



## REPORT

# INVESTIGATIVE INQUIRY INTO THE STATE OF SERVICE DELIVERY WITHIN MUNICIPALITIES IN MPUMALANGA, 2021



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# CHAPTER 1: INTRODUCTION AND BACKGROUND

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## 1. Introduction

The South African Human Rights Commission (the SAHRC or the Commission) is an independent state institution established in terms of section 181(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution). In terms of section 184(1)(a)-(c) of the Constitution, the Commission is mandated to promote respect for human rights and a culture of human rights; to promote the protection, development, and attainment of human rights; and to monitor and assess the observance of human rights in the Republic. The Commission's powers are further envisaged in section 184(2)-(4) of the Constitution which will be addressed in more detail below.

Over many years, the South African Human Rights Commission Mpumalanga Provincial Office has received an increasing number of complaints related to service delivery in the various municipalities within its jurisdiction. The high number of complaints points to a growing, systemic problem in the provision of basic services, and inadvertently, the protection of fundamental human rights.

The various complaints received reported allegations of failure by municipalities to provide water and housing, sewage spillages, sewage treatment challenges, electricity outages, non-collection of refuse, and dangerous potholes on the roads. It became evident from the complaints that the delivery of basic services remains a persistent challenge for communities residing in Mpumalanga. Many of the challenges have resulted in increased service delivery protests.

In the 2019/2020 audit report released by the Auditor General in July 2020, the Auditor General observed the deteriorating state of "accountability and financial management coupled with weakened oversight" at local government in the province. This points to a deteriorating state of governance and financial controls within local municipalities in Mpumalanga, which explains the inability of local municipalities to extricate themselves from the malaise they find themselves in.

The Commission conducted inspections in a number of municipalities where it was evident from complaints that there are serious challenges with respect to service delivery. The municipalities and other government functionaries have proffered various reasons for the deterioration of service delivery at local municipalities in the Mpumalanga. Some of the reasons proffered include financial constraints, non-payment for services by residents, and

human resource constraints. Notwithstanding the identification of these challenges year on year, however, little has been done to address them in any meaningful way.

The inspections convinced the Commission that matters had reached a stage where urgent intervention was required, and necessitated that the Commission conduct an investigative inquiry to investigate the issues relating to service delivery at a systemic level.<sup>1</sup>

## **2. Contextual Background**

2.1 The South African Human Rights Commission (“Commission”) is an institution established in terms of section 181(1)(b) of the Constitution of the Republic of South Africa, 1996 (“Constitution”). Section 184(1) of the Constitution, provides that the Commission must:

- (a) promote respect for human rights and a culture of human rights;
- (b) promote the protection; development and attainment of human rights; and
- (c) monitor and assess the observance of human rights in the Republic.

2.2 Section 184(2) of the Constitution empowers the Commission:

- (a) to investigate and to report on the observance of human rights;
- (b) to take steps to secure appropriate redress where human rights have been violated;
- (c) to carry out research, and
- (d) to educate.

2.3 In addition to the powers conferred on the Commission by the Constitution, the South African Human Rights Commission Act 40 of 2013 (“the SAHRC Act”), the Commission in terms of section 13 of the SAHRC Act, is competent and obliged to:

- (i) make recommendations to organs of state at all levels of government where it considers such action advisable for the adoption of progressive measures for

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<sup>1</sup> In the 2021/2022 financial year, the Commission had 15 active complaints on service delivery against seven local municipalities namely: Thaba Chweu Local Municipality, Thembisile Hani Local Municipality, Bushbuckridge Local Municipality, Emalahleni Local Municipality, Dr JS Moroka Local Municipality, Govan Mbeki Local Municipality and Lekwa Local Municipality. The complaints related to access to water, sewage spillages and sewage treatment challenges, potholes on the road and access to electricity and housing.

the promotion of human rights within the framework of the Constitution and the law, as well as appropriate measures for the further observance of such rights;

- (ii) undertake such studies for reporting on or relating to human rights as it considers advisable in the performance of its functions or to further the objects of the Commission; and
- (iii) request any organ of the state to supply it with information on any legislative or executive measures adopted by it relating to human rights.

2.4 In order to give effect to the powers and obligations, the Commission may, in terms of section 15(1) of the SAHRC Act:

- (a) conduct or cause to be conducted any investigation that is necessary for its purpose;
- (b) through a commissioner, or any member of staff duly authorised by a commissioner, require from any person such particulars and information as may be reasonably necessary in connection with any investigation;
- (c) require any person by notice in writing under the hand of a commissioner, addressed and delivered by a member of the staff or sheriff, in relation to an investigation, to appear before it at a time and place specified in such notice and to produce to it all articles or documents in the possession or custody or under the control of any such person and which may be necessary in connection with that investigation: Provided that such notice must contain the reasons why such person's presence is needed and why and why any such article or document should be produced.

### **3. Objectives of the Inquiry**

3.1 The objectives of the inquiry were to:

- 3.1.1 Assess the state of service delivery within the local municipalities in Mpumalanga;
- 3.1.2 Investigate the drivers and/or causes of the deteriorating state of service delivery from a multi-stakeholder perspective;

- 3.1.3 Investigate the contribution of various municipal and provincial actors to the state of service delivery within local municipalities in Mpumalanga;
- 3.1.4 Assess the impact of previous interventions at local municipalities in terms of section 139 of the Constitution;
- 3.1.5 To the extent that the interventions in terms of section 139 of the Constitution have proved ineffective, investigate the reasons for the ineffectiveness of those interventions;
- 3.1.6 Explore what can be done to arrest the deteriorating state of service delivery within local municipalities and improve service delivery outcomes;
- 3.1.7 Explore the role that various actors can play in bringing about the desired changes; and
- 3.1.8 Make findings, recommendations, and directives aimed at addressing service delivery challenges in the municipalities.

#### **4. Structure of Proceedings**

- 4.1 The inquiry was inquisitorial. Presenters made viva voce submissions before the panel under oath;
- 4.2 The inquiry consisted of two segments. The first leg of the inquiry was held from 27 September to 01 October 2021 at Ehlanzeni District Municipality whereas the second leg was from 08 to 09 November 2021 at the Commission's Boardroom in Mbombela.<sup>2</sup>
- 4.3 The proceedings were recorded electronically.
- 4.4 The panel comprised of:
  - 4.4.1 Commissioner Philile Ntuli (Chairperson of the Inquiry) and Commissioner Jonas Ben Sibanyoni of the South African Human Rights Commission;

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<sup>2</sup> The second leg of the inquiry comprised of stakeholders who were duly summoned but failed to appear before the inquiry during the first leg.

4.4.2 Mr. Eric Mokonyama and Mr Thabang Kheswa (Provincial Managers of Mpumalanga and Free State respectively); and

4.4.3 Professor Barry Rhulani Hanyane, North West University.<sup>3</sup>

4.5 Inquiry notices were served on stakeholders prior to the commencement of the inquiry in terms of which, they were required to make written submissions to the Commission. The stakeholders consisted of the seventeen (17) local municipalities as well as the three (3) district municipalities in Mpumalanga; the Office of the Premier in Mpumalanga; the National Department of Cooperative Governance and Traditional Affairs; the Mpumalanga Department of Cooperative Governance and Traditional Affairs; the National Department of Treasury; Mpumalanga Department of Treasury; the House of Traditional and Khoisan Leaders; the Mpumalanga chapter of the South African Local Government Association; Public Protector South Africa, Mpumalanga Provincial Office, Mpumalanga Provincial Office; and the Office of the Auditor General in Mpumalanga.

4.6 The Commission also made a call to members of the general and civil society organisations to share with it in writing their experiences on service delivery in their local municipalities and suggest possible solutions to address the service delivery challenges they may encounter.

4.7 The inquiry was followed by site inspections in all the local municipalities. The purpose was to verify the oral and written submissions made by the various municipalities during the investigative inquiry and to engage with members of the communities on service delivery issues. Further random sporadic inspections<sup>4</sup> were done in 2023 to assess if any work was done to change the situation.

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<sup>3</sup> Professor Barry Rhulani Hanyane passed away on 11 May 2022 at Netcare Milpark Hospital after a long illness. He was an associate professor in the University North West and an expert in public management and governance. His areas of expertise included local government, local economic development, community participation, urban studies, the national and international science of public administration, political science, and philosophy.

<sup>4</sup> Inspections were conducted in 2023 at Standerton, Azalia, Thuthukani, Morgenzon, Rooikopen, Secunda, Embalenhle, Leandra, Bethal, Emzinoni, Ermelo, Breyeten, Dullstroom, Emanlahleni, Middleburg, eMhluzi, Nazereth, Rietkuit, Newtown, Siyathuthuka, Belfast, Macharadorp, KwaGuqa.

## CHAPTER 2: PRESENTATION OF EVIDENCE

### 1. Introduction

1.1 The inquiry notices served on the local municipalities required the Accounting Officers to furnish the Commission with reports containing the following information:

- 1.1.1 The population of the municipality size disaggregated by each locality;
- 1.1.2 A list of all towns, villages, townships, and localities falling within the jurisdiction of the municipality and an overview of the demographic composition of the towns, villages, and townships as well as socio-economic indicators that characterise them;
- 1.1.3 A list of services rendered by the municipality and an indication of the services rendered in each town, village, and township;
- 1.1.4 An overview of the reliability, frequency, and quality of services rendered;
- 1.1.5 An overview of measures taken by the municipality in the last three (3) years to address gaps and challenges in service delivery, if any. The extent to which the measures were able to address the identified challenges. To the extent that the identified challenges were not addressed, the reasons thereof;
- 1.1.6 An overview of the municipalities' human resources in relation to the service delivery mandate;
- 1.1.7 Measures taken by the municipalities to address;
- 1.1.8 A financial overview of the municipalities for the past three (3) years;
- 1.1.9 To the extent that the financial overview points to financial challenges, the municipalities were required to advise on: the factors contributing to the financial challenges; measures taken by the municipalities to improve their financial health; measures taken by other government institutions in the last three (3) years to support and assist the municipalities as well as intended

long and short-term measures by the municipalities to improve their financial health;

1.1.10 An overview of the audit outcomes of the municipalities in the last three years. To the extent that the municipalities have received adverse audit outcomes, they were required to advise on the steps taken or being taken or intended to be taken to address the adverse audit outcomes; and any other information that may assist the Commission in its probe.

1.2 The submissions below present a summary of the evidence presented before the inquiry.

## **2. Evidence from the Xanthia Steering Committee**

2.1 Mr Moss Malatsi ("Mr Malatsi") submitted written submissions on behalf of the community of Xanthia Village, in Ward 37 in the jurisdiction of the Bushbuckridge Local Municipality.

2.2 In his written submissions, he narrated the plight faced by the community of Xanthia. He asserted that Xanthia is largely marginalised and attributed the poor service delivery to tribalistic and selective practices by the local municipality. His submissions focused on three (3) aspects namely: access to housing, the state of roads, and the lack of recreational facilities.

2.3 With respect to access to housing, he stated that there are no RDP houses in Ward 37 whereas the municipality has provided RDP houses to residents in other parts of Xanthia.

2.4 With respect to roads, he submitted that they are inaccessible due to their poor state. Emergency services vehicles have difficulty accessing the village. He further stated although they were promised a tar road in the past, the municipality only fixes roads only when there is a funeral in the area.

2.5 Mr. Malatsi concluded his written submissions by indicating that the absence of a sports field in Xanthia is a great concern as the youth end up resorting to crime and drugs.

2.6 At the inquiry, the Xanthia community was represented by Mr. Oupa Macdonald Machete ("Mr Machete"). He provided oral testimony focusing on two main issues:

water and the conditions of the roads in Xanthia. He submitted that there is a water crisis in Xanthia which began in 2010 when most parts of the community ceased receiving water through the water reticulation infrastructure. Before then, the entire community of Xanthia enjoyed an uninterrupted water supply.

- 2.7 Due to water scarcity in most parts of Xanthia, residents resorted to making illegal connections into the main water pipeline meant to carry water from Arthurstone to the Xanthia reservoir. The consequences of the illegal connections are that many people no longer receive water through the reticulation system, especially households located in the upper-lying areas. He also indicated that BLM only dispatches water trucks to the areas with no water, only once a month.
- 2.8 He informed the inquiry that BLM wasted money on failed water projects. In this regard, he referred to a steel tank that was installed by BLM in 2015 at a cost of 42 million. He indicated that since its installation, the steel tank has been non-operational. The second project mentioned by Mr Machete was the drilling of boreholes. He indicated that BLM drilled boreholes despite being advised by the community against it. The boreholes never had water ever since.
- 2.9 Mr Machete summed up his oral evidence by giving an overview of the state of roads in Xanthia. In this regard, he informed the inquiry that despite the village being in existence for many years, it only has a gravel road. He referred to one dangerous road that was severely damaged by rain and turned into a single lane. He stated that five (5) cars capsized in 2021 due to its poor state.

### **3. Evidence by Mr Clive Hatch**

- 3.1 Mr Clive Hatch ("Mr Hatch") made submissions in respect of various areas in eMalahleni Local Municipality. He indicated that the situation regarding service delivery is untenable and requires urgent intervention.
- 3.2 With regard to Clewer, a small town in eMalahleni, the community had not had any access to water for 38 days as of 07 September 2021. He further explained that there is no water during the day and at night the pressure is so low that jojo tanks cannot be filled.
- 3.3 With regard to Extension 41 in eMalahleni, he stated that the area had not had water for 22 days as of 07 September 2021.



- 3.4 Regarding Jackaroo Park on the R555 to Middelburg, he reported acid water from the illegal mining that is taking place, flows freely onto R555. This has been happening since 20 August 2021. The water then flows into the streams, thereby polluting the water table for the plots in the area and ultimately to the Olifants River.<sup>5</sup>



*The image above was supplied by Mr Hatch. It depicts acid water flowing onto the R555.*

- 3.5 Mr Hatch submitted that the challenges of service delivery at eMalahleni are ongoing. Regarding water provision, he stated that the supply is unreliable, and the water often comes out dirty. He further stated that the water demand at ELM is 150 ML/D, however, ELM is capable of distributing 130 ML/D. Projections show that there will be a shortage of 260 ML/D by the year 2035.
- 3.6 Mr Hatch attributed the water challenges at Emalahleni to the following factors: aged water infrastructure; aged and unmaintained electricity infrastructure and water leakages that are left unattended for days. He stated that water loss amounted to 66% according to reports he received from the Council of ELM.
- 3.7 He submitted that the following solutions may alleviate the water challenges at eMalahleni: installation of emergency power generators; installation of more pumps at the reservoirs; implementation of a schedule for standby personnel to attend to leakages at night and supply of water tanks in an event water is not available for more than eight (8) hours.

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<sup>5</sup><https://www.dropbox.com/s/t16xsy6t4tv9emp/Acid%20water%20flowing%20into%20the%20Olifants%20River.mp4?dl=0>

- 3.8 With regard to sanitation, Mr Hatch told the inquiry that there are eight (8) water treatment plants at Emalahleni. The challenges with sanitation within ELM are the following: outdated and undermaintained infrastructure; pump stations incapable of keeping up with the rapid population growth; sewerage spillages not being attended to timeously; lack of enforcement of bylaws by ELM to prevent illegal connections into the sewerage lines and lack of suitable equipment to unblock sewerage lines.
- 3.9 Mr. Hatch suggested the following as solutions to the sanitation crisis within ELM: construction of a new water treatment plant to alleviate the already existing pressure; purchasing of equipment such as honey suckers; appointment of suitable and qualified personnel as well as appointing of security personnel to prevent theft and vandalism of the infrastructure.
- 3.10 With regard to power outages in ELM, Mr Hatch submitted that the electricity demand is higher than the supply hence power outages are regular and affect the distribution of water. A considerable number of streetlights are non-functional leaving room for crime to thrive whilst others are left on for 24 hours.
- 3.11 He also stated that ELM owes Eskom 3.5 million rands. He indicated that the challenges with electricity are dilapidated electricity networks; illegal connections and uncontrolled developments as well as vandalism and theft of infrastructure.
- 3.12 In conclusion, Mr Hatch told the panel that waste in ELM is not removed regularly.

#### **4. Evidence by Mr Lucas Chippa Mtsweni**

- 4.1 Mr Lucas Chippa Mtsweni ("Mr Mtsweni") represented the community of Phola Township in Ogies, within eMalahleni Local Municipality.
- 4.2 In his written submissions, he outlined five (5) challenges in Phola Township ("the township") namely: neglect of township by the ELM; lack of access to water and sanitation in the informal settlements; electricity illegal connections; lack of access to essential services as well lack of access to adequate housing.
- 4.3 With regard to the neglect of the township, Mr Mtsweni asserted that the problem started in the year 2000 when the township was amalgamated into ELM. He stated whilst Witbank town continues to receive preferential treatment in so far as service delivery is concerned, Phola is neglected. He further indicated the community

engaged the Office of the Executive Mayor and Member of the Executive Committee for the Department of Cooperative Governance and Traditional Affairs in 2009 to register their dissatisfaction with being marginalised, however, the engagements did not yield any positive results. He attributed the cause of this challenge to poor leadership and lack of political willingness; ineffective governance; lack of strategy to address spatial patterns of the apartheid regime as well as unequal delivery of services. He further stated that in his view the intervention by the national government and the Commission can curb this challenge.

- 4.4 With regard to the challenge of access to water and sanitation in informal settlements, Mr. Mtsweni referred to Nkanini/Ezipokweni, Waya Waya section, Iraq section, Emanqandeni, and Siyabonga section as the most affected informal settlements in the township. He highlighted that this challenge impacted the residents' right to human dignity especially the elderly, children, and people living with disabilities being the most affected as they struggle to collect water from other sections of the township or the water trucks. He further stated that there are reports of a high rate of absenteeism in schools and the prevalence of diseases such as cholera, typhoid, and cholera in the township as a result of a lack of clean water.
- 4.5 Mr Mtsweni indicated that illegal electricity connections are rife in the township and result in a 70% loss of revenue to ELM. He attributed this challenge to lack of planning and revenue enhancement strategy by the municipality. He further stated that the community engaged the Mayor of ELM in 2016, the Premier in 2018, and the MEC of COGTA in 2019 to hand over memorandums on this particular issue, however, nothing has been done. He proposed that the solution herein is for Eskom to provide electricity directly to the affected areas.
- 4.6 With regard to access to essential services, Mr Mtsweni submitted that Phola does not have the following offices: the Department of Home Affairs, Department of Social Development, Offices of the South African Social Security Agency Youth Services, the Licensing Department as well as the Department of Employment and Labour. Consequently, people travel thirty kilometres to Witbank Town to access these services.
- 4.7 Regarding access to adequate housing, Mr Mtsweni submitted that households in the township are overcrowded, there are homeless people and there is no land available to develop the township. He further submitted that RDP applicants in the township

are allocated houses with Witbank Town owing to the non-availability of land, and lack of appetite from ELM to grow and develop the township.

- 4.8 On the day of the inquiry, Mr Mtsweni took the panel through his written submissions. He firstly described the amalgamation of Phola into ELM as a new marriage already riddled with countless challenges. He stated that ELM is in ICU, and was deficient in innovative ideas and critical thinking.
- 4.9 He submitted to the inquiry that there is a lack of service delivery in the informal settlements at Phola. This is despite Phola hosting 24 mines. In respect of Nkanini/Emanqandeni, he stated that the settlement was formed in 2007 however there is no provision of adequate water, no proper sanitation, and zoning to date. Regarding Waya Waya section, he stated that the informal settlement was established in 2018, and there is no sanitation and access to water. He raised a concern that ELM misled the Commission in its response to the allegations that were raised in a complaint regarding lack of service delivery in Waya Waya.<sup>6</sup>
- 4.10 With regard to Iraq, Mr Mtsweni stated that this informal settlement was formed in the year 2000, and there is no sanitation and electricity. Regarding Emaqandeni, he stated that 10 households are compelled to share one toilet, in violation of their right to dignity, due to the lack of proper sanitation in the area.
- 4.11 Mr Mtsweni told the inquiry that non-formalisation of the informal settlements gave rise to illegal electricity connections. He emphasized that Phola residents are responsible citizens who are willing to help ELM enhance its revenue collection by paying for the services provided. He also said that the residents went as far as engaging the then mayor Ms. Lindiwe Ntshalintshali in an Imbizo in 2016 regarding the formalisation of the settlements so that residents could start paying for electricity, the engagement however did not yield any positive outcome.
- 4.12 He also informed the panel that on 23 August 2018, residents of Phola submitted a memorandum detailing the concerns highlighted above to the Premier of Mpumalanga. The latter visited Phola in response to the memorandum. She undertook to intervene however nothing has been done by her office to resolve their challenges.

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<sup>6</sup> The response by ELM stated that there is water and sanitation at Waya Waya section.

- 4.13 In conclusion, Mr Mtsweni submitted his hopes that the intervention of the Commission and COGTA will address the challenges the community of Phola is faced with.

## **5. Evidence from Public Protector South Africa in Mpumalanga**

- 5.1 The Public Protector South Africa (PPSA) is a Chapter 9 institution, established in terms of Section 181 of the Constitution. The PPSA is mandated to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice. The Commission has conducted joint investigations with the PPSA and previously collaborated in several programmes.
- 5.2 The PPSA was represented by its Provincial Representative, Mr Botromia Sithole ("Mr Sithole").
- 5.3 In his written and oral submissions, Mr Sithole stated that the PPSA investigates three categories of complaints namely: early resolution; good governance and integrity as well as service delivery matters. He further averred that the PPSA was seized with forty-two (42) complaints relating to service delivery against various municipalities at the time of submission of his report to the Commission.
- 5.4 Most of the complaints are related to municipal billing, particularly relating to irregular and exorbitant bills charged by the municipalities. According to Mr Sithole, this was prevalent in Msukaligwa, Lekwa, and Emalahleni Local Municipalities. Further, complaints included those regarding failure by municipalities to comply with SCM and recruitment policies; failure by municipalities to maintain and upgrade dilapidated sewerage infrastructure; lack of access to running water even in communities where water reticulation projects were recently commissioned; and complaints relating to RDP houses either being incorrectly allocated, incomplete or not constructed at all.
- 5.5 He indicated that the service delivery complaints revealed that municipalities reach White, Coloured, Indian, and communities that pay for services with ease. However, services to black communities were fraught with challenges. Communities situated in deep rural areas lag in so far as receipt of basic services is concerned.
- 5.6 In response to the factors that contribute to the deteriorating state of service delivery in local municipalities in Mpumalanga, Mr Sithole identified the following factors:

Cadre deployment; Political careerism; Factionalism within the ruling party; Municipalities having turned into cash cows; Demoralised employees; Shortage of staff, expertise, resources, and infrastructure; Illegal Electricity and water connections; Land invasions in tribal lands; Failure to maintain and upgrade existing infrastructure; and Underspending on grants and lack of consequence management.

- 5.7 There is a trend amongst municipalities, amounting to wasteful and fruitless expenditure whereby municipal funds are utilized on campaigns for bi-elections in the name of good governance when this will not be the case.
- 5.8 His office has done its bit to educate the public through outreach and radio on the role and mandate of the PPSA and engaged government officials including municipal officials on good governance.
- 5.9 Mr Sithole concluded his submissions by outlining possible solutions to the deteriorating state of service delivery in Mpumalanga. In this regard, he indicated that the following may assist to improve service delivery:
- 5.9.1 Appointment of qualified senior officials with relevant managerial experience and expertise;
  - 5.9.2 Provision of extensive training on Batho Pele principles, by-laws, SCM, recruitment and other policies;
  - 5.9.3 Continuous engagement by municipalities with communities; and
  - 5.9.4 Implementation of consequence management to address corruption, non-performance, and improper conduct.
- 5.10 Regarding the challenges faced by the PPSA in holding municipalities accountable, Mr Sithole stated that there is a lack of cooperation from the accounting officers, in many instances, his office would go as far as reporting the non-compliance to the Head of the Department of COGTA, and to the Executive Mayors of the municipalities. He further highlighted that of great concern to the PPSA is non-compliance by respondents with remedial actions on their reports. He stated that although some of the proposed solutions were suggested to the municipalities, they are often not implemented, and the situation remains the same.

## **6. Evidence by Mr George Viljoen**

- 6.1 On 5 March 2020, Mr George Ephraim Viljoen (“Mr Viljoen”) complained to the Commission. The complaint related to water shortages, sewage spillages, and inadequate treatment of sewage waste as well as potholes on the roads in Mashishing.
- 6.2 At the inquiry on 27 September 2021, Mr Viljoen began his oral submissions by indicating that he represents the Kellysville Community Forum in Mashishing. He stated that there are three main challenges pertaining to service delivery in Mashishing i.e., sewage spillages, water shortages, and potholes.
- 6.3 With regard to sewage, he submitted that the sewage pump stations in Extension 2; Voortrekker Street; River Street, and Extension 8 are dysfunctional, and manholes are overflowing in Kellysville. As a result of the dysfunctional pump stations, raw sewer flows into the Dorps River endangering human lives and species. He also submitted that he engaged the Thaba Chweu Local Municipality (“TCLM”) on this issue on several occasions to no avail. The situation compelled him to open criminal cases against the municipal manager of TLCM.
- 6.4 Regarding water shortages, he informed the inquiry that there following areas in Mashishing experience frequent water cuts: Extension 6, Majubane, Garden Court, Beverley Hills, and Kellysville. TCLM spent approximately 4 million rands on water reticulation infrastructure for Extensions 1 and 8. Notwithstanding this, the communities could not receive water for a long time as TCLM could not locate the valves to open the water. In the Marikana informal settlement, Jojo tanks were supplied but not filled with water. He also indicated that the water and sanitation department at TCLM has a vacancy of 16 personnel.
- 6.5 Mr Viljoen submitted that the roads in the CBD and townships in Mashishing are in a dire state. Northam Platinum Mine intervened and repaired Potgieter and parts of De Klerk Steet at the cost of 15.3 million rands. He stated that of great concern to him is that TCLM applied and received a MIG grant to the tune of 23.7 million rands to repair De Klerk Street, however, this was not done as the road had already been repaired by Northam Platinum Mine. The money thus remains unaccounted for. He further stated that the roads and stormwater drainage department with TCLM has a vacancy of thirty-two (32) personnel. TLCM refuses to appoint and rely heavily on tenders.

## **7. Evidence by Mr Thulani Ndlovu**

- 7.1 Mr Thulani Ndlovu ("Mr Ndlovu") submitted that he represents a human rights organization called the Voice of the Voiceless. He is based in Thembisile Hani Local Municipality ("THLM"). He indicated that there are several service delivery issues within THLM, however, his submissions would only focus on access to water as it is the main pressing issue in THLM.
- 7.2 He informed the inquiry that the challenge of access to water affects at least 34 wards within THLM. Tweefontein and Kwa-Mhlanga are the only unaffected areas as they are formalized and receive water through the bulk infrastructure. Mr. Ndlovu referred to villages that are mostly affected, starting with Moloto Village, he submitted that most parts of the village have not had water since 2010, the problem however worsened in 2015 when THLM started rationalising water.
- 7.3 With regard to Zakheni Village, he submitted that the water situation is dire. Residents have to cross the infamous and dangerous Moloto road on the R753 to access water at the municipal offices. THLM tries to alleviate the water crisis by dispatching water trucks, however, this method is unsustainable as there is no scheduled delivery of the water. At times, residents wait for the entire day for the trucks to deliver water. He also stated that some residents resort to buying water for R 5.00 for a 20-litre container.
- 7.4 With regard to Vlaklaagte 1, he submitted that the residents have not had water for a long time. In the week before the inquiry, residents embarked on a protest to demand water following which THLM provided water to the residents. With regard to Kwaggafontein, he submitted that for the past four (4) years THLM has been opening water for residents at 2 a.m. on Saturdays.
- 7.5 Mr Ndlovu concluded by commending THLM for always acting swiftly in addressing water pipe leakages.

## **8. Evidence from Office of the Auditor-General**

- 8.1 The Auditor General of South Africa is an independent institution established in terms of Chapter 9 of the Constitution. It's required to audit and report on accounts, financial statements, and financial management of all national and provincial state departments and administrations; all municipalities; and any other institution or



accounting entity required by national or provincial legislation to be audited by the Auditor General.

8.2 Accordingly, the Office of the Auditor-General in Mpumalanga was invited to present a picture of the audit performance and key audit outcomes of municipalities in Mpumalanga. The Office of the Auditor-General was represented by Ms Mashudu Myeza (“Ms Myeza”), who indicated in their written and oral submissions that the state of local governance within the local municipalities in Mpumalanga has significantly deteriorated owing to a lack of internal controls, coupled with lack of consequence management for transgressions and weakened oversight. To improve, the municipalities should focus on the following critical areas:

8.2.1 Placing effective preventative controls to ensure that things are done correctly, and a culture of institutionalized internal control is prompted. She submitted that the current state of internal controls in the municipalities does not support the production of credible financial and performance information as well as compliance with laws and regulations.

8.2.2 Strengthening the state of financial health by reviewing the budgeting process and ensuring unfunded budgets are not approved. She submitted that controls around billing and collection of billed revenue must be reviewed to ensure financial viability, strategic plans must be aligned to budgets and the spending thereof should be closely scrutinized. Further, there should be zero tolerance towards leakages in the public finance purse.

8.2.3 Enforcing adequate monitoring and/or project management<sup>7</sup> to improve the quality of projects and ensure that financial resources are only discharged where value has been received.

8.2.4 Adherence to laws and regulations, particularly supply chain management processes and there should be consequences for transgressions. She stated that municipal councils should ensure that unauthorized irregular, fruitless, and wasteful expenditure cases are investigated and the investigations are transparent, of good quality, and completed swiftly.

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<sup>7</sup> In terms of her submissions, In Govan Mbeki Local Municipality a contractor abandoned the project, yet the contract was not terminated owing to lack of monitoring.

- 8.3 Speaking on audit outcomes, she submitted that the municipalities have regressed. In 2016, there was one (1) municipality with a disclaimer opinion, however, as of 2019/2020, the number had increased to five (5) and the municipalities implicated were Dr JS Moroka Local Municipality;<sup>8</sup> Govan Mbeki Local Municipality;<sup>9</sup> Lekwa Local Municipality;<sup>10</sup> Dr Pixley Ka Isaka Seme Local Municipality;<sup>11</sup> Dipaleseng Local Municipality.<sup>12</sup> Her office cannot confirm what was done with the utilized funds and the municipalities were unable to provide records or explanations to enable the AG to formulate a conclusion. On publication of financial statements, she submitted in 2016/2017, thirteen (13) municipalities managed to publish quality financial statements, however as of 2019/2020, only eight (8) municipalities published quality financial statements, which also pointed to a regression.
- 8.4 She submitted that also of great concern to the AG is the amount of money incurred by the municipalities on the use of consultants to compile financial statements that are not of good standard when there are personnel within the municipalities who are capable of compiling the financial statements. She referred to Emakhazeni Local Municipality which spent R2.8 million on the use of consultants in 2019/2020 and Msukaligwa which incurred spent R 10.8 million on consultants in preparation for annual financial statements.
- 8.5 Ms Myeza indicated that the current financial status of the municipalities in Mpumalanga is attributable to the following factors: Unfunded budget; Leaking revenue systems; High levels of distribution losses; Inability to collect billed revenue; Inability to pay creditors;<sup>13</sup> Deficits incurred- on unauthorized expenditure; and unavailability of reserves for emergencies.
- 8.6 Ms. Myeza concluded her submissions by indicating that as of 01 April 2019, the AG introduced material irregularities<sup>14</sup> in terms of which they are permitted to refer material irregularities to relevant public bodies for further investigations; and

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<sup>8</sup> An amount of 376,4 million could not be accounted for by the municipality.

<sup>9</sup> An amount of 225,8 million could not be accounted for by the municipality.

<sup>10</sup> An amount of 152,7 million could not be accounted for by the municipality.

<sup>11</sup> An amount of 120,4 million could not be accounted for by the municipality.

<sup>12</sup> An amount of 220,6 million could not be accounted for by the municipality.

<sup>13</sup> Examples she provided were in respect Eskom and water boards debts. She submitted that the total debt owed to Eskom as of June 2022 was 9, 591 million with Emalahleni, Govan Mbeki, Lekwa and Thaba Chweu being the highest contributors. The total debt owed to water boards as of June 2020 amounted to 482 million with Govan Mbeki and Victor Khanye Local Municipalities being the highest contributors. She also indicated that the total interest owed on Eskom and Water Board was 325 million. The money could have been used on service delivery.

<sup>14</sup> Means any non-compliance with, or contravention of legislation, fraud, theft or a breach of a fiduciary duty identified during an audit performed under the Act that resulted in or is likely to result in a material financial loss, the misuse or loss of a material public resource or substantial harm to a public sector institution or the general public.

recommend actions to resolve the material irregularity in the audit report and issue a certificate of debt for failure to implement the remedial action if financial loss was involved. She advised that six (6) material irregularities notifications have already been issued in four municipalities in Mpumalanga, i.e., ELM, GMLM, DLM, and LLM.

## **9. Evidence by Mr Andre Van Der Walt**

- 9.1 In his written and oral submissions, Mr Andre Van Der Walt ("Mr Van Der Walt") indicated that he is a former Councillor and a social activist. He worked in communities for over ten (10) years. He described the non-delivery of services in municipalities as a human rights violation of a special kind, one that is silent and embedded in the system. He expressed his concern about the backlog in all the municipalities in South Africa in providing services, particularly to the indigent in the informal settlements.
- 9.2 He indicated there is a symbiotic and reciprocal relationship between socio-economic human rights and municipal service delivery. He stressed the importance of public participation in municipal affairs. He stated that socio-economic challenges make it virtually impossible for disadvantaged communities to meaningfully participate in municipal affairs.
- 9.3 He stated that although municipalities receive funds from the government in the form of municipal infrastructure grants and equitable shares, the funds are not directed to service delivery but to the operations of the municipalities to the detriment of the poor. He further stated that the AG somehow contributed to this problem as the AG reports would reflect that the funds were used for the intended purpose, which is service delivery when in reality this would not be the case.
- 9.4 He submitted that the local municipalities in Mpumalanga are well funded and receive interests in short-term investments, therefore they should, in essence, be capable of rendering service delivery to communities.<sup>15</sup>

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<sup>15</sup> He demonstrated that in the 2018/2019 financial year, the municipalities in Mpumalanga received total grants as follows: Bushbuckridge Local Municipality: 2 163 935; City of Mbombela: 1 933 344; Nkomazi Local Municipality: 1 438 158; Thaba Chweu: 349 044; Dr JS Moroka Local Municipality: 882 804; Emalahleni Local Municipality: 846 317; Emakhazeni Local Municipality: 150 209; Steve Tshwete Local Municipality: 434 953; Thembisile Hani Local Municipality: 963 535; Victor Kanye Local Municipality: 216 261; Chief Albert Local Municipality: 707 072; Dipaleseng Local Municipality: 175 499; Dr Pixley Ka Seme Local Municipality: 256 764; Govan Mbeki Local Municipality: 517 602; Lekwa Local Municipality: 247 264; Mkhondo Local Municipality: 574 849; Msukaligwa Local Municipality: 390 368;

- 9.5 With regard to the municipal indigent policy, Mr Van Der Walt submitted that households in informal settlements and rural areas (unmetered) do not qualify for free basic services in terms of the indigent policy irrespective of their income and this has devastating consequences for the households. As a result, they have to beg for basic services from unsympathetic councillors and municipal administrators.
- 9.6 Mr Van Der Walt identified the following as the root cause of the failure of Municipalities to provide basic services:
- 9.6.1 Lack of fulfilment of the constitutional mandate contained in section 153 of the Constitution;
  - 9.6.2 The unscientific, irrational, and inconsequent formula used by the treasury to calculate equitable share;
  - 9.6.3 Flaws in the calculation and appropriation of equitable share allocation between treasury and municipalities;
  - 9.6.4 District municipalities do not add value to service delivery and drain scarce fiscal resources;
  - 9.6.5 Misleading audit outcomes from the Auditor General on audited financial statements;
  - 9.6.6 Lack of accountability on all levels of legislative and executive authority.
- 9.7 Mr Van Der Walt thus suggested that civil professional institutions must be structured to support municipal councils in the execution of their legislative and executive function. Furthermore, the tax base for municipalities must be investigated.

## **10. Evidence in respect of Nkomazi Local Municipality**

- 10.1 Nkomazi Local Municipality ("NLM") was represented by its municipal manager Mr Dan Ngwenya. He submitted he has been the municipal manager of NLM for approximately ten (10) years. NLM is one of the stable municipalities in Mpumalanga.

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Ehlanzeni District Municipality: 468 822; Gert Sibande District Municipality: 560 983 and Nkangala District Municipality: 683 018. In total, the municipalities received 13 960 801 for the 2018/2019 financial year.

- 10.2 He gave an overview of the services provided by NLM. Commencing with sanitation, he submitted sewer reticulation infrastructure is available in the four (4) towns within NLM.<sup>16</sup> The rural areas make use of pit toilets. Mr Ngwenya indicated that there were challenges with sewer spillages and waste treatment challenges in Malelane and Komatipoort, however, NLM is working on addressing the challenges following the complaints that were lodged with and investigated by the Commission on sewer spillages and waste treatment challenges in Malelane and Komatipoort.<sup>17</sup> He stated that following the directives<sup>18</sup> issued by the Commission in the investigative report against NLM,<sup>19</sup> it responded by constructing a sewer treatment plant in Malelane through the DDM model. He further stated that the sewage spillages in Komatipoort which mostly affect Transnet Train Station Offices, were being addressed. A contractor was appointed and on the verge of completing the project at that time.
- 10.3 Regarding water provision, Mr Ngwenya submitted the four (4) towns in NLM enjoy an uninterrupted supply of water as they are rate payers. In the rural areas, water is supplied to communities twice or three times in a week. He further stated following the investigative report issued against the NLM on access to water, NLM began the

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<sup>16</sup> Malelane, Komatipoort, Hectorspruit and Marloth Park.

<sup>17</sup> The complaints were initially lodged in 2016. The complainant, Ms Mariette Preddy ("Ms Preddy") alleged that for several years, there has been chronic sewage spillages in Malelane and Komatipoort, which adversely affects residents' right to an environment that is not harmful to health and well-being. Regarding Komatipoort, she alleged that the sewage spillages date back as far back as in 1998. Sewage flows into Transnet Train Station, which is located at the lowest at point of the town. In relation to Malelane, she alleged that since 2010, raw sewage flows into nearby water resources such as the Crocodile River and Buffelspruit River, making water from those sources unsuitable for human and animal consumption. Ms Preddy attributed the sewage challenges in both towns to overstretched sewer infrastructure.

<sup>18</sup> The Commission issued the following directives against NLM:

- That NLM must continue with its short-term intervention measures in so far as the management of sewer spillages is concerned in both Malelane and Komatipoort.
- That the Department of Water and Sanitation, in consultation with NLM and Inkomati-Usuthu Catchment Management Agency, must conduct a comprehensive assessment of the capacity of NLM's sewer system at all levels in Malelane and Komatipoort, with the view of determining the full extent of the capacity challenges at NLM. Further that the assessment report must be submitted to the Commission and to NLM within three (3) months of the report. That the Commission may issue further directives as be appropriate on consideration of the said report.
- That within three (3) months of the report, NLM must submit a detailed plan on the steps it will be taking, beyond those already prescribed in the directives, to address the inadequacies of its sewer network in Komatipoort, to ensure relief for Transnet, as well as its employees and customer.
- That the Inkomati-Usuthu Catchment Management Agency must continue to monitor the quality of effluent emitted into the water resources within its jurisdiction and advise the Commission on the quality of water resources, on a quarterly basis over the next 36 months.

<sup>19</sup> The report was issued on 06 December 2019 and is available on: [https://www.sahrc.org.za/home/21/files/Sewer%20Spillage%20Investigative%20Report%20-%202006%20December%2019.%20\(002\).pdf](https://www.sahrc.org.za/home/21/files/Sewer%20Spillage%20Investigative%20Report%20-%202006%20December%2019.%20(002).pdf).

process of categorizing residents whereby vulnerable residents such as the frail and elderly are prioritized and are delivered water by means of water trucks.

- 10.4 With regard to land, Mr Ngwenya stated that the majority of the land is under the custody of tribal authorities, NLM is in the process of taking authority of the land to address the people residing in wetlands and near streams.
- 10.5 With regard to the financial position of NLM, Mr Ngwenya submitted that NLM is stable and always has money available in the bank. This is due to the revenue collection rate which is at ninety-four per cent (94%). He further indicated that NLM has been Eskom debt-free for five (5) years and has been receiving clean audits since 2012.
- 10.6 With regard to the alleged investigation of maladministration, Mr Ngwenya informed the inquiry that the AG and the Hawks lodged an investigation about the procurement of personal protective equipment in April 2020. NLM cooperated with the two institutions in their probe and awaits outcomes. Speaking to the issue of irregular expenditure identified by the AG, Mr Ngwenya submitted that it was mostly implementing agents working on projects that caused NLM to have irregular expenditure.
- 10.7 Mr Ngwenya highlighted the following as the only challenges faced by NLM:
- 10.7.1 Roads - he submitted that ninety per cent (90%) of roads in the rural areas were severely damaged following a natural disaster. Most of these roads are provincial roads and therefore fall within the competency of the Department of Public Works. He further indicated that NLM made an application for funds to repair some of the roads and received ten (10) million from COGTA.
- 10.7.2 Cable theft - he submitted that this remains a huge challenge in NLM and has adverse implications on the supply and distribution of water as the water infrastructure is dependent on electricity to function.
- 10.7.3 Water illegal connections - he stated that there are illegal connections into the municipal water bulk line are a common phenomenon and have negative consequences on the distribution of water. To address this problem, NLM began the process of installing steel pipes and appointing law enforcement officials to guard against the illegal connections.

10.7.4 Mushrooming of informal settlements - he stated that being on the border of two neighbouring countries <sup>20</sup> renders NLM prone to immigration challenges. He indicated that the influx of illegal foreigners and the development of informal settlements within NLM have a negative impact on service delivery as it makes it difficult for his municipality to properly plan and budget accordingly.

## 11. Inspection outcomes in respect of Nkomazi Local Municipality

11.1 As alluded to in 4.7. above, the Commission conducted site inspections in all the Municipalities. In respect of NLM, the site inspections were conducted on 10 November 2021. The areas visited were: Driekoppies, Mangweni, Mbuzini, Naas, Mananga, Dludluma, Malelane, and Komatipoort. The table below presents the inspection outcomes.

Water	Sanitation	Waste removal	Roads	Electricity
<b>DRIEKOPPIES</b>				
It was observed that most households have individual standpipes in their yards. Regarding the water challenges, it was established that residents had differentiated experiences, depending on their locality within the same village. Residents indicated that water rarely reaches households in upper-lying areas, except on rainy days when most households would have water running in their taps. In one section of Hlabaville village, residents indicated that it had been years since they had received water through their taps, even in	It was observed that residents make use of pit latrines toilets either received from NLM or self-made. A minimal number of residents indicated that they have waterborne toilets with private drainage systems. No sewer spillages could be observed on the day of the inspection. Residents reported that they do not have a sewer reticulation system.	Residents reported that NLM only collects waste on the main road. As such, residents residing near the main road would place their waste on the main road for collection by the municipal trucks. Further, there is no schedule for the collection of the waste. Residents residing far from the main road dispose of their waste mainly through burning.	It was noted that certain parts of Driekoppies are tarred and in good condition with minor potholes. Passage roads were gravel and also in good condition and accessible. Residents indicated that their challenge relating to service delivery in the main is inconsistent water supply.	The electricity is provided by the NLM and was reported to be unreliable due to the expansion of the town, which was not supported by the expansion of the infrastructure. There were also complaints about the high costs of electricity due to the levying of additional charges by the NLM.

<sup>20</sup> Mozambique and the Kingdom of Eswatini.

<p>rainy seasons. Further, NLM does not provide water through other alternatives.</p> <p>Consequently, those with Jojo tanks resort to buying water from private vendors whilst others are compelled to walk a considerable distance to surrounding areas to obtain water. In another section of Hlabaville, residents reported that they receive water from taps once in a long while. They obtain water from surrounding areas in case of need.</p>				
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## MANGWENI

<p>Like in other areas within the NLM, it was established that residents had differentiated experiences depending on their locality within the same village. In this regard, whilst some residents had standpipes in their homes, others did not. Of those who had standpipes in their homes, whilst some did not receive water, others received water up to four times a week. Whenever they run out of water, they source water from neighbours or private vendors.</p> <p>Those who do not have standpipes in their homes</p>	<p>It was established that residents had differentiated experiences depending on their locality within the same village. In this regard, whilst most residents reported that they use pit toilets which they either built for themselves or received from the NLM, other residents, particularly in Joyce, reported that they don't have any form of sanitation in their homes and that, therefore, they</p>	<p>Solid waste could be observed on the streets throughout the community. On engaging with residents, they advised that there is no solid waste removal program there, therefore, residents dispose of their waste through burning and illegal dumping in some areas. The existing waste removal program is reserved for government institutions such as schools and clinics, although waste <i>en-route</i> to the various government institutions is also collected if left by the side</p>	<p>It was observed that the main road was tarred and generally in good condition, although the road was flooded in some parts due to the inadequacy of the stormwater drainage system. The passage roads were gravel, and characterized by potholes which rendered the passage roads either inaccessible or accessible with great difficulty. Residents advised</p>	<p>Like other areas within the NLM, electricity connection to the different homes was observed. During engagements with residents, they confirmed that most households have access to electricity, although some do not. Those who do not have access to electricity rely exclusively on alternative forms of energy such as firewood and candles. Residents confirmed that those who have access to electricity,</p>
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<p>access water from a communal water tank, municipal water tankers, or private vendors. In this regard, some residents of Bhodla reported that they travelled for up to two hours to their nearest communal water source. Water at this source is only available from six to nine in the morning. There is no water at all during load shedding, and as a result, residents can go up to three days without water. Those who received water from the municipal water tanker, such as the residents of Joyce, reported that they only received such water once a week, which they then stored in water containers for use for the rest of the week. Water was delivered on the day of the inspection in Joyce. Residents and an official from the Municipality who spoke on condition of anonymity reported that the inconsistency in the water supply is attributable to illegal connections prevalent in the area. The water access challenges in the area have a profound impact on schools, particularly Silondokuhle Special</p>	<p>defecate in the nearby veld. It was further reported that residents with means have a water-borne sanitation system, which is however not connected to the municipality's sewage system. Residents with a water-borne sanitation system must, therefore, provide their own means for treating and disposing of the sewage waste. In the Jabulani section, residents complained of sewage spillages due to these private drainage systems.</p>	<p>of the road. Waste is collected from government institutions once a week.</p>	<p>that the condition of the roads is exacerbated during the rainy season and complained about the damage the roads cause to their cars.</p>	<p>have it directly from Eskom and that other than load-shedding, the electricity supply in the area was generally stable. Although electricity interruptions do occur in instances other than load-shedding, such interruptions are usually promptly attended to by Eskom. Some residents raised concerns about the costs of electricity, however, given the high rate of unemployment in the area. Price-sensitive residents confirmed that they supplement their energy source with other forms of energy such as wood and paraffin.</p>
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<p>School, which also houses learners at the school. Due to the water challenges in the area, like community members, the school must supplement its water source through private purchases from private vendors at the cost of R10 800.00 a week. Besides the costs, there are quality challenges with water from private vendors, as the water supplied is sometimes soiled. The school has no other alternative but to use the dirty water, due to the NLM's inability to deliver clean water. On observation, the water from the private vendors was visibly brown, which raised concerns about the suitability of the water for human consumption.</p>				
<p style="text-align: center;"><b>MBUZINI</b></p>				
<p>Like in other areas within the NLM, it was established that residents had differentiated experiences depending on their locality within the same village. In this regard, whilst all residents interviewed reported having standpipes in their homes, the frequency of supply differed from one area to</p>	<p>Residents advised that they use self-built pit latrines.</p>	<p>It was established that residents had differentiated experiences depending on their locality within the same village. In this regard, in Mabonzeni and Ndididi sections, it was observed that the area was generally clean, with minimal solid waste on the streets. At</p>	<p>It was observed that the main road was tarred and generally in good condition. The passage roads were gravel, and characterized by potholes which rendered the passage roads either inaccessible or accessible with</p>	<p>Like other areas within the NLM, electricity connection to the different homes was observed. During engagements with residents, they confirmed that most households have access to electricity. They further confirmed that they access</p>

the other. For example, whilst residents of Ndididi reported receiving water from their standpipes once a week, residents of Mabonzeni reported that they only occasionally received water from their standpipes and that, they primarily relied on water sourced from the river, rain, or private vendors. Residents of kaMahlanganisela, on the other hand, reported that they received water up to two times a week. The water received is then stored in water tanks and containers for use during the rest of the week. In areas where they primarily rely on piped water, residents source water from the river, spring, or private vendors whenever water becomes unavailable for prolonged periods. There is no water tanker service in the area.		KaMahlanganisela, however, illegally dumped waste was observed on the side of the roads towards the Samara Machel memorial. On engaging with the residents, they advised that there is no solid waste removal program in their area and therefore, they dispose of their waste through burning and illegal dumping in some areas. The existing waste removal program is reserved for government institutions such as schools and clinics. Refuse is collected from government institutions once a week.	great difficulty. In one area of KaMahlanganisela, one passage road was completely eroded by water from the stormwater drain and was completely inaccessible by cars and inaccessible by foot during the rainy season. As a result, residents on that street have to carry the coffins of their loved ones from the main road to their homes on foot during burials.	electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was stable. Due to the costs of electricity, residents advised that they supplement their energy source with other forms of energy such as wood and paraffin.
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#### NAAS

It was observed that homesteads have standpipes in their yards. In one portion of the area, residents indicated that they receive water through the taps once in a long while. Whilst others	It was observed that residents have self-installed pit-latrines toilets whilst other residents reported that they make use of water-borne toilets with private sewer	Residents indicated that they dispose of their waste through burning. It was, however, observed that residents had created their own dumping sites in various areas including in a stream of water. It was	It was observed that the main road is tarred and in good condition. A number of passage roads were gravel, however, easily accessible.	Residents reported that they make use of Eskom-supplied electricity which is prepaid. They raised a challenge load shedding which is said to occur during
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indicated that they receive water through water trucks dispensed by NLM, there is no schedule from NLM for water delivery. It was also observed that a considerable number of residents have Jojo tanks, which they reportedly use to store water they have bought from private vendors.	drainage systems. Residents reported there is no communal sewerage system in the entire village.	also noted that most parts of the area were filled with litter and generally untidy. According to residents, NLM does not collect waste in the area.		scheduled hours. Certain residents indicated that although they have access to electricity, they mostly use fire for cooking and candles for lighting due to the exorbitant cost of electricity.
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### MANANGA

Residents advised that they receive water from water standpipes in their homes once a week. The water received is then stored in water tanks and containers for use during the rest of the week. In some areas, residents have access to a communal water tank as a supplementary water source.	Residents advised that they use pit toilets which they either built for themselves or received from the NLM. Residents with means also use a water-borne system of sanitation which is not connected to the NLM's sewerage system. Residents with a water-borne sanitation system must provide their own means for treating and disposing of the sewage waste.	Unlike other areas within the NLM, it was observed that the area was generally clean, with minimal solid waste on the streets. On engaging with residents, most of them advised that there is no solid waste removal program in their area and that, residents dispose of their waste through burning and illegal dumping in some areas. The existing waste removal program is reserved for government institutions, although waste <i>en-route</i> to the various government institutions is also collected if left by the side of the roads. Waste is collected from government institutions	It was observed that the main road was untarred with potholes of varying sizes, rendering the main road accessible with great difficulty. Residents complained that due to the condition of the road, public transport in the area is scarce as taxi owners are reluctant to fare people to the area due to concerns about the damage the road causes to the taxis. As a result, residents struggle to access basic necessities. The passage roads were equally in a	Like other areas within the NLM, electricity connection to the different homes was observed. During engagements with residents, they confirmed that access to electricity is directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable. Some residents raised concerns about the cost of electricity, however, given the high rate of unemployment in the area. Many residents, therefore, supplement their energy source with other forms of energy such as wood and paraffin.
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		once a week on Thursdays.	poor state. Residents further reported that although a project was initiated to fix the road in 2019, the contractor abandoned the project. It is unclear if the contractor was paid for the project.	
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DLUDLUMA

<p>Residents advised that there are various sources of water in Dluhluma, namely: boreholes, communal Jojo tanks, individual stand-pipes, and private Jojo tanks.</p> <p>Residents reported that the supply of water through boreholes is not consistent as there are days on which water is not available. They also advised that the borehole water is salty and not drinkable.</p> <p>Regarding communal Jojo tanks, it was observed that there are four Jojo communal tanks in the entire village, with one located far north of Dluhluma next to the reservoir and three others placed in the yards of three different households.</p>	<p>It was observed that residents have self-installed pit-latrines toilets whilst other residents reported that they make use of water-borne toilets with private sewer drainage systems. Residents reported there is no communal sewerage system in the entire village.</p>	<p>It was observed that the village is generally clean. Residents reported that they self-dispose waste through burning and/or dumping it in informal dumping sites. NLM does not collect waste in the village as per reports received from residents.</p>	<p>It was observed that the entire village is untarred. The roads have been properly graded, and are accessible. Residents raised a concern that although the village is old, it has never had a tar road, and this limits their access to ambulance services, which are reluctant to render services due to the state of the roads.</p>	<p>It was observed that most households had been formally electrified. Residents raised issues about load shedding, which is said to occur during scheduled hours. Residents indicated that their electricity is pre-paid and is supplied by Eskom. As such, they do not have an issue of overbilling.</p>
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<p>Residents reported that as a means of augmenting their water supply, they had developed a schedule through which twenty households are permitted to fetch water at the Jojo tank next to the reservoir.<sup>21</sup></p> <p>With regard to the Jojo tanks placed in the different homesteads, residents reported that whilst there is an appreciation for placing the tanks in homesteads for safety reasons, this is creating friction between the homeowners and the residents as some residents find it difficult to enter the yards where the tanks are located. At times they are informed by the homeowners that there is no water available, with no proof to that effect. There is also no known schedule by the NLM for the filling of these Jojo tanks.</p> <p>It was also observed that there is a substantial number of households with private Jojo tanks. Residents with Jojo tanks indicated that they purchase water from private vendors to the tune</p>				
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<sup>21</sup> Each household is permitted to fetch water with up to six containers. The schedule is subject to the availability of water in the tank, which is filled by the NLM through trucks. NLM allegedly fails to fill the tank on a regular basis, and at times there is no water in the tank for up to two weeks. The community members also indicated that the schedule does not entirely work for them, and at times, women who have the arduous task of fetching water end up physically fighting with each other over water.

of R450.00 to R 500.00 per 2500-litre Jojo tank. Individual stand-pipes were also seen in several households. <sup>22</sup>				
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## MALELANE

It was established that residents in town and some of the surrounding private farms receive water from the NLM in their homes daily. The main challenge with water access in town is the perception that it is not safe for human consumption. For this reason, residents generally do not drink the water and instead rely on store-bought water for drinking purposes. On the other hand, residents of the surrounding abandoned farms access water through water standpipes in their yards. The source of this water is uncertain as they receive it through the old farm infrastructure. The supply itself is also not reliable, as they only receive the water three times a week. Water quality in these abandoned farms is also a concern, as the water is discoloured, owing	It was established that residents in town and the surrounding private farms use a waterborne system of sanitation. In town, the waterborne system of sanitation is connected to the municipal infrastructure. It was, however, reported that there are regular sewage spillages in town, which are not only harmful to health and wellbeing but also cause damage to infrastructure. The inspecting team did not observe sewage spillages on that day but observed damages on a boundary wall of one of the houses, which were said to have been caused by regular sewage spillages. On Air Street, it was reported that sewage spillages	In town, the Municipality collects refuse daily in different sections. The observations from the inspecting team were that the town was generally clean, which observation accords with the information received from residents regarding the solid waste management service in town. Residents reported that there is no municipal collection of refuse in surrounding private farms, however. The farm owners have their own system of refuse collection, which is not reliable. In Thuthukani farm, on the other hand, there is no system of refuse collection. The Municipality only collects sewage when residents get angry and call upon it to do so.	In town, the road was tarred with potholes observed in some parts. Residents reported that roads in the surrounding private farm areas were gravel, although in fairly good condition as they are maintained by the farm owners. In Thuthukani, it was reported that the road was gravel and generally not in good condition,	The electricity is provided by the Municipality and was reported to be generally reliable. In surrounding private farms, electricity is sourced directly from Eskom and was reported to be generally reliable. In Thuthukani farm, electricity is also sourced directly from Eskom but was reported to be generally unreliable as the transformer is overloaded and therefore constantly tripping.
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<sup>22</sup> Residents advised that only households in the lower laying area of Dludluma are able to get water through the taps, mostly once a week. The upper laying areas are not receiving water due to illegal connections that hinder the flow of water from reaching the reservoir.

to rust in the dilapidated infrastructure.	<p>occur at least twice a month and that the NLM takes a long time to respond and fix the spillages. On Buffel Street, it was reported that sewage spillages occur regularly and at least every two weeks. It was further reported that they experienced sewage spillages the day before our visit. The sewage spillages on Buffel Street flow into Buffel River. In the surrounding abandoned farms like Thuthukani Farm, on the other hand, sanitation is in the form of communal waterborne toilets.<sup>23</sup></p>			
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### KOMATIPOORT

Residents in town receive water from the NLM in their homes daily. The main challenge with water access in town is the perception that it is not safe for human consumption. For this reason, residents generally do not drink the water and instead rely on store-bought water for drinking purposes.	Residents in town and the surrounding private farms use a waterborne system of sanitation. The waterborne system of sanitation is connected to the municipal infrastructure. It was, however, reported that there are sewage spillages in the town from time to time and	Solid waste could be observed on the streets throughout the community. On engaging with residents, they advised that there is no solid waste removal program in their area and that, therefore, residents dispose of their waste through burning and illegal dumping in some areas. The existing waste	It was observed that the main road was tarred and generally in good condition, although the road was flooded in some parts due to the inadequacy of the stormwater drainage system. The passage roads were gravel, and characterized by	Electricity services particularly electricity is provided by the NLM and was reported to be unreliable due to the expansion of the town, which was not supported by the expansion of the infrastructure. There were also complaints about the high costs of electricity due to the
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<sup>23</sup> The toilets get blocked from time to time because of water challenges. Also, no one is responsible for the cleaning and upkeep of the toilets, and as such, the toilets are always dirty and unusable.



