



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-02-22

NOTICE OF THE 24TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2019-02-27 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

COUNCILLORS	F Adams	MC Johnson
	FJ Badenhorst	DD Joubert
	GN Bakubaku-Vos (Ms)	N Mananga-Gugushe (Ms)
	FT Bangani-Menziwa (Ms)	C Manuel
	Ald PW Biscombe	NE Mcombring (Ms)
	G Cele (Ms)	XL Mdemka (Ms)
	PR Crawley (Ms)	RS Nalumango (Ms)
	A Crombie (Ms)	N Olayi
	JN De Villiers	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	MM Pietersen
	AR Frazenburg	WF Pietersen
	E Fredericks (Ms)	SR Schäfer
	T Gosa	Ald JP Serdyn (Ms)
	E Groenewald (Ms)	N Sinkinya (Ms)
	JG Hamilton	P Sitshoti (Ms)
	AJ Hanekom	Q Smit
	DA Hendrickse	LL Stander
	JK Hendriks	E Vermeulen (Ms)
	LK Horsband (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 **24TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2019-02-27** at **10:00** to consider the items on the Agenda.

SPEAKER
WC PETERSEN (MS)

VOL. 1

A G E N D A
24TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-02-27

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	COMMUNICATIONS	
2.1	MAYORAL ADDRESS	
2.2	COMMUNICATION BY THE SPEAKER	
2.3	COMMUNICATION BY THE MUNICIPAL MANAGER	
3.	OFFICIAL NOTICES	
3.1	DISCLOSURE OF INTERESTS	
3.2	APPLICATIONS FOR LEAVE OF ABSENCE	
4.	CONFIRMATION OF MINUTES	
4.1	The minutes of the 22 nd Council Meeting: 2019-01-30 refers (APPENDIX 1) FOR CONFIRMATION	
5.	STATUTORY MATTERS	
	NONE	
6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS	
	The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as APPENDIX 1.	
7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]	
7.1	COMMUNITY AND PROTECTION SERVICES: [PC: CLLR JN DE VILLIERS]	
	NONE	
7.2	CORPORATE SERVICES: [PC: CLLR AR FRAZENBURG]	
7.2.1	PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI (APPENDICES 1-12)	
7.2.2	POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE (APPENDICES 1-3)	
7.2.3	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: WAY FORWARD (APPENDICES 1-13)	
7.2.4	AMENDMENTS TO 2017 ORGANISATIONAL STRUCTURE (ANNEXURES A1-A2)	
7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]	
	NONE	
7.4	HUMAN SETTLEMENTS: [PC: CLLR N JINDELA]	
7.4.1	NONE	
7.5	INFRASTRUCTURE SERVICES: [PC: CLLR Q SMIT]	
	NONE	
7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]	
7.6.1	PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES	

ITEM	SUBJECT	PAGE
7.7	PLANNING AND ECONOMIC DEVELOPMENT [PC: CLLR E GROENEWALD (MS)]	
	NONE	
7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]	
	NONE	
7.9	YOUTH, SPORTS AND CULTURE: [PC: CLLR M PIETERSEN]	
	NONE	
7.10	REPORT(S) BY THE MUNICIPAL MANAGER	
	NONE	
8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
	NONE	
8.2	REPORT/S BY THE MUNICIPAL MANAGER	
8.2.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2019	
8.2.2	EXTENSION OF TERM OF OFFICE FOR STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS APPOINTED IN TERMS OF SECTION 37 THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) (ACT NO. 16 OF 2013) (HEREIN REFERRED TO AS THE "ACT")	
8.2.3	CONFIRMATION OF APPOINTED AUTHORISED EMPLOYEE IN TERMS OF THE STELLENBOSCH LAND USE PLANNING BY-LAW, OCTOBER 2015	
8.2.4	DISCOUNTING OF RENOVATIONS AND REPAIRS COSTS OF THE ECONOMIC DEVELOPMENT HUBS AGAINST THE RENTAL INCOME	
8.2.5	ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024	
8.2.6	APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK	
9.	MATTERS FOR NOTIFICATION	
9.1	REPORT/S BY THE EXECUTIVE MAYOR	
	NONE	
9.2	REPORT/S BY THE SPEAKER	
	NONE	
9.3	REPORT/S BY THE MUNICIPAL MANAGER	
	NONE	
10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
10.1	MOTION BY CLLR F ADAMS:	
10.2	MOTION BY CLLR F ADAMS:	
10.3	MOTION BY ALDERMAN PW BISCOMBE: APPOINTMENT OF INDEPENDENT INVESTIGATOR	
10.4	MOTION BY ALDERMAN PW BISCOMBE: DISCIPLINARY COMMITTEE TO INVESTIGATE ALLEGATIONS AGAINST CLLR F ADAMS	
11.	CONSIDERATION OF URGENT MOTIONS	
12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	

13.	CONSIDERATION OF REPORTS	
13.	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	
13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
13.2.1	RECONSTITUTION OF SECTION 80 COMMITTEES	
13.2.2	RE-ESTABLISHMENT OF A DISCIPLINARY COMMITTEE	
13.2.3	RE-ESTABLISHMENT OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)	
14.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	NONE	

1.	OPENING AND WELCOME
2.	COMMUNICATIONS
2.1	MAYORAL ADDRESS
2.2	COMMUNICATION BY THE SPEAKER
2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
3.	OFFICIAL NOTICES
3.1	DISCLOSURE OF INTEREST
3.2	APPLICATIONS FOR LEAVE OF ABSENCE (3/4/1/6)
4.	CONFIRMATION OF MINUTES: 2019-01-30 (3/4/1/5)

4.1 The minutes of the 23rd Council Meeting: 2019-01-30 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-01-30

MINUTES

**23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-01-30 AT 10:00

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

MINUTES
23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-01-30

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	2
2.	COMMUNICATIONS	
2.1	MAYORAL ADDRESS	2
2.2	COMMUNICATION BY THE SPEAKER	3
2.3	COMMUNICATION BY THE MUNICIPAL MANAGER	4
3.	OFFICIAL NOTICES	
3.1	DISCLOSURE OF INTERESTS	4
3.2	APPLICATIONS FOR LEAVE OF ABSENCE	4
4.	CONFIRMATION OF MINUTES	
4.1	The minutes of the 22 nd Council Meeting: 2018-11-28 refers (APPENDIX 1) FOR CONFIRMATION	5
4.2	The minutes of a Special Council Meeting: 2018-12-10 refers (APPENDIX 1) FOR CONFIRMATION	5
5.	STATUTORY MATTERS	
	NONE	5
6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS	
	The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as APPENDIX 1.	5
7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: [ALD G VAN DEVENTER (MS)]	
7.1	COMMUNITY AND PROTECTION SERVICES: [PC: CLLR JN DE VILLIERS]	
7.1.1	SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES	6
7.2	CORPORATE SERVICES: [PC: CLLR AR FRAZENBURG]	
7.2.1	APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE	7
7.2.2	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS	10
7.2.3	PROPOSED LEASE AGREEMENT: AITSA! AFTER-CARE CENTRE: ERF 192, KYLEMORE	12
7.2.4	PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP	13
7.2.5	PROPOSED EXCHANGE OF LAND: A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT	14
7.2.6	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND 502 AY	15
7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]	
7.3.1	MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018	17
7.3.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018	18
7.3.3	REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018- DECEMBER 2018	20
7.3.4	MID-YEAR ADJUSTMENTS BUDGET FOR 2018/2019	21
7.3.5	MFMA SECTION 52 QUARTERLY REPORTING FOR THE PERIOD 01 OCTOBER 2018 TO 31 DECEMBER 2018	23
7.4	HUMAN SETTLEMENTS: [PC: CLLR N JINDELA]	
	NONE	24
7.5	INFRASTRUCTURE SERVICES: [PC: CLLR Q SMIT]	
	NONE	24

ITEM	SUBJECT	PAGE
7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]	
7.6.1	INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE	24
7.6.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)	26
7.6.3	FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI	28
7.7	PLANNING AND ECONOMIC DEVELOPMENT [PC: CLLR E GROENEWALD (MS)]	
	NONE	30
7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]	
	NONE	30
7.9	YOUTH, SPORTS AND CULTURE: [PC: CLLR M PIETERSEN]	
7.9.1	STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)	30
7.10	REPORT(S) BY THE MUNICIPAL MANAGER	
7.10.1	DRAFT ANNUAL REPORT 2017/18 AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION	31
7.10.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19	34
8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER	
8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]	
	NONE	36
8.2	REPORT/S BY THE MUNICIPAL MANAGER	
8.2.1	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2018/19 (APPENDICES A-B)	36
9.	MATTERS FOR NOTIFICATION	
9.1	REPORT/S BY THE EXECUTIVE MAYOR	
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: MARCH 2018 TO SEPTEMBER 2018 (APPENDIX 1)	37
9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: OCTOBER 2018 TO DECEMBER 2018 (APPENDIX 1)	38
9.1.3	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019 (APPENDIX 1)	39
9.1.4	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019: ADJUSTMENTS BUDGET (APPENDIX 1)	40
9.2	REPORT/S BY THE SPEAKER	
	NONE	42
9.3	REPORT/S BY THE MUNICIPAL MANAGER	
9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: OCTOBER 2018 – DECEMBER 2018	42
10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER	
10.1	QUESTION 1 BY CLLR LK HORSBAND (MS): MUNICIPAL ASSISTANCE TO BACKYARD FIRE VICTIMS (APPENDICES 1-2)	44
10.2	QUESTION 2 BY CLLR LK HORSBAND (MS): TERMS AND CONDITIONS GIVEN OF CAPITEC RE DUMPING OF EXCAVATED MATERIAL IN JAMESTOWN (APPENDICES 1-2)	45
10.3	QUESTION 1 BY CLLR DA HENDRICKSE: TENDER AMOUNT AWARDED TO ASLA (APPENDICES 1-2)	46
10.4	QUESTION 2 BY CLLR DA HENDRICKSE: REASONS FOR NON-DISCLOSURE OF A-G MANAGEMENT REPORT TO FULL COUNCIL (APPENDICES 1-2)	47
11.	CONSIDERATION OF URGENT MOTIONS	
	NONE	48
12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER	
12.1	SEE PINK DOCUMENTATION	48
13.	CONSIDERATION OF REPORTS	
13.1	REPORTS SUBMITTED BY THE SPEAKER	
	NONE	48
13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR	
13.2.1	REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE DISTRICT HEALTH COUNCIL	48
14.	MATTERS TO BE CONSIDERED IN-COMMITTEE	
	SEE PINK DOCUMENTATION	50

MINUTES OF THE 23RD MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-01-30 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH

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

COUNCILLORS

F Adams (until 10:05)	LK Horsband (Ms)
FJ Badenhorst	MC Johnson
GN Bakubaku-Vos (Ms)	C Manuel
FT Bangani-Menziwa (Ms)	NE Mcombring (Ms)
Ald PW Biscombe	XL Mdemka (Ms)
G Cele (Ms)	RS Nalumango (Ms)
PR Crawley (Ms)	N Olayi
A Crombie (Ms)	SA Peters
JN De Villiers	MM Pietersen
R Du Toit (Ms)	WF Pietersen
A Florence	SR Schäfer
AR Frazenburg	Ald JP Serdyn (Ms)
E Fredericks (Ms)	N Sinkinya (Ms)
T Gosa	P Sitshoti (Ms)
E Groenewald (Ms)	Q Smit
AJ Hanekom	LL Stander
DA Hendrickse (until 15:20)	E Vermeulen (Ms)
JK Hendriks	

Officials: Municipal Manager (Ms G Mettler)
Director: Human Settlements (T Mfeya)
Director: Strategic and Corporate Services (Ms A De Beer)
Director: Infrastructure Services (D Louw)
Director: Planning and Economic Development (T Mfeya)
Acting Chief Financial Officer (K Carolus)
Acting Director: Community and Protection Services (A vd Merwe)
Chief Audit Executive (F Hoosain)
Senior Manager: Governance (Ms S De Visser)
Manager: Secretariat (EJ Potts)
Senior Administration Officer (T Samuels (Ms))
Committee Clerk (N Mbali (Ms))
Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
-----------	----------------------------

The Speaker, Cllr WC Petersen (Ms) welcomed all present at the 23rd Council meeting and extended a warm welcome to Mr Lizo Ndzamela of the Office of the Auditor-General. Cllr GN Bakubaku-Vos (Ms) opened the meeting with a prayer.

Cllr F Adams (at 10:05) raised a Point of Order that he submitted two Motions, in line with Rule 18 of Council's Rules of Order By-Law, and wanted clarity if his two Motions (submitted on 2019-01-08), which were not included on the Council Agenda, will serve as additional items. The Speaker has acknowledged receipt of Cllr F Adams's two Motions (on 2019-01-14 after the recess), but stated that the Motions were not duly seconded, nor signed, and based on that, and as per Rule 20.1.2.3 of Council's Rules of Order By-Law, she will disallow those two Motions to serve before Council.

Cllr F Adams reiterated that the two Motions he submitted were indeed duly seconded. The Speaker warned Cllr F Adams that she already made a ruling that the Motions will not serve and that she won't allow further debate on the matter. After 2 warnings, the Speaker requested Cllr F Adams to leave the Chambers in terms of Council's Rules of Order By-Law, and requested Law Enforcement to assist with the removal of Cllr F Adams from the Chambers. Cllr DA Hendrickse requested that it be minuted that he duly seconded the Motions which Cllr F Adams referred to, whereafter it was handed in to the Administration. After several Points of Orders, the Speaker responded that all concerns are noted and will be dealt with by the Office of the Speaker.

2.	COMMUNICATIONS
-----------	-----------------------

2.1	MAYORAL ADDRESS
------------	------------------------

"Goeiedag, Good Morning, Molweni, As-salaam Alaikum

- Welkom terug aan al die raadslede, direkteure, amptenare
 - Hoop almal het 'n lekker vakansie gehad en goed gerus
 - Verseker van 'n besige jaar met baie opwinding en harde werk wat voorlê
- Tydens die Burgemeesterskomitee het ek reeds ons amptenare wat deur die Feestyd gewerk het, bedank maar ek wil graag dit weer noem vir al die Raadslede en ook lede van die publiek ook wat vandag hier is.
 - 'n Opregte Dankie namens die Raadslede en ook van ons gemeenskap aan al ons amptenare wat hard gewerk het tydens die Feesseisoen, terwyl almal vakansie gehou het en fees gevier het.
 - Spesiale dank aan ons Brandweerdienste wat binne ons Munisipaliteit, asook by ons bure hand by gesit het met brandbstryding.
 - Dankie vir julle toewyding en harde werk.
 - Die Burgemeester van Overstrand het 'n brief gestuur waar hy vra dat ek sy dank aan julle oordra vir julle harde werk.
- Throughout the Western Cape, we have had several serious fires since the start of the summer fire season.
- This has resulted in loss of life, property and livelihoods.

- I urge every resident to be careful with open fires, braaivleis fires, fireworks, cigarette buds or any sort of flame or spark. We are still facing a dry season and one spark is all it takes to burn down an entire town.
- When you see any sort of activity that can possibly lead to a fire, call our fire department or the police.
- Remember that we are still amidst a drought and even though our water restrictions have relaxed, the vegetation everywhere is very dry and will easily catch fire and spread.
- For councillors, officials and residents, when you see smoke or fire, please call the following number immediately: **021 808 8888 / 0861 808 911**
- Please write it down and make sure you have it saved on your phone.
- Sedert Woensdag is die Universiteitskampus weer vol lewe.
 - Eerste jaars het gearriveer en die ouer student sal hierdie week terugkeer.
 - Welkom aan die nuwe studente en welkom terug aan die ouer student!
 - Ek het die voorreg gehad om, as deel van die universiteitsproses, die nuwe student en hul ouers te verwelkom en saam met hulle deur die dorp te stap as deel van 'n nuwe tradisie wat die universiteit vestig.
- Die skole is reeds 3 weke aan die gang en ek is doodseker die leerders wens dit was al vakansie
 - Welkom terug aan al ons leerders en onderwysers.
 - Sterkte ook vir die 2019 matriek leerders. Dit is 'n kort jaar wat vir julle voorlê en ek wil julle aanmoedig om nie vir 'n oomblik te laat slap lê nie.
- The first semester is always a busy one for our towns
 - This coming weekend is the annual harvest parade through town
 - We are also looking forward to the US Woordfees, the Cape Epic Cycle Race and several other events taking place in and around our towns.
 - I want to encourage our residents, as well as our councillors to support and participate in these events.
 - These events, although they challenge us logistically, brings visitors and tourists to our town, which in turn helps with the creation of job opportunities.
- Ek wil ook net almal herinner dat ons sedert Desember op vlak 2 water beperkings is.
 - Die winter reën het baie gedoen om ons damvlakke te verbeter.
 - Steeds nie waar dit moet wees nie en die somer is nog nie verby nie.
 - Alle inwoners aanmoedig om asseblief aan te hou water spaar.
 - Behou asseblief die waterbesparende gewoontes wat u aangeleer het die afgelope jaar!

2.2**COMMUNICATION BY THE SPEAKER**

The Speaker's communication can be summarized as follows:

"The following Councillors celebrated birthdays during December:

1. Councillors celebrated birthdays during December

Cllr Franklin Adams	17 December
Cllr Phelisha Sitshoti	20 December
Cllr Wilfred Pietersen	22 December
Cllr Nosibulele Sinkinya	24 December
Cllr Charles Manuel	25 December
Cllr Siegfried Schafer	28 December
Cllr Rozette du Toit	31 December

2. Councillors celebrated birthdays during January
 - Cllr Nokuthula Mananga-Gugushe 5 January
 - Cllr Derrick Hendrickse 12 January
 - Cllr Marnes de Wet 17 January
3. Welcome to everyone and a special welcome to the Acting Director: Community and Protection Services. We trust that you will be working in pursuit of effective service delivery which is paramount for sustainable and good governance.
4. I trust that you all had a peaceful and festive time with family and friends during the Council recess. You all look refreshed to face the challenges 2019 will hold for us as Councillors and officials. A big thank you to those who had to work over the festive season, especially the fire fighters, essential and emergency services employees.
5. We remember those who lost their lives and especially pray for their next of kin who mourns the passing on of their loved ones.
6. Most Councillors, except a few PR Councillors, have received a 2019 diary from Mr Nicky Ceasar. Diaries will be issued to those that have not yet received theirs. The diaries of ward councillors have been delivered to the ward offices. Business cards for some of the Councillors are available and the business cards will be handed over to the Councillors concerned.
7. The payslips (some dating back to December) is available from Nicky Ceasar.
8. Councillors are again requested to adhere to the Rules of Order By-law which will be strictly applied during this sitting. Kindly note that it is incumbent upon the Speaker to maintain order throughout the duration of the meeting.

Thank you.”

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
------------	---

NONE

3.	OFFICIAL NOTICES
-----------	-------------------------

3.1	DISCLOSURE OF INTEREST
------------	-------------------------------

Cllr P Sitshoti (Ms) was requested to recuse herself from Chamber when Item 7.6.3 on the Agenda was dealt with.

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
------------	--	------------------

3.2.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr MB De Wet	– 30 January 2019
Cllr JG Hamilton	– 30 January 2019
Cllr DD Joubert	– 30 January 2019
Cllr N Mananga-Gugushe (Ms)	– 30 January 2019
Cllr MD Oliphant	– 30 January 2019

4.	CONFIRMATION OF MINUTES	(3/4/1/5)
----	--------------------------------	------------------

4.1	CONFIRMATION OF MINUTES: 2018-11-28	(3/4/1/5)
-----	--	------------------

The minutes of the 22nd Council Meeting: 2018-11-28 were **confirmed as correct.**

4.2	CONFIRMATION OF MINUTES: SPECIAL COUNCIL: 2018-12-10	(3/4/1/5)
-----	---	------------------

The minutes of the Special Council Meeting: 2018-12-10 were **confirmed as correct.**

5.	STATUTORY MATTERS	(3/4/1/4)
----	--------------------------	------------------

NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
----	--

ITEM	Pg	INPUT	MM'S RESPONSE
<u>CLLR DA HENDRICKSE</u> 20 th Council meeting: 2018-09-26: <u>Item 7.2.3</u> PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD	90	What is the cost of the Offer to Purchase that was signed by Vredenheim and who decided on the amount?	Noted. MM will follow-up and respond.
<u>CLLR DA HENDRICKSE</u> Raised concerns re outstanding resolutions not listed		Van der Stel	Noted and will follow-up

NOTED

The concerns raised and the feedback report on Outstanding Resolutions.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
----	---

7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
-----	---

7.1.1	SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES
-------	---

Collaborator No: 614821
IDP KPA Ref No: *Safest Valley*
Meeting Date: 23 & 30 January 2019

1. SUBJECT: SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES

2. PURPOSE

To obtain a shared service agreement with surrounding municipalities to lend support to each other in respect of certain service delivery areas.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The shared service agreement has been drafted to render support and assistance to surrounding municipalities in need of assistance in respect of certain service delivery areas. Stellenbosch Municipality can benefit from such an agreement in the sense that we will be able to rely on surrounding municipalities to assist us in service delivery areas, when needed.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.1.1

RESOLVED (majority vote with abstentions)

- (a) that the proposed draft agreement be considered and approved by Council;
- (b) that the Municipal Manager be authorized to sign the agreement on behalf of Council; and
- (c) that the Director: Community and Protection Services be represented on the Committee as per clause 9 of the agreement.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

Collaborator No: 624841
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 23 January 2019

1. SUBJECT: APPOINTMENT OF ACTING DIRECTORS WHEN THE DIRECTORS ARE NOT AVAILABLE

2. PURPOSE

To appoint acting Directors when the Directors are not available.

3. DELEGATED AUTHORITY

COUNCIL.

Council has to appoint acting section 56 managers when the appointed managers are not available. It is not practical to call a council meeting every time a person must act when a director is on leave, on sick leave or out of office. Council therefore appoints acting managers on a roster similar to the acting municipal manager appointments that were approved.

4. EXECUTIVE SUMMARY

The Local Government Systems Act is silent on acting arrangements other than determining that Council must appoint a suitably qualified person to act as Manager that reports directly to the Municipal Manager (the Section 56 Managers), (section 56(1)(a)(ii)). It has to be noted that when acting, the incumbent is still responsible for his/her own functions. An acting allowance is therefore paid for the additional workload and responsibilities taken on of a higher position, given that the person in the higher position is paid a higher salary than the acting incumbent. Council approved an acting policy in November 2018 in terms of which the acting allowances are set out.

In 2012 Council approved a roster of Directors to act when the Municipal Manager is out of office. In the meantime, some of the individuals have left and the new organisational structure was approved in October 2017. The new structure is implemented on an operational level after placements, and the acting arrangements must therefore be updated.

Section 56 (1) (a) of the Municipal Systems Act provides that the Municipal Council must appoint an acting Municipal Manager under circumstances and for a period as prescribed. Section 56 (1) (b) provides that such an acting person must at least have the skills, expertise, competencies and qualifications as prescribed.

It must be noted that the requirements are contained in the regulations published by the Department of Finance, a copy of which is attached as **APPENDIX A**, for reference purposes.

MINUTES

**23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-01-30

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.1**RESOLVED** (nem con)

(a) that the following acting arrangements be approved:

SECTION 56 POST	PERSON ACTING	POST OF ACTING INCUMBENT	ACTING PERIOD APPROVED
DIRECTOR: CORPORATE SERVICES: ANNALENE DE BEER			
	Alexander Kannemeyer	Senior Manager: Human Resources	January; March; May; July; September; November
	Piet Smit	Manager: Property Management and Building Maintenance	February; April; June; August; October; December
DIRECTOR: INFRASTRUCTURE SERVICES: DEON LOUW			
	Saliem Haider	Senior Manager: Waste Management	December; January; June; July
	Nombulelo Zwane	Senior Manager: Electrical Services	February; March; August; September
	Johan Fullard	Senior Manager: Transport, Roads & Stormwater	April; May; October; November
DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT: TABISO MFEYA			
	Johru Robyn	Manager: Informal Settlements	January; February; November
	Hedre Dednam	Manager: Land Use Management	March; April; December
	Widmark Moses	Manager: Local Econ. Dev. & Tourism	May; June
	Nona Swartbooi	Manager: Housing Administration	July; August
	Bernabe De La Bat	Manager: Spatial Planning	September; October
DIRECTOR: FINANCIAL SERVICES (CFO): CURRENT VACANT POST			
	Kevin Carolus	Senior Manager:	January – March 2019; Council resolution dated 10/12/2018
	Kevin Carolus	Senior Manager:	January – December
DIRECTOR: PROTECTION AND COMMUNITY SERVICES: CURRENT VACANT POST			
	Albert van der Merwe	Senior Manager:	1 December 2018 – 28 Feb. 2019; Council resolution dated 09/11/2018
	Albert van der Merwe	Senior Manager:	January; March; April; July; September; November
	Charl Kitching	Senior Manager:	February; May; June; August; October; December

- (b) that the Manager next on the rotation schedule acts when the relevant Manager for that month is not available as per the schedule;
- (c) that an acting allowance be paid in terms of the Acting Policy approved by Council;
- (d) that the acting arrangements be reviewed every 6 months to ensure it remains relevant, and when changes are necessary, a revised proposal be brought to Council for approval; and
- (e) that the acting arrangements approved by council whilst the posts are vacant will take preference over the normal roster arrangements.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	021 808 8018
E-MAIL ADDRESS	<i>Annalene.debeer@stellenbosch.gov.za</i>
REPORT DATE	<i>8 January 2019</i>

7.2.2	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019

1. SUBJECT: IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS

2. PURPOSE OF REPORT

To inform Council of the provisions of Notice 1426 dated 21 December 2018, published in Government Gazette 42134 dated 21 December 2018 in regard to the determination of the upper limits of salaries, allowances and benefits for different members of Municipal Councils, and to request Council to resolve on the implementation of the provisions.

3. DELEGATED AUTHORITY

COUNCIL.

The notice is published on a yearly basis in terms of the Remuneration of Public Office Bearers Act, Act 20 of 1998. The notice requires full council to resolve on the implementation of the provisions in the Upper Limits Notice.

4. EXECUTIVE SUMMARY

The Minister of Local Government, on a yearly basis, publishes a notice that provides for the upper limits of salaries, allowances and benefits of different members of Municipal Councils. The notice that provides for the period 1 July 2018 to 30 June 2019, or until a new notice is published and implemented, was published on 21 December 2018 and is attached hereto as **APPENDIX A**.

The provisions indicate an increase of around 4% for the full-time Councillors and part-time Councillors. The cell phone allowances indicated in the provisions stayed the same as indicated in 2017 at R3 400.00 per month. Council did not implement the full allowance last year, and it is recommended that the allowance be implemented this year. The data allowance also stayed the same as the previous year at R300 per month.

Council resolved during 2017 to provide laptops to all councillors as a tool of the trade, which was implemented during the 2017/18 financial year. Agendas are now distributed electronically.

The notice requires Council to consider the provisions and by resolution of a supporting vote of the majority of its members to determine the implementation of the provisions as set out in the Notice. Stellenbosch Municipality is a category 4 (58.33%) municipality as indicated in the calculations in **APPENDIX B**. In making the decision the Municipal Council must have regard for the financial situation of the municipality and the affordability of implementing the provisions set out in the Notice. A copy of the financial implications is attached as **APPENDIX B**. The Municipality must obtain the concurrence of the Member for Local Government in the Province before the Council resolution can be implemented.

The tools of the trade make provision that security may be provided to the Executive Mayor, Speaker, and other councillors subject to a threat and risk analysis by the South African Police Service. In deciding on whether to grant tools of the trade

Council has to take into account accessibility, affordability and cost control, equity, flexibility, simplicity, transparency, accountability and value of tools of trade.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.2

RESOLVED (majority vote)

- (a) that Council notes the provisions of Notice 1426 dated 21 December 2018;
- (b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 1426 dated 21 December 2018, as from 1 July 2018;
- (c) that the implementation will be effected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;
- (d) that Council approves a cell phone allowance of R3 400.00 per month to all councillors (including all office bearers);
- (e) that Council notes that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R18 807 706.00 which expenditure is R114 966 more than the budgeted amount, and the shortfall will be covered through a correction in the 2018/19 adjustment budget from savings within the 2018/2019 operating budget;
- (f) that it be noted that all councillors have been provided with the opportunity to receive a laptop as a tool of trade, and that the tools of trade as set out in paragraph 15(1)(b),(d) be extended to councillors as indicated in the Notice, as well as business cards and diaries to all councillors;
Part-time PR Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the Office of the Speaker or Chief Whip. It is noted that such facilities are available to part-time ward councillors at the Ward Office;
- (g) that it be noted that Councillors are entitled to a R300 per month data allowance (paragraph 12 of the Notice) to provide for data bundles for, inter alia the laptop as all cell phone contracts cater for data as part of the contract;
- (h) that Council considers the provision of security under the circumstances set out in item 15(g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to that have to be taken into account, is available for Council consideration; and
- (i) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2018 and the extension of the tools of trade as indicated above, before it be implemented.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	16 January 2019

7.2.3	PROPOSED LEASE AGREEMENT: AITSA! AFTER-CARE CENTRE: ERF 192, KYLEMORE
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Institutional Transformation

23 January 2019

1. SUBJECT: PROPOSED LEASE AGREEMENT: AITSA! AFTER-CARE CENTRE: ERF 192, KYLEMORE

2. PURPOSE

To consider a request from Aitsa After-care Centre for the lease of a portion of Erf 192, being used as the municipal sportsground in Kylemore.

3. DELEGATED AUTHORITY

Council to consider the request.

4. EXECUTIVE SUMMARY

Aitsa After-care Centre in Kylemore submitted a request to put up temporary structures on a portion of the Sportsgrounds, situated on erf 192, Kylemore, for the use of an after-care centre.

The request is supported by the Department of Community Services, the sporting body, as well as the two adjacent schools.

The land, however, is still registered in the name of the National and Provincial departments of public works. Council will therefore not be in a position to make a decision until the registration in Stellenbosch Municipality's name has taken place.

The sportsground is therefore also not registered in the name of the Municipality, although the Municipality has been using it as such since 1989. The Department of Public Works did not as yet register the consolidated erf 192 in the name of the Municipality.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.3

RESOLVED (nem con)

- (a) that Council takes note of the application from Aitsa After-care Centre;
- (b) that the Municipality requests the Departments of National and Provincial government to urgently finalize the transfer of the consolidated erf 192, Kylemore, to Stellenbosch Municipality;
- (c) that the applicants be requested to get permission from the Department of Public Works to lease the land, subject to the transfer to the Municipality;
- (d) that it be noted that Council noted the importance of the establishment of the proposed after-care centre and supports the establishment of the centre; and
- (e) that the applicants will be responsible for the payment of any services used by the applicants, irrespective of who the owner of the land is.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-01-17

7.2.4	PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

23 January 2019 & 30 January 2019

1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT: ERF 52, STELLENBOSCH, SUPERGROUP DEALERSHIP

2. PURPOSE

To consider the renewal of the lease agreement in the light of the objections/counter proposals received during the public participation process after the official notice was published to invite same and to determine a fair market rental.

3. DELEGATED AUTHORITY

For decision by the Municipal Council.

4. EXECUTIVE SUMMARY

Council on 2018-05-23 resolved to, in principle; approve the renewal of the lease agreement with the Supergroup Dealership in relation to Erf 52, Stellenbosch. A notice was published, as the public participation process, calling for objections or alternative proposals.

Two objections/alternative proposals were received, which must now be considered by Council.

Council must also determine the fair market rental. HCB Property Valuations was appointed to advise on a market-related rental. A valuation report was received on 16 January 2019, a copy of which is attached as **APPENDIX G**. In terms thereof the market-related rental for Erf 52 was determined at between R21 120.00 and R30 166.00, but it is advised that a 10% rate of return be approved, i.e. a monthly rental of R30 166.00.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.4

RESOLVED (majority vote)

- (a) that Council notes the objections/counter proposal; and
- (b) that Council approves the renewal of the Lease Agreement with the Supergroup Dealership for a period of 5 years, at a monthly rental of R30 160.00 (Inclusive of VAT), with an annual escalation of 7%.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2.5	PROPOSED EXCHANGE OF LAND: A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT
-------	---

Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 23 January 2019 & 30 January 2019

1. SUBJECT: PROPOSED EXCHANGE OF LAND: A PORTION OF FARM 183 (CLOSED STREET) FOR A PORTION OF FARM 183/7: WOODMILL DEVELOPMENT

2. PURPOSE

To consider inputs/objections received during the public participation process and to consider the fair market values.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

On 2018-03-28 Council decided, *inter alia*, to approve the exchange of two portions of land, as to enable the construction of a new intersection at the proposed Woodmill Development.

Following the above decision:

- (a) a notice was published, calling on interested and affected parties to submit comments/input on the proposed exchange of land; and
- (b) a valuer was appointed to determine a fair market value for the two portions of land.

Council must now consider these objections and must make a determination on the fair market value of the respective properties.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.5

RESOLVED (majority vote)

- (a) that Council notes the objection(s) received; and
- (b) that Council approves the exchange of Portion A, measuring 5560m², for Portion B, measuring 5560m², at equal value, i.e. R6 120 000.00 per portion, on condition that:
 - (i) the Developer be responsible for all associated cost, such as the rezoning and subdivision, transfer cost, etc.; and
 - (ii) that portion A be consolidated with Farm 183/57.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

7.2.6	PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND 502 AY
-------	---

Collaborator No:

IDP KPA Ref No:

Institutional Transformation

Meeting Date:

23 and 30 January 2019

1. SUBJECT: PROPOSED CONCLUSION OF LEASE AGREEMENTS: LEASE FARMS 502 AX AND AY

2. PURPOSE

To obtain Council approval for the cancellation of the lease agreements with HC Myburgh Boerdery and the in principle approval of a lease agreement for the identified properties be concluded with Mr Jacques Olivier.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Stellenbosch Municipality concluded three (3) long-term Lease Agreements with HC Myburgh Boerdery on 1 April 1991.

During 2013 Mr Myburgh approached the Municipality with a written request to cede the lease agreements to the Heldervalley Farming Association, which, at the time included Mr Jacques Olivier. Before a formal agreement in this regard could be reached, Mr Myburgh passed away. Although the ceding was never formalised, women used the land for farming purposes as from 2008 under the supervision of Mr Olivier. The lease agreements with HC Myburgh Boerdery have not been formally terminated nor has the estate chosen to take over the rights and responsibilities in terms of the agreements.

We received a request from Heldervalley Farming Association to rent the farm (**APPENDIX A**). Item served before Mayco and was referred back to determine exactly who the members of Heldervalley Farming Association are and what type of legal entity is applicable. We have, despite several attempts, not received feedback from the association. Councillors on Mayco were requested to investigate the matter, including the reference to the Eco-sensitive area. It is confirmed that the land pieces referred to above exclude the eco-sensitive area.

We have received feedback from Councillor Crawley and also received a letter from Mr Jacques Olivier explaining his involvement and the empowerment farming currently done by women. **APPENDICES B-D**.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.2.6

RESOLVED (majority vote with abstentions)

- (a) that it is noted that Mr H C Myburgh passed away and that the current lease agreements with HC Myburgh Boerdery with regard to the lease agreements for Lease Farms 502AY; AX and BC, therefore be cancelled;

- (b) that the following properties be identified as land **not needed for own use** during the period for which such rights are to be granted, as provided for in Regulation 36 of the Asset Transfer Regulation 5:

Property description	Size	Water rights
Farm 502 AX	6.96 ha	2.3ha
Farm 502AY	4.28 ha	1.3ha

- (c) that Council, in principle, approves the leasing of the properties to Mr Jacques Olivier provided that the current farming continues and that the land is only used for bona fide farming for a period of 9 years and 11 months, subject thereto that Council's intention to lease the properties be advertised for public inputs, as provided for in paragraph 9.2.2 of the Property Management Policy;
- (d) that Council determines the rental at 20% of market value, that is R438.85 ha/per annum, as provided for in paragraph 22.1.4 of the Property Management Policy (below market value rental);
- (e) that the matter be referred back to Council after the public participation process indicated in (c) above; and
- (f) that the outstanding debt in relation to Lease Farms 502AY, AX and BC be investigated by the acting CFO and a report be provided as to whether it can be recovered or should be written off as irrecoverable.

FOR FURTHER DETAILS CONTACT:

NAME	ANNALENE DE BEER
POSITION	DIRECTOR: CORPORATE SERVICES
DIRECTORATE	CORPORATE SERVICES
CONTACT NUMBERS	021-808 8106
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.gov.za
REPORT DATE	2019-01-22

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
-----	--

7.3.1	MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018
-------	---

Collaborator No: 624718
IDP KPA Ref No: *Financial Sustainability*
Meeting Date: 23 January 2019

1. **SUBJECT: MFMA S116(2)(d) REPORT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE FOR THE PERIOD 01 JULY 2018 TO 30 NOVEMBER 2018**

2. **PURPOSE OF REPORT**

To report in accordance with MFMA Section 116(2)(d) on the management of contracts or agreements and the performance of contractors.

3. **DELEGATED AUTHORITY**

COUNCIL

4. **EXECUTIVE SUMMARY**

Council must maintain oversight over the implementation of the SCM Policy and Chapter 11 of the MFMA. For the purpose of such oversight the accounting officer must regularly submit a report on the management of contracts or agreements and the performance of contractors to the Council of the municipality in terms of MFMA S116(2)(d).

Council is hereby informed of the performance of service providers who were active on contracts secured by means of a competitive bidding process for the period 01 July 2018 – 30 November 2018. This report also indicates the activities currently being undertaken to improve the current status as well as future endeavors which will ensure compliance with the requirements of MFMA Section 116.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.1

NOTED

the MFMA S116(2)(d) Report: Management of contracts or agreements and contractor performance from 01 July 2018 till 30 November 2018.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Kevin Carolus</i>
CONTACT NUMBERS	<i>021 808 8137</i>
E-MAIL ADDRESS	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
DIRECTORATE	<i>Financial Services</i>
REPORT DATE	<i>03 January 2019</i>

7.3.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018
-------	--

Collaborator No: 624715
 IDP KPA Ref No: *Good Governance and Compliance*
 Meeting Date: 23 January 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR DECEMBER 2018

2. PURPOSE

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations and ratifications to Council.

3. DELEGATED AUTHORITY

COUNCIL

FOR NOTING.

4. EXECUTIVE SUMMARY

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations and ratifications be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during December 2018.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.2

NOTED

the deviations as listed for the month of December 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 28/19	03/12/2018	Webber Wentzel	Easy Pay (PTY) LTD / Stellenbosch Municipality and two others	Exceptional case and it is impractical or impossible to follow the official procurement processes	Stellenbosch Municipality went out on an invitation for a formal quotation to appoint an attorney firm to oppose the indirect and review application instituted by EasyPay (Pty) Ltd ("EasyPay") against Stellenbosch Municipality under case number 20545/18 with regard to the tender award made by Stellenbosch Municipality under tender B/SM 104/18. Three attorneys firms were informed of the formal quotation. Three formal quotations were received i.e. from Fairbridges, Van Der Spuy Attorneys and Webber Wentzel on 21 November 2018 at 10h00.	Estimate - R 363 200.00 (including VAT)

MINUTES

23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2019-01-30

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE (R)
D/SM 30/19	14/12/2018	Hydro-Tech Systems PTY LTD	Emergency repairs and safeguarding of vandalised Klappmuts water pump station	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Klappmuts water pump station needs immediate repairs after severe vandalism took place. The infrastructure consisting of the building, pumps, motor controls, telemetry station, chlorine equipment, low voltage cabling, security system etc. were demolished leaving the Klappmuts community's essentials water supply under threat. Immediate repair is crucial to sustain the essential water service to the whole of Klappmuts community including the business sector and surrounding farms.	R174 831.73 (Incl. VAT)
D/SM 31/19	21/12/18	I Bester Staal BK	Repairs on the vandalized doors of Mini Substation Bassi/Long & Mini Substation Papegaaiberg	Emergency Goods or services are produced or available from a single provider. Exceptional case and it is impractical or impossible to follow the official procurement processes	Due to ever increasing vandalism and electricity theft for these particular miniature substations it is important to repair as soon as possible after occurring, the department must take urgent action to prevent unauthorised entry and vandalism in order to continue to deliver a safe and efficient service to the customers. Papegaaiberg pump station supplies water to the Kayamandi area. As soon as a problem occurs, the power needs to be restored within a few hours.	R 4 025.00 (incl. VAT)
D/SM 32/19	21/12/18	Leelyn Management	Parking Management	Exceptional case and it is impractical or impossible to follow the official procurement processes	The successful bidder that is recently appointed and is not in a position to render the services as from 01 January 2019.	Estimate – R64 625 (Incl. VAT) per month
D/SM 33/19	27/12/18	Liquid Telecom	Appointment of Liquid Telecom for the provision of voice services for a period not exceeding 6 months starting from 1 Jan 2019 – 30 June 2019	Exceptional case and it is impractical or impossible to follow the official procurement processes	Telkom SA SOC is the sole provider that can offer a vendor owned copper based PRI services directly to the Stellenbosch Municipality. Telkom was appointed on the basis of sole provider to provision voice services for a period ending 30 June 2021, implemented by the 1 st January 2019. On the 24 th December 2018, Telkom SA SOC issued a formal letter to the Stellenbosch Municipality stating that they will not be able to meet the deadline to provision and implement voice services by 1 st January 2019 as they require an additional 3-6 months in order to best implement voice services.	R 515 959.60 (Incl VAT)
D/SM 34/19	27/12/18	Farmguard Security	Extension on security contracts	Emergency Exceptional case and it is impractical or impossible to follow the official procurement processes	Tender 87/18 for "Rendering of security services for various areas within the WC024 municipal jurisdiction until 30 June 2018" has been advertised by SCM on 26 April 2018 and closed on 01 June 2018. Currently the municipality is in a legal dispute with the preferred Service provider.	R 197 373.00 (Incl VAT)

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	03 JANUARY 2019

7.3.3	REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018-DECEMBER 2018
-------	---

Collaborator No: 624716
 IDP KPA Ref No: *Financial Sustainability*
 Meeting Date: 23 January 2019

1. SUBJECT: REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018 - DECEMBER 2018

2. PURPOSE

To submit to a report for the period 01 October 2018 – 31 December 2018 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

Section 2(3) & 4 of the SCM Policy 2018/2019 determines that the Accounting Officer must within 10 days of the end of each quarter submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. EXECUTIVE SUMMARY

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy. In terms of the SCM Regulations and Council's SCM Policy the SCM Unit has been delegated to perform powers and functions that relate to the procurement of goods and services, disposal of goods no longer needed, and the selection of contractors to provide assistance in the provision of municipal services. This report contains the details of the implementation of the SCM Policy for Quarter 2: October – December 2018.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.3

RESOLVED (majority vote with abstentions)

- (a) that Council takes note of this report and **ANNEXURE A** attached to the report; and
- (b) that the report be made public in accordance with Section 21A of the Municipal Systems Act.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Dalleel Jacobs
CONTACT NUMBERS	021 808 8137
E-MAIL ADDRESS	Dalleel.Jacobs@stellenbosch.gov.za
DIRECTORATE	Financial Services
REPORT DATE	03 January 2019

7.3.4	MID-YEAR ADJUSTMENTS BUDGET FOR 2018/2019
-------	--

Collaborator No:

File nr:

8/1

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019

1. SUBJECT: MID-YEAR ADJUSTMENTS BUDGET FOR 2018/2019

2. PURPOSE OF REPORT

To table the adjustments budget as envisaged by section 28 of the Municipal Finance Management Act (Act No.56 of 2003), for the 2018/2019 financial year, for approval.

3. DELEGATED AUTHORITY

FOR APPROVAL BY MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

This adjustments budget addresses adjustments in terms of section 28 (2) a, b, d & f of the MFMA and is further explained as required by section 28 (2) (5) of the legislation.

Attached as **APPENDIX A** is an executive summary by the Accounting Officer.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.4

The Executive Mayor's Budget Speech is attached as an **APPENDIX**.

RESOLVED (majority vote)

- (a) that the Adjustments Budget as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX A and B**, be approved;
- (b) that the following capital projects be adjusted over the MTREF (2018/2019) as follows:

Project	2019/2020	2020/2021
Establishment of Informal Trading Sites: Klapmuts	3,000,000	-
Establishment of Informal Trading Sites: Groendal	2,000,000	-
Heritage Tourism Center - Jamestown	640,000	-
Klapmuts: Erf 2181 (298 serviced sites)	1,259,000	-
Smartie Town, Cloetesville	4,900,000	-
Stellenbosch: Social Housing	200,000	2,000,000
Purchasing of land	65,626,490	10,000,000
Structural Upgrading: Community Hall La Motte	1,700,000	-
Upgrading of Stellenbosch Fire Station	7,000,000	-
Hydraulic Ladder Fire Truck	12,000,000	-
Mont Rochelle Nature Reserve: Upgrade of Facilities.	800,000	-

- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	KEVIN CAROLUS
POSITION	ACTING CHIEF FINANCIAL OFFICER
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8512
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	21 January 2019

Adv Gesie van Deventer
Executive Mayor



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL
ISIXEKO ESIZA NENQUQU
INNOVASIEHOOFSTAD

STELLENBOSCH MUNICIPALITY

**EXECUTIVE MAYOR:
Annual Adjustment Budget
30 January 2019**

Speaker;
Deputy Mayor;
Chief Whip of the Ruling Party;
Members of the Mayoral Committee;
Members of Council;
Municipal Manager and senior management;
Members of the public;
Members of the media present; and
All protocol observed

Good Morning ladies and gentlemen.

Introduction

Speaker, it is my privilege and obligation as the Executive Mayor of Stellenbosch Municipality to submit the adjustment budget for the current financial year of 2018/19 in accordance with the section 28(4) of Municipal Finance Management Act. In terms of section 28(2) of the Municipal Finance Management Act, an adjustments budget:

- a) must adjust the revenue and expenditure estimates downwards if there is material under collection of revenue during the current year;

- b) may appropriate additional revenue that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
- c) may authorize the utilization of projected savings in one vote towards spending in another vote;
- d) may authorize the utilization or projected savings in one vote towards spending in another vote; and
- e) may correct any errors in the annual budget.

In terms of section 23(1) of the Municipal Budget and Reporting Regulations, the above mentioned adjustments can only be done after the mid-year budget and performance assessment has been tabled to Council, but not later than 28 February.

Speaker, as I stated in my budget speech in May of last year, this is indeed a time for new opportunities and with the implementation of this budget, we have been working tirelessly to create opportunities for our residents by improving the quality of living as well as redressing of past injustices by focussing on improved service delivery.

A dream doesn't become reality through magic; it takes sweat, determination and hard work – Colin Powell

The main purpose of this adjustment budget is to adjust the material under and over budgeted figures as well as to accommodate additional revenues received from government grants. Furthermore, this adjustment budget will also address any possible unforeseen expenditure which may result in unauthorised expenditure with regards to non-cash expenditure items (off-setting depreciation, bad debt provision for fines, bad debt impairment, and leave provision etc.) Speaker, the Municipal Manager and the *acting* Chief Financial Officer, in accordance with their mandate compiled the adjustments budget and discussed it in detail with the Executive Mayor and the Budget Steering Committee.

1. Capital Adjustment Budget

During the mid-year budget and performance assessment process, it was identified that the capital budget had to be adjusted downward to make necessary amendments to various projects. Taking all proposed adjustments into consideration, will result in the current approved capital

budget of R587, 748 million decreasing to R563, 550 million.

It is imperative to note that the adjusted budget is therefore still higher than the capital budget approved of R528 million in May 2018.

Speaker, this capital budget of R563 million represents a substantial capital investment throughout the Municipality to improve service delivery and the creation of job opportunities through economic growth.

In the previous financial year the capital expenditure of R434 million was then the highest ever in the history of Stellenbosch Municipality. The adjusted budget of R563 million for 2018/2019 is even more, 30% higher than last year's highest expenditure.

Stellenbosch municipality vested the majority of the 2018/19 capital budget in infrastructure services (R 472, 718 million or 85 % of the R563, 550 million capital budget) which is needed to ensure bulk services are available to support development (including the "municipal" housing projects) and ensure effective service delivery. We must make sure we have the necessary

infrastructure in place to create opportunities for growth and improvement for our citizens.

The capital budgets for trading services are largely allocated to the investments in waste water management infrastructure (R149, 919 million or 31 % of the R 472, 718 million capital budget).

Following the Mayoral Committee Meeting on Wednesday, 23 January 2019, additional information became available allowing for additional adjustments to the document that served in Mayco. I consulted the Mayoral Committee on these adjustments.

This includes an additional and very welcome R10, 3 million for basic services in Enkanini and the relocation of R2 million from upgrading of sport facilities to the Stellenbosch Material Recycling facility. This is great news for residents as this will positively improve service delivery.

Highlights of adjustment budget include amongst other:

- In **Kayamandi: Watergang and Zone O**, only 5 months after the starting date, the site experienced severe damage due to community unrest. The service provider was requested to de-establish the site until further notice. Given the challenges of the site, a

Section 116 process was followed in order for the current contractor to continue. The positive input from the affected communities led to the project continuing and this all culminated in an additional R 4million given to the project.

- R 1, 4 million increase for the **Longlands Vlottenburg housing project**: The project is finally in progress – this should be especially good news for the affected residents who have waited for more than a decade.
- R3, 89 million additional funding for the upgrading of the **Stellenbosch Electrical Network**.
- R1.25 million increase for **additional funding for street lighting** to improve security.
- R1.2 million increase for **additional lighting in public areas** to improve security.
- R1, 7 million additional funding for the **reconstruction of roads**
- R 400 thousand for the implementation of **Universal Access**
- R2, 8 million for the **upgrading of fencing** in areas like the Klapmuts Taxi Rank, Kayamandi Corridor, Idas Valley Play Park and La Motte Municipal Depot. This is required for additional security.

- R3, 5 million upgrade to **Expansion of IT and Infrastructure** Platforms that will improve our systems and performance, helping us to improve service delivery to the public.
- **The Jamestown Mountain View Installation of water and sewer services** project was completed below the tendered amount and this saving of R2, 18 million will be allocated to the Enkanini pilot project.
- **Idas Valley Integrated Residential Development Programme / Finance Linked Individual Subsidy Programme:** The budget is adjusted upwards for this programme with R1, 286 million. The contractor is on site and currently busy with the installation of internal and bulk services. The Provincial Department of Human Settlements approved additional funds for the housing acceleration of the Idas Valley project to the value of R9, 686 million. This was allocated during the November Provincial adjustment budget. The adjustment of the budget is in accordance with the construction program.
- The good news for the **Upgrading of Parks and Open Areas** is that an additional R2, 316 million was given for the upgrading of parks and open areas. This

includes an open air gym for ward 3 and ward 22 as well as additional fencing in some areas.

- The **Smartie Town project in Cloetesville** is a multi-year project and will continue in the next two financial years. R2, 5 million will be rolled over to the next financial year. The tender has already been advertised and awarded. Appeal period lapses on 23 January 2019 and if no appeals are received the contractor will commence with the rectification of the houses by February 2019.
- A very important adjustment is the additional R1, 9 million of additional funds being allocated to the **upgrading of the Stellenbosch Fire Station**. Our firefighting services are extremely important to the safety of the community. The additional funds will be for phase one of the upgrade project. It is also recommended that a further R7 million be made available for the 2019/2020 financial year.
- **Hydraulic Ladder Fire Trucks:** The manufacturer informed us that according to their production schedule they will only be able to deliver our new trucks towards the end July 2019. These are two important pieces of equipment that will allow the Fire

Department to access higher buildings. R12 million will therefore roll over to the next financial year.

- The **Langrug Development** consists of 5 interlinked projects. These projects are premised on successfully developing a decanting site that can allow for 300 households. The decanting is important for the project because there are 50 households that are in the way of the bus route (Langrug Road) preventing construction from going ahead, approximately 30 households that needs to be relocated to allow for improved access to electricity and the re-blocking of sections in Langrug and approximately 250 households that are affected by the rehabilitation of the dam area in Langrug.

The negotiations to access the proposed decanting site took longer than originally anticipated, as not only the local communities and the Municipality are involved, but also the provincial Department of Environmental and Development Planning (DEADP). As a direct consequence all progress on the other projects was delayed.

The Langrug Basic Services Improvements are therefore adjusted downwards with R7, 68 million and

the Road Construction is adjusted downwards with R2.63 million.

- **Klapmuts Erf 2181:** Due to the Provincial Department of Human Settlements adjusting their budget during November 2018 the Municipality should align their Business Plan accordingly. This caused the Human Settlements Development Grant to be adjusted downward with R3, 599 million. The Community Residential Rehabilitation part of this project is also adjusted downwards with R1, 25 million.

The Municipality appointed a contractor to provide units for the families to be relocated on the completed serviced sites in Phase 1 of the project. During the construction of the first units, the project came to a halt due to unrest.

Although the community was part of the process since the beginning, a further consultation and protracted negotiation processes took place in an effort to find solutions on a number of issues. Phase 1 of the Site Development Plan was amended 8 times through this process, resulting in a 6 month delay.

The project is currently continuing as per revised program and will be implemented over the next two financial years.

- The tenders for **informal trading markets in Groendal and Klapmuts** projects have been advertised and the closing date is at the end of February 2019. These are multi-year projects geared towards the creation of job opportunities. The budget is adjusted to accommodate for what is realistic to be achieved in the current financial year, i.e. planning, design and tender documentation phases. The remainder of the budget will be rolled-over to the 2019/20 Financial Year where the bulk of the budget for the respective projects will be spent on Construction. For the Groendal project R2 million will be rolled over to the 2019/20 financial year and for the Klapmuts project R3 million will be rolled over to the next financial year.

2. Operational Adjustment Budget

With the process followed during the mid-year budget and performance assessment, taking into consideration projected spending or projected billed revenue versus

what was actually processed, it was identified that the operational budget should be adjusted accordingly.

The operational income budget of 2018/19 decreases from R1 755 894 265 (R1, 755 billion) to the proposed budget of R 1 738 394 265 (R1, 738 billion).

The operational expenditure budget for 2018/19 decreases from R 1 734 359 770 (R 1, 734 billion) to the proposed budget amount of R 1 719 104 450 (R1, 719 billion).

3. Operational Income Budget

There are line items where additional revenue is anticipated, over and above that which is already included and approved in the annual budget. The following income line items will be adjusted upwards:

- Service Charges: Electricity Revenue: The municipality has billed R279, 369 million against the year to date budget of R283, 869 million. The revenue budget for this line item will therefore be adjusted upwards with R10 million.

- Service Charges: Refuse Revenue: The municipality billed R3 million more refuse revenue than initially budgeted for. The revenue budget for this line item will therefore be adjusted upwards with R5 million. However, there are other line items where we anticipate underperformance. The income line items that will have to be adjusted downwards are:

- Service Charges: Water Revenue: The municipality has billed R30, 215 million less water than initially anticipated. The revenue budget for this line item will have to be adjusted downwards with R35 million. This is a result of the a decrease in billed revenue and the lowering of the water tariffs as well as consumers adjusting their consumption patterns in line with the water saving measures promoted by the municipality. We gladly accommodate this loss in order to help our residents and bring relief in these difficult economic times.

To offset the loss in water revenue the municipality, within the legal framework, used its reserves to cover operational expenditure for the month of December. This means that we must manage our remaining funds, as we always do, with great care.

- Other Revenue: Encroachments: An underperformance is noted as only R1, 248 million has been receipted until now against the budgeted amount of R8, 925 million. The budget for this item will have to be adjusted downward to R2, 5 million as a result of the actual revenue collected being less than the year to date planned budget.

4. Operational Expenditure Budget

Various line items were adjusted due to requests received from user departments and operational pressure to increase efficiencies.

The expenditure to date reflects an under spending of R55, 828 million when comparing the financial performance of the first six months to the pro-rata budget.

There are however line items where additional budget is required. The following expenditure line items will be adjusted upwards:

- Remuneration of Councillors: The upper limits for the salaries, allowance and benefits of the municipal councillors were gazetted on 15 December 2018. The

upper limits will be implemented in the third quarter of the financial year and an additional R130 000 budget increase will be provided for.

- Other Expenditure - Security Services: An additional amount of R8 million was identified for the safeguarding of 44 municipal sites.
 - Other Expenditure - Legal Cost: An additional R4 million is estimated to be required to ensure that the budget for all legal cost rendered and planned will be sufficient for the financial year.
 - Other Expenditure - Software License: An additional amount of R2, 5million is required for two software licences tenders.

We have identified savings on the following expenditure categories:

- Employee related cost: An over performance of R14, 354 million is noted in the mid-year performance assessment, however the actual expenditure is 43% of the total budget of R566, 807 million.

The estimated employee related cost for the year is R551, 807 million and a saving of R15 million is envisaged.

5. External Loan for 2018/2019

After considering the municipality's cash position as at 31 December 2018 and also taking into account the improved capital spending it would be in council's best interest to take up the external loan of R160 million for the 2018/2019 financial year. The external loan will only be taken up towards the end of the financial year and it will result in a saving in finance charges.

6. Financial implications

Currently, the spending on the capital budget is 25% with the inclusion of the commitments, it is 58% and on the operational budget 38%. Our target for capital spending is 90% and for operational spending it is 95%. We are well on our way with especially major capital items like the new Plankenburg Main Outfall Sewer, the upgrading of our electrical network and the extension of the Stellenbosch Waste Water Treat Works. The acting CFO assures me that we will reach 90% of total budget spending.

Funds for various capital projects will be rolled over to the next financial to make sure it is completed.

Speaker, Stellenbosch Municipality is in a secure financial position and I intend for it to stay so. It is important that we address the challenges regarding the delay of bulk infrastructure and housing projects. Some problems are not within our control to address. We will continue to work relentlessly to address the red tape that slows down progress. Many of the internal challenges we have faced during the past few years have improved and I want to thank the officials for the hard work. There are however, always room for improvement.

This municipality has all the right elements to become an example of best practice and I will work relentlessly to make it so. I have been entrusted with the enormous task of leading this Council. I table this adjustment budget, with great responsibility, in the hopes to better serve our communities. We continue to be one of the most popular destinations in South Africa and my team and I will work tirelessly to ensure that we live up to its reputation and provide the best possible opportunity for every resident.

Opportunities are usually disguised as hard work, so most people don't recognize them. - Ann Landers

Speaker, in the item serving before Council the recommendations are set out as recommended in the

Adjustments Budget Item. I herewith formally submit recommendations 5 a, b and c on page 335 in the Council Agenda, for consideration and approval of the 2018/19 Adjustment Budget.

7.3.5	MFMA SECTION 52 QUARTERLY REPORTING FOR THE PERIOD 01 OCTOBER 2018 TO 31 DECEMBER 2018
--------------	---

Collaborator No: 625237
 File nr: 8/1
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. SUBJECT: MFMA SECTION 52 QUARTERLY REPORTING FOR THE PERIOD 01 OCTOBER 2018 TO 31 DECEMBER 2018

2. PURPOSE

To comply with Section 52(d) of the Municipal Finance Management Act and report to Council on the implementation of the budget as well as the non-financial performance of the municipality for quarter 2 of the 2018/19 financial year.

3. DELEGATED AUTHORITY

THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL

In terms of section 52 (d) of the Municipal Finance Management Act:

“The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget as well as the non-financial performance of the municipality;”

4. EXECUTIVE SUMMARY

The Executive Mayor must provide general political guidance over the fiscal and financial affairs of the Municipality and is required by Section 52(d) of the Municipal Finance Management Act to submit a report on the implementation of the budget and the financial and non-financial performance of the Municipality to the Council within 30 days after end of each quarter.

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.5

NOTED

the Section 52 Report (including quarterly performance report) – Second Quarter 2018/2019.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 807 8528
E-MAIL ADDRESS	Kevin.Carolus@stellenbosch.gov.za
REPORT DATE	17 January 2019

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
-----	--

NONE

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
-----	---

NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]
-----	---

7.6.1	INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE
-------	--

Collaborator No: 597657
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. SUBJECT: INTRODUCTION OF A CASHLESS REVENUE COLLECTION SYSTEM AT JONKERSHOEK PICNIC SITE

2. PURPOSE

To inform Council about:

- a) The improvement in the revenue collection control systems at the holiday resorts and campsites by designing and implementing of a cashless system.
- b) A comparative report on the revenue and patrons for the 2015/16, 2016/17 and 2017/18 season to date

3. DELEGATED AUTHORITY

COUNCIL

FOR INFORMATION

4. EXECUTIVE SUMMARY

Key Performance Indicator (D757) stipulates the Improvement in the revenue collection control systems at the holiday resorts and campsites by March 2018. To achieve this KPI, a Standard Operating Procedure (SOP) had to be developed.

MINUTES

**23RD MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-01-30

23RD COUNCIL MEETING: 2019-01-30: ITEM 7.6.1

NOTED

the introduction of a Cashless Revenue Collection System at Jonkershoek Picnic Site.

FOR FURTHER DETAILS CONTACT:

NAME	<i>Leon Lourens/Albert van der Merwe and Tazmynn Linders</i>
POSITION	<i>Superintendent: Nature Conservation</i>
DIRECTORATE	<i>Community and Protection Services</i>
CONTACT NUMBERS	<i>021 808 8161</i>
E-MAIL ADDRESS	<i>Leon.lourens@stellenbosch.gov.za</i>
REPORT DATE	<i>24 April 2018</i>

7.6.2	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)
-------	---

Collaborator No: 617203
IDP KPA Ref No: D 435
Meeting Date: 23 January 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)

2. PURPOSE

The Stellenbosch Municipality: Air Quality Management Plan (August 2013) has been reviewed in terms Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004.

The Stellenbosch Municipality: Air Quality Management Plan (October 2018) (**ANNEXURE A**) has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer, the Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management and has been advertised for public input for a period of 30 days (**ANNEXURE B**). This process has culminated in the above document herewith being presented to Council for approval.

3. DELEGATED AUTHORITY

COUNCIL.

There is no clear delegation in the current System of Delegations dated May 2015 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

Section 15 (1) of the National Environmental Management: Air Quality Act, 39 of 2004, places an obligation on municipalities to develop Air Quality Management Plans (AQMPs) to manage air quality in their regions. Stellenbosch Municipality's 1st Generation AQMP dates back to 2013. The Stellenbosch Municipality: AQMP (October 2018) (**ANNEXURE A**) serves as Stellenbosch Municipality's 2nd Generation AQMP, 5-year review and update of the latter. The Stellenbosch Municipality: AQMP (October 2018) is based on the above (2013) plan and is informed by the updated Western Cape AQMP (2016) and the Cape Winelands District Municipality AQMP (2018).

The Stellenbosch Municipality: AQMP, as contained in this item, has been finalized in collaboration with the Cape Winelands District Municipality Air Quality Officer. This document was advertised in the Eikestad News on the 6th of September 2018 inviting written comment by 5 October 2018. Hard copies of the above document were made available at the municipality's advice centres in both Stellenbosch and Franschhoek as well as libraries in both Stellenbosch and Franschhoek.

The Department of Environmental Affairs and Development Planning's Directorate: Air Quality Management submitted comment (**Annexure C**) during the above commenting period, which has been incorporated in the Stellenbosch Municipality: AQMP (October 2018), now being brought to Council for adoption as its 2nd Generation AQMP, which will again be reviewed in 2022.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.6.2

RESOLVED (majority vote with abstentions)

that Council approves and adopts the Stellenbosch Municipality: Air Quality Management Plan (October 2018) as it's 2nd Generation Air Quality Management Plan.

