



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-03-24

## NOTICE OF THE 16<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2018-03-28 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

<b>COUNCILLORS</b>	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 Mqeba
	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 **16<sup>TH</sup> MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2018-03-28** at **10:00** to consider the items on the Agenda.

**SPEAKER**  
**DD JOUBERT**

# Vol 2

**A G E N D A**  
**16<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2018-03-28**  
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THE ITEMS BELOW SERVED AT THE SPECIAL MAYCO: 2018-03-22  
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8.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
8.1.1	<b>CONSIDERATION OF UNFORESEEN EXPENDITURE FOR THE REPAIRS AT CLOETESVILLE SPORTS GROUNDS</b>

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Strategic Focus Area 2

20 March 2018

**1. SUBJECT: CONSIDERATION OF UNFORESEEN EXPENDITURE FOR THE REPAIRS AT CLOETESVILLE SPORTS GROUNDS**

**2. PURPOSE**

To provide Council with information regarding unforeseen expenditure for oversight by MPAC. Council needs to consider and approve that the expenditure is deemed irrecoverable and be written off in terms of the MFMA Section 32 (2).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

A break-in occurred at the storeroom of Cloetesville Sports grounds during the night of 29 August 2017. Specialized equipment to the value of R 40 000-00 was stolen. This incident was reported on 30 August 2017. Repair works was done on 30 August 2017 due to the matter being handled as an emergency. No order has been generated by Supply Chain to date. The department is currently in the process of compiling a deviation that will be submitted to the Municipal Manager. These repairs had to be done immediately in order to prevent any enormous financial losses for Stellenbosch Municipality.

**5. RECOMMENDATIONS**

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2018-03-20: ITEM 5.1**

**RESOLVED**

**That it be recommended to Council:**

- (a) that Council takes note of the emergency security measures that were put in place to protect council property, ensure efficient project flow and process to prevent suffering major financial losses by actions taken at Cloetesville Sports ground; and
- (b) that Council certifies the expenditure amount of R 21 587.00 (Ukey: 20170706020904) for work done.

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**6. DISCUSSION / CONTENTS****6.1 Background**

The Committee was established to deal with expenditure not aligned or non-compliant with Council's approved policies and the Municipal Finance Management Act, hereinafter referred to as the "Act" and "Policies".

**6.1.1 Legislation**

The Act (Section 32) stipulates the following with regard to unauthorized, irregular or fruitless and wasteful expenditure:

*Without limiting liability in terms of the common law or other legislation a political office-bearer of a municipality is liable for unauthorized expenditure if that office-bearer knowingly or after having been advised by the accounting officer of the municipality that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;*

*The accounting officer is liable for unauthorized expenditure deliberately or negligently incurred by the accounting officer, subject to subsection (3);*

*Any political office-bearer or official of a municipality who deliberately or negligently committed, made or authorized an irregular expenditure, is liable for that expenditure; or*

*Any political office-bearer or official of a municipality who deliberately or negligently made or authorized a fruitless and wasteful expenditure is liable for that expenditure".*

*In terms of Section 32 (2) "A municipality must recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure":*

*In the case of unauthorized expenditure, is-*

*authorized in an adjustments budget; or Certified by the municipal council, after*

*investigation by a council committee, as irrecoverable and written off by the council; and*

*(b) In the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council".*

*A further stipulation, Section 32(4) compels the accounting officer to:*

*"Promptly inform the Mayor, the MEC for local government in the Province and the Auditor-General, in writing, of-*

*Any unauthorized, irregular or fruitless and wasteful expenditure incurred by the municipality;*

*Whether any person is responsible or under investigation for such unauthorized, irregular or fruitless and wasteful expenditure; and*

*(c) The steps that have been taken-*

*To recover or rectify such expenditure; and to prevent a recurrence of such expenditure”.*

*Irregular expenditure as defined under Chapter 1 of the Act:*

*(a) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of this Act, and which has not been condoned in terms of section 170;*

*(b) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Municipal systems Act, and which has not been condoned on terms of that Act;*

*(c) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or any of the municipality’s by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law”.*

## **6.2 Discussion**

A break-in took place at the storeroom at Cloetesville Sports ground during the night of 29 August 2017. The value of the stolen equipment is an origin of R 40 000-00. The incident was reported on the 30th August 2017 to the relevant departments, namely, Protection Services (Law Enforcement), Claims Department and Supply Chain Management as well as the Director: Community and Protection Services, Mr Gerald Esau.

The nature of the breach is that it is simply technical in nature, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the procurement process.

Mr Israel Saunders, former Manager: Supply Chain Management was requested permission to proceed with the repair works. This was regarded as an urgent matter due to the fact that the building was exposed to further vandalism and theft if the roof was not repaired urgently. The storeroom is used to store specialised equipment which could have been damaged as well if the roof was not repaired as soon as possible. Mr Saunders authorized in his capacity as Manager: Supply Chain Management (See **ANNEXURE B**) to proceed with the repair works.

The Sports Department proceeded with the proposed process given by Mr Saunders by contacting three service providers to obtain quotations from each of them for the repair works that needed to be done. These service providers include Ozone, 1001 Solutions and Cumax. Two of these service providers, namely, Ozone and Cumex were unable to provide the requested quotations due to Ozone not being available at that current moment and Cumex was unable to meet the urgent site meeting that was scheduled for 30 August 2017.

The only service provider at the site meeting was 1001 Solutions, who provided a quotation to the value of R 21 587-00 (See Annexure C). The Business Zone (TBZ) trading as 1001 Solutions currently also indicated that they would be able to perform the repair works the same day, which they did. They repair works concluded on 30 August 2017 at 22:00.

The request number 1041693 was loaded onto Flexgen. Up to date, no order has been generated. The Department is in the process of compiling a deviation which will be submitted to the Municipal Manager.

Pertaining to this matter, the Department acknowledged that the proper Supply Chain Management processes were not followed due to the matter being handled as an emergency. A proper investigation was conducted and it was found that the official responsible carried out the task on the basis of an emergency and the fact that authorisation was granted by Supply Chain Management.

### 6.3 **Financial Implications**

The overall financial implications are as follows:

1001 Solutions, for the amount of R 21 587-00.

### 6.4 **Legal Implications**

Not applicable.

### 6.5 **Staff Implications**

Not applicable.

### 6.6 **Previous / Relevant Council Resolutions**

Not applicable.

### 6.7 **Risk Implications**

The investigation established that the mitigation factors proved that the municipality could have suffered enormous financial losses if the repair work was not done on the same day.

### 6.8 **Comments from Senior Management**

#### 6.8.1 **Municipal Manager**

This service was essential to prevent further vandalism and to secure Council's assets. What is proposed, going forward, is to have a list of vetted suppliers ready to address these types of emergencies.

### **Annexures:**

**Annexure A:** Request 1041693

**Annexure B:** Email Correspondence: Authorization from Mr Israel Saunders

**Annexure C:** Quotation obtained from The Business Zone t/a 1001 Solutions

**Annexure D:** Photos of break-in

**Annexure E:** Budget (SAMRAS) U-Key: 20170706020904

**Annexure F:** Approved Ratification: TBZ t/a 1001 Solutions: R 21 587.00

### **FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	André Gabriels
<b>POSITION</b>	<b><i>Superintendent: Sport and Facilities</i></b>
<b>DIRECTORATE</b>	<b><i>Community and Protection Services</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808 8166</i></b>
<b>E-MAIL ADDRESS</b>	<b><i>andre.gabriels@ Stellenbosch.gov.za</i></b>
<b>REPORT DATE</b>	<b><i>18/01/2018</i></b>



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Department: Community Services  
Departement: Gemeenskapsdienste

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**ANNEXURE A:**

Request 1041693

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All Outstanding Requests

=====

\* = No Actions Taken Against Request In Last 3 Days ! = Past Request By I

Request Number : 1041693 Line Number: 1
Authorization Ref. : 0
Archiving document :
Contract ID : 0

Application Date : 13/09/2017
Applicant : WINSTONA WINSTON APPOLLIS
Contact details:- Extension Number
Cellphone Number 0827114685
Fax Number

Captured by : ODILLEW ODILLE WINDVOGEL
Authorized by : ANDREG ANDRE GABRIELS AUTHORIZED

Required by : 18/09/2017

Preferred supplier 1: 004722 THE BUSINESS ZONE 1857 T/A 1001 SOLUTIONS
Reason :

Preferred supplier 2: Not yet determined
Reason :

Preferred supplier 3: Not yet determined
Reason :

Delivery Instructions:
On Hold? Y RATIFICATION -MPAC ITEM??09/11/2017 DECISION TO BETAKEN

Total reserved value : 21587.00
Provisional SCM process : Q Not yet determined

STB REMOVE BROKEN ASBESTOS ROOF SHEETS SUPPLY AND FIT
NEW ROOF SHEETS
Costcode : 2017 1334220145000 UKEY : 20170706020904 Qty.:
SPORTS GROUNDS: CLOETESVILLE : Contracted Services : Conti



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Department: Community Services  
Departement: Gemeenskapsdienste

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**ANNEXURE B:**

Email Correspondence:  
Authorization from Mr Israel Saunders

---

**Andre Gabriels**

---

**From:** Andre Gabriels  
**Sent:** 30 August 2017 04:08 PM  
**To:** Erika Ferreira  
**Subject:** RE: Cloetesville Inbraak

Ja Mev baie masjienerie sal so n ly vir u aanstuur

Groetnis

Andre

---

**From:** Erika Ferreira  
**Sent:** 30 August 2017 02:49 PM  
**To:** Andre Gabriels  
**Subject:** RE: Cloetesville Inbraak

Andre

Is daar ook items gesteel?

---

**From:** Andre Gabriels  
**Sent:** 30 August 2017 01:24 PM ✘  
**To:** Erika Ferreira; Cedric Thorpe; Israel Saunders  
**Cc:** Samantha Balie; Sports Temp (Odile Windvogel); Garth Abrahams; Gerald Esau; Ian Adams  
**Subject:** Cloetesville Inbraak

Goeie middag mev

Daar is gisteraand by Cloetesville sportgronde ingebreuk.die mense het deur die dak gekom nou staan die dak oop kan ons toestemming kry om die dak toe te maak vir die reen of dalk kom die persone weer terug en van nog van die goed in die gebou.

Kan ons toestemming kry asb

Sien fotos aangeheg

Ons hoor graag van u

Andre

**From:** Odille Windvogel [mailto:odilleodas@gmail.com]  
**Sent:** 30 August 2017 01:11 PM  
**To:** Andre Gabriels  
**Cc:** Sports Temp (Odile Windvogel)  
**Subject:** [EX] cloetesville

**Andre Gabriels**

---

**From:**



**STELLENBOSCH**  
STELLENBOSCH • RIEK • FRANSCHHEP  
MUNISIPALITEIT • ERKARHALA • MUNISIPALITY  
INNOVATION CAPITAL  
ISIXEKO ELIZA HENGINU  
INNOVATIONSBURG K140

Andre Gabriels

30 August 2017 01:33 PM

Israel Saunders; Erika Ferreira; Cedric Thorpe

Samantha Balie; Sports Temp (Odile Windvogel); Garth Abrahams; Gerald Esau; Ian Adams

RE: Cloetesville Inbraak

Baie dankie Mnr Saunders anders word die skade net groter

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**From:** Israel Saunders

**Sent:** 30 August 2017 01:25 PM

**To:** Andre Gabriels; Erika Ferreira; Cedric Thorpe

**Cc:** Samantha Balie; Sports Temp (Odile Windvogel); Garth Abrahams; Gerald Esau; Ian Adams

**Subject:** RE: Cloetesville Inbraak

Mr Gabriels

Jy kan voortgaan om dak reg te maak. Dankie.

**Israel Saunders**

**Head : Supply Chain Management**

Finance Services

---

[israel.saunders@stellenbosch.gov.za](mailto:israel.saunders@stellenbosch.gov.za)

T: +27 21 808 8137

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



[www.facebook.com/stellenboschmunicipality](https://www.facebook.com/stellenboschmunicipality)



[twitter.com/StellMun](https://twitter.com/StellMun)

2nd Floor, Ecclesia Building, 71 Plein Street, Stellenbosch, 7600

PO Box 17, Stellenbosch, 7599

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---

**From:** Andre Gabriels

**Sent:** 30 August 2017 01:24 PM

**To:** Erika Ferreira; Cedric Thorpe; Israel Saunders

**Cc:** Samantha Balie; Sports Temp (Odile Windvogel); Garth Abrahams; Gerald Esau; Ian Adams

**Subject:** Cloetesville Inbraak

Goeie middag mev

Daar is gisteraand by Cloetesville sportgronde ingebreuk.die mense het deur die dak gekom nou staan die dak oop kan ons toestemming kry om die dak toe te maak vir die reen of dalk kom die persone weer terug en van nog van die goed in die gebou.

Kan ons toestemming kry asb

Sien fotos aangeheg

Ons hoor graag van u

Andre

**From:** Odille Windvogel [mailto:odilleodas@gmail.com]

**Sent:** 30 August 2017 01:11 PM

**To:** Andre Gabriels

**Cc:** Sports Temp (Odile Windvogel)

**Subject:** [EX] cloetesville

**Andre Gabriels**

---

**From:** Scm Practitioner  
**Sent:** 24 October 2017 09:23 AM  
**To:** Andre Gabriels  
**Cc:** Theo Rhode; Gerald Esau; Dalleel Jacobs  
**Subject:** RE: Request 1041693

**Importance:** High

Andre,  
 Met verwysing na die onderstaande, Theo sal jou kontak ten opsigte van die proses wat gevolg moet word.  
 Ratification en na MPACT

Gert Wepener  
[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
 021 808 8130

---

**From:** Andre Gabriels  
**Sent:** 20 October 2017 03:28 PM  
**To:** Scm Practitioner  
**Subject:** RE: Request 1041693

---

**From:** Scm Practitioner  
**Sent:** 20 October 2017 01:46 PM  
**To:** Andre Gabriels  
**Subject:** RE: Request 1041693

Andre,  
 Voeg asseblief die volgende by  
 1ste kontrakteur naam – Ozone telefoonnommer –0737410377 nie beskikbaar nie  
 2de kontrakteur naam 1001 SOLUTIONS telefoonnommer 072 7977080 (uiteindelik die werk ook gedoen,  
 3de kontrakteur – CUMAX kon nie kwotasie indien nie as gevolg van tyd

Gert Wepener  
[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
 021 808 8130

---

**From:** Andre Gabriels  
**Sent:** 20 October 2017 11:48 AM  
**To:** Scm Practitioner  
**Cc:** Garth Abrahams; Gerald Esau  
**Subject:** RE: Request 1041693

Goeie more Gert

Ek verwys na ons gesprek myself ons Direkteur en jouself net die volgende. Ek verwys ook na die geval van Cloeteville se stoorplek wat ingebreuk was en moes dringend toegemaak word. Ek het op daai dag probeer kontrakteurs in die hande kry nadat Mnr Saunders toestemming gegee het, die enigste beskikbare kontrakteur was die persoon wat die werk gedoen het, nadat die Polisie klaar was met vinger afdrucke. Daar het later die middag nog n kontrakteur opgedaag maar die huidige kontrakteur was reeds besig om die plek te beveilig en materiaal te gaan koop / kry. ( neem kennis da was ander kontrakteur ook gekontak

maar die tyds faktor was baie kort, om die gebou toe te maak aangesien daar nog petrol masjiene binne in was.

Ek hoop u vind dit so inorde

Mooi bly

Andre

---

**From:** Scm Practitioner  
**Sent:** 17 October 2017 08:55 AM  
**To:** Andre Gabriels  
**Subject:** RE: Request 1041693  
**Importance:** High

Andre,  
Probeer dringend met Dalleel 'n afspraak kry, dit sal dan moet deurgaan as 'n deviation, wat gaan beteken dat die bestelling nog langer gaan vat om uitgemaak te word.

Gert Wepener  
[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
021 808 8130

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**From:** Andre Gabriels  
**Sent:** 17 October 2017 08:53 AM  
**To:** Scm Practitioner  
**Cc:** Garth Abrahams; Samantha Balie  
**Subject:** RE: Request 1041693

Goeie more Gert

Ek het gebel ma op daai stadium was dit ook laat en ons moes die plek toekry aangesien die plek oop was

Hoop u verstaan

Groetnis

Andre

---

**From:** Scm Practitioner  
**Sent:** 16 October 2017 04:53 PM  
**To:** Andre Gabriels  
**Subject:** FW: Request 1041693  
**Importance:** High

Andre,  
Die kontrakteur het vir my kwotasie gebring....het julle ander verskffers gevra vir kwotasie..bewyse daarvan..wat dalk geweier het om te kwoteer as gevolg van dringendheid wat dit afhandel moet word???

Gert Wepener  
[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
021 808 8130

---

**From:** Scm Practitioner  
**Sent:** 16 October 2017 08:55 AM

**To:** Andre Gabriels  
**Cc:** Astrid Luyt; Theo Rhode; Sports Temp (Odile Windvogel)  
**Subject:** Request 1041693  
**Importance:** High

Goeiemore Andre,

Ek verwys na rekwisisie 1041693, die werk is blykbaar reeds gedoen deur "The Business Zone t/a 1001 Solutions", maar ons benodig die volgende detail voordat ons die bestelling kan uitreik.

Israel het wel toestemming gegee dat die werk gedoen kan word, maar daar is slegs een kwotasie ingedien, wie is die ander verskaffers wat gevra is om te kwoteer aangesien die regulasies drie kwotasies vereis.

Indien slegs een kwotasie ingewin is, moet 'n volledig gemotiveerde "deviation" voorberei word en by die MM ingedien word vir goedkeuring.

Daar word ook 'n gedetailleerde kwotasie benodig, waaronder die volgende duidelik gespesifiseer moet word:

Hoeveel dakplate was gebreek, hoeveel nuwe plate is verskaf en die prys daarvan

Vervoerkoste om die gebreekte asbes plate te verwyder en waarheen is dit geneem?

Koste vir die huur van "scaffolding", lere en ander veiligheidstoerusting

Koste van material soos op kwotasie aangedui – dakplate, skroewe, seelaar, ens.

Die lengte en koste van die "barb wire" wat tussen die dak en plafon ingesit is.

Sodra bogenoemde inligting ontvang en afgeteken is kan die bestelling uitgereik word.

Arbeidprys

Gert Wepener

[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)

021 808 8130

**Andre Gabriels**

**From:** Scm Practitioner  
**Sent:** 09 November 2017 07:26 AM  
**To:** Andre Gabriels; Theo Rhode  
**Subject:** FW: Request 1041693 - MPAC ITEM?? RATIFICATION

**Importance:** High

Stellenbosch Municipality	
File	Page Uppage Left Right Next Previous Search Text Size Help
SS-Q411AB	2017/11/09 07:39:14 Stellenbosch Municipality
<u>All Outstanding Requests</u>	
* = No Actions Taken Against Request In Last 3 Days ! = Past Request By Date	
Request Number	: 1041693 Line Number: 1
Authorization Ref.	: 0
Archiving document	:
Contract ID	: 0
Application Date	: 13/09/2017
Applicant	: WINSTONA WINSTON APPOLLIS
Contact details:-	Extension Number
	Cellphone Number 0827114685
	Fax Number
Captured by	: ODILLEW ODILLE WINDVOGEL
Authorized by	: ANDREG ANDRE GABRIELS AUTHORIZED
Required by	: 18/09/2017
Preferred supplier 1:	004722 THE BUSINESS ZONE 1857 T/A 1001 SOLUTIONS
Reason	:
Preferred supplier 2:	Not yet determined
Reason	:
Preferred supplier 3:	Not yet determined
Reason	:
Delivery Instructions:	
On Hold?	
Total reserved value	: 21587.00
Provisional SCM process	: Q Procurement >R2000 <R30000
STB	REMOVE BROKEN ASBESTOS ROOF SHEETS SUPPLY AND FIT NEW ROOF SHEETS
Costcode	: 2017 13342201450000 UKEY : 20170706020904 Qty.: Value : 2158
	SPORTS GROUNDS: CLOETESVILLE : Contracted Services : Contracted Serv:Contracto



Gert Wepener

[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
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3de kontrakteur – CUMAX kon nie kwotasie indien nie as gevolg van tyd

Gert Wepener

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Andre

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[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)

021 808 8130

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**From:** Scm Practitioner  
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**To:** Andre Gabriels  
**Cc:** Astrid Luyt; Theo Rhode; Sports Temp (Odile Windvogel)  
**Subject:** Request 1041693  
**Importance:** High

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Koste vir die huur van "scaffolding" , lere en ander veiligheidstoerusting  
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Die lengte en koste van die "barb wire" wat tussen die dak en plafon ingesit is.  
Sodra bogenoemde I nligting ontvang en afgeteken is kan die bestelling uitgereik word.  
Arbeidprys

Gert Wepener  
[Scm.practitioner@stellenbosch.gov.za](mailto:Scm.practitioner@stellenbosch.gov.za)  
021 808 8130

**Andre Gabriels**

---

**From:** Marius Wust  
**Sent:** 09 January 2018 08:38 AM  
**To:** Dalleel Jacobs  
**Cc:** Gerald Esau; Andre Gabriels; Jane Sampson; Geraldine Mettler  
**Subject:** RE: Chris payment?

Kollegas

My vraag is of die diensverskaffer die werk gedoen het wat die munisipaliteit opdrag voorgegee het

Indien wel dan moet die diensverskaffer betaal word wat hom toekom (of deur die bestelling of deur 'n Ratification)

Die MPAC kan volg indien nodig.

Dit is die vraag wat ek 15 November gevra het omdat die diensverskaffer klaarblyklik nog nie betaal is nie en dit is baie onregverdig teenoor die diensverskaffer.

Die diensverskaffer was met die Raadslid in my kantoor en die administrasie lyk onbeholpe.

Groete  
Marius

---

**From:** Dalleel Jacobs  
**Sent:** Tuesday, January 09, 2018 8:23 AM  
**To:** Marius Wust  
**Cc:** Gerald Esau; Andre Gabriels; Jane Sampson  
**Subject:** RE: Chris payment?

More Marius

Die onderneming wat SCM ( Israel ) gegee het was om die DAK reg te maak .

Ek sal graag die volgende wil weet om sodoende n ingeligte besluit te neem.

1. Hoeveel dak plate was vervang ( vierkante meter sal ook help )
2. Dan is dit maklik om die ander arbeids kostes uit te werk .

Enigiets anders as die regmaak van die DAK was ongelukkig nie in SCM se onderneming en dai onkostas sal MPAC moet gaan in my opinie .

As afdeling net asseblief n aanduiding kan gee van hoeveel dak plate vervang was sal dit baie help.

Groete



*Kind regards,*

**Dalleel Jacobs**

Head SCM

Stellenbosch Municipality

**Financial Services**

---

T: +27 21 808 8137

Plein Street, Stellenbosch, 7600

[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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---

**From:** Marius Wust  
**Sent:** 08 January 2018 05:10 PM  
**To:** Dalleel Jacobs  
**Cc:** Gerald Esau; Andre Gabriels; Jane Sampson; Marius Wust  
**Subject:** FW: Chris payment?  
**Importance:** High

Dalleel

Community Services sou nog terugkom na my

Groete  
Marius

---

**From:** Marius Wust  
**Sent:** Monday, November 27, 2017 7:45 AM  
**To:** Gerald Esau  
**Cc:** Marius Wust  
**Subject:** Chris payment?  
**Importance:** High

---

**From:** Marius Wust  
**Sent:** Wednesday, November 15, 2017 7:40 AM  
**To:** Gerald Esau  
**Cc:** Andre Gabriels; Marius Wust  
**Subject:** FW: [EX] rochelle.nichols@stellenbosch.gov.za  
**Importance:** High

Hi Gerald

Moet hierdie diensverskaffer betaal word.

Groete  
Marius

**From:** Christopher Nicolas [mailto:1001solutions@gmail.com]

**Sent:** Tuesday, November 07, 2017 2:40 PM

**To:** Marius Wust

**Subject:** [EX] rochelle.nichols@stellenbosch.gov.za

Ma aanleiding van ond gesprek, ontvang hierme die dokumentasie soos versoek

Vriendelike groete

Chris(topher) Nicolas



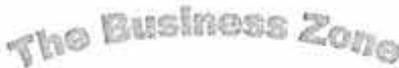
**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Community Services  
Departement: Gemeenskapsdienste

---

**ANEXURE C:**

Quotation obtained from The Business Zone t/a 1001 Solutions

---

CK: 2007/109741/23 250 Lang Street Cloetesville Stellenbosch 7600		Chris +27 072 797 7080 Fax: 086 520 4512 Email: <a href="mailto:1001solutions@gmail.com">1001solutions@gmail.com</a>	
			
t/a 1001 Solutions			
<h2>Quotation</h2>			
To: <u>Stellenbosch Municipality</u> _____ _____		DATE: <u>31-Aug-17</u>	
<b>Quotations VALID for 30 days only!</b>			
Description		Amount	
<i>Remove broken and cracked roof sheets and replace with new</i>		R 475.00	
<i>Transport broken asbestos sheets to a contractor in Jamestown</i>		R 950.00	
<i>Hiring of safety equipment 2 x ladders, 1 unit scaffolding ropes and harness</i>		R 1 200.00	
<i>insert 15 meter roll barb wire between roof and ceiling</i>		R 1 384.00	
<i>Supply and fit new PD 01 door and lock to security guard house (old one vandalized)</i>		R 3 100.00	
<i>Supply and fit new 3 point plug in security guard house for law enforcement to charge two way radios</i>		R 450.00	
<i>Refit ceiling boards</i>		R 275.00	
<i>Materials: roof nails, sealant, roof sheets, PD01 solid door, door lock and handles, barge boards</i>		R 4 925.00	
<b>Labour cost: Including overtime cost</b>			
<i>Skilled worker x1</i>		R 678.00	
<i>General workers x 3</i>		R 900.00	
<i>Foreman x1</i>		R 750.00	
<i>Hired Electrician x 1</i>		R 1 500.00	
<i>Company profit</i>		R 5 000.00	
Good Service for better business. Have a nice day!		SUB TOTAL	R 21 587.00
		Plus Vat	
		TOTAL	R 21 587.00
Signature _____		Print name: _____ Date: _____	



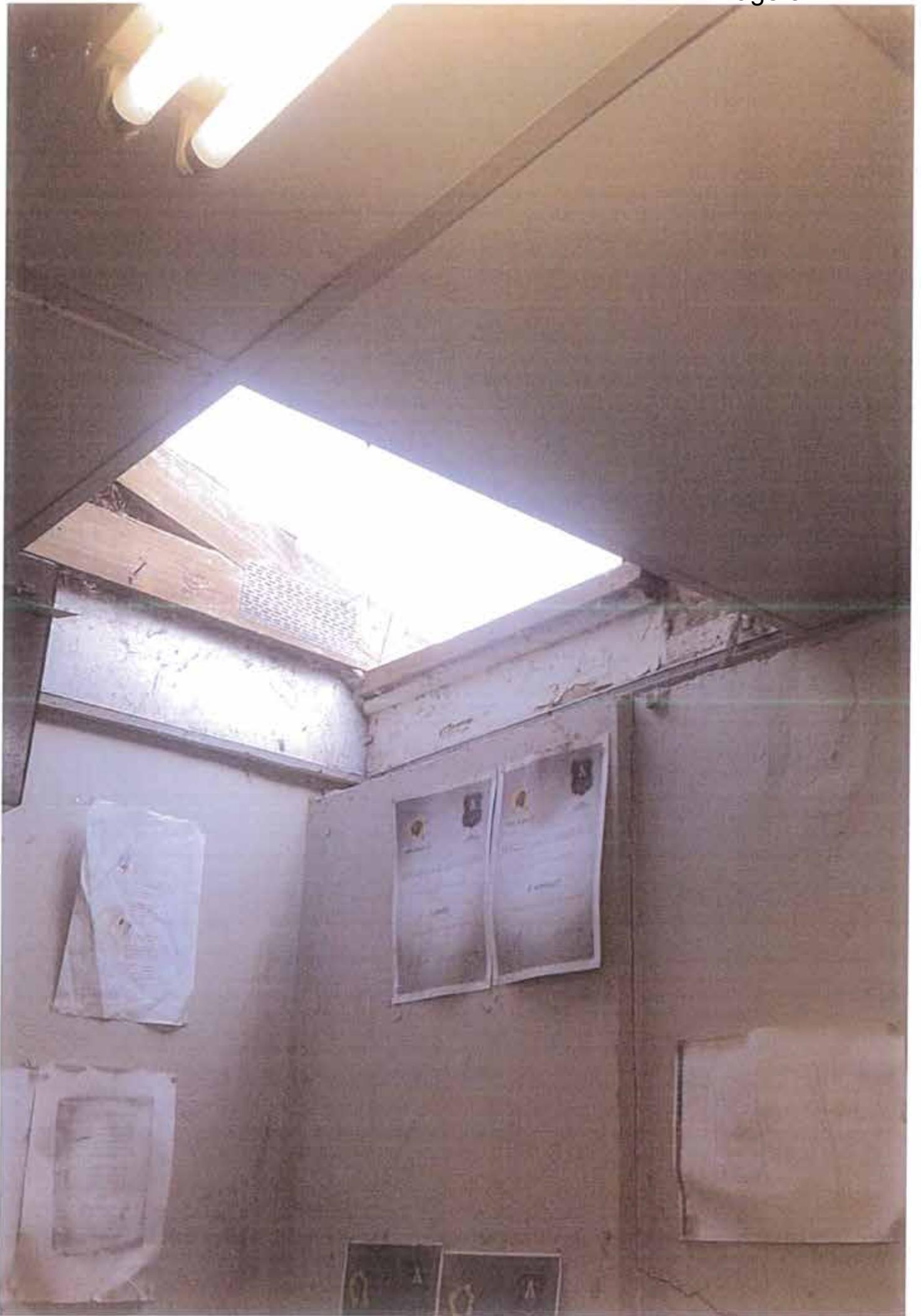
**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Community Services  
Departement: Gemeenskapsdienste

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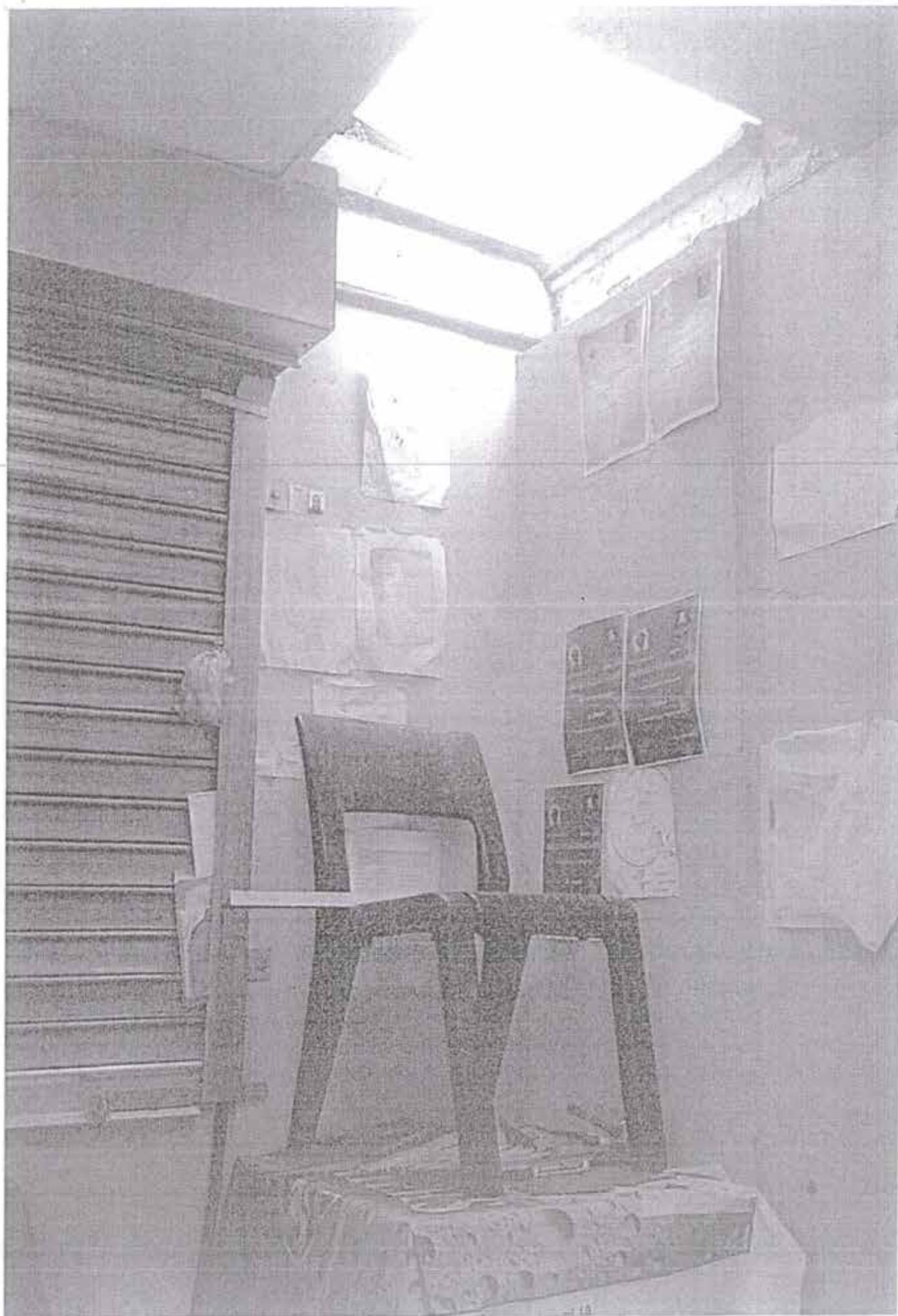
**ANNEXURE D:**

Photos of the break-in

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Community Services  
Departement: Gemeenskapsdienste

---

**ANNEXURE E:**

Budget (SAMRAS)  
Ukey: 20170706020904

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VS-F003R Votes Balance & Budget Enquiry			
Local Authority	STB	Stellenbosch Municipality	Exit/Cancel
Financial Year	2017	2017/2018	LookUp/Search
Vote No.	1334220145000	1 3342 2 014500 00	Previous
Opening Balance		VAT Indicator (V02) 007 (V03) 007	Next
Actual Balance	60120.52	Locked onto	
Shadow Balance	2921.52	Asset ID	
Balance Total	63042.04		Options
Provisional Costs	73616.73	Job-costing type	
Amended Budget Available	139470.00	Unallocated Job Budget	Help
	1811.23		
Metro	STELLENBOSCH MUN	Function	801
Type of A/C	Expenditure/Income		Sport & Recreation
Service	RATES & GENERAL SERVICES		Not Required
Department	SPORTS GROUNDS: CLOETESVILLE	N.T.Item	4200 NT Cashflow Item
Sub-Section :	Contracted Services		Contracted Services
Item	Contracted Serv:Contractors		
Sub-Item		Closed?	N

18/01/24 - SCM - Capturers - SAMSCMC

Parameters Input Initial SCM Reports Enquiry Help

SS-F411N Request line detail

Request Number	1041693		
Line Number	1		
Store Number		Stock Number:	
Request Description	REMOVE BROKEN ASBESTOS ROOF SHEETS SUPPLY AND FIT NEW ROOF SHEETS		
Quantity			
Unit Price		Approval Date	12/01/2018
Requested Value	18935.97	Other appr.	Cancelled
Request VAT	2651.03	Approved	N
Total Request	21587.00	User granting approval	JANINES
VAT Claim	2651.03	Archiving document	
Total Cost	18935.97	SCM Process (Calc'd)	Q
Overspent ?	N	VAT Inc.	007
Percentage Liability	100.000	Date last evaluation	
Auth.Exp.Date	13/09/2017	Date request opened	18/09/2017
User Auth Expendt	ANDREG	Date Quotation Period Lapse	
Application date	13/09/2017	Evaluation Done	N
Applicant Username	WINSTONA	Sign-off document	
		Required By	18/09/2017

Exit Update Delete

Total Amount: 73616.73



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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT  
Department: Community Services  
Departement: Gemeenskapsdienste

---

**ANNEXURE F:**

Approved Ratification: TBZ t/a 1001 Solutions: R 21 587.00

---

Municipality – Munisipaliteit Stellenbosch
20 FEB 2018
Office of the Municipal Manager Kantoor van die Munisipale Bestuurder

CHECK BEFORE SUBMISSION	YES	NO
REGISTERED ON SCM DATABASE If answer is NO follow the next step: - Register on SCM Database - Creditors form (SAMRAS)	X	
LETTER - SOLE SUPPLIER if applicable	N/A	
ORIGINAL VALID TAX CERTIFICATE	N/A	
QUOTE/INVOICE ATTACHED	X	
BUDGET (SAMRAS)	X	
CASHFLOW	N/A	
SIGNATURES	X	



## MEMORANDUM

### DEPARTMENT OF COMMUNITY AND PROTECTION SERVICES

**To = Aan:** MUNICIPAL MANAGER  
**From = Van:** ALBERT VAN DER MERWE  
**Job Title:** MANAGER: COMMUNITY AND PROTECTION SERVICES  
**Date = Datum:** 17 JANUARY 2018  
**Re = Insake:** RATIFICATION: THE BUSINESS ZONE (TBZ) TRADING AS 1001 SOLUTIONS: R21 587.00

#### 1. PURPOSE

To obtain approval in terms of Supply Chain Management Policy, 4.36.1(b) to ratify any minor breaches of the procurement processes, for where a service provider was appointed to do repair works to the storeroom's roof at Cloetesville Sports Ground without an official purchase order.

#### 2. BACKGROUND

In terms of regulation 36 of the SCM Regulations, the accounting officer is responsible for deciding whether a particular breach of procurement processes is minor or material.

In exercising this discretion the accounting officer must be guided by:

- a) The specific nature of the breach: is it simply technical in nature, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the procurement process?

Comment: The breach of the procurement processes is due to this being handled as an emergency, where it was impossible to wait for an order to be generated prior to commencement of labour. It was established that the mitigation factors proved after investigation that the municipality could have suffered enormous financial losses if the repair works were not done on the same day.

### 3. DISCUSSION

- b) The circumstance surrounding the breach: are the circumstances justifiable or, at least, excusable?

Comment:

1. A break-in took place at the storeroom at the Cloetesville Sport Ground during the night of 29 August 2017. The value of the stolen equipment is an origin of R 40 000-00. The incident was reported on the 30<sup>th</sup> August 2017 to the relevant departments, namely, Protection Services, Claims Department and Supply Chain Management as well as the Director: Community and Protection Services.
2. Mr Israel Saunders from Supply Chain Management was requested permission to proceed with the repair works. This was regarded as an urgent matter due to the fact that the building was exposed to further vandalism and theft if the roof was not repaired urgently. The storeroom is used to store specialised equipment which could have been damaged as well. Mr Saunders authorized on behalf of the Head of Supply Chain (See Annexures) to proceed with the repair works.
3. The Sports Department proceeded with the proposed process by contacting three service providers to obtain quotations for the repair works. These service providers include Ozone, 1001 Solutions and Cumax. Two of these service providers, namely, Ozone and Cumax was unable to provide the requested quotations due to the fact that Ozone was not available at that moment and Cumax could not meet the urgent site meeting that was scheduled for 30 August 2017.

4. The only service provider at the site meeting was 1001 Solutions which provided a quotation to the value of R 21 587-00. The Business Zone (TBZ) trading as 1001 Solutions also indicated that they would be able to perform the repair works the same day, which they did. The repair works concluded on 30 August 2017 at 22:00.
5. The request number 1041693 was loaded onto Flexgen. To date, no order has been generated.

c) The intent of those responsible for the breach: were they acting in good faith?

Comment: The intent was in good faith as it was in the interest protecting the assets of the municipality. The nature of the breach is that it is simply technical in nature, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness of the procurement process. Upon the investigation it was established that the mitigation factors proved that the municipality could have suffered enormous financial losses if the repair works were not done on the same day.

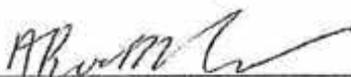
#### 4. FINANCIAL IMPLICATIONS

d) The financial implication as a result of the breach: what was the extent of the loss or benefit?

Comment: The amount of R21 587.00 is the amount outstanding.

#### 5. RECOMMENDATION

- 5.1. That the approval, from ukey 20170706020904 be granted in terms of the Municipality Supply Chain Management Policy 4.36.1(b) to ratify any minor breaches of the procurement processes, The Business Zone 1857 T/A 1001 Solutions for the ratification of payment which amounts to R 21 587.00 (VAT incl.)



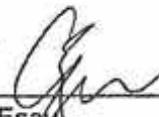
Date: 24/1/18

Ratification: THE BUSINESS ZONE (TBZ) TRADING AS 1001 SOLUTIONS: R21 587.00

Albert Van der Merwe  
MANAGER: COMMUNITY AND PROTECTION SERVICES

Noted any further comments:

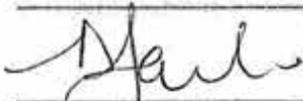
\_\_\_\_\_  
\_\_\_\_\_

  
Gerald Esau  
DIRECTOR OF COMMUNITY AND PROTECTION SERVICES

Date: 7/2/2018

Noted any further comments:

\_\_\_\_\_  
\_\_\_\_\_

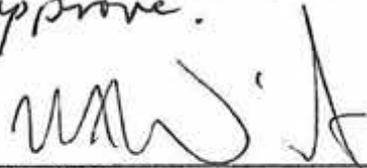
  
Daljeel Jacobs  
MANAGER: SUPPLY CHAIN MANAGEMENT

Date: 16/02/18

Please  
**SIGN**

Noted any further comments:

*Scm did query this deviation and in future only deviations in terms of Specs will be approve.*

  
Marius Wüst  
CHIEF FINANCIAL OFFICER

Date: 20/2/18

Noted any further comments:

\_\_\_\_\_  
\_\_\_\_\_

In the light of the above, the Accounting Officer therefore ratifies the minor breach of procurement process and approves this payment to take place.

  
\_\_\_\_\_  
Geraldine Mettler  
MUNICIPAL MANAGER

Date: 20/2/19.

Noted any further comments:

\_\_\_\_\_  
\_\_\_\_\_

8.1.2	<b>REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2018

**1. SUBJECT: REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF**

**2. PURPOSE**

To inform Council that the implementation of the Executive Committee decision dated 10/12/2002 was in contravention of the SALGBC Main Collective Agreement and the Western Cape Conditions of Service, and request condonation of the irregular expenditure on salaries for the years since 2006 till 2017. The rights provided for in the Executive Committee resolution lapsed on 31 December 2005 already.

**3. DELEGATED AUTHORITY**

The provision of leave and Special leave forms part of the Conditions of Service negotiated on National and Provincial level within the SALGBC and where the employer is represented by SALGA. Section 71 of the Municipal Systems Act binds Council to the provisions of the Collective Agreements reached in the SALGBC unless the Municipality has requested and received exemption from a specific provision in the Collective Agreement. MPAC may condone any irregular expenditure on the salary budget.

**4. EXECUTIVE SUMMARY**

The Executive Committee resolved on 10 December 2012 to *"approve over and above the statutory holidays depicted in Schedule one(1) of the Act additional day leave for every employee in its service to be taken with the approval of his/her Departmental Manager"*. This provision was applicable within a calendar year.

The Act proclaiming public holiday does not provide any authority to a Municipality to proclaim any additional public holiday. Conditions of Service for staff members are regulated through various pieces of legislation. The Basic Conditions of Employment Act, the Local Government Systems Act, 32/2000 and the SALGBC collective agreements reached.

The main Collective Agreement provides for the amount of annual leave, sick leave and family responsibility leave employees may/must get and the Collective Agreement on Conditions of Service for the Western Cape Division deals with Special leave. Special leave has been divided in various sections, none of which refers to an additional leave day for Religious leave.

The current Main Collective Agreement came into operation on 1 July 2015 and the Western Cape Division agreement on 1 April 2016. The first Main Collective Agreement came into operation on 1 January 2004 and provided in clause 5 of the agreement – " all existing conditions of service referred to herein that are more favourable .....shall continue in force until 31 December 2005. The decision taken in 2002 therefore ended in 2005 and from the 2006 calendar year employees should not have been allowed to take the additional day's leave as annual leave was one of the aspects addressed in the 2004 agreement. The additional day was nothing else than

an additional day's leave as the reference to religious holiday was taken away and as such the "better condition" has lapsed on 31 December 2005.

Council repealed the decision on 29 December 2017 and acknowledged that expenditure by granting the leave despite the fact that the rights have lapsed in 2005 already.

Any payment for the leave day could be regarded as irregular expenditure. The employees however did apply and were granted the paid leave over the years. The irregular expenditure should be considered and it is recommended that it be condoned and not be recovered from the employees who took the leave. To rectify the situation will mean that the leave will have to be changed into normal leave and a lot of employees that have enjoyed this benefit do not work for the municipality anymore. To try and recover the day's leave costs from each and every employee would be impractical and not cost-effective.

## 5. RECOMMENDATIONS

### MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2018-03-20: ITEM 5.1

#### RESOLVED

##### That it be recommended to Council:

- (a) that Council considers the irregular expenditure and to Council to write off the expenditure as it would not be cost-effective to recover it from all the employees who worked here from 2006 to 2017;
- (b) that Council condones the irregular expenditure from 2006 to 2017 on the salary budget; and
- (c) that it be noted that the employees were informed that the day's leave is terminated at the end of December 2017 and that the decision of the Executive Committee was repealed.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The Executive Committee approved an additional leave day for the employees of Stellenbosch Municipality in a calendar year from 1 December 2002.

### 6.2 Discussion

The Executive Committee resolved on 10 December 2012 to "approve over and above the statutory holidays depicted in Schedule one(1) of the Act additional day leave for every employee in its service to be taken with the approval of his/her Departmental Manager". This provision was applicable within a calendar year.

The Act proclaiming public holiday does not provide any authority to a Municipality to proclaim any additional public holiday. Conditions of Service for staff members are regulated through various pieces of legislation. The Basic Conditions of Employment Act, 75/1997 determines minimum conditions which may be varied inter alia through collective agreements. Section 71 of the Local Government Systems Act, 32/2000 provides that the Municipality is bound by the collective agreements reached in the SALGBC.

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The main Collective Agreement provides for the amount of annual leave, sick leave and family responsibility leave employees may/must get and the Collective Agreement on Conditions of Service for the Western Cape Division deals with Special leave. Special leave has been divided in various sections, none of which refers to an additional leave day for Religious leave.

The current Main Collective Agreement came into operation on 1 July 2015 and the Western Cape Division agreement on 1 April 2016. The first Main Collective Agreement came into operation on 1 January 2004 and provided in clause 5 of the agreement – “ all existing conditions of service referred to herein that are more favourable .....shall continue in force until 31 December 2005. The decision taken in 2002 therefore ended in 2005 and from the 2006 calendar year employees should not have been allowed to take the additional day's leave as annual leave was one of the aspects addressed in the 2004 agreement. The additional day was nothing else than an additional day's leave as the reference to religious holiday was taken away and as such the “better condition has lapsed on 31 December 2005.

Council repealed the decision on 29 November 2017 and acknowledged that expenditure by granting the leave despite the fact that the rights have lapsed in 2005 already.

### **6.3 Financial Implications**

An additional day's leave based on the calculations of the 2016/17 financial year currently amounts to R1 631 206. This excludes any overtime and time off that might flow from the resulting day's leave. The calculations for the years 2006 – 2016 have not been done.

### **6.4 Legal Implications**

The current Main Collective Agreement came into operation on 1 July 2015 and the Western Cape Division agreement on 1 April 2016. The first Main Collective Agreement came into operation on 1 January 2004 and provided in clause 5 of the agreement – “ all existing conditions of service referred to herein that are more favourable .....shall continue in force until 31 December 2005. The decision taken in 2002 therefore ended in 2005 and from the 2006 calendar year employees should not have been allowed to take the additional day's leave as annual leave was one of the aspects addressed in the 2004 agreement. The additional day was nothing else than an additional day's leave as the reference to religious holiday was taken away and as such the “better condition” has lapsed on 31 December 2005.

The current practise to provide an additional leave day under the 2002 resolution is in contravention of the Collective agreements and the Local Government Systems Act. Any payment for the leave day could be regarded as irregular expenditure. The employees however did apply and were granted the paid leave over the years. The irregular expenditure should be considered and it is recommended that it be condoned.

### **6.5 Staff Implications**

If leave have to be recovered from all employees who worked at the Municipality from 2006 – 2017 and who were granted the leave it will be a very costly exercise. The employees who still work for Stellenbosch Municipality can be ordered to convert the days so granted to annual leave, but many of them may not have leave to convert it. It will also cause considerable unhappiness amongst staff as they would have expected the employer to have realised the irregular expenditure sooner.

**6.6 Previous / Relevant Council Resolutions:**

10 December 2002 and 29 November 2017.

**6.7 Risk Implications**

The current practise to provide an additional leave day under the 2002 resolution is in contravention of the Collective Agreements and the Local Government Systems Act.

**6.8 Comments from Senior Management**

The matter was discussed at the Management meeting and all Directors and The Municipal Manager support the recommendations.

**ANNEXURES**

- Annexure A: Executive Committee resolution dated 10 December 2002  
 Annexure B: Collective Agreement on Conditions of Service (2004).  
 Annexure C: Main Collective Agreement (2015)  
 Annexure D: Conditions of Service Collective Agreement (Western Cape Division) (2016)  
 Annexure E: Council resolution 29 November 2017.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Annalene de Beer</b>
<b>POSITION</b>	<b>Director: Corporate and Strategic Services</b>
<b>DIRECTORATE</b>	<b>Corporate and Strategic Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>13 March 2018</b>

# **ANNEXURE 1**

8.2.4	<b>REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 November 2017

**1. SUBJECT: REPEAL OF COUNCIL RESOLUTION IN REGARD TO ADDITIONAL DAY'S LEAVE TO STAFF****2. PURPOSE**

To inform Council that the current implementation of the Executive Committee decision dated 10/12/2002 is in contravention of the SALGBC Main Collective Agreement and the Western Cape Conditions of Service, and has to be repealed. The rights provided for in the resolution lapsed on 31 December 2005 already.

**3. DELEGATED AUTHORITY**

The provision of leave and Special leave forms part of the Conditions of Service negotiated on National and Provincial level within the SALGBC and where the employer is represented by SALGA. Section 71 of the Municipal Systems Act binds Council to the provisions of the Collective Agreements reached in the SALGBC unless the Municipality has requested and received exemption from a specific provision in the Collective Agreement.

**4. EXECUTIVE SUMMARY**

The Executive Committee resolved on 10 December 2002 to *"approve over and above the statutory holidays depicted in Schedule one(1) of the Act additional day leave for every employee in its service to be taken with the approval of his/her Departmental Manager"*. This provision was applicable within a calendar year.

The Act proclaiming public holiday does not provide authority to a Municipality to proclaim any additional public holiday. Conditions of Service for staff members are regulated through various pieces of legislation. The Basic Conditions of Employment Act, the Local Government Systems Act, 32/2000 and the SALGBC collective agreements reached.

The main Collective Agreement provides for the amount of annual leave, sick leave and family responsibility leave which employees may/must get, and the Collective Agreement on Conditions of Service for the Western Cape Division deals with Special leave. Special leave has been divided into various sections, none of which refers to an additional leave day for Religious leave.

The current Main Collective Agreement came into operation on 1 July 2015, and the Western Cape Division agreement on 1 April 2016. The first Main Collective Agreement came into operation on 1 January 2004 and provided in clause 5 of the agreement that – "all existing conditions of service referred to herein that are more favourable .....shall continue in force until 31 December 2005". The decision taken in 2002 therefore ended in 2005, and from the 2006 calendar year employees should not have been allowed to take the additional day's leave as annual leave was one of the aspects addressed in the 2004 agreement. The additional day was nothing else than an additional day's leave as the reference to religious holiday was taken away, and as such, the "better condition" has lapsed on 31 December 2005.

To ensure that no further expectations are left, the resolution of 10 December 2002 should be repealed despite the fact that the rights have lapsed in 2005 already.

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**14<sup>TH</sup> COUNCIL MEETING: 2017-11-29: ITEM 8.2.4****RESOLVED** (majority vote with abstentions)

- (a) that the Executive Committee resolution dated 10 December 2002 be repealed;
- (b) that it be confirmed that the right to the additional leave day has lapsed in 2005 in terms of the Main Collective Agreement; and
- (c) that the approval of an additional leave day be terminated on 31 December 2017.

*The following Councillors requested that their votes of dissent be minuted:*

*Cllrs F Adams; GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; MD Oliphant and RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Annalene de Beer
<b>POSITION</b>	<b>Director: Corporate and Strategic Services</b>
<b>DIRECTORATE</b>	<b>Corporate and Strategic Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8018</b>
<b>E-MAIL ADDRESS</b>	<b>Annalene.deBeer@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>21 November 2017</b>

# **ANNEXURE 2**

1019

56.

MINUTES EXECUTIVE COMMITTEE MEETING 2002-12-10

4.2.9 PUBLIC HOLIDAYS VIS RELIGIOUS HOLIDAYS (1/2/1/2/14)

Report by the Manager: Corporate Services

All employees are in terms of Section 18 of the Basic Conditions of Employment Act (Act nr 75/1997) entitled to the following statutory holidays as depicted in Annexure 1 of the Public Holidays Act (nr 35/1994) i.e.

New Year's Day	1 January
Human Rights Day	21 March
Good Friday	Friday before Easter Sunday
Family Day	Monday after Easter Sunday
Freedom Day	27 April
Workers Day	1 May
Youth Day	18 June
National Women's Day	9 August
Heritage Day	24 September
Day of Reconciliation	18 December
Christmas Day	25 December
Day of Goodwill	26 December

Section 2(2) of the aforementioned Act stipulates that "(2) Notwithstanding the provisions of Subsection (1), any public holiday shall be exchangeable for any other day which is fixed by agreement or agreed to between an employer and employee".

In order to entertain requests from personnel of different religious beliefs for (a) religious holiday(s) of their own choice, it is

RECOMMENDED

First option

- (a) that Council approve over and above the statutory holidays depicted in Schedule 1 of the Act, one (1) additional day leave for every employee in its service to be taken with the approval of his/her Departmental Manager as a religious holiday;
- (b) that should an employee want to make use of such a holiday the normal application procedure will apply;
- (c) that the extra day as described in (a) above, be taken within a calendar year (January until December) and if not taken, such day be forfeited; or

57.

MINUTES EXECUTIVE COMMITTEE MEETING 2002-12-10

Second option

- (a) that in terms of Section 2(2) of the aforementioned Act quoted above, Council approve:
  - (i) the principle that any employee in its service has the option and right to exchange any one (1) or two (2) of the following public holidays for a recognized religious holiday(s) of his/her own preference:
 

- Human Rights Day	21 March
- Freedom Day	27 April
- Workers Day	1 May
- Youth Day	18 June
- National Women's Day	9 August
- Heritage Day	24 September

provided that, should an employee wants to make use of the above-mentioned provision the normal application procedure will apply;
  - (ii) that, should it not be practically possible for the applicant to work on the public holiday, for which the other day of his choice was taken such employee must apply for normal leave for such a day.

COMMENTS BY THE MUNICIPAL MANAGER

Due to the difficult operational implementation of the second option it is, therefore,

RECOMMENDED

that the first option be approved.

EXECUTIVE COMMITTEE MEETING : 2002-12-10 ITEM 4.2.9

RESOLVED (nem con)

- (a) that the above-mentioned recommendation be approved, but that the words "as a religious holiday" be deleted in (a); and
- (b) that this decision be implemented retrospective from 2002-12-01.

(-PC)

# **ANNEXURE 3**

**SCHEDULE**

**THE SOUTH AFRICAN LOCAL GOVERNMENT  
BARGAINING COUNCIL**

(Hereinafter referred to as "the Council")

**COLLECTIVE AGREEMENT ON  
CONDITIONS OF SERVICE**

In accordance with the provisions of the Labour Relations Act, 1995 made and entered into by and between the: -

**SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION**

(Hereinafter referred to as "SALGA" The Employers' Organisation)

and

**INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION**

(Hereinafter referred to as "IMATU")

and

**SOUTH AFRICAN MUNICIPAL WORKERS' UNION**

(Hereinafter referred to as "SAMWU")

(IMATU and SAMWU will together be referred to as the "Trade Unions")

## 1. SCOPE OF AGREEMENT

- 1.1 This agreement shall apply to all employees and employers who fall within the registered scope of the Council in the Republic of South Africa.
- 1.2 Clauses 4.1 and 14.4 shall not apply to non-parties.
- 1.3 Clause 6.1 shall not apply to Senior Management; security, traffic, fire and emergency services personnel; and employees working less than 24 hours per month.

## 2. DEFINITIONS

- 2.1 All expressions used in this agreement which are defined in the Labour Relations Act, 1995, shall bear the same meaning as in the act and unless the contrary intention appears.
- 2.2 Words importing the masculine gender shall include the feminine.
- 2.3 All references to days shall be to working days.
- 2.4 An annual leave cycle means the period of twelve (12) months employment with the same employer immediately following an employee's commencement of employment or following the completion of that employee's existing leave cycle.

- 2.5 Senior Management shall be those employees employed as a municipal manager, deputy municipal manager, executive director, head of department, deputy head of department, director or such post as determined by the relevant Division of the Council.
- 2.6 Medical practitioners shall mean all practitioners as defined by the Health Professionals Council of South Africa (Medical and Dental Practitioners).
- 2.7 A Division of the Council shall be the following regional structures:
- 2.7.1 Cape Metropolitan;
  - 2.7.2 Eastern Cape;
  - 2.7.3 eThekweni Metropolitan;
  - 2.7.4 Free State;
  - 2.7.5 Gauteng;
  - 2.7.6 Johannesburg Metropolitan;
  - 2.7.7 KwaZulu-Natal;
  - 2.7.8 Limpopo;
  - 2.7.9 Mpumalanga;
  - 2.7.10 Northern Cape;
  - 2.7.11 North-West;
  - 2.7.12 Tshwane Metropolitan;
  - 2.7.13 Western Cape.

### 3. OBJECTIVES

- 3.1 To establish common and uniform conditions of service for employees within the registered scope of the Council, and to replace all existing conditions of service referred to herein.

### 4. PERIOD OF OPERATION

- 4.1 This agreement shall come into operation in respect of the parties to the agreement on 1 January 2004 and shall terminate on 31 December 2006.
- 4.2 This agreement shall come into operation in respect of non-parties on the date to be determined by the Minister of Labour and shall terminate on 31 December 2006.

### 5. EXISTING CONDITIONS OF SERVICE

- 5.1 All existing conditions of service referred to herein that are more favourable to employees than those provided in terms of this agreement shall continue in force until 31 December 2005 and shall terminate on that date.

### 6. HOURS OF WORK

- 6.1 All employees are required to work a 40-hour working week.

- 7.4 Leave accumulated subsequent to 1 January 2004 may be accumulated to a maximum of forty-eight (48) days inclusive of those days referred to in clause 7.3.3.
- 7.5 Any leave in excess of forty-eight (48) days may be encashed should the employee be unable to take such leave as a result of operational requirements. If, despite, being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period, such remaining leave shall fall away.
- 7.6 In the event of the termination of service, an employee shall be paid his leave entitlement calculated in terms of the relevant provisions of the Basic Conditions of Employment Act, 1997.

## 8 SICK LEAVE

- 8.1 An employer shall grant an employee eighty (80) days sick leave in a three (3) year leave cycle.
- 8.2 The employer shall require a medical certificate from a registered medical practitioner if more than two (2) consecutive days are taken as sick leave.
- 8.3 The employer is further not required to pay an employee if an employee is absent on more than two occasions during an eight-week period, and on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

- 6.2 The determination of hours of work for uniform staff, specifically those excluded in clause 1.3 above, is delegated to be dealt with and finalized in the Divisions of the Council.

## 7. ANNUAL LEAVE

- 7.1 An employer shall grant an employee the following annual leave in a leave cycle:

- 7.1.1 Twenty-four (24) days for a five- (5) day worker; and  
7.1.2 Twenty-seven (27) days for a six- (6) day worker.

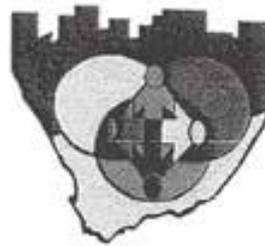
- 7.2 An employee is required to take leave within each leave cycle as follows:

- 7.2.1 A five- (5) day worker shall take a minimum of sixteen (16) days leave; and  
7.2.2 A six- (6) day worker shall take a minimum of nineteen (19) days leave.

- 7.3 All leave accrued as at 31 December 2003 shall be dealt with as follows:

- 7.3.1 The value of such accrued leave shall be determined at the rate of pay as at 31 December 2003.  
7.3.2 Employees shall either take or encash such leave within a period of two (2) years calculated from 1 January 2004.  
7.3.3 Notwithstanding the provisions of clause 7.3.2 above, an employee is entitled to retain a maximum of forty-eight (48) days of accrued leave.

# **ANNEXURE 4**



**SOUTH AFRICAN LOCAL GOVERNMENT  
BARGAINING COUNCIL**

(hereinafter referred to as "the Council")

**MAIN COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995 made and entered into by and between the:-

**SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION**

(hereinafter referred to as "SALGA")

and

**INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION**

(hereinafter referred to as "IMATU")

and

**SOUTH AFRICAN MUNICIPAL WORKERS' UNION**

(hereinafter referred to as "SAMWU")

(IMATU and SAMWU will together be referred to as the "Trade Unions")

*X.S.*      *3/ SHK  
P.S.M.*

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## SECTION A: APPLICATION

### 1. SCOPE OF APPLICATION

- 1.1 The terms of this agreement shall be observed in the Local Government Undertaking in the Republic of South Africa by all employers and by all employees who fall within the scope of the Council.

### 2. EXCLUSION FROM COLLECTIVE AGREEMENT

- 2.1 Municipal Managers and persons appointed as Managers directly accountable to Municipal Managers in terms of Section 56 and Section 57 of the Municipal Systems Act, 32 of 2000 shall, subject to any provisions of the Municipal Systems Act, 32 of 2000 as amended and its regulations, be excluded from this agreement except for the following provisions :

- 2.1.1 Section C, Clause 11;  
 2.1.2 Section C, Clause 14;  
 2.1.3 Section D, Clause 16; and  
 2.1.4 Section D, Clause 17, where applicable.

### 3. PERIOD OF OPERATION

- 3.1 Notwithstanding the date of signature hereof, this Agreement shall come into operation in respect of the *Parties* to the Agreement, on 1 July 2015 and shall remain in force until 30 June 2020. Thereafter the Agreement shall continue indefinitely in respect of the *Parties* to the Agreement;
- 3.2 This Agreement shall come into operation in respect of non-parties (which includes, but is not limited to municipal entities as defined in the Municipal Systems Act, 32 of 2000), on a date to be determined by the Minister of Labour and shall remain in force until 30 June 2020; and after 30 June 2020 or such further period as determined by the Minister of Labour as requested by the *Parties*.

### 4. OBJECTIVES

- 4.1 To establish common and uniform conditions of service for employees covered by this agreement;
- 4.2 To establish common and uniform procedures for employer and employees covered by this agreement;
- 4.3 To endeavour to ensure effective and efficient employment relations that will enhance service delivery;
- 4.4 To promote fair treatment of employees;
- 4.5 To promote and maintain industrial peace; and
- 4.6 To replace all previous conditions of service relating to matters covered by this agreement and the conditions of service contained herein.

- 8.1.4 An employee must take annual leave not later than six months after the end of the annual leave cycle.
- 8.1.5 Annual leave shall only be accumulated to a maximum of forty-eight (48) working days.
- 8.1.6 Any leave in excess of forty-eight (48) working days may be encashed should the employee be unable to take such leave, despite applying and because the *employer* refused to grant him such leave, as a result of the *employer's* operational requirements. If, despite, being afforded an opportunity to take leave, an employee fails, refuses or neglects to take the remaining leave due to him during this period; such remaining leave shall fall away.
- 8.1.7 Within six months of the end of a leave cycle, an employee may not have more than 48 days annual leave to his credit.
- 8.1.8 In the event of the termination of service, an employee shall be paid his leave entitlement in terms of this agreement, calculated in terms of the relevant provisions of the Basic Conditions of Employment Act 75 of 1997, as amended.

## 8.2 SICK LEAVE

- 8.2.1 With effect from the new sick leave cycle, an *employer* shall grant an employee eighty 80 days sick leave in a three (3) year leave cycle, provided that in respect of new appointments an employee may not take more than 30 days sick leave in the first year of employment.
- 8.2.2 The employee shall be required to submit a medical certificate from a registered medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professions council established by an Act of Parliament, if more than two (2) consecutive days are taken as sick leave, provided that the employer may request a sick leave certificate for every day of sick leave where there is evidence of abuse of sick leave.
- 8.2.3 The *employer* is not required to pay an employee if an employee is absent on more than two occasions during an eight-week period, and on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

## 8.3 MATERNITY AND ADOPTION LEAVE

- 8.3.1 An employee, including an employee adopting a child under three (3) months, shall be entitled to receive three (3) months paid maternity or adoption leave with no limit to the number of confinements or adoptions. This leave provision shall also apply to an employee whose child is still-born.
- 8.3.2 Maternity leave may commence four (4) weeks before confinement.
- 8.3.3 To qualify for paid maternity leave, an employee must have one (1) year's continuous service with the *employer*.

*Handwritten signatures and initials:*  
 T.S. P.S. 5 SMK

## SECTION B: SUBSTANTIVE MATTERS

### 5. HOME OWNER'S ALLOWANCE

- 5.1 The Home Owners' Allowance shall be extended to all employees, subject to the requirements of the scheme, which provides for a subsidy in respect of a mortgage bond to a maximum amount, as agreed to by the parties from time to time during wage negotiations.

### 6. SEVERANCE PAY

- 6.1 An employee who is dismissed as a result of the *employer's* operational requirements will be entitled to a severance package of three (3) weeks remuneration for each completed year of service, capped to the equivalent of nine (9) months' pay, thereafter one week's pay for every completed year of service.

### 7. HOURS OF WORK

- 7.1 Employees, excluding temporary employees and those referred to in clauses 7.2 and 7.3 are required to work a 40 – hour working week.
- 7.2 The determination of hours of work for *Senior Management*, safety and security personnel, *emergency personnel*, and those employees working less than 24 hours per month, is delegated to be dealt with and finalized in the divisions of the *Council*.
- 7.3 The working hours of employees employed to work a part of a full day for example "5/8" shall remain unaffected by this agreement.
- 7.4 The working hours of *temporary* employees shall be as per their specific contracts of employment.

### 8. LEAVE

#### 8.1 ANNUAL LEAVE

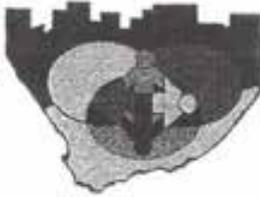
- 8.1.1 An employer shall grant an employee the following annual leave:
- 8.1.1.1 Twenty-four (24) working days for a five- (5) day worker, provided that the leave for an employee that works less than a 5 day week shall be calculated on a pro rata basis ; and
- 8.1.1.2 Twenty-seven (27) working days for a six- (6) day worker.
- 8.1.2 An employer must grant annual leave not later than six months after the end of the annual leave cycle.
- 8.1.3 An employee is required to take annual leave as follows:
- 8.1.3.1 A five- (5) *day* worker shall take a minimum of sixteen (16) working days leave; and
- 8.1.3.2 A six- (6) *day* worker shall take a minimum of nineteen (19) working days leave.

## SECTION E: EXEMPTION FROM COLLECTIVE AGREEMENTS OF THE COUNCIL

### 18. EXEMPTIONS

- 18.1 Any Party or person bound by a collective agreement concluded under the auspices of the Council or which binds the Parties to the Council shall be entitled to apply for exemption from any provision of the said collective agreement.
- 18.2 All applications for exemption shall be made in writing on the prescribed form Annexure 10, obtained from the *Council*, setting out relevant information, including:
- 18.2.1 The provisions of the *agreement* in respect of which exemption is sought;
- 18.2.2 The number of persons in respect of whom the exemption is sought;
- 18.2.3 The reasons why the exemption is sought;
- 18.2.4 The nature and size of the business in respect of which the exemption is sought;
- 18.2.5 The duration and timeframe for which the exemption sought;
- 18.2.6 The business strategy and plan of the applicant seeking the exemption;
- 18.2.7 The applicant's past record (if applicable) of compliance with the provisions of the Collective Agreement, its amendments and exemptions certificate;
- 18.2.8 Confirmation that the trade union or workforce itself were advised of the exemption application at local level; and
- 18.2.9 Any other relevant supporting data and financial information the *Council* may prescribe from time to time.
- 18.3 An application for exemption from any provision of the collective agreement shall be lodged in writing on the prescribed form with the General Secretary of the *Council* and the applicant shall serve a copy of the application as follows:
- 18.3.1 In the case of a Trade Union or employee applying for exemption from collective agreement, submit a copy of the exemption application to SALGA and the relevant municipality affected by the application.
- 18.3.2 In the case of SALGA and/or a Municipality applying for exemption from a collective agreement, forward the exemption application to the national and local offices of IMATU and SAMWU.
- 18.4 The Parties referred to in clauses 18.3.1 and 18.3.2, as the case may be, shall be afforded ten (10) days to submit a response to the application for exemption to the General Secretary of the Council. The Party shall also be obliged to submit the response to the applicant for exemption.

# **ANNEXURE 5**



**SOUTH AFRICAN LOCAL GOVERNMENT  
BARGAINING COUNCIL**

**WESTERN CAPE REGIONAL OFFICE**

PO 19  
SANLAMHOF  
BELLVILLE  
7532

7 De Villiers Street  
Bellville  
7530

Tel: (021) 917 1141  
Fax: (021) 917 1145  
E-mail: [eloise@salgbc.org.za](mailto:eloise@salgbc.org.za)

Enquiries: Ms E. Roos

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**CIRCULAR: 02/2016 - WESTERN CAPE DIVISION**

**29 MARCH 2016**

- TO: (A) THE MAYORS**
- (B) MANAGER OF MUNICIPALITIES AND DISTRICT MUNICIPALITIES**
- (C) CHAIRPERSONS OF IMATU AND SAMWU BRANCHES**
- (C) SECRETARIAT OF IMATU, SAMWU AND SALGA**

**1. THE CONDITIONS OF SERVICE COLLECTIVE AGREEMENT OF THE WESTERN CAPE DIVISION**

Attached please find the Conditions of Service Collective Agreement as concluded at the Bargaining Meeting of the Western Cape Division on 23 March 2016.

Please be advised that the agreement should be implemented on 1 April 2016.

Your co-operation is appreciated.

Yours faithfully

**MS W BRINK  
REGIONAL SECRETARY**

2.

**1. SCOPE OF AGREEMENT**

- 1.1 This agreement shall apply to all employees and employers who fall within the scope of the Western Cape Division of the SALGBC in the Republic of South Africa.

**2. DEFINITIONS**

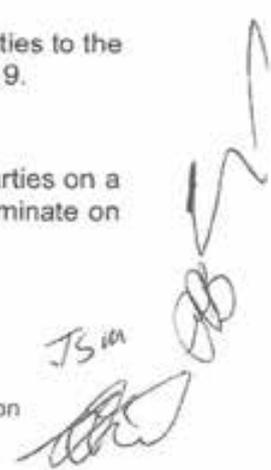
- 2.1 All expressions used in this agreement which are defined in the Labour Relations Act, 1995, shall have the same meaning as in the Act, unless the contrary intention is clear.
- 2.2 Words indicating the masculine gender shall include the feminine gender.
- 2.3 All references to days shall be to working days.
- 2.4 Special leave means the different categories of leave as listed under clause 5.
- 2.5 Definition of Registered Medical Practitioner – means a person entitled to practice as a medical practitioner in terms of section 17 of the Medical, Dental and Supplementary Health Services Professions Act, 1974 (Act No 56 of 1974).
- 2.6 Earnings threshold shall mean the top notch of the salary scale (T-grade) within which the Basic Conditions of Employment Act, 1997 earnings threshold determination falls, as amended from time to time.

