



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-08-24

## NOTICE OF THE 37<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY MONDAY, 2020-08-24 AT 10:00

<b>TO</b>	The Speaker, Cllr N Jindela [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr WC Petersen (Ms)	
<b>COUNCILLORS</b>	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (Ms) Z Dalling (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) JG Hamilton AJ Hanekom DA Hendrickse JK Hendriks LK Horsband (Ms)	MC Johnson DD Joubert N Mananga-Gugushe (Ms) C Manuel NE Mcombring (Ms) XL Mdemka (Ms) C Moses (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit LL Stander E Vermeulen

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 **37<sup>TH</sup> MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held via **MS TEAMS** on **MONDAY, 2020-08-24** at **10:00** to consider the items on the Agenda.

**SPEAKER**  
**N JINDELA**

**MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY  
2020-08-24**

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The minutes of the 36<sup>th</sup> Council Meeting: 2020-07-29 is attached as **APPENDIX 1**.

**FOR CONFIRMATION**

# **APPENDIX 1**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2020-07-29

## MINUTES

### 36<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY

**2020-07-29 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)

**MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**

**2020-07-29**

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	NONE	
<b>19.</b>	<b>MATTERS TO BE CONSIDERED IN-COMMITTEE</b>	

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<b>PRESENT</b>	The Speaker, Cllr N Jindela [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr WC Petersen (Ms) (until 18:00)	
<b>COUNCILLORS</b>	F Adams (until 15:45) FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (Ms) Z Dalling (Ms) R Du Toit (Ms) J Fasser A Florence AR Frazenburg (until 16:50) E Fredericks (Ms) (until 16:50) T Gosa E Groenewald (Ms) (from 10:45) JG Hamilton AJ Hanekom DA Hendrickse	JK Hendriks LK Horsband (Ms) MC Johnson DD Joubert C Manuel NE Mcombring (Ms) XL Mdemka (Ms) N Olayi SA Peters MM Pietersen WF Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) P Sitshoti (Ms) Q Smit E Vermeulen

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**Officials:** Municipal Manager (Ms G Mettler)  
Chief Financial Officer (K Carolus)  
Director: Corporate Services (Ms A De Beer)  
Director: Infrastructure Services (D Louw)  
Director: Planning and Economic Development (AP Barnes)  
Director: Community and Protection Services (G Boshoff)  
Chief Audit Executive (F Hoosain)  
Manager: Secretariat (EJ Potts)  
Senior Administration Officer (T Samuels (Ms))

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<b>1.</b>	<b>OPENING AND WELCOME</b>
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The Speaker, Cllr N Jindela, welcomed everyone present to the 36<sup>th</sup> Council meeting, which is hosted and streamed via MS Teams.

<b>2.</b>	<b>MAYORAL ADDRESS</b>
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“Deputy Mayor,  
MM,  
Mayco Members  
Directors

Good Morning, Goeie more, Molweni, As salaam Alaikum

COVID 19

- Uniquely challenging time
- Own organisation has been hard hit as well and we have lost staff members
- Many staff members and officials have also lost friends and family and by now I am sure we all know someone who has the virus or have had it.
- Thoughts and prayers are with all residents and staff members who have lost loved ones because of this virus.
- To all those who are still fighting the virus, our thoughts and prayers are with you, keep fighting.
- I want to urge every resident to take ALL the necessary precautions and to follow all the health and safety guidelines
  - Wear a mask when you are in public – it is now compulsory
  - Wash your hands or sanitise it regularly
  - Adhere to social distancing
  - PLEASE do not visit friends or family – This is very difficult, but limiting social contact is absolutely necessary in limiting the spread of the virus.
- We are continuing our efforts to aid the most vulnerable people in our communities by working with Stellenbosch Unite.
  - More than 33 000 food parcels have been distributed
  - More than 95600 litre soup has been distributed in communities.
- Urge residents and business who are able to support Stellenbosch Unite, to do so.
  - All information is on their website <https://stellenboschunite.org/>
- On Thursday 23 July, we hosted our first ever webinar.
  - Purpose was to get feedback from our business community on how COVID-19 has impacted them and to gather input on what we can do to assist.
  - Very useful first session and we received positive feedback from all who participated
  - This is only the first step – will be setting up meetings with the various sectors to ascertain impact and to gather feedback
  - We will work with all sectors to put together plans on how we can make it as easy as possible to restart our local economy
  - Part of our focus will be to encourage our own residents to support local and buy local.
  - Thank you to Stellenbosch Network and the Launch Lab who aided us in facilitating this first session.

- 
- Virtual meeting with Minister Ivan Meyer and representatives from Winelands on 20 July 2020.
    - Minister Meyer is the MEC assigned by cabinet to oversee the Cape Winelands as hotspot area and the execution of the provincial hotspot strategy.
    - Discussions about the impact of COVID on local government and the agricultural industry
  
  - On 9 August we commemorate Women's Day in South Africa and the entire August is Women's Month.
    - To all the women in this Council, I want to wish you a happy and strong women's month.
    - As with most things in 2020, the COVID-19 impact can be felt here too.
    - Our news stories have been dominated by stories of gender violence even during lockdown, and the state of lockdown has resulted in many victims suffering in silence.
    - Said this on many occasions, but gender based violence is not limited to 16 days in December, it is a daily occurrence affecting especially women in every socio-economic class.
    - PLEASE speak out and help put a stop to this scourge.
    - Please break the silence and the vicious circle.
    - Takes an incredible amount of courage and bravery, and I want to assure you that when you speak out, you will not be alone anymore.
  
  - Congratulations to Delaire Graff Estate was named as the best winery in Africa and ranked number 14 internationally in the World's Best Vineyards awards.
    - The ONLY winery in South Africa that ranks in the top 20 Vineyards
  
  - Stellenbosch has become the first destination in South Africa to be awarded Safe Travels Stamp by the World Travel and Tourism Council (WTTC).
  
  - WTTC, which represents the global Travel and Tourism private sector, designed the special Safe Travels stamp to enable travellers to identify destinations and businesses around the world which adopted its health and hygiene global standardised protocols – so consumers and holidaymakers can experience 'Safe Travels'.
  
  - Among the many initiatives is Stellenbosch Ready, a unique programme that meets three critical guest needs, including WTTC validated health and safety protocols, adoption of health and safety protocols through staff training and flexible booking terms.
  
  - We are all awaiting the reopening of the tourism industry, and we are ready to welcome our visitors.

3.	<b>COMMUNICATION BY THE SPEAKER</b>
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**“Good Morning to:**

The Executive Mayor, Advocate Gesie Van Deventer

The Municipal Manager, Ms. Geraldine Mettler

All other Aldermen and Alderwomen

All Councilors

All Directors and Staff members present

Members of the Public and other dignitaries.

Allow me to welcome you all to the 36 Council Meeting and also our 3rd **Virtual Meeting during the Pandemic**

- To start the meeting - allow me to give you an Update on:  
**Covid 19 Report – Lockdown Day 126**

**Up until today the amount of people affected in Stellenbosch is 1718 people which is the third highest in the Cape Winelands District.**

Fellow Members of Council – It is important that we as the Stellenbosch Council support the National directive of **Stop the Spread** – but we should also support an initiative to bring our town back to **normality**. Currently the **economy** of our town is being challenged with the closing of so many **small business** and it is so sad to see so many of our voters sitting without a **job**, **unemployed** and with **no** food to eat.

*Allow me to thank the Executive Mayor, Councillor Groenewald the Municipal Manager and officials for all the hard work they engaged with around the Webinar held recently on the Role that Covid 19 plays within the broader town of Stellenbosch, and the impact it has in the different communities in and around us.*

Madame Mayor and Councilors herewith the following information for your disposal:

- Youth Opportunities –**  
Two Youth Training opportunities has been made possible by Stellemploy in Stellenbosch. Ward Councilors please circulate the information to our **Youth** in the fields of **Spray Painting and Chef Assistant Training** for our youth as a matter of urgency as the closing date is **12 and 17 August 2020** respectively.
- Disclosure Benefit** Forms – Councilors we are still awaiting the forms of 10 Councilors and the cutoff date is Friday 31<sup>st</sup> July 2020. Please adhere to the cut of date of Friday 31<sup>st</sup> July 2020.
- Influx to the 2<sup>nd</sup> floor** - Councilors due to the closing of the ward offices we are experiencing a very high volume of people visiting the Offices and especially the 2<sup>nd</sup> floor for proof of address. Councilors on the other hand are just visiting the offices without any prior arrangements and the administration has to also help them in their request. – In order to address this we request from Councilors to please make the necessary arrangements by making an **appointment** with the relevant official. Councilors without appointments will not be assisted without an appointment. This arrangement is to minimize the total amount of people on the floor at a time
- Ward Offices –** regarding the ward offices I have to request from the MM and Administration that we should open the **Ward Offices as soon as possible. Currently the ward administrators sit at home being paid by Council and our Ward Councilors cannot use them to do the work in their offices. I would support the MM and the Administration in looking at opening the Ward offices within the Covid 19 rules.**

- **Section 80 Committee Meetings – Please note that section 80 Committee meetings will commence from August 2020.**
- **Due to the lengthiness of the agenda, cases against certain Councillors will be serving in the next Council Meeting.**

#### Life's lost

- My deepest sympathy to the families of municipal staff and their family members who has passed on during this time. To those who are infected or affected by covid-19, we pray for your strength and a full recovery.

#### The following Councillors will celebrate their Birthdays

- Happy birthday to Cllr Lucinda Horsband (5 August)
- Cllr Ansaaf Crombie – 11 August
- Myself Speaker Jindela – 26 August; and
- Cllr Paul Biscombe – 28 August

#### In starting the meeting

**Please note:** Councillors must immediately inform the Office of the Municipal Manager and the Speaker's Office when they suspect/confirm that they are positive for COVID-19. All officials must do the same with their supervisors and Directors.

**We now move to the items on the Agenda / Ons beweeg nou na die items op die Agenda:**

<b>4.</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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"Good morning

Honourable Executive Mayor,

Honourable Speaker, and

Honourable Councillors and

Colleagues,

It's indeed a privilege for me to join you this morning at the 36<sup>th</sup> Council meeting.

- First and foremost I would like to acknowledge our staff members that worked tirelessly throughout the lockdown period. We lost four (4) of our staff members due to covid-19, which was very sad for all of us. Not only did we lose members in our staff complement due to covid-19, but also in our close families and in the community that we serve. Sincere condolences to the families, friends and colleagues of the staff members that passed away.
- We are aware of an illegal strike that is currently taking place and I would like to put that in context for Council, the community and everybody present at the virtual Council meeting:
  - During last month's Special Council meeting (12 June 2020), Council applied for an exemption on the increases of salaries in particular in terms of the collective agreement. In terms of the 3-year collective agreement every municipality can apply for an exemption. Council approved that exemption and we applied before the end of June as per the requirement from the Bargaining Council.



- 
- Notwithstanding that, National Treasury also issued a directive requesting all municipalities not to implement the salary increases, given the hardships that covid has brought.
  - As a municipality, we have seen the hardship that covid-19 has brought upon our community. Not only in the number of businesses that closed down, but also in terms of the number of people that lost their jobs permanently as a result of covid. We cannot, as an accountable and responsible government, not take that hardship into account. We also see it in terms of the income level that has substantially dropped in terms of municipal income, so we have to be responsible, because there is a lot of people that have taken pay-cuts because of covid-19.
  - Notwithstanding that, I do not undermine the role our staff have played. We cannot run this municipality without the staff, they are our biggest asset. It is for that reason that Council decided with the exemption application not to apply for a complete exemption, but to give some level of relief to our employees. That being said, the collective agreement is very clear on the processes that need to be followed. Our arbitration in terms of our application process are scheduled for the beginning of August 2020. The collective agreement also gives a clear indication of the dispute resolution mechanisms that are available to the Unions. The Unions were informed and are aware of our exemption application and will also be able to make representation in terms of the arbitration process. I want to reiterate that the current strike action is illegal and we will deal with it accordingly.
  - Notwithstanding that, in the celebrations of our beloved Madiba, one of the things he said and strived for is: *"It Is In Your Hands To Make Of Our World A Better One For All"*. It is for that very important reason that I am saying, as a community, as a collective, we need to take hands and make Stellenbosch great and take our town and the whole WCO24 forward.
  - We are on the verge of celebrating Women's Month, and we are very fortunate to be one of the few municipalities in the country that have the three positions in the municipality occupied by women. I would like to end off by saying: "Where there is a woman, there is magic, so let's make magic in Stellenbosch.
  - There was a request that the Council meeting for August 2020 be moved to the 24<sup>th</sup> August 2020, given that it will be a virtual Council meeting. Speaker, can you elaborate on this, please.

*(The Speaker then elaborated that he and the Municipal Manager had a discussion regarding the change of the date of the Council meeting, as per the approved schedule of meetings of Council. After listening to all the reasons the Municipal Manager and the Executive Mayor was putting forward, it was agreed that the virtual Council meeting scheduled for the 19<sup>th</sup> August 2020, will be moved to the 24<sup>th</sup> August 2020.)*

I thank you".

<b>5.</b>	<b>DISCLOSURE OF INTERESTS</b>
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Cllr WC Petersen (Ms) – Item 11.10.5  
Mr D Louw – Item 14.7

<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>
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6.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr N Mananga-Gugushe (Ms)	– 29 July 2020
Cllr RS Nalumango (Ms)	– 29 July 2020
Cllr C Moses (Ms)	– 29 July 2020
Cllr LL Stander	– 29 July 2020

6.2 Permission was granted to Cllr E Groenewald (Ms) to join the meeting later at 10:45.

6.3 ABSENT

Cllr MD Oliphant – 29 July 2020

<b>7.</b>	<b>APPROVAL OF MINUTES OF PREVIOUS COUNCIL</b>
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<b>7.1</b>	<b>CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING: 2020-06-12</b>
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The minutes of a Special Council Meeting: 2020-06-12 were **confirmed as correct.**

8.	<b>STATUTORY MATTERS</b>
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8.1	<b>REVISED PERFORMANCE MANAGEMENT POLICY 2020/21</b>
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Collaborator No: 687937  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 29 July 2020

**1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY 2020/21**

**2. PURPOSE**

To submit the Revised Performance Management Policy 2020/21 to Council to be released for public comments.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Executive Mayor must, in terms of section 39 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA), manage the development of a performance management system and submit it to Council for adoption.

This Performance Management Policy has been revised to be applicable for the 2020/21 financial year to ensure the effective implementation of performance management.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.1**

**RESOLVED** (majority vote)

- (a) that Council takes notice of the Draft Revised Performance Management Policy 2020/21; and
- (b) that the Draft Revised Performance Management Policy 2020/21 be released for public comments.

*Cllr F Adams requested that his vote of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

NAME	Shireen De Visser
POSITION	Senior Manager: Governance
DIRECTORATE	Municipal Manager
CONTACT NUMBERS	021 808 8035
E-MAIL ADDRESS	shireen.devisser@ Stellenbosch.gov.za
REPORT DATE	08 July 2020

8.2	<b>APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21</b>
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Collaborator No: 687936  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 29 July 2020

**1. SUBJECT: APPROVED TOP LAYER (TL) SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/21**

**2. PURPOSE**

To inform Council that the Executive Mayor has approved the Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21.

**3. DELEGATED AUTHORITY**

According to Section 53(1)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the Executive Mayor must approve the TL SDBIP within 28 days after the approval of the municipal budget.

**4. EXECUTIVE SUMMARY**

Section 53(1)(c)(ii) of the MFMA compels the Mayor of a municipality to take all reasonable steps to ensure that the municipality's Service Delivery and Budget Implementation Plan (SDBIP) is approved by the mayor within 28 days after the approval of the budget.

The TL SDBIP 2020/21 was approved by the Executive Mayor on 24 June 2020, which falls within the prescribed 28 days after the approval of the Budget.

The TL SDBIP 2020/21 is herewith submitted to Council for notification.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.2**

**NOTED**

- (a) the approved Top Layer (TL) Service Delivery and Budget Implementation Plan (SDBIP) 2020/21 attached hereto as **ANNEXURE A**;
- (b) the approved TL SDBIP 2020/21 has been made public within 10 working days after the approval of the TL SDBIP 2020/21 and duly submitted to the MEC for Local Government in the Province; and
- (c) the performance indicators and targets adjustment as contained in the approved Integrated Development Plan (2017/2022) in accordance with the performance indicators and targets contained in the approved TL SDBIP 2020/21 to ensure accurate technical alignment between the IDP 2017/2022 and TL SDBIP 2020/21.

*Councillor F Adams requested that it be minuted that he does not support the item.*

8.3	<b>MFMA SECTION 52 REPORTING UP TO JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 July 2020

**1. SUBJECT: MFMA SECTION 52 REPORTING UP TO JUNE 2020**

**2. PURPOSE**

To comply with section 52(d) of the Municipal Finance Management Act and report to Council on the budget; financial and service delivery budget implementation plan by the Municipality for quarter 4 of the 2019/20 financial year.

**3. DELEGATED AUTHORITY**

**THE EXECUTIVE MAYOR TO SUBMIT TO COUNCIL**

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

*“The mayor of a municipality—*

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

**4. EXECUTIVE SUMMARY**

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

The Section 52 report is a summary of the budget performance. It compares the implementation of the budget to the commitments made and contained in the Service Delivery and Budget Implementation Plan (SDBIP), and is intended to enable Council to give effect to their oversight responsibility.

This report provides the overall performance of the Municipality for the period 1 April 2020 to 30 June 2020.

**The Office of the CFO is currently, in terms of s126 (1)(a) of the MFMA, preparing the annual financial statements for the financial period ended 30 June 2020. It is important to note that the information in this report are preliminary results and may not be an accurate reflection of the financial position of the municipality as same will materially be influenced by year-end journals and processes still to be finalised which will influence the financial position. The latter process alluded to will only be finalised by the end of August 2020.**

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.3**

**NOTED**

the Section 52 Report (including quarterly performance report) – Fourth Quarter.

*Councillor F Adams requested that it be minuted that he does not support the item.*

8.4	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

29 July 2020

1. **SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY-REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: QUARTER 4 (01 APRIL 2020 - 30 JUNE 2020)**

2. **PURPOSE**

To submit to Executive Management a report for the period 01 April 2020 - 30 June 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

3. **DELEGATED AUTHORITY**

**FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (3) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 10 days at the end of each quarter; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

4. **EXECUTIVE SUMMARY**

On a quarterly basis the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.4**

**NOTED**

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

*Councillor F Adams requested that it be minuted that he does not support the item.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Dalleel Jacobs
<b>CONTACT NUMBERS</b>	021 808 8588
<b>E-MAIL ADDRESS</b>	Dalleel.Jacobs@stellenbosch.gov.za
<b>DIRECTORATE</b>	Financial Services
<b>REPORT DATE</b>	10 July 2020

8.5	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JUNE 2020**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 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 (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during June 2020.

**Further comments requested by the Mayco on deviation D/SM 23/20:**

The deviation became necessary as the applicant went to court and obtained an interim Ex Parte court order. The intention to obtain such an order was not served on the municipality to put us in a position before the order was granted to answer to the allegations of contempt of court. That is also the reason why a return date was provided for by the court for the Municipal Manager to respond to the allegations. It is unusual to cite the CEO of any organisation in person as that person is acting on behalf of the organisation and although such a person would be representing the company the person should not be cited in person unless there is proof of actions by the person him/herself of deliberate contempt that is not present in this case. After we have filed our papers IMATU has indicated they want to withdraw the contempt of court application and the only matter that will proceed is the review also filed by the Municipality. The question of the withdrawal of the contempt application and the costs involved must still be decided on.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.5**

**NOTED**

that Council notes the deviations as listed for the month of June 2020.

*Councillor F Adams requested that it be minuted that he does not support the item.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Dalleel Jacobs</i>
<b>POSITION</b>	<i>Senior Manager Supply Chain Management</i>
<b>DIRECTORATE</b>	<i>Finance</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8528</i>
<b>E-MAIL ADDRESS</b>	<i>Dalleel.Jacobs@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>10 July 2020</i>

<b>8.6</b>	<b>OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

29 July 2020

**1. SUBJECT: OVERSIGHT ROLE OF COUNCIL: SUPPLY CHAIN MANAGEMENT POLICY- REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY OF STELLENBOSCH MUNICIPALITY: ANNUAL IMPLEMENTATION REPORT (01 JULY 2019 - 30 JUNE 2020)**

**2. PURPOSE**

To submit to Executive Management a report for the period 01 July 2019 - 30 June 2020 on the implementation of Council's Supply Chain Management Policy. The report covers the performance of the various delegated functions and the implementation thereof.

**3. FOR DECISION BY MUNICIPAL COUNCIL**

Section 6 (2) (i) & 4 of the SCM Policy 2019/2020 determines that the Accounting Officer must within 30 days of the end of each financial year; submit a report on the implementation of the SCM Policy to the Executive Mayor. This report must be made public in accordance with section 21A of the Municipal Systems Act (32 of 2000).

**4. EXECUTIVE SUMMARY**

Within 30 days of the end of each financial year the Accounting Officer must submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor. In terms of the SCM Regulations and Council's SCM Policy the SCM unit has been delegated to perform powers and functions that related to the procurement of goods and services, disposal of goods no longer needed, the selection of contractors to provide assistance in the provision of municipal services.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.6**

Cllr DA Hendrickse requested that it be minuted that the EFF do not support the recommendation that this report simply be NOTED.

**NOTED**

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

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Dalleel Jacobs</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8588</i>
<b>E-MAIL ADDRESS</b>	<i>Dalleel.Jacobs@stellenbosch.gov.za</i>
<b>DIRECTORATE</b>	<i>Financial Services</i>
<b>REPORT DATE</b>	<i>10 July 2020</i>



8.7	<b>ADJUSTMENTS BUDGET FOR 2020/2021 FOR ADDITIONAL ALLOCATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

29 July 2020

**1. SUBJECT: ADJUSTMENTS BUDGET FOR 2020/2021 FOR ADDITIONAL ALLOCATIONS**

**2. PURPOSE**

To table the adjustments budget for the 2020/2021 financial year to Council for approval. The adjustments budget emanates from additional allocations from the Division of Revenue Amendment Act 2020.

**3. DELEGATED AUTHORITY**

Council has the delegated authority to revise an approved annual budget through an adjustments budget in terms of Section 28 of the Municipal Financial Management Act 56 of 2003.

**4. EXECUTIVE SUMMARY**

**2020/21 Municipal adjustments budget allocations**

The Minister of Finance tabled the 2020/21 tabled the Division of Revenue Amendment Act to the National Assembly on 24 June 2020 and arising from this, for the 2020/21 financial year, Stellenbosch Municipality received the following additional grant allocation, as well as a reduction in grant allocation:

Grant	Type	Amount
Equitable Share	Operational	20 828 000
Integrated National Electrification Programme (Municipal) Grant	Capital	(4 200 000)
		<b>16 628 000</b>

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.7**

**RESOLVED** (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	KEVIN CAROLUS
<b>POSITION</b>	CHIEF FINANCIAL OFFICER
<b>DIRECTORATE</b>	FINANCIAL SERVICES
<b>CONTACT NUMBERS</b>	021 808 8528
<b>E-MAIL ADDRESS</b>	Kevin.Carolus@stellenbosch.gov.za
<b>REPORT DATE</b>	16 July 2020

<b>9.</b>	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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ITEM	Pg.	INPUT	MM'S RESPONSE
<p><u>CLLR P SITSHOTI (MS)</u></p> <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>	285	This item has been long outstanding. Only on 95% since 2015.	<p>It is not a housing development.</p> <p>There has been various consultations with the people in terms of a way forward and available funding. This had an implication on the way forward, but will be brought to Council.</p>
<p><u>CLLR P SITSHOTI (MS)</u></p> <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>Green Cape has withdrawn its offer to do this free of charge and we had to appoint a Consultant to finalise.</p>	285	How much is the consultant that is going to be appointed, going to charge in order to finalise the matter?	Don't have the amounts of the consultants, will put it on the next outstanding resolutions.
<p><u>CLLR DA HENDRICKSE</u></p> <p>7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p> <p>Due to the COVID-19 Lockdown, no Portfolio Committee could be held. This will serve on the next session, virtual or otherwise, of the Portfolio Committee.</p>	286	What is the authority of the Portfolio Committee that is holding this matter back, because even on the Council Agenda there are items that did not come via the Portfolio Committee to Council.	The Executive Mayor answered, and it is her prerogative to decide on what items she want to refer to the Section 80 Committee. The Section 80 Committees are fully functional.
<p><u>CLLR DA HENDRICKSE</u></p> <p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>Information Statement was compiled and submitted to DCS for approval, where after it must be advertised. Council must then consider inputs/objections received as a consequence of the notice (if any) before making a decision on the future use of the properties.</p>	286	This matter has been standing on 30% for years and are now 3 years outstanding.	
<p><u>CLLR F ADAMS</u></p> <p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1</p> <p>The service provider that was appointed to prepare the Bill of Quantities completed their scope of work by end of July 2020. This will enable the tenderers to complete Stage 2 of the Call for Proposals.</p>	289	Can the MM indicate what is the envisaged timeframe in terms of implementation of the project? Will it be 1, 2 or 3 years?	
<p><u>CLLR DA HENDRICKSE</u></p> <p>12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT</p>	296	There was a decision made that there must be a forensic investigation done and the contract was only going to	The Van der Stel item is on the Agenda.

## MINUTES

36<sup>TH</sup> MEETING OF THE COUNCIL  
OF STELLENBOSCH MUNICIPALITY

2020-07-29

AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL 29 <sup>TH</sup> COUNCIL MEETING: 2019-07-24: ITEM 12.2		be for 6-months. Nothing came back.	
<u>CLLR DA HENDRICKSE</u> 13.1 THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS 30 <sup>TH</sup> COUNCIL MEETING: 2019-08-28: ITEM 13.1	298	The lease contract is also still outstanding	Most of the land has been allocated to small farmers, so there has been movement. There is additional property that is still outstanding that will go on a 2 <sup>nd</sup> process. Hence incorrect to say nothing has happened.
<u>CLLR DA HENDRICKSE</u> 11.4.2 IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA 32 <sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 11.4.2 (d) that a feasibility study report be submitted as soon as possible but not later than the end of the current financial year.	301/ 302	The feasibility study that had to be done. Nothing has been done.	
<u>CLLR DA HENDRICKSE</u> Outstanding matters not listed	305	Lots of reports outstanding that did not go through the Portfolio Committees. Very disappointed in all these outstanding resolutions that's been here for years.	The Executive Mayor answered, and it is her prerogative to decide on what items she want to refer to the Section 80 Committee. The Section 80 Committees are fully functional.

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 9****NOTED**

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

The Speaker RULED that all outstanding information raised by the Councillors, be answered at the next Council meeting in August 2020.

<b>10.</b>	<b>ITEMS FOR NOTING</b>
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<b>10.1</b>	<b>REPORT/S BY THE EXECUTIVE MAYOR</b>
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NONE

<b>10.2</b>	<b>REPORT/S BY THE SPEAKER</b>
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NONE

<b>10.3</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER</b>
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NONE

<b>11.</b>	<b>ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]</b>
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<b>11.1</b>	<b>COMMUNITY AND PROTECTION SERVICES: (PC : CLLR FJ BADENHORST)</b>
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NONE

<b>11.2</b>	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
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<b>11.2.1</b>	<b>RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**22 July 2020**

**1. SUBJECT: RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL**

**2. PURPOSE**

The purpose of this report is to obtain the necessary approval from Council to register a servitude over erf 328 in favour of erf 320, Pniel, to enable the owner of erf 320 to gain access to his property.

**3. DELEGATED AUTHORITY**

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. For this reason, Council must now consider the matter.

**4. EXECUTIVE SUMMARY**

During 2002 Stellenbosch Municipality approved building plans for a single residential unit on erf 320, Pniel. At the time the access to the property was off Main Road.

During 2009/10 the Provincial Department of Transport and Public Works undertook certain construction/upgrade work to the Main Road. During this period the access to erf 320 was closed, due to safety reasons (lack of sight lines). Following the unilateral action by the Provincial Department of Transport and Public Works, the owner tried all efforts to get this resolved, but without any success as the municipality was of the opinion that the Provincial Department of Transport and public roads, who closed the access should be responsible for providing another access or bear the costs for the servitude as the access is across the land of another private individual.

He approached the Public Protector for assistance. During 2017 representatives of Stellenbosch Municipality (including the Municipal Manager) and the Provincial Department of Transport and Public Works were summoned to the Public Protector's office, where it was agreed, *inter alia*, that Stellenbosch Municipality would take responsibility to register a servitude over erf 328 (neighbouring private property) in favour of erf 320, on condition that an agreement be reached at a later stage regarding the cost.

At the time when the Agreement was compiled and agreed upon, the Municipal Manager had the delegated authority to acquire rights in immovable property by way of the registration of a servitude, up to a contract value of R2 million.

This delegation fell away with the approval of a new Systems of Delegations, which do contain any property related delegations. It is not practical to bring every request for a servitude to council and it is proposed that council give the delegation as contained in **ANNEXURE 6**.

All the legal processes (servitude diagram, valuation of servitude, etc.) were followed and are now ready for implementation.

Council must now consider the matter.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.1****RESOLVED** (majority vote)

- (a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);
- (b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as **APPENDIX 5**;
- (c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and
- (d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in appendix 6 and that the delegations be amended accordingly.

*Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

<b>11.2.2</b>	<b>PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**22 July 2020**

**1. SUBJECT: PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG**

**2. PURPOSE**

To make a final determination on the renewal of the Lease Agreement with Eikestad Mall (Pty) Ltd in relation to Beyersteeg, Stellenbosch.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality and IPG concluded a Lease Agreement on 10 February 2000 for the use of a portion of Beyersteeg. The agreement was for a period of 10 years, with an option to renew it for a further period of 10 years.

During 2008 IPG elected to exercise their right of renewal and in 2008 this Lease Agreement was ceded and assigned to Eikestad Mall (Pty) Ltd.

