



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-08-17

## NOTICE OF THE 19<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2018-08-22 AT 10:00

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

<b>COUNCILLORS</b>	F Adams	MC Johnson
	FJ Badenhorst	DD Joubert
	GN Bakubaku-Vos (Ms)	NS Louw
	FT Bangani-Menziwa (Ms)	N Mananga-Gugushe (Ms)
	PW Biscombe	C Manuel
	G Cele (Ms)	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	MM Pietersen
	AR Frazenburg	WF Pietersen
	E Fredericks (Ms)	SR Schäfer
	E Groenewald (Ms)	Ald JP Serdyn (Ms)
	JG Hamilton	N Sinkinya (Ms)
	AJ Hanekom	P Sitshoti (Ms)
	DA Hendrickse	Q Smit
	JK Hendriks	LL Stander
	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 **19<sup>TH</sup> MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2018-08-22** at **10:00** to consider the items on the Agenda.

**SPEAKER**  
**WC PETERSEN (MS)**

**A G E N D A**  
**19<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2018-08-22**  
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5.	STATUTORY MATTERS	(3/4/1/4)
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

**FOR INFORMATION**

# APPENDIX 1

Council Meeting	Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
394114	<p>Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve</p>	2015-10-28	SCHALKV	95.00	<p>Communication between the Office of the Mayor and Mr Schalk van der Merwe on the way forward.</p>
478903	<p>SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC</p>	2016-11-23	ROSCOEB	30.00	<p>Section 78 Process to commence and report will be tabled at council in early 2019.</p>

		<p>RESOLVED (majority vote)</p> <p>(a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and</p> <p>(b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).</p>				
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&amp;DP and the public, for final approval and adoption by Council.</p>	2016-11-23	SALIEMH	85.00	Greencape to provide hours required to complete process, and cost to finalise report. They were requested again on 15 Aug 2018 to do so.
489388	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	<p>7.5.1 IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT</p> <p>5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of the notice of the Minister, be noted;</p>	2017-01-25	PSMIT	90.00	Letter was submitted to Department on 10 April 2018 requesting inputs on the comments received. This letter was followed up by e-mail on 1 June 2018, 11 June and again on 11 July 2018, without any feedback to date

		<p>(b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;</p> <p>(c) that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;</p> <p>(d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and</p> <p>(e) that, following the public participation process, a progress report be submitted to Council to deal with the submissions received as a consequence of the public participation process, whereupon final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
508896	REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES	<p>13.1.1 REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES</p> <p>7TH COUNCIL MEETING: 2017-03-29: ITEM 13.1.1</p> <p>RESOLVED</p> <p>(a) that the completion of the ward committee elections, be noted;</p> <p>(b) that the current Policy and Procedures for Ward Committees be revised taking into consideration, amongst other, the geographical model implemented whereafter same be submitted to Council for consideration;</p> <p>(c) that a deviation from the Policy be allowed only in respect of the co-option of members as stipulated in clause 15(2) and clause 15 (3) of the Policy and as stipulated in recommendations D, i, ii, iii and iv.</p> <p>(d) that the Administration be commissioned to perform the</p>	2017-03-29	NICKYC	80.00	Review of policy in process



		<p>following activities in respect of co-opting members within a ward where vacancies do exist:</p> <p>(i) Advertisements and or pamphlets must be prepared inviting nominations for members to be co-opted to serve on the ward committee representing the applicable geographical area/s.</p> <p>(ii) invitations for nominations per geographical area should also be placed on the municipal website;</p> <p>(iii) that elections be held in those wards where more than one nomination for a vacancy/ies within the ward was received; and</p> <p>(iv) that this process of co-option be finalised by end of May 2017 whereafter a report in this regard be submitted to Council.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; DA Hendrickse and LK Horsband.</p> <p>(ACTING DIR: STRAT &amp; CORP TO ACTION)</p>				
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a "heritage portfolio" that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the</p>	2017-04-26	BERNABYB	30.00	Property Management obtained the necessary Valuations. Awaiting formal interaction with Property Management.

		<p>heritage portfolio;</p> <p>(b) that the Rhenish complex including Vorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>				
514994	Stellenbosch Municipality: Extension of Burial Space	7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE  8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2	2017-04-26	BERNABYB	60.00	EIA proceeding on 2 sites, Louw's Bos and Culcatta Bos. Application to DEADP for Environmental Authorization by September 2018.

		<p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p> <p>(DIRECTOR: PLANNING &amp; ECON DEV TO ACTION)</p>				
532470	7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)	<p>7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)</p> <p>COUNCIL MEETING: 2017-07-26: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the property in question be identified as property not needed/required for the municipality's own use;</p> <p>(b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;</p> <p>(c) that the minimum lease be determined at 20% of market</p>	2017-07-26	PSMIT	95.00	One tender was received on the closing date. An evaluation report has since been submitted to SCM. Await BAC decision, where after item will be submitted to Council to make a final decision

		<p>value (to be determined by an independent valuer); and</p> <p>(d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
539732	Street People Policy	<p>7.1.2 STREET PEOPLE POLICY</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approve the draft policy on Street People (as amended) in principle to provide a framework for the Department Community Development to start consultation with civil society on a collaborative approach to dealing with people living on the street;</p> <p>(b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and</p> <p>(c) that all inputs and comments received from the public participation- and consultation process be first considered by Council before a final decision is made on the approval of the Street People Policy for implementation.</p> <p>(DIRECTOR: PLAN &amp; ECON DEV TO ACTION)</p>	2017-08-30	MICHELLEB	15.00	<p>Comment in local newspaper (14-06-2018) indicated that the municipality will host a summit with interested parties in future. Talks to plan and host started with stakeholders. Budget provision for public awareness campaign was also made on the budget and procurement plan.</p>
540661	<p>FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON DRAFT VERSION 11 OF THE INTERGRATED ZONING SCHEME BY-LAW FOR</p>	<p>8.10 FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council authorises the Municipal Manager to:</p>	2017-08-30	HEDRED	94.00	<p>Service Provider was appointed in June 2018 to finalise the technical review of all the comments received on the second round of public participation. It is foreseen that the review will be finished by the end of August 2018 to be submitted to Council in September 2018.</p>

	STELLENBOSCH MUNICIPALITY (WCO24)	<p>(i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and</p> <p>(ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and</p> <p>(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.</p> <p>(DIRECTOR: PLANNING &amp; ECON DEV TO ACTION)</p>				
543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	SILVIAP	90.00	JPCEW was appointed to review the work of the previous service provider, update and submit final report which will serve at Council.
543945	IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU) - 9/2/1/1/1/3	<p>7.3.2 IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.3.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;</p>	2017-09-27	WIDMARKM	95.00	Awaiting draft MOU from National Department of Rural Development and Land Reform.

		<p>(b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:</p> <ul style="list-style-type: none"> <li>• Lease portion BH1 of Farm 502, Stellenbosch; and</li> <li>• Lease portion BH2 of Farm 502 Stellenbosch.</li> </ul> <p>(c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and</p> <p>(d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>Councillor F Adams requested that it be minuted that he supports the item with reservations.</p> <p>(DIRECTOR: PLAN &amp; ECON DEV TO ACTION)</p>				
543966	PARKING UPGRADE REPORT	<p>7.6.1 PARKING UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;</p> <p>(b) that parking service delivery increase be based on the</p>	2017-09-27	SILVIAP	25.00	In process of appointing consultant to drive Section 78 & further process depending on choice made by council on 28 November 2018.

		<p>towns of:</p> <ul style="list-style-type: none"> <li>i) Stellenbosch</li> <li>ii) Klapmuts, and</li> <li>iii) Franschhoek; and</li> </ul> <p>(c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
544452	FUTURE OF THE EX-KLEINE LIBERTAS THEATRE	<p>7.5.2 FUTURE OF THE EX-KLEINE LIBERTAS THEATRE</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>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.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p> <p>(DIRECTOR: HUMAN SETTLEMENT TO ACTION)</p>	2017-09-27	PSMIT	10.00	As per the instruction of the Executive Mayor, following a discussion on the updated plans, a new plan must be drawn up. Seeing that this is outside the ambit of the current appointment (architect), a new TOR/Specifications was compiled, for submission to SCM, with the view of appointing a new Team (Architect, QS and Structural Engineer)
546882	Motion WC Petersen - Proposed development of erven 412 and 284, Groendal, Franschhoek	<p>10.2 MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</p> <p>12TH COUNCIL MEETING: 2017-09-27: ITEM 10.2</p> <p>The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to the vote, yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>that an item be prepared for Council's consideration</p>	2017-09-27	PSMIT	10.00	A meeting was scheduled between Councillor Petersen and the Manager New Housing to ascertain what kind of subsidies, if any would be payable on a project of this nature. Once this information is available a report will be submitted to Council.

		regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.  (OFFICE OF THE MM TO ACTION)				
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI	7.5.2 DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI  14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.2  RESOLVED (majority vote with abstentions)  (a) that the block approach/method be implemented in Zone O (upper part next to Thubelisha) to effectively address the provision of new housing opportunities i.e. servicing of sites and construction of high density residential units;  (b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units once (a) has been achieved and if there is any space available;  (c) that, within the block approach non-qualifiers that earn R3 501 to R7 000 per month be allocated serviced sites in accordance with the Finance Linked Individual Subsidy Programme (FLISP);  (d) that, within the block approach non-qualifiers (as prescribed by housing policy guidelines) that earn between R7 001 to R15 000 per month be allocated a serviced site at a cost equal to the amount as approved by Provincial Department of Human Settlement (PDoHS) for a serviced site in the project (Watergang Phase 2, Kayamandi);  (e) that ±40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units to enable the Municipality to implement the erf 2175 pilot project (i.e. electrification, sanitation, water);  (f) that Temporary Relocation Area 1 residents who were not allocated units in 2005, that does not qualify for a housing subsidy also be allocated sites (±20 beneficiaries);  (g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing	2017-11-29	TABISOM	50.00	High level engagement with affected beneficiaries took place on 31 July 2018 whereby the community agreed that the projects should continue. Further public engagement will take place on 20 August 2018 and the administration is putting in place all the necessary actions for the contractors to commence with construction.



		<p>opportunities;</p> <p>(h) that 10% of the Temporary Relocation Areas be reserved for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP);</p> <p>(i) that once the above process has been completed and should plots still be available in the Temporary Relocation Areas (TRA), beneficiaries are identified from Zone N that can be allocated sites in the TRA (only from the group that was placed there by the Municipality); and</p> <p>(j) that the parking requirements be amended from one (1) parking per housing unit to 0,6 average per housing unit.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
559587	<p>VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD</p>	<p>7.5.3 VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.3</p> <p>Cllr DA Hendrickse requested that it be minuted that, in his view, these recommendations are illegal.</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Municipal Manager be mandated to conclude an agreement(s) with the new owner of Longlands regarding the development of the envisaged low-income housing project, either by way of a new Deed of Donation or by way of a Ceding Agreement(s); and</p> <p>(b) that the Municipal Manager be mandated to conclude agreements with the owner(s) of Remainder Farm 387 (Vredenheim) and Portion 2 of Farm 1307 (Ash Farmers) with the view of securing an access servitude(s) or the purchase/exchange of land for this purpose and/or land for additional housing.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>	2017-11-29	TABISOM	20	<p>A signed offer to Purchase/exchange of land agreement was submitted to the July 2018 Council Meeting to authorise the proposed transaction, but was withdrawn. At the instruction of the Municipal Manager, a new Offer to Purchase(direct purchase) has been submitted to the owners of Vredenheim Await their feedback(they have time until end of August to react.</p>

559589	APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES	<p>7.6.2 APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that the attached Draft Electrical Services By-law (2017) be approved and adopted by Council as the final Electrical Services By-Law;</p> <p>(c) that the Draft Electrical Services By-Law (2017), attached as Annexure A, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;</p> <p>(d) that the By-Law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and</p> <p>(e) that the proposed set of Admission of Guilt Fines (Attached as Annexure B) be accepted as the fines to be sought from the Chief Magistrate for this By-Law.</p> <p>(DIR: ENGINEERING SERVICES TO ACTION)</p>	2017-11-29	SILVIAP	98.00	Charging transgressors via the Municipal Court Prosecutor during the absence of spot fines.
559598	PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM	<p>7.6.4 PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.4</p> <p>After two warnings during deliberations on the matter, the Speaker ordered Cllr F Adams to leave the Council Chamber (at 14:20) for violating Rule 27 of the Rules of Order By-law.</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council takes note of the Operational Business Plan for the proposed Integrated Public Transport Service Network (IPTN) as recommended in the Comprehensive Integrated Transport Program;</p> <p>(b) that the recommendations of the Integrated Public</p>	2017-11-29	SILVIAP	50.00	Sustainable transport program not yet finalized. Following the roll out of NMT Infrastructure, the Municipality intends to promote a scheduled system through the PSTP that is in line with ITPN business Plan

		<p>Transport Service Network (IPTN) not be adopted at this stage, but that Council wait for the findings of the Provincial Sustainable Transport Program before any public transport system is implemented; and</p> <p>(c) that Council takes note of the progress made with the Provincial Sustainable Transport Program (PSTP).</p> <p>(DIR: ENGINEERING SERVICES TO ACTION)</p>				
559624	<p>STELLENBOSCH MUNICIPALITY PROBLEM PROPERTIES DRAFT BY- LAW, AUGUST 2017</p>	<p>8.3.3 STELLENBOSCH MUNICIPALITY PROBLEM PROPERTIES DRAFT BY-LAW, AUGUST 2017</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 8.3.3</p> <p>RESOLVED (nem con)</p> <p>(a) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be approved, in principle;</p> <p>(b) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be advertised for public comment for 90 days where after same be resubmitted to Council for final consideration and subsequent approval; and</p> <p>(c) that the reference to the properties referred to in the agenda item under point 4 be removed from the item.</p> <p>(DIR: PLANNING &amp; ECON DEV TO ACTION)</p>	2017-11-29	HEDRED	70.00	<p>The draft By-law has been published for public comment until the middle of August 2018.</p>
559653	<p>KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS</p>	<p>8.3.2 KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 8.3.2</p> <p>RESOLVED (majority vote)</p> <p>that the Municipal Manager be authorised to investigate / negotiate the acquisition of land, which may include land swaps, land purchase and /or the early termination of lease agreements on Council-owned property in the area (lease areas), to be approved by Council before implementation.</p>	2017-11-29	TABISOM	10.00	<p>Engagements have started with the owner of land abutting Kayamandi. Notices for the cancellation of Lease Agreements (75Ha in total) have been served on the Lessee.</p> <p>Valuers have been appointed and a report have been submitted to the MM and Mayor.</p> <p>At the instruction of the Executive Mayor, follow-up meetings took place to discuss alternative land options with the owner of</p>

		(DIR: HUMAN SETTLEMENTS TO ACTION)				Watergang, i.e. on the basis of a possible exchange of land transaction .These proposals were submitted to the MM. Await further instructions.
559971	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO F	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO FACILITATE THE DELIVERY OF STATE SUBSIDIZED HOUSING UNITS, SERVICED SITES FOR AFFORDABLE HOUSING UNITS, GAP HOUSING UNITS AND HIGH INCOME HOUSING UNITS</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the land parcels listed in paragraph 1.(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and</p> <p>(b) that the Municipal Manager be authorized to initiate a Call for Proposals process with minimum requirements as determined through preliminary investigations to be completed by the administration.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>	2017-11-29	TABISOM	50.00	The Call for Proposal was advertised on 24 July 2018 and a compulsory clarification meeting was held on 15 August 2018. The bid closes on 28 September 2018.
568279	QUO VADIS: MILLSTREAM CORRIDOR	<p>12.1 QUO VADIS: MILLSTREAM CORRIDOR</p> <p>15TH COUNCIL MEETING: 2018-01-24: ITEM 12.1</p> <p>The Municipal Manager submitted an Urgent matter, Millstream Corridor to Council as provided for in Council's Rules of Order By-Law. Councillor MB De Wet disclosed an interest in the matter and requested to be recused for the duration of the discussion. The Speaker allowed the Executive Mayor to put the matter. Cllr F Adams objected to the urgency of the matter and requested that this matter stands over to allow Councillors an opportunity to peruse the document handed out in the meeting.</p> <p>RESOLVED (nem con)</p>	2018-01-24	TABISOM	20.00	A notice was published, inviting public inputs The Municipal Manager has subsequently decided to appoint a consultant to advice on the future use of the Millstream, taken into account the written inputs received, following the public notice .A T.O.R. was subsequently compiled for the appointment of the consultant.

		that this matter stand over until a next meeting of Council.  (DIR: HUMAN SETTLEMENTS TO ACTION)				
582817	PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU	7.6.3 PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU  16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.3  RESOLVED (nem con)  (a) that this report be noted;  (b) that the Final MOU be accepted;  (c) that the Municipal Manager be authorised to sign the MOU on behalf of the Municipality;  (d) that the amount of R16 236 253 for the purchase of the Pniel/Hollandsche Molen Electricity Network from Drakenstein be considered at the setting up of the 2018/2019 Capital Budget;  (e) that an application be forwarded to NERSA to incorporate the Pniel/Hollandsche Molen Electricity Network into the license of Stellenbosch Municipality; and  (f) that an application be forwarded to Drakenstein Municipality to supply bulk electricity to the Pniel/Hollandsche Molen upon a successful response from NERSA and the appropriate capital amount be placed on the 2018/2019 capital budget.	2018-03-28	DLOUW	98.00	NERSA has requested Drakenstein Municipality submits a letter within which they state that they have no objection that their license area be altered. A letter has been received from Drakenstein. NERSA also requested that a consumer impact analyses be conducted on all consumers being taken over. Our tariff consultant is in the process of submitting this report.
582818	SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE	7.6.1 SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE  16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.1  RESOLVED (nem con)  (a) that this report be noted;	2018-03-28	DLOUW	50.00	Discussions with Eskom initiated. Scope of Works requested from Eskom in order to appoint Consultant to do EIA process. A number of discussions have been held with ESKOM, DEADP and Dept of Local Government of Western Cape Government

		<p>(b) that Council notes the report on the Devon Valley Solid Waste Landfill site and the plans to expand this site through the request to Eskom to move high voltage circuitry in order to open space for the expansion of the current Landfill site;</p> <p>(c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of expanding the current landfill site have been satisfactorily attended to;</p> <p>(d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to continue with the planning and implementation of the internal mechanism of expanding the current landfill site to the area south west of the current site;</p> <p>(e) that the Director: Infrastructure Services be tasked to negotiate a process of moving the Eskom 66kV lines to a position away from the current landfill site and expansion site thereof;</p> <p>(f) that any Town Planning-, Environmental-, licensing and any other legislative requirement be adhered to; and</p> <p>(g) that a report indicating accurate costing, licensing and other related matters be submitted to Council once they are known, at which time Council will consider a final approval of the expansion of this landfill site.</p>				
582819	KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT	<p>7.5.3 KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.5.3</p> <p>RESOLVED (nem con)</p> <p>(a) that the recommendations of the feasibility report be implemented with regard to the:</p> <ul style="list-style-type: none"> <li>• detailed planning and land use rights;</li> <li>• detailed engineering designs;</li> <li>• installation of civil and electrical engineering;</li> <li>• high density residential development layout; and</li> </ul> <p>(b) that funding be sourced from the Provincial Department of Human Settlements (PDoHS) to implement the project.</p>	2018-03-28	TABISOM	30.00	<p>a) The SCM processes are being followed in implement the recommendations in the feasibility report; and</p> <p>b) A request for funding has been referred to PDoHS and will be discussed during the monthly technical engagement to be held on 16 August 2018.</p>

582876	<p>PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT</p>	<p>7.5.1 PROPOSED EXCHANGE OF LAND A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT PROJECT</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.5.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the portion of land, indicated as Portion A on Fig 4, measuring ± 5560m<sup>2</sup>, being a portion of Farm 183, be identified as land not needed to provide the minimum level of basic municipal service;</p> <p>(b) that Council approves, in principle, the exchange of Portion A for a portion of Farm 183/17, indicated as Portion B on Fig 4, measuring ±5560m<sup>2</sup>, in order to meet the requirements of the Provincial Roads Engineer, i.e. that the Devon Valley Road be aligned as to ensure an intersection with the current access road to Distell, on condition that:-</p> <p>(i) the Developer be responsible for all associated costs, such as the rezoning and subdivision, transfer cost, etc.; and</p> <p>(ii) Portion A be consolidated with Farm 183/57</p> <p>(c) that seeing that a public competitive process is not being followed, Council's intention to enter into an exchange of land agreement, be advertised for public comments/inputs;</p> <p>(d) that, in the meantime, a valuer be appointed to determine the fair market value of the two portions of land; and</p> <p>(e) that, following the public participation process, the matter be considered by Council.</p>	2018-03-28	TABISOM	20.00	<p>A notice was published, inviting public inputs The Municipal Manager has subsequently decided to appoint a consultant to advice on the future use of the Millstream, taken into account the written inputs received, following the public notice .A T.O.R. was subsequently compiled for the appointment of the consultant.</p> <p>An advert was placed in the local newspaper for public input. The Department is in the process of appointing a valuer. An item will serve before the next Council meeting to consider public inputs.</p>
594378	<p>AUTHORISATION: PUBLIC TENDER PROCESS: ERVEN 2498 AND 2499 ANIMAL HOSPITAL</p>	<p>7.5.2 AUTHORISATION: PUBLIC TENDER PROCESS: ERVEN 2498 AND 2499</p> <p>17TH COUNCIL MEETING: 2018-05-23: ITEM 7.5.2</p> <p>During debate on the matter, the Speaker requested that the</p>	2018-05-23	TABISOM	20%	<p>A notice was published, inviting public comment/objections Following the publishing of the notice a complaint was submitted to the MM regarding the wording of the notice. The MM subsequently gave instructions that a</p>

		<p>word "unless" be rectified, as put by the Administration at the end of the sentence in (b) on top of page 126 on Vol 1, and that it should read as follows:</p> <p>(a) .....; and</p> <p>(b) that, following the in principle decision in terms of (a), a competitive process in terms of the SCM Policy must then be followed,</p> <p>(c) unless the Executive Mayor is of the opinion that a public competition would not serve a useful purpose.</p> <p>After two warnings during deliberations on the matter, the Speaker ordered Councillor F Adams to leave the Chamber (at 12:45) for violating Rule 28 of the Rules of Order By-Law.</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council, in principle, dispense with the prescribed competitive process;</p> <p>(b) that Council approve, in principle, to enter into an agreement for a period of 5 years at a minimum rental of R 19 720/month, with an annual escalation of 6%;</p> <p>(c) that Council's intention be advertised, calling for public comments/counter proposals;</p> <p>(d) that the matter be re-submitted to Council for a final decision after the public participation process; and</p> <p>(e) that Council do not need property for its own use in line with Section 14 of the MFMA.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).</p>			<p>further notice be published .An amendment notice has been prepared and will be published</p>
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594379	PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP	<p>7.5.1 PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP</p> <p>17TH COUNCIL MEETING: 2018-05-23: ITEM 7.5.1</p> <p>Ms A De Beer acted as Municipal Manager for the duration of this matter in the absence of the Municipal Manager, Ms G Mettler.</p> <p>RESOLVED (majority vote)</p> <p>(a) that Erf 52 be identified as a property that is not required for the municipality's own use during the period of the extended lease period;</p> <p>(b) that Council in principle approves the extension of the lease for a period of 5 years;</p> <p>(c) that the matter does not go out on tender, but be published for objections or alternative proposals; and</p> <p>(d) that the fair market value be determined before it is brought back to Council for final resolution after the public participation process.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; GN-Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); N Mananga-Gugushe (Ms); MD Oliphant; RS Nalumango (Ms); N Sinkinya (Ms) and P Sitshoti (Ms).</p>	2018-05-23	TABISOM	20%	A notice was published, inviting public comment/objections Following the publishing of the notice a complaint was submitted to the MM regarding the wording of the notice. The MM subsequently gave instructions that a further notice be published .An amendment notice has been prepared and will be published
601650	THE AWARDDING OF RIGHTS TO THE LOCAL ECONOMIC HUBS	<p>7.3.1 THE AWARDDING OF RIGHTS TO THE LOCAL ECONOMIC DEVELOPMENT HUBS</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.3.1</p> <p>RESLOVED (majority vote)</p>	2018-07-25	TABISOM	20,00	The LED Department is in the process of putting together Lease Agreements for signing with the successful bidders.