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	17 October 2018

7.6.3	FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI
--------------	--

Collaborator No: 617415
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 30 January 2019

1. SUBJECT: FUTURE MANAGEMENT OF STRONGYARD HALL, KAYAMANDI

2. PURPOSE

To obtain Council approval to go out on a call for proposals with the intention to enter into a lease agreement for the management of Strongyard Community Hall, Kayamandi.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

Strong Yard Hall is located in the heart of Kayamandi. Since 2000/2001 the hall was utilised by the ZCC Church. The hall belonged to Kuyasa at the time, who rented the hall to the ZCC Church. The hall was handed over to Stellenbosch Municipality. From 2017, major renovations were done at the facility. The Strongyard Hall was used for community activities, church services, workshops and training before the renovations took place. The premises are currently being used illegally, without any payment and has been vandalised. Currently, only one church is utilising the hall, while the hall is used for various community programmes. The keys of the afore-mentioned hall are regulated by a member of the community who allows access to the facility. Due to the fact that there is no proper supervision for the use of the hall it is often dirty and the amenities vandalised. Currently, the management of Strongyard is challenging in terms of capacity and the various conflicting applications which cause tension among community members and -leaders. Due to this situation, it is proposed that a person/organisation be requested, through a call for proposals, to manage this facility under certain conditions.

The Executive Mayor, in consultation with the Mayoral Committee, referred the item that served before them (on 2019-01-23) back to the department and requested that the discussions be incorporated into the item before it is placed before Council. This amended item contains all the revisions.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.6.3

Before deliberations on the matter, the Speaker requested Cllr P Sitshoti (Ms) to recuse herself for the duration of the item, in view of the fact that she is implicated in the matter.

For record purposes, the Executive Mayor, Alderwoman G Van Deventer (Ms), handed in a hand-written letter dated 2019-01-29 addressed to her, requesting that the agenda item pertaining to "the tendering of the Strongyard Hall", be withdrawn, until a meeting have been scheduled between Ward 14 residents and the Executive Mayor. The letter was signed: "Ward 14 Residents", (see APPENDIX attached). Ald Van Deventer placed it on record that this item is not a tender of the Strongyard Hall, and since the letter does not contain any names or contact details, she does not know who to contact or respond to, in this regard. The Speaker responded that she will take this matter up with the Councillor of Ward 14, Cllr P Sitshoti (Ms).

RESOLVED (majority vote with abstentions)

that a call for proposals be advertised with the following conditions, *inter alia*:

- (i) Community-based organisations (for example, a registered CBO, NGO, NPO or church group operating in the Kayamandi area) or persons from within the Kayamandi area be invited to provide proposals on the utilisation and management of the facility;
- (ii) A lease agreement of 3 years;
- (iii) No rental payable provided that the hall is maintained and upgraded;
- (iv) That the hall be used for the benefit of the Kayamandi community for the following types of uses/causes, namely: Early childhood development/After-care / community development programmes / other causes that serve the broader Kayamandi community; and
- (v) The proposed management must provide a proposal on the uses and how the causes and users will be determined.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	04 May 2018 (Revised 24 January 2019)

APPENDIX

29 JANUARY 2019

DEAR MAYOR

We are aware of the agenda for the Council Meeting scheduled for the 30th January 2019. We also noted that there is an item with regards fendering of the Strongyard Hall. So we as Ward 14 residents therefore request for an item to be withdrawn until we have scheduled a Meeting between us the residents and you the Mayor

Thank you.

Regards
Ward 14 Residents

7.7	PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]
-----	---

NONE

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
-----	---

NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN]
-----	---

7.9.1	STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)
-------	---

Collaborator No: 617418
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 23 January 2019

1. **SUBJECT: STATUS QUO REPORT ON ALL THE SPORT FACILITIES IN THE GREATER STELLENBOSCH (WC024)**
2. **PURPOSE**
To inform Council of the status quo of all the sport facilities in the Greater Stellenbosch (WC024).
3. **DELEGATED AUTHORITY**
COUNCIL
FOR INFORMATION
4. **EXECUTIVE SUMMARY**
A Facilities Audit must be conducted on all municipal sport facilities in order to inform Council of the current status and condition of the municipal sport facilities.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.9.1**NOTED**

the current status of all the sport facilities in the Greater Stellenbosch (WCO24).

FOR FURTHER DETAILS CONTACT:

NAME	Albert van der Merwe
POSITION	Manager: Community Services
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8161
E-MAIL ADDRESS	albert.vandermerwe@stellenbosch.gov.za
REPORT DATE	14-11-2018

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
7.10.1	DRAFT ANNUAL REPORT 2017/18 AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

Collaborator No:

File No:

3/4/5/2/32 X 8/1/2/6

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019 & 30 January 2019

1. SUBJECT: DRAFT ANNUAL REPORT 2017/18 AND REFERRAL OF DRAFT ANNUAL REPORT TO MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) FOR CONSIDERATION

2. PURPOSE

To table to Council the Draft Annual Report for 2017/18, as per legal prescripts and to confirm that the Municipal Public Accounts Committee (MPAC) serve as the Oversight Committee as resolved at the Council meeting of 16 February 2017, item 5.2.5. It is furthermore recommended that the draft Annual Report 2017/18 be referred to the MPAC Committee to fulfill the role of an Oversight Committee and make a recommendation to Council as contemplated in section 129(1) of the Municipal Finance Management Act (MFMA), Act 56 of 2003, as amended.

3. DELEGATED AUTHORITY

The Executive Mayor must table the Annual Report in Council in terms of Section 127(2) read with 121 and 129 of the MFMA. The report must be considered by Council to resolve on the Annual Report as contemplated in section 129(1) of the MFMA. The Oversight Committee must consider the Annual Report and submit an Oversight Report to Council in terms of Section 33 and 79 of the Local Government Municipal Systems Act, 32 of 2000 read with the terms of reference of the MPAC committee.

4. EXECUTIVE SUMMARY

The Annual Report must be tabled by the Executive Mayor within 7 months after the end of the financial year. The draft Annual Report must be made public and the Municipal Manager must invite the public to provide input into the report. It has become practice that the Oversight Committee also invites the public to make verbal representations at meetings where the report is discussed. A schedule with proposed dates for the meetings is also included. Council resolved in 2017 that MPAC has as part of their terms of reference the role to sit as Oversight Committee to consider the Annual Report.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.10.1

During deliberations on the matter, Cllr DA Hendrickse requested that it be minuted that the A-G's Audit Outcome is not included as an appendix to the Annual Report, and that the item therefore should be withdrawn because it is not in line with legislation.

The Municipal Manager, Ms G Mettler, responded that the Annual Report that is serving before Council is a Draft Annual Report, in terms of legislation and Schedule 63, and that the appendices referred to in the Annual Report, as well as the Audit Outcome, are all included in the hard copy that was distributed to Councillors. The Municipal Manager expressed her concern and stated that she takes serious exception to Cllr DA Hendrickse's statement that the Administration is misleading Council.

RESOLVED (majority vote)

- (a) that Council notes the Draft Annual Report of 2017/18 for Stellenbosch Municipality;
- (b) that Council takes note that the Municipal Manager will make the Draft Annual Report 2017/18 public for comment on the official website of the Stellenbosch Municipality and at the offices of the Municipality for a period of 21 days; the public will be invited through local print media to provide written inputs / comments on the draft report on or before 1 March 2019;
- (c) that Council refers the Draft Annual Report 2017/18 to MPAC to consider the Annual Report 2017/18 and make recommendations to Council as contemplated in Section 129(1) of the MFMA; the following dates are proposed for the MPAC / Oversight meetings, where the Draft Annual Report of 2017/18 will be discussed:

Date *	Agenda	Venue	Time
1 February 2019	Orientation: Annual Report	Stellenbosch Council Chamber	13:00 – 15:00
5 February 2019	Chapters 1 and 2	Stellenbosch Council Chamber	09:00 – 13:00
15 February 2019	Chapter 3	Stellenbosch Council Chamber	12:00 – 18:00
18 February 2019	Chapters 4, 5 and 6	Stellenbosch Council Chamber	12:00 – 18:00
22 February 2019	Public Hearing	Stellenbosch Council Chamber	09:00- 14:00
28 February 2019	Discussion with Municipal Manager, Executive Mayor and Directors	Stellenbosch Council Chamber	09:00-16:00
8 March 2019	Finalising Oversight Report	Stellenbosch Council Chamber	12:00-14:00

* It should be noted that the above are proposed dates which must still be confirmed by the MPAC Chairperson, and the final dates will be advertised in local print media.

- (d) that Council approves MPAC's mandate to co-opt two members of the public with expertise in specific fields to assist and advise the Committee;

Rates for additional nominated community members as per Treasury Regulation 20.2.2: The once-off preparation tariff was used as a guide since the National Treasury does not have guidance in that regard. Consultation must take place to decide if the rate will remain the same.

Tariff	Number of co-opted Members	Not exceeding no. of hours	Remuneration
<i>Per hour tariff for attendance of meeting as a member</i>	2	45 hours	R 327.00 per hour
<i>Once-off Tariff for duties performed in preparation</i>	2	6 hours	R 1500 (for six hours)

- (e) that Council approves that the co-opted members can be remunerated in line with the recommendations of National Treasury Regulation in this regard.

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

Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Ms Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8035
E-MAIL ADDRESS	Shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	14 January 2019

7.10.2	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19
--------	--

Collaborator No:

File nr:

3/4/5/2/32 X 8/1/2/6

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

23 January 2019

1. SUBJECT: REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19

2. PURPOSE

To obtain Council's approval for the revisions made to the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2018/19.

3. DELEGATED AUTHORITY

Council.

In terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), section 54(1)(c) *"the mayor must, consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget..."*

4. EXECUTIVE SUMMARY

The TL SDBIP 2018/19 was approved by the Executive Mayor on 21 June 2018. It is common practice for a municipality, as provided for in the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA), to review its performance indicators and targets in line with the adjustments budget.

The TL SDBIP 2018/19 (as approved by the Executive Mayor) is attached hereto. All changes (for ease of reference) which should be deleted and or amended are indicated with a *strikethrough* and an *underline* respectively.

It must also be noted that the TL SDBIP 2018/19 is the in-year plan of the municipality and amendments made to the TL SDBIP 2018/19 must also be read in conjunction with the Integrated Development Plan (IDP). Therefore, changes made to the TL SDBIP 2018/19 are considered to be made in the IDP as well.

The reasons for the amendments to the following KPIs are as follows:

- a) TL7 contained two deliverables, hence the KPI was split into two indicators;
- b) TL18 was a composite indicator measuring various services (water, sanitation, refuse removal and electricity) in one KPI. This KPI was split into the four services to enable appropriate measurement of these services individually;
- c) TL19 was deleted as it is already being measured on the TL SDBIP 2018/19;
- d) TL23 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.

- e) TL16 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.
- f) TL40 was deleted from the TL SDBIP 2018/19 as it measures a purely operational activity and has to be shifted to the departmental SDBIP.
- g) TL44 was moved from the TL SDBIP 2018/19 to the Departmental SDBIP 2018/19. This is due to the fact that Council eased water restrictions. However, this KPI will still be measured on the Departmental SDBIP 2018/19.

The balance of the indicators, unit of measurements and targets were revised in accordance with the SMART principle. This is in an attempt to ensure that the Municipality's TL SDBIP 2018/19 conforms to the requirements of both Internal Audit and the Auditor-General of South Africa.

23RD COUNCIL MEETING: 2019-01-23: ITEM 7.10.2

RESOLVED (majority vote with abstentions)

- (a) that the Revised TL SDBIP 2018/19 be approved;
- (b) that the Revised TL SDBIP 2018/19 be published on the Municipal Website; and
- (c) that the Revised TL SDBIP 2018/19 be submitted to:
 - (i) Internal Audit Unit (for notification);
 - (ii) Department of Local Government: Western Cape;
 - (iii) Provincial Treasury: Western Cape;
 - (iv) Auditor General of South Africa; and
 - (v) National Treasury.

Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.

FOR FURTHER DETAILS CONTACT:

NAME	Gurswin Cain
POSITION	Manager: IDP and PMS
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8717
E-MAIL ADDRESS	Gurswin.cain@stellenbosch.gov.za
REPORT DATE	14 January 2019

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
----	--

8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
-----	--

NONE

8.2	OFFICE OF THE MUNICIPAL MANAGER
-----	--

8.2.1	MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2018/19
-------	---

File No.: 8/1/3/3/8
 Collaborator No: 626282
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR 2018/19

2. PURPOSE

To submit the Local Government: Municipal Finance Management Act, No. 56 of 2003 (MFMA) Section 72 report (Mid-year Budget and Performance Assessment) to Council.

3. DELEGATED AUTHORITY

FOR NOTICE BY MUNICIPAL COUNCIL

In terms of Section 54 of the MFMA.

4. EXECUTIVE SUMMARY

This report provides the progress made by the Municipality in terms of the Service Delivery Budget and Implementation Plan (SDBIP) for the period 01 July 2018 to 31 December 2018.

This report contains both the financial (**APPENDIX A**) and non-financial performance (**APPENDIX B**) of the Stellenbosch Municipality.

23RD COUNCIL MEETING: 2019-01-23: ITEM 8.2.1

NOTED

- (a) the report and more specifically the assessment and forecasts contained in the report, and
- (b) that an Adjustments Budget will be tabled to Council.

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: MARCH 2018 TO SEPTEMBER 2018

File No.: 8/1/3/3/8
 Collaborator No: 624280
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from March 2018 to September 2018 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.1

NOTED

the decisions taken by the Executive Mayor for the period March to September 2018.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	07 January 2019

9.1.2	REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE PERIOD: OCTOBER 2018 TO DECEMBER 2018
-------	---

File No.: 8/1/3/3/8
 Collaborator No: 624283
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor from October 2018 to December 2018 (see **APPENDIX 1**).

2. BACKGROUND

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

“An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor.”

According to the Municipal Systems Act 60 (1)(b)

“(1) the following powers may, within policy framework determined by the municipal council be delegated to an executive committee or executive mayor only (b) the determination or alternation of the remuneration, benefits or other conditions of service of the municipal manager or managers directly responsible to the municipal manager.

3. FINANCIAL IMPLICATIONS

None

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.2

NOTED

the decisions taken by the Executive Mayor for the period October 2018 to December 2018.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@stellenbosch.gov.za
REPORT DATE	07 January 2019

9.1.3	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019
-------	--

File No.: 8/1/3/3/8
 Collaborator No: 624285
 IDP KPA Ref No: N/A
 Meeting Date: 2019-01-30

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor during the Council recess of 2018/2019.

2. BACKGROUND

In terms of the System of Delegations the Executive Mayor has the duty to report to delegating authority on decisions taken in terms of that delegated power.

Delegation 34 of the current System of Delegations provides a delegation to the Executive Mayor in consultation with the Municipal Manager to exercise during the recess any power of Council if the failure to exercise such power having a substantial detrimental impact on the Municipality.

Council approved the new organisational structure and approved a new acting policy on 28 November 2018.

The appointment of acting section 56 Managers is needed to ensure that decisions that are taken by the employees who act are in line with legislative requirements as far as their delegations are concerned. An item will be brought to council in January 2019 on acting arrangements to replace the arrangements Council resolved on under the previous organisational structure.

3. LEGISLATIVE FRAMEWORK

Council approves the acting arrangements for managers who reports directly to the Municipal Manager in terms of section 56 of the Municipal Systems Act.

4. FINANCIAL IMPLICATIONS

The employees who act for a period of more than 10 consecutive workdays will receive an acting allowance in terms of the Acting Policy.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.3

NOTED

the decisions taken by the Executive Mayor during the Council recess of 2018/2019.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	04 January 2019

9.1.4	DECISIONS TAKEN BY THE EXECUTIVE MAYOR DURING COUNCIL RECESS: 2018/2019: ADJUSTMENTS BUDGET
-------	--

Collaborator No: 624289
IDP KPA Ref No: Good governance and Compliance
Meeting Date: 30 January 2019

1. PURPOSE OF THE REPORT

To inform Council of the decisions taken by the Executive Mayor during the Council recess of 2018 / 2019.

2. BACKGROUND

In terms of the system of delegations the Executive Mayor has the duty to report to delegating authority on decisions taken in terms of that delegated power.

Delegation 34 of the current System of Delegations provides a delegation to the Executive Mayor in consultation with the Municipal Manager to exercise during the recess any power of Council if the failure to exercise such power having a substantial detrimental impact on the Municipality.

Roll-over of unspent provincial conditional grants:

The Western Cape Provincial Minister of Finance has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2017 (Act No. 1 of 2017) to roll-over the unspent amount of R240 000 for Western Cape Financial Management Capacity Building Grant.

2018/19 Municipal adjustments budget allocations:

Minister Ivan Meyer tabled the 2018/19 Western Cape Provincial Adjustment Budget in the Provincial Parliament on 22 November 2018 and arising from this, for the 2018/19 financial year, Stellenbosch Municipality receives the following additional grant allocations:

Grant	Type	Amount
Provincial Contribution Towards The Acceleration of Housing Delivery	Capital	9 686 000
Title-Deeds Restoration Grant	Operational	1 650 000
Local Government Internship Grant	Operational	72 000
		11 408 000

3. LEGISLATIVE FRAMEWORK

Section 28 of the Municipal Finance Management Act states that:

“(1) The municipality may revise an approved annual budget through an adjustments budget.

(2) An adjustments budget -

(b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.”

Regulation 23 (3) of the Municipal Budget and Reporting Regulations states that:

“If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of a municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in Section 28 (2) (b) of the Act in the municipal council to appropriate these additional revenues.”

4. FINANCIAL IMPLICATIONS

The proposed Capital Adjusted Budget for the 2018/2019 financial year, inclusive of additional allocations as approved by the Western Cape Provincial Treasury of R 9 686 000, amounts to R597 434 280.

The proposed Adjusted Operational Expenditure Budget for the 2018/2019 financial year, inclusive of additional grant funding as well as the unspent conditional grants, amounts to R1 724 673 770.

The proposed Adjusted Budget for the 2018/2019 financial year amounts to R1 755 654 264.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.1.4

NOTED

the decisions taken by the Executive Mayor during the Council recess of 2018 / 2019: Adjustments Budget.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	04 January 2019

9.2	REPORT BY THE SPEAKER
------------	------------------------------

NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
------------	--

9.3.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: OCTOBER 2018 – DECEMBER 2018
--------------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

30 January 2019

1. DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY OCTOBER 2018 – DECEMBER 2018

2. PURPOSE OF REPORT

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 October 2018 to 31 December 2018, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

3. DELEGATED AUTHORITY

Municipal Council

4. EXECUTIVE SUMMARY

In view of the legislative stipulations, attached is a summary as **ANNEXURE 1** of decisions taken by each Directorate. The report is for noting purposes.

Please note that these delegations only indicate the delegations exercised as delegated by Council to the various Senior Managers.

23RD COUNCIL MEETING: 2019-01-23: ITEM 9.3.1

NOTED

the decisions taken, for the period 01 October 2018 to 31 December 2018, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 October 2018 – 31 December 2018)
- Director: Corporate Services – Ms A de Beer (01 October 2018–31 December 2018)

-
- Director: Engineering Services – Mr D Louw (01 October 2018–31 December 2018)
 - Director Community and Protection Services – Mr G Esau (01 October 2018–30 November 2018)
 - Acting Director: Community and Protection Services – Mr A van de Merwe (01 – 31 December 2018)
 - Chief Financial Officer – Mr M Wüst (01 October 2018 – 31 December 2018)
 - Director: Planning and Economic Development (1 October 2018–31 December 2018)

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	021 808 8025
E-MAIL ADDRESS	mm@stellenbosch.gov.za
REPORT DATE	24 January 2019

NB: At the conclusion of this item, the Speaker called Cllr DA Hendrickse's attention to Rule 27.1, which he had breached, whereupon the Speaker ordered Cllr DA Hendrickse to leave the Chamber (at 15:20).

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
10.1	QUESTION 1 BY CLLR LK HORSBAND (MS): MUNICIPAL ASSISTANCE TO BACKYARD FIRE VICTIMS

23RD COUNCIL MEETING: 2019-01-30: ITEM 10.1

It is noted that Cllr LK Horsband (Ms) was satisfied with the written response from the Municipal Manager and that she had no follow-up question.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@Stellenbosch.gov.za
REPORT DATE	24 January 2019

10.2	QUESTION 2 BY CLLR LK HORSBAND (MS): TERMS AND CONDITIONS GIVEN OF CAPITEC RE DUMPING OF EXCAVATED MATERIAL IN JAMESTOWN
------	---

23RD COUNCIL MEETING: 2019-01-30: ITEM 10.2

It is noted that Cllr LK Horsband (Ms) will submit her follow-up question in writing.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@Stellenbosch.gov.za
REPORT DATE	24 January 2019

10.3	QUESTION 1 BY CLLR DA HENDRICKSE: TENDER AMOUNT AWARDED TO ASLA
------	--

23RD COUNCIL MEETING: 2019-01-30: ITEM 10.3

It is noted that, notwithstanding the absence of Cllr DA Hendrickse from the Chamber, the question was tabled and a written reply had been provided.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@ Stellenbosch.gov.za
REPORT DATE	24 January 2019

10.4	QUESTION 2 BY CLLR DA HENDRICKSE: REASONS FOR NON-DISCLOSURE OF A-G MANAGEMENT REPORT TO FULL COUNCIL
------	--

23RD COUNCIL MEETING: 2019-01-30: ITEM 10.4

It is noted that, notwithstanding the absence of Cllr DA Hendrickse from the Chamber, the question was tabled and a written reply had been provided.

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler (Ms)
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Office of the Municipal Manager</i>
CONTACT NUMBERS	021 808-8025
E-MAIL ADDRESS	Municipal.Manager@Stellenbosch.gov.za
REPORT DATE	24 January 2019

11.	CONSIDERATION OF URGENT MOTIONS
-----	--

NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
-----	--

- 12.1 The Municipal Manager, Ms G Mettler, submitted an Urgent item, and Speaker gave permission that the matter could be dealt with as an Urgent matter [In-Committee].

13.	CONSIDERATION OF REPORTS
-----	---------------------------------

13.1	REPORTS SUBMITTED BY THE SPEAKER
------	---

NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
------	---

13.2.1	REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE DISTRICT HEALTH COUNCIL
--------	---

File No.:

Collaborator No: 626468

IDP KPA Ref No: N/A

Meeting Date: 2019-01-30

1. SUBJECT: REQUEST TO NOMINATE A NEW COUNCILLOR TO SERVE ON THE DISTRICT HEALTH COUNCIL

2. PURPOSE

To inform Council of the nomination of a new councillor to serve on the District Health Council in the place of Cllr NS Louw.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Cllr NS Louw resigned as councillor on 25 October 2018. Cllr NS Louw served on the District Health Council. Council approved the nomination on 23 November 2016.

Due to his resignation, a new councillor must be nominated and the nomination be approved by Council to replace Cllr NS Louw on the District Health Council. The letter of resignation of Cllr NS Louw is attached as **ANNEXURE A**.

23RD COUNCIL MEETING: 2019-01-30: ITEM 13.2.1**RESOLVED** (nem con)

- (a) that Council notes the nomination of Cllr Johanna Serdyn (Ms) to replace Cllr NS Louw on the District Health Council; and
- (b) that Council approves the nomination of Cllr Johanna Serdyn (Ms) to replace Cllr NS Louw on the District Health Council.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	OFFICE MANAGER: EXECUTIVE MAYOR
DIRECTORATE	CORPORATE AND STRATEGIC SERVICES
CONTACT NUMBERS	021 8088314
E-MAIL ADDRESS	Donovan.Muller@ Stellenbosch.gov.za
REPORT DATE	24 January 2019

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
------------	--

SEE PINK DOCUMENTATION

The meeting adjourned at 15:35.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

5.	STATUTORY MATTERS	(3/4/1/4)
----	-------------------	-----------

NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
----	--

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	Date Closed	Task Status	Allocated To	% Feedback	Feedback Comment
394114	Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschhoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>	2015-10-28		IN PROGRESS	SCHALKV	95.00	A site visit was undertaken on 26 October 2018. Internal meetings were held. In the process of formulating an implementation plan.
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</p>	2016-11-23		IN PROGRESS	SALIEMH	91.00	<p>Green Cape to provide costing to municipality to complete and finalize report</p> <p>Green Cape provided a quotation and the procurement process to commence</p>

		together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.						
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT 4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2 RESOLVED (majority vote) (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 (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. The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).	2016-11-23		IN PROGRESS	ROSCOE B	22.00	Item will be tabled at February 2019 Council
489388	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	7.5.1 IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT 5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1 RESOLVED (nem con) (a) that the content of the notice of the Minister, be noted; (b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed; (c) that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5; (d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and (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.	2017-01-25		IN PROGRESS	PSMIT	100%	Feedback report served before Mayoral Committee in Februarie 2019. On agenda of Council Februarie 2019.

		(DIR: HUMAN SETTLEMENTS TO ACTION)						
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 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 & CORP TO ACTION)</p>	2017-03-29		IN PROGRESS	NICKYC	80.00	Review of policy in process.

513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a “heritage portfolio” that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;</p> <p>(b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the 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>	2017-04-26		IN PROGRESS	BERNABYB	30.00	Manager Council Property in process of preparing a call for proposals on the future of Transvalia.
514994	Stellenbosch Municipality:	7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE	2017-04-26		IN PROGRESS	BERNABYB	60.00	Louw's Bos Environmental Impact Assessment process

	Extension of Burial Space	<p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of '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 & ECON DEV TO ACTION)</p>						is planned to commence in the second week of January 2019. Excepting a decision from the DEADP on both by July 2019 (Culcatta) and November 2019 (Louw's Bos).
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>	2017-08-30		IN PROGRESS	MICHELLEB	90.00	Approved for submission to Section 80. Item submitted on Collaborator on 08 February 2019.

		(DIRECTOR: PLAN & ECON DEV TO ACTION)						
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> <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"> • Lease portion BH1 of Farm 502, Stellenbosch; and • Lease portion BH2 of Farm 502 Stellenbosch. <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 & ECON DEV TO ACTION)</p>	2017-09-27		IN PROGRESS	WIDMARKM	95.00	Awaiting draft MOU from National Department of Rural Development and Land Reform.
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>	2017-09-27		IN PROGRESS	SALIEMH	93.00	Consultant busy reviewing and finalizing S78(3) Anticipated date of

		<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>					completion is February 2019	
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 towns of:</p> <ul style="list-style-type: none"> i) Stellenbosch ii) Klapmuts, and iii) Franschhoek; and <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>	2017-09-27		IN PROGRESS	JOHANF	90.00	Scope of works completed Appointment of consultant in process and anticipated appointment is mid November 2018
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>	2017-09-27		IN PROGRESS	TABISOM	10.00	Manager New Housing is busy 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.

		that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility. (DIRECTOR: PLANNING TO ACTION)						
559597	PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT	7.6.5 PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT 14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.5 In terms of Rule 28 of the Rules of Order By-law, Cllr F Adams submitted a written apology to the Speaker for his behavior earlier during the meeting. The Speaker read the apology and accepted Cllr F Adams's apology. Cllr F Adams was allowed to re-join the meeting again (at 14.30). RESOLVED (nem con) (a) that the content of this report be noted; (b) that the Memorandum of Agreement (MOA) be noted; (c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and (d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting. (DIRECTOR: ENGINEERING SERVICES TO ACTION)	2017-11-29		IN PROGRESS	SILVIAP	100.00	Take over completed on 15 February 2019
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;	2017-11-29		IN PROGRESS	TABISOM	60.00	The contractor is on-site and the project is progressing accordingly. The newly designed units were erected and the affected families moved into the units. Their informal structures were demolished when they were relocated. Progress: 1. 87 units occupied 2. 12 units under construction

		<p>(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);</p> <p>(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);</p> <p>(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);</p> <p>(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);</p> <p>(g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing 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>						3. 20 slabs cast
559653	KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS	<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		IN PROGRESS	TABISOM	25.00	<p>Engagements have started with owners of land abutting Kayamandi. Notices for the cancellation of lease agreements (75Ha in total) have been served on the Lessee.</p> <p>A report has been submitted to Council</p>

		(DIR: HUMAN SETTLEMENTS TO ACTION)						on 26 September 2018 item 8.2.3 that explains the current progress and status of the abutting neighbour north of Kayamandi. Meetings are being arranged between the Stellenbosch Municipality and the PDoHS to determine the way forward.
559624	STELLENBOSCH MUNICIPALITY PROBLEM PROPERTIES DRAFT BY- LAW, AUGUST 2017	<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 & ECON DEV TO ACTION)</p>	2017-11-29		IN PROGRESS	HEDRED	70.00	The draft item still to be internally circulated for comments. Seeing that only one public comment was received, it will also be circulated to ward committees and other interest groups.
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,	<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</p>	2017-11-29		IN PROGRESS	TABISOM	90.00	The tender was evaluated by a multi-disciplinary team and the Bid Evaluation report will be submitted to BEC during January 2019.

	STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO F	<p>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>						
582813	APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND	<p>7.3.1 APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.3.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Council confirms the positions from the respective organisations to be members of the Strategic Advisory Committee and Operational Committee as proposed in the table below and that the Manager LED initiate the process of convening the first committee meeting before end of May 2018;</p> <p>Strategic Advisory Committee Organisation Position Contact Details Stellenbosch Municipality Chairperson: Director: Community and Protection Services 021 808 8437</p> <p>Stellenbosch Municipality Director: Planning and Economic Development 021 808 8667 Stellenbosch Municipality Director: Integrated Human Settlements and Property 021 808 8493 Stellenbosch Municipality Director: Strategic and Corporate Services 021 808 8018 Stellenbosch Municipality Legal Services 021 808 8018 Stellenbosch Municipality Manager: LED 021 808 8179 Stellenbosch Municipality Snr LED Officer: Rural Development 021 808 8173 Stellenbosch Agricultural Society General Manager 021 886 4867 Department of Agriculture Acting Chief Director: Farmer Support and Development 021-8085103</p> <p>Department of Rural Development and Land Reform Deputy Director 079 880 9320 Land Bank Provincial Manager Commercial Development Banking Division Western</p>	2018-03-28		IN PROGRESS	WIDMARKM	50.00	In the process of arranging the first meeting of the Strategic Advisory Committee. First meeting of the Operational Committee took place. A public information session was advertised and held to explain to the broader public the objectives of the Policy on the Management of Municipal Agricultural land.

		<p>Cape 021 974 2200 / 082 339 1626 Stellenbosch University Professor and Chairman of the Department Agricultural Economics 021 808 4899 Department of Water Affairs Deputy Director 021 941 6000 Winelands Water Board CEO 021 887 6487 CASIDRA CEO 021 863 5000</p> <p>Operational Committee</p> <p>Organisation Position Stellenbosch Municipality Manager: LED Stellenbosch Municipality Manager: Municipal Property Stellenbosch Municipality Senior Legal Advisor Stellenbosch Municipality Environmental Manager Stellenbosch Municipality Senior LED Officer: Rural Development</p> <p>(b) that the following vacant municipal agricultural land be advertised to be utilised by farmers in line with the policy on the Management of Municipal Agricultural Land as advertised in the Government Gazette on 27 March 2017 (ANNEXURE B).</p> <p>PROPERTY DESCRIPTION SIZE TOTAL (HA) WATER 1 165/1A 10.5 ha no water 10.5 2 279BN 25.3 ha no water 25.3 3 502 AM 8.56 ha 3 ha water 8.56 3 4 502 AP 7 ha 2 ha water 7 2 5 502 AU 8.9 ha no water 8.9 6 502 AW 6 ha no water 6 7 502 BFN 15.5 ha 6 ha c/water 15.5 6 8 502 V 21.6 ha 8 ha water 21.6 8 9 619/1 26 ha no water 26 10 502 BH PORTION 17&18 5 ha 3 ha water 5 3 11 502M 5.1 ha 3 ha water 5.1 3 12 502V 21.6 ha 8 ha water 21.6 8 13 502W 9 ha 3 ha water 9 3 TOTAL 175,41 ha</p>						
582817	<p>PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT</p>	<p>7.6.3 PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.3</p> <p>RESOLVED (nem con)</p> <p>(a) that this report be noted;</p>	2018-03-28		IN PROGRESS	DLOUW	100.00	Take over completed 15 February 2019

	TIMELINE AND MOU	<p>(b) that the Final MOU be accepted;</p> <p>(c) that the Municipal Manager be authorised to sign the MOU on behalf of the Municipality;</p> <p>(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;</p> <p>(e) that an application be forwarded to NERSA to incorporate the Pniel/Hollandsche Molen Electricity Network into the license of Stellenbosch Municipality; and</p> <p>(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.</p>						
582818	SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE	<p>7.6.1 SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.1</p> <p>RESOLVED (nem con)</p> <p>(a) that this report be noted;</p> <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>	2018-03-28		IN PROGRESS	DLOUW	70.00	Payment to Eskom done in October 2018. Consultants to be appointed off roster to commence with environmental processes, and appointment of engineering consultant for design and planning of new cells.

		<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>						
582815	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)	<p>7.5.2 STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the projects as reflected in the table below be supported in accordance with the appropriate funding and relevant provincial approvals (see attached ANNEXURE 1) as well as available bulk infrastructure capacity:</p> <p>PROJECT NAME HOUSING PROGRAM PROJECT PHASE NO OF SITES NO OF UNITS</p> <p>1. Stellenbosch Ida's Valley (±166/±265 services) IRDP/FLISP Await planning approval (LUPA) 265</p> <p>2. Klapmuts (Phase 4 of 2053:15) ±298 services & TRA IRDP Construction 298</p> <p>3. La Rochelle, Klapmuts (±80 sites) IRDP/FLISP Planning</p> <p>4. Longlands, Vlotenburg (±144 Services and units) IRDP Contractual matters to be finalised 144</p> <p>5. Stellenbosch Jamestown (Phases 2) (±133 sites) IRDP Planning Phase 2</p> <p>6. Erf 7001 and other possible sites for mix-used development in Cloetesville IRDP/FLISP Proposal Call</p> <p>7. Kayamandi: Zone O (±711 services) & Watergang (±277 services) UISP / ISSP Planning</p> <p>8. Kayamandi Enkanini Enhanced Services (±1 300 sites) UISP / ISSP Planning (LUPA & EIA)</p> <p>9. Kayamandi Enkanini (Pilot project) UISP / ISSP Construction (Electricity and upgrading of toilets) 300 electricity connections and 20 additional communal toilets</p> <p>10. Kayamandi Town Centre Regeneration (±700 units) UISP/ Institutional Planning</p> <p>11. Northern Extension (Phase 1), Stellenbosch IRDP/FLISP Land acquisition and planning</p>	2018-03-28		IN PROGRESS	TABISOM	50.00	<p>a) Noted.</p> <p>b) A services provider has been appointed to do the necessary pre-feasibility studies for La Motte.</p> <p>c) Noted.</p> <p>d) Noted.</p>

		<p>12. Kylemore (±171 services & ±171 units) IRDP Await transfer of land 13. Franschoek Langrug Enhanced Services (±1 200 services) UISP Planning and feasibility study for decanting site 14. Stellenbosch La Motte Old Forest Station (±430 services & ±430 units) IRDP/FLISP Await planning approval 15. Meerlust, Franschoek (±200 services & ±200 units) IRDP Planning 16. De Novo (±374 sites) Project managed by PDoHS IRDP / Institutional Planning TOTAL 707 Note: IRDP – Integrated Residential Development Programme FLISP – Finance Linked Individual Subsidy Programme UISP – Upgrading of Informal Settlement Programme ISSP – Informal Settlements Support Programme LUPA – Land Use Planning Act EIA – Environmental Impact Assessment</p> <p>(b) that the projects in the table below, be supported in principle and submitted to Provincial Department of Human Settlements for funding to commence with pre-feasibility studies;</p> <p>PROJECT NAME HOUSING PROGRAM PROJECT PHASE NO OF SITES NO OF UNITS 1. La Motte, Franschoek IRDP/FLISP Pre-planning phase 2. Erf 2, La Motte (±70 services) IRDP Pre-planning phase 3. Drodyke IRDP Pre-planning phase 4. Botmaskop (±1 500 opportunities) Social Housing / IRDP Pre-planning phase 5. Stellenbosch Transit Orientated Development complex precinct (±3 500 opportunities) IRDP Pre-planning phase</p> <p>(c) that after the completion of the pre-feasibility studies of these projects as listed in (b) above, a report be submitted to Council for consideration; and</p> <p>(d) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.</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>16TH COUNCIL MEETING: 2018-03-28: ITEM 7.5.1 RESOLVED (nem con)</p> <p>(a) that the portion of land, indicated as Portion A on Fig 4, measuring ± 5560m², being a portion of Farm 183, be identified as land not needed to</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>	2018-03-28		IN PROGRESS	TABISOM	90.00	Council approved the application on 30 January 2019 and the applicant was informed accordingly

		<p>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 ±5560m², 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 (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>						
582874	FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED	<p>8.4.2 FUTURE UTILIZATION OF EX-KLEINE LIBERTAS THEATRE SITE: CONSIDERATION OF INPUTS RECEIVED</p> <p>16TH COUNCIL MEETING: 2018-03-28: ITEM 8.4.2</p> <p>RESOLVED (nem con)</p> <p>a) that Council takes note of the large number of inputs/comment received; and</p> <p>b) that a multi-purpose building be planned and after erection of building council call for proposals from the Stellenbosch Community for its utilization in line with our strategic objectives.</p>	2018-03-28		IN PROGRESS	ANNALENE DB/PSMIT	20.00	Tender in process to appoint service to design multipurpose building and manage project.
601661	PROPOSED CEEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY FARMING ASSOCIATION	<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>	2018-07-25		IN PROGRESS	ANNALENE DB	80.00	Item on agenda of council on 27 February 2019.

		that this item be withdrawn for further refinement.						
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> <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"> 1. The Old Clinic Building (Erven 6487 & 6488) Ranyaka 2. Triangle Building (Erf 228) Hugenote Fine Chocolates 3. Mooiwater Building (Erf 2253) ABC Empowerment (Profiles attached Appendix 2) <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>	2018-07-25		IN PROGRESS	TABISOM	80.00	Item to serve before Council on 27 Feb 2019noise
601662	RESERVIST POLICY	<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</p>	2018-07-25		IN PROGRESS	ALBERTVDM		Applications received and screening of the applicants has been done, awaiting confirmation from Insurance section before volunteer

		Council for adoption.						program can be fully implemented. Policy in process of rolling out the practical implication of the policy. Still waiting on Insurer
601711	PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS	7.5.4 PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS 18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.4 RESOLVED (nem con) that this item be withdrawn for further refinement.	2018-07-25		IN PROGRESS	ANNALENEDB	20.00	New Agenda items was compiled and will serve at Council during March 2019.
612597	Draft 2 NORTHERN EXTENTION LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI PROGRESS - STATUS REPORT 20.09.2018	8.2.3 NORTHERN EXTENSION / LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI: PROGRESS / STATUS REPORT 20 TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.3 During deliberations on the matter, the Speaker ordered Cllr F Adams to leave the chambers (at 11:20) for violating Rule 27 of the Rules of Order By-law. RESOLVED (majority vote with 7 abstentions) (a) that the progress to date (lack thereof), be noted; (b) that the Municipal Manager be authorised to further investigate the options as set out in paragraph 6.2.2 and to enter into preliminary discussions / negotiations with the relevant stakeholders, with the view of finding solutions for the future development of the Northern Extension; (c) that the Municipal Manager reports back on progress within 3 months; and (d) that no definitive agreement(s) be concluded without Council's approval.	2018-09-26		IN PROGRESS	TABISOM	50.00	Served before Council on 30 January 2019
612851	PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER	7.2.3 PROPOSED EXCHANGE OF LAND: A PORTION OF REMAINDER FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD	2018-09-26		IN PROGRESS	ANNALENED	90.00	Contract signed by both parties

	FARM 387, STELLENBOSCH FOR A PORTION OF LEASE AREA 377A: VREDENHEIM (PTY) LTD	20TH COUNCIL MEETING: 2018-09-26: ITEM 7.2.3 RESOLVED (nem con) (a) that Council cannot at this stage resolve that the land requested in the exchange of land agreement is not needed for the provision of basic municipal services as required in terms of section 14 of the MFMA; (b) that Council, for the reason contained in (a) above, does not approve the agreement to exchange municipal land in exchange for the land needed for the securing of access route for the development of Longlands; (c) that the owner be informed that Council is not willing to exchange land and that, should parties not be able to reach agreement on the sale of the property, the process in section 25 of the Constitution will have to be invoked; and (d) that, should Ms Bezuidenhout not be willing to sell the land at a fair value, the Municipal Manager be authorised to follow the provisions of section 25 of the Constitution read with section 9(3) of the Housing Act (Act 107/1997) and read with Section 1,6,18-23 of the Expropriation Act (Act no 63 of 1975).						Transfer has to take place
616965	PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK	7.2.2 PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK 21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.2 RESOLVED (nem con) (a) that erven 3192, 3019 and 3111 be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of; (b) that Council considers a public participation process for wards 1 and 2 to indicate what uses they would want on these properties before Council takes a decision on an in principle process to dispose of the properties; (c) that the Municipal Manager be authorised to follow a public participation process by requesting the residents of wards 1 and 2 to provide inputs on the type of uses they would want the properties to be used for; (d) that the public participation process be advertised in a local newspaper and communicated by the ward Councillors, and that it run for a period of 21 days from date of advertising; and	2018-10-31		IN PROGRESS	ANNALENE	50.00	New agenda item will serve before Council in March, following the public participation process.

		(e) that the item be re-submitted to Council after the public participation process.						
616963	RECONSTITUTION OF SECTION 80 PORTFOLIO COMMITTEES AND CHAIRPERSONS	<p>13.2.1 RECONSTITUTION OF SECTION 80 COMMITTEES</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 13.2.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council rescinds all resolutions taken on item 5.1 held at an Urgent meeting of Council on 16 February 2017;</p> <p>(b) that Council approves the establishment of the following Section 80 Committees and its composition, namely:</p> <p>Human Settlements DA: 3 EFF: 1 ANC: 1</p> <p>Financial Services DA: 4 ANC: 2</p> <p>Parks, Open Spaces and Environment To be constituted</p> <p>Planning and Economic Development DA: 4 DNCA: 1 ANC: 2</p> <p>Youth, Sports and Culture DA: 3 EFF: 1 ANC: 1</p> <p>Rural Management and Tourism To be constituted</p> <p>Community and Protection Services DA: 4 ANC: 1 ACDP: 1</p>	2018-10-31		IN PROGRESS	DONOVANM	100	An item will be submitted to Council in February 2019, with the names for the designated Committees

		<p>Infrastructure Services DA: 4 ANC: 2</p> <p>Corporate Services DA: 3 ANC: 2</p> <p>(c) that the relevant parties submit their representatives to the Speaker and Whip by 5 November 2018, including the two new Section 80 committees, namely Parks, Open Spaces and Environment and Rural Management and Tourism;</p> <p>(d) that it BE NOTED that the Executive Mayor has appointed the following Mayco members as Chairpersons of the Section 80 Committees –</p> <p>Human Settlements Deputy Mayor N Jindela</p> <p>Financial Services Cllr Patricia Crawley (Ms)</p> <p>Parks, Open Spaces and Environment Cllr Xoliswa Mdemka (Ms)</p> <p>Planning and Economic Development Cllr Esther Groenewald (Ms)</p> <p>Youth, Sports and Culture Cllr Manie Pietersen</p> <p>Rural Management and Tourism Cllr Salie Peters</p> <p>Community and Protection Services Cllr Jan de Villiers</p> <p>Infrastructure Services Cllr Quintin Smit</p> <p>Corporate Services Vacant at present. Councillor Esther Groenewald (Ms) will remain Portfolio Chairperson until new Portfolio Chairperson is appointed by the Executive Mayor; and</p> <p>(e) that Council approves the terms of reference for these Committees attached as APPENDIX A.</p>						
--	--	--	--	--	--	--	--	--

616959	MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM	<p>7.5.5 MIGRATION OF OLD HOUSING WAITING LIST TO A HOUSING DEMAND DATABASE SYSTEM</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.5.5</p> <p>RESOLVED (nem con)</p> <p>(a) that Council approves that the administration embarks on a process of updating data on the old Housing Waiting List;</p> <p>(b) that all updated information be imported into the Municipal Housing Demand Database; and</p> <p>(c) that, when the above process has been concluded, the Municipal Housing Demand Database becomes the only reference point and source of information in determining the municipality's housing backlog and the profile of applicants.</p>	2018-10-31		IN PROGRESS	TABISOM	30.00	Service provider appointed to develop an online Housing Database System and a Mobile App. The "Go Live" Date is end March 2019. Concurrent to this is the development of a plan to update the Housing Demand Database
612262	IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS	<p>8.3 IMPLEMENTATION OF THE DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS</p> <p>15TH COUNCIL MEETING: 2018-01-24: ITEM 8.3</p> <p>During deliberations on the matter, the Executive Mayor requested a caucus, which the Speaker allowed.</p> <p>When the meeting resumed, it was</p> <p>RESOLVED (nem con)</p> <p>(a) that Council note the provisions of Notice 1440 dated 15 December 2017;</p> <p>(b) that Council approves the implementation of the Upper Limits of the annual remuneration packages of full-time and part-time councillors as set out in paragraphs 5 to 8 of Government Notice 1440 dated 15 December 2017 from 1 July 2017;</p> <p>(c) that the implementation will be affected by the Administration after due process has been followed and the MEC has given his concurrence with Council's resolutions;</p> <p>(d) that Council approves a 6% increase to all councillors (including all office bearers) on their current cell phone allowance with the proviso that if</p>	2018-01-24		COMPLETED	ANNALENE	100.00	Letter to MEC send. MEC concurred. Payment will be made with February salary run.

		<p>they spend more the amount they may claim it the difference back to a maximum of R 3 400.00 per month, after providing the necessary proof;</p> <p>(e) that Council note that the total cost for the Municipality of all councillor salaries, allowances and reimbursement benefits will amount to R17 461 674 (if the 6% increase on cell phone allowances are approved) which expenditure is R169 091 more than the budgeted amount of R17 292 583 and the shortfall will be covered through a correction in the 2017/1018 adjustment budget from savings within the 2017/2018 operating budget;</p> <p>(f) that the tools of trade as set out in paragraph 15(1)(b),(d), and be extended to councillors as indicated in the Notice as well as business cards and diaries to all councillors;</p> <p>Part-time PR Councillors to have access to multi-digital facilities including facsimile, printer, photocopier and scanner through the office of the Speaker or Chief Whip. It is noted that such facilities are available to part-time ward councillors at the ward office;</p> <p>(g) that Council approves the provision of a laptop as a tool of the trade to each councillor which will enable the councillor inter alia to work with electronic agendas and documentation;</p> <p>(h) that it be noted that Councillors are entitled to a R300 per month data allowance (paragraph 12 of the Notice) to provide for data bundles for inter alia the laptop as all cell phone contracts cater for data as part of the contract;</p> <p>(i) that Council consider the provision of security under the circumstances set out in item 15(g) in the Notice, subject to a threat and risk assessment as and when required and after the elements referred to, that has to be taken into account, is available for Council consideration; and</p> <p>(j) that the written concurrence from the Minister of Local Government in the Western Cape be obtained for the payment of the above salaries, allowances and reimbursement benefits retrospectively as from 1 July 2017 and the extension of the tools of trade as indicated above, before it be implemented.</p>						
616964	POSTER BY-LAW	<p>7.6.2 POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.6.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the report be accepted;</p>	2018-10-31		IN PROGRESS	DLOUW	80.00	Comments received. Item to serve at next Council meeting (March 2019)

		<p>(b) that the Draft By-Law Relating to Outdoor Advertising and Signage, attached as ANNEXURE 1, be accepted as the copy of the By-Law to be used in a Public Participation process;</p> <p>(c) that the Draft By-Law relating to Outdoor Advertising and Signage be duly advertised for the purpose of a public participation process until the end of January 2019; and</p> <p>(d) that, upon the completion of the public participation process, the Draft By-Law together with any comments/objections by the public be resubmitted to Council for final approval and adoption.</p>						
616954	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI	<p>7.2.3 CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.3</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and</p> <p>(b) that Council resolves that the following criteria be used in the new tender process, i.e.</p> <p>i) Beneficiary must be a resident of Kayamandi for a minimum period of ten (10) years;</p> <p>ii) If younger than 40 years (at date of closing tender), then the beneficiary must be married or have a legal dependent staying with him/her;</p> <p>ii) May not have received any form of financial assistance/subsidy from the State in obtaining a house/serviced site previously;</p> <p>iii) May not currently own any other fixed asset;</p> <p>iv) Must be a South African citizen;</p> <p>v) Must be a first time home owner; and</p> <p>vi) that a pre-emptive clause be inserted in the title deed of the property that the property be developed within 2 years and not be sold within 5 years of registration.</p>	2018-10-31		IN PROGRESS	ANNALENE	20	Tender document in the process of being finalised
620332	116 APPLICATION: ERF 2715, ENKANINI, PILOT PROJECT:	<p>8.2.5 NOTICE IN TERMS OF SECTION 116(3) OF THE MFMA. AMENDMENT OF CONTRACT OF LUBUCON CIVILS: ERF 2715 ENKANINI PILOT PROJECT</p>	2018-11-28		IN PROGRESS	TABISOM	100.00	The amendments to the contract were advertised in the local newspapers in

	CHANGE OF SCOPE: LUBUCON CIVILS	<p>22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.5</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council notes the reasons for the change of the contract of the civil contractor (Lubucon Civils) of the Electrification Pilot Project (Erf 2175) in terms of MFMA Section 116(3);</p> <p>(b) that Council notes the envisaged increase in the tender amount for the construction fees from R9 076 642.61 (B/SM 30/18) to R11 625 716.72 due to inter alia the change of scope of the contract works;</p> <p>(c) that reasonable notice of intention to amend the contract /agreement in terms of section 116(3)(b)(i) be given to the local community;</p> <p>(d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(i); and</p> <p>(e) that the Municipal Manager be authorized to conclude the amended contract/agreement after (d) above is finalized in terms of the applicable legislation.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>						accordance with resolution (d) of Item 8.2.5. No comments or representations were received.
620331	116 APPLICATION: EXTENSION OF CONTRACT / APPOINTMENT FOR UMTHA STRATEGY PLANNING AND DEVELOPMENT CONSULTANCY TO UNDERTAKE DEMOGRAPHIC SURVEY OF BACKYARD STRUCTURES IN ADDITIONAL AREAS	<p>8.2.7 SECTION 116(3) AMENDMENT TO THE EXISTING CONTRACT OF UMTHA STRATEGY PLANNING AND DEVELOPMENT CONSULTANCY</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 8.2.7</p> <p>Councillor DA Hendrickse requested that it be minuted that there are no timeframes attached to the resolutions.</p> <p>RESOLVED (majority vote abstentions)</p> <p>(a) that Council notes in terms of MFMA Section 116(3) the reasons for the change of scope/specification of the Zone O community survey project to include other areas; and notes the intended adjustment of tender B/SM: 60/17 to include the demographic survey of Cloetesville and Idas Valley for an estimate 5000 backyard structures;</p> <p>(b) that Council notes that the additional work will cost the Municipality R696 731 (vat inclusive), at a rate of R139.34 per structure surveyed, which will bring the total value of the contract to R1 135 745 vat inclusive,</p>	2018-11-28		IN PROGRESS	TABISOM	100.00	<p>The amendments to the contract were advertised in the local newspapers in accordance with resolution (d) of Item 8.2.7. No comments or representations were received.</p> <p>The authorization of the Municipal Manager has been obtained in accordance with resolution (e) of Item 8.2.7.</p>

		<p>62% more of the original tender amount;</p> <p>(c) that reasonable notice of intention to amend the contract or agreement in terms of Section 116(3)(b)(i) be given to the public;</p> <p>(d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and</p> <p>(e) that the Municipal Manager be authorized to conclude the awarded contract / agreement after (d) above is finalized in terms of the applicable legislation.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>						
616676	<p>POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI TO THE FRANSCHHOEK UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI</p>	<p>7.2.1 POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.1</p> <p>Before deliberations on the matter, Cllr XL Mdemka (Ms) recused herself from the Chamber for the duration of the matter.</p> <p>RESOLVED (nem con)</p> <p>(a) that erf 111, Kayamandi, be identified as land not needed to provide the minimum level of basic municipal services;</p> <p>(b) that Council approves the request from the URCSA, Kayamandi;</p> <p>(c) that the request is approved in principle on a private treaty basis, i.e. without following a public tender process, subject to the following conditions:</p> <p>(i) that the property is donated to URCSA, Kayamandi</p> <p>(ii) that a reversionary clause be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore or be sold in future;</p> <p>(d) that Council's intention to dispose of the property through a donation be advertised for public inputs/objections/counter proposals, as provided for in par 9.2.2.1 of the Property Management Policy;</p> <p>(e) the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, for social care purposes for the broader community in Kayamandi; and</p> <p>(f) that, following the public participation process, the matter be re-submitted to Council to make a final decision on the disposal, or not.</p>	2018-10-31		IN PROGRESS	ANNALENE	100.00	Item before council for final decision
616956	<p>DRAFT PARADYSKLOOF</p>	<p>7.7.1 DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN</p>	2018-10-31		IN PROGRESS	ALBERTVDM	50.00	The Draft Paradyskloof Nature Area:

	NATURE AREA: ENVIRONMENTAL MANAGEMENT PLAN	21ST COUNCIL MEETING: 2018-10-31: ITEM 7.7.1 RESOLVED (nem con) (a) that the Paradyskloof Nature Area Environmental Management Plan be duly advertised for the purpose of a public participation process until the end of January 2019; and (b) that the inputs received during the above public participation process be worked into a final draft Paradyskloof Nature Area Environmental Management Plan to be presented to Council for approval.						Environmental Management Plan (EMP) was advertised for a 60-day period over December 2018 and January 2019. A comments & response document is being prepare along with an Item and final EMP for consideration by Council.
621618	PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS	7.4.1 PROPOSED DEVOLUTION OF RENTAL STOCK: WESTERN CAPE GOVERNMENT, DEPARTMENT OF HUMAN SETTLEMENTS 22ND COUNCIL MEETING: 2018-11-28: ITEM 7.4.1 RESOLVED (majority vote) (a) that the Municipal Manager be mandated to negotiate a contribution with Provincial Government to assist the Municipality with the cost for the repair/restoration of the rental stock; (a) that the request from the Western Cape Government's Department of Human Settlements to transfer the properties listed in par. 6.1.2.4 to the Municipality, be approved; and (c) that the Municipal Manager be authorised to sign all documents necessary to effect transfer of the said properties.	2018-11-28		IN PROGRESS	TABISOM	30	Planning a meeting with the Department of Human Settlements to discuss the process for final handover of the unit to the municipality
621645	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)	7.2.3 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE) 22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.3 RESOLVED (majority vote with abstentions) (a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process; (b) that Council now proceed with the lease based on the proposal received;	2018-11-28		IN PROGRESS	ANNALENE	90.00	Applicant informed of outcome. Agreement must be signed

		<p>(c) that, should Council accept the proposal, an agreement be entered into with Mr Goosen that stipulates that the property may only be used for the purposes of an ECD centre; and</p> <p>(d) that the Municipal Manager be authorised to sign all documents necessary to effect the lease agreement.</p>						
629583	<p>SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES</p> <p>23RD COUNCIL MEETING: 2019-01-30: ITEM 7.1.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the proposed draft agreement be considered and approved by Council;</p> <p>(b) that the Municipal Manager be authorized to sign the agreement on behalf of Council; and</p> <p>(c) that the Director: Community and Protection Services be represented on the Committee as per clause 9 of the agreement.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>	<p>7.1.1 SHARED SERVICE AGREEMENT WITH SURROUNDING MUNICIPALITIES TO RENDER SUPPORT AND ASSISTANCE FOR CERTAIN SERVICES</p> <p>23RD COUNCIL MEETING: 2019-01-30: ITEM 7.1.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the proposed draft agreement be considered and approved by Council;</p> <p>(b) that the Municipal Manager be authorized to sign the agreement on behalf of Council; and</p> <p>(c) that the Director: Community and Protection Services be represented on the Committee as per clause 9 of the agreement.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors GN Bakubaku-Vos (Ms); FT Bangani-Menziwa (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>	2019-01-30		IN PROGRESS	LEANNEP	30.00	The Directorate is busy preparing the final document for signature by the Municipal Manager
621772	<p>PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Power of Attorney from the National Department of Public Works, authorizing Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;</p> <p>(b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;</p> <p>(c) that the Administration be authorised to provide/upgrade Access to</p>	<p>7.2.4 PROPOSED SERVICE DELIVERY IN JONKERSHOEK</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.4</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Power of Attorney from the National Department of Public Works, authorizing Stellenbosch Municipality to commence with service delivery in Jonkershoek, be noted;</p> <p>(b) that the Administration be authorised to render interim municipal services in the Mixed Use Precinct in Jonkershoek on a cost recovery basis from the users who receive the services, except to those households that qualify for free basic services in terms of the Municipality's Indigent Policy;</p> <p>(c) that the Administration be authorised to provide/upgrade Access to</p>	2018-11-28		IN PROGRESS	ANNALENEP	30.00	<p>Meeting was scheduled during December 2018 with representatives of Informal Settlements and Engineering Services to discuss implementation of Council resolution.</p> <p>The National Department of Public Works was requested the use of the office space. A meeting in this regard is</p>

		<p>Basic Services (Communal services) in informal areas, free of charge;</p> <p>(d) that the Director: Planning and Economic Development be requested to commission a feasibility study with the view of identifying a possible site(s) for possible township establishment, taking into account the Draft SDF for Jonkershoek, but also taking into account the positioning of bulk infrastructure and access to the site(s);</p> <p>(e) that the National Department of Public Works be requested to transfer the land to Stellenbosch Municipality;</p> <p>(f) that the National Department of Public Works be requested to transfer the land on which the office space previously used by Cape Nature, either by way of acquisition or by way of a Lease Agreement, to the Municipality;</p> <p>(g) that, the Director: Infrastructure Services be requested to compile a status quo report regarding the availability of bulk infrastructure but also indicating the cost of possible interim upgrading of such bulk infrastructure;</p> <p>(h) that the Director: Planning & Economic Development be requested to finalize the SDF for Jonkershoek in terms of the SPLUMA Act 16 of 2013;</p> <p>(i) that the Municipal Manager be authorised to conclude an agreement(s) with the relevant authorities to ensure that Stellenbosch Municipality is in a position to do law enforcement in the Jonkershoek Valley, with specific reference to the prevention of further unauthorized structures being constructed/erected;</p> <p>(j) that a progress report be tabled to Council within 6 months, including an environmental impact report and indicating progress that has been made regarding the provision of services; and</p> <p>(k) that, in the mean-time, all expenditure be incurred within the existing, approved budget.</p> <p>The following Councillors requested that it be minuted that they abstained from voting on the matter:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>						<p>scheduled for 29 January 2019.</p> <p>Interdepartmental team to be deal with process further</p>
629578	REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19	<p>7.10.2 REVISED TOP LAYER SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN 2018/19</p> <p>23RD COUNCIL MEETING: 2019-01-23: ITEM 7.10.2</p> <p>RESOLVED (majority vote with abstentions)</p>	2019-01-30		IN PROGRESS	SHIREENDV	80	Published on the Municipal Website

		<p>(a) that the Revised TL SDBIP 2018/19 be approved;</p> <p>(b) that the Revised TL SDBIP 2018/19 be published on the Municipal Website; and</p> <p>(c) that the Revised TL SDBIP 2018/19 be submitted to:</p> <p>(i) Internal Audit Unit (for notification);</p> <p>(ii) Department of Local Government: Western Cape;</p> <p>(iii) (iii) Provincial Treasury: Western Cape;</p> <p>(iv) Auditor General of South Africa; and</p> <p>(v) National Treasury.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>						
629574	OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2 OCTOBER 2018- DECEMBER 2018	<p>7.3.3 REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 2: OCTOBER 2018- DECEMBER 2018</p> <p>23RD COUNCIL MEETING: 2019-01-30: ITEM 7.3.3</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council takes note of this report and ANNEXURE A attached to the report; and</p> <p>(b) that the report be made public in accordance with Section 21A of the Municipal Systems Act.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>	2019-01-30		IN PROGRESS	ROCHELLEN	95.00	Will be published on the Municipal Website
629616	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)	<p>7.6.2 STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT PLAN (5-YEAR REVIEW)</p> <p>23RD COUNCIL MEETING: 2019-01-23: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>that Council approves and adopts the Stellenbosch Municipality: Air Quality Management Plan (October 2018) as it's 2nd Generation Air Quality Management Plan.</p>	2019-01-30		IN PROGRESS	LEANNEP	100.00	Item (Stellenbosch Municipality: Air Quality Management Plan [5-Year Review]) accepted by Council

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
----	---

7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
-----	---

NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
-----	---

7.2.1	PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

13 February 2019

1. SUBJECT: PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI

2. PURPOSE

To authorise the exchange of Erf 1523 for Erf 718, Kayamandi to the Seventh Day Adventist Church.

3. DELEGATED AUTHORITY

The Municipal Council must consider the matter.

4. EXECUTIVE SUMMARY

Following the allocation of Erf 718 to the Seventh Day Adventist Church in 1997, they paid the sales price of R11 286.00 in full during 2002.

Before the property could be transferred to them, it became evident that the Municipal Clinic Building (now a Provincial clinic) was encroaching onto Erf 718.

Following a request by the Provincial Government of the Western Cape to acquire Erf 718, in order for them to enlarge the current building, the Seventh Day Adventist Church was approach to accept an alternative site (Erf 1523, Kayamandi).

They have now confirmed in writing that they will accept the exchange of land, subject to certain conditions. Council must now decide on the matter.

5. RECOMMENDATIONS

- (a) that Erf 1523 be identified as land not needed to provide the minimum level of Municipal Services;
- (b) that Council in principle approves the exchange of Erf 718 for Erf 1523 at equal value;

-
- (c) that Council's intention to do the exchange of land be advertised for public inputs/objections/alternative proposals; and
 - (d) that the item be brought back to Council following the public notice period, to make a final decision in this regard.

6. DISCUSSION

6.1 Background

6.1.1 Allocation of tender

Following a public tender process (tender 14/1996) Erf 718, measuring 990m², was awarded to the Seventh Day Adventist Church on 21 May 1996 at a Sales Price of R10/m². A copy of the agenda item is attached as **APPENDIX 1**.

6.1.2 Sales Agreement

A Sales Agreement was concluded on 3 January 1997, indicating the sales price at R11286.00 (Inclusive of VAT).

On 4 September 2002 the Finance Department confirmed that the sales price of R11 286.00 was paid in full. A copy of the memo is attached as **APPENDIX 2**.

Cluver Markotter Attorneys were subsequently requested to attend to the transfer of Erf 718 to the Seventh Day Adventist Church.

6.1.3 Transport Documents

On 2011-08-19 a Power of Attorney to pass transfer was submitted to Stellenbosch Municipality for signature, copies of which are attached as **APPENDIX 3**.

6.1.4 Encroachment of Clinic onto Erf 718

During May 2011, however, it was brought to our attention that the clinic (Erf 719 and 720) was encroaching onto Erf 718. See attached letter (**APPENDIX 4**) received from CWA Surveys, who was appointed by the Provincial Government to attend to the transfer of the various clinic sites.

This left the Municipality with three choices:

- a) demolish a portion of the clinic;
- b) cut off the encroachment area from the church site; or
- c) Offer the church an alternative site.

On 28 September 2011 a letter was written to the church requesting them to consider an alternative site, a copy of which is attached as **APPENDIX 5**.

On 27 October 2011 the Seventh Day Adventist Church indicated in writing that they would not be interested in an alternative site, but would be willing to take transfer of the remainder portion measuring ±823m² in extent, on condition that the sales price be adjusted downwards in proportion to the smaller area.

A copy of their letter is attached as **APPENDIX 6**. The Provincial Government and the Transferring Attorney were informed accordingly, copies of which is attached as **APPENDIX 7**.