**3. OBJECTIVE**

- 3.1 To establish common and uniform conditions of service as referred to herein for employees within the scope of the Division, and to replace all existing conditions of service referred to herein.

**4. PERIOD OF OPERATION**

- 4.1 This agreement shall come into operation in respect of the parties to the agreement on 1 April 2016 and shall terminate on 30 June 2019.
- 4.2 The agreement shall come into operation in respect of non-parties on a date to be determined by the Minister of Labour and shall terminate on 30 June 2019.



3.

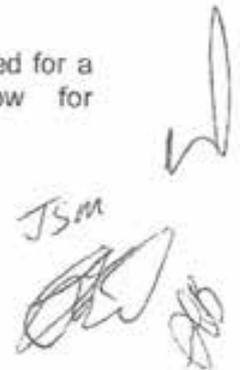
## 5. SPECIAL LEAVE

### 5.1 Study Leave

- 5.1.1 Study leave shall be granted in accordance with Council policy. Where no policy exists study leave shall be granted by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld.
- 5.1.2 Study leave shall be granted on the basis of one day paid special leave for each day that an employee writes an examination plus an equivalent amount of days for preparation for examination, subject to clause 5.1.3. When two subjects/modules are written on one day, study leave shall be granted on the basis of one day paid special leave for the day of the examination plus an equivalent amount of days for preparation per subject/module for preparation for that examination.
- 5.1.3 When an employee is required to write only one examination on one day in a calendar year, he shall be entitled to three days' special paid leave which shall include the day of examination.
- 5.1.4 The said leave for writing examinations in terms of clause 5.1.1 must be approved in advance by the Municipal Manager or his assignee, and the request for leave must be accompanied by the examination roster or sufficient proof of the examination being written.

### 5.2 Leave of absence for obligatory course/study requirements

- 5.2.1 The fields of study must be approved in advance in accordance with Council policy and must be in accordance with requirements of the curriculum of the approved course. Where no policy exists the fields of study must be approved in advance by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld.
- 5.2.2 An employee attending a training or study course subject to Council policy shall be granted up to ten (10) days' and thereafter one (1) day's paid special leave for every day's leave taken by the employee.
- 5.2.3 Leave referred to in clauses 5.1 and 5.2 shall be granted for a maximum of twice per subject/module to allow for supplementary examinations.

JSm  


5.2.4 Clause 5.2 does not apply to compulsory training initiated by the employer. An employee attending compulsory training initiated by the employer shall be granted paid special leave for the full duration of the obligatory attendance requirements.

**5.3 To attend a court of law to give evidence on being summonsed as a witness**

5.3.1 On receipt of a written subpoena, any employee who is summonsed to attend a Court of Law as a witness shall be granted paid special leave for the period of absence from duty, provided that a witness fee received, excluding a travel and subsistence allowance, shall be reimbursed or recovered from the employee whatever the case may be.

5.3.2 Any employee who is arrested and appears in court as a result of charges laid by his employer and who is later acquitted shall be granted paid special leave for the period of incarceration.

**5.4 Sports participation**

Any employee who is elected by a recognized sports association, which sports association must be recognized by the South African Sports Confederation and Olympic Committee (SASCOC), to:

5.4.1 Represent South Africa or the Province as participant in SASCOC recognized international or national sports competitions inside as well as outside the Republic of South Africa;

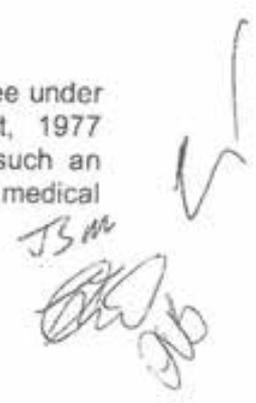
5.4.2 Accompany teams that will represent South Africa at SASCOC recognized international sports competitions inside as well as outside the Republic of South Africa as coach or manager;

5.4.3 Officiate at SASCOC recognized international sporting event where the employee represents South Africa and a National South African sports team participate;

Shall be granted paid special leave for the duration of the event for these purposes, subject to clause 5.8.4.

**5.5 Quarantine and isolation under medical instructions**

Where a registered medical practitioner has placed an employee under quarantine/in isolation in terms of the Public Health Act, 1977 (Act No 63 of 1977) or any regulations in force thereunder, such an employee shall be granted paid special leave, provided that the medical

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5.

certificate issued details the period of absence and the reason therefore.

#### 5.6 Compensation for occupational injuries and diseases

Any employee who sustains an injury or contracts an illness in the course of his official duties such as to entitle the employee to compensation in terms of the Compensation for Occupational Injuries and Diseases Act, 1993, shall be granted paid special leave for the period of incapacitation.

#### 5.7 Leave without pay

(Remuneration for this purpose as referred to in the Basic Conditions of Employment Act, 1997.)

Leave without pay as approved by the Municipal Manager or his assignee, which approval shall not be unreasonably withheld, shall be subject to the following conditions:

- 5.7.1 Leave without pay shall be granted only when all available vacation and/or sick leave has been exhausted.
- 5.7.2 For the period of leave without pay Council shall continue to make employer's contributions only to the employee's group life insurance scheme, pension and medical aid fund, provided that the employee also makes his contributions to the said funds, as well as any payment in terms of a collective agreement.

#### 5.8 Application for Special Leave

- 5.8.1 Exigencies of the service must be taken into consideration.
- 5.8.2 Supporting documents must be provided with the application.
- 5.8.3 Application for special leave must be approved by the Municipal Manager or his assignee, shall be considered in a bona fide manner, and shall not be unreasonably refused.
- 5.8.4 Special leave shall not exceed 20 working days in a leave cycle; however, this limitation does not apply to clauses 5.5, 5.6 and 5.7.1.

<b>8.1.3</b>	<b>RATIFICATION OF THE APPOINTMENT OF ROYAL HASKONING DHV FOR THE MULTI-DISCIPLINARY CONSULTANCY SERVICES FOR THE EXTENSION OF WEMMERSHOEK WWTW</b>
--------------	-----------------------------------------------------------------------------------------------------------------------------------------------------

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

20 March 2018

**1. SUBJECT: RATIFICATION OF THE APPOINTMENT OF ROYAL HASKONING DHV FOR THE MULTI-DISCIPLINARY CONSULTANCY SERVICES FOR THE EXTENSION OF WEMMERSHOEK WWTW**

**2. PURPOSE**

To provide information regarding the history and current situation pertaining to the appointment of a service provider in terms of Supply Chain Management Policy, 4.36.1(b) to ratify a minor breaches of the procurement processes for the appointment of Royal Haskoning DHV to render consultancy services for the extension of the Wemmershoek Waste Water Treatment Works (WWWTW) and to request the Committee to recommend to Council for approval.

**3. DELEGATED AUTHORITY**

COUNCIL.

Council to decide on the ratification of the the expenditure to the amount of R1 900 000 excl VAT relating to the extension of the appointment of Royal Haskoning DHV as a suitable service provider for the multi-disciplinary consultancy services for the extension of Wemmershoek WWTW, the associated transfer outfall sewer and the closure of the Franschoek WWTW.

**4. EXECUTIVE SUMMARY**

This report covers the process followed to extend the appointment of Royal Haskoning DHV as a suitable service provider for the multi-disciplinary consultancy services for the extension of Wemmershoek WWTW.

The tender was awarded on 05 December 2008 to Royal Haskoning DHV as a multi-disciplinary consultancy firm in relation to B/SM 172/08. It was envisaged that the extension of Wemmershoek WWTW would be completed in late 2015. Due to constant mechanical failures, the Contractor could not achieve commissioning of the plant and no completion certificate could be issued to date. The Municipality has decided to terminate contract B/SM 343/11 with mechanical Contractor, Bateman/Tenova and a new contractor was employed after an adjudication process to complete all operating deficiencies at Wemmershoek WWTW in order for the plant's effluent to comply with regulations.

Consequent management is being implemented against Bateman/Tenova through a legal process to recover contractor's guarantees and retention money. A deviation was compiled in early 2017/18 financial year for continuity of Royal Haskoning DHV's appointment due to their knowledge and involvement in the design and construction monitoring in the original extension of Wemmershoek WWTW. Royal Haskoning DHV was the recommended consulting firm to complete this project due to the fact that it would be impractical to appoint another consultant to complete this work.

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This deviation was however changed by the previous Manager: Supply Chain Management to a Natural Continuation of appointment which the end user department did not agree with but the Natural Continuation was approved though. Royal Haskoning DHV was then appointed to complete the work as stipulated.

## 5. RECOMMENDATIONS

### MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2018-03-20: ITEM 5.1

#### RESOLVED

##### That it be recommended to Council:

- (a) that Council takes note of the circumstances as provided in the report and approves the ratification of the expenditure to the amount of R1 900 000 (excl. VAT); and
- (b) that Council certifies the expenditure as irrecoverable and that it be written off in terms of the MFMA Section 32 (2).

## 6. DISCUSSION

### Background

The new mechanical contract to fix the deficiencies at the plant as mentioned above requires construction monitoring and additional professional services by a Consulting Engineering Firm. The additional professional services referred to were but not limited to the following:

- Additional meetings held with the Contractor and Municipality to try and find a solution to the outstanding defects.
- Various contractual letters prepared and submitted to the Contractor to remedy any defects in preparation of the termination letter.
- Additional site investigations held to identify defects that require repairs.
- Additional designs (heat calculations) completed in order to remedy the defects.
- Additional tender documentation prepared with a Bill of Quantity and Specifications in order to appoint a new service provider to remedy the defects.
- Additional request for quotation documentation prepared to remedy defects
- An additional tender adjudication process with a report completed
- Additional contract administration required during the construction period
- Additional construction monitoring to ensure quality assurance during the construction period.
- Adjudication process input from Royal Haskoning DHV.
- Adjudication process input from Instrument Construction Lawyers.

A deviation was compiled in early 2017/18 financial year for continuity of Royal Haskoning DHV's appointment due to their knowledge and involvement in the design and construction monitoring in the original extension of Wemmershoek WWTW. Royal Haskoning DHV was the recommended consulting firm to complete this project due to the fact that it would be impractical to appoint another consultant to complete this work.

The deviation compiled was however changed by the previous Supply Chain Manager to a Natural Continuation of appointment which the end user department did not agree with but the Natural Continuation was approved though. Royal Haskoning DHV was appointed to complete the work as stipulated. The Auditor General has now requested that the Natural Continuation be rectified and changed back to a deviation as was originally proposed by the Directorate and that the appointment of Royal Haskoning DHV be extended to complete all outstanding obligations on the project.

#### 7. **FINANCIAL IMPLICATIONS**

To address all outstanding issues and fix all deficiencies at Wemmershoek WWTW the professional services were completed to a total appointment value amounts of R1 900 000.00 (excl. VAT). The cost for professional services will be funded from Unique Key 20170608984355 which has a positive balance of R 2 685 681.36 (excl. VAT).

A legal process has also been initiated to recover all abovementioned expenditure from the previous contractors' guarantee and retention monies.

#### 8. **LEGAL IMPLICATIONS**

The recommendations in this report comply with Council's policies and all applicable legislation:

Supply Chain Management Policy, 4.36.1(b)  
Supply Chain Regulation 36(1)  
MFMA Section 32(2)

#### 9. **RISK IMPLICATIONS**

Stellenbosch Municipality's reputation will be at risk should Royal Haskoning DHV not been paid.

#### 10. **COMMENTS FROM THE MUNICIPAL MANAGER**

Due processes have now been put in place by Supply Chain Management to prevent a recurrence.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director: Infrastructure Services</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	021 808 8213
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2018/03/13

<b>8.2</b>	<b>OFFICE OF THE MUNICIPAL MANAGER</b>
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<b>8.2.1</b>	<b>INTERNAL AUDIT CHARTER</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date: 2018-03-28**

**1. INTERNAL AUDIT CHARTER**

**2. PURPOSE**

To obtain Council's approval of the Internal Audit Charter attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 62 of the MFMA requires amongst others, that the accounting officer of a municipality must take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of internal audit operating in accordance with any prescribed norms and standards. The Terms of reference for Internal Audit is updated as when required taking into consideration legislative changes if any and best practice guidance in line with the IIA Standards. The Internal Audit Charter was reviewed by Management and the Audit and Performance Audit Committee and recommended to Council for approval at a meeting of the committee dated 29 August 2017.

**5. RECOMMENDATIONS**

that Council approves the Internal Audit Charter.

**6. DISCUSSION / CONTENTS**

**6.1 BACKGROUND**

Section 165 of the MFMA prescribes the establishment of the internal audit activity. Internal audit is an important component of internal control, risk management and corporate governance and provides the necessary assurance and advisory services to the organisation. Internal audit activity is one of the most significant management tools and can provide value added services to the municipality or municipal entity. When objectively and adequately resourced, internal audit should be in a position to provide management with assurance regarding the effectiveness of the system of internal control, risk management and governance processes.

The Internal Audit Charter outlines the mandate of internal audit and serves as the statement of purpose, authority and responsibility. The charter must be in writing and address the following:

- 
- The internal audit's purpose, authority and responsibilities;
  - The standards to be complied with;
  - The position of the internal audit within the organisation;
  - A description of assurance and nature of consulting services;
  - The period of review of the charter;
  - The appointment and the dismissal of the chief audit executive; and
  - Access to information, properties and personnel

The charter must be approved by the Audit and Performance Audit Committee and accepted by the Accounting Officer.

## 6.2 Discussion

### **Applicable Legislation**

Section 165 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA)

- (1) *Each municipality and each municipal entity must have an internal audit unit, subject to subsection (3).*
- (2) *The internal audit unit of a municipality or municipal entity must*
  - (a) *prepare a risk-based audit plan and an internal audit program for each financial year;*
  - (b) *advise the accounting officer and report to the audit committee on the implementation of the internal audit plan and matters relating to—*
    - (i) *internal audit;*
    - (ii) *internal controls;*
    - (iii) *accounting procedures and practices;*
    - (iv) *risk and risk management;*
    - (v) *performance management;*
    - (vi) *loss control; and*
    - (vii) *compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;*
  - (c) *perform such other duties as may be assigned to it by the accounting officer.*
- (3) *The internal audit function referred to in subsection (2) may be outsourced if the municipality or municipal entity requires assistance to develop its internal capacity and the council of the municipality or the board of directors of the entity has determined that this is feasible or cost-effective.*

## 6.3 Financial Implications

N/A

**6.4 Legal Implications**

Section 165 of the MFMA

**6.5 Staff Implications**

N/A

**6.6 Previous / Relevant Council Resolutions**

N/A

**6.7 Risk Implications**

N/A

**6.8 Comments from Senior Management****6.8.1 Director: Infrastructure Services**

N/A

**6.8.2 Director: Planning and Economic Development**

N/A

**6.8.3 Director: Community and Protection Services**

N/A

**6.8.4 Director: Strategic and Corporate Services**

N/A

**6.8.5 Director Human Settlements and Property Management**

N/A

**6.8.6 Chief Financial Officer**

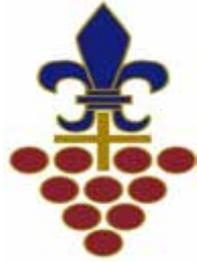
N/A

**6.8.7 Municipal Manager**

N/A

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Faiz Hoosain
<b>POSITION</b>	<b>Chief Audit Executive</b>
<b>DIRECTORATE</b>	<b>Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>0218088555</b>
<b>E-MAIL ADDRESS</b>	<b>Faiz.Hoosain@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>28 March 2018</b>



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

# **Internal Audit Charter**

**28 March 2018**

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## INTERNAL AUDIT CHARTER

### 1. Introduction:

The Council and Audit and Performance Committee is responsible for overseeing the establishment of effective systems of internal control in order to provide reasonable assurance that Stellenbosch Municipality's financial and non-financial objectives are achieved. Executing this responsibility includes the establishment of an internal audit function in accordance with this document.

Internal control is understood to mean the processes aimed at achieving reasonable assurance about the realisation of the following objectives:

- The accomplishment of established objectives and goals for operations and programmes.
- The economical and efficient use of resources.
- The reliability and integrity of financial and non-financial information.
- Compliance with relevant policies, procedures, laws and regulations.
- Safeguarding of assets.

This document defines the Internal Audit Activity's purpose, responsibilities and authority.

### 2. Purpose of internal audit:

Internal Audit is an independent, objective assurance and consulting activity designed to add value and improve Stellenbosch Municipality's operations. It helps Stellenbosch Municipality to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

### 3. Accountability:

The Chief Audit Executive (CAE), in the discharge of his or her duties, shall report administratively and be accountable to the Audit and Performance Committee to:

- Provide an annual assessment on the adequacy and effectiveness of the organisation's process for controlling its activities and managing its risks in the areas set forth in this charter.
- Report significant issues related to the processes for controlling activities of the organisation and its entities, including potential improvements to those processes and provide information concerning such issues for further actions by management.
- Provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources.
- Coordinate with and provide oversight of other control and monitoring functions (risk management, compliance, security, legal, and ethics, environmental and external audit).
- Handle documents and information given to Internal Audit during a period review in the same prudent and confidential manner as by those employees normally accountable for it.

#### 4. Independence:

- To provide for the independence of the Internal Audit Activity (IAA), the CAE and personnel report functionally to the Audit and Performance Committee and administratively to the Accounting Officer.
- The Audit and Performance Committee must concur on the appointment or removal of the CAE.
- The CAE has a standing invitation to attend meetings of the executive committee or other committees made up of a majority of senior executives, but is not a member of these committees in order to protect independence.
- All internal audit activities shall remain free of influence by any element in the organisation, including matters of:
  - Audit selection;
  - Scope;
  - Procedures;
  - Frequency;
  - Timing; or
  - Report content to permit maintenance of an independent and objective mental attitude necessary in rendering reports.
- Internal Auditors shall have no direct operational responsibility or authority over any of the activities they review.
- When performing consulting engagements, the nature and scope of the engagement are agreed with the management prior to its commencement. The internal auditors will not assume any management responsibilities during and after the engagement.
- The organisational structure must promote the independence of the internal audit function as a whole and allow internal audit to form its judgements objectively.

#### 5. Responsibilities:

The Chief Audit Executive and Internal Audit staff members have amongst others the following responsibilities:

- Develop a three year strategic and flexible internal audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the Audit and Performance Committee for review and approval.
- Implement the annual audit plan, as approved, including, and as appropriate, any special tasks or projects requested by management and the Audit and Performance Committee.
- Establish policies and procedures to guide the Internal Audit staff and direct its administrative functions.
- Maintain a professional audit staff with sufficient knowledge, skills and experience to meet the requirements of this charter.
- Establish a quality assurance program by which the Chief Audit Executive assures the operation of internal audit activities.
- Perform consulting services, beyond internal auditing assurance services, to assist management in meeting its objectives. Examples may include facilitation, training and advisory services. Informal consulting engagements include routine activities such as participating on standing committees, limited life projects, ad hoc meetings and routine information exchange. Whilst performing these activities independence should not be impaired.
- Stay informed on improvements and current developments in internal audit standards, procedures and techniques, including The Institute of Internal Auditors (IIA's) International Professional practices Framework guidance. Continuing professional education (CPE) may be obtained through membership, participation and volunteering in professional

organisations such as The IIA, attendance at conferences, seminars, in-house training programs, completion of college and self-study courses and involvement in research projects.

- The Chief Audit Executive and the Internal Audit staff must be members of the South African Institute of Internal Auditors. Membership Fees for the IIA must form part of the annual operational budget of the Internal Audit Unit and is payable by Stellenbosch Municipality annually.

## **6. Authority:**

The CAE and Internal Audit Staff are authorised amongst other things to:

- Have full, free and unrestricted access to any and all of the municipalities' records, physical properties and personnel relevant to any function under review.
- Have full, free and unrestricted access to the Council and the Audit and Performance Committee of the Council.
- Allocate resources, set frequencies, select subjects, determine scopes of work and apply the techniques required to accomplish audit objectives.
- Obtain the necessary assistance of personnel in units of the organisation where they perform audits, as well as other specialised services from within or outside the organisation.

## **7. Combined Assurance:**

Internal audit must make an assessment of the adequacy of the combined assurance approach adopted by Stellenbosch Municipality. This assessment includes the adequacy of risks covered by the different assurance providers and the reliability of the assurance provided.

## **8. Limitation of scope:**

Any attempted scope limitation by management must be reported, preferably in writing, to the Audit and Performance Committee.

## **9. Restrictions**

The CAE and staff of the IAA are **not** authorised to:

- Perform any operational duties for the organisation or its affiliates.
- Initiate or approve accounting transactions external to the internal auditing department
- Direct the activities of any of the organisation's employee's not employed by the internal audit department, except to the extent that such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.

## **10. Standards and Code of Ethics:**

Internal audit will seek to meet or exceed the IIA Standards and abide by the Code of Ethics as outlined in the International Standards for the Professional Practice of Internal Auditing (ISPPA).

**11. Review Period:**

This charter will be reviewed every three years and/ or when material amendments are needed whereupon it will be submitted to the Audit and Performance Committee for approval.

**Accepted by Accounting Officer**

**Date**

**Approved by Audit and Performance Committee**

**Date**

<b>8.2.2</b>	<b>AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**1. AUDIT AND PERFORMANCE AUDIT COMMITTEE CHARTER**

**2. PURPOSE**

To obtain Council's approval of the Audit and Performance Audit Committee Charter attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Audit & Performance Audit Committee review its Charter as and when required based on legislative changes or to implement new best practice principles in line with the IIA standards.

**5. RECOMMENDATIONS**

that Council approves the Audit and Performance Audit Committee Charter.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The Audit and Performance Audit Committee is an independent governance structure whose function is to provide an oversight role on the system of internal control, risk management and governance. Governance entails how an organisation is managed, which includes culture, policies and strategies and the way it deals with stakeholders. Section 166 of the MFMA provides for the establishment, composition and frequency of meetings.

The purpose, roles, responsibilities and authority should be clearly documented in a charter (terms of reference). In relation to Municipalities the Council should approve the Audit and Performance Audit Committee Charter. The Stellenbosch Municipality's Audit and performance Audit Committee Charter was provisionally reviewed and approved by the Audit and Performance Audit Committee at a meeting held by the Committee in August 2017. This charter requires review periodically in order to stay abreast with latest developments and best practice in the fields of Internal Audit, risk management and governance.

The CAE in consultation with the Audit and Performance Audit Committee and Management reviewed the charter taking into consideration all applicable legislation and the requirements of King IV. This new Audit and Performance Audit Committee Charter appended herewith is now updated and clearly sets out the roles and responsibilities of the Stellenbosch Municipality's Audit and Performance Audit Committee.

---

**6.2 Discussion****Applicable Legislation**

Section 166 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA) sets out the following:

- (1) Each municipality and each municipal entity must have an audit committee, subject to subsection (6).
- (2) An audit committee is an independent advisory body which must—
  - (a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to—
    - (i) internal financial control and internal audits;
    - (ii) risk management;
    - (iii) accounting policies;
    - (iv) the adequacy, reliability and accuracy of financial reporting and information;
    - (v) performance management;
    - (vi) effective governance;
    - (vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
    - (viii) performance evaluation; and
    - (ix) any other issues referred to it by the municipality or municipal entity;
  - (b) review the annual financial statements to provide the council of the municipality or, in the case of a municipal entity, the council of the parent municipality and the board of directors of the entity, with an authoritative and credible view of the financial position of the municipality or municipal entity, its efficiency and effectiveness and its overall level of compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
  - (c) respond to the council on any issues raised by the Auditor-General in the audit report;
  - (d) carry out such investigations into the financial affairs of the municipality or municipal entity as the council of the municipality, or in the case of a municipal entity, the council of the parent municipality or the board of directors of the entity, may request; and
  - (e) perform such other functions as may be prescribed.

- 
- (3) In performing its functions, an audit committee—
- (a) has access to the financial records and other relevant information of the municipality or municipal entity; and
  - (b) must liaise with—
    - (i) the internal audit unit of the municipality; and
    - (ii) the person designated by the Auditor-General to audit the financial statements of the municipality or municipal entity.
- (4) An audit committee must—
- (a) consist of at least three persons with appropriate experience, of whom the majority may not be in the employ of the municipality or municipal entity, as the case may be; and
  - (b) meet as often as is required to perform its functions, but at least four times a year.
- (5) The members of an audit committee must be appointed by the council of the municipality or, in the case of a municipal entity, by the council of the parent municipality. One of the members who is not in the employ of the municipality or municipal entity, must be appointed as the chairperson of the committee. No councillor may be a member of an audit committee.
- (6) A single audit committee may be established for—
- (a) a district municipality and the local municipalities within that district municipality; and
  - (b) a municipality and municipal entities under its sole control.

### **6.3 Financial Implications**

The Municipality budgets on an annual basis for the remuneration of Audit and Performance Audit Committee members

### **6.4 Legal Implications**

Section 166 of the MFMA

### **6.5 Staff Implications**

N/A

### **6.6 Previous / Relevant Council Resolutions:**

N/A

### **6.7 Risk Implications**

N/A

**6.8 Comments from Senior Management:****6.8.1 Director: Infrastructure Services**

N/A

**6.8.2 Director: Planning and Economic Development**

N/A

**6.8.3 Director: Community and Protection Services:**

N/A

**6.8.4 Director: Strategic and Corporate Services:**

N/A

**6.8.5 Director Human Settlements and Property Management**

N/A

**6.8.6 Chief Financial Officer:**

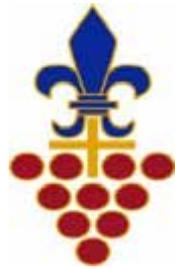
N/A

**6.8.7 Municipal Manager:**

N/A

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Faiz Hoosain
<b>POSITION</b>	<b>Chief Audit Executive</b>
<b>DIRECTORATE</b>	<b>Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>0218088555</b>
<b>E-MAIL ADDRESS</b>	<b>Faiz.Hoosain@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>28 March 2018</b>



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

# **Audit and Performance Audit Committee Charter**

(Terms of Reference)

**28 March 2018**

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## **1 OBJECTIVES**

- 1.1 The objectives of the Audit Committee are to:
- 1.1.1 Assist the Council in discharging its duties relating to the safeguarding of Council's assets;
  - 1.1.2 Develop and oversee the operation of an adequate system and internal controls and control processes;
  - 1.1.3 Oversee the preparation of accurate financial reporting and statements in compliance with all applicable legal requirements, corporate governance and accounting standards;
  - 1.1.4 Provide support to the Council on the risk profile and risk management of the Council; and
  - 1.1.5 Ensure that there is an internal audit function in place and that the roles of the internal and external audit functions are co-ordinated.
- 1.2 The membership, resources, responsibilities and authorities (composition, functions and operation) of the Audit Committee to perform its role effectively is stipulated in these terms of reference, which may be amended by Council in consultation with the Audit Committee Chairperson as and when required.
- 1.3 The Audit Committee is constituted in terms of the requirements of King III and sound corporate governance practices and operates within that framework.

## **2 MEMBERSHIP**

- 2.1 The Audit Committee is Statutory Committee of Council and therefore Council should determine its composition.
- 2.2 The recommended composition is that the Audit Committee shall consist of at least 3 (three) and not more than 5 (five) independent audit specialists and/or professionals, who have a working knowledge of one or more of the fields of business, finance, legal, engineering, information technology, governance, auditing and/or performance management.

- 2.3 To ensure efficiency and transparency the Chairperson and other members shall be appointed by Council at a Council meeting.
- 2.4 Members shall be appointed for a term of 3 (three) years and, if re-appointed may only serve for one further 3 (three) year term. The terms of appointment of the members appointed in the first year will vary to ensure continuity of expertise in the future.
- 2.5 When a member of the Audit Committee cannot for any reason continue as a member he / she shall be forthwith replaced by Council. Such a replacement may either be for the balance of the period that the member being replaced would have served for, or a full 3 (three) year period. This shall be at the discretion of the Council on the recommendation of the Municipal Manager in conjunction with the Chief Audit Executive.
- 2.6 The Audit Committee members shall declare any conflict of interest that may arise and remove themselves from any proceedings and/or discussions in relation to the matter giving rise to that conflict.
- 2.7 An agenda with all supporting documents (meeting pack) shall be circulated, at least seven days prior to each meeting, to the members and invitees of the Audit Committee.

### **3 RESPONSIBILITIES AND DUTIES OF THE AUDIT COMMITTEE**

- 3.1 The Audit Committee will be responsible for the oversight of internal controls, financial reporting and compliance with regulatory matters, mainly make recommendations to the Management.
- 3.2 The committee must perform the following responsibilities:
- 3.2.1 Review the effectiveness of the councils system of internal controls and risk management;
- 3.2.2 Review the financial reporting;

- 3.2.3 Review of the financial statements;
- 3.2.4 Review the Internal Audit function;
- 3.2.5 Review the Auditor General's report;
- 3.2.6 Review the Council's compliance with legislation and regulation;
- 3.2.7 Review the Compliance with the Council's Code of Conduct and ethics;
- 3.2.8 Performance Management; and
- 3.2.9 Other Responsibilities as determined by legislation and by Council from time to time.

3.3 The Audit Committee shall advise Council, political office bearers, the accounting officer and management of the municipality on the matters pertaining to the duties listed above in accordance with section 166 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA).

#### 3.4 **INTERNAL CONTROL**

The Audit Committee shall:

- 3.4.1 Review whether management has implemented internal controls and business risk management as well as getting assurance from management that all employees have an understanding of their roles in executing these controls effectively;
- 3.4.2 Review whether management implemented internal controls, as recommended by internal and external auditors;
- 3.4.3 Review management's control of Council assets and the efficient and effective utilisation thereof; and
- 3.4.4 Review whether management has an efficient risk management policy in place as well as the necessary and appropriate personnel to implement same.

#### 3.5 **FINANCIAL, GENERAL**

The Audit Committee shall:

- 3.5.1 Review any activity of the Council, with the full co-operation of all employees as requested by the members of the Committee;

- 3.5.2 Obtain the services of professionals if necessary to assist the Committee in the executing of its responsibilities; and
- 3.5.3 Discuss with management the Council's major financial risk exposures and the steps management has taken to monitor and control such exposures, including proposed future requirements

### 3.6 **FINANCIAL STATEMENTS**

The Audit Committee shall

- 3.6.1 Review and discuss with management and the Auditor General the annual audited financial statements and the results of the audit;
- 3.6.2 Review significant accounting and reporting issues and understand their impact on the financial statements. These issues include:
  - 3.6.2.1 Complex or unusual transactions and highly judgmental areas;
  - 3.6.2.2 Major issues regarding accounting principles and financial statement presentations, including any significant changes in the Council's selection or application of accounting principles;
  - 3.6.2.3 The effect of regulatory and accounting initiatives, as well as off-balance sheet structures, on the financial statements of Council;
  - 3.6.2.4 Review analyses prepared by management and/or the independent auditor setting forth significant financial reporting issues and judgments made in connection with the preparation of the financial statements, including analyses of the effects of alternative GRAP methods on the financial statements;
  - 3.6.2.5 Review with management and the external auditors the results of the audit, including any difficulties encountered. This review will include any restrictions on the scope of the independent auditor's activities or on access to requested information, and any significant disagreements with management;
  - 3.6.2.6 Discuss the annual audited financial statements with management and the external auditors; and
  - 3.6.2.7 Review disclosures made by Municipal Manager and Chief Financial Officer about significant deficiencies in the design or operation of internal controls or any fraud that involves management or other employees who have a significant role in the Council's internal controls.

### 3.7 INTERNAL AUDIT

The Audit Committee shall:

- 3.7.1 Review and approve the annual audit plan and charter of the Internal Audit Department and ensure that the audit plan makes provision for effectively addressing the risk areas;
- 3.7.2 Review the activities and organisational structure of the internal audit department and ensure that there are no unjustified restrictions or limitations and that they have independence;
- 3.7.3 Review audit reports by the Internal Auditors and determine whether management acted on recommendations that are made;
- 3.7.4 Determine whether the Internal Audit function is adequately resourced and has appropriate standing in the Municipality, and concur with the Municipal Manager in the appointment, replacement, reassignment or dismissal of the Chief Audit Executive;
- 3.7.5 Ensure that that Internal Audit function is subject to an independent quality review every 5 (five) years and complies with The Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing;
- 3.7.6 Determine whether the Internal Auditors have an effective relationship with the Auditor General's staff;
- 3.7.7 Review significant differences of opinion between management and the Internal Audit function;
- 3.7.8 Review and evaluate the performance of the Internal Audit function and the Chief Audit Executive;
- 3.7.9 Review the independence and objectivity of the Chief Audit Executive; and
- 3.7.10 Meet with the Chief Audit Executive to discuss confidential matters.
- 3.7.11 The Chief Audit Executive shall have unrestricted access to the chairperson or any other member of the Audit Committee as required.
- 3.7.12 The Chief Audit Executive must ensure that sufficient funds are budgeted for the activities of the Audit Committee.

### **3.8 AUDITOR GENERAL**

The Audit Committee shall:

- 3.8.1 Review the Auditor General's proposed audit scope and approach and ensure that no unjustified restrictions or limitations are placed on the scope;
- 3.8.2 Make suggestions as to risk areas that the audit can address;
- 3.8.3 Identify key matters arising in the current year's audit report and satisfy themselves that these are properly followed up by management;
- 3.8.4 Consider whether any significant ventures, investments or operations should be subjected to an independent audit;
- 3.8.5 Ensure the independence of the Auditor General;
- 3.8.6 Ensure direct access by the Auditor General to the Audit Committee, the Chairperson of the Audit Committee and the Municipal Manager;
- 3.8.7 Review reports of significant findings and recommendations made by the Auditor General, and management's response and follow-up actions to these reports;
- 3.8.8 Review audited annual financial statements, annual performance report and Auditor General's audit report, prior to submission to Council for approval; and
- 3.8.9 Meet with the Auditor General to discuss confidential matters.

### **3.9 COMPLIANCE WITH LAWS AND REGULATIONS**

The Audit Committee shall:

- 3.9.1 Review the effectiveness of the system for monitoring compliance with laws and regulations and the result of management's investigation and follow up of any fraudulent acts (including disciplinary actions);
- 3.9.2 Ensure that all regulatory compliance matters have been considered in the preparation of the financial statements; and
- 3.9.3 The Committee will have the responsibility to discuss legal matters with management that may have a material impact on the financial statements or the Council's compliance policies.

**3.10 COMPLIANCE WITH CODES OF CONDUCT AND ETHICS**

The Audit Committee shall:

- 3.10.1 Advise the Municipal Manager and Speaker in ensuring that all councillors and staff are aware of the codes of conduct;
- 3.10.2 Review the process for monitoring compliance with the codes of conduct; and
- 3.10.3 Monitor the ethical conduct of the Council, executive and senior officials.

**3.11 PERFORMANCE MANAGEMENT**

The Audit Committee shall:

- 3.11.1 Review Council's performance management system, focusing on the key performance indicators and targets set by Council; and
- 3.11.2 Review reports from the Auditor General's audit and Internal Audit reports in respect of Performance Management and make recommendations to Council.

**3.12 OTHER RESPONSIBILITIES**

- 3.12.1 The Committee will have the power to investigate any matter, internal controls, fraud, misconduct and conflict of interest, brought to its attention within the scope of its duties, with the power to obtain outside advice or expertise if necessary.
- 3.12.2 The Audit Committee will review and reassess the adequacy of this Charter and report annually to Council any recommended changes for its (Council's) approval, if necessary.
- 3.12.3 The Audit Committee will annually review the Audit Committee's own performance and present such review to the Council.
- 3.12.4 The Audit Committee shall, with the approval of the Council and at the Council's expense, to the extent it deems necessary or appropriate, obtain the services of special independent legal, accounting or other consultants to advise the Audit Committee in fulfilling its obligations.

3.12.5 The Audit Committee shall have:

3.12.5.1 Direct access to the Chief Audit Executive;

3.12.5.2 Direct access to Council;

3.12.5.3 Access to the office of the Executive Mayor; and

3.12.5.4 Access to the office of the Municipal Manager.

### 3.12.6 **Combined Assurance**

3.12.6.1 The Audit Committee is responsible for ensuring that the combined assurance model introduced by King III is applied to provide a coordinated approach to all assurance activities.

3.12.6.2 In particular to King III, the Audit Committee:

3.12.6.2.1 Will ensure that the combined assurance received is appropriate to address all the significant risks facing the Council; and

3.12.6.2.2 Will monitor the relationship between external service providers and the Council.

3.12.6.3 The Audit Committee is an integral component of the risk management process and shall oversee:

3.12.6.3.1 Financial reporting risks;

3.12.6.3.2 Internal financial controls;

3.12.6.3.3 Fraud risks as it relates financial reporting;

3.12.6.3.4 IT risks as it relates to financial reporting; and

3.12.6.3.5 Compliance risks

## **4 REPORTING**

4.1 The Audit Committee must submit quarterly reports to Council for information.

4.2 The Committee must report annually to the Council, summarising the activities, recommendations and decisions, which can be included in the annual statements.

- 4.3 The chairperson of the Audit Committee or his/her nominee shall attend the Council meeting when the report is presented to answer questions concerning matters falling within the ambit of the Audit Committee.

## **5 MEETINGS**

- 5.1 Council's Committee Secretariat Department or such other department as responsible for the function determined by the Council, will supply secretarial support to the Audit Committee, including the preparation and distribution of all agendas and minutes of meetings.
- 5.2 The Audit Committee shall meet as often as the Chairperson determines, but not less frequently than 4 (four) times during each a financial year.
- 5.3 The Municipal Manager, Chief Financial Officer and the Chief Audit Executive are obliged to attend all meetings of the Audit Committee, provided that the Chairperson of the Audit Committee may excuse any of these non-members from the meeting.
- 5.4 Other members of management may at the discretion of the Chairperson of the Audit Committee be invited to attend Audit Committee meetings, and shall be obliged to attend.
- 5.5 As necessary or desirable, the Audit Committee may invite such other persons, including a representative from the office of the Auditor General to attend a meeting of the Audit Committee, as it deems necessary and appropriate.
- 5.6 The Chairperson of the Audit Committee shall convene all meetings of the Audit Committee.
- 5.7 The Chairperson and the Chief Audit Executive shall be responsible to compile the agendas. An electronic or written agenda (meeting pack) for

each meeting should be sent to all persons who are to attend the meeting in advance, not less than seven days prior to the date of the Audit Committee meeting, along with any other relevant information or documentation for allowing adequate preparation to contribute to a more effective meeting.

- 5.8 Any member of the Audit Committee may add items to the agenda at least 8 (eight) working days prior to the date of the Audit Committee meeting. Such items shall be provided to the Chairperson or the Chief Audit Executive.
- 5.9 Special meetings of the Audit Committee may be convened with the Chairperson's approval. Any member of the Audit Committee, the Internal or External Auditors may request a special meeting if they consider that one is necessary.
- 5.10 3 (Three) members will form a quorum, and if the chairperson is absent, the members that are present, shall elect 1 (one) of those members present to serve as chairperson for that meeting.
- 5.11 If there is no quorum the meeting will be adjourned to a new date and time as determined by the Chairperson, not exceeding 2 (two) weeks.
- 5.12 The members of the Audit Committee as appointed by Council, and excluding the management of the Municipality, are the only persons with voting rights. Voting shall be by a show of hands unless decided by all members that it be by ballot. The Chairperson shall have a casting vote in the event that the votes are tied.
- 5.13 If a member wishes to dissent or protest against a decision he or she may request that it is recorded in the minutes.

## **6 PROCEEDINGS**

- 6.1 Unless varied by these terms of reference, meetings and proceedings of the Committee will be governed by the Municipality's Rules of Order as adopted

by Council or any other municipal guidelines regulating the meetings and proceedings of committees as adopted by Council from time to time.

- 6.2 The minutes of meetings shall be reviewed and approved by the members of the Committee at the following meeting of the Audit Committee.

## **7 AUTHORITY OF THE COMMITTEE AND RESOURCES AVAILABLE TO IT**

The Audit Committee, in carrying out its tasks under these terms of reference:

- 7.1 Is authorised to investigate any activity within its terms of reference;
- 7.2 May, at the discretion of the Audit Committee, require other employees of the municipality to attend its meetings or any part(s) of its meetings;
- 7.3 May consult with and seek any information it requires from any employee, and all employees shall be required to co-operate with any request made by the Audit Committee in the course of its duties. Such requests shall be directed to the Chairperson of the Audit Committee or the Chief Audit Executive;
- 7.4 Shall meet with external auditors without any officials / politicians in attendance at least once a year; and
- 7.5 Shall meet with the internal auditors without any officials / politicians in attendance at least once year.

## **8 REMUNERATION**

- 8.1 Remuneration shall be on the basis of a fixed rate per meeting. This rate will include all preparation time utilised by members for meetings. The rate per meeting for ordinary members is R4 000,00 (four thousand Rand) per meeting and R5 000,00 (five thousand Rand) per meeting for the Chairperson of the Committee. Remuneration will be reviewed on an annual basis effective 1 July every year.

8.2 Travel cost will be paid for members travelling outside of the Greater Stellenbosch in line with the Municipality's Travel and Subsistence Policy.

8.3 Remuneration will be in accordance with the above tariff as approved by the Council.

8.4 The effectiveness of the Audit Committee will be monitored by Council, annually.

**Executive Mayor** : .....

**Initials and Surname** : .....

**Date:** : .....

**Chairperson: Audit Committee** : .....

**Initials and Surname** : .....

**Date** : .....

**Municipal Manager** : .....

**Initials and Surname** : .....

**Date** : .....

<b>8.3</b>	<b>ECONOMIC DEVELOPMENT &amp; PLANNING SERVICES: [PC: CLLR S PETERS]</b>
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<b>8.3.1</b>	<b>EARLY CHILDHOOD DEVELOPMENT (ECD) POLICY</b>
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**Collaborator No:** 542950

**IDP KPA Ref No:** Dignified Living: Municipal Focus Area 21

**Meeting Date:** 28 March 2018

**File Plan:** 17/P/24

**1. SUBJECT: EARLY CHILDHOOD DEVELOPMENT (ECD) POLICY**

**2. PURPOSE**

To obtain Council's approval for the Early Childhood Development (ECD) Policy.

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL**

**4. EXECUTIVE SUMMARY**

The application for the approval of an ECD Policy stems from the fact that Child Care Facilities are listed among the responsibilities of local municipalities in Schedule 4 Part B of the Constitution. The registration of these facilities however rests with the Provincial Department Social Development. Monitoring of health requirements for these facilities is the responsibility of the District Municipality and ensuring appropriate land use and fire safety resides with the local authority. It is understandable that persons wanting to establish an ECD become confused in the process of trying to toe the line of compliance. Many applicants find the process so daunting that they give up. This policy on early childhood development centres is premised on a distinction between registered and unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services

The policy aims to provide a framework through which Stellenbosch Municipality can realize its mandate to deliver on Early Childhood Facilities as stipulated in Schedule 4B of the Constitution of South Africa.

**5. RECOMMENDATION**

that the draft Early Childhood Development Policy be approved.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The population of Stellenbosch Municipality is estimated to be 155 733 according to the Stellenbosch Municipal IDP. Children between the ages of 0-4 years constitute 4.3% which is the second highest age category in the municipal area.

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According to Department of Social Development, there are two hundred and twenty six (226) Early Childhood Centres operational in the WC024.

Of these only fifty eight (58) ECD's are registered with the Department of Social Development. Thirty (30) of the registered ECD's are funded by DSD. In a survey completed by the municipality in 2016 all ECD's were captured on the GIS database of these 134 ECD's were found to be active.

Approximately 37% of South African children aged 0–4 years attended ECD centres. However, ECD activities were not provided for at all these facilities. This means that most of the children do not have access to an ECD centre which provides proper stimulation and supports the case to plan for support to ECD centres as well as inclusion of these centres in future town planning.

The sensitivity of the brain in the early stages of development determines the functioning of the child's brain at a later stage. From a development perspective it is vulnerable to biological, social and environmental risk factors.

## 6.2 Discussion

The motivation for a standard policy for ECD centres for Stellenbosch Municipality arises from:

- The growth in the number of applications for ECD centres linked to the population growth.
- The growth in the number of informal facilities vs. formal facilities.
- The mushrooming phenomena of ECD facilities within the municipal area
- The lack or ignorance in terms of abiding by the Children's Act 38 of 2005 Chapter 5
- The need to ensure ECD's within WC024 are accessible to children with disabilities.
- The prevalence of issues pertaining to ECD centres; particularly the impact of noise and traffic.

This policy must provide a framework to assist officials in assessing applications for ECD centres as well as a guideline as to how matters relating to ECD centres should be dealt with collaboratively.

Child Care Facilities are listed among the responsibilities of local municipalities in Schedule 4 Part B of the Constitution. The registration of these facilities however rests with the Provincial Department Social Development. Monitoring of health requirements for these facilities is the responsibility of the District Municipality and ensuring appropriate land use and fire safety resides with the local authority. It is understandable that persons wanting to establish an ECD become confused in the process of trying to toe the line of compliance. Many applicants find the process so daunting that they give up. This policy on early childhood development centres is premised on a distinction between registered and unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services.

It is important to remember that properly run ECD's not only contribute to the social development and school readiness of children, but that it also contributes to the socio-economic development of ECD practitioners. Firstly for the ECD practitioner who is now able to earn an income and secondly to enable the parent to seek employment whilst knowing that their child is looked after.

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Council is continuously under pressure to provide housing or land for housing. Ensuring the required social infrastructure to develop communities rather than housing precincts require collaboration between all the entities listed above. This policy aims to clearly define the role of all involved in the rendering of services to this sector.

The policy further aims to provide a framework through which Stellenbosch Municipality can realize its mandate to deliver on Early Childhood Facilities as stipulated in Schedule 4B of the Constitution of South Africa. Note the reference to roles and responsibilities regarding the identification of possible land or underutilized facilities for ECD centres and ECD infrastructure development on identified land or at existing municipal facilities. (9.1.2.1)

Therefore this policy on Early Childhood Development Centres is premised on a distinction between registered and unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services.

Stellenbosch Municipality has to ensure that ECD facilities, child care centres or play parks are part of Town Planning / New Housing Projects, in order to accommodate the children within the area. The collaboration between Stellenbosch Municipality and the local ECD forums has strengthened services to child care facilities. They have identified the importance of services provision of the local municipality in their area.

### **6.3 Financial Implications**

Financial implications as per approved budget.

### **6.4 Legal Implications**

The draft policy is supported by legal services. [Comments received from the Senior Legal Advisor: M Williams (2017-05-03)] However, the Zoning Scheme Regulations applicable for Stellenbosch, Franschhoek and the Section 8 Zoning Scheme Regulations should be used and not the draft Integrated Zoning Scheme. The last mentioned is still in draft format and was not approved by Council.

[Requested changes relating to the Zoning Scheme has been incorporated into the policy.]

### **6.5 Staff Implications**

This report has no staff implications for the Municipality.

### **6.6 Previous / Relevant Council Resolutions:**

At the 13th Council Meeting on 25 October 2017 it was resolved (nem con)

- (a) that the draft Early Childhood Development Policy be approved, in principle; and
- (b) that the draft Early Childhood Development Policy be advertised for public comment, whereafter same be resubmitted to Council for final consideration and approval.

### **6.7 Risk Implications**

This report has no risk implications for the Municipality.

**6.8 Comments from Senior Management****6.8.1 Director: Infrastructure Services**

Agree with the recommendations. Comments from the director received 2017-05-11 incorporated into policy – requires budget through responsible department to cover related infrastructure costs. Further comments received and included below.

**6.8.2 Director: Planning and Economic Development**

Agree with the recommendations. Norms and standards for provision will be applied through the SDF and appropriate zoning scheme. See below for further comments.

**6.8.3 Director: Community and Protection Services:**

Agree with the recommendations. Further comments from some departments not received.

**6.8.4 Director: Strategic and Corporate Services:**

Agree with the recommendations.

**6.8.5 Director Human Settlements and Property Management**

Agree with the recommendations

Director: (2017-08-07)

I am in agreement with the views expressed by Piet and Myra. I don't have anything more to add save to indicate my utmost support for the initiative.

Manager Property Management: (2017-06-02)

Although it is clear that Stellenbosch Municipality has a clear mandate to regulate child care facilities, it is not that clear whether the municipality should in fact get involved in the construction and/or management/running of ECD facilities. Although not prohibited by law to provide and/or manage ECD facilities, it should be the exception to the rule.

However, where the municipality own existing land or buildings that can be used as ECD facilities, it could be made available for this purpose, but after following due process in terms of the Municipal Asset Transfer Regulations (2008), read with the Supply Chain Management Policy of the Municipality.

New Housing: M Francis (2017-04-04)

We are in support of the proposed policy. With every new project that we plan we must make provision for community amenities as per Planning regulations. The following community amenities must be provided in our new projects:

- Church sites
- Crèches
- Public open spaces and
- School sites where applicable.

In the policy it is mentioned that : The New Housing Department is responsible to ensure that no new housing development projects are approved without provisioning for suitable ECD service delivery. We will gladly assist you to implement the draft policy and in future furnish you with the new proposed SDP.

Further comments received and included in item below.

#### 6.8.6 Chief Financial Officer

Agree with the recommendations. Comments received from the CFO on 2017-08-25: Finance supports the item within the budget process of approval.

#### 6.8.7 Municipal Manager

Agree with the recommendations.

### FURTHER COMMENTS BY THE DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT SERVICES.

The Draft ECD Policy was advertised for public comment in the Boland Gazette (5 December 2017) and Eikestad Nuus (7 December 2017) with a closing date of 31 January 2018.

The notice for comments was also distributed through the local libraries and electronic communication to all ECD Forums and sector role players. A workshop to elicit comment from ECD forums, ECD practitioners, ECD organizations and the Provincial Department Social Development was held on 26 January 2018.

Comments were received electronically from Cape Winelands District Municipality: Environmental Health and obtained through the above mentioned policy workshop:

Comments received from	Comments	Response
Stellenbosch ECD Forum Chairperson: M McDilling 073 9765 543	<p>1.1. Forum acknowledges the fact that the policy will provide information and guidance to all new ECD's and ECD practitioners in future as a positive intervention from the municipality.</p> <p>1.2. Pages 7-10: Poverty, Malnutrition, stunting etc. The request is for the contact telephone numbers of supporting organizations/department to be included in the policy.</p> <p>1.3. Page 18: ECD Forum what is the involvement of the parenting committee? This should be explained and included in the policy.</p> <p>1.4. Page 18: Forums assist ECD's with registration at DSD/ contracted service provider.</p> <p>1.5. 10.1 Rectify ECD Social Worker to Assigned service provider. (DSD appointed service provider to fulfil this function.)</p> <p>1.6. Page 20 (10.6.6): Potties – How many is required? Health Inspectors said 1 per child.</p> <p>1.7. Page 20 Health- Contact numbers of all officials assigned in Stellenbosch area to be included in policy (Cape Winelands).</p>	<p>1.1. Noted.</p> <p>1.2. This level of detail not desired to be included in policy. Department will keep database of local organizations and departments and distribute among ECD's through local forums.</p> <p>1.3. Parent committees are individual ECD internal matters which should be dealt with through individual constitutions of ECD's. Not to include in policy.</p> <p>1.4. Amendment made to policy.</p> <p>1.5. Since the drafting of the policy. DSD has made changes to the way in which they deliver on their function. They are now working through appointed service providers. Changes included in policy.</p> <p>1.6. The regulation stipulate one pottie per five children. Reference must be made to the Municipal Health By-Laws for Child Care Facilities and Institutions of the Provincial Gazette Extraordinary 6696 of 15 February 2010, Chapter 5. Included in policy.</p> <p>1.7. This level of detail not desired to be included in policy. Department will keep database of Health Practitioners updated and distribute to ECD's through forums.</p>

Comments received from	Comments	Response
	1.8. Page 20 (10.6.4): Sentence construction- Children at After Play. Request clarity on the intent of the sentence from CWDM. 1.9. Page 20 (10.6.5 and 6): Minimum Standards specifications for nappy change: Does it imply a separate room or is partitioning in the classroom sufficient? Is the standard 1 matress per child?	1.8. Sentence construction amended. 1.9. Standards are obtained from the Municipal Health By-Laws for Child Care Facilities and Institutions of the Provincial Gazette Extraordinary 6696 of 15 February 2010, Chapter 5. ECD's should refer to this document. Regulations indicate separate nappy changing area. See 10.6.13 of policy.
Kayamandi ECD Forum Chairperson: Z Mvotho 074 6916 417	2.1. Page 6: Environmental Health Officer: Request that the number of years for the validity of the Health Certificate be increased to five years with regular visitations by EHP at ECD's. 2.2. Preschool child below the age of 6 years – The Municipality must consider subsidising children who are not being subsidised by DSD. 2.3. Page 12 (7.3): Local Government Municipal Systems Act- the municipality must make sure that our local councillors are participating at ECD centres and also attend ECD centre meetings in their respective areas. 2.4. Page 7: Executive summary: there are 226 ECD centres and 134 active ECD centres. What happened to the 92 outstanding ECD centres? We request that they should be assisted with groceries, toys and stationery. 2.5. Page 14: (9.1.1.1) Land Use Management: The municipality must make sure that the town planner must come to forums or ECD centres and explain all the details of rezoning and bring all relevant forms. 2.6. Page 9: Disabilities- Children from Kayamandi who are disabled are not progressing they end up at Dorothea Special School and there is no exit level programme in place for them once they leave the school. 2.7. Page 15 (9.1.3.1): Community and Protection Services: We request the municipality to employ people who will monitor the play parks day and night. Parks must be cleaned and be fenced. 2.8. Page 16 (9.1.3.5): Traffic Services - There must be signs that are showing ECD's and speed bumps if a traffic officer is not available.	2.1. Comment not to be included in policy. Matter refers to National Legislation of Environmental Health Practitioners. 2.2. Not LG mandate and therefore not included in policy. 2.3. Not a policy issue and reliant on individual ECD centres and their relationship with ward councillors and participation in the IDP process. Not to be included in policy. 2.4. The 92 centres are not operational any longer and have been closed down. The remainder of the comment relates to donations and as such is not relevant to this policy, but covered by Grant in Aid Policy. 2.5. Not to be included in policy. The Department Community Development address this need on a continues basis through capacity building workshops on a quarterly basis. 2.6. Refer to Social Development and Department of Education for notification. Comment not relevant to policy. 2.7. Community and Protection Services: Fencing of parks are done with approved budget. It is an annual programme. ECD participation in IDP process will assist in prioritizing fencing according to ward needs. Not to be included in policy. <b>Law Enforcement comment outstanding.</b> 2.8. Traffic Services will conduct road safety education programmes at ECD centres. Centres in areas with high traffic volumes during the times when children are dropped off or picked up from the centre can apply for traffic calming measures to be implemented at their schools as well as point duty officers during peak times. – Application for traffic calming measures "statement" should be placed under Engineering Services. Whilst training and education is being done at the various schools and institutions, the officer assesses the surroundings and will give input to engineering on need for signage, road-marking or any traffic calming measures. Note that Traffic Services merely does enforcement and not placement of signs. Included in policy.
Franschhoek ECD Forum	3.1. Request for a guideline for the parenting committee.	3.1. Not relevant to policy. Will be included in departmental capacity

Comments received from	Comments	Response
Chairperson: P Mntayedwa 078 4726 673	3.2. Page 22 (10.1) DSD social worker to be changed to service provider appointed by DSD	building programme. 3.2. Duplication of 1.5.
Klapmuts ECD Forum	No comments received	NA
TEECSA The Early Learning Centre: South Africa B Daniels 082 4738 183 Appointed by DSD to: <ul style="list-style-type: none"> <li>• Register ECD's</li> <li>• Address governance of ECD's</li> <li>• Register Learning Programmes of ECD's</li> </ul>	<p>The road has been long and TEEC expresses our sincere thanks to the Stellenbosch Municipality for having an ECD Policy and hope that this will be a start of new things for the ECD Sector within this Municipality.</p> <p><b>COMMENTS WITH REGARDS TO THE DRAFT ECD POLICY</b></p> <p>5.1 <b>Page 10 (4.3):</b> Second part of the sentence: annual municipal budget and infrastructure for suitable availability of and equitable access to, quality comprehensive ecd services; and ... We suggest Infrastructure to elaborate more e.g. maintenance of buildings and I think in this case would mean buildings that belongs to the Municipality as well as buildings that will be constructed in the future. See page 98 of the National ECD Policy as well as Pages 102 the chapter on Infrastructure.</p> <p>5.2 <b>Page 15 (9.1.2.2):</b> The New Housing Department is responsible to ensure, .... We suggest that property be made available not only to new housing developments, but also to existing human settlements.</p> <p>5.3 <b>Page 15 (9.1.3.1):</b> Third sentence: "This will be done by implementing a fair tariff structure to ... We suggest a negotiated or no tariff as this could discourage ECD sites of bringing their children to facilities. We want children to be kept safe, occupied and away from what some communities are currently offering young children. Should you consider a Come and Play initiative access to this would normally be free.</p> <p>5.4 <b>Page 16 (9.1.4) Engineering Services Directorate.</b> We suggest the Municipality consider a suitable rate for water and sanitation for ECD.</p> <p>5.5 <b>Page 17 (9.1.5) Finance Directorate.</b> To consider reflecting ECD in the IDP budget as an item on its own.</p> <p>5.6 <b>Page 17 (9.2) Directorate Environmental Health and Regional Health Services:</b> National Integrated ECD Policy speaks about local health, monitoring and delivering of health services to non-centre and centre.</p> <p>5.7 <b>Page 18 (10) Requirements of ECD Registration Compliance.</b> The Service Provider replaces the Social Worker, however the individual is responsible for getting the Fire and Health</p>	<p>Noted.</p> <p><b>COMMENTS WITH REGARDS TO THE DRAFT ECD POLICY</b></p> <p>5.1 <b>See response to comment: 5.10.</b></p> <p>5.2 <b>Already covered in the policy. Refer to 9.1.2.1. of the Draft ECD Policy.</b></p> <p>5.3 <b>Sport &amp; Facility Management: The department will include a fair tariff from 1 July 2018 in the municipal tariff structure for the use of community halls for ECD activities. This will be applicable to recognized ECD's in the community. It must be noted that Halls can be used if it does not clash with paying clients and programmes will be subjected to an additional tariff if it is outside working hours which include weekends and public holidays. Currently there are too many variables and influencing factors that could impact the implementation of the same kind of policy arrangement for sport facilities. This can however be reviewed once an approved Sport Facility Management Model has been approved. Changes included in policy.</b></p> <p>5.4 <b>Engineering Services respond as follow:</b> Tariffs must be determined as per policy guideline of the Municipal Systems Act, Section 74; "Tariff Policies."</p> <p>"(c) <i>poor households must have access to at least basic services through—</i></p> <p>(i) <i>tariffs that cover only operating and maintenance costs;</i></p> <p>(ii) <i>special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or</i></p> <p>(iii) <i>any other direct or indirect method of subsidisation of tariffs for poor households;"</i></p> <p>It would probably have to be a so called Life Line Tariff which would only contain the actual cost, such as operational and maintenance cost. Perhaps National Government should include this type of consumer into their Indigent Grant scheme. If our Indigent Grant Scheme allows for this, then the Equitable Grant could be used as to alleviate consumption charges: Referred to Finance. Finance indicated: A discussion to include charitable</p>

Comments received from	Comments	Response
	<p>Certificates from the various Departments. Please note: The Provincial Department of Social Development is responsible for issuing of the Registration Certificate for a Partial Care or After-school Care Facility.</p> <p>5.8 <b>Page 22: Second block from the top.</b> DSD should be replaced with Service Provider</p> <p>5.9 <b>Page 23: Second last block.</b> Full registration is valid for 5 years.</p> <p>5.10 <b>GENERAL:</b> We suggest that the Municipality construct buildings in not only new developments but also in existing areas to ensure that more children gain access to quality ECD Learning Programmes. By doing this the burden of maintenance will be less or non to the operator.</p> <p>5.11 Before implementing this ECD Policy we suggest that it be aligned to not only the <b>Children's Act</b> and <b>Constitution</b>, but also to the <b>National Integrated ECD Policy</b> to ensure compliance.</p>	<p>organizations for a special rate under "miscellaneous and all other users" on the tariff structure was concluded. Will depend on council approval.</p> <p>5.5 <b>ECD services will reflect in the IDP when listed as a need from the community through the IDP process. The department will continue to motivate for the sector to become involved in the IDP sector engagements. Once reflected in the IDP, it will become part of the budget.</b></p> <p>5.6 <b>Health services is a provincial mandate. Environmental Health (CWDM) is responsible for the assessment of ECD Centres and issuing of Health Reports to Provincial Department of Social Development. They do not issue Clearance Certificates. Incorporated in policy.</b></p> <p>5.7 <b>Included in policy. See response to point 1.5.</b></p> <p>5.8 <b>Change included in policy. See response to 1.5.</b></p> <p>5.9 <b>Change included in policy.</b></p> <p>5.10 Property Management is of the opinion that the municipality should not construct ECD facilities, but must make land available in new developments for this function. These properties can then be made available to organizations or persons at a subsidized rate for the development and operation of an ECD facility. With regard to existing under-utilized facilities, the municipality should make it available to same at a subsidized rate to operate as an ECD facility. In these cases there will be a maintenance responsibility on the municipality as the owner of said properties. Project Management is of the opinion that MIG funding can be applied for to construct ECD facilities. This will follow the normal route of application and is not guaranteed of approval. Maintenance to MIG funded facilities cannot be done through MIG funding and will remain the responsibility of the municipality. Also see response 5.2. Comment not to be included until consensus on the way forward are obtained.</p> <p>5.11 Alignment to the National ECD Policy is problematic as it speaks to future intent and not to agree upon principles or practices. Refer to page 98 section 8.00 "The Department of Human Settlements and the Department of Cooperative Governance and Traditional Affairs will give directives to municipalities" It is thus not 100% possible to align the two documents.</p>
DSD Provincial Nomazizi Mguda ECD Programme	6.1. Good initiatives from Stellenbosch Municipality. Please note that a service provider has been contracted	6.1. Noted. 6.2 Included in Policy. 6.3 Included in Policy.

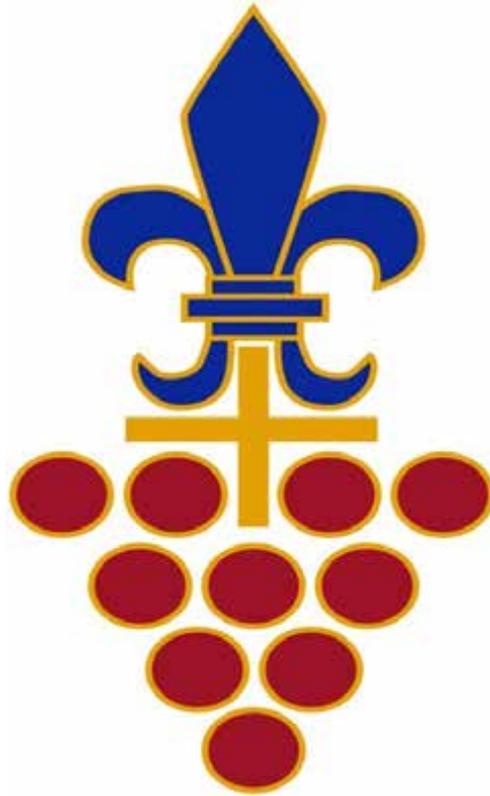
Comments received from	Comments	Response
Manager 021 483 2598 Represented by: TEECSA	to assist with registration and governance. 6.2 Provincial DSD issues the final registration certificate and not the Regional DSD Offices. 6.3 Page 12 (7.2) Add Chapter 5 of the Children's Act	
CWDM Chief Environmental Health Practitioner 083 959 4810	7.1. 9.2.1 Environmental Health (CWDM) is responsible for the assessment of ECD Centres and issuing of Health Reports to Provincial Department of Social Development, not Clearance Certificates 7.2. Add: 10.1.7 The Service Provider refer the application with the relevant information to the Environmental Health Practitioner (CWDM) to do the necessary inspection and report back to Social Development on the suitability of the proposed ECD Centre. 7.3. 10.6 Should refer to and/or be replaced with Chapter 5 ( Child Care Facilities and Institutions) of the Provincial Gazette Extraordinary 6696, 15 February 2010: Municipal Health By-Laws Cape Winelands District Municipality. And also add: provide separate kitchen and facilities compliant with Regulation R962/2012 if food are handled on the premises. Apply for a Certificate of Acceptability. 7.4. 13. Flow Chart – amend. o Environmental Health Practitioner (CWDM) inspect premises relating to health requirements as per Chapter 5 of Municipal Health Services By-law o Inspect Food preparation area/kitchen facilities as per Regulation 5 & 6 of R962 of 2012 (Regulations governing general hygiene requirements for food premises and the transport of food) Outcomes: • Letter of recommendation for approval/Inspection Report to Department of Social Development • Issue Certificate of Acceptability in terms of Regulation 3 of R962/2012 • Certificate is issued once off, but is not transferable from one person to another and not from one premises to another and are regular inspections done to monitor compliance.	7.1. 9.2.1 Incorporated in policy. 7.2. 10.1.7 Included in policy. 7.3. Included in policy. 7.4. Flow Chart – amend. o Environmental Health Practitioner (CWDM) inspect premises relating to health requirements as per Chapter 5 of Municipal Health Services By-law. Included in policy. o Inspect Food preparation area/kitchen facilities as per Regulation 5 & 6 of R962 of 2012 (Regulations governing general hygiene requirements for food premises and the transport of food). Included in policy. Outcomes: • Letter of recommendation for approval/Inspection Report to Department of Social Development. Included in policy. • Issue Certificate of Acceptability in terms of Regulation 3 of R962/2012. Included in policy. • Certificate is issued once off, but is not transferable from one person to another and not from one premises to another and are regular inspections done to monitor compliance. Included in policy.

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Relevant comments and suggestions as listed above were incorporated in the attached Draft ECD Policy for consideration by council. Comments include responses from different role players and line departments within the municipality with the exception of departments who did not respond to the requests.

**ANNEXURES****Annexure A: EARLY CHILDHOOD DEVELOPMENT POLICY****FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Michelle Aalbers
<b>POSITION</b>	Manager Community Development
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	8408
<b>E-MAIL ADDRESS</b>	Michelle.aalbers@stellenbosch.gov.za
<b>REPORT DATE</b>	2018-03-07



**EARLY CHILDHOOD DEVELOPMENT POLICY  
STELLENBOSCH MUNICIPALITY  
DRAFT**

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## 1. ABBREVIATIONS

<b>CBO:</b>	Community-based organisations concerned with helping the community local to the Organisation. CBOs are not for profit organisations. Also see NGO.
<b>CWDM:</b>	Cape Winelands District Municipality
<b>DSD:</b>	Department of Social Development
<b>ECD:</b>	Early Child Development Is the process of emotional, mental, spiritual, moral, physical and social development of children from birth to nine years.
<b>GiA:</b>	Municipal Grant in Aid funding annual donations
<b>NGO:</b>	Non-Government Organization
<b>NQF:</b>	National Qualifications Framework
<b>PHC:</b>	Primary Health Care
<b>SM:</b>	Stellenbosch Municipality
<b>sqm:</b>	Square metre
<b>WC024:</b>	Local municipal area of Stellenbosch Municipality, South Africa

## 2. GLOSSARY

**“Baby/infant”**: A child from 0-18 months old.

**“Child”**: A person under the age of 18 years.

**“Child minder”**: A person who provides care and early learning for up to six children, typically in their own homes. Also in some contexts referred to as “day mothers”.

**“Collaboration”**: Involves networking, cooperation and coordination, and also involves improving the capacity of partners for mutual benefit and attainment of a common purpose.

**“Communicable disease”**: A disease that can be passed on to others e.g. scabies, chickenpox, measles.

**“Cooperation”**: Includes the exchange of information for mutual benefit, aligning activities for a common purpose and sharing resources for mutual benefit.

**“Coordination”**: Involves information exchange and aligning activities to work.

**“Department”**: In this policy, “Department” refers to the Department of Social Development (DSD).

**“Development appropriate”**: This term is used to describe activities, equipment or programmes. It is a way of working with children that takes note of what is known about child development and also what is known or learnt about each child and his/her development.

**“Director-General”**: In this policy, Director-General refers to the Director-General of the National Department of Social Development.

**“Early Childhood Development Centre”**: Is a partial care facility that provides an early childhood programme with an early learning and development (ECD) focus for children from birth until the year before they enter Grade R/formal school.

**“ECD Forums”**: Is a structure that allows for communication between ECD Sector and government on issues related to ECD. The forum is open to individuals and organisations with an interest in promoting early childhood development. The membership of ECD forums can include civil society, representatives from government, higher education institutions, training providers, other forums and associations, businesses, and interested individuals. The underlying characteristic of a forum is that forum members are able to share decision making, resources and credit. ECD Forums emerge as spaces which enable active citizenry, broadly defined as participation in civil society, community and/or political life characterised by mutual respect and non-violence and in accordance with human rights and democracy.

**“ECD Practitioner”**: A person who provides early childhood development services through formal early childhood development programmes, family services, playgroups and training, as well as those providing management support services to these workers.

**“ECD Programmes”**: Programmes that provide one or more forms of daily care, development, early learning opportunities and support to children from birth until the year before they enter formal school. These programmes include, but are not limited to:

- Community-based play groups operating for specific hours;
- outreach and support programmes for young children and their families/caregivers, at a household level;

- parenting support and enrichment programmes;
- support for the psycho-social needs of young children and their families;
- ECD programmes provided at partial care facilities and at child and youth care facilities, as contemplated in section 93 (5) of the Children’s Act; and
- any other programme that focuses on the care, development and early learning of children from birth until the year before they enter formal school.

**“ECD Services”**: Services or support provided to infants and young children or to the child’s parents or caregiver by a government department or civil society organisation. The intention of ECD services are to promote children’s behavioural competencies and enable them to participate meaningfully in their homes and community environments.

**“Environmental Health Officer”**: (Also known as Public Health Inspectors or Environmental Health Practitioners) are responsible for carrying out measures to protect public health, including administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards. They are involved in a variety of activities, for example inspecting food facilities, ECD facilities, investigating public health nuisances, and implementing disease control. Environmental Health Officers are focused on prevention, consultation, investigation, and education of the community regarding health risks and maintaining a safe environment.

**“Grant in Aid”**: Stellenbosch Municipality annual Grant in Aid funding donations. Refer to Grant in Aid policy.

**“Internal ECD Committee”**: An internal municipal committee with representation from Land Use Management and Fire Services led by Community Development with the purpose to address municipal process obstacles hampering registration of ECD facilities.

**“Municipality”**: Stellenbosch Municipality serving the community within the geographical area known as WC024.

**“Non-Government Organization”**: All non-governmental and non-profit organisations that are concerned with the betterment of society or the individual. NGOs are private, self-governing, voluntary organisations operating not for commercial purposes but in the public interest, for the promotion of social welfare and development, religious, charity, education, sports, arts and culture and research.

**“Pre-school child”**: A child under six years of age not yet attending formal school.

**“Qualification”**: means formal recognition of the achievement of the required number and type of credits and such other requirement at specific levels of the NQF as maybe determined by the relevant bodies registered for such purpose by the South African Qualifications Authority.

**“The Act”**: For the purpose of this policy it means the Children’s Care Act (38 of 2005).

**“Vulnerability”**: means a heightened or increased exposure to risk as a result of one’s circumstances.

### 3. EXECUTIVE SUMMARY

The population of Stellenbosch Municipality is estimated to be 155 733 according to the Stellenbosch Municipal IDP. Children between the ages of 0-4 years constitute 4.3% which is the second highest age category in the municipal area.

According to Department of Social Development, there are two hundred and twenty six (226) Early Childhood Centres operational in the WC024.