		<p>(a) that Council adopts the recommendation to award the leases of the Local Economic Development Hubs to the entities that scored the highest points for each property, as follows: Property Applicant</p> <ol style="list-style-type: none"> <li>1. The Old Clinic Building (Erven 6487 &amp; 6488) Ranyaka</li> <li>2. Triangle Building (Erf 228) Hugenote Fine Chocolates</li> <li>3. Mooiwater Building (Erf 2253) ABC Empowerment (Profiles attached Appendix 2)</li> </ol> <p>(b) that once Council approves and awards the leasing rights to the highest scoring applicant, the Director Corporate Services be mandated to draft and sign lease agreements with the successful applicants;</p> <p>(c) that the contract must make provision for termination on non-performance in terms of the agreement;</p> <p>(d) that the contract be awarded for a period of 9 years and 11 months; and</p> <p>(e ) that the awarding of rights of the Old Agricultural Hall to the Stellenbosch Craft Alive and Stellenbosch Trail Fund be awarded, conditional to the settlement of the outstanding legal dispute.</p> <p>Councillor F Adams requested that it be minuted that he supports the item, with reservations.</p>				
601657	<p>NE INDUSTRIES (PTY) LTD – APPLICATION FOR COURT TO RE-REGISTER THE COMPANY AND TO DECLARE ITS PROPERTY, ERF 66 KAYAMANDI, AS NO LONGER BEING BONA VACANTIA.</p>	<p>7.4.1 NE INDUSTRIES (PTY) LTD – APPLICATION FOR COURT TO RE-REGISTER THE COMPANY AND TO DECLARE ITS PROPERTY, ERF 66 KAYAMANDI, AS NO LONGER BEING BONA VACANTIA</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.4.1</p> <p>RESOLVED (majority vote)</p> <p>that Council approves the institution of a court application to:</p> <p>(i) Reinstate NE Industries (Pty) Ltd in terms of Section 83(4) of the Companies Act;</p>	2018-07-25	MARIUSW	30.00	In process.

		<p>(ii) Declare the immovable property more fully described as Erf 66, Kayamandi, Stellenbosch, to be no longer bona vacantia;</p> <p>(iii) Request judgment to the amount of the outstanding debt of at least R3 495 258.64; and</p> <p>(iv) Declare the immovable property described as Erf 66, Kayamandi, Stellenbosch especially executable.</p>				
601659	<p>PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD</p>	<p>7.5.2 PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>that this item be withdrawn for further refinement.</p>	2018-07-25	TABISOM	20.00	<p>Following the withdrawal of the item, instructions were given to the Manager: Property Management to submit a new Offer to Purchase(direct purchase) to the owners of Vriedenheim. Such an offer was send to them, and we await feedback from them.</p>
601661	<p>PROPOSED CEEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION</p>	<p>7.5.3 PROPOSED CEEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.3</p> <p>RESOLVED (nem con)</p> <p>that this item be withdrawn for further refinement.</p>	2018-07-25	TABISOM	10.00	<p>Await further instructions.</p>
601662	<p>RESERVIST POLICY</p>	<p>7.8.1 RESERVIST POLICY</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.8.1</p> <p>RESOLVED (majority vote)</p> <p>that the draft Reservist Policy be supported and same be re-submitted to Council for adoption.</p>	2018-07-25	GERALDE	50.00	<p>Policy in process of rolling out the practical implication of the policy.</p>

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

7.2	<b>CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))</b>
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7.2.1	<b>POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH</b>
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Collaborator No: 600950  
IDP KPA Ref No:  
Meeting Date: 08 August 2018

**1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF PORTION 15 OF FARM 292 (NOW KNOWN AS ERF 16489), STELLENBOSCH**

**2. PURPOSE**

To obtain Council's approval for the possible disposal of a portion of Portion 15 of Farm 292, Stellenbosch, for educational purposes.

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

The Municipal Council must decide on the disposal of Municipal Land in terms of the Asset Transfer Regulations.

**4. EXECUTIVE SUMMARY**

Rhenish Girls High School is utilising a portion of Portion 15 of Farm 292 (Public Street) for a hockey field in terms of a Lease Agreement. The Provincial Department of Transport and Public Works has now requested that the subject property be transferred to them for educational purposes.

**5. RECOMMENDATIONS**

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m<sup>2</sup>, as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;

- 
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:
- i) that the property only be used for educational purposes;
  - ii) that the Provincial Government of the Western Cape be responsible for the closing of the public road and rezoning to educational purposes, and for the subdivision of the land at their cost;
  - iii) that the area as depicted on **APPENDIX E** as parking area, be developed as a public parking area;
  - iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
  - v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape be advertised for public comment/inputs;
- (d) that, should any objections be received as a consequence of such notice, same be considered by Council before making a final decision; and
- (e) that, should no objection be received as a consequence of the notice, the Municipal Manager be authorised to effect the transfer of the property into the name of the Provincial Government of the Western Cape.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

#### 6.1.1 Creation of Portion 15 of Farm 292

During the late 1970's, with the subdivision of the Farm Doornbosch, to enable the development of the Rhenish- and Eikestad schools, Portions 15 and 16 of Farm 292 were created as public road/commercial parking areas. Because of its status as public road the ownership vested with the municipality. The actual transfer to the Municipality took place on 12 December 1979, free of charge.

Although the roads were under construction at the time, the area under consideration was never developed as a parking area, instead it was developed as a hockey field (by the school). Ever since the land is used by the school as a hockey field in terms of a Lease Agreement concluded with the Municipality.

Please find hereto attached as **APPENDIX A** is a copy of a letter dated 12 December 1986, confirming the above.

**6.1.2 Application to acquire a portion of Portion 15 of Farm 292, Stellenbosch**

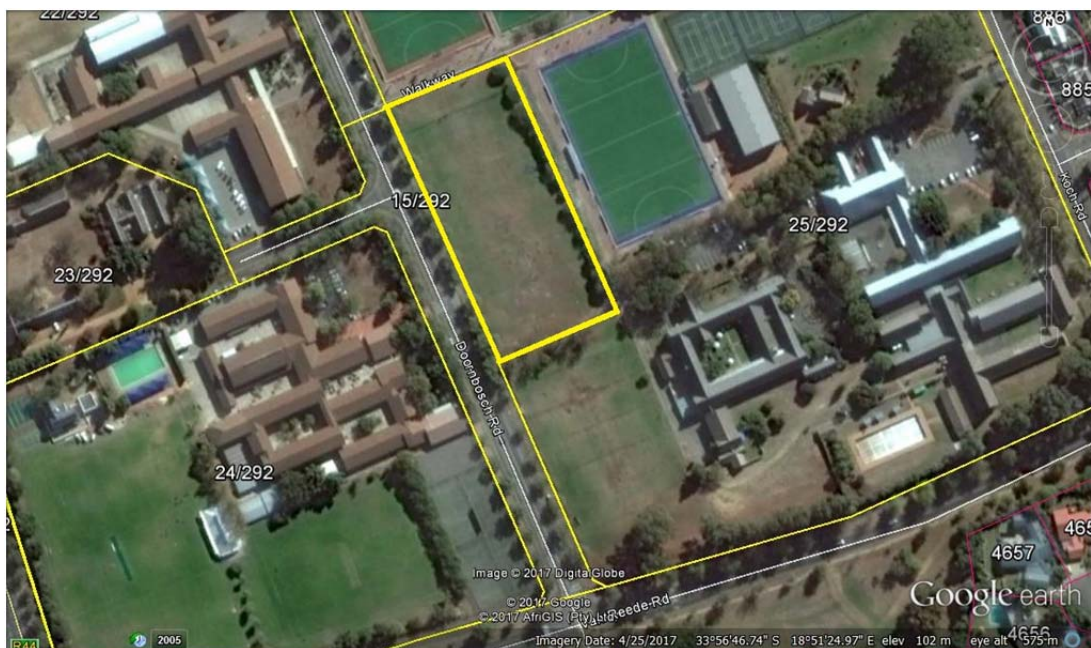
Hereto attached as **APPENDIX B** is a self-explanatory letter received from the Western Cape Government: Immovable Asset Management, in terms whereof they apply to acquire a portion of the land for the purpose of building a swimming pool (Rhenish School). They requested that the land be made available at no cost, as the project will also benefit the broader Community of Stellenbosch.

**6.2 Discussion****6.2.1 Location and context**

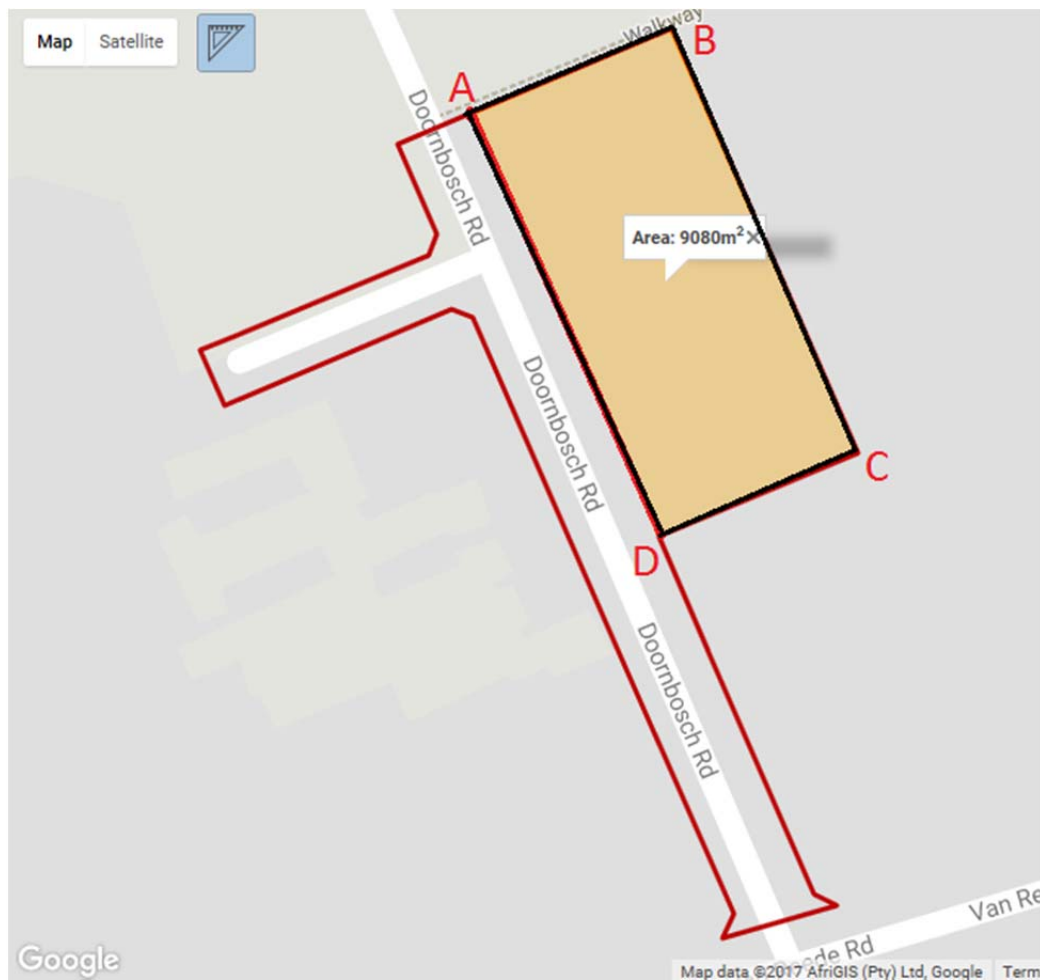
The subject property is situated in Doornbosch Road, as indicated on Fig 1-3, below.



**Fig 1: Location and context**



**Fig 2: Portion 15 of Farm 292**



**Fig 3: Size of property**

### 6.2.2 Ownership

Ownership of Portion 15 of Farm 292 (now erf 16489) measuring 1.7199ha in extent, vests with Stellenbosch Municipality by virtue of its status as public road and in terms of Title Deed T37446/1979. See copy of Windeed printout hereto attached as **APPENDIX C**.

### 6.2.3 Zoning

As indicated above the subject property is zoned as Public Street.

### 6.2.4 Size of property

Although Portion 2 of Farm 292 is 1.7199ha in extent, the subject property (which is currently used as a hockey field) is approximately 9080m<sup>2</sup> in extent. See copy of diagram attached as **APPENDIX D**.

### 6.2.5 Proposed development

Hereto attached as **APPENDIX E** is a lay-out of the proposed development, where provision is made for two swimming pools and an astro hockey field, with ample provision for parking.

---

## 6.2.6 Legal requirements

### 6.2.6.1 MFMA

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

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

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

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

Stellenbosch Municipality's Supply Chain Management Policy, as well as the new Property Management Policy, however, is silent on ways in which assets may be transferred to another organ of state, seeing that the Asset Transfer Regulations sufficiently deals with this kind of transaction.

### 6.2.6.2 Asset Transfer Regulations

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

**Sub-regulation 20 (1) (a) to (f) of the Regulations define the circumstances in which such transfer is exempted.** In terms of sub-regulation 20 (f)(i), section 14 (1) to (5) of the MFMA does **not** apply if a municipality transfer a capital asset to an organ of state in circumstances not provided for under section 20 (a) to (e) , **provided that –**

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

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



---

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

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

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

The property under consideration is part of the street reserve and earmarked for public parking. As such it has no intrinsic value, unless it is rezoned. Should the property be developed as suggested by the Provincial Government, it will be to the benefit of the broader community.

In this particular circumstance it is suggested that the benefits (to the community) outweighs the anticipated loss in income, in which case the provisions of Section 29 (2) (a) would apply, i.e. historical cost be used as a basis of valuation. As indicated above, the property was transferred (vesting transfer) to Stellenbosch Municipality by the Provincial Government, free of charge. For this reason it is recommended that the property be transferred to the Provincial Government of the Western Cape at no cost.

#### **6.2.6.3 Property Management Policy**

As indicated above, the new Property Management Policy is silent on how to deal with land transactions with other organs of state, seeing that the Asset Transfer Regulations sufficiently deals with it.

#### **6.2.6.4 Closing of Public Street**

Should Council indeed decide to dispose of the property, the subject property will have to be closed as a public street, and rezoned at the cost of the Provincial Government.

### **6.3 Financial Implications**

Although Council must dispose of the property at a market-related price it is suggested that it be disposed of at no cost, seeing that it was originally transferred to the Municipality by the Provincial Government free of charge. The future rates and taxes will be paid by the Provincial Department of Education.

### **6.4 Legal Implications**

The recommendations in this report comply with Council's policies and applicable, as set out in paragraph 6.26 (*supra*).

### **6.5 Staff Implications**

This report has no staff implications for the Municipality.

**6.6 Previous / Relevant Council Resolutions**

None

**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**

Support the recommendations contained in the report. We have an MV cable that is running partly in the property. If the property is disposed of, in its current form, a servitude will have to be registered. However, if it will be cut off properly (not include the road as well as keep to the boundary of the court), then it's fine.

**6.8.2 Director: Planning and Economic Development**

No comments received

**6.8.3 Director: Corporate Services (Legal Service)**

The objective is supported in principle, provided that the legal requirements are accommodated in the recommendations.

**ANNEXURES**

- Annexure A: Letter from Department of Public Works
- Annexure B: Letter from Department of Transport and Public Works
- Annexure C: Windeed printout
- Annexure D: LG Diagram 132/79
- Annexure E: Plan Lay-out

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.5.1**

- (a) that the portion of Portion 15 of Farm 292, measuring approximately 9080m<sup>2</sup>, as indicated as ABCD in Fig 3, be identified as land not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the Municipality, as required by regulation 20 (f) (i) of the Asset Transfer Regulations;
- (b) that the property be transferred to the Provincial Government of the Western Cape at no cost, seeing that no compensation was paid (historical cost) when the property was transferred to Stellenbosch Municipality by the Provincial Government (vesting transfer) and taking into account the community benefit (gain) should the property be developed as envisaged, as provided for in regulation 20 (f) (ii) of the Asset Transfer Regulation, subject to the following conditions:
  - (i) that the property only be used for educational purposes;
  - (ii) that the Provincial Government of the Western Cape be responsible for the closing of the public road and rezoning to educational purposes, and for the subdivision of the land at their cost;

- 
- (iii) that the area as depicted on **APPENDIX E** as parking area, be developed as a public parking area;
- (iv) that, should the proposed development require any upgrading to existing bulk infrastructure, that such upgrading be for the account of the Provincial Government, at the then applicable tariffs;
- (v) that no potable water be used to fill or top-up any of the (to be constructed) swimming pools, and that the school must use its existing ground-water source for this purpose.
- (c) that Council's intention to dispose of the property at no charge to the Provincial Government of the Western Cape for educational purposes, be advertised for public comment/inputs/objections; and
- (d) that, any comments/inputs/objections be considered by Council before making a final decision.

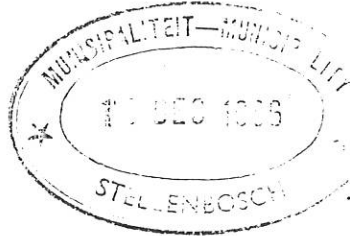
**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Piet Smit</i>
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021-8088189</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.Smit@ Stellenbosch.gov.za">Piet.Smit@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>2018-08-10</i>

# **ANNEXURE A**



Die Stadsklerk  
Posbus 17  
STELLENBOSCH  
7600



TELEKS 522368  
TELEX  
TELEGRAM PROVADMIN  
TELEFOON 202-426  
TELEPHONE  
NAVRAE Mnr Erasmus  
ENQUIRIES  
VERWYSING AC.2/105/5/1  
REFERENCE  
DATUM  
DATE

Meneer

12 DEC 1986

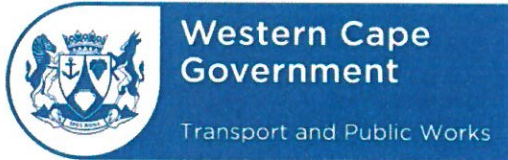
STELLENBOSCH: DOORNBOSCH KOMPLEKS: HOKKIEVELDE

1. Die Administrasie (Onderwystrustees) het etlike jare gelede sekere grond, nou bekend as Gedeeltes 15 en 16 van die plaas Doornbosch nr. 292 gratis aan u Raad afgestaan. Destyds was u verwysing 41/10/6 (sien onder andere u skrywe van 9 Oktober 1978). Die betrokke grond is onder dekking van Transportakte no. 37446 gedateer 12 Desember 1979 aan u Raad oorgedra. Die gedagte was dat die Raad die grond vir openbare paddoeleindes sou gebruik.
2. Die Direkteur: Onderwys het my onlangs versoek om met u Raad te skakel in 'n poging om Gedeeltes 15 en 16 weer vir onderwysdoeleindes te bekom. Die rede vir die versoek is die feit dat die betrokke perseel reeds in 'n hokkieveld ontwikkel is en as sulks deur die skole in die omgewing benut word.
3. In die omstandighede verneem ek graag of u Raad sy weg oopsien om die betrokke grond aan die Administrasie terug te transporteer. Soos u weet het die moontlikheid wat destyds geopper is, naamlik dat die grond wat nou as 'n hokkieveld gebruik word, mettertyd as 'n parkeergebied vir die skolekompleks ontwikkel word, nooit gerealiseer nie.