	<p>continuing sewage spillages into Transnet premises. It was reported that the latest incidents of sewage overflows into Transnet were in January 2022 and December 2021. The inspection team did not observe sewage spillages on the day of the inspection, though. The inspection team did observe, however, that the sewage pump station along the Crocodile River was submerged in sewage</p>	<p>removal program is reserved for government institutions such as schools and clinics, although waste <i>en-route</i> to the various government institutions is also collected if left by the side of the road. Waste is collected from government institutions once a week.</p>	<p>potholes which rendered the passage roads either inaccessible or accessible with great difficulty. Residents advised that the condition of the roads is exacerbated during the rainy season and complained that the damaged roads cause to their cars.</p>	<p>levying of additional charges by the NLM.</p>
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*The above picture was taken on the day of the inspection at Dluhluma Trust, next to the reservoir. Residents lined up with their containers, limited to 20 per household, to collect water.*

## 12. Evidence from the Govan Mbeki Local Municipality

- 12.1 The Govan Mbeki Local Municipality (“GMLM”) was represented by Ms. Elizabeth Tshabalala, the Acting Municipal Manager.

- 12.2 She commenced her written submissions by giving an overview of the population and its composition in GMLM. She indicated that GMLM comprises 32 wards.<sup>24</sup> In terms of the 2016 community survey, there was a population of three hundred and forty thousand and ninety-one (340 091) population with one hundred fifty-two, two hundred and twelve (152 212) females and one hundred and forty-two, three hundred and twenty-six (142 326) males.
- 12.3 The services provided by GMLM are water, sanitation, electricity, roads, and refuse removal. Concerning water, she indicated that in terms of 2011 statistics, there were eighty thousand-eight hundred and seventy-four (83 874) households. Eighty-one thousand five hundred ninety-eight (81 598) households had access to water whereas two thousand two hundred and seventy-six households had no water (2 276). She further stated that in terms of the 2016 census, the population in GMLM amounted to one hundred and eighty-eight hundred and ninety-four households (188 904). One hundred and seven thousand one hundred and ninety (107 190) households have water whereas one thousand and seven hundred and four (1704) households have no access to water. She indicated that GMLM also complies with the provisions of the Water Services Act and has a Water Services Development Plan which is funded by Gert Sibande District Municipality.
- 12.4 She indicated that GMLM provides water in Secunda,<sup>25</sup> Evander,<sup>26</sup> Embalenhle,<sup>27</sup> Charl Ceilers,<sup>28</sup> Trichardt,<sup>29</sup> and Eendracht<sup>30</sup> through the water reticulation system, whereas in Leandra, Kinross, Rural farms, and Emzonini it is a combination of various methods such as boreholes, water tinkering, communal tanks, and water reticulation.
- 12.5 With regard to sanitation, she indicated that there were eight two thousand three hundred and fifty-five (82 355) households with access to sanitation and one thousand five hundred and nineteen (1519) households without access to sanitation. She further indicated that the following towns/areas had sewer reticulation infrastructure: Secunda, Evander, Embalenhle, Leandra, Emzonini, Kinross, and Bethal. Other areas make use of various septic tanks and VIP toilets. Concerning sewerage spillages, she submitted that they are prioritized and attended to as per GMLM's standard operating procedures.

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<sup>24</sup> The towns, villages and townships are Kinross, Evander, Secunda, Trichardt, Bethal, Charl Cilliers, Lebohang, Embalenhle and Emzonini.

<sup>25</sup> Provided with 730 Kilolitres of water monthly.

<sup>26</sup> Provided with 138 560 Kilolitres of water monthly.

<sup>27</sup> Provided with 650 900 Kilolitres of water monthly.

<sup>28</sup> Provided with 8 500 Kilolitres of water monthly.

<sup>29</sup> Provided with 36 640 Kilo litres of water monthly.

<sup>30</sup> Provided with 15 922 Kilo litres of water monthly.

- 12.6 In so far as waste removal is concerned, Ms Tshabalala submitted that GMLM collects waste from all areas twice a week. In total, there are twenty-two (22) trucks in GMLM, but they are operating at 40% as most of the trucks are due for repairs. She further stated that there is also an Integrated Waste Management Plan in place. She admitted that their landfills, which are four (4) in total are not up to the required standard as they are simply quarry sites. They are also reaching capacity, Furthermore, there is no access to water in the landfills. In addition, she told the inquiry that GMLM did estimate three (3) years ago for the construction of an appropriate standard landfill, and they discovered that each is likely to cost R50 million.
- 12.7 On the issue of land and the future of human settlement, she submitted that GMLM is in partnership with the Department of Human Settlements (“**DHS**”). She indicated that new settlements had been identified, and a piece of land was donated to GMLM. She also indicated that land is not a challenge per se but provision bulk infrastructure especially sewer infrastructure in new settlements.
- 12.8 Addressing the issue of electricity during the inquiry, she confirmed that GMLM was taken to Court due to power cuts. This was a result of Eskom charging GMLM excessive rates. To address the issue of power outages, GMLM has since requested an increase in capacity from Eskom and would require R95 million upfront to procure a mobile transformer. She also stated that GMLM has a challenge with the NERSA tariff structure in that Eskom is approved fourteen per cent (14%) and GMLM is allowed adjustment of about nine per cent (9%) because the Treasurer wants to cushion the poor. She raised a concern that although Eskom received a bailout from the government, debts of municipalities to Eskom are not written off correspondingly. Further, residents on the other hand are not paying due to non-affordability.
- 12.9 On human resources concerning service delivery, she submitted that there is a 35.54% vacancy rate and staff turnover rate on average of fifty-five (55) exits per annum. She further indicated that GMLM was in the process of finalizing a skills audit using the gap skills module COGTA.
- 12.10 On the issue of the financial overview of GMLM, she indicated for three consecutive financial years<sup>31</sup> GMLM received disclaimer audit opinions from the AG. Furthermore, in the 2018-2019 financial year, her municipality had an income of R1 913 060 951, a deficit in the expenditure of R 2 741 354 381, and a surplus of R 828 293 433. For

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<sup>31</sup> 2017/2018-2019/2020.

the 2019-2020 financial year, her municipality had an income of R 2 254 328 434, a deficit in the expenditure of R 2 907 794 577, and a surplus of R 653 466 143. For the 2020-2021 financial year, GMLM had an income of R 2 167 805 073, an expenditure of R 2 449 027 835, and an overall deficit of R 286 691 597. She indicated that the following factors contributed to the financial status of GMLM for the aforementioned financial years: decline in revenue collection; GMLM being placed under section 139 of the Constitution;<sup>32</sup> GMLM only being assisted with the development of the Financial Recovery Plan by the Provincial Treasury; and the termination of electricity prepaid contract which resulted in financial loss.

- 12.11 In response to the measures taken by GMLM in the last financial year to address challenges concerning the provision of water and sanitation, Ms Tshabalala indicated that GMLM has done the following: installed boreholes; installed communal taps and informal settlements; procured water trucks for water supply; procured a vacuum truck to clean sewer lines; hired septic tanks and VIP trucks to clean septic tanks and VIP toilets; replaced and upgraded water and sewer lines; and refurbished and upgraded pumps stations and wastewater treatment works.
- 12.12 She indicated that as a result of the aforementioned measures, farms can access water through water tanks; there is constant water supply in informal settlements and areas without infrastructure; septic and VIP toilets are being cleaned; water supply interruptions have been minimized; sewer blockages have lessened, sewer is now being pumped to the wastewater treatment works and there is improved treated effluent compliance.

### **13. Inspection outcomes in respect of Govan Mbeki Municipality**

- 13.1 Site inspections in respect of GMLM were done on 14 and 15 February 2021. The areas visited were: Secunda, Embalenhle (Extensions 7, 8, 9, 11, and 18), Evander, Leandra (Ekuthuleni extensions 9, 10, 24, section 17, section 9, and Antens), Bethal, and Emzinoni. The table below depicts the inspection outcomes.

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<sup>32</sup> Read with section 139 of the Municipal Finance Management Act, 56 of 2003.

Water	Sanitation	Waste Removal	Roads	Electricity
<b>SECUNDA</b>				
<p>It was established that residents had daily access to running water in their homes, although of late, they have been experiencing water interruptions and low water pressure from time to time. As a result of these intermittent water interruptions, some residents have started investing in water storage units they use to store water for use when they don't have access to water.</p> <p>On follow-up inspections, not much has changed, residents have created alternative means of water supply by installing Jojo tanks and some drilled boreholes.</p>	<p>Secunda uses a waterborne sanitation system connected to the GMLM's sewer system. It was further reported that there were sewage spillages in the town from time to time. However, no sewage spillages were observed on the day of the inspection.</p> <p>On follow-up, no sewage spillages were observed, and residents indicated that the municipality promptly attended to them.</p>	<p>Residents reported that the GMLM collects refuse once a week. However, other residents, reported that refuse collection in the area is not consistent due to mechanical breakdowns of the municipal refuse trucks. In some instances, it takes a long time for the trucks to be fixed due to the unavailability of parts, resulting in refuse not being collected for up to three weeks.<sup>33</sup> Secunda was observed to be generally clean.</p> <p>On follow-up, the town still looked clean and no new issues were raised by residents.</p>	<p>It was observed that, in the main, the roads in town were tarred, and generally in good condition, although there were cracks and potholes in some parts. The cracks appear to have been caused by the root system of trees along the side of roads. On the day of the visit, municipal officials or contractors were observed patching some of the potholes, evidencing that potholes in the town were being attended to.<sup>34</sup></p> <p>On follow-up, the road was still generally in good condition and trees close by the road continued to crack the road.</p>	<p>The inspection team received mixed reports in this regard. Whilst some residents reported that the electricity supply in their area was generally reliable, other than load-shedding, others reported that the electricity supply was not reliable.</p> <p>On follow-up, residents complained of the ramped-up load-shedding.</p>
<b>EVANDER</b>				
Water	Sanitation	Waste Removal	Roads	Electricity
It was established that residents had daily access to	It was established that the town has a	Residents reported that the GMLM collects	In the main, the roads were tarred and	It was reported that the electricity

<sup>33</sup> Municipal officials were observed collecting refuse on the day of the inspection. Municipal officials interviewed denied that this was the case, however, advising that even when they cannot collect refuse on the allocated day, they ensure that refuse is collected the same week. Another official conceded that their current fleet is insufficient, which means that when breakdowns occur, no work can be done.

<sup>34</sup> Further concerns raised by residents include overgrown grass on the sides of the road. The inspecting team also observed that some of the trees were hanging onto the road and sidewalks and, therefore, in need of trimming.

running water in their homes, although of late, they have been experiencing water interruptions. The last time they did not have water was the week before the visit. They did not get any notice before the water was interrupted and were not provided with an alternative water source.	waterborne sanitation system connected to the GMLM's sewer system. There were no reported sewage spillages in the area.	refuse once a week and that the refuse collection system was reliable.	generally in good condition, although there were cracks and potholes in some parts.	supply in their area was generally reliable, other than load-shedding.
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## LEANDRA

Water	Sanitation	Waste Removal	Roads	Electricity
<p>Residents in the suburban areas had water access in their dwellings daily, whilst residents in the township had water access through standpipes in their yards, in the main, and their dwellings occasionally. In the informal areas, residents either had illegally connected water standpipes in their yards or relied on communal taps for their water access. In all areas, residents received water daily. There was water available in all the areas visited.</p> <p>On follow-up, Ext 17 is at the mouth of Leandra, established in 2024 residents were observed collecting water in the communal tap, which was installed by the contributions of the residents, they added. Ext 9 and 10</p>	<p>In the suburban areas, it was established that residents used a waterborne sanitation system connected to the GMLM's sewer system in some parts and a septic tank system in other parts. However, the septic tank sewage system was in the process of being replaced. In the township, residents also used a waterborne system of sanitation connected to the municipal system, whilst in the informal areas, residents either relied on self-dug pit toilets or did not have toilets. Those who do not have toilets defecate in their houses and dispose of</p>	<p>Residents in the township and suburban areas reported that refuse is collected in their areas weekly, whilst residents in informal areas reported that there was no refuse collection system in their areas and that, therefore, they resorted to illegal dumping to dispose of their waste. Indeed, in the informal areas, illegal dumped waste was noted along waterways and roads.</p> <p>On follow-up, no change was noted. The place looked dirty, residents reported that they resorted to alternative dumping because the service</p>	<p>Although the main roads were tarred in the suburban and township areas, the roads were eroded by potholes. In the informal areas, the roads were gravel and littered with potholes.</p> <p>On follow-up, not much had changed except that resident complained that when the municipality fixes the gravel roads at times they burst pipes water pipes and leave them without water for days. At Ext 17 unlevelled gravel was observed and the residence indicated that it has been like that for a while. Severe potholes were</p>	<p>It was reported that the electricity supply in the township and suburban areas was generally reliable, whilst residents in the informal areas did not have access to electricity.</p> <p>On follow-up, in the informal settlement at Ext 17, there is no electricity.</p> <p>Residents also complained of the ramped-up load-shedding.</p>

complained about an inconsistent supply of water advising that at times they are without water for over 4 days.	<p>the human waste in the fields and nearby rivers. In areas using the septic tank system, there were reports that the septic tanks were not serviced on time in some instances, resulting in sewage overflows. In the township, there were reports of sewage spillages, some of which flowed into the river. Sewage overflows into the river were particularly observed in extension 17.</p> <p>On follow-up, the Commission observed a major sewer spillage emanating from Ext 18 joining the manhole crossing over the bridge to Ext 17, residents reported that the spillage had been running for over a month and the municipality is aware as they reported.</p>	<p>was not rendered effectively by the municipality.</p> <p>On follow-up, the Commission observed whitish water waste within the yards of some residents not far from the industrial area, residents indicated that it was a waste product of the milk-producing company about a few meters from their yards. They have reported to the municipality and it is doing nothing about it, as the same waste was followed leading up to the local streams.</p> <p>The</p>	observed in the vicinity of East Avenue.	
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### BETHAL

Water	Sanitation	Waste Removal	Roads	Electricity
It was established that residents had water access in their dwellings daily.	It was established that residents used a waterborne sanitation system connected to	Residents reported that waste is collected once a week and reliably so. The town and	It was established that although the roads were tarred, the roads	It was reported that the electricity supply in the area

On follow-up, water was not reported to be an issue.	<p>the GMLM's sewer system. Whilst there were no sewage spillages observed in other parts of the town, sewage overflows were observed in the part of town closest to Emzinoni. The sewage spillages formed a pond near a residential area. Wild birds could be observed feasting in and around the pond.</p> <p>On follow-up, no sewer spillage was observed, and residents indicated that the municipality promptly attends to them as they are reported.</p>	<p>suburban areas were generally clean.</p> <p>On follow-up, no indication of any challenge was observed, the town was still clean.</p>	<p>were littered with severe potholes.</p> <p>On follow-up, the status quo remained. The Commission found a truck on Chris Hani's street fixing potholes, the project manager indicated that the project was financed by Afri-Forum.</p>	<p>was generally reliable.</p> <p>On follow-up, the residents only complained about the ramped-up loadshedding.</p>
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### EMZINONI

Water	Sanitation	Waste Removal	Roads	Electricity
Residents in the formalized areas reported that they receive water from their water standpipes daily, although they have been experiencing frequent water cuts due to electricity cuts in their areas. In the informal areas, residents generally did not have water in their yards unless they connected to water from the main water line illegally. Residents who did not have water standpipes in their yards collected water	In formalized areas, residents used a waterborne system of sanitation connected to the GMLM's sewer system. Although residents reported sewage spillages in some parts of the township, no sewage spillages were observed on the day of the visit. In the informal areas, whilst some residents had dug their	In some parts, residents reported that refuse is collected once a week but unreliably, In most parts, and informal areas, especially, residents reported that there is no refuse collection system and that as such, they dispose of their waste mostly by illegal dumping. Indeed, illegal dumping spots were observed	<p>The roads were tarred, the roads were littered with potholes. In other areas, particularly the informal areas, the roads were untarred and in a bad state.</p> <p>On follow-up, some of the roads were paved and the gravel roads were accessible.</p>	It was reported that the electricity supply in the area was generally unreliable. In some areas, this was due to the experience of municipal load reduction and the tripping of the transformer due to illegal connections. The unreliability of the electricity supply was



<p>from neighbours within a 200-meter radius of their homes. There was water in the pipes on the day of the visit.</p> <p>On follow-up, the residents bemoaned the state of water provision, they indicated that they stayed for days without provision of water and no alternatives, they reported that water cuts are a regular occurrence, and at the time of the visit, there was no water at Ext 4 and 5.</p>	<p>own pit toilets, other residents did not have their own toilets and relied on the neighbour's toilets.</p> <p>On follow-up, the status quo had not changed, the Commission observed a major sewer spillage at extension 11 next to a sewer pump station which residents indicated to have been none functioning for over 6 years, and the area had a bad stench right behind the residential area, the spillage had caused a wetland and it leads to a river that crosses R35 leading to Morgenzon, birds were seen fisting.</p>	<p>throughout the township. In one area, there was a kilometre stretch of illegally dumped waste on both sides of the road.</p> <p>On follow-up, the location was infested with litter in most of the open fields, residents attributed this to the infrequent collection of waste by the municipality.</p>	<p>exacerbated during winter. There was no electricity in the informal areas.</p> <p>On follow-up, there was no electricity during the date of the inspection, residents indicated that their scheduled time to be load-shed past about 2 hours, and they explained that at times they only access electricity for 4 hours a day. They further indicated that the municipality explained to them that the demand far exceeds the supply, and as a result, electricity keeps tripping.</p>
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*Sewer spillages coupled with illegal waste disposal in eMbalenhle.*

## 14. Evidence by Thembisile Hani Local Municipality

- 14.1 Thembisile Hani Local Municipality ("THLM") made submissions through its Municipal Manager, Mr Oscar Nkosi.
- 14.2 In his written submissions, he stated that THLM forms part of Nkangala District Municipality. It is a semi-urban municipality consisting of 64 villages. In terms of the 2016 community survey, THLM had One Hundred Forty-Six Thousand and Forty (146 040) African males, One Hundred and Sixty-One Nine Thousand and Twelve (161 912) African females, Two Hundred and Twenty-Two Coloured males (222), Three Hundred and Twenty-Six Coloured females (326), Seven Hundred and Forty-Seven Indian males (747), Two Hundred and Eighty-Three Indian females (283), One Hundred and Sixty-Two (162) White males and One Hundred and Thirty-Eight females (138).
- 14.3 With regard to water, Mr Nkosi submitted that THLM is a Water Service Authority with three (3) main suppliers of water namely: Rand water which supplies 35 ML/day; the City of Tshwane which supplies 8ML/day and Moses River (Bundu Weir) which supplies 5ML/day.<sup>35</sup> He indicated that the water supply does not meet the demand, as a result, not all the areas within THLM receive water on a daily, except for Thembaletu; Vezubuhle; Tweefontein E, G, H, J, F, and Tweefontein RPD section; Vlaklaagte; Sun City AA; Phola Park; Thokoza and Mountain View.<sup>36</sup> THLM implements the *vula vala* operation in other areas to ensure that the water is received equally.<sup>37</sup>
- 14.4 To address the challenge of water, THLM embarked on the following projects:
- Upgrading of the existing water infrastructure from the Agricultural Project to augment the borehole water supply in Bundu. He stated that there is however slow progress in obtaining approval for the Water Use Licence by DWS;
  - Construction of a 10M pre-cast reservoir and pipeline at KwaMhlanga for Phola Park and Mountain View communities;
  - Upgrading of Vlaklaagte & Kwaggafontein water infrastructure;
  - Upgrading of Enkeledoornoog B water infrastructure;
  - Upgrading Suncity reservoir;

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<sup>35</sup> The source of water for Rand Water and City of Tshwane is the Vaal River.

<sup>36</sup> He indicated that the areas are directly connected to the bulk lines while the other areas depend on storage reservoirs.

<sup>37</sup> Refers to the rationing of water supply.

- Construction of new gantries on Dr JS Moroka & City of Tshwane Bulk line; installation of a borehole in Loopspruit, Seringkop Farm, Tweefontein C and DK;
- Drilling, refurbishment, equipping, and electrification of boreholes in Verena, Bundu, Machipe, Boekenhouthoek, Mathyzenzop, and Sheldon;
- Upgrading Moloto Storage reservoir; construction of a water reticulation in Kwaggafontein A;
- Upgrading of Vrischgewaagd reservoir;
- Upgrading Kwaggafontein water scheme; augmentation of BWS in Moloto, Kwagga CDE ward, Verena D and Kwaggafontein A;
- Refurbishment of Tweefontien WWTS;
- Moloto groundwater scheme;
- Upgrading of Sheldon, Ntokozweni, Mabhoko, Tweefontein C & DK water infrastructure; and
- Replacement of asbestos pipes in Bomando.

14.5 Regarding sanitation, he submitted that there are three forms of sanitation at THLM namely: waterborne system, VIP toilets, and unlined pit latrines.

14.6 Regarding waste collection, Mr Nkosi submitted that waste is collected every fourth night in all wards with the exception of KwaMhlanga and Tweefontein K where it is collected every week.

14.7 On the financial overview status of THLM, he indicated that there are challenges that are attributable to the factors below:

14.7.1 Persistent culture on non-payment by communities- he stated that between the 2018/2019 to 2020/2021 financial years, THLM undertook measures to address this challenge which included implementation of the Amnesty Incentive Scheme; revising the revenue enhancement strategy and appointment of debt collectors. On the other hand, the government assisted THLM in this regard by facilitating collection improvement through the provincial debt collection forum. He also stated that THLM's plans include continuous cleaning of the billing database, involvement of traditional leaders in revenue collection campaigns, and installation of water meters.

14.7.2 Data cleansing which affects billing information- he submitted that to address the challenge, THLM embarked on in-house data cleaning from 2018/2019 to 2020/2021 financial years. He further submitted that THLM plans on procuring

a system that will assist in searching for customer information; compilation of supplementary valuation rolls and conducting a house-to-house data collection program to collect accurate information.

- 14.7.3 The low application rate of the indigents in the municipality- he stated that to address the challenge, THLM has been engaging communities on the importance of registering as an indigent. He also stated that THLM will also strive to improve the numbers in the indigent register.
- 14.7.4 Slow response of payments of services from government departments- he stated that THLM persistently sends bills and reminders to the department through the Provincial Treasury on outstanding debts. He indicated that THLM is working on appointing a debt collection panel to assist it with recovering the outstanding debts.
- 14.8 On audit outcomes, Mr Nkosi submitted that THLM received qualified audit opinions for the 2018/2019 and 2019/2020 financial years with an accumulative amount of R58 628 260 for irregular expenditure in the last three financial years.
- 14.9 Mr Nkosi concluded his written submissions by indicating that one of the greatest challenges faced by THLM is land invasion whereby some individuals impersonate traditional leaders unlawfully allocate stands to individuals and disregard road and power lines servitudes.
- 14.10 On the day of the inquiry, Mr Nkosi took the panel through his written submissions, and in addition, spoke to the issue of demand and supply of water within THLM. In this regard, he submitted that the demand for water in his municipality is 75ML/D whereas the supply is 43ML/D. His municipality strives to augment the shortfall but providing water through boreholes and water trucks. He acknowledged that the issue of water scarcity results in residents having to cross the Moloto and R568 roads to access water in other locations.
- 14.11 Concerning the issue of water being commodified, he indicated that the matter has since been resolved. In the past, and before THLM appointed its own private service providers to supply water to residents at no cost, residents used to buy water from service providers who were not contracted to the THLM. He indicated that THLM has put stringent measures to ensure that the service providers do not sell water to the residents and in the event it happens, residents must report to law enforcement

authorities. He also added that THLM has an updated Water Services Development Plan, which is accessible to the public.

- 14.12 Responding to the question of compliance with the Commission's directives on the preliminary report issued against THLM, Mr Nkosi informed the panel that a lot has been done following the issuing of the report including the development of a Water Conservation and Demand Strategy Plan, further that residence does receive water as THLM has pipes connected into the bulk water supply infrastructure.<sup>38</sup>
- 14.13 Mr Nkosi also informed the inquiry that there has not been any regression in the audit outcomes by the AG as THLM has been consistent in receiving disclaimer opinions in the last 3 years. He stressed that revenue collection remains a great challenge as THLM is mostly rural. THLM however does collect revenue from the private sector.
- 14.14 On the issue of land allocation, he said THLM engaged with the traditional authorities within its jurisdiction in 2017 and developed a Memorandum of Understanding which is to be signed after the approval of COGTA. He added that although most of the land does not belong to THLM, the latter does apply for the release of land from the Department of Agriculture and the Department of Rural Development. The land is thereafter sold to residents in the form of stands.

## **15. Inspection outcomes in respect of Thembisile Hani Local Municipality**

- 15.1 The Commission embarked on site inspections in THLM on 15 February 2022. The following areas were visited: Kwaggafontein, Tweefontein, Kwa-Mhlanga and Verena. The outcomes thereof are reflected in the table below.

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<sup>38</sup> The preliminary report was issued on 22 January 2021, following a complaint received from Mr Joseph Sibanyoni on 16 November 2018 and another one was lodged by community members of Zakheni. In the complaints, the alleged that there were challenges with accessing water in Zakheni and in THLM in general. The Commission issued the following preliminary directives against THLM:

- That within 3 months of the final report, THLM submits a revised council approved plan for addressing the water challenges within its jurisdiction, with due regard to the poor residents who cannot store large quantities of water at a given time.
- That THLM and DWS jointly reconsider Loskop Dam Bulk Project in so far as it pertains to THLM.
- That within 14 days of the report, THLM submit a report on the efficacy of its borehole project. In this regard, indicate the number of boreholes drilled, the number of operational boreholes and the water yield for each of the boreholes.
- That within 14 days of the report, THLM submit a status report on the Moses Water Project.

### KWAGGAFONTEIN A

Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents have JoJo tanks in their yards. However, residents indicated that they don't receive water from the Municipality. They added that they buy water from water trucks/tankers for R250.	It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there is no communal sewerage system in the entire area.	Residents advised that waste is collected once a week. However, they alleged that the collection of refuse by the Municipality is not Consistent.	It was observed that the area is not tarred. The condition of the road is in a bad state. No access for wheelchair users.	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable

### TWEEFONTEIN B2

Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents have standpipes in their yards. Residents were engaged and they indicated that they receive water from the Municipality. However, they reported that the water supply from the Municipality is not consistent.	It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there is no communal sewerage system in the entire area.	The residents reported that they self-dispose waste through burning and dumping waste in informal dumping sites.	It was observed that the area is not tarred. The condition of the road is very bad. No access for wheelchair users.	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable.

### KWA-MHLANGA - ZAKHENI

Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents have standpipes in their yards. However, residents reported that the last time they received water through the reticulation system was in	It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there	Residents advised that waste is collected three times a week. They added that the collection of refuse by the	It was observed that the area is not tarred. The condition of the road is very bad. Residents requested that the municipality	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than

2013. They indicated that they have JoJo tanks in their yards and they buy water from water trucks/tankers for R250.	is no communal sewerage system in the entire area.	Municipality is Consistent.	pave or grade the roads effectively.	load-shedding, the electricity supply in the area was reliable
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## VERENA

Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents in the area receive water through communal JoJo tanks. Residents indicated that water in the area is always available, but it is very far away. They alleged that others travel from far pushing wheelbarrows to get water. They added that other households have illegally connected from the communal JoJo tank to get water.	It was observed that residents use pit latrines. They indicated that other households have their own private drainage system.	The residents reported that they self-dispose waste through burning and dumping waste in informal dumping sites.	It was observed that the area is not tarred. Residents requested that the municipality pave or grade the roads effectively.	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable

## 16. Evidence by Lekwa Local Municipality

- 16.1 Lekwa Local Municipality (“LLM”), represented by the acting municipal manager, Mr Johnny Mokgatsi.
- 16.2 In the written submissions, Mr Mokgatsi indicated that according to the 2016 community survey, LLM had a population of One Hundred and Twenty-Three Thousand, Four Hundred and Nineteen (123 419).
- 16.3 On the issue of access to water, he submitted out of the Thirty-Seven Thousand Three Hundred and Thirty-Four (37 334) households within LLM, there are Three Thousand Five Hundred and Ninety (3590) households without access to water. The

capacity for water supply is 39,2ML/D with a demand of 42ML/D.<sup>39</sup> On the other hand, Morgenzon has a capacity of water of 2,2ML/D and a demand of 3.9ML/D.<sup>40</sup>

- 16.4 In Sakhile Township, Standerton Extensions 6,7,8; Standerton Town; Rural Wards 9,12, and 13; Sivukile Township and Morgenzon Town, water is supplied by the Standerton Water Treatment Plant mostly via the water reticulation systems. Residents receive water daily, the supply is however inconsistent on high lying areas of the township. LLM delivers water through Jojo tanks and water twice a week to areas that have challenges with accessing water.<sup>41</sup>
- 16.5 On the issue of sanitation, Mr Mokgatsi submitted as follows:
- 16.5.1 The capacity of the sewer network in Lekwa is 9ML/D whereas the demand is 18 to 20 ML/D. In Morgenzon, the capacity is 0.9ML/D and the demand is 3M/D.
- 16.5.2 There is a sewer network in Sakhile Township, its quality, however, does not comply with the required standards as the Standerton Waste Water Treatment Plant is overloaded and in need of an urgent upgrade. Further three (3) sewer pump stations were being refurbished. Its design capacity is 0.2 ML/D.
- 16.5.3 In Standerton Extensions 6,7,8, there are challenges with the sewer network resulting in sewer spillages. Further, there are no sewer pump stations in Standerton Extension 8. The design capacity is also 0.2 ML/D.
- 16.5.4 In Standerton Town, the sewer network with a design capacity of 11ML/D has aged resulting in sewer spillages. The sewer network also does not comply with the required standards as the Standerton Waste Water Treatment is overloaded.
- 16.5.5 In Rural Wards 9, 12, and 13 there is sanitation is provided by utilizing VIP toilets. There is a backlog in the installation of sewer infrastructure.
- 16.5.6 In Sivukile Township there is a sewer network, however, the sewer pump unit needs repairs.

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<sup>39</sup> This points to a deficit of 2.8 ML/D.

<sup>40</sup> This points to a deficit of 1.7 ML/D.

<sup>41</sup> The quantity of water supply per area, per month is as follows: in Sakhile Township 1036 mega litres; Standerton Extensions 6,7,8: 1036 mega litres; Standerton Town: 1036 mega litres; Rural wards 9,12 and 13: 140 000 mega litres; Sivukile Township: 61.6 mega litres and Morgenzon: 61.6 mega litres.



- 16.5.7 In Morgenzon Town, there is also a sewer network that does not comply with the required standards due to the Morgenzon oxidation ponds being overloaded and in need of upgrades.
- 16.6 He submitted that to address the challenges regarding sanitation, LLM embarked on the following projects:
- 16.6.1 In the 2018/2019 financial year, LLM refurbished the Standerton Wastewater Treatment Works (repair and commissioning of two filters). The project was funded by the MIG for R 2 million. The refurbishment added 7.8ML/D treatment capacity thus benefiting wards 1-8,10,11& 15. There was also a refurbishment of the sludge system. This project was also funded through MIG in the amount of 4.2 million. There was also the construction of a booster sewer pump station in Rooikoppen, which project was funded by the Water Services Infrastructure Grant and helped to reduce sewer spillages in Ward 11.
- 16.6.2 In the 2019/2020 financial year, there was a project for the installation of a 1768m gravity line in Rooikoppen. A project that was funded through the Water Services Infrastructure Grant.
- 16.6.3 In the 2020/2021 financial year, the projects included refurbishment of the Standerton Waste Water Treatment Works; refurbishment and upgrade of sewer pump stations in Johan Street, Muller, Taaljaard, TLC, and Vaal; installation/refurbishment/desludging of VIP toilets and provision of chemicals for the VIPS toilets.
- 16.7 Regarding electricity, he submitted that there is an inconsistent supply of electricity in Sakhile Township, Standerton Extensions 6,7,8, and 9 townships due to overloading of the electricity network, cable faults, tempering of meter boxes, and illegal connections. In Standerton Town, Meyerville, Kosmospark, and Florapark load shedding is implemented daily in the winter season due to meter bridging, this also applies to the Rural wards. In Morgenzon Town and Township electricity is provided through Eskom, there are however challenges with the maintenance of streetlights.
- 16.8 With regard to waste removal, Mr Mokgatsi submitted that out of the total number of households, LLM does not provide waste removal services to sixteen thousand one hundred and ninety-three households (16 193).

- 16.9 Mr Mokgatsi did not make submissions in respect of the status of the roads in LLM.
- 16.10 On human resource capacity, he submitted that there is a vacancy rate of 52% in the water and sanitation department, 46 % in the electricity department; 49 % in the roads and stormwater department, and 46 % in the refuse collection and waste management department.
- 16.11 With regard to the financial overview of LLM, he submitted that his municipality received disclaimers from the AG in the past three years. On revenue collection, it increased from R 569 million (Five Hundred and Sixty-Nine Million Rand) in the 2017/2018 financial year to R842 million (Eight Hundred and Forty-Two Million Rand) in the 2020/2021 financial year. The sources of the revenue collected were electricity by forty percent (40%), property rates by nineteen percent (19%), water by ten percent (10%), sanitation by five percent (5%) and transfers received eighteen percent (18%). He also indicated that LLM took measures to improve financial health by implementing a revenue enhancement strategy, the financial recovery plan, and cost curtailment measures.
- 16.12 He also indicated that the following factors contributed to LLM's financial condition: adverse socio-economic conditions including disinvestments by businesses; high vacancy rate at senior management level, inadequate revenue collection; high distribution losses; inaccurate billing as well and Eskom electricity high tariff increases.
- 16.13 Mr Mokgatsi concluded his written submissions by indicating that LLM has taken/taking the following measures to address the adverse audit outcome by the AG:
- (i) Review of the finance organogram.
  - (ii) Skills audit to be undertaken in the finance section.
  - (iii) Development of a capacity-building program.
  - (iv) Review Standard Operating Procedures.
  - (v) Appointment of a consultant to assist with the preparation of the fixed assets register.
  - (vi) implementation of the audit plan with a focus on disclaimer items.
  - (vii) Development and implementation of an AFS readiness plan and checklist.
  - (viii) Establish a steering Committee to meet weekly to discuss the implementation of the audit action plan and the AFS readiness plan.

- 16.14 During his oral evidence, Mr Mokgatsi took the panel through his written submissions. He acknowledged that sewer spillages and electricity are major concerns in LLM. The municipality has since made an application to the National Treasury to repurpose the MIG funds to address the immediate needs around sanitation. He admitted that electricity challenges do not only affect service delivery but also businesses and farming communities. Further, the situation around electricity compelled the municipality to implement electricity load reduction. Furthermore, the service delivery challenges saw the businesses in Lekwa taking the Minister of Finance and COGTA to Court to compel them to address the service delivery issues in LLM.
- 16.15 He further told the inquiry that LLM did not address the issue of irregular expenditure for a long time. This resulted in the municipality incurring an irregular expenditure of two billion rands. Further, the administrator is expected to implement consequence management to those who are implicated.
- 16.16 On roads, they told the panel that LLM has partnered and concluded an MOU with SANRAL to include internal road projects that the LLM has. On sanitation, he told the panel that Goldie had appointed a service provider to assist with addressing the chronic sewer spillages.

## 17. Inspection outcomes in respect of Lekwa Local Municipality

- 17.1 Site inspections in LLM were Standerton, Sakhile/TLC, Rooikopen, Azalea, Thuthukani, and Morgenzon on 17 February 2022. Below is a summary of the inspection outcomes.

STANDERTON				
Water	Sanitation	Waste Removal	Roads	Electricity
Residents reported that they have taps in their dwellings. Residents raised a concern that the supply of water has been inconsistent, and the water is contaminated. They indicated that this has prompted them to drill boreholes in their yards. Jojo	Residents advised that sewer spillages have been one of their challenges in service delivery for the longest time. They attributed these challenges to corruption in LLM, substandard work on repairs by contractors,	Residents reported that waste ought to be collected once a week. They indicated that LLM defaults in collecting, and sometimes they have to find alternative	It was noted that although the roads were tarred, there were severe potholes throughout the entire town; including Schwikard, Coligny, and Berg Streets.	Residents indicated that supply had improved drastically in the past few months. They said they used to experience load

<p>tanks were observed in some households. The Commission also observed municipal officials removing a water meter from a particular household; upon engagement, the officials indicated that they are inundated by requests from residents for the removal of the water meters as they no longer use them. The officials confirmed that most residents have resorted to drilling boreholes due to the water challenges in the LLM. The officials also mentioned LLM has now taken steps to improve the challenges relating to the supply as well as the quality of the water.</p> <p>On follow-up, the undrinkable and dirty water problem still persisted, as observed previously some residents have installed Jojo tanks.</p>	<p>neglect, and lack of regular maintenance of the infrastructure. Sewerage spillages and debris of sewerage were observed in some parts of the town, including in Joubert, Caledon, Krogh, Schwikard, and other streets. Residents indicated that the spillages have been part of their daily lives as LLM does not attend to them.</p> <p>On follow-up, no active sewer spillage was observed, only an old spillage that was attended to however rubble not cleared was observed on Joubert Street, otherwise, the other spillages observed previously seemed to have been observed.</p>	<p>means of disposing of their waste.</p> <p>On follow-up, the town looked clean, however, residents indicated the service is infrequent and at times they incur extra costs to have the waste removed and this is a potential future problem.</p>	<p>Residents indicated that the state of the roads has been poor since time immemorial. They alleged that LLM had not done any maintenance of roads for many years. Residents indicated that the condition of the roads often leads to accidents and spend a fortune replacement of damaged tyres and alignment.</p> <p>On follow-up, the status quo remains. The roads are horrible.</p>	<p>reduction, which would last for many hours, but this is no longer the case. They further reported that they now experience load shedding during scheduled hours.</p> <p>On follow-up, residents complained about the ramped-up load-shedding.</p>
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## AZALEA

Water	Sanitation	Waste Removal	Roads	Electricity
<p>Residents advised that the supply of their water is not consistent, and it normally comes out muddy from their taps. They alleged that there are instances where they will be without water for over five days. Residents also indicated that some streets of the area have standpipes, however, with no water coming out. The</p>	<p>Residents advised that they use waterborne toilets connected to the municipal sewer line. Severe sewerage spillages with a strong stench were observed throughout the location. Residents indicated that they have been experiencing spillages for many years.</p>	<p>Residents advised that the LLM used to collect the waste once a week until they stopped in December 2021. They reported that they were not advised by the LLM of the reasons for the non-collection of refuse.</p>	<p>It was noted that the main road and some passage areas have been tarred. The roads were in a fair condition and accessible.</p> <p>On follow-up, the roads had potholes</p>	<p>Residents advised that electricity cuts are a regular occurrence and there are instances where they will be without electricity for more than 24 hours to 5 days, and they would be</p>

<p>Commission also observed leakage of water pipes on the day of the inspection.</p> <p>On follow-up, the status quo remained, residents are still battling the issue of dirty undrinkable water, water has been gone for days, and even the water tankers used to supply water bring dirty water, and are often in a hurry, at times they have to buy water. The Commission observed an old lady with a bucket of water which looked unclean, she had just received it from a tanker.</p>	<p>The Commission observed sewerage freely flowing to the house of an elderly person and to an area that was once a recreational park. Some residents indicated that they normally see municipal officials coming to the spillage hot spots, but the spillages are not attended to, and the issue remains unresolved.</p> <p><b>On follow-up,</b> the municipality is not winning this battle, several spillages were observed, some were in the gates of residents others we followed to the stream leading to the Vaal River. One big spillage formed a wetland not far from Stanwest Combined School and the place generally smells bad. One resident indicated that they are on the verge of breaking the pump station located on Land Street as it is the cause of their spillages week in and week out.</p>	<p>Informal dumping sites were observed, and the area was filled with litter everywhere. On the day of the inspection, the Commission observed waste being burned during the day at the informal dumping site situated at the main entrance of the location. Upon engagement, residents indicated that this is one of their alternatives to dispose of waste since LLM stopped collecting it. Other residents stated that they have opted to pay a private service provider to collect waste.</p> <p>On follow-up, nothing much had changed, the place had dirt in all open fields, residents indicated that the system had collapsed, and hips of rumble in dumping sites were observed wherein the municipality was trying to clean up but ended up abandoning the project.</p>	<p>and gravel passages had trenches.</p>	<p>advised by LLM that this is a result of cable theft.</p> <p>On follow-up, residents bemoaned the state of electricity which has been exacerbated by load-shedding.</p>
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## ROOIKOPPEN

Water	Sanitation	Waste Removal	Roads	Electricity
<p>The Commission uncovered that residents have different experiences depending on the locality of their area. In one section of Rooikopen, residents indicated that under normal circumstances, they receive water from their taps every day, but not throughout the day. In the other section (cemetery section), residents indicated they do not have water at all for the past five years. According to the residents, LLM dispatches water trucks on some days to augment water sources in the area.</p> <p>On follow-up, there was no water coming out the taps, residents indicated that it has been two weeks without water, however, they get water from the water tanker which is dispatched once a week, the water though is dirty and not drinkable. The cemetery section remains without water.</p>	<p>It was established that residents make use of water-borne toilets. Sewerage spillages were observed in some parts of the location. The Commission observed construction work taking place at the Rooikopen pump station. On engagement, the construction worker advised the Commission that the pump station was being upgraded.</p> <p>On follow-up, the work on the station was completed however not commissioned, hence not working, the Commission visited another station and found construction work taking place, the operator explained that the service provider was doing a cut and join which is substandard work and would not last for more than two weeks because they are using a small pipe and cannot cope with the sledge. He indicated that the system must be changed.</p>	<p>Residents advised that the LLM ought to collect waste over the weekend, however, this has not been the case for some time, and residents have resorted to dumping waste in informal dumping sites. Informal dumping sites were observed around the location.</p> <p>On follow-up, the status quo has not changed. The place has litter in every open unoccupied field.</p>	<p>It was noted that the main road and some passage areas had been tarred. The roads were in a fair condition and accessible.</p> <p>On follow-up, minor potholes were observed on the entrance road leading up to the location.</p>	<p>Residents advised that they make use of electricity supplied by LLM. They also advised that they seldom experience load shedding. It was noted that most houses had been electrified.</p> <p>On follow-up, residents bemoaned the frequency of load-shedding.</p>

### SAKHILE AND TLC

Water	Sanitation	Waste Removal	Roads	Electricity
The residents reported their water is supplied through the reticulation system, and it established that most residents have taps in their dwellings. They indicated that under normal circumstances, they would have water from their taps daily; of late, they frequently experience water cuts due to pipes bursting. Residents also raised a concern about the quality of the water, indicating that it is contaminated and therefore not drinkable.	Residents reported that they make use of waterborne toilets connected to the municipal sewer line. They also indicated that they have been experiencing sewerage spillages for the past few years. Severe spillages were noted in extension 9. Residents in the above areas indicated that LLM had not done anything to address the spillages.	Residents reported that waste ought to be collected once a week. They indicated that LLM defaults in collecting, and sometimes they have to find alternative means of disposing of their waste. The Commission observed that the areas were generally not in a clean state.	It was noted that the main road and some passage areas had been tarred. The roads were in a fair condition and accessible.	Residents advised that they make use of electricity supplied by LLM. They also advised that they seldom experience load shedding, except for TLC, where residents indicated that they experience cut-offs when it is raining or windy. It was noted that most houses had been electrified.

### THUTHUKANI

Water	Sanitation	Waste Removal	Roads	Electricity
Residents advised that their services are provided by Eskom as most of the residents are Eskom employees. The area is divided into two sections, the location and the RDP section. Residents in both sections advised that they have water in their dwellings, which they receive daily.  On follow-up, no issues were raised by the residents.	Residents in both sections indicated that they use waterborne toilets. No sewage spillages were observed on the day of the inspection, and residents reported that there were none.  On follow-up, no issues were observed or raised.	Residents advised Eskom had hired a private company to collect waste weekly, but this has not been the case for the past few months. Residents thus dispose of their waste in a communal dumping spot. The Commission noted waste being burnt by residents on the said dumping spot. Residents	It was noted that the location was tarred, whereas the RDP section had a gravel road that was accessible.  On follow-up, no issues or challenges were observed nor communicated to the Commission.	Residents indicated that they do not experience load shedding or reduction at all.  On follow-up, no challenges or issues were raised and/or observed.