Of these only fifty eight (58) ECD's are registered with the Department of Social Development. Thirty (30) of the registered ECD's are funded by DSD. In a survey completed by the municipality in 2016 all ECD's were captured on the GIS database of these 134 ECD's were found to be active.

Approximately 37% of South African children aged 0–4 years attended ECD centres. However, ECD activities were not provided for at all these facilities. This means that most of the children do not have access to an ECD centre which provides proper stimulation and supports the case to plan for support to ECD centres as well as inclusion of these centres in future town planning.

The sensitivity of the brain in the early stages of development determines the functioning of the child's brain at a later stage. From a development perspective it is vulnerable to biological, social and environmental risk factors. The risk factors associated with children not attending ECD centres include the following:

- **Poverty:**  
Poverty is widely recognised as “a root cause of poor child development”. Low socioeconomic status is a key predictor of poor early childhood development. Persistent, cumulative poverty and exposure to hardship in the first years of life has a detrimental effect on cognitive functioning, with the impact being stronger on verbal, compared to non-verbal skills.
- **Malnutrition:**  
Poor infant and child nutrition, especially in the period between conception and the age of two years, can lead to irreversible stunting and delays in growth resulting in poor cognitive development, and ultimately lower educational and labour market performance. Poor maternal nutrition, such as lack of folic acid in the early antenatal period, can cause significant structural damage to the foetus in utero.
- **Stunting:**  
Low height-for-age is caused by chronic malnutrition which is, in turn, predictive of poor cognitive and language development. The impact of poor nutrition on the child's development is particularly pronounced in the first two years of life. Even if children catch up in terms of length, the impact of stunting on brain development in this critical early period may well endure. On average, children who are stunted by age 2 go on to complete fewer years schooling than peers, perform poorly at school and generally earn less as adults.

- **Low birth-weight:**  
Infants with low birth-weight (< 2 500 grams) have a bigger lifetime risk for cardiovascular disease, diabetes and learning difficulties.
- **Infectious diseases in pregnant women, infants and children:**  
Antenatal infections in pregnant women, such as syphilis and rubella, as well as diseases in infants and young children, such as measles, meningitis, middle ear infection, diarrhoea, parasitic infections and HIV, may negatively affect the young child's physical and cognitive development
- **Environmental toxins:**  
Pre- and post-natal exposure to environmental toxins such as alcohol, drugs, chemicals and pesticides can cause irreversible damage to the developing brain and resultant cognitive, physical, emotional, and social development of the embryo (first trimester), foetuses (second and third trimester) and the baby.
- **Stress:**  
In the absence of a supportive caregiver to buffer children against stress brought about by factors such as abuse and neglect, severe maternal depression, parental substance abuse, family violence and extreme poverty "tolerable stress" becomes "toxic stress".

Toxic stress can lead to cognitive damage, health-damaging behaviours and harmful adult lifestyles as well as greater susceptibility throughout childhood and later adult life to physical illnesses, such as cardiovascular diseases, obesity, diabetes and others, with probable accompanying mental health problems such as depression, anxiety disorders and substance abuse.

- **Exposure to violence:**  
The social and emotional development of infants and young children, who are exposed to violence in their family circles and communities, and who do not enjoy the protective buffering of strong and supportive caregiving, is compromised particularly if corporal punishment is involved.

They are at a greater risk of insecure attachments and behavioural problems, reduced levels of pro-social behaviour, increased aggressive behaviour, and an inability to regulate their emotions.

- **Psychosocial risks:**  
Maternal depression presents a significant risk to the cognitive, physical, social and emotional development of infants and young children. Maternal depression often leads to unresponsive caregiving. However, the relationship between 'maternal depression and compromised early child development is multilevel and cumulative' because poverty, low education, high stress, lack of empowerment and poor social support are also risk factors for poor child development.

- ***Disrupted caregiving - absent parents, ill parents, non-parent caregivers or abandonment:***

Disruptions of parental caregiving due to illness or death of the caregiver or abandonment of the child, and the assumption of the caregiving role by a non-parent caregiver, creates a risk of bullying, mental health problems, abuse as well as emotional and behavioural problems in infants and young children. Infants and young children living without their biological parents are especially at risk of being denied the care necessary for their physical and psychosocial well-being.

- ***Disabilities:***

Approximately 23% of children between birth and 9 years of age in low and middle-income countries are at risk for disabilities. Whilst this is indicative of their compromised development, children with disabilities are in addition, at risk of low access to early childhood development services and at an increased risk of poor quality care.

***Services for children with disabilities:***

Currently, there are no reliable national estimates of child disability, especially for children under 5 years of age. An estimated 474 000 children live with severe disabilities in South Africa. In addition, many more children may have mild to moderate disabilities.

Children in rural areas are slightly more likely to have some form of serious disability (2.7%) than children in urban areas (2.3%). An estimated 40 % of disabilities affecting children are due to preventable causes, i.e. birth asphyxia, infections, etc. A crucial starting point to ensure the development of children with disabilities is early identification to facilitate proper planning, targeting and provision of adequate resources and services. This is hampered by poor or absent screening at PHC pre-school child level. High-quality assessments by trained professionals are often required; however, there is a shortage of appropriately skilled staff and resources.

Once children are identified as being disabled, they require on-going support, intervention and referral, and may need rehabilitation services. Such services are not widely available. Currently there is only one known facility in WC024 to deliver services to children with disabilities.

The current provision of early learning and development programmes, mainly provided through the NPO and private sectors, do not ensure environments conducive to learning by young children with disabilities. Shortcomings in services and support extend beyond the health sector.

Analysis of the profile of Care Dependency Grant (CDG) beneficiaries in 2006 found that only 24 per cent of children from birth to 6 years of age attended an early childhood development centre or child-minding group. Only a small proportion of children with disabilities (4 to 5%) are estimated to be attending early childhood development programmes offered at partial care facilities.

(It is noteworthy how some of the social and health risks above can be linked to problems within communities identified through the IDP process of Stellenbosch Municipality.)

In conclusion, this policy on early childhood development centres is premised on a distinction between registered and the reality of unregistered facilities as a means of reflecting and providing for the variations in demand for ECD facilities and services.

The collaboration between the Stellenbosch Municipality and the local ECD forums has strengthened services to child care facilities. They have identified the importance of provision of services of the local municipality in their area. Thus Stellenbosch Municipality has to ensure that ECD facilities, child care centres or play parks are part of Town Planning and New Housing Projects, in order to accommodate the children within the area. It is therefore the responsibility of Stellenbosch Municipality to identify suitable land and provide infrastructure under the constitutional mandate “child care facilities” as listed in schedule 4B.

The motivation for a standard policy for ECD centres for Stellenbosch Municipality arises from:

- The growth in the number of applications for ECD centres linked to the population growth.
- The growth in the number of informal facilities vs. formal facilities.
- The mushrooming phenomena of ECD facilities within the municipal area
- Ignorance among ECD practitioners regarding the Children’s Act 38 of 2005, Chapter 5 (registration compliance).
- The need to ensure ECD’s within WC024 are accessible to children with disabilities.
- The prevalence of issues pertaining to ECD centres; particularly the impact of noise and traffic.

This policy must provide a framework to assist officials in assessing applications for ECD centres as well as a guideline as to how matters relating to ECD centres should be dealt with collaboratively.

#### **4. THE PURPOSE OF THIS POLICY**

This policy will outline a guiding framework within which an integrated and holistic ECD service within Stellenbosch Municipality would be implemented to ensure sustainability and innovation.

The purpose of the Stellenbosch Municipality ECD Policy is to:

- 4.1. Ensure the sufficient availability of, and equitable access to, early childhood development services through an integrated system which is embedded within a coherent legal framework that identifies, enables and compels the fulfilment of early childhood development roles and responsibilities of relevant role players within the Stellenbosch municipal jurisdiction;
- 4.2. Establish the organisational and institutional arrangements necessary to lead, plan for, implement, coordinate and monitor the provision of early childhood development services and support;
- 4.3. Ensure the provision of adequate public funding amongst others through the annual municipal budget and infrastructure for sustainable availability of, and equitable access to, quality comprehensive early childhood development services; and

- 4.4. Establish appropriate monitoring, quality assurance and improvement systems to secure the provision of quality early childhood development services and outcomes for young children in Stellenbosch.

## 5. SCOPE AND APPLICATION

This policy is a guide for the assessment of proposals for the development or establishment of ECD centres in Stellenbosch and subsequent support to such centres after its establishment. It is applicable to the founding of ECD's in accordance with all different definitions of ECD centres; viz. aftercare centres; crèches; home childcare facilities; nursery schools; play groups; pre- schools; educare centres and/or similar facilities.

## 6. OBJECTIVES

The predominant objective of this policy is to increase the number of children who have access to registered ECD Centres compliant with health and safety requirements and satisfy the educational development needs of a child. To this end Stellenbosch Municipality aims to provide a firm educational foundation for children that enter the formal schooling system by:-

- 6.1. Increasing the number of registered ECD facilities by facilitating part of the registration process which falls within its ambit;
- 6.2. Improving the time taken for registration by internal and external collaboration of documented standardized processes;
- 6.3. Expanding and facilitating integrated ECD services through internal and external collaboration. This will be achieved through the municipal internal committee, ECD Forums and also working in partnerships with NGO's and governmental departments;
- 6.4. Improving awareness and training on ECD requirements for internal and external stakeholders.

## 7. LEGISLATIVE FRAMEWORK

The historical overview of legal and scientific foundations for the public provision of early childhood development services is based on international legal and developmental frameworks. Government ratified and/or endorsed a number of international and regional rights and development instruments, including, but not limited to, the following:

- 7.1. Constitution of South Africa, 1996 –
  - 7.1.1. Section 28 (1) of the Constitution of the Republic of South Africa specifies the rights of children including, the right
    - 7.1.1.1. To a name and a nationality from birth;
    - 7.1.1.2. To family care or parental care, or to appropriate alternative care when removed from the family environment;
    - 7.1.1.3. To basic nutrition, shelter, basic health care services and social services;
    - 7.1.1.4. To be protected from maltreatment, neglect, abuse or degradation;

- 7.1.2. Section 28 (2) also requires that a child's 'best interests' are of paramount importance in every matter concerning the child.
  - 7.1.3. Section 152(1) (b) compels local government to ensure the provision of services to communities in a sustainable manner.
  - 7.1.4. Section 153(1) of the Constitution provides that a municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and promote the social and economic development of the community and participate in national and provincial development programmes.
  - 7.1.5. According to Schedule 4 Part B of the Constitution, municipalities are responsible for "Child care Facilities", to the extent set out in section 155 (6) (a) and (7) of the Constitution.
- 7.2. Children's Act, No 38 of 2005
- 7.2.1. The Children's Act forms the context for this policy and Stellenbosch Municipality's position on ECD matters. The aim of this Act includes provision for early childhood development, partial care ([Chapter 5](#)) of children, child and youth care centres and drop-in centres.
    - 7.2.1.1. Section 76: defines partial care as: "when a person, whether for or without reward, takes care of more than six children on behalf of their parents or care-givers during specific hours of the day or night, or for a temporary period, by agreement between the parents or care-givers and the provider of the service, but excludes the care of a child: -by a school as part of tuition, training and other activities provided by the school; as a boarder in a school hostel or other residential facility managed as part of a school; or -by a hospital or other medical facility as part of medical treatment provided to the child."
    - 7.2.1.2. Section 79: requires norms and standards for partial care (which include a safe environment for children), while Section 80 requires facilities to be registered with the Department of Social Development.
- 7.3. Local Government Municipal Systems [Act](#) (Act No 32 of 2000)  
Section 4 (2) (j) of the Municipal Systems Act states that the council of the municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in section 27 of the Constitution.
- 7.4. Local Government Municipal Financial Management (Act No 56 of 2003)  
Chapter 8: 'General financial management functions' of the Municipal Finance Management Act states that "the accounting officer of a municipality is responsible for managing the financial administration of the municipality and for this purpose take all reasonable steps to ensure that "resources of the municipality are used effectively, efficiently and economically." In other words the local municipality has to ensure that there is funding/resources available to improve ECD services. This includes under-utilized facilities. The municipality also has to ensure that these resources and/or funding is being utilised effectively. Therefore capacity building and monitoring needs to implement these resources to be efficiently utilised.

- 7.5. The United Nations (UN) Convention on the Rights of the Child (CRC) (ratified in 1995)
- 7.6. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (ratified in 1995)
- 7.7. The African Charter on the Rights and Welfare of the Child (ACRWC) (ratified in 2000)
- 7.8. The UN Convention on the Rights of Persons with Disabilities (CRPD) (ratified in 2006);
- 7.9. The UN Millennium Development Goals (MDGs) (adopted in 2000)
- 7.10. The UN Sustainable Development Goals (adopted 2015)
- 7.11. UNESCO Dakar Framework of Action for Attaining Education for All (EFA) (adopted in 2000);
- 7.12. The UN World Fit for Children (adopted in 2002)
- 7.13. UNESCO Moscow Framework of Action and Cooperation: Harnessing the Wealth of Nations (2010)
- 7.14. The Paris Declaration on Food Security and the Rome Declaration on Nutrition (November 2014)

## **8. POLICY PARAMETERS**

- 8.1. This policy must be used to guide services for the registration of ECD centres and assessment of proposals for the development or establishment of ECD centres in the Stellenbosch Municipal Area, including subsequent operational management and support to such centres, as well as to provide guidance to existing centres.
- 8.2. This policy addresses all facets of ECD facilities, including those that operate in the less formal settlements but does not deal with facilities relating to formal schooling, with the only exception being aftercare services that operate within the ECD centres/facilities.
- 8.3. Transversal nature: This policy has transversal implications. It is thus essential for Stellenbosch Municipality (Planning and Economic Development, Human Settlements and Property Management, Community and Protection Services, Engineering Services and Finance), the Provincial Departments of Health and Social Development, the District Municipality and ECD Forums to work collaboratively in implementing the policy.

## 9. ROLE PLAYERS AND STAKEHOLDERS

The following role players are identified for the purpose of implementing the policy provisions:

### 9.1. Stellenbosch Municipality

#### 9.1.1. Planning and Economic Development Directorate

9.1.1.1. **Land Use Management** Department is responsible for the affording of land use rights through zoning, re-zoning, temporary departures and consent use applications according to the Stellenbosch Municipal Zoning Scheme. Cost relating to these applications will be approved annually in the municipal tariffs with special dispensation for ECD applications. The department is represented on the municipal internal ECD committee and responsible to ensure that no new township establishments are approved without making provision for suitable ECD service delivery.

9.1.1.2. **Building Control** is responsible for the approval of building plans, inspection of completed works and issuing of occupation certificates.

9.1.1.3. **Community Development Department** is the lead department tasked with internal and external collaboration between all the role players and thus the driver of the municipal internal ECD committee. The department is also responsible for all approved ECD applications to be registered on the municipal GIS database for ECD centres and to provide support to the ECD sector and forums within the municipal area.

Further to the above, the Community Development Department is responsible:

- To ensure that the municipality align its services with the Children's Act in terms of registration and the Constitution in terms of the best interest of the child.
- To ensure that we give the ECD sector support and partnership in terms of providing efficient services such as capacity building: funding (Grant in Aid Funding) in order for them to provide efficient services within the Stellenbosch Municipal area.
- To provide support to the local ECD forums in terms of sustainability and dissemination of information to all bodies that provides ECD services in the municipal area.
- Parenting and family support programmes as envisaged through chapter 8 of The Act and the White Paper on Families (2012).

### 9.1.2. Human Settlements and Property Management

- 9.1.2.1. The **Property Management Department** is responsible for identification of possible land or underutilized facilities for ECD centres. The department in consultation with Legal Services is responsible to sign lease or facility management agreements between Stellenbosch Municipality and appointed registered ECD NGOs that operates from Council owned facilities.

The department can and should take responsibility for ECD infrastructure development on identified land or at existing municipal facilities.

- 9.1.2.2. The **New Housing Department** is responsible to ensure that no new housing development projects are approved without provisioning for suitable ECD service delivery.

### 9.1.3. Community and Protection Services

- 9.1.3.1. **Environment, Sport and Facilities** is responsible for the identification of new parks and the linkage between ECD locations and new and existing parks. Community parks in close approximation of ECD centres must receive priority attention regarding upgrading and maintenance. The department is also responsible to make community facilities available for implementation of children's activities such as the "come and play" programme. This will be done by implementing a fair tariff structure to recognise community based ECD centres and facilities. Tariffs will be advertised annually as part of the Draft Budget for public comment. Community facilities which can also be used to implement ECD capacity building training sessions should be made available for this purpose. Where possible underutilized community facilities can be made available for the establishment of ECD centres after consultation with the community and in an open and fair tender process. To note: Sport facilities are excluded from this policy, but will be taken on review after the approval of a Sport Facility Management Model.

- 9.1.3.2. **Library Services** as a local agent for the provincial Department Culture, Arts and Sport is responsible for the provision of well-resourced child-friendly libraries. A library service should investigate collaboration with specialized toy library services if they cannot operate a toy library services by themselves. Further support to ECD centres include holiday programmes, active reading and story-telling programmes as well as availing library halls to ECD centres for activities.

- 9.1.3.3. **Fire and Emergency Services** assess the ECD facility for its compliance with the national fire regulation and issues fire safety certificates. The department will be represented on the municipal internal ECD committee. Educational programmes for ECD centres on fire prevention will be conducted by the department.

- 9.1.3.4. **Disaster Management** will implement an educational programme aimed at prevention of disasters at ECD centres.

- 9.1.3.5. **Traffic Services** will conduct road safety education programmes at ECD centres. Centres in areas with high traffic volumes during the times when children are dropped off or picked up, ~~from the~~ The centre can apply for traffic calming measures at Engineering Services.

#### 9.1.4. **Engineering Services Directorate**

- 9.1.4.1. Bulk Infrastructure (Electricity, Water, Sewage) in formal areas:  
Water and Sewerage  
Stellenbosch Municipality supplies potable water to the entire municipal area through existing bulk water infrastructure consisting of Water Treatment Plants, Reservoirs and bulk and network water distribution systems. Sewerage is being collected through a collector pipe network and outfall sewer system to be treated at various treatment works throughout Stellenbosch area. Water and Sewer Future plans and Master Plans are kept up to date to enable SM to plan, budget and implement enhancements to the existing infrastructure. All the formal erven in the urban areas of Stellenbosch Municipality's Management Area are provided with water connections and waterborne sanitation facilities (higher level of service).

- 9.1.4.2. Water, sewage and electricity in informal areas:  
Water and Sewerage  
Poverty reduction and improved water management are inextricably linked. Section 4B of the Constitution lists water and sanitation services, limited to potable water supply systems and domestic waste water and sewerage disposal systems, as a local government function. As a priority it is the responsibility of Stellenbosch Municipality to ensure that adequate and appropriate investments are made to ensure the progressive realisation of the rights of all people in its area of jurisdiction to receive at least a basic level of water and sanitation services. While the provision of basic water services is the most important and immediate priority, Water Services Authorities move to provide intermediate and higher levels of services (for example water on site) wherever it is practical possible. Stellenbosch Municipality works towards providing all households in the towns with a water connection inside the house and connecting all households to a waterborne sanitation system. Communal standpipes and ablution facilities are provided in the informal areas as a temporary emergency service and comply with the legal minimum requirements of service delivery to informal settlements.

Electrical Services: Stellenbosch municipality is responsible for the provision of electricity within the WCO24. However there are few areas within the WCO24 that are Eskom or Drakenstein areas of supply. These areas are: Wemmershoek, Priel, James Town, Vlotenburg, Raithby, La Motte, Groendal, Klappmuts and Koelenhof.

All the areas in the WCO24 area of supply have access to electricity. It may happen that there aren't service connections to

the houses or structures, in which case an application is to be submitted to the municipality and necessary steps will be followed to realise connections.

**Traffic Engineering: Receive asses and respond to applications for traffic calming measures.**

- 9.1.4.3. Refuse removal: It is important that all residents and communities have access to refuse removal in order to maintain appropriate health and safety conditions in the area. Failure to do so can result in various diseases such as tetanus, Hepatitis B, diarrhoea, amongst others, where children are mainly at risk. It is critical that the importance of sound waste management practices be taught at an early age to prevent the exposure to harmful pathogens which could lead to an outbreak in the area.

ECD centres must have access to waste receptacles on provision that the ECD must conduct educational programmes on and implement waste minimisation initiatives to re-use, reduce and recycle waste streams in order to reduce waste that is destined for landfill sites. The Solid Waste Management Department can play an important role in providing the initial education and awareness training and promotional material to assist ECD centres.

In informal settlements, no new waste receptacle may be placed within 50m radius of an existing ECD and no new ECD may be approved within a radius of 50m of a waste receptacle.

#### 9.1.5. Finance Directorate

Alignment of internal policies (ie. special tariffs) to promote achievement of ECD Policy objectives.

### 9.2. District Environmental and Regional Health Services

- 9.2.1. **Environmental Health (CWDM)** is responsible for the assessment of ECD Centres and issuing of Health [Reports to Provincial Department Social Development Clearance Certificates](#).

- 9.2.2. **Primary Health Care** for pregnant women and children under 6 is provided by Regional Department of Health through a service level agreement with the Provincial Government of the Western Cape.

### 9.3. Provincial Department of Social Development (DSD)

Stellenbosch Municipality shall partner with DSD to provide holistic and integrated ECD services and address backlogs and challenges related to the ECD registration processes.

- 9.3.1. The DSD Regional Office, Cape Winelands: Provide support and guidance to ECD services in the area.

9.3.2. DSD must register ECD Centres and keep an updated regional and provincial register of all registered early childhood development services.

9.3.3. DSD must register the ECD Programme.

9.3.4. DSD must perform inspections and cancel registration certificates due to non-compliance.

#### 9.4. ECD forums

9.4.1. An ECD forum is a voluntary organization for local ECD centres which serves as a representative body for community ECD centres and is governed by its constitution. An ECD forum also co-ordinates the ECD sector at community level and manages this sector's inputs or comments on ECD policy matters. An ECD forum will be responsible for participation in the Integrated Development Planning process of Stellenbosch Municipality on behalf of its members. It is the responsibility of the forum to disseminate information among its members and to inform the municipality of any mushrooming occurring within its geographical area. ECD forums further assist their members during the DSD registration process.

### 10. REQUIREMENTS FOR ECD REGISTRATION COMPLIANCE

10.1. Initial Stage: Reporting to DSD appointed ECD Service Provider~~ocial Worker.~~

10.1.1. The applicant/owner's initial contact must be made with the Social Worker at Department of Social Development that provides ECD services in the respective area.

10.1.2. This will be an information session between the social worker and the applicant/owner of the facility.

10.1.3. The social worker must obtain the organisation's details and will advise applicant/owner whether the applicant/owner may proceed with the process depending on the area the facility will operate.

10.1.4. The social worker will determine whether the service is appropriate and whether the infrastructure that will be used is appropriate for ECD services, before any further steps are taken.

10.1.5. If the applicant/owner proceeds, the social worker will complete Form 11 with the applicant which specifies what is needed in order to be registered.

10.1.6. The social worker will refer the applicant/owner to the local municipality, in order to obtain the necessary certificates in order to be registered as a legal entity.

10.1.7. The Service Provider refer the application with the relevant information to the Environmental Health Practitioner (CWDM) to do the necessary inspection and report back to Social Development on the suitability of the proposed ECD Centre.

10.2. Assessing land use applications according to the appropriate Zoning Scheme

10.2.1. Land use rights:

10.2.1.1. A day care centre is defined as a place which is used, whether for profit or otherwise, for the care of children of all ages including schooling of pre-primary school children and after-school care and is the same as early childhood development centre (ECD), crèche, preschool, playgroup or aftercare. Day care centres can be operated as of right under Community and Education Zone.

- 10.2.1.2. A home day care means using a dwelling house, second dwelling and/or its outbuildings or a portion thereof to provide day care, crèche, after school care, early childhood development centre (ECD) or instruction for a limited number of infants or children, provided that:
- The scale of the dwelling house or second dwelling shall not exceed that of a normal dwelling unit which would ordinarily accommodate one family; and
  - The primary use of the property shall remain a residence for the operator; and
  - The operator of the enterprise shall permanently reside on the property. A home day care centre may not accommodate more than six children (including any children of the resident family who also attend the facility).
- 10.2.1.3. Day care centres can also be permitted, in some Zones, as an additional use (which means an activity or use that is permitted in the zone additional to a primary right, provided provisions specified for such use are adhered to) and that only a Site Development Plan (SDP) needs to be submitted for consideration.

### 10.3. Small vs. Large Scale Centres

10.3.1. Small Scale centres would be regarded as home day care centres which can be mostly found in residential areas as they are limited to up to 6 children.

10.3.2. Large Scale centres (Day care centres), would be more located in non-residential zoned properties and can have more than 6 pupils.

### 10.4. Land Use Application Guide:

10.4.1. The following information should be included with a land use application (in conjunction with other requirements as per the Department's basic application submission checklist):

10.4.1.1. A proper written motivation which details:

- The number of children proposed to be accommodated;
- The type and nature of the proposed facility and services offered, including the type of structures and any proposed additions thereto;
- The number of people to be employed;
- The hours of operation and a daily timetable (including list of activities), including time allocated for outside play;
- A scaled and clearly dimensioned Site Development Plan indicating:
  - Cadastral boundaries on the subject property;
  - The areas of the dwelling/building(s) to be used;
  - Applicable building lines;
  - Play areas;
  - On-site parking for staff & visitors;
  - Drop off & pick up areas;

### 10.5. Criteria to be used in assessing land use applications for ECD centres

10.5.1. Locational Criteria:

10.5.1.1. Large scale ECD centres (day care) should be located close to public open spaces schools, churches, community facilities, clinics, sports fields and libraries etc. This clustering promotes

- sharing of infrastructure; such as parking; maximises access and confines the traffic impact to a defined area.
  - 10.5.1.2. Their proximity to public transport nodes is also to be taken into consideration.
  - 10.5.1.3. The ECD centres should not be located next to a tavern; sports bar; adult centres; or any other facility that would not be of a positive influence.
  - 10.5.2. Access and Parking Criteria:
    - 10.5.2.1. Both pedestrian and vehicle access are to be provided.
    - 10.5.2.2. A suitable, safe drop-off area is to be provided.
    - 10.5.2.3. Adequate provision is to be made for on site visitors parking. Should this be limited the number of attendees should also be accordingly limited. The zoning scheme requires at least 1 parking bay per classroom or office.
  - 10.5.3. Hours of operation
    - 10.5.3.1. These are hours that the facility will operate on a daily basis.
  - 10.5.4. Noise and Security
    - 10.5.4.2. Noise and security considerations for ECD centres
- 10.6. Minimum health requirement standards as per [Chapter 5 \(Child Care Facilities and Institutions\) of Provincial Gazette Extraordinary 6696, 15 February 2010: Municipal Health By-Laws Cape Winelands District Municipality, District Municipality regulations.](#)

The Cape Winelands District Municipality Environmental Health Officer is responsible to provide this service to registered ECD facilities and application for registration.

All ECD centres must comply with health requirements which include, **but are not limited to the following:**

- 10.6.1. An unobstructed indoor play area of at least 1.5 meter square per child must be provided;
- 10.6.2. An outdoor play area of at least 2 meter square per child must be provided;
- 10.6.3. If no outdoor space is available; add an extra 1 meter square per child indoor;
- 10.6.4. The learning indoor and outdoor play areas must be separated from the children and ~~after~~ other play areas;
- 10.6.5. Where children are bottle-fed suitable facilities must be provided for cleaning of the bottles;
- 10.6.6. One potty for every 5 children must be provided;
- 10.6.7. The potties must be washed and disinfected after each usage and the waste of the potties must be disposed of hygienically in a toilet;
- 10.6.8. Storage facilities for soiled nappies must be provided.
- 10.6.9. Potties and nappies may not be cleaned near the food preparation and eating area;
- 10.6.10. Facilities for the washing of children [babies] must be provided;
- 10.6.11. Covered; safe; clean and waterproof mattresses and or cots must be provided;
- 10.6.12. Bedding should be provided and the blankets should be washed frequently;
- 10.6.13. A separate nappy changing area should be provided;
- 10.6.14. A separate nappy washing area should be provided and or disposable nappies should be stored and disposed in an approved manner.

- 10.6.15. Provide separate kitchen and facilities compliant with Regulation R962/2012 if food is handled on the premises. Apply for a Certificate of Food Acceptability.
- 10.7. Fire Safety Certification
- 10.7.1. One (1) portable fire extinguisher for every 200 square meters. (sqm);
  - 10.7.2. One (1) fire hose reel for every 500 sm if the building is bigger than 250 sqm;
  - 10.7.3. One (1) fire hydrant for every 1000 sqm;
  - 10.7.4. Exit signs - illuminated symbolic safety sign - above escape routes (doors);
  - 10.7.5. Escape route signs;
  - 10.7.6. If the building has only one escape route (door) not more than 25 persons are allowed inside;
  - 10.7.7. The building's external walls must have a fire resistance of 120 minutes.

## **11. IMPLEMENTATION OF POLICY**

Implementation date to be determined by Council after approval of policy.

## **12. MONITORING, EVALUATION AND REVIEW**

In order to ensure effectiveness, relevance and efficiency of the ECD program, there will be an on-going monitoring of the implementation. Evaluation will be done by the Department Community Development in collaboration with all other external stakeholders.

Review will encompass the results of monitoring and evaluation processes.

### **12.1. Monitoring**

- 12.1.1. Monitoring the development and updating of unregistered and registered ECD centres database in the Municipal Area.
- 12.1.2. Monitoring of the implementation of capacity building programmes and number of attendees to training opportunities.
- 12.1.3. Monitoring of the ECD registration drive campaigns.
- 12.1.4. Monitoring of collaborative interventions and programmes between Municipality and Department of Social Development.
- 12.1.5. Monitor time taken to get an ECD centre registered.
- 12.1.6. Monitor number of children attending registered ECD Centres.
- 12.1.7. Monitor number of ECD registration per year.

### **12.2. Evaluation:**

Collaborate with internal and external stakeholder to evaluate impact.

### **12.3. Review:**

The ECD Policy review will occur every 5 years, unless new legislation comes into effect before then.

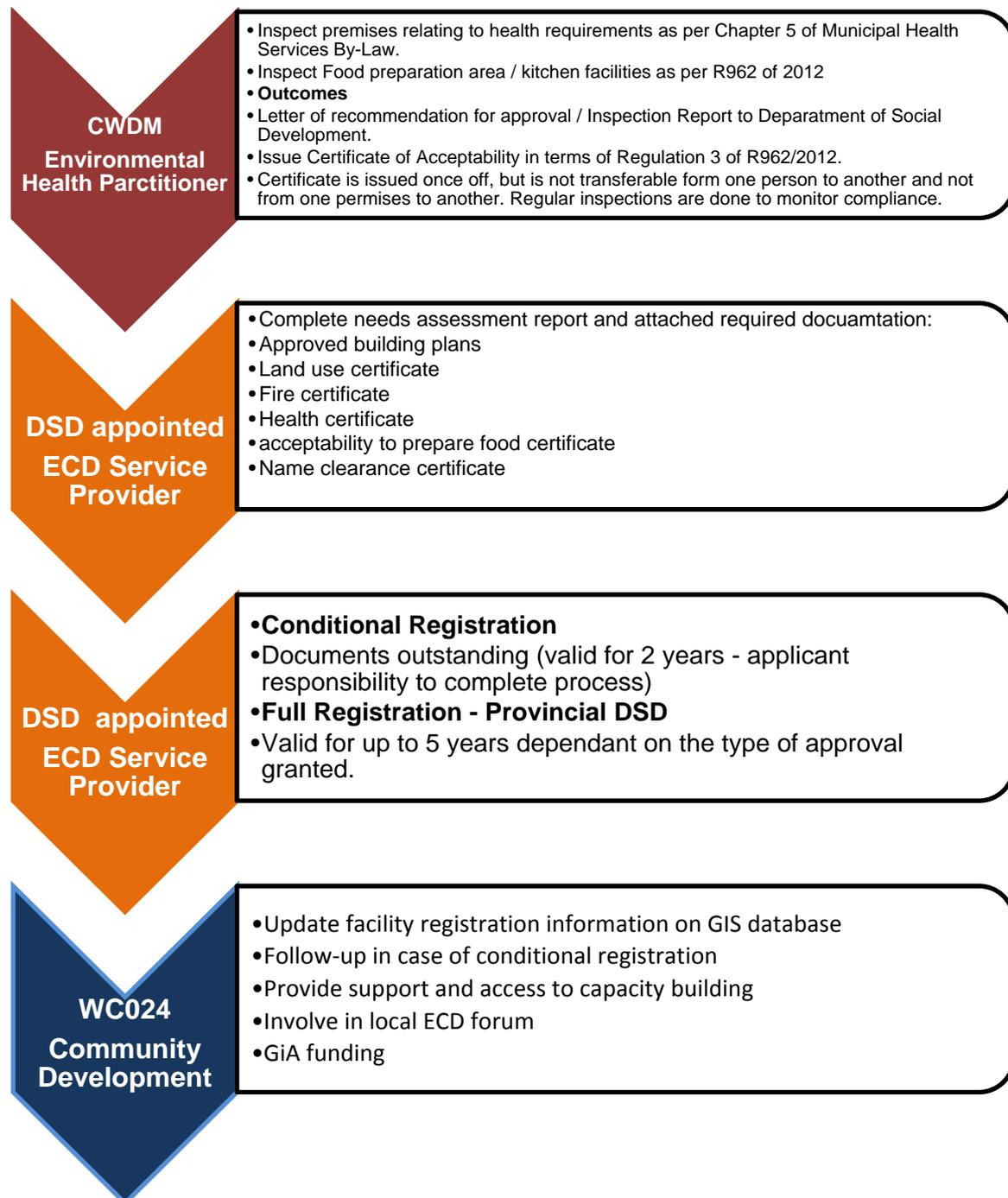
### **12.4. Data gathering:**

The Municipality will annually update its GIS database of ECD's and maintain a register reflecting the status of ECD's in the WC024.

## 13. APPLICATION FOR REGISTRATION OF A PARTIAL CARE CENTRE (Flow chart)



Continue to next page



<b>8.3.2</b>	<b>STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY</b>
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Collaborator No: 575367  
KPA Ref No: D 437  
Meeting Date: 11 April 2018

**1. SUBJECT: STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**

**2 PURPOSE**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) (Annexure A) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 (Annexure B) has been prepared. The purpose of this item is to acquire Council's approval to advertise and request public and the relevant provincial government department's comment on the above draft noise control policy.

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)**

There is no clear delegation in the current System of Delegations dated 2015/05/01. However, Section C (e) Environmental Management, of the above System of Delegations, Item 392, makes provision for certain aspects (Noise Impact Assessments and Exemptions) as contained in the Provincial Cape Noise Control Regulations.

**4. EXECUTIVE SUMMARY**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The need for such a policy is borne from the fact that various municipal departments deal with different aspects of noise control. The policy will clearly direct all relevant departments as to its function in dealing with the issue of noise and noise complaints.

**5. RECOMMENDATIONS**

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

An item in this regard was submitted to the Mayoral Committee meeting of 2017/10/11. The meeting concluded that the item be referred to a joint Section 80 Committee meeting between Planning and Economic Development and Community and Protection Services for advice and recommendation to the Executive Mayor.

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Subsequently the item was referred to the joint Section 80 Committee meeting between Planning and Economic Development and Community and Protection Services of 2018/02/06 (Annexure C) which made the following recommendations.

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

## 6.2 Discussion

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The above draft policy deals with, among other, the following:

- Complaints
- Disturbing Noise
- Noise Nuisance
- Machinery in Residential Areas
- Noise Exemptions
- Places of Late-Night Entertainment
- Land Use Applications with Noise Impact
- Generator Sets
- Construction Noise
- Unamplified Human Voice
- Animal Noise

The draft policy furthermore contains 11 flowcharts describing the procedures to be followed in dealing with complaints as defined in the policy.

## 6.3 Financial Implications

There is no direct financial implications should the recommendations as set out in the report be accepted.

The purpose of this item is to acquire Council's approval to advertise and request public comment on the draft noise control policy. Other than advertisement fees the execution of the below recommendation will have no financial implications to Council.

Stellenbosch Municipality has already acquired the necessary noise level measuring equipment. The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof. Note that noise control by local authorities is mandatory, in terms of the Provincial Noise Control Regulations PN 200/2013, and requires essential overtime work.

## 6.4 Legal Implications

The recommendations in this report comply with Council's policies and applicable legislation.

**6.5 Staff Implications**

This report has no staff implications to the Municipality.

The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof. Note that noise control by local authorities is mandatory, in terms of the Provincial Noise Control Regulations PN 200/2013, and requires essential overtime work. The financial implications in this regard must be recognised.

**6.6 Previous / Relevant Council Resolutions:****3<sup>rd</sup> Meeting of the Council of Stellenbosch Municipality (2016/10/26), Item 7.3.1**

RESOLVED (majority vote)

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

**6.7 Risk Implications**

This report has no risk implications for the Municipality.

It is, however, important to note the following:

Noise control by local authorities is mandatory. Stellenbosch Municipality is fortunate to have a suitably qualified and highly experienced appointed Air Quality / Noise Control Officer. This official has had an immediate positive effect in the municipality on the issue of handling matters of noise control in the municipality to such an extent that together with the City of Cape Town Stellenbosch Municipality is now the leading local authority in the Western Cape as far as the implementation of the Provincial Noise Control Regulations is concerned.

Due to the nature of the noise control function the relevant official has to respond to complaints of noise after hours and over weekends on a frequent basis. Stand-by allowance for this official has been denied which means that he has to take leave in lieu of overtime accumulated compromising the function of noise control in the relevant official's absence. The official has also unsuccessfully applied for staff housing, as he, due to property- and rental prices within Stellenbosch town, resides in Cape Town.

This official will be responsible for execution of the policy on adoption thereof.

Stellenbosch Municipality is running a real risk of losing this official to another local authority due to these issues, which will put the Municipality in a difficult position of having to replace a person with a specific skill (and associated experience) which is in high demand.

**6.8 Comments from Senior Management:**

The Draft Stellenbosch Municipality Noise Control Policy was distributed to all internal departments on 12 May 2017 for input by 15 June 2017. No inputs were received.

Should Council approve the recommendations proposed all Municipal Departments will again be afforded the opportunity to submit comment.

**6.8.1 Director: Infrastructure Services**

No comments received

**6.8.2 Director: Planning and Economic Development**

No comments received

**6.8.3 Director: Community and Protection Services:**

No comments received

**6.8.4 Director: Strategic and Corporate Services:**

No comments received

**6.8.5 Director Human Settlements and Property Management**

No comments received

**6.8.6 Chief Financial Officer:**

No comments received

**6.8.7 Municipal Manager:**

The following comment was received from the Municipal Manager:

*Noise control by local authorities is mandatory, in terms of the Provincial Noise Control Regulations PN 200/2013, and requires essential overtime work. The financial implications in this regard must be recognised.*

**ANNEXURES**

**Annexure A:** Draft Stellenbosch Municipality Noise Control Policy (June 2017)

**Annexure B:** Provincial Noise Control Regulations PN 200/2013

**Annexure C:** Joint Section 80 Committee Meeting 2018/02/06: Minutes

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Schalk van der Merwe</b>
<b>POSITION</b>	<b>Environmental Planner</b>
<b>DIRECTORATE</b>	<b>Planning &amp; Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8679</b>
<b>E-MAIL ADDRESS</b>	<b>schalk.vandermerwe@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>11 April 2018</b>

**Annexure A:**

Draft Stellenbosch Municipality Noise Control Policy (June 2017)

STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY (JUNE 2017)

**POLICY RELATING TO THE IMPLEMENTATION OF THE PROVINCIAL NOISE CONTROL  
REGULATIONS PN 200/2013  
(June 2017)**

This policy replaces all previous policies in this regard and must be implemented with immediate effect.

**Table of content**

This policy contains the following:

1. Definitions
2. Policy purpose
3. Complaints
4. Disturbing Noise
5. Noise Nuisance
6. Machinery in Residential Areas
7. Noise Exemptions
8. Places of Late-Night Entertainment
9. Land Use Applications with Noise Impact
10. Generator Sets
11. Construction Noise
12. Unamplified Human Voice
13. Animal Noise

**Procedure Flowcharts:**

1. Noise Complaints
2. Disturbing Noise Procedure
3. Noise Nuisance Procedure
4. Machinery in Residential areas
5. Noise Exemptions
6. Places of late-night entertainment
7. Land Use Application with noise impact
8. Generator Sets
9. Construction Noise
10. Unamplified Human voice
11. Animal Noise

**1. DEFINITIONS**

In these regulations a word or expression to which a meaning has been assigned in the Noise Control Regulations PN200/2013, Environment Conservation Act, 1989 (Act 73 of 1989), or the

relevant Standards South Africa publication (SANS) has the meaning so assigned and, unless the context indicates otherwise –

**“ambient noise”** means the all-encompassing sound in a given situation at a given time measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;

**“animal”**, in relation to a person, means any animal in the possession or under the control of that person, and includes birds and poultry;

**“authorised person”** means –

- a) a designated person;
- b) a member of the service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
- c) a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
- d) a person who has been declared a peace officer under section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977);

**“complaint”** means any written complaint submitted for any noise nuisance or disturbing noise.

**“dBA”** means the sound pressure level measured in decibels which is A-weighted to approximate the response of the human ear;

**“designated person”** means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

**“disturbing noise”** means a noise, excluding the unamplified human voice, which –

- (a) exceeds the rating level by 7 dBA;
- (b) exceeds the residual noise level where the residual noise level is higher than the rating level;
- (c) exceeds the residual noise level by 3 dBA where the residual noise level is higher than the rating level; or
- (d) In the case of a low-frequency noise, exceeds the level specified in Annexure B of SANS 10103;

**“emergency”** means a situation that arises suddenly and involves imminent or actual-

- a) danger to persons, or
- b) damage to property or the environment and which demand immediate action.

**“investigating officer”** means a person designated or appointed by a local authority in terms of Regulation 9 of the Western Cape Noise Regulations P.N. 200/2013;

**“local authority”** means Stellenbosch Municipality;

**“low frequency noise”** sound which contains sound energy at frequencies predominantly below 100 Hz;

**“model aircraft”** includes an unmanned recreational aircraft, whether full size or scaled down;

**“NEMA”** means the National Environmental Management Act, 107 of 1998;

**“noise nuisance”** means any sound which impairs or may impair the convenience or peace of a reasonable person;

**“noise sensitive activity”** means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities;

**“person”** includes a juristic person and an organ of state;

**“premises”** means a piece of land or any building or part of a building, place of residence, tent or other structure;

**“property projection plane”** means a vertical or horizontal plane, whichever is applicable on a boundary line of premises defining a boundary of the premises in space;

**“Province”** means the Province of the Western Cape;

**“public event”** means any event –

- a) to which the public or any section thereof has access, including a show, music concert, festival, sports event or any similar event; and
- b) at which any amplified music is played or reproduced;

**rating level”** means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

**“regulations”** means the Western Cape Noise Control Regulations, PN200/2013;

**“residual noise”** the all-encompassing sound in a given situation at a given time measured as the reading on an integrating impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise;

**“responsible person”** means:

- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the cause of noise;
- (b) the owner of the premises from where the noise originates or originated from;
- (c) the person in control of the premise or any person who has or had a right to use the premises from where the noise originates or originated from.

“SANS 10103” means the latest edition of Standard South Africa publication No. 10103 titled “The measurement and rating of environmental noise with respect to annoyance and to speech communication”, as amended from time to time, or corresponding replacement;

“SANS 10117” means the latest edition of Standard South Africa publication No.10117 titled “Calculation and prediction of aircraft noise around airports for land use purposes” as amended from time to time, or its corresponding replacement as referred to in SANS 10328;

“SANS 10210” means the latest edition of Standards South Africa publication No.10210 titled “Calculating and predicting road traffic noise as amended from time to time, or its corresponding replacement”, as amended from time to time or its corresponding replacement;

“SANS 10328” means the latest edition of Standard South Africa publication No.10328 titled “methods for environmental noise impact assessments”, as amended from time to time or its corresponding replacement;

“SANS 658” means the latest edition of Standard South Africa publication No.658 titled “integrating-averaging sound level meters”, as amended from time to time, or its corresponding replacement;

“sound level” means the equivalent continuous rating level as defined in SANS 10103, taking into account impulse, tone and night-time corrections;

“vehicle” means any device designed or adapted mainly to travel on wheels or crawler tracks, whether self-powered or not, other than such a device which travels solely on rails, including–

- (a) a motor vehicle;
- (b) motorcycle;
- (c) an off-road vehicle, such as a scrambler, quadru cycle or dune buggy; and
- (d) a model vehicle;

“vessel” means any watercraft, including –

- (a) a jet ski;
- (b) a ski boat; and
- (c) a model vessel.

## 2. POLICY PURPOSE

The purpose of this policy is:

- a) To control and manage noise by the enforcement of the Western Cape Noise Control Regulations, PN200/2013;
- b) To initiate and sustain an effective administrative structure for the control of noise, including the keeping of statistics of all noise complaints;

- c) To engage with all spheres of government, adjacent Local Authorities and other agencies whose activities may influence or affect the control of noise;
- d) To initiate and maintain a Noise Mapping program; and
- e) To raise awareness about noise pollution and the health risks associated with environmental noise.

The designated Noise Control Office is responsible for the overarching administration and implementation of all items contained in this policy unless specified otherwise. The Municipal Law Enforcement will deal with all items, as listed below in terms of "noise nuisance" as promulgated in the By-Law on the Prevention of Public Nuisances and the keeping of animals.

### 3. COMPLAINTS (Flowchart 1)

Noise related complaints are to be dealt with in the following manner:

- a. Incoming complaints must be logged on the complaints register.
- b. The investigating officer must determine the nature of the complaint.
- c. If a disturbing noise is confirmed, the disturbing noise procedure (flowchart 2) applies.
- d. If a noise nuisance is confirmed, the noise nuisance procedure (flowchart 3) applies.

### 4. DISTURBING NOISE PROCEDURE (Flowchart 2)

- a. The investigating officer is to determine the nature of the noise, whether it is a noise nuisance or noise disturbance as defined in the Regulations.
- b. Should the residual noise level differ by more than 10 dBA from the rating level, apply the SANS rating tables.
- c. Should the noise level equal or exceed the rating level by 7 dBA, a written instruction must be issued on the responsible person to cease or mitigate the noise.
- d. Should the residual noise level differ by more than 10 dBA from the rating level, the disturbing noise test procedure must be executed;
  - i. exceeds the rating level by 7 dBA;
  - ii. exceeds the residual noise level where the residual noise level is higher than the rating level;
  - iii. exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or
  - iv. in the case of low-frequency noise, exceeds the level specified in Annexure B of SANS 10103.
- e. Should any of the above be violated, then apply f-h.
- f. Issue a written instruction on the responsible person to cease or mitigate the noise.
- g. Notify the complainant of the outcome of the investigation.
- h. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 4(c) and (f).
- i. Should the complaint be solved, close the complaint and notify the complainant of such action.
- j. Should the complaint be unsolved, issue a summons on the responsible person.

**5. NOISE NUISANCE PROCEDURE (Flowchart 3)**

- a. The investigating officer must request the complainant to submit an affidavit in terms of Regulation 10(3).
- b. Should the complainant refuse or fail to submit a valid affidavit within 7 working days of submitting the noise complaint, the complaint may be closed.
- c. Should the complainant submit a valid affidavit, the investigating officer must validate the complaint.
- d. Should the investigating officer, after executing (c), confirm in his/her opinion that the noise does not constitute a nuisance the complaint may be closed after which the complainant must be informed accordingly.
- e. Should the investigating officer, after investigating the complaint, confirm in his/her opinion that the noise does constitute a nuisance, a written instruction must be issued on the responsible person to cease or mitigate the noise after which the complainant must be notified accordingly.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 5(j).
- g. Should the complaint be unsolved, issue an appropriate fine in terms of the Admission of Guilt Fines Guidelines or a summons.
- h. Should the complaint be solved, the complaint is to be closed and complainant notified accordingly.

**6. MACHINERY IN RESIDENTIAL AREAS (Flowchart 4)**

- a. The investigating officer must measure noise levels near the property projection plane for the exceedance of 50 dBA noise level or a noise level exceedance of the residual noise level of 5 dBA.
- b. In the case of no exceedance, close complaint and notify complainant accordingly.
- c. Should the sound level exceed 50 dBA or exceed the residual noise level by 5 dBA, issue written instruction on the responsible person to cease or mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- e. Should sound level exceed 50 dBA after the follow-up inspection conducted in terms of 6(d) or exceed the residual noise by 5 dBA, issue appropriate fine in terms of the Admission of Guilt Fines Guideline.
- f. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 6(c).
- g. Should the complaint be solved and the requirements met, the complaint is to be closed and complainant notified accordingly.
- h. If the requirements were not met, issue a summons on the responsible person.
- i. Should the noise level not exceed 50 dBA or not exceed the residual noise level by 5 dBA, the complaint may be closed and the complainant notified accordingly.

**7. NOISE EXEMPTIONS (Flowchart 5)**

- a. The Municipal Department tasked with considering public events must consider the application to host such an event.
- b. The applicant applying for exemption of any aspect contained in the Western Cape Noise Control Regulations, PN200/2013, or this policy is to provide reasons for the application and must provide written comment from interested and affected parties.
- c. In the case that an exemption is granted the Municipal Department tasked with considering public events must prepare an exemption document with conditions applicable to such exemption.
- d. In the case that an exemption is denied the Municipal Department tasked with considering public events must prepare a refusal document with reasons for such refusal.
- e. A Noise Impact Assessment, at the cost of the applicant, may be requested in accordance with Regulation 12(4) (c).

**8. PLACES OF LATE-NIGHT ENTERTAINMENT (Flowchart 6)**

- a. On receiving a noise complaint, the investigating officer must investigate the integrity of the existing soundproofing of the relevant place of late night entertainment in terms of disturbance noise or conditions imposed.
- b. Should the sound proofing comply to (a), the matter is closed.
- c. Should the soundproofing not comply, a written instruction must be issued on the responsible person to cease or to mitigate the noise.
- d. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 8(c).
- e. Should the sound proofing comply at the time of the follow up assessment, the matter is closed.
- f. Should the sound proofing of the premises fail to comply at the time of the follow up assessment the investigating officer should:
  - i. issue an appropriate fine in terms of the Admission of Guilt Fines Guideline,
  - ii. and/or refer to law enforcement for possible impoundment.
  - iii. and/or summons the responsible person to court.

**9. LAND USE APPLICATIONS WITH NOISE IMPACT (Flowchart 7)**

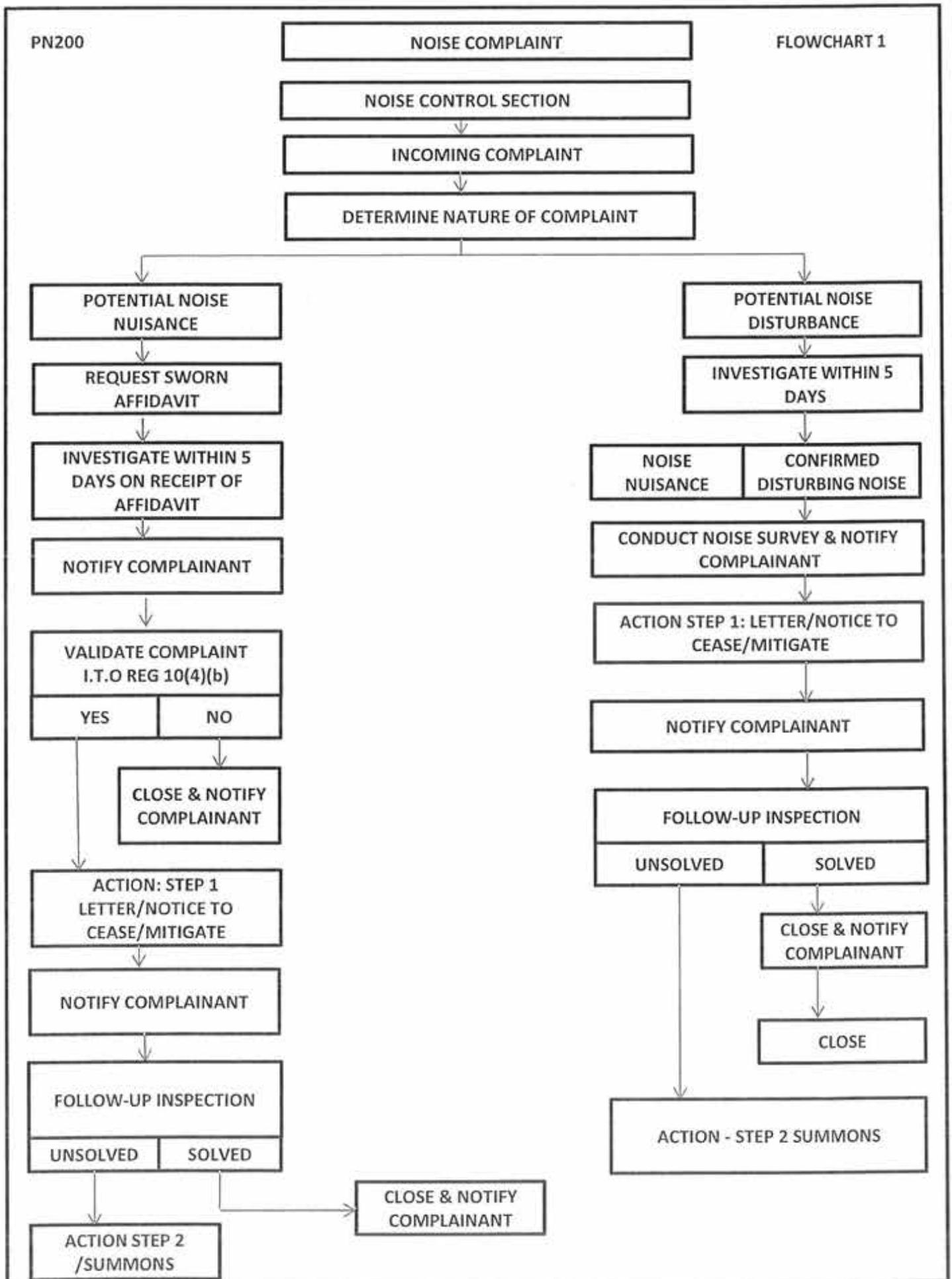
- a. Land use applications with a probability of causing noise nuisance or noise disturbance must be circulated to the designated Noise Control Officer for comment.
- b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.
- c. The investigating officer may inspect the relevant premise after construction to determine compliance with instructions issued in terms 9(b).

- 10. GENERATOR SETS: SYNCHRONISED UNITS ONLY (Flowchart 8)**
- a. Applications for the installation of synchronised generator units must be circulated to the designated Noise Control Officer for comment.
  - b. The designated Noise Control Officer may impose noise abatement or noise mitigation measures to be implemented.
  - c. Inspection of synchronised generator units must be conducted to establish compliance with instructions issued in terms 10(b).
  - d. The applicant is to inform the Noise Control Officer after the relevant generator has been installed and is ready for inspection.
  - e. If, during a site inspection it is found that the generator is in working order, noise measurements may be conducted.
    - i. The results of the noise measurements must be compared to the SANS rating levels.
    - ii. Should it be found that the noise is not causing a disturbance, the application may be approved.
  - f. If the noise is found to be causing a disturbance, a written request must be issued for further sound proofing.
  - g. A follow-up inspection must be conducted to establish compliance with instructions issued in terms 9(f).
  - h. If requirements are met, the application may be approved.
  - i. If requirements are not met, section (f) to (h) must be repeated.
- 11. CONSTRUCTION NOISE (Flowchart 9)**
- a. When dealing with building construction noise complaints: should the noise be within the permitted National Building Control Regulation hours, refer the complaint to Building Development Management Division for further processing, thereafter close the complaint to conclude the action taken.
  - b. Should the noise not be within the permitted NBR hours, apply Flowchart 1: The Noise Complaint Procedure.
- 12. UNAMPLIFIED HUMAN VOICE (Flowchart 10)**
- a. Should the noise in question be identified as human voice Regulation no. 10(4)(b) should be applied.
  - b. Should no noise nuisance be evident, the investigating officer must notify the complainant of the outcome and the complaint closed.
  - c. Should the noise be identified as a noise nuisance, the investigating officer must establish if Anti-Social behaviour is associated. Should Anti-Social behaviour be associated to the noise complaint, the investigating officer must hand the complaint to the Law Enforcement for further processing and the complaint closed.
  - d. If a noise nuisance is confirmed, apply the Flowchart 1: Noise Complaint Process.

**13. ANIMAL NOISE (Flowchart 11)**

Should a complaint regarding animal noise be received:

- a. Apply flowchart 3: Noise Nuisance Process
- b. Apply flowchart 2: Disturbing Noise Process