6.1.5 Valuation

During 2015 two (2) independent valuers were appointed to advise the Municipality on a reasonable re-imburement, taking into account the portion of land to be cut off from Erf 718. Hereto attached as **APPENDIX 8** and **9** respectively, valuations compiled by Cassie Gerber Property Valuers cc and Knight Frank.

In terms hereof they valued the difference in price as follows:

- Cassie Gerber: R18 370.00*
- Knight Frank: R5 000.00

*This valuation does not take into account the fact that the land was sold at 20% of market value. Should this be taken into account the valuation should look as follows:

- Cassie Gerber: R3674.00
- Knight Frank: R5000.00
- Weighted average: R4337.00 (Exclusive of VAT)

6.1.6 Subdivision

On 3 November 2017 David Hellig & Abrahams Land Surveyors confirmed that the subdivision of Erf 718, to allow for the encroachment area to be cut off, was approved. A copy of the letter and diagrams are attached as **APPENDIX 10**. Although these diagrams have been approved and registered at the Surveyor General's Office, it must still be registered at the Deeds Office.

6.1.7 Consideration of request

During August 2018 the Mayoral Committee considered a report, recommending that the church be reimburse for the area that was encroached upon. Having considered the report, the Mayoral Committee decided to refer the matter back to the Administration with the request to (again) offer the church an alternative site, or "*buy back*" Erf 718, as to allow the Provincial Department of Public Works to extend the clinic.

6.1.8 Offer to consider alternative site

On 2018-09-04 a letter was send to the church, informing them of the outcome of the Mayoral Committee meeting. They were requested to consider Erf 1523, Kayamandi as an alternative for Erf 718. A copy of the letter is attached as **APPENDIX 11**.

6.1.9 Acceptance of alternative offer

On 2018-11-08 the church confirmed in writing that they will indeed accept the alternative site, being Erf 1523, Kayamandi, subject to certain conditions. Their letter is attached as **APPENDIX 12**.

6.2 Location and context

Erf 718, measuring 990m² in extent, is situated in Bassi Street, as shown on Fig 1 and 2 below.



Fig 1: Location and context



Fig 2: Erf 718

Erf 1523, alternatively site, measuring 1140m² in extent, is situated in Sokuqala Street, as shown on Fig 3 and 4 below.



Fig 3: Location and context



Fig 4: Erf 1523

6.3 Legal Requirements

6.3.1 MFMA

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

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), 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.

6.3.2 Asset Transfer Regulation (ATR)

6.3.2.1 Transfer or disposal on non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal Council may transfer or dispose of a non-exempted capital asset only after-

- a) the accounting officer has in terms of regulation 6 conducted a public participation* process to facilitate the determinations a municipal council must make in terms of Section 14(2)(a) and (b) of the Act; and
- b) the municipal council-
 - i) has made determinations required by section 14(2) (a) and (b)* and
 - ii) has, as a consequence of those determinations approved in principle that the capital asset may be transferred or disposed of.

6.3.2.2 Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council **must**, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), **take into account**—

- (a) whether the capital asset may be **required for the municipality's own use** at a later date;
- (b) the **expected loss or gain** that is expected to result from the proposed transfer or disposal;
- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a **significant economic or financial cost or benefit** to the municipality;
- (d) the **risks and rewards** associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests;
- (e) the **effect** that the proposed transfer or disposal will have on the **credit rating** of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;
- (f) any **limitations or conditions** attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;
- (g) the estimated **cost** of the proposed transfer or disposal;

-
- (h) the transfer of any **liabilities** and reserve funds associated with the capital asset;
 - (i) any comments or representations on the proposed transfer or disposal received from the local community and other interested persons; (if applicable);
 - (j) any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant provincial treasury; (if applicable);
 - (k) the interests of any affected organ of state, **the municipality's own strategic, legal and economic interests** and the interests of the local community; and
 - (l) **compliance** with the **legislative regime** applicable to the proposed transfer or disposal.

6.3.2.3 Conditional approval of transfer or disposal of non-exempted capital assets

Further, in terms of Regulation 11, an **approval in principle** in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, **may be given subject to any conditions**, including conditions specifying—

- (a) **the way in which the capital asset is to be sold or disposed of**;
- (b) **a floor price or minimum compensation for the capital asset**;
- (c) whether the capital asset may be transferred or disposed of for **less than its fair market value**, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) **a framework within which direct negotiations** for the transfer or disposal of the capital asset **must be conducted** with another person, if transfer or disposal is subject to direct negotiations.

6.3.2.4 Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system

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

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

*In the case of Stellenbosch Municipality the Policy on the Management of Council-owned property is deemed to be the disposal management system.

6.3.2.5 Compensation for transfer of non-exempted municipal capital assets

In terms of Regulation 13, the compensation payable to a municipality for the transfer of a non-exempted capital asset must, subject to sub regulation (2)—

- (a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and

If a municipality on account of the public interest, in particular in relation to the plight of the poor, **intends to transfer a non-exempted capital asset for less than its fair market value, the municipality** must, when considering the proposed transfer, **take into account**—

- (a) the **interests of**—
 - (i) the State; and
 - (ii) the local community;
- (b) the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;
- (c) the constitutional rights and legal interests of all affected parties;
- (d) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
- (e) **whether the local community would be better served if the capital asset is transferred at less than its fair market value**, as opposed to a transfer of the asset at fair market value.

6.3.2.6 Transfer agreements

In terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state, **only by way of a written transfer agreement** concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

- (a) a sufficient **description** of the capital asset being transferred in order to identify the asset;
- (b) particulars of any subsidiary assets that are transferred with the capital asset;
- (c) particulars of any liabilities transferred with the asset;
- (d) the **amount of compensation** payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and

- (e) the **effective date** from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.3.3 Policy on the management of Council-owned property

6.3.3.1 General principles

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of Viable Immovable property shall be effected-

- a) by means of a process of **public competition**; and
- b) at **market value** except when the public interest or the plight of the poor demands otherwise.

6.3.3.2 Exchange of land

In terms of paragraph 9.2.3 the disposal by exchange of land will be appropriate when it is advantageous to the Municipality and other parties to exchange land in their ownerships and will achieve best consideration for the municipality.

The Municipal Council must authorise the disposal of land by exchange with another land owner for alternative land. Reasons for justifying this manner of disposal must be recorded in writing.

The exchange should be equal in value. However, an inequality in land value may be compensated for by other means where appropriate. In such circumstances the Municipality must seek an independent valuation to verify that "*best consideration*" will be obtained.

6.4 Market value of land

In terms of the two (2) valuations in 2015 obtained (for erf 718) the (weighed average) value of church sites is R130-00/m². If this value is applied the market value of the two properties are as follows:

Erf 718: 990m²@ R130-00/m² = R128 700.00

Erf 1528: 1140m² @ R130-00/m² = R148 200.00

Difference in value = R19 500.00

Over the past years church sites were sold at 20% of market value.

If this is applied, the difference in price amount to R3900.00.

In their letter of acceptance of the exchange the Seventh Day Adventist church indicated that they will only accept the exchange of land (alternative land) if no further consideration be payable, seeing that they have paid for Erf 718 in full and had no part in allowing the encroachment of the clinic onto their land. Under the circumstances it is recommend that they two erven are exchange at equal value, i.e. no further consideration be payable by the church.

6.5 Financial Implications

As indicated under 6.4, *supra*, it is recommended that the two erven are exchanged at equal value, i.e. there should be no financial implications to Council.

6.6 Legal Implications

See par. 6.3, *supra*.

6.7 Staff Implications

There are no additional staff implications.

6.8 Previous / Relevant Council Resolutions

MAYCO meeting 21/5/1996

MAYCO meeting 18 July 2018

6.9 Risk Implications

This report intends to mitigate any risks for the Municipality.

6.10 Comments from Senior Management

The item was not re-circulated to management as this is a return item to inform Council of the response of the Church after the item served in July 2018.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-02-13: ITEM 7.2.1

- (a) that Erf 1523 be identified as land not needed to provide the minimum level of Municipal Services;
- (b) that Council in principle approves the exchange of Erf 718 for Erf 1523 at equal value;
- (c) that Council's intention to do the exchange of land be advertised for public inputs/objections/alternative proposals;
- (d) that the item be brought back to Council following the public notice period, to make a final decision in this regard; and
- (e) that Council notes the concerns indicated in the letter of the Seventh Day Adventist Church, and that Council commits to fencing the substation and attempt to find alternative land for the play park.

ANNEXURES:

Appendices 1-12

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-03-23

APPENDIX 1

AGENDA EN NOTULE VAN DIE EERSTE UITVOERENDE KOMITEEVERGADERING
GEHOU OP 21/5 1996

MINUTES OF THE FIRST EXECUTIVE COMMITTEE MEETING HELD ON
1996

GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

D3.1 TENDER NO 14 : ALIENATION OF FIXED PROPERTY AT KAYA MANDI
(7/3/2/5/4) Erwe 718; 1079 [General Purposes and Technopark]
→ 880; 758 ← KM

In 1995 Council resolved to alienate plots for church purposes in Kaya Mandi. Three Plots, Nos 758, 880 and 1079 were put out on tender but only one tender was received. A plot was duly allocated to the United Methodist Church of South Africa.

It was further resolved that the future planning of church sites be given urgent attention with report back to Council.

Several requests for church sites in Kaya Mandi as well as Cloetesville have been received since then. The report on church sites was not yet available and therefore Council resolved on 1996-02-27 that Plots 880 and 1079 Kaya Mandi be put on tender again.

The tenders closed on 1996-05-13, but no formal tenders were submitted. However several letters were received from various church groups to buy a plot. Below is a schedule of the interested parties:

Church Group	Plot wanted	price tendered	Detail
Presbyterian Church of Africa Nyanga Circuit			
The Seventh Day Adventist Church	718	R10 - R12 per m ²	
The Old Apostolic Church of Africa	1 079	R10,00	65 families with a 11 % growth per year

The relevent letters are attached as APPENDIX 2.

RECOMMENDED

- (a) that the undermentioned church erven be sold out of hand;

GOEDGEKEUR DEUR RAAD APPROVED BY COUNCIL RAAD-IN-KOMITEE IN COMMITTEE	
OP/ON	_____
ITEM	_____

Vorm / Form

BYLAE/ANNEXURE D

AGENDA EN NOTULE VAN DIE EERSTE UITVOERENDE KOMITEEVERGADERING
GEHOU OP 21/5 1996

MINUTES OF THE FIRST EXECUTIVE COMMITTEE MEETING HELD ON
1996

GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

- (b) that the tender of The Seventh Day Adventist Church for Erf 718 be accepted;
- (c) that the tender of The Old Apostolic Church of Africa for Erf 1079 be accepted;
- (d) that the tender price for both plots be R10/m²; and
- (e) that a revert back clause on the property be included in the Agreement of Sale.

(Section 124 of the Municipal Ordinance, 1974.)

D3.1 **EXECUTIVE COMMITTEE RESOLUTION** (nem con)

- (a) that the recommendation be approved; and
- (b) that more detail regarding the applications of the Presbyterian Church, as well as the Baptist Church, be obtained.

(ASS/HBO/ST)

GOEDGEKEUR DEUR RAAD
APPROVED BY COUNCIL
RAAD-IN-KOMITEE
IN COMMITTEE

OP/ON _____

ITEM _____

APPENDIX 2

MEMORANDUM

AAN: MNR J KRUGER
DEPARTMENT: KORPORATIEWE DIENSTE

VAN: L WALTERS
DEPARTEMENT: FINANSIËLE DIENSTE

DATUM: 4 SEPTEMBER 2002

INSAKE: SEWENDAGSE ADVENTISTE KERK: ERF 718, KAYA MANDI

Neem asseblief kennis dat bogenoemde se lening ten volle gedelg is.

Reël asseblief vir die registrasie van die eiendom.

Die koper se posadres is soos volg:

Posbus 2328, Stellenbosch

Dankie




BESTUURDER FINANSIËLE DIENSTE
LW/ch
7DAG

Kaya Mandi
Kerk persele lees
art. na A35.

APPENDIX 3

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600

Prepared by me

CONVEYANCER
L PECORARO

POWER OF ATTORNEY TO PASS TRANSFER

I/We the undersigned

MUNICIPALITY STELLENBOSCH

Represented herein by **PETRUS DU PLESSIS SMIT** in his capacity as **Manager: Property Management**, duly authorised thereto in terms of the approved system of delegation dated 30 June 2009

do hereby nominate and appoint **ANTON LUTHER POSTHUMUS** or **LIZE PECORARO** or **AREND LEOPOLD DE WAAL** or **JAMES HENRY LAMPRECHT**

with Power of Substitution to be my/our true and lawful Attorney and Agent in my/our name, place and stead to appear at the Office of the REGISTRAR OF DEEDS at Cape Town or any other competent official in the Republic of South Africa and then and there to act as my/our Attorney and Agent and to pass transfer to:

SEVENTH DAY ADVENTIST CHURCH

the property described as:

ERF 718 KAYA MANDI in the Municipality and Division Stellenbosch, Province of the Western Cape

IN EXTENT: 990 (NINE HUNDRED AND NINETY) SQUARE METRES

HELD BY Certificate of Registered Title Number T 59361/2002

SUBJECT to the conditions imposed by the Transferor in the Deed of Sale entered into between the parties on 29 April 1997, which condition will more fully appear from Annexure "A" annexed hereto.

the said property having been sold by the council on 29 April 1997, to the said transferee/s for the sum of R11 286,00 (Eleven Thousand Two Hundred and Eighty Six Rand).

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, to promise to free and warrant the said property and also to clear the same from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents; and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at STELLENBOSCH on _____ in the presence of the undersigned witnesses.

AS WITNESSES :

1. _____
2. _____

ANNEXURE "A"

1. If the transferee or its successor in title pretends to sell this plot of part thereof, they are bound to offer this plot or any part thereof in writing to the transferor which has a pre-emptive right to buy this plot or part thereof from the transferee against the same purchase price as the transferee originally paid.

This offer is valid for 3 (THREE) months and if the transferor acts according to its pre-emptive right, the owner of the plot must transfer the plot to the transferor in due course and all costs regarding the transfer is payable by the owner.

In the case of the transferor not exercising its pre-emptive right, the plot can be sold to any other party on condition that the buyer adheres to all the conditions of sale.

TD5



TRANSFER DUTY

Declaration by transferor and transferee Part 1
 where a transaction is subject to VAT and exempt from Transfer Duty in terms of section 9(15) of the **Transfer Duty Act.**
 Transfer Duty Act, 1949 and Value-Added Tax Act, 1991

Details of seller/transferor

Full name of seller/transferor: **STELLENBOSCH MUNICIPALITY**
 Identity/Trust/CC/Company number: [] VAT number: **4700102181**
 Telephone number during office hours: **(021) 808-8111**

Details of purchaser/transferee

Full name of purchaser/transferee: **SEVENTH DAY ADVENTIST CHURCH**
 Identity/Trust/CC/Company number: [] VAT number or income tax number if not a VAT vendor: []
 Telephone number during office hours: []

Details of sale transaction

Date of transaction: **29 April 1997** Bought by: Private Treaty Public Auction
 Consideration: **R11 286,00** Bond granted by: **N/A** Amount of bond: **R N/A**

Description of property (as per Deeds Registry): **ERF 718 KAYA MANDI in the Municipality and Division Stellenbosch, Province of the Western Cape; IN EXTENT: 990 (NINE HUNDRED AND NINETY) SQUARE METRES**

Physical address: [] Postal code: **7600**

Property is: Improved Unimproved
 Nature of property: Primary residence Other residential property Small holding Farm
 Commercial building Industrial building Other, specify: []

Calculation of VAT payable

VAT rate: Standard Zero
 1. Payment of the VAT is tendered herewith: **R1 386,00**
 2. The output tax will be declared in the VAT201 return for the **N/A** period: **N/A**
 3. The supply is that of a going concern which qualifies for the zero rate: **N/A**

Details of estate agency

Name of estate agency: **N/A**
 Commission payable to agency (incl VAT): **R0,00** VAT registration number of estate agency: **N/A**
 Name of estate agent: **N/A**

Declaration by transferor (seller)/transferee (purchaser)

The transferor(s) and transferee(s) are connected persons as defined in the Value-Added Tax Act, 1991. YES NO
 This declaration is made by me/us as *seller(s)/representative(s) of the seller(s).
 I/We certify that the information furnished in this declaration is true and correct.

[] Signature of seller [] Date [] Signature of purchaser [] Date

Certificate by Conveyancer/Attorney

I certify that this is a true copy of the declaration held by me, which declaration will be retained by me for 5 years from the date of registration of transfer.
 Name of Conveyancer: **LIZE PECORARO** Telephone number: **+27(0)21 808 5600**
 SARS reference: [] Conveyancer's/Attorneys file: **SEV4/0001** Conveyancers Reference no: **LP/rj**
 Signature: [] Date: []



Value-Added Tax (VAT) Payment Undertaking
(in respect of Transfer of Property in Terms of Section 9(15b) of the Transfer Duty Act, No 40 of 1949)

TD-VAT

VAT Vendor Details	
Registered vendor name	STELLENBOSCH MUNICIPALITY
Representative vendor name	
Representative vendor ID No.	
VAT reg No.	4700102181
VAT amount	R 1 3 8 6 . 0 0

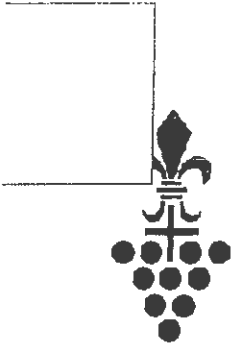
Property Description		Instruction
Description of property (as per Deeds Registry)		I, the undersigned, as representative vendor of the the aforementioned VAT Vendor, do hereby instruct and authorise my above-named attorney to furnish an undertaking to the South African Revenue Service ("SARS") for the payment of the abovementioned VAT amount and to pay such VAT. I hereby indemnify the said attorney and undertake to reimburse him for the payment made on my behalf.
Street no.	Farm/Name of Farm	
Suburb / District	K A Y A M A N D I	
City/Town	S T E L L E N B O S C H	Postal code
		7600
		Signature
		Date (CCYYMMDD)
		For enquiries go to www.sars.gov.za or call 0800 00 SARS (7277)

Attorney Details	
Full name	LIZE PECORARO
Firm name	Cluver Markotter Inc
Email address	l i z e p @ c m . l a w . z a
Id No.	7 9 0 9 0 5 0 1 6 9 0 8 0
Tel No.	+27(0)21 808 5600

Attorney's Physical Address		
Unit no	Complex (if applicable)	
Street no	Street / Name of Farm	Mill Street
Suburb / District		
City / Town	S T E L L E N B O S C H	

Attorney's Postal Address		
Mark here with an "X" if		
Same as above or complete	P O B O X 1 2	
your Postal Address	S T E L L E N B O S C H 7 5 9 9	

UNDERTAKING	
I, the undersigned as duly authorised representative of the above-named firm of attorneys do hereby warrant that I am a practising attorney and undertake to pay SARS the abovementioned VAT amount as per the attached TD5 declaration against registration of transfer of the abovementioned property within 5 working days after registration in the deeds office. This undertaking may be revoked if SARS is immediately notified in writing under the following circumstances:	
<ul style="list-style-type: none"> The Vendor is placed under sequestration/liquidation on or after date of signature of this undertaking AND on or before 5 working days from date of registration in the deeds office; The proceeds in respect of the aforementioned property in the hands of the attorney is attached by court order; The transaction is no longer proceeded with by the above-named attorney, in which case the original exemption certificate must be returned to SARS. 	
Signature	
Date (CCYYMMDD)	
For enquiries go to www.sars.gov.za or call 0800 00 SARS (7277)	



STELLENBOSCH

Stellenbosch * Priel * Franschhoek
Munisipaliteit * Umasipala * Municipality

RATES CLEARANCE: SUPPLEMENTARY LEVY BELASTING UITKLARING: AANVULLENDE HEFFING

ERF NO. 718 *Kanya Maseeli*

Should this property be subject to a supplementary valuation during the period of rates clearance and registration, the seller and buyer will be held liable individually for levies applicable to the respective periods.

Indien hierdie eiendom gedurende die tydperk van belasting uitklaring en registrasie onderwerp word aan 'n aanvullende waardasie, sal die koper en die verkoper individueel verantwoordelik gehou word die heffings vir die periodes ter sprake.

I, the undersigned, herewith acknowledge the condition as set out above.

Ek die ondergetekende, erken hiermee die voorwaarde soos hierbo uiteengesit.

.....
SELLER

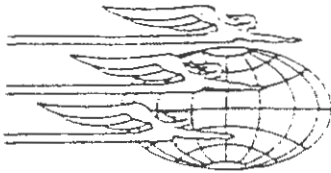
.....
DATE

.....
PURCHASER

.....
DATE

.....
WITNESS

.....
DATE



SEVENTH-DAY ADVENTIST CHURCH
LANGA
PENINSULA DISTRICT

P. O. Box 9
Langa
7455

Junglewalk Street
Langa
7455

Telephone: (021) 694-1827

Our Reference: Tel. No. 8681790, MBYEMBE

23.12.96.

Mr. J.J. Kruger

Town Hall, Pein Street,

STELLENBOSCH.

7600.

Sir,

SIGNED AGREEMENT FOR CHURCH SITE OF SEVENTH-DAY ADV.

Ref 718 Khaya Mandi

Please receive the signed agreement for the above mentioned church:

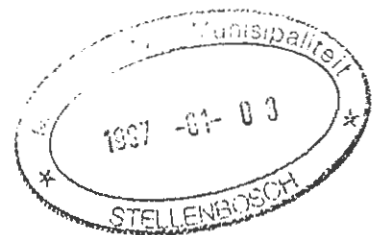
DATED at on this day of 1996.

AS WITNESSES

1.

2.

DSeiler



DATED at ^{KHAYAMANDI} on this ^{23.12} day of 1996.

AS WITNESSES

1. *[Signature]*
2. *[Signature]*

[Faint text, possibly a reference or note]

3. PURCHASER SEVENTH-DAY ADVENTIST CHURCH T. BIYANA *Biyana*

[Handwritten number: 2132]

APPENDIX 4

CWA SURVEYS

Professional Land Surveyors
▲ Land Surveyors
▲ Sectional Title Practitioners
▲ Engineering & Topographical Surveyors

Telephone: 021 591 7485
Fax : 086 529 2491
EMail: survey@cybersmart.co.za
97 Adam Tas Avenue
Bothasig
7441

Your Reference: **PMQ 101/10**

Our Ref: KMD720

Date: 20 May 2011

The Manager
Provincial Property Management
Department of Transport and Public Works
Provincial Government of the Western Cape
Email Transmission: [Tracy.Davids@pgwc.gov.za]

Attention: Ms. T Davids

Dear Madam

KAYA MANDI CLINIC (ERVEN 719 & 720 KAYA MANDI) BOUNDARY SURVEY

Attached please find the Land Surveyors Certificate.

I met with Mr. Piet Smit from the Stellenbosch Municipality and he informed me that there was a suspicion that that clinic precinct encroached onto a neighbouring erf. Upon the survey of the property, it was found that the fence encroached by just over 5 metres into Erf 718, and parts of the clinic buildings also encroached over the boundary.

There are 2 possible solutions: part of the clinic buildings could be demolished and the fence moved onto the boundary or the property which is encroached upon could be acquired.

I would recommend the latter option as it would be highly impractical and expensive to demolish parts of the clinic buildings. I would further recommend that the piece of land that is acquired is consolidated with Erven 719 and 720 to create one Erf for the clinic precinct.

Yours faithfully



S R Old
Professional Land Surveyor

CC: Mr. P Smit (psmit@stellenbosch.org)

DWA SURVEYS 021 591 7485 / 072 620 1058

LAND SURVEYOR'S CERTIFICATE

FORM (A)

I hereby certify that I have inspected the properties known as Erven 719 & 720 Kaya Mandi situate in Kaya Mandi Township in the Municipality of Stellenbosch

Registered Owner

Deed of Transfer No

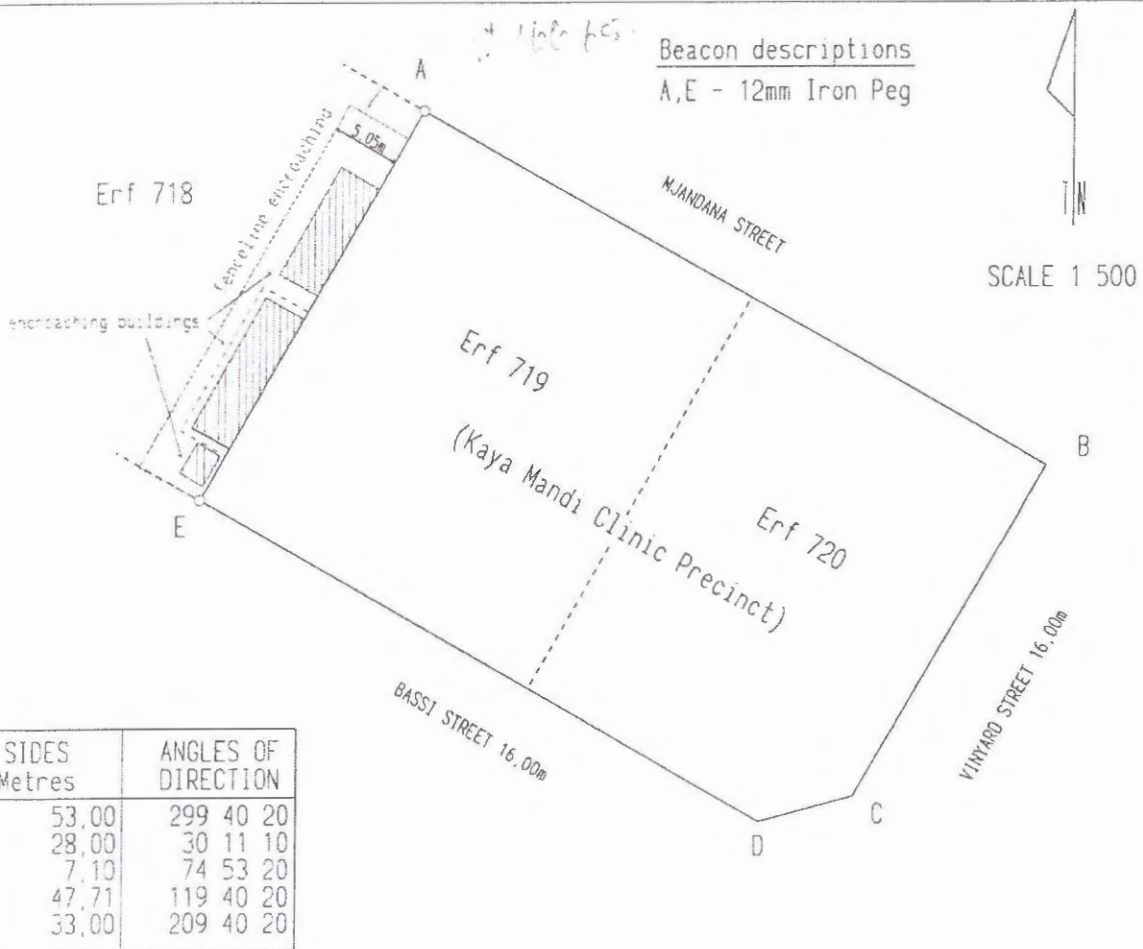
and that,

- (A) I have either located or, where necessary, replaced the survey beacons defining the boundaries of such property as shown circled; and
- (B) no encroachments exist upon such property; and
- (C) ~~no building, structures or other things on or connected with such property encroaches on any public street, public place, or private property abutting such property.~~

Dated May 2011

Signed *SPOLD*

S R Old (PLS 0984)
Professional Land Surveyor



APPENDIX 5

2011-09-28

Seventh Day Adventist Church
PO Box 2328
Dennesig
7602

Attention: Mr Johannes Matai

Dear Sir

TRANSFER: STELLENBOSCH MUNICIPALITY/SEVENTH DAY ADVENTIST CHURCH

My records shows that erf 718 was allocated to your church on 21 May 1996 and that a Sales Agreement was concluded in January 1997.

My records further shows that the sales price of R11 286.00 was paid in full on 4 September 2002.

Notwithstanding the above the property has not yet been transferred to your church.

I have now received the necessary transfer documents to affect the transfer.

It has, however, now come to my attention that, with the enlargement of the clinic, the clinic building is in fact encroaching onto erf 718. See attached lay-out prepared by a land surveyor.

In light of the above, can you please indicate whether your church would be willing to consider another erf in Kayamandi as an alternative. Examples of such alternative erven are:

- Erf 780 – 783
- Erf 1079
- Erf 758
- Erf 916

I await your feedback in this regard.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

APPENDIX 6

Seventh Day Adventist Church

Seventh Day Adventist Church
PO Box 2328
Dennesig
7602

The Manager: Property Management
Stellenbosch Municipality
PO Box 17
Stellenbosch
7600

Dear Mr Smit

TRANSFER: STELLENBOSCH MUNICIPALITY/SEVENTH DAY ADVENTIST CHURCH: ERF 718, KAYAMANDI

990m²

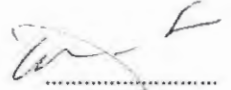
Your letter dated 2011-09-28 refers.

Having considered your proposals for possible alternative land, we have decided not to accept any of the alternatives, but would like to take transfer of the remaining portion of erf 718, being $\pm 823\text{m}^2$ in extent, on condition that the sales price be adjusted downwards in proportion to the smaller area i.e R9384.00. The municipality will therefor have to refund us the amount of $\pm R1900-00$ plus interest since 4 September 2002.

I assume that a new Sales Agreement well have to be concluded. Please note that I will sign the agreement on behalf of the Seventh Day Adventist Church. My particulars are as follows:

XOLANI JOHANNES MATAI
ID: 4412245452084

Yours faithfully


.....
X.J. Matai

APPENDIX 7

28/10/2011

Piet Smit - Re: Kayamandi Clinic

From: Piet Smit
To: Esme Davis
Subject: Re: Kayamandi Clinic

Esme,
Thanks for your e-mail. Please find hereto attached a copy of a letter received from the church, in which they indicated that they are NOT interested in considering an alternative erf.....

They are, however, willing to accept the Remainder, after the encroachment portion has been "cut off"

I was on the point of appointing a land surveyor to attend to the subdivision. Please advise on how we should proceed

Piet Smit

>>> Esme Davis <Esme.Davis@pgwc.gov.za> 09/02/2012 09:16 AM >>>
Mr Smit,

I refer to the Kayamandi Clinic site and your correspondence dated 28 October 2011.

The Department is interested in obtaining the total erf for future expansion and not just the 5 meters encroached upon. The acquisition of Erf 718 Kayamandi would mean a consolidation with Erven 719 & 720 Kayamandi to create one erf for the clinic precinct.

It would therefore be appreciated if you could contact the owners (Seventh Day Adventist Church) to indicate whether they are willing to consider an alternative site as per your attached letter.

Kindly provide this office with the total extent for Erf 718 Kayamandi.

Kind regards

Esmé Davis
Property Development Officer
Property Management
Department of Transport & Public Works
Tel: 021-483 4453
Fax: 021-483 8988
Email: edavis@pgwc.gov.za

-----Original Message-----

From: Piet Smit [<mailto:Psmitt@stellenbosch.org>]
Sent: 28 October 2011 08:38 AM
To: Esme Davis
Subject: RE: Fwd: FW: Transfer of PPHC's

Esme,
My apologies for not responding earlier....

Please find hereto attached a copy of a letter addressed to the Seventh Day Adventist Church, the "owners" of the site. As you will see, although they have signed a sales agreement and has paid the purchase price, they have not yet taken transfer. I have now requested them to indicate whether they would be willing to accept an alternative site. I still await their response

Piet Smit

Piet Smit

From: Lize Pecoraro <lizep@cm.law.za>
Sent: Friday, January 20, 2012 1:41 PM
To: Retha Jacobs
Subject: Fwd: TRANSPORT : MUNISIPALITEIT STELLENBOSCH / SEVENTH DAY ADVENTIST CHURCH (ERF 718 KAYA MANDI)

Lize Pecoraro
 Director
 Cluver Markotter
 021-8085663

Begin forwarded message:

From: Piet Smit <Psmitt@stellenbosch.org>
Date: 20 January 2012 13:12:30 SAST
To: Lize Pecoraro <lizep@cm.law.za>
Subject: Re: TRANSPORT : MUNISIPALITEIT STELLENBOSCH / SEVENTH DAY ADVENTIST CHURCH (ERF 718 KAYA MANDI)

Jammer dat ek nou eers terugkom na jou, maar ek het nog gewag vir die kerk om aan te dui of hulle n alternatiewe perseel gaan aanvaar al dan nie. Ons is in die proses om alle Klinieke oor te plaas na Provinsie. In die proses het ons agtergekom dat ,met die aanbou aan die kliniek, ons oorskry het op die kerk se grond!.

die kerk het nou bevestig dat ons die gedeelte kan "afsny" en oorplasing gee van die restant(teen n afslagprys).

Ek moet nou eers reel vir die onderverdeling en konsolidasie. Ek laat weet jou sodra ek al die dokumente in plek het.

N nuwe ooreenkoms sal ook opgetrek mopen word.

Ek laat weet jou sodra daardie proses afgehandel is.

Piet Smit

Lize Pecoraro <lizep@cm.law.za> 19/01/2012 16:23:24 PM >>>

Beste Piet

My skrywe gedateer 19 Augustus 2011 verwys.

Ons ontvang graag die ondertekende dokumente van julle terug. Ek bevestig ook net dat ons nog wag op die ondertekende dokumente vanaf die kerk.

Ek hoor graag van jou.

Vriendelike groete

Lize Pecoraro | Direkteur
BComm LLB

[cid:669473314@19032008-1620]

Cluver Markotter Geïnk
Cluver Markotter Gebou,
Meulstraat, Stellenbosch,
7600

Telefoon
+27(0)21 808 5663/07

Faks
+27(0)21 886 5420

lizep@cm.law.za<mailto:lizep@cm.law.za>
www.cm.law.za<mailto:www.cm.law.za>

--

This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

--

APPENDIX 8

**CASSIE GERBER
PROPERTY VALUERS CC**

CK 98/22188/23

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

P.O. Box 2217
DURBANVILLE
7551

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

VALUATION REPORT

ERF 718, BASSI STREET, KAYAMANDI, STELLENBOSCH

OWNERS: MUNICIPALITY STELLENBOSCH



Market value: As per report, paragraph 12 refers:

Date: 6 May 2015

=====

VALUATION REPORT

ERF 718, BASSI STREET, KAYAMANDI, STELLENBOSCH OWNERS: MUNICIPALITY STELLENBOSCH

1. Instructions

1.1 The Head of the Department of property Management, Stellenbosch, instructed me to value the above-mentioned property.

1.2 A market related value for the vacant land before and after the encroachment is required to determine the difference in the selling price.

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

2. Date of valuation

6 May 2015

3. Description of property

Erf 718 an unregistered portion of Erf 707, Kaya Mandi

4. Extent

990m² (The clinic on Erf 719 encroaches on Erf 718 and the extent of Erf 718 is now 823m²)

5. Owner

Stellenbosch Municipality (The property was never transferred)

6. Services

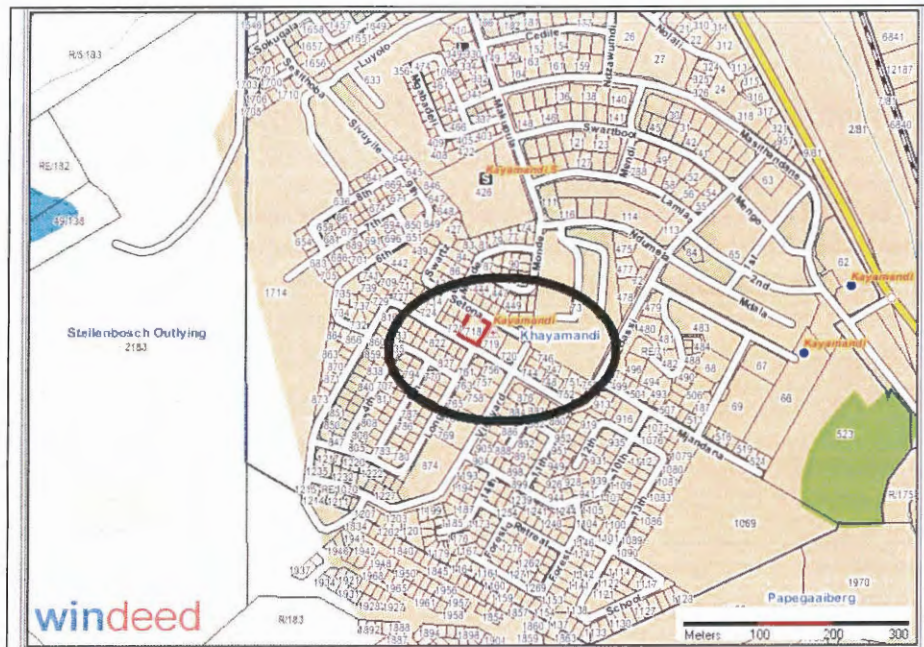
All the necessary municipal services are available.

7. Situation and physical aspects

7.1 The property is situated in Bassi Street, Kaya Mandi, Stellenbosch.

Map page 3 below refers:

7.2 The property consists of vacant land, which is suitable for building purposes.



Location map



Aerial photo

8. Town Planning

The property is zoned for institutional 1 purpose.

9. Highest and best use

The highest and best use of the properties is for single residential purposes.

10. Improvements

The property consists of vacant land.



Subject property

11. Method of valuation

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

11.2 A market research in similar comparable areas was carried out and the following information was obtained:

12. Comparable sales

12.1 The following is a list of transactions of church and crèche sites:

NO	ERF	EXTENT	ZONING	MINIMUM OPPORTUNITIES	MARKET VALUE	VALUE IN TERMS OF POLICY
1	30331	789m ²	Institutional 1 / Creche	4	R88 000	R 22 000
2	30496	662m ²	Institutional 2 / Church	3	R 66 000	R 16 500
3	28064	1 071m ²	Institutional 2 / Church	5	R110 000	R 27 500
4	28410	1 041m ²	Institutional 1 / Creche	5	R110 000	R 27 500
5	28435	1 243m ²	Institutional 2 / Church	6	R132 000	R 33 000
6	28436	1 112m ²	Institutional 1 / Creche	6	R132 000	R 33 000
7	28782	780m ²	Institutional 1 / Creche	4	R88 000	R 22 000
8	28980	847m ²	Institutional 2 / Church	4	R88 000	R 22 000
9	27294	1 085m ²	Institutional 1 / Creche	5	R110 000	R 27 500
10	29187	700m ²	Institutional 2 / Church	3	R 66 000	R 16 500
11	29195	618m ²	Institutional 1 / Creche	3	R 66 000	R 16 500
12	29433	1 064m ²	Institutional 2 / Church	5	R110 000	R 27 500

10.2 The following is a list of vacant residential sites

SUBURB: WALLACEDENE (KRAAIFONTEIN)												
Erf	Portion	Sales Date	Reg. Date	Size	Purch Price	Price per m2	Bond Amt	Bank	Seller Name	Seller ID	Buyer Name	Buyer ID
30414	0	20130522	20130712	128	36382	284			CITY OF CAPE TOWN		RUTYU ZOLISA	7903055908089
30412	0	20130522	20130712	128	36382	284			CITY OF CAPE TOWN		PEMBENI MXOLISI AUBREY	7501156140089
30410	0	20130522	20130712	128	36382	284			CITY OF CAPE TOWN		MADUBELA THANDIKHAYA	7206115730083
30409	0	20130522	20130712	132	36382	276			CITY OF CAPE TOWN		MAPHAKADE KHOLEKA BEAUTY	7505150735083
30407	0	20130522	20130712	159	36382	229			CITY OF CAPE TOWN		MASIZANA NOSIPHO PAULINE	7611281170081
30406	0	20130522	20130712	114	36382	319			CITY OF CAPE TOWN		MVAMIE LUBABALO	8206245587089
30403	0	20130522	20130712	116	36382	314			CITY OF CAPE TOWN		SAKE ZOYISILE	7010055896080

13. Conclusions

11.1 Kayamandi is an old established and fully developed township and no sales of vacant land took place in the area. The market research was extended to similar areas in the Peninsula.

11.2 Transaction 10.1 is a list of church and crèche sites, which was sold by the City of Cape Town. The properties are situated in Wallacedene, where the living conditions are very similar to the subject property and, therefore, comparable. The land is about

the same size as the subject property and the purchase prices amount to ±R100.00 per m².

11.3 Transaction 10.2 is a list of smaller sites, which were used for GAP housing and their selling prices average about R285.00 per m². An adjustment for size is necessary.

11.4 Based on the above-mentioned comparable sales with the necessary adjustments for location, size and the scarcity of land in Kayamandi, a price of R110.00 per m², in respect of the subject property, is market related.

12. Valuation calculations

- Market value of the subject property before the encroachment:
990m² @ R110.00/m² = R108 900.00
- Market value of the subject property with the encroachment:
823m² @ R110.00/m² = R90 530.00
- Difference: R18 370.00

The market value of the property does not include VAT.

13. Market value

The market value is as per paragraph 12 above.

14. Certificate

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

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

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

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

I, Casper Louis Gerber, consider the market values of the property before and after encroachment in paragraph 12 to be fair and market related.



C.L. GERBER

Signed at Durbanville on 6 May 2015

QUALIFICATION TO VALUE

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

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

APPENDIX 9

Knight Frank



ERF 718 KAYA MANDI

(Encroachment of Erf 719)

VALUATION REPORT

PREPARED FOR PROPERTY MANAGEMENT DEPARTMENT

STELLENBOSCH MUNICIPALITY

JUNE 2015

Knight Frank



30th June 2015

Stellenbosch Municipality
Department of Property Management
3rd Floor, ABSA Building
Plein Street
Stellenbosch 7599

Attention: Mr Piet Smit

Dear Sir,

ERF 718 KAYA MANDI-REIMBURSEMENT OF PORTION ENCROACHED ON BY ADJOINING CLINIC (Erf 719)

Further to your request to value the portion of Erf 718 which has been encroached on by the Clinic on Erf 719 in order to compensate the owners of Erf 718 in order that transfer can take place. Erf 718 is outlined in yellow below and the portion encroached on is clearly visible on the aerial photo.





ERF 718- EXTENT, AREA ENCROACHED, OWNERSHIP

The subject property is situated between Setona and Bassi Streets and is currently vacant land used as a short cut between the two streets. It is described as:

Erf 718 Kaya Mandi

In extent: 990 sq metres

We have been informed by yourselves that the area encroached on by the adjoining Clinic (Erf 719) is a rectangular portion, outlined in green below, $\pm 5.0\text{m} \times 33.0\text{m}$ and in extent 167 m², therefore the actual area of Erf 718 is 823 sq metres.



We have also been informed that Mun Stellenbosch agreed to sell Erf 718 to the Seventh Day Adventist Church in 1997 (prior to encroachment) and that the sales price of R11 286.00 was paid in full on 4.9.2002, however the property was never transferred.

MUNICIPAL INFORMATION

General Valuation

The property appears on the 2013 Valuation Roll of Mun Stellenbosch at an amount of R75 000

DETERMINATION OF COMPENSATION FOR THE ENCROACHMENT

We have determined the compensation payable as the difference in the current market value of Erf 718 before and after encroachment; in determining the market value we have taken note of the Municipality's policy of the sale price to Non Profit Organisations (NPO's) such as Church's.

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

Knight Frank



We have researched sales in Kaya Mandi for the last two years and the only sales that are recorded are sales by the Municipality of RDP houses on very small plots (all around 80m²) which were sold to the occupiers for R100 000 including the top structure, for example:

Description: Erf 2525 Kaya Mandi
 Size: 81m²
 Seller/Buyer: Mun Stellenbosch/VS Vokwana
 Date: 24.2.2014
 Price: R100 000 (T4571/2015)



However the subject land is situated in a superior part of Kaya Mandi (see photos below) where the surrounding single residential plots are around 200m² and the value of an improved property is on average around R150 000- R250 000, indicating a plot value of around R35 000 –R50 000 (R175- R250/m²)



Looking up Lang St
 Erf 825 on right opposite Erf 718



Bassi St

The subject plot is four to five times larger indicating a plot value of R100/m² to R200/m²

Knight Frank



CALCULATION OF COMPENSATION (Allowing that sales to NPO's are typically 20% of the market value)

Value before encroachment

990m² @ R150/m² Value, say R150 000 × 20% R30 000.00

Value after encroachment

823m² @ R150/m² Value, say R125 000 × 20% R25 000.00

Difference R 5 000.00

VALUATION CONCLUSIONS

We are of the opinion that the compensation, as calculated above, for the portion of Erf 718 that has been encroached upon is an amount, ex vat, at or around:

R5 000.00
(Five thousand rand)

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

Knight Frank Western Cape Pty Ltd

DAT WHITE MRICS FIVSA MRICS
Chartered Valuation Surveyor
Registration No 1770

Cape Town

30.6.2015

18/07/2012

Deeds Office Property

windeed

KAYA MANDI, 758, 0 (Cape Town)

GENERAL INFORMATION

Deeds Office Cape Town
 Date Requested 2012/07/18 15:19:27
 Information Source Deeds Office
 Reference

PROPERTY INFORMATION

Property Type Erf
 Erf 758
 Portion 0
 Township KAYA MANDI
 Local Authority STELLENBOSCH MUN
 Registration Division STELLENBOSCH RD
 Province WESTERN CAPE
 Diagram Deed DU 1000/800
 Extent 947.0000SQM
 Previous Description
 LPI Code C06700250000075800000

OWNER INFORMATION

Owner 1 of 1
 Person Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T59361/2002
 Registration Date 2002/07/15
 Purchase Price (R) G/P
 Purchase Date -
 Share
 Microfilm Reference 2004 0879 0468
 Multiple Properties No
 Multiple Owners No

ENDORSEMENTS (1)

#	Document	Description	Institution	Amount (R)	Microfilm
1	GENERAL PLAN FROM		TOWN KAYA MANDI ,ERF 707 ,PRTN 0	Unknown	

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA)

STELLENBOSCH GIS MAP





Imagery Date: 9/28/2011

© 2005

33° 55' 13.44" S 108° 50' 45.30" E elev: 172 m

© 2012 Afnis (Pty) Ltd

Image © 2012 Google

Google Earth

Eye alt: 397 m

18/07/2012

Deeds Office Property

windeed

KAYA MANDI, 1079, 0 (Cape Town)

GENERAL INFORMATION

Deeds Office Cape Town
 Date Requested 2012/07/18 15:20:44
 Information Source Deeds Office
 Reference

PROPERTY INFORMATION

Property Type Erf
 Erf 1079
 Portion 0
 Township KAYA MANDI
 Local Authority STELLENBOSCH MUN
 Registration Division NOT AVAILABLE
 Province WESTERN CAPE
 Diagram Deed T20814/2012
 Extent 1228.0000SQM
 Previous Description
 LPI Code C06700250000107900000

OWNER INFORMATION

Owner 1 of 1
 Person Type CHURCH
 Name OU APOSTOLIESE KERK
 Registration Number
 Title Deed T20814/2012
 Registration Date 2012/05/09
 Purchase Price (R) 14,022
 Purchase Date 2007/03/26
 Share
 Microfilm Reference
 Multiple Properties No
 Multiple Owners No

ENDORSEMENTS (1)

#	Document	Description	Institution	Amount (R)	Microfilm
1	GENERAL PLAN FROM		TOWN KAYA MANDI ,ERF 1070 ,PRTN 0	Unknown	

HISTORIC DOCUMENTS (1)

#	Document	Description	Owner	Amount (R)	Microfilm
1	T59362/2002	TRANSFER	MUN STELLENBOSCH	G/P	2002 0600 1804

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).

STELLENBOSCH GIS MAP





Deeds Office Property

windeed

KAYA MANDI, 783, 0 (Cape Town)

GENERAL INFORMATION

Deeds Office Cape Town
 Date Requested 2012/07/18 15:22:35
 Information Source Deeds Office
 Reference

PROPERTY INFORMATION

Property Type Erf
 Erf 783
 Portion 0
 Township KAYA MANDI
 Local Authority STELLENBOSCH MUN
 Registration Division STELLENBOSCH RD
 Province WESTERN CAPE
 Diagram Deed DU 1000/800
 Extent 212.0000SQM
 Previous Description
 LPI Code C06700250000078300000

OWNER INFORMATION

Owner 1 of 1
 Person Type LOCAL AUTHORITY
 Name MUN STELLENBOSCH
 Registration Number
 Title Deed T59361/2002
 Registration Date 2002/07/15
 Purchase Price (R) G/P
 Purchase Date -
 Share
 Microfilm Reference 2004 0879 0468
 Multiple Properties No
 Multiple Owners No

ENDORSEMENTS (1)

#	Document	Description	Institution	Amount (R)	Microfilm
1	GENERAL PLAN FROM		TOWN KAYA MANDI,ERF 707 ,PRTN 0	Unknown	

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA)

WinDeed - Deeds and Companies Office Enquiries

Enquiry by Property

as at 13:29 on 18/04/2005

Registrar	Cape Town
Property Type	Erf
Township Name	Kaya Mandi
Erf Number	718
Portion Number	0

Information

Province	Western Cape
Registration Division	Not Available
Local Authority	Stellenbosch MUN
Previous Description	
Diagram Deed Number	DU 1000/800
Extent	990.0000sqm

Owners

1 of 1	
Person Type	Unknown
Nar	** For Info Refer To Registrar Of Deeds **
ID number	
Title Deed	
Registration Date	
Purchase Price	Unknown
Share	
Purchase Date	UNKNOWN
Microfilm Reference	Not Microfilmed
Multiple Properties	No
Multiple Owners	No

Endorsements

1 of 1	
Document	GENERAL PLAN FROM Town Kaya Mandi ,Erf 707 ,Prtn 0
Amount	Unknown
Microfilm Reference	Not Microfilmed

History (None)

End of Report

APPENDIX 10

David Hellig & Abrahamse

Land Surveyors • Landmeters

DAVID SAMUEL HELDIG
B.Sc., B.Sc. (Land Survey), PR.L. (SA)
SPENCER GRAHAM DREYER
B.Sc. (Survey), PR.L. (SA)

At Cape Town
RICHARD CLIFTON ABRAHAMSE
B.Sc. (Survey), PR.L. (SA)

258 Main Street/Hoofstraat
PAARL 7646

☐ P O Box 18 PAARL 7622
Posbus 18 PAARL 7622

Telephone/Telefoon : (021) 872 4086
e-mail : david@dhaa.co.za

Our Ref : S344/16

03 November 2017

The Municipal Manager
Stellenbosch Municipality
P O Box 17
STELLENBOSCH
7599

Attention : Mr Piet Smit

Dear Piet

SUBDIVISION OF ERF 718 KAYA MANDI

Previous communications refer.

I hereby advise that the cadastral survey has now been approved by the Surveyor-General and I accordingly enclose herewith the following documents for your attention :

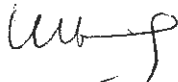
1. Approved diagram no 2335/2017, which represents Erf 718 Kaya Mandi.
2. Approved diagram no 2336/2017, which represents Erf 4112 a portion of Erf 718 Kaya Mandi.
3. Approved diagram no 2337/2017, which represents Erf 4113 Consolidation of Erven 4112 and 3099 Kaya Mandi.
4. Stellenbosch Municipality Approval in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, 2015: vide Ref KM 718 dated 15-09-2017 read together with Final Notification Letter dated 10-10-2017.

Please acknowledge receipt in writing of this letter and enclosures and forward to the appointed attorney to attend to the registration process in the Deeds Office.

Thanking you once again for your valued instructions and assuring you of our service in the future.

Kind regards

Yours sincerely
DAVID HELDIG & ABRAHAMSE



PER : D.S HELDIG

APPENDIX 11



2018-09-04

Seventh Day Adventist
PO Box 2328
Dennesig
7602

Attention: Patrick Swartz

Dear Sir/Madam

**TRANSFER STELLENBOSCH MUNICIPALITY/SEVENTH DAY ADVENTIST CHURCH: ERF 718, KAYAMANDI:
PROPOSED ALTERNATIVE SITE**

During a recent Mayoral Committee Meeting your request to adjust the purchase price downwards, in an effort to accommodate the encroachment of the adjacent clinic, was considered.

Having considered your request, they referred the matter back to administration, with the request to investigate a possible alternative site.

Erf 1523, Kayamandi, as indicated on the attached map is hereby offered to you as a possible alternative site.

Please indicate in writing whether this alternative offer is acceptable to you, whereafter the proposal will be submitted to Council for ratification.

I await your feedback in this regard.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

APPENDIX 12



Khayamandi Seventh-day
Adventist Church

P.O. Box 2328

Stellenbosch

7600

Western Region

THE MANAGER
PROPERTY MANAGEMENT
STELLENBOSCH MUNICIPALITY
STELLENBOSCH
7600

Carberg of 2018-11-08

ATTENTION: MR PIET SMIT

Dear Sir,

TRANSFER: ERF 718: SDA CHURCH/STELLENBOSCH MUNICIPALITY: PROPOSED ALTERNATIVE.

Your letter dated 2018-09-04 refers. Your proposal has been forwarded to the abovementioned church for consideration on the 15th September 2018.

Having been considered it was then decided that in principle your proposal be accepted on the following conditions.

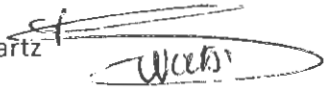
1. That the sub-station on the site be removed.
2. That the stream running along the site be cleansed as it is posing a health hazard resulting from dirt and stench from the stream.
3. That the ward committee members of the said ward be informed of this exercise as this site has been used as a play park by the children of this community.
4. As this exchange has been the proposal of the Municipality and that the church had paid in full its original site. The church should therefore not be held liable for any additional costs including possible costs related to the value of the alternative site, vice versa.

Pastor: Ayanda Ranana (Cell: 0834761450; email: rananaa@cc.adventist.org)
 Head Elder: Mthuthuzeli Swartz (Cell: 082 4571573; email: mthuras@hotmail.com)
 Associate Elder: Glen Vondo (Cell: 081799074; email: glenvondo@gmail.com)
 Treasure: Ziyanda Ntomboti (Cell: 0788811369; email: ntsomboticz1@gmail.com)
 Church Clerk Nothandi Mngwazi (Cell: 0746168335; email: nothandi.mngwazi@prasa.com)

As soon as all the above has been attended to the church request that it be advised so that the process can be attended to and finalized without any further delays. Page 176

Yours faithfully,

P. M. Swartz

A handwritten signature in black ink, appearing to read 'P. M. Swartz', written over a horizontal line.

Church Representative.

Pastor: Ayanda Ranana (Cell: 0834761450; email: rananaa@cc.adventist.org)
Head Elder: Mthuthuzeli Swartz (Cell: 082 4571573; email: mthuras@hotmail.com)
Associate Elder: Glen Vondo (Cell: 081799074; email: glenvondo@gmail.com)
Treasure: Ziyanda Ntsomboti (Cell: 0788811369; email: ntsomboticz1@gmail.com)
Church Clerk: Nothandi Mngwazi (Cell: 0746168335; email: nothandi.mngwazi@prasa.com)

7.2.2	POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

13 February 2019

1. SUBJECT: POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI, TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE

2. PURPOSE

To make a final determination on the disposal of erf 111, Kayamandi to URCSA.

3. DELEGATED AUTHORITY

Council must therefore consider the matter.

4. EXECUTIVE SUMMARY

Following an in principle decision by Council to dispose of erf 111, Kayamandi to URCSA on a private treaty basis, Council's intention so to act was published for public inputs. No such inputs and or objections were received.

A valuation report has also been received subsequent to the Council resolution to donate the property to URCSA valuating the property at R133 250.00 Council make take a decision to dispose of land for an amount less than fair market value for the reasons contained in regulation 13(2) of the Asset Transfer Regulations. If Council would have disposed of the land for a church organisation in terms of policy it will have considered a value of as low as 10 % of the market value. In this instance, Council resolved that due to the long history of use by the church and the fact that it is used for, inter alia, social care purposes for the broader community in Kayamandi will benefit and that it can be donated.

Council must now make a final determination with regards to the disposal of erf 111, Kayamandi.

5. RECOMMENDATIONS

- (a) that it be noted that no public inputs/objections have been received following the public notice period;
- (b) that it be noted that the property's fair market value has been valued at R133 250.00;
- (c) that Council approves of the disposal of erf 111, Kayamandi, to The United Reformed Church in Southern Africa (URCSA) at no cost, subject to the following conditions:
 - (i) that a reversionary clause be inserted in the title deed of the property, indicating that the property may only be used for religious/social care purposes, and that it cannot be sold without the prior written approval of Stellenbosch Municipality;

- (ii) that The United Reformed Church in Southern Africa (URCSA) be responsible for all costs related to the transfer of the property to their name;
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the transfer of the property to The United Reformed Church in Southern Africa (URCSA); and
- (e) that Council considered the market value of the property and the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, social care purposes for the broader community in Kayamandi. The local community would therefore be better served if the erf is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Council resolution

On 2018-10-31, Council considered a report, dealing with the possible disposal of erf 111, Kayamandi, to URCSA on a private treaty basis.

Having considered the report, Council resolved as follows:

RESOLVED (*nem con*)

- “(a) that erf 111, Kayamandi, be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) that Council approves the request from the URCSA, Kayamandi;*
- (c) that the request is approved **in principle** on a **private treaty basis**, i.e. without following a public tender process, subject to the following conditions:*
 - (i) that the property is donated to URCSA, Kayamandi*
 - (ii) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore or be sold in future;*
- (d) that Council’s intention to dispose of the property through a donation be advertised for **public inputs/objections/counter proposals**, as provided for in par 9.2.2.1 of the Property Management Policy;*
- (e) the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, for social care purposes for the broader community in Kayamandi; and*
- (f) that, following the public participation process, the matter be re-submitted to Council to make a final decision on the disposal, or not”.*

A copy of the agenda item that served before Council is attached as **APPENDIX 1**.

6.1.2 Official Notice

Following the above resolution an Official Notice was published in the Eikestad News of, soliciting inputs/objections/counter proposals from interested and effected parties on the proposed gratis transfer of erf 111, Kayamandi to URCSA. The closing date for such inputs was 20 December 2018. A copy of the official Notice is attached as **APPENDIX 2**.

6.1.3 Comments/inputs received

On the closing date no written inputs/objections or counter proposals was received.

6.1.4 Market Valuation report

Hereto attached as **APPENDIX 3** a market valuation report in relation to erf 111, Kayamandi. In terms hereof the property is valued at R133 250.00.

6.2 Discussion

Seeing that Council has already made an in principle decision to dispose of erf 111, Kayamandi, to URCSA at no cost, subject to a public participation process, and seeing that no inputs/objections/counter proposals have been received, it is recommended that a final determination now be made, i.e. to dispose of erf 111, Kayamandi, to URCSA, at no cost.

6.3 Financial Implications

There are no financial implications

6.4 Legal Implications**MFMA**

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

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), 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.

Compensation for transfer of non-exempted municipal capital assets

In terms of Regulation 13, the compensation payable to a municipality for the transfer of a non-exempted capital asset must, subject to sub regulation (2)

- (a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and
- (b) if regulation 12(2)(b) applies to the transfer, reflect fair market value.

-
- (2) If a municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a non-exempted capital asset for less than its fair market value, the municipality must, when considering the proposed transfer, take into account—
- (a) the interests of—
 - (i) the State; and
 - (ii) the local community;
 - (b) the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;
 - (c) the constitutional rights and legal interests of all affected parties;
 - (d) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
 - (e) whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.

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

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Council meeting: 2018-10-31

6.7 Risk Implications

The risks are mitigated in the content of the item discussions.

6.8 Comments from Senior Management

The item was not re-circulated to management as no comments or objections or counter proposals were received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-02-13: ITEM 7.2.2

- (a) that it be noted that no public inputs/objections have been received following the public notice period;
- (b) that it be noted that the property's fair market value has been valued at R133 250.00;
- (c) that Council approves of the disposal of erf 111, Kayamandi, to The United Reformed Church in Southern Africa (URCSA) at no cost, subject to the following conditions:

-
- (i) that a reversionary clause be inserted in the title deed of the property, indicating that the property may only be used for religious/social care purposes, and that it cannot be sold without the prior written approval of Stellenbosch Municipality;
- (ii) that The United Reformed Church in Southern Africa (URCSA) be responsible for all costs related to the transfer of the property to their name;
- (d) that the Municipal Manager be authorised to sign all documents necessary to effect the transfer of the property to The United Reformed Church in Southern Africa (URCSA); and
- (e) that Council considered the market value of the property and the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, social care purposes for the broader community in Kayamandi. The local community would therefore be better served if the erf is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.

ANNEXURES:

APPENDIX 1: Agenda item 31.10.18

APPENDIX 2: Official Notice

APPENDIX 3: Valuation report

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@stellenbosch.gov.za
REPORT DATE	2019-01-30

APPENDIX 1



Collaborator No:
IDP KPA Ref No:
Meeting Date:

(To be filled in by administration)
Organisational Transformation
17 and 31 October 2018

1. SUBJECT

POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI TO THE FRANSCHHOEK UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA), KAYAMANDI

2. PURPOSE

To consider an application from URCSA, Kayamandi for the acquisition of a portion of erf 111, Kayamandi.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The URCSA, Kayamandi is leasing erf 111, Kayamandi from Stellenbosch Municipality since 1967. The lease is on a year-to-year basis. As they want to invest in the expansion of the church building, they have now applied to purchase the land from the Municipality.

5. RECOMMENDATIONS

- 5.1 that erf 111, Kayamandi be identified as land not needed to provide the minimum level of basic municipal services;
- 5.2 that Council, consider the request from the URCSA, Kayamandi
- 5.3 If council approves the request, it be approved **in principle** on a **private treaty basis**, i.e. without following a public tender process, subject the following conditions:
- a) that the Executive mayor in consultation with the Mayoral Committee make a recommendation to Council on whether to determine a disposal value lower than market value and if so what percentage;
 - b) That market value be determined by two (2) independent valuers;
 - c) that a **reversionary clause** be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore;
- 5.3 That Council's intention so to dispose of the property be advertised for **public inputs/objections**, as provided for in par 9.2.2.1 of the Property Management Policy;

- 5.4 That, following the public participation process, the matter be re-submitted to Council to make a final decision on the disposal, or not.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Lease Agreements

According to the correspondence hereto attached as **APPENDIX 1**, it is clear that:

- a) Approval were granted in July 1967 by the (then) Stellenbosch Municipality that the (then) Dutch Reform Church in Africa (now UCSA) can use erf 111 in Kayamandi for the purpose of a church;
- b) A Lease Agreement was concluded between the (then) Stellenbosch Municipality and the (then) Dutch Reform Church in Africa in 1969. The Lease Agreement was on a year- to- year basis;
- c) In 1977, following a change in the political dispensation (Black townships managed by Bantu Affairs Administration), a Lease Agreement was concluded between the (then) Bantu Affairs Administration Board of South-Western Cape and the church, also on a year-to - year basis.

6.1.2 Kayamandi Town Council

The Kayamandi Town Council was established in 1987. In terms of legal succession, they took over the role as Lessee.

During 1994 the Kayamandi Town Council was dissolved an Stellenbosch Municipality became (again) the successor in law, i.e Stellenbosch Municipality became the owner of the land, i.e the Lessee.

6.1.3 Application to purchase lease property

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the United Reform Church in Southern Africa, Kayamandi, requesting to purchase the lease area from the Municipality at the lowest possible value, or that it be donated to them.

6.2 Discussion

6.2.1 The property

Erf 111, Kayamandi , measuring 1025m² in extent, is situated at the corner of Manyano and Makapula Roads, Kayamandi, as shown on Fig 1, 2 and 3 below.