Die uwe

DIREKTEUR: WERKE  
MSE/EvdM  
03d/001/1809T

# **ANNEXURE B**



Reference Rhenish Girls High School

---

The Municipal Manager  
Stellenbosch Municipality  
17 Plain Street  
STELLENBOSCH  
7599

**For Attention:** Mr. Piet Smit

Dear Mr. Smith

**SUBJECT: ACQUISITION OF PORTION 15 OF ERF 292 STELLENBOCH FOR THE RHENISH GIRLS HIGH SCHOOL**

The subject matter as well as the discussion that took place between the governing body of the Rhenish Girls High School, the Western Cape Education Department and Councillor Ester Groenewald of the Stellenbosch Municipality regarding the transfer Portion 15 of Erf 292 Stellenbosch, now known as Erf 16489 Stellenbosch (the Property) to the Western Cape Government (WCG) for educational purposes, refers.

It was brought the Department's attention that the Rhenish Girls High School are utilising the Property for a period of 37 years by means of a lease agreement with Municipality, and that the school now wishes to acquire the Property in order to construct an aquatic centre on the Property.

Furthermore, the School had been informed that the Municipality will consider transferring the Property "gratis" to the WCG, for the said purpose.

The Department therefore, on behalf of the WCG, herewith make an application to the Stellenbosch Municipality to recommend to Council to give consideration to transfer the Property to the WCG "gratis", as the facility intended to be erected on the Property will also benefit the broader community of Stellenbosch.

As you are aware the WCG is currently faced with tremendous budgetary constraints, and thus your Municipality's favourable consideration in the matter will be highly appreciated.

Upon confirmation of approval by your Municipality for the transfer the Property to the WCG for the purposes as mentioned above, and the conditions thereto, the Department will deal with the acquisition of the Property as per the requirements of the Western Cape Land Administration Act, No. 6 of 1998.

Kind Regards

A handwritten signature in black ink, appearing to be 'S. J. van der Merwe', written over a faint circular stamp.

**DIRECTOR: PROPERTY ACQUISITIONS**

**DATE:** 1 August 2018



# **ANNEXURE C**

## WinDeed Database Deeds Office Property

**windeed**  
A LexisNexis® Product

DOORBOSCH, 292, 15 (CAPE TOWN)

**GENERAL INFORMATION**

Date Requested 2017/11/29 12:02  
Deeds Office CAPE TOWN  
Information Source WINDEED DATABASE  
Reference -

**PROPERTY INFORMATION**

Property Type FARM  
Farm Name DOORBOSCH  
Farm Number 292  
Portion Number 15  
Local Authority STELLENBOSCH MUN  
Registration Division STELLENBOSCH RD  
Province WESTERN CAPE  
Diagram Deed T37446/1979  
Extent 1,7199HA  
Previous Description -  
LPI Code C06700000000029200015

**OWNER INFORMATION****Owner 1 of 1**

Type LOCAL AUTHORITY  
Name MUN STELLENBOSCH  
ID / Reg. Number -  
Title Deed T37446/1979  
Registration Date 1979/12/12  
Purchase Price (R) 0  
Purchase Date -  
Share 0.00  
Microfilm -  
Multiple Properties NO  
Multiple Owners NO

**ENDORSEMENTS (1)**

#	Document	Institution	Amount (R)	Microfilm
1	FARM ST 292/15	-	UNKNOWN	1985 0071 1397

**HISTORIC DOCUMENTS**

No documents to display

**DISCLAIMER**

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# **ANNEXURE D**

	SYE METER	RIGTINGS- HOEKE	KOÖRDINATE		L.G. No.
			Y	X	
		Konstante	+ 10 000,00	+3750000,00	1 3 2 17 3
AB	75,02	247 13 10	A + 3 326,80	+ 7 377,48	Goedgekeur <i>[Signature]</i> Landmeter-generaal 6 -2- 1979
BC	7,01	201 14 20	B + 3 257,63	+ 7 348,43	
CD	29,50	156 15 20	C + 3 255,03	+ 7 341,91	
DE	90,40	247 13 10	D + 3 266,91	+ 7 314,91	
EF	140,00	336 12 30	E + 3 183,56	+ 7 279,91	
FG	65,52	67 13 10	F + 3 127,08	+ 7 408,01	
GH	118,12	336 15 20	G + 3 187,49	+ 7 433,38	
HJ	7,53	295 08 00	H + 3 139,92	+ 7 542,50	
JK	36,23	74 00 40	J + 3 133,10	+ 7 544,70	
KL	7,89	205 08 00	K + 3 167,93	+ 7 554,68	
LM	196,64	156 15 20	L + 3 164,58	+ 7 547,54	
MN	7,13	111 44 20	M + 3 243,76	+ 7 387,54	
NP	75,02	67 13 10	N + 3 250,38	+ 7 364,91	
PA	18,00	156 14 35	P + 3 319,55	+ 7 393,95	
		N33D	⊕ + 3 062,25	+ 6 966,49	
		N35A	⊕ + 2 836,04	+ 7 488,92	

**Beskrywing van Bakens:**

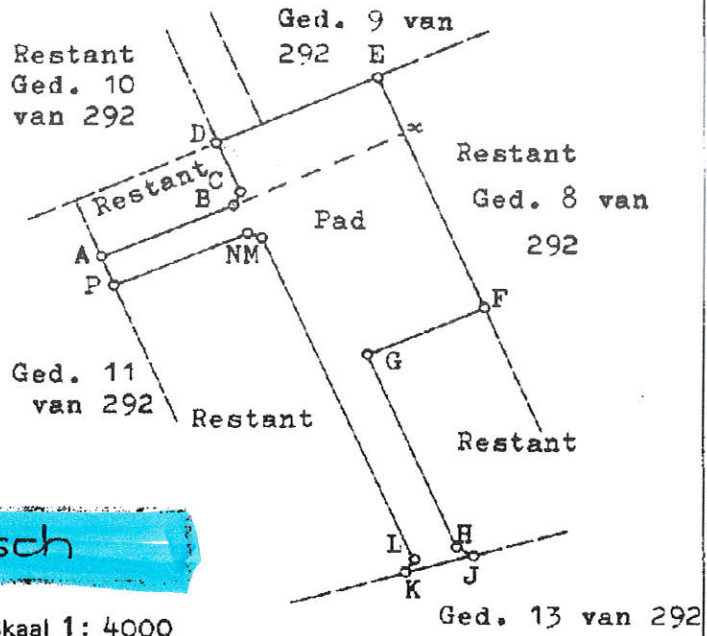
- A, B, C, F, G, H, J, K, L, M, N, P : 16mm ysterpen
- D : 16mm ysterpen in beton
- E : 100mm ysterpyp hoekpaal in beton

BEKENS P, M, N  
V.D. 1632/82

BEKENS A, B, C, D, H, J & P

1879/1983

**ERF 16489 Stellenbosch**



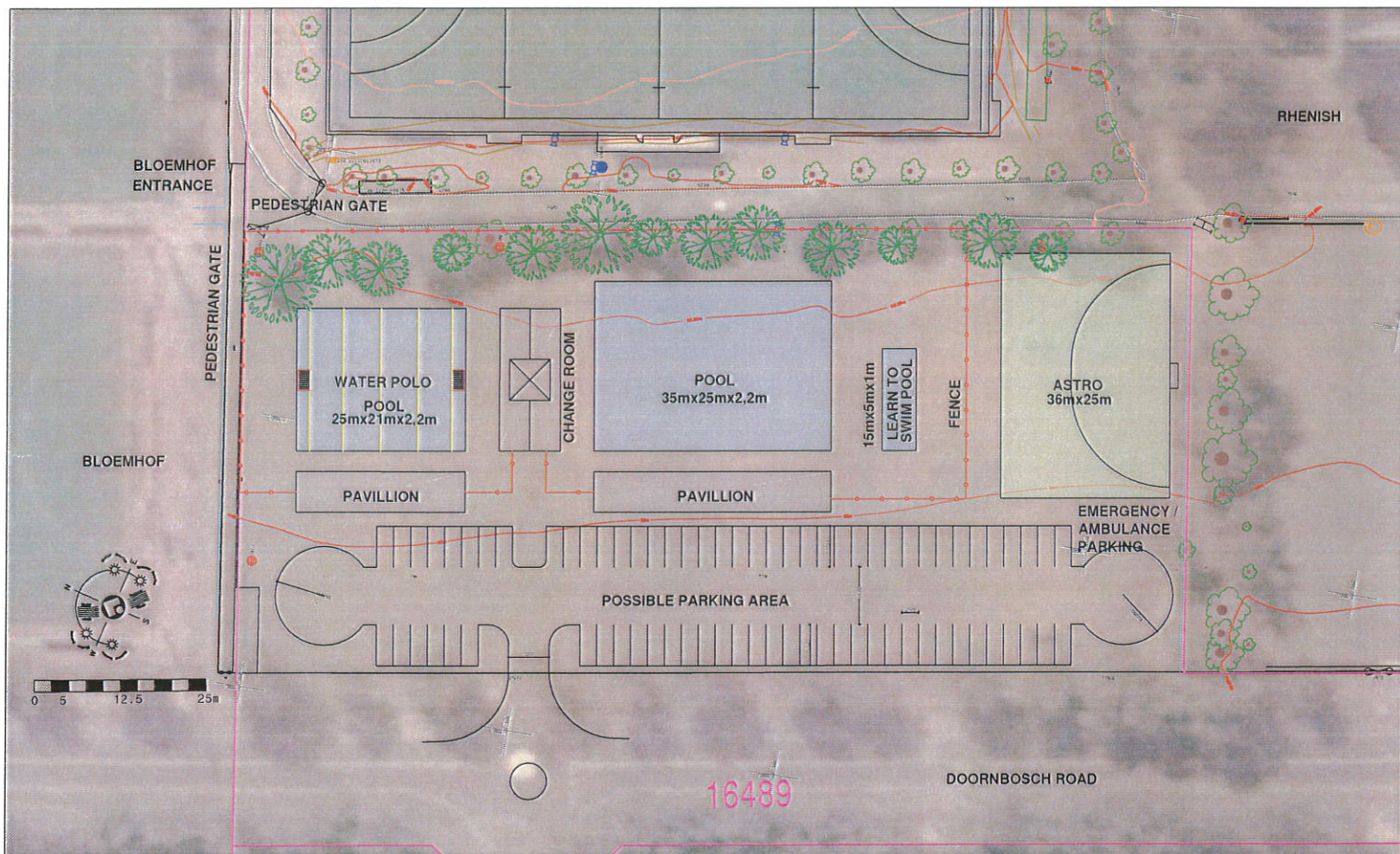
Skaal 1: 4000

Die figuur A B C D E F G H J K L M N P  
stel voor 1,7199 hektaar grond, synde  
\* Gedeelte 15 (n gedeelte van Gedeelte 6) van die plaas  
Doornbosch Nr. 292  
geleë in die Munisipaliteit en Administratiewe Distrik

van Stellenbosch Provinsie Kaap die Goeie Hoop.  
Opgemeet in Desember 1978, Januarie 1979  
deur my. *[Signature]* Landmeter

Hierdie kaart is geheg aan No. <sup>TA</sup> 37446 / 79 gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaart is. No. 2132/53 geheg aan Transport/Grondbrief No. 9584/54 1954.192.9587	Lêer No. STEL. 292 M.S. No. E.66/79 Komp. BH-8DC/V53 (1502) M 2756
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# **ANNEXURE E**



RHENISH GIRLS' HIGH SCHOOL  
PROPOSED SPORT FACILITIES FOR DISCUSSION  
14 DECEMBER 2016 - SCALE 1:500



7.3	<b>ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))</b>
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7.3.1	<b>STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW</b>
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Collaborator No: 600749  
IDP KPA Ref No:  
Meeting Date: 08 August 2018

**1. SUBJECT: STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW**

**2. PURPOSE**

The Stellenbosch Municipality Air Quality By-Law (June 2018) (**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. Following a process of public participation the purpose of this item is to request Council to adopt the attached 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. 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**

The Stellenbosch Municipality Air Quality By-Law (June 2018) 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 need for the proposed By-law (regulatory framework) has been identified in the Air Quality Management Plan (2013) of Stellenbosch Municipality.

---

The Draft Stellenbosch Municipality Air Quality By-Law was advertised in the Eikestad News on the 26<sup>th</sup> of April 2018, inviting written comment by 31 May 2018. In addition hard copies of the above document were made available at the advice centers in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

Apart from requests to provide clarity on some aspects of the above proposed By-law, no comment on the content or proposed amendments to the document was received.

Following the above process of public participation the above document is now brought to Council for adoption as the Stellenbosch Municipality Air Quality By-Law.

## 5. RECOMMENDATION

that Council approves the Draft Stellenbosch Municipality Air Quality By-Law (June 2018) and adopts it as the Stellenbosch Municipality Air Quality By-Law.

## 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 (2013) of 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 16<sup>th</sup> Meeting of the Council of Stellenbosch Municipality (2018-03-28): Item 8.3.3, which resolved (majority vote with abstentions):

- (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.

Subsequent to the above Council resolution the Draft Stellenbosch Municipality Air Quality By-Law was advertised in the Eikestad News on the 26<sup>th</sup> of April 2018, inviting written comment by 31 May 2018. In addition hard copies of the above document were made available at the advice centres in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

Apart from requests to provide clarity on some aspects of the above proposed By-law, no comment on the content or proposed amendments to the document was received.



**6.2 Discussion**

The Stellenbosch Municipality Air Quality By-Law (June 2018) 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 others, 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
  - Control of dust
- Pesticide Spraying Emissions

**6.3. Financial Implications**

Other than fees associated with the proclamation of the proposed By-law the recommendation will have no financial implications to Council.

The appointed Air Quality- / Noise Control Officer will be responsible for the execution of the By-law.

**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 for the Municipality. The appointed Air Quality- / Noise Control Officer will be responsible for execution of the policy on adoption thereof.

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**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)

- (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.

**16<sup>TH</sup> Meeting of the Council of Stellenbosch Municipality (2018-03-28), Item 8.3.3**

RESOLVED (majority vote with abstentions)

- (a) that Council approves the advertisement of the Draft Stellenbosch Municipality Air Quality By-Law (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 By-Law to be presented to Council for approval.

Draft Stellenbosch Municipality Air Quality By-Law (June 2017) was advertised in the Eikestad News on the 26<sup>th</sup> of April 2018 inviting written comment by 31 May 2018. In addition hard copies of the above document were made available at the advice centers in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

Apart from requests to provide clarity on some aspects of the above proposed By-law, no comment on the content or proposed amendments to the document was received.

**6.7 Risk Implications**

This report has no risk implications for the Municipality.

**6.8 Comments from Senior Management**

This Item was circulated to all directorates on 10 July 2018 for comment by 20 July 2018.

**6.8.1 Director: Infrastructure Services**

Replied via e-mail on 20 July 2018 indicating that the Directorate has no comment.

**6.8.2 Director: Planning and Economic Development**

No comment received.

**6.8.3 Director: Community and Protection Services**

No comment received.

**6.8.4 Director: Strategic and Corporate Services**

No comment received.

**6.8.5 Director Human Settlements and Property Management**

No comment received.

**6.8.6 Chief Financial Officer**

No comment received.

**6.8.7 Municipal Manager**

Approval of the By-law is recommended.

**ANNEXURES**

**Annexure A:** Draft Stellenbosch Municipality Air Quality By-Law (June 2018)

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.3.1**

that Council approves the Draft Stellenbosch Municipality Air Quality By-Law (June 2018) and adopts it as the Stellenbosch Municipality Air Quality By-Law.

**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>
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<b>REPORT DATE</b>	<b>08 August 2018</b>

# **ANNEXURE A**

**STELLENBOSCH MUNICIPALITY**

**AIR QUALITY BY-LAW**

Draft June 2018

Stellenbosch Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, hereby enacts as follows:

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## 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 or the generation of energy;

**“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.

<b>7.3.2</b>	<b>STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY</b>
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**Collaborator No:** 600752  
**IDP KPA Ref No:**  
**Meeting Date:** 08 August 2018

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

**2. PURPOSE**

The Stellenbosch Municipality Noise Control Policy (July 2018) (**ANNEXURE A**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 has been prepared. Following a process of public participation the purpose of this item is to request Council to adopt the attached 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**

The Stellenbosch Municipality Noise Control Policy (July 2018) 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. RECOMMENDATION**

that Council approves the Draft Stellenbosch Municipality Noise Control Policy (July 2018) and adopts it as the Stellenbosch Municipality Noise Control Policy.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

An item in this regard was submitted to the Council of Stellenbosch Municipality during the 16<sup>th</sup> Meeting of Council, 2018-03-28, which resolved:

- (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.



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Apart from requests to provide clarity on some aspects of the above proposed policy no comment on the content or proposed amendments to the document was received.

## 6.2 Discussion

The Stellenbosch Municipality Noise Control Policy (July 2018) has been prepared to regulate the internal implementation of the Provincial Noise Control Regulations PN 200/2013.

The above draft policy deals with, among others, 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 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 are no direct financial implications should the recommendation as set out in the report be accepted.

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.

## 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.

## 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.

**16<sup>th</sup> Meeting of the Council of Stellenbosch Municipality (2018/03/28), Item 7.3.1**

RESOLVED (majority vote with abstention)

- (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.

**6.7 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. 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 the above, 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**

This Item was circulated to all directorates on 11 July 2018 for comment by 24 July 2018.

**6.8.1 Director: Infrastructure Services**

Replied via e-mail on 20 July 2018, indicating that the Directorate has no comment.

**6.8.2 Director: Planning and Economic Development**

No comment received.

**6.8.3 Director: Community and Protection Services**

No comment received.

**6.8.4 Director: Strategic and Corporate Services**

No comment received.

**6.8.5 Director Human Settlements and Property Management**

No comment received.

**6.8.6 Chief Financial Officer**

No comment received.

**6.8.7 Municipal Manager**

Noise control is a local government mandate and the municipality needs a legal framework to operate in. Finalisation and approval of the policy is crucial for good governance and operations.

**ANNEXURES**

**Annexure A:** Draft Stellenbosch Municipality Noise Control Policy (July 2018)

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.3.2**

that Council approves the Draft Stellenbosch Municipality Noise Control Policy (July 2018) and adopts it as the Stellenbosch Municipality Noise Control Policy.

**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>08 August 2018</b>

# **ANNEXURE A**

**STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY**

**POLICY RELATING TO THE IMPLEMENTATION OF THE PROVINCIAL NOISE CONTROL  
REGULATIONS PN 200/2013  
(July 2018)**

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;

**“regulation/s”** 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 Western Cape Noise Control 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(e).
- 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 Western Cape Noise Control Regulations, 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 soundproofing 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 National Building Control Regulation 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 the Western Cape Noise Control Regulations 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

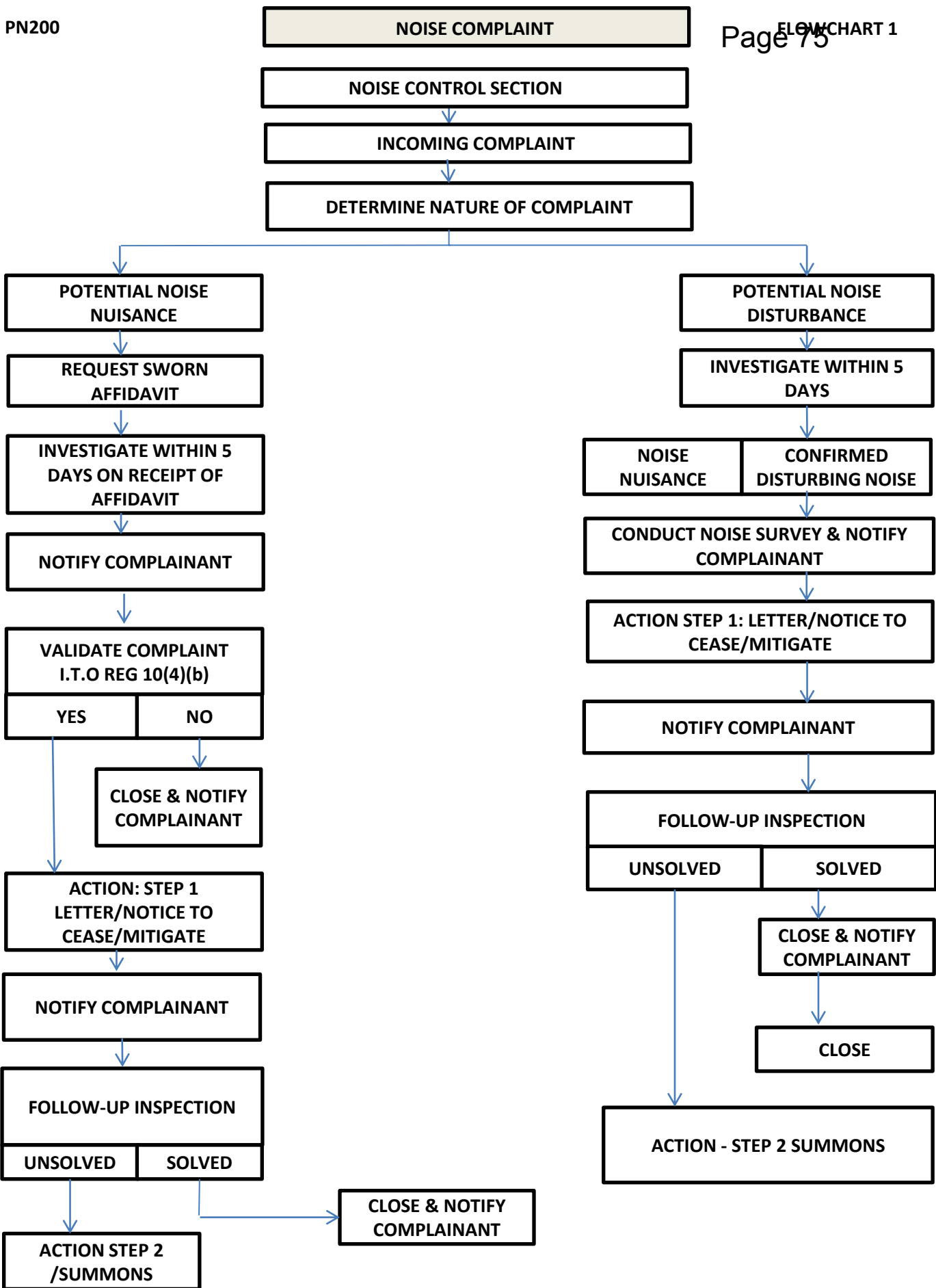
associated to the noise complaint, the investigating officer must hand the complaint to the Law Enforcement for further processing and the complaint closed.