PN200

**DISTURBANCE NOISE PROCEDURE**

FLOWCHART 2

CALCULATE OR MEASURE FOR A DISTURBANCE

NOISE VS RATING LEVEL > 10dBA

NO

YES

APPLY SANS RATING TABLE

NOISE  $\geq$  7dBA ABOVE RATING LEVEL

YES

NO

NOISE NUISANCE PROCEDURE - FORWARD FINDINGS

NONE OF THE TESTS PROVES A DISTURBANCE

MEASURE AMBIENT SOUND LEVEL

NOISE LEVEL EXCEEDS RATING BY 7 dBA

NO

YES

NOISE LEVEL EXCEEDS RESIDUAL WHERE RESIDUAL > RATING LEVEL

NO

YES

EXCEEDS RESIDUAL NOISE LEVEL BY 3 dBA WHERE RESIDUAL < RATING

NO

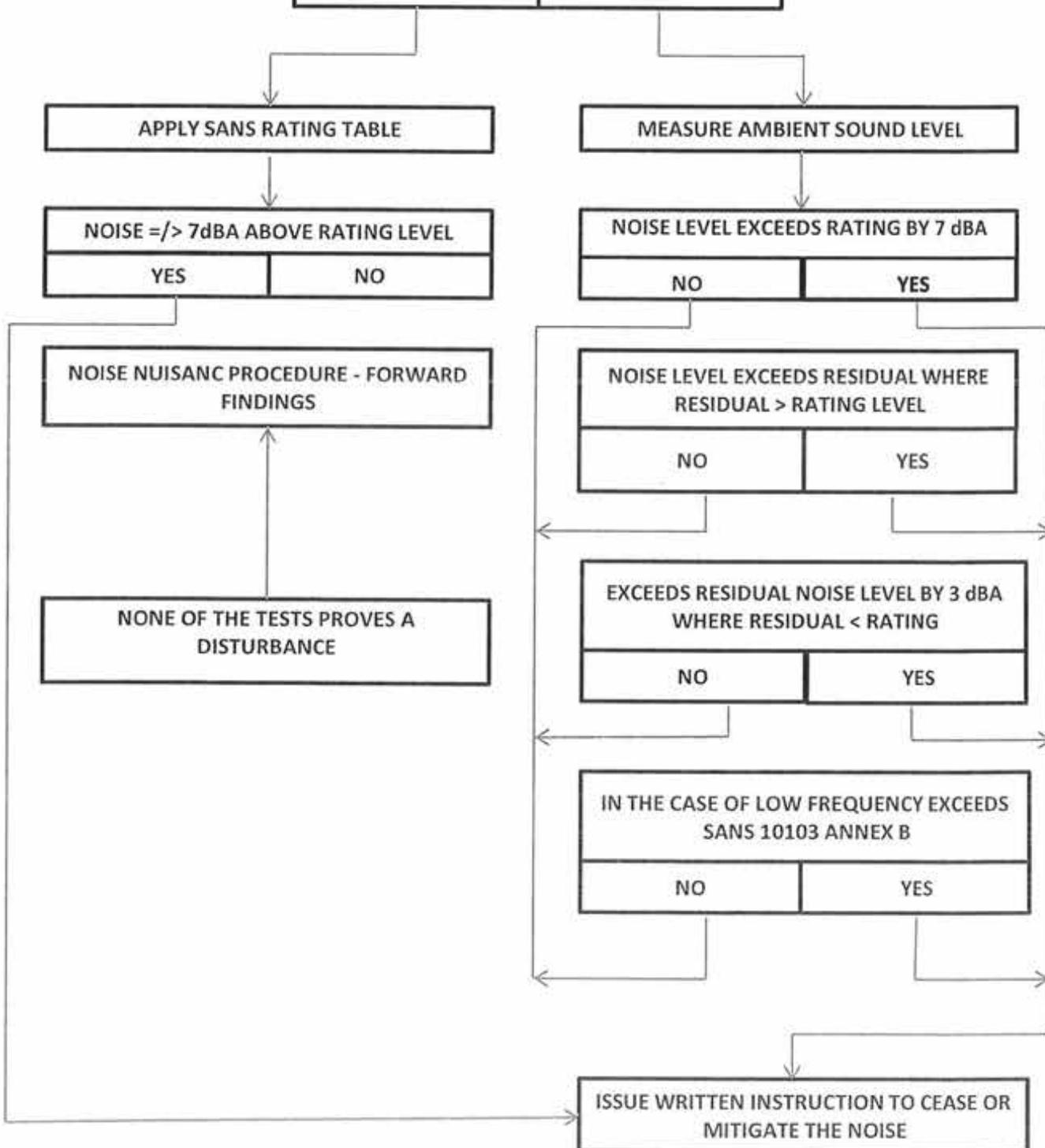
YES

IN THE CASE OF LOW FREQUENCY EXCEEDS SANS 10103 ANNEX B

NO

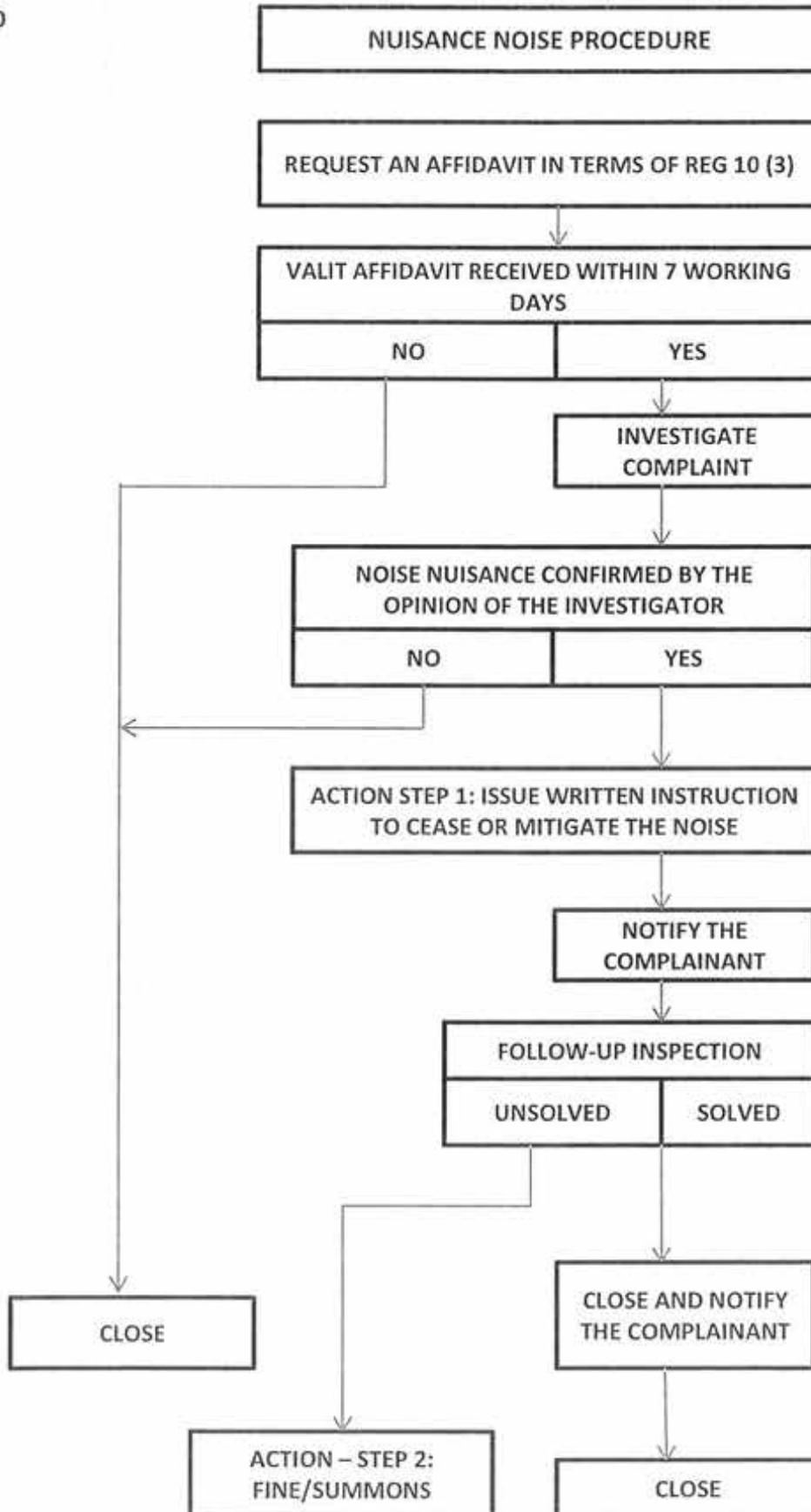
YES

ISSUE WRITTEN INSTRUCTION TO CEASE OR MITIGATE THE NOISE



PN200

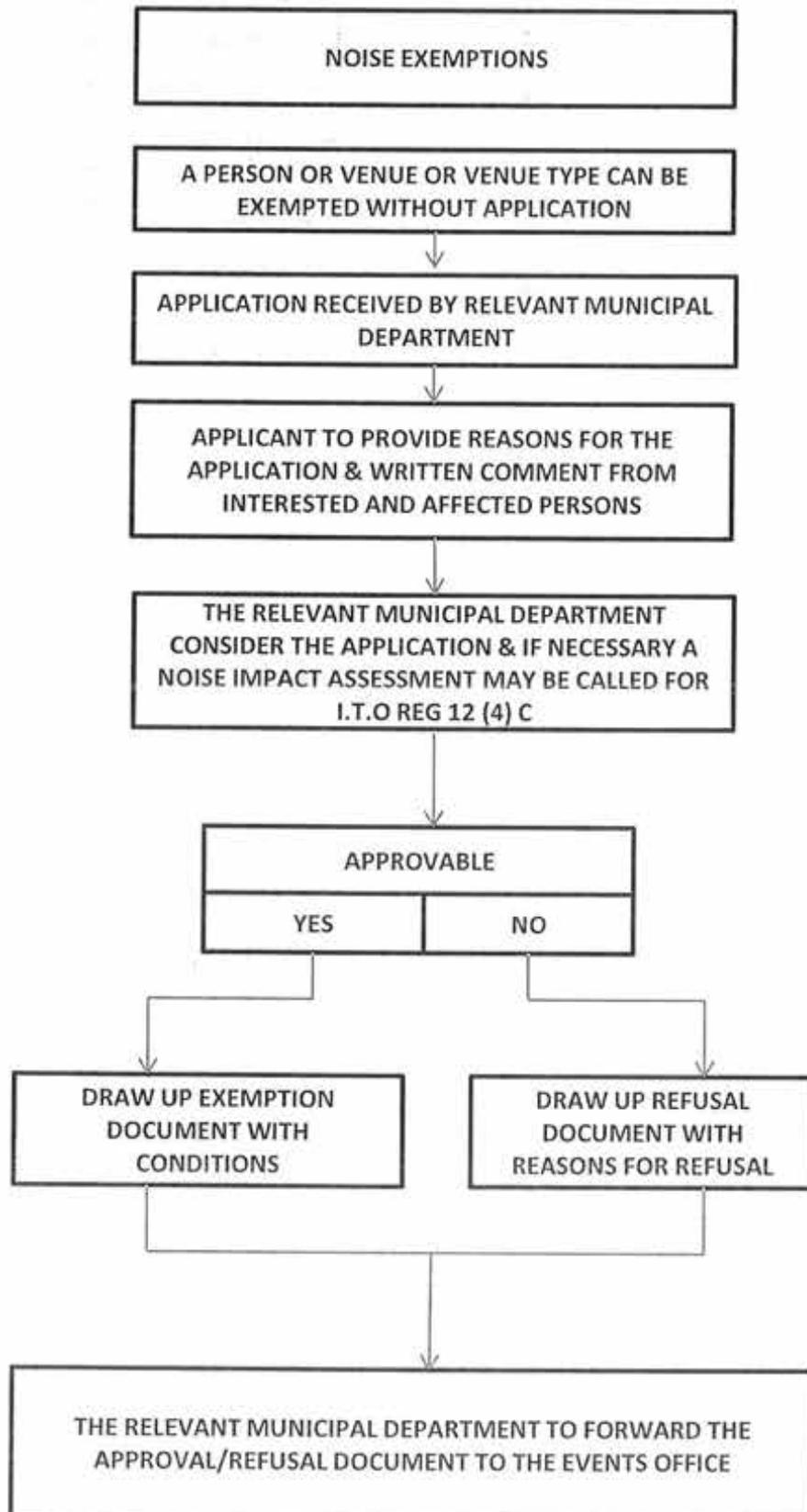
FLOWCHART 3





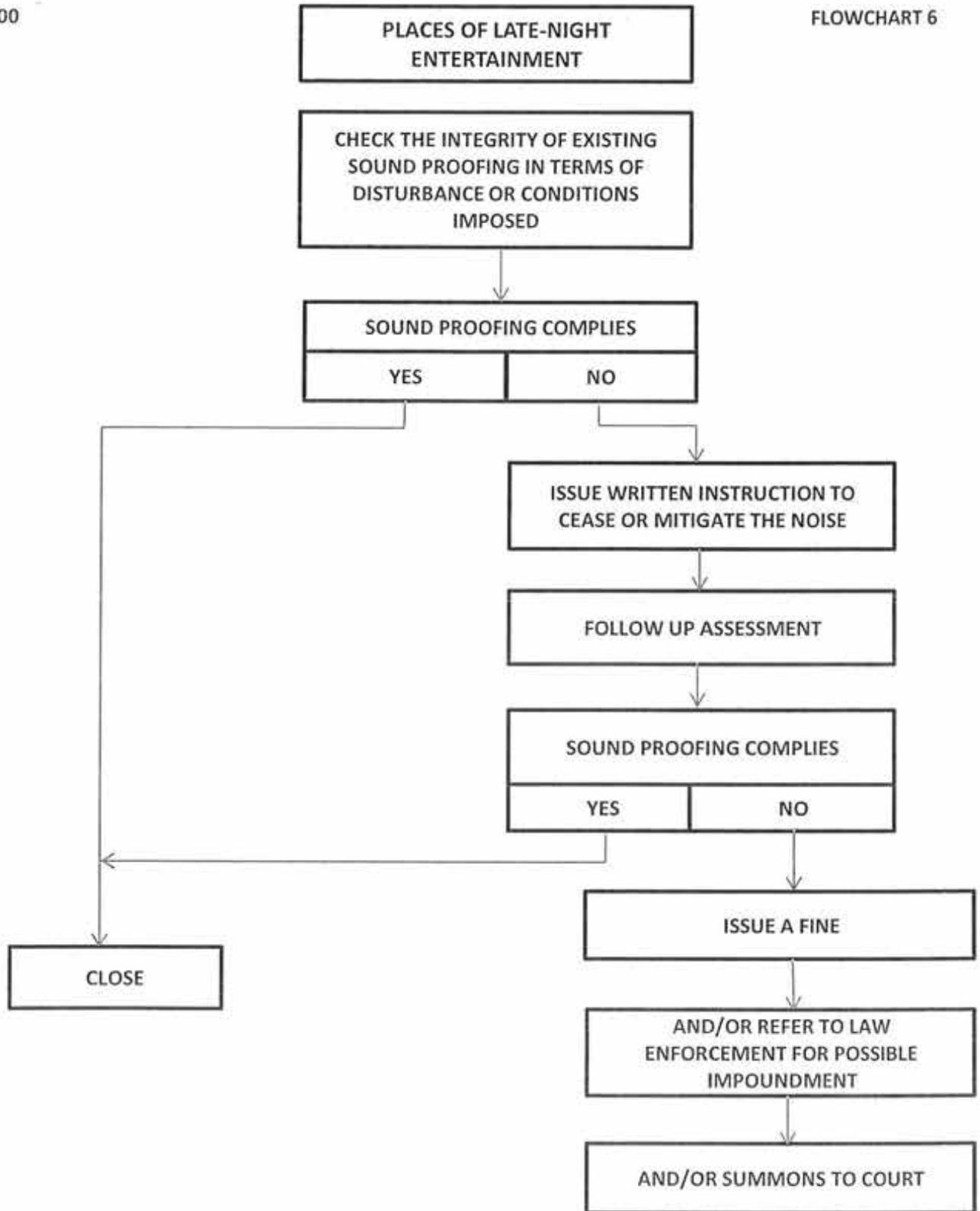
PN200

FLOWCHART 5



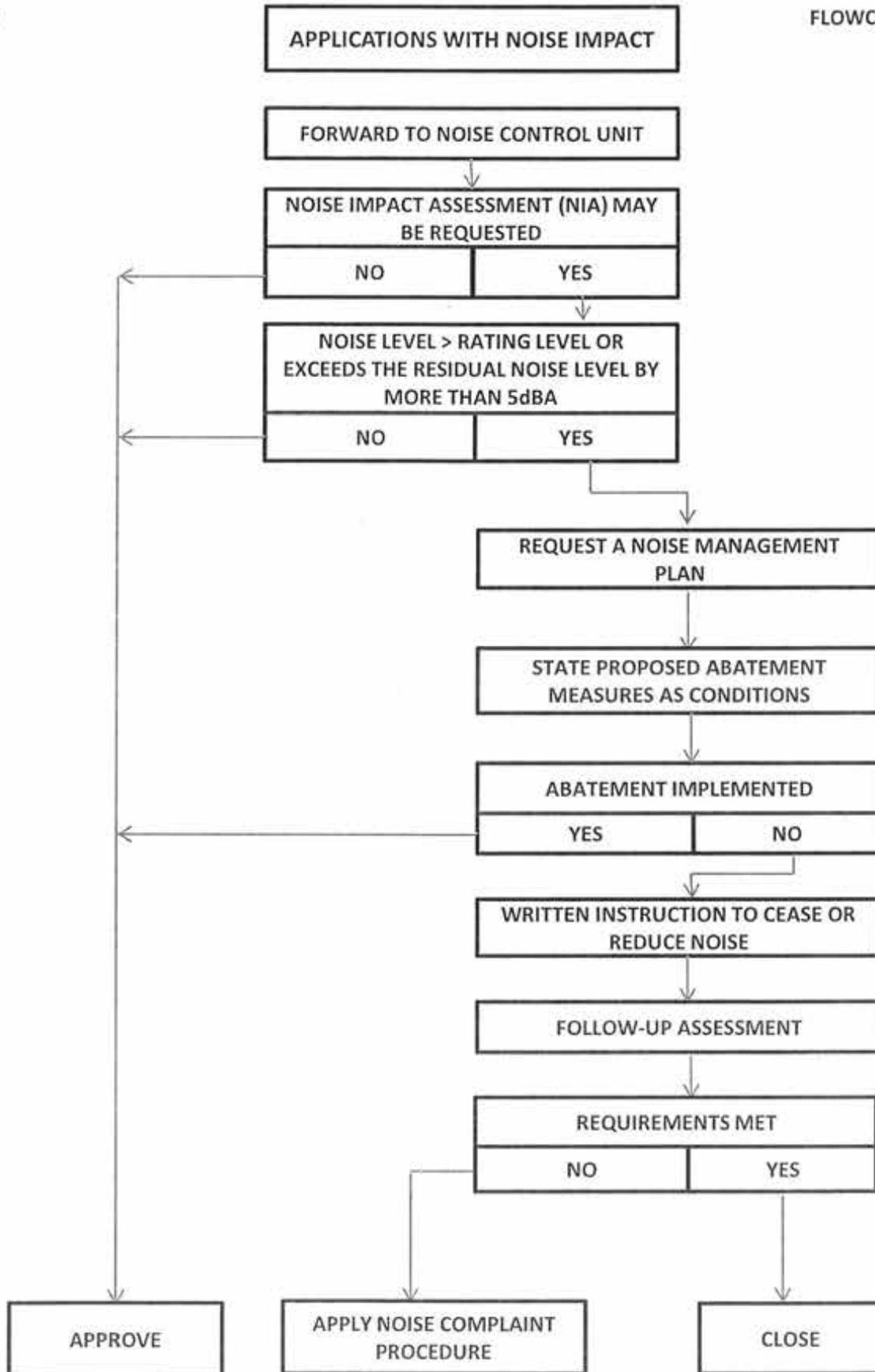
PN200

FLOWCHART 6



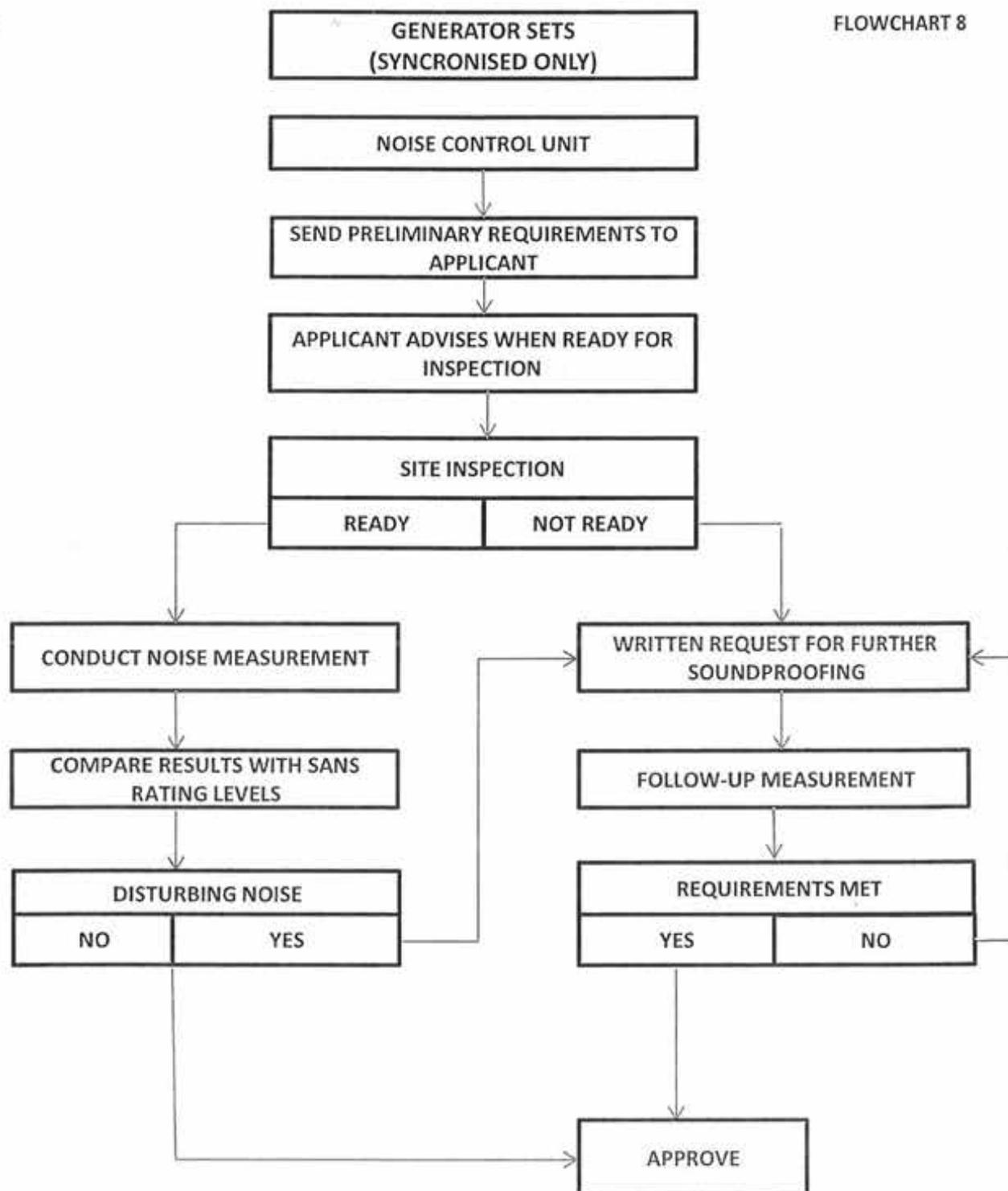
PN200

FLOWCHART 7



PN200

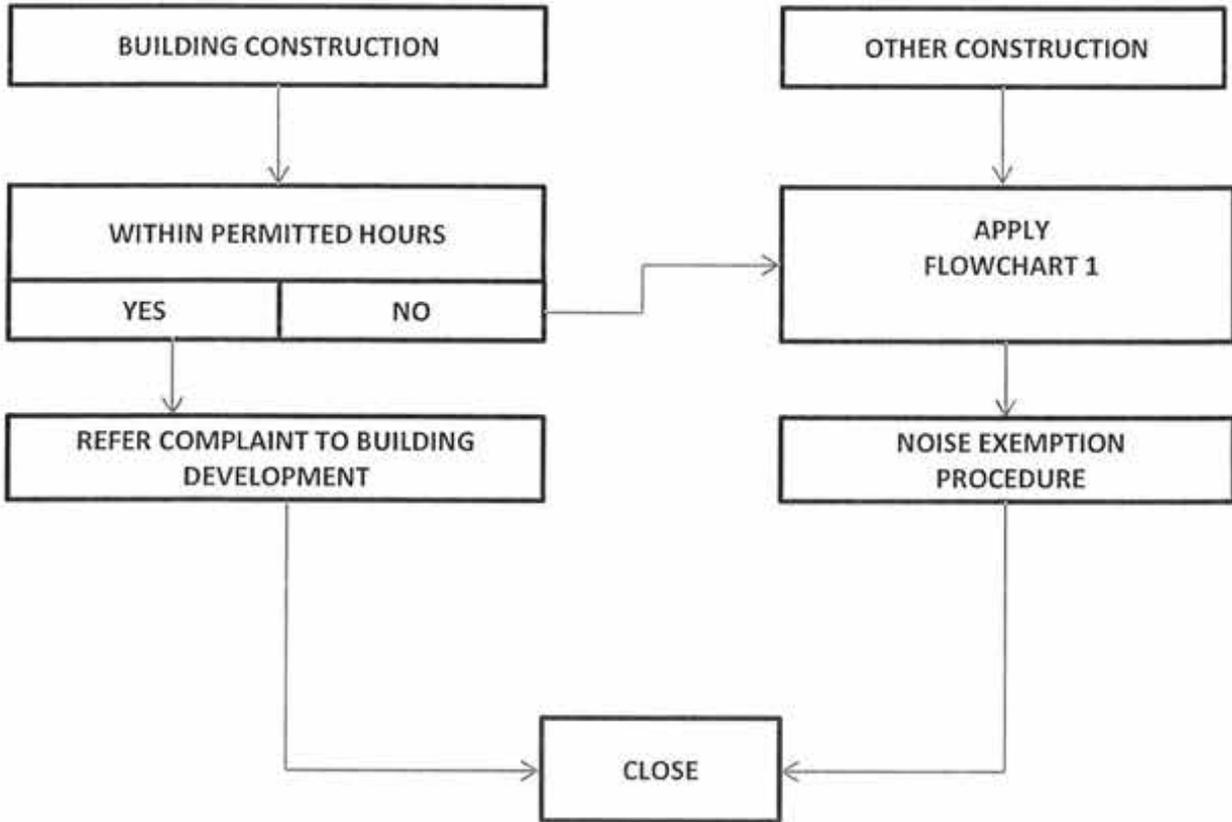
FLOWCHART 8



PN200

CONSTRUCTION NOISE

FLOWCHART 9



PN200

FLOWCHART 10

UNAMPLIFIED HUMAN VOICE

HUMAN VOICE ONLY

YES

NO

NOISE NUISANCE 10 .4(B)

NO

YES

ANTI-SOCIAL?

YES

NO

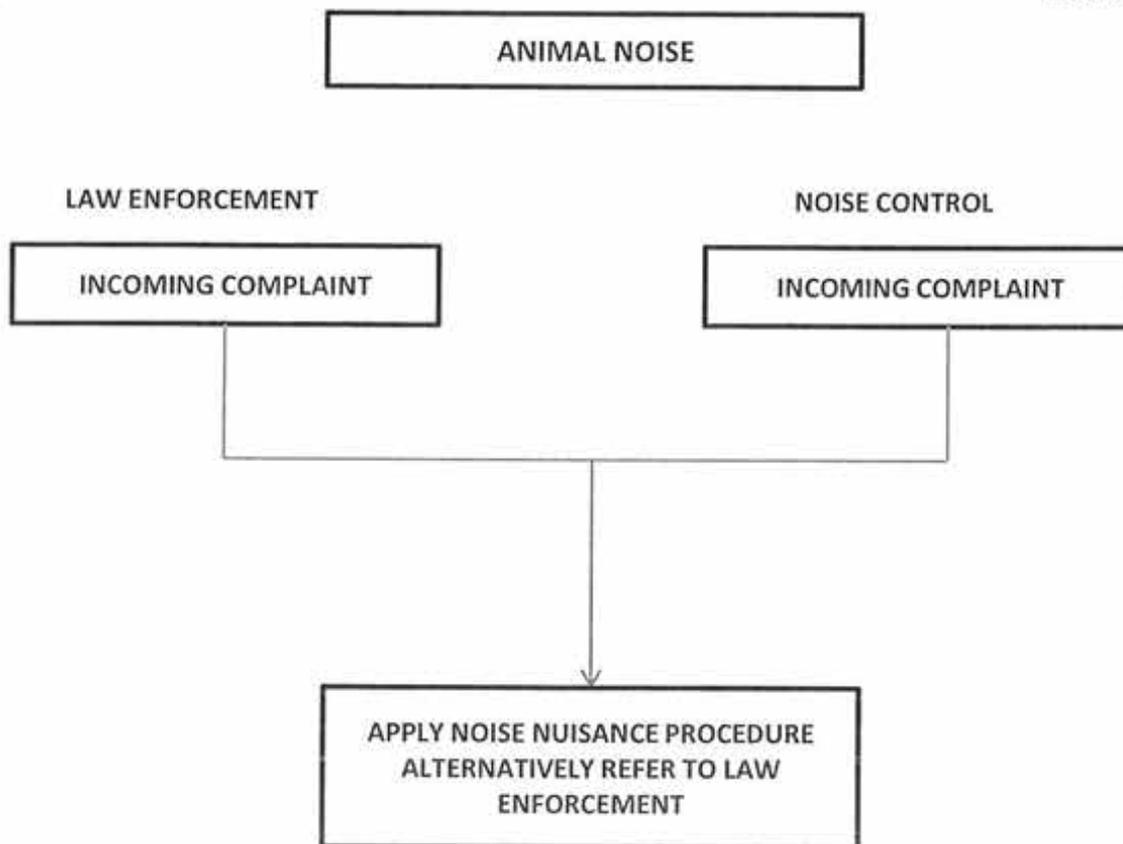
SEE FLOWCHART 1 FOR  
PROCEDURE

REFER TO LAW ENFORCEMENT

CLOSE

PN200

FLOWCHART 11



**Annexure B:**

Provincial Noise Control Regulations PN 200/2013

PROVINCIAL NOTICE	PROVINSIALE KENNISGEWING	ISAZISO SEPHONDO
The following Provincial Notice is published for general information.	Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.	Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.
ADV. B. GERBER, DIRECTOR-GENERAL	ADV. B. GERBER, DIREKTEUR-GENERAAL	ADV. B. GERBER, UMLA WULI-JIKELELE
Provincial Legislature, Wale Street, Cape Town.	Provinsiale Wetgewer, Waalstraat, Kaapstad.	Indlu yoWiso-mthetho yePhondo, Wale Street, eKapa.

P.N. 200/2013

20 June 2013

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

## ENVIRONMENT CONSERVATION ACT, 1989

## WESTERN CAPE NOISE CONTROL REGULATIONS

The Provincial Minister of Local Government, Environmental Affairs and Development Planning in the province of the Western Cape has made the regulations in the Schedule under section 25 of the Environment Conservation Act, 1989 (Act 73 of 1989).

## SCHEDULE

## Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Environment Conservation Act, 1989 (Act 73 of 1989), or the relevant Standards South Africa publication (SANS) has the meaning so assigned and, unless the context indicates otherwise—
- “ambient noise” means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;
- “animal”, in relation to a person, means any animal in the possession or under the control of that person, and includes birds and poultry;
- “authorised person” means—
- a designated person;
  - a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
  - a municipal police officer, traffic official, law enforcement officer or traffic warden appointed under any law; or
  - a person who has been declared a peace officer under section 334(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- “dBA” means the sound pressure level measured in decibels which is A-weighted to approximate the response of the human ear;
- “designated person” means a person designated or appointed by a local authority in terms of regulation 9;
- “disturbing noise” means a noise, excluding the unamplified human voice, which—
- exceeds the rating level by 7 dBA;
  - exceeds the residual noise level where the residual noise level is higher than the rating level;
  - exceeds the residual noise level by 3 dBA where the residual noise level is lower than the rating level; or
  - in the case of a low-frequency noise, exceeds the level specified in Annex B of SANS 10103;
- “emergency” means a situation that arises suddenly and involves imminent or actual—
- danger to persons; or
  - damage to property or the environment,
- and which demands immediate action;
- “local authority” means the municipality having jurisdiction;
- “low-frequency noise” means sound which contains sound energy at frequencies predominantly below 100 Hz;
- “model aircraft” includes an unmanned recreational aircraft, whether full size or scaled down;
- “NEMA” means the National Environmental Management Act, 1998 (Act 107 of 1998);
- “noise nuisance” means any sound which impairs or may impair the convenience or peace of a reasonable person;
- “noise sensitive activity” means any activity that could be negatively impacted by noise, including residential, healthcare, educational or religious activities;
- “person” includes a juristic person and an organ of state;

"premises" means a piece of land or any building or part of a building, place of residence, tent or other structure;

"property projection plane" means a vertical or horizontal plane, whichever is applicable, on a boundary line of premises defining a boundary of the premises in space;

"Province" means the Province of the Western Cape;

"public event" means any event—

- (a) to which the public or any section thereof has access, including a show, air show, music concert, festival, sports event or any similar event; and
- (b) at which any amplified music is played or reproduced;

"rating level" means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103;

"residual noise" means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise;

"SANS 10103" means the latest edition of Standards South Africa publication No. 10103 titled "The measurement and rating of environmental noise with respect to annoyance and to speech communication", as amended from time to time, or its corresponding replacement;

"SANS 10117" means the latest edition of Standards South Africa publication No. 10117 titled "Calculation and prediction of aircraft noise around airports for land use purposes", as amended from time to time, or its corresponding replacement, as referred to in SANS 10328;

"SANS 10210" means the latest edition of Standards South Africa publication No. 10210 titled "Calculating and predicting road traffic noise", as amended from time to time, or its corresponding replacement, as referred to in SANS 10328;

"SANS 10328" means the latest edition of Standards South Africa publication No. 10328 titled "Methods for environmental noise impact assessments", as amended from time to time, or its corresponding replacement;

"SANS 658" means the latest edition of Standards South Africa publication No. 658 titled "Integrating-averaging sound level meters", as amended from time to time, or its corresponding replacement;

"sound level" means the equivalent continuous rating level as defined in SANS 10103, taking into account impulse, tone and night-time corrections;

"vehicle" means any device designed or adapted mainly to travel on wheels or crawler tracks, whether self-powered or not, other than such a device which travels solely on rails, including—

- (a) a motor vehicle;
- (b) a motorcycle;
- (c) an off-road vehicle, such as a scrambler, quadricycle or dune buggy; and
- (d) a model vehicle;

"vessel" means any watercraft, including—

- (a) a jet ski;
- (b) a ski boat; and
- (c) a model vessel.

#### Prohibition of disturbing noise

2. A person may not—

- (a) cause a disturbing noise; or
- (b) allow a disturbing noise to be caused by any person, animal, machine, device, apparatus, vehicle, vessel or model aircraft, or any combination thereof.

#### Prohibition of noise nuisance

3. In so far as it causes or is likely to cause a noise nuisance, a person may not—

- (a) operate or play, or allow to be operated or played, a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier, or loudspeaker system, or any similar device producing, reproducing or amplifying sound;
- (b) market or advertise any article or service for sale;
- (c) allow an animal to make noise;
- (d) discharge fireworks in a manner that does not comply with the local authority's requirements;
- (e) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, model aircraft or any other object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential area;
- (f) use or discharge any explosive, firearm or similar device that emits any sound impulse, or allow it to be used or discharged, without the written permission of the local authority;

- (g) except in an emergency, emit a sound, or cause a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) operate any machinery, power tool, lawnmower, power garden tool or similar device or allow it to be operated;
- (i) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow it to be loaded, unloaded, opened, shut or handled;
- (j) drive or operate a vehicle, vessel or model aircraft or allow it to be driven or operated; or
- (k) make any other noise not indicated in paragraphs (a)-(j).

**Land use**

4. (1) The local authority, or any other authority responsible for considering an application for a building plan approval, business licence approval, planning approval or environmental authorisation, may instruct the applicant to conduct and submit, as part of the application—
  - (a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or
  - (b) where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity.
- (2) (a) A person may not construct, erect, upgrade, change the use of or expand any building that will house a noise-sensitive activity in a predominantly commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.
- (b) The owner of a building referred to in paragraph (a) must inform prospective tenants or buyers in writing of the extent to which the insulation measures contemplated in that paragraph will mitigate noise impact during the normal use of the building.
- (c) Paragraph (a) does not apply when the use of the building is not changed.
- (3) Where the results of an assessment undertaken in terms of subregulation (1) indicate that the applicable noise rating levels referred to in that subregulation will likely be exceeded, or will not be exceeded but will likely exceed the existing residual noise levels by 5 dBA or more—
  - (a) the applicant must provide a noise management plan, clearly specifying appropriate mitigation measures to the satisfaction of the local authority, before the application is decided; and
  - (b) implementation of those mitigation measures may be imposed as a condition of approval of the application.
- (4) Where an applicant has not implemented the noise management plan as contemplated in subregulation (3), the local authority may instruct the applicant in writing to—
  - (a) cease any activity that does not comply with that plan; or
  - (b) reduce the noise levels to an acceptable level to the satisfaction of the local authority.

**Noise from machinery in residential areas**

5. A person may not use a pool pump, irrigation pump, refrigeration unit, or any heating, ventilation or air-conditioning equipment, or any similar device, in a residential area if the noise on the property projection plane exceeds 50 dBA or exceeds the residual noise level by more than 5 dBA, except if authorised by the local authority or in an emergency.

**Places of late-night entertainment**

6. (1) A person may not conduct the business of a nightclub, or any similar late-night entertainment involving amplified sound, on or from any premises, unless the premises are soundproofed sufficiently so that a disturbing noise will not be caused outside the property projection plane of the premises.
- (2) The local authority may require a person referred to in subregulation (1) to provide proof of the soundproofing, or may require access to the premises to assess the efficacy of the soundproofing.
- (3) A person who conducts a business referred to in subregulation (1) on the date of publication of these regulations is exempted from the application of that subsection for a period of six months after that date.

**Events**

7. (1) A person may not stage a public event without a written exemption issued by the local authority in terms of regulation 12.
- (2) Subject to subregulation (4) and the applicable provisions of any other law, the local authority may seize any instrument or equipment used to generate music or amplify sound at a public event if—
  - (a) an exemption in terms of regulation 12 has not been issued for that event; or
  - (b) the conditions imposed in such an exemption have not been met.
- (3) An instrument or equipment seized under subregulation (2) must be kept in safe custody by the local authority which seized it.
- (4) A local authority must return an instrument or equipment seized in terms of subregulation (2) upon recovery of reasonable expenses incurred by it for the purposes of subregulations (2) and (3).

- (5) If a local authority has reason to believe that a proposed event, other than a public event, could cause a disturbing noise or noise nuisance, it may instruct the person intending to host the event in writing to apply for an exemption in terms of regulation 12(1)(b).
- (6) A person may not stage an event in respect of which a local authority has given an instruction contemplated in subregulation (5) without a written exemption issued by the local authority in terms of regulation 12.

#### Measurement and calculation procedures

- 8. (1) A person using sound measuring equipment for the purposes of these regulations must ensure that—
  - (a) the equipment complies with the requirements for type 1 instruments as indicated by SANS 658; and
  - (b) the measurement and calculation procedures comply with SANS 10103, SANS 10328, SANS 10117 and SANS 10210, as the case may be.
- (2) The person taking a measurement may in his or her discretion determine the measuring or calculation point as—
  - (a) a point where the complainant is most affected by the noise; or
  - (b) a point on the property projection plane of the premises concerned that is representative of the noise matter concerned.

#### Designation of employees by local authorities to perform noise control functions

- 9. A local authority must within a year of the publication of these regulations—
  - (a) designate an employee of the local authority with the necessary competencies who must be responsible for the administration of these regulations within the area of jurisdiction of the local authority;
  - (b) designate an employee of the local authority with appropriate knowledge and skills for conducting noise control or acoustic measurement, and who is registered with a science, engineering or health-related professional body, who must be responsible for—
    - (i) analysing, evaluating, approving and advising on noise impact assessments and noise management plans;
    - (ii) approving sound mitigation measures;
    - (iii) conducting noise impact measurements and calculating sound levels; and
    - (iv) scrutinising sound modelling and techniques; and
  - (c) if it cannot designate an employee as contemplated in paragraph (b)—
    - (i) by agreement with another local authority, appoint an official of the other local authority to fulfil the duties of such an employee; or
    - (ii) appoint a professional consultant who is qualified in noise control and competent to fulfil the duties of such an employee, when necessary.

#### Procedure for control of noise

- 10. (1) When a person lodges a complaint of a suspected disturbing noise to a local authority, a designated person must—
  - (a) investigate the complaint and determine by calculation or measurement in accordance with SANS 10328 whether it is a disturbing noise;
  - (b) apply the rating level except where the residual noise level differs by more than 10 dBA from the rating level; and
  - (c) if a noise is a disturbing noise, issue written instructions to—
    - (i) the person causing the noise or who is responsible for the noise; or
    - (ii) the owner, tenant, occupant or person in charge of the premises concerned,
 to cease the disturbing noise or to mitigate it to a level conforming to the requirements of these regulations within the period specified in the instructions.
- (2) If a person is found to be responsible for or creating a disturbing noise, the local authority may hold that person liable for the cost of appointing a professional consultant as contemplated in regulation 9(c)(ii) to investigate the complaint.
- (3) A complaint to a local authority on an alleged noise nuisance must be in the form of an affidavit, specifying—
  - (a) the nature of the alleged noise nuisance;
  - (b) when the noise nuisance was first noticed;
  - (c) the duration of the noise nuisance;
  - (d) if applicable, how often the noise nuisance has occurred;
  - (e) the origin of the noise nuisance; and
  - (f) if obtainable, the name and address of the occupant of the premises from which the nuisance originates.

- (4) On receipt of a complaint of a noise nuisance, an authorised person—
- (a) must investigate the complaint; and
  - (b) if, in the opinion of the authorised person, a noise is or may be a noise nuisance, he or she may issue written instructions to—
    - (i) the person causing the noise or who is responsible for the noise; or
    - (ii) the owner, tenant, occupant or person in charge of the premises concerned,
 to cease or mitigate the noise nuisance within the period specified in the instruction.

#### General powers of local authorities and authorised persons

11. (1) A local authority may—
- (a) impose conditions when granting any permission or exemption in terms of these regulations; and
  - (b) subject to the applicable provisions of any other law, place sound-level measuring instruments or similar devices, and road traffic signs or notices related to noise, at any place within its area of jurisdiction.
- (2) An authorised person may, in respect of a complaint of a noise nuisance or a disturbing noise, enter any premises to conduct any appropriate examination, inquiry or inspection subject to subregulation (3).
- (3) An authorised person may not enter residential premises for the purposes of subregulation (2) except—
- (a) with the consent of the owner or person in charge of the premises; or
  - (b) on the authority of a warrant issued by a magistrate after the magistrate has been satisfied that reasonable grounds exist to justify the warrant.

#### Exemptions

12. (1) A local authority may exempt any person or venue or type of venue from any provision of these regulations—
- (a) on its own initiative; or
  - (b) on application by any person.
- (2) The applicant referred to in subregulation 1(b) must—
- (a) provide full reasons for the application; and
  - (b) in a manner determined by the local authority, solicit written comment regarding the application.
- (3) The process referred to in subregulation (2) must afford an opportunity to potential interested and affected parties to submit written representations on the proposed exemption, and the applicant may comment in writing on any representations received.
- (4) A local authority must in writing, after considering an application or a proposal for the granting of an exemption, where applicable in accordance with the principles of environmental management under NEMA—
- (a) grant an exemption and set out the conditions, if any, in terms of which the exemption is granted;
  - (b) refuse to grant an exemption and upon request provide reasons for the refusal; or
  - (c) require a noise impact assessment in terms of SANS 10328 before making a decision referred to in paragraph (a) or (b).
- (5) The conditions referred to in subregulation (4)(a) may include, where applicable—
- (a) the period for which the exemption is granted, including the times and days when acts that may cause noise are exempted;
  - (b) whether a notice as set out in Annexure 1 must be placed, in a clearly visible position at each public entrance to the premises;
  - (c) whether noise levels must be monitored and, if so, the manner in which it must be done and how records must be kept for inspection; and
  - (d) any other conditions of the exemption.
- (6) The local authority may amend an exemption or condition granted or imposed by it under subregulation 4(a)—
- (a) on its own initiative; or
  - (b) on application by the holder of the exemption.
- (7) An application in terms of subregulation (6)(b) must be in writing and accompanied by a motivation for the amendment.

- (8) Upon receipt of an application referred to in subregulation (6)(b), the local authority—
- must consider whether approving the application is likely to adversely affect the rights or interests of other parties; and
  - may for that purpose request the applicant to furnish additional information.
- (9) An exemption referred to in subregulation (4) may not exceed one year, unless it is in respect of an authorisation contemplated in regulation 4.
- (10) If any condition of an exemption is not complied with, the local authority may—
- instruct the responsible person to comply with that condition; or
  - suspend or withdraw the exemption forthwith.
- (11) A written exemption must be kept on the premises for which it is granted or in the possession of the exemption holder, for inspection by a local authority or an authorised person upon request.

#### Offences and penalties

13. (1) A person commits an offence if he or she—
- contravenes or fails to comply with regulation 2, 3, 4(2), 5, 6(1), 7(1) or 7(6);
  - fails or refuses to comply with a written condition, written instruction or written notice imposed, given or issued by a local authority or an authorised person in terms of these regulations;
  - tampers with, removes, puts out of action, damages or impairs the functioning of any object used or placed in position by or on behalf of a local authority or an authorised person for the purposes of these regulations, including a noise monitoring system, noise limiter, sound-level measuring instrument or acoustic device, or a road traffic sign or notice related directly or indirectly to noise;
  - fails or refuses to grant admission to an authorised person to enter and to inspect premises on the authority of a warrant issued in terms of regulation 11(3)(b);
  - fails or refuses to give information to an authorised person, which may lawfully be required of him or her by that authorised person;
  - hinders or obstructs an authorised person in the execution of his or her duties; or
  - gives false or misleading information to an authorised person knowing that it is false or misleading.
- (2) A person convicted of an offence in terms of these regulations is liable to a fine or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.
- (3) A person convicted of an offence in terms of these regulations, and who after the conviction persists in the act or omission which constituted the offence, commits a continuing offence and is liable on conviction to a fine not exceeding R50 000 or imprisonment for a period not exceeding twenty days, or to both such fine and imprisonment for every day the offence continues.

#### Application of regulations

14. These regulations apply to all local authorities in the Province.

#### Repeal of regulations

15. The regulations published under Provincial Notice 627 of 1998 (in Provincial Gazette 5309 of 20 November 1998) are repealed.

#### Short title

16. These regulations are called the Western Cape Noise Control Regulations, 2013.

#### Annexure 1

The warning notice referred to in regulation 12(5)(b) must not be smaller than 30 cm by 20 cm, and the lettering not smaller than 12 mm in height. The notice must contain the following wording:

<p><b>WARNING</b></p> <p><b>HIGH NOISE LEVEL INSIDE</b></p> <p><b>EXTENDED EXPOSURE MAY DAMAGE YOUR HEARING</b></p>
---------------------------------------------------------------------------------------------------------------------

## DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

## WET OP OMGEWINGSBEWARING, 1989

## WES-KAAPSE GERAASBEHEERREGULASIES

Die Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning in die provinsie Wes-Kaap het die regulasies in die Bylae kragtens artikel 25 van die Wet op Omgewingsbewing, 1989 (Wet 73 van 1989), gemaak.

## BYLAE

## Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet op Omgewingsbewing, 1989 (Wet 73 van 1989), of die betrokke Suid-Afrikaanse Nasionale Standaard-publikasie (SANS) toegeskryf is, die betekenis aldus daaraan toegeskryf en, tensy dit uit die samehang anders blyk, beteken—

“aangewese persoon” 'n persoon wat ingevolge regulasie 9 deur 'n plaaslike owerheid aangewys of aangestel is;

“aanslagpeil” die toepaslike buitenshuise ekwivalente deurlopende aanslagpeil aangedui in Tabel 2 van SANS 10103;

“dBA” die klankdrukpeil gemeet in desibel en wat A-aangepas is om die reaksie van die menslike oor by benadering vas te stel;

“dier”, met betrekking tot 'n persoon, enige dier in die besit of onder die beheer van daardie persoon, en sluit voëls en pluimvee in;

“eiendomsprojeksievlak” 'n vertikale of horisontale vlak, watter een ook al van toepassing is, op 'n grenslyn van 'n perseel wat 'n grens van die perseel in ruimte omskryf;

“gemagtigde persoon”—

(a) 'n aangewese persoon;

(b) 'n lid van die Diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie, 1995 (Wet 68 van 1995);

(c) 'n munisipale polisiebeampte, verkeersbeampte, wetstoepassingsbeampte of verkeersopsigter aangestel kragtens enige wet; of

(d) 'n persoon wat tot vredesbeampte verklaar is kragtens artikel 334(1) van die Strafproseswet, 1977 (Wet 51 van 1977);

“geraasoorsak” enige geluid wat die gerief of rus van 'n redelike persoon versteur of kan versteur;

“geraassensitiwe aktiwiteit” enige aktiwiteit wat negatief geraak kan word deur geraas, met inbegrip van residensiële, gesondheidsorg-, opvoedkundige of godsdienstige aktiwiteite;

“klankpeil” die ekwivalente deurlopende aanslagpeil soos omskryf in SANS 10103, met inagneming van impuls, toon en regstellings snags;

“laefrekwensiegeraas” 'n geluid wat klankenergie bevat teen frekwensies wat grotendeels laer as 100 Hz is;

“model-lugvaartuig” ook 'n onbemande ontspanningslugvaartuig, hetsy volgrootte of na verhouding verklein;

“noodsituasie” 'n situasie wat skielik ontstaan en dreigende of werklike—

(a) gevaar vir mense; of

(b) skade aan eiendom of die omgewing, inhou en onmiddellike optrede vereis;

“omgewingsgeraas” die allesomvattende geluid in 'n gegewe situasie op 'n gegewe tyd, gemeet as die lesing op 'n geïntegreerde impulsklankpeilmeter vir 'n totale tydperk van minstens 10 minute;

“openbare gebeurtenis” enige gebeurtenis—

(a) waartoe die publiek of enige gedeelte daarvan toegang het, met inbegrip van 'n vertoning, lugvertoning, musiekkonsert, fees, sportgebeurtenis of enige dergelike gebeurtenis; en

(b) waar musiek oor 'n klankversterker gespeel of gereproduceer word;

“perseel” 'n stuk grond of enige gebou of gedeelte van 'n gebou, woonplek, tent of ander struktuur;

“persoon” ook 'n regs persoon en 'n staatsorgaan;

“plaaslike owerheid” die munisipaliteit wat jurisdiksie het;

“Provinsie” die provinsie Wes-Kaap;

“residuele geraas” die allesomvattende geluid in 'n gegewe situasie op 'n gegewe tyd, gemeet as die lesing op 'n geïntegreerde impulsklankpeilmeter vir 'n totale tydperk van minstens 10 minute, behalwe geraas wat beweer word 'n geraasoorsak of steurende geraas te veroorsaak;

“SANS 10103” die jongste uitgawe van Standaard Suid-Afrika-publikasie Nr. 10103 getitel “The measurement and rating of environmental noise with respect to annoyance and to speech communication” (“Die meting en aanslag van omgewingsgeraas met betrekking tot steurnis en spraakkommunikasie”), soos van tyd tot tyd gewysig, of die ooreenstemmende vervanging daarvan;

“SANS 10117” die jongste uitgawe van Standaard Suid-Afrika-publikasie Nr. 10117 getitel “Calculation and prediction of aircraft noise around airports for land use purposes” (“Berekening en voorspelling van lugverkeergeraas naby lughawens vir grondgebruikdoeleindes”), soos van tyd tot tyd gewysig, of die ooreenstemmende vervanging daarvan; soos bedoel in SANS 10328;

"SANS 10210" jongste uitgawe van Standaard Suid-Afrika-publikasie Nr. 10210 getitel "Calculating and predicting road traffic noise" ("Berekening en voorspelling van padverkeergeraas"), soos van tyd tot tyd gewysig, of die ooreenstemmende vervanging daarvan, soos bedoel in SANS 10328;

"SANS 10328" die jongste uitgawe van Standaard Suid-Afrika-publikasie Nr. 10328 getitel "Methods for environmental noise impact assessments" ("Metodes waarvolgens die impak van omgewingsgeraas geassesseer word"), soos van tyd tot tyd gewysig, of die ooreenstemmende vervanging daarvan;

"SANS 658" die jongste uitgawe van Standaard Suid-Afrika-publikasie Nr. 658 getitel "Integrating-averaging sound level meters" ("Geïntegreerde-gemiddelde-klankpeilmeters"), soos van tyd tot tyd gewysig, of die ooreenstemmende vervanging daarvan;

"steurende geraas" 'n geraas, behalwe die onversterkte menslike stem, wat—

- (a) die aanslagpeil met 7 dBA oorskry;
- (b) die residuele geraaspeil oorskry waar die residuele geraaspeil hoër as die aanslagpeil is;
- (c) die residuele geraaspeil met 3 dBA oorskry waar die residuele geraaspeil laer as die aanslagpeil is; of
- (d) in die geval van 'n laefrekwensiegeraas, die peil vermeld in Bylae B van SANS 10103 oorskry;

"vaartuig" enige watertuig, met inbegrip van—

- (a) 'n waterponie;
- (b) 'n skiboort; en
- (c) 'n modelvaartuig;

"voertuig" toestel wat ontwerp of aangepas is om hoofsaaklik op wiele of rusperbande te loop, hetsy selfgedrewe of nie, behalwe so 'n toestel wat uitsluitlik op 'n spoor loop, met inbegrip van—

- (a) 'n motorvoertuig;
- (b) 'n motorfiets;
- (c) 'n veldvoertuig, byvoorbeeld 'n veldmotorfiets, vierwielmotorfiets of duinebesie; en
- (d) 'n modelvoertuig;

"WNOB" die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998).

#### Verbod op steurende geraas

2. 'n Persoon mag nie—

- (a) 'n steurende geraas veroorsaak nie; of
- (b) toelaat dat 'n steurende geraas deur enige persoon, dier, masjien, toestel, apparaat, voertuig, vaartuig of model-lugvaartuig, of enige kombinasie daarvan, veroorsaak word nie.

#### Verbod op geraasoorlas

3. Vir sover 'n geraasoorlas daardeur veroorsaak word of waarskynlik daardeur veroorsaak sal word, mag 'n persoon nie—

- (a) 'n radio, televisiestel, grammofoon, opnametoestel, trom, musiekinstrument, klankversterker, luidsprekerstelsel of enige dergelike toestel wat klank voortbring, reproduseer of versterk, gebruik, speel of bespeel, of toelaat dat dit gebruik, gespeel of bespeel word nie;
- (b) enige artikel of diens as te koop bemark of adverteer nie;
- (c) 'n dier toelaat om geraas te maak nie;
- (d) vuurwerke afvuur op 'n wyse wat nie voldoen aan die vereistes van die plaaslike owerheid nie;
- (e) 'n voertuig, vaartuig, vliegtuig, model-lugvaartuig of enige ander voorwerp bou, maak, inmeekaarsit, herstel, herbou, modifiseer, gebruik of toets, of toelaat dat dit gebou, gemaak, inmeekaarsit, herstel, herbou, gemodifiseer, gebruik of getoets word in of naby 'n woongebied nie;
- (f) plofstof, vuurwapen of dergelike toestel wat enige klankimpuls vrystel, gebruik of afvuur of toelaat dat dit gebruik of afgevuur word, sonder die skriftelike verlov van die plaaslike owerheid nie;
- (g) behalwe in 'n noodsituasie, 'n geluid voortbring of laat voortbring deur middel van 'n klok, klokkespel, sirene, toeter, statiese alarm, fluitjie, luidspreker of dergelike toestel nie;
- (h) enige masjinerie, kraggereedskap, grassnyer, krag- tuingereedskap of dergelike toestel gebruik of toelaat dat dit gebruik word nie;
- (i) 'n krat, kis, houer, boumateriaal, vullishouer of enige ander artikel oplaai, aflaai, oopmaak, toemaak of op enige ander manier hanteer, of toelaat dat dit opgelaai, afgelaai, oopgemaak, toegemaak of gehanteer word nie;
- (j) 'n voertuig, vaartuig of model-lugvaartuig bestuur of gebruik of toelaat dat dit bestuur of gebruik word nie; of
- (k) enige ander geraas maak wat nie in paragrawe (a)-(j) aangedui word nie.

**Grondgebruik**

4. (1) Die plaaslike owerheid, of enige ander owerheid verantwoordelik daarvoor om 'n aansoek om 'n bouplan-, sakelisen- of beplanningsoorkeuring of omgewingsmagtiging te oorweeg, kan die aansoeker opdrag gee om die volgende uit te voer en voor te l as 'n deel van die aansoek:
- (a) 'n Geraasimpakassessering ooreenkomstig SANS 10328 om vas te stel of die geraasimpakaanslag van die voorgestelde grondgebruik of aktiwiteit die gepaste aanslagpeil vir 'n spesifieke distrik, soos in SANS 10103 aangedui, oorskry; of
- (b) waar die geraaspeilmettings nie vasgestel kan word nie, 'n assessering, tot bevrediging van die plaaslike owerheid, van die geraaspeil van die voorgestelde grondgebruik of aktiwiteit.
- (2) (a) 'n Persoon mag geen gebou wat 'n geraasensitiewe aktiwiteit sal huisves in 'n oorwegend handels- of nywerheidsgebied bou, oprig, opgradeer, die gebruik daarvan verander of uitbreidings daaraan aanbring nie, tensy hy of sy die gebou voldoende teen eksterne geraas insuleer sodat die klankpeile binne die gebou nie die toepaslike maksimum aanslagpeile vir binnenshuise omgewingsgeraas in SANS 10103 vermeld, sal oorskry nie.
- (b) Die eienaar van 'n gebou bedoel in paragraaf (a) moet voornemende huurders of kopers skriftelik inlig oor die mate waarin die insulasiemaatreëls bedoel in daardie paragraaf die geraas-impak gedurende die normale gebruik van die gebou sal demp.
- (c) Paragraaf (a) is nie van toepassing wanneer die gebruik van die gebou nie verander word nie.
- (3) Waar die resultate van 'n assessering wat ingevolge subregulasie (1) onderneem is, aandui dat die toepaslike geraaspeile bedoel in daardie subregulasie, waarskynlik oorskry sal word, of nie oorskry sal word nie maar waarskynlik die bestaande residuele geraaspeile met 5 dBA of meer sal oorskry—
- (a) moet die aansoeker 'n geraasbestuursplan verskaf, wat duidelik gepaste dempmaatreëls aandui, tot bevrediging van die plaaslike owerheid, waar daar oor die aansoek besluit word; en
- (b) kan die implementering van daardie dempmaatreëls opgelê word as 'n voorwaarde vir die goedkeuring van die aansoek.
- (4) Waar 'n aansoeker nie die geraasbestuursplan soos in subregulasie (3) beoog geïmplementeer het nie, kan die plaaslike owerheid die aansoeker skriftelik opdrag gee om—
- (a) enige aktiwiteit te staak wat nie aan daardie plan voldoen nie; of
- (b) die geraaspeile te verminder tot 'n aanvaarbare peil tot bevrediging van die plaaslike owerheid.

**Geraas van masjinerie in woongebiede**

5. 'n Persoon mag nie 'n swembadpomp, besproeiingspomp, verkoelingsseenheid, of enige verwarmings-, ventilasie- of lugversor-gingstoerusting, of enige dergelike toestel, in 'n woongebied gebruik indien die geraas op die eiendomsprojeksievlak 50 dBA oorskry of die residuele geraaspeil met meer as 5 dBA oorskry nie, behalwe indien dit deur die plaaslike owerheid gemagtig is, of tydens 'n noodsituasie.

**Plekke van laatnag-vermaaklikheid**

6. (1) 'n Persoon mag nie die onderneming van 'n nagklub bedryf, of enige dergelike laatnag-vermaaklikheid wat versterkte klank behels, in of vanaf enige perseel nie, tensy die perseel voldoende klankdig gemaak is sodat 'n steurende geraas nie buite die eiendomsprojeksievlak van die perseel veroorsaak word nie.
- (2) Die plaaslike owerheid kan vereis dat 'n persoon in subregulasie (1) bedoel bewys lewer van die klankdigting, of kan toegang tot die perseel vereis om die doeltreffendheid van die klankdigting te assesser.
- (3) 'n Persoon wat 'n onderneming bedoel in subregulasie (1) op die datum van die publikasie van hierdie regulasies bedryf, is vrygestel van die toepassing van daardie subartikel vir 'n tydperk van ses maande na daardie datum.

**Gebeurtenisse**

7. (1) 'n Persoon mag nie 'n openbare gebeurtenis aanbied sonder skriftelike vrystelling wat ingevolge regulasie 12 deur die plaaslike owerheid uitgereik is nie.
- (2) Behoudens subregulasie (4) en die toepaslike bepalinge van enige ander wet, kan die plaaslike owerheid beslag lê op enige instrument of toerusting wat gebruik word om by 'n openbare gebeurtenis musiek te maak of klank te versterk indien—
- (a) 'n vrystelling ingevolge regulasie 12 nie vir daardie gebeurtenis uitgereik is nie; of
- (b) die voorwaardes van sodanige vrystelling nie nagekom is nie.
- (3) 'n Instrument of toerusting waarop ingevolge subregulasie (2) beslag gelê is, moet in veilige bewaring gehou word deur die plaaslike owerheid wat daarop beslag gelê het.
- (4) 'n Plaaslike owerheid moet 'n instrument of toerusting waarop ingevolge subregulasie (2) beslag gelê is, terugbesorg na die verhaling van redelike uitgawes wat deur hom aangegaan is vir die doeleindes van subregulasies (2) en (3).
- (5) Indien 'n plaaslike owerheid rede het om te vermoed dat 'n voorgestelde gebeurtenis, uitgesonderd 'n openbare gebeurtenis, 'n steurende geraas of geraasoorlas sou kan veroorsaak, kan hy die persoon wat beoog om die geleentheid aan te bied, skriftelik opdrag gee om aansoek te doen om 'n vrystelling ingevolge regulasie 12(1)(b).

- (6) 'n Persoon mag nie 'n gebeurtenis aanbied ten opsigte waarvan 'n plaaslike owerheid 'n opdrag in subregulasie (5) beoog, uitgereik het, sonder 'n skriftelike vrystelling wat ingevolge regulasie 12 deur die plaaslike owerheid uitgereik is nie.

#### Metings- en berekeningsprosedures

8. (1) 'n Persoon wat klankmetingstoerusting gebruik vir die doeleindes van hierdie regulasies moet toesien dat—
- die toerusting voldoen aan die vereistes vir tipe 1-instrumente soos deur SANS 658 aangedui; en
  - die metings- en berekeningsprosedures voldoen aan SANS 10103, SANS 10328, SANS 10117, en SANS 10210, na gelang van die geval.
- (2) Die persoon wat 'n meting neem kan na goeë dunnke die metings- of berekeningspunt bepaal as—
- 'n punt waar die klaer die ergste deur die geraas geraak word; of
  - 'n punt op die eiendomsprojeksievlak wat verteenwoordigend van die betrokke geraas is.

#### Aanwysing van werknemers deur plaaslike owerhede om geraasbeheerfunksies te verrig

9. 'n Plaaslike owerheid moet binne 'n jaar van die publikasie van hierdie regulasies—
- 'n werknemer van die plaaslike owerheid aanwys wat oor die nodige bekwaamheid beskik, om verantwoordelik te wees vir die uitvoering van hierdie regulasies binne die regsgebied van die plaaslike owerheid;
  - 'n werknemer van die plaaslike owerheid aanwys wat oor gepaste kennis en vaardighede beskik om geraasbeheer of akoestieke meting uit te voer en wat by 'n wetenskaplike, ingenieurs- of gesondheidsverwante professionele liggaam geregistreer is, om verantwoordelik te wees vir—
    - die ontleding, evaluering en goedkeuring van, en raadgewing oor, geraasimpak-assesserings en geraasbestuursplanne;
    - die goedkeuring van klankdempingsmaatreëls;
    - die uitvoering van geraasimpakmetings en die berekening van klankpeile; en
    - die noukeurige ondersoek van klankmodellering en klanktegniek; en
  - indien hy nie 'n werknemer soos beoog in paragraaf (b) kan aanwys nie—
    - deur 'n ooreenkoms met 'n ander plaaslike owerheid 'n beampte van die ander plaaslike owerheid aanstel om die pligte van so 'n werknemer uit te voer; of
    - 'n professionele konsultant aanstel wat in geraasbeheer gekwalifiseer is en bekwaam is om, wanneer nodig, die pligte van so 'n werknemer uit te voer.

#### Prosedure vir beheer van geraas

10. (1) Wanneer 'n persoon 'n klagte by 'n plaaslike owerheid indien oor wat vermoedelik 'n steurende geraas is, moet 'n aangewese persoon—
- die klagte ondersoek en deur berekening of meting ooreenkomstig SANS 10328 vasstel of dit 'n steurende geraas is;
  - aanslagpeil toepas, behalwe waar die residuele geraaspeil met meer as 10 dBA van die aanslagpeil verskil; en
  - indien 'n geraas 'n steurende geraas is, 'n skriftelike opdrag uitreik aan—
    - die persoon wat die geraas veroorsaak of daarvoor verantwoordelik is; of
    - die eienaar, huurder, bewoner of persoon in beheer van die betrokke perseel,
 om die geraas te staak of dit te demp tot 'n peil wat aan die vereistes van hierdie regulasies voldoen binne die tydperk in die opdrag vermeld.
- (2) Indien bevind word dat 'n persoon 'n steurende geraas veroorsaak of daarvoor verantwoordelik is, kan die plaaslike owerheid daardie persoon aanspreeklik hou vir die onkoste om 'n professionele konsultant aan te stel soos in regulasie 9(c)(ii) bedoel om die klag te ondersoek.
- (3) 'n Klagte by 'n plaaslike owerheid oor 'n beweerde geraasoorlas moet in die vorm van 'n beëdigde verklaring wees, wat die volgende vermeld:
- Die aard van die beweerde geraasoorlas;
  - wanneer die geraasoorlas die eerste opgemerk is;
  - die duur van die geraasoorlas;
  - indien van toepassing, hoe dikwels die geraasoorlas voorgekom het;
  - die oorsprong van die geraasoorlas; en
  - indien verkrygbaar, die naam en adres van die bewoner van die perseel waarvandaan die geraasoorlas ontstaan.

- (4) By ontvangs van 'n klagte oor 'n geraasoorlas moet 'n gemagtigde persoon—
- (a) die klagte ondersoek; en
  - (b) indien, na die mening van die gemagtigde persoon, 'n geraas 'n geraasoorlas is of kan wees, kan hy of sy 'n skriftelike opdrag uitreik aan—
    - (i) die persoon wat die geraas veroorsaak of daarvoor verantwoordelik is; of
    - (ii) aan die eienaar, huurder, bewoner of persoon in beheer van die betrokke perseel, om die geraas te staak of te demp binne die tydperk in die opdrag vermeld.

#### Algemene bevoegdhede van plaaslike owerhede en gemagtigde persone

11. (1) 'n Plaaslike owerheid kan—
- (a) voorwaardes opleë wanneer enige toestemming of vrystelling ingevolge hierdie regulasies gegee word; en
  - (b) behoudens die toepaslike bepalinge van enige ander wet, klankpeil-meeinstrumente of soortgelyke toestelle, en padverkeerstekens of kennisgewings wat met geraas verband hou, op enige plek in sy regsgebied oprig.
- (2) 'n Gemagtigde persoon kan, ten opsigte van 'n klagte oor 'n geraasoorlas of 'n steurende geraas, enige perseel binnegaan om enige gepaste ondersoek, navraag of inspeksie uit te voer, behoudens subregulasie (3).
- (3) 'n Gemagtigde persoon mag nie 'n woonperseel binnegaan vir die doel van subregulasie (2) nie, behalwe—
- (a) met die toestemming van die eienaar of persoon in beheer van die perseel; of
  - (b) op gesag van 'n lasbrief deur 'n landdros uitgereik nadat die magistraat oortuig is dat daar redelike gronde bestaan wat die lasbrief regverdig.

#### Vrystellings

12. (1) 'n Plaaslike owerheid kan enige persoon of plek of soort plek van enige bepaling van hierdie regulasies vrystel—
- (a) uit eie beweging; of
  - (b) op aanvraag van enige persoon.
- (2) Die aansoeker bedoel in subregulasie 1(b) moet—
- (a) volledige redes vir die aansoek verstrek; en
  - (b) op 'n wyse bepaal deur die plaaslike owerheid, skriftelike kommentaar aangaande die aansoek aanvra.
- (3) Die proses in subregulasie (2) bedoel, moet 'n geleentheid bied aan moontlik belanghebbende en geraakte partye om skriftelike versoë oor die voorgestelde vrystelling te rig, en die aansoeker kan skriftelik kommentaar lewer op enige versoë wat ontvang is.
- (4) 'n Plaaslike owerheid moet, nadat 'n aansoek of voorstel vir die toekenning van 'n vrystelling oorweeg is, waar van toepassing ooreenkomstig die beginsels van Omgewingsbestuur kragtens WNOB, skriftelik—
- (a) vrystelling verleen en die voorwaardes uiteensit, indien daar is, ingevolge waarvan die vrystelling verleen word;
  - (b) weier om vrystelling te verleen en die redes vir die weiering verskaf; of
  - (c) 'n geraasimpak-assessering ingevolge SANS 10328 vereis voordat 'n besluit in paragraaf (a) of (b) bedoel, geneem word.
- (5) Die voorwaardes bedoel in subregulasie 4(a) kan, waar van toepassing, die volgende insluit:
- (a) Die tydperk waarvoor die vrystelling verleen word, met inbegrip van die tye en dae wanneer handeling wat geraas kan veroorsaak, vrygestel word;
  - (b) of 'n kennisgewing soos uiteengesit in Aanhangsel I aangebring moet word, op 'n duidelik sigbare plek by elke openbare toegang tot die perseel;
  - (c) of geraaspeile gemonitor moet word en, indien wel, die manier waarop dit gedoen moet word en hoe rekords vir inspeksie gehou moet word; en
  - (d) enige ander voorwaardes van die vrystelling.
- (6) Die plaaslike owerheid kan 'n vrystelling of voorwaarde wat hy kragtens subregulasie 4(a) verleen of opgelê het, wysig—
- (a) uit eie beweging; of
  - (b) op aanvraag van die houër van die vrystelling.
- (7) 'n Aansoek ingevolge subregulasie (6)(b) moet op skrif wees en van 'n motivering vir die wysiging vergesel wees.

- (8) By ontvangs van 'n aansoek in subregulasie (6)(b) bedoel—
- (a) moet die plaaslike owerheid oorweeg of die goedkeuring van die aansoek die regte of belange van ander partye waarskynlik negatief sal raak; en
- (b) kan die plaaslike owerheid vir daardie doel bykomende inligting van die aansoeker aanvra.
- (9) 'n Vrystelling in subregulasie (4) bedoel, mag nie een jaar oorskry nie, tensy dit ten opsigte van 'n magtiging beoog in regulasie 4 is.
- (10) Indien daar aan enige voorwaarde van 'n vrystelling nie voldoen word nie, kan die plaaslike owerheid—
- (a) die verantwoordelike persoon opdrag gee om aan daardie voorwaarde te voldoen; of
- (b) die vrystelling summier opskort of terugtrek.
- (11) 'n Geskrewe vrystelling moet op die perseel waarvoor dit toegeken is gehou word, of in die besit van die houer van die vrystelling wees, vir inspeksie deur 'n plaaslike owerheid of 'n gemagtigde persoon op versoek.

#### Misdrywe en strawwe

13. (1) 'n Persoon pleeg 'n misdryf indien hy of sy—
- (a) regulasie 2, 3, 4(2), 5, 6(1), 7(1) of 7(6) oortree of versuim om daaraan te voldoen;
- (b) versuim of weier om te voldoen aan 'n skriftelike voorwaarde, skriftelike opdrag of skriftelike kennisgewing ingevolge hierdie regulasies opgelê, gegee of uitgereik deur 'n plaaslike owerheid of 'n gemagtigde persoon;
- (c) peuter met enige voorwerp wat gebruik word of aangebring is deur of namens 'n plaaslike owerheid of 'n gemagtigde persoon vir die doeleindes van hierdie regulasies, met inbegrip van 'n geraasmoniteringstelsel, geraasdemper, klankpeil-meetinstrument of akoestiese toestel, of 'n padverkeerstekens of kennisgewing wat direk of indirek met geraas verband hou, of indien hy of sy sodanige voorwerp buite werking stel of beskadig, of die werking daarvan belemmer;
- (d) versuim of weier om toegang te verleen aan 'n gemagtigde persoon om 'n perseel te betree en te inspekteer op gesag van 'n lasbrief ingevolge regulasie 11(3)(b) uitgereik;
- (e) versuim of weier om inligting wat regtens van hom of haar vereis kan word deur 'n gemagtigde persoon, aan daardie gemagtigde persoon te verstrek;
- (f) 'n gemagtigde persoon by die uitvoering van sy of haar pligte verhinder of dwarsboom; of
- (g) foutiewe of misleidende inligting aan 'n gemagtigde persoon verstrek met die wete dat dit foutief of misleidend is.
- (2) 'n Persoon wat aan 'n misdryf ingevolge hierdie regulasies skuldig bevind word, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide die boete en die gevangenisstraf.
- (3) 'n Persoon wat aan 'n misdryf ingevolge hierdie regulasies skuldig bevind word, en wat ná die skuldigbevinding voortgaan met die daad of versuim, pleeg 'n voortdurende misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000 of gevangenisstraf van hoogstens twintig dae, of met beide die boete en gevangenisstraf vir elke dag wat die misdryf voortgesit word.

#### Toepassing van regulasies

14. Hierdie regulasies is op alle plaaslike owerhede in die Provinsie van toepassing.

#### Herroeping van regulasies

15. Die regulasies gepubliseer by Provinsiale Kennisgewing 627 van 1998 (in Provinsiale Koerant 5309 van 20 November 1998) word herroep.

#### Kort titel

16. Hierdie regulasies staan bekend as die Wes-Kaapse Geraasbeheerregulasies, 2013.

#### Aanhangsel 1

Die waarskuwingskennisgewing in regulasie 12(5)(b) bedoel, moet nie kleiner as 30 cm by 20 cm wees nie, en die letters nie kleiner as 12 mm in hoogte nie. Die kennisgewing moet die volgende bewoording bevat:

**WAARSKUWING**

**HOË GERAASVLAK HIERBINNE**

**LANGDURIGE BLOOTSTELLING KAN U GEHOOR BESKADIG**

## ISEBE LEMICIMBI YOKUSINGQONGILEYO NOCWANGCISO LOPHUHLISO

## "ENVIRONMENT CONSERVATION ACT, 1989"

## IMIGAQO EPATHELELE KULAWULO LWENGXOLO

UMphathiswa wePhondo wooRhulumente beMimandla, iMicimbi yezokusiNgqongileyo noCwangciso loPhuhliso kwiphondo leNtshona Koloni wenze imigaqo elapha kwiShedyuli elandela imiqathango yecandelo 25 loMthetho woLondolozo lokusiNgqongileyo, 1989 (UMthetho 73 ka-1989).

## ISHEDYULI

## Iinkcazelo

1. Kule migaqo, naliphi na igama okanye intetho enikwe intsingiselo kulo Mthetho woLondolozo lokusiNgqongileyo, 1989 (UMthetho 73 ka-1989), okanye upapasho lweMigangatho yoMzantsi Afrika echaphazelekayo (SANS), liya kuba nentsingiselo eliyinikiweyo apha, ngaphandle kokuba imeko elisetyenziswe kuyo inenye intsingiselo—

"i-dBA" ithetha izinga loxinzelelo lwesandi elimetwa ngokweedesibheli elikumgangatho ka-A elihambelana nendlela indlebe yomntu eva ngayo;

"imeko kakakeka" ithetha imeko ethi gqi qhaphu ngokukhawuleza ebandakanya ingozi eza kubakho okanye ekhoyo kubantu okanye umonakalo kwiprofati okanye kwindalo ethi ifunise ukuba kukhawulezwe kuthathwe amanyathelo;

"iNEMA" ibhekisa kuMthetho woLawulo lweNdalo, (*iNational Environment Management Act*), ka-1998 (uMthetho we-107 ka-1998);

"ingxolo ekuloo ndawo" ibhekisa kuso sonke isandi esivakalayo kwindawo nemeko ethile nangexesha elithile, ethi ichazwe ngokweemitha zezinga lengxolo ezibalwa ngezingqi sayo kangangexesha eliyimizuzu eli-10;

"ingxolo ephazamisayo" ithetha ingxolo, ngaphandle kwelizwi lomntu elingongezwanga ngesixhobo sesandi, ethi—

(a) ibe ngaphezulu kwezinga eliyi-7dBA;

(b) ibe ngaphezulu kwezinga lengxolo eshiyekeleyo elithi libe ngaphezulu kwezinga lokubala elisetyenziswayo;

(c) ibe ngaphezulu kwezinga lengxolo eshiyekeleyo kangange-3dBA apho ingxolo eshiyekeleyo ingaphantsi kwezinga lokubala elisetyenziswayo; okanye

(d) kwimeko yengxolo esezantsi, eba ngaphezulu kwezinga elichazwe kwiSihlomo B se-SANS 10103;

"ingxolo ekwizinga eliphantsi" ithetha isandi esinamandla esandi akwizinga elingaphantsi kwe-100Hz;

"ingxolo eyinkathazo" ibhekisa kuso nasiphi na isandi esiphazamisa okanye esinokuphazamisa ukuphola okanye uxolo lwaye nawuphi na umntu;

"inqwelomoya eyimodeli" ibandakanya nayiphi na inqwelomoya yokuzonwabisa engagadwanga, nokuba yenkulu okanye encinane;

"iPhondo" libhekisa kwiPhondo leNtshona Koloni;

"ingxolo eshiyekeleyo" ibhekisa kuso sonke isandi esivakalayo kwindawo nemeko ethile nangexesha elithile, ethi ichazwe ngokweemitha zezinga lengxolo ezibalwa ngezingqi sayo kangangexesha ubuncinane eliyimizuzu eli-10, ngaphandle kwengxolo ethathwa njengengxolo ecaphukisayo okanye ephazamisayo;

"isakhiwo" sibhekisa kumlatyanyana okanye isakhiwo okanye inxalenye yesakhiwo, yendawo, yendlu, yentente okanye esinye isakhelo;

"i-SANS 10103" ibhekisa kushicilelo lokugqibela lwe-*Standards South Africa*, olunguNombolo 10103, olusihloko salo sithi: "Ukumetwa nokumisela kwamaqondo engxolo esingqongileyo okuphathelele ekusetyenzisweni komhlaba, kwimpilo, kwizinto ezithukuthezelayo nakuqhagamshelwano ngentetho", njengoko lumana lulungiswa ngamaxesha athile okanye kolunye ushicilelo oluthatha indawo yalo;

"i-SANS 10117" ibhekisa kushicilelo lokugqibela lwe-*Standards South Africa*, olunguNombolo 10117, olusihloko salo sithi: "Ukubalwa nokuqikelelwa kwengxolo yeenqwelo-moya kwizikhululo zeenqwelo-moya kulungiselelwa ukusetyenziswa komhlaba" njengoko lumana lulungiswa ngamaxesha athile okanye kolunye ushicilelo oluthatha indawo yalo; njengoko kuchaziwe kwi-SANS 10328;

"i-SANS 10210" ibhekisa kushicilelo lokugqibela lwe-*Standards South Africa*, olunguNombolo 10210, olunesihloko esithi: "Ukubalwa nokuqikelelwa kwengxolo yezithuthi zendlela", njengoko lumana lulungiswa ngamaxesha athile okanye kolunye ushicilelo oluthatha indawo yalo; njengoko kuchaziwe kwi-SANS 10328;

"i-SANS 10328" ibhekisa kushicilelo lokugqibela lwe-*Standards South Africa*, olunguNombolo 10328, olunesihloko esithi: "Iindlela zokuhlolwa kwendlela echaphazeleka ngayo indalo yingxolo", njengoko lumana lulungiswa ngamaxesha athile okanye kolunye ushicilelo oluthatha indawo yalo;

"i-SANS 658" ithetha uhlelo lokugqibela lopapasho lwe-*Standards South Africa*, olunguNomb. 658 olunesihloko esithi, "*Integrating-averaging sound level meters*";

"isiganeko sikawonkewonke" sithetha nasiphi na isiganeko—

(a) uluntu olunokusizimasa, esibandakanya umbhijozo, umboniso wasemoyeni, ikonsathi yomculo, ifestivali, isiganeko sezemidlalo okanye nasiphi na isiganeko esihunjalo; kananjalo

(b) apho kudlalwa umculo onxolayo okanye odlalelwa phezulu.

"isilwanyana", xa sihlanganiswa nomntu, sithetha nasiphi na isilwanyana esisesaloo mntu yaye sibandakanya iintaka necenkukhu;

"isithuthi" sithetha nayiphi na into ehamba ngamavili okanye erhubuluzwa emzileni, nokuba izihambela ngamandla ayo okanye ayizihambeli, ngaphandle kwezo zihamba kwimizila yoololiwe; kubandakanywa—

- (a) imoto;
- (b) isithuthuthu;
- (c) isithuthu esingahambi ndleleni, isithuthuthu esiyikhwadi okanye esihamba esantini; kunye
- (d) nesithuthu esiyimodeli;

“**isityaba somda wepropati**” sithetha isityaba esimiyi okanye esileleyo, nokuba sesiphi na ekubhekiswa kuso, kumda wesakhiwo esibonisa apho uphela khona umda wesakhiwo kuloo ndawo sikuyo;

“**inqanawe**” nayiphi na into chamba emanzini, ebandakanya—

- (a) i-jet ski;
- (b) iskibhowuthi; kunye
- (c) nenqanawe eyimodeli;

“**izinga lesandi**” lithetha izinga eliqhubekayo lokumeta isandi njengoko lichaziwe kwiSANS 10103, kuthathelwa ingqalelo isingqi, ithowuni nolungelelwaniso lwexesha lasebusuku;

“**izinga lokubala**” libhekisa kwizinga lokubala elisetyenziswa ngaphandle kuloo meko yeloo xesha kulawo achazwe kwiTheyibhile 2 yeSANS 10103;

“**ugunyaziwe wommandla**” ubhekisa kumasipala onegunya kwingingqi;

“**umntu**” uthetha umntu onamalungelo omthetho kunye nequmrhu likarhulumente;

“**umntu ogunyazisiweyo**” uthetha—

- (a) umntu okhethiweyo;
- (b) ilungu leeNkonzo yesipolisa elichazwe kwicandelo 1 lomthetho *iSouth African Police Service Act, 1995* (UMthetho 68 ka-1995);
- (c) ipolisa likamasipala, igosa lezendlela, ipolisa loqcino-cwangco okanye iwadeni yezendlela eqeshwe phantsi kwawo nawuphi na umthetho; okanye
- (d) umntu omiselwe njengegosa loqcino-xolo ngokwemiqathango yecandelo 334(1) lomthetho *iCriminal Procedure Act, 1977* (UMthetho 51 ka-1977);

“**umntu okhethiweyo**” uthetha umntu otyunjwe ngugunyaziwe wommandla elandela imiqathango yomgaqo 9;

“**umsebenzi ongadibaniyo nengxolo**” ubhekisa kumsebenzi onokuchaphazeleka kakubi yingxolo; loo misebenzi ibandakanya imisebenzi esezindlini, kumacandelo ezempilo, kwawezemfundo, okanye iinkonzo.

#### UThintelo lweNgxolo ePhazamisayo

##### 2. Akukho mntu uya kwenza—

- (a) ingxolo ephazamisayo; okanye
- (b) avumele ukuba mayenziwe nguye nawuphi na umntu, sisilwanyana, ngumatshini, sisithuthi, sisithuthi sokuzonwabisa, sisixhobo okanye zizo naziphi na izinto ezidityanisiweyo kwezi zichaziweyo.

#### UThintelo lweNgxolo eyiNkathazo

##### 3. Apho oku kuza kudala ingxolo eyinkathazo, akukho mntu uya kuthi—

- (a) asebenzise okanye adlale, okanye avumele ukuba kusetyenziswe okanye kudlalwe ireyidiyo, umabonakude, igubu, isixhobo somculo, isixhobo sokwandisa isandi, isistimu yesandisi-zwi okanye esinye isixhobo esifanayo esikhupha, isandisi-zwi okanye esinye isixhobo esifanayo esikhupha isandi;
- (b) amakethe okanye athengise nayiphi into ethengiswayo;
- (c) avumele isilwanyana ukuba senze ingxolo;
- (d) adlale ngezitaka-ntlantsi ngendlela engahambelaniyo nemiqathango kamasipala wengingqi yakhe;
- (e) okhe, enze, adibanise, alungise, okhe ngokutsha, asebenzise okanye avavanye isithuthi, isikhophe okanye into ethile, okanye avumele ukuba kwakhiwe, kwenziwe, kudityanise, kulungiswe, kwakhiwe ngokutsha, kusetyenziswe okanye kuvavanywe ezi zinto, kwindawo cnezindlu ekuhlalwayo kuzo okanye kufutshane nazo;
- (f) asebenzise okanye adubule nayiphi na into edubulayo, umpu okanye isixhobo esifana nawo esikhupha isandi esidubulayo, okanye avumele ukuba sisetyenziswe okanye sidutyuliswe, ngaphandle kokuba ufumene imvume ebhalwe phantsi kumasipala onegunya lokulawula kuloo mmandla;
- (g) ngaphandle kwaxa kukho imeko engxamisekileyo, avakalise isandi, okanye abangele ukuba kwenziwe isandi ngentsimbi, ngentsimbi ebethwa ngomatshini, ngesayireni, ngehutara, ngesilumkisi esinesandi, ngempempe, ngesandisi-zwi, okanye ezinye isixhobo esifanayo nezi;
- (h) asebenzise nasiphi na isixhobo sogesi, umatshini wokucheba ingca, isixhobo sasegadini esisebenzisa umbane, okanye esinye isixhobo esifanayo okanye nasiphi na kwezi zixhobo;

- (i) afake izinto, akhuphe izinto, avule okanye avale okanye nangayiphi na enye indlela aphaathe ihkreyithi, ibhokisi, into yokufaka izinto, izinto zokwakha, umgqomo wokufaka inkunkuma okanye enye into, okanye avumele ukuba le nto kufakwe kuyo izinto, kukhutshwe kuyo izinto, ivulwe okanye ivalwe okanye iphathwe;
- (j) aqhube isithuthi endleleni kawonke-wonke, inqanawe okanye inqwelomoya eyimodeli okanye avunyelwe ukuba sisetyenziswe; okanye
- (k) enze nayiphi na enye ingxolo engachazwanga kwimihlathi (a)-(j).

