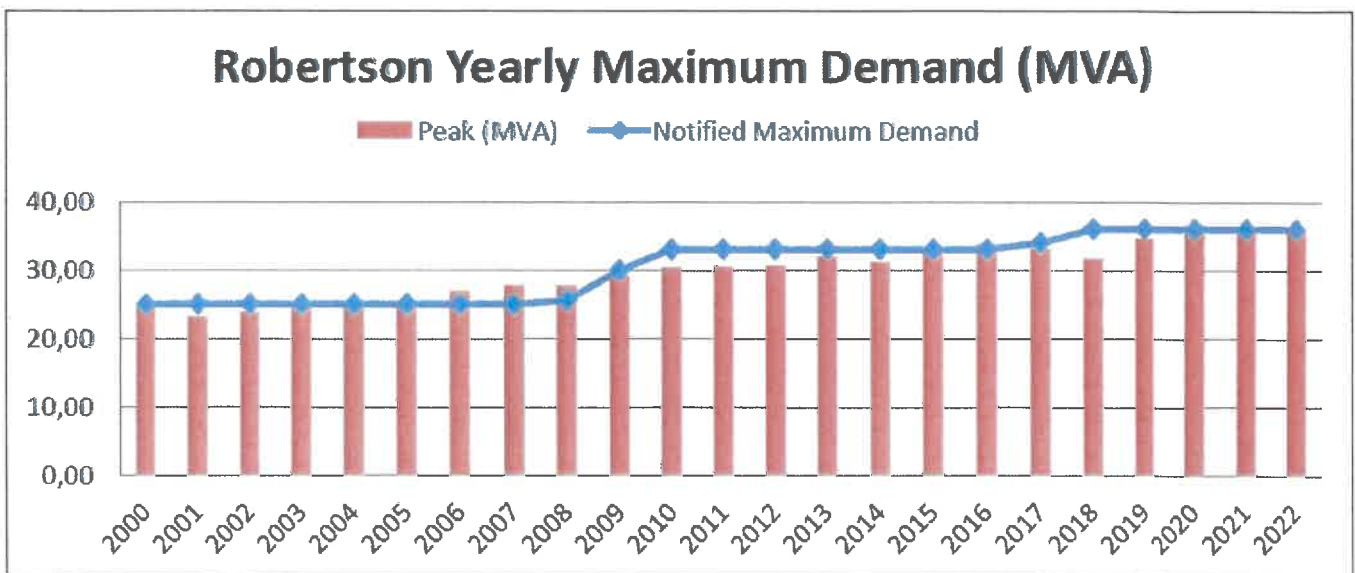
The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

Major proposed capital projects include the replacement of the main substation power transformers and associated works that have exceeded their useful life. Furthermore, some 11kV switching stations require switchgear upgrades.

Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

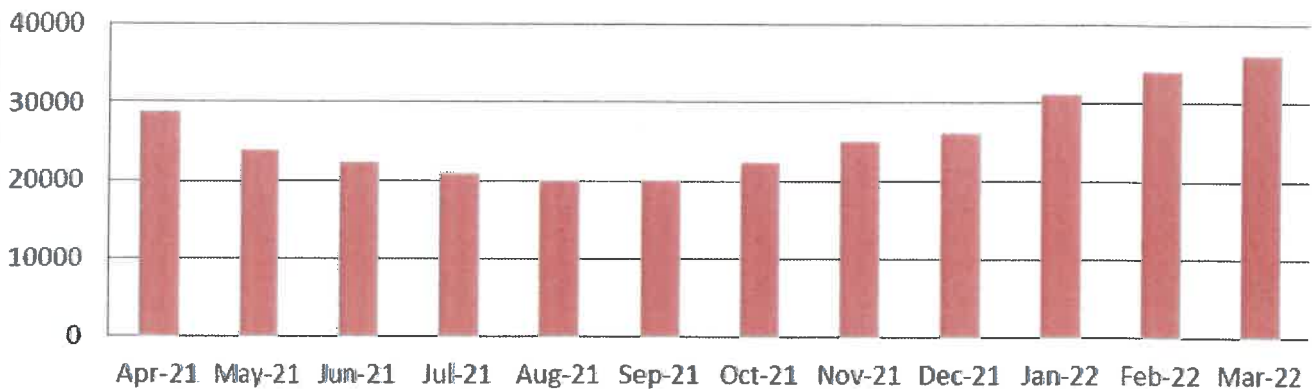
The projects completed to date have been updated as applicable.

The following graphs provides a summary of the most important aspects of the master plan:

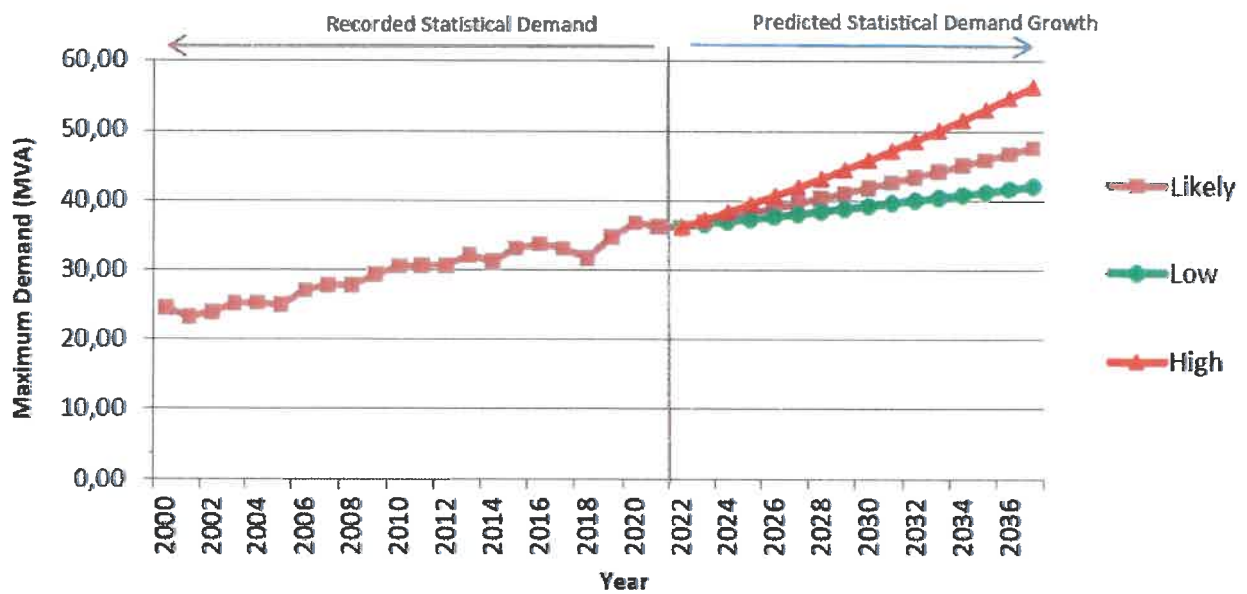


Robertson - 12 Month Maximum Demand (MVA)

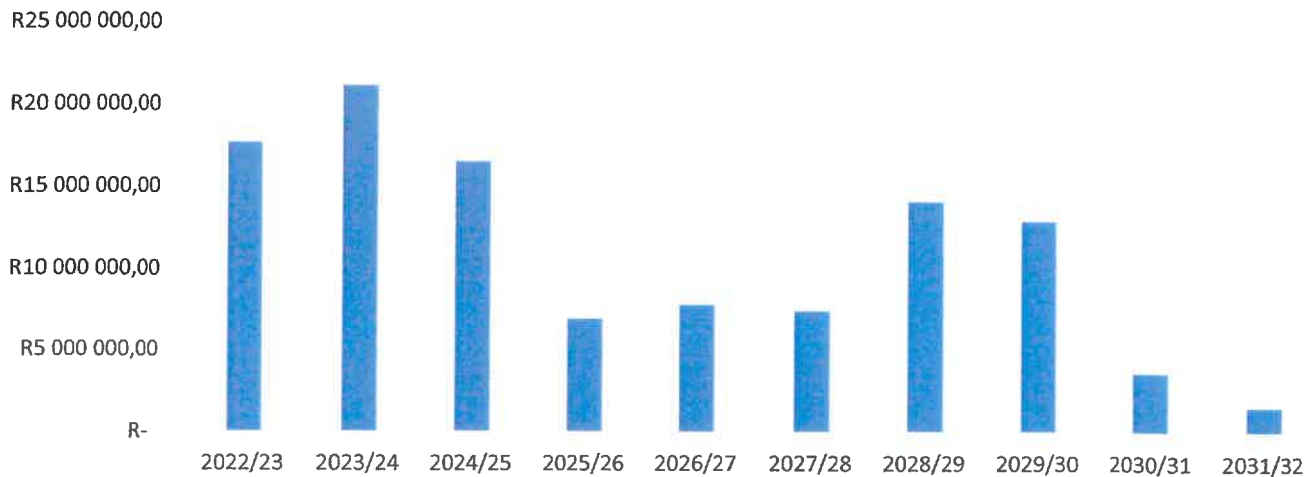
■ Peak (MVA)



Robertson Maximum Demand Forecast



Robertson - Capital Projects and Masterplan Recommendation Upgrades



Robertson (Noree)

This section deals with the electrical infrastructure in the Noree supply area of Langeberg Municipality. The current notified maximum demand is 6MVA with recent maximum demand peaking at 5.38MVA. The load growth is forecasted at 2.38% per year based on historical average with some minor developments planned indicating that the NMD might be exceeded by 2024.

The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

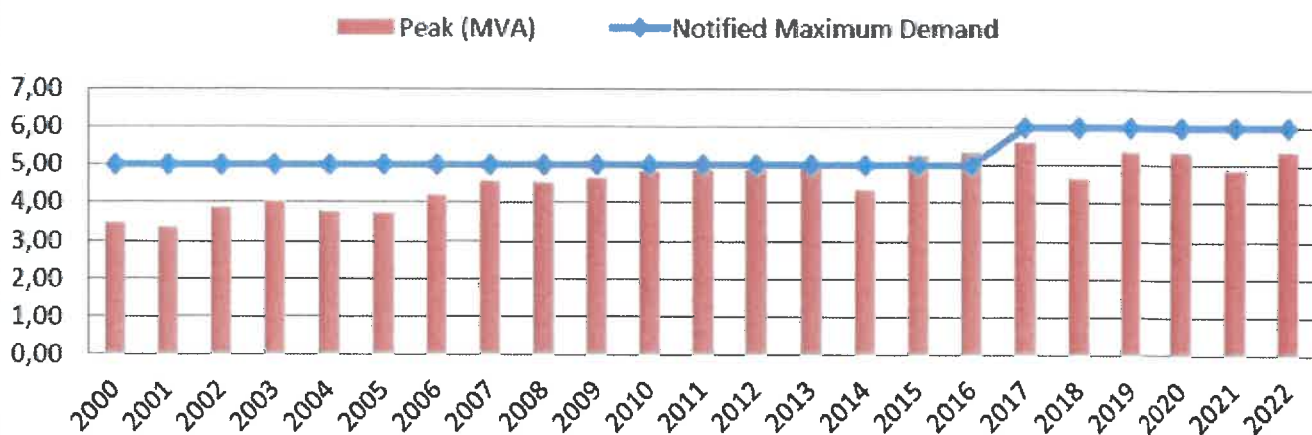
Major proposed capital projects are the addition of a second 66/11kV transformer and associated works to provide spare and redundant capacity.

Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

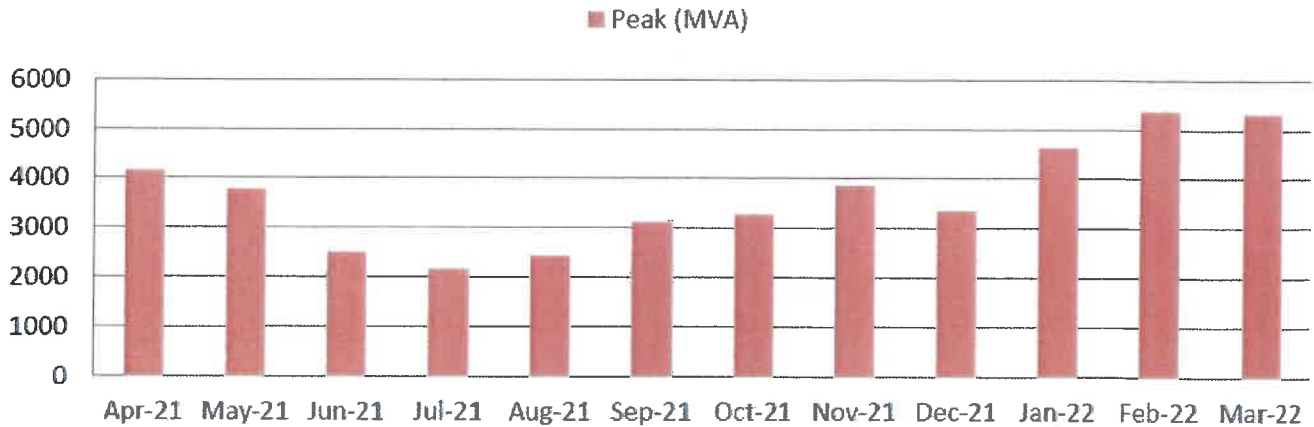
The projects completed to date have been updated as applicable.

The following graphs provides a summary of the most important aspects of the master plan:

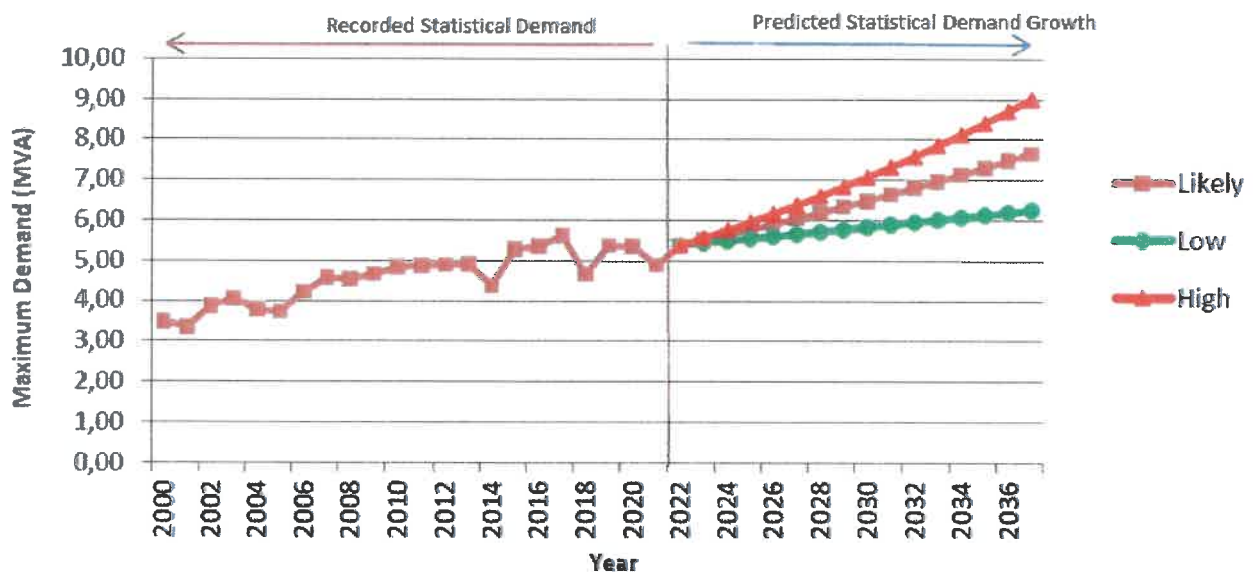
Noree Yearly Maximum Demand (MVA)



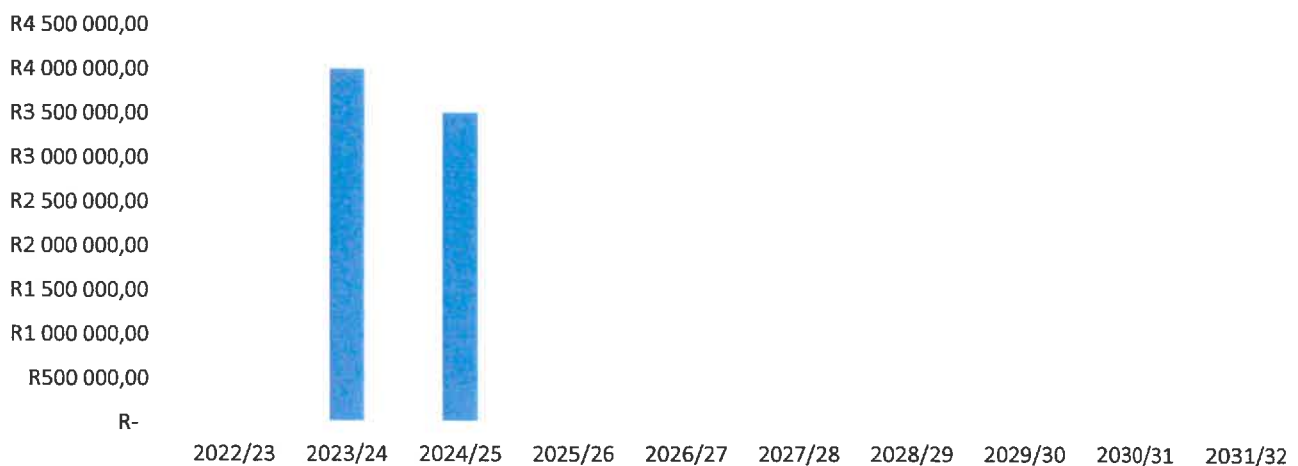
Noree - 12 Month Maximum Demand (MVA)



Noree Maximum Demand Forecast



Noree - Capital Projects and Masterplan Recommendation Upgrades



McGregor

This section deals with the electrical infrastructure in the McGregor supply area of Langeberg Municipality. The current notified maximum demand is 3.7MVA with recent maximum demand peaking at 2.68MVA. The load growth is forecasted at 3.86% per year based on historical average with some minor developments planned indicating that the NMD might be exceeded by 2027.