Fig 1: Location and context



Fig 2: The Property

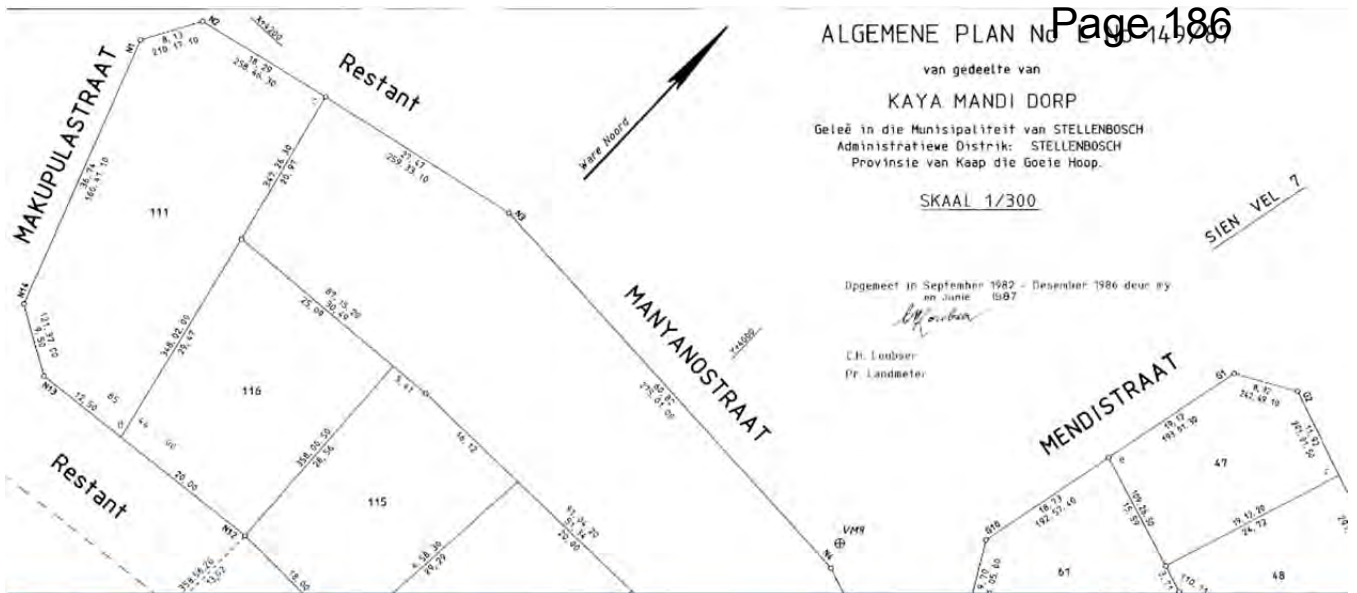


Fig 3: Extent of property

The property is owned by Stellenbosch Municipality by virtue of Title Deed T10209/2009 and is zoned for Institutional use. See **APPENDIX 3** and **4** respectively.

The property has been developed, consisting of the following buildings:

- Church building: ±228m²
 - Crèche/ ECD Centre: ±120m²
- Total** : ±438m²

6.2.2 Legal requirements

6.2.2.1 MFMA

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

In terms of subsection (2), a municipality may transfer ownership or otherwise dispose of a capital asset other than those contemplated in subsection (1), 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.

6.2.2.2 Asset Transfer Regulation (ATR)

6.2.2.2.1 Transfer or disposal on non-exempted capital assets

In terms of Regulation 5(1)(b) a municipal council may transfer or dispose of a non-exempted capital asset only after-

- a) the municipal council-
 - i) has made the determination required by Section 14(2)(a) and (b) of the MFMA; and

- ii) has, as a consequence of those determinations, an **approval in principle** that the capital asset may be transferred or disposed of.

6.2.2.2.2 Consideration of proposals to transfer or dispose of non-exempted capital assets

In terms of Regulation 7 the municipal council **must**, when considering any proposed transfer or disposal of a non-exempted capital asset in terms of regulation 5(1)(b)(i) and (ii), **take into account**—

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

6.2.2.2.3 Conditional approval of transfer or disposal of non-exempted capital assets

Further, in terms of Regulation 11, an **approval in principle** in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, **may be given subject to any conditions**, including conditions specifying—

- (a) **the way in which the capital asset is to be sold or disposed of**;
- (b) a **floor price or minimum compensation for the capital asset**;
- (c) whether the capital asset may be transferred or disposed of for **less than its fair market value**, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) **a framework within which direct negotiations** for the transfer or disposal of the capital asset **must be conducted** with another person, if transfer or disposal is subject to direct negotiations.

6.2.2.2.4 **Transfer or disposal of non-exempted capital assets to be in accordance with disposal management system**

In terms of Regulation 12; if approval has been given in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, the relevant municipality may transfer or dispose of the asset only in accordance with its **disposal management system***, irrespective of—

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

***Please note:** The Policy on the Management of Council-owned property is deemed to be the disposal management system. See par. 6.2.2.3 below.

6.2.2.2.5 **Compensation for transfer of non-exempted municipal capital assets**

In terms of Regulation 13, the compensation payable to a municipality for the transfer of a non-exempted capital asset must, subject to sub regulation

(2)—

- (a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and

- (b) if regulation 12(2)(b) applies to the transfer, **reflect fair market value.**

(2) **If a municipality** on account of the public interest, in particular in relation to the plight of the poor, **intends to transfer a non-exempted capital asset for less than its fair market value, the municipality** must, when considering the proposed transfer¹⁶, **take into account—**

- (a) the **interests of—**
 - (i) the State; and
 - (ii) the local community;
- (b) the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;
- (c) the constitutional rights and legal interests of all affected parties;
- (d) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
- (e) **whether the local community would be better served if the capital asset is transferred at less than its fair market value**, as opposed to a transfer of the asset at fair market value.

6.2.2.2.6 **Transfer agreements**

Lastly in terms of Regulation 17, a municipality may transfer assets approved for transfer to a private sector party or organ of state in terms of this Chapter, **only by way of a written transfer agreement** concluded between the transferring municipality and the receiving private sector party or organ of state.

A transfer agreement must set out the terms and conditions of the transfer, including, as a minimum—

- (a) a sufficient **description** of the capital asset being transferred in order to identify the asset;
- (b) particulars of any subsidiary assets that are transferred with the capital asset;
- (c) particulars of any liabilities transferred with the asset;
- (d) the **amount of compensation** payable to the municipality or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and

- (e) the **effective date** from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

6.2.2.3 **Policy on the management of Council-owned property**

6.2.2.3.1 **Disposal management principles**

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of Viable Immovable property shall be effected-

- a) by means of a process of **public competition**; and
- b) at **market value** except when the public interest or the plight of the poor demands otherwise.

6.2.2.3.2 **Methods of disposal**

In terms of paragraph 9 the type of tender may vary, depending on the nature of the transaction. The following options may be considered:

- a) outright tender;
- b) Call for proposals;
- c) Call for proposals on a Build-Operate-Transfer basis

6.2.2.3.3 **Deviation from a Competitive process**

In terms of paragraph 9.2.2 the Municipal Council may **dispense with the competitive processes** established in this policy, and may enter into a **Private Treaty Agreement** through any convenient process, which may include direct negotiations, including in response to an unsolicited application, but only in the following circumstances, and only **after having advertised Council's intention so to act**. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed. The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- (a) **in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose** or that it is in the interest of the community and the Municipality, and where none of the conditions as set out in the policy provides for such exception, is permitted, and where they are not in conflict with any provision of the policy. In such cases reasons for preferring such out-of hand sale or lease to those by public competition; must be recorded

6.2.2.3.4 **Disposal and Letting of Immovable Property for Social Care Uses**

In terms of paragraph 9.3 "*Social care*" is defined as services provided by **registered** welfare, charitable, non-profit cultural and **religious**

organisations and includes, but is not limited to, the following types of uses

:-

- (a) **Place of Worship** to the degree and for that portion of a facility being used for spiritual gathering by, and social/pastoral/manse/welfare caring and support to Worshippers and the broader Community;
- (b) **Child care facility** insofar as it contributes to the functioning of a multi-use childcare facility and is operated on a non-profit basis;

The Municipality **reserves the right to entertain unsolicited bids for the purchase or lease of viable immovable property for social care uses** with the provision that it abides by the Municipality's IDP objectives.

From the above it is clear that **Council may dispense with a competitive process**, i.e. may enter into a Private Treaty Agreement, seeing that the Methodist Church falls within the description of a **social care use**, where Council may entertain an unsolicited proposal. Such a step, however, is subject to Council's intention so to act, being advertised for public inputs.

6.2.2.3.5 Criteria for determining compensation

In terms of par.21 immovable property may be disposed of only at market-related prices, except when the plight of the poor or public interest demands otherwise. In terms of par. 21.3, the Municipality may dispose properties for social care uses at a purchase price of between 10% and 60% of the fair market value.

6.3 Financial Implications

The cost to ensure certificates for electrical, plumbing and pests are normally borne by the Seller. .

6.4 Legal Implications

The recommendations contained in this report comply with Council's policies and all applicable legislation. See paragraph 6.2.2, *supra*.

6.5 Staff Implications

None

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

Note that since the Municipality is the owner and is to transfer the property, the Municipality must ensure that the building conforms to legal prescripts when a sale is being made, eg. The Municipality must correct any electrical wiring defaults and obtain an

Electrical Certificate of Compliance. The cost of repairing, electricity, water sanitation and any building defects is normally for the cost of the Seller. The cost of this must be added to Financial Implications.

The recommendation is supported.

6.8.2 Director: Planning and Economic Development

None received.

6.8.3 Chief Financial Officer

None received.

ANNEXURES:

- A: Correspondence Erf 111
- B: Letter received from United Reform Church in Southern Africa, Kayamandi
- C: Windeed record
- D: Zoning certificate

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-08-20

DIRECTOR: CORPORATE SERVICES

The contents of this report have been discussed with the Portfolio Committee Chairperson on 3 October 2018 and the Councillor supports the recommendations.

APPENDIX 2



OFFICIAL NOTICE

PROPOSED DISPOSAL OF ERF 111, KAYAMANDI TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA)

Notice is hereby given in terms of par. 9.2.2.1 of Stellenbosch Municipality's Policy on the Management of Council-owned property of the Municipality's intention to dispose of erf 111, Kayamandi, to the URCSA at no cost (gratis transfer).

Background

The URCSA, Kayamandi, is leasing erf 111, Kayamandi, from Stellenbosch Municipality since 1967. The lease is on a year-to-year basis. As they want to invest in the expansion of the church building, they have now applied to purchase the land. Having considered the matter on 2018-10-31, Council resolved as follows:

- “(a) that erf 111, Kayamandi, be identified as land not needed to provide the minimum level of basic municipal services;*
- (b) that Council approves the request from the URCSA, Kayamandi;*
- (c) that the request is approved in principle on a private treaty basis, i.e. without following a public tender process, subject to the following conditions:*
 - (i) that the property is donated to URCSA, Kayamandi*
 - (ii) that a reversionary clause be inserted in the title deed of the property, should the property not be used for religious/social care purposes anymore or be sold in future;*
- (d) that Council's intention to dispose of the property through a donation be advertised for public inputs/objections/counter proposals, as provided for in par 9.2.2.1 of the Property Management Policy;*
- (e) the property is donated due to the long history of use by the church and the fact that it is used for, inter alia, for social care purposes for the broader community in Kayamandi; and*
- (f) that, following the public participation process, the matter be re-submitted to Council to make a final decision on the disposal, or not” .*

Further Particulars:

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

Invitation to submit written inputs/objections/counter proposals

Any interested and effected party who wishes to submit inputs/objections/counter proposals to the proposed donation of erf 111 to the URCSA, can do so by submitting it in writing to the Manager: Property Management on or before 20th December 2018.

Inputs/objections/counter proposals can be submitted by hand, posted or send by e-mail to:

Physical Address: 3rd Floor
Absa (Oude Bloemhof) Building, Corner of Plein and Rhyneveld Street
Stellenbosch
7600

Postal address: PO Box 17
Stellenbosch
7599

e-mail: piet.smit@stellenbosch.gov.za

In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

DATE: 2018-11-12

APPENDIX 3

VALUATION REPORT OF ERF 111, KAYAMANDI

MARKET VALUATION REPORT

OF ERF 111

CNR MANYANO & MAKAPULA STREETS

KAYAMANDI



HCB Property Valuations

29 Church Street
Moorreesburg
7310

Tel: 086 142 2669 **Fax:** 086 514 8551

Email: admin@hcb.co.za

VALUATION REPORT OF ERF 111, KAYAMANDI**LIMITATIONS AND RESTRICTIONS**

This valuation report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is valued free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering information is assumed to be correct. The plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the valuation report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-compliance is stated, defined and considered in the valuation report.
9. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespassing unless noted in this report.



Signature

VALUATION REPORT OF ERF 111, KAYAMANDI

LIMITATIONS AND RESTRICTIONS

This valuation report has been made with the following general limiting conditions.

1. The apportionment, if any, of the total valuation figure in this report between land and improvements applies only under the stated client instructions and is hypothetical. The separate allocations for land and buildings must not be used in conjunction with any other valuation and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the valuer, and in any event only with proper written qualification and only in its entirety.
3. The valuer herein by reason of this valuation is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor part of the contents of this report (especially conclusions as the value, the identity of the valuer, or the firm with which the valuer is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the valuer.
5. Neither the whole nor any part of this valuation report or certificate or any reference thereto may be included in any published document, circular or statement, or published in any way without the valuer's written approval of the form and context in which it may appear. The publication shall deem to include references in company accounts and/or director's reports or any other company statement or circular.
6. The valuation is prepared on the basis that full disclosure of all information and facts which may affect the valuation, has been made to the valuer and no liability or responsibility will be accepted whatsoever for the valuation unless such full disclosure has been made.
7. This valuation is solely for the use of the party to whom it is addressed in accordance with the instructions. Reliance on it by any third party cannot be regarded as reasonable and no responsibility to any third party is or will be accepted for the whole or any part of the valuation.
8. The valuer has no personal interest in the property.
9. In the unlikely event of the client incurring any losses due to negligence of the valuers, valuers in training and assistants, the aggregate amount of the damages recoverable against the valuer shall not exceed the fee for providing the service.



Signature

VALUATION REPORT OF ERF 111, KAYAMANDI
--

<u>INDEX</u>	<u>PAGE</u>
1. CERTIFICATION	5
2. INSTRUCTION	5
3. DATE OF VALUATION	5
4. TITLE DEED DESCRIPTION	5
5. SURVEYOR GENERAL INFORMATION	5
6. LOCAL GOVERNMENT INFORMATION	5
7. ZONING INFORMATION	6
8. MUNICIPAL VALUATION AND INFORMATION	6
9. INSPECTION REPORT	6
10. LOCALITY	6
11. PHYSICAL DESCRIPTION	6
12. MARKET VALUE DEFINITION	7
13. HIGHEST AND BEST USE	7
14. MARKET OVERVIEW SURVEY	7
15. METHOD OF VALUATION	7
16. COMPARABLE SALES	7
16.1 Proxy Sales – Kayamandi	8
16.2 Broker Opinions	8
17. DETERMINATION AND ADJUSTMENT TO VALUE	8
18. CERTIFICATION OF VALUATION	9
19. CAVEATS	10
20. ANNEXURES	11
20.1 Annexure 1 – Instruction	11
20.2 Annexure 2 – Windeed Property Report	17
20.3 Annexure 3 – Chief Surveyor General Information	18
20.4 Annexure 4 – Zoning Certificate	19
20.5 Annexure 5 – Locality Map of Subject Property	20
20.6 Annexure 6 – Aerial Photo of Subject Property	21
20.7 Annexure 7 – Photos of Subject Property	22
20.8 Annexure 8 – Valuation Certificate	23
20.9 Annexure 9 – Valuers Certificates	24

VALUATION REPORT OF ERF 111, KAYAMANDI
--

1. CERTIFICATION

I, Dean Stephen Ward, registered as a Professional Valuer in terms of the Property Valuers Profession Act 47 of 2000, in association with HCB Valuations and Services (Pty) Ltd and its valuers, do hereby certify that I have inspected and identified the subject property referred to in this report and have obtained all the necessary information to determine the market value thereof.

2. INSTRUCTION

Instruction was received from the Stellenbosch Municipality to attend to the valuation of the property being Erf 111 Kayamandi situated in Kayamandi Township. The brief was to value the land as if vacant. The land will be sold to the Franschhoek United Reformed Church of Southern Africa (URCSA) who are the current tenants.

➤ *Please see Annexure 1 for instruction*

3. DATE OF VALUATION

The date of the valuation is 1 November 2018.

4. TITLE DEED DESCRIPTION

Information obtained from the Deeds Office indicates that the property is held by Title Deed No. T10209/2009.

Registered owner	-	Stellenbosch Municipality
Erf	-	111
In extent	-	1025m ²
Servitude	-	Normal rights in favour of Statutory Bodies. The Title Deeds have not been inspected.
Date of acquisition	-	Not applicable
Purchase Price	-	Not applicable
Land Restitution Claims	-	The property is not subject to any land claim.

➤ *Please see Annexure 2 for Windeed Property Report*

5. SURVEYOR GENERAL INFORMATION

The subject erf is rectangular in shape and face a northerly direction.

➤ *Please see Annexure 3 for copy of CSG Diagram*

6. LOCAL GOVERNMENT INFORMATION

The subject property falls within the jurisdiction of the Stellenbosch Municipality.

VALUATION REPORT OF ERF 111, KAYAMANDI
--

7. ZONING INFORMATION

Upon an informal enquiry from the Zoning Department, the following information was obtained:

Zoning	-	Institutional II
Permitted Usage	-	Place of Worship
Actual Usage	-	Place of Worship
Coverage	-	50%
Height Restriction	-	No restriction
Parking Restrictions	-	1 Parking bay for every 20 seats

No rezoning application or proposed street widening has been noted.

➤ *Please see Annexure 4 for copy of Zoning Certificate.*

8. MUNICIPAL VALUATION AND INFORMATION

The Municipal Valuation, based on the 2016 General Valuation is as follows:

Erf 111	-	R3,294,000-00
---------	---	---------------

All municipal services and electricity is available and can be provided by the Municipality.

9. INSPECTION REPORT

The property was identified and inspected on 01 December 2018.

10. LOCALITY

The subject property is situated in the established suburb in Kayamandi on the outskirts of the town of Stellenbosch. It is within walking distance of all social amenities and transport. Kayamandi was founded in the early 1950's to house exclusively black migrant male labourers employed on the farms in the Stellenbosch area.

➤ *Please see Annexure 5 for Locality Map*

11. PHYSICAL DESCRIPTION

The subject comprises of a face-brick church building which as instructed has been excluded from this valuation.

➤ *Please see Annexure 7 for Photos of Subject Property*

VALUATION REPORT OF ERF 111, KAYAMANDI
--

12. MARKET VALUE DEFINITION

Market value is defined by the International Valuation Standards Council as: "The estimated amount for which an asset should exchange, on the date of valuation, between a willing buyer and a willing seller, in an arms-length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion".

13. HIGHEST AND BEST USE

This is described as the most probable use of a property, which is physically possible, appropriately justified, legally permissible, financially feasible and which results in the highest value of the property being valued. In order for the property to be developed a rezoning application may be required and building plan approval.

14. MARKET OVERVIEW AND SURVEY

Kayamandi is a popular area with regard to sales in the area, a major portion of the sales which take place in the area is mainly to low income earners and repossession sales.

15. METHOD OF VALUATION

The Comparable Sales Method of valuation is considered to be the most suitable method to employ in order to establish the market value of the subject property. In applying the Comparable Sales Method, it is necessary to investigate the sales of similar type properties that have been sold as well as comparable properties which are on the market.

The above information is compared to the subject property, which involves judgments as to the degree of similarity with regard to value factors such as location, construction type, age, condition and layout. The sales of properties, which are most comparable, tend to set the range in which the value of the subject property will fall. Further consideration of comparative data will indicate to the valuer a figure representing the value of the subject property in keeping with the definition of value sought as at the date of valuation.

16. COMPARABLE SALES

There are no vacant comparable sales which could be located in the areas of Kayamandi, Cloeteville, and Idasvallei. The following municipal valuations taken from the valuation roll have been used as proxy sales in the absence of comparable sales.

VALUATION REPORT OF ERF 111, KAYAMANDI
--

16.1 Proxy Sales – Kayamandi

ERF NO.	DATE OF VALUATION	MARKET VALUE	AREA OF ERF
1. Erf 92	01/07/2016	R42,000-00	198m ²
2. Erf 329	01/07/2016	R30,000-00	192m ²
3. Erf 636	01/07/2016	R30,000-00	180m ²
4. Erf 640	01/07/2016	R30,000-00	180m ²

It is assumed the Municipal Valuer had vacant land sales which were used in the determination of the valuation entries on the General Valuation Roll. However, these sales could not be traced.

16.2 Broker Opinions

The valuer consulted with numerous agents and brokers regarding vacant land sales in Kayamandi. Most brokers and agents consulted offered opinions of between R150-00 and R180-00 per square metre depending on size.

17. DETERMINATION AND ADJUSTMENT TO VALUE

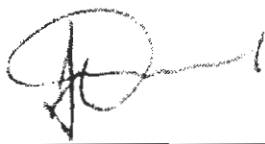
Based on the above research and consultations it is the opinion of the valuer that the rate per square metre for the determination of value is between R150-00 and R180-00 per square metre. Therefore, as per the instruction in section 2 the open market value of the subject property is calculated at R133,250-00 (1025m² @ R130/m²).

VALUATION REPORT OF ERF 111, KAYAMANDI

18. CERTIFICATION OF VALUATION

I hereby certify that I have identified the subject property and obtained all the necessary information to determine the market rental thereof.

Accordingly, I hereby certify that in my opinion, to the best of my knowledge, skill and expertise, the market value of the subject property as identified in Section 2 as at 1 December 2018 to be R135,000-00 (One hundred and thirty-five thousand rand).



Dean Stephen Ward
Professional Valuer
Registration Number: 3453

12 December 2018
Date of Signature



Hendrik Coenraad Botha
Professional Associated Valuer
Registration Number: 5601

12 December 2018
Date of Signature



Ockert Brits
Professional Valuer
Registration Number: 6876

12 December 2018
Date of Signature

19. CAVEATS

This valuation has been prepared on the basis that full disclosure of all Information and factors which may affect the valuation have been made to Ourselves and we cannot accept any liability or responsibility whatsoever for the Valuation, unless such full disclosure has been made.

- Valuation Standard

This valuation has been prepared in accordance within the guidelines of the South African Institute of Valuers for valuation reports.

- Statutory Notices and Unlawful Use

We have assumed that the property and its value are unaffected by any statutory notice or condition of Title where Title Deeds have not been inspected, and that neither the property nor its condition, nor its use, nor its intended use, is or will be unlawful.

- Confidentiality

This valuation is produced exclusively for the Stellenbosch Municipality and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting you in respect of that purpose. We accept no responsibility whatsoever to any parties other than yourselves who make use of this valuation.

- Non-Publication

Kindly note that neither the whole nor any part of this report, nor any reference thereto maybe included in any published document, circular or statement, nor published in any way without our prior written approval at to the form or context in which it may appear.

20. ANNEXURES
20.1 Annexure 1 – Instruction

VALUATION REPORT OF ERF 111, KAYAMANDI



AMPTELIKE BESTELLING
OFFICIAL ORDER

Stellenbosch

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

• 17 STELLENBOSCH 7509
 TR 021 808 8520
 F 021 808 8666

HCB WAARDASIE DIENSTE BK
POSBUS 247
MOORREESBURG
7310

KREDITEUR NR
CREDITORS NO **011531**

BESTEL NR. / ORDER NO.
351802

DATUM / DATE
13/11/2018

KONTAK PERSOON / CONTACT PERSON
ANNELENE ROOIFONTEIN
 Requisition No. **1063823**

REKWISISIE REQUISITION LINE	LYN	VOORRAAD NR. STOCK NO.	BESKRYWING / DESCRIPTION	POS NR. / VOTE NO.	HOEVEELHEID QUANTITY	PRYSE SONDER BTW PRICES WITHOUT VAT	BTW/VAT	TOTALE PRYS TOTAL PRICE
			APPOINT PROFESSIONAL VAL UERS FOR THE VALUATION OF VARIOUS PO			4000.00	600.00	4600.00

NAMENS / FOR: **STELLENBOSCH**

STADSRAAD / TOWN COUNCIL

TOTAAL
TOTAL **4600.00**

VALUATION REPORT OF ERF 111, KAYAMANDI
--



STELLENBOSCH
 STELLENBOSCH • PNEL • FRANSCHHOEK
 MUNISIPALITEIT • MUNICIPALITY • MUNICIPAALITY

PROPERTY MANAGEMENT

TO / AAN : SCM
FROM / VAN : Manager: Property Management
DATE / DATUM : 2018-08-14
RE / INSAKE : APPOINTMENT OF PROFESSIONAL VALUERS FOR THE VALUATION OF VARIOUS PORTIONS OF LAND ADJACENT TO KAYAMANDI

1. PURPOSE OF REPORT

The purpose of this memo is to provide a *brief/T.O.R* for the appointment of two valuers on a written quotation basis.

2. BACKGROUND

2.1 Need for independent valuations

Over the past two (2) weeks private land, adjacent to Kayamandi, was invaded. Temporary structures were erected. Although a court-order was obtained by the owner to prevent people from moving onto his land, very little or no attempts were made to stop people from moving onto the land.

Although the Municipality is in the process of acquiring (negotiations are on-going) various portions of land from the owner, including the land that has now been invaded, consideration is now given to the possible expropriation of the specific portion(s) of land that has been invaded, in terms of the Housing Act.

2.2 Property description

The area which has been invaded is situated to the west of Kayamandi, as indicated on Fig 1, below.

VALUATION REPORT OF ERF 111, KAYAMANDI



Fig 1

The area to be expropriated, measuring approximately 20.47ha in extent, is indicated in Fig 2 below.



Fig 2

VALUATION REPORT OF ERF 111, KAYAMANDI

The area consists of 3 portions of land, being:

- A portion of Rem. Farm 5/183, measuring approximately 17.84 ha in extent
- Remainder portion of Farm 1/182, measuring 1.4175ha in extent.
- A portion of Rem. Farm 182, measuring approximately 1.11ha in extent, as shown on fig 3-5 below.



Fig 3



Fig 4

VALUATION REPORT OF ERF 111, KAYAMANDI
--



Fig 5

2.3 Proposed expropriation: Determination of market value

In terms of the powers vested in it by Section 156 (1) (b) of the Constitution of the Republic of South Africa, 1996, Section 9 (3) (a) of the Housing Act, read with and in terms of Sections 1, 6 to 15 and 18 to 23 of the Expropriation Act, the Municipality must, as a first step obtain the permission of the MEC to expropriate such land before the notice of expropriation is published in the Provincial Gazette.

Further, in terms of Section 12 of the Expropriation Act, the amount of compensation to be paid to an owner shall not exceed *“the amount which the property would have realized if sold on the date of the notice in the open market by a willing seller to a willing buyer, and an amount to make good any actual financial loss caused by the expropriation”*. Further, an amount *“equal to one per cent (but not exceeding R10 000) of the amount by which it exceeds R1M”* must be paid.

To enable the Department to advise the Municipality (and the MEC), the land in question needs to be valued by two independent valuers on the basis set out in the Expropriation Act referred to above (R/ha).

VALUATION REPORT OF ERF 111, KAYAMANDI

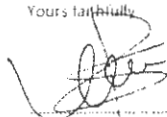
2.4 Compulsory briefing session

A compulsory briefing session must be organised in collaboration with the undersigned

2.5 Minimum requirements

Prospective bidders must be registered professional valuers.

Yours faithfully



PIET SMIT

MANAGER: PROPERTY MANAGEMENT

VALUATION REPORT OF ERF 111, KAYAMANDI

20.2 Annexure 2 – Windeed Property Report

Printed: 2018/12/11 07:39


Deeds Office Property

windeed
A LexisNexis® Product

KAYA MANDI, 111. 0 (CAPE TOWN)

GENERAL INFORMATION

Deeds Office	CAPE TOWN
Date Requested	2018/12/11 07:39
Information Source	DEEDS OFFICE
Reference	-



PROPERTY INFORMATION

Property Type	ERF
Erf Number	111
Portion Number	0
Township	KAYA MANDI
Local Authority	STELLENBOSCH MUN
Registration Division	NOT AVAILABLE
Province	WESTERN CAPE
Diagram Deed	T10209/2009
Extent	1025.0000SQM
Previous Description	-
LPI Code	C06700250000011100000

OWNER INFORMATION

Owner 1 of 1

Company Type	LOCAL AUTHORITY
Name	MUN STELLENBOSCH
Registration Number	
Title Deed	T10209/2009
Registration Date	2009/03/10
Purchase Price (R)	CRT
Purchase Date	
Share	
Microfilm Reference	2009 0180
Multiple Properties	NO
Multiple Owners	NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	GENERAL PLAN FROM	TOWN KAYA MANDI ERF 288 ,PRTN 0	UNKNOWN	

HISTORIC DOCUMENTS (1)

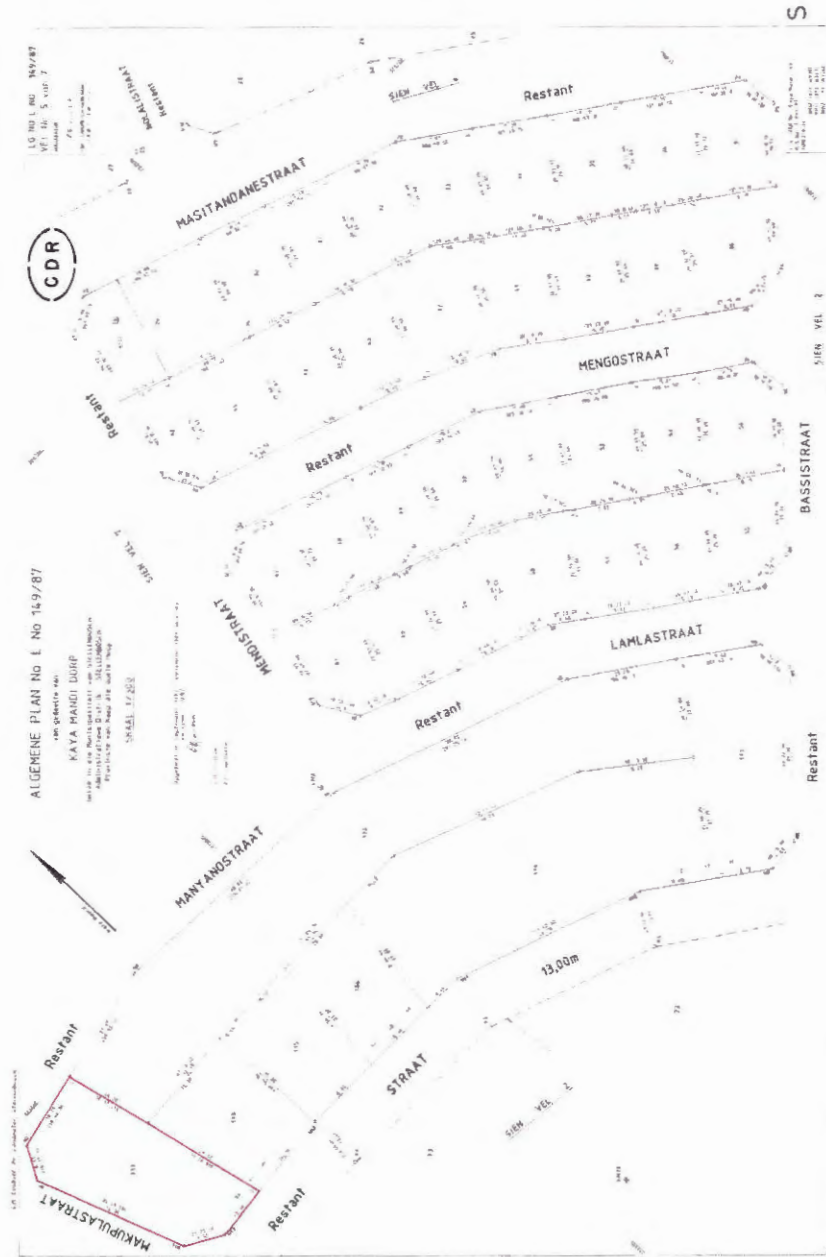
#	Document	Owner	Amount (R)	Microfilm
1	T43399/2000	MUN STELLENBOSCH		G/P 2009 0183 2417

DISCLAIMER

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the WinDeed End User Licence Agreement (EULA).

VALUATION REPORT OF ERF 111, KAYAMANDI

20.3 Annexure 3 – Chief Surveyor General Diagram



VALUATION REPORT OF ERF 111, KAYAMANDI

20.4 Annexure 4 – Zoning Certificate



STELLENBOSCH
 STELLENBOSCH • FRIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMATIPALA • MUNICIPALITY

Our Ref. Erf 111, Kaya Mandi
Contact number (021) 908 9006
Date 17 May 2011

ZONING CERTIFICATE

ERF 111, KAYA MANDI.

It is hereby certified that the zoning of Erf 111, Kaya Mandi in terms of the Town Planning Conditions for the Town Planning Scheme of Kaya Mandi is:

INSTITUTIONAL II

ZONING	PRIMARY USES	CONSENT USES <i>Land uses allowed with the consent of Council</i>
Institutional II	Place of Worship	None

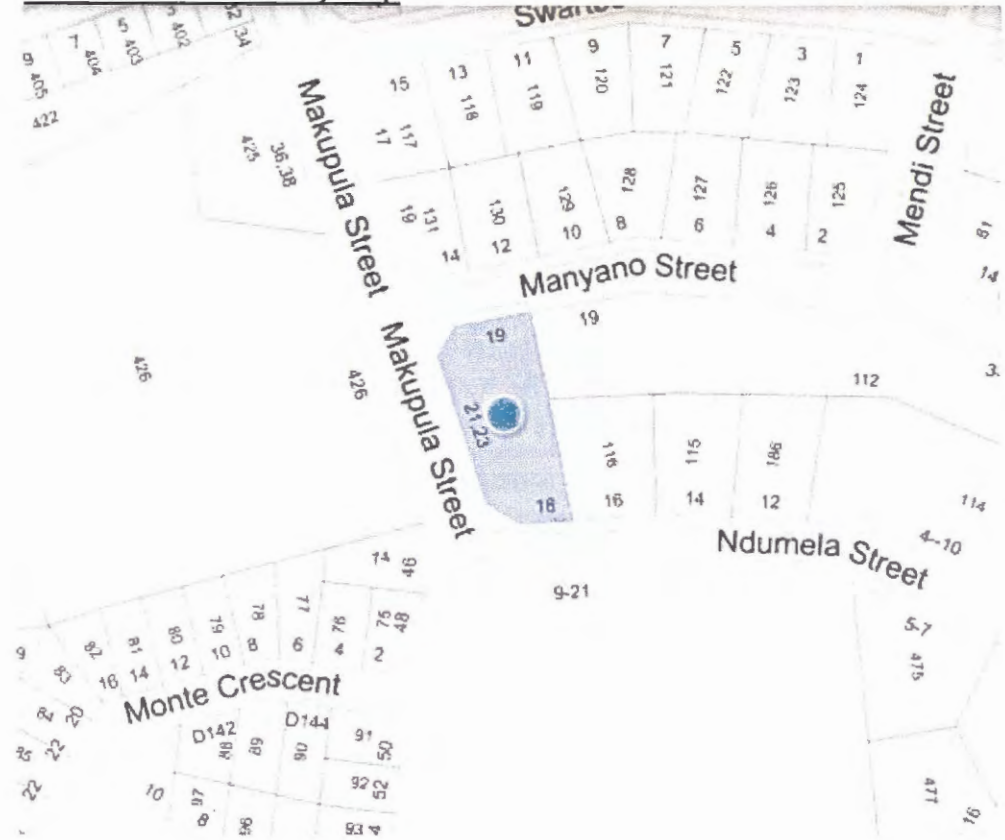

 Director: Planning & Development

Please Note Where discrepancies exist between the zoning information contained in this certificate and any Council decision, Council's decision overrides the contents of this zoning certificate.

TELEFON: 021 908 9006 • FAKSIFON: 021 908 9007 • STREEKADRES: 1011 BAYVIEW • STELLENBOSCH • 7600
 FAX: 021 908 9007 • E-MAIL: 021 908 9007 • WWW: WWW.STELLENBOSCH.MUNICIPALITY.GOV.ZA

VALUATION REPORT OF ERF 111, KAYAMANDI

20.5 Annexure 5 – Locality Map



VALUATION REPORT OF ERF 111, KAYAMANDI

20.6 Annexure 6 – Aerial Photo



20.7 Annexure 7 – Photo of Subject Property



VALUATION REPORT OF ERF 111, KAYAMANDI

20.8 Annexure 8 - Valuation Certificate

Highest Standard Reliability

Valuation Certificate

Client: Stellenbosch Municipality
 Erf Number: Erf 111
 Suburb: Kayamandi
 Owner: Stellenbosch Municipality
 Extent: 1025m²
 Date of Valuation: 01 November 2018
 Reference Number: SBM/2018/12/12/111
 Market Value: R135,000-00

Branches

Head Office
 PO Box 247
 29 Church Street
 Moorreesburg
 7310
 Tel – 022 433 2035
 Fax – 086 514 8551

COMMENTS:

- This certificate must be read together with attached Valuation Report

A handwritten signature in blue ink, appearing to read 'Botha'.

Hendrik Coenraad Botha
 Professional Associated Valuer
 Registration Number: 5601

A handwritten signature in blue ink, appearing to read 'Ward'.

Dean Stephen Ward
 Professional Valuer
 Registration Number: 3453

Company Email
admin@hcb.co.za

20.9 Annexure 9 – Valuer's Certificates / Qualifications



SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
PROFESSION**

This is to certify that

DEAN STEPHEN WARD

is registered as

Professional Valuer

In terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 28 March 2014

DATE OF ISSUE: 14 May 2014

PERIOD OF VALIDITY: 28 March 2014 - 31 March 2019

M Kubuzie
President



REGISTRATION No: 3453

MC Seota
Registrar

VALUATION REPORT OF ERF 111, KAYAMANDI



SOUTH AFRICAN COUNCIL FOR THE
**PROPERTY VALUERS
PROFESSION**

This is to certify that

HENDRIK COENRAAD BOTHA

is registered as

Professional Associated Valuer

in terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000,

subject to the following condition(s):

PERMITTED TO PERFORMING WORK IN PROPERTY VALUATION FOR RATING AND ENDOWMENT PURPOSES FOR A LOCAL GOVERNMENT AS DEFINED IN THE LOCAL GOVERNMENT MUNICIPAL PROPERTY RATES ACT, 2004 (ACT NO. 6 OF 2004), AND COMMERCIAL VALUATIONS

WORK IN PROPERTY VALUATION OTHER THAN THAT REFERRED TO IN PARAGRAPH 1 MUST BE PERFORMED UNDER SUPERVISION AND CONTROL OF A PROFESSIONAL PERMITTED TO PERFORMING ALL TYPES AND PURPOSES OF PROPERTY VALUATION (SUPERVISOR)

THE WORK REFERRED TO IN PARAGRAPH 2 MUST BE SIGNED BY THE REGISTERED PERSON CONCERNED AND COUNTERSIGNED BY THE SUPERVISOR TO CERTIFY THAT THE WORK HAS BEEN PERFORMED UNDER HIS/HER SUPERVISION BEFORE SUBMISSION THEREOF TO THE CLIENT.

A COMPLETE RECORD OF THE DETAILS OF SUCH OTHER WORK IN PROPERTY VALUATION MUST BE KEPT

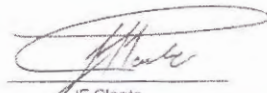
DATE OF REGISTRATION AS: Professional Associated Valuer: 11 November 2013


DATE OF ISSUE: 18 October 2018

PERIOD OF VALIDITY: 11 November 2018- 30 June 2023



REGISTRATION No: 5601


JF Cloete
President


MC Seta
Registrar

VALUATION REPORT OF ERF 111, KAYAMANDI



**SOUTH AFRICAN COUNCIL FOR THE
PROPERTY VALUERS
PROFESSION**

This is to certify that

OCKERT BRITS

is registered as

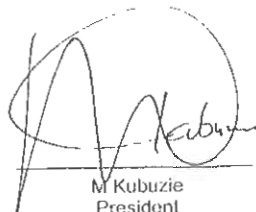
Professional Valuer

In terms of section 20(2)(a) of the
Property Valuers Profession Act, 2000

DATE OF REGISTRATION AS: Professional Valuer: 21 November 2014

DATE OF ISSUE: 25 November 2014

PERIOD OF VALIDITY: 21 November 2014 - 30 November 2019



M Kubuzie
President



REGISTRATION No: 6876



MC Seota
Registrar

7.2.3	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: WAY FORWARD
-------	--

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

13 February 2019

1. SUBJECT: IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: WAY FORWARD

2. PURPOSE

To report on the public participation process followed and to consider any further input to the minister, if any.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Following a Notice by the Minister for Rural Development and Land Reform in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No 94 of 1998 (TCRA), a copy of which is attached as **APPENDIX 1**, a letter was addressed to the Minister, setting out a Process Plan and some background information on the identified portions of land, a copy of which is attached as **APPENDIX 2**.

This was followed by a report to Council on 2017-01-25, recommending a way forward. Having considered the report, Council resolved as follows:

RESOLVED (nem con)

- (a) *that the content of the notice of the Minister, be noted;*
- (b) *that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;*
- (c) *that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;*
- (d) *that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and*
- (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”.*

A copy of the agenda item that served before Council is attached as **APPENDIX 3**.

Following the above resolution, the public participation process approved by Council was implemented. The inputs received from the public were sent to the Minister. A consultant contacted Mr Smit at the end of 2018 to indicate that they have been appointed by the Minister and the inputs received in the public participation process were given to the consultant again. We had no further feedback from the Minister's Office since.

5. RECOMMENDATION

that Council takes note of the progress to date and considers further recommendations/comments, if any, to the Minister.

6. DISCUSSION**6.1 Background**

Council resolved that a public participation process must be followed before further recommendations are made to the Minister. The process has taken place and Council is herewith informed regarding the process and inputs received.

6.2.1 Process Plan

On 2017-01-25 Council, *inter alia* approved a Process Plan, setting out the Public Participation process envisaged.

6.2.2 Notice: Invitation for public comments/input

Following the above resolution, a notice was published in the Eikestad News on 2017-03-02, informing the residents of Pniel of the notice published by the Minister (see par. 4, *supra*) and inviting them to comment/make written representation on the matters raised in the report to Council by not later than 7 April 2017. A copy of the notice is attached as **APPENDIX 4**.

6.2.3 Written input received

Following the above notice the following written inputs were received:

- **Pniel Rate Payers and Tenants Association:**

They indicated that:-

- a) they do not agree with the extent of erf 1 and portions 9/1173 and 1/1176, as shown in our report, and that they would make their findings available*;
- b) they would support the notion of Portion C (being a portion of Farm 1201) being made available for residential development; whilst Portion A could be considered for the purpose of recreational use; and
- c) a portion of farm 1201 was already awarded to the Cyster Family Trust.

A copy of their letter is attached as **APPENDIX 5**.

*To date no further information was received.

- **Cyster Family**

A letter was received from Schliemann Incorporated Attorneys, acting on behalf of Alroy and Andre Cyster, the heirs of the late Lance Cyster, indicating that some of the land identified in our report to Council is the subject of a Land Claim by their family (KRK/6/2/3/A/12/0/1236/18 (C190) and can therefore not be transferred as suggested in the report. A copy of the letter is attached as **APPENDIX 6**.

6.2.4 Letters to specific organisation/institution listed in Process Plan

Letters were also addressed to the following organisations/institutions, as indicated in the Process Plan:

- Pniel Congregational Church: See **APPENDIX 7**
- Cyster Family Trust: See **APPENDIX 8**
- Pniel Transformation Committee: See **APPENDIX 9**.

6.2.5 Meetings with specific Organisations/institutions

Following the above letters, meetings were also scheduled with organisations/institutes listed in par. 6.1.4, where the content of our report to Council was explained, and they were again requested to make written inputs/representations. See attendance registers attached as **APPENDIX 10**.

6.2.6 Written submissions received

Following the meetings referred to above, and after follow-up letters in this regard the following written inputs were received:

- **Pniel Congregational Church**

Indicating that they would not be interested in taking transfer of the cemetery and requesting that the Municipality continue with its role to manage the cemetery as a public facility. See **APPENDIX 11**.

- **Pniel Transformation Committee**

Indicating that no transfer can take place unless the community has decided to which entities the land should be transferred. They further indicated that they are not in favour of the proposals set out in the report to Council, but have not submitted any alternative proposals. See **APPENDIX 12**.

Following the above, further correspondences were sent out to the Department and the Committee, to clarify the issue of transfers, to which we had no feedback. See **APPENDIX 13**.

6.3 Financial Implications

None at this stage

6.4 Legal Implications

The legal implications will depend on the decision the Minister takes.

6.5 Staff Implications

None at this stage.

6.6 Previous / Relevant Council Resolutions

Council resolution on 25 January 2017

6.7 Risk Implications

The risk of current projects being delayed as a result of not doing anything in respect of land acquisition.

6.8 Comments from Senior Management

This item was not circulated to Senior Management for comment.

ANNEXURES:

Annexure 1:	Notice by the Minister
Annexure 2:	Letter to Minister
Annexure 3:	Council resolution
Annexure 4:	Notice for public comment/inputs
Annexure 5:	Letter from Pniel Ratepayers
Annexure 6:	Letter from Schliemann Incorporated
Annexure 7:	Letter to Congregational church
Annexure 8:	Letter to Cyster Family Trust
Annexure 9:	Letter to Pniel Transformation Committee
Annexure 10:	Attendance Register
Annexure 11:	Letter from Pniel Congregational Church
Annexure 12:	Letter from Pniel Transformation Committee
Annexure 13:	Further letter to the Minister and the Transformation Committee

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-02-13: ITEM 7.2.3

that Council takes note of the progress to date and considers further recommendations/comments, if any, to the Minister.

FOR FURTHER DETAILS CONTACT:

NAME	Piet Smit
POSITION	Manager: Property Management
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-03-12

APPENDIX 1

**GENERAL NOTICE IN TERMS OF TRANSFORMATION OF CERTAIN RURAL AREAS ACT
NO. 94 OF 1998**

Notice is hereby given in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No. 94 of 1998 on the commencement of the Transformation period for the following:

Board Areas : PNIEL; SARON; SLANGRIVIER AND SUURBRAAK
Municipalities : Stellenbosch, Drakenstein, Hessequa and Swellendam Local Municipalities, Western Cape Province

Commencement Date

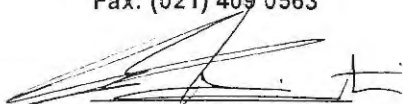
Effectively from the date of the publication of this Notice,

1. A municipality of a board area must within 3 months after the date of this Gazette Notice submit a notice to the Minister of Rural Development and Land Reform setting out how and when it intends determining to which entity the land referred to as section 3 should be transferred; or
2. If the municipality fails to submit a notice, an elected committee, elected by the residents of the board Area who have reached the age of 18 years may submit such notice to the Minister of Rural Development and Land Reform.

NOTICES should be sent to:

The Minister of Rural Development and Land Reform
Provincial Shared Service Centre
Private Bag X9159
Cape Town
8000

Tel: (021) 409 0323
Fax: (021) 409 0563



**GUGILE NKWINTI (MP)
MINISTER FOR RURAL DEVELOPMENT AND LAND REFORM**

DATE: 15/08/2016

APPENDIX 2



2016-10-24

The Minister
Department of Rural Development and Land Reform
P/Bag x 833
Pretoria
0001

Dear Mr Nkwinti

NOTICE IN TERMS OF TRANSFORMATION OF CERTAIN RURAL AREAS ACT, NO 94 OF 1998: SUBMISSION OF PROCESS PLAN/PROGRAM

1. PURPOSE

The purpose of this letter is to submit a process plan/program as envisaged in your notice dated 30 September 2016.

2. BACKGROUND

2.1 Establishment of Pniel Management Board

Following the enactment of the Rural Areas Act, No 9 of 1987, the Pniel Management Board was established.

2.2 Establishment of the Pniel Transitional Local Council

On 30 December 1994 the Pniel Transitional Local Council was established in terms of the Local Government Transitional Act, No 209 of 1993, with the powers, duties and functions of a Management Board, as contemplated in the Rural Areas Act, No 9 of 1987, thereby replacing the Management Board.

2.3 Establishment of Stellenbosch Municipality

On 05 December 2000 the Stellenbosch Municipality was established. As of that date Stellenbosch Municipality became the successor in law of the dis-established municipalities (*inter alia* Pniel Transitional Local Council).

In terms of Section 16(S) of the said Establishment Notice it was specifically recorded that Stellenbosch Municipality would be the successor in law with reference to the matters set out in the



Transformation of certain Rural Areas Act and the Rural Areas Act.

2.4 TRANCRAA Property reports

On 24 March 2016 a meeting took place with representatives of your Department. The purpose of the meeting was to discuss your Department's Property reports, identifying possible Section 3 (Trust) land. For ease of reference I attach a copy of the said reports as **APPENDIX 1** and **2**.

Your attention is specifically drawn to paragraph 2 (on pg. 1) of the report, where it is stated that *"Even though there is no clear proclamation that identify a remainder TRANCRAA property in Pniel,.....I have tried to point out properties that can possibly (own emphasis) form part of TRANCRAA"*.

In identifying the so-called Section 3 (Trust) land, your Department relied on three sources.

2.4.1 Proclamation 78 of 1915

The Pniel Board Area was initially proclaimed by proclamation No 78 of 1915. This Proclamation was done in terms of section 27 of the Mission Stations and Communal Reserve Act, No 29 of 1909 (Cape). In terms hereof the Pniel Area, consists of 43.5398ha.

2.4.2 Surveyor General Compilation sheets M 4749, M4750, M4442 and M4444

The total area of Pniel, as per the Surveyor General records is 43.4041ha. This is a discrepancy of 1357m² compared to the area mentioned in the proclamation referred to above.

2.4.3 Proclamation 99 of 1968 (Cystergrond)

More land was incorporated (Cyster gronde) through Proclamation 99 of 1968. This proclamation was done in terms of Section 5 of the Rural Coloured Areas Act, No 24 of 1963. The total area of incorporation was 13.1706ha. Subsequently a portion of this land was transferred back to the Cyster Family Trust. What was left undeveloped was portion 7, measuring 7.2075ha in extent. This was later consolidated with portion 6 (not included in the proclamation), thus now totalling 11.7844ha. Portion 8 has subsequently been subdivided for township establishment, leaving a remainder of 6.8759ha.



The following land was subsequently identified as possible TRANCRAA land (Trust land) by your Department

- **Remainder Erf 1** (Based on Proclamation 78/1915), measuring 5.2992ha in extent, including the cemetery);
- **Portion 8 of Farm 120** (Proclamation 99 of 1968), measuring 6.8573ha in extent.
- **Remainder portion 6 of Farm 1173**, measuring 0.2764 ha in extent.
- **Remainder portion 1 of Farm 1176**, measuring 0.4640 ha in extent.

2.5 Draft report to Council

Please find hereto attached as **APPENDIX 3** a copy of a DRAFT agenda item that will hopefully serve before Council during December 2016.

The said report was discussed/presented to the Pniel Transformation Committee , (established by your Department) as well as the Ward Councillor for comments/inputs. To date no comments/inputs were received.

2.6 Publication of Notice in terms of Section 9(1)(a)

As you are aware, your notice in relation to Pniel, Saron, Slangrivier and Suurbraak was published in the Government Gazette of 30 September 2016.

In terms hereof we have 3 months to submit a report to you, setting out how and when we intends determining to which entity the land referred to as section 3 (trust) land should be transferred, failing which an elected committee may submit such report to you.

3. DISCUSSION

3.1 Discussion on land identified as possible trust land

Hereunder a list of properties identified as possible trust land in your Department's report referred to above.

3.1.1 Erf 1

Erf 1 consists of three "portions" of land:

- Road;
- Cemetery; and
- P.O.S (next to river area)

as can be seen from Fig 1, below.

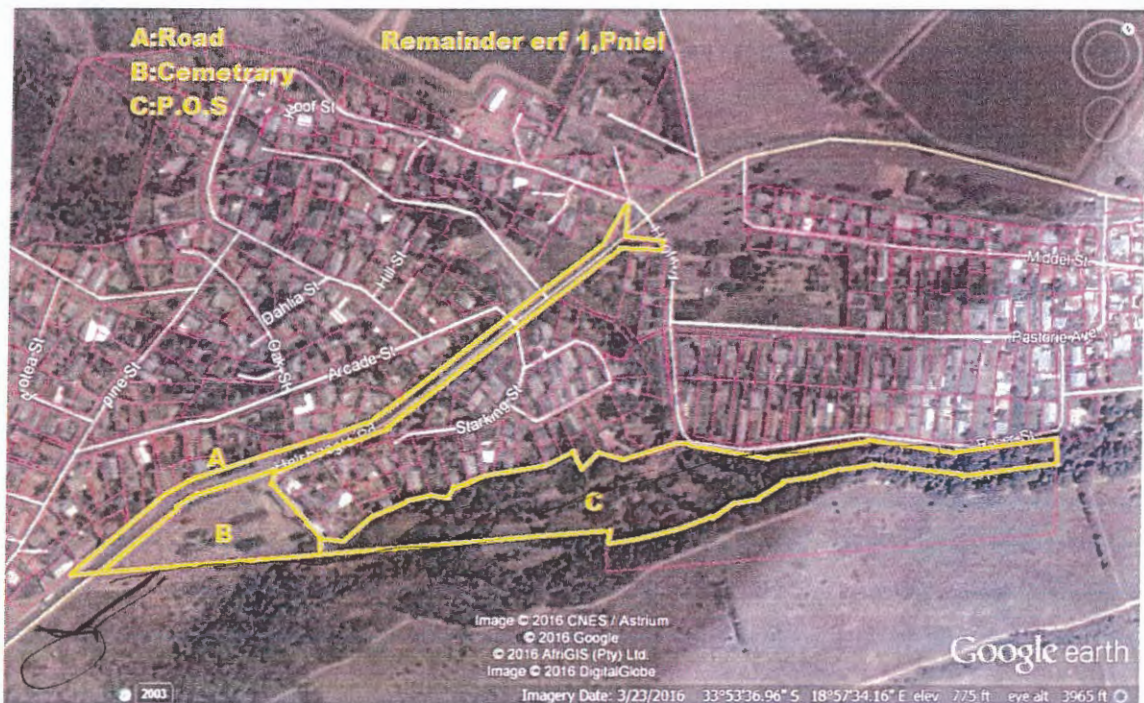


Fig 1

As indicated above, we are of the view that Erf 1 does not constitute Trust land, but forms part of the township land, i.e. land that vest with Stellenbosch Municipality.

Should our interpretation however, be wrong, i.e. that erf 1 indeed vests with the Minister, then the following “allocation” could be considered.

- **Road portion:** Vests with Municipality in terms of the Municipal Ordinance 20/1974
- **Cemetery portion:** Could be transferred to the Congregational Church, should they be interested in managing the facility as a church facility. In such an event the church will have to take over the maintenance of the facility as well. Alternatively it could be transferred to the Municipality (*status quo*) to manage the cemetery as a municipal cemetery (municipal function); and
- **Open Space portion:** If it is indeed deemed (zoned) a P.O.S, then the ownership will vest with the Municipality in terms of the Municipal Ordinance 20/1974. It could also be transferred to a legal entity, to be managed as a community facility picnic area, but then the legal entity should take responsibility for the management and maintenance thereof.



It should be noted that no development will be considered on this land, as it is in the floodplain of the Dwarsrivier.

3.1.2 Portion 8 of Farm 1201

Portion 8 of Farm 1201 also consists of 3 portions.

- Dam and surroundings: P.O.S;
- Restitution land; and
- Area next to reservoir: Local Authority

as can be seen from Fig 2, below.

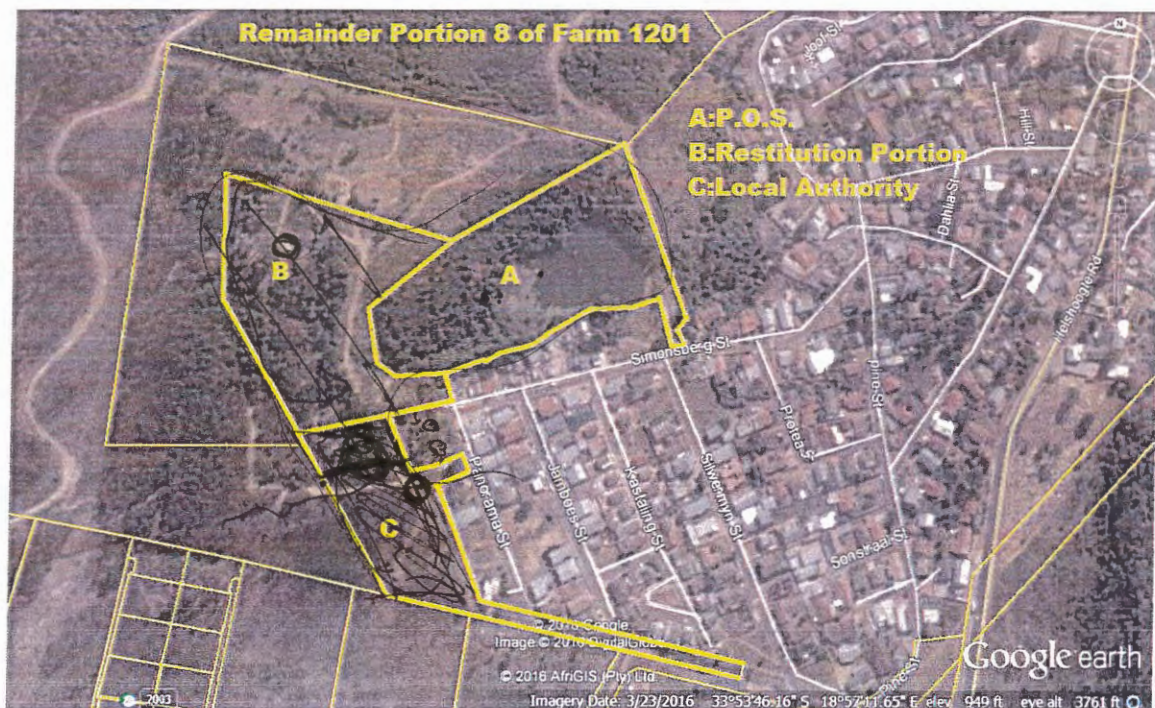


Fig 2

Similarly, we are of the view that Farm 1201/8 does not constitute trust land, as it was specifically purchased for its water-rights, and to construct a dam for the town, i.e. a municipal service.

Also note that a big portion (approximately 2ha) has already been allocated to the Cyster Family Trust in terms of a **Tri-lateral Settlement Agreement** concluded in September 2000 between the



Cyster Family Trust, the Pniel Transitional Council and the (then) Department of Land Affairs.

See letter attached as **APPENDIX 4** for more background.

The Engineering Department is in the process of planning for a further reservoir for the Dwarsrivier area. The area next to the existing reservoir (marked as C on Fig 2) has been identified for this purpose.

Should our interpretation, however be wrong, i.e. that Farm 1201/8 indeed vests with the Minister, then the following "allocations" could be considered.

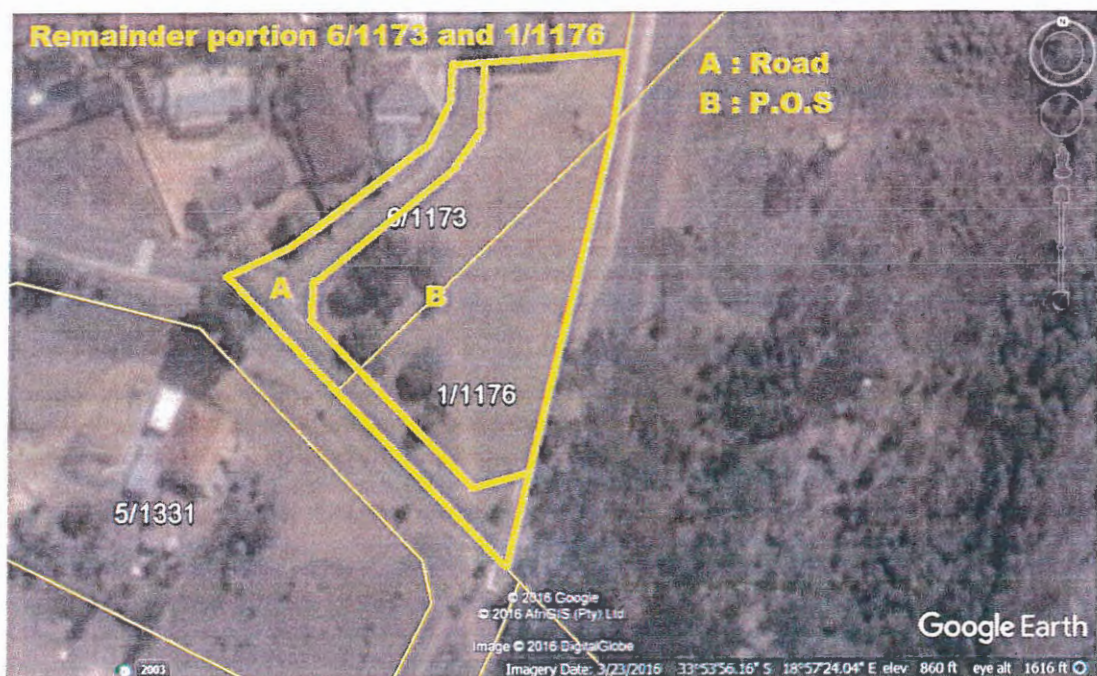
- **Dam portion:** To be transferred to the Municipality
- **Restitution portion:** To be transferred to the Cyster Family Trust in terms of the Settlement Agreement
- **Area next to reservoir:** To be transferred to the Municipality for municipal use (reservoir).

3.1.3 Remainder portions 6/1170 and 1/1176

The above land units consist of 2 portions:-

- Road
- P.O.S

as can be seen from Fig 3, below.





Similarly, we are of the view that these portions of land does not constitute trust land. Should our interpretation, however be wrong, i.e. that the land indeed vests with the Minister, then the following “allocations” could be considered.

- **Road portions:** Vests with the municipality in terms of the Municipal Ordinance 20/1974.
- **P.O.S:** If it is indeed deemed (zoned) a P.O.S, then the ownership will vests with the Municipality in terms of the ordinance 20/1974. Alternatively it could be transferred to the Congregational Church, should they be interested, to be used as an extension of the cemetery. Alternatively it could be transferred to a legal entity.

Please note: In terms of your Department’s own Information Document entitled “A to Z of the TRANCRAA”, a copy of which is attached as **APPENDIX 5**, it is indicated that “*The Pniel area of 55ha is governed in terms of township establishment legislation and **no transformation process is envisaged***”.

3.1.4 Transitional period: Way forward

In terms of your Notice we must, within 3 months from date of your notice, i.e. before 31 December 2016, submit a report to you, setting out how and when we intends determining to which entity the land referred to above should be transferred, insofar as it is applicable.

As can be seen from the information presented to you above, there are very limited land available to be “allocated” and/or transfer to an entity (which may include the Municipality). For this reason we propose the following process:

- Step 1:** Submit a report to Council during December 2016, recommending the allocation /transfer of the various portions of land, as set out in the Draft Agenda item hereto attached as **APPENDIX 3**.
- Step 2:** Should Council indeed accept/approve of the proposals/recommendations contained in the Draft Agenda item, a notice will be published in a local newspaper(s) during February 2017, soliciting public inputs/comment on the proposed allocation/transfers.