- 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



**DISTURBANCE NOISE PROCEDURE**

**CALCULATE OR MEASURE FOR A DISTURBANCE**

**NOISE VS RATING LEVEL > 10dBA**  
 NO | YES

**APPLY SANS RATING TABLE**

**NOISE =/> 7dBA ABOVE RATING LEVEL**  
 YES | NO

**NOISE NUISANC PROCEDURE - FORWARD FINDINGS**

**NONE OF THE TESTS PROVES A DISTURBANCE**

**MEASURE AMBIENT SOUND LEVEL**

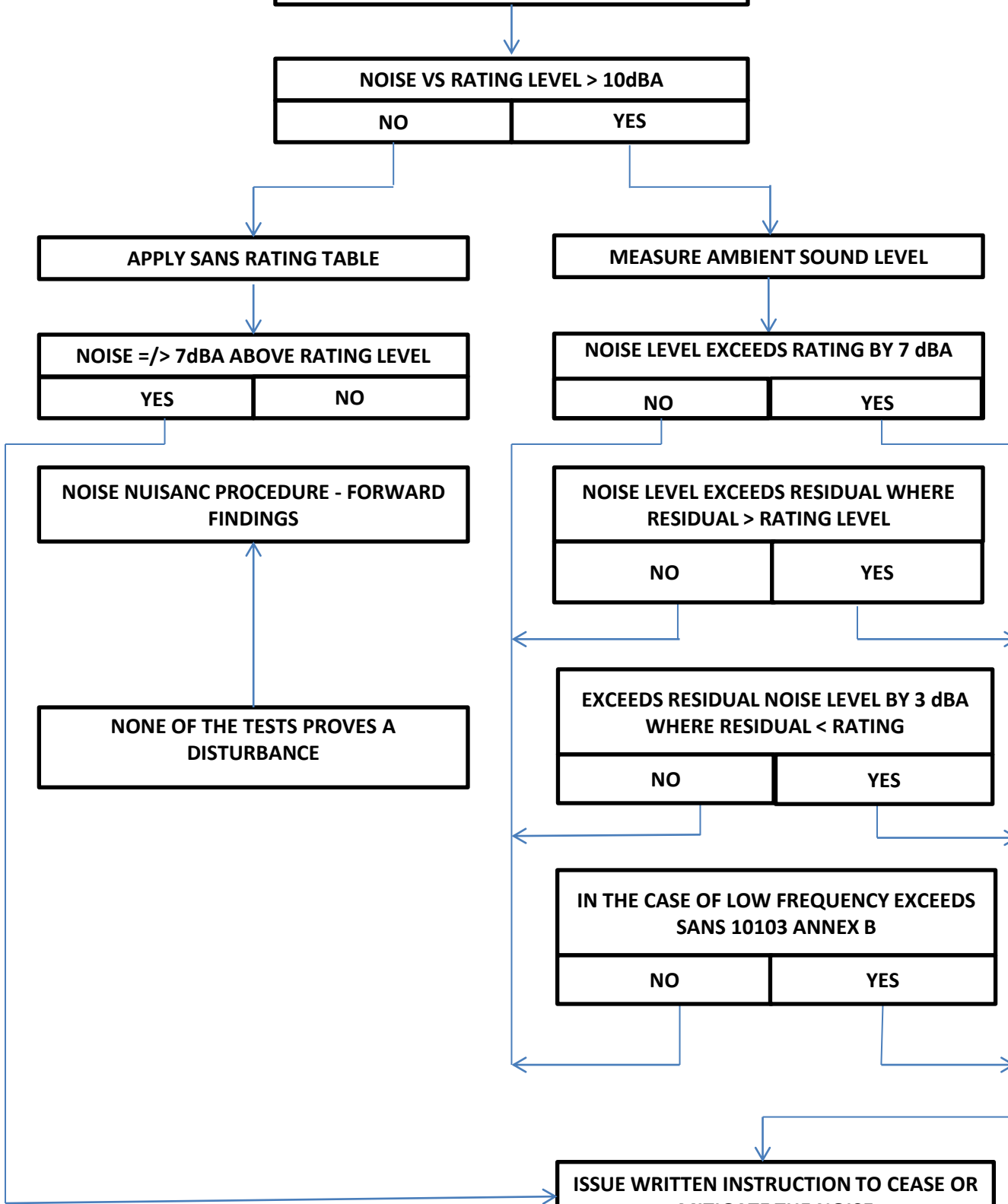
**NOISE LEVEL EXCEEDS RATING BY 7 dBA**  
 NO | YES

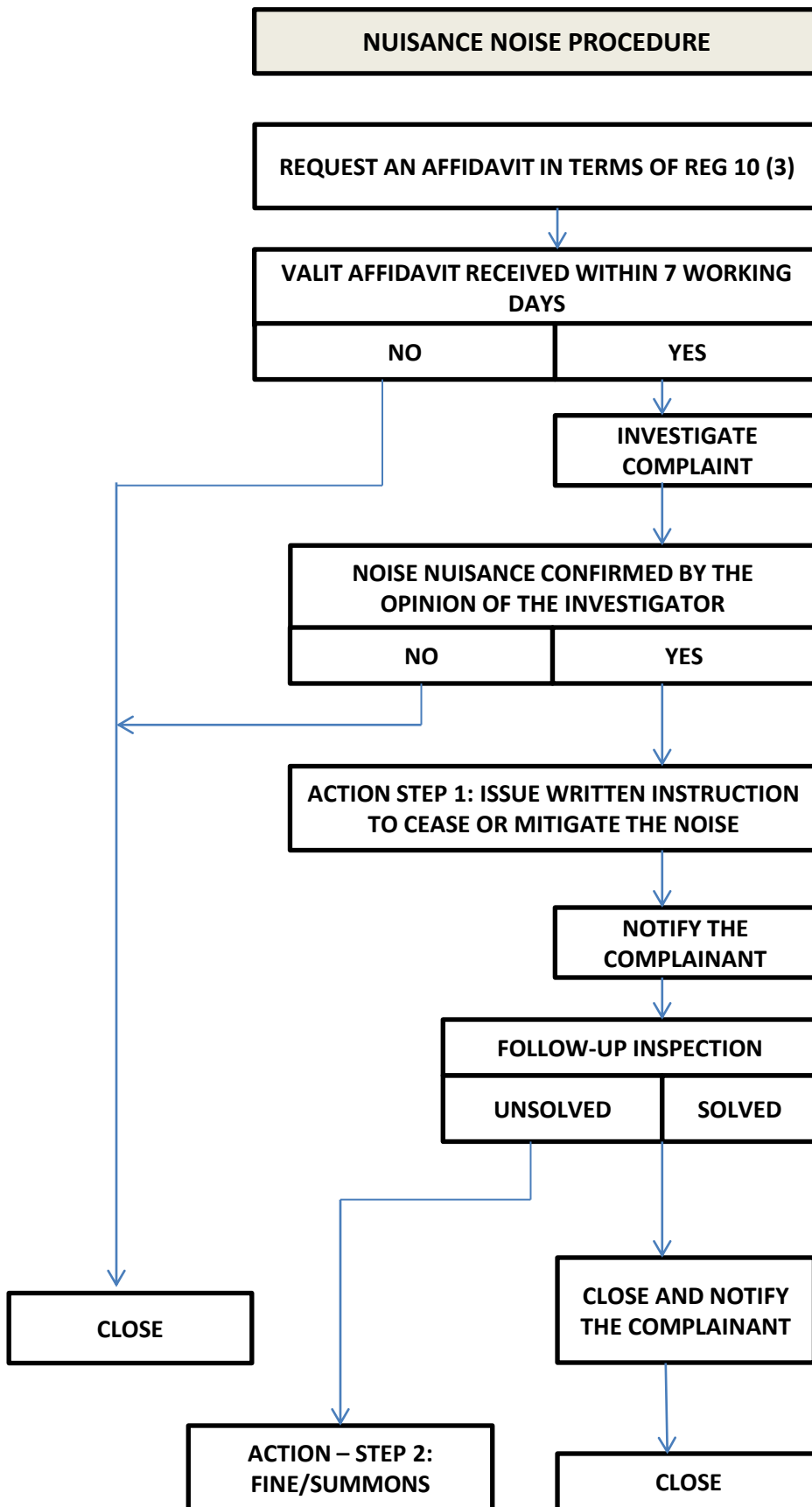
**NOISE LEVEL EXCEEDS RESIDUAL WHERE RESIDUAL > RATING LEVEL**  
 NO | YES

**EXCEEDS RESIDUAL NOISE LEVEL BY 3 dBA WHERE RESIDUAL < RATING**  
 NO | YES

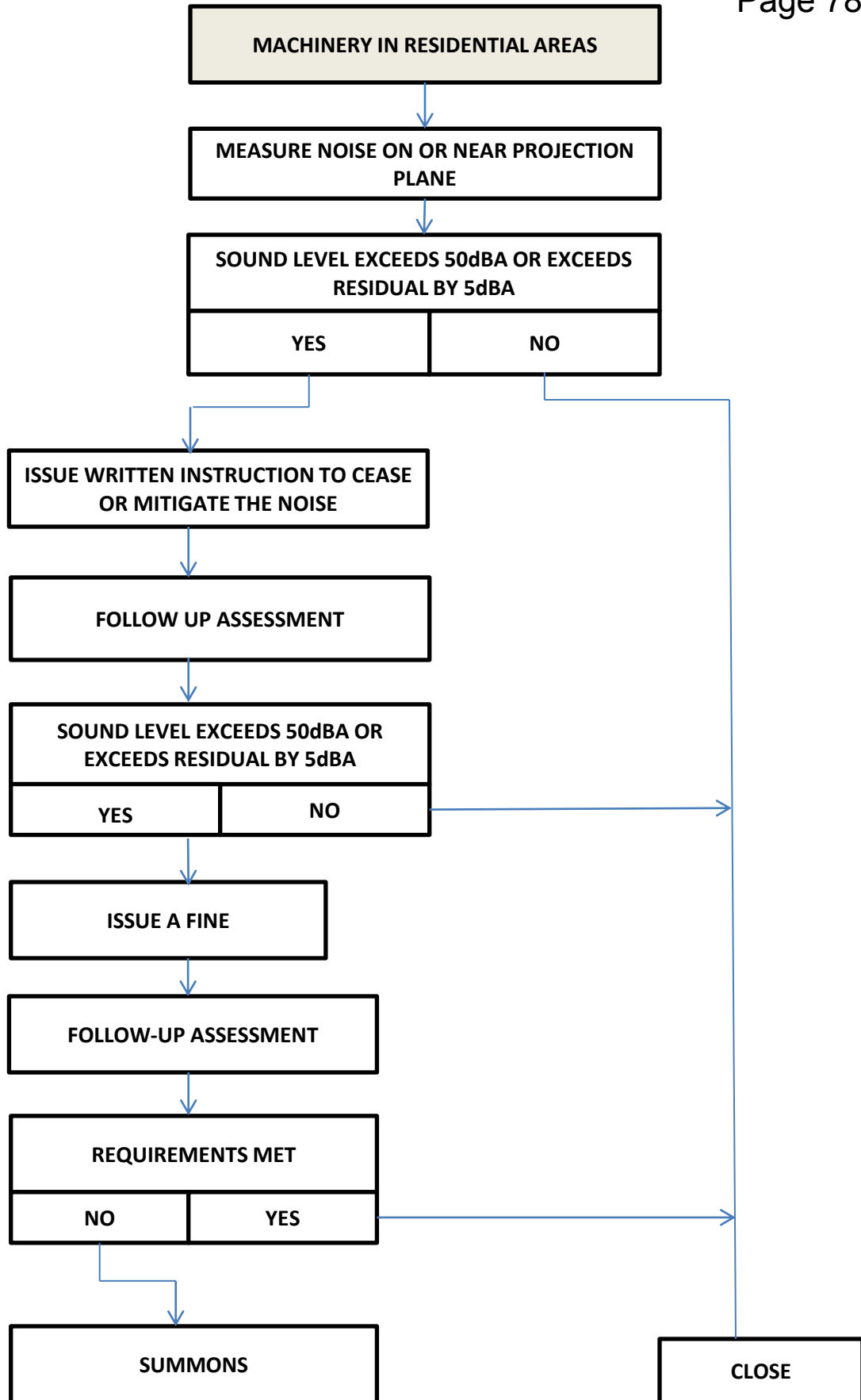
**IN THE CASE OF LOW FREQUENCY EXCEEDS SANS 10103 ANNEX B**  
 NO | YES

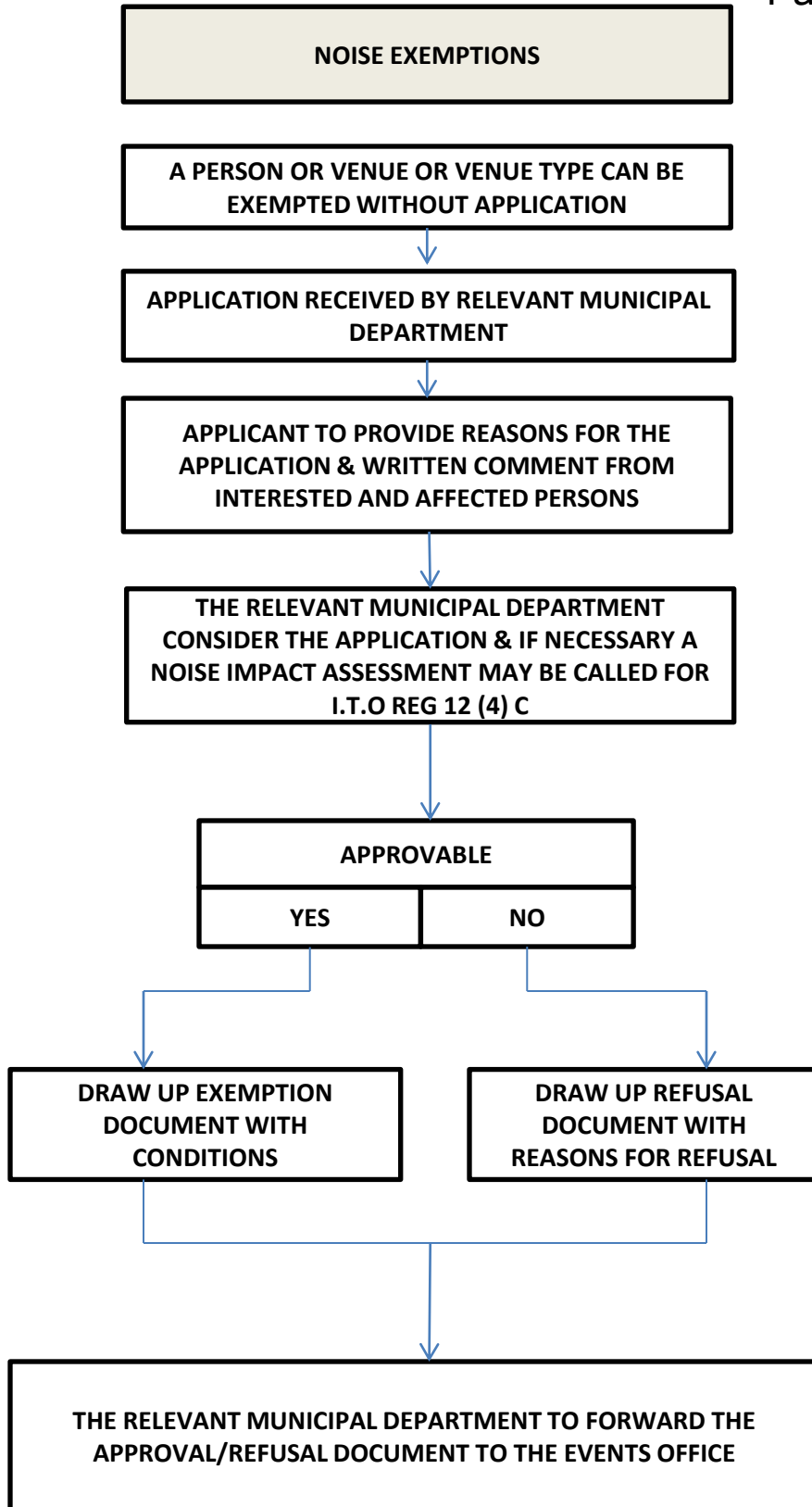
**ISSUE WRITTEN INSTRUCTION TO CEASE OR MITIGATE THE NOISE**











**PLACES OF LATE-NIGHT ENTERTAINMENT**

**CHECK THE INTEGRITY OF EXISTING SOUND PROOFING IN TERMS OF DISTURBANCE OR CONDITIONS IMPOSED**

<b>SOUND PROOFING COMPLIES</b>	
<b>YES</b>	<b>NO</b>

**ISSUE WRITTEN INSTRUCTION TO CEASE OR MITIGATE THE NOISE**

**FOLLOW UP ASSESSMENT**

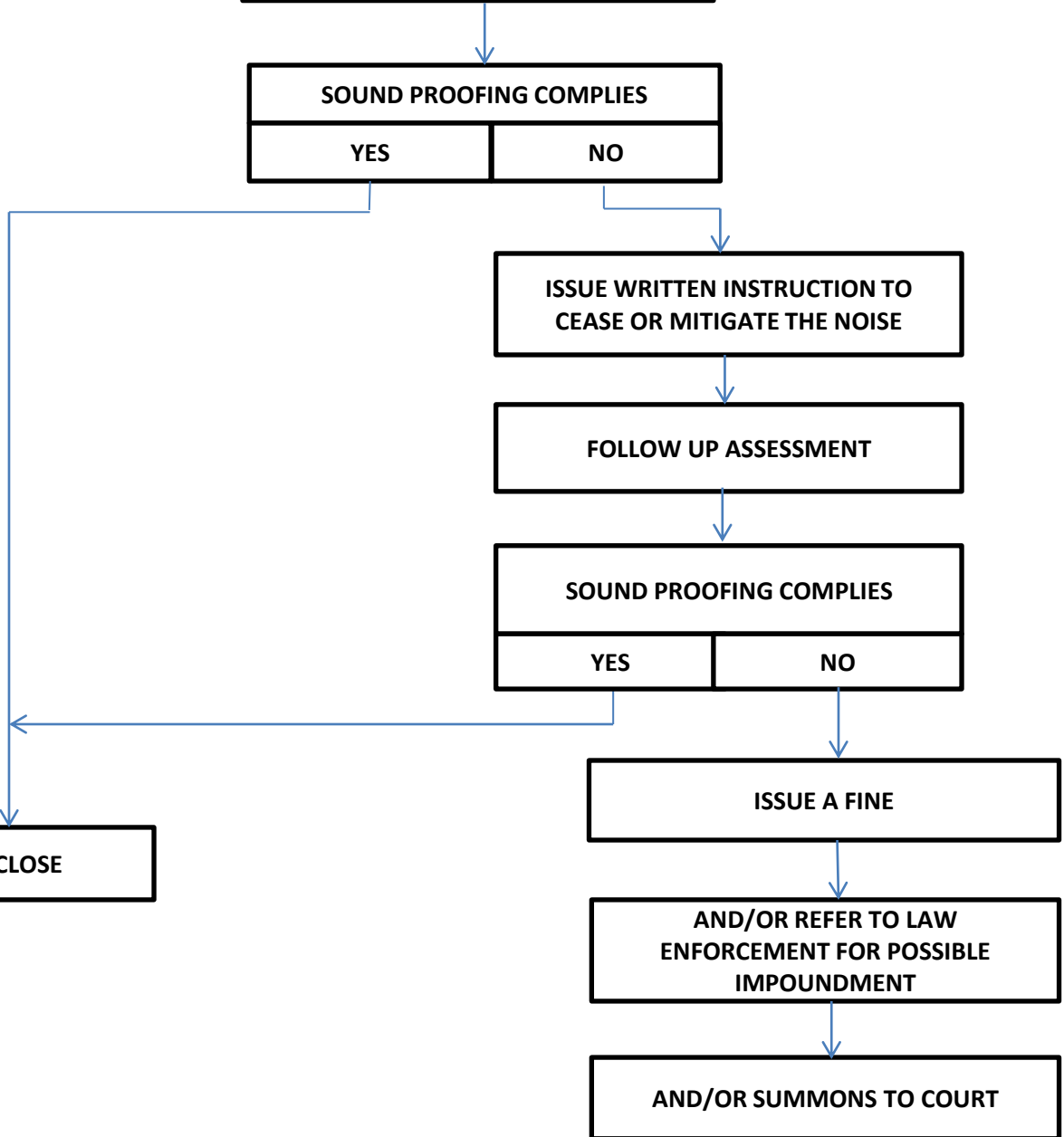
<b>SOUND PROOFING COMPLIES</b>	
<b>YES</b>	<b>NO</b>