		<p>complained about the strong stench coming from the dumping site and raised a concern that their children play in the dumping area when they are not supervised, and this poses a health and safety hazard to them.</p> <p>On follow-up, the Commission observed that the location was clean, it had several official dumping sites fenced off by a stop nonsense and had a skip bin where residents burn their waste.</p>		
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### MORGENZON (SIVUKILE AND TOWN)

Water	Sanitation	Waste Removal	Roads	Electricity
<p>Residents advised that they have water in their dwellings supplied by the Municipality. They receive water almost daily. Residents raised a concern, however, that their water is not always clean.</p> <p>On follow-up, the residents raised challenges about consistent water provision, however, the municipality dispatched a water taker which was seen on the day. its water</p>	<p>Residents advised that they use waterborne toilets further that they experience sewerage spillages frequently, but LLM attends to them promptly. No sewerage spillages were observed on the day of the inspection.</p> <p>On follow-up, a big sewer spillage was observed at the local golf course, the</p>	<p>Residents indicated that LLM collects waste once a week. Further, there are instances when waste will not be collected, in which case they resort to disposing of same in informal dumping sites or rather burn it.</p> <p>On follow-up, the same sentiments had</p>	<p>It was noted that the main road is tarred and in good condition.</p> <p>Residents indicated that the main road has recently been upgraded. It was observed that some passage roads were tarred with severe potholes, whereas some were in a fairly</p>	<p>Residents advised that they make use of electricity supplied by LLM. They also advised that they seldom experience load shedding. It was noted that most houses had been electrified.</p> <p>On follow-up, the residents</p>



was clean, and the driver explained that they collect water at the reticulation plant, when the Commission visited the plant, it was closed as it was very late, residents at Ext 3 told the Commission that their taps have been dry since 2014 and their geysers have broken down as a result.	worker there explained that it was an old problem, and the municipality had failed to fix it, as a result, the owners diverted it downstream to avoid damage to their property, however when the Commission followed the spillage it leads right into OP river which cuts across the golf course.	not changed, the Commission also observed a big informal dumping site on the road leading to Ermelo.	reasonable condition.  On follow-up, no major issues were observed or raised by the residence except for the same issues as raised previously.	complained of load-shedding.
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*State of the roads in Standerton.*



*Sewer spillages in Standerton.*





*Manhole overflowing at Krogh Street, Standerton.*



*Illegal dumping of waste at Rooikopen.*



*Sewer construction work taking place in Rooikopen.*





*Sewer spillages in Sakhile Location, Ext 9.*



*Water leakages in Azalea.*



*Illegal dumping of waste coupled with sewer spillages in Azelea.*





*Disposal and burning of waste in Thuthukani.*

## **18. Evidence in respect of Emalahleni Local Municipality**

- 18.1 EMalahleni Local Municipal (“ELM”) was represented by the Municipal Manager, Mr Humphrey Sizwe Maisela. In his written submissions, he indicated that in terms of the 2016 community survey, ELM’s population increased from Three Hundred and Ninety-Five Thousand Four Hundred and Sixty-Six (395 466) in 2011 to Four Hundred and Fifty-Five Thousand Two Hundred and Eighty-Eight (455 288) in 2016, and has the following towns /townships: eMalahleni, Ogies and Phola, Ga-Nala and Thubelihle, Rietspruit, Van Dyksdrift and Wilge.
- 18.2 Concerning water, he submitted that ELM is a water-stressed municipality. The water demand in ELM amounts to 172/ML/D whereas the supply is 125/ML/D (excluding water losses). The challenges relating to access to water are attributable to the following factors: water security; high water interruption resulting in water losses; intermittent water supply due to shortage of water supply; deteriorating raw water quality; aged infrastructure; vandalism and theft as well as low revenue collection.
- 18.3 He further indicated that ELM has undertaken measures to address the aforementioned challenges in the last three (3) financial years. The measures include:
- 18.3.1 The commissioning of the Glencore water supply scheme in Phola, in 2018 with a capacity of 8ML/D;
  - 18.3.2 Refurbishment of the Witbank purification plant in 2019 & 2020;

18.3.3 Appointment of a service provider to install 30ML/D in Greater Emalahleni in 2021 and 2022.

18.4 Regarding waste collection, he submitted in Kwa-Guqa, Wilge, Phola, eMahlaleni, Ga-Nala, Thubelihle, Ogies, Schoongesicht, Klarinet/Pine Ridge, and in Rietspruit waste is collected once in a week. Furthermore, waste is not collected in Siyanqoba, Kwa-Guqa, Ext 11 and 12, Duvha Park, Extension 11, Iraqi, informal settlements, and agricultural areas. He noted the following challenges relating to waste management:

18.4.1 Unserved townships due to the rapid growth of the municipality;

18.4.2 Illegal dumping;

18.4.3 Unserved informal settlements;

18.4.4 Unserved agricultural households;

18.4.5 Lack of refuse transfer stations;

18.4.6 Inadequate recycling programs and inaccessibility of refuse generation points, especially in the informal settlements.

18.5 He further indicated that his municipality has strategies aimed at addressing the challenges, This includes the introduction of a smart city waste management model; provision of refuse collection through external mechanisms; entering into maintenance contracts for fleet and/or refuse collection, and building transfer stations and recycling facilities.

18.6 In so far as sanitation is concerned, he submitted that One Hundred and Eleven Thousand Two Hundred and Seven (111 207) make use of water-borne sanitation, Thirty-Three Thousand Five Hundred and Ninety-Eight (33 598), use of pit toilets with ventilation, whereas One Hundred and Thirty-One Thousand Eight Hundred and Forty One (131 841) households make use of pit toilets without ventilation. Further ELM has embarked on several projects to improve sanitation. The projects include:

18.6.1 Construction of a pump station at Empumelelweni;

18.6.2 Construction of engineering services and bulk sanitation at Klarinet;

18.6.3 Refurbishment of Vosman pump station and replacement of outfall sewer line;

18.6.4 Refurbishment of Riverview Waste Water Treatment Works;

18.6.5 Upgrading Klipspruit Waste Water Treatment Works and New Ferrobank Outfall Sewer Pipeline;

18.6.6 Upgrading of Ferrobank Sewerage Treatment Works; and

18.6.7 Upgrading of Naauport Waste Water Treatment Works.

- 18.7 On the financial overview, he indicated that ELM was placed under section 139 and the Financial Recovery Plan was developed as a result. Further, ELM received qualified audit outcomes in the last financial years.
- 18.8 Regarding electricity, roads, and stormwater, Mr Maisela did not outline any challenges faced by ELM in the provision of these services save to indicate the municipal areas at which the ELM provides these services.
- 18.9 Mr Maisela took the panel through his written submissions during the inquiry and in addition expanded on the issue of the impact of mining activities in and around ELM on service delivery. He acknowledged that mining companies contribute immensely to air pollution, as a consequence, ELM took the initiative to establish an Air Quality Monitoring System which is aimed at monitoring compliance with emission standards by mines and power stations around eMalahleni. He also stated that ELM was recently engaged in litigation with Eskom and Seriti Mine where the former sought to interdict the latter from relocating residents from a potential mining area without providing them with alternative accommodation and grazing land for the livestock. He also indicated that DMRE contributes to the problems relating to mining by granting mining companies rights without engaging the municipality and the affected communities.
- 18.10 Mr Maisela also indicated that ELM has taken a strong stance in addressing the unauthorized, irregular, fruitless, and wasteful expenditure to the extent that it established a Financial Disciplinary Board to deal with cases dating back as far as the 2014/2015 financial years. Furthermore, disciplinary actions and criminal cases have been levelled against implicated employees of ELM.
- 18.11 Ms Jabulile Hlatshwayo, Chief Financial Officer of ELM, informed the inquiry that the Eskom debt places ELM in an unhealthy financial position due to the exorbitant interest rates charged. Eskom refuses to enter into payment arrangements for the 5.2 billion rands. ELM resorted to rationalizing electricity to ensure its fair distribution. On the issue of revenue collection, she indicated that ELM appoints debt collectors to recoup outstanding revenue and has taken thirty-two (32) private companies to court to compel them to pay for services provided.
- 18.12 Mr Mike Lelaka, the Executive Director of Technical Services spoke to the issue of roads and congestion of the N4. He indicated that SANRAL was in the process of

expanding four major intersections in the then CBD and rehabilitating roads at Kroomdraai and Empumelelweni to ease traffic at ELM.

## 19. Inspection outcomes in respect of Emalahleni Local Municipality

- 19.1 The Commission conducted site inspections at ELM on 17 February 2022. The areas visited were: Kroomdraai Plot 33, Siyanqoba, Empumelelweni, eMalahleni and Kwa-Guqa. The table below indicates the outcomes thereof.

KROOMDRAAI PLOT 33				
Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents in the area receive water through communal JoJo tanks. Residents reported that the water supply in the area is not consistent.	It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there is no communal sewerage system in the entire area.	Residents reported that they self-dispose waste through burning and dumping it in informal dumping sites.	It was observed that the road is gravel and not accessible to wheelchair users.	Residents indicated that they make use of illegal connections.
SIYANQOBA				
Water	Sanitation	Waste removal	Roads	Electricity
It was observed that residents in the area receive water through communal JoJo tanks. Residents reported that the water supply in the area is not consistent.	Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents further indicated that they occasionally experience sewer spillages.	Residents reported that they self-dispose waste through burning and dumping it in informal dumping sites.	It was observed that the road is gravel and not accessible to wheelchair users.	Residents were engaged and confirmed that they access electricity directly from the Municipality and that other than load-shedding, the electricity supply in the area is reliable.

<b>EMPUMELELWENI</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
It was observed that residents have standpipes in their yards. In one portion of the area like Ext 3, residents indicated that they receive water through communal JoJo tanks. Residents further indicated that water is always available.	Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system.	Residents reported that they self-dispose waste by burning and dumping it in informal dumping sites whilst the municipality collects it in other areas of the location.	It was observed that the road is gravel. The construction of a tar road in the area was noted on the day of the inspection.	residents were engaged and confirmed that they access electricity directly from the Municipality and that other than load-shedding, the electricity supply in the area is reliable.
<b>EMALAHLENI (WITBANK TOWN)</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
It was observed that residents have standpipes in their yards. Residents indicated that they receive water through the taps. They further indicated that the water supply in the area is consistent.  On follow-up, services are still received as previously reported and observed.	Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents further indicated that they occasionally experience sewer spillage in areas like Benfleur.  On follow-up, no spillages were observed.	Residents advised that waste is collected by the Municipality twice a week. However, they alleged that the collection of refuse by the Municipality is not consistent.  On follow-up, the inconstant collection of waste persisted and informal dumping sites were observed.	It was observed that the road is tarred and characterized by potholes however accessible.  On follow-up, the road still has potholes.	Electricity is provided by Eskom directly and no issues were raised except complaints about load-shedding.



## KWA-GUQA EXT 10

Water	Sanitation	Waste Removal	Roads	Electricity
<p>It was observed that residents have water in their yards. Residents indicated that they receive water through the standpipes. They further indicated that the water supply in the area is consistent.</p> <p>On follow-up, In Ext 7,16 and Marikana informal settlement, there is no water, residents receive water from water tankers</p>	<p>Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents further indicated that they occasionally experience sewer spillages. On the day of the inspection, it was established that there were sewerage spillages on the main road to the Roman Catholic Church and the church of Jesus Christ Church. Residents further indicated that although the spillages were reported to the municipality it has not been addressed.</p>	<p>Residents advised that waste is collected once a week. However, they alleged that the collection of refuse by the Municipality is not consistent.</p>	<p>It was observed that most roads have been tarred and characterized by potholes however accessible.</p>	<p>Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area is reliable.</p>

### 20. Evidence in respect of Msukaligwa Local Municipality

- 20.1 Msukaligwa Local Municipality (“MLM”) was represented by the acting Municipal Manager, Mr Sibusiso Innocent Malaza (“Mr Malaza”).
- 20.2 In his written submissions to the Commission, he indicated that MLM has a population of One Hundred and Sixty-Four Thousand, Six Hundred and Eight (164 608) and Fifty One Thousand and Nine Eight (51 098) households, with the following towns/townships under its jurisdiction: Ermelo, Wesselton, Breyten, KwaZanele, Chrissiesmeer, KwaChibikhulu, Davel, KwaDela, Lothair, Silindile, New Scotland, Warburton, Nyanga, Sheepmoor and Rural Wards. In terms of the municipality’s organizational structure, there are Seven Hundred and Sixty-Four (764) positions, of which Five Hundred and Seventy-Seven (577) have been filled.

- 20.3 Regarding access to water, he submitted that there are great challenges in rural wards as well as wards 13,14,18 and 19. Further, the municipality supplies water through water tanks and boreholes in areas where there are challenges of access to water.
- 20.4 Regarding sanitation, he submitted that most areas within MLM make use of the water-borne system except for rural wards. He acknowledged that there are challenges of constant blockages of pipes emanating from the aged infrastructure.
- 20.5 Regarding the state of roads, he advised the Commission that the road network in all the wards within MLM has exceeded its design life and therefore not in good condition. Concerning electricity, he indicated that the supply is not stable in wards 1-9,13,14,16, and 17 further that the mushrooming of informal settlements is likely to worsen the situation.
- 20.6 He indicated that to address the aforementioned challenges, his municipality has partnered with various departments to fund the refurbishment of bulk infrastructure.
- 20.7 Regarding the audit outcomes, he submitted that MLM received adverse audit outcomes from the AG in the three last financial years due to the following reasons:
- 20.7.1 Lack of skilled personnel in the budget and treasury office of the municipality;
  - 20.7.2 Lack of adequate training;
  - 20.7.3 Lack of internal controls;
  - 20.7.4 Lack of implementation of adopted policies; and
  - 20.7.5 Lack of standard operational procedures.
- 20.8 Mr. Malaza concluded his written submissions by outlining the financial overview of his municipality for the last three financial years. He indicated that the revenue has not grown owing to the following factors:
- 20.8.1 Illegal electricity connections;
  - 20.8.2 Municipality rates have been at 4 % owing to the slow growth of the municipality;
  - 20.8.3 Many accounts are on the late estate;
  - 20.8.4 Municipality is grant-dependent; and
  - 20.8.5 The municipal debt book has increased.

- 20.9 Mr. Malaza took the panel through his written submissions on the day of the inquiry and emphasized that his municipality has not been doing well in terms of service delivery due to the aged water, sanitation, and electrical infrastructure that has not been upgraded since the advent of democracy. He conceded that the lack of provision of basic services does not only have a detrimental effect on human life but also animal life specifically in the Vaal River, which is continuously being polluted by the discharge of untreated effluent emanating from MLM.
- 20.10 He further informed the inquiry that Thirty-Eight (38) of the senior managers in MLM were found not to be qualified for the positions they occupy, further that Twenty-Eight per cent (28%) of the officials in supply chain and finance units lacked the required skills and qualifications and this has largely contributed to MLM not being able to effectively provide services to the residents. To address this issue, MLM has engaged in what he termed municipal engineering, in terms of which employees will be put under upskilled and subjected to performance management.
- 20.11 Responding to the issue of compliance with the Commission's directives issued against MLM,<sup>42</sup> Mr Maake (Director: Human Settlements) told the inquiry that there is significant progress in the implementation of the directives, in that it was able to register and issue title deeds to the residents in Nyibe and Mabuza Farm. He also indicated in Nkanini; that the construction of a sanitation infrastructure was in progress. In Sheepmoor, sewer, and water reticulation infrastructure were constructed and operated. In Skaapruiz, residents were relocated to an alternative land.
- 20.12 The panel also inquired from Mr Malaza on wasteful and fruitless expenditure as well the adverse audit outcomes by the AG, to which he indicated the wasteful and fruitless expenditure stemmed from the interests owing to Eskom and DWS debts, the audit outcomes were as a result of having unqualified personnel with the finance unit of MLM.
- 20.13 In conclusion, Mr. Malaza indicated that MLM is also partnering with mining companies in the jurisdiction of the municipality to ensure that the Social and Labour

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<sup>42</sup> The Commission issued an investigative report against MLM on 21 May 2021, following receipt of a complaint from Ms Jane Sithole of the Democratic Alliance in Mpumalanga. The complaint alleged that several communities within the jurisdiction in MLM were without water, RDP houses and other basic services for many years. The Commission issued several directives in respect of the investigation against MLM.

Plans of the mines respond to service delivery challenges. He stated thus far, one mine has committed to upgrade the electricity infrastructure.

## 21. Inspection outcomes in respect of Msukaligwa Local Municipality

21.1 On 15 February 2022, the Commission conducted site inspections in MLM, and the areas visited were Ermelo, Sheepmoor, Skaapruiz, Nyibe, Breyten, and Lothair. The table below shows the outcomes thereof.

ERMELO				
Water	Sanitation	Waste management	Roads	Electricity
<p>It was established that residents had daily access to running water in their homes, although there are concerns about the quality of the water due to the discolouration of the water supplied.</p> <p>On follow-up, the municipality is in a state of crisis, the Commission found a resident at the office of the municipal manager who was seriously unhappy, he invited the Commission to his house, he has Jojo tanks but they are empty, the municipality is not coping with the increase community members, the resident explained that it was the 6<sup>th</sup> day without water. Other residents complained that when there is no electricity they don't have water.</p>	<p>Ermelo uses a waterborne sanitation system connected to the MLM's sewer system. It was, however, reported that sewage spillages occur in the town from time to time. One resident reported that the manhole outside her yard blocks from time to time, resulting in sewage overflows. There were no sewage spillages observed in town on the day of the inspection, however. The sewage spillages that were observed were outside the town near the graveyards. Sewage continuously flows into a nearby stream.</p> <p>On follow-up, the Commission observed several sewer spillages, of major concern was raw sewer that was observed next to Ermelo Sports Inn Door Centre flowing to the</p>	<p>Residents reported that the MLM collects refuse once a week consistently. The town was generally clean. Their public park was not, however. It had litter scattered everywhere, with spots of accumulated litter.</p> <p>On follow-up, residents complained about this service, they informed the Commission that there was even a protest action on the issue of delivery of services. Some areas were observed with litter on the way leading to Piet Retief.</p>	<p>It was observed that, in the main, the roads in town were tarred, but generally in poor condition due to potholes.</p> <p>On follow-up, not much has changed.</p>	<p>Residents reported that they source their electricity from the MLM. They further reported that other than load shedding, the electricity supply in their area is reliable.</p> <p>On follow-up, the residents complained about the state of affairs, they are subjected to both load-shedding and load reduction, and the demand far exceeds the supply, both these rationing have schedules, and residents said at times they only have about 6 hours of load-shedding in 24 hours.</p>

	recreation dam across the road where people were seen fishing, one fisherman explained that he sells this fish in the location. An open manhole was also observed in the same vicinity without barricading.			
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#### NYIBE<sup>43</sup>

Water	Sanitation	Waste management	Roads	Electricity
It was established that residents had daily access to running water through water standpipes in their yards. Concerns were, however, raised about the quality of the water, with residents reporting that the water supplied is sometimes “dirty”.	It was established that residents use self-built pit toilets.	Residents reported that they manage their waste disposal. In this regard, they reported that they burn their solid waste. The area was relatively clean.	The roads were gravel with potholes and trenches in some parts.	Residents reported that they do not have any access to electricity. Residents with means buy their own batteries or solar panels.

#### SKAPRUIZ / MAMBANANI VILLAGE<sup>44</sup>

Water	Sanitation	Waste management	Roads	Electricity
It was established that residents had daily access to water through communal Jojo tanks. 4 Jojo tanks were found in the community. The Jojo tanks are within a 200-metre radius of each home. It was reported that the Jojo tanks	It was established that residents use self-built pit toilets.	Residents reported that they manage their own solid waste. In this regard, they burn the refuse and illegally dump what cannot be burnt on the fields.	It was observed the roads were gravel but generally in good condition.	Residents reported that they do not have access to electricity.

<sup>43</sup> In a previous investigation, the MLM reported that the community established itself on privately owned land, which is one of the reasons the MLM is unable to develop the area. The MLM advised that it was in the process of acquiring the land from the owner with the assistance of the provincial government. The acquisition process does not appear to have been completed at the time of the inspection.

<sup>44</sup> In a previous investigation, the MLM reported that the community established itself on privately owned land, which is one of the reasons why the MLM is unable to develop the area. The MLM had proposed relocating the community at some point, which proposal was rejected by the residents.

are filled once a week on Saturdays by a water tanker. The water tanker also fills residents' vessels when it comes. There was water in the water tanks on the day of the inspection. The water that residents collect from the water tanker and the water from the communal water tanks is sufficient for the needs of the community, given the size of the community. Notwithstanding, residents were observed collecting water from a borehole in the community, which was found to be unsafe for human consumption by the Gert Sibande District.				
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## SHEEPMOOR

Water	Sanitation	Waste management	Roads	Electricity
Residents reported that they receive water from water standpipes in their yards daily. When the Commission previously investigated the matter, the MLM advised that it was in the process of completing a bulk water infrastructure project in the area. Residents reported that the project was finally completed in January 2022, which is why they are now receiving water regularly.	Residents use a combination of a waterborne system of sanitation connected to the municipal infrastructure and pit toilets. The pit toilets appear to be a historical legacy.	Residents reported that the MLM collects refuse weekly. The community was generally clean.	The main roads were tarred and in good condition. Access roads were gravel and uneven.	Residents reported that they receive electricity directly from Eskom. The electricity supply in the area is reliable. The only challenge reported is that some residents are having challenges with their meters due to a change in the billing system by ESKOM. As a result, they sometimes have

				challenges loading their prepaid units.
<b>LOTHAIR<sup>45</sup></b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste management</b>	<b>Roads</b>	<b>Electricity</b>
Formalized areas reported that although they had water stand-pipes in their yards, the supply of water was variable, with some residents receiving water from the water stand-pipes in their yards whilst other residents did not. The water supply itself is also inconsistent due to regular water interruptions and the fact that water is only made available in the evenings. Jojo tanks could be observed in many residents' homes as a result. Residents, however, reported that due to regular interruptions in supply, they are unable to fill their Jojo tanks with municipal water. Residents who cannot afford to buy water from private vendors, therefore, rely on natural springs for their water supply whenever the municipal water is not available. In other areas, though, residents reported that the municipal water tankers deliver water to residents from time to time.	In formalized areas, residents reported having access to a water-borne system of sanitation. No sewage spillages were reported. In informal areas, residents reported using pit toilets or not having toilets at all.	Residents in formalized areas reported that the municipality collects refuse weekly. In informal areas, there was no refuse collection system, and residents reported that they disposed of their solid waste through illegal dumping.	Although in the formalized areas, the roads were tarred, the roads were littered with potholes. In other areas, the roads were gravel with potholes.	Residents reported accessing electricity from the MLM. In some areas, residents reported that the electricity supply was stable, whilst, in other areas, residents reported that the electricity supply was not stable due to the regular eruption of the transformer. It was also reported that illegal connections are rife in some communities, with some residents confirming having connected their electricity illegally. In informal areas, residents reported not having access to electricity.

<sup>45</sup> The specific areas visited were Lothair Extension 1, Extension 5, Sidakane and Silindile Location.

In informal areas, residents reported that they have no access to water at all.				
<b>BREYTEN<sup>46</sup></b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Management</b>	<b>Roads</b>	<b>Electricity</b>
<p>Residents in the formalized areas reported that they have water standpipes in their yards, but some residents do not receive water at all or only receive water on an intermittent basis. Residents who do not have water collect from the residents who have water. Because of the inconsistent water supply in the area, residents collect water in containers for use on days when there is no water. In informal areas, some residents do not have water at all and collect water from neighbours.</p> <p>On follow-up, residents complained that in the higher-lying areas, they have not had water for years, even the tankers come once in a while when residents are at work. One resident indicated that she bathes at work in Ermelo before going to her house.</p>	<p>In formalized areas, residents used a waterborne system of sanitation connected to the MLM's sewer system. Because of the inconsistent water supply in the area, however, residents also use bucket toilets. In informal areas, residents either use bucket toilets or pit toilets.</p> <p>On follow-up, residents indicated water is a major issue, however, the Commission went into a reticulation plant where it found construction taking place, the site manager who is an employee of the municipality explained that after the upgrade which was at its final stages the issue of water will be fully resolved.</p>	<p>In formalized areas, MLM is supposed to collect refuse weekly but does not do so consistently, resulting in illegal dumping in the area. There is no refuse collection system in informal areas, resulting in residents also resorting to illegal dumping.</p> <p>On follow-up, not much had changed.</p>	<p>It was observed that some roads are tarred but littered with potholes. Other roads are gravel and also littered with potholes.</p> <p>On follow-up, the status quo remains unchanged.</p>	<p>In formalized areas, residents receive electricity from the MLM, which they consider to be reliable. In informal areas, residents do not have access to electricity.</p> <p>On follow-up, the residents complained about load shedding and load reduction, the whole of MLM is in a similar crisis on electricity.</p>

## 22. Evidence in respect of Thaba Chweu Local Municipality

<sup>46</sup> The specific areas visited were Kwazanele Extension 4, Thabo Village, Marikana Section and Sibovini Extension 14.



- 22.1 TCLM was, like other municipalities, invited to respond to a set of questions contained in the inquiry notice. The written submissions are summarised as follows:
- 22.2 In terms of the 2016 StatsSA statistics, the population of One Hundred and One Thousand, Eight Hundred and Ninety-Five (101 895). The areas within its jurisdiction are Mashishing; Kellysville; Mashishing Ext 2; Skhila Township; Sabie; Simile Township; Harmony Hill Township; Graskop Town and Townships; Newtown Township; Matibidi; Moremela; Leroro and Farm areas.
- 22.3 There are Thirty-Seven Thousand Two Hundred and Ten households (37 210) within the jurisdiction of the municipality. Thirty-Two Thousand Seven Hundred and Twenty-Four (32 724) have access to water and Four Thousand Four Hundred and Eighty-Six (4486) do not.<sup>47</sup> Thirty-Six Thousand and Four Hundred (36 400) households have access to sanitation and Eight Hundred and Ten (810) do not.<sup>48</sup> Thirty-Three Thousand and Ninety-One (33 091) households have access to electricity whilst Four Thousand One Hundred and Nineteen (4 119) do not.<sup>49</sup> Further, 116 kilometres of roads have been tarred with 416 kilometres outstanding.<sup>50</sup>
- 22.4 There is access to water, roads, sewer, and electricity in Mashishing, Kellysville, Extension 2, Skhila township, Sabie, Simile, Harmony Hill, and Graskop town. The reliability of the aforementioned services is low; however, the quality is fair. In Pilgrims Rest town and Newtown township, public works provide services and Eskom provides electricity. In Matibidi, Moremela, and Leroro water is provided through boreholes, and for sanitation, VIP toilets are utilized, and Eskom provides electricity. In Spekboom, Brondal, Shaga, Boomplaas, Kiwi, Draaikraal, Rooikrans, Bosfontein, Orhigstad, and Buffelsvlei water is provided through boreholes and water tankers, and electricity is supplied by Eskom. On the other hand, farms provide their own water through boreholes and sewer through septic tanks whereas electricity is provided by Eskom.
- 22.5 In the last three (3) financial years it embarked on projects to improve service delivery. These include drilling boreholes and procurement of two water tankers in the northern areas (Matibidi, Moremela, Leroro). Drilling additional boreholes in Mashishing, Sabie, and Graskop and the replacement of asbestos pipes in the Mashishing, Graskop, and Sabie.

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<sup>47</sup> There is a backlog of 12 % on access to water.

<sup>48</sup> There is a backlog of 2% on access to sanitation.

<sup>49</sup> There is a backlog of 11% on access to electricity.

<sup>50</sup> There is a backlog of 71% on roads.

- 22.6 The roads within the jurisdiction of TLM have deteriorated due to heavy vehicles passing through the town, particularly in Mashishing. It has taken measures to ensure that the challenges in so far as roads are concerned are addressed. These include ensuring that potholes are patched within 24 hours; revitalizing a portion of Viljoen Street and Berg Street and ensuring that all major roads in the towns are resealed through internal funds.
- 22.7 On human resources, TLM submitted that its organizational structure was reviewed and approved by the council on 28 May 2021 effective as of 01 July 2021. In terms of the reviewed organogram, the municipality has Five Hundred and Eighty (580) posts of which Four Hundred and Seventy-Seven (477) have been occupied and One Hundred and Three (103) are vacant. In an attempt to address human resources challenges, it has established a skills development for the entire workforce of the municipality to inculcate knowledge and capacity; and developed a Workplace Skills Plan and Annual Training Report.
- 22.8 On the financial overview of the municipality, it submitted that 65% of its budget is funded internally and 35% is funded through grants received from the national treasury. Further, the municipality is under financial mandatory intervention by the provincial government where a financial recovery plan is implemented. The factors that contribute to its financial status are:
- 22.8.1 Small revenue base to generate enough revenue. Only the three towns are billed.
- 22.8.2 Credit control and debt collection measures do not enjoy the support of political, community, and business stakeholders.
- 22.8.3 The inability to fund community needs through internally generated funds, impacts the rate at which basic services are provided and sustained.
- 22.8.4 Inability to service the Eskom account.
- 22.9 On audit outcomes, TLM submitted that it has enormously improved, and this is evidenced by the attainment of qualified audit opinions from the 2017/2018 to 2019/2020 financial years. However, the municipality is struggling to reduce UIFW. In the 2017/2018 financial year, the UIFW amounted to R 657 090 839, R 789 165 183 in 2018/2019 and R 856 814 019 in 2019/2020. The fruitless expenditure mainly relates to the interest charged by Eskom on the outstanding balance whereas the unauthorized expenditure relates to accounting adjustments of depreciation and debt impairment that are not adequately budgeted for. To address

the negative audit outcomes and UIFWS, the municipality has developed and implemented an audit action plan aimed at addressing the AG's recommendations and MPAC has dealt with the UIFW expenditure up to the 2018/2019 financial period.

- 22.10 TCLM appeared before the inquiry on 29 September 2021. It was represented by Mr Sinenhlanhla Manqele ("Mr Manqele"), the Director of Technical Services, Mr Kgaugelo Mashego ("Mr Mashego"), the Acting Chief Financial Officer as well as Advocate Paris Moreku ("Adv Moreku"), the Deputy Director in the office of the municipal manager.
- 22.11 The inquiry received a written apology from the Acting municipal manager, Ms Sphiwe Sinkey Matsi ("Ms Matsi") on 28 September 2021, indicating that she could not present due to an urgent meeting she was attending on the day of the inquiry and therefore could not attend the inquiry. However, Adv Moreku advised the inquiry that Ms Matsi in fact underwent a dental surgery and as a result could not be present. Due to these contradictory versions, the inquiry could not determine the real reasons behind Ms Matsi's absence. The Chairperson of the inquiry allowed the delegation from TCLM to make presentations and ordered that the questions be reserved for Ms Matsi, as she is the accounting officer.
- 22.12 Mr Manqele kicked off his presentation by indicating that TCLM offers basic services to Thirty-Seven Thousand Two Hundred and Twenty-Two (37 222) households in TLCM. The services offered are water, sanitation, roads as well as electricity.
- 22.13 He acknowledged that there are challenges in the provision of water due to bulk infrastructure challenges, water losses amounting to sixty per cent (60%), and illegal water connections, further that TCLM needs a water source to augment water challenges. He submitted that TCLM embarked on several projects to address the issue of access to water including refurbishment of the treatment works and replacement of pipes in Graskop, Sabie, and Mashishing.<sup>51</sup>
- 22.14 Regarding sanitation, Mr Manqele submitted that the main sewage treatment works in Mashishing are dysfunctional owing to theft and vandalism of the sewer infrastructure. Four Two (42) million rands is required to refurbish the wastewater treatment works. He highlighted that TCLM is engaged in projects to refurbish the Riverside and Ext 2 pump stations.

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<sup>51</sup> Formerly known as Lydenburg.

- 22.15 Mr. Manqele acknowledged that the roads in Mashishing are in a bad state. TCLM has started with the refurbishment of internal roads. Parts of Voortrekker and Potgieter roads were refurbished by Booyse dal Mine through their social and labour plan. On the issue of electricity, he indicated that the main challenges are illegal connections, the notified maximum demand, and the Eskom debt.
- 22.16 Mr Mashego took the inquiry through the financial status of TCLM. In this regard, he indicated that Sixty-Five per cent (65%) of the municipality's income is generated through revenue whilst Thirty-Five per cent (35%) is through grants. He acknowledged that TCLM is not doing well financially, to such an extent that it was subjected to section 139, owing to the following inherent challenges:
- 22.16.1 Small revenue collection base;
  - 22.16.2 Lack of internal capacity to fund Integrated Development Plans;
  - 22.16.3 Incapacitated SCM personnel;
  - 22.16.4 The Eskom debt which amounts to 950 million;
  - 22.16.5 Eskom tariff not cost-effective;
  - 22.16.6 95% of the budget being funded by grants; and
  - 22.16.7 National treasury requiring TCLM to fund non-cash items.
- 22.17 Mr. Mashego concluded the presentation on behalf of the TCLM delegation by highlighting that the municipality received disclaimer opinions from the AG for ten (10) years however from the 2017/2018- 2019/2020 it received qualified audit opinions.
- 22.18 The Municipal Manager of TCLM Ms Matsi together with the Chief Financial Officer of the municipality, Mr Richard Mnisi ("Mr Mnisi) appeared before the panel during the second leg of the inquiry on 08 November 2021. Ms. Matsi commenced by apologising to the panel for failing to appear during the first leg of the inquiry. She indicated that her absence was due to ill health.
- 22.19 She indicated that she notes the concerns raised by the MCCA52 on issues of service delivery with TCLM and welcomes collaboration with their organization and the Lydenburg Business Council. She informed the panel that electricity challenges are a national phenomenon, Although TCLM has its faults, most of the electricity-related challenges are caused by Eskom. The Eskom debt is close to a billion, however, the municipality disputes the debt, in particular, the billing by Eskom. The municipality

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<sup>52</sup> Submissions on paragraph 49 of this report.

has taken Eskom to court to challenge the debt. Further, COGTA and the Office of the Premier have been assisting the municipality in dealing with the issues. The latter assisted the municipality in developing a cost of supply study which was submitted to NERSA for consideration.

- 22.20 On the FRP of the municipality, Mr Matsi submitted that the plan was tabled before the council in 2019. The municipality is doing well with its implementation and reports on the progress to the council every month. The challenges however are the implementation of the credit control and debt collection policies as the communities refuse to pay rates and taxes. Further, at the time when residents were paying, the municipality was able to service the Eskom account to the tune of R 2.2 million weekly.
- 22.21 Furthermore, she admitted that there was a complaint against the TCLM lodged with the Green Scorpions on the sewage spillages and pollution of the environment within TCLM. The municipality has responded well to the directives of the Green Scorpions by appointing a service provider in the 2019/2020 financial year. A rehabilitation plan was formulated and tabled before the council. Same has since been approved and there is a budget set aside to attend to the water and sanitation issues at the municipality. On waste management, she indicated that TCLM has three (3) landfill sites that are properly managed by a service provider daily. Further, the municipality is doing well in waste management and came third in the Greenest Municipality Competition.
- 22.22 On the staff complement, she submitted that there is a vacancy rate of 17% in the municipality with two vacancies of two (2) critical posts, i.e., the positions of Director for Community Services and Director for Local Economic Development. The municipality is in the process of advertising the critical posts. On the AG outcomes, she stated that the municipality is doing well as in the past it used to obtain disclaimer opinions and has graduated to qualified audit opinions.
- 22.23 Mr Mnisi added that the municipality has challenges in so far as electricity is concerned. The electricity distribution losses are at 31% and they are a major contributor to the municipality's inability to service the Eskom debt. To address the challenges of electricity, the municipality has since formed an active partnership with Eskom in terms of which the latter will assist the municipality with load management and demand management. Further, the municipality has applied for a grant from the Department of Energy to address the issues.

- 22.24 Mr Mnisi concluded his submission to the panel by indicating that the municipality has appointed a service provider to assist with the revenue enhancement strategy which focuses on four initiatives namely: Lowering the distribution electricity distribution losses to 20%; dealing with electricity illegal connections; consolidating the five electricity point in the municipality to one point;<sup>53</sup> and implementing the credit control and debt collection policies which were suspended following the riots by communities.
- 22.25 During the questions and answers session, Ms Matsi indicated that if she were to score the performance of her municipality, she would give it 75% as they are doing exceptionally well on adherence with policies however the challenge is the implementation of decisions, further, COGTA and the AG referred to her municipality as being dysfunctional solely on the basis that the municipality was disclaimed in the last eight (8) to ten (10) years and it will remain so in their eyes until such time that the FRP is closed.
- 22.26 The waste removal challenges the municipality had resulted from the theft of the waste removal truck whereas sewage spillages resulted from vandalism and theft of the infrastructure and criminal cases were opened in this regard. She admitted that the municipality uses 2016 statistics for planning and budgeting and that this impacts negatively informal settlements as they are not catered for, however, a resolution was taken with the council to formalize the informal settlements. The municipality has an updated register and a functional disposal committee.

## **23. Inspection outcomes in respect of Thaba Chweu Local Municipality**

- 23.1 The Commission embarked on an on-site inspection in TLCM on 12 November 2021 to assess the level of service delivery. The areas visited were Mashishing, Graskop, Sabie, and Matibidi.
- 23.2 The table below depicts the inspection outcomes per area visited.

<b>MASHISHING</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Management</b>	<b>Roads</b>	<b>Electricity</b>

<sup>53</sup> The Duma sub-station.

<p>It was observed that most households receive water through water reticulation networks. Residents reported that the supply of water is rationed.</p>	<p>It was noted that residents in town and surrounding locations make use of waterborne toilets, and there is a sewerage reticulation system in place. Sewer spillages were observed in several areas of Mashishing.</p> <p>In Riverside, there was an overflow, and a strong stench of sewer could be experienced on the day of the inspection. The spillages were dominant in an area adjacent to Riverside Primary School. Residents reported that sewer spillages resulted from blocked main holes and pipes as well as from poor maintenance of the sewerage system by TLCM. Residents also reported that the spillages have been occurring for many years and have a detrimental effect on the health of the school personnel and the learners. However, notwithstanding the impact of the spillages, the problem remains unresolved by TLCM.</p> <p>Sewer spillages were also experienced in</p>	<p>Residents advised that TLCM collects waste once a week but does not always adhere to its schedules.</p>	<p>It was observed that the roads at Mashishing and surrounding townships are tarred with severe potholes. Residents reported that the potholes result from a lack of maintenance of the roads by TLCM, which are mostly used by trucks. On the day of the inspection, construction projects could be noticed on certain roads in town. Residents advised that the projects have been halted several times since commencement, further, that the contractors are mostly using incorrect material, which will result in poor quality roads.</p>	<p>It was observed that most households have been electrified. Residents reported that the electricity situation in Mashishing is extremely dire as residents not only experience scheduled load shedding but are also subjected to load reduction. The resident indicated that they understand that TLCM owes Eskom almost a million rands. Further, the electricity issue does not only affect private individuals but also the functionality of businesses and other institutions such as schools, clinics, and hospitals.</p>
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	<p>Kellyville and Extension 17. In Kellyville, manholes were overflowing and infiltrated with foreign substances such as clothes, papers, and plastics. Whilst in Extension 17, the spillages appeared to have been resulting from burst pipes.</p> <p>In Viljoen and Maasdoorp Street, sewer spillages with a strong stench could also be experienced. The street is not far from the Mashishing Riverside Sewer Pump Station. On inspection, the pump station appeared to be non-operational, with sewer overflowing around it. A resident reported that a project to refurbish the pump station was supposed to be undertaken in the last two years, but the contractor has not done any impactful work so far, and the project seems to have been abandoned by the contractor.</p> <p>At the Waste Water Treatment Plant, a small amount of effluent could</p>			
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	<p>be observed. Residents indicated that pipes that are meant to carry sewer from various pump stations to the treatment plant had been blocked since 2013, and this has resulted in sewer not reaching the treatment plant and giving rise to sewer spillages in most parts of Mashishing. Residents also reported that the treatment plant lacks the equipment needed for it to be fully operational, and this is allegedly due to vandalism by members of the community.<sup>54</sup></p>			
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### GRASKOP

Water	Sanitation	Refuse Management	Roads	Electricity
<p>It was established that in town and the location of Glory Hill, residents had daily access to running water in their homes, although of late, there have been unannounced water interruptions. There was no running water in the informal settlement, however. Also, in Glory</p>	<p>It was established that in town and the location of Glory Hill, residents had a water-borne sanitation system connected to the TCLM's sewer system. In contrast, no such system existed in the informal settlement. In town and Glory Hill, however, residents</p>	<p>It was established that in town and the location of Glory Hill, solid waste was collected from residents' homes once a week, although the collection was sometimes delayed. This notwithstanding, there was still litter on the side of the streets</p>	<p>It was observed that although the main roads in town were tarred, they were generally in poor condition due to the numerous potholes on them. The potholes directly impact local businesses, which</p>	<p>It was established that residents had access to electricity in town and the location of Glory Hill. In contrast, there was no electricity in the informal settlement. Other than load-shedding and electricity cuts due to non-payment,</p>

<sup>54</sup> The general observation made was that most equipment, including the motor control centre, had been vandalized, and residue of burnt copper cables could be seen on site. According to the residents, security companies contracted with TLCM have been failing to safeguard the equipment. It was also observed that raw sewer from the treatment plant flows to the river. At the treatment plant was that a project of installation of a fence was underway at the treatment plant. Upon inquiry, the construction workers advised that the project commenced a month ago from the day of the inspection and is meant to alleviate the theft of equipment challenge at the treatment plant.

<p>Hill, residents complained about water leakages which were reported but not attended to.</p>	<p>complained of sewage spillages that were not promptly and expertly attended to, resulting in recurrent sewage spillages. No sewage spillages were observed on the day of the inspection, however.</p> <p>The inspecting team also visited the sewage treatment plant in Graskop. The sewer treatment plant was overgrown, pointing to a lack of proper upkeep and maintenance. The stench from the sewer treatment plant also permeated the entire community of Glory Hill, pointing to the inadequate treatment of waste. On closer inspection of the sewage plant, the Commission noted the following challenges: (1) the flow meter was not working and accordingly, the inflows into the plant could not be measured; (2) four of the six mixers were not working; (3) one of the aerators was not working; and (4) the clarifier was also not working. Due to the number of components that are not working, the</p>	<p>of Glory Hill. Residents advised that the TCLM used to clean the streets but no longer does that. There was no refuse collection in the informal settlement, however.</p>	<p>predominantly rely on tourism as some clients no longer want to visit the town because of the potholes. On the other hand, the main road in Glory Hill was paved and generally in good condition. The passage roads were unpaved, however, and littered with potholes, rendering those roads either inaccessible or accessible with great difficulty.</p>	<p>residents of both the town and location reported that the electricity supply in the area was reliable. Residents in town, however, complained about the exorbitant costs of electricity due to additional charges being levied by the TCLM.</p>
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	sewage emitted into the water resources at the end of the treatment process is not compliant.			
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### SABIE

Water	Sanitation	Refuse Management	Roads	Electricity
It was established that in town, residents had daily access to running water in their homes, whilst, in the location of Simile, water access varied from section to section, with some residents accessing water daily from standpipes in their yards, whilst others only accessing water once or twice a week. Those who do not have daily access to water from their standpipes sources, either procure water from the river or private vendors on the days when water from the standpipes is not available.	It was established that in town and the location, residents had a water-borne system of sanitation connected to the TCLM's sewer system. In contrast, in the informal settlement, residents used self-built pit latrines.	It was established that in town and the location, solid waste was collected from residents' homes once a week. However, refuse collection in the location is inconsistent, as evidenced by the solid waste observed on the side of the roads near Simile. There was no refuse collection in the informal settlement.	It was observed that although the main roads in the town and the location were tarred, they were generally in poor condition due to the numerous potholes on them. The passage roads in Simile were unpaved and untarred and equally littered with potholes, rendering those roads either inaccessible or accessible with great difficulty.	It was established that in town and the location, residents had access to electricity, whereas there was no electricity in the informal settlement. Residents advised that they accessed the electricity from the TCLM. Other than load-shedding and electricity cuts due to non-payment, residents of both the town and location reported that the electricity supply in the area was reliable.

### MATIBIDI (MOREMELA AND LERORO)

Water	Sanitation	Refuse Management	Roads	Electricity
In Leroro, residents reported that they receive water once a week. Some receive the water through water standpipes in their yards, whereas others access water exclusively from communal taps or water tankers. Residents	Residents advised that they use pit latrines which they either build themselves or receive from the government. Due to water challenges in the area, the schools use enviro-loos.	Residents advised that there was no solid waste removal program in their area and that, therefore, residents disposed of their waste through burning. Even schools burn their refuse.	It was observed that although the main roads were tarred, they were littered with potholes in some parts, whilst other parts appeared to be in good condition. On the other hand, the	Like other areas within the TCLM, electricity connection to the different homes was observed. During engagements with the residents, the residents confirmed that other than load-shedding,

<p>in upper-lying areas do not receive water and consequently have to collect water from neighbours in lower-lying areas or private vendors. In Moremela, residents also reported that they receive water once a week. Some receive water from standpipes in their yards, whilst others collect water from communal water tanks. As a result of the inconsistent water supply in the area, schools like Kobeng Primary resorted to drilling their boreholes to ensure a consistent water supply.</p>			<p>passage roads were gravel and littered with potholes, rendering those roads either inaccessible or accessible with great difficulty.</p>	<p>the electricity supply in the area was reliable.</p>
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*The above image depicts a manhole overflowing at Kellysville.*





*The above image depicts sewer spillages at Riverside, Mashishing next to Riverside Primary School.*



*The above image shows the sewer treatment plant at Rivier Street which was reported to be under refurbishment by the TLCM, however reportedly abandoned by the contractor according to residents.*





*The above image shows the state of Roads in Mashishing.*



*The above image shows burnt copper cables at the dysfunctional Mashishing Wastewater Treatment Works.*



*The above image depicts vandalized equipment at the dysfunctional Mashishing Wastewater Treatment Works.*

## **24. Evidence in respect of City of Mbombela**

24.1 The City of Mbombela (“CoM”) submitted that like all other municipalities, it provides services of water, sanitation, waste management, roads, and electricity. It has forty-five wards (45) and ninety (90) councillors. In terms of the 2016 community survey, CoM had a population of Six Hundred and Ninety-Five Thousand Three Hundred and Sixty-Nine (695 369) and Two Hundred and Five Thousand Four Hundred and Ninety-Six (205 496) households.

24.2 In the written submissions, CoM submitted as follows:

24.2.1 One Hundred and Forty-Nine Thousand Five Hundred and Ninety-Nine (149 599) have access to water whereas Fifty-Eight Thousand Two Hundred and Nine (58 209) households do not. There are several programmes for the 2021-2022 financial year aimed at addressing access to water challenges. The programs include the following: the backlog eradication program for Nsikazi, eMjindini, and Msholozzi; the bulk water infrastructure for six water treatment work sand augmentation schemes.

24.2.2 One Hundred and Eighteen Thousand Seventy-Nine (118 079) households have access to sanitation whilst Fifty-Nine Thousand Seven Hundred and Fifty-Five (59 755) do not have access to sanitation. Further, there are projects aimed at addressing the backlog in the provision of sanitation and upgrading of wastewater treatment works. i.e., Hazyview, Rocky’s Drift, and White River wastewater treatment works.

24.2.3 Concerning waste removal, CoM submitted that as of the 2017/2018 financial year, waste was collected in Sixty-Five Thousand Nine Hundred and Fifty households (65 950) Furthermore the target is to reach seventy thousand one hundred and seventy-one households in 2021/2022 financial year. In so far as roads, it submitted that there is a backlog to tar 3 120 kilometres of gravel roads. It further indicated that the following road projects are in its five-year plan: tarring/paving 100 kilometres of roads; resealing of roads 717 kilometres of roads; construction of 20 pedestrian bridges and construction of 5 public transport transfer stations.

24.2.4 On the financial health of the municipality, he submitted that CoM faced financial constraints in the past years however this was resolved through the



adoption of strategies and plans to achieve financial resilience. These strategies are a financial recovery plan; revenue enhancement strategy; clean audit roadmap; cost containment strategy and creditors reduction plan.

- 24.3 On the day of the inquiry, CoM was represented by the Municipal Manager, Mr Wiseman James Khumalo (“Mr Khumalo”), the Deputy Municipal Manager, Mr Patrick Msibi (“Mr Msibi”), the Senior Manager responsible for water and sanitation, Ms Bertha Seloane and the Senior Manager for Strategic Planning, Mr Johannes Mulaudzi.
- 24.4 Mr Khumalo took the panel through CoM’s written submissions. In addition to what was submitted, he informed the panel that CoM is confronted with the following challenges:
- 24.4.1 Revenue collection which is at 30%. CoM mainly collects revenue in towns and formalized urban areas, namely: Mbombela, White River, Hazyview, Barberton, Kabokweni, KaNyamazane, and Matsulu. Towns and formalized urban areas pay for services, credit control enforcement remains a challenge where Eskom is supplying electricity. and the municipality cannot enforce payment by cutting off the electricity supply. The 70% comprises of rural areas who do not pay for services.
- 24.4.2 Land invasion, he stated that not only municipal land is illegally invaded but also privately owned land. He further stated that in some instances, private landowners delay in obtaining eviction orders against illegal occupiers and there is nothing much the municipality can do. He further indicated that to address this challenge, the CoM has established a land invasion committee and continues to work closely with DHS.
- 24.5 Mr Msibi commented on the planning model and spatial restructuring of CoM. He acknowledged that the city inherited a dysfunctional and incoherent spatial structure and therefore there is a need to address the spatial inequalities to promote access. He informed the inquiry that CoM has major developments at Karino/Thekwane, Mataffin, Nkosi City, and Msholozzi.



## 25. Inspection outcomes in respect of City of Mbombela

25.1 The Commission conducted site inspections within CoM as follows: Kabokweni, Chweni, Phola, and Ka Shabalala; Mbombela and Barberton; KaNyamazane.

BARBERTON <sup>55</sup>				
Water	Sanitation	Waste Management	Roads	Electricity
<p>It was established that a majority of the households in Barberton have taps in their yards. Residents in extensions 11, 12, 13, 14, and Graveville reported that they have a common challenge Insofar as water is concerned. They indicated that CoM had imposed the “vula vala” approach on them. This implies that they receive water every day, however, for a minimum of 12 hours. Residents receive water at different hours in the aforementioned areas.</p> <p>In eMjindini Trust, it was observed a majority of households have taps in their yards. Residents expressed their frustration Insofar as water is concerned and reported that they did not have challenges before the amalgamation of uMjindi</p>	<p>Residents in extensions 11, 12, 13, 14, and in Graveville advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents in the aforementioned areas advised that they occasionally experience sewer spillages further that CoM attends promptly to sewer spillages when they are reported. On the day of the inspection, sewer spillages were observed in extension 11.</p> <p>Residents of eMjindini Trust reported that they make use of pit latrines either built by the municipality or self-installed. A minimal number of residents reported that they have waterborne toilets with private sewer drainage</p>	<p>Residents advised that waste is collected on Fridays in extension 11, on Wednesdays in extension 12, on Tuesdays in extension 13, on Thursdays in extension 14, and in Graveville. It was observed that the aforementioned areas were generally clean on the day of the inspection. In eMjindini Trust and Laurens Farm, residents advised that they dispose of waste through burning.</p>		<p>It was observed that most households in the areas inspected were electrified. In extensions 11, 12, 13, 14, and Graveville, residents raised a concern that CoM limits the number of units a household can buy when their account for services is in arrears. They further stated that this approach does not work for them as most struggle to make ends meet, and they would be left with no electricity if they failed to update their accounts. Residents of extension 13 further raised a challenge of load reduction which they said lasts up to 5 hours on most days. In eMjindini Trust and Laurens Farm, residents indicated that</p>

<sup>55</sup> The general concern raised by residents in all the areas visited in Barberton is the amalgamation of uMjindi Local Municipality and CoM. Residents indicated that service delivery deteriorated from that point, further that they feel neglected by CoM as none of their problems are addressed. Residents of Laurens Farm reported that the settlement had been in existence for more than 20 years. UMjindi Local Municipality had promised them development, but they have lost hope after it was merged with CoM.

