



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2017-09-22

NOTICE OF THE 12TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2017-09-27 AT 10:00

TO The Speaker, Cllr DD Joubert [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS	F Adams	MC Johnson
	DS Arends	NS Louw
	FJ Badenhorst	N Mananga-Gugushe (Ms)
	GN Bakubaku-Vos (Ms)	C Manuel
	FT Bangani-Menziwa (Ms)	LM Maqeba
	PW Biscombe	NE McOmbring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	RS Nalumango (Ms)
	JN De Villiers	N Olayi
	MB De Wet	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	WC Petersen (Ms)
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	E Groenewald (Ms)	SR Schäfer
	JG Hamilton	Ald JP Serdyn (Ms)
	AJ Hanekom	N Sinkinya (Ms)
	DA Hendrickse	P Sitshoti (Ms)
	JK Hendriks	Q Smit
	LK Horsband (Ms)	E Vermeulen (Ms)

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **12TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2017-09-27** at **10:00** to consider the items on the Agenda.

SPEAKER
DD JOUBERT

A G E N D A
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OF STELLENBOSCH MUNICIPALITY
2017-09-27
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

APPENDIX 1

COUNCIL RESOLUTIONS IN PROGRESS SEPTEMBER 2017

Council Meeting	Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
352092	<p>ELECTRICITY SUPPLY TO THE MUNICIPAL AREAS OF STELLENBOSCH</p> <p>25TH COUNCIL MEETING: 2014-11-26: ITEM 7.5</p> <p>RESOLVED (nem con)</p> <p>(a)that a preliminary investigation be conducted by the Directorate: Engineering Services (Electrical Services) into the possibility and feasibility of taking over the electricity supply from Drakenstein Municipality;</p> <p>(b)that billing cooperation be implemented between Drakenstein and Stellenbosch Municipality to implement more effective debt collection; and</p> <p>(c)that SALGA be requested to expedite the Eskom process through political intervention.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2014-11-26	JOHANNESC	90.00	Consultant appointed to do assessment of asset value for the electrical networks in Pniel. Proposals for the transfer of the asset to Stellenbosch Municipality and compiling of recommendation bulk tariffs. . Project will not be finalized in this financial year due to cost implications.
367234	<p>WRITING-OFF OF IRRECOVERABLE DEBT: MERITORIOUS CASE</p> <p>29TH COUNCIL MEETING: 2015-04-30: ITEM 7.3</p> <p>RESOLVED (nem con)</p> <p>that this matter be referred back to the Administration for further investigation.</p> <p>(CHIEF FINANCIAL OFFICER TO ACTION)</p>	2015-04-30	ANDRET	96.00	Snr Legal Advisor confirmed via e-mail that he is paying attention to the matter and will revert back to MTO in due course.
383887	<p>PROGRESS REPORT – POLICY FOR SELF GENERATION OF ELECTRICITY</p> <p>33RD COUNCIL MEETING: 2015-08-25: ITEM 7.9</p> <p>RESOLVED (nem con)</p> <p>that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item.</p> <p>(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2015-08-25	JOHANNESC	86.00	By-law in public domain for comments. Once the By-law has been approved, the policy will be submitted for approval.
394114	<p>Investigation with regards to the various residential properties</p> <p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p>	2015-10-28	ILZEB	95.00	Item submitted to Mayor for referral to Council Agenda.

	<p>in Mont Rochelle Nature Reserve</p>	<p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>				
<p>413640</p>	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p>	<p>9.1 MOTION BY COUNCILLOR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>38TH COUNCIL MEETING: 2016-02-24: ITEM 9.1</p> <p>The Speaker allowed Councillor JK Hendriks to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter. The matter was put to the vote yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>(a) that the Administration be tasked to investigate to what extent rural indigent residents, especially those residing on farms, can be assisted with electricity, health and social services by the local-, provincial- and national spheres of government;</p> <p>(b) that any further recommendations and findings that could improve the quality of life of indigent residents be considered for implementation and support to rural indigent residents;</p> <p>(c) that a report with recommendations for implementation pertaining to the above be tabled for consideration at the next Council meeting scheduled for 2016-03-30; and</p> <p>(d) that Council nominate a multi-party delegation to engage organised agriculture to investigate what the municipality can do to address the situation of the farm workers, in co-operation with the farmers;</p> <p>(e) that the multi-party delegation comprise of the following Councillors:</p>	<p>2016-02-24</p>	<p>ANNELIER</p>	<p>50.00</p>	<p>Feedback received by MEC A Bredell. Requested that said feedback be discussed at the Premiers Executive Committee before submission to Council.</p>

		<p>DA = Cllr JP Serdyn (Ms) ANC = Cllr JA Davids SCA = Cllr DA Hendrickse SPA = Cllr F Adams SCA = Cllr DA Hendrickse ACDP = Cllr DS Arends COPE = Cllr HC Bergstedt (Ms); and NPP = Cllr LL Stander</p> <p>(DIRECTOR: STRAT & CORP TO ACTION)</p>				
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.</p>	2016-11-23	SALIEMH	20.00	Will be submitted to October Council 2017.
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	<p>7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and</p> <p>(b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).</p>	2016-11-23	NIGELW	20.00	Item in process of being prepared for October Council.
489388	IDENTIFICATION OF POSSIBLE TRUST	7.5.1 IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	2017-01-25	PSMIT	80.00	A notice was placed in the Eikestad Nuus on 2017.03.02 calling for inputs from the general public. The closing

	<p>LAND IN PNIEL: STATUS REPORT</p>	<p>5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of the notice of the Minister, be noted;</p> <p>(b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;</p> <p>(c) that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;</p> <p>(d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and</p> <p>(e) that, following the public participation process, a progress report be submitted to Council to deal with the submissions received as a consequence of the public participation process, whereupon final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				<p>date for inputs was 2017.04.07.</p> <p>Meetings were held with : _ a) Pniel Transformation Committee b) Congregation Church c) Cyster Family Trust</p> <p>To date written inputs/comment were received from the Congregational Church as well as the Pniel Transformation committee.</p> <p>An agenda item will now be compiled and submitted to Council to make a final recommendation to the minister, based on the inputs received.</p>
<p>506222</p>	<p>INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESS</p>	<p>7.3.2 INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESSES</p> <p>7th COUNCIL: 2017-03-29: ITEM 7.3.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that approval be granted for the establishment of Local Economic Development hubs / incubators on the following properties as identified in APPENDIX 1:</p> <p>RANK PROPERTY LOCATION PURPOSE MANAGEMENT PROCESS 1 Erf 2235 Groendal (Mooiwater homestead / old youth house) Business support Services incubator Preferred service provider Building/site maintenance; lease agreements; contractor relocation. 2 Public Place / POS north of Groendal Community Hall Vacant office on play park land Business Sector Offices Preferred service provider Lease agreement. 3 Erven 2751 and 6314 (Old Agricultural Hall) Stellenbosch Incubator and affordable rentals for Arts, crafts and tourism sector, including parking area Preferred service provider Building / site maintenance; lease agreements; illegal occupants" relocation; rezoning. 4 Erven 228, 229 and 230 Franschoek (Triangle site) Affordable rental space for shops and tourism activities Preferred service provider Building / site maintenance; lease agreements; staff relocation (Erven 228 and 229); site improvement; further lease agreements.</p>	<p>2017-03-29</p>	<p>ILZEB</p>	<p>95.00</p>	<p>Closing date for applications to lease identified Local Economic Development Hubs is 21 September 2017.</p>

		<p>5 Re Erf 342 Klapmuts Trading hub Preferred service provider Rezoning; services connections; lease agreements; container acquisition. 6 Erf 1538 Franschoek (old tennis courts) Parking/ business opportunity for a co-operative Preferred service provider Site improvement; lease/ management agreement. 7 Erven 1956, 1957, 6487, 6488 and 6490 Stellenbosch (Old clinic site and LED office) Business Development Incubator and rental space (Arts, crafts, shops, offices, tourism activities) Preferred service provider Building / site maintenance; lease agreements; occupants" relocation. 8 Die Boord POS Intersection Van Rheeede Rd and R44 Community market Preferred service provider Site improvement; lease/ management agreement. 9 Erf 721 Pniel (municipal office site) Affordable rental space (Shops and tourism activities) Preferred service provider Rezoning; services connections; lease agreements; container acquisition.</p> <p>(b) that Council agrees to the approved tariff structure for the local economic development incubator hubs as applies to the Kayamandi Economic and Tourism Corridor (KETC);</p> <p>(c) that Council confirms that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and</p> <p>(d) that the Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Tariff Structure as amended, through requesting proposals in line with the objectives of Local Economic Development.</p> <p>Councillors DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.</p> <p>(DIR: PLANNING & ECON DEVELOPMENT TO ACTION)</p>				
508896	REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES	<p>13.1.1 REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES</p> <p>7TH COUNCIL MEETING: 2017-03-29: ITEM 13.1.1</p> <p>RESOLVED</p> <p>(a) that the completion of the ward committee elections, be noted;</p> <p>(b) that the current Policy and Procedures for Ward Committees be revised taking into consideration, amongst other, the geographical model implemented whereafter same be submitted to Council for consideration;</p> <p>(c) that a deviation from the Policy be allowed only in respect of the co-option of members as stipulated in clause 15(2) and clause 15</p>	2017-03-29	NICKYC	80.00	Review of policy in process

		<p>(3) of the Policy and as stipulated in recommendations D, i, ii, iii and iv.</p> <p>(d) that the Administration be commissioned to perform the following activities in respect of co-opting members within a ward where vacancies do exist:</p> <ul style="list-style-type: none"> (i) Advertisements and or pamphlets must be prepared inviting nominations for members to be co-opted to serve on the ward committee representing the applicable geographical area/s. (ii) invitations for nominations per geographical area should also be placed on the municipal website; (iii) that elections be held in those wards where more than one nomination for a vacancy/ies within the ward was received; and (iv) that this process of co-option be finalised by end of May 2017 whereafter a report in this regard be submitted to Council. <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; DA Hendrickse and LK Horsband.</p> <p>(ACTING DIR: STRAT & CORP TO ACTION)</p>				
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;</p> <p>(b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the</p>	2017-04-26	ILZEB	20.00	Awaiting Valuations from Manager : Property Management.

		<p>ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>				
514994	Stellenbosch Municipality: Extension of Burial Space	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of „Fam Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p> <p>(DIRECTOR: PLANNING & ECON DEV TO ACTION)</p>	2017-04-26	ILZEB	55.00	Phase II started. Planning of identified burial space in progress.
532470	7.5.2 UTILISATION OF A PORTION OF THE	7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)	2017-07-26	TABISOM	5.00	A Tender Document has been compiled and submitted to SCM for advertising.

	<p>WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (GRECHE)</p>	<p>COUNCIL MEETING: 2017-07-26: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the property in question be identified as property not needed/required for the municipality's own use;</p> <p>(b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;</p> <p>(c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and</p> <p>(d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
<p>532553</p>	<p>INTEGRATED WASTE MANAGEMENT PLAN (IWMP)</p>	<p>7.6.3 3RD GENERATION INTEGARTED WASTE MANAGEMENT PLAN (IWMP) NOT SERVING AT COUNCIL BY JUNE 2017, AS PER PERFORMANCE AGREEMENT</p> <p>10TH COUNCIL MEETING: 2017-07-26: ITEM 7.6.3</p> <p>RESOLVED (nem con)</p> <p>(a) that Council notes that the 3rd Generation Integrated Waste Management Plan will not serve at Council until the potential additional airspace has been included in the plan;</p> <p>(b) that GreenCape make the necessary amendments and that the document serves for public participation before it is finalised; and</p> <p>(c) that the Final 3rd Generation Integrated Waste Management Plan (IWMP) serves at Council in October 2017 for approval.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	<p>2017-07-26</p>	<p>SILVIAP</p>	<p>35.00</p>	<p>IWMP be ready for submission to Mayco in October 2017.</p>
<p>539670</p>	<p>COUNCIL RESOLUTIONS IN PROGRESS - AUGUST 2017</p>	<p>6. REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS</p> <p>ITEM Pg INPUT RESPONSE Cllr DA Hendrickse: Item 7.5.4</p> <p>POSSIBLE DISPOSAL PORTION OF LAND TO CAPITEK IKAYA, ERF 9190 – STATUS?</p> <p>Cllr DA Hendrickse: Item 7.5.5</p>	<p>2017-08-30</p>	<p>ROZANNEP</p>		

		<p>APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CALUSE: ERF 9194-BUDGETARY PROVISION</p> <p>14 Question: What legislation did the Administration use to approve the value, without a Council resolution as per the MFMA Section 14(2)(b)?</p> <p>Question: The MM failed to provide feedback on the question posed: Where does this figure/amount of R4m come from?</p> <p>The Municipal Manager will respond in writing to Cllr DA Hendrickse on both item 7.5.4 + 7.5.5.</p> <p>Cllr DS Arends: Item 9.1</p> <p>MOTION BY CLLR JK HENDRIKS: SUPPORT FOR INDIGENT PEOPLE IN RURAL AREAS</p> <p>Question: Why does it take so long for feedback on the status of the Motion?</p> <p>-----</p> <p>Cllr DS Arends: Item 7.3.1</p> <p>THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>Question: Has a Heritage Committee been established, and how was it constituted?</p> <p>The Municipal Manager will respond in writing.</p> <p>CONCERNS RAISED:</p> <p>Timeframes on Feedback Input:</p> <p>The ANC requested that a timeframe be placed on the feedback of outstanding resolutions, to allow the responsible officials to respond timeously. Response:</p> <p>The MM responded that cognisance should be taken that the Administration in some cases also awaits feedback outside the control of the municipality, but strives to provide feedback to Councillors as soon as possible.</p> <p>NOTED the feedback on the Outstanding resolutions.</p>			<p>The Administration merely executed the Council Resolution, by appointing two(2) independent valuers. The weighted average of the two valuations was then use to determine the reserve price for the tender ,as per the Council resolution.</p> <p>Following the Council resolution to enforce the buy-back clause, the Budget Office were requested to provide for an amount on the 2017/18 budged to buy back the land. Apparently they have used the municipal valuation(R4M) as a basis.</p> <p>Feedback received by MEC A Bredell. Requested that said feedback be discussed at the Premiers Executive Committee before submission to Council.</p> <p>HERITAGE BUILDINGS</p> <p>The Stellenbosch and Franschhoek Planning Advisory Committees (PAC) were disbanded as the 3 year term of members expired and recommendation were therefore illegal. As the PAC is constituted in terms of Section 7(1) of the current Stellenbosch zoning scheme (soon to be replaced) the director gave an instructed to refrain from appointing new members for a short while only but to rather wait for the IZT to be approved and to appoint new members i.t.o. the new scheme.</p> <p>The PAC's were constituted by Council and individual members appointed by Council based on an (Council) approved Terms of Reference and subsequent public advertisement inviting nominations for membership. In terms of the Terms of Reference members can only serve for a 3 year period.</p> <p>The MM responded that cognisance should be taken that the Administration in some cases also awaits</p>
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						feedback outside the control of the municipality, but strives to provide feedback to Councillors as soon as possible.
539724	APPLICATION FOR STREET NAMING AND NUMBERING: JAMESTOWN HOUSING PROJECT FARM NO. 527/9, STELLENBOSCH (NOW ERF 967, JAMESTOWN).	<p>7.3.1 APPLICATION FOR STREET NAMING AND NUMBERING: JAMESTOWN HOUSING PROJECT FARM NO. 527/9, STELLENBOSCH (NOW ERF 967, JAMESTOWN)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>that the application to allocate the proposed street names listed in APPENDIX 1 and indicated on APPENDIX 3, to the public roads and to allocate street numbers for all erven in the Jamestown Housing Project on Farm No. 527/9, Stellenbosch (Now Erf 967, Jamestown), be approved as contemplated in terms of Section 98 of the Stellenbosch Municipality Land Use Planning By-law dated 20 October 2015 and in compliance with the Stellenbosch Municipal Policy on Place naming, Street naming, Renaming & Numbering (November 2010), subject to the conditions as per the attached APPENDIX 1.</p> <p>CONDITIONS IMPOSED:</p> <p>1. That the approval applies only to the street naming and numbering in question, as indicated in APPENDIX 1 and APPENDIX 3 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.</p> <p>2. That the street names be erected at the cost of the Directorate: Integrated Human Settlements according to Municipal standards.</p> <p>3. That the Director: Integrated Human Settlements notifies all essential services, other applicable authorities and departments, e.g. the local policy, post office, Telkom, ambulance services, fire services, Geographic Mapping Authorities, Municipal Finance, Electrical and Engineering Services etc. of the newly allocated street names and numbers.</p> <p>4. Council reserves the right to impose further conditions if deemed necessary.</p>	2017-08-30	ULRICHM	20.00	Informed IHS that Point 2 may be implemented & requested an integrated overlay plan from Human Settlements which integrates the General Plan with the streetnames & numbers in order to enable the Directorate Planning and Economic Development to inform all property owners and essential services of the new street names.
539732	Street People Policy	<p>7.1.2 STREET PEOPLE POLICY</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approve the draft policy on Street People (as amended) in principle to provide a framework for the Department Community Development to start consultation</p>	2017-08-30	MICHELLEB	10.00	Contacted neighbouring shelters (CoCT and Somerset West) to invite to a workshop with local potential partners to workshop policy and implementation framework.

		<p>with civil society on a collaborative approach to dealing with people living on the street;</p> <p>(b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and</p> <p>(c) that all inputs and comments received from the public participation- and consultation process be first considered by Council before a final decision is made on the approval of the Street People Policy for implementation.</p> <p>(DIRECTOR: PLAN & ECON DEV TO ACTION)</p>				
540661	<p>FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON DRAFT VERSION 11 OF THE INTERGRATED ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)</p>	<p>8.10 FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council authorises the Municipal Manager to:</p> <p>(i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and</p> <p>(ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and</p> <p>(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.</p> <p>(DIRECTOR: PLANNING & ECON DEV TO ACTION)</p>	2017-08-30	ILZEB	10.00	<p>Awaiting the updated zoning maps and zoning register prior to proceeding with the advertising of the Draft IZS By-law.</p>

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 4667, C/O DRAAI, KOCH AND WELGEVALLEN STREETS, DALSIG, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable the Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

2. BACKGROUND

The property owner is applying to erect a retaining wall which forms part of the boundary wall on his property which will not comply with the By-Law relating to the control of boundary walls and fences as it will exceed the maximum allowable height of 2.1m. The proposed retaining / boundary wall on Koch Street will also be a solid boundary wall which is also does not comply with the prescriptions of the By-Law relating to boundary walls and fences.

3. DISCUSSION

3.1 Application for consideration

Application is made in terms of Clause 13 of the by-law relating to the control of boundary walls and fences (Provincial Gazette 6671, 30 October 2009) in order to construct a solid boundary wall which exceeds the prescribed height of 2.1m along Koch Street and the common boundary line adjoining erf 4666 and along the total length of the common boundary adjoining Erf 4661, on Erf 4667, C/O Draai, Koch and Welgevallen Streets, Dalsig, Stellenbosch, as indicated on the attached Drawing No. A_1001_01, drawn by J H Botha Architects, attached as **APPENDIX 2**.

3.2 Property Information

Erf number	4667
Location	C/O Draai, Kock and Welgevallen Streets, Stellenbosch. Appendix 1
Zoning/Zoning Scheme	Single Residential / Stellenbosch Municipality Zoning Scheme Regulations, July 1996.
Property size	1239m ²
Owner	Mr M Mickleit
Applicant	Arch Town Planners
Unauthorized land use/building work / date when notice served	No unauthorized building work has taken place.

3.3 Site Description and immediate environs

The subject property is located in Dalsig Uniepark, a residential area of Stellenbosch. The property owner is applying to erect a retaining wall / boundary wall on his property which will not comply with the By-Law relating to the control of boundary walls and fences. The subject property is located along a collector road for this area and due to the slope of the property the owner wants to level the property so that he can optimally use the garden area.

To do this a retaining wall has to be constructed along Kock Street and the adjoining erf 4666 and also along the total length of the common boundary of the subject property adjoining erf 4661. The owner further proposes to construct a solid boundary wall on top of the retaining wall for privacy reasons and safety reasons.

3.4 Legal requirementsApplicable laws and ordinances:

- By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009). (Attached as **APPENDIX 4**).

3.5 Public participation

The proposal was advertised in the local press (Attached as **APPENDIX 3**) and via registered mail to all the property owners in Dalsig who formed part of the general plan of Dalsig. The application was also advertised to the Interest Group and Rate Payers Associations of Stellenbosch for comment.

No comments or objections were received from any of the affected property owners or associations to whom the application was advertised.

3.6 Comments from internal and external departments

The application was not circulated internally for comment as no municipal services would be impacted on by the proposal.

3.7 Planning Assessment

The owner is applying to construct a retaining wall with a solid boundary wall above it along Koch Street and on the common boundary with erf 4666. The boundary wall will also be erected along the total length of the common

boundary with erf 4661. Due to this the boundary wall will not comply with the By-Law due to the fact that it is a solid boundary wall along Koch Street and will also exceed a height of 2.1m along the common boundaries with erf 4666 and erf 4661.

The subject property is a corner property which results in it having a large street front boundary which implies that no solid boundary wall may be erected along the street boundaries of the property as prescribed by the By-Law relating to boundary walls and fences. As the subject property is a corner property no solid boundary walls may be erected along two of its four boundary lines. As a result of this no portion of the property can be screened off by a boundary wall from the street thus leaving the property with very little private outdoor space which is screened from the "street and neighbouring properties", as Koch Street is not constructed and is used for gardening purposes by the owner of erf 922, who has a lease agreement with Council. Due to this the proposed solid wall on Koch Street will have no visual impact on the existing streetscape as the retaining walls will not be located along a developed street as Koch Street is not constructed but used for gardening purposes by the owner of erf 922.

The following applications have also simultaneously been submitted with the application under consideration to the Planning and Economic Development Department for consideration:

1. An application for the removal of restrictive title deed building line conditions applicable to the subject property;
2. Departure application to relax the street and common building lines applicable to the subject property for:
 - The retaining wall as it is a structure and exceeds the street and common building lines;
 - For proposes additions to the existing dwelling which will exceed the street building line applicable to the subject property
 - and to formalize a number of structures already erected on the property by the previous owners of the property which also exceed the street and common building lines. (Carport and Pool)

These applications will only be evaluated and finalised once the application under consideration (Deviation from the By-Law relating to the control of boundary walls and fences) as noted above has been finalised as they can only be considered and approved by a Planning Tribunal or Authorized Employee in terms of Section 69 of the Stellenbosch Municipality Land Use Planning By-Law.

The abovementioned applications and deviation from the By-Law were simultaneously advertised in the local press and via registered letters to all the property owners that form part of the Dalsig general plan for comment and no objections or comments were received from these residents on the application. Due to the fact that the proposed deviation from the By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009) was widely advertised and will have no impact on the existing streetscape and the adjoining affected property owners have not objected to the proposal the proposed deviation is supported from a town planning point of view.

3.8 CONCLUSION

Given the above discussion the proposed deviation from the By-Law is considered to have merit and is therefore recommended for approval by the Land Use Planning Department.

4. LEGAL IMPLICATIONS

Section 13 of the By-Law permits a deviation from the conditions of the By-Law.

Extract of Section 13 of the By-law:

Council may grant a waiver to any of the provisions of this bylaw if in Council's opinion; the specific sites topographical conditions are such that the granting of a waiver will not result in the erection of a wall or fence that will materially detract from the character of the area. In granting such a waiver, Council shall have due regard to the built form that may result if abutting neighbours request similar waivers as well as the impact such waiver may have on traffic safety (both pedestrian and vehicular).

5. FINANCIAL IMPLICATIONS

No Financial implication.

6. APPENDICES

Appendix 1 : Locality Plan

Appendix 2 : Plan

Appendix 3 : Copy of advert in press and onsite notice

Appendix 4 : Copy of By-law

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.3.1

RECOMMENDED

that **approval be granted** for the application to deviate from the By-Law relating to the control of Boundary Walls and Fences (Provincial Gazette 6671, 30 October 2009) in order to construct a solid boundary wall which exceeds the prescribed height of 2.1m along Koch Street and the common boundary adjoining erf 4666 and along the total length of the common boundary adjoining Erf 4661, on Erf 4667, C/O Draai, Koch and Welgevallen Streets, Dalsig, Stellenbosch, as indicated on the attached Drawing No. A_1001_01, drawn by J H Botha Architects, attached as **APPENDIX 2**, subject to the following conditions:

- (i) The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;

-
- (ii) That the application for the waiver from the By-Law relating to the Control Of Boundary Walls and Fences will only come into effect once the application for the removal of the restrictive title deed conditions and building line departures as noted in this report have been approved by the Municipal Tribunal or Authorised Official in terms of section 60 of the Stellenbosch Land Use Planning By-Law;
- (iii) That this Council reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>4667</i>	<i>Author</i>	<i>Town Planner (R Fooy)</i>
<i>Collab:</i>	<i>530690</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>



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APPENDIX 1

LOCALITY PLAN



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LOCALITY PLAN



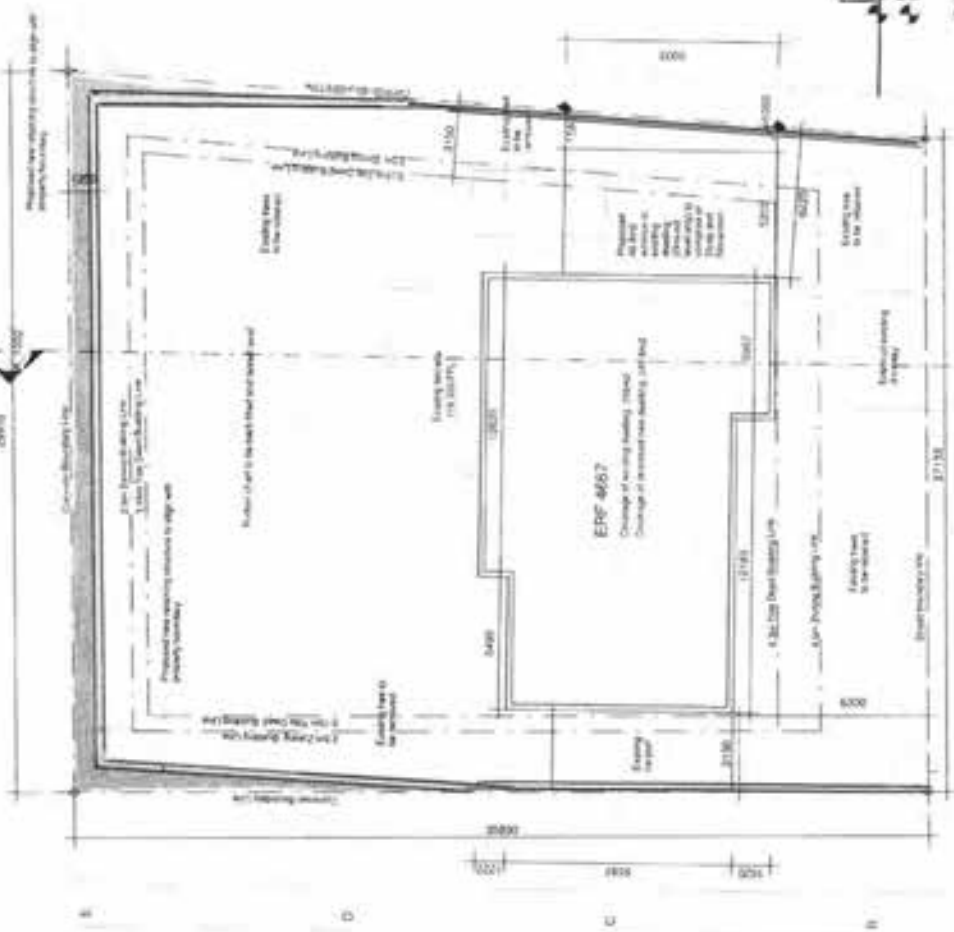
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APPENDIX 2

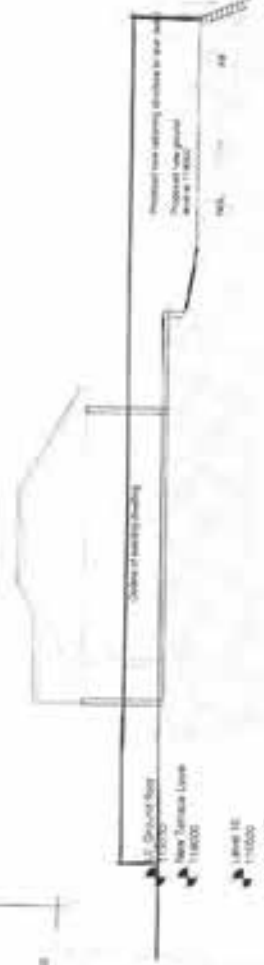
PLAN

FOR COUNCIL AND NEIGHBOUR APPROVAL

20000 1:1000



1 A 1000 (Plan) LO Site Plan TF
1:200



2 A 3000 Section 1 TF
1:200

HOUSE PE BIERMAN
ERF 4667 STELLENBOSCH

3rd Floor Architect (Pty) Ltd
Address: 60005 Upper Extremis, 31 Boscobel Road, Cape Town, 8000 (Tel: 021 558 8888)

A 101 - 1.2.2. Building With Development TF (Scale 1:200)



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APPENDIX 3

COPY OF NOTICE IN THE PRESS AND ONSITE NOTICE

**NOTICE OF LAND DEVELOPMENT APPLICATION
IN THE STELLENBOSCH MUNICIPAL AREA**

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, BYLAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES AND DEPARTURES: ERF 4667, 15 DRAAILAAN, DALSIG, STELLENBOSCH

Applicant and Owner: Petrus Bierman
082 337 9505

Application number: LU/5425
Reference number: Erf 4667, Stellenbosch
Property Description: Erf 4667, Dalsig, Stellenbosch
Physical Address: 15 Draai avenue, Dalsig, Stellenbosch

Description of proposal: The matter for consideration is an application (in terms of Section 15(2)(b) and 15(2)(f) of the Stellenbosch Municipal Land Use Planning By-Law (October 2015), and Section 13 of the Stellenbosch Municipal By-Law Relating to the Control of Boundary Walls and Fences) for the removal of the following title deed conditions of Title Deed T25095/1978, Condition B and Condition C.6.(b), to allow for the following departures:

- i) the relaxation of the 4.5m street building line to 1.0m on Erf 4667, Stellenbosch for additions to the existing dwelling;
- ii) the relaxation of the 2.5m side building line adjoining Erf 4666 to 0m to accommodate the existing carport;
- iii) the relaxation of the 4.5m street building line, adjacent to a servitude road, to 0m on Erf 4667, Stellenbosch, to construct a 3.1m high retaining wall / boundary wall and the relaxation of both the 2.5m side building lines adjoining Erfs 4666 and 4661 to 0m on Erf 4667, Stellenbosch, to construct a 2.85m and 3.1m high retaining wall / boundary wall. The actual construction will be a maximum of 2.1m and 1.65m, with a 1m fence as a safety measure and will not be visible from the street.

Notice is hereby given in terms of the Stellenbosch Municipal Land Use Planning By-law that the above mentioned application has been received and is available for inspection during weekdays between 08:30 and 13:30 at the Planning Advice Centre at Stellenbosch Municipality, Plein Street, Stellenbosch. Any written comments/objections, with full reasons therefore, may be addressed in terms of section 50 of the said legislation to the applicant in one of the following manners:

APPLICANT	
Registered mail or normal mail	
Petrus Bierman P.O. Box 3060 Matieland 7602	
Or hand delivered to	
Petrus Bierman 3 Bon Chretien street, Die Boord Stellenbosch	
Or e-mailed to	
pebierman@gmail.com	

All comments, quoting the application number, reference number, your name, address or contact details, your interest in the application and reasons for comments should be received by the above party on or before 30 days from the date of publication of this notice. Telephonic enquiries can be made to the applicant, Petrus Bierman at 082 337 9505. Any comment/objection received after aforementioned closing date will be considered invalid. Any person who cannot write will be assisted by a Municipal official by transcribing their comments.

Commencement date: 16 March 2017
Closing date: 18 April 2017

16.03.2017 15:05

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK
IN DIE STELLENBOSCH MUNISIPALE GEBIED

AANSOEK VIR DIE OPHEFFING VAN BEPERKENDE TITELAKTE VOORWAARDES, VERORDENING TEN OPSIGTE VAN
DIE BEHEER VAN GRENSMURE EN HEININGS EN AFWYKINGS: ERF 4667, DRAAILAAN 15, DALSIG, STELLENBOSCH.

Aansoeker en Eienaar: Petrus Bierman
082 337 9505

Aansoeknommer: LU/5425
Verwysingsnommer: Erf 4667, Stellenbosch
Eiendomsbeskrywing: Erf 4667, Dalsig, Stellenbosch
Ristiese Adres: Draailaan 15, Dalsig, Stellenbosch

Beskrywing van aansoek: Die aansoek vir oorweging is 'n aansoek (ingevolge Artikel 15(2)(b) en 15(2)(f) van die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning (Oktober 2015), en Artikel 13 van die Verordening vir die Kontrole van Grensmure en Heinings) vir die opheffing van die volgende titelakte voorwaardes van die Titelakte T25095/1978: Voorwaarde B en Voorwaarde C.6 (b) vir

- i) die verslapping van 'n 4,5m straat boulyn tot 1,0m op Erf 4667, Stellenbosch vir uitbreiding van die bestaande woning;
- ii) die verslapping van 'n 2,5m sykant boulyn aangrensend aan Erf 4666, tot 0m om 'n bestaande motorafdak te akkommodeer;
- iii) die verslapping van 'n 4,5m straat boulyn aangrensend aan 'n servituutpad; tot 0m op Erf 4667, Stellenbosch vir die verhoging van 'n 3,1m hoë keermuur / grensmuur en vir die verslapping van beide die 2,5m sykant boulyne aangrensende Erwe 4666 en 4667 tot 0m op erf 4667, Stellenbosch; om 'n 2,65m en 3,1m hoë keermuur/grensmuur op te rig. Die werklike konstruksie is 'n maksimum van 2,1m en 1,65m met 'n verpligte 1m heining as veiligheids maatregel en is nie sigbaar van die straat nie.

Kennis geskied hiermee ingevolge die Stellenbosch Munisipaliteit: Verordening op Grondgebruikbeplanning dat die bogenoemde aansoek ontvang is en gedurende wekedae tussen 09:30 en 13:30 by die Beplanningsadvieskantoor by Stellenbosch Munisipaliteit, Pienstraat, Stellenbosch (er insde 16, Enige geskrewe kommentare/besware, met volledige redes daarvoor, moet ingevolge Artikel 50 van die genoemde wetgewing aan die aansoeker op een van die volgende wyses gedreëer word:

AANSOEKER	
Geregistreerde of gewone pos	
Petrus Bierman Postbus 3050 Matieland 7602	
Of per hand afgelewer aan	
Petrus Bierman Bon Christien straat 3 Die Baard Stellenbosch	
Of per e-pos gelewer aan	
pebierman@gmail.com	

Alle kommentare moet op of voor 30 dae vanaf die datum van publikasie van hierdie kennisgewing met vermelding van die aansoeknommer, verwysingsnommer, u naam, adres en kontakbesonderhede, belangstelling in die aansoek en redes vir kommentaar, deur die bogenoemde party ontvang word. Telefoniese navrde kan aan die aansoeker, Petrus Bierman by tel 082 337 9505 geëig word. Enige kommentaar/beswaar ontvang na die voormelde slyngingsdatum sal as ongeldig geëig word. Enige pen en/of wat nie kan skryf nie sal deur 'n Munisipale-ampenaar bygestaan word om hul kommentaar op skrif te stel.

Aanvansdatum: 16 Maart 2017
Slyngingsdatum: 18 April 2017

16-03-2017 15:04



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APPENDIX 4

COPY OF BY-LAW

STELLENBOSCH MUNICIPALITY:

BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES

Definitions

1. In this by-law unless the context otherwise indicates:

"Boundary" in relation to a land unit, means a cadastral line separating one land unit from another land unit or the street;

"Boundary wall/fence" means a structure erected on the cadastral boundary of a land unit;

"Council" means the council of the Stellenbosch Municipality or its duly authorized employee;

"Erf / land unit" means a portion of land with its own number on the surveyor-general's general map and the title of which is capable of being registered in the deeds.

"Erect" includes causing, allowing or permitting to be erected;

"Ground level" means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;

"Height" means the vertical distance from the bottom or lowest part of any structure to the top.

"Lateral boundary" means every common boundary of an erf with another erf excluding a rear boundary; and

"Municipality" the Stellenbosch Municipality (WCO24 area);

"Public open space" means land which is or will be under ownership of Council and which is a park, public garden, square, sport field, children playground, amusement park, place of recreation or any similar amenity, the access to which is not limited.

"Rear boundary" means every common boundary of an erf which is parallel to or is within less than 45° of being parallel to, every street boundary of such erf and which does not link with a street boundary thereof.

"Street boundary" means the cadastral boundary, as surveyed or proclaimed, between an erf and the adjoining public or private street; provided that where a portion of an erf or premises is reserved in terms of the Zoning Scheme or any law for the purpose of a new street or for street-widening, the street boundary is the boundary of such proposed new street or proposed street-widening;

"Structure" means the system of constructional elements and components of any wall, fence, pillar, etc.

"the Act" means the National Building Regulations and Building Standards Act No. 103 of 1977 and the regulations promulgated in terms of section 17(1) thereof;

"Wall/fences" means any wall/fence, together with any gate or any contrivance forming

part or serving the purpose of such a gate, erected as a boundary between any erven within the municipal area, and includes a wall/fence which is not erected on a boundary, such as a garden wall/fence or a free-standing wall/fence on an erf;

"Zone" means the designation of land for a particular zoning.

"Zoning" means the category of directives regulating the development of land and setting out the purposes for which land may be used.

"Zoning Scheme Regulations" means a scheme which has been approved by the Council and the relevant provincial authority, for the zoning of land.

Application

2. This by-law shall apply and be valid in the area of jurisdiction of the Municipality, including private residential developments with or without controlled entrances, in as far as the provisions of this by-law is not in conflict with the conditions of rezoning imposed on such a development in terms of the Land Use Planning Ordinance No. 15 of 1985 or any other applicable legislation prior to promulgation of the said Land Use Planning Ordinance, or any of its legal predecessors.

Control of walls and fences

3. No person shall erect a wall or fence of any nature on any boundary of any premises without the prior approval of the Council in accordance with the provisions contained herein.

Walls

Any person applying for the Council's approval to erect a wall as aforesaid shall submit plans in triplicate drawn in accordance with the scales stipulated in the Act, clearly indicating the position of the erf, the foundations, the materials to be used in construction and the methods of construction, together with adequate dimensions of the wall proposed.

Fences

No person shall erect a fence, other than a wall as contemplated above, on any boundary of any premises, except a fence comprising of the materials described in sections 9.

Heights of walls and fences

4. The height of walls and fences shall be measured from the level of the pavement and in the absence of a pavement, from the natural level of the ground outside the property immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the wall, then its height at each end of the slope shall not exceed the permitted height and it may be stepped, in which case it shall be stepped in a series of

even steps between piers (where necessary) which steps shall deviate as little as possible from the mean permitted height and to the discretion of Council.

5. For **residential zoned** properties the height of any wall or fence (including the entrance structure and columns) shall not exceed in the case where it;
 - (a) *is on a street boundary.* - 2.1m high, on condition that 50% of the height of the wall or fence on residential zoned properties must consists of open decorative work to create transparency, comprising of materials as described in sections 9 below, except for a maximum distance of 10m which could be solid to a maximum height of 2,1m where the screening of backyards or swimming pools are concerned.
 - (b) *is on a boundary other than a street boundary.* - 2.1m high, on condition that for the length of the most restrictive street building line in terms of the applicable Zoning Scheme Regulations, that 50% of the height of the wall or fence on the common lateral boundary line of residential zoned properties must consists of open decorative work to create transparency, comprising of materials as described in sections 9 below, except where the screening of backyards or swimming pools are concerned,
6. For **agricultural zoned** properties the height of walls may not exceed 1m and a fence comprising of only wire or steel palisade (painted colors preferred by council – preferably charcoal or black) may not exceed 2.1m. No brick piers are allowed in wire or steel palisade fences and only the entrance gate structure may be of solid brick structures which must not be higher than 3,5m for a maximum distance of 10m on both sides of the entrance gate.
7. For all other zoned properties the height of any wall or fence may not exceed 3m.

Piers and columns

8. Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of Council and the National Building Regulations 0400.

Materials of walls and fences

9. Walls and fences situated on erf boundaries shall be comprised of the following materials only—
 - (a) face bricks with face-brick finishing; or
 - (b) plastered and painted brickwork or bagged or cement finished brickwork; or
 - (c) plastered and painted concrete block work or bagged or cement finished concrete block work; or

- (d) decorative brick blocks; or
- (e) precast concrete panels; or
- (f) painted steel palisade; or
- (g) galvanized or plastic-coated wire mesh; or
- (h) wooden fences which shall consist of properly processed timber only as approved by the building control officer, or
- (i) cast iron work or steel railings.

Additional safety precautions

- 10. Additional safety precautions such as razor wire, electrical fencing/wiring, etc. should preferably not be visible from the street and are included in the maximum height for walls and fences. Electrical fencing must comply with any municipal guidelines on electrical security fence installations.

Fair-face-walls

- 11. All walls and fences shall present a fair face to adjacent properties, in accordance with the provisions contained in section 9.

Dilapidated and unsightly walls and fences

- 12. No person shall allow any wall or fence to fall into a ruinous, dilapidated or dangerous condition in the opinion of Council and the Council may serve a written notice upon such person requiring him within a period of 21 days and subject to such instructions and conditions as may be contained therein, to repair, alter, demolish or remove such wall or fence at his own expense. Should the owner fail to comply with the requirements thereof within the time specified therein the Council may carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.

Relaxation of provisions

- 13. The Council or his delegated official will be entitled to grant a waiver, that is in the opinion of Council aesthetically pleasing, from compliance with the provisions of this by-law on receipt of an application from the owner or his delegate of any such premises.

The owner or applicant will be afforded the opportunity to appeal to Council's Appeals Committee in terms of Section 62 of the Municipal Systems Act (32 of 2000), which outcome will be final.

Penalty

14. If any person—
- (1) erects any wall or fence without the prior permission of the Council or otherwise than in accordance with the plans approved by the Council, or
 - (2) erects any wall or fence which do not conform to the provisions contained in this by-law, or
 - (3) contravenes any conditions imposed by Council, Council shall serve an order in writing on such person calling upon him or her to cease contravening such condition, as the case may be, by a date specified in such notice.

Compliance with other legislation

15. This by-law shall not be construed as authority to depart from any other legal prescriptions or requirements.

Repealed By-laws

16. The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

Short title and commencement

17. This by-law is called the Stellenbosch Municipal by-law relating to the control of boundary walls and fences, and commences on the date of publication thereof in the Provincial Gazette.

7.3.2	IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)
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1. PURPOSE OF REPORT

To identify available municipal agricultural land for the possible development of only a Farmer Production Support Unit (FPSU) as requested by the National Department of Rural Development and Land Reform (**APPENDIX 1**), and not any of the other components.

2. BACKGROUND

With the establishment of small farmers throughout South Africa, certain needs have been addressed and opportunities have been identified to create a sustainable environment and increase local job creation within different local municipalities.

The National Department of Rural Development and Land Reform (NDRDLR) have invested in extensive research and the outcome of studies conducted within all municipal areas was the establishment of Farmer Production Support Units which will be funded and implemented by the National Department of Rural Development and Land Reform and monitored by the different District Joint Operations Centres administered by the NDRDLR.

3. DISCUSSION

With reference to the letter received from the Department of Rural Development and Land Reform an additional District Joint Operational Centre (DJOC) has been piloted which include the following role-players to address the needs and requests of all small farmers within their respective local municipalities (**APPENDIX 2, refer to page 21 – 22**):

- *DRDLR Official nominated by the PSSC Head*
- *A representative nominated by the District Executive Mayor*
- *Chair of the District Land Reform Committee (DLRC)*
- *Chair of the District Agri-park Management Council (DAMC)*
- *Representatives from each of Branch operating in the District including SPLUM, NGMS, DEEDS, Restitution, LRD, LTA, RID, REID (only those that exist in each district)*
- *Representatives from each of the municipality – based Land Rights Management Committees (LRMCs) when they exist*
- *Representatives of each local municipality by invitation*
- *Provincial Departments per invite*

This centre will be formalised within the current financial year where monthly meetings will be conducted to promote rural development and to implement the National Growth Path (NGP) which focuses on job creation within the agricultural sector.

The Farmer Production Support Unit will be the first item of implementing and NDRDLR will facilitate and act as the implementing agent. All local municipalities participating in small farmer projects need to participate and facilitate certain aspects of the process. The Cape Winelands District Municipality must coordinate related local actions following a recent

meeting between Western Cape Municipalities and the Department of Rural Development and Land Reform held in Worcester on 27 July 2017.

According to the Policy: Management of Municipal Agricultural Land, the following agricultural land is available (**APPENDIX 3**):

6.2 Current vacant land

Property Description	Size	Total	Water
29(26)	40 ha No water	40	
165/1A	10.5 ha No water	10.5	
165/1B	0.14 ha No water	0.14	
279BN	25.3 ha No water	25.3	
368/2	20ha	20	
369/C	3.5 ha No water	3.5	
377A	9.42 ha No water	9.42	
502AM	8.56 ha 3 ha water	8.56	3
502AP	7 ha 2 ha water	7	2
502AU	8.9 ha No water	8.9	
502AW	6 ha No water	6	
502BFN	15.5 ha 6 ha c/water	15.5	6
502BM	5.35 ha 1 ha water	5.35	1
502V	21.6 8 ha water	21.6	8
619/1	26 ha c/water	26	
Total		207.77 Ha	20 Ha

Additional to the above, there are 3 portions of vacant agricultural land available on farm 502 BH. It would be advisable that the FPSU be implemented in close proximity of the current small farmers to minimise travelling cost.

There is a 5,299 Ha piece of land (502BH2) and a 2,699 Ha piece of land (502BH1) available on Farm 502BH which is situated between the Annandale Road and the small farmers (**APPENDIX 4**). This two pieces of land would be ideal for the current small farmers as this location is on site, easy accessible and close to Stellenbosch, Cape Town and the airport.

The idea of the FPSU, is that the small farmers take ownership of the FPSU, establish their own CC to manage the FPSU and make use of the local people for employment and training to manage these facilities. The only function that the municipality will be accountable for is the provision of land. The DRDLR will establish the required infrastructure, training, establish markets for small farmers, consultants etc. which will be compiled in a detailed document as soon as land has become available and implementation can take place.

Small farmers do not want to grow crops on the piece of land situated next to the Annandale road as this specific area is open and accessible at all times which make it open for criminal activities. Therefore if this site can be utilised as a FPSU the NDRDLR will implement the required infrastructure which includes fencing, 24/7 security services, upgrade of existing roads on

the farm which in turn will create automatic security for all small farmers situated next to the FPSU.

As there are various pieces of municipal land available on the Annandale road, future small farmer projects can be incorporated by the proposed FPSU and will also be able to benefit.

By availing 502BH1&2 for the purposes of the FPSU this will not only create employment for local people but will also increase the property value of Farm 502BH1&2.

By availing the municipal agricultural land for the purpose of a FPSU, the property remains in the name of Stellenbosch Municipality, we will only be the facilitator by the provision of land.

4. FINANCIAL IMPLICATIONS

None

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.3.2

RECOMMENDED

- (a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;
- (b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:
 - Lease portion BH1 of Farm 502, Stellenbosch; and
 - Lease portion BH2 of Farm 502 Stellenbosch.
- (c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and
- (d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Planning & Economic Development
Ref no:	9/2/1/1/1/3	Author	Manager: LED
Collab:		Referred from:	Mayco: 2017-09-13

APPENDIX 1



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

Provincial Shared Services Centre: Western Cape, 14 Long Street, Cape Town,
Private Bag X9159, Cape Town, 8000, Tel (021) 409 0300, Fax No 021 409 0563

Departmental Reference: WC 12/4/2

Mr Richard Bosman
The Municipal Manager
Stellenbosch Municipality

Per Email: mm@stellenbosch.gov.za/ Municipal.manager@stellenbosch.gov.za

Cc: Director: Planning & Economic Development
Dupre.Lombaard@stellenbosch.gov.za
Manager: Local Economic Development
Widmark.moses@stellenbosch.gov.za

Dear Mr Bosman

REQUESTING SUPPORT FROM THE MUNICIPALITY FOR RURAL DEVELOPMENT PROGRAMMES

This letter serves to solicit your municipality's interest in the following two programmes that the Department of Rural Development intends to embark on in your municipal area. The programmes referred to are the following:

1. The Agri-Parks programme

The Agri-Parks programme is aimed at providing direction and scope for the Cape Winelands District over the long term, in order to achieve implementation advantages. The Agri-Park will be a catalyst for rural economic development/ industrialisation ensuring development and growth in order to improve the lives of all communities in the district.

The Agri-Park in Cape Winelands will assist to address the needs of emerging farmers to strengthen their ability to participate in both local and international (where relevant) value chains by coordinating and supporting improved access to capacity development (e.g. farm management) and other support services and facilities (e.g. access to equipment, water, transport, processing, cold and normal storage, packaging and distribution as well as market information and research) in order to meet the standards and other purchasing requirements of relevant supply chain buyers, thereby helping to retain and create jobs and improve the incomes of emerging farmers and farm workers.

An Agri-Park is *not* only physical buildings located in single locations (like ordinary industrial parks) per district *but* it is defined as a networked innovation system of agro-production, processing,

logistics, marketing, training and extension services located in District Municipalities. As a network it enables the growth of market-driven commodity value chains and contributes to the achievement of rural economic transformation (RETM).

The objectives of the Agri-Parks programme are the following:

- Establish Agri-Parks in all of South Africa's District Municipalities that will kick start the Rural Economic Transformation for these rural regions;
- Promote growth of the smallholder sector by contributing to the 300 000 new small-scale producers, as well as to the 145 000 new jobs in agro-processing by the year 2020 (as set out in the NGP);
- Promote the skills of and support to small-holder farmers through the provision of capacity building, mentorship, farm infrastructure, extension services, production inputs and mechanization inputs;
- Enable producer ownership of the majority of Agri-Parks equity (70%), with the state and commercial interests holding minority shares (30%);
- Bring under-utilized land (especially in Communal Areas Land and land reform farms) into full production over the next three years, and expand irrigated agriculture; and
- Contribute to achievement of the NDP's "inclusive rural economy" and target of 1 million jobs created in agriculture sector through creating higher demand for raw agricultural produce, primary and ancillary inputs, as well as generating increased downstream economic activities in the sector.

1.1 The Farmer Production Support Unit

As part of the Agri-Parks programme, one of the special focus areas for the Department currently is the Farmer Production Support Units (FPSU) that needs to be established in local municipalities. The FPSU will be a rural outreach unit in your municipal area that will be connected with the Agri-hub situated in Witzenberg municipal area.

The FPSU does primary collection, some storage, some processing for the local market, and extension services including mechanisation. A locally based and accessible FPSU will provide small-scale farmers with production, technical and infrastructure support. The farmers aggregated production outputs are supplied to the linked Agri-Hub. The FPSU supplies primary and/or processed produce to the local community market.

2. The 1 Household 1 Hectare programme

The 1 Household 1 Hectare programme addresses challenges relating to access to food at household level to bring about household food security and self-sufficiency. It is approached as one of the core pillars in the production of primary agricultural commodities and to support the FPSU and Agri-Parks programme.

The objectives of the 1 Household 1 Hectare programme are the following:

- Contribute to the reduction of Poverty in rural areas;
- Revive a calibre of highly productive Black Commercial Smallholder Farmers (category1 & 2);

- Build a sense of security of tenure; increase the involvement of individual households in production activities and minimize controversies on CPI lead landed projects;
- Create sustainable employment in rural households;
- Create viable rural small to medium agricultural enterprises;
- To build competencies and broaden the skills base for targeted households and communities;
- The Restoration of the Social Capital and beauty of uBuntu as the currency that cements Social Cohesion among rural households; and
- Rebuilding the sanctity and dignity of family life as the most critical success factor in the Rural Socio-economic Transformation efforts of the state.

The One Household one Hectare Initiative is designed and can only prosper through collaboration with various state and non-governmental partners; thus enhancing its sustainability and become one of the core pillars in agricultural production and primary commodity supplier to the Agri-Parks Programme; thus:

- Creating jobs
- Building rural skills and keeping them in rural areas
- Building Rural Community Livelihoods and Economies
- Providing households with a solid outlet for marketing their produce and
- Contributing to food security in rural areas

The primary objective of the abovementioned two programmes is to support the smallholder farmers that produce various agricultural products on Municipal commonage land to obtain sustainable livelihoods and food security. These programmes will be primarily financed by the Department of Rural Development and Land Reform and the Branches involved in the programme will make funds available to implement the projects. The following existing programmes will be used to fund these projects in your municipality:

- Recapitalization and Development Programme(R100 million ring-fenced for 2016/17 FY)
- Enterprise development programme
- Rural infrastructure development programme (economic and Social)
- Other Programmes from other departments e.g. CASP etc.

The following costs will thus be covered by the abovementioned programmes:

- ✓ Surveying costs will covered through planning grants/funds from Branch Land redistribution and development.
- ✓ Infrastructure Development costs (fencing, Pack sheds and other related production infrastructure) shall be covered by Branch Rural Development(RID).
- ✓ Enterprise development costs (production inputs and related items) shall be covered by Branch Rural development (REID).
- ✓ Training and Capacity building for household's costs shall be covered under the strategic partnership model in the RADP.

A more integrated approach to planning, budgeting and implementation across spheres of government is necessary to achieve increased success of the Department's programmes in local areas. Hence, much depends on the role and actions of key stakeholders and partnership with local municipalities and its appetite for investment into the Municipal area. A sound approach to

agricultural development and greater integrated efforts will go a long way to the achievement of a positive impact on the growth and development trajectory of localities that contribute to the regional economy as a whole.

In order for the Department of Rural Development and Land Reform to achieve the goal of job creation and inclusive growth in the agricultural sector, the Agri-Parks/ FPSU and the 1 Household 1 Hectare programmes have become critical for implementation. The target group for both programmes shall be the previously disadvantaged persons who are South African citizens racially classified as Africans, Indians and Coloureds.

Research has shown that agricultural employment is critical to improve household income and to include the previously disadvantaged rural people in the mainstream economy. Furthermore, the New Growth Path (NGP) has identified agriculture as one of the key jobs drivers. The intention is to exploit opportunities within the agricultural sector to boost the smallholder farmers.

If the Stellenbosch municipality is of the view that the above programmes are possible interventions to increase job creation and household income in the rural areas of the municipality, the Department of Rural Development and Land Reform wishes to request the Stellenbosch municipality to provide support by identifying potential public and commonage land available for the establishment of a FPSU and the 1 Household 1 Hectare programme within the municipality's boundaries. Kindly provide the Department with a minimum of 2 potential suitable sites with potential facilities (buildings) for the location of the Farmer Production Unit and potential municipal sites available for the implementation of the 1 Household 1 Hectare programme. This can be done through a formal letter from the Municipal Manager, that include the detail of the sites (including property descriptions, GPS coordinates, etc.) as approved by Council.

The Department would like to take the opportunity to thank the municipality for its potential support to the above programmes and for the various collaborations in the past few years to strengthen a more integrated approach towards land reform and rural development in the Cape Winelands District Municipality.

Your prompt response to this matter is highly appreciated.

Yours faithfully



MS. J.D. FORTUIN
CHIEF DIRECTOR: PSSC: WESTERN CAPE
DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
DATE: 02/11/2016

APPENDIX 2



rural development
& land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

Department of Rural Development and Land Reform Terms of Reference for Governance Structures

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1 Introduction

Governance is the set of responsibilities and practices, policies and procedures, exercised by Management, to provide strategic direction, ensure objectives are achieved, manage risks, ensures the deployment and use of resources responsibly and with accountability. It involves the process of decision making and the process by which decisions are implemented or not implemented.

Good governance has eight major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective & efficient, equitable & inclusive and follows the rule of law.