**UkuSetyenziswa koMhlaba**

4. (1) Ugunyaziwe wommandla, okanye nawuphi na ugunyaziwe, onoxanduva lokuqwalasela izicelo zeeplani zezakhiwo, ulwamkelo lweelayisenisi zamashishini, ulwamkelo lweeplani okanye ugunyaziso kwimiba yokusingqongileyo angayalela umfaki-sicelo ukuba enze ze angenise, njengenxalenye yesicelo sakhe—
    - (a) Uvavanyo lwefuthe lengxolo ngokwemiqathango yeSANS 10328 ukuze afumanise ukuba ngaba ifuthe lengxolo kusetyenziso lwalo mhlaba okanye kwinto eyenziwayo kuloo ndawo ingaba lingaphezulu na kwizinga ekungafanelanga kudlulwa kulo kweso sithili eliyiSANS 10103; okanye
    - (b) Apho lingaziwayo izinga lengxolo, kufuneka kungeniswe iziphumo zovavanyo eziya kuthi zanelise umasipala waloo ngingqi zezinga lengxolo eza kuba khona kusetyenziso lwalo mhlaba okanye kwinto eza kwenziwa apho.
  - (2) (a) Okhe okanye amise nasiphi na isakhiwo okanye enze iinguqu kwisakhiwo esikhoyo esikwindawo yokuhlala, apho kuza kwenziwa ushishino okanye kwindawo enemizi-mveliso ngaphandle kokuba kuyangqinwa ukuba emva kokuba esi sskhiwo sakhwe, samiswa okanye saguqulwa, siza kwenziwa ngendlela efanelekileyo eza kusikhusela ngokwaneleyo ukuba ingxolo yangaphandle ingavakali kuso, ukuze amaqondo engxolo angaphakathi angabikho ngaphezulu kwalawo afanelekileyo nangawona aphezulu engxolo efanelekileyo yangaphakathi, achazwe kwi-SANS 10103.
  - (b) Umnini-sakhiwo ekubhekiswe kuye kumhlathi (a) kufuneka abachazele abantu abaza kusebenzisa eso sakhiwo okanye abaza kusithenga ngokuthi ababhalele, ngamanyathelo okunqanda ingxolo aza kuwathatha ngexesha lesiqhelo lokusetyenziswa kweso sakhiwo.
  - (c) Umhlathi (a) awusebenzi apho ukusetyenziswa kwesakhiwo kungatshintshwanga.
- (3) Apho iziphumo zovavanyo oluthathiweyo ngokomqathangwana (1) zibonisa ukuba amazinga engxolo ekubhekiswe kuwo kulo mqathangwana kuza kudlulwa ngapha kwawo okanye akuzi kudlulwa kuwo kodwa kuza kudlulwa kwizinga elingu-5dBA okanye ngaphezulu—
    - (a) umfaki-sicelo makangenise isicwangciso sokulawula ingxolo apho achaza ngokuphandle amanyathelo okunqanda ingxolo aya kuthi anelise umasipala waloo ngingqi phambi kokuba kuthathwe isigqibo; kananjalo
    - (b) ukumiselwa kwaloo manyathelo okunqanda ingxolo angasetyenziswa njengomqathango wokwamkelwa kweso sicelo.
  - (4) Apho umfaki-sicelo engamiselanga isicwangciso sokulawula ingxolo njengoko kuchaziwe kumqathangwana (3), umasipala waloo ngingqi angayalela umfaki-sicelo ukuba—
    - (a) ayeke kwamsebenzi ongathobeli eso sicwangciso; okanye
    - (b) athobe izinga lengxolo ukuba libe kwiqondo elamkelekileyo elanelisa umasipala waloo ngingqi.

**Ingxolo esuka koomatshini abakwiilokishi ezihlala uluntu**

5. Umntu akanakusebenzisa impompo yepuli, impompo yokunkcenkceshela, ifriji, okanye nasiphi na isishushubezi, isixhobo sokungenisa nokukhupha umoya okanye nantoni ebunjalo kwindawo enezindlu zabantu ukuba ngaba ingxolo ekuloo propati ingaphezulu kwe-50dBA okanye ingaphezulu kwezinga lengxolo eshiyekelelayo engu-5dBA, ngaphandle kokuba ufumene imvume kumasipala, okanye oko kwenzeka kwimeko kakakeka.

**Iindawo zokonwaba ebusuku**

6. (1) Akukho mntu unokwenza umsebenzi weklabhu yasebusuku, okanye nawuphi na umsitho wasebusuku onengxolo egqumzayo ephezulu kuso nasiphi na isakhiwo ngaphandle kokuba akuphumeli ngxolo kweso sakhiwo ukwenzela ukuba kungabikho ngxolo ikhathazayo iya kuphumela ngaphandle kwemida yeso sakhiwo.
- (2) Umasipala angafuna ukuba umntu ekubhekiswe kuye kumqathangwana (1) ukuba eze nobungqina bokuba ingxolo ayiphumeli kwisakhiwo eso, okanye angacela ukuba avunyelwe ukuba angene kweso sakhiwo aze kuziqinisekisele ukuba ingxolo ayiphumeli.
- (3) Umntu owenza ushishino okanye umsebenzi ekuthethwa ngawo kumqathangwana (1) ngomhla wokupapashwa kwale miqathango, uyaxoleleka kuwo ukuba angangawuthobeli isithuba seenyanga ezintandathu emva kwaloo mhla.

**Imisitho okanye iziganeko**

7. (1) Akukho mntu unokwenza umsitho wasesidlangalaleni engafumenanga mvume ebhaliweyo esuka kumasipala waloo ngingqi ngokwemiqathango yomgaqo 12.
- (2) Kulandelwa umgaqwana (4) nayo yonke imiqathango echaphazelekayo yawo nawuphi na omnye umthetho, umasipala wengingqi angathatha nasiphi na izixhobo ebekusenziwa ngazo umculo okanye ebezinyusa ingxolo kumsitho kawonke-wonke ukuba—
  - (a) abasindleki baloo msitho khangela bafumane nto ibavumela ukuba bangangawuthobeli umgaqwana (1) kuloo msitho; okanye
  - (b) imiqathango ebekiwe xa benikwa isaphulelo kulo mgaqwana ayithotyelwanga.

- (3) Isixhobo esiye sathathwa phantsi komgaqwana (2) kufuneka sigcinwe sikhuselekile nguloo masipala usithathileyo.
- (4) Umasipala wengingqi kufuneka abuyise isixhobo ebisibambile ngokomgaqwana (2) emva kokuba efumene iindleko azichithileyo elandela imigaqwana (2) no-(3).
- (5) Ukuba umasipala wengingqi unesizathu sokukholelwa ukuba umsitho ocetywayo, ngaphandle kokawonke-wonke, unokwenza ingxolo ephazamisayo okanye ecaphukisayo, angayalela umntu loo ufuna ukusindleka umsitho lowo ukuba abhale acele ukuba noko ophulelwe kwimiqathango yomgaqo 12(1)(b).
- (6) Akukho mntu uya kwenza umsitho apho umasipala anike umyalelo ochazwe kumgaqwana (5) ngaphandle kwemvume ebhaliweyo emvumelayo ukuba angethobeli imigaqo ethobeli, mvume leyo evela kumasipala ngokomgaqo 12.

#### Inkqubo zokumeta nezokubala

8. (1) Umntu osebenzisa isixhobo esinesandi, ngokwale migaqo kufuneka aqinisekise ukuba—
  - (a) Isixhobo eso sithobela imiqathango yezixhobo ezikuluhlu I njengoko kuchaziwe kwi-SANS 658; kananjalo
  - (b) Inkqubo zokumeta nokubala kufuneka zithobele ISANS 10103, SANS 10328, SANS 10117 neSANS 10210, kuxhomekeka ekubeni yeyiphi na echaphazelekayo.
- (2) Izinga lokumeta nokubala liya kugqitywa nguloo mntu umetayo—
  - (a) njengezinga elichaphazela kakhulu loo mntu ufake isikhalazo sengxolo; okanye
  - (b) njengezinga kwisityaba sepropati ekuthethwa ngayo elimele umba lowo wengxolo ekukhalazwa ngawo.

#### Ukubekwa kwabasebenzi abajongene nengxolo bebekwa ngoomasipala bengingqi

9. Umasipala wengingqi kufuneka athi ungaphelanga unyaka emva kopapasho lwale migaqo—
  - (a) abeke umsebenzi kamasipala okwaziyo ukwenza lo msebenzi ukuba athathe uxanduva lokuphuncywa kwale migaqo kummandla waloo masipala;
  - (b) abeke umsebenzi kamasipala onolwazi nezakhono zokulawula ingxolo nokumeta izinga lengxolo, obhalisiweyo kwibhunga lezobunzululwazi, ubunjinieli nezempilo, ekufuneka ejongene—
    - (i) nophononongo, uhlobo, ukwamkela nokucebisa ngovavanyo lwefuthe lengxolo nezicwangciso zokulawula ingxolo;
    - (ii) ukwamkela amanyathelo okunqanda ingxolo;
    - (iii) amete ifuthe lezinga lengxolo abale nezinga lengxolo; yaye
    - (iv) aphonononge iimodeli kunye neentlobo zezixhobo zengxolo; yaye
  - (c) ukuba umasipala akabeki msebenzi njengoko kuchaziwe kumhlathi (b)—
    - (i) enze isivumelwano nomnye umasipala, atyumbe igosa lomnye umasipala ukuba lenze umsebenzi waloo msebenzi; okanye
    - (ii) aqeshe ingcali enezakhono zokulawula ingxolo ekwaziyo ukwenza imisebenzi cfanele ukwenziswa nguloo msebenzi, xa kuyimfuneko.

#### Inkqubo yokulawula ingxolo

10. (1) Xa umntu ufake isikhalazo sengxolo ephazamisayo kumasipala wengingqi, umntu otyunjweyo—
  - (a) makaphande ngesikhalazo eso ze abale okanye amete elandela imiqathango ye-SANS 10328 ukuba ingaba okunene loo ngxolo iyaphazamisa na;
  - (b) makasebenzise izinga lokubala ngaphandle kwalapho ingxolo eshiyekeleyo inomahluko ongaphezulu kwe-10dBA kwizinga lokubala;
  - (c) ukuba ngaba loo ngxolo okunene iyaphazamisa, makakhuphe imiyalelo ebhaliweyo—
    - (i) ayithumele kumntu owenza ingxolo okanye ongunobangela waloo ngxolo; okanye
    - (ii) umntu ohlala okanye onoxanduva lweso sakhiwo kuthethwa ngaso,
 ukuba ayeke ukwenza ingxolo ephazamisayo okanye ayithobe iye kufikelela kwizinga elibekiweyo ngokweemfuno zale miqathango singaphelanga isithuba esibekwe kuloo myalelo.
- (2) Ukuba umntu ufanyanise ukuba wenza ingxolo ephazamisayo, umasipala wengingqi angamhlawulisa iindleko zokuqesha ingcali echazwe kumgaqo 9(c)(ii) eya kuphanda eso sikhalazo.
- (3) Isikhalazo esingene kumasipala wengingqi nengxolo ecaphukisayo kufuneka singene sibhalwe sayiafidavithi, echaza—
  - (a) uhlobo lwengxolo ekhathazayo;
  - (b) ixesha eyathi yaqatshelwa ngalo okokuqala le ngxolo;
  - (c) yathatha ixesha elingakanani na;

- (d) yayiphuma phi na le ngxolo iyinkathazo; kananjalo
- (e) ukuba iyafumaneka, kunikwe nedilesi negama lomntu ohlala kuloo ndawo iphuma kuyo le ngxolo ikhathazayo.
- (4) Xe efumene isikhalazo sengxolo ecaphukisayo, umntu ogunyazisiweyo—
- (a) kufuneka aphande ngesi sikhalazo; yaye
- (b) ukuba, ngokokubona kwakhe, okunene loo ngxolo iyacaphukisa okanye iyakhathaza, angathumela imiyalelo ebhaliweyo—
- (i) ayithumele kumntu owenza ingxolo okanye ongunobangela waloo ngxolo; okanye
- (ii) umnini, umntu ohlala okanye onoxanduva lweso sakhiwo kuthethwa ngaso,
- ukuba ayeke ukwenza ingxolo ecaphukisayo singaphelanga isithuba esibekwe kuloo myalelo.

**Amagunya oomasipala beengingqi nabantu abagunyazisiweyo**

11. (1) UMasipala unakho—
- (a) ukubeka imiqathango xa enikeza imvume okanye esaphulela umntu ukuba angangathobeli le migaqo; kananjalo
- (b) esebenzisa imiqathango echaphazelekayo yawo nawuphi na omnye umthetho, angabeka izixhobo zokumeta izinga lengxolo okanye izixhobo ezibunjalo, iimpawu zendlela okanye izaziso naphi na apho anegunya lokulawula khona.
- (2) Umntu ogunyazisiweyo, angathi elandela isikhalazo esingenileyo, sengxolo ecaphukisayo okanye ephazamisayo, angene ngaphakathi kwisakhiwo ukuya kwenza uhlobo okanye ukuya kuphanda kodwa oko kuya kuxhomekeka kumgaqwana (3).
- (3) Umntu ogunyazisiweyo akanakungena kwindlu yomntu esiya kunyanzelisa imiqathango yomgaqwana (2) ngaphandle kokuba—
- (a) ufumene imvume yomninindlu okanye umntu ojongene naloo ndlu; okanye
- (b) abe ufumene isigunyaziso (iwaranti) ekhutshwe ngumantyi emva kokuba umantyi ezaneisile ukuba kukho isizathu sokukhutshwa kweso sigunyaziso.

**Iimeko ezixolelwayo okanye ezaphulelwayo**

12. (1) Umasipala wengingqi angavumela nawuphi umntu okanye indawo ukuba angayithobeli imiqathango yale migaqo—
- (a) ngokokubona kwakhe, okanye
- (b) xa umntu efake isicelo enika izizathu ezipheleleyo zokufaka eso sicelo.
- (2) Umfaki-sicelo ekubhekiswe kuye kumgaqwana 1(b) kufuneka, ngokwenkqubo efunwa ngumasipala, afumane izimvo ezibhaliweyo malunga nesicelo asifakileyo.
- (3) Inkqubo ekubhekiswe kuyo kumgaqwana (2) mayinike abantu abanomdla nabachaphazelekayo ithuba lokuba bangenise izimvo zabo ezibhaliweyo malunga nokuvunyelwa kwaloo mntu ukuba angathobeli le miqathango, yaye umfaki-sicelo anganika impendulo ebhaliweyo ephendula ezo zimvo zingenisiweyo.
- (4) Umasipala kufuneka, emva kokuqwalasela isicelo esifakiweyo, ngokwemimiselo yolawulo lwendalo esingqongileyo, phantsi kwemigaqo yeNEMA enze enye yezi zinto zilandelayo, ekwenza oko ngembaelwano—
- (a) amvumele umntu ofake isicelo ukuba axoleleke ekuthobeleni imigaqo, ebeka imiqathango yoxoleleko olo, ukuba ikhona;
- (b) usenokungavumi ukophulela umntu ze xa eceliwe anike izizathu zokwala ukunika isaphulelo; okanye
- (c) afune uvavanyo lwefuthe lwengxolo ngokwemiqathango yeSANS 10328 phambi kokuba enze isigqibo ekubhekiswe kuso kumhlathi (a) okanye (b).
- (5) Imiqathango ekubhekiswe kuyo kumgaqwana (4)(a) ingabandakanya oku, xa oko kuyimfuneko—
- (a) isithuba sesaphulelo eso, kubandakanywa amaxesha neentsuku apho izenzo ezinokwenza ingxolo zinokuvunyelwa khona;
- (b) ukuba ingaba isaziso esikwiSihlomo 1, kufuneka sibekwe kwindawo ecacileyo na, nakwindawo nganye engena uluntu kweso sakhiwo;
- (c) ukuba ingaba amazanga engxolo kufuneka ebekelwe iliso na, ukuba kunjalo, kufuneka oko kwenziwe njani kwanokuba iirekhodi zigcinwe ndawoni na xa kukho umntu ofuna ukuzibona; kunye
- (d) nayiphi na eminye imiqathango yesaphulelo.
- (6) Umasipala wengingqi angenza izilungiso okanye atshintshe isaphulelo okanye imiqathango ayibekileyo kumgaqwana 4(a)—
- (a) ngokwakhe; okanye
- (b) xa umntu ofumene isaphulelo efake isicelo.

- (7) Isicelo esifakwe kulandelwa imiqathango yomgaqwana (6)(b) kufuneka sibhalwe yaye sikhathshwe zizizathu zezifungiso okanye zotshintsho.
- (8) Emva kokufumana isicelo kulandelwa imiqathango yomgaqwana (6)(b), umasipala wengingqi—
- (a) kufuneka athathe ingqalelo yokuba ingaba ukuvuma eso sicelo kungachaphazeli kakubi na amalungelo abanye abantu okanye amaqela; yaye
- (b) unokuthi ngenxa yoko acele umfaki-sicelo anikeze ngezinye iinkcukacha.
- (9) Isaphulelo ekubhekiswe kuso kumgaqwana (4) asinakuba ngaphezulu konyaka omnye, ngaphandle kokuba sigunyaziswe ngokwemiqathango yomgaqo 4.
- (10) Ukuba kukho umqathango woxolelo ongathotyelwanga, umasipala wengingqi—
- (a) angayalela loo mntu unoxanduva ukuba athobeke loo mqathango; okanye
- (b) arhoxise eso saphulelo ngoko nangoko.
- (11) Imbalelwano yesaphulelo kumele ukuba igcinwe endaweni leyo sikhutshelwe yona isaphulelo okanye igcinwe ngumntu owophulelweyo, ukuze umasipala okanye igosa lokuqinisekiswa kokuthotyelwa komthetho likwazi ukuyihlola xa licele ukuyibona.

**Amatyala nezohlwayo****13. (1) Umntu wenza ityala ukuba—**

- (a) wophula okanye akathobeli imigaqo 2, 3, 4(2), 5, 6(1), 7(1) okanye 7(6);
- (b) akathobeli okanye uyala ukuthobela umqathango obhaliweyo, umyalelo obhaliweyo, isaziso esibhaliweyo athe wasinikwa okanye esikhutshwe ngumasipala wengingqi okanye umntu ogunyazisiweyo ngokwemiqathango yale migaqo;
- (c) ubhucabhuca, ususa, uyekisa, wonakalisa okanye wenze ukuba kungasebenzi nantoni na esetyenziswe okanye ebekwe kwindawo ethile ibekwa ngumasipala okanye ibekwa egameni likamasipala wengingqi okanye ngumntu ogunyazisiweyo esenzela ukuthotyelwa kwale miqathango, kubandakanywa umatshini wokubeka iliso kwingxolo, umatshini ocutha ingxolo, isixhobo sokumeta ingxolo okanye umatshini wesandi, okanye uphawu lwendlela okanye isaziso esinento yokwenza nengxolo;
- (d) uyala ukunika imvume kumntu ogunyazisiweyo ukuba angene ahlole isakhiwo ngokwegunya lewaranti ekhutshwe kulandelwa imiqathango yomgaqo 11(3)(b);
- (e) uyala ukunika iinkcukacha okanye ulwazi kumntu ogunyazisiweyo, ezifunwayo ngokusemthethweni nguloo mntu ogunyazisiweyo;
- (f) uphazamisa okanye unqanda umntu ogunyazisiweyo ukuba enze umsebenzi wakhe; okanye
- (g) unika ulwazi olungelulo okanye uphosisela umntu ogunyazisiweyo esazi ukuba uyaphosisa okanye uyamlehlekisa.
- (2) Umntu ogwetyele ukona ngokwale miqathango unokuthi ahlawuliswe imali okanye afakwe entolongweni isithuba esingekho ngaphezulu kweminyaka emibini okanye azifumane zombini ezi zigwebo, esemali nesokubanjwa.
- (3) Umntu ogwetyelwe ukona ngokwale miqathango, nothi emva kokugwetywa aqhubeke esenza loo nto ayigwetyelweyo, okanye engenzi loo nto ebefanele ukuyenza, nto leyo ebonwa njengobutyala, wenza elinye ityala yaye unokuhlawuliswa imali engekho ngaphezulu kwama-R50 000 okanye afakwe isithuba esingekho ngaphezulu kweentsuku ezingamashumi amabini okanye azifumane zombini ezi zigwebo zibe zezosuku ngalunye esenza eli tyala.

**Ukusebenza kwemigaqo**

14. Le migaqo isebenza kubo bonke oomasipala abakwiPhondo.

**Ubhangiso lwemigaqo**

15. Le migaqo isebenza endaweni yemigaqo epapashwe kwiSaziso sePhondo esinguNombolo 627 sika-1998 (iGazethi yePhondo yama-5309 yomhla wama-20 Novemba 1998) ebhangiswayo kungokunje.

**Isihloko esifutshane**

16. Le migaqo ibizwa ngokuba yiMigaqo yoLawulo lweNngxolo eNtshona Koloni, 2013.

**Isihlomelo 1**

Isaziso sokulumkisa ekubhekiswe kuso kumgaqo 12(5)(b) kufuneka singabikho ngaphantsi kwe-30 cm x 20 cm, ze isayizi yamagama ingabikho ngaphantsi ko-48. Isaziso kufuneka sibe nala magama alandelayo:

**ISILUMKISO**

**INGXOLO IPHEZULU APHA NGAPHAKATHI  
UKUBA UHLELI IXESHA ELIDE, UNGAPHETHA USISITHULU**

**Annexure C:**

Joint Section 80 Committee Meeting 2018/02/06: Minutes



Ref: 3/4/3/5/3/4

2018-02-06

**MINUTES**

**JOINT SITTING OF THE  
ECONOMIC DEVELOPMENT AND PLANNING  
&  
PROTECTION SERVICES COMMITTEE MEETING**

**2018-02-06 AT 14:00**

JOINT SITTING OF THE  
ECONOMIC DEVELOPMENT AND PLANNING SERVICES  
&  
PROTECTION SERVICES COMMITTEE MEETING

2018-02-06

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MINUTES OF THE JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND  
 PLANNING AND PROTECTION SERVICES COMMITTEE MEETING HELD IN THE  
 COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH ON  
 TUESDAY, 2018-02-06 AT 14:00

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**PRESENT** Ald JP Serdyn (Ms) [Chairperson: Economic Development  
 and Planning Services]  
 Cllr Q Smit [Chairperson: Protection Services]

**COUNCILLORS** F Adams  
 DS Arends  
 FJ Badenhorst  
 AJ Hanekom  
 RS Nalumango (Ms)  
 S Schäfer

\*\*\*\*\*

**Officials:** Acting Director: Planning & Econ Development (B de la Bat)  
 Manager: Land Use Management (Ms H Dednam)  
 Senior Town Planner (R Fooy)  
 Town Planner (Ms N Dafeti)  
 Environmental Planner (S van der Merwe)  
 Air Quality and Noise Control Officer (M van As)  
 Head: Committee Services (EJ Potts)  
 Committee Clerk (Ms T Samuels)

\*\*\*\*\*

MINUTES      JOINT PLANNING, ECONOMIC AND PROTECTION      2018-02-06  
                                          SERVICES COMMITTEE MEETING

1.	OPENING AND WELCOME	(3/4/3/3)
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The Chairperson, Ald JP Serdyn (Ms) welcomed all present at the first meeting.

2.	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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NONE

3.	DISCLOSURE OF INTEREST	(3/6/2/2)
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NONE

4.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/3/3)
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2.1 The following applications for leave were approved in terms of the Rules of Order of Council:-

Cllr L Mqeba – 6 February 2018  
 Cllr C Manuel – 6 February 2018

2.2 **ABSENT**

Cllr J Hendriks  
 Cllr NE Mcombring (Ms)  
 Cllr N Sinkinya (Ms)

5.	REPORT/S FROM OFFICIALS: ECONOMIC DEVELOPMENT AND PLANNING & PROTECTION SERVICES [JOINT SITTING]
5.1	NON-DELEGATED MATTERS
5.1.1	STELLENBOSCH MUNICIPALITY: DRAFT AIR QUALITY MANAGEMENT BY-LAW

#### 1. PURPOSE OF REPORT

A Draft Stellenbosch Municipality Air Quality Management By-Law (June 2017) (**APPENDIX 1**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. The purpose of this item is to acquire approval to circulate the draft By-law to all municipal departments for a period of 60 days for input before a final draft will be presented to Council for public participation.

#### 2. DRAFT STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

The above draft By-law deals with, among other, the following:

- Duty of care
- Smoke emissions from premises other than dwellings
  - Application
  - Prohibition
  - Installation of fuel-burning equipment
  - Installation and operation of obscuration measuring equipment
  - Monitoring and sampling
  - Exemption
- Smoke emissions from dwellings
- Emissions caused by open burning
- Emissions that cause a nuisance
  - Prohibition
  - Compliance notice
  - Steps to abate nuisance
- Dust nuisance
- Pesticide spraying emissions
- General provisions

MINUTES      JOINT PLANNING, ECONOMIC AND PROTECTION      2018-02-06  
                                          SERVICES COMMITTEE MEETING

JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING AND  
 PROTECTION SERVICES COMMITTEE MEETING: 2018-02-06: ITEM 5.1.2

**RESOLVED**

That it be recommended to Council:

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

<i>Meeting:</i>	<i>Joint Planning &amp; Protection Serv: 2017-12-05</i>	<i>Submitted by Directorate:</i>	<i>Plan &amp; Econ Dev</i>
<i>Ref no:</i>	<i>1/1/1/16</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>543661</i>	<i>Referred from:</i>	<i>Mayco: 2017-10-11</i>

5.1.2	<b>STELLENBOSCH MUNICIPALITY: DRAFT NOISE CONTROL POLICY</b>
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**1. PURPOSE OF REPORT**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) (**APPENDIX 1**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 (**APPENDIX 2**) has been prepared. The purpose of this item is to acquire Council's approval to advertise and request the public and the relevant provincial government departments' comment on the draft noise control policy.

**2. DRAFT STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**

The above draft policy deals with, among other, the following:

- The purpose of the policy
- Complaints
- Disturbing Noise
- Noise Nuisance
- Machinery in Residential Areas
- Noise Exemptions
- Places of Late-Night Entertainment
- Land Use Applications with Noise Impact
- Generator Sets
- Construction Noise
- Unamplified Human Voice
- Animal Noise

The draft policy furthermore contains 11 flowcharts describing the procedures to be followed in dealing with complaints as defined in the policy.

**JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING AND PROTECTION SERVICES COMMITTEE MEETING: 2018-02-06: ITEM 5.1.2**

**RECOMMENDED**

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

Meeting:	Joint Planning & Protection Serv: 2018-02-06	Submitted by Directorate:	Plan & Econ Dev
Ref no:	1/1/1/16	Author	Manager: Spatial Planning
Collab:	543624	Referred from:	Mayco: 2017-10-11

5.1.3	LIQUOR TRADING HOURS BY-LAW AMENDMENT
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1.      **PURPOSE OF REPORT**

To submit the Draft Amended Stellenbosch Liquor Trading Hours By-law to Council for consideration, whereafter it could be published for public participation as envisaged in Sections 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

2.      **BACKGROUND**

Section 156 (2) of Constitution of the Republic of South Africa, 1966 reads as follows: *municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate. In this instance it refers to the days and hours during which liquor may be sold by licensees and for matters related thereto.*

3.      **DISCUSSION**

The current Liquor Trading Hours By-law (**APPENDIX 1 with track changes**) was promulgated on 15 January 2016 in the Provincial Government Gazette 7753. Due to shortcomings the aforementioned policy is now reviewed. The reviewed policy (**APPENDIX 2**) with Schedule for Admission of Guilt Fines (**APPENDIX 3**) addresses the following changes:

- Bringing the definitions in line with definitions as postulated in the Integrated Zoning Scheme.
- Give powers to the municipal law enforcement officers to enforce the bylaw.
- Provide for new trading methods such as internet trading.
- Include the entire municipal area as jurisdiction applicable to this By-law
- Attempt to use a more consumer friendly language.
- Easy to enforce the By-law.
- Set maximum permissible trading hours with no provision for extension of hours to prevent administrative red tape.
- Provide maximum fines for transgressors irrespective of the size of the business.



<b>8.3.3</b>	<b>STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW</b>
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**Collaborator No:** 575338

**KPA Ref No:** D 435

**Meeting Date:** 11 April 2018

**1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW**

**2. PURPOSE**

A Draft Stellenbosch Municipality Air Quality By-Law (June 2017) (Annexure A) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. The purpose of this item is to acquire Council's approval to advertise and request public and the relevant provincial government department's comment on the above draft by-law.

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL AND EXECUTIVE MANAGEMENT)**

There is no clear delegation in the current System of Delegations dated 2015/05/01 for this item.

Stellenbosch Municipality has, however, defined obligations as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- a) Compile an Air Quality Management Plan (AQMP)
- b) Designate an Air Quality Officer (AQO)
- c) Report on the implementation of the AQMP

In terms of the Constitution of the Republic of South Africa, 1996, Section 156, a municipality has executive authority in respect of, and has the right to administer -

- (i) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and
- (ii) any other matter assigned to it by national or provincial legislation.

Schedule 4, Part B, referred to above include air pollution.

**4. EXECUTIVE SUMMARY**

A Draft Stellenbosch Municipality Air Quality By-Law (June 2017) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

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The need for the proposed by-law (regulatory framework) has been identified in the Air Quality Management Plan for Stellenbosch Municipality.

## 5. RECOMMENDATIONS

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

As stated above Stellenbosch Municipality has defined obligations with regards to air pollution control as contained in the National Environmental Management: Air Quality Act, 39 of 2004, to:

- (a) Compile an AQMP
- (b) Designate an AQO
- (c) Report on the implementation of the AQMP

Stellenbosch Municipality complies with all of the above. The Air Quality Management Plan for Stellenbosch Municipality, however, identifies the need to create a regulatory framework in the Municipality by way of which air quality control can be regulated within its area of jurisdiction.

An item in this regard was submitted to the Mayoral Committee meeting of 2017/10/11. The meeting concluded that the item **be circulated to internal** directorates and referred to a joint Section 80 Committee meeting between Planning and Economic Development and Community and Protection Services for advice and recommendation to the Executive Mayor.

Subsequently the item was referred to the joint Section 80 Committee meeting between Planning and Economic Development and Community and Protection Services of 2018/02/06 (Annexure B) which made the following recommendation:

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

### 6.2 Discussion

A Draft Stellenbosch Municipality Air Quality By-Law (June 2017) (Annexure A) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996, by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

The draft By-law deals with, among other, the following:

- Duty of Care
- Smoke emissions from premises other than dwellings
  - Application
  - Prohibition
  - Installation of fuel-burning equipment
  - Installation and operation of obscuration measuring equipment
  - Monitoring and sampling
  - Exemption
- Smoke Emissions from Dwellings
  - Smoke emissions from dwellings
- Emissions caused by Open Burning
  - Emissions caused by open burning
- Emissions that cause a nuisance
  - Prohibition
  - Compliance notice
  - Steps to abate nuisance
- Dust Nuisance
  - Control of dust
- Pesticide Spraying Emissions
  - Pesticide spraying emissions

### **6.3 Financial Implications**

There is no direct financial implications should the recommendations as set out in the report be accepted.

The purpose of this item is to acquire Council's approval to advertise and request public comment on the draft by-law. Other than advertisement fees the execution of the below recommendation will have no financial implications to Council.

The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof.

### **6.4 Legal Implications**

The recommendations in this report comply with Council's policies and applicable legislation.

### **6.5 Staff Implications**

This report has no staff implications to the Municipality.

The appointed Air Quality / Noise Control Officer will be responsible for execution of the policy on adoption thereof.

### **6.6 Previous / Relevant Council Resolutions:**

**34<sup>th</sup> Meeting of the Council of Stellenbosch Municipality (2015/05/27), Item 8.5.**

RESOLVED (nem con)

- (a) that the draft AQMP be approved by Council, in principle, and that same be advertised for public comment;

- (b) that the municipality designate the incumbent of the position of Environmental Planner as Air Quality Officer; and
- (c) that the designated Air Quality Officer be tasked with annual reporting in terms of NEMAQA.

Effect was given to the Council resolution dated 2015-05-27, Item 8.5 and the AQMP was advertised on 29 May 2015 with closing date 29 June 2015. No comments were received.

### **3<sup>rd</sup> Meeting of the Council of Stellenbosch Municipality (2016/10/26), Item 7.3.1**

RESOLVED (majority vote)

- (c) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and
- (d) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

#### **6.7 Risk Implications**

This report has no risk implications for the Municipality.

#### **6.8 Comments from Senior Management:**

Should Council approve the recommendations proposed all Municipal Departments will be afforded the opportunity to submit comment.

##### **6.8.1 Director: Infrastructure Services**

Agree with the recommendations

##### **6.8.2 Director: Planning and Economic Development**

Agree with the recommendations

##### **6.8.3 Director: Community and Protection Services:**

Agree with the recommendations

##### **6.8.4 Director: Strategic and Corporate Services:**

Agree with the recommendations

##### **6.8.5 Director Human Settlements and Property Management**

Agree with the recommendations

##### **6.8.6 Chief Financial Officer:**

Agree with the recommendations

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**6.8.7 Municipal Manager:**

Agree with the recommendations

**ANNEXURES**

Annexure A: Draft Stellenbosch Municipality Air Quality By-Law (June 2017)

Annexure B: Joint Section 80 Committee Meeting 2018/02/06: Minutes

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Schalk van der Merwe</b>
<b>POSITION</b>	<b>Environmental Planner</b>
<b>DIRECTORATE</b>	<b>Planning &amp; Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8679</b>
<b>E-MAIL ADDRESS</b>	<b>schalk.vandermerwe@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>11 April 2018</b>

**Annexure A:**

Draft Stellenbosch Municipality Air Quality By-Law (June 2017)

STELLENBOSCH MUNICIPALITY

AIR QUALITY BY-LAW

Draft June 2017

Stellenbosch Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, hereby enacts as follows:

**Table of contents**

CHAPTER 1: INTERPRETATION AND OBJECTIVES

1. Definitions
2. Purpose and objectives

CHAPTER 2: DUTY OF CARE

3. Duty to take care

CHAPTER 3: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

4. Application
5. Prohibition
6. Installation of fuel-burning equipment
7. Installation and operation of obscuration measuring equipment
8. Monitoring and sampling
9. Exemption

CHAPTER 4: SMOKE EMISSIONS FROM DWELLINGS

10. Smoke emissions from dwellings

CHAPTER 5: EMISSIONS CAUSED BY OPEN BURNING

11. Emissions caused by open burning

CHAPTER 6: EMISSIONS THAT CAUSE A NUISANCE

12. Prohibition
13. Compliance notice
14. Steps to abate nuisance

CHAPTER 7: DUST NUISANCE

15. Control of dust

CHAPTER 8: PESTICIDE SPRAYING EMISSIONS

16. Pesticide spraying emissions

CHAPTER 9: GENERAL PROVISIONS

17. Appeal
18. Municipality and State bound
19. Conflict

20. Offences and Penalties
21. Exemption
22. Savings
23. Repeal of By-laws
24. Short title and commencement

## CHAPTER 1: INTERPRETATION AND OBJECTIVES

### 1. Definitions

In this by-law, unless the context indicates otherwise –

**“adverse effect”** means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

**“air pollutant”** means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

**“air pollution”** means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

**“atmosphere”** means air that is not enclosed by a building, machine, chimney or other such structure;

**“atmospheric emission”** or **“emission”** means energy or substance or combination of substances emanating from a point, non-point or mobile source that results in air pollution;

**“authorised person”** means any person authorised by the municipality to implement any provision of this by-law;

**“best practicable means”** means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

**“chimney”** means any structure or opening of any kind from or through which air pollutants may be emitted;

**“dust”** means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

**“dwelling”** means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

**“environment”** means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the interrelationships among and between them; and

- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

**“fuel-burning equipment”** means any furnace, boiler, incinerator, or other equipment, including a chimney;

- (a) designed to burn or capable of burning liquid, gas or solid fuel;  
 (b) used to dispose of any material or waste by burning; or  
 (c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

**“fumes”** means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

**“light absorption meter”** means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

**“living organism”** means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

**“mobile source”** means a single identifiable source of atmospheric emission which does not emanate from a fixed location;

**“municipality”** means Stellenbosch Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

**“municipal manager”** means a person appointed as such by the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“non-point source”** means a source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source or fixed location, and includes veld, forest and open fires, mining activities, agricultural activities and stockpiles;

**“nuisance”** means an unreasonable interference caused by air pollution with:

- (a) the health or well-being of any person or living organism; or  
 (b) the use or enjoyment by an owner or occupier of his or her property;  
 (c) the ordinary comfort, convenience, peace or quiet of another person; and  
 (d) the natural state of the environment;

**“offensive odours”** means any smell which is considered to be malodorous or a nuisance to a reasonable person;

**“open burning”** means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

**“operator”** means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

**“point source”** means a single identifiable source and fixed location of atmospheric emission, and includes smoke stacks and residential chimneys;

**“proclaimed township”** means any land unit zoned and utilized for residential purposes;

**“person”** means a natural person or a juristic person;

**“premises”** means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the municipality or the precincts of any harbour;

**“public road”** means a road which the public has the right to use;

**“smoke”** means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

**“vehicle”** means any motor, car, motor carriage, motor cycle, bus motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

## **2. Purpose and objectives**

- (1) The purpose and objectives of this by-law is:
  - (a) to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality’s jurisdiction; and
  - (b) to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied.

## **CHAPTER 2: DUTY OF CARE**

### **3. Duty to take care**

- (1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
  - (a) to prevent any potential air pollution from occurring; and
  - (b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.
- (2) The municipality may monitor the impact and effectiveness of the measures taken in terms of section 3(1) and, if necessary, issue instructions to a person contemplated in section 3(1) with regard to specific measures to be undertaken.

- (3) The municipality may direct any person who fails to take the measures required under section 3(1) –
  - (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
  - (b) to commence taking effective control measures to abate the air pollution before a given date;
  - (c) to diligently continue with those measures; and
  - (d) to complete the measures before a specified reasonable date.
- (4) Should a person fail to comply, or inadequately comply, with a directive under section 3(3), the municipality may take reasonable measures to remedy the situation.
- (5) If any person fails to take the measures required of him or her under section 3(1) or 3(2), the municipality may recover all reasonable costs incurred as a result of it acting under section 3(4) from any or all of the following persons –
  - (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
  - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;
  - (c) the person in control of the land or any person who has or had a right to use the land at the time when –
    - (i) the activity or the process in question is or was performed or undertaken; or
    - (ii) the situation came about; or
  - (d) any person who negligently failed to prevent –
    - (i) the activity or the process being performed or undertaken; or
    - (ii) the situation from coming about.
- (6) If more than one person is liable under section 3(5), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under section 3(1), 3(2) and 3(3).

### CHAPTER 3: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

#### 4. Application

For the purposes of this Chapter, "premises" does not include dwellings.

#### 5. Prohibition

- (1) Subject to section 5(2), smoke of such a density or content that obscures light to an extent greater than 40 per cent, shall not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes, by an owner or occupier of a premises.
- (2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If smoke is emitted in contravention of section 5(1) the owner, operator or the occupier of the premises shall be guilty of an offence.

## **6. Installation of fuel-burning equipment**

- (1) No person may install, alter, extend or replace any fuel-burning equipment that is likely to cause an adverse effect on any premises without the prior written authorisation of the municipality, which may only be given after consideration of the relevant plans and specifications.
- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved by the municipality shall be presumed, until the contrary is proved, to comply with the provisions of section 6(1).
- (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of section 6(1):
  - (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
  - (b) the municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.
- (4) The municipality may on written notice to the owner and occupier of the premises:
  - (i) revoke its authorisation under section 6; and
  - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

## **7. Installation and operation of measuring equipment**

An authorised person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate measuring equipment at his or her own cost; if:

- (a) unauthorised and unlawful emissions of smoke from the relevant premises have occurred consistently or regularly;
- (b) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorised person to emit smoke;
- (c) the person on whom the notice is served has been convicted more than once under this chapter and has not taken adequate measures to prevent further contravention of the provisions of this chapter; or
- (d) the authorised person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard or nuisance to human health or the environment.

## **8. Monitoring and sampling**

An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install air pollution measuring equipment in terms of section 7 must:

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
- (b) if requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection;

- (c) if requested to do so by an authorised person, provide a written report, in a form and by a date specified by the authorised person, of part or all of the information in the record of the monitoring and sampling results; and
- (d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

#### **9. Exemption**

- (1) Subject to section 21 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this chapter.
- (2) Any exemption granted under section 9(1) must state at least the following:
  - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
  - (b) the reasons for granting the exemption;
  - (c) the condition attached to the exemption, if any;
  - (d) the period for which the exemption has been granted; and
  - (e) any other relevant information.

### **CHAPTER 4: SMOKE EMISSIONS FROM DWELLINGS**

#### **10. Smoke emissions from dwellings**

- (1) No person may emit or permit the emission of smoke from any dwelling that may cause a nuisance.
- (2) Any person who emits or permits the emission of smoke in contravention of section 10(1) commits an offence.
- (3) Subject to section 21 and on application in writing by the owner or occupier of any dwelling, the municipality may grant temporary exemption in writing from one or all of the provisions of this chapter.

### **CHAPTER 5: EMISSIONS CAUSED BY OPEN BURNING**

#### **11. Emissions caused by open burning**

- (1) Subject to section 11(4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorisation of the relevant authority, which may include the imposition of further conditions with which the person requesting authorisation must comply, has been obtained.
- (2) Any person who undertakes or permits open burning to be undertaken is in contravention of section 11(1) commits an offence.
- (3) The provisions of this section shall not apply to:
  - (a) recreational outdoor barbecue or braai activities;
  - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
  - (c) any other defined area or defined activity to which the municipality has declared this section not to apply.

**CHAPTER 6: EMISSIONS THAT CAUSE A NUISANCE****12. Prohibition**

- (1) No person may create or permit emissions that cause a nuisance.
- (2) Any person who contravenes section 12(1) commits an offence.

**13. Compliance notice**

- (1) An authorised person may serve a notice on any person whom he or she reasonably believes has committed an offence under section 20, calling upon that person;
  - (a) to abate the nuisance within a period specified in the notice;
  - (b) to take all necessary steps to prevent a recurrence of the nuisance; and
  - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of section 13(1), an authorised person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.
- (3) A compliance notice under section 13(1) may be served:
  - (a) upon the owner of any premises, by:
    - (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
    - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
    - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
  - (b) upon the occupier of the premises, by:
    - (i) delivering it to the occupier;
    - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with a compliance notice served on that person in terms of section 13(1) commits an offence.
- (5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under section 13(4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

**14. Steps to abate nuisance**

At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

**CHAPTER 7: DUST NUISANCE****15. Control of dust**

- (1) The occupier, owner or operator of any premises must take all reasonable steps to prevent the nuisance by dust caused by any activity on such premises in accordance with the National Dust Control Regulations, R. 825, 2012.
- (2) Any person who emits or permits the emission of dust in contravention of section 15(1) commits an offence.

**CHAPTER 8: PESTICIDE SPRAYING EMISSIONS****16. Pesticide Spraying Emissions**

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by Section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) Any person who contravenes section 16(1) of this by-law is guilty of an offence, as set out in section 18(1)(c) of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

**CHAPTER 9: GENERAL PROVISIONS****17. Appeal**

- (1) A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.
- (2) Pending confirmation, variation or revocation of the decision against which the appeal is lodged, any person appealing the said decision, unless the municipality provides otherwise:
  - (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
  - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

**18. Municipality and State bound**

This by-law is binding on the State and the municipality.

**19. Conflict**

- (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area of jurisdiction of the Municipality.

**20. Offences and penalties**

- (1) Any person who contravenes any provision of this by-law commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) It is an offence to:
  - (a) supply false information to an authorised person in respect of any issue pertaining to the by-law, or;
  - (b) to refuse to co-operate with the request of an authorised person made in terms of this by-law.

- (3) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (4) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:
  - (a) to remedy the harm caused;
  - (b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
  - (c) to install and operate at the person's own expense air pollution measuring equipment in accordance with the provisions of section 9.

## **21. Exemptions**

- (1) The municipality may grant temporary exemption in writing from one or all of the provisions of chapters 3, 4, and 5, provided that the municipality:
  - (a) is satisfied that granting the exemption will not prejudice the purpose referred to in section 2(1); and
  - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 2(1).
- (2) The municipality may not grant an exemption under section (1) until the municipality has:
  - (a) taken reasonable measures to ensure that all persons whose rights may be detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
  - (b) provided such person with a reasonable opportunity to object to the application; and
  - (c) duly considered and taken into account any objections raised.

## **22. Savings**

Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this by-law overrides it.

## **23. Repeal of by-laws**

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.

## **24. Short title and commencement**

This by-law shall be known as the Air Quality By-law of Stellenbosch Municipality and comes into operation on the date of publication thereof in the Provincial Gazette.

**Annexure B:**

Joint Section 80 Committee Meeting 2018/02/06: Minutes



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2018-02-06

## **MINUTES**

### **JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING & PROTECTION SERVICES COMMITTEE MEETING**

**2018-02-06 AT 14:00**

**JOINT SITTING OF THE  
ECONOMIC DEVELOPMENT AND PLANNING SERVICES**

**&**

**PROTECTION SERVICES COMMITTEE MEETING**

**2018-02-06**

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MINUTES OF THE JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING AND PROTECTION SERVICES COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH ON TUESDAY, 2018-02-06 AT 14:00

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**PRESENT** Ald JP Serdyn (Ms) [Chairperson: Economic Development and Planning Services]

Cllr Q Smit [Chairperson: Protection Services]

**COUNCILLORS** F Adams

DS Arends

FJ Badenhorst

AJ Hanekom

RS Nalumango (Ms)

S Schäfer

\*\*\*\*\*

**Officials:** Acting Director: Planning & Econ Development (B de la Bat)

Manager: Land Use Management (Ms H Dednam)

Senior Town Planner (R Fooy)

Town Planner (Ms N Dafeti)

Environmental Planner (S van der Merwe)

Air Quality and Noise Control Officer (M van As)

Head: Committee Services (EJ Potts)

Committee Clerk (Ms T Samuels)

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MINUTES      JOINT PLANNING, ECONOMIC AND PROTECTION      2018-02-06  
                                          SERVICES COMMITTEE MEETING

1.	OPENING AND WELCOME	(3/4/3/3)
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The Chairperson, Ald JP Serdyn (Ms) welcomed all present at the first meeting.

2.	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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NONE

3.	DISCLOSURE OF INTEREST	(3/6/2/2)
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NONE

4.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/3/3)
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- 2.1 The following applications for leave were approved in terms of the Rules of Order of Council:-

Cllr L Maqeba – 6 February 2018  
 Cllr C Manuel – 6 February 2018

- 2.2 **ABSENT**

Cllr J Hendriks  
 Cllr NE Mcombring (Ms)  
 Cllr N Sinkinya (Ms)

5.	REPORT/S FROM OFFICIALS: ECONOMIC DEVELOPMENT AND PLANNING & PROTECTION SERVICES [JOINT SITTING]
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5.1	NON-DELEGATED MATTERS
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5.1.1	STELLENBOSCH MUNICIPALITY: DRAFT AIR QUALITY MANAGEMENT BY-LAW
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#### 1. PURPOSE OF REPORT

A Draft Stellenbosch Municipality Air Quality Management By-Law (June 2017) (**APPENDIX 1**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. The purpose of this item is to acquire approval to circulate the draft By-law to all municipal departments for a period of 60 days for input before a final draft will be presented to Council for public participation.

#### 2. DRAFT STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

The above draft By-law deals with, among other, the following:

- Duty of care
- Smoke emissions from premises other than dwellings
  - Application
  - Prohibition
  - Installation of fuel-burning equipment
  - Installation and operation of obscuration measuring equipment
  - Monitoring and sampling
  - Exemption
- Smoke emissions from dwellings
- Emissions caused by open burning
- Emissions that cause a nuisance
  - Prohibition
  - Compliance notice
  - Steps to abate nuisance
- Dust nuisance
- Pesticide spraying emissions
- General provisions

MINUTES      JOINT PLANNING, ECONOMIC AND PROTECTION      2018-02-06  
                                          SERVICES COMMITTEE MEETING

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JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING AND  
 PROTECTION SERVICES COMMITTEE MEETING: 2018-02-06: ITEM 5.1.2

**RESOLVED**

That it be recommended to Council:

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Air Quality Control Policy to be presented to Council for approval.

<i>Meeting:</i>	<i>Joint Planning &amp; Protection Serv: 2017-12-05</i>	<i>Submitted by Directorate:</i>	<i>Plan &amp; Econ Dev</i>
<i>Ref no:</i>	<i>1/1/1/16</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>543661</i>	<i>Referred from:</i>	<i>Mayco: 2017-10-11</i>

<b>5.1.2</b>	<b>STELLENBOSCH MUNICIPALITY: DRAFT NOISE CONTROL POLICY</b>
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**1. PURPOSE OF REPORT**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) (**APPENDIX 1**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 (**APPENDIX 2**) has been prepared. The purpose of this item is to acquire Council's approval to advertise and request the public and the relevant provincial government departments' comment on the draft noise control policy.

**2. DRAFT STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**

The above draft policy deals with, among other, the following:

- The purpose of the policy
- Complaints
- Disturbing Noise
- Noise Nuisance
- Machinery in Residential Areas
- Noise Exemptions
- Places of Late-Night Entertainment
- Land Use Applications with Noise Impact
- Generator Sets
- Construction Noise
- Unamplified Human Voice
- Animal Noise

The draft policy furthermore contains 11 flowcharts describing the procedures to be followed in dealing with complaints as defined in the policy.

**JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PLANNING AND PROTECTION SERVICES COMMITTEE MEETING: 2018-02-06: ITEM 5.1.2**

**RECOMMENDED**

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Noise Control Policy (June 2017) for public input and the distribution of same to the relevant provincial government departments for comment; and
- (b) that the inputs received during the above public participation process be worked into a final Draft Stellenbosch Municipality Noise Control Policy to be presented to Council for approval.

Meeting: Ref no: Collab:	Joint Planning & Protection Serv: 2018-02-06 1/1/1/16 543624	Submitted by Directorate: Author Referred from:	Plan & Econ Dev Manager: Spatial Planning Mayco: 2017-10-11
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5.1.3	LIQUOR TRADING HOURS BY-LAW AMENDMENT
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**1. PURPOSE OF REPORT**

To submit the Draft Amended Stellenbosch Liquor Trading Hours By-law to Council for consideration, whereafter it could be published for public participation as envisaged in Sections 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**2. BACKGROUND**

Section 156 (2) of Constitution of the Republic of South Africa, 1966 reads as follows: *municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate. In this instance it refers to the days and hours during which liquor may be sold by licensees and for matters related thereto.*

**3. DISCUSSION**

The current Liquor Trading Hours By-law (**APPENDIX 1 with track changes**) was promulgated on 15 January 2016 in the Provincial Government Gazette 7753. Due to shortcomings the aforementioned policy is now reviewed. The reviewed policy (**APPENDIX 2**) with Schedule for Admission of Guilt Fines (**APPENDIX 3**) addresses the following changes:

- Bringing the definitions in line with definitions as postulated in the Integrated Zoning Scheme.
- Give powers to the municipal law enforcement officers to enforce the bylaw.
- Provide for new trading methods such as internet trading.
- Include the entire municipal area as jurisdiction applicable to this By-law
- Attempt to use a more consumer friendly language.
- Easy to enforce the By-law.
- Set maximum permissible trading hours with no provision for extension of hours to prevent administrative red tape.
- Provide maximum fines for transgressors irrespective of the size of the business.

MINUTES      JOINT PLANNING, ECONOMIC AND PROTECTION      2018-02-06  
                                          SERVICES COMMITTEE MEETING

**JOINT SITTING OF THE ECONOMIC DEVELOPMENT AND PROTECTION SERVICES COMMITTEE MEETING: 2017-11-10: ITEM 5.3**

**RESOLVED** (nem con)

that this matter be referred back to allow the Administration to prepare an accurate item (with correct appendices).

<i>Meeting: Ref No: Collab:</i>	<i>Joint Planning &amp; Prot. Serv: 2018-02-06</i>  543168	<i>Submitted by Directorate: Author: Referred from:</i>	<i>Economic Development &amp; Planning Services Manager: LED Mayco:2017-10-11</i>
-----------------------------------------	------------------------------------------------------------------	-----------------------------------------------------------------	-------------------------------------------------------------------------------------------

The meeting adjourned at 14:35.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**

8.4.	<b>HUMAN SETTLEMENTS: [PC: CLLR PW BISCOUBE]</b>
8.4.1	<b>EXTENTION OF CONTRACT PERIOD: TEMPORARY PROJECT MANAGER IN DIRECTORATE: HUMAN SETTLEMENTS TASKED WITH FORESTRY VILLAGES</b>

Collaborator No: 575454

IDP KPA Ref No:

Meeting Date: 28 March 2018

**1. SUBJECT: EXTENTION OF CONTRACT PERIOD: TEMPORARY PROJECT MANAGER IN DIRECTORATE: HUMAN SETTLEMENTS TASKED WITH FORESTRY VILLAGES**

**2. PURPOSE**

The purpose of this report is to motivate for the further extension of the contract of the temporary Project Manager in the Directorate: Human Settlements and Project Management tasked with Forestry Villages and change the Council resolution of 25 November 2015.

**3. DELEGATED AUTHORITY**

Council approved the appointment of the Project Manager tasked with Forest Villages on 25 November 2015 and has since then extended the contract until 28 February 2018. The appointment of employees that does not fall within the section 56 and 54A ambit is the responsibility of the Municipal Manager in terms of section 55(1)€ of the Municipal Systems Act. Due to the Council resolutions dealing with this matter however the matter is placed before Council.

**4. EXECUTIVE SUMMARY**

On 25 November 2015 Council approved the appointment of various temporary Project Managers *inter alia* one to focus on the ex-Forest Villages.

Following on advertisement and an interview process, Mr W. W. Johnstone was appointed as temporary Project Manager for the Forest Villages in the Directorate: Human Settlements & Property Management from 1 August 2016 for a period of six (6) months. His appointment was subsequently extended on two (2) occasions. His contract has come to an end at the end of February 2018. The purpose of this report is to request a further contract for a period of twelve (12) months to enable us to complete the projects he was working on.

**5. RECOMMENDATIONS**

- (a) that Council takes note of the progress to date;
- (b) that Council approves the appointment of Mr WW Johnstone, the Project Manager: Forest Village for a period of twelve (12) months to continue with the project; and

- (c) that the matter be dealt with by the Municipal Manager in terms of Section 55(1)(e) in future.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

Various governance gaps were identified over the past years. These areas needed a special focus and impetus to enhance service delivery. Permanent staff does not have the capacity to also manage these projects and project managers can facilitate project scoping and development, implementation, monitoring, evaluation and closing down of projects.

Council, at its meeting held on 25 November 2015, resolved, amongst others:

- b) *“that Council recognise the need for additional project manager capacity;*
- c) *that due process be followed in terms of the proposed amendments to the approved micro-organisational structure of 2011;*
- d) *that the recruitment and selection process be followed as per the Recruitment and Selection Policy; and*
- e) *that the Project Managers be appointed on a six (6) month contract which can be renewable for a further six (6) months, with performance based targets and in line with the Employment Equity Plan as far as possible taking into account the skills required and the applicants received”.*

Following an advertisement and an interview process, Mr W. W. Johnstone was appointed as Project Manager: Forestry Villages in the Directorate: Human Settlements & Property Management from 01 August 2016 for a period of six (6) months. As a result of the successes achieved and the extent of the work still required to be completed, Mr Johnstone’s appointment was extended by a further six (6) months from 01 February 2017 to 31 July 2017. During this time it has become apparent that the successes gained and the substantial progress made through the appointment of the Project Manager: Forestry Villages would be compromised unless a further extension of his contract is granted. A motivation by the Director: Human Settlements and Property Management for the extension of the contract for a further six (6) months was approved by Council. This contract, however has come to an end at the end of February 2018. The project is not finalized and due to the work he has put in and the achievements is it not practical to now appoint another person.

### 6.2 Discussion

#### 6.2.1 Overall progress

Since February 2017 there has been a marked increase in tempo and urgency regarding matters related to the forestry villages.

Whilst significant progress has been made in respect of important issues as a lot hinges on the outcome of critical processes that have been or are in the process of being initiated.

#### 6.2.2 Progress per settlement

See attached progress report (Annexure A)

**6.3 Financial Implications**

Apart from Mr W. W. Johnstone's remuneration, there will be no direct financial implications.

**6.4 Legal Implications**

Appointments are allowed for posts not approved on the structure if the appointment is linked to a project. The recommendations are in line with the provisions of the Systems Act and the Basic Conditions of Employment Act.

**6.5 Staff Implications**

The Employment contract is in line with legislation, Collective agreements and Council Policy.

**6.6 Previous / Relevant Council Resolutions:**

As indicated above, Council approved the appointment and subsequent extension on 25 November 2015 and 30 August 2017, respectively.

**6.7 Risk Implications**

The biggest risk is that the extension not be approved, which will have the result that especially with regard to Jonkershoek, all progress will come to a halt, which will have major implications on the way services are delivered in the valley.

**6.8 Comments from Senior Management:****6.8.1 Director: Strategic and Corporate Services:**

Agree with the recommendations.

**6.8.6 Chief Financial Officer:**

Agree with the recommendations.

**ANNEXURES**

Annexure A: Forestry Villages and Special Projects: Brief Status Quo Report & Anticipated Work Schedule from January 2018

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Wilfred Johnstone
<b>POSITION</b>	<i>Project Manager: Forestry Villages</i>
<b>DIRECTORATE</b>	<i>Human Settlements &amp; PM</i>
<b>CONTACT NUMBERS</b>	<i>021-8088189</i>
<b>E-MAIL ADDRESS</b>	<i>Hspm.Management@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>2018-02-16</i>



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## ***PROPERTY MANAGEMENT & ADMINISTRATION***

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**TO / AAN** : Director: Human Settlements & Property Management  
**FROM / VAN** : Wally Johnstone: Project Manager: Governance: Forestry Villages  
**DATE / DATUM** : 15 JANUARY 2018  
**RE / INSAKE** : FORESTRY VILLAGES and SPECIAL PROJECTS: BRIEF STATUS QUO REPORT & ANTICIPATED WORK SCHEDULE FROM JANUARY 2018

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### **1. PURPOSE OF REPORT**

To provide a brief status quo summary of matters relating to the forestry villages (Jonkershoek, Meerlust, Maasdorp and La Motte) and additional/special projects attended to since August 2017.

### **2. OVERALL**

- 2.1 Since February 2017 there has been a marked increase in tempo and urgency regarding matters related to the forestry villages and this tempo has been maintained for the period August 2017 to date
- 2.2 Key approvals have been obtained and critical milestones reached to, in many instances propel processes into a next level. Key challenges, however, remain to be addressed in order to ensure successful delivery.

### **3. SETTLEMENT SUMMARIES**

#### **3.1 Jonkershoek**

The *Jonkershoek: A Service Delivery & Spatial Development Perspective Report* was completed with comments from most departments incorporated (meeting held 15 March 2017)

A draft *Report to Council* on the proposed way forward for Jonkershoek was prepared and circulated. Comments from relevant departments have been incorporated. The

item has subsequently been revised following the meetings with various role players including representatives from the Jonkershoek community on 04 and 18 May 2017 (see below).

A meeting arranged by the Municipal Manager on 04 May 2017 involved all relevant role players and paved the way for an "inaugural meeting" of the *Jonkershoek Steering Committee (JSC)* on 18 May 2017. Since then meetings have successfully been held on:

- 22 June 2017
- 24 August 2017, and
- 16 November 2017

The gains made at the 04 and 18 May 2017 meetings have been successfully consolidated and a functional Steering Committee has been established.

As a result of a *Land Survey Report* commissioned by Stellenbosch Municipality, errors relating to the registration of the land parcels involved in the process were identified. These were discussed amongst the landowners at a meeting held on 15 November 2017 and a way forward for rectification was adopted at the Steering Committee meeting the following day.

A *Final Draft Memorandum of Understanding* and *Final Draft Memorandum of Agreement* have been drawn up, submitted to the JSC and circulated to the various stakeholders for final input. Final comments are expected during the course of January 2018 and signing of the documents is imminent.

A process to complete a *Social Survey* has commenced and a meeting to explain the process was held with the Jonkershoek Community on 01 November 2017.

A building has been identified for use as a *Clinic / health services*. Extensive renovations are required and will be addressed through a capital project once MoU has been concluded and signed.

A number of *critical issues* relating to current levels of *Service Delivery* have been identified in conjunction with community representatives and the relevant internal / external departments have been requested to attend to these.

#### **Way forward (short term)**

1. Continue to consolidate gains made through establishment of Steering Committee by maintaining continuous contact with role players and delivering on targets set
2. Finalise MoA and MoU and sign
3. Ongoing facilitation of internal (SLM) co-ordination re Jonkershoek service delivery
4. Finalize and submit Report to Council
5. Facilitate land transfer process with relevant role players
6. Obtain Power of Attorney and initiate township establishment process

#### **Role of the Project Manager**

A "formal" process has now been established for sustained service delivery and township establishment intended to eventually lead to security of tenure for the Jonkershoek community. A key challenge remains to ensure the process remains on track and focused to achieve the stated objectives.

The Municipal Manager has, at the meeting held on 04 May 2017, tasked the Director: Human Settlement & Property Management to drive this process on behalf of Stellenbosch Municipality. It is envisaged that this process may take 2 – 3 years to be concluded and will require dedicated human resources from the Directorate to, amongst others:

1. Ensure internal departmental co-ordination
2. Manage the internal processes for finalization of the MoU and MoA and implementation thereof
3. Report to Council
4. Facilitate the processes related to the Jonkershoek Steering Committee
5. Provide logistical support for the consultative process
6. Liaise with role players (National Department of Public Works, etc) regarding legal processes required for land transfer, township establishment, etc
7. Manage service providers to be appointed for land use and other applications required
8. Conclude the processes of land transfer, township establishment, etc

Notwithstanding the need for matters relating to the other forestry villages mentioned below, Jonkershoek has taken centre stage as a result of the dire need for improvement in the quality of life of inhabitants as well as the concerted efforts by community and other role players. A "formal" process has been initiated that will require consistent and dedicated action / response by the Directorate: Human Settlement & Property Management. Most of the focus of the Project Manager: Governance: Forestry Villages within the foreseeable future will therefor still be on the processes related to Jonkershoek.

### **3.2 La Motte / Maasdorp**

A brief for a *topographical survey* and township establishment processes has been completed and a Request for Proposals process has indicated that the budgetary resources available would not be sufficient to cover the costs of the full extent of the process. The township establishment process was therefor excluded from the original brief and a service provider has been appointed towards the end of 2017 to complete the topographical survey for Maasdorp. It is expected that this survey will be completed by mid-February. Preliminary process work for the township establishment is ongoing.

**Way forward (short term)**

1. Complete topographical survey
2. Outline township establishment process & programme
3. Schedule meeting with community.
4. Confirm PoA for township establishment with NDPW

**Role of the Project Manager**

The consultative process with the community and role players for land transfer and township establishment processes is expected to be concluded in approximately 15 months. The Project Manager's tasks in these processes will include:

1. Manage service provider for topographical survey
2. Manage and facilitate the community participation process
3. Manage legal processes required for land transfer and township establishment
4. Manage service providers required for land use and other applications

**3.3 Meerlust**

Council approval for the transfer of the Meerlust Housing Project from Cape Winelands District Municipality (CWDM) to Stellenbosch Municipality was obtained and discussions with Cape Winelands District Municipality on the transfer of the project were concluded.

The relevant project files have been transferred from CWDM and the process to resume the housing project will be initiated in conjunction with the Department: New Housing.

**Way forward (short term)**

1. Prepare Call for Proposals documentation
2. Prepare and submit required report /s to Council
3. Initiate Call for Proposals process

**Role of the Project Manager**

Following Council approval, the Meerlust Housing Project will now become a normal housing project within the Directorate and will be managed by New Housing. The Project Manager: Governance: Forestry Villages will assist in the transfer of the project and the land from CWDM, the Call for Proposals process.

**3.4 Jamestown**

A Call for Proposals is in the process of being drafted in conjunction with the Department: New Housing

**Way forward (short term)**

1. Finalize Call for Proposals documentation
2. Initiate Call for Proposals process

#### **Role of the Project Manager**

Jamestown is a housing project managed by New Housing and future involvement in the project by the Project Manager will be limited to the Call for Proposals process and requests from New Housing

### **3.5 Social Housing**

Following various discussions with the Western Cape Provincial Department of Human Settlements (WCDHS) and the Social Housing Regulatory Authority (SHRA) of South Africa, it was decided that a Call for Proposals process would be the preferred route for the development of social housing on identified parcels of land within Stellenbosch. This route is supported by both the WCDHS as well as SHRA.

#### **Way forward (short term)**

1. Prepare Call for Proposals documentation for each of the identified land parcels for social housing.
2. Initiate Call for Proposals process.

#### **Role of the Project Manager**

The Social Housing projects are managed by the Department: New Housing and the involvement of the Project Manager therein will be directed by the Manager: New Housing

## **4. ANTICIPATED WORK SCHEDULE**

As indicated above there has been significant progress on key interventions relating to the forest villages and other special projects over the last six months. On some key interventions critical milestones have been reached that require continued attention in order to maintain momentum and ultimately achieve the desired outcomes. The work schedule below outlines some of the important aspects to be addressed going forward.

<b>ANTICIPATED WORK SCHEDULE FROM JANUARY 2018</b>		
<b>AREA</b>	<b>TASK</b>	<b>TIMEFRAME</b>
<b>Jonkershoek</b>	Facilitate and manage consultative process	Commenced, ongoing medium term process (2 – 3 years)
	Finalize and facilitate signing of MoU and MoA	January – February 2018
	Co-ordinate internal actions regarding service	January 2018 - ongoing

<b>ANTICIPATED WORK SCHEDULE FROM JANUARY 2018</b>		
<b>AREA</b>	<b>TASK</b>	<b>TIMEFRAME</b>
	delivery and township establishment	
	Manage land transfer processes	January 2018 – May 2018
	Effect township establishment	March 2018 – March 2019
<b>La Motte / Maasdorp</b>	Complete Maasdorp topographical survey	February 2018
	Prepare and confirm budget for township establishment at Maasdorp with NDPW	February - March 2018
	Initiate and conclude community consultative process at Maasdorp	February 2018 - ongoing
	Initiate and conclude township establishment process	March 2018 – October 2018
<b>Meerlust</b>	Prepare Call for Proposals documentation	January 2018 – March 2018
	Initiate Call for Proposals process	March 2018 – December 2018
<b>Jamestown</b>	Finalize proposal call document/s	January 2018 – March 2018
	Advertise proposal call	April 2018 – May 2018
	Evaluate proposal calls	September –November 2018
	Prepare documentation for BEC	December 2018
<b>Social Housing</b>	Finalize proposal call document/s	January 2018 – March 2018
	Advertise proposal call	April 2018 – May 2018
	Evaluate proposal calls	September –November 2018
	Prepare documentation for BEC	December 2018
	Project implementation	April 2019 and beyond

## 5. CONCLUSION

There has been significant consultation at a managerial level within the Directorate: Human Settlements and Property Management during the drafting of this report, particularly with the Manager: New Housing and Manager: Property Management.

**WALLY JOHNSTONE**

<b>8.4.2</b>	<b>FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED</b>
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**Collaborator No:** 575014

**IDP KPA Ref No:**

**Meeting Date:** 28 March 2018

**1. SUBJECT: FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE:  
CONSIDERATION OF INPUTS RECEIVED**

**2. PURPOSE**

To consider the inputs received, following a public participation process, on the future utilization of the ex-Kleine Libertas Theatre site.

**3. DELEGATED AUTHORITY**

Seeing that Council has requested a public participation process, it would make sense that Council consider the inputs received.

**4. EXECUTIVE SUMMARY**

During June 2015 the (then) Kleine Libertas Theatre building was partially destroyed in a fire.

The Municipality and our Insurance Company subsequently concluded a Settlement Agreement in terms whereof they would pay out an amount of R3.5M as full and final settlement of the claim.

In terms hereof the Municipality would attend to the rebuild of the facility.

A team of consultants were subsequently appointed to:

- a) Obtain the necessary approvals from Heritage Western Cape; and
- b) To compile a tender document/building plans for the rebuild of the facility.

At a Council meeting held on 2017-09-13, the Municipal Council however, decided to invite public inputs on the future use of the site, before making a final decision on whether to proceed with the rebuilding of the facility or to plan/develop an alternative facility/usage on the site.

All interested and effected community's role-players, and/or stake holders were subsequently invited to submit comments/input on/or before 08 December 2017.

The majority of inputs that was received were for the rebuild of the theatre.

**5. RECOMMENDATIONS**

- a) that Council takes note of the large number of inputs/comment received;
- b) that Council decides whether to proceed with the rebuilding of the theatre facility, as per the approved building plans, or the planning/development of an alternative facility on the site.

**6. DISCUSSION / CONTENT****6.1 Background****6.1.1 Lease Agreement**

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.

**6.1.2 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, however 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 legislative regime at the time, he decided not to approve the application for a temporary renewal. This means that there is no current, valid lease agreement in place.

**6.1.3 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.

**6.1.4 Settlement: Insurance Company**

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

**6.1.5 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.

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).

**6.1.6 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.

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### 6.1.7 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.

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.

On 11 October 2016 the proposed re-development of the site was approved by Heritage Western Cape.

### 6.1.8 Submission of Building plans

Following the above approval final building plans and a Bill of Quantity were compiled. Building plans were subsequently submitted to the Planning Department during April 2017.

### 6.1.9 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.

### 6.1.10 Project put on hold

Following a 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.

### 6.1.11 Council resolution, requesting public inputs

On 2017-09-27, having considered a report dealing with this matter, Council resolved as follows:

*“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”.*

### 6.1.12 Public Notice

On 16 November 2017, following the above Council resolution, a public notice was published in the Eikestad News, calling for public comments/inputs on/or before 8 December 2017, a copy of which is attached as **APPENDIX 1**.

### 6.1.13 Inputs received

Hereto attached as **APPENDIX 2** copies of the comment/inputs received.

In summary the comment/inputs received suggested that:

- a) the theatre be rebuilt and managed as a community theatre (174 inputs);
- b) that the theatre not be rebuilt ( 2 inputs);
- c) that the site be used to built student accommodation (1 letter); and
- d) that a Youth Centre be built (Bergzicht Trading Centre, with 7 letters of support)

Also hereto attached as **APPENIDX 3** letter received from the Libertas Theatre, motivating why the theatre should be rebuilt.

## 6.2 Discussion

### 6.2.1 Location and context



Fig 1: Location and context



Fig 2: Position on site

**6.3 Financial Implications**

As indicated above, the estimated cost of rebuilding a theatre is ± R6M, of which the Insurance claim will pay for R3.561M. The remaining budget of ±R2.5M has been budgeted for on the 2018/19 Capital Budget.

**6.4 Legal Implications**

There are no specific legal implications.

**6.5 Staff Implications**

None

**6.6 Previous / Relevant Council Resolutions**

As indicated above, on 2017-09-27 Council resolved as follows:

*“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”.*

**6.7 Risk Implications**

The biggest risk is not to make a definitive decision on the rebuilding/redevelopment of the site, as the empty site is currently used by vagrants to stay there in temporary structures, ranging from tents and containers to cardboard shelters.