<p>Local Municipality and CoM. Residents of the Shangaan section indicated that although they have taps in the yards, water has not been coming out of their taps for almost a year. They further indicated that they rely on the two communal Jojo tanks placed by CoM in different locations of the section. They alleged that the tanks are not filled regularly and are not sufficient to supply the entire section. This, according to residents, creates a problem as they would be left with no alternative source of water when water in the tanks runs out.</p> <p>At the eMangozeni section in eMjindini Trust, residents indicated that they last received water from their taps in June 2021; they fetch water from the nearby river. On the other hand, residents of the Etitandini section reported that they last received water from their taps in December 2021; they rely on a communal standpipe that supplies water once a week. They also alleged that municipal water trucks are frequently</p>	<p>systems. In Lauran's Farm, residents indicated that they experience sewer spillages even though they make use of pit latrines, and this is so because there are sewer pipes that run through the farm, which is an informal settlement. According to the residents, spillages are experienced when there is a burst pipe.</p>			<p>they do not have major challenges concerning electricity safe for load shedding, which occurs during scheduled times.</p>
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<p>dispatched by CoM to supply water to residents; however, the officials sell the water instead.</p> <p>In Lauran's Farm, residents advised that they receive water every day from communal standpipes, which are not far from each other.</p>				
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<b>CHWENI</b>
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<b>Water</b>	<b>Sanitation</b>	<b>Waste Management</b>	<b>Roads</b>	<b>Electricity</b>
<p>It was established that residents had differentiated experiences depending on their locality within the same village. In this regard, whilst the residents interviewed reported having standpipes in their homes, some reported not receiving water at all, whilst others reported receiving water from those standpipes up to three times a week. Residents who reported not receiving water from their standpipes advised that they source their water from a nearby spring in the area or private vendors.</p>	<p>Residents advised that they use pit latrines which are either self-built or provided by the Municipality. Residents with means, however, used a water-borne system of sanitation. Due to the absence of a sewage system in the area, residents have to make private means to treat and dispose of the sewage waste.</p>	<p>Illegally dumped waste was observed on the side of the roads. On engaging with residents, they advised that there is no solid waste removal program in their area and that, therefore, dispose of their waste through burning and illegal dumping. Waste was also not collected from the schools in the areas, and therefore, schools like residents disposed of their waste through burning.</p>	<p>It was observed that although the main road was tarred, there were potholes of varying sizes throughout the road. The passage roads were gravel, however, but also characterized by potholes which rendered the passage roads either inaccessible or accessible with great difficulty. There was also an untarred road which led to the nearest town. Because the road was untarred, public transport on that road was very scarce, and as a result, residents</p>	<p>Electricity connection to the different homes was observed. During engagements with residents, residents advised that they source their electricity from Eskom directly, although some residents have connected illegally. Residents further reported that the power supply to their area was stable and reliable other than load-shedding. Residents, however, raised concerns about the high costs of electricity, which is, in turn, fuelling illegal connections and meter tampering in the area.</p>

			had to take the long route to their nearest town.	
<b>KASHABALALA</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Management</b>	<b>Roads</b>	<b>Electricity</b>
<p>It was noted that residents of the Soweto section have differentiated experiences. In one part of the section, residents advised that although they have standpipes in their yards, they rarely receive water from their taps. Consequently, MLM dispenses water trucks once a week to the section to augment water due to its scarcity. In another part of the section, residents advised that they receive water from their taps once a week, and on other days, they obtain water from the nearby communal standpipes, which are approximately 100m apart from each other. It was also observed that certain households have individual Jojo tanks. Those residents indicated that they purchase water from private vendors in the amount of R150 per 2500l Jojo tank.</p>	<p>Residents advised that they do not have a sewerage reticulation system and that, therefore, they make use of self-installed pit latrines.</p>	<p>Residents were observed burning their waste on the day of the inspection. Upon inquiring, the residents confirmed that burning is the only form of waste disposal in the area.</p>	<p>It was observed that the main road of KaShabalala has been tarred and is in good condition. It was also observed that certain passage roads had been tarred with minor potholes, however accessible. While other parts of the area had completely inaccessible gravel roads.</p>	<p>Residents indicated their electricity is supplied by Eskom and is pre-paid. The supply is stable with the challenge of load shedding, which occurs during scheduled hours. It was that most households have been formally electrified.</p>

## KABOKWENI (NGODINI AND TEKATAKHO)

Water	Sanitation	Waste Management	Roads	Electricity
<p>It was established that in Ngodini, residents have access to water from the CoM daily through water standpipes in their yards, albeit not the whole day. Consequently, some residents also have water tanks where they store water for use when water is not available. In Tekatakho, however, although residents had water standpipes in their yards, they only received water once a week on an unscheduled basis. On other days, they rely on water from a recently built borehole in the area. Although some residents comfortably fall within a 200-meter radius of the borehole, others fall well outside it. Water from the borehole is available daily. Due to the distance between the borehole and many households, many residents rely on water from private vendors, which they store in tanks for use on other days.</p>	<p>In Ngodini, residents advised that they use a water-borne sanitation system connected to the municipal sewerage system. In Tekatakho, residents advised that they predominantly use self-built pit latrines. Residents with means, however, use a water-borne system of sanitation that is unconnected to the municipal sewer line. Residents consequently have to make means for the treatment and disposal of their sewage waste.</p>	<p>In Ngodini, residents advised that the MLM collects solid waste from households once a week. In Tekatakho, residents advised that there is no municipal solid waste removal program in their area and that, therefore, residents dispose of their waste either through burning, illegal dumping, or private refuse removal services. Tekatakho residents further advised that solid waste is only collected from schools and other government institutions in the area. One of the illegal dumping sites was observed during the site inspection.</p>	<p>It was observed that although the main roads were tarred, there were potholes of varying sizes on the roads in both Ngodini and Tekatakho. In both Ngodini and Tekatakho, some of the passage roads were gravel. In Tekatakho, the passage roads were particularly characterized by potholes which rendered the passage roads either inaccessible or accessible with great difficulty.</p>	<p>Like other areas within the CoM, electricity connection to the different homes was observed. During engagements with residents, residents in Ngodini and Tekatakho advised that they source their electricity from Eskom directly. Besides load shedding and electricity cuts due to non-payment, residents advised that the electricity supply in Ngodini and Tekatakho was stable and reliable. Like in other areas, however, residents raised a concern about the exorbitant costs of electricity.</p>

## KANYAMAZANE

Water	Sanitation	Waste Management	Roads	Electricity
Residents advised that they receive water every day but for a certain number of hours. Residents expressed their dissatisfaction with this approach. Some residents reported that they have resorted to purchasing Jojo tanks for use when water is not available.	Residents advised that they make use of a waterborne sanitation system connected to the municipal sewerage system. Residents of eLekazi 4 reported that they experience sewer spillages, especially during rainy seasons, but Silumamanzi attends to them when they are brought to their attention. No sewer spillages were observed on the day of the inspection.	Residents advised that the CoM collects waste every Monday, but in Ward 20, residents reported that the CoM has not been collecting waste for some time. Litter was observed in Ward 20 near the river and bridge.	It was noted that most roads have been tarred and accessible, although characterized by potholes.	It was noted that most households had been formally electrified. The challenge raised by most residents is load shedding.

## MBOMBELA (WEST ACRES, STONEHENGE AND SONHEUWEL)

Water	Sanitation	Waste Management	Roads	Electricity
Residents advised they do not have challenges further that CoM advises them when there will be water cuts due to maintenance or burst pipes.	Residents advised that they make use of waterborne sanitation connected to the municipal sewerage system. No sewer spillages were observed on the day of the inspection, and residents did not report any.	Residents reported that CoM collects waste on Fridays in Stonehenge. In Sonheuwel, residents advised that the collection of waste was consistent and used to be done on Fridays. For the past weeks, however, CoM has been delaying collection by a day or two. In West Acres, residents advised that waste is collected on Thursdays.	It was observed that the roads are in good condition and easily accessible, with minor potholes.	Residents of West Acres and Stonehenge did not report any challenges, whereas residents of Sonheuwel indicated that they do experience cut-offs of late. They are not sure if same is a result of a fault or load shedding as there has been no formal communication from CoM in that regard.

## PHOLA

Water	Sanitation	Waste Management	Roads	Electricity
<p>It was established that residents had differentiated experiences depending on their locality within the same village. In this regard, whilst the residents interviewed reported having standpipes in their homes, some reported not receiving water at all, whilst others reported receiving water from those standpipes up to three times a week on Mondays, Wednesdays, and Fridays. Residents who do not receive water from their standpipes advised that they source water from a spring in the area. On the other hand, residents who reported receiving water from their standpipes complained that the water was dirty. Consequently, they had to rely on water supplied by private vendors for personal use.</p>	<p>Residents advised that they use self-built pit toilets. Residents with means, however, use a water-borne system of sanitation. Due to the absence of a sewage system in the area, residents have to make private means for the treatment and disposal of the sewage. In some areas, these systems are inadequate, resulting in sewage spillages</p>	<p>Illegally dumped waste was observed on the side of the roads. On engaging with residents, residents advised that there is no solid waste removal program in their area and that, therefore, residents dispose of their waste through burning and illegal dumping.</p>	<p>It was observed that although the main road was tarred, there were potholes of varying sizes throughout the road. The passage roads were gravel and characterized by potholes that rendered the passage roads either inaccessible or accessible with great difficulty.</p>	<p>Like other areas within the CoM, electricity connection to the different homes was observed. During engagements with residents, they advised that they source their electricity from Eskom directly, although many residents have connected illegally. Besides load shedding, there are also frequent power interruptions in the area, lasting up to four hours a day. Residents also complained about the exorbitant costs of electricity, which is, in turn, driving illegal connections and meter-tampering in the area.</p>





*The image above showing sewage spillages was taken on the day of inspection at Barberton Ext 11.*

## **26. Evidence in respect of Bushbuckridge Local Municipality**

26.1 It is imperative to indicate from the onset that the written submissions of Bushbuckridge Local Municipality (“BLM”) referred to one type of service offered by the municipality i.e., waste management. The submissions also canvassed the population composition of BLM, gaps and challenges, measures taken to address those challenges, staff compliments, and the financial overview of the municipality.

26.2 It was submitted that the Population composition of the BLM as of the year 2021 was Six Hundred and Eighty-One Thousand Two Hundred and Twenty-One (681 221) with the following schemes: Acornhoek, Thulamahashe, Hoxani, and Marite.

26.3 Concerning waste management, collection is done once a week in the malls and townships, whereas some villages make use of skip bins. A total number of Forty-Three Thousand One Hundred and Two (43 102) households receive waste collection weekly, whilst Ninety-Four Thousand Three Hundred and Seventy (94 370) households did not receive waste collection services. Illegal dumping is rife in the villages owing to the backlog in the provision of this service, As a result, the municipality procured a TLB and tipper trucks to address and eliminate illegal dumping, particularly in the villages.

26.4 Challenges in the municipality are:

26.4.1 Unmetered bulk supply network;



- 26.4.2 High water loss as a result of illegal connections and leakages on bulk network and overflow reservoirs;
  - 26.4.3 Non-payment of water services by residents resulting in excessive water use and wastage;
  - 26.4.4 Drinking water being utilized for other purposes such as irrigation of crops;
  - 26.4.5 Tempering with government infrastructure;
  - 26.4.6 Allocation of residential stands by traditional authorities without consultation with the municipality for infrastructure planning purposes;
  - 26.4.7 Vandalism of the water infrastructure;
  - 26.4.8 Inefficient use of water.
- 26.5 In so far as the staff complement of the municipality is concerned, BLM submitted that it has a total number of One thousand, one hundred and forty-one employees (1141). Furthermore, all employees have been appointed according to their skills and qualifications.
- 26.6 On the financial overview of the municipality, BLM submitted that it has three sources of income namely: grants, revenues from exchange transactions, and revenue from non-exchange transactions. Its financial challenges emanate from the fact that the municipality heavily depends on government grants to provide services to the communities and significant amounts of money being spent on repairs and maintenance of the water provision infrastructure. It further submitted that the measures it took to improve the financial health of the municipality include the development of a revenue enhancement strategy and the implementation of the section 78 process.
- 26.7 On audit outcomes, BLM submitted that it received unqualified audit opinions with findings. It intends to institute corrective measures on the matters raised in the report of the AG.
- 26.8 On the day of the inquiry, BLM was represented by the municipal manager Ms Cynthia Nkuna ("Ms Nkuna"), the Director of Technical Services, Mr Emmanuel Mashava ("Mr Mashava"), and Mr Mpho Makhavhu ("Mr Makhavhu") the Deputy Director responsible for water.
- 26.9 Ms. Nkuna kick-started her presentation by apologizing to the panel for the oversight of not including and elaborating on the type of services offered by BLM. She confirmed BLM like many other municipalities offers water services, sanitation, waste

management, roads, and electricity to the residents. She took the panel through her written submissions and in addition thereto indicated that her municipality is rural with no town and has five (5) formalized townships namely: Mkhuhlu, Thulamahashe, Dwarlsloop, Shatale, and Maviljan and two hundred and eighty (280) villages.

- 26.10 She submitted that being a rural municipality, revenue collection is a challenge, and as such, her municipality is heavily dependent on grants. Only the formalized townships, government departments, and businesses are billed for services, the latter being the highest debtors.
- 26.11 Mr. Mashava briefly touched on the issue of access to water and sanitation within BLM. Starting with water, he highlighted that the municipality has an annual budget to eradicate the water services backlog by at least Seven Thousand (7000) to Ten Thousand (10 000) households annually. He conceded many areas have challenges with accessing water mainly due to illegal connections into the municipal bulk pipeline, water leaks, and some areas being oversupplied with water. To address the aforementioned challenges, BLM is in the process of developing a Conservation and Demand Supply Strategy and Bylaws that will deal with illegal connections. He also indicated that BLM's five-year Water Services Development Plan lapsed in 2020 and the municipality is in the process of reviewing the said plan.
- 26.12 On sanitation, Mr Mashava highlighted that the villages have "basic sanitation", however, waterborne sanitation will be introduced in the villages once access to water is addressed. Further, there is a plan to construct a wastewater treatment works at Shatale.
- 26.13 Mr. Makhavhu added to the issue of water supply in BLM during the questions and answers session by indicating that BLM's supply of water does in essence exceed the supply as 152ML/D is supplied daily when the demand is 105ML/D. He stressed the main issues are the high amount of water that is lost through leakages, illegal connections, the backlog, the mushrooming of settlements, and the backlog in the installation of a reticulation network. He further indicated that BLM is in the process of installing water meters meant to track water flow and loss.
- 26.14 In response to the question of water shortages in certain portions of Xanthia Village, Mr Makhavhu informed the panel BLM is aware and is committed to addressing the matter however there is a lack of cooperation from the community members. The main challenge is illegal connections into the municipal bulk pipeline and as a result,

the water cannot reach the reservoir which is meant to supply water to the entire community of Xanthia. Further, as a means to augment the water challenges, BLM contracted a service provider to provide water through water tanks and drill boreholes, however, the community members refused the service provider to provide such services. The introduction of a water services bylaw will assist BLM in dealing with transgressors who interfere with the municipal water infrastructure.

- 26.15 On the issue of dealing with irregular expenditure, Ms Nkuna conceded that there were loopholes in the past years that contributed to the high irregular expenditure of the municipality. She attributed the irregular expenditure to non-compliance with supply chain laws. Further, BLM has taken measures to address the issue. The measures include the development of a supply chain manual; capacitating personnel in the supply chain unit and reviewing policies.

## **27. Inspection outcomes in respect of Bushbuckridge Local Municipality**

- 27.1 The Commission embarked on an on-site inspection in BLM on 11 November 2021 and the following areas were visited: Shatale, Burlington, Acornhoek, Mapulaneng, and Xanthia. The table below details the outcomes thereof.

<b>SHATALE</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste removal</b>	<b>Electricity</b>	<b>Roads</b>
Residents reported that Shatale, in general, does not have major water supply challenges. The area visited in Shatale is the MTK/ RDP section. Residents reported that they receive water every week through taps they have personally installed in their yards. They have connected illegally to the main pipeline that is meant to supply water to the communal stand-pipes. It was observed on the day of the inspection that the	Residents advised that they make use of pit latrines built by the Municipality.	Residents in the MTK/RDP section reported that they dispose of their waste through burning. However, the Municipality does collect waste in certain parts of Shatale, such as in Zone 1.	It was observed that most households have been formally electrified. Residents reported that they do not have issues with electricity, save for load shedding, which occurs during scheduled hours. There are also no billing issues as they make use of the pre-paid system.	It was observed that the main road in Shatale has been tarred with a few potholes. The road in the MTK/RDP section is untarred by accessible.

two communal standpipes had been vandalized and were non-functional.				
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## BURLINGTON

Water	Sanitation	Waste removal	Roads	Electricity
Whilst residents advised that they had water standpipes in their homes, residents only receive water once or twice a week. The water received is, however, salty, making it unpalatable and potentially harmful when used for human consumption. Residents do not have any other alternative but to use this water, however.	Residents advised that they were using self-built pit toilets.	The area was clean with minimal solid waste on the streets compared to other areas. On engaging with residents, residents advised that there was no solid waste removal program in their area and that, therefore, they disposed of their waste through burning.	It was observed that although the main roads were tarred, they were littered with potholes. On the other hand, the passage roads were gravel and littered with potholes, rendering those roads either inaccessible or accessible with great difficulty.	Like other areas within the BLM, electricity connection to the different homes was observed. During engagements with residents, they confirmed that they access electricity directly from Eskom and that the electricity supply in the area was reliable other than load-shedding. Like in all other areas, some residents raised concerns about the costs of electricity and advised that they used other energy sources for cooking and only used electricity for lighting and refrigeration.

## ACORNHOEK

Water	Sanitation	Waste removal	Roads	Electricity
While residents advised that they had water standpipes in their homes, some advised that they received water daily,	Residents are advised that they use self-built pit toilets or pit toilets provided by the BLM.	Solid waste was observed in some streets. On engaging with residents, they advised that there was	It was observed that the main roads were tarred and generally in good condition. However, the	Like other areas within the BLM, electricity connection to the different homes was observed. During

whilst others advised that they did not receive any water at all or received water intermittently. Those who advised that they did not receive water advised that they rely on self-dug boreholes and private vendors for their water source or collect water from neighbouring communities. Those who received water intermittently advised that they store the water received in water tanks and containers for use on other days.		no solid waste removal program in most areas and that, therefore, residents disposed of their waste through burning and illegal dumping in some areas, particularly near rivers. In some areas like Ward 19 in Acornhoek, residents reported that there were communal waste disposal skips where they disposed of their waste.	passage roads were gravel and generally uneven with potholes of varying sizes, rendering those roads either inaccessible or accessible with great difficulty.	engagements with residents, they confirmed that other than load-shedding, the electricity supply in the area was reliable. Like in all other areas, some residents raised concerns about electricity costs.
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## MAPULANENG

Water	Sanitation	Waste removal	Roads	Electricity
It was noted that most households have standpipes in their yards. Residents, in one section of the area, indicated that they rarely receive water from their taps. Months can pass by without them receiving water. They, therefore, receive water from a nearby communal standpipe where water is readily available. The residents also indicated that they had raised the issue of water accessibility with former councillors, and they were advised that they must join illegally into	No sewer spillages were observed on the day of the inspection. Residents reported that they make use of pit latrines, whilst others indicated that they have water-borne toilets with their own sewerage drainage systems.	It was noted that the area is clean. Residents advised that they self-dispose waste mostly through burning it.	It was noted that the main road is tarred with a couple of potholes. Passage roads were mostly gravel, however accessible.	Residents reported that Eskom is the supplier of their electricity and is pre-paid. They raised issues of load-shedding. It was noted that most households have been formally electrified.

the main water pipe running through the main road, which advice they are considering implementing. In another section of the area, residents raised concerns that there is a reservoir that is meant to supply water to residents of Mapulaneng, but it has no water. They further indicated that BLM had installed communal standpipes, which are not yet functional. In the interim, they receive water from a borehole once a week.				
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#### XANTHIA<sup>56</sup>

Water	Sanitation	Waste removal	Roads	Electricity
An inspection was first done at the water tank situated at the entrance of the village. Residents advised that the tank was installed by BLM in 2015 but had no water. This has been the case since its installation. The inspection proceeded to the reservoir, which was built in 1996 as per reports by residents. It was stated by residents that the reservoir has not had water for the	It was observed that most households make use of pit latrine toilets. Residents advised that they do not have a communal sewerage reticulation system and that residents with water-borne toilets have private drainage systems.	Residents advised that they dispose of their waste mainly through burning.	It was observed that the village was untarred. The main road was, however, properly graded and easily accessible, whilst most passage areas were damaged and accessible with great difficulty. Residents raised a concern that ambulance services are often reluctant to render services to the	It was observed that most households have been electrified. Residents indicated that they make use of Eskom-supplied electricity which is prepaid.

<sup>56</sup> Residents raised concerns of neglect by BLM. They indicated that although the village has been in existence for many years, there are no developments, and they hardly have access to basic services, and their main concern is water scarcity and the quality of the roads.

<p>past years, and they have been advised by BLM that water cannot reach the reservoir due to illegal connections. Residents advised that certain parts of the village receive water through taps; these are mostly residents who have connected to the main water pipeline illegally and refuse to remove the illegal connections until BLM provides them with an alternative source of water. Other residents receive water from the trucks of BLM, which are dispensed to the village once a month. While those with means purchase water from private vendors. Residents also raised a concern that there is a dam adjacent to the village of Xanthia, which they believe should also be used to supply water to residents, but this is not the case.</p>			<p>village due to the nature of the roads. During the inspection, it was observed that the exit road of the village, which is also a gravel road, had been badly damaged allegedly by rain. Residents reported that most accidents occur on that particular road, parts of which now have a single lane, and once resulted in the fatality of a child who fell into the ditch. They further indicated that the BLM had done nothing to repair the road, despite numerous complaints by residents.</p>	
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*The above image depicts a water tank at Xanthia which was allegedly installed in 2015 to augment water challenges but reportedly never functioned.*

## **28. Evidence in respect of Mkhondo Local Municipality**

- 28.1 Mkhondo Local Municipality (“MkLM”) made the following submissions in their report to the Commission:
- 28.2 Population composition – in terms of the 2016 statistics survey, the population was One Hundred and Eighty-Nine Thousand and Thirty-Six (189 036) with a population growth of 2.1% annually. Fifty-Two percent (52%) of the population comprises females whilst Forty-Eight percent (48%) are men. In terms of the 2016 statistics, there were One Hundred and Eighty-Five Thousand and Twenty-Five (185 025) black Africans, One Thousand Two Hundred and Thirty-Two (1232) Coloured, Six Hundred and Seventy (670) Indians and One Thousand Eight Hundred and Eighty (1880) White. The municipality has 19 wards and is on the border of the Kingdom of Eswatini. The urban nodes are eThandukukhanya, Amsterdam, eMkhondo (also known as Piet Retief), and KwaThandeka. The rural nodes are Iswepe, Mahamba, Dirkiesdorp, Stafford, eNtombe, Comondale, KwaNgema and Saul Mkhizevilee.
- 28.3 The leading challenges in MkLM are the lack of safe and reliable water supply; inadequate roads; lack of employment opportunities; the high cost of electricity as well as inadequate housing.
- 28.4 Concerning water, MkLM submitted that out of forty-five thousand five hundred and ninety-five (45 595) households, Three Thousand Three Hundred and Five-Three



(3 353) do not have access to water. the waste demand is 12,4 ML/D. The following are the challenges and proposed solutions with respect to water supply:

28.4.1 Aged infrastructure was pointed out as one of the challenges. The development of the town has imposed a strain on the treatment plant which was last upgraded in 2005. Further, it has become expensive to operate and maintain the plant. It proposed that the plant be upgraded to 24ML/D as per the recommendation of water conservation and demand strategy. It also indicated that WSIG has made available R 2 million in the 2021/2022 financial year to conduct a feasibility study of the project which has an estimated cost of R 177 000 000 00.

28.4.2 Bursting of ageing steel and asbestos cement water pipes which results in unreliable supply to the community. The solution is the replacement of AC pipes in Mkhondo and Amsterdam. The project is estimated to cost the municipality R413 000 000 00. Further, the technical services were in the process of finalising the technical report.

28.4.3 Insufficient capacity of the water treatment works in Saul Mkhizeville where the water demand is 12,2ML/D and capacity is at 7.5ML/D. It indicated that the technical services department was in the process of finalising the technical report of the upgrade of the water treatment plant. The project is estimated to cost the municipality 75 000 000 00.

28.5 Concerning sanitation, MkLM indicated that out of Forty-Five Thousand Five Hundred and Ninety-Five (45 595) households, Eight Thousand Three Hundred and Seventy-Six (8376) households do not have access to sanitation. Iswepe and Maphepheni villages use VIP toilets that are required to be serviced (emptied). The proposed solution is to construct a sewer reticulation system which project will cost the municipality R 43 217 502. 96 and R 28 717 583, 12 respectively. MkLM did not indicate the type of sanitation used in other areas of the municipality and the capacity of the wastewater treatment works as well as pump stations.

28.6 Concerning electricity, MkLM indicated that out of Forty-Five Thousand Five Hundred and Ninety-Five (45 595) households, Seven Thousand Three Hundred and Sixty-One (7361) households do not have electricity. the challenges in MkLM Wards 6,7,8,10,11,12,3,14,16, 17 and in Amsterdam 5 & 19 supply is capped at 18 MVA 18 and 0,9 MVA respectively, whereas the required MVA is 40MVA and 2.5MVA. It

stated that it will make an application to Eskom for the upgrade, further, the projects will cost R 55 000 00,00 and R 18 000 000, 00 respectively.

- 28.7 On human resources, it indicated that it had Five Hundred and Twenty-Four (524) employees in the 2020/2021 financial year. the number is inclusive of section 54 employees. The municipality thrives in training employees who are not qualified and assist them in obtaining the relevant qualifications. In the 2020/2021 final year, the municipality had Twenty-Four (24) training interventions where Two Hundred and Seventy-One (271) employees were trained.
- 28.8 On the financial overview of the municipality, it indicated that it lags in the collection of revenue. The average billed revenue is 21 million. To enforce payment, it executes debt and control measures by cutting off electricity supply to owing customers. Further, it received qualified audit opinions from the AG for the 2017/2018 and 2019/2020 financial years. unauthorised, fruitless and wasteful expenditures for the years mentioned above were 274 806 544, 580 324 117 and 861 140 566 respectively.
- 28.9 MkLM did not refer to waste management services and roads in its written submissions.
- 28.10 MkLM concluded its written submissions by highlighting that COVID-19 impacted the procurement of service providers and the implementation of training needs.
- 28.11 On the day of the inquiry, MkLM was represented by the Municipal Manager Mr Maqhawe Kunene ("Mr Kunene"), the General Manager for Technical Services, Ms Ziphелеle Lugongolo ("Ms Lugongolo") as well as Ms Thandeka Dladla ("Ms Dladla") who is responsible for water and sanitation in the municipality.
- 28.12 Mr Kunene took the panel through the written submissions as outlined above on the day of the inquiry. In addition, he informed the inquiry that the challenge of electricity negatively impacts the economy of the municipality and does not attract investors. The municipal debt to Eskom is R262 million, and although the municipality entered into a settlement agreement with the latter, it still fails to adhere to the payment terms. MkLM's asset register was non-existent for many years and as a result, attracted negative audit outcomes from the AG. The register has since been resuscitated and is being updated accordingly.
- 28.13 Revenue collection remains a challenge in the municipality, especially in farms whereby the farmers belonging to the Agri Piet Retief unreasonably refuse to pay

rates and taxes. The accumulative debt of the farmers is currently at R42 million. Further, the municipality addresses cases of unauthorised, fruitless and wasteful expenditure by opening criminal cases against transgressors and referring them to the *ad hoc* committee and financial board for investigation. In conclusion, Mr Kunene pleaded with the Commission to lobby the government to look into the funding model of municipalities and also for the intervention in relation to the electricity debt in MkLM.

- 28.14 Ms Lugongolo responded to questions by the panel relating to technical services. She indicated that the municipality has not been updating its master plans in the past years due to financial constraints it had, however, MISA intervened two years ago to advise on the water conservation and demand strategy which should reflect on the plans. The quality of the water in MkLM complies with the legal standards as it is religiously tested by GSDM, and the water is safe for consumption. Rural areas within the municipality are the most catered for in terms of water provision. The municipality secured 60 Jojo tanks in the previous financial year to be used in rural areas in addition to the Thirty-Six (36) existent boreholes and supply of water through water trucks. Although most rural areas have VIP toilets, they are consistently serviced by being emptied through honey suckers whilst the municipality works on constructing sewage reticulation infrastructure in those areas. In areas where there is sewer reticulation infrastructure, the municipality attends to sewage spillages within 24 hours of being reported.

## 29. Inspection outcomes in respect of Mkhondo Local Municipality

- 29.1 The Commission conducted site inspections on 14 February 2022 and the following areas were visited: Piet Retief, PampoenKraal, Driefontein and KwaNgema as well as eThandukukhanya. The table below details the inspection outcomes per area visited.

PIET RETIEF				
Water	Sanitation	Refuse Management	Roads	Electricity
Residents advised that they have water in their dwellings supplied by the Municipality. Under normal circumstances, they receive water almost	Residents advised that they use waterborne toilets and that they occasionally experience sewerage spillages. However, no sewerage	Residents advised that waste is collected every week.	It was noted that the roads had been tarred with potholes, however accessible.	It was established that most households had been electrified. Residents indicated that they often

<p>daily. They alleged that there are instances where they do not have water for more than 24 hours, and for that reason, some said they resorted to installing Jojo tanks in their yards. Residents also indicated that their water is not always clean.</p>	<p>spillages were observed on the day of the inspection.</p>			<p>experience load reduction.</p> <p>Residents indicated that they endure load shedding for two to three hours during the day and for the same hours at night. Residents residing at Van Brandis Street reported that they have been experiencing problems with their transformer and that whenever they call MLM to attend to it, the officials tell them there are no issues with the transformer; they must instead check if their houses have been properly electrified.</p> <p>Residents said they have incurred costs for hiring electricians to diagnose the problem, and the electricians have constantly advised them that Mkhondo must replace the transformer.</p> <p>Residents also indicated they get shocked by the</p>
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				electricity when showering.
<b>PAMPOENKRAAL</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Management</b>	<b>Roads</b>	<b>Electricity</b>
Residents of this area advised that they obtain water from a nearby stream. Mkhondo provided water through a water truck on a few occasions when the national lockdown commenced in 2020. Since 2021, they have not been provided with water.	Residents advised that they make use of pit latrine toilets which are self-installed	Residents indicated that they dispose of their waste mainly through burning.	It was observed that the roads in the area were gravel roads and properly graded.	Residents indicated that they do not have access to electricity.
<b>DRIEFONTEIN (SAUL MKHIZE VILLAGE) AND KWA-NGEMA</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Management</b>	<b>Roads</b>	<b>Electricity</b>
Residents advised that they receive water every day except for when maintenance of the infrastructure is being carried out. It was noted that residents have taps in their yards.	Residents advised that they make use of self-installed pit latrine toilets. There was a minimal number of households in Driefontein with self-installed waterborne toilets with private sewerage drainage systems.	Residents advised that they dispose of their waste through burning.	It was observed that roads were graded gravel, and easily accessible	It was observed that most households were electrified. Residents complained of load reduction, which occurs two times a day and for two hours.
<b>THANDUKUKHANYA</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Management</b>	<b>Roads</b>	<b>Electricity</b>
It was noted that residents have different experiences depending on their location. On one side of the area, residents indicated that they receive	Residents advised that they make use of waterborne toilets connected to the municipal sewer line. Residents indicated that	Residents indicated that Mkhondo collects waste weekly; they raised a concern that there are nonetheless residents who dump waste in	It was observed that the main roads are tarred with potholes, residents reported that the absence of stormwater pipes is	It was established that most households had been electrified. Residents reported that their electricity

water through their taps daily, further, they are advised in advance by Mkhondo when water will not be available. In another section, residents indicated that they receive water at least four times a week, and when there is no water, they use water from a nearby water stream.	manholes overflow frequently, and Mkhondo takes time to attend to them. No sewerage spillages were observed on the day.	informal dumping spots without any valid reasons.	damaging the roads, and water flows uncontrollably into their properties. It was also observed that most passage roads were gravel and accessible with great difficulty.	is supplied by Mkhondo. Residents indicated that they seldom experience load shedding.
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### EMAHASHINI

Water	Sanitation	Waste Management	Roads	Electricity
Residents of this area indicated that they do not have access to basic services. The area is situated on a farm. According to the residents, the farm owner does not object to services being introduced to the farm; it is Mkhondo who refuses to provide services to the farm dwellers. They further alleged that they obtained water from a nearby stream.	Residents advised that they use self-installed pit latrines.	Residents indicate that they dispose of their waste through burning.	It was noted that the roads were gravel and uneven.	Residents indicated that they do not have electricity.

## 30. Evidence in respect of Emakhazeni Local Municipality

- 30.1 In the written submissions Emakhazeni Local Municipality (“EMLM”) submitted that in terms of the 2016 census, its population amounts to Forty-Eight Thousand (48 000). There are four towns namely: Belfast, Dullstroom, Entokozweni<sup>57</sup> and Watervalboven. The townships are Siyathuthuka, Sakhelwe, Emthonjeni and

<sup>57</sup> Formerly known as Machadodorp.

Emgwenya. In addition, there are approximately One Hundred (100) farms under its jurisdiction.

- 30.2 Like many other municipalities, it provides the following services: water and sanitation, waste management services, electrical services, roads, and stormwater services, town planning and housing administration, traffic management, disaster management and fire and rescue services.
- 30.3 In respect of water, it submitted that it is an accredited water service authority. Water is supplied through the reticulation system. There are however challenges in the rural areas and farms within the municipality in so far as water provision is concerned. The challenges are circumvented by providing water via water tanks and boreholes. Ninety-six per cent (96%) of the residents have access to water of 25ML/D. water is supplied through the four water treatment works located at Belfast, Entokozweni, Dullstroom and Watervalboven. The Belfast Water Works has a capacity of 4ML/D and sources its water from the Doorp River and Belfast Dam. It supplies quality water to Belfast Town and Siyathuthuka township. Further, the WWT is under upgrade with the view to provide 8ML/D to fully cover the current demand of 5.8ML/D.
- 30.4 On the other hand, the Entokozweni WWT derives water from the Elands River and supplies water to Entokozweni and Emthonjeni. Like the Belfast WWT, it is being upgraded from 2.7 ML/D to 4ML/D. As it stands, the WWT does not meet the current demand.
- 30.5 The Watervalboven WWT sources water from the Elands River. It supplies water to residents of Watervalboven and Emgwenya township. Although it was refurbished in the 2018/2019 financial year, it does not meet the demand of 4.5 ML/D as it supplies 3.0ML/D. The Dullstroom WTW supplies water to Dullstroom Town and Sakhelwe Township. Its source is the Dullstroom Dam. The water demand is 2.4 ML/D when the supply is 2ML/D.
- 30.6 Concerning electricity, EMLM submitted that it supplies electricity in most areas except for Dullstroom, Sakhelwe and in the rural areas where Eskom is the supplier. It further indicated that the challenges are copper theft, especially around Emakhazeni, ageing infrastructure, revenue loss through meter tempering and continued power trips resulting from the overloaded network. To address the challenges mentioned above, EMLM is replacing the copper cables with aluminium cables, requesting funding from the Nkangala District Municipality for the

refurbishment of the network and appointing an in-house team to investigate cable theft. The electrical projects will include the electrification of Ext 4 low-cost houses, the construction of 20MVA substation in Belfast, the installation of high mast lights in Ext 7 Siyathuthuka and the upgrade of the electrical network in Belfast and Watervalboven.

30.7 On the organisational structure of the municipality, there are Three Hundred and Seventy-Nine employees (379) and there is a vacancy rate of 18%. Filling the vacant post has been a challenge given the decline in revenue collection in the municipality. consequently, Forty-Six (46) non-essential vacant posts had to be taken out of the organisational structure in the 2021/2022 financial year. There is One Hundred and Ninety-Seven (197) unskilled workforce, however, time and again, the municipality embarks on training programs to capacitate the employees.

30.8 On the financial overview of the municipality, it received a qualified audit opinion in the 2017/2018 financial year and adverse audit findings for the 2018/2019 and 2019/2020 financial years. To address the poor audit outcomes, EMLM has or aims to do the following:

30.8.1 Prepare for a post-audit action plan.

30.8.2 Address audit findings in the audit action plan.

30.8.3 Report weekly on the audit action plan.

30.8.4 Prepare quarterly financial statements.

30.9 On the of the inquiry, EMLM was represented by the Municipal Manager, Mr George Mthimunye ("Mr Mthimunye"), the manager in the project management unit, Mr Walter Mavundla Mtsweni ("Mr Mtsweni") and the Acting Chief Financial Officer, Mr Shima Leshake ("Mr Leshake"). In addition to taking the panel through the written submissions. Mr Mthimunye informed the inquiry that EMLM provides water through the reticulation system in clustered farming communities and through water tankers to individual homes further that there are plans to upgrade the WTW in Belfast to 8ML/D. The municipality has exceeded its MVA in Watervalboven, eNtokozweni and Belfast, however, there are engagements with Eskom for upgrading. In Dullstroom, Eskom supplies the electricity in town as well as in the location. The other challenge in so far as electricity is concerned is the Eskom debt which is at R 18 million.

30.10 He also added that there are vacancies in the top management of the municipality, he is the only appointed manager whereas the others are acting. The municipality is embarking on an organizational reengineering to ensure that services and staff are



properly aligned. He further acknowledged that EMLM received poor audit outcomes in the past years as a result of reconciliations that were not adequately performed and the asset register that was not being updated. Furthermore, unauthorised, irregular, fruitless and wasteful expenditures are being investigated and action is taken against transgressors.

30.11 Responding to the panel's questions on whether EMLM has addressed sewage spillages that were reported in eNtokozweni in March 2021, Mr Mthimunya told the inquiry that the issue was successfully addressed and added the municipality is faced with the challenge of theft of pumps in sewage pump stations.

30.12 Mr Mtsweni addressed the issue of water quality in Watervalboven. He said that the water is of good quality and there is a mini lab in the vicinity wherein the water is tested. He also indicated that the municipality owns land some of which has been earmarked for development. Recently, the municipality developed eMthonjeni Ext 5, Dullstroom Ext 4, Sakhelwe Ext 2 and Siyathuthuka Ext 7.

30.13 Mr Leshake spoke about the issue of revenue collection. EMLM has a collection rate of 83%. There are areas in Dullstroom where EMLM contracted with a service provider for the installation of meters, however, the installation was not done accordingly by the service provider. This impacts the revenue collection rate of the municipality as the meters are currently non-functional.

### **31. Inspection outcomes in respect of Emakhazeni Local Municipality**

31.1 The Commission conducted site inspections in EMLM on 18 February 2022 and the following areas were visited Belfast, Dullstroom, eMgwenya (Waterval Boven) Machadodorp (eNtokozweni) and Siyathuthuka. The table below details the inspection outcomes.

<b>DULLSTROOM</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste management</b>	<b>Roads</b>	<b>Electricity</b>
It was established that residents in town had access to water in their dwellings. Water supply in the area is, however,	It was established that residents in town have access to a water-borne system of sanitation. Some households are	Residents in town reported that the EMLM is supposed to collect refuse twice a week but does not do so	In town, some of the roads are tarred or paved, whilst others are not. The gravel and paved roads a	Residents in town reported that the electricity supply in their area is not reliable, which is why

<p>irregular, resulting in many residents having to seek alternative forms of supply, such as boreholes. Concerns were also raised about the quality of the water, which is another reason why residents are going off-grid insofar as the water supply is concerned. In the location, residents also had access to water in their yards and/or dwellings. Water supply in the township is also irregular, resulting in some residents collecting water from springs in the area. Residents in the townships also raised concerns about the quality of the water, indicating that they use the municipal water for washing and cleaning and not for consumption.</p>	<p>connected to the municipal sewage system, whilst others use a septic tank system. The EMLM is supposed to drain the septic tanks regularly but does not do so, resulting in sewage spillages in some areas. Residents, therefore, have to rely on private vendors to service their septic tank systems despite being billed monthly for this service by the EMLM. In the location, residents also had access to a waterborne system of sanitation connected to the municipal sewage system. There were reports of sewage spillages in the area, but none were observed on the day of the visit.</p>	<p>consistently. Residents, therefore, have to rely on private vendors for the collection of their refuse. On the other hand, residents in the township reported that the EMLM does not have a refuse collection system in their area, resulting in residents disposing of their waste through illegal dumping. An illegal dumping site was observed in the area. Residents indicated that a solid waste skip in the area could go a long way in addressing the challenge of illegal dumping.</p>	<p>generally in good condition whilst the tarred roads have potholes. On the other hand, in the township, the main roads were paved and in good condition. The passage roads were gravel, however, uneven and littered with potholes.</p>	<p>many of them are going off the grid. Residents in the township also reported that the electricity supply in their area was not reliable.</p>
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## ENTOKOZWENI

Water	Sanitation	Waste management	Roads	Electricity
<p>Residents reported that they receive piped water from the EMLM daily. The water supplied is unconsumable, and as a result, they only use it for external use. They buy water for consumption. Another challenge raised is the inconsistency of</p>	<p>In town, residents have access to a waterborne system of sanitation connected to the municipal system. Residents further reported that there have been sewage spillages in the area in the past but that those were</p>	<p>In town, residents reported that the EMLM collects refuse every week. The community was generally clean. In the township, the EMLM does not regularly collect refuse, resulting in residents irregularly</p>	<p>The roads are tarred but littered with huge potholes to the point that they are not accessible. In the township, the road was gravel and generally uneven.</p>	<p>In town, residents reported that they receive electricity directly from the Municipality and that other than load shedding, the electricity supply in the area is reliable. In the township, residents</p>

<p>billing in the area. In the location, residents access water from water standpipes in their yards. Residents advised that they receive water from their standpipes daily, although some residents in other sections have been experiencing water interruptions from time to time. There was water available on the day of the visit.</p>	<p>immediately attended to by the EMLM. In the township, residents reported that they have a water-borne system of sanitation connected to the municipal infrastructure. Residents reported that the system is generally working well, although some residents have been experiencing blockages that caused sewage spillages. Sewage spillages were observed in one area.</p>	<p>disposing of their solid waste.</p>		<p>reported that they did not have access to electricity. The RDP houses were handed over to residents without electricity connections.</p>
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#### WATERVALBOVEN

Water	Sanitation	Waste management	Roads	Electricity
<p>In town and the location, residents reported that although they had access to piped water in their dwellings, they also experienced regular water cuts. Residents also raised concerns about the quality of the water, stating that the water was not consumable, as a result, they buy water from private vendors for consumption.</p> <p>On follow-up, residents reported that they receive water twice a week, however, it is not clean, and on the days when</p>	<p>In town and the location, residents reported that they have access to a waterborne system of sanitation connected to the EMLM's sewage system. In addition to the water system of sanitation, some residents in the location reply on self-dug pit latrines. There were reports of sewage spillages in the township, particularly at Entabeni Section. However, these were not observed during the site inspection.</p>	<p>In town, residents reported that the municipality collects refuse weekly. In the location, residents reported disposing of the solid waste through burning and illegal dumping in the main.</p> <p>On follow-up, residents reported that the municipality collects waste sometimes as a result they have to find alternatives for disposing of their waste.</p>	<p>Although the roads were tarred, the roads were littered with huge potholes, rendering them inaccessible. In the location, although the main roads were also tarred, they were also full of potholes. Passage roads are gravel and generally uneven and have potholes,</p> <p>On follow-up, not much had changed from the previous visit.</p>	<p>In town and the location, residents reported that they accessed electricity from the EMLM and that the electricity supply in their area was generally reliable.</p> <p>On follow-up, complaints raised by residents were that of load-shedding.</p>

water is not available, the municipality sometimes dispatches water tankers.	On follow-up, not much had changed.			
<b>BELFAST</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste management</b>	<b>Roads</b>	<b>Electricity</b>
<p>It was established that residents had daily access to running water in their homes, although they experienced water interruptions from time to time. One resident even advised that due to the water interruptions in the area, he and other neighbours have resorted to drilling boreholes to ensure a consistent water supply. The area last experienced water cuts three weeks before the site inspection. No reason was given for the cut. Other concerns raised were excessive billing for water, as well as water leakages by the dam.</p> <p>On follow-up, depending on your location in town some receive water throughout the week and others only three times a week, however, the water is unsafe for consumption, residents reported.</p>	<p>Belfast uses a waterborne sanitation system connected to the EMLM's sewer system. It was further reported that there are sewage spillages in some parts of the town, but that sewage spillages are normally quickly attended to. No sewage spillages were observed on the day of the site inspection.</p> <p>On follow-up, no spillages were observed, however, residents indicated that as and when they occur, the municipality promptly attends to them.</p>	<p>Residents reported that the EMLM collects refuse once a week consistently. The town was generally clean.</p> <p>On follow-up, collection is reliable once at times twice a week.</p>	<p>Some of the roads were tarred, whilst others were not. The tarred roads were littered with huge potholes with no proper stormwater drainage. The gravel roads were generally well-maintained.</p> <p>On follow-up, not much had changed except that the main roads were resurfaced and generally in good condition.</p>	<p>Residents reported that they source their electricity from the ELM. They further reported that other than load shedding, the electricity supply in their area is reliable.</p> <p>On follow-up, nothing much has changed.</p>

## SIYATHUTHUKA

Water	Sanitation	Waste Management	Roads	Electricity
<p>It was established that most residents had daily access to running water in their homes, although there were water interruptions from time to time. According to the residents, water interruptions are linked to power cuts. Residents also complained about the quality of the water as the water was said to be “dirty” at times. They also complained about excessive billing for water. A municipal water tanker was spotted in the area collecting water for supply in other areas.</p> <p>On follow-up, the situation seems to have improved as residents reported to be receiving water every day. Nothing was noted about the quality on the date of inspection.</p>	<p>It was established that residents have access to a water-borne system of sanitation connected to the municipal sewage system. There were also reports of sewage spillages in the township. When one of the sewage spillage spots was inspected, however, it was established the sewage spillages had stopped. In another area, however, at the entrance of the township, the sewage was still overflowing into the field. Contractors were, however, spotted in the area trying to fix it.</p> <p>On follow-up, no spillages were spotted.</p>	<p>Residents reported that the municipality is supposed to collect refuse once a week but does not do so consistently, resulting in some residents illegally dumping their solid waste. Illegal dumping spots were found in the area.</p> <p>On follow-up, refuse is still collection is still done once even though is not consistent.</p>	<p>Although the roads are tarred, they are littered with huge potholes and cracks in some parts.</p> <p>On follow-up, the tarred and some paved.</p>	<p>The inspection team received mixed reports from residents in this regard. Whilst some residents reported that the electricity supply in the area was generally reliable, others reported that it was not as it normally trips.</p> <p>On follow-up, the messaging remained mixed, depending on your location.</p>

### 32. Evidence in respect of Chief Albert Luthuli Local Municipality

- 32.1 Chief Albert Luthuli Local Municipality (“CALLM”) submitted that the population is One Hundred and Eighty-Seven Thousand Six Hundred and Twenty-Nine (187 629). Like all other municipalities in the province, it provides water, sanitation, electricity and refuse removal management services. It is important to indicate that although CALLM mentioned the type of services provided, it only focused on water in the written report to the Commission.

- 32.2 Concerning water, it submitted it supplies water through the WTW in Carolina & Silobela the current supply is 3.6 ML/D. In Manzana the supply is 3.2ML/D. In Mayflower and Dundonald the supply is 2.7 ML/D, and the municipality is upgrading the WWT to 10ML/D, further, the project ought to be completed by 2021. In Ekulindeni the supply is 3.0ML/D). In Elukwatini, Ebuhleni, Tjakastaad and Nhlazatshe the supply is 13.5ML/D, further that the WWT was being upgraded to 20ML/D and the project was anticipated to be completed by July 2022. In Deipdale and Fernie (0ML/D, the municipality was in the process of contrasting a 5ML/D conventional WWT to address the water challenges in the two areas. Rural areas within the jurisdiction of the municipality were supplied through water tanks.
- 32.3 On the staff complement of the municipality, CALLM submitted that it had four hundred and sixty-seven (467) employees, fifty-eight (58) of those were in cooperate services, fifteen (15) in planning and economic development, fifty-eight (58) in finance, two hundred and seventeen in technical services, one hundred and ten (110) in community safety services and nine (9) in the office of the municipal manager. All senior managers, managers and staff in the finance section were enrolled and completed the course in the Municipal Finance Management Programme in compliance with the treasury regulations. Furthermore, staff members are capacitated through seminars, training, coaching and mentoring.
- 32.4 On the financial overview, CALLM submitted it has taken the following measures to improve the financial health of the municipality: implementation of revenue enhancement strategy; data cleansing on billing system; focusing on non-redistribution or non-revenue generating bulk electricity schemes; credit control and debt collection; ring-fencing of conditional grants and establishment of a revenue enhancement task team. From 2017/2018 to 2019/2020, it received unqualified audit opinions from the AG.
- 32.5 On the day of the inquiry, CALLM was represented by the Municipal Manager, Mr Mandla Dlamini ("Mr Dlamini"), the Chief Financial Officer Mr Gareth Trevor Mnisi ("Mr Mnisi") and the Technical Director, Mr Mandla Magubane ("Mr Magubane"). Mr Dlamini first apologised to the panel for failing to appear before it during the first leg of the inquiry. He indicated that at that time he was recovering from covid-19.
- 32.6 Mr Dlamini took the inquiry through his written submissions and added that CALLM has 25 wards. There is a serious backlog in the provision of water and further that

there are challenges with the quality of water the municipality supplies. The water infrastructure has aged and as such there is constant bursting of pipes. To address the water challenges, CALLM has embarked on a project to replace the AC pipes in Ekulindeni and at eMpuluzi, procured water tankers and did away with hiring private water tankers.

- 32.7 Concerning sanitation, he informed the inquiry that CALLM procures five hundred (500) VIP toilets annually for various areas within the municipality and once the water challenges have been addressed satisfactorily, consideration will be given to the installation of sewage reticulation networks in the areas where there is none.
- 32.8 Mr Mnisi acknowledged that there is a backlog on waste removal as the municipality has few service points. Further, CALLM has procured five hundred (500) bins and skip bins to be used in informal settlements. On electricity, he indicated that most areas in the jurisdiction of CALLM receive electricity through Eskom except for Caroline which is supplied by the municipality.
- 32.9 He further acknowledged that revenue collection remains a serious challenge in the municipality as the collection rate is at 65%, on the other hand, the municipality had a debtor's book of R 900 million of which 430 million of the debt was written off by the council. He indicated that the municipality is embarking on data cleansing and started a project of proclaiming certain townships to be able to collect revenue from them to boost the revenue collection of the municipality. The municipality's asset register is live and updated.
- 32.10 Mr Mnisi told the inquiry that CALLM has the ability to manage funds, this is evidenced by the fact that the municipality does not owe Eskom. CALLM is one of the few municipalities that have an investment account where surplus funds are invested for the implementation of key projects. The municipality saved 4.8 million by procuring its water tankers and eliminating the use of service providers. The goal of the municipality is to create a revenue base and obtain clean audits.
- 32.11 Mr Magubane submitted that the CALLM is engaged in projects of upgrading the WTW to address the current water challenges and to be able to accommodate future demands. The municipality developed a WSDP and submitted it to Council for approval, same will be reviewed annually. CALLM also developed a comprehensive infrastructure plan in collaboration with the district municipality which will be used to maintain the existing infrastructure. Furthermore, CALLM has a project to upgrade the substation from 3MVA to 10 MVA to attract investors.



### 33. Inspection outcomes in respect of Chief Albert Luthuli Local Municipality

- 33.1 The Commission conducted site inspections within CALLM on 16 and 17 February 2022 and the following areas were visited: Elukwatini, Nhlazatshe, Lochiel, Manzana, Tjakastad, Mayflower and Carolina. The table details the inspection outcomes per area visited.

MAYFLOWER				
Water	Sanitation	Waste Management	Roads	Electricity
It was established that although most residents had water standpipes in the yards, the water supply in the area was inconsistent, with some residents complaining of not having had water for three weeks. Most residents in the area have Jojo tanks in their yards, pointing to the existence of water supply challenges in the area. Residents store water in the tanks for use whenever the taps run dry. In the event of prolonged unavailability of water in the area, some residents procure their water from private vendors or the stream, depending on the availability of means.	Most residents used self-dug pit toilets, whilst other residents were provided with VIP toilets by the CALLM. Other residents use self-contained water-borne toilets, whilst others use waterborne toilets connected to the municipal sewage system. There were no reports of sewage spillages in the area, and there were no sewage spillages observed on the day of the inspection.	In the main, residents reported that they dispose of their solid waste through burning and illegal dumping.	The main roads were tarred and in fairly good condition, whilst the passage roads were gravel with potholes.	Residents reported that they source their electricity from Eskom. They further reported that other than load shedding, the electricity supply in their area is reliable.
LOCHIEL				
Water	Sanitation	Waste Removal	Roads	Electricity
It was established that although most residents had water standpipes in	Most residents reported that they used self-dug pit toilets. There were no	In the main, residents reported that they dispose of their solid	The roads are gravel with potholes. The roads become	Residents reported that they source their electricity

<p>their yards, the water supply in the area was inconsistent, with some residents complaining of not having had water for two months. In the event of prolonged unavailability of water in the area, some residents procure their water from private vendors or the stream, depending on the availability of means. Some residents also reported that they had connected themselves to the main line. Schools and clinics in the area have dug their own boreholes due to the water challenges in the area. Lochiel Primary School is supplying some of its water to the community.</p>	<p>reports of sewage spillages in the area, and there were no sewage spillages observed on the day of the inspection.</p>	<p>waste through burning and/or illegal dumping.</p>	<p>inaccessible during the rainy season.</p>	<p>directly from Eskom. They further reported that other than load shedding, the electricity supply in their area is reliable.</p>
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## TJAKASTAAD

Water	Sanitation	Waste Removal	Roads	Electricity
<p>It was established that although residents had water standpipes in their yards, the water supply in the area was irregular, with one resident reporting not having had water for up to two weeks. Due to the water supply challenges in the area, some residents have Jojo tanks in their yards which they fill up with municipal water whenever it is</p>	<p>It was established that residents use pit toilets that are either self-built or provided by the CALLM.</p>	<p>Residents reported that they manage their own solid waste. In this regard, they burn the refuse and illegally dump what cannot be burnt on the fields. The area was relatively clean.</p>	<p>It was observed the roads were gravel with potholes and big furrows.</p>	<p>Residents reported that they receive electricity directly from Eskom. In Khuzulwandle, residents reported that the electricity supply in their area is reliable, whilst some residents of Thubelihle reported that their electricity supply in their area was not reliable as</p>

available or water from private vendors in the event of prolonged water unavailability. In Thubelinhle, residents also reported having one communal tank, which they had to fill themselves, as the CALLM was not servicing the tank.				the electricity often trips when it rains or when it is windy.
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## NHLAZATJE

Water	Sanitation	Waste Removal	Roads	Electricity
Although residents had water standpipes in their yards, the water supply in the area is irregular, with some residents reporting not having had water for up to two and three weeks, respectively. In the event of prolonged water unavailability, residents source their water from the river or private vendors. Sometimes, though, Sometimes CALLM supplies water to residents using water tankers.	Most residents reported using self-dug pit toilets. Other residents, however, advised that they use a waterborne system of sanitation. In the area where a waterborne system of sanitation was in use, there were reports of sewage spillages from time to time. However, the inspection team did not observe any sewage spillages on the day of the inspection,	Residents reported that they dispose of their own waste through burning or illegal dumping. The inspecting team observed a big dumping spot near a stream.	The main roads are partly paved and gravel. In one section, the road had been tarred, but the tar had to be removed due to extensive damage and under the pretext that it would be repaired. The road is now gravel with extensive potholes and furrows. Residents advised that there was protest action in the area over the condition of the road. As a result of the road, taxis no longer drive through their section, and residents must now walk long distances to get transport. The passage roads are equally in bad condition, gravel with potholes.	In some sections, residents reported that the electricity supply in their area was reliable, whilst in other sections, residents added that it was not. In this regard, the residents who complained about the electricity supply in their area advised that they experience electricity interruptions outside of load shedding and that they've even gone for up to two days without electricity.