The review of the Department's governance structures is informed by the two main requirements:

- *To enhance performance by ensuring that the governance arrangements contribute to the Departmental overall performance, delivery of outcomes and optimal use of all resources (information, knowledge, expertise, Information Communication Technology, Human Resource, Financial Resources and Time).*
- *To address matters of conformance by ensuring that governance arrangements enables the Department to meet the requirements of the law, regulations, service standards and community expectations of probity, accountability and openness.*

Through these governance arrangements the Department will be able to improve the overall organisational efficiency by ensuring that the following elements are addressed

- **Provision of Strategic Direction** by ensuring the mutual understanding of the Department's purpose and direction, through planning and resource allocation throughout the Department.
- **Alignment:** ensuring that the Departmental functions, programmes, structures and culture are aligned with the Departmental goals through quality leadership and sound governance. Organisational alignment ensures that all aspects of our operations are aligned with the realisation of our purpose.
- **Accountability:** clear and transparent accountabilities through legislative compliance, information management and continuous reporting
- **Expectations:** ensuring organisation-wide understanding of performance and behavioural expectations, through effective communication and the implementation of best public sector management practices
- **Service delivery** ensuring provision of quality services through effective program and resource management monitoring, reviewing and reporting processes
- **Continuous improvement:**
 - (i) The improvement of organisational and individual performance through review, intervention, capacity building and internal control mechanisms
 - (ii) Utilisation of Internal Audit and External Audit outcomes to strengthen sound governance, financial and performance management
- **Risk management :** ensuring effective risk management as part of the Departmental culture to enable the achievement of performance service delivery targets and to reduce potential loss of resources

It is expected that these governance structures will not only be for reporting purposes but should be participatory in nature and aimed at addressing amongst other things service delivery bottlenecks, improve organisational efficiency, clarify expectation, improve performance, improve communication, deal with unaccepted behaviours, ensure embedment of organisational culture that will enable achievement of organisational objectives, ensure alignment and integration throughout the Department, ensure execution of plans, enhance cost effectiveness of services provided, ensure the existing skills, expertise and intellect are collectively focussed on improving decision making and ensures that the Department is more proactive in performing its functions.

The Governance Structures that are legislated for example the Audit Committee, the Risk Compliance Committee are not covered in this Manual.

1.1 Status Quo Analysis

The governance structures as per the approved Execution Document: Executive & Strategic; Branch and Provincial Management Committee's Manual dated 14 October 2013 are follows:

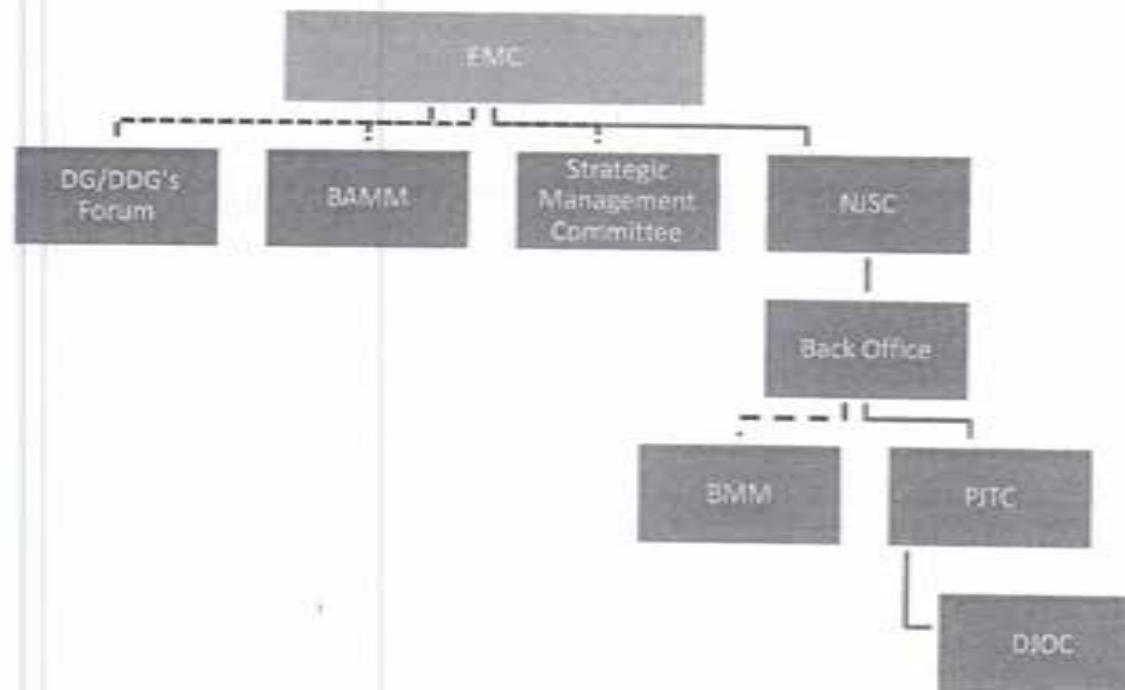
1. Executive Management Committee
2. Strategic Management Committee
3. Branch Management Committee and
4. Provincial Management Committee

The information gathered from the Directorate Secretariat Support Services, the Departmental Calendar and from the Branches the following are the existing Governance Structures in the Department:



The above depicts the governance structures however the table below details information on the governance structures that Senior Managers are part of in the Department. The information is only limited to information provided by Branches and Provincial Shared Services Centres and exclude the information not provided.

Approved Governance Model



3

2 Governance Model

- The current Governance Model focuses only on Management Structures and excludes all regulated governance structures (e.g. Audit, Risk, ICT, In Year Monitoring, NBAC and its subcommittees); Executive Authority Structures (MCM; ITC etc.); External Structures (Cluster; FOSAD etc.) Projects Approval Structures (NLARC; and all other CRDP structures); Branch specific structures and other general Provincial Structures
- The model seeks to streamline the governance structures and provide clear distinction of business of each structure, increase efficiencies and improve accountability, co-ordination and communication

3 Terms of Reference for Governance Structures

3.1 Executive Management Committee (EMC)

3.1.1 Mandate

The purpose of the Executive Management Committee is to brief the Minister on key policy and strategic issues, including performance issues.

The Minister updates the Executive Management on new political imperatives.

It serves as an interface between the administrative and political offices. It serves as the highest policy and strategic decision making structure in the Department.

3.1.2 Composition

1. The Minister
2. All Deputy Ministers
3. Director General
4. Chief Surveyor General
5. Chief Registrar of Deeds
6. Chief Land Claims Commissioner
7. Valuer General
8. Chief Financial Officer
9. DDG: RID
10. DDG :REID
11. DDG: LTA
12. DDG: LRD
13. DDG SPLUM
14. DDG: CSS
15. Chief of staff & Heads of Office
16. Minister's advisors
17. All Chief Directors
18. All Registrars of Deeds
19. All Regional Land Claims Commissioners
20. All Surveyor Generals

3.1.3 Chairperson/Deputy

Chairperson: The Minister, in his/her absence the Deputy Minister

Deputy Chair: Deputy Minister or a person nominated by the Minister

3.1.4 Delegated Authority

1. The committee will exercise its powers in accordance with the powers given to the Minister except in cases where the Minister reserves the right to make the final decision on matters of policy and legislation.
2. Matters that are to be discussed in external structure e.g. MinMec, interdepartmental clusters, cabinet, portfolio committee etc., must first have been discussed at the appropriate committee (e.g. NJSC) or failure; they must at least have been discussed with the chair of the committee and the same disseminated to the rest of the committee members.

3.1.5 Committee Servicing

The Committee shall be served by the Directorate: Secretariat Support Services located in Branch: Corporate Support Services.

3.1.6 Frequency of Meetings

The meeting shall be scheduled and held every quarter.

3.2 Strategic Management Committee (SMC)

3.2.1 Mandate

1. To consider review and approve Corporate Governance related matters (Risk; Audit; ICT); Legal Compliance; Operations matters; (i.e. HR oversight Committee Reports; MPAT).
2. Consider, review and recommend to EMC /Executive Authority matters related to FOSAD Cluster; Cabinet and Parliamentary issues as they impact on the work of the Department

3.2.2 Composition

1. Director General (Chairperson)
2. DDG: RID
3. DDG: LTA
4. DDG: LRD
5. CFO
6. DDG: SPLUM
7. DDG: CSS
8. DDG: REID
9. Chief Surveyor General

10. Chief Registrar Deeds
11. Chief Land Claims Commissioner
12. Chief Risk Officer
13. Chief Audit Executive
14. Chief Director HRM&OD
15. Chief Information Officer
16. Chief Director: Strategic and Management Support (ODG)
17. Chief of Staff
18. Heads of Office
19. Chief Director: Legal Services
20. Chief Director: Cluster Co-ordination & IGR
21. Chief Director: Safety and Security Services
22. Chief Director: SCM & FM
23. All Branch Service Delivery Co-coordinators
24. Chief Director: Corporate Services

3.2.3 Delegated Authority

The committee will exercise its powers in accordance with the powers given to the Accounting Officer (Director General) except in cases where the DG reserves the right to make the final decision on matters of policy.

The committee may issue statements in its name or in the name of the DG on matters concerning the department.

3.2.4 Committee Servicing

The Committee will be serviced by the Directorate: Secretariat Support Services located in the Branch: Corporate Support Services.

3.2.3 Scheduled Frequency of Meeting

The meeting shall be scheduled and held bi-monthly.

3.3 National Joint Strategic Centre (NJSC)

3.3.1 Mandate

1. Generate DRDLR Corporate Plans (Strategic Plan & APP);

12. To discuss tactical issues to achieve the department's mission, vision, values and social justification for its existence;
13. To ensure implementation of government programmes as directed by the Cabinet/Cluster/Parliament;
14. Receive and consider reports from the Provincial Joint Tactical Centers;
15. To provide oversight role to monitor and evaluate implementation of priority programmes / projects, ensure and verify the efficiency and effectiveness.
16. Prepare NJSC reports to the Executive Authority
17. To provide oversight role on efficiency and effectiveness of governance structures within the department.

3.3.2 Composition

1. The Director-General
2. Valuer-General
3. Chief Land Claims Commissioner
4. Chief Surveyor-General
5. Chief Registrar of Deeds
6. DDG: Rural Infrastructure Development
7. DDG: Rural Enterprise and Industrial Development
8. DDG: Spatial Planning and Land Use Management
9. DDG: Land Redistribution and Development
10. DDG: Land Tenure Administration
11. The Chief Financial Officer
12. DDG: Corporate Support Services
13. Chief of Staff

3.3.3 Chairperson

Chairperson: The Director-General or his/her nominee.

3.3.4 Delegated Authority

1. The committee will exercise its powers in accordance with the powers given to the Director-General except in cases where the Director-General reserves the right to make the final decision on matters of policy and legislation.
2. Matters that are to be discussed in external structure e.g. MinMEC, interdepartmental clusters, cabinet, portfolio committee, etc. should first have been discussed in the appropriate committee (e.g. War Room) or failure which they must at least have been discussed with the chair of the committee and the same disseminated to the rest of the committee members.

3.3.4 **Committee Servicing**
The Committee shall be served by the Directorate: Secretariat Support Services located in Branch: Corporate Support Services.

3.3.5 **Frequency of Meeting**
The meeting shall be scheduled and held every six (6) weeks.

3.4 **Director-General/Deputy Directors-General (DG/DDGs) Forum**

3.4.1 **Mandate**

1. Provide a platform for engagement on the strategic direction of the Department
2. To discuss critical issues raised or referred by the Minister or Deputy Ministers or other High Profile Principals i.e. President/Deputy President
3. To ensure Top Management cohesion and provision of leadership to the Department
4. To resolve any issues that can hinder the Department to achieve its plans

3.4.2 **Composition**

1. The Director-General
2. DDG: Rural Infrastructure Development
3. DDG: Rural Enterprise and Industrial Development
4. DDG: Spatial Planning and Land Use Management
5. DDG: Land Redistribution and Development
6. DDG: Land Tenure Administration
7. The Chief Financial Officer
8. DDG: Corporate Support Services

3.4.3 **Chairperson**

Chairperson: The Director-General or his/her nominee in his/her absence

3.4.4 **Delegated Authority**

The committee will exercise its powers in accordance with the powers given to the Director General except in cases where the Director General reserves the right to make the final decision on matters of policy.

3.4.5 **Committee Servicing**

The Committee shall be served by the Directorate: Secretariat Support Services located in Branch: Corporate Support Services.

3.4.6 **Schedule Frequency of Meeting**

The meeting shall be scheduled and held as and when required by the Director-General.

3.5 **Budget Allocation and Moderating Meeting (BAMM)**

3.5.1 **Mandate**

1. Advisory meeting that deals with the budgetary issues i.e. Budget Planning, Allocation and Review thereof.
2. The meeting will assess budget inputs from various programmes and recommendations
3. To provide advice and make recommendations to the Executive Management of the Department regarding detailed budget plans

3.5.2 Composition

1. Director General: Chairperson
2. Chief Financial Officer: Deputy Chairperson
3. Chief Land Claims Commissioner
4. Deputy Director General: CSS
5. Deputy Director General: LRD
6. Deputy Director General: SPLUM
7. Deputy Director General: REID
8. Deputy Director General: RID
9. Chief Registrar of Deeds
10. Chief Survey-General
11. Valuer – General
12. Deputy Director General – LTA
13. All PSSC Heads
14. Chief Director: Strategic and Management Support
15. Chief Director: Financial Services

3.5.3 Scheduled Frequency of Meeting

The meeting shall be held bi-annually.

3.5.4 Chairperson

Chairperson: The Director-General or his/her nominee in his/her absence

Deputy Chairperson: The Chief Financial Officer or her/his nominee in her/his absence

3.5.4 Committee Servicing

The Committee shall be served by the Directorate: Secretariat Support Services located in Branch: Corporate Support Services.

3.6 Back Office

3.6.1 Mandate

1. Analyse IOPs, Branch Ops Plans and APP to ensure alignment
2. Analyse Project Register's against Demand Management Plans to ensure alignment
3. Receive Branch and Provincial Operational Plans performance reports and assess credibility and effectiveness

4. Analyse Integrated Operational Plan monthly performance (financial and non-financial) against the IOP's, Branch Ops Plans and the APP
5. Assess effectiveness of performance improvement plans
6. Assess service delivery related risks and recommend mitigation plans
7. Recommend to NJSC what systems, structure, skills, culture, management style, delegations; and supply chain management processes are required to achieve the plans
8. Serve as a consultative structure for all operational plans and policies
9. Receive status reports on DG Tasks; parliamentary questions and presidential hotline reports with clear interventions

3.6.2 Composition

1. DDG: CSS Chairperson
2. CFO
3. All PSSC Heads
4. All Branch CD's: SDC
5. All Provincial SDC's
6. Chief Risk Officer
7. Chief Audit Executive
8. CD: EPMO
9. CD: M&E
10. CD: FINANCE
11. CD: HRM&OD
12. CD: SCM & FM
13. CD: Strategic & Management Support
14. The Chairperson can invite any other person to attend

3.6.3 Chairperson

Chairperson: Deputy Director-General: Corporate Support Services or his/her nominee

3.6.4 Delegated Authority

The Committee will exercise its powers in accordance with the powers delegated to it to the Deputy Director-General except in cases where the DDG reserves the right to make the final decision.

3.6.5 Committee Servicing

The Committee will be serviced by the secretariat located in the Directorate: PSSC Coordination.

3.6.6 Scheduled Frequency of Meeting

The meeting shall be scheduled and held monthly.

3.7 Branch Management Meeting (BMM)

3.7.1 Mandate

1. Develop Branch Operational Plans and cost them
2. Approval of Branch resource plans
3. Generate proposals on required policies/legislation/framework to enable effective implementation of programmes
4. Develop Branch Project Registers aligned to Branch Operational Plans
5. Receive and review Branch performance (financial and non-financial) reports against Operational Plans per each Chief Directorate and each Province
6. Ensure development of interventions and implementation thereof to improve performance
7. Monitor service delivery and execution of critical priority projects
8. Monitor utilisation of Branch Resources (HR, Finance and other)
9. Undertake Branch Risk Assessments and develop action plans
10. Ensure effective implementation of Risk Management action plans
11. Ensure effective and timeous implementation of Audit (Internal & External) action Plans
12. Communicate decisions taken in other meetings and ensure integration
13. Deal with Legal Compliance matters

3.7.2 Composition

1. The Branch Head
2. All Branch Chief Directors
3. All Branch Directors

3.7.3 Chairperson

Chairperson: Branch Head or his/her nominee

3.7.4 Committee Procedures

1. The Branch Head reserves the right to call an emergency meeting should the need arise. Such emergency meetings should however be minimized as much as is possible as they could become counter-productive if they are too frequent.
2. Matters for approval/decision will be brought in form of a submission that outlines the situation/issue, provides the rationale for bringing it for consideration by the Committee (statutory or otherwise), outlines proposed alternatives to addressing the issue and makes a recommendation for consideration and approval;
3. Matters for information shall be brought to the Committee by way of reports submitted to the secretariat and these may be discussed at the discretion of the chair;
4. A consolidated report of the monthly performance of each of the programs and projects shall be presented by the Chief Director or in his/her absence his/her nominee at each scheduled meeting. While this is for information only the Chief Directors will be given an opportunity to highlight areas of positive achievements so far (both monthly and cumulative) as well as areas of concern that require intervention at higher managerial and political levels;
5. On alternative months Chief Directorates will be afforded an opportunity to present their work for information and support to the Committee;

3.7.5 Delegated Authority

The Committee will exercise its powers in accordance with the powers delegated to it to the Deputy Director-General except in cases where the DDG reserves the right to make the final decision.

3.7.6 Committee Servicing

The Committee will be serviced by the secretariat located in the Office of the Branch Head.

3.7.7 Scheduled Frequency of Meeting

The meeting shall be scheduled and held monthly.

3.8 Provincial Joint Tactical Centres (PJTC)

3.8.1 Mandate

1. Responsible for Provincial planning to ensure costed Integrated Operation Plans aligned to provincial priorities; DRDLR Strategic Plan and the Annual Performance Plan
2. Develop Project Registers that are aligned to the Integrated Operational Plans and Demand Management Plans

3. Allocate resources for the execution of the integrated operational plans (budget, HR: skills, expertise, knowledge and working tools)
4. Implementation of operational plans aligned to policies, frameworks, standards of DRDLR mandates and programmes.
5. Coordinate national mandate in / with provincial governments
6. Direct relationships with provincial departments
7. Facilitate provincial coordinating structures with provincial departments
8. Facilitate relationship with district municipalities with regard to national mandate
9. Develop provincial scenarios/profiles and plans (economic/poverty nodes) with provincial government
10. Contribute to provincial economic development projects with special focus on rural development and land reform;
11. Assist with programmes and projects implementation, if needs be, in provinces and municipalities;
12. Support district offices; and
13. Report on provincial level achievement of targets for DRDLR mandates and programmes
14. To reflect the Department's strategic capability to balance the demands imposed by external and internal forces and to integrate and co-ordinate overall functioning of all the branches at a Provincial Level
15. Ensure Directorates work plans are aligned to the Integrated Operational Plans
16. Ensure individual Performance Agreements are aligned to Directorates work plans and Integrated Operational Plans
17. Provide information needed to support excellent executive decision making in projects
18. Ensure that there are monitoring, reporting and intervention systems in place for execution
19. Track progress against plans on a monthly basis

3.8.2 Composition

1. PSSC Head
2. Registrar of Deeds
3. Chief Director: Restitution in the Province
4. Surveyor-General
5. All Directors in the Province (excluding Deeds, NGMS and Restitution)
6. Senior M&E official in the Province
7. Representative from the Office of the Premier
8. Representative from the office of the MEC of Agriculture in the Province
9. Representative from the office of the District Mayor
10. In Free State Province to include Head of the College

11. The Chairperson can invite other stakeholders

3.8.3 Chairperson/Deputy

Chairperson: The Head of the PSSC

Deputy Chairperson: Nominated/ Elected by the Forum at its inaugural meeting and for a period of two non-renewable calendar years.

3.8.4 Committee Procedures

1. Matters/issues can be brought to the Committee for consideration by the Minister, Deputy Minister, Director-General, any of the Deputy Director Generals, Head of PSSC or Branch Line Managers at Provincial level.
2. The PSSC Head reserves the right to call an emergency meeting should the need arise. Such emergency meetings should however be minimized as much as is possible as they could become counter-productive if they are too frequent.
3. Matters for approval/decision will be brought in form of a submission that outlines the situation/issue, provides the rationale for bringing it for consideration by the Committee (statutory or otherwise), outlines proposed alternatives to addressing the issue and makes a recommendation for consideration and approval.
4. A consolidated report of the monthly performance of each of the programs shall be presented by the Director in his/her absence his/her nominee at each scheduled meeting. The Committee shall interrogate and consume such reports, giving guidance and direction where necessary. Also the Director's reports should indicate areas of positive achievements so far (both monthly and cumulative) as well as areas of concern that require intervention at managerial and political levels.
5. The process of submitting issues and reports is outlined in annexure 10.6.
6. Decisions made by the Committee will be binding to all members of the PDF and must be communicated as such-collective decisions.

3.8.5 Delegated Authority

The Committee will exercise its powers in accordance with the powers delegated to it to the PSSC Head except in cases where the PSSC Head/CD reserves the right to make the final decision.

3.8.6 Committee Servicing

The Committee will be serviced by the secretariat located in the Chief Directorate: PSSC.

3.8.7 Frequency of Meetings

The meeting shall be scheduled and held on a monthly basis.

3.8.8 Proxies to Meetings

1. Members of the Committee Shall nominate a proxy to attend a meeting if the member is unable to attend, for emergency reasons only.
2. In such cases the Chari will be informed of the substitution at least one working day prior to the scheduled meeting.
3. The nominated proxy shall not have voting rights at the attended meeting. The nominated proxy must be able to have gone through matters before the committee and shall provide relevant comments/feedback that is expected of the member he or she is representing, to the attended meeting.
4. For purposes of Quorum, a nominated proxy shall be counted as if the member has attended.

3.9 DISTRICT JOINT OPERATIONAL CENTRES (DJOC)

3.9.1 Mandate

1. To establish relationship with local municipalities.
2. To implement programs at district level.
3. To develop focal scenarios and local plans (economic/poverty nodes).
4. To ensure coordination of national mandate with local municipalities.
5. To coordinate and support local economic development projects (integrated development plans).
6. To ensure Stakeholders participation and relationship management
7. To identify potential risks towards projects implementation and achievement of set targets
8. To improve communication and satisfaction with beneficiaries

3.9.2 Composition

1. DRDLR Official nominated by the PSSC Head
2. A representative nominated by the District Executive Mayor
3. Chair of the District Land Reform Committee (DLRC)
4. Chair of the District Agri-park Management Council (DAMC)
5. Representatives from each of Branch operating in the District including SPLUM; NGMS; DEEDS; Restitution; LRD; LTA; RID; REID (only those that exist in each District)

6. Representatives from each of the municipality –based Land Rights Management Committees (LRMCs) when they exist
7. Representative of each local municipality by invitation
8. Provincial Departments per invite

3.9.3 Chairperson

Chairperson: The Director or his/her nominee in his absence

3.9.4 Committee Procedures

1. Matters/issues can be brought to the Committee for consideration by the Directors.
2. A consolidated report of the monthly performance of each of the Directorate shall be presented by the Director or in his/her absence his/her nominee at each scheduled meeting.
3. To set leadership tone in-line with Public Service requirements

3.9.5 Delegated Authority

The Committee will exercise its powers in accordance with the powers delegated to it by the PSSC Head except in cases where the Director / nominated chairperson reserves the right to make the final decision.

3.9.6 Committee Servicing

The Committee will be serviced by the secretariat located in the District Office.

3.9.7 Frequency of Meetings

The meeting shall be scheduled and held on a monthly basis.

4. GENERIC COMMITTEE RULES

1. Reports for the meeting must be submitted to the Secretariat 4 working days prior to the meeting date and must be endorsed by the Director General/Branch Head / PSSC Head of a relevant Branch/Chief Directorate.
2. The Detailed reports should be in word document with a cover page indicating a clear purpose of the item, implications, consultation and recommendations
3. The presentation of the report in power-point must be submitted 48 working hours prior to the commencement of the meeting
4. Secretariat will request agenda items of the meeting 14 working days prior to the meeting for scheduled meetings
5. Secretariat will circulate decision register 48 working hours days after the meeting

6. Secretariat will circulate minutes of the meeting 7 working days after the meeting
7. Members are required to update progress on the decision register 7 working days prior to the date of the next meeting
8. Policies; Strategies and Procedures to have been consulted with and all relevant stakeholders and role-players prior to tabling them at Executive Structures
9. Only items part of the adopted agenda and inline with the mandate of the specific governance structure will be discussed in the meeting
10. Apologies for members should be submitted in writing to Secretariat 48 working hours prior to the meeting with reason/s for non-attendance provided in the letter and a proxy with delegated powers to attend the meeting and voting rights.
11. For purposes of Quorum, a nominated proxy shall be counted as if the member has attended.
12. Matters/issues can be brought to the relevant committees for consideration by the Minister, Deputy Minister, the Director-General or any of the Deputy-Directors-General.
13. Prior approval must be granted by the relevant Head of the Branch/DDG;
14. The Minister/Deputy Minister/Director General/Branch Heads/ PSSC Heads reserve the right to call an emergency meeting should the need arise. Such emergency meetings should however be minimized as much as possible as they could become counter-productive if they are too frequent;
15. Matters for information shall be brought to the committee by way of reports submitted to the secretariat and these may be discussed at the discretion of the chair;
16. The process of submitting issues and reports is outlined in annexure 10.6.1;
17. Decisions made by the committee will be binding to all members of the EMC and must be communicated as such i.e. collective decisions.

5. FORMS, RECORDS AND REGISTERS

1. Meeting Agenda
2. Attendance Register
3. Minutes of meeting
4. Action List
5. Submission Reports
6. Register of decisions
7. Year Planner

6. REFERENCES

1. Framework for Strategic Plans and Annual Performance Plans
2. Framework for Managing Programme Performance Information
3. Management Performance Assessment Tool (MPAT)

4. Public Finance Management Act (PFMA)
5. Estimates National Expenditure (ENE) Guidelines
6. Capital Planning Guidelines
7. Medium Term Expenditure Framework

7. NOTES FOR PROCEDURES

7.1 Notes for the Chairpersons

i. Open Governance and the Intranet

All committee documents such as agenda, minutes and agenda attachments must be made available on the Department's intranet site at: (<http://intranet.ruraldevelopment.gov.za>), for all open committees. Closed committees are those that affect individuals in their personal capacities and that confidentiality must be maintained in order to protect the Department's interest. The contact person regarding the access to the committee documents is Tamie Gqabi (contact number: 012 – 312 8693 / 082 820 7726).

ii. Committee Evaluation

The submission of Evaluation from all members of the committee on a semi-annual basis is required to measure the achievement against objectives for that particular financial year and against committee's purpose as set out in the Terms of Reference. The structure secretariat will send out the evaluations of both the Members and the Chairpersons. Members will be evaluated by the chair and the evaluation submitted back to the secretariat and the chair will be evaluated by the members. The results and summary of the evaluations will be collated by the secretariat and presented for discussion and consideration of improving the functioning of the structure and the level of contribution by the members. This is to enable the continual improvement of the functioning of the structure.

iii. Retention of Committee Records

Structure Secretariats are required to ensure that there is a full set of agendas and minutes at the end of each month, and that where appropriate these are bound. These sets of formal permanent record of each committee should include all documents, which have been tabled at meetings. The bound copies of documents for previous months, which are not referred to, are to be lodged with the Secretariat.

iv. Distribution of Committee Documents

Structure Secretariats are required to circulate a draft electronic version of agenda papers and/or minutes to all the members of the committee three days before the next meeting date, followed by a hard copy of minutes and agenda for the next meeting.

v. Updating Membership and Terms of Reference Records

The Corporate Secretariat has to be provided with updates and amendments to structures' mandates and membership and when this occurs;

Details can be emailed to:

tamie.gqabi@drdlr.gov.za

Contact numbers: 012 – 312 8693 / 082 820 7726

vi. Decision route for establishing amendments

Amendments to the Terms of Reference of any Committees mentioned in this manual/booklet must be approved as applicable in the following order:

1. The Applicable Committee (proposing changes to its TOR)
2. SMC through Corporate Secretariats
3. DDGs
4. Accounting Officer
5. Minister (if applicable)

7.2 Notes for Corporate Secretariat

vi. First Step

1. Know your committee's brief and membership
2. Know your committee's Chair and his/her expectations from you
3. Consult the committee's Terms of Reference
4. Minutes of previous meeting
5. Previous year's agenda for the same meeting
6. Pending file for committee business
7. Chairperson
8. Relevant reference documents
9. Think carefully about the layout of the agenda.
10. Arrange agenda items in logical order.
11. Check if there is any reserved business.

viii. Practical Arrangements

1. Arrange date, time and place.
2. Book a room/venue.
3. Check the type of refreshments required.
4. Arrange date, time and place for briefing session if it is appropriate.
5. Check if the meeting is flexible or has a fixed time. The minutes have to be distributed 7 days after the meeting.

ix. Circulating the following items

1. Agenda
2. Minutes (if not previously circulated)
3. Reports from Matters Arising
4. Papers on specific issues (prepared by you or sought from other people)
5. A paper in advance, summarizing actions taken since last meeting

x. Papers for circulation

1. Agenda
2. Minutes – if not previously circulated
3. Reports from Matters Arising and Action Lists
4. Submission papers on specific issues – prepared by the submitting official originating the issue or sought from other people (if specific format/presentation required, make this clear).
5. Can you save time at the meeting by, for example, producing a paper in advance summarizing action taken since the last meeting?

xi. Circulation:

1. Have the correct circulation list, correct forms of address etc.
2. Check for any special invitations to be sent out.
3. Check if there are any papers and envelopes that need to be marked "Confidential".
4. Do the circulation several days before the date of the meeting.

xii. Briefing:

1. Ascertain briefing (if briefing is required).
2. Determine if oral briefing will be sufficient.
3. Check if the Chair's notes are required.

xiii. The Meeting:

1. Arrive early in order to check seating and other relevant aspects.
2. Bring all items essential to the meeting, e.g. notebook, attendance register, Chair's notes etc.
3. Check if there is a need for special items, e.g. papers to be used as voting slips.

xiv. Identifying the Present Attendees:

1. Get names for each of the members present.
2. Open a meeting with a quick round of self-introduction.
3. Pass around the attendance book or sheet.
4. Draw a map of members present by their seat positions.

xv. Taking Notes:

1. Prepare beforehand.
2. Think about the key issue being discussed.
3. Record key points of view and the decisions taken.
4. Communicate any doubts with other members.
5. Ensure clarity on any jargons or acronyms used in the meeting.
6. Ask the speakers for any pre-written papers and attach them to the Minutes.
7. Avoid panicking.

7.3 Responsibilities of Corporate and Structure Secretariat

xvi. Agenda

1. Structure Secretariats are required to call for items from members two weeks in advance of the meeting.
2. The agenda has to be distributed 7 days before the meeting.
3. The agenda state which items are for information, which are for decision, which are for ratification and which are for recommendation to other committees.

xvii. Chairpersons Notes

1. The Structure Secretariat is required to prepare briefing notes for the chairperson.
2. To brief the chairperson.

xviii. Minutes

1. The minutes have to be distributed within 7 days of the meeting.
2. The minutes must indicate the context, debate and outcome or decision of each item.

3. The minutes must indicate clearly what action is required and from whom the action is required.

xix. Venue

1. The Structure Secretariat has to book for the venue of the meeting.
2. The Structure Secretariat to have to make arrangements for the catering.
3. The booking of the equipment, set up and tested has to be prepared by the Structure Secretariat.
4. The serving officer has to ensure the air-conditioner is set at the appropriate level depending on the weather.
5. The serving officer has to prepare documents for tabling.

xx. Decisions / Actions

1. The Structure Secretariat is responsible to communicate the required actions to those responsible for implementation.

xxi. Terms of Reference and Membership

1. The committee's members have to be familiar with the committee's terms of reference, The secretariat together with the chair will conduct an induction of new members;
2. The Corporate Secretariat has to be informed of changes in membership;
3. The Minister and Director General have to approve the changes that have been proposed to the committee's terms of reference

7.4 Checklists for Structure Secretariats

xxii. Agenda

1. Have you called for items from members two weeks in advance of the meeting?
2. Has the agenda been distributed 7 days before the meeting?
3. Does the agenda state which items are for information, which are for decision, which are for ratification and which are for recommendation to other committees?

xxiii. Chair's Notes

1. Have you prepared briefing notes for the chair?
2. Have you briefed the chair?

xxiv. Minutes

1. Have the minutes been distributed 7 days after the meeting?
2. Do the minutes indicate the context, debate and outcome or decision of each item?

3. Do the minutes indicate clearly what action is required and from whom the action is required?

xxv. Venue


1. Has the venue been booked?
2. Has catering been arranged?
3. Has the equipment been booked, setup and tested?
4. Has the air-conditioner been set to the appropriate setting depending on the weather?
5. Have documents been prepared for tabling?
6. Has the sound equipment been tested and in working order?

xxvi. Action

Have you communicated the required actions to those responsible for implementation?

xxvii. Terms of Reference and Membership

1. When last have you read your committee's terms of reference?
2. Is your committee's membership up-to-date?
3. Are there any vacancies on your committee?
4. Have you alerted the relevant body about the vacancy and invited a replacement?
5. Have you informed the Corporate Secretariat of changes in membership?
6. Has proposed changes to your committee's terms of reference been approved by the SMC, the Accounting Officer and/or Minister as applicable?


MR PM SHABANE
DIRECTOR-GENERAL
DATE: 30/9/2016

APPENDIX 3



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

**Provincial Gazette
Extraordinary**

**Buitengewone
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LOCAL AUTHORITY

Stellenbosch Municipality: Policy for Management of Municipal
Agricultural Land 2



STELLENBOSCH
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**THE STELLENBOSCH MUNICIPALITY: POLICY FOR
MANAGEMENT OF MUNICIPAL AGRICULTURAL
LAND, PUBLISHED UNDER NOTICE 54490 IN
PROVINCIAL GAZETTE 7744 ON 13 MARCH 2017 IS
HEREBY WITHDRAWN, AS IT WAS PUBLISHED
ERRONEOUSLY**

**POLICY FOR THE MANAGEMENT OF
MUNICIPAL AGRICULTURAL LAND**

STELLENBOSCH MUNICIPALITY

2016

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DEFINITIONS

"acquire" in relation to land includes, but is not limited to acquisition by purchasing, expropriation, exchange, donation or leasing, or as a result of the conclusion of any form of land availability agreement, and 'acquisition' has a corresponding meaning;

"Agricultural Land" means all land not used zoned or developed for urban purposes.

"Asset" means a tangible resource capable of ownership;

"Basic municipal service" means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health, safety or the environment;

"Capital assets" in terms of this policy, means land and other immovable capital assets which vests in the Municipality;

"Constitution" means the Constitution of the Republic of South Africa, Act 108 of 1996;

"Contract" means a deed of alienation under which land is sold against payment by the purchaser to, or to any person on behalf of the seller.

"Lease Agreement" meaning a written agreement specifying the rights and duties pertaining to the exclusive use of property for a continuous period of time (30) thirty calendar days or longer, and which sets forth the terms and conditions the use of the property an outright Sales Agreement.

"Council" means the Council of the Stellenbosch Municipality as envisaged in chapter 3 of the Municipal Structures Act (Act No. 117 of 1998);

"Disposal" in relation to a capital asset, includes-

- (a) The demolition, dismantling or destruction of the capital asset; or
- (b) Any other process applied to a capital asset which results in loss of ownership of the capital asset otherwise than by way of transfer of ownership;

"Exempted capital asset" means a capital asset which is exempted by section (14)(6) or section 90(6) of the MFMA, as more fully dealt with in Chapter 5 of the MATR that is, an asset that is needed for the provisions of basic municipal services.

"Fair market value" in relation to a capital asset, means the value at which a knowledgeable willing buyer and a knowledgeable willing seller would sell the capital asset in an arm's length transaction;

"Granting of rights to use, control or manage" means where the granting of such rights do not amount to the transfer or permanent disposal of an asset, for example when a right is acquired through a leasing, letting or hiring out arrangement;

"HDI - Historically Disadvantaged Individual" is defined as meaning: "a South African citizen who, due to the apartheid policy that had been in place, had no franchise in national elections prior to the introduction of the Constitution of the Republic of South Africa, 1983 (Act 110 of 1983) or the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993); and/or who is a female; and/or who has a disability, provided that a person who obtained South African citizenship on or after the coming into effect of the interim Constitution, is deemed not to be an HDI"

"Integrated Development Plan (IDP)" means the Integrated Development Plan of the Municipality as envisaged in section 25 of the Municipal Systems Act (Act No. 32 of 2000);

"LED Strategy" means the Local Economic Development Strategy of the Municipality;

"long term" means a period of longer than ten (10) years;

"local agenda 21" principles of sustainable development and environmental preservation;

"MATA" means the Municipal Asset Transfer Regulations promulgated in terms of the MFMA and published in the Government Gazette No 31346 of 22 August 2008.

"MFMA" means the Local Government Municipal Finance Management Act (Act No. 56 of 2003);

"Municipality" means the Stellenbosch Municipality as envisaged in chapter 1 of the Municipal Structures Act;

"Municipal Manager" means the Municipal Manager of the Municipality as envisaged in section 82 of the Municipal Structures Act;

"Supply Chain Management Policy" means the Supply Chain Management Policy of the Municipality as contemplated in chapter 11 of the MFMA and the Supply Chain Management Regulations (No. 27636 of 30 May 2005);

"Transfer" in relation to a capital or subsidiary asset, means transfer of ownership in the asset as a result of a sale or other transaction. This Policy must be read with the Supply Chain Management Policy of the Stellenbosch Municipality and the Municipal Asset Transfer Regulations (R878 in GG No. 31346 of 22 August 2008) issued in terms of the MFMA.

ACRONYMS

CASP	Comprehensive Agricultural Support Programme
HDI	Historically Disadvantaged Individuals
IDP	Integrated Development Plan
LED	Local Economic Development
MATR	Municipal Asset Transfer Regulations
MFMA	Municipal Financial Management Act
NDP	National Development Plan
PACA	Participatory Appraisal of Competitive Advantage
SCM	Supply Chain Management
SDF	Spatial Development Framework

1 THE CURRENT SITUATION

1.1 Introduction

For all South Africans, irrespective of colour or creed, land is an emotive issue. Throughout our history one of the biggest bones of contention has been the right to ownership and use of land. Discriminatory practices in the past, a land reform programme that has not succeeded in transferring significant quantities of urban or rural land since 1994, a wide range of demographic pressures and the fact that most agricultural land is still in the hands of commercial, mostly white, farmers puts pressure on the country's socio-economic systems, and Stellenbosch municipal area is not immune to these pressures. History is replete with examples of what can happen when these pressures are not addressed.

Stellenbosch municipal area and its towns have a very colourful past whose history plays a particularly important role in giving the area the ambiance and character which makes it one of the outstanding tourist attractions in South Africa.

For this reason, it is imperative that the Stellenbosch Municipality have a comprehensive, fair and sustainable policy and implementation strategy for agricultural land reform.

Although land reform is a national competence, the Municipality has a duty to assist with land reform initiatives, but even more importantly, because the Municipality is the largest owner of agricultural land it has a duty to formulate and implement land reform within the bounds of its own competencies and capacity. This is a challenging and formidable task given that the greater portion of this land is held under long term leases that do not do justice to the guiding principles of economic optimization of agricultural land and fair and equitable distribution of what should be available.

Farming in the Stellenbosch Municipal area is heavily skewed towards viticulture. There is of course a close link between wine farming, the beautiful landscape, consisting of both the cultivated grapevines and the natural fynbos, and the tourist experience that the town and its surroundings offer.

As important as wine farming is, however, it is equally important to maximise the potential of the scarce but high quality agricultural land to ensure that appropriate land is set aside for tourism, the retention and conservation of the historical treasures that lie within the borders of the Municipality, and conservation, as these are also integral components of the Stellenbosch experience. The economic development of the area depends on the sensible use of its land resources.

In managing its agricultural land portfolio, a policy for the management of municipal agricultural land based on the principles of sustainability, equality, efficiency, fairness and good governance is required. It is widely acknowledged that policies that facilitate access to land play a significant role in reducing poverty and income inequality. As Stellenbosch Municipality owns large tracts of high value agricultural land, it is evident that it should become involved in the process of land reform.

However, there is very little of this land available since approximately 80% is currently under long term lease agreements. Furthermore, in the absence of a clear policy framework, the process for accessing municipal agricultural land has been very cumbersome in the past.

For this reason, Stellenbosch Municipality, through its Local Economic Development and Property Management Departments has embarked on a process of developing a policy and implementation strategy for the management of municipal agricultural land based on sustainability principles as part of its contribution to sustainable development.

1.2 The historical context

Stellenbosch is arguably one of the most beautiful parts of the country and its climate is conducive to excellent agriculture production. The municipal area comprises of the towns of Stellenbosch, Franschhoek, Pniel, Klipmuts and some other smaller hamlets, and the rural hinterland between these settlements. Whilst its economy is primarily built on the financial and business services sectors, the area boasts a vibrant tourism industry. The Winelands are a major tourist draw card and are also well-known for the close linkages to the manufacturing and services sectors.

The area is also home to a vibrant education sector, including a leading world renowned university, and hosts a range of innovation industries, as well as the headquarters of major multinational and national companies.

The municipal area comprises 900 square kilometres with a population of 165,000 people. Some two thirds of agricultural production consists of wine grapes, followed by vegetables and eggs. Most of the arable land is used for the production of wine, and only a small proportion of the region's food is produced locally.

Whilst significant investments have been made in the farming sector, not all are related to productive uses of the land. This has led to fertile land being rendered unproductive, and this in turn has diminished employment opportunities for low skilled workers. The unemployment rate of 26% together with the steady rate of urbanisation adds to the pressure of the availability of jobs in the area.

Stellenbosch municipality is one of the municipalities in the country with the most municipal land under its control; however, due to the agriculture potential of farm land, most of the arable land has been leased to established farmers on long term lease contracts.

The capital investment required for developing and using the land required these long term leases to allow lessees the opportunity to redeem the large investments in water and other infrastructure.

To this end, 80% of the 1,300 ha of municipal land has been taken up by established farmers whilst another 10% is being farmed by new entrants (small farmers) in various widely spread out locations. All other available land is to be made available to be leased to HDI's. Properties, especially agricultural land (commonage) provide an enormous opportunity for Council to achieve its strategic objectives. Therefore this policy provides for the implementation of a process of identifying agricultural land which is currently available as well as land under long term lease which is not being optimally used and which is aligned to the Spatial Development Framework, LED strategy, the IDP and the objects of local government as set out in the Constitution.

2 SCOPE AND PURPOSE OF THE POLICY

2.1 Scope of the policy

The sound management of the Municipality's agricultural land resources is crucial if it is to be conserved for future generations. The scope of this policy is to set out decision-making guidelines for the management of municipal agricultural land with due regard to the relevant national, provincial and local policy and legislative provisions that govern land ownership, access to land and land use. Furthermore, the aim of the policy is to provide for the core principles, mechanisms, processes and procedures that are necessary to enable the Municipality to manage and administer municipal agricultural land, of which Council is the custodian.

In this regard, the policy allows for social and sustainable economic development and encourages the involvement of individuals, communities and community organizations and regulates the management and use of municipal agricultural land. It is, however, important that land disposal is treated on its own merits although alternative methods of disposal, not specifically mentioned in this policy, may be used where appropriate, subject to obtaining proper authority.

2.2 Purpose of the Policy

The purpose of the policy is to:

- 2.2.1 Provide a policy framework for the management of the Council's capital assets with specific reference to municipal agricultural land.
- 2.2.2 Promote the acquisition and use of municipal agricultural land mainly through leasehold preferably by historically disadvantaged individuals as envisaged in section 25(5) of the Constitution.
- 2.2.3 Regulate the use, acquisition and disposal of municipal agricultural land in accordance with the applicable regulations.
- 2.2.4 Ensure that municipal agricultural land held by it, which is not envisaged for or already used for public purposes and/or in the public's interest, be dealt with in a manner that will ensure the greatest benefit to the Council and the community.

- 2.2.5 Ensure current long term lease agreements pertaining to agricultural land are periodically revisited, especially where land is not currently being optimally used and provide for the necessary procedure for the disposal or awarding of rights of such land in terms of the applicable regulations.
- 2.2.6 Ensure fairness, equity, transparency, cost effectiveness and competitiveness.
- 2.2.7 Ensure speedy availability of land to qualifying residents.
- 2.2.8 Provide for a standard process to be followed for the application and allocation of municipal agricultural land in line with the Municipal Financial Management Act (MFMA) and the MATR.
- 2.2.9 Provide for the institutional arrangements for the management and administration of municipal agricultural land and guide the establishment of an intergovernmental and public/private sector body to monitor implementation and provide support.
- 2.2.10 Discourage the direct sale of municipal agricultural land. In this regard, the Council may dispose of land or other immovable capital assets only once it is satisfied that such an asset is not needed to provide the minimum level of basic municipal service and that it has considered fair market value for the asset and the economic and community value to be received in exchange for the asset, in accordance with section 14(2) of the MFMA and Council has complied with subsections (1) to (6) thereof. However, the above must be done with the greatest circumspection as it is imperative to keep a balance between righting the wrongs of the past with the conservation of the Municipality's greatest cultural and economic asset - its historical treasures that gives the town its special ambiance.

3 ALIGNMENT OF THE POLICY: THE NDP AND LEGISLATION

It is important that initiatives such as this are aligned with current government development policies and the realities of the market place. To this end the National Development Plan (NDP) proposals on employment in agriculture and on land reform are presented first. This is followed by a review of the relevant legislation that impacts on the management of agricultural land in Stellenbosch.

3.1 Alignment with the National Development Plan

Chapter 6 of the National Development Plan (NDP) recognizes that the end result of more than a century of racially discriminatory practices, policies and laws regarding access to, and ownership of land in South Africa is a profound inequality, basically between commercial farmers, who are still mostly white, and small scale, often subsistence and sometimes emerging, mostly black farmers. While the exact patterns of land access differ between the provinces, this strong dualism is still the most important characteristic of South Africa's rural areas.

As a result, the NDP identifies strategies to end the dualism in South African agriculture, which distorts the spatial organisation of the country's rural areas and makes access to markets for smaller scale producers all but impossible. The Chapter addresses three sets of strategies:

- a) Rural development and food security,
- b) Employment creation in agriculture and related upstream and downstream industries, and
- c) Land reform. The last of these three is of direct interest to this policy document.

Land reform, as proposed in the NDP, is a three step process that addresses some of the realities of land reform in South Africa as defined in the National Development Plan (NDP).

Step 1:

is to convene an area-based Land Committee with representation by all interest groups such as Departments and agents of the State, farmer organizations, financial institutions including the Land Bank. The first task of this area-based initiative is to decide on a short and long term vision for land reform in their area of jurisdiction: for example, do they want only small-scale farmers, do they want to encourage the production of any particular crop or livestock enterprise, can they identify agro-processing opportunities that are suited to their area, etc.? This vision will guide their selection of prospective farmers, as is shown below. Importantly, the District Committee also considers what farmer support services, from hard infrastructure to farmer support, is required in their area of jurisdiction in order to secure the success of their vision of land reform, and starts to negotiate its provision with the relevant stakeholders. Importantly, the NDP argues that successful land reform requires that the appropriate farmer support services (access to rights in land and to supply chains such as export licences; access to input and produce markets, the appropriate physical and institutional infrastructure, access to inclusive financial services and to research and extension services, et c.) should be in place *ex ante*. Without farmer support services, land

reform will fail. *Ex post* provision of services such as those produced via CASP and RECAP are invariably too little and too late, and are not a substitute for the real thing.

Step 2

is where the Committee identifies 20 per cent of the privately owned commercial farm land in their area of jurisdiction that is available for land reform. In the short term (the first year or so) this will most likely be state land, municipal commons, land already purchased for land reform but not settled, farms that are under severe financial stress and commercial farmers willing to offer land for sale, while in the longer term (around five years), other farms will be identified. The Committee then sets criteria for tenders for the beneficial use of the targeted farm land, and invites tenders that meet these criteria. It is important that this should be a transparent process, with well-reasoned criteria. The criteria could include factors such as the age and formal educational status of the prospective beneficiary, their farming experience, the presence of a mentor, the 'fit' between their business plan and the vision of the District Committee, etc. The successful tenders will immediately be put on a professionally managed performance monitoring system that will be in place for at least the first three years of their new venture.

Step 3:

would usually commence with a scheme to purchase land for land reform. However, in the Stellenbosch case, the land will stay in the possession of the Municipality, at least in the medium run. For this reason, the scheme will commence with the free provision, for the first three years, of farming requisites (seed, fertilizer, agro-chemicals, fuel, maintenance and repairs, packaging, etc.), working capital (machines, equipment, animals, buildings, etc.) and land rental once the successful beneficiaries are identified. To this end current commercial farmers can be partnered with the new farmers, and the Municipality can coordinate with the Provincial Department of Agriculture for access to CASP funding as well as other government agencies where support is already given. It is important, however, to note that the Municipality has no jurisdiction over land reform, and cannot be expected to finance this aspect of the scheme - it can at best voluntarily coordinate the provision of support. Next, if the farmer fails the performance appraisal in the third year, they lose their preferential access to the land. In the case that she or he passes this test, the Municipality is free to increase the length of the lease immediately, or in increments, and phases a market rate of rental in over four years at 25 per cent increments per year. In year 4 (i.e. after 7 years in total) the Municipality may, if it deems this to be in the best interests of the Stellenbosch community, sell the land to the beneficiary, who, under the NDP proposals, will have recourse to the Land Bank for financing of the mortgage. This means that the new farmer will now either pay a normal market rental in the event that the land remains under leasehold or a normal market premium in the event that title is conferred. From this point onwards (i.e. after seven years), the new farmer may exercise all the rights of ownership of the lease or the title deed that accrue to any farmer within the framework of Stellenbosch Municipality policies - they may sell, buy or hire additional land, etc. Finally, the NDP also provides detailed guidelines on how the new farmers can leverage their participation in the programme to access financing in a manner that allows them a fair chance of becoming successful.

Note that the NOP is in many respects not prescriptive and is encouraging of local initiatives to address local problems. In particular, the NOP proposals encourage experimentation with:

- 3.1.1 The criteria by which success in land reform should be measured, whether this be the number of hectares transferred, the number of beneficiaries assisted, the reduction in income inequality in the area, etc. This is something that should form part of the vision for land reform, as discussed under Step 1.
- 3.1.2 The sequence of land reform implementation: In particular, it does not prescribe that a representative, area-based land committee be set up prior to the implementation process. This would especially be the case where the democratically elected local government authority takes the lead. It also does not prescribe that step 1 should precede step 2, etc.
- 3.1.3 Who should participate in the land committees?
- 3.1.4 How the Committee is to arrive at a longer term vision for land reform in its area of jurisdiction, and what that vision should look like.
- 3.1.5 What farmer support services are required, who should provide them, and how should they be provided: as long as they are planned for ex ante, and actually implemented.
- 3.1.6 The nature and origin of land targeted for early implementation of the vision for land reform. In this case, it is municipal land that is not currently encumbered or that will become so in the near future. This could, in other words, form the vanguard of a wider land reform program in the Stellenbosch Municipal area.
- 3.1.7 The criteria by which beneficiaries will be selected: The NOP is, however, prescriptive about performance monitoring of the beneficiaries and about how access for them should be financed (see Steps 2 and 3) in order to improve the prospects of success.

3.2 Relevant legislation

The legislative framework for the management of the Stellenbosch municipal property is contained and governed in a number of laws, including but not limited to:

- The Local Government: Municipal Finance Management Act 2003, Act 56 of 2003 (MFMA), in particular section 14, which deals with disposal of capital assets;
- The Local Government : Municipal Asset Transfer Regulations, 2008 (M ATR), which governs
 - The transfer and disposal of capital assets by municipalities and municipal entities; and
 - The granting by municipalities and municipal entities of rights to lease, use, control or manage capital assets;
- Any other applicable legislation, regulations and policies that may govern the disposal, letting or transfer of ownership of municipal land and related activities that are not in contradiction with the primary legislation referred to above.

Further relevant pieces of legislation governing property management include the following:

- Broad Based Black Economic Empowerment Act (Act No. 53 of 2003);
- Constitution of the Republic of South Africa, 1996;
- Extension of Security of Tenure Act (Act No. 62 of 1997);
- Local Government: Municipal Structures Act (Act No. 117 of 1998);
- Local Government: Municipal Systems Act (Act No. 32 of 2000);
- Preferential Procurement Policy Framework Act (Act No. 5 of 2000);
- Property Rates Act (Act No. 6 of 2004);
- Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993).

4 THE IMPLEMENTATION PLAN

4.1 Guiding principles

The following principles will guide the implementation of this Policy:

- 4.1.1 Promote social integration, provide redress to the Council's existing spatial inequalities, build strong and dignified communities and provide adequate infrastructure for easier access to places of work.
- 4.1.2 Optimizing property, in particular municipal agricultural land as a sustainable resource to provide better economic growth and improve agricultural diversity with regard to value adding to fresh produce.
- 4.1.3 Promote land reform by fundamentally changing unequal land ownership patterns through optimization and redistribution of long term leased land, especially that which is lying fallow.
- 4.1.4 Use property as a catalyst for economic development by establishment of agriculture beneficiation nodes.
- 4.1.5 Acquisition of additional municipal agricultural land to further the Municipality's strategic objectives.
- 4.1.6 No rights or usage of municipal owned land shall be sublet or ceded to a third party without the prior written approval of the municipality.
- 4.1.7 Under no circumstances should any mining of land, excavation of soil for selling purposes or any permanent damage to land be allowed.
- 4.1.8 No new buildings shall be permitted on leased municipal land whether long term or not unless with specific agreement of the Council and then for a use and in a style that complements the environment.
- 4.1.9 Utilization of land and other immovable assets is guided by the Municipality's Integrated Development Plan (IDP), the Spatial Development Framework and the Local Economic Development Strategy
- 4.1.10 Create an enabling environment to users of the land to participate meaningfully in agricultural activities to:
 - 4.1.10.1 Promote entrepreneurship
 - 4.1.10.2 Contribute to food production and economic opportunities
 - 4.1.10.3 Leverage the expertise and markets of existing commercial farmers to assist emerging farmers through partnerships and/or shareholding especially new entrants.

4.2 Bill of Rights - Equality

Fundamental human rights are entrenched in Chapter 2, sections 7 to 39, of the 1996 Constitution. *The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote and fulfil the rights in the Bill of Rights.*'

Rural development is a central pillar of the struggle against unemployment, poverty and inequality. High levels of rural poverty and inequality inhibit the growth of the economy and undermine any efforts to ensure that growth is more equitably shared amongst citizens.

Although agriculture is not a local government mandate, Council has a developmental role to play in facilitating and advancing rural development to bring about sustainable change in the socio-economic situation of the area and to support economic growth. This developmental role is further emphasized in sections 152 and 153 of the South African Constitution.

The objects of Local Government in particular are set out in section 152 of the Constitution, which reads thus:

"(1) the objects of local government are-

- (a) to provide democratic and accountable government for local communities;*
- (b) to ensure the provision of services to communities in a sustainable manner;*
- (c) to promote social and economic development*
- (d) to promote safe and healthy environment and;*
- (e) to encourage the involvement of communities and community;*
- (f) Organization in the matters of local government.*

(2) A municipality must strive with its financial and administrative capacity to achieve the objectives as set out in this sub-section.

(3) The Constitution further determines that local government shall have the developmental duties as set out in section 153 that reads as follows:

'A municipality must-

- (4) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and*
- (5) Participate in national and provincial development programs ."*

A reformist policy, particularly incorporating previous disadvantaged groups, is to be implemented in line with the above objectives prescribed for local governments. This policy must at all times include the fair distribution of the land with particular reference to optimal production and allocation to suitable qualifying beneficiaries.

Considering the fact that the bulk of Stellenbosch municipal agricultural land has already been allocated in long term leases, there is limited agricultural land available which can be gainfully applied. A further hindrance is the availability of water without which agricultural land is virtually worthless as far as viticulture and fresh produce is concerned.

It is therefore incumbent on the administration of the Municipality to ensure that the limited land currently available is optimized for the benefit of the community as a whole without taking away from the historical heritage which ensures economic progress.

4.3 Sustainable development

Implicit in the concept of sustainable development is the requirement that a broader view of the Stellenbosch economy is always at the forefront of the process; the town and surrounds are highly dependent on the historical heritage and tourism and agriculture which are the main sources of job creation.

Sustainability in this instance implies the use of land to feed urban residents and to provide for additional economic value, but not to harm the aesthetic appearance and ambiance of the countryside which is the attraction for tourism income.

Due regard for the scarcity of water and prudent use of other resources together with the application of innovative new methods of farming lies at the bottom of these efforts.

Recognition should be given to the wealth of farming experience on the one hand but a lack of business acumen on the other which should direct any training efforts towards access to markets and proper planning for the longer term. It is also essential that new farmers pool their resources to obtain maximum value for their produce.

As the right Partner can add immeasurable value to particularly HDI beneficiaries it is incumbent on the Operational Committee to facilitate, where possible, that such a Partner is introduced and that the required steps is followed to ensure that an equitable arrangement is reached with the HDI not forfeiting more than 49% of the shares.

4.4 Council powers

The Council is permitted to:

- 4.4.1 Reserve and manage immovable property in its ownership for municipal purposes in a manner that supports its strategic objectives and permit such property to be enclosed and cultivated.
- 4.4.2 Reserve and manage immovable property in its ownership for municipal purposes aligned with operational needs.