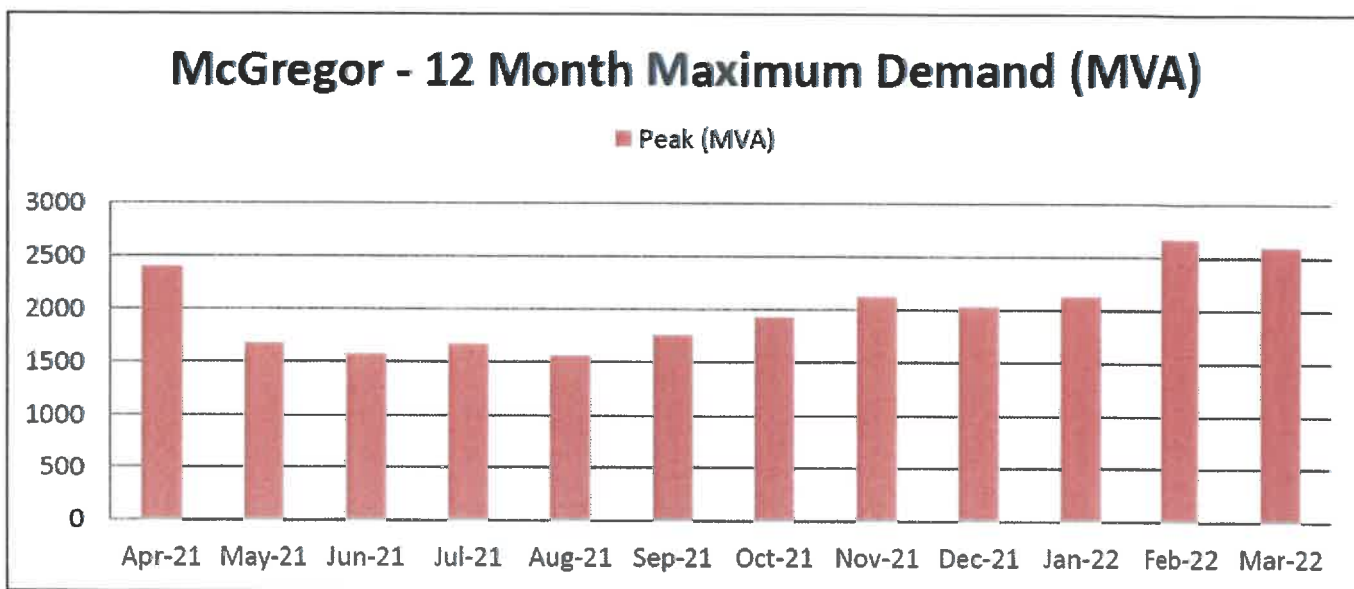
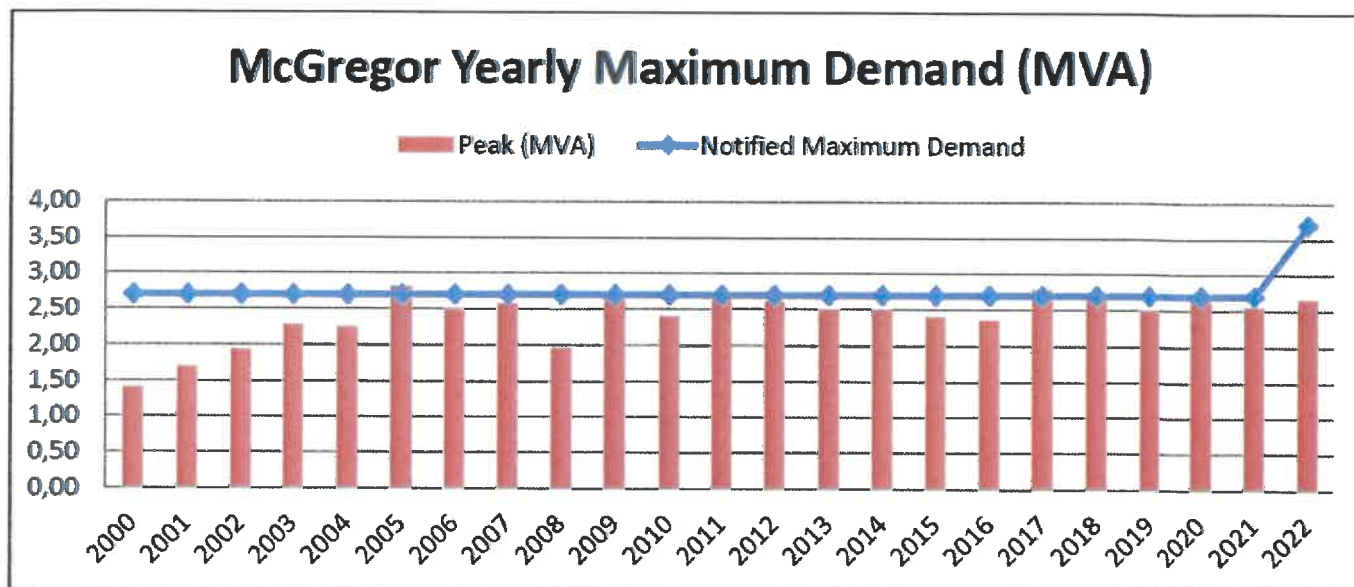
The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

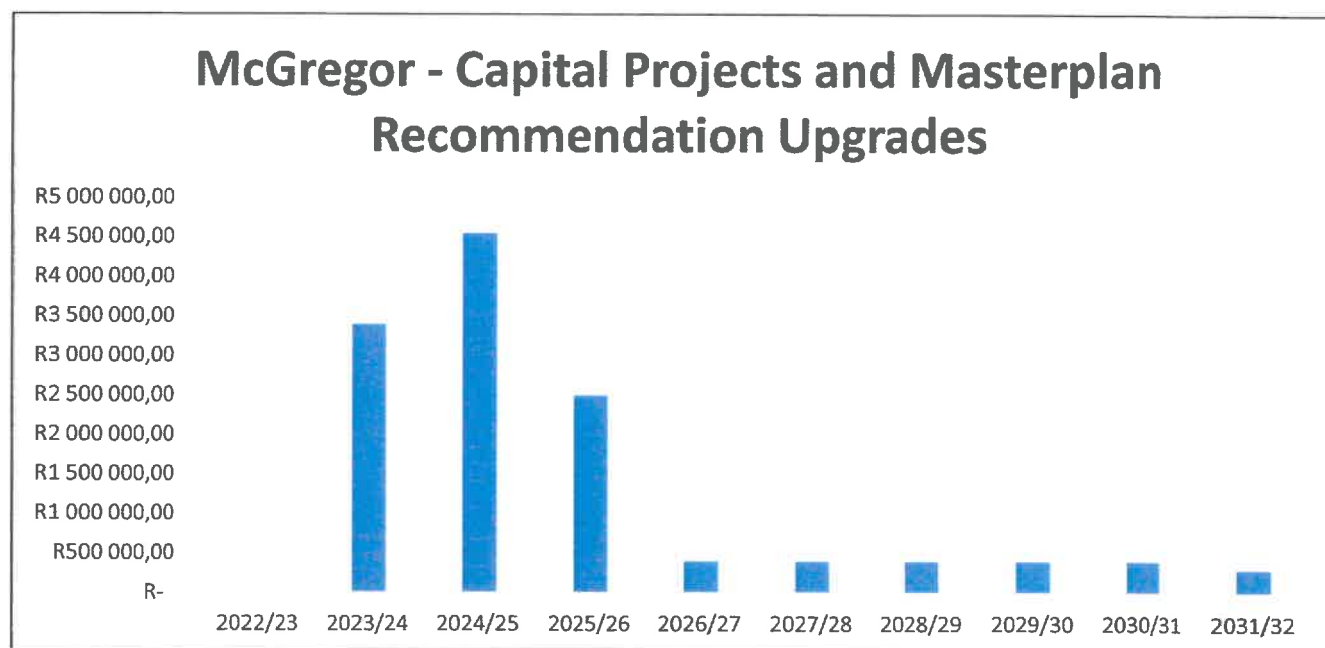
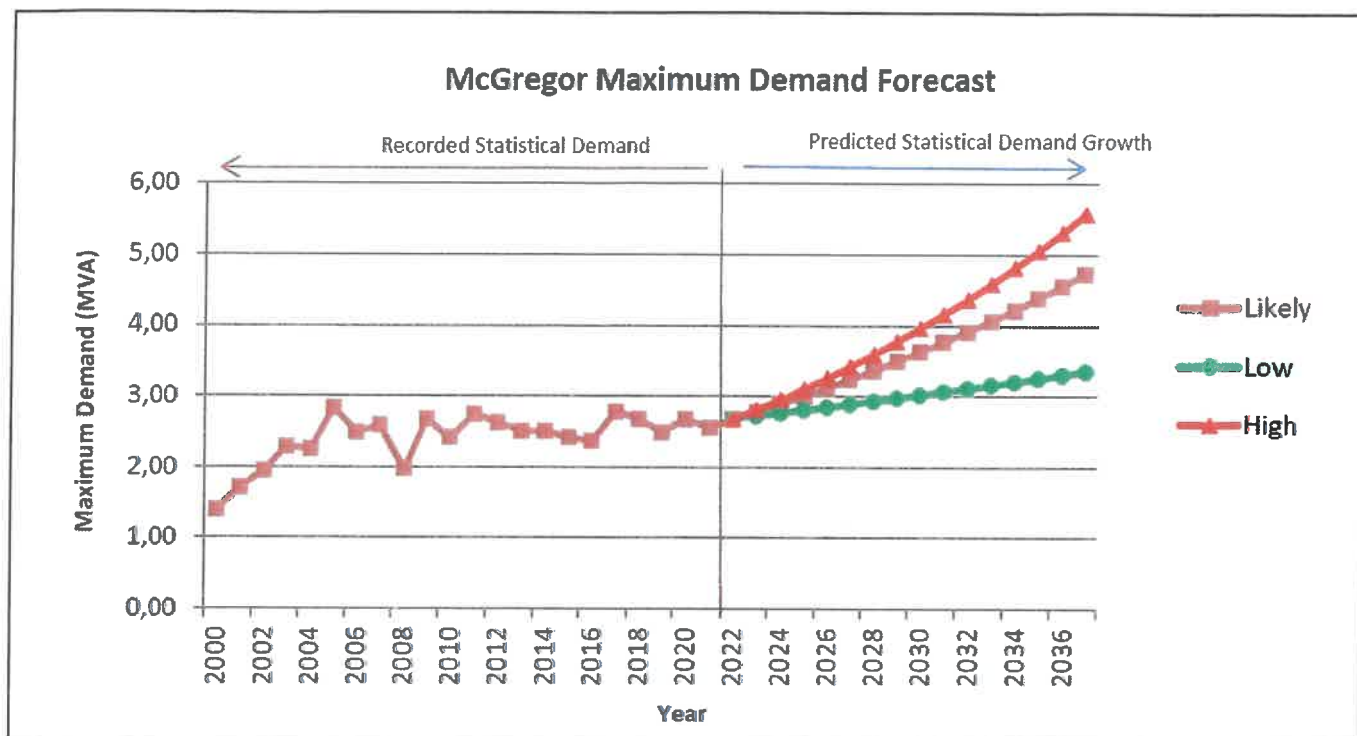
Major proposed capital projects are the addition of a second 132/11kV transformer and associated works to provide spare and redundant capacity. Furthermore, several 11kV overhead lines are earmarked for upgrading.

Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

The projects completed to date have been updated as applicable.

The following graphs provides a summary of the most important aspects of the master plan:





Ashton

This section deals with the electrical infrastructure in the Ashton supply area of Langeberg Municipality. The current notified maximum demand is 10.5MVA which was decreased from 12MVA due to decline in demand. The recent maximum demand peaked at 9.4MVA. The load growth is forecasted at 1.26% per year based on historical average. Several housing developments are planned and should they take off the NMD might be exceeded by 2026.

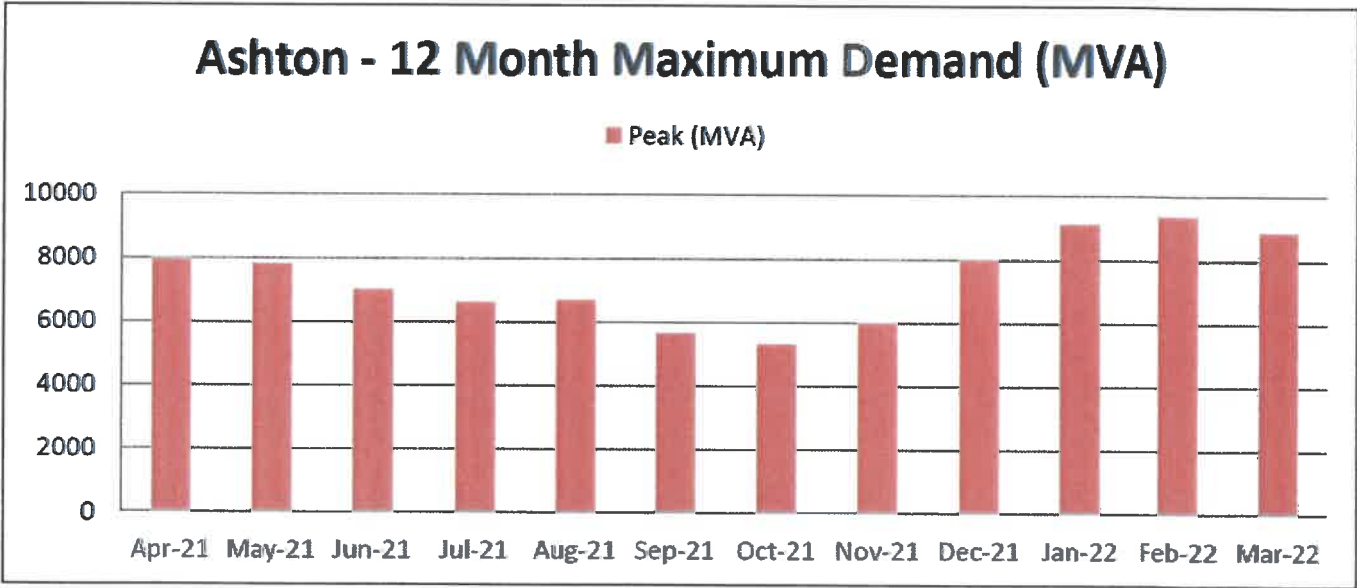
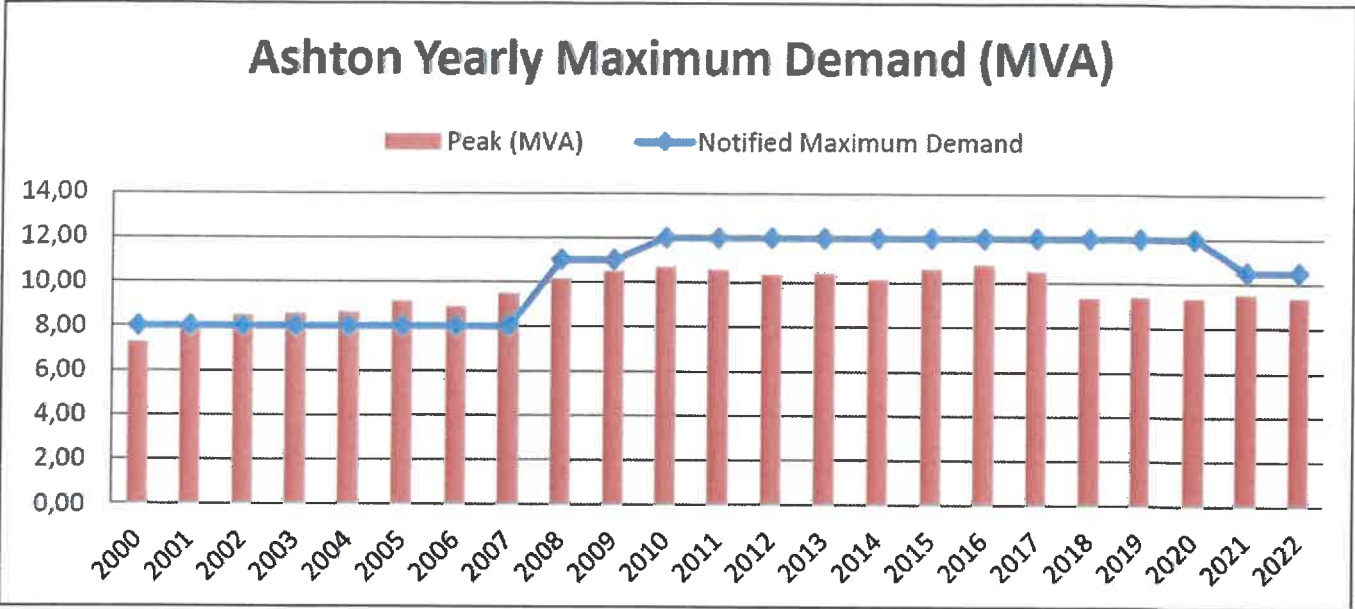
The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

Proposed capital projects are the replacement of 11kV switchgear in the main switching station. Furthermore, several 11kV overhead lines are earmarked for upgrading to underground cables.

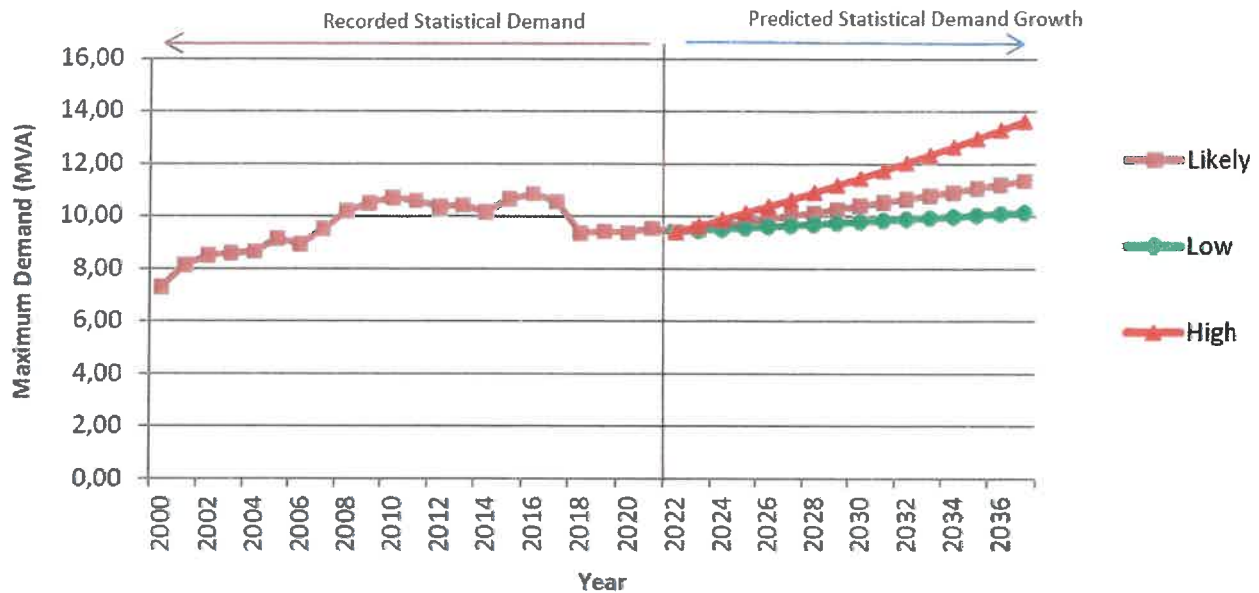
Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

The projects completed to date have been updated as applicable.

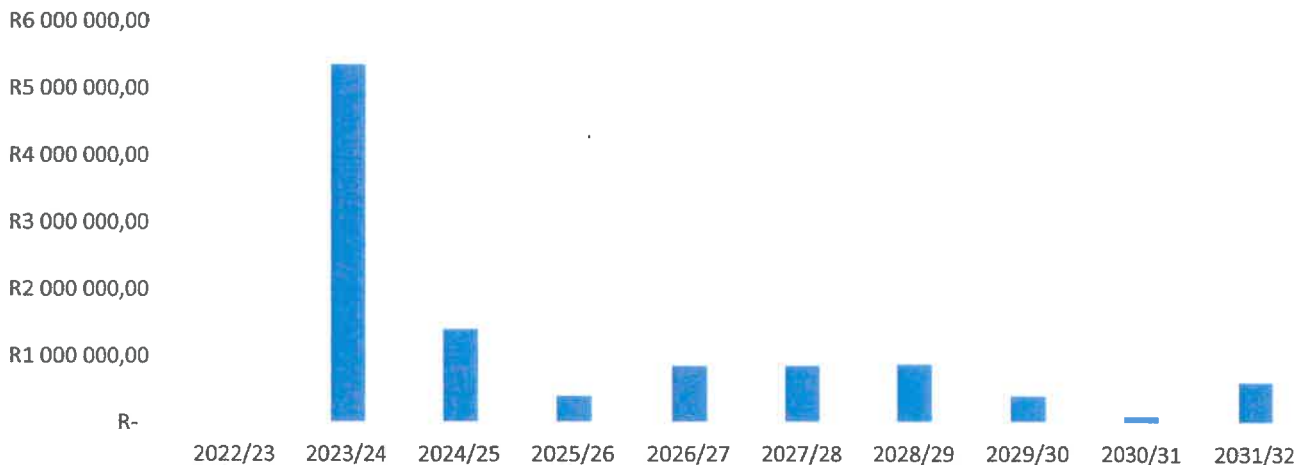
The following graphs provides a summary of the most important aspects of the master plan:



Ashton Maximum Demand Forecast



Ashton - Capital Projects and Masterplan Recommendation Upgrades



Bonnievale

This section deals with the electrical infrastructure in the Bonnievale supply area of Langeberg Municipality. The current notified maximum demand is 11.5MVA with recent maximum demand peaking at 10.6MVA. The load growth is forecasted at 2.7% per year based on historical average with some minor developments planned indicating that the NMD might be exceeded by 2026.