They have requested a renewal for a further period of 10 years. Council considered the application on 2019-11-27 and approved it in principle a renewal of 9 years and 11 months, subject to a public input/comment/objection process. As per the council resolution on 27 November 2019 the lease agreement continued a month to month basis until a final resolution can be made on payment of the previously determined rent.

A public notice was advertised on 6 February 2020 as no public notices of the nature is dealt with from middle December to middle January. At the closing date no comment/inputs/objections were received. The matter was intended to serve in the April round of meetings, but due to the Covid could not serve before Council. Council must now make a final determination on the renewal as well as on the monthly rental payable.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.2**

**RESOLVED** (majority vote)

- (a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;
- (b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and
- (c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.

*Cllrs F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

11.2.3	<b>ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM**

**2. PURPOSE**

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.3****RESOLVED** (majority vote)

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

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

*Cllr F Adams; FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).*



<b>11.2.4</b>	<b>ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**29 July 2020**

**1. SUBJECT: ENCROACHMENT PERMIT APPLICATION: LAR-SHEI INVESTMENTS (PTY) LTD: PARKING BAYS ON ERF 235, STELLENBOSCH**

**2. PURPOSE**

To consider the application of Lar-Shei Investments (Pty) Ltd to enter into an encroachment agreement to enable them to utilise/manage 18 parking bays for exclusive use by their tenants.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

Lar-Shei Investments (Pty) Ltd, the owners of the Lar-Shei Building, housing 18 flats and 8 commercial properties, applied for 18 parking bays on the parking area on erf 235 (public parking area) to be used exclusively by their tenants/owners.

A similar arrangement was approved for the Body Corporate of erf 7551, when it was developed during 2017. Lar-Shei and the Akkerhof Body Corporate, situated next to the Lar-Shei Building concluded an Agreement, whereby Akkerhof would give their consent Lar-Shei's application, on condition that they (Akkerhof) would be allowed to use 9 of the 18 parking bays for their tenants, should the application be approved by Council. The encroachment agreement would normally be for an unlimited period and contain a 3 months' notice period. The application will be advertised for public comment should Council in principle approve the application.

The item served before Mayco in November and was referred to address two matters:

1. Amount of parking spaces available at the parking area
2. To determine if this should be seen as inside or outside the CBD.

During an inspection by Infrastructure it was reported that there is around 130 parking bays available if the parking bays allocated to the Body Corporate of erf 7551 is deducted from the parking bays available. The application process for municipal employees indicates that we will need around 60 parking bays to accommodate the overflow from Bloemhof. There are therefore 18 bays available should Council want to approve the application of Lar Shei.

The feedback from the Planning Department is that there is no hard line drawn to indicate the CBD or not. Given all the businesses around it is recommended that Council resolve that the area is for purposes of rates for parking encroachments regarded as falling within the CBD.

The application again served before Mayco on 12 February 2020 and the resolution was that this item be referred back to Administration for further refinement, where after same is to serve again at the Mayoral Committee meeting of March 2020. The item did not serve in the May round of meetings as we were awaiting input from the Director Infrastructure services given the investigation they did on parking. Director Louw has

responded to the property section as follows and has also commented on the item before that as indicated below in 6.8.1:

*“My parkering item was die Seksie 78(4) besluit. Dit het basies aanbeveel dat alle meervloerige parkering uitgegee sal word op kontrak en alle enkelvlak parkering deur die munisipaliteit self gedoen sal word. Ons is dus tans besig om Artikels 80 & 81 se proses te volg, dws die opstel van ‘n SDA (Service Delivery Agreement). Die raadsbesluit het aangedui dat daar gekyk moet word na skepping van ‘n parkeergarage by Technopark en Eikestadmall. Verder moet daar na verskeie parkeerareas binne loopafstand van die Universiteit en Stellenbosch CBD gekyk word.*

*As bogenoemde aansoek dus binne die besigheidsafstand van Technopark of Eikestadmall gaan wees dan mag dit die lewensvatbaarheid van die garages raak. Nou dat lockdown gelig is kan ons ‘n vergadering reël om die punt te bespreek en as die gevoel is dat ons dit kan toelaat dan kan ons die groenlig gee. Let daarop dat parkering ‘n munisipale funksie is ten opsigte van die Grondwet. As ‘n persoon vir sy eie besigheid parkering wil verskaf dan is dit goed, maar as hy parkering vir die breë publiek wil verskaf dan is dit nie goed nie.”*

Council must now consider this application.

#### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.4

#### RESOLVED (nem con)

that the Municipality retains this portion of land for the purposes of additional parking as per Municipal parking programmes due to the lack of parking within the Stellenbosch CBD and surrounding.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	<b>PIET SMIT</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088750</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Piet.smit@stellenbosch.gov.za">Piet.smit@stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2020- 07-13</b>

11.2.5	<b>APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: APPLICATION TO CONSTRUCT PUBLIC ROADS ON MUNICIPAL LAND: STELLENBOSCH BRIDGE DEVELOPMENT KLAPMUTS**

**2. PURPOSE**

To request the permission/consent from Council to allow Stellenbosch Bridge Development (Pty) Ltd to construct public roads over municipal land.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Anton Lotz Town and Regional Planners, on behalf of Stellenbosch Bridge Development (Pty), applied for permission to construct two (2) public roads on municipal land. As these are public roads it will be to the benefit of the Municipality, should the roads be constructed by the Developer, at their cost and it will remain the property of the Municipality. The Developer will also be required to undertake a proper subdivision and registration of the public road reserves.

They have also submitted a Land-Use application for the development of Portion 5 of Farm 742 and Portion 2 of Farm 744, Paarl (Klapmuts). Both Remainder Farm 739 and erf 342 rest with Stellenbosch Municipality by virtue of Title Deeds T5392/2009 and T42229/2000 respectively. See Windeed records attached as **APPENDIXES 3 and 4**.

The Planning Department has indicated that they cannot consider the Land-Use application until such time as the necessary consent/approval for the construction of the roads over municipal property has been dealt with. The request for consent to build the roads are therefore submitted for consideration. Whether the cost of the construction of the roads can be assigned to Development Contributions (DC) still need to be determined in terms of the DC Policy and further discussions with our Development Services Section.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.5**

Cllr DA Hendrickse requested that it be minuted that the matter was not advertised for public comment.

**RESOLVED** (majority vote)

- (a) that Council consents to the request by Stellenbosch Bridge (Pty) Ltd to construct public roads over Portions of Council-owned land as set out in Fig 4 and 5, at the cost of the Developer; and
- (b) that Stellenbosch Bridge (Pty) Ltd also attends to the subdivision of the respective properties to allow for the road diagrams at their cost.

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

*Cllr F Adams; FT Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti.*

11.2.6	<b>ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

**1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS**

**2. PURPOSE**

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved System of Delegations.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

The current system of delegations was approved on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.6**

**RESOLVED** (majority vote)

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

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

*Cllr F Adams; G Cele (Ms); DA Hendrickse; and LK Horsband (Ms).*

11.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
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NONE

11.4	<b>HUMAN SETTLEMENTS: (PC: CLLR N JINDELA)</b>
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11.4.1	<b>FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES</b>
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Collaborator No: 687976  
 IDP KPA Ref No: *Good Governance and Compliance*  
 Meeting Date: 22 July 2020 (Mayco)

**1. SUBJECT: FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES**

**2. PURPOSE**

To obtain Council's final approval to commence with a Public Competitive Process to give effect to the granting long-term use rights to SHIs and/or ODAs on Council-owned land in order to realise the implementation of the Social Housing Programme.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality was identified by the Western Cape Provincial Administration as one of "Leader Towns" in the Province that have the requisite constituents to partake in the Social Housing Programme. Consequent to this, the municipality adopted an Affordable Rental Housing Strategy and Plan in 2016. The municipality also underwent a rigorous process of identifying and approving Restructuring Zones for the development of Social Housing. Stellenbosch Restructuring Zone areas were subsequently endorsed by the National Housing Ministry and have been published as such in the Government Gazette dated 27 April 2017 (No. 40815).

Stellenbosch Municipality's Human Settlements Division needs to commence with a process of granting long-term use rights to qualifying accredited entities (SHIs and/or ODAs) on land identified and approved by the Municipality for the purpose of developing Social Housing estates.

Council approved, in principle, that Land Availability Agreements (long-term use rights) be entered into with Social Housing Institutions (SHIs) and/or Other Development Agencies (ODAs), subject to certain conditions, and subject thereto that Council's intention so to act be advertised for public inputs/objections.

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A notice to this effect was published. A considerable amount of input/comments have been received from the public and have been attached herewith as (**ANNEXURE A**).

Council must now make a final determination in this regard.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.4.1**

**RESOLVED** (majority vote)

- (a) that Council takes note of inputs/comments that were received, following the public notice advertised;
- (b) that a phased approach be adopted to implement social housing in Stellenbosch;
- (c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs;
- (d) that phase 2 commences after the successful completion of the development as mentioned in (c) above on Remainder of erf 2149 better known as Lapland;
- (e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and
- (f) that Council makes a final determination for the administration to commence with a process toward entering into **Land Availability Agreements** with SHIs and/or ODAs successful in a Public Competitive Process.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.*

11.5	<b>INFRASTRUCTURE SERVICES: (PC: CLLR Q SMIT)</b>
11.5.1	<b>BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS(INCLUDED RENEWABLE &amp; WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21</b>

Collaborator No: 688179  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 22 July 2020

- SUBJECT: BSM 13/19: APPOINT REGISTERED ELECTRICAL CONSULTANT WITH EXPERIENCE IN THE IMPLEMENTATION OF ELECTRICAL TARIFFS (INCLUDED RENEWABLE & WHEELING TARIFFS) AND NERSA DISTRIBUTION FORMS, TO INVESTIGATE AND IMPLEMENT ELECTRICAL TARIFFS IN THE FINANCIAL YEARS 2018/19,2019/20 AND 2020/21**

- PURPOSE**

To obtain the necessary approval to extend the scope of work of BSM 13/19 to allow for additional work required to conduct a new cost of supply study in accordance with NRS058 and National Energy Regulator of South Africa (NERSA) methodology.

- DELEGATED AUTHORITY**

Council.

- EXECUTIVE SUMMARY**

Tender number B/SM 13/19 was awarded to BBEnergy (Pty) in July 2018 for a period of three (3) years ending June 2021 to do a comprehensive analysis of existing electrical tariffs offered by Stellenbosch Municipality to their customers, including negotiated pricing agreements and gathering of statistical data for distribution forms. Part of the tariff analysis requires BBEnergy to assist Stellenbosch Municipality in motivating, during tariff application period, tariff increases based on NERSA's consultation paper (Municipal Tariff Guidelines) or Municipality's cost of supply study if available.

An additional work is required for BBEnergy to conduct a new cost of supply study that will give a true reflection for Stellenbosch Municipality of rendering a service of delivering electricity to its customers. The cost for additional service is above the variance order threshold of 15% for other services as indicated in section 54(2) in Supply Chain Management policy. Hence the department followed the route of section 116(3) of MFMA.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.5.1****RESOLVED** (majority vote)

- (a) that Council notes, in terms of MFMA Section 116(3), the reasons for the increase of tender scope and pricing;
- (b) that Council notes the public participation process that was followed and that no comments were received; and
- (c) that the additional amount of R 342 582 (VAT inclusive) which is 20% of the total tender amount in favour of BBEnergy (Pty), be approved.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.*



<b>11.5.2</b>	<b>REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**22 July 2020**

**1. SUBJECT: REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR**

**2. PURPOSE**

To request approval from Council to:

- a. Reduce Managed Parking Fees for 2020/2021
- b. Alter the Parking Contractor's portion of the Parking Tariff within Tender Contract B/SM 04/19

**3. DELEGATED AUTHORITY**

Council may approve the reduction of tariffs as provided for in the Municipal Finance Management Act (MFMA) Section 28(6).

Council may approve the change of scope of a tender contract as per the MFMA Section 116(3).

**4. EXECUTIVE SUMMARY**

Council introduced a new Parking Management Contract in the beginning of 2018/19. This Contractor commenced with parking management in June 2019. During the start of 2019/20 budget year, parking fees were raised by 20%. Due to much more efficient operation of the Contractor and therefore the public having to pay on all parking, as well as the hike in tariffs, the parking tariff were reduced to the same as the 2018/19 budget year. The Contractor has refused to introduce.

Due to the COVID-19 Pandemic, parking management was halted and is to start again on 1 August 2020. Due to the big impact of the COVID-19 Pandemic as well as public outcry against high tariffs, it is proposed that all tariffs be reduced by 20%. This reduction is to be done in such a way that the Contractor still gets paid what he would have been paid, but that the Council reduces its portion of the income, resulting in the public paying 20% less than they paid last year (2019/20).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.5.2**

**RESOLVED** (majority vote with abstentions)

- (a) that the Parking fees as depicted in the table above in 6.2 be referred to Council for final determination;
- (b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;
- (c) that the above be advertised for public comment to allow Council to make a final decision with relation to:
  - i. Reducing parking tariffs as per **ANNEXURE A**
  - ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and
- (d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.

11.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))</b>
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NONE

11.7	<b>PLANNING AND ECONOMIC DEVELOPMENT: (PC:CLLR E GROENEWALD (MS))</b>
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11.7.1	<b>PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance and Compliance**

**22 July 2020**

**1. SUBJECT: PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK**

**2. PURPOSE**

The purpose of this report is to provide the Council with an update on the progress of the Adam Tas Corridor Catalytic Initiative contained in the Stellenbosch Municipality's Integrated Development Plan 2017 – 2022, and also as stipulated in the Stellenbosch Municipality's Spatial Development Framework, 2019, which in terms of Section 26(e) of the Municipal Systems Act, Act 32 of 2000 is stipulated as a core component of the Municipal IDP.

**3. DELEGATED AUTHORITY**

Council for noting purposes.

**4. EXECUTIVE SUMMARY**

The commencement of the Compilation of the draft Adam Tas Corridor Local Spatial Development by the Municipal Manager on 20 March 2020, as delegated by Council at the 27<sup>th</sup> Council Meeting dated 29 May 2019.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.7.1**

**RESOLVED** (majority vote)

- (a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;
- (b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;
- (c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;

- (d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and
- (e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:
- Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning)
  - Stiaan Carstens Pr Pln, Senior Manager: Development Management
  - Mr Lester van Stavel, Manager: Housing Development
  - Ms Jerri-Lee Mowers, Senior Manager: Development Services

The following Western Cape Government: Department of Environmental Affairs & Development Planning (“DEA&DP”) representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:

- Ms Catherine Stone Pr Pln, Director: Spatial Planning;
- Mr Kobus Munro Pr Pln, Director: Regulatory Planning;
- Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch (“RSEP”)

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

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Craig Alexander
<b>POSITION</b>	Senior Manager: Development Planning
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	13 July 2020

11.7.2	<b>REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: REPORT ON THE STATUS OF THE BACKLOG IN THE PROCESSING OF LAND USE APPLICATIONS**

**2. PURPOSE**

The purpose of this report is to present an overview of the situation on the backlog in the processing of the land use applications.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Due to a number of service delivery challenges, a backlog in the timeous processing of land use applications occurred over time. A number of interventions were made to address these service delivery challenges, and as a result, the backlog has been reduced since 1 February 2020 from 146 to 30 applications. Of the 116 planning evaluation reports, 61 decisions have already been taken and communicated with the applicants.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.7.2**

**NOTED**

the current status in addressing the backlog in the processing of land use applications.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Stiaan Carstens
<b>POSITION</b>	Senior Manager: Development Management
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8674
<b>E-MAIL ADDRESS</b>	Stiaan.carstens@ Stellenbosch.gov.za
<b>REPORT DATE</b>	14 July 2020

11.8	<b>RURAL MANAGEMENT AND TOURISM: (PC: CLLR S PETERS)</b>
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NONE

11.9	<b>YOUTH, SPORT AND CULTURE: (PC: CLLR M PIETERSEN)</b>
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NONE

11.10	<b>MUNICIPAL MANAGER</b>
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11.10.1	<b>SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</b>
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Collaborator No: 687938  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 22 July 2020

**1. SUBJECT: SIGNED PERFORMANCE AGREEMENT 2019/20 OF THE DIRECTOR:  
PLANNING AND ECONOMIC DEVELOPMENT**

**2. PURPOSE**

To submit to Council, for notification, the following:

the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) the performance agreement must:

*“(a) be concluded within a reasonable time after a person has been appointed as the municipal manager or as a manager directly accountable to the municipal manager and thereafter within one month after the beginning of the financial year of the municipality”.*

Furthermore, Regulation 24(1) of the Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, 2006 states that *The performance agreement must be entered into for each financial year of the municipality, or part thereof.*

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.1**

**NOTED**

the Performance Agreement 2019/20 as concluded between the Municipal Manager and the Director: Planning and Economic Development for the period 01 June – 30 June 2020.

<b>11.10.2</b>	<b>SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER</b>
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Collaborator No: 687998  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 22 July 2020

**1. SUBJECT: SIGNED PERFORMANCE AGREEMENTS 2020/21 OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

**2. PURPOSE**

To submit to Council, for notification, the following:

Signed Performance Agreements 2020/21 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

According to Section 57(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA) the performance agreement must be concluded annually:

“(a) ...within one month after the beginning of each financial year of the municipality.”

The Performance Agreements 2020/21 was developed in consultation with the Municipal Manager and each Director and signed on 07 July 2020.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.2**

**NOTED**

the signed Performance Agreements 2020/21 of the Municipal Manager and Managers Directly Accountable to the Municipal Manager.

**FOR FURTHER DETAILS CONTACT:**

<i>NAME</i>	<i>Shireen De Visser</i>
<i>POSITION</i>	<i>Senior Manager: Governance</i>
<i>DIRECTORATE</i>	<i>Municipal Manager</i>
<i>CONTACT NUMBERS</i>	<i>021 808 8035</i>
<i>E-MAIL ADDRESS</i>	<i>shireen.devisser@ Stellenbosch.gov.za</i>
<i>REPORT DATE</i>	<i>08 July 2020</i>

<b>11.10.3</b>	<b>DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

22 July 2020

**1. SUBJECT: DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY FROM 01 APRIL 2020 UNTIL 30 JUNE 2020**

**2. PURPOSE OF REPORT**

To report to Council on the decisions taken by the Municipal Manager and Directors in terms of Council's System of Delegations for the period 01 January 2020 until 31 March 2020, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

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

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

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.3**

**NOTED**

the decisions taken, for the period 01 April 2020 until 30 June 2020, by the following Section 56 Managers:

- Municipal Manager – Ms G Mettler (01 April 2020 – 30 June 2020).
- Chief Financial Officer – Mr K Carolus (01 April 2020 – 30 June 2020).
- Director Community and Protection Services Mr G Boshoff (01 April 2020 – 30 June 2020).
- Director Corporate Services – Ms A de Beer (01 April 2020 – 30 June 2020).
- Director Infrastructure Services – Mr D Louw (01 April 2020 – 30 June 2020).
- Acting Director Planning and Economic Development – Mr C Alexander (01 – 31 May 2020).
- Director Planning and Economic Development – Mr A Barnes (01 – 30 June 2020).

**FOR FURTHER DETAILS CONTACT:**

<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8025</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:municipal.manager@stellenbosch.gov.za">municipal.manager@stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>03 July 2020</i>

<b>11.10.4</b>	<b>CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**22 July 2020**

**1. SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Animal Welfare) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021**

**2. PURPOSE**

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

**3. DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

**4. EXECUTIVE SUMMARY**

The Policy relating to External Bodies Performing a Municipal Function, as approved by Council, in terms of which allocations may be made to bodies performing a Municipal function, refers. In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies performing a municipal function.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the local newspapers on:

- Eikestadnuus      19 March 2020

The notice invited applications, in accordance with the Policy, for funding in the areas of:

- Facilities for the accommodation and burial of animals

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. The extension notice was circulated to the external bodies, which have submitted their interest electronically, and each body which had responded to the notice in the media thus had a fair opportunity to provide the required information to be considered.

The following bodies submitted applications by the closing date for funding to perform the accommodation and burial of animals function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:



**COMMUNITY AND PROTECTION SERVICES:**

Applicant	2020 / 2021 Funding requested in Rand Value	2019 / 2020 Funding Received in Rand Value
Animal Welfare Society Stellenbosch	R2 725 000.00	R941 000.00
SPCA Franschhoek	R220 000.00	R172 000.00

Currently, Council has budgeted the following amount for 2020/2021:

**Community and Protection Services:**

SPCA: R1 200 000.00

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.4****RESOLVED** (nem con)

- (a) that the amount of R1 012 516.00 be allocated to the Animal Welfare Society of Stellenbosch for the 2020 / 2021 financial year; and
- (b) that the amount of R187 484.00 be allocated to the SPCA Franschhoek for the 2020/2021 financial year.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Neville Langenhoven
<b>POSITION</b>	<b>CHIEF LAW ENFORCEMENT</b>
<b>DIRECTORATE</b>	<b>COMMUNITY AND PROTECTION SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8497</b>
<b>E-MAIL ADDRESS</b>	<b>Neville.langenhoven@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>01 July 2020</b>

11.10.5	<b>CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

22 July 2020

1. **SUBJECT: CONSIDERATION ON APPLICATIONS RECEIVED: (Tourism) FUNDING OF EXTERNAL BODIES PERFORMING A MUNICIPAL FUNCTION AS PROVIDED BY THE POLICY FUNDING OF BODIES PERFORMING A MUNICIPAL FUNCTION, READ WITH SECTION 80(2) OF THE LOCAL GOVERNMENT SYSTEMS ACT, 32 OF 2000, FINANCIAL YEAR 2020 / 2021**

2. **PURPOSE**

To discuss and consider the funding applications for the 2020 / 2021 financial year received from external bodies performing a Municipal function as provided by the Policy for the Funding of External Bodies Performing a Municipal Function, read with Section 80(2) of the Municipal Systems Act No. 32 of 2000.

3. **DELEGATED AUTHORITY**

In terms of Section 7(2) of said policy the Grants Committee is delegated to allocate funds to External Bodies Performing a Municipal Function.

4. **EXECUTIVE SUMMARY**

In terms of Section 7(2) of the Policy relating to External Bodies Performing a Municipal Function of which budget allocation are delegated to the Grants Committee to make recommendations to Council, as approved by Council.

The notice of the applications for the funding of bodies performing a municipal function was advertised in the Eikestadnuus dated 19 March 2020, attached as **Appendix 1** of which the closing date to submit such applications was 14 April 2020. The requirements as published in the advertisement, clearly stipulated that “*only applications received on the prescribed application form and accompanied by the required information, documentation, financial statements, covering letter...*”

The COVID-19 pandemic and lockdown regulations as promulgated by the President of the Republic of South Africa had the effect that the closing date for the applications of 14 April 2020 being extended to 24 April 2020. This extended closing date notice was circulated through email, see **APPENDIX 2**, to the external bodies, whom have submitted their interest during the period for the initial application process, and was given an opportunity to provide Council with the required information and documentation.

The following bodies submitted applications by the closing date for funding to perform the local tourism function for Council for the 2020 / 2021 financial year and this is compared with the funding granted for the 2019 / 2020 financial year:

<b>Applicant</b>	<b>2020 / 2021 Funding requested in Rand Value</b>	<b>2019 / 2020 Funding Received in Rand Value</b>
Lokxion Foundation	445 000.00	Not applicable
Visit Stellenbosch	6 000 000.00	2 528 511.00
Franschhoek Wine Valley including Dwarsrivier Tourism	1 722 412.00 710 558.00	1 202 075.00 452 414.00

Dwarsrivier Wine Valley Tourism (Community Organization)	Amount not stated	Not applicable
Stellenbosch Entrepreneur & Enterprise Development	n/a	417 000.00
<b>Total Funding Requested</b>	<b>8 877 970.00</b>	<b>4 600 000.00</b>

Currently, Council has budgeted for R5 000 000.00 for the 2020/2021 financial year. The requested amount by all the bodies is thus R3 877 970.00 over and above the budgeted amount. The Directorate: Planning & Economic Development is in the process of finalising the draft Stellenbosch Municipality Tourism Plan, 2020. A core component of this plan is to provide guidelines and prescripts to Local Tourism Organisations (“LTO”) and Council for considering and evaluating the proposals for future funding applications for this function.

All funding applications from 2021/2022 will thus be allocated in line with the prescripts of the draft plan, when adopted by Council.

### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.10.5

Cllr WC Petersen (Ms) declared her interest in this matter, and recused herself from the meeting when this matter was dealt with.

#### RESOLVED (majority vote)

- (a) that the amount of R1 475 000.00 be allocated to Franschhoek Wine Valley;
- (b) that the amount of R3 090 000.00 be allocated to Visit Stellenbosch;
- (c) that the funding in the amount of R430 000.00 identified to be transferred for the management and oversight of the Dwarsrivier Tourism Office be ring-fenced and held in abeyance, until such time that the Senior Manager: Development Planning & the Manager: Local Economic Development & Tourism are able to confirm the status of the LTO which will be responsible for the Tourism Office in Pniel;
- (d) that Lokxion Foundation’s application, attached as **APPENDIX 4**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**; and
- (e) that Dwarsriver Wine Valley Tourism’s application, attached as **APPENDIX 5**, not be considered and supported as a range of required documentation and information was not submitted by the required extended timeframe, as required by the advertisement attached as **APPENDIX 1**.

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

*At 15:45 the Speaker ordered Cllr F Adams to leave the virtual meeting for disorderly conduct (Rule 32.2).*

#### FOR FURTHER DETAILS, CONTACT:

<b>NAME</b>	Widmark Moses
<b>POSITION</b>	<b>MANAGER: LED &amp; TOURISM</b>
<b>DIRECTORATE</b>	<b>PLANNING AND ECONOMIC DEVELOPMENT</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8974</b>
<b>E-MAIL ADDRESS</b>	<b>Widmark.Moses@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>13 July 2020</b>

12.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
12.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
12.1.1	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY REKHA CONSTRUCTION (PTY) LTD: THE FORMALISATION OF INFORMAL TRADERS AT FRANSCHHOEK TOWNHALL</b>

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY REKHA CONSTRUCTION (PTY) LTD: THE FORMALISATION OF INFORMAL TRADERS AT FRANSCHHOEK TOWNHALL**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure occurred due to additional work done by the appointed contractor because of unforeseen underground site conditions and to secure the site before occupation and during the lock-down period.

**3. DELEGATED AUTHORITY**

Council to write-off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Rekha Construction (Pty) Ltd.

**4. EXECUTIVE SUMMARY**

Rekha Construction was appointed on 06-03-2018 to construct the informal trading market adjacent to the municipal building in Franschhoek. Site handover took place on 04-04-2018. Due to numerous challenging site conditions additional work had to be done to ensure the successful completion of this project. Some of these additional costs were covered by the contingencies' budget allowed for on the project, but some of the additional costs were incurred without the necessary approval/authorizations in place, although these items were required and added value to the project. This resulted in an increased project value, but this value was still less than the allowable 20% variation in term of Circular number 62/2012 (National Treasury). It should be noted that the contractor had to complete the additional scope of work, to enable the actual construction of the trading site, due to the site condition, which could not have been foreseen prior to the bid being awarded, these conditions were only noticeable on site, thus in order to progress Rekha Construction had to perform the actual additional work. This was highlighted to the Department after the additional work was completed.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.1****RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R 277 076.17 (including VAT) to Rekha Construction (Pty) Ltd; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

12.1.2	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LINAMANDLA ENTERPRISES: CONSTRUCTION OF THE CLOETESVILLE INFORMAL TRADING SITE</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance

29 July 2020

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LINAMANDLA ENTERPRISES: CONSTRUCTION OF THE CLOETESVILLE INFORMAL TRADING SITE**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2). The irregular expenditure relates to the additional work done by the appointed contractor due to unforeseen underground site conditions and delays experienced.

**3. DELEGATED AUTHORITY**

Council to write-off the irregular expenditure as irrecoverable as the specific nature of the breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment of Linamandla Construction.

**4. EXECUTIVE SUMMARY**

Linamandla Enterprise was appointed on 02-06-2018 to construct the informal trading market adjacent to the clinic in Cloetesville. Additional work and cost were incurred due to unforeseen underground site conditions which had to be addressed in order for the project to proceed. Some of these additional costs were covered by the contingencies allowed for on the project, but some of the additional costs were incurred without the necessary approval/authorizations in place, although these items were required and added value to the project, which resulted in an increased project budget, but this additional budget was less than the allowable 20% variation in term of Circular number 62/2012 (National Treasury).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.2**

**RESOLVED** (majority vote)

- (a) that Council certifies the irregular expenditure to the amount of R 79 587.52 (including VAT) to Linamandla Enterprises; and
- (b) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

<b>12.1.3</b>	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2018/2019 FINANCIAL YEAR</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

**Good Governance**

**30 June 2020**

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2018/2019 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred in the 2018/2019 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 32 of the MFMA.

**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 2018/2019 financial year by the Auditor-General which was 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.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 12.1.3**

**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council certifies the irregular expenditure to the amount of R 3 570 399 (excluding VAT) as irrecoverable; and
- (c) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32(2).

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

13.	REPORTS BY THE MUNICIPAL MANAGER
13.1	ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW

Collaborator No:

IDP KPA Ref No:

Meeting Date:

29 July 2020

1. **SUBJECT: ADOPTION OF THE REVIEWED STELLENBOSCH LIQUOR TRADING HOURS BY-LAW**
2. **PURPOSE**  
To request final approval of the Reviewed Stellenbosch Liquor Trading Hours By-law by Council.
3. **DELEGATED AUTHORITY**  
Council
4. **EXECUTIVE SUMMARY**  
The reviewed Stellenbosch Liquor Trading Hours By-Law corrects various deficiencies in the current Liquor Trading Hours By-Law. The aforementioned By-law has now been advertised for public comments and since no comments were received it is now submitted for final approval.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.1****RESOLVED** (majority vote)

- (a) that Council finally adopts the reviewed Stellenbosch Liquor Trading Hours By-Law; and
- (b) that the approved By-law be published in the Western Cape Provincial Gazette.