- 4.4.3 Acquire immovable property and rights in property by way of private treaty, cession, donation and expropriation to support its strategic objectives.
- 4.4.4 Alienate immovable property and rights in property by way of direct sale, public tender, auction and donation.
- 4.4.5 Let immovable property in its ownership on a long term or short term basis by way of direct negotiation or public tender.
- 4.4.6 Acquire, use or dispose of any capital assets owned by the Municipality, unless it is precluded from so doing by law or the conditions under which such immovable assets were acquired by the Municipality.

4.5 Guidelines for land allocation

The Policy prescribes the following guidelines to be followed by Council for the allocation and management of municipal agricultural land within the framework of compliance with the applicable legislation and regulations:

- 4.5.1 In a bid for municipal agricultural land, where bidders are equally competitive; preference will be given to HDI's.
- 4.5.2 In this event cognisance should be taken of Chapter 7 of the Draft policy on the Management of Municipal Immoveable property that deals with "preference points".
- 4.5.3 Special affirmative measures towards HDI's may be applied by the Municipality to ensure fairness in the disposal process of agricultural land in accordance with the Preferential Procurement Regulations.
- 4.5.4 Ensure the protection or advancement of persons, or categories of persons, disadvantaged by previous unfair discrimination.
- 4.5.5 Market forces will always be the point of departure in any land or property transaction and this must be recognised and acknowledged.
- 4.5.6 Preference will be given to bids that support economic development initiatives on a macro scale, including tourism initiatives;

- 4.5.7 May enter into Public Private Partnership agreements but only in accordance with the provisions of Section 120 of the MFMA.
- 4.5.8 Aim to redress past land ownership patterns to reflect the population demographics of the Municipality.
- 4.5.9 Council reserves the right not to dispose of any portion of land.
- 4.5.10 Compliance with the Local Agenda 21 principles of sustainable development and environmental preservation.
- 4.5.11 Council will respect all current ownership and other vested rights to property.

Current long term lease agreements pertaining to agricultural land should be revisited, especially where land is not currently being optimally used, with the aim of achieving socio-economic development, providing access to land for eligible emerging farmers and in fulfilling council's strategic objectives. Local Economic Development should therefore on a continuous basis verify that land allocated on long term leaseholds to established farmers; industry and other bodies is used for the purpose for which it was allocated on a regular basis.

4.6 Institutional & Governance Structure

While the details can be worked out when appropriate, the institutional structuring for the implementation of this draft policy will consist of the following :



Figure 1: Institutional & Governance Structure

4.6.1 Compilation of a Strategic Advisory Committee:

It is suggested that a Committee be established to play a key role in municipal agricultural land administration and management in line with the applicable legislation as explained in section 3. The committee should ideally comprise of:

- The Municipal Manager (or assigned)
- Director: Planning and Economic Development (including officials from LED),
- Director: Integrated Human Settlements and Property Management (including officials from Property Management)
- Senior Legal Advisors of Legal Department;
- Western Cape Department of Agriculture;
- Department of Water Affairs
- Winelands Water Board
- Stellenbosch University
- Department of Rural Development and Land Reform
- Special Purpose Vehicle
- Organised stakeholders with formalised relationships, e.g. Agricultural Society
- Any other relevant stakeholder as approved by the Municipal Manager

Guided by the Policy principles as stated earlier, the responsibilities of the Strategic Advisory Committee are varied and include the following:

- Providing strategic land access management and information to Council (among others)
- Changing the existing land ownership patterns whilst respecting and upholding current property rights. This should be undertaken by terminating current leases where municipal agricultural land is not currently being used optimally;
- Ensure the productive and sustainable use of land to attain both household and food security as well as increase agricultural output;
- Provide sound and competent advisory service regarding municipal agricultural land allocations and matters of access;
- Identify where to acquire land from and identify eligible occupants based on specified criteria
- Ensure compliance with the relevant strategic plans, policies and legislation;
- Ensure equitable balance between interests of the public,
- Ensure that inter-departmental and inter-sectorial cooperation and alignment takes place;
- Ensure alignment with National Development Plan, Municipal Integrated Development Plan, Municipal Spatial Development Framework and other relevant development plans;
- Supporting the formulation and implementation of limitations on land holdings and monitor ownership patterns in the Stellenbosch Municipal area;

Coordinate the municipal agricultural land allocation system to ensure the success of implementing this policy;

4.6.2 Compilation of an Operational Committee

Guided by the Policy principles as stated earlier, the responsibilities of the Operational Committee are varied and include providing land administration and information to the Strategic Advisory Committee. It is recommended that the following departments form part of the Operational Committee:

- Property Management
- Local Economic Development
- Legal Services
- Environmental Management

The functions of this Committee will be to:

- Facilitate partnerships between established and emerging farmers, industry and government to facilitate investment, sustainability and efficiency of farming enterprises.
- Coordinate local support services.
- Receive and review land applications and/or proposals in terms of principles and specified criteria as set out in this policy and the applicable legislation.
- Maintain a database or register of land inventory and conduct a land audit periodically.

4.7 Criteria to obtain access to land

Rural development and land reform are not municipal functions per se; however, rural development has a spatial dimension and is implemented in municipal spaces. Therefore, the role of local government cannot be overemphasized.

As the custodian to relatively large tracts of land, Stellenbosch can make a meaningful contribution to Government's efforts to correct disparities in land use as a result of policies of a previous dispensation. The Municipality has a core responsibility to acquire and avail land, in the first instance, for its own use for purposes of developing and maintaining municipal infrastructure, promoting service delivery and for facilitating social and economic development and spatial integration.

The Municipality has a further responsibility in terms of acquiring, managing, developing and releasing its land and other immovable assets and rights on behalf of its residents and ratepayers. In this regard, the key consideration is that the best interests of the Municipality (and thus its residents) should be paramount in all land transactions that the Municipality enters into.

Beneficiaries will be selected from lists compiled from advertising in all the printed media in Stellenbosch. The advertisements will specify the size and type of land available and for which type of farming or land use the land is earmarked. Applicants for land lease must complete a set of documents obtainable from LED which will specify inter alia:

- What documents should be attached to the application (ID's etc.)
- Type of application (Cooperative, Trust or Individual Farmer)
- Farming category: Community gardens; emerging farmers; commercial farmers
- Agricultural beneficiation: Development or use of existing or agreed infrastructure for value adding by refinement, bottling, packaging, processing, etc.
- A business plan covering:
 - Proposed business model
 - Production viability
 - Market access
 - Financial Viability
 - Support Services
 - Financial model.
- Further criteria as occasioned by the needs of the specific project, which may include, where appropriate:
 - A residential requirement (e.g. must have been a resident of Stellenbosch for a period of 10 years or more);
 - Experience in farming and/or business management at an appropriate level;
 - A means test income requirement;
 - Monthly cash flow or banking statements
 - Assets owned without encumbrance
 - Assets available but encumbered
 - Partnership and cooperation with a mentor if required;
 - Attendance of human development opportunities as prescribed;
 - Compliance with the policies of the Municipality and other applicable legislation and with the rules and regulations as set out by the Municipality from time to time.
- The criteria and process to be determined by the Municipal Manager and may vary on project to project basis based on the following principles:
 - Must be a South African citizen
 - Must be an adult.
 - Must be of a previous disadvantaged group
 - Must at least have been a permanent resident of Stellenbosch Municipal Area (minimum 5 years) on a sliding scale.
 - Must have a proven agriculture track record weighted by the fact that such a person have been employed in an overseeing capacity.
- Supply chain guidelines to be followed.

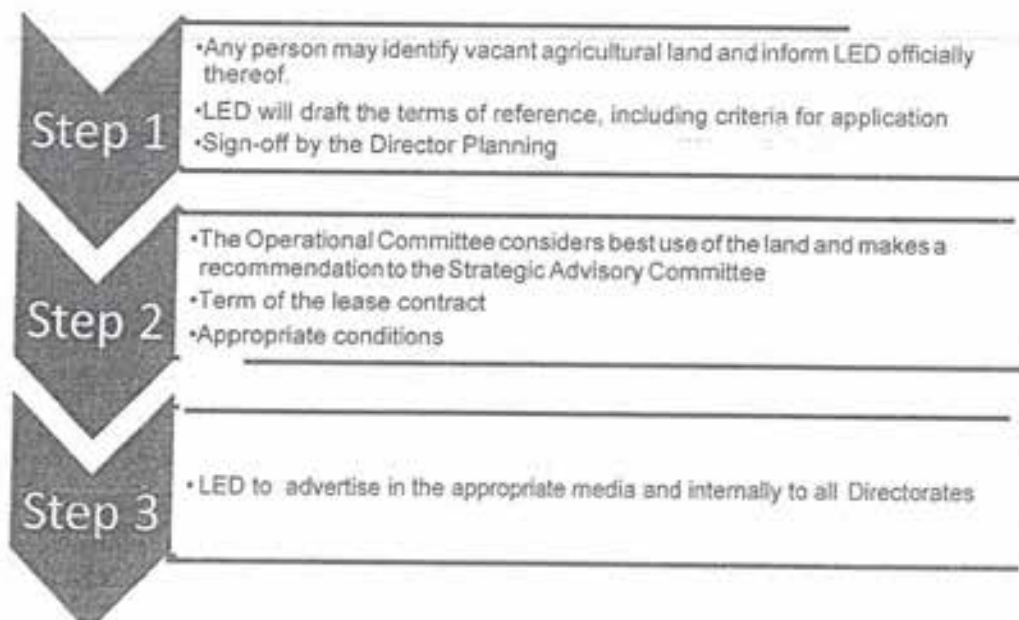
4.8 Exclusions

Land allocation will exclusively be made available for agricultural purposes and beneficiation of locally produced products. Due to the fact that the historical character and rural ambiance is important to maintain the status quo of Stellenbosch as destination of choice which is responsible for an important part of the local economy, all efforts must be made to conserve the natural environment. Unless by special decision of the Municipal Council, no agricultural land will be made available for industrial, residential, special nodal developments or any such developments that may take away from the charisma of the District or reduce farmland as a resource

- No permanent land rights for inefficient land users. Therefore continuous review, evaluation and increased productivity checks will be put in place;
- Immediate exclusion for any fraudulent activities by beneficiaries in application, during process or after allocation resulting in disqualification and prohibition of future participation (of the beneficiary or beneficiary group);
- Ensure land access only to capable, skilled, hardworking groups without farming activities in other regions of South Africa or internationally;
- Discourage speculative and unproductive land use.
- Save with prior approval, the municipal agricultural land may only be used for the purpose for which occupation was granted and purposes regularised by the relevant zoning schemes.

4.9 Process to acquire land or rights on agricultural land

The disposal of agricultural land and the awarding of rights in agricultural land will be dealt with in terms of this policy and the applicable legislation.



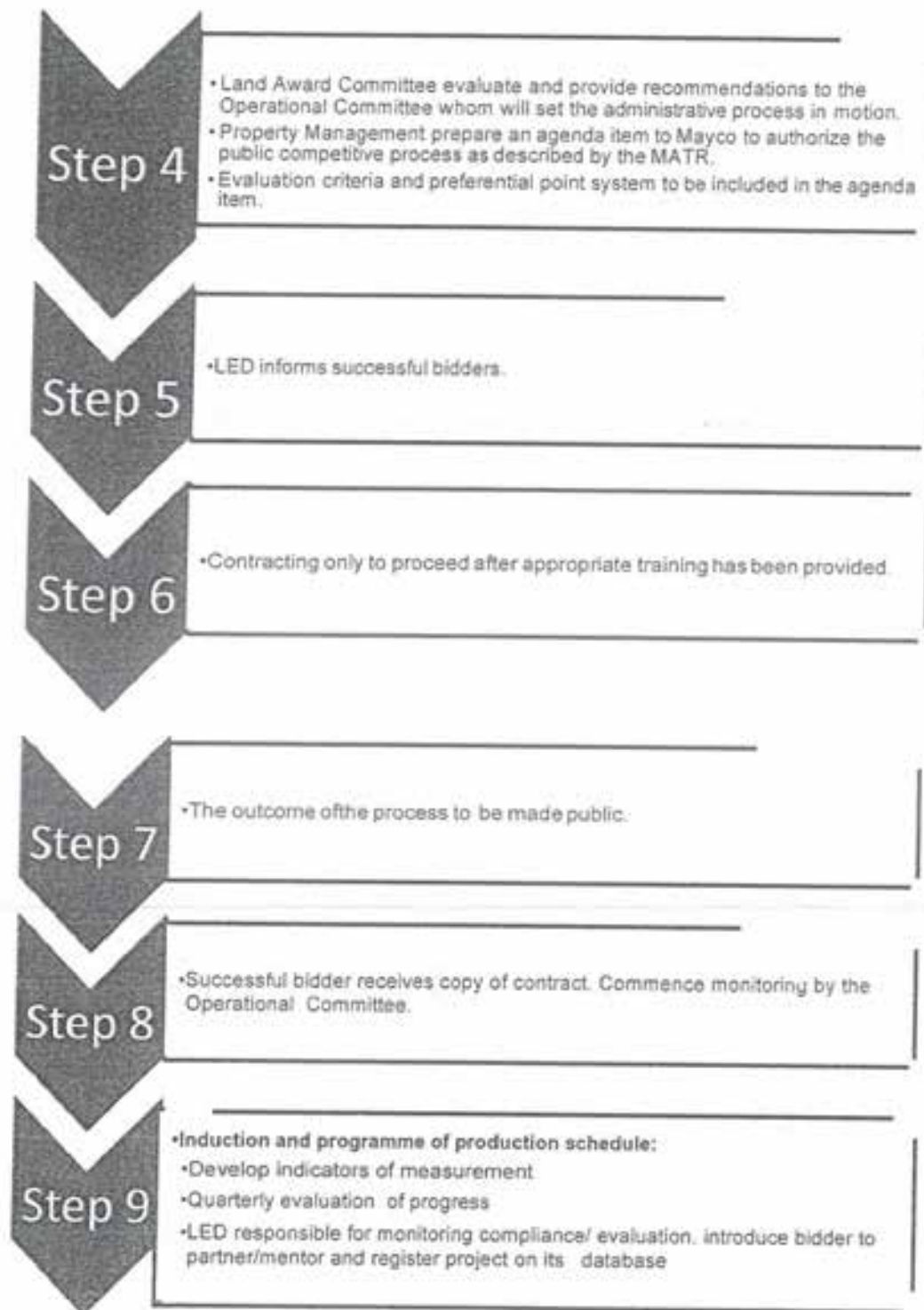


Figure 2: Process to acquire land or rights on agricultural land

4.10 Monitoring and evaluation

The municipality does not have the capacity to monitor and evaluate the progress of agricultural land and the farming practices in general. It is therefore imperative that Partners / Mentors must be found to assist in the process to not only mentor a new generation farmers but also take up the responsibility to oversee proper farming processes that is in the best interest of Stellenbosch.

It will however be in the best interest of Stellenbosch municipality to have its own database of Partners/ Mentors and therefore LED will set a process in motion to identify willing and able persons, with expertise not only in agriculture, but also in other aspects (e.g. beneficiation) relating to farming enterprises.

4.11 Policy Reviewprocess

- o This Policy shall come into effect on the date of the Council resolution;
- o This Policy may be reviewed annually and when required by way of Council resolution.

5 REFERENCES

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6 ANNEXURE A: Municipal land under leasehold

6.1 Land currently under long term leasehold

Property description	Size	Lessee	Contract Period
29	40 ha, no water	Vacant	
165/1	0,14 ha, no water	Vacant	
165/1A	10,5 ha, no water	Vacant	
183	1,55ha, no water	Vacant	
183A	35,54 ha, 12,0 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994-31/ 03/ 2044
183B	11 ha, 3 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994-31/ 03/2044
183C	8,5 ha, 2ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994-31/03/2044
183D	24 ha, 8 ha water	Joretha Boerdery	01/04/1994-31/03/2044
183E	21,84 ha, 7 ha water	Devon Valley Boerdery (Edms) Bpk	01/04/1994-31/03/2044
183F	8,13ha, 3 ha water	Devon Valley Boerdery (Edms) Bpk	01/04/ 1994- 31/03/2044
183G	0,43 ha, No water	Devon Valley Boerdery (Edms) Bpk	01/04/1994- 31/ 03/ 2044
183/23	20,5 ha, 8 ha water	W.S Smit Boerdery (Edms) Bpk	01/04/1994- 31/ 03/ 2044
203/2A	4,36 ha, 2 ha water	Devon Valley Boerdery (Edms) Bpk	01/ 04/ 1994- 31/03/2044
279A	6,8 ha, 5 ha water	Asara Properties(Pty)Ltd	01/04/1994-31/03/2044
279B	25,3 ha, no water	Vacant	
279D	5 ha, no water	Vacant	
295/3 Remainder Erf 378 Remainder Erf 9190	70,4 ha, 10ha water	Stellenbosch Golf Club	20/12/ 1994- 31/03/2041
352/2	.0297 ha, no water	Orkie Jooste Kampterrein	24/03/1934-23/ 03/2033
352/2 other	174,6 ha, no water	MTO	24/ 03/1934-23/03/ 2033
369/2	3,5 ha, no water	Vacant	
369/C	3,5 ha, no water	Vacant	
369F	8,5 ha, 2,5ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/1991-31/03/2041
369P	60,5 ha, 25 ha water	KWV(Pty) Ltd	01/04/1991-31/ 03/2041
369T	1,2 ha, no water	Paradyskloof Tennis Club	21/ 06/1999-20/06/2041
369U	0,31 ha, 0,1 ha water	Paradyskloof Boerdery (Edms) Bpk	01/ 04/ 1991-31/03/2041
369V	2,84 ha , 0,9 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04/ 1991 -31/03/2041
369W	38,1ha, 11,4 ha water	Paradyskloof Boerdery (Edms) Bpk	01/04 / 1991-31/03/2041
377A	9,42 ha, no water	Vacant	
377B	16,27 ha, no water	Goedvertrouw (Kirsten)	01/04/ 2007-31/03/2032
377C	36 ha, 10 ha water (Originally 39,4ha see erf 9190)	J.P.Roux & Son	01/09/1999-31/03/2041
Lease Area 2 of over Rem Erf 9190 (Originally part of 377 C)	3,4 ha, no water	J.P.Roux & Son	01/09/1999-31/03/2041

Lease area 1 over Rem Farm 377 (Originally)	16,2241 ha, 12ha water	Blasuwklippen Agricultural Estate	01/09/ 1999-31/03/2041
Portion 13 of 491/1	11,36 ha, 5 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd)	01/04/1999-31/ 03/ 2041
502AA	11,1ha, 6 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd)	01/04/1999-31/03/2041
502AB	17,5 ha, 9 ha water	Spier Holdings (Pty) Ltd (Newshelf 31 (Pty) Ltd)	01/ 04/ 1999-31/ 03/ 2041
502AC	3,5 ha, 1 ha water	Roulou Boerdery Trust	01/ 04/ 1999-31/03/2041
502AD	8 ha, 3 ha water	Roulou Boerdery Trust	01/ 04/ 1999-31/03/ 2041
502AE	27,4 ha, 8 ha water	Roulou Boerdery Trust	01/04/1999-31/03/2041
502AF	14,1 ha, 4 ha water	Roulou Boerdery Trust	01/ 04/ 1999-31/03/2041
502AG	13,3 ha, 4 ha water	Roulou Boerdery Trust	01/ 04/ 1999-31/03/2041
502AH	7,2 ha, 2 ha water	Roulou Boerdery Trust	01/04/ 1999-31/03/2041
502AJ	10,7 ha, 3 ha water	Rou lou Boerdery Trust	01/04 / 1999-31/ 03/ 2041
502AK	22,5 ha, 8 ha water	Poker Hill Vineyards (Pty) Ltd	01/ 04/ 1999-31/03/ 2041
502AL	13,5 ha, 4 ha water	Poker Hill Vineyards (Pty) Ltd	01/04/ 1999-31/03/ 2041
502AM	6,56 ha, 3 ha water	Vacant	
502AN	28,5 ha, 9 ha water	Paul Roos Boerdery (Edms) Bpk	
502AP	7 ha, 2 ha water	Vacant	
502AQ	8 ha, 3 ha water	Paul Roos Boerdery (Edms) Bpk	
502AR	4 ha, 1 ha water	Paul Roos Boerdery (Edms) Bpk	
502AS	26,5 ha, no water	H. W Gebers	
502AU	8,9ha, no water	Vacant	
205AW	6 ha, no water	Vacant	
502AX	6,96 ha, 2,3 ha water	R Myburgh Boerdery	01/04/1991-31/03/2041
502AY	4,28 ha, 1,3 ha water	H.C Myburgh Boerdery	01/ 04/ 1991- 31/ 03/2041
50288	18,84 ha, 6 ha water	Roulou Boerdery Trust	01/04/1991-31/03/2041
5028C	8,5 ha, 2,5 ha water	H.C Myburgh Boerdery	01/ 04/ 1991- 31/03/2041
5028D	8,5 ha, 3 ha water	Roulou Boerdery Trust	01/ 04/ 1991- 31/03/ 2041
5028E	11 ha, 4 ha water	Roulou Boerdery Trust	01/04/1991- 31/03/2041
5028FN	15,5 ha, 6 ha water	Vacant	
5028H	65,5 ha, 26 ha water	Organic Small Farm Holding Trust	01/04/1991-31/03/2041
505BJ	5,9 ha, 3 ha water	Limberlost Berry Farm	01/0 4/ 1991- 31/03 / 2041
5028K	72 ha, 22 ha water	Roulou Boerdery Trust	01/ 04/ 1991-31/ 03/ 2041
5028L	12 ha, 4 ha water	Medi-Prop cc	01/04/1991-31/03/2041
5028M	5,35 ha, 1 ha water	Vacant	
502E	15,5 ha, 5,2 ha water	Gielie Hanekom Trust	01/ 04/ 1991-31/03/2041
502L	28,2 ha, 2 ha water	Stellenbosch Vliegveld Maatskappy	01/04/1991-31/03/2021
502M	5,1 ha, 3 ha water	Higgs Trust (Pty) Ltd	01/ 04/ 2002- 31/03/ 2041
502N	4,2 ha, 1,5 ha water	Stellenbosch District Riding Club	01/04/1991-31/03/2021
502R	28, 8 Ha, 8 ha water	Roulou Boerdery Trust	01/04/1991-31/03/2041
502S	23,6 ha, 7,9 ha water	Gielie Hanekom Trust	01/04/ 1991- 31/ 03/ 2041
502T	11,3 ha, 3,6 ha water	Gielie Hanekom Trust	01/ 04/ 1991-31/ 03/ 2041
502V	21,6 ha, 8 ha water	Vacant	
502W	9 ha, 3 ha water	Gielie Hanekom Trust	01/ 04/ 1991- 31/ 03/ 2041
502X	7,8 ha, 2 ha water .6855ha - sub -leased	Die Groothoek Trust Sub-lease of 6855 ha to Stellenbosch Restaurant CC	01/ 04/ 1991- 31/ 03/ 2041
527A	2 ha, 1ha water	G.JC Norval	

527E	14,76 ha, 7 ha water	Blaauwklippen Estate	Agricultural	01/09/1999-31/03/2041
527F	53,5 ha, 8 ha water	Redlax 421(Edms) Bpk		01/04/1991- 31/ 03/ 2041
527J	28,3 ha, 9 ha water	Nietbegin Boerdery		01/04/1991- 31/ 03/ 2041
528A 529(20,3 ha, 2 ha water	Mountain Breeze Caravan Park cc		01/ 04/1991-31/03/2021
529A	51,7 ha, 25 ha water	P.G Du Toit Boerdery		01/ 04/ 1991- 31/ 03/2041
529B	17,4 ha, 9 ha water	Redlax 421 (Edms) Bpk		01/04/ 1991- 31/03/2041
619/1	26 ha c/water	Vacant		
1024/1 Franschoek	43,7 ha, no water	Franschoek Trust		11/ 08/ 2012
1135 /1	127,2 ha, no water	Theewater Bevaria		20/ 06/ 2032
Lease area 1 over Rem Erf 9190 (Originally 377F)	6,418 ha, no water	Blaauwklippen Estate	Agricultural	01/09/1999-31/03/2041
Total leased	1416,79ha			
Total vacant	286,34 ha			
Total	1703,13 ha			

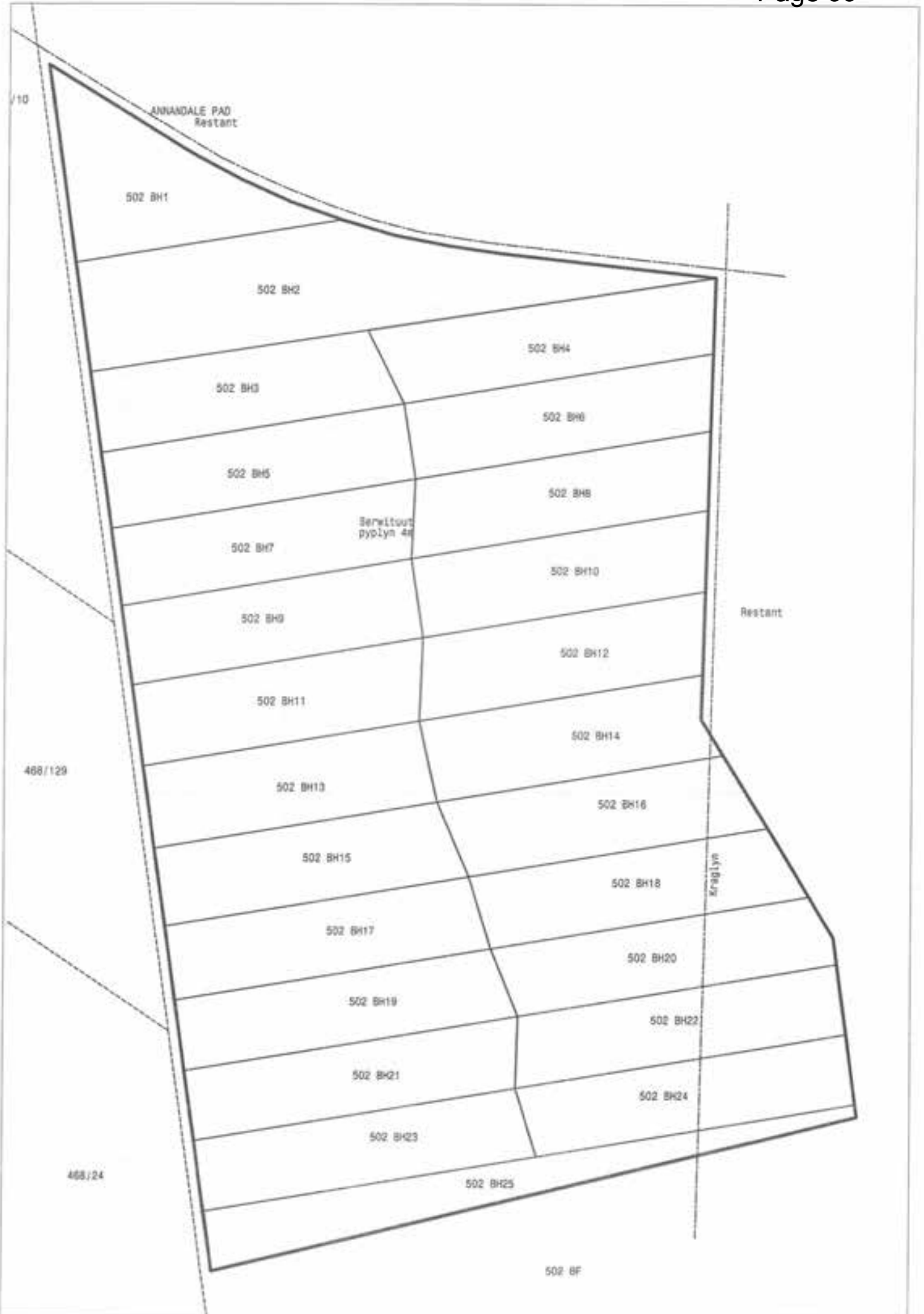
6.2 Current vacant land

Property Description	Size	Total	Water
29(26)	40 ha No water	40	
165/A	10,5 ha No water	10,5	
165/ B	0,14 ha No water	0,14	
2798N	25,3 ha No water	25,3	
368/2	20ha	20	
369/C	3,5 ha No water	3,5	
377A	9,42 ha No water	9,42	
502AM	8,56 ha 3 ha water	8,56	3
502AP	7 ha 2 ha water	7	2
502AU	8,9 ha No water	8,9	
502AW	6 ha No water	6	
502BFN	15,5 ha 6 ha c/water	15,5	6
502BM	5,35 ha 1 ha water	5,35	1
502V	21,6 8 ha water	21,6	8
619/1	26 ha c/water	26	
Total		207,77 Ha	20 Ha


6.3 Stellenbosch municipal land under Empowerment projects

Farm Number	Size (approximate)	Owner	Water available
377c	38 Ha	Eerste Oorkant Boerdery	10 ha water
2/9190	3.4 Ha	Eerste Oorkant Boerdery	No water
502AX	TBC	TBC	TBC
502AY	TBC	TBC	TBC
502BC	TBC	TBC	TBC
502BH	65 Ha	Organic Small Farm Holding Trust	26ha water
502BL	12 Ha	Medi Prop	4ha water
502M	5.1 Ha (60%)	Higgs Trust (Pty) Ltd J de Munk	3 ha water
527F	53.5 Ha (51%)	Redlex 421 (Edms) Bpk	8ha water
529B	17.4 Ha (51%)	Redlex 421 (Edms) Bpk	9ha water
Total	212.16 Ha		

APPENDIX 4





LEGEND - - - - - ELECTRIC POWERLINE = = = = = PROPOSED ACCESS ROAD	 ELECTRIC POWERLINE TOWER - - - - - EXISTING LEASE AREA	- - - - - PROPOSED PIPELINE SERVITUDE
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Caveat
 1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.
 2. All levels are to be confirmed prior to construction.



Scale 1:5000 - A3	Date: 10/09/2015	Contours: NA	System: WG 19
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STELLENBOSCH SMALL HOLDINGS
 LEASE AREA
 OPTION B - REVISION 2

FRIEDLAENDER, BURGER & VOLKMANN
 Professional Land Surveyors Sectional Title Consultants Mapping Consultants
 Professionele Landmeters Deelstele Konsultante Kartering Konsultante

Ref: SA502BH	Dwg:SM_LA_OPT_B-REV2
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27 Church Street / Kerkstraat PO Box / Posbus 154, Stellenbosch, 7609
 TEL: 27 21 8854004, FAX: 27 21 8878088 E-mail: info@frybv.com

7.3.3	COMMENT ON THE FINAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT AND ENVIRONMENTAL MANAGEMENT PROGRAM FOR THE PROPOSED VLOTTENBURG VILLAGE DEVELOPMENT, STELLENBOSCH
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1. PURPOSE OF REPORT

Stellenbosch Municipality has been requested to comment on the Final Environmental Impact Assessment Report (FEIR) and Environmental Management Programme (Volumes 1 & 2) submitted in terms of the National Environmental Management Act, 107 of 1998 (NEMA) for the Proposed Vlotenburg Village Development. As the previous round of comments submitted in this regard was submitted to Council, the comment below is also submitted to Council for approval.

The process of enquiring Environmental Authorisation in terms of NEMA pre-empts a land use application in terms of the applicable municipal planning legislation which will be submitted to Council for consideration.

The comment below represents this Department's input in the NEMA process as per invitation by the relevant Environmental Assessment Practitioner (EAP).

2. PROPOSED VLOTTENBURG VILLAGE DEVELOPMENT

The information under Sections 2, 3 and 4 below are drawn from the above FEIR.

The FEIR includes four (4) development alternatives, Alternative 1 (or Preferred Alternative), Alternative 2 and 3 as well as a No-go Option.

Alternative 1 (Preferred Alternative)

The Preferred Alternative includes the following:

- Residential:
 - Single Residential (400-500m²) with 2 storey Free Standing Houses [375 units];
 - Townhouses (250-300m²) with 2 storey houses [90 units]
 - Flats/ Apartments with 2 to 3 story apartment/ walk up buildings (45-250m²) [343 units]
 - Mixed Use Flats/ Apartments (45-250m²) [97 units]
- Retail Centre;
- Hotel School (accommodation and skills centre);
- Medical Centre (community medical facility with clinic, consultation rooms, pharmacy and parking);
- Mixed Use Buildings (shops/ retail, restaurants, breweries, deli's, showrooms and galleries, live/work studios, offices and apartments, gymnasium);
- Hotels and conference facility (boutique hotel and 200 bed key hotel);
- Education Facilities (new private school and sports fields);
- Community Facilities (e.g. church, community centre and sports club house);

- Sportsfield;
- Private Open Space;
- Parking; and
- Associated Infrastructure i.e. internal potable water supply, sewage infrastructure, stormwater management infrastructure, public and private roads and electricity infrastructure.

The proposed development area (including roads, open space and landscaping) is approximately 77ha in size.

Alternative 2

The proposed Alternative 2 includes the following components:

- Residential:
 - Single Residential (400-500m²) with 2 storey Free Standing Houses [177 units];
 - Townhouses (250-300m²) with 2 storey houses [90 units]
 - Flats/ Apartments with 2 to 3 story apartment/ walk up buildings (45-250m²) [451 units]
 - Mixed Use Flats/ Apartments (45-250m²) [97 units]
- Retail Centre;
- Hotel School (accommodation and skills centre);
- Medical Centre (community medical facility with clinic, consultation rooms, pharmacy and parking);
- Mixed Use Buildings (shops/ retail, restaurants, breweries, deli's, showrooms and galleries, live/work studios, offices and apartments, gymnasium);
- Hotels and conference facility (boutique hotel and 200 bed key hotel);
- Community Facilities (e.g. church, community centre);
- Private Open Space;
- Parking; and
- Associated Infrastructure i.e. internal potable water supply, sewage infrastructure, stormwater management infrastructure, public and private roads and electricity infrastructure.

Alternative 2 has a smaller development footprint than Alternative 1, and retains a large portion of agricultural land (±25ha).

Alternative 3

Alternative 3 comprised three small development nodes for low- to medium-income single residential development and open space and urban agriculture. The approximate size of the proposed development areas was scaled off the Alternative 1 proposal. The three proposed residential nodes total about 12.2 ha, whilst the open space and urban agriculture totals about 2.2 ha.

In terms of the above report, however, the EAP is of the opinion that Alternative 3 should have been screened out during the Scoping Phase and offers the least opportunity for addressing inequalities, social transformation and environmental rehabilitation. The draft socio-economic assessment pointed to this proposal as having insufficient critical mass to be sustainable as an economic turnaround strategy for the area.

No-go Option

In terms of the No-go option, the land would remain undeveloped. The subject properties are zoned for Agricultural use and can therefore only be utilised for activities that comply with such zoning.

The key differences between Alternative 1 and Alternative 2 are as follows:

- The preferred layout makes provision for a community sports field and clubhouse. In the alternative layout, this area is earmarked for flats/ apartments.
- The preferred layout makes provision for a Private School with sports facilities. In the alternative layout, this area is retained as agriculture.
- The preferred layout includes more single residential erven than that alternative layout, which retains a 25ha area as agriculture;
- The preferred layout includes a 5000m² retail/ business premises, which is earmarked for flats/ apartments in the alternative layout.
- In terms of the residential component, the preferred layout (vs. alternative layout provided in brackets) makes provision for 375 (vs.177 in the alternative layout) single residential erven; 90 townhouses; 343 (vs.451 in the alternative layout) flats/ apartments and 97 mixed use apartment/ flats.

The table below indicates the densities of the two development layouts.

	Alternative 1	Alternative 2
Total approximate area (northern and southern portion)	±77ha (incl. roads, open space and landscaping) (Northern portion - ±70ha; southern Portion - ±6.5ha)	±52ha (incl. roads, open space and landscaping) (Northern portion - ±46ha; southern portion - ±6.5ha)
Residential opportunities	±1130 residential opportunities	±1040 residential opportunities
Gross density (northern portion)	±70ha @ 1075 residential opportunities = ±16u/ha	±46ha @ 987 residential opportunities = ±22units per hectare (excl. the agricultural area)
Gross density (southern portion)	±6.4ha @ 55 residential opportunities = ±10u/ha	±6.2ha @ 53 residential opportunities = ±9units per hectare
Total development Gross density	±16 units per hectare	±20 units per hectare

3. **ADVANTAGES AND DISADVANTAGES OF THE ALTERNATIVES PRESENTED**

The EAP has summarized the following findings in the above FEIR.

Alternative 1

The **negative impacts** associated with the proposed development are the following:

- Impact on the scenic rural context and landscape as a result of development on agricultural land.

-
- Visual change from an open, rural area to a built area with an urban character, visual intrusion on the Vredenheim and Neethlingshof historic homesteads/ access gateways, visibility from sensitive receptors and visual intrusion of night lighting on the rural landscape.
 - Impact on sense of place for current and future residents of the surrounding area, due to a relatively large and higher density development within a rural setting.
 - Impact on traffic flows with large numbers of additional vehicles using access routes that are already experiencing high traffic flows during peak hours.
 - Bulk infrastructure requirements, with essential municipal upgrades related to potable water, sewerage and road intersections to accommodate the proposed development in the master planning of the municipality.
 - Potential increase in crime levels, which is already a problem due to unemployed residents in the area.
 - With respect to cumulative impacts, the potential negative impacts would be compounded if additional developments were introduced in the immediate and surrounding areas.

The **positive impacts** associated with the proposed development are the following:

- Contribution towards employment and local economy income during both the construction and operational phases.
- With respect to cumulative impacts, the employment and economic income benefits of a number of developments in the greater Vlotenburg area could be compounded, especially with regard to the provision of housing and social development of communities in the area.
- The economic benefits of new employment opportunities, economic income and the associated social benefits of embarking on the project are significant given the nature and scope of the proposed Vlotenburg Village development. Although the social costs to nearby residents may also be considered significant, the economic benefits would probably outweigh the social costs – but only if the mitigation measures proposed by the various specialists are implemented.
- The rehabilitation of severely degraded river corridors and ongoing monitoring and maintenance of the riparian and wetland vegetation on the development site will have a positive long term impact on freshwater features.

Alternative 2

This alternative includes most of the Alternative 1 components, but with fewer single residential units, more mixed-use apartments, and the exclusion of the 5 000 m² Shops/Business premise, Education Facilities (Private School) and the Community Sports field and Clubhouse. This will create a smaller footprint and thus slightly less negative impact on the sense of place, traffic flows, surrounding property values and surrounding business and tourism activities. Compared to Alternative 1, the smaller development will create less employment and economic income during both the construction and operational phase.

The lower development footprint including lower mixed use and commercial components compared to Alternative 1 render this alternative potentially less sustainable as a self-contained village, when compared to Alternative 1. However, Alternative 2 is considered to be reasonable and feasible on its own merits.

“No Go” Alternative

Implementation of the “no-go” alternative will result in the following impacts:

- The loss of an opportunity to realise positive socio-economic spin-offs for the surrounding community from the mixed use development for e.g. the non-realisation of employment opportunities and local economy income during construction and operational phases.
- The status quo with respect to degraded river corridors will remain.
- None of the negative impacts associated with the development will occur if the site remains undeveloped.

4. ENVIRONMENTAL ASSESSMENT PRACTITIONER’S RECOMMENDATION

The relevant Environmental Assessment Practitioner has recommended the authorisation of the proposed Vlottenburg Village Development (Alternative 1) under the condition that the mitigation measures as described in the Environmental Management Plan submitted along with the FEIR be implemented and that regular audits in this regard be undertaken to ensure compliance.

5. PROPOSED COMMENT

The following comment is relevant for both Alternative 1 and 2 presented in the above FEIR.

- 5.1 Vlottenburg is indicated in Stellenbosch’s Municipal Spatial Development Framework (MSDF) as one of fourteen (14) interconnected urban nodes within Stellenbosch Municipality. This is due to its location at the intersection of the R310, Vlottenburg Road and the railway line. Vlottenburg is therefore recognised for urban development, a mixed income settlement, rural in nature, designed to address the needs of the immediate surrounding area.

In light of the above this Department, however, is concerned about the proposed development alternatives in their current form. This is due to the following factors:

- 5.2 Substantial portions of the proposed development are planned to occur outside of the demarcated urban edge of Vlottenburg. The current proposal represents urban sprawl. Whilst Vlottenburg is identified in the MSDF as a rural node, development around Vlottenburg should not occur laterally, but instead be densified within the current footprint and designated urban edge of Vlottenburg, in particular along Vlottenburg Road and the existing railway station.
- 5.3 In terms of the Draft Stellenbosch Development Framework that expands on the MSDF Vlottenburg forms one of several urban

nodes built around integrated public transport services. Vlottenburg has immense potential in this regard with particular reference to the existing railway station within Vlottenburg and its location next to the railway line. The current proposal does not support or enhance this principle but remains dependant on private transport modes with a lack in a pro-active layout design connecting the proposed residential development components with the railway station or alternative modes of transport.

- 5.4 The development in its current form seems to have been planned in isolation with reference to Polkadraai Smallholdings, Longlands, Digteby and the proposed Woodmill development.
- 5.5 The current proposal is exclusive rather than inclusive and will not address the housing backlog in the municipality where the greatest need is for affordable housing and security of tenure. Provision should be made for a spectrum of housing typologies that include and integrate all income groups. This includes GAPP housing, social housing and possibly farm worker housing.
- 5.6 The scale and characteristics of the current proposal, i.e. sprawl, low density, private vehicle orientated development makes the proposed development a suburb of Stellenbosch rather than a consolidation and a development of a lower order settlement, rural village or hamlet that are self-sustaining as is envisaged by the MSDF.
- 5.7 This Department does not support the proposed Vlottenburg Village development in its current form due to the above. This Department will support a development proposal that is in line with the intended character and scale of Vlottenburg rural node, a plan that will be less costly in terms of transportation and social equity and a plan that supports the achievement of an integrated, compact, high density urban area inclusive of housing opportunities for farm workers and lower income (primarily tenants) citizens.

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.3.3

RECOMMENDED

that the above comment be submitted in response to the invitation for comments on the Final Environmental Impact Report for the proposed Vlottenburg Village Development, submitted in terms of the National Environmental Management Act, 107 of 1998.

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Planning & Economic Development
Ref no:	P387 S	Author	Manager: Spatial Planning
Collab:		Referred from:	Mayco: 2017-09-13

7.3.4	REDETERMINATION OF MUNICIPAL OUTER BOUNDARIES: STELLENBOSCH MUNICIPALITY AND MUNICIPAL DEMARCATION BOARD CONSULTATIONS
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1. PURPOSE OF THIS REPORT

To obtain delegations from Council to participate in the municipal boundary realignment process currently being undertaken by the Municipal Demarcation Board (MDB), to convey the particulars of such alignments and the current proposals affecting the boundaries of Stellenbosch Municipality, and for a decision on the proposals.

2. BACKGROUND

On the 24th of August 2017 the MDB outlined its strategic direction on demarcation for the period between 2017 to 2021 at a meeting held between the MDB, the City of Cape Town (CoCT) and Stellenbosch Municipality. The meeting was held at the City's Transport and Management Centre, Goodwood. The MDB requested the meeting with the purpose to:

- Share the timeframes and activities within the proposed demarcation process between the years 2017 to 2021.
- Share information on the cases of municipal boundary misalignments.
- Afford municipalities an opportunity to make inputs on any possible challenges they are experiencing regarding municipal boundary misalignments.
- Allow municipalities to provide guidance on spatial options for resolving technical municipal boundary misalignments.
- Request municipalities to assist the MDB in identifying communities affected by the misalignments cases affecting settlements.

The MDB presentation presented at the above meeting is attached as **Annexure 1**.

1. MDB STRATEGIC DIRECTION AND PRIORITIES

The MDB has taken a strategic direction to consider only technical municipal boundary misalignments and not major redeterminations at this stage. It resolved that:

- i. **No major redetermination** of municipal boundaries will take place within a period preceding the 2019 national elections.
- ii. **Only correction of technical misalignment** of municipal boundaries will be considered for re-determination. This is mainly aimed at improving the quality of boundaries by providing clearly defined boundaries that are legally defensible.
- iii. Although they may not affect a large size of the population, these technical adjustments still have to follow the entire legal demarcation process.

The MDB has conducted preliminary assessments to determine boundary misalignment and these are divided into the following broad categories:

CATEGORY	DESCRIPTION
Cadastre Misalignment	Municipal boundary not aligning to cadastre, such as farm boundaries (minor shifts)
Split Farms	Municipal boundary splitting parent farms into separate portions (i.e. one portion in one municipality, another portion in another municipality)
Split Settlements	Municipal boundary splitting communities in villages or settlements

2. TIMEFRAME

The broad process timeframe, to be concluded in time for the 2021 government elections, are depicted in the diagram below and described in detail in circular 2/2017 attached as **ANNEXURE 2**.

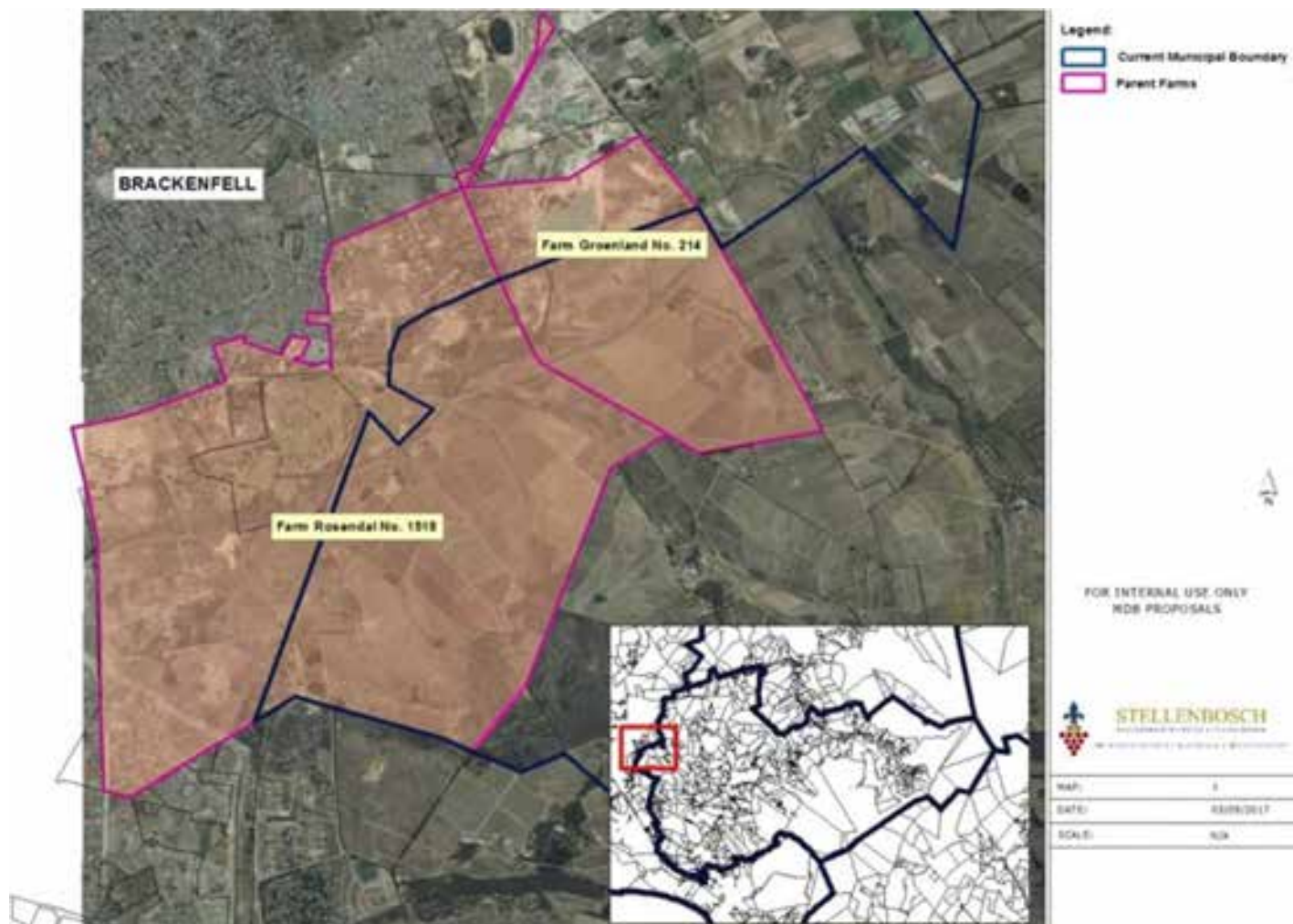


3. MDB SCHEDULE OF CASES FOR MUNICIPALITIES IN THE CAPE WINELANDS DISTRICT MUNICIPALITY

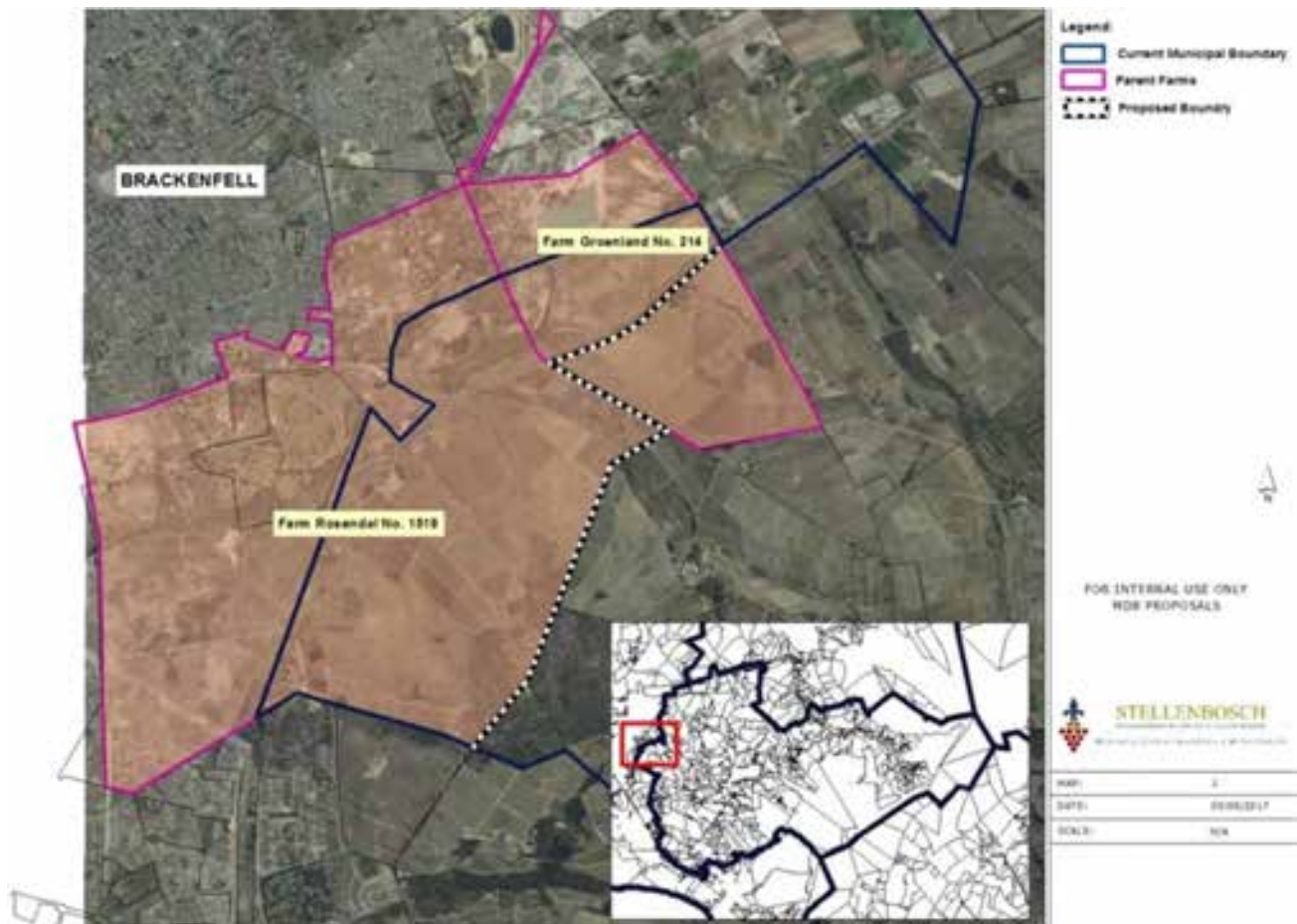
The cases for possible realignment in the table below were presented by the MDB at the above meeting, two of which involve Stellenbosch Municipality (shaded in the table and depicted in the figures below):

DEM	DESCRIPTION
DEM 6303	Municipal to verify possible split community (Kersfontein) between Swartland Local Municipality, West Coast District Municipality, Drakenstein Municipality and Cape Winelands District Municipality.
DEM 6306	Municipal to verify possible split community on Farm Schindeerkuil No. 444 between the municipal boundaries of the City of Cape Town, Drakenstein Municipality and Cape Winelands District Municipality.

DEM 6311	Municipal to verify possible split community on Farm Groenland No. 214 between the municipal boundaries of the Stellenbosch Municipality, the City of Cape Town and Cape Winelands District Municipality.
DEM 6313	Municipal to verify possible split community on Farm Rosendal No. 1518 between the municipal boundaries of the Stellenbosch Municipality, the City of Cape Town and Cape Winelands District Municipality.
DEM 6314	Proposed redetermination of the municipal boundaries of Langeberg Local Municipality, Cape Winelands District Municipality, Swellendam Local Municipality and Overberg District Municipality...

MDB Proposals: Farms 214 and 1518

Current alignment: Parent farms 214 and 1518 split by current municipal boundary.



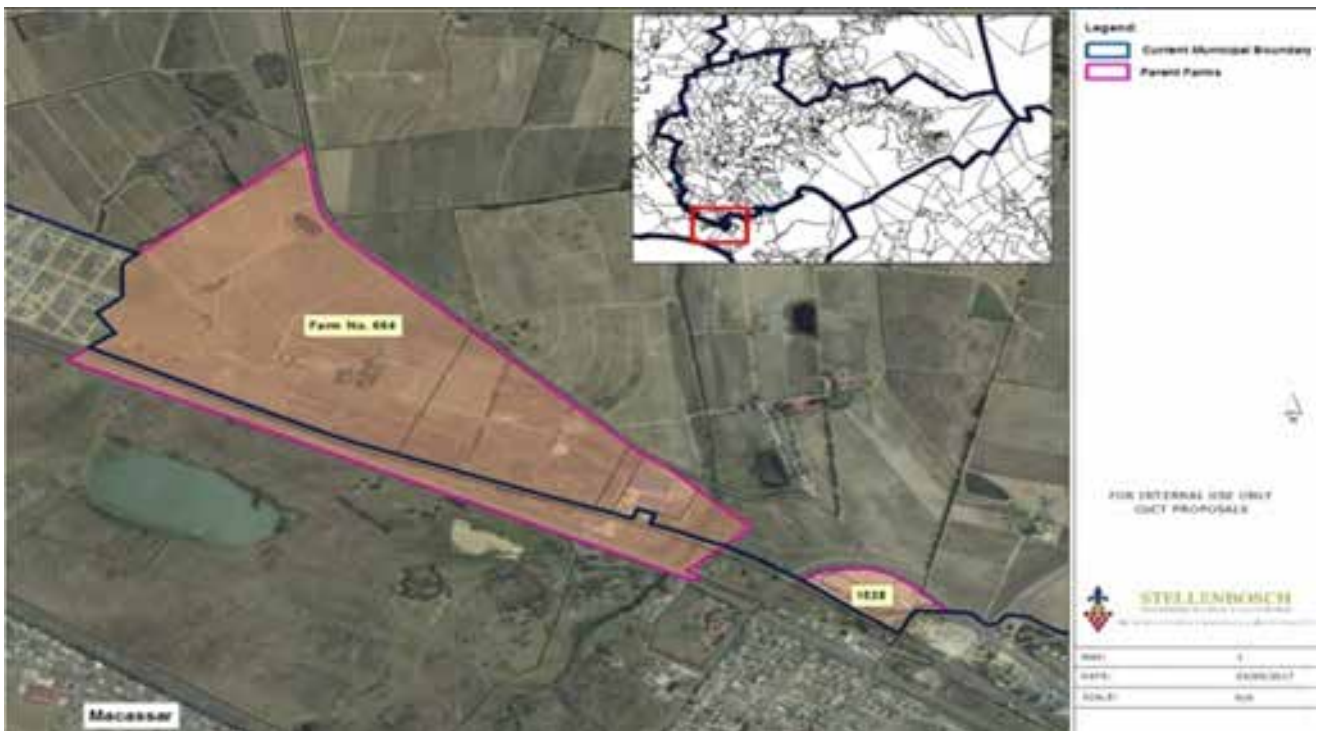
Proposed alignment: To MDB proposes a realignment that follows the Bottelary Rd and Farm 1518 cadastral boundary.

The Department Planning & Economic Development is aware that there has been request made for realignment (to follow the N7 Road Reserve) of the municipal boundary towards Brackenfell on the Farm Rozendal in the recent past.