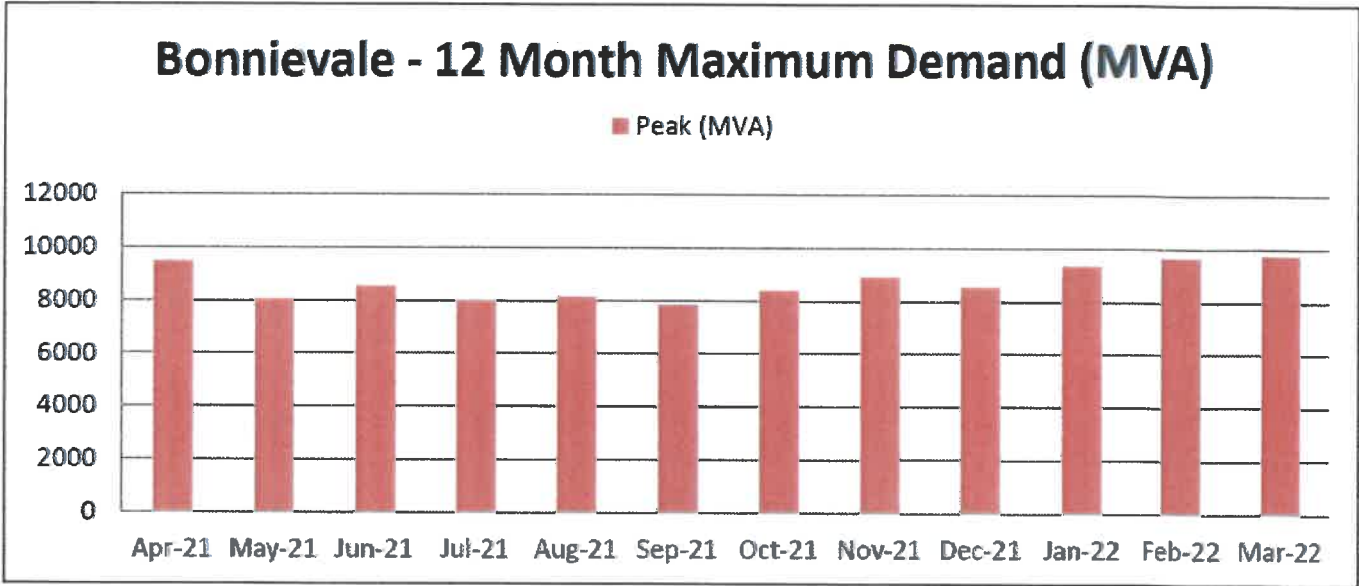
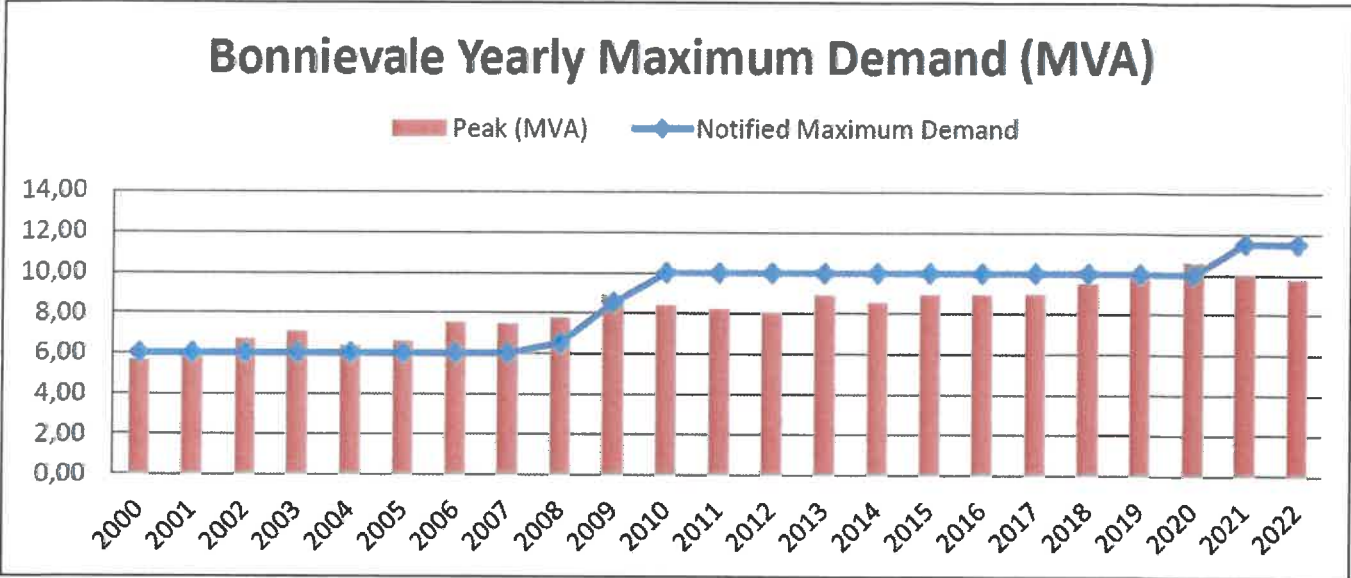
The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

No major capital projects are currently proposed, several smaller upgrades are recommended.

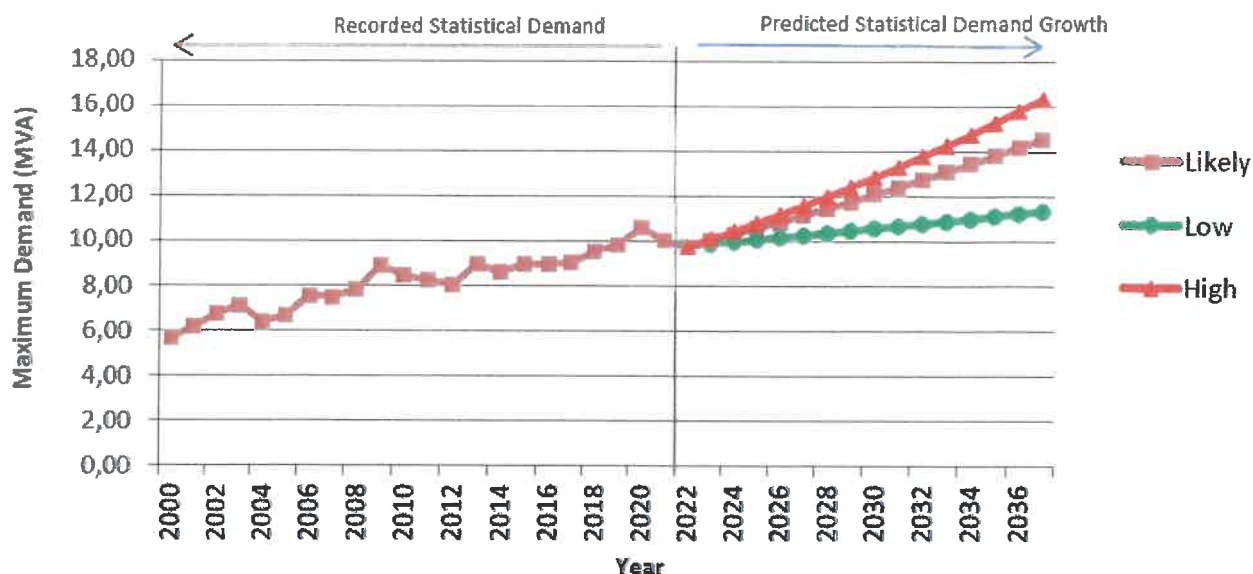
Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

The projects completed to date have been updated as applicable.

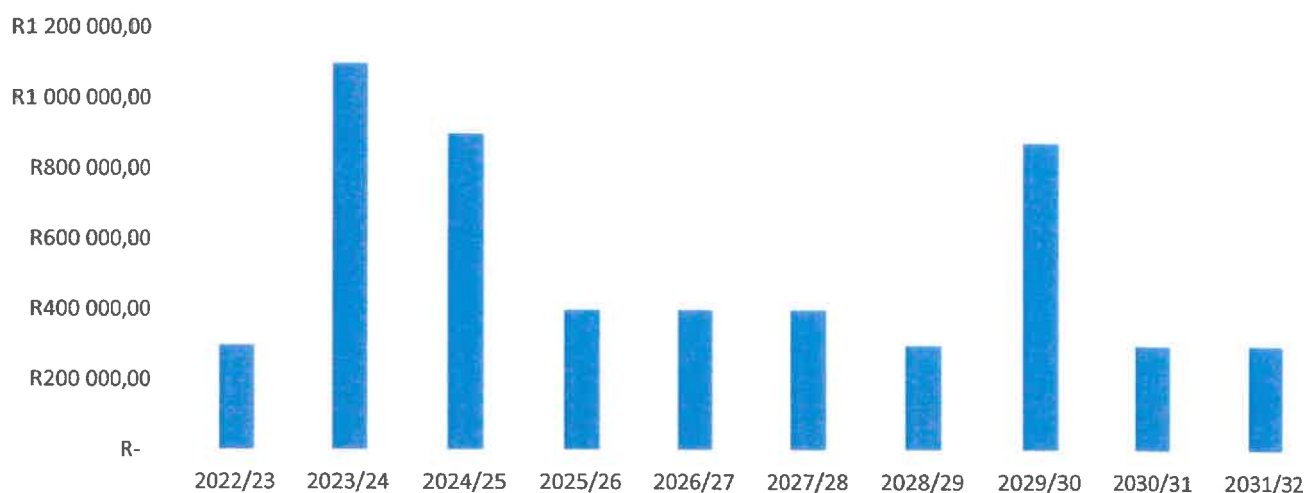
The following graphs provides a summary of the most important aspects of the master plan:



Bonnievale Maximum Demand Forecast



Bonnievale - Capital Projects and Masterplan Recommendation Upgrades



Montagu

This section deals with the electrical infrastructure in the Montagu supply area of Langeberg Municipality. The current notified maximum demand is 9MVA with recent maximum demand peaking at 8.2MVA. Application has been made to increase NMD to 10MVA. The load growth is forecasted at 2.29% per year based on historical average with some minor developments planned indicating that the NMD might be exceeded by 2025.

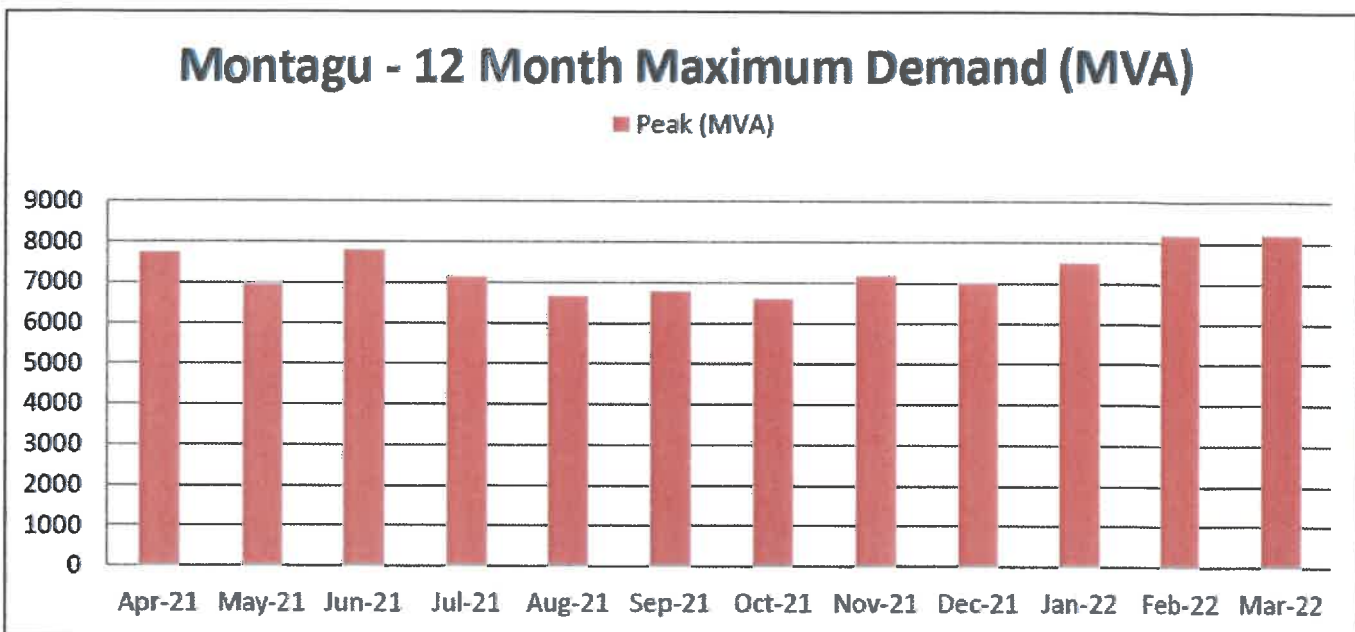
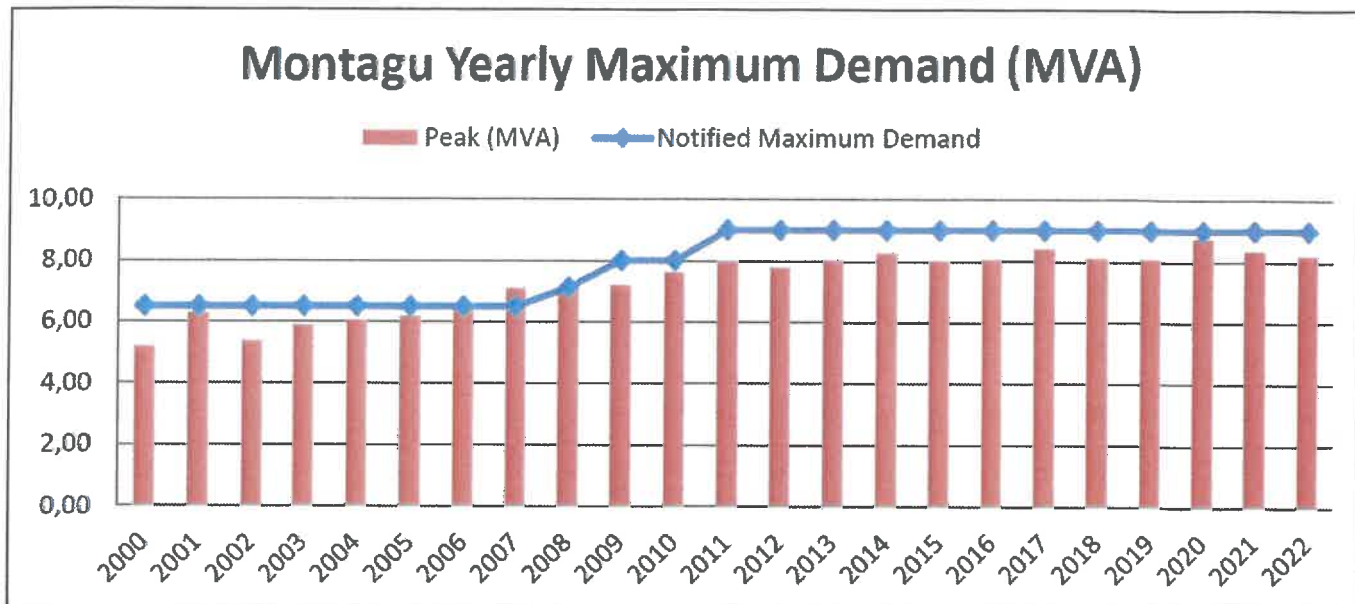
The impact of the load growth and new developments on the existing infrastructure was determined and recommendations were made on how to make sure that the electricity supply for the whole area remains reliable and of an acceptable quality.

No major capital projects are currently proposed, several smaller upgrades are recommended.

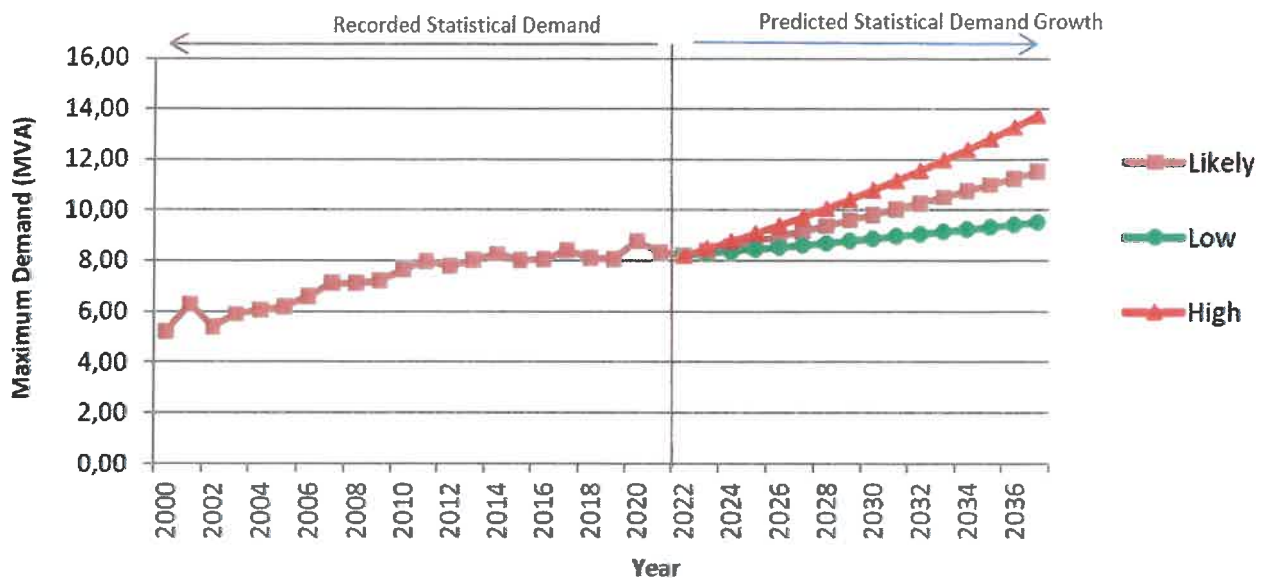
Service delivery, demand side management initiatives, assessment of asset condition and economic development and alternative sources of energy are also discussed.

The projects completed to date have been updated as applicable.

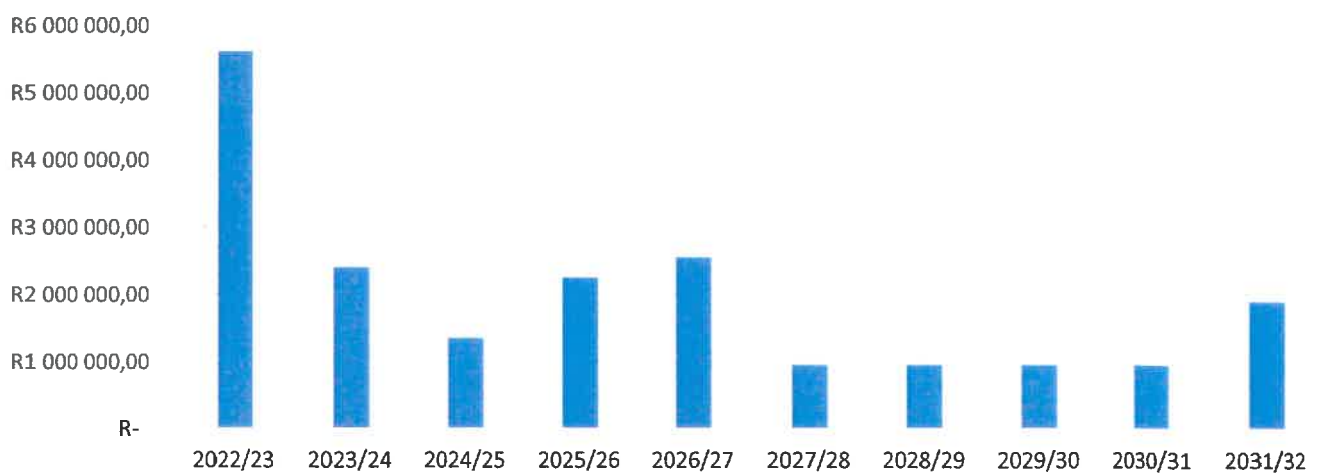
The following graphs provides a summary of the most important aspects of the master plan:



Montagu Maximum Demand Forecast



Montagu - Capital Projects and Masterplan Recommendation Upgrades



Recommendation

1. That the Council approve the updated Electrical Master Plan.
2. That the updated Electrical Master Plan be published on the Langeberg Municipality's website.

This item served before the Engineering Services Portfolio Committee on 11 October 2022
Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 11 Oktober 2022
Aanbeveling / Recommendation

1. That the Council approve the updated Electrical Master Plan.
2. That the updated Electrical Master Plan be published on the Langeberg Municipality's website.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022

Aanbeveling / Recommendation

1. That the Council approve the updated Electrical Master Plan.
2. That the updated Electrical Master Plan be published on the Langeberg Municipality's website.

ACTION PLAN TO PRODUCE ENERGY: (DIRECTOR ENGINEERING SERVICES)**Purpose of report**

To submit a report to council regarding the Action Plan to Produce Energy.

Background

The municipality finds itself in a situation that any development is placed on hold due to insufficient electricity supply.

Langeberg Municipality procures energy from Eskom at 6 (six) points of supply (POS) namely: Muiskraalkop (Robertson), Noree (Robertson), McGregor, Montagu, Bonnievale and Ashton.

The size (Notified Maximum Demand or NMD) of each POS determines the maximum or total instantaneous power that can be consumed at any given time. The Municipality determines the NMD by the demand at each POS and by requesting additional capacity from Eskom as and when needed.

Because of diversity between the Municipal customers, we are able to supply a greater spectrum of customers whilst remaining within our Eskom NMD. Diversity means that not all the consumers are using all their capacity at the same time.

The following table provides the NMD's for each supply point as well as what the Municipality actually consumed (for the past 3 years):

Point of supply	2019/20		2020/21		2021/22	
	Max Reading (kVA)	NMD (kVA)	Max Reading (kVA)	NMD (kVA)	Max Reading (kVA)	NMD (kVA)
Muiskraalkop	36 760.09	36 000.00	36 287.22	36 000.00	36 183.23	36 000.00
Noree	5 361.11	5 000.00	4 887.91	5 000.00	5 380.90	6 000.00
McGregor	2 682.79	2 700.00	2 558.27	2 700.00	2 679.50	2 700.00
Montagu	8 770.54	9 000.00	8 357.79	9 000.00	8 197.84	9 000.00
Bonnievale	10 596.41	10 000.00	9 994.25	11 500.00	9 747.18	11 500.00
Ashton	9 368.51	12 000.00	9 542.20	10 500.00	9 406.12	10 500.00

Note: The values in red is where the Municipality exceeded the NMD

1. Load Profiles

The load profile provides a picture of the Municipal energy consumption over time. The following graphs provide the combined load profile for the Langeberg Municipality for 2020/21 and 2021/22. One month for each quarter is shown to illustrate the seasonal variance. Eskom defines high demand season as June – August and low demand season as the other months. Energy is generally more expensive in high demand season.