## ELUKWATINI

Water	Sanitation	Waste Removal	Roads	Electricity
Although residents had water standpipes in their yards, the water supply in the area was inconsistent. As a result, some residents have Jojo tanks in their yards which they fill with municipal water or water from private vendors. There was no water on the day of the inspection. Those who had water were receiving it from their Jojo tanks.	Residents reported having access to a water-borne system of sanitation which is connected to the municipal system. The inspection team received reports of sewage spillages in some sections, but no sewage spillages were observed on the day of the inspection.	Residents reported that the CALLM collects refuse once a week and does so consistently. The area was relatively clean on the day of the inspection.	The main roads were tarred in some sections and paved in others. The main road was generally in good condition. The only challenge residents along the main roads complained of was that the stormwater furrows were not cleaned, which resulted in flooding into residents' homes. Passage roads were gravel, however, with potholes.	The inspecting team received mixed reports from residents, with residents from some sections reporting that the electricity supply in their area was reliable, whilst residents from other areas reported that it was not.

## BADPLAAS A AND B

Water	Sanitation	Waste Removal	Roads	Electricity
In section B, although residents had water standpipes in their yards, the water supply in the area is irregular, with residents reporting that they have not had water for two days. There are lots of Jojo tanks in the area, pointing to water supply challenges. In section A, however, residents reported receiving piped water daily.	Residents reported using pit toilets that are either supplied by the CALLM or self-built.	Residents reported that they dispose of their solid waste through burning or illegal dumping as there is no municipal refuse collection system in their area.	Although the main roads are tarred, they are littered with potholes. Passage roads are gravel and also littered with potholes.	Residents reported that they receive electricity directly from Eskom and that, other than load shedding, the electricity supply in their area was reliable.

Residents in the formalised areas reported that they have water standpipes in their yards, but some residents do not receive water at all or only receive water on an intermittent basis. Residents who do not have water, they collect from the residents. Because of the inconsistent water supply in the area, residents collect water in containers for use on days when there is no water. In informal areas, some residents do not have water at all and collect water from neighbours				
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### CAROLINA

Water	Sanitation	Waste Removal	Roads	Electricity
Residents receive piped water in their homes daily, although there are water interruptions in some areas from time to time. In the townships of Silobela and Mzamo, residents receive water from water standpipes in their yards. They, too, used to receive water daily but have been experiencing water supply interruptions of late due to a pipe burst and old infrastructure. Residents further complained about	Residents in town and the townships reported using a water-borne system of sanitation connected to the municipal system. There were some reports of sewage spillages in some sections, although the inspecting team did not observe any sewage spillages on the day of the visit.	In the town and Mzamo section, residents reported that the CALLM collects refuse from residents' houses once a week. In Silobela Township, however, residents reported that the CALLM does not do house collections for refuse and that instead, it placed one communal skip in the area for the disposal of solid waste.	In town, the roads are tarred but littered with huge potholes and cracks. One resident had a furrow in front of their gate, making access to her home difficult. In the townships, some roads are tarred, and others are gravel. The roads are generally in poor condition as they are also littered with huge potholes and cracks.	Residents reported that the electricity supply was generally reliable. One resident had a challenge with his line, however, but the problem appears to be isolated.

the quality of the water, stating that the water was “dirty” and that, as a result, they relied on spring water for consumption.				
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### **34. Evidence in respect of Dr Pixley Ka Isaka Seme Local Municipality**

- 34.1 Dr Pixley Ka Isaka Seme Local Municipality (DPKISLM) submitted that in terms of the 2016 community survey, the population of its municipality is Eighty-Three Thousand Three Hundred and Thirty-Five (83 325). Seventy-Five Thousand Three Hundred and Fifty-Seven (75 357) are Black African, Five Hundred and Twenty-Eight (528) are Coloured, Nine Hundred and Fifty-Eight (958) are Indian, Six Thousand One Hundred and Sixty-Seven (6167) are White and Two Hundred and Twenty-Five (225) unclassified group. Thirty-Nine Thousand Five Hundred and Twenty (39 520) of the population comprises males whilst Forty-Three Thousand Seven Hundred and Fifteen (43 715) are females. The unemployment rate is at thirty-five per cent (35%). The main economic sectors in the municipality are agriculture, community services, construction, finance, manufacturing, transportation, utilities as well as mining.
- 34.2 Like many other municipalities in the country, it faces challenges of service delivery backlog, high employment rate, high rate of poverty as well as lack of capital funding. DPKISLM summarised the state of service delivery in its municipality per ward. It is important to note that the municipality did not reflect on waste removal and the state of roads in its jurisdiction in the written submissions.
- 34.3 In so far as Vukuzakhe ward 1<sup>58</sup> is concerned, it submitted that 42ML of water is supplied monthly. Two Thousand Five Hundred and Twenty (2520) households have access to water through a water treatment plant and basic sanitation whilst Two Hundred and Seventy (270) do not. The areas without a water reticulation system are provided with water through communal tanks. All the households in Vukuzakhe have access to electricity.
- 34.4 In Vukuzakhe ward 2,<sup>59</sup> there are no water challenges. The area is supplied with 30ML monthly. Nine Hundred and Seventy-One (971) households have access to basic sanitation whilst sixty households (60) do not due to a lack of budget for a sewer

<sup>58</sup> Consists of portion of Ext 1 (Ematshotshombeni, and part of Sky Village), Msholozzi Park and Ext 1 (eSobabili).

<sup>59</sup> Consists of portion of Ext 1 (Sky Village), Duduza, Sgodiphola and Kwesimhlophe.

reticulation network. All the households in Vukuzakhe Ward 2 have access to electricity.

- 34.5 In Vukuzakhe Ward 3,<sup>60</sup> Two Thousand Two Hundred and Eight-Five (2285) have access to water whilst sixty (60) households located in the informal settlements do not. A total of 42 ML of water is supplied to the ward. There is access to basic sanitation and electricity in all households.
- 34.6 In Volkrust water is supplied through the water treatment plan. A total of 102ML is supplied in the area. One Thousand Six Hundred and Forty-Nine (1649) have access to water and sanitation whilst Two Hundred Ninety-Seven (297) located in the rural areas do not. The areas without access to water are provided with water through water tanks and boreholes. One Thousand Six Hundred and Forty-Nine (1649) have access to basic sanitation whereas Two Hundred and Ninety-Seven (297) do not due to lack of bulk water and sanitation infrastructure in the rural areas. All households in the area have access to electricity.
- 34.7 In Wakkerstroom, One Thousand Five Hundred Sixty-Nine (1569) have access to water and sanitation, which is supplied through a water treatment plant. A total of 51ML is supplied every month. On the other hand, Two Hundred Two (202) households mainly located in rural areas have no access to water due lack of infrastructure. All households in Wakkerstroom have access to electricity.
- 34.8 In Perdekop,<sup>61</sup> One Thousand Seven Hundred and Nine (1709) households have access to water and basic sanitation. 39ML of water is supplied through a water reticulation plant every month. On the other hand, One Hundred and Twenty (129) households do not have access to water and sanitation. All the households have access to electricity. Further, there is a backlog of Five Hundred (500) houses that are outstanding.
- 34.9 In Amersfoort Ward 7,<sup>62</sup> Two Thousand and Forty-Five (2045) households have access to water and sanitation supplied through bulk infrastructure. A total 30ML of water is provided every month. One Hundred and Ninety-Three (193) households have no water and sanitation due to budgetary constraints. These households are

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<sup>60</sup> Consists of portion of Duduza, Phumula Mqhashi, Ext 2, New Stands, Vukuzenzele, Spoornet area, Marikana and Georgia Gardens.

<sup>61</sup> Includes Perdekop Town; eSiyazenzela and rural areas such as Streepfontein, Welgedatch, Holfentein, Moolmeisiesfontien; Koppie, Allan, Waterval, Schuilhoek, Rooidraai, Wolwespruit, Palmford and Elandspoort.

<sup>62</sup> Consists of the town and Zamokuhle township.



mainly located in the informal settlements. All households have access to electricity. Further, there is a backlog of One Thousand One hundred (1100) housing backlog.

- 34.10 In Amersfoort Ward 8,<sup>63</sup> one thousand eight hundred and seventy-six (1876) have access to water and sanitation supplied through the bulk infrastructure. 30ML of water is supplied every month. One Hundred and Ninety-Four (194) households do not have access to water and basic sanitation. In the interim, these households are provided with water through water tankers whilst the municipality aims to refurbish the infrastructure and drill boreholes. All households have access to electricity. Further, there is a backlog of One Hundred (100) so far as the provision of housing is concerned.
- 34.11 In Daggakraal ward 9, One Thousand Two Hundred and Forty-Eight (1248) households have access to water and basic sanitation through the bulk infrastructure. 30 ML of water is supplied to the area monthly. On the other hand, One Hundred and Ten (110) households do not have access to water and basic sanitation due to budgetary constraints. In the interim, the municipality supplies water through water tanks and communal tanks whilst it plans to implement water projects. All households have access to electricity. Furthermore, there is a backlog of Five Hundred (500) so far as the provision of housing is concerned.
- 34.12 In Daggakraal ward 10,<sup>64</sup> two thousand one hundred and sixty-nine (2169) households have access to water and basic sanitation through the bulk infrastructure. 30 ML of water is supplied to the area monthly. On the other hand, five hundred and ten (510) households do not have access to water and basic sanitation due to budgetary constraints. In the interim, the municipality supplies water through water tanks whilst it plans to refurbish the water infrastructure and drill boreholes. All households have access to electricity. Furthermore, there is a backlog of Five Hundred (500) so far as the provision of housing is concerned.
- 34.13 In Daggakraal ward 11,<sup>65</sup> One Thousand Nine Hundred and Forty-One (1941) households have access to water and basic sanitation through bulk infrastructure. 210 ML of water is supplied to the area monthly. On the other hand, One Hundred and Ninety-Seven (197) households do not have access to water and basic sanitation due to budgetary constraints. In the interim, the municipality supplies water through

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<sup>63</sup> Consists of old portion of eZamokuhle.

<sup>64</sup> Comprises of Kalkoenkrans, Abesuthwini, Vaalbank, Kaalbank, Bethamoya, Somershoek, Skurwepoort, Donkerhoek, Tweedehoek, Pompoen and Welgelegen.

<sup>65</sup> Comprises of Hlanganani Trust, Sinqobile C and Daggakraal no 3.

communal taps. All households have access to electricity. Furthermore, there is a backlog of Three Hundred (300) in so far as the provision of housing is concerned.

- 34.14 Concerning human resources overview in relation to service delivery personnel, DPKISLM, acknowledged that there are gaps in skilled personnel. The current structure of the municipality is not fit for purpose. Further, it will employ more people as and when its revenue collection improves. From the 2018/2019 to 2020/2021 financial years, it subjected its staff to MFMP training, awarded bursaries to employees, provided internship opportunities in human resource and financial management to deserving members of the community and provided training to process controllers as a means to close the identified gaps.
- 34.15 On the financial overview of the municipality, DPKISLM acknowledged that it has many challenges which are attributable to a huge debtor's book and low revenue collection. It also acknowledged that there are billing problems emanating from meter readings. To address these problems, it has implemented a credit control policy and is addressing queries raised by customers on their accounts. Further, it is investing the grants received to generate interest.
- 34.16 Concerning audit outcomes from the AG, DPKISLM submitted that it received an unqualified audit opinion and disclaimers for the 2018/2019 and 2019/2020 financial years. Further, it has developed an audit action plan to improve the outcomes. DPKISLM further indicated that in the 2019/2020 financial year, it did not have an unauthorised expenditure, however, its fruitless expenditure amounted to Five Thousand Seven Hundred and Thirty Rands (R 5730) whilst its irregular expenditure amounted to R 32 412 304.
- 34.17 On the day of the inquiry DPKISLM was represented by the Acting Municipal Manager, Mr Ndumiso Thokozani Mokako ("**Mr Mokako**"), Mr Mahambehleka William Mawela ("**Mr Mawela**") who is responsible for Planning and Local Development and Ms Shevion Shikwambane ("**Ms Sikwambane**") who is responsible for Water and Sanitation.
- 34.18 Mr Mokako took the panel through the written submissions as summarized above. He added that in the 2018/2019 financial year, the municipality upgraded 1.2 kilometres of internal roads, 8.7 kilometres in the 2019/2020 financial year and 2.48 kilometres of internal roads in the 2020/2021 financial year. He confirmed that the municipality does not owe Eskom however it is confronted with challenges on

electricity distribution losses as a result of electricity illegal connections as well as the theft of cables and transformers within the jurisdiction of the municipality.

- 34.19 Responding to questions from the panel, Mr Mokoka disputed that there was, at any stage, an amount of R120 million unaccounted for in the municipality as it was alleged by the AG on day one of the inquiry. He however confirmed that there are cases of corruption and maladministration that he is aware of. One is the subject of an investigation by the South African Police Service and the other relates to a section 106 report which was sanctioned in 2019. The municipality is implementing the recommendations thereof and reports to COGTA every quarter. Further, he conceded that some of the personnel in the finance unit do not have the required skills and knowledge.
- 34.20 Mr Mawela spoke about the land development and land invasion within the municipality. He stated that the municipality adopted a spatial development framework in 2022. There is no massive invasion of land as the municipality quickly responds to land issues. As of 2021, the municipality has approximately Four thousand (4000) sites which will be made available to people. Further, there is construction underway for low-cost housing and the municipality continues to issue title deeds to residents.
- 34.21 Ms Shikwambane indicated that DPKISLM's Water Services Development Plan has not been updated since 2014 due to capacity constraints in the technical services unit, however, it has started the process of updating it through the assistance of DWS and MISA.

### **35. Inspection outcomes in respect of Dr Pixley Ka Isaka Seme Local Municipality**

- 35.1 The Commission embarked on a site inspection on 15 February 2022. The areas visited were Amersfoort, Wakkerstroom, Volkrust-Vukuzakhe, Daggakraal, Nkanini and Perderkop. The table below details the inspection outcomes per area visited.

<b>DAGGAKRAAL</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
It was established that a considerable number of residents have water in their dwellings.	Residents reported that they make use of pit latrines toilets built by the municipality further that	The residents reported that they dispose of their waste mainly through burning.	It was noted that only the main road was tarred. Construction for the refurbishment of the	It was established that certain parts of the village had access to electricity allegedly

Residents indicated that they receive water every day, albeit not throughout the day. They also indicated that they have communal standpipes with water always available. The main issue raised by residents was in connection with the quality of the water. They reported that the water often comes out of their taps brownish in colour.	there is no sewerage reticulation network in the entire area. The residents raised a concern that the toilets were now full, and as a result, some residents had to build new pit latrines.		main road was observed on the day of the inspection. It was further observed that there was excavated soil placed on the side of the road being constructed, thus rendering most passage roads inaccessible.	supplied by Eskom. In the Emadrayini section, residents indicated that they do not have electricity installed in their houses. They have been staying in the area for almost ten years. They further indicated that they have engaged the municipality in this regard to no avail. As a result, they use fire and coal stoves for cooking and candles for lighting. The Commission observed powerlines next to the houses alleged to be without electricity.
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### PERDEKOP

Water	Sanitation	Waste Removal	Roads	Electricity
It was established residents have taps in their yards. They reported that their water is supplied by the municipality, and they receive it every day.	It was established that residents use waterborne toilets connected to the municipal sewer line. No sewerage spillages were observed on the day of the inspection. Residents reported that manholes sometimes overflow, but the municipality attends to them swiftly when reported.	Residents of one section reported that the municipality collects waste once a week, notwithstanding this, the Commission observed informal dumping sites in the section where waste is allegedly collected weekly, upon engaging residents about this, they indicated that they are not aware who is responsible for dumping waste in the	It was observed that the main road was tarred with potholes and most passage roads were gravel and fairly accessible.	It was established that most households have been electrified. Residents advised that they seldom experience load shedding or load reduction.

		illegal dumping spot and the reasons thereof. On the other section of the area, residents indicated that waste is not collected at all and that, therefore, they dispose of it in an informal dumping site.		
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### NKANINI

Water	Sanitation	Waste Removal	Roads	Electricity
Residents of one section of the area indicated that they have water supplied by the municipality, whereas, in the other section, residents reported that they have to walk a distance of approximately 200 meters to get water from the nearby section.	Residents indicated that they do not have toilets at all. They request their neighbours from the adjacent location to relieve themselves. The residents further indicated that they have been residing in the area since 2013. They feel neglected as the municipality does not provide services to them.	Residents reported that they dispose of waste anywhere, including in an informal dumping site.	It was noted that the roads were gravel and accessible with difficulty.	Residents indicated that they had never had electricity since the settlement was established.

### WAKKERRSTROOM

Water	Sanitation	Waste Removal	Roads	Electricity
It was established that residents have taps in their yards. They indicated that they receive water almost daily. They, however, raised a concern with the quality of the water, citing that it is sometimes not clean.	Residents indicated that they use waterborne toilets and, further that they occasionally experience sewerage spillages. No spillages were observed on the day of the inspection.	Residents advised that the municipality collects waste however not weekly as it is supposed to.	It was noted that the main road had been paved with no potholes.	It was noted that most households have been electrified. Residents indicated that they seldom experience load shedding.

### AMERSFOORT KWAZAMOKUHLE - CHINA 1

Water	Sanitation	Waste Removal	Roads	Electricity
Residents indicated that they have taps in their dwellings and that they of late struggle with accessing water. They alleged that there have been instances recently where they were without water for weeks. They also raised a concern about the quality of their water, citing that it is sometimes muddy and therefore not consumable.	Residents advised that they use waterborne toilets connected to the municipal sewer line. Sewerage spillages coming out of manholes were observed on the day of the inspection. Residents advised that spillages are a usual occurrence and that this has been the case for the past months. They further indicated that municipal officials attend to the spillages when alerted.	Residents advised that the Municipality collects waste once a week.	It was noted that passage roads were gravel and accessible with great difficulty. The main road had been tarred and accessible.	Residents reported that the supply is stable and that they do not experience load shedding regularly.

### VOLKRUST- VUKUZAKHE

Water	Sanitation	Waste Removal	Roads	Electricity
Residents advised that they have water in their dwellings supplied by the Municipality. They receive water almost daily.	Residents advised that they used waterborne toilets further that they experience sewerage spillages frequently. Residents raised a concern that the municipality delays attending to overflowing manholes.	Residents advised that their waste is collected on Mondays.	It was noted that the roads were paved and fairly accessible.	It was established that most households have been electrified. Residents did not raise any concerns Insofar as electricity is concerned.





*The above image was taken on the day of the inspection at Emadrayini in Wakkerstroom where residents alleged that they have been without electricity since 2016 despite electricity powerlines passing through the village.*



*The above image depicts the illegal dumping of waste at Vukuzakhe.*

### **36. Evidence by the Mpumalanga Province House of Traditional and Khoisan Leaders**

- 36.1 In its written submissions, Mpumalanga Province House Traditional and Khoisan Leaders ("MPHTKL") indicated that it has five (5) committees that perform monitoring of delivery of services within traditional communities and engage municipalities and governments on matters concerning service delivery.
- 36.2 It submitted that access to water remains a huge challenge in most rural areas. In some cases, the areas will have a water reticulation network with no water coming from the taps or the quality of the water will be compromised. MPHTKL attributed the

water challenges to the drought experienced by the country in recent years, growing population, poor maintenance of the available infrastructure as well as illegal connections. Further, MPHTKL proposed that the following interventions may assist in alleviating water challenges in rural communities: provision of communal boreholes; increasing the infrastructure capacity in line with the growing population; capacitation of municipalities to enable them to maintain the existing infrastructure and collaboration of traditional councils with municipalities to conduct campaigns on illegal water connections.

- 36.3 On sanitation, MPHTKL indicated that ninety per cent (90%) of rural communities use pit latrines toilets due to the unavailability of a sewage reticulation network. The factors that contribute to this challenge include shortage of water; lack of sewage collection and disposal infrastructure; lack of proper spatial planning as well as illegal occupation of land. The following were the proposed interventions: provision of reliable water services; installation and proper maintenance of a sewerage reticulation network; improved working relations between traditional councils and municipalities on matters of spatial planning and land use and; prevention of illegal occupation of land.
- 36.4 MPHTKL further submitted that waste management services are not available in rural communities, and this poses a serious health risk to residents. As a result, illegal dumping thrives owing also to the absence of demarcated dumping areas. The contributing factors to this challenge are a shortage of staff within municipalities; a shortage of refuse collection vehicles; bad condition of internal roads and a lack of demarcated dumping sites within rural communities. Therefore, MPHTKL proposed municipalities should be properly staffed, secure sufficient vehicles and demarcate land for dumping purposes.
- 36.5 MPHTKL indicated that electricity in traditional areas is supplied either by Eskom or from their respective municipalities. Areas without access to electricity are merely those that were formed through land invasion. It indicated that there are challenges in rural communities in as far as electricity is concerned, including illegal connection to the electricity grid; high electricity costs and load-shedding. MPHTKL proposed that the costs should be reduced as most people in these communities live below the poverty line further that the power generation capacity should be increased.
- 36.6 In as far as roads and stormwater drainage are concerned, MPHTKL indicated that most of the roads in rural communities are in a bad state, and gravelling of roads is



done on request especially when there is a funeral in that particular area. It indicated that the following factors contribute to poor roads and stormwater drainage challenges: insufficient staff in the municipalities; shortage of resources such as machinery/graders; lack of spatial planning and illegal occupation of land. MPHTKL submitted that the challenges could be resolved by municipalities having sufficient staff and resources and through collaboration between the traditional councils and municipalities to particularly address matters of spatial planning.

- 36.7 MPHTKL summed up the written submissions by indicating that municipal parks and recreational facilities are a rare phenomenon in rural areas and the lack thereof provides room for teenage pregnancy, substance abuse and crime to thrive. The provision of recreational facilities to traditional communities is not regarded as a priority by municipalities. On the other hand, street lighting is non-existent whilst mass lighting is provided in limited areas.
- 36.8 On the day of the inquiry, MPHTKL was represented by its Chairperson Inkosi Sandile Ngomane ("Inkosi Ngomane") and the Acting Director for Business Support, Mr Msongelwa Jeremiah Motha ("Mr Motha").
- 36.9 Mr Motha took the panel through the written submissions as outlined above and added that MPHTKL's mandate is to mainly conduct oversight or monitoring on service delivery in the local municipalities that are under traditional leadership of which they are nine (9) in the Mpumalanga Province.
- 36.10 During the questions and answers session, Mr Motha indicated that land ownership in rural areas remains a huge challenge as it is uncertain as to who owns the land in rural communities between the tribal authorities and the municipality or government. He added that there are developments taking place in rural communities such as the construction of shopping centres and malls which are of little benefit to the traditional authorities and the community members. Same applies to mines as they do not adhere to their Social and Labour Plans in the rural areas where they operate. Further, traditional authorities can't enter into an agreement with a developer. He pleaded that government should release land to traditional authorities. Mr Motha concluded by indicating that there are talks with municipalities on the implementation of SPLUMA to address some of the challenges relating to land further and that there is an MOU between MPHTKL, SALGA and SAPS on the prevention of land evasion.

36.11 Inkosi Ngomane added that MPHTKL has undergone a lot of transformation, especially on gender in the past years and has undergone training to such an extent that traditional authorities now allow females to lead and land can be allocated to female-headed households. Further, there is consideration of public-private partnerships as there are developers who have an interest in investing in rural communities. Inkosi Ngomane further told the inquiry that traditional authorities do not own land, they however have the authority to allocate stands and sites. He conceded that there are isolated incidents where stands are illegally allocated to individuals by the Indunas, especially in the jurisdictions where the Indunas (herdsmen) overpower the Inkosi (Chief). Such matters are escalated to COGTA for intervention.

### **37. Evidence from the South African Local Government Association**

37.1 The South African Local Government Association ("SALGA") gave a comprehensive overview of service delivery per municipality. Commencing with Gert Sibande District Municipality ("GSDM"),<sup>66</sup> it submitted that the service backlog concerning water stands at 8,6%, for sanitation it is at 2,7%, for electricity 11% and for refuse removal, there is a backlog of 37.7 %. There are areas with no water reticulation infrastructure and thus dependent temporary supply of water. there are two hundred and twelve (212) villages without water infrastructure. The challenges date back as far as the year 1994. An amount of one hundred and twenty-nine thousand million rands (R129m) is required to address the challenge, however, eleven million rands (R11m) has been allocated. GSDM attributed the challenges to the following factors:

37.1.1 Ageing infrastructure.

37.1.2 Inconsistent implementation of projects on the upgrading of bulk infrastructure and reticulation.

37.1.3 Hijacking of projects by rogue groups, claiming entitlements on municipal bids.

37.1.4 Electricity supply substations are largely failing to cope with excess demand and the notified maximum demand by Eskom which has led to intermittent and unreliable supply of electricity.

37.1.5 Acute shortage and limited allocation of operations and maintenance budgets of existing infrastructure.

37.1.6 Water and wastewater treatment plants under severe distress.

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<sup>66</sup> The local municipalities under the jurisdiction of GSDM are: Chief Albert Luthuli Local Municipality; Msukaligwa Local Municipality; Mkhondo Local Municipality; Dr Ka Isaka Seme Local Municipality; Lekwa Local Municipality; Dipaleseng Local Municipality and Govan Mbeki Local Municipality.

- 37.2 In CALLM, the basic services backlog is at 18% for water, 3.4 % for sanitation, 3.6% for electricity and 76% for electricity. The capacity of the water infrastructure is 37ML/D whilst the demand is 44ML/D. For sanitation, the demand is at 15ML/D when the current capacity is at 7.5ML/D. For electricity, the capacity is 5MVA whereas the demand is 7,5MVA. The areas that have been without water reticulation infrastructure since 1994 include Noorderm, Syde, Gagashe Ward 1, Ndonga and Dumbarton Ward 3, Beeskop, Haskop and Ekukhanyeni Ward 8, Waverly, Ema 18, Esandleni, Hereford and Ngodini ward 9, Arhamburgh and eMashosheni ward 10, Ngcakini, Khuzulwandle, Dwaleni, ward 14, Kantshwele, the Brook, Manzana Farms, Magudu, Lekkerloop and Ngodzi ward 17, Mbhejeka, Newstands, Uitgevong, Nkomeni and Gingidwako ward 19.
- 37.3 In MLM, the basic service's backlog for water is at 8,3%, for sanitation 2.5%, for electricity 12.6% and refuse removal it is at 37.8%. The capacity of the water supply is 30.62ML/D whereas the demand is 32ML/D. For sanitation, the demand is 19ML/D whereas the current capacity is 14ML/D. For electricity, the demand is 34,3MVA whereas the capacity is 47,8MVA. The areas that have been without water reticulation infrastructure since 1994 and thus are dependent on temporary water supply include Blouwater, Goldview, Koolbank, Kraasspan, Jan Hendrickfontein, Bloemfontein (Ward 19) and Pearl.
- 37.4 In MkLM, the basic service backlog for water is at 14,9%. For sanitation, it is at 4.3%. For electricity, 19.8% and for refuse removal is at 32%. The capacity of the water supply is 26ML/D whereas the demand is 23,11 ML/D. For sanitation, the capacity is 13,5 ML/D and the demand is 7,5ML/D. The areas without water reticulation infrastructure since the advent of democracy are Geelhoutboom 2, Prospect 2, Sentelina, Etsheni, Madanca, Boesman, Ndololovane, Madalas, Dlothovu, Malandeni, Bothashoop, Ezabawini, Mathonga and Sqintini.
- 37.5 In DPKISLM, the backlog of services for water is at 9.8%. An amount of twenty million rand (R20m) is required to address that issue of water. however, there is no budget available. For sanitation 4.2%. for electricity at 11.4% whereas for waste removal it is at 33.9%. The current capacity for water supply is at 37ML/D whereas the demand is at 42ML/D. The capacity for sanitation is 9.2ML/D whilst the demand is 20ML/D. For electricity, the capacity is 55MVA whereas the demand is 67MVA. The areas without water reticulation infrastructure since 1994 and depend on temporal water supply are: Vukuzakhe in Verkyk, Sunspruit, Volksrust- Elandfontein , Rooipot, Verky Farm, Rooiport Farm, Wakkerstroom-Gunnmwane, 51 plot, Duck in Farm,

Wakkstraion, Sckongeeseg, Spitkop 1 and 2, Beddinsog, Langfontein Farm, Perdekop in Elandspoor, Mooimesies, Koppie ,Aleen, Woledspruit, Botter, Fontein, Parmford, Rusthoek, Steakfontein, Langfontein, 41 plot, Sunfontein, Zoodendavliei, Elantfontein, Woodeklof, Odewood Farm, Winbeg, Smooltlof, Voorseg, Oodendal Rust A, Kleinbegen, Oopperman, Mabhondo, Elies Farm, Brontol, Rusthoek, Sandra, Vlei, Welgedag, Bestar, Thuthukani, Driekop, Minig Scheilhoek, Hoodklof Farm, Sterkfountein VK, Waterval Farm, Ekukhanyeni, Steikfontein Farm, Ekukhanyeni B, Honningvaller, Welverdiend, Holfontein Oppetrmann, Brakfontein, Haadebestefontein, Poortjie, Amersfoort- Kalfontein, Goodewoop Farm, eZamokuhle Farm, Enon Farm, Skuiverpoort, Bloukop, Sgome, Daggakraal- Welgelegen Farm, Ebhosi Farm, Family Hoek, Fickland, Verkyk, Nooitgeseg Farm, Vaalbank, Zeerbron, Junjieshoek, Vyfhoek, Bampoen, Poortjie, Waterval, Mawelawela, Sinyamvula, Vaalport, eBaswitini, eMahacini, Chief Shabalala, Kwamali, Tafelbop, Bethamoya.

- 37.6 In LLM, there is also a backlog for basic services, for water it is at 6.3%, for sanitation it is at 3%, for electricity it is at 8.5% and for waste removal the backlog is at 31.5%. The current capacity for water supply is 37ML/D whilst the demand is 42ML/D, the capacity for sanitation is 9,2ML/D whilst the demand is 20ML/D, and the current electricity capacity is 55MVA while the demand is 67ML/D. The areas that have been without water reticulation infrastructure since the advent of democracy include Sphingo, Sakhile Ext 2, Emanine, Mqiwane, Sivivo, Mandela Camp, Crossroad, Slovo, Shovovo, Mnyamandao, Qwebezela, Bosmanskraal, Bosmanspruit, Sprinkbokkuil, Katspruit, Enkanini, Wemlambo, Dors Plaas, Maizefield, Sokorali, Bloukop-Sisulu, Teak Ends, Mkhize, Erdzak Farm, Geluk Farm, Poortije Farm, Langspruit Farm, Vlakrad Farm 2, Vlakspruit Farm, Geordgenoeg Farm, Dingindoda, Sivukile Ext 3, and Sivukile Old Location. These aforementioned areas are dependent on a temporary supply of water. The amount required to address the issue is R31.3 million. SASOL has pledged R 4.6 million for the refurbishment of boreholes.
- 37.7 In DLM, the backlog for provision of basic services is at 9.4% in respect of water, 6.1% for sanitation, 17.8% for electricity and 43.5% for waste removal. The current capacity of the water supply is 8.5ML/D which is equal to the demand. For sanitation, the capacity is 8.5ML/D while the demand is 10.5ML/D/. With respect to electricity, the demand equals the supply which is 20MVA. Further, farm areas in wards 2, 3, & 5 have been without water reticulation infrastructure since the advent of democracy. Eight million rands is required to address the backlog challenges and a budget of R400 million rands is available.

- 37.8 In GMLM, the backlog in the provision of basic services is at 1.6% for water, 0.7% for sanitation, 5 % for electricity and 23% for waste removal. The current capacity for water supply is 91ML/D whilst the demand is 95 ML/D, the current capacity for sanitation is 48ML/D whilst the demand is 70ML/D, and the current electricity capacity is 140MVA whilst the demand is 155.8MVA. To address the backlog, R 8 million is required and the available budget is 400 million rands. The areas that have been without water reticulation infrastructure since 1994 are Ekuthuleni in Leandra, Marikana in Leandra, Embalenhle Ext 22, Marikana in Kinross, Embalenhle Ext 16, Holfontein Farm, KwaMalema Ext 5, Afghanistan Ext 4, Emzinoni Ext 11, Peace Village and Rural Farms in wards 1, 2, 9, 10, 15, 16, and 17. To address the backlog, R 8 million is required and there is a budget of R 400 million available.
- 37.9 Concerning Nkangala District Municipality (“NDM”),<sup>67</sup> there is a basic services backlog of 9.8% for water, 1.7% for sanitation, 1.7% for electricity and 41.6% for waste removal. The challenges in NDM are exacerbated by the following factors:
- 37.9.1 Ageing infrastructure.
  - 37.9.2 Delays in implementation of projects of bulk infrastructure and reticulation.
  - 37.9.3 Drought challenges have affected water availability in the Mkhombo dam.
  - 37.9.4 Inadequate allocation of operations and maintenance budgets to sustain the existing infrastructure.
  - 37.9.5 WWTW and WTW are under severe distress due to the huge demands for upgrading that have not been implemented.
- 37.10 In VKLM there is a backlog of provision of basic services of 13.1% for water, 1.3% for sanitation, 6.5% for electricity and 27.8% for waste removal. The capacity of the water infrastructure is 23.13 ML/D whilst the demand is 30ML/D, the capacity of the sanitation infrastructure is 12ML/D whilst the demand is 14.5ML/D, and for electricity the demand is equivalent to the supply which is 32MVA. The areas that have been without water reticulation infrastructure since 1994 are Waaikraal, Brakfontein, Mafenseni, Olifantsfontein, Dwarsfontein, Tikiline, Goedehoop, Blesbokfontien, Arbor, Matlatini, Delmas Colliery and Dryden.
- 37.11 In STLM, the backlog for provision of basic services is 4.7% for water, 1.2% for sanitation, 8.6% for electricity and 48.3% for waste removal. The current capacity of

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<sup>67</sup> Comprises of the following local municipalities: Victor Khanye Local Municipality, Emalahleni Local Municipality, Steve Tshwete Local Municipality, Emakhazeni Local Municipality, Thembisile Hani Local Municipality and Dr JS Moroka Local Municipality.

the water infrastructure is 68ML/D with a demand of 49ML/D, the capacity of the sanitation infrastructure is 45ML/D with a demand of 35ML/D and for electricity, the capacity is 136MVA with a capacity of 40MVA. The areas that have been without water reticulation infrastructure since the dawn of democracy are: Doornkop, Skierilek, OTK, Woestelleen, Uitegersorght, Broodsynplaas, Goedehoop, Driepan.

- 37.12 In EMLM, the backlog for provision of basic services is at 11.5% for water, 5.2% for sanitation, 14.2% for electricity and 16.5% for waste removal. The current capacity of the water infrastructure is 11.9ML/D compared to the demand of 10.6ML/D/. For sanitation, the current capacity is 8.9ML/D whilst the demand capacity is 21.2ML/D. For electricity, the demand is equivalent to the supply of 11.8MVA. An estimated budget of R10 million is required for the maintenance of boreholes and the supply of water through water tankers. The areas that have been without water reticulation infrastructure since 1994 are Airlie, Skoemanskloof, Slaainhoek, Tobenlea, Sikhulile, Vlaakplaats, Swaartkoppies, Schoongesigzt and Cullen.
- 37.13 In THLM, the backlog for provision of basic services is at 5.8% in relation to water, 2.6% for sanitation, 2.0% for electricity and 9.6% for waste removal. The current capacity of the water infrastructure is 42.3ML/D compared to the demand of 74.ML/D. For sanitation, the current capacity is 1.5ML/D whilst the demand capacity is 1.5ML/D/. There are no challenges with the supply of electricity as residents are directly supplied by Eskom. An estimated budget of R51 million is required for the maintenance of boreholes and the supply of water. The areas that have been without water reticulation infrastructure since 1994 are Moloto South East, Moloto North Ward 2, Moloto South Ward 3, Zenzele Ward 9, Verena A Ward 11, Tweefontein C And DK Ward 12, Tweefontein K Ward 13, Sheldon Ward 9 and 14, Entokozweni Ward 17, Tweefontein N Ward 17, Buhlebesizwe Ward 16, Sun City D Ward 19, Mabhoko (Vlaaklaagte No. 1 ward 21), Mahlabathini Ward 22, Kwaggafontein Ward 29 and Tweefontein G Ward 30.
- 37.14 In DJSMLM, there is a backlog of provision of basic services of 22.1% in respect of water, 1.2% for sanitation, 1.5 % for electricity and 78.3% for waste removal. There are critical challenges in so far as access to water is concerned due to drought. The inadequate availability of water also affects the service level agreement the municipality has with THLM and Sikhukhune District Municipality. There are no capacity challenges in so far as electricity is concerned. The capacity of the water supply is 32ML/D whilst the demand is 64.7ML/D. For sanitation, the capacity is 10.4ML/D as opposed to the demand of 16.5ML/D. The areas that have been without

water reticulation infrastructure since the dawn of democracy are Mamokgeletsane, Waterval, Twoline/Makula, Mashiding, Mapotla New Stands, Vaalbank New Stands, Allmansdrift C New Stands, Allmansdrift D New Stands, Senotlelo H and I, Matimpule/Troya New Stands, Etsoseng, Kattjibane, Nokaneng New Stands, Mametlhake ward 29 and Pankop Ward 31.

- 37.15 In ELM there is a backlog of provision of basic services of 9.2% in respect of water, 1.5% for sanitation, 27.1% for electricity and 56.5% for waste removal. The current capacity for water supply is 130ML/D whilst the demand is 167ML/D, for sanitation the current capacity is 67ML/D and the demand is 65ML/D and for electricity, the capacity is 240MVA whilst the demand is 280MVA. The areas that have been without water reticulation infrastructure since the dawn of democracy include: Power Mall Site in Hlalanikahle, Hlalanikahle Ext 3, KwaGuqa Ext 11 D section, KwaGuqa Ext 11 Ward 3, Hlalanikahle Ext 1 Bagdad, eMsagweni Floodline, Vosman Mthofi, Vosman eMgodini, Vosman Mandela Drive, Vosman Geremiya Mdaka, Ackerville Santa, Ackerville Thabo Mbeki, Thushanang Thala, Thushanang Sizanani, Old Coronation Likazi, Klarinet Mofofane, Klarinet Maleka, Masakhane, Speekfontein, Benicon, Empumelwelweni Ext 7, 3,6 and 8, Marikana, Vezi, Siyabonga Phola, Nootgedatcht Plot 85 to 88, Iraq Phola, eNkanini Phola, Waya Waya Phola, and Spring Valley ward 34.
- 37.16 In Ehlanzeni District Municipality (“EDM”)<sup>68</sup> the backlog on the provision of basic services is 16.2% for water, 4.5% for sanitation, 4% for electricity and 55.6% for waste removal. The challenges are exacerbated by the following factors:
- 37.16.1 Limited water resources.
  - 37.16.2 Limited rollout of bulk and reticulation infrastructure to all wards and villages.
  - 37.16.3 Acute shortage and limited allocation of operations and maintenance budgets of existing infrastructure.
  - 37.16.4 WWTW and WTW are under severe distress.
  - 37.16.5 The district is prone to periodical climate disasters that adversely affect roads and other existing infrastructure.
  - 37.16.6 Scourge of infrastructure vandalism in some municipalities such as TCLM.
  - 37.16.7 Waste removal taking a back seat.
- 37.17 In NKLM the backlog in provision of basic services is 14.7% for water, 6.2% for sanitation, 3.7% for electricity and 79.4% for waste removal. The current capacity for

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<sup>68</sup> Comprises of City of Mbombela, Bushbuckridge Local Municipality, Nkomazi Local Municipality and Thaba Chweu Local Municipality.

water supply is 113.4ML/D whilst the demand is 183ML/D, for sanitation the current capacity is 4.65ML/D while the demand is 11.25% ML/D and for electricity is capacity is 26MVA whilst the demand is 18MVA. The areas that have depended on the temporary supply of water since 1994 are New Stands, Mzinti Ruth First, Mjejane Ward 29, Mangweni Nhlabeni, Schoemansdal, Bhodweni, Phiva, Khumbulekhaya, Naas Msholozzi, Naas Gritane, Madadeni Marula, Mgobode Soshangane, Ntunda, Sibange A Lona, Masibekela Batsakatsini, Louville, Bhubhane and Bhobho.

- 37.18 In TCLM, the backlog for the provision of basic services is at 11% for water, 0.9% for sanitation, 9.5% for electricity and 42% for waste removal. The current capacity of the water supply is 18.95ML/D while the demand is 15.25ML/D. The current capacity for sanitation is 11.7ML/D while the demand is 8.3ML/D and for electricity, the demand is 38.5MVA while the demand capacity is 49MVA. The areas that have been without connection since 1994 are Bosfontein, Badfontein/Klipspruit, Shaga, Kiwi, Leroro Ward 9, Moremela Ward 9, Matibidi Ward 8, Brondal, Sipsop, Hendriksdal, Orhigstad and Spekboom.
- 37.19 In CoM, the backlog in the provision of basic services is at 21.2%, 4 % for sanitation and electricity and 69% for waste removal. The current capacity of the water supply is 164ML/D while the demand is 154ML/D. The capacity for sanitation is 63.68ML/D while the demand is 36.3ML/D. For electricity the current capacity is 260MVA and the demand is 260MVA there is however a need for an additional 10MVA in Barberton. The areas that have been without permanent water supply since 1994 are Mariti, Sanford, Sand River HazyPark and Sibukosethu, Farm areas in Ward 25, Umjindini Trust Ward 41, Skombantwana, Phondweni and Chicken Farm, Mbongolweni in Nyongane, Numbi ward 39, Phelindaba in Mganduzweni, and Ncakini ward 24.
- 37.20 In BLM, the backlog in the provision of basic services is 11.1% for water, 5.2% for sanitation, 2.1% for electricity, and 77% for waste removal. The capacity of water supply is 152ML/D while the demand is 96ML/D, the capacity for sanitation is 16ML/D while the demand is 118ML/D and for electricity there are no capacity challenges as households are supplied electricity directly by Eskom. the areas that have been without water connection since 1994 are Bophelong, Brooklyn, Wervediend, Thusanang, Islington, Englington, Phendulani, Moses Ward 20, Kildare, Nkomo Ward 20, Jameyeni, Zombo, Kurhula, Sigaguke, Tsakani Ward 20, Mariti crossroad, Mamelodi Ward 18, Kgapamadi, Rolle Phase 2, Zola Ward 36, Mambumbu, Songeni, Belfast Phase 2, Masingitana, Allendale A and B, Nkobotana, Opengate, Croquetlawn B, Ximhungwe RDP, Gamoreku, Dikwenkwen, Matlamogale, Clare,



Athol, Hlalahle Ward 34, Thulani Ward 34 and 35, Gottenburg ward 38, Thlavekisa 34, Ronaldsy 3, Tsemamarhumbu 3 and Shatale RDP ward 7.

37.21 SALGA attributed the challenges faced by the municipalities to the following factors:

- 37.21.1 Political instability;
- 37.21.2 Maladministration and corruption;
- 37.21.3 Defiance of provincial government interventions;
- 37.21.4 Private ratepayers associations withholding revenue and taking over municipal services;
- 37.21.5 Failing water and sanitation systems;
- 37.21.6 Vandalism and theft of infrastructure;
- 37.21.7 Gangsterism and criminal attacks on officials;
- 37.21.8 Eskom and Water Boards debts; and
- 37.21.9 Approval of funded budgets;

37.22 SALGA concluded the written submissions by indicating that it facilitated a multidisciplinary support to municipalities to assist them in addressing their challenges and to ensure that they are sustainable, self-sufficient, enabled to deliver services and accountable. The said support was provided through workshops, training programmes and Indabas.<sup>69</sup> It also proposed that the provincial government should assist municipalities in addressing the land invasion challenge; the National Rapid Response Technical Teams should be deployed to support municipalities within the context of the District Development Model, further, district champions should mobilise the participation of industry in socio-economic development.

37.23 On the day of inquiry, SALGA was represented by its Mpumalanga Provincial Chairperson Mr Muzi Gibson Chirwa (“**Mr Chirwa**”) and Ms Decia Matumba (“**Ms Matumba**”), the Acting Provincial Director of Operations. Ms Matumba took the panel through the written submissions as outlined above.

37.24 During the answers and questions session, Mr Chirwa indicated that the source of the backlog statistics reflected in the written submission is StatsSA, COGTA and

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<sup>69</sup> Governance Indaba, Roles and Responsibilities workshops; Anti-corruption workshop; Municipal Public Accounts Committee Guideline and Toolkit Workshops; Committee Secretariat Workshop; Progress update made in the implementation of mSCOA; Workshops of debt collection, creditors payment and budget processes, Eskom and DWS debt, Revenue collection strategies, Compliance with financial laws and SCM regulations; VAT returns and TAX statutory payments ; Financial Recovery Plan for distressed municipalities, and development of integrated waste management bylaws, integrated waste management plans and similar other plans.

IDPS. He conceded that refusal removal is a major challenge for all the local municipalities in Mpumalanga and that this service is mostly rendered in towns and a few townships. The failure is caused by the expansion of settlements whilst there is a lack of funding, resources, and human capacity in the municipalities. SALGA intervened in this regard by conducting summits of environmental management however it is only GMLM, STLM and ELM who use modern methods of waste removal.

37.25 He also conceded that a shortage of skills is also a problem and his organisation identified these challenges through its skills gaps analysis. The main problem is that senior managers of municipalities are appointed by Councillors, who are mostly unknowledgeable, on a fixed-term basis. SALGA has been lobbying for municipal managers to be appointed permanently to ensure stability. Mr Chirwa concluded by indicating that the municipal sphere is highly political to such a point that sometimes there will be defiance by local municipalities to comply with directives from the provincial government.

37.26 The following stakeholders appeared before the inquiry on day 5: The National Department of COGTA, Mpumalanga Department of COGTA, and District Municipalities<sup>70</sup> namely: Gert Sibande District Municipality, Nkangala District Municipality and Ehlanzeni District Municipality.

### **Evidence in respect of Nkangala District Municipality**

37.27 Nkangala District Municipality ("NDM") submitted that it has six (6) municipalities under its jurisdiction. Its role is to support all local municipalities in the endeavour to

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<sup>70</sup> District Municipalities ("DM") were required to submit to the Commission with a report containing the following the information:

- The role of DMs with the local government landscape.
- An overview of the state of service delivery with local municipalities in the jurisdiction of the DM, reflecting on aspects of the reach of municipal services to the various demographic groups, their reliability, frequency and quality.
- The gaps and challenges in the service provision of local municipalities with the jurisdiction of the DM as well as the factors that may have contributed to the emergence of the identified challenges.
- An indication on what is required from all actors involved with local municipalities to improve service delivery outlook; measures or interventions taken by the DM in the last three (3) financial years to assist or support the local municipalities; the key challenges and circumstances that led to the interventions being undertaken and the extent that the interventions were not able to address the identified challenges.
- An overview of the audit outcomes of municipalities within jurisdiction of the DM in the last three (3) financial years.
- An indication on whether there is a link between poor audit outcomes and service delivery and the measures taken or intended to be taken by the DM to support the local municipalities in addressing poor audit outcomes.

deliver basic services. There is a total of Four Hundred and Twenty-One Thousand One Hundred and Forty-Three (421 143) households as per the 2016 community survey.

- 37.28 NDM submitted that in terms of the 2016 community survey, there are Twenty-Four Thousand Two Hundred and Seventy (24 270) households in VKLM. Twenty-Thousand-Eight Hundred and Ninety-Seven (20 897) have access to water. The total water demand is 30 ML/D while the current capacity is 23.13 ML/D pointing to a shortfall of 6.87 ML/D. Twenty Thousand Five Hundred and Sixty-Two (20 562) have access to sanitation. There are two WWTWs in the municipality namely: Delmas and Botleng WWTW. The capacity of the treatment plant is 12 ML/D whilst the demand is 14.5 ML/D pointing to a deficit of 2.5 ML/D. Twenty-Two Thousand Three Hundred and Twenty-Four (22 324) have access to electricity. The demand thereof is 20.9MVA whilst the capacity is 32MVA, Twenty-Three Thousand Two Hundred Forty-Nine (23 249) households have access to waste removal services and a total length of 140 kilometres of the roads have been tarred.
- 37.29 In ELM, there are One Hundred and Fifty Thousand Four Hundred and Twenty (150 420) households as per the 2016 community survey. One Hundred and Twenty-One Thousand Five Hundred and Ninety (121 590) of the households have access to water. the capacity of the water infrastructure is 130ML/D whereas the demand is 167ML/D pointing to a deficit of 37ML/D. Ninety-Three Thousand Eight Hundred and Thirty-Eight (93 838) households have access to sanitation, the infrastructure<sup>71</sup> thereof has a capacity of 67ML/D whilst the demand is 65ML/D. Nine One Thousand Four Hundred Twenty (91 420) households have access to electricity. The electricity infrastructure has a capacity of 237MVA whilst the demand is 266MVA, pointing to a shortfall of 29MVA. One Hundred and Forty Thousand Six Hundred and Thirty-Two (140 632) households have access to refuse removal and a total of Eight Hundred and Forty-Three (843) kilometres of roads have been tarred.
- 37.30 In STLM, there are Eighty-Six Thousand Seven Hundred and Thirteen (86 713) households in terms of the 2016 community survey. Seventy-Four Thousand and Fifty-Three (74 053) have access to water, the capacity of the water infrastructure is 68ML/D, and the demand is 49.18ML/D, pointing to a surplus of 18.82ML/D. In terms of sanitation, Seventy-One Thousand and Eighteen (71 018) households have

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<sup>71</sup> Phola WWTW, Naauwpoort WWTW, Ferrobank WWTW, Rieview WWTW, Klipspruit WWTW, Thubelihle WWTW, Rietspruit WWTW and Ga Nala WWTW.

access to sanitation, and the infrastructure<sup>72</sup>73 thereof has a capacity of 45ML/D whereas the demand is 35ML/D, pointing to a surplus of 10ML/D. Seventy-Eight Thousand One Hundred and Twenty-Nine (78 129) households have access to electricity, the capacity of the infrastructure thereof is 135MVA whilst the demand is 79.6, pointing to a surplus of 55MVA. Eighty-Five Thousand Four Hundred and Eighty-Four (85 484) households have access to waste removal services and Six Hundred and Sixty-Five (665) kilometres of the roads have been tarred.