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

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Craig Alexander</b>
<b>POSITION</b>	<b>Acting Director</b>
<b>DIRECTORATE</b>	<b>Planning &amp; Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8196</b>
<b>E-MAIL ADDRESS</b>	<b>Craig.Alexander@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>July 2020</b>



13.2	<b>DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

**Good Governance**

29 July 2020

**1. SUBJECT: DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

Provide the Executive Mayor and subsequently Council feedback on the outcome of the public participation process for the draft By-law on Problem Property for Stellenbosch Municipality which was advertised for a second round of public comments on 12 December 2019 till 14 February 2020 in the Paarl Post and Eikestadnuus.

**3. DELEGATED AUTHORITY**

The decision making authority for the passing of by-laws is an authority of Council in terms of delegation item C1 of the systems of delegations dated 25 September 2019, hence the item for consideration by the Executive Mayor for a recommendation to Council for a final decision.

**4. EXECUTIVE SUMMARY**

Council took these previous resolutions regarding the subject property;

**4.1 The 14<sup>th</sup> Council Meeting: 2017-11-29 Item 8.3.3**

**Resolved (nem con)**

- (a) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be approved, in principle;
- (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
- (c) that the reference to the properties referred to in agenda item under point 4 be removed from the item

**4.2 The 31<sup>th</sup> Council Meeting: 2019-09-25: Item 11.7.1**

**Resolved (nem con)**

- (a) that the revised Draft By-law on Problem Properties for Stellenbosch Municipality, 17 May 2019, be advertised for public participation for 30 days and
- (b) that after the comments have been reviewed, the edited By-law be resubmitted to the Mayoral Committee and Council for final consideration and subsequent approval.

As previously mentioned the administration was instructed by the 31<sup>th</sup> Meeting of the Council of Stellenbosch Municipality to re-advertise the subject By-law for a second round. The by-law was subsequently advertised by the administration in the

Eikestadnuus and Paarl Post from 12 December till 14 February 2020 due to the recess period between 15 December 2019 and 15 January 2020.

Additionally the by-law was placed on the municipal website and at all municipal libraries available for all interested and affected parties for scrutiny.

No objections or comments were however received in this last round of advertising, hence this recommendation the Mayoral Committee and Council.

### 36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.2

#### RESOLVED (nem con)

- (a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as **ANNEXURE 1** be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;
- (b) the administration proceed with the publication of the by-law.

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Craig Alexander
<b>POSITION</b>	Acting Director
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8196
<b>E-MAIL ADDRESS</b>	Craig.alexander@stellenbosch.gov.za
<b>REPORT DATE</b>	May 2020

13.3	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2020 TILL 31 MARCH 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

1. **SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 JANUARY 2019 TILL 31 MAY 2019**

2. **PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 January 2020 till 31 March 2020 (3<sup>rd</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

3. **DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

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.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.3**

**NOTED**

the concerns and the report of the Audit Committee for the period 01 January 2020 till 31 May 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>09 April 2020</i>

13.4	<b>QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2020 TILL 30 JUNE 2020</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Good Governance

Meeting Date:

29 July 2020

**1. SUBJECT: QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY FOR THE PERIOD 01 APRIL 2020 TILL 30 JUNE 2020**

**2. PURPOSE**

To inform Council of the activities of the Audit Committee for the period 01 April 2020 till 30 June 2020 (4<sup>th</sup> Quarter). The Minutes of the meeting held for this period mentioned is herewith attached as **APPENDIX 1** which outlines the activities of the Audit and Performance Audit Committee.

**3. DELEGATED AUTHORITY**

Audit and Performance Audit Committee reports to Council periodically.

**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.

The Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.4**

**NOTED**

the concerns and the reports of the Audit Committee for the period 01 April 2012 until 30 June 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>21 July 2020</i>

<b>13.5</b>	<b>TEMPORARY HOMELESS SHELTER: VAN DER STEL SPORT GROUND</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safe Valley

22 July 2020

**1. SUBJECT: TEMPORARY HOMELESS SHELTER: VAN DER STEL SPORT GROUND****2. PURPOSE**

To request Council to consider the relocation of the homeless, presently housed in the temporary shelter at Van der Stel Sport Ground, to an alternative municipal venue.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

In terms of the national lockdown regulations municipalities were compelled to establish temporary homeless shelters to accommodate those individuals living on the streets of the municipality. Stellenbosch Municipality has since April (after a brief period in Klapmuts) housed the homeless at Van der Stel Sport Ground. The use of the sport complex was possible because sport facilities (were closed) and sport activities banned in terms of the lockdown regulations.

However, since the relaxing of the lockdown regulations from Level 5 to level 3, certain sport activities were allowed to take place. Sport clubs using the Van der Stel Sport Complex have appealed to the municipality to open the facility for use by their members as per the protocols approved by national government.

Upon an *in loco* inspection of potential alternative sites (i.e. La Refuge and Youth House in Franschhoek), these were found to be unsuitable to house 50 homeless people at one-time. Hence, the Community Services Department requests Council's approval to relocate the homeless to the Groendal Community Hall (Franschhoek) as a temporary measure until such time as the lockdown regulations have been suspended. (See attached photos in Annexure II).

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.5****RESOLVED** (majority)

- (a) that Council approves the relocation of the temporary municipal homeless shelter from Van der Stel Sport Ground to a facility in Franschhoek in consultation with the Ward Councillors of Franschhoek; and
- (b) that Council approves that the physical relocation takes place on Monday 3 August 2020.

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

*Cllr FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).*

13.6	<b>A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)</b>
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**Collaborator No:**

**IDP KPA Ref No:**

**Meeting Date:**

Good Governance and Compliance

Council Meeting: 29 July 2020

**1. SUBJECT: A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)**

**2. PURPOSE**

The purpose of this report is to seek Council approval for the proposed new Sport Facility Management Model (Plan)

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

On 24 July 2019 the Stellenbosch Municipal Council resolved to revise the current Sports Facility Management Plan in order to improve the maintenance and management of sport facilities in WC024. The Community Services Department was mandated to facilitate the review process and to advise Council on alternative models (plans) for the management of municipal sport facilities. After an extensive consultation process with the SSRA, the official representative structure of the sports fraternity, the following sport facility management models are put forward for consideration:

Option I: The current Sport Facility Management Model (Status Quo).

Option II: Stellenbosch Municipality manage and maintain all the sport facilities within Stellenbosch (WC024).

Option III: Hybrid Model: A combination of key elements of Option I and Option II.

The Community Services Department supports the implementation of the Hybrid Model for Stellenbosch Municipality. The process that was followed is discussed in detail in the attached report (Annexure 1), which elaborates on the advantages and disadvantages of each of the three models.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.6**

**RESOLVED** (nem con)

that this matter be referred back to the Administration for refinement and be resubmitted at a next meeting of Council for finalisation.

14.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
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14.1	<b>MOTION BY COUNCILLOR DA HENDRICKSE: OWNERSHIP OF HOSTELS IN KAYAMANDI: STELLENBOSCH FARM WORKER'S (DISTELL)</b>
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A Notice of a Motion, dated 2020-03-10, was received from Councillor DA Hendrickse regarding the ownership of hostels in Kayamandi: Stellenbosch Farm Worker's (Distell).

The said Motion is attached as **APPENDIX 1**.

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.1**

The Speaker allowed Councillor DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of a majority of Councillors not in support of the Motion.

**RESOLVED** (majority vote)

that this Motion not be accepted.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	July 2020

14.2	<b>MOTION BY COUNCILLOR DA HENDRICKSE: POWERS OF COUNCIL CONFERRED ON THE MAYOR AT A SPECIAL COUNCIL MEETING: 2020-03-25</b>
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A Notice of a Motion, dated 2020-07-14, was received from Councillor DA Hendrickse regarding the powers of Council conferred on the Mayor at a Special Council Meeting on 2020-03-25.

The said Motion is attached as **APPENDIX 1**.

#### **FOR CONSIDERATION**

#### **36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.2**

The Speaker allowed Councillor DA Hendrickse to put his Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.

The matter was put to the vote, yielding a result of a majority of Councillors not in support of the Motion.

**RESOLVED** (majority vote)

that this Motion not be accepted.

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

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>July 2020</i>



14.3	<b>MOTION BY COUNCILLOR F ADAMS: FREE PARKING TO ST MARY'S AND RHENISH CHURCHES</b>
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A Notice of a Motion, dated 2020-03-06, was received from Councillor F Adams regarding free parking to St Mary's and Rhenish Churches.

The said Motion is attached as **APPENDIX 1**.

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.3**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	July 2020

14.4	<b>QUESTION BY COUNCILLOR F ADAMS: EXPLANATION BY MAYOR ON ASSAULT AND RACISM CHARGES: CLLR F ADAMS</b>
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A Notice of a Question, dated 2020-03-06, was received from Councillor F Adams regarding explanation by Mayor on assault and racism charges: Cllr F Adams.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.4**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

14.5	<b>QUESTION BY COUNCILLOR F ADAMS: MATTER BETWEEN MATUSA ON BEHALF OF R. ANTHONY AND STELLENBOSCH MUNICIPALITY</b>
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A Notice of a Question, dated 2020-07-14, was received from Councillor F Adams regarding matter between Matusa on behalf of R. Anthony and Stellenbosch Municipality.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.5**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

<b>14.6</b>	<b>QUESTION BY CLLR F ADAMS: IDAS VALLEY GAP HOUSING</b>
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A Notice of a Question, dated 2020-07-14, was received from Councillor F Adams regarding the Idas Valley GAP Housing.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.6**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><u>Municipal.Manager@stellenbosch.gov.za</u></i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

<b>14.7</b>	<b>QUESTION BY CLLR DA HENDRICKSE: APPOINTMENT DATE OF MR D LOUW BEYOND RETIREMENT AGE</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor DA Hendrickse regarding the appointment date of Mr D Louw beyond retirement age.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.7**

It is noted that Cllr DA Hendrickse was not satisfied with the written response from the Municipal Manager, and responded that the information supplied was incomplete. He posed a follow-up question, nl:

“Who made the decision that Mr Louw’s contract expires after April 2022?”

The Speaker RULED that the Municipal Manager respond to Cllr DA Hendrickse’s follow-up question in writing.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>2020-01-29</i>

14.8	<b>QUESTION BY CLLR LK HORSBAND (MS): EMPLOYMENT OF STAFF ON CONTRACT BASIS LONGER THAN 3 YEARS</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor LK Horsband (Ms) regarding the employment of staff on contract basis longer than 3 years.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.8**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	2020-01-29

14.9	<b>QUESTION BY CLLR LK HORSBAND (MS): AUTHORISATION OF REMUNERATION: MR D LOUW</b>
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A Notice of a Question, dated 2020-03-10, was received from Councillor LK Horsband (Ms) regarding authorisation of remuneration: Mr D Louw.

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

**FOR CONSIDERATION**

**36<sup>TH</sup> COUNCIL MEETING: 2020-07-29: ITEM 14.9**

In view of the absence of the member,

The Speaker **RULED**

that this matter has lapsed.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	021 808-8025
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	2020-01-29

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15.	CONSIDERATION OF URGENT MOTIONS
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16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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17.	REPORTS SUBMITTED BY THE SPEAKER
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NONE

18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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The meeting adjourned at 18:30.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**



<b>8.</b>	<b>STATUTORY MATTERS</b>
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<b>8.1</b>	<b>SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022</b>
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Collaborator No: 690117  
IDP KPA Ref No: Good Governance and Compliance  
Date: 24 August 2020

**1. SUBJECT: SDF / IDP / BUDGET TIME SCHEDULE / PROCESS PLAN 2021/22 TO GUIDE THE FOURTH REVIEW OF THE FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN 2017 – 2022**

**2. PURPOSE**

To table to Council for consideration:

The Time Schedule / Process Plan 2021/22 of key activities and deadlines for the fourth and final Review of the Fourth Generation Integrated Development Plan (IDP) 2017 – 2022, Budget and Spatial Development Framework (SDF).

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Each municipality is legally required to adopt a time schedule listing key activities and deadlines 10 months before the start of the new financial year.

The SDF / IDP / Budget Time Schedule 2021/22 endeavours to outline the key strategic activities and consultative processes that will contribute to the finalisation of the SDF / IDP and Budget revisions to be implemented in the 2021/22 financial year.

The SDF / IDP/ Budget Time Schedule 2021/22 is, therefore, compiled in terms of Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), which states that “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
  - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
  - (bb) the budget-related policies;
- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

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The SDF / IDP / Budget Time Schedule 2021/22 is also compiled in terms of Sections 28 and 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Section 28 specifies of the MSA further specifies that:

- “(1) Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

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

## **5. RECOMMENDATIONS**

- (a) that Council adopts the SDF / IDP / Budget Time Schedule / Process Plan to guide the fourth and final Review of the Fourth Generation IDP 2017 – 2022, SDF and Budget; and
- (b) that the SDF / IDP / Budget Time Schedule / Process Plan be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

## **6. DISCUSSION**

### **6.1 Background**

The SDF / IDP / Budget are inextricably linked with one another, and this link has been formalised through the promulgation of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

The requirements for a Time Schedule are outlined in Section 21(1) of the MFMA and indicates that:

“The Mayor of a municipality must –

- (a) coordinate the processes for preparing the annual budget and for reviewing the municipality’s integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;

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

The new planning dispensation which includes the Spatial Planning and Land Use Management Act, 2013, (Act No.16 of 2013) (SPLUMA), the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014) and the Stellenbosch Municipal Planning By-law, 2015 imposes new requirements to compile or amend a *mSDF*.

The SDF / IDP / Budget Time Schedule 2021/22 also takes cognisance of the regulatory framework for the review and approval of the SDF, IDP Budget and the annual Service Delivery and Budget Implementation Plan (SDBIP). The SDBIP is the implementation tool to give effect to those objectives and targets as indicated in the IDP and Budget. The importance of synchronising the timelines for the revision of the SDF / IDP and Budget with those of the SDBIP, is captured in the Section 41 of the MSA which states that:

- “(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –
- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan”.

Section 26(e) of the MSA refers to the Municipal SDF as a ‘core component’ of the municipal IDP and requires that the IDP reflects a *mSDF* which must include the provision of basic guidelines for a land use management system for the municipality.

A municipal SDF (new and / or amended) has to follow a timeline set out in a process plan similar to the IDP Process Plan. Moreover, the SDF and IDP processes need to be aligned.

The IDP process follows the following major phases:

- **Analysis** (September - November 2020) which includes community input, performance analysis, financial analysis and organisational analysis.
- **Strategy** (November / December 2020) during which period the political and executive leadership confirms the strategic direction which will guide the compilation of the revised IDP, SDBIP and MTREF (vision, mission, focus areas, strategic objectives, measures and targets).
- **Preparing annual budget and IDP** (November 2020 to March 2021) during which period the municipal performance scorecard is revised and budget priorities and outputs for the next three years are determined.
- **Tabling of the draft IDP and Annual Budget** (March 2021).

- **Consultation and refinement** (April 2021) where the above-mentioned documents are published and circulated for comments and inputs by the community, National and Provincial Treasury, the Cape Winelands District Municipality and other prescribed organs of state or municipalities affected by the IDP or Budget.
- **Final approval** (May 2021) after consideration of the inputs and comments received from various stakeholders.

## 6.2. Financial Implications

There are no financial implications beyond that which was approved in the 2020/21 MTRF Budget.

## 6.3. Legal Implications

In accordance with Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
  - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
  - (bb) the budget-related policies;
  - (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
  - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

Section 28 of the MSA specifies that:

- “(1) Each municipal council must adopt a process set out in writing to guide the planning, drafting, adoption and review of its IDP.
- (2) The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.
- (3) A municipality must give notice to the local community of particulars of the process it intends to follow.”

Section 29(1) of the MSA further specifies that:

The process followed by a municipality to draft its integrated development 15 plan, including its consideration and adoption of the draft plan, must-

- (e) be in accordance with a predetermined programme specifying timeframes for the different steps;
- (f) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for

- (iv) the local community to be consulted on its development needs and priorities;
  - (v) the local community to participate in the drafting of the integrated development plan; and
  - (vi) organs of state, including traditional authorities and other role players to be identified and consulted on the drafting of the integrated development plan;
- (g) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
- (h) be consistent with any other matters that may be prescribed by regulation.

Section 41 of the MSA also states that:

“(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed –

- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the municipality’s development priorities and objectives set out in its integrated development plan”.

In addition, and in accordance with Section 21(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) “the mayor of a municipality must-

at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-

- (i) the preparation, tabling and approval of the annual budget;
- (ii) the annual review of-
  - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
  - (bb) the budget-related policies;
- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
- (vii) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

#### **6.4. Staff Implications**

This report has no additional staff implications to the Municipality.

#### **6.5. Risk Implication**

None.

#### **6.6. Comments from Senior Management**

##### **6.6.1. Director: Community and Protection Services**

Support.

##### **6.6.2. Chief Financial Officer**

Support.

**6.6.3. Director: Infrastructure Services**

Support.

**6.6.4. Director: Corporate Services**

Support.

**6.6.5. Director: Planning and Economic Development**

Support.

**6.6.6. Comments from the Municipal Manager**

Support.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.1**

- (a) that Council adopts the SDF / IDP / Budget Time Schedule / Process Plan to guide the fourth and final Review of the Fourth Generation IDP 2017 – 2022, SDF and Budget; and
- (b) that the SDF / IDP / Budget Time Schedule / Process Plan be placed on the official website of the Municipality, municipal notice boards and libraries, notifying the public and municipal stakeholders of the planned process.

**ANNEXURES****Annexure A:** SDF / IDP / Budget Time Schedule / Process Plan 2021/22**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Shireen De Visser</i>
<b>POSITION</b>	<i>Senior Manager: Governance</i>
<b>DIRECTORATE</b>	<i>Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8035</i>
<b>E-MAIL ADDRESS</b>	<i>shireen.devisser@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>07 August 2020</i>

# **ANNEXURE A**



# STELLENBOSCH

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## Annexure A

### SDF/IDP/BUDGET TIME SCHEDULE/PROCESS PLAN FOR 2021/22

(In accordance with Section 21(1)(b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and Section 29 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and the Regulations made under these Acts)

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
<b>JULY 2020</b>								
1	Make public the projections, targets and indicators as set out in the SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 days after the approval of the SDBIP)	MFMA - Sec 53(3)(a) MBRR - Reg 20(2)(b)			03 July 2020			Manager: IDP/PMS/PP
2	Commence with the preparation of Roll-Over Budget for the 2020/21 Financial year	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		31 July 2020				Snr Manager: Financial Management Services
3	<b>Submit Quarterly report for period ending 30 June 2020 on implementation of the budget and financial state of affairs of the Municipality to Council</b>	<b>MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29</b>					29 July 2020	<b>Snr Manager: Financial Management Services</b>
<b>AUGUST 2020</b>								
4	Place Fourth Quarter Performance Report 2019/20 on website	MFMA - Section 75 (2) MSA 21(b)			01 August 2020			Snr Manager: Financial Management Services
5	Submit 4th Quarter Performance Reports 2019/20 - SDBIP Performance Reports to National and Provincial Treasuries	MPPMR - Reg 13			01 August 2020			Snr Manager: Financial Management Services
6	Strategic sessions for Political and Executive leadership to determine and execute municipal strategy	MSA Section 56(2)	20-21 August 2020					Municipal Manager



ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
7	Executive Mayor and Mayoral Committee recommend that SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Roadshow Schedule be approved by Council	MFMA - Sec 21(1)(b)	21 August 2020					Manager: IDP/PMS/PP
8	Executive Mayor and Mayoral Committee approve 2020/21 Capital Roll-Over Budget	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		19 August 2020				Chief Financial Officer
9	Council approve 2020/21 Capital Roll-Over Budget (to be tabled before 25 August 2020)	MFMA - Sec 28(2)(e) MBRR - Reg 23(5)		24 August 2020				Chief Financial Officer
10	Council approve SDF/IDP/Budget Time Schedule / Process Plan (at least 10 months before the start of the budget year) and IDP Public Participation Roadshow Schedule	MFMA - Sec 21(1)(b)	25 August 2020					Manager: IDP/PMS/PP
11	Place advertisement to notify the public of the approved SDF/IDP/Budget Time Schedule and IDP Public Participation Process on website, local newspapers and notice boards	MSA - Sec 21, 21A, 28(3)	31 August 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
12	Submit the adopted SDF/IDP/Budget Time Schedule to the MEC for Local Government and Provincial Treasury	MSA - Sec 21, 21A, 28(3)	31 August 2020					Manager: IDP/PMS/PP
<b>SEPTEMBER 2020</b>								
13	<b>SDF/IDP/ Budget consultative engagements with the community and other stakeholders in all municipal wards</b>	<b>Chapter 4 MSA</b>	<b>02 - 30 September 2020</b>					<b>Manager: IDP/PMS/PP</b>
14	Provincial IDP Managers' Forum	MSA Section 24	17 - 18 September 2020					Manager: IDP/PMS/PP
15	Collate information from adopted Sector Plans for integration into the IDP Review document	MSA Section 34	30 September 2020					Manager: IDP/PMS/PP together with All Departments
<b>OCTOBER 2020</b>								
16	Updating of ward plans and reprioritisation of ward priorities	Not Applicable	01 - 15 October 2020					Manager: IDP/PMS/PP together with All Departments
17	<b>Departmental SDF/IDP/Budget Work Sessions to review projects, key initiatives and programmes from Community IDP Needs List and identified actions emanating from the community engagement and sector plan analysis</b>	<b>Not Applicable</b>	<b>01 - 15 October 2020</b>					<b>Manager: IDP/PMS/PP together with All Departments</b>
18	Stakeholder Engagement(s)	MSA Section 29(1)(b)	22 October 2020					Manager: IDP/PMS/PP
19	Submission of priority requests to sector departments	Not Applicable	30 October 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
20	Directorates complete template for 2021 - 2024 Capital and Operational Budget for Budget Prioritisation	MSA Section 26(h)		25 October 2020				Snr Manager: Financial Management Services
21	Complete tariff setting exercise for 2021/22	MFMA Section 71		25 October 2020				Snr Manager: Financial Management Services
22	<b>Submit Quarterly report for period ending 30 September 2020 on implementation of the budget and financial state of affairs of the Municipality</b>	<b>MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 28</b>			<b>30 October 2020</b>			<b>Snr Manager: Financial Management Services</b>
23	Strategic Integrated Municipal Engagements (SIME)		30 October 2020					Manager: IDP/PMS/PP
<b>NOVEMBER 2020</b>								
24	Review current budget related policies and compile newly needed budget related policies	MFMA - Sec 21 MBRR - Part 3		01 November 2020				Snr Manager: Financial Management Services
25	Submit 1st Quarter Performance Reports 2020/21 - SDBIP and Finance Performance Reports to National and Provincial Treasury			02 November 2020				Snr Manager: Financial Management Services
26	Place First Quarter Performance Report 2020/21 on website	MFMA - Sec 75(2) MSA - Sec 21(b)		02 November 2020				Snr Manager: Financial Management Services
27	Submit inputs for 2020/21 Operating and Capital Adjustments Budget to Manager: Budgeting and Costing	MFMA - Section 21 & 28		11 December 2020				All Directorates
28	Draft initial changes to IDP: Reconcile community, administrative and political priorities	Not Applicable	30 November 2020					Manager: IDP/PMS/PP
29	Finalise all IDP inputs (Chapters) and distribute to all Departments for input and revisions	MSA Section 34	30 November 2020					Manager: IDP/PMS/PP
<b>DECEMBER 2020</b>								
30	Provincial IDP Managers' Forum	MSA Section 24	03 - 04 December 2020					Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
<b>JANUARY 2021</b>								
31	<b>MAYCO considers and adopts 2020/21 Adjustments Budget and Draft Revised 2020/21 SDBIP</b>	<b>MFMA - Sec 28 MBRR - Part 4</b>		14 January 2021	14 January 2021			<b>Snr Manager: Financial Management Services and Manager: IDP/PMS/PP</b>
32	Submit Mid-year Performance Assessment Report 2020/21 to Executive Mayor	MFMA - Sec 72			25 January 2021			Manager: IDP/PMS/PP
33	Submit Mid-year Budget Assessment Report 2020/21 to Executive Mayor	MFMA - Section 72(1)(b) MBRR - Reg 35		25 January 2021				Chief Financial Officer
34	Submit Mid-year Budget and Performance Report 2020/21 to Provincial Treasury, National Treasury and Department of Local Government by 25 January 2021	MFMA - Section 72(1)(b) MBRR - Reg 35		25 January 2021				Manager: IDP/PMS/PP and Chief Financial Officer
35	Make public the Mid-Year Budget and Performance Report 2020/21 in the local newspaper and on municipal website	MFMA - Section 75 (2) MSA - Sec 21(b)		31 January 2021				Chief Financial Officer and Manager: IDP/PMS/PP
36	<b>Council consider 2019/20 Draft Annual Report before advertising it for public comment</b>	<b>MFMA - Sec 127</b>					27 January 2021	<b>Manager: IDP/PMS/PP and Chief Financial Officer</b>
37	<b>Submit Quarterly report for period ending 31 December 2020 on implementation of the budget and financial state of affairs of the Municipality to Council</b>	<b>MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29</b>					27 January 2021	<b>Chief Financial Officer and Manager: IDP/PMS/PP</b>
38	<b>Submit Mid-year Budget and Performance Assessment Reports 2020/21 to Council</b>	<b>MFMA - Section 72(1)(b) MBRR - Reg 35</b>		27 January 2021			27 January 2021	<b>Snr Manager: Financial Management Services</b>
39	Place SECOND Quarter Performance Report 2020/21 on website	MFMA - Section 75 (2) MSA - Sec 21(b)		29 January 2021				Snr Manager: Financial Management Services
40	Invite public / local community to submit written comment on the proposed SDF amendment within 60 days of the publication thereof in the Provincial Gazette and the Media	SPLUMA – Section 20(3)	01 January 2021 - 28 February 2021					Manager: Spatial Planning

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
41	Council considers the 2020/21 Adjustments Budget and Draft Revised TL SDBIP 2020/21	MFMA - Sec 28 MBRR - Part 4		27 January 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
<b>FEBRUARY 2021</b>								
42	Advertise the approved 2020/21 Adjustments Budget and Revised SDBIP for 2020/21 and submit budget and B Schedules to National Treasury and Provincial Treasury as required per legislation (within 10 working days)	MFMA - Sec 28(7) MSA - Sec 21A MBRR - Part 4		02 February 2021	02 February 2021			Snr Manager: Financial Management Services and Manager: IDP/PMS/PP
43	Send the Draft Annual Report 2019/20, within five (5) days via e-mail and hard copy to the National Treasury, the Western Cape Department of Local Government, the Western Cape Provincial Treasury and the Auditor General	MFMA - Section 127(5)(b)					02 February 2021	Manager: IDP/PMS/PP
44	Due date for the public and other stakeholders to submit written comments on the Draft Annual Report 2019/20	MFMA - Sec 127(5)(a) MSA - Sec 21A			19 February 2020			Chief Financial Officer
45	Annual (2019/20) and Mid-year (2020/21) Performance Assessments for Municipal Manager and Managers directly accountable to the Municipal Manager	MPPMR - Reg 13 GN 21- 17/01/2014			25 February 2021			Manager: IDP/PMS/PP
46	Technical Integrated Municipal Engagements (TIME)	MSA - Chapter 5	26 February 2021					Municipal Manager
47	LG MTEC 2 - Provincial Sector Departments inform municipalities of provincial budgetary allocations	MSA - Chapter 5	26 February 2021					Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
<b>MARCH 2021</b>								
48	Review the Municipality's performance management system (PMS) - submit Revised Performance Management Policy to Council	MPPR - Reg 3(4)(b) & Reg 11(2)			31 March 2021			Manager: IDP/PMS/PP

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES					RESPONSIBLE OFFICIAL
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF	REPORTING	
49	Submission of the draft IDP, budget, tariffs, budget related policies and SDBIP (at least 90 days before the start of the budget year)	MFMA - Sec 16(2) MSA - Sec 25 MBRR - Part 3	31 March 2021	31 March 2021	31 March 2021			Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
50	Council consider Oversight Report and Annual Report 2019/20 for approval	MFMA - Sec 129			31 March 2021			Manager: IDP/PMS/PP
<b>APRIL 2021</b>								
51	Advertise the Draft SDF IDP, SDBIP, budget and other required documents and provide at least 21 days for public comments and submissions	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 April 2021	05 April 2021	05 April 2021	05 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
52	Place advertisement for the Oversight Report and Annual Report 2019/20 to be released for information which must be placed on the municipal website within five (5) days after it is approved	MFMA - Sec 129(3)					05 April 2021	Manager: IDP/PMS/PP
53	Ensure that the Oversight Report and Annual Report 2019/20 are made available at all municipal offices and libraries for information	MFMA - Sec 129(3)					05 April 2021	Manager: IDP/PMS/PP
54	Submit the Annual Report and Oversight Report 2019/20 to the provincial legislature as per circular	MFMA - Sec 132(1) & (2)					05 April 2021	Manager: IDP/PMS/PP
55	Submit the draft SDF, IDP, SDBIP and budget to Department of Local Government, National and Provincial Treasury, prescribed national or provincial organs of state and to other municipalities affected by the IDP and budget	MFMA - Sec 22(b) MSA - Sec 32(1) MBRR - Reg 20	05 April 2021	05 April 2021		05 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
56	Public Participation Process to consult the Draft IDP, SDBIP and Budget	MFMA - Sec 22(a) MSA - Sec 21A MPPMR - Reg 15(3)	05 - 30 April 2021	05 - 30 April 2021	05 - 30 April 2021	05 - 30 April 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
57	Submit Quarterly report for period ending 31 March 2020 on implementation of the budget and financial state of affairs of the Municipality to Council	MFMA - Sec 52(d) MFMA - Sec 71(1) MBRR - Reg 29					30 April 2021	Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
58	Submit 3rd Quarter Performance Reports 2020/21 - SDBIP and Performance Reports to National and Provincial Treasury	MPPMR - Reg 13					30 April 2021	Snr Manager: Financial Management Services
<b>MAY 2021</b>								
59	Place Third Quarter Performance Report 2020/21 on website	MFMA - Sec 75(2) MSA - Sec 21(b)					03 May 2021	Manager: IDP/PMS/PP
60	<b>MAYCO meeting to considers the Budget and Revised IDP (at least 30 days before the start of the budget year)</b>	<b>MFMA - Sec 24</b>	<b>14 May 2021</b>	<b>14 May 2021</b>	<b>14 May 2021</b>			<b>Manager: IDP/PMS/PP and Snr Manager: Financial Management Services</b>
61	LG MTEC 3 IDP and Budget Assessments by Provincial Treasury and Department of Local Government	MSA Chapter 5 MFMA	31 May 2021	31 May 2021	31 May 2021	31 May 2021		Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
62	<b>Council meeting to adopt Revised IDP, Performance Management Measures and targets and the budget (at least 30 days before the start of the budget year)</b>	<b>MFMA - Sec 24</b>	<b>31 May 2021</b>	<b>31 May 2021</b>	<b>31 May 2021</b>			<b>Manager: IDP/PMS/PP and Snr Manager: Financial Management Services</b>
<b>JUNE 2021</b>								
63	Place the IDP, multi-year budget, all budget-related documents and all budget-related policies on the website	MFMA - Sec 22 and 75 MSA - Sec 21A and 21B	04 June 2021	04 June 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services
64	Submit a copy of the revised IDP to the MEC for LG (within 10 days of the adoption of the plan)	MSA - Section 32	10 June 2021					Manager: IDP/PMS/PP
65	Submit approved budget to National and Provincial Treasuries (both printed and electronic formats)	MFMA - Sec 24(3) MBRR - Reg 20		15 June 2020				Snr Manager: Financial Management Services
66	Give notice to the public of the adoption of the IDP and Budget (within 14 days of the adoption of the plan) and budget (within 10 working days)	MBRR - Reg 18 MSA - Sec 25(4)(a)(b)	10 June 2021	10 June 2021				Manager: IDP/PMS/PP and Snr Manager: Financial Management Services

ACTIVITY / TASK		LEGISLATIVE REQUIREMENTS	TARGET DATES				RESPONSIBLE OFFICIAL	
NO	DESCRIPTION		IDP	BUDGET	PMS	SDF		REPORTING
67	Submit to the Executive Mayor the TL SDBIP 2021/22 (no later than 14 days after the approval of an annual budget)	MFMA - Sec 69(3)(a)			10 June 2021			Manager: IDP/PMS/PP
68	Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)	MFMA - Sec 53(1)(c) (ii)			28 June 2021			Manager: IDP/PMS/PP
<b>JULY 2021</b>								
69	Make public the projections, targets and indicators as set out in the TL SDBIP (no later than 14 days after the approval of the SDBIP) and submit to National and Provincial Treasuries (no later than 10 working days after the approval of the SDBIP)	MFMA Section 53(3)(a) MBRR Reg 19			10 July 2021			Manager: IDP/PMS/PP
70	Make public the performance agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (no later than 14 days after the approval of the SDBIP)	MFMA Section 53(3)(b):			10 July 2021			Manager: IDP/PMS/PP



8.2	<b>ROLL-OVER ADJUSTMENTS BUDGET 2020/2021</b>
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**Collaborator No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Date:** 24 August 2020

**1. SUBJECT: ROLL-OVER ADJUSTMENTS BUDGET 2020/2021**

**2. PURPOSE**

To present the roll over adjustments budget for the 2020/2021 financial year to Council for approval.

