



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-04-18

NOTICE OF THE 26TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2019-04-24 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 **26TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2019-04-24** at **10:00** to consider the items on the Agenda.

SPEAKER
WC PETERSEN (MS)

A G E N D A
26TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-04-24

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4.1	CONFIRMATION OF MINUTES OF THE 25 TH COUNCIL ON 2019-03-27	(3/4/1/5)

The minutes of the 25th Council Meeting: 2019-03-27 is attached as **APPENDIX 1**.

FOR CONFIRMATION

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-03-27

MINUTES

**25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-03-27 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
25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-03-27

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**MINUTES OF THE 25TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY
HELD ON 2019-03-27 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	FJ Badenhorst Ald PW Biscombe PR Crawley (Ms) A Crombie (Ms) JN De Villiers A Florence (until 14:00) AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) AJ Hanekom JK Hendriks MC Johnson N Mananga-Gugushe (Ms) (until 12:00)	C Manuel NE Mcombring (Ms) RS Nalumango (Ms) N Olayi SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit (from 10:30) LL Stander E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (T Mfeya) Acting Chief Financial Officer (K Carolus) Director: Community and Protection Services (G Boshoff) 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)
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1.	OPENING AND WELCOME
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The Speaker, Cllr WC Petersen (Ms) welcomed all present at the 25th Council meeting. Cllr WF Pietersen opened the meeting with a prayer.

2.	COMMUNICATIONS
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2.1	MAYORAL ADDRESS
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“Goeiedag, Good day, Molweni, Assalaam Alaikum

- Op 28 Februarie het ons nog 135 titelaktes aan inwoners oorhandig in Mooiwater, Franschhoek!
- En op 21 Maart, as deel van Menseregtedag het ons nog 160 titelaktes in Jamestown oorhandig!
- Net vir die jaar het ons reeds 295 aktes oorhandig.
- In 2018 het ons meer as 600 oorhandig.
- Met my verkiessing in 2016 het ek belowe dat ons die agterstand met titelaktes sal inhaal en ons is fluks besig.
- Die eienaarskap van ‘n huis bring gerustheid, sekerheid en sekuriteit aan ons inwoners.
- Ons bly daartoe verbind om die agterstand uit te wis, en mense wat al jare wag, kan nou gerus wees oor die besit van hul huise.
- Daar word nog geleenthede vir hierdie jaar beplan.
- ‘n Belangrike projek waarby ons betrokke is die Gee Verantwoordelik, Stellenbosch – veldtog.
- Die eerste fase van die projek is op 15 Maart geloods saam met die verskeie organisasies wat hulp en bystand verleen aan veral mense wat op straat woon.
- Baie mense wil graag hawelose mense of mense help.
- Ongelukkig is die gee van veral geld nie die beste oplossing nie.
- As Munisipaliteit is ons daartoe verbind, om in samewerking met ander organisasies, op ‘n verantwoordelike en volhoubare wyse hawelose mense te help.
- Inwoners kan by verskeie winkels in die dorp ‘n koepon of koepons koop teen R10 per koepon.
- Op die koepon is daar drie opsies waarvan u een kan merk volgens die behoefte van die persoon wat u probleem help. Die opsies sluit in ‘n bord kos, ‘n kombors of ‘n aand in die nagskooling.
- Koop sommer ‘n paar koepons en hou dit in u beursie of in u kar. U kan koepons by onder andere die volgende winkels op die dorp aanskaf: Tony’s Barber, PostNet takke in Plein- en Andringastraat, die Cash Crusaders, iThemba Curious, Super Spar (Boord), Kwik Spar (Neelsie), die BP vulstasies in Merriman- en Dorpsstraat, Oranje Blanje Blou en ook die Moeder Gemeente, NG Kerk Stellenbosch Wes asook Welgelegen, Joshua Generation, Kruiskerk en Chirst Church.
- Last week, the entire country has been subjected to the most severe load shedding in South Africa’s history.
- This is solely due to difficulties experienced at ESKOM, and has nothing to do with local governments.
- The impact on especially businesses and our local economy has been severe.
- Although the power supply is currently stable, there is a very high possibility that we will again experience load shedding in the future.
- I want to ask residents save electricity where possible, so that pressure on the national grid is relieved as much as possible.

- Easy tips include:
- Turn your geyser down to 60°C. Turning your geyser down from 70°C to 60°C will see a 5% reduction in your hot water electricity bill.
- Do not let the hot water run unnecessarily. Use cold water to wash your hands instead of hot water. Use a basin plug when washing.
- Shower instead of bathing. You will save up to 80% in water and use 5 times less electricity than heating bath water if you take a short shower.
- Switch your geyser off during peak hours. Less demand on the national electrical grid helps reduce the risk of load-shedding. In winter months peak demand comes in the morning from 6-8am and evening from 5-9pm.
- Turn off all lights in rooms that are not being used
- Turn off all wall plugs, even if there are no devices plugged into it
- Turn off all devices on Standby mode for example televisions and computers.
- These easy tips will help you save electricity and reduce the impact of load shedding.
- The IDP public participation process is scheduled to start on 8 April 2019 and will conclude on 2 May 2019.
- I want to encourage all our residents to make time and attend these meetings.
- This is an extremely important process as it gives residents the opportunity to give input into the budget and the projects that are important to them.
- It is a key part of our democratic and transparent governance process and the inputs of our residents are invaluable.
- Mr Ronald Frans, the principle of Klapmuts Primary school has been honoured with the Nelson Mandela Lifetime Achievement Award at the National Teaching Awards.
- This is a great honour and shows Mr Frans's dedication and commitment to teaching and improving his community.
- On behalf of myself and the Council, I want to congratulate Mr Frans for receiving this prestigious award!
- Since Monday, Stellenbosch is hosting the World Schools Rugby Festival.
- Schools from across South Africa, Italy, the USA, England and New Zealand will come together and compete in this unique and prestigious tournament.
- Paul Roos is the hosting school and on behalf of Council I want to wish all the competitors and the host school all the best.
- You are in a town that is rich in rugby history, and I hope you have the opportunity to contribute to this.

Thank You".

2.2	COMMUNICATION BY THE SPEAKER
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"1. The following Councillors celebrated their birthdays during March:

Cllr Jan De Villiers - 6 March
Cllr Rikus Badenhorst - 16 March

We trust that you have been blessed on your birthday and good fortune accompany you over the next year.

2. Councillors were issued with a laptop during August last year as part of the Tools of the Trade. It seems not all Councillors are using their laptops to access the Council agenda and or minutes. It came to my attention that some councillors still request a Council agenda in hard copy. You are reminded that we are working in pursuit of a paperless system thereby promoting a green environment.
3. A significant number of Councillors did not make use of the opportunity to indicate their training needs when requested at the previous Council meeting to do so. You have until Friday, 29 March to indicate your need in this regard.

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4. Kindly pray for a speedy recovery for Councillor Hamilton's father who is very ill.
 5. Our sympathy goes out to Councillor Cele who had as many burglaries at her home within the space of three weeks.
 6. A by-election will be held in ward 9 on 10 April. We wish the contesting parties good luck in their election campaign for the said election. The date of the National and Provincial Elections are drawing near. Good luck to all parties that will be contesting these elections on 08 May.
 7. The IDP/Budget and SDF schedule for the meetings within the wards -during April was distributed to Councillors after consultation with the ward councillors on suitable dates. We trust that Councillors will encourage community members to attend these statutory and important feedback meetings.
 8. Councillors please note you are kindly requested to switch off your cell phones while Council is in sitting. Any cell phones messages can be listened to during caucuses, body breaks or during lunchtime at 13:00. No-one should leave the Council Chamber to answer phone calls. Should you need to leave the Council Chamber while council is in sitting kindly speak to/inform the Single Whip.
 9. Section 32 read with section 34 of the Municipal Systems Act make it a statutory requirement for a municipal council to review its IDP yearly. This coupled with section 16(2) of the MFMA that requires the Executive Mayor to Table the Medium Expenditure framework. These are statutory requirements and for this reason and going forward, these items will be dealt with under statutory matters. Therefor in terms of Rule 8.2 the following items will be moved:
 - 7.10.3 Approval of draft second review of fourth generation IDP: to 5.1
 - 7.3.3 Medium term revenue and expenditure framework: 2019 /2020 -2021 /2022 to 5.2.

I wish you all a constructive Council meeting.”

2.3	COMMUNICATION BY THE MUNICIPAL MANAGER
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- 2.3.1 The Municipal Manager reiterated the By-election that will be held in Ward 9 on 10 April 2019, and voting will take place in the Municipal Town Hall. This has been advertised.
- 2.3.2 As part of the Human Rights Day celebrations, Title Deeds were handed out to residents. More of these programs, where Title Deeds will be handed out, will be rolled out next month.
- 2.3.3 The public participation process will be kicking off soon and the municipal staff will be working late nights during the end of April to the beginning of May. The Municipal Manager urged Councillors to encourage the communities to partake in the community participation processes, because of its importance to the IDP, Budget and SDF. The times of these consultations will be advertised.

3.	OFFICIAL NOTICES
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3.1	DISCLOSURE OF INTEREST
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Councillor S Schäfer requested to be excused when Item 8.1.1 is dealt with.

3.2	APPLICATIONS FOR LEAVE OF ABSENCE	(3/4/1/6)
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3.2.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr F Adams	– 27 March 2019
Cllr FT Bangani-Menziwa (Ms)	– 27 March 2019
Cllr G Cele (Ms)	– 27 March 2019
Cllr R Du Toit (Ms)	– 27 March 2019
Cllr JG Hamilton	– 27 March 2019
Cllr LK Horsband (Ms)	– 27 March 2019
Cllr DD Joubert	– 27 March 2019
Cllr N Mananga-Gugushe (Ms)	– 27 March 2019
Cllr XL Mdemka (Ms)	– 27 March 2019
Cllr MD Oliphant	– 27 March 2019

3.2.2 Permission were granted to Councillors N Mananga-Gugushe (Ms) and A Florence to leave the meeting earlier (at 12:00 and 14:00 respectively) and to Councillor Q Smit to join the meeting later (from 10:30).

3.2.3 ABSENT

Cllr DA Hendrickse	– 27 March 2019
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4.	CONFIRMATION OF MINUTES:	(3/4/1/5)
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4.1	CONFIRMATION OF MINUTES: 2019-02-27	(3/4/1/5)
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The minutes of the 24th Council Meeting: 2019-02-27, were **confirmed as correct.**

5.	STATUTORY MATTERS	(3/4/1/4)
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5.1	APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP (2017 – 2022)
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Collaborator No: 636484
File No: 3/5/3/5
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 March 2019

1. SUBJECT: APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP (2017 – 2022)

2. PURPOSE

To submit for consideration:

The draft Second Review of the Fourth Generation IDP (2017 – 2022).

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

In terms of Section 34 of the Local Government: Municipal Systems Act No 32 of 2000 (MSA) prescribes that the Municipal Council:–

“(a) must review its Integrated Development Plan-

(i) annually in accordance with an assessment of its performance measurements in terms of section 41; and

(ii) to the extent that changing circumstances so demand”.

4. EXECUTIVE SUMMARY

In terms of the provisions of the MSA, each Council must, within the prescribed period after the start of its elected term, adopt a single, inclusive, strategic plan. The Fourth Generation IDP 2017 – 2022 serves as this instrument, which was adopted by the new Council on 31 May 2017 for the period 2017 – 2022.

25TH COUNCIL MEETING: 2019-03-27: ITEM 5.1

RESOLVED (nem con)

- (a) that the draft Second Review of the Fourth Generation IDP (2017 –2022) for Stellenbosch Municipality be tabled in terms of Section 34 of the MSA for the purposes of obtaining public inputs and comments;
- (b) that an advertisement be placed on the official website of the Municipality, municipal notice boards and in the local newspapers notifying the public that the draft Second Review of the Fourth Generation IDP (2017 – 2022) is open for public inputs and comments during April 2019;

-
- (c) that the draft Second Review of the Fourth Generation IDP (2017 – 2022) be submitted to the Department of Local Government, Provincial Treasury, National Treasury and the Cape Winelands District Municipality; and
- (d) that the Second Review of the Fourth Generation IDP (2017 – 2022) be submitted to Council before the end of May 2019 for final approval.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Gurswin Cain
<i>POSITION</i>	Manager: IDP and PMS
<i>DIRECTORATE</i>	Office of the Municipal Manager
<i>CONTACT NUMBERS</i>	021 – 808 8174
<i>E-MAIL ADDRESS</i>	gurswin.cain@stellenbosch.gov.za
<i>REPORT DATE</i>	6 March 2019

5.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2019/2020-2021/2022
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Collaborator No:

File No:

8/1

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

19 March 2019

1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2019/2020-2021/2022

2. PURPOSE

The purpose of this report is as follows:

- (a) The Executive Mayor to table the Medium Term Revenue and Expenditure Framework (inclusive of property rates charges and taxes, tariffs and service charges), annexures and proposed amendments to the budget related policies and other policies to Council for approval in terms of Section 16(2) of the Municipal Finance Management Act, (Act 56 of 2003).
- (b) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the tune of R 380 million of which over the MTREF R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms draft approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

4. EXECUTIVE SUMMARY

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

25TH COUNCIL MEETING: 2019-03-27: ITEM 5.2

The Speaker afforded the Executive Mayor the opportunity to deliver her Budget Speech (attached as an **APPENDIX**).

RESOLVED (nem con)

- (a) that the Draft High Level Budget Summary, as set out in APPENDIX 1 – PART 1 – SECTION C; be approved for public release;
- (b) that the Draft Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in APPENDIX 1 – PART 1 – SECTION D, be approved for public release;
- (c) that the proposed Grants-In-Aid allocations as set out in APPENDIX 1 – PART 2 – SECTION J, be approved for public release;

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- (d) that the three year Capital Budget for 2019/2020, 2020/2021 and 2021/2022, as set out in APPENDIX 1 – PART 2 – SECTION N, be approved for public release;
- (e) that the proposed draft rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in APPENDIX 3 , be approved for public release;
- (f) that the proposed amendments to existing budget related policies and other policies as set out in APPENDICES 4 - 30, be approved for public release;
- (g) that Council specifically notes and considers the need to take up an external loan needed for investment in income generating infrastructure to the tune of R380 million, of which R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
- (h) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially; and
- (i) that Council takes note of MFMA circulars 93 and 94 that was published to guide the MTREF for 2019/2020 to 2021/2022 as set out in **APPENDICES 31 – 32**.

FOR FURTHER DETAILS CONTACT:

NAME	KEVIN CAROLUS
POSITION	ACTING DIRECTOR: FINANCIAL MANAGEMENT SERVICES
DIRECTORATE	FINANCIAL SERVICES
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	kevin.carolus@stellenbosch.gov.za
REPORT DATE	27 March 2019



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Working for opportunities for all

EXECUTIVE MAYOR: Adv Gesie van Deventer

**PROPOSING THE ITEM ON TABLING THE TABLED
(DRAFT) BUDGET – FOR PUBLIC PARTICIPATION.**



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

Good afternoon ladies and gentlemen.

Introduction

Madam Speaker, it is with great pleasure that I motivate to and enlighten Council on the proposed draft budget for the 2019/20 period, which must now be circulated to the public for public participation.

This budget is very important as it absolutely focuses on improving the lives of our residents as well as upgrading and addressing the circumstances of especially the disadvantaged areas across the entire Stellenbosch.

Speaker, through skewed budget allocations and unfair spatial development practices in the past, certain areas were not developed properly and was left behind in terms of infrastructure, housing and economic empowerment.

Having dedicated the 2 previous budgets to provide a solid foundation for this focus by upgrading infrastructure like waste water treatment works and securing our water resources, it is now this Council's obligation and privilege to begin to uplift and effect changes and improvements that was neglected in the past.

This budget is aligned to Stellenbosch Municipality's Integrated Development Plan (IDP) with its vision statement, mission statement, corporate values, key performance areas and its key focus areas but also from inputs by all councillors and our communities right through the year.

This budget was drawn up in line with guidelines set by political leadership and reflects our determination to reduce poverty, create jobs, expand our economy and build and maintain our infrastructure and better service delivery. We are indeed delivering to our people and it is our target to spend this year at least 90% of this capital budget in our program for Stellenbosch to become truly, *a place of opportunity for all residents*.

This budget is fairly distributed to ensure a fair cut for all communities. Unfortunately the current economic climate at a national level and the impact of especially load shedding have necessitated us to carefully manage our spending and to determine which projects are urgent and must be prioritised to ensure service delivery and improvement of communities.

The draft budget has been prepared in accordance with National Treasury's circular guidelines and the Municipal Budget and Reporting Regulations, taking cognisance of scarce available resources. Section 152(2) of The Constitution of the Republic of South Africa, 1996 clearly determines that *"a municipality must strive, within its financial and administrative capacity, to achieve the objects of local government."* And we are doing that.

Speaker, I also present the 2019/20 financial year and the two outer years' budget patterns. Our resources remain limited and it will continuously necessitate us to work smarter and to carefully manage our spending. The pattern for years continue our focus of upliftment and redress.

Speaker, as to revenue of the tabled 2019/2022 forecast it is important to note: Affordable revenue streams through affordable property rates and service charges tariffs formed the basis of the operating budgeted revenue. The capital programme's capital project expenditure was also reduced to affordable own funding and external borrowing levels.

Speaker, the IDP informs the budget and the Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP with performance indicators with smart targets are developed to ensure that progress in achieving the objectives as

set out in the IDP are achieved. Room for improvement and inputs are welcome from our councillors and residents.

The next IDP and Budget consultation process with the community will commence 8 April 2019. Soon thereafter, I and my Mayoral Committee will consider all the comments received on the reviewed IDP and Budget from the local community, stakeholders, National and / or Provincial Treasury, councillors and senior management before I will table the final budget before Council for final approval before 31 May 2019.

Speaker, the Tabled MTREF Budget Report clearly spells out the legislative requirements this budget is governed by. The capital and operating budget was compiled compliant with these legislative requirements, taking also the budget circulars guidelines received National Treasury into consideration.

Total Expenditure Budget Overview

Speaker, our tabled 2019/2020 capital budget expenditure rounded amounts to R 553,5 million, our operating budget expenditure amounts to R1, 80billion. Our total budgeted expenditure therefore amounts to R2, 36 billion compared to our current budget of R2,28 billion. This amount is estimated to decrease to R2.33 billion and increase R2,47 billion, respectively for the two outer years of the MTREF.

Capital Budget Expenditure

The tabled capital budget decreased from R 563 million in 2018/19 to R 553 million in 2019/2020 because of the completion of major projects.

The MTREF proposes capital expenditure of R413 million and R425 million for the two outer financial years. A comprehensive list of all our capital programme needs is attached as Appendix 1, Section N to the Tabled 2019/2022 MTREF Budget Report.

Speaker, as I alluded to earlier, our Capital Budget for 2019/2020 will be spent on focused projects that will provide better service delivery and opportunities to residents across our entire municipality. The focus here is to create opportunities for better living and to create an environment conducive to economic development, especially in disadvantaged areas where addressing inequalities from the past, is especially needed. We as council must eradicate the negative impact of past councils on our community. To demonstrate this focus we are investing in several major projects over the next three years:

Bulk water supply: Klapmuts	30 000 000
New Plankenburg Outfall Sewer	10 000 000
Klamuts Erf 2181 (298 Services Sites)	12 903 056
Bulk Sewer Outfall James Town	66 000 000
Upgrade of WWTW in Pniel and decommissioning Franschoek.	134 684 431

We are also focussing on creating equality, dignity and opportunity for our residents by providing economic opportunities over the next 3 years:

Local Economic Development Hub Jamestown	4,500,000
Establishment of Informal Trading Sites: Klapmuts	3,000,000
Establishment of Informal Trading Sites: Groendal	2,000,000
Establishment of Informal Trading Sites: Kayamandi	4,500,000
Upgrading of the Kayamandi Economic Tourism Corridor	400,000

Creating opportunities for especially the youth through sport is very important. Sport has the ability to unite, uplift and create opportunities in a unique and positive way. Through the course of the next three years we are investing in the upgrading of various sport facilities, equipment as well as maintaining existing facilities.

Upgrade of Sport Facilities	10,000,000
Upgrading of tennis courts in Idas Valley and Cloetesville	550,000
Upgrade of Lanquedoc Sports Grounds	600,000

Creating safer communities is a priority for us. For the following 3 years we are investing in various aspects of safety to create safer communities for all our residents. The better security will help us to create more economic opportunities for our residents. To achieve this we have budgeted for a safer valley through the following:

Replacement of Patrol Vehicles	2,120,000
Installation and Upgrade of CCTV cameras throughout WC 024	4,000,000
Vehicle Fleet for Law Enforcement	5,500,000
The upgrading of the pound	1,000,000
Hydraulic Ladder Fire Truck	12,000,000
Upgrading of Stellenbosch Fire Station	5,000,000
Major Fire Pumper	4,500,000
Specialised Vehicle for Fire and Rescue services	3,000,000
Ad-hoc provision of Street lighting	3,000,000
Lighting on Public Places	3,000,000

We will also invest in infrastructure related projects over the next 3 years that will assist in improving the safety of all residents:

Traffic Calming Projects : Implementation	2,500,000
Traffic Signal Control: Upgrading of Traffic Signals	1,000,000
Accident information System	1,250,000
Khayamandi Pedestrian Crossing (R304, river and Railway line)	2,500,000
Pedestrian Crossing Implementation	1,100,000
Bicycle Lock Up Facilities	200,000
Bus and Taxi Shelters	600,000

We have also budgeted for better living conditions, dignity and addressing inequality over the next 3 years for our residents in informal settlements:

Basic Services Improvements: Langrug	15,300,000
Northern Extension: Phase 2 Sanitation Infrastructure	2,000,000

Kayamandi Bulk Sewer	10,500,000
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We continue our efforts in addressing the plight of the disadvantaged through housing opportunities. Housing remains a challenge as resources and allocations from National and Provincial Government remains limited and the backlog tremendous. However the following has been budgeted for housing projects over the next 3 years to create more housing opportunities:

Kayamandi: Watergang and Zone O	12,650,000
Northern Extension Kayamandi – Feasibility study	7,000,000
298 Serviced sites in Klapmuts ERF 2181	12,903,056
Smartie Town Cloetesville	5,500,000
Idas Valley IRDP/FLISP	13,500,000
Longlands Vlottenburg: Housing internal services	4,000,000
Jamestown Housing	19,080,000
Town Centre Stellenbosch (Social Housing)	3,000,000
Upgrading of Steps/Orleans Lounge	14,500,000
Cloetesville IRDP Planning	7,330,000
Enkanini Subdivision, Consolidation and rezoning	5,000,000

To deliver better services to all residents, as well as to enable more economic development and bulk services in support of new housing opportunities and new developments, we have budgeted as follows for the next 3 years:

Klapmuts Bulk Sewer Upgrade	11,000,000
Bulk Water supply pipe line and pump station: Franschoek	18,000,000
Sewer Pipe Replacement	10,000,000
Bulk Sewer Outfall Jamestown	66,000,000

Bulk Water Supply Pipe: Idas Valley/Cloetesville	1,000,000
Water Treatment Works: Idas Valley	28,000,000
Water Pipe Replacement	18,000,000
Bulk Water supply pie and reservoir: Kayamandi	22,500,000
Water Treatment Works: Paradyskloof	14,500,000
New Reservoir: Polkadraai	50,000,000

Creating safer road infrastructure is a priority. We therefore continue our focus on ensuring well maintained road surfaces, but also continue to work on the congestion issues that plague our roads, creating potentially hazardous conditions. To address this we have are making the following provisions for the next 3 years:

Reseal Roads Franschhoek CBD	1,000,000
Reseal Roads Onder Papegaaiberg	1,000,000
Resealing WC024	2,000,000
Reseal Roads Cloetesville	4,000,000
Reseal Roads Idasvalley	3,750,000
Reseal Roads Kylmeore	1,000,000
R44 Upgrades	5,000,000
Lanquedoc access road and bridge	2,000,000
Main intersection Improvements: Franschhoek including Groendal and others.	1,700,000
Main Road Intersectional Improvements study: Pniel/Kylemore	400,000
Main Road Intersection Improvements Stellenbosch	12,000,000

A large number of residents rely on public transport. It is also important to reduce congestion on our roads. To work towards better and safer transport opportunities for our people over the next 3 years, we have budgeted for public transport as follows:

Comprehensive Integrated Transport Master Plan	2,500,000
Taxi Rank Klapmuts	4,000,000
Taxi Rank Kayamandi	1,500,000
Jamestown South Transport Network	3,000,000
Non-motorized Transport Implementation	7,000,000

An enormous challenge that has to be addressed is the fact that space at our landfill site is running out. Unfortunately previous councils did not plan for this in advance and when this looming crisis was discovered, we began with the necessary steps to manage and address the challenge. In September 2017, Council launched a section 78 process to explore what the possible solutions for this challenge must be.

Thus, in 2018, it was determined that we must extend the capacity of our landfill site. This is an enormous undertaking which requires the moving of Eskom lines as well as environmental impact studies. Eskom has given permission for the moving of its overhead lines. The next steps is to wait for the completion of the necessary Environmental Impact Assessments and the extension of our waste management licence.

In the meantime, when our site reaches capacity within the next few months, we will have to transport our solid waste to Vissershok. All of this will have a significant impact on our budget and our expenses over the next three years. We are however working to mitigating and managing the situation as much as possible as follows:

Reduction of waste through waste minimisation projects, such as recycling. The bigger the minimisation the lower the cost of transport and that is why we making provisions for the following:

Stellenbosch WC024 Material Recovery Facility	22,000,000
Transfers Station: Stellenbosch	21,000,000
Skips	1,000,000
Upgrade Refuse disposal site – Existing cells rehab	4,500,000

We must investigate methods of converting wet waste into fuel or gas which can be used in vehicles or for generation of electricity as well as exploring methods of using plastics in the manufacturing of sealants for our roads. That is why, over the next three years we will invest in the following:

Waste minimization projects	2,500,000
Expansion of the Landfill Site (new cells)	32,000,000
Waste to Energy Planning	500,000
Waste to Energy Implementation	4,000,000
Landfill Gas to Energy	1,000,000

Speaker, electricity is an absolute necessity for all our residents to live in safety and dignity. Electricity is also critically important for small businesses and the creation of economic opportunity. Despite load shedding and the challenges presented to us by ESKOM we are making the following provisions over the next 3 years we are making provision for:

11 kV Network Cable Replacement	9,000,000
Kwarentyn Sub Cables	5,500,000
Integrated National Electrification Program	12,000,000
Integrated National Electrification Program Enkanini	10,880,000
General System Improvements Stellenbosch	10,000,000
Infrastructure Improvement Franschhoek	5,000,000
General System Improvements: Franschhoek	6,000,000

Speaker, to sum up, it is clear that the greatest part of our capital budget expenditure is geared towards infrastructure. This is done, with the goal of excellent service delivery for all residents in mind and also to create greater equality, economic opportunities and dignified living conditions for our disadvantaged residents.

Capital Budget Funding

Our capital budget is funded from the following funding sources –

- Own reserves (Capital Replacement Reserve)
- External loans to be taken up and
- Government grants.

Operating Budget Expenditure

The proposed operating budget expenditure for 2019/2020 increases to R1,808 billion (5.16%) compared with the 2018/2019 adjustments operating budget expenditure of R1,719 billion.

Our operating expenditure for the 2020/2021 to 2021/2022 outer financial years will increase respectively to R1.925 billion (6.4%) in 2020/2021 and R2,048 billion in 2021/2022.

The main contributors to the operating expenditure of the 2019/2020 financial year are –

- Bulk electricity and water purchases
- Employee related costs;
- Interest on external loans and depreciation costs;
- General expenditure;
- Repair & maintenance costs;
- Conditional grant expenditure; and
- Provision for bad debt, leave and landfill sites rehabilitation; contracted services; collection costs; councillor remuneration; special projects; grants and donations represents the remaining operating expenditure.

The increase in employee related costs are due to the filling of posts on the new organogram and the national negotiated annual increases as determined in the Bargaining Council. As we acquire the new skills, we will become less and less dependent on external consultants, which will see a significant drop in the amounts we spend on consultants.

Operating Budget Revenue

Our additional revenue will be obtained from interest on selected investments, traffic fine income and various other revenue items.

The proposed operating budget revenue for 2019/2020 increases to R 1.919 billion (9.45%) compared with the 2018/2019 adjustments operating budget revenue of R 1.738 billion. Our operating revenue for the 2019/2020 to 2021/2022 outer financial years will increase to and respectively to R1.973 billion (2.78%) in 2020/2021 and R 2,104 billion (6.67%) in 2021/2022.

The exact percentage increase or decrease of each tariff type is reflected in the Tariff List that will be available for inspection at municipal offices and all libraries during the public participation process.

As set out in the budget assumptions in the 2019/2020 MTREF Budget Report of the reviewed IDP, the 2019/2020 revenue streams increase approximately with the following percentages. Speaker, in setting these tariffs, we have been very mindful of the challenging economic conditions in the country as well as inflation. The following increases are proposed:

- **Property Rates increase with 6,50 %**
- **Electricity Tariffs increase with 13, 80%**
The current electricity crisis has resulted in NERSA approving a 15.63 % increase in electricity prices. This has resulted in the municipality being forced to raise tariffs with 13,8%.
- **Water Tariffs increase with 6,5%**
Improved rainfall as well as our capital investment in our boreholes and equipment have enabled us to manage the continuing drought. We remain at level 2 restrictions. I want to express my sincere gratitude to our residents for their cooperation and their continued efforts to save water.
- **Sanitation Tariffs increase with 6%**
- **Refuse Removal tariff will increase with 16,5%**
Speaker, as mentioned earlier, this increase is due to the fact that our landfill site will soon reach capacity and that we are in the process of planning for the future as well as managing the situation to ensure our clean towns.

Financial Support to Indigent Households

Speaker, Stellenbosch Municipality does provide free basic services to poor households as a means of poverty alleviation. We mainly provide support to households who are unable to pay or struggle to pay for their basic services. This includes households with an income base below a determined threshold (two times the government social grant paid to a pensioner plus 25%), to the unemployed, child-headed households, retired persons and disabled persons. These consumers must apply to be registered as an indigent household on our indigent register in order to obtain this benefit or to qualify for rebates from their municipal basic services or property rates levied.

Indigent households in 2019/2020 will receive:

- 100 units of free electricity per month;

- 6 kilolitres of free water per month,
- free refuse removal services,
- free sanitation services.

This indigent subsidy will be credited to the customer's account during the monthly billing run. The indigent subsidy is funded through our equitable share allocation. It is important to note that it is expected from indigent households only to pay for electricity consumption above 100 units of electricity per month and only for water consumption above 6 kilolitres of water per month.

For the 2019/2020 financial year the qualifying criteria for indigent status is households (main bread winner/s) earning less than R 6,500 per month as indicated by the Municipality's amended Indigent Policy.

The percentage rebate granted to different monthly household income levels will be determined according to the schedule below. The income bands and rebates for the effective financial period of this Policy are as follows:

Gross Monthly Household Income				% Rebate
Income bands				
Up to			8 000	100%
From	8 001	to	10 000	75%
From	10 001	to	12 000	50%
From	12 001	to	15 000	25%

Conclusion

Speaker, this budget is a statement from this Council that we should look after all residents. But we must make a concerted effort to eliminate inequality and bring about greater equality to disadvantaged residents and areas in particular.

As the Executive Mayor, it is my strategic vision that we can achieve economic prosperity, dignity and equality, as it is set out in our constitution! It is only then, that all people, all residents in the greater Stellenbosch can live in true equality and freedom.

Nelson Mandela said: **"For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."**

This is our draft budget, for this council's consideration to enhance and promote the freedom and equality for our citizens.

The Municipality's strategic objectives are aligned to the national and the provincial priorities as articulated by the national outcomes and provincial

strategic objectives. The budget assumptions are realistically based on available information and the projected cash flow budget is credible and sustainable over the MTREF.

Speaker, with these remarks, I herewith present Stellenbosch's DRAFT **2019/2022** Medium Term Revenue and Expenditure Framework Budget Report with its recommendations to Council for consideration and approval as it set out in Item 5.2 on page 115 with recommendations a to i.

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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25TH COUNCIL MEETING: 2019-03-27: ITEM 6**NOTED**

the report by the Municipal Manager re outstanding resolutions taken at previous Council meetings.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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NONE

7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
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7.2.1	APPLICATION TO LEASE UNIT 1 OF BOSMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE INDEPENDENT ELECTORAL COMMISSION (IEC)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

13 March and 27 March 2019

1. SUBJECT: APPLICATION TO LEASE UNIT 1 OF BOSMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE IEC

2. PURPOSE

To obtain approval from Council to conclude a lease agreement with the Independent Electoral Commission (IEC) in relation to unit 1 of Bosmanshuis situated on a portion of erf 1134, Stellenbosch.

3. DELEGATED AUTHORITY

Council must consider the item.

4. EXECUTIVE SUMMARY

An application to lease the premises from Stellenbosch Municipality was received from the IEC. They originally indicated their interest in an office in the Town Hall, but that office is needed for the Municipality's own operations. One of the Dorp Street flats was identified as a possible option. The premises that were identified for possible leasing by the IEC are Unit 1 in Bosmanshuis. The IEC inspected the premises and is happy that it will fulfil their needs. The IEC is a chapter 9 institution. Given that the National and Provincial election takes place in May 2019, the date of occupation is proposed as 1 June 2019.

Council must consider the application, taking into account the prescripts of the Asset Transfer Regulations, read with the provisions of the Property Management Policy.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.2.1**RESOLVED** (nem con)

- (a) that Unit 1 Bosmanshuis, situated on a portion of erf 1134, as shown on Fig.2, be identified as property not required for the municipality's own use during the period for which the right is to be granted;
- (b) that approval be granted, in principle, to enter into a 1 year lease agreement with an option to renew with the IEC at a monthly rental of R 9950, being 50% of fair market rental given that the IEC is a Chapter 9 (of the Constitution) institution;
- (c) that Council's intention to enter into an agreement with the IEC be advertised for public comments/inputs;
- (d) that, following the public notice period, an item be submitted to Council to make a final determination; and
- (e) that the normal rules in terms of maintenance of the inside of the building will be included in the rental agreement to be concluded.

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	2019-03-07

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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7.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2019
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Collaborator No: 633633
IDP KPA Ref No: *Good Governance and Compliance*
Meeting Date: 13 March 2019

1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR FEBRUARY 2019

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 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 be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during February 2019.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.3.1

NOTED

the deviations as listed for the month of February 2019 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 36/19	18/02/2019	Gateway Metal Works (Pty) Ltd	The supply, delivery and installation of fencing at reservoirs in Stellenbosch WC024 area	Emergency	The contract (BSM 57/18) with the current service provider was terminated due to non-performance. The reservoirs are vandalized on a weekly basis and the sub-standard fencing as well as the recyclable metal are being stolen. To ensure a fair process the	R2 068 395,18 (including VAT and 10% contingency)

MINUTES

25TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2019-03-27

					municipality sourced quotations from all bidders who initially tendered for BSM 57/18. From the 10 service providers who were approached, nine submitted quotations.	
D/SM 38/19	28/02/2019	Waste Mart (Pty) Ltd	Hiring of refuse compactors, as and when required.	Exceptional case and it is impractical or impossible to follow the official procurement processes.	The current service provider was terminated due to non-performance. The municipality needed to appoint a services provider to ensure continuous service delivery to the community. Subsequent to the termination of the contract, quotations were obtained from 3 reputable service providers.	R2 463 300.00 (including 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	05 MARCH 2019

7.3.2	TABLING OF APPLICATION FOR DBSA GRANT FUNDING FOR COMPLETED AND FURTHER WORK TO BE DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)
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Collaborator No: 635118
File No: 3/4/5/2/32 X 8/1/2/6
IDP KPA Ref No: Good Governance and Compliance
Meeting Date: 18 March 2019

1. SUBJECT: TABLING OF APPLICATION FOR DBSA GRANT FUNDING FOR COMPLETED AND FURTHER WORK TO BE DONE ON THE CAPITAL EXPENDITURE FRAMEWORK (CEF)

2. PURPOSE

To obtain Council's approval for submission of Development Bank of South Africa (DBSA) Funding for work completed and further work to be done on the Capital Expenditure Framework as part of the integrated Urban Development Grant process.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

No specific delegation. Council support required from DBSA as sign of commitment of work to be done.

4. EXECUTIVE SUMMARY

According to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a CEF for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The purpose of the ICMs support strategy is to help translate IUDF policy into practical programmes of action in the ICMs.

Stellenbosch Municipality is participating in the Government's Intermediate City Municipalities Programme which is designed to support the Municipality to respond to the development challenges that it is facing. The Municipality is expected to develop and submit its Capital Expenditure Framework (CEF) to the Department of Cooperative Governance and Traditional Affairs (COGTA) within agreed timelines. The Municipality, having engaged with COGTA and with the Development Bank of Southern Africa (DBSA), has requested technical and other non-lending support from the DBSA to develop its Capital Expenditure Framework ("the Project").

Accordingly, the Municipality will be obliged to enter into a Grant Agreement ("the Agreement") with the DBSA, in terms of which the DBSA will make available a grant and/or technical resources to the benefit of the Municipality for the Project. Pursuant to the Agreement, the Municipality acknowledges that the Grant Amount from the DBSA shall be used solely for the Project which is to be executed by the Professional Services Provider appointed by the Municipality, or alternatively, appointed by the DBSA for the provision of the services relating to the Project for the benefit of the Municipality.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.3.2**RESOLVED** (nem con)

- (a) that Council hereby approves/supports the DBSA Grant support and any related technical support, and supports the implementation of the Project for which it will conclude a Grant Agreement with the DBSA;
- (b) that Council duly authorises and mandates the Municipal Manager (“Accounting Officer”) to sign the Grant Agreement on its behalf, and to sign and/or dispatch all documents and notices to be signed and/or dispatched by it under or in connection with the Agreement;
- (c) that Municipal Manager provides the DBSA with the Designated and Authorised Signatories, any of whom shall represent the Municipality on the Project Steering Committee for the purposes stated in the Agreement; and
- (d) that the Municipality provides the relevant FICA documentation required by the DBSA in terms of Regulations 3, 4, 5 and 6 of FICA (the Financial Intelligence Centre Act, 38 of 2001).

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	Acting Chief Financial Officer
DIRECTORATE	Financial Services
CONTACT NUMBERS	021 – 808 8528
E-MAIL ADDRESS	Kevin.carolus@ Stellenbosch.gov.za
REPORT DATE	7 March 2019

7.3.3	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK: 2019/2020-2021/2022
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(SEE ITEM 5.2 ABOVE)

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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7.4.1	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2019-2022)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

13 March 2019

1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2019-2022)

2. PURPOSE

To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next 3 financial years, for submission to the Provincial Department of Human Settlements (PDoHS).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

In terms of System of Delegations, which reads as follows:

- Item 515 (Section 2 of the Housing Act) (Page 115) – Apply the general principles as set out in Section 2, when deciding on housing projects.

4. EXECUTIVE SUMMARY

The report relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2019 to 2022.

The report requests the support of Council for the following housing project and initiatives:

- (a) To require Council's support in principle in order to allow the new project to be submitted to the Provincial Department of Human Settlements for approval on the Housing pipeline; and
- (b) To report on the process on existing housing projects on the current approved housing pipeline.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.4.1**RESOLVED** (nem con)

- (a) that the project in the table below be supported, in principle, and be submitted to Provincial Department of Human Settlements for approval on the Housing Pipeline:

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO. OF SITES	NO. OF UNITS
1.	Faure Agri-Village	IRDP/FLISP	Planning phase	480	480

- (b) that, given the location of the project, the land owner of Faure Agri-Village provide confirmation from the City of Cape Town regarding the provision of the bulk infrastructure;
- (c) that all potential beneficiaries that will benefit from the Faure Agri-Village housing project, must be registered on the Stellenbosch Municipality's housing database (waiting list);
- (d) that all potential beneficiaries as mentioned in (c) above, must be checked/verified against the provincial housing demand database for place of origin;
- (e) that Council takes note of the progress or lack thereof on current housing projects; and
- (f) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	6 March 2019

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]
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NONE

7.7	PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]
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7.7.1	KAYAMANDI / GEORGE BLAKE INFORMAL TRADING SITE: INCREASE OF PROJECT COST
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Collaborator No: 630214
IDP KPA Ref No: 17/7/1/3
Meeting Date: 13 March 2019

1. SUBJECT: KAYAMANDI / GEORGE BLAKE INFORMAL TRADING SITE: INCREASE OF PROJECT COST

2. PURPOSE

To obtain Council's approval to obtain the necessary authorization for the intended amendment of a contract concluded with Rekha Construction. Increase the initial order (350951) Formal Tender B/SM 42/18 from R 922 779.33 to R 1 427 340 and to extend the duration of the contract. (**ANNEXURE 1**)

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Rekha Construction was awarded the tender for the construction of the George Blake Kayamandi Informal Trading site. After the contractors went on site and started excavating the area, they found services that were not identified on the municipal IMQS system.

This resulted in changes in specifications and additional costs to the entire project, i.e. materials, supervision, security, etc. These costs will exceed the allowed 20% in terms of Circular number 62/2012 (National Treasury) as mentioned in paragraph 6.4.3.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.1**RESOLVED** (nem con)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the change of scope/specification of the Kayamandi/George Blake Informal Trading site project;
- (b) that the tender amount (B/SM 43/18) for the provision of Professional Services be increased from R 922 779.33 to R 1 427 340;
- (c) that Council gives reasonable notice of intention to amend the contract or agreement in terms of Section 116(3)(b)(i);
- (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
- (e) that the Municipal Manager be authorized to conclude the contract or agreement after (d) above is finalized in terms of the applicable Act/Regulation.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@ Stellenbosch.gov.za
REPORT DATE	4 December 2018

7.7.2	TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)
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Collaborator No: 633452
IDP KPA Ref No:
Meeting Date: 13 March 2019

1. **SUBJECT: TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER / CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT / USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)**

2. **PURPOSE**

To gain authorisation for the Municipal Manager to start the prescribed public participation process as per Chapter 4 of the Municipal Asset Transfer Regulations, with the view of following a tender/call for proposal process in outsourcing the management/use the Kayamandi Economic Tourism Corridor.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The Kayamandi Economic and Tourism Corridor continues to be under-utilised. It is of critical importance that the Municipality finally delivers the correct strategy and operational model for the sustainable future benefit of the community.

This will include re-defining possible mixed-use outcomes, and appointing a suitably capacitated operator that will have the financial resources and operational experience to deliver a sustainable and relevant facility that serves real needs within the community. It is acknowledged that various operational reference models exist within the Western Cape, and that these are useful guides to articulating the type of outcome needed at KETC.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2

RESOLVED (majority vote)

- (a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor;

-
- (b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor;
- (c) that the local community be invited to submit representations; and
- (d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation.

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

Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	1 March 2019

7.7.3	PUBLIC PARTICIPATION PROCESS: FUTURE USE / UPGRADE OF THE BRAAK
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

13 March 2019

1. SUBJECT: PUBLIC PARTICIPATION PROCESS: FUTURE USE / UPGRADE OF THE BRAAK

2. PURPOSE

To obtain Council's approval to follow a public participation process on a proposed Call for Design Proposals regarding the future use and upgrade of the Braak.

3. DELEGATED AUTHORITY

For decision by Municipal Council.

4. EXECUTIVE SUMMARY

The item seeks Council's approval to follow a Public Participation Process on a proposed Call for Design Proposals regarding the future use of the Braak as a productive open space not excluding informal trading. It furthermore elaborates on the different steps to be followed up to the point of a Call for Design Proposals and the actual Implementation.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.3

RESOLVED (nem con)

- (a) that Council authorises the Municipal Manager to follow a public participation process on the proposed future use / upgrade of the Braak; and
- (b) that, following the public participation process (90 days), Council considers the inputs received before embarking on a Call for Design Proposals.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	<i>Director:</i>
DIRECTORATE	<i>Planning & Economic Development</i>
CONTACT NUMBERS	021-808 8491
E-MAIL ADDRESS	Tabiso.Mfeya@ Stellenbosch.gov.za
REPORT DATE	2019-03-11

7.7.4	INVITATION AND CALL FOR NOMINEES FOR THE MUNICIPAL PLANNING TRIBUNAL IN TERMS OF THE PROVISIONS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AND THE AMENDMENT OF THE HOURLY RATE PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL
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Collaborator No:

File No:

1/1/1/40

IDP KPA Ref No:

D535

Meeting Date:

18 March 2019

1. SUBJECT: INVITATION AND CALL FOR NOMINEES FOR THE MUNICIPAL PLANNING TRIBUNAL IN TERMS OF THE PROVISIONS OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) AND THE AMENDMENT OF THE HOURLY RATE PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL

2. PURPOSE

To obtain Council's approval to invite and call for nominees suitably experienced and qualified external professionals to serve as members of the Municipal Planning Tribunal in terms of the provisions of the Stellenbosch Municipal Land Use Planning By-law (2015) (hereinafter referred to as "the By-law") and to facilitate the increase in the hourly remuneration of these members.

3. DELEGATED AUTHORITY

For decision by Council.

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA], as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

4. EXECUTIVE SUMMARY

In terms of Section 70(1) of Stellenbosch Municipality Land Use Planning By-law (2015), read with Section 35 (1) of SPLUMA, the Municipality must establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the By-law.

Council resolved, as per item 8.6 on 27 May 2015, that the term of office for the current Stellenbosch MPT shall be a period of three years which period would come to an end on 1 March 2019. The aforesaid resolution also contained details in respect of the remuneration and travel expenses of the MPT members. Subsequently, Council resolved, as per item 8.6 on 25 November 2015, to appoint external Municipal Planning Tribunal members as recommended by the evaluation panel for the three year period referred to above. For the last three years since June 2015, the Municipal Planning Tribunal has been constituted and operated professionally. Council recently resolved, as per item 8.2.2 on 27 February 2019, to extend the term of office of the current Municipal Planning Tribunal for a further period of four months, until 1 July 2019.