- Step 3:** Simultaneously (February 2017) set up meetings with the Pniel Congregational Church, the Pniel Transformation Committee (established by your Department) and representatives of the Cyster Family Trust, to solicit their inputs/comments on the proposed allocations/transfers.
- Step 4:** Submit inputs/comments (if any) received as a consequence of the public participation process referred to under step 2 and 3 to the Department of Rural Development and Land Reform for their inputs by April 2017.
- Step 5:** Report back to Council during June 2017 on the comments/inputs received, and consider same before making a final recommendation to the Minister;
- Step 6:** Recommend to the Minister the allocations/transfers, as recommended by Council, during July 2017;
- Step 7:** Depending on the decision of the Minister, attend to the establishment of the legal entity agreed upon (where necessary) during Aug/September 2017.
- Step 8:** If approved by the Minister attend to the subdivision and rezoning of the land during September-October 2017; and
- Step 9:** Request the Department to attend to the actual transfer of the properties during November 2017.
- Step 10:** Minister to attend to the actual transfer of the various portions of land (January 2018-March 2018).

Yours faithfully

THE EXECUTIVE MAYOR
ALDERMAN ADV. G.M.M VAN DEVENTER

APPENDIX 3

ENGINEERING & HUMAN SETTLEMENT COMMITTEE MEETING

IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT

File number :
 Report by : Director: HS and Property Management
 Compiled by : Manager: Property Management
 Delegated Authority :

Strategic intent of item

Preferred investment destination	<input checked="" type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

The purpose of this report is two-fold:

- a) To provide Council with the legal requirements pertaining so-called trust land; and
- b) To provide Council with a progress report insofar as it relates to the identification of possible trust land.

2. BACKGROUND

2.1 Promulgation of rural areas

In terms of the Rural Areas Act (House of Representatives), No 9 of 1987, there are 23 rural areas in the country, classified as so-called "coloured reserves", where certain land is (was) held in trust for the respective communities, of which 12 are in the Western Cape.

2.2 Establishment of Pniel

The Pniel Management Board was subsequently established in terms of the said Act. On 30 December 1994 the Pniel Transitional Local Council was

established in terms of the Local Government Transitional Act, No 2009 of 1993.

In terms of this proclamation (No 142/1994), read with PN 58/1995, the Pniel Transitional Local Council replaced the Pniel Management Board. As from 17 March 1995 the Transitional Local Council was established, with the powers, duties and function of a Management Board contemplated in the Rural Areas Act.

Further, in terms of this proclamation all asset, liabilities, rights and obligations of the Management Board was devolved and was assigned to the Transitional Local Council. In terms of section 116, specifically, it is stated that "*the ownership of all immovable property of the aforesaid Management Board shall vest in the Transitional Local Council*".

2.3 Establishment of Stellenbosch Municipality

In terms of Establishment Notice P.N. 489/2000, the Stellenbosch Municipality was established. With effect from the effective date Stellenbosch Municipality became the successor in law of the dis-established municipalities (*inter alia* Pniel Transitional Local Council).

In terms of Section 16(5) of the Establishment Notice it was specifically recorded that Stellenbosch Municipality would be the successor in law with reference to the matters set out in the Transformation of Certain Rural Areas Act and the Rural Areas Act.

3. DISCUSSION

3.1. Legislative regime*

3.1.1 The Rural Areas Act, No 9 of 1987 (House of Representatives)

The Rural Areas Act defines an "*incorporated area*" as "*an area consisting of one or more pieces of land (whether contiguous or not) which has been defined by proclamation* under section 4(1) of Act 24 of 1963 (rural Coloured Areas Act, No 24 of 1963)*"

*In the case of Pniel, see proclamation 99 of 1968

Section 7 of the Act provided as follows: "*Notwithstanding anything to the contrary contained in any law, but subject to the provisions of sections 8 and 9 of*

this Act the land in any incorporated area shall on the fixed date vest in the Minister in trust for the community for division, allotment and disposal by the Minister under the provisions of this Act, and the Minister shall cause the title deed of such land to be endorsed accordingly in accordance with the provisions of section 11 of this Act”

In terms of section 29(1) of the Act the Minister may:-

“a) determine the persons who are on the fixed date entitled according to local usage to occupy or own land in the area defined in that proclamation, and their respective rights”

Section 20(2)(a) of the Act provides that the Minister may, after consultation with a board of management, prepare a plan which provides for, *inter alia*, one or more residential areas in which provision is made for residential erven, business erven and erven for other purposes and for public use, for an agricultural area subdivided into lots of such size, shape and situation as the Minister may determine, and for an outer commonage, being the remaining extent of the board area for subdivision into farms for the exclusive use of registered occupiers of the area who carry on or will carry on farming to the satisfaction of the Minister.

Section 20(2)(b) and (c) are important. It provides that the Minister may, after consultation with the board of management:-

“b) grant to every registered occupier an erf in the residential area and any other erf which may be allotted to him,

c) After an outer commonage has been subdivided into farms under paragraph (a)(iv), grant each such farm to a registered occupier of the board area who carries or will carry on farming to the satisfaction of the Minister”.

Section 20(3) of the Act provides that, except with the approval in writing of the board concerned, land of which ownership has been acquired in terms of subsection 2(b) and (c), shall not be alienated to any person other than a registered occupier of the board area* concerned.

*Board area is defined as:

“in relation to an existing area or an incorporated area, means the whole area, exclusive any portions thereof which have in terms of Act 24 of 1963 or Law 1 of 1979

or this Act been excluded from the provisions thereof, and includes any area incorporated therein in terms of Act 2 of 1963 or Law 1 of 1979 or this Act”.

In terms of Proclamation R154 of 31 October 1994 the definition of “*Minister*” in terms of the Act was substituted with the following definition.

“*Minister*” means-

- a) *In so far as the administration of a provision of this Act has under section 235(8) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), been assigned to a competent authority within the government of a province and such provision is applied in or with reference to that province, the authority to whom the administration of that provision has been assigned in that province; or*
- b) *In so far as the administration of a provision of this Act has not been so assigned, the Minister of Land Affairs”.*

In terms of the same proclamation, and under section 235(*) of the 1993 Constitution, the President assigned the administration of sections 20, 21 to 42, 45, 49, 49A, 50, 52 and 55, and section 53, 54 and 56, in so far as such sections are applied with reference to the previous provisions, to a competent authority within the jurisdiction of, *inter alia*, the Government of the Province of the Western Cape.

The Provincial Minister for Housing and Corporate Services subsequently authorises various provincial officials to act on his behalf and in his stead, in terms of sections 20(2)(b) and (c) and section 49(1) of the Rural Areas Act, in order to grant land to registered occupiers and to issue “*grond brieuwe*” in respect of erven and farms held in trust for a rural community. The same power of attorney also authorises the said officials to give effect to the registration of any land transferred to the municipality, in terms of section 2 of TRANCRAA*.

3.1.2

***Transformation of certain Rural Areas Act, No 94 of 1998**

TRANCRAA was promulgated to give content to section 25(6) of the Constitution. Section 25(6) reads as follows:

“A person or community whose tenure of land is legally insecure as a result of past racial discriminatory laws or practices is entitled, to the extent provided by an act of Parliament, either to tenure which is legally secure or to comparable redress”.

TRANCRAA defines “*board area*” as:

“an area, or part of an area, consisting of one or more pieces of land, whether they are contiguous or not, to which the provisions of the Rural Areas Act, 1987 applied immediately before the commencement of this Act”.

The Act defines “remainder” as:

“land situated in a board area other than township land, including land which has been planned, classified and subdivided as an agricultural area or outer commonage in terms of section 20(2) of the Rural Areas Act, 1987”.

The Act defines “resident” as:

“a person who, at the date of commencement of this Act-

- a) Ordinarily resides in a board area; or*
- b) Under law is liable for the payment of assessment rates, rent, service charges or levies to the municipality concerned in respect of land situated in a board area”.*

The Act defines “township” as meaning:

“Any township situated in a board area established, approved, proclaimed or otherwise recognised as such under any law”

Finally, the Act defines “trust land” as meaning:

“land situated in a board area that vests in the Minister in terms of section 7 of the Rural Areas Act, 1987”.

In terms of Section 2 of TRANCRAA:-

- 1) At the commencement of this Act, all trust land **situated in a township must vest in the municipality** own emphasis of the area where such land is situated, subject to the continued existence of any registered or registrable rights of a person in or over a piece of land in the township;*
- 2) If the ownership of all the land held under a title deed vests in a municipality in terms of subsection (1), the registrar of deeds concerned must make such alterations and entries in his or her registers and such endorsements on any such title deed in terms of the second proviso to section 16 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), as are necessary to give effect to such vesting”*

Section 3(1)(a) of the Act provides that **trust land in the remainder or land in the remainder which vests in a municipality** in terms of a law listed in the Schedule, **may be transferred to any entity** at any time prior to the expiry of the **transitional period**. In terms of section 9, the transitional period is a period

of **18 months commencing on a date determined by the Minister** by notice in the Gazette.

Section 3(2) of the Act provides as follows:

“(2) No transfer of land referred to in subsection (1) must take place unless the Minister is satisfied that, in the event of a transfer to-

- a) A municipality, the legislation applicable to such a municipality; or*
- b) A communal property association or other body approved by the Minister, the rules of such association or body, make suitable provision for a balance of security of tenure rights and protection or rights of use of-*
 - i) The residents mutually;*
 - ii) Individual members of such a communal property association or other body;*
 - iii) Present and future users or occupiers of land, and the public interest of access to land on the remainder and the continued existence or termination of any existing right or interest of a person in such land”*

Section 3(3) of the Act provides that if, in the opinion of the Minister, the legislation or rules aforementioned do not fully achieve the objects of subsection(s), he or she may determine the terms and conditions for the transfer of such land, in order to achieve such objects.

In terms of section 3(4)(a) of the Act the municipality of a board area may, within three months after the commencement of the Act, and **must within three months after the commencement of the aforesaid transitional period, notify the Minister as to how and when it intends determining to which entity the land referred to in section 3(1) should be transferred.**

Section 3(6) provides that, **if the Minister**, after advertising the aforesaid notice, **is satisfied with the municipality’s recommendation, he or she must inform the municipality of his or her decision and must take steps to transfer such land to the entity concerned.**

In terms of section 4(1), when dealing with the land transferred to a municipality in terms of section 3(6), such municipality:

- “a) must afford residents a fair opportunity to participate in the decision making processes regarding the administration of the land;*
- b) must not discriminate against any resident;*

- c) *must give residents reasonable preference in decision about access to the land;*
- d) *must not sell or encumber the land, or any substantial part of it, without the consent of a majority of residents at a public meeting called for that purpose;*
- e) *is accountable to the residents;*
- f) *must manage and record effectively all financial transactions regarding the land; and*
- g) *has fiduciary responsibilities in relation to the residents”.*

Section 4(2) of the Act provides that, despite the provisions of any law regarding the disposal of municipal land in a township, the residents must be given reasonable preference to acquire land referred to in section 3(1).

From the above it is clear:-

- a) that, in terms of section 2(1) of TRANCRAA at the commencement of the Act, **all trust land situated in a township (must) vest in the municipality** of the area concerned.

In this regard, the definition of “erf” in the Deeds Registries Act 47 of 1937 is relevant, viz:

“every piece of land registered as an erf, lot, plot or stand in a deeds registry, and includes every defined portion, not intended to be a public place, of a piece of land laid out as a township, whether or not it has been formally recognised, approved or proclaimed as such”.

- b) that, in terms of Section 2(2) of TRANCRAA the **Registrar of Deeds must give effect to such vesting**, in terms of the second proviso to section 16 of the Deeds Registries Act.

In the circumstances, it is clear that when section 2(1) refers to property vesting in a municipality, it has the meaning contemplated in the aforesaid second proviso, viz **that the municipality has acquired the land concerned from another authority**, i.e. “*Minister*”, referred to in the Rural Areas Act. **By necessary implication** therefore, “*the Minister*”, however defined, **is divested of any right to deal with such property**, notwithstanding the formal registration thereof.

Accordingly, at the commencement of TRANCRAA, **all trust land situated in the Pniel township vested in the municipality**, and the Minister, however defined, was concomitantly divested of any control or rights in respect of such property.

The fact that ownership remained registered in the name of Minister or the Community of Pniel is irrelevant. Section(2) of TRANCRAA makes provision for bringing the administrative details of the ownership of such property into consonance with the legal consequence of section 2(1) of the Act. **Accordingly, if the circumstances contemplated in section 2(1) exist, it follows that the Registrar of Deeds has no discretion as to whether to comply with the requirements of section 2(2) of TRANCRAA.**

It must also be noted that the **Minister has no role to play in the application of section 2(2) of TRANCRAA.** That Section requires the Registrar of Deeds to give effect to the legal situation that arises upon the coming into being of the jurisdictional facts contemplated in section 2(1) of TRANCRAA.

*Based on a legal opinion compiled by Adv. I.Jamie, S.C on 19 November 2013.

3.1.3 TRANCRAA property report

On 24 March 2016 a meeting took place with representatives of the Department of Rural Development and Land Reform. The purpose of this meeting was to discuss the Department's reports (Phase 1 and Phase 2 reports) on the identification of possible so-called Trust land in Pniel. Copies of the reports are attached as **APPENDIX 1**.

In identifying so-called Section 3 (Trust) land, the Department relied on three sources.

3.1.3.1 Proclamation 78 of 1915

The Pniel Board Area was initially proclaimed by proclamation No 78 of 1915. (See Fig 1 of report 1). This Proclamation was done in terms of section 27 of the Mission Stations and Communal Reserve Act, No 29 of 1909 (Cape). In terms hereof the Pniel Area, consists of 43.5398ha.

3.1.3.2 Surveyor General compilation sheets M 4749, M4750, M4442 and M4444

The total area of Pniel, as per the Surveyor General records is 43.4041ha. This is a discrepancy of 1357m² compared to the area mentioned in the proclamation referred to above. (See Fig 2 of report 1)

3.1.3.3 Proclamation 99 of 1968 (Cystergrond)

From the noting sheet it is also noted that more land was incorporated (Cyster gronde) through Proclamation 99 of 1968 (See Fig 3 of report 1). This

proclamation was done in terms of Section 5 of the Rural Coloured Areas Act, No 24 of 1963. The total area of incorporation was 13.1706ha. Subsequently a portion of this land was transferred back to the Cyster Family Trust. What was left undeveloped was portion 7, measuring 7.2075ha in extent. This was later consolidated with portion 6 (not included in the proclamation), thus now totalling 11.7844ha. Portion 8 has subsequently been subdivided for township establishment, leaving a remainder of 6.8759ha.

The following land was subsequently identified as possible TRANCRAA land (Trust land) by the Department.

- **Remainder Erf 1** (Based on Proclamation 78/1915), measuring 5.2992ha in extent, including the cemetery, as shown on Fig 1.2 of report 2;
- **Portion 8 of Farm 120** (Proclamation 99 of 1968), measuring 6.8573ha in extent.

3.1.4 Discussion on possible TRANCRAA land

3.1.4.1 Erf 1

Erf 1 consists of three “portions” of land:

- Road;
- Cemetery; and
- P.O.S (next to river area)

as can be seen from Fig 1, below.

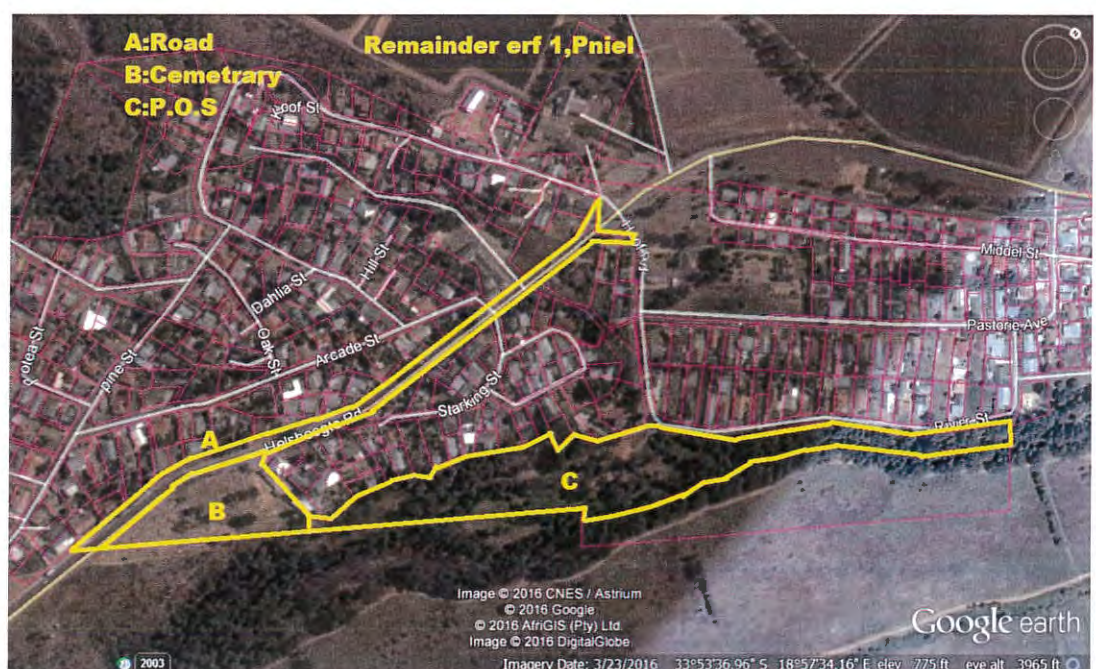


Fig 1:

In my view Erf 1 does not constitute Trust land, but forms part of the township land, i.e. land that vest with Stellenbosch Municipality.

Should our interpretation however, be wrong, i.e. that erf 1 indeed vests with the Minister, then the following “*allocation*” could be considered.

- **Road portion:** Vest with Municipality in terms of Municipal Ordinance
- **Cemetery portion:** Could be transferred to the Congregational Church, should they be interested in managing the facility as a church facility. In such an event the church will have to take over the maintenance of the facility as well. Alternatively it could be transferred to the Municipality (*status quo*) to manage the cemetery (municipal function); and
- **Open Space portion:** If it is indeed deemed (zoned) a P.O.S, then the ownership will vest with the Municipality in terms of the Municipal Ordinance.

3.1.4.2 Portion 8 of Farm 1201

Portion 8 of Farm 1201 also consists of 3 portions.

- Dam and surroundings: P.O.S;
- Restitution land; and
- Area next to reservoir: Local Authority

as can be seen from Fig 2, below.

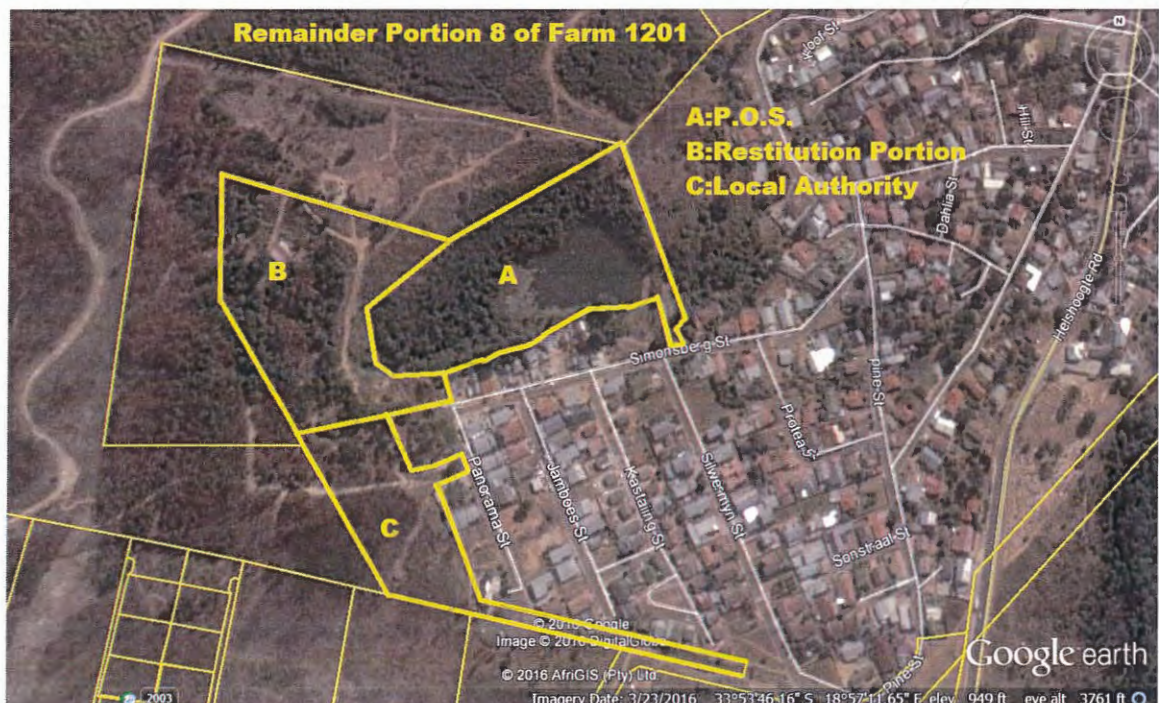


Fig 2.

In my view Farm 1201/8 does not constitute trust land, as it was specifically purchased for its water-rights, and to construct a dam for the town, i.e. a municipal service.

*Also note that a big portion (approximately 2ha) has already been allocated to the Cyster Family Trust in terms of a Trilateral Settlement Agreement concluded in September 2000 between the Cyster Family Trust, the Priel Transitional Council and the (then) Department of Land Affairs. See letter attached as **APPENDIX 2** for more background.

The Engineering Department is in the process of planning for a further reservoir for the Dwarsrivier area. The area next to the existing reservoir has been identified for this purpose.

Should our interpretation, however be wrong, i.e. that Farm 1201/8 indeed vests with the Minister, then the following “allocations” could be considered.

- **Dam portion:** To be transferred to the Municipality
- **Restitution portion:** To be transferred to the Cyster Family Trust in terms of the Settlement Agreement
- **Area next to reservoir:** To be transferred to the Municipality for municipal use (reservoir).

3.1.4.3

Remainder portions 6/1170 and 1/1176

The above land units consist of 2 portions:-

- **Road**
- **P.O.S**

as can be seen from Fig 3, below.



Similarly, we are of the view that these portions of land does not constitute trust land. Should our interpretation, however be wrong, i.e. that the land indeed vests with the Minister, then the following “allocations” could be considered.

- **Road portions:** Vests with the municipality in terms of the Municipal Ordinance 20/1974.
- **P.O.S:** If it is indeed deemed (zoned) a P.O.S, then the ownership will vests with the Municipality in terms of the ordinance 20/1974. Alternatively it could be transferred to the congregational church, should they be interested, to be used as an extension of the cemetery. Alternatively it could be transferred to a legal entity to be developed.

Please note: In terms of the Department of Rural Development & Land Reform’s own information document entitled “*A to Z of the TRANCRAA*”, a copy of which is attached as **APPENDIX 3**, it is indicated that “*The Pniel area of 55ha is governed in terms of township establishment legislation and no transformation process is envisaged*”.

3.1.5 Transitional period: Way forward

Section 3(1) of TRANCRAA provides that trust land in the remainder or land in the remainder which vests in a municipality, may be transferred to an **entity at any time prior to the expiry of the transitional period**.

In terms of Section 9 the transitional period is a period of **18 months** commencing on a date determined by the Minister by notice in the Gazette*.

*On 30 September the Minister for Rural Development and Land Reform published a Notice in terms of Section 9(1) (a) of the TRANCRAA Act, a copy of which is attached as **APPENDIX 4**.

In terms hereof the Municipality must, within 3 months after the date of the proclamation, submit to the Minister a report setting out **how and when it intends determining to which entity** (if any) **the land referred to in section 3 should be transferred**, failing which an elected committee, elected by residents of Pniel, may submit such report to the Minister. A letter has subsequently been submitted to the Minister, setting out the following process plan:

- Step 1:** Submit a report to Council during December 2016, recommending the allocation /transfer of the various portions of land as set out in paragraph 3.1.4 (supra).
- Step 2:** Should Council indeed accept/approve of the proposals/recommendations set out in paragraph 3.1.4 (supra), a notice will be published in a local newspaper(s) during February 2017, soliciting public inputs/comment on the proposed allocation/transfers.
- Step 3:** Simultaneously (February 2017) set up meetings with the Pniel Congregational Church, the Pniel Transformation Committee (established by your Department) and representatives of the Cyster Family Trust, to solicit their inputs/comments on the proposed allocations/transfers.
- Step 4:** Submit inputs/comments (if any) received as a consequence of the public participation process referred to under step 2 and 3 to the Department of Rural Development and Land Reform for their inputs by April 2017.
- Step 5:** Report back to Council during June 2017 on the comments/inputs received, and consider same before making a final recommendation to the Minister;
- Step 6:** Recommend to the Minister the allocations/transfers, as recommended by Council, during July 2017;
- Step 7:** Depending on the decision of the Minister, attend to the establishment of the legal entity agreed upon (where necessary) during Aug/September 2017.
- Step 8:** If approved by the Minister attend to the subdivision and rezoning of the land during September-October 2017; and
- Step 9:** Request the Department to attend to the actual transfer of the properties during November 2017.
- Step 10:** Minister to attend to the actual transfer of the various portions of land (January 2018-March 2018).

4. INPUTS FROM OTHER DEPARTMENTS

4.1 Planning Department

This Directorate supports the conclusion that the land in question vests with the Municipality and that therefore it should be dealt with as set out in paragraph 3.1.4 above.

4.2 Legal Services

The item and recommendations are supported.

4.3 Finance Department

None

4.4 Engineering Department

None

5. CONCLUSION

In terms of the Pniel TRANCRAA Property Reports, it is clear that the Department of Rural Development & Land Reform has identified 4 portions of land as **possible** trust land, to be dealt with in terms of Section 3 of TRANCRAA. This department is of the view that these pieces of land already vests with the Municipality.

It is clear from the Department's reports, however, that they have a different view. In light of the above it is

RECOMMENDED

- (a) That the content of the notice of the Minister be noted;
- (b) that the process plan set out in par. 3.1.5, submitted to the Minister, be endorsed;
- (c) that the Municipal Manager be authorised to attend to the public participation process set out in paragraph 3.1.5;
- (d) that the proposed allocations, as set out in paragraph 3.1.4 be supported in principle;
- (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, whereof final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land.

5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1**RESOLVED** (nem con)

- (a) that the content of the notice of the Minister, be noted;
- (b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;
- (c) that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;
- (d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and
- (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.

Meeting: Ref no:	5 th Council:2017-01-25 17/4/3	Submitted by Directorate: Author Referred from:	Human Settlements T Mfeya Mayco:2017-01-18
---------------------	--	---	--

APPENDIX 4



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



NOTICE: INVITATION FOR PUBLIC COMMENTS/INPUTS

Notice is hereby given that the Minister of Rural Development and Land Reform had published a Notice in terms of Section 9(1)(a) of the Transformation of Certain Rural Areas Act No 94 of 1998 on 30 September 2016 triggering a period of 18 months (transitional period) in which to deal with the so-called land in the remainder or land in the remainder which vests in the municipality in Pniel.

In terms of Section 3(1) of the Act, such land may be transferred to an entity, which may include the municipality, at any time prior to the expiry of the transitional period.

Further, in terms of the notice referred to above, the Municipality had to submit a report to the Minister, setting out how and when it intends determining to which entity (if any) the land referred to in section 3 should be transferred. Such a report has subsequently been submitted to the Minister, setting out a process plan.

During a Council meeting held on 2017-01-25 the said process plan was endorsed. At the said meeting the proposed allocations of the various portions of land has also been approved (supported) in principle.

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No :32/2000 that:

- a) The local community and interested persons/parties are invited to submit comments or representations to the Municipality in respect of the above process, such comments or representations must be received by no later than 07 April 2017 via electronic mail to the e-mail address provided below, or be delivered to the undersigned to the mailing address provide hereunder;
- b) Copies of the notice, report to the Minister as well as the report that served before Council are available from the undersigned during office hours.

Further details and clarity may be requested via e-mail from pietsmit@Stellenbosch.gov.za

Physical Address:
3rd Floor
Oude Bloemhof (ABSA) building
Pleinstreet
Stellenbosch
7600

Mailing Address:
The Manager: Property Management
Stellenbosch Municipality
PO Box 17
Stellenbosch
7699

Persons who are physically disabled or unable to write, but who wants to participate in the process, may present themselves during office hours at the office of the undersigned where a staff member will assist them to transcribe the relevant comments or representations.

BOEDELKE

BESTORWE BOEDE
KOKER
GEBORTEDATUM: 02
IDENTITEITSNOMMER
LAASTE ADRES: 33
VALLEI, STELLENBOSCH
DATUM OORLEDE: 06/0
MEESTERVERWYSING

Alle persone met vor
bestorwe boedel moet di
van publikasie hiervan b
gemagtigde agent inlewe

REYNEKE ATTORNEYS
CAROLEE REYNEK
EKSEKUTEUR)
Per adres Reyneke Att
26 Boegoebos, Kleinbr
STRAND, 7140
Tel: 072 197 8499



M

Call to


Due to the sev
Municipality an
scenic landscap

***The businesse**

By placing buck
of your business
beauty, redu

Please fee
Maindre

APPENDIX 5

PNIEL BELASTINGBETALERS EN HUURDERS VERENIGING		PNIEL RATEPAYERS AND TENANTS ASSOCIATION
GESTIG 1985	P.O BOX / POSBUS 254	FOUNDED 1985
CELL NR.: 0793725417	GROOT DRAKENSTEIN 7680	CELL NR.: 0793725417

FOR ATTENTION: THE MANAGER/PROPERTY MANAGEMENT

27TH MARCH 2017

OUR REF.6/9/12

The Manager
Property Development
Stellenbosch Municipality
P.O.Box 17
STELLENBOSCH
7599

Dear Sir/ Madam

RE: TRANSFORMATION OF CERTAIN RURAL AREAS ACT NO 94 OF 1998 OF LAND IN THE REMAINDER OF WHICH REST IN THE MUNICIPALITY OF PNIEL AS ADVERTISED IN EIKENSTAD NEWSPAPER OF 09-03-2017

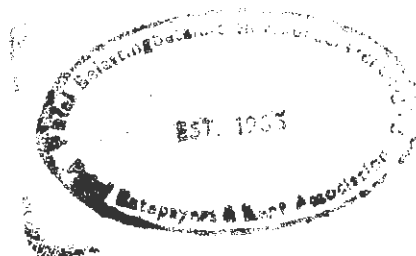
We have study the copies of the notice in detail and bring the following to your attention:

1. Fig.1 shows remainder of ERF 1 extends which are not true as indicated on your sketch. Pniel Ratepayers and Tenants association has done a research in connection which above matters and will make findings available as soon as possible
2. Fig.2 shows remainder of portions of the farm 1201 extend which is true, of which a portion already was submitted to the Cyster Family Trust as Land Claims settlement, portion C must be allocated to Pniel community for residential development. Portion A surrounding the existing dam could be considered for the purpose of recreational.
3. Fig.3 shows remainder of 9/1173 and 1/1176, extend, which is also not true. We will make above findings available as soon as possible.

Yours Faithfully

.....
ROLAND SAMUELS
CHAIRPERSON

RLS



APPENDIX 6

Piet Smit

From: Piet Smit
Sent: Friday, April 07, 2017 11:27 AM
To: 'Andries Van Aswegen'
Subject: RE: COMMENT ON NOTICE IN TERMS OF SECTION 9(1) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, 94 OF 1998 REGARDING LAND IN PNIEL

Thank-you for your e-mail and letter, the content of which has been noted.

Please note that land claimants per ce is not a municipal competency ;it is handled by the Land Claimants Commissioner(Department of Rural development and Land reform).I will ,however inform Council of your client's claim ,when they consider recommendations to the Minister of Rural development and Land reform. In the mean - time I would request/advise that your client, as a matter of urgency, contact the Land Claimants Commissioner ,with the request that they provide your client with a status quo report, i.e. confirmation that a claim was lodged ,and provide me with copies thereof.

Kind regards
Piet

-----Original Message-----

From: Andries Van Aswegen [mailto:andries@schliemann.co.za]
Sent: Thursday, April 06, 2017 4:50 PM
To: pietsmit@stellenbosch.gov.za
Cc: Piet Smit
Subject: [EX] COMMENT ON NOTICE IN TERMS OF SECTION 9(1) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, 94 OF 1998 REGARDING LAND IN PNIEL

Dear Sirs

Above matter refers.

Attached hereto for your kind attention.

Yours faithfully

Andries van Aswegen

SCHLIEMANN INCORPORATED

Phone: +27 (0)21-8527511 | Fax: +27 (0)21-8527540 | E-mail: andries@schliemann.co.za

Address:15 Fairview Centre Caledon Street, Somerset West 7130 | PO Box 1503, Somerset West 7129

Confidentiality: This e-mail is intended for the addressee only, and contains confidential information which may be legally privileged. If you are not the intended recipient kindly notify the sender immediately by return e-mail and delete the original message. You may not copy it or disclose its contents to any person.

-----Original Message-----

From: nashua@schliemann.co.za [mailto:nashua@schliemann.co.za]
Sent: 06 April 2017 17:46
To: Andries Van Aswegen <andries@schliemann.co.za>
Subject: Message from "RNP002673CC251D"

This E-mail was sent from "RNP002673CC251D" (MP 2501).

Scan Date: 04.06.2017 17:46:29 (+0200)

Queries to: nashua@schliemann.co.za

Mnr Alroy Cyster
Pinestraat 1
Pniel
7681
5 Junie 2007

Mnr K Kruger
Departement Korporatiewe Dienste
Stellenbosch Munisipaliteit
Posbus 17
STELLENBOSCH
7681

ONTEIENING VAN EIENDOM VAN MY WYLE VADER
MNR LOT HENDRIK CYSTER

In 1963 was my wyle vader Mnr Lot Cyster die eienaar van erwe 1201/1 en 1201/3.

Pniel Bestuursraad was op daar die stadium besig met dorpsontwikkeling en het 'n tekort aan water gehad om in die Pniel se gemeenskap se behoeftes te voorsien. My wyle vader se gronde was ryk aan waterbronne en die Pniel Bestuursraad het 'n versoek aan die staat grig om die gronde wat aan my pa behoort het te vervreem.

Ons die kinders van wyle Mnr LH Cyster, het in 1997 'n grondeis aanhangend gemaak, wat deur die Kommissie van grondeise aanvaar was, met 'n verwysings nommer "C190". Hierdie eis is in die proses om deur die Grondeise kommissie aangespreek te word.

Die Gronde ter sprake beslaan 'n gedeelte van die nuut uitgebreide Cyster-gronde ontwikkeling asook die gedeelte rondom die besproeiingsdam te Pniel. (oorspronklike gedeeltes Erf 1201/1 en 1201/3).

Daar is huidiglik geen ruimte vir ontwikkeling in Pniel nie en indien ons grondeis suksesvol is, wil ons graag met alternatiewe eiendom vergoed word.

Indien enige ontwikkeling in die toekoms op die Cystersgronde beplan sou word, die raad kennis moet neem van die betrokke eis no. "C190".

Diesuwe


Mnr A Cyster

Posbus 103
 PNIEL
 7681

6 Maart 2008

Dr. L. Mortimer
 Direkteur: Kooperatiewe Dienste
 Munisipaliteit Stellenbosch
 STELLENBOSCH
 7599

Geagte Heer

I/S GROND EISE: EISNR. C190 CYSTERGRONDE PNIEL

As gevolg van die groepsgebiede wetgewing van 1962 was die gronde van die blankes naamlik die Cyster onteien. Ons vader Mnr. Lotter Hendrik Cyster was bevoorreg om die gedeeltes van plaas 1201/1 en 1201/3 te koop.

Gedurende 1963 het die voormalige Departement van Kleurlingsake druk op hom geplaas en die gronde terugge-eis aangesien die enigste waterbron van die dorp op die bestaande gronde geleë is. Hulle het ook die grond benodig vir toekomstige uitbreiding van die dorp.

In 1995 het ons as familie 'n aansoek ingedien in gevolge die wetgewing op die herstel van grondregte. Ons as familie was van mening dat die gronde wederregtelik van ons vader ontnem was. 'n Grondeis is geregistreer deur die departement van grondeise met die verwysingsnommer C190 van 1995.

Na aanleiding van bogenoemde inligting en 'n versoek vanaf Mnr. Sam Molepo, Adjunk-Direkteur van Provinsiale grondeise, wil ons u vriendelik versoek om 'n gesamentlike vergadering te belê met die volgende rolspelers:

1. Mnr. Sam Molepo – Adjunk-Direkteur Grondeise: Tel: (021) 426 2930
2. U self en of amptenare van u departement
3. Afvaardiging van Cyster familie

Ons sal dit hoog op prys stel indien so 'n vergadering spoedig moontlik sal plaasvind.

Die uwe

LANCE LOT CYSTER (Namens Cyster familie)

Tel: 084 206 1057 (Sel)
 (021) 885 1779 (Huis)
 (021) 876 2360 (Werk)

Posbus 103
PNIEL
7681

27 Februarie 2009

Mnr. Kruger
Stellenbosch Munisipaliteit
STELLENBOSCH

Geagte Mnr. Kruger

ONDERWERP: GROENDEIS NR. C190 CYSTERGRONDE PNIEL

Dit het onder my aandag gekom dat die Munisipaliteit 'n gedeelte van die Cystergronde vervreem het vir behuising.

Ek wil net weer onder u aandag bring dat 'n grondeis op die grond geregistreer is en dat dit in 'n skrywe gedateer 6 Maart 2008 onder u aandag gebring was, asook 'n persoonlike besoek aan u.

Gesien in die lig van bogenoemde besluit wil ek net verneem wat ons verder te doen staan. Ek hoop op 'n spoedige antwoord van u.

LANCE LOT ~~CYSTER~~
(NAMENS CYSTER FAMILIE)

GRONDEISE

30 Augustus 2012-08-31

In sake: CYSTERGRONDE PNIEL VERWYSING C190

Agtergrond en geskiedenis

Met die groepsgebiede wet in 1962 was plaas 1201 in besit van sogenoemde Blanke Cysters naamlik JJ Cyster en C Cyster.

As gevolg van die wetgewing moes die twee eienaars afstand doen van die plaas deurdat die gebied van Pniel geproklameer was as 'n sogenoemde Kleurlinggebied.

As gevolg van sentimentele waarde en historika van die plaas as Cystergronde, was Mnr LH Cyster, geregistreeerde kleurling van die gebied van Pniel, genader. Mnr LH Cyster het die eerste opsie gehad om die grond te koop met die doel om gronde as Cystergronde te behou.

Mnr LH Cyster het ingewillig om die gronde te koop en die gronde was oorgedra en in sy naam geregistreeer. In 1963 was Mnr LH Cyster deur die Department van Kleurlingsake genader met 'n aanbod om die gronde te koop.


Die rede vir hierdie aanbod was dat die staat beoog om die grond te ontwikkel vir behuisingsdoeleindes.


Mnr LH Cyster was nie ten gunste van die aanbod nie en het geensins belanggestelom die grond te verkoop nie.

Na vele onderhandelings om 'n skikking te bereik, was Mnr LH Cyster gedreig deur Mnr JJ Strydom en mede amptenare van die department dat hy sy pos as onderwyser kwyt sal wees, indien hy sou weier om die grond aan die staat te verkoop.

Bo en behalwe dat hy sy werk sou verloor, het hulle ook genoem dat hulle hom in elk geval sal onteien.

Aangeheg vind kopie van vorige grondeise vorm vir u kennisname.

A. Cyster. : 



SCHLIEMANN INCORPORATED

ATTORNEYS, NOTARIES, CONVEYANCERS, ADMINISTRATORS OF ESTATES, TAX PRACTITIONERS, SWORN TRANSLATORS
 RECHTSANWÄLTE, NOTARE, VEREIDIGTE ÜBERSETZER, TESTAMENTSVOLLSTRECKER & STEURANWÄLTE

TO: STELLENBOSCH MUNICIPALITY

pietsmit@stellenbosch.gov.za

OUR REFERENCE:AVA/CYSYTER

YOUR REFERENCE:

DATE: 5 APRIL

Dear Sirs

**NOTICE IN TERMS OF SECTION 9(1) OF THE TRANSFORMATION OF CERTAIN
 RURAL AREAS ACT NO 94 OF 1998 REGARDING LAND IN PNIEL**

Above matter refers.

We act on behalf of Mr Alroy Cyster, Mr Andre Cyster, the heirs of the late Lance Cyster, and Mrs Renee Pietersen (nee Cyster) and write to you on their instructions.

We are instructed that:

1. The land subject to the notice referred to above is also known as the Cystergronde.
2. Previously, this land was owned by our clients' ancestors.
3. As a result of the national land restitution programme, our clients submitted a land claim during 1997 for the land which is implicated by this above notice. A similar land claim was also submitted by the Cyster Family trust, and that land has already been transferred to the Cyster Family Trust.
4. Currently, this land claim, under reference KRK/6/2/3/A/12/0/1236/18(C190) is still pending and impacts directly on the land which is proposed to be transferred.

TELEPHONE +27 (0)21 - 852 7511 • FAX +27 (0)21 - 852 7540 • E-MAIL: SOSUEME@TELKOMSA.NET • WEBSITE: WWW.SCHLIEMANN-ATTORNEYS.CO.ZA
 15 FAIRVIEW CENTRE, CALEDON STREET, SOMERSET WEST 7130 • BLACK HORSE CENTRE, CNR. DORP & MARKET STREET, STELLENBOSCH 7600
 P.O. BOX 1503, SOMERSET WEST 7129, SOUTH AFRICA • HIGH COURT BOX NO. 373 • DEEDS OFFICE BOX NO. 101

Director: Jan Eberhard Schliemann Assisted By: Luca Sergio Smarglasso, Karin Irene Wiss, Brian Joorst, Andries van Aswegen, Bernhard Waugh, Richard Reitz (CA)

SCHLIEMANN INCORPORATED

ATTORNEYS, NOTARIES, CONVEYANCERS, ADMINISTRATORS OF ESTATES, TAX PRACTITIONERS, SWORN TRANSLATORS
RECHTSANWÄLTE, NOTARE, VEREIDIGTE ÜBERSETZER, TESTAMENTS VOLLSTRECKER & STEURANWÄLTE

5. As such, our client objects to any transfer of the Cystergronde as proposed by the Minister's notice.

For your convenience, our clients have provided us with his letters written to various municipal officers over the past decade which indicates not only their persistent land claim, but also their previous objection to the further transfer of the Cystergronde. For your ease of reference, we annex those letters hereto.

We are instructed to invite you to address any further enquiries you may have to our offices.

Yours faithfully

SCHLIEMANN INCORPORATED



A.J. VAN ASWEGEN

TELEPHONE +27 (0)21 - 852 7511 • FAX +27 (0)21 - 852 7540 • E-MAIL: SOSUEME@TELKOMSA.NET • WEBSITE: WWW.SCHLIEMANN-ATTORNEYS.CO.ZA
15 FAIRVIEW CENTRE, CALEDON STREET, SOMERSET WEST 7130 • BLACK HORSE CENTRE, CNR. DORP & MARKET STREET, STELLENBOSCH 7600
P.O. BOX 1503, SOMERSET WEST 7129, SOUTH AFRICA • HIGH COURT BOX NO. 373 • DEEDS OFFICE BOX NO. 101

Director: Jan Eberhard Schliemann Assisted By: Luca Sergio Smarglasso, Karin Irene Wiss, Brian Joorst, Andries van Asweger, Bernhard Waugh, Richard Reitz (CA)

SCHLIEMANN INCORPORATED. REG NO. 2001/002005/21, VAT REG NO. 459 019 2695

Mnr Alroy Cyster
Pinestraat 1
Pniel
7681
5 Junie 2007

Mnr K Kruger
Departement Korporatiewe Dienste
Stellenbosch Munisipaliteit
Posbus 17
STELLENBOSCH
7681

ONTEIENING VAN EIENDOM VAN MY WYLE VADER
MNR LOT HENDRIK CYSTER

In 1963 was my wyle vader Mnr Lot Cyster die eienaar van erwe 1201/1 en 1201/3.

Pniel Bestuursraad was op daar die stadium besig met dorpsontwikkeling en het 'n tekort aan water gehad om in die Pniel se gemeenskap se behoeftes te voorsien. My wyle vader se gronde was ryk aan waterbronne en die Pniel Bestuursraad het 'n versoek aan die staat gerig om die gronde wat aan my pa behoort het te vervreem.

Ons die kinders van wyle Mnr LH Cyster, het in 1997 'n grondeis aanhangend gemaak, wat deur die Kommissie van grondeise aanvaar was, met 'n verwysings nommer "C190". Hierdie eis is in die proses om deur die Grondeise kommissie aangespreek te word.

Die Gronde ter sprake beslaan 'n gedeelte van die nuut uitgebreide Cyster-gronde ontwikkeling asook die gedeelte rondom die besproeiingsdam te Pniel. (oorspronklike gedeeltes Erf 1201/1 en 1201/3).

Daar is huidiglik geen ruimte vir ontwikkeling in Pniel nie en indien ons grondeis suksesvol is, wil ons graag met alternatiewe eiendom vergoed word.

Indien enige ontwikkeling in die toekoms op die Cystersgronde beplan sou word, die raad kennis moet neem van die betrokke eis no. "C190".

Dieuwe



Mnr A Cyster

Posbus 103
 PNIEL
 7681

6 Maart 2008

Dr. L. Mortimer
 Direkteur: Kooperatiewe Dienste
 Munisipaliteit Stellenbosch
 STELLENBOSCH
 7599

Geagte Heer

I/S GROND EISE: EISNR. C190 CYSTERGRONDE PNIEL

As gevolg van die groepsgebiede wetgewing van 1962 was die gronde van die blankes naamlik die Cyster onteien. Ons vader Mnr. Lotter Hendrik Cyster was bevoorreg om die gedeeltes van plaas 1201/1 en 1201/3 te koop.

Gedurende 1963 het die voormalige Departement van Kleurlingsake druk op hom geplaas en die gronde terugge-eis aangesien die enigste waterbron van die dorp op die bestaande gronde geleë is. Hulle het ook die grond benodig vir toekomstige uitbreiding van die dorp.

In 1995 het ons as familie 'n aansoek ingedien in gevolge die wetgewing op die herstel van grondregte. Ons as familie was van mening dat die gronde wederregtelik van ons vader ontnem was. 'n Grondeis is geregistreer deur die departement van grondeise met die verwysingsnommer C190 van 1995.

Na aanleiding van bogenoemde inligting en 'n versoek vanaf Mnr. Sam Molepo, Adjunk-Direkteur van Provinsiale grondeise, wil ons u vriendelik versoek om 'n gesamentlike vergadering te belê met die volgende rolspelers:

1. Mnr. Sam Molepo – Adjunk-Direkteur Grondeise: Tel: (021) 426 2930
2. U self en of amptenare van u departement
3. Afvaardiging van Cyster familie

Ons sal dit hoog op prys stel indien so 'n vergadering spoedig moontlik sal plaasvind.

Die uwe

LANCE LOT CYSTER (Namens Cyster familie)

Tel: 084 206 1057 (Sel)
 (021) 885 1779 (Huis)
 (021) 876 2360 (Werk)

Posbus 103
PNIEL
7681

27 Februarie 2009

Mnr. Kruger
Stellenbosch Munisipaliteit
STELLENBOSCH

Geagte Mnr. Kruger

ONDERWERP: GROENDEIS NR. C190 CYSTERGRONDE PNIEL

Dit het onder my aandag gekom dat die Munisipaliteit 'n gedeelte van die Cystergronde vervreem het vir behuising.

Ek wil net weer onder u aandag bring dat 'n grondeis op die grond geregistreer is en dat dit in 'n skrywe gedateer 6 Maart 2008 onder u aandag gebring was, asook 'n persoonlike besoek aan u.

Gesien in die lig van bogenoemde besluit wil ek net verneem wat ons verder te doen staan. Ek hoop op 'n spoedige antwoord van u.

LANCE LOT ~~CY~~STER
(NAMENS CYSTER FAMILIE)

GRONDEISE

30 Augustus 2012-08-31

In sake: CYSTERGRONDE PNIEL VERWYSING C190

Agtergrond en geskiedenis

Met die groepsgebiede wet in 1962 was plaas 1201 in besit van sogenoemde Blanke Cysters naamlik JJ Cyster en C Cyster.

As gevolg van die wetgewing moes die twee eienaars afstand doen van die plaas deurdat die gebied van Pniel geproklameer was as 'n sogemoemde Kleurlinggebied.

As gevolg van sentimentele waarde en historika van die plaas as Cystergronde, was Mnr LH Cyster, geregistreeerde kleurling van die gebied van Pniel, genader. Mnr LH Cyster het die eerste opsie gehad om die grond te koop met die doel om gronde as Cystergronde te behou.

Mnr LH Cyster het ingewillig om die gronde te koop en die gronde was oorgedra en in sy naam geregistreeer. In 1963 was Mnr LH Custer deur die Department van Kleurlingsake genader met 'n aanbod om die gronde te koop.


Die rede vir hierdie aanbod was dat die staat beoog om die grond te ontwikkel vir behuisingsdoeleindes.

Mnr LH Cyster was nie ten gunste van die aanbod nie en het geensins belanggestelom die grond te verkoop nie.

Na vele onderhandelings om 'n skikking te bereik, was Mnr LH Cyster gedreig deur Mnr JJ Strydom en mede amptenare van die department dat hy sy pos as onderwyser kwyt sal wees, indien hy sou weier om die grond aan die staat te verkoop.

Bo en behalwe dat hy sy werk sou verloor, het hulle ook genoem dat hulle hom in elk geval sal onteien.

Aangeheg vind kopie van vorige grondeise vorm vir u kennisname.

A. Cyster. : 

APPENDIX 7

2017-03-31

Pniel Congregational Church
PO Box 17
Pniel
7681

Per email: pnielchurch@telkomsa.net

Dear Ds Kluyt

COMMENCEMENT OF TRANSITIONAL PERIOD: THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, NO 94 OF 1998: PNIEL

1. PURPOSE

The purpose of this letter is to inform you of the commencement of the so-called transitional period and to solicit your views/inputs on the proposed transfer of certain portions of land situated in Pniel.

2. BACKGROUND

2.1 Commencement of transitional period

The Transformation of Certain Rural Areas, No 94 of 1998 (Hereinafter referred to as the Act) provides for the transfer of land held in trust by the Minister of Rural Development and Land Reform. The Act has been promulgated to give content to section 25(6) of the Constitution of the Republic of South Africa, No 108/1996.

Section 9(1) of the Act provides for an eighteen (18) months transitional period during which the activities outlined in Section 3(1) (c) and Section 4 of the Act. must be implemented.

On 30 September 2016 the Minister of Rural Development and Land Reform published a notice in relation to Pniel, Saron, Slangrivier and Suurbraak, thereby officially starting the so-called transitional period. A copy of the notice is hereto attached as **APPENIDX 1**. In terms hereby Stellenbosch Municipality had to submit, within 3 months from date of publication of the notice, a notice (report) to the Minister, setting out how and when it intends determining to which entity the land referred to as Section 3 should be transferred.

2.2 Submission of process plan

On 2016-10-24 the Executive Mayor of Stellenbosch submitted a report (process plan) to the Minister, setting out the process to be followed in determining to which entity the so-called section 3 land should be transferred. The following process plan was proposed.



- Step 1:** Submit a report to Council during December 2016, recommending the allocation /transfer of the various portions of land.
- Step 2:** Should Council indeed accept/approve of the proposals/recommendations a notice will be published in a local newspaper(s) during February 2017, soliciting public inputs/comment on the proposed allocation/transfers.
- Step 3:** Simultaneously (February 2017) set up meetings with the Pniel Congregational Church, the Pniel Transformation Committee and representatives of the Cyster Family Trust, to solicit their inputs/comments on the proposed allocations/transfers.
- Step 4:** Submit inputs/comments (if any) received as a consequence of the public participation process referred to under step 2 and 3 to the Department of Rural Development and Land Reform for their inputs by April 2017.
- Step 5:** Report back to Council during June 2017 on the comments/inputs received, and consider same before making a final recommendation to the Minister;
- Step 6:** Recommend to the Minister the allocations/transfers, as recommended by Council, during July 2017;
- Step 7:** Depending on the decision of the Minister, attend to the establishment of the legal entity agreed upon (where necessary) during Aug/September 2017.
- Step 8:** If approved by the Minister attend to the subdivision and rezoning of the land during September-October 2017; and
- Step 9:** Request the Department to attend to the actual transfer of the properties during November 2017.
- Step 10:** Minister to attend to the actual transfer of the various portions of land (January 2018-March 2018).

A copy of the letter addressed to the Minister is attached as **APPENDIX 2**.



2.3 Report submitted to Municipal Council

On 25 January 2017 a report was submitted to the Stellenbosch Municipality's municipal council, recommending *inter alia* that the process plan, as submitted to the Minister, be endorsed.

Having considered the report, the Municipal Council resolved as follows:

“ **RESOLVED** (*nem con*)

(a) *that the content of the notice of the Minister, be noted;*

(b) *that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;*

(c) *that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;*

(d) *that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and*

(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”.*

A copy the report that was submitted to the Municipal Council is attached as **APPENDIX 3**.

2.4 Notice

Following the above Council resolution, where the process plan was endorsed, a notice was published in the Eikestad News of 02 March 2017, soliciting the public input/comments on the proposed transfer of various portions of so-called Section 3 land. A copy of the notice is attached as **APPENDIX 4**.

3. DISCUSSION

In terms of the approved process plan, meetings must be set up with the Pniel Congregational Church, the Pniel Transformation Committee and representatives of the Cyster Family Trust to solicit their input/comments on the proposed allocations/transfers. (see step 3, above)

The purpose of this letter is to provide you with the background information, to enable you to prepare yourself for a meeting to be scheduled as soon as possible. In this regard your attention is specifically drawn to paragraph 3.4 of the report that was submitted to the Municipal Council, i.e a discussion on the specific portions of land to be transferred.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

We would like to meet with you as soon as possible, with the view of soliciting your comment/inputs on the proposed allocation/transfer of the so-called Section 3 land parcels.

We urgently await your feedback on a possible date and venue to meet with representatives of your organization.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

cc: Ward Councillor

APPENDIX 8



2017-03-27

The Cyster Family Trust
c/o Mr Sidney John Cyster
PO Box 37
Pniel
7681

Dear Sir

COMMENCEMENT OF TRANSITIONAL PERIOD: THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, NO 94 OF 1998: PNIEL

1. PURPOSE

The purpose of this letter is to inform you of the commencement of the so-called transitional period and to solicit your views/inputs on the proposed transfer of certain portions of land situated in Pniel.

2. BACKGROUND

2.1 Commencement of transitional period

The Transformation of Certain Rural Areas, No 94 of 1998 (Hereinafter referred to as the Act) provides for the transfer of land held in trust by the Minister of Rural Development and Land Reform. The Act has been promulgated to give content to section 25(6) of the Constitution of the Republic of South Africa, No 108/1996.

Section 9(1) of the Act provides for an eighteen (18) months transitional period during which the activities outlined in Section 3(1) (c) and Section 4 of the Act. must be implemented.

On 30 September 2016 the Minister of Rural Development and Land Reform published a notice in relation to Pniel, Saron, Slangrivier and Suurbraak, thereby officially starting the so-called transitional period. A copy of the notice is hereto attached as **APPENDIX 1**. In terms hereby Stellenbosch Municipality had to submit, within 3 months from date of publication of the notice, a notice (report) to the Minister, setting out how and when it intends determining to which entity the land referred to as Section 3 should be transferred.

2.2 Submission of process plan

On 2016-10-24 the Executive Mayor of Stellenbosch submitted a report (process plan) to the Minister, setting out the process to be followed in determining to which entity the so-called section 3 land should be transferred. The following process plan was proposed.



- Step 1:** Submit a report to Council during December 2016, recommending the allocation /transfer of the various portions of land.
- Step 2:** Should Council indeed accept/approve of the proposals/recommendations a notice will be published in a local newspaper(s) during February 2017, soliciting public inputs/comment on the proposed allocation/transfers.
- Step 3:** Simultaneously (February 2017) set up meetings with the Pniel Congregational Church, the Pniel Transformation Committee and representatives of the Cyster Family Trust, to solicit their inputs/comments on the proposed allocations/transfers.
- Step 4:** Submit inputs/comments (if any) received as a consequence of the public participation process referred to under step 2 and 3 to the Department of Rural Development and Land Reform for their inputs by April 2017.
- Step 5:** Report back to Council during June 2017 on the comments/inputs received, and consider same before making a final recommendation to the Minister;
- Step 6:** Recommend to the Minister the allocations/transfers, as recommended by Council, during July 2017;
- Step 7:** Depending on the decision of the Minister, attend to the establishment of the legal entity agreed upon (where necessary) during Aug/September 2017.
- Step 8:** If approved by the Minister attend to the subdivision and rezoning of the land during September-October 2017; and
- Step 9:** Request the Department to attend to the actual transfer of the properties during November 2017.
- Step 10:** Minister to attend to the actual transfer of the various portions of land (January 2018-March 2018).

A copy of the letter addressed to the Minister is attached as **APPENDIX 2**.



2.3 Report submitted to Municipal Council

On 25 January 2017 a report was submitted to the Stellenbosch Municipality's municipal council, recommending *inter alia* that the process plan, as submitted to the Minister, be endorsed.

Having considered the report, the Municipal Council resolved as follows:

“RESOLVED (*nem con*)

- (a) *that the content of the notice of the Minister, be noted;*
- (b) *that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;*
- (c) *that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;*
- (d) *that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and*
- (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”.*

A copy the report that was submitted to the Municipal Council is attached as **APPENDIX 3**.

2.4 Notice

Following the above Council resolution, where the process plan was endorsed, a notice was published in the Eikestad News of 02 March 2017, soliciting the public input/comments on the proposed transfer of various portions of so-called Section 3 land. A copy of the notice is attached as **APPENDIX 4**.

3. DISCUSSION

In terms of the approved process plan, meetings must be set up with the Pniel Congregational Church, the Pniel Transformation Committee an representatives of the Cyster Family Trust to solicit their input/comments on the proposed allocations/transfers. (see step 3, above)

The purpose of this letter is to provide you with the background information, to enable you to prepare yourself for a meeting to be scheduled as soon as possible. In this regard your attention is specifically drawn to paragraph 3.4 of the report that was submitted to the Municipal Council, i.e a discussion on the specific portions of land to be transferred.



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

We would like to meet with you as soon as possible, with the view of soliciting your comment/inputs on the proposed allocation/transfer of the so-called Section 3 land parcels.

We urgently await your feedback on a possible date and venue to meet with representatives of your organization.

Yours faithfully

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

cc: Ward Councillor

APPENDIX 9



2017-03-30

The Chairperson
Pniel Transformation Committee
Pniel
7681

Attention: Lilburne Cyster

Dear Sir

COMMENCEMENT OF TRANSITIONAL PERIOD: THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, NO 94 OF 1998: PNIEL

1. PURPOSE

The purpose of this letter is to inform you of the commencement of the so-called transitional period and to solicit your views/inputs on the proposed transfer of certain portions of land situated in Pniel.

2. BACKGROUND

2.1 Commencement of transitional period

The Transformation of Certain Rural Areas, No 94 of 1998 (Hereinafter referred to as the Act) provides for the transfer of land held in trust by the Minister of Rural Development and Land Reform. The Act has been promulgated to give content to section 25(6) of the Constitution of the Republic of South Africa, No 108/1996.

Section 9(1) of the Act provides for an eighteen (18) months transitional period during which the activities outlined in Section 3(1) (c) and Section 4 of the Act. must be implemented.

On 30 September 2016 the Minister of Rural Development and Land Reform published a notice in relation to Pniel, Saron, Slangrivier and Suurbraak, thereby officially starting the so-called transitional period. A copy of the notice is hereto attached as **APPENIDX 1**. In terms hereby Stellenbosch Municipality had to submit, within 3 months from date of publication of the notice, a notice (report) to the Minister, setting out how and when it intends determining to which entity the land referred to as Section 3 should be transferred.

2.2 Submission of process plan

On 2016-10-24 the Executive Mayor of Stellenbosch submitted a report (process plan) to the Minister, setting out the process to be followed in determining to which entity the so-called section 3 land should be transferred. The following process plan was proposed.



- Step 1:** Submit a report to Council during December 2016, recommending the allocation /transfer of the various portions of land.
- Step 2:** Should Council indeed accept/approve of the proposals/recommendations a notice will be published in a local newspaper(s) during February 2017, soliciting public inputs/comment on the proposed allocation/transfers.
- Step 3:** Simultaneously (February 2017) set up meetings with the Pniel Congregational Church, the Pniel Transformation Committee and representatives of the Cyster Family Trust, to solicit their inputs/comments on the proposed allocations/transfers.
- Step 4:** Submit inputs/comments (if any) received as a consequence of the public participation process referred to under step 2 and 3 to the Department of Rural Development and Land Reform for their inputs by April 2017.
- Step 5:** Report back to Council during June 2017 on the comments/inputs received, and consider same before making a final recommendation to the Minister;
- Step 6:** Recommend to the Minister the allocations/transfers, as recommended by Council, during July 2017;
- Step 7:** Depending on the decision of the Minister, attend to the establishment of the legal entity agreed upon (where necessary) during Aug/September 2017.
- Step 8:** If approved by the Minister attend to the subdivision and rezoning of the land during September-October 2017; and
- Step 9:** Request the Department to attend to the actual transfer of the properties during November 2017.
- Step 10:** Minister to attend to the actual transfer of the various portions of land (January 2018-March 2018).

A copy of the letter addressed to the Minister is attached as **APPENDIX 2**.

2.3 Report submitted to Municipal Council

On 25 January 2017 a report was submitted to the Stellenbosch Municipality's municipal council, recommending *inter alia* that the process plan, as submitted to the Minister, be endorsed.

Having considered the report, the Municipal Council resolved as follows:

“ **RESOLVED** (*nem con*)

- (a) *that the content of the notice of the Minister, be noted;*
- (b) *that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;*
- (c) *that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;*
- (d) *that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and*
- (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”.*

A copy the report that was submitted to the Municipal Council is attached as **APPENDIX 3**.

2.4 Notice

Following the above Council resolution, where the process plan was endorsed, a notice was published in the Eikestad News of 02 March 2017, soliciting the public input/comments on the proposed transfer of various portions of so-called Section 3 land. A copy of the notice is attached as **APPENDIX 4**.

3. DISCUSSION

In terms of the approved process plan, meetings must be set up with the Pniel Congregational Church, the Pniel Transformation Committee an representatives of the Cyster Family Trust to solicit their input/comments on the proposed allocations/transfers. (see step 3, above)

The purpose of this letter is to provide you with the background information, to enable you to prepare yourself for a meeting to be scheduled as soon as possible. In this regard your attention is specifically drawn to paragraph 3.4 of the report that was submitted to the Municipal Council, i.e a discussion on the specific portions of land to be transferred.



We would like to meet with you as soon as possible, with the view of soliciting your comment/inputs on the proposed allocation/transfer of the so-called Section 3 land parcels.

We urgently await your feedback on a possible date and venue to meet with representatives of your organization.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Piet Smit'.

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT

cc: Ward Councillor

APPENDIX 10



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA
• MUNISIPALITEIT

PNIEL TRANCRAA

ATTENDANCE REGISTER: Pniel Congregational Church

DATE: 10 APRIL 2017

NO.	NAME & SURNAME	CONTACT NUMBER	SIGNATURE	E-MAIL ADDRESS
1.	Piet Smit	0845065065		piet.smit@stellenbosch.gov.za
2.	Leon Klate	0823723158		pnielchurch@telkomsa.net
3.	RUBEN NOVEMBER	0834199038		rubenw.november@gmail.com
4.	Urine Williams	0845172043		urinewilliams@gmail.com
5.	Merwyn Williams	0825754563		merwynw@telkomsa.net
6.				
7.				
8.				
9.				
10.				