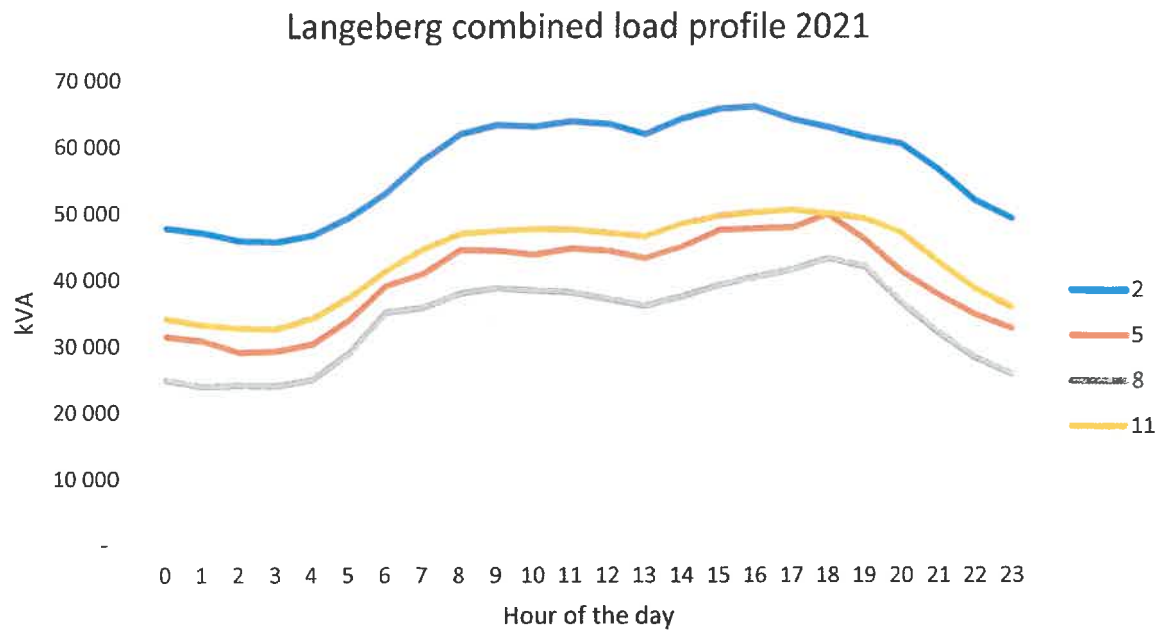


Figure 1: Langeberg combined load profile 2021 (month number series i.e. 2 = Feb, 5 = May etc.)

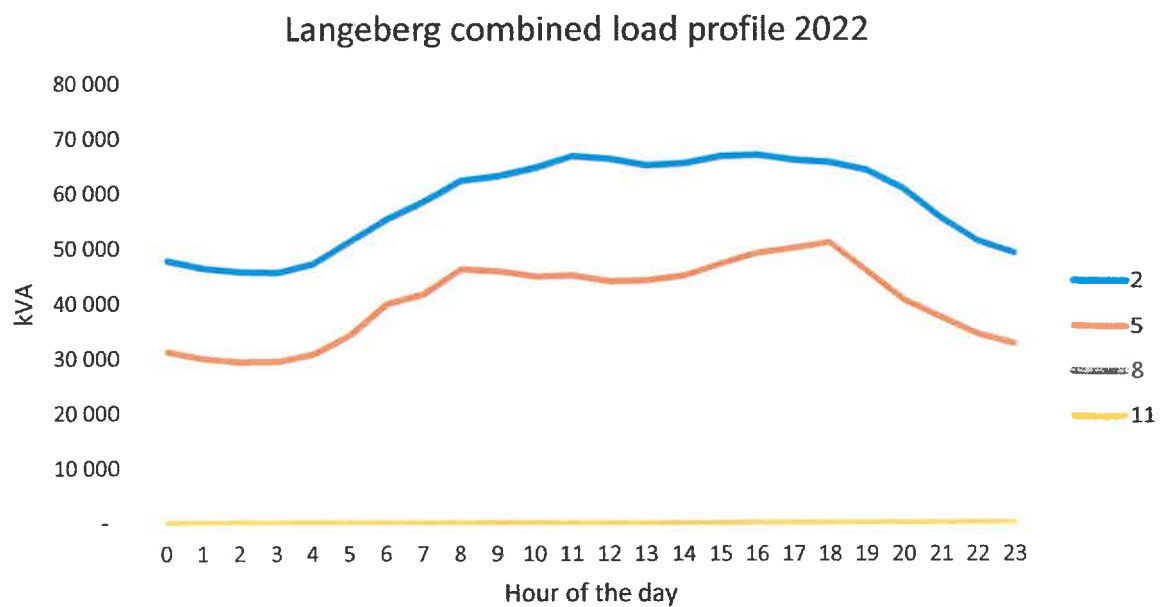


Figure 2: Langeberg combined load profile 2022 (month number series i.e. 2 = Feb, 5 = May etc.)

The graphs for the individual supply points for a typical day for each of the quarters are shown in Annexure A.

The following graph indicates the seasonal variance of the maximum demand over a 12-month period:

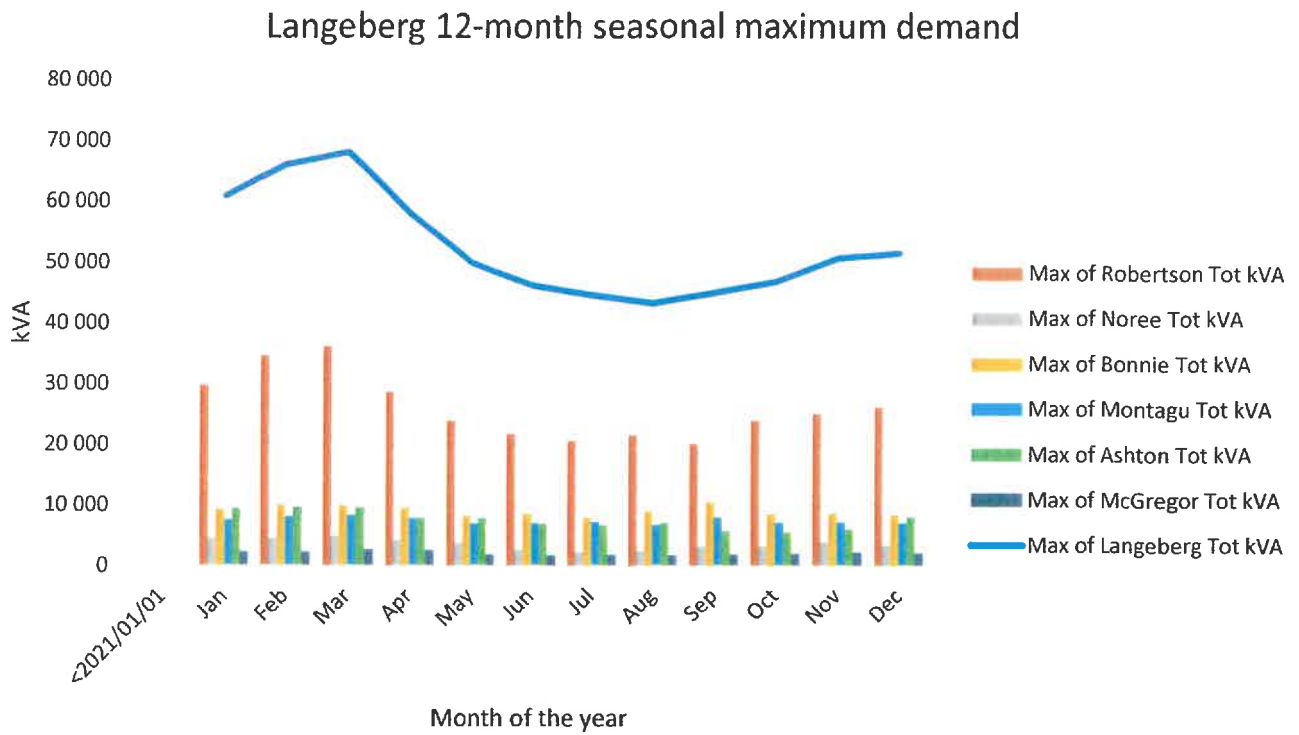


Figure 3: Langeberg 12-month seasonal maximum demand

The combined Langeberg trendline (blue) fits well with the solar generation capacity of a typical PV system, i.e. higher yield in the summer – and lower yield in the winter months.

2. Langeberg Municipality's requirements

In addition to the existing demand (and notified maximum demand), several applications from existing and potential new customers (i.e. developers) for additional electrical capacity have been received. The following table summarizes the additional requirement:

TOWN	kVA required
ROBERTSON	16 243
NOREE	1 400
McGREGOR	1 422
ASHTON	0
BONNIEVALE	1 418
MONTAGU	1 000
TOTAL	21 483

It should be noted that some of the capacity requirements are for developments which are in the early feasibility stage.

The estimated load growth from the Electrical Masterplan is illustrated the following graphs. It shows the historical maximum demand as well as a 3-scenario forecast per point of supply. With the current limitations on the Eskom supply network in the Langeberg area, it is expected that we'll follow the "Low" scenario.

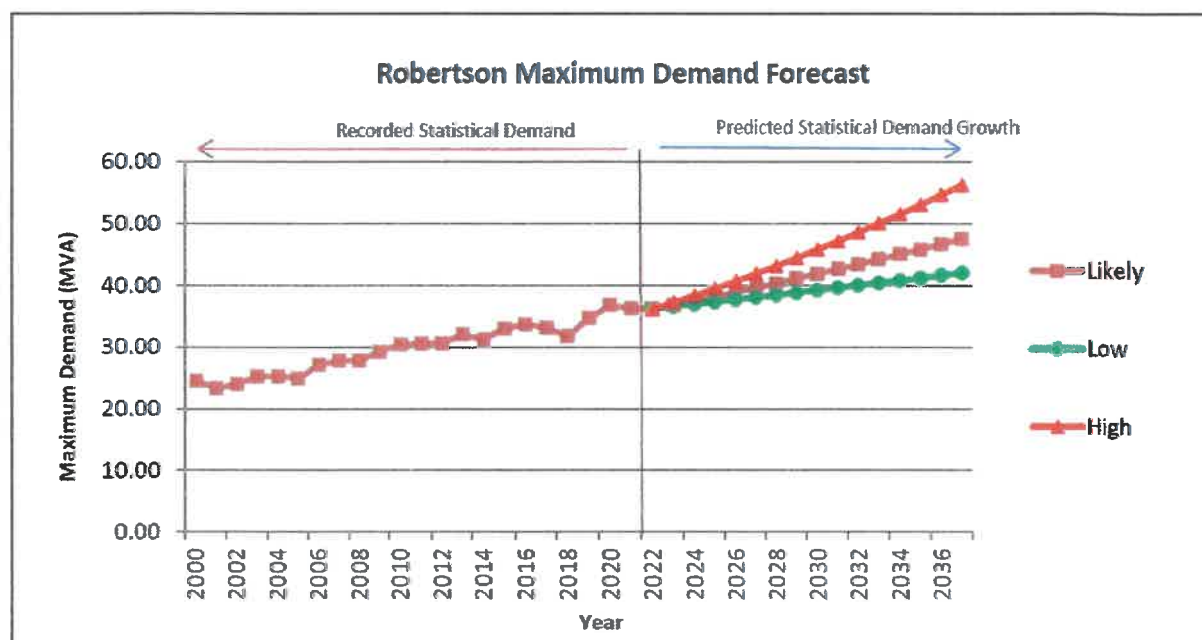


Figure 4: Robertson Maximum Demand Forecast based on historic growth

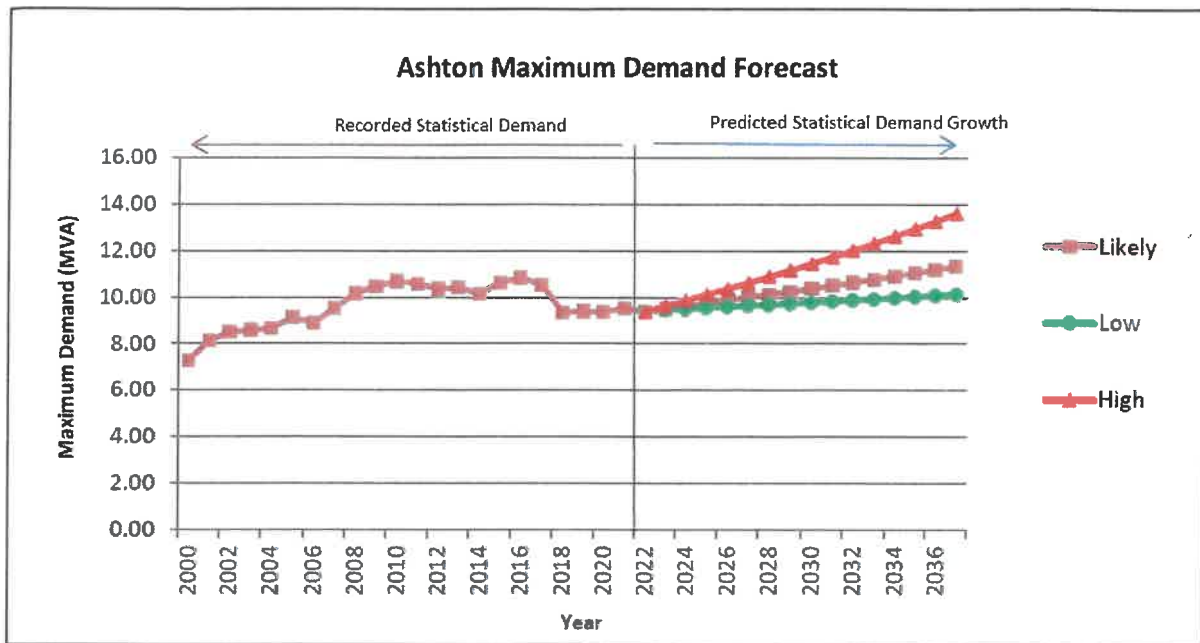


Figure 5: Ashton Maximum Demand Forecast based on historic growth

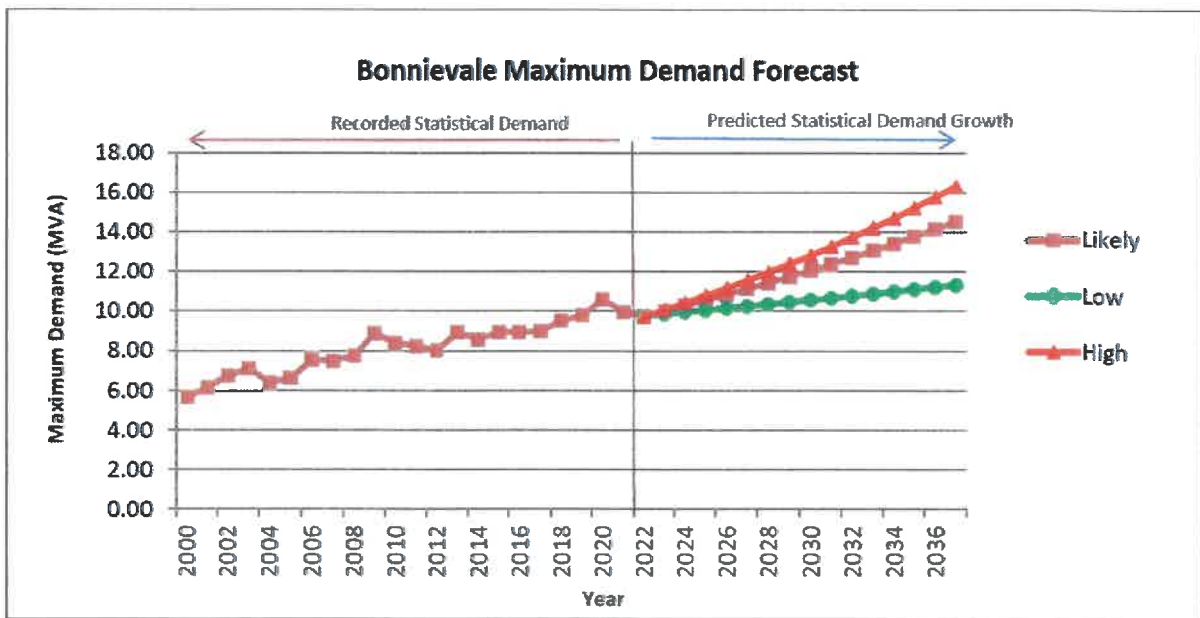


Figure 6: Bonnievale Maximum Demand Forecast based on historic growth

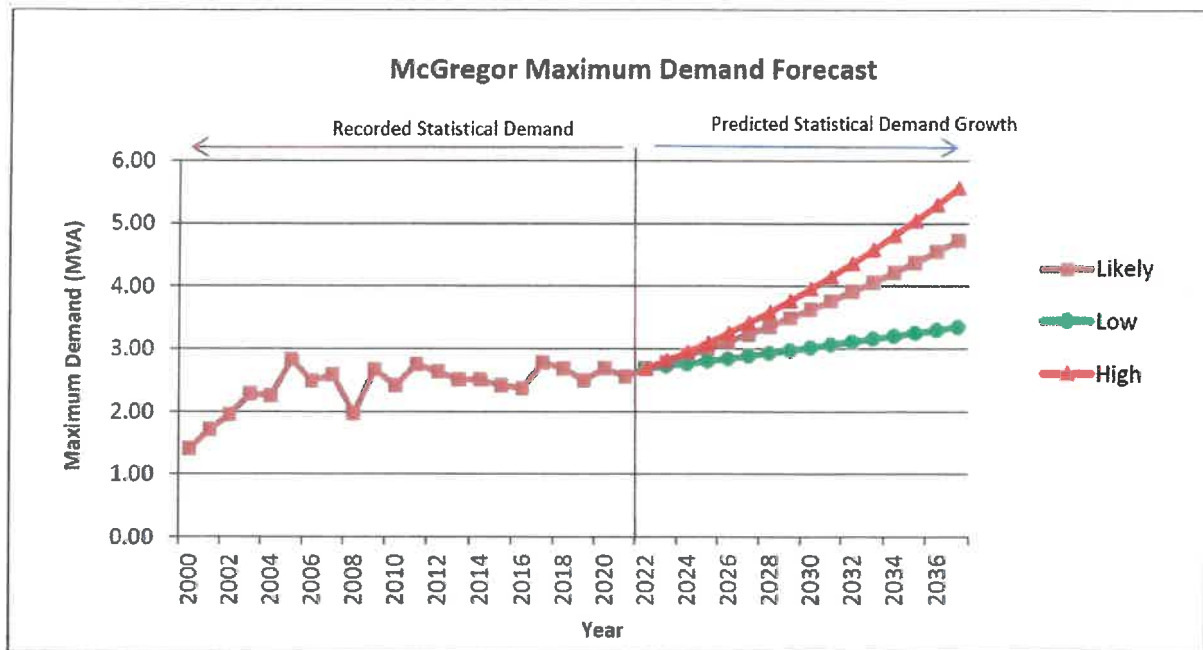


Figure 7: McGregor Maximum Demand Forecast based on historic growth

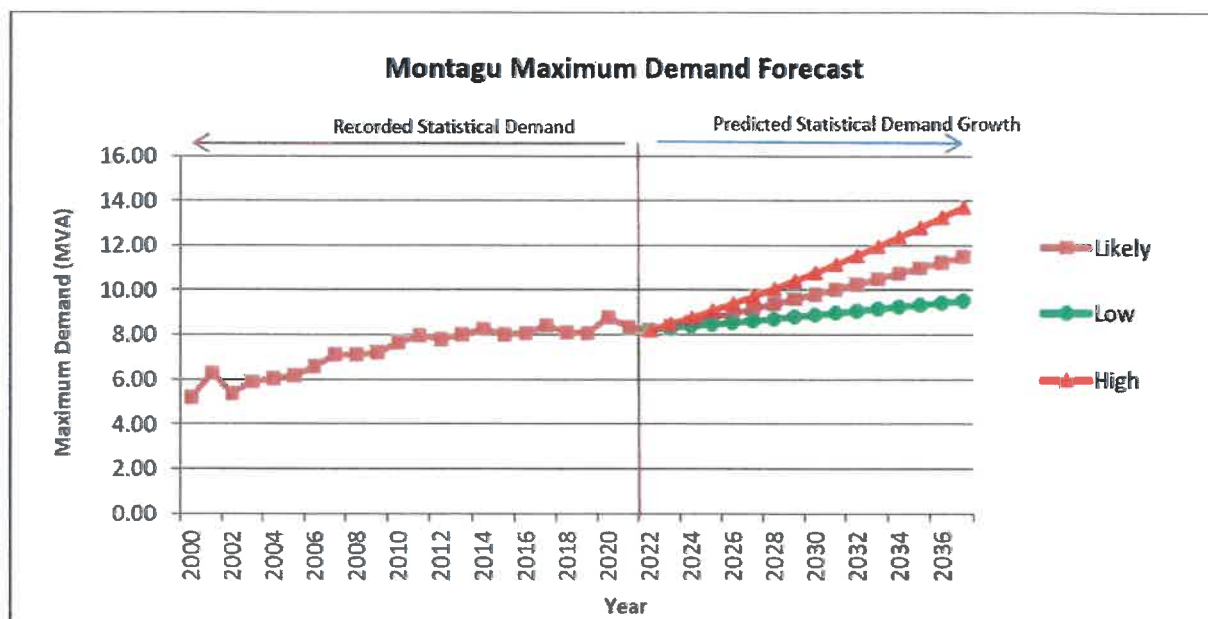


Figure 8: Montagu Maximum Demand Forecast based on historic growth

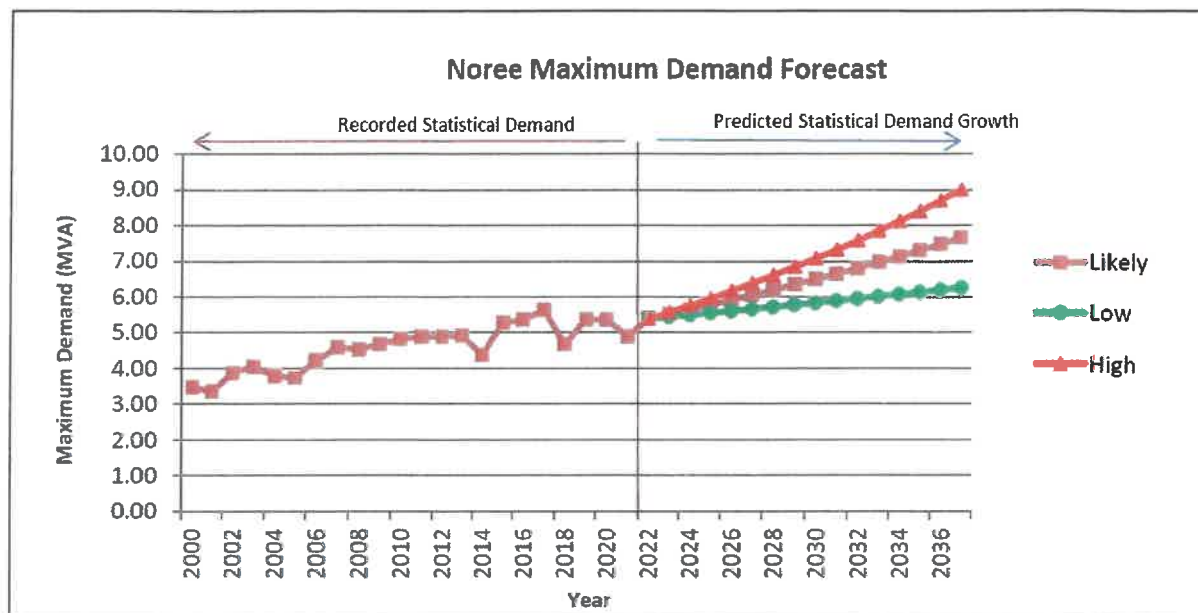


Figure 9: Noree Maximum Demand Forecast based on historic growth

3. Alternative energy sources

The follow alternative energy sources might be considered and will be discussed in more detail below:

3.1 Solar PV generation

Solar PV technologies currently consist of various module types such as mono- and poly-crystalline, single face and bi-facial modules. Although mono crystalline modules are more expensive than the poly crystalline, they provide a better yield. The bi-facial panels can generate power from the back reflection or, Albedo, resulting from reflection of radiation form the surrounding terrain such as rocks, soil, vegetation etc. near the solar modules.

The installation configurations include fixed tilt, single- and dual-axis tracking. The fixed tilt systems are usually designed at a tilt angle equivalent to the latitude angle of the chosen site. The tracking systems are designed to follow the sun and can do by means of a single axis movement in the horizontal or vertical configuration, or in the case of the dual axis tracking a combination of these.

All the solar PV installations generate direct current power and convert this into alternating current power which is then collected and stepped up to a higher voltage for connection to a power grid. The numbers of inverters vary between manufacturers and can be designed such to compensate for the effects of clouds and shadows. Control systems enable these installations to maximize the power output generated for the entire installation.

3.2 Concentrated Solar generation

CSP is complex and a relatively expensive technology (when compared with other solar technologies) and, is therefore usually only suited for deployment at significant scale. This technology makes use of parabolic mirrors to heat a heat transfer fluid located in the focal point of the mirror. This fluid is then pumped through a heat exchanger, generating steam where after a standard steam turbine generator installation is used to generate the

electricity. This technology was used in early rounds of the REIPPP programme (i.e. bid windows 1 to 3) CSP was procured at between 50 and 100MW of capacity, with varying capacities of energy storage . One of the reasons for the size is determined by the size of the commercially available steam turbine. This technology, where an energy storage system (most often thermal energy storage (salt bath)) is installed, has been successfully deployed to generate electricity during peak hours. Given the scale and complexity of these projects, the commercial viability of these projects remains challenging.

3.3 Wind generation

Utility-scale wind farms require commercially viable wind resources, in general Class 3¹ wind resources and better. In addition, in general the strength of the wind resource increases (on a logarithmic scale) with the height of the turbine hub above the ground. Accordingly, the turbine hub heights are gradually getting higher and, consequently, the blade lengths are getting longer. Larger scale and utility-based installations usually deploy horizontal axis turbines, in order to access the better wind resources. Thus, in general, only horizontal axis turbines are commercially deployed. Vertical axis turbines are, in general, only deployed for small-scale installations.

3.4 Battery Energy Storage Systems (BESS)

There are various types of battery technologies commercially available. Li-Ion, LiFe and Redox flow batteries amongst the more popular. Lead-acid batteries have predominantly been replaced by Li-Ion batteries due to the longer life cycle and higher depth of discharge obtained by Li-Ion batteries. There might still be small residential energy storage systems which utilise lead-acid batteries purely because of cost. The table below summarises the main characteristics of the different battery technologies²:

¹ In accordance with IEC 61400, Class 3 has average wind speeds of 7.5m/s

² <https://www.imia.com/wp-content/uploads/2020/01/IMIA-WGP-112-19-Battery-Storage.pdf>

Specification	Lead-acid	Nickel based	Lithium-ion	Flow	Sodium-sulfur (NaS)
Specific energy [Wh/kg]	30 – 50	up to 120	up to 250	up to 150	up to 150
Life cycles [80% DoD]	200 – 300	up to 500	up to 10,000	up to 1,000	up to 4,000
Safety requirements	Thermally stable, can emit H ₂	Thermally stable, fuse protection	Protection circuit mandatory	Thermally stable	Has to be heated possibility of short circuits when cooling down
Cost	Low	Moderate	high	high	high
Self-discharge [per month]	5%	20 – 30%	5 – 10%		

Consideration should be given to both power capacity and energy capacity when battery systems are sized and priced. The energy capacity is the amount of energy that can be stored in the system and is measured in Wh. The power capacity is the rate at which energy flows in or out of the system and is measured in W. If specifying the size of battery storage, both power – and energy capacity should be specified (i.e. 100kW/200kWh system has 100kW power capacity and 200kWh energy capacity.)

Battery Energy Storage is susceptible to mode of operation and therefore the system usually includes a Battery Monitoring System (BMS) to ensure the longevity of the system. The mode of operation generally includes charge rate, discharge rate, depth of discharge and temperature. The BMS will typically manage these conditions to protect the system. The life expectancy of battery energy storage is measured in charge / discharge cycles. Depending on the mode of operation and specific battery technology, one should expect approx. > 3500 cycles for i.e. Li-Ion BESS before performance starts to degrade significantly. If one assumes one cycle per day the life expectancy is approx. 10 years. This has an impact of the capex and opex of the energy storage system.

Battery energy storage systems (BESS) can be used for a variety of applications, including frequency regulation, demand response, transmission and distribution infrastructure deferral, integration of renewable energy, and microgrids. Different battery technologies can enable different applications that can provide various benefits to utility services, and consumer services.

While BESS is not a generation technology, but rather an energy storage technology, it could be used to complement Renewable Energy generation, specifically for capacity firming and to improve the consistency of supply, effectively balancing the demand (load) and supply (generation.)

More recent applications of BESS in hybrid configurations with other RE generating installations such as solar PV or wind generation installations became more common. These installations are typically for private industrial applications with the purpose to provide grid support or demand side management. RE installations with BESS hybrid installations also assist in the reduction of carbon footprint of the business supplied by the hybrid installation. It could also be used to reduce curtailment of Renewable generation (i.e. when the renewable generation exceeds the load / demand or grid capacity.)

3.5 Hydro generation

In the case of hydropower production, power is produced by gravity, through moving water turning a turbine, and thus an adequate height differential, or 'head', at the hydropower site is a key consideration.

Utility / Distribution scale Hydro electric plants require substantial and sustainable river flow volumes or large water storage schemes. The timelines required for the EIA investigations and permits as well as the construction programmes, considering the timelines required by WC province, might not make hydro applications for utility / distribution scale viable.

3.6 Gas / Diesel generation

While this type of generation is not considered renewable, it should be noted that if this generation can be done economically, it will assist with base generation capacity while the transition is made from fossil fuel generation (coal fired power stations) to renewable generation. It could therefore play a role as an intermediate generation technology and to assist with base generation capacity.

It might be feasible to consider modular units to suite the Municipality's requirements. A major consideration will be the logistics around the delivery of fuel (gas / diesel.)

3.7 Hydrogen generation

This technology is fairly new and has some way to go to prove itself as commercially viable. The source of the fuel (Hydrogen) could be produced by various means and a Hydrogen colour code is assigned to depict the source of the Hydrogen. For instance, green Hydrogen is produced by electrolysis of water by means of clean / renewable energy (i.e. wind or solar.)

Blue hydrogen³ is produced mainly from natural gas, using a process called steam reforming, which brings together natural gas and heated water in the form of steam. The output is hydrogen – but also carbon dioxide as a by-product. That means carbon capture and storage (CCS) is essential to trap and store this carbon.

Grey hydrogen is created from natural gas, or methane, using steam methane reformation but without capturing the greenhouse gases made in the process.

³ <https://www.nationalgrid.com/stories/energy-explained/hydrogen-colour-spectrum>

Using black coal or lignite (brown coal) in the hydrogen-making process, these black and brown hydrogen are the absolute opposite of green hydrogen in the hydrogen spectrum and the most environmentally damaging.

Pink hydrogen is generated through electrolysis powered by nuclear energy. Nuclear-produced hydrogen can also be referred to as purple hydrogen or red hydrogen.

3.8 Biomass generation

For this category of technologies, a common key consideration will be the quantity and quality of the available feedstock. In addition to the quality and availability, the sustainability of the feedstock plays a vital role for this generation, which in turn requires on site storage to compensate for the possible intermittence of the supply of the feedstock.

Commonly, there are four types of biomass fuels used: wood and agricultural products, solid waste, landfill gas and biogas, and alcohol fuels (such as bioethanol or biodiesel). With the most common being homegrown energy – wood (logs, chips, bark and sawdust) – accounting for about 44% of biomass energy.

One can use biomass fuels in several ways to generate energy:

- Burn the feedstock to create heat for boiling water, thus generating steam for turning a steam turbine, this requires a considerable amount of feedstock to have a sustainable power output and this result in a significant carbon footprint. Wood and agricultural biomass and MSW are common fuels for steam generation;
- Use the feedstock in a fermentation (or digester) or gasification process to generate biogas, which can be combusted in a generator engine or turbine. Again, a constant supply of feedstock is required. The quality of the gas from this process is likely to be the determining factor in terms of its viability to be combusted in the generating engines/ turbines. Agricultural and industrial waste are generally viable fuels for biogas production. Gasification of biomass is a source of synthesis gas production for combustion in an engine or turbine;
- Use the feedstock in a fermentation process to generate liquid fuel (bioethanol or biodiesel) which may be used to fuel electricity production, either directly as a fuel, or indirectly as fuel octane booster.

Due to the potential ability to store the feedstock, either in raw form or in gaseous (biogas) form, the biomass-fueled technologies may have the added advantage of being a source of dispatchable renewable energy power. The dispatchability of such technologies is dependable on the offset market for these and thus requires a detailed market analysis and prospective purchase agreement to be in place before the project can be initiated.

For Biomass generation to be viable, a substantial supply of feedstock, with a sustainable and reliable supply is required. There are very few success stories where biomass generation was implemented and is still in operation.

4. National Treasury: MFMA Circular No. 118

The purpose of this Circular was to provide advice to municipalities relating to the legal framework for procurement of new generation energy capacity, particularly from renewable energy sources, within the provisions of the Constitution, MFMA (specifically section 33), DMRE regulations and other related legislation.

This relates to procurement, public private partnerships and consultation processes as the various stages in ensuring effective implementation consists of consultation, planning, resourcing, institutional capacity and capability, operational commitments and sustainability, infrastructure assessments, development of new and upgrading of assets, as well as financial obligations, amongst others, arising from such projects require substantial investments.

For each of the 7 (seven) Scenarios, the applicable legal framework is identified and key risks which may affect the viability of the specific scenario is highlighted. Possible mitigation measures are also included, where applicable.

The 7 (seven) scenarios are as follows:

1. Municipal IPP procurement programme in which the DMRE is the procurer and the municipalities are the buyers following a Determination
2. Municipal IPP procurement programme where the IPPs will bid for projects that are located on a non-municipal site and the municipality does not take any site or development risks
3. Municipal IPP procurement programme, where the IPPs will bid for projects that are located on a municipal or a non-municipal site and the municipality takes all or most of the site risk
4. A municipality constructing its own power plant and generating its own electricity whether in the municipal jurisdiction or outside the municipal jurisdiction
5. A municipality owned and constructed generation facility that can supply surrounding municipalities
6. A multi-buyer scheme and municipal power pool arrangements
7. Unsolicited Bids

There might also be combinations / permutations of these scenarios. The circular also provides roadmaps for scenarios 1 to 5.

The project size distinctions are provided as:

- Utility scale: > 10MW
- Distributed generation scale: 1 to 10MW
- Small Scale Embedded generation: < 1MW

All systems below 100MW are exempted from NERSA licensing requirements but are subject to registration under the Electricity Regulations Act 4 of 2006 (ERA.)

The Municipal and procurement law should be carefully considered when procuring energy from third parties. The pricing and tariffs should be reviewed and NERSA will require a Cost of Supply study for any changes to the tariffs. The Power Purchase Agreements (PPA) for the basis of the procurement process requires careful and specialist attention.

From the Municipal Electrical Masterplan a high-level case study was done for a 5MWp PV system in Robertson. The results were as follows:

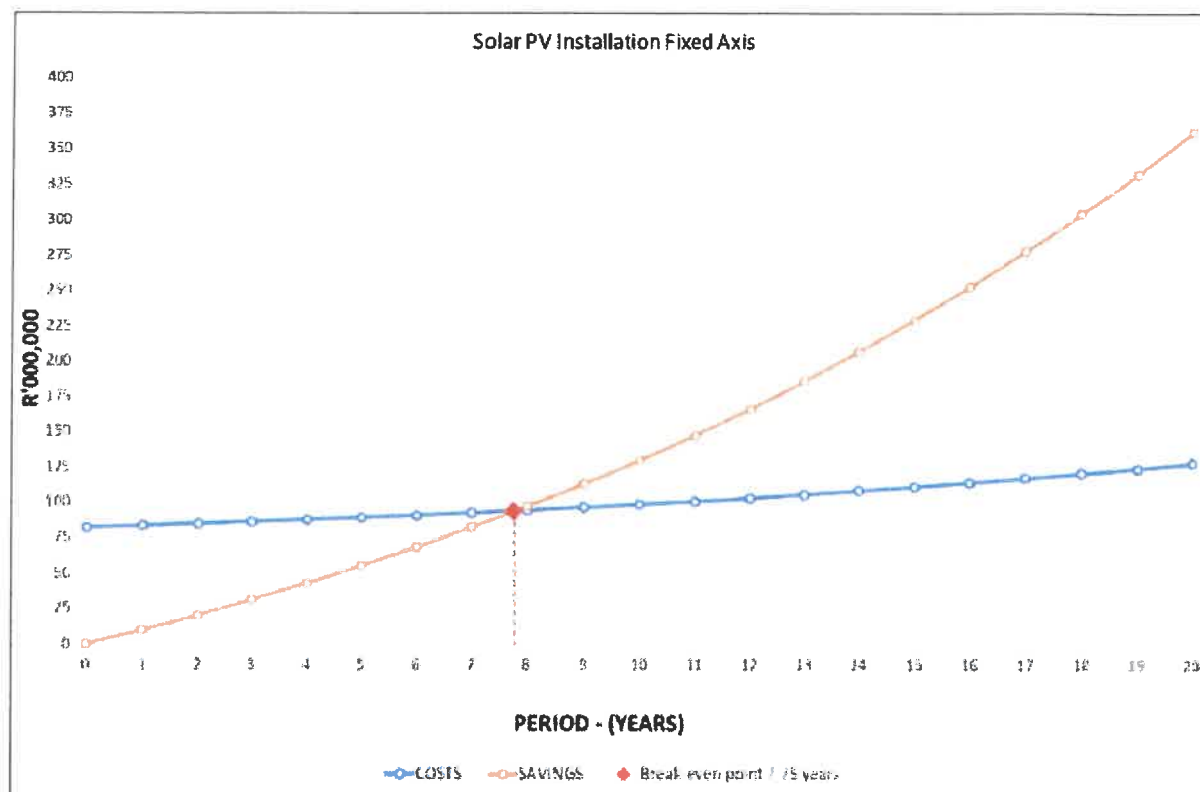


Figure 10: High level 5MWp Solar PV case study for Robertson: financial results

5. Technical considerations

5.1 Feed-in points

The feed-in points to the Municipal network will be determined by the capacity on each of the feeders at or near the specific Eskom point of supply (POS.) The higher voltage POS's will inevitably have more capacity. The Maximum demand at each of the POS's might also have an impact on the size of the alternative energy capacity that can be connected at that point.

132kV (McGregor): While 132kV will have the highest possible feed-in capacity, the maximum demand at McGregor will limit the alternative energy to approx. 2.5MW

66kV (Robertson, Noree): The 66kV feed-in capacity is approx. 34MW (Raccoon conductor)

11kV (Ashton, Bonnievale, Montagu): The 11kV feed-in capacity is limited by the largest 11kV feeder which is in the order of 6MW (Hare conductor)

5.2 Base generation capacity

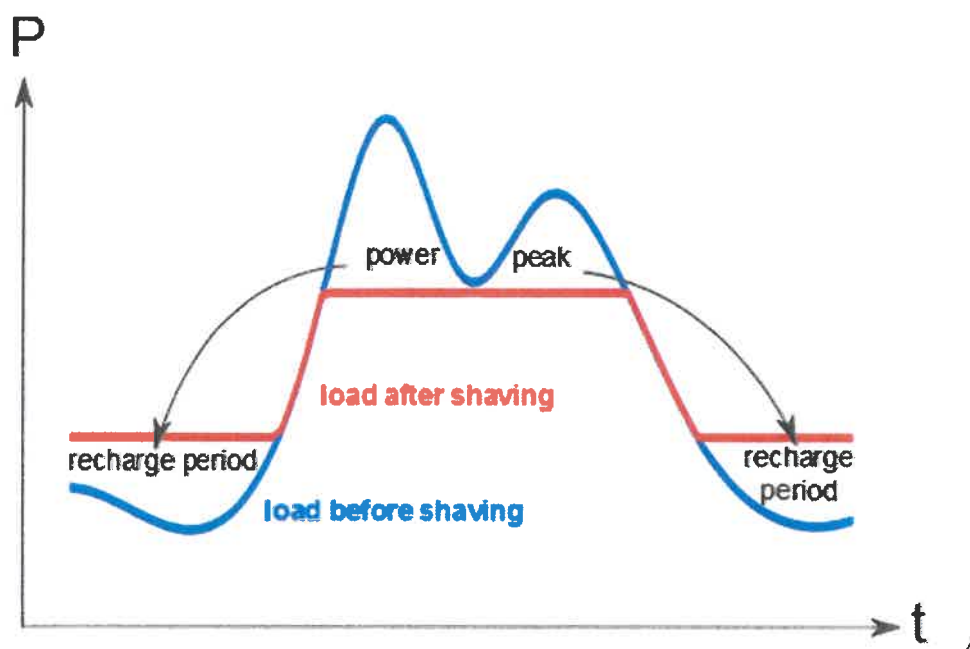
It should be noted that the dispatchability of alternative generation capacity plays an important role in the base generation capacity which is equivalent to Eskom's Notified Maximum Demand (NMD.)

Dispatchability refers to the availability of the capacity at any given time. This means that i.e. Solar PV can only be dispatched when the sun shines and it will therefore not contribute to base generation capacity or NMD.

Solar PV with storage becomes more dispatchable to a certain extent, but it is still not 100% dispatchable because there could be days when there is insufficient sun or Eskom capacity to charge the batteries.

5.3 Peak shaving

Another method of "saving" on notified maximum demand (NMD) is to employ storage to shave the peaks off the load profile. This is done by charging the batteries in lower demand timeslots and using the batteries in the peak demand, effectively lowering the NMD required from Eskom.