Permission is now sought from Council to proceed with the invitation and call for nominations in terms of Section 72 (1)(b) of the By-law for suitably experienced and qualified external professionals to serve as members of the Municipal Planning Tribunal in terms of the provisions of the Stellenbosch Municipal Land Use Planning By-law (2015). This process will include, but not be limited to:

- (i) the publication of a notice in the various local and regional newspapers and on the Municipal website calling on nominations to serve on the Municipal Planning Tribunal;
- (ii) the Administration assisting the Mayco to determine the terms of reference to be used as criteria for the evaluation of the nominated MPT members;
- (iii) the Administration assisting in the establishment of an evaluation panel to evaluate the nominations for MPT members received by the Municipality, which panel will consist of all the members of the Planning Portfolio Committee and all the Directors, or their delegated officials.

In respect of the remuneration of the external MPT members, Council subsequently resolved in (b) of Item 7.3.3 of the 10th Council meeting dated 26 July 2017 to amend resolution (e)(i) of Council Item 8.6 dated 27 May 2015, to remunerate the members in line with SACPLAN professional fees (Category B) from R 300,00 to R 1000,00 per hour to a maximum remuneration equal to five hours per meeting.

In light of inflation and increases consequential thereto, it is necessary to adjust the rate at which members are paid to ensure that suitably qualified professional members are attracted or avail themselves to be nominated to serve on the MPT. It will be recommended that the hourly rate be amended according to the latest publication of the South African Council of Professional Planners (SACPLAN) increased professional fees rate. This will be to allow for the increase in the hourly remuneration rate of MPT members from R 1000,00 to a capped rate of R 1500,00 per hour to a maximum remuneration equal to five hours per meeting.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.4

RESOLVED (majority vote with abstentions)

- (a) that Council approves the invitation and call for nominees for suitably experienced and qualified external professionals to serve as members of the Municipal Planning Tribunal in terms of the provisions of the Stellenbosch Municipal Land Use Planning By-law (2015);
- (b) that the Administration assist the Mayco to determine the terms of reference to be used as criteria for the evaluation of the nominated MPT members;
- (c) that the Administration assist in the establishment of an evaluation panel to evaluate the nominations for MPT members received by the Municipality, which panel will consist of the Chairperson of the Planning Portfolio Committee and all the Directors;
- (d) that the Administration assist the Mayco to determine the ideal number of external MPT Members, taking into account the private schedule and availability of such members to regularly attend to MPT meetings;

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- (e) that the Administration assist the Mayco to determine the term of office for the MPT, taking into account the recommendations from the evaluation panel with regards to the nominations as well as Section 73(1) of Stellenbosch Municipality Land Use Planning By-law (2015) which refers to a maximum period of 5 years, or a shorter period as the Municipality may determine; and
- (f) that Council amend resolution (b) of Council Item 7.3.3 dated 26 July 2017 (10th Council meeting) in line with latest publication of the South African Council of Professional Planners (SACPLAN) increased professional fees rate (Category B) to allow for the increase in the hourly remuneration rate of MPT members from R 1000,00 to a capped rate of R 1250,00 per hour to a maximum remuneration equal to five hours per meeting.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	tabiso.mfeya@stellenbosch.gov.za
REPORT DATE	1 March 2019

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN]
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NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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7.10.1	TABLING OF DRAFT CAPITAL EXPENDITURE FRAMEWORK IN PREPARATION FOR INTEGRATED URBAN DEVELOPMENT GRANT
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Collaborator No:

File No:

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

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

13 and 27 March 2019

1. SUBJECT: TABLING OF DRAFT CAPITAL EXPENDITURE FRAMEWORK IN PREPARATION FOR THE INTEGRATED URBAN DEVELOPMENT GRANT

2. PURPOSE

To obtain Council's approval for submission of the Draft Capital Expenditure Framework (CEF) to the National Department of Cooperative Government and Traditional Affairs (CoGTA) as part of the Integrated Urban Development Grant (2020-2030) application.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

According to Section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a CEF for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The Integrated Urban Development Framework (IUDF) was approved by Cabinet in April 2016, which led to the Integrated Urban Development Grant that will be introduced in the 2019/2020 Division of Revenue Act as a Consolidated Grant for Intermediate City Municipalities (ICM's). Stellenbosch Municipality was identified as one of the municipalities to benefit from this new grant, subject to specified criteria. The purpose

of the ICMs support strategy is to help translate IUDF policy into practical programmes of action in the ICMs.

The business plan for the IUDG is a three-year capital programme that is aligned with a long-term CEF (10 year plan). The Capital Expenditure Framework must be submitted to the Department of Cooperative Governance (CoGTA) as part of the formal application by 31 March 2019.

There are a number of key intentions in introducing the CEF as the basis for monitoring the IUDG, namely:

- a) To ensure that priorities identified in the Spatial Development Framework are translated into capital programmes;
- b) To promote long-term infrastructure planning;
- c) To promote infrastructure planning that is better integrated across sectors and spheres and within space; and
- d) To promote a more integrated approach to planning within municipalities that brings together technical, financial and planning expertise.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.10.1

RESOLVED (majority vote with abstentions)

that the Draft Capital Expenditure Framework be approved for submission to the National Department of Cooperative Government and Traditional Affairs (CoGTA) by 31 March 2019.

FOR FURTHER DETAILS CONTACT:

NAME	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	6 March 2019

7.10.2	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2017/18
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Collaborator No: 634962
 File No: 3/5/3/5
 IDP KPA Ref No: Good Governance and Compliance
 Meeting Date: 18 March 2019

1. SUBJECT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OVERSIGHT REPORT ON THE ANNUAL REPORT 2017/18

2. PURPOSE

The purpose of the report is:

- (i) to enable the MPAC/Oversight Committee to execute its oversight responsibility in considering the Stellenbosch Municipality's Annual Report for 2017/18 as required in terms of Section 129(1) of the MFMA, Act 56 of 2003; and
- (ii) to recommend to Council on the approval of the Annual Report 2017/18 **(distributed under separate cover as APPENDIX 1)**.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL

In terms of Section 129(1) of the Municipal Finance Management Act (MFMA), (Act No 56 of 2003) *"The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council has*

- (a) *approved the annual report with or without reservations;*
- (b) *rejected the annual report; or*
- (c) *referred the annual report back for revision of those components that can be revised."*

The comprehensive questionnaires with the corresponding responses provided by the Administration including supporting documents are attached as **APPENDIX 2**.

The written representation as submitted by the public is attached as **APPENDIX 3**.

The MPAC/Oversight Report, inclusive of the comments and recommended remedial actions, is attached as **APPENDIX 4**.

4. EXECUTIVE SUMMARY

The Annual Report 2017/18 was referred by Council to the MPAC, which fulfilled the functions of the Oversight Committee. The appointment and mandate of the MPAC/Oversight Committee are informed by the MFMA Circular 32 of 2006.

25TH COUNCIL MEETING: 2019-03-27: ITEM 7.10.2**RESOLVED** (majority vote)

- (a) that Council, having fully considered the Annual Report 2017/18 of the Municipality and representations thereon, adopts the Oversight Report 2017/18; and
- (a) that Council approves the Annual Report 2017/18 without reservations.

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

Clr RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Gurswin Cain
POSITION	Manager: IDP and PMS
DIRECTORATE	Office of the Municipal Manager
CONTACT NUMBERS	021 – 808 8174
E-MAIL ADDRESS	gurswin.cain@ Stellenbosch.gov.za
REPORT DATE	6 March 2019

7.10.3	APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP (2017 – 2022)
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(SEE ITEM 5.1 ABOVE)

8.	CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER
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8.1	MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]
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8.1.1	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2017/2018 FINANCIAL YEAR
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 March 2019

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2017/2018 FINANCIAL YEAR

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred in the 2017/2018 financial year and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 4.36.1a (i) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Expenditure was identified in the 2017/2018 financial year by the Auditor-General which was not aligned or non-compliant with Council approved policies and the Municipal Financial Management Act. All known instances of non-compliance with legislation, which the Municipality is aware of and whose effects should be considered have been recorded.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.1.1

Before deliberations on the matter, Cllr S Schäfer recused himself for the duration of the item.

RESOLVED (nem con)

- (a) that Council takes note of the finding of the Auditor-General;
- (b) that Council takes note of the circumstances as provided by the Municipal Manager and Chief Financial Officer in the handling of the matter;
- (c) that, based on the above, Council writes off the irregular expenditure to the value of R5 083 159.00 (Excluding VAT) as irrecoverable; and
- (d) that the Administration implements corrective measures.

8.1.2	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 March 2019

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO LOCAL PRODUCTION AND CONTENT

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred relating to local production and content and, to be recommended and considered by Council to certify the expenditure as irrecoverable and to be written off by Council as per the Stellenbosch Municipal Supply Chain Management Policy (2017/2018) embodied from the principles as specified in the Preferential Procurement Regulations of 2017.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Preferential Procurement Regulations (PPR) 2017, PPR 8(2), requires that, an organ of the state must, in case of a designated sector, advertise the invitation to tender with a specific condition that only locally produced or locally manufactured goods, meeting the stipulated minimum threshold for local production and content, will be considered.

The Auditor-General, in its findings during the 2017/2018 financial year, identified that the Municipality did not include a specific condition that local production and content is applicable when inviting bidders to tender (advertisement). The Municipality also did not include the local production and content in the bid documents (MBD 6.2) and the suppliers declared accordingly. Procurement made that does not comply with Preferential Procurement Regulations 2017, PPR 8(2) exhibits irregular expenditure.

However, the Municipality disagrees with the findings of the Auditor-General, as the PPFA Regulations of 2017 does not stipulate in brackets (advertisement) as alluded in the findings. In order to advertise, the invitation to tender places emphasis on the tender document that need to include the minimum thresholds (MBD6.2) that are advertised as a complete document and from which potential bidders submit bid offers.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.1.2

RESOLVED (majority vote)

- (a) that Council takes note of the finding of the Auditor-General;
- (b) that Council takes note of the circumstances as provided by the Municipal Manager and Chief Financial Officer in the handling of the matter;

-
- (c) that, based on the above, Council writes off the irregular expenditure to the value of R32,721,307.37 (Excluding VAT) as irrecoverable; and
- (d) that the Administration implements corrective measures.

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

Cllr 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 8509
E-MAIL ADDRESS	kevin.carolus@ Stellenbosch.gov.za
REPORT DATE	19 March 2019

8.1.3	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE SHORT TERM INSURANCE PORTFOLIO
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 March 2019

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE SHORT TERM INSURANCE PORTFOLIO

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure incurred relating to the Short Term Insurance Portfolio and, to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of Section 4.36.1a (v) of Stellenbosch Municipality Supply Chain Policy (2017/2018).

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Section 32(2)(b) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) require a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

In terms of Section 4.36.2 of the Stellenbosch Municipality Supply Chain Policy (2017/2018), reasons for any deviations must be recorded and reported to Council and should be included as a note to the annual financial statements.

The Auditor-General, in its audit during 2017/18 identified deviations with documented reasons from the deviation register, recorded as "*it was impractical to follow the official procurement process*". The Communication of audit finding No. 43 of 2018 stipulated that evidence could not be produced to support the reason for the deviation being impractical and that the procurement process followed through the deviation was not in terms of the supply chain management regulations and the expenditure was considered as irregular.

The Municipality however disagrees with the findings of the Auditor-General, due to the fact that it was impractical to follow the procurement process. The services of an appropriately experienced Insurance Professional were unobtainable to support the Municipality in compiling constructive specifications for the tender. The Municipality has done adequate considerations for the approval of the deviation. Management monitoring processes were sufficient to ensure that the official competitive procurement process is followed when appointing the service provider.

The table below depicts the matter that was raised by the Auditor-General during their audit of the Municipality, and as a corrective measure, the administration is requesting Council to write off these irregular expenditure with the explanations and recommendation given.

Deviation No	Date	Description	Reason	Supplier name(s)	Contract Value
DSM13/18	22/06/2017	Short Term Insurance Portfolio	Impractical to follow the official procurement processes	AON	R4,715,900

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.1.3**RESOLVED** (nem con)

- (a) that Council writes off the irregular expenditure to the value of R4,715,900 (Excluding VAT); and
- (b) that Council notes the explanations given by the Administration and that corrective measures be implemented.

FOR FURTHER DETAILS CONTACT:

NAME	Kevin Carolus
POSITION	<i>Acting Chief Financial Officer</i>
DIRECTORATE	<i>Financial Services</i>
CONTACT NUMBERS	<i>021 808 8509</i>
E-MAIL ADDRESS	kevin.carolus@ Stellenbosch.gov.za
REPORT DATE	<i>19 March 2019</i>

8.1.4	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY HE & SHE DRIVER TRAINING CENTRE
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

19 March 2019

1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY HE & SHE DRIVER TRAINING CENTRE

2. PURPOSE OF REPORT

To provide information regarding the irregular expenditure for investigation by MPAC and to be recommended to and considered by Council to certify the expenditure as irrecoverable and to be written off by Council in terms of the MFMA Section 32 (2). The expenditure with regard to the procurement of services for learners licence training for Code EC driver license is regarded as irregular because it breached the procurement process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

A request for training was received from Traffic Services and Traffic Engineering Services for Code EC driver's license. He and She Driver Training Centre was appointed as the service provider to facilitate the required training. The service provider was appointed for facilitation of driver license training that did not include training for learners' license.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.1.4

RESOLVED (nem con)

- (a) that Council takes note of the report of the Administration and especially the Municipal Manager's comments; and
- (b) that Council certifies the expenditure to the amount of R 1990.95 for services rendered, and that the amount be written off.

FOR FURTHER DETAILS CONTACT:

NAME	A de Beer
POSITION	<i>Director: Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021 808 8018</i>
E-MAIL ADDRESS	<i>Annalene.debeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>19 March 2019</i>

8.2	OFFICE OF THE MUNICIPAL MANAGER
8.2.1	APPOINTMENT OF ONE (1) NEW MEMBER AND RENEWAL OF TWO (2) MEMBERS TERMS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY

Collaborator No: 634938
File No: 3/4/5/2/8 x 3/6/3
IDP KPA Ref No: Good Governance
Meeting Date: 27 March 2019

1. SUBJECT: APPOINTMENT OF ONE (1) NEW MEMBER AND RENEWAL OF TWO (2) MEMBERS TERMS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY

2. PURPOSE

To obtain Council's approval for the appointment of one (1) new member to the Audit and Performance Audit Committee and renew the term of two (2) current members of the Audit and Performance Audit Committee.

3. DELEGATED AUTHORITY

The delegated authority for the appointment of Audit and Performance audit Committee members is Council.

4. EXECUTIVE SUMMARY

In terms of Section 166 of the Municipal Finance Act (MFMA), Act No 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer, the management and staff of the municipality.

A vacancy has opened on the Audit and Performance Audit Committee of Stellenbosch Municipality due to the term of the Chairperson, Mrs Reyhana Gani concluding. Audit And Performance Audit Committee members are allowed to serve two (2) terms each of which is three (3) years in terms of legislation and National Treasury Circular 65. Mrs Gani has served for two terms.

Simultaneously the first term of two members, Dr Nimrod Llewellyn Mortimer and Mr Jeremy Fairbairn, also conclude on 31 March 2019.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.2.1

RESOLVED (nem con)

- (a) that Council appoints Ms June Williams as a member to the Audit and Performance Audit Committee for a period of three years commencing on 1 April 2019;
- (b) that Council renew the term of Dr Nimrod Llewellyn Mortimer and Mr Jeremy Fairbairn for a second and final term of three years commencing on 1 April 2019; and
- (c) that a new Chairperson be elected at the next meeting of the Audit and Performance Audit Committee, and Council be informed of same.

8.2.2	IDA'S VALLEY HOUSING PROJECT: MARKETING
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Collaborator No: 635697
File No:
IDP KPA Ref No: Good Governance
Meeting Date: 27 March 2019

1. SUBJECT: IDA'S VALLEY HOUSING PROJECT: MARKETING

2. PURPOSE

To obtain approval from Council regarding a recommendation in terms of the marketing approach related to tender B/SM 246/09B.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Marketing strategy that was used by the marketing team of the project has raised numerous concerns and questions from Council and the community. In order to address these concerns, it is imperative that an approved marketing process be adopted to provide a fair and transparent approach. It is therefore prudent that the municipality provide the marketing team with clear guidelines in order to implement the marketing approach and to avoid any further delays and misunderstandings by stakeholders in the project.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.2.2

RESOLVED (majority vote)

- (a) that Council approves the method proposed as stated below:
- (i) Must be a South African citizen.
 - (ii) Must reside in Ida's Valley – utility account/lease agreement/proof of address or sworn affidavit by third party to substantiate domicile.
 - (iii) One unit per purchaser.
 - (iv) Should have a combined household income of less than R 30 000 per month before tax.
 - (v) Should potential buyer have moved out of Ida's Valley due to circumstances, proof of parents municipal account or sworn affidavits by third party may be used as proof of domicile.
 - (vi) Should the potential beneficiaries qualify for a Finance Linked Individual Subsidy Programme (FLISP), the marketing agent will facilitate the subsidy application.

- (b) that Council approves the criteria as stated below, to proceed with marketing outside Ida's Valley, after 30 April 2019
- (i) that after consideration of all applications from Ida's Valley community, opportunity be extended to all residents from areas of ward 5 and ward 6 and after the above that all other mentioned criteria be followed;
 - (i) Must be a South African citizen.
 - (ii) Must reside or work in Stellenbosch WCO24 for at least 5 years – utility account/lease agreement/proof of address/proof of employment to substantiate domicile.
 - (iii) Must preferably be a previously disadvantaged individual/applicant.
 - (iv) Must be a first time home owner.
 - (v) One unit per purchaser.
 - (vi) Should have a combined household income of less than R 30 000 per month before tax.
 - (vii) Should the potential beneficiaries qualify for a Finance Linked Individual Subsidy Programme (FLISP), the marketing agent will facilitate the subsidy application.

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

Councillors RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.

FOR FURTHER DETAILS CONTACT:

NAME	Tabiso Mfeya
POSITION	Director
DIRECTORATE	Director: Planning & Economic Development
CONTACT NUMBERS	021 808 8491
E-MAIL ADDRESS	<i>tabiso.mfeya@stellenbosch.gov.za</i>
REPORT DATE	15-03-2019

8.2.3	APPLICATION FOR EVENT SUPPORT – ABSA CAPE EPIC 2019
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Collaborator No: 635697
File No:
IDP KPA Ref No: Safest Valley
Meeting Date: 27 March 2019

1. SUBJECT: APPLICATION FOR EVENT SUPPORT – ABSA CAPE EPIC 2019

2. PURPOSE

To obtain Council approval for event support as a destination partner to host the Absa Cape Epic 2019 event in Stellenbosch.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Absa Cape Epic is an international, UCI registered, 8-day stage race which takes place in March each year. The event draws mountain bikers from around the world and has been coined as “the race that every professional cyclist aspires to win and all amateur riders desire to ride.”

The format of the event includes making use of five venues, two of which host the Prologue (first day) and Grand Final (last day) respectively. The other three venues host the race villages from which the racing days are staged and include full services and infrastructure in support of the participants. This infrastructure includes activations, hospitality, sleeping tents for riders and crew, dining marquees, kitchens, media facilities, a full field hospital and bike wash/storage facilities.

In partnering with the Stellenbosch Municipality, the event proposes a one-year agreement for the 2019 edition of the race, being staged from 17-24 March 2019. This is an international event which showcase Stellenbosch as a destination of choice, with economic spin-offs in the field of hospitality and tourism industries.

It should further be noted that the Cape Epic has already paid for the use of Paradyskloof grounds which amounts to R7 141.00 for 22 March 2019 and R14 828.00 for 23 & 24 March 2019. Notwithstanding the above, the Stellenbosch Local Municipality has already been marketed as a destination partner for the ABSA Cape Epic 2019 event.

The item has served before the Section 80 Community and Protection Services Portfolio Committee on 6 March 2019, was endorsed and recommended to Mayco and Council for approval.

25TH COUNCIL MEETING: 2019-03-27: ITEM 8.2.3**RESOLVED** (nem con)

- (a) that Council approves the request for event support for the 2019 Cape Epic event on the basis of the following:
- (i) that Council waives the costs for municipal services including Waste and Cleaning Services, Traffic Services and Law Enforcement Services as per the approved Events Policy;
 - (ii) that Council waives the cost for the use of Paradyskloof municipal grounds of R7 141.00 for 22 March 2019, and R14 828.00 for 23 and 24 March 2019 which has already been paid, and that said amounts be refunded;
 - (iii) that no cash payment be approved for the 2019 Cape Epic event; and
- (b) that the Municipal Manager be mandated to negotiate a Destination Partnership Agreement with the Cape Epic, effective from the 2020 Cape Epic event.

FOR FURTHER DETAILS CONTACT:

NAME	NEVILLE LANGENHOVEN
POSITION	ACTING MANAGER: LAW ENFORCEMENT
DIRECTORATE	COMMUNITY & PROTECTION SERVICES
CONTACT NUMBERS	021 – 808 8497
E-MAIL ADDRESS	Neville.langenhoven@stellenbosch.gov.za
REPORT DATE	20 March 2019

9.	MATTERS FOR NOTIFICATION
9.1	REPORT BY THE EXECUTIVE MAYOR
9.1.1	REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 18 FEBRAURY 2019

Collaborator No: 635697
 File No:
 IDP KPA Ref No: Good Governance
 Meeting Date: 27 March 2019

1. **SUBJECT: REPORT BY THE EXECUTIVE MAYOR ON THE MAYOR – RECTOR FORUM MEETING: 18 FEBRUAY 2019**

2. **PURPOSE**

To inform Council of the matters under discussion at the Mayor – Rector Forum meeting held on 18 February 2019.

3. **DELEGATED AUTHORITY**

FOR INFORMATION

4. **EXECUTIVE SUMMARY**

The Executive Mayor has since her election reported to the Council on discussions that take place at the regular meetings of the Mayor – Rector Forum. The meeting was held on 18 February 2019. The minutes is attached as **ANNEXURE A**.

25TH COUNCIL MEETING: 2019-03-27: ITEM 9.1.1

NOTED

the report from the Executive Mayor on The Mayor–Rector Forum Meeting dated 18 February 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	27 March 2019

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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9.3.1	REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND): JANUARY 2018 – MARCH 2019
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

27 March 2019

**1. REPORTING ON THE RELIEF AND CHARITABLE FUND (MAYORAL FUND):
JANUARY 2018 – MARCH 2019**

2. PURPOSE

The Executive Mayor receives on a regular basis requests for grants, donations and financial assistance from various organisations, groups and individuals. Most of these are dealt with through the normal Grants-in-Aid Policy, but some deserving requests fall outside the ambit of the policy.

It is thus along these lines that a mechanism was put in place that could address these deserving relief and / or charitable cases. In this regard a "Relief and / or Charitable Fund" was established for this purpose.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The fund was established during 2017. The purpose of the item is to provide feedback on the donations that have been paid out to applicants in line with the Guidelines approved by Council.

The Municipal Manager must report to Council in respect of the status of the "Fund" including amounts withdrawn, and the names and amounts of the beneficiaries. Any donation(s) received must also be reported.

On 12 April 2018, a Mayoral Golf Day was held at the Stellenbosch Golf Club and R75 000, 00 was pledged towards the fund.

List of funds paid out 2018/2019: See **APPENDIX 1**.

25TH COUNCIL MEETING: 2019-03-27: ITEM 9.3.1**NOTED**

the Report on the Relief and Charitable Fund (Mayoral Fund) for the period of January 2018 – March 2019.

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	27 March 2019

10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
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NONE

11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(SEE PINK DOCUMENTATION)

The meeting adjourned at 14:40.

CHAIRPERSON:**DATE:****Confirmed on** **with/without amendments.**

4.2	CONFIRMATION OF MINUTES OF AN URGENT COUNCIL: 2019-04-02 (3/4/1/5)
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The minutes of an Urgent Council Meeting: 2019-04-02 is attached as **APPENDIX 2**.

FOR CONFIRMATION

APPENDIX 2



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/1/5

2019-04-02

MINUTES

URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

2019-04-02 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
URGENT MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2019-04-02

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MINUTES OF AN URGENT MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-04-02 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 FJ Badenhorst GN Bakubaku-Vos (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (Ms) JN De Villiers R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) AJ Hanekom DA Hendrickse JK Hendriks	LK Horsband (Ms) MC Johnson DD Joubert N Mananga-Gugushe (Ms) C Manuel XL Mdemka (Ms) N Olayi MD Oliphant SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) Q Smit LL Stander E Vermeulen (Ms)

Officials:	Municipal Manager (Ms G Mettler) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Community and Protection Services (G Boshoff) 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)
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MINUTES

**URGENT MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-04-02

1.	OPENING AND WELCOME
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The Speaker, Cllr WC Petersen (Ms) welcomed all present at the Urgent Council meeting. A moment of silent reflection was observed. During the Speaker's opening and welcome, Cllr DA Hendrickse requested a caucus between the Speaker and the Party Whips, which the Speaker allowed.

2.	APPLICATION FOR LEAVE OF ABSENCE
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The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr FT Bangani-Menziwa (Ms)	– 2 April 2019
Cllr JG Hamilton	– 2 April 2019
Cllr NE Mcombring (Ms)	– 2 April 2019
Cllr RS Nalumango (Ms)	– 2 April 2019
Cllr P Sitshoti (Ms)	– 2 April 2019

3.	DISCLOSURE OF INTEREST
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NONE

4.	APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good governance and Compliance

02 April 2019

1. SUBJECT: APPOINTMENT OF ACTING CHIEF FINANCIAL OFFICER

2. PURPOSE

To appoint an Acting Chief Financial Officer.

3. DELEGATED AUTHORITY

COUNCIL

4. EXECUTIVE SUMMARY

Section 56(1)(a)(ii) of the Local Government Systems Act provides that Council, after consultation with the Municipal Manager, must appoint an acting manager directly accountable to the Municipal Manager under circumstances and for a period prescribed. The acting period must not be in excess of 3 (three) months. If the period exceeds three months, the Minister of Local Government in the Province extends the period on good cause shown.

The person that is appointed in an acting capacity must at least have the skills, expertise, competencies and qualifications prescribed for such a position.

MINUTES

**URGENT MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY**

2019-04-02

Council approved the appointment of acting directors when the directors are not available at the 23rd Council Meeting: 2019-01-30: Item 7.2.1. At that stage Council approved the acting arrangements of Mr Kevin Carolus, but no other employees were appointed to act when Mr Carolus is not available. Mr Carolus has been appointed as CFO from 1 April 2019. It is not practical to call a council meeting every time a section 56 manager is not available and for that reason council approved a roster in which employees are appointed to act if one of the section 56 managers are not available. This also needs to be put in place for the CFO. Mr Carolus had a medical emergency and now will have to undergo surgery on his teeth. Council therefore has to approve an acting CFO whilst Mr Carolus is unavailable and also to act in situations where he attends other meetings or take leave or is on sick leave.

URGENT COUNCIL MEETING: 2019-04-02: ITEM 4

RESOLVED (majority vote)

- (a) that Mr Dalleel Jacobs be appointed to act as Chief Financial Officer when the Chief Financial Officer is not available;
- (b) that an acting allowance be paid as per the approved Acting Allowance Policy of November 2018; and
- (c) that Mr Dalleel Jacobs be added on the rotational roster for the appointment of acting directors when the directors are not available.

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

Councillors F Adams; DA Hendrickse and LK Horsband (Ms).

FOR FURTHER DETAILS CONTACT:

NAME	Geraldine Mettler
POSITION	<i>Municipal Manager</i>
DIRECTORATE	<i>Municipal Manager</i>
CONTACT NUMBERS	<i>021 808 8025</i>
E-MAIL ADDRESS	<i>Geraldine.Mettler@stellenbosch.gov.za</i>
REPORT DATE	<i>29 March 2019</i>

The meeting adjourned at 11:20.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**

5.	STATUTORY MATTERS	(3/4/1/4)
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NONE

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

ITEM 6

APPENDIX 1

REPORT BY THE MUNICIPAL
MANAGER RE OUTSTANDING
RESOLUTIONS

Council Meeting		Resolution	Resolution Date	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 Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>	2015-10-28	SCHALKV	95.00	A site visit was undertaken on 26/10/2018. Internal meetings 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 together with any comments / objections by D:EA&DP and the public, for final approval and</p>	2016-11-23	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 will commence.</p>

		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	ROSCOEB	22.00	Item will be tabled at May 2019 Council meeting.
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. (DIR: HUMAN SETTLEMENTS TO ACTION)	2017-01-25	PSMIT	90.00	Follow up e-mail was sent to the Department of Rural Development and Land Reform on 05/03/2019. Awaiting feedback.

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	AKHONAZ	80.00	Policy reviewed to be tabled at a Council Meeting 24 April 2019
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL	<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>	2017-04-26	BERNABYB	30.00	In progress

	HERITAGE BUILDINGS	<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>				
514994	Stellenbosch Municipality: Extension of Burial Space	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a</p>	2017-04-26	SCHALKV	60.00	Environmental Impact Assessment (EIA) proceeding on 2 sites, Louw's Bos and Culcatta Bos. Pre-application documentation for Environmental Authorization for both sites has been submitted to DEADP. Excepting a decision from the DEADP on both by July 2019 (Culcatta) and November 2019 (Louw's Bos)

		<p>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>				
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</p>	2017-09-27	WIDMARKM	95.00	Awaiting draft MOU from National Department of Rural Development and Land Reform.

		land use process commences. Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted. Councillor F Adams requested that it be minuted that he supports the item with reservations. (DIRECTOR: PLAN & ECON DEV TO ACTION)				
543966	PARKING UPGRADE REPORT	7.6.1 PARKING UPGRADE REPORT 12TH COUNCIL: 2017-09-27: ITEM 7.6.1 RESOLVED (majority vote with abstentions) (a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach; (b) that parking service delivery increase be based on the towns of: i) Stellenbosch ii) Klapmuts, and iii) Franschhoek; and (c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services. (DIRECTOR: ENGINEERING SERVICES TO ACTION)	2017-09-27	JOHANF	90.00	Item will be tabled at May 2019 Council meeting
543953	SOLID WASTE UPGRADE REPORT	7.6.2 SOLID WASTE UPGRADE REPORT 12TH COUNCIL: 2017-09-27: ITEM 7.6.2 RESOLVED (majority vote with abstentions) (a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and (b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.	2017-09-27	SALIEMH	75.00	Awaiting financial information from Finance for review. Completion May 2019.

		(DIRECTOR: ENGINEERING SERVICES TO ACTION)				
546882	Motion WC Petersen - Proposed development of erven 412 and 284, Groendal, Franschhoek	<p>10.2 MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</p> <p>12TH COUNCIL MEETING: 2017-09-27: ITEM 10.2</p> <p>The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to the vote, yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.</p> <p>(OFFICE OF THE MM TO ACTION)</p>	2017-09-27	PSMIT	10.00	<p>In the process of ascertaining what kind of subsidies, if any would be payable on a project of this nature.</p> <p>Once this information is available a report will be submitted to Council.</p>
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	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.
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES),	<p>7.5.2 DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p>	2017-11-29	TABISOM	90.00	The contractor has built 270 units and has moved off-site. The informal structures are demolished when the families are relocated to their new units. Progress in accordance with the construction programme.

	WATERGANG, KAYAMANDI	<p>(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;</p> <p>(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;</p> <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>				
559653	KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS	8.3.2 KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS 14TH COUNCIL MEETING: 2017-11-29: ITEM 8.3.2	2017-11-29	TABISOM	90.00	Discussion/negotiation is at an advance stage and reports have served before Council to this effect.

		RESOLVED (majority vote) that the Municipal Manager be authorised to investigate / negotiate the acquisition of land, which may include land swops, 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. (DIR: HUMAN SETTLEMENTS TO ACTION)				
559971	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO FACILITATE THE DELIVERY OF STATE SUBSIDIZED HOUSING UNITS, SERVICED SITES FOR AFFORDABLE HOUSING UNITS, GAP HOUSING UNITS AND HIGH INCOME HOUSING UNITS 14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1 RESOLVED (majority vote with abstentions) (a) that the land parcels listed in paragraph 1.(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and (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. Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted. (DIR: HUMAN SETTLEMENTS TO ACTION)	2017-11-29	TABISOM	90.00	The tender was evaluated by a multi-disciplinary team and the Bid Evaluation report was submitted to BEC during January 2019. Stage 2 of the tender is currently being compiled, to furnish to all potential bidders.	
582813	APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND	7.3.1 APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND 16TH COUNCIL MEETING: 2018-03-28: ITEM 7.3.1 RESOLVED (nem con) (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; Strategic Advisory Committee Organisation Position Contact Details Stellenbosch Municipality Chairperson: Director: Community and Protection	2018-03-28	WIDMARKM	50.00	Meeting to be held with Advisory Body.

	<p>Services 021 808 8437</p> <p>Stellenbosch Municipality Director: Planning and Economic Development 021 808 8667</p> <p>Stellenbosch Municipality Director: Integrated Human Settlements and Property 021 808 8493</p> <p>Stellenbosch Municipality Director: Strategic and Corporate Services 021 808 8018</p> <p>Stellenbosch Municipality Legal Services 021 808 8018</p> <p>Stellenbosch Municipality Manager: LED 021 808 8179</p> <p>Stellenbosch Municipality Snr LED Officer: Rural Development 021 808 8173</p> <p>Stellenbosch Agricultural Society General Manager 021 886 4867</p> <p>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</p> <p>Land Bank</p> <p>Provincial Manager Commercial Development Banking Division Western Cape 021 974 2200 / 082 339 1626</p> <p>Stellenbosch University Professor and Chairman of the Department Agricultural Economics 021 808 4899</p> <p>Department of Water Affairs Deputy Director 021 941 6000</p> <p>Winelands Water Board CEO 021 887 6487</p> <p>CASIDRA CEO 021 863 5000</p> <p>Operational Committee</p> <p>Organisation Position</p> <p>Stellenbosch Municipality Manager: LED</p> <p>Stellenbosch Municipality Manager: Municipal Property</p> <p>Stellenbosch Municipality Senior Legal Advisor</p> <p>Stellenbosch Municipality Environmental Manager</p> <p>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</p> <p>1 165/1A 10.5 ha no water 10.5</p> <p>2 279BN 25.3 ha no water 25.3</p> <p>3 502 AM 8.56 ha 3 ha water 8.56 3</p> <p>4 502 AP 7 ha 2 ha water 7 2</p> <p>5 502 AU 8.9 ha no water 8.9</p> <p>6 502 AW 6 ha no water 6</p> <p>7 502 BFN 15.5 ha 6 ha c/water 15.5 6</p>				
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582817	PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU	7.6.3 PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU 16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.3 RESOLVED (nem con) (a) that this report be noted; (b) that the Final MOU be accepted; (c) that the Municipal Manager be authorised to sign the MOU on behalf of the Municipality; (d) that the amount of R16 236 253 for the purchase of the Pniel/Hollandsche Molen Electricity Network from Drakenstein be considered at the setting up of the 2018/2019 Capital Budget; (e) that an application be forwarded to NERSA to incorporate the Pniel/Hollandsche Molen Electricity Network into the license of Stellenbosch Municipality; and (f) that an application be forwarded to Drakenstein Municipality to supply bulk electricity to the Pniel/Hollandsche Molen upon a successful response from NERSA and the appropriate capital amount be placed on the 2018/2019 capital budget.	2018-03-28	DLOUW	95.00	Approval letter received from NERSA. Awaiting Asset Register from Drakenstein Municipality in order to finalise all processes as well as payment.
582818	SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE	7.6.1 SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE 16TH COUNCIL MEETING: 2018-03-28: ITEM 7.6.1 RESOLVED (nem con) (a) that this report be noted;	2018-03-28	DLOUW	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>(b) that Council notes the report on the Devon Valley Solid Waste Landfill site and the plans to expand this site through the request to Eskom to move high voltage circuitry in order to open space for the expansion of the current Landfill site;</p> <p>(c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of expanding the current landfill site have been satisfactorily attended to;</p> <p>(d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to continue with the planning and implementation of the internal mechanism of expanding the current landfill site to the area south west of the current site;</p> <p>(e) that the Director: Infrastructure Services be tasked to negotiate a process of moving the Eskom 66kV lines to a position away from the current landfill site and expansion site thereof;</p> <p>(f) that any Town Planning-, Environmental-, licensing and any other legislative requirement be adhered to; and</p> <p>(g) that a report indicating accurate costing, licensing and other related matters be submitted to Council once they are known, at which time Council will consider a final approval of the expansion of this landfill site.</p>				
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	AKHONAZ	20.00	Tender advertised for appointments of an architect to design a multipurpose building. Intention to have design finalised by end of June 2019
601661	PROPOSED CEEDING OF LONG TERM LEASE AGREEMENTS: LEASE FARMS 502AX, AY AND BC: HELDERVALLEY	<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	AKHONAZ	80.00	Council resolved on an in principle lease. Official notice soliciting public input/objections has been compiled published.

	FARMING ASSOCIATION	that this item be withdrawn for further refinement.				
601650	THE AWARDING OF RIGHTS TO THE LOCAL ECONOMIC HUBS	<p>7.3.1 THE AWARDING 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	TABISOM	90.00	Lease agreements with applicants to sign off.
601711	PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS	<p>7.5.4 PROPOSED RENEWAL OF VARIOUS LEASE AGREEMENTS</p> <p>18TH COUNCIL MEETING: 2018-07-25: ITEM 7.5.4</p> <p>RESOLVED (nem con)</p> <p>that this item be withdrawn for further refinement.</p>	2018-07-25	ADMIN	20.00	New agenda items in process. Send back to department for updates.

612597	Draft 2 NORTHERN EXTENTION LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI PROGRESS - STATUS REPORT 20.09.2018	<p>8.2.3 NORTHERN EXTENSION / LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS, KAYAMANDI: PROGRESS / STATUS REPORT</p> <p>20 TH COUNCIL MEETING: 2018-09-26: ITEM 8.2.3</p> <p>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.</p> <p>RESOLVED (majority vote with 7 abstentions)</p> <p>(a) that the progress to date (lack thereof), be noted;</p> <p>(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;</p> <p>(c) that the Municipal Manager reports back on progress within 3 months; and</p> <p>(d) that no definitive agreement(s) be concluded without Council's approval.</p>	2018-09-26	TABISOM	90.00	An item will serve In-committee in April 2019.
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	TABISOM	50.00	<p>Service provider was appointed to develop an online Housing Database System and Mobile App. A tentative date for the Housing Launch App will be before the end of the financial year.</p> <p>Concurrent to this, is the development of a plan to update the Housing Demand Database.</p>
616965	PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK	<p>7.2.2 PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.2</p> <p>RESOLVED (nem con)</p>	2018-10-31	AKHONAZ	70.00	Item will serve before Council on 24 April 2019

		<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(e) that the item be re-submitted to Council after the public participation process.</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> <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>	2018-10-31	DLOUW	75.00	Comments received. Item to serve at next Council meeting (May 2019)
616954	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED	<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>	2018-10-31	AKHONAZ	20.00	Tender document compiled and submitted to DCS for recommendation.

	ERVEN IN KAYAMANDI	<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>				
616956	DRAFT PARADYSKLOOF NATURE AREA: ENVIRONMENTAL MANAGEMENT PLAN	<p>7.7.1 DRAFT PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN</p> <p>21ST COUNCIL MEETING: 2018-10-31: ITEM 7.7.1</p> <p>RESOLVED (nem con)</p> <p>(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</p> <p>(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.</p>	2018-10-31	GARYB	50.00	An Item with the final EMP will serve at the MayCo of May 2019.
621645	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT	<p>7.2.3 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (ECD CENTRE)</p> <p>22ND COUNCIL MEETING: 2018-11-28: ITEM 7.2.3</p> <p>RESOLVED (majority vote with abstentions)</p>	2018-11-28	ANNALENE	90.00	Applicant informed of outcome await signed agreement.

	FACILITY (ECD CENTRE)	<p>(a) that Council notes that a tender call for proposal was advertised and dealt with through the Supply Chain Process;</p> <p>(b) that Council now proceed with the lease based on the proposal received;</p> <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>				
621772	PROPOSED SERVICE DELIVERY IN JONKERSHOEK	<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, authorising 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 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>	2018-11-28	ANNALENE D	30.00	<p>Meeting was scheduled during December 2018 with representatives of Informal Settlements and Engineering Services to discuss implementation of Council resolutions. The National Department of Public Works was requested the use of the office space. A meeting in this regards is scheduled for 29 January 2019.</p> <p>Interdepartmental team to deal with process further.</p>

		<p>(h) that the Director: Planning & Economic Development be requested to finalise 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 unauthorised 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>				
633513	<p>POSSIBLE DISPOSAL OF ERF 111, KAYAMANDI TO THE UNITED REFORMED CHURCH IN SOUTHERN AFRICA (URCSA): CONSIDERATION OF PUBLIC INPUTS AND DETERMINATION OF MARKET VALUE</p>	<p>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</p> <p>24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.2</p> <p>RESOLVED (majority vote with abstention)</p> <p>(a) that it be noted that no public inputs/objections have been received following the public notice period;</p> <p>(b) that it be noted that the property's fair market value has been valued at R133 250.00;</p> <p>(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:</p> <p>(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;</p> <p>(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;</p>	2019-02-27	AKHONAZ	95.00	Applicant informed of outcome await signed Sales Agreement.

		<p>(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</p> <p>(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.</p>				
633536	<p>PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 15323 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI</p>	<p>7.2.1 PROPOSED EXCHANGE OF LAND: DISPOSAL OF ERF 1523 TO THE SEVENTH DAY ADVENTIST CHURCH IN EXCHANGE FOR ERF 718, KAYAMANDI</p> <p>24TH COUNCIL MEETING: 2019-02-27: ITEM 7.2.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Erf 1523 be identified as land not needed to provide the minimum level of Municipal Services;</p> <p>(b) that Council in principle approves the exchange of Erf 718 for Erf 1523 at equal value;</p> <p>(c) that Council's intention to do the exchange of land be advertised for public inputs/objections/alternative proposals;</p> <p>(d) that the item be brought back to Council following the public notice period, to make a final decision in this regard; and</p> <p>(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.</p>	2019-02-27	AKHONAZ	50.00	Official notice for public inputs was compiled and will be published.
633551	<p>ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024</p>	<p>8.2.5 ADVERTISING OF DRAFT MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) FOR WC024</p> <p>24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.5</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council notes the Draft Municipal Spatial Development Framework attached as ANNEXURE 1;</p> <p>(b) that Council gives consent that the public participation process as prescribed</p>	2019-02-27	TABISOM	70.00	Advertisement published for MSDF, due for comments 08 May 2019.

		<p>by the Spatial Planning and Land Use Management Act, Act 16 of 2013 and the Stellenbosch Municipality Land Use Planning By-Law, 2015 proceed without delay; and</p> <p>(c) that the final draft Municipal Spatial Development Framework be submitted for consideration with the Integrated Development Plan no later than the Council meeting in May 2019. Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</p>				
639166	IDAS VALLEY HOUSING PROJECT: MARKETING	<p>8.2.2 IDA'S VALLEY HOUSING PROJECT: MARKETING</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 8.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the method proposed as stated below:</p> <p>(i) Must be a South African citizen. (ii) Must reside in Ida's Valley – utility account/lease agreement/proof of address or sworn affidavit by third party to substantiate domicile. (iii) One unit per purchaser. (iv) Should have a combined household income less than R 30 000 per month before tax. (v) Should potential buyer have moved out of Ida's Valley due to circumstances, proof of parents municipal account or sworn affidavits by third party may be used as proof of domicile. (vi) Should the potential beneficiaries qualify for a Finance Linked Individual Subsidy Programme (FLISP), the marketing agent will facilitate the subsidy application.</p> <p>(b) that Council approves the criteria as stated below, to proceed with marketing outside Ida's Valley, after 30 April 2019</p> <p>(i) that after consideration of all applications from Ida's Valley community, opportunity be extended to all residents from areas of ward 5 and ward 6 and after the above that all other mentioned criteria be followed;</p> <p>(i) Must be a South African citizen. (ii) Must reside or work in Stellenbosch WCO24 for at least 5 years – utility account/lease agreement/proof of address/proof of employment to substantiate domicile. (iii) Must preferably be a previously disadvantaged individual/applicant. (iv) Must be a first time home owner. (v) One unit per purchaser. (vi) Should have a combined household income of less than R 30 000 per month before tax. (vii) Should the potential beneficiaries qualify for a Finance Linked Individual Subsidy Programme (FLISP), the marketing agent will facilitate the subsidy</p>	2019-03-27	TABISOM	100.00	The marketing criteria was advertised in the Eikestadnuus on 11 April 2019.