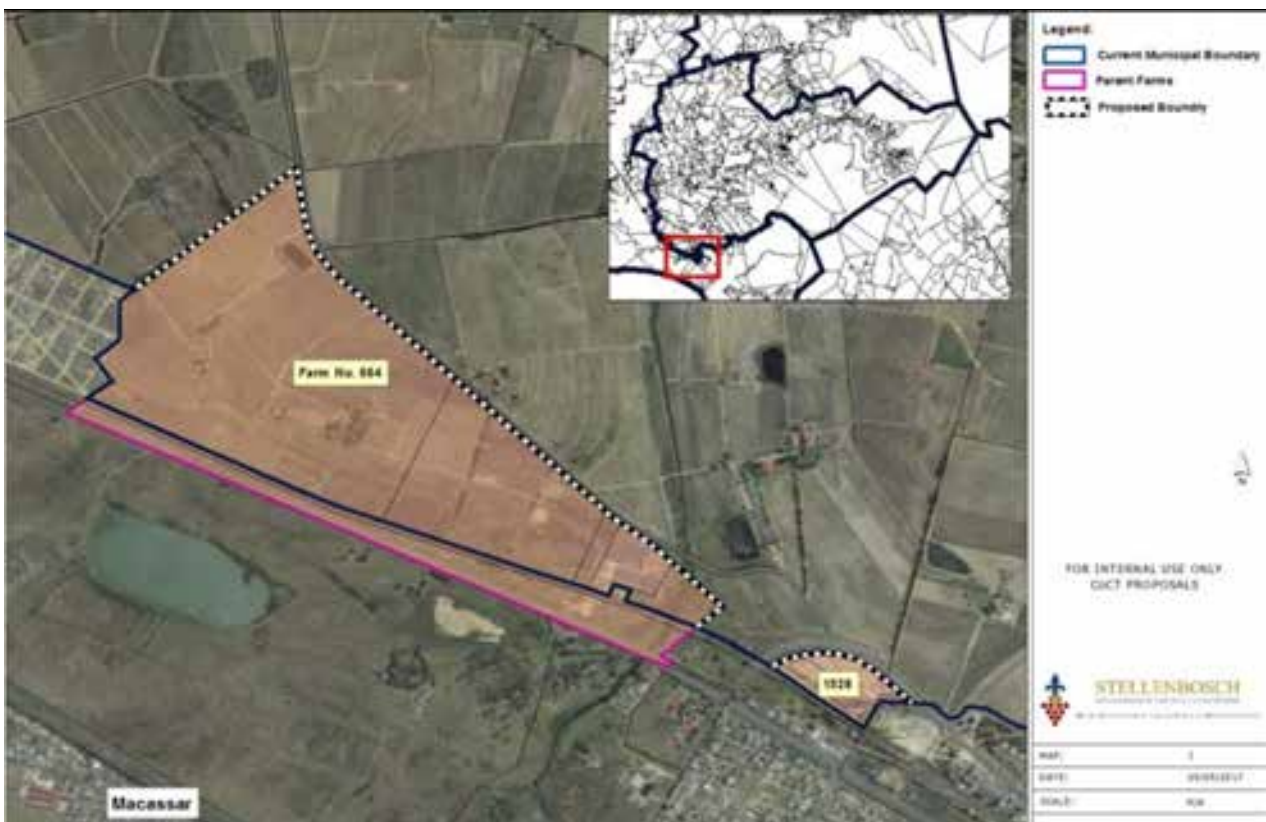
4. CITY OF CAPE TOWN PROPOSALS

The CoCT proposed / raised the following four (4) possible realignments

CoCT Proposals: Farms 664 and 1528



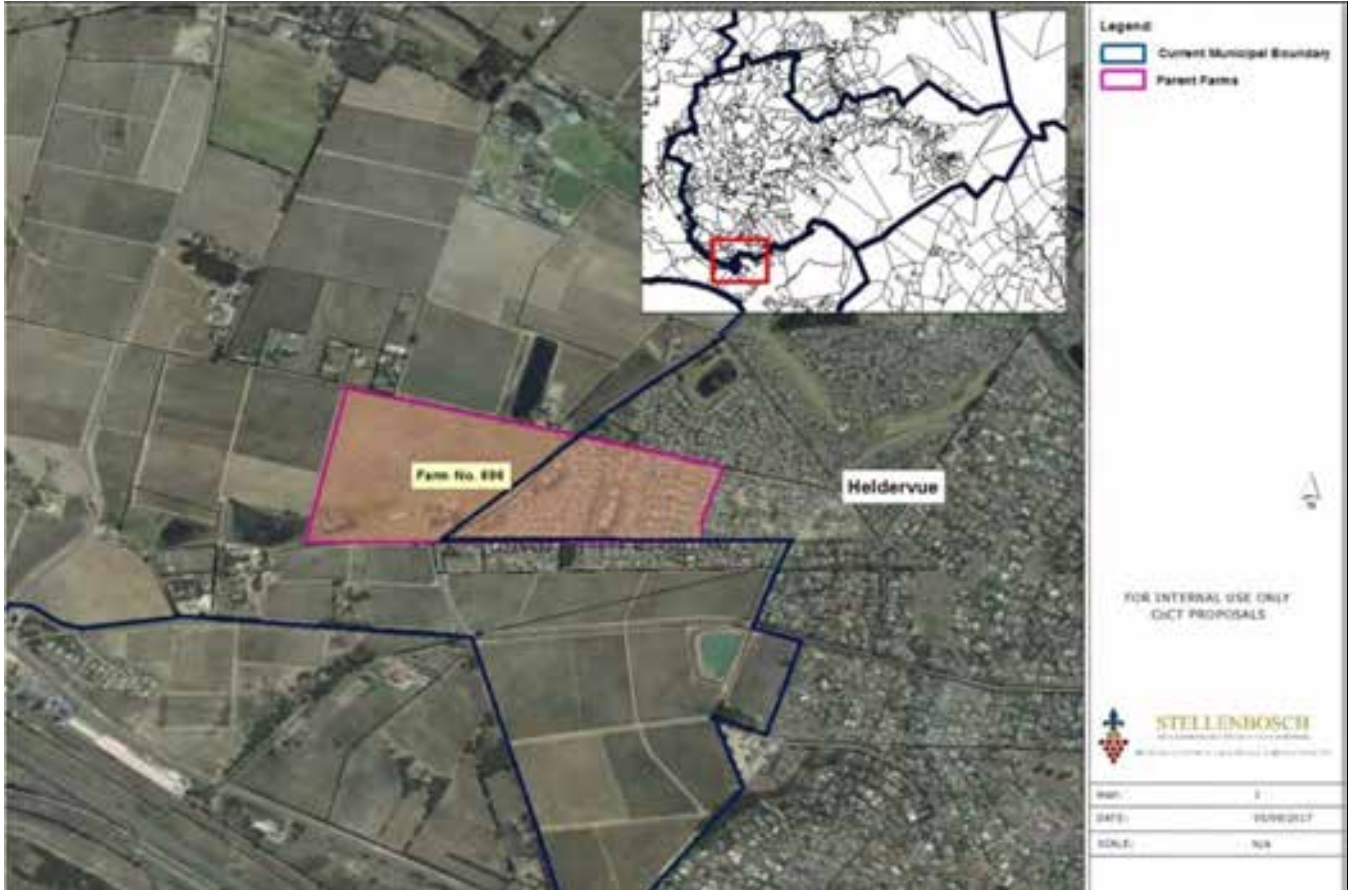
Current alignment: Parent farm (with large ESKOM substation) 664 split. Industrial area south of the M9 Rd currently included in the Stellenbosch Municipality boundary.



Proposed alignment: The CoCT proposes a realignment that follows Farm 664 cadastral boundary and the M9 Rd.

CoCT Proposals: Farms 696

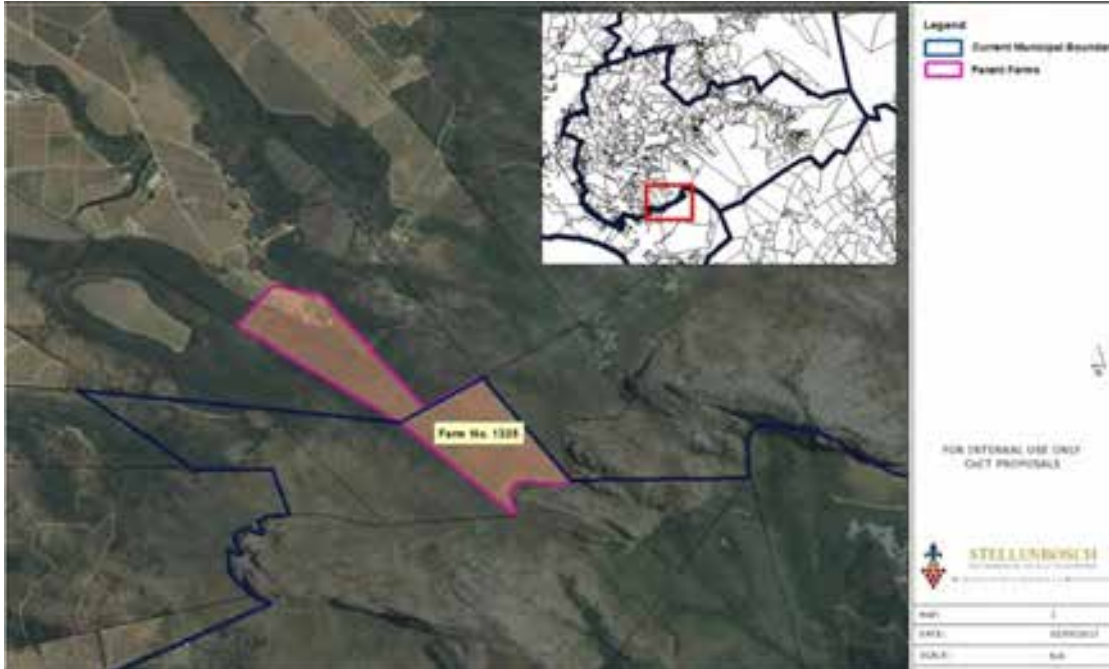
Current alignment: Parent farm 696 split.



Proposed alignment: No proposal made.

CoCT Proposals: Farms 1325

Current alignment: Parent farm 1325 split.



Proposed alignment: To be included in Stellenbosch Municipality.

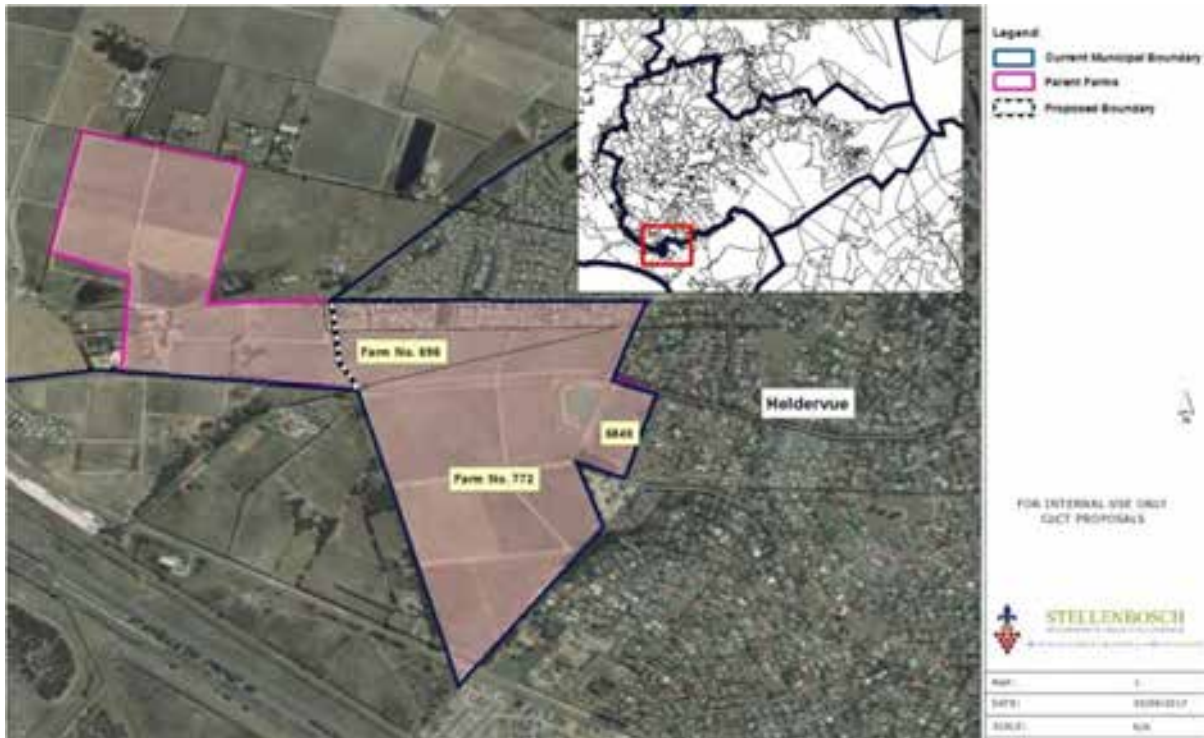
5. STELLENBOSCH MUNICIPALITY CASES FOR DISCUSSION

Farms 696, 772 and Erf 6840

Stellenbosch Municipality has been approached with proposals for urban development within the “boot-leg” shaped area within Stellenbosch Municipality bordering the Heldervue area towards Somerset West.



Given the need for urban expansion in an area where the current municipal boundary makes little logical sense a possible amendment to the current boundary (possibly along the Bredell Rd) should be considered.



MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.3.4

RECOMMENDED

- (a) that Council delegates the Municipal Manager to act on its behalf in the Municipal Demarcation Board activities for the current alignment process (2017-2019); and
- (b) that Council approves the boundary alignment proposals detailed:
 - (i) Amend the Rozendal and Groenland boundaries to include the entire farm 1518 and Groenland farm 214 into the Stellenbosch Municipality;
 - (ii) Retain the Croyden / Firgrove boundary and to reject City of Cape Town proposal for the inclusion of farm 664 and the industrial area around Erf 1528 from Stellenbosch Municipality;
 - (iii) Amend the Heldervue boundary to retain the agricultural portion of Farm 696 in Stellenbosch Municipality, while the urban portion falls within the City of Cape Town;
 - (iv) Amend the Helderberg boundary to include the entire Farm 1325 in Stellenbosch Municipality;

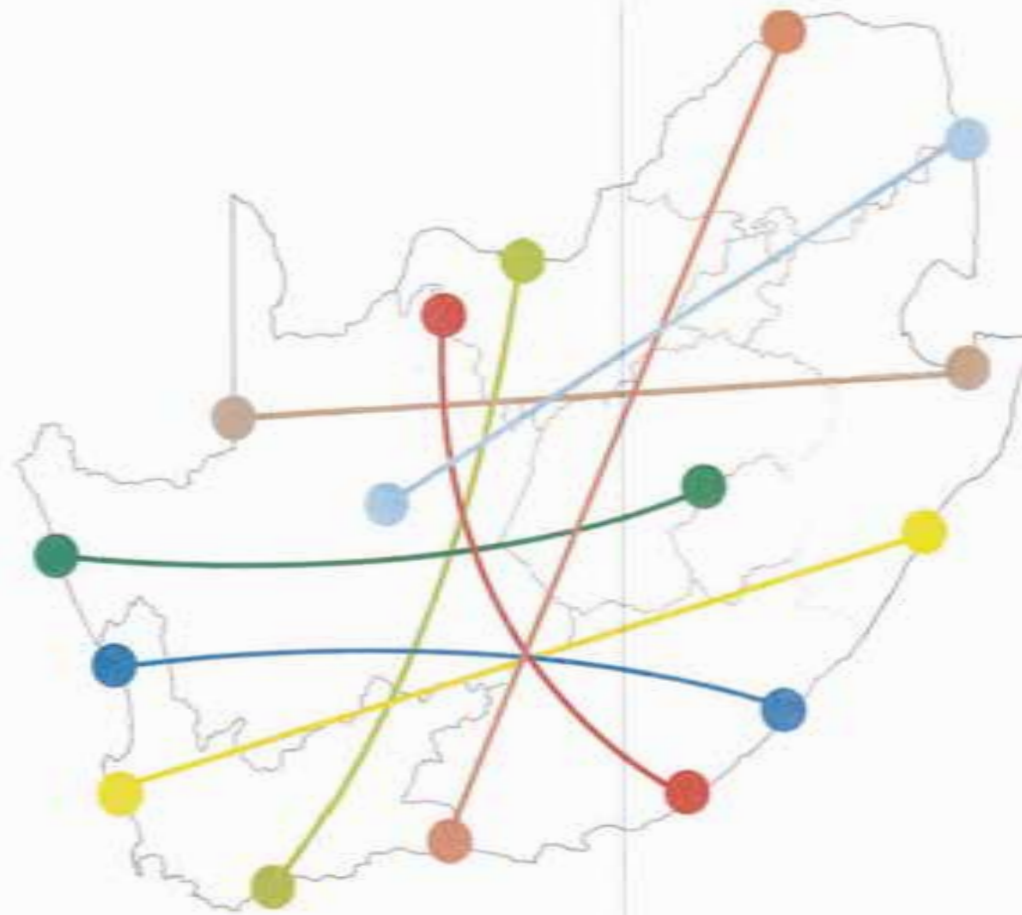
-
- (v) Amend the Heldervue boundary to align the boundary to the old Faure main road and to reject City of Cape Town proposal for the inclusion of portion of Farm 696, Farm 772 and Erf 6840 from Stellenbosch Municipality along the Bredell Road.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Planning and Economic Development</i>
<i>Ref no:</i>	<i>1/3/1/14 + 1/3/1/25 + 1/3/1/26</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>53943</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>



ANNEXURE 1

MDB presentation (Presented at the meeting held 24 of August 2017)



mdb

municipal demarcation board

**CAPE WINELANDS DISTRICT MUNICIPALITY (DC02)
TECHNICAL CONSULTATION MEETING
22 AUGUST 2017**

**(RE)DETERMINATION OF MUNICIPAL BOUNDARIES:
MDB PERIOD 2017 TO 2021**

DELEGATION

Board Member : Mr Ashraf Adam

MDB Officials : Mr Fazel Hoosen

Mr Kamal Khadua



CONTENTS

1. PURPOSE
2. LEGAL MANDATE
3. BACKGROUND
4. PROPOSED INTERVENTIONS
5. STRATEGIC DIRECTION AND PRIORITIES
6. BOUNDARY MISALIGNMENTS
7. PROPOSED DEMARICATION PROCESS (2017 – 2021)
8. CONCLUSION
9. RECOMMENDATION

PURPOSE

1. To outline the MDB strategic direction on demarcation for the period between 2017 to 2021.
2. To share the timeframes and activities within the proposed demarcation process between the years 2017 to 2021.
3. To share information on the cases of municipal boundary misalignments.
4. To afford municipalities an opportunity to make inputs on any possible challenges they are experiencing regarding municipal boundary misalignments.
5. To allow municipalities to provide guidance on spatial options for resolving technical municipal boundary misalignments.
6. To request municipalities to assist the MDB in identifying communities affected by the misalignments cases affecting settlements.

LEGAL MANDATE

Determination of municipal outer boundaries

- Section 4(a) of the Municipal Demarcation Act 27 of 1998 (MDA)
- Section 4 of the Municipal Structures Act 117 of 1998 (MSA) provides for categorisation of municipalities

Delimitation of municipal ward boundaries

- Schedule 1 to the MSA – MDB, after consultation with the Electoral Commission must delimit wards for purposes of local elections

Determination of the work programme

- Section 22 MDA (Outer boundaries)
- Schedule 1 (2) MSA (Wards)

BACKGROUND

Since the establishment of MDB, the re-determination and determination of municipal boundaries evolved from **addressing spatial injustices rationalizing the municipalities** into functional units to meet their constitutive obligations.

While that process saw many successes, it was however not without challenges and shortcomings.

In an attempt to improve the demarcation processes, the MDB considered the following:

- a. Demarcation Process Review Task Team report which was a comprehensive review of current legislation as well as the systems, practices and processes adopted by the MDE
- b. Lessons learned from 18 years of demarcation and engagements with stakeholders (including the public); and
- c. The outcomes of MDB Conference on Demarcation and Spatial Transformation held in June 2016.

MDB'S STRATEGIC DIRECTION AND PRIORITIES

Due to the emerging issues and some of the highlighted interventions, the M has resolved that:

- a. No major redetermination of municipal boundaries (i.e. amalgamations, annexations and categorizations) will take place within a period preceding 2019 national elections;
- b. Only correction of technical misalignment of municipal boundaries will be considered for re-determination, which will involve minor adjustments to address settlements and align municipal boundaries to either cadastral boundaries, natural or man-made features (e.g. farm boundaries, rivers, roads). This is mainly aimed at improving the quality of boundaries by providing clearly defined boundaries that are legally defensible.

Although they may not affect a large size of the population, these technical adjustments still have to follow the entire legal demarcation process.

DB'S STRATEGIC DIRECTION AND PRIORITIES (Cont.)

For a number of reasons the MDB and its key stakeholders negatively impacted if these boundary adjustments are prioritized:

- a. **Misaligned boundaries create confusion in management of municipal property rates when one farm is split into two municipalities.**
- b. **Some municipal boundaries are found to be splitting settlements where the latter sprout across municipal boundaries. This often leads to disruptions during electoral processes when communities realize the portion of their settlement is located outside of their municipality inherently in a different ward.**
- c. **Civil unrests over land ownership disputes, especially where there is legally proclaimed land, mostly prevalent in rural traditional communities.**
- d. **A need to provide legally identifiable boundaries and enhance effective administration.**

BOUNDARY MISALIGNMENT

Circular 1 /2017

- a. Released on 27 March 2017
- b. Provided types of redetermination to be dealt with during 2017 and 2018
- c. Provided broad programme for the 2017 and 2018 period

Circular 2 /2017

- a. Released on 6 July 2017 2017
- b. Provided revised programme for the 2017 and 2018 period
- c. Requested districts for assisting with venues
- d. Provided a schedule of municipal consultation

BOUNDARY MISALIGNMENTS (Cont ...)

The MDB has conducted preliminary assessments to determine boundary misalignment and these are divided into four broad categories:

ATEGORY	DESCRIPTION
Cadastre Misalignment	Municipal boundary not aligning to cadastre, such as farm boundaries (minor shifts)
Split Farms	Municipal boundary splitting parent farms into separate portions one portion in one municipality, another portion in another municipality)
Split Settlements	Municipal boundary splitting communities in villages or settlemei

BOUNDARY MISALIGNMENTS (Cont ...)

The above categories highlight the extent of misalignments of municipal boundaries, and their levels of complexity.

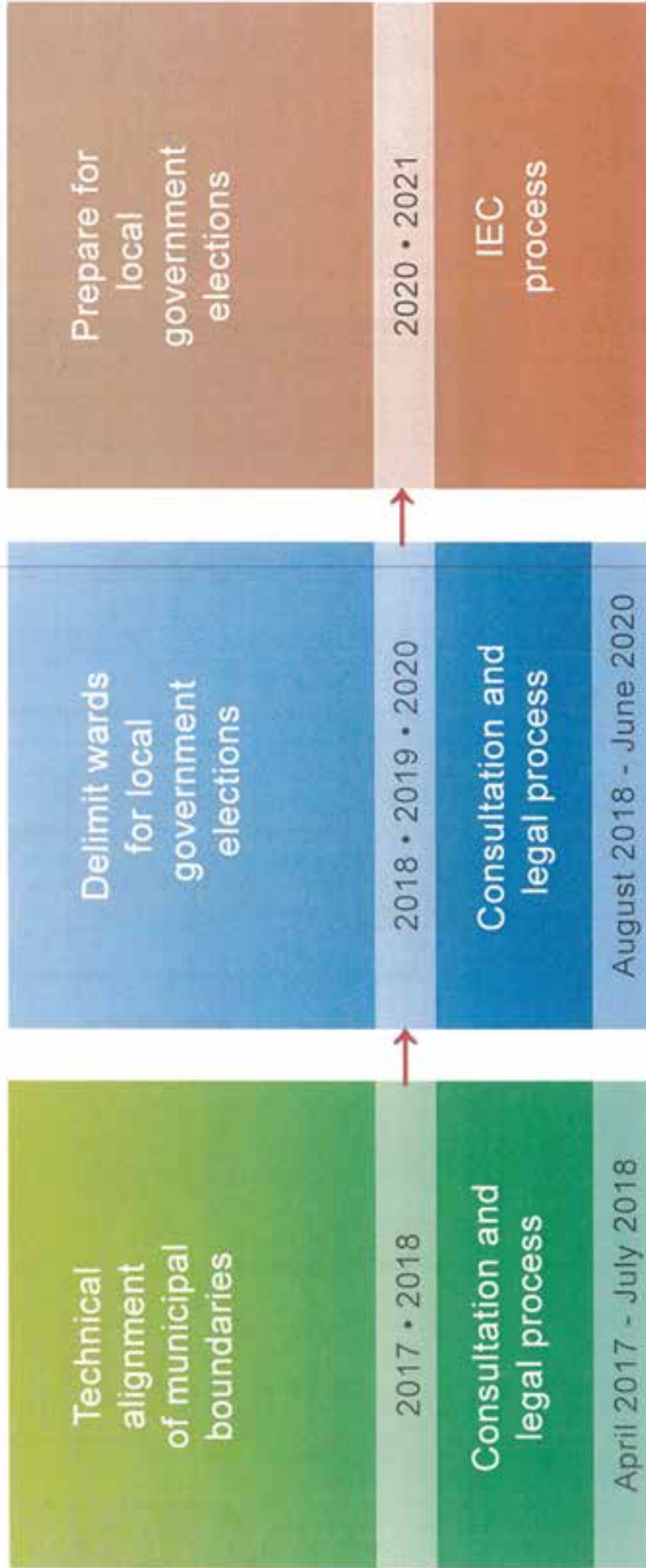
- a. **Cadastral misalignments and split farms** may require an adjustment of the municipal boundaries to the affected cadastral boundary with the potential of affecting a large population.
- b. **Split settlements** may affect small to large size population, thus increasing their complexity in the demarcation process.

BOUNDARY MISALIGNMENTS (Cont ...)

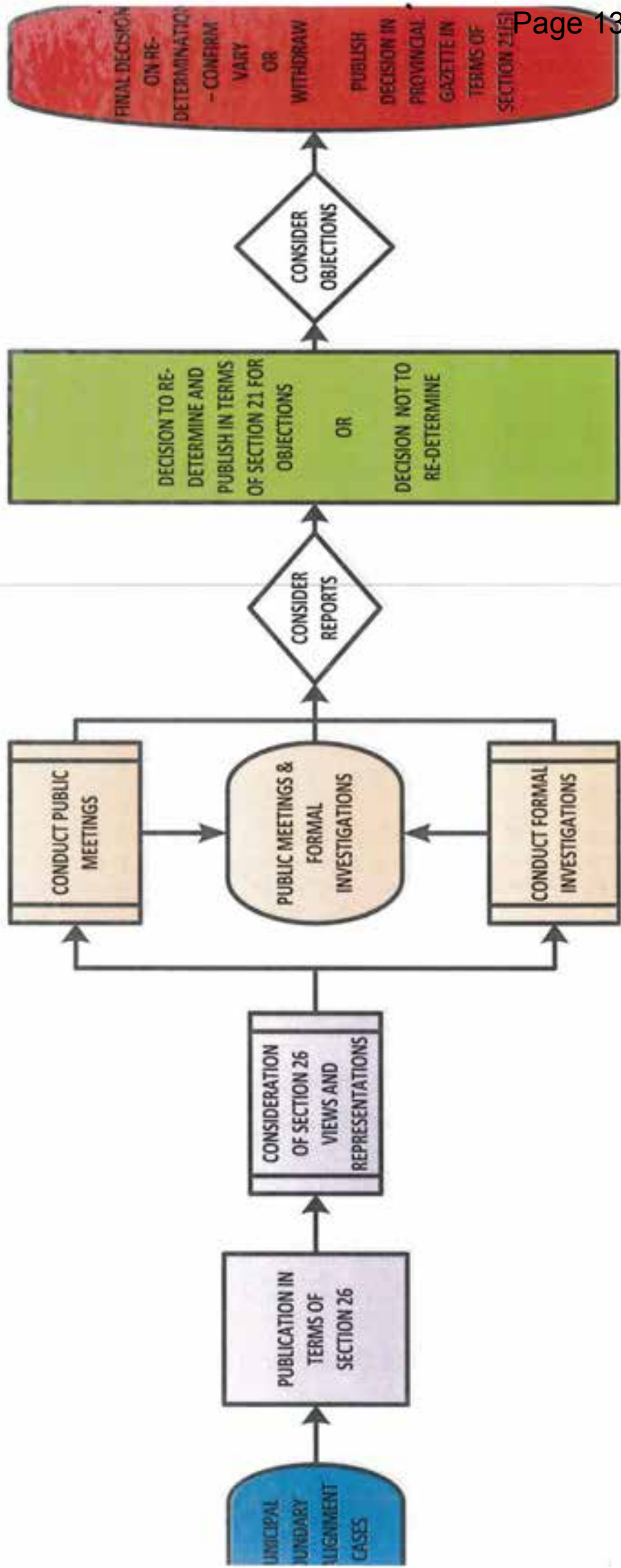
The data to identify the categories of misalignments of municipal boundaries are as follows:

- a. **2016 Municipal Boundaries – MDB**
- b. **Cadastral misalignments and split farms – Chief Surveyor General Cadastre.**
- c. **Split settlements – Stats SA Sub Place**
- d. **National Geospatial Information - Satellite Imagery**

Broad process and timeframes within the current legal framework: 2017 - 2021



MUNICIPAL BOUNDARY RE-DETERMINATION PROCESS



BOUNDARY ALIGNMENT PROGRAMME

(ACTIVITIES AND TIMEFRAMES)

PROCESS	DATE	TASK	RESPONSIBILITY
CONSULTATION PROCESS (Pre Legal Process)		Consultation with MINMEC	MDB
	April – July 2017	Consult with Provinces	MDB
	July- October 2017	Consultation with other Primary Stakeholders (Chief Surveyor-General, IEC, Stats SA)	MDB
LEGAL PROCESS: INTENTION TO CONSIDER PROPOSALS – SECTION 26 & 27 of MDA	November 2017 – January 2018	Technical Consultation with Municipalities	MDB
	February 2018	Consultation with affected Communities	MDB
		Publish intention to consider proposals and process submissions	MDB
LEGAL PROCESS: CONDUCT INVESTIGATIONS – SECTION 29 & 18 of MDA	March – May 2018	Consideration of Public inputs, public meetings where necessary and determine or re-determine municipal boundaries	MDB
	June - July 2018	Publication of re-determination and consideration of objections	MDB
LEGAL PROCESS: CONFIRM, VARY OR WITHDRAW RE-DETERMINATION – SECTION 21(5) of MDA	July 2018	Confirm, vary or withdraw re-determination and final gazetting	MDB
	August 2018	IEC and MECs gazette Section 23 notices.	IEC & MEC

CONCLUSION

MDB has taken a strategic direction to consider only technical municipal boundary misalignments and not major redeterminations. The MDB appreciates assistance by districts for arrangement of revenues.

The MDB will appreciate the support from municipalities.

The success of this plan is dependent on efficient collaboration with all stakeholders including: municipalities, provincial departments responsible for local government, traditional leadership, political parties, members of the public, etc.

CONSIDERATION OF TECHNICAL MISALIGNMENT CASES

GIS PRESENTATION

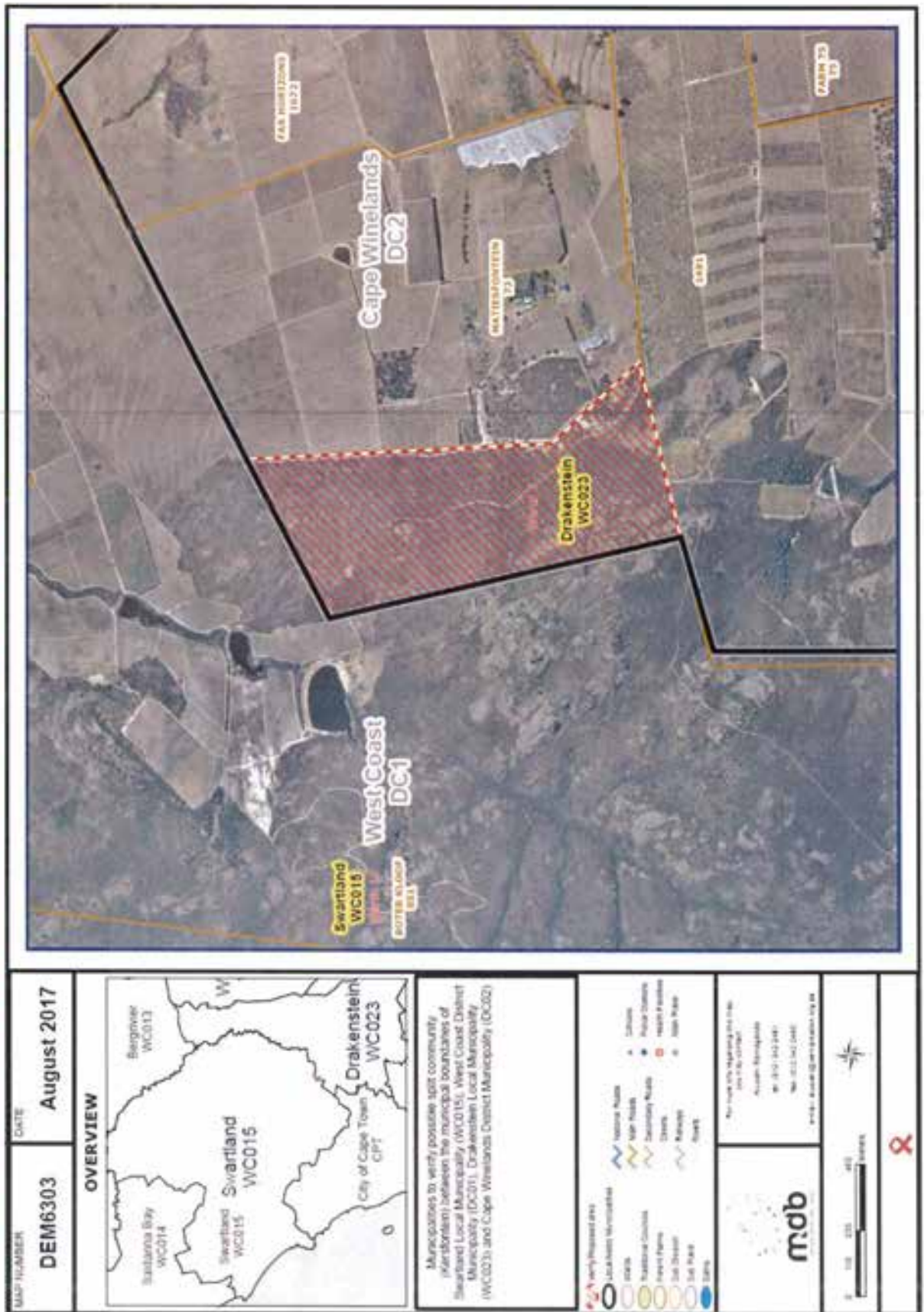
SCHEDULE OF CASES FOR MUNICIPALITIES IN THE DISTRICT OF WINELANDS

1. Henceforth the presentation will go according to the order of cases in the schedule as in the next slide(s).
2. A copy of the schedule with maps is provided separately for your convenience

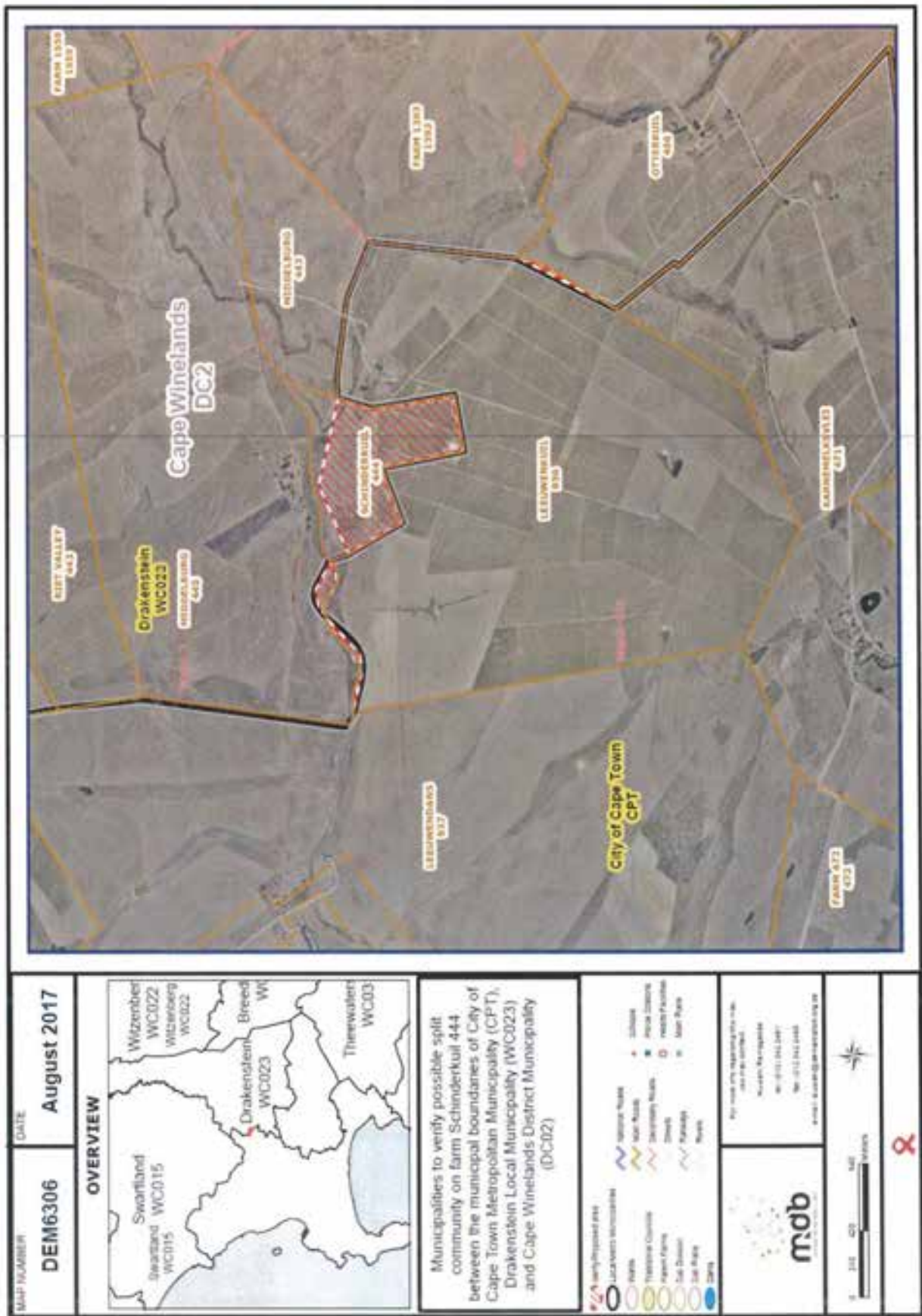
SCHEDULE OF CASES FOR MUNICIPALITIES IN THE CAPE WINELANDS DISTRICT MUNICIPALITY

DEM	DESCRIPTION
EM6303	Municipalities to verify possible split community (Kersfontein) between the municipal boundaries of Swartland Local Municipality (WC015), West Coast District Municipality (DC01), Drakenstein Local Municipality (WC023) and Cape Winelands District Municipality (DC02)
EM6306	Municipalities to verify possible split community on farm Schinderkuil 444 between the municipal boundaries of City of Cape Town Metropolitan Municipality (CPT), Drakenstein Local Municipality (WC023) and Cape Winelands District Municipality (DC02)
EM6311	Municipalities to verify possible split community on farm Groenland 214 between the municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT)
EM6313	Municipalities to verify possible split community on farm Rosendal 1518 between the municipal boundaries of Stellenbosch Local Municipality (WC024), Cape Winelands District Municipality (DC02) and City of Cape Town Metropolitan Municipality (CPT)
EM6314	Proposed redetermination of the municipal boundaries of Langeberg Local Municipality (WC026), Cape Winelands District Municipality (DC02), Swellendam Local Municipality (WC034) and Overberg District Municipality (DC03), by excluding a portion of the farms Langverwacht 676 and Dassenheuwel 183 from the municipal areas of Swellendam Local Municipality (WC026) and Overberg District Municipality (DC03), and by including them into the municipal areas of Langeberg Local Municipality (WC026) and Cape Winelands District Municipality (DC02); by excluding a portion of the farm Leew River Berg Forest 171 from the Langeberg Local Municipality (WC026) and Cape Winelands District Municipality (DC02), and by including a portion of the municipal areas of Swellendam Local Municipality (WC034) and Overberg District Municipality (DC03).

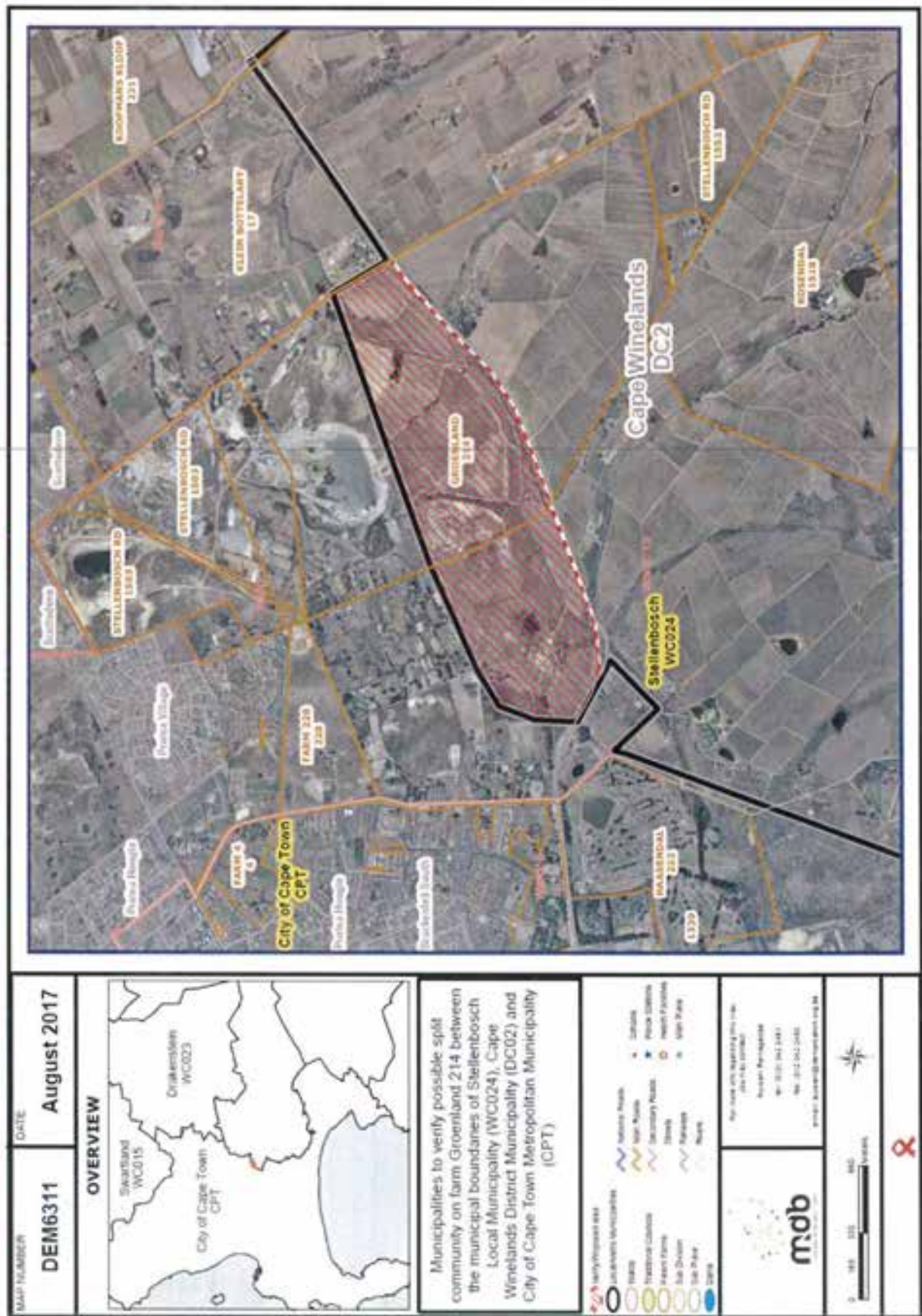
MAPS OF CASES FOR MUNICIPALITIES IN CAPE WINELANDS DISTRICT MUNICIPALITY



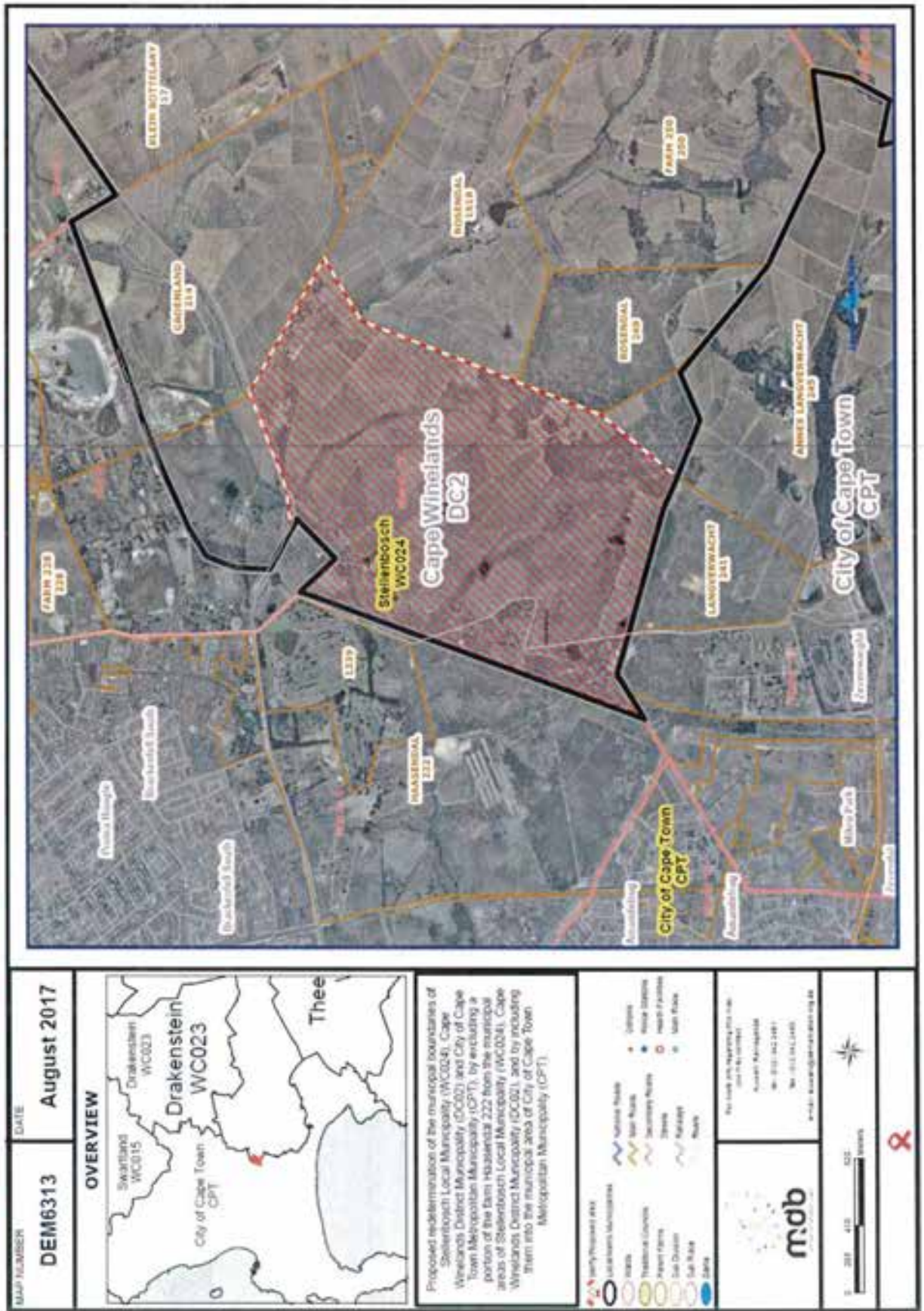
MAPS OF CASES FOR MUNICIPALITIES IN CAPE WINELANDS DISTRICT MUNICIPALITY



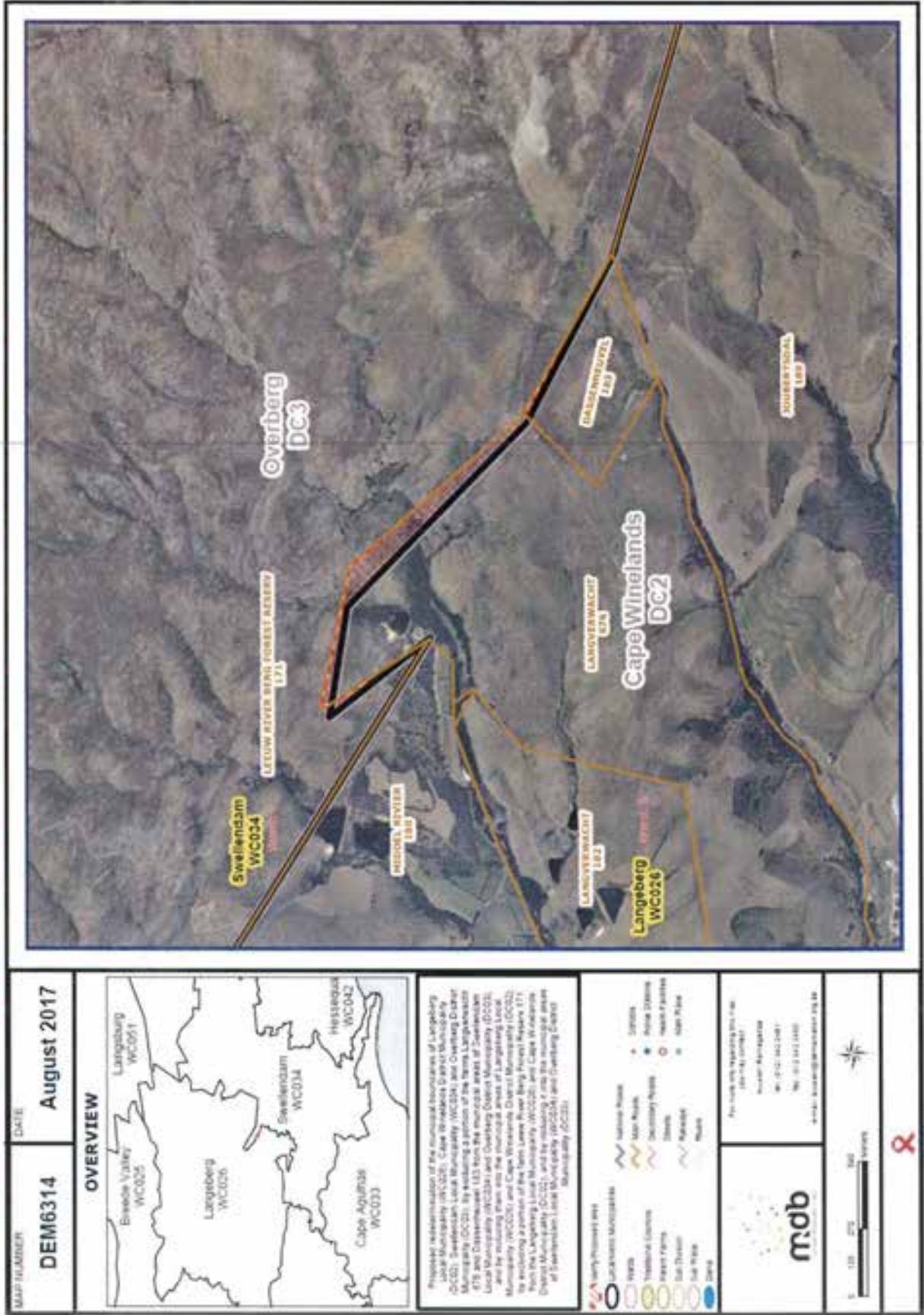
MAPS OF CASES FOR MUNICIPALITIES IN CAPE WINELANDS DISTRICT MUNICIPALITY



MAPS OF CASES FOR MUNICIPALITIES IN CAPE WINELANDS DISTRICT MUNICIPALITY



MAPS OF CASES FOR MUNICIPALITIES IN CAPE WINELANDS DISTRICT MUNICIPALITY



THANK YOU.



ANNEXURE 2

Circular 2/2017



- To:** Minister of Cooperative Governance and Traditional Affairs
MECs of Provincial Departments responsible for Local Government
Chairpersons of National & Provincial Houses of Traditional Leaders
President of South African Local Government Association
Chairperson of Independent Electoral Commission
Mayors of Metropolitan, District and Local Municipalities
- Cc:** HOD's of Provincial Departments responsible for Local Government
DG's of Provincial Departments responsible for Local Government
Municipal Managers
Chief Surveyor General
Chief Electoral Officer
Chief Executive Officer of SALGA
Statistician – General
Members of extended Boundaries, Powers and Function Committee
Members of Local Elections Technical Committee
Other Stakeholders

Dear Sir/Madam,

CIRCULAR 2/2017: DETERMINATION AND REDETERMINATION (TECHNICAL ALIGNMENTS) OF MUNICIPAL BOUNDARIES, AND MDB'S REVISED PROGRAM 2017 – 2021

PURPOSE

1. To inform all MDB stakeholders about the decision of the Municipal Demarcation Board to revise its work program for the period 2017 to 2021.
2. To provide MDB stakeholders with a revised broad plan for the technical boundary re-alignment process.
3. To request all municipalities to confirm attendance and provide feedback on names of technical officials who will attend on behalf of the municipality.

INTRODUCTION

4. On 08 December 2016 the Municipal Demarcation Board (MDB) resolved that no major municipal boundary redeterminations would be conducted within the period preceding the 2019 national elections.
5. A broad programme for the above process was approved and included in Circular 1/2017. The Board has however taken a decision to consult with primary stakeholders, including affected communities prior to proceeding with the legal process for municipal technical alignments.
6. The Independent Electoral Commission also made a request to conclude the technical alignment process by July 2018 so that it is afforded adequate time to prepare for the national and provincial elections. MDB considered these inputs and resolved to revise the 2017 – 2018 programme.
7. Publishing section 26 notices i.e. intention to consider for inputs from members of the public prior to any form of community engagements previously brought some difficulties as communities misunderstood that for a determination. Consultations prior to the onset of the legal process will provide the MDB with a broader insight into the technical alignments allowing it to proceed with well consulted cases, thereby limiting negative feedback during the legal process.
8. These preliminary consultations will facilitate stakeholder involvement in confirmation of cases and development of bottom up solutions that are more sustainable as communities will have had an opportunity to confirm the diagnosis and make alternative proposals.

REVISED DEMARCATION PROCESS 2017-2021

CONSULTATION WITH PRIMARY STAKEHOLDERS – APRIL - JUNE 2017

9. The MDB consulted with primary stakeholders by presenting to them the identified technical misalignments in their areas.
10. These sessions were concluded by end June 2017, save for a few provinces where meetings with the PECs were rescheduled to July. The MDB is currently consolidating inputs from these sessions for incorporation into the downstream consultative processes.

CONSULTATION WITH MUNICIPALITIES – AUGUST - OCTOBER 2017

11. The MDB intends to consult with Planning and GIS officials from each affected municipality. These are strictly technical sessions and MDB would like to plead that all affected municipalities send relevant technical officials.
12. The sessions will be held at district and metropolitan municipality level with all affected local municipalities within that district area attending. (Schedule attached as Annexure A)
13. The MDB will request district and metropolitan municipalities to provide the venue for these sessions.
14. A list of the cases of municipal boundary misalignments identified during the 2016 municipal boundary assessment process will be provided to municipalities prior to the consultation session.
15. During the sessions the MDB will present the cases for municipal officials to provide technical comments regarding the technical municipal boundary misalignments affecting their municipal areas.

CONSULTATION WITH AFFECTED COMMUNITIES – NOVEMBER 2017 – FEBRUARY 2018

16. MDB will consult with every affected community by presenting to them the technical municipal boundary misalignment and possible solutions.
17. These sessions will be held at appropriate venues that are accessible to the affected communities.
18. The affected communities will be requested to make comments or propose alternate configurations where possible.
19. These comments will be analysed and reports presented to the Board for consideration prior to commencing with the legal process.