**6.8 Comments from Senior Management**

None

**ANNEXURES:**

Annexure A: Public notice

Annexure B: Copies of the comments received

Annexure C: Motivation letter received from the Libertas Theatre

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Piet Smit
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Human Settlement &amp; Property Management</i>
<b>CONTACT NUMBERS</b>	021-8088189
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2017-11-15

**ANNEXURE A**



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**NOTICE**

**FUTURE UTILISATION OF EX-KLEINE LIBERTAS THEATRE SITE:  
 REQUEST FOR PUBLIC INPUT**

**Introduction/Background**

During June 2015 the (then) Kleine Libertas Theatre building was partially destroyed in a fire.

The Municipality and their Insurance Company subsequently concluded a Settlement Agreement in term whereof the Insurance Company would pay out an amount of R3.5M as full and final settlement of the claim. In terms hereof the Municipality would attend to the rebuild of the facility.

A team of consultants were subsequently appointed to:

- a) obtain the necessary approvals from Heritage Western Cape; and
- b) to compile a tender document/building plans for the rebuild of the facility.

**Invitation for public inputs**

At a Council meeting held on 2017-09-13, the Municipal Council decided to invite public inputs on the future use of the site before making a final decision on whether to proceed with the rebuilding of the facility or to plan/developed an alternative facility/usage on the site.

All interested and effected community's, role-players and/or stake holders are hereby invited to submit comments/input on or before the **closing date, 8 December 2017**. All such comment/inputs will be taken into account before a final decision in this regard is made.

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management, 3rd Floor, Absa (Oude Bloemhof) Building, Pleinstreet, Stellenbosch.

Written comments may be posted to:

PO Box 17  
 Stellenbosch  
 7600

or E-mail: [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za)

Further particulars (inclusive of the Council resolution) are available from the Manager: Property Management during office hours at the address mentioned above.

**G METTLER**  
**MUNICIPAL MANAGER**

16/11/2017

**ANNEXURE B**

**Lorelle Adams**

---

**From:** Sandra Prinsloo <sandraprins@mweb.co.za>  
**Sent:** 21 November 2017 03:01 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Beste mnr Smit

Dit is werklik van groot kultuur historiese belang dat die Klein Libertas Teater herbou word. Nie net was die Teater nog altyd n broeikas vir produksies wat landswyd gesien is nie maar dit was nog altyd n Teater wat kwaliteit produksies aangebied het en n heencome was vir gevestigte en eksperimentele teatermakers. Dit sou n groot leemte laat in die teaterbedryf laat en heelwat spelers , regisseurs,tegnici en ander personnel sonder n inkomste laat.

Vriendelike Groete  
Sandra Prinsloo

Sent from my iPad

**Lorelle Adams**

---

**From:** Niel le Roux <niel@sbafrikaans.co.za>  
**Sent:** 21 November 2017 01:11 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Teater  
**Attachments:** Klein Libertas Teater brief.pdf

Geagte mnr Smit  
Vind aub aangehegte skrywe vir u aandag.  
Met dank

DR NIEL (DS) LE ROUX  
HOOF



Die Stigting vir Bemagtiging deur Afrikaans

JOHN X MERRIMANSTRAAT 37, OAKDALE, BELLVILLE, 7530

Tel: 021 202 9404, Sel: 083 309 4821

[www.sbafrikaans.co.za](http://www.sbafrikaans.co.za) GPS – Koördinate : S 33° 53' 23.856" E 18° 38' 3.083"

Red ons Bome: Moet jy werklik hierdie epos uitdruk?



Die Stigting vir Bemagtiging  
deur Afrikaans

John X Merrimanstraat 37  
Oakdale, Bellville, 7530  
Tel: +27 021 202 9404  
Faks: 086 457 3498  
www.sbafrikaans.co.za

Artikel 21-nommer: 1992/002546/08  
NPO-nommer: 053-578  
Artikel 18A-nommer: 930006713  
BTW nommer: 4450134020  
Hoof: Dr Niel (DS) le Roux

21 November 2017

Mnr Piet Smit  
Eiendomsbestuur  
3de Verdieping, ABSA (Oude Bloemhof) Gebou  
STELLENBOSCH  
7500

Geagte mnr Smit

#### KLEINE LIBERTAS TEATER

Die voormalige Kleine Libertas Teater het veral gedien as 'n bemagtigingsruimte waar spesifiek jongmense in hul vrye tyd hul toneelspel-, sang- en danstalente op die proef kon stel en uitleef. Dit was selfs in my geval 'n realiteit as Paul Roos koshuisseun in die sewentigerjare.

Deur die loop van my lewe as 'n bestuurder en rolspeler in taal, kuns en kultuur het ek die Kleine Libertas Teater verskeie kere ondersteun en bygewoon vir teateropvoerings, vir kuns en kultuur events, en as opleidingsfasiliteit.

Vir die SBA wat bekend is vir gemeenskapbemagtigingsprojekte is dit van groot belang dat die Klein Libertas Teater weer in sy volle glorie as teater herstel sal word sodat dit weer aangewend kan word vir plaaslike en besoekende gemeenskappe. Teaterbywoning, deelname aan teateruitvoerings en – werkinkels is 'n integrale deel in die ontwikkeling van gemeenskappe *per se* en jongmense spesifiek. Met die huidige afwesigheid van Kleine Libertas Teater is 'n groot leemte gelaat wat weer noodsaaklik gevul moet word deur dit as teater te herbou.

Dankie vir aandag aan hierdie skrywe met die hoop dat dit 'n positiewe bydrae lewer tot die herrysing van die Kleine Libertas Teater.

Die uwe

  
DR DS (NIEL) LE ROUX  
0833094821

**Lorelle Adams**

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**From:** Johan Rademan <rademan@rsg.co.za>  
**Sent:** 21 November 2017 12:13 PM  
**To:** Piet Smit  
**Subject:** [EX] Teater, teater - Johan Rademan

Hoop werklik die teater kan weer hervestig word. Volg die werk wat in die Klein-Libertas gedoen is oor die jare en dit is werklik een van die min teaters wat ook opvoedkundig oor die spektrum van die Stellenbosch-inwoners en verder strek. Die verlies aan die ruimte vir teater en kuns sal m.i. 'n groot kulturele vakuüm laat in Stellenbosch van 'n onafhanklike opvoedkundige teater. Johan Rademan (RSG)

**Lorelle Adams**

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**From:** Vicky Davis <vickydav@gmail.com>  
**Sent:** 21 November 2017 01:15 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi

Ons ondersteun die herbouing ten volle.

Thanks  
Vicky Davis

Sent from my iPhone

**Lorelle Adams**

---

**From:** Jacques Theron <jakkie\_6@yahoo.co.uk>  
**Sent:** 21 November 2017 12:24 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater

Geagte meneer Smit,

Ek skryf om u te versoek om asseblief toestemming te gee om die Klein Libertas teater te herbou. Ek is 'n akteur en het op universiteit kans gekry om by die KLT my tande te slyp. Ek het weke daar in die donker teater deur gebring. Dis daar wat ek 'n ongelooflike liefde vir teater en my medemens ontwikkel het. Gun asseblief die jonger generasie die kans om dieselfde te doen. Ons land het meer teaters nodig. Dankie vir u tyd.

Vriendelike groete,

Jacques Theron

[Sent from Yahoo Mail on Android](#)

**Lorelle Adams**

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**From:** Frieda le Roux <friedaleroux@gmail.com>  
**Sent:** 21 November 2017 12:36 PM  
**To:** Piet Smit  
**Subject:** [EX] Ter ondersteuning van Klein Libertas Teater - Stellenbosch Munisipaliteit

Beste Mnr. Smit

Hiermee my ondersteuning vir die herbou van die Klein Libertas Teater as deel van die publieke interaksie proses.

Ek vertrou julle sal sommner baie terugvoer kry.

Vriendelike groete  
Frieda le Roux

**Lorelle Adams**

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**From:** Megan Gannon <megan@dpk.co.za>  
**Sent:** 21 November 2017 12:04 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Goeie more, Mr Smit

Ek wil graag my ondersteuning vir die herbou van die Klein Libertas Teater aandui as deel van die publieke interaksie proses.

Hopelik sal daar ander mense van die plaaslike kunstegemeenskap ook hulle steun wys in hierdie proses!

Groete en dankie

Regards / Groete,  
Megan Gannon  
076 126 1634

**Lorelle Adams**

---

**From:** Porra van der Merwe <porra2@dpk.co.za>  
**Sent:** 21 November 2017 11:48 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater ondersteuning - Stellenbosch Munisipaliteit

Goeie more, Mr Smit

Ek wil graag my ondersteuning vir die herbou van die Klein Libertas Teater aandui as deel van die publieke interaksie proses.

Hopelik sal daar ander mense van die plaaslike kunstegemeenskap ook hulle steun wys in hierdie proses!

Groete en dankie

Porra

Dirkie "Porra" van der Merwe  
083 226 1684

**Lorelle Adams**

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**From:** Maulise Kotze <maulise@hsstrand.co.za>  
**Sent:** 21 November 2017 11:46 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas herbouing

Beste Mnr Smit

Ek wil hiermee my en my gesin se VOLLE steun vir die herbouing van die Klein Libertas Teater aanteken. Ek, my man en my kinders (ouderdom 12 en 15) was al meermale verruk met dit wat ons op die verhoog by die Klein Libertas ervaar het. Dit is 'n ruimte met 'n intieme, nie-bedreigende atmosfeer wat van kardinale belang is in die voeding van die menslike gees.

Ons vra opreg en baie ernstig dat dit nie toegelaat word dat 'n winkelsentrum, kantoorgebou, ag die gewone siellose gebou wat niks beteken vir die opvoeding, lafenis en inspraak in die menslike psige gebou word op hierdie ruimte nie. Ons samelewing is alreeds so arm in gees. Mag die kunste haar regmatige plek behou. En mag dié in beheer van sulke belangrike besluite aanhou ruimte skep vir drome om waar te word op die verhoog in ons gemeenskappe.

*Vriendelike Groete*

*Maulise Kotzé*

*Vakhoof*

*Dramatiese Kunste*

Kantoor: [021 853 1056](tel:0218531056)

**Hoërskool Strand**, Sarel Cilliersstraat 205, STRAND, 7140



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**Lorelle Adams**

---

**From:** Margaret Pansegrouw <mpansegrouw@hsbellville.co.za>  
**Sent:** 21 November 2017 10:52 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Asseblief, herbou Klein Libertas!!!! Ek het as student vele toneelstukke en heerlike aande daar deurgebring. Daarna was ons gereelde besoeker by optrede van ons eie kinders toe hulle student was. So 'n jammerte dat 'n deel van Stellenbosch se kultuur deur die brand verwoes is.

Ons stem vir herbou>

Margaret Pansegrouw  
Hoërskool Bellville

**Lorelle Adams**

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**From:** Johan Laten (101) <johan@depressie101.co.za>  
**Sent:** 21 November 2017 10:39 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Beste Piet

Graag wil ek pleit vir die herbou van hierdie teater. Dit het vir jare nie net vermaak vir so baie mense verskaf nie, maar was dit in vele opsigte deel van die opbou van 'n gemeenskap ver buite die grense van Stellenbosch.

Nie net was dit 'n verhoog wat kunstenaars die ruimte gebied het om hulle werk te vertoon nie, maar het dit ook tieners die geleentheid gegee om te ervaar wat dit is om op 'n professionele verhoog op te tree. Die geleentheid wat met die tienertoneel geskep is, is so 'n ongelooflike uitreik na alle gemeenskappe wat soveel bydra tot jongmense se karaktervorming en die verwerping van broodnodige lewensvaardighede. Die teater is altyd die ideale plek waar individue tot beter afgeronde mense gevorm kan word.

Stellenbosch was nog altyd 'n voorbeeld van 'n dorp wat vooruitgang en groei voorstaan. Die Munisipaliteit van die dorp het daarom 'n groot verantwoordelikheid om daaraan mee te doen.

Dit sal bitter hartseer wees indien hierdie teater wat eie is aan Stellenbosch se deure nie weer oopgemaak word nie. Ek glo dat wyse besluite geneem sal word om wel die teater te herbou.

Groete



Johan Laten  
**DEPRESSIE101**  
084 850 1140 | 021 854 3832

**PRAÁT OOR DEPRESSIE. DIT KAN BEHANDEL WORD.**  
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**Lorelle Adams**

---

**From:** Casper Mostert <casper@simekaconsult.co.za>  
**Sent:** 21 November 2017 10:08 AM  
**To:** Piet Smit  
**Cc:** sm@mfm.sun.ac.za; nastassha@myaa.co.za  
**Subject:** [EX] Klein Libertas teater

Hi,

Ek wil net graag my wens deurgee dat die teater weer herbou moet word, dit was 'n heerlike bymekaarkom plek waar oud en jonk hulle liefde vir musiek kon deel.

Vriendelike groete

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c. +27 (0) 82 872 5045 | e. [casper@simekaconsult.co.za](mailto:casper@simekaconsult.co.za)

Simeka House, The Vineyards Office Estate, 99 Jip de Jager Drive, Bellville, 7530  
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**Lorelle Adams**

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**From:** Beukes, V, Dr <vernita@sun.ac.za> <vernita@sun.ac.za>  
**Sent:** 21 November 2017 10:04 AM  
**To:** Piet Smit  
**Subject:** [EX] Die herbouing van die Klein Libertasteater

**Importance:** High

Beste mnr Smit

Ek hoop dit gaan goed op hierdie wonderlike koel dag.

Ek skryf hierdie e-pos omdat ek die herbouing van die die Klein Libertasteater 120% ondersteun.

Die waarde van kultuur op huidige en toekomstige geslagte kan nooit onderskat word nie.

Hoeveel keer het ek al verwonderd in die Klein Libertasteater gesit en gedink dat wat ek nou beleef my siel voed. Amanda Strydom en Nataniël het my al laat lag, huil en laat dink oor die lewe soos niemand anders nog kon doen nie.

Ek vra u dus mooi en met 'n ernstige beroep om asseblief alles in u vermoë te doen om hierdie kultuurskat te bewaar vir ons sowel as ons kinders.

Vriendelike en kultuurgroete

Vernita

Dr Vernita Beukes

Dosent • Koördineerder | Lecturer • Coordinator

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**Lorelle Adams**

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**From:** Theo Pauw <theopauw@gmail.com>  
**Sent:** 21 November 2017 08:55 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Good day,

I would like to state that I am in favour of the rebuilding of the Klein Libertas Theatre. It has supported many local and even international musicians (and other artists) over the years, many of whom would not have had access to similar venues which cater to more established artists. There is nothing else quite like it in Stellenbosch and it is currently sorely missed.

Regards,  
Theo Pauw

**Lorelle Adams**

---

**From:** Richard Brokensha <info@richardbrokensha.com>  
**Sent:** 21 November 2017 08:38 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theater

Hi Mr Smit

This email serves as my vote to please rebuild the Klein Libertas Theater. As a working musician in South Africa it is imperative that a venue such as this can be restored so that arts and culture can be kept going in an already struggling industry. The heritage within this theater is also something we should treasure as South Africans.

I trust the related parties will make the right decision on behalf of all the musicians and artists as well as the family who have given so much love and time into creating a cultural hub for everyone to enjoy.

Thank you

**Lorelle Adams**

---

**From:** Lize Poultney <lize@birthmark.co.za>  
**Sent:** 20 November 2017 09:27 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater

Goeie naand Piet

Ek wil net se dat die Klein Libertas Teater het my gevorm in my studente jare tot waar ek nou is.

As Student het ek baie geleer by die Fouries - Veral Nita wat ons almal onder haar vlerk ingeneem het.

Ek was een van vele. en met vele meen ek honderde kinders, studente mense wat se lewe deur hierdie teater geraak is.

Ek hoop dat die teater weer herstel sal word sodat dit nog baie ander op die been kan kry

Dankie

LIZE POULTNEY  
Producer  
MOBILE: +27 (0)82 879 7661  
OFFICE: (011) 706 0630  
EMAIL: [LIZE@BIRTHMARK.CO.ZA](mailto:LIZE@BIRTHMARK.CO.ZA)

FIRST HOUSE  
OFFICE NO. 258 - 262  
MAIN AVE - CNR REPUBLIC & MAIN AVENUE  
FERNDAL, RANDBURG.

**Lorelle Adams**

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**From:** lavenderpetals@gmail.com  
**Sent:** 20 November 2017 09:19 PM  
**To:** Piet Smit  
**Subject:** [EX] In Favour of re-building the Kleine Libertas!

Hello Mr Smit

I am in favour of rebuilding the Kleine Libertas for sure!

I spent years in Stellenbosch growing up and would be devastated if I saw it destroyed.  
Could you let me know what happens please?

Thankyou kindly

Therese' Pureveen  
0834955060

**Lorelle Adams**

---

**From:** Burning Groove <contact.burninggroove@gmail.com>  
**Sent:** 20 November 2017 06:25 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre rebuild

To whom it may concern,

Please rebuild the Klein Libertas Theatre, musicians and performing artists are starved for venues, we need it and will be very appreciative.

All the best,

Finn MacKinnon & Vincent "Ziggy" Kruger  
Chief dreamer and Director, Burning Groove  
083 267 5126  
<https://burninggroove.wixsite.com/bgmusic>



**Lorelle Adams**

---

**From:** Johan Krige <johan.krige@caledonvilla.co.za>  
**Sent:** 20 November 2017 05:28 PM  
**To:** Piet Smit  
**Subject:** [EX] LIBERTAS TEATER

Geagte Meneer Smit

Dankie vir die geleentheid om ook 'n opinie oor die herbou van hierdie teater aan u oor te dra.

Ons het oor baie jare opvoerings in hierdie gebou bygewoon en het waardering gehad vir dié mense wat hierdie kultuur aan ons oorgedra het ten spyte van soms primitiewe omstandighede. Maar die gebrek aan glans in die gebou het hoegenaamd geen afbreuk aan die genot veroorsaak nie. Ons dink spesifiek aan die opvoering wat in die afgebrande gebou aangebied was. Die mense agter die skerms het ons bewondering verdien. Daar steek 'n skitterende tradisie van toneel agter dit alles.

Wanneer dit dus kom by die herstel of herbou van die kompleks, dan ondersteun ons die gedagte ten volle met die verstandhouding dat

- [a] die gebou steeds vir teater-aanbiedings gebruik sal word selfs met 'n multi-kulturele inslag.
- [b] daar beslis iets van die oorspronklike intimiteit behou word – nie 'n ultra-moderne vervanging nie
- [c] die idee van 'n informele kafeteria behou word
- [d] daar nie te veel fondse gebruik word vir moderne parkeerareas nie – die oorspronklike informele parkering is deel van die karakter.
- [e] daar wel deeglik na sekuriteit gekyk word.

Die ligging en aard van die *Libertas Teater* het 'n spesifieke leemte gevul – iets tussen die hoogs-formele *HB Thom* en die verafgeleë amfi-teater *Oude Libertas*. Die beplanning rondom die herbouing en ingebruikneming van 'n nuwe teater behoort dus steeds die ideaal te wees.

Die uwe  
J D Krige.  
0221 883 8912.

**Lorelle Adams**

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**From:** Thabile Dubula <thabiledubula@gmail.com>  
**Sent:** 20 November 2017 05:40 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuild

Hi, please help us by rebuilding the Theatre because it is vital to the community of Stellenbosch and to the areas that are around it. The absence of it has left a huge gap to the community and to those areas.

I hope you would take my message into a serious consideration promptly.

Enjoy the rest of your day, thank you!

Kind regards  
Thabile

**Lorelle Adams**

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**From:** Liezel Stoffber <liezwela@gmail.com>  
**Sent:** 20 November 2017 05:17 PM  
**To:** Piet Smit  
**Subject:** [EX] Asseblief bring ons Klein Libertas Teater terug!

Die Klein Libertas teater MOET herbou word!

Die klein libertas teater bied soveel hoop aan jong mense veral Drama Studente van die Universiteit Stellenbosch wat juis hiernatoe kom omdat hier n teater was.

Dit is n ongelooflikke platvorm vir verskeie gemeenskappe om bymekaar te kom!

Die Klein Libertas het vir jare mense van alle rasse en gemeenskappe akkomodeer en het baie kunstenaars se loopbaan vir hulle gevorm op daardie verhoog!

Dit is n ongelooflikke platvorm vir gemeenskapsteater en n bymekaarkoms plek vir ALMAL.

Daar is n groot leemte in die dorp sonder die teater! Veral vir kunstenaars en feesgangers tydens die Woordfees! D

Die teater is deel van on ekonomie en moet gered word!

Asseblief kom ons bou herbou aan n positiewe vooruitgang vir ons mense, vir ONS teater!

Liezel Stoffberg

Inwoner en oud student van die Uiversiteit Stellenbosch

**Lorelle Adams**

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**From:** Andreas Schiemann <andreas@pcaddict.co.za>  
**Sent:** 20 November 2017 05:12 PM  
**To:** Piet Smit  
**Subject:** [EX] Future utilization of ex-Kleine Libertas Theatre site

Good Evening Mr Smit

It has come to my attention that there has been a request for public input in the above matter. I would strongly urge you to consider rebuilding this pillar of culture that is beloved by students and has a place in a lot of peoples hearts that have been threw it's doors. It would be a shame to have Stellenbosch without this integral part of its culture. From small local productions and artists, to the Woordfees and even big international acts, the theater gladly hosted them and every event was well reviewed, with less incidents of other so called venues in the town. It would be a shame for the future of this country not to experience the diverse culture that, the theater presents us.

I hope you consider my email in your deliberation with regards to the KLT.

Kind Regards



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**Lorelle Adams**

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**From:** Melanie Carstens <melanie.carstens@gmail.com>  
**Sent:** 20 November 2017 04:48 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre Notice

To whom it may concern

Dear Councillor Smit

It is with great excitement that I saw the notice for input to the rebuild of Klein Libertas Theatre shared on social media.

What a wonderful thing it would be if we could have this venue back, up and running! I always kept my eyes on their programme. It was wonderfully diverse and always affordable.

This email shows my support, and that it would be counted in the decision-making process.

Kind regards  
Melanie Carstens

0787060537  
Vlottenburg

**Lorelle Adams**

---

**From:** Ayan Booyens <ABooyens@filmatic.com>  
**Sent:** 20 November 2017 04:45 PM  
**To:** Piet Smit  
**Subject:** [EX] RE Klein Libertas

Dear Sir,

During my studies as well as after, I have had many great experiences at the Klein Libertas theatre. I believe it was a unique venue that encouraged students to take an interest in the arts because of its relaxed and informal setting. The type of concerts and functions hosted at this locale were always priced fairly and were of such a nature that no one attending felt intimidated for not being fancy enough, or for not being Stellenbosch student, or for being too old or...

My grandfather always said that nothing unites a nation like sports and arts. So just like some of the most spirited school sports teams are the E-teams, this low key, historical, and memory loaded venue is a seedbed for cultural appreciation and creative innovation.

I would be overjoyed to have the opportunity to support this venue again!

**Ayan Booyens**

Intern Mechanical Designer

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**Lorelle Adams**

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**From:** Nena Maree <lamaree.ch@gmail.com>  
**Sent:** 20 November 2017 04:43 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Thetre Site, Stellenbosch

To whom it may concern,

I am writing this email in conjunction with the future utilisation of the Kleine Libertas Theatre building in Stellenbosch. As a member of the public and a patron of the site before the fire, I would like to put in a appeal to have the Kleine Libertas Theatre rebuilt and restored. It is a beautiful site, full of history and more recently, fond memories of the nearby community. It would be a shame to have such a wonderful building replaced by a new development.

Thank you for taking the community's feelings into account when dealing with these matters. It is greatly appreciated.

Keep well and kindest regards,

N.Maree

**Lorelle Adams**

---

**From:** Llewelyn de Beer <llewelyn@hardrain.co.za>  
**Sent:** 20 November 2017 03:55 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theater

Dear Piet,

Firstly thank you for allowing the public to have a say on the future of this site.

It is my personal opinion that the site should be rebuilt as Klein liberyas theater.

It was an icon for me and many of my friends while studying at Stellies.

Regards  
Llewelyn de Beer, citizen of Stellenbosch.

**Lorelle Adams**

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**From:** emilev@gobi.co.za on behalf of EMILE VORSTER <emilev@magmapos.co.za>  
**Sent:** 20 November 2017 03:32 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein libertas Theater

Good day,  
I'm written to you today to support the klein libertas to have a speedy rebuild.

The KLT have done many great things for stellenbosch and for the people of stellenbosch. The fact that stellenbosch will lose one of its oldest theaters is said and there for can't happen.

So many of our stellenbosch drama students have a base to work from not to mention the acts that the KLT bring for the old and youngster of stellenbosch.

I do hope you will make a good decision for stellenbosch.

Thanks for your time

Friendly regards  
Emile

**Lorelle Adams**

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**From:** Leandi van den Berg <leandi@assocmedia.co.za>  
**Sent:** 20 November 2017 03:19 PM  
**To:** Piet Smit  
**Subject:** [EX] KLEIN LIBERTAS  
**Attachments:** AMP SIGN\_NOV[14].png

Hello,

Please see this as my official comment to have the Klein Libertas re-built.  
It was an institution in the South African music industry.

Best, Leandi

Leandi van den Berg  
Account Director - Integrated Projects  
Email - [leandi@assocmedia.co.za](mailto:leandi@assocmedia.co.za)  
Tel # - +27 21 464 6218  
Cell # - +27 82 869 3418  
Website - [www.assocmedia.co.za](http://www.assocmedia.co.za)



**Lorelle Adams**

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**From:** Le Fras Mouton <frasmou@gmail.com>  
**Sent:** 20 November 2017 02:29 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Asb kan ons hierdie ikoon van Stelenbosch weer terug kry. Ek mis dit vreeslik!

Yes rebuild.

**Lorelle Adams**

---

**From:** Marilize Du Plessis <lisiedup@gmail.com>  
**Sent:** 20 November 2017 01:00 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Lib Theatre

Yes rebuild!!

Sent from [Mail](#) for Windows 10

**Lorelle Adams**

---

**From:** Bryan Swanson <bryancurse@gmail.com>  
**Sent:** 20 November 2017 12:45 PM  
**To:** Piet Smit  
**Cc:** dawid@concertco.co.za  
**Subject:** [EX] Klein Libertas Theater

Good day Mr Piet Smit,

Please see this email in support of the Klien Libertas Theater.

Thanks

--  
Bryan Swanson  
082 535 8681

**Lorelle Adams**

---

**From:** Dorian Holdren <dh.filmindustry@gmail.com>  
**Sent:** 20 November 2017 12:45 PM  
**To:** Piet Smit  
**Subject:** [EX] Kliene Libertas Theatre

Good day,

Please rebuild this site. Its part of our art heritage.

--  
Kind regards,

Dorian Holdren  
[+27 \(78\) 6508714](tel:+27786508714)

<http://www.imdb.com/name/nm8969495/>

Represented by  
Martez Model Management  
[+27 \(21\) 5582317](tel:+27215582317)  
[www.martezmodelmanagement.co.za](http://www.martezmodelmanagement.co.za)

**Lorelle Adams**

---

**From:** Adriaan.laubscher@dlh.de  
**Sent:** 20 November 2017 12:15 PM  
**To:** Piet Smit  
**Cc:** dawid@concertco.co.za  
**Subject:** [EX] Future use of Ex-Kleine Libertas Theatre site: Request for Public input

**Importance:** High

Dear Mr Smit,

I would hereby like to voice my support for rebuilding the Kleine Libertas Theatre.

I think it is of utmost importance to have historic venues of this calibre restored to host cultural events (theatre, live shows, festivals, etc) in Stellenbosch.

Kind regards,

Adriaan Laubscher  
Finance Manager

Lufthansa InTouch  
Finance, CPT XR  
9<sup>th</sup> Floor Picbel Parkade  
8001 Cape Town  
South Africa  
Phone: +27 21 415 3553  
Fax: +27 21 415 3569  
Mobile: +27 72 431 2898  
E-mail: [adriaan.laubscher@dlh.de](mailto:adriaan.laubscher@dlh.de)  
[lh-intouch.com](http://lh-intouch.com)

**Lorelle Adams**

---

**From:** Boogy Central <boogycentral@gmail.com>  
**Sent:** 20 November 2017 12:03 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi

The 'Klein Libertas Theatre' has to be revived.  
It was such an amazing space to be in and contributes to the music and arts industry in many ways.

The Klein Libertas Theatre has to come back

Regards

Guido

**Lorelle Adams**

---

**From:** elmeri van heerden <eehip@yahoo.com>  
**Sent:** 20 November 2017 11:07 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Beste Piet,

As alma mater van die Universiteit van Stellenbosch en nou dosent, sal dit baie hartseer wees indien die Klein Libertas Teater nie meer sy tuiste vind in Stellenbosch nie. Dit was integraal tot my Stellenbosch ervaring en is so deel van die ryk kultuur van Stellenbosch dat ek regtig hoop die teater sal weer herbou word.

Kind regards / Vriendelike groete,

Elmeri van Heerden

Head of Creative & Dramatic Arts

La Rochelle GHS

Part-time lecturer: Drama (B.Ed. III & PGCE)  
Department of Curriculum Studies

Faculty of Education  
Stellenbosch University

Cell: 083 2333 768

**Lorelle Adams**

---

**From:** Richard Field <rich.field@me.com>  
**Sent:** 20 November 2017 10:25 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Theatre

Piet,

I would like to add my voice to those that are asking that the KLT remain as one of the few remaining (and magnificent) live music venues in SA. We desperately need to preserve these for us and future generations to get to enjoy the vast musical talent that A has to offer.

Kind regards  
Rich



**Lorelle Adams**

---

**From:** Nastassha Mostert <nastassha@myaa.co.za>  
**Sent:** 20 November 2017 10:58 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Lib teater

Ons soek dit terug ASB!

---

**Nastassha Mostert | Business Manager | MYAA Auto cc | -33.912734,18.547301**  
131 Voortrekker Road, Goodwood, 7460 | Tel: 021 591 0420 | Fax: 086 4168 394

an Authorised financial service provider FSP 32023

**Lorelle Adams**

---

**From:** Jors Opperman <wurmbosch@mweb.co.za>  
**Sent:** 20 November 2017 11:12 AM  
**To:** Piet Smit  
**Subject:** [EX] klien libertas

Good morning

Please please please get this theatre rebuild and open.

Thank you  
Jors  
Wurmbosch

**Lorelle Adams**

---

**From:** Tourmaline Berg <tourmalineberg@gmail.com>  
**Sent:** 20 November 2017 11:07 AM  
**To:** Piet Smit  
**Subject:** [EX] Rebuild Klein Libertas!!

Hello Piet  
Hope your week is starting off well.

I would please like to voice my thoughts and say please can you re build the incredible Klein Libertas Theatre!

It was such an incredible space for us music industry folk and theatre folk. So many incredible opportunities and such an amazing family of crew that have such passion and love for this industry. It would be extremely sad if they did not get a second chance to re create this special place .

Your sincerely,  
Tourmaline Berg

---

Music Manager/Booking Agent/Events Coordinator

Representing:  
Diamond Thug | Van T | LEEU | Jakinda | Stiff Pap | WVV

Tel: 083 363 1958  
Twitter: @Tourms  
Instagram: @tourmalineberg

**Lorelle Adams**

---

**From:** Helene <helene@incanda.co.za>  
**Sent:** 20 November 2017 09:58 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre REBUILD  
**Attachments:** image001.png; image002.jpg

**Importance:** High

Good day Piet,

This is to ask that you please rebuild the Klein Libertas Theatre and use it to provide the community with a much needed theatre space as it used to be.

Kind Regards,  
Helene De Waal  
Interior

Incanda Leather Furniture (Pty) Ltd  
Cnr of Ardier & Noble Street, The Interchange, Somerset West  
Tel +27(0) 21 852 0900  
Email [helene@incanda.co.za](mailto:helene@incanda.co.za)  
Web [www.incanda.co.za](http://www.incanda.co.za)

incanda  
FURNITURE

**Showrooms**

- Paarl [paarl@incanda.co.za](mailto:paarl@incanda.co.za)
- Somerset West [somerset@incanda.co.za](mailto:somerset@incanda.co.za)
- Durbanville [durbanville@incanda.co.za](mailto:durbanville@incanda.co.za)
- Menlyn Maine [mm@incanda.co.za](mailto:mm@incanda.co.za)

**Lorelle Adams**

---

**From:** Charl Cilliers <charlcilliers75@gmail.com>  
**Sent:** 20 November 2017 10:49 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Theatre

Dear Mr Smit

The request for public comments relating to the future use of the Kleine Libertas Theatre refers.

As you are aware, art is the cornerstone of culture. Since the Kleine Libertas Theatre has contributed so much to Stellenbosch in this respect over the years, I would love to see it re-built and re-instated as a bastion of theatrical and musical culture for our town.

Kind regards

Charl Cilliers  
Pr.Sci.Nat. MSc Botany MRSSAF



Environment and Tourism

Mobile: +27 (0) 82 471 5528  
URL: [www.myhabitat.co.za](http://www.myhabitat.co.za)  
Postal address:  
23 Bartlett Rise  
Lindida  
Ida's Valley  
7600 STELLENBOSCH

**Lorelle Adams**

---

**From:** Alastair Thomas <alastair.thomas07@gmail.com>  
**Sent:** 20 November 2017 10:43 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi Piet,  
Just writing to give my opinion that the Klein Libertas site should be utilised for live music as it did before  
the fire.  
Thanks,



**ALASTAIR THOMAS**

EDITOR///DIRECTOR

+27 79 888 9384 /// +27 11 486 2518

[www.mustardpost.co.za](http://www.mustardpost.co.za)

**Lorelle Adams**

---

**From:** Veronique Smal <SM@mfm.sun.ac.za>  
**Sent:** 20 November 2017 10:33 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater  
**Attachments:** image001.jpg

Geagte Mnr. Smit,

Hiermee my stem om Klein Libertas Teater terug te bring.

Vriendelike groete,



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**Lorelle Adams**

---

**From:** Duncan Bell <duncan@turningtricksentertainment.co.za>  
**Sent:** 20 November 2017 10:18 AM  
**To:** Piet Smit  
**Subject:** [EX] REBUILD KLIEN LIBERTAS THEATRE

Good day sir, I would like to please request that the the Fourie family be allowed to rebuild the beautiful Klien Libertas Theater. The history and meaning the venue has for so many iconic musicians and artists is undeniable.

After all.." Life without music is meaningless, music without life is academic." - Leonard Bernstein

--

Kind Regards

Duncan Bell - Owner/Director

Tel: (+27 11) 025 9926

Mobile: +27 72 755 7041

[www.turningtricksentertainment.co.za](http://www.turningtricksentertainment.co.za)

[www.turningtricksevents.co.za](http://www.turningtricksevents.co.za)

Management for: Deity's Muse & Only Forever

Festival Director: Krank'd Up Music festival [www.krankdupfestival.co.za](http://www.krankdupfestival.co.za)

Services offered:

*Event production and management, Artist management, Graphic design, Concert production*

**Lorelle Adams**

---

**From:** Trix le Roux <trixleroux@gmail.com>  
**Sent:** 20 November 2017 10:29 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

To Whom it may concern

Klein Libertas was a place where people can come together, celebrating and recognizing our Local talent.

Architecture is a visual art - music is art for the heart.

Please rebuild the Klein Libertas Theater. PLEASE.

Trix de Waal



Virus-free. [www.avast.com](http://www.avast.com)

**Lorelle Adams**

---

**From:** Gmail <dmaree2@gmail.com>  
**Sent:** 20 November 2017 10:12 AM  
**To:** Piet Smit  
**Cc:** Gina de Freitas  
**Subject:** [EX] Klein Libertas Theatre

Hi there,

I'd just like to add my voice and support the rebuilding of the Klein Libertas Theatre. A central beacon in Stellenbosch that should be revived.

Kind Regards,  
Donovan Maree

**Lorelle Adams**

---

**From:** Irma Albers <ialbers31@gmail.com>  
**Sent:** 20 November 2017 09:49 AM  
**To:** Piet Smit  
**Subject:** Re: [EX] Ondersteuning ter die herbouing van die Klein Libertas Teater

Jammer Piet, my vinger het geglip! Verskoon dat jy nou weer die e-pos kry ☐

Sent from my iPhone

On 20 Nov 2017, at 08:18, Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)> wrote:

Dankie vir jou insette/belangstelling. Dit word opreg waardeer

Piet

-----Original Message-----

**From:** Irma Albers [<mailto:ialbers31@gmail.com>]  
**Sent:** 18 November 2017 09:32 PM  
**To:** Piet Smit  
**Subject:** [EX] Ondersteuning ter die herbouing van die Klein Libertas Teater

Beste Mnr Smit of wie dit mag aangaan.

In my huidige hoedanigheid as vryskut konsultant in die kunste en as vorige Hoof van Kultuursake by Distell Korporatiewe Sosiale Ontwikkeling (en borg) stuur ek graag hierdie ondersteuningsbrief vir die herbouing van die Klein Libertas Teater in Stellenbosch.

Daar is 'n leemte in Stellenbosch na die Klein Libertas afgebrand het. Hiermee dus my redes ter ondersteuning:

Die teater het nie net vir jare professionele teater aangebied nie maar dit was ook 'n ruimte vir jong opkomende kunstenaars en tegniese spanne om hulle vaardighede te beoefen en uit te bou. Werkswinkels sowel as mentorskappe is aangebied plus 'n hele paar opvoedings en werkskeppings-projekte is deur die teater in gemeenskappe van Stellenbosch en die groter Kaapse area aangebied in drama en teater-vaardighede.

Die Klein Libertas was dus nie alleenlik 'n teater wat vermaak na mense gebring het nie maar hulle het 'n spasie geskep wat mense van alle kulture, tale en agtergronde bymekaar gebring deur almal se gemeenskaplike passie vir teater, musiek en die kreatiewe kunste. So ook het Korporatiewe besighede in SA sowel as kleiner sakeondernemings en opvoedkundige instansies en vele ander hul ondersteuning gebied vir projekte en produksies wat daar plaasgevind het oor jare. Die Woordfees en verskeie vervaardigers en organisasies kon ook hierdie spasie gebruik.

Stellenbosch, Suid Afrika en die hele wêreld word deur vele uitdagings en negatiewe publisiteit geraak en daarom raak spasies soos die Klein Libertas Teater al hoe meer noodsaaklik vir positiewe samesyn, werkskepping, nasiebou en om wedersydse respek te kweek en weer hoop vir die toekoms te bou.

Ek ondersteun dus die herbouing van die Klein Libertas Teater.

**Lorelle Adams**

---

**From:** Rika Vermeulen <kleinlibertasteaterkoor@gmail.com>  
**Sent:** 06 December 2017 11:43 AM  
**To:** Piet Smit  
**Subject:** [EX] KLEIN LIBERTAS TEATER HERBOU : JA

VIR WIE DIT MAG AANGAAN

**RE: ADVERTENSIE IN EIKESTADNUUS M.B.T. DIE KLEIN LIBERTAS TEATER**

Die Klein Libertas Teaterkoor bestaan sedert 2011 en is steeds aktief as gemeenskapskoor. Koorlede bestaan meestal uit Stellenbosse gemeenskaplede, alhoewel 'n groot getal lede uit omliggende dorpe entoesiasies ook aangesluit het.

Sedert die brand wat die teater verwoes het, bestaan die koor steeds voort en gaan steeds voort met hul jaarlikse produksies. Dit is egter 'n groot uitdaging om die voortbestaan te volhou sonder ons eie verhoog, repetisiespasie, tegniese ondersteuning, garderobe en dies meer.

Daar is geen twyfel by die Klein Libertas Teaterkoor oor die herbou van die teater nie – ons ondersteun die herbou.

Hiermee dan 'n dringende pleidooi dat die Klein Libertas Teater sonder versuim herbou moet word.

Beste wense  
Rika Vermeulen

*Rika Vermeulen (koorleier/choirleader)*  
*082 648 9621*  
*Klein Libertas Teaterkoor (KLTK)*  
*Klein Libertas Theatre Choir*

This e-mail and attachments are confidential/legally privileged and any unauthorised use, distribution or disclosure thereof, in whatever form, by anyone other than the addressee is prohibited.

**Lorelle Adams**

---

**From:** J.M.G. (Mike) Kuhn <mk@kuhn.co.za>  
**Sent:** 06 December 2017 09:57 AM  
**To:** Piet Smit  
**Subject:** [EX] HERONTWIKKELING VAN KLEINE LIBERTAS TEATER

As inwoner en belastingbetaler van Stellenbosch spreek ek hiermee my steun uit vir die herbouing van die Kleine Libertas Teater op die bestaande perseel.

Met dank

Mike Kuhn

**J.M.G. (Mike) Kühn**

Brandwachtstraat 41, Dalsig, Stellenbosch. 7600

Sel: + 27 83 302 1080

Tel: +27 21 300 0446

Epos: [mk@kuhn.co.za](mailto:mk@kuhn.co.za)

Vriendelijke groete  
Irma Albers  
0824196990  
[ialbers31@gmail.com](mailto:ialbers31@gmail.com)

Sent from my iPhone

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**Lorelle Adams**

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**From:** Theron, Pierre-Arnold <pierret@sun.ac.za> <pierret@sun.ac.za>  
**Sent:** 20 November 2017 09:45 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte Piet Smit

Hier is my "2 cents" oor die KLT.

Die KLT het vir my as student baie beteken. Dit was waar ek gewerk het vir my ekstra geld en waar ek gekuier het saam met my vriende en waar ek van my beste vriende ontmoet het. Dit was die sosiale kant van KLT vir my. Wat KLT ook was vir my was dat dit die eerste verhoog in Stellenbosch was wat ek kon betree het as jong akteur. Na dit het daar baie deure vir my begin oop gaan waar ek opgeëindig het om professioneel vir KLT as akteur te werk. Ek was deel van 'n produksie wat opvoeding aan skoolkinders gaan gee het. Ek was seker na oor die 100 skole toe met daai produksie.

Ek weet nie of my sê iets beteken nie, maar hier sit ek 15 jaar later en werk vir die Drama department van die Universiteit van Stellenbosch. Ek glo dat as die KLT weer daar gaan wees dat di took deure vir ander jong opkomende kustenaars kan oop maak. Ek hoop ter harte dat dit die geval sal wees.

Vreindelike groete

--

Pierre-Arnold Theron

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**Lorelle Adams**

---

**From:** Peter Crafford <petercrafford@gmail.com>  
**Sent:** 20 November 2017 09:44 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Goeiedag meneer Smit

Ek skryf hierdie brief met betrekking tot die herstrukturering van die Klein Libertas Teater in Stellenbosch.

Na aanleiding van die kennisgewing in die Eikestadnuus het ek gevoel ek moet ook my stem byvoeg tot die koor.

Ek is 'n musikant en kunstenaar wat my voete gevind het in die Stellenbosch-musiekkringe. As student het ek en my vriende gereeld vertonings (hetsy dit teaterstukke of rockkonserte was) bygewoon by die Klein Libertas Teater. Die weergalose inspirasie wat ons gereeld, soms twee tot drie keer per week, kon kry as gevolg van so 'n hubare platform was kosbaar.

Ons helde was op daardie verhoog. En binne 'n jaar of twee was ons self op daardie verhoog saam met hulle onder die naam 3rd World Spectator. Ons sou deel vorm van bekende groepe se landswye toere, en na 'n ruk 'n platekontrak los slaan en eindelijk 'n Top 40 radio treffer op ons kerfstok hê.

Klein Libertas Teater, en veral die Fourie-gesin, het vir ons keer-op-keer die platform gegee om ons talente te kon ontwikkel. Dit was 'n veilige hawe vir die kreatiewe gemeenskap in 'n ikoniese kreatiewe dorp. Gedigte, idees, musiek, toneelspel, kuns - integrale boustene van 'n gebalanseerde samelewing kon hierdie deel vorm van die hutspot.

Baie dankie dat u my brief gelees het. Ek vertrou die regte besluit sal gemaak word.

Vriendelike groete  
Peter Crafford

**Phone:** [+27 83 699 2666](tel:+27836992666)  
**Email:** [petercrafford@gmail.com](mailto:petercrafford@gmail.com)  
**Skype:** peter.crafford

**Lorelle Adams**

---

**From:** Peter Chantler <p.a.chantler@gmail.com>  
**Sent:** 20 November 2017 09:06 AM  
**To:** Piet Smit  
**Subject:** [EX] Rebuild!

Hi this is Peter Anthony Chantler.

I am in favor of rebuilding Kleine Libertas.

**Lorelle Adams**

---

**From:** imke.heyman@gmail.com  
**Sent:** 19 November 2017 09:28 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte Mnr. Smit,

Die Klein Libertas teater is deel van die kultuurryke dorp van Stellenbosch. Die teater het so baie geoffer en het as 'n holistiese bron van kultuur gedien vir almal in Stellenbosch.

Hiermee versoek ek die munitipaliteit, om asseblief die teater te red en te ondersteun met die herbou. Die dorp van Stellenbosch het weer bron nodig om almal bymekaar te bring. Stellenbosch voel leeg sonder Klein Libertas teater.

Vriendelike groete,  
Imke Heymann

Sent from my Huawei Mobile

**Lorelle Adams**

---

**From:** Ursulah Van Rensburg <ursulahvz@gmail.com>  
**Sent:** 19 November 2017 01:12 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

For years the amazing team at The Klein Libertas theater has given many of us so much, whether it was live music, theater, charity events or just a good old 21st.

I now want to help them by stating that I am in favor of rebuilding The Klein Libertas.

groete

Ursulah van Rensburg  
Healing is in Art

*Psychological Counselling - Promoting Healing Through the use of People's Creativity*

+258843101154

+27795043646

**Lorelle Adams**

---

**From:** ira <ira@magicmail.co.za>  
**Sent:** 20 November 2017 07:26 AM  
**To:** Piet Smit  
**Subject:** [EX] Fwd: Klein Libertas teater

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** ira <ira@magicmail.co.za>  
**Date:** 2017/11/20 07:25 (GMT+02:00)  
**To:** puet.smit@stellenbosch.gov.za  
**Subject:** Klein Libertas teater

More Piet,

Die Klein Libertas Teater is werklik een met Stellenbosch. Oor die jare heen het al die groot name (én nie minder belangrik, klein community name) in die teaterbedryf by die Klein Lib gespeel. Hierdie klein teater het so n reuse budrae tot die ontwikkeling van kultuur in Stellenbosch gelewer. Hul het n wonderlike balans gehad tussen teater na Stellenbosch trek en terselfdetyd geleentheid te gun aan lede van die community om op dieselfde planke op te tree, en selfs saam met groot akteurs toneel te speel.

Die leemte na die afbrand is enorm. Dit sal n skande, n tragedie en n reuse verlies wees indien dit nie herbou word nie. Daar is niks wat op daardie perseel gebou kan word wat die siel van Stellenbosch beter sal voed as die herbou van die Klein Libertas teater. Uot my siel uot flo ek dit sal Stellenbosch verarm om hierdie magiese teater vir almal nie te herbou nie.

Vriendelike groete,  
Ira Blanckenberg.

Sent from my Samsung Galaxy smartphone.

**Lorelle Adams**

---

**From:** Anneleen Loubser <anneleen456@yahoo.com>  
**Sent:** 20 November 2017 06:11 AM  
**To:** Piet Smit  
**Subject:** [EX] Anneleen Loubser

Groot asseblief gaan julle die Kleine Libertasteater herbou?

Dit is/ was n wonderlike plekkie om te besoek. Al die teater stukke wat jy nie kon ry om by te woon nie het Gigi hiernatoe laat kom. Asb herbou dit.

Sent from my iPad

**Lorelle Adams**

---

**From:** Elna V Staden <elnajvs@gmail.com>  
**Sent:** 20 November 2017 05:17 AM  
**To:** Piet Smit  
**Subject:** [EX] Fwd: Herbou van die Klein Libertas Teater

----- Forwarded message -----

From: "stephanie badenhorst" <[sbadenhorst7@gmail.com](mailto:sbadenhorst7@gmail.com)>  
Date: 20 Nov 2017 1:11 AM  
Subject: Herbou van die Klein Libertas Teater  
To: "Elna V Staden" <[elnajvs@gmail.com](mailto:elnajvs@gmail.com)>  
Cc:

Beste Meneer Smit,

Wanneer die ligte afgegaan het en almal huis toe is, het die stemme van wat was nog weerklink; deuwinterde stemme...ervare stemme...nuwe stemme...jong stemme.... In hierdie teater is drome gedroom en is soveel drome bewaarheid. Oor kultuur grense heen is daar hande gevat en brue gebou. Deur die Klein Libertas Teater te hebrou se ons vir die stemme van more: ons glo in julle en al ken ons julle nog nie, wil ons bele in julle.

Hiermee bepleit ek die herbou van die Klein Libertas Teater.

Lank lewe die kunste.

Met vriendelike groete,

Elna Van Staden.

**Lorelle Adams**

---

**From:** stephanie badenhorst <sbadenhorst7@gmail.com>  
**Sent:** 20 November 2017 01:00 AM  
**To:** Piet Smit  
**Subject:** [EX] Herbou van die Klein Libertas Teater

<http://scholar.sun.ac.za/handle/10019.1/98377>

Beste Meneer Smit,

Ek skryf vanuit Nederland waar ek tans woon. Alhoewel ek nou in die buiteland woon gaan daar nie 'n dag verby dat ek nie aan ons geliefde teater dink nie.

Die Klein Libertas Teater was my "huis" soos dit vir so baie teaterliefhebbers, akteurs, tegnici en kunsliefhebbers was. Ek was sedert 2001 betrokke by die teater as aktrise, teatermaker, teatertegnikus en "bar lady". Die teater was my tuiste en leerskool en saam met die Fouries was ons een groot teaterfamilie. Ek was daar die oggend toe die teater afgebrand en so het ek saam met ons hele teaterfamilie 'n groot deel van ons lewens verloor.

Op daardie stadium was ek besig met my meesters tesis oor die geskiedenis van ons geliefde teater. Die skakel hier bo sal lei na my tesis as u wil gaan kyk. Met die brand is die argiefmateriaal ook verwoes. Teen die tyd was ek byna klaar met my tesis en het slegs 'n aantal dokumente waarmee ek gewerk het in my besit gehad. Die res is almal verwoes. My tesis is sodoende die enigste konkrete dokument wat die geskiedenis van die Klein Libertas Teater tot en met 1994 weergee.

Dit ter syde gestel pleit ek dat die Klein Libertas Teater herbou word tot die kulturele baken wat die teater vir Stellenbosch was. Stellenbosch kan nie bestaan sonder die Klein Libertas Teater nie.

So hiermee vra ek om asseblief die teater te herbou. 'n Plek wat soveel mense geraak het, kan nie net in die niet verdwyn nie.

Lank lewe die kunste.

Met vriendelike groete vanuit Nederland.

Stephanie Badenhorst Van Staden.

**Lorelle Adams**

---

**From:** Jaco Konig <jacokonig@gmail.com>  
**Sent:** 19 November 2017 08:26 PM  
**To:** Piet Smit  
**Subject:** [EX] KLT

Good day,

Please rebuild the theater. It is a safe space for art to continue.

Kind regards

**Lorelle Adams**

---

**From:** Francois van Niekerk <francoisvn@adept.co.za>  
**Sent:** 19 November 2017 08:07 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre - In favour of rebuilding

Goeie naand Piet

Ek stuur net 'n e-pos aan jou in verband met die Stellenbosch Munisipaliteit se "NOTICE FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: REQUEST FOR PUBLIC INPUT" - ek is sterk ten gunste daarvan dat hulle die teater laat herbou.

Ek gaan al ten minste vanaf (as ek nou reg onthou) vanaf 1998 se kant soontoe vir bands, plays, verjaarsdae, komedie opvoerings, ens. en ek voel hulle het 'n positiewe bydrae tot die omgewing en gemeenskap gemaak.

Dankie vir jou tyd.

Groete

Francois van Niekerk  
Senior Support Technician

E: | [francoisvn@adept.co.za](mailto:francoisvn@adept.co.za)  
T: | +27 (0)21 888 6500  
F: | +27 (0)21 888 6502  
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**Lorelle Adams**

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**From:** Carmen Coetzer <carmencoetzer@yahoo.com>  
**Sent:** 19 November 2017 07:06 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Good day

I am in favour of the rebuilding of the Klein Libertas theatre.

Kind regards,

Carmen Coetzer

**Lorelle Adams**

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**From:** Cara Rust <cara.rust.1991@gmail.com>  
**Sent:** 19 November 2017 07:26 PM  
**To:** Piet Smit  
**Subject:** [EX] In favor of rebuilding The Klein Libertas

To whom it may concern,

I am in favor of rebuilding The Klein Libertas!

The Klein Libertas theater provided me opportunities from High School to University to act on their stage.

Klein Libertas has so much art history and fans.

The family that runs it, are wonderful people.

It would be heartbreaking if the incredible legacy does not continue!

**Lorelle Adams**

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**From:** Fun Car Hire <info@funcar.co.za>  
**Sent:** 19 November 2017 06:08 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Teater.

Goeie dag Mr. Smit.  
Ek wil graag ons ondersteuning ban die hervestiging van die teater bevestig.

Regards,  
Deon Goosen.

Fun Car Hire  
+27 (0)734424273  
[www.funcar.co.za](http://www.funcar.co.za)  
Engen Garage, 194 Upper Buitenkant st.  
Vredehoek, Cape Town.

**Lorelle Adams**

---

**From:** Bernard Botha <bufbotha@gmail.com>  
**Sent:** 19 November 2017 06:25 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Teater herbouing: publieke insae

Beste Mnr Smit

Hiermee gee ek my insae ingevolge die Wet op Munisipale Sisteme insake die beoogde herbouing van die Kleine Libertas Teater.

Ek is van mening dat die teater wel herbou moet word, aangesien dit 'n integrale deel vorm van ons dorp se herkoms en kultuur.

Vriendelike groete,

Bernard C Botha  
072-861-4321

**Lorelle Adams**

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**From:** Dirk Johan Steenkamp <steenkamp.esl@gmail.com>  
**Sent:** 19 November 2017 02:02 PM  
**To:** Piet Smit  
**Subject:** [EX] KLT - Stellenbosch

Good day Mr Smit

I'm writing to you to voice that I am in favor of the Klein Libertas Theater rebuild in Stellenbosch and that you would please consider my vote.

In my view, this iconic venue is not only important to the music culture of Stellenbosch, but has helped a great number of performing artist launch their careers in South Africa, while promoting Stellenbosch.

Due to the brand, it's significance and the team that runs KLT, the Stellenbosch would prove once again that it cares about the artist that it produces, its support for small business owners, while broadening its reputare of attractions to the town.

I hope we can make a difference.

Best regards

--

**Johan Steenkamp**

**c:** 010 9080 5043

**e:** [steenkamp.esl@gmail.com](mailto:steenkamp.esl@gmail.com)

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**Lorelle Adams**

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**From:** Estelle Terblanche <essie.terblanche@gmail.com>  
**Sent:** 19 November 2017 10:35 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas

Goeie dag

Ek voel die Kleine Libertas is 'n belangrike teater en moet herbou word. Dit is 'n wonderlike platform vir intieme produksies en jong kunstenaars.

Groete  
Estelle Terblanche

**Lorelle Adams**

---

**From:** John B. Swart <johnbswart@gmail.com>  
**Sent:** 19 November 2017 08:21 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte Mnr. Piet Smit,

My epos is in verband met die herbou van die Klein Libertas Teater, Stellenbosch.

Ek, John Swart, het van my eerste teater stukke gekyk by die Klein Libertas Teater, as kind. En so is my liefde vir teater geskep.

Ek het self 'n kans gekry om 'n paar jaar later self daar optetreë.

Ek het geleër van beligting en klank versorging en ander aspekte van teater produksies.

As student aan die Universiteit van Stellenbosch kon ek ook bietjie geld maak, deur te werk as kaartjie verkoper en selfs in die kroeg. Die Fouries het selfs gehelp net my "girlfriend"-probleme, and daar was baie. :)

Teen daai tyd het die "KLT" ook begin groot musiek groepe bring na die mense van Stellenbosch.

Groot "bands" van die Kaap, Johannesburg en selfs oorseë.

Ek was in 'n kar ongeluk 'n paar jaar terug, wat my in 'n koma gelaat het en ook 'n paar jaar buite aksie.

Die Klein Libertas Teater het hul dienste gratis geskenk en dit moontlik gemaak om 'n fondsinsameling te hou om te help met mediese onkoste. En dit het gehelp.

Hulle het ook 'n fondsinsameling gehou vir 'n ander Stellenbosch legende wat vir baie jare teen kanker beklei het. Selfs "DJ's" van oorseë het by dié een gespeel.

So asseblief, help om hierdie wêreld bekende venue terug te bring.

En ek is al hier my hele lewe, en dit is waarlik 'n middelpunt van my, en baie ander se, Stellenbosch.

Baie dankie vir U tyd en geduld,

John Swart  
084 356 0384

**Lorelle Adams**

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**From:** marie coetzee <coetmm@gmail.com>  
**Sent:** 18 November 2017 10:59 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater

Geagte Mnr Smit

Hiermee bepleit ek die herbou van die teater. Vir soveel jaar het die teater soveel vir my en my kinders beteken. In die toekoms glo ek sal dit net soveel vir ander jongmense n plek van groei en ontwikkeling wees. Die teater bied n plek waar mens kan droom en lag en huil.

Sonder die teater verloor Stellenbosch nie net n deel van sy geskiedenis maar neem ons die drome van jong kunstenaars en akteurs weg.

Bring asb die teater terug.

By voorbaat dank

Marie Coetzee

**Lorelle Adams**

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**From:** Victoria Coetzee <victoriacoetzee@gmail.com>  
**Sent:** 18 November 2017 10:48 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte Mnr. Smit,

Die Klein Libertas Teater was n legendariese teater wat so baie kultuur in so n variasie van mense se lewens gebring het. Dit was n tragedie om die teater te verloor en al die kultuur wat daarmee gepaard gegaan het.

Hiermee versoek ek die munisipaliteit om asseblief die teater te herbou. In vandag se lewe is kleurvolle teater nog meer as ooit nodig om ons lewens te verryk.

Goeie wense,  
Victoria

**Lorelle Adams**

---

**From:** Irma Albers <ialbers31@gmail.com>  
**Sent:** 18 November 2017 09:32 PM  
**To:** Piet Smit  
**Subject:** [EX] Ondersteuning ter die herbouing van die Klein Libertas Teater

Beste Mnr Smit of wie dit mag aangaan.

In my huidige hoedanigheid as vryskut konsultant in die kunste en as vorige Hoof van Kultuursake by Distell Korporatiewe Sosiale Ontwikkeling (en borg) stuur ek graag hierdie ondersteuningsbrief vir die herbouing van die Klein Libertas Teater in Stellenbosch.

Daar is 'n leemte in Stellenbosch na die Klein Libertas afgebrand het. Hiermee dus my redes ter ondersteuning:

Die teater het nie net vir jare professionele teater aangebied nie maar dit was ook 'n ruimte vir jong opkomende kunstenaars en tegniese spanne om hulle vaardighede te beoefen en uit te bou. Werkswinkels sowel as mentorskappe is aangebied plus 'n hele paar opvoedings en werkskeppings-projekte is deur die teater in gemeenskappe van Stellenbosch en die groter Kaapse area aangebied in drama en teater-vaardighede.

Die Klein Libertas was dus nie alleenlik 'n teater wat vermaak na mense gebring het nie maar hulle het 'n spasie geskep wat mense van alle kulture, tale en agtergronde bymekaar gebring deur almal se gemeenskaplike passie vir teater, musiek en die kreatiewe kunste. So ook het Korporatiewe besighede in SA sowel as kleiner sakeondernemings en opvoedkundige instansies en vele ander hul ondersteuning gebied vir projekte en produksies wat daar plaasgevind het oor jare. Die Woordfees en verskeie vervaardigers en organisasies kon ook hierdie spasie gebruik.

Stellenbosch, Suid Afrika en die hele wêreld word deur vele uitdagings en negatiewe publisiteit geraak en daarom raak spasies soos die Klein Libertas Teater al hoe meer noodsaaklik vir positiewe samesyn, werkskepping, nasiebou en om wedersydse respek te kweek en weer hoop vir die toekoms te bou.

Ek ondersteun dus die herbouing van die Klein Libertas Teater.

Vriendelike groete  
Irma Albers  
0824196990  
[ialbers31@gmail.com](mailto:ialbers31@gmail.com)

Sent from my iPhone

**Lorelle Adams**

---

**From:** Ronel Geldenhuys <ronel@livingit.org.za>  
**Sent:** 18 November 2017 07:20 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas  
**Attachments:** ronel signature UYFF (1).jpg

Beste Mnr Smit

Hiermee n versoek vir die Klein Libertas teater om herbou te word.

Ek verstaan dis die enigste teater in Stellenbosch wat gemeenskapsprojekte doen en die teater was n leefwyse wat die gemeenskap en gesinne ondersteun. Aangesien die assuransie klaar die geld uitbetaal het maak dit sin om die teater te herbou.

vriendelike groete

**Ronel Geldenhuys**

Livingit  
Director  
ronel@livingit.org.za

+27 (0)21 555 4414  
+27 (0)21 555 4415  
www.livingit.org.za  
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Lorelle Adams

---

**From:** Kara Pepler <karapepler@gmail.com>  
**Sent:** 18 November 2017 04:13 PM  
**To:** Piet Smit  
**Subject:** [EX] KLT

Hey there Piet

I was a student at US and graduated in 2013, I happened to attend a great deal of events at KLT and worked there for the duration of my studies, it is one of the very things that makes Stellenbosch what it is. Please consider the rebuilding of this establishment.

Hope this finds you in good faith.

Kind regards  
K. Pepler.

**Lorelle Adams**

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**From:** Ashley | SA Music Scene <ashley@samusicscene.co.za>  
**Sent:** 18 November 2017 01:35 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Stellenbosch

Hi Piet

Please rebuild Klein Libertas Stellenbosch, we need the venue back.

Regards

***Ashley Brown***

071 403 4728  
[ashley@samusicscene.co.za](mailto:ashley@samusicscene.co.za)

*Co-Founder & Owner of SA Music Scene ([www.samusicscene.co.za](http://www.samusicscene.co.za))  
All round creative in the music industry.  
(Freelance Production Officer, Social Media-, Sales, Event-, Artist-, & Festival Manager)*

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**Lorelle Adams**

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**From:** Wim Vorster <wimvorster1@gmail.com>  
**Sent:** 18 November 2017 01:41 PM  
**To:** Piet Smit  
**Subject:** [EX] KLEIN LIBERTASTEATER

Geagte Piet Smit

Alhoewel ek nooit die voorreg gesmaak het om in die Klein Libertasteater op te tree of 'n produksie daar op die planke te bring nie, het ek 'n dekadellange verbintenis daarmee (gehad).

As Outeursregadministrateur by DALRO het ek baie nou met die bestuurders saamgewerk om outeursreg vir aanbiedings te kry en toe te staan en dienooreenkomstig die tantième wat hulle uiters getrou betaal het, in te vorder.

Boonop het ek by elke Kunstefees in die land - en nie net by die teater self nie - gereeld hulle produksies gesien. Om lofpryse te sing, is oorbodig. Produksies wat hul ontstaan in en aan die KLT gehad het, is allerweë as van uitstekende gehalte beskou en ervaar.

Op die deurstoep van die US se Dramadepartement het die KLT aan afgestudeerde studente wat die professionele mark betree het, 'n huisvesting en 'n springplank gegee om dit wat hulle geleer het by die dramaskool terug te ploeg in die bedryf. Gehore is herhaaldelik vermaak met ernstige, ligte en letterkundige werk en talle van die produksies het gaan toer.

Dis haas onmoontlik om te dink dat die teater reeds vier jaar gelede in die brand beskadig is. Die verlies aan dekor, kostuums en rekwisiete kan nie in geld bereken word nie, maar die verlies aan 'n venue vir Wes-Kaapse (en besoekende) akteurs en regisseurs en uiteraard gehore is 'n algehele kultuurramp.

In hierdie tye waarin die taal Afrikaans, die kultureel en dienooreenkomstig die toneel/teaterbedryf van oral bedei word, is dit werklik van die allergrootste belang dat die Klein Libertasteater heropgerig en in stand gehou word. Daar word al hoe minder vir die nageslagte gelaat, maar dapper studente gaan studeer steeds by dramadepartemente omdat hulle tot die bedryf geroepe is. En die verhoog is en bly die anker en die slypsteen vir die ambag wat die toneelkuns onderskraag en tegnies uitbou. Selfs die bekendste rolprent- en televisiespelers keer telkens terug na die verhoog om in voeling met die ambag en dan die gehoor te bly.

Ek hoop en vertrou dat my pleidooi nie op dowe ore, of dan in hierdie geval onsiende oë, sal val nie.

Met groot waardering



**Wim Vorster** [+27\(28\)7221424](tel:+27(28)7221424)

Vryskutskrywer/Toneelkenner

Eksteenstraat 60

Heidelberg

6665

**Lorelle Adams**

---

**From:** Riku Lätti <rikulatti@gmail.com>  
**Sent:** 18 November 2017 12:43 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre is a positive contribution to Stellenbosch & beyond

Hello Piet

I would like from my point of view to contribute to debate about whether to rebuild the Klein Libertas Theatre this:

As an artist I have had the personal privilege to be part of the creative process at the theatre and can say that the work we had done at that theatre had far reaching effects way beyond just the theatre. The productions we developed there was seen over the whole country. So it would be true to say that the theatre served as an incubator of work that served to provide cultural food for the whole country.

Secondly as a member of the public, I saw astounding work at the theatre that enriched me beyond my wildest imagination. Poetry, Drama, Comedy, Music, the theatre provided in rich cultural development. The people are friendly and would always be willing to assist anybody that required their help.

It was also the kind of place where I can safely take my children to. For the Stellenbosch community the theatre is a safe place for people to come to and be fulfilled. For the rest of South Africa, the theatre has touched them in that the work developed there.

Please include any part of my contribution where relevant.

If needed I will come and testify to the value of the theatre in person.

Yours Faithfully

Riku Lätti

083 652 7649



**Lorelle Adams**

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**From:** Cabaretshow.co.za <mh@cabaretshow.co.za>  
**Sent:** 17 November 2017 06:51 PM  
**To:** Piet Smit  
**Subject:** [EX] Herbou die teater: Klein Libertas

Liewe mnr Smit

Dit maak daai hoek minder n vrot kol by Bergzicht.

Dit skep werk

Dit skep spasio vir gemeenskapsbetrokkenheid: Carien Punt en GiGi het sowat 10-16 dramagroepes daaruit bedryf: publieke sprekers staan later op vir hulle eie regte en gemeenskap ipv om vir mekaar te kyk. Publieke rede lei tot suksesvolle werksonderhoude en dit hou verveelde jeug uit die kwaad uit.

Ek kan nog n lang lys maak, maar as jy gaan kyk wat bv uitgerig is met die kortflickees om stories te vertel oor sake wat bv jeug raak is dit n no-brainer en ongelooflik dat dit so lank dormant gelê het!

Sr. Marthie Nel Hauptfleisch

[Marthie@MarthieNel.com](mailto:Marthie@MarthieNel.com)

083 767 2701

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**Lorelle Adams**

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**From:** brian robson <brian.bribri.robson@gmail.com>  
**Sent:** 17 November 2017 05:06 PM  
**To:** Piet Smit  
**Subject:** [EX] Future utilization of ex Kleine Libertas Theatre site

Good Afternoon Piet

I trust that you are well.

I am writing as an ex citizen and frequent visitor of Stellenbosch, particularly the ex Kleine Libertas Theatre when it was still erect.

Having studied drama at the University of Stellenbosch, I know I might be a bit biased in terms of wanting to have the Kleine Libertas Theatre restored to its former glory, therefore I will try not to dwell too long on the sentimental reasons behind my decision before moving on to the more social and economical ones.

For years the owners, Gigi and Juanita, have provided a space that actors and other performers, both novice and professional, could call home. There are not a lot of places where artists, especially young actors, can feel free to experiment and hone their crafts, and for that reason alone I feel very passionate about having the Kleine Libertas Theatre restored. The theatre itself also did a lot to train young performers who could not necessarily afford to study drama at a university.

Furthermore, social perspective, the Kleine Libertas Theatre was and will hopefully one again be a place where a community came together. The sensational Kleine Libertas Theatre choir and the various youth and community theatre outreach programmes they ran spring to mind.

From an economic perspective the Kleine Libertas Theatre created several jobs, especially for actors and other performers, but also sound and lighting technicians, bar staff, cleaning staff etc. Furthermore, the shows hosted at the theatre did a lot to attract big crowds of people to Stellenbosch, particularly the live music events that were hosted in the outside area, as well as being one of the main theatre venues during the University of Stellenbosch Woodfees, all of which has a beneficial economic impact on the town's economy.

I know that my voice is only a tiny drop in what I am hoping is a big ocean of voices who ask for the restoration of the Kleine Libertas Theatre, but I hope you take it into consideration.

I hope to be able to visit the Kleine Libertas Theatre in the near future.

Good luck with the decision-making process.

Kind Regards  
Brian Robson  
0820945489  
[brian.bribri.robson@gmail.com](mailto:brian.bribri.robson@gmail.com)

**Lorelle Adams**

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**From:** Shani Joubert <shanjoubert92@gmail.com>  
**Sent:** 17 November 2017 04:49 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Lib herbouings projek

Hey Piet,

Soos jy weet is die publiek vir insette gevra rondom die herbouing van klein libertas.

Ek is nie seker wat die alternatiewe plan is nie, maar ek hoop met alle eerlikheid dat die stad beplan om die teater te herbou en weer n platform te skep vir mense van alle kulture om hulself uit te straal. Om vir die hele Stellenbosch n plek te gee waar hulle na goeie musiek kan luister en plaaslike kunstenaars ondersteun.

Die gebou is al van die 60s deel van die Stellenbosch en studente kultuur. As die projek reg bestuur word kan dit n plek van sameswerwing word wat die hele gemeenskap nader bring aan mekaar.

Ek het al so baie van my vriende daar sien optree en blom. Dis n plek van gees vang, vriende maak en lekker kuier.

Dankie vir jou tyd en oorweging van my insette.

Sterkte met die projek wat voorle!

By voorbaat dank,  
Shani

**Lorelle Adams**

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**From:** Elize Taljaard <elizetaljaard19@gmail.com>  
**Sent:** 17 November 2017 03:48 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Herbou asb die teater - dit beklee n besonderde plek in SA se teatergeskiedenis!?

Dankie

Elize

--

Elize Taljaard

+27 (0) 83 4594411 Sel/Cell

**Lorelle Adams**

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**From:** Matthew Swart <matthews@polo.co.za>  
**Sent:** 17 November 2017 03:07 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre  
**Attachments:** PoloT2\_39a38219-b1de-4db2-946a-3670ab60f85d.png; TwitterIcon2\_a179ee1e-3c42-4726-b8b9-0d2f11f1230e.jpg; InstagramIcon2\_004b6eda-b04f-42e0-a200-a3a9dac70c83.jpg; facebookIcon2\_6d829d91-d164-43d4-bbb4-feeaa486b5e3.jpg

Good Afternoon Piet,

Trust you are well and having a great week,

I personally feel that Stellenbosch is no longer the same after the horrible incident that happened a few years back to KLT, and feel that KLT should be restored.

I have so many fond memories watching my favourite local bands perform, and with having an indoor and outdoor arena it made perfect sense to host bands.

Although there are other venues in Stellenbosch that can cater for bands, it is simply not the same.

I hope that you receive similar responses from the public and get the final approval to restore Klein Libertas Theatre, looking forward to many more great memories to be made at this venue.