		<p>application.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>				
639169	<p>APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022</p>	<p>5.1 APPROVAL OF THE DRAFT SECOND REVIEW OF THE FOURTH GENERATION IDP (2017 – 2022)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 5.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the draft Second Review of the Fourth Generation IDP (2017 –2022) for Stellenbosch Municipality be tabled in terms of Section 34 of the MSA for the purposes of obtaining public inputs and comments;</p> <p>(b) that an advertisement be placed on the official website of the Municipality, municipal notice boards and in the local newspapers notifying the public that the draft Second Review of the Fourth Generation IDP (2017 – 2022) is open for public inputs and comments during April 2019;</p> <p>(c) that the draft Second Review of the Fourth Generation IDP (2017 – 2022) be submitted to the Department of Local Government, Provincial Treasury, National Treasury and the Cape Winelands District Municipality; and</p> <p>(d) that the Second Review of the Fourth Generation IDP (2017 – 2022) be submitted to Council before the end of May 2019 for final approval.</p>	2019-03-27	GURSWINC	80.00	Advertisement published.
634249	<p>MOTION BY ALDERMAN PW BISCOMBE: APPOINTMENT OF INDEPENDENT INVESTIGATOR</p>	<p>10.3 MOTION BY ALDERMAN PW BISCOMBE: APPOINTMENT OF INDEPENDENT INVESTIGATOR</p> <p>24TH COUNCIL MEETING: 2019-02-27: ITEM 10.3</p> <p>The Speaker allowed Alderman PW Biscombe to put his Motion, duly seconded.</p> <p>After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to vote, yielding a result of 31 for and 2 against.</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council authorizes the Municipal Manager to appoint an independent investigator in terms of the supply chain management process and Council Policies;</p> <p>(b) that the Municipal Manager mandate the independent investigator to</p>	2019-02-27	NOMIET	70.00	Postponed to a meeting to be determined by the Speaker.

		investigate in terms of Schedule 1, Section 10 and Schedule 2, Section 6 of the Municipal Systems Act, 32 of 2000; and (c) that Council consider the findings in accordance with Section 14, and Schedule 2 Section 14A of the Municipal Systems Act 32 of 2000 (154-162). Cllrs F Adams and DA Hendrickse requested that their votes of dissent be minuted.				
639570	TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF THE FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF TH	7.7.2 TO AUTHORISE THE MUNICIPAL MANAGER TO START THE PRESCRIBED PUBLIC PARTICIPATION PROCESS AS PER CHAPTER 4 OF THE MUNICIPAL ASSET TRANSFER REGULATIONS, WITH THE VIEW OF FOLLOWING A TENDER/CALL FOR PROPOSAL PROCESS FOR OUTSOURCING THE MANAGEMENT/USE OF THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC) 25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2 RESOLVED (majority vote) a) that Council authorises the Municipal Manager to start the Public Participation Process (60 days) as per Chapter 4 of the Asset Transfer Regulations with the intention of following an appropriate process for the outsourcing and management of the Kayamandi Economic and Tourism Corridor; (b) that Council gives reasonable consideration to all regulations and processes required by the Municipal Policy on the Management of Immovable Property, the Asset Transfer Regulations and prescriptions of the MFMA, and then to follow the process that best ensures the correct operational outcome for the Kayamandi Economic and Tourism Corridor; (c) that the local community be invited to submit representations; and (d) that the Municipal Manager be authorized to conclude the contract or agreement after (c) above is finalized in terms of the applicable Act/Regulation. The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.	2019-03-27	TABISOM	50.00	Will be published on 25 April 2019
634097	APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK	8.2.6 APPLICATION TO RELAX DEED OF SALE CONDITION: ANTI-SPECULATION CLAUSE: ERF 9194, TECHNOPARK 24TH COUNCIL MEETING: 2019-02-27: ITEM 8.2.6 RESOLVED (majority vote with abstention)	2019-02-27	AKHONAZ	50.00	Applicant informed of the outcome. Sales Agreement to buy back the property will be drawn up.

		<p>(a) that Council resolves to buy back the property as per the Municipal evaluation and that this property be earmarked for empowerment of local black entrepreneurs within the Stellenbosch municipal area;</p> <p>(b) that Council makes provision for the purchase of the property within 2019/2020 budget; and</p> <p>(c) that the Municipal Manager be mandated to investigate and report back to Council at the March 2019 Council meeting as to whether outstanding municipal debt should be recovered.</p> <p>Councillor DA Hendrickse requested that his vote of dissent be minuted.</p>				
639576	APPLICATION TO LEASE UNIT 1 OF BSOMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE IEC	<p>7.2.1 APPLICATION TO LEASE UNIT 1 OF BOSMANSHUIS (PART OF THE DORP STREET FLATS UNITS) TO THE INDEPENDENT ELECTORAL COMMISSION (IEC)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 7.2.1</p> <p>RESOLVED (nem con)</p> <p>(a) that Unit 1 Bosmanshuis, situated on a portion of erf 1134, as shown on Fig.2, be identified as property not required for the municipality's own use during the period for which the right is to be granted;</p> <p>(b) that approval be granted, in principle, to enter into a 1 year lease agreement with an option to renew with the IEC at a monthly rental of R 9950, being 50% of fair market rental given that the IEC is a Chapter 9 (of the Constitution) institution;</p> <p>(c) that Council's intention to enter into an agreement with the IEC be advertised for public comments/inputs;</p> <p>(d) that, following the public notice period, an item be submitted to Council to make a final determination; and</p> <p>(e) that the normal rules in terms of maintenance of the inside of the building will be included in the rental agreement to be concluded.</p>	2019-03-27	ANNALEND	50.00	Notice to be published in the next two weeks.

7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)
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7.1.1	STELLENBOSCH GIVES RESPONSIBLY CAMPAIGN
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Collaborator No: 635004
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 24 April 2019

1. SUBJECT: STELLENBOSCH GIVES RESPONSIBLY CAMPAIGN

2. PURPOSE

To inform Council of developments in relation to a collaborative approach to addressing the needs of persons living on the street as part of a holistic approach to dealing with the issue.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY

The Department Community Development drove a process through community participation and collaboration in search of a collective and holistic approach to service delivery to persons living on the street. The process delivered a draft Street People Policy which was recommended to serve at the next available Section 80 committee for Community and Protection Services.

Apart from the development of a policy, participants also explored and mapped a holistic service for persons living on the street with four strategies requiring actions. The strategies include:

1. Educating the public
2. Empowering people to be self sufficient
3. Preserving human dignity
4. Prevention services

This item is to inform Council of developments that were made in relation to educating the public.

5. RECOMMENDATION

that Council notes the developments made toward a collaborative action in terms of educating the public by way of an awareness campaign called *Stellenbosch Gives Responsibly*.

6. DISCUSSION / CONTENTS

6.1. Background

According to the March 2015 Human Science Research Council's review, homelessness cannot be understood by only focusing on the concept of home or shelter. It is important to consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socio-economic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness. Homelessness is not unique to Stellenbosch or South Africa for that matter. It does, however, require a response to dealing with the issue in a dignified manner.

6.2 Discussion

Council resolved at the 11th Council Meeting on 30-08-2017:

- (a) that Council approves 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;
- (b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and
- (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.

The department started with the consultation process through the above-mentioned series of workshops. The workshops did provide direction for the draft policy and a collective approach for the municipality to move forward in finalizing a response to the social issue.

One of the strategies include public education and awareness and in this regard a coupon system has been developed and approved by all major role-players in the local NGO sector working with people living on the street.

The aim of the *Stellenbosch Gives Responsibly* campaign is to address the street economy and begging on the street through a system where persons can still access basic services in a humane manner.

The campaign include awareness talks at university residences, local churches and business. The aim is to make coupons available to the general public that they could then provide to persons on the street in order for them to access shelter, food or a blanket. The coupons sell for R10 which contributes to the sustainability of the services.

The following service partners are part of the campaign:

1. HeartFlow NPC who is driving the campaign and also working on the development of an electronic app that would support the coupon system.
2. Straatlig who renders counselling services to persons on the street. Straatlig is also very active in the development of a database of persons living on Stellenbosch streets and their needs. They document the provision of social resources in order to ensure that a second economy is not run through the sale of these resources.

3. Stellenbosch Night Shelter who provides shelter, social work and family reunification services and a place to wash.
4. Feeding in Action supports HeartFlow NPC by providing soup over weekends and also provides food at the Bergzicht Taxi Rank from Monday to Friday.

Coupons can already be obtained from retailers displaying the following poster:

Give responsibly (in 10 seconds)!
Do not give money or only food as it often hurts more than helps. Help us help others through giving coupons.

- 1** Buy and then take a coupon - R10 -
Sold here!
- 2** Give coupon to person in need
Services include a blanket, meal or accommodation
- 3** Coupon beneficiary is helped by us or one of our partners
straatfig
heartflow

How It Works?:
Coupons can be bought for R10 each wherever these posters appear. You can then give the coupon to a person in need who can use the coupon to make use of the services of one of our partners. At this stage they will also enter their name and date on the coupon. Our partners offer various other services not on the coupons (e.g. Classes, drafting CV's and municipal work). If the person qualifies, they will also be able to make use of these services.

Why It Works?:
To give a coupon has various advantages, such as:

- It limits irresponsible spending
- Data is captured allowing us to provide focused support
- Unifies otherwise isolated efforts
- Sends people in need to organisations where they can receive more holistic help
- Discourages a victim mentality

#Stellenbosch gives responsibly!
HeartFlow

Endorsed by: **STELLENBOSCH**
MUNICIPALITY

The following local businesses are already on board as distribution partners of *Stellenbosch Gives Responsibly* coupons:

Retailers selling coupons

The following Stellenbosch retailers are helping us sell coupons. Thank you for your support!



Ithemba Curios
36 Mark str.

SPAR
Boord, Neelsie, Paul Roos

Stellenbosch Gemeente

Stellenbosch-Wes
LEWENDE LOTE

POSTNET
Andringa & Plein str.

Pick n Pay Express

bp
Dorp str. & Merriman av.

MOEDERKERK KRUISKERR

JOSHUA GENERATION

NACHTSHELTER
3 Tennant str.

fidders
19 Andringa str.

TONY'S BARBER SHOP
Du Toit str.

cash Crusaders
Stellenbosch

IRENE
1963 Stellenbosch

Venustia

24hr
Andringa str.

STELLENBOSCH WINE ROUTES
47 Church str.

The campaign is in a pilot phase. Since the middle of January 2019 more than 300 coupons have been sold. The official launch of phase 1 will be held on 15 March 2019 with the partners and the municipality.

6.3 Financial Implications

The municipality has supported the *Give Responsibly* Campaign and signed a Memorandum of Agreement (MOA) (**APPENDIX 1**) to indicate support, providing permission for the use of the municipal logo as part of the campaign. The MOA does not include any financial implications for the municipality.

Financial support for the *Give Responsibly* Campaign is in the form of creating awareness and thus is done through the approved printing budget of the Department Community Development.

6.4 Legal Implications

The MOA was approved by the Municipal Manager.

6.5 Staff Implications

The campaign does not have staff implications for the municipality.

6.6 Previous / Relevant Council Resolutions:

None

6.7 Risk Implications

None

6.8 Comments from Senior Management:

The item was distributed to all directors for notification and to solicit inputs by 4 March 2019.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.1

that Council notes the developments made toward a collaborative action in terms of educating the public by way of an awareness campaign called Stellenbosch Gives Responsibly.

ANNEXURES

Appendix 1: Approved MOA

FOR FURTHER DETAILS CONTACT:

NAME	M Aalbers
POSITION	Manager Community Development
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	8408
E-MAIL ADDRESS	Michelle.aalbers@stellenbosch.gov.za
REPORT DATE	18/02/2019

APPENDIX 1



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

COMMUNITY AND PROTECTION SERVICES

Memorandum of Agreement

Entered into and between

STELLENBOSCH MUNICIPALITY

(hereafter called the "Municipality")

Herein represented by G Mettler, in her capacity as Municipal Manager, being duly authorised

And

HEARTFLOW NPC

(hereafter called the "endorsed")

Herein represented by Charl Reyneke, in his capacity as Managing Director being duly authorised.

The intent of the agreement is to obtain endorsement for the pilot and operating of an electronic platform to serve as a basis for support to people living on the street. The app will be accessible to and used by citizens of Stellenbosch Municipality, professional service providers in the non-profit sector and private institutions/business to the benefit of people living on the street and people in need within but not limited to the boundaries of Stellenbosch Municipality with the focus of addressing begging on the streets.

1. Background

With the state of begging in Stellenbosch reaching a point of desperation, the need for a technological solution to help manage the situation is becoming apparent. After a street people workshop held in 30 August 2018, hosted by Stellenbosch Municipality in collaboration with Straatlig, this need was validated.

In 2018 Heartflow NPC (Reg. no. 2018 / 487455 / 08) was created as a vehicle to use the Cheese application to provide an alternative to community members in engaging with street people in need. This alternative allows community members and application user's to buy something for person in need from a non-profit organisation (hereafter referred to as service providers). The implication of this is minimising the street economy and directing street people in need to organisations which can provide for their needs holistically. Non-profits also benefit from the application through having access to a shared database with higher quality data and having an additional stream of income. Please refer to the Business case in Annexure A for a detailed explanation. The application is a digital version of the coupon system currently implemented to support the Stellenbosch Gives Responsibly Campaign.

2. Purpose of agreement

This Memorandum of Agreement (MOA) sets out the terms by which the endorsed may have permission from the Municipality to use some form of representation of the municipality (such as name, logo and emblem) on media representing the Cheese application in order to demonstrate the link between the deliverables of the app and the strategic goal of the municipality to promote dignified living for all citizens.

3. Definitions

Cheese Application : shall mean a mobile and web-based application used to manage interaction between community members and people in need or any person receiving a certain gift donated through the application.

People in need : shall mean Any person who does not have their most basic human needs met (e.g. food, clothing, shelter) and may or may not request these needs from community members which may or may not be on an individual basis.

Service Providers : shall mean non-profit organisations which are in partnership with Heartflow and provide services to people in need which are purchased for them through community members through the Cheese Application

4. Terms of agreement

1. The endorser has the right to retract the endorsement from all or a single medium (such as but not limited to a social media platform) after this agreement has been made.
 - i. Once the endorsed has received notice of the retraction of endorsement from the municipality's key representative, the endorsed has 48 hours to remove all representation from social media.
 - ii. Media in the form of hard copies with representation of municipality may no longer be distributed after the endorsement has been retracted.
2. The endorsed may only use the municipality's logo and emblem to indicate the relationship of being endorsed by the municipality.
 - i. The Endorsed may by no means be a representation of the municipality.
 - ii. The views of the endorsed do not necessarily reflect those of the municipality.
3. The endorsed agrees to only use the municipality's representation in such a way to portray the endorsed in a positive manner.
4. The endorsed agrees to and has no rights to share the representation documentation (such as but not limited to logo and emblem) with other persons.
5. There will be no financial implication for the municipality as a result of this MOA.
6. The geographical and frequency data generated through the use of the app in the municipal area will be made available to the municipality upon request for viewing purposes.
7. Although the municipality may promote the use of the app to the citizens of the municipality, the marketing and branding of the app is the sole responsibility of the endorsed.

5. General

The central co-ordinating body for this initiative with regard to communication will be the Stellenbosch Municipality Directorate Community and Protection Services. The official patron will be the Executive Mayor of Stellenbosch.

6. Domicile

Stellenbosch Municipality:	The Municipal Manager PO Box 17 Stellenbosch 7600 email: mm@stellenbosch.gov.za
Heartflow NPC:	The Managing Director 1167 Forrest Drive Kayamandi Stellenbosch 7600 Email: charl.reyneke@gmail.com




7. Duration of agreement

The agreement is initiated on the date on which both parties have agreed to the terms. If parties sign on different dates, the later of dates will be used as the initiation date.

The agreement is terminated when one of the parties wishes to formally end the agreement through emailing an indication of termination to the other party's key representative.

8. Term and Review

This agreement will be reviewed annually, but can be reviewed more often and terminated as indicated in the duration of the agreement.


Signed at Stellenbosch on 18th of February 2019


.....
For the **MUNICIPALITY**

WITNESS: 

Signed at Stellenbosch on 15 of February 2019


.....
For the **ENDORSED**

WITNESS: 

Annexure A: Cheese application business case

Improved beggar interaction strategy

Business case to justify the implementation of an improved alternative to interaction between general public and street people in need or beggars

Need description

"Questions are our greatest assets in building solutions"

- A lack of knowing how to deal with beggars leads to agitation and irritation
 - Some community members have the desire to help, but few have the time and skills to apply themselves
- Often interactions result in money being given to the beggar
 - Irresponsible giving has resulted to victim mind-sets and good intentions have resulted in more harm than good
- The current strategies are ineffective in reducing the number of homeless
 - Isolated giving results in beggar independence from homeless organisations thus greatly increasing the difficulty of their task
 - The disappointment of failure has resulted in the giving up of many who have a desire to help
- 90% of surveyed people would like to make use of a different alternative
 - Survey results available on request

Desired state

Human beings flying did not start when Willbur took flight. It started when they first dreamed of what it would be like to fly and a will to make it a reality.

A desired state is thus required to have a target which can be aimed at. A view of the ideal state is streets without hungry, homeless or unclothed.

Development considerations

In understanding the development landscape, there are certain principles which need to be applied to have a successful strategy.

When desiring to develop an individual, the following principles are vital:

1. Treating of the symptom and not only the cause
 - a. Physicians prescribe medication for the symptoms and not only the cause
 - b. Examples of symptoms in the beggar context are lack of food, warmth, shelter etc.
 - c. An example of a cause in the beggar context is a traumatic event
2. Discouragement of victim mind-set
 - a. This is achieved largely through some form of exchange taking place in which the predominantly receiving party must put in some form of effort to gain
3. Unite isolated efforts through collaboration and channelling
 - a. 3 people working together can achieve more than each of the three trying to work individually
 - b. This involves incorporating the wider community as well as participating non-profits
4. Provide focused support
 - a. The only person who can change himself is himself
 - b. With limited resources, focus should be on individuals where the greatest impact can be made
5. Only give a person that which they can be faithful with
 - a. Providing a person with more than they can handle is setting them up for failure
6. Direct beggars to professionals who are best qualified to help them
 - a. These organisations have capabilities of holistic support
7. Leave as little room as possible for manipulation

Gap analysis

There are currently four alternatives when interacting with beggars:

1. Giving money
2. Not giving anything
3. To provide according to the need
 - a. E.g. Food
4. Giving a coupon

The section describes how current alternatives measure against the development considerations described. Objectives are rated either 0,1 or 2. (0 being the principle is not followed, 1- to some extent and 2- adheres completely)

Alternative	Principle							Total
	1.	2.	3.	4.	5.	6.	7.	
1. Giving money	0	0	0	0	0	0	0	0
2. Giving nothing	1	1	1	0.5	1	2	2	8.5
3. Meet need directly	1	0	0	0	0	0	1	2
4. Coupon	2	2	2	0.5	1	1	1	9.5

1. Giving money to the beggar

1. No definite treating of symptoms
2. Victim mind-set is enforced through this approach
3. This alternative is an isolated development approach and do thus not have the advantages of a unified approach
4. Scarcely forms part of focused support
5. Money is not something beggars are known to be faithful with as it can be used to partake in destructive behaviour such as alcohol abuse
6. Interactions not directed to trained professionals
7. Barriers to prohibit manipulation are low

This alternative does thus not meet any of the design objectives and is evidently does more damage than good. One of the main motivations of taking this action above the rest is that it takes little time and a passer-by may feel they are helping.

2. Not giving anything

1. No effect on symptoms, but possibly some effect on some causes
2. Victim mindset is not enforced
3. It is unfortunately difficult to make this a unified approach. Many however follow this approach as it is often the most convenient and encouraged by SAPD
4. No support provided by passer-by's thus enabling some form of focused support by charities
5. Nothing is given the beggar can be unfaithful with
6. Indirectly beggars directed to trained professionals
7. Barriers to prohibit manipulation are low

This approach is much better than giving money to the beggar. Due to the low barriers to manipulation this is unfortunately not always the approach followed.

3. Providing according to the need

1. Treating of symptom(s)
2. Victim mind-set is enforced in situations which there are no requirements to have need met
3. This approach may form part of a larger unified approach but may also be during an isolated event
4. Focused support difficult due to lack of data. This is especially true if the need is not met by one organisation, but many parties working independently
5. Food, clothing or blankets can be sold if given in excess thus having similar effects to giving money
6. Interaction may be by trained professionals, but may also not be
7. Manipulation limited as actual need is being met

This approach is somewhat better than to provide a beggar with money. When done by charity organisations it is usually part of the development process as it treats symptoms directly. The problem is that individuals also take this approach and collaboration is not always achieved.

4. Giving a paper coupon

1. Treating of symptom(s)
2. Beggar must do some work to redeem coupon and possibility of victim mindset being enforced is reduced
3. Support is channelled to charity organisations
4. Focused support difficult due to lack of data. Some form of focused support is however possible
5. Beggar is not initially provided with something of much value and is thus allows them to be faithful with it
6. Interaction is channelled to trained professionals
7. Manipulation limited as actual need is being met

Additional benefits include the short interaction time with a beggar making it easier to engage. Other benefits are that charity organisations also receive an additional form of support. This is the best alternative currently available. It is thus important to highlight why this alternative is currently not working:

- One person may take multiple coupons thus 'absorbing' support which may have been directed to others
- Buying and keeping coupons on hand takes a lot of effort
- Massive short and long-term marketing effort required to educate people to use this approach

Recommended solution

The coupon option comes close to meeting the development principles and due to this is the approach currently encouraged by most charity organisations. There is however potential to improve on the utilisation of the principles as well as address reasons why the coupon alternative is not addressing the situation.

Through making use of technological advancements, engagements can be tracked allowing for beggars to build a track record and thus justify receiving additional support. Using the same functionality, charity organisations can easily be aligned. By not giving anything physical to the beggar, it will be very difficult to trade for money and thus minimises this risk.

The solution is thus in the form of an 'Uber' type app with an application for passer-by's or giver as well as charities or partners. The giver app will be a mobile application and will be as accessible as the person's phone once downloaded. Opening the app and providing meeting the need for someone will only take less than 30 seconds. The beggar's details will be used to redeem their gift of food, shelter, blanket etc. and are captured through either capturing the name or taking a photo. Payment methods are either using a wallet or credit card.

As compared to the other alternatives, the solution scores well as seen in the table below:

Alternative	Principle							Total
	1.	2.	3.	4.	5.	6.	7.	
1. Giving money	0	0	0	0	0	0	0	0
2. Giving nothing	1	1	1	0.5	1	2	2	8.5
3. Meet need directly	1	0	0	0	0	0	1	2
4. Coupon	2	2	2	0.5	1	1	1	9.5
5. Suggested solution	2	2	2	2	2	2	1	13

Additional benefits include:

1. The use of a database allows for capturing of interactions between people in need and community members (application user's) allowing better development strategies
2. Application teaches user's how to give
3. Partnering NPO's are open to a new stream of funding

Critical factors

- Short transaction time
- Easily load funds
- POPI act
- Launch and marketing strategy (see section)

Launch and marketing strategy

For mobile applications the launch and marketing strategy are as important as how well the need is being met. The initial launch will thus be in Stellenbosch, where there is a great need, partners have already been engaged with and there is already some form of support.

The launch will also largely be through churches as well as university groups such as residence. Stakeholders from both groups have already shown interest in supporting the launch.

Launching in a closed environment will also allow de-scoping of the application lowering capital requirements and time to market. Once the solution has been enhanced the scope can be widened to include other areas. Stellenbosch is also a university town with students from across the country. Exposure will thus be large if the solution is successful.

An incentive scheme is also suggested in which a sponsor donates R10 directly to the balance every account created (thus requiring app download). In exchange, for the transaction in which the money was used, the sponsors emblem will appear on the user's screen for a set time. The money will also be going to a charity organisation and the sponsor may thus receive tax benefits.

Required support

Support is required in the following ways:

- Funding – R 363 037 (Financial model available upon request)
- Sponsor - as per launch strategy
- Project supporters – to help take the brand to market and champion the brand

Please contact us even if you would like to support in a way not listed. We are open to people who have a heart of making a difference and want to get involved in whichever way they have capacity for.

Contact details

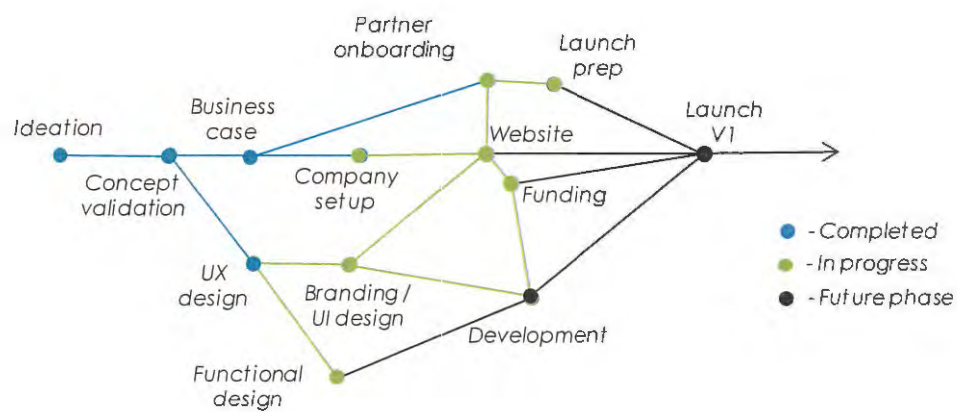
Email: charl.reyneke@gmail.com (Charl Reyneke)

Cell: +27 82 255 2207 (Charl Reyneke)

Website: Coming soon

Project status

User experience has been designed. User interface, website design, funding are currently in progress.



7.1.2	DRAFT STELLENBOSCH MUNICIPALITY INTEGRATED FIRE MANAGEMENT PLAN (JANUARY 2019)
-------	---

Collaborator No: 632905
IDP KPA Ref No:
Meeting Date: 24 April 2019

1. SUBJECT: DRAFT STELLENBOSCH MUNICIPALITY INTEGRATED FIRE MANAGEMENT PLAN (JANUARY 2019)

2. PURPOSE

To acquire Council's approval to advertise the draft Stellenbosch Municipality Integrated Fire Management Plan for public input.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

Stellenbosch Municipality continues to be threatened by veld fires. The dominant vegetation type within the region is both fire-prone and fire-dependent. This is exacerbated by the expansion of urban areas, infestations of alien vegetation and windy, hot and dry summer periods typical of the region.

The primary goal of the Stellenbosch Municipality Integrated Fire Management Plan (SFMP) is to ensure that veld fires are able to serve greater good than harm. The SFMP aims to eliminate loss of life, human injury, and economic and environmental losses as a result of veld fires. In order to fulfil these objectives the SFMP makes provision for the following three components in the approach to the occurrence of veld fires namely:

- Awareness
- Prevention & preparedness
- Response

5. RECOMMENDATIONS

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Integrated Fire Management Plan (January 2019) for a period of 30 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Integrated Fire Management Plan to be presented to Council for approval.

6. DISCUSSION / CONTENTS

6.1 Background

Stellenbosch Municipality, like the rest of the Western Cape, continues to be threatened by veld fires. The Draft Stellenbosch Municipality Integrated Fire Management Plan (SFMP, January 2019) (**ANNEXURE A**) has been prepared to provide the necessary information for sound veld fire management with an emphasis on Stellenbosch Municipality's legal obligations as landowner. The Municipality is a landowner of quite a substantial portion of land within the municipal area.

The Municipality not only has to act in the interest of its communities by protecting everyone's right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures, but as landowner, the Municipality has a number of direct responsibilities as prescribed by legislation, listed in par. 6.4 below.

6.2 Discussion

The SFMP lists overarching fire management goals, namely:

- Protect life and property.
- Protect natural and cultural resources from undesirable effects of fire.
- Suppress unwanted fire.
- Allow fire to assume its natural role in ecosystems.
- Manage fire cooperatively with neighbouring agencies and private land owners as well as other stakeholders.

In order to fulfil the objectives listed above the SFMP makes provision for the following three components in the approach to the occurrence of veld fires:

a) Awareness

The majority of unwanted fires are caused by human intervention. Proper training and education will promote awareness of risks and the ability to make the right decisions in situations that demand quick and efficient response. It is essential to know where danger areas are, which season present the biggest risks and understand the local conditions which are conducive to fire inception and spread.

b) Prevention and preparedness

Prevention is always better than the cure. After awareness, prevention and control are the secondary steps in fire management. The SFMP puts forward measures to achieve the objectives of fire prevention.

c) Response

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

6.3 Financial Implications

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

6.4 Legal Implications

Numerous pieces of legislation impact on fire management and set out mandates for different stakeholders. This legislation stipulates that various government departments, spheres of government and landowners are mandated to deal with various aspects of fire management responsibilities. The most relevant legislation are listed under Chapter 2 of the draft SFMP and include the Constitution of the Republic Of South Africa (Act 108 Of 1996), the National Environmental Management Act (Act 107 Of 1998), the Fire Brigade Services Act (Act 99 Of 1987) and the National Veld and Forest Fire Act (Act 101 Of 1998).

6.5 Staff Implications

This report has no staff implications for the Municipality.

6.6 Previous / Relevant Council Resolutions:

No previous / relevant Council Resolutions.

6.7 Risk Implications

Apart from non-compliance with the relevant legislation contained in the SFMP the document lists the following potential risks to Stellenbosch Municipality:

- Sufficient funding to administer effective alien clearing and prepare firebreaks on all municipal owned land.
- Council liability in terms of the National Veld and Forest Fire Act for the potential origin or spread of fire from municipal land under lease agreement.
- Coordination between other agencies for the implementation and maintenance of fire prevention measures on land not owned by the Municipality but identified in the Disaster Hazard, Vulnerability and Risk Assessment. These areas include vacant (municipal-owned) areas, areas along transport routes, power lines, the urban fringe, open (recreational) areas and informal settlements.
- Old forestry areas with limited access control used for recreational purposes.
- Having in place the required insurance should the Municipality be found to be liable in terms of its responsibilities as prescribed by the National Veld and Forest Fire Act or any other legislation guiding the prevention and suppression of veld fires.

6.8 Comments from Senior Management:

This Item was circulated to all directorates on 22 January 2019 for comment by 6 February 2019.

6.8.1 Director: Infrastructure Services

No comment received.

6.8.2 Director: Planning and Economic Development

No comment received.

6.8.3 Director: Community and Protection Services:

No comment received.

6.8.4 Director: Corporate Services:

No comment received.

6.8.5 Chief Financial Officer:

No comment received.

6.8.6 Municipal Manager:

No comment received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.2

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Integrated Fire Management Plan (January 2019) for a period of 30 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Integrated Fire Management Plan to be presented to Council for approval.

ANNEXURES

Annexure A: Draft Stellenbosch Municipality Integrated Fire Management Plan (January 2019)

FOR FURTHER DETAILS CONTACT:

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POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
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REPORT DATE	12 February 2019

ANNEXURE A

CONSULTATIVE DRAFT

STELLENBOSCH MUNICIPALITY

INTEGRATED FIRE MANAGEMENT PLAN

January 2019



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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1. INTRODUCTION

Stellenbosch Municipality (the Municipality), like the rest of the Western Cape, continue to be threatened by veld fires. The dominant vegetation type within the region is both fire-prone and fire-dependent. This is exacerbated by expansion of urban areas, infestation of alien vegetation and windy, hot and dry summer periods typical of the region.

The Stellenbosch Municipality Integrated Fire Management Plan (from hereon referred to as the Fire Management Plan or SFMP) serves to provide the necessary information for sound veld fire management with an emphasis on Stellenbosch Municipality's legal obligations as landowner.

1.1 CONTEXT

Stellenbosch Municipality forms part of the Cape Winelands District Municipality of the Western Cape Province (refer to Figure 1). The Municipality adjoins the Cape Metropolitan Area to the west and the Breede Valley, Drakenstein and Theewaterskloof Municipalities to the east, south and north respectively.



Figure 1: Location and context of Stellenbosch Municipality.

Various biophysical and biological characteristics of the Municipality, specifically related to the region's climate, topographical nature and vegetation, play a major role in an increase in the risk of veld fires occurring in the area. These aspects are described in Section 3 below.

1.2 GOALS AND OBJECTIVES

The primary purpose of the SFMP is to ensure that veld fires are able to serve greater good than harm. It aims to eliminate loss of life, human injury, economic and environmental losses as a result of veld fires. Furthermore the overarching fire management goals (italics) and objectives (bulleted) as it pertains to Stellenbosch Municipality are the following:

Protect life and property.

- Minimise fire risks.
- Provide for the safety of residents, visitors, fire-fighters and staff.
- Directly protect real and personal property from the effects of fire.
- Achieve full compliance with the National Veld and Forest Fire Act. 101 of 1998.
- Reduce fuels with prescribed fire and thinning in places where wildfire is a threat to people and property.
- Implement programs to prevent unplanned human-caused ignitions and reduce human-caused wildfires.
- Ensure organized, professional and coordinated response to fires.
- Strive to meet health and safety standards that relate to fire, particularly for air quality and on-the-job safety.

Protect natural and cultural resources from undesirable effects of fire and suppression.

- Reduce fuels with prescribed fire and thinning in places where fire would adversely affect estate resources.
- Avoid negative effects to sensitive areas.
- Employ minimum impact suppression tactics, particularly in ecologically sensitive areas.

Suppress unwanted fire.

- Ensure Stellenbosch Municipality is adequately prepared to suppress unwanted wildfires.
- Suppress human-caused fire.
- Prevent unwanted fire from spreading onto neighbouring land.

Allow fire to assume its natural role in ecosystems.

- Determine fire-related data needs relative to natural resources.
- Attempt to determine range of natural variation related to fire (in time, space and intensity), role of fire and fire effects.
- Promote research relative to data needs.

Manage fire cooperatively with neighboring agencies and private land owners as well as other stakeholders.

- Maintain open lines of communication.
- Collaboratively plan and implement fire operations.
- Improve fire awareness.

The management approach as it relates to risk involved with veld fires is summarized in the table below. These aspects are addressed in the document.

Table 1: List of specific risk management options.

Management options	Descriptors
Avoid the risk	By deciding not to proceed with the activity likely to generate the veld fire risk. For example, prohibiting certain types of actions in areas prone to wildfires.
Reduce the hazard and the likelihood of exposure	Programs to reduce the level of fuel available to burn in a veld fire and improve the degree to which assets are protected. For example, the preparation of firebreaks or manual clearing of fire hazards as well as regular inspections.
Reduce ignitions	Programs to reduce the number of deliberate and accidental ignitions of human origin. For example, education and awareness programmes, fire bans and reduction in activities during high-risk season or periods.
Reduce consequences	This option includes various measures to reduce the consequence of wildfires, such as preparedness and contingency plans, wildfire recovery plans, community education programs for self-protection (lives and property), building restrictions and standards for areas prone to veld fires.

1.3 DOCUMENT STRUCTURE

In order to fulfil the objectives listed above the SFMP makes provision for the following three components in the approach to the occurrence of veld fires (Figure 2):

The structure of the SFMP responds to these components:



Figure 2: Document structure.

a) Awareness

The majority of unwanted fires are caused by human intervention. Proper training and education will promote awareness of risks and the ability to make the right decisions in situations that demand quick and efficient response. It is essential to know where danger areas are, which season present the biggest risks and understand the local conditions which are conducive to fire inception and spread. It is essential for residence to be aware of what is going on around their property and in their immediate vicinity.

b) Prevention and preparedness

Prevention is always better than the cure. After awareness, prevention and control are the secondary steps in wildfire management. The SFMP puts forward measures to achieve the objectives of fire prevention.

Nature is in a constant state of flux and is significantly influenced by fluctuating and variable rainfall cycles. Whilst proper prevention techniques will significantly reduce the likelihood of spreading veld fires it needs to be accepted that, despite any effort made, we will never be able to control natural forces to the extent we may wish to. It is therefore equally necessary to be prepared for the inevitable in this regard.

Stellenbosch Municipality is committed to complying with the provisions of the National Veld and Forest Fire Act, i.e. being sufficiently prepared to react to fire, creating and maintaining adequate fire breaks, clearing the property of excess plant material that might fuel a fire, removing invasive alien plants, etc.

d) Response

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

2 APPLICABLE LEGISLATION

Various pieces of legislation impact on fire management and set out mandates for different stakeholders. This legislation stipulates that various government departments, spheres of government and the private sector are mandated to deal with aspects of fire management responsibilities. The most relevant are listed below.

2.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT 108 OF 1996)

Section 24 of the Constitution provides that *everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

2.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) (ACT 107 OF 1998)

Section 28 of NEMA creates a general duty of care on every person to *take reasonable measures to prevent significant pollution or degradation of the environment from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*

2.3 DISASTER MANAGEMENT ACT (ACT 57 OF 2002)

The Department of Cooperative Government and Traditional Affairs administers the Disaster Management Act. The Act provides for an integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters, and post-disaster recovery amongst others. Fires, including wildfires, are a major hazard to the country and are regarded as

one of the potential disaster areas. The Act requires each sphere of government to prepare a disaster management plan and mandates provinces and districts to respond to such disasters.

Section 42 of the Act states that the district municipality must establish a disaster management strategy. Section 32 states that a disaster management centre must promote an integrated and coordinated approach to disaster management in the municipal area, with special emphasis on prevention and mitigation, and coordinate other spheres of government and role-players. Section 30(1)(b) creates an obligation on the service to adopt proactive mitigation, which would include mitigation of wildfires. The Act gives the executive of the province the overarching control of a provincial disaster, with powers that override those of the Chief Fire Officer of a service within an affected municipality.

The executive of the province, in adopting proactive mitigation steps designed to minimise the likelihood or impact of severe wildfires, therefore may set certain requirements for district and local authorities and other stakeholders. The Disaster Management Act thus provides for the establishment of the framework within which Integrated Fire Management must take place.

2.4 FIRE BRIGADE SERVICES ACT (ACT 99 OF 1987)

The Department of Cooperative Government and Traditional Affairs administers the Fire Brigade Services Act. The Act is the primary piece of legislation regulating fire services and seeks to provide for the establishment, maintenance, employment, coordination, and standardisation of fire brigade services. In terms of the Act, district and local municipalities are required to establish a fire fighting service. The Act also provides for the Minister to designate fire fighting services. Further, it provides for the appointment of a Chief Fire Officer, the introduction of fees for the service, and the conclusion of agreements with other fire services so as to render a more efficient fire service. The Act is currently being reviewed, a process that is likely to result in a shift toward a greater emphasis on fire prevention and, given the pressures and demands resulting from global warming and climate change, more emphasis on the interface between the service and disaster management.

2.5 NATIONAL VELD AND FOREST FIRE ACT (ACT 101 OF 1998)

Veld fires in South Africa are dealt with under the National Veld and Forest Fire Act (Act 101 of 1998). The purpose of the National Veld and Forest Fire Act is *to prevent and combat veld, forest and mountain fires throughout the Republic.*

The Act places the duty on land owners to make provision for the management of veld fires on their own land. Failure to do so may result in penalties being enforced (refer to Section 24 and 25 of the above Act) and claims lodged against a landowner if the above Act's requirements were not met.

In terms of the National Veld and Forest Fire Act the following responsibilities apply to landowners:

- The landowner on whose land a fire may start, or from whose land it may spread across boundaries, must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land. Owners of adjoining land may agree to position a common firebreak away from the boundary.

- The landowner on whose land a fire may start, or from whose land it may spread across boundaries, must have in place:
 - Such equipment, protective clothing and trained personnel required to extinguishing such fire as may occur as prescribed in the FPA (Fire Protection Association) regulations.
 - If there are no regulations applicable, then as reasonably required in the circumstances.
 - Take all reasonable steps to notify the Fire Protection Officer (FPO) of the local FPA should a fire break out.
 - Do everything in their reasonable power to stop the spread of the fire.
- The Act requires that should the owner be absent, a known and identified other person responsible needs to be present on or near this land to:
 - Extinguish a fire if one breaks out, or assist or instruct others to do so.
 - Take all reasonable steps to alert the neighbours and the FPO.
 - The owner may appoint an agent to act on his or her behalf to perform these duties.

Where a FPA has been registered in an area the municipality or designated service must become a member of the FPA.

SECTION A: AWARENESS**SECTION SYNOPSIS**

This section describes the main characteristics of Stellenbosch Municipality that makes the area susceptible to the occurrence of veld fires and ways to increase awareness about the risk of fire as well as measures to increase general awareness of staff and the public in this regard.

3 STELLENBOSCH MUNICIPALITY AND FIRE**3.1 CLIMATE**

Stellenbosch Municipality has a Mediterranean climate characterised by warm, dry summers and cold, wet winters. Summers are generally hot with temperatures averaging between 25° and 30°C. Heat waves lasting a few days occur reasonably frequently in summer. The *Status Quo report on the climate change in the Western Cape* (June 2005)¹ states that the future climate of the Western Cape is likely to be warmer and drier than at present, according to a number of current model projections. In support of these projections, recent temperatures trends reveal appreciable warming in the Western Cape over the past three decades. Rainfall trends are not as clearly identifiable. A future that is warmer, and possibly drier, will encompass increase an already high risk of wildfires occurring within the region.

Stellenbosch Municipality is located within the winter rainfall area. The Municipality receives approximately 80% of its annual rainfall in the winter months typically as cyclonic rain from cold fronts, and 20% during its summer months (Elsenburg, 1990). Most areas of the Municipality have moderate to low rainfall, except for the mountain areas, which have been known to receive some of the highest rainfalls in the country. These high rainfall areas, however, constitute only a very small part of the Municipality. Rainfall across the Municipality thus varies from 200 mm to 3 000 mm per year, in the higher peaks of the Groot Drakenstein mountain range, decreasing to the west away from the influence of the mountains.

3.2 TOPOGRAPHY

Stellenbosch Municipality² is characterised by a diversity of topographical features from gently rolling hills to wide open plains, high impressive mountains and secluded valleys (see Figure 3). As stated above, the most defining feature of the Municipality is its mountain ranges, which give shape and a magnificent backdrop to its fertile agricultural valleys. The central part of the Municipality is characterised by steep valleys and high peaks, i.e. Simonsberg, Jonkershoek Mountains and Groot Drakenstein Mountains. The topography of the area makes access and the management of a large part of the region challenging.

¹ Department of Environmental Affairs and Development Planning (DEA&DP) 2005: *A Status Quo, vulnerability and adaptation assessment of the physical and socio-economic effects of climate change in the Western Cape*. CSIR Environmentek: Stellenbosch. Report No. ENV-S-C 2005-073

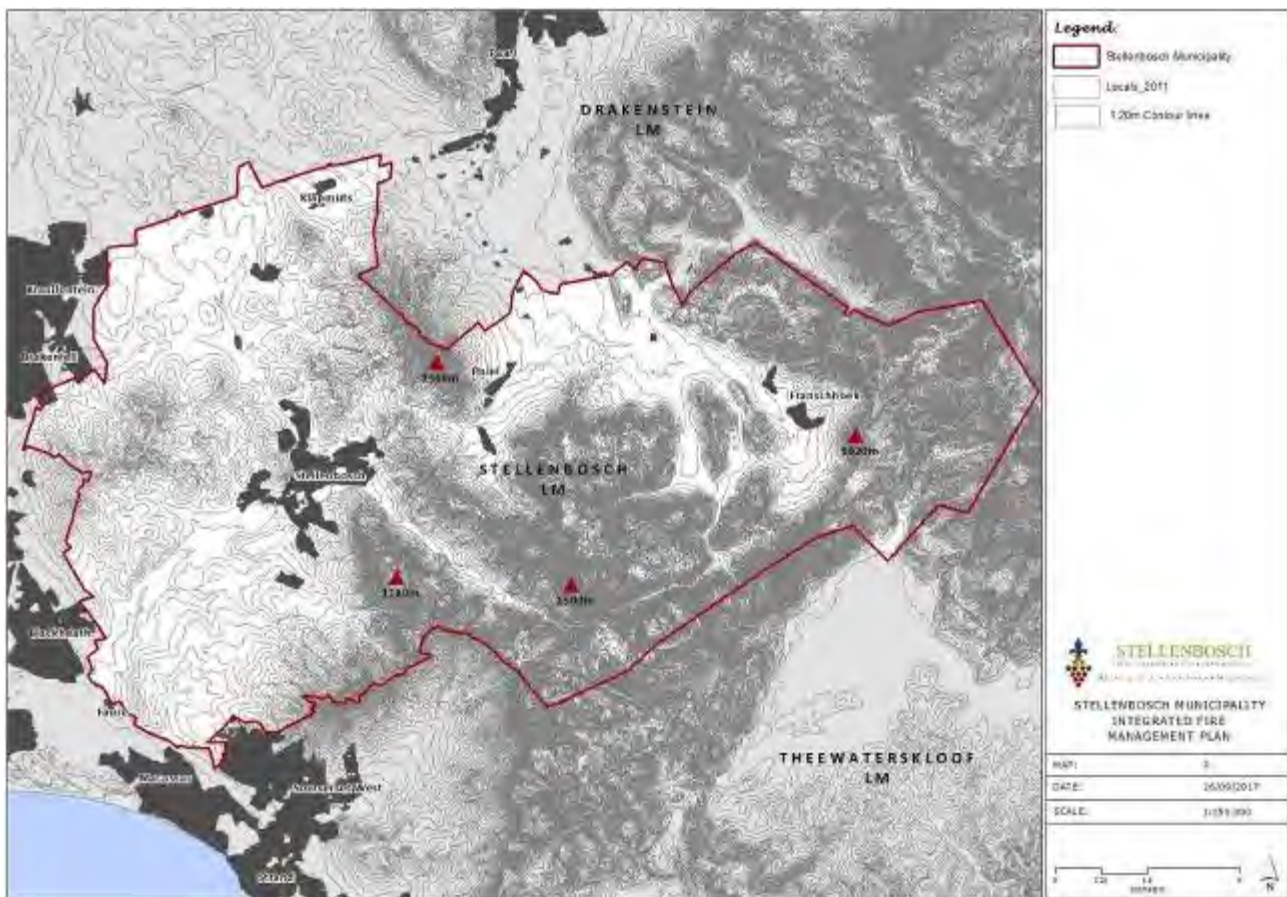


Figure 3: Topography of Stellenbosch Municipality.

3.3 ECOLOGY

Stellenbosch Municipality are wholly located within the fynbos biome (see Figure 4). When planning for fire management within the fynbos biome it is important to understand the relationship between fire and fynbos.

Fynbos is fire-adapted vegetation that requires regular burning for its persistence. In the absence of fire, fynbos is gradually replaced by thicket species. It thrives on infertile soils and fire is the mechanism that recycles precious nutrients from old moribund growth into the soil. Fire in fynbos is far from a disaster, but rather a crucial trigger that resets the fynbos 'successional clock'. It provides the stimulus for dormant seeds to germinate and the opportunity for many annuals, short-lived perennials and bulbs to grow, flower and seed during times of abundant nutrients and sunlight. They complete their short life cycles, returning to the soil as the larger shrubs overwhelm them, and remain dormant until the next fire. The optimal fire cycle for fynbos is between 10-14 years. Shorter fire cycles can wipe out slow maturing species, while species start dying when intervals become too long³.