**3. DELEGATED AUTHORITY**

FOR APPROVAL BY MUNICIPAL COUNCIL

**4. EXECUTIVE SUMMARY**

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

**5. RECOMMENDATIONS**

- (a) that the Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

**6. DISCUSSION / CONTENTS**

**6.1 Background/ Legislative Framework**

In terms of section 28 (2) (e) of the Municipal Finance Management Act:

“An adjustments budget may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council”.

According to regulation 23 (5) of the Municipal Budget and Reporting Regulations:

“An adjustments budget referred to in section 28 (2) (e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year following the financial year to which the roll-overs relate.”

**6.2 Discussion**

This adjustments budget addresses the spending of funds that were unspent and committed at the end of the 2019/20 financial year where the under-spending could not reasonably have been foreseen at the time of concluding the annual budget of the current financial year.

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**Capital Adjustments Budget**

Council approved a Capital Budget for the 2020/2021 financial year amounting to R371 550 311 in July 2020. This adjustments budget effectively changes the Amended budget by means of the inclusion of the roll-overs from the 2019/2020 financial year.

The criteria applied for roll over of capital projects included supporting evidence that must be provided for each project that the work has commenced, namely the following:

- Proof that the project tender was published and the period for tender submissions closed before 30 June 2020.
- Detailed reference numbers of the Supply Chain Management process followed needs to be provided.
- Evidence that all projects linked to an allocation will be fully utilised by 30 June 2021.

Details of the proposed adjustments are reflected in **APPENDIX 2**.

**6.3 Financial Implications**

Financial impact already discussed above.

**6.4 Legal Implications****Legal Services**

The item at my disposal is compliant with the relevant legislative framework.

**6.5 Staff Implications**

None

**6.6 Previous / Relevant Council Resolutions**

36<sup>th</sup> Council Meeting on 29 July 2020 - Item 8.7

**RESOLVED** (nem con)

- (a) that an Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

**6.7 Risk Implications**

None

**6.8 Comments from Senior Management**

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

**6.8.1 Municipal Manager**

Supports the recommendations

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.2**

- (a) that the Adjustments Budget for 2020/2021 as set out in **APPENDIX 2**, be approved;
- (b) that the Adjustments Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 3**, be approved; and
- (c) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

**ANNEXURES****Appendix 1:** Executive summary**Appendix 2:** Adjustments Budget**Appendix 3:** Budgeting and Reporting Regulations: Schedule B**Appendix 4:** Other supporting documents**Appendix 5:** Quality certificate**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>MONIQUE STEYL</i>
<b>POSITION</b>	<i>Senior Manager: Financial Management Services</i>
<b>DIRECTORATE</b>	<i>FINANCIAL SERVICES</i>
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<b>REPORT DATE</b>	



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

# **STELLENBOSCH MUNICIPALITY**

**ROLL-OVER ADJUSTMENTS BUDGET DOCUMENTATION**

**AUGUST 2020**

ROLL-OVER ADJUSTMENTS BUDGET FOR THE FINANCIAL PERIOD 2020 – 2021  
AUGUST 2020

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## Executive Summary

### Overview

The adjustments budget in terms of section 28 (2) (e) of the MFMA emanates from funds that have not been spent in the 2019/2020 financial year.

Only unspent capital funds will be rolled over. Capital projects funded from conditional grants will not be rolled over.

Stellenbosch Municipality had budgeted R577 905 284 for capital expenditure in the 2019/2020 financial year, of which the municipality spent R388 941 683 of the budget.

The adjustments budget takes into account the current economic climate and the impact that Covid-19 will have on the greater WC024. The National Lockdown regulations caused delays in procurement processes and the implementation of capital projects as services were closed down. Essential services were provided to the communities, however some interruptions occurred that impacted the budget.

### Capital Adjustments Budget for 2020/2021

	<b>2020/2021 Approved Budget</b>	<b>2020/2021 Adjustments Budget</b>	<b>%</b>
Capital Budget	371 550 311	452 502 141	22%

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## Adjustments to Funding

The funding sources to the capital budget are as follows:

<u>Funding</u>	<b>2020/2021 Approved Budget</b>	<b>%</b>	<b>2020/2021 Adjustments Budget</b>	<b>%</b>
<b>Own Funding</b>				
Capital Replacement Reserve	127 630 035	34%	208 581 866	46%
<b>External Funding</b>				
External Loans	102 779 511	28%	102 779 511	23%
Public contributions & donations	31 911 765	9%	31 911 765	7%
National Grants	59 490 000	16%	59 490 000	13%
Provincial Grants	49 739 000	13%	49 739 000	11%
	<b>371 550 311</b>		<b>452 502 142</b>	

## Adjustments to Capital Expenditure

The capital budget per directorate is as follows:

<b>Directorate</b>	<b>Total Approved Budget (R )</b>	<b>%</b>	<b>Total Adjustments Budget (R )</b>	<b>%</b>
<b>Municipal Manager</b>	40 000	0%	40 000	0%
<b>Planning &amp; Development Services</b>	12 310 800	3%	14 667 078	3%
<b>Community and Protection Services</b>	27 640 000	7%	48 261 949	11%
<b>Infrastructure Services</b>	313 059 511	84%	361 440 603	80%
<b>Corporate Services</b>	17 650 000	5%	27 242 511	6%
<b>Financial Services</b>	850 000	0%	850 000	0%
<b>TOTALS</b>	<b>371 550 311</b>		<b>452 502 141</b>	

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### High Level Adjustments Budget Summary for 2020/2021

The total budget is summarized as follows:

Directorate	Operating Revenue Budget	Operating Expenditure Budget	Capital Budget	Total Budget
<b>Municipal Manager Planning &amp; Development Services</b>	-	47 883 653	40 000	47 923 653
<b>Community and Protection Services</b>	81 766 473	105 525 499	14 667 078	120 192 577
<b>Infrastructure Services</b>	192 984 638	359 246 177	48 261 949	407 508 126
<b>Corporate Services</b>	1 253 413 408	1 103 622 771	361 440 603	1 465 063 374
<b>Financial Services</b>	4 302 674	181 429 497	27 242 511	208 672 008
<b>Total Revenue</b>	<u>497 320 680</u>	<u>110 583 800</u>	<u>850 000</u>	<u>111 433 800</u>
	<b>2 029 787 873</b>	<b>1 908 291 397</b>	<b>452 502 141</b>	<b>2 360 793 538</b>



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**APPENDIX 2**

**Capital Adjustments Budget for 2020/2021**

The following funds per directorate are to be rolled-over:

Directorate	Approved Budget	Funds rolled-over	Adjustments Budget
<b>Municipal Manager</b>	40 000	-	40 000
<b>Planning &amp; Development Services</b>	12 310 800	2 356 278	14 667 078
<b>Community and Protection Services</b>	27 640 000	20 621 949	48 261 949
<b>Infrastructure Services</b>	313 059 511	48 381 092	361 440 603
<b>Corporate Services</b>	17 650 000	9 592 511	27 242 511
<b>Financial Services</b>	850 000	-	850 000
<b>TOTALS</b>	<b>371 550 311</b>	<b>80 951 831</b>	<b>452 502 141</b>

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The Capital projects to be rolled over from the previous financial year are as follows:

<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
<b>Planning and Development Services</b>			<b>2 356 278</b>	
<b>Local Economic Development</b>			<b>2 356 278</b>	
	Establishment of informal trading markets Cloetesville	CRR	181 422	The contractor was unable to supply quotations due to the National lockdown. Project was not completed and carried forward to 2020/2021 financial year.
	Establishment of Informal Trading Sites: Groendal	CRR	1 277 235	Project was not completed and carried forward to 2020/2021 financial year. Service provider has been appointed and work is in progress.
	Establishment of Informal Trading Sites: Kayamandi	CRR	573 007	Project was not completed and carried forward to 2020/2021 financial year. Service provider has been appointed and work is in progress.
	Establishment of Informal Trading Sites: Klapmuts	CRR	324 614	The contractor was unable to supply quotations due to the National lockdown. Project was not completed and carried forward to 2020/2021 financial year.
<b>Infrastructure Services</b>			<b>48 381 092</b>	
<b>Waste Management: Solid Waste Management</b>			<b>8 056 734</b>	
	Stellenbosch WC024 Material Recovery Facility	CRR	8 056 734	Funding required to complete construction which was delayed because of the National lockdown.

ROLL-OVER ADJUSTMENTS BUDGET FOR THE FINANCIAL PERIOD 2020 – 2021  
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<i>Projects</i>	<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
<b>Electrical Services</b>		<b>1 179 324</b>	
Network Cable Replace 11 Kv	CRR	1 179 324	Funding required due to Contractor and cables not available during the National lockdown. Projects for cable replacement to continue during 2020/2021 Financial Year.
<b>Infrastructure Planning, Development and Implementation</b>		<b>1 052 519</b>	
Basic Services Improvements: Langrug	CRR	700 000	Multi-year project. Project delayed due to National lockdown.
Smartie town, Cloetesville	CRR	352 519	Final phase of the project was not completed and carried forward to 2020/2021 financial year, delayed due to National lockdown.
<b>Water and Wastewater Services: Sanitation</b>		<b>17 487 103</b>	
Extention Of WWTW: Stellenbosch	CRR	2 500 000	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Idas Valley Merriman Outfall Sewer	CRR	426 531	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
New Plankenburg Main Outfall Sewer	CRR	4 076 785	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.

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<i>Projects</i>	<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
Sewerpipe Replacement	CRR	310 146	Funding required to complete construction which was delayed because of the National lockdown.
Sewerpipe Replacement: Dorp Straat	CRR	4 173 975	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Upgrade of WWTW Wemmershoek	CRR	2 135 658	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Upgrade of WWTW: Pniel & Decommissioning Of Franschoek	CRR	3 864 008	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
<b>Water and Wastewater Services: Water</b>		<b>13 727 679</b>	
Bulk water supply Klapmuts	CRR	5 671 646	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
New Developments Bulk Water Supply WC024	CRR	1 500 000	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
New Reservoir Rosendal	CRR	1 000 000	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.

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<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
	New Reservoir & Pipeline: Vlottenburg	CRR	3 426 400	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
	Reservoirs and Dam Safety	CRR	920 487	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
	Water Conservation & Demand Management	CRR	310 146	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
	Water Treatment Works: Idas Valley	CRR	899 000	This is a multi-year project. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
<b>Roads and Stormwater</b>			<b>2 463 215</b>	
	Schuilplaats Road Link	CRR	150 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
	Specialized Vehicle	CRR	2 013 215	A replacement vehicle was ordered in the previous financial year delivery was delayed due to the National lockdown. The department will take delivery in August 2020.
	Technopark Access Road	CRR	100 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.

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<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
	Upgrade Gravel Roads - Devon Valley	CRR	50 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
	Upgrade Gravel Roads - Lamotte & Franshoek	CRR	150 000	Multi-year project. Project delayed due to National lockdown.
<b>Traffic Engineering</b>			<b>1 819 991</b>	
	Main Road Intersection Improvements: Franschoek	CRR	210 591	Multi-year project. Project delayed due to National lockdown. Service provider has been appointed and work is in progress.
	Main Road Intersection Improvements: Stellenbosch	CRR	1 241 026	Project delayed due to National lockdown. Service provider has been appointed and work is in progress.
	Pedestrian Crossing Implementation	CRR	268 375	Project delayed due to National lockdown. Service provider has been appointed and work is in progress.
	Universal Access Implementation	CRR	100 000	Project delayed due to National lockdown. Service provider has been appointed and work is in progress.
<b>Transport Planning</b>			<b>2 594 527</b>	
	NMT Asset Management & NMT Public Transport	CRR	475 163	Project delayed due to National lockdown. Service provider has been appointed and work is in progress.
	Non Motorised Transportation (NMT) Implementation	CRR	1 740 419	Construction was limited due to National Lockdown and the Project was delayed.

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<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
	Taxi Rank: Franschhoek	CRR	116 636	Project delayed due to National lockdown.
	Taxi Rank: Klapmuts	CRR	262 310	Project delayed due to National lockdown.
<b>Corporate Services</b>			<b>9 592 511</b>	
<b>Information and Communications Technology (ICT)</b>			<b>853 956</b>	
	Purchase and Replacement of Computer/software and Peripheral devices	CRR	853 956	Procurement of Desktops and Laptops that could not be delivered by the 30 June 2020 due to the National Lockdown and the suspended international cargo flights.
<b>Properties and Municipal Building Maintenance</b>			<b>8 738 555</b>	
	Flats: Interior Upgrading	CRR	63 317	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
	Furniture Tools and Equipment: Property Management	CRR	90 260	Contractors have been appointed before 30 June 2020 - delivery delayed due to National Lockdown.
	Kayamandi: Upgrading of Makapula Hall	CRR	200 000	Contractors have been appointed - work in progress. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
	La Motte Clubhouse	CRR	2 250 000	Contractors have been appointed - work in progress. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.

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<i>Projects</i>	<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
New Community Hall Klapmuts	CRR	774 000	Contractors have been appointed - work in progress. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Public Ablution Facilities: Franschoek	CRR	70 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Rebuild: Kleine Libertas Theatre	CRR	900 000	Contractors have been appointed - work in progress. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Structural Improvement: General	CRR	840 000	The practical completion is finalised. Project carried forward to the 2020/2021 Financial Year
Structural improvements at the Van der Stel Sport grounds	CRR	400 000	Contractors have been appointed before 30 June 2020 - work in progress
Structural Upgrade: Heritage Building	CRR	69 978	Contractors have been appointed before 30 June 2020 - work in progress
Upgrading Fencing	CRR	738 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Upgrading of Eike Town Town Hall	CRR	1 110 000	Contractors have been appointed before 30 June 2020 - work in progress
Upgrading of Stellenbosch Town Hall	CRR	1 050 000	Contractors have been appointed - work in progress
Upgrading of Traffic Offices: Stellenbosch	CRR	183 000	Contractors have been appointed - contractors are on site and awaiting payment.



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<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
<b>Community &amp; Protection Services</b>			<b>20 621 949</b>	
<b>Community and Protection Services: General</b>			<b>2 500 000</b>	
	Enlarge Office Space (Jan Marais Reserve)	CRR	2 500 000	Project delayed for 3 months due to National lockdown. The construction period runs well into the 2020/2021 financial year.
<b>Parks and Cemeteries</b>			<b>1 778 010</b>	
	Extension of Cemetery Infrastructure	CRR	143 000	Funding required for purchasing of the surveillance cameras.
	Furniture, Tools and Equipment	CRR	42 906	Orders have been placed, delivery was delayed due to the National lockdown.
	Purchase of Specialised Vehicles	CRR	850 000	Supplier is completing the manufacturing of the truck.
	Upgrading of Parks	CRR	742 104	Funding required for fencing and artificial grass at community facilities.
<b>Community Development</b>			<b>60 000</b>	
	Furniture Tools and Equipment	CRR	60 000	Orders have been placed, delivery was delayed due to the National lockdown.
<b>Fire and Rescue Services</b>			<b>7 945 023</b>	
	Major Fire Pumper	CRR	4 500 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
	Upgrading of Stellenbosch Fire Station	CRR	3 445 023	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.

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<i>Projects</i>	<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
<b>Disaster Management</b>		<b>331 000</b>	
Vehicle Fleet	CRR	331 000	Service provider was delayed due to the National lockdown.
<b>Law Enforcement and Security</b>		<b>2 120 000</b>	
Install and Upgrade CCTV Cameras In WC024	CRR	1 620 000	Contractors have been appointed - work in progress. Project carried forward to the 2020/2021 Financial Year.
Install Computerized Access Security Systems and CCTV Cameras At Municipal Buildings	CRR	500 000	Orders have been placed, delivery was delayed due to the National lockdown. Project carried forward to the 2020/2021 Financial Year.
<b>Community Services: Library Services</b>		<b>407 549</b>	
Cloetesville: Furniture, Tools and Equipment	CRR	31 080	Orders have been placed, delivery was delayed due to the National lockdown.
Franschhoek: Furniture Tools and Equipment	CRR	56 124	Orders have been placed, delivery was delayed due to the National lockdown.
Groendal: Furniture Tools and Equipment	CRR	29 234	Orders have been placed, delivery was delayed due to the National lockdown.
Idas Valley: Furniture, Tools and Equipment	CRR	44 254	Orders have been placed, delivery was delayed due to the National lockdown.
Libraries: CCTV	CRR	200 000	Orders have been placed, delivery was delayed due to the National lockdown.
Libraries: Small Capital	CRR	46 857	Orders have been placed, delivery was delayed due to the National lockdown.

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<i>Projects</i>	<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
<b>Environmental Management: Nature Conservation</b>		<b>1 784 376</b>	
Air and Noise Control: FTE	CRR	40 607	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Mont Rochelle Nature Reserve: Upgrade of Facilities.	CRR	50 000	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Papegaaiberg Nature Reserve	CRR	1 539 438	The contractor has been appointed. The funds are required to complete the fencing project.
Workshop : FTE	CRR	154 331	Orders have been placed, delivery was delayed due to the National lockdown.
<b>Recreation, Sports Grounds &amp; Halls</b>		<b>3 695 990</b>	
Building of Clubhouse & Ablution Facilities: Lanquedoc Sports grounds	CRR	759 587	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Fencing: Sport Grounds (WC024)	CRR	242 956	Fencing requirements at various sport facilities. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
Furniture, Tools and Equipment	CRR	186 884	Orders have been placed, delivery was delayed due to the National lockdown.
Skate Board Park	CRR	418 527	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
Upgrade of Sport Facilities	CRR	237 756	Funding required for the assessment of all existing floodlights at Municipal Sport Fields. .

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<i>Projects</i>		<i>Fund</i>	<i>Roll Over Amount</i>	<i>Motivation</i>
				Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
	Upgrade of swimming pool	CRR	1 465 217	Project delayed due to National Lockdown. Project carried forward to the 2020/2021 Financial Year.
	Upgrading of Tennis Courts: Idas Valley & Cloetesville	CRR	385 063	Contractor has been appointed for the re-surfacing of tennis courts. Project was delayed due to the National lockdown and carried forward to the 2020/2021 Financial Year.
<b>TOTAL - Capital</b>			<b>80 951 831</b>	

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**APPENDIX 3**

### Adjustments Budget Tables

In accordance with the Budget and Reporting Regulations, the following compulsory schedules are attached (Appendix 3) reflecting the composition and detail of the adjustments budget:

<b>Table name</b>	<b>Table reference</b>
Adjustments Budget Summary	B1
Adjustments Budget Financial Performance by standard classification	B2
Adjustments Budget Financial Performance by vote	B3
Adjustments Budget Financial Performance	B4
Adjustments Budget Capital Expenditure by vote and funding	B5
Adjustments Budget Financial Position	B6
Adjustments Budget Cash Flows	B7
Cash backed reserves/ Accumulated surplus reconciliation	B8
Asset Management	B9
Basic Service Delivery Measurement	B10

Supporting schedules (SB1 – SB20) are attached on Appendix 4.

WC024 Stellenbosch - Table B1 Adjustments Budget Summary -

Description	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjuts.	Total Adjuts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
	A	1	2	3	4	5	6	7	8		
<b>R thousands</b>	A	A1	B	C	D	E	F	G	H		
<b>Financial Performance</b>											
Property rates	392 239	392 239	-	-	-	-	-	-	392 239	417 735	444 889
Service charges	1 072 778	1 072 778	-	-	-	-	-	-	1 072 778	1 159 693	1 254 248
Investment revenue	37 870	37 870	-	-	-	-	-	-	37 870	34 522	29 358
Transfers recognised - operational	178 547	199 375	-	-	-	-	-	-	199 375	181 180	197 574
Other own revenue	218 297	218 297	-	-	-	-	-	-	218 297	231 939	246 440
<b>Total Revenue (excluding capital transfers and contributions)</b>	<b>1 899 731</b>	<b>1 920 559</b>	-	-	-	-	-	-	<b>1 920 559</b>	<b>2 025 069</b>	<b>2 172 509</b>
Employee costs	579 439	579 439	-	-	-	-	-	-	579 439	623 493	676 723
Remuneration of councillors	21 133	21 133	-	-	-	-	-	-	21 133	22 401	23 745
Depreciation & asset impairment	205 628	205 628	-	-	-	-	-	-	205 628	214 881	224 550
Finance charges	39 349	39 349	-	-	-	-	-	-	39 349	52 710	65 154
Materials and bulk purchases	523 902	523 902	-	-	-	-	-	-	523 902	560 252	598 730
Transfers and grants	10 069	10 469	-	-	-	-	-	-	10 469	10 600	11 200
Other expenditure	507 944	528 372	-	-	-	-	-	-	528 372	518 098	541 578
<b>Total Expenditure</b>	<b>1 887 463</b>	<b>1 908 291</b>	-	-	-	-	-	-	<b>1 908 291</b>	<b>2 002 434</b>	<b>2 141 680</b>
<b>Surplus/(Deficit)</b>	<b>12 267</b>	<b>12 267</b>	-	-	-	-	-	-	<b>12 267</b>	<b>22 635</b>	<b>30 828</b>
Transfers recognised - capital	113 429	109 229	-	-	-	-	-	-	109 229	89 295	100 702
Contributions recognised - capital & contributed asset	-	-	-	-	-	-	-	-	-	-	-
<b>Surplus/(Deficit) after capital transfers &amp; contributions</b>	<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>
Share of surplus/ (deficit) of associate	-	-	-	-	-	-	-	-	-	-	-
<b>Surplus/ (Deficit) for the year</b>	<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>
<b>Capital expenditure &amp; funds sources</b>											
<b>Capital expenditure</b>	<b>375 750</b>	<b>375 850</b>	-	-	-	-	80 952	80 952	456 802	436 268	458 119
Transfers recognised - capital	145 341	141 141	-	-	-	-	-	-	141 141	102 273	102 402
Public contributions & donations	-	-	-	-	-	-	-	-	-	-	-
Borrowing	102 780	102 780	-	-	-	-	-	-	102 780	103 800	169 000
Internally generated funds	127 630	127 630	-	-	-	-	80 952	80 952	208 582	230 195	186 717
<b>Total sources of capital funds</b>	<b>375 750</b>	<b>371 550</b>	-	-	-	-	<b>80 952</b>	<b>80 952</b>	<b>452 502</b>	<b>436 268</b>	<b>458 119</b>
<b>Financial position</b>											
Total current assets	1 124 779	1 133 166	-	-	-	-	(193 444)	(193 444)	939 722	745 907	780 114
Total non current assets	6 147 669	6 143 469	-	-	-	-	80 952	80 952	6 224 421	6 583 937	6 827 175
Total current liabilities	357 892	357 892	-	-	-	-	-	-	357 892	330 304	321 254
Total non current liabilities	849 515	849 515	-	-	-	-	-	-	849 515	951 445	1 113 430
<b>Community wealth/Equity</b>	<b>5 594 007</b>	<b>5 965 861</b>	-	-	-	-	-	-	<b>5 965 861</b>	-	-
<b>Cash flows</b>											
Net cash from (used) operating	1 607 806	328 247	-	-	-	-	-	-	328 247	325 307	356 075
Net cash from (used) investing	(375 773)	(371 573)	-	-	-	-	(80 952)	(80 952)	(452 525)	(436 268)	(458 119)
Net cash from (used) financing	76 469	76 469	-	-	-	-	-	-	76 469	72 722	130 922
<b>Cash/cash equivalents at the year end</b>	<b>1 732 234</b>	<b>456 875</b>	-	-	-	-	<b>(80 952)</b>	<b>(80 952)</b>	<b>375 924</b>	<b>337 686</b>	<b>366 564</b>
<b>Cash backing/surplus reconciliation</b>											

Description	Budget Year 2020/21									Budget Year	Budget Year
	Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
	A	1 A1	2 B	3 C	4 D	5 E	6 F	7 G	8 H		
<b>R thousands</b>											
Cash and investments available	408 829	417 216	-	-	-	-	(81 252)	(81 252)	335 964	339 780	338 331
Application of cash and investments	(153 769)	(128 828)	-	-	-	-	101 094	101 094	(27 734)	(64 718)	(120 064)
<b>Balance - surplus (shortfall)</b>	<b>562 598</b>	<b>546 045</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(182 346)</b>	<b>(182 346)</b>	<b>363 699</b>	<b>404 497</b>	<b>458 395</b>

Description	Budget Year 2020/21									Budget Year	Budget Year
	Original	Prior Adjusted	Accum. Funds	Multi-year	Unfore.	Nat. or Prov.	Other Adjusts.	Total Adjusts.	Adjusted	Adjusted	Adjusted
	Budget	1	2	capital	Unavoid.	Govt			Budget	Budget	Budget
R thousands	A	A1	B	C	D	E	F	G	H		
<b>Asset Management</b>											
Asset register summary (WDV)	6 143 793	6 139 593	-	-	-	-	80 952	80 952	6 220 544	6 580 060	6 823 299
Depreciation & asset impairment	205 628	205 628	-	-	-	-	-	-	205 628	214 881	224 550
Renewal of Existing Assets	34 100	34 100	-	-	-	-	6 149	6 149	40 249	22 650	19 080
Repairs and Maintenance	90 823	90 823	-	-	-	-	(222)	(222)	90 601	95 620	99 937
<b>Free services</b>											
Cost of Free Basic Services provided	38 706	38 706	-	-	-	-	-	-	38 706	42 985	47 816
Revenue cost of free services provided	18 625	18 625	-	-	-	-	-	-	18 625	18 625	18 625
<b>Households below minimum service level</b>											
Water:	1	1	-	-	-	-	-	-	1	1	1
Sanitation/sewerage:	1	1	-	-	-	-	-	-	1	1	1
Energy:	2	2	-	-	-	-	-	-	2	2	2
Refuse:	4	4	-	-	-	-	-	-	4	4	4



WC024 Stellenbosch - Table B2 Adjustments Budget Financial Performance (functional classification) -