BROAD DEMARCATION PROCESS

20. The municipal boundary re-determination programme focusing on technical boundary alignments with activities and broad timeframes is detailed below:

PROCESS	DATE	TASK	RESPONSIBILITY
Consultation Process – Pre Legal Process	April – July 2017	Consultation with MINMEC	MDB
		Consult with Provinces	MDB
		Consultation with other Primary Stakeholders (Chief Surveyor-General, IEC, StatsSA)	MDB
	July- October 2017	Technical Consultation with Municipalities	MDB
	November 2017 – January 2018	Consultation with affected Communities	MDB
LEGAL PROCESS: INTENTION TO CONSIDER PROPOSALS – SECTION 26 & 27 of MDB	February 2018	Publish intention to consider proposals and process submissions	MDB
LEGAL PROCESS: CONDUCT INVESTIGATIONS – SECTION 29 & 18 of MDA	March – May 2018	Consideration of Public inputs, public meetings where necessary and determine or re-determine municipal boundaries	MDB
LEGAL PROCESS: PUBLICATION FOR OBJECTION- SECTION 21 of MDA	June - July 2018	Publication of re-determination and consideration of objections	MDB

PROCESS	DATE	TASK	RESPONSIBILITY
LEGAL PROCESS: CONFIRM, VARY OR WITHDRAW RE- DETERMINATION – SECTION 21(5) of MDA	July 2018	Confirm, vary or withdraw re- determination and final gazetting	MDB
Legal Process: Section 23 of MDA	August 2018	IEC and MECs gazette Section 23 notices.	IEC & MEC

CONCLUSION

21. Municipal managers of district and metropolitan municipalities are requested to assist MDB with suitable venues to hold technical consultation sessions with municipal planning and GIS officials.
22. Municipal managers are requested to assure the attendance of planning and GIS officials to the consultation sessions. In this regard, municipalities are requested to complete the attached form as Annexure B and return to the MDB by not later than 20 July 2017 to email, Liz@demarcation.org.za
23. The MDB is committed to ensure that the process of the technical boundary alignments will be done in consultation with key stakeholders and the affected communities.

Regards



JANE THUPANA

CHAIRPERSON: MUNICIPAL DEMARCATION BOARD

DATE: 06/07/2017



ANNEXURE A

MUNICIPAL CONSULTATION SCHEDULE

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
Eastern Cape	Buffalo City	BUF	Buffalo City Metropolitan Municipality	31-Jul-17
Eastern Cape	Sarah Baartman District Municipality	EC101	Dr Beyers Naude Local Municipality	1 & 2 AUGUST 2017
		EC102	Blue Crane Route Local Municipality	
		EC104	Makana Local Municipality	
		EC105	Ndlambe Local Municipality	
		EC106	Sundays River Valley Local Municipality	
		EC108	Kouga Local Municipality	
		EC109	Kou-Kamma Local Municipality	
Eastern Cape	Amathole District Municipality	EC121	Mbhashe Local Municipality	3 & 4 AUGUST 2017
		EC122	Mnquma Local Municipality	
		EC123	Great Kei Local Municipality	
		EC124	Amahlathi Local Municipality	
		EC126	Ngqushwa Local Municipality	
		EC129	Raymond Mhlaba Local Municipality	
Eastern Cape	Chris Hani District Municipality	EC131	Inxuba Yethemba Local Municipality	7 & 8 AUGUST 2017
		EC135	Intsika Yethu Local Municipality	
		EC136	Emalahleni Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		EC137	Engcobo Local Municipality	
		EC138	Sakhisizwe Local Municipality	
		EC139	Enoch Mgijima Local Municipality	
Eastern Cape	Joe Gqabi District Municipality	EC141	Elundini Local Municipality	10 & 11 AUGUST 2017
		EC142	Senqu Local Municipality	
		EC145	Walter Sisulu Local Municipality	
Eastern Cape	O.R.Tambo District Municipality	EC153	Ngquza Hill Local Municipality	14 & 15 AUGUST 2017
		EC154	Port St Johns Local Municipality	
		EC155	Nyandeni Local Municipality	
		EC156	Mhlontlo Local Municipality	
		EC157	King Sabata Dalindyebo Local Municipality	
Eastern Cape	Alfred Nzo District Municipality	EC441	Matatiele Local Municipality	17 & 18 AUGUST 2017
		EC442	Umzimvubu Local Municipality	
		EC443	Mbizana Local Municipality	
		EC444	Ntabankulu Local Municipality	
Eastern Cape	Nelson Mandela Bay	NMA	Nelson Mandela Bay Metropolitan Municipality	21-Aug-17
Free State	Mangaung	MAN	Mangaung Metropolitan Municipality	19-Sep-17
Free State	Xhariep District Municipality	FS161	Letsemeng Local Municipality	4 & 5 SEPTEMBER 2017
		FS162	Kopanong Local Municipality	
		FS163	Mohokare Local Municipality	
Free State	Lejweleputswa District Municipality	FS181	Masilonyana Local Municipality	7 & 8 SEPTEMBER 2017
		FS182	Tokologo Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		FS183	Tswelopele Local Municipality	
		FS184	Matjhabeng Local Municipality	
		FS185	Nala Local Municipality	
Free State	Thabo Mofutsanyane District Municipality	FS191	Setsoto Local Municipality	11 & 12 SEPTEMBER 2017
		FS192	Dihlabeng Local Municipality	
		FS193	Nketoana Local Municipality	
		FS194	Maluti a Phofung Local Municipality	
		FS195	Phumelela Local Municipality	
		FS196	Mantsopa Local Municipality	
Free State	Fezile Dabi District Municipality	FS201	Moqhaka Local Municipality	14 & 15 SEPTEMBER 2017
		FS203	Ngwathe Local Municipality	
		FS204	Metsimaholo Local Municipality	
		FS205	Mafube Local Municipality	
Gauteng	Ekurhuleni	EKU	Ekurhuleni Metropolitan Municipality	21-Aug-17
Gauteng	City of Johannesburg	JHB	City of Johannesburg Metropolitan Municipality	22-Aug-17
Gauteng	City of Tshwane	TSH	City of Tshwane Metropolitan Municipality	23-Aug-17
Gauteng	Sedibeng District Municipality	GT421	Emfuleni Local Municipality	24 & 25 AUGUST 2017
		GT422	Midvaal Local Municipality	
		GT423	Lesedi Local Municipality	
Gauteng	West Rand District Municipality	GT481	Mogale City Local Municipality	28 & 29 AUGUST 2017
		GT484	Merafong City Local Municipality	
		GT485	Rand West City Local Municipality	
KwaZulu-Natal	eThekweni	ETH	Ethekewini Metropolitan Municipality	31-Jul-17

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
KwaZulu-Natal	Ugu District Municipality	KZN212	Umdoni Local Municipality	1 & 2 AUGUST 2017
		KZN213	Umkhumbi Local Municipality	
		KZN214	UMuziwabantu Local Municipality	
		KZN216	Ray Nkonyeni Local Municipality	
KwaZulu-Natal	Umgungundlovu District Municipality	KZN221	uMshwathi Local Municipality	3 & 4 AUGUST 2017
		KZN222	uMngeni Local Municipality	
		KZN223	Mpofana Local Municipality	
		KZN224	Impendle Local Municipality	
		KZN225	The Msunduzi Local Municipality	
		KZN226	Mkhambathini Local Municipality	
		KZN227	Richmond Local Municipality	
KwaZulu-Natal	Uthukela District Municipality	KZN235	Okhahlamba Local Municipality	7 & 8 AUGUST 2017
		KZN237	Inkosi Langalibalele Local Municipality	
		KZN238	Alfred Duma Local Municipality	
KwaZulu-Natal	Umzinyathi District Municipality	KZN241	Endumeni Local Municipality	10 & 11 AUGUST 2017
		KZN242	Nqutu Local Municipality	
		KZN244	Msinga Local Municipality	
		KZN245	Umvoti Local Municipality	
KwaZulu-Natal	Amajuba District Municipality	KZN252	Newcastle Local Municipality	14 & 15 AUGUST 2017
		KZN253	Emadlangeni Local Municipality	
		KZN254	Dannhauser Local Municipality	
KwaZulu-Natal	Zululand District Municipality	KZN261	eDumbe Local Municipality	17 & 18 AUGUST 2017
		KZN262	UPhongolo Local Municipality	
		KZN263	Abaqulusi Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		KZN265	Nongoma Local Municipality	
		KZN266	Ulundi Local Municipality	
KwaZulu-Natal	Umkhanyakude District Municipality	KZN271	Umhlabuyalingana Local Municipality	21 & 22 AUGUST 2017
		KZN272	Jozini Local Municipality	
		KZN275	Mtubatuba Local Municipality	
		KZN276	Big Five Hlabisa Local Municipality	
KwaZulu-Natal	Uthungulu District Municipality	KZN281	Mfolozi Local Municipality	24 & 25 AUGUST 2017
		KZN282	uMhlathuze Local Municipality	
		KZN284	uMlalazi Local Municipality	
		KZN285	Mthonjaneni Local Municipality	
KwaZulu-Natal	iLembe District Municipality	KZN286	Nkandla Local Municipality	28 & 29 AUGUST 2017
		KZN291	Mandeni Local Municipality	
		KZN292	KwaDukuza Local Municipality	
		KZN293	Ndwedwe Local Municipality	
KwaZulu-Natal	Harry Gwala District Municipality	KZN294	Maphumulo Local Municipality	30 & 31 AUGUST 2017
		KZN433	Greater Kokstad Local Municipality	
		KZN434	Ubuhlebezwe Local Municipality	
		KZN435	Umzimkhulu Local Municipality	
Limpopo	Mopani District Municipality	KZN436	Dr Nkosazana Dlamini Zuma Local Municipality	4 & 5 SEPTEMBER 2017
		LIM331	Greater Giyani Local Municipality	
		LIM332	Greater Letaba Local Municipality	
		LIM333	Greater Tzaneen Local Municipality	
		LIM334	Ba-Phalaborwa Local Municipality	
		LIM335	Maruleng Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
Limpopo	Vhembe District Municipality	LIM341	Musina Local Municipality	7 & 8 SEPTEMBER 2017
		LIM343	Thulamela Local Municipality	
		LIM344	Makhado Local Municipality	
		LIM345	New Local Municipality	
Limpopo	Capricorn District Municipality	LIM351	Blouberg Local Municipality	11 & 12 SEPTEMBER 2017
		LIM353	Molemole Local Municipality	
		LIM354	Polokwane Local Municipality	
		LIM355	Lepelle-Nkumpi Local Municipality	
Limpopo	Waterberg District Municipality	LIM361	Thabazimbi Local Municipality	14 & 15 SEPTEMBER 2017
		LIM362	Lephalale Local Municipality	
		LIM366	Bela-Bela Local Municipality	
		LIM367	Mogalakwena Local Municipality	
		LIM368	Modimolle/Mookgophong Local Municipality	
Limpopo	Sekhukhune District Municipality	LIM471	Ephraim Mogale Local Municipality	18 & 19 SEPTEMBER 2017
		LIM472	Elias Motsoaledi Local Municipality	
		LIM473	Makhuduthamaga Local Municipality	
		LIM476	Greater Tubatse/Fetakgomo Local Municipality	
Mpumalanga	Gert Sibande District Municipality	MP301	Chief Albert Luthuli Local Municipality	5 & 6 SEPTEMBER 2017
		MP302	Msukaligwa Local Municipality	
		MP303	Mkhondo Local Municipality	
		MP304	Dr Pixley Ka Isaka Seme Local Municipality	
		MP305	Lekwa Local Municipality	
		MP306	Dipaleseng Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		MP307	Govan Mbeki Local Municipality	
Mpumalanga	Nkangala District Municipality	MP311	Victor Khanye Local Municipality	7 & 8 SEPTEMBER 2017
		MP312	Emalahleni Local Municipality	
		MP313	Steve Tshwete Local Municipality	
		MP314	Emakhazeni Local Municipality	
		MP315	Thembisile Local Municipality	
		MP316	Dr JS Moroka Local Municipality	
		Mpumalanga	Ehlanzeni District Municipality	
MP324	Nkomazi Local Municipality			
MP325	Bushbuckridge Local Municipality			
MP326	City of Mbombela Local Municipality			
Northern Cape	Namakwa District Municipality	NC062	Nama Khoi Local Municipality	1 & 2 AUGUST 2017
		NC064	Kamiesberg Local Municipality	
		NC065	Hantam Local Municipality	
		NC066	Karoo Hoogland Local Municipality	
		NC067	Khâi-Ma Local Municipality	
Northern Cape	Pixley ka Seme District Municipality	NC071	Ubuntu Local Municipality	7 & 8 AUGUST 2017
		NC072	Umsobomvu Local Municipality	
		NC073	Emthanjeni Local Municipality	
		NC074	Kareeberg Local Municipality	
		NC075	Renosterberg Local Municipality	
		NC076	Thembelihle Local Municipality	
		NC077	Siyathemba Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		NC078	Siyancuma Local Municipality	
Northern Cape	Z F Mgcawu District Municipality	NC082	Kai IGarib Local Municipality	3 & 4 AUGUST 2017
		NC084	IKheis Local Municipality	
		NC085	Tsantsabane Local Municipality	
		NC086	Kgatelopele Local Municipality	
		NC087	Dawid Kruijper Local Municipality	
Northern Cape	Frances Baard District Municipality	NC091	Sol Plaatje Local Municipality	10 & 11 AUGUST 2017
		NC092	Dikgatlong Local Municipality	
		NC093	Magareng Local Municipality	
		NC094	Phokwane Local Municipality	
Northern Cape	John Taolo Gaetsewe District Municipality	NC451	Joe Morolong Local Municipality	15 & 16 AUGUST 2017
		NC452	Ga-Segonyana Local Municipality	
		NC453	Gamagara Local Municipality	
North West	Bojanala District Municipality	NW371	Moretele Local Municipality	4 & 5 SEPTEMBER 2017
		NW372	Local Municipality of Madibeng	
		NW373	Rustenburg Local Municipality	
		NW374	Kgetlengrivier Local Municipality	
		NW375	Moses Kotane Local Municipality	
North West	Ngaka Modiri Molema District Municipality	NW381	Ratlou Local Municipality	7 & 8 SEPTEMBER 2017
		NW382	Tswaing Local Municipality	
		NW383	Mafikeng Local Municipality	
		NW384	Ditsobotla Local Municipality	
		NW385	Ramotshere Moiloa Local Municipality	
North West		NW392	Naledi Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
	Dr Ruth Segomotsi Mompoti District Municipality	NW393	Mamusa Local Municipality	11 & 12 SEPTEMBER 2017
		NW394	Greater Taung Local Municipality	
		NW396	Lekwa-Teemane Local Municipality	
		NW397	Kagisano/Molopo Local Municipality	
North West	Dr Kenneth Kaunda District Municipality	NW403	City of Matlosana Local Municipality	14 & 15 SEPTEMBER 2017
		NW404	Maquassi Hills Local Municipality	
		NW405	Ventersdorp/Tlokwe Local Municipality	
Western Cape	City of Cape Town	CPT	City of Cape Town Metropolitan Municipality	24 AUGUST 2017
Western Cape	West Coast District Municipality	WC012	Cederberg Local Municipality	17 & 18 AUGUST 2017
		WC013	Bergrivier Local Municipality	
		WC014	Saldanha Bay Local Municipality	
		WC015	Swartland Local Municipality	
Western Cape	Cape Winelands District Municipality	WC022	Witzenberg Local Municipality	22 & 23 AUGUST 2017
		WC023	Drakenstein Local Municipality	
		WC024	Stellenbosch Local Municipality	
		WC025	Breede Valley Local Municipality	
		WC026	Langeberg Local Municipality	
Western Cape	Overberg District Municipality	WC031	Theewaterskloof Local Municipality	7 & 8 AUGUST 2017
		WC032	Overstrand Local Municipality	
		WC033	Cape Agulhas Local Municipality	
		WC034	Swellendam Local Municipality	
Western Cape	Eden District Municipality	WC041	Kannaland Local Municipality	

PROVINCE	DISTRICT	CODE	MUNICIPALITY	DATE
		WC042	Hessequa Local Municipality	10 & 11 AUGUST 2017
		WC043	Mossel Bay Local Municipality	
		WC044	George Local Municipality	
		WC045	Oudtshoorn Local Municipality	
		WC047	Bitou Local Municipality	
		WC048	Knysna Local Municipality	
Western Cape	Central Karoo District Municipality	WC051	Laingsburg Local Municipality	15 & 16 AUGUST 2017
		WC052	Prince Albert Local Municipality	
		WC053	Beaufort West Local Municipality	

ANNEXURE B



**MUNICIPAL CONSULTATIONS – CONFIRMATION OF ATTENDANCE BY
RELEVANT OFFICIALS
(MUNICIPALITY TO COMPLETE AND SEND BACK TO THE MDB)**

Name of Municipality: _____

Code: _____

I acknowledge receipt of the MDB's **REQUEST FOR ATTENDANCE OF PLANNING OR GIS OFFICIAL TO MUNICIPAL CONSULTATION SESSIONS** to be held onDay of..... (Month) of 2017 at 10:00am as proposed by the MDB.

The official(s) attending is/are as follows:

Name of Official: _____
Designation: _____
Cell Number: _____
Tel: _____
Email address: _____

I confirm that the official(s) will be notified.

SIGNATURE:

MUNICIPAL MANAGER:

Date: _____

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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NONE

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
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7.5.1	APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS
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1. PURPOSE OF REPORT

The purpose of this report is to consider a request from the Western Cape Government (Department of Transport and Public Works) to acquire an additional portion of land for the purpose of extending the clinic in Klapmuts.

2. BACKGROUND

2.1 Transfer of health services to provincial government

The State Attorney is in the process of transferring the Klapmuts Clinic, situated on Erf 3630 (portion of erf 1331), Klapmuts, measuring 1115m² in extent, held under Deed of Transfer T42229/2000, as agreed to in term of a Memorandum of Agreement of Transfer, to the Western Cape Government.

2.2 Application for additional land

Hereto attached as **APPENDIX 1** a self-explanatory letter from the provincial Department of Transport and Public Works, requesting Stellenbosch Municipality to dispose of an additional portion of land, to enable them to extend the clinic on erf 3630, Klapmuts.

This would enable the Department of Health to provide better health care services to the existing and growing community of Klapmuts.

3. DISCUSSION

3.1 The Site

3.1.1 Location in the local context:

The additional portion of land (part of erf 342, Klapmuts) measuring ±1934.8m² in extent, is situated next to the existing erf 3630, as shown on Fig 1 and 2, respectively*.



Fig 1: Locality: Local and Town context



Fig 2: Locality and Context

*Following the comments/inputs received from the Director: Planning & Economic Development (see par. 4.5 below), and following further discussions with the Engineering Department, agreement was reached on a rough lay-out and new position for the multi-Purpose Centre, situated next to the existing clinic, as shown on Fig 3, below.



Fig 3: Propose, new lay-out of erf 342

From the above it is clear that the proposed extension as shown on Fig 2, (as proposed by the Provincial Government), would not be possible. The following extended area, measuring $\pm 2272\text{m}^2$ in extent (inclusive of existing crèche site) is proposed:



Fig 4: Location and context: Proposed extended site



Fig 5: Proposed extended site

Should this proposal be approved by Council, an alternative site for the crèche will have to be found.

3.1.2 Ownership

Ownership of erf 342 vests with Stellenbosch Municipality in terms of Title Deed 31590/1972 See Deed Search attached as **APPENIDX 2**. The crèche site is leased out to a 3rd party.

3.1.3 Current Zoning

Although erf 342 was rezoned to sub divisional area, according to the Planning & Economic Development department, this zoning has lapsed, resulting in the zoning of Agriculture.

3.2 Legal requirements

In terms of Section 14(2) of the MFMA a Municipality may dispose of a capital asset, but only after the municipal council, in a meeting open to the public –

- (a) has decided on reasonable grounds that the asset is **not needed** to provide the minimum level of **basic municipal services**; and
- (b) has considered the **fair market value** of the asset and the **economic and community value** to be received in exchange for the asset.

In terms of Section 40 of the Municipal Supply Chain Management Regulations, a municipality's supply chain management policy must, *inter alia*, specify the ways in which assets may be disposed of to another organ of state at market related value or, whether free of charge.

Such policy must stipulate that **immovable property may be sold only at market related prices, except when the public interest or the plight of the poor demands otherwise.**

Stellenbosch Municipality's Supply Chain Management Policy, however, is silent on ways in which assets may be transferred to another organ of state.

In terms of Chapter 3 of the Municipal Asset Transfer Regulations (R878/2008) the transfer of certain assets to another organ of state may be **exempted** from the provisions of Section 14 of the MFMA.

Sub-regulation 20 (1) (a) to (e) of the Regulations define the circumstances in which such transfer is exempted. The property in question does not fall within these provisions.

In terms of sub-regulation 20 (f)(i), however, section 14 (1) to (5) of the MFMA does **not** apply if a municipality transfer a capital asset to an organ of state in any other circumstances not provided in (a) to (e) (above) , **provided** that –

- (i) the capital asset to be transferred is determined by resolution of the Council to be **not needed** for the provision of the minimum level of basic **municipal services** and to be surplus to the requirements of the Municipality; and
- (ii) **if the capital asset is to be transferred for less than fair market value, the municipality has taken into account, *inter alia* the expected loss or gain that is to result from the proposed transfer*.**

Further, in terms of Section 29 of the Regulations, the value of a capital asset to be transferred to an organ of state (as contemplated in section 20) **must** be determined in accordance with the **accounting standards** that the Municipality is required by legislation to apply in preparing its annual financial statements.

In the absence of such guidelines, any of the following valuation method must be applied:

- (a) **Historical cost** of the asset
- (b) **Fair market value** of the asset;
- (c) Depreciated replacement cost of the asset; or
- (d) Realizable value of the asset.

From the above it is clear that, although the property under discussion does not fall in the categories described in section 20 (a) to (e) (exempted), Council can indeed regard it as being exempted, **provided** that the provisions of section 20 (f) (i) and (ii) have been considered.

In this particular circumstances it is suggested that the normal procedures described in section 14 of the MFMA be followed, i.e. that the property be sold at **market value**, unless Council is of the opinion that the benefits (to the community) out-ways the anticipated lost in income, in which case the provisions of Section 29 (2) (a) would apply, i.e. historical cost be used as a basis of valuation.

3.3 Fair market value

Hereto attached as **APPENDIX 3** and **4** valuation reports compiled by Cassie Gerber Property Valuers cc and Knight Frank, valuing the property as follows:

Cassie Gerber:	R825 000
Knight Frank:	R840 000
Weighed average:	R832 500 (Excl of VAT)

4. INPUTS BY OTHER DEPARTMENTS

4.1 Financial Services

The proposal is supported. The transaction must also include a stipulation that the Provincial Government becomes liable for the payment of property rates and other municipal services immediately upon being given occupancy of the land and not only from date of transfer of the property.

4.2 Legal Services

In terms of Regulation 20(f)(ii) of the Asset Transfer Regulations ("ATR") if the capital asset is to be transferred for less than fair market value, the municipality should takes into account –

- (aa) whether the capital asset may be required for the municipality or a municipal entity under the municipality's sole or shared control at a later stage;
- (bb) the expected loss or gain that is expected to result from the proposed transfer;
- (cc) the extent to which any compensation to be received in respect of the proposed transfer will result in a significant economic or financial cost or benefit to the municipality;
- (dd) the risks and rewards associated with the operation or control of the capital asset that is to be transferred in relation to the interests of the municipality or municipal entity;

-
- (ee) the effect that the proposed transfer will have on the ability of the municipality or municipal entity to raise long-term or short-term borrowings in the future;
 - (ff) any limitations or conditions attached to the capital asset or the transfer of the asset, and the consequences of any potential non-compliance with those conditions;
 - (gg) the estimated cost of the proposed transfer;
 - (hh) the transfer of any reserve funds associated with the capital asset;
 - (ii) the interest of any affected organ of state, the municipality's own strategic, legal economic interest and the interests of the local community; and
 - (jj) compliance with the legislative regime applicable to the proposed transfer.

It appears from the recommendations that the Property is not going to be sold for less than the market value but at market value. If that is correct Regulation 20(f)(i) and (ii) are not applicable.. Regulation 20(f)(i) and (ii) should be read in conjunction. If it is resolved by Council that the capital asset is not required for the provision of the minimum level of basic municipal services and the capital asset be sold for less than fair market value, Chapter 3 would be applicable.

Furthermore, Regulation 21 provides that section 14(1) to (5) of the Act and Chapter 2 of these Regulations must be applied if a municipality or municipal entity transfers a capital asset to an organ of state when none of the circumstances mentioned in regulation 20 apply, including when the asset is transferred in the course of an ordinary commercial transaction between the municipality or entity and the organ of state.

Commercial transaction is not defined in the ATR. However commercial transaction, in law, the core of the legal rules governing business dealings. The most common types of commercial transactions, involving such specialised areas of the law and legal instruments as sale of goods and documents of title, are discussed below. Despite variations of details, all commercial transactions have one thing in common: they serve to transmit economic values such as materials, products and services from those who want to exchange them for another value, usually money, to those who need them and are willing to pay a counter value. It is the purpose of the relevant legal rules to regulate this exchange of values, to spell out the rights and obligations of each party, and to offer remedies if one of the parties breaches its obligations or cannot perform them for some reason. The law of commercial transactions thus covers a wide range of business activities. Historically, land was of such prime importance that it was not subject to frequent disposition and therefore was also excluded from the category of commercial transactions.

In light of the above, we do not concur that Chapter 3 of the ATR is applicable on this transaction for the reasons alluded to above. Chapter 2 (Transfer and permanent disposal of non-exempted capital assets) of the ATR is applicable and need to be complied with, read with section 14(1) and (2) of the Municipal Finance Management Act, 56 of 2003.

The determination in terms of section 14(2)(a) and (b) needs to be made. The Municipality must first establish whether the portion of Erf

342 Klappmuts, which is required for the extension of the clinic, is a high value capital asset. A high value capital asset (is in excess of R50 million, or one percent of the total value of the capital assets of the municipality or an amount determined by resolution of the Council of the municipality which is less than the aforementioned two). . If the value of the portion of Erf 342 Klappmuts is less than R50 million, or 1 percent of the total value of its capital assets of the municipality or an amount determined by resolution of Council which is less than the aforementioned two **no public participation process is required**. If the amount is in excess of the three listed criteria a public participation process is first required as well as an in principle decision that the capital asset may be transferred as envisaged in Regulation 5(1)(b)(i)(ii) as well as Regulation 6. The fair market value of the portion of Erf 342 Klappmuts should first be established*. Regulation 7 provides that the municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of Regulation 5(1)(b)(i) and (ii), take into account –

- (a) Whether the capital asset may be required for the municipality's own use at a later date;
- (b) The expected loss or gain that is expected to result from the proposed transfer or disposal;
- (c) The extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the municipality;
- (d) The risk and rewards associated with the operations or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interest;
- (e) The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) The estimated cost of the proposed transfer or disposal;
- (h) The transfer of any liabilities and reserve funds associated with the capital asset;
- (i) Any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;
- (j) Any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury;
- (k) The interest of any affected organ of state, the municipality's own strategic, legal and economic interest and the interest of the local community; and
- (l) Compliance with the legislative regime applicable to the proposed transfer or disposal.

Regulation 12(1) provides that if approval has been given in terms of regulation 5(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its disposal management system, irrespective of –

- (a) The value of the capital asset; or
- (b) Whether the capital asset is to be transferred to a private sector or an organ of state.

The sale agreement may be entered into in terms of clause 5.4.2 of the Supply Chain Management Policy.

We advise accordingly.

4.3 Engineering Services

This Directorate supports the item. Please note that access to the newly created stand will only be allowed from the internal streets and not directly from Merchant Street.

4.4 Planning & Economic Development

This site is part of the larger site on which the multi-purpose hall is proposed. It is not zoned appropriately for the proposed subdivision and development. The entire site must be planned as also recorded in the case of the multi-purpose centre.

It is however subject to certain prescribed statutory processes and it should be planned and managed accordingly.

5. CONCLUSION

From the above it is clear that the land in question is not needed to provide the minimum level of basic municipal services.

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.5.1

RECOMMENDED

- (a) that the portion of erf 342, Klapmuts, measuring $\pm 2272\text{m}^2$ in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;
- (c) that approval be granted that the portion of erf 342, Klapmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:
 - i) the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to, survey and legal costs;
 - ii) the Provincial Government be responsible for the subdivision and rezoning cost;

- iii) the Provincial Government be responsible for the upgrading of bulk infrastructure should the need arise, and for making a contribution toward the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;
- iv) the Provincial Government be responsible for all service connections at the prevailing rates;
- (d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and
- (e) that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.

<i>Meeting:</i>	<i>Mayco: 2017-09-13</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>529254</i>	<i>Referred from:</i>	

FURTHER COMMENTS BY THE MUNICIPAL MANAGER: 14 SEPTEMBER 2017

According to Chapter 3: Municipal Revenue S14 (6) the section (Disposal of capital assets) does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.

That it be recommended to Council:

- (a) that the portion of erf 342, Klapmuts, measuring $\pm 2272\text{m}^2$ in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question (portion of erf 342) was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;
- (c) that approval be granted that the portion of erf 342, Klapmuts, as indicated in figure 5, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that:
 - i) the Provincial Government be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;
 - ii) the Provincial Government be responsible for the subdivision and rezoning cost;
 - iii) the Provincial Government be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;

-
- iv) the Provincial Government be responsible for all service connections at the prevailing rates;
- (d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and
- (e) that the Municipal Manager be authorised to sign the Sales Agreement and all documents necessary to effect transfer of the property.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>529254</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

APPENDIX 1



**Western Cape
Government**

Transport and Public Works

Esme Davis

Acquisition Officer – Property Management

Email: esme.davis@pgwc.gov.za

tel: +27 21 483 4453 fax: +27 21 483 7652

REFERENCE: KLAPMUTS EXTENTION

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7600

For Attention: Mr. Piet Smit

Dear Mr. Smit

STELLENBOSCH MUNICIPALITY: KLAPMUTS CLINIC: EXTENSION TO EXISTING SITE



Erf 342
SCAN NR:
COLLABORATOR NR:

The State Attorney is in the process of transferring the Klapmuts Clinic, situated at Erf 3630 (Portion of Erf 1331) Klapmuts, measuring 1115m² in extent, held under Deed of Transfer No. T42229/2000, as agreed to in terms of the Memorandum of Agreement of Transfer, of which a copy is attached as Annexure "A".

However, the Department of Health has indicated that they require a site of 3000m², the additional land required, measuring approximately 1935m² in extent, which is situated adjacent to the Property, will be for the extension of the current clinic as marked on the attached approved Subdivision Diagram (S.G. No. 1691/2014) Annexure "B".

Should your Municipal Council agree to the disposal of the additional land as mentioned above, that is required for the extension of the existing health care facility, to the Western Cape Government, kindly advise on the terms and conditions in acquiring the additional land, by the Western Cape Government (WCG) for Health purposes.

Kindly note that the proposed extension to the clinic will enable the Department of Health to provide better health care services to the existing and growing community of Klapmuts.



The WCG wishes your Municipal Council to consider disposing of the additional land to the WCG, at a nominal amount or free of charge.

Please note that the proposed acquisition of the additional land from your Municipality, will be subjected to the requirements set in terms of the Western Cape Land Administration Act, No. 6 of 1998.

Your favourable consideration in this matter will be appreciated.


ACTING CHIEF DIRECTOR IMMOVABLE ASSET MANAGEMENT
DATE 18/3/2016

APPENDIX 2

Printed: 2018/04/13 10:50

Deeds Office Property

windeed
 Information is our business

KLAPMUTS, 342, 0 (REMAINING EXTENT) (CAPE TOWN)

GENERAL INFORMATION

Deeds Office CAPE TOWN
 Date Requested 2018/04/13 10:50
 Information Source DEEDS OFFICE
 Reference -

**PROPERTY INFORMATION**

Property Type ERF
 Erf Number 342
 Portion Number 0 (REMAINING EXTENT)
 Township Klapmuts
 Local Authority STELLENBOSCH MUN
 Registration Division PAARL RD
 Province WESTERN CAPE
 Diagram Deed T31590/1972
 Extent 12.9656H
 Previous Description -
 LPI Code C05500040000034200000

OWNER INFORMATION

Owner 1 of 1
 Company Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T42229/2000
 Registration Date 2000/05/31
 Purchase Price (R) 10
 Purchase Date 1997/01/27
 Share
 Microfilm Reference 2003 0842 2927
 Multiple Properties NO
 Multiple Owners NO

ENDORSEMENTS (13)

#	Document	Institution	Amount (R)	Microfilm
1	I-17899/1998LG	-	UNKNOWN	
2	VA7231/2011	MUN STELLENBOSCH	UNKNOWN	
3	FARM PL 744/3	-	UNKNOWN	1985 0056 2228
4	RELAYOUT FROM	REG DIV PAARL RD ,NAME WELTEVREDEN ,NO 744 ,PRTN 3	UNKNOWN	
5	NOW SUBDIVISION	TOWN Klapmuts ,ERF 340 ,PRTN 0	UNKNOWN	
6	NOW SUBDIVISION	TOWN Klapmuts ,ERF 341 ,PRTN 0	UNKNOWN	
7	NOW SUBDIVISION	TOWN Klapmuts ,ERF 812 ,PRTN 0	UNKNOWN	
8	NOW SUBDIVISION	TOWN Klapmuts ,ERF 1171 ,PRTN 0	UNKNOWN	
9	NOW SUBDIVISION	TOWN Klapmuts ,ERF 2179 ,PRTN 0	UNKNOWN	
10	NOW SUBDIVISION	TOWN Klapmuts ,ERF 2180 ,PRTN 0	UNKNOWN	
11	NOW SUBDIVISION	TOWN Klapmuts ,ERF 2181 ,PRTN 0	UNKNOWN	
12	NOW SUBDIVISION	TOWN Klapmuts ,ERF 2182 ,PRTN 0	UNKNOWN	
13	NOW SUBDIVISION	TOWN Klapmuts ,ERF 2183 ,PRTN 0	UNKNOWN	

HISTORIC DOCUMENTS (2)

#	Document	Owner	Amount (R)	Microfilm
1	T31590/1972	REGIONAL SERVICES COUNCIL-CAPE METROPOLE	UNKNOWN	2000 0350 5020
2	T31590/1972	PROVINCE OF THE WESTERN CAPE	SECT 239-200/93	2000 0350 5020

APPENDIX 3

**CASSIE GERBER
PROPERTY VALUERS CC**

CK 98/22188/23

C.L. Gerber, Registered Professional Valuer in Terms of Section 19 of Act 47 of 2000, Registration
No: 1717/4

P.O. Box 2217
DURBANVILLE
7551

Telephone: (021) 9757240
Fax: 086 558 6933
Cell phone: 082 416 2987
E-mail -caslg@mweb.co.za

VALUATION REPORT

**MARKET VALUE OF A PORTION OF ERF 342, KLAPMUTS,
REQUIRED BY THE PROVINCIAL GOVERNMENT OF THE WESTERN
CAPE TO EXTEND THE EXISTING CLINIC**

OWNERS: MUNICIPALITY STELLENBOSCH



Market value: As per report
Date: 7 June 2017

VALUATION REPORT

MARKET VALUE OF A PORTION OF ERF 342, KLAPMUTS, REQUIRED BY THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO EXTEND THE EXISTING CLINIC

OWNERS: MUNICIPALITY STELLENBOSCH

1. Instructions

1.1 The Director of Housing of the Municipality of Stellenbosch instructed me to value the above-mentioned property.

1.2 My instructions are the following:

- To determine the market value of a portion of Erf 342, which is required to extend the existing clinic;
- The crèche on the site will be demolished.

1.3 Market value is defined in this report as a price which the property might reasonably be expected to sell for in a transaction between a willing, able and informed buyer and a willing, able and informed seller.

2. Date of valuation

7 June 2017

3. Description of property

Erg 342, Klapmuts (Title deed: T42229/2000)

4. Owners

Municipality of Stellenbosch

5. Extent

The total extent of the site is 34.0225ha. The portion required for the clinic is about 2272m². Sketch plan page 3 refers:

6. Location of property

The property is situated in Merchant Street, Klapmuts.



Location and context: Proposed extended site



Aerial photo

7. Town planning

The subject property is zoned for agricultural purposes and is situated within the urban edge.

8. Improvements

There is an old crèche on the site, which will have to be demolished.



9. Demolition cost

The demolition cost of the existing building is estimated at R25 000.00 after allowing for the recoverable material and the fact that some of the rubble could be used for filling purposes.

10. Highest and best use

The highest and best use for the subject property is residential purposes.

11. Method of valuation

It would be appropriate to compare the subject property with similar properties and thus arrive at a market value on the basis of comparison.

12. Transactions

12.1 The comparable method of valuation has been applied to determine the market value of the subject property.

12.2 During market research there were only industrial 3 sites with about the same extent sold in the area. There were

many smaller serviced sites sold in the area in which case the subdivision, surveying and rezoning cost of the site will have to be taken into consideration.

13. Summary list of comparable transactions:

No. Property	Extent	Date	Purchase Price/per m ²
1 Erf 2113, Klappmuts Erf 2114, Klappmuts Erf 2115, Klappmuts	4453m ² 3313m ² 3856m ²	01.12.15	R11 729 232.00/±R1085.00
2. Erf 70, Rosen Meer, Klappmuts	1190m ²	07.09.16	R350 000/±R284.00
3. Erf 1969, Rosenmeer, Klappmuts	252m ²	22.02.16	R380 000/±R1 508.00
4. Erf 1342, Rosenmeer, Klappmuts	2325m ²	26.05.16	R275 000/±R846.00
5. Erf 3487, Klappmuts	133m ²	24.05.16	R245 000/±R1 842.00
6. Erf 3488, Klappmuts	133m ²	07.11.16	R245 000/±R1 842.00
7. Erf 3446, Klappmuts	119m ²	30.05.16	R245 000/±R2 059.00
8. Erf 852, Klappmuts	200m ²	16.11.15	R350 000/±R1 750.00
9. Erf 3494, Klappmuts	114m ²	05.07.16	R245 000/±R2149.00
10. Erf 478, Klappmuts	197m ²	27.11.15	R280 000/±R1421.00

14. Conclusions

- 14.1 Transaction no.1 is the only large sites that have been sold in the area over the past 5 years. The sites are zoned for industrial purposes, while the subject property is still zoned for agricultural purposes. The smaller residential sites will, therefore, be more comparable.
- 14.2 The proposed land to be valued is needed for the extension of the existing clinic but the highest and best use of the property for valuation purposes is for single residential purposes. All the comparable transactions are smaller serviced single residential sites and to compare them with the subject property, the cost and the time to subdivide the subject property into similar comparable sites, will have to be taken into consideration.
- 14.3 Comparable transactions 2, 3 and 4 are situated north of the railway line and the Old Paarl Road, which is considered to be a more upmarket area. The purchase prices vary between R300 000.00 and R380 000.00, while transactions 5 to 10 average about R245 00.00 per site.

- 14.4 The sites of transactions 5 to 10 are all very small sites. My information is that the cost to service the sites amounted to about R70 000.00 to R80 000.00 per site.
- 14.5 The subject property, including the crèche site, can be subdivided into 4 building opportunities. All the necessary services are on Merchant Street. Based on the above-mentioned comparable transactions, a price of a serviced site in respect of the subject property will sell for R350 000.00 per site.
- 14.6 I had discussions with a land surveyor and a town planner and it will cost about R90 000.00 per site to rezone, survey and subdivide the subject property into 4 sites, respectively and it will take about 12 months to complete the project. Holding cost for the 12 months is 20% of the market value of the end product and includes rates, maintenance, and interest on bond and developers profit.

15. Valuation calculations

15.1 Income: 4 Sites @ R350 000.00 =	R1 400 000.00
15.2 Out goings: Rezoning, etc.: 4 sites x R90 000	<u>R 360 000.00</u>
Net income:	R1 040 000.00
R1 040 000.00 discounted for 12 months @ 20%:	R852 884.00
Less: Demolition costs:	<u>R 25 000.00</u>
	R827 884.00
Market value, rounded: R825 000.00 (±R363/m ²)	

16. Valuation Certificate

I inspected the subject property described herein. I have no present or prospective interest in the property.

The valuation is independent and impartial and complies with all the ethical standards of the South African Institute of Valuers of which I am a member.

All suppositions and data in this report are to the best of my knowledge, true and correct and I have not attempted to conceal any information.

The valuation has been made to the best of my skill and ability.

I, Casper Louis Gerber, consider the market value of the property in paragraph 15 above, to be a fair assessment of its current market value.



C.L. GERBER /Signed at Durbanville on 7 June 2017

QUALIFICATION TO VALUE

I, Casper Louis Gerber, certify with this my qualifications and experience as follows:

- Professional Valuer registered with the South African Council of Valuers in terms of Act 47 of 2000.
- Member of the South African Institute of Valuers since 1974.
- Served as a member on various valuation boards.
- I have been involved in valuing fixed properties since 1965. At present, I am making an average of 15 valuations per month spread over the whole spectrum of the property market.

APPENDIX 4



A PORTION OF ERF 342 AND
REMAINDER ERF 1331 KLAPMUTS
REQUIRED FOR EXTENSION OF CLINIC

VALUATION REPORT

PREPARED FOR HUMAN SETTLEMENTS & PROPERTY
MANAGEMENT DEPARTMENT, STELLENBOSCH MUNICIPALITY

JULY 2017

11th July 2017

Stellenbosch Municipality

Department of Human Settlements and Property Management

3rd Floor, ABSA Building

Plein Street

Stellenbosch 7599

Attention: Anneline Rooifontein

VALUATION OF REM ERF 1331 & A PTN OF ERF 342 KLAPMUTS

Further to your request to value a portion of land situated on Merchant Street in Klappmuts in extent $\pm 2272 \text{ m}^2$, which is required for the extension of the existing Clinic. The subject land is outlined in red, on location plan and on enlargement below:



1. Legal Description & Ownership

The land, in extent $\pm 2272\text{m}^2$, which is the subject of this report and which is required for the extension of the Clinic comprises:

1. Remainder Erf 1331 Klapmuts in extent 687m^2 .

registered in the name of Municipality of Stellenbosch under Title Deed No T72297/2016

2. Remainder Erf 342 Klapmuts in extent 12.9658 hectares

Registered in the name of Municipality of Stellenbosch under Title Deed No T42229/2000

The whole extent of Rem Erf 1331* is required and the balance of the total extent of 2272m^2 , i.e an area of $\pm 1585\text{m}^2$, is part of Rem Erf 342, as indicated above.

*Erf 1331 has recently been sub-divided into Erf 3630 in extent 1115m^2 and Rem Erf 1331, as described above. (The existing Clinic is on Erf 3630 which is registered in the name of Provincial Govt –Western Cape under Title Deed T72296/2016)

2. Improvements

There are no improvements on the portion of Erf 342 which is required.

Rem Erf 1331 is improved with a children's crèche, the building is a single storey face brick building with a fibre cement sheet roof. The building is in average to poor condition and repair.

The gross external building area is approximately 140m^2



Crèche on Rem Erf 1331



General view of Erf 342 with crèche in background



4. Valuation Commentary

4.1 Date of Valuation

The Date of Valuation is the date of this report, namely 11th July 2017

4.2 Purpose and Basis of Valuation

The purpose of the valuation is for the sale of Municipal owned assets

The basis of valuation is Market Value which is defined as the estimated amount for which an asset would exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted prudently, knowledgeably and without compulsion.

4.3 Methodology

We have used a Market Data /Sales Comparison approach to determine the market value.

The subject land is situated south of the railway line where values are lower than on the northern side. The largest proportion of the required land is part of Erf 342 which is almost 13 hectares in extent and is currently zoned Agriculture, however the highest & best use is likely to be Residential. The land adjoining to the east comprises residential houses on Merchant, Bell and Beyers Streets and we indicate below recent sales of houses close to the subject land.

We also include the price of large areas of serviced industrial land adjoining the R44, Sale No 5 is the Vinimark site.

	Erf No	Address	Size- m ²	Sale Date	Purchase Price
1	202	Beyers St	701	Nov 2016	R750 000
2	320	Merchant St	714	Sept 2016	R480 000
3	242	Merchant St	714	April 2014	R500 000
4	311	Bell St	714	June 2013	R350 000
5	2116	New Industria	2,7718 ha	Oct 2013	R18 959 112 (R685/m ²)
6	2113,4,5	New Industria	1.1622 ha	Dec 2015	R11 729 232 (R1009/m ²)

Sale No's 1 to 4 indicate the selling prices of improved properties on erven on around 700m² which indicate that the value of the plot itself is quite low and is in the range of R150 000 to R300 000.

4.4 Value of Erf 342

±1585 m² is required from Erf 342 which is 12.98 ha in size. The value of the required 1585m² is currently part of the whole although if sub-divided would provide two erven. We are of the view that this land should be valued as part of the whole which currently has an Agriculture zoning but has 'hope' value for a higher residential use at plot prices of around R400 to R500/m² when sub-divided and serviced.

The current land value as part of the whole requiring sub-division and servicing is in the range of R100 to R200/m² at best.



4.5 Value of Remainder Erf 1331

As stated, part of the land required comprises the above erf in extent 687m². This is a serviced erf and improved with a crèche building and can be valued as a separate economic unit.

5. Value Calculation & Conclusion

5.1 Erf 342 – 1585 m ² @ R150/m ² as part of the whole		R237 750
5.2 Rem Erf 1331		
Land – Plot -687m ²	R350 000	
Buildings (additional for Creche)	<u>R250 000</u>	<u>R600 000</u>
	Total	R837 750
	Value Rounded	R840 000

VALUATION CERTIFICATE

We are of the opinion the Market Value of the ± 2272m² as described in this report is an amount, ex vat, at or around:

R840 000.00
(Eight hundred and forty thousand rand)

We trust that we have fulfilled your instructions and will be glad to answer any queries.

Yours faithfully

Knight Frank Western Cape Pty Ltd

DAT WHITE MRICS FIVSA MRICS

Chartered Valuation Surveyor
Registration No 1770

Cape Town

11.7.2017

7.5.2	FUTURE OF THE EX-KLEINE LIBERTAS THEATRE
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1. PURPOSE OF REPORT

To obtain clarity on the future of the ex-Kleine Libertas Theatre site.

2. BACKGROUND

2.1 Lease Agreements

During 1962 a Lease Agreement was concluded between Stellenbosch Municipality and the Klein Libertas Theatre. This agreement was renewed at various occasions for further periods of 9 years and 11 months. The last agreement lapsed on 30 November 2015.

2.2 Application to renew agreement

On 11 September 2015 a motivation for the renewal of their lease agreement was received from Klein Libertas Theatre.

Before the application could be considered the building was destroyed in a fire. For this reason a second application was submitted, requesting a renewal for a three (3) year period to allow the parties to rebuild the facility.

When the request was considered by the Acting Municipal Manager, having taken into account the current legislative regime at the time, he decided not to approve the application for a temporary renewal. A copy of the memo is attached as **APPENDIX 1**. This means that there are no current, valid lease agreement in place.

2.3 Destruction of building

On 13 June 2015 the facility was destroyed in a fire. The only remaining part is the new building that was constructed some 10 years ago with Lotto funding.

2.4 Settlement: Insurance Company

Following various meetings with our Insurance company (Lion of Africa) a settlement agreement was eventually reached in terms whereof they paid out an amount of R3, 561 million as full and final settlement of the claim. In terms hereof Stellenbosch Municipality would rebuild the facility. See **APPENDIX 2**.

2.5 Appointment of architect and other professionals

During November 2015 a Tender Notice was published, calling for prospective architects to submit tenders for the redesign of the Kleine Libertas Theatre. A copy of the Tender Notice is attached as **APPENDIX 3**.

During February 2016, following the above tender process, SKEP Architects were appointed to attend to the redesign of the Kleine Libertas Theatre at a cost of R627 541.41 (Incl. of VAT). A copy of the tender evaluation report is attached as **APPENDIX 4**.

2.6 Budgetary provision

Provision was subsequently made on the 2016/17 Capital Budget for an additional contribution of R1M towards the funding of the project, thus resulting in a total budget of R4.56M.

2.7 Approval/Authorisation: Heritage Western Cape

Following the appointment of SKEP Architects, they first had to obtain approval/authorisation for the demolition of the remaining portion of the building, in an effort to make it safe to the public. This authorisation was obtained during July 2016. See **APPENDIX 5** attached.

Subsequently draft plans were compiled, with the view of obtaining approval/authorisation from the Western Cape Heritage Council. This application was submitted to WCHC during August 2016. See correspondence attached as **APPENDIX 6**.

On 11 October 2016 the proposed re-development of the site was approved by Heritage Western Cape. See letter attached as **APPENDIX 7**.

2.8 Submission of Building plans

Following the above approval final building plans and a Bill of Quantity were compiled. Hereto attached as **APPENDIX 8** are copies of the building plans that were submitted to the Planning Department during April 2011.

2.9 Approval of MTREF: 2017/18-2019/20

Based on a preliminary estimate, the cost of rebuilding the facility is ±6M. For this reason an additional budget of R2M was added (and approved by Council) to the 2018/19 financial year's budget. See copy of approved budget attached as **APPENDIX 9**.

2.10 Project put on hold

Following a recent discussion at an Informal Mayco, the project was put on hold, to allow Council to make a final decision whether to rebuild the theatre or not. The project team was informed accordingly.

2.11 Further correspondence from Kleine Libertas

On 07 June 2017 a letter was received from Klein Libertas Theatre, motivating why the theatre should be rebuilt. A copy of the letter of motivation is attached as **APPENDIX 10**.

3. DISCUSSION**3.1 Location and context**

The building was situated on a portion of erf 235, as shown on Fig 1 and 2, respectively.



Fig 1: Location and context



Fig 2: Position on site

3.2 Alternative options/Public participation process

Although it is possible to rebuild a building to be used as a theatre, it is with the understanding that the Lease Agreement with Kleine Libertas has lapsed and that a new Call for Proposals/Tender process will have to be followed before the awarding of any bid, should Council indeed decide to rebuild the theatre.

As indicated above, an Architect (and other professionals) was therefor appointed to obtain the necessary authorisation from HWC and to submit the necessary building plans for approval.

Following a recent discussion at an Informal Mayco, however, it was decided to refer the matter to Council to make a final decision on whether to rebuild the theatre or to use the site for an alternative development/use.

For this purpose it was suggested that a notice be published to invite the public to make inputs on the possible rebuilt of the theatre or alternative development options.

4. INPUTS BY OTHER DEPARTMENTS**4.1 Planning & Economic Development**

None

4.2 Financial Services

The Capital Budget for the 2017/18 Financial Year reflects a provision of R200 000 for this project, with a further R2 000 000 provided for in the next Financial Year of 2018/19. Although the insurance pay out can be viewed as a source of funding for the rebuilding of the theatre, it cannot be viewed as part of the budget. The entire cost of the project, ± R6m, must be budgeted for, which is not currently the case. The amount paid by the insurance company is deposited to the Capital Replacement Fund and is merely a source of funding.

An amount of R700 000 was made available on the 2016/17 Adjustment Budget for the rebuilding of Kleine Libertas. By means of either expenditure or virements to other projects, this amount was however, entirely spent and is not available to be rolled over to 2017/18.

In summary then, the 2017/18 budget is R200 000 with a further R2 000 000 available for 2018/19. Insurance money cannot be regarded as budget. Any shortfall between the actual cost and the available budget will have to be addressed in an adjustment budget*.

Finance can unfortunately, not support this item at this stage.

*Please note: This department is in agreement with the views expressed by the CFO. As a matter of fact this Department requested that the insured amount of R3 561 000 be put on the budget. We were, however informed that the expenditure would be set off against the insurance claim (suspense account). Further note that the amount of R700 000 was spent as follows:

R352 304: Professional fees (architect and other professionals)

R347 696: Verimented to other projects after the project was stopped.

4.3 Public Safety & Community Services

None

4.4 Engineering Services

None

4.5 Legal Services

It is the prerogative of Council to decide what to do with the property. Council is entitled to determine whether it want to proceed with the rebuilt of the theatre or to use the property for an alternative development/use. Should the property be rebuilt for a theatre the provision of the Stellenbosch Municipality Supply Chain Management Policy read with the provision of the Asset Transfer Regulations should be complied with. The item is supported.

5. CONCLUSION

From the above it is clear that, should the project be implemented, as originally planned, the necessary provision will have to be made during the adjustment budget to add the amount of R3 561 000.00 being the insurance claim.

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.5.2

RECOMMENDED

that a notice be published, inviting public inputs on the matter, whereafter a final decision be made whether to proceed with the rebuilding or to plan/develop an alternative facility/usage.

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Human Settlements
Ref no:	7/2/1/1	Author	Manager: Property Management
Collab:	539095	Referred from:	Mayco: 2017-09-13

APPENDIX 1



**KLEIN
LIBERTAS**
Theatre • Teater • iThiyatha

Registration No: 2007/115199/23

Du Toitstraat / Street
Posbus/PO Box 39
Stellenbosch
7599

Web: www.kleinlibertasteater.co.za
E-pos/mail: klt@kleinlibertasteater.co.za

Tel: 021 883 3607
Fax: 086 549 2281

11 September 2015

TENDER AANSOEK: Klein Libertasteater

Die teater bestaan reeds 55 jaar. Vir die afgelope 15 jaar word dit deur J.J. Fourie as Gemeenskapsteater bedryf. Dit is 'n NPC (registrasie nommer 2007/017484/08) en word op 6 bene bedryf:

- gemeenskapsteater
- kinder- en jeugteater
- musiekteater
- professionele teater
- amateurteater
- opleiding

1. Gemeenskapsteater

- Nieuwe samewerking geskied met die Breughel in Cloeteville. Van hulle akteurs en produksies tree gereeld hier op
- Ons is ook baie betrokke by die beplanning en herlewing van die Breughel nadat dit lank dormant was
- Ons ondersteun die Breughel deur dekor rekwisiete en stoele aan hulle te leen
- Ons teater gee gratis repetisie ruimte en 'n groot afslag op die onkoste vir van hul produksies
- Baie bruin en swart akteurs kry hier informele opleiding en baie het hul professionele loopbane hier begin
- Werkswinkels met groepe uit Kayamandi, Idas Vallei, Cloeteville en selfs Khayelitsha vind op gereelde basis plaas. Projekte word befonds deur die Departement van Kultuur en Sport
- Die Klein Libertasteater het 2 dramagroepe met laerskool kinders in Kayamandi begin in 2006 en ook 'n vennootskap met 'n bestaande dramagroep in Khayelitsha gevorm. In 2007 het een van die groepe in Kayamandi onafhanklik

aangegaan en die ander groep het by die Stellenbosch Gemeente se aktiwiteite ingeskakel terwyl die Bapa Theatre Productions groep se vennootskap voortgegaan het. Gemeenskaps-dramagroep van Kayamandi en Khayelitsha wat in vennootskap met die Klein Libertasteater is, het van 1 in 2005 tot 16 in 2014 gegroei. Dramagroep wat in vennootskap met die teater was sedert 2005 en wat tot onafhanklikheid gelei is, is Bapa Theatre Productions, Heavenly Shepherds, Delheim Theatre Group, Pretty Ladies, Ntantala Group, Reaching for Stars, Yembe Ridem, Ubuhlanti Theatre Productions, Ithemba Youth Development en African Tales.

Gemeenskapsdramagroep wat by die teater opgetree het sedert 2009 om hul werk ten toon te stel, is: Youth on Top, Bapa Theatre Productions, Helen O'Grady Drama Academy, Heavenly Shepherds, Delheim Theatre Group, Khula Theatre Company, African Tales, Makukhanye Entertainment Art Group, Youth in Action, Ntantala Group, Thabang Art and Youth Development, Masilandendule, Better Life, Ithemba Youth Development, Iselwa Lesizwe Theatre Company, Imbavula Theatre Company, Makupula Secondary School, Reaching for Stars, African Angels Drama Organisation, Yembe Ridem, Ubuhlanti Theatre Productions, Future Line Arts Academy, Manyanani, Inggayi, Imbewu, Stage Right Drama School en Chommies.



Bapa Theatre Productions was in vennootskap met die Klein Libertasteater vanaf 2006-2010. Die groep tree nog gereeld in die teater op.



African Tales neem gereeld aan ons feeste en gemeenskaps-vertonings deel

- Die Klein Libertas Theatre Dance Project is in 2007 in Khayelitsha begin in samewerking met BAPA THEATRE PRODUCTIONS en was so gewild dat dit na Stellenbosch uitgebrei is. Die Klein Libertasteater het 'n oorweldigende belangstelling van dansgroepe vir hierdie projek gehad en sou graag 'n jaarlikse geleentheid wou reël waar dansgroepe vanuit Stellenbosch en omgewing gereeld kan optree om hulle werk ten toon te stel en waar die jeug hul talent kan verbeter en gemotiveer kan word, maar as gevolg van 'n tekort aan fondse moes die projek gestaak word.

- Sedert 2005 organiseer die Klein Libertasteater 'n jaarlikse tienertoneelfees in Augustus waarvoor ongeveer 20 inskrywings elke jaar ontvang word en wat baie goed deur die publiek ondersteun word.
- Jaarliks vind die US koshuistoneelfees hier plaas. Dit duur 'n week en ongeveer 30 produksies neem deel.