A detailed load analysis study should be done before considering this alternative. Any changes in demand / load profile would affect this system and there is a certain amount of risk involved. There are technical considerations that also come into play like for instance the useful life of the batteries, full cycle efficiency, type of technology to use (i.e. Li-Ion or Redox flow) etc.

5.4 Load shedding

The implementation of alternative energy could have an effect on load shedding or the particular stage (or level) of load shedding. It will be a complex calculation after a decision has been made on a specific technology and also in relation to the point of connection. Eskom would also have to be consulted in this regard. It would be good to include this in the planning stages and possibly the evaluation of possible proposals (once received.)

⁴ https://www.sandia.gov/ess-ssl/EESAT/2013_papers/Peak_Shaving_Control_Method_for_Energy_Storage.pdf

5.5 Energy efficiency

It is also recommended the energy efficiency be investigated for the Langeberg Municipality, specifically regarding:

- Street – and area lighting
- Own consumption i.e. Municipal buildings, waste water treatment works and pump stations

There could be external funding available to fund these initiatives; it requires further investigation.

6. Expert Team required

To implement the procurement of any alternative energy, a team of experts / transaction advisors are required to guide the Municipality in its decision making.

It is anticipated that the team will consist of Technical -, Financial – , Environmental – and Legal experts to ensure the chosen system and the procurement thereof is in the best interest of the Municipality and supports our strategic goals.

The cost of this expert team would have to be considered as they will be an integral part of the success of the project.

The Western Cape Government, through the Municipal Energy Resilience (MER) project has identified candidate Municipalities in the Western Cape to participate in the pioneering projects. Of these candidate Municipalities, Drakenstein and Stellenbosch is in the process of going to market for potential bids. City of Cape Town's request for proposals (RFPs) have closed and evaluation is underway. Due to the complexity and volume of proposals, a multistep evaluation process is followed (technical evaluation is underway.) It could be beneficial to engage these Municipalities for lessons learned and guidance with regards to the expert team requirements.

7. Eskom

The 132 & 66kV Eskom network that supplies the Langeberg Municipality has reached its thermal limits.

The McGregor point of supply is on a separate 132kV network and Langeberg recently upgraded the supply from 2.7MVA to 3.7MVA.

7.1 NMD increase

Langeberg Municipality submitted a request for the last bit of capacity on the 66kV network from Eskom. A cost estimation letter (CEL) (estimation confidence of 65%) has been received from Eskom and we are awaiting the budget quotation (BQ). The additional capacity is for 1MVA in Montagu and 2MVA in Robertson. The CEL costing is as follows:

Description	Amount (Excl VAT)	Amount (Incl VAT)
Robertson		
Connection Charge Estimate	R 5 698 488.84	R 6 553 262.17
Already paid: Pre-project Investigation	R 26 052.17	R 29 960.00
Already paid: BQ fee	R 90 805.00	R 104 425.75
Security Dep:		R 2 709 000.00
Total Cost	R 5 581 631.67	R 9 127 876.42
Montagu		
Connection Charge Estimate	R 5 205 201.89	R 5 985 982.17
Already paid: Pre-project Investigation	R 16 765.22	R 19 280.00
Already paid: BQ fee	R 90 805.00	R 104 425.75
Security Dep:	R 1 193 913.04	R 1 373 000.00
Early Term:		R 473 800.00
Total Cost	R 6 291 544.71	R 7 709 076.42

R 16 836 952.84

Table 1: Cost to increase NMD in Robertson and Montagu

Eskom is still processing and preparing the budget quotation. We expect to receive the budget quotation in October 2022.

7.2 Eskom network upgrade

The following feedback was received from Eskom regarding the upgrading of Eskom's network to increase the capacity to the Langeberg Municipality:

"The budget for the servitude and EIA for the new Bacchus-Klipdrif 132k line is currently included in the 5-year plan. Eskom is however aiming to get the remaining jobs of the project, on the 6 to 10-year plan. This will however be dependent on budget availability at the time."

Previous cost estimates were around R200m, but this is unconfirmed, especially since it is in Eskom's medium to long term planning.

8. Tariffs

The market trend and specifically Eskom is moving toward a tariff structure that is more representative of the consumer trend to consume less energy while still requiring the base generation (maximum demand) from the Municipality. This requires a tariff that have a fixed cost portion that is representative of the cost to Municipality to maintain the infrastructure and capacity and a lower focus on energy (kWh) charges.

One way to look at this would be to take the load factor of a client into consideration. The load factor is the ratio at which the electrical connection is utilized. It is calculated by dividing the energy consumed by the total energy that could've been consumed if the connection was used at 100% of the available capacity. As an example, for a 50kVA notified maximum demand, if the energy was consumed at the full capacity of the connection it would be 50kW for 24 hours for 30 days = 36 000kWh. The actual measured consumption might be 18 000kWh meaning that the load

factor is 50%. If the load factor is below a pre-defined threshold, the fixed cost charges will be proportionally higher because less energy would've been sold.

It would be recommended that specialists / Consultants assist with the development / revision of these tariffs. NERSA requires that any new tariffs / changes to existing tariffs should be based on a Cost of Supply study. This would also have to be outsourced to specialists / consultants and could be included in the scope of the tariff review.

9. Wheeling

What is electricity wheeling? Wheeling is the act of transporting electricity / energy / electrons from a generator to a remotely located end-user(s) through the use of an existing distribution or transmission system. This may also be across multiple different distribution networks, such as through Eskom to a municipality⁵.

As an example, George Municipality has established a wheeling policy and tariff and has a few pilot projects running. Langeberg could probably leverage on what was already done here to assist with local implementation.

Wheeling can be seen as a revenue stream for the Municipality where Generators (customers) with surplus energy sell to off takers (customers) and the Municipality charge a wheeling tariff for the use of the network. It comes down to the same principle as the Municipality buying from Eskom, adding a markup and selling to its customers; we're effectively cutting out the buying and selling portion, and only receiving the "mark-up" or wheeling.

It is imperative that the Langeberg Municipality implement wheeling as soon as possible.

10. Estimated Timelines

10.1 Eskom

Eskom has indicated that the capacity upgrade required to increase the Langeberg NMD is in the planning for the next 5 – 10 years.

Also, Eskom has started the Environmental Impact Assessment of a new Battery Energy Storage System in Ashton. The timeline for - and the impact of this project is not yet clear.

10.2 Alternative Generation

The following high-level program illustrates the typical expected timeline for implementation of alternative generation.

⁵ <https://www.westerncape.gov.za/110green/energy/wheeling>

Activity / Description	2022 2 nd half	2023 1 st half	2023 2 nd half	2024 1 st half	2024 2 nd half	2025 1 st half	2025 2 nd half	2026 1 st half	2026 2 nd half
Report to Council									
Budget									
Procure experts									
RFP									
Evaluation									
Council Approval									
PPA signed									
IPP financial close									
IPP Construction									
IPP Generate Energy									

11. Conclusion

Langeberg Municipality has a suitable load profile to consider Solar PV as an alternative source of energy.

There are various sources of Renewable Energy available. MFMA Circular No 118 should be noted and incorporated into Municipality's strategy to procure alternative energy.

Renewable alternative energy will not contribute / assist significantly with the demand capacity shortage from Eskom. Alternatives like peak shaving might have to be considered.

The upgrading of the Eskom network to allow additional capacity (maximum demand / base generation capacity) into the Langeberg electrical network will be required to ensure secure and dispatchable electrical capacity that is required for economic development. The timeline for the upgrade is between 5 and 10 years.

The Langeberg electrical tariffs will have to be revised, based on a cost of supply study and the alternative energy mix (from procuring in bulk and from smaller consumers, also called prosumers.)

Wheeling need to implemented as soon as possible as an alternative supply of revenue and to remain relevant in the current market conditions and trends.

A team of experts, Transactional Advisors or TA's, will be required to assist the Municipality through the process of procuring alternative energy. It is recommended that the TA's facilitate the process of going to market (request for proposal.)

12. RECOMMENDATION

1. That Council note the status quo report.
2. That Council consider in future budgets for the estimated amount of R 16 836 952 (excluding VAT) payable to Eskom for the upgrading of the Notified Maximum Demand for Robertson and Montagu with two and one MVA respectively.
3. That consideration be given to the possible appointment of a team of experts (Transactional Advisors) to assist the municipality in the process of procuring alternative energy.

This item served before the Engineering Services Portfolio Committee on 11 October 2022
Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 11 Oktober 2022
Aanbeveling / Recommendation

1. That Council note the status quo report.
2. That Council consider in future budgets for the estimated amount of R 16 836 952 (excluding VAT) payable to Eskom for the upgrading of the Notified Maximum Demand for Robertson and Montagu with two and one MVA respectively.
3. That consideration be given to the possible appointment of a team of experts (Transactional Advisors) to assist the municipality in the process of procuring alternative energy.

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022
Aanbeveling / Recommendation

1. That Council note the status quo report.
2. That Council consider in future budgets for the estimated amount of R 16 836 952 (excluding VAT) payable to Eskom for the upgrading of the Notified Maximum Demand for Robertson and Montagu with two and one MVA respectively.
3. That consideration be given to the possible appointment of a team of experts (Transactional Advisors) to assist the municipality in the process of procuring alternative energy.

SAREL VAN DER WESTHUIZEN FAMILY TRUST: APPLICATION TO PURCHASE ERF 1362 (A PORTION OF ERF 330) PORTION IN PINK (247M²) & PORTION IN BLUE (753M²) MCGREGOR (7/2/3/2)
(DIRECTORATE: CORPORATE SERVICES)

Purpose of report

To submit a report to the Mayoral Committee for consideration regarding an application received from Mr S van der Westhuizen on behalf of the Sarel van der Westhuizen Family Trust.

Background

The following letter was received from Mr S vd Westhuizen:

"I herewith would like to apply to purchase Erf 1362 (a portion of Erf 330) McGregor 247 square meters marked in pink, and 753 meters marked in blue as indicated as per the attached plan.

I would like to consolidate the two erven into one erf. The section indicated lies right at the back of the property up against a hill which is very rocky. Our main house back section borders on this small piece of land and will then form part of Green Gables. Green Gables Country Inn is one of the oldest establishments in McGregor, the property dates back to the early 1900's and three of the buildings are national monuments. The property was acquired in 2017 and a substantial amount has been invested in the renovation and upgrading of the property which was quite neglected.

The accommodation has been increased from 2 rooms to 5 - all en suite, as well as a new pool and terrace was built for the guests. Future plans include restoration of the OLD MILL which is an attraction for visitors to McGregor.

Please contact me should you have any queries."

A location map was attached.

The following comments were received:

Comments: Director: Engineering Services

The application is supported subject to all statutory land use requirements including but not limited to rezoning, consolidation, subdivision etc

Comments: Director: Community Services

The property be sold by way of public tender.

Comments: Director: Strategy & Social Development

Sale of any Municipal property should be done via public open process

Comments: Chief Financial Officer

In terms of section 14 of the MFMA. Disposal of capital assets.—(1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and has

considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

Should council decide to sell the property, this should be done via open market tender

Comments: Cllr Oostendorff-Kraukamp

I have no objections against the application

Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr S van der Westhuizen on behalf of the Sarel van der Westhuizen Family Trust to purchase erf 1362 (a portion of erf 330) portion in pink (247m²) & portion in blue (753m²), McGregor not be approved.
3. That erf 1362 (a portion of erf 330) portion in pink (247m²) & portion in blue (753m²), McGregor be alienated by way of public tender subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

NOTE: The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 11 October 2022 (pg. 43)

This item served before the Corporate Services Portfolio Committee on 11 October 2022

Die item het voor die Korporatiewe Dienste Portefeulje Komitee gedien op 11 Oktober 2022

Recommendation / Aanbeveling

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr S van der Westhuizen on behalf of the Sarel van der Westhuizen Family Trust to purchase erf 1362 (a portion of erf 330) portion in pink (247m²) & portion in blue (753m²), McGregor not be approved.
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- 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.
- 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
- 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022

Aanbeveling / Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Mr S van der Westhuizen on behalf of the Sarel van der Westhuizen Family Trust to purchase erf 1362 (a portion of erf 330) portion in pink (247m²) & portion in blue (753m²), McGregor not be approved.
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 - 3.5 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.6 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

APPLICATION TO PURCHASE ERF 6906, MONTAGU (7/2/3/1/4) (DIRECTORATE: CORPORATE SERVICES)

Purpose of report

To submit a report to the Mayoral Committee for consideration regarding an application received from Van Zyl & Hofmeyer on behalf of Mr M Alas.

Background

The following letter was received from Van Zyl & Hofmeyer:

"We act on behalf of Mr Mohamud Alas.

Our client is interested in purchasing erf 6906, Montagu situated Mandela Square, Montagu. The property is currently as a public open space according to the general plan.

Please

A location map is attached, advise whether the municipality will be agreeable sell the property by public tender, thereby affording our client the opportunity to purchase the property. Our client intends using the property for business purposes.

We wait to hear from you in due course."

The following comments were received:

Comments: Chief Financial Officer

The application is not supported as this erf is zoned public open space. The Town Planning Dept is also finalising the closure of a portion of this erf as a dwelling was wrongfully build on this erf as part of a housing project

Director Engineering Services

Water and sewer are available to the abovementioned property. A new sewer pipeline of approximately 15m must be constructed in order for this property to connect to the existing sewer system. The Civil Engineering Department do not have an objection to the above purchase application on condition that the purchaser will be responsible for the cost of the water and sewer connection as well as the extension of the sewer pipeline.

Erf is zoned as public open space. The Town Planning Department is also finalising the closure of a portion of this erf as a dwelling was wrongfully build on this erf as part of a housing project.

The application is therefore not supported.

Comments: Director: Community Services

Property be sold via public tender.

Comments: Director: Strategy & Social Development

If the Municipality has no use for property it should preferably be sold via open public tender

Comments: Cllr Pokwas

Aansoek goed gekeur

Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Van Zyl & Hofmeyer on behalf of Mr M Alas to purchase erf 6906, Montagu not be approved.
3. That a land surveyor be appointed to determine the size of the erf that is available for alienation and once that process has been finalized, that portion of erf 6906, Montagu be alienated by way of public tender subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the buyer be responsible for the cost of the water and sewer connection as well as the extension of a new sewer pipeline of approximately 15m to the existing sewer system.
 - 3.5 That the erf only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.6 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.7 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

NOTE: The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 11 October 2022 (pg. 46)

This item served before the Corporate Services Portfolio Committee on 11 October 2022

Die item het voor die Korporatiewe Dienste Portefeulje Komitee gediens op 11 Oktober 2022

Recommendation / Aanbeveling

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Van Zyl & Hofmeyer on behalf of Mr M Alas to purchase erf 6906, Montagu not be approved.
3. That a land surveyor be appointed to determine the size of the erf that is available for alienation and once that process has been finalized, that portion of erf 6906, Montagu be alienated by way of public tender subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.

- 3.4 That the buyer be responsible for the cost of the water and sewer connection as well as the extension of a new sewer pipeline of approximately 15m to the existing sewer system.
- 3.5 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
- 3.6 That the buyer be responsible for all costs regarding the property in his/ her name.
- 3.7 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
- 3.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022

Aanbeveling / Recommendation

1. That it be confirmed that the portion of land is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from Van Zyl & Hofmeyer on behalf of Mr M Alas to purchase erf 6906, Montagu not be approved.
3. That a land surveyor be appointed to determine the size of the erf that is available for alienation and once that process has been finalized, that portion of erf 6906, Montagu be alienated by way of public tender subject to the following conditions:
 - 3.1 That the erf be alienated at a market related price.
 - 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
 - 3.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.
 - 3.4 That the buyer be responsible for the cost of the water and sewer connection as well as the extension of a new sewer pipeline of approximately 15m to the existing sewer system.
 - 3.5 That the erven only be utilized for the purposes as prescribed in the applicable town- planning scheme.
 - 3.6 That the buyer be responsible for all costs regarding the property in his/ her name.
 - 3.7 That the buyer be responsible for all Town Planning cost involved which may include rezoning, subdivision, consolidation, surveying, registration of servitudes where applicable
 - 3.8 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

ALTERNATIVE ELECTRICAL GENERATION: (MANAGER ELECTRICAL ENGINEERING SERVICES)

Purpose of report

To submit to Council the proposed new Requirements for Alternative Electrical Generation, the proposed new Application form and updated Contract / Agreement for consideration and approval.

Background

Council approved Guidelines for Small Scale Embedded Generation in Feb 2018 (A3564)

Since then, there has been various developments and advancements in the Alternative Energy (AE) industry and technology. Government supports AE initiatives and there has been a steady increase in the uptake of AE in the Country and specifically also in the Langeberg Municipality. The current energy crisis and persistent load shedding are amongst the drivers for the AE uptake.

The evolving AE industry and technology created the need for Langeberg Municipality to revise the existing guidelines and introduce new requirements for Alternative Electrical Generation.

Requirements

The proposed new requirements are aligned with SALGA guidelines as well as requirements / trends from other Municipalities in the Western Cape.

A major change from the previous guidelines to the new Requirements is the allowed / authorized capacity of the Alternative Energy (AE) system. Previously this was limited to 40% of the size of the connection for dedicated supplies and 25% for shared supplies (a dedicated supply is dedicated to only 1 customer while a shared supply is shared by other customers.) This inherently limited the feed-in capacity of the customer.

The proposed new requirements make provision for the customer to install an AE system of up to 100% of the size of their connection while limiting the feed-in capacity to 40% for dedicated and 25% for shared feeders. All customers are still required to remain a net consumer of energy over a 12-month rolling period. For hybrid systems where Batteries could be charged from the Municipal network, the charging capacity is also limited to 40% and 25% respectively.

The other requirements are aligned with National standards and Regulations pertaining to Alternative Electrical Generation and Electricity wiring.

The new requirements were attached as Annexure A.

Application form

Previously there were 2 different AE forms to complete which cause confusion as to when to complete which form. This has been replaced by only 1 form which covers the functionality of both of the previous forms and it is also more user-friendly.

The new Application form was attached as Annexure B.

Contract / Agreement

The contract for the connection and operation of Alternative Electrical Generation that governs the relationship between the Municipality and the consumer has been updated. This Contract should be signed by all customers that connect their AE system to the Municipal Electrical network.

The updated Contract was attached as Annexure C.

Recommendation

1. That Council approve the new Requirements for Alternative Electrical Generation.
2. That Council approve the proposed new Application form.
3. That Council approve the updated Agreement to connect AE to the Municipal Electrical network.

NOTE: The annexure was distributed as part of the agenda for the Engineering Services Portfolio Committee meeting of 11 October 2022 (pg. 70 – 122)

This item served before the Engineering Services Portfolio Committee on 11 October 2022
Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 11 Oktober 2022
Aanbeveling / Recommendation

1. That Council approve the new Requirements for Alternative Electrical Generation.
2. That Council approve the proposed new Application form.
3. That Council approve the updated Agreement to connect AE to the Municipal Electrical network.

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022
Aanbeveling / Recommendation

1. That Council approve the new Requirements for Alternative Electrical Generation.
2. That Council approve the proposed new Application form.
3. That Council approve the updated Agreement to connect AE to the Municipal Electrical network.

MOTION CLLR J JANUARIE- APPLICATION TO TRANSFER ERF 2469 AND 2493 PANORAMA ROBERTSON TO LANGEBERG MUNICIPALITY FROM WESTERN CAPE GOVERNMENT TITLE DEED HOLDERS (17/5/2) (DIRECTORATE: COMMUNITY SERVICES)

Purpose of report

To submit a report to Council for consideration of above-mentioned matter.

Background

The housing department received a motion application on the above matter. The motion recommended the following.

1. The housing department should establish occupancy.
 2. Application to transfer properties to the Langeberg Municipality.
 3. Langeberg Municipality to appoint a surveyor for subdivision
 4. Application be made for government subsidies to transfer units to current occupants.
-
1. The establishment of occupancy – Following an investigation we came across a Memo dated 21 August 2003 (Attached hereto) where Cape Nature informed tenants of the following:
 - a) That houses have been handed over to the Department Public Works
 - b) All houses have been surveyed and subdivided
 - c) The Department are completing valuation of each property with the view of selling or transferring units to the current occupants
 - d) Cape Nature has informed the department of all current occupants. Occupants should further take note that only tenants whose accounts are up to date will be considered for ownership.
 - e) Should your office be interested in the transfer of the houses to Langeberg Municipality, you may liaise further with planning and acquisition.

This memo was forwarded to the department and their response was as follow (Attached hereto).