Standard Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		5	6	7	8	9	10	11	12			
R thousands	1,4	A	A1	B	C	D	E	F	G	H		
<b>Revenue - Functional</b>												
<b>Governance and administration</b>		495 016	504 376	-	-	-	-	-	-	504 376	522 887	551 517
Executive and council		706	706	-	-	-	-	-	-	706	749	794
Finance and administration		494 310	503 670	-	-	-	-	-	-	503 670	522 138	550 723
Internal audit		-	-	-	-	-	-	-	-	-	-	-
<b>Community and public safety</b>		257 793	257 793	-	-	-	-	-	-	257 793	259 358	273 869
Community and social services		16 882	16 882	-	-	-	-	-	-	16 882	17 361	18 332
Sport and recreation		8 915	8 915	-	-	-	-	-	-	8 915	8 748	794
Public safety		166 187	166 187	-	-	-	-	-	-	166 187	175 343	186 027
Housing		65 809	65 809	-	-	-	-	-	-	65 809	57 906	68 716
Health		-	-	-	-	-	-	-	-	-	-	-
<b>Economic and environmental services</b>		23 815	23 815	-	-	-	-	-	-	23 815	15 562	16 190
Planning and development		11 220	11 220	-	-	-	-	-	-	11 220	9 403	8 963
Road transport		12 465	12 465	-	-	-	-	-	-	12 465	6 021	7 080
Environmental protection		131	131	-	-	-	-	-	-	131	139	147
<b>Trading services</b>		1 236 429	1 243 696	-	-	-	-	-	-	1 243 696	1 313 444	1 428 516
Energy sources		757 248	756 264	-	-	-	-	-	-	756 264	802 603	863 220
Water management		191 604	193 169	-	-	-	-	-	-	193 169	216 164	239 663
Waste water management		177 313	180 766	-	-	-	-	-	-	180 766	167 542	183 518
Waste management		110 265	113 497	-	-	-	-	-	-	113 497	127 135	142 116
<b>Other</b>		107	107	-	-	-	-	-	-	107	113	120
<b>Total Revenue - Functional</b>	2	2 013 160	2 029 788	-	-	-	-	-	-	2 029 788	2 111 364	2 270 211
<b>Expenditure - Functional</b>												
<b>Governance and administration</b>		329 110	329 110	-	-	-	-	-	-	329 110	349 849	373 164
Executive and council		56 162	56 162	-	-	-	-	-	-	56 162	59 639	63 686
Finance and administration		258 354	258 354	-	-	-	-	-	-	258 354	274 705	292 998
Internal audit		14 595	14 595	-	-	-	-	-	-	14 595	15 505	16 480
<b>Community and public safety</b>		406 547	407 065	-	-	-	-	-	-	407 065	426 830	451 535
Community and social services		39 532	39 485	-	-	-	-	-	-	39 485	40 927	43 459
Sport and recreation		49 049	49 607	-	-	-	-	-	-	49 607	51 007	54 188
Public safety		281 078	281 084	-	-	-	-	-	-	281 084	295 426	311 647
Housing		36 888	36 888	-	-	-	-	-	-	36 888	39 470	42 241
Health		-	-	-	-	-	-	-	-	-	-	-
<b>Economic and environmental services</b>		215 381	211 958	-	-	-	-	-	-	211 958	216 315	231 158
Planning and development		89 452	89 452	-	-	-	-	-	-	89 452	83 303	89 752
Road transport		97 635	94 731	-	-	-	-	-	-	94 731	103 360	109 446
Environmental protection		28 294	27 776	-	-	-	-	-	-	27 776	29 651	31 959
<b>Trading services</b>		936 301	980 862	-	-	-	-	-	-	980 862	1 009 314	1 085 692
Energy sources		537 272	576 044	-	-	-	-	-	-	576 044	573 869	613 819
Water management		148 325	147 417	-	-	-	-	-	-	147 417	156 468	172 407
Waste water management		145 692	142 692	-	-	-	-	-	-	142 692	168 162	182 286
Waste management		105 013	114 709	-	-	-	-	-	-	114 709	110 815	117 180
<b>Other</b>		124	124	-	-	-	-	-	-	124	126	132
<b>Total Expenditure - Functional</b>	3	1 887 463	1 929 119	-	-	-	-	-	-	1 929 119	2 002 434	2 141 680
<b>Surplus/ (Deficit) for the year</b>		125 696	100 668	-	-	-	-	-	-	100 668	108 930	128 530

WC024 Stellenbosch - Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) -

Vote Description  <i>[Insert departmental structure etc]</i>	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
<i>R thousands</i>		A	3	4	5	6	7	8	9	10		
<b>Revenue by Vote</b>	1											
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	-	-	-	-	-	-	-	-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		81 766	81 766	-	-	-	-	-	-	81 766	73 211	80 758
Vote 3 - INFRASTRUCTURE SERVICES		1 246 146	1 253 413	-	-	-	-	-	-	1 253 413	1 318 672	1 437 756
Vote 4 - COMMUNITY AND PROTECTION SERVICES		190 985	190 985	-	-	-	-	-	-	190 985	200 393	204 030
Vote 5 - CORPORATE SERVICES		4 303	4 303	-	-	-	-	-	-	4 303	4 619	4 957
Vote 6 - FINANCIAL SERVICES		486 609	495 969	-	-	-	-	-	-	495 969	513 910	541 930
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue by Vote</b>	2	<b>2 009 809</b>	<b>2 026 437</b>	-	-	-	-	-	-	<b>2 026 437</b>	<b>2 110 804</b>	<b>2 269 431</b>
<b>Expenditure by Vote</b>	1											
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		47 884	47 884	-	-	-	-	-	-	47 884	49 452	53 040
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		105 920	105 920	-	-	-	-	-	-	105 920	110 517	118 727
Vote 3 - INFRASTRUCTURE SERVICES		1 071 516	1 092 344	-	-	-	-	-	-	1 092 344	1 143 432	1 226 682
Vote 4 - COMMUNITY AND PROTECTION SERVICES		359 246	359 246	-	-	-	-	-	-	359 246	376 880	399 676
Vote 5 - CORPORATE SERVICES		181 001	181 001	-	-	-	-	-	-	181 001	193 289	205 939
Vote 6 - FINANCIAL SERVICES		107 831	107 831	-	-	-	-	-	-	107 831	113 785	121 437
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditure by Vote</b>	2	<b>1 873 397</b>	<b>1 894 225</b>	-	-	-	-	-	-	<b>1 894 225</b>	<b>1 987 355</b>	<b>2 125 501</b>
<b>Surplus/ (Deficit) for the year</b>	2	<b>136 412</b>	<b>132 212</b>	-	-	-	-	-	-	<b>132 212</b>	<b>123 449</b>	<b>143 929</b>

References

1. Insert 'Vote'; e.g. Department, if different to standard classification structure
2. Must reconcile to Budgeted Financial Performance (revenue and expenditure)
3. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
4. Additional cash-backed accumulated funds/unspent funds (MFMA section 18(1)(b) and section 28(2)(e)) identified after the Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)
5. Increases of funds approved under MFMA section 31
6. Adjustments approved in accordance with MFMA section 29
7. Adjustments to transfers from National or Provincial Government

WC024 Stellenbosch - Table B4 Adjustments Budget Financial Performance (revenue and expenditure) -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		3	4	5	6	7	8	9	10			
R thousands	1	A	A1	B	C	D	E	F	G	H		
<b>Revenue By Source</b>												
Property rates	2	392 239	392 239	-	-	-	-	-	-	392 239	417 735	444 889
Service charges - electricity revenue	2	707 441	707 441	-	-	-	-	-	-	707 441	760 500	817 538
Service charges - water revenue	2	168 720	168 720	-	-	-	-	-	-	168 720	181 374	194 978
Service charges - sanitation revenue	2	118 312	118 312	-	-	-	-	-	-	118 312	126 594	135 455
Service charges - refuse revenue	2	78 305	78 305	-	-	-	-	-	-	78 305	91 225	106 278
Service charges - other		-	-	-	-	-	-	-	-	-	-	-
Rental of facilities and equipment		16 292	16 292	-	-	-	-	-	-	16 292	17 270	18 307
Interest earned - external investments		37 870	37 870	-	-	-	-	-	-	37 870	34 522	29 358
Interest earned - outstanding debtors		13 281	13 281	-	-	-	-	-	-	13 281	14 211	15 206
Dividends received		-	-	-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		140 881	140 881	-	-	-	-	-	-	140 881	149 335	158 297
Licences and permits		5 503	5 503	-	-	-	-	-	-	5 503	5 834	6 184
Agency services		2 931	2 931	-	-	-	-	-	-	2 931	3 107	3 293
Transfers and subsidies		178 547	199 375	-	-	-	-	-	-	199 375	181 180	197 574
Other revenue	2	39 408	39 408	-	-	-	-	-	-	39 408	42 181	45 152
Gains on disposal of PPE		-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue (excluding capital transfers and contributions)</b>		<b>1 899 731</b>	<b>1 920 559</b>	-	-	-	-	-	-	<b>1 920 559</b>	<b>2 025 069</b>	<b>2 172 509</b>
<b>Expenditure By Type</b>												
Employee related costs		579 439	579 439	-	-	-	-	-	-	579 439	623 493	676 723
Remuneration of councillors		21 133	21 133	-	-	-	-	-	-	21 133	22 401	23 745
Debt impairment		74 007	74 007	-	-	-	-	-	-	74 007	76 008	78 072
Depreciation & asset impairment		205 628	205 628	-	-	-	-	-	-	205 628	214 881	224 550
Finance charges		39 349	39 349	-	-	-	-	-	-	39 349	52 710	65 154
Bulk purchases		482 196	482 196	-	-	-	-	-	-	482 196	516 151	552 501
Other materials		41 706	41 706	-	-	-	-	-	-	41 706	44 101	46 229
Contracted services		245 478	245 478	-	-	-	-	-	-	245 478	244 744	255 781
Transfers and subsidies		10 069	10 469	-	-	-	-	-	-	10 469	10 600	11 200
Other expenditure		188 459	208 887	-	-	-	-	-	-	208 887	197 345	207 725
Loss on disposal of PPE		-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditure</b>		<b>1 887 463</b>	<b>1 908 291</b>	-	-	-	-	-	-	<b>1 908 291</b>	<b>2 002 434</b>	<b>2 141 680</b>
<b>Surplus/(Deficit)</b>		<b>12 267</b>	<b>12 267</b>	-	-	-	-	-	-	<b>12 267</b>	<b>22 635</b>	<b>30 828</b>
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		113 429	109 229	-	-	-	-	-	-	109 229	89 295	100 702
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educational Institutions)		-	-	-	-	-	-	-	-	-	-	-
Transfers and subsidies - capital (in-kind - all)		-	-	-	-	-	-	-	-	-	-	-
<b>Surplus/(Deficit) before taxation</b>		<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>
Taxation		-	-	-	-	-	-	-	-	-	-	-
<b>Surplus/(Deficit) after taxation</b>		<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>

Attributable to minorities	-	-	-	-	-	-	-	-	-	-	-	
<b>Surplus/(Deficit) attributable to municipality</b>	<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>
Share of surplus/ (deficit) of associate	-	-	-	-	-	-	-	-	-	-	-	-
<b>Surplus/ (Deficit) for the year</b>	<b>125 696</b>	<b>121 496</b>	-	-	-	-	-	-	-	<b>121 496</b>	<b>111 930</b>	<b>131 530</b>

WC024 Stellenbosch - Table B5 Adjustments Capital Expenditure Budget by vote and funding -

Description	Ref	Budget Year 2020/21									Budget Year	Budget Year
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H	+1 2021/22	+2 2022/23
<b>R thousands</b>												
<b>Capital expenditure - Vote</b>												
<b>Multi-year expenditure to be adjusted</b>												
	2											
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		40	40	-	-	-	-	-	-	40	44	49
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		8 279	8 279	-	-	-	-	2 356	2 356	10 635	3 000	5 500
Vote 3 - INFRASTRUCTURE SERVICES		119 535	119 635	-	-	-	-	23 338	23 338	142 973	154 622	222 142
Vote 4 - COMMUNITY AND PROTECTION SERVICES		21 990	21 990	-	-	-	-	9 144	9 144	31 134	17 845	14 960
Vote 5 - CORPORATE SERVICES		14 100	14 100	-	-	-	-	4 346	4 346	18 446	34 600	28 200
Vote 6 - FINANCIAL SERVICES		-	-	-	-	-	-	-	-	-	-	-
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-
<b>Capital multi-year expenditure sub-total</b>	3	<b>163 944</b>	<b>164 044</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>39 185</b>	<b>39 185</b>	<b>203 229</b>	<b>210 111</b>	<b>270 851</b>
<b>Single-year expenditure to be adjusted</b>												
	2											
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	-	-	-	-	-	-	-	-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		4 032	4 032	-	-	-	-	-	-	4 032	3 919	45 065
Vote 3 - INFRASTRUCTURE SERVICES		197 725	193 525	-	-	-	-	24 943	24 943	218 467	205 094	124 139
Vote 4 - COMMUNITY AND PROTECTION SERVICES		5 650	5 650	-	-	-	-	11 478	11 478	17 128	14 094	15 815
Vote 5 - CORPORATE SERVICES		3 550	3 550	-	-	-	-	5 246	5 246	8 796	2 850	2 050
Vote 6 - FINANCIAL SERVICES		850	850	-	-	-	-	-	-	850	200	200
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-
<b>Capital single-year expenditure sub-total</b>		<b>211 806</b>	<b>207 606</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>41 667</b>	<b>41 667</b>	<b>249 274</b>	<b>226 157</b>	<b>187 269</b>
<b>Total Capital Expenditure - Vote</b>		<b>375 750</b>	<b>371 650</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>80 852</b>	<b>80 852</b>	<b>452 502</b>	<b>436 268</b>	<b>458 119</b>

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H		
<b>R thousands</b>												
<b>Capital Expenditure - Functional</b>												
<b>Governance and administration</b>		18 540	18 540	--	--	--	--	9 593	9 593	28 133	37 694	30 499
Executive and council		40	40	--	--	--	--	--	--	40	44	49
Finance and administration		18 500	18 500	--	--	--	--	9 593	9 593	28 093	37 650	30 450
Internal audit		--	--	--	--	--	--	--	--	--	--	--
<b>Community and public safety</b>		34 581	34 581	--	--	--	--	18 838	18 838	53 418	29 999	66 395
Community and social services		3 190	3 190	--	--	--	--	942	942	4 132	8 455	11 650
Sport and recreation		14 330	14 330	--	--	--	--	7 831	7 831	22 161	12 950	3 980
Public safety		6 700	6 700	--	--	--	--	10 065	10 065	16 765	3 800	5 700
Housing		10 361	10 361	--	--	--	--	--	--	10 361	4 794	45 065
Health		--	--	--	--	--	--	--	--	--	--	--
<b>Economic and environmental services</b>		108 360	108 360	--	--	--	--	12 071	12 071	120 431	99 463	71 620
Planning and development		52 540	52 540	--	--	--	--	3 409	3 409	55 949	51 129	24 575
Road transport		54 020	54 020	--	--	--	--	6 878	6 878	60 898	43 610	38 565
Environmental protection		1 800	1 800	--	--	--	--	1 784	1 784	3 584	4 724	8 480
<b>Trading services</b>		214 270	210 070	--	--	--	--	40 451	40 451	250 520	269 112	289 605
Energy sources		43 475	39 275	--	--	--	--	1 179	1 179	40 454	67 885	114 942
Water management		53 380	53 380	--	--	--	--	13 728	13 728	67 107	94 167	76 018
Waste water management		109 670	109 670	--	--	--	--	17 487	17 487	127 157	85 815	51 900
Waste management		7 745	7 745	--	--	--	--	8 057	8 057	15 802	21 245	46 745
<b>Other</b>		--	--	--	--	--	--	--	--	--	--	--
<b>Total Capital Expenditure - Functional</b>	3	375 750	371 550	--	--	--	--	80 952	80 952	452 502	436 268	458 119
<b>Funded by:</b>												
National Government		63 690	59 490	--	--	--	--	--	--	59 490	43 675	46 102
Provincial Government		49 739	49 739	--	--	--	--	--	--	49 739	45 620	54 600
District Municipality		--	--	--	--	--	--	--	--	--	--	--
Other transfers and grants		31 912	31 912	--	--	--	--	--	--	31 912	12 978	1 700
<b>Transfers recognised - capital</b>	4	145 341	141 141	--	--	--	--	--	--	141 141	102 273	102 402
<b>Public contributions &amp; donations</b>		--	--	--	--	--	--	--	--	--	--	--
<b>Borrowing</b>		102 780	102 780	--	--	--	--	--	--	102 780	103 800	169 000
<b>Internally generated funds</b>		127 630	127 630	--	--	--	--	80 952	80 952	208 582	230 195	186 717
<b>Total Capital Funding</b>		375 750	371 550	--	--	--	--	80 952	80 952	452 502	436 268	458 119

References

- Municipalities may choose to appropriate for capital expenditure for three years or for one year (if one year appropriation projected expenditure required for yr2 and yr3).
- Include capital component of PPP unitary payment. Note that capital transfers are only appropriated to municipalities for the budget year
- Capital expenditure by standard classification must reconcile to the appropriations by vote
- Must reconcile to supporting table SB7 and to Adjustments Budget Financial Performance (revenue and expenditure)
- Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
- Additional cash-backed accumulated funds/unspent funds (MFMA section 18(1)(b) and section 28(2)(e)) identified after the Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)
- Increases of funds approved under MFMA section 31
- Adjustments approved in accordance with MFMA section 29

WC024 Stellenbosch - Table B6 Adjustments Budget Financial Position -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
<b>R thousands</b>												
<b>ASSETS</b>												
<b>Current assets</b>												
Cash		77 490	85 877	-	-	-	-	(81 252)	(81 252)	4 625	28 000	25 000
Call investment deposits	1	331 339	331 339	-	-	-	-	-	-	331 339	311 780	313 331
Consumer debtors	1	457 055	457 055	-	-	-	-	(268 169)	(268 169)	188 886	312 720	358 468
Other debtors		209 059	209 059	-	-	-	-	155 977	155 977	365 036	48 572	43 480
Current portion of long-term receivables		-	-	-	-	-	-	-	-	-	-	-
Inventory		49 836	49 836	-	-	-	-	-	-	49 836	44 836	39 836
<b>Total current assets</b>		<b>1 124 779</b>	<b>1 133 166</b>	-	-	-	-	<b>(193 444)</b>	<b>(193 444)</b>	<b>939 722</b>	<b>745 907</b>	<b>780 114</b>
<b>Non current assets</b>												
Long-term receivables		3 876	3 876	-	-	-	-	-	-	3 876	3 876	3 876
Investments		-	-	-	-	-	-	-	-	-	-	-
Investment property		453 412	453 412	-	-	-	-	-	-	453 412	475 605	486 827
Investment in Associate		-	-	-	-	-	-	-	-	-	-	-
Property, plant and equipment	1	5 674 543	5 670 343	-	-	-	-	78 492	78 492	5 748 836	6 086 016	6 317 215
Agricultural		-	-	-	-	-	-	-	-	-	-	-
Biological		6 321	6 321	-	-	-	-	850	850	7 171	6 321	6 571
Intangible		6 898	6 898	-	-	-	-	-	-	6 898	9 500	10 067
Other non-current assets		2 618	2 618	-	-	-	-	1 609	1 609	4 227	2 618	2 618
<b>Total non current assets</b>		<b>6 147 669</b>	<b>6 143 469</b>	-	-	-	-	<b>80 952</b>	<b>80 952</b>	<b>6 224 421</b>	<b>6 583 937</b>	<b>6 827 175</b>
<b>TOTAL ASSETS</b>		<b>7 272 448</b>	<b>7 276 635</b>	-	-	-	-	<b>(112 492)</b>	<b>(112 492)</b>	<b>7 164 143</b>	<b>7 329 844</b>	<b>7 607 290</b>
<b>LIABILITIES</b>												
<b>Current liabilities</b>												
Bank overdraft		-	-	-	-	-	-	-	-	-	-	-
Borrowing		31 078	31 078	-	-	-	-	-	-	31 078	38 078	45 578
Consumer deposits		32 086	32 086	-	-	-	-	-	-	32 086	14 274	14 274
Trade and other payables		234 131	234 131	-	-	-	-	-	-	234 131	214 131	194 131
Provisions		60 597	60 597	-	-	-	-	-	-	60 597	63 821	67 270
<b>Total current liabilities</b>		<b>357 892</b>	<b>357 892</b>	-	-	-	-	-	-	<b>357 892</b>	<b>330 304</b>	<b>321 254</b>
<b>Non current liabilities</b>												
Borrowing	1	521 293	521 293	-	-	-	-	-	-	521 293	587 015	710 438
Provisions	1	328 223	328 223	-	-	-	-	-	-	328 223	364 430	402 993
<b>Total non current liabilities</b>		<b>849 515</b>	<b>849 515</b>	-	-	-	-	-	-	<b>849 515</b>	<b>951 445</b>	<b>1 113 430</b>
<b>TOTAL LIABILITIES</b>		<b>1 207 407</b>	<b>1 207 407</b>	-	-	-	-	-	-	<b>1 207 407</b>	<b>1 281 749</b>	<b>1 434 684</b>
<b>NET ASSETS</b>	2	<b>6 065 041</b>	<b>6 069 228</b>	-	-	-	-	<b>(112 492)</b>	<b>(112 492)</b>	<b>5 956 736</b>	<b>6 048 094</b>	<b>6 172 606</b>
<b>COMMUNITY WEALTH/EQUITY</b>												
Accumulated Surplus/(Deficit)		5 594 007	5 965 861	-	-	-	-	-	-	5 965 861	-	-
Reserves		-	-	-	-	-	-	-	-	-	-	-
Minorities' interests		-	-	-	-	-	-	-	-	-	-	-

TOTAL COMMUNITY WEALTH/EQUITY		5 594 007	5 965 861	-	-	-	-	-	-	5 965 861	-	-
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WC024 Stellenbosch - Table B7 Adjustments Budget Cash Flows -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
<b>R thousands</b>												
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>												
<b>Receipts</b>												
Property rates		635 577	376 549	-	-	-	-	-	-	376 549	401 026	427 093
Service charges		818 747	1 029 867	-	-	-	-	-	-	1 029 867	1 113 305	1 204 078
Other revenue		125 139	110 386	-	-	-	-	-	-	110 386	123 000	136 403
Government - operating	1	28 342	199 375	-	-	-	-	-	-	199 375	181 180	197 574
Government - capital	1	-	113 429	-	-	-	-	-	-	113 429	89 295	100 702
Interest		-	50 621	-	-	-	-	-	-	50 621	48 164	43 956
Dividends		-	-	-	-	-	-	-	-	-	-	-
<b>Payments</b>												
Suppliers and employees		-	(1 502 562)	-	-	-	-	-	-	(1 502 562)	(1 567 354)	(1 677 377)
Finance charges		-	(39 349)	-	-	-	-	-	-	(39 349)	(52 710)	(65 154)
Transfers and Grants	1	-	(10 069)	-	-	-	-	-	-	(10 069)	(10 600)	(11 200)
<b>NET CASH FROM/(USED) OPERATING ACTIVITIES</b>		<b>1 607 806</b>	<b>328 247</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>328 247</b>	<b>325 307</b>	<b>356 075</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>												
<b>Receipts</b>												
Proceeds on disposal of PPE		(23)	(23)	-	-	-	-	-	-	(23)	-	-
Decrease (Increase) in non-current debtors		-	-	-	-	-	-	-	-	-	-	-
Decrease (increase) other non-current receivables		-	-	-	-	-	-	-	-	-	-	-
Decrease (increase) in non-current investments		-	-	-	-	-	-	-	-	-	-	-
<b>Payments</b>												
Capital assets		(375 750)	(371 550)	-	-	-	-	(80 952)	(80 952)	(452 502)	(436 268)	(458 119)
<b>NET CASH FROM/(USED) INVESTING ACTIVITIES</b>		<b>(375 773)</b>	<b>(371 573)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(80 952)</b>	<b>(80 952)</b>	<b>(452 525)</b>	<b>(436 268)</b>	<b>(458 119)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>												
<b>Receipts</b>												
Short term loans		-	-	-	-	-	-	-	-	-	-	-
Borrowing long term/refinancing		102 780	102 780	-	-	-	-	-	-	102 780	103 800	169 000
Increase (decrease) in consumer deposits		-	-	-	-	-	-	-	-	-	-	-
<b>Payments</b>												
Repayment of borrowing		(26 311)	(26 311)	-	-	-	-	-	-	(26 311)	(31 078)	(38 078)
<b>NET CASH FROM/(USED) FINANCING ACTIVITIES</b>		<b>76 469</b>	<b>76 469</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>76 469</b>	<b>72 722</b>	<b>130 922</b>
<b>NET INCREASE/ (DECREASE) IN CASH HELD</b>		<b>1 308 501</b>	<b>33 143</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(80 952)</b>	<b>(80 952)</b>	<b>(47 809)</b>	<b>(38 238)</b>	<b>28 878</b>
Cash/cash equivalents at the year begin:	2	423 733	423 733	-	-	-	-	-	-	423 733	375 924	337 686
Cash/cash equivalents at the year end:	2	1 732 234	456 875	-	-	-	-	(80 952)	(80 952)	375 924	337 686	366 564

References

- Local/District municipalities to include transfers from/to District/Local Municipalities
- Cash equivalents includes investments with maturities of 3 months or less
- Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
- Additional cash-backed accumulated funds/unspent funds (MFMA section 18(1)(b) and section 28(2)(e)) identified after the Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)
- Increases of funds approved under MFMA section 31
- Adjustments approved in accordance with MFMA section 29
- Adjustments to transfers from National or Provincial Government

WC024 Stellenbosch - Table B8 Cash backed reserves/accumulated surplus reconciliation -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands		A	3	4	5	6	7	8	9	10		
		A	A1	B	C	D	E	F	G	H		
<b>Cash and investments available</b>												
Cash/cash equivalents at the year end	1	1 732 234	456 875	-	-	-	-	(80 952)	(80 952)	375 924	337 686	366 564
Other current investments > 90 days		(1 323 405)	(39 659)	-	-	-	-	(300)	(300)	(39 959)	2 094	(28 233)
Non current assets - Investments	1	-	-	-	-	-	-	-	-	-	-	-
<b>Cash and investments available:</b>		<b>408 829</b>	<b>417 216</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(81 252)</b>	<b>(81 252)</b>	<b>335 964</b>	<b>339 780</b>	<b>338 331</b>
<b>Applications of cash and investments</b>												
Unspent conditional transfers		-	-	-	-	-	-	-	-	-	-	-
Unspent borrowing		-	-	-	-	-	-	-	-	-	-	-
Statutory requirements		-	-	-	-	-	-	-	-	-	-	-
Other working capital requirements	2	(394 525)	(369 585)	-	-	-	-	101 094	101 094	(268 490)	(116 316)	(174 564)
Other provisions		49 923	49 923	-	-	-	-	-	-	49 923	51 599	54 500
Long term investments committed		-	-	-	-	-	-	-	-	-	-	-
Reserves to be backed by cash/investments		190 833	190 833	-	-	-	-	-	-	190 833	-	-
<b>Total Application of cash and investments:</b>		<b>(153 769)</b>	<b>(128 828)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>101 094</b>	<b>101 094</b>	<b>(27 734)</b>	<b>(64 718)</b>	<b>(120 064)</b>
<b>Surplus(shortfall)</b>		<b>562 598</b>	<b>546 045</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(182 346)</b>	<b>(182 346)</b>	<b>363 699</b>	<b>404 497</b>	<b>458 395</b>

References

1. Must reconcile with the Adjustments Budget Cash Flow and Adjustments Budget Financial Position
2. Council approval for policy required - include sufficient working capital (e.g. allowing for a % of current debtors > 90 days as uncollectable)
3. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
4. Additional cash-backed accumulated funds/unspent funds (MFMA section 18(1)(b) and section 28(2)(e)) identified after the Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)
5. Increases of funds approved under MFMA section 31
6. Adjustments approved in accordance with MFMA section 29
7. Adjustments to transfers from National or Provincial Government
8. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction
9. G = B + C + D + E + F
10. Adjusted Budget H = (A or A1/2 etc) + G

<u>Other working capital requirements</u>		
Debtors	628 657	603 716
Creditors due	234 131	234 131
<b>Total</b>	<b>394 525</b>	<b>369 585</b>

502 622	330 448	368 696
234 131	214 131	194 131
<b>268 490</b>	<b>116 316</b>	<b>174 564</b>

<u>Debtors collection assumptions:</u>		
Balance outstanding - debtors	669 991	669 991
Estimate of debtors collection rate	94%	90%

557 799	365 168	405 825
90%	90%	91%

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	3 A1	4 B	5 C	6 D	7 E	8 F	9 G	10 H		
<b>R thousands</b>												
<u>Long term investments committed</u>												
<i>Balance (Insert description; eg sinking fund)</i>												
Bankers Acceptance Certificate		-	-	-	-	-	-	-	-	-	-	-
Deposit Taking Institutions		-	-	-	-	-	-	-	-	-	-	-
Bank Repurchase Agreements		-	-	-	-	-	-	-	-	-	-	-
Derivative Financial Assets		-	-	-	-	-	-	-	-	-	-	-
Guaranteed Endowment Policies (Sinking)		-	-	-	-	-	-	-	-	-	-	-
Listed/Unlisted Bonds and Stocks		-	-	-	-	-	-	-	-	-	-	-
Municipal Bonds		-	-	-	-	-	-	-	-	-	-	-
National Government Securities		-	-	-	-	-	-	-	-	-	-	-
Negotiable Certificate of Deposits: Banks		-	-	-	-	-	-	-	-	-	-	-
Unamortised Debt Expense		-	-	-	-	-	-	-	-	-	-	-
Unamortised Preference Share Expense		-	-	-	-	-	-	-	-	-	-	-
Interest Rate Swaps		-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-
<u>Reserves to be backed by cash/investments</u>												
Housing Development Fund												
Capital replacement												
Self-insurance												
Other reserves (list)												
Compensation for Occupational Injuries and Diseases												
Employee Benefit Reserve												
Non-current Provisions Reserve		190 833	190 833							190 833		
Valuation Reserve												
Investment in associate account												
Capitalisation Reserve												
Revaluation												
		190 833	190 833	-	-	-	-	-	-	190 833	-	-