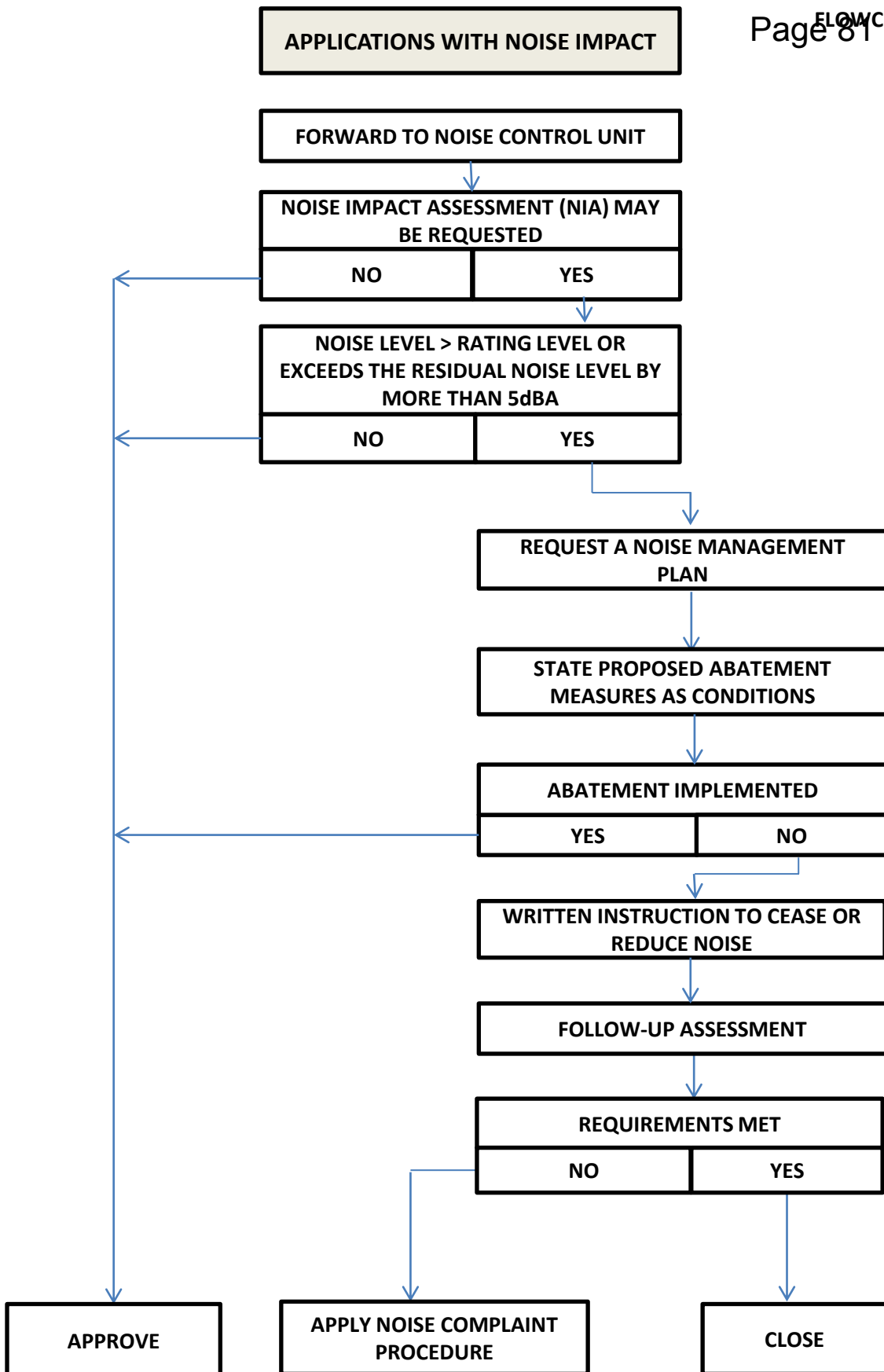
**ISSUE A FINE**

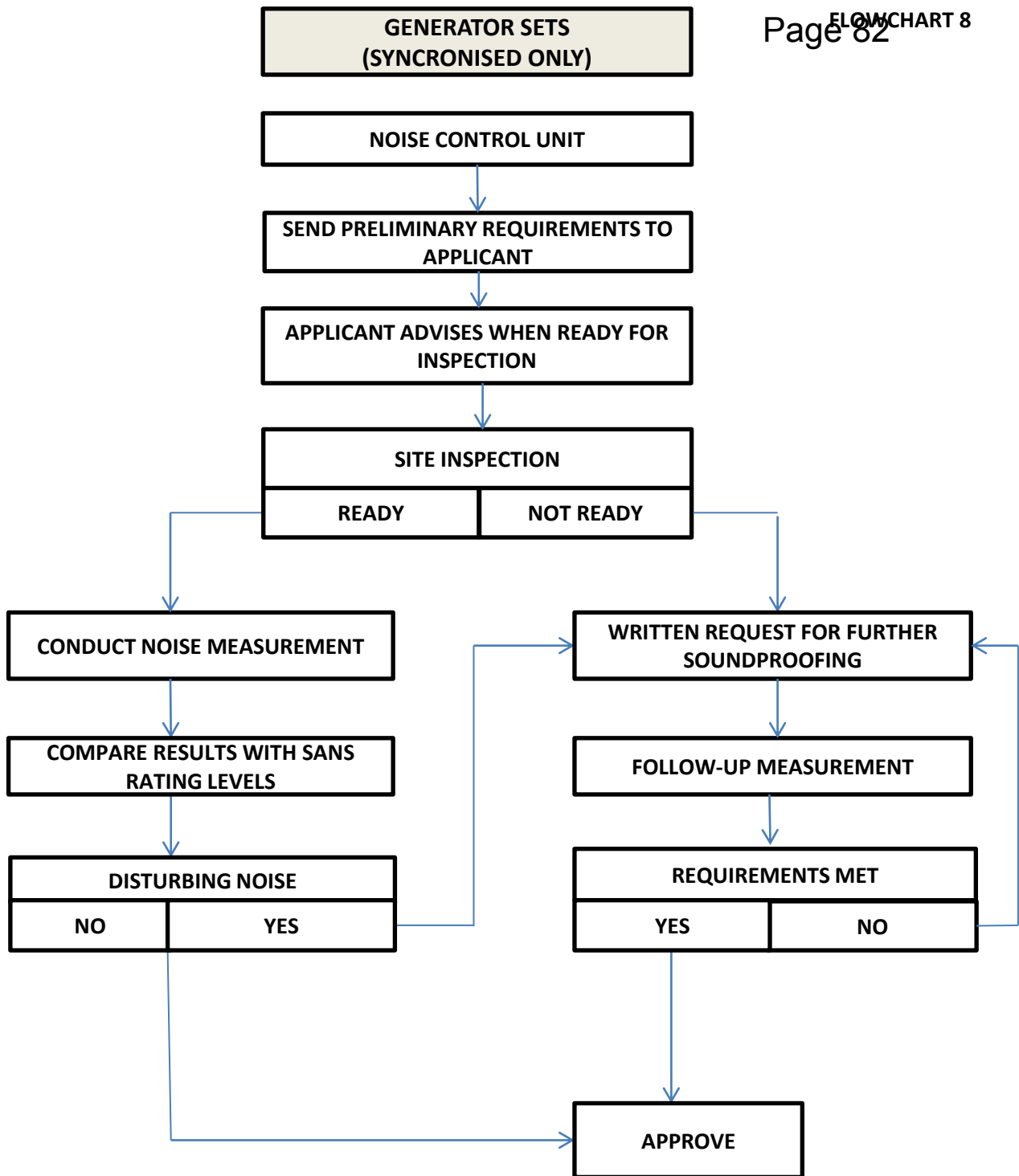
**AND/OR REFER TO LAW ENFORCEMENT FOR POSSIBLE IMPOUNDMENT**

**AND/OR SUMMONS TO COURT**

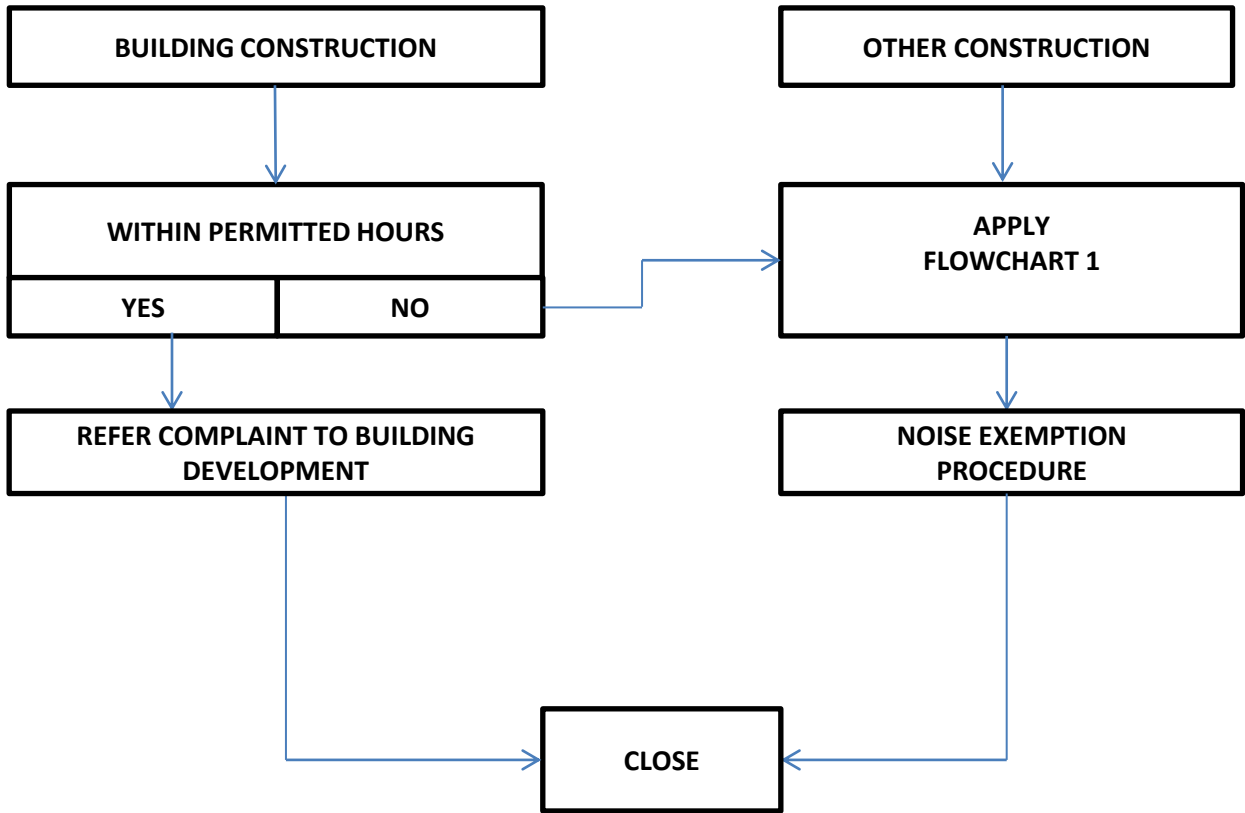
**CLOSE**







CONSTRUCTION NOISE



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

**ANIMAL NOISE**

**LAW ENFORCEMENT**

**NOISE CONTROL**

**INCOMING COMPLAINT**

**INCOMING COMPLAINT**

**APPLY NOISE NUISANCE PROCEDURE  
ALTERNATIVELY REFER TO LAW  
ENFORCEMENT**



7.4	<b>FINANCIAL SERVICES: (PC: CLLR S PETERS)</b>
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7.4.1	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2018</b>
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**Collaborator No:** 600958  
**File No:** 8/1  
**BUDGET KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** 08 August 2018

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2018**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations and ratifications to Council.

**3. DELEGATED AUTHORITY**

Noted by Municipal Council.

**4. RECOMMENDATION**

that Council notes the deviations as listed for the month of July 2018.

**5. DISCUSSION / CONTENTS**

**5.1 Background/ Legislative Framework**

The regulation applicable is as follows:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations**

**Deviation from and ratification of minor breaches of, procurement processes**

**36. (1) A supply chain management policy may **allow the accounting officer**—**

(a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—

(i) in an emergency;

(ii) if such goods or services are produced or available from a single provider only;

(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;

(iv) acquisition of animals for zoos; or

(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

## 6. Discussion

Reporting the deviations as approved by the Accounting Officer for July 2018, the following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 01/19	11/07/2018	Aberdare Cables	Low voltage cable feeders to the MTN/Municipality tower on Papegaaiberg	1.Emergency 5.Exceptional case and it is impractical or impossible to follow the official procurement process	Due to the urgency of the supply having to be restored in the shortest period to time, This was an emergency as the tower hosts all the cellular networks as well as the Stellenbosch Municipality's IT networks.	R198 324.00 (VAT EXCL.)
D/SM 02/19	13/07/2018	Xaba Engineering & Consulting	Consultant: 332 Temporal housing units	5.Exceptional case and it is impractical or impossible to follow the official procurement process	Xaba Engineering & Consulting were appointed as Consultant for the Construction of 332 Temporal Housing Units at the Temporary Relocation Area (TRA) at Watergang, Kayamandi The scope increased and it would be impractical and not cost effective to appoint a new Engineer.	R120 647.40 (VAT EXCL.)
D/SM 03/19	25/07/2018	Avalo Technology Group	Pniel Highsite Failure	1.Emergency	The Stellenbosch Municipality ICT wireless network failed at the Pniel Highsite, Johannesdal Reservoir as a result of the theft and burglary.	R61 584.00 (VAT EXCL.)

### 6.1 Legal Implications

The regulation applicable is as follows:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations**

**Deviation from and ratification of minor breaches of, procurement processes**

---

36. (1) A supply chain management policy may **allow the accounting officer**—

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(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

## 6.2 **Staff Implications**

Not staff implications

## 6.3 **Previous / Relevant Council Resolutions**

None

## 6.4 **Risk Implications**

That the market may not be tested. The measures in place to deal with deviations mitigate the risk to an acceptable level. The Auditor-General also audits the deviations during the yearly audit.

## 6.5 **Comments from Senior Management**

The item was not circulated for comment except to the Municipal Manager.

### 6.5.1 **Municipal Manager**

Supports the recommendation.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.4.1**

that Council notes the deviations as listed below for the month of July 2018.

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 01/19	11/07/2018	Aberdare Cables	Low voltage cable feeders to the MTN/Municipality tower on Papegaaiberg	1.Emergency 5.Exceptional case and it is impractical or impossible to follow the official procurement process	Due to the urgency of the supply having to be restored in the shortest period to time, This was an emergency as the tower hosts all the cellular networks as well as the Stellenbosch Municipality's IT networks.	R198 324.00 (VAT EXCL.)
D/SM 02/19	13/07/2018	Xaba Engineering & Consulting	Consultant: 332 Temporal housing units	5.Exceptional case and it is impractical or impossible to follow the official procurement process	Xaba Engineering & Consulting were appointed as Consultant for the Construction of 332 Temporal Housing Units at the Temporary Relocation Area (TRA) at Watergang, Kayamandi. The scope increased and it would be impractical and not cost effective to appoint a new Engineer.	R120 647.40 (VAT EXCL.)
D/SM 03/19	25/07/2018	Avalo Technology Group	Pniel Highsite Failure	1.Emergency	The Stellenbosch Municipality ICT wireless network failed at the Pniel Highsite, Johannesdal Reservoir as a result of the theft and burglary.	R61 584.00 (VAT EXCL.)

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7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
-----	--

NONE

7.7	PROTECTION SERVICES: [PC: CLLR Q SMIT]
-----	--

NONE

7.8	<b>YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]</b>
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7.8.1	<b>APPLICATION OF LOTTO FUNDING RECEIVED</b>
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Collaborator No: 596157  
IDP KPA Ref No:  
Meeting Date: 08 August 2018

**1. SUBJECT: APPLICATION OF LOTTO FUNDING RECEIVED**

**2. PURPOSE**

To inform Council about the distribution of the Lotto funding that was received via a successful application to the Lotto Board.

**3. DELEGATED AUTHORITY**

FOR INFORMATION TO THE EXECUTIVE MAYOR AND COUNCIL

**4. EXECUTIVE SUMMARY**

To provide feedback on the upgrades and purchasing of the LOTTO funding.

**5. RECOMMENDATION**

that Mayco and Council take note of the upgrades completed and the sporting equipment purchased.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

In November 2012 an application letter was submitted to the National Lotteries Board for the upgrading of Sport Facilities and the purchase of sporting equipment for Sport Councils and sport uniforms for Municipal sport teams practicing soccer and netball. See attached the Lotto Funding application letter as **ANNEXURE A**.

**6.2 Discussion**

The Lotto Funding application was approved in October 2013 and became available in the 2016/17 financial year.

The upgrades included the installation of new fencing at Cloetesville Tennis Courts and Ida's Valley Tennis Courts.

Sporting equipment and sporting gear was purchased through tender processes for all Sports Councils and the distribution was done through the Stellenbosch Sport and Recreation Association (SSRA) and assisted by the Sports Department of Stellenbosch Municipality.

Sporting uniforms were purchased for the Municipal soccer, rugby and netball teams.

See attached approved items from National Lotteries Board as **ANNEXURE B**.

**6.3 Financial Implications**

The amount of R 972 730.00 was received from the National Lotteries Board.

**6.4 Legal Implications**

Not applicable.

**6.5 Staff Implications**

Not applicable.

**6.6 Previous / Relevant Council Resolutions:**

None

**6.7 Risk Implications**

Upgraded facilities can be vandalised.

**APPENDICES:**

**Annexure A:** Acknowledgement of Application for Funding

**Annexure B:** Grant Allocation

**Annexure C:** Approved Items

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 5.9.1**

that Council takes note of the upgrades completed and the sporting equipment purchased.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Garth Abrahams
<b>POSITION</b>	<b>Head: Sport and Facilities</b>
<b>DIRECTORATE</b>	<b>Community and Protection Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8162</b>
<b>E-MAIL ADDRESS</b>	<b>Garth.abrahams@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>07 May 2018</b>

# **ANNEXURE A**



The Applicant  
Stellenbosch Municipality Department Of Sport Facilities And  
Recreation  
Po Box 17  
Stellenbosch  
7599



a member of group

**CENTRAL APPLICATIONS OFFICE**  
Private Bag X101  
Brooklyn Square, 0075  
Pretoria, South Africa  
Tel: 0860 065 383  
Fax: 0867 261 517  
E-mail: nldtf@nlb.org.za

15 November 2012

Dear Sir/Madam

**Acknowledgement of Application for Funding  
Sector: Sports And Recreation**

Application for Funding Number: 65097

We acknowledge your application for funding received by the National Lottery Distribution Trust Fund, Central Applications Office.

If you have any queries regarding the progress of your application please call our Information Centre on 0860 065 383. Please note that you must have your application for funding number ready at all times.

Yours Faithfully,

Boitumelo Mafonjo  
Prescreening Supervisor

**NATIONAL LOTTERIES BOARD**



**National Lottery  
Distribution Trust  
Fund**

**CENTRAL APPLICATIONS OFFICE**

**Board Members:**

Prof. N. A. Ntshuranda (Chairperson),  
Ms. N. E. Loyikane, Mrs. M. Makaka,  
G.M. Ngqeta, Prof. G. Reddy,  
O.M. Shabangu,  
Ms. Z. Ntuli (Minister's Nominee)

*Established under the Lotteries Act  
1997 (Act No. 57 of 1997)*

# **ANNEXURE B**



**CENTRAL APPLICATIONS OFFICE**

Private Bag X101  
Brooklyn Square, 0075  
Pretoria, South Africa  
Tel 0860 065 383  
Fax: 012 394-0222  
E-mail: nldtf@nlb.org.za

G. Esau  
Assist Director: Soc. Develop  
Stellenbosch Municipality  
Department of Sport Facilities & Recreation  
P.O. Box 17  
Stellenbosch  
7599

16 October 2013

Dear Mr G. Esau

**Grant Allocation**  
Project number: 65097

At the Sports and Recreation Distributing Agency meeting your application for funding was duly considered.

We are pleased to advise that the Agency has allocated a total grant of R972,730.00 (nine hundred and seventy two thousand seven hundred and thirty rand) to your organisation, as per the attached Grant Agreement. You are requested to familiarise yourself with the conditions of the allocation as outlined in the Grant Agreement.

Please ensure that the National Lottery Distribution Trust Fund (NLDTF) is visibly identified as a funder of your organisation and project.