2. Kinder- en jeugteater

- Met befondsing van die Wynlandse Distriks Munisipaliteit besoek 'n groep bruin en swart akteurs van hierdie teater jaarliks skole met 'n minimum van 80 opvoerings. Ons bereik jaarliks minstens 42 000 leerders.
- Verskeie kinder- en jeugteater-produksies is in die verlede in opdrag van die KKNK in Oudtshoorn en omliggende dorpe aangebied.

3. Musiekteater

HARDOP, geborg deur Distell, is 'n geleentheid waar opkomende en agtergeblewe musikante die geleentheid kry om saam met gevestigde professionele musikante op te tree.

4. Professionele teater

Die Klein Libertasteater Produksiehuis vervaardig jaarliks 3 tot 5 produksies onder die regie van Juanita Swanepoel, die residensiële regisseuse van die teater, wat reeds verskeie nasionale toekennings vir haar regie ontvang het. Hierdie produksies word nie net by die Klein Libertasteater opgevoer nie, maar tree ook landswyd by kunstefeeste soos Volksblad-, Aardklop-, Innibos, Cederberg-, Woordfees, Suidoosterfees en KKNK op. 'n Inkomste vir beide professionele en amateur akteurs en aktrises word dus op 'n deurlopende basis geskep. Verskeie van die akteurs en aktrises het ook nominasies en toekennings vir hul toneelspel en optredes ontvang.

In 2011 word die teater met 'n **Fleur du Cap**-toekenning vir innovasie in teater vereer.

5. Amateurteater

Die Klein Libertasteater doen sy bes om ten minste een amateur produksie per jaar op die planke te bring – gewoonlik in Desember. In hierdie produksie kry lede van die gemeenskap die geleentheid om saam met professionele akteurs in 'n hoë kwaliteit verhoogstuk op te tree. So ver moontlik word daar ook aan amateur akteurs en aktrises gedurende die jaar die geleentheid gebied om in professionele produksies op te tree.

Die Klein Libertasteater Teaterkoor is 'n gemeenskapskoor wat hom beywer vir gemeenskaps deelname. Die koor het verlede jaar op uitnodiging by die US Woordfees opgetree.

6. Opleiding

Die teater is in proses om 'n tweede NPC "Stellenbosch Community Training" (met Artikel 18A status) op te rig.

Daar is 'n groot behoefte by jong Suid Afrikaners tussen 18 en 30 jaar om opgelei te word in die verskillende dissiplines van teater, radio, TV en die film industrie. Tans beskik die Klein Libertasteater oor 'n lys name van mense wat gretig is om opgelei te word in een of meer van hierdie dissiplines. Die Klein Libertasteater is al vir jare lank besig met informele opleiding en hoop om binnekort met formele opleiding te begin. Studente sal opgelei word vir 'n loopbaan in teater, radio, TV of die film industrie.

OPGRADERING en VERBETERINGE aan perseel:

Nuwe geboue: ± R900 000

Afgebrande gebou: ± R200 000



**KLEIN
LIBERTAS**
Theatre • Teater • iThiyatha

Registration No: 2007/115199/23

Du Toitstraat / Street
Posbus/PO Box 39
Stellenbosch
7599

Web: www.kleinlibertasteater.co.za
E-pos/mail: klt@kleinlibertasteater.co.za

Tel: 021 883 3607
Fax: 086 549 2281

16 September 2015

Mnr. Piet Smit
Direkteur Munisipale Eiendomme
Munisipaliteit Stellenbosch
STELLENBOSCH

Geagte mnr. Smit

Klein Libertasteater: Hernuwing van HUURKONTRAK

Met verwysing na ons onlangse gesprek, rig ek graag die volgende vriendelike versoek aan u:

Ons huidige 10-jaar huurkontrak verstryk einde November 2015.

Gegewe ons huidige situasie (die gebou het afgebrand) beskik ons oor geen gebou of fasiliteite nie. Die beplande heropbou is nog in 'n baie vroeë stadium. In die lig van die feit dat verskillende beleide nog moet dien en nog goedgekeur moet word en in ag genome ons huidige praktiese situasie, is ons vriendelike versoek dat die Raad asseblief ons huurkontrak met 3 jaar verleng.

Met dank

Die uwe

J.J. Fourie (Gigi)
TEATERBESTUURDER
082 825 8325

APPENDIX 2



Our Reference : 511/C/T
Your Reference : Mr Smit

9 November 2015

WITHOUT PREJUDICE SUBJECT TO
INSURERS FINAL APPROVAL

Stellenbosch Municipality (Kleinlibertas
Theatre)
Du Toit Street
Stellenbosch

E-Mail : piet.smit@stellenbosch.gov.za

RE: FIRE – 13TH JUNE 2015

Our telephonic conversation of even date refers, we confirm that Insurers have accepted liability in full and final settlement in the amount of R3,567,000.00 (incl. VAT) net of Policy deductible.

Please sign the attached document and return to our offices for onward transmission to Insurers.

If you have any further queries, please do not hesitate to contact the writer.

Postnet Suite 230, P-Bag X10039, Randburg, 2125 E-mail : claims@scla.co.za
☎: 0861 776 5677 ☎ 0866303980
Reg. no. 2006/021036/07 VAT:4190229791

Directors

D J Barker SAIM, B.Comm, AILA; M E R Hayes ARM

Executive Associates

J Naidoo; L Naidoo BEng(Mech), AMRE, ECSA, AILA; C de Meillon; D Warburton B.Compt (Hons);

Associates

R Burne B Comm (Law); M Mgudlwa; M Verreyne Dip Bam
M Richardson AILA; C v d Meer; J Wolhuter; K Foot; G Cooke; K de Klerk BA Psych

Branches in Johannesburg and Cape Town

Correspondents in other Major South African centres

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Innovation | Integrity | Independence

In terms of the settlement, is based on a reinstatement value therefore proof of reinstatement will be required once the building repairs have been completed.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C.C. De Meillon', written in a cursive style.

C.C. DE MEILLON
SPECIALIST & COMMERCIAL LOSS ADJUSTERS



"WITHOUT PREJUDICE"
TENDER OF SETTLEMENT OF LOSS

CLAIM : SC5529 / 511/C/T
INSURED : STELLENBOSCH MUNICIPALITY (KLEINLIBERTAS THEATRE)
SUBJECT TO: LION OF AFRICA

(hereafter referred to as the Company) admitting liability, I / We hereby offer to receive in full and final settlement as shown under Claim Number LAUA/JHB/22188FC for loss arising out of fire which occurred on 13th June 2015.

In respect of

Table # 1

ITEM #	DESCRIPTION	SETTLEMENT AMOUNT (ZAR)
1	Cash-in-Lieu	3 567 000.00

Initial 

Say **THREE MILLION FIVE HUNDRED AND SIXTY-SEVEN THOUSAND RAND ONLY.**

- I / We declare that there is no other insurance covering the same property.

Postnet Suite 230, P.O. Bag X10039, Randburg, 2125 E-mail : claims@scla.co.za
☎ 0861 776 5673 ☎ 0866303980
Reg. no: 2006/021036/07 VAT:4190229791

Directors

D I Barker SAIM, B.Comm, AILA; M E R Hayes ARM

Executive Associates

J Naidoo; L Naidoo (BEng/Mech), AMRE, ECSA, AILA; C de Meillon; D Warburton B.Compt (Hons).

Associates

R Burns B Comm (Law); M Mgudlwa; M Verroyne Dip Bam
M Richardson AILA; C v d Meer; J Wolhuter; K Foot; G Cooke; K de Klerk BA, Psych

Branches in Johannesburg and Cape Town

Correspondents in other Major South African centres

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- I / We further declare that we shall from this date give the Company and its legal or other representatives all reasonable co-operation and assistance in connection with any rights of subrogation which the company may elect to exercise in respect of this claim.

- BANK DETAILS :

BANK ABSABRANCH JellicoteBRANCH CODE 63 2005ACCOUNT NO. 410 188 031

ACCOUNT TYPE _____

SIGNED AT Jellicote THIS 10th DAY OF November 2015SIGNED : [Signature]NAME A. Paul SmithDESIGNATION: Director: Property Management

Duly authorised thereto

*VAT NO.

APPENDIX 3



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

PROPERTY MANAGEMENT

TO / AAN : Manager: SCM

FROM / VAN : Manager: Property Management

DATE / DATUM : 2015-11-16

RE / INSAKE : REQUEST FOR TENDER: APPOINTMENT OF AN ARCHITECT: RE-DESIGN OF KLEIN LIBERTAS THEATRE, STELLENBOSCH

1. PURPOSE

The purpose of the memo is to provide the SCM Department with specifications for the appointment of an architect and professional team through a Tender process.

2. BACKGROUND

Earlier this year the Klein Libertas Theatre was destroyed in a fire. An agreement was reached with our Insurance Company, paving the way for the re-design and construction of a new building.

3. COMPULSORY BRIEFING SESSION

A compulsory briefing session must be scheduled in collaboration with the Department: Property Management at the 3rd Floor, Oude Bloemhof Building, Plein Street, Stellenbosch.

4. SCOPE OF WORK AND RESPONSIBILITIES

The tender should provide for the services, as set out below.

4.1. Stage 1: Needs Analysis

- Needs Analysis in conjunction with the Department of Property Management and current Lessee.

4.2 Stage 2: Preliminary Design

- Sketch plus of building and site plan.

4.3 Stage 3: Detailed Design

- After approval of preliminary design, a detailed design, including building plans, engineering plans, bill of quantities, tender specifications, etc, must be completed. The documents so produced must enable the Municipality to go out on tender for the construction of the facility.

4.4 Stage 4: Estimating and cost advice

Estimating and costing advice provided to the Municipality, including:

- Receiving instruction from the Municipality and advising on various courses of action and procedures to suit the particular requirements of the Project.
- Providing financial design criteria advice.
- Preparing preliminary and comprehensive estimates* of construction cost and providing such other cost advice as may be reasonably required prior to the commencement of Stage 5.

*Please note that a budget of only R4.5million is available for the Project (two financial years).

4.5 Stage 5 : Documentation and procurement

Compilation of documentation, and management of the procurement processes, including:

- Preparing documents for procurement of construction contracts (Including Bill of Quantities);
- Soliciting tender offers;
- Financially evaluating and reporting on tender offers, including financial comparisons with budget; and

- Examining and verifying priced documents including preparing same for incorporation into the signed contract.

4.6 Stage 6 : Contract administration

Administration of the contracts on behalf of the Municipality, including:

- Preparing schedules of predicted cash flows;
- Attending progress meetings on site at reasonable intervals to suit the nature and size of the Project in order to ensure acquaintance with contractual matters and matters affecting costs;
- Attending other meetings at reasonable intervals to suit the nature and size of the Project including presenting financial management reports apprising the Municipality of the financial implications of the Project;
- Preparing valuations for the issue of payment certificates including calculating, evaluating or verifying fluctuations in cost applicable to the contract;
- Preparing cost estimates for proposed variations for Municipality decision-making;
- Maintaining a running financial management statement and monitoring against the financial budget;
- Proceeding with preparing the final account; and
- Adjudicating and resolving the financial and contractual aspects of claims between the Municipality and the contractor, excluding services related to mediation, arbitration and litigation.

4.7 Stage 7 : Final account

Preparation, measurement of all final quantities, and evaluation of the final account as submitted by the contractor, including:

- Determining and agreeing all variations and adjustments for incorporation into the final account.
- Agreeing and finalising all subcontracts and adjusting against provisional sums, where applicable.
- Concluding the final account, including fluctuations in costs (if applicable).
- Preparing and presenting the final account to the Municipality, including any necessary reconciliations and explanations against the financial budget.

4.8 Supplementary Services

The following services are supplementary to the standard services described above and require additional work:

4.8.1 Quality inspectors

Quality inspection, being the inspection of the Works at intervals as may be considered appropriate, to assess and report on whether the Works are being completed generally in accordance with the drawings and specifications. Quality inspection specifically excludes the inspection of mechanical and electrical installations, structural works and other specialist installations or works for which inspections are to be executed by specialist professionals.

4.8.2 Appointment of other specialist & professionals

The tender amount should include an amount for the appointment of the following specialist professionals by the Architect, at his/her cost:

- a) Electrical Engineer;
- b) Structural Engineer;
- c) Rational Engineer; and
- d) Land Surveyor

5. FUNCTIONALITY

5.1 Bidders should provide full detail of at least 5 projects of **similar size and nature** that were successfully completed during the past 24 months. Failure to provide such information **shall invalidate** his/her tender.

5.2 Prospective bidders **must** be registered with **SACAP** (South African Council for the Architectural Profession) as an **architect**. Proof of current, valid registration must be provided. Failure to provide such proof **shall invalidate** his/her quotation.

Yours faithfully



.....
MANAGER: PROPERTY MANAGEMENT
PIET SMIT



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT



INVITATION TO BID: B/SM 78/16

ARCHITECT: RE-DESIGN OF KLEIN LIBERTAS THEATRE, STELLENBOSCH

Notice is hereby given that bids are invited from **SACAP** (South African Council for the Architectural Profession), as an architect, registered, qualified and suitably experienced professional service providers for the appointment of an architect to re-design the Klein Libertas theatre in Stellenbosch.

A compulsory briefing meeting will be held in the Boardroom of Property Management, 3rd Floor ABSA Building, Plein Street, Stellenbosch, on Thursday 26 November 2015 at 10h00.

The tender document is available free of charge on our website at www.stellenbosch.gov.za, however a non-refundable deposit of R250.00 per document is payable to the Stellenbosch Municipality if collecting a hard copy, during office hours, from The Supply Chain Management Unit, Stellenbosch Municipality, 1st Floor, Room no.121, Plein Street, Stellenbosch.

Queries relating to these documents may be addressed to Mr. TM Rhode at 021 808 8518 and technical queries to Mr. Piet Smit on 021 808 8750 or 084 506 5065 or piet.smit@stellenbosch.gov.za

Sealed bids with the Bidder's name and address and the endorsement "**B/SM 78/16: ARCHITECT: KLEIN LIBERTAS THEATRE**" on the envelope, must be placed in the bid box situated at the Stellenbosch Municipality, Plein Street, Stellenbosch or posted to The Stellenbosch Municipality, PO Box 17, Stellenbosch, 7599 to reach us not later than **Friday, 11 December 2015 at 12h00** after which the bids will be opened in public.

The bid box is accessible 24 hours a day and bids must be accompanied by the complete set of documents. Bids not accompanied by the complete bid document, will not be considered. Late, electronic format or faxed bids will not be considered and the Municipality does not bind itself to accept the lowest, part of or any bid.

Functionality will be evaluated as an eligibility criterion. The eligibility criteria relate to the bidder's ability to provide a quality service to the Municipality. The bidder's experience and other criteria will be evaluated. Bidders scoring less than the minimum points will not meet the eligibility criteria and will therefore not be considered for further evaluation.

Bids attaining a score more or equal to the minimum will be evaluated in accordance with the Supply Chain Management Policy of the Stellenbosch Municipality and the Preferential Procurement Policy Framework Act and the Preferential Procurement regulations, 2011. The 80/20 points system will be applicable.

PRICE	80
B-BBEE STATUS LEVEL OF CONTRIBUTION	20
Total points for Price and B-BBEE	100

Municipal Manager
Stellenbosch Municipality
November 2015

APPENDIX 4



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

MEMORANDUM

TO/AAN : Supply Chain Management
 FROM/VAN : Property Management
 DATE/DATUM : 2016.01.25
 RE/INSAKE : EVALUATION REPORT: B/SM78/16:
 APPOINTMENT OF AN ARCHITECT FOR THE RE-
 DESIGN OF KLEINE LIBERTAS THEATRE

1. PURPOSE

The purpose of this memo is to recommend the appointment of a service provider (architect) in terms of Regulation 29(1)(a) and (b)(1) of the Municipal Supply Chain Management Regulations read with paragraph 2.4 of the Municipality's Supply Chain Management Policy.

2. BACKGROUND

The Kleine Libertas was operating from one of our buildings situated on a portion of erf 235, Stellenbosch. During the latter part of 2015 the building was destroyed in a fire. Our Insurance company paid out the claim of ±R3,56million.

Our further investigation it became evident that no plans exist for the building. For this reason it was decided to appoint an architect (and related professionals) to do the planning and draw up the specifications of the new buildings (Tender Documents).

3. DISCUSSION

3.1 Tender Specifications

The tender specifications for the appointment of the consultant team (Architect and other related professional) was compiled during November 2015, a copy of which is attached as **APPENDIX 1**.

3.2 Tender Notice

The bid was advertised in the Eikestad News of 19 November 2015, a copy of which is attached as **APPENDIX 2**, based on a 80/20 preference points system.

3.3 Compulsory briefing session

A compulsory briefing session was held at the Human Settlements & Property Management Boardroom on 26 November 2015 at 10:00 and was attended by 15 prospective bidders. A copy of the attendance register is attached as **APPENDIX 3**.

3.4 Addendum to specifications

During the briefing session various addendums were agreed upon. The said addendums were communicated with the prospective bidders. A copy is attached as **APPENDIX 4**.

3.5 Bids submitted

The following bids were submitted on the closing date. All of the bidders attended the compulsory briefing session.

1.	CSM	R1 175 859.83
2.	GAPP Architects & Urban Designs	R 908 192.40
3.	Linares Architects	R 946 767.00
4.	Naren Mistry Architects cc t/a The Creative Axis Architects cc	R 878 863.01
5.	John C. Pfeiffer Architects	R 878 700.00
6.	EHH Architects Inc.	R 862 296.00
7.	Dick Crane Architects	R 734 160.00
8.	Revel Fox and Partners cc	R 719 340.00
9.	SKEP Design (Pty) Ltd	R 627 541.41
10.	SBI Properties	R 438 900.00

3.6 Bid responsiveness

Bids were examined for documents that had to be submitted. Hereto attached as **APPENDIX 5** a summary of the findings.

From the attached summary it is evident that the following bidders did not meet the minimum requirements:

John C. Pheiffer : SACAP registration: Architectural Technologist
SBI properties : SACAP registration: Architectural Technologist

For this reason the above-mentioned bidders were not further evaluated.

3.7 Functionality

The scoring of the functionality criteria (work of similar size and nature) was done by myself and Theresa Benjamin, project co-ordinator. The minimum score for functionality is 70 points out of a possible 100 points.

The scoring of the tenderer's experience was based on the following:

Poor (Score 40)	Tenderer has limited experience.
Satisfactory (Score 70)	Tenderer has relevant experience but has not dealt with the critical issues specific to the assignment.
Good (Score 90)	Tenderer has extensive experience in relation to the project and has worked previously under similar conditions and circumstances.
Very Good (Score 100)	Tenderer has outstanding experience of projects of a similar nature.

Evaluation of responsive bidders:

Theresa Benjamin's evaluation of bidders:

NO	BIDDERS	% SCORE AWARDED FOR TENDERERS EXPERIENCE
1.	CSM	100
2.	GAPP Architects & Urban Designs	100
3.	Linares Architects	90
4.	Naren Mistry Architects cc t/a The Creative Axis Architects cc	100
5.	EHH Architects Inc.	90
6.	Dick Crane Architects	90
7.	Revel Fox and Partners cc	90
8.	SKEP Design (Pty) Ltd	70

Piet Smit's tender evaluation of bidders:

NO	BIDDERS	% SCORE AWARDED FOR TENDERERS EXPERIENCE
1.	CSM	100
2.	GAPP Architects & Urban Designs	100
3.	Linares Architects	70
4.	Naren Mistry Architects cc t/a The Creative Axis Architects cc	100
5.	EHH Architects Inc.	90
6.	Dick Crane Architects	70
7.	Revel Fox and Partners cc	90
8.	SKEP Design (Pty) Ltd	90

Bruce Engelbrecht's tender evaluation of bidders:

NO	BIDDERS	% SCORE AWARDED FOR TENDERERS EXPERIENCE
1.	CSM	100
2.	GAPP Architects & Urban Designs	100
3.	Linares Architects	70
4.	Naren Mistry Architects cc t/a The Creative Axis Architects cc	100
5.	EHH Architects Inc.	90
6.	Dick Crane Architects	90
7.	Revel Fox and Partners cc	90
8.	SKEP Design (Pty) Ltd	70

Weighed Average:

NO	BIDDERS	% SCORE AWARDED FOR TENDERERS EXPERIENCE
1.	CSM	100
2.	GAPP Architects & Urban Designs	100
3.	Linares Architects	70
4.	Naren Mistry Architects cc t/a The Creative Axis Architects cc	100
5.	EHH Architects Inc.	90
6.	Dick Crane Architects	90
7.	Revel Fox and Partners cc	90
8.	SKEP Design (Pty) Ltd	70

From the above it is evident that all 8 bidders scored the minimum of 70 points.

3.8 Financial implications

As indicated above, an amount of R3.56million was paid out by our insurance company. Provision has also been made on the 2016/17 budget for an additional budget of R1million.

From the above it is clear that sufficient funds are available for the appointment of the consultant team.

Vote No: 3/4000/0202

RECOMMENDATION

- (a) that the bidder who scores the highest point be appointed;
- (b) that the expenditure be incurred against the insurance claim.

Yours faithfully,

PIET SMIT
MANAGER: PROPERTY MANAGEMENT

APPENDIX 5

102.4873



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXENSO ESIZA-NENQUQU • INNOVASYESTAD

SUPPLY CHAIN MANAGEMENT

Enquiries:

Mr. TM Rhode

Ref: 6/1/1

Tel: (021) 808 8518

Fax: (021) 886 6903

E-mail: Theo.Rhode@stellenbosch.gov.za

As per e-mail: alma@skepsstudio.co.za

Attention: A Mentz

Skep Studio Pty Ltd
PO Box 396
Stellenbosch
7599

Dear Sir/ Madam

Bid: B/SM 78/16: Architect: re-design of Klein Libertas theater, Stellenbosch

Stellenbosch Municipality has accepted your offer, subject to the terms and conditions embodied therein, for the service indicated hereunder.

Description	Amount (VAT Incl.)
Architect: re-design of Klein Libertas theatre, Stellenbosch	R627 541.41

Subject to any potential objections or complaints lodged against the decision made which may be received within the 14 days as per SCM regulation 49.

If there is any uncertainty regarding the scope of work, it should be addressed as soon as possible. Please liaise with Piet Smith at:

- Telephone: (021) 808 8189
- Email: Piet.Smit@stellenbosch.gov.za

Conditions of the General Contract Conditions (GCC) apply.

Yours faithfully

pp Financial Services
Municipal Manager
11 March 2016

Piet Smit

From: Alma Mentz <alma@skepstudio.co.za>
Sent: Wednesday, July 13, 2016 3:32 PM
To: Piet Smit; Theresa Benjamin
Cc: 'Carien Punt'; frederik@skepstudio.co.za
Subject: PAC RECOMMENDATIONS ERF 235 - Klein Libertas Teater
Attachments: Sharp.Printers@stellenbosch.gov.za_20160713_143333.pdf

Goeie dag,

Sien aangeheg ons brief vanoggend ontvang van Stellenbosch Beplannings Advies Kommittee (BAK) vir die ondersteuning van ons aansoek om die bestaande strukture te sloop en 'n her-beplannings aansoek in te dien.

Ons is huidiglik in die proses om die planne wat ons met die huurders van KLT ooreengekom het op elektrones op te trek asook die aansigte daarvoor te ontwerp. Ons beplanning is om dit dan weer voor die volgende BAK vergadering gereed te he (einde Julie) om dit dan weer in te dien vir 'n nuwe gebou (binne 'n historiese konteks). Sodra ons die BAK goedkeuring het vir die nuwe gebou kan ons begin met die bouplanne en die res van die tender proses.

Die BAK kommittee is baie positief oor die hele herbeplanning en het versoek dat ons iets !WOW! doen (binne die begroting natuurlik).

Ons sal 'n vergadering bymekaar stel sodra ons aansigte het om te bespreek en dan kan ons ook begin verstellings doen aan die uitleg planne.

Vriendelike groete

Alma Mentz
 Architect
 C: 079 525 3438
 O: 021 883 8083
 E: alma@skepstudio.co.za
 W: www.skepstudio.co.za



From: Kaizer Makati [mailto:Kaizer.Makati@stellenbosch.gov.za]
Sent: Wednesday, July 13, 2016 9:30 AM
To: alma@skepstudio.co.za
Cc: Jeanne Basson <Jeanne.Basson@stellenbosch.gov.za>
Subject: PAC RECOMMENDATIONS ERF 235

Good Day Alma

Attached please find the Committee's recommendations for abovementioned application.

Kind regards
Kaizer Makati

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STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Spatial Planning, Heritage and Environment

Office Tel no : 021 808 8603 | Kaizer.makati@stellenbosch.gov.za

Our ref: Erf 235 (Stellenbosch)

2016-07-13

SKEP Architects
7 Bird Street, Cluver Markotter Building
Stellenbosch
7600

Alma Mentz

SECTION 34 APPLICATION: PROPOSED PARTIAL DEMOLITION ON ERF: 235, CORNER BIRD AND DU TOITSTREET, STELLENBOSCH.

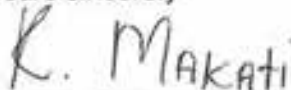
Your application, dated 2016-06-16, with reference in the above regard, refers.

The abovementioned application has been tabled at the Stellenbosch Planning Advisory Committee meeting held on 2016-06-27 and the following recommendations were made:

"The proposed Demolition is approved"

For further information or any clarification regarding abovementioned application, you can contact our Heritage Planner, Mr Kaizer Makati, at 021 808 8603.

Yours sincerely



**On behalf of -
B DE LA BAT
MANAGER: SPATIAL PLANNING, HERITAGE AND ENVIRONMENT**

APPENDIX 6

MOTIVATION LETTER:

Project: KLEIN LIBERTAS, Erf 235, Stellenbosch, 7600

Application date: 19/08/2016

**Attention:**

- STELLENBOSCH SPATIAL PLANNING, HERITAGE AND ENVIROMENT DIRECTORATE PLANNING AND ECONOMIC DEVELOPMENT (BAK);
- STELLENBOSCH HISTORIC FOUNDATION; (SHF)
- STELLENBOSCH INTREST GROUP (SIG)

Re: RE-BUILDING THE KLEIN LIBERTAS THEATER BUILDINGS (this is for the shell of the building only)

Drawings for above mentioned project application:

- SD3372-D01_ 19/08/2016
- SD3372-D02_ 19/08/2016
- SD3372-D03_ 19/08/2016

PREVIOUS APPLICATION TO BAK: DEMOLITION OF EXISTING STRUCTURES DAMAGED IN FIRE.
DATED 27/06/2016.

APPROVAL LETTER ATTACHED – 13/07/2016.

CLIENT: STELLENBOSCH PROPERTY MANAGEMENT DEPARTMENT (Piet Smit/Theresa Benjamin)

CLIENT BRIEF:

The buildings were destroyed by a fire on 13 June 2015. The funding for the re-build is done by the insurance payout and the resource's is very limited. We aim to put up a shell that can be filled in over time by the end user.

PROPOSED END USER:

Klein Libertas Theater – Gigi Fourie.

There is an end user with specific requirements regarding roofs especially over the theater stage area. The length and width of the theater area to accommodate at least 240 seats. Securing the building is a big priority and also blocking the sound coming from the neighboring taxi ranks during day shows. Material use will be kept to a minimum for cost. Metal sheet cladding for walls and brick build walls will be bagged. Some timber cladding can be used for screens and doors. Infill work can be done over time by the end user (stage, seating, internal partitioning walls) if funding is not sufficient.

Kind Regards

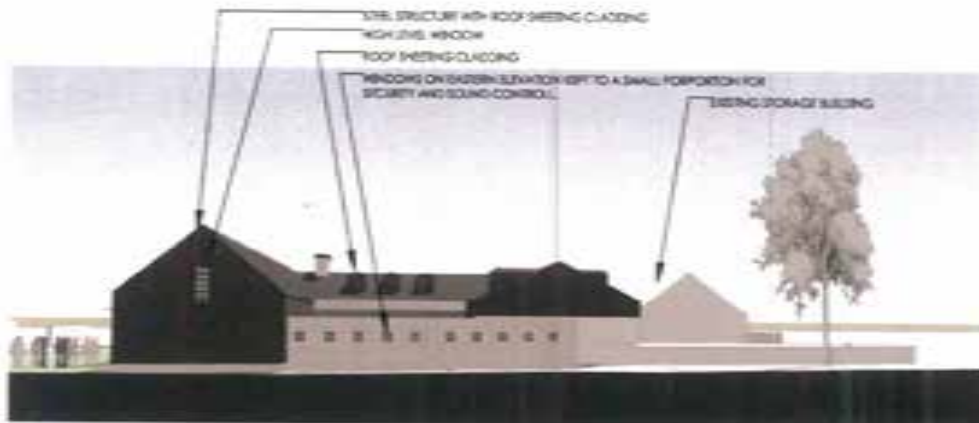
Alma Mentz

Architect

C: 079 525 3438

G: 021 882 8420

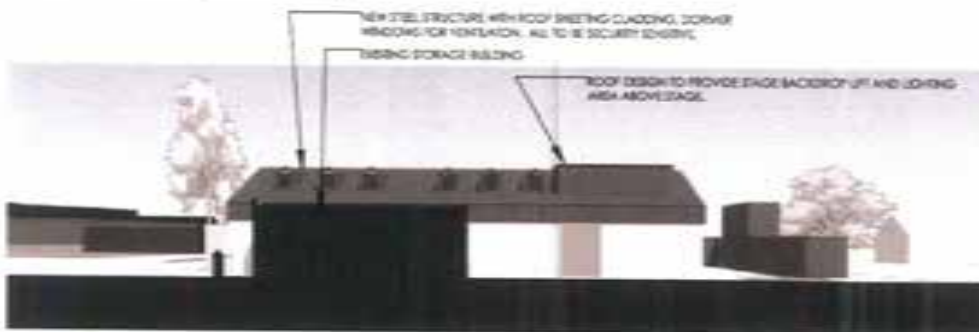
E: alma@skepstudio.co.za



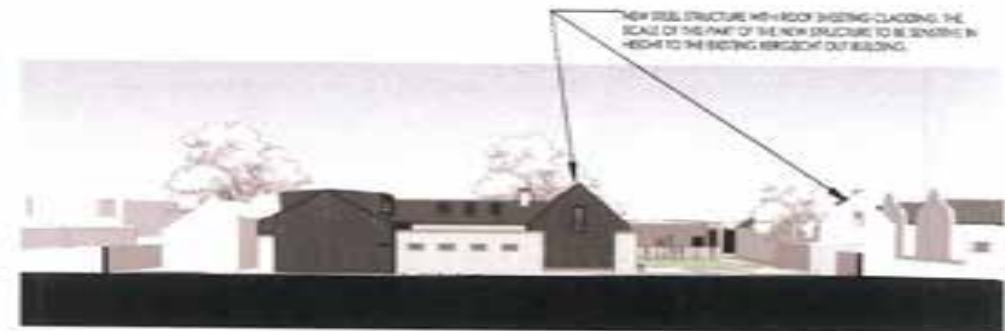
EASTERN ELEVATION (FROM TAXI RANKS)



SOUTH ELEVATION



NORTHERN ELEVATION



WESTERN ELEVATION



3D IN CONTEXT WITH HISTORIC BERGZICHT BUILDINGS



3D IN CONTEXT WITH HISTORIC BERGZICHT BUILDINGS

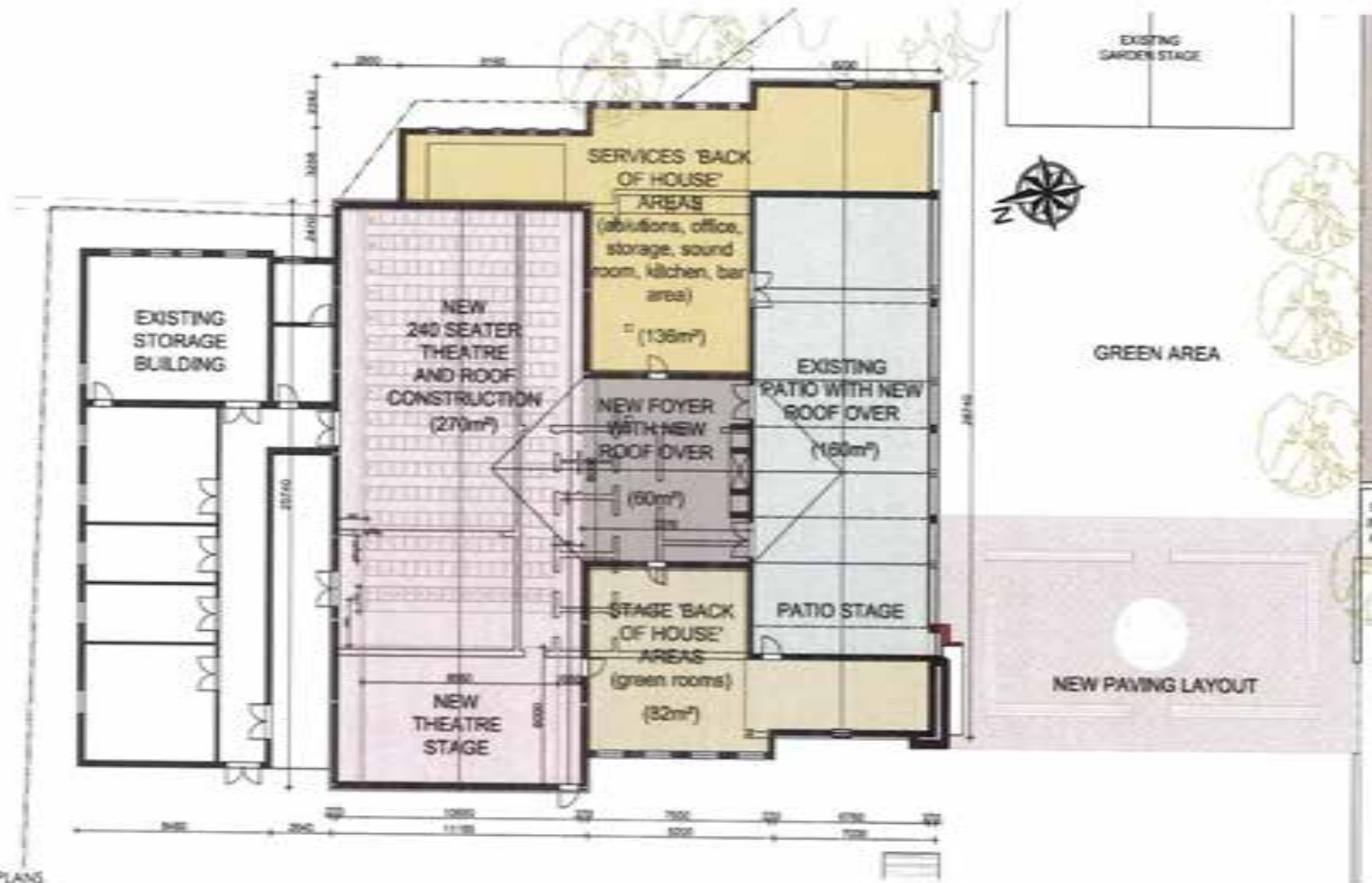


DATE: 19 AUGUST 2016
 SCALE: 1:100
 PROJECT: SD-2572-001
 DRAWING: ELEVATIONS & CONCEPT 3D ELEVATIONS
 CLIENT: KLEN LIBERTAS
 BY: SKP ARCHITECTURAL DESIGN PRACTICE

BAK DESIGN APPLICATION



SKP ARCHITECTURAL DESIGN PRACTICE



NOTE:
ALL INTERNAL LAYOUT AREAS TO BE COMPLETED IN NEXT PHASE WITH THE ENCLOSED PAVILION BUDGET ALLOWANCE AND BUILDING REGULATIONS.

ALL EXISTING WALLS TO BE DEMOLISHED.
NEW WALL WALLS WITH OVER STRUCTURE.
EXISTING WALLS

FLOOR LAYOUT PLANS
SCALE 1:100 @ A1



SITE / LOCALITY PLAN
SCALE 1:500



DATE: 19 AUGUST 2014
PROJECT: SD-3375-000
SITE PLAN & FLOOR LAYOUT
BY: KLEN LIBERTAS
SCALE: 1:500 @ A1



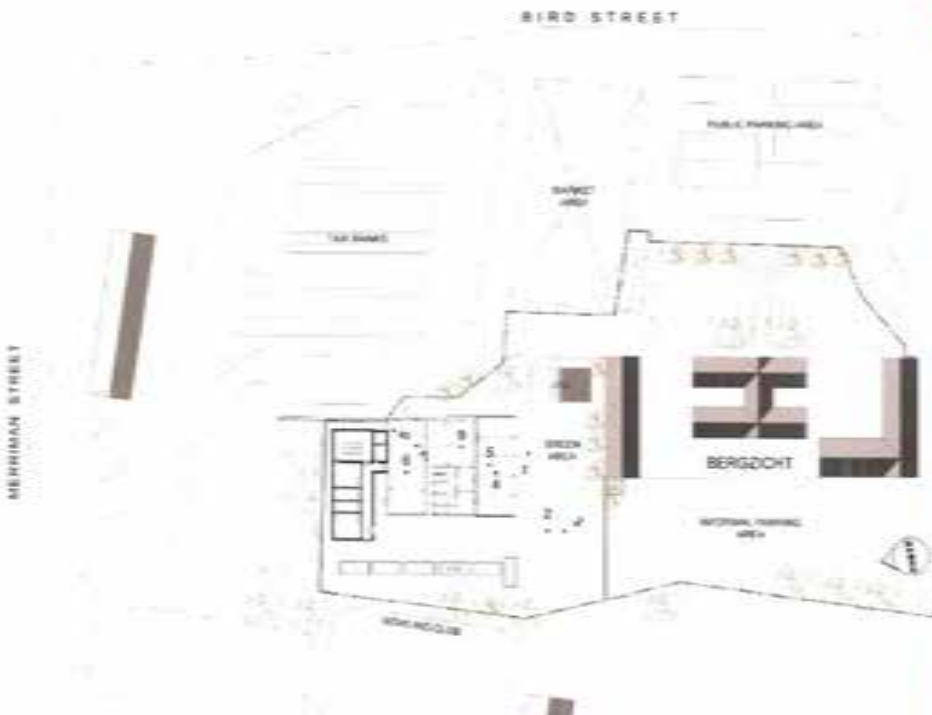


STELLENBOSCH - LOCALITY PLAN



ERF 235 - KLEIN LIBERTAS THEATRE SITE SURROUNDING BUILDINGS & USES OF THE ORIGINAL BERGDOCHT FARM

<ul style="list-style-type: none"> WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch 	<ul style="list-style-type: none"> WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch 	<ul style="list-style-type: none"> WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch 	<ul style="list-style-type: none"> WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch WINDHOLDE: Major thoroughfare through Stellenbosch
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EXISTING SITE PLAN SHOWING PHOTO VIEW POINTS
Scale: 1:200



REMAINS OF KLEIN LIBERTAS THEATRE (After fire of 12 June 2015)
To our knowledge and best knowledge from the Stellenbosch Planning History Committee meeting held on 2016-04-07, approved letter attached

R/100 19 AUGUST 2016
SD-3870-000
SITE LOCALITY PLAN & EXISTING SITE IMAGES
KLEIN LIBERTAS
PROJECT NUMBER: SD-3870-000
BAK DESIGN APPLICATION



APPENDIX 7

Our Ref: HWC/CAPE/HER/ANZ/01/16/006/2016/001/03E
 Case No: 16092006A50923E
 Enquiries: Andrew Searon@per
 E-mail: per@heritage.westerncape.gov.za
 Tel: 021 483 9541
 Date: 11 October 2016



SkEP Architects
 SkEP Architecture
 7 Bird Street
 Steynbosch
 7610

PERMIT

CASE NUMBER 16092006A50923E

Issued in terms of Section 34(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2003)

This permit is valid for three years from the date of issue

This permit is issued for:

Proposed Action: Partial Demolition and Additions to existing structure
Site: Erf 235, Klein Libertas Theatre, Klein Libertas, Corner of Moriman and Bird Street, Steynbosch
Graded: NA
Permit issued in accordance with Drawings:
No: SD-3372-D01_02 & 03
Dated: 19 August 2016
Drawings prepared by: SkEP Architecture and Design
HWC Date Stamped: 11 October 2016

Conditions applicable to this Permit:

Work to be done strictly in accordance with the HWC stamped plans

NOTE:

- This decision is subject to an **appeal period of 14 working days**.
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage affected aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the applicant and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the applicant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14 working day appeal period.**
- If any archaeological material or evidence of burial is discovered during earth moving activities at work must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approvals from any other applicable statutory authority.
- An HWC STAMPED PLAN must be present on the site **at all times** and must be produced on demand by any heritage inspector, building control official, or any person duly authorized to do so.
- A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.

Should you have any further queries, please contact the official above and quote the case number.


 Andrew Searon
 Chief Executive Officer, Heritage Western Cape

www.westerncape.gov.za/eca

APPENDIX 8

PROYECTO DE RECONSTRUCCIÓN DE LA BIBLIOTECA MUNICIPAL

ITEM	DESCRIPCIÓN	CANTIDAD	UNIDAD	PRECIO UNITARIO	PRECIO TOTAL
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PROYECTO DE RECONSTRUCCIÓN DE LA BIBLIOTECA MUNICIPAL

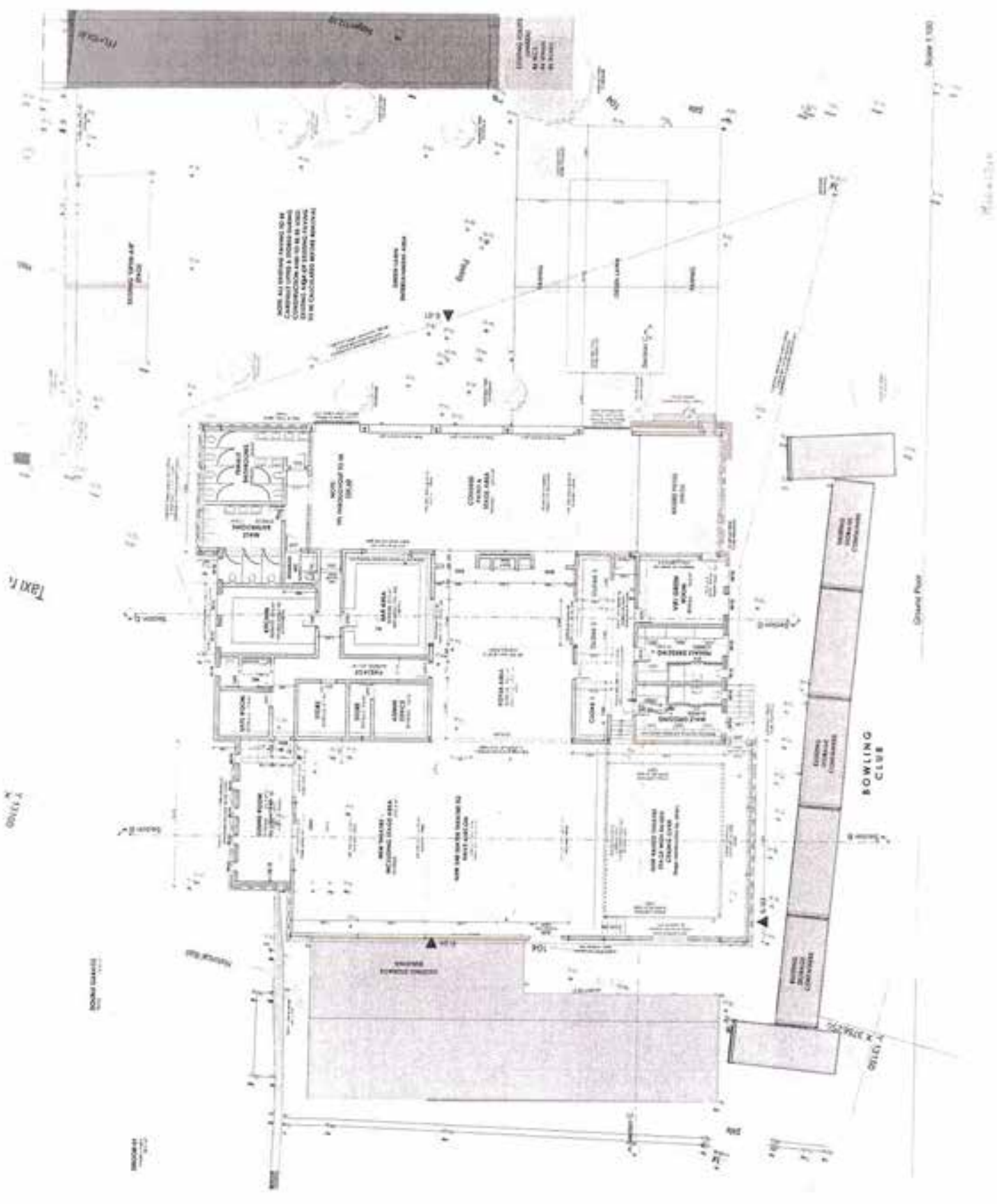
11160 20/01/2011

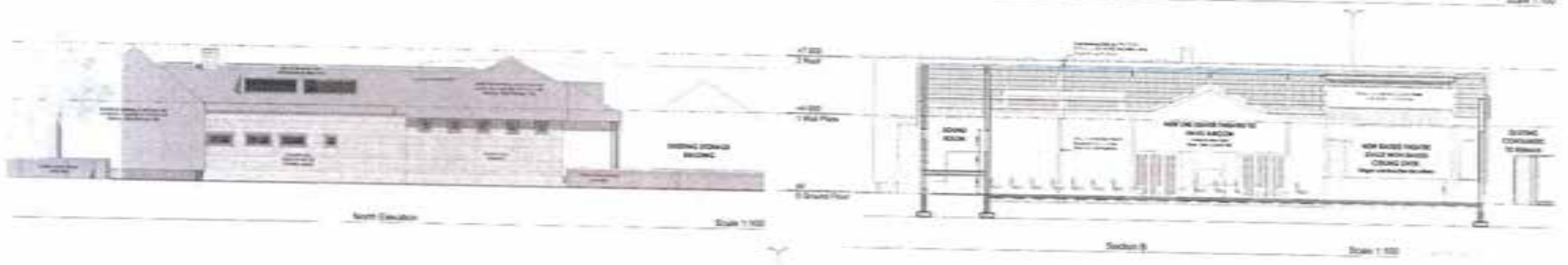
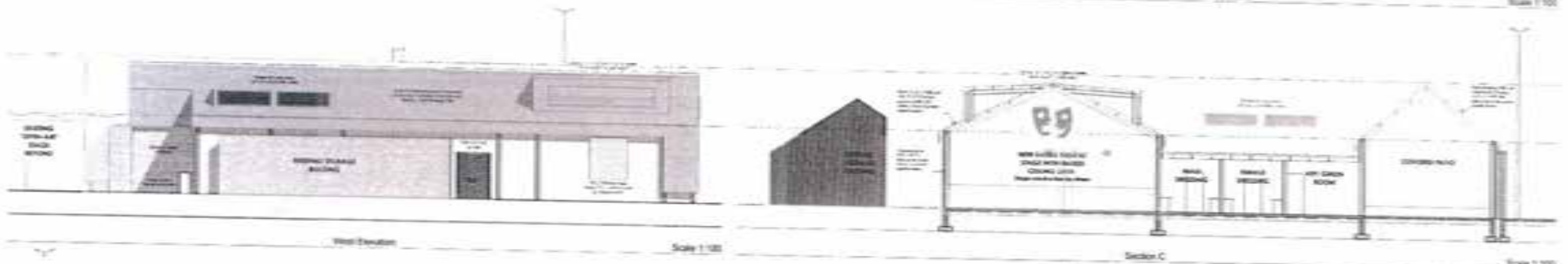
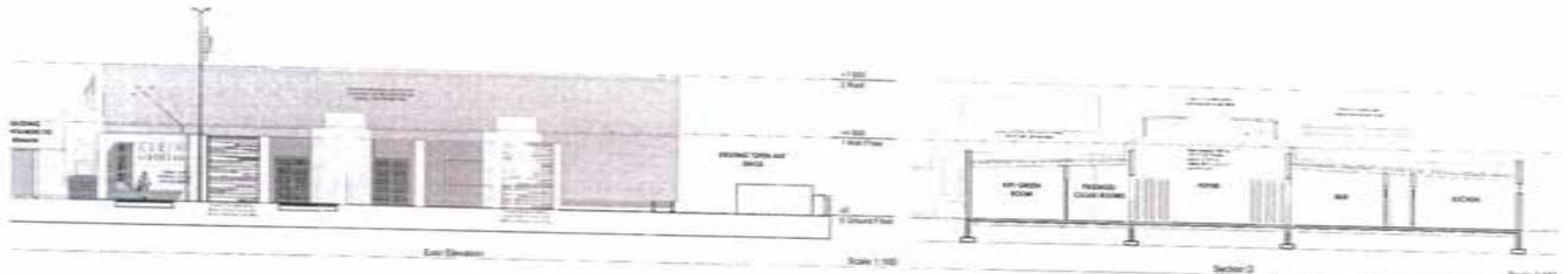
ID: J072-0021 NM

GRUPO FLOOR PLAN

KELEN LIBERTAS THE MUNICIPAL

PROYECTO DE RECONSTRUCCIÓN DE LA BIBLIOTECA MUNICIPAL





2010 2011/12
20-1074-001 N/A
SECTIONS & ELEVATIONS
KEN LIBERTAS THEATRE
10111 10111 10111 10111
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APPENDIX 9

CAPITAL BUDGET 2017 - 2020
HUMAN SETTLEMENTS AND PROPERTY MANAGEMENT

Project Name	Department	Strategic Objectives	Budget 2017 / 2018	Budget 2018 / 2019	Budget 2019 / 2020	MTREF Total
Flats: Terrain Improvements Kayamandi	Property Management	Dignified Living	-	-	600 000	600 000
Furniture, Tools and Equipment: Housing Administration	Housing Admin	Good Governance and Compliance	30 000	20 000	-	50 000
Computer - Hardware/Equipment: Human Settlements & Property	Human Settlements	Good Governance and Compliance	25 000	30 000	-	55 000
Furniture, Tools and Equipment: Human Settlements and Property	Human Settlements	Good Governance and Compliance	20 000	20 000	-	40 000
Basic Improvements: Langrug	Informal Settlements	Dignified Living	1 900 000	3 500 000	800 000	6 200 000
Mountainview - Installation of water and sewer services - Jamestown	Informal Settlements	Dignified Living	2 000 000	500 000	100 000	2 600 000
Enkayeni subdivision, consolidation and rezoning	Informal Settlements	Dignified Living	2 000 000	-	-	2 000 000
Enkayeni ABS	Informal Settlements	Dignified Living	250 000	250 000	250 000	750 000
Langrug ABS	Informal Settlements	Dignified Living	250 000	250 000	250 000	750 000
Furniture, Tools and Equipment	Informal Settlements	Good Governance and Compliance	60 000	20 000	20 000	100 000
Kylemore	New Housing	Dignified Living	-	508 800	439 600	948 400
Klapmuts ABS	Informal Settlements	Dignified Living	100 000	300 000	100 000	500 000
Town Centre Stellenbosch (Social Housing)	New Housing	Dignified Living	-	500 000	-	500 000
Jamestown: Housing	New Housing	Dignified Living	-	530 400	530 400	1 060 800
Kayamandi: Watergang and Zone D	New Housing	Dignified Living	4 767 000	9 450 000	4 530 000	18 747 000
Klapmuts: Erf 2181 (298 serviced sites)	New Housing	Dignified Living	1 000 000	7 500 000	2 500 000	11 000 000
Idas Valley (440) IRDP / FLSP	New Housing	Dignified Living	2 000 000	9 010 800	5 000 000	16 010 800
Longlands Vlootenburg: Housing Internal Services	New Housing	Dignified Living	-	2 000 000	2 000 000	4 000 000
La Motte Old Forest Station (329 Bng & 172 Bng Units) IRDP	New Housing	Dignified Living	200 000	-	2 000 000	2 200 000
Smantle Town, Cloeteville	New Housing	Dignified Living	-	4 900 000	-	4 900 000
Cloeteville IRDP	New Housing	Dignified Living	-	300 000	700 000	1 000 000
Northern Extension: Feasibility	New Housing	Dignified Living	-	1 000 000	1 000 000	2 000 000
Housing Projects: General (NEW)	New Housing	Dignified Living	200 000	200 000	500 000	900 000
Furniture, Tools and Equipment	New Housing	Good Governance and Compliance	20 000	20 000	20 000	60 000
New Community Hall Klapmuts	Property Management	Good Governance and Compliance	9 000 000	-	-	9 000 000
La Motte Clubhouse	Property Management	Dignified Living	100 000	-	-	100 000
Structural Improvement: General	Property Management	Dignified Living	1 500 000	1 000 000	-	2 500 000
Goendal Library	Property Management	Dignified Living	2 000 000	-	-	2 000 000
Close Objectives	Property Management	Valley of Opportunities for All	200 000	2 000 000	-	2 200 000
Structural Upgrade: Heritage Building	Property Management	Valley of Opportunities for All	250 000	250 000	250 000	750 000
Structural Improvement: Beltana	Property Management	Dignified Living	500 000	500 000	500 000	1 500 000
Upgrading of Lapland: Pipe Works	Property Management	Dignified Living	-	150 000	500 000	650 000
Universal Access: Plein Street Library	Property Management	Valley of Opportunities for All	100 000	-	-	100 000
Revamp: Office Space Main Building	Property Management	Good Governance and Compliance	500 000	-	-	500 000

CAPITAL BUDGET 2017 - 2020
HUMAN SETTLEMENTS AND PROPERTY MANAGEMENT

Project Name	Department	Strategic Objectives	Budget 2017 / 2018	Budget 2018 / 2019	Budget 2019 / 2020	MTREF Total
Van Der Stel Roof Replacement	Property Management	Valley of Opportunities for All	600 000	-	-	600 000
Upgrading Fencing	Property Management	Dignified Living	200 000	200 000	200 000	600 000
Flats: Interior Upgrading	Property Management	Dignified Living	2 000 000	2 000 000	2 000 000	6 000 000
Flats: Doeresville Fencing	Property Management	Dignified Living	550 000	-	-	550 000
Structural Upgrading: Community Hall La Motte	Property Management	Valley of Opportunities for All	-	50 000	500 000	550 000
Vehicle Fleet	Property Management	Dignified Living	-	240 000	-	240 000
Fire Department-Complex	Property Management	Dignified Living	250 000	-	-	250 000
Furniture-Tools and Equipment: Property Management	Property Management	Good Governance and Compliance	200 000	200 000	200 000	600 000
Van der Stel: Upgrading of water reticulation system	Property Management	Valley of Opportunities for All	-	-	50 000	50 000
Upgrading of Franschoek Municipal Offices	Property Management	Good Governance and Compliance	100 000	-	-	100 000
Bettana: Replacement of Roof - Community Services	Property Management	Dignified Living	-	-	50 000	50 000
			32 872 000	47 400 000	25 550 000	105 862 000

APPENDIX 10



(NPC: REG NR 2007/017484/08)

Du Toitstraat / Street
Posbus/PO Box 39
Stellenbosch
7599

Web: www.kleinlibertasteater.co.za
E-pos/mail: klt@kleinlibertasteater.co.za

Tel: 083 717 3365
Faks: 086 549 2281

7 Junie 2017

Die Kantoor van die Burgemeester
Munisipaliteit Stellenbosch
STELLENBOSCH

Geagte Burgemeester, die Raad en ander belanghebbendes,

Re : Die Klein Libertasteater

Die Klein Libertasteater het op 13 Junie 2015 onherstelbaar afgebrand – net swart mure en die as-gebrande inhoud het oorgebly.

Wat is / was die Klein Libertasteater (KLT):

Ontstaan

- Teater is gestig in 1960 (vanjaar 57 jaar oud) en is die oudste teater op die dorp
- KLT huur die gebou op Bergzicht-terrein van munisipaliteit sedert 1962
- Die NPC is geregistreer in 2008
- Sedert 1994 word amateur-fokus uitgebrei na: gemeenskapsteater, kinder- en jeugteater, professionele teater, musiekteater en opleiding
- KLT het verskeie benoemings en toekennings van Fleur du Cap, Woordfees en ander kunstefeeste ontvang
- 'n Spesiale Fleur du Cap toekenning vir innovasie in teater is aan die KLT toegeken in 2011

Werkskepping

- Die Klein Libertasteater is die enigste werkskeppende teater in Stellenbosch en omgewing.
- Tot en met die brand van 13 Junie 2015 het die KLT 'n minimum van 85 werksgeleenthede per jaar aan teaterpraktisyns verskaf.