- 37.31 In EMLM, there are Fourteen Thousand Six Hundred and Thirty-Three (14 633) households in terms of the 2016 community survey, of which twelve thousand nine hundred and forty-six (12 046) have access to water, the capacity of the water infrastructure is 11.9ML/D whereas the demand is 10.6ML/D, pointing to a surplus of 1.3MML/D. Twelve Thousand and Forty-Nine (12 049) households have access to sanitation, and the infrastructure thereof has a capacity of 8.9ML/D whereas the demand is 21.2ML/D, pointing to a shortfall of 12.3ML/D. Twelve Thousand Five Hundred and Sixty (12 560) households have access to electricity, and the capacity of the electricity infrastructure is 11.6MVA whereas the demand is 12.1MVA, pointing to a shortfall is 0.5MVA. Fourteen Thousand Two Hundred and Twenty-Three (14 223) households have access to waste removal services and Six Hundred and Forty-Nine (649) kilometres of the roads have been tarred.
- 37.32 In THLM, there are Eighty-Two Thousand Seven Hundred and Forty (82 740) households, of which Sixty-One Thousand, Seven Hundred and Seventy-Four (61 774) have access to water. the water infrastructure has a capacity of 42.3ML/D whereas the demand is 74.1ML/D, pointing to a deficit of 31.8ML/D. One Thousand Six Hundred and Forty-Seven (1 647) households have access to sanitation, and the capacity of the infrastructure is 2.5ML/D whereas the demand is 1.5ML/D pointing to a surplus of 1ML/D. Fifty-Three Thousand Four Hundred and Eighty (53 480) of the households have access to electricity and Seventy-Seven Thousand Six Hundred and Fifty Four (77 654) households have access to waste removal services. The total length of roads is 3 033 kilometres of which 449 kilometres have been tarred.
- 37.33 In DJSLM, there is a total population of Sixty-Two Thousand Three Hundred and Sixty-Seven (62 367) households of which Fifty-Five Thousand Six Hundred and Sixty-Seven (55 667) have access to water. the capacity of the water infrastructure

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<sup>72</sup> Blinkplan WWTW, Boskraans WWTW, Kwazamokuhle (Hendrina) WWTW, Komati WWTW.

is 32ML/D whereas the demand is 64.76ML/D pointing to a deficit of 32.76ML/D. One Thousand Three Hundred and Sixty-Seven (1367) households have access to sanitation, and the infrastructure thereof has a capacity of 10.5ML/D whereas the demand is 16.5ML/D, pointing to a deficit of 6ML/D. Sixty-One Thousand Eight Hundred and Fifty-Eight (61 858) households have access to electricity. The length of the roads is 2 720 kilometres of which 210 have been tarred.

37.34 All senior management posts in NDM, STLM, and THLM have been filled. However, there are three (3) vacancies at EMLM, four (4) at ELM, and two (2) at VKLM whilst all senior management posts are vacant at DJSMLM.

37.35 NDM acknowledged that there are challenges in municipalities within its jurisdiction. These include:

- 37.35.1 Lack of sufficient bulk water supply in DJSMLM, THLM and in ELM.
- 37.35.2 Poor conditions of roads and stormwater as well as lack of maintenance thereof.
- 37.35.3 Poor public lighting and lack of maintenance.
- 37.35.4 Dilapidated operations machinery.
- 37.35.5 The Delmas WWTW is operating below capacity.
- 37.35.6 Delays in the approval of the Implementation Readiness Study by DWS as a result of outstanding documents. WSDP and WDMS to be submitted by THLM. The said documents will be tabled to the Council of THLM at the end of August 2021 so that the implementation of the project for the abstraction of 20ML/D from Loskop Dam can proceed.
- 37.35.7 Delays by DWS in the appointment of NDM as the implementing agency for the project abstraction of 10ML/D from Rust De Winter in DJSMLM to augment the current bulk water shortfall. NDM indicated that the matter has since been reported to the Deputy Minister for his intervention.
- 37.35.8 The negative impact of cyclone Eliose on the district's roads, water, electricity, department of health facilities and human settlements infrastructure.
- 37.35.9 Internal and audit risk management recommendations are not implemented fully.
- 37.35.10 Lack of implementation of projects due to non-adherence to procurement plan, which results in less than 100% of the capital expenditure being spent.
- 37.35.11 Lack of submission of performance reports and portfolio of evidence.

- 37.36 NDM concluded its submissions by indicating that it assists municipalities within its jurisdiction with improvement on the efficiency and functionality of supply chain management and with data cleansing as well as revenue enhancement programmes.
- 37.37 On the day of the inquiry, NDM was represented by the Municipal Manager, Ms Margaret Sikhosana (“Ms Sikhosana”), the General Manager for Technical Services, Mr Dumisani Duncan Mahlangu (“Mr Mahlangu”) and the Chief Financial Officer Ms Lorraine Stander (“Ms Stander”). Ms Sikhosana took the inquiry through the written submissions as outlined above. During the questions and answers session, Ms Sikhosana indicated that as a district municipality, they are committed to ensuring that the local municipalities function effectively, however, should the latter remain autonomous.
- 37.38 Mr Mahlangu added that water provision remains a thorny issue in DJSLM and THLM as the latter does not have its own water source except for the Bundu Ware Scheme which supplies 2.5 ML/D, further, the City of Tshwane is not supplying water to THLM consistently as per the contract. He further indicated that an application for 20 ML/D from Loskop Dam has been made as per the advice from DWS and is expected to alleviate the water challenges within THLM. He added that there are indeed capacity issues in some of the local municipalities, especially in DJSLM sometimes coupled with negative attitudes of employees.
- 37.39 Ms. Stander added that the local municipalities are struggling mainly because they inherited a dilapidated infrastructure and battling to do maintenance. Therefore, when DDM is implemented, the issue of maintenance of infrastructure must be given careful consideration.

### **38. Evidence in respect of Gert Sibande District Municipality**

- 38.1 Gert Sibande District Municipality (“GSDM”) submitted that in terms of the 2016 community survey, there are Three Hundred and Thirty-Three Thousand One Hundred and Seventy-Five (334 175) households within its jurisdiction, Twenty-Three Thousand Nine Hundred and Fifteen (23 915) do not have access to water, eighteen thousand eight hundred and ninety-seven (18 897) do not have access to sanitation, Twenty-Seven Thousand Six Hundred and Seventy Three (27 673) do not access to electricity whereas One Hundred and Eighteen Thousand Eight Hundred and Thirty-Seven (118 837) do not have access to waste removal services.

38.2 On the status of bulk water supply, GSDM submitted that as of 2020, the water demand in CALLM was 41.14 ML/D whereas the available supply was 24.38 ML/D pointing to a deficit of 16.75 ML/D. In MkLM, the demand was 18.91 ML/D whereas the available supply was 19.45 ML/D pointing to a surplus of 0.55 ML/D. In DPKISLM, the water demand was 13.23 ML/D whereas the supply was 18.66 ML/D pointing to a surplus of 5.42 ML/D. In MLM, the demand was 26.46 ML/D whereas supply was 28.58 ML/D pointing to a surplus of 2.12 ML/D. In GMLM, the demand was 106.64 ML/D whereas the supply was 111.78 thus giving a surplus of 5.14 ML/D. In LLM, the demand as of 2020 was 33.48 ML/D whereas the supply was 25.56 ML/D pointing to a deficit of 7.92 ML/D and in DLM the demand was 11.27 ML/D whereas the supply was 14.74 ML/D giving a surplus of 3.47 ML/D.

38.3 In so far as sanitation is concerned, GSDM submitted that the design capacity of the WWTW in the respective municipalities within its jurisdiction is 9.2 ML/D in CALLM, 14.5 ML/D in MkLM, 9 ML/D in DPKISLM, 17.5 in MLM, 42 ML/D in GMLM, 9.8 ML/D and 8ML/D in DLM. GSDM acknowledged that there are major challenges with the wastewater treatment system as 15 out of the 30 WWTW in its jurisdiction are non-compliant leading to the pollution of water resources particularly the Vaal River. GSDM stated that in DLM three (3) out of four (4) WWTW are non-compliant, in GMLM three (3) of six (6) WWTW are non-functional, in LLM one (1) out of two (2) WWTW are non-functional, in MLM four (4) out of six (6) WWTW are not functional, in DPKISLM four (4) out of five (5) WWTW are not functional. However, in MkLM and CALLM, all the WWTW are functional. There are refurbishment projects in the municipalities within GSDM's jurisdiction that have challenges.

38.4 The major challenges in local municipalities within its jurisdiction are the following:

38.4.1 Inadequate and unqualified personnel.

38.4.2 Overstretched WTWs and aged infrastructure.

38.4.3 Non-compliance with blue, green no-drop standards.

38.4.4 Poor revenue collection.

38.4.5 Inability to pay for bulk water as well as electricity consumption.

38.4.6 Lack of O&M manuals and plans.

38.4.7 Theft and vandalism at the treatment works and substations.

38.4.8 Lack of access to water for farm dwellers.

38.4.9 Unregulated/unplanned informal settlements.

39.4.10 High water losses.

38.5 GSDM stated that it undertook several measures to address the water and sanitation challenges within its jurisdiction. The measures are:

38.5.1 Completion of two (2) concrete reservoirs at Redhill and Glenmore in 2018/2019 in order to improve the storage capacity of clean water.

38.5.2 Refurbishment of Amsterdam WWTW in 2017.<sup>74</sup>

38.5.3 Completion of a 25 kilometres bulk line from Siyathemba to Grootvlei through rand water in 2018.<sup>75</sup>

38.5.4 Installation of a 1ML/D package plant at Sheepmoor in 2018.<sup>76</sup>

38.5.5 Refurbishment of components and equipment at Mpuluzi and Methula WWTW in 2018.

38.5.6 Upgrading of the Mpuluzi Water Abstraction plan bulk pipeline network in February 2021.

38.5.7 Commissioning of boreholes in all the local municipalities with the jurisdiction of GSDM in 2018 and 2019.

38.5.8 Upgrading of the Balfour WWTW in 2018 from 4ML/D to 12ML/D. Upgrading Phase 2 of Balfour WWTW in 2018 from 6.5ML/D to 19.5ML/D.

38.5.9 Procurement of water tankers for CALLM and MkLM in 2019.

38.5.10 Construction of 25 kilometres Balfour Siyathemba bulk water supply scheme in 2020.

38.5.11 Assisting MLM to compile an IRA in 2018.

38.6 GSDM further indicated that the Regional Bulk Infrastructure Grant projects for the 2021/2022 financial year are:

38.6.1 Upgrading of eMpuluzi WTW to 10ML/D.

38.6.2 Construction of a 5ML WTW at Methula.

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<sup>74</sup> In MkLM.

<sup>75</sup> In DLM.

<sup>76</sup> In MLM.



- 38.6.3 Upgrading of the Eerstehoek WTW from 14ML to 21ML.
  - 38.6.4 Refurbishment and upgrading of WTW's and construction of Bulk pipelines at Davel.
  - 38.6.5 Upgrading of abstraction point at Torbanite Dam, upgrading of Breyten WTW and bulk pipelines and reservoir to supply Chrissiesmeer, Breyten, Lothair and Warburton.
  - 38.6.6 Construction of Amsterdam Dam.
  - 38.6.7 Upgrading of WTW in DLM from 6.5ML to 19.5 ML.
  - 38.6.8 Construction of bulk pipeline from Siyathemba to Greylingstad (phase 3).
  - 38.6.9 Construction of a new pump station at eMbalenhle Ext 24.
  - 38.6.10 Construction of Rooikopen Sewer System.<sup>77</sup>
- 38.7 In terms of grant allocation, GSDM indicated that for 2021/2022 to 2022/2023 it received grants in the following manner: RBIG in the tune of R 877 776 .00; WSIG in the tune of R 712 745.00; MIG in the amount of R 387 487.00; DHS grant for R 6 499.00.
- 38.8 In conclusion, GSDM submitted that the Water Conservation and Water Demand Management programs need to be implemented by municipalities as soon as possible to lower the high rate of water losses and that a balanced approach is required through DDM to ensure that sustainable treated water is delivered to all households.
- 38.9 On the day of the inquiry, GSDM was represented by the Municipal Manager, Mr Absenia Habile ("Mr Habile") and the Senior Manager for Special Programmes and Maintenance Mr Johan Du Plooy ("Mr Du Plooy"). Mr Habile took the panel through the written submissions and emphasised that GSDM is not generating any income and is dependent on grants from the national government. The equitable share for 2021 was R 303, 25 million of which R195, 46 million would be spent on salaries. This therefore implies that the municipality may be compelled not to increase the number of employees. It is projected that by 2022, the equitable share will be R 309. 41 million versus the expenditure of R 225.56 million. Therefore, the revenue source, namely the equitable share, which is also meant for service delivery interventions, gets depleted by expenditure, particularly remuneration of employees of the municipality however the municipality has been implementing stringent cost curtailment measures to keep afloat.

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<sup>77</sup> Under WSIG.

- 38.10 He added that most of the operations and maintenance budget (“O&M budget”) for the municipalities are inadequate as it is 3.4% for DLM; 1.6 % for DPISKLM; 4% for LLM; 2.5% for MkLM; 1.7 for MLM. The budget is however adequate in CALLM as it is 11.5% whilst the information in respect of GMLM was not provided. Mr Habile stressed that the inadequacy of the O&M budget implies that the municipalities will not be in a position to maintain the existing water infrastructure further and hence most of the interventions lack impact.
- 38.11 In conclusion, Mr Habile told the inquiry that there was a challenge with the implementation of one of the projects in DLM as R 55 million went missing and could not be accounted for. This led to the treasury withholding the equitable share for this municipality.
- 38.12 During the questions and answers session, Mr Habile told the inquiry that the funding model is not a challenge for local municipalities as most of them have alleged when they appeared before the inquiry, however, the problem remains management and utilization of the funds. He conceded that consequence management in local municipalities is also a huge challenge and there is little that the district municipalities, SALGA or COGTA can do as the aforementioned institutions only play an advisory role to local municipalities, which advice can be accepted or rejected.
- 38.13 He also conceded that the fact that not all employees in local municipalities have performance agreements is a challenge as it is difficult to hold every employee accountable in the absence of a performance management system. On the issue of DDM, Mr Habile indicated that he believes that the model will offer opportunities as it will allow for collaboration in planning and execution as opposed to the current model where government institutions plan in silos.
- 38.14 Mr Du Plooy responded to the issue of local municipalities not having or not updating their WSDP. He told the inquiry in Mpumalanga; that the main issue is that local municipalities are water services authorities. They have the role of a player and a referee and as district municipalities can only provide support and advice, they find themselves in a position where they lack a mandate of water service planning and can only provide support thereon. He also conceded that lack of refuse removal is a huge challenge, especially in rural communities such as CALLM and DPKISLM.

### **39. Evidence in respect of Ehlanzeni District Municipality**

- 39.1 Ehlanzeni District Municipality (“EDM”) submitted that over ninety-five percent (95%) of the households within local municipalities in its jurisdiction have access to water, ninety-eight percent (98%) have access to electricity, ninety per cent (90%) have access to decent sanitation including VIP toilets whilst ninety-eight percent (98%) have access to roads infrastructure.<sup>78</sup>
- 39.2 There is a lack of adequate water reservoirs and supply, particularly in CoM, NLM and BLM as the demand exceeds the water supply and storage capacity. For this reason, water is rationed. In so far as sanitation is concerned, EDM is moving into decent sanitation (waterborne sanitation), however, it acknowledged that due to water restrictions, it will take time to achieve the desired results. Sanitation masterplans are in place in all the local municipalities within its jurisdiction and the introduction of DDM will accelerate the pace of service delivery programmes.
- 39.3 The challenges faced by the local four municipalities include:
- 39.3.1 Land invasion and mushrooming of settlements.
  - 39.3.2 Non-revenue water provision since informal settlements are not paying for water.
  - 39.3.3 Illegal connections into municipal bulk infrastructure lead to leakages and sewage spillages.
  - 39.3.4 Ageing and collapsing infrastructure.
  - 39.3.5 Backlog in basic services.
  - 39.3.6 High Eskom debts in CoM and TCLM.<sup>79</sup>
  - 39.3.7 Low revenue collection due to COVID-19 implications and closure of businesses.
- 39.4 The measures and interventions undertaken by the municipality to assist and support the local municipalities are the following:
- 39.4.1 Refurbishment of sixteen (16) boreholes.
  - 39.4.2 Drilling of six (6) new boreholes which benefitted three thousand four hundred and thirty-five (3435) households.
  - 39.4.3 Refurbishment of six (6) WTWs, five (5) in BLM and one (1) in TCLM.

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<sup>78</sup> The roads infrastructure requires graveling, re-gravelling, blading, tarring and paving.

<sup>79</sup> EDM stated that this challenge is managed through the municipal finance recovery plans.

- 39.4.4 Refurbishment of three (3) WWTW in TCLM and one (1) in NLM as well as construction of a new package plant in NLM.
  - 39.4.5 Refurbishment of a sewer reticulation network in CoM.
- 39.5 EDM indicated that to improve service delivery the following is required from all actors involved with local municipalities:
- 39.5.1 All municipalities should start a campaign which will be followed by policies and guidelines to encourage residents to pay for services rendered in their households.
  - 39.5.2 All municipalities, through the support of the provincial government, should embark on auditing and disconnect illegal connections coupled with the imposition of a fine.
  - 39.5.3 The government should look into short to medium-term plans and prioritise maintenance over new infrastructure development.
  - 39.5.4 Ward-based budgeting should be made a policy document in local government as this will ensure that all villages and wards have budgets to advance their localised priorities.
  - 39.5.5 Municipalities should ensure that their complaints management systems are active and responsive to the needs of communities and to achieve this, enough personnel and resources should be made available.
- 39.6 On the link between poor audit outcomes and service delivery, EDM submitted that audit outcomes determine the barometer for the efficiency of governance structure and committees in playing their oversight over municipal work and activities. It goes without saying that clean governance has a high potential to yield better service delivery, however, in some cases, the theory may not be true as a municipality can be able to deliver services timeously and effectively but be poor in adhering to compliance aspects and thus receive a poor audit outcome. EDM also indicated that as part of the measures to support and assist local municipalities in addressing poor audit outcomes, it has established a CFO's forum wherein audit and other financial matters are discussed; monitor in collaboration with the COGTA and PT the action plans and advice where necessary; and it has established a disciplinary board.

- 39.7 EDM concluded its submissions by indicating that COVID-19 somehow affected how municipalities are responding to the needs of people. Often services will be delayed due to backlogs and a shortage of staff.
- 39.8 On the day of the inquiry, EDM was represented by the Municipal Manager Mr. Frans Sibozza ("Mr. Sibozza"), the General Manager for Technical Services Mr. Dolphin Malukela ("Mr. Malukela") and the General Manager for Cooperate Services Mr. Rooi Steven Makwakwa ("Mr Makwakwa). Mr. Sibozza told the inquiry that in terms of the 2016 community survey, there are four hundred and Eighty-Three Thousand Eight Hundred and Sixty-Four (483 864) households in the jurisdiction of EDM. Three Hundred and Eighty Thousand and Fifteen (380 015) have access to water, Four Hundred and Fifty-Seven Six Hundred and Forty-Seven (457 647) have access to sanitation whilst Four Hundred and Sixty-Five Thousand Five Hundred and Forty-Three (465 543) have access to electricity. The total length of the roads is Twelve Thousand Three Hundred and Ten (12 310) of which one thousand and fifty-nine (1 059) have been tarred.
- 39.9 Concerning refuse removal, Mr Sibozza submitted that waste is removed weekly by authorities in One Hundred and Five Thousand and Twenty-Three (105 023) households within the jurisdiction of EDM. In Eight Thousand Three Hundred and Nineteen (8 319) households, waste is removed less often than weekly by authorities whilst in Sixteen Thousand Four Hundred and Ninety-Nine (16 499) households waste is removed by community members. Three Hundred and Twenty Thousand Four Hundred and Forty-Four (329 444) households dump their waste and in Twenty Thousand Seven Hundred and Twenty-Four (20 724) households there is no waste removal.
- 39.10 On raw water availability, Mr Sibozza told the inquiry that in NLM, there is sufficient water available from Komati and Crocodile Rivers and additional water is sourced from Driekoppies Dam, there are however water losses amounting to 33%. In BLM, there is also sufficient water available however there is a need to install reticulation in unreticulated communities. The water losses in this municipality amount to 40%. In TCLM, there is no sufficient water in the northern parts of the municipality namely: Leroro and Matibidi, therefore there is a need to refurbish boreholes. The water losses in this municipality amount to 36%. In the CoM, additional water is required for domestic needs. The water losses in CoM amounts to 35%. Further, BLM and CoM require interventions to address bulk water supply.

- 39.11 On wastewater treatment, Mr Sibozza told the inquiry that in some of the WWTW in BLM operate above capacity there is poor maintenance of the infrastructure and a lack of sludge management. In CoM, some plants operate above capacity and there is also poor operation and management of the WWTWs. on the other hand, theft and vandalism of the infrastructure is rife in TCLM which renders some of the WWTW's non-operational whilst in NLM there is poor operation and lack of maintenance of the infrastructure. In terms of electricity, Mr Sibozza informed the inquiry that out of the four (4) municipalities under its jurisdiction, there are only two (2) namely: CoM and TCLM which have a shortage of MVA.
- 39.12 In conclusion, Mr Sibozza indicated that the financial challenges in EDM are attributable to reliance on grant funding due to a small revenue base and high employee-related costs whilst in CoM and TCLM they are attributable to the high Eskom debt whilst in NLM and BLM they are as a result of reliance on grant funding due to small revenue base. He requested the Commission to force the national, and provincial departments and municipalities to make budget provisions to continuously implement operations and maintenance programmes.
- 39.13 During the questions and answers questions, Mr Malukela responded to the question by the panel on what can be done to resolve the water challenges particularly in BLM and in TCLM. He indicated that EDM has engaged the provincial COGTA on how the water challenges can be improved as previous interventions by EDM failed to yield the desired results. He indicated that there is a need for structural changes to be introduced, for example, and that the powers and functions of local and district municipalities be reviewed. He further stated that it would be impactful if the district municipality were appointed as a water services provider. He indicated that EDM has engaged the local municipalities to be given the function to focus on the reticulation of the water infrastructure. He also acknowledged that there are major challenges of sewage spillages in TCLM as two (2) of the four (4) WWTWs in that municipality are non-operational.
- 39.14 Mr Makwakwa indicated that the challenges in TCLM are worrying as the municipality has been receiving support from the provincial government and EDM and various sector departments to assist with administration however, the situation persists. On land evasion, he told the inquiry that there are several strategies that the district is taking steps to address the mushrooming of settlements via land invasion. He added land invasion has a negative impact on the economy of the district.

- 39.15 Mr Sibozza responded to the panel's questions on waste removal and what should be done to address the issue. He told the inquiry that there are several programmes to deal with illegal dumping, further, EDM has engaged DWS to prevent water pollution as a result of illegal dumping.

#### **40. Evidence from the National and Provincial Departments of Cooperative Governance and Traditional Affairs**

- 40.1 The National and Provincial Departments of COGTA made similar written submissions which are summarised below as follows:

- 40.2 In terms of the State of Local Government Report ("SoLG") that was presented to the Cabinet on 30 June 2021, only one municipality in the Mpumalanga Province, namely, EDM, is stable in the sense that there is a sound political environment, good governance, effective municipal administration, sound financial management and adequate delivery of services. The SoLG further identified the following challenges that require urgent intervention in the Mpumalanga Province:

- 40.2.1 Political instability, in DJSMLM and LLM;
- 40.2.2 Maladministration and corruption, especially in NLM, DPKISLM, GMLM and in DLM;
- 40.2.3 Defiance of provincial government interventions with specific reference to LLM;
- 40.2.4 Private ratepayers' associations taking over municipal services and withholding revenue, especially in LLM;
- 40.2.5 Failing water and sanitation systems, especially in LLM and GMLM;
- 40.2.6 Eskom and Water Boards debts with specific reference to ELM and GMLM;
- 40.2.7 Vandalism and theft of infrastructure;
- 40.2.8 Approval of unfunded budgets; and
- 40.2.9 Gangsterism and criminal attacks on officials.

- 40.3 in terms of the 2019 General Household Survey ("GHS"), there were One Million Three Hundred and Thirty Two-Thousand (1 332 000) households in Mpumalanga, One Million One Hundred and Thirty-Four Thousand Eight Hundred and Sixty-Four (1 134 864) of the households have access to water, Eight Hundred and Forty-Eight Thousand Four Hundred and Eighty-Four (848 484) had access to water-

borne/chemical toilets, 1 200 132 had access to electricity whilst 499 500 has access to refuse removal services.

- 40.4 In GSDM, the Council is politically stable and the political arms supporting the functionality of the council are operational. The backlog of basic services is 8.6% for access to water, 2.7 % for access to sanitation, 11 % for electricity and 37.7 % for electricity. There are several areas without water connection and thus depend on temporary water supply. The combined intervention required is a cost of R 129 million however only R 11,7 million has been allocated. Whilst LLM, GMLM, and DPKISLM have serious water challenges, MLM, LLM and GMLM have sewage spillage challenges.
- 40.5 In NDM, the council is politically stable and the political arms supporting the functionality of the council are operational. There is a basic service backlog of 9.8% for water, 1.7% for sanitation, 14% for electricity and 41.6% for waste removal.
- 40.6 The challenges in GSDM and NDM are exacerbated by the following factors:
- 40.6.1 Ageing infrastructure;
  - 40.6.2 Inconsistent implementation of projects on the upgrading of bulk infrastructure and reticulation;
  - 40.6.3 Hijacking of projects by unscrupulous and rogue groupings;
  - 40.6.4 Electricity supply substations are largely failing to cope with excess demand and NMD by Eskom which has led to intermittent and unreliable supply;
  - 40.6.5 Acute shortage and limited allocation of operations and maintenance budgets for existing infrastructure;
  - 40.6.6 WWTW and WTW that are under severe distress.
- 40.7 In EDM, the backlog for basic services is 16.2% for water, 4.5% for sanitation, 4% for electricity and 55.6% for waste removal. Seventy-five (75) villages in the district do not have water connections. The combined intervention required is at R1.6 billion and only R 219 million is available. The challenges in the district are exacerbated by the following factors:
- 40.7.1 Limited water resources;
  - 40.7.2 The district is prone to periodical and climate disasters that adversely affect road networks and other existing infrastructure;



- 40.7.3 Limited rollout of both bulk and reticulation infrastructure to all wards and villages;
  - 40.7.4 Acute shortage and limited allocation of operations and maintenance budget of existing infrastructure;
  - 40.7.5 WWTW and WTW under severe distress;
- 40.8 COGTA concluded the written presentations by outlining that municipalities generally struggle with effectively rendering refuse removal services and provision of portable water to communities, the high employment rate is a contributory factor to the inefficient service delivery further that there is a need for the province to support municipalities to address land invasion challenges.
- 40.9 On the day of the inquiry, the National Department of COGTA (“NCOGTA”) was represented by the acting Director General, Mr Themba Fosi (“Mr Fosi”), Mr Samuel Tinyiko Ngobeni (“Mr Ngobeni”) the MISA DDM Coordinator in Mpumalanga and Mr Mpho Mogale (“Mr Mogale”) the Executive Manager for Local Government Support Intervention Management. Mr Ngobeni took the panel through the written submission and indicated that in the Mpumalanga six (6) municipalities are classified as dysfunctional namely: TCLM, LLM, MLM, GMLM, DLM and DJSMLM.
- 40.10 He told the inquiry that although the statistics from StatsSA point to an increase in access to services<sup>80</sup> for the 1 332 000 households in the province, however, the access does not translate to continuous and reliable services, and this is evidenced by service delivery protests and non-payment of services by ratepayers. Furthermore, service delivery is a function of a stable political environment, sound administration, good governance and sound functional management including infrastructure management. He further stated that in the Mpumalanga province, the political environment is not sound and there is a need for leaders to act on accountability to bring about the desired change. He also stated that there is a lack of human capacity in some of the local municipalities hence some heavily rely on consultants.

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<sup>80</sup> The general households survey of 2019 indicates that access to basic services in the province is as follows:

- 85% of the households have access to portable water.
- 90% of the households have access to electricity.
- 64% of the households have access to flush/chemical toilets; and

38 % of the households have access to refuse removal services.

- 40.11 He further told the inquiry that there are increasing indicators of a collapse in local government finance and GMLM and MLM have declared their doubts to continue operating as a going concern as per the AG report. Mpumalanga local municipalities are leading in terms of their contribution to fruitless and wasteful expenditure with ELM, GMLM, LLM and MLM being amongst the top contributors to wasteful and fruitless expenditure in local government whilst VKLM is one of the top three (3) municipalities in the country with creditors being greater than available cash. On the other hand, GMLM is amongst the top ten (10) local municipalities in the country that contribute to unauthorised expenditure.
- 40.12 Mr Ngobeni indicated that to address the identified service delivery challenges all sectors need to collaboratively support municipalities to address the identified challenges. This can be achieved through DDM which requires all stakeholders to come together to develop and implement one plan. In the interim, Municipal Support and Interventions Plans have been introduced to implement some projects. Further NCOGTA has assisted municipalities in Mpumalanga through interventions and financial support to address the challenges of service delivery. The interventions are twofold i.e., initiated interventions and legislative interventions.
- 40.13 Mr. Fosi stated in general, poor service delivery is attributable to a lack of ethical leadership; lack of accountability; lack of consequence management; poor oversight and a lack of effective systems. These in turn lead to corruption, poor service delivery, poor maintenance of infrastructure and the manifestation of community protests.
- 40.14 During the questions and answers session, Mr Fosi indicated that there are still challenges with Inter-Governmental Relations in the country, the importance of DDM is that it will ensure that all spheres of government operate in unison and in a more targeted manner to address socio-economic issues. He also raised a concern with the quality of councillors in municipalities and their inability to understand basics such as comprehending budgets and financial management, further that they are not held accountable.
- 40.15 On the question raised by the panel on the impact of non-collection of revenue on service delivery, Mr Fosi conceded that many municipalities fail to collect revenue some largely because of their locality and therefore highly depend on grants. He acknowledged that this harms service delivery as conditional grants end up being utilised on operations. Mr Mogale added that the issue of non-collection of revenue boils down to leadership, where there are gaps in leadership, the municipality will fail

and at times, councillors contribute to this challenge by colluding with municipal officials to have meters tempered with.

- 40.16 On the question of whether section 139 yielded any positive results, Mr Ngobeni told the panel that in some cases the interventions do not make a meaningful impact as was the case with DJSMLM. He said intervention is done as per the prescripts of the law and for a limited period. It thus becomes difficult for an administrator to turn things around in a period of three to six months. Mr Mogale spoke to the intervention at LLM, and he indicated that there are successes registered with the appointment of an administrator. This included data cleansing. It turned out that the municipality was not billing many customers for no particular reason. The administrator has been able to assist in that regard and there is now an increase in revenue collection at that municipality. He also indicated that there are negotiations with creditors regarding the payment of outstanding debts.
- 40.17 The Mpumalanga COGTA ("MCOGTA") was represented by the Head of the Department Mr Samkelo Ngubane ("Mr Ngubane"), the Acting Chief Director for Development and Planning, Dr Bongani Ntiwane ("Dr Ntiwane") and the Chief Director for Municipal Support, Mr Simphiwe Kunene ("Mr Kunene").
- 40.18 Mr Kunene took the panel through the written submissions and indicated that out of the sixty-four (64) municipalities that are not doing well in the country, four (4) are from the Mpumalanga Province namely: DLM, DJSMLM, LLM and GMLM. He stated that there was a challenge in bringing unity in the Council of LLM hence the municipality was put under administration. Furthermore, the issue of filling critical posts<sup>81</sup> was a huge challenge in many of the local municipalities. Some of the municipalities went over a year without filling critical posts, which led to the collapse of service delivery. However, MCOGTA is seeing an improvement in this regard. He further stated that public participation remains a challenge. There is a huge gap between the elected leaders and their respective communities and the "social distance" leads to the emergence of protests. MCOGTA is intervening to strengthen this aspect.
- 40.19 Dr Ntiwane told the inquiry that most local municipalities are not doing well in so far as waste removal and provision of water. There is a decrease in access to these services, and this is attributable to population growth and backlog in infrastructure

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<sup>81</sup> Municipal Manager, Chief Financial Officer, Director Technical and Director for Planning and Development posts.

development. He conceded that sewage spillages in LLM, GMLM and MLM are a problem however there are interventions underway to address this issue. Further, most local municipalities have limited resources for water storage.

- 40.20 Mr Ngubane added that waste removal is not given much attention by the local municipalities because it is not trading services as opposed to water, electricity, and sanitation. Refuse removal is a social service subsidised by other services hence municipalities there is no keen interest in prioritising it. He believes that it should be equated with other services because local municipalities receive an equitable share from the government.

#### **41. Evidence from Mashishing Concerned Citizens Association**

- 41.1 The Mashishing Concerned Citizens Association (“MCCA”) submitted that they act on behalf of the One Thousand Seven Hundred and Forty-Five (1745) residents comprising of property owners, voluntary community associations and business owners with Mashishing.
- 41.2 The community of Mashishing has been subjected to poor basic service delivery by the TCLM for approximately fifteen (15) years. The Mpumalanga Provincial Government intervened on two occasions by placing the municipality under section 139 of the Constitution, however, the intervention did not yield any positive results as the basic services infrastructure deteriorated further.
- 41.3 On water, MCCA submitted that it obtained independent engineers who detail the state of water and sanitation infrastructure and remedial work required. The report revealed the following:
- 41.3.1 Lydenburg dam which supplies water to the town silted over the years. Cast iron pipes and valves within the outlet system are on the verge of collapsing due to lack of maintenance. Major repairs are required for the pipes, valves and weirs.
- 41.3.2 A new pipe from the dam to the WTW that was installed does not comply with legal prescribes that provides that 30% of the water must be released downstream into the river.

- 41.3.3 There is continuous flooding of the pump room of the WTW that causes work to come to a standstill. This can be resolved through the installation of the correct spindle-type gate valve with an actuator and probe system for activation.
  - 41.3.4 The reservoir capacity fails to hold 48 hours of treated water as required.
  - 41.3.5 The water pipes are asbestos cement in nature and frequently burst leading to massive water leaks and costly repairs.
  - 41.3.6 Informal settlements in Mashishing are not supplied with water.
  - 41.3.7 TCLM fails to pay its water use licence fees to DWS and owes approximately eight hundred thousand rands (R 800 000) to the department.
- 41.4 On electricity, MCCA submitted the Eskom status Report<sup>82</sup> reflecting that as of 20 June 2021, TCLM was indebted to Eskom of R 929 244 450 and as a result, TCLM was failing to provide electricity to its respective municipal areas. TCLM's inability to maintain Eskom's current account is rooted in non-cost reflective tariffs, ageing infrastructure and insufficient budget to perform monthly/quarterly preventative maintenance on the network. During the 2017/2018 financial year, Eskom reduced bulk electricity supply to TCLM due to the non-servicing of the debt resulting in long periods of electricity supply interruptions to the towns of Mashishing, Sabie and Graskop. Residents, businesses, hospitals, schools, social services and other services suffered financial losses as alternative electricity supply such as generators needed to be procured.
- 41.5 On waste and sewage disposal systems, it indicated that the main WWTW TCLM is non-functional, consequently, the waste is discarded at various places in Mashishing Town and ultimately to the Dorps River. This is despite Glencore Lydenburg Smelter having upgraded the main WWTW at some point and providing TCLM with their expertise, labour and equipment at their cost to do emergency maintenance to the sewage infrastructure since around 2011. On the other hand, Marx Plumbers assists TCLM regularly with emergency repairs to the infrastructure and in the process identified 12 main sewer spillages in Mashishing and other several spillages throughout the town. Marx Plumbers also pointed out that unskilled staff employed at

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<sup>82</sup> TCLM admits in the report that it is unable to pay the Eskom debt and perform maintenance work on the ageing electrical ageing infrastructure.

the municipality fails to maintain the infrastructure and cables, pumps and equipment theft is rife within the jurisdiction of the municipality. MCCA concluded submissions on sewage disposal by indicating that TCLM is unable to fulfil its executive duty to provide safe and adequate waste and sewage disposal despite the assistance it has received from the local municipality. Further, municipal officials have no regard for laws and blatantly defy directives issued by the Green Scorpions.<sup>83</sup>

- 41.6 In so far as Storm Water Management Systems and Roads, it submitted that the stormwater systems within the jurisdiction of TCLM are permanently blocked, roads are not properly maintained, and potholes are fixtures throughout the town. In July/August 2021, COGTA appointed a contractor, Masontos Trading Enterprises (“the Contractor”) to repair certain road surfaces in town. The Contractor in turn subcontracted with Cornerstone Outsources. Work commenced but stopped several times leaving unattended large, excavated areas on the road surfaces.
- 41.7 On refuse removal and landfill site, MCCA submitted that TCLM is unable to provide a safe and healthy environment to the residents due to its failure to provide lawful landfill sites and waste management and waste removal. TCLM provides one landfill site to its residents for dispensing all waste. There are no transferring stations for the disposal of different types of waste to be segregated and no waste management system in place, further, the landfill site is expanding to adjoining lands without the prescribed permits and consents. The landfill site was classified as Class B which provides for dispensing of domestic waste, garden waste, business waste not containing hazardous substances, delisted hazardous waste and general waste. It conducted a site inspection at the landfill site numerous times and found prohibited waste being dispensed such as animal carcasses, printer ink cartridges, computers and printers, television sets and other electronic devices, refrigerators, medical waste such as needles and medical gloves, paint cans, high-pressure spray cans, different types of motor vehicle parts as well as industrial waste. Furthermore, TCLM fails to provide residents with a refuse removal schedule, and the municipality frequently breaches its own schedule by failing to collect waste on designated days.
- 41.8 On Firefighting and Emergency Services, MCCA submitted that TCLM has no firefighting or emergency services available to the residents, instead, TCLM opted to

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<sup>83</sup> According to MCCA the Green Scorpions attended Mashishing at least on occasions in the past year and issued directives to TCLM to contain and remedy the sewage spillages and environmental pollutions into the rivers. The directives were however ignored and criminal charges for the contravention of the National Water Act, 1198 and the National Environmental Management Act, 2002 were levelled against TCLM under CAS: 131/03/2020.

contract a private service provider who terminated its services during 2020 due to non-payment of their agreed fees. As a result, residents are compelled to engage the services of independent service providers.

- 41.9 MCCA concluded the written submissions by indicating that basic human rights are infringed upon by the government in all spheres by failing to perform their duties towards the communities of TCLM as provided by sections 155(6) and 155(7) of the Constitution.<sup>84</sup>
- 41.10 On the day of the inquiry, the MCCA was represented by its Chairperson Ms Yvette Labuschagne ("Ms Labuschagne") accompanied by Mr Wessel and Mr Spiros Couvuras ("Mr Couvuras"). Ms Labuschagne took the panel through her written submissions as outlined above. She added that in her view the problem engulfing TCLM is a result of poor management and lack of planning by the municipality. Her organisation engaged the office to find a resolution to the problems however to no avail and went as far as writing to the Provincial Department of COGTA for intervention. the solutions faced by TCLM could be resolved if the municipality agrees to do the following: enter into a Public-Private Enterprise Agreement so that the mining sector and the community can be of assistance to the municipality with expertise; appointment of competent service providers; exercise oversight on projects by contractors and through payment of service providers timeously.
- 41.11 Mr. Wessel indicated that she calls the Municipal Manager of TCLM whenever there are issues requiring her urgent attention however, the latter would mostly respond by indicating that there are many problems within the municipality, and as a result, the community end up attending to the problems themselves. Mr Couvaras told the inquiry that the problems in his view at the municipality are the management style and structure; cadre deployment; micromanagement; the leadership of the municipality's failure to understand the mandate of the departments within the municipality as well as the vacancy rate within the water and sanitation unit which is at fourteen (14).

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<sup>84</sup> Section 155(6) provides that each provincial government must establish municipalities in its province in a manner consistent with the legislation enacted in terms of subsections (2) and (3) and, by legislative or other measures, must (a) provide for the monitoring and support of local government in the province; and (b) promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs. Section 155(7) provides that the national government, subject to section 44, and the provincial governments have legislative and executive authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5, by regulating the exercise by municipalities of their executive authority referred to in section 156(1).

## **42. Evidence in respect of Steve Tshwete Local Municipality**

- 42.1 In the written submissions, Steve Tshwete Local Municipality (“STLM”) stated that in terms of the 2016 census, there are Seventy-One Thousand and Twenty-Two (71 022) formal dwellings, One Thousand One Hundred and Two (1102) traditional dwellings and Twelve Thousand Four Hundred and Eighty (12 480) informal dwellings.
- 42.2 It is important to note that under the services it provides, STLM only referred to water provision. It indicated that it provides water through reticulation daily to the following areas: Mhluzi Proper and Extensions; Middelburg Proper and Extensions; Eastdene and Extension 1; Kwazamokuhle Proper and Extensions; Hendrina and Extensions; Presedentsrus; Ritkuil; Pullenshope; Komati; Blinkpan; Newtown; Aerorand and Extensions Rockdale Proper and Extensions; Rockdale North Proper and Extensions; Rondenosch Proper and Extensions; Malope. In Mafube Rural; Newtown informal settlements; Doornkop; Somaphepha and Sikhuliwe Village water is supplied daily through communal taps. In Doornkop informal settlements, residents are supplied with water daily through carting by tankers.
- 42.3 The municipality encounters the following challenges in so far as provision of water is concerned:
- 42.3.1 Frequent pipe bursts as a result of ageing infrastructure i.e., AC pipes that have surpassed their life span.
  - 42.3.2 Rapid growth and high demand have impacted the storage capacity.
  - 42.3.3 The use of portable water for the manufacturing of bricks.
  - 42.3.4 Vandalism of the municipal water infrastructure.
  - 42.3.5 Aged infrastructure of the Middelburg dam storage facility, Vaalbank water treatment plant, bulk line and water reticulation network resulting in supply interruptions.
  - 42.3.6 Aged asbestos water reticulation network resulting in a high number of pipe bursts and therefore water loss.
  - 42.3.7 Water storage capacity in Kwazamokuhle and Mhluzi is a challenge.
  - 42.3.8 Vandalism and theft at the reservoirs and pump stations.
- 42.4 To address the challenges outlined in 50.2., it embarked on water pipe replacement, whereby all AC pipes are being replaced. At the time of submission of the report to



the Commission, 67.7 kilometres of the pipes had been replaced. Further, it has embarked on the following projects in recent years:

- 42.4.1 Construction of a bulk water line from Skietban Reservoir to Graspaan Reservoir to increase the bulk capacity. The project was underway, and the municipality had spent R 50 000 000.00 at the time of submission of the report.
- 42.4.2 Construction of the Graspaan Reservoir. The project was still under construction with accumulative costs of R 52 000 000.00 at the time of submission of the report.
- 42.4.3 Replacement of AC pipes in Mhluzi and Middelburg Town. The project was still under construction with accumulative costs of R 48 000 000.00 at the time of submission of the report to the Commission.
- 42.4.4 Procurement of three new water transportation tankers for areas that were experiencing water supply challenges. The municipality incurred R15 000 000.00 for this project.
- 42.4.5 Equipping of new boreholes and installation of Jojo tanks to water-starved communities.
- 42.5 On human resources, STLM indicated that the municipality's organizational structure provided for One Thousand Seven Hundred and Three (1703) permanent posts. As of 30 June 2020, One Thousand Five Hundred and Twenty (1522) positions were occupied. All five (5) senior managers filled, however, only two (2) out of the five (5) meet the minimum competency requirements in terms of the Municipal Finance Management Act. The said senior managers were capacitated in the 2020/2021 financial year to enable them to fulfil their responsibilities. The water plant workers also do not have formal qualifications.
- 42.6 On audit outcomes, STLM submitted that it received unqualified audit opinions in the 2017/2018 and 2018/2019 financial years and a clean audit in the 2019/2020 financial year.
- 42.7 On the day of the inquiry, STLM was represented by the Municipal Manager, Mr. Bhekuyise Khenisa ("Mr. Khenisa"), the Executive Director for Infrastructure and Technical Services and the Director for Civil Engineering Ms. Lindiwe Silolo. Mr

Khenisa apologised for failing to appear during the first leg of the inquiry, he indicated that it was due to an employee strike and subsequent urgent matters he had to attend to.

42.8 Mr Khenisa was requested by the panel to share challenges within STLM as well as the best practices in the municipality. He indicated that the challenges include the existence of asbestos pipes; lack of cooperation by farm owners for the municipality to install services for farm dwellers and the inability of the municipality to install services in Doornkop where the land is owned by a CPA as well as public participation that was hindered by COVID-19.

42.9 The best practices are the creation of employment by the municipality through infrastructure development; the turnaround time of attending to issues of water and electricity, which is three and four hours respectively and enforcement of credit control (the collection rate is 95%).

### 43. Inspection outcomes in respect of Steve Tshwete Local Municipality

43.1 The Commission conducted site inspections within STLM on 16 February 2021 and the following areas were visited: Middleburg (Nasrec); Mhluzi (Newtown); Doornkop and Rietkuil. The table below details the outcomes thereof.

MIDDLEBURG (NAZARETH)				
Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents have standpipes in their yards. Residents indicated that they receive water through the taps and the supply is consistent.  On follow-up, they complained that at times water coming out of their taps is dirty.	Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents further indicated that they occasionally experience sewer spillages.  On follow-up, no sewer spillages, however,	Residents advised that waste is collected twice a week. However, they alleged that the collection of refuse by the Municipality is not Consistent.  On follow-up, residents complained of the inconsistency of collection that has led to informal dumping.	It was observed that most roads have been tarred and characterised by potholes however accessible.  On follow-up, roads were found to be in good condition.	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area is reliable.  On follow-up, the status remains unchanged.

	residents complained that the municipality takes time to resolve them when reported.			
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### RIETKUL (ARNOT)

Water	Sanitation	Waste Removal	Roads	Electricity
<p>It was observed that residents have standpipes in their yards. They further indicated that they receive water through the taps. And their supply in the area is consistent.</p> <p>On follow-up, nothing has changed.</p>	<p>Residents advised that they make use of water-borne sanitation connected to the municipal sewerage system. Residents further indicated that they occasionally experience sewer spillages.</p> <p>On follow-up, nothing has changed and no sewer spillage was observed.</p>	<p>Residents advised that waste is collected twice a week. They added that the collection of refuse by the Municipality is consistent.</p> <p>On follow-up, the situation remains unchanged.</p>	<p>It was observed that most roads have been tarred and accessible to wheelchair users.</p> <p>On follow-up, only cracks were observed on the tar.</p>	<p>Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area is reliable.</p> <p>On follow-up, the status quo remains unchanged.</p>

### MHLUZI (NEWTOWN)

Water	Sanitation	Waste Removal	Roads	Electricity
<p>It was observed that residents receive water through communal standpipes. Residents indicated that they receive water from the Municipality. They further indicated that the water supply in the area is consistent.</p>	<p>It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there is no communal sewerage system in the entire area.</p> <p>On follow-up, the status remains unchanged.</p>	<p>Residents advised that the form of refuse disposal in the area is house collection by the Municipality. They added that the collection of refuse is consistent.</p> <p>On follow-up, nothing has changed.</p>	<p>It was observed that most roads have been tarred and accessible to wheelchair users.</p> <p>On follow-up, nothing has changed.</p>	<p>Residents were engaged and confirmed that they access electricity directly from the Municipality and that other than load-shedding, the electricity supply in the area is reliable.</p>

On follow-up, the situation remains the same, however, water access has been reduced to a few hours a day.				On follow-up, nothing has changed.
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### DOORKOP PHASE 1

Water	Sanitation	Waste Removal	Roads	Electricity
<p>Residents indicated that they receive water from the Municipality through communal JoJo tanks. However, they reported that the water supply in the area is not consistent. They added that they rely on getting water from the river whilst others buy from private water tankers/trucks.</p> <p>On follow-up, the status quo remains unchanged. Residents complained that at times the municipality takes time to refill the communal JoJo tank.</p>	<p>It was observed that residents use pit latrines. They indicated that other households have their own private drainage system. Residents added that there is no communal sewerage system in the entire area.</p> <p>On follow-up, nothing has changed.</p>	<p>The residents reported that they self-dispose waste through burning and dumping waste in informal dumping sites.</p> <p>On follow-up, nothing has changed.</p>	<p>It was observed that the area has gravel and other areas are tarred. The condition of the road is bad. However, is accessible to Wheelchair users.</p> <p>On follow-up, nothing has changed.</p>	<p>Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area is reliable. They added that other areas don't have electricity, they reported the matter but to date no service rendered.</p> <p>On follow-up, the status remains unchanged.</p>

## 44. Evidence in respect of Victor Khanye Local Municipality

- 44.1 Victor Khanye Local Municipality (VKLM) submitted that in terms of the StatsSA statistics of 2016, the population of the municipality is eighty-four thousand one hundred and fifty-one (84 151). The municipality comprises of nine (wards) of which wards 1 to 5 are situated in the Botleng areas, ward 6 covers Delmas, its extensions and Delpark, ward 7 covers the rural area south of Delmas town, ward 8 covers Eloff and Sundra areas and ward 9 covers rural areas.

- 44.2 Like most municipalities, it provides water, sanitation, electricity and waste removal services. In Delmas, Eloff, Sundra, Reitkol, Botleng Proper and in Delpark water is supplied through the reticulation infrastructure daily for 24 hours. In Vukuzenzele, the supply of water is through the water reticulation infrastructure and communal standpipes daily for 24 hours. In Botleng N12, water is supplied through the reticulation infrastructure daily for 8 hours. In Arbor, Groenfontein, Argent, Waaikraal and Brakfontein, water is supplied through boreholes, communal standpipes and water tankers daily. In Mahlathini the supply of water is intermittent and done through water tankers. In Savannah water is supplied through boreholes and communal standpipes daily for 24 hours. In Mimosa and Mandela, the supply is through communal standpipes daily for 24 hours. In Tikiline, Emafensini and Olifantsfontein water is supplied through jojo tanks intermittently.
- 44.3 VKLM indicated that the challenges in the provision of water are that informal settlements are supplied through communal taps, inadequate water demand and pressure management, inadequate revenue collection as well as water restrictions by Rand Water due to non-payment. To address the challenges, it formalised some of the informal settlements to the cost of R2.8 million, drilled additional boreholes in rural and farm areas to the cost of R 16 million, developed and implemented water conservation, demand and pressure management strategy, improved revenue enhancement strategy and installed water meters.
- 44.4 In so far as sanitation is concerned, VKLM submitted that Delmas, Eloff, Botleng Proper Delpark, and Botleng N12 make use of waterborne sanitation. In Sundra it is a mixture of septic tanks and a waterborne system. In Reitkol, septic tanks are utilised. VIP toilets are utilised in Vukuzenzele, Arbor, Groenfontein, Argent, Waaikraal, Braakfontein, Mahlathini, Savannah, Mimosa, Tikiline, Emafensini and in Olifantsfontein. In Mandela, chemical toilets are utilised. The challenges with sanitation are that there are inadequate water sources to allow the provision of waterborne sanitation in all the areas in its jurisdiction. Consequently, it provided alternative sanitation at the cost of R 12, 8 million.
- 44.5 In so far as waste removal is concerned, VKLM submitted that it collects waste weekly in the following areas: Delmas, Eloff, Sundra, Reitkol, Botleng Proper, Vukuzenzele, Delpark, Botleng N12 and Arbor. VKLM conceded that there are challenges to waste removal in rural areas due to the vastness of the areas and the unavailability of access roads. Therefore, certain areas are provided with bulk bins which are emptied

weekly. Electricity is supplied by both the municipality and Eskom depending on the locality of the area.