Thank-you and Kind Regards

**Matthew Swart**

Key Accounts Manager: Polo Sport and Online

T +27 11 258 7600 ()

M +27 (076) 048 2663

E [matthews@polo.co.za](mailto:matthews@polo.co.za)

[www.polo.co.za](http://www.polo.co.za)

10 Protea Road,

Claremont,

Cape Town



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**Lorelle Adams**

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**From:** Jan Burger <Jan@zsd.co.za>  
**Sent:** 17 November 2017 02:03 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding Klein Libertas Theatre  
**Attachments:** image003.png; image004.png

Dear Sir

I saw you invitation in Eikestad Nuus to comment on the future use of the replacement of the Klein Libertas Theatre. May I plead with you to rebuild it as a theatre complex, because there is such a shortage of such facilities that are managed properly and utilised to the benefit of the community. Corporate and government support for the performing arts is almost non-existent, and your municipality will be remembered till long after your term, or even your lifetime, for doing just that: giving the community back its much loved theatre. Many, many artists of all culture groups will recall the role the Klein Libertas Theatre played in their lives and careers. Thousands of teenagers took part over many years in the annual Youth Drama Festival, and we all miss "her"!! I have been in charge of one of the participating groups for the previous 12 years.

I understand that you might consider other usages of the terrain. I do not know what. But please, I urge you to respect the historical value of the theatre and the role it can play in the future – not something you will be able to measure in monetary terms, but rest assured it will enrich many thousands of people's lives, young and old, regardless of language or cultural background, in a way that no money can ever pay for. And it will help shape the careers of upcoming young performing artists.

And while you are at it, do it properly!

I will be the first one to thank you for making this a reality!

Kind regards

Jan Burger



**JAN BURGER**  
**HEAD OF CULTURE**  
Durbanville High School, Langenhoven Street, Durbanville, 7550  
Cell: 082 881 1503 | Web: [www.durbanvillehs.co.za](http://www.durbanvillehs.co.za)

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*please consider the environment*

**Lorelle Adams**

---

**From:** Brand, Marieke, Mev <mariekeb@sun.ac.za> <mariekeb@sun.ac.za>  
**Sent:** 17 November 2017 02:23 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Vir Wie Dit Mag Aangaan

Ek doen graag 'n beroep op Stellenbosch Munisipaliteit om die Klein Libertas Teater so spoedig moontlik te herbou.

As iemand wat al dekades lank op Stellenbosch studeer en woon, was die Klein Libertas teater met sy unieke bydrae tot die dorp en wyer samelewing, nog altyd kosbaar. Dit is 'n unieke geskiedkundige erfenis. Die brand wat dit in puin gelê het, was 'n tragedie. Die groter tragedie is dat weens administratiewe gesloer, politieke gestoei en talle instansies en persone se eie agenda's, is dit nog nie herstel nie, en het dit inderwaarheid ernstige verdere skade gely. Dit ondanks die feit dat die versekeringgeld al geruime tyd gelede uitbetaal is.

Ons tyd raak min of iets te red wat binnekort onvervangbaar sal word. Ons is nie so ryk aan geskiedenis, en aan verbeeldingryke en suksesvolle gemeenskapsprojekte, dat ons kan bekostig om so half per ongeluk iets soos die Klein Libertas nonsjalant van die tafel af te laat val nie.

Groete

**Marieke Brand**

*Dekaanskantoor, Fakulteit Teologie, Universiteit Stellenbosch  
Dean's Office, Faculty of Theology, Stellenbosch University*

Epos/email [mariekeb@sun.ac.za](mailto:mariekeb@sun.ac.za); Tel +27 21 808-2142; Faks/fax +27 21 808-3251

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**Lorelle Adams**

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**From:** Lucas Swart | Dangerfields <dangerfieldsband@gmail.com>  
**Sent:** 17 November 2017 01:59 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Hi there

This is a request to please allow the rebuilding of Klein Libertas Theatre. The Fourie family have for many years played an integral role in the Stellenbosch Arts Community and the Klein Libertas theatre is a favourite venue of many musicians and theatre performers. It has a storied history of performances by many great artists (such as Johannes Kerkerrel, Koos Kombuis, Karen Zoid, Valiant Swart and many more) and is an asset to the country's cultural history. It also provides a platform for young, up and coming musicians and drama students to have an opportunity to perform on a decent stage.

Personally I have performed there many times over the years with a number of bands, and myself and my fellow performers were devastated when Klein Libertas Theatre burned down. We would very much appreciate seeing it returned to it's former glory.

If a physical testimonial is required, I am happy to be contacted at 072 257 4003.

Best regards  
Lucas



[dangerfieldsband.com](http://dangerfieldsband.com)

**Lorelle Adams**

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**From:** Esther Von Waltsleben <ewaltsleben@gmail.com>  
**Sent:** 17 November 2017 01:22 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Dear Mister Smit

Thank you for inviting the public to give their input in connection with the Klein Libertas Theatre.

I am sure this little building had a variety of impact on different people's lives. This is what it meant to me:

Since the building burnt down in June 2015 there has been a gaping hole in the theatre community in Stellenbosch.

The Klein Libertas Theatre was where most of us who studied Drama at Stellenbosch University found our feet in the professional industry.

By the time I completed my Drama studies in 1994 the regional boards for the Performance Arts in South Africa, (think CAPAB, PACT, NARUK, SUKOVVS) were gone and we had to create our own work in order to sustain a living as performing artists. The Klein Libertas Theatre gave access to penniless performers with bags of talent and creativity to hone their craft and to interact with other theatre makers. I remember rehearsals, opening nights, doing children's theater, classical plays, experimental theatre, improv nights. You name it, the KLT stage has seen them all. Our sketch-comedy, Die Francois Toerien Show, that later went on to become a TV-show, started off at Die Klein Libertas Theatre. I remember the Christmas plays we did with local people with 'real' jobs who acted alongside us actors. Year after year, doing it for no compensation but to be part of the magic that is KLT and his people.

As an adjudicator I have sat through many, many plays. Done by professionals, students, school children, kids from townships. Every time the curtain rises, the small space is transformed into a different world.

For a short period I even had the privilege to manage the day to day of the theatre, booking and marketing shows.

And then came Gigi Fourie and his wife, Nita, who saw the potential of the space and who invested all their time and effort into the KLT to make it even bigger, better and it's reach even further.

The last time I was there (2015), I was standing backstage with the learners from Paul Roos Gymnasium as they were getting ready to step into the lights. Eyes sparkling, trying hard to contain their excitement. Those boys will always remember that moment. Because the KLT wasn't just a stage. No. It was a Theatre. And Theatre teaches us. It helps us to express ourselves, to communicate, it expands our creative minds. Theatre helps us to understand people with a different culture than our own, it is a space where society examines itself in a mirror. And in an ever-changing digital age, it reminds us that there is a human body in the centre of it all.

A town with it's own theatre is giving it's residents the advantage of all these privileges that Theatre represents. KLT is Stellenbosch's own Theatre. Please rebuild it and let us, the people of Stellenbosch, continue to build our community through theatre.

With kindest regards

Esther Von Waltsleben

**Lorelle Adams**

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**From:** Woutrine Foord <woutrinetheron@gmail.com>  
**Sent:** 17 November 2017 01:08 PM  
**To:** Piet Smit; Juanita Swanepoel  
**Subject:** [EX] Herbouing van Klein Libertasteater

Beste Mnr Smit

Om vele redes is dit baie belangrik om hierdie klein teatertjie te herbou.

As oud- Bloemhoffer en oud-Matie dramastudent lê die geestelike en artistieke kultuur van Stellenbosch my na aan die hart. 'n Opvoedkundige dorp/stad kan eenvoudig nie bestaan sonder 'n aanbod van kunsvorme wat die student se opleiding en vormingsjare verbreed nie.

Ek het ook vir 6 jaar op die Fiestapaneel van Kyknet gedien en die belangrikheid van 'n intieme teater vir kleiner produksies raakgesien.

Ek wil dus my stem voeg by al die mense wat pleit vir die herbouing van die Klein Libertasteater.

Vriendelike groete.  
Woutrine Theron

Gestuur vanaf Pos vir Windows 10

**Lorelle Adams**

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**From:** Charl van Heyningen <charl@cvhenterprises.com>  
**Sent:** 17 November 2017 11:55 AM  
**To:** Piet Smit  
**Subject:** [EX] FUTURE UTILISATION OF KLEIN LIBERTAS THEATRE SITE

Good day

This is a short note to say that it is extremely important that the site will continue to be used as a theatre and nothing else.

It is therefore suggested that a new theatre is built and that the site will not be utilised in any other way.

Stellenbosch is in dire need of theatre space.

Sincerely

Charl van Heyningen

**Charl van Heyningen** | Music promoter | Entertainment Entrepreneur | Voice-over artist  
PO Box 3678 | Somerset West | 7129 | South Africa  
Tel: [+27 21 851 8261](tel:+27218518261) | Fax: [+27 86 683 2931](tel:+27866832931) | Mobile: [+27 82 490 0924](tel:+27824900924)  
[www.cvhenterprises.com](http://www.cvhenterprises.com)  
Member of the Association of Performing Arts Professionals (APAP)

**Lorelle Adams**

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**From:** annalie van rooyen <annalievandrooyen0@gmail.com>  
**Sent:** 17 November 2017 11:40 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas teater  
**Attachments:** 01 Track 01.mp3; ATT00001.txt

Goeidag Mnr. Smit,

Graag wil ek reageer op die voorstel dat die publiek moet reageer op voorstel rakende die kwessie van die gebruik van die Kleine Libertas teater.

Hierdie teater het bewys dat dit 'n uitstaande venue vir gemeenskapsteater in Stellenbosch is. As klassieke sangeres en kunsliefhebber wil ek baie graag sien dat hierdie teater steeds hierdie doel vervul in die gemeenskap van Stellenbosch. Dit is 'n noosaaklike platform vir die bevordering van die kunste en ek kan my dit nie voorstel dat dit vir enige iets anders gebruik kan word as gemeenskapsteater nie.

ASB ASB ASB behou Kleine Libertas as 'n gemeenskapsteater!

Baie dankie

Baie groete

Annalie

**Lorelle Adams**

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**From:** Bee Heymann <beeheyman@gmail.com>  
**Sent:** 08 December 2017 08:59 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Wie dit mag aangaan

Hiermee 'n versugting dat die lewe van bg. teater nie kortgeknip moet word nie.  
Die teater was altyd 'n skatkis van kultuur en opvoeding oor grense heen.

Groete  
Bee Heymann

**Lorelle Adams**

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**From:** Uys van Heerden <uysvanheerden@gmail.com>  
**Sent:** 08 December 2017 08:27 AM  
**To:** Piet Smit  
**Subject:** [EX] Future utilisation of ex-kleine libertas theatre site

To whom it may concern

I would like to appeal to the Stellenbosch Municipality to re-built the Klein Libertas Theatre (KLT) on the same site it use to be.

The KLT contribute on various levels to a wide range of communities in Stellenbosch and surrounding areas and everyone is familiar where it is /use to be. By locating it somewhere else would unnecessary confuse everyone.

Kind regards

Uys van Heerden

Stellenbosch tax payer

**Lorelle Adams**

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**From:** bongile mantsai <bongilemantsai@gmail.com>  
**Sent:** 08 December 2017 06:34 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas theater

Dear Piet

My name is Bongile Mantsai I'm an actor from Kayamandi, I would like to express my feeling about why we need spaces such as Klein libertas ,firstly the theatre has been very helpful for our black communities especially for young artist who are doesn't have any funds but Klein Libertas will allow them to showcase their works for free.

As young Artist from Kayamandi Klein Libertas helped me in my young age by developing my skills and providing work for me to make sure that I look after my family,today I'm an international actor who's respected worldwide,who's been doing Movies and now working for the Baxter as the Artistic Director for their development program and this all started at my young at the Klein Libertas.

Its important that this theatre is reopened for us to tell our stories and for the legacy of our future artists.

Regards  
Bongi.

**Lorelle Adams**

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**From:** Amelda Brand <ameldabrand@gmail.com>  
**Sent:** 07 December 2017 09:06 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre - Yes to a Town Theatre

To whom it may concern

I am writing this in support of the rebuilding of the Klein Libertas Theatre in Stellenbosch. The performing arts is an inclusive form - it has the potential to incorporate other art forms: music, dance and visual art in its productions. Not only is it inclusive in form, it also has the potential to bring a diverse group of people together as part of a community of interest.

With the above mentioned, it is with complete disbelief that I had to imagine that a municipality might not be certain if a town theatre is worth investing in. Especially, a town that had the benefit of such an accessible community town theatre for decades.

After 1996 the regional arts council infrastructure (which meant one main theatre building in the capital of each province) was rightfully annulled. The focus then fell on smaller community based arts venues to form part of the integral infrastructure to ensure accessible to arts venues, practices and engagement. With the municipality's consent, the Klein Libertas (serving as an amateur theatre club until then) moved into the next logical step. During 1997 community needs assessments took place and in 1998 the constitution was changed to accommodate professional and amateur practitioners in the same spirit it was established decades ago.

With the Klein Libertas located in close proximity to the taxi ranks, it was a truly accessible town/community theatre with open doors to a community of location and interest.

With broader community participation (as performers and audience members), it was a great tragedy when the theatre burnt down. As an example of how important this theatre was, many professional, semi-professional and amateur theatre activities still continued under the guardianship of the Klein Libertas even though the building was not there in structure. The space was still needed and held by creative activities in the time of rebuilding.

I have had the privilege to be actively involved in the Klein Libertas theatre as a student (1997) and later (1998 onwards) as someone who was part of the transition to a broader accessible community theatre accommodating groups from the surrounding farming areas, Kayamandi and other professional and semi-professional music and theatre groups from Stellenbosch and surrounding areas.

It is unthinkable that a town like Stellenbosch should go without a Town Theatre. The University Theatre and other private theatre venues in town does not and cannot serve the same function.

I am not sure what to tell students who are coming to me now for answers as to why this important community infrastructure might not continue in an even more accessible form and I dare not even think what I will tell future generations when they will ask me if I was present at this stage and if I allowed the discontinuation of accessible cultural and creative practice in our community.

Please consider this plight. Do the logical and responsible thing - it was there! And now you have the opportunity to rebuild necessary cultural community infrastructure.

Kind regards

Amelda Brand  
 Applied Theatre Lecturer  
 Drama Dept

Stellenbosch  
072 159 6764

**Lorelle Adams**

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**From:** Marida Marais <versorging@lacleurence.co.za>  
**Sent:** 07 December 2017 01:01 PM  
**To:** Piet Smit  
**Subject:** [EX] FW: Toekoms van Klein Libertas Teater  
**Attachments:** Screenshot\_2017-12-05-17-18-18.png

Goeie middag Mnr Smit,

In die lig van die geskiedenis van die Kleine Libertas en bydrae wat oor jare, nee dekades, heen van daar gebied is aan oud en jonk en die hele spektrum van ons kosmopolitiese gemeenskap, bepleit ek die herbou van die kulturele monument.

Vriendelike Groete/Kind Regards

Marida Marais  
Health Care Manager/Gesondheidsorgbestuurder

*la Clémence*

Webersvalleipad  
Stellenbosch  
Tel: 021 888 9429  
Faks: 021 880 0254  
Epos: [versorging@lacleurence.co.za](mailto:versorging@lacleurence.co.za)

**From:** Admin | Lacleurence [mailto:admin@lacleurence.co.za]  
**Sent:** Thursday, 07 December 2017 12:13 PM  
**To:** Admin | Lacleurence <admin@lacleurence.co.za>  
**Subject:** Toekoms van Klein Libertas Teater

Goeiemiddag Almal

Ek het 'n versoek ontvang om namens la Clémence hierdie versoek aan inwoners te rig.

Soos u almal weet, het die Kleine Libertas sowat 2 jaar gelede onder 'n verwoestende brand deurgeloopt, en is nog nie herbou nie.

Daar is gistermiddag 'n vergadering met GiGi gehad oor die toekoms van Kleine Libertas teater.

Sien asseblief hierby aangeheg die kennisgewing wat deur Stellenbosch Munisipaliteit geplaas is in plaaslike media om mense te versoek vir openbare insette.

Die "deadline" om insette te lewer is eerskomende VRYDAG en dan gaan die Munisipaliteit kyk wie in die gemeenskap die heropbou van die teater steun.

As so 'n integrale deel van die Stellenbosch kultuur, is dit belangrik dat die teater herbou word om verskeie redes en daar word vriendelik gevra dat julle asb sal oorweeg om 'n epos aan [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za) te stuur ter ondersteuning hiervan.

***Heg asb die kennisgewing aan jou epos.***

Baie dankie by voorbaat!

Vriendelike groete / Kind regards

*Annemarie Franzsen*

Administration Officer/Administratiewe Beampte

*la Clémence*

*Webersvallei Pad*

*Stellenbosch*

*Tel: 021 888 9200*

*Faks: 021 880 0254*

*Epos: [admin@laclevence.co.za](mailto:admin@laclevence.co.za)*

**Lorelle Adams**

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**From:** hanlegaigher@gmail.com  
**Sent:** 07 December 2017 12:42 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas-public input

Dear Mr. Smit,

The above refers.

It was a terrible tragedy when this historical and characterful treasure was lost to Stellenbosch in 2015.

As a resident of the greater Stellenbosch area, Kylemore, I look forward to again attending performances in this special venue.

In a beautiful town that has been marred by incidents of shocking violent crime, the restoration of this treasure would be a beacon of hope and recovery.

Kind regards,

Hanlè Gaigher

Sent from my iPhone

**Lorelle Adams**

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**From:** JD van der Merwe Attorneys <johan@jdvdm.co.za>  
**Sent:** 07 December 2017 10:28 AM  
**To:** Piet Smit  
**Subject:** [EX] Heropbou van die Klein Libertas Teater

Geagte mnr Smit

Ek verwys na die uitnodiging om kommentaar te lewer op die vraag of die Klein Libertas Teater (KLT) herbou moet word.

Hierdie kwessie is seker die beste voorbeeld van 'n "no-brainer" wat die Eikestad die afgelope paar dekades getref het.

Dit is inderdaad so voor die hand liggend dat dit gedoen moet word, dat mens bekommerd is waarom dit hoegenaamd bevraagteken word.

Die belangrike agtergrond feite sluit in:

- die KLT was 'n gewilde sentrum van kuns en kultuur, van musiek en erfenis skepping en bewaring, waar die breëre gemeenskap hul kon uitleef, en wat die breëre gemeenskap gedien het, voor dit afgebrand het;
- Stellenbosch is by uitstek 'n dorp wat roem op kuns, kultuur, musiek en erfenis;
- Daar is tans 'n chroniese tekort aan infrastruktuur vir die aktiwiteite wat ge-assosieer word met kuns, kultuur, musiek en erfenis.

Die *onus* lê dus op diegene wat iets anders daar wil doen, en ons wil beroof van kuns en kultuur. Die *onus* is nie op beskaafde burgers van die dorp om te moet veg vir die fasiliteite wat werklik belangrik is vir die dorp se morele en estetiese integriteit nie.

Groete

Johan van der Merwe

**Lorelle Adams**

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**From:** drama@stercus.co.za  
**Sent:** 07 December 2017 09:51 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

To whom it may concern

I would like to support the rebuilding of the Klein Libertas theatre and would like to express my shock and astonishment that it has not happened yet. It has served as not only a cultural hub for all communities in Stellenbosch for decades but has also provided much needed work and opportunities to create work to the theatre community nationally.

Regards

G. Hauptfleisch  
Theatre Practitioner

**Lorelle Adams**

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**From:** Kotie Bezuidenhout <kotie0608@gmail.com>  
**Sent:** 07 December 2017 09:57 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Goeie dag Piet

Hiermee wil ek graag my motivering deel om die goedkeuring te gee vir die herbou van die teater.

Die gemeenskap trek baie voordeel uit die teater, beide die wat betrokke is as deelnemers en toeskouers.

Ek hoop my brief Sal bydrae tot die goedkeuring.

Groete  
Kotie

**Lorelle Adams**

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**From:** david@dtmsoftwarepartners.com  
**Sent:** 07 December 2017 09:25 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Theatre

My Pa Fred Stephens was een van die stigters van die destydse Oude Libertas Theatre. Menigmaal as kind vir hom gaan kyk in die toneelstukke waarin hy op getree het. Dit is Historiese Geskiedenis en sal great wees if it comes alive again. Buiten optredes en vertonings kan Stellenbosch Doen met n Hub of Hotspot vir amateur musikante wat in hulle kamers hulle instrumente speel en nog nie die guts het om op te tree nie. So ek sien n Jamspot waar hierdie musikante bymekaar kan kom en oefen as een van die funksies wat die Theatre kan aanbied. Skoolkinders, jong mense en ou mense soos ek wat een of ander instrument speel maar nie rereg die kans kry om saam met ander te speel nie. Daar is bitter baie van ons in die Dorp en dit kan nogal in iets Majors Flourish.

Cheers

David Stephens

0834638443

**Lorelle Adams**

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**From:** Luna Paige <lunapaigemusic@gmail.com>  
**Sent:** 07 December 2017 09:11 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Beste Piet Smit

Klein Libertas teater is volgens my 'n broodnodige kulturele instelling in Stellenbosch en weier omgewings.

Dit is die enigste instelling in die dorp wat 'n infrastruktuur vir die volgende bied:

1. Professionele teater
2. Studente teater
3. Gemeenskapsteater
4. Gemeenskapskoor

Dan was dit vir jare n plek waar musikante soos ek ons CD's kon bekendstel, waar ons nuwe produksies kon uittoets voor groot nasionale feeste en waar ons kon repeteer teen lae koste. Repetisie spasie in Stellenbosch is nou iets van die verlede.

Dan natuurlik was dit 'n wonderlik atmosferiese venue tydens die Woordfees.

Die gesin wat die teater bestuur het...was van onskatbare waarde vir die dorp. Hulle het werkruimte vir akteurs, musikante en amateurgroepe verskaf. Hulle het 'n ontdekkingsruimte vir teater - en musiek liefhebbers van alle kultuurgroepe en ouderdomme voorsien. Hulle het help onderhou aan die persepsie dat Stellenbosch 'n kulturele hoofstad van die Kaap is. Kan ons dit nou nog se?

Nee. Daar is slegs een offisiële teater in die dorp en dit is nie werklik geskik vir toneel nie. EEN teater in Stellenbosch.

Dit is n skande.

Ek onthou die staaltjies van al die groot bekendes... van hoe hulle hul akteurtande as jongmense by Klein Libertas geslyp het in die 70s. Vir 'n dorp wat hom roem op sy erfenis en die behoud van sy geskiedenis voel ek dit is essensieel dat die stukkie kulturele en steeds relevante geskiedenis beskerm word en toegelaat word om deel te vorm van ons toekoms.

Vriendelike groete  
Luna Paige  
082 859 2420

**Lorelle Adams**

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**From:** Lieb Swiegers <lieb.swiegers@outlook.com>  
**Sent:** 07 December 2017 07:59 AM  
**To:** Piet Smit  
**Subject:** [EX] Toekomstige gebruik van Klein Libertas - uitnodiging van Munisipale Bestuurder

Beste mnr Smit,

As lid van die Van Der Stel Rolbalkklub en ook as inwoner van die dorp wil ek vra dat die munisipaliteit weer 'n gebou sal oprig op die terrein in die beeld van die historiese gebou wat afgebrand het en dat dit weer aangewend sal word vir gemeenskapsteater. Om vir die omstandighede wat vandag heers voorsiening te maak sal 'n toepaslike omheining, wat veiligheid van die terrein kan help verseker, verwelkom word.

Vriendelike groete,  
Lieb Swiegers  
0826509790

**Lorelle Adams**

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**From:** Karen Zoid <karenzoid@icloud.com>  
**Sent:** 06 December 2017 08:53 PM  
**To:** Piet Smit  
**Subject:** [EX]

Hi Piet!

Ek wil graag my stem voeg by my mede kunstenaars en pleit dat die Klein Libertas Teater herbou word. Dit was so 'n wonderlike platform vir jong kunstenaars en gemeenskapsprojekte.. Julle dorp is beslis kultureel armer daar sonder.

Oorweeg groot asseblief.

Baie liefde  
Karen

Sent from my iPhone

**Lorelle Adams**

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**From:** Bertha Lane <bertha804@gmail.com>  
**Sent:** 06 December 2017 09:12 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Mnr. Smit,

Ek voel dat die teater herbou moetword.

Ons dorp het dit nodig. Jong mense het nie n plek waar hulle hul talente kan beoefen en ondersteun word deur die gemeenskap.

Soos die plek nou lyk en stink en in n rotte plek vergaan doen ons dorp geen guns nie.

Groete

Bertha Lane



Screenshot\_2017-12-05-17-18-18.png

**Lorelle Adams**

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**From:** Marieke van laar <mariekevanlaar@yahoo.com>  
**Sent:** 06 December 2017 05:51 PM  
**To:** Piet Smit  
**Subject:** [EX] hoe belangrik dit is om die KLT te herbou

Geagte meneer Smit,

Ek is van Nederland en ek het tussen 2000 en 2002 van die belangrikste tye in die Klein Libertas Teater beleef.

In 1999 het ek in die kantoortjie van die KLT ingestap op soek na 'n plek om *Theatresports* te doen: 'n vorm van improvisasietheater wat gespeel word soos 'n sportwedstryd tussen twee spanne. Dit is 'n toegankelike manier vir amateurteaterliefhebbers om kennis te maak met teaterspeel. Ons het dit in Afrikaans "Verhoogsport" genoem, omdat daar nog geen Afrikaanse woord vir bestaan het nie. Ek was die eerste aanbieder van die kursusse, daarna het ander mense dit oorgeneem. Die groep se naam was *Ad Lib*. Hulle het in 2002 in Oudtshoorn gespeel by die Fringe festival van die KKNK. Die *Ad Lib* groep het op 'n sekere stadium 70 lede bevat, die Dorpstraat Teater was maandeliks toegepak met gehoor. Deesdae bestaan die groep nog, al is dit baie kleiner, en nou net 'n studente community.

Hoekom het die KLT so 'n belangrike rol gespeel?

In 1999-2000 was dit vir amateurs nie moontlik om enigiets van teater te beoefen as 'n stokperdjie nie. 'n Mens moes ofwel drama swot op die universiteit, of speel in die koshuisteater. Baie mense het gedink jy moet opgelei wees om in die teater te mag staan. Terwyl teater 'n baie goeie manier is vir enigiemand om homself te kan uit, te kan ontdek, selfvertroue te kry en veral pret te kan hê.

Vir "normale" mense het die Klein Libertas Teater toe die plek geword.

Die vorm Verhoogsport was 'n mengeling van teaterspeletjies en sportreëls. Twee spanne speel om beurte 'n toneeltjie en regters en die gehoor gee punte vir die beste toneeltjie. Dit is 'n baie pret manier om te leer speel, met baie ruimte vir foute ("enjoy failing") en om te leer om te gaan met onverwagte situasies ("accept the other, say Yes and.."). Dit was actually *life-changing* vir baie mense. Afrikaner jongmense wat as kind geleer is dat hulle gesien mag word maar nie gehoor nie, wat nie gestimuleer was om eie initiatiewe te neem nie, wat skaam was, versigtig. Hulle het geleer om op 'n verhoog te staan en tevrede te wees met die amateur-vlak van speel, bloot omdat dit goed genoeg is. Omdat hulle goed genoeg is, soos hulle is. Ek mag sê dat dit 'n *healing experience* was vir baie mense. Ek besit actually nog bedankkaartjies van mense wat so iets geskryf het.

In daardie jare het ek en die KLT-span nog ander moontlikhede geskep vir amateurteater: 'n amateurtoneelgroep, gemeenskapsteater in Kayamandi, Sondagaandkonserte (soort *try-out* vir enige vorm van kuns, ook poësie en musiek ens), optredens by dorpsfeeste. By die Klein Libertas Teater was dit moontlik omdat hulle niet vreeslik baie wins moes haal uit hulle *venue* nie, en die plek is *geram* deur en vir vrywilligers. Belangstellendes wat nie 'n groot budget en geen groot kommersiële aspirasies gehad het, kon by die KLT ondervinding opdoen in teaterspeel.

Danksy die KLT het die kunsvorm teater baie meer iets vir en deur die normale dorpsmense geword. Stellenbosch, met sy pragtige leergierige en oopkop mense, verdien 'n teater wat vir almal is.

Baie groete,  
en verskonings vir my gebrekkige Afrikaans,

Marieke van Laar  
kraanstraat 23  
Utrecht  
Nederland

**Lorelle Adams**

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**From:** Leatitia Solomons <leatitia.solomons@gmail.com>  
**Sent:** 06 December 2017 02:04 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater  
**Attachments:** Woordfees Poster Leatitia.jpg

Beste Piet

Ek reageer op die advertensie in die Eikstadnuus rakende die herbouing van die Klein Libertas Teater.

My naam is Leatitia Solomons ek is 'n boorling van Vlottenburg en het man gevat in Cloeterville waar ek tans woon. Op 28 jarige ouderdom 8 jaar gelede het ek my passie vir drama gevind. Dit was die dag toe my ouma sterf iemand baie na aan my. Ek het daardie dag besef ek gaan ook sterf en eks nie gelukkig met my lewe nie. Ek het by die Klein Libertas Teater gaan aanklop om hulp te vra met my drama opleiding. Ek is vandag 37 jaar oud en het verskeie drama kompetisies gewen onder andere Beste Aktrise by die Baxter Teater in 2013 by hulle Zabalaza Fees. Ek het hierdie jaar n 2 man vertoning gehad in die Woordfees wat n nominasie gekry het vir Beste Nuwe produksie. En volgende jaar 2018 het ek my eie one women show wat ek self geskryf het in die Woordfees.

Ek dink wat ek met hierdie epos probeer se...Klein Libertas Teater was oop vir my n plaas meisie van Vlottenburg en met hulle hulp en ondersteuning is ek n inspirasie vandag vir ons gemeenskap se jeug. Die Teater was oop vir die gemeenskap eks n voorbeeld daarvan. Met die munisipaliteit se hulp kan dit en sal dit weer kan oop wees vir ons kinders en ons gemeenskap.

Ek hoop van harte julle herbou die Teater.

Vriendelike groete

Leatitia  
Sel: 082 04 65610

**Lorelle Adams**

---

**From:** Carien Punt <klt@kleinlibertasteater.co.za>  
**Sent:** 06 December 2017 01:47 PM  
**To:** Piet Smit  
**Subject:** [EX] Herbou van Klein Libertasteater

Ja, herbou asseblief die teater.

Geografies is die ligging baie toeganklik vir alle gemeenskappe.

Dit is die enigste werkskeppende teater in Stellenbosch en omgewing. (Die afgelope 15 jaar is tussen 70-80 produksies daar vervaardig wat werk verskaf het aan 'n paar honderd akteurs en tegnisi.)

Dit is die enigste Gemeenskapsteater in Stellenbosch en omgewing. (Werk is geskep vir ALLE gemeenskappe.) Alle gemeenskappe het die fasiliteit gebruik – ook vir nie-teaterbedrywighede waar 'n verhoogbenodig word bv. konferensies, vergaderings, kursusse, prysuitdelings en colloquiums. Dit is dus 'n Dorpsteater in die ware sin van die woord.

Dankie.

Gigi Fourie

**Lorelle Adams**

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**From:** Schmidt, Veronica <vs1@sun.ac.za> <VS1@sun.ac.za>  
**Sent:** 06 December 2017 12:21 PM  
**To:** Piet Smit  
**Subject:** [EX] Libertas  
**Attachments:** Screenshot\_2017-12-05-17-18-18.png

Ek ondersteun ten sterkte die herbou van Libertas teater

Vriendelike groete / Kind regards

*Veronica Schmidt*

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## **Future utilisation of ex-Klein Libertas Teater site**

### **Request for public input:**

The Klein Libertas Teater site has served Stellenbosch theatre-lovers for more than 50 years, first as an amateur club and later as a professional production company and theatre venue. Smaller visiting companies and the local communities are also accommodated here as it is more affordable than the bigger theatres.

My family have supported KLT for more than 20 years and can attest to its irreplaceable value as a cultural centre for theatre lovers in all our local communities.

Sincerely, Elaine Aucamp

8 December 2017

**Lorelle Adams**

---

**From:** Zoettje Hofmeyr <sukkih@gmail.com>  
**Sent:** 08 December 2017 11:57 AM  
**To:** Piet Smit  
**Subject:** [EX] re: rebuilding of the Klein Libertas Theatre in Stellenbosch

Dear Mr Smit,

We are delighted to hear that it is possible to rebuild the Klein Libertas Theatre after the devastating fire in 2015.

My husband Jannie, and I have been involved with the theatre since the 1970's and 80's. For many years Jannie was the Chairman of the Theatre besides treading the boards himself! We are loyal, local Stellenbosch residents.

This little theatre has a rich history in the town and has served an important function in the last two decades. Many of the first Afrikaans cabarets (Hennie Aucamp, Ettienne de Villiers) started here in Stellenbosch at the Klein Libertas. This led to many other kinds of productions and shows and work that questioned our society in an entertaining way.

Where it started off as an amateur theatre for the residents of Stellenbosch, it has by now expanded to include all communities in various activities and schools outreach programmes e.g educational theatre, children's theatre, tiener toneel and puppetry. Nita and Gigi Fourie have also done an excellent job to help extend the theatre's facilities (the outdoor spaces, the foyer and rehearsal room etc) and to assist emerging artists and students to begin their careers. Klein Libertas also has a close association with the US Drama Department and often provides a platform for the students to develop new work. I have taught at the Drama Department for many years and can attest to this.

It is not only an historically significant place. We feel that the Klein Libertas does very valuable work as a non-profit organisation and bridges the gap between the professional theatre world and the community. Here there is an opportunity to try things out in an affordable way. It would be a great pity if this cultural facility was lost. There are many of us who will support the theatre's activities and encourage others in our town to get involved in a meaningful way. I've been waiting for a couple of years to do another show again! Somerset West has the thriving Playhouse Theatre - we mustn't lose ours!

We would like to urge you and the Municipality to please set the process in motion to rebuild this theatre as soon as possible. Our cultural life in Stellenbosch will be much poorer if we lose the theatre and the opportunities it offers to all the communities in our often, divided town. I am sure that we all would like to do so much more to promote communication and contact between communities. The arts have an important role in education and offering alternatives to the young people, especially.

Thank you so much for your consideration and keep up the good work.

Kind regards,

Sukki and Jannie Hofmeyr.

67 Buitekring Street

Dalsig, Stellenbosch, 7600

Tel : 021 887 0783/ sukki: 082 439 2688

**Lorelle Adams**

---

**From:** Julia Strydom <juliastrydomct@gmail.com>  
**Sent:** 06 December 2017 12:06 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Dear Mr. Smit,

I write to you to address the matter of the rebuild of the Klein Libertas Theatre in Stellenbosch, which as you know, was destroyed by a fire in 2015.

I would like you, and the rest of the council members to take into consideration the enormous cultural and social impact the theatre has had on the Stellenbosch community as a whole, as well as the rest of South Africa.

As a young person growing up in Stellenbosch, the Klein Libertas Theatre not only provided me with countless cultural and social offerings, it was also a place of learning, and the educational value the theatre added to the community was immense.

Not just myself, but countless other young people have learnt a lot through the theatre and the various offerings and productions they have put on throughout the years.

Furthermore, the theatre itself is a cultural monument of national importance. With its rich history spanning decades, it is important to preserve the theatre as a matter of historical importance. Stellenbosch prides itself on its rich history, and the Klein Libertas Theatre forms a big part of that.

I therefore implore you and the other council members to proceed with the rebuilding of the facility.

Please do consider my, and so many other's comments on the rebuild of the beloved theatre.

Kind regards,

Julia Strydom  
071 556 4918

**Lorelle Adams**

---

**From:** Gustav Franzsen <kwaailight@gmail.com>  
**Sent:** 06 December 2017 09:40 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas gronde

Geagte Heer

Stellenbosch is 'n veritable fontein van kultuur vir die groter Suid Afrika. Dit geld vir beide toneelwerk en musiek.

In hierdie 'diens' aan die Stellenbosch gemeenskap en die res van Suid Afrika, het die Klein Libertas fasiliteit 'n baie belangrike rol gespeel.

Daar is JUIS 'n droewige tekort aan 'n platform in Stellenbosch waar kunstenaars hul kuns kan pleeg in 'n bekostigbare konteks. Kunstenaars kort 'n fasiliteit waar hulle hul vaardighede kan slyp voor 'simpatieke' gehore, waarna hulle die groter verhoë van die wêreld kan betree.

Moet asb nie toelaat dat hierdie belangrike 'wingspringplek' vir kunstenaars deur 'n ander gebruik verdring word nie.

Gustav Franzsen  
Stellenbosch

**Lorelle Adams**

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**From:** Hauptfleisch, Temple <satj@sun.ac.za> <SATJ@sun.ac.za>  
**Sent:** 06 December 2017 08:34 AM  
**To:** Piet Smit  
**Cc:** Contact Stellenbosch  
**Subject:** [EX] Future use of the Kleine Libertas site

To Ms G. Mettler and all members of the Municipal Council:

It is with great concern that I read that there can be any doubt about the future use of the historic site and in particular the old theatre. Stellenbosch has played an extremely important part in the history of theatre, cabaret and other performing arts in the country over the past 100 or more years – as my research over the past 20 years has clearly indicated. While the University drama department has also had an influential role to play of course, since the 1960s, much of the most significant and important history has involved community theatre work that dates from far earlier – work that not only addressed the concerns of the society, but involved everyday members of the public – across the spectrum of our society - in such activities. And at the very centre of it has long been the invaluable partnership of the town and the amateur theatrical community working from the old converted barn on the market square.

An enormous number of our most prominent artists had their first taste of performing there and were in fact trained and given opportunities to shine in that venue. Despite the modesty of the venue, it has, in many respects, always been one of the most valuable cultural assets of Stellenbosch. I would like to lodge a plea that the fabulous legacy be continued by the Council, by continuing to support the theatre, the management and its essential community activities by rebuilding the theatre and allowing the Little Libertas management to not only continue, but actually enhance, their most essential cultural, educational and entertainment role there, in the heart of our town.

By doing that they will not only be honouring our cultural heroes from the past, and conserving a symbol of real community cohesion in the town, but also empowering the next generations of theatre-makers and artists to continue the work.

Thank you,

Temple Hauptfleisch

Temple Hauptfleisch (D.Litt. et Phil.)

Professor (Emeritus), Drama Department, University of Stellenbosch

Project leader: ESAT (The Encyclopaedia of South African Theatre, Film, Media and Performance)

ESAT Website: [http://esat.sun.ac.za/index.php/Main\\_Page](http://esat.sun.ac.za/index.php/Main_Page)

E-mail: [satj@sun.ac.za](mailto:satj@sun.ac.za)

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**Lorelle Adams**

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**From:** Faan@Fisichem <faan@fisichem.co.za>  
**Sent:** 06 December 2017 06:07 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teaterterrein  
**Attachments:** Klein Libertas.png

Goeiemore Mnr Smit

Die aangehegte kennisgewing verwys.

Ek sal graag my steun wil toesê vir die heroprigting van die fasiliteit as 'n teater. Die teater het vroeër 'n belangrike bydrae gelewer tot die bevordering van die kunste. Hoe gouer daar iets gedoen kan word, hoe beter vir daardie deel van die dorp. Op die oomblik word die terrein deur leeglêers oorgeneem.

Die uwe

AS Jordaan Dr.



Faan Jordaan  
073 667 3558 / [faan@fisichem.co.za](mailto:faan@fisichem.co.za)

Fisichem Office: 021 887 0900 / Fax: 085 219 4206  
19A Hofmeyr Street, Stellenbosch, 7600  
<http://www.fisichem.co.za>

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**Lorelle Adams**

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**From:** John Malan <johnmalan082@gmail.com>  
**Sent:** 05 December 2017 10:52 PM  
**To:** Piet Smit  
**Subject:** [EX] Kliene Libertas Theatre

Dear Mr Smit

In response to the notice in the Eikestadnuus and as issued by the Municipality inviting public participation regarding the future of the Kleine Libertas theatre, I strongly support the reconstruction of a theatre on the site.

Thank you

John Malan  
0824465818

13 Martinson Street  
Stellenbosch  
7600

**Lorelle Adams**

---

**From:** Bernabe Strydom <bernabe@mweb.co.za>  
**Sent:** 05 December 2017 06:50 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas Teater

Geagte Mnr. Smit,

Ek is al vir baie jare 'n lid van die Rolbalklub en ons is net langs Kleine Libertas en ek wil graag hiermee vra dat julle asb. Kleine Libertas sal herbou.

Kleine Libertas is net een van daardie dinge waarsonder Stellenbosch baie armer sal wees.

Hoop dat u dit gunstig sal oorweeg,  
Vriendelike Groete,  
Bernabe Strydom

**Lorelle Adams**

---

**From:** gerald rosendorff <bernger@mweb.co.za>  
**Sent:** 05 December 2017 05:56 PM  
**To:** Piet Smit  
**Subject:** [EX] Libertas Theatre  
  
**Importance:** High

Dear Piet,

I would like to add my full support to the rebuilding of this theatre.

It essential for a cultural city, as Stellenbosch is, to have this type of theatre easily accessible near the centre of the town.

Yours sincerely,

(Dr) Gerald Rosendorff

46 Paradyskloof Villas  
Tel: 021 880 0678

**Lorelle Adams**

---

**From:** Jaco Gericke <jacogericke620@gmail.com>  
**Sent:** 05 December 2017 04:22 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi,

Ek sal baie graag wil hê dat Klein Libertas moet terug keur na sy oorspronklike toestand. Lekker musiek en kuier plek. Stellenbosch is so ryk met bands en kultuur. Dit is ook nie altyd moontlik om almal in Aandklas in te prop as 'n groterige musiek groep kom nie, en dit is ook nie lekker nie.

Laat weet my groot asseblief as daar enige iets is wat ek kan doen om te help dat dit weer 'n awesoem venue raak. Die plek is na aan my hart.

Groete  
Jaco Gericke

**Lorelle Adams**

---

**From:** annekefourie4 <annekefourie4@gmail.com>  
**Sent:** 05 December 2017 06:47 AM  
**To:** Piet Smit  
**Subject:** [EX] KLEIN LIBERTAS TEATER

Geagte Mr Smit.

Hiermee plaas ekke my stem dat die Klein Libertas Teater op Stellenbosch asb herbou moet word.

Groete

Anneke Fourie

Sent from my Samsung Galaxy smartphone.

**Lorelle Adams**

---

**From:** Nicole Holm <nicolholm@gmail.com>  
**Sent:** 05 December 2017 12:33 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagter Leser

Ek wil graag my ondersteuning gee vir die herbou van die Klein Libertas Teater. Vir hierdie teaterpraktisyn wat in 1996 afstudeer het, het die Klein Libertas Teater se toeganklikheid verseker dat ek in die beginjare van my loopbaan n plek gehad het wat ek teen bekostigbare tariewe kon huur om n loopbaan van die vloer af te probeer kry. In daardie opsig het die Klein Libertas Teater welliswaar n gemeenskapsfunksie verrig. Nie net in verlaagte huurtariewe vir opkomende en amateurpraktisyns nie, maar ook met betrekking tot infrastruktuur: n patio waar decor gebou kan word, toegang tot n telefoon in die jare wat ek self nie een gehad het nie en medewerking met ander belanghebbendes in die industrie wat die teater gebruik het as bymekaarkomplek. Om maar n paar te noem.

Ek vertrou dat n herboude Klein Libertas Teater dieselfde sou kon beteken vir ander teaterpraktisyns.

Groetnis

--  
Nicole Holm  
072 492 3080

**Lorelle Adams**

---

**From:** Jake Lombard <jakobus.lombard@gmail.com>  
**Sent:** 05 December 2017 10:05 AM  
**To:** Piet Smit  
**Subject:** [EX] Future utilisation of ex-Klein Libertas Theatre site

Hi Piet

The Klein Libertas Theatre has meant a lot to a lot of people over the years, myself included. I watched my first play there at age seven, and that has opened the door to the magic of theatre to me forever. I am not the only one though - many other close friends of mine cut their teeth as aspiring actors there, many of them now household names.

It is a beautiful, small, intimate venue, yet it occupies a big place in both the history and heritage of the town. It can benefit the entire community - in particular the poor - if utilised correctly. Arts inspire people, and can be a catalyst for taking people out of poverty, and also, to bring hope and happiness to many who may otherwise feel like they have lost all hope.

Please do not see to its demise - instead, I urge you to consider reviving and restoring Klein Lib to its former glory. The children of future generations will thank you.

Thank you for taking the time to hear me out.

Kind regards,

Jakobus Lombard

**Lorelle Adams**

---

**From:** Christine Loubser <ccloubser@gmail.com>  
**Sent:** 04 December 2017 02:27 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte mnr Smit

As lid van die publiek wat oor jare oopvoerings en uitstallings by Klein Libertas Teater bygewoon het wil ek graag u vra om asb die teater as deel van Stellenbosch se toneelkultuur te behou Baie opkomende kunstenaars het omdaar blootstelling gekry!

CC Loubser

**Lorelle Adams**

---

**From:** Jan Solms <jan2@fanakalo.co.za>  
**Sent:** 04 December 2017 01:35 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Lib

Hi Piet

Die Klein Libertas teater het 'n fundamentele rol gespeel in die kuns en kultuur van Stellenbosch. Baie van die vertonings wat daar plaasgevind het pas nie binne die raamwerk van ander teaters in die dorp nie (Oude Libertas, Konservatorium ens.) en dis 'n instansie wat met 'n seer hart gemis word. Hierdie was natuurlik 'n wonderlike saal (en opelug teater) in tye van woordfees en dit was 'n huis vir die ontwikkeling van dramaproduksies wat nie groter sale kan volmaak nie. Telke dramastudente en musikante het hul tande geslyp op die verhoog van die Klein Libertas teater.

Ek wil dus sterk tot julle aandag bring dat die herbou van die teater so spoedig moontlik moet plaasvind asb.

By voorbaat dank

j.

**JAN SOLMS**

[jan@fanakalo.co.za](mailto:jan@fanakalo.co.za)

[www.fanakalo.co.za](http://www.fanakalo.co.za)

(t) +27 21 883 3382 | (f) +27 86 626 9636

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*"I say we trust our instincts, go with our gut. You can't program that. That's our edge." - MacGyver*

**Please note that Fanakalo will be closed from 16 Dec to 7 Jan.**

**Lorelle Adams**

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**From:** Hugh Fletcher Cox <hugh@fanakalo.co.za>  
**Sent:** 04 December 2017 01:34 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Hi Piet

Die Klein Libertas teater het 'n fundamentele rol gespeel in die kuns en kultuur van Stellenbosch. Baie van die vertonings wat daar plaasgevind het pas nie binne die raamwerk van ander teaters in die dorp nie (Oude Libertas, Konservatorium ens.) en dis 'n instansie wat met 'n seer hart gemis word. Hierdie was natuurlik 'n wonderlike saal (en opelug teater) in tye van woordfees en dit was 'n huis vir die ontwikkeling van dramaproduksies wat nie groter sale kan volmaak nie. Telke dramastudente en musikante het hul tande geslyp op die verhoog van die Klein Libertas teater.

Ek wil dus sterk tot julle aandag bring dat die herbou van die teater so spoedig moontlik moet plaasvind asb.

By voorbaat dank

--

**HUGH FLETCHER COX**

[hugh@fanakalo.co.za](mailto:hugh@fanakalo.co.za)

(t) [+27 21 883 3382](tel:+27218833382)

(f) [+27 86 626 9636](tel:+27866269636)

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*"One of the problems of flying a jet is that you don't have a lot of time to admire the scenery." - MacGyver*

**Lorelle Adams**

---

**From:** Pierre Rommelaere <pierre.rommelaere@gmail.com>  
**Sent:** 04 December 2017 10:12 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Please bring Klein Libertas Theatre back! It has such a rich history and plays one of the most important roles in the music and theatre industry.

With all the rapid development of modern flats and gentrification in this town, it would be fantastic to know that an iconic and historic building has been rebuilt.

Regards

--

Pierre Rommelaere

Facebook: <https://www.facebook.com/PierreRommelaerePhotography>

Flickr: <https://www.flickr.com/photos/pierrerommelaerephoto/>

Instagram: @pierre\_rommelaere

Twitter: @pierreromphoto

**Lorelle Adams**

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**From:** Mark Reitz <markreitzphoto@gmail.com>  
**Sent:** 04 December 2017 08:07 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi Piet

Ek self en 'n groot deel van die gemeenskap staan sterk agter die herbouing van Klein Libertas Teater. Ek hoop dit word so oorweeg!

beste groete,  
Mark Reitz

**Lorelle Adams**

---

**From:** Carla Smith <carlasmithgrace@gmail.com>  
**Sent:** 03 December 2017 09:04 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Goeie middag

Ek tik die boodskap met groot seer. Dit is vir my hartseer dat daar twee keer gedink moet word oor die toekoms van die Klein Libertas teater.

Natuurlik moet sy weer gebou word!

Die vloer is een waarop legendes naamgemaak het en waar talle weekliks vermaak en opgevoed is. Die klein teater het vreugde en trane gebring en die gemeenskap wat daarmee saam gestig is, het gebou aan die Suid-Afrikaanse teaterbedryf.

Ek het op skool aan die jaarlikse Klein Libertas Toneelfees deelgeneem en dit was ieder en elke jaar só 'n lieflike ervaring. Studente, ouers en mense wat aktief in die bedryf is, het kom ondersteun. Dit was 'n platvorm wat 'n liefde vir teater gekweek en ondersteun het. Dit was hartseer om dit die afgelope jare in die HB Thom en toe in Hoërskool Stellenbosch te moes aanskou. Die persoonlike, jolige element van die teater was afwesig in die koue sale. Die fees is gemaak vir daardie vloer waarop die Klein Libertas gebou is.

Ek het aan die begin van verlede jaar deur die verlate mure gestap en skerwes herinneringe gesien. 'n Deel van 'n ou plakkaat wat kenmerkend teen die muur geplak was, 'n stoel wat jonges en oues deur trane en maag-pyn-lag gedra het en 'n stuk spieël waarin vele hulself in ander omskep het. Hier huil ek toe sommer en vra saggies vir wie ook al luister om 'n dak weer oor dié tweede huis te plaas.

Ek skryf uit my hart en ook uit 'n jong pen, maar ek hoop nie my woorde gaan tot niet nie. Ek skryf ook in my moedertaal, maar vertaal graag my liefde vir die stukkie grond as dit u beter sal pas. Ek skryf dan maar net sodat ek weet ek het probeer en die kans gewaag. Ek sal graag eendag my kroos na die teater toe wil neem, en nie verby die grond hoef te stap met nostalgiese "hier was eens"-stories nie.

Stellenbosch het genoeg winkels. Dit het beslis nie genoeg teaters nie - veral nie teaters soos die Klein Libertas nie.

Mooi dag en sterkte met die besluitnemingsproses.

Vriendelike groete  
Carla Smith

**Lorelle Adams**

---

**From:** Tanja Witte <Tanjawitte@gmx.de>  
**Sent:** 03 December 2017 06:51 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr Smit,  
I support the rebuilding of the Klein Libertas Theatre.

Kind regards,  
Tanja Witte



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**Lorelle Adams**

---

**From:** bokkem@gmail.com  
**Sent:** 03 December 2017 03:40 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine libertas teater

To whom it may concern

The Kleine Libertas Theatre was an influential and necessary facility in the town of Stellenbosch. Not only did it provide ample opportunities for theatre makers from all walks of life but also a place of great memories for thousands of students who attended live music concerts at the kleine libertas. To add to that, it was a "place to visit" for tourists from all over the world who travel to Stellenbosch for its wine and culture.

Stellenbosch truly has a hole there where the ruins of kleine lib stands - not only physically but also economically.

Please rebuild The Kleine Libertas!

Kind regards

Yantami Smuts  
Stellenbosch University Alumni

**Lorelle Adams**

---

**From:** Heinrich Wesson <heinrichwesson@gmail.com>  
**Sent:** 03 December 2017 03:14 PM  
**To:** Piet Smit  
**Subject:** [EX] Future utilization of ex-kleine libertas theatre site

Dear Mr Smit,

As requested by the municipal manager G Mettler, I'm hereby providing my public input on the matter.

Please rebuild Klein Libertas Theatre. It played an extremely important role in the music industry of Stellenbosch.

Kind Regards,  
Heinrich Wesson

**Lorelle Adams**

---

**From:** Christo Kleinhans <christoakleinhans@gmail.com>  
**Sent:** 03 December 2017 12:23 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Aan wie dit mag aangaan

Hiermee versoek ek dat Klein Libertas Teater weer opgebou word. Stellenbosch het Dorpstr Teater ook al verloor en kan nie bekostig om hierdie een ook te verloor nie.

Baie dankie  
Christo Kleinhans  
0723943258

Sent from my Sony Xperia™ smartphone

**Lorelle Adams**

---

**From:** Charel Kleinhans <charelk@gmail.com>  
**Sent:** 03 December 2017 12:22 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

I grew up in Stellenbosch and I am still here. Most of my cultural highlights I witnessed at Klein Libertas Theatre. After it closed there was a sudden coldness in the music industry of Stellenbosch. Something was missing and everyone knows exactly why. There's nowhere to watch your favourite act without feeling claustrophobic in Stellenbosch. Bigger acts seem to realise it as they are often limited with space at other venues.

It is a legendary theatre with lots of character and a place close to every Stellenboscher's heart.

**Lorelle Adams**

---

**From:** Rohan Etsebeth <rohan@fanakalo.co.za>  
**Sent:** 04 December 2017 01:27 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

Hi Piet

Die Klein Libertas teater het 'n fundamentele rol gespeel in die kuns en kultuur van Stellenbosch. Baie van die vertonings wat daar plaasgevind het pas nie binne die raamwerk van ander teaters in die dorp nie (Oude Libertas, Konservatorium ens.) en dis 'n instansie wat met 'n seer hart gemis word. Hierdie was natuurlik 'n wonderlike saal (en opelug teater) in tye van woordfees en dit was 'n huis vir die ontwikkeling van dramaproduksies wat nie groter sale kan volmaak nie. Telke dramastudente en musikante het hul tande geslyp op die verhoog van die Klein Libertas teater.

Ek wil dus sterk tot julle aandag bring dat die herbou van die teater so spoedig moontlik moet plaasvind asb.

By voorbaat dank

--

**ROHAN ETSEBETH**

[rohan@fanakalo.co.za](mailto:rohan@fanakalo.co.za)

(t) [+27 21 883 3382](tel:+27218833382)

(f) [+27 86 626 9636](tel:+27866269636)

<http://www.fanakalo.co.za>

"Mill House" at Oude Molen, Distillery Road, Stellenbosch

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*"Give me six hours to chop down a tree and I will spend the first four sharpening the axe." - Abraham Lincoln*

**Please note that Fanakalo will be closed from 16 Dec to 7 Jan.**

**Lorelle Adams**

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**From:** Arnold van der Walt <arnoldvdwalt@gmail.com>  
**Sent:** 03 December 2017 12:18 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Hi Piet

Klein Libertas is een van die beste venues in die Kaap en help die kunste van Stellenbosch ongelooflik baie. Daar benodig 'n spasi vir bands, musiek, funksies, teaterstukke; kuns

Vriendelike Groete  
Arnold vd Walt

--

Kind Regards/Vriendelike Groete  
Arnold vd Walt

**Lorelle Adams**

---

**From:** Nieuwoudt, H, Mnr <19917147@sun.ac.za> <19917147@sun.ac.za>  
**Sent:** 03 December 2017 11:26 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Goeiedag

Ek hoop regtig dat julle die Klein Libertas Teater sal herbou. Mens moet nooit onderskat watter invloed die kunste en spesifiek teater op 'n gemeenskap kan hê nie. Die Klein Libertas was nog altyd so deel van Stellenbosch en dit sou baie baie hartseer wees as dit nie meer is nie.

Baie dankie!

Vriendelike groete  
Hendrik Nieuwoudt

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**Lorelle Adams**

---

**From:** Dawid Fourie <dawid@ramfest.co.za>  
**Sent:** 03 December 2017 11:00 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Ek is vir die herbou van die Teater. Ons Dorp het dit baie nodig.

Groete

Dawid

Sent from my iPhone

**Lorelle Adams**

---

**From:** Janneman Fourie <janneman@ramfest.co.za>  
**Sent:** 01 December 2017 02:04 PM  
**To:** Piet Smit  
**Subject:** [EX] SAVE KLEIN LIBERTAS

Bring asb die Klein libertas teater weer tot staande!

Stellenbosch kan nie die Klein Libertas Teater verloor nie, dit is n instelling op die dorp van oor die 50 jaar!

Dankie.

Janneman

--

**Janneman Fourie**  
**RAM TOURING CC**  
**RAMfest**  
**Stellenbosch, South Africa**  
**Cell:+27 (0)72 695 5066**  
**Tel/Fax:+27 (0)21 883 3607**

<http://www.ramfest.co.za/>

**Lorelle Adams**

---

**From:** Alastair Brooke <alastairbrooke@gmail.com>  
**Sent:** 01 December 2017 09:11 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas theatre

Hi

I worked at and attended many events at Klein Libertas before it burned down. I think it would be heartbreaking for the venue to be converted into something else.

Please consider my suggestion to rebuild the theater, as it was a place that hosted everything from the greatest South African musicians and some international stars down to small local productions.

Thank you,  
Alastair Brooke

**Lorelle Adams**

---

**From:** Robert Nolte <robertpnolte@gmail.com>  
**Sent:** 30 November 2017 07:14 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Hi Piet,

I trust this mail finds you well.

I'm contacting you regarding the rebuilding of Klein Libertas Theatre,

As a born and bred Stellenbosser, I can attest to the necessity for and value of Klein Libertas, not only as a crucial hub for music and the arts, but as a full blown institution.

In short: Ons kort Klein Lib terug asseblief. There is no other venue like it in Stellenbosch or surrounds. It is crucial for cultural and musical communities alike in order to create the synergy that makes the industry thrive. Klein Lib needs to be back in Stellenbosch in order for artists and performers to get through to the public and, interconnect with one another.

Thank you for making your contact details publicly available to concerned parties such as myself. The fact that the council is considering the rebuild/redevelopment of Klein Libertas means a whole, whole lot.

Sincerely,

Robert Nolte

**Lorelle Adams**

---

**From:** stephanie@stercus.co.za  
**Sent:** 30 November 2017 10:58 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

To Piet Smit / whom it may concern

It is with such tremendous sadness and utter disbelief that this treasure of Stellenbosch's cultural heritage is still lying in ruins nearly 30 months after the terrible misfortune which left numerous theatre practitioners, entrepreneurs, impresarios and protectors of the arts destitute.

The Klein Libertas Theatre's roots were firmly anchored in the community, not just the overflow of the University of Stellenbosch's Drama Department, but more specifically the inhabitants of Stellenbosch itself. It created a platform where like-minded devotees of the arts could inspire, learn and create, yet more interestingly, where individuals from all walks of life and enthusiasts with vastly differing skills and levels of training could merge their creative visions – with such magical results that many a successful artists in the industry has the Klein Libertas to thank for that first, crucial step into the performing arts.

The fact that the Klein Libertas Theatre's doors were always open to anyone enquiring about any of the disciplines encompassing the arts is also noteworthy. It wasn't merely an establishment where performances were hosted and doors were locked after the audience members were ushered away... the on-sight representation of such esteemed members of the Cultural Community of Stellenbosch was a stalwart for any new, returning or established aficionado, hoping to find a juncture for their passion. Advice, support, critical knowledge of their field of expertise, technical provision and ultimately, the implementation of productions, were standard procedure at the Klein Libertas. The support of the managers of the theatre and all others associated with the theatre were part and parcel of the Klein Libertas experience... in house training and service which you simply do not find elsewhere in our money driven society. The Klein Libertas is a family of highly skilled, highly resourceful and committed individuals which kept the arts alive and ever evolving in trying times. It generated work and countless opportunities, found funding for an astounding collection of community based projects, provided the essential link for aspiring performers from every community in Stellenbosch and beyond, and perhaps most significantly – enjoyed watching their fledglings move onto bigger things, once they felt secure and confident enough to leave the supportive surroundings of the Klein Libertas family.

We cannot wait for your return Klein Libertas Theatre, we simply cannot afford another year's drought in the creative pool of our beautiful town.

Stephanie Hough

Spektrum Kinderteater - *a company which was established from within the Klein Libertas, 26 years ago... long before I started calling Stellenbosch my home.*

---

**Lorelle Adams**

---

**From:** Jhanie Van Aswegen <jhanievanaswegen@gmail.com>  
**Sent:** 29 November 2017 04:49 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas-perseel

Liewe Meneer Smit,

Ek leen hiermee my steun in guns daarvan om die Klein Libertas-perseel asseblief te behou as perseel vir 'n gemeenskapsteater.

As onderwyser is ek intens bewus van die waarde van teater om waardevolle vaardighede aan jongmense - én grootmense te verskaf. Teater is 'n span sport, dit bou die self, die gemeenskap en ontwikkel en dokumenteer die nasie se groei - op grondvlak - daar waar dit saakmaak.

ASSEBLIEF, laat die Klein Libertasteater herbou word.

Jhanie Van Aswegen

[jhanievanaswegen@gmail.com](mailto:jhanievanaswegen@gmail.com)

**Lorelle Adams**

---

**From:** Punt, J, Prof <jpunt@sun.ac.za> <jpunt@sun.ac.za>  
**Sent:** 28 November 2017 01:50 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater: Ondersteuning vir herbou  
**Importance:** High

Beste Mnr Piet Smit

Ek skryf graag en uit eie motivering kortliks ter ondersteuning van die herbou van die Klein Libertas teater (KLT) op die perseel waar die kleurrike teater vir soveel jare in Stellenbosch gestaan het. Die KLT is simbolies van die dorp, van die dorp se geskiedenis, van die dorp se ryk tradisie van die kunste, en van die mense-veelheid en diversiteit van kulture en tale en vorme van menswees. Die verlies van die KLT het meegebring dat talle belangrike en gemeenskapsgerigte projekte of skipbreuk gely het, of noodwendig geïnhibeer en gekortwiek is.

Die ligging van die gronde waar die KLT al die jare gestaan het, ongeag die uitdagings meegebring deur sommige lede van die taxi-gemeenskap sowel as leeglêers (soos elders in die dorp), het die teater toeganklik gemaak vir die wydste moontlike verskeidenheid van mense. Parkering op die terrein wat ook deur ander instansies gebruik word (o.a. Bergzicht opleidingsentrum en die Van der Stel Tennis-klub), aangehelp deur die ure wat die KLT parkering vir hul besoekers benodig het, het ook hierdie gevoelige en tipiese Stellenbosch-sakie nooit problematies gemaak by die KLT nie.

Hiermee dus my sterk ondersteuning vir die KLT en hul werk, asook 'n sterk pleidooi vir die herbou van die KLT op die terrein waar hierdie belangrike inrigting vir soveel jare ter wille van en in samewerking met die groter Stellenbosch-gemeenskap (en omliggende dorpe ook) gefunksioneer het.

Vriendelike groete

Jeremy Punt

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**Lorelle Adams**

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**From:** Bea Lingenfelder <bealingenfelder@gmail.com>  
**Sent:** 28 November 2017 10:54 AM  
**To:** Piet Smit  
**Subject:** [EX] Ondersteun die herbouing van Klein Libertas

Goeie môre,

Hiermee ondersteun ek die herbouing van die Klein Libertas teater, omdat ek glo die teater 'n belangrike rol in die gemeenskap speel met betrekking tot geleenthede wat dit vir studente, tieners en lede uit minderbevoorregte gebiede dit moontlik maak om op kultruele vlak opgevoed te word en hul talente te ontwikkel, sowel as uit te leef.

Ek hoop my ondersteuning word ten harte geneem.

Mag u 'n wonderlike dag verder hê

**Kind regards/Vriendelike groete.**

**Bea Lingenfelder**

Rooi Rose Fashion Assistant

w: 021 001 2430

Cape Town Office

Address: 36 Old Mill Road, Ndabeni, Cape Town, 7405

**Lorelle Adams**

---

**From:** Jacques Punt <jacquespunt@gmail.com>  
**Sent:** 28 November 2017 10:30 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater herbouing

Goeie môre

Ek ondersteun die herbouing van die Klein Libertas teater. Dit is in my opinie die beste teater op die dorp gewees. Ek is ook van so 'n mening dat die Klein Libertas teater 'n integrale deel van die kultuur gemeenskap was (en is) op Stellenbosch. Die tipiese vertonings gepaard met hierdie teater en hulle talle gemeenskap projekte speel dit 'n belangrike rol in die groter Stellenbosch gemeenskap. Ek hoop dat die teater herbou sal word en dat ek nog baie vertonings daar kan gaan kyk in die toekoms.

Vriendelike groete  
Jacques

**Lorelle Adams**

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**From:** Eugenie Wiggins <[eugenie@bainsford.co.za](mailto:eugenie@bainsford.co.za)>  
**Sent:** 27 November 2017 08:43 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater

**Importance:** High

Geagte mnr Smit

Ek reageer op die advertensie in Die Eikestadnuus van 16 November waar insette van die publiek gevra word oor die restourasie van die genoemde gebou wat in 2015 in 'n brand vernietig is. Ek wil graag my steun toesê aan die restourasie van die Klein Libertas teater en wil ernstig vra dat dit wel weer as 'n teater ingerig moet word. Dit is/was in werklikheid die enigste werklike gemeenskapsteater in Stellenbosch wat vir baie jong entrepreneurs en afgestudeerde Drama studente asook gevestigde akteurs/kunstenaars 'n optree-venue was. Die dorp en gemeenskap sal net kan baat by die restourasie van hierdie teater.

Eugenie Wiggins

Redigering, proeflees, vertaling  
Lid: PEG (Professional Editors' Guild)  
Tel: 021 873 0787  
Sel: 083 308 8492  
[eugenie@bainsford.co.za](mailto:eugenie@bainsford.co.za)

**Lorelle Adams**

---

**From:** Kristina Hrubesch <kristina\_hrubesch@web.de>  
**Sent:** 27 November 2017 01:15 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr Smit,  
I support the rebuilding of the Klein Libertas Theatre.

Kind regards,  
Kristina Hrubesch

**Lorelle Adams**

---

**From:** Tyrone Fisher <tyrone@mfm.sun.ac.za>  
**Sent:** 27 November 2017 09:11 AM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding Klein Libertas

Hi Piet,

I run a show music show called the Am2Pm on MFM, and I frequently asked by the biggest musicians in the country where in Stellenbosch is a good venue that they can play at. In the past I would have told them Klein Libertas without hesitation, however, now I genuinely do not have a venue that I feel comfortable to suggest.

I also am a person who enjoys live music but I do not enjoy excessive drinking to enjoy that music, Klein libertas was an environment that felt comfortable to do that where as now every other music venue does not feel as comfortable for someone like me.

For those reasons and others I would kindly request that Klein libertas is rebuilt, it will help attract better musicians to the town and hopefully through that improve the economic growth of the town and I believe it will promote a safer nightlife environment.

Thank you

---

Tyrone Fisher  
MFM 92.6 - Move To The Music  
Tel: (021) 808 3098  
Fax: (021) 808 4814  
Studio: 0861 MFM 926  
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**Lorelle Adams**

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**From:** Venita <fine@mweb.co.za>  
**Sent:** 26 November 2017 07:27 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas theatre

To whom it may concern 26/11/2017

Dear Sir/Madam

I have seen the advertisement in the newspaper about the Kleine Libertas theatre. I would like to urge you to please rebuild this wonderful theatre so that future generations may also experience the delightful and educational productions that it was always known for.

It would be sad and a huge loss to society if this iconic landmark in Stellenbosch does not rise out of the ashes again.

Yours sincerely  
Venita le Roux

**Lorelle Adams**

---

**From:** Gawie van rensburg <gawiepr@gmail.com>  
**Sent:** 25 November 2017 11:12 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas

I am in favour of rebuilding Kleine Libertas.  
It is here I saw artists like Amanda Strydom and Floors Oosthuizen for the first time at an open-air concert.

Gawie van Rensburg

**Lorelle Adams**

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**From:** Carlotta Träger <carlottatraeger@yahoo.de>  
**Sent:** 25 November 2017 11:19 AM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr Smit,  
I support the rebuilding of the Klein Libertas Theatre.

Kind regards,  
Carlotta Träger

**Lorelle Adams**

---

**From:** anais\_luepke@web.de  
**Sent:** 25 November 2017 09:44 AM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr. Smit,

I support the rebuilding of the Klein Libertas Theatre.

Kind regards,  
Anais Lüpke

**Lorelle Adams**

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**From:** Ju Hombi <julia.hombach@gmail.com>  
**Sent:** 24 November 2017 10:40 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr. Smit,

I support the rebuilding of the Klein Libertas Theatre.

Kind regards,

Julia Hombach

**Lorelle Adams**

---

**From:** meikbolte@web.de  
**Sent:** 24 November 2017 04:24 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr Smit,

I support the rebuilding of the Klein Libertas Theatre.

Kind regards,

Meik Bolte, M.A.

--

Diese Nachricht wurde von meinem Android Mobiltelefon mit WEB.DE Mail gesendet.

**Lorelle Adams**

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**From:** brunsfriedhelm@web.de  
**Sent:** 24 November 2017 03:23 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of the Klein Libertas Theatre

Dear Mr Smit,  
I support the rebuilding of the Klein Libertas Theatre.

Kind regards,

Friedhelm Bruns

**Lorelle Adams**

---

**From:** Wynand Olivier <mrwynand@yahoo.com>  
**Sent:** 24 November 2017 04:40 AM  
**To:** Piet Smit  
**Subject:** [EX] Supporting the rebuilding of Klein Libertas Theatre

To Whom It May Concern

I wholeheartedly support the decision to rebuild the Klein Libertas Theatre. In fact, I strongly, and humbly, advise it!

Stellenbosch is a culturally significant town of the Western Cape and South Africa. The Klein Libertas Theatre was a stronghold in this beautiful, old town for art, theatre, and charity and a safe place for families, friends and strangers to spend time together without the glare of mall windows and restaurant facades. It was a platform for up-and-coming artists and a venue for students to practice their crafts. There are very little, if perhaps none at all, of these venues left in a town that needs them. The people of Stellenbosch and the Western Cape need Klein Libertas back. Please we DO NOT NEED ANOTHER MALL OR PARKING LOT!

Thank you,

Wynand Olivier

+86 186 1016 1761 (CHN)  
wynie.olivier (Skype)



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**Lorelle Adams**

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**From:** Malinda Nel <malindanel@gmail.com>  
**Sent:** 23 November 2017 02:22 PM  
**To:** Piet Smit  
**Subject:** [EX] die Klein Libertas-Teater

Hiermee vra ek u om asseblief die teater te laat herleef. Die plek was 'n tuiste vir soveel akteurs en regisseurs deur al die jare.

Baie dankie,

MALINDA NEL  
082 4908 303

**Lorelle Adams**

---

**From:** Leanna Dreyer <leannadreyer@gmail.com>  
**Sent:** 23 November 2017 11:23 AM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertas

Beste Piet

Die afbrand van die Kleine Libertas teater was n tragedie.

Kan ons dit asseblief heropen dalk met ekstra repitisie ruimtes, 'n klein restaurant waar jong werklose mense opgelei kan word as bārristas en kelners. En waar jong akteurs wat pas opgelei is kan nuwe werk skep en soos ek as jongeling weer hul talente in die konteks van gemeenskaps teater kan deel.

En waarom nie 'n uitstalruimte skep vir jong kunstenaars nie...

Die Breytenbach Sentrum is n wonderlike voorbeeld. Stellenbosch is arm aan ruimptes vir die kunste. Dit stomp die siel van die dorp af.

Dis vir my is vir my ontstellend dat die stadsraad so lank sloer. 3, 7 miljoen rand is 'n druppel in die emmer in vergeleke met wat die Kleine Libertas Teater werd was vir die dorp - die hele dorp - en die kunste. Die ligging is perfek om die dorp se mense van alle kultuurgroepe weer te dien.