Fire season is predominately during the months of November to April when the fire risk is at its highest.

³ <http://www.fynboshub.co.za/fynbos-and-fire/>



Figure 4: The Fynbos Biome.

3.4 VELD FIRE HISTORY

Figure 5 depicts veld fires that occurred in and around Stellenbosch Municipality since 1970 until 2015. During this period there were ± 275 fire recorded (BGIS). From the information provided in Figure 5 it is important to note that the major fires that occurred in an around Stellenbosch Municipality in recent history are closely associated with the natural areas. Awareness, prevention and preparedness strategies should therefore be focussed and geared to manage fire in and from these areas.

3.5 RISK ASSESSMENT FOR STELLENBOSCH MUNICIPALITY

Veld fires are listed as a risk or hazard in the Disaster Hazard, Vulnerability and Risk Assessment for Stellenbosch Municipality. The areas identified as being High Risk areas (Figure 6) coincides with the information provided in paragraph 3.4 above and depicted in Figure 5, i.e. natural, high lying areas. Other areas listed a risk areas include those associated with:

- transport routes,
- powerlines and
- informal settlements.

In terms of the above assessment all settlements within the Municipality are at medium risk with regards to fire. The northern section of Franschhoek town is within 100 meter of a high fire hazard area.

Further areas of risk to the Municipality include:

- Sufficient funding to administer effective alien clearing and prepare firebreaks on all municipal owned land.
- Council liability in terms of the National Veld and Forest Fire Act for the potential origin or spread of fire from municipal land under lease agreement.
- Coordination between other agencies for the implementation and maintenance of fire prevention measures on land not owned by the Municipality but identified in the Disaster Hazard, Vulnerability and Risk Assessment. These areas include vacant (municipal owned) areas, areas along transport routes, powerlines, the urban fringe, open (recreational) areas and informal settlements.
- Old forestry areas with limited access control used for recreational purposes.
- Having in place the required insurance should the Municipality be found to be liable in terms of its responsibilities as prescribed by the National Veld and Forest Fire Act or any other legislation guiding the prevention and suppression of veld fires.

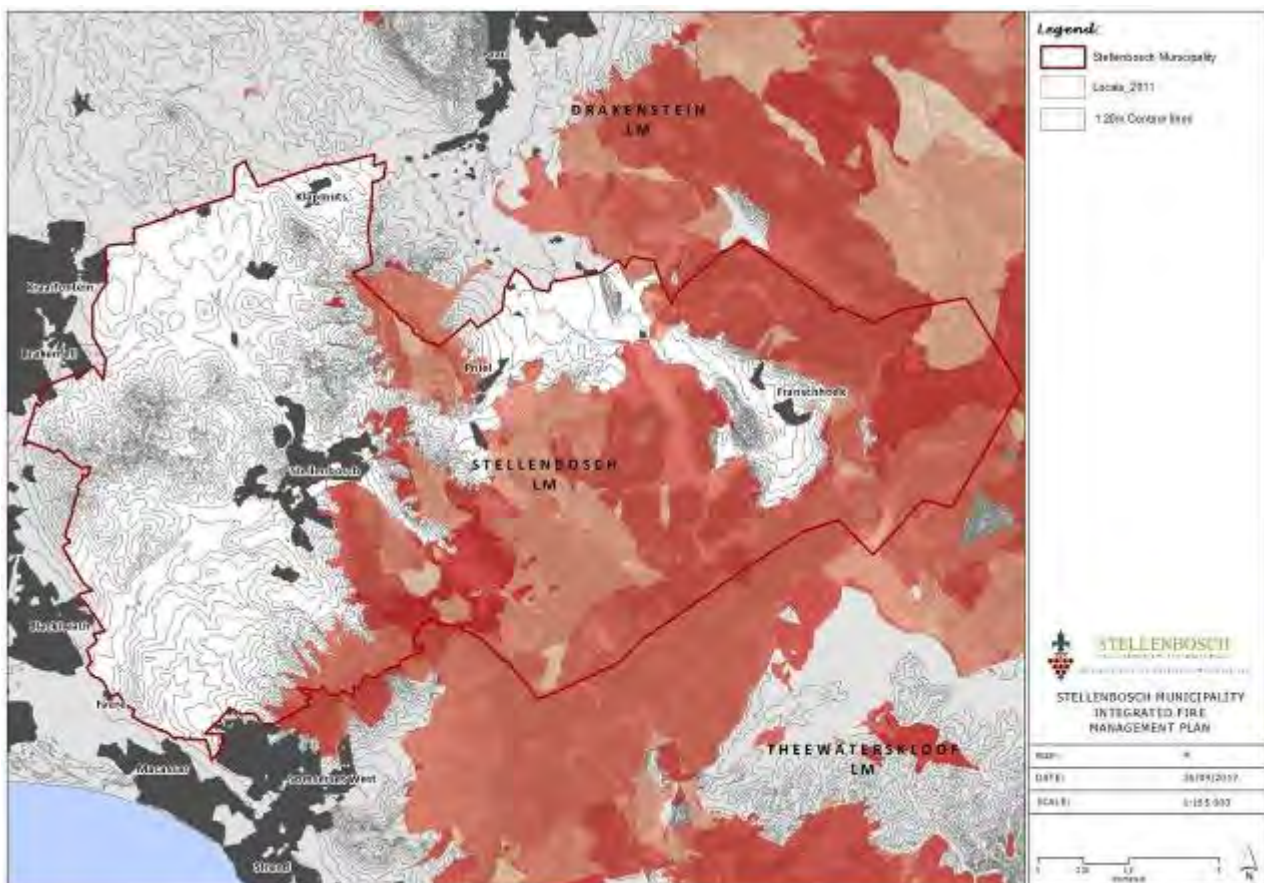


Figure 5: Veld Fire History.

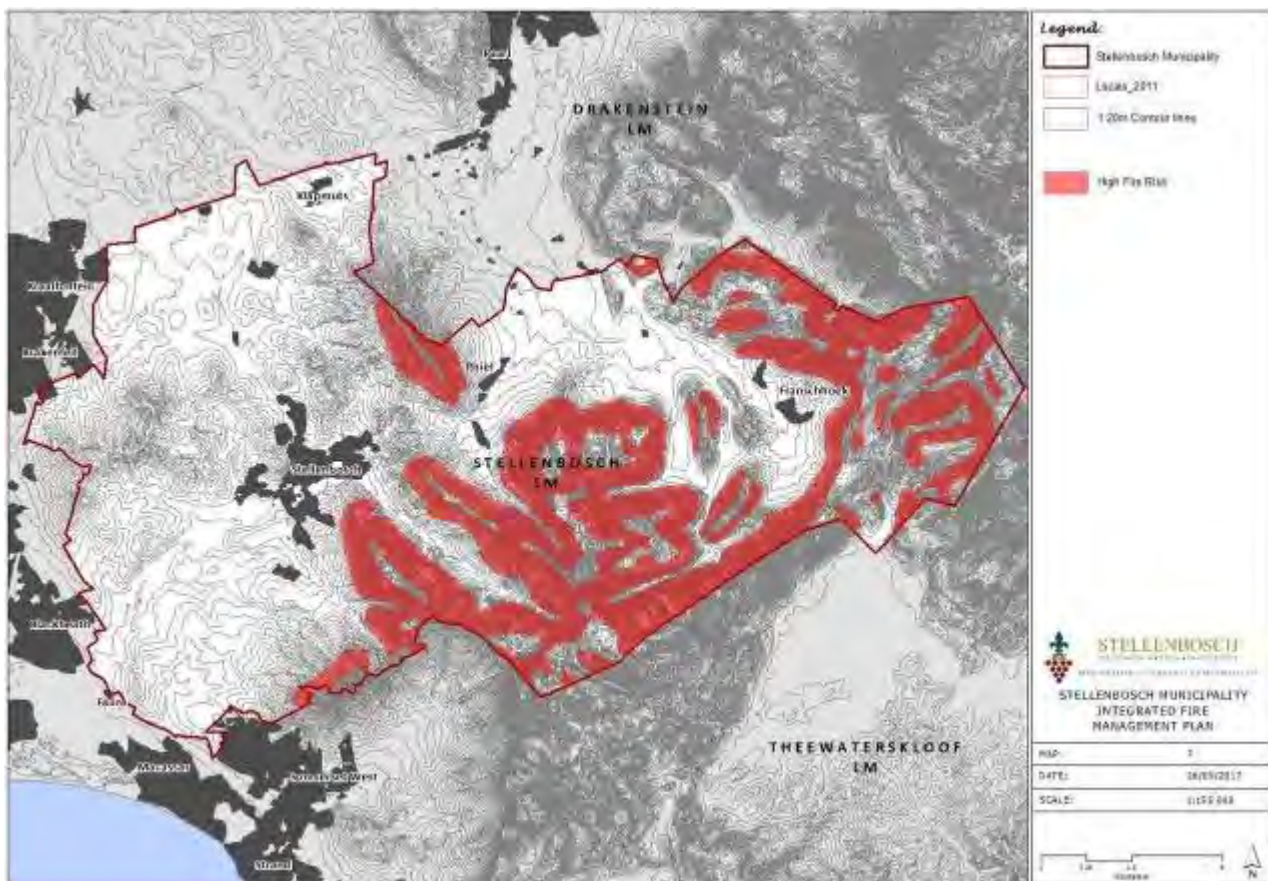


Figure 6: High Risk Areas for veld fires.

4 LANDOWNERS AND FIRE

The National Veld and Forest Fire Act impose a number of duties on individual landowners that are intended to reduce the harm from wildfires. These are:

- You may not start a wildfire (Section 18(1)).
- You may only start a fire, including a cooking or braai fire, in a designated area.
- You must have equipment available to fight wildfires (Section 17(1)).
- You must have trained personnel available to fight wildfires (Section 17(1)).
- You must have a person on the property who keeps a lookout for fires (Section 17(2)).
- You must establish a system of firebreaks (Section 12).
- You may not burn firebreaks or carry out controlled burns when the Fire Danger Index is high or the FPA has objected to such burning taking place.
- You must manage the fuel load on land under your control. This means that you must remove invasive alien vegetation from the land, as well as other vegetation that creates unwanted fuel loads.

Section 34 of the National Veld and Forest Fire Act creates a presumption of negligence in relation to wildfires. If a person bringing a civil claim against a landowner proves that he or she suffered loss, the loss was caused by a wildfire and the wildfire started on or spread from land owned by the landowner. The landowner against whom the claim is made is presumed to have acted negligently in relation to the wildfire unless the landowner proves that he or she was not negligent or the landowner is a member of an FPA in the area where the fire occurred, in which case the person bringing the claim must prove that he or she was negligent.

5 AWARENESS PROGRAMS

Communication and awareness must be focussed to be effective, and so, to be effective we need to know *WHO* we want to raise awareness with and *HOW* does one do this.

Target audiences (who) would include groups such as:

- Staff
- Neighbouring landowners
- Community
- Schools

Different types of media (how) have different needs. The most suitable types of media include:

- Print
- Television
- Radio
- Website
- Posters and notice boards
- Public Relations Consultants

The principles of a communication strategy are who is the target audience, what message will they be given and when will the message be given? There are four steps to implementing this strategy:

- Step 1:** Understand your audiences and the wildfire prevention problems that have to be addressed. Focus on the problem issues.
- Step 2:** Determine the people who can help solve the problem, as this is the target audience. Then decide what they need to know about veldfire – that’s your message.
- Step 3:** Establish what newspapers or magazines your target audience read, what radio stations they listen to and what TV channels they watch – the media you need to work with.
- Step 4:** Determine the best time to deliver your message to the target audiences. And remember that wildfire messages can be linked to a number of other events such as Heritage Day (24th September). Heritage Day also coincides roughly with the beginning of the fire season on the Cape Peninsula.

A further means to communicate the risk of fire is through a Fire Danger Index. The Minister prepares and maintains a fire danger rating system for the entire country in consultation with the South African Weather Bureau and the FPAs. The Minister must communicate the rating to the fire protection associations in the region and must publish warnings when the fire danger rating is high in any region. This must be published in newspapers and television channels. When the minister has published a warning, no person may light, use or maintain a fire in the open air in the region where the fire danger is high.

The Fire Department may collate a fire danger index daily rating and to communicate such to staff and the public. A simple but effective fire danger rating can be applied within the Municipality (refer to Table 2). Fire danger ratings must be assessed weekly during the fire season. The fire danger rating system must take into account the following factors:

- (i) topography,
- (ii) type of vegetation in the area,
- (iii) seasonal climatic cycle,
- (iv) typical weather conditions,
- (v) recent weather conditions,
- (vi) current weather conditions,
- (vii) forecasted weather conditions, and
- (viii) any other relevant matter.

The fire danger rating system must show the rating in a clear format identifying what activities are dangerous and what precautions should be taken for each rating.

Table 2: Fire Danger Index.

Fire Danger Index	Fire Conditions	Fire management preparation
Safe	Safe	<ul style="list-style-type: none"> • Basic minimum fire fighting preparedness apply
Moderate to safe	Moderate to safe	<ul style="list-style-type: none"> • Standby operational on a roster basis • Proactive fire management measures undertaken as planned
Moderate to high	Moderate to high	<ul style="list-style-type: none"> • Standby operational on a roster basis • Limited/no proactive burning interventions • Open fires only permitted in authorised fireplaces
High	High	<ul style="list-style-type: none"> • Standby operational on a roster basis • Open fires only permitted in authorised fireplaces • Designated management staff available for wildfire response
Very high to extreme	Very high to extreme	<ul style="list-style-type: none"> • Standby fully operational • No open fires • Fire response team (proto-team) working close to fire-fighting equipment • Test fire-fighting equipment • Deploy field staff in safe areas only

6 DIFFERENT TYPES OF FIRES

Specific terminology describes the types of fires and burning conditions. Some of these are listed below.

Table 3: Terminology to describe the types of fires and burning conditions.

Term	Description
Arson fire	An uncontrolled fire wilfully ignited by anyone to burn or spread to vegetation or property without consent of the owner or his/her agent.
Block burn	A prescribed burn in a pre-determined and specified land area.
Brush fire	A fire burning in vegetation that is predominantly shrubs, brush, and scrub growth.
Catastrophic fire	A fire that causes unrecoverable damage to property, loss of life and limb. In plantations, the area is more than 100 ha (250 acres).
Controlled fire	A fire that is subject to a line of control around a fire, any spot fire from it, and any interior island to be saved, effectively preventing any unplanned spread.
Crown fire	A fire that burns in and advances through the top leaves or the crown of trees or shrubs.
Debris burning fire	A fire spreading from any fire originally ignited to clear land or burn rubbish, garbage, crop stubble, or meadows (excluding incendiary fires).
Ecological burn	A form of prescribed burning involving the treatment of vegetation by burning it in predetermined areas to achieve specified ecological objectives.
Forest fire	A fire burning mainly in a forest and/or woodland.
Fuel reduction burn	The planned application of fire to reduce hazardous fuel quantities, and undertaken in prescribed environmental conditions within defined boundaries.
Ground fire	A fire that is burning below the surface of the ground in roots, peat, coal, decaying plant material, etc.
Human-caused fire	Any fire caused directly or indirectly by a person.
Mega fire	A wildfire or concurrent series of wildfires that is in the upper percentile of the fire regime.
Open burn	Burning of wastes in the open or in an open dump.
Out-of-control fire	A fire that has reached the intensity where no attempt is or can be made to stop the head of the fire using a direct attack. Only the flanks can be attacked.
Prescribed burn	The controlled application of fire under specified environmental conditions to a predetermined area and at the time, intensity, and rate of spread required to attain planned resource management objectives. It is undertaken in specified environmental conditions. Generally, it requires the specific authorisation of the fire management authority.
Prescribed fire	Any fire ignited by management actions to meet specific objectives. A written, approved burn plan must exist, and approving agency requirements (where applicable) must be met, prior to ignition.
Spot fire	Isolated fire started ahead of the main fire by sparks, embers or other ignited material, sometimes to a distance of several kilometres.
Structural fire	A fire originating in or burning any part or all of a building or shelter.
Surface fire	Fire that moves through combustible material located on the ground.
Uncontrolled fire	Any fire that threatens to destroy life, property, or natural resources, and (a) is not burning within the confines of firebreaks, or (b) is burning with such intensity that it could not be readily extinguished with ordinary, commonly available tools.
Veldfire	Described in the NVFFA as "a veld, forest, or mountain fire". A vegetation fire outside the urban-rural interface; a general term to describe fire in vegetation. In

	this context these forms of fire are collectively referred to as “wildfires”.
Wildfire	A vegetation fire accidentally or deliberately ignited but burning out of control, including veld and forest fires.
Wildfires	A fire burning outside the urban areas, either as a prescribed burn or as a wildfire.

7 MANAGEMENT ACTIONS

Table 4: Awareness – Management Actions.

Action	Responsible Department	Timeframe
Educate staff on the characteristics that makes the municipal area conducive to veld fires.	Fire Department Nature Conservation	Immediate & ongoing
Communicate to management the legal requirements as per the National Veld and Forest Fire Act applicable to the Municipality.	Community Services Env. Management	Immediate
Communicate to lessees renting farm- and other land from the Municipality as to their legal requirements as per the National Veld and Forest Fire Act.	Property Management	Immediate
Include fire awareness in the existing educational and awareness programs presented.	Fire Department Nature Conservation	Immediate & ongoing
Develop a fire danger rating system.	Fire Department	Immediate & ongoing
Communicate fire danger rating to the public.	Fire Department	Immediate & ongoing

SECTION B: PREVENTION AND PREPAREDNESS**SECTION SYNOPSIS**

This section describes activities to reduce or mitigate the risk or effect of veld fires. These include:

- a) Alien clearing;
- b) Firebreaks; and
- c) Preparedness.

8 STELLENBOSCH MUNICIPALITY FIRE FIGHTING CAPACTIY

Stellenbosch Municipality's fire fighting capability and responsibility vests with the Fire Department.

8.1 FACILITIESVeld and Forest Fire Act, 101 of 1998

In terms of section 17.(1)(a) every owner on whose land a veldfire may start or burn, or from whose land it may spread must have equipment, protective clothing and trained personnel for extinguishing fires.

Occupational Health & Safety Act, 85 of 1993

This Act specifies that employees need to provide and maintain a safe working environment for their staff. In terms of section 8: 1 & 2 (a-j) every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of its employees without derogating from the generality of an employer's duties under subsection (1), the matters to which those duties refer include in particular – the provision and maintenance of systems of work, plant and machinery that, as far as is reasonably practicable, are safe and without risks to health.

Stellenbosch Municipality has three fire stations. One is located in Stellenbosch, one in La Motte (near Franschhoek) and the third in Klapmuts (Figure 7). Cape Winelands District Municipality has a fire station located in Stellenbosch. Nature Conservation, a section operating under the Directorate: Community and Protection Services, has limited fire-fighting capability with facilities situated in Stellenbosch and Franschhoek.

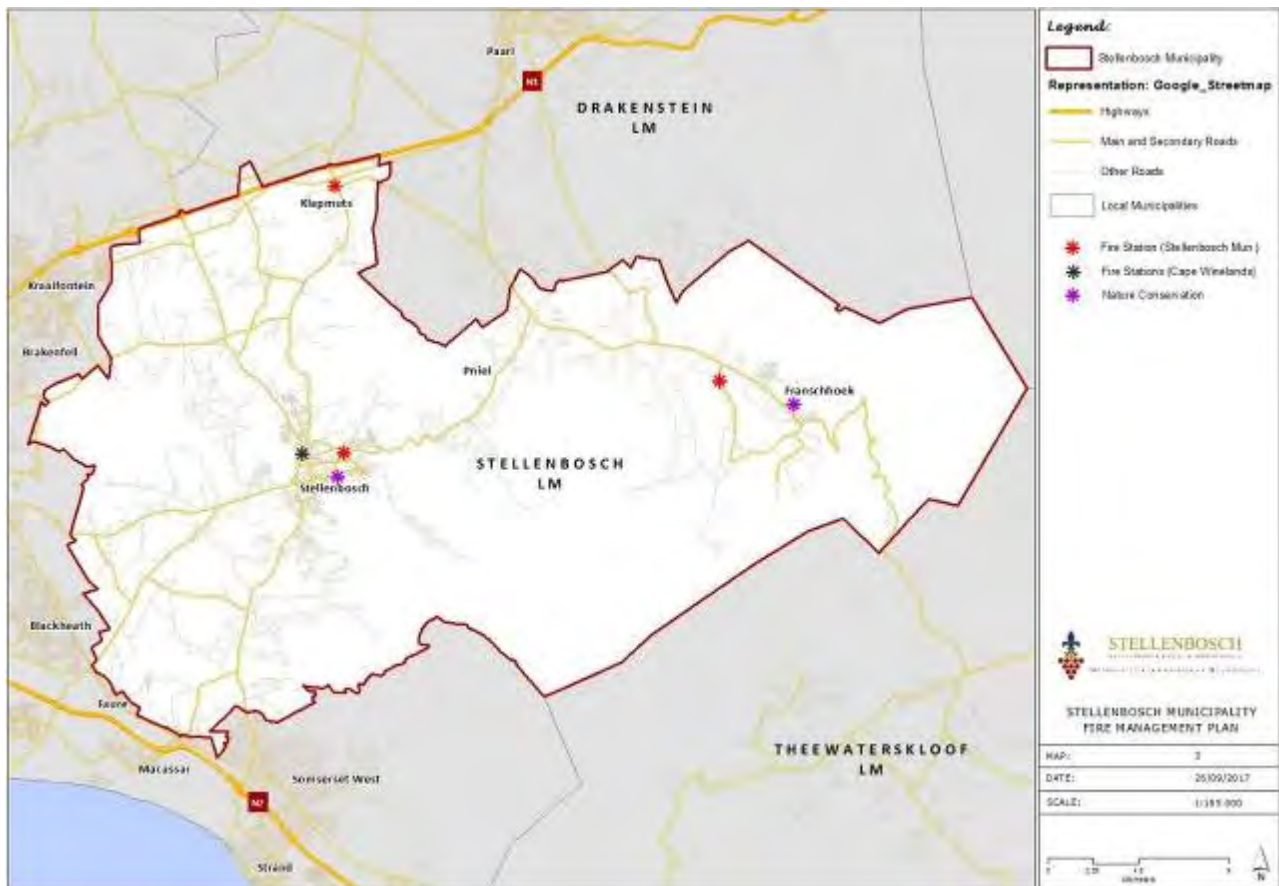


Figure 7: Stellenbosch Municipality Fire Stations and fire suppression facilities.

8.2 EQUIPMENT

The following fire fighting equipment is available to the respective departments directly involved in fire prevention and response:

8.2.1 Fire Department

Vehicles

The Fire Department has the following equipment:

- 3 x Land Cruiser rapid response units (500l tanks)
- 3 x Medium-pumpers (2500l tanks)
- 1 x Water tanker (4500l tank)
- 3 x Major-pumpers (3000l tanks)

Two (2) of the medium pumpers are located at the La Motte station, one (1) major pumper in Klapmuts whilst the rest are located in Stellenbosch.

8.2.2 Nature Conservation

Vehicles

Nature Conservation has the following equipment:

- 2 x Rapid response units (500l tanks)

Both units are located in Stellenbosch.

Tools

Nature Conservation has the following tools:

- 15 x *Brandplakke*
- 2 x Drip-torches
- 5 x Rake-hoes

8.3 STAFF

8.3.1 Fire Department

The Fire Department has a total of 20 staff members available on a 24/7 basis. 12 Of these staff members are located in the Stellenbosch station, 4 in La Motte and 4 in Klappmuts.

8.3.2 Nature Conservation

Nature Conservation has in the order of 15 staff members that work on alien clearing and firebreak preparation. These personnel can react to fire. They are on duty during office hours (8:00 – 16:30).

Table 5: Stellenbosch Municipality fire fighting capacity.

	Staff (basis)	Vehicles	Tools
Fire Department (Stellenb)	12 (24/7)	3 x Rapid response units (500l)	
		1 x Med-pumpers (2500l)	
		1 x Water tanker (4500l)	
		2 x Major-pumpers (3000l)	
Fire Department (La Motte)	4 (24/7)	2 x Medium-pumpers (2500l)	
Fire Department (Klappmuts)	4 (24/7)	1 x Major-pumpers (3000l)	
Nature Conservation (Stellenb)	15 (8:00-16:30)	2 x Rapid response units (500l)	15 x <i>Brandplakke</i>
			2 x Drip-torches
			5 x Rake-hoes
Nature Conservation (La Motte)			

Importantly, Nature Conservation staff will be under the supervision and command of the Fire Department in the event that they are required and called out to assist with the control of a fire.

The Fire Department strive to manage and maintain its equipment according to SANS 10090 standards.

8.4 PREPAREDNESS

The level of preparedness during the fire season should be based on the Fire Danger Rating. However, basic preparedness levels that should be maintained throughout the fire season in the following way:

- Vehicles to be used for fire fighting to be equipped with basic veldfire response tools.

- Tools to be checked once a week and checklist to be signed.
- Motorised, electrical or mechanical equipment should be checked daily.
- Any defects or damages to vehicles or equipment must be reported.
- Standby crews must at all times be ready to depart immediately in event of a veldfire reported.
- On the alarm being given all crew must immediately proceed to the point of assembly with their respective equipment.
- Where there are radio blind spots measures must be taken to ensure that fire crews are in contact with the Control Room.
- A standby crew should be maintained after hours throughout the fire season. When fire danger is exceptionally high crews of volunteers may also be kept on standby.

8.5 STRUCTURE, ROLES AND RESPONSIBILITIES

As stated above Stellenbosch Municipality's fire fighting capability and responsibility vests with the Fire Department with limited fire-fighting capability and support from Nature Conservation. Whilst the Fire Department primary purpose is to respond to incidents Nature Conservation's role is related to fuel load reduction and the prevention of fires.



9 FUEL LOAD REDUCTION

It is important to understand the basics of fire before preparation can be made for efficient control thereof. It is essential to note that three environmental components are required for a fire to occur. These are oxygen, heat and fuel (refer to Figure 8). Whilst the atmosphere contains 21% oxygen, only 16% oxygen needs to be in the air for a fire to start. Fuel is any living or dead material that will burn. If ignition occurs in the situation or environment where all three elements are present combustion will result and a fire will continue to burn until one of the three elements are removed.

It is difficult to exclude oxygen from fires. Heat is considered a constant. However, a reduction in fuel will reduce the total energy output (refer to Figure 9). Fuel or more specifically the amount of fuel is the aspect that can be influenced most. It therefore becomes the most critical factor in the prevention and control of fire.

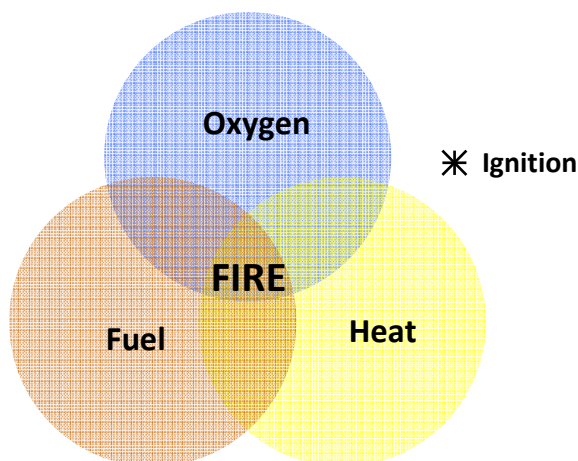


Figure 8: Basic elements of fire.

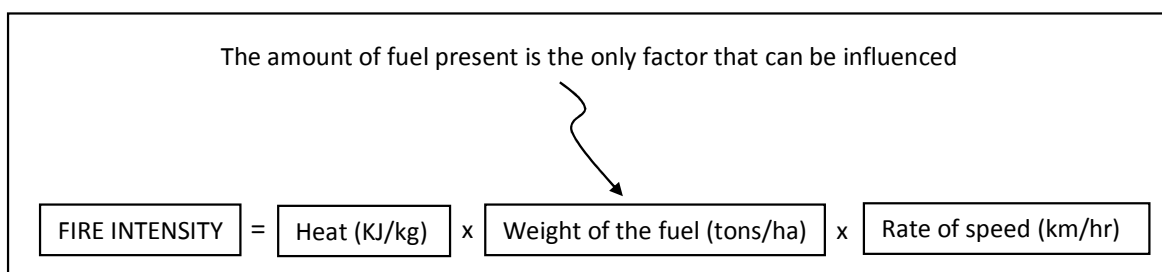


Figure 9: The factors determining the intensity of fire.

Two ways of reducing the fuel load are alien vegetation clearing or control and the establishment and maintenance of firebreaks.

9.1 ALIEN CLEARING

Invasive alien plants are plant species that have been introduced, either intentionally or unintentionally, to South Africa. They can reproduce rapidly in their new environments and tend to out-compete indigenous plants. The result usually includes a variety of negative ecological, social, and economic impacts. Invasive alien species pose the biggest threat to biodiversity after direct habitat destruction.

Approximately 8 750 alien species have been introduced into South Africa, 161 of which are seriously invasive species, and is estimated to cover over 10 million hectares (almost 8%) of South Africa’s land surface. Expectations are that the impact will double every fifteen years if they are left un-managed⁴. Known for its renowned fynbos biome, the Western Cape is the most severely invaded province, with the wetter catchments of the coastal mountain ranges and the broad coastal lowlands being the most effected regions. The invasion of AIPs within the fynbos biome has called for elevated levels alarm since the early decades of this century⁵. Invasive plant species such as the *Acacia saligna* (Port Jackson), *Acacia mearnsii* (Blackwattle) and *Pinus pinaster* (Cluster Pines) are found in the fynbos introduced to enhance the value of the Cape’s resources, pines originated from Europe while the *Acacias* are originally from Australia. Although many of these

⁴ Schonegeval 2001; Versfeld, Maitre and Chapman, 1998.

⁵ Macdonals *et al.* 1985.

species still support several industries, their negative impact are becoming more prominent, leading to a urgent need to protect our natural resources.

IAPs are characterised by being able to reproduce rapidly in their new environments, and this is usually due to a combination of factors, including:

- A lack of natural enemies in the new environment
- Resistance to local diseases and other plant pathogens
- Highly competitive growth and colonising strategies that provide them with a competitive edge, and an ability to out-grow local indigenous plants

IAPs can significantly alter the composition, structure and functionality of ecosystems. As a result, they degrade the productive potential of the land, intensify the damage caused by veld fires and flooding, increase soil erosion, and impact on the health of rivers and estuaries. Indigenous species may be reduced in numbers/coverage, or may be lost as a result of IAP infestations, posing a threat to South Africa's natural heritage in sensitive locations.

The National Environmental Management Biodiversity Act, 10 of 2004 (NEMBA), Section 76, states that all organs of state are required to draw up an invasive and alien monitoring, control and eradication plan for the land under their control.

In terms of Section 4(2)(a) of the NEMBA all municipalities are required to manage and conserve biological diversity. This includes taking steps to control and eradicate Invasive Alien Plants (IAP) in areas that they own or manage.

Conservation of Agricultural Resources Act, 43 of 1983

In terms of the amendments to the regulations under the Conservation of Agricultural Resources Act, 43 of 1983 (CARA), all declared aliens must be controlled. Landowners are legally responsible for the control of invasive alien plants on their property. In terms of the above act alien invasive plants are described to one of the following categories:

- Category 1: Prohibited and must be controlled.
- Category 2: May be grown in demarcated areas provided that there is a permit in place and steps taken to prevent spread.
- Category 3: May no longer be planted. Existing plants may be retained as long as all reasonable steps are taken to prevent spread, except within the flood line of watercourses and wetlands.

National Environmental Management: Biodiversity Act, 10 of 2004

National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA), regulates all invasive organisms in South Africa. Regulations have been published in Government Notices R.506, R.507, R.508 and R.509 of 2013 under NEMBA. According to this act and the regulations any species designated under Section 70 cannot be propagated, grown, bought or sold without a permit. Categories listed are:

- Category 1a: Invasive species requiring compulsory control. Any specimen of a Category 1a listed species must, by law, be eradicated.
- Category 1b: Invasive species requiring compulsory control as part of an invasive species control program. These species must be removed and destroyed.

- Category 2: Invasive species regulated by area. A demarcation permit is required to import, possess, grow, breed, move, sell, buy or accept as gift any plants listed as Category 2 plants. No permits will be issued for Category 2 plants to exist in riparian zones.
- Category 3: Invasive species regulated by activity. An individual plant permit is required to undertake any of the following restricted activities: import, possess, grow, breed, move, sell, buy or accept as gift. No permits will be issued for Category 3 plants to exist in riparian zones.

Aliens that are regulated in terms of CARA as weeds and invader plants are exempted from NEMBA. This implies that the provisions of the CARA in respect of listed weeds and invader plants supersede those of the NEMBA.

Stellenbosch Municipality has prepared and adopted the Stellenbosch Municipality Invasive Alien Management Plan (April, 2017). The purpose of this document is to respond to this obligation and to coordinate Stellenbosch Municipality's approach in this regard in order to reduce future IAP control costs and improve the integrity of the natural areas and ecosystems in Stellenbosch Municipality. This plan addresses invasive alien control in the nature areas owned and maintained by the municipality itself. These properties include:

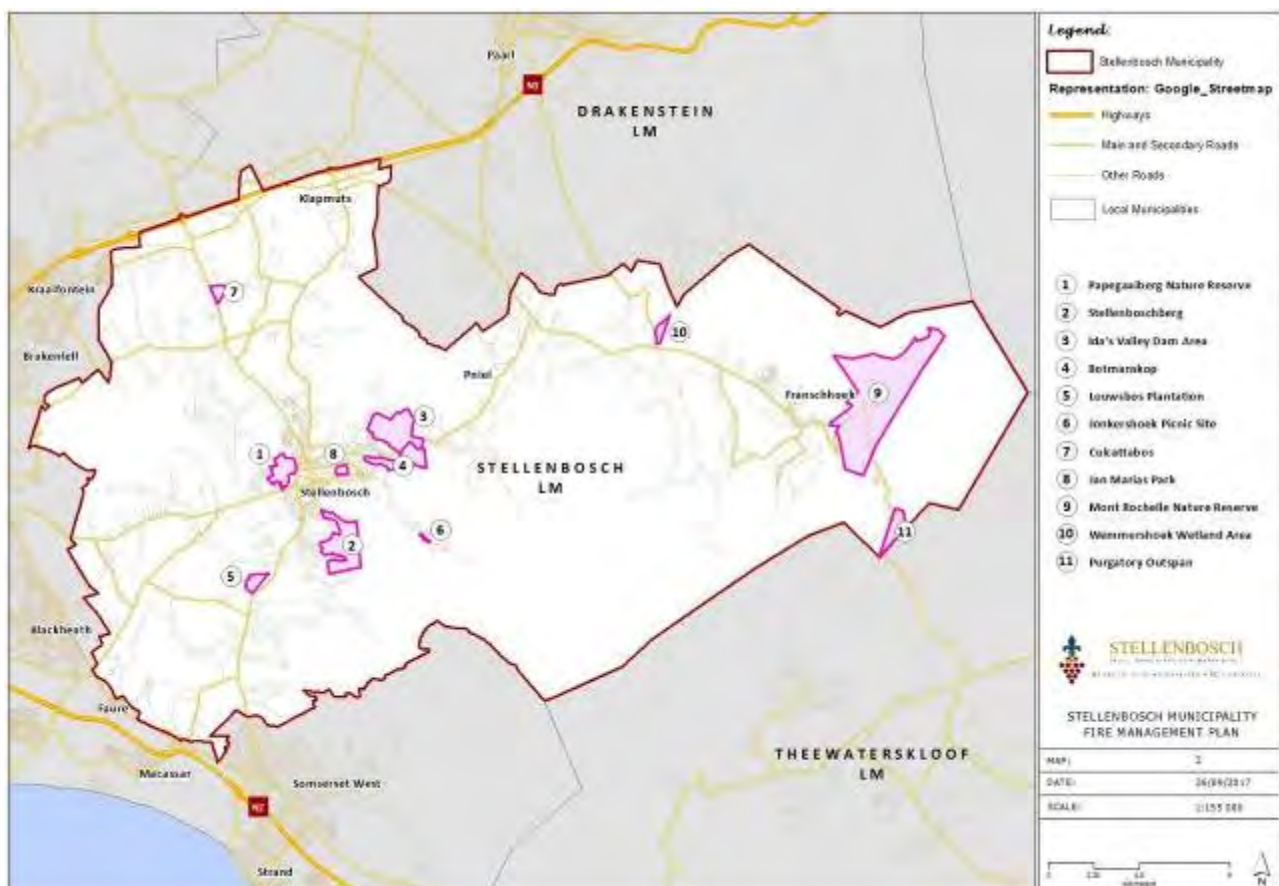


Figure 10: Stellenbosch Municipality properties that are the subject of the Stellenbosch Municipality Invasive Alien Plant Management Plan (April 2017).

- Papegaaiberg Nature Reserve
- Paradyskloof, including the areas of Stellenboschberg and Brandwacht
- Ida's Valley Dam Area
- Botmaskop
- Louwsbos Plantation

- Jonkershoek Picnic Site
- Culcattabos
- Jan Marais Park
- Mont Rochelle Nature Reserve
- Wemmershoek Wetland Area
- Purgatory Outspan

In terms of planning, the Stellenbosch Municipality Invasive Alien Management Plan states the following:

Species and areas has to be prioritized and cleared according to their impact on natural resources and their potential for spreading to non-invaded areas⁶. Considerations in this regard include IAPs that pose a fire risk to houses or infrastructure should be targeted as a priority. Creating an effective fire break is important where woody/fire prone IAPs are located in dense stands near settlements, power lines etc.

9.2 FIREBREAKS

Fire breaks are cleared paths which will prevent the spread of fire by removing the fuel from the fire path. Section 12 of the National Veld and Forest Fire Act *stipulates that every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her boundary between his or her land and any adjoining land.*

In terms of Section 13 of the Act *above a landowner is obliged to prepare and maintain a firebreak, with due regard to the weather, climate, terrain and vegetation.* The firebreak must:

1. *be wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from the neighbouring land,*
2. *not cause soil erosion, and must*
3. *be reasonably free of inflammable material capable of carrying a veldfire across it.*

In terms of Section 16 of the National Veld and Forest Fire Act the right or duty to prepare and maintain a firebreak prevails over any other prohibition in any other law on the cutting, disturbance, damage, destruction or removal of any plant or tree, except the owner must:

1. where possible, transplant any plant which is protected in terms of any law; or
2. where it is safe and feasible, position the firebreak so as to avoid such plant or tree.

A fire break is a means of access for personnel and equipment, to serve as a control line and to serve as a line from where a fire can be attacked from, for example by setting a backburn. The firebreaks are to be linked to access roads, thereby reducing the areas requiring preparation and increasing accessibility to the various sites.

9.2.1 Location

The provisions of the National Veld and Forest Fire Act that specify in Section 12(1) that a firebreak must be prepared on the boundary of the property. Preparation of firebreaks must be done annually between September and November. Firebreaks need to be well positioned and regularly

⁶ Schonegevel, 2001.

maintained to be effective. Specific considerations with respect to firebreak preparation and maintenance are:

Ecological considerations:

- Avoid known populations of rare and endangered plants.
- Align firebreaks to avoid sensitive habitats such as wetlands.
- Firebreaks should not be aligned along ridges which are favourable habitats of rare and endangered plants.
- The firebreak must not cause erosion.
- Extensive use of brush-cut breaks because the preparation of breaks by burning is a hazardous operation that has often been the source of wildfire.

Planning considerations:

- A decision as to what firebreaks to maintain in any particular year should be taken in the early autumn of each year.
- Information on the spatial distribution of fire hazard should be used in prioritising the preparation and maintenance of firebreaks.
- Maintain costs at a reasonable level without jeopardizing good veldfire management and protection.
- Placement of firebreaks on a slope must be determined by access to the break and by topography.

Design considerations:

- Advantage of preparing brush cut breaks is that unlike rotation of firebreaks of the past, a single break, typically 15 m wide, will be maintained in a permanent position.
- 15 m width for firebreaks should be used as a guide and in circumstances of high risk consideration should be given to creating wider firebreaks.
- Breaks should have significantly reduced fuel loads, and the height of vegetation within the break must be kept as low as possible.
- Waste material from firebreak preparation must be disposed of into the veld on the municipality's side of the firebreak.
- Use existing features of the landscape where possible, such as cliffs, sand dunes, tracks and roads as control lines.

9.2.2 Preparation and Maintenance

Locations where firebreaks are required vary. Individual circumstances will determine what type, width and length will be applicable. When constructing firebreaks it is important that all vegetation cover is removed and that only rocks and soil (minerals) are exposed. A fire can travel very slowly through the grass roots or decayed vegetation and great care must be taken to ensure that mineral earth is exposed throughout the length and width of the break.

The following factors must be taken into account with the construction of firebreaks.

- Access: The placement of firebreaks on a slope must be determined by access to the break.
- Slope: Slope is the steepness of the land and has the greatest influence on fire behaviour. The steepness of the slope affects both the rate and direction of the fire spread. Fires usually move faster uphill than downhill and the steeper the slope, the faster the fire will move. This is because:

- on the uphill side, the flames are closer to the fuel;
- the fuels become drier and ignite more quickly than if on the level ground;
- wind currents are normally uphill and this tends to push heat flames into new fuels;
- convected heat rises along the slope causes a draft which further increases the rate of spread; and
- burning embers and chunks of fuel may roll downhill into unburned fuels, increasing spread and starting new fires.
- **Aspect:** Aspect is the direction the land faces - north, south, east or west. The aspect of a slope influences a fire's behaviour in several ways:
 - southern aspects receive more direct heat from the sun, drying both the soil and the vegetation;
 - fuels are usually drier and less dense on southern slopes than fuels on northern slopes;
 - heating by the sun also causes earlier and stronger slope winds; and
 - on south-facing slopes, there will normally be higher temperatures, stronger winds, lower humidities, and lower fuel moistures.

These are all the conditions needed for quick starts and a rapid rate of fire spread.

- **Terrain:** *Terrain* or special land features may control wind flow in a relatively large area. Wind flows like water in a stream and will try to follow the path of least resistance. Ridges, trees, and rocks may alter wind flow and cause turbulence or eddies to form on the windward side of obstructions. Also, when wind flows through a restriction, such as a narrow canyon, it increases in strength. Wind movement can be critical in chutes or steep v-drainages. These terrain features create a chimney effect, causing a forced draft, as in a stove chimney. Fires in these chutes or drainages spread quickly and are dangerous.
- **Elevation.**
- **Vegetation type.**
- **Moisture content.**
- **Size and shape of material.**
- **Volume and area covered.**
- **Fuel content** (breaks alignment should avoid heavy fuel concentrations and be situated in areas with the lightest fuels possible).
- **Wind direction** (internal belts should as far a possible run parallel with the prevailing winds).
- **Spotting distance.**
- **Firebreaks** should be anchored, iether to a natural barrier, road or another firebreak.
- **Natural or existing barriers** like roads, paths, streams, lakes, vleis, rivers, rock outcrops, or any other break in fuel should be utilise as far as possible.

There are four methods of preparing a firebreak and proper consideration should be given to each before commencing the preparation of a firebreak.

1. **Manual:** Preparing a firebreak manually involves the utilisation of a team of workers working in a planned manner using manual tools.
2. **Burning:** After deciding where the belt is to go, an adequate tracer is cut around the entire belt, and then the belt itself is burnt. This is the most common form of preparing a firebreak.

3. Ploughing/brushcutting: Ploughing/brushcutting with a tractor is a common method of constructing breaks where the vegetation is low or has been previously removed. The positive thing with brushcutting is that the roots are not destroyed and this will assist in reducing erosion on these breaks. Bushcut material should be removed two months after cutting, and mulched at a organic dump.
4. Application of herbicide: With this method herbicide is used to kill off all the plant growth in the firebreak. The indiscriminate use of herbicides can cause long-term environmental damage.

9.2.3 Stellenbosch Municipality Firebreaks

Stellenbosch Municipality maintain a system of firebreaks in accordance with the provisions of the Veld and Forest Fire Act. The current positions of the firebreak network in and around municipal property are depicted in the figures below. These firebreaks are maintained as of October 2017.

Properties at risk are Culcattabos, Wemmershoek and Purgatory that has no firebreaks currently in place.