WC024 Stellenbosch - Table B9 Asset Management -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted 7	Accum. Funds 8	Multi-year capital 9	Unfore. Unavoid. 10	Nat. or Prov. Govt 11	Other Adjusts. 12	Total Adjusts. 13	Adjusted Budget 14	Adjusted Budget	Adjusted Budget
		A	A1	B	C	D	E	F	G	H		
<b>R thousands</b>												
<b>CAPITAL EXPENDITURE</b>												
<b>Total New Assets to be adjusted</b>	1	216 345	212 145	-	-	-	-	52 823	52 823	264 968	260 811	296 770
Roads Infrastructure		39 530	39 530	-	-	-	-	3 288	3 288	42 818	50 031	20 450
Storm water Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		30 250	26 050	-	-	-	-	-	-	26 050	30 925	90 211
Water Supply Infrastructure		34 805	34 805	-	-	-	-	11 598	11 598	46 403	60 181	89 900
Sanitation Infrastructure		32 200	32 200	-	-	-	-	4 503	4 503	36 703	9 400	2 900
Solid Waste Infrastructure		5 500	5 500	-	-	-	-	8 057	8 057	13 557	18 000	41 400
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		50	50	-	-	-	-	41	41	91	70	100
<b>Infrastructure</b>		<b>142 335</b>	<b>138 135</b>	-	-	-	-	<b>27 486</b>	<b>27 486</b>	<b>165 621</b>	<b>168 606</b>	<b>244 961</b>
Community Facilities		1 500	1 500	-	-	-	-	5 019	5 019	6 519	11 250	13 200
Sport and Recreation Facilities		4 000	4 000	-	-	-	-	419	419	4 419	2 500	-
<b>Community Assets</b>		<b>5 500</b>	<b>5 500</b>	-	-	-	-	<b>5 438</b>	<b>5 438</b>	<b>10 938</b>	<b>13 750</b>	<b>13 200</b>
<b>Heritage Assets</b>		-	-	-	-	-	-	<b>1 539</b>	<b>1 539</b>	<b>1 539</b>	<b>1 000</b>	-
Revenue Generating		800	800	-	-	-	-	2 250	2 250	3 050	500	-
Non-revenue Generating		200	200	-	-	-	-	738	738	938	200	200
<b>Investment properties</b>		<b>1 000</b>	<b>1 000</b>	-	-	-	-	<b>2 988</b>	<b>2 988</b>	<b>3 988</b>	<b>700</b>	<b>200</b>
Operational Buildings		42 350	42 350	-	-	-	-	3 864	3 864	46 214	57 784	5 800
Housing		8 759	8 759	-	-	-	-	-	-	8 759	1 000	-
<b>Other Assets</b>	6	<b>51 109</b>	<b>51 109</b>	-	-	-	-	<b>3 864</b>	<b>3 864</b>	<b>54 973</b>	<b>58 784</b>	<b>5 800</b>
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	200
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	<b>200</b>
Computer Equipment		100	100	-	-	-	-	-	-	100	50	50
Furniture and Office Equipment		2 967	2 967	-	-	-	-	651	651	3 618	2 621	3 379
Machinery and Equipment		6 110	6 110	-	-	-	-	8 368	8 368	14 478	5 200	6 080
Transport Assets		7 225	7 225	-	-	-	-	2 488	2 488	9 713	10 100	22 900
Libraries		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Total Renewal of Existing Assets to be adjusted</b>	<b>2</b>	<b>34 100</b>	<b>34 100</b>	-	-	-	-	<b>6 149</b>	<b>6 149</b>	<b>40 249</b>	<b>22 650</b>	<b>19 080</b>
<i>Roads Infrastructure</i>		13 400	13 400	-	-	-	-	-	-	13 400	7 100	6 500
<i>Storm water Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Electrical Infrastructure</i>		3 600	3 600	-	-	-	-	1 179	1 179	4 779	3 250	5 430
<i>Water Supply Infrastructure</i>		4 000	4 000	-	-	-	-	-	-	4 000	4 000	4 000
<i>Sanitation Infrastructure</i>		13 000	13 000	-	-	-	-	4 484	4 484	17 484	8 000	2 000
<i>Solid Waste Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	600
<i>Rail Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Coastal Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Information and Communication Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<b>Infrastructure</b>		<b>34 000</b>	<b>34 000</b>	-	-	-	-	<b>5 663</b>	<b>5 663</b>	<b>39 663</b>	<b>22 350</b>	<b>18 530</b>
Community Facilities		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		-	-	-	-	-	-	385	385	385	-	550
<b>Community Assets</b>		-	-	-	-	-	-	<b>385</b>	<b>385</b>	<b>385</b>	-	<b>550</b>
<b>Heritage Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		-	-	-	-	-	-	-	-	-	-	-
Operational Buildings		100	100	-	-	-	-	100	100	200	300	-
Housing		-	-	-	-	-	-	-	-	-	-	-
<b>Other Assets</b>	<b>6</b>	<b>100</b>	<b>100</b>	-	-	-	-	<b>100</b>	<b>100</b>	<b>200</b>	<b>300</b>	-
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	-
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
Libraries		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Total Upgrading of Existing Assets to be adjusted</b>	<b>2a</b>	<b>125 305</b>	<b>125 305</b>	-	-	-	-	<b>21 980</b>	<b>21 980</b>	<b>147 285</b>	<b>152 806</b>	<b>142 269</b>
<i>Roads Infrastructure</i>		12 200	12 200	-	-	-	-	1 702	1 702	13 902	16 600	13 250
<i>Storm water Infrastructure</i>		4 000	4 000	-	-	-	-	-	-	4 000	-	-
<i>Electrical Infrastructure</i>		8 000	8 000	-	-	-	-	-	-	8 000	30 476	16 682
<i>Water Supply Infrastructure</i>		30 500	30 500	-	-	-	-	2 130	2 130	32 630	31 167	32 018
<i>Sanitation Infrastructure</i>		24 155	24 155	-	-	-	-	4 636	4 636	28 791	13 500	45 500
<i>Solid Waste Infrastructure</i>		2 000	2 000	-	-	-	-	-	-	2 000	1 000	1 000
<i>Rail Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Coastal Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Information and Communication Infrastructure</i>		1 550	1 550	-	-	-	-	-	-	1 550	1 559	1 569
<b>Infrastructure</b>		<b>82 405</b>	<b>82 405</b>	-	-	-	-	<b>8 467</b>	<b>8 467</b>	<b>90 872</b>	<b>94 302</b>	<b>110 019</b>
<i>Community Facilities</i>		7 650	7 650	-	-	-	-	4 209	4 209	11 859	12 854	10 950
<i>Sport and Recreation Facilities</i>		8 050	8 050	-	-	-	-	1 640	1 640	9 690	9 050	750
<b>Community Assets</b>		<b>15 700</b>	<b>15 700</b>	-	-	-	-	<b>5 850</b>	<b>5 850</b>	<b>21 550</b>	<b>21 904</b>	<b>11 700</b>
<b>Heritage Assets</b>		<b>1 000</b>	<b>1 000</b>	-	-	-	-	<b>70</b>	<b>70</b>	<b>1 070</b>	<b>1 000</b>	<b>1 000</b>
<i>Revenue Generating</i>		3 500	3 500	-	-	-	-	1 113	1 113	4 613	-	1 000
<i>Non-revenue Generating</i>		13 000	13 000	-	-	-	-	183	183	13 183	21 000	10 000
<b>Investment properties</b>		<b>16 500</b>	<b>16 500</b>	-	-	-	-	<b>1 296</b>	<b>1 296</b>	<b>17 796</b>	<b>21 000</b>	<b>11 000</b>
<i>Operational Buildings</i>		1 900	1 900	-	-	-	-	5 945	5 945	7 845	9 800	3 050
<i>Housing</i>		3 000	3 000	-	-	-	-	353	353	3 353	-	-
<b>Other Assets</b>	<b>6</b>	<b>4 900</b>	<b>4 900</b>	-	-	-	-	<b>6 298</b>	<b>6 298</b>	<b>11 198</b>	<b>9 800</b>	<b>3 050</b>
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	<b>250</b>
<i>Servitudes</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Licences and Rights</i>		-	-	-	-	-	-	-	-	-	-	250
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	<b>250</b>
<b>Computer Equipment</b>		<b>4 600</b>	<b>4 600</b>	-	-	-	-	-	-	<b>4 600</b>	<b>4 600</b>	<b>4 700</b>
<b>Furniture and Office Equipment</b>		<b>200</b>	<b>200</b>	-	-	-	-	-	-	<b>200</b>	<b>200</b>	<b>300</b>
<b>Machinery and Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Transport Assets</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Libraries</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Total Capital Expenditure to be adjusted</b>	4											
Roads Infrastructure		65 130	65 130	-	-	-	-	4 989	4 989	70 119	73 731	40 200
Storm water Infrastructure		4 000	4 000	-	-	-	-	-	-	4 000	-	-
Electrical Infrastructure		41 850	37 650	-	-	-	-	1 179	1 179	38 829	64 651	112 324
Water Supply Infrastructure		69 305	69 305	-	-	-	-	13 728	13 728	83 032	95 348	125 918
Sanitation Infrastructure		69 355	69 355	-	-	-	-	13 623	13 623	82 978	30 900	50 400
Solid Waste Infrastructure		7 500	7 500	-	-	-	-	8 057	8 057	15 557	19 000	43 000
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		1 600	1 600	-	-	-	-	41	41	1 641	1 629	1 669
<b>Infrastructure</b>		<b>258 740</b>	<b>254 540</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>41 617</b>	<b>41 617</b>	<b>296 156</b>	<b>285 258</b>	<b>373 510</b>
Community Facilities		9 150	9 150	-	-	-	-	9 228	9 228	18 378	24 104	24 150
Sport and Recreation Facilities		12 050	12 050	-	-	-	-	2 444	2 444	14 494	11 550	1 300
<b>Community Assets</b>		<b>21 200</b>	<b>21 200</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>11 672</b>	<b>11 672</b>	<b>32 872</b>	<b>35 654</b>	<b>25 450</b>
<b>Heritage Assets</b>		<b>1 000</b>	<b>1 000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1 609</b>	<b>1 609</b>	<b>2 609</b>	<b>2 000</b>	<b>1 000</b>
Revenue Generating		4 300	4 300	-	-	-	-	3 363	3 363	7 663	500	1 000
Non-revenue Generating		13 200	13 200	-	-	-	-	921	921	14 121	21 200	10 200
<b>Investment properties</b>		<b>17 500</b>	<b>17 500</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4 284</b>	<b>4 284</b>	<b>21 784</b>	<b>21 700</b>	<b>11 200</b>
Operational Buildings		44 350	44 350	-	-	-	-	9 909	9 909	54 259	67 884	8 850
Housing		11 759	11 759	-	-	-	-	353	353	12 112	1 000	-
<b>Other Assets</b>		<b>56 109</b>	<b>56 109</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10 262</b>	<b>10 262</b>	<b>66 371</b>	<b>68 884</b>	<b>8 850</b>
<b>Biological or Cultivated Assets</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>250</b>
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	450
<b>Intangible Assets</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>450</b>
Computer Equipment		4 700	4 700	-	-	-	-	-	-	4 700	4 650	4 750
Furniture and Office Equipment		3 167	3 167	-	-	-	-	651	651	3 818	2 821	3 679
Machinery and Equipment		6 110	6 110	-	-	-	-	8 368	8 368	14 478	5 200	6 080
Transport Assets		7 225	7 225	-	-	-	-	2 488	2 488	9 713	10 100	22 900
Libraries		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURE to be adjusted</b>	4	<b>375 750</b>	<b>371 550</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>80 952</b>	<b>80 952</b>	<b>452 502</b>	<b>436 268</b>	<b>458 119</b>

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>ASSET REGISTER SUMMARY - PPE (WDV)</b>	5											
<i>Roads Infrastructure</i>		780 248	780 248	-	-	-	-	7 478	7 478	787 726	853 380	816 869
<i>Storm water Infrastructure</i>		19 244	19 244	-	-	-	-	-	-	19 244	16 936	16 936
<i>Electrical Infrastructure</i>		997 643	993 443	-	-	-	-	1 179	1 179	994 622	1 021 912	1 069 585
<i>Water Supply Infrastructure</i>		1 550 481	1 550 481	-	-	-	-	13 728	13 728	1 564 209	1 407 026	1 215 952
<i>Sanitation Infrastructure</i>		1 102 420	1 102 420	-	-	-	-	17 487	17 487	1 119 907	1 078 899	1 042 715
<i>Solid Waste Infrastructure</i>		29 908	29 908	-	-	-	-	8 057	8 057	37 965	71 672	82 672
<i>Rail Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Coastal Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Information and Communication Infrastructure</i>		12 293	12 293	-	-	-	-	-	-	12 293	12 303	12 412
Infrastructure		4 492 237	4 488 037	-	-	-	-	47 929	47 929	4 535 965	4 462 127	4 257 139
Community Assets		99 720	99 720	-	-	-	-	6 555	6 555	106 275	125 539	115 294
Heritage Assets		2 618	2 618	-	-	-	-	1 609	1 609	4 227	2 618	2 618
Investment properties		453 412	453 412	-	-	-	-	-	-	453 412	475 605	486 827
Other Assets		449 820	449 820	-	-	-	-	7 321	7 321	457 140	460 525	445 575
Biological or Cultivated Assets		6 321	6 321	-	-	-	-	850	850	7 171	6 321	6 571
Intangible Assets		6 898	6 898	-	-	-	-	-	-	6 898	9 500	10 067
Computer Equipment		85 544	85 544	-	-	-	-	854	854	86 398	89 121	89 121
Furniture and Office Equipment		17 407	17 407	-	-	-	-	5 393	5 393	22 800	399 522	833 148
Machinery and Equipment		51 229	51 229	-	-	-	-	10 109	10 109	61 338	60 343	74 273
Transport Assets		82 741	82 741	-	-	-	-	331	331	83 072	92 992	106 817
Libraries		395 847	395 847	-	-	-	-	-	-	395 847	395 847	395 847
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL ASSET REGISTER SUMMARY - PPE (WDV)</b>	5	<b>6 143 793</b>	<b>6 139 593</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>80 952</b>	<b>80 952</b>	<b>6 220 544</b>	<b>6 580 060</b>	<b>6 823 299</b>



Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>EXPENDITURE OTHER ITEMS</b>												
<u>Depreciation &amp; asset impairment</u>		205 628	205 628	-	-	-	-	-	-	205 628	214 881	224 550
<u>Repairs and Maintenance by asset class</u>	3	<b>90 823</b>	<b>90 823</b>	-	-	-	-	(222)	(222)	<b>90 601</b>	<b>95 620</b>	<b>99 937</b>
<i>Roads Infrastructure</i>		11 218	11 218	-	-	-	-	-	-	11 218	11 716	12 244
<i>Storm water Infrastructure</i>		2 253	2 253	-	-	-	-	-	-	2 253	2 317	2 421
<i>Electrical Infrastructure</i>		107	107	-	-	-	-	-	-	107	113	118
<i>Water Supply Infrastructure</i>		10 387	10 387	-	-	-	-	-	-	10 387	10 891	11 382
<i>Sanitation Infrastructure</i>		9 692	9 692	-	-	-	-	-	-	9 692	10 133	10 590
<i>Solid Waste Infrastructure</i>		1 409	1 409	-	-	-	-	-	-	1 409	1 473	1 539
<i>Rail Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Coastal Infrastructure</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Information and Communication Infrastructure</i>		11 332	11 332	-	-	-	-	-	-	11 332	11 950	12 489
Infrastructure		46 399	46 399	-	-	-	-	-	-	46 399	48 593	50 783
Community Facilities		12 641	12 641	-	-	-	-	150	150	12 791	13 297	13 896
Sport and Recreation Facilities		1 421	1 421	-	-	-	-	-	-	1 421	1 486	1 553
Community Assets		14 062	14 062	-	-	-	-	150	150	14 212	14 782	15 449
Heritage Assets		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Investment properties		-	-	-	-	-	-	-	-	-	-	-
Operational Buildings		10 577	10 577	-	-	-	-	(800)	(800)	9 777	10 925	11 417
Housing		466	466	-	-	-	-	-	-	466	483	505
Other Assets		11 044	11 044	-	-	-	-	(800)	(800)	10 244	11 408	11 922
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	-
Intangible Assets		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		5 858	5 858	-	-	-	-	34	34	5 892	6 195	6 476
Machinery and Equipment		9 536	9 536	-	-	-	-	-	-	9 536	10 097	10 555
Transport Assets		3 925	3 925	-	-	-	-	394	394	4 319	4 545	4 752
Libraries		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals	6	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL EXPENDITURE OTHER ITEMS to be adjusted</b>		<b>296 451</b>	<b>296 451</b>	-	-	-	-	(222)	(222)	<b>296 229</b>	<b>310 501</b>	<b>324 487</b>
<i>Renewal and upgrading of Existing Assets as % of total capex</i>		42.4%	42.9%							41.4%	40.2%	35.2%
<i>Renewal and upgrading of Existing Assets as % of deprecn"</i>		77.5%	77.5%							91.2%	81.7%	71.9%
<i>R&amp;M as a % of PPE</i>		1.5%	1.5%							1.5%	1.5%	1.5%
<i>Renewal and upgrading and R&amp;M as a % of PPE</i>		4.1%	4.1%							4.5%	4.1%	3.8%

WC024 Stellenbosch - Table B10 Basic service delivery measurement -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7	8	9	10	11	12	13	14		
		A1	B	C	D	E	F	G	H			
<b>Household service targets</b>	1											
<b>Water:</b>												
Piped water inside dwelling		40626.28988	40626.28988							41	40676.28988	40676.28988
Piped water inside yard (but not in dwelling)		4461.48675	4461.48675							4	4561.48675	4561.48675
Using public tap (at least min.service level)	2	4777.87	4777.87							5	4877.87	4877.87
Other water supply (at least min.service level)		684.103375	684.103375							1	1	1
<i>Minimum Service Level and Above sub-total</i>		51	51	-	-	-	-	-	-	51	51	51
Using public tap (< min.service level)	3	1170	1170							1	1070	1070
Other water supply (< min.service level)	3,4	0	0							-	0	0
No water supply		207	207							0	157	157
<i>Below Minimum Service Level sub-total</i>		1	1	-	-	-	-	-	-	1	1	1
<b>Total number of households</b>	5	52	52	-	-	-	-	-	-	52	52	52
<b>Sanitation/sewerage:</b>												
Flush toilet (connected to sewerage)		46256.0975	46256.0975							46 256	46306.0975	46306.0975
Flush toilet (with septic tank)		2164.9825	2164.9825							2 165	2264.9825	2264.9825
Chemical toilet		407.484	407.484							407	420	420
Pit toilet (ventilated)		50	50							50	0	0
Other toilet provisions (> min.service level)		1898.186	1898.186							1 898	2235.67	2235.67
<i>Minimum Service Level and Above sub-total</i>		50 777	50 777	-	-	-	-	-	-	50 777	51 227	51 227
Bucket toilet		800	800							800	700	700
Other toilet provisions (< min.service level)		50	50							50	0	0
No toilet provisions		300	300							300	250	250
<i>Below Minimum Service Level sub-total</i>		1 150	1 150	-	-	-	-	-	-	1 150	950	950
<b>Total number of households</b>	5	51 927	51 927	-	-	-	-	-	-	51 927	52 177	52 177
<b>Energy:</b>												
Electricity (at least min. service level)		14820.95	14820.95							14 821	15070.95	15070.95
Electricity - prepaid (> min.service level)		35003	35003							35 003	35253	35253
<i>Minimum Service Level and Above sub-total</i>		49 824	49 824	-	-	-	-	-	-	49 824	50 324	50 324
Electricity (< min.service level)		150	150							150	150	150
Electricity - prepaid (< min. service level)		0	0							-	0	0
Other energy sources		1952.8	1952.8							1 953	1702.8	1702.8
<i>Below Minimum Service Level sub-total</i>		2 103	2 103	-	-	-	-	-	-	2 103	1 853	1 853
<b>Total number of households</b>	5	51 927	51 927	-	-	-	-	-	-	51 927	52 177	52 177
<b>Refuse:</b>												
Removed at least once a week (min.service)		47649.05	47649.05							47 649	48149.05	48149.05
<i>Minimum Service Level and Above sub-total</i>		47 649	47 649	-	-	-	-	-	-	47 649	48 149	48 149
Removed less frequently than once a week		0	0							-	0	0
Using communal refuse dump		1027.7	1027.7							1 028	977.7	977.7
Using own refuse dump		2100	2100							2 100	2000	2000
Other rubbish disposal		750	750							750	700	700
No rubbish disposal		400	400							400	350	350
<i>Below Minimum Service Level sub-total</i>		4 278	4 278	-	-	-	-	-	-	4 278	4 028	4 028
<b>Total number of households</b>	5	51 927	51 927	-	-	-	-	-	-	51 927	52 177	52 177
<b>Households receiving Free Basic Service</b>	15											
Water (6 kilolitres per household per month)		6000	6000							6 000	6000	6000
Sanitation (free minimum level service)		6000	6000							6 000	6000	6000
Electricity/other energy (50kwh per household per month)		6000	6000							6 000	6000	6000

Refuse (removed at least once a week)		6000	6000							-	6 000	6000	6000
<b>Cost of Free Basic Services provided (R'000)</b>	16												
Water (6 kilolitres per household per month)		15 854	15 854	-	-	-	-	-	-	-	15 854	18 470	21 518
Sanitation (free sanitation service)		10 298	10 298	-	-	-	-	-	-	-	10 298	11 019	11 790
Electricity/other energy (50kwh per household per month)		12 554	12 554	-	-	-	-	-	-	-	12 554	13 496	14 508
Refuse (removed once a week)		-	-	-	-	-	-	-	-	-	-	-	-
<b>Total cost of FBS provided (minimum social package)</b>		38 706	38 706	-	-	-	-	-	-	-	38 706	42 985	47 816
<b>Highest level of free service provided</b>													
Property rates (R'000 value threshold)		200000	200000							-	200 000	200000	200000
Water (kilolitres per household per month)		6	6							-	6	6	6
Sanitation (kilolitres per household per month)		0	0							-	-	0	0
Sanitation (Rand per household per month)		122.3525	122.3525							-	122	121.2625	121.2625
Electricity (kw per household per month)		100	100							-	100	100	100
Refuse (average litres per week)		250	250							-	250	250	250
<b>Revenue cost of free services provided (R'000)</b>	17												
Property rates (tariff adjustment) ( impermissible values per section 17 of MPRA)		-	-	-	-	-	-	-	-	-	-	-	-
Property rates exemptions, reductions and rebates and impermissible values in excess of section 17 of MPRA)		-	-	-	-	-	-	-	-	-	-	-	-
Water (in excess of 6 kilolitres per indigent household per month)		-	-	-	-	-	-	-	-	-	-	-	-
Sanitation (in excess of free sanitation service to indigent households)		-	-	-	-	-	-	-	-	-	-	-	-
Electricity/other energy (in excess of 50 kwh per indigent household per month)		-	-	-	-	-	-	-	-	-	-	-	-
Refuse (in excess of one removal a week for indigent households)		-	-	-	-	-	-	-	-	-	-	-	-
Municipal Housing - rental rebates		-	-	-	-	-	-	-	-	-	-	-	-
Housing - top structure subsidies	6	18 625	18 625	-	-	-	-	-	-	-	18 625	18 625	18 625
Other		-	-	-	-	-	-	-	-	-	-	-	-
<b>Total revenue cost of subsidised services provided</b>		18 625	18 625	-	-	-	-	-	-	-	18 625	18 625	18 625

**References**

1. Include services provided by another entity; e.g. Eskom
2. Stand distance > 200m from dwelling
3. Stand distance <= 200m from dwelling
4. Borehole, spring, rain-water tank etc.
5. Must agree to total number of households in municipal area
6. Include value of subsidy provided by municipality above provincial subsidy level
7. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
8. Additional cash-backed accumulated funds/unused funds (MFMA section 18(1)(b) and section 28(2)(e)) identified after the Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)
9. Increases of funds approved under MFMA section 31
10. Adjustments approved in accordance with MFMA section 29
11. Adjustments to transfers from National or Provincial Government
12. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction (section 28(2)(f))
13.  $G = B + C + D + E + F$
14. Adjusted Budget  $H = (A \text{ or } A1/2 \text{ etc}) + G$

ROLL-OVER ADJUSTMENTS BUDGET FOR THE FINANCIAL PERIOD 2020 – 2021  
AUGUST 2020

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**APPENDIX 4**

**Other supporting documentation (Supporting Schedules)**

WC024 Stellenbosch - Supporting Table SB1 Supporting detail to 'Budgeted Financial Performance' -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H		
<b>R thousands</b>												
<b>REVENUE ITEMS:</b>												
<b>Property rates</b>												
Total Property Rates		392 239	392 239	-	-	-	-	-	-	392 239	417 735	444 889
<i>less Revenue Foregone (exemptions, reductions and rebates and impermissible values in excess of section 17 of MPRA)</i>		-	-	-	-	-	-	-	-	-	-	-
<b>Net Property Rates</b>		<b>392 239</b>	<b>392 239</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>392 239</b>	<b>417 735</b>	<b>444 889</b>
<b>Service charges - electricity revenue</b>												
Total Service charges - electricity revenue		719 996	719 996	-	-	-	-	-	-	719 996	773 996	832 046
<i>less Revenue Foregone (in excess of 50 kwh per indigent household per month)</i>		-	-	-	-	-	-	-	-	-	-	-
<i>less Cost of Free Basic Services (50 kwh per indigent household per month)</i>		12 554	12 554	-	-	-	-	-	-	12 554	13 496	14 508
<b>Net Service charges - electricity revenue</b>		<b>707 441</b>	<b>707 441</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>707 441</b>	<b>760 500</b>	<b>817 538</b>
<b>Service charges - water revenue</b>												
Total Service charges - water revenue		184 574	184 574	-	-	-	-	-	-	184 574	199 844	216 495
<i>less Revenue Foregone (in excess of 6 kilolitres per indigent household per month)</i>		-	-	-	-	-	-	-	-	-	-	-
<i>less Cost of Free Basic Services (6 kilolitres per indigent household per month)</i>		15 854	15 854	-	-	-	-	-	-	15 854	18 470	21 518
<b>Net Service charges - water revenue</b>		<b>168 720</b>	<b>168 720</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>168 720</b>	<b>181 374</b>	<b>194 978</b>
<b>Service charges - sanitation revenue</b>												
Total Service charges - sanitation revenue		128 609	128 609	-	-	-	-	-	-	128 609	137 612	147 245
<i>less Revenue Foregone (in excess of free sanitation service to indigent households)</i>		-	-	-	-	-	-	-	-	-	-	-
<i>less Cost of Free Basic Services (free sanitation service to indigent households)</i>		10 298	10 298	-	-	-	-	-	-	10 298	11 019	11 790
<b>Net Service charges - sanitation revenue</b>		<b>118 312</b>	<b>118 312</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>118 312</b>	<b>126 594</b>	<b>135 455</b>
<b>Service charges - refuse revenue</b>												
Total refuse removal revenue		74 479	74 479	-	-	-	-	-	-	74 479	86 769	101 085
Total landfill revenue		3 826	3 826	-	-	-	-	-	-	3 826	4 457	5 192
<i>less Revenue Foregone (in excess of one removal a week to indigent households)</i>		-	-	-	-	-	-	-	-	-	-	-
<i>less Cost of Free Basic Services (removed once a week to indigent households)</i>		-	-	-	-	-	-	-	-	-	-	-
<b>Net Service charges - refuse revenue</b>		<b>78 305</b>	<b>78 305</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>78 305</b>	<b>91 225</b>	<b>106 278</b>