Groete  
Leanna Dreyer

**Lorelle Adams**

---

**From:** Margot Luyt <mluyt@mweb.co.za>  
**Sent:** 23 November 2017 08:57 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas-teater

Geagte heer,

Toe ek destyds hoor dat die teatertjie besig is om te brand het my hart vir 'n wyle ophou klop, my bloed het uit my liggaam in my voete gesak en vrees het deur my kop gebruis: Daar gaan my kulturele DNS.

Daardie lieflike plek is ten opsigte van ons geskiedenis meer werd as talle duur, dooie monumente dwarsoor ons droewe land. Soveel belangrike skrywers, regisseurs, akteurs en ander kunstenaars het daar gegroei en gedy. Kunstenaars van elke ras het oor sewentig dekades heen daar ontwikkel.

Ek het die teater in 1973 ontdek en daar begin speel en luister en kyk na werk van mense soos professore Hennie Aucamp, Michiel Heyns, Steve Curtis, Charles Johnman, Billy Trengove en vele ander. Hulle het Die Libertas se naam die wêreld in gedra. Hierdie teater, een van die oudstes in die wêreld is 'n Nasionale bate, wat deur Stellenbosch gekoester moet word en herbou moet word nie vernietig mag word nie.

Groot name in ons bedryf het daar hul eerste verhoogtreë geloop. Dink aan Amanda Strydom, Marthinus Basson, June van Merch, Ilse Oppelt, Laurika Rauch, Antoinette Kellerman en vele, vele ander.

Ek glo dit is Stellenbosch se verantwoordelikheid en plig om hierdie gebou en instansie te bewaar en te versorg. Ek glo dit is Stellenbosch se plig om hierdie klein laboratorium van die uitvoerende kunste te bewaar vir die toekoms. Hier het meer geskiedenis plaasgevind as in die talle parkeerareas van die dorp.

Vriendelike groete

Margot Luyt.

**Lorelle Adams**

---

**From:** Lodewyk Jansen van Vuuren <loodjan90@gmail.com>  
**Sent:** 23 November 2017 04:15 AM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater Herbou

Hierdie teater was meer as net 'n gebou op 'n werf grond. Dit was 'n laboratorium vir kreatiwiteit. Meer as dit self, dit was 'n belangrike bymekaarkomplek vir die gemeenskap. Hier het oud en jonk en blank, swart, kort of lank vir jare bymekaar gedrom. Soos daar plek is vir sport stadiums en nationale parke, so is daar 'n groot leemte gelaat met KLT se verdwyning. Dit sal 'n skande wees om so 'n belangrike plek te veloor. Belangrik nie net vir die verskeie herinneringe wat ek daarvan koester nie, maar belangrik vir die nageslagte, die jeug - sodat hul ook die voorreg mag he om hul eie herrineringe te mog koester.

Herbou groot asseblief! GOU!

Baie dankie vir die inisiatief!

Sterkte en voorspoed



**Lorelle Adams**

---

**From:** Albert Maritz <alliemaritz@gmail.com>  
**Sent:** 22 November 2017 05:54 PM  
**To:** Piet Smit  
**Subject:** [EX] KLEIN LIBERTAS TEATER

Beste Mnr Smit

Baie dankie vir die uitnodiging om insette te mag lewer re die bogenoemde.

Eerstens wil ek noem dat ek my duidelik herinner hoe ek as klein seuntjie na werk kon kom kyk het wat hier op die planke gebring is. Die rit van Bellville was vir my ouers en ander vriende oënskyklik nie te veel gevra nie.

Die ongelooflike hartseer om jare later magteloos die ou historiese gebou in stof en spinnerakke geklee te sien staan, het 'n omkeer beleef na vreugde, toe Mnr Johan Fourie werk daarvan gemaak het om – nie alleen deure van die lokaal weer oop te gooi nie, maar 'n hele paar verwickelinge teweeg te bring. Hieronder tel:

Die bewaring van die herinneringe van 'n paar geslagte. Plakkate en ander aspekte wat oor dekades hier opgeplak is, en die herinneringe daarmee saam, is weer asem ingeblaas. Sulke herinneringe is die spieëls waarin kulture hulself gadeslaan, en waarop mense voortbou. Bewaring word die heel beste gedien uit die lewe wat die hede bied.

Die uitbrei van belange in talle rigtings, waaronder

Die musiektoneel. By KLT het musiek 'n sterk basis gevind van uiteenlopende aard – van die eie koor, tot musiekoptredes van amper teenoorgestelde, meer opruiende aard – die inspirasie van 'n groot gros van ons jeug, en die kalibrering van die ervaring om in pas te bly met die wyer wêreld.

Rondreisende teater. In tye waar luukses vergesog is, bedien die KLT al langer as 'n dekade gehore, waaronder skoolgehore- klein kinders, ouer kinders, selfs volwassenes – wyd, van kulturele ervarings.

Opheffende teater. Die mense, soos Mbongi Mantsai, wat dmv die uitreike van die KLT se ontwikkelingsarm vandag loopbane het, kan nie ignoreer word nie. Om te sien hoe prominent en intensief en met volharding Mnr Fourie se spanne townships en ander streke betrek en bedien, laat mens bykans op jou rug val. Om te beleef hoe inklusief die spanne self is, is meesleurend.

Soos u weet, is die lokaal vir die Woordfees 'n goeie anker, en vir die res van die jaar – 'n sprankeling van hoop vir almal.

Die KLT reik uit, en vir perspektief - die gebou is die hart, die inspirasie en – op die manier hoe Mnr Fourie die atmosfeer hier getroetel het, die een towerstaf wat die ander aspekte loods. Hier is waar die mense wat deelneem, hul netwerk anker, en waar die nuwe gardes, en bykomelinge uit elke hoekie van elke gemeenskap – hul nuwe idees en aksies en kontakte ervaar en vind. En, gegee dat kaggelvuur weer die perseel knus sal lewe gee – weet dat hier die siel ook neerslag vind.

Indien enige iets, verdien die instansie nie net om herbou te word om baie van die oorspronklike spore in te sluit nie; die vernuwing wat daarmee saamgaan behoort moderne ontwerpe verweef te sien - deel oud en deel nuut gekukstaplaas om groter en meer te huisves.

Nogmaals dankie vir die spreekbeurt  
 Albert Maritz

**Lorelle Adams**

---

**From:** Ronald Kriel <rkriel@adept.co.za>  
**Sent:** 22 November 2017 05:17 PM  
**To:** Piet Smit  
**Subject:** [EX] REBUILDING OF KLEIN LIBERTAS THEATRE

Sir,

This theatre served the Stellenbosch community over a very long period. Many theatrical and musical performances were staged there, often by well known performers. Young people also went there for drama classes etc. This theatre can thus be regarded as an integral part of Stellenbosch culture.

It was a tremendous loss to the whole community when the theatre was gutted by fire some two and a half years ago.

The Klein Libertas Theatre Choir was established there during 2011 and despite the loss of their theatre the choir has survived and has gone from strength to strength by drawing larger audiences with each performance. By not having their own theatre the choir is compelled to utilize any venues available which in Stellenbosch

can be very challenging as other venues often stage their own performances. Often the choir has to practice in private homes. In the long term interests of the choir it is of vital importance that the theatre be rebuilt.

Stellenbosch is by nature a seat of education, art and culture and venues of this nature are extremely important and become more so as the town expands. I have been a resident here for more than 30 years and have witnessed the tremendous expansion of the town. It must be borne in mind that a theatre of this nature not only serves the Stellenbosch community but neighbouring towns as well.

It is sincerely hoped that this jewel be rebuilt soon.

R.K.Kriel  
Kaneelsingel  
STELLENBOSCH.



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**Lorelle Adams**

---

**From:** Carien Punt <carienp4@gmail.com>  
**Sent:** 22 November 2017 05:10 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre site

Beste meneer Smit

Ek ondersteun die herbou van die Klein Libertasteater ten sterkste. Hierdie teater is die ENIGSTE teater op die dorp wat sedert 1994 (met Amelda Brand en Francois Toerien se inisiatiewe) gemeenskapswerk doen. Die Klein Libertasteater het duisende jongmense uit voorheen benadeelde areas die geleentheid gegee het om in die teater op te tree gedurende die afgelope 23 jaar en is ook die ENIGSTE teater in die omgewing wat deurlopend werk skep vir teaterpraktisyne en akteurs en aktrises. Die teater maak nie 'n onderskeid tussen professionele- en amateur akteurs nie en gee aan almal 'n geleentheid so ver moontlik. Verskeie mense in die vermaakbedryf het hul eerste treë in die bedryf in die Klein Libertasteater gehad.

Die teater se 25 dramagroepe in Kayamandi, Paarl en Khayelitsha is al moedeloos om vir die afgelope 2 jaar sedert die teater afgebrand het op 13 Junie 2015, in sinkgeboue en lokale wat glad nie as teaters toegerus is nie, hulle opvoerings te moet hou. Die toneelfeeste wat die teater jaarliks vir hierdie dramagroepe reel, het glad nie meer die glans van die verlede nie omdat dit vir die jongmense 'n ongelooflike ervaring was om in 'n regte teater op te tree. Die motivering en beloning vir hul harde werk is juis om die glans van 'n regte teater te ervaar en aangesien die Klein Libertasteater se werk met hierdie groepe voortgegaan het gedurende die afgelope 2 jaar, was al hierdie geleenthede in lokale gehou wat beskikbaar was ten spyte daarvan dat dit nie TEATERS was nie.

Die Klein Libertasteater se reputasie van hoe kwaliteit werk het al selfs buite die grense van Suid Afrika versprei en nadat die teater 'n intern van die Universiteit van Osnabruck in Duitsland gehad het twee jaar gelede, moes hulle reeds 3 ander internskap-aansoeke van die hand wys omdat die teater nog nie herbou is nie.

Indien die Klein Libertasteater NIE herbou word nie, sal dit 'n groot verlies vir die gemeenskap van Stellenbosch en omgewing wees.

Groete

--  
Carien Punt  
[\(+27\)83 717 3365](tel:+27837173365)

**Lorelle Adams**

---

**From:** Ter Haar, GM, Mnr <gterhaar@sun.ac.za> <gterhaar@sun.ac.za>  
**Sent:** 22 November 2017 04:57 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas: request for public input

To whom it may concern,

I believe the rebuilding of The Klein Libertas theater would greatly benefit the community through providing a great theater space for live music, theater and charity events.  
I am strongly for the rebuilding of the theater for the continual service it has provided over many years.

Thank you for considering my input into the matter as a public participant.

regards

Gerrit

The integrity and confidentiality of this email is governed by these terms / Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings gereël. <http://www.sun.ac.za/emaildisclaimer>



**Lorelle Adams**

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**From:** Patrick Davidson <fiendarts@gmail.com>  
**Sent:** 22 November 2017 02:49 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theatre

Good day,

I'd like to add my voice to the number which says that we truly appreciated the Klein Libertas Theatre.

This building/business had served as the glue which held together a few communities within the arts/performance realm, not only for Stellenbosch, but for surrounding areas too. We have felt at a complete loss since 2015.

We are not only talking only about a physical structure which needs to be rebuilt. We're talking about sub-cultures too, which cannot do without a central physical stronghold such as the one which Klein Libertas Theatre represented to us. The counsel can take care of one of those; the community can then take care of the other.

Warm regards

--  
Patrick Davidson

Liaison Officer  
FIEND ARTS™  
Tel: +27 84 621 4913  
Email: [fiendarts@gmail.com](mailto:fiendarts@gmail.com)  
Web: [www.metal4africa.com](http://www.metal4africa.com)

**Lorelle Adams**

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**From:** Benjamin Smit <bsmit2@oldmutualpfa.com>  
**Sent:** 22 November 2017 01:48 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Theater

Hi Piet,

Thank you for taking the time to read through and listen to our comments.  
I'm sure that you have your hands full at the moment.

I will keep it short and sweet. I am 100% for the restoration of the Klein Libertas Theatre.  
I have been a patron of the theatre for many years, both for music and drama related productions.  
Although I do prefer the music.  
Honestly, some of my fondest memories and most mind blowing performances that I have witnessed, have all been at Klein Libertas.

Stellenbosch is in dire need of a proper outdoor music venue. The current, indoor venues (Aandklas, Bohemia) simply do not have the capacity for large shows and holding something outdoors (Van Der Stel Sportsgrounds, Jan Marais Park) requires an insane amount of planning and is, as far as I understand, quite costly.  
I strongly feel that if Klein Libertas were to return, it would create a platform from which the music scene can start to grow and newer bands can use it as a launch pad to get exposure.  
Taking the size of the venue into account, one would be able to host a variety of one day festivals and gatherings, to make it a more diverse and inclusive space.

It has been a part of the towns history for so many years, seeing it disappear into the history books would be an absolute travesty.

Warm regards,

**BEN SMIT | CFP®**  
Integrated Wealth Planner  
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+27 (0) 21 809 6338 (telephone) | +27 (0) 21 809 6336 (fax)  
[bsmit2@oldmutualpfa.com](mailto:bsmit2@oldmutualpfa.com) (E-mail) | +27 (0) 72 615 1393 (mobile)



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**Lorelle Adams**

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**From:** Jacques Theron <jakkie\_6@yahoo.co.uk>  
**Sent:** 22 November 2017 01:06 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas Teater

Geagte meneer Smit,

Ek skryf om u te versoek om asseblief toestemming te gee om die Klein Libertas teater te herbou. Ek is 'n akteur en het op universiteit kans gekry om by die KLT my tande te slyp. Ek het weke daar in die donker teater deur gebring. Dis daar wat ek 'n ongelooflike liefde vir teater en my medemens ontwikkel het. Gun asseblief die jonger generasie die kans om dieselfde te doen. Ons land het meer teaters nodig. Dankie vir u tyd.

Vriendelike groete,

Jacques Theron

[Sent from Yahoo Mail on Android](#)

**Lorelle Adams**

---

**From:** Melissa Hill <melissa.hill@nynas.com>  
**Sent:** 22 November 2017 12:05 PM  
**To:** Piet Smit  
**Subject:** [EX] Rebuilding of Klein Libertas Theatre

Good Day Piet,

I'd like to add my input to the rebuild of the Klein Libertas Theatre – this venue holds an irreplaceable space in my heart, and is associated with many fond memories of live theatre and music concerts of all genres.

The family that ran it are also part of the Stellenbosch community and it would be a disservice to deprive the current and future students and residents of all that was the Klein Lib.

I sincerely hope to see their doors open once again in the future.

Sincerely,

---

**Melissa Hill**

*Sales Executive*

[melissa.hill@nynas.com](mailto:melissa.hill@nynas.com)

Mobile + 27 71 490 87 88

Phone + 27 10 590 10 52

Address Block E 4<sup>th</sup> Floor, The Pivot @ Monte Casino, 1 Monte Casino Boulevard Fourways, Johannesburg South Africa

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**Lorelle Adams**

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**From:** Leon Fourie <lenita.fourie777@gmail.com>  
**Sent:** 21 November 2017 10:04 PM  
**To:** Piet Smit  
**Subject:** [EX] Behou kultuur

Goiedag.

Graag pleit ek hiermee as teater liefhebber dat die Klein Libertas Teater weer opgebou moet word. Dit is ons erfenis.

**Lorelle Adams**

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**From:** Lizet van der Merwe <ronet@global.co.za>  
**Sent:** 21 November 2017 08:37 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein Libertas teater

Goeie more, Mr Smit

Ek wil graag my ondersteuning vir die herbou van die Klein Libertas Teater aandui as deel van die publieke interaksie proses.

Hopelik sal daar ander mense van die plaaslike kunstegemeenskap ook hulle steun wys in hierdie proses!

Groete en dankie

Lizet van der Merwe

**Lorelle Adams**

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**From:** Brett Bruton <brettrexbruton@gmail.com>  
**Sent:** 21 November 2017 08:34 PM  
**To:** Piet Smit  
**Subject:** [EX] Klein's Libertas Theatre

To whom it may concern

As a performing musician who has enjoyed several successful events at the original theatre, and with as much as my capacity to do so allows, i recomend returning the theatre to its original state and function

It was a staple and historical venue for both local and international artists, attracting some of the world's best talent.

I hope that it may one day return to this level of glory.

All the best

Brett Bruton

**Lorelle Adams**

---

**From:** Dr. J.C. de Villiers (PhD) <kosie@stellenbosch.co.za>  
**Sent:** 21 November 2017 05:25 PM  
**To:** Piet Smit  
**Subject:** [EX] Herbouing van Klein Libertas Teater

Beste Mnr. Smit

Na aanleiding van die kennisgewing in die Eikestadnuus:

Ek wil hiermee net my steun uitspreek vir die herbouing van die Klein Libertas teater. Ek dink ons is almal bewus van die ryk geskiedenis van die Klein Libertas Teater en die belangrike rol wat die teater in die verlede gespeel het in al die gemeenskappe in en om die dorp.

Die uwe,

**Dr. J.C. de Villiers** (MBA, PhD)  
Enterprise Dynamics (CC)  
16 Troupant Street  
Stellenbosch, 7600, South Africa  
Tel +27-21-887-5405 Fax +27-86 401 0306 Cell +27-82-449-9097  
[www.enterprise-dynamics.co.za](http://www.enterprise-dynamics.co.za)

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**Lorelle Adams**

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**From:** i'Zigi Productions <izigiprd@iafrica.com>  
**Sent:** 21 November 2017 05:04 PM  
**To:** Piet Smit  
**Subject:** [EX] Die Libertas teater se herstel

Geagte mnr. Smit

Dit is met groot vreugde dat ek verneem het van die moontlikheid dat die Libertas Teater in Stellenbosch herstel gaan word na die gruwelike brand 'n paar jaar gelede.

Die teater hou vir my persoonlik en ook vir vele ander wonderlike herrinneringe in. Ek het die graad B. Dram aan die Universiteit van Stellenbosch ontvang en het daarna in verskeie produksies in die Libertas Teater opgetree. Ek onthou die teater as 'n vriendelike, gewilde ruimte wat uitstekende gehore getrek het. Daar is ook besondere eksperimentele toneelstukke opgevoer, wat 'n groot bydrae gelewer het tot die groei van toneel.

Ek, en ek glo die hele Suid-Afrikaanse vermaaklikheidsbedryf, staan bankvas agter hierdie wonderlike gedagte om die teater te herbou. Mag dit die lig sien en Suid-Afrikaanse teater nog 'n hupstoot gee! Applous!

Vriendelike groete  
Rina Nienaber



+27 (0)82 992 3176 (M)  
+27 (0)83 263 5550 (M)  
[izigiprd@iafrica.com](mailto:izigiprd@iafrica.com)

**Lorelle Adams**

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**From:** Kobus Burger <kburger@rsg.co.za>  
**Sent:** 21 November 2017 03:45 PM  
**To:** Piet Smit  
**Subject:** [EX] Herbou van die Klein Libertas-teater

**Importance:** High

Beste Piet

Ons het verneem dat julle insette vra rakende die herbou van die Klein Libertas-teater in Stellenbosch.

Die Klein Libertas is eintlik 'n nasionale bate en deel van SA se teatergeskiedenis.

RSG het die Klein Libertas gebruik tydens ons heel eerste RSG Kunstefees, wat volgens ons 'n eerste in die wêreld was toe ons 'n volwaardige kunstefees op lug aangebied het. Danksy die samewerking met die Klein Libertas kon ons die produksie "Elders aan diens" daar aanbied en vir uitsending opneem. In ons reklame het ons die teater wyd gereklameer.

Daar is al hoe meer die nodigheid vir intieme(r) teatervenues en die Klein Libertas met sy veelsydigheid en passievolle bestuur het nog altyd in daardie behoefte voorsien.

"Elders aan diens" is boonop 'n kabaret – ook 'n genre wat nie altyd aan groot gehore bekend is nie. Die Klein Libertas in sy aanbod en rol in die bedryf verruim daarom die kunste.

Die Klein Libertas behoort daarom herbou te word en ons hoop dit bly steeds 'n baken en verneme rolspeler in die SA teaterbedryf.

Beste groete  
Kobus

**KOBUS BURGER** | Executive Producer: Drama - RSG | 011-714-2724 |  
Twitter: @zarsg | [www.rsg.co.za](http://www.rsg.co.za) | DStv channel 813 |



*RSG is die wenner van die BASA-prys vir Media-borgskap vir die RSG Kunstefees 2015. En het beide die Fleur du Cap-toekenning vir Innovasie in Teater asook die Business Arts South Africa-prys vir Innovasie vir die 2013 RSG Kunstefees ontvang.*

**Lorelle Adams**

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**From:** Carina Malan <malan@mweb.co.za>  
**Sent:** 13 December 2017 10:00 PM  
**To:** Piet Smit  
**Subject:** [EX] Steun herbou Klein Libertas Teater  
**Attachments:** Screenshot\_2017-12-05-17-18-18.png

Goeie môre

Ek steun die herbou van die Klein Libertas teater. Dis onontbeerlik vir die kulktuur van elke inwoner van ons dorp.

Groete

Carina Malan

la Clémence 90

Jamestown

Stellenbsoch

**Lorelle Adams**

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**From:** Berta Hayes <bertahayes@mweb.co.za>  
**Sent:** 08 December 2017 07:30 PM  
**To:** Piet Smit  
**Subject:** [EX] Kleine Libertasteater

Geagte Mnr Smit

### **Gebruik van die perseel van die Kleine Libertasteater**

Dit sal baie jammer wees as die R3,5 miljoen wat vir die herstel / heropbou van die teater bestem is nie daarvoor aangewend word nie. Dit gaan egter nie in die eerste plek oor geld nie, maar oor die waarde van die gebou self en oor die waarde van die teater vir die inwoners van die dorp.

Die gebou was 'n belangrike komponent van die historiese plaaswerf (tans die Bergzicht perseel), en is deur Erfenis Wes-Kaap gewaardeer as 'n Graad IIIA erfenishulpbron – met ander woorde die hoogste waarde op dorpsvlak. Soos u waarskynlik weet, het Erfenis Wes-Kaap 'n permit vir die herstel/herbou daarvan uitgereik. Indien dit nie herstel word nie, sal 'n belangrike historiese gebou vir die dorp verlore gaan.

Die Kleine Libertasteater het oor baie jare 'n groot bydrae op kulturele gebied gelewer - vir inwoners uit alle gemeenskappe. Dit is 'n ware dorpsteater wat vir gewone mense, amateurs, geleenthede bied om hul talent te ontdek en te ontwikkel deur in produksies op te tree onder leiding van professionele deskundiges.

Afgesien van gesonde vermaak aan inwoners van alle ouderdomme (insluitend kinders) het die Kleine Libertasteater talle ontwikkelings- en werkseleenthede vir Stellenbossers geskep. Stellenbosch sal werklik armer wees sonder hierdie teater.

Indien die Munisipaliteit sou besluit dat dit wel wenslik is om die perseel vir 'n ander gebruik aan te wend, is dit ewe wenslik dat 'n ander munisipale eiendom aan die Kleine Libertasteater-groep beskikbaar gestel en ingerig sal word om hulle werksaamhede voort te sit.

Vriendelike groete  
Berta Hayes  
Bosmanstraat 39  
Stellenbosch



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**Lorelle Adams**

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**From:** Sulitha Swanepoel <sulitha@stellenbosch360.co.za>  
**Sent:** 08 December 2017 03:12 PM  
**To:** Piet Smit  
**Cc:** Annemarie Ferns  
**Subject:** [EX] Klein Libertas Teater

Vir aandag : Piet Smit

Graag wil ons die voorsetting van die Klein Libertas Teater steun.

Annemarie Ferns  
Ann Heyns  
Sulitha Swanepoel

Groete



**Sulitha Swanepoel**  
Manager Finance and HR



[www.stellenbosch.travel](http://www.stellenbosch.travel)  
[sulitha@stellenbosch360.co.za](mailto:sulitha@stellenbosch360.co.za)  
T: +27 (21) 883 3584  
C: +27 (0) 82 567 0709  
F: +27 (21) 882 9550  
36 Market Street, Stellenbosch, 7600  
P.O. Box 368, Stellenbosch, 7599



**Lorelle Adams**

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**From:** Johannes <johannes@flotron.co.za>  
**Sent:** 07 December 2017 11:43 PM  
**To:** Piet Smit  
**Subject:** [EX] Future utilization of ex-Kleine Libertas theater site

Beste mnr Smit

Alvorens Kleine Libertas Teater afgebrand het, het hulle van tyd tot tyd 'n geweldige geraas gemaak. Dit was vir my 'n groot verligting toe hierdie geraas uiteindelik tot sweie gekom het.

Ek woon in Alexanderstraat, en Kleine Libertas het by tye so 'n groot geraas gemaak dat my huis se vensters getril het daarvan, en ek gedink het dit is my bure wat so 'n groot lawaai maak.

Sulke harde klank, veral die bas, trek geweldig ver indien die wind in die regte rigting waai, en daar net 'n groot oop sportgrond sonder enigiets is wat die klank kan demp.

Ek versoek julle om nie weer toe te laat dat daar so 'n geraas binne hoorafstand van 'n woonbuurt toegelaat sal word nie.

Indien die teater onvermydelik is, beperk dit dan tot 'n binnehuise teater met baie streng beperkinge op die volume van die klank.

Stellenbosch het reeds 'n buitelug teater nl. Oude Libertas amfiteater. Mense wat 'n buitelug teater verkies, kan daarheen gaan. Aangesien Oude Libertas ver van enige woonbuurt af is, is hulle baie meer geskik vir 'n buitelug aktiwiteite en is in 'n pragtige omgewing geleë.

Kleine Libertas is in die middel van die dorp se kern, en daar is heelwat woonstelle, huise en ander wooneenhede in die naby geleë omgewing wat nadelig geraak gaan word deur die geweldige geraas wat hulle maak.

'n Opelug teater is nie geskik om in 'n dorp se kern gehuisves te word nie.

By voorbaat dank.

Die uwe

*Johannes Koetsier*

**Lorelle Adams**

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**From:** Johanna Serdyn  
**Sent:** 27 November 2017 02:38 PM  
**To:** Piet Smit  
**Subject:** FW: [EX] Klein Libertas Theatre comments  
**Attachments:** .KLT, Mayor.docx

HIER KOM DIE INLIGTING

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**From:** Margie Hurndall [mailto:margieh@cinet.co.za]  
**Sent:** 27 November 2017 10:12 AM  
**To:** Johanna Serdyn  
**Subject:** [EX] Klein Libertas Theatre comments

19 duToit street, Stellenbosch.

Good morning Johannie

As our ward Councillor – I would like to bring the following to your attention. Please see attached.

(I actually meant to send it you a few weeks ago-sorry for the delay.)

I recently sent the attached letter to our Mayor - and

I did receive an automated msg that it was received by the Mayor's office.

Nonetheless, please will you also forward it directly to whoever is (responsible for) receiving the input from the public on this matter (in response to the 'invitation to comment', as recently also seen mentioned in the media) – or let me know where else to send it to directly.

Thank for your time and attention.

Kindly confirm receipt of this message.

Best wishes for the Christmas and holiday season ahead.

Regards

Mrs Margie Hurndall.

19 du Toit street  
Stellenbosch 7600

To: The Executive Mayor  
Stellenbosch Municipality, Stellenbosch

10 November 2017

**Re: Comments on the future of the Klein Libertas (KLT) property.**

Mayor Gesie van Deventer

Thank you for the latest Newsletter (Edition 30, 2017) – and your (frequent) direct communication with us residents – much appreciated indeed. It is with particular interest that I now read there of the invitation to give input about what should happen to the above property (KLT). As you will see by my address above, we live not very far from this site.

Although at this point I have not yet much to offer in the way of constructive suggestions about what should happen to the property, I (and surely other residents in the area, based on our past problems with KLT) feel very strongly about what should not be done with the property.

Please do not grant permission for Klein Libertas Theater to re-establish the set up that they had previously – particularly with an outdoor stage – due to noise problems created there.

For several years ( $\pm 5$  or more), before the theatre burnt down, we (we meaning also other residents in the area of KLT) frequently had problems with really excessive noise from KLT, particularly when they held concerts with pop/rock/heavy metal bands playing on the outdoor stage in evenings (usually weekends; sometimes even until 02:00 h, until there was some measure of action taken against this – although not altogether satisfactorily). The noise disturbance was so great that there were numerous occasions that complaints were raised – at several levels: approaching them directly, often calling on the assistance of Law Enforcement (who were very helpful and cooperative - thank you), reporting it to the Police, contacting our ward Councillor (JS), and even (some residents) having a meeting with the municipality (Planning Dept) - to try to get a solution to noise disturbance problems. (I do have much on record, should it ever be required.)

Now that there are even more people living in the immediate area of the KLT property (e.g., Andringa Walk, Eikestad Mall), even more people could be disturbed.

Hence, rather than to land up in that situation again – and have to be inconvenienced by excessive noise once again – and then to often have to contact/bother Law Enforcement to try to get the problem solved, on each occasion when it arises – let us be proactive – and not allow it to become a problem again in the future in the first place.

In other words: Please do not grant permission for Klein Libertas Theater to re-establish the set up that they had previously – particularly with an outdoor stage.

I sincerely hope that – even though this communications may sound very ‘negative’ – it can be seen in a constructive light, looking ahead – and you will find it helpful in the long term. I do look forward to following the participation in this matter (as constructively as possible).

Thank you for your time and attention.

With appreciation and kind regards.

Mrs Margie J Hurndall.



Tel: 021 007 0275  
Fax: 086 642 2331  
www.realnet.co.za

PO Box 1216  
Stellenbosch  
7599

Unit 135  
Bosman's Crossing Square  
Distillery Road  
Stellenbosch

By email: piet.smit@stellenbosch.gov.za

7 December 2017

The Municipality of Stellenbosch  
PO Box 17  
STELLENBOSCH  
7600

Dear Sir,

I, Soretha Steenkamp, owner of RealNet Stellenbosch hereby would like to appeal to the Municipality of Stellenbosch to consider building affordable student accommodation on the former Klein Libertas Theatre premises.

As business owners in the lucrative Stellenbosch rental market, we deal with students from all economic backgrounds and cultures. Most of the private student accommodation is way out of financial reach for the average student and often, students from less fortunate financial back-ground ends up in less than desirable accommodation far from campus as that is all they can afford. This causes transport issues, connectivity is a problem and it also prevents them from utilizing the campus after hours. As you can imagine it also contributes hugely to these student's daily stress and concerns.

Providing decent and affordable student accommodation (not in the hands of private investors) will fulfil a critical need to a very large group of students.

There are many theatres and venues in and around Stellenbosch and providing another such venue will not address an actual life changing and important need - that of our students to be nearer the institution that is setting them up with an opportunity and a future for themselves. They will be safer and be more involved in what our beautiful town has to offer. Please make that privilege available to them as well?

Yours Sincerely

Soretha Steenkamp  
Owner | Director  
RealNet Stellenbosch



Reg no: 1992/006838/08

C/O Bird Street and Merriman Avenue PO Box 985 Stellenbosch South Africa 7600 VAT 4510213954

Tel +27(0)21 883 3525 Fax +27(0)21 886 6345 www.bergzichtraining.com NPO 004-976

### PUBLIC INPUT BY BERGZICHT TRAINING

#### RE: COMMENT ON FUTURE UTILISATION OF EX-KLEIN LIBERTAS THEATRE SITE

(As advertised in Eikestad Nuus)

8 December 2017

To: The Municipal Manager

Bergzicht Training has been a major contributor towards youth development in Stellenbosch and its surrounding area over the past 25 years. We have been built on the philosophy of joining hands to ensure a better future for our youth. We do this by pairing with other NGOs focused on the youth in Stellenbosch and its surrounds. We have approached our neighbour Pinotage Youth Development Academy and other major players that contribute directly or indirectly in the development of youth of Stellenbosch. Listed in this document are all the organisations that support a youth community centre to be built by the Municipality on the ex-Klein Libertas Theatre site, with the R3,5 mil insurance pay out.

Our recommendation is that once the centre is built it is operated on a **Youth Café** concept of the WC Government, Department of Social Development. Information on such a concept has been attached for consideration for the Stellenbosch Municipality as a joint planning initiative. Further to a telephonic conversation earlier this week, with Mr Lionel Arnolds, Director: Community Development, Department of Social Development, Western Cape Government he confirmed that the Department did not plan nor budgeted for the set-up of a Youth Cafe in Stellenbosch and that he advised that Stellenbosch Municipality use the existing IDP and JPI processes to place youth development on the agenda and engage the relevant provincial department accordingly. Finding private partnerships in Stellenbosch though to co-fund such a Youth Café should not be a problem to my knowledge and experience.

The reason why Bergzicht has never been able to submit a tender for the operation of a Youth Café in the past is because we have never had available premises in the right location. If this building is erected by the Stellenbosch municipality it will be a perfectly positioned building for a youth community centre operating as a Youth Café.

**Directors:** Mr NST Motjuwadi (Chairperson) Prof M Ungerer Mr A Anthony  
 Ms KMV Harris Prof JF Smith Dr JJE Koornhof Mr CAC de Villiers Mr JP Odendaal (Treasurer)  
 Dr GMAC Lourens Ms S Diedericks  
**Honorary Members:** Mrs MC Kotzé Dr JC de Villiers

**MOTIVATION BEHIND THE SUPPORT OF A YOUTH COMMUNITY CENTRE TO BE BUILT ON THE PREMISES OF THE EX-KLEIN LIBERTAS PREMISES IN THE CENTRE OF STELLENBOSCH**

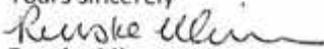
1. **Location:** Ideally centrally suited for a youth community centre with easy access to public transport and next to two established NGO Youth Training Centres.
2. **High youth unemployment:** Youth unemployment rate of 67.4% (expanded statistics 4<sup>th</sup> quarter 2017) and we cannot afford to hope for solutions for unemployment, we have to create the solutions and be the solution. In Stellenbosch the situation is just as dire, with an unemployment rate of 15.2% and a youth unemployment rate of 21.5%. A youth community centre will deal directly with the unemployed youths' immediate needs.
3. **A safe house for vulnerable youths:** Our vulnerable youth face social challenges such as poor levels of general welfare and well-being, coupled with increased levels of stress which lead to unsociable actions such as rape, alcohol and drug abuse. This target group is now taken into training centres to be trained and prepared for the workplace but weekends and evenings they are still faced with these challenges. They have to overcome circumstances most of us would struggle to survive and arrive at training campuses every day to learn in pursuit of changing their futures and that of their families. We owe them a much firmer grounding and "safe house", supporting the training that we offer at the respective skills training centres. We believe that we can do this through the support of a Stellenbosch Youth Café.
4. **Mentorship and personal development:** Ongoing mentorship and personal development once youths are placed in fulltime employment will be cemented by the support of a local Youth Café. Life Skills development, employability, job preparedness, entrepreneurial training and leadership development will be offered by volunteers at the Youth Café. Employability skills refers to programmes that improve the employability or job readiness the youth through work related skills, education, interpersonal and cognitive skills. Financial skills or money management skills will be offered to assist in teaching youths making informed decisions resulting in financial inclusion and well-being. Enterprise skills programs will provide youth with enterprise and business development related training which measurably improve the skills and expertise to start, manage and grow a sustainable business and access meaningful economic opportunities.
5. **Other theatres in the area:** There are already two other theatres within a two block radius of the ex-Klein Libertas Theatre premises i.e. HB Thom and Drostdy Theaters. Why have another theatre in such short proximity of the others? Do the people of Stellenbosch really need another Theatre or should these funds rather be invested into the underprivileged, struggling youth of the area?
6. **High crime area:** This exact area, with the knowledge as a neighbour of Bergzicht, it has become a high crime area since the KLT burnt down, especially at night. The area, is no longer in view, conducive to the stereotype theatre goer. Muggings and drug dealings are a daily occurrence in this area around the taxi rank and not a safe environment for theatre goers.

LIST OF YOUTH FOCUSED NGO'S IN STELLENBOSCH THAT ARE IN SUPPORT OF A YOUTH COMMUNITY CENTRE WITH BERGZICHT TRAINING BE BUILT ON THE EX-KLEIN LIBERTAS PREMISES (in no order of preference) - See their letters of support attached

NAME OF ORGANISATION	FOCUS AREA
1. Community Keepers	Ida's Valley
2. Stelumthombo (Straatlig, Becoming kids, Masandise Study Aid)	Stellenbosch all areas
2. Legacy Community Development	Kayamandi
3. Pinotage Youth Development Academy	Bergzicht Training Campus Stellenbosch - all areas
4. Stellenbosch Wine Route	Stellenbosch & surrounding areas
5. Stellenbosch Agricultural Society	Stellenbosch & surrounding farms
6. Usiko	Jamestown
7. SEED	Kayamandi
8. Vision Afrika	Jamestown
9. Stellenbosch Youth Outreach	Du Toit stasie & Stellenbosch all areas
10. Prochorus	Stellenbosch all areas

We thank you for giving us the opportunity to present you with our public comment and trust that this will receive the favorable consideration of the Municipal Council especially with the youth crisis that exist in our town in mind. Attached please find further information on approximate the set up cost and rationale behind the operation of a proposed Stellenbosch Youth Café.

Yours sincerely

  
Renske Minnaar

Chief Executive Officer

Mobile No: 0825706984



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## **Letters of support I**

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#### ESTABLISHMENT OF A YOUTH CAFÉ ON THE KLEIN LIBERTAS PREMISES

To the invested parties

In my personal capacity as well as that of my company, Global Accommodation (Pty) Ltd, I fully support Renske Minnaar's vision of a Youth Café s which would address so many facets of a needy youth.

To dream is great, but the implementation thereof is the most important. Apart from a 20 year friendship I have been alongside Renske and her philanthropic ideals.

She turned Bergzicht around from a bankrupt and dysfunctional organisation into a plausible training centre, to mention her successful fund raising and gaining accreditation for many of the courses offered.

She has a successful corporate background and is an excellent manager.

The location of the Klein Libertas premises is ideal, behind the taxi rank, and the night shelter, and in the business hub of the community it would serve.

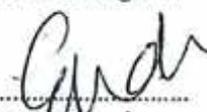
For the children who would benefit it might be the only escape from an otherwise severely depleted existence.

Renske has a Midas touch as far as implementation is concerned, if she commits to a project, it WILL work.

Global Accommodation and myself will continue to support Renske's ideals.

If the Youth Café comes off the ground, I would certainly go the extra mile to support as well as fund.

With best regards

  
 .....  
 Erika Kok 07-12-2017.





**TO:** WESTERN CAPE MINISTRY OF SOCIAL DEVELOPMENT  
**ATT:** MINISTER ALBERT FRITZ  
**CC:** RENSKIE MINNAAR (Bergzicht Training) AND NIKKI MUNRO (PYDA)  
**RE:** FUTURE USE OF KLEINE LIBERTAS SITE - YOUTH CAFE  
**FROM:** NICOLETTE BOOYENS  
**POSITION:** MANAGING DIRECTOR  
**DATE:** 7 DECEMBER 2017

*Dear Minister Fritz and other interested parties*

*I would herewith like to please pledge my support for the request made by Bergzicht Training under the leadership of Renske Minnaar, for the establishment of a suitable youth development space, in what is currently known as the "Kleine Libertas Theatre" property.*

*Of particular interest to me is the socio-economic development of youth in the Stellenbosch area. I am the founder of the Cause Development Agency ([www.cause.co.za](http://www.cause.co.za)) and our focus is enterprise development training and support. I have been a training service provider to the Pynotage Youth Development Agency (also situated at Bergzicht facility) from inception.*

***The suggestion to start a "Youth Cafe" in the facility is very appropriate for a number of reasons, including the following:***

- *The entire Bergzicht training centre "area", including the Pynotage Youth Development Agency is a daily hive of youth activity with literally hundreds of young people studying full and part time. This makes for a positive and educational space for young people and the dynamic of additional youth services and people will develop this "student" feel in the area.*
- *The site is situated right next to the Stellenbosch taxi rank, which allows easy access.*

1





- *With the Bergzicht and PYDA training centres on hand, newcomers will not only enjoy the benefits of the Youth Cafe, but they will be introduced to the myriad of already existing opportunities available to them in close proximity.*
- *Educators and social developers will have easy access to the most needy amongst our youth, which will enable the identification and development of talent.*
- *It will offer a much needed safe space for disadvantaged young people in Stellenbosch that are seeking opportunities and growth.*

*Stellenbosch has an abundance of theatres and I very strongly feel that we should appropriate spaces such as these for community growth and development as apposed to entertainment.*

*This is an opportunity to further advance a growing hub of youth development and empowerment in Stellenbosch.*

*Thank you for your consideration,*

*Best Regards*

*Nicolette Booyens  
Cause Development Agency*





4 December 2017

To whom it may concern

I am writing this letter in my capacity as COO of Middelvlei Wine Estate and a member of the board of Youth Outreach Stellenbosch.

At Youth Outreach the children stay in our care only till the age of 18 after which the state do not accept any responsibility for their well-being. They have to rely on NPO's to assist them in preparing them for integration into the work place. The services offered by a Youth Café will be highly beneficial in this regard and will fill an enormous gap in offering a safe environment where vulnerable youth can be mentored, trained and prepared for the workplace.

The high unemployment rate of the youth in the Stellenbosch farming community and the socio economic problems associated with unemployment, will be partly addressed by their accessibility to a Youth Café in Stellenbosch.

The premises where the theatre used to be, will be ideal for a Youth Café. Together with Bergzicht Training Centre and the Pinotage Youth Academy it can form a Youth Campus and safe haven for the vulnerable youth of Stellenbosch. The three organisations can pull resources, offering a secure environment to the youth of Stellenbosch, giving them hope for the future.

Jeanneret Momberg

0829443868

jeanneret@middelvlei.co.za

MOMBERG FAMILY WINE - MAKING WINE SINCE 1919

MOMBERG - CABERNET SAUVIGNON - FREE-RUN PINOTAGE - SHIRAZ - CHARDONNAY - ROOSTER  
P.O. BOX 66 - STELLENBOSCH - 7598 - SOUTH AFRICA - TEL: +27 218832545 - FAX: +27 218839546 - WWW.MIDDELVLEI.CO.ZA - EMAIL: INFO@MIDDELVLEI.CO.ZA  
DIRECTORS: JH MOMBERG - HLN MOMBERG - BJS MOMBERG



4 December 2017

Mr Piet Smit  
Stellenbosch Municipality

**FUTURE OF EX-KLEINE LIBERTAS THEATRE SITE: REQUEST FOR PUBLIC INPUT**

Legacy Community Development NPC hereby support Bergzicht Training in their endeavor to turn the above mentioned premises into a Youth Café for Stellenbosch.

In our experience, while working with the youth from Kayamandi, we see the need for safe spaces for the youth, also to meet youth of other parts of Stellenbosch. The fact that this premise is next to the taxi rank is a positive factor.



.....  
Louise Fourie  
Managing Director  
Legacy Community Development NPC  
084 683 9001

**PO Box 185**  
Stellenbosch, 7599  
T: 021 886 6884  
E: [louise@sg.org.za](mailto:louise@sg.org.za)  
W: [www.legacykayamandi.com](http://www.legacykayamandi.com)

**Nedbank 1232043265**  
Branch code: 123209  
NPC: 2001/018764/08  
NPO: 133-794  
PBO: 930024993

**Board of Directors:**  
Maphelo Ntshanga  
Brendan Venter  
Dirk Ehlers  
Louise Fourie



# STELLUMTHOMBO

2 Drostdy Street. Stellenbosch. 7600 | 021 883 3458 | info@stellumthombo.co.za

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5 December 2017  
Minister Albert Fritz  
Minister of Social Development  
Western Cape Government

Dear minister Fritz.

I am writing to you in the capacity as MD of Stellumthombo, a non-profit company working to alleviate poverty through mentorship in the Stellenbosch area. I will attach a separate brochure which will provide more information on our projects namely: Straattlig, BecomingKids and Masandise.

The reason for the letter is to inform that we as an organisation support the proposal from Bergzicht with regards to the development of a Youth Café centre on the premises of the burnt down Klein Libertas theatre.

Youth development is a big need in Stellenbosch where many individuals falling into that category become destitute, living on the streets and relying on handouts from either tourists or students. Through my experience working with the homeless community living in Stellenbosch I believe that the only viable solution to many of the social problems in Stellenbosch comes down to preventative intervention in the lives of the youth.

I have been approached by Renske Minnaar with this proposal as a response to the advertisement in the local newspaper and Stellumthombo support their proposal completely and believe that it will greatly improve Stellenbosch as a town and is in line with the municipality's goals of Safest Valley and Dignified living.

Best Wishes



Ruben Scheepers  
Managing Director  
072 345 5683

[www.stellumthombo.co.za](http://www.stellumthombo.co.za)

NPC 2016/064326/08 | NPO 167-179 | PBO 930053599

Nedbank Stellenbosch, Branch code: 107110  
Account Name: Stellumthombo, Account Number: 1130697630

# straatfig

The focus of Straatfig is to be a safe haven for those living on the fringes of society, especially those living in extreme poverty. This haven is created by focusing on caring for and encouraging the personal development of the homeless, destitute and needy people in the Greater Stellenbosch area. Our vision is to facilitate a process of healing, to restore hope to those that have lost a positive outlook on life and to empower people to live meaningful lives.

Our name means "Street Light". Straatfig makes a very important contribution to the Stellenbosch community through its various programmes, while our commitment to partnerships and cooperation means that we never duplicate work that is already being done by others.

The programmes provided by Straatfig include:

- **Coupon programme**

With our coupon project, we encourage the people of Stellenbosch to start giving responsibly by taking money out of the equation. Coupons may be exchanged for various basic commodities. The coupon project helps the Stellenbosch public to give a person in need the most basic and needs-specific aid.

- **Counselling**

Our counselling sessions are not limited to the homeless only, but to all poor people in need of a listening ear.

- **Providing tangible assistance**

In everything that we do, we try to be sustainable in how we tackle social issues. It is the same with providing our clients with assistance. If people receive any tangible assistance from Straatfig, it is associated with the challenge and responsibility of taking care of it. We believe in the capacity of the poorest of the poor to take good care of what has been given to them.

# Becomingkids

- **Becomingkids** is an early intervention programme focusing on high risk children living in the Cloetesville area of Stellenbosch. This programme addresses the needs of such children through a holistic approach that focuses on the physical, social and emotional wellbeing of each individual child. The programme is based on the philosophy that children need to be children. It strives to create a safe space where such children can flourish as individuals. To achieve this goal, we have implemented a variety of programmes:

- **A Mentorship programme** where the mentors meet with their mentees for an hour once a week. These relationships are important for all our children as they learn about different lifestyles and study areas and are given hope for their future.
- **A Parent Support programme** aims to give holistic support to each of the children by reaching out to their parents. We realised that we need to hold hands with all other key role players in these children's lives and that we must provide them with necessary support and skills.
- **A Reading programme** that teaches children to read comfortably, thereby promoting a reading culture.
- **Camps and outings** create opportunities where children can learn through play and may gain a wider experience through their own sense of curiosity.
- Many children live in a context of constant trauma, and these various kinds of **therapy** we offer equip them with the necessary skills to flourish in their circumstances.
- Learning Support is available to all our children, to help them reach their full potential.

All of the above programmes have a strong focus on **emotional intelligence**, which is often lacking in their community.



Masandise is the Xhosa word for "Let us help grow." With the motto, "A passion for the possible," Masandise Study Aid is a system of financial, social and academic support for extremely impoverished young people to enable them to undergo tertiary training. Mentors act as surrogate parents, each guiding between one and ten individual students, doing what more affluent parents do for their own children, advising and helping them in various ways. The important contribution of the mentors to the social and physical wellbeing of students, as well as mentors' care for students' academic needs, is what makes the programme so successful.

Aspirant beneficiaries come to our attention in various ways, through a local headmaster or social worker, often through a friend already on our books. The criterion for aid is that candidates must be very poor. Many are orphans. We visit the candidate's home and make an assessment of need. If they are still at school, they receive career guidance and get helped with application to a tertiary institution (after they have themselves gone to find out more during a holiday).

Bursaries covering registration and books, food, often transport or rent, do not comprise a fixed sum, but are awarded according to need. As a rare exception, some class fees may also be covered, but in general students' State loans are merely augmented by the Fund.

All donor contributions go toward aiding these virtually indigent young people. Masandise does not have any paid employees, only volunteer mentors; hence there are no overhead costs. Financial administration falls under the auspices of Stellenbosch. Without our aid, many such students would have given way to despair.

Masandise changes lives!



5 December 2017

To Whom It May Concern

**Future utilization of ex-Kleine Libertas Theatre site // Youth Café for Stellenbosch**

I am writing in my capacity as CEO of Community Keepers, a non-profit organization that delivers mental health and social services to children and youth at schools in Stellenbosch and Cape Town. Through our daily engagement with learners hailing from low-income communities, we have identified the great need there is for a Youth Café in Stellenbosch. In our opinion, this space should then serve as a platform from where youth can access a range of skills and development training in order to enter the job market.

With this in mind, we would like to give our full support that the mentioned site is developed into a Youth Café to serve the youth of Stellenbosch and surrounding communities.

If you have any further questions, please do not hesitate to contact me at 021 882 8675 or [philip@communitykeepers.org](mailto:philip@communitykeepers.org).

Kind regards

A handwritten signature in cursive script that reads "Philip Geldenhuys".

Philip Geldenhuys  
CEO – Community Keepers

**ANNEXURE C**



# KLEIN LIBERTAS

Theatre • Teater • iThiyatha

(NPC: REG NR 2007/017484/08)

Du Toitstraat / Street  
Posbus/PO Box 39  
Stellenbosch  
7599

Web: [www.kleinlibertasteater.co.za](http://www.kleinlibertasteater.co.za)  
E-pos/mail: [klt@kleinlibertasteater.co.za](mailto: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 dramagroepe 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 bemerking 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 uiters 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 gedekur 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 komitees 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 dienooreenkomstig 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 aanwys 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**

<b>8.4.3</b>	<b><i>QUO VADIS: MILLSTREAM CORRIDOR</i></b>
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**Collaborator No:**

**IDP KPA Ref No:**        **Good governance and Compliance**

**Meeting Date:**        **24 January 2017**

**1.        SUBJECT: *QUO VADIS: MILLSTREAM CORRIDOR***

**2.        PURPOSE**

The purpose of this report is two-fold:

- a)    to provide Council with some background/*status quo* report; and
- b)    to decide on the future use of the millstream area.

**3.        DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL, EXECUTIVE MAYOR AND MAYORAL COMMITTEE, PORTFOLIO COMMITTEE, EXECUTIVE MANAGEMENT, ETCETERA)**

Although the Executive Mayor, Municipal Manager and the Director: HS&PM, respectively, have certain delegated powers insofar as it relates to encroachments onto Council owned land (see delegation 530) the Executive Mayor has requested that this specific matter be referred to full Council to make a decision on the future of the Millstream Corridor.

**4.        EXECUTIVE SUMMARY**

Stellenbosch Municipality is the owner of Erf 1771, which include the historic Millstream, which was (in part) declared as a National Monument.

Over the past 30 plus years all the adjacent landowners (with or without permission) has started to encroach onto erf 1771 and has erected boundary walls on Council-owned land.

During 1999 Council appointed Chittenden Nicks De Villiers (CNdeV) to advise on a way forward, but none of their recommendations were ever acted upon.

Following various complaints by surrounding land owners and interested parties, notices were served on those land owners who have encroached onto Council owned land, to remove such encroachments.

This was followed up with further notices in 2016, but to date no such encroaching structured were removed.

Council is to make a final decision, or at least decide on a process that will lead to a final decision in this regard.

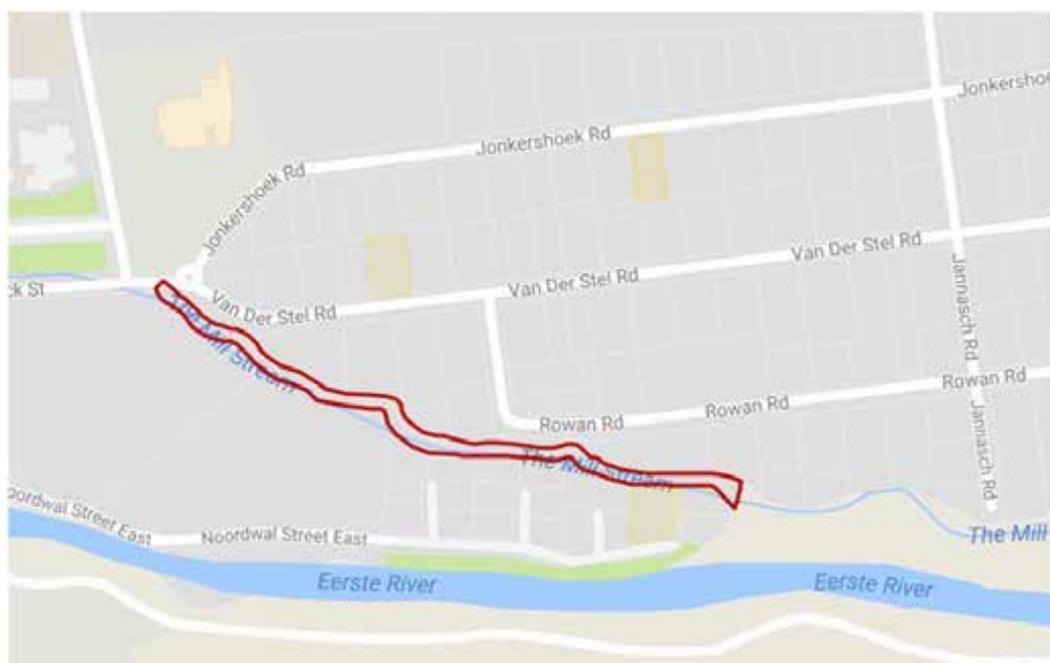
**5. RECOMMENDATIONS**

- (a) that Council decides on a way forward, which may entail one of the options listed in paragraph 7.2.3 (below); and
- (b) depending on the decision in (a), authorise the Municipal Manager to attend to the implementation of such resolution.

**6. DISCUSSION / CONTENTS****6.1. Background****6.1.1 Declaration of Meulsloot as a National Monument**

On 18 November 1994 the historic Millstream in Stellenbosch was declared as a National Monument as per Government Gazette 16075 hereto attached as **APPENDIX 1**.

Part of the area covered by this proclamation includes the stream where it runs along erf 1771, as shown on Fig 1, below.



**Fig 1: Erf 1771**

**Please note** that the area covered by the proclamation includes an area of one (1) meter on both sides of the stream. The private properties included in this proclamation, boarding the millstream, where it runs along erf 1771, are shown on Fig 2, below.

**Fig 2: Private properties bordering the millstream**

**6.1.2 Encroachments**

Over the years the neighbouring property owners have encroached onto Erf 1771, effectively making the millstream part of their private gardens. Some of these residents have formalised these encroachments by way of encroachment agreements. Our records show that the owners of erven 1727 and 7355 concluded

such agreements and were renewed every 5 years. There are, however, no records showing agreements in relation to erven 1699, 1698; 1726 and 1629.

Similarly, most of the property owners bordering the Millstream to the East of erf 1771, where it crosses Koloniesland (Property of the University of Stellenbosch), have encroached onto the University's land, some with agreements in place, others not. The owners of erven 1725; 1723, 1731; 1730; 1624 and 1500 also concluded encroachment agreements with Stellenbosch Municipality, as it was believed (at the time) that the ownership of the Millstream itself vests with Stellenbosch Municipality.

These properties are indicated on Fig 3, below.



**Fig 3: Properties bordering Koloniesland, who have concluded agreements with Stellenbosch Municipality.**

### 6.1.3 Chittenden Nicks de Villiers report

During 1999 Chittenden Nicks de Villiers (CNdV) was appointed by Stellenbosch Municipality to advise on the study area, including erf 1771 and Koloniesland.

A copy of the report is attached as **APPENDIX 2**.

The report recommended, amongst others:

- Widening of the narrow, corridor section adjacent to Denneoord and Koloniesland by getting the owners of Erf number 1727,7355,16313, 1698, 1726 and 1629 to set back existing encroachments and give access to the mill stream;\*
- Select removal of dense undergrowth;
- Possible incorporation of lighting;
- Construction of a coherent, aesthetically pleasing steel palisade fencing theme; and
- Creation of pedestrian and cycle NMT links;

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\*Although it was recommended that the existing encroachments be set back, the report also recognised that in many instances, residents have gone to considerable efforts in landscaping their gardens around the water course and their houses are, in some instances, so close to the watercourse that inserting a boundary fence will be **practically difficult** and **aesthetically inappropriate**. **Negotiations** will be required with each and every owner in order to establish the **most appropriate way forward**. In some instances this may entail leaving fences in their current position but replacing the current materials with good quality transparent options. (See paragraph 6.4 of report).

None of these recommendations, however, were ever acted upon, except that a moratorium was placed on the conclusion of new encroachment agreements along the Meulsloot area (In terms of a Council resolution of 2000-09-27).

Although it was **recommended** that a **public participation process** be followed, no record of such process could be found. A letter from Prof Jan Giliomee, addressed to the Municipality at the time, requested that the *status quo* be maintained. A copy of the letter is attached as **APPENDIX 3**.

#### 6.1.4 Inputs/Enquiries received from Stakeholders

On 19 April 2012 Mr James Scott, a resident of the adjacent Koloniesland development, addressed a letter to the Municipality, requesting that action be taken against illegal encroachers, i.e. that the fence be moved back. A copy of the letter is attached as **APPENDIX 4**.

This was followed by various letters received from the Stellenbosch Ratepayer's Association *inter alia* requesting the urgent rehabilitation and conservation of the Mill Stream corridor, including the erection of an aesthetically pleasing steel palisade fence. Copies of the various letters are attached as **APPENDIX 5**.

On 29 October a letter was addressed to the Ratepayer's Association, undertaking to request neighbouring land owners to remove the encroaching structures, a copy of which is attached as **APPENDIX 6**.

#### 6.1.5 Notices served on adjacent land owners

Following the above, notices were served on all the adjacent land owners, requesting them to remove encroaching structures, failing which the Municipality would remove it at their cost. Copies of the letters are attached as **APPENDIX 7**.

Letters were also addressed to those adjacent land owners of Koloniesland who concluded Encroachment Agreements with the Municipality, informing them that the municipality had no *locus standi* to conclude such agreements, as Koloniesland was the property of the University of Stellenbosch, and that they should therefore contact the University, should they wish to continue with the encroachment onto the Koloniesland land. Copies of these letters are attached as **APPENDIX 8**.

\*See paragraph 7.2.1, below.

Following the above notices/letters served on the adjacent owners, written inputs were received from:

- a) Prof. JH Giliomee;
- b) Cluver Markotter, on behalf of various owners residing next to the Millstream;
- c) James Scott, resident from Koloniesland;
- d) Paul Meaker, on behalf the Koloniesland Home Owners Association;

- 
- e) Stellenbosch Ratepayer's Association; and
  - f) A further letter from Cluver Markotter, on behalf of its clients *inter alia* requesting further information and an extension of time to make final representation, copies of which is attached as **APPENDIX 9**.

Hereto attached as **APPENDIX 10** copies of letters addressed to:

- a) Cluver Markotter, providing them with the requested information and giving them an extension of time;
- b) James Scott;
- c) The Ratepayer's Association; and
- d) The Koloniesland Home Owners Association.

Following the above, a further letter was received from Cluver Markotter, on behalf of their clients; informing us that they are in the process of appointing specialists to **investigate and advise on ownership issues**, including the ownership of the Millstream to the South of erf 1771. They subsequently requested a further extension of time; which request was approved. See **APPENDIX 11**.

On 2 April a further letter was received from Cluver Markotter, together with a report from Damien Burger, a professional Land Surveyor, indicating, *inter alia*, that the portion of the Millstream to the South of erf 1771 indeed rests with the Municipality. They requested further extension of time. The deadline for submission was subsequently extended for an undetermined period. See correspondence attached as **APPENDIX 12**. A copy of the report was also sent to the University of Stellenbosch, requesting the input on the new situation (ownership).

#### **6.1.6 Process taken over by the Directorate: Planning and Economic Development**

During 2014 the Municipal Manager directed that this matter be taken over by the Directorate Planning & Economic Development.

One of the first steps that was undertaken by the Planning and Economic Development Department, was to appoint a Land Surveyor to, *inter alia*, determine the exact boundaries of erf 1771 and to indicate all the encroachments onto erf 1771.

Damien Burger compiled a report and it was submitted to the Department in February 2016, a copy of which is attached as **APPENDIX 13**.

During August 2016 and February 2017 respectively, compliance notices in terms of section 87 of the Stellenbosch Land Use Planning By – Law, were issued to all the property owners encroaching onto Erf 1771, Stellenbosch. These notices informed the affected property owners to cease with their unlawful utilization of Erf 1771, Stellenbosch and furthermore to demolish and remove the unlawful structures which they have erected thereon.

The above notices further informed the property owners that they may object to the compliance notice by making written representations to the Municipality and that if they do not demolish or remove the encroaching structures within the 30 days provided to them, then:

- a) they will be **criminally prosecuted** in the Stellenbosch Municipal Court for an offence in terms of section 86 of the Stellenbosch Municipality Land Use Planning By-Law, August 2015, and; upon conviction may be liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment; and that

- b) the Municipality will apply to the **High Court** for an order as follows:
- i) **restraining** the property owners from continuing with the unlawful utilization of erf 1771, Stellenbosch; and
  - ii) direct them, without payment of compensation, to demolish and **remove the encroaching structure(s)** from Erf 1771.

The property owners did not comply with the compliance notices, which instructed them in terms of section 87(2)(a) to cease their unlawful utilization of erf 1771, Stellenbosch, and to demolish and remove their unlawful structures.

Hereto attached as **APPENDIX 14** various correspondence between Cluver Markotter, acting on behalf of a number of adjoining owners and the Municipality, following the above notices. According to Cluver Markotter the Notices that was served on his client was incorrectly done in terms of the Stellenbosch Municipal Land Use Planning By-Law; the Municipality should have considered the matter in terms of Section 123 of the Municipal Ordinance (24 of 1974), which deals with encroachments onto municipal land.

#### 6.1.7 Process taken over by the office of the Executive Mayor

Following discussions between the Executive Mayor and the various Directorates involved in the process to date the Executive Mayor undertook to drive the matter from her office, in an effort to find an amicable solution.

Following a meeting on 20 September 2017 with all affected neighbours (those who encroached onto erf 1771 and those who encroached onto Koloniesland (U.S property), a Notice was send to all of them, agreeing on a **process** of information gathering and providing them an opportunity to make input on specific matters. A copy of the notice, as well as a summary of inputs received are attached as **APPENDIX 15**.

Hereto attached as **APPENDIX 16** various correspondence between the Office of the Executive Mayor and Cluver Markotter, on behalf of his clients.

Council's attention is specifically drawn to paragraph 7-10 of Cluver Markotter's latest letter, which reads as follows (own emphasis):

*"To this end our clients make the following suggestions for consideration by the Municipal Council at its forthcoming meeting.*

***First**, that the Municipal Council **postpone** taking a decision on the matter until after the receipt and consideration of an **up-to-date report on the upgrading of the Millstream corridor**, like the August 1999 report by Chittenden Nicks de Villiers. Ideally, this report should cover the entire length of the corridor from Erf 1771 in the west to Erf 16519 in the east, with possible linkages to the Eerste River in the south (especially if the University of Stellenbosch is permitted to develop the land between the Millstream and the Eerste River to the east of Erf 1771). At the very least, the report should encompass Erf 1771 and deal with the interface and interactions between that part of the corridor, our clients' properties to the north and Koloniesland and the educational properties to the south. The compilation of the report **should include a proper public consultation process**, including individual consultations with the property owners adjoining the Millstream (including the properties to the east of Erf 1771 abutting the Millstream), the Koloniesland Homeowners Association and the University of Stellenbosch, as well as a*

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*public-notice-and-comment process. (In this regard we remind you that the August 1999 report said: “Negotiations will be required with each and every owner in order to establish the most appropriate way forward.”)*

***Second**, when taking a decision, the Municipal Council **should take into consideration the following**: notwithstanding most of our clients’ claims to ownership of the affected parts of Erf 1771 and all of our clients’ significant improvements thereto, **all of them are willing to agree** to a ‘give and take’ solution, the details of which are to be negotiated (preferably after receipt of the report just described).*

***Generally speaking**, what our clients have in mind is the following:*

- *the Municipality and our clients concluding agreements which will entail some or all of our clients **giving up parts of the disputed areas**, if such parts are necessary for the creation of a pleasant and safe pedestrian and cycle corridor along the Millstream;*
- *such agreements will also regulate the use by our clients of the remainder of the disputed areas in a manner which will both secure our clients’ rights and interests (e.g. in the privacy of their homes and amenities close to the Millstream) and be compatible with the creation of **the corridor**, including the matters set out below;*
- ***standardising the fencing** along the boundaries of the corridor (including clear view fencing in places where that is compatible with our clients’ privacy);*
- ***clearing the corridor of vegetation** to create a more open ‘feel’;*
- *establishing **proper pathways**;*
- *erecting **proper signage**;*
- *erecting **security cameras**;*
- *providing for and **regulating access** to the corridor, including from Koloniesland;*
- *providing for the **maintenance of the infrastructure and landscaped areas** in the corridor;*
- *patrolling the corridor and other security arrangements, possibly including the Jonkershoek SRA; and*
- *providing for the **funding of the creation** (upgrading) of the corridor and its ongoing management (the maintenance, security etc). **As part of an overall agreement, our clients are willing to contribute to the funding**”.*

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## 7.2 Discussion

### 7.2.1 Property description

Erf 1771, measuring 5653m<sup>2</sup> in extent is situated in the Mosterts Drift area of Stellenbosch, as indicated in Fig 1 (*supra*).

Ownership of erf 1771 vests with Stellenbosch Municipality by virtue of Title Deed STF8-21/1911.

In terms of a report compiled by Damien Burger (April 2014) the ownership of the Millstream between erf 1771 and the take - off point at the Eersterivier also vests with Stellenbosch Municipality by default, i.e. being unsurveyed state land. This, however, **needs to be confirmed** by an independent study.

In terms of the Stellenbosch Zoning Scheme Regulations the land in question is zoned as **Public Open Space**, however in terms of Land Surveyor's records it does not have the formal status of Public Open Space.

### 7.2.2 Legal Requirements

#### 7.2.2.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take such steps as may, in the opinion of the Council, be necessary to **remove** or **regularize** such encroachment.

Further, in terms of sub-section (2) , a Council may, subject to compliance with section 137, reduce the extent of a public place or public street encroached upon by the extent of the encroachment or by such greater extent as may be desirable.

The issuing of a permit under sub-regulation 2 will be deemed to be a regularisation of the encroachment referred to in such a permit.

Section 137 deals with the **process/procedures** that needs to be followed before closure of a public place or a portion thereof. A Council which desires to act in such a way **must**:-

- (a) **advertise** its intention so to do;
- (b) **serve copies** of such advertisement on the owners of property abutting such land; and
- (c) if any **objections** are lodged, consider same before making a final decision.

In terms of sub-section (4), unless otherwise determined by Council, the **ownership** of such land being closed as a Public Open Space, **continue to vest with the Municipality**.

#### 7.2.2.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal ` property, the following needs to be taken into account, *inter alia*:-

- a) Whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted;
- b) The extent to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;
- c) The (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

### 7.2.3 Options available to Council when making a decision

Before making a final decision, Council should consider the following options

#### 7.2.3.1 Option one (1): *Status quo*

Council could retain the *status quo*, i.e. renew Encroachment Agreements in terms whereof adjacent land owners are allowed to use the current areas. As indicated above, this would have to be subject to the successful closure of those portions of the P.O.S encroached upon, which must involve a public participation process.

#### 7.2.3.2 Option two (2): Removal of encroachments

Adjacent land-owners who encroached onto erf 1771 or other portions of the Millstream, are given a final written notice to remove such encroachments, failing which it could be removed by the Municipality, but at their cost. This may also entail obtaining a court order, ordering the removal of such encroachments.

#### 7.2.3.3 Option three (3): Compromise position

Stellenbosch Municipality and the adjoining land owners, encroaching onto municipal land, may reach a compromise by entering into an Encroachment Agreement along the lines set out in Cluver Markotter's letter dated 19 January 2018. In this regard Council's intention is specifically drawn to the proposals set out in par. 10 of their letter, which reads as follows (own emphasis):

*“Generally speaking, what our clients have in mind is the following:*

- *the Municipality and our clients concluding agreements which will entail some or all of our clients **giving up parts of the disputed areas**, if such parts are necessary for the creation of a pleasant and safe pedestrian and cycle corridor along the Millstream;*
- *such agreements will also regulate the use by our clients of the remainder of the disputed areas in a manner which will both secure our clients' rights and interests (e.g. in the privacy of their homes and amenities close to the Millstream) and be compatible with the creation of **the corridor**, including the matters set out below;*

- 
- *standardising the fencing along the boundaries of the corridor (including clear view fencing in places where that is compatible with our clients' privacy);*
  - *clearing the corridor of vegetation to create a more open 'feel';*
  - *establishing proper pathways;*
  - *erecting proper signage;*
  - *erecting security cameras;*
  - *providing for and regulating access to the corridor, including from Koloniesland;*
  - *providing for the maintenance of the infrastructure and landscaped areas in the corridor;*
  - *patrolling the corridor and other security arrangements, possibly including the Jonkershoek SRA; and*
  - *providing for the funding of the creation (upgrading) of the corridor and its ongoing management (the maintenance, security etc). As part of an overall agreement, our clients are willing to contribute to the funding”.*

These proposals are very much in line with the findings/recommendations of the CNdeV report.

Should Council indeed consider option 3, it will be **subject to the prescribed public participation process** envisaged in Chapter 4 s(16) of the Municipal Systems Act.

This means that Council must first **advertise its intention** to conclude such (compromise) agreements, allowing adjacent land owners and other interested parties to make representations in this regard.

Only after considering such inputs Council could take final decision.

Should Council consider this option, it may also consider the appointment of an independent **specialist** to advise on the new (compromised) position of the fence, taking into account the **practicality** and **aesthetics** of putting up a fence to so close to the stream.

#### 7.2.3.4 Option four (4): Alternative position

The Stellenbosch municipality to commence with a public participation process requesting the public to give their input on the future use of Erf 1771 in particular what the public would like to see with regard to the use. Further to this, that the municipality obtain an legal opinion on its rights and obligations in terms of erf 1771 if and when it is deemed necessary. To this end. Authorise the municipal manager to submit a plan on the best public use and aesthetics and if necessary to appoint a specialist(s) to assist in this regard.

**7.3 Financial Implications**

Depending on the decision Council take, there may be financial implications in the short term, but in all events it should be able to recoup such expenditure from the neighbouring land owners.

**7.4 Legal Implications**

Depending on the action Council decide to take, the legal implications may vary.

**7.5 Staff Implications**

None of the options should have any staff implications.

**7.6 Previous / Relevant Council Resolutions:**

None

**7.7 Risk Implications**

Depending on the action Council decide to take, there might be legal risks involved.

**7.8 Comments from Senior Management:**

None

**ANNEXURES**

**Annexure 1-16 (DISTRIBUTED UNDER SEPARATE COVER)**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	PIET SMIT
<b>POSITION</b>	<b>MANAGER: PROPERTY MANAGEMENT</b>
<b>DIRECTORATE</b>	<b>HUMAN SETTLEMENTS &amp; PROPERTY MANAGEMENT</b>
<b>CONTACT NUMBERS</b>	<b>021-8088189</b>
<b>E-MAIL ADDRESS</b>	<b>PIET.SMIT@STELLENBOSCH.GOV.ZA</b>
<b>REPORT DATE</b>	<b>23-01-2018</b>

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<b>9.</b>	<b>MATTERS FOR NOTIFICATION</b>
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<b>9.1</b>	<b>REPORT BY THE EXECUTIVE MAYOR</b>
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NONE

<b>9.2</b>	<b>REPORT BY THE SPEAKER</b>
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NONE

<b>9.3</b>	<b>REPORT BY THE MUNICIPAL MANAGER</b>
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NONE