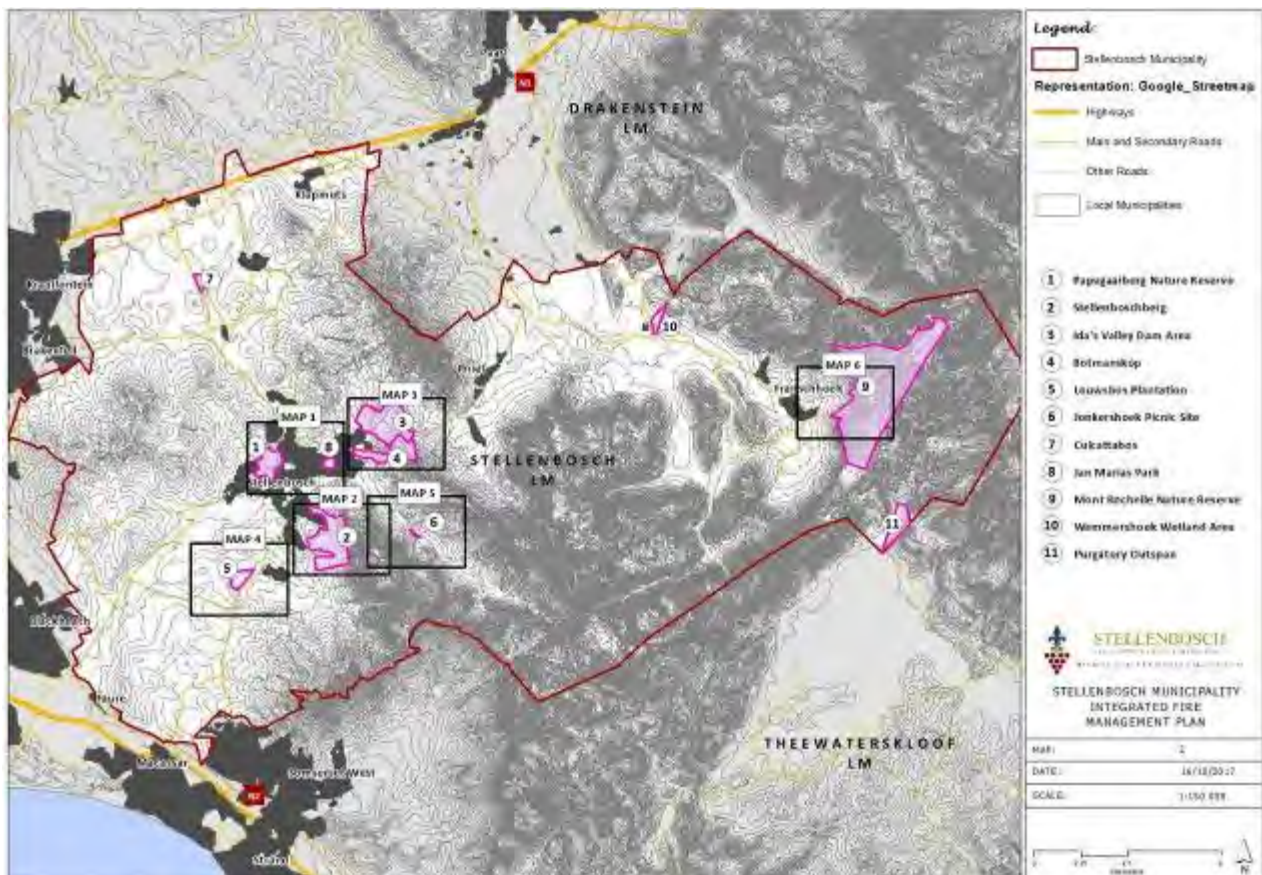


Figure 11: Firebreaks in and around Stellenbosch Municipal property.

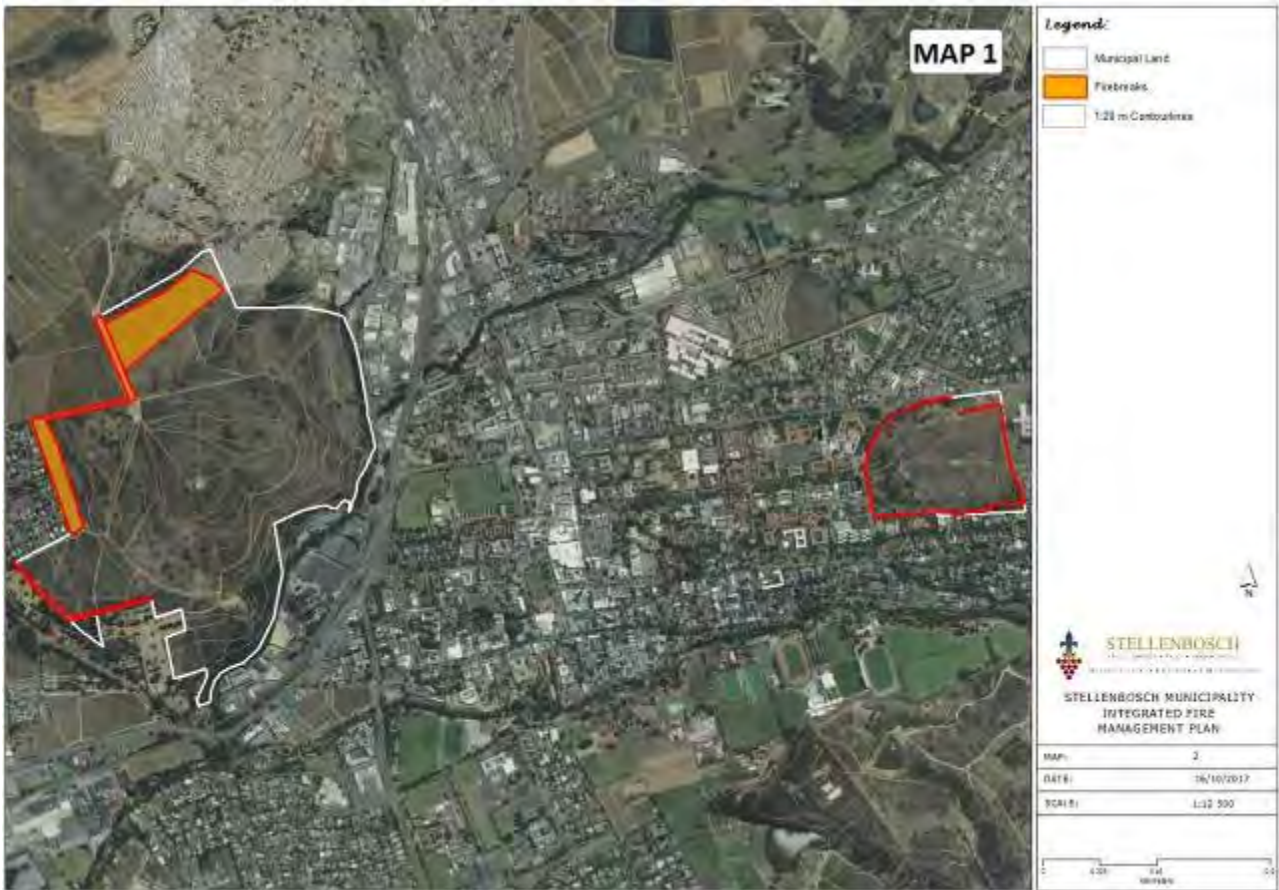


Figure 12: Firebreaks – Jan Marais Park / Papegaaiberg.



Figure 13: Firebreaks – Paradyskloof / Brandwag.

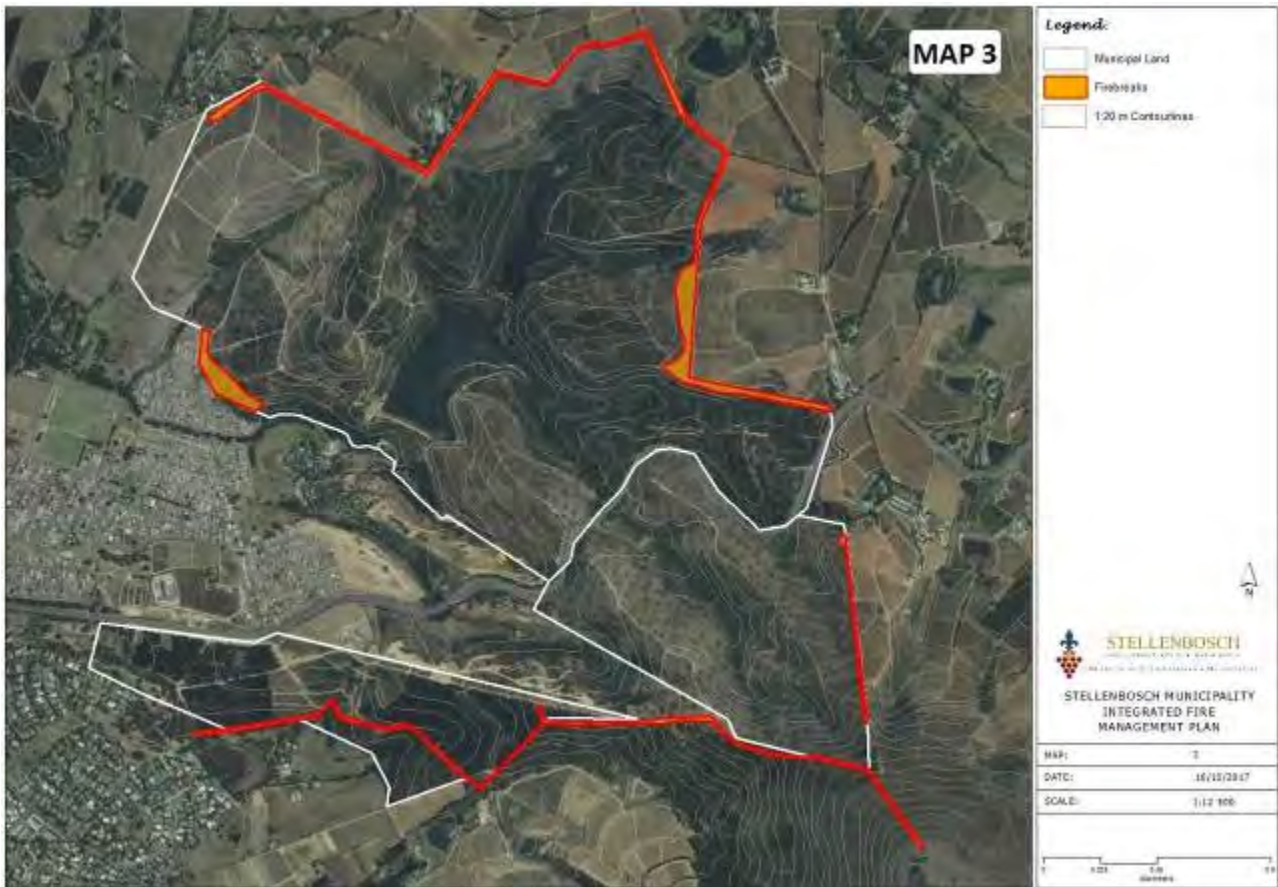


Figure 14: Firebreaks – Idas Valley Dam / Botmaskop.

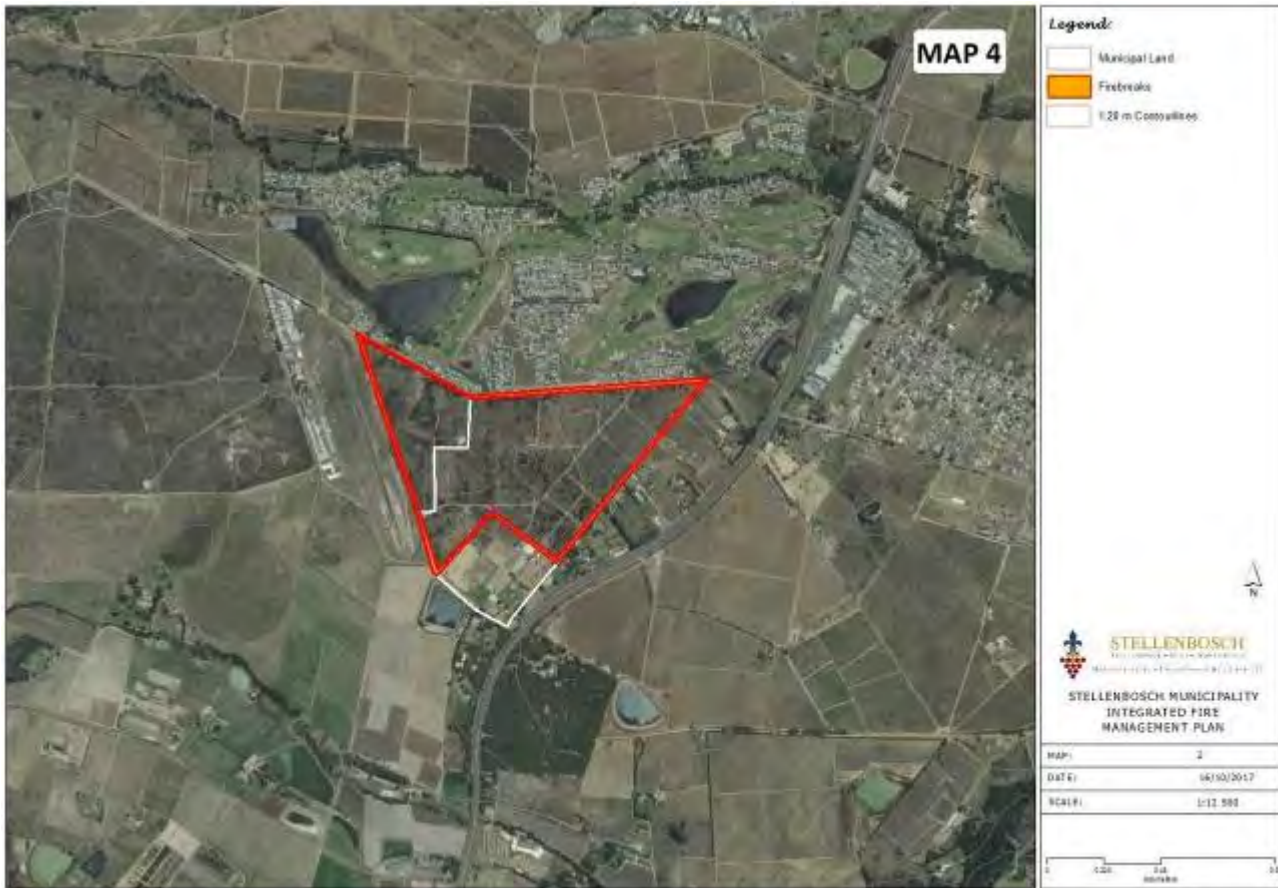


Figure 15: Firebreaks – Louw's Bos.

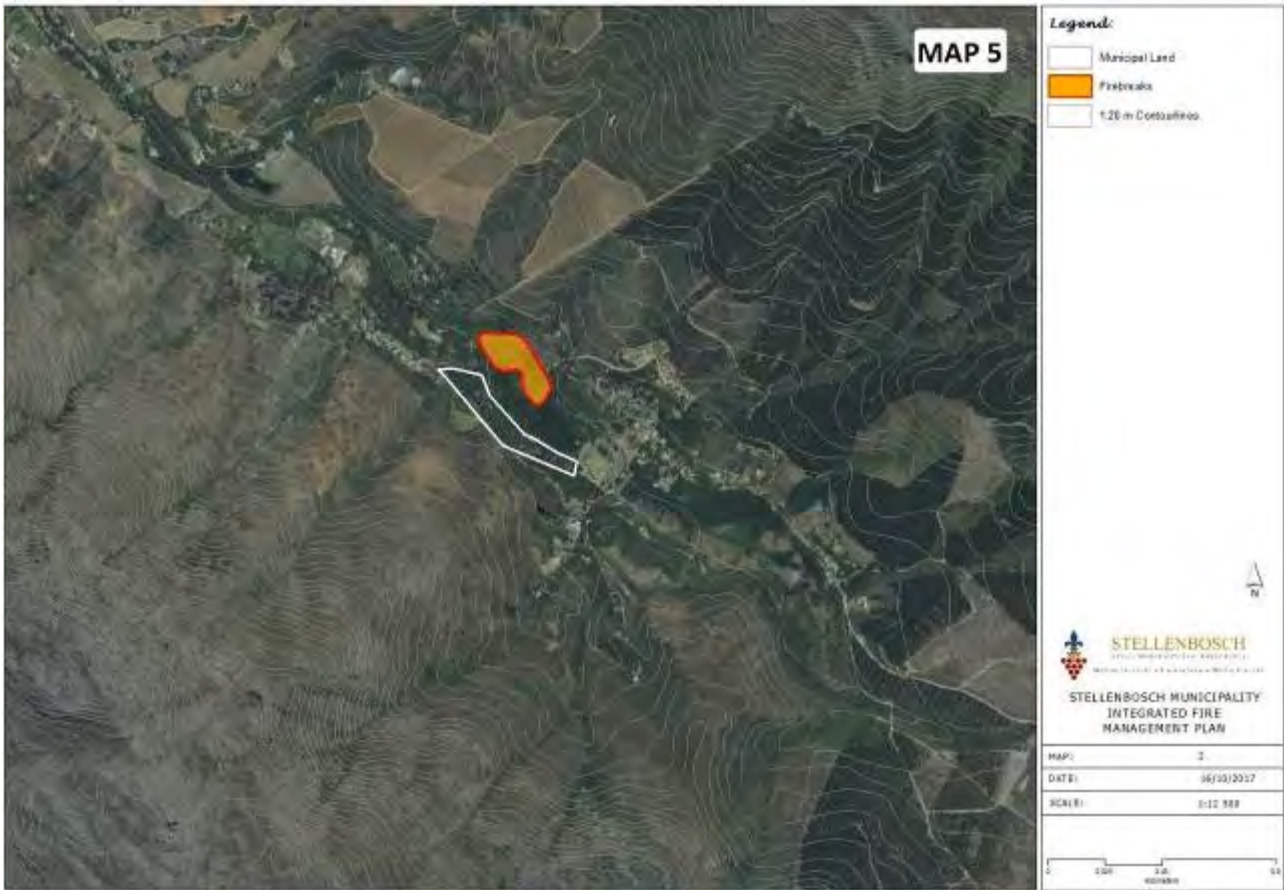


Figure 16: Firebreaks – Jonkershoek Picnic Area.

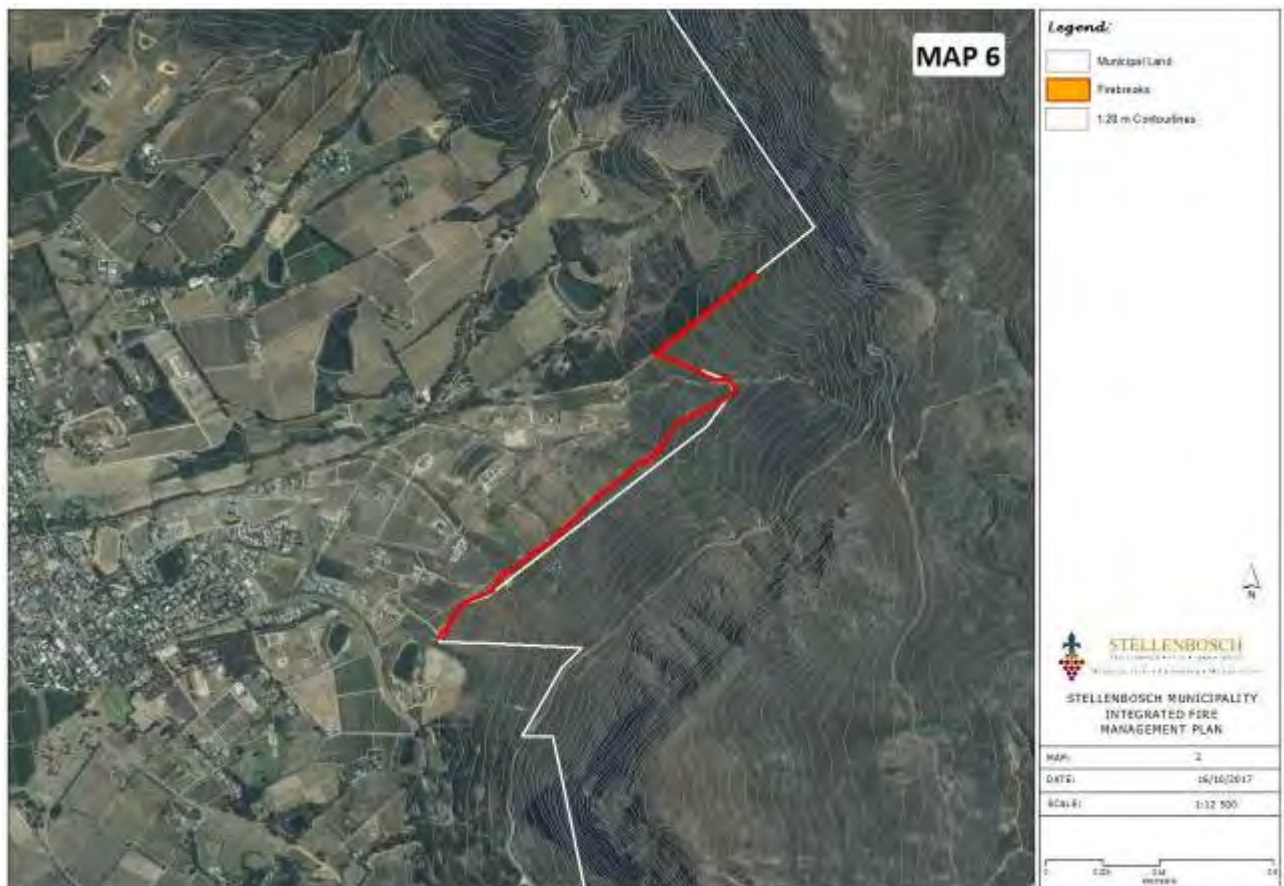


Figure 17: Firebreaks – Mont Rochelle.

10 ACCESS MAINTENANCE

Roads must be inspected regularly to:

- Remove obstacles such as fallen trees.
- Make sure roads can accommodate fire tenders.
- Key locks on access gates alike and ensure that vehicles carry tools (e.g. bolt cutters and saws).

11 MANAGEMENT ACTIONS

Table 6: Prevention & Preparedness – Management Actions.

Action	Responsible Department	Timeframe
Renew the Municipality's membership to the FPA	Nature Conservation	Annually
Maintain fire fighting equipment in good working condition and in accordance with SANS 10090 standards.	Fire Department Nature Conservation	Immediate & ongoing
Control and remove invasive alien vegetation from municipal land.	Nature Conservation	Immediate
Maintain firebreaks around municipal land.	Nature Conservation	Sep-Nov annually
Maintain firebreaks around areas of high risk as identified in the Disaster Management Plan.	Nature Conservation	Sep-Nov annually
Maintain access roads to nature areas / municipal land.	Nature Conservation	Immediate & ongoing
Manage and maintain fire fighting equipment according to SANS 10090 standards.	Fire Department Nature Conservation	Immediate & ongoing
Training to be provided for all personnel required to respond to fire.	Fire Department Nature Conservation	Annually

SECTION C: RESPONSE**SECTION SYNOPSIS**

This section describes the response to fires within Stellenbosch Municipality as well as the actions following such an incident.

All fires start small, thus, detection at the earliest possible stage is critical and is therefore also regarded as being as important a part of preparedness as it is for ensuring an appropriate response.

12 FIRE DETECTION

The Fire Department will have to rely on its staff members and the public for fire detection. Emergency telephone numbers must be boldly displayed in strategic positions across the Municipality.

13 FIRE SUPPRESSION**13.1 FIRE FIGHTING SAFETY RULES**

Along with fire prevention the safety of all personnel during fire fighting operations is the most important component of fire management. The most important rules in this regard are the following:

- Keep informed of fire weather conditions and forecasts
- Know what your veldfire is doing at all times
- Base all actions on the current and expected veldfire behaviour
- Plan and make known escape routes for everyone on the ground and in the air
- Post a lookout for danger and safety aspects
- Be alert, keep calm, think clearly, make clear decisions and act decisively
- Maintain prompt communications with the Fire Boss, Sector Bosses, crew leaders and fire fighters under your control
- Give clear instructions and have them repeated to ensure that they are understood
- Maintain control of your men and fire fighting operations
- Fight fires aggressively but put the safety of fire fighters first

13.2 COMMAND STRUCTURE

Regardless of the size of the veldfire, certain basic management actions are required to establish rapid and efficient control, and minimise risk, damage and costs. To meet this requirement, it is essential to set up positive and clear lines of authority quickly, and launch a dependable and rapid response to instructions.

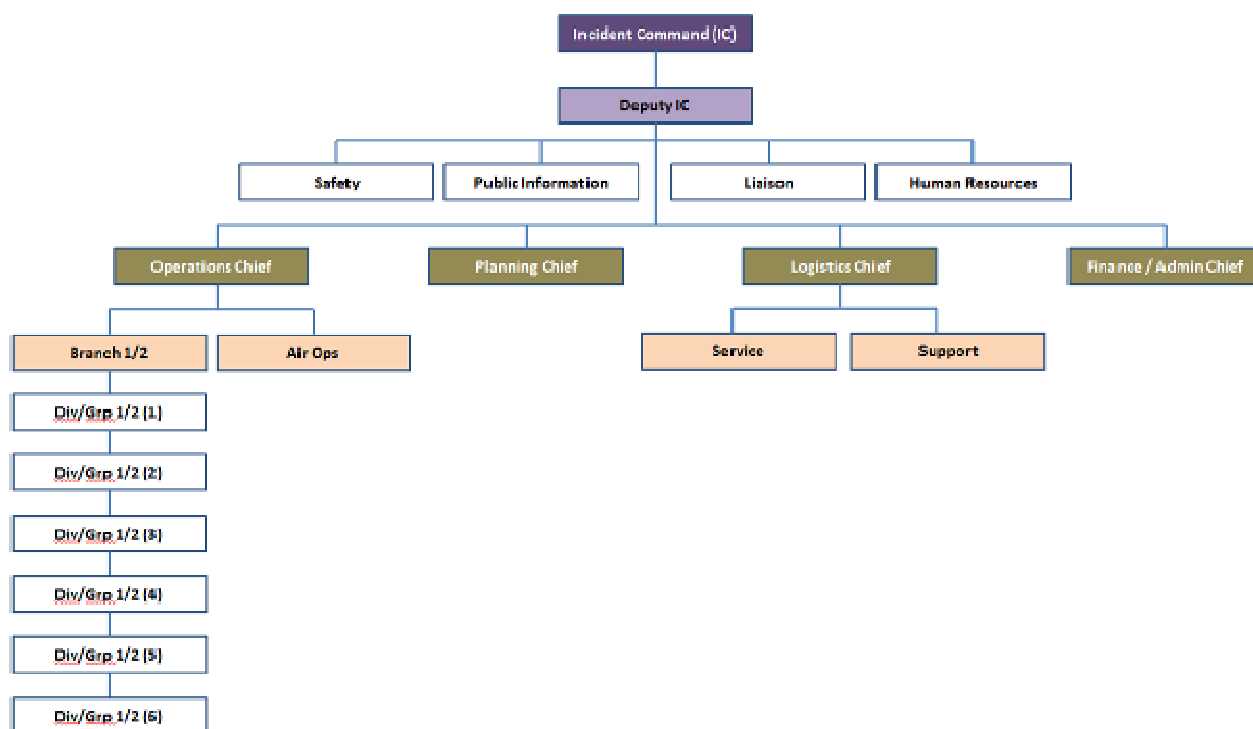


Figure 18: Basic command structure for fire suppression.

Table 7: Roles and responsibilities of the various personnel in the command structure

Position	Responsibility
Incident Commander	Assumes overall control of a fire
Fire Boss	In control of fire fighters equipment within a specific sector or flank of a veldfire. In the case of small veldfires it could be the Crew Leader at initial response, but who would be replaced if a veldfire increased in size or severity.
Crew Leader	In control of a fire control crew that could consist of a team of beaters, a tanker crew or a mopping-up crew. The Crew Leader serves as supervisor on the actual fire line, and is responsible for suppression of the veldfire on a particular line.
Logistics Section Chief	Generally positioned on larger veldfires, the Logistics Officer is Responsible for ensuring that the supply of equipment and other resources (including rations) arrive on site, on time.
Planning Section Chief	Uses weather, terrain, veld age and other parameters to develop plans of attack; propose future control lines, and estimate potential veldfire size.
Operations Section Chief	Responsible for all suppression activities at a large fire and reports to the Incident Commander.
Air Attack Boss	Responsible for the tactical operations of all aircraft assigned to a veldfire including their logistical support.

13.3 PROCEDURES TO BE UNDERTAKEN IN THE EVENT OF A FIRE

The following procedures has to be undertaken in the event of a fire:

- a. The person who has discovered the fire must immediately report the fire to the Fire Department.
- b. The following information must be transferred to the relevant authority.
 - Name of the caller

- Location of the fire
 - Type of fire
 - Seriousness of fire
 - Injuries or casualties
- c. Raise the fire alarm by activating the fire alarm siren. If the fire is during the day, the telephone operator must notify key personnel.
- d. Rapid deployment of fire fighting resources within the structure of pre-planned Emergency Procedures.
- e. Shut off all air and power (fuel supplies).
- f. Depending on where the fire is, evacuate building or premise immediately.
- g. Emergency medical resources should be placed on standby.

14 VELDFIRE BEHAVIOUR

Personnel must exercise extreme caution when:

- working downwind of a veldfire
- working up-slope of a veldfire
- fighting a veldfire on a slope
- working near heavy fuels, or where there is un-burnt fuel between you and the veldfire
- terrain or vegetation impedes travel

The behaviour of a veldfire is governed by fuel, topography and weather. Small variations in any of these factors can lead to significant changes in veldfire behaviour.

14.1 FUELS

Knowledge of fuels is fundamental to understanding veldfire behaviour. The important elements are:

- Fuel type (e.g. grasslands, fynbos, plantations)
- Fuel quantity – Increases in the amount of fuel influences:
 - Rate of spread
 - Rate of energy release
 - Flame lengths
- Fuel moisture content – The moisture content of fuels affects:
 - Ease of combustion
 - Combustion rates
 - Rate of spread
 - Radiation efficiency of flames
 - Probability of spotting

14.2 WEATHER

Weather factors that have a major influence on veldfire behaviour include temperature, relative humidity, wind speed and wind direction. Weather and veldfire behaviour in general:

- Strong and gusty, hot, dry winds generally precede a cold front. Such conditions favour the spread of veldfires.
- Under unstable atmospheric conditions:
 - Veldfires will develop strong convection columns

- Longer spotting distances may occur
- Winds tend to be gusty which make veldfire behaviour erratic
- Thunderstorms may develop and the resultant lightning could start more veldfires

14.3 PREDICTION

The ability to predict veldfire behaviour is vital in the planning of wildfire suppression, and the application of prescribed burning.

Veldfire behaviour (in general):

- Spread faster uphill than downhill
- Spread with the wind rather than against it
- Spread faster where the vegetation contains quantities of dead plant material
- Spread faster in fine fuels
- Spread faster where the vegetation canopy is intertwined
- Doubling the fuel load will double the rate of spread, resulting in the intensity of the veldfire increasing fourfold.
- Halving the fuel load will decrease the rate of spread fourfold.

15 POST FIRE RECOVERY

15.1 CHECKLIST FOR ACTIONS TO BE TAKEN IMMEDIATELY AFTER VELD FIRES

There are a number of procedures that need to be adhered to after a prescribed or wildfire has been extinguished. The following procedures should take place as quickly as possible after the end of a fire:

- After a fire has been brought under control, patrolling and inspections should continue until the Fire Boss is satisfied that the fire has been extinguished. Veldfires are only really considered to be “under control” once they are extinguished.
- The extent of a veldfire should be mapped and a Fire Report completed.
- During the patrolling phase, hazardous situations where a fire could most likely reignite should be identified.
- The frequency of patrolling the perimeter should be decided by the Fire Boss, and could decrease over time. Weather forecasts should be obtained and carefully studied.
- Once a fire has been extinguished, all equipment should be returned to the correct storage facilities and inspected.
- All infrastructure within the perimeter of the fire should be inspected for damage and reported/repaired if necessary.
- Restrict public access to the recently burnt areas if dangerous or ecologically sensitive.

15.2 CHECKLIST FOR ACTIONS THREE MONTHS AFTER VELDFIRES

- The secondary effects of removal of vegetation by intense fires can pose a danger to people, infrastructure and vegetation situated down slope, and include:
 - increased danger of rock and mudslides
 - blocked storm water drains
 - loose sand on roads, and
 - increased erosion

- The burnt area should be inspected and assessed in terms of these effects and contingency plans made to deal with these issues, if necessary.
- After all major fires a formal debriefing should be held involving all relevant agencies. At this debriefing, the cause of the fire should be identified and the discussion should focus on the cooperation of all relevant agencies in the extinguishing of the fire.
- Post-fire issues need to be addressed through checking and corrective action, and through a management review. This regular review will ensure that the management plan remains relevant and appropriate to changing conditions and experience.

Wildfires are often a source of opportunity, the fire managers need to be aware of the following:

- The occurrence of a wildfire often stimulates the flowering of geophytes and represents a significant opportunity to raise awareness amongst the public of the role and importance of fire in the ecology of the area.
- Wildfires could result in the removal of large stands of dense alien plants, but equally this could stimulate mass germination of a large number of seedlings.
- Many plant species flower only within the first year or two after a veldfire. These post-fire blooms represent rare opportunities to expand knowledge on the occurrence and distribution of such plant species.
- The occurrence of veldfires also offers the opportunity for initiating research investigations to increase the understanding of the role of veldfires in the dynamics and conservation of the area's ecosystem.

15.3 VELDFIRE REPORTING

It is essential that during any fire, an accurate chronological record of the fire, weather and actions be maintained. This will ensure that the Municipality has a record of the deployment of the resources, it facilitates debriefing and can be of major importance in the event of legal action after a fire.

EMERGENCY CONTACT NUMBERS

Emergency Centre - Control Room

021 808 8888

Operational Head - Fire Operations

082 647 7587

Head: Disaster Management

082 050 4834

Chief: Fire and Disaster

071 443 7337

7.1.3	STREET PEOPLE POLICY
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Collaborator No: 529636
IDP KPA Ref No: Dignified Living: Municipal Focus Area 21
Meeting Date: 2019-04-10

1. SUBJECT: STREET PEOPLE POLICY

2. PURPOSE

To obtain Council's approval of the Stellenbosch Municipality Street People Policy.

3. DELEGATED AUTHORITY

MUNICIPAL COUNCIL.

4. EXECUTIVE SUMMARY

The objective is to present Council with a policy aimed at addressing the needs of persons living on the street through a holistic approach of service delivery in collaboration with civil society. A further aim is to develop a unified response to the reality of persons living on the street as part of an awareness / communication strategy aimed at all citizens and sectors within the municipal boundaries.

Delivery of Social Services is not a municipal competency and The Policy can thus only be implemented through active participation by all relevant stakeholders.

A series of workshops have contributed to starting a network of communication between different local service providers.

In the field of service delivery to persons living on the street, the following local stakeholders have been identified and consulted during three engagements:

Stakeholder	Level of participation
Department Social Development	Did not attend any of the workshops
Stellenbosch Night Shelter	Attended two sessions
Straatlig	Attended two sessions
Youth Outreach	Attended one session
Feeding in Action	Attended three sessions
Youth Empowerment Action	Attended one session

5. RECOMMENDATIONS

- (a) that Council approves the draft policy on Street People (as amended) in principle;
- (b) that the draft Policy on Street People be advertised for public comment; and
- (c) that all inputs and comments received be brought back to Council for final consideration and approval of the Street People Policy.

6. DISCUSSION / CONTENTS**6.1 Background**

According to the March 2015 Human Science Research Council's review, homelessness cannot be understood by only focusing on the concept of home or shelter.

It is important to consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socio-economic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness. Homelessness is not unique to Stellenbosch or South Africa for that matter.

The objective of the draft policy is to provide a framework for collaboration between different spheres of government and civil society with the aim of formulating a municipal-wide approach to dealing with the reality of persons living and begging on the street, taking into account the following factors:

- Some persons begging on the streets of the Greater Stellenbosch is not from Stellenbosch, but travel here in order to benefit from the street economy resulting from the high presence of tourists.
- Some persons begging on the streets are not homeless, but operate under the pretence of homelessness in an organized criminal network.
- Some persons living on the streets have family, but the relationships have broken down to such an extent that re-unification is not possible.
- There is a high prevalence of health (physical and psychological) problems, substance abuse and addiction among persons operating on the streets.
- Some persons on the streets landed there due to economic hardship and struggle to find their feet in order to obtain some form of self-reliance.
- Some persons living on the streets do not want to be part of a structured environment and prefer the freedom obtained from not having to answer to any person.

With the above in mind it is clear that one approach to addressing the problem and providing for homeless citizens will not create a solution.

The spectrum of persons on the street indicates different needs and different solutions to addressing the phenomena.

6.2 Discussion

Council resolved at the 11th Council Meeting on 30-08-2017:

-
- (a) that Council approves 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;
 - (b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and
 - (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.

The department started with the consultation process by identifying and inviting local stakeholders to a series of workshops to discuss and streamline a policy that would be implementable through collaboration between the municipality, provincial government and existing local NGO's.

Stakeholders indicated that they see the need for a uniform approach to service delivery to persons living on the street, but was only willing to dedicate time for one session per quarter. A variety of issues relating to services were identified and it became clear that the local stakeholders did not agree with the draft policy as their individual capacity (staff and financial resources) along with their current programmes and mandate do not allow for taking on the additional responsibility for the implementation of the policy. Clarity was required regarding:

- 1.1 An acceptable communication strategy is required
- 1.2 Availability of feeding street people 7 days a week in order to address the economic aspect of begging on the street.
- 1.3 Service delivery after hours and over weekends
- 1.4 Defining the categories of homelessness ("Real" homelessness vs opportunistic incomers vs youth and drugs who do have families vs first time street people") with each requiring a different response.
- 1.5 How does the policy address children on the street and the requirements of the Children's Act.
- 1.6 Elderly persons on the street
- 1.7 The suggested or draft flow diagram for service delivery: It was indicated that it speaks to among others, field workers, which none of the organizations has access to.
- 1.8 Establishment of Local Networks of Care for each area (do not have the capacity as each of the organizations deliver services in a very limited area of the municipality)
- 1.9 Establishment and driving of a network for organizations delivering services (the organizations felt that they do not have the time to sit in meetings).
- 1.10 The need for a centralized database of persons on the street and services delivered was agreed upon.
- 1.11 The existing conundrum resulting from the difference in approach between social service delivery and law enforcement.
- 1.12 The exact role of local government in relation to these kind of services and to what extent the municipality will contribute resources to the implementation of the policy.

From the three discussions that were conducted with the stakeholders (bearing in mind that the Provincial Department of Social Development did not attend a session) and the above list of issues that would need to be incorporated into the policy, it became clear that the draft policy as approved by Council is not ready to be distributed for public comment as it raised more questions than the stakeholders had answers for.

There was a general willingness to be involved in the creation of a solution and/or Stellenbosch response to homelessness, but stakeholders expressed reservations regarding the commitment of provincial government. The scepticism that the municipal policy is a response to “clean up the streets” was also raised.

In an effort to create more momentum, a further workshop was conducted with a wider audience to also include the view of other sectors including safety and security, business and churches, among others. The result of this workshop was a map of required actions and strategies as perceived by the sectors present. The following four strategies, each with its own possible actions, were mapped (**APPENDIX 1**) to reach the common goal of “Making Stellenbosch Streets Safe”:

- 1) Public Education and Awareness
- 2) Empowering Street People to be self sufficient
- 3) Preservation of Human Dignity
- 4) Prevention

The draft policy approved in August 2017 was adjusted to include inputs received from the sector NGO's and was aligned with the current Grant-In-Aid Policy to provide funding support for the implementation of the policy. The changes can be seen in track change format (**APPENDIX 2**) and without track changes (**APPENDIX 3**) for easier reading.

6.3 Financial Implications

It is still not clear what the Rand value is for implementation of the policy. The following considerations for financial implications should be noted:

1. Council approved the Grant-In-Aid Policy which allows for donations in excess of R 40 000 per annum for services aimed towards people living on the street. It requires a three year plan with specific outcomes and can be considered as a mechanism through which Council can financially support initiatives towards addressing the issue of people living on the street.
2. The need for a centralised database was identified. The cost thereof and the operation and upkeep of the information is not clear, but has also been identified as the responsibility of the NGO sector who can report to Council.
3. The need for a uniform awareness and communication plan was identified. It is the opinion of the Department Community Development that it falls within the ambit of the departmental role and should be the financial responsibility of the municipality.

6.4 Legal Implications

The mandate for social services remains a provincial competency.

6.5 Staff Implications

In the current form, the policy does not have staff implications for the municipality.

6.6 Previous / Relevant Council Resolutions

Council resolved at the 11th Council Meeting on 30-08-2017:

- (a) that Council approves 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;
- (b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and
- (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.

6.7 Risk Implications

None

6.8 Comments from Senior Management

The policy was presented at the Directors' Forum meeting of 30 October 2018, and in principle approval was received by all directors and the Municipal Manager.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.3

- (a) that Council approves the Draft Policy on Street People (as amended) in principle;
- (b) that the Draft Policy on Street People be advertised for public comment; and
- (c) that all inputs and comments received be brought back to Council for final consideration and approval of the Street People Policy.

ANNEXURES

Appendix 1: Strategy Map for service delivery

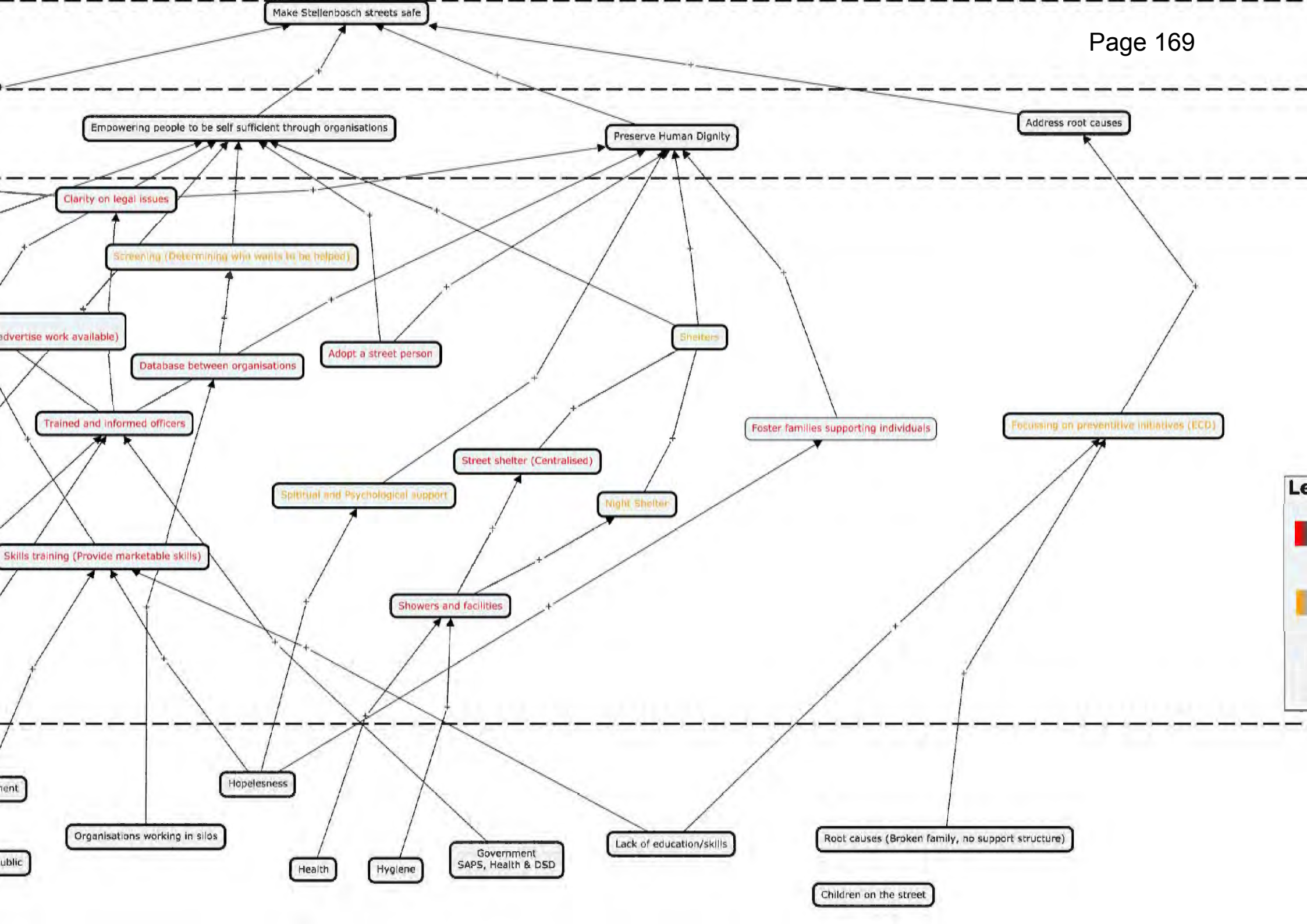
Appendix 2: Draft Street People Policy for consideration with track changes

Appendix 3: Draft Street People Policy for consideration without track changes

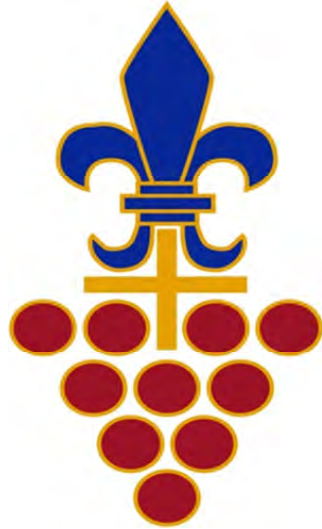
FOR FURTHER DETAILS CONTACT:

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REPORT DATE	03/12/2018

APPENDIX 1



APPENDIX 2



STELLENBOSCH MUNICIPALITY

STREET PEOPLE POLICY

~~Draft-Draft~~

10/26/2018

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1. Abbreviations

CBO: Community Based Organisation

CD: Community Development Section

CDS : Community Development Strategy

CWP: Community Works Programme

ECD: Early Childhood Development

FBO: Faith Based Organisation

IDP: Integrated Development Plan

LNOC: Local Network of Care

M & E: Monitoring and Evaluation

NGO: Non-Governmental Organisation

SASSA: South Africa Social Service Agency

SDS: Social Development Strategy

SSI: Stellenbosch Safety Initiative

WC024: Stellenbosch Municipal Area

GiA: Grant in Aid: Stellenbosch Municipal Annual Grant Programme

2. Definitions

“Assessment Centre”: means a facility which provides psycho-social assessment and development of a street person’s personal development plan, provides counselling and referrals, refers people to relevant services.

“Assessment of a Programme”: means the process conducted by a suitable qualified person (social worker), of determining whether the provision and the content of a rehabilitation/reintegration programme comply with the prescribed national norms and standards and all applicable legislation.

Comment [M1]: ?

“Family”: means individuals who, either by contract or agreement chooses to live together and function as a unit in a social and economic system. The family is envisaged as the primary social unit, which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual support.