- 44.6 In terms of the organisational structure of the municipality, VKLM submitted that there are Five Hundred and Forty (540) positions on the council-approved staff establishment. Three Hundred and Eighty-Six (368) of the positions have been occupied, leaving the municipality with a vacancy of One Hundred and Twenty-One (121), the Social Services and Technical Services account for Two Hundred and Seventy-Four employees (274). The positions of Municipal Manager and Executive Director of Social Services are vacant. The positions within the municipality are occupied by employees with requisite skills and qualifications. VKLM indicated that the challenges it has on human resources are that there is a high rate of sick employees; the wellness programme of the municipality is not fully fledged due to financial challenges and the high turnover at the section 54A employees' level.
- 44.7 On the financial health of the municipality, VKLM submitted that the source of income is property rates, services charges as well as government grants. The challenges it encounters are old infrastructure and non-payment of municipal services. It has appointed a revenue strategy committee and reviewed the debt and management policy to address the challenges. Further, it has requested the Provincial Treasury to assist the municipality with a financial recovery plan. VKLM concluded the written submissions by indicating that in the 2018/2019 financial year, it received a disclaimer from the AG and a qualified audit opinion in the 2019/2020 financial year. The irregular expenditure of the municipality was R 57 810 079 in 2018/2019 whereas the wasteful expenditure was R 32 316 985. In 2019/2020, the irregular expenditure was R 66 336 869 whereas the wasteful expenditure amounted to R 60 487 957. In 2020/2021 the irregular expenditure of the municipality amounted to R 32 795 060 whereas the wasteful expenditure amounted to R 27 124 099.
- 44.8 On the day of the inquiry, VKLM was represented by the Acting Municipal Manager Mr. Macdonald Tswaledi Mashabela ("Mr. Mashabela"), the Acting Director for Technical Services Mr. Macdonald Dira Modimogale ("Mr. Modimogale"), the Acting Executive Director for Social Services Mr Cornelius Tshepo Mathe and the Chief Financial Officer Ms Thokozile Primrose Mahlangu ("Ms Mahlangu").
- 44.9 Mr Mashabela focused on the factors hindering service delivery in VKLM. The factors are:

- 44.9.1 Revenue loss and poor collection rate in the traffic department;
  - 44.9.2 The collective debt of R 624 million to Eskom, Rand Water and the Department of Transport with Eskom accounting for R 415 of the debt;
  - 44.9.3 Mines in the jurisdiction of VKLM are not properly rezoned and as such VKLM is not getting proper rates from the mines;
  - 44.9.4 High water and electricity losses;
  - 44.9.5 The inability to enforce payment of services in areas where Eskom is providing electricity such as in Botleng Extension 3;
  - 44.9.6 The high unemployment rate which resulted from the closure of a local mine;
  - 44.9.7 Lack of monitoring of mine's Social Labour Plans pertaining to service delivery;
  - 44.9.8 Political instability within the municipality;
  - 44.9.9 High resignation rate within the municipality with senior manager acting, save for the CFO; and
  - 44.9.10 Lack of a planning unit within VKLM.
- 44.10 Responding to questions from the panel on the status of the Delmas WWTW which was dysfunctional for some time, Mr Mashabela admitted that the WWTW had challenges and discharged raw sewage into the river. He indicated that the matter was attended to following the site visit of the minister for water and sanitation who recommended that VKLM appoint a water specialist, which recommendation was adhered to, further, DWS allocated money for the upgrading of the Delmas WWTW. The project is underway and being overseen by NDM.
- 44.11 On the issue of the functionality of traffic lights in Delmas, Mr Mashabela admitted that they had not been working for some time, however, VKLM engaged two mines within the VKLM for assistance. There is an agreement in place with the said mines, which will be effected during 2022.
- 44.12 Ms Mahlangu responded on the issue of credit control. She stated that VKLM has a fully functional credit control policy, which is updated regularly. Further, the

municipality has an indigent policy with Four Thousand Five Hundred registered (4500) indigents. The municipality saved R 11 million through the indigent policy.

- 44.13 Mr Modimogale confirmed that the Delmas and Botleng WWTWs are being refurbished through the assistance of NDM. The project cost R 18 million and was 89% complete at the time the municipality appeared before the inquiry. VKLM augmented the budget from NDM with R 11 million to refurbish module two of the Botleng WWTW which will have a capacity of 7.5ML/D upon completion. Further, DWS allocated R202 million for the refurbishment of 2.2 million towards the refurbishment of the Delmas WWTW. McCain, who is responsible for discharging untreated effluent into the WWTW in violation of the municipal bylaws, will assist VKLM in funding of refurbishment of pump stations.

#### 45. Inspection outcomes in respect of Victor Khanye Local Municipality

- 45.1 The Commission embarked on the on-site inspections in VLKM on 14 February 2022 and the following areas were visited: Botleng, Eloff, Sundra, Mimosa informal settlement and Savannah. The table below details the outcomes thereof.

##### **BOTLENG (MANDELA SECTION AND SURROUNDING AREAS)**

<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
Residents advised that they access water through standpipes and private jojo tanks. The Mandela section reported that they connected illegally from the Municipal infrastructure to access water.	It was observed that residents in Botleng Mandela Section have Portable Ventilated Chemical toilets whilst other residents reported that they make use of water-borne toilets through municipal infrastructure systems. Furthermore, residents raised concerns about the lack of maintenance of the existing infrastructure. They reported that there is a	Residents in the area reported that they self-dispose waste through burning and dumping it in informal dumping sites. They added that the Municipality does not collect waste in the area.	It was observed that the Mandela Section is gravel roads whilst other residents have tarred roads characterised by potholes.	It was observed that Botleng Mandela Section has illegally connected electricity. Residents raised concerns of neglect by the Municipality. They indicated that although they have raised their issues relating to service delivery with the municipality on various platforms, none of them have been addressed. The



	<p>bad stench, poor security, and a lack of consequence management by the Municipality for the failed projects that were meant to refurbish the sewerage system. Interviews were conducted with the security and contractors in the Sewage treatment plant. They indicated that the plant is under construction by Sindani Mining Ventures. The contractor indicated that they are busy refurbishing the motors and the gears. They also raised concerns about the lack of security. They added that the process is delayed by the theft of cables and motors within the plant.</p>			<p>residents requested that the issue of illegal connections be addressed.</p>
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ELOFF

Water	Sanitation	Waste Removal	Roads	Electricity
<p>It was observed that residents have water in their yards. In one portion of the area, residents indicated that they receive water through standpipes. Residents further indicated that water is always available.</p>	<p>Residents in Eloff advised that they make use of water-borne sanitation connected to the municipal sewage system. Residents further indicated that they occasionally experience sewer spillages. Furthermore, the Municipality fails to</p>	<p>Residents advised that waste is collected by the Municipality twice a week</p>	<p>It was observed that most roads in Eloff have been tarred and characterised by potholes however accessible.</p>	<p>Residents were engaged and they confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable.</p>

	address the issues of sewer spillages when they are reported. On the day of the inspection, sewage spillages were observed in the Eloff Square residence.			
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SUNDRA				
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Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents have water in their yards. Residents indicated that they receive water through standpipes and the supply is reliable	Residents advised that they make use of water-borne sanitation connected to the municipal sewerage and that they do not experience sewage spillages.	Residents advised that waste is collected twice a week. However, they alleged that the collection is not Consistent.	It was observed that most roads in Sundra have been tarred and characterised by potholes, however accessible to wheelchair users.	Residents were engaged and confirmed that they access electricity directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable.

MIMOSA INFORMAL SETTLEMENT				
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Water	Sanitation	Waste Removal	Roads	Electricity
Residents reported that they connected illegally from the Municipal infrastructure. They further indicated that the Municipality should address the issue of illegal connections and supply residences with water.	It was observed that residents use pit latrines.	Residents reported that they self-dispose waste through burning and dumping it in informal sites. The residents added that the Municipality does not collect waste in the area.	It was observed that most roads have been tarred and characterised by potholes however the road is accessible.	Residents reported that they connected illegally from Eskom infrastructure.

SAVANNAH				
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Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that residents in the area receive water through communal Jojo tanks.	It was observed that residents use pit latrines. They indicated that other households have their	Residents in the area reported that they self-dispose waste through burning and dumping it	It was observed that the area is a gravel road. Residents requested that the	Residents were engaged and confirmed that they access electricity

Further, the supply is consistent as water is always available.	own private drainage system.	in informal dumping sites.	municipality pave or grade the roads effectively.	directly from Eskom and that other than load-shedding, the electricity supply in the area was reliable
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#### **46. Evidence in respect of Dr JS Moroka Local Municipality**

- 46.1 Dr JS Moroka Local Municipality (DRJSMLM) submitted in writing that it has a population of Two Hundred and Forty-Six Thousand and Sixteen (246 016) with Thirty-One (31) wards and seventy (70) villages. There is a total of Sixty-Two Thousand One Hundred and Sixty-Two (62 162) households.
- 46.2 It is important to note that DRJSMLM indicated that like all other municipalities, it offers water and sanitation services, waste removal, electricity and roads, however, did not reflect the level of delivery of those services save to indicate that there are challenges in so far as the provision of water is concerned caused by drought. The municipality made efforts to minimise the impact of drought by drilling boreholes and refurbishing the Mthombo raw water bulk line which will derive water from the Loskop dam.
- 46.3 DRJSMLM summed up the written submissions by stating that the irregular expenditure of the municipality from 2016 to 2020 financial year amounted to R 809 172 800. In so far as audit outcomes are concerned, DRJSMLM conceded that it has been experiencing challenges which impacted negatively on its ability to discharge its constitutional mandate. In the 2018/2019 financial year, it was not able to publish its annual and oversight report. furthermore, received a qualified audit opinion in the 2016/2017 financial year, an adverse audit opinion in 2017/ 2018 and disclaimer audit opinions for the 2018/2019 and 2019/2020 financial year. In addressing the poor audit outcomes, it implemented the following:
- 46.3.1 Adoption of a turnaround strategy aimed at improving the performance of the municipality and restoring the community's confidence in the municipality.
- 46.3.2 Establishment of a clean audit committee which will ensure that matters relating to audit and implementation of audit action plan are monitored monthly.

- 46.3.3 Development of the MFMA improvement plan with clear roles and responsibilities to individuals to ensure accountability within personnel in the municipality.
  - 46.3.4 Advertisement of the critical vacancies to ensure that gaps identified in internal controls are improved.
  - 46.3.5 Development and adoption of procedure manuals and Standard Operating Procedures to ensure staff within the municipality understand their roles and responsibilities and improve the control environment.
  - 46.3.6 Ongoing training of personnel to enable them to perform their duties and functions in accordance with their job descriptions.
- 46.4 On the day of the inquiry, DRJSLM was represented by the Acting Municipal Manager, Mr Thisha Mhlanga ("Mr Mhlanga"). He told the inquiry that he joined the municipality in February 2020 as an administrator and was seconded as acting municipal manager on 10 May 2021 when section 139 was uplifted.
- 46.5 In his oral submissions to the panel, Mr Mhlanga conceded that the municipality was dysfunctional at some point. He focused his presentation on the factors and challenges that hinder effective service delivery in the municipality. He indicated that the challenges are the following:
- 46.5.1 Poor working relationship between the political and the administrative arms resulting in the municipality being subjected to section 139 (b);
  - 46.5.2 Instability of senior management in the municipality;
  - 46.5.3 Low collection rate, which is at 29%, resulting from the municipality being mostly rural. The municipality is mostly dependent on government grants.
  - 46.5.4 High vacancy rate within the municipality;
  - 46.5.5 Nepotism and appointment of unqualified personnel;
  - 46.5.6 Disruption of municipal services by entrepreneurs;
  - 46.5.7 Drought challenges within the municipality. Mkhombo Dam, the main source of water in DRJSLM, was at 0.9%. Consequently, the municipality provides water mostly through water tankers which is expensive;

- 46.5.8 The vastness of the municipality which makes it expensive for the municipality to provide services;
  - 46.5.9 Unfavourable AG outcomes due to lack of skills for five (5) consecutive financial years and lack of a controlled environment. The municipality could not submit AFS on time in the 2018/2019 financial year due to community unrest and squabbles within the municipality;
  - 46.5.10 High rate of irregular expenditure due to non-compliance with SCM policies and absence of a bid committee; including lack of assets management; and
  - 46.5.11 Lack of support for the office of the municipal manager.
- 46.6 Mr Mhlanga indicated that some of the interventions that have been employed by the municipality since he became part of the municipality, to improve some of the above challenges are:
- 46.6.1 Installation of over thirty (30) boreholes and revival of over two hundred (200) boreholes that were dysfunctional and the purchase of water tankers.
  - 46.6.2 The development of a revenue enhancement strategy in terms of which businesses and government buildings are targeted and water meters are installed, and they no longer pay a flat rate as previously to improve the tax base of the municipality;
  - 46.6.3 The development of a local development committee to enhance relations between the municipality and businesses.
  - 46.6.4 Implementation of consequence management for the negative audit outcomes.
  - 46.6.5 Improvement of transparency in decision-making and communication with community members through radio;
  - 46.6.6 Transfer of skills by the provincial government in so far as preparation of bank reconciliations is concerned.

#### 46.6.7 Opening of criminal charges against transgressors.

- 46.7 When asked by the panel about the R 376 million that the AG said DRJSLM could not account for, Mr Mhlanga indicated that he was not in a position to indicate where the finding stemmed from, however, he confirmed that when he joined the municipality, he uncovered that corruption was rife and tenders were issued with no regard to laws and regulations. Several documents could not be located which resulted in a forensic investigation being undertaken in the municipality. Subsequently, the municipality had to terminate some contracts and re-advertised tenders.
- 46.8 On the question of whether there is now political stability in the municipality, Mr Mhlanga stated that he is hopeful that there will be political stability following the November 2021 local elections.
- 46.9 In his closing remarks, Mr Mhlanga stated that he would appreciate it if the Commission could render workshops to conscientize the municipality on human rights pro budgeting as from time to time, politicians forget about human rights.

#### 47. Inspection outcomes in respect of Dr JS Moroka Local Municipality

- 47.1 The Commission embarked on site inspections with DRJSLM on 20 and 21 October 2021 and the following areas were visited: Mmamethlake; Masobe/Pankop; Nokaneng; Loding; Phake; Senotlelo; Rankaile; Two-line; Ratlagane; Ga-Mmakola; Thabeng; Siyabuswa; Ga-Mantlole; Libangeni; Skimming; Mapotla; Madubaduba and Moripe Gardens; Mthombo Bulk; Makometsane; Mthombothini; Mahononong. The table below details the outcomes thereof.

PHAKE/RANKAILE/THABENG				
Water	Sanitation	Refuse removal	Roads	Electricity
It was noted that many households had taps installed in their yards. Residents advised that water has not been coming out of their taps for some time. A considerable number of residents	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of same through burning or dumping in an informal dumping site.	It was noted the roads were tarred with minor potholes and reasonably accessible.	It was established that many households have been electrified. It was reported that residents in the new stands have been struggling to

<p>advised that they buy water from private vendors, whereas some indicated that they rely on the water supplied by the Municipality through communal Jojo tanks. On the day of the inspection, five communal jojo tanks were observed. Residents advised that their municipality does not fill in the tanks regularly and the water is not sufficient to cater for the entire village. In the Thabeng section, two steel tanks were observed, however, there was no water available. In the Rankaile section, residents advised that they merely rely on private vendors as there were no communal water tanks and water has not been coming out of their taps for some time.</p>				<p>have their houses electrified since 2014.</p>
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## LOADING

Water	Sanitation	Waste Removal	Roads	Electricity
<p>Residents raised concerns there are 11 boreholes in the area, however, only one borehole is fully functional. Residents reported that the Municipality has been neglecting their duty of servicing and maintaining the boreholes. It was also</p>	<p>Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.</p>	<p>It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of same through burning or dumping in an informal dumping site.</p>	<p>It was noted the roads were not in a good state. Residents raised a concern that buses no longer access the roads, subsequently, commuters are compelled to walk a considerable</p>	<p>It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. It was reported that residents in</p>

observed that there were taps installed in most households although residents reported that water had not been coming out of the taps for some time. Two communal jojo tanks were observed in extensions 1 and 2, and residents reported that they do not always have water and are not sufficient to supply the entire community.			distance to access bus services.	extension 3 do not have electricity since the establishment of the area. The Municipality undertook to assist in this regard, however, no progress has been made in this regard thus far.
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### Ga-MANTLOLE

Water	Sanitation	Waste removal	Roads	Electricity
Community members advised that they last obtained water through their taps in February 2021, they further reported that there is a communal Jojo tank of 10,000 litres installed by the Municipality, which is not filled regularly, and as a result, residents resort to purchasing water from private vendors.	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of same through burning or dumping in an informal dumping site.	It was noted the roads were gravel. Residents reported that public transport find it difficult to access the area and at times they are compelled to walk long distances to access transport.	It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.

### MASOBE/PANKOP

Water	Sanitation	Waste removal	Roads	Electricity
Residents advised that there is a borehole meant to supply water a various areas such as Zone 5, Matebeleng, Greenside, Squiring, and Trust,	Residents advised that they use pit latrines either built by the Municipality or self-installed.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they	It was not that the roads were fairly accessible.	It was established that many households have been electrified. Residents reported that their electricity



however, water is unable to reach households due to illegal connections on the main line they thus rely on private water vendors.		dispose of same through burning.		is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.
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## MMAMETHLAKE

Water	Sanitation	Waste removal	Roads	Electricity
Residents advised that they rely on a water tank installed by the Municipality. They indicated that the water is often not enough to supply the entire village, more so as the tank is not filled regularly. Consequently, most residents resort to buying water from private water tankers.	Residents advised that they use pit latrines either built by the Municipality or self-installed, whilst others indicated that they have water-borne toilets that are self-installed. No sewer spillages were observed on the day of the inspection.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of same through burning or dumping in an informal dumping site.	It was noted the main road was tarred whereas the passage roads were gravel and easily accessible.	It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.

## SKIMMING

Water	Sanitation	Waste Removal	Roads	Electricity
It was noted that most households have taps in their yards. The residents however indicated that water has not been coming out of their taps for the past five years. Consequently, they mostly rely on private vendors. Residents further indicated that the Municipality delivers water via a water truck once in a while. There is no	Residents advised that they use pit-latrine either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of same through burning or dumping in an informal dumping site.	It was noted the main road was tarred whereas the passage roads were gravel and easily accessible.	It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.

<p>schedule for the delivery of water by the Municipality. A truck was observed delivering water on the day of the inspection and according to the residents, this was after two months of not being supplied with water by the Municipality in any form.</p>				
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## SIYABUSWA

Water	Sanitation	Waste removal	Roads	Electricity
<p>Residents of Siyabuswa A reported that they have taps in their yards and receive water through the water network. They only experience challenges when Mkhombo Dam runs out in which case they have to buy from private vendors. In Siyabuswa B, residents indicated that they receive water through the water network. Taps in most households were observed during the site inspection. Residents reported that they receive water almost every day and just like in Siyabuswa A, they struggle when Mkhombo Dam dries out in which event they have to purchase water through private vendors.</p>	<p>Residents reported that they use water-borne toilets connected to the municipal sewer line. No sewer spillages were observed on the day of the inspection.</p>	<p>Residents reported that the Municipality used to collect waste, however, this is no longer the case. Currently, there is a loader to dump waste at various stations and the Municipal truck collects the waste at the stations. There is reportedly no schedule for the collection of the waste at the stations.</p>	<p>It was noted that the main road and most passage areas have been tarred. It was noted that the roads were easily accessible with minor potholes.</p>	<p>It was established that most households were electrified. Residents did not report any issues apart from load shedding.</p>

## MADUBADUBA AND MORIPE GARDENS BULK WATER SCHEMES

Water	Sanitation	Waste Removal	Roads	Electricity
The inspection revealed that the construction of Madubaduba and Moripe Gardens Bulk Water Schemes has not commenced. This is despite the Municipality advising the Commission earlier that the project is underway and will be commissioned in April 2021. The official from the Municipality advised during the site inspection that he was unaware of this project.	Not applicable.	Not applicable.	Not applicable.	Not applicable.

## MTOMBO BALANCING DAM

Water	Sanitation	Waste Removal	Roads	Electricity
It was observed that the Mthombo Balancing Dam is still under construction. According to the municipal official who accompanied the team on the day of the inspection, the Dam will derive water from the Loskop Dam and feed the Kameelrivier water treatment works. The municipal official also stated that the project is 80% complete. Although the construction ought to be completed by April 2021, there were delays	Not applicable	Not applicable	Not applicable	Not applicable

<p>arising from political interventions. Once complete, the dam will supply water to respective communities within the Municipality.</p>				
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MAPOTLA
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Water	Sanitation	Waste Removal	Roads	Electricity
<p>Most households have taps in their yard. A substantial number of residents reported that it has been years since they received water through their taps. The problem was exacerbated when the national lockdown commenced in March 2020. Residents indicated that they should not have water issues as there is a borehole in the area. They further alleged that the Municipality does not release water from the boreholes to benefit private vendors.</p> <p>In another section of the village, residents reported that they have been encountering water problems since the Municipality installed water meters in their homes. They therefore depend on the communal jojo tanks for water, which are filled at least once in</p>	<p>Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village. Residents indicated that water is a problem in the area, and the Municipality is unlikely to construct a sewer reticulation network.</p>	<p>It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of waste in a bush. Residents advised that they used to have a dumping site, same is no longer existent.</p>	<p>It was observed that roads were gravel. Residents raised a concern that buses no longer have access to the area due to the poor quality of the road.</p>	<p>It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.</p>

two months and this implies that they have to purchase water from private vendors.				
<b>LIBANGENI</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
<p>it was established that residents had differentiated experiences insofar as access to water was concerned, depending on their locality within the same village. In this regard, whilst some areas like the “Old Vaalbank” were supplied with water through the water reticulation network, others were supplied using water tankers. In addition, the consistency of the water supply varied from section to section.</p> <p>In one area called Phomolong, residents indicated that although some households have water reticulation infrastructure, not all those households receive a consistent water supply. In this regard, some sections have not had water for a month and two weeks. Whilst the Municipality supplies those areas with water from time to time using water trucks, the quantity of the water</p>	<p>residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village. Residents indicated that water is a problem in the area, and the Municipality is unlikely to construct a sewer reticulation network.</p>	<p>It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.</p>	<p>It was noted that the main road was tarred whereas the passage roads were gravel.</p>	<p>It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues, apart from scheduled load shedding.</p>

<p>supplied through these means is often insufficient, resulting in some residents being left without water. It often takes community protests for water to be supplied through the water reticulation network in some areas.</p> <p>In another section, an area referred to by residents as Vaalbank new section, residents reported that although they have water reticulation infrastructure, they don't receive water through the reticulation network. Rather, water is supplied through the water tankers. Water was last delivered in their areas three weeks ago.</p> <p>The situation was different in some of the areas in Libangeni, which included the Vaalbank Old section. In those areas, residents reported receiving water through the water reticulation network exclusively. The water supply is, however, inconsistent, with some residents reporting that they have not had water for two months, although they previously received water three times a week</p>				
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<p>on some occasions. The water supply in the area is inconsistent and erratic, therefore. To know when the water becomes available, residents leave their taps open. Unfortunately, water is sometimes released at night, resulting in water wastage.</p> <p>In Vaalbank A, on the other hand, residents reported that they last had water delivered to them by the Municipality using water tankers on Saturday and Sunday. Before this, residents had water delivered three weeks prior. The water delivered using the water tankers is normally dirty, however. Residents also reported that the water distribution system does not accommodate persons with disabilities who may not be able to queue for water.</p> <p>As a result of the above challenges, residents in the affected sections predominantly rely on water from private vendors. Some of the root causes of the above challenges identified by residents include illegal connections and diversion</p>				
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of water using private pumping systems by other residents; misuse of grants provided to the Municipality to address the water access challenges; the incoherence of the Municipality's water-sharing programme; and the lack of proper management of the water system.				
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<b>SENOTLELO</b>
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<b>Water</b>	<b>Sanitation</b>	<b>Refuse Removal</b>	<b>Roads</b>	<b>Electricity</b>
<p>Like in other areas within the Municipality, residents had differentiated experiences insofar as access to water was concerned. In this regard, whilst some areas did not receive any water from the Municipality, other areas received water intermittently.</p> <p>In section K, residents reported that they received water weekly from their household taps, whilst in section L, residents reported that they received water once a month from their taps. In section L, residents further reported that the water pressure is low even when water is available. Water tankers do not frequent the</p>	<p>Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.</p>	<p>It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.</p>	<p>It was noted that the main road was tarred whereas the passage roads were gravel.</p>	<p>It was established that many households have been electrified. Residents reported that their electricity is supplied by Eskom. Residents did not report any issues with electricity.</p>



area, although there is a communal tank nearby that is supplied with water for communal use from time to time. The water from the communal tank does not last, however, and as a result, residents are often left without water. As is the case in other localities, residents predominantly source their water from private vendors.				
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## MOKOMETSANE

Water	Sanitation	Refuse Removal	Roads	Electricity
<p>A water tap was observed in one of the households with water coming. On engaging with the person in charge of that particular household, the person reported that they receive water at least once a week, albeit on unspecified days, which prevents foreplanning on the part of residents. When they run out of water, however, like residents in other villages, they rely on private vendors for their supply.</p> <p>Another household was also visited in the area. Unlike other households, this particular household enjoyed an uninterrupted</p>	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.	It was noted that the roads were fairly accessible.	It was established that many households have been electrified.

supply of water. On engaging with the person in charge of the household, the inspecting team learnt that the household had two boreholes. No licensing process was followed before the drilling of the boreholes, and as such, the water used in that household is unregulated and unaccounted for.				
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### MAHONONONG

Water	Sanitation	Waste Removal	Roads	Electricity
In so far as water is concerned, residents reported that the mode of water supply in this village is through a water reticulation network. There were steel water tanks in the area which are reportedly responsible for supplying water to Mahononong and surrounding villages such as Siyabuswa C. Residents reported that they receive water through their taps once a week, at most.	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.	It was noted that the roads were fairly accessible.	It was established that many households have been electrified.

### TWO-LINE

Water	Sanitation	Waste Removal	Roads	Electricity
Residents in this village had different experiences regarding water supply. In	Residents advised that they use pit-latrines either built by the Municipality or	It was noted that the area was generally neat. Residents advised that	It was noted that the main road had been tarred and	It was established that many households have

some parts of the village, residents reported that they receive water through the water network and also via a communal Jojo tank. Whereas in another section of the village, residents indicated that they mostly receive water through the communal Jojo tanks. Further, it has been four months since the Municipality filled the communal jojo tanks, subsequently, they have to resort to buying water from private vendors to the tune of R350.00.	self-installed, further that there is no sewer reticulation network in the entire village.	the Municipality does not collect waste, they dispose of it mainly through burning.	reasonably accessible.	been electrified. Residents only complained of load shedding.
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#### Ga-MMAKOLA

Water	Sanitation	Waste Removal	Roads	Electricity
Residents indicated that they receive water every Friday through the water reticulation network. There are no communal jojo tanks in the village according to residents and none were observed on the day of the inspection. They also reported that in the event they run out of water, they are compelled to buy from private vendors.	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.	It was noted that the main road had been tarred and reasonably accessible.	It was established that many households have been electrified.

#### MTHOMBOTHINI

Water	Sanitation	Waste Removal	Roads	Electricity
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<p>Like in other areas within the Municipality, it was established that residents had differentiated experiences insofar as access to water was concerned, despite being located close to the Municipality's water purification plants. In this regard, whilst the inspection team observed the availability of water in the section closest to the purification plant and another section, there was no water available in other sections, although, in some sections, there was evidence of a recent water supply.</p> <p>These observations were corroborated during engagements with residents. Residents residing in the area closest to the water purification plant reported that they generally do not have any challenges with water access in their area as they receive water two to three times a week from their taps. In other sections, however, such as Jamaica, residents reported that they do not receive any water in higher-lying areas due to inadequate pumping</p>	<p>Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.</p>	<p>It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.</p>	<p>The roads were fairly accessible.</p>	<p>It was established that many households have been electrified.</p>
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capacity. In other sections, residents reported they are receiving water at least once a week. Like other sections, they rely on private vendors for water supply whenever they run out of water. Although residents receive water at least once a week, the supply is erratic and unscheduled.				
<b>NOKANENG</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Waste Removal</b>	<b>Roads</b>	<b>Electricity</b>
Residents advised they have taps in their yards, however, water has not been coming out of the taps since 2004. They heavily rely on private water suppliers.	Residents advised that they use pit-latrines either built by the Municipality or self-installed, further that there is no sewer reticulation network in the entire village.	It was noted that the area was generally neat. Residents advised that the Municipality does not collect waste, they dispose of it mainly through burning.	The roads were fairly accessible.	It was established that many households have been electrified. No issues apart from scheduled load shedding.

#### **48. Evidence in respect of Dipaleseng Local Municipality**

- 48.1 Dipaleseng Local Municipality (“DLM”) submitted that it has a population of approximately 45 232 (four five thousand two hundred and thirty-two) and fourteen thousand eight hundred and seventy-seven (14 877) in terms of the 2016 community survey. There are three (3) major towns within its jurisdiction namely: Balfour/Siyathemba, Grootvlei and Greylingstand/Nthorane with the following informal settlements: Phomolong, Zenzele, Joe Slovo, Mandela Extension, Siyathemba West and East, Zone 7, Esibayeni, Ntsantsana, Themba Khumalo and Thembaletu. The municipality is proliferated by land invasions caused by rapid urbanisation, and this has resulted in the mushrooming of approximately two thousand five hundred and thirty-two (2532) households.
- 48.2 In terms of human resources in relation to its service delivery mandate, DLM submitted that the project management unit does not have any vacancies whilst there are vacancies of one (1) supervisor, two (2) process controllers, six (6) plumbers and

four (4) of general workers, one (1) technician and one laboratory technician in the water and wastewater unit. In the roads and stormwater unit, there is a vacancy for a plant operator. In the electrical unit, there are vacancies for one (1) supervisor, four (4) general workers, three (3) electricians, three (3) assistant electricians, one (1) storeman and one (1) general worker. In the waste management unit, there are vacancies for one (1) administrative clerk, three (3) drivers, six (6) refuse collectors, one (1) facility officer, one (1) handyman and two (2) cleaners.

48.3 The key challenges in so far as human resources are concerned are the high rate of unfunded vacant posts; insufficient training, budget, and lack of funding to implement wellness programmes. However, in the past three financial years, the municipality partnered with COGTA and Sasol to provide training to employees. Four (4) employees were trained on wastewater treatment, two (2) were trained on trade tests, six (6) were trained on fire and rescue, 2 (two) were trained in fire rescue, two (2) were trained on high voltage, four (4) were trained on basic electrical course.

48.4 With respect to the financial health of the municipality, DLM submitted it has been experiencing cash flow constraints and has taken all possible factors which could influence the cash flow surplus of the municipality. on audit outcomes, DLM submitted that it received an unqualified audit opinion in 2016/2017, a qualified audit opinion in 2017/2018 and disclaimers in 2018/2019 and 2019/2020.

48.5 On the day of the inquiry, DLM was represented by the Acting Municipal Manager Ms Busisiwe Khanye ("Ms Khanye"), the Director for Infrastructure Services Mr Lucky Msibi ("Mr Msibi") and the Director for Planning and Economic Development Mr Lwazi Cindi ("Mr Cindi").

48.6 Ms. Khanye indicated that DLM has the following challenges:

48.6.1 Changing and chopping of municipal managers since 2018, the municipality has had three (3) acting municipal managers.

48.6.2 Filling of critical posts especially in the budgetary and treasury unit, however, the posts have been advertised and are due to be filled no later than December 2021.

48.6.3 Non-compliance with SCM regulations and the provisions of the MFMA.

48.6.4 Low collection rate and ineffective implementation of the credit control policy. However, a panel of attorneys has been appointed to address this matter and to ensure that the finances of the municipality improve.

- 48.6.5 Unfavourable audit outcomes as the municipality regressed and received disclaimer audit opinions for the 2018/2019 and 2019/2020 financial years.
- 48.6.6 High expenditure on fleet repairs and the maintenance of aged infrastructure.
- 48.6.7 The huge Eskom debt which was at 71 million as of June 2021 due to misappropriation of funds. She stated that the MEC for COGTA has since appointed a service provider to institute an investigation into this matter.
- 48.6.8 The unauthorised, irregular, fruitless and wasteful expenditure amounted to 4 million as of July 2021 as a result of the interests of the Eskom debt.
- 48.6.9 Theft of copper cables which result in power outages.
- 48.6.10 Insufficient grants to enable the municipality to undertake maintenance of the aged infrastructure and the fact that the municipality did not receive an inequitable share for two (2) years due to misappropriation of funds in the tube of 55.4 million rands.
- 48.7 During the questions and answers session, Mr Khanye told the inquiry that the municipality does not have a disposal policy, however, its asset register is up to date through the assistance of consultants. She declined to comment on the assertion by AG that 220.5 million rands in the municipality could not be accounted for, however, she indicated that she could confirm that there was a misappropriation of funds in the municipality to the tune of 54.4 million rands which was a direct result of the instability and constant changing of municipal managers within the municipality.
- 48.8 Mr Cindi told the inquiry that although there is a slight improvement in DLM in so far as the provision of water, sanitation, electricity and formalisation of informal settlements, the municipality is ranked the highest in terms of the high number of informal settlements. He acknowledged that there are service delivery challenges in the municipality as a result of over-reliance on grants and the high employment rate. He further acknowledged that the local development plan strategy of the municipality which was adopted in 2011 has not been reviewed and updated since its adoption, however, there is a local economic development forum which was established that serves as a forum for discussion of economic development matters.
- 48.9 Mr Msibi indicated that there is a backlog in the provision of services. As for water provision, the backlog is at 5%, electricity at 6 % and 9 kilometres of the roads are gravel. He further indicated that refuse is collected in all areas of the municipality except for farm areas. In terms of bulk services, Mr. Msibi submitted before the inquiry

that the municipality has one WTW which is being upgraded from 6.5 ML/D to 19.5 ML/D and there are four (4) WWTWs, three of which are being upgraded. He however raised a concern that it takes time for the municipality to upgrade or refurbish aged infrastructure. In conclusion, Mr Msibi stated that DLM is faced with the following challenges:

- 48.9.1 Insufficient funding.
- 48.9.2 Lack of provision of VIP toilets.
- 48.9.3 Disruption of service delivery projects by members of the public.
- 48.9.4 Shortage of construction ("yellow") fleet.
- 48.9.5 Boreholes running dry.
- 48.9.6 Lack of human resources capacity.
- 48.9.7 Mushrooming of informal settlements.
- 48.9.8 implementation of the financial recovery plan.

BALFOUR				
Water	Sanitation	Refuse Removal	Roads	Electricity
The residents of Balfour reported that their water is supplied through the reticulation system, and it established that most residents have taps in their dwellings. They indicated that under normal circumstances, they receive water from their taps daily, of late, they frequently experience water cuts due to pipes bursting. Residents also raised a concern about the quality of the water, citing that it is contaminated and therefore not drinkable. Subsequently, they resort to buying water for	Residents reported that they make use of waterborne toilets connected to the municipal sewer line. Although residents advised that they experience sewer spillages, especially during rainy seasons, no spillages were observed on the day of the inspection.	Residents advised that the Municipality is scheduled to collect waste at the residential houses on Mondays, but this is not always the case as the trucks often break down resulting in a backlog, in which case, residents would resort to disposing of their waste in informal dumping sites. It was observed that the town is generally not clean with litter everywhere, including under the bridges.	It was observed that roads in the residential areas, especially on Rissik and Joubert Streets, have severe potholes. The tar roads have turned into gravel roads. Residents raised concerns about neglect and lack of maintenance of the roads for many years by DLM.	Residents reported that their electricity was supplied by DLM further a week before the inspection, and they endured two days without electricity due to the transformer exploding. They attributed the explosion to poor maintenance of the electrical infrastructure by DLM. They further stated that they experience load reduction at least ten days a month. It was observed that most



purposes of drinking and cooking.				households have been electrified.
<b>GROOTVLEI (PHOMOLONG, QUARTERS AND P-SECTION)</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Removal</b>	<b>Roads</b>	<b>Electricity</b>
It was noted that residents have different experiences depending on their locality. In one part of Phomolong, residents reported that they receive water daily without any interruptions, whereas in another part of the area, residents advised that DLM imposes the vula vala system whereby they receive water for certain hours in a day. They raised a concern that the water is sometimes dirty. In the Quarters and P-Section, residents advised that they receive clean water daily, except when DLM is undertaking maintenance.	Residents reported they make use of waterborne toilets connected to the municipal sewer line. Sewer spillages were observed in the Ring Road in the Quarters. Residents advised that DLM has not been attending to the spillages for many years. In Phomolong and P-Section, no spillages were reported nor observed.	Residents advised that DLM collects waste once a week. The area appeared clean on the day of the inspection.	It was observed that the road in the Quarters has been tarred, however uneven and with minor potholes. In Phomolong, it was observed that the main roads were either tarred or paved, whereas most passage roads were gravel and accessible.	It was established that most households have been electrified. Residents advised that they do not experience load shedding or load reduction often.
<b>NKANINI</b>				
<b>Water</b>	<b>Sanitation</b>	<b>Refuse Removal</b>	<b>Roads</b>	<b>Electricity</b>
Residents reported they receive water almost daily. They raised a concern with the quality of the water, citing that it is normally not clean, and as a result, they have to boil it before consuming it. It was established that most	It was established that residents make use of waterborne toilets connected to the municipal sewer line. No sewer spillages were observed on the day of the inspection, and residents did not report	Residents reported that DLM collects waste once a week, except when the trucks break down, in which case they are advised accordingly, and they can find other means to dispose of their waste.	It was observed that the area has gravel roads. Whereas certain parts were accessible and properly graded, other parts were accessible with great difficulty.	It was observed that most households have been electrified. Residents indicated that they seldom experience load shedding or load reduction.

households have taps in their yards.	any. The Commission observed a manhole in the area, which was opened and exposed, posing a health and safety hazard to residents, especially kids. No spillages were coming out of the manhole.			
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### SIYATHEMBA

Water	Sanitation	Refuse Removal	Roads	Electricity
Residents reported that they receive water through the reticulation network. It was established that most households have taps in their yards. Residents reported that their concern in their main is the quality of the water. They alleged that it is mostly contaminated, and they have to boil it before consuming it. With regard to the supply of water, residents stated that they do not experience challenges as they receive water almost daily.	Residents reported that they use waterborne toilets connected to the municipal sewer line. Sewerage spillages were observed on the day of the inspection at the Slovo section. Residents indicated that DLM is aware of the spillages that have been occurring for many years but has failed to attend to them.	Residents indicated that the DLM ought to collect the waste once a week, but this is not the case. They therefore dispose of waste in informal dumping sites.	It was observed that the roads have been tarred and reasonably accessible.	Residents of one section of the area stated that the electricity supply is not reliable as they often encounter power cuts which often last for more than 24 hours, whereas other residents reported that they do not encounter major issues save for load shedding which occurs during scheduled hours.



*Litter at Balfour.*



*State of roads at Joubert Street, Balfour.*





*Sewer spillages at Grootvlei, Quarters.*



*Sewer spillages at Siyathemba, Slovo Section.*





*An exposed manhole at Nkanini.*

#### **49. Evidence by the Mpumalanga Department of Water and Sanitation**

49.1 The Mpumalanga Department of Water and Sanitation (“DWS”) submitted that whilst there are variations from municipality to municipality, on average Mpumalanga has 88% access to water and an estimated 97% provision to sanitation. The challenges relating to access to water are the following:

- 49.1.1 Continuous population growth;
- 49.1.2 Lack of maintenance of municipal infrastructure leading to frequent breakdowns;
- 49.1.3 Lack of payment of services by users to water services authorities;
- 49.1.4 Vandalism of infrastructure; and
- 49.1.5 Land invasion and poor coordination of settlements between traditional authorities and municipalities.

49.2 To address the aforementioned challenges, the following should be done:

- 49.2.1 There should be payment of services for effective maintenance of infrastructure and services;
- 49.2.2 Communities should take ownership of the infrastructure and ensure its long-term use and security;

- 49.2.3 Better planning and coordination of settlements between local government, traditional authorities and national government; and
  - 49.2.4 Better investment in infrastructure in line with population growth and demand for services.
- 49.3 In the last three years, it assisted and provided support to the local municipalities by providing them with water services infrastructure grants and/or regional bulk infrastructure grants to the tune of R 3 562 032. The amount is broken down per local municipality as follows:
- 49.3.1 CALLM- R 634 943
  - 49.3.2 MLM- R 292 380
  - 49.3.3 MkLM-R 186 000
  - 49.3.4 DPKISLM- R 155 000 (water services infrastructure grant only)
  - 49.3.5 LLM- R 159 650
  - 49.3.6 DLM- R 434 113 (regional bulk infrastructure grant only)
  - 49.3.7 GMLM- R 166 000
  - 49.3.8 VKLM- R 25 000 (water services infrastructure grant only)
  - 49.3.9 ELM- R 35 000 (water services infrastructure grant only)
  - 49.3.10 STLM- R 180 839
  - 49.3.11 EMLM- R 100 000 (water services infrastructure grant only)
  - 49.3.12 THLM- R 231 137
  - 49.3.13 DJSMLM- R 5000 (regional bulk infrastructure grant only)
  - 49.3.14 TCLM- R 55 000 (water services infrastructure grant only)
  - 49.3.15 NKLM- R 568 970
  - 49.3.16 BLM- 293 000
  - 49.3.17 CoM- R 40 000
- 49.4 In conclusion, the DWS stated that with the introduction of the district development plan, DWS will improve planning between national and local governments.
- 49.5 On the day of the inquiry, DWS was represented by the Provincial Head, Mr Fikile Guma ("Mr Guma"), the Director of Planning, Mr Sello Kheva, the Director for Infrastructure Development and Rehabilitation, Ms Mandisa Mathiso and the Director for Regulation, Compliance and Monitoring.
- 49.6 Mr Guma took the panel through the written submissions and added that in the Mpumalanga Province, the local municipalities are both the water services provider

and water services authority, and the district municipalities do not have a direct governance role in the provision of water and sanitation, further that this creates a challenge as no one holds the local municipalities accountable. Furthermore, the availability of water and sanitation in the context of the DWS implies the availability of infrastructure and does not necessarily mean that the infrastructure is working.

49.7 During the answers and questions session, Mr Guma mentioned that there is a collaboration between DWS and the local municipalities in finding ways and means of water conservation and harvesting, further, the Water Research Council has done extensive research in this regard, however, their challenge has always been getting the local municipalities to accept the research as an innovation. He further mentioned that DWS went further to propose that every government department should have a system of capturing rainwater.

49.8 On the issue of local municipalities lacking and/or failing to implement their WSDP, Mr Guma stated that it is the responsibility of the local municipalities to develop the plans, in addition, MISA provides a pool of technical support to the local municipalities however notwithstanding this, municipalities still fail in their duty. Mr Guma also told the inquiry that the Water Use Licence in respect of the Loskop Bulk Water Project is being processed.

## **50. Evidence from the Department of Statistics South Africa**

50.1 The Department of Statistics South Africa ("StatsSA") submitted that it releases over three hundred (300) publications a year on people, living conditions, the economy, and the natural environment of South Africa. The data is collected through fieldwork,<sup>85</sup> office-bound,<sup>86</sup> and administrative data.<sup>87</sup>

50.2 There are various ways in which the data is collected. face-to-face interviews, telephonically and through self-enumeration. Further, the statistics are collected quarterly, annually, periodically and on an *ad hoc* basis.

50.3 StatsSA submitted the leading challenges faced by municipalities in Mpumalanga as per the 2016 census survey:

50.3.1 Lack of safe and reliable water supply- 29.1%

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<sup>85</sup> Household surveys, censuses, and price collection.

<sup>86</sup> Business surveys via post or email.

<sup>87</sup> From other organisations.

- 50.3.2 Lack/inadequate employment opportunities- 12.6%
  - 50.3.3 Inadequate roads- 10.9%
  - 50.3.4 Cost of electricity- 6.7%
  - 50.3.5 Cost of water- 6.4%
- 50.4 The GHS of 2019 provides the most recent information for service delivery at the provincial level, which was conducted in 2019. It is used to track the progress of development and identify persistent service delivery gaps. The GHS report provides that 44.9% of households have access to piped water in their dwellings, 28.5 % have piped water on site, 12.2% make use of communal taps, 3.4 % use water carriers, 2.5% use their neighbour's taps whereas 1.7 % access water through streams, rivers, pools and dams. There has been a decrease in the households that receive water through taps in Mpumalanga compared to the last GHS. Mpumalanga also recorded the highest on-record on water interruptions at 54.5%, followed by Limpopo which is at 56.6%. Mpumalanga also lags in the provincial average in access to improved sanitation, with 63.7 % of households having access to improved sanitation.
- 50.5 StatsSA concluded its written submissions by indicating that although the country has made great progress since 1994 to improve the quality of life of South African citizens by extending basic services to previously underserved households, particularly in rural areas and informal settlements, the remaining backlog is the most difficult to eradicate.
- 50.6 On the day of inquiry, StatsSA was represented by the Acting Chief Director of the Provincial Office, Mr Robert Thenga ("Mr Thenga"), the Deputy Director for Social Statistics, Mr Casment Mabhele and the District Director for Mpumalanga, Mr Lucky Fakude. Mr Thenga took the panel through the written submissions and added that so far two (2) censuses have been conducted and another one ought to have been conducted in 2006, however, it was not feasible due to lack of funding a community survey was undertaken instead of a census in 2007.
- 50.7 The third census was conducted in 2011 followed by a community survey which was conducted in 2016, which most municipalities currently rely on. Approximately 1.3 million households in the country were sampled for this survey. In the Mpumalanga province 1 050 580 One Hundred and Five Hundred Thousand and Fifty-Eight (1 050 580) were enumerated. The purpose of a community survey is to measure access to basic services, demographic factors, migration and socio-economic factors. A follow-up census was due in 2021 however it was postponed to February



2022 due to the COVID-19 implications. It is hoped that the 2022 census will assist municipalities in resolving the issue of disaggregated data.

- 50.8 Mr Thenga concluded by indicating that it may seem that the community survey of 2016 is fairly old, however, this is not the case as there has been a growth in the population of 7.1% from 2016 until 2021, therefore, the community survey of 2016 is still relevant and reliable. He requested the Commission to take note of the fact that lack of funding hampers the institution from doing its work as it should. StatsSA is mandated to carry out a census every five years, however, it does not have the resources and/or funds to do so.
- 50.9 During the questions and answers session, Mr Thenga confirmed that his StatsSA does meet with municipalities regularly, participate during the IDP process and offer advice. Further, StatsSA is amenable to partnering with municipalities in the provision of recent data provided that, that particular municipality is in a position to provide funding, however as municipalities themselves lack funding this may not be realised.
- 50.10 Mr Mabhele added that StatsSA is not the only department which can provide the data needed. There can be collaboration with other departments and they will welcome any initiatives from any institution.

## **51. Evidence from the Mpumalanga Provincial Treasury**

- 51.1 The Mpumalanga Provincial Treasury ("MPT") submitted that all municipalities have functional audit committees and risk management committees. The MPT attends the committees and provides the accounting officers with recommendations for improvement in identified areas. Municipalities have regressed in audit outcomes, as per AG reports, compared to previous years. The 2019/2020 audit outcomes remain a great concern as only three (3) municipalities obtained clean audits: namely: EDM, NDM and STLM. Whilst five (5) municipalities obtained unqualified audit outcomes with findings namely: BLM, CoM, NLM, GSDM and CALLM. Another (5) obtained qualified audit outcomes namely: TCLM, MkLM, THLM, VKLM, EMLM and ELM. DLM, DPKISLM, GMLM, DJSMLM and LLM obtained disclaimer audit outcomes whilst MLM and EMLM obtained adverse audit findings.
- 51.2 On financial management, MPT submitted that eight (8) municipalities were deemed to be unfunded during the 2019/2020 financial year whilst ten (10) approved unfunded budgets for the 2021/2022 financial year thus posing a risk to the financial viability of the municipalities, consequently the sustainability of service delivery. The contributory factors are unrealistic revenue projections; low debt collection levels;

high distribution losses due to provision for repairs and maintenance, expenditure projections not linked to projected revenue and escalating creditors.

- 51.3 On operating revenue, MPT submitted that the total revenue budget was adjusted from 20.9 billion to 21.4 billion for municipalities to deal with COVID-19 pressures. The overall operating revenue performance was supported by the operating grants of 7.1 billion. Nine municipalities' variance on billed revenue was 10% or more or less than the budgeted revenue for the 2020/2021 financial year. Furthermore, the inability of some municipalities to bill customers for all services indicated the unrealistic revenue targets set by municipalities as well as billing databases of the municipalities.
- 51.4 On operating expenditure, MPT submitted that the total aggregate operating expenditure amounted to R 18.5 million against the adjusted expenditure budget of R 23.4 million for the financial year that ended on 30 June 2021. The major cost driver for operating expenditure was employee-related costs at R 6.1 billion; bulk purchases at R4.4 billion; contracted services at R 2.4 billion and other materials at R 1.5 billion. Eight (8) municipalities in the province have spent the adjusted budget as of the end of the fourth quarter namely: BLM- 88.9%; DLM- 46%; ELM- 79%; LLM- 65%, MkLM- 78%; MLM- 86% DPKISLM-64% and THLM- 64%. The slow spending on operating expenditures can directly be linked to the poor revenue generation by municipalities.
- 51.5 On capital expenditure, MPT submitted that the total aggregated capital expenditure amounted to R 3 billion against the total adjusted budget amount of R 4.4 billion for the period ended on 30 June 2021. Out of the R 2.8 million budgeted for trading services, R 1.9 billion was spent, water management was the highest followed by energy sources. The actual expenditure was also below budget projections, which is an indication that service delivery targets were not achieved as planned. The main contributory factor for this is the inability of municipalities to plan, the delay of appointments by SCM committees as well as cash flow challenges. Further, some municipalities continue to budget for capital projects funded out of their own revenue irrespective of their unfunded budget status.
- 51.6 On conditional grants, MPT submitted that the ability of municipalities to utilise conditional grants improved and a spending of 91.7% was recorded as of the end of June 2021, furthermore, the national transferring departments are monitoring the spending of the grants monthly and assisted municipalities with low spending trends to develop acceleration plans.
- 51.7 The following factors contributed to the challenges of financial viability:

- 51.7.1 Lack of financial oversight by councils.
- 51.7.2 Capacity challenges due to the lack of critical vacancies in municipalities' budget and treasury offices, which leads to over-reliance on external support and therefore continuous use of consultants.
- 51.7.3 Unrealistic revenue targets were used during the compilation of budgets as a result of an incomplete revenue baseline.
- 51.7.4 Municipalities are not able to reduce spending on non-priority items.
- 51.7.5 High levels of distribution losses on electricity and water.
- 51.7.6 Poor planning results in some municipalities not being able to commit all grant funding.
- 51.7.7 High unemployment rates and lack of economic growth opportunities.
- 51.7.8 High rate of indigence,
- 51.7.9 High infrastructure backlog.
- 51.7.10 Increased costs of providing services versus the ability to generate revenue to fund services.

51.8 The MPT further indicated that it provides support to municipalities through:

- 51.8.1 Assessing municipalities' annual budgets and providing recommendations to ensure that the budgets are funded, assessing the midyear budget performance and engaging municipalities before adjustment budgets are tabled in councils.
- 51.8.2 Monitoring and advising municipalities monthly on year budget performance.
- 51.8.3 Rendering assistance with the development of FRP and monitoring implementation thereof.<sup>88</sup>
- 51.8.4 Monitoring of grant spending and rendering support where the spending is low.
- 51.8.5 Rendering assistance with revenue enhancement and participating in the municipal revenue steering committees.
- 51.8.6 Coordinating and providing training sessions.
- 51.8.7 Rendering support to municipalities to recover debts owed by government departments.
- 51.8.8 Supporting municipalities with a view of remedial audit action.

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<sup>88</sup> Specifically, to ELM, TCLM, GMLM, MLM and LLM.

- 51.8.9 Placement of resident advisors to support SCM and asset management.<sup>89</sup> and resident financial advisors towards financial management.<sup>90</sup>
  - 51.8.10 Assistance with the review and improvement of the control environment over revenue management, expenditure management, SCM, contract and asset management.
  - 51.8.11 Monitoring and supporting municipalities with implementation of Municipal Standard Charts of Accounts, monitoring and implementation of Provincial Risk Management Framework and Guidelines.
- 51.9 In conclusion, MPT proposed the following measures to be undertaken:
- 51.9.1 Capacitation of government structures to enable them to execute their duties;
  - 51.9.2 The institutionalisation of performance and consequence management.
  - 51.9.3 Filling of critical positions to enable transfer of skills and minimisation of dependency on external support.
  - 51.9.4 Continued support with accredited capacity programmes in the financial value plan.
  - 51.9.5 Supporting municipalities with FRP with the review of the plans in line with a new approach to financial recovery plans.
  - 51.9.6 Support with the implementation of UIF&W reduction strategies and with effective functionality of the revenue value chain.
- 51.10 On the day of the inquiry, MPT was represented by the Acting Head of the Department, Ms Janet Bezuidenhout ("Ms Bezuidenhout"), the Director for Municipal Finance, Mr Basie Strauss ("Mr Strauss") and the Head of the Legal Department, Ms Vulani Baloyi. Ms Bezuidenhout took the panel through the written submissions as outlined above and added that the norm for salaries in municipalities is that they should be between 25 - 40 % of the budget, however, GSDM, NLM, BLM and EDM exceed the norm. The norm for contracted services is 5% however 20 municipalities in the province exceed the norm, except for CoM. On the other hand, the norm for maintenance is at least 5% however only four (4) municipalities in the Mpumalanga Province maintained the norm and 16 (sixteen) of the municipalities could not maintain their infrastructure.