PNIEL TRANSFER WABIE KOMITEE: 6 APRIL 2017

NAAM:	ADRES	TELE No.
Piet Smit.	Postbus 17, Stellenbosch	084 585 265
Estelle Daniels	simonsbergst. Pniel	072 580 6301
PATRICIA CYSTER	1 Simonsberg St.	071 502 3645
Virginia Morris	Pniel	073 225 6037
MARK PETERSEN	PNIEL	082 876 3888
Sherley Dawids	"	073 529 9120
ANDREW CYSTER		083 944 3130
Lilburne CYSTER	PNIEL,	082 202 3196
MERLIN ROSE	PNIEL.	084 485 1899
MARILYN ALBERTS	PNIEL	078 527 5662
WARREN WILLIAMS	PNIEL	0711 845 239
MALCOLM JOHNSON	42 Kloof St. PNIEL	083 983 3351
BRIDGET BASSON	PNIEL	083 389 3356
Mike Fraser	Pniel	083 518 7272
Cynth Williams	Pniel	072 122 5687

APPENDIX 11



PNIEL CONGREGATIONAL CHURCH

A CONSTITUENT CHURCH OF THE UNITED CONGREGATIONAL CHURCH OF SOUTHERN AFRICA
PBO No. 930014941



ALL CORRESPONDENCE TO THE SECRETARY
P.O.BOX 17 PNIEL 7681 | T/F +27 21 885 1300 | pnielchurch@telkomsa.net

02 August 2017

Mr. Piet Smit
Manager: Property Management
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599



Dear Mr. Smit

Re: COMMENCEMENT OF TRANSITIONAL PERIOD: PROPOSITION TO THE CHURCH – CEMETARY & VACANT LAND

Thank you for the meeting on Monday 10th April 2017 and the information shared. Sorry for the communication glitch in communicating the position of the Pniel Congregational Church.

At a duly constituted members meeting of above mentioned church held on the 25th April 2017 the church resolved:

1. To thank the Municipality for the proposition to transfer land to the church.
2. To request the municipality to engage the community of Pniel on the matter through its representatives as elected at a community meeting.
3. To (church) participate fully in the community process.

The Church regretfully decided not to accept the proposition made to the church to have the cemetery transferred to the church. We want to encourage the Municipality to continue in its role to provide burial space for its citizens and the current maintenance of the Pniel Cemetery.

Thanking you for your service to the community

Yours sincerely

U.M. Williams

CHRIST IS CALLING US:
PARTICIPATING IN SUFFERING AND STRUGGLE

MINISTER
REVD. L. KLATE • 021 885 1300

SECRETARY
MS. U.M. WILLIAMS • 021 885 1008

TREASURER
MR. R.W. NOVEMBER • 021 885 1223

APPENDIX 12

Piet Smit

From: Lorelle Adams
Sent: 01 September 2017 11:55 AM
To: Piet Smit
Subject: FW: [EX] Re: Transitional Period: Pniel

From: Lilburne Cyster [mailto:lcyster@uwc.ac.za]
Sent: 01 September 2017 11:37 AM
To: Lorelle Adams
Cc: Malcolm Johnson; LIONEL BEERWINKEL; mooirose@gmail.com; shirleygdavids@gmail.com; shirley.davids@gmail.com; fmpetersen50@gmail.com; davidlm@outlook.com; davidlm@hotmail.co.za; bridget.basson@mediclinic.co.za; bsrobyn670515@outlook.com; patriciacyster@gmail.com; Lilburne.DWA001@gmail.com; kelly.november@yahoo.com; michael.fraser0@gmail.com
Subject: Re: [EX] Re: Transitional Period: Pniel

Dear Ms Adams

I acknowledge receipt of your email. Please note those correspondence and proposals by mr Piet Smit/municipality were for discussion and not final. No Transfers can or may take place unless the community have decided in which entities. Also note: we made it clear to mr Piet Smit in our meeting with him on **6 April 2017, after which we never heard from him again**, that we are not in favour of his/municipality's proposals and **NO TRANSFERS MAY TAKE PLACE UNILATERALLY**. Apart from all this the process is still ongoing ... no report and recommendations were sent to the minister yet. Until then **NO TRANSFERS OF LAND OR ANY OTHER PROPERTY CAN/MAY TAKE PLACE**. I trust that this is clear.

Mr Beerwinkel will you please address this issue on behalf of the DRDLR. I am sure what I have said is just scratching the surface. I think we will have to arrange a meeting with the Municipal Manager for next week ASAP.

Kind regards
 Lilburne Cyster
 Chairperson
 Pniel Transformation Committee

On Fri, Sep 1, 2017 at 10:27 AM, Lorelle Adams <Lorelle.Adams@stellenbosch.gov.za> wrote:

Mr Cyster

This e-mail serves to inform you that we have not yet received any feedback from the Pniel Community regarding our correspondence send to you on 30 March 2017. Please note that if we do not receive any feedback on or before Friday 8 September 2017 we will assume that you are in favour of the transfers.

Kind regards,



2017-09-19

The Chairperson
 Pniel Transformation Committee
 Pniel
 7681

Attention: Lilburne Cyster

Dear Sir/Madam

COMMENCEMENT OF TRANSITIONAL PERIOD: THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT, NO 94 OF 1998: PNIEL

My letter dated 2017-03-23, of which a copy is attached, our subsequent meeting on 06 April 2017, my follow up letter dated 2017-05-31 of which a copy is attached, my secretary's e-mail dated 01-09-2017, your reaction to the said e-mail, an e-mail received from Mr Lionel Beerwinkel dated 15 September 2017 as well as my reaction on the said e-mail, of which copies are attached, refers.

From the above it became evident that there might be a misunderstanding/misconception regarding my secretary's e-mail of 01-09-2017 insofar as it makes reference to "*transfers*". I want to put it on record that there are no intended transfers at this stage, whatsoever. "*The transfers*" referred to in the e-mail refers to the various option set out in my initial letter/report to Council.

Please note that I am still awaiting your comment/inputs on the said options. If I do not receive your formal comment/inputs in this regard by Friday 29th September 2017, I will assume that you do not have any views in this regard, in which case I will report to the Municipal Council to enable them to make a final recommendation to the Minister regarding the possible transfer of land as envisaged in my initial report to Council.

With regard to the possible transfer of land to the Cyster Family Trust, in terms of a Settlement Agreement concluded during the 1990's, please find hereto attached as self-explanatory letter addressed to the Department of Rural Development and Land Reform, requesting clarity on the legal status of the said Settlement Agreement as well as my undertaking to refrain from signing any transfer documents to affect transfer of the said portion of land to the Cyster Family Trust. Please note that, notwithstanding various follow up letters in this regard, we still have not received any feedback from the Department regarding the legal status of the said agreement. For this reason cannot be any question on the transfer of this land, as per my undertaking.

Yours faithfully

PIET SMIT
MANAGER: PROPERTY MANAGEMENT

cc: Municipal Manager
 Director Human Settlement & Property Management
 Councillor Johnson

APPENDIX 13

Piet Smit

From: Piet Smit
Sent: 15 September 2017 02:55 PM
To: 'LIONEL BEERWINKEL'; Lorelle Adams
Cc: lcyster@uwc.ac.za; Brian Daniels; Ndinae Netshivhangoni; Benjamin Mars; DAVID SMIT; Juanita Fortuin; Thozama Diamond
Subject: RE: TRANSFER OF LAND: PNIEL

Lionell,

My apologies for the fact that Lorelle did not come back to you. I think there is a big misunderstanding. Lorelle sent an e-mail to the chairperson of the Committee enquiring when we can receive their inputs, following our meeting with them. In the e-mail she indicated that "should we not receive feedback on or before Friday 8 September we will assume that you are in favour of the transfers". Reference to transfers was reference to the proposed transfers as set out in the Council resolution as well as to the report addressed to the Minister, i.e. it refers to the various options.

It has NOTHING to do with any specific transfers. Incidentally, you will remember that I have given you a written undertaking not to proceed with ANY transfers to the Cyster Family Trust, until such time as we have more legal certainty regarding the legal status of the agreement. Please note that I am still waiting for your Department's feedback in this regard.

Your assumption that the land to be transferred relates to the agreement that involves the DRDLR, the Municipality and the Cyster Family is therefore wrong.

Unfortunately I will not be able to attend a meeting on 19 September at 11:00, as I am already fully booked.

The next available date and time is 20 September at 13:00.

Please confirm that the new date is acceptable.

Piet

From: LIONEL BEERWINKEL [mailto:lionel.beerwinkel@drdlr.gov.za]
Sent: 15 September 2017 02:22 PM
To: Lorelle Adams; Piet Smit
Cc: lcyster@uwc.ac.za; Brian Daniels; Ndinae Netshivhangoni; Benjamin Mars; DAVID SMIT; Juanita Fortuin; Thozama Diamond
Subject: [EX] TRANSFER OF LAND: PNIEL

Dear Mr. Smit, Mrs Adams (Stellenbosch Municipality)

The subject matter has reference:

We are informed that you intend to continue with transfer of land that forms part of the Pniel subject matter and where clarity is still required. A request for clarity was directed to Lorelle Adams in this regard in August 2017 but no feedback was received.

In the absence of having received feedback from yourselves as per our request, we can only assume that the land to be transferred relates to the agreement that involves the DRDLR, the Municipality and the Cyster Family. If this is indeed the case, we record that this matter is still the subject to be clarified and remains in dispute until such clarity has been provided.

7.2.4	AMENDMENTS TO 2017 ORGANISATIONAL STRUCTURE
-------	--

Collaborator No:

IDP SFA Ref No: 5 – Good Governance and Compliance

Meeting Date: 13 and 27 February 2019

1. SUBJECT: AMENDMENTS TO 2017 ORGANISATIONAL STRUCTURE

2. PURPOSE

To obtain the approval of Council on the amendments to the 2017 organisational structure.

3. DELEGATED AUTHORITY

For decision by municipal council

4. EXECUTIVE SUMMARY

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. Council approved a new staff structure on 25 October 2017. A structure is a living document and must on a regular basis be reviewed to ensure it stays relevant. No amendments to the Macro structure is proposed. The changes proposed to the micro structure is indicated on the pages of the approved structure for easy reference.

The principles used to make amendments were as follows:

- We did not deal with name changes of posts as a rule. The names of posts will be determined through the evaluation process;
- Posts were not put on the structure to accommodate employees in the pool, but to accommodate functions that were not addressed in the structure approved in 2017 and is necessary for service delivery;
- If there are vacant posts on the structure additional posts should not be added before vacancies are filled;
- One-on-one reporting lines are not a good practice and were discouraged. A span of 4 – 7 is not regarded as too broad;
- Productivity of employees should be monitored to ensure that 8 hours are worked on a daily basis
- Interchangeable posts are promoted to ensure that duplications are eliminated

A consultation process with SAMWU and IMATU took place within the Restructuring Sub-committee during January 2019 where every change was discussed. It was agreed that a special meeting of the Local Labour Forum will be arranged in February to discuss the feedback from the Restructuring Sub- committee. The meeting took place on 14 February 2019 and it was resolved as follows:

“That it be recommended to Council

- (a) that the proposed micro structures changes(as depicted in ANNEXURES A1 and A2) be noted and supported for adoption and implementation.*
- (b) that the filling of the new and vacant positions on the proposed amended organisational structure be phased in. For this purpose, top management has identified critical posts for filling whilst other vacancies will be budgeted for yearly.*

-
- (c) *That the post names be used as temporary names until the evaluation process determines final post designations.*
- (d) *That affected employees will continue with current functions until assigned to a post on the amended structure.*
- (e) *That any affected employees be dealt with in terms of the current Placement Policy after the approval of the amendments.”*

Placements that will take place will use the same principles that are contained in the existing Placement Policy approved on 25 October 2017.

The item also served before the Executive Mayoral Committee and the Recommendations are as follows:

5. RECOMMENDATIONS

That it be recommended to Council

- (a) that the proposed micro structures changes(as depicted in ANNEXURES A1 and A2) be adopted for implementation;
- (b) that the filling of the new and vacant positions on the proposed amended organisational structure be phased in. For this purpose, top management has identified critical posts for filling whilst other vacancies will be budgeted for yearly;
- (c) That the post names be used as temporary names until the evaluation process determines final post designations;
- (d) That affected employees will continue with current functions until assigned to a post on the amended structure; and
- (e) That the financial implications for the amendments be determined before the Council meeting.

6. DISCUSSION / CONTENTS

6.1 Background

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. Council approved a new staff structure on 25 October 2017.

6.2 Discussion

A structure is a living document and must on a regular basis be reviewed to ensure it stays relevant. No amendments to the Macro structure is proposed. The changes proposed to the Micro structure is indicated on the pages of the approved structure for easy reference.

The principles used to make amendments were as follows:

- We did not deal with name changes of posts as a rule. The names of posts will be determined through the evaluation process;
- Posts were not put on the structure to accommodate employees in the pool, but to accommodate functions that were not addressed in the structure approved in 2017 and is necessary for service delivery;

- If there are vacant posts on the structure additional posts should not be added before vacancies are filled;
- One-on-one reporting lines are not a good practice and were discouraged. A span of 4 – 7 is not regarded as too broad;
- Productivity of employees should be monitored to ensure that 8 hours are worked on a daily basis;
- Interchangeable posts are promoted to ensure that duplications are eliminated.

A consultation process with SAMWU and IMATU took place within the Restructuring sub-committee where every change was discussed. A special meeting of the Local Labour Forum on 14 February 2019 discussed the feedback from the Restructuring Sub- committee.

Placements that will take place will use the same principles that are contained in the existing Placement Policy approved on 25 October 2017.

6.3 Financial Implications

The amendments to the structure will be implemented with effect from 1 March 2019.

The amendments to the microstructure will have an estimated cost implication of R32 567 157. However, it is important to note that not all the additional posts in the structure will be funded and vacancies will only be filled as per the approved annual budget.

6.4 Legal Implications

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. A structure should also be reviewed on a regular basis to ensure it is relevant and keep track with changes in the IDP.

The Labour Relations Act, 66 of 1995 deals with the rights of employees where the post of the employee is abolished and provides for a consultation process and alternatives to be considered before retrenchment may take place. The SALGBC has an existing collective agreement that provides for the consultation process and retrenchment packages for affected employees.

The recommendations comply with the legislation as indicated.

6.5 Staff Implications

Some staff members that are currently in the pool may be accommodated in some of the amended posts. Staff will continue with their current functions if their post is affected until they are assigned a new post in line with the principles contained in the Placement Policy.

Employees who are in major change posts or whose positions have been abolished will be placed in the "pool" and reasonable alternatives will be offered to them where such positions exist. Where no reasonable alternative can be found the collective agreement of the SALGBC in regard to retrenchments will come into operation. The agreement provides for a retrenchment package of 3 weeks' pay for every full year worked.

Whilst in the pool employees will continue to operate within current positions until a suitable alternative has been offered or finalisation on the future of the employee has been concluded.

6.6 Previous / Relevant Council Resolutions

25 October 2017 – item 7.2.3

6.7 Risk Implications

Risks are minimized with the process followed and recommendations in the item.

6.8 Comments from Senior Management

The Directors were part of the review and amendment process and they support the amendments.

6.8.1 Chief Financial Officer

Vacancies will only be filled as per the approved annual budget. An estimated cost implication for the amendments is indicated in par 6.3 above.

6.8.2 Municipal Manager

Agrees with the recommendations.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-02-13: ITEM 7.2.4

- (a) that the proposed micro structures changes (as depicted in **ANNEXURES A1 and A2**) be adopted for implementation;
- (b) that the filling of the new and vacant positions on the proposed amended organisational structure be phased in. For this purpose, top management has identified critical posts for filling whilst other vacancies will be budgeted for yearly; and
- (c) that the post names be used as temporary names until the evaluation process determines final post designations; and
- (d) that affected employees will continue with current functions until assigned to a post on the amended structure.

ANNEXURES

Annexure A1 and A2: Proposed amendments to the 2017 Organisational Structure

FOR FURTHER DETAILS CONTACT:

NAME	Annalene de Beer
POSITION	Director: Corporate Services
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021 – 808 8018
E-MAIL ADDRESS	Annalene.deBeer@stellenbosch.org.za
REPORT DATE	12 February 2019

ANNEXURE A1

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

SECTION
PROPERTIES MANAGEMENT & MUNICIPAL BUILDING MAINTENANCE

PURPOSE: To render properties and facilities management administrative processes in respect of all land and property transactions and maintain all municipal buildings

FUNCTIONS:

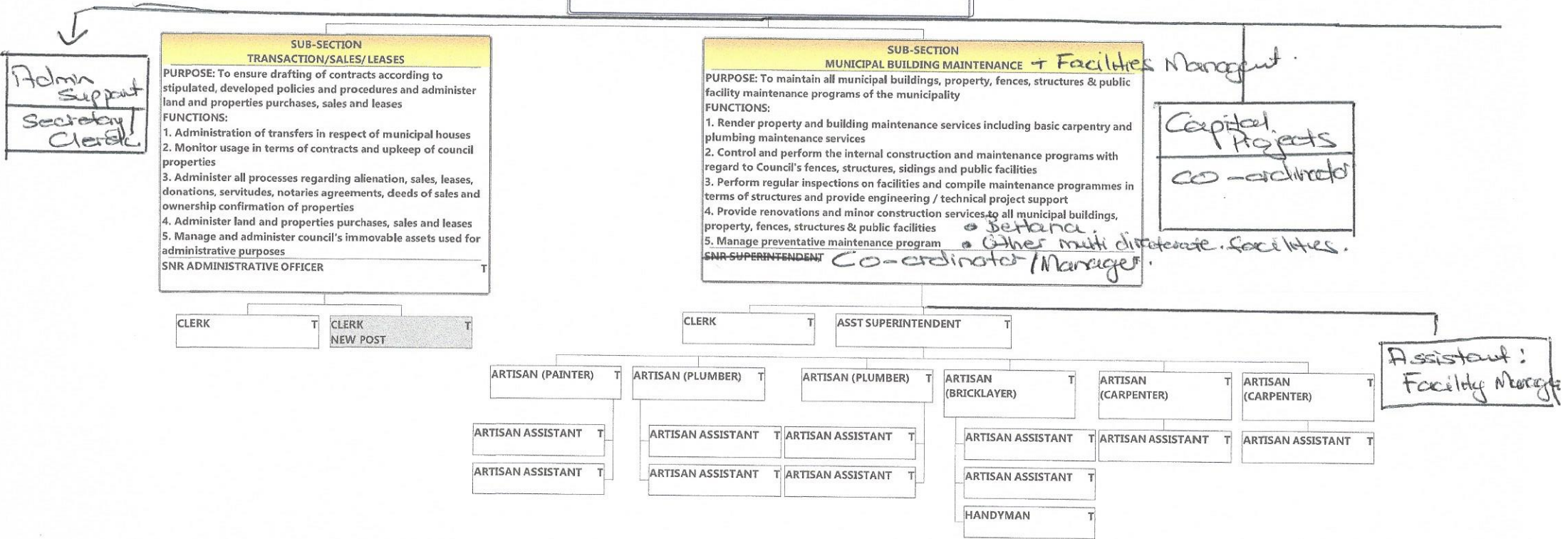
1. Ensure drafting of contracts according to stipulated, developed policies and procedures and administer land and properties purchases, sales and leases
2. Maintain all municipal buildings, property, fences, structures & public facility maintenance programs of the municipal
3. Initiate, coordinate and monitor portfolio management processes of all council properties
4. Plan and develop new projects
5. Render project management services

MANAGER: PROPERTIES MANAGEMENT & MUNICIPAL BUILDING MAINTENANCE T

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

DIVISION
FINANCIAL MANAGEMENT SERVICES

PURPOSE: To manage and control the implementation of budget policies, systems and procedures and financial statement processes, assets and financial management information system to ensure legislative compliance and sound financial management practices

FUNCTIONS:

1. Administer budgeting processes, planning, compilation & reporting, overall budget control, reconciliations and control accounting procedures
2. Prepare and compile Annual Financial Statements (AFS's) and implement procedures, systems and controls to ensure implementation and compliance to all relevant accounting standards
3. Administer assets management processes and procedures, asset register and implementation of asset management policy
4. Administer the financial management information system
5. Render management and line function administrative support services
6. Risk management of the whole financial department

SNR MANAGER: FINANCIAL MANAGEMENT SERVICES T

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER T

OFFICE ASSISTANT/ CLEANER T

OFFICE ASSISTANT/ CLEANER T

SECTION
BUDGET & COSTING

PURPOSE: To administer budgeting processes, planning, compilation & reporting, overall budget control, reconciliations and control accounting procedures

MANAGER: BUDGET & COSTING T

SEE PAGE 12

SECTION
FINANCIAL STATEMENTS, COMPLIANCE & REPORTING

PURPOSE: To prepare and compile Annual Financial Statements (AFS's) and implement procedures, systems and controls to ensure implementation and compliance to all relevant accounting standards

MANAGER: FINANCIAL STATEMENTS, COMPLIANCE & REPORTING T

SEE PAGE 13

SECTION
FINANCIAL ASSET MANAGEMENT

PURPOSE: To administer assets management processes and procedures, asset register and implementation of asset management policy

MANAGER: FINANCIAL ASSET MANAGEMENT NEW POST T

SEE PAGE 14

SECTION
FINANCIAL SYSTEMS

PURPOSE: To administer the financial management information system

FUNCTIONS:

1. Verify, administer financial data on the financial system in order to ensure performance, integrity and security of the financial database:
 - i) Ensure data remains consistent across the database and is clearly defined
 - ii) Control user access to the financial database and ensure data security and recovery control measures
 - iii) Administer financial GIS
2. Implement and maintain the financial accounting system in collaboration with ICT, monthly billing and payroll system processing

FINANCIAL SYSTEM SPECIALIST T

11 Administer financial managed information system, o record financials o create users

Financial Systems Admin Support

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

SECTION
FINANCIAL STATEMENTS, COMPLIANCE & REPORTING

PURPOSE: To prepare and compile Annual Financial Statements (AFS's) and implement procedures, systems and controls to ensure implementation and compliance to all relevant accounting standards

FUNCTIONS:

1. Render statistical financial administration and statutory financial reporting in terms of applicable legislation
2. Compile monthly and annual financial statements and administer reconciliations
3. Streamline grants reporting and administration to ensure compliance to national and provincial requirements
4. Ensure proper statistical administration and statutory financial reporting in terms of applicable legislation

MANAGER: FINANCIAL STATEMENTS, COMPLIANCE & REPORTING T

SUB-SECTION
MFMA REPORTING & COMPLIANCE

PURPOSE: To render statistical financial administration and statutory financial reporting in terms of applicable legislation

FUNCTIONS:

1. Prepare monthly, quarterly, mid-year and yearly reports in accordance with relevant legislation
2. Prepare monthly Appendix B and Schedule C reports to National and Provincial Treasuries
3. Administer financial reporting requirements and procedures
4. Prepare all other reports and statistical information as requested
- 5.
6. Liaise with different spheres of governments and ensure sound effective communication
7. Handle reporting queries

CHIEF ACCOUNTANT T

SUB-SECTION
FINANCIAL STATEMENTS & RECONCILIATIONS

PURPOSE: To compile monthly and annual financial statements and administer reconciliations

FUNCTIONS:

1. Administer bank reconciliations, daily cash flow and investment management and insurance portfolio
2. Administer financial reporting requirements and procedures
3. Maintain general ledger and votes structure
4. Handle audit files and audit outcomes
5. Administer borrowing and investments management process
6. Control the implementation of accounting policies, systems and procedures

CHIEF ACCOUNTANT T

New post.

Sub-section: Internal Control

Investigating of financial internal control procedures + identifying of ineffective or lack of internal control procedures as well as notify managers + CFO thereof

Accountant: Internal Control

SNR CLERK
NEW POST T

BANK RECONCILIATIONS

SNR CLERK T

RECONCILIATIONS

SNR CLERK
NEW POST T

CONFIDENTIAL

**STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017**



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

___/___/2017

APPROVED BY COUNCIL

Signature

___/___/2017

**SECTION
REVENUE**

PURPOSE: To implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance

FUNCTIONS:

1. Implement and maintain revenue and credit control policies and procedures to ensure sound revenue management practices and compliance
2. Ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions
3. Render management and line function administrative support services

MANAGER: REVENUE

**SUB-SECTION
CONSUMER ACCOUNTS & VALUATIONS**

PURPOSE: To administer billing, rates and taxes and property valuations in accordance with legislative prescripts and coordinate customer care management services

CHIEF ACCOUNTANT T

SEE PAGE 17

**SUB-SECTION
CASH MANAGEMENT & CREDIT CONTROL**

PURPOSE: To manage and administer cashiering, receipting, credit control policy and procedures in accordance with regulations and Council

SNR ACCOUNTANT T

SEE PAGE 19

**SUB-SECTION
ADMINISTRATIVE SUPPORT**

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER T

NEW POST

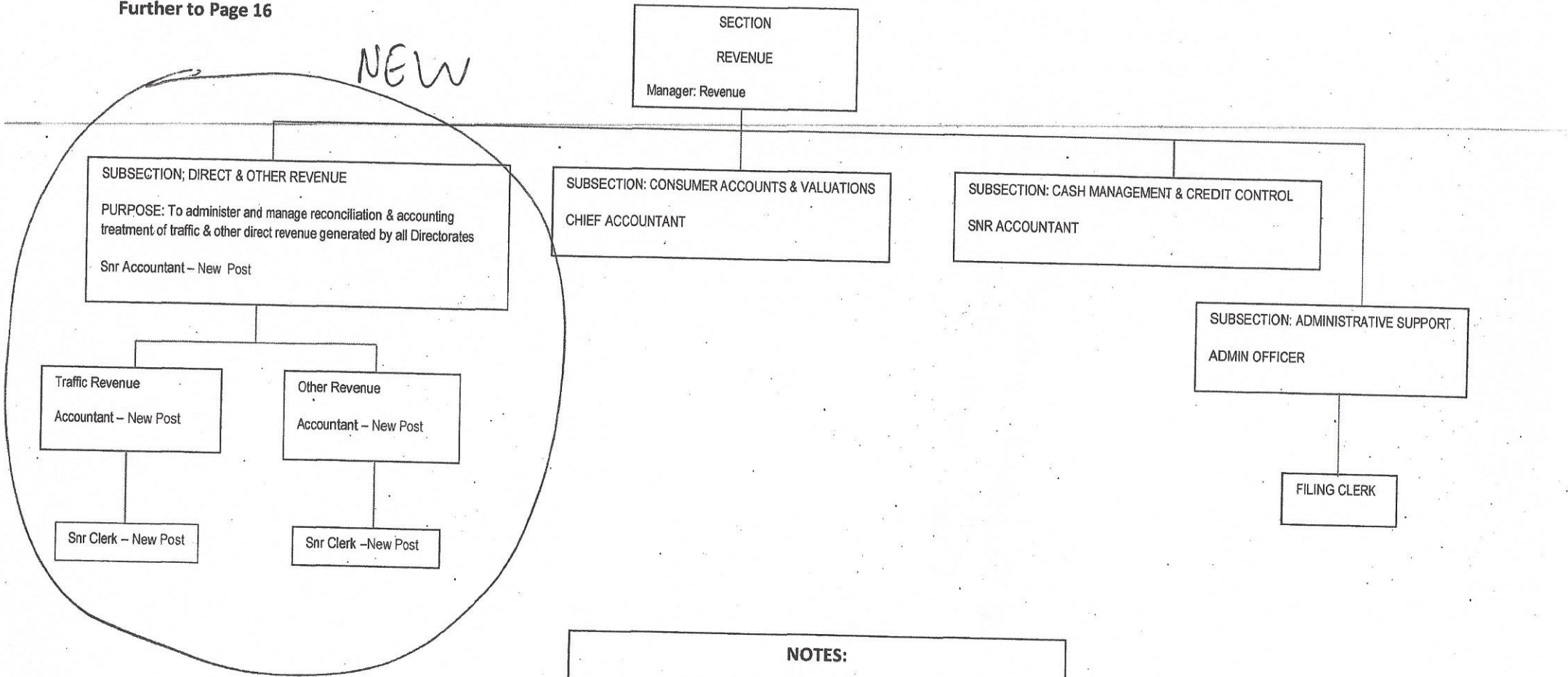
FILING CLERK T

NEW POST

SUBSECTION:
DIRECT & OTHER REVENUE
see p 16 A

Further to Page 16

NEW



NOTES:

S64 (2)(h) of MFMA stipulates that all revenue received must be reconciled on a weekly basis. This is not currently happening and the various Directorates are not taking responsibility for it.

Finance: Revenue will take responsibility and will require a new Subsection to be created as indicated above.

page 16 A

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

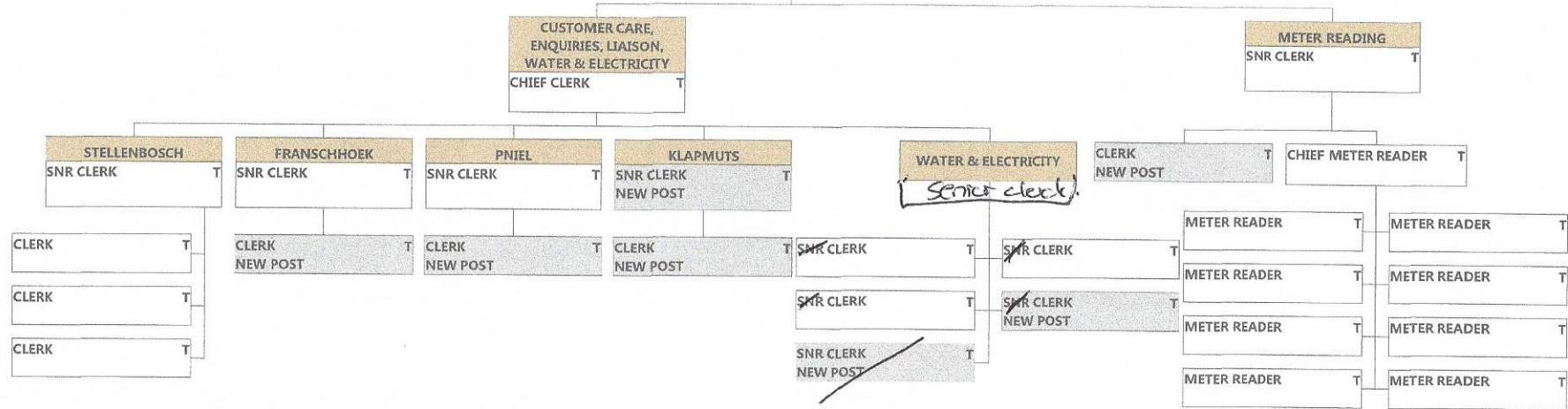
METER READING, TRADING & BILLING SERVICES

PURPOSE: To provide meter reading, water and electricity billing services

FUNCTIONS:

1. Billing, debtors accounts, generate accounts and journals
2. Administer and manage meter reading services, download meter reader units, generate electronic reports, interdepartmental charges, manage meter reading routes, service charges, cut-off lists, cutting off and switching on meters; readings for new applications & disconnection.
3. Prepare refunds on remaining credits and deposits on closed accounts
4. Reconciliation of the monthly movements with ledger in relation to the relevant votes
5. Administer water & electricity records; water & electricity consumption; bulk meter readings; process final accounts trial billing runs
6. Revenue protection through physical inspections
7. Handle queries and complaints from the general public in respect of accounts; service applications/disconnections; correctness of water and electricity records
8. Administer revenue protection processes and procedures

ACCOUNTANT T



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

SUB-SECTION
CASH MANAGEMENT & CREDIT CONTROL

PURPOSE: To manage and administer cashiering, receipting, credit control policy and procedures in accordance with regulations and Council

FUNCTIONS:

1. Administer sundry debtors, cashiering and receipting
2. Administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management
3. Administer credit control policy and procedures, indigent and legal actions in accordance with regulations and Council policies

SNR ACCOUNTANT T

APPROVED BY COUNCIL

Signature

25/10/2017

SUNDRY DEBTORS & CASHIERS

PURPOSE: To administer sundry debtors, cashiering and receipting

ACCOUNTANT T

SEE PAGE 20

Pre-legal

CREDIT CONTROL & DISCONNECTIONS

PURPOSE: To administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management

ACCOUNTANT T

SEE PAGE 21

INDIGENT & PRE-LEGAL SERVICES

PURPOSE: To administer credit control policy and procedures, indigent and legal actions in accordance with regulations and Council policies

ACCOUNTANT T

SEE PAGE 22

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

CREDIT CONTROL & DISCONNECTIONS

PURPOSE: To administer and coordinate credit control and debt recovery, housing finance, sundry debtors and cash management

FUNCTIONS:

1. Maintain Council's debtor's arrangement file system
2. Recommend disconnections & reconnections
3. Admin & maintenance of notices and reminders for debtors accounts up to 60 days
4. Identification of potential write-offs
5. Control & maintain Council's debtor files
6. Liaison with internal and external parties

ACCOUNTANT

Debt collection / Re-legal

APPROVED BY COUNCIL

Signature

25/10/2017

liase with outside providers regarding credit control & manage outstanding accounts

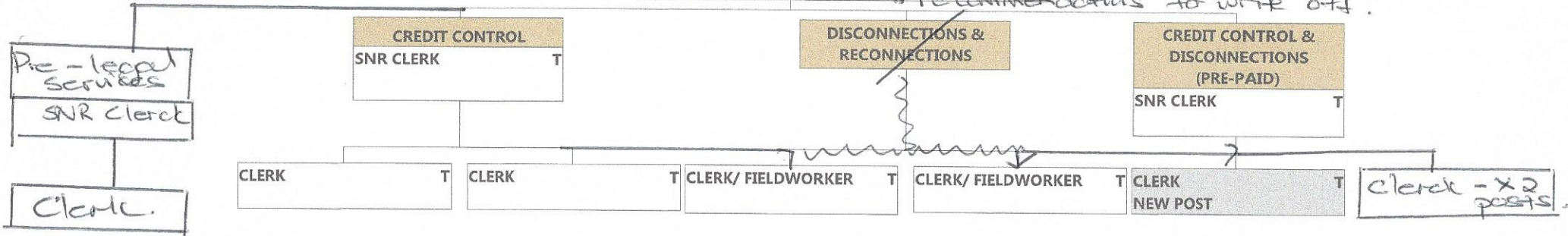
generating & co-ordinating notices + final demand letters

generating hand over to attorneys (lists)

maintain + supervise hand over system

administration of processes w.r.o. debtors

recommendations to write off.



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

*KPI'S
to
change*

INDIGENT & PRE LEGAL SERVICES

PURPOSE: To administer ~~credit control policy and procedures~~, indigent and legal actions in accordance with regulations and Council policies

FUNCTIONS:

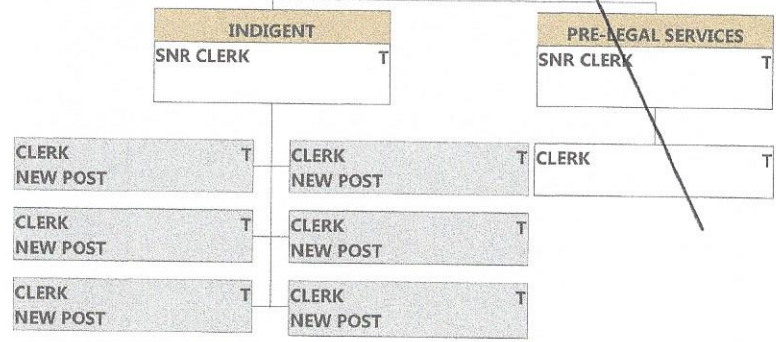
- ~~1. Generation and co-ordinating of the monthly notices and final demands for debtors with accounts outstanding above 60 days~~
- ~~2. Generation, evaluation and compilation of handover lists to Council's attorney~~
- ~~3. Maintain and supervise Council's hand over file system~~
- ~~4. Administration of processes i.r.o debtors under debt review, administration, insolvent / late estates, liquidations etc~~
5. Supervise Council's indigent registration processes
6. Check applications for refunds
7. Recommend potential debtors for write off (*indigent*)
- ~~8. Manage all accounts in respect of staff, councillor and government accounts~~
- ~~9. Liaise with external service providers regarding legal credit control services~~

ACCOUNTANT T

APPROVED BY COUNCIL

Signature

25/10/2017



*move to
credit
control.*

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

SECTION EXPENDITURE

PURPOSE: To ensure the recording, authorisation and proper execution of expenditure policies, systems, procedures and transactions

FUNCTIONS:

1. Manage the recording, authorisation, executing and reporting of creditors and payroll related payment transactions
2. Handle month end and year end procedures, control integration of creditors with ledger, reconciliations, balance records
3. Render management and line function administrative support services

MANAGER: EXPENDITURE

SUB-SECTION CREDITORS & PAYROLL

PURPOSE: To manage the recording, authorisation, executing and reporting of creditors and payroll related payment transactions

SNR ACCOUNTANT T

SEE PAGE 24

SUB-SECTION RECONCILIATIONS

PURPOSE: To handle month end and year end procedures, control integration of creditors with ledger, reconciliations, balance records

FUNCTIONS:

1. Administer bank statements
2. Administer retention register
3. Financial control procedures, answer audit queries, financial/ statistical reports, computerised systems requirements and maintenance
4. Implement and maintain expenditure processes and procedures, including outstanding orders, customer enquiries and filing

ACCOUNTANT T

NEW POST

SUB-SECTION ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

ADMIN OFFICER T

NEW POST

Filing desk

CLERK T

NEW POST

CLERK T

NEW POST

CLERK T

NEW POST

CLERK T

NEW POST

FILING

CLERK T

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

DIVISION
SUPPLY CHAIN MANAGEMENT (SCM)

PURPOSE: To manage supply chain management (SCM) services to ensure proper systems, policies, procedures and control for demand, acquisition, logistics, assets and disposal management

FUNCTIONS:

1. Render a demand management service
2. Render an acquisition management service
3. Administer and perform SCM procurement contract and tender administration
4. Render management and line function administrative support services

SNR MANAGER: SCM T

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

SNR CLERK T

Office Assistant

cleaning of offices

filmy messengers

SECTION
DEMAND MANAGEMENT

PURPOSE: To render a demand management service

SNR ACCOUNTANT T

SEE PAGE 26

SECTION
ACQUISITION MANAGEMENT

PURPOSE: To render acquisition management services

SNR ACCOUNTANT T

SEE PAGE 27

SECTION
TENDER & CONTRACT ADMINISTRATION

PURPOSE: To administer and perform contract and tender administration

FUNCTIONS:

1. Administer tender administration, conditions of contracts and CIDB
2. Perform contracts, risks and performance management processes
3. Implement effective systems for contract, performance and risk management
4. Develop legal framework for contract management and administration
5. Monitor and report on contracts

SNR ACCOUNTANT T

CLERK NEW POST T

CLERK NEW POST T

25 Snr Professional

SNR Official: Contract

W. Bergend

Idaali

Clerec

page 25

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

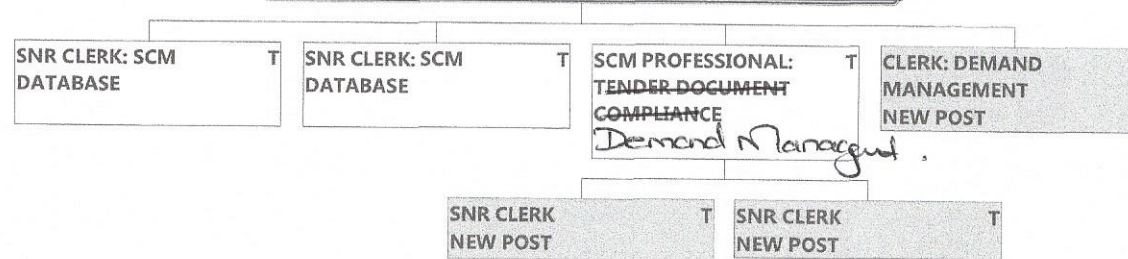
18/10/2017

SECTION DEMAND MANAGEMENT	
PURPOSE: To render a demand management service	
FUNCTIONS:	
1. Compile annual demand management plan	
2. Develop procurement strategy	
3. Perform needs analyses	
4. Perform expenditure analysis with respect to payments, quotations and bids	
5. Compile specifications and terms of reference	
6. Maintain supplier database, perform market research and sourcing of suppliers	
7. Perform commodity analysis	
8. Render bid administrative support function to bid committees and maintain bid registers	
SNR ACCOUNTANT	T

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

SECTION
ACQUISITION MANAGEMENT

PURPOSE: To render acquisition management services

FUNCTIONS:

1. Render acquisition management services for purchases above R30000
2. Render acquisition management services for purchases from R0 to R200000
3. Provide tender evaluations services for bids above R200000
4. Coordinate, control and apply logistics and disposal management practices and procedures in order to administer and manage the receipt, safeguarding and issuing of store items

SNR ACCOUNTANT

APPROVED BY COUNCIL

Signature

25/10/2017

SUB-SECTION
ACQUISITION MANAGEMENT
(ABOVE R30 000)

PURPOSE: To render acquisition management services for purchases above R30 000

FUNCTIONS:

1. Formulate, implement and monitor the annual demand management plan (inclusive of strategic and operational procurement plan)
2. Process and apply bid systems to solicit responses in the form of quotations from suppliers/ vendors of service providers
3. Perform procurement function for department (inclusive of transversal bids) and facilitate the emergency procurement process
4. Execute procurement process compliance
6. Administer concluded contracts, interact with departments to establish conformance with specifications, terms and conditions and related legal aspects
7. Perform Bid operations, compilation, evaluation, adjudication, administration, maintenance of bid registers and bid reporting

ACCOUNTANT

NEW POST

SUB-SECTION
ACQUISITION MANAGEMENT
(R0-R200 000)

PURPOSE: To render acquisition management services for purchases from R0 to R200 000

FUNCTIONS:

1. Coordinate and control procurement and/ or purchasing sequences
2. Confirm capacity and capability of suppliers to meet specific requirements
3. Monitor compliance and perform supplier audits and performance evaluation
4. Collate and verify transactional documentation (requisitions, delivery notes,)
5. Provide detailing report on outstanding/ back orders and re-order status
6. Analyze inventory schedules to determine critical needs

CHIEF BUYER

NEW POST

SUB-SECTION
TENDER EVALUATIONS
(ABOVE R200 000)

PURPOSE: To provide tender evaluations services for bids above R200 000

FUNCTIONS:

1. Decide on the manner in which the market will be approached
2. Establish the total cost of ownership of a particular type of asset
3. Ensure that bid documentation is complete, including evaluation criteria
4. Evaluate bids in accordance with published criteria
5. Ensure that proper contract documents are signed
6. Ensure that bids be evaluated in accordance with the criteria specified in the bid specifications

SNR SCM PROFESSIONAL

NEW POST

SECTION
STORES & DISPOSAL MANAGEMENT

PURPOSE: To coordinate, control and apply logistics and disposal management practices and procedures in order to administer and manage the receipt, safeguarding and issuing of store items

FUNCTIONS:

1. Apply logistics management practices
2. Execute prescribed procurement practices, orders, requisitions, assessing patrons' needs, dispatch goods
3. Administer and control specific accounting procedures associated with disposal management
4. Administer the disposal of obsolete items/ goods and maintain a database of redundant materials/ goods

ACCOUNTANT

SCM PRACTITIONER T

SCM PRACTITIONER T

SCM PRACTITIONER T

BUYER T BUYER T

BUYER T BUYER T

SCM PROFESSIONAL T

SCM PROFESSIONAL T

NEW POST

NEW POST

Buyer

STORES ADMINISTRATOR T

STORES ASSISTANT T

STORES ASSISTANT T

SCM Practitioner (Stores)

SCM Practitioner Bid + FP

SCM Practitioner Clerk Bid Committee

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

____/____/2017

SECTION
LAND USE MANAGEMENT

PURPOSE: To administer, uphold and ensure compliance with municipal planning and related legislation and by-laws, policies and guidelines and ensure and enforce compliance with all relevant legislation and resolutions in order to create a safe and attractive environment

FUNCTIONS:

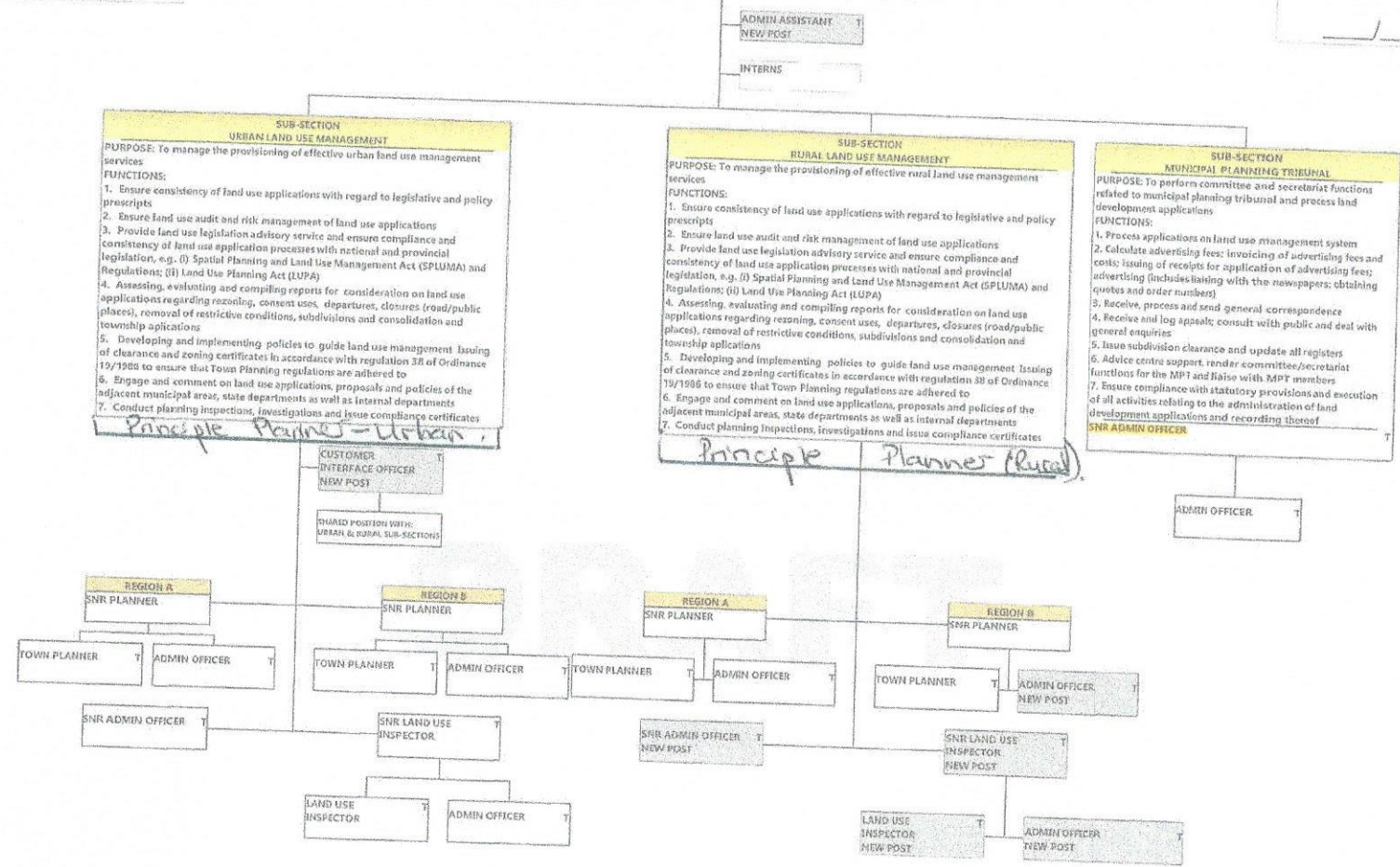
1. Manage the provisioning of effective urban land use management services
2. Manage the provisioning of effective rural land use management services
3. Perform committee and secretariat functions related to municipal planning tribunal and process land development applications

MANAGER: LAND USE MANAGEMENT

APPROVED BY COUNCIL

Signature

____/____/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

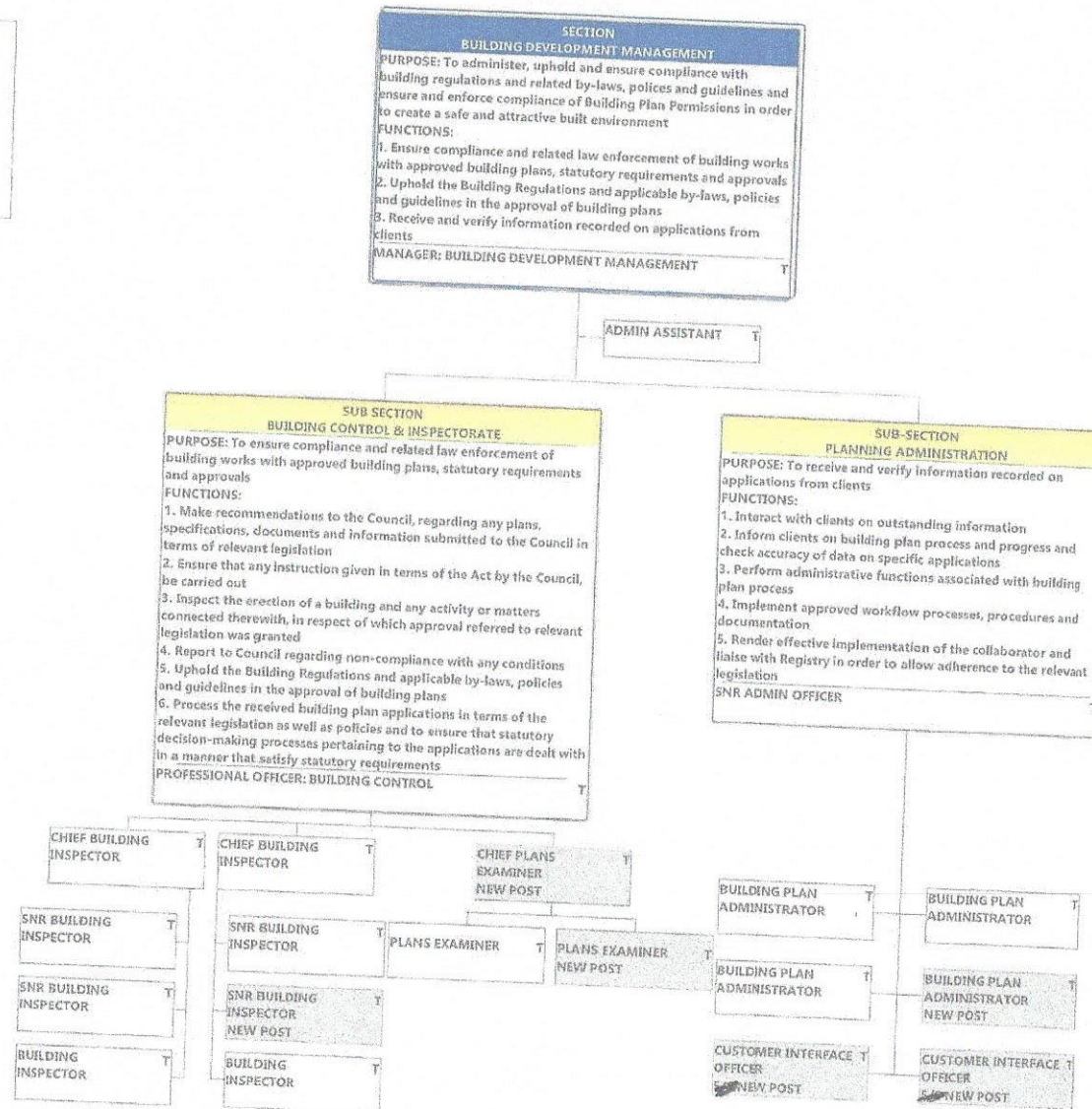
Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017



4 Full time instead of 3/8

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

DIVISION
INTEGRATED HUMAN SETTLEMENTS

PURPOSE: To provide integrated human settlements administration and support services to address the housing needs in the area

FUNCTIONS:

1. Implement strategic objectives of Council pertaining informal settlements and projects to ensure integration with IDP and IHS Plan
2. Manage the administrative processes of housing applications and provisioning to ensure proper service delivery to the community
3. Render management and line function administrative support services

SNR MANAGER: INTEGRATED HUMAN SETTLEMENTS T

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

SNR CLERK T

SECTION
INFORMAL SETTLEMENTS

PURPOSE: To implement strategic objectives of Council pertaining informal settlements and projects to ensure integration with IDP and IHS Plan

MANAGER: INFORMAL SETTLEMENTS T

SEE PAGE 36

SECTION
HOUSING ADMINISTRATION

PURPOSE: To manage the administrative processes of housing applications and provisioning to ensure proper service delivery to the community

MANAGER: HOUSING ADMINISTRATION T

SEE PAGE 37

SECTION
HOUSING DEVELOPMENT

Purpose: Manage multi-year integrated human settlement projects through phases of project cycle.

- set housing delivery goals
- identify + designate land
- initiate, co-ordinate, facilitate

MANAGER: HOUSING DEVELOPMENT

PROGRAMME
MANAGERS

Community
Facilitators
x 3 posts

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

____/____/2017

APPROVED BY COUNCIL

Signature

____/____/2017

DIVISION
WATER & WASTEWATER SERVICES

PURPOSE: To manage the rendering of water services to provide bulk and potable water and sanitation services to the community

FUNCTIONS:

1. Manage the maintenance of wastewater treatment plants
2. Manage the operation of water treatment works and plant to ensure potable water in compliance with the license agreement as issued by the Department of Water Affairs
3. Manage the operational processes with regard to water and wastewater networks
4. Provide planning, design and technical support services with regard to water and wastewater services
5. Maintain wastewater treatment plants / systems and pump stations
6. Render management and line function administrative support services

SNR MANAGER: WATER & WASTEWATER SERVICES

SECTION
ADMINISTRATIVE SUPPORT

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide secretarial/ administrative/ logistical support services to the Deputy Director
2. Provide planning, research, analyses and reporting services to the Deputy Director

ADMIN OFFICER

SNR CLERK

SECTION
WASTEWATER TREATMENT

PURPOSE: To manage the maintenance of wastewater treatment plants in compliance with prescripts

MANAGER: WASTEWATER TREATMENT

SEE PAGE 40

SECTION
WATER TREATMENT

PURPOSE: To manage the operation of water treatment works and plant to ensure potable water in compliance with prescripts and license agreement as issued by the Department of Water Affairs

MANAGER: WATER TREATMENT

SEE PAGE 43

SECTION
WATER & WASTEWATER NETWORK OPERATIONS

PURPOSE: To manage the operational processes with regard to water and wastewater network operations

MANAGER: WATER & WASTEWATER OPERATIONS

SEE PAGE 45

SECTION
WATER SERVICES PLANNING

PURPOSE: To provide planning, design and technical support services with regard to water and waste water services

FUNCTIONS:

1. Plan, monitor, control and report on the design and construction of new bulk water infrastructure master plan with the aim to ensure continuous water supply, reducing maintenance cost and maximisation of capacity
2. Develop, update, implement, monitor and maintain a maintenance / operational plan of water purification plants to optimise potable water production.
3. Develop policies, service standards and regulatory requirements for water service provisioning in compliance to legislation
4. Compile and update potable water services by-laws and regulations
5. Assist with the develop and updating of an asset and asset maintenance management system
6. Perform Quality Control reporting functions with regard to Blue & Green Drop

MANAGER: PLANNING, DESIGN AND SUPPORT

ADMIN OFFICER

WATER DEMAND MANAGEMENT/ LOSS CONTROL/ METER MANAGEMENT/ REGULATION COMPLIANCE

CHIEF ENGINEERING TECHNICIAN

WATER & SANITATION INFRASTRUCTURE PLANNING & DESIGN

CHIEF ENGINEERING TECHNICIAN

WATER & SANITATION INFRASTRUCTURE SUPPORT & PROJECT MANAGEMENT

CHIEF ENGINEERING TECHNICIAN

SNR TECHNICIAN

SNR TECHNICIAN

TECHNICIAN

SUP-SECTION
MAINTENANCE - Mechanical

PURPOSE: To maintain wastewater treatment plants / systems and pump stations

FUNCTIONS:

1. Maintain the wastewater plants
2. Maintain pump station maintenance
3. Perform scheduled maintenance

SUPERINTENDENT

SNR. Clerk.