“Fieldworker”: means the person who works first point of contact, build outreach work and/or monitor and advocate for people living on the streets. The fieldworker’s job includes the important functions of gathering and disseminating information on available programmes and resources, as well as screening and directing street people to the relevant services.

Comment [M2]: ?

“Life-skills Training”: means training in skills that enhance social, emotional, psychological and spiritual functioning, for example, assertiveness training or stress management.

~~**“Local Networks of Care”**: means a network of organisations consisting of volunteers, caregivers residing within a community or working within a geographical area who provide a network of support to: a) assist in prevention of the vulnerable persons becoming street people and; b) assist with the reintegration of street people back into the community.~~

“Mental Illness”: means mental illness as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)

“Outreach”: means the process of contacting and counselling street people to promote self-empowerment with the aim of facilitating access to appropriate facilities and resources. It is envisaged as an engagement with street people in an empathetic and consultative manner.

Comment [M3]: ?

“Personal Development Plan”: means an in-depth assessment done by a Social Worker for a client and includes a management plan in terms of the person’s holistic development.

Comment [M4]: ?

“Prevention Programmes”: means developmental programmes for children, youth and adults and may be provided at schools, in households or at the community level.

“Second Phase Accommodation”: means accredited, sheltered and structured temporary accommodation for individuals who have passed through the initial rehabilitation phase and who comply with the criteria for employment but who still require a degree of care and assistance prior to reintegration.

Comment [M5]: ?

“Shelter”: means a residential facility providing temporary accommodation, care, social work services and opportunities for education and training to self-referred people living on the streets. Shelters facilitate the process of social reintegration of street people.

“Social Auxiliary Worker”: means a person with an accredited qualification in social auxiliary work, who renders a supporting service to a social worker.

Comment [M6]: ?

“Social Services Professional”: includes probation officer, development worker, child and youth worker, auxiliary worker and social security worker who are registered as such in terms of the Social Service Profession Act, Act No. 110 of 1978.

“Social Worker”: means a person who is registered as a social worker in terms of the Social Services Profession Act, Act No. 110 of 1978.

“Street Adult”: means any person who is over the age of ~~18~~12 years and older who, for any reason, finds themselves living and working on the streets. Street adults are further sub-divided as follows: Adult: 18 years - 55 year and Aged person: 60 years and over.

“Street Child”: means a child who because of abuse, neglect, poverty, community upheaval or any other reason, has left his or her home, family or community and lives, begs or works on the streets; or because of inadequate care, begs or works on the street but returns home at night. Street Children are further sub-divided as follow: Infant: 0-2 years, Toddler/Pre-school child: 2-7 years and Children: 7-12 years.

“Street People”: means people, who for any reason use the outdoors as a place of abode for a lengthy period of time. Cognisance is taken of the fact that the definitions of ‘child’, ‘youth’ and ‘adult’ for legal purposes are contained within the Criminal Procedures Act and the justice system. The term, ‘street’ includes all areas open spaces and river banks.

“Street People Database”: means the comprehensive collection of confidential records of street people, itemising personal details, what services they have already accessed ,how frequently, what services they still need to access and the length of time they have lived on the streets.

“Street Youth”: means a person over the age of 12 years and under the age of 18 years who for any reason finds him/herself living on the street.

“Substance Abuse Counselling”: specialised service providing therapeutic programmes for people who are addicted to alcohol or other substances as well as the affected family.

3. Problem Statement

3.1. According to the March 2015 Human Science Research Council's review, we cannot understand homelessness by only focusing on the concept of home or shelter. It is important that we also consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socioeconomic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness.

3.2. Homelessness is not unique to Stellenbosch or South Africa for that matter. Street people exist in cities around the world. A study in 2010 suggested that there are between 100 000 to 200 000 street people in South Africa's urban and rural districts. According to the statistics of a local Stellenbosch organization working with people living on the street it is estimated that on any given day 150 people will find themselves on the streets of Stellenbosch eCentral near transport hubs where economic opportunities exist. These statistics does not include the other communities within the municipal area. (Franschhoek, Klapmuts and others).

Comment [M7]: Confirm accuracy

3.3. Living on the street makes street people more vulnerable to abuse and live with the problems of illiteracy, substance abuse, hunger and malnutrition, inadequate shelter, sexual exploitation, criminal abuse, physical and mental health problems.

3.4. Many people on the streets of Stellenbosch town are not living on the street, but have taken to begging on the street as an easy way of accessing money. Some are from local communities and others travel daily from surrounding areas like Kuilsrivier as Stellenbosch is perceived as a place where students and tourists are easy targets for begging.

3-3-3.5. A further worrying component is persons with criminal intent who operate under the guise of homelessness in order to plan and execute criminal activities.

3-4-3.6. The behaviour of people living on the street negatively impacts on both service delivery to residents and costs to the administration of The Greater Stellenbosch. The Stellenbosch Municipality by-law relating to Streets, Public Places and the Prevention of Noise Nuisances regulates this anti-social behaviour in public spaces. Violations of the by-law by street people acts to overburden law enforcement agencies. The current bylaw is seen as unconstitutional as it criminalizes poverty.

3-5-3.7. The issues facing street people are complex and multi-faceted. The most obvious responses to the existence of street people, such as providing money and "hand outs" directly to street people, often exacerbate the problem. This is especially apt for Stellenbosch with a large student and tourist population.

4. Declaration

Stellenbosch Municipality will seek to develop programmes and projects that would enable relevant municipal service departments and civil society institutions to adequately manage the men, women and children that live on the streets of the municipality.

It is our declared endeavour to employ a holistic, developmental and integrated approach in the programmes and projects directed at Street People.

Stellenbosch Municipality therefore supports the following:

- It is the right of the Street People of Stellenbosch to live with dignity and to be granted the opportunity to develop to their full potential.
- It is the right of residents of Drakenstein to live and work in their communities without being subjected to socially unacceptable behaviour such as harassment or criminal activity.
- Stellenbosch Municipality will ensure that service departments of the municipality deal with Street People in a responsible and dignified manner in order to gain their trust and respect.
- Stellenbosch Municipality will promote collective networking and cooperation between role-players and stakeholders involved in working with street people.
- Stellenbosch Municipality believes that a cash economy with easy access to money on the streets combined with low educational levels perpetuates the unwillingness/inability to obtain or keep meaningful employment and thus subscribe to a give responsibly campaign through which immediate social relief can be obtained.

5. Purpose and Focus

5.1. The purpose of this policy is to manage Street People in the Stellenbosch Municipal area as part of an integrated and holistic approach to community development.

5.2. The central focus of this policy document is to define how Stellenbosch Municipality can play a meaningful, enabling, collaborative and facilitating role in managing the social and economic challenges linked to the phenomenon of Street People in the Greater Stellenbosch

4.6. Desired Outcomes

- 6.1. This Policy seeks to articulate the Stellenbosch Municipality's ~~role in processes to identify~~ and providing street people with the necessary developmental assistance to access accommodation, health services, skill-development services, employment, social grants and aid in facilitating the reintegration or reunification of street people into families, community and society.
- 6.2. The Policy clarifies the roles and responsibilities of role-players in Stellenbosch Municipality as well as external NGOs and service providers working for or on the Municipality's behalf.
- 6.3. The Policy provides for the establishment and support of a ~~Local Network of Care service providers~~ to assist with the ~~reunification of street people with their families and communities~~ implementation of this policy.

5.7. **Policy and Strategic Intent**

This policy aligns with a number of overarching strategy documents that inform the Municipality's priorities as well as specific municipal policy documents-

- 7.1. Integrated Development Plan
 - 7.1.1. The Integrated Development Plan (IDP) is the Municipality's overarching framework strategy that shapes the policies, programmes and budget priorities of the administration for the next five years. The Street People Policy is aligned with IDP's Strategic Focus Area aimed at achieving 'Dignified Living'.
 - 7.1.2. Street people are a particularly vulnerable group and thus require a concerted effort to ensure they are recognised as part of the community we serve and thus included in the services we plan for.

- 7.2. Municipal Community Development Strategy
 - 7.2.1. The Municipal Community Development Strategy is an approved plan of Stellenbosch focussing on the needs of vulnerable persons and communities. It consists of 6 goals, one of which is goal 2 focuses on "to facilitate and coordinate the development and sustainment of networks and partnerships". These networks and partnerships are aimed at addressing the needs of vulnerable persons within our communities.

- 7.3. Social Development Strategy Stellenbosch ECD (Early Childhood Development) Policy
 - 7.3.1. Section three of the policy identify the results of not being able to access ECD facilities as among others, stunting, poor school performance and poverty. All of which contributes to persons being vulnerable, struggling to find meaningful employment and susceptible to disease, substance abuse and involvement in criminal activities. Factors that can be attributed to people landing up on the streets.
 - 5.1.1. ~~The Social Development Strategy (SDS) identifies street people as a particularly "vulnerable group that requires assistance to achieve reintegration into communities and access to employment opportunities".~~
 - 5.1.2. ~~The third objective of the SDS is "support the most vulnerable through enhancing access to infrastructure and social services". The key tenants of this strategy are incorporated into the street people policy.~~
 - 5.1.3. ~~The fifth objective in the SDS relates to mobilising resources for social development which is a key aspect of the "Give Responsibly Campaign".~~
 - 5.1.4. ~~SDS also focuses on sustainability, fully utilising municipal resources and assets, using research and evidence to inform programmes and partnerships and collaboration for social development.~~

- 7.4. Stellenbosch Municipal Grant in Aid (GiA) Policy
 - 7.4.1. Section 6.2.6 makes provision for financial support through the GiA policy to organisations who provide a comprehensive response to the prevention, reduction, outreach and stabilisation of street people. Organisations or bodies that provide a continuum of services and that collaborate with businesses, government departments and other organisations are preferred. Street people programmes listed in Category A shall fall under this category if provision is made for overnight stay. Projects/programmes must include the following but are not limited to:

- (i) Provision of basic services (overnight facility, shower, morning and evening meals
- (ii) Provision of social work services inclusive of referrals
- (iii) Family re-integration services
- (iv) Social support
- (v) Community work programme
- (vi) Facility maintenance (Infrastructure and operational equipment)

6.8. Policy Parameters

- 6.1. The policy affects all street people living in the Stellenbosch Municipality municipal area.
- 6.2. This policy aims to provide a municipal wide collaboration between the municipality and external role players on the way in which all parties will approach and manage street people within WC024.
- 6.3. This policy does not apply to street children. The Street People Programme will collaborate with the Early Childhood Development programme and Provincial Government of the Western Cape, to deal with street children as it is necessary. This collaboration is guided by the Children's Act, Act 38 of 2005.

6.4. The policy has transversal implications as its provisions apply to projects and programmes run by the Community and Protection Directorate, Local Economic Development Department (CWP Unit), Parks, Sport and Recreation Section and Solid Waste Department.

6.4-6.5. This policy shall guide the work of NGOs or CBOs conducting projects on behalf of, or in partnership with the Stellenbosch Municipality.

7.9. Role players and stakeholders

- 9.1. The Community Development Section, Community and Protection Services Directorate
 - 9.1.1. The Community Development Section (CD) will be the main champion of the implementation of this policy.
 - 9.1.2. CD will work with Provincial Health Department and NGO's to develop a referral network for street people that have mental or physical health problems.
 - 9.1.3. CD will work with CWP Unit to facilitate access to temporary job creation opportunities for street people in collaboration with local service providers.
 - 9.1.4. CD shall facilitate partnerships with role-players in the sector.
 - 9.1.5. CD shall lead and facilitate internal partnership to provide holistic, integrated services to street people.
- 9.2. Protection Services Department, Community and Protection Services Directorate
 - 9.2.1. The Law Enforcement & Security Section works with CD to address anti-social behaviour as and when it is seen in street people. They will also collaborate with the SSI in this matter.
 - 9.2.2. Law Enforcement & Security Section is responsible for by-law enforcement.
- 9.3. Other Relevant Stakeholders: ~~The following stakeholders will be consulted on matters pertaining to street people, they~~ include inter alia:

Internal Stakeholders

- 9.3.1. Finance Directorate
- 9.3.2. Human Settlements Directorate
- 9.3.3. CWP Unit
- 9.3.4. Tourism Unit
- 9.3.5. Communications Department
- 9.3.6. Portfolio Councillor, Ward Councillors and committees

External Stakeholders:

- 9.3.7. NGOs
- 9.3.8. CBOs
- 9.3.9. Provincial Department of Social Development
- 9.3.10. Provincial Department of Health
- 9.3.11. South African Police Services
- 9.3.12. Faith-Based Organizations
- 9.3.13. Tertiary or research institutions
- 9.3.14. Donors
- 9.3.15. Tourism bodies
- ~~9.3.15-9.3.16.~~ Media

8-10. Regulatory context10.1. The United Nations Convention on the Rights of Persons with Disability

10.1.1. States parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.

10.2. The Constitution of the Republic of South Africa, Act No 108 of 1996

10.2.1. Chapter 2 of the Constitution, the Bill of Rights, “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedoms human rights for everyone in South Africa”. This is particularly important for street people who are extremely vulnerable to abuse.

10.3. The Social Assistance Act, Act No. 59 of 1992 as amended 2008.

10.3.1. The Social Assistance Act makes provision for access to government social assistance services through the South African Social Security Agency (SASSA).

10.3.2. This Act applies to adults living and working in the street in the sense that it makes provision for the processes to access old age pension, disability and/- or other grants.

10.4. The Promotion of Equality and Prevention of Unfair Discrimination Act, Act No 4 of 2000

~~10.4.2-~~10.4.1. Chapter 5 Section 28 makes it very clear that all entities delivering services to members of public must adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability. This has reference not only to attitude and behaviour, but also on physical accessibility and non-discrimination.

10.5. Stellenbosch Municipal By-law relating to Streets, Public Places and the Preventative of Noise Nuisances, ...

Comment [M8]: Approved bylaw?

- 10.5.1. The Municipal Streets, Public Places and Public Nuisance by-law makes anti-social behaviour, drinking, urinating, defecating and sleeping in public places, noise nuisance, fires and aggressive begging an offence.

11. Policy Directives

Through a consultative process, the following was determined as the directive for a Stellenbosch Street People Policy:

GOAL: MAKE STELLENBOSCH STREETS SAFE	
Strategy 1: Education and Awareness	
Possible Actions	Role Players
<ul style="list-style-type: none"> • <u>Adopt the Give Responsibly Campaign</u> • <u>Clear Policies</u> • <u>Digital / Physical coupon system</u> • <u>Homeless fund</u> • <u>Job Network – where people can advertise for available work</u> • <u>Community education re the type of questions to ask if approached by person for money that would assist to develop a Stellenbosch profile</u> • <u>Clear information and education about available services at schools, churches, tourism offices, hospitality industry</u> • <u>Clarity on legal issues</u> • <u>Trained and informed Law Enforcement Officers</u> • <u>Updated database of available services and organisations available on municipal website and at tourism offices</u> 	
Strategy 2: Empowering people to be self-sufficient	
Possible Actions	Role Players
<ul style="list-style-type: none"> • <u>Homeless fund</u> • <u>Job Network – where people can advertise for available work</u> • <u>Community Works Programme</u> • <u>Effective screening of who wants to work</u> • <u>Database shared between organizations</u> • <u>Skills Training (Abet, gardening)</u> • <u>Lifeskills and job readiness training</u> • <u>Mentorship</u> 	
Strategy 3: Preserve Human Dignity	
Possible Actions	Role Players
<ul style="list-style-type: none"> • <u>Local Collaborative Network of people and organizations wanting to be involved</u> • <u>Clarity on Legal issues</u> • <u>Trained and informed officers</u> • <u>Adopt a street person</u> • <u>Database shared between organizations</u> • <u>Street Shelter</u> • <u>Night Shelter</u> • <u>Feeding programme</u> • <u>Foster Family support</u> 	

<ul style="list-style-type: none"> • <u>Showers and Facilities</u> • <u>Assesment Intake Centre</u> • <u>Referral of all children on the street to DSD and their partners</u> • <u>Referrals for specialised services for substance abuse and mental and physical health issues</u> • <u>Access to Social Work Services</u> • <u>Applications for admission to old age homes</u> • <u>Reward Programme that will allow access to ID documents and material resources</u> • <u>Family re-unification programme</u> 	
Strategy 4: Prevention	
Possible Actions	Role Players
<ul style="list-style-type: none"> • <u>Strengthening the ECD Programme</u> • <u>Holiday Programmes for children</u> • <u>Strengthening families</u> • <u>Single parent support groups</u> • <u>Accessible Social Services and access to SASSA grants</u> • <u>By-law enforcement</u> • <u></u> 	

~~9.1. Street People Identification~~

- ~~9.1.1. Street people may be identified by concerned residents and referred to the first point of call for assessment purposes.~~
- ~~9.1.2. Once a street child, adult, person is referred, a counsellor will meet with the identified person and facilitate his/her assessment.~~
- ~~9.1.3. A detailed case file shall be kept by the counsellor and shall be logged into the central street people database.~~
- ~~9.1.4. Should the street person be identified due to anti-social behaviour or a violation of the law or by laws or engaging in criminal behaviour, proceedings may be lodged against that person by the Law Enforcement & Security Section or South African Police Services.~~
- ~~9.1.5. If a street child is identified, the child will be taken to the assessment centre where the counsellor will refer the case to Provincial Department Social Development.~~

~~9.2. Street People Assessment~~

- ~~9.2.1. A street person may be referred to an assessment centre by a social worker, a fieldworker, social service professional, a shelter or another organisation, or may present themselves at the centre.~~
- ~~9.2.2. The assessment centre will conduct a case history and aid in the development of the street person's personal development plan.~~
- ~~9.2.3. Detection of mental health problems will be dealt with by the Social Worker in accordance to the Mental Health Act, Act No. 17 of 2002.~~
- ~~9.2.4. The case worker or other relevant professional shall assess street person's general physical health and referral will be made, if necessary, to appropriate health centres or nearest hospital.~~
- ~~9.2.5. The social worker or other relevant professional shall identify if there is a suspected substance abuse problem and referral by referral to appropriate health centres or nearest hospital.~~
- ~~9.2.6. The relevant professional shall conduct a job readiness assessment and if possible facilitate a temporary job placement through CWP.~~

~~9.2.7. The relevant professional will consult with the LNOC to facilitate reunification, if possible. If reunification is not possible, reintegrated into alternative community structures or independent living may be facilitated.~~

~~9.3. Temporary Accommodation~~

~~9.3.1. After 7.3.1. After the assessment process, the street person might be sent home or if the social worker needs more time for assessment, the person may be accommodated until his/her personal development plan is concluded.~~

~~9.3.2. Temporary emergency accommodation may also be allocated if the person is in need of accommodation.~~

~~9.3.3. Temporary emergency accommodation may also be granted if the street person appears to be in distress.~~

~~9.4. Secondary Accommodation~~

~~9.4.1. The Municipality shall only refer street people to shelters which comply with the norms and standards as prescribed by the Provincial Government and all other applicable legislation.~~

~~9.4.2. A social worker, social service professional, fieldworker or auxiliary social worker may refer a street person to a shelter for rehabilitation or a diversion programme following a decision by the community court.~~

~~9.5. Skills and Training Opportunities~~

~~9.5.1. CD will work with NGOs that assist street people through the provision of training and life skills training. This training must help the street person develop an appropriate skill or life skills which will enable the person to access job opportunities or facilitate reintegration.~~

~~9.6. Establishment of Local Networks of Care (LNOC)~~

~~9.6.1. CD shall establish Local Networks of Care (LNOC) comprising of relevant stakeholders such as NGOs, FBOs and CBOs in each community.~~

~~9.6.2. Those LNOC are required to meet regularly and should adopt a constitution within 60 days of establishment as set out in the guideline in Annexure B.~~

~~9.6.3. CD will provide on-going mentoring and support to develop the effectiveness of these forums.~~

~~9.6.4. LNOC are required to develop a plan to assist the Municipality with preventing migration onto the streets~~

~~9.6.5. LNOC 's are key players in reintegrating street people back into their communities or origin, they will be required to monitor street people and provide quarterly report on the status of the person in question.~~

~~9.7. Awareness Raising Activities~~

~~9.7.1. The Municipality shall run campaigns aimed at the general public and tourists to encourage them to donate to street people organizations in a responsible manner in collaboration with such organizations.~~

~~9.7.2. These campaigns shall discourage the donation of money directly to street people and rather encourage donations to shelters or organisations supporting street people.~~

~~9.7.3. CD will consider the expansion of its current campaign so that other organisations that are not directly related to the campaign may benefit.~~

12. Roles and Responsibilities

In order to achieve a holistic integrated approach to the management and care of people living on the streets of Stellenbosch, collaborative efforts are required from a variety of different role players and stakeholders. These include, but are not limited to:

Street People and Families:

- Accept responsibility for personal development.
- Actively participate in available programmes and services.
- Take responsibility to care for family members and participate in re-unification programmes
- Understand the principle of having to contribute towards access to social relief in some or other way

Stellenbosch Municipality:

- Utilize Grant in Aid funding in line with the applicable policy to fund a collaborative approach inclusive of network development and maintenance, and holistic programme implementation (social work services inclusive of an assessment centre, street people database development and maintenance, profiling of people on the street, empowerment and job creation programme, networking and collaboration of all programmes).
- Facilitating job creation through CWP
- Creating awareness of the issue and ensuring that the local communities are educated about the initiatives for Street People, so that donations and support are not given directly to Street People, but channelled to local service providers serving people on the street.
- Consistent enforcement of all by-laws
- Ensuring that all municipal staff are trained on the issue of street people in order to deal with the phenomenon in a dignified way
- Promote collective networking and cooperation between role-players and stakeholders involved in working with street people
- Ensuring that people who are found to exhibit anti-social behaviour or by-law transgressions are dealt with in terms of the prevailing municipal and SAPS sanctions
- Availing under-utilised municipal infrastructure to benefit collaborative street people programmes
- To agree on the respective roles of provincial and local government
- Encourage inter-departmental cooperation within provincial government

Service providers / Institutions:

- To facilitate job creation for persons living on the street
- To create and develop partnerships between NGO's, the private sector, the public sector and Local Government
- To actively support and facilitate training and education of all relevant staff members
- To work towards a municipal wide approach to addressing the issue and not just focus on individual mandates and agendas
- Establish a local network of service providers for accountability
- To not duplicate services

The Community and Society

- To raise awareness and promote education in the communities about the issues affecting street people including the effect of hand-outs
- To support existing structures and organisations delivering services to persons living on the streets

- To volunteer their time

Business and Tourism industry

- Encourage business to assist in development strategies
- Assist with the creation of a job network
- Establish funding partnerships around strategic interventions
- Promote Stellenbosch as a non-begging community

Faith based organisations and religious institutions

- Impact on spiritual dimension of street people
- Support service organisations
- Encourage members to volunteer
- Promote Stellenbosch as a non-begging community

Media

- Assist with education and awareness strategies in community

9.13. Implementation Programme

13.1. This programme will be implemented in collaboration with stakeholders. ~~Signed MOU's will be signed with NGOs between roleplayers will to~~ ensure the delivery of quality services.

10.14. Monitoring, Evaluation and Review

11.1. The policy will be reviewed and updated every two years or in light of evidence that indicates that this policy is not meeting the outcomes set out in section ~~twesix~~.

11.2. Street people forums, networks, structures and other affected parties may consult with CD on the efficacy of this policy and the extent to which it achieves its aims.

~~11.3. The compilation of annual implementation plans will specify details of targets to be reached in the short, medium and long term and evaluation tools will specify quantitative and qualitative indicators with time frames, which will assist in tracking progress on the achievement of policy objectives. The implementing role players will use these tools in their internal M&E process by providing regular reports on policy and programme performance.~~

11. Annexure

~~This policy should be read in conjunction with the following Annexures~~

- ~~A Street People implementation Plan~~
- ~~B LNOC Constitution~~
- ~~C Stellenbosch list of role players~~

ANNEXURE A

STREET PEOPLE PROCESS FLOW

1
REFERRALS CALL CENTRE
 Role to arrange bed space
 Referral to temporary Shelter
 Transport back home or to temporary shelter

2
FIELD WORKER
 To do outreach on the street

3
ASSESSMENT CENTRE
 Security
 Ablution
 Waiting Area
 Overnight Sleeping Area
 Feeding-Soup or Coffee
 Social Worker
 Social Auxiliary Worker
 Medical/First Aid
 Reception
 Tracking System
 Parking/Storage for Belonging

BACK HOME
 (Transport Needed)

4
TEMPORARY SHELTERS
 First Assessment
 PDP (including skills assessment)

PROGRAMME CONTENT
 Mental Health
 Physical Health
 Skills Development
 Life Skills
 Job Readiness
 Employment
 Substance Abuse

5
PREDICTABLE CONSTANT INCOME STREAM
 Employment (Work opportunity)
 State Grant

6
ACCOMMODATION OPTIONS
 2nd Phase Accommodation Home,
 Safe Space/Old Age Home
 LNOC

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ANNEXURE B

GUIDELINES OF THE LOCAL NETWORK OF CARE**1. Name**

- 1.1. The Organisation shall be known as the Local Network of Care (LNOC)

2. Description

- 2.1. The LNOC is a network of organisations consisting of care givers residing within a community who provide a network of support to: (a) assist in the prevention of the vulnerable and at-risk within the community from becoming street people and (b) to assist with the reintegration of street people back into the community.

3. Area of Operation

- 3.1. Each branch of the LNOC shall provide service delivery within the municipal area of Stellenbosch Municipality as stipulated by the organization's mandate.

4. Registration

- 4.1. Each LNOC shall be duly registered with the Department Community Section, Stellenbosch Municipality.

5. Aims and Objectives

- 5.1. The main aim of the organisation shall be to:
- 7.1.1. Engage in a forward looking partnership with Stellenbosch Municipality in order to systematically reduce the numbers of street people through the rendering of holistic programmes and services to vulnerable and "at-risk individuals" and reintegrating them.
 - 7.1.2. Identify "at risk" persons within the community and provide a network of preventative care.
 - 7.1.3. Provide a network of supportive care for persons seeking reintegration into the community.
 - 7.1.4. Facilitate such services as may be required to fulfil the above points. These may include:
 - 7.1.5. Substance abuse assessment and referrals
 - Drug-Free programmes for youth
 - Counselling for youth, families and the elderly
 - Mentoring and monitoring of reintegrated persons
 - Relapse services
 - Pre-school child care
 - After school care
 - Sports clubs and activities
 - Arts and culture programmes and activities
 - Feeding programmes
 - Care of the elderly
 - Life skills training
 - Entrepreneurial skills training
 - Sheltered work opportunities

- ~~7.1.6. Collaborate with Assessment Centres, Shelters and Rehabilitation Programmes in order to initiate or maintain the rehabilitation of community members;~~
- ~~7.1.1. Liaise with appropriate Social Development departments in order to ensure that optimum preventative and rehabilitative care is made available to those in need;~~
- ~~7.1.2. Institute or maintain organisational capacity building programmes for members, including:

 - ~~• Personal development services including mentoring and coaching geared towards outcomes based interventions;~~
 - ~~• Organisational competence assessments;~~
 - ~~• Networking and partnership building;~~
 - ~~• Good governance and legal compliance.~~~~

~~5.2. The secondary objectives of the organisation are to:~~

- ~~7.2.1. Develop community awareness and education with regard to destructive lifestyle behaviours;~~
- ~~7.2.2. Develop opportunities for personal growth and development;~~
- ~~7.2.3. Create improved lifestyle opportunities;~~
- ~~7.2.4. Create sustainable and outcome positive transformative engagements within the community;~~
- ~~7.2.5. Create a knowledge base for the provision of information and resources;~~
- ~~7.2.6. Create opportunities for economic sustainability and self-reliance.~~

~~5.3. Local Objectives~~

- ~~7.3.1. Each LNOG may further develop its aims and objectives to meet the specific needs of its community.~~

~~6. Guiding Principles~~

- ~~6.1. That no one will be discriminated against by reason of race, gender, religion, culture, sexual orientation or disability;~~
- ~~6.2. That the Organisation shall employ a broad decision making and consultative process among its members;~~
- ~~6.3. That the spirit of "Ubuntu" or "Togetherness" is employed and that the right of every individual to respect and dignity is acknowledged and upheld;~~
- ~~6.4. That the right of individuals to be economically active with their families within their community is acknowledged;~~
- ~~6.5. That the rights of the homeless (and those at risk of becoming homeless) should be protected while ensuring that they are subjected to the laws of the land and the bylaws of the municipality~~
- ~~6.6. That all programmes should be accessible and co-ordinated within a holistic framework of care;~~
- ~~6.7. That the services provided will promote interventionist prevention and a developmental approach through the active involvement of individuals, families and communities.~~

~~7.—Membership~~

~~7.1.—Members can join the LNOC as either an Associate Member or as an Ordinary Member. Associate membership is reserved for organisations or individuals who have recognised programmes that provide care for the community in terms of the Street People Policy of Stellenbosch Municipality. Ordinary Membership is for those individuals who wish to make a voluntary contribution towards the care of the community~~

~~7.2.—Associate Membership~~

~~7.2.1.—Anyone who is a member of a Non-Profit Organisation that renders programmes and services allied to the aims and objectives of the LNOC may apply for Associate Membership~~

~~7.2.2.—No more than two (2) members of an Organisation may become Associate Members. Any additional members of the Organisation who wish to join must apply to become Ordinary Members~~

~~7.2.3.—Individuals who are eligible for ordinary membership and who provide programmes and services approved by the Department of Social Development may apply for Associate Membership.~~

~~7.3.—Ordinary Membership~~

~~7.3.1.—Any natural or legal person eighteen (18) or older with an interest in social upliftment and community development and whose voluntary commitment is consistent with the values, vision and mission of the LNOC, is eligible to become an Ordinary Member of the LNOC~~

~~7.4.—Application for Membership~~

~~7.4.1.—Application for membership must be done according to the prescribed Registration Form of the LNOC and should be submitted to the LNOC for approval and acceptance.~~

~~7.5.—Membership will terminate when:~~

~~7.5.1.—The member or organisation has resigned in writing.~~

~~7.5.2.—The organisation or member has not been active for six (6) months or has missed three consecutive management committee meetings without a reasonable apology.~~

~~7.5.3.—The management committee has decided to terminate membership due to any action on behalf of the member that may have caused, or is likely to cause, damage to the good standing and reputation of the LNOC.~~

~~7.5.4.—A member is unable to serve due to an incapacitation of any nature which prevents the performance of duties within the LNOC.~~

~~8.—Meetings~~

~~8.1.—Management Meetings~~

~~8.1.1.—The management committee will meet monthly at a time, date and place to be mutually agreeable, but shall not take place less than ten (10) times per annum.~~

~~8.2.—General Meetings~~

~~8.2.1.—The management committee shall meet with ordinary members at a time, date and place to be determined by the committee, but shall not take place less than six (6) times per annum.~~

~~8.3. Annual General Meeting~~~~8.3.1. All members of the Organisation shall attend the annual General Meeting where:~~

- ~~• Members of the Management Committee will be elected for the next term of office.~~
- ~~• All members of the Organisation shall be entitled to vote at the Annual General Meeting.~~

~~8.4. Special General Meetings~~~~8.4.1. The Co-ordinator or 5 members of the Management Committee may call a Special General Meeting if necessitated.~~~~8.4.2. Notice of the meeting, together with an agenda of issues to be raised, is to be forwarded to the members of the management committee at least fourteen (14) days prior to the proposed date of the meeting.~~~~8.4.3. The Co-ordinator or the Management Committee is obliged to call a Special General Meeting should two thirds or more of the membership call for such a meeting.~~~~9. Affiliations and Partnerships~~~~9.1. The Organisation may enter into partnerships and affiliations with other organizations in neighbouring municipal areas after approval during an AGM and only with the approval of CD with which it is registered~~~~10. The Management Committee~~~~10.1. The Management Committee shall be elected annually at an annual general meeting of the LNOC. Office Bearers serve for one year but may be re-elected for a second term.~~~~10.2. The services, operations and activities of the LNOC shall be managed by the Management Committee.~~~~10.3. The Management Committee shall consist of not less than six members, namely:~~

- ~~• Co-ordinator~~
- ~~• Deputy Co-ordinator~~
- ~~• Capacitation Officer~~
- ~~• Service & Programme Officer~~
- ~~• Secretary~~
- ~~• Treasurer~~

~~10.4. In addition, up to four (4) additional members may be appointed.~~~~10.5. Only Associate Members are eligible to become office bearers. However, Ordinary Members may be co-opted onto sub-committees or be asked to act in an ex-officio capacity as appropriate to the aims and objectives of the LNOC.~~~~10.6. The Co-ordinator shall act as the chair for all Management Committee meetings. If the Coordinator is unable to attend, the Deputy Co-ordinator will act as chair. In the event that both are absent, the remaining members of the committee may elect one of their number to chair the meeting.~~

- ~~10.7. Decisions at the management meetings can only be made if a quorum of members is present, that being 50% plus 1 of members. Where possible, decisions shall be reached by consensus. If this is not possible the Management Committee will vote on the issue, motion or resolution and in the case of a tied vote the Co-ordinator shall have either a second, or deciding vote.~~
- ~~10.8. If a member does not attend three (3) consecutive meetings without having applied for and received a leave of absence from the committee, then a new member may be elected to fill the vacant position.~~
- ~~10.9. Minutes will be taken at every meeting to record the Management Committee's decisions. The minutes of each meeting are to be provided to Management Committee members within 7 days of the meeting being held. The minutes shall be confirmed at the next meeting of the Management Committee as a true record of proceedings and decisions taken and shall thereafter be signed by the Co-ordinator~~
- ~~10.10. Decisions taken at subcommittee meetings must be ratified by the Management Committee prior to their implementation.~~
- ~~10.11. All members of the LNOC are to abide by the decisions taken by the Management Committee.~~
- ~~10.12. Members of the Management Committee (including those co-opted) will not bear personal liability for the loss suffered by any person as a result of an act or omission which occurs in good faith while they are performing duties for or on behalf of the LNOC.~~

11. Duties of the Management Committee Members

The duties of the office bearers include:

- ~~11.1. Co-ordinator~~
- ~~11.1.1. To lead, guide, inform, align, motivate and support the members of the LNOC in the pursuance of its aims and objectives;~~
- ~~11.1.2. To help the LNOC clarify what it wants to achieve and why;~~
- ~~11.1.3. To help the LNOC to access its creativity and unlock its full potential;~~
- ~~11.1.4. To help the LNOC maintain a professional and ethical attitude;~~
- ~~11.1.5. To help the LNOC develop a collective resilience to set backs;~~
- ~~11.1.6. To help the LNOC monitor its progress and take the necessary action to achieve or maintain excellence in performance;~~
- ~~11.1.7. To inspire innovative solutions and high performance outcomes;~~
- ~~11.1.8. To provide the vision that binds the LNOC together in common purpose;~~
- ~~11.1.9. To ensure that members abide by the rules of the Constitution;~~
- ~~11.1.10. To ensure that all members complete their agreed tasks;~~
- ~~11.1.11. To ensure that meetings take place as required;~~
- ~~11.1.12. To prepare the annual report;~~
- ~~11.1.13. To chair the Annual General Meeting;~~
- ~~11.1.14. To scrutinize all financial records~~
- ~~11.1.15. To perform the duties that the LNOC expects of its Co-ordinator;~~
- ~~11.1.16. To Serve~~

11.2. Deputy Co-ordinator

- ~~11.2.1. To take over the Coordinator's role when he or she is not able to be present~~
- ~~11.2.2. To take on the duties and functions that may be passed on to him or her~~
- ~~11.2.3. To serve as an ex-officio member on sub-committees as requested~~

11.3. Capacitation Officer

- ~~11.3.1. To provide information and guidance to members in order to ensure that they have the requisite knowledge and skills to render a quality service.~~

11.4. Service & Programme Officer

- ~~11.4.1. To ensure that all services and programmes undertaken by the LNOC are:

 - ~~• Compliant with the requirements of the Stellenbosch Municipality Street People Policy;~~
 - ~~• Conform to agreed service standards;~~
 - ~~• Outcomes based with measurable results where possible.~~~~

11.5. Secretary

- ~~11.5.1. To keep proper records of all meetings;~~
- ~~11.5.2. To give appropriate notice of meetings;~~
- ~~11.5.3. To deal with correspondence;~~
- ~~11.5.4. To compile the agenda and prepare the venue for meetings;~~
- ~~11.5.5. To keep membership records up to date;~~
- ~~11.5.6. Prepare reports as required.~~

11.6. Treasurer

- ~~11.6.1. To maintain accurate records of any financial activity;~~
- ~~11.6.2. To prepare and monitor the budget;~~
- ~~11.6.3. To keep proper records of donations and donors;~~
- ~~11.6.4. To prepare and present financial reports as required.~~

12. Powers of the Management Committee

- ~~12.1. The legal person of the LNOC is embedded within the Management Committee~~
- ~~12.2. The Management Committee may take on the power and authority it deems necessary to achieve its aims and objectives. However, all activities must abide by the law in all respects.~~

13. Code of Conduct

- ~~13.1. The members of the LNOC agree to abide by a common Code of Conduct focused on minimum standards and adherence to ethical and transparent processes.~~
- ~~13.2. All members agree to:

 - ~~13.2.1. Adhere to the Constitution of the LNOC~~
 - ~~13.2.2. Strive to act in the best interests of the organisation;~~
 - ~~13.2.3. Attend all meetings well prepared and to follow the guidance of the Chair at such meetings;~~~~

- ~~13.2.4. Respect organisational, management and individual confidentiality;~~
- ~~13.2.5. Strive to uphold the integrity of the organisation;~~
- ~~13.2.6. Seek prior permission from the Management Committee before adopting a public position (i.e. in a speech or an article) relating to the LNOC;~~
- ~~13.2.7. Seek prior permission from Stellenbosch Municipality (GD) before adopting a public position on a matter allied to the Municipal Street People Policy;~~
- ~~13.2.8. Participate as much as possible in training, development and capacity building and mentorship activities;~~
- ~~13.2.9. Continually seek to improve operating and governance practices;~~
- ~~13.2.10. Commit to the time reasonably required to fulfil their role to the best of their ability;~~
- ~~13.2.11. Behave and communicate, at all times, in a manner that reflects the ethical and moral standards of the LNOC.~~

~~14. Amendments to the Constitution~~

- ~~14.1. The Constitution of the LNOC may be amended should two thirds of the members agree to such change at an Annual General Meeting or at a Special Meeting called by the Management Committee. The amended Constitution is to be ratified by the Community Development Section of Stellenbosch Municipality with which the LNOC is registered before it may be adopted by the Management Committee.~~
- ~~14.2. No change may be made to the Constitution which will affect the voluntary status of the LNOC or which detracts from the LNOC alliance with the Street People Policy of the Stellenbosch Municipality.~~

~~15. Dissolution~~

- ~~15.1. A motion to propose the dissolution of the LNOC is to be supported by at least two thirds of the membership at a Special General Meeting.~~
- ~~15.2. Any money or assets held by the LNOC at the time of dissolution and after all liabilities have been met, are to be passed to a similar organisation. The decision as to the receiving organisation is to be made in conjunction with the Manager Community Development subject to approval by Stellenbosch Municipal Council (or such person as the council may appoint).~~

~~16. Adoption of the Constitution~~

~~The constitution was approved and accepted by members of the duly constituted Management Committee of the _____ Local Network of Care at a meeting held on the _____ (date) at _____ (place).~~

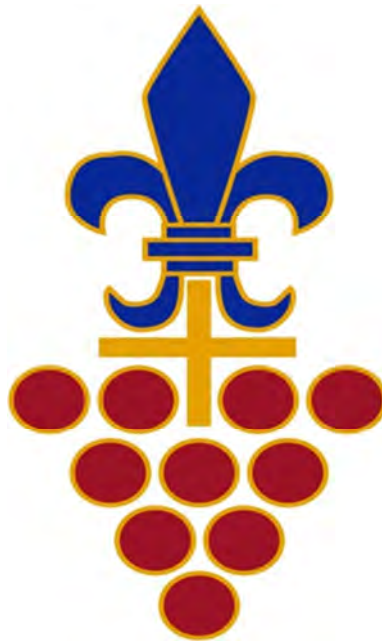
~~Coordinator _____ Secretary _____~~

~~Full name _____ Full Name _____~~

ANNEXURE C

STELLENBOSCH LIST OF ROLE PLAYERS			
SECTOR	ORGANIZATION	CONTACT DETAILS	AREA OF OPERATION
National	SAPS		
Provincial Government	Department of Social Development		
	Department of Health		
Local Government	Community Development Section		
	CWP Unit		
	Law Enforcement & Security		
	Finance		
	Human Settlements		
	Events		
	Tourism		
	Portfolio Councillor		
NGO's	Stellenbosch Night Shelter		
	Straatlig		
	Youth Empowerment Franschhoek		
	ACVV Stellenbosch		
	Child Welfare Stellenbosch		
	ACVV Franschhoek		
	Stellenbosch Feeding in Action Youth Outreach		
Tourism	Hesketh King Rehabilitation Centre		
	Franschhoek Tourism		
	Stellenbosch 360		
Tertiary Education	US		
Other	SSI		

APPENDIX 3



STELLENBOSCH MUNICIPALITY

STREET PEOPLE POLICY

Draft
10/26/2018

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In order to achieve a holistic integrated approach to the management and care of people living on the streets of Stellenbosch, collaborative efforts are required from a variety of different role players and stakeholders. These include, but are not limited to:

12.1. Street People and Families:	12
• Accept responsibility for personal development.....	12
• Actively participate in available programmes and services.....	12
• Take responsibility to care for family members and participate in re-unification programmes..	12
• Understand the principle of having to contribute towards access to social relief in some or other way	12
12.2. Stellenbosch Municipality:.....	12
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1. Abbreviations

CBO:	Community Based Organisation
CD:	Community Development Section
CDS :	Community Development Strategy
CWP:	Community Works Programme
ECD:	Early Childhood Development
FBO:	Faith Based Organisation
GiA:	Grant in Aid: Stellenbosch Municipal Annual Grant Programme
IDP:	Integrated Development Plan
M & E:	Monitoring and Evaluation
NGO:	Non-Governmental Organisation
SASSA:	South Africa Social Service Agency
SSI:	Stellenbosch Safety Initiative
WC024:	Stellenbosch Municipal Area

2. Definitions

“Assessment Centre”: means a facility which provides psycho-social assessment and development of a street person’s personal development plan, provides counselling and referrals, refers people to relevant services.

“Family”: means individuals who, either by contract or agreement chooses to live together and function as a unit in a social and economic system. The family is envisaged as the primary social unit, which ideally provides care, nurturing and socialisation for its members. It seeks to provide them with physical, economic, emotional, social, cultural and spiritual support.

“Life-skills Training”: means training in skills that enhance social, emotional, psychological and spiritual functioning, for example, assertiveness training or stress management.

“Mental Illness”: means mental illness as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)

“Prevention Programmes”: means developmental programmes for children, youth and adults and may be provided at schools, in households or at the community level.

“Shelter”: means a residential facility providing temporary accommodation, care, social work services and opportunities for education and training to self-referred people living on the streets. Shelters facilitate the process of social reintegration of street people.

“Social Services Professional”: includes probation officer, development worker, child and youth worker, auxiliary worker and social security worker who are registered as such in terms of the Social Service Profession Act, Act No. 110 of 1978.

“Social Worker”: means a person who is registered as a social worker in terms of the Social Services Profession Act, Act No. 110 of 1978.

“Street Adult”: means any person who is over the age of 12 years and older who, for any reason, finds themselves living and working on the streets. Street adults are further sub-divided as follows: Adult: 18 years - 55 year and Aged person: 60 years and over.

“Street Child”: means a child who because of abuse, neglect, poverty, community upheaval or any other reason, has left his or her home, family or community and lives, begs or works on the streets; or because of inadequate care, begs or works on the street but returns home at night. Street Children are further sub-divided as follow: Infant: 0-2 years, Toddler/Pre-school child: 2-7 years and Children: 7-12 years.

“Street People”: means people, who for any reason use the outdoors as a place of abode for a lengthy period of time. Cognisance is taken of the fact that the definitions of ‘child’, ‘youth’ and ‘adult’ for legal purposes are contained within the Criminal Procedures Act and the justice system. The term, ‘street’ includes all areas open spaces and river banks.

“Street People Database”: means the comprehensive collection of confidential records of street people, itemising personal details, what services they have already accessed ,how frequently, what services they still need to access and the length of time they have lived on the streets.

“Street Youth”: means a person over the age of 12 years and under the age of 18 years who for any reason finds him/herself living on the street.

3. Problem Statement

- 3.1. According to the March 2015 Human Science Research Council's review, we cannot understand homelessness by only focusing on the concept of home or shelter. It is important that we also consider the psycho-socio economic drivers and outcomes of homelessness. These include factors such as substance abuse, family dysfunction and conflict, mental and physical health issues, and criminal affiliation. Among others, socioeconomic factors include poverty, unemployment, and a lack of social security and housing. These factors may be both the drivers and outcomes of homelessness.
- 3.2. Homelessness is not unique to Stellenbosch or South Africa for that matter. Street people exist in cities around the world. A study in 2010 suggested that there are between 100 000 to 200 000 street people in South Africa's urban and rural districts. According to the statistics of a local Stellenbosch organization working with people living on the street it is estimated that on any given day 150 people will find themselves on the streets of Stellenbosch Central near transport hubs where economic opportunities exist. These statistics do not include the other communities within the municipal area. (Franschhoek, Klappmuts and others).
- 3.3. Living on the street makes street people more vulnerable to abuse and live with the problems of illiteracy, substance abuse, hunger and malnutrition, inadequate shelter, sexual exploitation, criminal abuse, physical and mental health problems.
- 3.4. Many people on the streets of Stellenbosch town are not living on the street, but have taken to begging on the street as an easy way of accessing money. Some are from local communities and others travel daily from surrounding areas like Kuilsrivier as Stellenbosch is perceived as a place where students and tourists are easy targets for begging.
- 3.5. A further worrying component is persons with criminal intent who operate under the guise of homelessness in order to plan and execute criminal activities.
- 3.6. The behaviour of people living on the street negatively impacts on both service delivery to residents and costs to the administration of The Greater Stellenbosch. The Stellenbosch Municipality by-law relating to Streets, Public Places and the Prevention of Noise Nuisances regulates this anti-social behaviour in public spaces. Violations of the by-law by street people acts to overburden law enforcement agencies. The current bylaw is seen as unconstitutional as it criminalizes poverty.
- 3.7. The issues facing street people are complex and multi-faceted. The most obvious responses to the existence of street people, such as providing money and "hand outs" directly to street people, often exacerbate the problem. This is especially apt for Stellenbosch with a large student and tourist population.