- Behalwe vir hierdie produksies het 'n gemiddeld van 39 orkeste, 30 amateur produksies en 40 professionele produksies jaarliks by die KLT opgetree.
- Hierdie platform het ook gedien vir orkeste, professionele dramas en produksies wat uit die produksiehuis gemaak is; die meeste van hierdie produksies en kunstenaars tree ook by kunstefeeste dwars oor die land op bv. Volksblad, Aardklop, Innibos, Cederberg, Woordfees, Suidoosterfees, KKNK. Hierdie produksies genereer 'n inkomste aan professionele en amateur kunstenaars.
- Sedert brand kon slegs 11 werksgeleenthede per jaar geskep word agv die gebrek aan 'n gebou.
- Die rol wat die Klein Libertasteater in die vermaakbedryf in ons land speel, is dus heelwat groter as wat sommige mense beseef. Name soos Elsabé Zietsman, Amanda Strydom, Anton Goosen, Randall en Koba Wicomb, Elsabé Daneel, Johann Nel, Susan Beyers, Brenden Daniels, Bongile Mantsai, Nicole Holm, Jana Cilliers, Waldemar Schultz, Vuyo, Pieter Dirk Uys, Marcel van Heerden, Francois Toerien, Margit Meyer-Rodenbeck (beter bekend as Dowwe Dolla), en veel meer, is almal mense wat as jong opkomende kunstenaars by die Klein Libertasteater begin het en steeds as professionele kunstenaars daar optree.
- As gevolg van die hoë standaard van die KLT se werk, het die KKNK by verskeie geleenthede die KLT gevra om kinder-en jeug produksies vir hulle te doen.

Gemeenskapswerk

- **Opvoedkundige programme** is vir die Weskaapse Taalkommissie gedoen (Pniel, Kleinmond, Hawston, Mount pleasant)
- 8 Dramagroepes (Delheim Teatergroep, Pretty Ladies, Bapa productions ens.) is gedurende die afgelope 8 jaar met die Klein Libertasteater se **ondersteuning** tot onafhanklikheid gelei
- Jaarlikse **Dance Festivals** is vir amateur dansgroepe uit voorheen benadeelde gemeenskappe gehou
- Kwartaalliks was 'n **Hardop** geleentheid gehou waar opkomende digters, skrywers en musikante die geleentheid gehad het om saam met professionele kunstenaars op te tree
- Die **KLT Koor** kry sedert hul eerste opvoering gereelde staande ovasies
- Die **Klein Libertas Tienertoneelfees** word sedert 2005 jaarliks in Augustus gehou (kort voor die ATKV Toneelkompetisie) en bied aan skole en dramagroepes die geleentheid om hulself te slyp vir deelname aan die ATKV Toneelkompetisie. Die ATKV moedig skole aan om aan die Klein Libertasteater se toneelfees deel te neem vanweë die kwaliteit van die beoordelaars se terugvoer.
- **Omgewingsbewusmakingsprogramme** is in samewerking met die Kaapse Wynland Distriksmunisipaliteit in Afrikaans, isiXhosa en Engels in die hele Wynland area aangebied. Oor 'n totaal van 29 maande is 'n inkomste aan 12 akteurs verskaf met 732 optredes in landelike gebiede. Volgens die Kaapse Wynland Distriks-munisipaliteit se rekords is 173 500 leerders in die afgelope ses jaar met hierdie programme bereik.

- Die **KLT Dramaprojek** se dramagroep het vanaf 1 groep in 2005 na die huidige 24 groepe vermeerder. Groepe is geleë in Kayamandi, Paarl, Mfuleni en Khayelitsha. Tydens 'n Dramafees in April en die Erfenisfees in September kry die groepe geleentheid om hul talente en werk by die teater ten toon te stel. Die deelnemers leer nie net waardevolle lewenslesse nie, maar bou ook kulturele brûe.
- Verskeie **huldigingsprogramme** vir Afrikaanse skrywers en dramaturge is vir die verhoog saamgestel. Skrywers soos Breyten Breytenbach, Hennie Aucamp, CJ Langenoven, M.M. Walters, P.H. Nortjé, Audrey Blignaut, Dot Serfontein, Petra Müller en André P. Brink is al so vereer.
- Die Klein Libertasteater was 'n mede-werker van die eerste "**Kunstefees op lug**" wat gedurende 2014 deur RSG ge-inisieer is. 'n Lewende opname van "Aan stille waters", deur C.J. Langenhoven, is voor 'n gehoor by die Klein Libertasteater gemaak wat tydens die kunstefees uitgesaai is.

Opleiding

- Daar is 'n groot behoefte by jong Suid Afrikaners tussen 18 en 30 jaar om opgelei te word in die verskillende dissiplines van teater, radio, TV en die film industrie. Tans beskik die Klein Libertas-teater oor 'n lys name van mense wat gretig is om opgelei te word in een of meer van hierdie dissiplines. Die Klein Libertas-teater is al vir jare lank besig met deurlopende informele opleiding en kort **kursusse in Drama en Klank-en-beligting** sou in Januarie 2016 in samewerking met die US Drama Departement begin het om jongmense wat nie tersiêre opleiding kan bekostig nie, te akkommodeer. Die pamflette vir bemarking en ander kursus drukwerk, was reeds gedruk tydens die brand.
- **Kort kursusse:** Gedurende 2013 is 'n opleidingskursus in die verskillende aspekte van klank vir die TEATER, FILM, TV en OPELUG-BYEENKOMSTE in vennootskap met die klankmaatskappy Audiopimps aangebied. Die kursus was so suksesvol en gewild dat daar beplan word om dit in die toekoms as 'n jaarlikse kort kursus in klank en beligting aan te bied.
- As gevolg van die KLT se hoë kwaliteit werk, is die teater ook internasionaal bekend. Die eerste Duitse student het die **internskap** vir sy graad-kursus aan die Universiteit van Osnabrück by die Klein Libertasteater voltooi in 2016. Na hierdie internskap moes nog 3 aansoeke van die hand wys omdat ons nog nie 'n gebou gehad het nie.

Gevolge van die brand

- 'n Internasionale skenking van R61 000 is vanuit Duitsland ontvang 6 maande na die brand (Dit is spesifiek ingesamel as bydrae tot die beveiliging van die nuwe gebou)
- Die KLT Koor repeteer steeds deurlopend aan huis van koorlede.
- Gemeenskapsprojekte se uitstalgeleenthede moet in uifers vervalte geboue in die gemeenskappe plaasvind wat leerders na 2 jaar begin ontmoedig

- By gebrek aan 'n teatergebou moet professionele produksies aan huis van die regisseurs of akteurs repeteer
- Internasionale intern-ooreenkomste is in die wiele gery
- Die personeel van die Klein Libertasteater Produksiehuis BK is sonder 'n inkomste
- Op grond van die deurlopende goeie werk wat die KLT doen, het die Lotto R1 000 000 bewillig vir die oprigting van 'n gebou om die gemeenskapsteater te bevorder en opleiding moontlik te maak. Hierdie gebou is opgerig met planne wat die munisipaliteit goedgekeur het. Dié gebou het nie afgebrand nie, maar het rook- en waterskade opgedoen tydens die brand. Daar is dus geen elektrisiteit nie en dit staan dormant. Die KLT het egter 'n verpligting teenoor die Lotto.

Verwagtinge

Net na die brand is die volgende gedoen:

- Planne vir die nuwe teater is opgetrek en goedgekeur deur die Wes Kaapse Erfenis-, Belange- en Estetiese kommittees sowel as die plaaslike munisipaliteit.
- Die vorige burgemeester het sy seën oor die planne uitgespreek.
- Argitekte sowel as die bourekenaar is reeds finansiëel vergoed.
- Huidige burgemeester het tydens die 2016 Woordfees Langtafel geleentheid informeel aan JJ Fourie belowe dat hy nie bekommerd moet wees nie, want "ons sal weer vir die gemeenskap 'n teater bou".
- Die projekbestuurder (Mnr Piet Smit) was op die punt om tenders uit te stuur vir die bouproses toe alles meteens gestop is.

(Bostaande oorsig is verskaf deur JJ Fourie)

Die vraag is egter: hoe nou verder?

Die direksie van die Klein Libertasteater se NPC is dit eens dat die KLT MOET bly voortbestaan.

Trouens, dit was klaarblyklik die mening van alle rolspelers betrokke sedert 13 Junie 2015. En dit was dan juis die rede waarom die vorige Munisipale Raad die projek dienoooreenkomstig goedgekeur het.

Nou blyk dit egter dat genoemde destyds-wettige besluit, deur die tans-bestaande Munisipale Raad, herroep word.

Die direksie van die Klein Libertasteater se NPC is respekvol van mening dat sodanige 'herroeping' regtens ongegrond is. Genoemde projek is in hoegenaamd geen opsig sodanig van aard, dat daar enigsins regsgronde kan bestaan wat die ter syde stelling daarvan regverdig nie. Dit is duidelik uit bostaande oorsig deur JJ Fourie, dat die Klein Libertasteater nie net 'n aanwinst vir Stellenbosch is nie, maar dat dit inderdaad 'n noodsaaklikheid is tot die opvoeding en die 'enablement' van 'n baie groot gedeelte, indien nie almal nie, van Stellenbosch se mense. (vide aangehegte fotos)

Die direksie van die Klein Libertasteater se NPC versoek dus dat u binne 21 dae vanaf datum van hierdie skrywe, bevestig dat daar met die genoemde projek (die heroprigting van die Klein Libertasteater) , voortgegaan sal word, en dat boubedrywighede tot dien effekte reeds teen 1 Oktober 2017 in aanvang sal neem.

Ons ontvang graag dringend u antwoord.

Die uwe

Adv Deon Bosman
VOORSITTER

ANNEXURE A

Pictures for KLT Drama Project 2016/2017

Performances in Kayamandi:



6 December 2016



7 December 2016



8 December 2016



9 December 2016 Street Theatre Show



12 December 2016: Show at Kayamandi High School & audience



Rehearsals:



Workshops (without a theatre building, any space will do!):



16 January 2017



9 February 2017



15 February 2017

KLT DRAMA FESTIVAL 8 April 2017: Makukhanye Art Room





KLT EMBO FESTIVAL 29 April 2017: Kayamandi Community Hall





7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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7.6.1	PARKING UPGRADE REPORT
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1. PURPOSE OF REPORT

To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the most economical viable provision of parking within the Stellenbosch portion of the Stellenbosch Local Municipality

2. BACKGROUND

The availability of parking within the majority of the Stellenbosch Demarcated Urban Area has become a huge problem and it has become necessary to create additional parking through various methods. An example of this occurs in the Stellenbosch Town area where the University currently teaches about 32 000 students of which about 28% do not stay in Stellenbosch but commute from outside. These students would therefore need parking every day that they travel to Stellenbosch. The remaining 72% of students would also need parking but can also be accommodated at university residences or at private residences where students are been lodged.

The town of Stellenbosch has also grown considerably in the past 45 years and parking, which was already a problem in 1970, has become steadily worse as time has progressed. Various solutions has been put in place, all of which has now reached capacity and some of which are in need of upgrading namely, the Eikestad Mall/Town Hall Parking and the Bloemhof Parking.

The general direction of discussions between Stellenbosch Municipality and the University has also indicated a preference to curb vehicular traffic in the University Core and to promote None Motorised Traffic (NMT) in this core.

The proposed solution is to cater for all incoming traffic in parking facilities at the edges of this core and thereafter students could use public transport or NMT to travel to and back from classes

Various exercises have been conducted in the past with various solutions and now is the time to coordinate and consolidate all of these proposals into a final proposal upon which the Council can decide and act on an extended public parking provision.

Once Council has decided on the long term parking provision and the provision of a lighter traffic core, then a decision can be made whether parking at the Eikestad Mall/Town Hall and Bloemhof should merely be rebuilt and same amount of parking provided or whether the parking should upgraded to a larger amount of parking.

Current Parking arrangements within Stellenbosch:



Figure 2.1: Parking Detail within Stellenbosch Town

Similar problems are experienced within at least two other towns, namely Klapmuts and Franschhoek. These are depicted below:



Figure 2.2: Parking Detail within Franschhoek



Figure 2.3: Parking Detail within Klapmuts

3. DISCUSSION

Currently the Municipality owns and manages a number of parking facilities, such as the Eikestad Mall Parking, Bloemhof Parking, Stellmarket Parking, Checkers Parking, Parking bounded by Piet Retief -, Bird -, Louw -, Noordwal Wes Streets as well as some others, within the Town of Stellenbosch

In order to drastically increase the amount of parking various solutions can be looked at, some of which are internal methods and other could be external such as paid parking garages.

Similarly similar parking problems are being experienced within the Franschoek & Klapmuts areas where the large tourism industry requires that additional parking be investigated.

Many development opportunities are being sought in the Klapmuts area also and currently a large problem is being experienced with the amount of large trucks stopping overnight. To this extent parking needs to be investigated.

The Schedule 5B of the Constitution of SA, determines that "Traffic and Parking" is a Local Government competence and Section 77 of the MSA determines:

"77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

- (a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—
 - (i) an existing municipal service is to be significantly upgraded, extended or improved;
 - (ii)

As parking has become a severe problem and, as it is a Municipal Competence, the Act requires that a Section 78 process be performed to officially determine the best way forward.

Approval is needed to commence with the Section 78 process.

Section 78 has basically four steps:

- a. Section 78(1) requires the municipality to do a viability exercise on an internal method of delivering a parking services. This study will be used to coordinate and consolidate all previous studies into one report and presentation.
- b. Section 78(2) requires the municipality to either decide on an improved way to render an internal method of parking provision or it may decide to also look at external mechanisms of parking provision.
- c. Section 78(3) requires the municipality to conduct various studies on alternatives to render parking provision through external service provision, such as parking garages by outside bodies. This could also include the provision of parking through a Private Public Partnership (PPP). This study requires that a report be generate to indicate the impact on the municipal economy as well as the Stellenbosch economy and also the opinions of the public and labor.
- d. Section 78(4) requires the municipality to decide on the best outcome for the municipality, after which further process must start before the actual implementation

3.1 CONSTITUTIONAL AND POLICY IMPLICATIONS

- a. Parking is a Municipal Competence in terms of Schedule 5(B) of the Constitution
- b. In terms of Item 37 on the System of Delegations, the Executive Mayor must authorise an assessment when the Municipality has to decide on a mechanism for the provision of services. The commencement of a Municipal Systems Act, Section 78(1)

3.2 LEGISLATIVE PROCEDURES

In order to drastically upgrade parking the Municipal Systems Act, Act 32 of 2000, as amended, determines in Section 77(1)(a) that a Section 78 investigation must be conducted

- “77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

- (a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—
 - (i) an existing municipal service is to be significantly upgraded, extended or improved;
 - (ii) a performance evaluation in terms of Chapter 6 requires a review of the mechanism; or
 - (iii) the municipality is restructured or reorganized in terms of the Municipal Structures Act;
- (b) in the case of a municipal service provided through an external mechanism contemplated in section 76, when—
 - (i) a performance evaluation in terms of Chapter 6 requires a review of the service delivery agreement;
 - (ii) the service delivery agreement is anticipated to expire or be terminated within the next 12 months; or
 - (iii) an existing municipal service or part of that municipal service is to be significantly upgraded, extended or improved and such upgrade, extension or improvement is not addressed in the service delivery agreement;

.....”

“78. Criteria and process for deciding on mechanisms to provide municipal services.—

- (1) When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—

.....”

4. COMMENTS FROM DIRECTORATES

a. Municipal Manager

Supports the recommendations

b. Financial Services

Supports the recommendations

c. Community & Protection Services

Supports the recommendations

d. Human Settlements and Property Management

The initiative is most welcome.

e. Strategic & Corporate Services

Supports the recommendations

f. Planning & Economic Development

The directorate fully supports the recommendations for running of a section 78 process in order to improve on the development and management of parking areas for the Stellenbosch municipal area, i.e. not only Stellenbosch town but for the entire municipal area. Amongst others it should include Klapmuts and Franschhoek.

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.6.1**RECOMMENDED**

- (a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;
- (b) that parking service delivery increase be based on the towns of:
 - i) Stellenbosch
 - ii) Klapmuts, and
 - iii) Franschhoek; and
- (c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>17/2/3/6</i>	<i>Author</i>	<i>D Louw</i>
<i>Collab:</i>	<i>538693</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.6.2 SOLID WASTE UPGRADE REPORT**1. PURPOSE OF REPORT**

To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the significant expansion of the Landfill site of Stellenbosch Municipality.

2. BACKGROUND

As has been reported frequently in the past, the current Solid Waste Landfill Site is fast reaching its licenced capacity. The site is expected to run out of licenced air space by 2019. Various scenarios have been planned for the future of Solid Waste landfilling (final part of waste disposal), none of which has reached an amicable way forward to date. However another solution to expand the current landfill site is now proposed.

3. DISCUSSION

The picture below indicates a possible expansion scenario for the current landfill site.



This site is currently used by Eskom and it was found that the cost to remove the Eskom lines and equipment will be very much lower than the saving to Stellenbosch for basically any other alternative to cater for the removal of waste after 2019. It is expected that soil and license conditions would be favourable and that an extension of operational life, exceeding 10 years, can be obtained.

The Schedule 5B of the Constitution of SA, determines that “Refuse removal, refuse dumps and solid waste disposal” (“refuse dump” and “landfilling” being synonymous) is a Local Government competence and Section 77 of the MSA determines:

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

- (a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—
 - (i) an existing municipal service is to be significantly upgraded, extended or improved;
 - (ii)

As landfilling has become a severe problem and, as it is a Municipal Competence, the Act requires that a Section 78 process be performed to officially determine the best way forward.

Approval is needed to commence with the Section 78 process.

Section 78 has basically four steps:

- a. Section 78(1) requires the municipality to do a viability exercise on an internal method of delivering the services of waste disposal by landfills. This study will be used to coordinate and consolidate all previous studies into one report and presentation.
- b. Section 78(2) requires the municipality to either decide on an improved way to render an internal method of waste disposal by landfill or it may decide to also look at external mechanisms of waste disposal by landfill.
- c. Section 78(3) requires the municipality to conduct various studies on alternatives to render waste disposal through external service provision, such as waste disposal by outside bodies. This could also include the provision of waste disposal through a Private Public Partnership (PPP). This study requires that a report be generated to indicate the impact on the municipal economy as well as the Stellenbosch economy and also the opinions of the public and labour.
- d. Section 78(4) requires the municipality to decide on the best outcome for the municipality, after which further processes must start before actual implementation.

4. CONSTITUTIONAL AND POLICY IMPLICATIONS

- a. Landfilling (Refuse Dump) is a Municipal Competence in terms of Schedule 5(B) of the Constitution
- b. In terms of Item 37 on the System of Delegations, the Executive Mayor must authorise an assessment when the Municipality has to decide on a mechanism for the provision of services. The commencement of a Municipal Systems Act, Section 78(1).

5. LEGISLATIVE PROCEDURES

In order to drastically increase the landfill airspace the Municipal Systems Act, Act 32 of 2000, as amended, determines in Section 77(1)(a) that a Section 78 investigation must be conducted

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii) a performance evaluation in terms of Chapter 6 requires a review of the mechanism; or

(iii) the municipality is restructured or reorganised in terms of the Municipal Structures Act;

(b) in the case of a municipal service provided through an external mechanism contemplated in section 76, when—

(i) a performance evaluation in terms of Chapter 6 requires a review of the service delivery agreement;

(ii) the service delivery agreement is anticipated to expire or be terminated within the next 12 months; or

(iii) an existing municipal service or part of that municipal service is to be significantly upgraded, extended or improved and such upgrade, extension or improvement is not addressed in the service delivery agreement;

.....”

“78. Criteria and process for deciding on mechanisms to provide municipal services.—

(2) When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—

.....”

6. Comments from Directorates:**a. Municipal Manager**

As debated at breakaway session

b. Financial Services

As debated at breakaway session

c. Community- & Protection Services

As debated at breakaway session

d. Human Settlements and Property Management

As debated at breakaway session

e. Strategic & Corporate Services

As debated at breakaway session

f. Planning & Economic Development

As debated at breakaway session

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.6.2**RECOMMENDED**

- (a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and
- (b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>16/5/3</i>	<i>Author</i>	<i>D Louw</i>
<i>Collab:</i>	<i>538692</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

7.6.3	WATER SERVICES: DRAFT DROUGHT RESPONSE PLAN
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1. PURPOSE OF REPORT

To request in principle approval from Council for the Draft Drought Response Plan for Stellenbosch Municipality.

2. BACKGROUND

The Karoo and West Coast municipalities were declared a disaster area in 2016, but the disaster area has now been extended to the entire province.

On Monday 22 May 2017, MEC Alan Winde announced in Cape Town that the Western Cape Government has declared the entire province a disaster area in order to deal with the ongoing drought. The declaration was made to speed up the reaction time for the deployment of resources to address the water scarcity.

It was planned that the deceleration would be formally be gazetted during the course of that week after it was already adopted by the provincial cabinet the previous week.

MEC Alan Winde stated that the disaster area declaration will help municipalities deal with issues of blockages in the procurement process to tackle the ongoing drought.

The Municipality and the Department: Water & Sanitation (DWS) can only reduce the risk of the consequences of a drought hence the protection of critical water resources and water supply upon which communities depend is imperative. Developing and maintaining a drought management capability within the Stellenbosch Municipal area will contribute to reduce the effects of drought by addressing the following areas:

- Public awareness
- Removal of alien vegetation species
- Optimise water storage
- Reduce water consumption
- Implement early warning and response mechanisms

A steering committee was formed by Stellenbosch Municipality and a Draft 90 Day Action Plan was drawn up. This Plan included comments and additions from various departments.

A formal draft Drought Response Plan was compiled to formalize the response of Stellenbosch Municipality to the Drought Disaster in the Western Cape.

3. DISCUSSION

In the light of this declaration by MEC Allen Winde and to action the Response Plan, Stellenbosch Water Services needs to implement the emergency Action Plan to deal with this Drought Disaster.

The draft action plan will address the following:

- b) Introduce Level 4 restrictions and a new tariff structure for water consumption;

-
- c) An improved set of tariffs have been designed and are shown below;
 - d) Prepare and modify water networks to supply water distribution systems with the transfer of water in the case if water sources supply fades away;
 - e) Implementation of WCWDM projects;
 - f) Preparedness to commence with procurement of any tools and equipment needed to ensure emergency water to all parts of our community, e.g. tanker trucks, water tanks placed at strategic places for people to fetch water, water monitoring and management equipment etc.
 - g) Plans for borehole audit and testing ;
 - h) Plans to drill for water and connect these to our main pipelines;
 - i) Plans to annex water sources such as private boreholes, swimming pools etc.;
 - j) Plans to sectionalise networks to allow full control of water;
 - k) Plans to install Pressure Reducing Valves and reduce pressure wherever needed;
 - l) Install water meter monitoring and water controlling devices; and
 - m) Geotechnical investigation to allocate additional water resources - do a Ground and Surface resource study

4. LEGAL IMPLICATION

Delegation 561 to the Manager: Water Services as adopted by Council on 24/06/2015 with the following points to note:

- (a) temporary restrict or discontinue the supply of water;
- (b) prohibit the use of water for specific purposes;
- (c) prohibit the use of water during specified hours of a day;
- (d) prohibit the use of water in a specific manner; subject thereto that such decision will only have the force of law after the publication thereof in the media.

The approval of the By-laws and new tariff structure is important to ensure that the Municipality complies with its Constitutional obligations.

5. FINANCIAL IMPLICATION

It is not expected that any of the restrictions suggested will have a negative effect on the Stellenbosch Municipal finances in terms of the water purchases and water sales. Possible employment of temporary staff, to police water misuse, will have an impact on the salary budget.

A budget for implementation of the Drought Response Plan must be discussed. The mechanisms and approval for funding must be decided on.

The following projects were registered by Stellenbosch Municipality by the DWS through Cape Winelands District Municipality for funding:

1	Cape Winelands	Stellenbosch	Klapmuts	WCWDM Pressure Management	Construction of PRV installations	R 300 000
2	Cape Winelands	Stellenbosch	Franschhoek	WCWDM Pressure Management	Construction of PRV installations	R 600 000
3	Cape Winelands	Stellenbosch	Dwarsrivier	WCWDM Pressure Management	Construction of PRV installations	R 900 000
4	Cape Winelands	Stellenbosch	Kavamandi	WCWDM Pressure Management	Changing DMA's Pressure	R 350 000
5	Cape Winelands	Stellenbosch	Idas Valley WTW	Idas Valley WTW	Upgrade pipework to supply Stellenbosch town from Idas Valley WTW	R 350 000
6	Cape Winelands	Stellenbosch	Rosendal Reservoir	Rosendal Reservoir pipework	Upgrade pipework to supply Stellenbosch town from Idas Valley WTW	R 550 000
7	Cape Winelands	Stellenbosch	All towns	Telemetry/monitor/coms	Installing logging/reading equipment/control room	R 350 000
8	Cape Winelands	Stellenbosch	All towns	Borehole investigation/equipment	SM Borehole project. Unknown estimate	R 2 000 000
9	Cape Winelands	Stellenbosch	All towns	Consultant Fees	Consultant Fees	R 200 000
						R 5 600 000

Emergency work can be authorized to be conducted within existing tender appointments of consultants and contractors. Extension and scope of works might be necessary in some of these appointments.

6. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

6.1 DIRECTORATE: STRATEGIC & CORPORATE SERVICES

Item is supported; relevant legislative prescripts must be adhered to.

6.2 DIRECTORATE: FINANCIAL SERVICES

Finance supports the item.

6.3 DIRECTORATE: COMMUNITY- & PROTECTION SERVICES

Supports the item.

MAYORAL COMMITTEE MEETING: 2017-09-13: ITEM 5.6.3

RECOMMENDED

- (a) that the attached Draft Drought Response Plan be approved in principle; and
- (b) that the preliminary and potential cost implications, be noted.

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Engineering Services
Ref no:	1/3/1/4	Author	Manager: Water Services
Collab:	521825	Referred from:	Mayco: 2017-09-13

APPENDIX 1



Stellenbosch Municipality Drought Response Plan



Water Conservation and Water
Demand Management

Drought Response Plan

H348554
Rev. 0
9 June 2017

HATCH

Drought Response Plan

8 Jun 2017	0	Draft	P de Kock	S Malan	S Malan	
DATE	REV	STATUS	PREPARED BY	CHECKED BY	APPROVED BY	APPROVED BY
HATCH						CLIENT

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Schedule of Abbreviations

SM	Stellenbosch Municipality
CoCT	City of Cape Town
WCWSS	Western Cape Water Supply System
DWS	Department of Water and Sanitation
WCWDM	Water Conservation and Demand Management
WTP	Water Treatment Plant
DMA	Demand Management Area
MI/day	Mega litres per day / Million litres per day
Mm ³ /a	Million cubic meters per annum
PRV	Pressure Reducing Valve
FM	Flow Meter
MDG	Municipal Disaster Grants
PDG	Provincial Disaster Grants
MDRG	Municipal Disaster Recovery Grants

Foreword

The Western Cape is currently experiencing a severe drought which is affecting agricultural and municipal water supplies for many communities and local municipalities, particularly are faced with the possibility of water shortages. The City of Cape Town (CoCT) metropolitan area is particularly affected as it depends for the most part on water in the Drakenstein, Gouda, Grabouw and Theewaterskloof catchment areas for its potable water supply.

According to the latest statistics, dam levels under the control of the City of Cape Town and Department of Water & Sanitation (DWS) have dropped to 19.7 % as recorded on 29 May 2017. The six largest Dams as noted in the graph below supply Cape Town and other local municipalities by means of the Western Cape Water Supply System (WCWSS) which consists of a system of dams, tunnels, pipelines, treatment plants, reservoirs and distribution networks. The combined capacity of the six major dams of the WCWSS is 99.6% and that of the minor dams 0.4% of the combined total dam storage capacity.

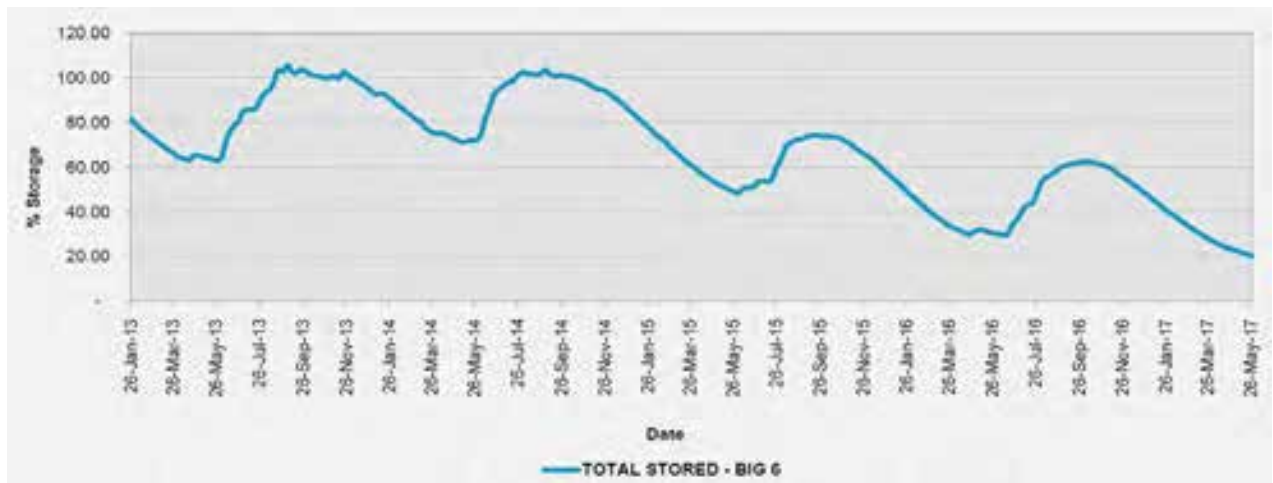
Stellenbosch Municipality (SM) has three raw water sources/schemes i.e. the Rivierouderend Government Water Scheme (CoCT supply to Paradyskloof WTP via the Franschoek, Dasbos and Jonkershoek tunnels), The Department of Water and Sanitation and the Idas Valley Dams owned by the SM. The SM is dependant on the Rivierouderend Government Water Scheme via the Franschoek, Dasbos and Jonkershoek tunnels supply to Paradyskloof WTP for approximately 26% of its total daily water demand under normal conditions. Although the CoCT has implemented water restrictions and embarked on an extensive water conservation and water demand management (WCWDM) programme, the lower than normal rainfall in the catchment areas of the major dams is resulting in dam levels dropping below normal operational levels and there is now a real risk of water shortages and resulting water rationing within the coming 90 days. The CoCT is targeting a daily consumption of 600 MI/day, although it is currently not achieving this target with actual consumption of 640-660 MI/day with dam levels dropping around 0.8% per week.

The CoCT publishes a Water Report weekly on their website and the latest key figures are presented below.



<http://resource.capetown.gov.za/documentcentre/Documents/City%20research%20reports%20and%20review/damlevels.pdf>

Dam levels are significantly lower than in the preceding 3-4 years and are now reaching critically low levels which require special emergency interventions both on the demand management side as well as the supply side to find alternative sources.



Even in the early part of June, with the on set of winter, rainfall continues to be well below the long-term average for the major dam catchment areas.

RAINFALL (mm)	29-May	30-May	31-May	01-Jun	02-Jun	03-Jun	04-Jun	Jun	
								Total*	LT Average
Blackheath Upper	0.0	0.0	0.0	0.0	0.0	6.0	0.0	6.0	84.5
Brooklands	0.0	0.0	0.0	0.0	0.0	7.0	0.0	7.0	140.3
Newlands	0.0	0.0	0.0	0.0	0.0	24.0	0.0	24.0	287.4
Steenbras	0.0	0.0	0.0	0.0	0.0	10.5	0.0	10.5	153.1
Table Mountain (Woodhead)	0.0	0.0	0.0	0.0	0.0	14.0	0.0	14.0	242.0
Theewaterskloof	0.0	0.0	0.0	0.0	0.0	5.5	0.0	5.5	71.6
Tygerberg	0.0	0.0	0.0	0.0	0.0	19.2	0.0	19.2	96.2
Voelvlei	0.0	0.0	0.0	0.0	0.0	10.0	0.0	10.0	108.5
Wemmershoek	0.0	0.0	0.0	0.0	0.0	21.0	0.0	21.0	180.4
Wynberg	0.0	0.0	0.0	0.0	0.0	12.0	0.0	12.0	207.4

Notes: *Total/cumulative rainfall for month indicated above
LT: Long Term

The Municipality and the DWS can only reduce the risk of the consequences of a drought hence the protection of critical water resources and water supply upon which communities depend is imperative. Developing and maintaining a drought management capability within the SM will contribute to reduce the effects of drought by addressing the following areas:

- Public awareness
- Removal of alien vegetation species
- Optimise water storage
- Reduce water consumption
- Implement early warning and response mechanisms

The 10-Step Drought Planning Process, founded by Dr Donald A. Wilhite, has been utilised in the development of a Drought Management Plan for the SM. This Plan as an organisational tool to be used for planning, decision making and guiding the implementation of a pro-active drought response to mitigate

against the effects of the drought. The 10-step process provides a set of guidelines of the key elements of a drought planning process and is summarised below.

10 Steps for Drought Planning:

1. Appoint a Drought Task Force/Committee
2. State the Purpose and Objectives of the Drought Action Plan
3. Seek Stakeholder Participation and Resolve Conflict
4. Inventory Resources and Identify Groups/Communities at Risk
5. Develop Organisational Structure and Prepare Drought Management Plan
6. Integrate Science and Policy, Close Institutional Gaps
7. Publicise the Proposed Plan, Solicit Stakeholder Participation
8. Implement the Plan
9. Develop Education Programs
10. Post-Drought Evaluation of Plan

This Drought Management Plan is intended to provide Municipal Officials tasked with or involved in water and sanitation related services with guidance when decision and actions need to be taken to effectively reduce the impacts of drought. The Plan may include preventative as well as emergency response actions and may include actions pre-/during and post-the drought event. The Plan also allows Municipal Officials to motivate for and acquire/access emergency funding for projects and initiatives to be implemented without necessarily having to go via the conventional procurement processes in order to ensure a timely response.

Drought Management Plan Structure

This Drought Management Plan is structured to provide the following components:

- Foreword – Setting the Context
- Legislative Framework and Definitions
- Understanding a Drought
- Western Cape Water Supply System Overview
- Stellenbosch Water Supply System Overview
- Drought Management Actions by Stellenbosch Municipality to Date
- The Drought Management Plan:
- Part two: Introduces the basic objectives and operating principles of the Plan based on drought risk reduction strategies (mitigation and preparedness) within national legislative frameworks.
- Part three: Focuses on building and integrating institutional capacity (KPA 1) for drought management in the WM.
- Part four: Drought response and recovery (KPA 4) highlights activation levels for each drought phase and the procedure for the mobilisation of resources and funding.
- Accompanying annexures is structured according to the KPAs and provides examples of data collecting instruments and stakeholder contact lists.

Legislative Framework

The National Disaster Management Framework and the National Disaster Management Act (Act No. 57 of 2002) consists of four Key Performance Areas (KPAs) and three enablers.

The four KPA's are:

KPA1 Integrated institutional capacity for (drought) disaster risk management

KPA2 Drought risk assessment

KPA3 Drought risk reduction

KPA4 Response and recovery

The Drought Management Plan should be a proactive, effective and step-based to mitigate the effects of drought by providing a specific set of actions and risk based decision making tools to guide actions in a responsible manner. The Plan must be financially responsible, effective, and have a systematic approach to respond to the typically progressively negative effects of drought on communities, industry and the economy. Using a Risk Based Approach, the Plan must use early warning systems to define the risk and consequence of a drought induced event and set out a series of pre-determined actions and steps to be implemented to mitigate risk or reduce impact and consequence.

Mitigation actions must take account of both environmental and social impacts if implemented and must consider the medium to long-term effects of the actions taken as well as the policies and steps for recovery after the drought event and the steps required to return to normal operational conditions if at all possible. The Plan must focus on the short to medium term actions but also integrate as much as possible with long-term resiliency of the water supply system to ensure financially responsible decisions are taken that will not compromise long-term water supply augmentation options/schemes.

Primary Objectives of the Plan must include:

- Appropriate actions and recommendations to maintain and protect water resources
- Actions to be taken at each stage of a drought setting in
- Needs determination of the users for which the Plan has an impact
- Public / Stakeholder participation in planning and decision-making
- Public / Stakeholder participation in implementation
- Up to date information on the drought situation and context to empower decision makers
- Institutional arrangements and / or structures required for the Plan to be executed
- Information flow and responsibilities between all stakeholders
- Define workable definitions of drought/drought phases, furthermore determine indicators to be used for establishing the criteria for declaring drought emergencies and triggering various mitigation and response activities
- Establish and pursue a strategy to remove "obstacles" to the equitable allocation of water during water shortages and establish requirements or provide incentives to encourage water conservation
- Establish a set of procedures to continually evaluate and exercise the Plan. Periodically revise the Plan so it will stay responsive to the needs of the WM

Secondary Objectives of the Plan are:

- Guarantee water availability in sufficient quantities to meet essential human needs during a drought to ensure the community's health and support health

- To assist in retaining jobs of industrial workers and support the economy during a drought
- Maintain a current inventory of stakeholder contact details
- Provide incentives to encourage water conservation

Key Definitions:

A disaster is defined as an “a sudden accident or a natural catastrophe that causes great damage or loss of life or an event or fact that has unfortunate consequences”.

However, although disasters are not easily predictable and their effects are often unforeseen, their impact can be mitigated via a Disaster Risk Management Plan.

It is important to understand the following definitions:

Water Services Act (Act No 108 Of 1997)

The Water Services Act defines the following:

Water Services Authority:

Means a Municipality, including a District or Rural Council as defined in the Local Government Transition Act, 1993, responsible for ensuring access to water services.

Where, *Water Services:*

Means water supply services and sanitation services

Where *Water Services Provider:*

Means any person who provides water services to consumers or to another Water Services Institution, but does not include a Water Services Intermediary.

Where *Water Services Institution:*

Means a Water Services Authority, a Water Services Provider, a Water Board and a Water Services Committee.

A Water Services Authority has, amongst others, the following obligation in terms of the Act Duty to provide access to water services, which includes:

“...a duty to all consumers or potential consumers in its area of jurisdiction to progressively ensure efficient, affordable, economical, sustainable access to water services in emergency situations a Water Services Authority must take reasonable steps to provide basic water supply and basic sanitation services to any person within its area of jurisdiction and may do so at the cost of that authority a Water Services Authority may impose reasonable limitations on the use of water services Norms and standards for tariffs in terms of the Act: in prescribing the norms and standards, the Minister must consider, among other factors-the financial sustainability of the water services in the geographic area in question; the recovery of costs reasonably associated with providing the water services; the redemption period of any loans for the provision of water services; the need to provide for drought and excess water availability Offences in terms of the Act no person may continue the wasteful use of water after being called upon to stop by the Minister, a Province or any Water Services Authority, and any person who contravenes this stipulation is guilty of an offence and liable, on conviction, to a fine or to imprisonment or to both such fine and imprisonment Right of access to basic water supply and sanitation everyone has a right of access to basic water supply and basic sanitation. every Water Services Institution must take reasonable measures to realise these rights every Water Services Authority must, in its Water Services Development Plan, provide for measures to realise these rights...”

Basic water supply

The minimum standard for basic water supply services is the provision of appropriate education in respect of water use; and 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 meters of a household; and with an effectiveness such that no consumer is without a supply for more than seven full days in any year. Provision of basic water supply and basic sanitation to have preference. If the water services provided by a Water Services Institution are unable to meet the requirements of all its existing consumers, it must give preference to the provision of basic water supply and basic sanitation to them.

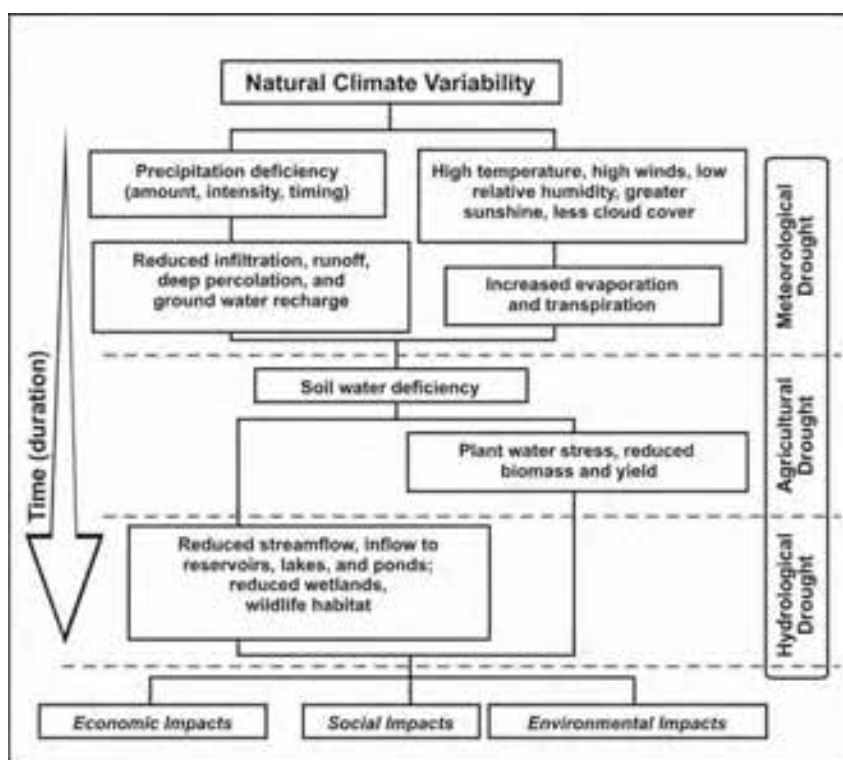
Where;

“Basic Water Supply” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene.

Understanding a Drought

Understanding what causes drought helps us to attempt to predict droughts more accurately. The immediate cause of droughts is the downward movement of air (subsidence). This causes compressional warming or high pressure that inhibits cloud formation and results in lower relative humidity and less precipitation. Prolonged droughts occur when large-scale high-pressure anomalies in atmospheric circulation patterns persist for months or seasons (or longer).

Drought has no universal definition as droughts are region specific and each drought differs in intensity, duration, and spatial extent. The four most common definitions describing the different types of drought are (1) meteorological drought, (2) agricultural drought, (3) hydrological drought and (4) socio-economical drought. There are complex interrelationships between the various components of the hydrological cycle and impacts. See figure below.



All droughts originate from a deficiency of precipitation or meteorological drought but other types of drought and impacts cascade from this deficiency. (Source: National Drought Mitigation Center, University of Nebraska-Lincoln, U.S.A.)

Meteorological drought is usually defined by the measure of the departure of precipitation from the normal and the duration of the dry period. It is insufficient to meet the demands of human activities and the environment. This is the most important type of drought which drives the other type of droughts discussed below.

Agricultural drought links various characteristics of meteorological (or hydrological) drought to agricultural impacts, focusing on precipitation shortages, soil water deficits, reduced groundwater or reservoir levels below the optimal level required by a crop during each different growth stage needed for irrigation.

Hydrological drought usually refers to a period of below normal surface and subsurface water levels or supplies (such as stream flow, reservoir/lake levels, ground water). This can potentially result in significant societal impacts. Water in hydrologic storage systems such as reservoirs and rivers are often used for multiple purposes such as flood control, irrigation, recreation, navigation, hydropower, and wildlife habitat. Competition for water in these storage systems escalates during drought and conflicts between water users increase significantly.

Socio-economic drought refers to the situation that occurs when economic goods associated with the elements of meteorological, agricultural and hydrological drought fail to meet the demand. It represents the impact of drought on human activities, including both indirect and direct impacts. Droughts are predictable, slow-onset phenomena. Water scarcity, on one hand, and drought, on the other, should be considered different matters. Water scarcity refers to average water imbalances between supply and demand, while droughts, as a natural phenomenon, refer to important deviations from the average levels of natural water availability.

The Western Cape Water Supply System Overview

The WCWSS comprises an inter-linked system of six major dams, tunnels, large diameter pipelines, reservoirs, treatment plants and distribution networks that supply the Cape Town metro and some surrounding municipalities. Components of the system are owned and operated by the DWS and TCTA and some by the CoCT. The principal dams are all located in the Cape Fold Mountains to the east of Cape Town. The major dams are:

MAJOR DAMS	CAPACITY
	Mi
BERG RIVER	130 010
STEENBRAS LOWER	33 517
STEENBRAS UPPER	31 767
THEEWATERSKLOOF	480 188
VOELVLEI	164 095
WEMMERSHOEK	58 644
TOTAL STORED	898 221

Major Dams in the WCWSS (Source: CoCT)

Approximately 63% of the water in the WCWSS is used for domestic and industrial purposes in the Cape Town metro, 5% is supplied to surrounding smaller municipalities and 32% is used for agriculture. The WCWSS is jointly operated by the DWS and CoCT. The WCWSS dams that directly influence the water supply to SM are Wemmershoek, Theewaterskloof/Bergrivier and Steenbras upper & lower dams. SM also has its own sources from own sources at Idas Valley (2 dams).



WCWSS Dams (Source DWS Website)

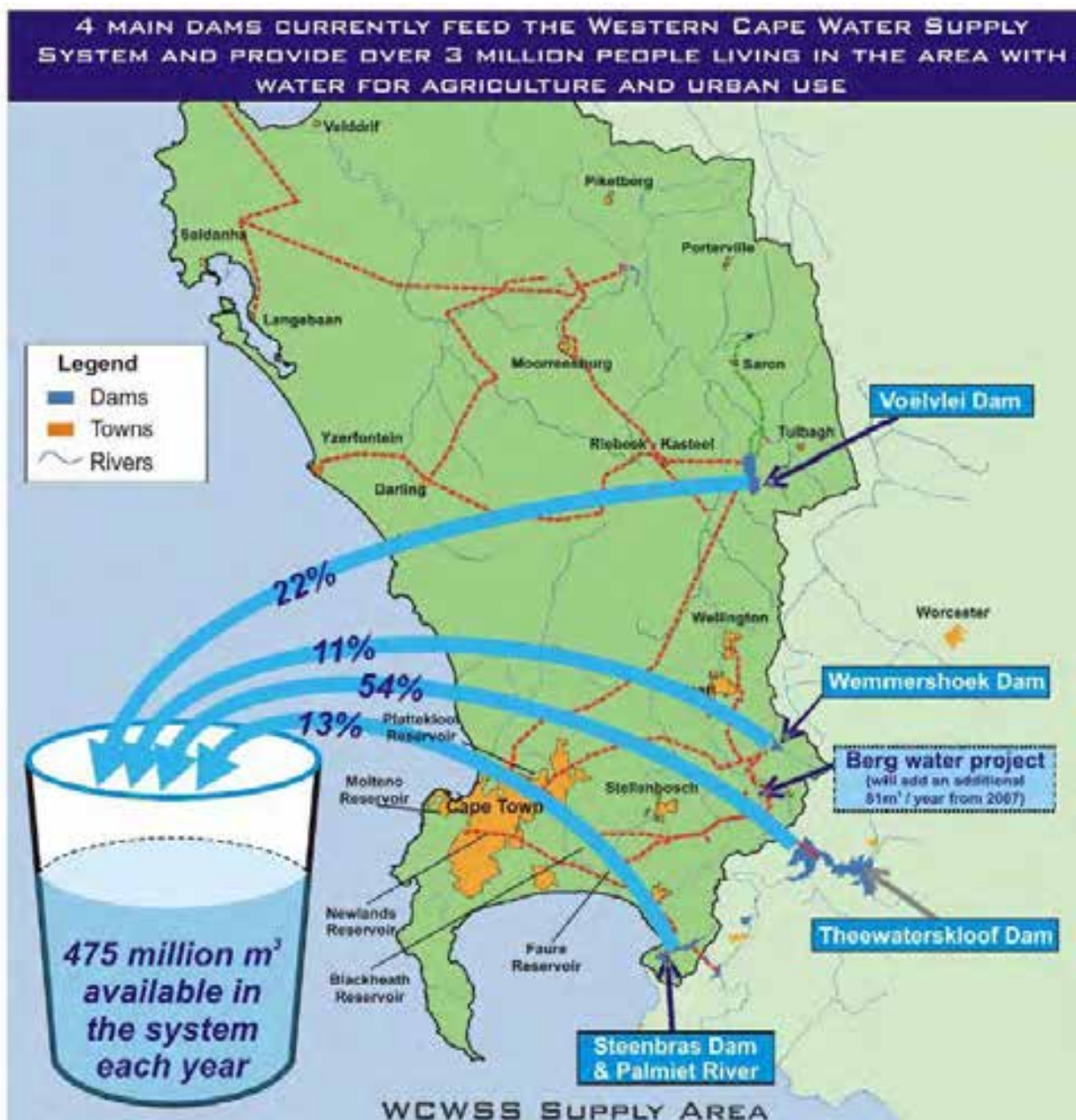
The largest component of the WCWSS is the Rivierosonderend Government Water Scheme. This large inter-basin water transfer scheme regulates the flow of the Sonderend River flowing East towards the Indian Ocean, the Berg River flowing North-West towards the Atlantic Ocean and Eerste River that flows South into False Bay. The Theewaterskloof Dam, which is the largest of the six major dams in the WCWSS forms the heart of the scheme and is located at Villiersdorp on the Sonderend River. It has a storage capacity of 480 million cubic meter. The Theewaterskloof Dam is linked to the Berg River and Kleinplasia Dam via a tunnel system through the Franschoek and Stellenbosch Mountains. During winter months, when water requirements are generally lower, this tunnel system conveys surplus winter flows from the Berg River and the tributaries of the Berg River to the Theewaterskloof Dam, where the water is stored for use during summer months. During summer, when water requirements are generally higher, water can be supplied from Theewaterskloof Dam via the tunnel system into the Berg and Eerste River systems.

The Voëlvlie Dam located near Gouda supplies the WCWSS via two abstractions and pumped supplies with treatment plants located near the dam. The major supply from Voelvlie Dam is to the CoCT Platteklouf reservoir over a distance of some 80 km and a smaller supply to Kasteelberg Reservoirs under control of the West Coast District Municipality.

The Wemmershoek Dam is located in the Berg River basin and supplies Cape Town via the Wemmershoek Pipeline along the N1 national road to the Glen Garry Reservoir in Brackenfell.

The Upper and Lower Steenbras Dams on the Steenbras River is operated together with the Palmiet Pumped Storage Scheme dams on the Palmiet River and water can be transferred from the Palmiet River to the Steenbras dams. Water is transferred from here to the Faure WTP from where it is distributed into the Cape metropole.

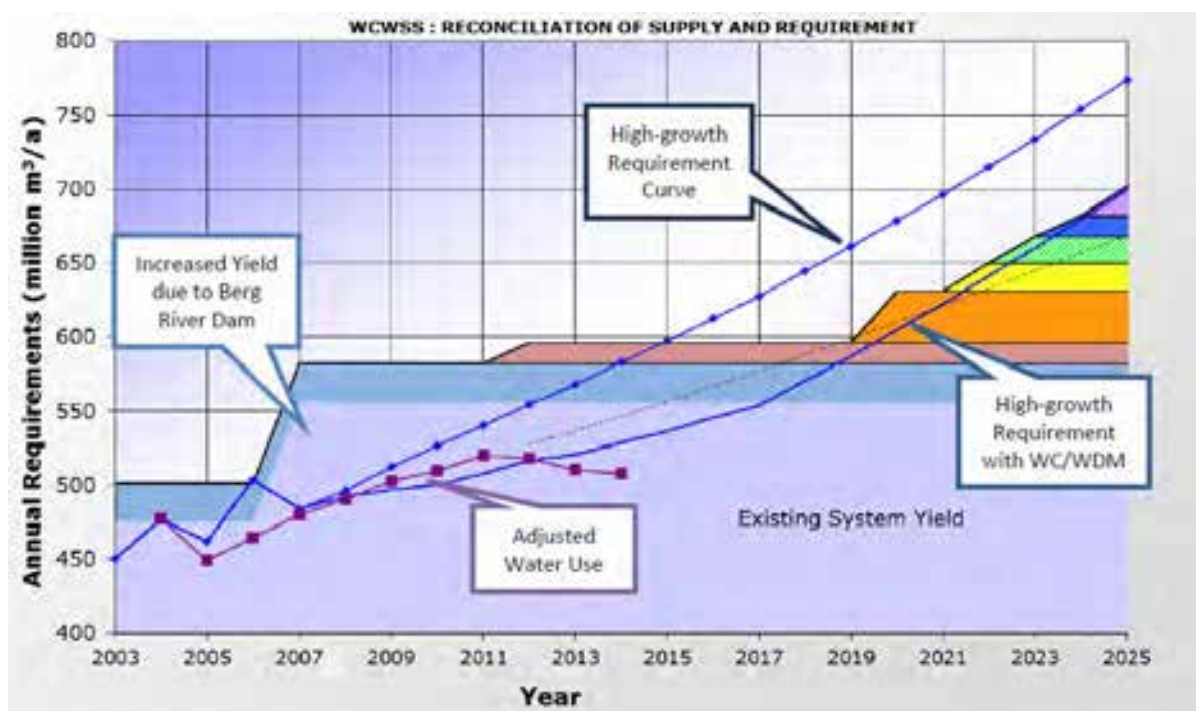
The Berg River Project was completed in 2009 and added an additional storage capacity of 898 million cubic metres. It is connected to the Riviersonderend GWS via the Dasbos tunnel and provide additional winter runoff storage capacity to the WCWSS.



The WCWSS: Source: DWS Website:

http://www.dwa.gov.za/Projects/RS_WC_WSS/Docs/Reconciliation%20Strategy.pdf

The Western Cape Water Supply Reconciliation Strategy Study (WCWSRSS) proposes a number of future water supply augmentation schemes for different development and demand scenarios. The figure below illustrates the different reconciliation Scenarios for water demand in the WCWSS as documented by the WCWSRSS. The High Growth scenario without WCWDM shows a deficit in available water from 2014. However, the CoCT and other dependant municipalities have made significant strides in WCWDM which has resulted in a lower demand growth rate in actual water consumption. A projected water demand with WCWDM indicates that the current system yield should be sufficient at least until 2019. However, due to the current drought, the WCWSS is not able to deliver the yield required and hence the WCWSS can only has approximately 90 days of potable water supply remaining if there is no or well below average rainfall this winter (2017). Even with normal rainfall during the 2017, 2018 and 2019 winters it could take several years for dam levels to return to normal operating levels and it is therefore highly likely that severe water restrictions will remain in place for the foreseeable future.



The WCWSS: Source: DWS Website:

http://www.dwa.gov.za/Projects/RS_WC_WSS/Docs/Reconciliation%20Strategy.pdf

The conclusion is that although the WCWSRSS has mapped out a plan for augmentation of water supplies for the region, the current impact of the drought requires immediate and concise action to prevent a disaster. The augmentation schemes planned are typically long-term projects which cannot be brought on line in less than 2-3 years which renders them unsuitable for a drought mitigation plan in the short term.

This however does not mean that the augmentation schemes presented in the WCWSRSS should be delayed in any way and it is imperative that the DWS and CoCT proceed with these projects along the planned timeline. However, in the short to medium term other actions need to be taken to mitigate the effects of the drought and resiliency planning in water supply schemes must be considered part of the operational procedures and planning for potable water supply schemes.

The Stellenbosch Municipality Water Supply System

SM falls within the Berg Management Area and includes towns such as Stellenbosch, Franschhoek, Klipmuts, Lanquedoc, Johannesdal, Kylemore, Pniel, Great Drakenstein, Wemmershoek, La Motte, De Novo, Muldersvlei, Elsenburg, Koelenhof, Vlottenburg, Lynedoch, Raithby and Jamestown.



Stellenbosch Town is supplied with raw water from mainly two sources;

- Eerste River – Kleinplaas Dam (7.224 Mm³/a)
- Western Cape Water Supply System (3 Mm³/a) – via Theewaterskloof Tunnel

Water from the Eerste River in the Jonkershoek Valley at Kleinplaas Dam is diverted by means of a weir and a gravity pipeline to two off-channel storage dams in Idas Valley. The registered abstraction from this source is 7.224 Mm³/a. This source is estimated in the 1/100 year drought analysis not to supply less than 6MI/day. This combined with the two Idas Valley dams is the most important source of water for Stellenbosch town.



Kleinplaas Dam – Jonkershoek (Source: Google Earth)



Idas Valley Dams (Source: Google Earth)

Water is supplied out of the Idas Valley Dam to a slow sand filtration WTP and into the town via the Idas Valley Reservoirs. The treatment capacity of the Idas Valley WTP is 28 MI/day.

The WCWSS supply to Paradyskloof WTP arrives via a pipeline leading from the Stellenboschberg Tunnel outlet from the Riviersonderend GWS tunnel system. A volume of 3 Mm³/a is available from this source under normal operating conditions. The treatment capacity of the Paradyskloof WTP is 10 MI/day.