- (a) The undertaking of transfer of the houses, was made by Cape Nature and not this Department;
 - (b) This Department is compelled in terms of prescribed legislation to dispose of all provincial immovable assets, in the open market, at the market related rental as determined by an Independent Registered Valuer; and
 - (c) This office does not have any policy in place to dispose of these houses directly to the current occupants. Based on the afore-mentioned, this office embarked on a process to conclude Lease Agreements with all the current occupants. To date only three (3) of the current occupants have signed Lease Agreements with this Department.
-
2. Application to transfer properties – Currently the Department of public works are the owners of these units. Based on their reply as stated above they are not in a position to transfer units due to legislative and policy constraints however referred the municipality to their planning and acquisition department. Further it was found that there was no survey of subdivision process concluded as indicated in the 2003 memo. Furthermore, out of the 26 units only 3 households have lease agreements and most of the occupants has been residing there for more than 20 years.
 3. Langeberg Municipality to appoint a surveyor for subdivision – Langeberg municipality is not in a position to appoint a land surveyor as it is not a municipal asset and there is available budget for this request. Therefore, this request should be directed to the department of Public Works.
 4. Application be made for government subsidies to transfer units to current occupants – This request can only be made possible should the Department of Public Works take a principle decision to give ownership to the current tenants. This decision from the department should be done taking all issues mention into account.

Comments

Based on the above information we want council to take cognizance of the following.

1. The mentioned properties belong to the Department Public Works therefore Langeberg Municipality can't commit to any of the recommendations listed as it is not municipal assets.
2. Occupants has resided in these properties for more than 20 years and only 3 households have lease agreements this poses a great financial risk to council as occupants are unwilling to take up the responsibility.
3. There are no subsidy that we can apply for to ensure transfers and subdivisions consequently council will tae all financial responsibilities.

Documentation that was attached to this report

- Memo (21 August 2003)
- List of occupants
- Motion of Cllr J Januarie
- Email from the Department Public Works

Recommendation

1. The Housing Department to submit an application that is endorsed by council to the Department of Public Works to transfer units directly to the current occupants.
2. That the Department of Public Works bare the cost of the survey, subdivision and transfer should they approve our application.
3. That the Housing Department assist the Department with the facilitation process.

NOTE: The annexure was distributed as part of the addendum for the Community Services Portfolio Committee meeting of 11 October 2022 (pg. 04 – 07)

This item served before a Community Services Portfolio Committee on 11 October 2022

Hierdie verslag het voor die Gemeenskapsdienste Portefeulje Komitee gedien op 11 Oktober 2022

Aanbeveling / Recommendation

1. The Housing Department to submit an application that is endorsed by council to the Department of Public Works to transfer units directly to the current occupants.
2. That the Department of Public Works bare the cost of the survey, subdivision and transfer should they approve our application.
3. That the Housing Department assist the Department with the facilitation process.

This item served before the Executive Mayoral Committee on 19 October 2022

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 19 Oktober 2022

Aanbeveling / Recommendation

1. The Housing Department to submit an application that is endorsed by council to the Department of Public Works to transfer units directly to the current occupants.
2. That the Department of Public Works bare the cost of the survey, subdivision and transfer should they approve our application.
3. That the Housing Department assist the Department with the facilitation process.

**QUARTERLY REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY:
JULY 2022 TO SEPTEMBER 2022 (DIRECTOR: FINANCIAL SERVICES (CFO))**

Purpose of the report

To submit a report to the Executive Mayor for consideration regarding the implementation of the Langeberg Municipality's Supply Chain Management Policy for the first quarter of 2022/2023 financial year (01 July 2022 – 30 September 2022).

Background

Section 4 of the SCM Policy states as follows:

That Council must maintain oversight over the implementation of the Supply Chain Management Policy.
For the purpose of such oversight, the Accounting Officer must: -

- (a) **within 10 days after the end of each quarter, submit a report on the implementation of the Policy to the Executive Mayor;**
- (b) within 30 days after the end of the financial year, submit a report on the implementation of the Policy to the Council;
- (c) whenever there are serious and material problems in the implementation of the Policy, immediately submit a report to the Executive Mayor; and
- (d) make public the reports on the Policy in accordance with section 21A of the Systems Act.

1. Adoption of Policy

The SCM Policy was adopted by Council on 31 May 2022 for implementation in the 2022 / 2023 financial year.

2. Delegation

The following delegations were approved by the Municipal Manager and implemented:

- Delegations to do electronic transfers
- Delegations to sign cheques
- Delegations to sign purchase orders
- Delegations to approve requisitions

3. Sub-delegation

- (1) The Accounting Officer may in terms of section 79 of the MFMA sub-delegate any supply chain management powers and duties, including those delegated to the Accounting Officer in terms of this policy, but any such sub-delegation must be consistent with legislation, this policy and subparagraph (2) of this paragraph.
- (2) The power to make a final award with a transaction value: -
 - (a) above R 10 000 000 may not be sub-delegated;
 - (b) of R 200 000, but not exceeding R 10 000 000, may be sub-delegated but only to a bid adjudication committee of which the chief financial officer is the chairperson and at least 3 (three) senior managers are members and present at the consideration and all are in favour of the award; and
 - (c) up to R 200 000 may be sub-delegated to an official.
- (3) This paragraph may not be interpreted as permitting an official to whom the power to make final awards has been sub-delegated to make a final award in a competitive bidding process, otherwise than through the committee system provided for in paragraph 8 of the policy.

4. Supply Chain Management Unit (SCM Unit)

The SCM Unit operates under the Finance Directorate, and the Manager: SCM reports directly to the Chief Financial Officer.

5. Range of Procurement processes

- (1) The procurement of goods and services will be procured as follows: -
- (a) petty cash purchases up to a transaction value of R 100. The Chief Financial Officer or senior manager can approve petty cash purchases up to an amount of R 500 per transaction in exceptional cases;
 - (b) a documented verbal quotation for purchases below R 2 000 which are not petty cash purchases;
 - (c) 3 (three) formal written quotations where the transaction value is between R 2 000 to R 200 000;
 - (d) a competitive bidding process is required for: -
 - (i) procurement for transactions above a value of R 200 000; and
 - (ii) the procurement of long-term contracts.
- (2) The Accounting Officer may in writing lower, but not increase, the threshold values specified in (1) above.
- (3) Goods or services may not be split into parts or items of a lesser value to avoid complying with the requirements of this Policy.
- (4) When determining transaction values, the procurement of goods or services consisting of different parts or items must be treated and dealt with as a single transaction.

6. Bid Documents

The bid documents as prescribed by National Treasury include the *General Conditions of Contract*.

7. Bid Committee Structures

The following committees have been established:

- (i) A Bid Specification Committee
- (ii) A Bid Evaluation Committee
- (iii) A Bid Adjudication Committee

COMPOSITION OF COMMITTEES

- (i) **Bid Specification Committee** - The Accounting Officer appoints members to the Bid Specification Committee for each tender.

<u>NAMES</u>	<u>DEPARTMENT / SECTION</u>
Ms. C.O. Matthys	Director: Strategy & Social Development (Chairperson)
Ms. C. Coetzee	Practitioner: Supply Chain Management
Ms L.J Jass-Holmes	Practitioner: Supply Chain Management
User department	User department responsible for the function involved
When appropriate	External Specialist Advisor

The following table details the number of Bid Specification Committee meetings held for the quarter under review:

Bid Specification Committee	No. of Meetings	No. of Items	No. of Agendas
July 2022 - September 2022	8	26	8

(ii) **Bid Evaluation Committee** - The following members have been appointed by the Accounting Officer:

<u>NAMES</u>	<u>DEPARTMENT / SECTION</u>
Mr. T.H Carstens	Manager: Human Resources (Chairperson)
Mr. Z Qhanqisa	Manager: Income Services
Ms. L Deutchen	Practitioner: Supply Chain Management
Secundi	
Mr Corné Franken	Manager: Expenditure services

The following table details the number of Bid Evaluation Committee meetings held for the quarter under review.

Bid Evaluation Committee	No. of Meetings	No. of Items	No. of Agendas
July 2022 - September 2022	8	21	8

(iii) **Bid Adjudication Committee** – The following members have been appointed by the Accounting:

<u>NAMES</u>	<u>DEPARTMENT / SECTION</u>
Mr. M. Shude	Chief Financial Officer (Chairperson)
Mr. A.W.J. Everson	Director: Corporate Services
Ms. C.O. Matthys	Director: Strategy & Social Development
Mr. M. Mgajo	Director: Community Services
Mr. M Johnson	Director: Engineering Services
Mr. S. Ngcongolo	Manager: Supply Chain Management
Secundi	
Mrs L. Jass-Holmes	Practitioner: Supply Chain Management

The following table details the number of Bid Adjudication Committee meetings held for the quarter under review:

Bid Adjudication Committee	No. of Meetings	No. of Items	No. of Agendas
July 2022 - September 2022	8	21	8

8. Verbal price quotations

The procurement of goods or services by means of a verbal quotation referred to in paragraph 14(1)(b) is as follows:-

- a verbal quotation may only be obtained for a transaction of a value of not more than R 2 000 (two thousand rand);
- quotations must be obtained from at least one service provider preferably from, but not limited to, service providers whose names appear on the list of accredited service providers of the Municipality. If quotations are obtained from a service provider who is not listed, such service provider must supply the information as set out in paragraph 16 of this Policy; and
- if a quotation was obtained verbally, the order may only be placed after written confirmation of such quotation and the required information have been received from the service provider.

9. Formal written price quotations

The procurement of goods or services through formal written price quotations referred to in paragraph 14(1)(c) is as follows:-

- (a) quotations must be obtained in writing from the different providers whose names appear on the list of accredited service providers of the Municipality;
- (b) in the case of specialised plant, machinery and vehicles, quotations may be obtained from providers who are not listed, provided that such providers supply the information as set out in paragraph 16 of this Policy;
- (c) if it is not possible to obtain at least 3 quotations, the reasons must be recorded and approved by the Chief Financial Officer or an official(s) designated by the Chief Financial Officer. Documentary proof must be provided that quotations have been requested;
- (d) the official(s) referred in (c) above must within 3 days after the end of each month report to the Chief Financial Officer on any approvals given during that month by that official(s); and
- (e) the names of the service providers and their written quotations must be recorded.

10. Further Procedures: formal written quotations

In addition to paragraph 19, the following must also be taken into account regarding formal written price quotations:-

- (a) all transactions in excess of R 30 000 that are made by means of written quotations, must be advertised for at least 7 calendar days on the website and official notice board;
- (b) where the quotations have been invited via the notice board and website of the Municipality, no additional quotations need to be obtained should the number of responses be less than 3 quotations;
- (c) when using the list of accredited service providers, the Municipality must:-
 - (i) promote ongoing competition amongst the providers, including by inviting providers to submit quotations on a rotational basis;
 - (ii) promote the objectives of the Broad-Based Black Economic Empowerment Act;
 - (iii) apply the Preferential Procurement Policy Framework Act and any applicable regulations; and
 - (iv) promote the goals as identified by Council;
- (d) the Accounting Officer must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused;
- (e) the Accounting Officer must on a monthly basis be notified in writing of all formal written quotations accepted by an official acting in terms of a sub-delegation;
- (f) offers below R 30 000 must be awarded based on compliance to specifications and conditions of contract, ability and capability to deliver the goods and services and lowest price;
- (g) acceptable offers, which are subject to the preference points system (PPPFA and associated regulations), must be awarded to the bidder who scored the highest points;
- (h) a proper record must be kept of the received written quotations;
- (i) the goals of Council must be taken into account before offers/quotations are awarded; and
- (j) in the case of construction works, where required a site inspection may be conducted before the close of the quotation due date to ensure that providers understand the scope of the project and that they comply with the conditions and requirements.

11. Central Supplier Database

Langeberg Municipality is using service providers registered on the Central Supplier Database for all its procurement.

A4420

FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – SEPTEMBER 2022 (9/2/1/3) (CHIEF FINANCIAL OFFICER)

Purpose of report

To submit a report in terms of the Monthly Budget Statement of the Local Government: Municipal Finance Management Act, 2003 to Council for information.

Comments

The report, as submitted to the Executive Mayor, National Treasury and Provincial Treasury, **is attached to this report.**

Aanbeveling / Recommendation

That the content of the report be noted.

Dat kennis geneem word van die inhoud van die verslag.

REPORT FROM THE MAYORS OFFICE REGARDING HIS DISCRETIONARY FUND SPENDING FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022

Purpose of the report:

To submit to Council a report on spending from the Mayors discretionary fund in terms of his delegated authority for the period 1 July 2021 to 30 June 2022.

Background of the report:

The Mayor received funding from the budget to assist institutions or persons that applied for funding for certain events / sports related achievements / community projects. Each request for a contribution was evaluated on merit. Sports related achievements must comply with selection by an accredited sports body. The contribution in these cases are paid over to that accredited body and not the individual. Proof is also obtained from the school that the students attend. Any assistance is limited to residents of the Langeberg region.

Contributions made:

20 / 9 / 21: GB Batt Primary School – Rieldans Festival	R 5,000.00
21 / 10 / 21: Polanda Braaf – International Modeling / Talent Association	R 5,000.00
24 / 2 / 22: Age in Action – Overberg Sports Day	R 5,000.00
7 / 3 / 22: Cameron George – Boland U/12 indoor cricket	R 2,500.00
28 / 4 / 22: Zolani Youth Choir – Choral Festival	R 5,000.00
23 / 6 / 22: Gregory van der Bank – U/18 Boland Craven Rugby	R 1,500.00
23 / 6 / 22: Raywin Swanepoel – U/18 Boland Academy Rugby	R 1,500.00
23 / 6 / 22: Junaid Adendorff – U/13 Boland Academy Rugby	R 2,000.00
23 / 6 / 22: Zuan Marthinus– U/13 Boland Craven Rugby	R 2,000.00
23 / 6 / 22: Mia Mostert – SA Tug of War championships	R 2,000.00

Submitted for information

FEEDBACK TO COUNCIL: EXECUTION OF COUNCIL RESOLUTIONS: JULY – SEPTEMBER 2022 (3/2/1/3)
(ACTING MUNICIPAL MANAGER)

PURPOSE OF THE REPORT

To submit a report to Council on the quarterly execution of Council resolutions.

BACKGROUND

Feedback is given to Council about the progress with all decisions taken by Council over the period July to September 2022. See the attached annexures in this regard.

Recommendation / Aanbeveling

That the contents of the report be noted.

Dat kennis geneem word van die inhoud van die verslag.

(A4422)

EXECUTION OF COUNCIL RESOLUTIONS: JULY TO SEPTEMBER 2022**Statutory Council Meeting – 26 July 2022**

ITEM NR	ITEM	FINALIZATION	COMMENTS
A4359	2022 / 2023 PERFORMANCE AGREEMENTS FOR ALL DIRECTORS FOR (5/1/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)	CO MATTHYS	Approved by Council on 26 July 2022 – Stat Council Meeting The soft copy of the document has been distributed to the relevant government departments and placed on the municipal website.
A4360	EXPENDITURE OF THE 2021/2022 BUDGET MEASURED BY THE TOP LEVEL SDBIP FOR THE FOURTH QUARTER (5/1/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)	CO MATTHYS	Approved at Stat Council Meeting on 26 July 2022, sent to Provincial and National Departments and put on website on Tuesday, 26 July 2022.
A4361	FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – JUNE 2022 (9/2/1/3) (CHIEF FINANCIAL OFFICER)	M SHUDE	The soft copy of the document has been distributed to the relevant government departments and placed on the municipal website.

(A4422)

Mayoral Committee Meeting – 24 August 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
B5753	VODACOM ROBERTSON SOUTH BS 7911: RENEWAL FOR A PORTION OF ERF 1, MUSKRAALSKOP ROBERTSON (7/2/3/1/5) DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed of the decision. Once the conditions are accepted the lease agreement will be finalized.
B5754	RESUBMISSION: AFRICAN MISSION CHURCH: APPLICATION FOR WRITE-OFF OF OUTSTANDING BALANCE FOR THE PURCHASE OF ERF 254 AND LEASE OF ERF 254 NKUBELA, ROBERTSON FOR A 99 YEAR PERIOD FOR CHURCH PURPOSES (7/2/R) DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed of the decision.
B5755	LANGEBERG ASSOCIATED WINERIES: APPLICATION FOR THE LEASE AND OR PURCHASE FOR A PORTION OF ERF 2, (50HA), ROBERTSON (7/2/R) DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed of the decision.
B5756	ROBERTSON WYNMAKERY LANDBOU KOOPERATIEF BPK & ROODEZANDT RF (EDMS) BPK: RENEWAL OF LEASE AGREEMENT AND/OR PURCHASE & CLOSING OF KONSTIUSIE STREET FROM REITZ STREET TO HOOPSRIEVER, ROBERTSON (7/2/3/2/5: 17/3/1/6/3/5) (DIRECTOR: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed of the decision. Once the conditions are accepted the lease agreement will be finalized.
B5757	APPLICATION TO TRANSFER MUNICIPAL RDP HOUSE, ERF 4777, 21 OLIEU AVENUE MONTAGU FROM LANGEBERG MUNICIPALITY TO MINA SMIT AND MICHEAL SMIT (17/5/7/3/1) (SNR HOUSING CLERK: MONTAGU)	M BROWN	Completed

B5758	APPLICATION TO TRANSFER MUNICIPAL RDP HOUSE. ERF 5000, 44 BESEMBOS AVENUE MONTAGU FROM LANGEBERG MUNICIPALITY TO MONIQUE DESIREE AFRIKA AND ALICIA KAYLINE AFRIKA (17/5/73/1) (SNR HOUSING CLERK: MONTAGU)	M BROWN	Completed
B5759	APPLICATION TO ALLOCATE MUNICIPAL CONVENTIONAL SCHEME HOUSE: ERF 1723, BONNIEVALE FROM THE LATE SIENA LABAN TO LIA LABAN (17/5/6/1/1) (SENIOR HOUSING CLERK: BONNIEVALE)	M BROWN	Appeal pending
BB723	REPORTING ON LITIGATION – JUNE 2022 TO AUGUST 2022 (7/1/R + 7/2/R) (DIRECTOR CORPORATE SERVICES)	AWJ EVERSON	Noted

Special Council meeting: 25 August 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
A4379	RESUBMISSION OF THE 2023/2024 DRAFT BUDGET AND IDP TIME-SCHEDULE (5/1/1/1) (DIRECTOR STRATEGY AND SOCIAL DEVELOPMENT)	CO MATTHYS	Submitted and approved by Council on 25 Aug 2022. Placed on website and sent to AG, National and Provincial Departments on 25 Aug 2022.
A4387	ROLL-OVER FROM 2021/2022 FINANCIAL YEAR – ADJUSTMENTS BUDGET 2022 / 2023 – 25 AUGUST 2022 (DIRECTOR: FINANCIAL SERVICES - CFO)	M SHUDE	The soft copy of the document has been distributed to the relevant government departments and placed on the municipal website.

Council Meeting – 31 August 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
A4334	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – MARCH 2022 : DIRECTORATE COMMUNITY SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	M MGAJO	Completed
A4336	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2022 : DIRECTORATE COMMUNITY SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	M MGAJO	Completed
A4362	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – MAY 2022 : DIRECTORATE: CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	AWJ EVERSON	Noted
A4363	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – MAY 2022 : DIRECTORATE COMMUNITY SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	M MGAJO	Completed
A4365	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - MAY 2022 : DIRECTORATE FINANCIAL SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	M SHUDE	Noted
A4366	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – JUNE 2022 : DIRECTORATE: CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	AWJ EVERSON	Noted
A4367	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - JUNE 2022 : DIRECTORATE STRATEGY & SOCIAL DEVELOPMENT (9/2/1) (CHIEF FINANCIAL OFFICER)	CO MATTHYS	Noted

A4368	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – JUNE 2022 : DIRECTORATE COMMUNITY SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	M MGAJO	Completed
A4370	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - JUNE 2022 : OFFICE OF THE MUNICIPAL MANAGER (9/21) (CHIEF FINANCIAL OFFICER)	M MGAJO	Completed
A4371	AUDIT & PERFORMANCE COMMITTEE: SUBMISSION OF THE QUARTERLY REPORT FOR QUARTER 4 OF 2021 / 2022 (5/14/R) (CHIEF AUDIT EXECUTIVE)	A MATI	Report was submitted to Council for noting. No further action required.
A4372	FRAUD & RISK MANAGEMENT COMMITTEE – FRAUD & RISK MANAGEMENT COMMITTEE REPORT FOR QUARTER 4 – 2021 / 2022 (5/14/R) (CHIEF AUDIT EXECUTIVE)	A MATI	Report was submitted to Council for noting. No further action required.
A4373	REPORT TO COUNCIL ABOUT AWARDS MADE TO TOP ACHIEVERS OF 2021 FROM ALL SECONDARY SCHOOLS IN LANGEBERG MUNICIPAL AREA	SW VAN EEDEN	Approved
A4374	FEEDBACK TO COUNCIL: EXECUTION OF COUNCIL RESOLUTIONS: APRIL – JUNE 2022 (3/21/3) (ACTING MUNICIPAL MANAGER)	M MGAJO	Completed
A4375	PROGRESS REPORT ON JOB OPPORTUNITIES CREATED FOR THE PERIOD APRIL 2022 TO JUNE 2022 (9/21/9) DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	D VAN SCHALKWYK	Noted by Council on 31 Aug 2022 – 56 jobs created for period April – June 2022.
A4376	QUARTERLY REPORT: LOCAL ECONOMIC DEVELOPMENT: APRIL – JUNE 2022 (9/21/9), DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	D VAN SCHALKWYK	Noted by Council
A4377	HALF YEARLY PRESENTATIONS BY THE LOCAL TOURISM ASSOCIATIONS (12/23/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	D VAN SCHALKWYK	Noted, once financial statements approved by Internal Audit, 50% payment will be done.
A4378	NEW CAPE CENTRAL RAILWAY (NCCR) STEAM TRAINS – ROUTE BETWEEN WORCESTER AND ROBERTSON – ROBERTSON TOWN / WINERY ROUTE / STOP OVER (12/23/3) DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	D VAN SCHALKWYK	Supported by Council and referred to Ex Mayor's office to provide letter of support. Must be re-submitted to next Portfolio meeting.
A4380	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – JULY 2022 : DIRECTORATE: CORPORATE SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	AWJ EVERSON	Noted
A4382	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES - JULY 2022 : DIRECTORATE FINANCIAL SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	M SHUDE	Noted
A4383	RESUBMISSION TO PORTFOLIO COMMITTEE - RE AMOUNT OF REMAINING SPACE IN THE WHITE STREET CEMETERY COMPLEX AND CORRESPONDENCE RECEIVED FROM THE APOSTOLIC FAITH MISSION CHURCH ABOUT ROBERTSON CEMETERY ERF 2161. (ASST. MANAGER PARKS & AMENITIES)	M HUCKLESBY	Ongoing
A4384	IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT (SCM) POLICY FOR 2021 / 2022 FINANCIAL YEAR (DIRECTOR: FINANCIAL SERVICES (CFO)	M SHUDE	The soft copy of the document has been placed on the website.
A4385	STOCKTAKING 2021/22 FINANCIAL YEAR – OPERATING STORES (6/11/1) DIRECTOR FINANCIAL SERVICES	M SHUDE	The soft copy of the document has been placed on the website.
A4386	FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – JULY 2022 (9/21/3) (CHIEF FINANCIAL OFFICER)	M SHUDE	The soft copy of the document has been distributed to the relevant government departments and placed on the municipal website.