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H		
<b>R thousands</b>												
<b>Other Revenue By Source</b>												
Fuel Levy		-	-	-	-	-	-	-	-	-	-	-
Other Revenue		-	-	-	-	-	-	-	-	-	-	-
Discontinued Operations		-	-	-	-	-	-	-	-	-	-	-
Rent on Land		-	-	-	-	-	-	-	-	-	-	-
Operational Revenue		7 996	7 996	-	-	-	-	-	-	7 996	8 566	9 177
Intercompany/Parent-subsidary Transactions		-	-	-	-	-	-	-	-	-	-	-
Surcharges and Taxes		-	-	-	-	-	-	-	-	-	-	-
Sales of Goods and Rendering of Services		31 412	31 412	-	-	-	-	-	-	31 412	33 615	35 975
Gains and Losses : Gains		-	-	-	-	-	-	-	-	-	-	-
<b>Total 'Other' Revenue</b>	<b>1</b>	<b>39 408</b>	<b>39 408</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>39 408</b>	<b>42 181</b>	<b>45 152</b>
<b>EXPENDITURE ITEMS</b>												
<b>Employee related costs</b>												
Basic Salaries and Wages		340 815	340 815	-	-	-	-	-	-	340 815	364 230	395 026
Pension and UIF Contributions		61 260	61 260	-	-	-	-	-	-	61 260	66 712	72 649
Medical Aid Contributions		27 962	27 962	-	-	-	-	-	-	27 962	30 451	33 161
Overtime		-	-	-	-	-	-	-	-	-	-	-
Performance Bonus		29 816	29 816	-	-	-	-	-	-	29 816	32 443	35 303
Motor Vehicle Allowance		15 586	15 586	-	-	-	-	-	-	15 586	16 973	18 484
Cellphone Allowance		1 143	1 143	-	-	-	-	-	-	1 143	1 245	1 356
Housing Allowances		3 165	3 165	-	-	-	-	-	-	3 165	3 447	3 753
Other benefits and allowances		66 247	66 247	-	-	-	-	-	-	66 247	72 143	78 564
Payments in lieu of leave		2 246	2 246	-	-	-	-	-	-	2 246	2 446	2 664
Long service awards		1 067	1 067	-	-	-	-	-	-	1 067	1 162	1 265
Post-retirement benefit obligations		30 131	30 131	-	-	-	-	-	-	30 131	32 240	34 497
<b>sub-total</b>	<b>4</b>	<b>579 439</b>	<b>579 439</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>579 439</b>	<b>623 493</b>	<b>676 723</b>
Less: Employees costs capitalised to PPE		-	-	-	-	-	-	-	-	-	-	-
<b>Total Employee related costs</b>	<b>1</b>	<b>579 439</b>	<b>579 439</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>579 439</b>	<b>623 493</b>	<b>676 723</b>
<b>Contributions recognised - capital</b>												
List contributions by contract		-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-
<b>Total Contributions recognised - capital</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Description	Ref	Budget Year 2020/21									Budget Year	Budget Year
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H	+1 2021/22	+2 2022/23
<b>R thousands</b>												
<b>Depreciation &amp; asset impairment</b>												
Depreciation of Property, Plant & Equipment		203 138	203 138	-	-	-	-	-	-	203 138	212 279	221 832
Lease amortisation		2 490	2 490	-	-	-	-	-	-	2 490	2 602	2 719
Capital asset impairment		-	-	-	-	-	-	-	-	-	-	-
Depreciation resulting from revaluation of PPE		-	-	-	-	-	-	-	-	-	-	-
<b>Total Depreciation &amp; asset impairment</b>	1	<b>205 628</b>	<b>205 628</b>	-	-	-	-	-	-	<b>205 628</b>	<b>214 881</b>	<b>224 550</b>
<b>Bulk purchases</b>												
Electricity Bulk Purchases		455 254	455 254	-	-	-	-	-	-	455 254	487 122	521 220
Water Bulk Purchases		26 942	26 942	-	-	-	-	-	-	26 942	29 030	31 281
<b>Total bulk purchases</b>	1	<b>482 196</b>	<b>482 196</b>	-	-	-	-	-	-	<b>482 196</b>	<b>516 151</b>	<b>552 501</b>
<b>Transfers and grants</b>												
Cash transfers and grants		10 069	10 469	-	-	-	-	-	-	10 469	10 600	11 200
Non-cash transfers and grants		-	-	-	-	-	-	-	-	-	-	-
<b>Total transfers and grants</b>		<b>10 069</b>	<b>10 469</b>	-	-	-	-	-	-	<b>10 469</b>	<b>10 600</b>	<b>11 200</b>
<b>Contracted services</b>												
Outsourced Services		84 981	84 981	-	-	-	-	-	-	84 981	88 202	92 176
Consultants and Professional Services		40 566	40 566	-	-	-	-	-	-	40 566	30 191	31 536
Contractors		119 930	119 930	-	-	-	-	-	-	119 930	126 351	132 068
<b>sub-total</b>	1	<b>245 478</b>	<b>245 478</b>	-	-	-	-	-	-	<b>245 478</b>	<b>244 744</b>	<b>255 781</b>
<b>Allocations to organs of state:</b>												
Electricity		-	-	-	-	-	-	-	-	-	-	-
Water		-	-	-	-	-	-	-	-	-	-	-
Sanitation		-	-	-	-	-	-	-	-	-	-	-
Other		-	-	-	-	-	-	-	-	-	-	-
<b>Total contracted services??</b>		<b>245 478</b>	<b>245 478</b>	-	-	-	-	-	-	<b>245 478</b>	<b>244 744</b>	<b>255 781</b>
<b>Other Expenditure By Type</b>												
Collection costs		3 072	3 072	-	-	-	-	-	-	3 072	3 211	3 355
Contributions to 'other' provisions		49 923	49 923	-	-	-	-	-	-	49 923	51 599	54 500
Consultant fees		-	-	-	-	-	-	-	-	-	-	-
Audit fees		7 831	7 831	-	-	-	-	-	-	7 831	8 222	8 628
General expenses	3.5	-	-	-	-	-	-	-	-	-	-	-
Operating Leases		17 192	17 192	-	-	-	-	-	-	17 192	17 971	18 787
Operational Cost		110 440	130 868	-	-	-	-	-	-	130 868	116 343	122 455
Statutory Payments other than Income Taxes		-	-	-	-	-	-	-	-	-	-	-
Discontinued Operations		-	-	-	-	-	-	-	-	-	-	-
Gains and Losses : Discontinued Operations and Disposals of Non-current Assets		-	-	-	-	-	-	-	-	-	-	-
Gains and Losses : Fair Value Adjustment		-	-	-	-	-	-	-	-	-	-	-
Gains and Losses : Foreign Exchange		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year	Budget Year
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H	+1 2021/22	+2 2022/23
<b>R thousands</b>												
<i>Gains and Losses : Inventory</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Gains and Losses : Water Losses</i>		-	-	-	-	-	-	-	-	-	-	-
<b>Total Other Expenditure</b>	1	188 459	208 887	-	-	-	-	-	-	208 887	197 345	207 725



Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H		
<b>R thousands</b>												
<b>Repairs and Maintenance by Expenditure Item</b>	14											
Employee related costs		-	-	-	-	-	-	-	-	-	-	-
Other materials		-	-	-	-	-	-	-	-	-	-	-
Contracted Services		-	-	-	-	-	-	-	-	-	-	-
Other Expenditure		-	-	-	-	-	-	-	-	-	-	-
<b>Total Repairs and Maintenance Expenditure</b>	15	-	-	-	-	-	-	-	-	-	-	-

References

1. Must reconcile with relevant line on the 'Financial Performance' budget
2. Must reconcile to supporting documentation on staff salaries
3. Insert other categories where revenue or expenditure is of a material nature
4. Expenditure to meet any unfunded obligations
5. Special consideration may have to be given to including 'goodwill arising' or 'joint venture' budgets where circumstances require this (include separately under relevant notes)
6. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
7. Additional cash-backed accumulated funds/unspent funds (section 18(1)(b) and section 28(2)(e) MFMA) identified after Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably be have for
8. Increases of funds approved under section 31 MFMA
9. Adjustments approved in accordance with section 29 MFMA
10. Adjustments to funding allocations from National or Provincial Government
11. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction (sec
12.  $G = B + C + D + E + F$
13. Adjusted Budget H = (A or A1/2 etc) + G
14. Repairs and Maintenance is not a GRAP item. However to facilitate transparency, municipalities must provide a breakdown of the amounts included in the relevant GRAP items that will be spent on Repairs and Maintenance.
15. Must reconcile with Repairs and Maintenance by Asset Class (Total Repairs and Maintenance) on Table SA34c.

WC024 Stellenbosch - Supporting Table SB2 Supporting detail to 'Financial Position Budget' -

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	4 A1	5 B	6 C	7 D	8 E	9 F	10 G	11 H		
<b>R thousands</b>												
<b>ASSETS</b>												
<b>Call investment deposits</b>												
Call deposits		331 339	331 339	-	-	-	-	-	-	331 339	311 780	313 331
Other current investments		-	-	-	-	-	-	-	-	-	-	-
<b>Total Call investment deposits</b>	1	331 339	331 339	-	-	-	-	-	-	331 339	311 780	313 331
<b>Consumer debtors</b>												
Consumer debtors		607 798	607 798	-	-	-	-	(268 169)	(268 169)	339 629	425 435	510 767
Less: provision for debt impairment		150 743	150 743	-	-	-	-	-	-	150 743	112 715	152 299
<b>Total Consumer debtors</b>	1	457 055	457 055	-	-	-	-	(268 169)	(268 169)	188 886	312 720	358 468
<b>Debt impairment provision</b>												
Balance at the beginning of the year		150 743	150 743	-	-	-	-	-	-	150 743	154 164	195 613
Contributions to the provision		-	-	-	-	-	-	-	-	-	-	-
Bad debts written off		-	-	-	-	-	-	-	-	-	41 449	43 314
<b>Balance at end of year</b>		150 743	150 743	-	-	-	-	-	-	150 743	112 715	152 299
<b>Property, plant &amp; equipment</b>												
PPE at cost/valuation (excl. finance leases)		7 380 477	7 376 277	-	-	-	-	78 492	78 492	7 454 770	7 589 284	7 820 484
Leases recognised as PPE	2	-	-	-	-	-	-	-	-	-	-	-
Less: Accumulated depreciation		1 705 934	1 705 934	-	-	-	-	-	-	1 705 934	1 503 269	1 503 269
<b>Total Property, plant &amp; equipment</b>	1	5 674 543	5 670 343	-	-	-	-	78 492	78 492	5 748 836	6 086 016	6 317 215
<b>LIABILITIES</b>												
<b>Current liabilities - Borrowing</b>												
Short term loans (other than bank overdraft)		-	-	-	-	-	-	-	-	-	-	-
Current portion of long-term liabilities		31 078	31 078	-	-	-	-	-	-	31 078	38 078	45 578
<b>Total Current liabilities - Borrowing</b>		31 078	31 078	-	-	-	-	-	-	31 078	38 078	45 578
<b>Trade and other payables</b>												
Trade Payables		234 131	234 131	-	-	-	-	-	-	234 131	214 131	194 131
Other creditors		-	-	-	-	-	-	-	-	-	-	-
Unspent conditional grants and receipts		-	-	-	-	-	-	-	-	-	-	-
VAT		-	-	-	-	-	-	-	-	-	-	-
<b>Total Trade and other payables</b>	1	234 131	234 131	-	-	-	-	-	-	234 131	214 131	194 131
<b>Non current liabilities - Borrowing</b>												
Borrowing	3	520 322	520 322	-	-	-	-	-	-	520 322	586 044	709 466
Finance leases (including PPP asset element)		971	971	-	-	-	-	-	-	971	971	971
<b>Total Non current liabilities - Borrowing</b>		521 293	521 293	-	-	-	-	-	-	521 293	587 015	710 438
<b>Provisions - non current</b>												
Retirement benefits		202 464	202 464	-	-	-	-	-	-	202 464	238 672	277 234
List other major items		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	4 A1	5 B	6 C	7 D	8 E	9 F	10 G	11 H		
<b>R thousands</b>												
Refuse landfill site rehabilitation		102 344	102 344	-	-	-	-	-	-	102 344	102 344	102 344
Other		23 414	23 414	-	-	-	-	-	-	23 414	23 414	23 414
<b>Total Provisions - non current</b>		<b>328 223</b>	<b>328 223</b>	-	-	-	-	-	-	<b>328 223</b>	<b>364 430</b>	<b>402 993</b>

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	4 A1	5 B	6 C	7 D	8 E	9 F	10 G	11 H		
<b>R thousands</b>												
<b>CHANGES IN NET ASSETS</b>												
<b>Accumulated surplus/(Deficit)</b>												
Accumulated surplus/(Deficit) - opening balance		5 594 007	5 965 861							5 965 861		
Appropriations to Reserves		-	-							-		
Transfers from Reserves		-	-	-	-	-	-	-	-	-		
Depreciation offsets		-	-	-	-	-	-	-	-	-		
Other adjustments		-	-	-	-	-	-	-	-	-		
<b>Accumulated Surplus/(Deficit)</b>	1	5 594 007	5 965 861	-	-	-	-	-	-	5 965 861	-	-
<b>Reserves</b>												
Housing Development Fund		-	-	-	-	-	-	-	-	-		
Capital replacement		-	-	-	-	-	-	-	-	-		
Self-insurance		-	-	-	-	-	-	-	-	-		
Other reserves (list)		-	-	-	-	-	-	-	-	-		
Compensation for Occupational Injuries and Diseases		-	-	-	-	-	-	-	-	-		
Employee Benefit Reserve		-	-	-	-	-	-	-	-	-		
Non-current Provisions Reserve		-	-	-	-	-	-	-	-	-		
Valuation Reserve		-	-	-	-	-	-	-	-	-		
Investment in associate account		-	-	-	-	-	-	-	-	-		
Capitalisation Reserve		-	-	-	-	-	-	-	-	-		
Revaluation		-	-	-	-	-	-	-	-	-		
<b>Total Reserves</b>	2	-	-	-	-	-	-	-	-	-		
<b>TOTAL COMMUNITY WEALTH/EQUITY</b>	2	5 594 007	5 965 861	-	-	-	-	-	-	5 965 861	-	-
<b>Total capital expenditure includes expenditure on nationally significant priorities:</b>												
Provision of basic services		-	-	-	-	-	-	-	-	-		
2010 World Cup		-	-	-	-	-	-	-	-	-		
		-	-	-	-	-	-	-	-	-		

References

1. Must reconcile with 'Financial Position' budget
2. Leases treated as assets to be depreciated as the same as purchased/constructed assets. Includes PPP asset element accounted for as finance leases
3. Borrowing (original budget) must reconcile to Budget Table A16
4. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
5. Additional cash-backed accumulated funds/unspent funds (section 18(1)(b) and section 28(2)(e) MFMA) identified after Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably
6. Increases of funds approved under section 31 MFMA
7. Adjustments approved in accordance with section 29 MFMA
8. Adjustments to funding allocations from National or Provincial Government
9. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction (section 28(2)(f))
10. G = B + C + D + E + F
11. Adjusted Budget H = (A or A1/2 etc) + G
12. Trade Payable should only include Trade Payables from Exchange Transactions ("True Creditors")

WC024 Stellenbosch - Supporting Table SB3 Adjustments to the SDBIP - performance objectives -

Description	Unit of measurement	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget A	Prior Adjusted A1	Accum. Funds B	Multi-year capital C	Unfore. Unavoid. D	Nat. or Prov. Govt E	Other Adjusts. F	Total Adjusts. G	Adjusted Budget H	Adjusted Budget	Adjusted Budget
<b>Vote 1 - Municipal Manager</b>												
Function 1 - Budget Performance												
Sub-function 1 - Capital Expenditure												
<i>Insert measure/s description</i>		40	40						-	40	80	80
			-						-	-		
Sub-function 2 - Operational Expenditure												
<i>Insert measure/s description</i>		47 884	47 884							47 884	95 767	95 767
			-							-		
Sub-function 3 - Operational Revenue												
<i>Insert measure/s description</i>		-	-							-	-	-
			-							-	-	-
<b>Vote 2 - Planning and Development Services</b>												
Function 1 - Budget Performance												
Sub-function 1 - Capital Expenditure												
<i>Insert measure/s description</i>		12 311	12 311							12 311	24 622	24 622
			-							-	-	-
Sub-function 2 - Operational Expenditure												
<i>Insert measure/s description</i>		105 525	105 525							105 525	-	-
			-							-	-	-
Sub-function 3 - Operational Revenue												
<i>Insert measure/s description</i>		82 896	82 896							82 896	165 793	165 793
			-							-	-	-
<b>Vote 3 - Human Settlements</b>												
Function 1 - Budget Performance												
Sub-function 1 - Capital Expenditure												
<i>Insert measure/s description</i>		-	-							-	-	-
			-							-	-	-
Sub-function 2 - Operational Expenditure												
<i>Insert measure/s description</i>		-	-							-	-	-
			-							-	-	-
Sub-function 3 - Operational Revenue												
<i>Insert measure/s description</i>		-	-							-	-	-
			-							-	-	-
<b>Vote 4 - Community &amp; Protection</b>												
Function 1 - Budget Performance												
Sub-function 1 - Capital Expenditure												
<i>Insert measure/s description</i>		27 640	27 640							27 640	-	-
			-							-	-	-
Sub-function 2 - Operational Expenditure												
<i>Insert measure/s description</i>		359 246	359 246							359 246	-	-
			-							-	-	-
Sub-function 3 - Operational Revenue												
<i>Insert measure/s description</i>		192 985	192 985							192 985	-	-
			-							-	-	-

Description	Unit of measurement	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget A	Prior Adjusted A1	Accum. Funds B	Multi-year capital C	Unfore. Unavoid. D	Nat. or Prov. Govt E	Other Adjusts. F	Total Adjusts. G	Adjusted Budget H	Adjusted Budget	Adjusted Budget
<b>Vote 5 - Infrastructure services</b>			-									
Function 1 - Budget Performance			-									
Sub-function 1 - Capital Expenditure			-								-	-
Insert measure/s description		317 260	313 060							313 060		
			-								-	-
Sub-function 2 - Operational Expenditure			-									
Insert measure/s description		1 094 795	1 115 623							1 115 623	2 231 246	2 231 246
			-									
Sub-function 3 - Operational Revenue			-									
Insert measure/s description		1 245 016	1 252 283							1 252 283	2 504 567	2 504 567
			-									
<b>Vote 5 - Corporate services</b>			-									
Function 1 - Budget Performance			-									
Sub-function 1 - Capital Expenditure			-									
Insert measure/s description		17 650	17 650							17 650		
			-									
Sub-function 2 - Operational Expenditure			-									
Insert measure/s description		181 429	181 429							181 429	362 859	362 859
			-									
Sub-function 3 - Operational Revenue			-									
Insert measure/s description		4 303	4 303							4 303		
			-									
<b>Vote 7 - Financial services</b>			-									
Function 1 - Budget Performance			-									
Sub-function 1 - Capital Expenditure			-									
Insert measure/s description		850	850							850		
			-									
Sub-function 2 - Operational Expenditure			-									
Insert measure/s description		110 584	110 584							110 584		
			-									
Sub-function 3 - Operational Revenue			-									
Insert measure/s description		487 960	497 321							497 321		
<b>And so on for the rest of the Votes</b>			-									

**References**

1. Include a measurable performance objective for each revenue source (within a relevant function) and each vote (MFMA s17(3)(b))
2. Include the estimated effect on the target of each component of an adjustment budget (B to G)
3. Include all Basic Services performance targets from Table A10 to ensure Table SA7 represents all strategic responsibilities
4. Total target adjustments  $G = B + C + D + E + F$
5. Total Adjusted Budget targets  $H = (A \text{ or } A1/2 \text{ etc}) + G$
6. NOTE - include adjustment by 'exception' (only where amended)

WC024 Stellenbosch - Supporting Table SB4 Adjustments to budgeted performance indicators and benchmarks -

Description of financial indicator	Basis of calculation	2017/18	2018/19	2019/20	Budget Year 2020/21			Budget Year +1 2021/22	Budget Year +2 2022/23
		Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Prior Adjusted	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>Borrowing Management</b>									
Credit Rating	Short term/long term rating								
Capital Charges to Operating Expenditure	Interest & Principal Paid /Operating Expenditure	2.4%	2.4%	2.5%	3.5%	3.4%	3.4%	4.2%	4.8%
Capital Charges to Own Revenue	Finance charges & Repayment of borrowing /Own Revenue	2.4%	2.3%	2.7%	0.0%	0.0%	0.0%	0.0%	0.0%
Borrowed funding of 'own' capital expenditure	Borrowing/Capital expenditure excl. transfers and grants	0.0%	0.0%	40.1%	44.6%	44.6%	29.3%	31.1%	36.9%
<b>Safety of Capital</b>									
Gearing	Long Term Borrowing/ Funds & Reserves	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Liquidity</b>									
Current Ratio	Current assets/current liabilities	212.4%	215.7%	164.7%	314.3%	316.6%	262.6%	225.8%	242.8%
Current Ratio adjusted for aged debtors	Current assets/current liabilities less debtors > 90 days/current liabilities	212.4%	215.7%	164.7%	314.3%	316.6%	0.0%	0.0%	0.0%
Liquidity Ratio	Monetary Assets/Current Liabilities	139.5%	125.6%	109.7%	1.1	1.2	0.9	1.0	1.1
<b>Revenue Management</b>									
Annual Debtors Collection Rate (Payment Level %)	Last 12 Mths Receipts/ Last 12 Mths Billing		95.7%	98.6%					
Current Debtors Collection Rate (Cash receipts % of Ratepayer & Other revenue)		95.8%	98.6%	97.4%					
Outstanding Debtors to Revenue	Total Outstanding Debtors to Annual Revenue	20.2%	21.8%	15.9%	35.3%	34.9%	29.0%	18.0%	18.7%
Longstanding Debtors Recovered	Debtors > 12 Mths Recovered/Total Debtors > 12 Months Old	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Creditors Management</b>									
Creditors System Efficiency	% of Creditors Paid Within Terms (within MFMA s 65(e))	98.0%	98.0%	98.0%					
Creditors to Cash and Investments		94.2%	1176.4%	158.7%	13.5%	51.2%	62.3%	63.4%	53.0%
<b>Other Indicators</b>									
Electricity Distribution Losses (2)	Total Volume Losses (kW)	2353074300.0%	37476435800.0%	37935312300.0%					
	Total Cost of Losses (Rand '000)		21 488	28 627					
	% Volume (units purchased and generated less units sold)/units purchased and generated	0	0	0					
Water Distribution Losses (2)	Total Volume Losses (kℓ)	264838300.0%	864460200.0%	905065300.0%					
	Total Cost of Losses (Rand '000)		1 868	2 535					
	% Volume (units purchased and generated less units sold)/units purchased and generated	0	0	0					
Employee costs	Employee costs/(Total Revenue - capital revenue)	28.7%	29.0%	30.3%	30.5%	30.2%	30.2%	30.8%	31.1%

Remuneration	Total remuneration/(Total Revenue - capital revenue)	29.7%	30.1%	31.4%					
Repairs & Maintenance	R&M/(Total Revenue excluding capital revenue)	4.1%	2.8%	4.0%	4.8%	4.7%	4.7%	4.7%	4.6%
Finance charges & Depreciation	FC&D/(Total Revenue - capital revenue)	11.8%	11.5%	13.1%	12.9%	12.8%	12.8%	13.2%	13.3%
<b>IDP regulation financial viability indicators</b>									
i. Debt coverage	(Total Operating Revenue - Operating Grants)/Debt service payments due within financial year)	1913.6%	2094.9%	1816.2%	2054.2%	2054.2%	2054.2%	1786.2%	1913.1%
ii. O/S Service Debtors to Revenue	Total outstanding service debtors/annual revenue received for services	25.8%	28.0%	20.5%	24.1%	23.8%	9.8%	15.4%	16.5%
iii. Cost coverage	(Available cash + Investments)/monthly fixed operational expenditure	334.8%	23.5%	169.9%	0.0	0.0	0.0	0.0	0.0

References

1. Consumer debtors > 12 months old are excluded from current assets



## WC024 Stellenbosch - Supporting Table SB5 Adjustments Budget - social, economic and demographic statistics and assumptions -

Description of economic indicator	Ref.	Basis of calculation	2001 Census	2007 Survey	2011 Census	2017/18	2018/19	2019/20	Budget Year 2020/21	Budget Year 2020/21
						Outcome	Outcome	Outcome	Original Budget	Actual
<b>Demographics</b>										
Population		Statistics South Africa	200 524	155 718	170 654	174	184	195	207	207
Females aged 5 - 14		Statistics South Africa	17 865	11 020	12 077	12	13	14	15	15
Males aged 5 - 14		Statistics South Africa	16 352	11 092	12 157	13	13	14	15	15
Females aged 15 - 34		Statistics South Africa	38 791	33 191	36 374	38	40	42	45	45
Males aged 15 - 34		Statistics South Africa	41 919	32 718	35 856	37	39	42	44	44
Unemployment		Statistics South Africa	16	10	11	12	12	13	14	14
<b>Monthly household income (no. of households)</b>										
No income	1, 12	Statistics South Africa, regional economic growth	3 557	8 961	9 820	10 124	10 731	11 375	12 299	12 299
R1 - R1 600		Statistics South Africa, regional economic growth	245	914	2 065	2 093	2 219	2 352	2 543	2 543
R1 601 - R3 200		Statistics South Africa, regional economic growth	1 126	1 517	1 614	1 666	1 766	1 872	2 024	2 024
R3 201 - R6 400		Statistics South Africa, regional economic growth	3 728	4 415	4 699	4 849	5 140	5 448	5 891	5 891
R6 401 - R12 800		Statistics South Africa, regional economic growth	4 484	7 160	7 620	7 864	8 336	8 836	9 553	9 553
R12 801 - R25 600		Statistics South Africa, regional economic growth	6 463	6 742	7 176	7 406	7 850	8 321	8 997	8 997
R25 601 - R51 200		Statistics South Africa, regional economic growth	4 144	4 994	5 316	5 486	5 815	6 164	6 665	6 665
R52 201 - R102 400		Statistics South Africa, regional economic growth	2 578	3 671	3 907	4 032	4 274	4 530	4 898	4 898
R102 401 - R204 800		Statistics South Africa, regional economic growth	1 680	2 874	3 058	3 156	3 345	3 546	3 834	3 834
R204 801 - R409 600		Statistics South Africa, regional economic growth	69	1 432	1 523	1 572	1 666	1 766	1 910	1 910
R409 601 - R819 200		Statistics South Africa, regional economic growth	242	430	458	473	501	531	575	575
> R819 200		Statistics South Africa, regional economic growth	245	305	325	335	355	376	407	407
<b>Poverty profiles (no. of households)</b>										
< R2 060 per household per month	13	8655.5679	15 807	16 824	17 362	18 404	19 508	20 678	21 256	21 256
	2			<R1600	<R1600	<R1600	<R1600	<R1600	<R1600	<R1600
<b>Household/demographics (000)</b>										
Number of people in municipal area		Statistics South Africa, regional population growth rate	200 524	155 718	170 654	176	187	198	210	210
Number of poor people in municipal area		Statistics South Africa, regional population growth rate								
Number of households in municipal area		Statistics South Africa, regional population growth rate	36 413	43 417	47 582	49	52	55	58	58
Number of poor households in municipal area		Statistics South Africa, regional population growth rate	8 656	15 807	17 323	18	19	20	21	21
Definition of poor household (R per month)					<R1600	<R1600	<R1600	<R1600	<R1600	<R1600
<b>Housing statistics</b>										
Formal	3		32 918	32 620	35 749	36 857	39 068	41 413	43 897	43 897
Informal			3	11	12	12 199	12 931	13 707	14 529	14 529
<b>Total number of households</b>			36 413	43 417	47 581	49 056	51 999	55 119	58 426	58 426
Dwellings provided by municipality	4		-	-	-	-	-	-	-	-
Dwellings provided by province/s			-	-	-	-	-	-	-	-
Dwellings provided by private sector	5		-	-	-	-	-	-	-	-
<b>Total new housing dwellings</b>			-	-	-	-	-	-	-	-
<b>Economic</b>										
Inflation/inflation outlook (CPIX)	6					5.4%	5.3%	5.3%	4.5%	4.5%
Interest rate - borrowing						11.0%	11.0%	10.5%	10.5%	10.5%
Interest rate - investment						7.0%	8.0%	8.5%	8.5%	8.5%
Remuneration increases						7.0%	7.0%	7.0%	6.3%	6.3%
Consumption growth (electricity)						0.0%	-1.0%	1.0%	1.0%	1.0%
Consumption growth (water)						0.0%	0.5%	-1.0%	1.0%	1.0%
<b>Collection rates</b>										
Property tax/service charges	7					98.0%	97.0%	96.0%	96.0%	96.0%
Rental of facilities & equipment						83.0%	83.0%	97.0%	97.0%	97.0%
Interest - external investments						100.0%	100.0%	100.0%	100.0%	100.0%

Interest - debtors					97.0%	97.0%	96.0%	96.0%	96.0%
Revenue from agency services					100.0%	100.0%	100.0%	100.0%	100.0%

Detail on the provision of municipal services for A10

Total municipal services	Ref.		2017/18	2018/19	2019/20	Budget Year 2020/21			2020/21 Medium Term Revenue & Expenditure Framework		
			Outcome	Outcome	Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		<b>Household service targets (000)</b>									
		<b>Water:</b>									
		Piped water inside dwelling	36 779	38 618	39 599	40 626	40 626	40 626	40 626	40 676	40 726
		Piped water inside yard (but not in dwelling)	3 854	4 047	4 249	4 461	4 461	4 461	4 461	4 561	4 664
8		Using public tap (at least min.service level)	6 828	7 169	4 528	4 778	4 778	4 778	4 778	4 878	4 980
10		Other water supply (at least min.service level)	-	-	1 774	684	684	684	684	834	1 017
		<i>Minimum Service Level and Above sub-total</i>	47 461	49 834	50 150	50 550	50 550	50 550	50 550	50 950	51 387
9		Using public tap (< min.service level)	1 305	1 370	1 270	1 170	1 170	1 170	1 170	1 070	979
10		Other water supply (< min.service level)	-	-	-	-	-	-	-	-	-
		No water supply	292	307	257	207	207	207	207	157	119
		<i>Below Minimum Service Level sub-total</i>	1 597	1 677	1 527	1 377	1 377	1 377	1 377	1 227	1 098
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 485</b>
		<b>Sanitation/sewerage:</b>									
		Flush toilet (connected to sewerage)	43 679	45 863	46 206	46 256	46 256	46 256	46 256	46 306	46 356
		Flush toilet (with septic tank)	1 873	1 967	2 065	2 165	2 165	2 165	2 165	2 265	2 370
		Chemical toilet	352	370	388	407	407	407	407	420	433
		Pit toilet (ventilated)	229	240	150	50	50	50	50	-	-
		Other toilet provisions (> min.service level)	1 137	1 194	1 468	1 898	1 898	1 898	1 898	2 236	2 633
		<i>Minimum Service Level and Above sub-total</i>	47 270	49 634	50 277	50 777	50 777	50 777	50 777	51 227	51 792
		Bucket toilet	1 172	1 231	900	800	800	800	800	700	613
		Other toilet provisions (< min.service level)	182	191	150	50	50	50	50	-	-
		No toilet provisions	434	456	350	300	300	300	300	250	208
		<i>Below Minimum Service Level sub-total</i>	1 788	1 877	1 400	1 150	1 150	1 150	1 150	950	821
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 613</b>
		<b>Energy:</b>									
		Electricity (at least min.service level)	13 639	14 321	14 571	14 821	14 821	14 821	14 821	15 071	15 325
		Electricity - prepaid (min.service level)	32 860	34 503	34 753	35 003	35 003	35 003	35 003	35 253	35 505
		<i>Minimum Service Level and Above sub-total</i>	46 499	48 824	49 324	49 824	49 824	49 824	49 824	50 324	50 830
		Electricity (< min.service level)	223	234	150	150	150	150	150	150	150
		Electricity - prepaid (< min. service level)	-	-	-	-	-	-	-	-	-
		Other energy sources	2 336	2 453	2 203	1 953	1 953	1 953	1 953	1 703	1 485
		<i>Below Minimum Service Level sub-total</i>	2 559	2 687	2 353	2 103	2 103	2 103	2 103	1 853	1 635
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 465</b>
		<b>Refuse:</b>									
		Removed at least once a week	43 660	39 475	47 149	47 649	47 649	47 649	47 649	48 149	48 654
		<i>Minimum Service Level and Above sub-total</i>	43 660	39 475	47 149	47 649	47 649	47 649	47 649	48 149	48 654
		Removed less frequently than once a week	768	-	-	-	-	-	-	-	-
		Using communal refuse dump	1 074	1 128	1 078	1 028	1 028	1 028	1 028	978	930
		Using own refuse dump	2 256	2 369	2 200	2 100	2 100	2 100	2 100	2 000	1 905
		Other rubbish disposal	842	884	800	750	750	750	750	700	653
		No rubbish disposal	458	481	450	400	400	400	400	350	306
		<i>Below Minimum Service Level sub-total</i>	5 398	4 862	4 528	4 278	4 278	4 278	4 278	4 028	3 794
		<b>Total number of households</b>	<b>49 058</b>	<b>44 337</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 448</b>