STELLENBOSCH
MILLWRIGHT

RURAL
MILLWRIGHT

ELECTRICIAN

ELECTRICIAN

HANDYMAN

HANDYMAN

GENERAL WORKER NEW POST

GENERAL WORKER NEW POST

ARTISAN/FOREMAN

LEADING HAND

GEN WORKER

GEN WORKER

GEN WORKER

7. Maintain water and wastewater treatment plants

Implementation

from page 40

from page 48

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

 Signature

____/____/2017

**SECTION
 WASTEWATER TREATMENT**

PURPOSE: To manage the maintenance of wastewater treatment plants in compliance with prescripts

FUNCTIONS:

1. Manage the maintenance and operation of wastewater treatment infrastructure to assure uninterrupted services
2. Manage the maintenance and operation of waste water treatment infrastructure to assure uninterrupted services
3. Render pollution control services to ensure acceptable water quality and standards
4. Perform quality control functions and ensure compliance with regard to Green Drop

MANAGER: WASTEWATER TREATMENT T

APPROVED BY COUNCIL

 Signature

____/____/2017

CLERK

**SUB-SECTION
 STELLENBOSCH
 WASTEWATER TREATMENT WORKS (WWTW)
 CLASS A**

PURPOSE: To manage the maintenance and operation of wastewater treatment infrastructure to assure uninterrupted services

SNR PROFESSIONAL OFFICER T
 NEW POST

SEE PAGE 41

**SUB-SECTION
 RURAL
 WASTEWATER TREATMENT WORKS
 (WWTW)**

PURPOSE: To manage the maintenance and operation of wastewater treatment infrastructure to assure uninterrupted services

SNR PROFESSIONAL OFFICER T
 NEW POST

SEE PAGE 42

**SUB-SECTION
 POLLUTION CONTROL**

PURPOSE: To render pollution control services to ensure acceptable water quality and standards

FUNCTIONS:

1. Ensure quality control of wastewater disposal
2. Render inspection services to monitor industrial effluent water and pollution to ensure compliance

SNR PROFESSIONAL OFFICER T
 NEW POST

POLLUTION CONTROL OFFICER T

POLLUTION CONTROL OFFICER T

POLLUTION CONTROL OFFICER T
 NEW POST

SNR CLERK T

~~SNR CLERK T~~

(Move to page 39)

DRAFT

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

___/___/2017

SUB-SECTION
RURAL
WASTEWATER TREATMENT WORKS (WWTW)

PURPOSE: To manage the maintenance and operation of wastewater treatment infrastructure to assure uninterrupted services

FUNCTIONS:

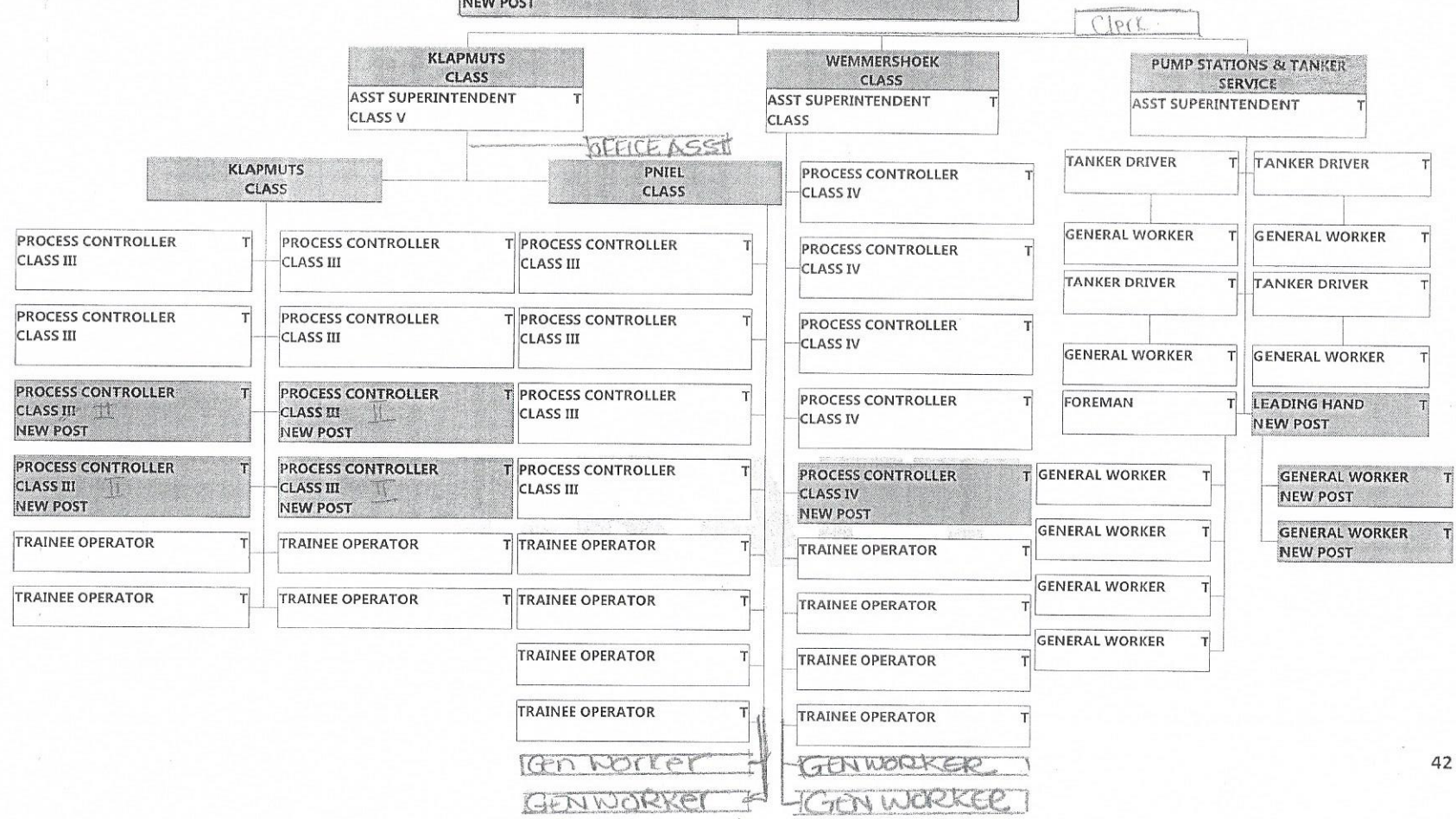
1. Treat wastewater and disposal of by-products in accordance with legally prescribed standards
2. Perform cleaning and maintenance services to the wastewater treatment works
3. Provide maintenance of sewerage pumps, pump stations and render a sewerage tanker services in outlying areas

SNR PROFESSIONAL OFFICER T
NEW POST

APPROVED BY COUNCIL

Signature

___/___/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

 Signature

____/____/2017

SECTION
WATER TREATMENT

PURPOSE: To manage the operation of water treatment works and plant to ensure potable water in compliance with prescripts and license agreement as issued by the Department of Water Affairs

FUNCTIONS:

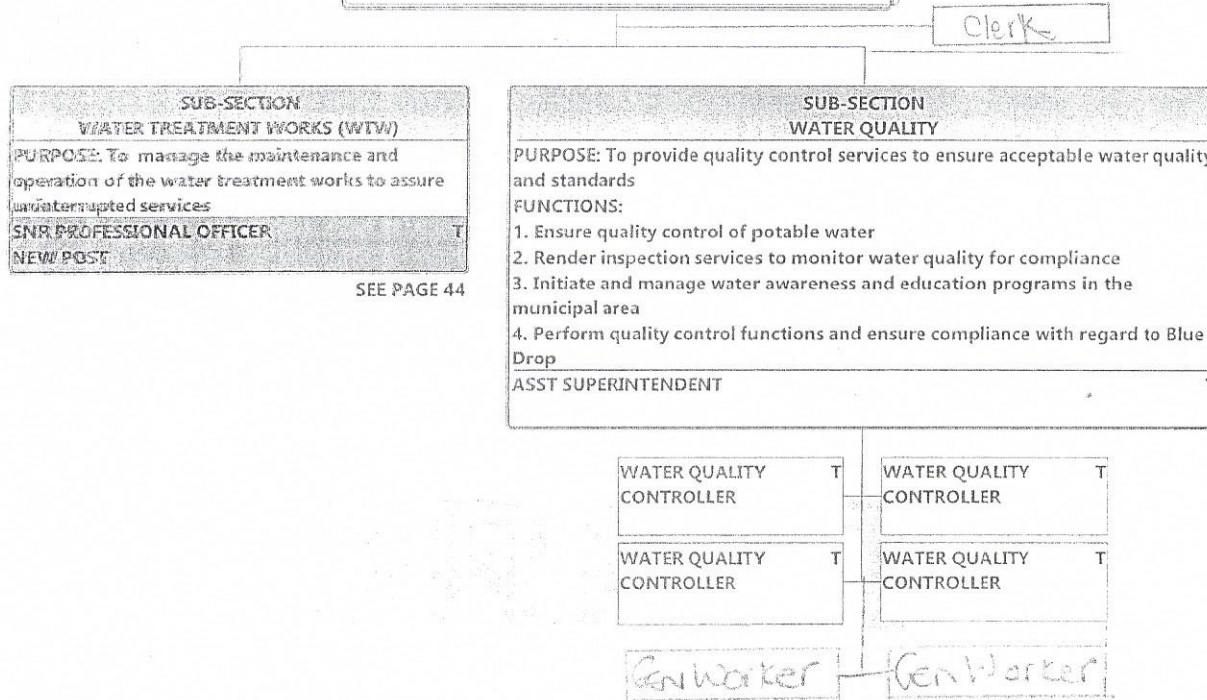
1. Manage the maintenance and operation of the water treatment works to assure uninterrupted services
2. Provide quality control services to ensure acceptable water quality and standards

MANAGER: WATER TREATMENT T

APPROVED BY COUNCIL

 Signature

____/____/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature _____

____/____/2017

APPROVED BY COUNCIL

Signature _____

____/____/2017

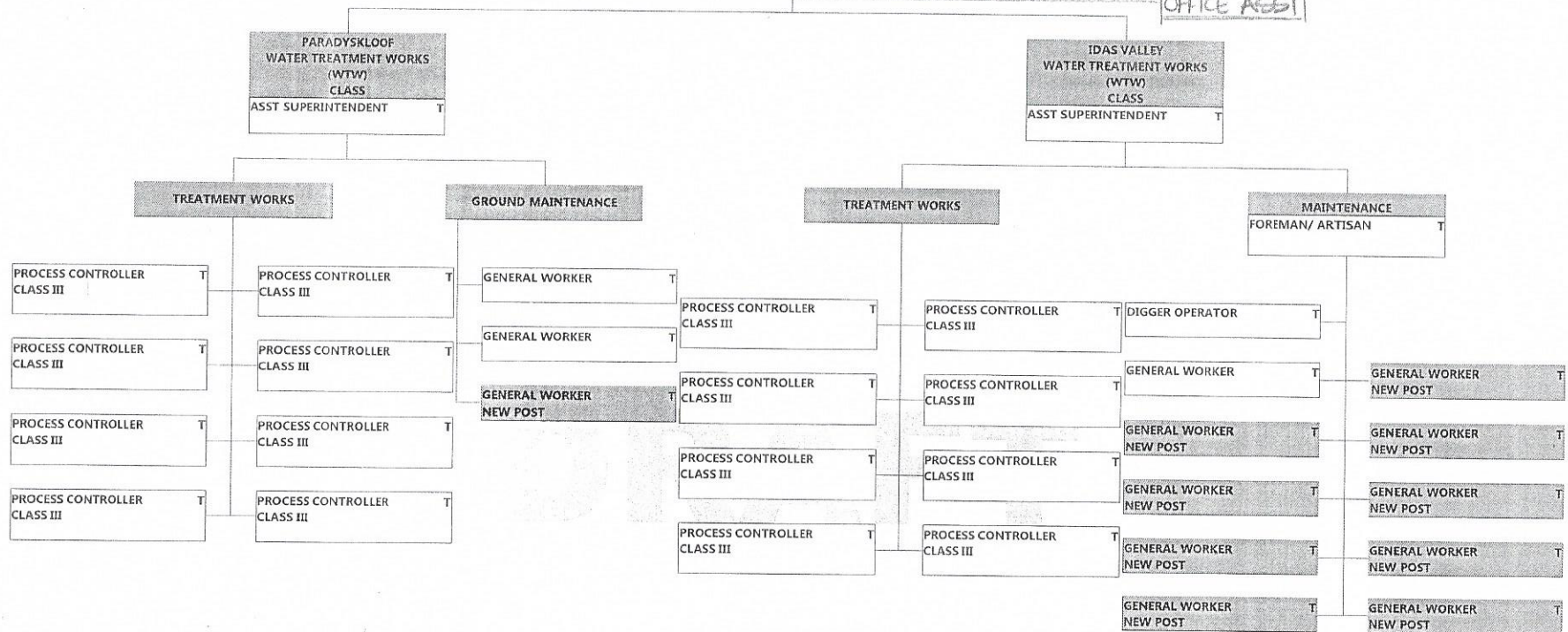
SUB-SECTION
 WATER TREATMENT WORKS (WTW)

PURPOSE: To manage the maintenance and operation of the water treatment works to assure uninterrupted services

FUNCTIONS:
 1. Manage the maintenance and operation of bulk water treatment plants, systems and pump stations
 2. Perform cleaning and maintenance services to the water treatment works

SNR PROFESSIONAL OFFICER
 NEW POST

OFFICE ASST



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

____/____/2017

SECTION
WATER & WASTEWATER NETWORK OPERATIONS

PURPOSE: To manage the operational processes with regard to water and wastewater network operations

FUNCTIONS:

1. Manage the distribution of potable water in a sustainable manner to satisfy the needs of consumers
2. Manage the operations and construction of waste water reticulation infrastructure to ensure a clean and healthy environment to the community in compliance with regulatory prescripts
3. Manage, monitor and administer maintenance contractors and EPWP/ MIG projects in conjunction with the relevant division within the directorate
4. Provide wastewater system compliance services to ensure operational activities are executed in accordance with prescribed quality standards

MANAGER: WATER & WASTEWATER OPERATIONS T

APPROVED BY COUNCIL

Signature

____/____/2017

Principal Technician

SNR Technician

SUB-SECTION
WATER OPERATIONS

PURPOSE: To manage the distribution of potable water in a sustainable manner to satisfy the needs of consumers

FUNCTIONS:

1. Maintain the water distribution networks and pipelines
2. Manage the construction, maintenance of reservoirs and pump station maintenance
3. Manage, install and maintain the operation of bulk water meters
4. Render meter management

SNR PROFESSIONAL OFFICER T
 NEW POST

SUB-SECTION
SEWER OPERATIONS

PURPOSE: To manage the operations and construction of waste water reticulation infrastructure to ensure a clean and healthy environment to the community in compliance with regulatory prescripts

FUNCTIONS:

1. Provide maintenance services for the wastewater networks
2. Manage the maintenance of sewerage pumps, abluition, pump stations and render a sewerage tanker services in outlying areas

SNR PROFESSIONAL OFFICER T
 NEW POST

SNR CLERK T

SNR CLERK T
 NEW POST

operations

STELLENBOSCH
WATER NETWORK

SNR SUPERINTENDENT T

SEE PAGE 46

OPERATIONS WATER
**FRANSCHHOEK/ DWARSRIVIER/
 KLAPMUTS**

SUPERINTENDENT T

SEE PAGE 47

**WATER BULK SUPPLY &
 PUMPSTATIONS**

SNR SUPERINTENDENT T

SEE PAGE 48

WATER METERING

SUPERINTENDENT T

SEE PAGE 49

STELLENBOSCH
SEWER OPERATIONS

SNR SUPERINTENDENT T

SEE PAGE 50

SEWER OPERATIONS
**FRANSCHHOEK/ DWARSRIVIER/
 KLAPMUTS**

SUPERINTENDENT T

SEE PAGE 51

ANNEXURE A2

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

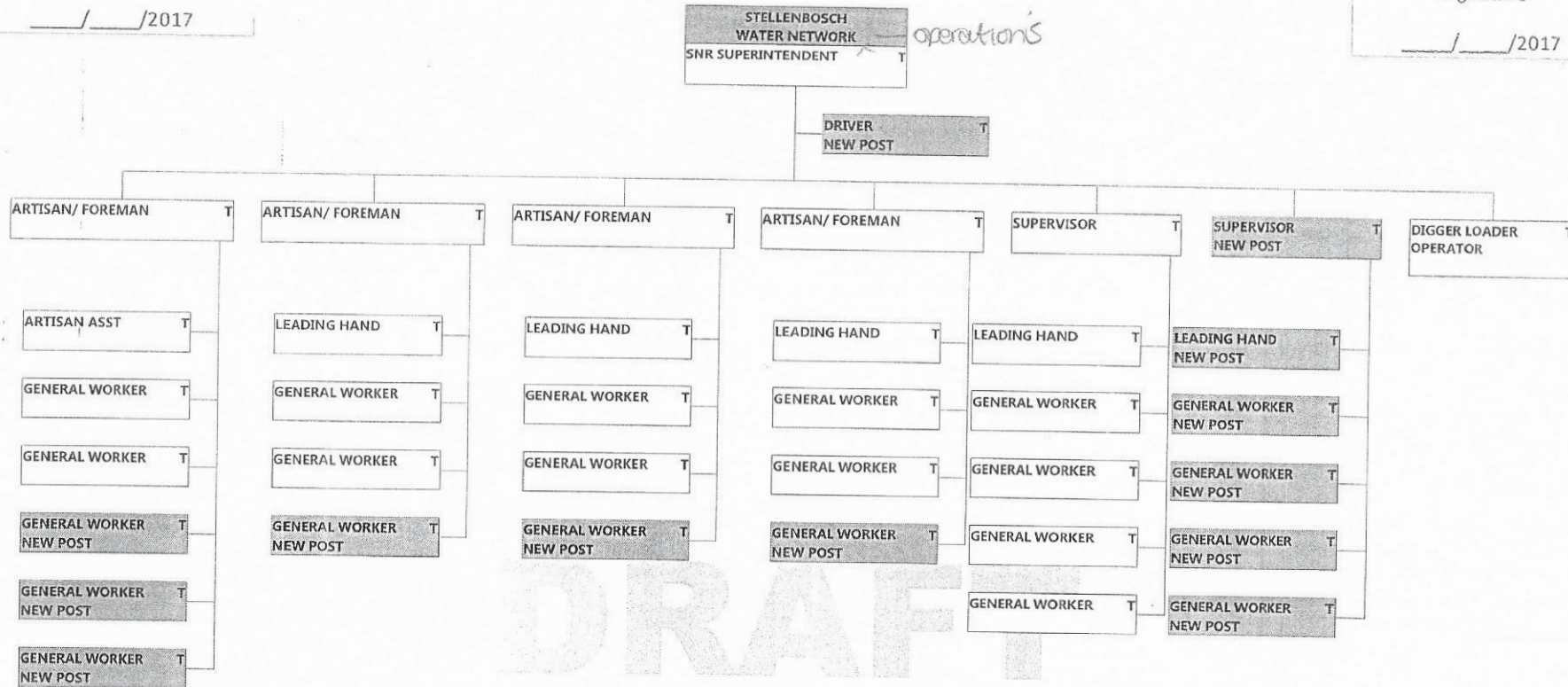
 Signature

____/____/2017

APPROVED BY COUNCIL

 Signature

____/____/2017



DRAFT

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

____/____/2017

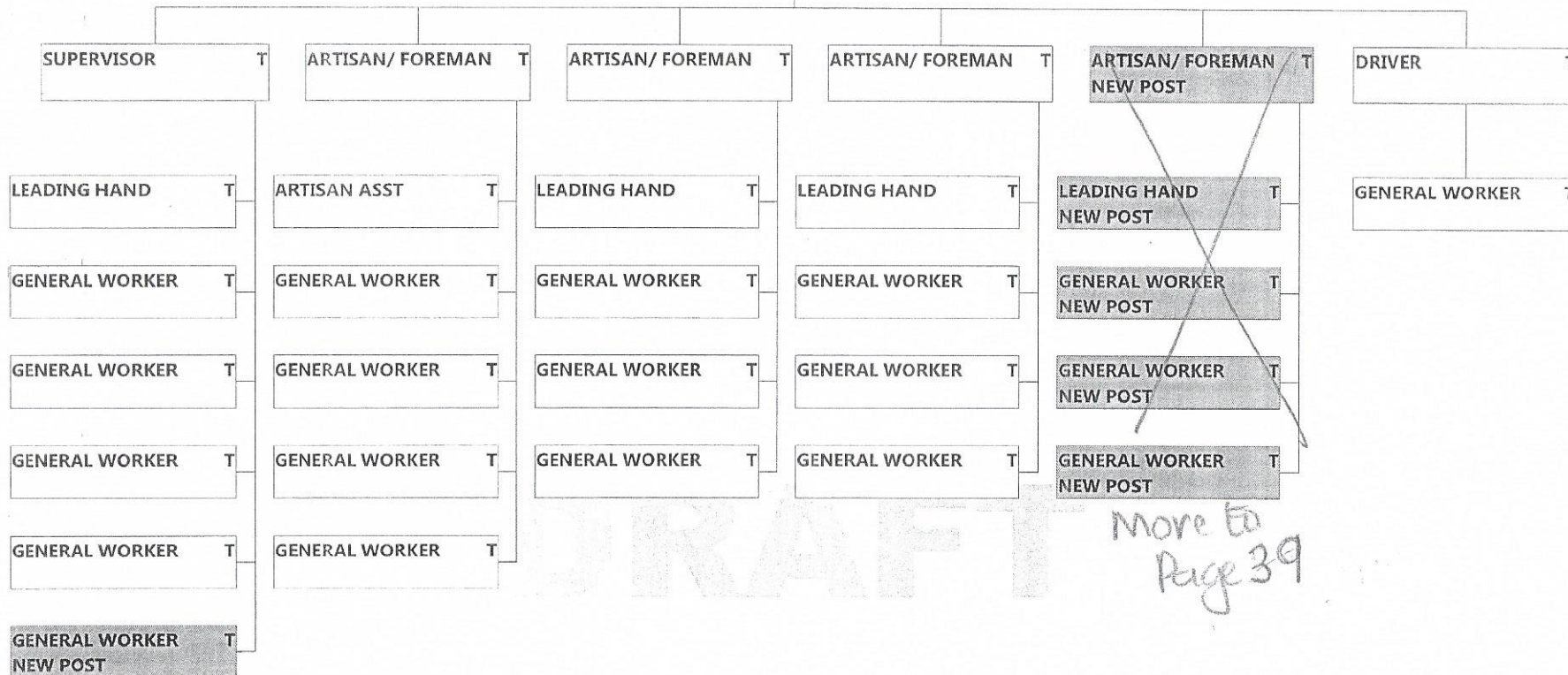
APPROVED BY COUNCIL

Signature

____/____/2017

**WATER BULK SUPPLY &
 PUMPSTATIONS**

SNR SUPERINTENDENT T



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

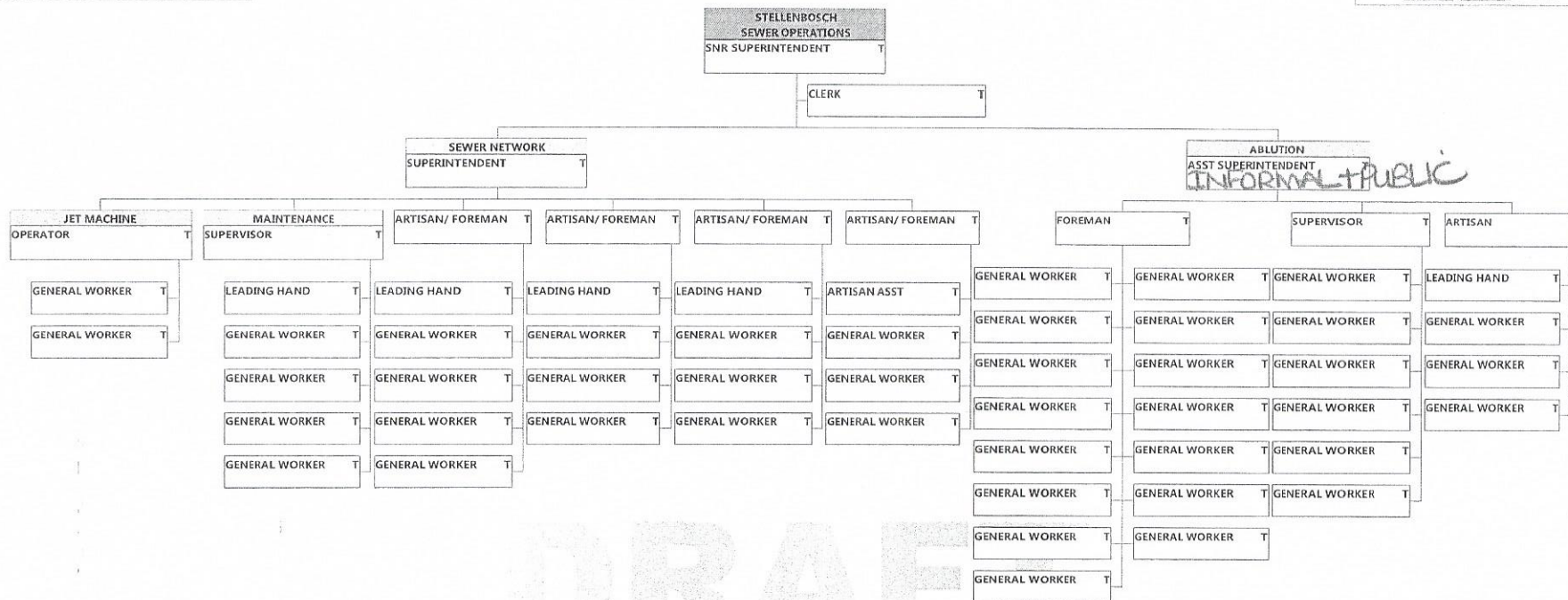
 Signature

____/____/2017

APPROVED BY COUNCIL

 Signature

____/____/2017



DRAFT

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

___/___/2017

DIVISION: DEVELOPMENT, ASSET MANAGEMENT AND SYSTEMS, PMU

PURPOSE: Information systems management, development facilitation management and management of the project management unit (PMU).
FUNCTIONS:
1. Ensure accurate and up to date management information systems.
2. Manage the wayleave system.
3. Management of development processes in terms of engineering services
4. Facilitate new development in terms of engineering services provision.
5. Manage the implementation of capital projects through the Project Management Unit (PMU)

APPROVED BY COUNCIL

Signature

___/___/2017

SNR MANAGER: DEVELOPMENT, ASSET MANAGEMENT AND SYSTEMS, PMU

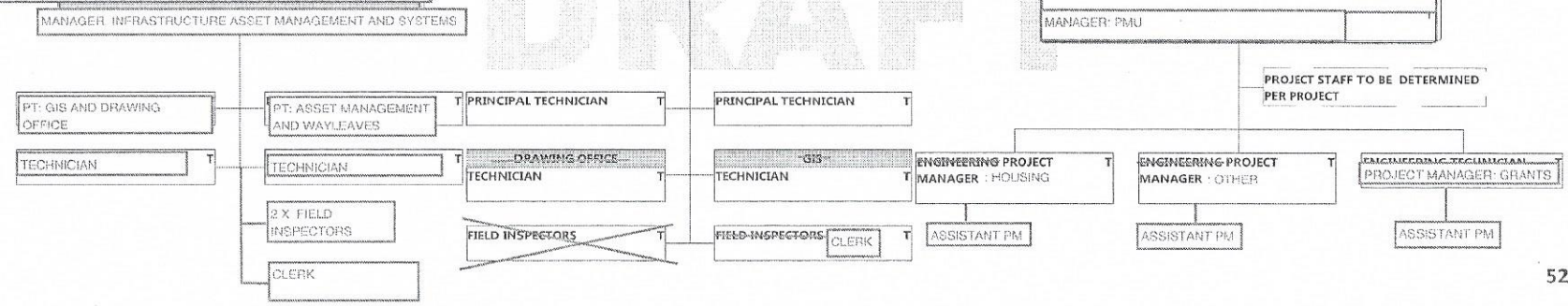
Purpose: To manage the GIS, drawing office, asset management and wayleaves on behalf of the Directorate.

SECTION ADMINISTRATIVE SUPPORT
PURPOSE: To render management and line function administrative support services
FUNCTIONS:
1. Provide secretarial/ administrative/ logistical support services
2. Provide planning, research, analyses and reporting services
SNR CLERK T

SECTION: INFRASTRUCTURE ASSET MANAGEMENT AND SYSTEMS
PURPOSE: To manage the provisioning of project management services for the construction phase of capital/ external funded projects
FUNCTIONS:
1. Manage the engineering management information systems of the Directorate.
2. Provide accurate and up to date spatial information.
3. Manage the on-going update of engineering information systems to ensure informed decision making by other Divisions and Sections.
4. Manage GIS services for the Directorate.
5. Manage the drawing office of the Directorate.
6. Way leave management and administration.
7. Manage the asset management systems for the Directorate

SECTION: DEVELOPMENT
Purpose: To manage the development processes related to infrastructure provision to new developments with the aim to facilitate structured, effective, responsible and sustainable development.
FUNCTIONS:
1. Approve land use applications and set engineering conditions for new developments
2. Manage Development Charges
3. Manage development service agreements
4. Approve civil engineering design drawings for new developments
5. Facilitate and monitor new development infrastructure implementation
6. Approve clearance applications
7. Approve building plans
MANAGER: DEVELOPMENT

SECTION: PROJECT MANAGEMENT UNIT (PMU)
Purpose: To manage the provisioning of project management services for the implementation planning and construction phase of new housing, informal settlements, infrastructure and municipal facilities projects.
FUNCTIONS:
1. Develop and maintain PM systems, procedures and processes for the life cycle implementation of infrastructure projects
2. Render life cycle PM for all types of infrastructure projects
3. Manage cross functional projects in conjunction with all relevant departments.
4. Engage with line departments in the medium to long term planning and budgeting of capital projects.
5. Compile long term budget for Directorate.
6. Manage and report on infrastructure implementation.
7. Management of the grant funding programmes
MANAGER: PMU



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

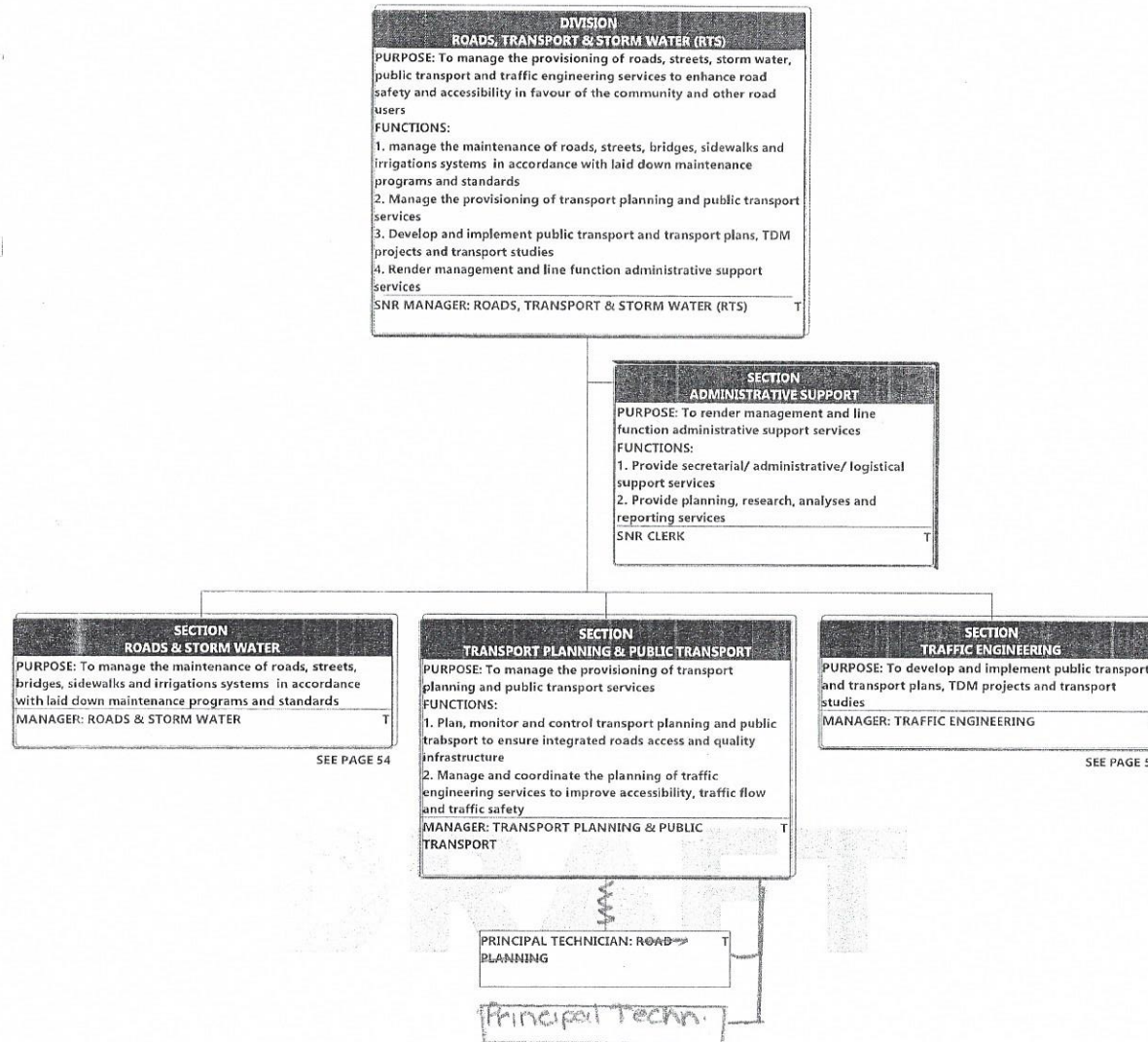
 Signature

____/____/2017

APPROVED BY COUNCIL

 Signature

____/____/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

____/____/2017

APPROVED BY COUNCIL

Signature

____/____/2017

SECTION
ROADS & STORM WATER

PURPOSE: To manage the maintenance of roads, streets, bridges, sidewalks and irrigations systems in accordance with laid down maintenance programs and standards

FUNCTIONS:

1. manage the construction, repairs and maintenance of streets, bridges, sidewalks and municipal buildings in accordance with laid down maintenance programs and standards
2. manage the buildings, property, fences, structures & public facility maintenance programs of the municipality
3. plan, monitor and control the design and construction of roads and storm water infrastructure with the aim to ensure integrated roads access and quality infrastructure

MANAGER: ROADS & STORM WATER T

*MOVE TO
Page 55.*

~~OFFICE ASSISTANT~~ T

SUB-SECTION
ROADS & STORM WATER

PURPOSE: To manage the construction, repairs and maintenance of streets, bridges, sidewalks and municipal buildings in accordance with laid down maintenance programs and standards

SUPERINTENDENT T

SEE PAGE 55

SUB-SECTION
TECHNICAL SUPPORT

PURPOSE: To plan, monitor and control the design and construction of roads and storm water infrastructure with the aim to ensure integrated roads access and quality infrastructure

FUNCTIONS:

1. Coordinate, plan and monitor the design and construction of roads, storm water and building maintenance master plan:
 - i) Monitor encroachments
 - ii) Provide wayleaves
 - iii) Administer 3rd party claims
 - iv) Compile tender specifications
2. Profrom road operations:
 - i) Priorities internal teams and external contractors
 - ii) Maintain PMS
 - iii) Perform road Inspections
 - iv) Review plans regarding roads
3. Coordinate storm water, bridges and irrigation water operations:
 - i) Maintain storm water management plan
 - ii) Perform site inspections
 - iii) Review plans regarding storm water
4. Perform regular inspections on facilities and compile maintenance programmes in terms of structures and provide engineering / technical project support

PRINCIPAL TECHNICIAN T

ROADS
TECHNICIAN T

STORM WATER
TECHNICIAN T
NEW POST

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

 Signature

____/____/2017

SUB-SECTION
ROADS & STORM WATER

PURPOSE: To manage the construction, repairs and maintenance of streets, bridges, sidewalks and municipal buildings in accordance with laid down maintenance programs and standards

FUNCTIONS:

1. Coordinate and perform street construction and maintenance services
2. Coordinate and perform storm water construction and maintenance services
3. Coordinate, control and apply logistics management practices and procedures in order to administer and manage the receipt, safeguarding and issuing of store items

SUPERINTENDENT T

APPROVED BY COUNCIL

 Signature

____/____/2017

GENERAL WORKER T

OFFICE ASST (from Page 54)

ROADS & STORM WATER

PURPOSE: To coordinate and perform roads and storm water construction and maintenance services

ASST SUPERINTENDENT T

SEE PAGE 56

ROADS & STORM WATER
OUTLYING AREAS

PURPOSE: To coordinate and perform general maintenance and smaller construction of storm water systems, smaller roads and sidewalk maintenance

ASST SUPERINTENDENT T

SEE PAGE 57

DEPOT STORE

PURPOSE: To coordinate, control and apply logistics management practices and procedures in order to administer and manage the receipt, safeguarding and issuing of store items

FUNCTIONS:

1. Apply logistics management practices
2. Administer the disposal of obsolete items/ goods and maintain a database of redundant materials/ goods
3. Administer and control specific accounting procedures associated with asset and disposal management
4. Liaise with SCM and stores section

CLERK T

CLERK
 NEW POST T

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

___/___/2017

APPROVED BY COUNCIL

Signature

___/___/2017

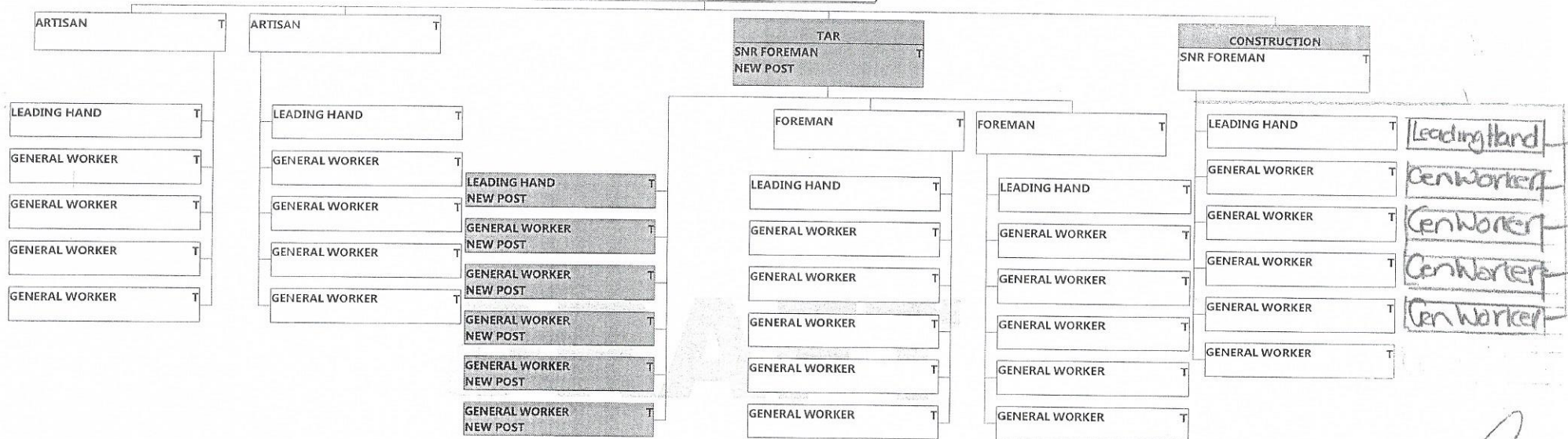
ROADS & STORM WATER

PURPOSE: To coordinate and perform roads and storm water construction and maintenance services

FUNCTIONS:

1. Perform specialised road repair services
2. Repair roads, sidewalks, storm water, drainage systems and road reserve maintenance services
3. Perform gravel road maintenance and repair services
4. Construct, clean and maintain of storm water systems with regards to structures and kerbs
5. Construct and maintain adequate and safe infrastructure for the handling and removal of storm water, blockages and debris from drainage systems

ASST SUPERINTENDENT T



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

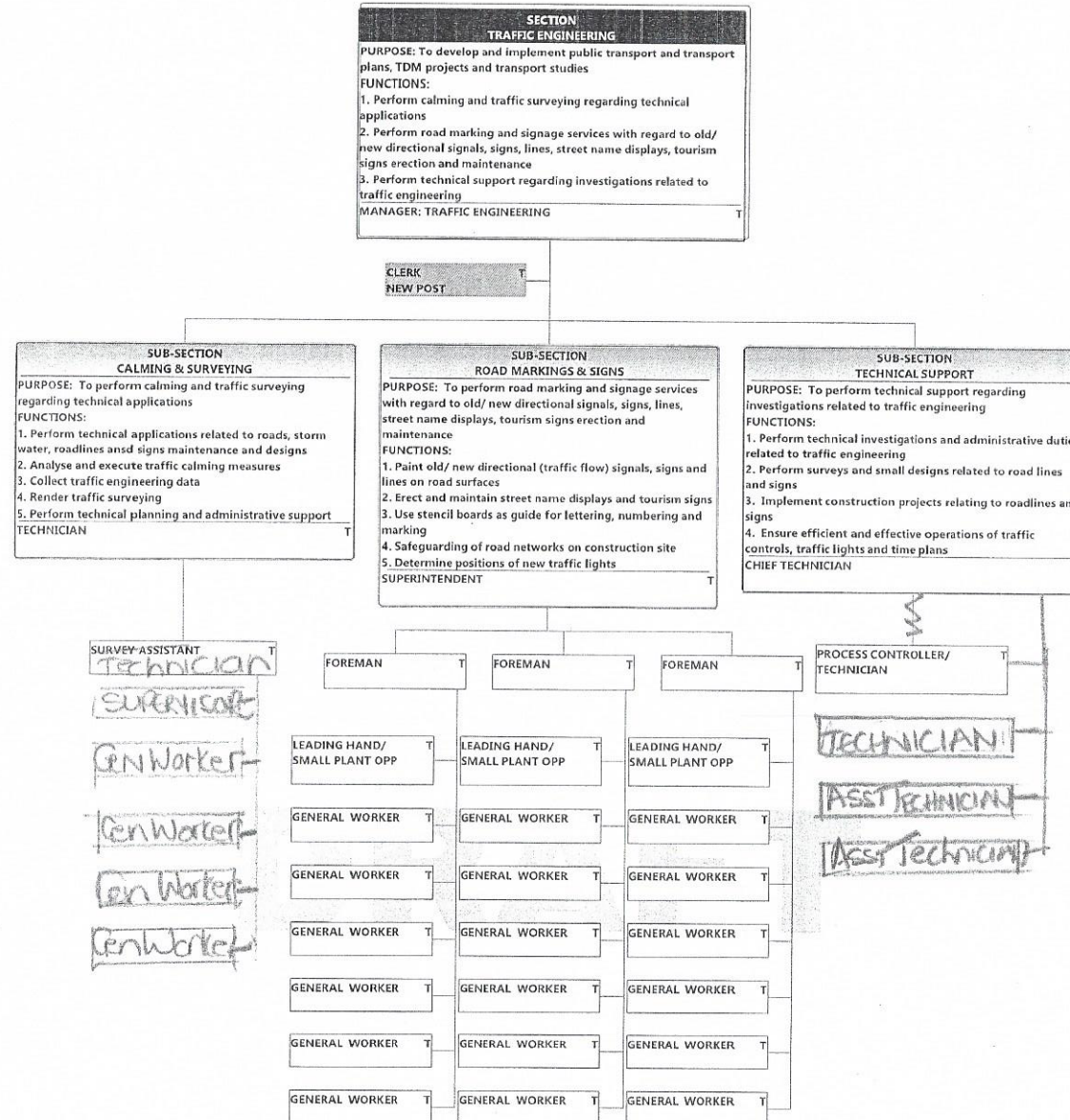
Signature

___/___/2017

APPROVED BY COUNCIL

Signature

___/___/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

 Signature

____/____/2017

APPROVED BY COUNCIL

 Signature

____/____/2017

**DIVISION
 ELECTRICAL SERVICES**

PURPOSE: To manage the provisioning and maintenance of electrical and mechanical services

FUNCTIONS:

1. Manage the operation and maintenance of the electrical infrastructure to ensure an effective, safe and sufficient continuity of supply to the community in the Stellenbosch area
2. Monitor the planning, design and coordination of all construction work performed when installing new or improving existing electrical infrastructure
3. Manage the maintenance and operations of electricity meters, systems, loss control, house connections, inspections and client services
4. Manage the effective, efficient and economical operation of a mechanical workshop service to ensure the readily availability of Council's plant, machinery and equipment
5. Render management and line function administrative support services

SNR MANAGER: ~~ELECTRO-TECHNICAL SERVICES~~
ELECTRICAL T

from
 bb.

← **TRAINEE
 ELECTRICIANS XL**

**SECTION
 ADMINISTRATIVE SUPPORT**

PURPOSE: To render management and line function administrative support services

FUNCTIONS:

1. Provide administrative support services
2. Provide planning, research, statistics, analyses and reporting services

SNR CLERK T

**SECTION
 OPERATIONS & MAINTENANCE**

PURPOSE: To manage the operation and maintenance of the electrical infrastructure to ensure an effective, safe and sufficient continuity of supply to the community in the Stellenbosch area

MANAGER: OPERATIONS & MAINTENANCE T

SEE PAGE 60

**SECTION
 PLANNING, DESIGN, CONSTRUCTION &
 SERVICES**

PURPOSE: To monitor the planning, design and coordination of all construction work performed when installing new or improving existing electrical infrastructure

MANAGER: PLANNING, DESIGN, CONSTRUCTION & SERVICES T

SEE PAGE 63

**SECTION
 METERING, LOSS CONTROL & DWARSRIEVER**

PURPOSE: To manage the maintenance and operations of electricity meters, systems, loss control, house connections, inspections and client services

MANAGER: METERING, LOSS CONTROL & DWARSRIEVER T

SEE PAGE 66

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

___/___/2017

SECTION
PLANNING, DESIGN, CONSTRUCTION & SERVICES

PURPOSE: To monitor the planning, design and coordination of all construction work performed when installing new or improving existing electrical infrastructure

FUNCTIONS:

1. Manage the maintenance and repairs of electrical network and installations on municipal buildings, facilities and streetlights as well as to attend to all electrical complaints of the public
2. Implement and coordinate all construction work performed when installing new or improving existing electrical infrastructure
3. Provide technical support on planning & design of all electrical infrastructure upgrades as well as new installations
4. Provide support re services & construction to ensure effective and efficient service delivery to the public

MANAGER: PLANNING, DESIGN, CONSTRUCTION & SERVICES

APPROVED BY COUNCIL

Signature

___/___/2017

SUB-SECTION
SERVICES

PURPOSE: To manage the maintenance and repairs of electrical network and installations on municipal buildings, facilities and streetlights as well as to attend to all electrical complaints of the public

SUPERINTENDENT

SEE PAGE 64

SUB-SECTION
CONSTRUCTION

PURPOSE: To implement and coordinate all construction work performed when installing new or improving existing electrical infrastructure

SUPERINTENDENT

SEE PAGE 65

SUB-SECTION
TECHNICAL SUPPORT (NETWORK SIMULATION/OPTIMIZATION)

PURPOSE: To provide technical support on planning & design of all electrical infrastructure upgrades as well as new installations

FUNCTIONS:

1. Implement EEDSM initiatives and programmes by keeping abreast with technological developments in the industry
2. Ensure the implementation of National Government initiatives and programs:
 - i) Investigate, plan and implement the EEDSM and INEP programmes and initiatives
 - ii) Manage the electrical infrastructure upgrades and forward planning
3. Manage planning, design and construction upgrading and modification of electricity network to ensure operational and sustainability
4. Maintain electrical network drawings
5. Ensure that the electrical network simulations are performed on software

PRINCIPAL TECHNICIAN
NEW POST

SUB-SECTION
SUPPORT SERVICE

PURPOSE: To provide support re client related services to ensure effective and efficient service delivery to the public

FUNCTIONS:

1. Reconcile on a monthly the leave registers of the section with payday, leave book and attendance register as per the auditors finding and recommendation.
2. Complete the monthly council report and the D-Forms submitted to NERSA for the functions relating to the section.
3. Investigate and finalise damaged appliances, refunds or no liability as per by-laws
4. Provide data re the Services Section's complaints management system, time & attendance finger print system, filing system ????
5. Render administrative functions

SNR CLERK
NEW POST

Add KPI6: Verify Electrical Asset Lifecycle



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

___/___/2017

SUB-SECTION SERVICES

PURPOSE: To manage the maintenance and repairs of electrical network and installations on municipal buildings, facilities and streetlights as well as to attend to all electrical complaints of the public

FUNCTIONS:

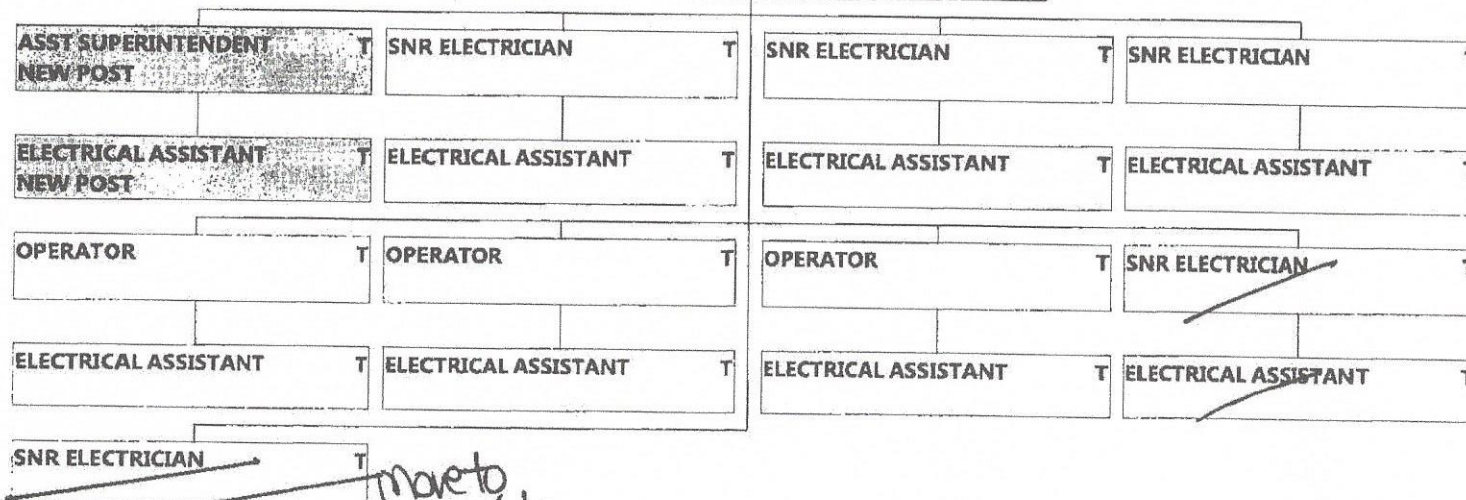
1. Manage the provision of maintenance and operational services regarding property service connections
2. Ensure maintenance and operational services of electrical supply and electrical reticulation on council buildings and facilities
3. Ensure maintenance and operational services of streetlights
4. Ensure that municipal street furniture is made safe in an event of damage due to accident
5. Manage the maintenance and repairs of electrical installations of all municipal buildings and facilities and streetlights

SUPERINTENDENT

APPROVED BY COUNCIL

Signature

___/___/2017



MOVE TO
 Page 64

move to
 pg 66

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

___/___/2017

**SUB-SECTION
 CONSTRUCTION**

PURPOSE: To implement and coordinate all construction work performed when installing new or improving existing electrical infrastructure

FUNCTIONS:

1. Ensure that all construction work is done in accordance with the specifications and requirements of Stellenbosch Municipality
2. Responsible for all irrecoverable cost jobs and its formal reporting processes
3. Ensure that all "as-built" drawings are transferred to the SLD and GIS drawings

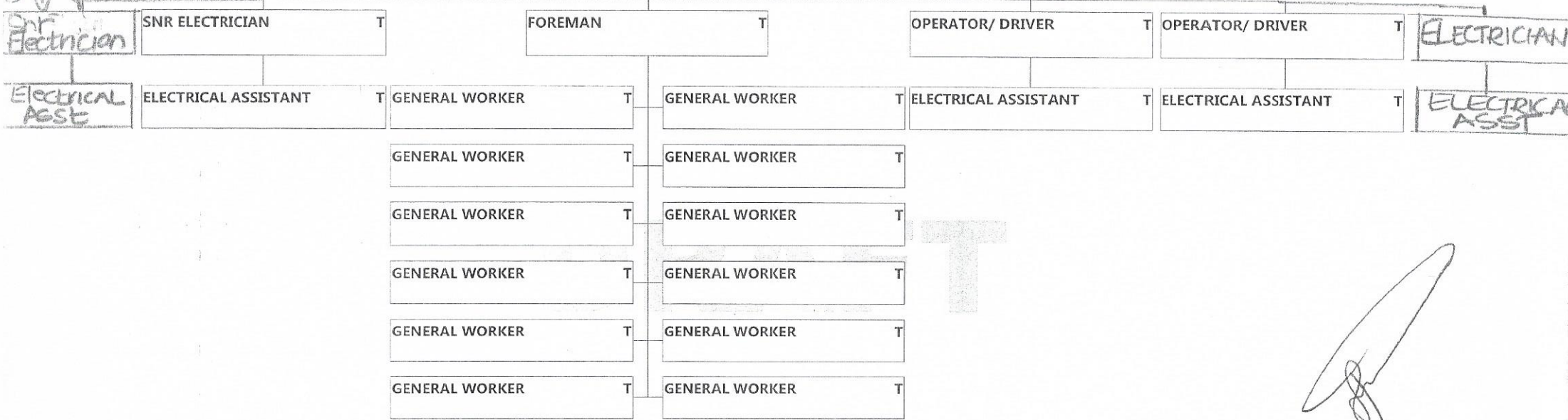
SUPERINTENDENT

APPROVED BY COUNCIL

Signature

___/___/2017

(From Page 64)



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

____/____/2017

APPROVED BY COUNCIL

Signature

____/____/2017

SECTION
METERING, LOSS CONTROL & DWARSRIVIER

PURPOSE: To manage the maintenance and operations of electricity meters, systems, loss control, house connections, inspections and client services

FUNCTIONS:

1. Manage the provisioning and maintenance of electricity meters
2. Manage, control and minimise electricity losses to protect Council's revenue
3. Manage the operations and maintenance of the distribution network of Dwarsrivier and surrounding areas
4. Conduct visual inspections of supporting structures, lines and cables and evaluating the performance of step down transformers, switchgear and associated components
5. Render administrative support and client services re metering

MANAGER: METERING, LOSS CONTROL & DWARSRIVIER

~~TRAINING ASSISTANT~~

Moved to Pg 59

SUB-SECTION
METERING SERVICES

PURPOSE: To manage the provisioning and maintenance of electricity meters

SUPERINTENDENT

SEE PAGE 67

SUB-SECTION
METERING SYSTEMS & LOSS CONTROL

Purpose: To manage, control and minimise electricity losses to protect Council's revenue

TECHNICIAN

SEE PAGE 68

SUB-SECTION
DWARSRIVIER

PURPOSE: To manage the operations and maintenance of the distribution network of Dwarsrivier and surrounding areas

SUPERINTENDENT

SEE PAGE 69

SUB-SECTION
INSPECTIONS

PURPOSE: To conduct visual inspections of supporting structures, lines and cables and evaluating the performance of step down transformers, switchgear and associated components

FUNCTIONS:

1. Transgression management and investigations with regards to theft of cables etc. and contract with local police forums
2. Provide inspections services with regard to sub-stations, electricity lines, cables and meters
3. Perform site inspection regarding the possible illegal use of electricity and water
4. Perform disconnections of illegal users

INSPECTOR

~~ELECTRICAL ASSISTANT~~
~~NEW POST~~

SUB-SECTION
SUPPORT & DATA

PURPOSE: To render administrative support and client services re metering

FUNCTIONS:

1. Render capturing of all new installations
2. Register and activate meters
3. Generate meter tariff codes
4. Perform vending administration and maintenance of system
5. Provide Metering Section's client services and complaint system to ensure telephone calls and enquiries are attended to promptly and professionally in accordance with customer service standards and objectives
6. Manage and maintain software strongbox system

SNR CLERK/ DATA ANALYST

CLERK

~~CLERK~~
~~NEW POST~~

DM DWARSRIVIER
PRINCIPAL TECHN.
SUPERINTENDENT
SNR Electr.
Elec ASST
SNR Electr.
Elec ASST
SNR OPERATOR
Elec ASST

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

____/____/2017

SECTION
WASTE MINIMIZATION & DISPOSAL

PURPOSE: To provide waste minimization and disposal services in accordance with applicable legislation, by-laws and standards

FUNCTIONS:

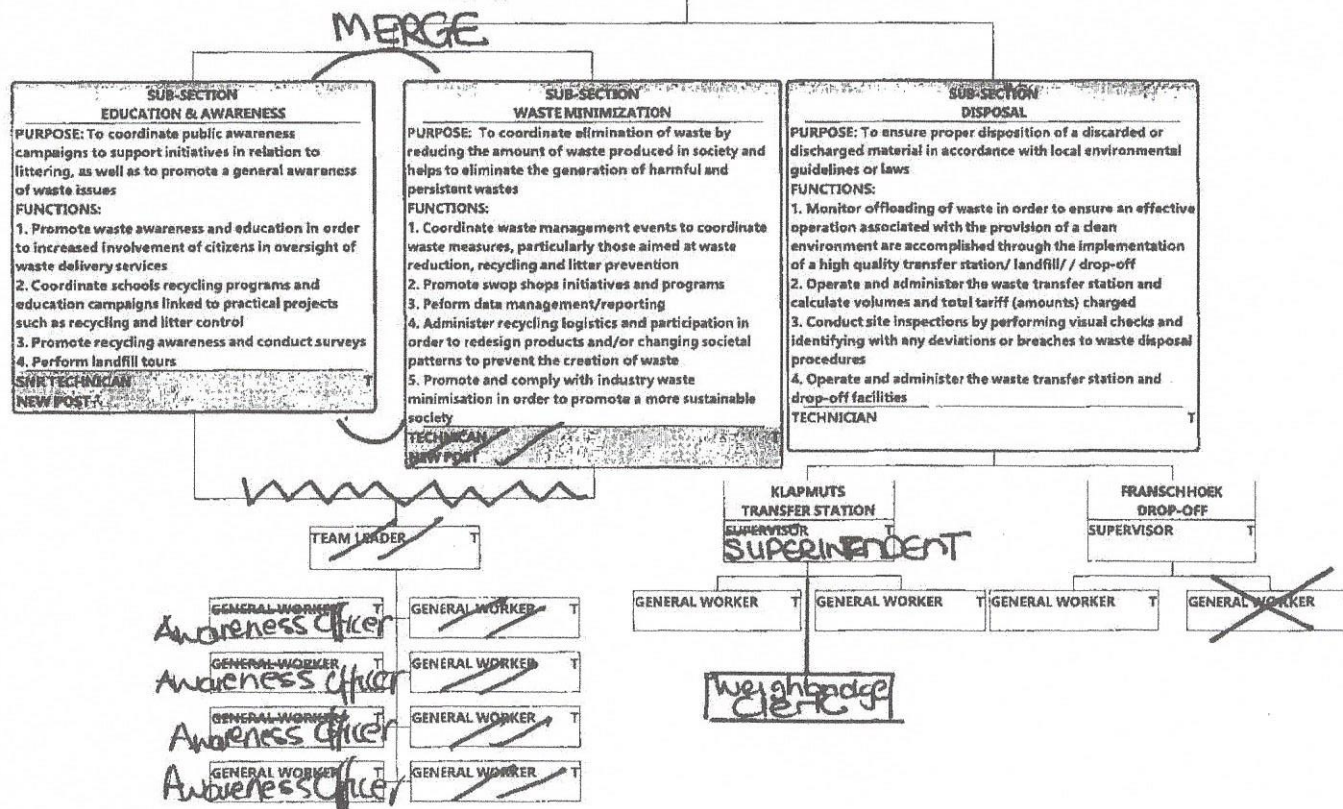
1. Coordinate public awareness campaigns to support initiatives in relation to littering, as well as to promote a general awareness of waste issues
2. Coordinate elimination of waste by reducing the amount of waste produced in society and helps to eliminate the generation of harmful and persistent wastes
3. Ensure proper disposition of a discarded or discharged material in accordance with local environmental guidelines or laws
4. Monitor and administer green policing and by-law enforcement regarding cleaning and greening issues

MANAGER: WASTE MINIMIZATION & DISPOSAL

APPROVED BY COUNCIL

Signature

____/____/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 PROPOSED MICRO STRUCTURE - 21 SEP 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

 Signature

____/____/2017

SECTION
 SUPPORT SERVICES

PURPOSE: To render management and line function administrative support services to the directorate

FUNCTIONS:

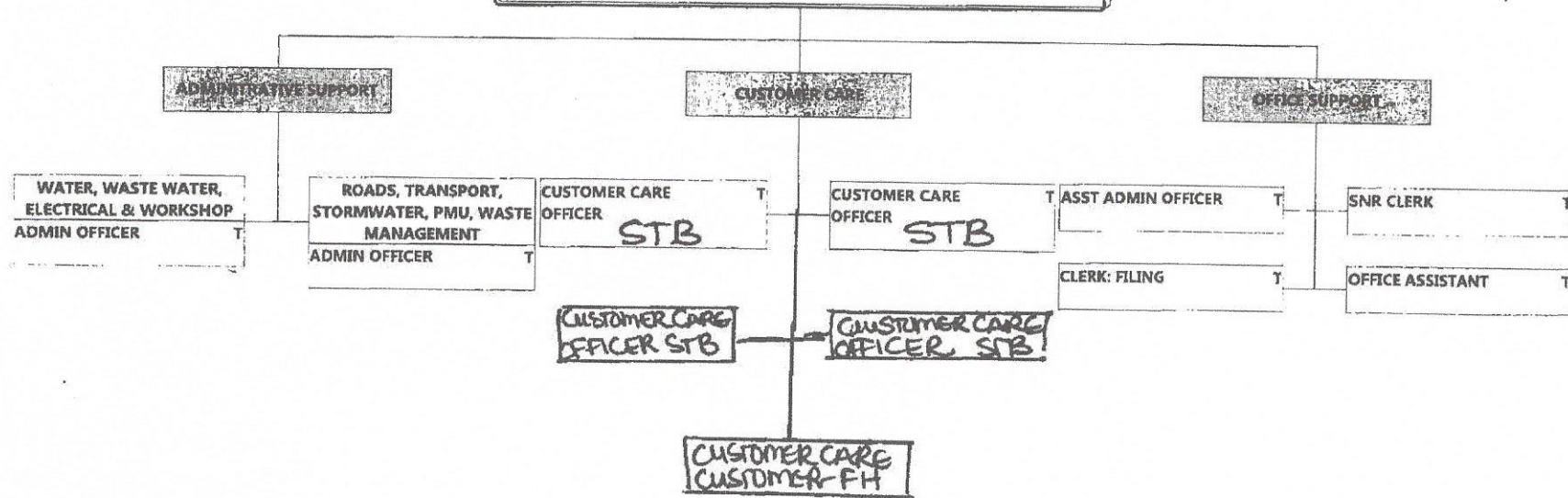
1. Provide administrative support services
2. Compile reports wrt compliance monitoring
3. Coordinate departmental performance management progress monitoring and reporting (PMS and SDBIP)
4. Provide reporting services to the Director
5. Control and ensure the maintenance of the departmental complaints management system.
6. Performs client and public related services to ensure effective and efficient services to the public:
 - (i) Front Desk - queries, complaints, applications for new or upgraded services
 - (ii) Businesses / Residential / Developers / Contractors in respect with any information pertaining to Infrastructure queries/ supply/ connection or services or account to be addressed
 - (iii) Damaged appliances - investigating, finalising, and final consensus - refund customer or no liability as per bylaws

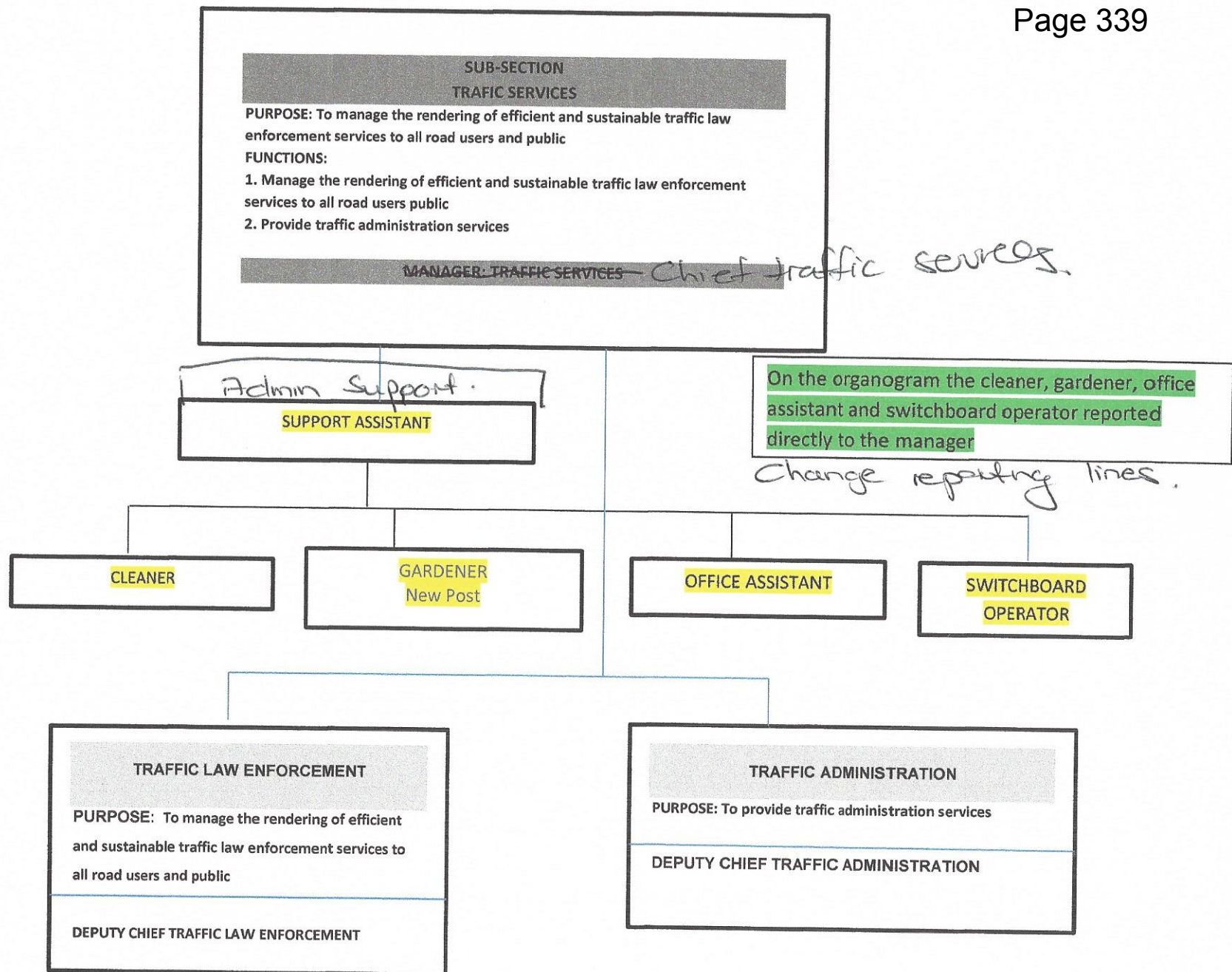
MANAGER: SUPPORT SERVICES

APPROVED BY COUNCIL

 Signature

____/____/2017





CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

TRAFFIC LAW ENFORCEMENT

PURPOSE: To provide traffic law enforcement services

FUNCTIONS:

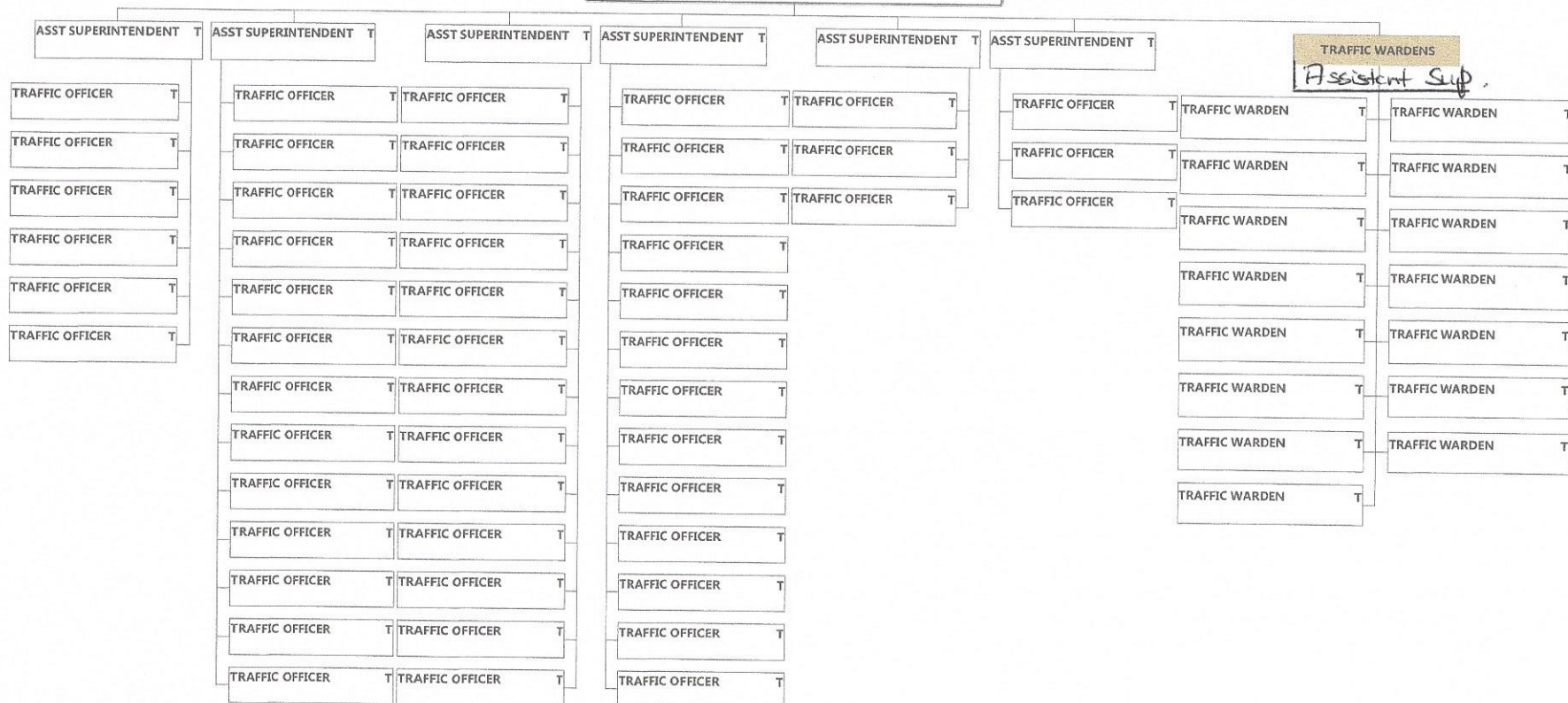
1. Visible traffic policing and law enforcement
2. Speed limit enforcement, point duties and escort duties
3. Road Block Operations
4. Serving of summonses and execution of warrants
5. Manage traffic law enforcement with regard to public transport
6. Liaise with Operators Licensing Board and liaise with taxi associations wrt enquiries/ confirmation