4. Purpose and Focus

- 4.1. The purpose of this policy is to manage Street People in the Stellenbosch Municipal area as part of an integrated and holistic approach to community development.
- 4.2. The central focus of this policy document is to define how Stellenbosch Municipality can play a *meaningful, enabling, collaborative and facilitating role* in managing the social and economic challenges linked to the phenomenon of Street People in the Greater Stellenbosch

5. Desired Outcomes

- 5.1. This Policy seeks to articulate the Stellenbosch Municipality's role in identifying and providing street people with the necessary developmental assistance to access accommodation, health services, skill-development services, employment, social grants and aid in facilitating the reintegration or reunification of street people into families, community and society.
- 5.2. The Policy clarifies the roles and responsibilities of role-players in Stellenbosch Municipality as well as external NGOs and service providers working for or on the Municipality's behalf.
- 5.3. The Policy provides for the establishment and support of a local network of service providers to assist with the implementation of this policy.

6. Declaration

Stellenbosch Municipality will seek to develop programmes and projects that would enable relevant municipal service departments and civil society institutions to adequately manage the men, women and children that live on the streets of the municipality. It is our declared endeavour to employ a holistic, developmental and integrated approach in the programmes and projects directed at Street People.

Stellenbosch Municipality therefore supports the following:

- 6.1. It is the right of the Street People of Stellenbosch to live with dignity and to be granted the opportunity to develop to their full potential.
- 6.2. It is the right of residents of Stellenbosch to live and work in their communities without being subjected to socially unacceptable behaviour such as harassment or criminal activity.
- 6.3. Stellenbosch Municipality will ensure that service departments of the municipality deal with Street People in a responsible and dignified manner in order to gain their trust and respect.
- 6.4. Stellenbosch Municipality will promote collective networking and cooperation between role-players and stakeholders involved in working with street people.
- 6.5. Stellenbosch Municipality believes that a cash economy with easy access to money on the streets combined with low educational levels perpetuates the unwillingness/inability to obtain or keep meaningful employment and thus subscribe to a give responsibly campaign through which immediate social relief can be obtained.

7. Policy and Strategic Intent

This policy aligns with a number of overarching strategy documents and policies that inform the Municipality's priorities.

7.1. Integrated Development Plan

7.1.1. The Integrated Development Plan (IDP) is the Municipality's overarching framework strategy that shapes the policies, programmes and budget priorities of the administration for the next five years. The Street People Policy is aligned with IDP's Strategic Focus Area aimed at achieving 'Dignified Living'.

7.1.2. Street people are a particularly vulnerable group and thus require a concerted effort to ensure they are recognised as part of the community we serve and thus included in the services we plan for.

7.2. Municipal Community Development Strategy

7.2.1. The Municipal Community Development Strategy is an approved plan of Stellenbosch focussing on the needs of vulnerable persons and communities. It consists of 6 goals, one of which is goal 2 focuses on "to facilitate and coordinate the development and sustainment of networks and partnerships". These networks and partnerships are aimed at addressing the needs of vulnerable persons within our communities.

7.3. Stellenbosch ECD (Early Childhood Development) Policy

7.3.1. Section three of the policy identify the results of not being able to access ECD facilities as among others, stunting, poor school performance and poverty. All of which contributes to persons being vulnerable, struggling to find meaningful employment and susceptible to disease, substance abuse and involvement in criminal activities. Factors that can be attributed to people landing up on the streets.

7.4. Stellenbosch Municipal Grant in Aid (GiA) Policy

7.4.1. Section 6.2.6 makes provision for financial support through the GiA policy to organisations that provide a comprehensive response to the prevention, reduction, outreach and stabilisation of street people. Organisations or bodies that provide a continuum of services and that collaborate with businesses, government departments and other organisations are preferred. Street people programmes listed in Category A shall fall under this category if provision is made for overnight stay.

Projects/programmes must include the following but are not limited to:

- (i) Provision of basic services (overnight facility, shower, morning and evening meals
- (ii) Provision of social work services inclusive of referrals
- (iii) Family re-integration services
- (iv) Social support
- (v) Community work programme
- (vi) Facility maintenance (Infrastructure and operational equipment)

8. Policy Parameters

- 8.1. The policy affects all street people living in the Stellenbosch Municipality municipal area.
- 8.2. This policy aims to provide a municipal wide collaboration between the municipality and external role players on the way in which all parties will approach and manage street people within WC024.
- 8.3. This policy does not apply to street children. The Street People Programme will collaborate with the Early Childhood Development programme and Provincial Government of the Western Cape, to deal with street children as it is necessary. This collaboration is guided by the Children's Act, Act 38 of 2005.
- 8.4. The policy has transversal implications as its provisions apply to projects and programmes run by the Community and Protection Directorate, Local Economic Development Department (CWP Unit), Parks, Sport and Recreation Section and Solid Waste Department.
- 8.5. This policy shall guide the work of NGOs or CBOs conducting projects on behalf of, or in partnership with the Stellenbosch Municipality.

9. Role players and stakeholders

- 9.1. The Community Development Section, Community and Protection Services Directorate
 - 9.1.1. The Community Development Section (CD) will be the main champion of the implementation of this policy.
 - 9.1.2. CD will work with Provincial Health Department and NGO's to develop a referral network for street people that have mental or physical health problems.
 - 9.1.3. CD will work with CWP Unit to facilitate access to temporary job creation opportunities for street people in collaboration with local service providers.
 - 9.1.4. CD shall facilitate partnerships with role-players in the sector.
 - 9.1.5. CD shall lead and facilitate internal partnership to provide holistic, integrated services to street people.
- 9.2. Protection Services Department, Community and Protection Services Directorate
 - 9.2.1. The Law Enforcement & Security Section works with CD to address anti-social behaviour as and when it is seen in street people. They will also collaborate with the SSI in this matter.
 - 9.2.2. Law Enforcement & Security Section is responsible for by-law enforcement.
- 9.3. Other Relevant Stakeholders include inter alia:
 - Internal Stakeholders
 - 9.3.1. Finance Directorate
 - 9.3.2. Human Settlements Directorate
 - 9.3.3. CWP Unit
 - 9.3.4. Tourism Unit
 - 9.3.5. Communications Department
 - 9.3.6. Portfolio Councillor, Ward Councillors and committees

External Stakeholders:

- 9.3.7. NGOs
- 9.3.8. CBOs
- 9.3.9. Provincial Department of Social Development
- 9.3.10. Provincial Department of Health
- 9.3.11. South African Police Services
- 9.3.12. Faith-Based Organizations
- 9.3.13. Tertiary or research institutions
- 9.3.14. Donors
- 9.3.15. Tourism bodies
- 9.3.16. Media

10. Regulatory context

- 10.1. The United Nations Convention on the Rights of Persons with Disability
 - 10.1.1. States parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.
- 10.2. The Constitution of the Republic of South Africa, Act No 108 of 1996
 - 10.2.1. Chapter 2 of the Constitution, the Bill of Rights, “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedoms human rights for everyone in South Africa”. This is particularly important for street people who are extremely vulnerable to abuse.
- 10.3. The Social Assistance Act, Act No. 59 of 1992 as amended 2008.
 - 10.3.1. The Social Assistance Act makes provision for access to government social assistance services through the South African Social Security Agency (SASSA).
 - 10.3.2. This Act applies to adults living and working in the street in the sense that it makes provision for the processes to access old age pension, disability and/or other grants.
- 10.4. The Promotion of Equality and Prevention of Unfair Discrimination Act, Act No 4 of 2000
 - 10.4.1. Chapter 5 Section 28 makes it very clear that all entities delivering services to members of public must adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability. This has reference not only to attitude and behaviour, but also on physical accessibility and non-discrimination.
- 10.5 Stellenbosch Municipal Street By-law (04/06/2010), Provincial Notice 6756 makes anti-social behaviour, drinking, urinating, defecating and sleeping in public places and begging among others an offence.

11. Policy Directives

Through a consultative process, the following was determined as the directive for a Stellenbosch Street People Policy:

GOAL: MAKE STELLENBOSCH STREETS SAFE	
Strategy 1: Education and Awareness	
Possible Actions	Role Players
<ol style="list-style-type: none"> 1. Adopt the Give Responsibly Campaign 2. Clear Policies 3. Digital / Physical coupon system 4. Homeless fund 5. Job Network – where people can advertise for available work 6. Community education re the type of questions to ask if approached by person for money that would assist to develop a Stellenbosch profile 7. Clear information and education about available services at schools, churches, tourism offices, hospitality industry 8. Clarity on legal issues 9. Trained and informed Law Enforcement Officers 10. Updated database of available services and organisations available on municipal website and at tourism offices 	
Strategy 2: Empowering people to be self-sufficient	
Possible Actions	Role Players
<ol style="list-style-type: none"> 1. Homeless fund 2. Job Network – where people can advertise for available work 3. Community Works Programme 4. Effective screening of who wants to work 5. Database shared between organizations 6. Skills Training (Abet, gardening) 7. Lifeskills and job readiness training 8. Mentorship 	
Strategy 3: Preserve Human Dignity	
Possible Actions	Role Players
<ol style="list-style-type: none"> 1. Local Collaborative Network of people and organizations wanting to be involved 2. Clarity on Legal issues 3. Trained and informed officers 4. Adopt a street person 5. Database shared between organizations 6. Street Shelter 7. Night Shelter 8. Feeding programme 9. Foster Family support 10. Showers and Facilities 11. Assessment Intake Centre 12. Referral of all children on the street to DSD and their partners 13. Referrals for specialised services for substance abuse and mental and physical health issues 	

14.	Access to Social Work Services	
15.	Applications for admission to old age homes	
16.	Reward Programme that will allow access to ID documents and material resources	
17.	Family re-unification programme	
Strategy 4: Prevention		
Possible Actions		Role Players
1.	Strengthening the ECD Programme	
2.	Holiday Programmes for children	
3.	Strengthening families	
4.	Single parent support groups	
5.	Accessible Social Services and access to SASSA grants	
6.	By-law enforcement	

12. Roles and Responsibilities

In order to achieve a holistic integrated approach to the management and care of people living on the streets of Stellenbosch, collaborative efforts are required from a variety of different role players and stakeholders. These include, but are not limited to:

12.1. Street People and Families:

- Accept responsibility for personal development.
- Actively participate in available programmes and services.
- Take responsibility to care for family members and participate in re-unification programmes
- Understand the principle of having to contribute towards access to social relief in some or other way

12.2. Stellenbosch Municipality:

- Utilize Grant in Aid funding in line with the applicable policy to fund a collaborative approach inclusive of network development and maintenance, and holistic programme implementation (social work services inclusive of an assessment centre, street people database development and maintenance, profiling of people on the street, empowerment and job creation programme, networking and collaboration of all programmes).
- Facilitating job creation through CWP
- Creating awareness of the issue and ensuring that the local communities are educated about the initiatives for Street People, so that donations and support are not given directly to Street People, but channelled to local service providers serving people on the street.
- Consistent enforcement of all by-laws
- Ensuring that all municipal staff are trained on the issue of street people in order to deal with the phenomenon in a dignified way
- Promote collective networking and cooperation between role-players and stakeholders involved in working with street people
- Ensuring that people who are found to exhibit anti-social behaviour or by-law transgressions are dealt with in terms of the prevailing municipal and SAPS sanctions
- Availing under-utilised municipal infrastructure to benefit collaborative street people programmes
- To agree on the respective roles of provincial and local government
- Encourage inter-departmental cooperation within provincial government

- 12.3. Service providers / Institutions:
- To facilitate job creation for persons living on the street
 - To create and develop partnerships between NGO's, the private sector, the public sector and Local Government
 - To actively support and facilitate training and education of all relevant staff members
 - To work towards a municipal wide approach to addressing the issue and not just focus on individual mandates and agendas
 - Establish a local network of service providers for accountability
 - To not duplicate services
- 12.4. The Community and Society
- To raise awareness and promote education in the communities about the issues affecting street people including the effect of hand-outs
 - To support existing structures and organisations delivering services to persons living on the streets
 - To volunteer their time
- 12.5. Business and Tourism industry
- Encourage business to assist in development strategies
 - Assist with the creation of a job network
 - Establish funding partnerships around strategic interventions
 - Promote Stellenbosch as a non-begging community
- 12.6. Faith based organisations and religious institutions
- Impact on spiritual dimension of street people
 - Support service organisations
 - Encourage members to volunteer
 - Promote Stellenbosch as a non-begging community
- 12.7. Media
- Assist with education and awareness strategies in community

13. Policy Review

- 13.1. The policy will be reviewed and updated every two years or in light of evidence that indicates that this policy is not meeting the outcomes set out in section six.
- 13.2. Street people forums, networks, structures and other affected parties may consult with CD on the efficacy of this policy and the extent to which it achieves its aims.

7.1.4	ALIGNMENT OF INSIGNIA OF LAW ENFORCEMENT RANKS
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Collaborator No:	617136
IDP KPA Ref No:	Safest Valley
Meeting Date:	24 April 2019
File Plan:	8/1/4/2/3

1. SUBJECT: ALIGNMENT OF INSIGNIA OF LAW ENFORCEMENT RANKS**2. PURPOSE**

To submit the alignment of insignia of Law Enforcement ranks to Council for adoption.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The current rank insignia of Law Enforcement is not in line with the other municipalities in South Africa. The rank insignia of Law Enforcement need to be aligned with the rest of the municipalities across the country. The new rank insignia is in line with the directive of the Institute of Municipal Public Safety of South Africa (IMPS-SA).

The alignment of the rank insignia will not impact on the approved organisational structure of Council, neither will it promote any staff member within the Law Enforcement fraternity or have any financial impact insofar as it concerns the salary of T-levels of staff.

The alignment of the rank insignia will bring uniformity amongst law enforcement officers throughout the country which in effect means from an Inspector to the Chief; Law Enforcement the insignia will be the same in each Law Enforcement Department irrespective of the municipality this will also boost staff morale and influence staff positively.

5. RECOMMENDATION

that Council adopts the alignment of the new rank insignia for Law Enforcement.

6. DISCUSSION / CONTENTS**6.1 BACKGROUND**

The new rank insignia is attached as **ANNEXURE A**.

6.2 DISCUSSION

The new rank insignia has been implemented at other municipalities some time ago while the department felt it prudent to first inform Council of the proposed rank insignia changes and have it adopted before implementing it.

6.3 Financial Implications

There are no financial implications except for the procurement of the new insignia, which provision has been made on the operational budget.

6.4 Legal Implications

None

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**

No comments required.

6.8.2 Director: Planning and Economic Development

No comments required.

6.8.3 Director: Community and Protection Services

Supports the item.

6.8.4 Director: Corporate Services

Recommendations are supported provided that proper communication takes place with staff and the impact is clearly explained that implementation does not mean increase in salaries or promotions.

6.8.5 Chief Financial Officer

No comments received.

6.8.6 Municipal Manager

Supports the item.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.4

that Council adopts the alignment of the new rank insignia for Law Enforcement.

ANNEXURES

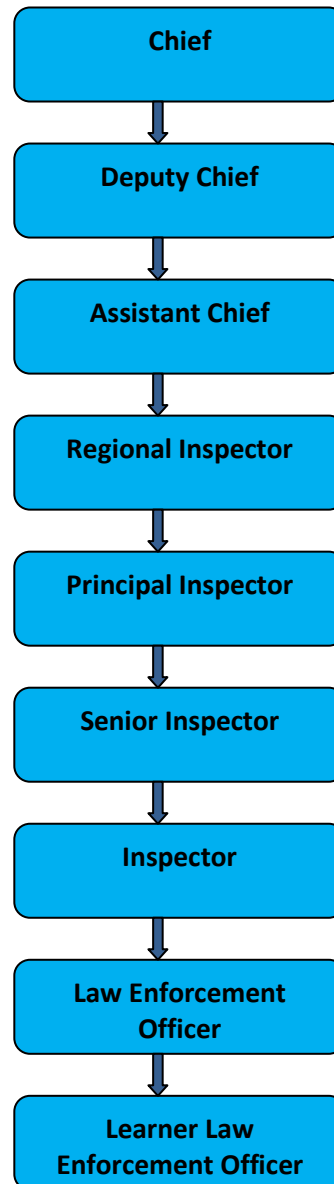
Annexure A: The new rank insignia for Law Enforcement officers.

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	ALBERT VAN DER MERWE
<i>POSITION</i>	<i>ACTING DIRECTOR COMMUNITY & PROTECTION SERVICES</i>
<i>DIRECTORATE</i>	<i>COMMUNITY & PROTECTION SERVICES</i>
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<i>REPORT DATE</i>	<i>10 October 2018</i>

ANNEXURE A

Rank Structure of Law Enforcement



Rank Structure of Law Enforcement

Regional
Inspector



Assistant
Chief



Deputy Chief



Chief



Rank Structure of Law Enforcement

LEO – 1.2.3

Inspector

Senior Inspector

Principal
Inspector



7.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
7.2.1	POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

24 April 2019

1. SUBJECT: POSSIBLE DISPOSAL OF A PORTION OF ERF 23, FRANSCHHOEK TO THE FRANSCHHOEK METHODIST CHURCH

2. PURPOSE

To consider an application from the Franschhoek Methodist Church for the acquisition of a portion of erf 23, Franschhoek.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

The Franschhoek Methodist Church is leasing a portion of erf 23, Franschhoek from Stellenbosch Municipality since 1995. The lease will expire in 2020, where after they will have an option of renewal for a further period of up to ten (10) years on terms and conditions to be mutually agreed upon between the parties.

They have applied to purchase the land from the Municipality at 10% of the market value. The new Property Management Policy allow for direct negotiations subject to a public participation process and further allows a disposal of between 10 and 60% of the market value for inter alia church institutions. The Policy also allow for disposal at a discounted rate in specific circumstances. Council must, however first make an in principle determination, i.e. whether it supports the disposal of the property or not.

The property has been developed by the church, at their cost. The improvements consist of the following buildings:

- Church building: $\pm 175\text{m}^2$
 - Crèche/ ECD Centre: $\pm 260\text{m}^2$
- Total** : $\pm 435\text{m}^2$

The church also developed a parking area which is fenced in. This area has been excluded from the area recommended for disposal off to the church.

Should Council approve the recommendations, the Sales Agreement should provide for:

- Use right of the parking area by the church, but also available to the broader public; and
- Right of access from Bagatelle street.

There is a 50m building restriction applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

5. RECOMMENDATIONS

- (a) that the portion of erf 23, Franschoek, as land indicated in Fig 3, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that Council, **in principle**, approve the disposal of land to the Franschoek Methodist Church without following a public tender process, and subject to the following conditions:
 - i) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;
 - 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;
 - iii) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschoek, to allow for a separate unit to be transferred;
 - iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;
 - v) that the church be allowed to use the parking area to the west of the site be that it not be exclusive use i.e. that the public also be allowed to use the parking area; and
 - vi) that a right of access from Bagatelle Street be registered in favour of the church.
- (c) that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and
- (d) that following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not.

6. DISCUSSION / CONTENT

6.1 Background

6.1.1 Lease Agreements

On 29 November 1995 Franschoek Municipality and the Methodist Church of Southern Africa, Franschoek concluded a 25 year Lease Agreement, in terms where the church would be able to use a portion of erf 23, Franschoek, measuring approximately 3386m² in extent, for erecting a church building. A copy of the Lease Agreement is attached as **APPENDIX 1**.

In terms of clause 24 of the agreement the Lessee would be granted **first right of refusal to purchase** the property, should the municipality decide to sell the property.

Further, in terms of clause 25 of the agreement the Lessee shall have the option to renew the Lease Agreement for a further period of up to ten (10) years on the terms and conditions to be mutually agreed upon between the parties.

6.1.2 Application to purchase leased property

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the Franschoek Methodist Church, requesting to purchase the lease area from the Municipality at 10% of market value.

6.2 Discussion

6.2.1 The property

The portion of land, being a portion of Remainder erf 23, Franschoek, measuring approximately 2086m² in extent, is situated at the corner of Bagatelle Street and Lamprecht Street, Franschoek, 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 and is zoned for Institutional use.

The property has been developed by the church, at their cost. The improvements consist of the following buildings:

- Church building: $\pm 175\text{m}^2$
 - Crèche/ ECD Centre: $\pm 260\text{m}^2$
- Total** : $\pm 435\text{m}^2$

The church also developed a parking area which is fenced in. This area has been excluded from the area recommended for disposal off to the church. Should Council approve the recommendations, the Sales Agreement should provide for:

- Use right of the parking area by the church, but also available to the broader public; and
- Right of access from Bagatelle street.

There is a 50m building restriction is applicable, measured from the middle of Lamprecht Street (Northern boundary of site) which would not allow the church to develop on that area.

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 approved **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 transfer 16, **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 Worshipers 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.

In terms of the policy the Municipality **reserves the right to entertain unsolicited proposals 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.

Taking into account the period that the church is leasing the property, but also taking into account their capital investment over the period, it is recommended that the property be disposed of at 30% of market value, also taking into account that this is not a poor congregation, but also taking into account the public interest.

6.3 **Financial Implications**

There are no financial implications except for the income (purchase price) to be derived from the sale of the asset. All cost associated with the transfer will be for the account of the church. The value of the property still needs to be determined through a valuation process.

6.4 **Legal Implications**

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

6.5 **Staff Implications**

No additional staff implications

6.6 **Previous / Relevant Council Resolutions**

None

6.7 **Risk Implications**

This report addresses the risk implications for the Municipality.

6.8 **Comments from Senior Management**

6.8.1 **Director: Infrastructure Services**

There are municipal services (water main and sewer main) running over proposed portion of Erf 23, Franschhoek.

A servitude must be registered by the Methodist Church in favour of the Municipality for the services encroaching on the property.

The fees applicable to the registration of the servitude is to the account of the Methodist Church.

The width of the registered servitude must be a minimum of 3 m or twice the depth of the pipe (measured to invert of pipe), whichever is the highest value.

These services must at all times be accessible for maintenance purposes.

No structure will be allowed over or within 1.5 m of any services.

Should any future building upgrades be considered for Erf 23, building plans must be submitted on which further comment will follow.

6.8.2 Director: Planning and Economic Development

None received.

6.8.3 Chief Financial Officer

None received.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.1

- (a) that the portion of erf 23, excluding the parking area, Franschoek, as land indicated in Fig 3, be identified as land not needed to provide the minimum level of basic municipal services;
- (b) that Council, **in principle**, approve the disposal of land to the Franschoek Methodist Church without following a public tender process, and subject to the following conditions:
 - i) that the **purchase price** be determined at **30% of market value**, the market value to be determined by two (2) independent valuers;
 - 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;
 - iii) that the church be responsible for the **sub-division** and rezoning of erf 23, Franschoek, to allow for a separate unit to be transferred;
 - iv) that a servitude be registered in favour of the Municipality regarding all municipal services crossing the property;
 - v) that a right of access from Bagatelle Street be registered in favour of the church.
- (c) that Council's intention to dispose of the property under the provisions set out above, be advertised for **public inputs/objections/alternative proposals** as provided for in par 9.2.2.1 of the Property Management Policy; and
- (d) that, following the public participation process, the matter be submitted to Council to make a final decision on the disposal, or not.

ANNEXURES:Annexure A: **Lease Agreement**Annexure B: **Application to purchase****FOR FURTHER DETAILS CONTACT:**

NAME	Piet Smit
POSITION	<i>Manager: Property Management</i>
DIRECTORATE	<i>Corporate services</i>
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	Piet.smit@ Stellenbosch.gov.za
REPORT DATE	2018-07-30

ANNEXURE A

12-Sep-2003 11:52

From-STELLENBOSCH-PLAN/DEVELOPMENT

+027218088313

T-870 P.002/008 F-060

Methodist Church

MEMORANDUM OF AGREEMENT OF LEASEFranschhoek
29/11/1995

Entered into between

THE MUNICIPALITY FOR THE AREA OF FRANSCHHOEK,
herein represented by MEYER SIEBRITS in his capacity as Town Clerk and
as such acting on behalf of the Council of the said Municipality
(hereinafter called the Lessor)

and

THE METHODIST CHURCH OF SOUTHERN AFRICA, FRANSCHHOEK

herein represented by WINSTON MONDE SANQELA

in his capacity as SUPERINTENDENT ^{MINISTER} and as such acting on
behalf of the said Methodist Church of Southern Africa, Franschhoek

(hereinafter called the Lessee)

WHEREAS the Lessee has applied to the Lessor for the lease of a piece
of land (hereinafter called the premises) known as a portion of Erf
23 Franschhoek and more fully indicated on the diagram annexed hereto
marked annexure "A" for the purpose of erecting certain buildings
thereon;

AND WHEREAS the Lessor has agreed to lease the said premises to the
Lessee;

NOW THEREFORE the parties agree as follows:

In terms of the authority granted to the Lessor in terms of the Cape
Municipal Ordinance, No. 20 of 1974, as amended, the Lessor herewith
leases to the Lessee the premises subject to the following terms and
conditions:

1. The lease will be for a period of 25 (twenty five) years
calculated from 1st September 1995 or soonest.
2. The Lessee shall pay to the Lessor a rental of R240 per year,
which rental will be payable in advance on the first day of this
lease and thereafter on the first day of every successive year,
payable at the offices of the Town Treasurer. The rental will
increase annually from the second year by (10%) which escalation
will be calculated on a compound basis.

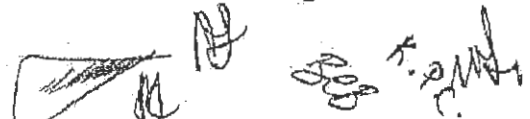
12-Sep-2003 11:52

From-STELLENBOSCH-PLAN/DEVELOPMENT

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T-970 P.003/009 F-069

3. Notwithstanding anything else contained herein, this lease will be subject to all the escalations of the Cape Municipal Ordinance, No. 20 of 1974, as amended.
4. This lease will further be subject to all servitudes and conditions if any, presently effective on the premises.
5. The premises and any buildings or other structures presently thereon or which may be erected in the future, shall only be used for religious purposes or any such purposes as the Council may determine from time to time. The Council will have the right to determine the use of the premises, buildings and structures for such period and for such purposes as it may deem necessary.
6. The Lessee must fence the premises with a wire fencing and to such an extent as the Lessor may deem necessary.
7. The Lessee shall not be entitled to sub-lease or cede this agreement or any part thereof without obtaining the Lessor's prior written consent thereto.
8. The Lessee shall not erect any buildings, or effect any improvements or alterations or additions to any building or structure that is presently in existence or will be erected in future in terms of this agreement without the prior written consent of the Lessor. The Lessee shall only have access to the premises along such routes and/or entrances or at such points as may be agreed to in writing between the parties.
9. The Lessee shall not be entitled to display any advertisements signs or notices of any description whatsoever on any part of the premises or on any building or structure erected thereon without the prior written consent of the Lessor.
10. No trees or shrubs on the premises may be pruned or removed without the prior written consent of the Lessor.
11. The Lessee shall at all times be responsible for the proper conduct of everyone on the premises and the maintenance of proper order on the premises and shall not allow any nuisance to be caused to any neighbours or the general public.
12. The Lessee shall not be entitled to remove any soil, clay, gravel, sand or any other substance on or under the surface of the premises or allow such removal without the prior written consent of the Lessor.



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From-STELLENBOSCH-PLAN/DEVELOPMENT

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13. The Lessee shall be liable to keep the premises and all buildings, fences and structures thereon in a proper state of repair and fit for the purposes for which it was intended.
14. The Lessor or any of his employees shall at all reasonable times be entitled to enter the premises or any buildings or structures thereon and to inspect such premises, buildings, fences or structures for any defects or damage thereto. The Lessee shall be responsible for effecting such repairs as may be requested by the Lessor within 14 days after receipt of written notice to this effect failing which the Lessor shall be entitled to enter upon the premises and to carry out such repairs as may be necessary and recover the costs thereof from the Lessee.
15. The Lessor shall at all reasonable times be at liberty to enter into or upon the premises without prior notice for the purposes of inspection, maintenance, renewal, cleaning, repair and rebuilding of any building or structure or in relation to dirty sewerage works, water pipes, stormwater drainage, electrical cables or installations or any other Municipal services that the Lessor may now or in future have over the premises. The Lessor furthermore reserves the right to establish any such services without notice to the Lessee.
- The Lessee shall not be entitled to erect any building or structure over such services or to interfere with any such services without the prior written consent of the Lessor and upon such conditions as may be prescribed by the Lessor or any of its employees. The Lessor shall at all times effect such works with due care but shall not be liable for any damage caused to the Lessee in executing such works.
16. If the Lessee dissolves or ceases to exist within the period of 25 years, this agreement shall be terminated forthwith and without any notice. In such case, or upon termination of this agreement the premises, buildings or structures or any other improvements shall revert to the Lessor without payment of any compensation by the Lessor. The Lessor may allow the Lessee to remove such buildings and/or structures that the Lessee may have erected from its own funds and in terms of this agreement.
17. The Lessee undertakes to insure the premises, buildings and structures presently in existence or which may be erected on the premises against any damage or loss caused by fire, stormwater or any other act of God for such amount as the Lessor may from time to time require. The Lessee must cede such insurance

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From-STELLENBOSCH-PLAN/DEVELOPMENT

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policies to the Lessor and must furthermore pay all premiums of such policy as and when it becomes due and furnish proof of such payment to the Lessor whenever requested thereto.

18. The Lessor will be entitled to cancel this agreement upon:

18.1 The rental not being paid within 30 days of the date on which it became payable;

18.2 If the premises, fences, buildings and/or structures thereon are not kept in the proper state of repair;

18.3 If the Lessee fails to comply with any term or condition of this agreement;

18.4 If the Lessee commits any act of insolvency or is sequestrated or liquidated.

In such event the agreement will be deemed to be terminated immediately and will the Lessor shall be entitled to take possession of the premises, fences, buildings and/or structures or any other improvements thereon without payment of any compensation whatsoever to the Lessee and without prejudice to its right to claim any rental that may be in arrear or any damages that the Lessor may have suffered as a result of the Lessee's failure to comply with all the terms and conditions of this agreement.

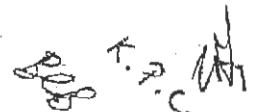
19. The Lessee shall return the said premises, buildings, fences, structures and other improvements thereon to the Lessor in a satisfactory condition upon the termination of this agreement.

20. The Lessee shall be liable for the payment of all electricity and water consumed on the premises.

21. The Lessee indemnifies the Lessor against all claims, costs, damages and expenses that the Lessor may have in respect of any negligent act by the Lessee, his employees or any person acting under his control. The Lessee hereby chooses his domicilium citandi et executandi for the purposes of the receipt and service of any notice or any other process at the following address:

40 MR K P COLLINAN
VALLEY VIEW (FARM), FRANSCHHOEK

22. The Lessee hereby consents to the jurisdiction of the Magistrates Court in respect of any claim that may be instituted relating to this agreement.

12-Sep-2003 11:53

From-STELLENBOSCH-PLAN/DEVELOPMENT

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T-870 P.008/000 F-000

23. Notwithstanding anything else contained in this agreement the Lessor shall be entitled to take possession of the whole or any part of the premises at any time after the Lessor has given the Lessee at least six months written notice which shall not be given in the first three years of the lease to such effect if the premises or any part thereof should be needed for Municipal or Government use, and the agreement may then be cancelled or amended accordingly. In any such event the Lessor may pay compensation to the Lessee after he has received undisturbed possession of the property in respect of improvements effected by the Lessee on the premises on condition that where only a part of the premises is re-occupied and the remainder is not of such extent that it may be used for the original intention of the Lessee, then the Lessee shall have the option to cancel this lease and to claim compensation for improvements effected on the rest of the premises. The compensation payable in terms of this condition will only be for such improvements as the Lessee may have effected with its own funds and only such improvements as are actually in existence at the time of cancellation of the agreement. The Lessor reserves the right to determine in its own discretion which improvements will pay compensation for according to these conditions and no compensation will in any case be payable if the Lessee has not within one month after completion of such improvements rendered a certified statement showing the actual capital expense to the Lessor. The Lessor shall be entitled if he so chooses, to inspect the Lessee's financial records to verify such a statement. Any compensation payable in terms of this condition shall be calculated according to the following formula:

CX

Y

in which formula C = Capital cost of improvements:

X = Number of calendar months between date of repossession by the Lessor and the date of determination of this agreement in terms of clause 1 hereof:

Y = Calendar months between the date of completion of the improvements and the termination of the agreement in terms of clause 1 hereof.

24. Should the Council at any time decide to sell the said property then it is agreed that the Lessee shall be granted a first refusal to purchase the property.

Handwritten signatures and initials:
 [Signature] [Signature] [Signature]
 K.P.C.

12-Sep-2003 11:52

From-STELLENBOSCH-PLAN/DEVELOPMENT

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T-870 P.007/009 F-060

- 25. The Lessor agrees that the Lessee shall have the option to renew this lease for a further period of up to ten years on terms and conditions to be mutually agreed between the parties no later than six months before the expiry of the lease.
- 26. The Lessor shall at all times be entitled to inspect the books, accounts, records and other documents of the Lessee and the Lessee shall yearly within three months of the closure of its financial year, furnish the Lessor with a copy of its financial statements.

DATED AT FRANSCHHOEK on this 29th day of
NOVEMBER 1995.

AS WITNESSES:

- 1. Boegelenburg
- 2. Notaria

[Signature]
 TOWN CLERK

DATED AT _____ on this _____ day of
 1995.

AS WITNESSES:

- 1.
- 2.

 SECRETARY

DATED AT FRANSCHHOEK on this 17th day of November
 1995.

AS WITNESSES:

- 1. K. P. Cullis
- 2. [Signature]

[Signature]
 CHAIRMAN
 SUPERINTENDENT
 MINISTERS

kontrak\meth

ANNEXURE B



FRANSCHHOEK METHODIST CHURCH

Together a Transforming Discipleship Movement Shaped for Mission

1 Bagatelle Street Franschhoek 7690

21 May 2018

Mr. Piet Smit
Manager- Property Management
Stellenbosch Municipality
Stellenbosch
7600

Per email: piet.smit@stellenbosch.gov.za

Dear Mr. Smit

APPLICATION TO PURCHASE LEASED PROPERTY: PORTION OF ERF 23 FRANSCHHOEK

I refer to our meeting in Franschhoek on 16th May 2018 and confirm that we currently rent a portion of Erf 23 Franschhoek, in terms of a Lease Agreement, dated at Franschhoek on 17 November 1995 (herein referred to as the **Property**). A copy of the lease agreement is attached for ease of reference.

The lease is for a period of 25 years, renewable for a further 10 years at the option of the lessee.

We wish to apply to purchase the Property from the Municipality as soon as possible in accordance with the Council's policy of allowing direct negotiation for the sale of property at a discount from market value, under appropriate circumstances.

In support of our application, we submit the following information for your consideration:

- 1 The Franschhoek Methodist Church is a community church that is the only 'main line' church in Franschhoek that provides regular church services to members of the community in the English language.

20 May 2018

Mr. Piet Smit
Stellenbosch Municipality

- 2 The church currently has 40 permanent members and also provides church services to a large number of local and foreign visitors during the year.
- 3 During the period of the lease we have substantially improved the property by erection of two buildings on the property from where we conduct church services and provide pre-school education services to the local community. These improvements, valued at approximately R2.5 million, have been funded by members of the Franschhoek Methodist Church.
- 4 The pre-school, known as Country Kids, is the only pre-school in Franschhoek. The nearest next similar facility is at Bridge House, approximately 16 km away. Country Kids is a vital part of the Franschhoek community, currently accommodating 42 children, from all race groups, including a few children from underprivileged backgrounds, who are being financially supported by our church members and FRANCO. The school provides employment to three teachers, three child carers and a domestic worker.
- 5 If we are able to purchase the property, it would enable us to enlarge the pre-school in line with an increasing demand for quality educational services.
- 6 It is our intention to create an Ecclesiastical Trust as a special purpose vehicle for acquiring the Property. This will ensure that the property will always be used only for similar purposes.
- 7 As a community church, we provide social care and pastoral services to members of the church and the Franschhoek community. The following are a few examples of recent social support projects that we have undertaken:
 - The provision of school uniforms to 17 children at Dalebuhle School, whose dwellings were ravaged in a fire;
 - The donation of two bicycles to Dalebuhle School to be used as awards to deserving pupils;
 - The donation, as part of a partnership initiative with a church in Langrug, of an amplifier, bass guitar, 30 bibles and children's writing materials;
 - The founding of the Open Gardens initiative many years ago, which has subsequently been taken over by the Lions Club;
- 8 The church has proved to be of great benefit to the Franschhoek community as it has in the past, and will in the future continue, to provide for the spiritual and educational needs of the Christian community in Franschhoek and provide social upliftment services to the wider Franschhoek community.

20 May 2018

Mr. Piet Smit
Stellenbosch Municipality

As the membership of our church comprises mostly of retired persons and pensioners, who have limited financial resources, affordability of the purchase price of the Property is a very important consideration.

In view of the above mentioned facts and circumstances, I respectfully submit that we might qualify to purchase the Property in accordance with Council's policy framework, at approximately 10% of the current value of the Property, and request that you consider our application favourably.

Yours sincerely

Nick Norman

NICK NORMAN
FRANSCHHOEK METHODIST CHURCH

7.2.2	PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS
-------	---

Collaborator No:

IDP KPA Ref No:

Meeting Date:

Organisational Transformation

24 April 2019

1. SUBJECT: PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS

2. PURPOSE

To make a determination regarding the disposal of erven 3192, 3019 AND 3111 in Mooiwater, following a public participation process.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Before making a decision on the possible disposal of the three (3) erven in Mooiwater, Franschhoek, Council requested that a public participation process first be followed. Notice was published as required and is attached hereto as **ANNEXURE 2**.

No comment/inputs were received. Council must now decide on a way forward. The current zoning of the erven is "Institutional Use".

5. RECOMMENDATIONS

- (a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;
- (b) 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;
- (c) that Council resolve on whether the in principle disposal of erven should proceed, and if so, through what process, for what use or purpose, and at what price;
- (d) that the matter be reported back to council after the implementation of the resolution in (c) above; and
- (e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.

6. DISCUSSION / CONTENTS

6.1 Background

6.1.1 Council resolution

On 2018-10-31 Council considered a report dealing with the disposal of three (3) church/crèche sites in Mooiwater – erven 3192, 3019 and 3111. Having considered the report Council decided as follows:

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 a **public participation process for wards 1 and 2 be followed 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
- (e) that the item be re-submitted to Council after the public participation process”.

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 Paarl Post, soliciting public inputs from residents of Wards 1 and 2 on the future use of the erven under discussion, a copy of which is attached as **APPENDIX 2**. The notice was also sent to the ward councillors. The advertisement was dated 12 November 2018 closing date for inputs was 20 December 2018. On the closing date no comment/inputs were received.

6.2 DISCUSSION**6.2.1 Property description****6.2.1.1 Erf 3192, Mooiwater, Franschhoek**

Erf 3192, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 1 and 2, below.



Fig 1: Location and context



Fig 2: Extent of property

Erf 3192 is 1144m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue of Title Deeds T27271/1999 and T39839/2001. See copies of General Plan 5635/2005 and Deeds Office records hereto attached as **APPENDIX 3**.

6.2.1.2 Erf 3019, Mooiwater, Franschhoek

Erf 3019, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 3 and 4 below.



Fig 3: Location and context



Fig 4: Extent of property

Erf 3019 is 793m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001. See copies of General Plan 5635/2005 hereto attached as **APPENDIX 4**.

6.2.1.3 Erf 3111, Mooiwater, Franschhoek

Erf 33111, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek, as indicated on Fig 5 and 6 below.



Fig 5: Location and context



Fig 6: Extent of property

Erf 3111, Mooiwater is 744m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001. See copies of General Plan 5635/2005 hereto attached as **APPENDIX 5**.

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-

- b) 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
- c) 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.

6.2.2.2.2 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(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.

6.2.2.2.5 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)—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.

6.2.2.2.6 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.

6.2.2.3 Policy on the management of Council-owned property

6.2.2.3.1 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-

- c) by means of a process of **public competition**; and
- d) 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:

- d) normal tender process where price will be the main determining factor;
- e) call for proposals where the use and impact of the proposal will form part of the criteria that is taken into account.

Land may also be disposed of by awarding it to a specific entity provided that council follows a public participation process to call for objections/objections or other proposals.

6.2.2.3.3 Social Care

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 places of worship; child care facilities, etc. This will play a role if Council decides to dispose of the land at a price that is not market related and council may then dispose at a price of between 10- 60% of the market price in terms of the policy.

6.3 Financial Implications

There will be publication costs and the income will depend on the proposals received.

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

31 October 2018.

6.7 Risk Implications

Risk implications are addressed in the item.

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

None requested.

6.8.2 Director: Planning and Economic Development

None requested.

6.8.3 Chief Financial Officer

None requested

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.2

- (a) that it be noted that no comment/inputs were received from the residents of wards 1 and 2 in regard to the future use of the properties;
- (b) 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, in principle, disposed of;
- (c) that Council resolves that the properties be put out on a Call for Proposals for multi-purpose institutional use to the benefit of the community. Proposals will be evaluated based on the type of institutional uses, how it will benefit the greater community, and how many institutions will be accommodated through the proposals;
- (d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and
- (e) that the conditional awarding of the tenders by the Bid Adjudication Committee, should in principle disposal be approved, be submitted to Council to make a final determination on the disposal of the properties.

ANNEXURES:

APPENDIX 1: Council item

APPENDIX 2: Official Notice

FOR FURTHER DETAILS CONTACT:

NAME	Annalene De Beer
POSITION	Director
DIRECTORATE	Corporate Services
CONTACT NUMBERS	021-8088189
E-MAIL ADDRESS	annalene.debeer@ Stellenbosch.gov.za
REPORT DATE	2018-08-21

APPENDIX 1



Collaborator No:
 IDP KPA Ref No:
 Meeting Date:

(To be filled in by administration)
 Institutional transformation
 17 and 31 October 2018

1. SUBJECT

PROPOSED DISPOSAL OF THREE CHURCH/CRECHE SITES IN MOOIWATER, FRANSCHHOEK

2. PURPOSE

To obtain a resolution on the way forward with the disposal of a number of three properties in Mooiwater, Franschhoek.

3. DELEGATED AUTHORITY

Council

4. EXECUTIVE SUMMARY

Three properties zoned for institutional use (church/crèche sites) in Mooiwater, Franschhoek have been identified as being surplus to the municipality's own needs, i.e. the municipality does not require the properties to provide the minimum level of basic municipal services.

For this reason Council is requested to provide guidance on the manner Council would like to deal with the disposal of these properties

5. RECOMMENDATIONS

- 5.1 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;
- 5.2 that Council consider a public participation process for wards 1 and 2 to indicate what uses they would want on these properties before Council take a decision on an in principle process to dispose of the properties;
- 5.3 the Municipal Manager be authorised to follow a public participation process by requesting the residents of wards 1 and 2 to provide input on the type of uses they would want the properties to be used for.
- 5.4 that the public participation be advertised in a local newspaper and communicated by the ward Councillors and run for period of 14 days from date of advertising.

6. DISCUSSION / CONTENTS

6.1 Background

Various church/crèche sites in Mooiwater, Franschhoek have been identified as properties not needed to provide the minimum level of basic municipal service, ie. Surplus to our own needs.

6.2 DISCUSSION

6.2.1 Property description

6.2.1.1 Erf 3192, Mooiwater, Franschhoek

Erf 3192, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 1 and 2, below.



Fig 1: Location and context



Fig 2: Extent of property

Erf 3192 is 1144m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue of Title Deeds T27271/1999 and T39839/2001. See copies of General Plan 5635/2005 and Deeds Office records hereto attached as **APPENDIX 1; 2 and 3** respectively.

6.2.1.2 Erf 3019, Mooiwater, Franschhoek

Erf 3019, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek as indicated on Fig 3 and 4 below.



Fig 3: Location and context



Fig 4: Extent of property

Erf 3019 is 793m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001. See copies of General Plan 5635/2005 hereto attached as **APPENDIX 4**.

6.2.1.3 Erf 3111, Mooiwater, Franschhoek

Erf 33111, a portion of unregistered erf 2903 (consisting of erven 2902 and 2652), is situated in Mooiwater, Franschhoek, as indicated on Fig 5 and 6 below.



Fig 5: Location and context



Fig 6: Extent of property

Erf 3111, Mooiwater is 744m² in extent and is zoned for Institutional use. The ownership vests with Stellenbosch Municipality by virtue, of Title Deeds T27271/1999 and T39837/2001. See copies of General Plan 5635/2005 hereto attached as **APPENDIX 5**.

6.2.3 Legal Requirements

6.2.3.1 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.

6.2.3.2 Asset Transfer Regulation (ATR)

6.2.3.2.1 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, the capital asset may be transferred or disposed of. Page 256

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.

6.2.3.2.3 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.

6.2.3.2.4 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.

6.2.3.2.5 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.

6.2.3.2.6 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.

6.2.3.3 Policy on the management of Council-owned property

6.2.3.3.1 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.

6.2.3.3.2 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, e.g residential erven;
- b) Call for proposals, e.g social care erven.

6.2.3.3.3 Social Care

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 places of worship; child care facilities, etc.