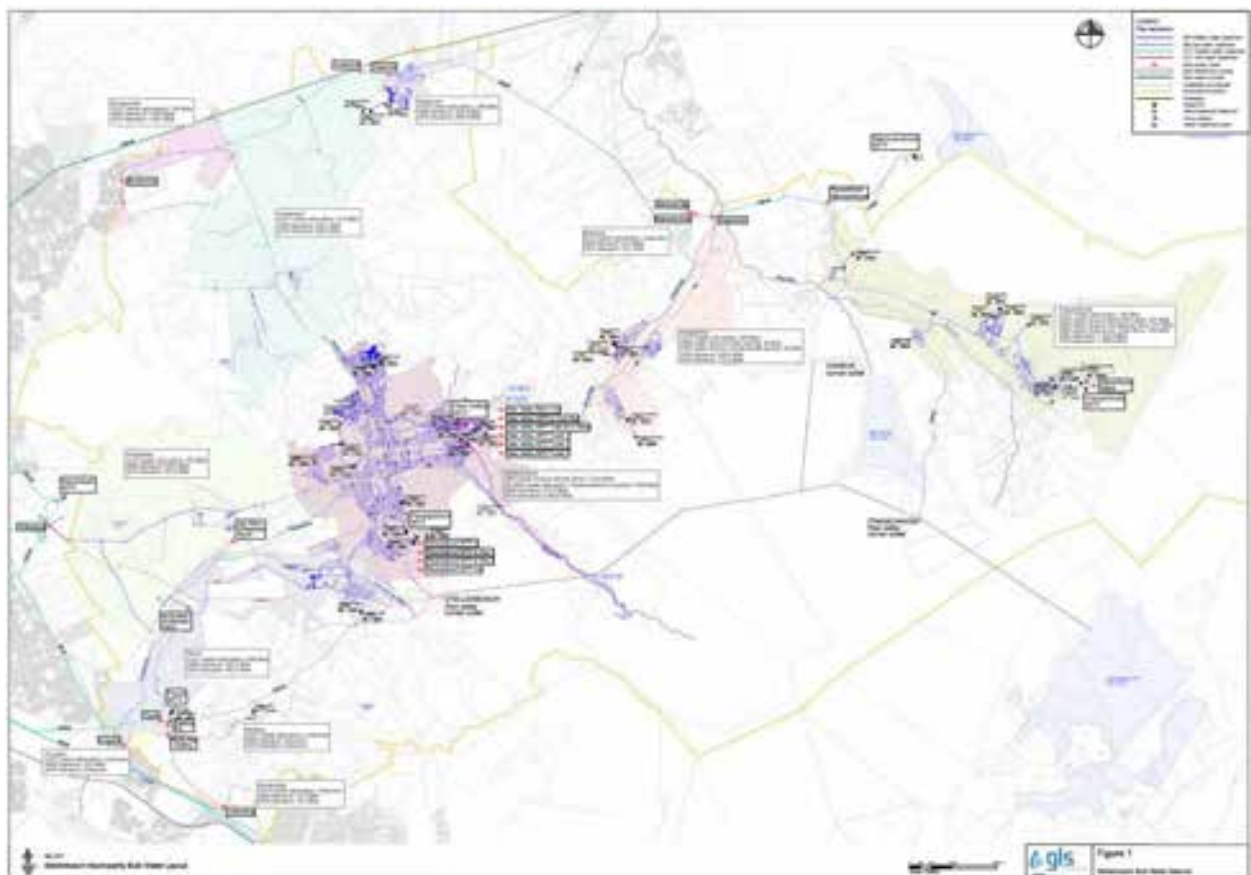
Paradyskloof WTP (Source: Google Earth)

Franschhoek which includes the smaller settlements of Groendal, La Motte, Wemmershoek and Robertsvlei is currently supplied with water from local sources in the catchments of the Mount Rochelle Nature Reserve and Perdekloof and with water purchased from the Wemmershoek Dam scheme from CoCT. The licensed abstraction from the perennial streams in the Mount Rochelle Nature Reserve is 0.221 M m³/a, from the Perdekloof Weir 0.577 M m³/a and from the Du Toits River 0.104 M m³/a.

Dwarsrivier which includes Pniel, Kylemore, Lanquedoc, Johannesdal and Groot Drakenstein receive treated water from the Wemmershoek Scheme directly from the CoCT bulk water pipeline with metered take-off local reservoirs. The local sources, which is currently not in use, include the Pniel Mountain stream (0.053 M m³/a), Pniel Spring (0.025 M m³/a), and the Pniel Kloof Street Borehole (0.079 M m³/a).

Klapmuts is supplied with treated water from the Wemmershoek Dam pipeline, which forms part of the WCWSS.

Boreholes exists in certain areas but is not in use for municipal potable supply and their condition and safe yield is unknown.



Stellenbosch Bulk Water System Layout (Source: GLS)

KPA1 – Integrated Institutional Capacity for Drought Response

SM has put in place the necessary institutional capacity for an effective Drought Response Plan. This includes the following key stakeholders who will act as the Drought Response Committee:

- Stellenbosch Municipality – Engineering Services
- Stellenbosch Municipality – Finance
- Stellenbosch Municipality – Disaster Response
- Department of Water & Sanitation – WC regional office
- Industry (high water consumers)
- Research Institutes – Stellenbosch University
- City of Cape Town
- Catchment Management Agencies – Eerste/Kuilsriver Catchment
- Consultants and Technical Advisors

Regular liaison between these stakeholders of the Drought Response Committee through formal progress meetings, distribution of weekly Drought Monitoring Report, sharing of ideas via workshops and ad-hoc meetings and telephone and email communication.

The Committee is chaired by the SM with Mr Adriaan Kurtz as the chairman. It is proposed that a weekly meeting be introduced to monitor progress on the Plan implementation and to share information on the drought and the impact of the Drought Response. A monthly report by the committee to the DWS and the Stellenbosch Municipal Council should also be introduced.

The role of each of the committee members is outlined below:

Stellenbosch Municipality – Engineering Services

- Formulate and implement technical solutions
- Prepare and distribute drought monitoring reporting
- Monitoring drought response impact
- Oversee the management of all interventions

Stellenbosch Municipality – Finance

- Allocate emergency funding for drought response
- Oversee the value for money monitoring of expenditure on drought response
- Allocate budget for drought recovery and resiliency planning

Stellenbosch Municipality – Disaster Response

- Implement emergency response actions
- Support Engineering Department on drought response

Department of Water & Sanitation – WC regional office

- Report on regional drought situation and augmentation schemes
- Inform the committee on Policy decisions and Drought Response for the region
- Allocate emergency funding for priority projects
- Report to National Government on regional response to the drought

Industry (high water consumers)

- Investigate water consumption and report on possible savings
- Implement water conservation measures
- Allow SM to intervene to reduce demand where possible
- Contribute to drought response plan and assist SM on emergency water supply projects

Research Institutes – Stellenbosch University

- Review technical solutions and evaluate against industry best practice
- Prepare drought response plan
- Implement own water sources as supplementary supply

City of Cape Town

- Inform SM and committee on WCWSS drought response
- Provide early warning of any drastic changes to the WCWSS operation and water allocations
- Monitoring drought response impact in Cape Metropole and provide feedback
- Provide technical advice and guidance from projects implemented in Metropole

Catchment Management Agencies – Eerste/Kuilsriver Catchment

- Monitor and report to SM on impact of drought on catchment

Consultants and Technical Advisors

- Technical guidance on drought response measures
- Provide designs for technical interventions
- Contract administration for projects implemented
- Costing of projects and initiatives
- Procurement of specialist services
- Monitoring of capital projects
- Reporting

It is proposed that the SM issue written communication to all stakeholder and request their active participation in the SM's Drought Response Plan.

KPA 2 - Drought Risk Assessment

The SM has implemented weekly drought monitoring to assess the drought risk and monitor the impact on its water availability. Refer to the latest Weekly Drought Monitoring Report below. The SM reports on availability of water as well as the latest progress on the drought intervention projects.

WEEKLY DROUGHT MONITORING STELLENBOSCH MUNICIPALITY					
Name of municipality: Stellenbosch Municipality					Date completed: 5/6/2017
AVAILABILITY OF WATER:					
Dams (DWS and Municipal):					
Name of dam	% Full this week	% Full last week	% Full previous year	Month/weeks/days water supply left	Towns being supplied by this dam
Idas Valley 1 +2	42.70%	42.70%		+3 months	Stellenbosch
Steenbras Upper	56.70%	57.20%	57.10%		Raithby, Polkadraai
Lower	23.50%	25.10%	57.10%		Helderberg SH, Croyden
(Faure WTW + Blackheath WTW)					
Theewaterskloof	13.70%	14.30%	30.20%		Stellenbosch
Wemmershoek					Koelenhof, Klapmuts, Meerlust, Muldersvlei, Franschoek, Dwarsrivier
Level of Water Restrictions: 3 (4 Served before council for implementation)					
Alternative water sources					
Ground water					
Name	Number of boreholes	Status of water levels (normal/low)	% of bulk water supply volume	Towns being supplied by this borehole	
Van der Stel borehole, erf 1947 (2350)	7*			Stellenbosch	
Cloetesville borehole, erf 6296	*In process to audit old boreholes that were used before to determine total of boreholes.	SM is in the process to do a borehole audit, yield and quality test.	To be verified with the borehole audit		
Die Braak borehole, erf 1908 (670)					
Doornbosch borehole, erf 1988 (292)					
Vredenburg borehole, erf 1995 (281)					
Municipal Nursery, erf 1887 (3363)					
Jan Marais Nature Reserve borehole, erf 1908 (2149)					
Other boreholes to be verified (Dwarsrivier, Franschoek, Raithby, Klapmuts, Meerlust).					
Rivers					
Name	Flow rate (H/ML)	Flow Rate	Towns being supplied by this river		
Du Toits River		0.7ml/d	Franschoek		
Eerste River		15ml/d	Stellenbosch		

DROUGHT INTERVENTION PROJECTS IDENTIFIED:		
Name of project	Description	Status of the project
Consultants - WCWDM -Ground water Resource study	Consultants appointed to do a complete study of available water for short, medium and long term to form part of the Water Master Plan.	Consultants appointed and in process with phase 1 of the project. Stellenbosch, Franschhoek and Dwarsrivier
	Existing borehole audit.	
	Do Licence and allocation applications by DWS.	
Consultants - WCWDM -Surface water resource study	Consultants appointed to do a complete study of available water for short, medium and long term to form part of the Water Master Plan.	Consultants appointed and in process with phase 1 of the project.
	Existing allocation audit.	
	Do Licence and allocation applications by DWS.	
Consultants -	Consultants to do a complete Drought Action Plan Document	Consultants appointed. Document already in draft format.
Borehole project	Existing borehole audit.	Consultants appointed and in process with audit and getting quotations for drilling of new boreholes. Stellenbosch, Franschhoek and Dwarsrivier.
	Testing of existing boreholes.	
	Sinking and equipping new boreholes.	
WCWDM Pressure management	Pressure management in : Klapmuts	PRV Chamber design complete- Construction to follow after drought Emergency funds are approved internally in SM.
	Pressure management in : Franschhoek	PRV Chamber design complete- Construction to follow after drought Emergency funds are approved internally in SM.
	Pressure management in : Dwarsrivier	PRV Chamber design complete- Construction to follow after drought Emergency funds are approved internally in SM.
	Pressure management in : Kayamandi	Pressure management installations ready for pressure management to be implemented and PRV's to be set – this week (5-10 June 2017).
	Pressure management in : Stellenbosch	Pressure management installations ready for pressure management to be implemented. Controllers are at the suppliers to be serviced. Implementation set for 15 June 2017.
Telemetry/monitor/coms	Installing logging/reading equipment/control room/telemetry	24 hour life data metering installed on all bulk connections. Installation to be functional 10 June 2017. Zonal critical loggers in process to be installed. Integration of telemetry, Zednet and MyCity in process. Control/monitoring facility in process to be equipped. Telemetry installing and upgrade-quotations in process.
Idas valley WTW	Making changes to the bulk water network to enable the transfer between Idas valley and Paradyskloof.	Design and Quotations for changes to system completed. Construction to follow after drought Emergency funds are approved internally in SM.
Resendal Reservoir	Making changes to the bulk water network to enable the transfer between Idas valley and Paradyskloof.	Design and Quotations for changes to system completed. Construction to follow after drought Emergency funds are approved internally in SM.

The current levels of the two Idas Valley Dams are at **42%** of full supply capacity. This will only be sufficient for approximately 3 months (90 days) of supply to Stellenbosch should the WCWSS supply to Paradyskloof WTP not be available due to the drought or restrictions applied by CoCT. The CoCT has notified the SM that the WCWSS supply to Paradyskloof WTP will be reduced by 18% from 1 June 2017 as part of the CoCT's Level 4 water restrictions and water demand management strategy.

KPA3 – Drought Risk Reduction and Mitigation

SM has implemented several initiatives as part of their WCWDM programme which form part of the Drought Risk Reduction programme. A WCWDM strategy was prepared in 2010 and over the past 7 years the SM has started implementing the plan through the following projects:

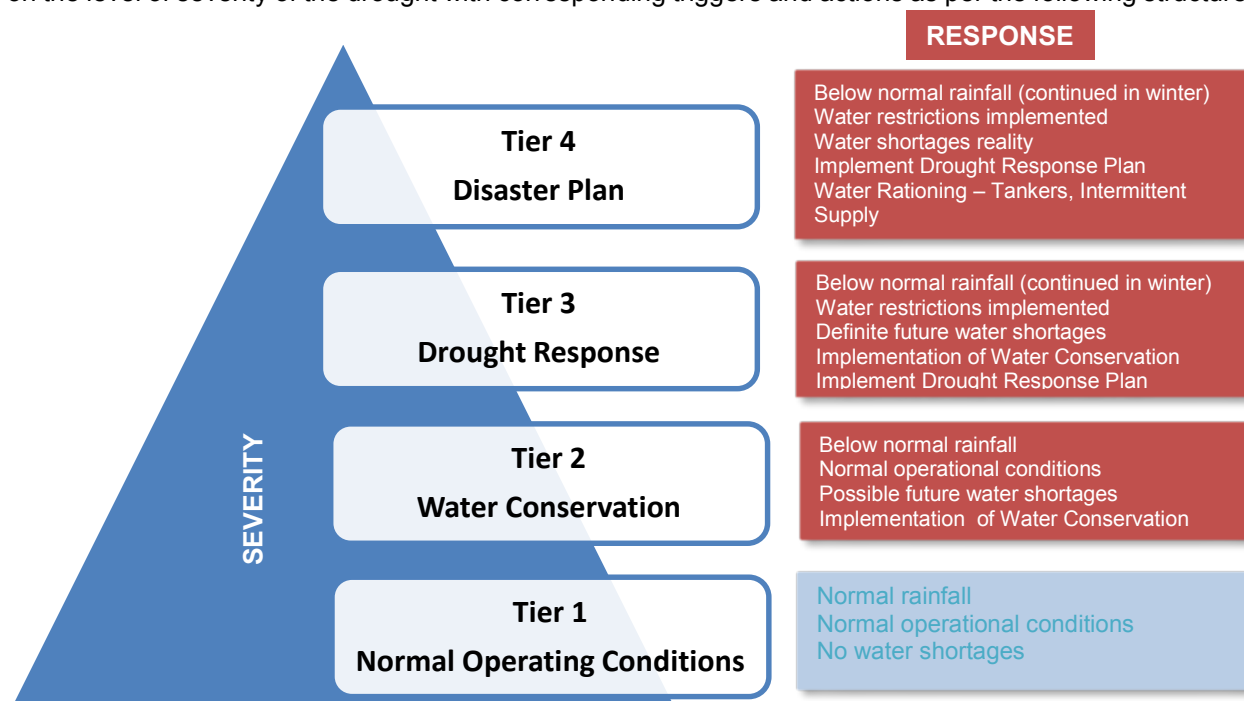
- Water restrictions and water demand management
- Weekly report and early warning mechanisms
- Identification of high water consumers and taking action to investigate these
- The publication of articles to increase public awareness via the media and posters
- Household Leak Repair and Water Meter Replacement Projects as part of the “War on Leaks” campaign
- Water Meter and Water Consumption Audit Projects
- Revenue Enhancement through customer meter billing database updating and data improvement
- Design and implementation of additional pressure managed zones
- Evaluation of emergency Drought Response Action Plan
- Scenario Planning for Water Rationing measures

The actions taken by the SM replicate and compliment many similar initiatives taken by the CoCT and other surrounding municipalities. The CoCT has implemented the following measures to date:

- A visual media campaign reflecting that is dam levels etc. on Electronic Sign Boards
- Workshop’s to discuss the water crisis with a panel of experts
- Various media campaigns and regular reporting by the Mayor’s office

Drought Response Plan

It is proposed that the Drought Response Plan is planned in accordance with pre-determined tiers based on the level of severity of the drought with corresponding triggers and actions as per the following structure.



The SM Drought Response Plan will define specific actions to be taken for each Tier up to Tier 4. If water shortages continues long-term and goes beyond Tier 5, the Municipality will have to consider more drastic actions which will revert back to Provincial Government for implementation.

Refer to Appendix A for the details of the actions associated with each Tier response.

Water Restrictions

The SM implemented Level 1 water restrictions from the 1st of November 2015 to achieve a 10% water consumption decrease. This was due to low supply dam levels and low rainfall figures during the 2016 winter season. This was followed with the implementation of Level 2 water restrictions from March 2016 due to extreme heat conditions and even lower supply dam levels in Stellenbosch and the WCWSS. The Level 2 restrictions included the increased tariffs for water consumption to achieve a 20% savings on the water consumption. In Stellenbosch more stringent water restrictions, i.e. Level 3 water restrictions were imposed with effect from 1st December 2016 due to the lower than the normal dam levels and continued drought. Recently Level 3B Water restrictions were implemented due to continued dry conditions in autumn with below average rainfall in early winter.

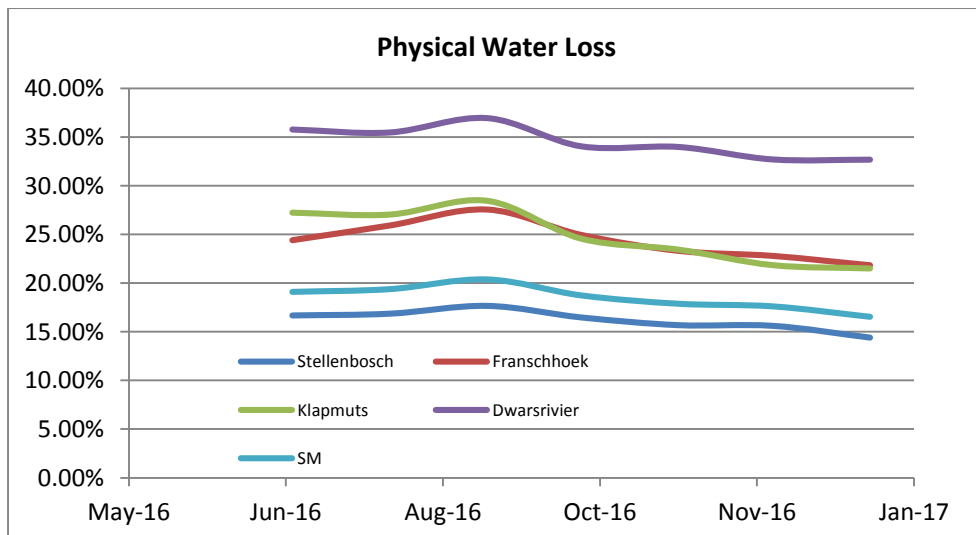


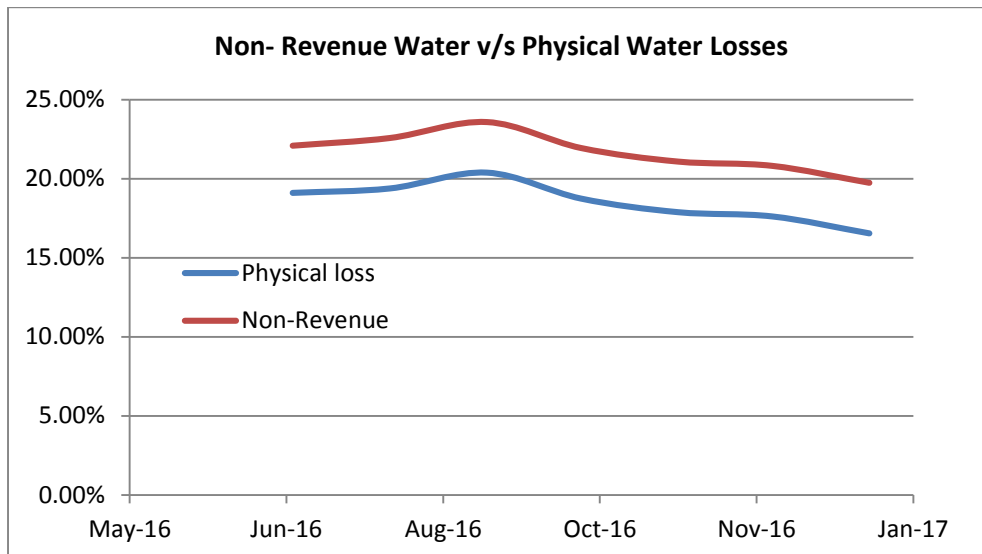
The CoCT will introduce Level 4 Water Restrictions from 1 June 2017. The associated punitive new water tariffs will be applied from 1 July 2017. The COCT has requested Drakenstein and Stellenbosch Municipalities to follow and SM will also be implementing Level 4 Water Restrictions from 1 July 2017.

The SM recognises the inconvenience caused by severe water restrictions, however, in the light of the continued drought, these restrictions are necessary and are currently the only option to prolong the remaining water supplies. The restrictions imposed to date are inline with the restrictions implemented by CoCT and other Western Cape municipalities.

War on Leaks Programme

As part of their 10 year WCWDM programme, the SM has implemented various short to medium term leak reduction and related water loss reduction interventions. These include domestic leak repairs, water meter replacement, water meter audits, billing database corrections and pressure management in selected areas. To date a meter audit in Klappmuts and Dwarsrivier has been undertaken along with domestic leak repairs and meter replacement to over 200 properties in Klappmuts, Lanquedoc and Kayamandi. These interventions have proven to be successful and the outcomes will be presented to the municipality in due course. Preliminary indications are that the water restrictions and leak repairs have made a significant impact on both physical water losses and non-revenue water reduction as illustrated below.





Stellenbosch Municipality Physical Losses and NRW trends

Domestic leak repairs and meter replacement in selected areas with higher than normal consumption will continue and will help reduce physical losses and non-revenue water.

Pressure management will also be implemented in selected areas. This is an effective method to reduce network pressures on a large scale for a selected supply zone and reduce leakage and background losses in the reticulation network especially at night in areas where pressures exceed 3-4 bar. GLS has identified, using their network models of the Stellenbosch reticulation network, a number of pressure management opportunities where pressures are as high as 8-9 bar and an excessive number of pipe bursts are recorded. The application of pressure management at these locations will require the rezoning of the network to create new pressure zones/DMA's. In order to implement this installation of new pressure reducing valves, flow meters and new zone boundary valves are required as detailed in the proposals by GLS.

Designs have been prepared for new PRV/Flow Meter Chambers to be installed at Klappmuts Merchant Street, at two locations in Franschoek and at Technopark and a construction contract will be advertised to appoint a contractor to implement these works along with other related civil works.

Stellenbosch Municipality is currently contracted with Ikapa Reticulation and Flow under contract no. B/SM 31/16 STELLENBOSCH – HOUSEHOLD LEAK REPAIR AND WATER METER REPLACEMENT on a Rates Tender for domestic leak repairs and household meter replacement which will continue until end of June 2017 and will have attended to domestic leaks and replaced meters at 250 No properties.

Reticulation Network Optimisation and Alternative Sources

The SM has appointed a contractor to install a new pipeline to connect the Idas Valley and Paradyskloof WTP supply zones to allow supplying water to the Paradyskloof system in the event that the Theewaterskloof tunnel supply is reduced or eventually possibly lost due to CoCT restrictions.

The SM has also recently identified 7 No existing boreholes in the town that are unused and will carry out pump tests on these to confirm their safe yield and water quality and consider how these borehole supplies could be incorporated into the reticulation network as a supplementary supply. GLS have been appointed to test the feasibility of this options using the network model.

The University of Stellenbosch has approached the SM to ensure that the campus water supply remains sustainable during the drought. The University has embarked on their own Drought Response Action plan which includes various initiatives such as a drought awareness campaign, a study to investigate grey water harvesting and re-use options, testing and commissioning 6 No existing unused boreholes for potable supply, finding alternative irrigation water sources for the gardens and sportsfield etc.

The SM has commissioned GLS to investigate options for sectioning the reticulation network for better water demand management and zone metering as well as pressure management. This will enable the SM to implement water rationing if required as a last resort.

Invasive Alien Plants

Invasive alien plants (IAP) are plant species that have been introduced, either intentionally or unintentionally, to South Africa. They can reproduce rapidly in their new environments and tend to out-compete indigenous plants. Invasive alien species pose the biggest threat to biodiversity after direct habitat destruction. IAPs can significantly alter the composition, structure and functionality of ecosystems. As a result, they degrade the productive potential of the land, intensify the damage caused by veld fires and flooding, increase soil erosion, and impact on water run-off, the health of rivers and estuaries.

The National Environmental Management Biodiversity Act, 10 of 2004, Section 76, states that all organs of state are required to draw up an invasive and alien monitoring, control and eradication plan for the land under their control. The SM: Alien Invasive Plants Management Plan was prepared in response to this obligation and brought before Council during February 2017. This plan was approved under condition that it is advertised from public comment. This was done and the plan will again serve before Council in May 2017 for final approval.

KPA4 – Drought Response and Recovery

If and when a drought occurs of such severity and magnitude that prevents Water Service Providers from continuing with normal water provision, despite the implementation of water conservation and drought mitigation measures, Section 23 of the Disaster Management Act (Act No. 57 of 2002) allows for the declaration of a state of disaster by the Minister of Water and Sanitation.

When a state of disaster is declared, a different set of operating rules and procedures come into effect and the implementation of these measures will largely shift to the Provincial and National Treasury for funding.

Although the Western Cape has been declared a Disaster Area, the SM still have at least 90 days of water remaining and will therefore continue to implement at Tier 3 Drought Response Plan which includes water restrictions, supplementary ground water sources and preparation for water rationing. The SM will continue to monitor the drought and the availability of water and will adjust its response as the drought situation develops and the impact on its water availability becomes more critical.

Annexure C

Stellenbosch Bulk Water Scheme Layout (A1)

Annexure D

Stellenbosch Water Balance (Typical)

Annexure E

Detailed Actions by Tier for Drought Response

Tier 1 – Normal Operating Conditions

TBC

Tier 2

TBC

Tier 3

TBC

Tier 4

TDC

7.6.4	APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE WATER SERVICES BY-LAW (2017) AND NON-COMPLIANCE
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1. PURPOSE OF REPORT

This Item serves to seek in-principle approval from Council to give legal effect to the Water Services By-law (2017), to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.

2. DISCUSSION

The Water Services By-law (2017) grant local municipalities the authority to manage and regulate water services related activities to meet a minimum set of criteria as set in the aforementioned legislation. In order to promote a safe environment and ensure the sustainability of our water sources, enforcement plays a key role in the regulation of unauthorised water use activities.

2.1 Illegal Water use activities in terms of Water Services By-law (2017):

Section 85 stipulates the process and procedures for enforcement which obligates the municipality to comply and enforce:

- the provisions of the Water Services By-law (2017);

It is the norm to request the Chief Magistrate for a list of Spot Fines for the transgression of relevant clauses within a By-Law.

At this point in time, Stellenbosch Municipality is not in the position to legally impose fines for illegal actions related to Water and Sanitation services. The proposed schedule of admission of guilt fines for illegal water and sanitation use activities in terms of the applicable Water Services By-law is included as **Appendix A**.

3. COMMENTS FROM DIRECTORATES:

STRATEGIC & CORPORATE SERVICES

Agrees with the recommended fines

LEGAL SERVICES (STRATEGIC & CORPORATE SERVICES)

Recommendations are supported

4. FINANCIAL SERVICES

No additional expenditure will be realized as existing resources will be utilised to ensure compliance. Council will generate additional income through the issuing of spot fines.

RECOMMENDED

- (a) that Council takes note of the set of proposed fines (Appendix A) sent to the Chief Magistrate to apply for admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal water use activities in contravention of the Water Services By-Law (2017);
- (b) that Council authorises the Director: Engineering Services to pursue a special vote number from the Department: Finance where the fines can be paid; and
- (c) that Council authorises the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Water Services reporting to the Director: Engineering Services.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1 Engineering x16/1/R</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>		<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

APPENDIX 1

WATER SERVICES BY-LAW

OFFENCES AND FINES

Section Contravened	Description of Offence	Proposed Fine (1)	Fines approved by Magistrate (2)
68(1)	Gaining access to water supply system without permission	R2 500	
83 (a)(b)	Failing to take prescribed measures to protect water supply system and installation against backflow of water	R1 500	
83(a)(b)	Failing to prevent pollution of water	R2 500	
83(a)(b)	Unlawful connection of borehole water supply to a water installation connected to the supply system of the municipality	R1 500	
83(a)(b)	Unlawful connection of non- potable water supply to a potable supply system of the municipality	R2500	
84(1)(2)(3)	Ignore any temporary or permanent water restrictions without written exemption or relaxation of such restrictions by the Municipality	R2 500	
84(1)(a)(i)-(iii)	Unlawful watering of sports field, park or other grassed area as prescribed in the restriction notice	R5 000	
84(1)(a)(ii)	Not adhering to water restrictions by using water during specified hours of the day or on specified days as prescribed in the restriction notice	R5 000	
84(1)(a)(iii)	Not adhering to water restrictions by using water in a specified manner against restrictions as prescribed in the restriction notice	R5 000	
84(1)(b)	Determine and Impose- (i) a restriction on the quantity of water that may be consumed over a specified period;	R5 000	
84(1)(c)	Impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.	R5 000	
84(1) (c)	Failing to ensure that any equipment or plant connected to a water installation uses water in an efficient manner.	R2 500	

WATER SERVICES BY-LAW

OFFENCES AND FINES

85(8)	Allowing interconnections between premises without permission	R2 000	
86(6)(a)-(f)	Owner failing to comply with requirements where measuring device installed by municipality	R1 500	
86(7)(a)	Unlawful disconnection of measuring device	R2 500	
86(7)(b)	Unlawful breaking of a seal on a measuring device	R2 500	
86(7)(c)	Unlawful interference with measuring device	R2 500	
109(2)	Failing to give notice of intention to cause a fire fighting installation to be tested or serviced	R500	
91(1)	Installation of works without Permission	R2 500	
91 (2) (c)	Owner failing to submit certificate of compliance after completion of alteration or installation of water supply and drainage	R1 000	
93(3)	Failing to obtain permission to undertake maintenance on installation outside boundary of premises	R1 000	
92(1) 148(1)(a)-(d)	Permitting a person other than qualified plumber to undertake installation and other work	R1 000	
94	Installation of water for fire fighting purposes not compliant with SANS 0252-1 or SANS 0254	R1 500	
95(1)	Using unauthorised pipes and fittings in installation	R1 500	
97(2)	Installing taps on hand wash basins with maximum flow rate exceeding 6 litres per minute	R1 000	
97(1)	Shower head exceeding the maximum flow rate of 10 litres per minute	R1 000	
99 (1) – (4)	Failing to apply for approval to obtain water from a hydrant	R1 500	
111(4)	Commencing development on premises before installation of connection pipe	R2 000	
111 (1) – (4)	Owner of single connecting sewer failing to comply with requirements of the Engineer	R1 500	
111(3)- (4) 148(1)(a)-(d) (2)(3)	Private persons laying sewers and connecting sewers not compliant with municipality's specifications	R1 500	
111(1) – (4)	Unlawful connection of temporary toilet device to sewer system	R1 000	

WATER SERVICES BY-LAW

OFFENCES AND FINES

114	Installation of interconnection without approval	R1 500	
114	Failing to ensure that no interconnection between premises exist	R1 500	
115	Unlawful opening of sewer connection after being sealed by the Engineer	R2 500	
121 (2) 155(1)	Installation of connecting sewer without approved building plans	R2 500	
122	Failing to notify the municipality prior to disconnection of installation from a sewer	R1 000	
123	Failing to maintain drainage installations	R1 500	
128(1)-(4)	Industrial grease traps must be installed to ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat of in organic solid matter in suspension	R2 500	
132(3)	Failing to ensure visibility and accessibility to septic tanks, conservancy tanks and treatment plants	R1 000	
137(1)	Unlawful discharge of industrial effluent into sanitation system	R2 500	
140(1)(b) 167 (b)	Unlawful interference with or damaging of industrial effluent measurement device	R2 500	
150(1)(a)	Permitting entry of liquid or solid substance into drainage installation before testing	R1 000	
155(1)(2)	Unauthorised interference, obstruction or use of any part of the water services system	R2 500	
151 (2)	Installing a cistern exceeding capacity of 9 litres	R1 000	
151(1)	Installing automatic flushing urinals that are not user activated and exceeding a capacity of 4.5 litres	R1 000	
152	Intermediary failing to register with municipality on request to do so	R3 000	
155(1)	Erecting a toilet directly on top of a municipal or private manhole	R1 500	

WATER SERVICES BY-LAW

OFFENCES AND FINES

156	Manage, operate or maintain the water services system through which municipal services are provided without being authorised thereto by the Municipality	R2 500	
156(2), 147(1) 155(1), 156(2)	Installation of installations drainage systems without approval	R2 500	
157(1)	Unlawful obstruction of access to supply system of sanitation service	R2 500	
158(1)(a)	Permitting purposeless or wasteful discharge of water	R2 500	
158(1)(b)	Permitting pipes or water fittings to leak	R2 500	
158(1)(c)	Permitting the use of maladjusted or defective water fittings;	R2 500	
158(1)(d)	Permitting an overflow of water to persist	R2 500	
158(4)	Permitting an inefficient use of water to persist	R2 500	
158(2)	Failing to repair or replace any part of a water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in section 47(1)	R2 500	
159 (1) - (6)	Unlawful discharge of sewage	R2 500	
159	Permitting or causing polluted water to enter a stream river or other water course	R5 000	
159(4)	Discharging sewage or solid substances into sewage disposal system which do not comply with standards and criteria for discharge	R2 500	
159 (4) (a)	Causing or permitting objectionable discharge into the drainage system	R2 500	
159	Unlawful damage to or endangering the sewage disposal system	R2 500	
159(4)(b)	Unlawful deposit of swimming pool backwash into stormwater system	R1 500	
159 (4)(d)(xi) (cc)	Unlawful use of treated effluent	R1 500	
162	Installation of pipes and or drains in streets or public places without permission	R2 500	

WATER SERVICES BY-LAW

OFFENCES AND FINES

162	Unlawful erection of trees or structures next to or on top of any part of water services system	R1 000	
163(1)	Unlawful access to and use of water services from source other than the Municipal supply system	R2 500	
163 (2)	Failing to provide satisfactory evidence of compliance to requirements of SANS 241 : Drinking Water or that the use of alternative water sources do not or will not constitute a danger to health	R1 500	
164(1)	Unlawful operation of on site sanitation services not connected to the municipal sanitation/sewer system	R2 500	
165 (1) (2)	Fail to comply with any lawful notice / instruction given in terms of this by-law	R2 500	
167(1)(a) 174	Refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access	R2 500	
167(1)(a) 174	Obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this by-law	R2 500	
167(1)(a)	Give false or misleading information to an authorised official	R2 500	
173	Fail or refuse to provide an authorised official with a document or information that the person is required to provide under this by-law	R1 500	

Fines applicable to 1st Offence only
 2nd offence – no admission of guilt – to appear in Court

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE

AMENDED ITEM

8.1	REPORT ON CREATION OF NEW POSTS
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1. PURPOSE OF REPORT

To inform Council of the recruitment and selection process and the financial implication of the post: Senior Manager: Governance (Office of the Municipal Manager).

2. BACKGROUND

Council at its 8TH Council Meeting held on 26 April 2017 resolved that

“ a) that the following posts be created and approved:

- Senior Manager : Governance (Office of the Municipal Manager);
- Senior Manager : Waste Management (Infrastructure Services); and
- Deputy Director: Protection Services (Community and Protection Services)
- 3 x Area-Based Manager (Planning and Economic Development)

b) that the Municipal Manager complete job descriptions for the above-mentioned posts and submit it for evaluation to the Regional Job Evaluation Committee before the commencement of the recruitment and selection process.

c) that the Municipal Manager report back to Council on the Financial Implications of these posts, after the relevant job description processes have been finalized.

3. DISCUSSION

Due to service delivery challenges and the assurance of continued service delivery the following post on the Current Draft Macro Organogram is required to be created and filled:

3.1 SENIOR MANAGER: GOVERNANCE (OFFICE OF THE MUNICIPAL MANAGER)

PURPOSE: To evaluate and contribute to the improvement of governance management processes.

FUNCTIONS:

1. Establish and maintain enterprise risk management (ERM) and compliance within the organisation;
2. Manage and coordinate the Integrated Development Plan (IDP), institutional performance management (PM), and intergovernmental relations (IGR);

3. Render a public and media relations and comprehensive communication service to promote and build sound relationships between the municipality and all stakeholders and to promote and manage the corporate image; and
4. Render management and line function administrative support services.

FURTHER COMMENTS BY THE MUNICIPAL MANAGER: 11 SEPTEMBER 2017

Further to the Council resolution taken at the 8th meeting of Council, the Senior Manager: Governance (Office of the Municipal Manager) post was evaluated at the Provincial Job Evaluation committee and the audit outcome is awaited. The post was advertised on T19 as it would leave sufficient scope for a T18 – T20 outcome on appointment.

Please find attached advertisement that was placed (**APPENDIX 1**).

The other posts i.e. Senior Manager: Waste Management (Infrastructure Services); Deputy Director: Protection Services (Community and Protection Services) and the Area-Based Manager (Planning and Economic Development) have not been evaluated.

Financial Implication

T 19 of a Grade 4 Local Authority: R 671 111.65 – R 871 097.57 (basic salary) per annum.

RECOMMENDED

that Council notes the progress with the recruitment and selection process and the financial implication of the post: Senior Manager: Governance.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref no:</i>	<i>4/3/2/1</i>	<i>Author</i>	
<i>Collab:</i>	<i>541287</i>	<i>Referred from:</i>	<i>8th Council: 2017-04-26</i>

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

OFFICE OF THE MUNICIPAL MANAGER

Senior Manager: Governance

Applications are herewith invited from suitable candidates for the above post with Stellenbosch Municipality, an employer that promotes affirmative action.

Selection requirements for the post: A relevant Honours degree • Completion of relevant minimum competency unit standards in terms of the MFMA (should an employee not have this, it must be obtained within 18 months of appointment) • Five (5) years' relevant experience of which at least two years must be at managerial level.

Other requirements/skills: Analytical and critical thinking skills • Strong intervention skills • Proficiency in at least 2 of the 3 official languages of the Western Cape • Excellent human relations, interpersonal and communication skills • Negotiation and conflict resolution skills • Ability to give attention to detail • High level of responsibility • Proven leadership skills • Ability to work under pressure • Computer literacy (MS Office Applications) • Own transport • Code B driver's licence

Responsibilities: Establish and maintain enterprise risk management (ERM) and compliance • Manage and coordinate the integrated development plan (IDP), performance management (PM) and intergovernmental relations (IGR) • Render comprehensive communication service to promote and build sound relationships between the municipality and all stakeholders to promote and manage the corporate image • Implement and manage strategic capability and leadership within the division • Coordinate, monitor and control operational processes within the division • Responsible for ensuring adequate implementation of governance and risk management practices in order to ensure effective implementation of Council resolutions with regard to risk enterprise management • Monitor and evaluation enterprise risk management

Job related enquiries: Jené Bergstedt at (021-808 8064)

Salary: R 671 111.65 – R 871 097.57 per annum T19 of a Grade 4 Local Authority (*subject to re-grading*)

In addition to the abovementioned salary, this position offers competitive benefits which include a 13th cheque, medical aid, pension, housing subsidy/allowance, car allowance and removal costs under certain conditions.

Applications, clearly marked, accompanied by a comprehensive CV, a covering letter and the details of contactable referees, may be posted to the Human Resource Management Services at Stellenbosch Municipality, P.O. Box 17, Stellenbosch, 7599. No e-mails or faxes will be accepted.

Please note: By applying for this position, the candidate consents to verification checks of qualifications and criminal records. Candidates must be willing to be subjected to a rigorous evaluation process. Certified proof of your qualifications and driver's licence is a requirement for selection and must be attached to your CV. Candidates who do not submit all the supporting documentation as requested, will not be considered for this position. Receipt of applications will not be acknowledged and no supporting documentation will be returned.

Closing date: 22 September 2017 at 12:00



Stellenbosch Municipality is an Equal Opportunity employer. Candidates from the designated groups, including those with disabilities, are encouraged to apply. The requirements of the Employment Equity Act will be considered for this position, but will not be the only criteria applied.

If you do not hear from us within ten weeks of the closing date, please regard your application as unsuccessful. For more details on vacancies, visit our website www.stellenbosch.gov.za. The Council reserves the right not to make an appointment and to add/amend/change the salary package.

9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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10.1	MOTION BY COUNCILLOR F ADAMS: DEBATE ON LAND REFORM AND ECONOMIC TRANSFORMATION
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A Notice of a Motion, dated 2017-08-07, was received from Councillor F Adams regarding a Debate on Land Reform and Economic Transformation.

The said Motion is attached as **APPENDIX 1**.

11TH COUNCIL MEETING: 2017-08-30: ITEM 10.4

In view of the approved absence of the Councillor,

The Speaker **RULED**

that this Motion stand over until the next Council meeting and that the Chief Whip inform Councillor F Adams accordingly.

FOR CONSIDERATION

<i>Meeting:</i>	12 th Council: 2017-09-27	<i>Submitted by Directorate:</i>	Office of the Municipal Manager
<i>Ref No:</i>	3/4/1/4	<i>Author:</i>	MM: (Ms G Mettler)
<i>Collab:</i>	535712	<i>Referred from:</i>	11 th Council: 2017-08-30

APPENDIX 1



CONTACT: paccity2010@yahoo.com
 P.O BOX 12445
 DIE BOORD
 7613



07 August 2017

Without Prejudice:

RE: Motion

I hereby submit the following Motion in terms of the Rules of Order to serve at the August 2017 Council Meeting.

Motion: A debate on Land reform and Economic Transformation.

Background/ Motivaton

It is a fact that Stellenbosch is one of the most unequal towns and societies in South Africa.

Currently there exists an ill-conducive environment for local black and brown people to do business and also to empower them economically.

I refer to the Mayors Foreword in the IDP 2017-2022 : It is therefore important that we create an environment that is conducive to entrepreneurship.

I refer you to the values of "The Innovation Capital of South Africa" : Transformation- We will tirelessly work at transforming our municipality, communities and broader society as custodians of hope through unlocking endless possibilities our valley holds treasure. This commitment is shaped by our understanding of the historical, spatial, social and economic inequalities rife in our valley.

Recommendations:

1. That a debate be allowed at the August Council meeting and each party be allowed to participate for 5 minutes.

Clr. Franklin Adams

Secunder!

10.2	MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK
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A Notice of a Motion, dated 2017-09-12, was received from Councillor WC Pietersen (Ms) regarding the proposed development of Erven 412 and 284, Groendal, Franschhoek.

The said Motion is attached as **APPENDIX 1**.

FOR CONSIDERATION

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Office of the Municipal Manager</i>
<i>Ref No:</i>	<i>3/4/1/4</i>	<i>Author:</i>	<i>MM: (Ms G Mettler)</i>
<i>Collab:</i>		<i>Referred from:</i>	

APPENDIX 1

7 September 2017

Cllr.WC.Petersen
Email: miniapietersen14@gmail.com
0824045055

Dear Speaker

RE: MOTION: Proposed development of erven 412 and 284,Groendal,Franschhoek

I hereby submit the following motion in terms of the Rules of Order to serve at the September 2017 Council Meeting.

Motion: Request administration to prepare an item regarding the development of Erf 412 (high density housing) and Retirement resort Erf 284 with or without frail care facility.

Background/Motivation

With the signing of the Social Accord way back in 1998,it was agreed that, following the relocation of the informal structures on erf 412 to Mooiwater, that the area be redeveloped ,based on a Mixed Use development. It is my understanding that the property has now been rezoned to sub-divisional area, allowing for business and residential development,

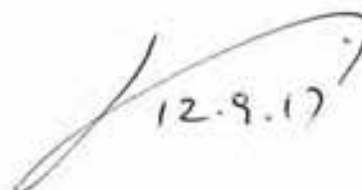
Regarding erf 284, it is my understanding that this property has recently been transferred to Stellenbosch Municipality from the Provincial Government. This site was always planned for a retirement /old age home.



WC Petersen
MOVER



AR Frazenburg
Secunder



12.9.17

10.3	QUESTION BY COUNCILLOR F ADAMS: RECTOR/MAYOR FORUM
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A Notice of Question, in terms of Section 38(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2017-09-12, was received from Councillor F Adams.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

Meeting:	12 th Council meeting: 2017-08-30	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

APPENDIX 1



CONTACT: packcity2010@yahoo.com
P.O BOX 12445
DIE BOORD
7613

11 September 2017

RE: Question

I hereby submit the following Question in terms of the Rules of Order to serve at the September 2017 Council Meeting.

Background

I refer this Council to the Rector/Mayor Forum established under the ANC Mayor, Ald. Willie Ortell.

Although this is a very important structure, I am not really familiar with the mandate and or terms of reference.

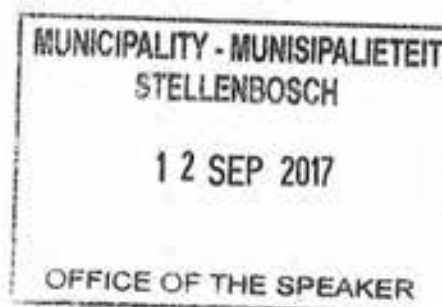
Question:

1. I hereby want to know, what the terms is of reference, as well as the reporting mechanism if any to the Council.
2. Can the Council be submitted with a copy of said document?

I hereby request the Mayor to answer in writing.

A handwritten signature in black ink, appearing to be 'Franklin Adams', written in a cursive style.

Cir. Franklin Adams



"ALUTA CONTINUA"

A handwritten signature in black ink, written in a cursive style, located at the bottom right of the page.

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Kantoor van die Uitvoerende Burgemeester
Office of the Executive Mayor
iOfisi kaSodolophu olawulayo

Cllr F Adams
DNCA
Stellenbosch Municipality
STELLENBOSCH
7600

QUESTION BY CLLR F ADAMS: TERMS OF REFERENCE – RECTOR / MAYOR FORUM

The question submitted by Cllr Adams refers.

Please find attached the terms of reference for the Mayor / Rector forum.

A handwritten signature in black ink, appearing to read 'Adv GMM van Deventer', is written over a light blue rectangular background.

Adv GMM van Deventer
EXECUTIVE MAYOR

Date: 2017-09-18

TERMS OF REFERENCE: RECTOR/MAYOR FORUM

Official Name	Stellenbosch Rector/Mayor Forum
Membership / Composition	<ul style="list-style-type: none"> • The Rector & Vice-Chancellor (SU) • The Executive Mayor (SM) • The Chief Operating Officer (SU) • The Municipal Manager (SM) • The Vice-Rector: Social Impact, Transformation & Personnel (SU) • The Vice-Rector: Research, Innovation and Postgraduate Studies • The Director: Community Services (SM) • The Director: Planning and Economic Development
Chair	The Chair alternates between the Rector and the Mayor, depending on which institution is hosting the meeting
Secretariat	The hosting institution provides the secretariat function. There is a standard template for agendas and minutes.
Frequency of Meetings and Manner of Call	At least quarterly at the call of the Chair The venue alternates between the University and the Municipality A schedule of meetings is finalised at the last meeting of a particular year for the following year
Quorum	More than 50% of members
Formation Details	Memorandum of Understanding – Stellenbosch: A Sustainable University Town (2007)
Role of the Forum	High level collaboration between University and Municipality for the public good of the town and for mutual benefit of the two institutions
Responsibilities of the Forum	<ul style="list-style-type: none"> • Scanning of the town landscape / State of the town • Promoting existing collaboration between university and municipality structures on common themes • Setting up such joint projects as required and feasible • Monitoring joint projects
Formal mechanism for reporting key matters	<ul style="list-style-type: none"> • University: Formal reports from the Rector/Mayor Forum are submitted to the Rector's Management Team after each meeting of the Forum • Municipality: Formal reports from the Rector/Mayor Forum are submitted to the Council after each meeting of the Forum
Resources and Budget	Both the University and Municipality will budget annually for the activities of the Rector / Mayor Forum in their respective institutional budgets
Relationships to other groups	Business Civil society
Related policies / By-laws	<ul style="list-style-type: none"> • Integrated Development Plan (IDP) of the Municipality • National Development Plan (NDP)

10.4	QUESTION BY COUNCILLOR DA HENDRICKSE: MUNICIPAL OWNED FARMS
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A Notice of Question, in terms of Section 38(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2017-09-12, was received from Councillor DA Hendrickse.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

APPENDIX 1



11 September 2017
 The Single Whip
 Stellenbosch Municipal Council
 Plein Street
 STELLENBOSCH
 7600
 Attention : Clr W Petersen (Ms)

Dear Whip

**RE NOTICE OF QUESTIONS TO SERVE AT THE SEPTEMBER 2017 COUNCIL MEETING
 QUESTION NO 1**

Does the Stellenbosch municipal officials make visits to all the municipal owned farms rented out, to check if the farmers that rent the municipal farms treat the farm workers ,that work for them, and stay on the farms, in a dignified manner in so far that the farm workers rights are not being violated regarding their working and living condition on the farms?

MOTIVATION

Allegations have been made that farmers in the Western Cape Current are violating the rights of farm workers especially that of woman on farms. It is thus just right the Stellenbosch Council and public should know that the rights of farm workers are not being violated on municipal owned farms, rented out.

Clr DA Hendrickse



Question NO 2

Why has the municipal officials failed to have the new farm rental rates being determined by an independent valuator, and implemented from July 2016 as resolved by COUNCIL?

Motivation.

A new rental valuation should have been done by a valuator for implementation from July 2016. False information has been presented to COUNCIL in so far that the officials indicated that Council resolved to have the valuation done in 2011 be used as a base till June 2018.

Clr DA Hendrickse

12.9.17

APPENDIX 2



MEMORANDUM

*Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder*

To : SPEAKER
From : MUNICIPAL MANAGER
Date : 18 September 2017
RE : REPLY TO QUESTIONS IN TERMS OF SECTION 21 OF THE
RULES OF ORDER: Municipal owned farms

Dear Speaker,

With reference to the question received from Councillor D Hendrikse, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, dated 12 September herewith my reply:

Question 1 :

"Does the Stellenbosch Municipal Officials make visits to all the municipal owned farms rented out, to check if the farmers that rent the municipal farms treat the farm workers, that work for them, and stay on the farms, in a dignified manner in so far that the farm workers rights are not being violated regarding their working and living condition on the farms?"

Response

The Municipality does not have a mandate to visit all the municipal owned farms as this request is not included in the lease agreements signed by the farm owners and the Municipality.

The Municipality is however looking at ways to ensure that the farm owners adhere to the requirements of the signed lease agreements.

Regards

**TABISO MFEYA
ACTING MUNICIPAL MANAGER**

10.5	QUESTION BY COUNCILLOR DA HENDRICKSE: NEW FARM RENTAL RATES
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A Notice of Question, in terms of Section 38(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2017-09-12, was received from Councillor DA Hendrickse.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

FOR CONSIDERATION

Meeting:	12 th Council: 2017-09-27	Submitted by Directorate:	Office of the Municipal Manager
Ref No:	3/4/1/4	Author:	Municipal Manager: (Ms G Mettler)
Collab:		Referred from:	

APPENDIX 1



11 September 2017
 The Single Whip
 Stellenbosch Municipal Council
 Plein Street
 STELLENBOSCH
 7600
 Attention : Clr W Petersen (Ms)

Dear Whip

**RE NOTICE OF QUESTIONS TO SERVE AT THE SEPTEMBER 2017 COUNCIL MEETING
 QUESTION NO 1**

Does the Stellenbosch municipal officials make visits to all the municipal owned farms rented out, to check if the farmers that rent the municipal farms treat the farm workers ,that work for them, and stay on the farms, in a dignified manner in so far that the farm workers rights are not being violated regarding their working and living condition on the farms?

MOTIVATION

Allegations have been made that farmers in the Western Cape Current are violating the rights of farm workers especially that of woman on farms. It is thus just right the Stellenbosch Council and public should know that the rights of farm workers are not being violated on municipal owned farms, rented out.

Clr DA Hendrickse



Question NO 2

Why has the municipal officials failed to have the new farm rental rates being determined by an independent valuator, and implemented from July 2016 as resolved by COUNCIL?

Motivation.

A new rental valuation should have been done by a valuator for implementation from July 2016. False information has been presented to COUNCIL in so far that the officials indicated that Council resolved to have the valuation done in 2011 be used as a base till June 2018.

Clr DA Hendrickse

12.9.17

APPENDIX 2



MEMORANDUM

*Office of the Municipal Manager
Kantoor van die Munisipale Bestuurder*

To : SPEAKER
 From : MUNICIPAL MANAGER
 Date : 18 September 2017
 RE : REPLY TO QUESTIONS IN TERMS OF SECTION 21 OF THE
 RULES OF ORDER: New farm rental rates

Dear Speaker,

With reference to the question received from Councillor D Hendrikse, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, dated 12 September herewith my reply:

Question 2:

"Why has the municipal officials failed to have the new farm rental rates being determined by an independent valuator, and implemented from July 2016 as resolved by Council?"

Response

Farm rentals were implemented as approved by Council on 24 June 2015.

The annual tariffs of the farm lease agreements are calculated in terms of the actual lease agreements and are not governed as such by any other legislation.

The lease agreements call for rentals to be reviewed and calculated every five years and also stipulates the basis upon which it is to be done.

The lease agreements contain no requirement for council to approve such reviewed values and rentals.

Although council did determine new rentals by means of its resolution of 24 June 2015, this was done to resolve the dispute that was raised, but was not a requirement of the lease agreements.

The council determined the value of the farm land at R1 950 per hectare on 24 June 2015. This was then used as the basis for the next five years and implemented as such. In terms of the contract and based on the determination of R1 950/ha, the following rentals were implemented as of 1 July 2015:

- 2015/16: Increase of 3.64 %, being 70% of 5.2%(CPIX): R2021-00/hectare per annum;
- 2016/17: Increase of 3.64 %, being 70% of 5.2%(CPIX): R2094-53/hectare per annum; and
- 2017/18: Increase of 4.76%, being 70% of 6.8%(CPIX): R2194-22/hectare per annum.

Small Farmers pay 20% of these tariffs.

The same resolution of 24 June 2015 also determined the adjusted rentals for the prior 5 years as further step to resolve the dispute. The adjusted rentals were also implemented accordingly.

Maybe we can just add that the next determination/valuation is due for 1 July 2019, i.e. we will start the process of appointing a valuer(s) during 2018.

Regards

A handwritten signature in black ink, appearing to be 'Tabiso Mfeya', written over a printed name and title.

TABISO MFEYA
ACTING MUNICIPAL MANAGER

11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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12.	CONSIDERATION OF URGENT MOTIONS
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13.	CONSIDERATION OF REPORTS
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13.1	CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

ADDITIONAL ITEM

7.4	FINANCIAL SERVICES (PC: CLL S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR AUGUST 2017
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1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2016/2017 to report the deviations and ratifications to Council.

2. BACKGROUND

Reporting the deviations as approved by the Accounting Officer for August 2017.

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
D/SM 02/18	11/5/2017	Landfill Consult (Pty) Ltd	Chipping of Garden Waste	Exceptional case and it is impractical to follow the official procurement processes	R2 282 280.00
D/SM 03/18	30/6/2017	The Sustainability Institute Innovations Lab	Off-Grid Electricity to Enkanini	Exceptional case and it is impractical to follow the official procurement processes	R109.83 Rates Deviation
D/SM 04/18	18/8/2017	CBI Electric African Cables	Repair and relocation of 6x11kv Electrical cable (over 100m) at the R44 Wan Reede Intersection to prevent further power outages and to ensure continuous power supply to the southern parts of Stellenbosch	Emergency	R1 481 824.44

The following ratifications were approved with the reasons as indicated below:

Number:	Date:	Service provider:	Description	Reason	Amount
R/SM 01/18	03/8/2017	IAN DICKIE (Pty) Ltd	rendering emergency services	4.36.1(b) to ratify any minor breaches of the procurement processes	R 496 672.00

3. LEGAL IMPLICATION

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from, and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may **allow the accounting officer**—
- (a) to **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 - (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) acquisition of animals for zoos; or
 - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 - (b) **to ratify any minor breaches of the procurement processes** by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- (2) The accounting officer must record the reasons for any deviations in terms of subregulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

4. FINANCIAL IMPLICATION

Not required

5. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

Not required

RECOMMENDED

that Council notes the Monthly Financial Statutory Reporting: Deviations for August 2017.

<i>Meeting:</i>	<i>12th Council:2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Finance</i>
<i>Ref no:</i>	<i>8/1/Financial</i>	<i>Author</i>	<i>Chief Financial Officer: A. Treurnich</i>
<i>Collab:</i>	<i>541218</i>	<i>Referred from:</i>	