In order for your grant to be processed further, you are required to fulfil all remaining requirements and submit documents as outlined in the enclosed Grant Agreement within 30 days of receipt of this letter. Failure to adhere to this requirement may result in the allocation being withdrawn.

Should you require any clarification regarding the grant, please direct your enquiries to our Information Centre on 0860 065 383. Please note that you must have your project number ready at all times.

Yours Faithfully,

Ms. Marjorie Letoaba  
Programme Manager: Grant Funding

National Lotteries Board



GAAL 422  
65097  
CORRESP.  
TO BEN.



# **ANNEXURE C**

APPROVED ITEMS

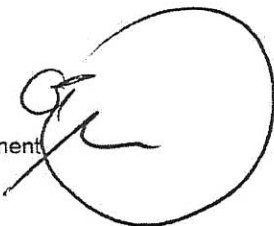
ITEM	AMOUNT	SPECIFIC RESTRICTIONS
10 SETS OF RUGBY GOAL POSTS - 15 MTRS HIGH GALVENISED STEEL	R155,000.00	
10 SETS OF SOCCER GOAL POST WITH NETS	R160,000.00	
10X LARGE RUGBY POST PROTECTORS	R44,000.00	
12 WATER BOTTLE CARRIERS WITH BOTTLES	R3,600.00	
14 600D BALL BAGS	R1,960.00	
200 PADDED JACKETS	R60,000.00	BRANDING WITH NLDTF LOGO
200 PERSONNEL SPORTS BAGS	R34,000.00	BRANDING WITH NLDTF LOGO
200 RUGBY CORNER FLAGS	R30,000.00	
2 TEAMS CRICKET KIT BAGS (BATS, PADS, HELMET & GLOVES)	R12,000.00	BRANDING WITH NLDTF LOGO
300 GILBERT RUGBY MATCH BALL	R75,000.00	
3 SETS OF 22 SUBLIMATED RUGBY JERSEYS	R19,500.00	BRANDING WITH NLDTF LOGO
3 SETS OF SOCCER KIT (TOP, SHORT & SOCKS)	R12,000.00	BRANDING WITH NLDTF LOGO
6 BOXES OF 50 FLAT CONES	R1,200.00	
50 ULTRA GRIP NETBALL MATCH BALLS	R7,000.00	
500 SOCCER MATCH BALLS SIZE 4 & 5	R75,000.00	
5 SETS OF NETBALL BIBS	R1,650.00	BRANDING WITH NLDTF LOGO
5 SETS OF NETBALL KIT (TOP & SKIRT)	R7,500.00	BRANDING WITH NLDTF LOGO

ECL  
NAN


60 CRICKET BALLS 4PCS GOLD	R9,600.00	
80 RUGBY SHORTS	R6,800.00	BRANDING WITH NLDTF LOGO
CLOETESVILLE MULTIPURPOSE OPEN AIR COURTS	R99,600.00	BRANDING WITH NLDTF LOGO
IDA'S VALLEY MULTIPURPOSE OPEN AIR COURTS	R157,320.00	BRANDING WITH NLDTF LOGO

**TOTAL APPROVED BUDGET :** R972,730.00

ELL  
MMN

Grant Agreement 

<b>7.9</b>	<b>REPORTS SUBMITTED BY THE MUNICIPAL MANAGER</b>
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<b>7.9.1</b>	<b>REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE</b>
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**Collaborator No:** 600831  
**IDP KPA Ref No:** All Strategic Objectives  
**Meeting Date:** 08 August 2018

**1. SUBJECT: REVISED STRATEGIC RISK REGISTER 2018/19 FINANCIAL YEAR WITH RISK APPETITE**

**2. PURPOSE**

To submit the Revised Strategic Risk Register for the 2018/19 financial year for approval by the Council to establish the inherent risk exposure and risk appetite for Stellenbosch Municipality.

**3. DELEGATED AUTHORITY**

For approval by Council.

**4. EXECUTIVE SUMMARY**

Corporate Governance best practice as well the Municipal Finance Management Act (MFMA), Act 56 of 2013, requires municipalities to have an effective risk management mechanism to stay abreast of prevalent risks and to determine the risk appetite. Inherent risk exposure means impact in relation to likelihood of a risk occurring. Risk appetite means the amount (level) of risk a municipality is willing to accept. Municipalities are required to formally assess risk annually to determine the risk appetite and decide on the appropriate risk appetite for the municipality. To ensure effectiveness, a municipality must focus its attention and resources on the areas of most significant risk and concern to stakeholders. The risk assessment process is therefore a fundamental element of the risk management process.

The principal aims of the risk assessments process are to:

- Identify the risks threatening the achievement of the IDP's objectives of each directorate;
- Assess the key risks facing the directorate; and
- Identify the processes / functions / directorates / persons which the municipality and top management rely upon to manage the identified risks.
- Align the mentioned process with processes as established by provincial and national government as communicated to the municipality.

The Strategic Risks as well as the operational risks that were identified, discussed in detail by senior management on 26 June at the Risk Management Committee, and further workshopped on 10 July 2018 to finalise and approve the municipal strategic risk appetite. In terms of the COSO Integrated Framework (National Treasury Enterprise Risk Management Framework), defines risk appetite as the amount of risk an organisation is broadly willing to accept in pursuit of value. Risk appetite guides resource allocation and assists in aligning the organisation, people and processes.

The inherent risk exposure was calculated at 15, which is considered as moderate. A score of 9 to 15 is considered moderate. The risk appetite Stellenbosch is willing to accept is 12. This means the current risk exposure needs to be actively managed to reduce the acceptance level.

## 5. RECOMMENDATIONS

That the Council approves the Strategic Risk Register and the Risk Appetite as mutually agreed to by the senior management of the municipality.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The following legislation are relevant to Enterprise Risk Management:

**Municipal Finance Management Act (MFMA), Act 56 of 2003, Section 62 (1) (c) (i)** of the MFMA states that:

“(1) the Municipal Manager of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all responsible steps to ensure –

(c) that the municipality has and maintains effective, efficient and transparent systems-

(i) of financial and risk management and internal control”.

**Section 165 states that:**

“(2) The internal audit unit of a municipality or municipal entity must-

prepare a risk-based audit plan and an internal audit program for each financial year;

advise the accounting officer and report to the audit committee on the implementation of the internal audit plan and matters relating to-

(iv) risk and risk management;

**Section 166 states that:**

“(2) An audit committee is an independent advisory body which must –

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 –

(ii) risk management.

**Local Government: Municipal Systems Act, Act 32 of 2000**

Section 83 states that measures must be taken around service provider that minimise the possibility of fraud and corruption; and

Section 104 states that loss control on municipal equipment be minimized thereby reducing the possibility of fraud and corruption and that this will be regulated by the MEC.



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As indicated above the approach to risk management and the relevant legislation is at times limited to ensure an organization wide approach that is relevant and value adding. Guidance and guidelines are also issued by National and Provincial Treasury to assist and to ensure a risk management culture in municipalities.

#### **King IV – Supplement for Municipalities**

Principle 11: Council should govern the risk in a way that supports the municipality in setting and achieving its strategic objectives.

#### **6.2 Discussion**

**Annexure A** reflects the Strategic Risks as identified and discussed by senior management on 26 June and 10 July 2018 as well as inputs from the various departments.

#### **6.3 Financial Implications**

None

#### **6.4 Legal Implications**

None

#### **6.5 Staff Implications**

This report has no staff implications to the Municipality.

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

None

#### **6.7 Risk Implications**

None

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

##### **6.8.1 Director: Infrastructure Services**

Supported.

##### **6.8.2 Director: Planning and Economic Development**

Supported.

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

Supported.

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

Supported.

**6.8.5 Director Human Settlements and Property Management**

Supported.

**6.8.6 Chief Financial Officer**

Supported.

**6.8.7 Municipal Manager**

Supported.

**ANNEXURES**

Annexure A: Strategic Risk Register 2018/19 financial year.

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 6.1**

that Council approves the Strategic Risk Register and the Risk Appetite as mutually agreed to by the senior management of the municipality.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Helena Priem</b>
<b>POSITION</b>	<b>Chief Risk Officer</b>
<b>DIRECTORATE</b>	<b>Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>021 – 808 8157</b>
<b>E-MAIL ADDRESS</b>	<b>Helena.priem@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>8 August 2018</b>

# **ANNEXURE A**

Stellenbosch Municipality									
Revised Strategic and Operational Risk Register 2018/19 July 2018									
Revised Strategic Register									
Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Inherent Risk Exposure (1-25)	Directorate	Action Plans/Mitigation	Risk Champion
1	Increase community unrest in the run up to the elections.	Illegal invasions and landgrabs; job creation/opportunities; housing backlogs; safety of ward councillors	Safe Valley	4	5	20	Municipal Manager/All Directorates	Contracts for Red Ants in response to land invasions in place, court interdicts on most municipal owned Pty in place, JOG in place to respond to unrest	Geraldine Mettler All Directors
2	Loss off credibility and reputation due to perceived fraud and corruption	Abuse of legislation; reputational risk and credibility; incorrect media statements and role of social media in incorrect negative reports etc.	Good Governance and Compliance	4	5	20	All Directorates	Deloitte Hotline, fraud prevention police, SALGA to address unintended cosequence of regulations	Geraldine Mettler All Directors
3	R	Limited sustainable water sources; Growing population with increase in demand; pollution of sources	Dignified Living; Valley of Possibility; Green & Sustainable Valley	5	2	10	Infrastructure Services	Drought Management Plan in place; water warriors; water demand meters	Deon Louw
4	Growth in demand for housing exceeds the resources available for development and growing asset management constrains	Lack of bulk infrastructure; lack of identified and suitable land, unrealistic eviction judgements; aging infrastructure as a result of poor maintenance of existing infrastructure; insufficient resources for new infrastructure	Dignified Living	4	5	20	Planning and Economic Development	Housing pipeline, Emergency Policy, TRA identification	Tabiso Mfeya
5	Urbanisation and growth	Comprehensive understanding of the developmental needs in the greater Stellenbosch area; rapid and continued urbanisation; changes in the needs of the community; masterplans; housing pipeline; IDP and SDF alignment	Valley of possibility	4	3	12	Infrastructure Services	Review of the sdf, approved housing pipeline	Deon Louw
6	Losing the historic status of Stellenbosch w.r.t environment (trees, biodiversity, buildings, rivers, etc.)	Keeping the balance - development and the historic status; occurrence of natural disasters	Dignified Living; Valley of possibility; Green & Sustainable Valley	4	3	12	All Directorates	Heritage asset register;adherence to heritage planning legislation for developmental applications, declared heritage zones,	Tabiso Mfeya (Primary) Deon Louw (Secondary)
7	Insufficient burial space in the greater Stellenbosch	Planning and funding; land availability	Dignified Living	4	4	16	Community and Protection Services	Part of SDF review, feasibility and impact study on suitability for grave yards	Gerald Esau
8	Business Continuity	Disasters, electricity outages; hacking of systems	Good Governance and Compliance	5	2	10	Corporate Services	Integrated ERP; off-site data center	Annalene de Beer
<b>Inherent Risk Exposure (1-25)</b>						<b>15</b>	A score of 8 to 15 is considered moderate. The risk appetite for Stellenbosch for 2018/19 is on the upper limit of moderate with the next level classified as high risk.		
<b>Risk Acceptance Level / Appetite</b>						<b>12</b>	Subjective determination of the appetite municipality is willing to absorb.		

Revised Operational Risk Register 2018/19									
Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Inherent Risk Exposure (1-25)	Directorate	Action Plans/Mitigation	Risk Champion
1	Lack of integrated Information and Communication Technology	Disparate systems	Good Governance and Compliance	4	3	12	All Directorates	Position paper on integration	All Directors
2	Scarcity of landfill space	Unavailability of suitable land; costs of SLA's and alternative waste disposal; legislative requirements i.e EIA applications and approvals etc.	Green and Sustainable Valley	4	3	12	Infrastructure Services	Waste Management Strategy, finalisation of the agreement with Eskom to move electricity poles for opening space	Deon Louw
3	Financial Sustainability	Debt management; cashflow; changes patterns in revenue (more of f the grid connections to water and electricity)	Good governance and Compliance, Green and Sustainable Valley	5	3	15	Financial Services	Legal framework to lock in customer re off grid connections; revenue enhancement strategy	Marius Wust
5	Material misstatements in the AFS	System errors, transactions and events not recognised as they occur and accordingly nor recorded in the financial period it occurred	Good governance and Compliance	5	2	10	Financial Services	8 month AFS, systems upgrade and alignment	Marius Wust
6	Timeous Capital Spending.	Steady increase in budget allocation; growing population and demand for services; demand management	Good Governance and Compliance	5	2	10	Financial Services	Demand Management Plan and Committee	Marius Wust
<b>Inherent Risk Exposure (1-25)</b>						<b>10</b>			

Emerging Risks									
Risk Item	Risk Description	Risk Background	Strategic Objectives	Impact Rating (1-5)	Likelihood Ratings (1-5)	Inherent Risk Exposure (1-25)	Directorate	Action Plans/Mitigation	Risk Champion
1	Climate Change	Changing weather patterns, unpredictable rainfall/flash floods, drought natural disasters, fires (seasonal and other)	Green and Sustainable Valley; Safe Valley	4	3	12	Office of the Municipal Manager	Drought management plan in place; water warriors; water demand meters,	Geraldine Mettler
<b>Inherent Risk Exposure (1-25)</b>						<b>12</b>			

Critical 20-25	Red	act immediately
High 16-19	Orange	action plan
Moderate 9-15	Yellow	monitor/transfer
Low 1-8	Green	disregard

inherent risk if no controls in place  
residual risk if there is controls in place

**Impact and Likelihood ratings**

Grading	Historical
5 Almost certain	Is expected to occur in most circumstances
4 Likely	Will probably occur
3 Possible	Might occur at some time in the future
2 Unlikely	Could occur but doubtful
1 Rare	May occur but only in exceptional circumstances



# Risk Management – Revision for 2018/19

## Methodology



$$\text{Inherent risk exposure} = \frac{\text{Risk Likelihood} \times \text{Risk Impact}}{\text{Total Risk Exposure}}$$



## Definitions

Risk	Description
Likelihood	<i>means</i> the probability of the event occurring.
Impact	<i>means</i> a result or effect of and event. The impact of an event can be positive or negative. A negative event is termed a “risk”.
Inherent Risk Exposure	Impact x likelihood
Risk Appetite	<i>means</i> the amount (level) of risk the municipality is willing to accept.
Risk Tolerance	<i>means</i> the acceptable level of risk that the municipality has the ability to tolerate.
Mitigation / Treatment	<i>means</i> action plan, after comparing the <b>risk score</b> (severity rating = impact X likelihood) with the risk tolerance
Risk Owner	<i>means</i> the person responsible for managing a particular risk
Residual	<i>means</i> the remaining exposure after the controls/treatments has been taken into consideration. The remaining risk after management has put in place measures to control the inherent risk.

7.9.2	<b>IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22</b>
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Collaborator No: **600874**  
 IDP KPA Ref No: **All Strategic Objectives**  
 Meeting Date: **08 August 2018**

**1. SUBJECT: IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE) TO GUIDE THE PLANNING, DRAFTING, ADOPTION AND SECOND REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN FOR 2017/18 – 2021/22**

**2. PURPOSE**

To table the following to Council for consideration: The Time Schedule of key deadlines for the Integrated Development Plan (IDP), Budget and Spatial Development Framework (SDF) processes. The Time Schedule guides the planning, drafting and adoption of the IDP (2017/18 – 2021/22).

**3. DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL.**

**4. EXECUTIVE SUMMARY**

Section 21 (1) of the Municipal Finance Management Act states that the Mayor of the Municipality must-

- (b) *at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-*
- (i) *the preparation, tabling and approval of the annual budget;*
  - (ii) *the annual review of –*
    - aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
    - bb) *the budget related policies.*
  - (iii) *the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
  - (iv) *any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

The IDP Process Plan is compiled in terms of Sections 28 and 29 of the Municipal Systems Act, No 32 of 2000.

Section 28 specifies that:

*“(1) Each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.*

*(2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.*

*(3) A municipality must give notice to the local community of particulars of the process it intends to follow.”*



Section 29(1) further requires that:

*The process “must—*

- (a) be in accordance with a predetermined programme specifying timeframes for the different steps;*
- (b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for –*
  - (i) The local community to be consulted on its development needs and priorities;*
  - (ii) The local community to participate in the drafting of the integrated development plan; and*
  - (iii) Organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan.*
- (c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and*
- (d) be consistent with any other matters that may be prescribed by regulation.*

(2) A district municipality must-

- (a) plan integrated development for the area of the district municipality as a whole but in close consultation with the local municipalities in that area;*
- (b) align its integrated development plan with the framework adopted in terms of section 27; and*
- (c) draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the local municipalities in that area.*

(3) A local municipality must-

- (a) align its integrated development plan with the framework adopted in terms of section 27; and*
- (b) draft its integrated development plan, taking into account the integrated development processes of and proposals submitted to it by the district municipality.”*

## 5. RECOMMENDATIONS

- (a) that Council notes and adopts the IDP, Budget and SDF Time Schedule of key deadlines to guide the planning, drafting, adoption and review of the Stellenbosch Second Revision of the Fourth Generation Integrated Development Plan (2017/18 – 2021/22) ; and
- (b) that the Time Schedule be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public of the planned process.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The Annual Budget and the IDP are inextricably linked with one another, and this link has been formalised through the promulgation of the Municipal Finance Management Act (Act 56 of 2003).

The IDP/ Budget SDF Process Plan also takes cognizance of the regulatory framework for the drafting, consultation and approval of the annual Service Delivery and Budget Implementation Plan (SDBIP) which is developed in accordance with the Local Government: Municipal Systems Act, Act 32 of 2000, Performance Regulations as well as the quarterly performance of the municipality. The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget.

---

The importance of synchronising the timelines for the revision of the IDP and Annual Budget with those of the SDBIP is captured in the sections from the Municipal Systems Act cited underneath:

A municipal SDF (new and/or amended) has to follow a timeline set out in a process plan similar to the IDP process plan. Section 20(2) of SPLUMA indicates how a municipal SDF must be prepared 'as part of' a municipal IDP, in accordance with the provision of the MSA.

Attached, as **ANNEXURE A**, is the IDP/Budget/SDF Process Plan (Time Schedule) to guide the planning, drafting, adoption and review of the 2nd Revision of the Fourth Generation Integrated Development Plan for 2017/18 – 2021/22.

## 6.2 Discussion

The IDP process follows the following major phases:

- **Analysis** (September - November 2018) which includes community input, performance analysis, financial analysis and organisational analysis.
- **Strategy** (November/December 2018) during which period the political and executive leadership confirms the strategic direction which will guide the compilation of the revised IDP, SDBIP and MTREF (vision, mission, focus areas, strategic objectives, measures and targets).
- **Preparing annual budget and IDP** (November 2018 to March 2019) during which period the municipal performance scorecard is revised and budget prioritization and outputs for the next three years are determined and aligned with the IDP and Budget.
- **Tabling of the draft IDP and Annual Budget** (March 2019).
- **Consultation and refinement** (April 2019) where the above-mentioned documents are published and circulated for comments and inputs by the community, National and Provincial Treasury, the Cape Winelands District Municipality and other prescribed organs of state or municipalities affected by the IDP or Budget.
- **Final approval** (May 2019) after consideration of the inputs and comments received from various stakeholders.

## 6.3 Financial Implications

The following financial implications must be noted:

- Costs related to the development of the new SDF;
- Staff related costs in accordance with the approved budget and
- Costs related to public consultation in accordance with the approved budget.

## 6.4 Legal Implications

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

## 6.5 Staff Implications

This report has no staff implications for the Municipality.

**6.6 Previous / Relevant Council Resolutions**

STELLENBOSCH MUNICIPALITY IDP/BUDGET/SDF TIME SCHEDULE (PROCESS PLAN) FOR THE 1ST REVISION OF THE 4TH GENERATION INTEGRATED DEVELOPMENT PLAN (2017/18- 2021/22)

**11<sup>TH</sup> COUNCIL MEETING: 2017-08-30: ITEM 7.2.1**

**RESOLVED** (majority vote with abstentions)

- (a) that the IDP/Budget/SDF Time schedule (Process Plan), attached as APPENDIX 1, which sets out in detail the IDP/Budget/SDF process (including dates) for the 1st revision of the 2017/18 – 2021/2022 Integrated Development Plan (IDP), Performance Management System (PMS), SDF and Medium Term Revenue and Expenditure Framework (MTREF) for 2018/19, 2019/20 and 2021/22, be approved; and
- (b) that any amendments to the Time Schedule (Process Plan) only be done by the Municipal Manager and Executive Mayor.

**6.7 Risk Implications**

None

**6.8 Comments from the Municipal Manager of Stellenbosch Municipality**

Process Plan is a legislative requirement which the Council must approve 10 months before the start of the financial year.

**ANNEXURES****Annexure A: IDP/Budget/SDF Process Plan (Time Schedule)****RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2018-08-08: ITEM 6.2**

- (a) that Council notes and adopts the IDP, Budget and SDF Time Schedule of key deadlines to guide the planning, drafting, adoption and review of the Stellenbosch Second Revision of the Fourth Generation Integrated Development Plan (2017/18 – 2021/22) ; and
- (b) that the Time Schedule be placed on the official website of the municipality, municipal notice boards and libraries, notifying the public of the planned process.