6.3 Financial Implications

None

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

None

6.8 Comments from Senior Management

6.8.4 Director: Infrastructure Services

This Directorate has no objection to the aforementioned proposal. No municipal engineering services will be affected.

6.8.5 Director: Planning and Economic Development

None Received

6.8.6 Chief Financial Officer

Finance supports the Item

ANNEXURES:

A: Deeds office records

B: Deeds office records

C: Deeds office records

D: General Plan 5635/2005

E: General Plan 5635/2005

FOR FURTHER DETAILS CONTACT:

<i>NAME</i>	Annalene De Beer
<i>POSITION</i>	<i>Director</i>
<i>DIRECTORATE</i>	<i>Corporate Services</i>
<i>CONTACT NUMBERS</i>	<i>021-8088189</i>
<i>E-MAIL ADDRESS</i>	annalene.debeer@stellenbosch.gov.za
<i>REPORT DATE</i>	<i>2018-08-21</i>

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 VARIOUS INSTITUTIONAL SITES IN GROENDAL (MOOIWATER):
 REQUEST FOR PUBLIC INPUT**

Notice is hereby given of Stellenbosch Municipality's intention to dispose of erven 3192, 3019 and 3111 for institutional purposes by way of a public competitive process (tender).

Background

On 2018-10-31 an agenda item served before Council, recommending the disposal of the above mentioned erven. Having considered the matter, Council resolved as follows:

- “(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
- (e) that the item be re-submitted to Council after the public participation process” .

Invitation to submit written inputs

All interested and effected parties or residents of wards 1 and 2 are hereby requested to submit inputs/suggestions on the type of use they would want the properties to be used for on or before 20th December 2018

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.

Proposals and suggestions 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

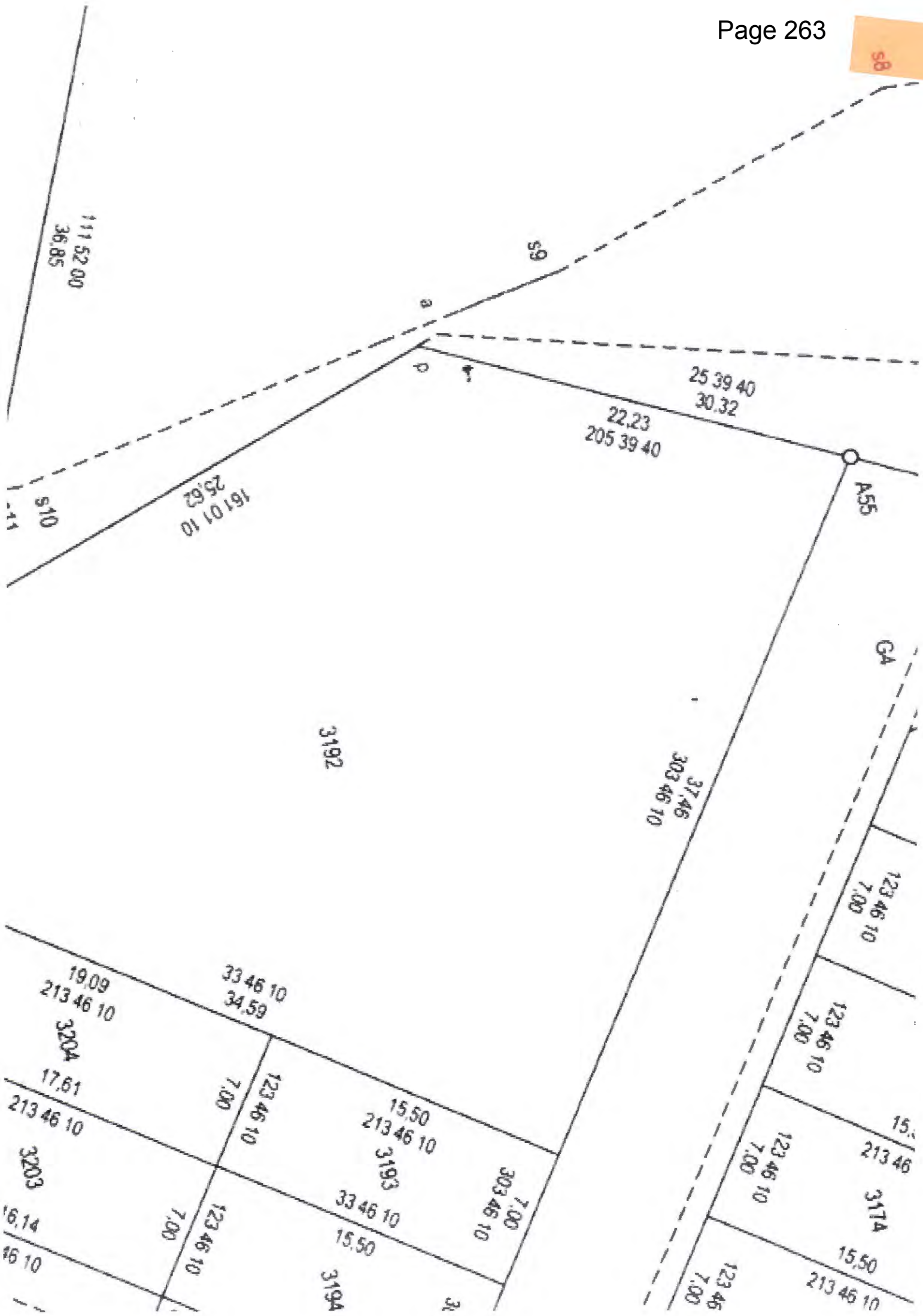
In terms of the provisions of Section 21(4) of the Municipal Systems Act, anyone who cannot read or write is welcome to contact the office of the Manager: Property Management for assistance.

G METTLER
MUNICIPAL MANAGER

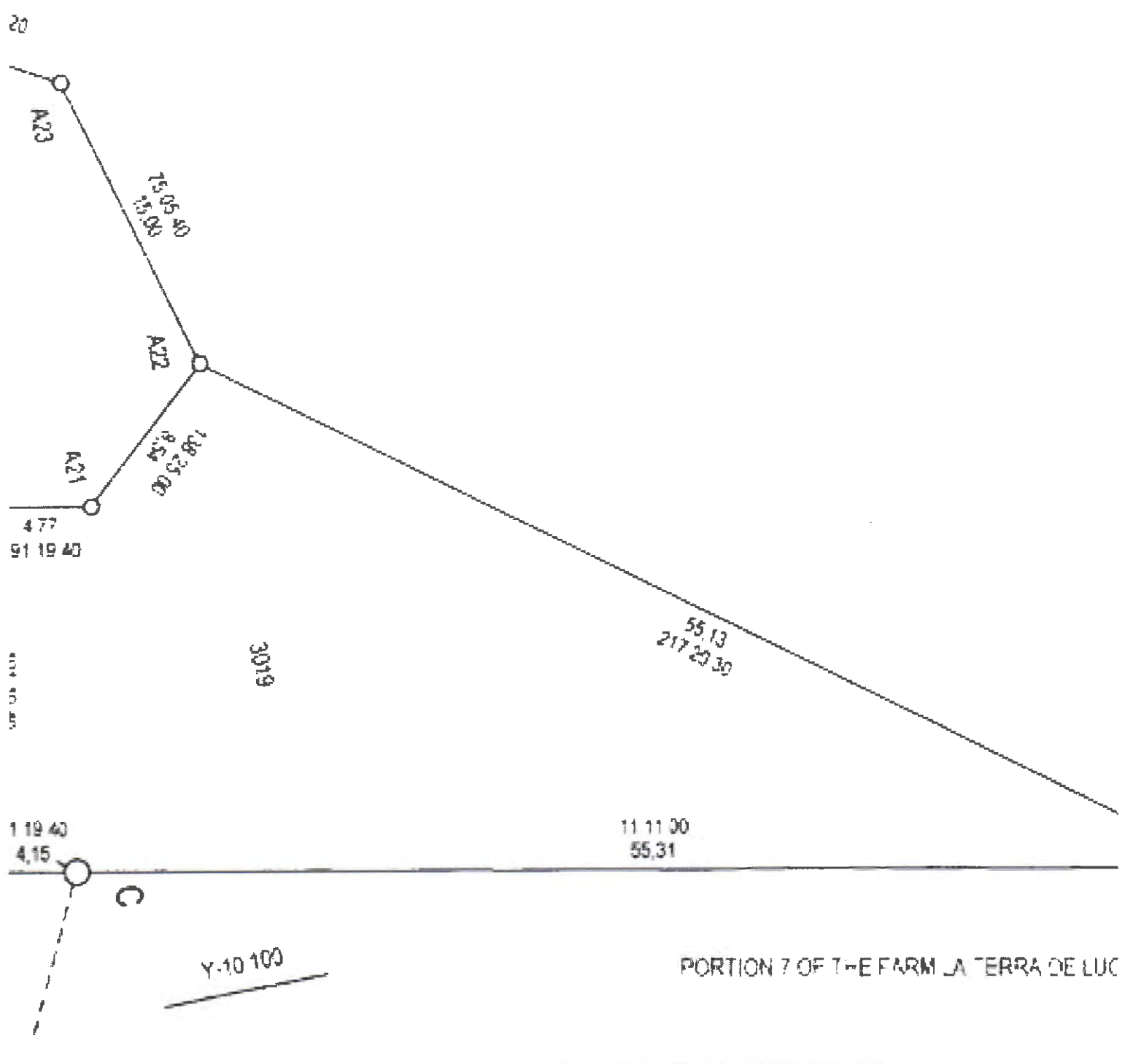
DATE: 2018-11-12

APPENDIX 3

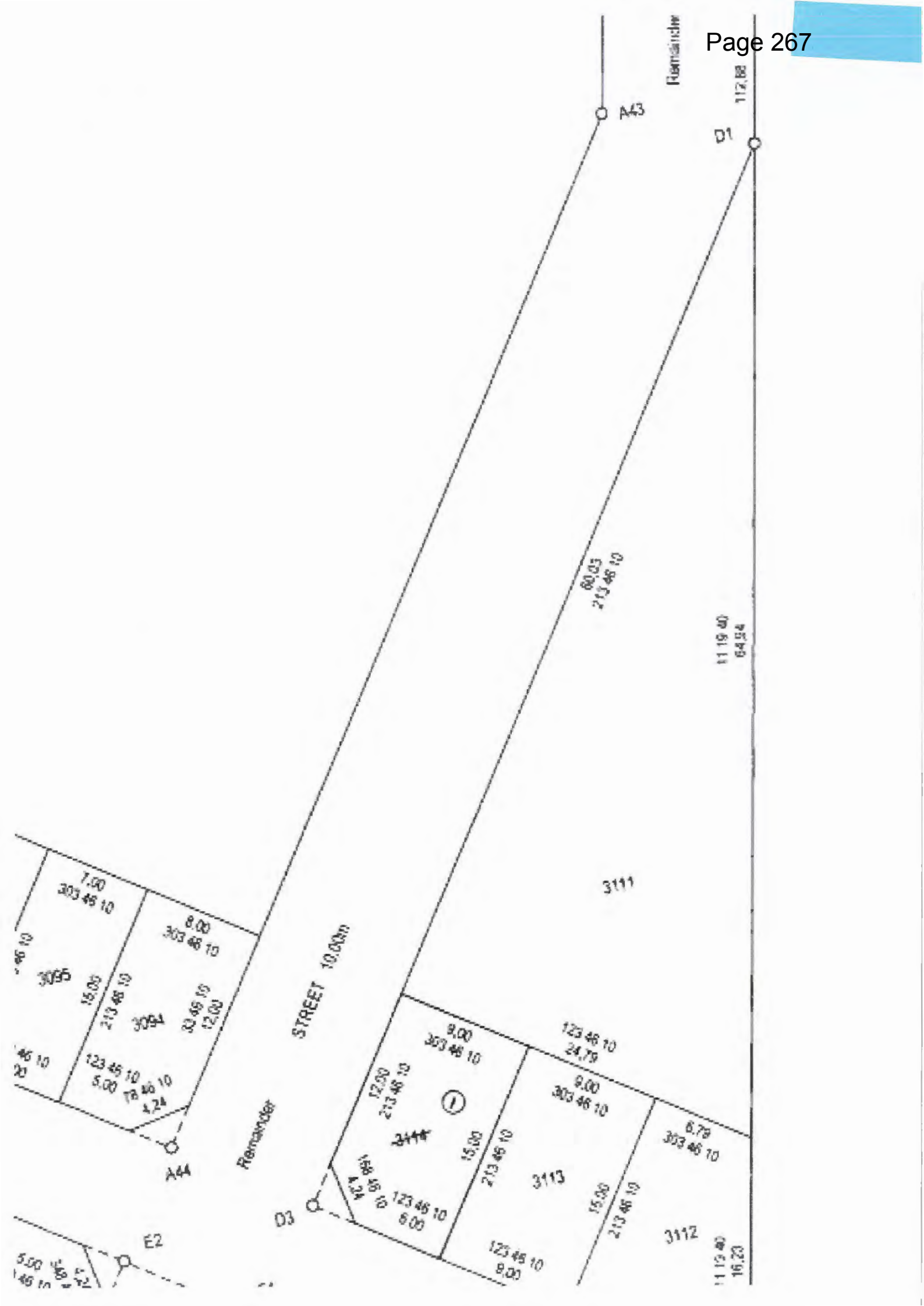
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APPENDIX 4



APPENDIX 5



7.2.3	ADDITIONAL RESPONSIBILITY ALLOWANCE POLICY
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Collaborator No: 4/P/26
IDP KPA Ref No: Good Governance
Meeting Date: 16 and 24 April 2019

1. SUBJECT: ADDITIONAL RESPONSIBILITY ALLOWANCE POLICY

2. PURPOSE

To request Council to approve the Additional Responsibility Allowance Policy.

3. DELEGATED AUTHORITY

Council.

4. EXECUTIVE SUMMARY

Currently there is no provision to pay employees for taking on a higher level of responsibility which functions falls within a higher level post. There is a need to pay employees who take on responsibilities on a higher level for the additional responsibility.

To fill the gap a policy was drawn up to make provision for the payment of employees who do not fall within the ambit of the acting allowance provisions in the Western Cape Conditions of Service collective agreement. Additional responsibility allowances are paid when an employee takes on additional duties or responsibilities of a higher graded post for a limited period of time.

The policy was tabled at the Local Labour Forum and referred to the Human Resources Development Sub-Committee. The committee met on several occasions to discuss the content of the policy and concluded consultation on the 04th of March 2019. The Additional Responsibility Allowance Policy was re-submitted and accepted by the Local Labour Forum on the 25th of March 2019 and recommended for approval to MAYCO and Council.

5. RECOMMENDATION

that the Additional Responsibility Allowance Policy be approved by Council.

6. DISCUSSION/CONTENTS

6.1 Background

Currently there is no provision to pay employees for taking on a higher level of responsibility which functions falls within a higher level post. There is a need to pay employees who take on responsibilities on a higher level for the additional responsibility.

6.2 Discussion

A policy was drawn up to address the need and tabled at the Local Labour and the policy was referred to the Human Resources Development Sub-Committee for consultation and re-submission to the Local Labour Forum.

Additional responsibility allowances are paid when an employee takes on additional duties or responsibilities of a higher graded post for a limited period of time. It is important that the criteria set out is clear and transparent and applied consistently and fairly across the Municipality.

The Human Resources Development Sub-Committee met on several occasions to discuss the content of the policy and concluded consultation on the 04th of March 2019. The Additional Responsibility Allowance Policy (**APPENDIX 1**) was re-submitted and accepted by the Local Labour Forum on the 25th of March 2019. It was recommended for approval by MAYCO and Council.

6.3 Financial Implications

Per approved budget

6.4 Legal Implications

The recommendations comply with labour law and legislation.

6.5 Staff Implications

This will enable the Municipality to give a monetary acknowledgment to staff that goes the extra mile and is willing to take on more responsibilities when operationally required.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

The risks addressed by the policy.

RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.3

that the Additional Responsibility Allowance Policy be approved.

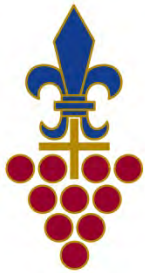
ANNEXURES

Annexure 1 - Additional Responsibility Allowance Policy (Consulted)

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	08 April 2019

ANNEXURE 1



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ADDITIONAL RESPONSIBILITY ALLOWANCE POLICY

1. Introduction

Currently there is no provisions to pay employees for taking on a higher level of responsibility where those functions falls within a higher level post. There is a need to pay employees who take on responsibilities on a higher level for the additional responsibility.

Additional responsibility allowances are paid when an employee takes on additional duties or responsibilities of a higher graded post for a limited period of time.

It is important that this policy is transparent and applied consistently and fairly across the Municipality.

2. Additional responsibility allowance

2.1 An individual would receive an additional responsibility allowance if they are asked to:

Undertake **part** of the duties and responsibilities of a higher graded post for a continuous period which would normally be for a minimum of four (4) weeks and a maximum of nine (9) months

2.2 Criteria to qualify for an additional responsibility allowance:

Taking on a % of the duties and responsibilities of the higher post in the event that the higher post is vacant or the incumbent is on extended sick leave/maternity leave/special leave and the employee cannot act in the post;

2.3 Payment for additional responsibilities should not always be regarded as a first option for a manager. Consideration should be given to ways in which the work might be re-organised on a temporary basis, so that the essential duties and responsibilities of the post are attended to;

3. Duration of additional responsibility allowances

- 3.1 An individual would receive an additional responsibility allowance if they are asked to undertake part of the duties and responsibilities of a higher graded post for a continuous period which would normally be for a minimum of four (4) weeks and a maximum of nine (9) months
- 3.2 In the situation where the post whose functions are assigned to lower ranking employee(s) is vacant the post must be advertised within 9 months where the post is budgeted.
- 3.3 The functions assigned must become part of the lower ranking employee's job description if the higher-ranking post is demolished/changed and the functions are still required.
- 3.4 The post of the lower ranking employee must then be re-evaluated after which the allowance will fall away irrespective of whether the grading of the lower ranking employee changes or not.

4. Principles of Selection

- 4.1 Taking on additional responsibilities provide an individual with the opportunity to develop new skills and experience, which may lead to enhanced career opportunities.
- 4.2 The selection process must be objective and must:
 - Provide reasons for the selection of the individual;
 - The allocation of additional responsibilities must be supported by the Director of the Directorate within which the higher ranking post falls;
 - Human Resources must provide input into the process before approval;
 - The trade unions must be informed of the proposal and should they want to make input it must be done within 2 work days from receipt of the proposal;
 - Approval is delegated to the Director: Corporate Services in consultation with the Director of the directorate in which the posts falls;
 - Records should be kept of the process and the reasons for selection forwarded to Human Resources;
- 4.3 To ensure equity and fairness, consideration should be given initially to suitable staff within the department;
Should suitable individuals not be identified then consideration should be widened to Directorate level;
- 4.4 If more than one person falls within the pool of staff suitable for additional responsibility, then a formal selection process must be adopted or staff must be rotated.

5 Determining the additional responsibility allowance

5.1 The additional responsibility allowance payment will be calculated based on:

- The percentage of the duties and responsibilities being undertaken at the higher level (post).
- the difference between the employee's current salary and the bottom notch of the evaluated grade multiplied with the % of allocated duties

5.2 Human Resources will confirm to the line manager what the allowance will be and this will be applied as a recurring payment each month for the agreed period of time.

5.3 Payment of this allowance will not be paid for the periods that the employee is on leave or sick leave unless the employee has been performing the additional duties for more than three months already.

6. Approval

6.1 All additional responsibility payments must be approved in advance of the duties being undertaken.

6.2 The approval will take place a template to be drawn up by Human Resources.

7. Review

The policy be reviewed at least every two years or when operationally required.

DATE APPROVED BY COUNCIL:

7.2.4	GUIDELINES ON NEGOTIATION OF REMUNERATION (WITHIN THE NATIONAL NEGOTIATED FRAMEWORK) FOR THE RETENTION AND ATTRACTION OF STAFF
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Collaborator No: 4/P/49
IDP KPA Ref No: Good Governance
Meeting Date: 16 and 24 April 2019

1. SUBJECT: GUIDELINES ON NEGOTIATION OF REMUNERATION (WITHIN THE NATIONAL NEGOTIATED FRAMEWORK) FOR THE RETENTION AND ATTRACTION OF STAFF

2. PURPOSE

To inform MAYCO and Council of the guidelines for negotiation of remuneration with the view to attract and retain staff.

3. DELEGATED AUTHORITY

The Municipal Manager may appoint staff below the Section 56 Managers within a framework set by Council. The current framework is the provisions in the Collective Agreement and salary scales set in TASK.

4. EXECUTIVE SUMMARY

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. In an attempt to ensure that the candidate accepts the offer of employment the candidate is offered a different notch. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee. The only manner to do that is to provide a counter offer to the employee or to offer another post in the municipality that is vacant.

The Municipal Manager may appoint an employee on a salary within the framework set by Council. That framework is the salary scales attached to TASK for the category municipality we are (category 4 for employees other than section 56 employees).

We think it is good practise to develop guidelines within which the negotiations take place to ensure uniformity and curb undue expectations. The Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff was drawn up and tabled at the Local Labour Forum for consultation. It was referred to the Human Resources Development Sub-Committee for consultation and re-submitted to Local Labour Forum. The local Labour Forum approved the guidelines on 25 March 2019.

5. RECOMMENDATIONS

- (a) that the Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff be noted and supported;
- (b) that it be noted that the salary negotiations fall within the authority of the Municipal Manager and may be delegated as per the content of the guidelines; and

- (c) that where there is a contradiction between the provisions of this guidelines and other provisions within a Human Resources policy that has not yet been reviewed within this Council's term, the provisions of these guidelines will prevail.

6. DISCUSSION / CONTENTS

6.1 Background

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee.

6.2 Discussion

When employees are appointed it is done on the basis of the first notch of a salary scale applicable to the post. It often happens that candidates request to negotiate their salaries and provide proof of previous remuneration. In an attempt to ensure that the candidate accepts the offer of employment the candidate is offered a different notch. It also often happens that employees get offers of employment from other employers and that the municipality would like to retain the services of such an employee. The only manner to do that is to provide a counter offer to the employee or to offer another post in the municipality that is vacant.

The Municipal Manager may appoint an employee on a salary within the framework set by Council. That framework is the salary scales attached to TASK for the category municipality we are (category 4 for employees other than section 56 employees).

We think it is good practise to develop guidelines within which the negotiations take place to ensure uniformity and curb undue expectations. The Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff was drawn up and tabled at the Local Labour Forum for consultation. It was referred to the Human Resources Development Sub-Committee for consultation. The Human Resources Development Sub-Committee had several deliberations on this document and re-submitted it to Local Labour Forum. The local Labour Forum approved the guidelines on 25 March 2019.

The Guidelines were amended and the title amended to: Guidelines on negotiation of remuneration (within the National negotiated framework) for the retention and attraction of staff.

6.3 Financial Implications

As per the approved budget. Negotiations with a staff member may only be within the salary scales applicable to the post.

6.4 Legal Implications

The guidelines are in line with the National negotiated salary scales.

6.5 Staff Implications

This will enable the Municipality to attract and retain suitable staff.

6.6 Previous / Relevant Council Resolutions

None

6.7 Risk Implications

Risks are minimised through the implementation of the guidelines as it provides a regulated framework for offers to staff.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.2.4

- (a) that the Guidelines on the Negotiation of Remuneration (within the National Negotiated Framework) for the Retention and Attraction of Staff be noted and supported;
- (b) that it be noted that the salary negotiations fall within the authority of the Municipal Manager and may be delegated as per the content of the guidelines; and
- (c) that where there is a contradiction between the provisions of this guidelines and other provisions within a Human Resources policy that has not yet been reviewed within this Council's term, the provisions of these guidelines will prevail.

ANNEXURES:

Appendix 1: Guidelines on negotiation of remuneration (within the National Negotiated Framework) for the retention and attraction of staff

FOR FURTHER DETAILS CONTACT:

NAME	<i>Annalene De Beer</i>
POSITION	<i>Director Corporate Services</i>
DIRECTORATE	<i>Corporate Services</i>
CONTACT NUMBERS	<i>021-808 8018</i>
E-MAIL ADDRESS	<i>Annalene.DeBeer@ Stellenbosch.gov.za</i>
REPORT DATE	<i>08 April 2019</i>

APPENDIX 1



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GUIDELINES ON NEGOTIATION OF REMUNERATION (WITHIN THE NATIONAL NEGOTIATED FRAMEWORK) FOR THE RETENTION AND ATTRACTION OF STAFF

1. BACKGROUND

The Municipality is from time-to-time confronted with situations where permanent staff is offered promotional opportunities at other municipalities/employers. The Municipality may want to retain the skills of such employees which are considered essential to maintain a high level of service delivery.

The Municipality is also from time-to-time confronted with situations where a new applicant requests to negotiate his/her salary for a post. In the negotiation process the impact the negotiated salary will have on other employees in the organisation and possible precedents that are set must be taken into account.

This also happens when an employee applies for a more senior post internally, but already earns more than the top of the T-scale applicable to the post applied for.

To attract and retain staff the Municipal Manager or delegated nominee must be put in a position to make counter offers to existing permanent staff when it is believed that it is critical to retain such staff member due to a specific skill he/she has and very good performance in the functions he/she performs. The Municipal Manager or delegated nominee must also be able to make a counter offer to attract the right candidate for a position within the salary framework that exists. The Municipal Manager has the authority to appoint an employee on a salary that will fall within the National Framework which currently is TASK.

The intention of these guidelines is to set a standard approach for the negotiation of salaries within the existing framework when attracting and retaining employees.

The current attraction and retention policy will be abolished as it overlaps with several other policies on employee remuneration and benefits. It is therefore necessary to determine that when there is a clash the provisions of this guideline will apply.

2. OBJECTIVES OF THE GUIDELINES

To ensure an open, transparent and consistent process is used for extending counter offers to staff with respect to remuneration.

3. GENERAL PRINCIPLES

Counter offers to existing staff may be approved by the Municipal Manager or delegated nominee in terms of the Systems Act, subject to the following:-

1. A request in writing by a Director when an existing employee receives an offer from another employer, to consider a counter offer to the existing permanent staff member. The request must be addressed to the Municipal Manager or delegated nominee accompanied by a full motivation for such proposal as well as a copy of the written offer by the other employer.
The motivation must include an indication of the performance of an existing employee who received an offer from another employer. The performance must be measured in general and on specific aspects for example attendance, quality of work over the last 12 months, years' service, qualifications and skills.
2. Human resources must provide full details of the incumbents current post level as well as the current notch and notches up to the top notch applicable to the incumbent on the current salary scale. It must also be indicated how and when the current post evaluation was done.
3. An applicant who has received an offer of employment from the Stellenbosch Municipality may request to negotiate the starting salary by providing a motivation and proof of current earnings to Human Resources. The correctness of the information must be confirmed by Human Resources.
4. The counter offer will be limited to the maximum notch of the post level of the advertised post and not more than 10 % scarce skills allowance where the post falls within a scarce skills grouping.
5. The experience of the employee requesting a counter offer must be taken into account to ensure consistency within the organisation.
6. Where an internal employee receives an offer from another employer a more senior post in the Stellenbosch Municipality may be considered provided that:
 - a. The more senior post is vacant
 - b. The employee has the necessary qualifications for the more senior position
 - c. No other employee in the organisation can lay claim to the senior post through natural career pathing.
7. The Municipal Manager, on advice from the relevant Director retains the discretion whether to consider a counter offer to the affected employee or not.

7.3	FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]
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NONE

7.4	HUMAN SETTLEMENTS: [CLLR N JINDELA]
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NONE

7.5	INFRASTRUCTURE: [CLLR J DE VILLIERS]
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NONE

7.6	PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]
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7.6.1	THE PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Strategic Focus Area 2

24 April 2019

1. **SUBJECT: THE PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES**

2. **PURPOSE**

To inform Council about the following:

2.1 A revised By-law (**ANNEXURE B**) relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces in order to implement the following:

2.1.1 To regulate the admission of the general public, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be allowed within public parks, and to provide for the matters incidental thereto.

2.1.2 To ensure environmental sustainable practices in the development of parks and public open spaces within the community for current and future generations. Furthermore, the aim is to ensure that the rights and obligations of the public in relation to parks and public open spaces are adhered to.

2.1.3 To promote the achievement of a safe and peaceful environment.

2.1.4 To provide procedures, methods and practices that regulate the use and management of public amenities.

3. **DELEGATED AUTHORITY**

Council

4. **EXECUTIVE SUMMARY**

The By-law was revised and served before the Standing Committee and the Mayoral Committee, where it was resolved:

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.

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 and the Mayoral Committee, where it was resolved:

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

The Department: Community Services 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, infrastructure and public demands. 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 as 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 the responsibility of 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 WC024 (Stellenbosch Municipal areas).

All other terms use in this by-law shall, unless the context otherwise indicates, have the meaning assigned therefore in the National Environmental Management Act, 107 of 1998, National Environmental Management: Protected Areas Act, 57 of 2003, National Veld and Forest Act, 101 of 1998 and Local Government Systems Act, 101 of 1998.

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 dated 2017-07-26

Item 7.6.1 of Council meeting dated 2019-02-27

6.7 Risk Implications

None

6.8 COMMENTS FROM SENIOR MANAGEMENT

Item already served before 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
Annexure C: Delegations
Annexure D: Tariffs

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	24/04/2019

ANNEXURE A



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**THE PROPOSAL FOR THE IMPLEMENTATION OF THE REVISED PARKS BY-LAW
RELATING TO PLANTATIONS, PLAY PARK, GARDENS, RECREATION FACILITIES,
NATURE RESERVES AND PUBLIC OPEN SPACES.**

**Notice is given of the public participation process commenced by the
Stellenbosch Municipality providing an opportunity to the public to comment on
the by-law.**

Opportunity to participate: interested and affected parties are invited to provide written comments on the proposal for the implementation of the revised Parks By-law relating to plantations, play parks, gardens, recreation facilities, nature reserves and public open spaces. The proposal will showcase innovative new technologies and proven concepts in conservation and community and development.

The above draft proposal will be made available via electronic copy (PDF) per hard copy to be collected at the Community Services offices, at 123 Merriman Avenue upon request; or viewed on our Municipal Website, www.stellenbosch.gov.za. A hard copy of the draft will also be made available at the Community Services offices for viewing by the general public.

Comments received will be presented to the Municipality for consideration for inclusion in the final proposal: By-law relating to plantations, play parks, gardens, recreation facilities, nature reserves and public open spaces.

Send Comments or Suggestion on the by-law relating to plantations, play parks, gardens, recreation facilities, nature reserves and public open spaces to:

Tazmynn Linders
Offices of Community Services, 123 Merriman Avenue, Stellenbosch
Tel: 021-808 8161
Email: tazmynn.linders@stellenbosch.gov.za

Or

The public can drop off written comments at Community Services offices, 123 Merriman Avenue, Stellenbosch.

Due date for comments: 13 July 2018

ANNEXURE B



**MUNICIPALITY
OF
STELLENBOSCH**

**BY-LAW RELATING TO
PLANTATIONS, PLAY PARKS,
GARDENS, RECREATION
FACILITIES, NATURE
RESERVES AND PUBLIC OPEN
SPACES.**

BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION FACILITIES, NATURE RESERVES AND PUBLIC OPEN SPACES

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1. Definitions

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 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;

“**Play Park**” means an area zoned as a Public Open Space and which has play equipment or can be developed with play equipment for informal recreation purposes in the community. Excludes the road reserve and 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;

“**Municipal Manager**” means the accounting officer, 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 an 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 light truck, bus, horse-and-trailer caravan, or any similar 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;

2. Other terms

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).

3. General prohibitions

As far as it pertains to amenities under control of the Council, no person shall;

- 3.1. disfigure or deface any equipment, furniture or structure by pasting, marking and 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;
- 3.2. start or keep a fire or engage in any acts whereby a fire may be caused, except where a person are duly authorised by Council to do so;
- 3.3. saw, cut, gather, remove, dig up, burn, pick or break any natural shrub, brushwood, fencing, pole, lawn, plants, fruit, flower or equipment, or climb therein or thereon or damage it in any way;
- 3.4. remove or disturb any soil or water at a place other than that specially provided by the Council;
- 3.5. 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;
- 3.6. 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;
- 3.7. leave any refuse, building waste, rubbish, paper, materials or any object except in containers provided for that purpose;
- 3.8. 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;
- 3.9. 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;
- 3.10. introduce any flora, fauna, weapon, trap, net, explosive or poison into the nature reserve, or be in possession thereof in the nature reserve;
- 3.11. 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;
- 3.12. No person shall-
 - 3.12.1.1. Do anything which may endanger the life and/ or safety of any person or animal;
 - 3.12.1.2. use abusive or threatening language;
 - 3.12.1.3. fight or act in a riotous or physical threatening manner;
 - 3.12.1.4. urinate or defecate, except in a toilet;
 - 3.12.1.5. 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;

- 3.12.1.6. spit;
- 3.12.1.7. perform any sexual act;
- 3.12.1.8. appear in the nude;
- 3.12.1.9. consume any liquor or drugs;
- 3.12.1.10. be drunk or be under the influence of drugs;
- 3.12.1.11. solicit or impute any person for the purpose of prostitution or immorality;
- 3.12.1.12. engage in gambling;
- 3.12.1.13. beg;
- 3.12.1.14. obstruct/ block or interfere with the safe or free passage of users and patrons;
- 3.12.1.15. overnight or camp or erect any shelter without the written consent of the Council;
- 3.12.1.16. 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;
 - (a) sell or offer for sale or hire, or hawk or exhibit any article or distribute any pamphlet, book, handbill or other matter;
 - (b) present any public entertainment;
 - (c) play a musical instrument;
 - (d) 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 Community Services to do so;
- 3.12.1.17. enter upon any ablution or sanitary conveniences indicated as having been provided for persons of the opposite sex;
- 3.12.1.18. enter or leave other than by an entrance or exit provided for that purpose;
- 3.12.1.19. refuse to leave when requested to do so by an authorized officer of the Council or a member of the South African Police;
- 3.12.1.20. dry or spread washing, bedding or other items in a park or nature reserve or on the fence;

- 3.12.1.21. swim in an undesignated or pollute the water therein in any other manner;
 - 3.12.1.22. wash any article or animal under a tap, in a pond, fountain or in an ornamental pond or otherwise pollute water;
 - 3.12.1.23. perform any act whatsoever which may injure persons, damage or destroy any property;
- 3.13. Only authorised officials of Council are allowed to administer legally approved weed-killers, herbicides, poisons or pesticides on any public open space or in any public road.

4. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. The Council reserves the right to destroy forthwith any animal straying, entering or having been taken into a nursery, plantation, commonage, enclosure, and nature reserve or picnic area.
- 4.6. All pets on council land-leashes,

5. 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.

- 5.2. 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 users of such area.
- 5.3. Any person applying for permission to keep bees shall satisfy the Council that he has a reasonable knowledge of the habits of bees.
- 5.4. 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.
- 5.5. 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.

6. Liability of the Council

Any person making use of an 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.

7. Penalties

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:

- 7.1. a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
- 7.2. 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
- 7.3. 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.

8. Maximum number of visitors

- 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;
- 8.2. The number contemplated in subsection (1) shall be published by the municipality by means of a notice.

9. Admission to and sojourn in a public amenity

- 9.1. 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.

9.2. No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

9.3. The times and places contemplated in subsections (1) and (2), shall be made known by the municipality by means of a notice.

10. Entrance fees

10.1. 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.

10.2. 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.

11. Nuisances

No person shall perform or permit any of the following acts in or at a public amenity:

11.1. the use of language or the performance of any other act which disturbs the good order;

11.2. the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;

11.3. the burning of rubble or refuse;

11.4. the causing of unpleasant or offensive smells;

11.5. the production of smoke nuisances;

11.6. 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;

11.7. the begging for money, food, work or the offering of services;

11.8. in any other manner the causing of a nuisance, obstruction, disturbance or annoyance to the public;

11.9. 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.

12. Structures

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.

13. Liquor and food

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.

14. Animals

14.1. No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

14.2. The directions contemplated in subsection (1) shall be published by means of a notice by the municipality.

15. Use of public amenities

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:

- 15.1. arrange or present any public entertainment;
- 15.2. collect money or any other goods for charity or any other purpose from the general public;
- 15.3. display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
- 15.4. arrange, hold or address any meeting;
- 15.5. arrange or hold a public gathering or procession, exhibition or performance;
- 15.6. conduct any trade, occupation or business;
- 15.7. display, sell or rent out or present for sale or rent any wares or articles;
- 15.8. hold an auction;
- 15.9. tell fortunes for compensation.

NB: 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.

16. Safety and order

No person shall, subject to subsection (2), in or at a public amenity:

- 16.1. damage, remove, excavate or disfigure anything;
- 16.2. use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
- 16.3. light a fire or prepare food, except at a place indicated for that purpose by notice;
- 16.4. throw away any burning or smouldering object;
- 16.5. throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
- 16.6. pull out, pick or damage any tree, plant, shrub, vegetation or flower;

- 16.7. behave himself in an improper, indecent, unruly, violent or unbecoming manner;
- 16.8. cause a disturbance;
- 16.9. wash, polish or repair a vehicle;
- 16.10. walk, stand, sit or lie in a flower bed;
- 16.11. kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
- 16.12. dig or remove soil, clay, sand, gravel or boulders;
- 16.13. walk, stand sit or lie on grass contrary to the provisions of a notice;
- 16.14. 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;
- 16.15. play or sit on play park equipment contrary to the provisions of a notice or prescription;
- 16.16. swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

NB: The municipality may, subject to such conditions and payment as it may deem necessary, authorise any of the actions referenced in 10.1 to 10.16.

17. Water

No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

18. Laundry and crockery

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.

19. 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;
- 13.2. The municipality shall determine the speed limit applicable in a public amenity;
- 13.3. The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be published by the municipality by way of notice.

20. Games

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 and in accordance with the directions of the municipality and which is made known by way of notice.

21. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

22. Short title and commencement

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.

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. Franschoek 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. Municipal Systems Act, Act 32 of 2000.
12. Verordeninge vir die bekamping van sekere oortredings in openbare plekke, PK 6011 van 7.5.2003.
13. Occupational Health and Safety Act, Act 85 of 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.

ANNEXURE C

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, falling 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, murels, 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}(i) & (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 at responsibility	Senior Senior Manager: Community Services	Senior Senior Manager: Community Services (in consultation with Senior Manager: Fire Services)		

ANNEXURE D

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 oortye = 4 maal die tariewe hierbo, behalwe die verkoop van nisse, waerop '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/ GAROENS/ 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

7.6.2	DRAFT STELLENBOSCH MUNICIPALITY ENVIRONMENTAL MANAGEMENT FRAMEWORK (SEPTEMBER 2018)
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Collaborator No: 635707
IDP KPA Ref No:
Meeting Date: 24 April 2019

1. SUBJECT: DRAFT STELLENBOSCH MUNICIPALITY ENVIRONMENTAL MANAGEMENT FRAMEWORK (SEPTEMBER 2018)

2. PURPOSE

To acquire Council's approval to advertise the draft Stellenbosch Municipality Environmental Management Framework (SEMF, September 2018) (**ANNEXURE 1**) in terms of the Local Government: Municipal Systems Act, 32 of 2000 (MSA) for a period of 60 days for public comment.

3. DELEGATED AUTHORITY

For decision by the Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

South Africa's environmental right is captured in the Constitution which states that every person has a right to an environment that is not harmful to his/her health and well-being. Through the same section an obligation is placed on the state to put in place reasonable legislative and other measures to realise this right¹.

In terms of the MSA, municipalities have the duty to strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner². To achieve this each Municipal Council must adopt an Integrated Development Plan (IDP), a single, inclusive and strategic plan for development of the municipality³. An IDP must include a Spatial Development Framework that makes provision for guidelines for land use management within the municipality⁴.

In terms of the Spatial Planning and Land Use Management Act, 16 of 2013 (SPLUMA), a Municipal Spatial Development Framework (MSDF) must include a strategic assessment of environmental pressures and opportunities within the municipal area, including the spatial location of environmental sensitivities, high potential agricultural land and coastal access strips where applicable⁵. As a sector plan to the MSDF it is envisioned that the SEMF will fulfill this function.

5. RECOMMENDATIONS

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Environmental Management Framework (September 2018) for a period of 60 days for public input, and

¹ Bill of Rights, Section 24

² MSA, Section 4.

³ MSA, Section 25.

⁴ MSA, Section 26.

⁵ SPLUMA, Section 21(j)

- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Environmental Management Framework to be presented to Council for approval.

6. DISCUSSION / CONTENTS

6.1 Background

The SEMF addresses the legal and moral obligations of Stellenbosch Municipality (the Municipality) as it relates to the environment; it provides a dynamic vision, goals and objectives, and spatial and strategic directives toward giving effect to such obligations. Once approved the SEMF will be a critical instrument in guiding the use of the resources of the Municipality in a manner that will ensure sustainable outcomes based on municipal development needs and priorities.

The overarching aims, purpose and functions of the SEMF include:

- (i) Aligning spatial planning and land-use management with applicable legislation.
- (ii) Informing ongoing reform of spatial planning and land-use management policy.
- (iii) Guiding land-use in context of the domains of sustainability, i.e. the ecology domain (healthy ecosystems / atmosphere / water / waste), economy domain and social domain.

6.2 Discussion

The SEMF is proposed as a municipal strategic environmental management policy that responds to, and complies with, the relevant statutes and directives. As such, the SEMF serves as a:

- a) Spatial and strategic supplement to the MSDF.
- b) Policy for ensuring environmental sustainability and for the aligning/integrating land-use activities in accordance with defined sustainability objectives.
- c) Strategy towards enhancing the well-being of the people and the environment of the Municipality by providing for:
 - (i) A uniform, effective and comprehensive system of environmental planning and management throughout the Municipality.
 - (ii) Environmental and sustainability principles, norms and standards.
 - (iii) Sustainable and efficient use of land and other forms of environmental capital.
 - (iv) Providing for cooperative governance and intergovernmental relations within the sphere of the Municipality and between the latter and all other institutional spheres and the private sector.
- d) A compilation of and alignment directive for the strategies and plans of the various sectoral departments and directorates of the Municipality.

6.3 Financial Implications

The draft SEMF has been completed internally with no cost to Council.

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

6.4 Legal Implications

The planning-related legislative context for the SEMF is provided by, in particular, the:

- (i) South African Constitution, Act 108 of 1996.
- (ii) Spatial Planning and Land Use Management Act 16 of 2013.
- (iii) National Environmental Management Act 107 of 1998 (NEMA).

The latter presents a set of directives that embodies the essence of the national directives as it relates to environmental planning and land-use governance in a manner that ensures environmental sustainability.

6.5 Staff Implications

This report has no staff implications for the Municipality. The section Environmental Management of the Directorate: Community and Protection Services will be responsible for the overarching administration and implementation of the SEMF.

6.6 Previous / Relevant Council Resolutions:

No previous / relevant Council Resolutions.

6.7 Risk Implications

This report has no risk implications for the Municipality.

6.8 Comments from Senior Management:

The draft Stellenbosch Municipality Environmental Management Framework will be made available to all directorates during the proposed 60 day period for public participation.

RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-04-16: ITEM 7.1.3

- (a) that Council approves the advertisement of the draft Stellenbosch Municipality Environmental Management Framework (September 2018) for a period of 30 days for public input; and
- (b) that the inputs received during the above public participation process be worked into a final draft Stellenbosch Municipality Environmental Management Framework to be presented to Council for approval.

ANNEXURES

Annexure A: Draft Stellenbosch Municipality Environmental Management Framework (September 2018)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
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ANNEXURE A

CONSULTATIVE DRAFT



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ENVIRONMENTAL MANAGEMENT FRAMEWORK

SEPTEMBER 2018

Towards achieving a vision of a municipality and communities that recognise the vital importance of their rich natural capital and manage these in a manner that ensures sustainability and fulfils the needs of all concerned.



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ACRONYMS AND DEFINITIONS

The following terms, abbreviations and acronyms have been used, or are referred to in this document.

Activity	Refers to an activity identified in any notice published by the Minister of the Department of Environmental Affairs or MEC in terms of Section 24D(1)(a) of NEMA as a listed activity or specified activity.
Affected environment	Those parts of the socio-economic and biophysical environment impacted on by development action.
Agenda 21	Agenda 21 is an international program, adopted by more than 178 governments, to put sustainable development into practice around the world. It emerged from the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992.
Alternatives	A possible course of action, in place of another, that would meet the same purpose and need. Alternatives can refer to any of the following but are not limited hereto: alternative sites for development, alternative site layouts, alternative designs, alternative processes and materials. In Integrated Environmental Management, the so-called "no action" alternative may also require investigation under certain circumstances.
AQMP	Air Quality Management Plan.
Assessment	The process of collecting, organising, analysing, interpreting, and communicating data that are relevant to some decisions.
Biodiversity	It is an abbreviation of 'biological diversity' which is described as the mix of species in an ecosystem that enables the system both to provide a flow of ecosystem services under given environmental conditions, and to maintain that flow if environmental conditions change. The loss of biodiversity limits the resilience of the affected ecosystem, which in turn, may have direct negative socio-economic implications. Furthermore, biodiversity is the degree of variation of life forms within a given ecosystem, biome, or an entire planet. Biodiversity is one measure of the health of ecosystems, and life on earth today consists of many millions of distinct biological species.
Biological resources	Includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual, or potential, value for humanity.
Bioregion	A bioregion is internationally defined as a geographical space that contains one or several nested ecosystems characterised by landforms, vegetative cover, human culture, and history as identified by local communities, governments and scientists. It is also understood as a geographical area defined in terms of its unique combination of plants, animals, geology and climate and human activities (including economic, social, and developmental issues) – an area defined by natural boundaries and distinct living communities – the whole of which distinguishes it from other bioregions. A bioregion refers to both a geographical terrain and a terrain of consciousness, i.e. a place and the ideas that have developed about how