A4388	VISIT BY THE PHELOPHEPA HEALTH CARE TRAIN (12/21/30) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)	CO MATTHYS	Supported by Council – visit from 5 – 16 September 2022.
A4389	SUBMISSION OF THE VISION, MISSION AND STRATEGIC OBJECTIVES (5/11/1) (DIRECTOR STRATEGY AND SOCIAL DEVELOPMENT)	CO MATTHYS	Noted by Council and placed on website
A4390	REQUEST FROM LANGEBERG&ASHTON FOODS TO ASSIST IN THE PROCESS OF STABILIZING THE BUSINESS BY FREEZING INCREASES FOR THE FORTHCOMING YEAR (10/3/4) (DIRECTOR STRATEGY & SOCIAL DEVELOPMENT)	M SHUDE	Council considered to freeze or decrease some tariffs applicable to businesses during the drafting phase of the IDP and budget for 2023/24 financial year.
AA500	MOTION: THE DISCIPLINARY PROCESS AGAINST MR MAYNARD JOHNSON, DIRECTOR OF ENGINEERING SERVICES.	M MGAJO	Not completed

Mayoral Committee Meeting – 21 September 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
B5689	RESUBMISSION: APPLICATION TO PURCHASE A PORTION OF MUNICIPAL LAND (±70M²) ADJACENT TO ERF 980 ZOLANI, ASHTON (7/23/21) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	S ROSSOUW	Applicant has been informed that the application has not been approved.
B5690	RESUBMISSION: APPLICATION TO LEASE A PORTION OF ERF 276 (±200M²), ZOLANI ASHTON FOR A CAR WASH (7/23/11) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	S ROSSOUW	Applicant has been informed that the application has not been approved.
B5691	RESUBMISSION: APPLICATION TO LEASE A PORTION OF ERF 1127 (1600M²), ZOLANI ASHTON FOR A DRIVING SCHOOL (7/23/11) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	S ROSSOUW	Applicant has been informed that the application has not been approved.
B5742	RESUBMISSION: APPLICATION TO LEASE OF A PORTION OF ERF 278 (400M²) ZOLANI, ASHTON FOR PARKING PURPOSES (7/23/11) (DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed that the application has not been approved.
B5759	THE LANGEBERG DOULOS TRUST: APPLICATION FOR THE LEASE AND OR PURCHASE OF THE MUNICIPAL BUILDING SITUATED AT THE SEWERAGE WORKS, ROBERTSON (7/23/15: 7/23/25) DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed that the application has not been approved.
B5760	UNIQUE WHOLESALERS T/A JMAXXWHOLESALERS: APPLICATION TO PURCHASE A PORTION OF ERF 2, (±3000M²), ROBERTSON (7/23/25) (DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	Applicant has been informed that the application has not been approved.

Council Meeting – 27 September 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
A4337	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – APRIL 2022 : DIRECTORATE ENGINEERING SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	K BRAND	Approved
A4346	RESUBMISSION 2 - FEASIBILITY REPORT: FUTURE DEVELOPMENT OF PORTION OF ERF 2, ROBERTSON, ALSO KNOWN AS OVER-HET-ROODEZAND/BULLIDA GRONDE (DIRECTOR ENGINEERING SERVICES)	K BRAND	To be discussed at the SMT meeting on 14 October 2022

A4364	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – MAY 2022 : DIRECTORATE ENGINEERING SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	K BRAND	Approved
A4369	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – JUNE 2022 : DIRECTORATE ENGINEERING SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	K BRAND	Approved
A4381	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES – JULY 2022 : DIRECTORATE ENGINEERING SERVICES (9/21) (CHIEF FINANCIAL OFFICER)	K BRAND	Approved
A4391	EMPIRE TRUST PROPERTIES: APPLICATION TO PURCHASE A PORTION OF ERF 2, (3000m²), ROBERTSON (7/23/25) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	S ROSSOUW	The applicant has been informed of the decision. In process to finalize the tender.
A4392	APPLICATION TO PURCHASE ERF 5154, ROBERTSON FOR CRECHE PURPOSES (7/23/25) (DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	The applicant has been informed of the decision. In the process to appoint a land surveyor to do the surveying before erf can be offered on tender.
A4393	UMSIZA PLANNING: APPLICATION FOR REGISTRATION OF A SERVITUDE ON A REMAINDER OF REMAINDER OF ERF1, MONTAGU (PROPOSED 7M WIDE ROW SERVITUDE, ±85m²) TO ERF 1094, MONTAGU (7/2/R) (DIRECTORATE: CORPORATE SERVICES)	S ROSSOUW	The applicant has been informed of the decision. In process to compile tender.
A4394	CHRISTMAS EVENT 2022 (12/23/3) DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	CO MATTHYS	This item served before Council on 27 Sept 2022 – Montagu will be the host of Christmas Event for 2022 with a budget of R17 433. Organizing Committee established to organize the event.
A4395	SUBMISSION OF THE INVESTIGATION REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) ON SECTION 24G ADMINISTRATIVE FINE FOR BOEKENHOUTSKLOOF INFORMAL SETTLEMENT (5/14/R) (CHIEF AUDIT EXECUTIVE)	A MATI	Resolution completed. The contents of the Internal Audit Preliminary Investigation Report on Section 24G Administrative Fine for Boekenhoutskloof Informal Settlement in Bonnievale was used as a basis by MPAC to fulfil their responsibilities in terms of section 32 of the MFMA and the terms of reference. The irregular expenditure as identified was written off by the Municipal Council.
A4396	NAMIBIAN TOURISM EXPO 2022 (12/23/3) DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT	D VAN SCHALKWYK	Recommended that Ms Mareletta Munday from Montagu Local Tourism Association and the Deputy Mayor will attend the Expo from 3 to 5 November 2022.
A4397	RE-WRITE OF THE LANGEBERG LOCAL MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (LSDF) (DIRECTOR ENGINEERING SERVICES)	K BRAND	Second Project Steering Committee Meeting to be held on 21 October 2021
A4398	TEMPORALLY SUSPENSION OF IRRIGATION WATER ROBERTSON: (DIRECTOR ENGINEERING SERVICES)	K BRAND	Irrigation Water was suspended until 3 October 2022
A4399	FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – AUGUST 2022 (9/21/3) (CHIEF FINANCIAL OFFICER)	M SHUDE	The soft copy of the document has been distributed to the relevant government departments and placed on the municipal website.
A4400	KEY PERFORMANCE INDICATORS TO BE AMENDED – TOP LEVEL SDBIP (2022 / 2023) (DIRECTOR: STRATEGY & SOCIAL DEVELOPMENT)	CO MATTHYS	The Amended TL SDBIP 2022/2023 with Council Resolution A4400, served before Council on 27 September 2022 and was sent to the relevant provincial and national departments. Also uploaded on the municipal website.
A4401	MOTION FOR THE AGENDA OF THE COMING COUNCIL MEETING OF LANGEBERG MUNICIPALITY - MOTION OF NO CONFIDENCE	M MGAJO	Noted
A4402	APPOINTMENT OF ACTING MUNICIPAL MANAGER (2/5/1) (EXECUTIVE MAYOR)	M MGAJO	Noted

Special Council Meeting – 30 September 2022

ITEM NR	ITEM	FINALIZATION	COMMENTS
AA501	OUTCOME OF DISCIPLINARY HEARING OF MR M JOHNSON – DIRECTOR ENGINEERING SERVICES (P/L M JOHNSON) (DIRECTOR: CORPORATE SERVICES)	AWJ EVERSON	The resolution has been noted.
AA502	APPOINTMENT OF ACTING DIRECTOR: ENGINEERING SERVICES (2/5/1) (DIRECTOR: CORPORATE SERVICES)	AWJ EVERSON	The Acting Director was formally appointed.

PROVISION OF SPORTS FIELDS FREE OF CHARGE TO RANGERS ROBERTSON & MONTAGU RFC TEAMS (17/8/R) (DIRECTOR: COMMUNITY SERVICES)

PURPOSE

To submit a report to Council to consider providing sports fields in Montagu and Robertson for free to Rangers Robertson & Montagu RFC local rugby teams as a gesture of good will and encouragement for outstanding performance.

BACKGROUND

The Executive Mayor stated in the Mayoral Committee of 19 October 2022 that it came under his attention that two (2) rugby clubs, Robertson Rangers and Montagu RFC ended under the T12 of the series. There will be respectively three (3) and two (2) home games played that will be televised in November. Seeing that this is a huge honour for Langeberg region, he requested that the Mayoral Committee agrees that a report serve before the Council meeting of 24 October 2022 to consider the waiving of paying the fees for the usage of the various sport grounds. A meeting was held with Robertson Rangers in which it was said that the entrance fees will be distributed amongst the various clubs. In terms of the Policy for free usage, may free use only be approved if no entrance fees applicable.

The Mayoral Committee agrees that a report in this regard may be served before the Council meeting of 24 October 2022.

RECOMMENDATION

That Council approve the provision of free use of the sports fields only during home games towards Montagu and Rangers Robertson rugby clubs as a gesture of good will and encouragement for qualification for top 12 Boland rugby competition play – offs, subject to facility availability.

SLEGS VIR KENNISNAME • FOR INFORMATION ONLY

B & BB ITEMS

B5749	RESUBMISSION 2- APPLICATION TO TRANSFER HOUSE: PLOT 203, 06 SHILOWA STREET, NKQUBELA, ROBERTSON FROM LANGEBOEG MUNICIPALITY TO ESTATE LATE S MOSHOESHOE (17/5/8/2/1) (DIRECTORATE: COMMUNITY SERVICES)	122
B5761	SPRINGFIELD ESTATE: APPLICATION TO PURCHASE A PORTION OF PORTION 22 OVER HET ROODEZAND FARM NO. 112 (±92HA), ROBERTSON (7/2/3/2/5) (DIRECTORATE: CORPORATE SERVICES)	122
B5762	APPLICATION TO PURCHASE A REMAINDER OF ERF 428 (±4000M²) ASHTON (7/2/3/1/1) (DIRECTORATE: CORPORATE SERVICES)	122
B5763	APPLICATION TO PURCHASE A PORTION OF ERF 2, (±5000M²), ROBERTSON (7/2/3/2/5) (DIRECTORATE: CORPORATE SERVICES)	122
B5764	APPLICATION TO LEASE PORTIONS OF ERF 330, MCGREGOR FOR AGRICULTURE PURPOSES (7/2/3/1/3) (DIRECTORATE: CORPORATE SERVICES)	123
B5765	ROODEZANDT WINERY: RENEWAL OF LEASE AGREEMENT FOR A PIPELINE BRIDGE STRUCTURE ON MUNICIPAL LAND (24.2M) BETWEEN ERF 6910 AND ERF 2597, ROBERTSON (16/1/R) (DIRECTORATE: CORPORATE SERVICES)	123
B5766	HOUSE OF POWER MINISTRIES INTERNATIONAL: APPLICATION TO LEASE PORTIONS OF ERF 810 (263M² & 375M²) NKQUBELA, ROBERTSON FOR PARKING PURPOSES (7/1/4/1/5) (DIRECTORATE: CORPORATE SERVICES)	123
B5767	APPLICATION TO LEASE A SECTION OF OFFICE SPACE IN THE MUNICIPAL BUILDING SITUATED ON CORNER OF VOORTREKKER AND CHURCH STREET, MCGREGOR (7/1/4/1/3) (DIRECTORATE: CORPORATE SERVICES)	124

SLEGS VIR KENNISNAME • FOR INFORMATION ONLY

B & BB ITEMS

B5749 RESUBMISSION 2- APPLICATION TO TRANSFER HOUSE: PLOT 203, 06 SHILOWA STREET, NKQUBELA, ROBERTSON FROM LANGEBOEG MUNICIPALITY TO ESTATE LATE S MOSHOESHOE (17/5/8/2/1) (DIRECTORATE: COMMUNITY SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

For council to abide with the 2006 council decision who allocated these properties to the then occupants as the original beneficiaries did not honor the first agreement. Furthermore, there are approved building plans in Mrs. Moshoeshoe's name, indicating that she did not build illegally.

It is therefore recommended that the House situated at plot 203, 06 Shilowa Street, Nkqubela, Robertson be assigned to Estate late S Moshoeshoe under the following conditions:

- 1. That Executor of Estate late S Moshoeshoe enter into a Deed of Sale with the Municipality, where after registration of the property will take place in her name.*
- 2. That Estate late S Moshoeshoe be responsible for the payment of the transfer costs with respect to the registration of the property in her name*

That Estate of late S Moshoeshoe be responsible for arrear and current municipal accounts related to abovementioned erf number

B5761 SPRINGFIELD ESTATE: APPLICATION TO PURCHASE A PORTION OF PORTION 22 OVER HET ROODEZAND FARM NO. 112 (±92HA), ROBERTSON (7/2/3/2/5) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

That the application received from Ms M Mouton on behalf of Springfield Estate to purchase a portion of portion 22 Over Het Roodezand Farm No. 112 (±92ha), Robertson not be approved taking in consideration comments received from the Director: Engineering Services that the portion forms part of the Bullida grounds.

B5762 APPLICATION TO PURCHASE A REMAINDER OF ERF 428 (±4000M²) ASHTON (7/2/3/1/1) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

That the application received from Mr J Olivier to purchase a remainder of erf 428 (±4000m²) Ashton not be approved taking in consideration comments received from the Director: Engineering Services that the current zoning is: Open space 1(public open space) and that erf RE428 will have access to water but due to the topographic position of the erf, it will not be able to connect to the sewer network.

B5763 APPLICATION TO PURCHASE A PORTION OF ERF 2, (±5000M²), ROBERTSON (7/2/3/2/5) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

That the application received from Mr J Olivier to purchase a portion of erf 2, (±5000m²), Robertson not be approved taking in consideration comments received from the Director: Engineering Services that this portion was earmarked as a sub precinct (municipal precinct ...social services, recreation and infill) and that no spare bulk electrical capacity in Robertson is available that could be allocated to the stand for development.

B5764 APPLICATION TO LEASE PORTIONS OF ERF 330, MCGREGOR FOR AGRICULTURE PURPOSES (7/2/3/1/3) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

That the application received from Mr A. Booysen to lease portions of erf 330, McGregor for agriculture purposes not be approved taking in consideration comments received from the Manager: Town Planning that this area is identified as a Core 1 Spatial Planning Category, the objective of which is to maintain natural vegetation and ecological processes and the use of this area for livestock farming (grazing, fencing requirements etc.) is inconsistent with the Langeberg SDF, 2015.

B5765 ROODEZANDT WINERY: RENEWAL OF LEASE AGREEMENT FOR A PIPELINE BRIDGE STRUCTURE ON MUNICIPAL LAND (24.2M) BETWEEN ERF 6910 AND ERF 2597, ROBERTSON (16/1/R) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

1. That it be confirmed that the property is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application from Mr A Theron on behalf of Roodezandt Winery to renew their lease agreement for the pipeline bridge structure between erven 6910 and 2597, Robertson be approved in principle and the intention of the Municipality to lease the property for a period of 3 years be advertised for comments.
3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the property for a period of 3 years to Roodezandt Winery be proceeded with, subject to the following conditions:
 - 3.1 That the portion of land for the pipeline bridge structure between erven 6910 and 2597, Robertson be leased at a market related tariff. The rental amount will escalate annually with a percentage that will be determined by the yearly CPI-X.
 - 3.2 That the applicant must ensure that the new structure do not interfere with any overhead electrical services.
 - 3.3 That the Lessee be responsible for the maintenance of the portion of land.
 - 3.4 That the Municipality will have unrestricted access to the property.
 - 3.5 That in the event where the equipment needs to be removed for whatever reason, it be for the account of the applicant.

B5766 HOUSE OF POWER MINISTRIES INTERNATIONAL: APPLICATION TO LEASE PORTIONS OF ERF 810 (263M² & 375M²) NKQUBELA, ROBERTSON FOR PARKING PURPOSES (7/1/4/1/5) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

1. That it be confirmed that the portions of erf 810 (263m² & 375m²) Nkqubela, Robertson are not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application from Mr PP Paka on behalf of House of Power Ministries International to lease portions of erf 810 (263m² & 375m²) Nkqubela, Robertson not be approved and the intention of the Municipality to lease the property by public tender for a period of 3 years for parking purposes be advertised for comments.
3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the portions of erf 810 (263m² & 375m²) Nkqubela, Robertson per public tender for a period of 3 years for parking purposes be proceed with, subject to the following conditions:
 - 3.1 That the portions of erf 810 (263m² & 375m²) Nkqubela, Robertson be leased at a market related rental.
 - 3.2 That the rental amount escalates annually with a percentage that will be determined by the yearly CPIX. The Lessee is responsible for the pro-rata payment of the insurance of the land, which is calculated as a percentage of the municipal insurance portfolio.
 - 3.3 That no water, sewer or electrical services will be provided to the two portions of erven.
 - 3.4 That the portions of erf 810 (263m² & 375m²) Nkqubela, Robertson only be used for parking purposes and the proposed accessed to the properties must be clearly indicated and submitted for approval.
 - 3.5 That the entrances to the two portions must be from proclaimed streets and not form the electrical overhead line servitude.
 - 3.6 That the Lessee will be responsible for fencing and a plan must be provided for the construction of a fence for the portions (263m² & 375m²) situated on erf 810 Nkqubela for his own account.
 - 3.7 That no structures may be erected on the sites.
 - 3.8 That should it be necessary to upgrade, repair or install municipal services on the portion of land, the Municipality then has the right to do so without being liable for damages.

B5767 APPLICATION TO LEASE A SECTION OF OFFICE SPACE IN THE MUNICIPAL BUILDING SITUATED ON CORNER OF VOORTREKKER AND CHURCH STREET, MCGREGOR (7/1/4/1/3) (DIRECTORATE: CORPORATE SERVICES)

This item served before the Executive Mayoral Committee on 19 October 2022
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediën op 19 Oktober 2022
Eenparig Besluit / Unanimously Resolved

1. That it be confirmed that a section of office space in the municipal building situated on corner of Voortrekker and Church Street, McGregor is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application received from the Mr Steytler to lease a section of office space in the municipal building situated on corner of Voortrekker and Church Street, McGregor not be approved and the intention of the Municipality to lease the property by public

tender for a period of 3 years be advertised for comments.

3. That after the period for comments has lapsed and if no written views and/ or valid objections were received, the intention of the Municipality to lease the property be proceed with, subject to the following conditions:
 - 3.1 That the building be leased at a market related tariff. The rental amount will escalate annually with a percentage that will be determine by the yearly CPIX.
 - 3.2 That the Lessee is responsible for the payment of the insurance of the building which is calculated as a percentage of the municipal insurance portfolio.
 - 3.3 That the Lessee be responsible for the payment of all services rendered to the facility.
 - 3.4 That no alterations may be done to the building without the written consent of the Municipality.
 - 3.5 That the Lessee be responsible for the maintenance and repairs to the building and ensure that the premises are in a tidy, hygienic and litter free condition at all times.
 - 3.6 That no structures may be erected on the premises without the written approval of the Municipality.
 - 3.7 That no portion of the property be sublet.
 - 3.8 That provision be made in the lease agreement that the lease agreement can be terminated before the expiry date with three (3) months written notice to the other party.

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