SUPERINTENDENT

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

TRAFFIC ADMINISTRATION

PURPOSE: To provide traffic administration services

FUNCTIONS

1. Administer financial and administrative procedures with regard to traffic law enforcement and provide administrative and financial support services
2. Administer the processes of motor vehicle registration and licensing on a service level agreement basis
3. Administer the testing for learner, driving licenses and vehicles for fitness / roadworthiness
4. Administer the testing of vehicles for fitness / roadworthiness

DEPUTY CHIEF TRAFFIC ADMINISTRATION

APPROVED BY COUNCIL

Signature

25/10/2017

TRAFFIC FINES

PURPOSE: To administer financial and administrative procedures with regard to traffic law enforcement and provide administrative and financial support services

FUNCTIONS:

1. Traffic fine management
2. Link to NPA and Justice Department
3. Contravention system management
4. Cashiering, receipting and filing

SNR ADMIN OFFICER

MOTOR VEHICLE REGISTRATION AUTHORITY (MVRA)

PURPOSE: To administer the processes of motor vehicle registration and licensing on a service level agreement basis

FUNCTIONS:

1. Process applications
2. Administer cash control and compliance
3. Capture transactions (E-NATIS)
4. Issue roadworthy certificates and relevant documents
5. Perform general enquiries and administrative support

CHIEF CLERK

DRIVING LICENSE TESTING CENTRE (DLTC)

PURPOSE: To administer the testing for learner and driving licenses

SNR SUPERINTENDENT

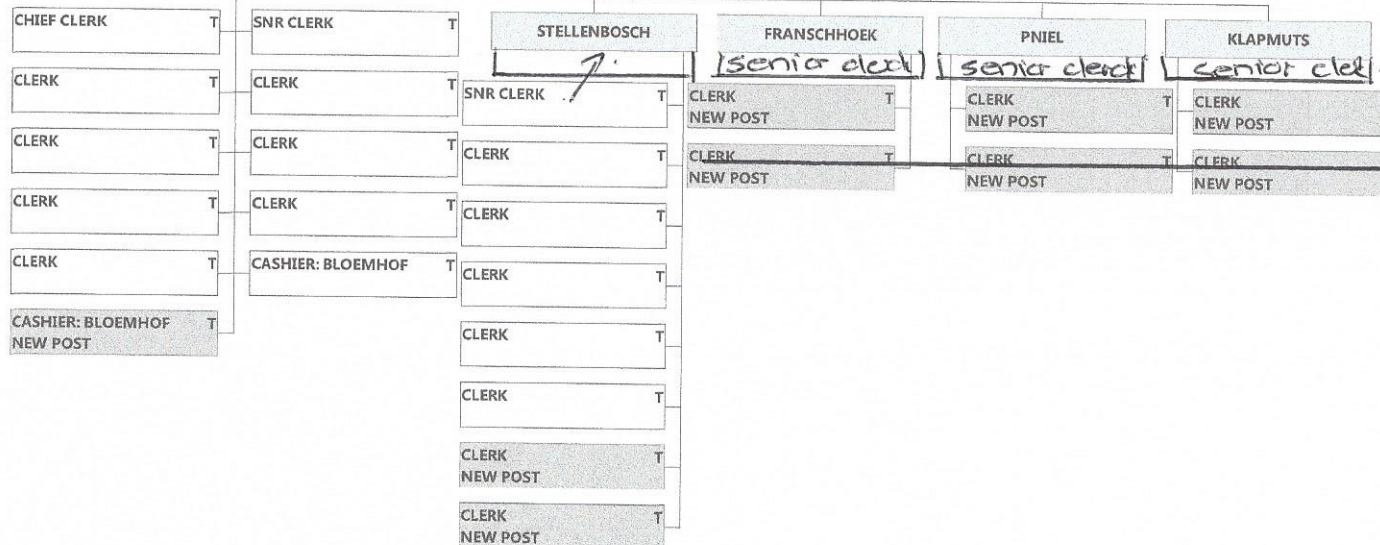
SEE PAGE 83

VEHICLE TESTING STATION (VTS)

PURPOSE: To administer the testing of vehicles for fitness / roadworthiness

SNR SUPERINTENDENT

SEE PAGE 84



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

VEHICLE TESTING STATION (VTS)

PURPOSE: To administer the testing of vehicles for fitness / roadworthiness

FUNCTIONS:

1. Examine and re-examine vehicles
2. Perform general enquiries, administrative support and compliance reporting
3. Perform vehicle tests in accordance with prescripts

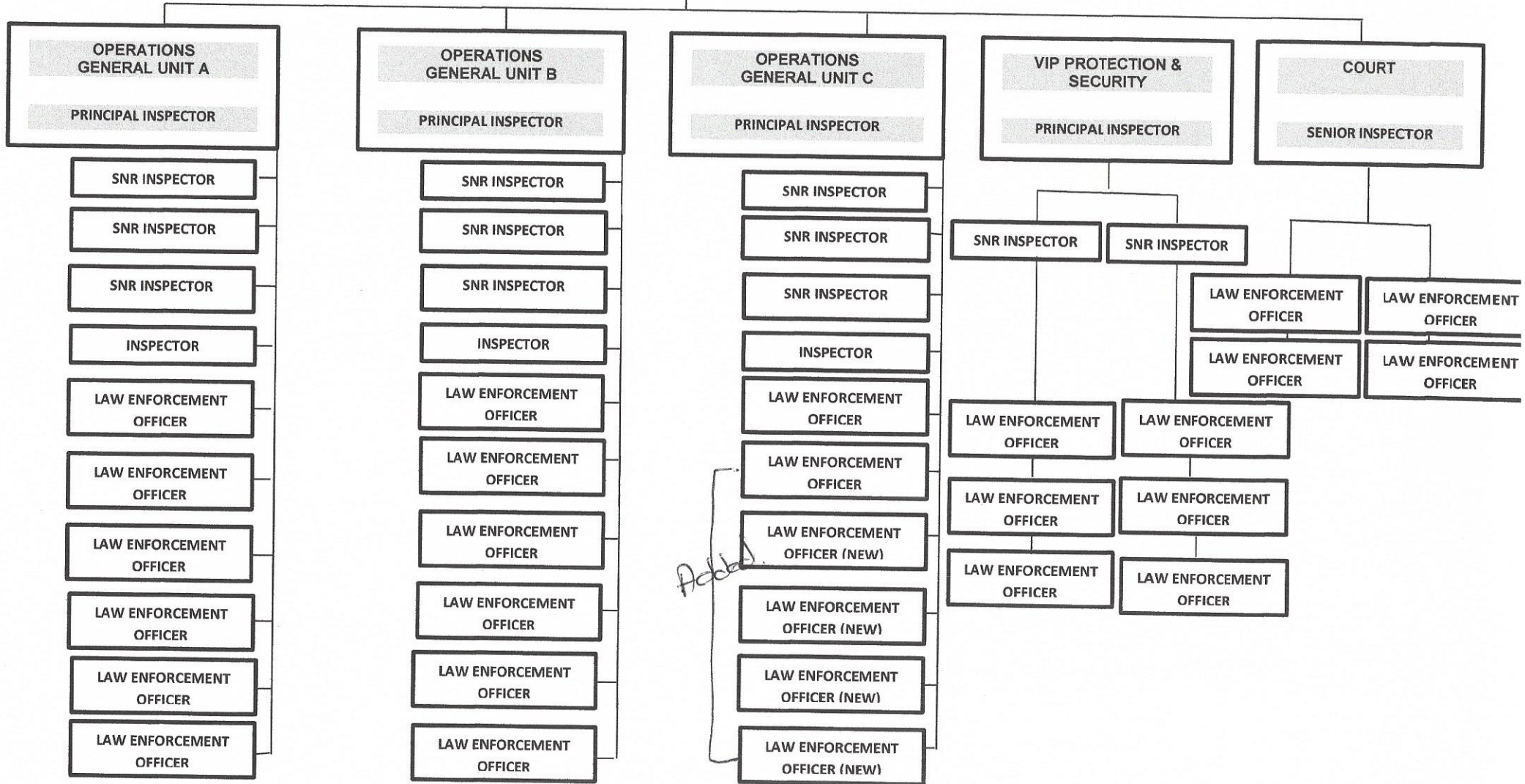
SNR-SUPERINTENDENT T
Management Rep VTC

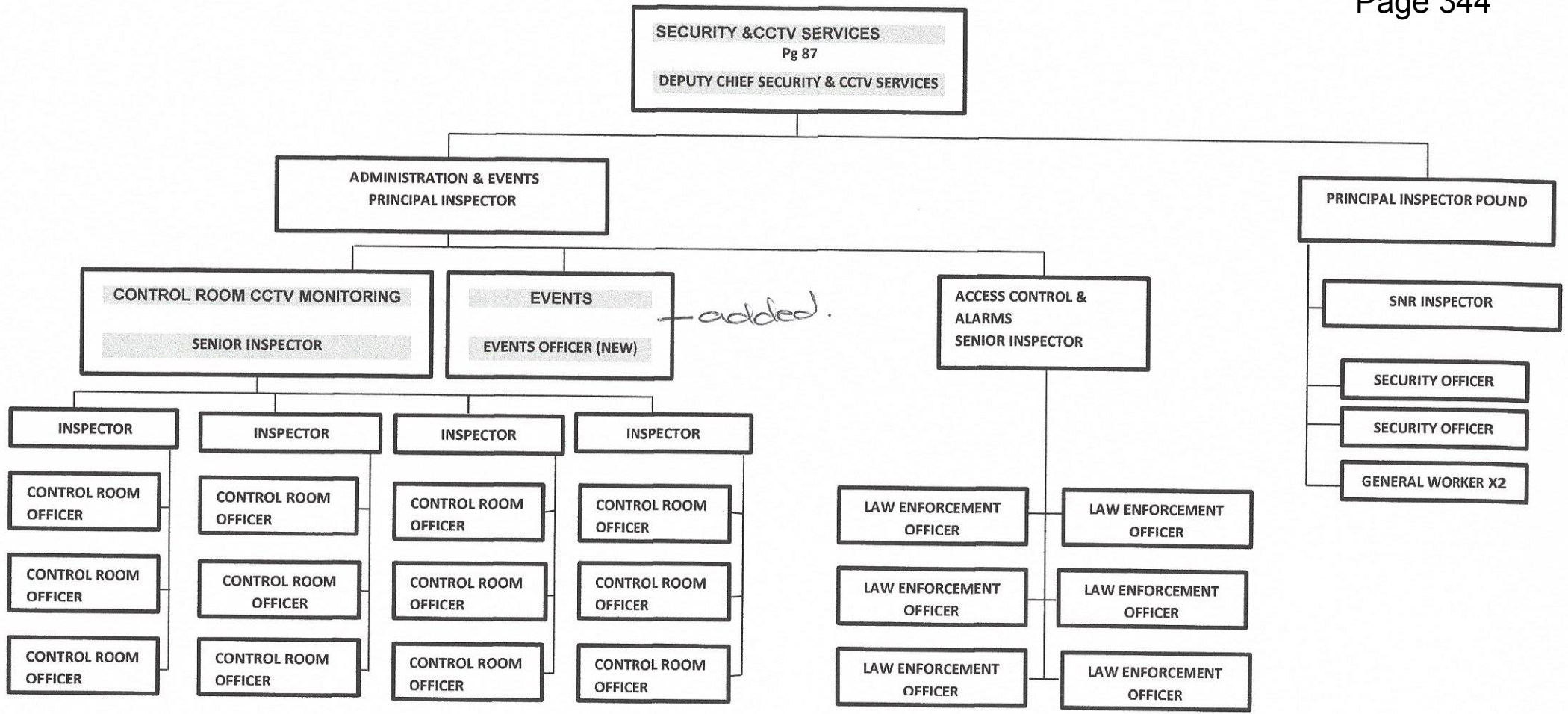
~~SENIOR EXAMINER/~~ T
~~MAN REP VTC~~

EXAMINER T
x 2 posts.

GENERALWORKER T

BY-LAW ENFORCEMENT
Pg 86
DEPUTY CHIEF BY-LAW ENFORCEMENT





added.

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

SECTION
ENVIRONMENTAL MANAGEMENT

PURPOSE: To manage all aspects related to the environment through the preparation of appropriate plans and strategies that will ensure the integrity of the natural and cultural environment through the sustainable use and development in support of a quality living environment

FUNCTIONS:

1. Ensure compliance with all the statutory obligations of the municipality relating to all aspects of human settlement in general and the environment in particular
2. Manage protected, rivers, forest and conserve areas in terms of the legal obligations relevant to the municipality as local authority but also as landowner is vital in ensuring the organization's compliance in terms of the latter
3. Manage the effective, efficient and economical operation of small plant, minor repairs and maintenance service to ensure the readily availability of Community's plant, machinery and equipment

MANAGER: ENVIRONMENTAL MANAGEMENT

Pest - control must still be added

- *co-ordinating pest control enquiries*
- *providing advice + support on how to best deal with invasions*

SUB-SECTION
ENVIRONMENTAL PLANNING

PURPOSE: To ensure compliance with all the statutory obligations of the municipality relating to all aspects of human settlement in general and the environment in particular

FUNCTIONS:

1. Ensure environmental management monitoring and compliance with legislation
2. Develop and implement environmental policy framework for the municipality
3. Provide environmental management with relevant plans and other strategic documents for the execution of environmental management in accordance with its legal mandate and responsibilities
4. Provide support to other municipal departments and the public
5. Provide internal advice as to the application of the legislation and policies
6. Oversee the functions of the Air Quality Officer in terms of the National Environmental Management: Air Quality Act (39 of 2004) as well as those of the Noise Control Officer to ensure that the municipality fulfills its mandate in terms of the Noise Control Regulations of the Provincial Government of the Western Cape
7. Provide Geographical Information System (mapping support) to the section as a whole
8. Facilitate provincial programs relevant to the municipality as far as it relates to environmental management

SNR ENVIRONMENTAL PLANNER
NEW POST

SUB-SECTION
ENVIRONMENTAL MANAGEMENT IMPLEMENTATION

PURPOSE: To manage protected, rivers, forest and conserve areas in terms of the legal obligations relevant to the municipality as local authority but also as landowner is vital in ensuring the organization's compliance in terms of the latter

SUPERINTENDENT

SEE PAGE 93

SUB-SECTION
SMALL PLANT MAINTENANCE SERVICES

PURPOSE: To manage the effective, efficient and economical operation of small plant, minor repairs and maintenance service to ensure the readily availability of Community's plant, machinery and equipment

FUNCTIONS:

1. Provide general preventative and reactive maintenance services to repair plant, equipment and machinery
2. Manage the outsourcing of specialised maintenance and repair of plant, equipment and machinery
3. Provide administrative support services to facilitate procurement processes and ensure timeous ordering and delivery of material and equipment

SUPERINTENDENT

Urban Forestry (Trees)
Superintendent

Driver

Ass Sup.

as on p. 93.

Operat x2

Gener x2

ENVIRONMENTAL PLANNER
NEW POST

AIR QUALITY & NOISE POLLUTION CONTROL OFFICER

HANDYMAN

HANDYMAN

HANDYMAN

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
 APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
 MUNICIPAL MANAGER

Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017

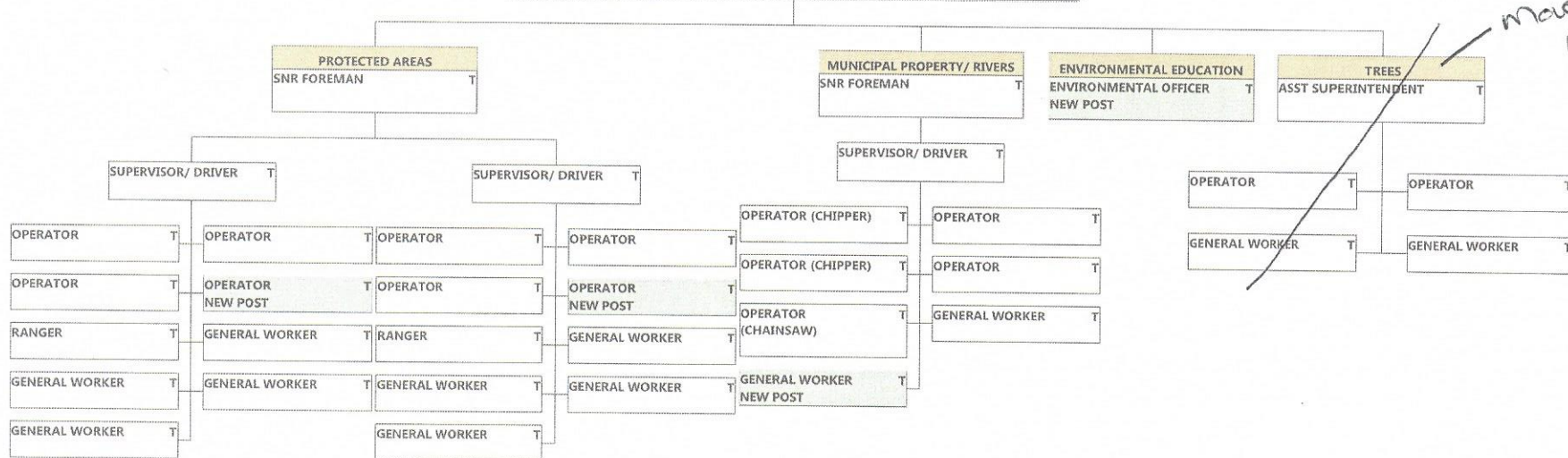
**SUB-SECTION
 ENVIRONMENTAL MANAGEMENT IMPLEMENTATION**

PURPOSE: To manage protected, rivers, forest and conserve areas in terms of the legal obligations relevant to the municipality as local authority but also as landowner in ensuring the organization's compliance in terms of the latter

FUNCTIONS:

1. Implement management plans and other strategic documents compiled by environmental planning and adopted by Council, such as those prepared for:
 - i) Invasive species monitoring, control and eradication
 - ii) River management
 - iii) Fire management
 - iv) Pollution control
 - v) Erosion control
 - vi) Reserve management
2. Conserve formally declared protected areas by executing management actions as included in approved management plans
3. Manage municipal land / previous forestry areas (not under lease agreement)
4. Manage / execute river maintenance / rehabilitation projects
5. Manage expanded public works program (EPWP) employees employed on the management of protected areas, municipal land (as defined above) and river management / rehabilitation projects
6. Policing of public use of municipal land
7. Provide general environmental education to local communities

SUPERINTENDENT T



made to page 92.

CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

**SUB-SECTION
SPORT GROUND MAINTENANCE
STELLENBOSCH**

PURPOSE: Provide and maintain sports grounds and stadiums

FUNCTIONS:

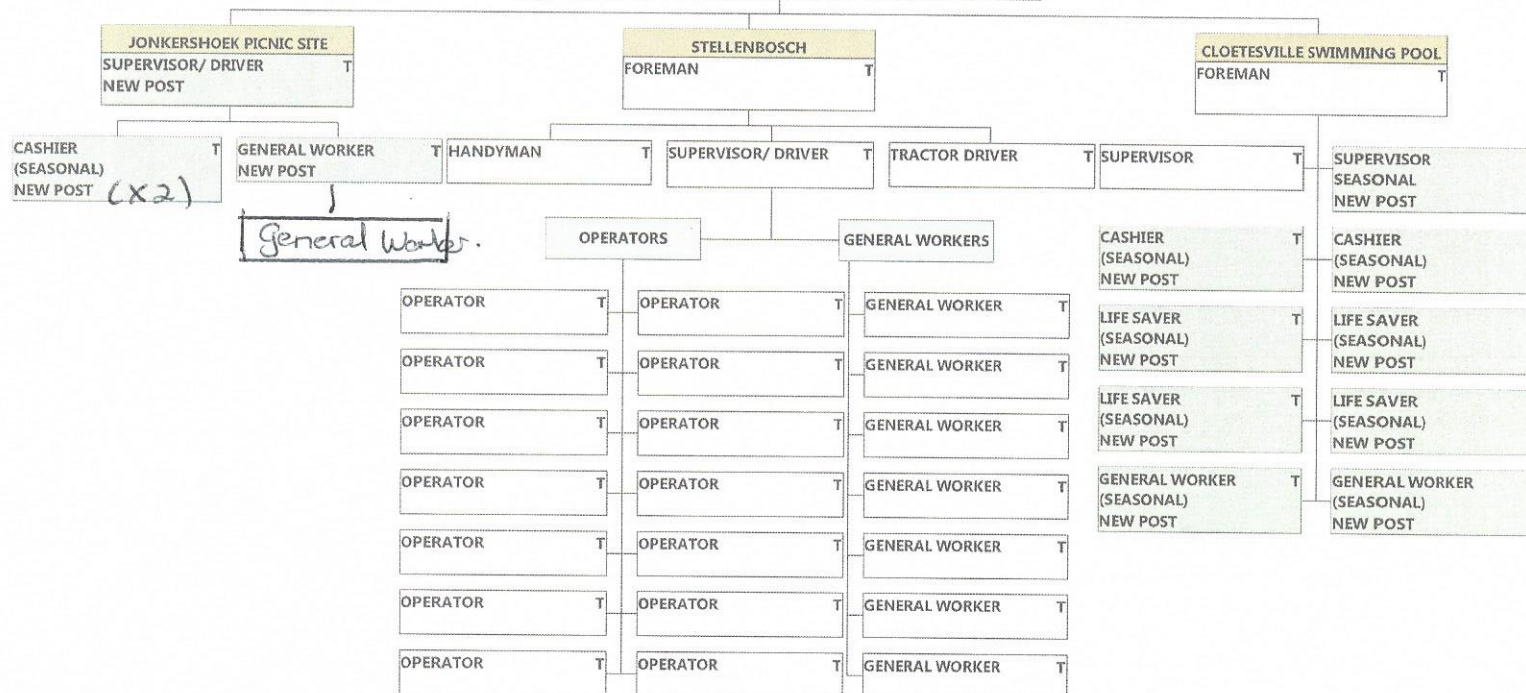
- Provide and maintain sport facilities:
 - Maintenance programming/ scheduling
 - Equipment/buildings/facility maintenance and management
 - Ensuring compliance to standards / safety regulations
 - Seasonal / off seasonal maintenance
 - Turf grass management and preparation of surfaces
 - Bookings and liaison
 - Procurement of goods and materials
 - Specialised training of personnel
- Maintenance of swimming pools and swimming pool facilities including:
 - Compliance with application, storage and transport of swimming pool chemicals
 - Regular inspections of facilities and water safety requirements
 - Overseeing seasonal / off seasonal maintenance

SUPERINTENDENT T

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

18/10/2017

**SUB-SECTION
SPORT GROUND MAINTENANCE
STELLENBOSCH**

PURPOSE: Provide and maintain sports grounds and stadiums

FUNCTIONS:

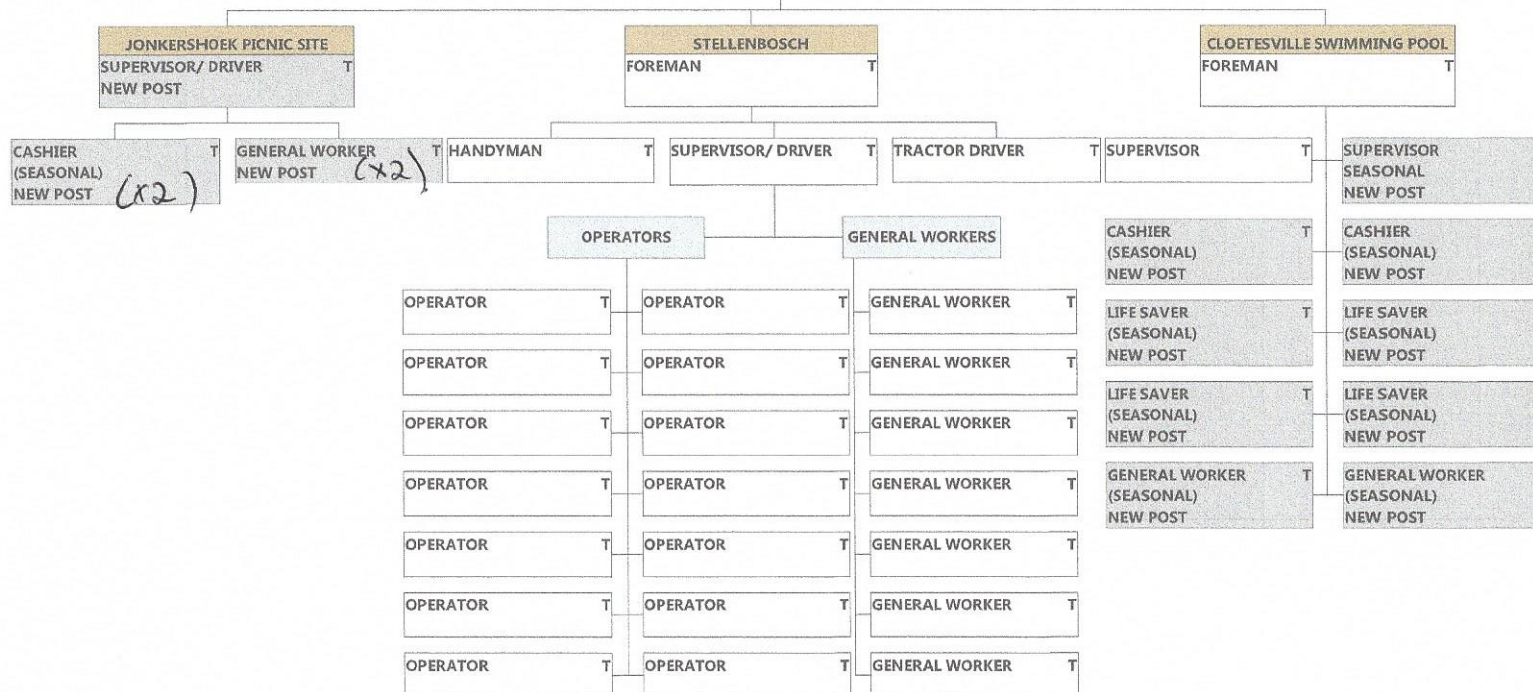
1. Provide and maintain sport facilities:
 - i) Maintenance programming/ scheduling
 - ii) Equipment/buildings/facility maintenance and management
 - iii) Ensuring compliance to standards / safety regulations
 - iv) Seasonal / off seasonal maintenance
 - v) Turf grass management and preparation of surfaces
 - vi) Bookings and liaison
 - vii) Procurement of goods and materials
 - viii) Specialised training of personnel
2. Maintenance of swimming pools and swimming pool facilities including:
 - i) Compliance with application, storage and transport of swimming pool chemicals
 - ii) Regular inspections of facilities and water safety requirements
 - iii) Overseeing seasonal / off seasonal maintenance

SUPERINTENDENT

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

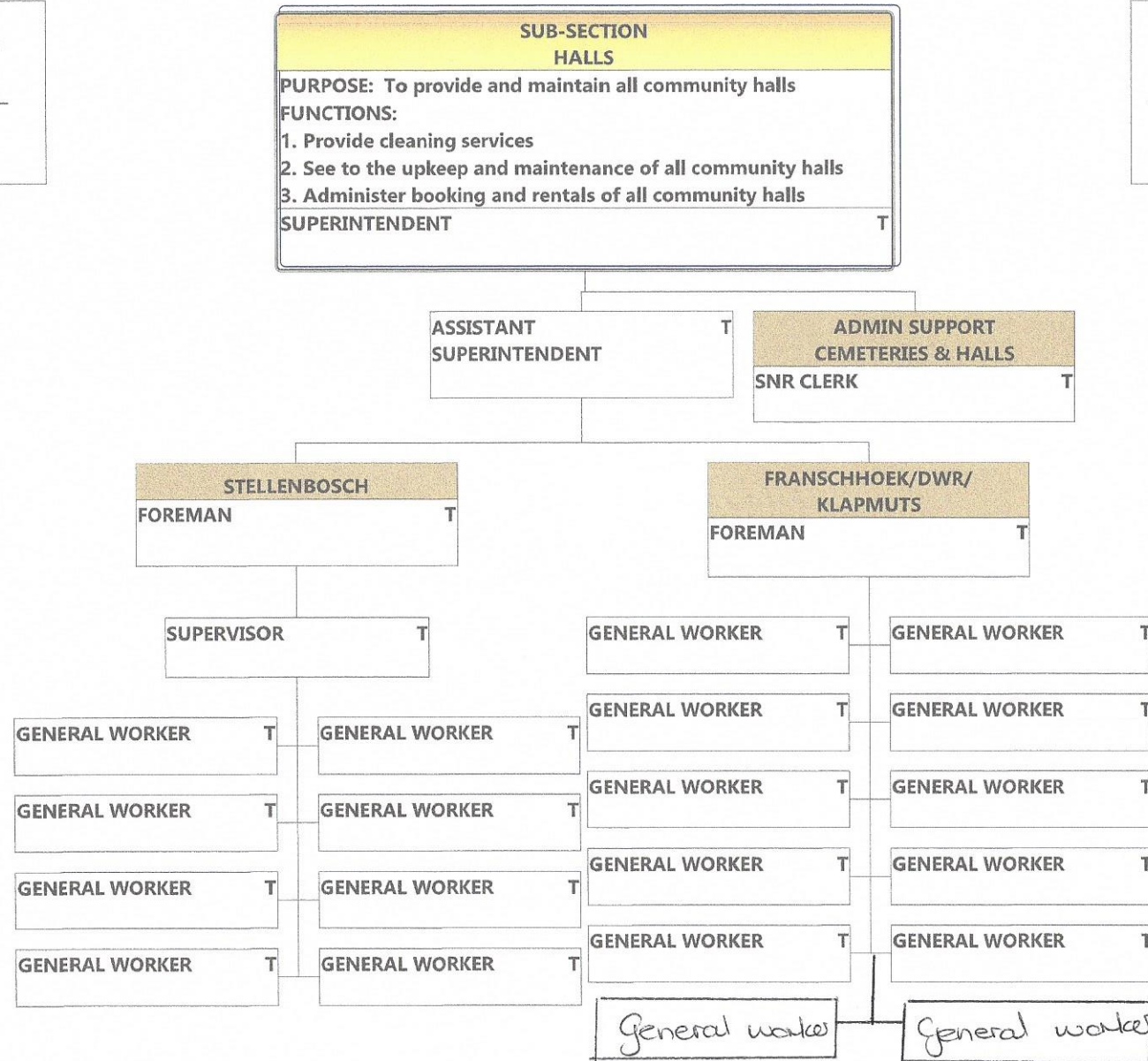
Signature

18/10/2017

APPROVED BY COUNCIL

Signature

25/10/2017



CONFIDENTIAL

STELLENBOSCH LOCAL MUNICIPALITY
APPROVED MICRO STRUCTURE - 25 OCT 2017



RECOMMENDED BY
MUNICIPAL MANAGER

Signature

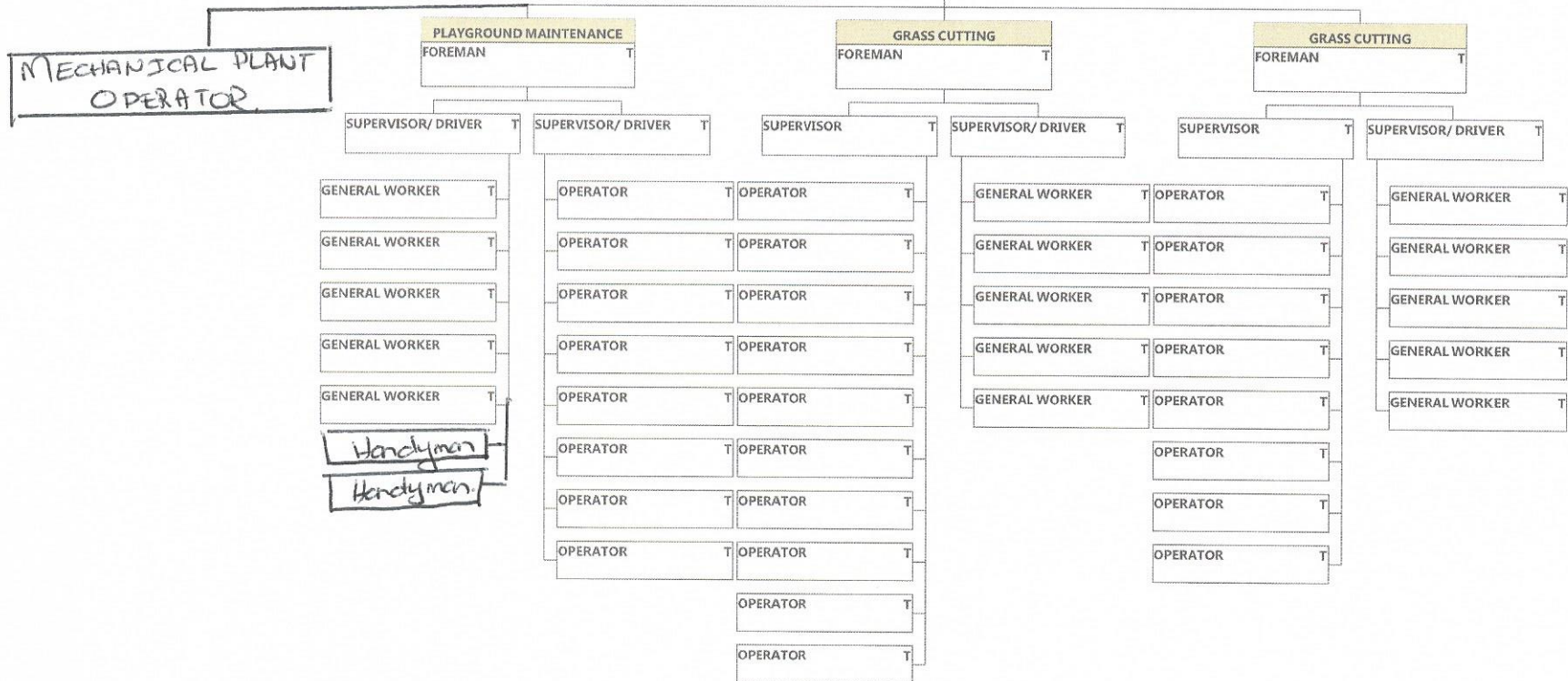
18/10/2017

SUB-SECTION
PLAYGROUNDS, PARKS, TOWN ENTRANCE & WARD PROJECTS
PURPOSE: To provide and maintenance/ operation of playgrounds, parks, town entrances and ward projects
FUNCTIONS:
1. Provide and maintain fences, structures and public facilities including:
i) Play park development, play park maintenance, public open spaces, town entrances, island and verges, ward projects, grass cutting and beautification
ii) Maintenance programming/ scheduling
iii) Equipment maintenance/ management/ training
iv) Compliance of playground equipment
v) Supervise the maintenance of street trees and the application of pest and weed control services
2. Maintain, coordinate and provide pound operations
3. Implementation of EPWP programmes
SUPERINTENDENT T

APPROVED BY COUNCIL

Signature

25/10/2017



7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
-----	--

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
-----	--

NONE

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
-----	---

NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]
-----	---

7.6.1	PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

D 435

23 January 2019

1. SUBJECT: PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

2. PURPOSE

To inform Council about:

2.1 a revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces.

2.2 the admission of persons, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be permitted within public parks, and to provide for the matters incidental therefor.

2.3 the way in which the Greater Stellenbosch Municipality controls, manages and develops parks and public open spaces, in an environmentally sustainable way and is in the long-term interest of the whole community of the WC024, including future generations; and which clearly defines the rights and obligations of the public in relation to parks and public open spaces.

2.4 the achievement of a safe and peaceful environment; and

2.5 procedures, methods and practices to regulate the use and management of public amenities.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

The By-law (**ANNEXURE B**) was revised and served before the Standing Committee

The following decision was taken:

- (a) *That it be recommended to Council that the attached revised Parks By-law, be approved.*

The By-law was advertised for public comments. No comments were received.

5. RECOMMENDATION

that the revised the By-law relating to plantations, play parks, gardens, recreation, facilities, nature conservation and public open spaces, be approved.

6. DISCUSSION / CONTENTS**6.1 Background**

The By-law was revised and served before the Standing Committee. The following decision was taken:

That it be recommended to Council that the attached revised Parks By-law, be approved.

The By-law was advertised for public comments. No public comments were received (See attached advertisement, **ANNEXURE A**).

6.2 Discussion

Currently the Department is guided by the By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces due to climate and environmental change, water shortage and structural and public demand. These factors have placed a demand for the need to amend the current By-law. Major changes include: changing of usage, introduction of outdoor play equipment, development guidelines and other community requests.

Stellenbosch Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa (as amended), read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000, as amended), has made the By-Law set out in the schedule below.

In terms of Section 152 (1) (b) of the Constitution of the Republic of South Africa, 1996, one of the main objectives of local government is to ensure the provision of services to communities in a sustainable manner. It is, therefore, incumbent upon Stellenbosch Municipality to ensure that essential and the minimum level of basic municipal services are maintained and that it has sufficient skilled and trained personnel to guarantee the uninterrupted delivery of the aforementioned services to the residents of the Greater Stellenbosch Municipal area.

All other terms use in this By-law shall, unless the context otherwise indicates, have the meaning assigned therefore in the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and the Forest Act, 1984 (act 122 of 1984).

6.3 Financial Implications

None

6.4 Legal Implications

None

6.5 Staff Implications

None

6.6 Previous / Relevant Council Resolutions

Item 7.7.1 of Council meeting 2017-07-26.

6.7 Risk Implications

None

6.8 COMMENTS FROM SENIOR MANAGEMENT

The Item already served before a Section 80 Committee.

6.8.1 Municipal Manager

Agrees with the recommendation.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-01-23: ITEM 7.6.4

that the revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature conservation and public open spaces, be approved.

ANNEXURES

Annexure A: Advertisement

Annexure B: Revised By-law

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	08 January 2019

APPENDIX 1



**MUNICIPALITY
OF
STELLENBOSCH**

**BY-LAW RELATING TO
PLANTATIONS, PLAY PARK,
GARDENS, RECREATION
FACILITIES, NATURE
RESERVES AND PUBLIC OPEN
SPACES.**

BY-LAW RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

TABLE OF CONTENTS

1. Definitions
2. Other terms
3. General prohibitions
4. Powers of the Council
5. Keeping of Bees
6. Liability of the Council
7. Penalty
8. ~~Repeal of By-laws~~ Maximum number of visitors
9. Admission to and sojourn in a public amenity
10. Entrance fees
11. Nuisances
12. Structures
13. Liquor and food
14. Animals
15. Use of public amenities
16. Safety and order
17. Water
18. Laundry and crockery
19. Vehicles
20. Games
21. Repeal of by-laws
22. Short title and commencement

Definitions

1. In this By-law, unless inconsistent with the context –

“**commonage**” means land which is vested in the Council through purchase, grant, donation, or exchange;

“**Council**” ~~means the Municipal Council of the Stellenbosch Municipality in terms of the Municipal Ordinance, 1974 (Ordinance 20 of 1974);~~ means the council of the Stellenbosch Municipality, being a council as provided for in terms of section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any committee, any sub-council or councillor of council, acting under delegated or sub-delegated authority of the Council.

“**enclosure**” means any place fenced in or enclosed with any type of fence or obstruction whether being of wire, iron, wood, concrete or any other kind of fixed material;

“**nature reserve**” means a nature reserve, nature garden, veld-flower reserve, catchment-area or any reserve land or premises which has been established or reserved for this purpose;

“**nursery**” means any premises, building or structure or in which plan or related material is cultivated or housed;

“**open erf and space**” means any vacant property or premises vested in Council and situated within the municipal residential or industrial boundaries;

~~“**park public open space**” means any premises or public place as defined in Section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), which have been set aside for the use as a botanical garden, zoo, flower garden, pleasure resort, park, recreation ground, open space, unused or vacant municipal land or sports ground under the control of the Council. “**Play Park**” zoned as a Public Open Space and has play equipment or can be developed with play equipment for informal recreation purposes in the community. Excludes road reserve/street, sub-leased parks.~~

“**picnic area**” means any premises set aside for this purpose and includes all buildings and facilities;

“**plantation**” means a plantation of one or various kinds of trees either in their natural state or established by the Council, and includes all roads, fire-bells, buildings and land;

~~“**Town Clerk**” means the Town Clerk of the Stellenbosch Municipality in terms of the Municipal Ordinance 1974 (Ordinance 20 of 1974) –~~ “**Municipal Manager**” meansthe person appointed by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

“**tree**” means any kind of tree in or on any pavement, island, Play park, garden, lawn, premises, nursery, plantation, nature reserve, commonage or open erf and space, either in its natural state or planted by the Council.

“**Peace officer**” means a law enforcement officer or traffic official of the Council who has been declared a peace officer in terms of section 334 of the Criminal Procedures Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

“beg” means any request made by a person for an immediate donation of money or some other thing of value or otherwise. The definition does not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing any solicitation to any specific person other than in response to an enquiry.

“motor vehicle” means any self-propelled vehicle and includes-

- a) a trailer; and
- b) a vehicle having pedals and a engine or electric motor as an integral part thereof attached and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such as pedals and engine or motor but does not include-
 - I. any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - II. any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and use solely by such person;

“heavy motor vehicle” includes a truck light truck, bus, horse-and-trailer caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing an unlawful act or conduct.

“municipality” means the Municipality of Stellenbosch established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“public amenity” means –

(a) any land, commonage, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

(b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not;

but excluding –

- (i) any public road or street;
- (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality; and
- (iii) any public amenity hired from the municipality;

Other terms

2. All other terms used in this By-law shall, unless the context otherwise indicates, have the meaning assigned thereto in the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and the Forest Act, 1984 (Act 122 of 1984).

General prohibitions

3. No person shall in or ~~on public amenity on premises, buildings, land, [plantations, a commonage, enclosures, nature reserve, parks, gardens, open erven and spaces, picnic areas, nurseries, trees, sport and recreation facilities~~ which are vested in or under control of the Council-

- (a) disfigure or deface any ~~equipment, furniture or structure by passing, post, railing, fence, seat, barrier, gate, noticeboard, plate, house, building, shed, urinal, closet, flag, mark or other article or thing by pasting, thereon or~~ affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever equipment, furniture, structure, building by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon in any way whatsoever;

~~remove, destroy, damage or deface any notice or sign;~~(c) start or keep a fire or commit any acts whereby a fire may be caused, except an official or person duly authorised to do so or acting in terms of the law or in an are designated by Council to do so.

- (~~cd~~) saw, cut, gather, remove, dig up, burn, pick or break any ~~timber, tree, natural~~ shrub, brushwood, fencing, pole, lawn, plants, fruit, flower or equipment, or climb therein or thereon or damage it in any way.

(~~de~~) remove or disturb any soil or water at a place other than that specially provided by the Council;

(~~ef~~) erect or cause to be erected any post, rail, fencing, tent, screen, stand, swing, building or construction of whatever nature without the written permission of the Council;

(~~fg~~) park, drive, ride, pull or properly any type of vehicle/heavy motor vehicle except a manually operated wheelchair or perambulator when used for the conveyance of an invalid or a child;

(~~gh~~) leave any refuse, building waste, rubbish, paper, materials or any object except in containers provided for that purpose;

(~~hi~~) injure, kill, hunt, capture or disturb any animal or bird, or damage or destroy the nest or eggs of any bird or interfere with the animal life in any other way;

(~~ij~~) break, damage, hurt, destroy, disfigure or remove any flora, fauna or nests of fauna or objects of historical or scientific interest or any property in the nature reserve;

(~~jk~~) introduce any flora, fauna, weapon, trap, net, explosive or poison into the nature reserve, or be in possession thereof in the nature reserve;

(k) fire a fire-arm or an air-gun, alarm-gun, pistol, discharge any firework, unless discharged for s purpose and at a time and place approved in writing by Council keeping with provisions of any law applicable;

(lm) No person shall-

- I. Do anything which may endanger the life and/ or safety of any person or animal
 - II. use abusive or threatening language;
 - III. fight or act in a riotous or physical threatening manner;
 - IV. urinate or defecate, except in a toilet;
 - V. bath or wash himself or herself, except in a bath or shower or as part of a cultural initiation ceremony on an area where such a ceremony is taking place;
 - VI. spit
 - VII. perform any sexual act;
 - VIII. appear in the nude;
 - IX. consume any liquor or drugs;
 - X. be drunk or be under the influence of drugs
 - XI. solicit or impute any person for the purpose of prostitution or immorality;
 - XII. engage in gambling;
 - XIII. beg;
 - XIV. obstruct/ block or interfere with the safe or free passage of ~~pedestrian or motor vehicle users and patrons.~~
 - XV. ~~sleep~~ overnight or camp ~~overnight~~ or erect any shelter without the written consent of the Council;
 - XVI. cause a noise nuisance by causing or permit to cause a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplifies noise or sound;
 - ~~XVII. — catapult, sling or throw a stone, stick or other projectile with the intent to do harm or shoot a bow and arrow.~~
- (i) sell or offer for sale or hire, or hawk or exhibit any article or distribute any pamphlet, book, handbill or other matter.
 - (ii) present any public entertainment;
 - (iii) play a musical instrument; and

(iv) deliver or say any speech, public address or prayer of whatever nature or sing any song or hold or participate in any public meeting or function unless he has previously obtained the written permission of the ~~Council-Community Services~~ to do so;

enter upon any ablution or sanitary conveniences indicated as having been provided for persons of the opposite sex;

enter or leave other than by an entrance or exit provided for that purpose; or

refuse to leave when requested to do so by an authorized officer of the Council or a member of the South African Police.

(q) (i) dry or spread washing, bedding or other items in a park or nature reserve or on the fence; or

(ii) swim in ~~a dam or wash designated any clothes or other things~~ or pollute the water therein in any other manner; and

(iii) wash any article or animal under a tap, in a pond, fountain or in an ornamental pond or otherwise pollute water

(r) perform any act whatsoever which may injure persons, damage or destroy any property.

(s) Other than an official of the Council or an authorized person who administers legally approved weed-killers, herbicides, poisons or pesticides set or cast poison on any public open space or in any public road.

Powers of the Council

4. (1) where any private property abuts on any public Play park, garden, recreation ground, open space, plantation or other land vesting in the Council, except a public street or road, the Council may require the owner of such property to erect on the boundary common thereto a fence to the satisfaction of the Council. No person shall provide a gate or other opening in such fence giving access to any such Play park, garden, recreation ground, open space, plantation or other land except with the prior written consent of the Council.

(2) ~~Officials~~ of the Council are entrusted with the duty of ensuring that this By-law is duly observed and shall report any contravention thereof to the authorities charged with the prosecution of crime.

(3) The Council shall, at the discretion of the Municipal Manager, fix the deposit payable to it for any amenity, facility, entertainment, exhibition, performance or service established or provided by it and reserves the right to recover from the deposit compensation for damages suffered although indemnity shall not be limited to the amount of the deposit. The assessment of damages together with repayment of deposits vests in the Municipal Manager.

(4) The Council reserves the right of admission to any play park, garden, plantation, commonage, enclosed area, nature reserve, picnic area sport or recreation ground or part thereof and may from time to time, for any special purpose, set aside, close or let, or regulate traffic there or charge entry fees.

(5) The Council reserves the right to destroy forthwith any animal dog straying, entering or having been taken into a nursery, plantation, commonage, enclosure, and nature reserve or picnic area.

(6) All pets on council land-leashes.

Keeping of bees

5. (1) No person shall keep bees without the written permission of the Council. The Council may grant or refuse such permission. Where such permission is granted it shall be subject to the condition that the Council may at any time withdraw or modify such permission.

(2) Permission for the keeping of bees shall not be granted in any area where, in the opinion of the Council, the keeping of bees may be dangerous or constitute a nuisance to the inhabitants-users of such area.

(3) Any person applying for permission to keep bees shall satisfy the Council that he has a reasonable knowledge of the habits of bees.

(4) Any person keeping bees shall keep such bees in a bar-framed hive or hives. Such hive or hives shall be enclosed by means of screens or fences, or in such other manner as the Council may direct, so as to render them inaccessible to animals or unauthorized persons.

(5) No person shall destroy bees on any land under the control of the Council, nor shall any person remove bees, beeswax or honey from any land under the control of the Council without the written permission of the Council.

Liability of the Council

6. ~~_____~~ Any person making use of an open space, park, plantation, sport or relaxation facility public amenity shall do so at this own risk and the Council shall not be liable for the death of or any injury to persons or any loss of or damage to any property of visitors unless negligence can be proved on the part of the Municipality.

PenaltyPenalties

~~7. 7. Any person who contravenes any provision of this By law shall be guilty of an offence and liable upon conviction to a fine as prescribed in Section 213(3) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974). Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to –~~

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

~~(1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;~~

Formatted: Justified, Indent: Left: 1.27 cm

(2) in the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and

Formatted: Justified, Indent: Left: 1.27 cm

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

Formatted: Justified, Indent: Left: 1.27 cm

Maximum number of visitors

3-8 (1) The municipality shall determine the maximum number of visitors who may be present at a specific time in or at a public amenity;

Formatted: Justified, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 8 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

(2) The number contemplated in subsection (1) shall be published by the municipality by means of a notice.

Admission to and sojourn in a public amenity

93. (1) A public amenity shall, subject to the provisions of this by-law, be open to the public on the times as determined by the municipality.

(2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

(3) The times and places contemplated in subsections (1) and (2), shall be made known by the municipality by means of a notice.

Entrance fees

104. (1) A visitor to a public amenity shall pay entrance fees as determined from time to time by the municipality and such entrance fees shall be published by means of a notice.

(2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

Nuisances

11. ~~5~~. No person shall perform or permit any of the following acts in or at a public amenity –

(a) the use of language or the performance of any other act which disturbs the good order;

Formatted: Justified, Indent: Left: 1.27 cm

(b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;

(c) the burning of rubble or refuse;

Formatted: Justified, Indent: First line: 1.27 cm

(d) the causing of unpleasant or offensive smells;

(e) the production of smoke nuisances;

(f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;

Formatted: Justified, Indent: Left: 1.27 cm

(g) the begging for money, food, work or the offering of services;

Formatted: Justified, Indent: First line: 1.27 cm

(h) in any other manner the causing of a nuisance, obstruction, disturbance or annoyance to the public;

Formatted: Justified, Indent: Left: 1.27 cm

(i) the dumping, dropping or placing of any refuse, rubble, material or any object or thing or permitting it to be done, except in a container provided for that purpose in or at the amenity.

Structures

~~126.~~ No person shall without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by means of a notice by the municipality.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Liquor and food

~~13.7.~~ No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of any nature whatsoever.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Animals

~~148.~~ (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

(2) The directions contemplated in subsection (1) shall be published by means of a notice by the municipality.

Use of public amenities

~~159.~~ (1) No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent in or at a public facility –

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

(a) arrange or present any public entertainment;

Formatted: Justified, Indent: First line: 1.27 cm

(b) collect money or any other goods for charity or any other purpose from the general public;

Formatted: Justified, Indent: Left: 1.27 cm

(c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;

(d) arrange, hold or address any meeting;

Formatted: Justified, Indent: First line: 1.27 cm

(e) arrange or hold a public gathering or procession, exhibition or performance;

(f) conduct any trade, occupation or business;

(g) display, sell or rent out or present for sale or rent any wares or articles;

(h) hold an auction;

(i) tell fortunes for compensation.

(2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

Formatted: Justified, Indent: Left: 1.27 cm

Safety and order

10. (1) No person shall, subject to subsection (2), in or at a public amenity –

Formatted: Justified

(a) damage, remove, excavate or disfigure anything;

Formatted: Justified, Indent: First line: 1.27 cm

(b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;

Formatted: Justified, Indent: Left: 1.27 cm

(c) light a fire or prepare food, except at a place indicated for that purpose by notice;

Formatted: Justified, Indent: First line: 1.27 cm

(d) throw away any burning or smouldering object;

(e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;

(f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;

(g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;

(h) cause a disturbance;

(i) wash, polish or repair a vehicle;

(j) walk, stand, sit or lie in a flower bed;

(k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;

Formatted: Justified, Indent: Left: 1.27 cm

(l) dig or remove soil, clay, sand, gravel or boulders;

Formatted: Justified, Indent: First line: 1.27 cm

(m) walk, stand sit or lie on grass contrary to the provisions of a notice;

(n) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;

Formatted: Justified, Indent: Left: 1.27 cm

(o) play or sit on play park equipment contrary to the provisions of a notice or prescription;

(p) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

(2) The municipality may, subject to such conditions and payment as it may deem necessary, authorise any of the actions contemplated in subsection (1).

Formatted: Justified, Indent: Left: 1.27 cm

Water

11. ___ No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Laundry and crockery

12. ___ No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice by the municipality for that purpose.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Vehicles

13. ___ (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

(2) The municipality shall determine the speed limit applicable in a public amenity.

Formatted: Justified, Indent: First line: 1.27 cm

(3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be published by the municipality by way of notice.

Formatted: Justified, Indent: Left: 1.27 cm

Games

14. ___ No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

and in accordance with the directions of the municipality and which is made known by way of notice.

Repeal of by-laws

16. ___ The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Short title and commencement

17. ___ This by-law shall be known as the By-law relating to Public Amenities and shall come into operation on the date of publication thereof in the Provincial Gazette.

Formatted: Justified, Indent: Left: 0 cm, Hanging: 1.27 cm

Annexure A

By-Laws & Acts

1. National Water Act no 36 of 1998.
2. National Forest Act no 84 of 1998.
3. National Veld and Forest Fire Act no 101 of 1998.
4. Conservation of Agricultural Resources Act no 43 of 1983 and Notice 2485 of 1999 promulgated March 2001.
5. Municipal Ordinance of 1974. Franschhoek Municipality: By-Laws relating to the advisory board for the Mont Rochelle Nature Reserve: P.N 632/1983.
6. Stellenbosch Municipality: By-Laws relating to the advisory board for the Jan Marais Nature Reserve: P.N 1092/1966 and P.N 377/1976.
7. Environment Conservation Act 73 of 1989.
8. National Environmental Management Act 107 of 1998.
9. National Environmental Management: Protected Areas Act 57 of 2003.
10. National Environmental Management: Biodiversity Act 10 of 2004.
11. Munisipale Stelsel Wet, Wet 32 of 2000.
12. Verordeninge vir die bekamping van sekere oortredings in openbare plekke, PK 6011 van 7.5.2003.
13. Wet op Beroepsgesondheid en Veligheid, Wet 85 van 1993.
14. Stellenbosch Municipality: By-Laws relating to plantations, parks, gardens, recreation facilities and nature reserves.
15. Stellenbosch Transitional Local Council: By-Laws relating to the prevention and suppression of nuisances.

NAME OF THE BYLAW/POLICY						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CEMETERIES						
Section 28, NEMA	To take actions to prevent pollution or degradation of the environment. Establishment of cemeteries will require environmental authorization (EIA)	Council	Director: Infrastructure Services	Senior Manager: Technical Services		
Section 19, National Water Act	Responsibility to ensure, while operating cemeteries, that operations will not result in pollution of a water resource	Council	Director: Infrastructure Services	Senior Manager: Technical Services		
Delegations: Final Adoption by Council: 2015-06-24 – Senior Manager: Community Services						
733		Decide on placement of street and public furniture including refuse containers in public open spaces	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		
734		Manage soil conservation program on municipal grounds in conjunction with relevant State and Municipal Departments	Senior Senior Manager: Community Services	Senior Manager: Environmental Management (in consultation with Senior Senior Manager: Community Services)		
744	S 11 of the Road Ordinance 19 / 1976	To instruct the owner or occupant of property to remove / trim a tree or any growth that may cause an inconvenience, danger or discomfort to any person using such road, failing which, it may be removed / trimmed at the expense of the owner / occupant	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (in consultation with Senior Senior Manager: Traffic Services)		

745		To instruct the owner of grounds to reduce the height of any trees, bushes, murals, walls or fences, that is deemed necessary for the safety of pedestrians	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (after consultation with Senior Manager: Traffic Services)		
746		To serve official notice to the owner / occupant of land on which an object is being displayed where a road traffic sign is hidden or the effectiveness of such a sign is obstructed, to remove such object or by ignoring such notice for it to be removed.	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (or Senior Manager: Traffic services only depending on the nature of the structure)		
785		To scrutinize and make recommendations to Council in respect of leases of municipal property with regards to flea markets, kiosks and any other business proposals to the benefit of the public at sports grounds, swimming pools and other recreational grounds	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		
786		To consider applications for services on Council property in terms of policy approved by Council	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		
787		To consider applications for the temporary use or rental of Council property, i.e. "The Braak", circus grounds, picnic grounds and other public grounds	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		
788		The exercise of all the powers conferred upon the Municipality by or in connection with legislation relating to parks and public places of recreation, sport and leisure	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (after consultation with Director: Community Services)		
789		To approve removal of trees when he / she is of the opinion that such a measure is necessary	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		
790		To administer and manage the Municipality's nature reserves in terms of Council's applicable By-Laws	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (in consultation with the relevant Advisory Board)		
792	By-Law	To grant permission for the erection of temporary advertisement boards at the various sport facilities, subject to Council Policy or in case of an emergency	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (in consultation with Director: Community Services)		
808	S 6(2)(g)(j)(l) & (m)) of CARA	(a) Utilise and protect vegetation, (b) Prevent and control veld fires (c) Combat declared weeds and invader plants and to (d) Restore and reclaim eroded land, either	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services		

		on Municipal land or to ensure that the above is done by instruction to the owners of private property				
809	Veld and Forest Act	To prepare and maintain fire breaks and to combat and manage the spread of veld fires within the Municipal area of responsibility	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (in consultation with Senior Manager: Fire Services)		

STELLENBOSCH MUNICIPALITY

SUNDRY TARIFFS FOR THE PERIOD 1 JULY 2018 TO 30 JUNE 2019
Applicable to services rendered from 1 July 2018

DIREKTORAAT: GEMEENSKAPSDIENSTE DIRECTORATE: COMMUNITY SERVICES	Tariff 2017/18 (Incl VAT)	Excl VAT 2018/19	VAT 15%	Tariff 2018/19 (Incl VAT)
12. Nisse/ Niches				
12a. Verkoop van losstaande nisse / Sale of free-standing niches	2,305.50	2,121.74	318.26	2,440.00
12b. Ingeboude nisse / Built-in niches	562.00	517.39	77.61	595.00
13. Nuwe Grafsteenpermit (Messelwerk) / New Permit for gravestone (Masonry)	233.00	217.39	32.61	250.00
14. Opsporings fooi/ Research fee	482.00	443.48	66.52	510.00
BEGRAAFPLAASDIENSTE / CEMETERY SERVICES: OUTSIDE WC024				
Tariewe vir persone wat buite die munisipale grense gewoon het by oorlye = 4 maal die tariewe hierbo, behalwe die verkoop van nisse, waarop 'n 50% belading geld. Indien sulke persone reeds 'n graf besit, geld hierdie belading steeds op die maak van grafte. / Tariffs for persons residing outside of the municipal area at the time of death = 4 times the tariffs above, with the exception of the sale of niches, to which a 50% surcharge applies. Should such a person already possess a grave site, the excess still applies to the digging of the grave and other related charges.				
Normale tariewe geld ten opsigte van begravinge op Sondae en Openbare Vakansiedae vir geloofsgroepe soos vervat in die Verordening/ Normal tariffs will apply for burials on Sundays and public holidays for certain religious groups as determined by the By-Law.				
TARIFFS FOR ANY PARK OR PUBLIC OPEN SPACE FOR EVENTS:				
<i>Birthday parties, creches & school events, religious events, festivals, markets, cycling events</i>				
<i>Event = one (1) day or if otherwise stated. All applications in writing.</i>				
Lessees are not entitled to exclusive rights of the venue at a time				
TARIFFS FOR THE BRAAK				
Tariff for non profitable organisations per day.	673.00	621.74	93.26	715.00
Tariff for religious events per day (maximum of 7 days)	637.00	586.96	88.04	675.00
Tariff for profitable organisations within WC024 per day	3,148.00	2,904.35	435.65	3,340.00
Tariff for profitable organisations outside WC024 per day	6,742.00	6,217.39	932.61	7,150.00
TARIFFS FOR ALL OTHER PUBLIC OPEN SPACES/ GARDENS/ NATURE RESERVES/ PLANTATIONS				
Tariff for non profitable organisations -religious events per day and maximum 7 days	292.00	269.57	40.43	310.00
Tariff for birthday parties and picnics INSIDE WC024 WITHOUT USE OF ELECTRICITY (JMNR ONLY)	NEW	Free	Free	Free
Tariff for birthday parties and picnics INSIDE WC024 WITH USE OF ELECTRICITY (JMNR ONLY)	NEW	269.57	40.43	310.00
Tariff for birthday parties and picnics OUTSIDE WC024 WITHOUT USE OF ELECTRICITY (JMNR ONLY)	NEW	391.30	58.70	450.00
Tariff for birthday parties and picnics OUTSIDE WC024 WITH USE OF ELECTRICITY (JMNR ONLY)	NEW	539.13	80.87	620.00
Tariff for profitable organisations WITHIN WC024 per day	3148.00	2,904.35	435.65	3,340.00
Tariff for profitable organisations OUTSIDE WC024 per day	6742.00	6,209.57	931.43	7,141.00
Wedding ceremony 2hours and a maximum of 100 pax INSIDE WC024	1293.00	1,191.30	178.70	1,370.00
Wedding ceremony 2hours and a maximum of 100 pax OUTSIDE WC024	NEW	2,382.61	357.39	2,740.00
Initiations in plantations (tariff as per Council decision)	1796.00	1,655.65	248.35	1,904.00
Rastafarian	1796.00	1,655.65	248.35	1,904.00
Eco Centre Rental - per day (max 25 people)	636.00	586.09	87.91	674.00
Eco Centre Rental - per day- (max 25 people) per hour R150.00	Hours x R150			Hours x
RENTAL OF DECORATIVE PLANTS				
** All plant rentals subject to a refundable deposit of R 500.00 on condition that plants are returned in the same condition per event.				
2 Kg / per unit	6.00	5.22	0.78	6.00
4 Kg / per unit	11.00	10.43	1.57	12.00
20Kg / per unit	21.00	19.13	2.87	22.00
40 Kg / per unit	43.00	39.13	5.87	45.00
50 Kg / per unit	106.00	97.39	14.61	112.00
SALE OF PLANTS				
2kg/ per unit	12.00	11.30	1.70	13.00
4kg/ per unit	14.00	13.04	1.96	15.00
6 Pack/ per unit	14.00	13.04	1.96	15.00
10kg per unit	NEW	17.39	2.61	20.00
20kg per unit	NEW	34.78	5.22	40.00

7.7	PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]
-----	--

NONE

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
-----	--

NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN]
-----	--

NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
------	---

NONE