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<sup>89</sup> Specifically, in NLM, CALLM and DKISLM, MkLM.

<sup>90</sup> Specifically, in LLM, GMLM, ELM and TCLM.

- 51.11 During the questions and answers session, Ms Bezuidenhout responded to the question on whether the MPT can enforce compliance on municipalities to which she indicated that intervention to a certain extent, the intervention would include MPT engaging the accounting officers in the municipalities with the issues of non-compliance and make recommendations thereon, however, if the non-compliance persists, the matter would be escalated to the political principals for intervention. Mr Strauss added that there were instances where MPT enforced compliance through the mandatory FRP in ELM and LLM. Further, MPT constantly reminds municipalities of non-compliance where they fall short.
- 51.12 On the failure of municipalities to collect revenue from government departments, Mr Strauss told the inquiry that municipalities often have a challenge of proving who is indebted to them and often fail to provide the details of the debt as a result, MPT established the debt committee which seats on a monthly and where disputes of debts are cleared. Ms. Bezuidenhout added that MPT recently issued a circular to government departments to the effect that the equitable shares of the owing departments will be withheld until the municipal debts are settled.

## **52. Evidence from National Treasury**

- 52.1 National Treasury ("NT") noted the following key observations regarding Mpumalanga in their written submissions:
- 52.1.1 The municipal expenditure in 2020/2021 accounted for approximately 6.4% of the total municipal expenditure.
- 52.1.2 The average per capita spending was 19.4% below the national average, better than compared to 31.4% in 2019/2020 and 23.1% below the national average.
- 52.1.3 In 2020/2021, seven (7) of the twenty (20) municipalities in the province funded more than 50% of their total expenditure from national transfers, an indication of their high and increasing reliance on national and provincial grants.
- 52.1.4 The municipalities in the province spent R 27 871 billion which represents 99.9% of the adjusted expenditure budget of R 27 885 billion on both operational and capital expenditure budgets. The total expenditure budget was adjusted upward from 27 billion to R 27.9 billion. There was

- 104.6% spending on the operational budget where municipalities spent 24.5 billion compared to the adjusted budget amount of 23.5 billion.
- 52.1.5 Nine (9) of the twenty (20) municipalities overspent their total adjusted budget pointing to the fact that some of the municipalities have budgeting challenges.
- 52.1.6 There has been a slight improvement with regard to the audit outcomes of 2019/2020 compared to the 2018/2019 financial year. Further, there were two (2) municipalities with adverse audit opinions in both financial years.
- 52.1.7 Six (6) municipalities spent between 30 and 39.9 % of their operating budget on salaries and wages. Nine (9) of the municipalities spent less than 30% of their operating expenditure on salaries and wages.
- 52.2 On the aspects of income-generating capacity, spending patterns and returns on investments, NT submitted:
- 52.2.1 The average expenditure of the operational budget by the municipalities on salaries and wages is 31.3%. during the 2020/2021 financial year, more than half of the operating expenditure budget was spent on salaries and wages. For EDM it was 64.2%, for GSDM it was 57% while BLM spent 45.1%, NLM 42.5% and DJSMLM 40.3%. This falls outside the norm of between 25 and 40%.
- 52.2.2 Six (6) municipalities spent between 30 and 39.9% of their operating budget on salaries and wages whilst nine (9) spent less than 30% of their operating expenditure on salaries and wages.
- 52.2.3 The district municipalities are dependent on grants considering that 94.6% and 81% of EDM and GSDM's total expenditure was funded by grants and subsidies respectively.
- 52.2.4 CALLM, BLM, DJSMLM and NLM were the four (4) local municipalities whose expenditure was mainly funded from grants in the 2020/2021 financial year.
- 52.3 NT further submitted that the outstanding debtors for the province amount to R 10.6 billion of which BLM contributes 18.7% followed by THLM at 13.4% and LLM at 13.2%. The consumer debtors owed to municipalities is aggregated by the following factors:

- 52.3.1 The impact of COVID-19, as most jobs were lost, and some industries were closed;
  - 52.3.2 Weak billing system with the local municipalities;
  - 52.3.3 Tariffs that are not cost-reflective and affordable;
  - 52.3.4 Absence of sound credit control policies;
  - 52.3.5 Lack of consistency in the implementation of credit control policies; and
  - 52.3.6 Political interference in the implementation of credit control policies.
- 52.4 NT attributed the most common reasons for municipal failures to the following factors:
- 52.4.1 Adoption of unfunded budgets by councils. Out of 20 municipalities, ten (10) adopted unfunded budgets in the 2021/2022 financial year.
  - 52.4.2 Unrealistic revenue projections that are not aligned and reconciled to the customer base or established consumption patterns and levels for the different categories of customers.
  - 52.4.3 Lack of review of valuation roll and compilation of annual supplementary valuation rolls.
  - 52.4.4 Failure to resolve objections and valuation appeals without unnecessary delays.
  - 52.4.5 Failure to follow up newly issued occupation certificated with opening consumer accounts on the financial system.
  - 52.4.6 Inadequate reconciliation of meter registers that are maintained in the Infrastructure Directorate with the meters in the billing system.
  - 52.4.7 Lack of regular reconciliation between the information included in the GIS system, the Deeds Registry and the financial billing system.
  - 52.4.8 Lack of regular updating of the billing system with new subdivisions and consolidation of the properties and changes in zoning and usage of properties.
- 52.5 On what is required from all actors involved with local municipalities to improve the financial health of local municipalities in Mpumalanga, NT submitted that DoE, COGTA and DWS are key sector departments in the improvement of the financial health of local municipalities. NT stated that there is a significant challenge concerning water and electricity losses which increases the cost of provision and reduces the volume of water and electricity that a municipality can sell. Furthermore, the sector departments need to work together with the municipalities to reduce wastage in the distribution of services. NT also indicated that the maintenance of the existing infrastructure is also critical.

- 52.6 On measures and interventions, it has undertaken in the last three (3) financial years to assist or support municipalities in addressing their financial challenges, NT submitted that it has worked closely with the PT, provincial COGTA, the national COGTA and SALGA to improve collaboration around financial recovery plan implementation to ensure that provincial support packages are aligned and implemented with any recovery initiative underway. Further, local municipalities have sufficient capacity to fulfil their financial responsibilities however, there is undue reliance on consultants as in 2019/2020, the local municipalities in Mpumalanga spent over sixty-four million rands (R64 000 000) on financial reporting although such reporting is a core responsibility of the municipal finance units. Furthermore, in 2021, NT reviewed the system of capacity building for local government as part of a wider project to improve state capacity.
- 52.7 On whether the measures and interventions addressed the financial challenges faced by the local municipalities, NT stated that some of the key challenges that prompt interventions in municipalities include failure by the municipalities to pay creditors as and when due, including major bulk suppliers such as Eskom and the Water Boards; the adoption of unfunded budgets by the municipal councils; significant water and electricity distribution losses; poor infrastructure maintenance and inadequate oversight and lack of appropriate consequence management. Further, it had to force municipalities whose budgets are not funded to develop funding plans and for the province to assist the municipalities in developing financial recovery plans that focus on various municipal failures in the areas of financial governance, financial health, institutional arrangement challenges in service delivery however the main challenge is that the financial recovery plan has to be implemented by the same municipal officials who have initially failed to fulfil their responsibilities, further, if there is no commitment and capacity amongst the municipal staff, the province it will be difficult for the province to successfully intervene in any given municipality.
- 52.8 NT stated that various reasons are contributing to the failure of its interventions. The reasons include:
- 52.8.1 The province does not always invoke the correct type of intervention as there are specific criteria in sections 138 and 140 of the MFMA which specify the intervention to invoke in case of financial problems and crises.
- 52.8.2 Reluctancy of provincial executives to dissolve municipal councils and appoint an administrator in the event the municipal council have contributed to the failure.



- 52.8.3 Provincial Executives' failure to heed the advice of the Provincial Treasuries for political reasons.
- 52.9 NT further indicated that for its interventions to be successful the following is required:
  - 52.9.1 Political buy-in.
  - 52.9.2 Commitment to increase revenue collection and at the same time implement cost curtailment measures.
  - 52.9.3 Where there is an FRP in place, there must be synchronisation of all support and other initiatives to address failure, further, support plans must align with the objectives of the FRP.
  - 52.9.4 Instil consequence management which should include that the FRP be part of the performance agreement of the administration and the scorecard of the municipal council.
  - 52.9.5 Implementation of section 216 of the Constitution where there is persistent non-compliance with provisions of the MFMA.

## **CHAPTER 3: ANALYSIS OF LEGAL FRAMEWORK AND SUBMISSIONS; FINDINGS AND DIRECTIVES**

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Although many municipalities in the province have raised lack of resources as a ground for their inability to provide services to communities, international and regional legal instruments provide guidelines that still enjoins governments to provide basic services and foster development progressively despite their resource challenges.

### **3.1. LEGAL FRAMEWORK**

The implementation of socio-economic rights is subject to the qualifications of 'availability of resources' and/or 'progressive realisation', contained in both the International Covenant on Economic, Social and Cultural Rights (CESCR).<sup>91</sup> Equally, the Constitution of South Africa enjoins municipalities to ensure the realisation of the socio-economic rights of communities.<sup>92</sup> These qualifications should not be used by states to fail or delay implementation if they do not

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<sup>91</sup> International Convention on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (XXI). In General Comment No. 3, the CESCR emphasised that even where the available resources are demonstrably inadequate, the obligation remains for a state to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. Also, chapter 2 of the South Constitution enjoins the state to promote, respect, monitor and ensure the progressive realisation of human rights subject to availability of resource.

<sup>92</sup> Section 27, read with other pieces of national legislation.

properly understand the meaning of the limitations. Importantly, the Constitutional Court of South Africa has endorsed the CESCR's understanding of the phrases 'progressive realisation' and 'availability of resource'. Accordingly, a state cannot escape the obligation to adopt a plan of action on the grounds that the necessary resources are not available.<sup>93</sup>

## **A. The Constitution of the Republic of South Africa and National Legislation**

### **The Constitution**

1. Section 10 provides that everyone has inherent dignity and to have their dignity respected and protected.
2. Section 24 provides that:
  - (a) everyone has the right to an environment that is not harmful to their health or well-being; and
  - (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
    - (i) prevent pollution and ecological degradation;
    - (ii) promote conservation; and
    - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
3. Section 27(1)(b) provides that everyone has a right to have access to food and water. Section 27(2) provides that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of [each of these rights.
4. Section 139 confers powers and places an obligation on the provincial government to intervene in local government. The section provides that:
  - (1) "When a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including-

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<sup>93</sup> CESCR, General Comment No. 11, para 9.

- (a) issuing a directive to the Municipal Council, describing the extent of failure to fulfil its obligations and stating any steps required to meet its obligations;
- (b) assuming responsibility for the relevant obligation in that municipality to the extent necessary to:
  - (i) maintain essential national standards or meet established minimum standards for the rendering of a service;
  - (ii) prevent that Municipal Council from taking unreasonable action that is prejudicial to the interests of another municipality or to the province as a whole;
  - (iii) maintain economic unity; or
- (c) dissolving the Municipal Council and appointing an administrator until a newly elected Municipal Council has been declared elected if exceptional circumstances warrant such a step.”

5. Section 152 of the Constitution outlines the objectives of local government. This section provides that:

- (1) The objects of local government are:
  - (a) To provide democratic and accountable government for local municipalities;
  - (b) To ensure the provision of services to communities in a sustainable manner;
  - (c) To promote social and economic development;
  - (d) To promote a safety and healthy environment; and
  - (e) To encourage the involvement of communities and community organisations in matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects as set out in subsection (1).

6. Section 153 provides that:

- (a) “A municipality must structure and manage its administration and budgeting and planning processes to give effect to the basic needs of the community, and to promote the social and economic development of the community.

7. Section 154 of the Constitution provides as follows:

- (1) The national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and perform their functions.
8. Section 195 of the Constitution provides the basic values and principles governing the public administration in every sphere of government, organs of state and public enterprises. This section stipulates that:
- (1) Public administrations must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:
- (a) A high standard of professional ethics must be promoted and maintained.
  - (b) Efficient, economic and effective use of resources must be promoted.
  - (c) Public administration must be development-oriented.
  - (d) Services must be provided impartially, fairly, equitably, and without bias.
  - (e) People's needs must be responded to, and the public must be encouraged to participate in policy-making.
  - (f) Public administration must be accountable.
  - (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
  - (h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated.
  - (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

## **National Legislation**

### **The Water Services Act, 108 of 1997 ("WSA")**

9. Section 3 provides as follows:
- (1) Everyone has a right to access to basic water supply and basic sanitation.

- (2) Every water services institution must take reasonable measures to realise these rights.
  - (3) Every water services authority must, in its water services development plan, provide for measures to realise these rights.
- 10. Section 11 deals with the duty of water services authorities to provide access to water. This section states as follows:
  - (1) “Every water services authority has a duty to all customers or potential customers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to water services.
  - (2) The duty is subject to:
    - (a) The availability of resources;
    - (b) The need for an equitable allocation of resources to all customers and potential customers within the authority’s area of jurisdiction;
    - (c) The need to regulate access to water services in an equitable way;
    - (d) The duty of customers to pay reasonable charges, which must be in accordance with any prescribed norms and standards for tariffs for water services;
    - (e) The duty to conserve water resources;
    - (f) The nature, topography, zoning and situation of the land in question; and
    - (g) The right of the relevant water services authority to limit or discontinue the provision of services if there is a failure to comply with reasonable conditions set for the provision of such services.
- 11. Section 6 provides that: “a water services authority may impose reasonable limitations on the use of water services”.
- 12. Section 12 provides as follows:
  - (1) Every water services authority must, within one year after the commencement of this Act-
    - (a) as part of the process of preparing any integrated development plan in terms of the Local Government Transition Act, 1993; or
    - (b) separately, if no process contemplated in paragraph (a) has been initiated, prepare – (i) a draft water services development plan for its area of jurisdiction; and (ii) a summary of that plan.

13. Section 15(5) provides that: “a water services development plan must form part of any integrated development plan in the Local Government Transition Act, 1993.”
14. Section 16 provides that “a water authority must prepare and adopt a new development plan at intervals determined by the Minister in consultation with the Minister...”
15. Section 18(1) provides that: “a water services authority must report on the implementation of its development plan during each financial year”.

### **The National Water Act, 36 Of 1998 (“NWA”)**

16. Section 19 of this Act, provides as follows:
  - (1) An owner of a land, a person in control of land or a person who occupies or uses the land on which –
    - (a) any activity or process is or was performed or under; or
    - (b) any other situation exists, which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.

### **National Environmental Management Act, 107 of 1998 (“NEMA”)**

17. Section 28(1) provides that there is a duty of care of the environment by every person. This section indicated that: “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.
18. Section 28(3) provides that the measures required in terms of subsection (1) may include measures to:
  - (a) investigate, assess and evaluate the impact on the environment;
  - (b) inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing significant pollution or degradation of the environment;

- (c) cease, modify or control any act, activity or process causing the pollution or degradation;
- (d) contain or prevent the movement of pollutants or the cause of degradation;
- (e) eliminate any source of pollution or degradation; or
- (f) remedy the effects of pollution or degradation.

## **The Municipal Systems Act, 32 of 2000 (“MSA”)**

19. Section 6 of this Act provides that:
  - (1) A municipality’s administration is governed by the democratic values and principles embodied in section 195(1) of the Constitution.
  - (2) The administration of a municipality must-
    - (a) be responsive to the needs of the local community;
    - (b) facilitate a culture of public service and accountability amongst staff;
    - (c) take measures to prevent corruption;
    - (d) establish clear relationships, and facilitate cooperation and communication, between it and the local community;
    - (e) give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive; and
    - (f) inform the local community how the municipality is managed, of the costs involved and the persons in charge.
  
20. Section 42 of this Act points out the significance of community involvement in municipal affairs. It provides that: “a municipality, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, must involve the local community in the development, implementation and review of the municipality’s performance management system, and, in particular, allow the community to participate in setting of appropriate key performance indicators and performance targets for the municipality.
  
21. In terms of section 73(1) of this Act municipalities are required to give effect to the provisions of the Constitution and to:
  - (a) give priority to the basic needs of the local community;
  - (b) promote the development of the local community; and

- (c) ensure that all members of the local community have access to at least the minimum level of basic municipal services.

22. Section 73(2) stipulates that municipal services must-

- (a) be equitable and accessible;
- (b) be provided in a manner that is conducive to the prudent, economic, efficient and effective use of available resources and the improvement of standards of quality over time;
- (c) be financially sustainable;
- (d) be environmentally sustainable; and
- (e) be regularly reviewed with a view to upgrading, extension and improvement.

### **Regulations issued in terms of the WSA**

23. GNR509 of 8 June 2001 (Compulsory Water Standards) provides that the minimum standard for basic water supply-

- (a) the provision of appropriate education in respect of effective water use; and
- (b) a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness such that no consumer is without a supply for more than seven fill days in any year.

### **Case law**

#### **(a) Mazibuko and Others v City of Johannesburg and Others 2010 (4) SA 1 CC**

The Court in this case dealt in this case with the sufficiency of free basic water, which is a component of the element of availability as well as accessibility of water in terms of non-discrimination.<sup>94</sup> The Court considered adequate public consultation in determining the reasonableness of pre-paid water meters and the City of Johannesburg's free basic water policy and alluded to the fact that the Constitution envisages that legislative and other measures are the primary instrument for achievement of social and economic rights.<sup>95</sup> Further

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<sup>94</sup> In General Comment No. 15, the CESCR defined availability to mean that water supply for each person must be sufficient and continuous for personal and domestic uses, and identified non-discrimination as one of the dimensions of accessibility. See CESCR, General Comment No. 15, para 12.

<sup>95</sup> Paragraph 65.



that progressive realisation requires that access be continuously broadened and policy measures should be flexible and reasonable. The Court stated further that '[a] policy that is set in stone and never revisited is unlikely to be a policy that will result in the progressive realisation of rights consistently with the obligations imposed by the social and economic rights in our Constitution.<sup>96</sup> Though not endorsing the minimum core obligations approach of the CESCR, did state that it will be reasonable for municipalities and provinces to strive first to achieve the prescribed minimum standard then proceed to provide beyond this standard for those to whom the minimum is already being supplied.<sup>97</sup> Municipalities in the province have generally failed to demonstrate meaningful and continual revision of their policies for purposes of meeting constitutional standard of reasonableness.

**(b) Eskom Holdings SOC Ltd v Vaal River Development Association (Pty) Ltd and others 2023 (4) SA 325 CC**

The Court in this case held that the supply of electricity is "*inexorably bound up*" with several rights in the Constitution, such as the right to life and the right to dignity, that substantial reduction of electricity supply by Eskom violated several rights of the Bill of Rights.<sup>98</sup> The Court cautiously noted that a single action of substantial reduction in the electricity supply has had an adverse effect on the treatment of sewage. As a result, raw faecal matter flows into the Vaal River, with dire consequences for the environment, health of the residents and the provision of potable water.

Poor management and servicing of the Eskom debt and electricity infrastructure by municipalities have contributed immensely to poor service delivery and violations of many constitutionally enshrined rights of communities.

### **3.2. ANALYSIS OF SUBMISSIONS**

From the submissions received during the cause of this investigative inquiry, and supported by evidence by means of site inspections, it is apparent that a number of local municipalities in Mpumalanga are confronted with similar challenges, some of which have become systemic over the years. The systemic challenges are summarised below as follows:

24. **Non-collection of revenue.** Whilst the Commission is not oblivious to the high unemployment rates and poverty in South Africa, and further that the impact of COVID-19 has had devastating effects on people's lives on all fronts, the submissions

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<sup>96</sup> Mazibuko, para 162.

<sup>97</sup> Mazibuko, para 76.

<sup>98</sup> Eskom, para 115.

revealed that the trend of non-collection of revenue has been ongoing for a long time, and precedes the advent of covid-19. Section 5(2)(b) of the MSA provides that members of the local community have the duty to pay promptly service fees, surcharges on fees, rates on property and other taxes, levies and duties imposed by the municipality. The submissions have further pointed to the fact that little has been done by the local municipalities to enforce payment of services by eligible customers/residents. At the same time, the apprehension of residents to pay revenue to the municipality is read within the context of the dire state of non-delivery of services. Consequently, the local municipalities become heavily reliant on grants from the government. Only recently, some municipalities reverted to data cleansing to enhance the collection, and some have developed revenue collection strategies.

25. **Lack of access to water.** The municipalities conceded that there are areas which do not have water in their respective jurisdictions. This was supported by SALGA in their written submissions where the number of areas without water since the advent of democracy are listed. Whilst the Commission acknowledges that section 27(2) provides for the progressive realisation of water rights, the backlog in access to water is huge. Whilst the Commission is also aware that water is a scarce resource and water shortages are a nationwide phenomenon, it is worth noting that the local municipalities have high distribution water losses, fails to adequately maintain the water infrastructure, lack storage facilities, fail to properly bill eligible residents for this service to generate revenue and lack strategies to attend to water illegal connections. Residents are therefore not provided with basic water in line with Compulsory National Water Standards.<sup>99</sup>
26. **Planning and evaluation by the local municipalities is premised on old statistics.** The municipalities are relying on statistics dating as far back as 2011 and 2016. It is a common fact the population of South Africa has grown significantly since 2011 and 2016 therefore the reliance on old statistics may render the planning ineffective and inefficient.
27. **Lack of prioritisation of waste/refuse collection.** All the municipalities conceded in their submissions that there is still a backlog in so far as waste collection is concerned. This was also witnessed by the Commission's staff in the course of the site inspections where litter could be observed in the streets and illegal dumping sites were formed as a result. In the written submissions, SALGA indicated that the backlog for this service is 37.7% in GSDM, 41.6% in NDM and 55.6% in EDM. Waste removal

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<sup>99</sup> Section 3.

is by far the highest in terms of backlog in the provision of services with rural communities not having access to it at all. Non-collection of waste is detrimental and poses a health hazard to both human and animal health.

28. **Poor maintenance of infrastructure.** All the local municipalities conceded that their infrastructure has aged, and some are not well maintained. The infrastructure referred to herein is not limited to water and wastewater infrastructure but extends to electricity infrastructure. This is evidenced by the frequency of pipe bursts, sewage spillages and power outages. Whilst municipalities receive grants from the government and support from COGTA, district municipalities and other entities, this challenge seems too far from being adequately attended to.
29. **Outdated water services development plans.** As alluded to above, water services authorities have a duty in terms of section 12 of the WSA to prepare and update water services development plans. This plan should provide essential information such as the physical attributes of the area; the size of the distribution of the population; future provision of water services and water for industrial use and the future disposal of industrial effluent; the proposed infrastructure necessary; the number and location of persons to whom water services cannot be provided within the next five years and the reasons thereof and the time frame within which it may reasonably expect that a basic water supply and basic sanitation will be provided to those persons.<sup>100</sup> It goes without saying that a municipality with an updated water services development plan that is adhered to will be in a position to plan effectively for water services and be able to identify threats timeously. The submissions made before the inquiry revealed that some local municipalities, who serve as water services authorities, do not have updated plans and thus struggle with water provision.
30. **Huge Eskom debts.** ELM, EMLM, LLM, DLM, TCLM, and VKLM are the leading municipalities so far as indebtedness to Eskom is concerned. There is a direct link between the lack of collection of revenue and the high Eskom debts. There is also a link between the high wasteful expenditures by local municipalities and Eskom debts. In addition, communities are subjected to load reduction by the municipalities who often find themselves in a position of not being able to provide electricity adequately.

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<sup>100</sup> Section 13 of the WSA details the contents of a draft water services development plan.

31. **High vacancy rates in management and technical services units.** The submissions have revealed that managers in senior management are in acting roles and appointments are not done as soon as reasonably possible. This undoubtedly brings about instability in a municipality. Further technical services units also lack human capacity and the expertise to execute their duties.
32. **Excessive unauthorised, irregular, wasteful and fruitless expenditures.** The municipalities have conceded that they have been confronted with unauthorised and irregular expenditure as a result of electricity and water debts. It also came out during the inquiry that little is done to hold officials accountable for wasteful and fruitless expenditures.
33. **The over-reliance on consultants and shoddy workmanship.** There are municipalities which still rely on consultants for the compilation of financial statements. Municipalities spend exorbitant amounts of money on this service whilst they have internal personnel who have been hired for this function. It has appeared that financial units within the local municipalities lack the necessary expertise to deliver on their work. Poor workmanship also extends to contractors who often do shoddy work and still claim payment thereafter. What is of concern to the Commission is that there are no records that municipalities hold consultants and contractors accountable for poor workmanship, despite them having lost huge amounts of money in the process.
34. **Invasion of land.** This is becoming a concern to the Commission. Whilst municipalities have attributed some of the challenges of service delivery to the invasion of land and the mushrooming of informal settlements, it is apparent that municipalities are not proactive in land allocation and lack strategies to adequately address the challenge. Furthermore, there is a poor working relationship with tribal authorities. In many instances, tribal authorities allocate land in contravention of provisions such as SPLUMA, in that the land they allocate is land that would have been earmarked for other services to the detriment of the residents.

### 3.3. FINDINGS AND DIRECTIVES

The findings below are made with due consideration to the written submissions, oral evidence and observations made during site inspections in the respective municipalities.

### **3.3.1. FINDINGS AGAINST NKOMAZI LOCAL MUNICIPALITY**

35. Whereas the Municipal Manager of NLM, Mr Ngwenya told the inquiry that all is well in his municipality save for four challenges i.e., poor state of roads, theft of cables, illegal connections and mushrooming of informal settlements, the Commission has found that there is lack access to water in the rural areas and the farms within the jurisdiction of this municipality. The situation is dire in Dludluma, Driekoppies where residents are not provided with water for weeks and months and consequently resort to buying water due to the lack of provision of alternative means by NLM to augment the water challenges. The submission by Mr Ngwenya to the effect that rural areas in the municipality are provided with water twice or three times a week is found to be untrue. It was uncovered that rural areas in NLM are the most affected in terms of access to water. NLM is therefore in violation of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water. Furthermore, NLM is found to violate section 3(2) and section 11 of the WSA.
36. Sewage spillages in Komatipoort (especially in the Transnet offices) and Malelane have been taking place for many years. Although there are measures to address these challenges, the implementation thereof is gradual. NLM violates section 24(b) and section 152(d) of the Constitution and section 28 of NEMA for failing to adequately address the sewage spillages in Komatipoort and Malelane following the investigative report issued in 2019 against the municipality.
37. Waste collection in this municipality is not prioritised and is only enjoyed by residents of certain areas. There are no means by the municipality to alleviate this challenge, especially in rural areas.
38. As per National Treasury submissions, NLM spent its operating budget way above the acceptable norms of between 25%-40%. In 2021, this municipality spent 42.5% of its operations on wages and salaries.
39. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.2. DIRECTIVES AGAINST NKOMAZI LOCAL MUNICIPALITY**

40. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year, particularly to the residents of Dlodluma, Driekoppies, Bhodla, Mabonzeni in Mbuzini, Naas and Mananga.
41. Within ninety (90) days of this report submit a detailed plan on how it plans to deal with the illegal connection into the bulk water infrastructure within its jurisdiction that contributes immensely to water scarcity in Dlodluma and Driekoppies.
42. Within ninety (90) days of this report, provide a progress report on the sewage plant projects in Malelane and Komatipoort and the anticipated date of finalisation of the said projects.
43. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.
44. Within ninety (90) days of this report, submit reasons for non-compliance with acceptable norms on wages and salaries and a detailed plan on how the municipality plans to avoid this from recurring.
45. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.3. FINDINGS AGAINST GOVAN MBEKI LOCAL MUNICIPALITY**

46. The Commission finds GMLM to be in contravention of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA for failing to adequately address the chronic sewage spillages in its jurisdiction due to dysfunctional WWTWs. GSDM told the inquiry that out of the six (6) WWTW in GMLM, three (3) are dysfunctional. Sewage spillages were observed in various areas of the municipality on the day of the inspection. The municipality has dismally failed to contain the sewage spillages following the investigative report issued against it in 2019.
47. There is a lack of prioritisation of waste management in this municipality. Litter and informal dumping sites were witnessed on the day of the inspection. The Acting Municipal Manager, Ms Tshabalala conceded during the inquiry that the landfills of the municipality are not up to the required standard as they are simply quarry sites. The Commission finds that GMLM is in contravention of section 24 of the Constitution.
48. The Commission finds that GMLM subjects its residents to prolonged hours of power outages, outside loadshedding hours. The power outages have a detrimental effect on the provision of services and businesses. The Commission acknowledges that this is a result of an exorbitant Eskom debt, which is a subject of a dispute in court.
49. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.4. DIRECTIVES AGAINST GOVAN MBEKI LOCAL MUNICIPALITY**

50. Within ninety (90) days of this report, provide progress on its sanitation projects particularly those aimed at addressing the sewage spillages in the jurisdiction of the municipality and the anticipated dates of finalisation of the said projects.
51. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to

the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.

52. The Commission will not make a directive on the electricity crisis in GMLM as the matter is *sub judice*.
53. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.5. FINDINGS AGAINST THEMBISILE HANI LOCAL MUNICIPALITY**

54. From the submissions, it is evident that there are serious water challenges in this municipality. Whilst the Commission acknowledges the current projects meant to address this challenge, the alternatives for waste provision and that the municipality does not have a water source, the Commission finds that water is commodified whereby water is sold to residents. The continued lack of access to water therefore violates the residents' rights in terms of 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water. Furthermore, THLM is found to be in violation of section 3(2) and section 11 of the WSA.
55. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.
56. Waste management is not prioritised. THLM fails to collect refuse as per the known schedules. Illegal dumping sites thrive as a result of non-collection of refuse in violation of residents to a clean environment as embodied in section 24(b) of the Constitution.

### **3.3.6. DIRECTIVES AGAINST THEMBISILE HANI LOCAL MUNICIPALITY**

57. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no



resident is without a supply for more than seven full days in any year. Furthermore, the municipality is directed to provide the Commission with a detailed progress report of its water projects within its municipality.

58. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.
59. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.7. FINDINGS AGAINST LEKWA LOCAL MUNICIPALITY**

60. Sewage spillages with LLM have been chronic and pose a serious health and safety hazard to the residents of the municipality. There is little progress made by LLM in the implementation of the recommendations made by the Commission in the 2019 sewage spillages report. This municipality is in violation of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA. The WWTW of the municipality are overloaded and do not comply with the required standards.
61. Lack of access to water is a challenge in LLM. Over and above the observations made by the Commission during the inquiry, the Commission continues to receive complaints even after the inquiry on prolonged water outages in Ward 5, extension 2 and Ward 13 where residents are not provided with water for months and no alternatives are considered by the municipality to alleviate the situation. The municipality is therefore in contravention of the provisions of the Constitution, particularly sections 27(1)(b) and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water.
62. Large quantities of water are lost through water leaks that are left unattended by the municipality, in violation of sub regulation 12 of the Regulations relating to compulsory national standards and measures to conserve water.

63. The quality of potable water provided by the municipality is compromised as it is contaminated.
64. There is a serious challenge to electricity supply in areas within the municipality as residents are subjected to power outages outside load-shedding periods. The consistent power outages not only affect the lives of ordinary residents but also have a severe impact on businesses that cannot function optimally. The electricity challenge also affects the provision of services such as water and sanitation.
65. Waste management is not prioritised. LLM fails to collect refuse as per the known schedules. Illegal dumping sites thrive as a result of non-collection of refuse in violation of residents to a clean environment as embodied in section 24(b) of the Constitution.
66. The roads in Standerton Town are in a dire state.
67. Excessive amounts of money are lost through irregular expenditure with no consequence management to the implicated employees. The municipality has also regressed in its audit outcomes as per the AG's findings.
68. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.8. DIRECTIVES AGAINST LEKWA LOCAL MUNICIPALITY**

69. Within ninety (90) days of this report, provide progress on its sanitation projects particularly those aimed at addressing the sewage spillages in the jurisdiction of the municipality and the anticipated dates of finalisation of the said projects.
70. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.

Furthermore, the municipality is directed to provide the Commission with a detailed progress report of its water projects.

71. Within ninety (90) days of this report submit a comprehensive council-approved plan on how it plans to minimise the water leakages within its jurisdiction.
72. Within ninety (90) days of this report, LLM indicates how often the quality of potable water is tested and submits to the Commission water results for the past twelve (12) months of the said tests.
73. Within ninety (90) days of this report submit a comprehensive council-approved plan on how it plans to deal with the electricity crisis in the jurisdiction of the municipality.
74. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.
75. Within ninety (90) days of this report submit a report on which roads with severe potholes in Standerton are under the municipal jurisdiction and a plan to address such roads.
76. That the municipal officials who are responsible for the high unauthorised, irregular, fruitless and wasteful expenditure be held accountable.
77. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.9. FINDINGS AGAINST EMALAHLENI LOCAL MUNICIPALITY**

78. ELM is found to be in violation of the provisions of the Constitution, particularly sections 27(1)(b) and sub regulations 3 and 4 of the regulations relating to

compulsory national standards and measures to conserve water for failing to provide water to residents.

79. The municipality is found to be in contravention of section 152 (e) of the Constitution and section 6(2)(a)(b) and(d) of the MSA by failing to engage the community of Phola Township in addressing their service delivery issues. The representative of the settlement told the inquiry that the residents are willing to pay for services, however, the municipality refuses to engage with them following several requests from the community members.
80. Land invasion in the municipality is rife, resulting in several informal settlements which are not catered for in the long run.
81. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.
82. The roads are in a dire state.

### **3.3.10. DIRECTIVES AGAINST EMALAHLENI LOCAL MUNICIPALITY**

83. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year. Furthermore, the municipality is directed to provide the Commission with a detailed progress report of its water projects within its municipality.
84. ELM is directed to engage, in good faith, with the residents of Phola Town regarding their service delivery challenges.
85. ELM is directed to submit a detailed report to the Commission within thirty (30) days of this report on its plans and/or strategies to address land invasion within the municipality.

86. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.
87. Within ninety (90) days this report submits a report indicating which road falls within the municipality's competency and plans to refurbish them.

#### **3.3.11. FINDINGS AGAINST MSUKALIGWA LOCAL MUNICIPALITY**

88. Sewage spillages have been chronic for several years and pose a serious health and safety hazard to the residents of the municipality. Four (4) of the six (6) WWTWs are dysfunctional as reported by GSDM. This municipality is in violation of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA. The WWTW of the municipality are dysfunctional and so are a number of pump stations.
89. MLM is failing to manage its finances.
90. The roads are in a dire state.
91. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

#### **3.3.12. DIRECTIVES AGAINST MSUKALIGWA LOCAL MUNICIPALITY**

92. Within ninety (90) days of this report, provide progress on its sanitation projects particularly those aimed at addressing the sewage spillages in the jurisdiction of the municipality and the anticipated dates of finalisation of the said projects.
93. That the municipal officials who are responsible for the high unauthorised, irregular, fruitless and wasteful expenditure be held accountable.
94. Within ninety (90) days this report submits a report indicating which roads fall within the municipality's competence and plans to refurbish them.

95. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.13. FINDINGS AGAINST THABA CHWEU LOCAL MUNICIPALITY**

96. Whereas the Municipal Manager, Ms Matsi scored the performance of her municipality 75%, the Commission finds that TCLM is dysfunctional and fails to manage its own affairs and dismally fails to provide service delivery to residents as mandated by section 152 of the Constitution.
97. Sewage spillages with TCLM, particularly in Mashishing, have been chronic for several years and pose a serious health and safety hazard to the residents of the municipality. This municipality is in violation of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA. The WWTW of the municipality are dysfunctional and so are several pump stations. This results in pollution of nearby rivers.
98. Sanitation projects are abandoned by contractors with no consequences to the contractors and the managers tasked with overseeing the projects.
99. Although the Commission notes current projects aimed at refurbishing roads within the municipality, most of the roads are in a bad state.
100. There is a lack of consequence management.
101. Theft and vandalization of municipal infrastructure are rife and hinder service delivery.
102. The municipality is found to be in contravention of section 152 (e) of the Constitution and section 6(2)(a)(b) and(d) of the Municipal Systems Act by refusing to engage representatives of MCCA in addressing their service delivery issues. The representative of the settlement told the inquiry that the residents are willing to pay for services, however, the municipality refuses to engage with them following several requests from the community members.

103. Waste management is not prioritised. TCLM fails to collect refuse as per the known schedules in violation of residents' right to a clean environment as embodied in section 24(b) of the Constitution.
104. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.14. DIRECTIVES AGAINST THABA CHWEU LOCAL MUNICIPALITY**

105. Within ninety (90) days of this report, provide progress on its sanitation projects particularly those aimed at addressing the sewage spillages in the jurisdiction of the municipality and the anticipated dates of finalisation of the said projects.
106. Within ninety (90) days of this report, provide a report on the reasons projects are abandoned and the action or intended action against the contractors who have abandoned the municipality's projects.
107. Within ninety (90) days this report submits a report indicating which roads fall within the municipality's competency and jurisdiction and what are the plans to refurbish them.
108. The officials who are implicated in unauthorised, irregular, fruitless and wasteful expenditures are subjected to disciplinary procedures including criminal prosecution, where applicable.
109. Within ninety (90) days of this report, provide a report on the plans to address theft and vandalism of the municipal infrastructure.
110. TCLM is directed to engage, in good faith, with the residents of MCCA and other structures and residents regarding service delivery challenges.
111. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.

112. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.15. FINDINGS AGAINST CITY OF MBOMBELA**

113. There are challenges in so far as water provision is concerned. CoM is in violation of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water. Residents at eMjindini are the most affected.
114. Several settlements are formed as a result of land invasion. CoM is not proactive in land management and tackling the issue of invasion of land.
115. Service delivery in general in Barberton is deteriorating. The town experiences regular sewage spillages in various areas of the town, although some are attended to, the sewer spillages in Ext 11 have been left unattended for a while.
116. The collection of waste is not prioritised in CoM, except for Mbombela town.
117. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.16. DIRECTIVES AGAINST CITY OF MBOMBELA**

118. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.
119. CoM is directed to submit a detailed report to the Commission within thirty (30) days of this report on its plans and/or strategies to address land invasion within the municipality.



120. CoM is directed to submit a detailed report to the Commission within thirty (30) days of this report on its plans to address the sewage spillages in Barberton.
121. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.
122. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.17. FINDINGS AGAINST BUSHBUCKRIDGE LOCAL MUNICIPALITY**

123. There are challenges so far as water provision is concerned. Access to water remains in crisis in Xanthia and Burlington where residents have not received water for months. BLM is therefore in violation of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water.
124. In its own concession, BLM admitted that there is high irregular expenditure due to non-compliance with supply chain prescripts.
125. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.
126. As per National Treasury submissions, BLM spent its operating budget way above the acceptable norms of between 25%-40%. In 2021, this municipality spent 45.1% of its operations on wages and salaries.

### **3.3.18. DIRECTIVES AGAINST BUSHBUCKRIDGE LOCAL MUNICIPALITY**

127. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations

relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.

128. That the municipal officials who are responsible for the high unauthorised, irregular, fruitless and wasteful expenditure be held accountable.
129. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.
130. Within ninety (90) days of this report, submit reasons for non-compliance with acceptable norms on wages and salaries and a detailed plan on how the municipality plans to avoid this from recurring.

#### **3.3.19. FINDINGS AGAINST MKHONDO LOCAL MUNICIPALITY**

131. MkLM conceded that its infrastructure has aged with its WTW last upgraded in 2005. Further that the water pipes, some of which are made of asbestos, constantly burst resulting in unreliable water supply. The municipality is therefore found to be in violation of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water.
132. Although MkLM testified during the inquiry that farming communities are the most catered for in terms of water provision, it was found that residents in Pampoenkraal and Emmahashini do not have access to water and resort to accessing water from nearby streams.
133. Part of the challenges are attributed to the master plans of the municipality which are not updated.
134. MkLM admitted that revenue collection is a challenge.

135. Like in all the municipalities in the Mpumalanga Province, MkLM does not prioritise waste collection to the detriment of the health of human and animal lives within its jurisdiction.
136. By its own concession, in MkLM there are electricity supply challenges resulting from a high Eskom debt which the municipality failed to service as per the settlement agreement it entered with Eskom. The challenge impacts not only on residents but also on businesses. The municipality has failed to attend to electricity challenges in Piet Retief, Van Brandis Street which have been happening for some time.
137. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.20. DIRECTIVES AGAINST MKHONDO LOCAL MUNICIPALITY**

138. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.
139. MkLM is directed to update its master plans and provide the Commission with proof thereof.
140. Within ninety (90) days of this report advise the Commission of its plans to enhance revenue collection to adequately deliver services and service the Eskom debt.
141. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.

142. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.21. FINDINGS AGAINST EMAKHAZENI LOCAL MUNICIPALITY**

143. ELM admitted there WTW in its jurisdiction falls short of meeting the required demand. The infrastructure of the municipality has aged, resulting in effective service delivery.
144. There is a high vacancy rate of critical positions resulting in ineffective service delivery.
145. There is high revenue loss due lack of revenue collection and tempering of meters.
146. There are frequent power outages resulting from the overload of the electricity network and the tempering of meters.
147. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.22. DIRECTIVES AGAINST EMAKHAZENI LOCAL MUNICIPALITY**

148. Within ninety (90) days of this report, submit a detailed council-approved plan on the municipality's plan to eradicate the aged infrastructure.
149. Within ninety (90) days of this report, the municipality is directed to provide the Commission with a report on the progress of filling of the critical posts, the report should also indicate how many of the critical posts are still vacant, the reasons thereof and anticipated dates of filling the vacancies.
150. Within ninety (90) days of this report submit a comprehensive council-approved plan on its plans to enhance revenue collection.

151. Within ninety (90) days of this report submit a comprehensive council-approved plan on its plans to deal with the electricity illegal connections within its jurisdiction.
152. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.23. FINDINGS AGAINST CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY**

153. CALLM admitted that there is a significant backlog in water provision and further that the quality of water supplied by the municipality is non-compliant with the required standards. The site inspections by the Commission also revealed that there are challenges to water provision in Mayflower, Lochiel, Tjakastad, Nhlazatje, and Badplaas. The quality of water was also found not to be of the required standards. The municipality is therefore in breach of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water.
154. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.
155. Like in all other local municipalities in Mpumalanga, there is a lack of prioritisation of refuse removal resulting in the violation of residents' right to a clean environment.

### **3.3.24. DIRECTIVES AGAINST CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY**

156. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.

157. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.
158. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.25. FINDINGS AGAINST DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY**

159. There is a critical backlog in the provision of water and sanitation in this municipality. The municipality is found to be in contravention of sections 27 of the Constitution, and 2 and 3 of the regulations relating to compulsory national standards and measures to conserve water.
160. The WWTWs in DPKISLM are non-compliant with the required standards as four (4) out of the five (5) WWTWs are dysfunctional as reported by GSDM.
161. As per its own admission, the municipality has a huge debtor's book and low revenue due to inaccurate billing. The municipality is found to be in contravention of section 96 the Municipal Systems Act. This renders the municipality over-reliant on government grants.
162. The DPKISLM further admitted that the current structure of the municipality is not fit for purpose as there is a gap of skilled personnel.
163. The municipality is found to be in contravention of 12, 14, 15 and 16 of the Water Services Act for failing to update its water services development plan since 2014. The Commission finds that this contributes significantly to the water challenges faced by the municipality as there is no clear plan in place for water services.
164. There is an electricity challenge in Emadrayini, in Wakkerstroom where the area has not been electrified since 2016 without valid reasons and despite power passing through the village to supply electricity to nearby areas.

165. Like in all other local municipalities in Mpumalanga, there is a lack of prioritisation of refuse removal resulting in the violation of residents' right to a clean environment.
166. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.26. DIRECTIVES AGAINST DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY**

167. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.
168. Within ninety (90) days of this report to comply submit a council-approved plan on the plan to eradicate or refurbish the aged WWTW in its jurisdiction.
169. Within ninety (90) days of this report advise the Commission of its plans to enhance revenue collection to adequately deliver services to residents.
170. DPKISLM is directed to comply with the provisions of sections 12, 14,15 and 16 of the WSA and provide the Commission with proof thereof.
171. Within ninety (90) days of this report advise the Commission of the reasons Emadrayini village has been without electricity since 2016 and further provide a detailed plan on how the municipality will address this issue.
172. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.

173. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.27. FINDINGS AGAINST STEVE TSHWETE LOCAL MUNICIPALITY**

174. The municipality admitted that its infrastructure has aged resulting in frequent pipe bursts and therefore water losses. Further, it has a challenge of capacity storage in Kwazamokuhle and eMhluzi.
175. Although there are no major issues of service delivery in this municipality, the Commission finds that planning of the municipality which is premised on old statistics dating back from 2016 may render the planning ineffective as the population has grown significantly in the last five years.
176. By its own admission, theft and vandalism is rife in this municipality therefore negatively impacting service delivery.

### **3.3.28. DIRECTIVES AGAINST STEVE TSHWETE LOCAL MUNICIPALITY**

177. Within ninety (90) days of this report submit a detailed council-approved plan on how its plans to eradicate the aged infrastructure within its municipality and to minimise pipe bursts.
178. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.
179. The municipality is directed to submit a detailed plan to the Commission on how it intends to deal with theft and vandalism of the municipal infrastructure, within ninety (90) days of this report.

### **3.3.29. FINDINGS AGAINST VICTOR KHANYE LOCAL MUNICIPALITY**

180. The Commission finds VLKM to be in contravention of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA for failing to adequately address the chronic sewage spillages in its jurisdiction due to dysfunctional WWTW.



181. The municipality is in contravention of sub regulation 11(2)(b) of the regulations relating to compulsory national standards and measures to conserve for failing to address the issue of water losses.
182. As per its admission, the infrastructure in VKLM has aged resulting in ineffective service delivery as equipment regularly fails.
183. As per its admission, the municipality has huge debts to Eskom and the Department of Transport to the tune of R 624 million. The Commission finds that this debt, especially the one due to Eskom, is a result of the municipality's failure to effectively collect revenue as mandated by section 96 of the Municipal Systems Act.
184. The Commission finds that a high vacancy rate, especially in critical positions, impacts service delivery.
185. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

### **3.3.30. DIRECTIVES AGAINST VICTOR KHANYE LOCAL MUNICIPALITY**

186. VLKM is directed to provide the Commission with a detailed status report on projects aimed at addressing the sewage spillages in its jurisdiction, within thirty (30) days of this report and a detailed plan on how it plans to eradicate the aged infrastructure.
187. Within ninety (90) days of this submitted comprehensive council-approved plan on how it plans to minimise the water leakages within its jurisdiction.
188. Within ninety (90) days of this submit a comprehensive council-approved plan on its plans to enhance revenue collection to service its excessive debts.
189. The municipality is directed to provide the Commission with a report on the progress of filling of the critical posts, the report should also indicate how many of the critical posts are still vacant, the reasons thereof and anticipated dates of filling the vacancies, within thirty (30) days of this report.

190. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

### **3.3.31. FINDINGS AGAINST DR JS MOROKA LOCAL MUNICIPALITY**

191. There is a high rate of critical posts in the municipality resulting in the municipality dismally failing to render service delivery to the residents. The Acting Municipal Manager admitted that there is also nepotism in the municipality and the appointment of unqualified personnel.
192. There are critical water challenges in the municipality and residents go for days without access to water. DJSMLM is therefore in violation of section 27(1)(b) of the Constitution and sub regulations 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water.
193. There is non-compliance with supply chain management policies resulting in the municipality recording a high rate of irregular expenditure.
194. There are allegations of corruption in the municipality which are alleged to contribute to service delivery failures. In their submission, the AG indicated that in 2019/2020, there was an amount of R376 million which went missing and could not be accounted for.

### **3.3.32. DIRECTIVES AGAINST DR JS MOROKA LOCAL MUNICIPALITY**

195. The municipality is directed to provide the Commission with a report on the progress of filling of the critical posts, the report should also indicate how many of the critical posts are still vacant, the reasons thereof and anticipated dates of filling the vacancies, within thirty (30) days of this report.
196. Within ninety (90) days of this report to comply with the provisions of section 27(1)(b) of the Constitution and sections 3 and 4 of the regulations relating to compulsory national standards and measures to conserve water by providing a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month; at a minimum flow rate of not less than 10 litres per

minute; within 200 metres of a household; and with an effectiveness that no resident is without a supply for more than seven full days in any year.

197. The municipality is directed to hold the officials responsible for unauthorised, irregular, fruitless and wasteful expenditure as well as alleged corruption accountable through disciplinary actions and criminal prosecution.

### **3.3.33. FINDINGS AGAINST DIPALESENG LOCAL MUNICIPALITY**

198. Although this municipality pleaded insufficient funding as one of the contributory factors, the Commission finds that the municipality fails to collect revenue to keep afloat and is therefore in contravention of 96 of the Municipal Systems Act.
199. The Commission finds DLM to be in contravention of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA for failing to adequately address the chronic sewage spillages in its jurisdiction due to dysfunctional WWTWs. GSDM told the inquiry that out of the four WWTWs in DLM, three are dysfunctional. Sewage spillages were observed in Ring Road, Grootvlei and Siyathemba. Although no sewage spillages were observed on the day of the site inspection in Balfour, residents reported that they experience spillages, especially in rainy seasons. An exposed manhole was observed on the day of the inspection in Nkanini, which poses a serious safety and health risk, particularly to children.
200. The Commission finds the municipality to be in contravention of sub regulation 5 of the regulations relating to compulsory national standards and measures to conserve water for failing to provide quality water to the residents within its municipality.
201. By its own admission, there is a lack of provision for sanitation/VIP toilets. The Commission finds the municipality to be in contravention of sub regulation 2 of the regulations relating to compulsory national standards and measures to conserve water.
202. By its own admission, the municipality is failing to implement its financial recovery plan. The Commission finds the municipality to be in contravention of

section 145(1)(a) and (b) or section 146(1)(a)(c)<sup>101</sup> of the Municipal Finance Management Act, 56 of 2003.

203. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years.

204. There is a lack of prioritisation of waste management in this municipality. Litter and informal dumping sites were witnessed on the day of the inspection.

### **3.3.34. DIRECTIVES AGAINST DIPALESENG LOCAL MUNICIPALITY**

205. Within ninety (90) days of this report advise the Commission of its plans to enhance revenue collection to adequately deliver services to residents and detailed explanation for the failure to implement the financial recovery plan.

206. DLM is directed to submit a detailed report to the Commission within thirty (30) days of this report on its plans to address the sewage spillages in Grootvlei and Siyathemba.

207. DLM is directed to submit a detailed to the municipality on how it plans to deal with the backlog relating to the provision of sanitation, within thirty (30) days of this report.

208. Within ninety (90) days of this report, DLM indicates how often the quality of potable water is tested and submits to the Commission water results for the past twelve (12) months results of the said tests.

209. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.

210. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the

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<sup>101</sup> The applicable section depends on whether DLM plan discretionary provincial intervention or in mandatory provincial intervention.

schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule.

#### **4. OPPORTUNITY TO COMMENT ON THE PROVISIONAL INQUIRY REPORT**

Parties were afforded a period of twenty one (21) days to submit their written comments on the report in accordance with the principles of procedural fairness and legality. Comments on the report were received only from Emalahleni Local Municipality and Thembisile Hani Local Municipality.

The Commission acknowledges the efforts made by municipalities, particularly Emalahleni Local Municipality and Thembisile Hani Local Municipality, in addressing service delivery challenges and human right violations raised by communities. To this end, Emalahleni Local Municipality has submitted a report outlining steps it has taken and is taking to comply with the directives in the report. Similarly, Thembisile Hani Local Municipality has submitted a report outlining interventions it has put in place to resolve its water supply and waste management challenges.

Overall, none of the parties has disputed or challenged the findings and directives of the Commission in the report. Therefore, the findings and directives of the Commission in this report are confirmed as final.

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