**FOR FURTHER DETAILS CONTACT**

<b>NAME</b>	<b>Gakeema Salie</b>
<b>POSITION</b>	<b>Manager IDP/PM/IGR</b>
<b>DIRECTORATE</b>	<b>Office of the Municipal Manager</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8171</b>
<b>E-MAIL ADDRESS</b>	<b>Gakeema.Salie@Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>8 and 22 August 2018</b>

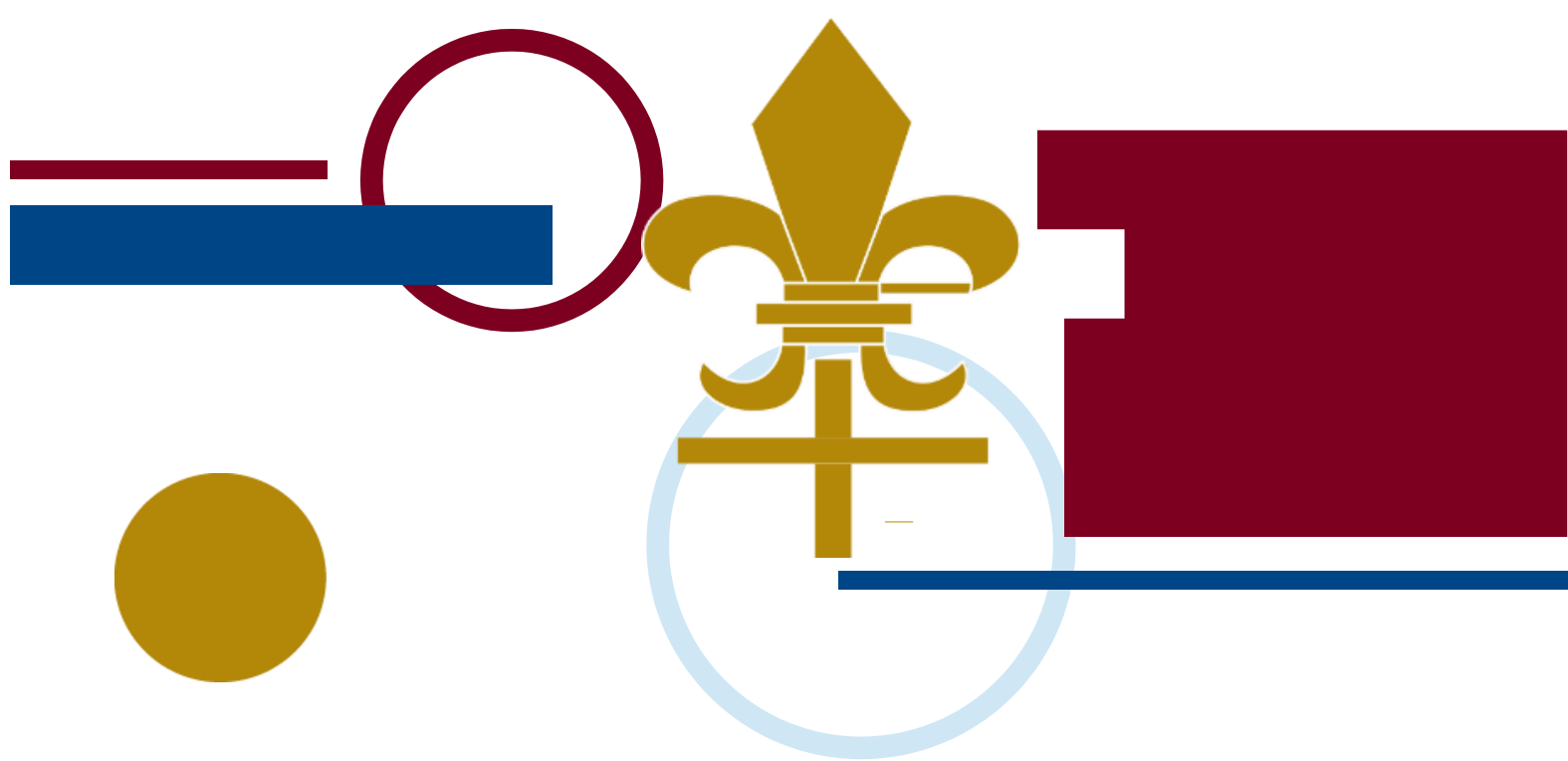
# **ANNEXURE A**



# **IDP/BUDGET/SDF PROCESS PLAN (TIME SCHEDULE)**

to guide the planning, drafting, adoption and review of the

**2nd Revision of the 4<sup>th</sup>  
Generation Integrated  
Development Plan (2017/18 -  
2021/22)**



August 2018



Municipal Manager and senior managers (no later than 14 days after the approval of the SDBIP)			
<b>AUGUST 2018</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
SDF-Status quo analysis ( <i>Status Quo Report</i> ) <ul style="list-style-type: none"> <li>Inception Report</li> <li>Legislative and Policy Review</li> </ul>	<b>Jul-Oct 2018</b>	<b>Spatial Planning</b>	<b><i>SPLUMA – Section 12(1)</i></b>
Self-assessment to identify gaps in the IDP process.	<b>Aug 2018</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Review situational analysis to identify changing community needs and challenges	<b>Aug 2018</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Review of Municipal Strategies, Objectives, KPA's, KPI's and targets	<b>Aug 2018</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Time Schedule <ul style="list-style-type: none"> <li>Tabled in MayCo</li> <li>Submit to Council (at least 10 months before the start of the budget year)</li> <li>Submit to the Provincial Government and District Municipality</li> <li>Advertise in the local newspapers</li> </ul>	<b>8 Aug 2018</b> <b>22 Aug 2018</b>  <b>Aug 2018</b>  <b>Aug 2018</b>	<b>Crucial</b>	<b><i>MFMA Section 21(1)(b)</i></b>
Top 100 Consumers Forum	<b>17 Aug 2018</b>	<b>Crucial</b>	<b><i>Electricity Regulations Act Section 6(2); National Water Act, Section 92; Municipal Systems Act, Section 16</i></b>
Submission of Un-audited Annual Performance Report to Provincial Government and Auditor-General	<b>31 Aug 2018</b>	<b>Crucial</b>	<b><i>MSA Section 126(1)(a)</i></b>
<b>SEPTEMBER 2018</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
District IDP Managers' Forum	<b>Sep 2018</b>	<b>District &amp; Provincial</b>	<b><i>Local Government Forum</i></b>
Spatial Concept and Strategy <ul style="list-style-type: none"> <li>Formulation of a conceptual framework based on the synthesis of challenges and opportunities identified</li> <li>Consolidation of Mapping</li> <li>Development of spatial strategies in support of</li> </ul>	<b>Sep 2018</b>	<b>Spatial Planning</b>	<b><i>SPLUMA – Section 12(1)</i></b>

concept/ vision, mitigating challenges and unlocking opportunities			
Provincial IDP Managers' Forum	<b>6-7 Sep 2018</b>	<b>District &amp; Provincial</b>	<b><i>Provincial Government Forum</i></b>
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	<b>Sep 2018</b>	<b>Crucial</b>	<b><i>MSA Section 56(2)</i></b>
Integration of new information from adopted Sector Plans into the IDP Review document	<b>Sep 2018</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Review of provincial and national government sector and strategic plans	<b>Sep 2018</b>	<b>Governance</b>	<b><i>MSA Section 34 and MSA Section 26 (d)</i></b>
Align IDP with provincial and national sector specific programmes (schools, libraries, clinics, water, electricity, roads, etc.)	<b>Sep 2018</b>	<b>Governance</b>	<b><i>MSA Section 34 and MSA Section 26 (d)</i></b>
Assess municipal performance and identify where changes are needed for next 3 years [incorporate community inputs]	<b>Sep 2018</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Updating of Ward Plans and Ward Priorities	<b>Sep 2018</b>	<b>Governance</b>	<b><i>MSA Section 29(1)(b)</i></b>

<b>OCTOBER 2018</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Spatial concept and strategy ( <i>SDF Concept Report</i> )	<b>Sep-Oct 2018</b>	<b>Spatial Planning</b>	<b><i>SPLUMA – Section 12(1)</i></b>
Budget Steering Committee meeting	<b>25 Oct 2018</b>	<b>Budget</b>	<b><i>MFMA Section 71</i></b>
Directorates complete template for 2018 - 2021 Capital and Operational Budget for Budget Prioritization	<b>26 Oct 2018</b>	<b>Budget</b>	<b><i>MSA Section 26(h)</i></b>
Complete tariff setting exercise for 2018/19	<b>26 Oct 2018</b>	<b>Budget</b>	<b><i>MFMA Section 71</i></b>
Review of budget related Policies & development of new Policies	<b>26 Oct 2018</b>	<b>Budget</b>	<b><i>Section 21(1)(a) MFMA Regulation 7(1) MBRR</i></b>
Integration of information from reviewed Sector Plans into the IDP Review document.	<b>Oct 2018</b>	<b>Governance</b>	<b><i>MSA Section 34 and MSA Section 26 (d)</i></b>



Integration of Spatial Development Framework	<b>Oct 2018</b>	<b>Governance</b>	<b>MSA Section 34</b>
Update and review the strategic elements of the IDP	<b>Oct 2018</b>	<b>Governance</b>	<b>MSA Section 34</b>
Incorporate initial changes into IDP	<b>Oct 2018</b>	<b>Governance</b>	<b>MSA Section 34</b>
PGWC SIME Engagement 1	<b>Oct 2018</b>	<b>District &amp; Provincial</b>	<b>Provincial Government Forum</b>
Finalise the review and update of recommendations contained in LG-MTEC reports and IDP Analysis Reports	<b>Oct-Dec 2018</b>	<b>Governance</b>	<b>MSA Section 32</b>
SDF- Public Participation Process	<b>Oct 2018</b>	<b>Spatial Planning</b>	<b>SPLUMA – Section 20(3) MSA Regulation 796, Chapter 2, Section 3(4)(b)</b>

### NOVEMBER 2018

<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
First Quarterly Performance Review – Informal Review of Directors	<b>Oct 2018</b>	<b>Governance</b>	<b>Regulation 805 and MSA Section 57</b>
First Quarterly Performance Review – Informal Review of Managers and Heads/staff reporting to Managers	<b>Oct 2018</b>	<b>Governance</b>	<b>MSA Section 38</b>
IDP/BUDGET/SDF Public Engagements	<b>Oct-Nov 2018</b>	<b>Governance</b>	<b>MSA Section 29(1)(b)</b>
Finalize all IDP inputs (Chapters) and distribute to all Departments for input and amendments	<b>Oct-Dec 2018</b>	<b>Governance</b>	<b>MSA Section 34</b>
Sector Engagement(s)	<b>Oct-Nov 2018</b>	<b>Governance</b>	<b>MSA Section 29(1)(b)</b>
Quarterly SDBIP <ul style="list-style-type: none"> <li>• Tabled in MayCo</li> <li>• Tabled in Council</li> </ul>	<b>14 Nov 2018 28 Nov 2018</b>	<b>Governance</b>	<b>MFMA Section 52D</b>
Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	<b>8-9 Nov 2018</b>	<b>Crucial</b>	<b>MSA Section 56(2)</b>
Annual Performance Review – Formal review of Directors for 2017/18	<b>Nov 2018-Feb 2019</b>	<b>Governance</b>	<b>Regulation 805 and MSA Section 57</b>

<b>NOVEMBER 2018</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Capture Priorities and Needs for Budget Prioritization.	Nov 2018	Governance	<i>MFMA Section 21(1)</i>
Alignment of IDP and Adjustment Budget	Nov 2018	Governance	<i>MFMA Section 21(1)</i>
Approval of Budget Alignment at Directors' Forum	Nov 2018	Governance	<i>MFMA Section 21(1)</i>
Budget Steering Committee meeting	29 Nov 2018	Budget	<i>MFMA Section 71</i>
Compilation of Draft Operational and Capital Budget	Nov-Dec 2018	Budget	<i>MFMA Section 21(1)(a)</i>
Draft SDF and Spatial Implementation Framework	Nov 2018-Jan 2019	Spatial Planning	<i>SPLUMA – Section 12(1)</i>

<b>DECEMBER 2018</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Provincial IDP Managers' Forum	6-7 Dec 2018	District & Provincial	<i>Provincial Government Forum</i>
Compilation of Draft Tariff Listing	Nov-Dec 2018	Budget	<i>MFMA Section 21</i>
Receive requests for Adjustment Budget	Dec 2018	Budget	<i>Internal Process</i>
Send out requests to Directors for the updating of their respective chapters that require revision for the 2018/19 review	Dec	Governance	<i>MSA Section 34</i>
District IDP Managers' Forum	Dec 2018	District & Provincial	<i>Local Government Forum</i>
Preparation for Mid-year review and Performance Assessment	Dec 2018-Jan 2019	Governance	<i>MFMA Section 72</i>
Preparation for Annual Performance Assessment	Dec 2018-Jan 2019	Governance	<i>MFMA Section 72</i>

<b>JANUARY 2019</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
SDF- Draft SDF Public Participation	Jan-Feb 2019	Spatial Planning	<i>SPLUMA – Section 20(3), MSA Reg 796, Chapter 2, Section 3(4)(b)</i>
Mid-year Budget and Performance assessment signed by Mayor	25 Jan 2019	Governance	<i>MFMA Section 72(1)</i> <i>MFMA Section 54(1)(f)</i> <i>MBRR Regulation 35(1)</i>

<b>JANUARY 2019</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Annual Report: <ul style="list-style-type: none"> <li>• Submit to MayCo</li> <li>• Submit to Council</li> </ul>	Jan 2019 Jan 2019	Governance	<i>MFMA Section 127(2)</i>
Updating and Compilation of IDP document and amendment of SDF <ul style="list-style-type: none"> <li>• Review of chapters</li> <li>• Consolidation and submission to Municipal Manager</li> </ul>	Jan-Mar 2019	Governance	<i>MSA Section 34</i>
Adjustments Budget: <ul style="list-style-type: none"> <li>• Submit to Budget Steering Committee</li> <li>• Submit to MayCo</li> <li>• Submit to Council</li> </ul>	11 Jan 2019	Budget	<i>MFMA Section 28(1) and MBRR Regulation 23(1)</i>
Advertise Adjustments Budget and Mid-year Section 72 assessment on municipal website	21 Jan 2019	Budget	<i>MBRR Regulation 26(1)</i>
Annual Report: <ul style="list-style-type: none"> <li>• Submit Annual Report to the Auditor- General, Provincial Treasury and provincial department responsible for local government</li> <li>• Make public and invite comments from the local community</li> </ul>	Jan 2019	Governance	<i>MFMA Section 127(5)</i>
Finalisation of Capital and Operational Budget	Jan-Mar 2019	Budget	<i>MFMA Section 21</i>
Finalisation of Tariff structure for 2018/19	Jan-Mar 2019	Budget	<i>MFMA Section 21</i>
Finalisation of Budget Related Policies	Jan-Mar 2019	Budget	<i>MFMA Section 21</i>
Finalisation of Council Resolution and all relevant prescribed annexures	Jan-Mar 2019	Budget	<i>MFMA Section 21</i>

<b>FEBRUARY 2019</b>			
<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Submit the approved adjustments budget to Provincial and National Treasury	Feb 2019	Budget	<i>MBRR Regulation 24(1)</i>
Budget Steering Committee meeting	7 Feb 2019	Budget	<i>MFMA Section 71</i>
TIME Engagement with PGWC	Feb 2019	District & Provincial	<i>Provincial Government Forum</i>

District IDP Managers' Forum	<b>Feb 2019</b>	<b>District &amp; Provincial</b>	<b>Local Government Forum</b>
2nd Quarterly Performance Review <ul style="list-style-type: none"> <li>Formal Review- Directors</li> <li>Formal Review of Managers and Heads/staff reporting to Managers</li> </ul>	<b>Jan-Feb 2019</b> <b>Jan-Feb 2019</b>	<b>Governance</b>	<b>MSA Section 41 (1)(e)(i)</b>
Provincial IDP Managers' Forum	<b>28 Feb-1 Mar 2019</b>	<b>District &amp; Provincial</b>	<b>Provincial Engagement</b>
Preparation of spatial input for the draft IDP	<b>Feb-Mar 2019</b>	<b>Spatial Planning</b>	<b>SPLUMA – Section 12(1)</b>

### MARCH 2019

ACTIVITY	DATE	DESCRIPTION	LEGAL
Refinement, updating and finalisation of the draft SDF (and implementation framework) based on stakeholder inputs	<b>Mar-May 2019</b>	<b>Spatial Planning</b>	<b>SPLUMA Section 20(3)(c)</b>
Table draft IDP and budget for adoption in : <ul style="list-style-type: none"> <li>Budget Steering Committee</li> <li>MayCo</li> <li>Council</li> </ul>	<b>Mar 2019</b>	<b>Governance</b>	<b>MSA Section 34 and MFMA Section 16</b>
Dry-runs with Ward Councillors and Senior Management in preparation of IDP/Budget/SDF feedback meetings	<b>Mar-Apr 2019</b>	<b>Governance</b>	<b>MSA Section 34</b>
Publicise Draft IDP and Budget and invite local community to make written comments in respect of the IDP and Budget	<b>End of March 2019</b>	<b>Governance</b>	<b>MFMA Section 22 and MSA Section 21(a)</b>

### APRIL 2019

ACTIVITY	DATE	DESCRIPTION	LEGAL
Finalize Ward Plans	<b>Apr 2019</b>	<b>Governance</b>	<b>MSA Section 34</b>
Quarterly review of SDBIP	<b>Apr 2019</b>	<b>Governance</b>	<b>MFMA Circular 13 Section 40 MSA</b>
<i>SDBIP quarterly report</i> <ul style="list-style-type: none"> <li>Table in MayCo</li> <li>Table in Council</li> </ul>	<b>Apr 2019</b>	<b>Governance</b>	<b>MFMA Section 52 (d)</b>
Closing Date for Comments on Draft IDP, Budget and SDF amendments - Input by Public	<b>30 Apr 2019</b>	<b>Governance</b>	<b>MSA Section 34</b>
3rd Performance Review	<b>Apr 2019</b>	<b>Governance</b>	<b>MSA Section 41 and MFMA Section 52D</b>

<ul style="list-style-type: none"> <li>• Informal Review of Managers and Heads/staff reporting to Managers</li> <li>• Informal Review of Directors</li> <li>• SDBIP Q3 report to WCPG</li> </ul>			
Consultation and Refinement of IDP document <ul style="list-style-type: none"> <li>• Review written comments in respect of the Budget and IDP</li> <li>• Conclusion of Sector Plans initiated for the 2019/20 financial year and integration into the IDP Review report.</li> </ul>	<b>Apr-May 2019</b>	<b>Governance</b>	<b><i>MSA Section 16 (1) (a) (i)</i></b>
LGMTEC Engagements with PGWC	<b>Apr-May 2019</b>	<b>District &amp; Provincial</b>	<b><i>Provincial Government Engagement</i></b>
District/Local Municipalities' Alignment of Strategies	<b>Apr 2019</b>	<b>Governance</b>	<b><i>MSA Section 34</i></b>
Top 100 Consumers Forum	<b>Apr 2019</b>	<b>Crucial</b>	<b><i>Electricity Regulations Act Section 6(2); National Water Act, Section 92; Municipal Systems Act, Section 16</i></b>

### MAY 2019

ACTIVITY	DATE	DESCRIPTION	LEGAL
Budget Steering Committee meeting	<b>9 May 2019</b>	<b>Budget</b>	<b><i>MSA Section 71</i></b>
Table final IDP and budget for adoption in: <ul style="list-style-type: none"> <li>• Budget Steering Committee</li> <li>• MayCo</li> <li>• Council (at least 30 days before the start of the budget year)</li> </ul>	<b>May 2019</b>	<b>Governance</b>	<b><i>MFMA Section 24(1)</i></b>

### JUNE 2019

ACTIVITY	DATE	DESCRIPTION	LEGAL
Provincial IDP Managers' Forum	<b>8-7 June 2019</b>	<b>District &amp; Provincial</b>	<b>Provincial Government Forum</b>
Submit a copy of the IDP to the MEC for local government as well as Provincial Treasury (within 10 days of the adoption of the plan)	<b>June 2019</b>	<b>Governance</b>	<b><i>MSA Section 32(1)(a)</i></b>

**JUNE 2019**

<b>ACTIVITY</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>LEGAL</b>
Submit approved budget to the Provincial Treasury and National Treasury (within 10 working days after approval of the budget)	<b>June 2019</b>	<b>Budget</b>	<b>MFMA Section 24(3) and MBRR Regulation 20</b>
Give notice to the public of the adoption of the IDP (within 14 days of the adoption of the plan)	<b>June 2019</b>	<b>Governance</b>	<b>MSA Section 25(4)(a) and MSA Section 21A(1)(a) and (c)</b>
Publicize a summary of the IDP (within 14 days of <i>the adoption of the plan</i> )	<b>June 2019</b>	<b>Governance</b>	<b>MSA Section 25(4)(b)</b>
Make public the approved annual budget and supporting documentation (including tariffs) (within 10 working days after approval of the budget)	<b>June 2019</b>	<b>Budget</b>	<b>MBRR Regulation 18</b>
Submit to the Executive Mayor the draft SDBIP and draft annual performance agreements for the next year (within 14 days after approval of the budget)	<b>June 2019</b>	<b>Governance</b>	<b>MFMA Section 69(3)</b>
Place the performance agreements and all service delivery agreements on the website.	<b>June 2019</b>	<b>Governance</b>	<b>MFMA Section 75(1) and MBRR Regulation 19</b>
Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 municipality must take all days after approval of the budget)	<b>June 2019</b>	<b>Crucial</b>	<b>MFMA Section 53(1)(c)(ii)</b>
Submit copies of the performance agreements to the MEC for local government.	<b>June 2019</b>	<b>Governance</b>	<b>MFMA Section 53(3)(b)</b>
Provide feedback to written comments received from public	<b>June 2019</b>	<b>Governance</b>	<b>King IV Principle 16</b>

8.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
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8.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
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NONE

8.2	<b>OFFICE OF THE MUNICIPAL MANAGER</b>
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8.2.1	<b>MILLSTREAM PROGRESS REPORT</b>
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**KINDLY NOTE:** The item is distributed under separate cover.

8.2.2	<b>ROLL-OVER ADJUSTMENTS BUDGET FOR 2018/2019</b>
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**KINDLY NOTE:** The item is distributed under separate cover.

9.	<b>MATTERS FOR NOTIFICATION</b>
9.1	<b>REPORT BY THE EXECUTIVE MAYOR</b>
9.1.1	<b>REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MAY 2018</b>

Collaborator No:

File No:

10/5/33

IDP KPA Ref No:

Good Governance

Meeting Date:

22 August 2018

**1. SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 24 MAY 2018**

**2. PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 24 May 2018.

**3. DELEGATED AUTHORITY**

FOR INFORMATION

**4. EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. She presented a report to Council at the Council meeting on 25 July 2018, and was requested to adjust the report. The adjusted report is herewith presented. The Executive Mayor was requested to provide the minutes of the meeting. The minutes are attached as **ANNEXURE A.**

**5. RECOMMENDATION**

that the report of the Mayor-Rector Forum meeting on 24 May 2018, be noted.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The forum was established to collaborate and share information and research on main areas of agreement regarding the challenges facing Stellenbosch and the possible solutions.

**6.2 Discussion**

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. She presented a report to Council at the Council meeting on 25 July 2018, and was requested to adjust the report. The adjusted report is herewith presented. The Executive Mayor was requested to provide the minutes of the meeting. The minutes are attached as **ANNEXURE A.**



The following concerns were discussed:

24 May 2018

- Feedback regarding Meulsloot
- Feedback from the sub-committees
- Housing Summit
- Planned summit on addressing Street People
- Water restrictions
- Parking and traffic concerns
- Safety awareness
- Combined events calendar
- Research
- Contingency plans with regard to the water crisis

### 6.3 **Financial Implications**

Any recommendations flowing from the discussions are dealt with in terms of the approved budget.

### 6.4 **Legal Implications**

Any recommendations flowing from the discussions are dealt with through items or normal administrative actions within the policies of Council.

### 6.5 **Staff Implications**

This report has no additional staff implications for the Municipality.

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

25 July 2018 item 9.1.1

### 6.7 **Risk Implications**

No additional risk implications.

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

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up the actions directly with the Directors.

## ANNEXURES

**Annexure A:** Minutes of the Mayor-Rector Forum meeting: 24 May 2018.

### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	DONOVAN MULLER
<b>POSITION</b>	<b>OFFICE MANAGER: EXECUTIVE MAYOR</b>
<b>DIRECTORATE</b>	<b>CORPORATE AND STRATEGIC SERVICES</b>
<b>CONTACT NUMBERS</b>	021 8088314
<b>E-MAIL ADDRESS</b>	<a href="mailto:Donovan.Muller@ Stellenbosch.gov.za">Donovan.Muller@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	16 August 2018

# **ANNEXURE A**

## Minutes of the Rector / Executive Mayor's Forum

**Date:** 24 May 2018  
**Time:** 14:00  
**Location:** Stellenbosch University, Indaba Room, 1st Floor, Admin B Building, Victoria Street, Stellenbosch  
**Chair:** Prof Wim de Villiers

Attendees:

Stellenbosch Municipality (SM)	
Name and Surname	Designation
Adv Gesie van Deventer (GvD)	Executive Mayor
Ms Geraldine Mettler (GM)	Municipal Manager
Mr Deon Louw (DL)	Director: Engineering Services
Mr Dupre Lombaard (DL)	Director: Planning and Economic Development
Mr Gerald Esau (GE)	Director: Community & Protection Services
Stellenbosch University (SU)	
Name and Surname	Designation
Prof Wim de Villiers (WdV)	Rector and Vice-Chancellor
Prof Stan du Plessis (SdP)	Chief Operating Officer
Prof Eugene Cloete (EC)	Vice-Rector: Research, Innovation & Postgraduate Studies
Prof Nico Koopman (NK)	Vice-Rector: Social Impact, Transformation and Personnel
Mr Desmond Thompson (DT)	Communication Specialist: Executive Management
Dr Leslie van Rooi (LBvR)	Senior Director: Social Impact & Transformation

Apologies: None

DISCUSSION	Responsible	Due Date
	(Name)	(Date)
<b>1. Constitution, opening and welcome</b> WdV welcomes everyone present.		
<b>2. Finalisation of Agenda</b> No additional items were added to the agenda.		
<b>3. Approval of minutes</b> Minutes approved		

<p><b>4. Matters arising</b></p> <p><b>4.1 Feedback regarding Meulsloot</b> SdP mentioned that a letter was received from the Executive Mayor and are grateful for the process. SdP extended an indication that if the SM Council moves toward a decision on Erf1771, SU would like to work with SM to find an integrated solution.</p> <p>SdP requested that Appendix 8 of Council minutes be send to him.</p> <p>App 8 was not included in the Council minutes, which was send.</p>	<p><b>SdP</b></p>	
<p><b>5. Standing items</b></p> <p><b>5.1 Feedback Mobility Subcommittee</b> None.</p> <p><b>5.2 Feedback by Safety and Planning Subcommittee</b> GM noted that SM currently deals with illegal Land invasions.</p> <p><b>5.3 Feedback by Infrastructure Development Subcommittee</b> DL mentioned that SU and SM is meeting with the Department of Engineering on a quarterly basis. One of the projects is the Timing of Traffic lights to improve traffic flow.</p> <p>EC complimented SM on the slipways at the Boord, it made a huge difference on the traffic flow, EC suggested that a slipway in Alexander Street should be considered.</p> <p><b>5.4 Water Management</b> No information</p>		
<p><b>6. New matters</b></p> <p><b>6.1 Housing Summit</b> GvD noted that a Housing Summit will be held on Thursday 14 June 2018. Provincial Minister of Human Settlements: Mr Bonginkosi Madikizela is invited. Invitation is extended to SU to attend.</p> <p><b>6.2 Summit on addressing street people</b> GvD expressed her concern regarding homeless people in Stellenbosch. SM receives many complaints regarding homeless people.</p>	<p><b>GvD</b></p> <p><b>GvD</b></p>	

<p>SM is in the process of planning a summit, date not yet confirmed. NK noted that this item is currently under discussion at the Monitoring &amp; Advisory Committee (MAC) on Crime.</p> <p>Donovan Muller will contact NK to get names of SU representatives who will be directly involved in further discussions.</p> <p><b>6.3 Water restrictions</b> Stellenbosch is still on level 6B water restrictions. This level will be retained. No Day Zero currently expected following the rain patterns. Stellenbosch dam turned around at 75%. As soon as the dam levels pick up further, restrictions will be reduced.</p> <p><b>6.4 Parking and Traffic concerns</b> GvD expressed her concern regarding the parking and traffic. Looking at ways to solve this. DL elaborated on the process and stages to solve this.</p> <p>GvD mentioned that biggest problem, is students parking in CBD, Plein Street etc. Students park their cars whole day and cars should be towed. Solution would be to encourage students to walk or cycle.</p> <p>SdP suggest that SM send information to SU, so that it can be disseminated to students, which will inform them of where to park and not to park.</p> <p>EC suggest that this should be looked at on a long-term view, encourage students to commute to town and mentioned some examples on how this can be done.</p> <p><b>6.5 Safety awareness</b> GvD mentioned that safety is a huge issue, awareness should be created. This needs to be kept on the table for continues discussion. SdP elaborated on the current safety measures that are in place at SU.</p> <p><b>6.6 Combined events calendar</b> GvD suggested that SU provide SM with an Events Calendar, so that it can be incorporated with the Events Calendar of SM. Joint events calendar can be used, to plan better and put better plans in place.</p> <p><b>6.7 Research</b></p>	<p><b>GvD &amp; DL</b></p> <p><b>GvD</b></p> <p><b>GvD</b></p> <p><b>GvD</b></p> <p><b>GvD</b></p>	
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9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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NONE

10.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
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10.1	<b>QUESTION 1 BY COUNCILLOR F ADAMS: ONDER PAPAGAAIBERG FENCE</b>
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Collaborator No:

IDP KPA Ref No:

3/4/1/4

Meeting Date:

22 August 2018

A Notice of Question, in terms of Section 21(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2018-08-06, was received from Councillor F Adams.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION****APPENDICES:**

**Appendix 1:** Question by Councillor F Adams

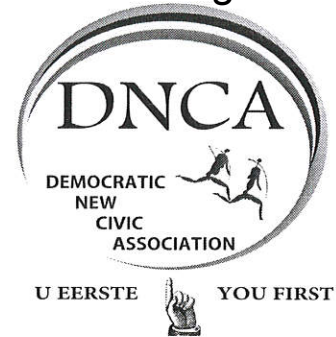
**Appendix 2:** Response by Municipal Manager

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<b><i>Municipal Manager</i></b>
<b>DIRECTORATE</b>	<b><i>Office of the Municipal Manager</i></b>
<b>CONTACT NUMBERS</b>	<b>021 808-8025</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>22 August 2018</b>



# APPENDIX 1



CONTACT: [oackcity2010@yahoo.com](mailto:oackcity2010@yahoo.com)  
 P.O BOX 12445  
 DIE BOORD  
 7613

Democratic New Civic Association

06 August 2018

For attention : The Speaker

Stellenbosch Municipality



*Approved*

**Re: Question in terms of the rules of Order bylaw.**

I hereby submit the following question to be served at the August 2018 Council meeting.

**Motivation/background**

I refer to the Onder papagaaiberg fence that was recently install and will like to ask the following.

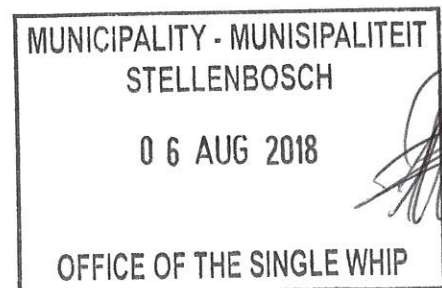
**Question:**

What was the reason for the fence, the decision making process and the total cost to the municipality?

I request the ward councilor to answer me in writing?

Clr. Franklin Adams

**“Aluta Continua”**



# **APPENDIX 2**



## MEMORANDUM

*Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder*

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**To : SPEAKER**  
**From : ACTING MUNICIPAL MANAGER**  
**Date : 15 AUGUST 2018**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 21 OF THE RULES OF ORDER: ONDERPAPEGAAIBERG FENCE**

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Dear Speaker,

With reference to the question received from the DNCA, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 7 August 2018.

**Question:**

*" What is the reason for the fence, the decision making process and the total cost to the municipality."*

**Response**

The reason for the fence is twofold:

- a) Protected Areas in Stellenbosch needs to fenced due to close proximity of houses and the protection of biodiversity in the reserve.
- b) Cemeteries by law should also be fenced, and this is why the Western boundary fence between the reserve and the Cemetery is being fenced.

The fence was loaded on CP3 by the Planning Department. This capital budget was planned by Planning and transferred to Community Services for execution.

The budget for phase one was R1 350 000.00 (2017/2018) and for phase two R1 350 000.00 (2018/2019). Totalling a budget of R2 700 000.00

Kind regards

**TABISO MFEYA  
ACTING MUNICIPAL MANAGER**

10.2	<b>QUESTION 1 BY COUNCILLOR DA HENDRICKSE: LIST OF MUNICIPAL IMMOVABLE PROPERTIES LEASED OUT</b>
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Collaborator No:

IDP KPA Ref No:

3/4/1/4

Meeting Date:

22 August 2018

A Notice of Question, in terms of Section 21(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2018-08-07, was received from Councillor DA Hendrickse.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION****APPENDICES:**

**Appendix 1:** Question by Councillor DA Hendrickse

**Appendix 2:** Response by Municipal Manager

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	22 August 2018

# **APPENDIX 1**



Municipality - Munisipaliteit  
Stellenbosch

07 AUG 2018

Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder

7 august 2018

The Single Whip  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr P Biscombe

Dear Whip

**RE :NOTICE OF QUESTIONS TO SERVE AT THE AUGUST COUNCIL MEETING DIRECTED AT THE MUNICIPAL MANAGER**

**Question NO 1**

What is the list of municipal immovable properties ( Excluding farms and municipal housing units) leased out to various entities ie. Schools , churches, NGO's , Businesses, cultural organisations , various government departments etc.

**MOTIVATION**

There is no public record of the requested list. This information must be publicly available and should also be available on the municipal website as prescribe by legislation.

I also see on the MaYCO agenda of 8 August 2018 there is an item indicating that the municipality has been leasing land to Renisch girls school since 1986.

**Question NO 2**

What is the total cost implications / expensince spend and paid out by the municipality to the various consultants and contractors that were appointed on the Waste water treatment till the end of the financial year ending June 2018

**Motivation.**

Over the past 3 to 5 years the construction of the upgrade of the Waste water treatment plant has been the biggest single project implemented by the municipality and council has approved over the year hundreds of millions of rands, but to date Council and the public have received no report as to the details of which consultants and contractors were appointed , nor as the total value of their contracts and what has been spend to date.

Clr DA Hendrickse

# **APPENDIX 2**





## MEMORANDUM

*Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder*

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**To : SPEAKER**  
**From : ACTING MUNICIPAL MANAGER**  
**Date : 15 AUGUST 2018**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 21 OF THE RULES OF ORDER: LIST OF MUNICIPAL IMMOVABLE PROPERTIES**

---

Dear Speaker,

With reference to the question received from the EFF, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 7 August 2018.

**Question 1 :**

*"What is the list of municipal immovable properties (excluding farms and municipal housing units) leased to various entities i.e. schools, churches, NGO's, Businesses, cultural organisations, various government departments etc."*

**Response**

Please find list attached.

Kind regards

**TABISO MFEYA  
ACTING MUNICIPAL MANAGER**

## APPENDIX 1

**LEASE AGREEMENTS: MEDIUM TERM: MUNICIPAL BUILDINGS**

NO	LESSOR	ADDRESS	PROPERTY DISCIPTION
1	STELLENBOSCH TOURISM ASSOCIATION C/O ANNEMARIE FERNS	P.O BOX 368 STELLENBOSCH 7599	PORTION OF (RYNSE COMPLEX) - Erf 9672
2	WELTEVREDE TELETUBBIES DAY CARE CENTRE c/o F PIENAAR	PO BOX 145 KLAPMUTS 7635	PORTION OF ERF 342 KLAPMUTS
3	DIEREBESKERMINGVERE NIGING VAN SA c/o PIETER JACOBUS VENTER (VOORSITTER)	30 CHURCH STREET STELLENBOSCH 7600	PORTION OF FARM 183
4	L'ABRI DE DIEU SAFE HOUSE REP BY DANIEL JORDAAN ERASMUS	29 SIMONSBERG STREET, STELLENBOSCH 7600	3363
5	HISTORIESE HUISE	P.O BOX 456 STELLENBOCH	DIE BURGERHUIS - ERF 3389
6	KAYAMANDI POLICE OFFICE	PUBLIC WORKS	PROTION OF ERF 62, KAYAMANDI
7	KARLIEN & KANDAS rep by MEV M VLOK	CORONATASTR STELLENBOSCH 7600	ERF 12758 AND 12759
8	LIBERTAS THEATRE CLUB	P.O BOX 39 STELLENBOSCH 7600	PORTION OF RE. OF ERF 235
9	FRANSCHHOEK SPCA	SPCA CLINIC LA PROVENCE STREET GROENDAL FRANSCHHOEK	290 - PORTION OF (FHK)
10	BERGZICHT OPLEIDING	GEBOU A,B OF C P.O BOX 985 STELLENBOSCH 7599	PORTION OF RE. OF ERF 235

**LEASE AGREEMENTS: MEDIUM TERM: MUNICIPAL BUILDINGS**

NO	LESSOR	ADDRESS	PROPERTY DISCRPTION
11	KAAPSE WYNLAND DISTRIK MUNISIPALITEIT	51 TRAPPES STREET WORCESTER 6849	ADMINISTRATION OFFICES OF THE S/B MUNICIPALITY IN F/H
12	PARADYSKLOOF TENNISCLUB	PO BOX 12335 STELLENBOSCH 7599	FARM 369
13	ANIMAL HOSPITAL	P.O BOX 186 STELLENBOSCH 7599	ERF 2499
14	JUNIOR BABIN - M. HUGO	BABIN PRE-PRIMARY SCHOOL P.O BOX 1400 STELLENBOSCH 7599	PORTION OF ERF 2149
15	STB MUSEUM (RYNSE KOMPLEKS)	PRIVATEBAG X5048 STELLENBOSCH 7599	PORTION OF RYNSE COMPLEX ERF 9672
16	LIVE CRAFT - FRANSCHHOEK ( Me B Fray)	PO BOX 650 FRANSCHHOEK 7690	PORTION OF ERF 143 F/H
17	VOORGELEGEN - STB MUSEUM	VOORGELEGEN DORPSTRAAT 116 STELLENBOSCH 7600	ERF 658
18	LANDBOU SAAL		ERF 6314
19	STELLENBOSCH GEMEENTE	P.O BOX 185 STELLENBOSCH 7599	ERF 874, KAYAMANDI
20	STELLENBOSCH TAXI ASS. & KAYAMANDI TAXI ASS.	22 ERASMUS SMIT STR IDASVALLEY & P.O BOX 1180 STELLENBOSCH 7599	ERF 235
21	FRANSCHHOEK BOWILING	PRIVATEBAG X19 FRANSCHHOEK 7690	ERF 2885
22	FRANSCHHOEK TENNISCLUB	4 CABRERIE STR FRANSCHHOEK 7690	ERF 1693 F/H

10.3	<b>QUESTION 2 BY COUNCILLOR DA HENDRICKSE: TOTAL COST: CONSULTANTS AND CONTRACTORS APPOINTED ON WASTE WATER TREATMENT</b>
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Collaborator No:

IDP KPA Ref No:

3/4/1/4

Meeting Date:

22 August 2018

A Notice of Question, in terms of Section 21(2) of the Rules of Order regulating the Code of Conduct of Council and Council Committee meetings, dated 2018-08-07, was received from Councillor DA Hendrickse.

The said Question is attached as **APPENDIX 1** and the appropriate response as **APPENDIX 2**.

**FOR CONSIDERATION****APPENDICES:**

**Appendix 1:** Question by Councillor DA Hendrickse

**Appendix 2:** Response by Municipal Manager

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<b><i>Municipal Manager</i></b>
<b>DIRECTORATE</b>	<b><i>Office of the Municipal Manager</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 808-8025</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i></b>
<b>REPORT DATE</b>	<b><i>22 August 2018</i></b>

# **APPENDIX 1**



Municipality - Munisipaliteit  
Stellenbosch

07 AUG 2018

Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder

7 august 2018

The Single Whip  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr P Biscombe

Dear Whip

**RE :NOTICE OF QUESTIONS TO SERVE AT THE AUGUST COUNCIL MEETING DIRECTED AT THE MUNICIPAL MANAGER**

**Question NO 1**

What is the list of municipal immovable properties ( Excluding farms and municipal housing units) leased out to various entities ie. Schools , churches, NGO's , Businesses, cultural organisations , various government departments etc.

**MOTIVATION**

There is no public record of the requested list. This information must be publicly available and should also be available on the municipal website as prescribe by legislation.

I also see on the MaYCO agenda of 8 August 2018 there is an item indicating that the municipality has been leasing land to Renisch girls school since 1986.

**Question NO 2**

What is the total cost implications / expensince spend and paid out by the municipality to the various consultants and contractors that were appointed on the Waste water treatment till the end of the financial year ending June 2018

**Motivation.**

Over the past 3 to 5 years the construction of the upgrade of the Waste water treatment plant has been the biggest single project implemented by the municipality and council has approved over the year hundreds of millions of rands, but to date Council and the public have received no report as to the details of which consultants and contractors were appointed , nor as the total value of their contracts and what has been spend to date.

Clr DA Hendrickse

# **APPENDIX 2**





## MEMORANDUM

*Office of the Municipal Manager  
Kantoor van die Munisipale Bestuurder*

---

**To : SPEAKER**  
**From : ACTING MUNICIPAL MANAGER**  
**Date : 15 AUGUST 2018**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 21 OF THE RULES OF ORDER: WASTE WATER TREATMENT WORKS**

---

Dear Speaker,

With reference to the question received from the EFF, submitted in terms of Section 21 of the Rules of Order Regulating the Conduct of Council and Council Committee Meetings, received by my office on 7 August 2018.

**Question 2:**

*“ What is the total cost implications / expenses spend and paid out by the municipality to the various consultants and contractors that were appointed on the Waste Water Treatment till the end of the financial year ending June 2018.”*

**Response**

The total amount spent on all consultants and contractors on the SWWTW from 2013/14 financial year until end 2017/18 financial amounted to R 374,247,751.00

Kind regards

**TABISO MFEYA**  
**ACTING MUNICIPAL MANAGER**

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11.	CONSIDERATION OF URGENT MOTIONS
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12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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