Municipal in-house services	Ref.	2017/18	2018/19	2019/20	Budget Year 2020/21			2020/21 Medium Term Revenue & Expenditure Framework			
					Outcome	Outcome	Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2020/21
		<b>Household service targets (000)</b>									
		<b>Water:</b>									
		Piped water inside dwelling	36 779	38 618	39 599	40 626	40 626	40 626	40 626	40 676	40 726
		Piped water inside yard (but not in dwelling)	3 854	4 047	4 249	4 461	4 461	4 461	4 461	4 561	4 664
8		Using public tap (at least min.service level)	6 828	7 169	4 528	4 778	4 778	4 778	4 778	4 878	4 980
10		Other water supply (at least min.service level)	-	-	1 774	684	684	684	684	834	1 017
		<i>Minimum Service Level and Above sub-total</i>	47 461	49 834	50 150	50 550	50 550	50 550	50 550	50 950	51 387
9		Using public tap (< min.service level)	1 305	1 370	1 270	1 170	1 170	1 170	1 170	1 070	979
10		Other water supply (< min.service level)	-	-	-	-	-	-	-	-	-
		No water supply	292	307	257	207	207	207	207	157	119
		<i>Below Minimum Service Level sub-total</i>	1 597	1 677	1 527	1 377	1 377	1 377	1 377	1 227	1 098
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 485</b>
		<b>Sanitation/sewerage:</b>									
		Flush toilet (connected to sewerage)	43 679	45 863	46 206	46 256	46 256	46 256	46 256	46 306	46 356
		Flush toilet (with septic tank)	1 873	1 967	2 065	2 165	2 165	2 165	2 165	2 265	2 370
		Chemical toilet	352	370	388	407	407	407	407	420	433
		Pit toilet (ventilated)	229	240	150	50	50	50	50	-	-
		Other toilet provisions (> min.service level)	1 137	1 194	1 468	1 898	1 898	1 898	1 898	2 236	2 633
		<i>Minimum Service Level and Above sub-total</i>	47 270	49 634	50 277	50 777	50 777	50 777	50 777	51 227	51 792
		Bucket toilet	1 172	1 231	900	800	800	800	800	700	613
		Other toilet provisions (< min.service level)	182	191	150	50	50	50	50	-	-
		No toilet provisions	434	456	350	300	300	300	300	250	208
		<i>Below Minimum Service Level sub-total</i>	1 788	1 877	1 400	1 150	1 150	1 150	1 150	950	821
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 613</b>
		<b>Energy:</b>									
		Electricity (at least min.service level)	13 639	14 321	14 571	14 821	14 821	14 821	14 821	15 071	15 325
		Electricity - prepaid (min.service level)	32 860	34 503	34 753	35 003	35 003	35 003	35 003	35 253	35 505
		<i>Minimum Service Level and Above sub-total</i>	46 499	48 824	49 324	49 824	49 824	49 824	49 824	50 324	50 830
		Electricity (< min.service level)	223	234	150	150	150	150	150	150	150
		Electricity - prepaid (< min. service level)	-	-	-	-	-	-	-	-	-
		Other energy sources	2 336	2 453	2 203	1 953	1 953	1 953	1 953	1 703	1 485
		<i>Below Minimum Service Level sub-total</i>	2 559	2 687	2 353	2 103	2 103	2 103	2 103	1 853	1 635
		<b>Total number of households</b>	<b>49 058</b>	<b>51 511</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 465</b>
		<b>Refuse:</b>									
		Removed at least once a week	43 660	39 475	47 149	47 649	47 649	47 649	47 649	48 149	48 654
		<i>Minimum Service Level and Above sub-total</i>	43 660	39 475	47 149	47 649	47 649	47 649	47 649	48 149	48 654
		Removed less frequently than once a week	768	-	-	-	-	-	-	-	-
		Using communal refuse dump	1 074	1 128	1 078	1 028	1 028	1 028	1 028	978	930
		Using own refuse dump	2 256	2 369	2 200	2 100	2 100	2 100	2 100	2 000	1 905
		Other rubbish disposal	842	884	800	750	750	750	750	700	653
		No rubbish disposal	458	481	450	400	400	400	400	350	306
		<i>Below Minimum Service Level sub-total</i>	5 398	4 862	4 528	4 278	4 278	4 278	4 278	4 028	3 794
		<b>Total number of households</b>	<b>49 058</b>	<b>44 337</b>	<b>51 677</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>51 927</b>	<b>52 177</b>	<b>52 448</b>

Municipal entity services	Ref.		2017/18	2018/19	2019/20	Budget Year 2020/21			2020/21 Medium Term Revenue & Expenditure Framework		
			Outcome	Outcome	Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
<b>Name of municipal entity</b>		<b>Household service targets (000)</b>									
		<b>Water:</b>									
		Piped water inside dwelling	-	-	-	-	-	-	-	-	-
		Piped water inside yard (but not in dwelling)	-	-	-	-	-	-	-	-	-
	8	Using public tap (at least min.service level)	-	-	-	-	-	-	-	-	-
	10	Other water supply (at least min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
	9	Using public tap (< min.service level)	-	-	-	-	-	-	-	-	-
	10	Other water supply (< min.service level)	-	-	-	-	-	-	-	-	-
		No water supply	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Name of municipal entity</b>		<b>Sanitation/sewerage:</b>									
		Flush toilet (connected to sewerage)	-	-	-	-	-	-	-	-	-
		Flush toilet (with septic tank)	-	-	-	-	-	-	-	-	-
		Chemical toilet	-	-	-	-	-	-	-	-	-
		Pit toilet (ventilated)	-	-	-	-	-	-	-	-	-
		Other toilet provisions (> min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Bucket toilet	-	-	-	-	-	-	-	-	-
		Other toilet provisions (< min.service level)	-	-	-	-	-	-	-	-	-
		No toilet provisions	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Name of municipal entity</b>		<b>Energy:</b>									
		Electricity (at least min.service level)	-	-	-	-	-	-	-	-	-
		Electricity - prepaid (min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Electricity (< min.service level)	-	-	-	-	-	-	-	-	-
		Electricity - prepaid (< min. service level)	-	-	-	-	-	-	-	-	-
		Other energy sources	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Name of municipal entity</b>		<b>Refuse:</b>									
		Removed at least once a week	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Removed less frequently than once a week	-	-	-	-	-	-	-	-	-
		Using communal refuse dump	-	-	-	-	-	-	-	-	-
		Using own refuse dump	-	-	-	-	-	-	-	-	-
		Other rubbish disposal	-	-	-	-	-	-	-	-	-
		No rubbish disposal	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-

Services provided by 'external mechanisms'	Ref.		2017/18	2018/19	2019/20	Budget Year 2020/21			2020/21 Medium Term Revenue & Expenditure Framework		
			Outcome	Outcome	Outcome	Original Budget	Adjusted Budget	Full Year Forecast	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		<b>Household service targets (000)</b>									
<b>Names of service providers</b>		<b>Water:</b>									
		Piped water inside dwelling	-	-	-	-	-	-	-	-	-
		Piped water inside yard (but not in dwelling)	-	-	-	-	-	-	-	-	-
	8	Using public tap (at least min.service level)	-	-	-	-	-	-	-	-	-
	10	Other water supply (at least min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
	9	Using public tap (< min.service level)	-	-	-	-	-	-	-	-	-
	10	Other water supply (< min.service level)	-	-	-	-	-	-	-	-	-
		No water supply	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Names of service providers</b>		<b>Sanitation/sewerage:</b>									
		Flush toilet (connected to sewerage)	-	-	-	-	-	-	-	-	-
		Flush toilet (with septic tank)	-	-	-	-	-	-	-	-	-
		Chemical toilet	-	-	-	-	-	-	-	-	-
		Pit toilet (ventilated)	-	-	-	-	-	-	-	-	-
		Other toilet provisions (> min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Bucket toilet	-	-	-	-	-	-	-	-	-
		Other toilet provisions (< min.service level)	-	-	-	-	-	-	-	-	-
		No toilet provisions	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Names of service providers</b>		<b>Energy:</b>									
		Electricity (at least min.service level)	-	-	-	-	-	-	-	-	-
		Electricity - prepaid (min.service level)	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Electricity (< min.service level)	-	-	-	-	-	-	-	-	-
		Electricity - prepaid (< min. service level)	-	-	-	-	-	-	-	-	-
		Other energy sources	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-
<b>Names of service providers</b>		<b>Refuse:</b>									
		Removed at least once a week	-	-	-	-	-	-	-	-	-
		<i>Minimum Service Level and Above sub-total</i>	-	-	-	-	-	-	-	-	-
		Removed less frequently than once a week	-	-	-	-	-	-	-	-	-
		Using communal refuse dump	-	-	-	-	-	-	-	-	-
		Using own refuse dump	-	-	-	-	-	-	-	-	-
		Other rubbish disposal	-	-	-	-	-	-	-	-	-
		No rubbish disposal	-	-	-	-	-	-	-	-	-
		<i>Below Minimum Service Level sub-total</i>	-	-	-	-	-	-	-	-	-
		<b>Total number of households</b>	-	-	-	-	-	-	-	-	-

Detail of Free Basic Services (FBS) provided		Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23		
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget		
<b>Electricity</b>	Ref.	<u>Location of households for each type of FBS</u>												
List type of FBS service		Formal settlements - (50 kwh per indigent household per month Rands)	12 554 424	12 554 424	-	-	-	-	-	-	-	12 554	13 496 100	14 508 400
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements targeted for upgrading (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Living in informal backyard rental agreement (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Other (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		<b>Total cost of FBS - Electricity for informal settlements</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Water</b>	Ref.	<u>Location of households for each type of FBS</u>												
List type of FBS service		Formal settlements - (6 kilolitre per indigent household per month Rands)	15 854 076	15 854 076	-	-	-	-	-	-	-	15 854	18 470 000	21 517 600
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements targeted for upgrading (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Living in informal backyard rental agreement (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Other (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		<b>Total cost of FBS - Water for informal settlements</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Sanitation</b>	Ref.	<u>Location of households for each type of FBS</u>												
List type of FBS service		Formal settlements - (free sanitation service to indigent households)	10 297 777	10 297 777	-	-	-	-	-	-	-	10 298	11 018 700	11 790 100
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements targeted for upgrading (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Living in informal backyard rental agreement (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Other (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		<b>Total cost of FBS - Sanitation for informal settlements</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Refuse Removal</b>	Ref.	<u>Location of households for each type of FBS</u>												
List type of FBS service		Formal settlements - (removed once a week to indigent households)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Informal settlements targeted for upgrading (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		Living in informal backyard rental agreement (Rands)	-	-	-	-	-	-	-	-	-	-	-	-
		Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-	-	-
		<b>Total cost of FBS - Refuse Removal for informal settlements</b>	-	-	-	-	-	-	-	-	-	-	-	-

	Other (Rands)	-	-	-	-	-	-	-	-	-	-
	Number of HH receiving this type of FBS	-	-	-	-	-	-	-	-	-	-
	<b>Total cost of FBS - Refuse Removal for informal settlements</b>	-	-	-	-	-	-	-	-	-	-



## WC024 Stellenbosch - Supporting Table SB6 Adjustments Budget - funding measurement -

Description	Ref	MFMA section	2017/18	2018/19	2019/20	Medium Term Revenue and Expenditure Framework				
			Audited Outcome	Audited Outcome	Audited Outcome	Original Budget	Prior Adjusted	Adjusted Budget	Budget Year +1 2021/22	Budget Year +2 2022/23
<b>R thousands</b>										
<b>Funding measures</b>										
Cash/cash equivalents at the year end - R'000	1	18(1)b	299 431	20 683	169 491	1 732 234	456 875	375 924	337 686	366 564
Cash + investments at the yr end less applications - R'000	2	18(1)b	244 121	237 095	89 555	562 598	546 045	363 699	404 497	458 395
Cash year end/monthly employee/supplier payments	3	18(1)b	0	0	0	-	-	-	-	-
Surplus/(Deficit) excluding depreciation offsets: R'000	4	18(1)	217 967	263 579	124 562	125 696	121 496	121 496	111 930	131 530
Service charge rev % change - macro CPIX target exclusive	5	18(1)a,(2)	N.A.	2.0%	-7.8%	0.0%	0.0%	0.0%	1.7%	1.7%
Cash receipts % of Ratepayer & Other revenue	6	18(1)a,(2)	0.0%	0.0%	0.0%	93.8%	90.1%	90.1%	90.5%	90.9%
Debt impairment expense as a % of total billable revenue	7	18(1)a,(2)	7.6%	4.1%	9.1%	5.0%	5.0%	5.0%	4.8%	4.5%
Capital payments % of capital expenditure	8	18(1)c,19	100.0%	100.0%	100.0%	100.0%	100.0%	0.0%	0.0%	0.0%
Borrowing receipts % of capital expenditure (excl. transfers)	9	18(1)c	0.0%	0.0%	40.1%	44.6%	44.6%	29.3%	31.1%	36.9%
Grants % of Govt. legislated/gazetted allocations	10	18(1)a				0.0%	105.9%	0.0%	0.0%	0.0%
Current consumer debtors % change - incr(decr)	11	18(1)a	N.A.	17.1%	-28.2%	12.7%	12.7%	12.7%	-34.8%	11.3%
Long term receivables % change - incr(decr)	12	18(1)a	N.A.	-38.6%	40.1%	0.0%	0.0%	0.0%	0.0%	0.0%
R&M % of Property Plant & Equipment	13	20(1)(vi)	1.3%	0.9%	1.2%	1.5%	1.5%	1.5%	1.5%	1.5%
Asset renewal % of capital budget	14	20(1)(vi)	39.8%	6.7%	0.0%	9.1%	9.2%	8.9%	5.2%	4.2%

References

1. Positive cash balances indicative of minimum compliance - subject to 2
2. Deduct applications (defined) from cash balances
3. Indicative of sufficient liquidity to meet average monthly operating payments
4. Indicative of funded operational requirements
5. Indicative of adherence to macro-economic targets (prior to 2003/04 revenue not available for high capacity municipalities and later for other capacity classifications)
6. Realistic average cash collection forecasts as % of annual billed revenue
7. Realistic average increase in doubtful debt provision
8. Indicative of planned capital expenditure level & cash payment timing
9. Indicative of compliance with borrowing 'only' for the capital budget - should not exceed 100% unless refinancing
10. Substantiation of National/Province allocations included in budget
11. Indicative of realistic current arrear debtor collection targets (prior to 2003/04 revenue not available for high cap municipalities and later for other capacity classifications)
12. Indicative of realistic long term arrear debtor collection targets (prior to 2003/04 revenue not available for high cap municipalities and later for other capacity classifications)
13. Indicative of a credible allowance for repairs & maintenance of assets
14. Indicative of a credible allowance for asset renewal (requires analysis of asset renewal projects as % of total capital projects - detailed capital plan)

Macro CPIX target	6%	6%	6%	6%	6%
Total service charge revenue	1 465 017	1 465 017	1 465 017	1 577 428	1 699 137
Total service charge revenue - previous year				-	1 465 017
Provincial government gazetted allocations	-	-	-	71 531	71 531
National government DoRA allocations	-	-	-	220 005	220 005
Cash receipts from ratepayers				1 579 464	1 516 802
Ratepayer & Other revenue				1 683 313	1 683 313
Change in debtors					(192 630)
					40 656

WC024 Stellenbosch - Supporting Table SB7 Adjustments Budget - transfers and grant receipts -

Description	Ref	Budget Year 2020/21						Budget Year	Budget Year	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	7 A1	8 B	9 C	10 D	11 E	12 F	+1 2021/22	+2 2022/23
<b>R thousands</b>										
<b>RECEIPTS:</b>	1, 2									
<u>Operating Transfers and Grants</u>										
<b>National Government:</b>		156 315	177 143	-	-	-	-	177 143	166 626	182 249
Operational Revenue:General Revenue:Equitable Share	3	149 804	170 632	-	-	-	-	170 632	165 076	180 699
Operational:Revenue:General Revenue:Fuel Levy		-	-	-	-	-	-	-	-	-
2014 African Nations Championship Host City Operating Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Agriculture Research and Technology		-	-	-	-	-	-	-	-	-
Agriculture, Conservation and Environmental		-	-	-	-	-	-	-	-	-
Arts and Culture Sustainable Resource Management		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Department of Environmental Affairs		-	-	-	-	-	-	-	-	-
Department of Tourism		-	-	-	-	-	-	-	-	-
Department of Water Affairs and Sanitation Masibambane		-	-	-	-	-	-	-	-	-
Emergency Medical Service		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand-side [Schedule 5B]		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		4 961	4 961	-	-	-	-	4 961	-	-
HIV and Aids		-	-	-	-	-	-	-	-	-
Housing Accreditation		-	-	-	-	-	-	-	-	-
Housing Top structure		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Integrated City Development Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	-	-	-	-	1 550	1 550	1 550
Mitchell's Plain Urban Renewal		-	-	-	-	-	-	-	-	-
Municipal Demarcation and Transition Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Human Settlement Capacity Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant		-	-	-	-	-	-	-	-	-
Natural Resource Management Project		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant		-	-	-	-	-	-	-	-	-
Operation Clean Audit		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant		-	-	-	-	-	-	-	-	-
Public Service Improvement Facility		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring - Seed Funding		-	-	-	-	-	-	-	-	-
Revenue Enhancement Grant Debtors Book		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant		-	-	-	-	-	-	-	-	-
Sport and Recreation		-	-	-	-	-	-	-	-	-
Terrestrial Invasive Alien Plants		-	-	-	-	-	-	-	-	-
Water Services Operating Subsidy Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	
<b>R thousands</b>									
Health Hygiene in Informal Settlements		-	-	-	-	-	-	-	-
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-
Water Services Infrastructure Grant		-	-	-	-	-	-	-	-
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	7 A1	8 B	9 C	10 D	11 E	12 F		
<b>R thousands</b>										
Smart Connect Grant		-	-	-	-	-	-	-	-	
Urban Settlement Development Grant		-	-	-	-	-	-	-	-	
WiFi Grant (Department of Telecommunications and Postal Services)		-	-	-	-	-	-	-	-	
Street Lighting		-	-	-	-	-	-	-	-	
Traditional Leaders - Imbizion		-	-	-	-	-	-	-	-	
Department of Water and Sanitation Smart Living Handbook		-	-	-	-	-	-	-	-	
Integrated National Electrification Programme Grant		-	-	-	-	-	-	-	-	
Municipal Restructuring Grant		-	-	-	-	-	-	-	-	
Regional Bulk Infrastructure Grant		-	-	-	-	-	-	-	-	
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	
<b>Provincial Government:</b>		<b>21 791</b>	<b>21 791</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>21 791</b>	<b>28 807</b>	<b>30 329</b>
Capacity Building		-	-	-	-	-	-	-	-	
Capacity Building and Other		8 264	8 264	-	-	-	-	8 264	14 561	15 324
Disaster and Emergency Services		-	-	-	-	-	-	-	-	
Health		-	-	-	-	-	-	-	-	
Housing		-	-	-	-	-	-	-	-	
Infrastructure		-	-	-	-	-	-	-	-	
Libraries, Archives and Museums		13 077	13 077	-	-	-	-	13 077	13 796	14 555
Other		-	-	-	-	-	-	-	-	
Public Transport		-	-	-	-	-	-	-	-	
Road Infrastructure - Maintenance	4	450	450	-	-	-	-	450	450	450
Sports and Recreation		-	-	-	-	-	-	-	-	
Waste Water Infrastructure - Maintenance		-	-	-	-	-	-	-	-	
Water Supply Infrastructure - Maintenance	5	-	-	-	-	-	-	-	-	
<b>District Municipality:</b>		<b>440</b>	<b>440</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>440</b>	<b>-</b>	<b>-</b>
All Grants		440	440	-	-	-	-	440	-	-
<b>Other grant providers:</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	
Foreign Government and International Organisations		-	-	-	-	-	-	-	-	
Households		-	-	-	-	-	-	-	-	
Non-profit Institutions		-	-	-	-	-	-	-	-	
Private Enterprises		-	-	-	-	-	-	-	-	
Public Corporations		-	-	-	-	-	-	-	-	
Higher Educational Institutions		-	-	-	-	-	-	-	-	
Parent Municipality / Entity		-	-	-	-	-	-	-	-	
<b>Total Operating Transfers and Grants</b>	<b>6</b>	<b>178 546</b>	<b>199 374</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>199 374</b>	<b>195 433</b>	<b>212 578</b>

Description	Ref	Budget Year 2020/21						Budget Year	Budget Year	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	7 A1	8 B	9 C	10 D	11 E	12 F		
<b>R thousands</b>										
<b>Capital Transfers and Grants</b>										
<b>National Government:</b>		16 200	59 490	-	-	-	-	59 490	5 253	5 584
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		16 200	12 000	-	-	-	-	12 000	5 253	5 584
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Water Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Rural Household Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Urban Settlement Development Grant [Schedule 4B]		-	47 490	-	-	-	-	47 490	-	-
Municipal Human Settlement		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Integrated City Development Grant [Schedule 4B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant [Schedule 4B]		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand Side Management Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Regional Bulk Infrastructure Grant (Schedule 5B)		-	-	-	-	-	-	-	-	-
Water Services Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
WiFi Connectivity		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		-	-	-	-	-	-	-	-	-
Aquaaponic Project		-	-	-	-	-	-	-	-	-
Restition Settlement		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring Seed Funding		-	-	-	-	-	-	-	-	-
Municipal Disaster Relief Grant		-	-	-	-	-	-	-	-	-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	-
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	-
<b>Provincial Government:</b>		49 739	49 739	-	-	-	-	49 739	45 620	54 600
Capacity Building		-	-	-	-	-	-	-	-	-
Capacity Building and Other		-	-	-	-	-	-	-	-	-
Disaster and Emergency Services		-	-	-	-	-	-	-	-	-
Health		-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-
Infrastructure		45 139	45 139	-	-	-	-	45 139	45 620	54 600
Libraries, Archives and Museums		600	600	-	-	-	-	600	-	-
Other		-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21						Budget Year	Budget Year
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	+1 2021/22
<b>R thousands</b>									
Public Transport		-	-	-	-	-	-	-	-
Road Infrastructure		-	-	-	-	-	-	-	-
Sports and Recreation		-	-	-	-	-	-	-	-
Waste Water Infrastructure		4 000	4 000	-	-	-	4 000	-	-
Water Supply Infrastructure		-	-	-	-	-	-	-	-
<b>District Municipality:</b>		-	-	-	-	-	-	-	-
All Grants		-	-	-	-	-	-	-	-
<b>Other grant providers:</b>		-	-	-	-	-	-	-	-
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-
Foreign Government and International Organisations		-	-	-	-	-	-	-	-
Households		-	-	-	-	-	-	-	-
Non-Profit Institutions		-	-	-	-	-	-	-	-
Private Enterprises		-	-	-	-	-	-	-	-
Public Corporations		-	-	-	-	-	-	-	-
Higher Educational Institutions		-	-	-	-	-	-	-	-
Parent Municipality / Entity		-	-	-	-	-	-	-	-
Transfer from Operational Revenue		-	-	-	-	-	-	-	-
<b>Total Capital Transfers and Grants</b>	6	65 939	109 229	-	-	-	109 229	50 873	60 184
<b>TOTAL RECEIPTS OF TRANSFERS &amp; GRANTS</b>		244 485	308 603	-	-	-	308 603	246 306	272 762

1. Each grant is listed by name as gazetted together with the name of the transferring department or municipality, donor or other organisation
2. Amounts actually **RECEIVED** ; not revenue earned (the objective is to confirm grants allocated)
3. Replacement of RSC levies
4. Housing subsidies for housing where ownership transferred to organisations or persons outside the control of the municipality
5. Motor vehicle licensing refunds to be included under 'agency' services (Not shown here as Receipts)
6. Total Grant Receipts original budget must reconcile to budget supporting table SB6
7. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
8. Increases of funds approved under section 31 MFMA
9. Adjustments to funding allocations from National or Provincial Government
10. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); error correction (section 28(2)(f)); functional shifts and any adjustments made under delegation by the AO since the budget was approved
11. E = B + C + D
12. Adjusted Budget F = (A or A1/2 etc) + E

WC024 Stellenbosch - Supporting Table SB8 Adjustments Budget - expenditure on transfers and grant programme -

Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	2 A1	3 B	4 C	5 D	6 E	7 F		
<b>R thousands</b>										
<b>EXPENDITURE ON TRANSFERS AND GRANT PROGRAM:</b>	1									
<b>Operating expenditure of Transfers and Grants</b>										
<b>National Government:</b>		6 511	177 143	-	-	-	-	177 143	166 626	182 249
Operational Revenue:General Revenue:Equitable Share		-	170 632	-	-	-	-	170 632	165 076	180 699
Operational:Revenue:General Revenue:Fuel Levy	3	-	-	-	-	-	-	-	-	-
2014 African Nations Championship Host City Operating Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Agriculture Research and Technology		-	-	-	-	-	-	-	-	-
Agriculture, Conservation and Environmental		-	-	-	-	-	-	-	-	-
Arts and Culture Sustainable Resource Management		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Department of Environmental Affairs		-	-	-	-	-	-	-	-	-
Department of Tourism		-	-	-	-	-	-	-	-	-
Department of Water Affairs and Sanitation Masibambane		-	-	-	-	-	-	-	-	-
Emergency Medical Service		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand-side [Schedule 5B]		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		4 961	4 961	-	-	-	-	4 961	-	-
HIV and Aids		-	-	-	-	-	-	-	-	-
Housing Accreditation		-	-	-	-	-	-	-	-	-
Housing Top structure		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Integrated City Development Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		1 550	1 550	-	-	-	-	1 550	1 550	1 550
Mitchell's Plain Urban Renewal		-	-	-	-	-	-	-	-	-
Municipal Demarcation and Transition Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Human Settlement Capacity Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant		-	-	-	-	-	-	-	-	-
Natural Resource Management Project		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant		-	-	-	-	-	-	-	-	-
Operation Clean Audit		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant		-	-	-	-	-	-	-	-	-
Public Service Improvement Facility		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring - Seed Funding		-	-	-	-	-	-	-	-	-
Revenue Enhancement Grant Debtors Book		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant		-	-	-	-	-	-	-	-	-
Sport and Recreation		-	-	-	-	-	-	-	-	-
Terrestrial Invasive Alien Plants		-	-	-	-	-	-	-	-	-
Water Services Operating Subsidy Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Health Hygiene in Informal Settlements		-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	2 A1	3 B	4 C	5 D	6 E	7 F		
<b>R thousands</b>										
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	
Water Services Infrastructure Grant		-	-	-	-	-	-	-	-	
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-	
Smart Connect Grant		-	-	-	-	-	-	-	-	
Urban Settlement Development Grant		-	-	-	-	-	-	-	-	
WiFi Grant [Department of Telecommunications and Postal Services		-	-	-	-	-	-	-	-	
Street Lighting		-	-	-	-	-	-	-	-	
Traditional Leaders - Imbizon		-	-	-	-	-	-	-	-	
Department of Water and Sanitation Smart Living Handbook		-	-	-	-	-	-	-	-	
Integrated National Electrification Programme Grant		-	-	-	-	-	-	-	-	
Municipal Restructuring Grant		-	-	-	-	-	-	-	-	
Regional Bulk Infrastructure Grant		-	-	-	-	-	-	-	-	
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	
<b>Provincial Government:</b>		<b>21 791</b>	<b>21 791</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>21 791</b>	<b>28 807</b>	<b>30 329</b>
Capacity Building		-	-	-	-	-	-	-	-	
Capacity Building and Other		8 264	8 264	-	-	-	-	8 264	14 561	15 324
Disaster and Emergency Services		-	-	-	-	-	-	-	-	
Health		-	-	-	-	-	-	-	-	
Housing		-	-	-	-	-	-	-	-	
Infrastructure		-	-	-	-	-	-	-	-	
Libraries, Archives and Museums		13 077	13 077	-	-	-	-	13 077	13 796	14 555
Other		-	-	-	-	-	-	-	-	
Public Transport		-	-	-	-	-	-	-	-	
Road Infrastructure - Maintenance	4	450	450	-	-	-	-	450	450	450
Sports and Recreation		-	-	-	-	-	-	-	-	
Waste Water Infrastructure - Maintenance		-	-	-	-	-	-	-	-	
Water Supply Infrastructure - Maintenance	5	-	-	-	-	-	-	-	-	
<b>District Municipality:</b>		<b>440</b>	<b>440</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>440</b>	<b>-</b>	<b>-</b>
All Grants		440	440	-	-	-	-	440	-	-
<b>Other grant providers:</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	
Foreign Government and International Organisations		-	-	-	-	-	-	-	-	
Households		-	-	-	-	-	-	-	-	
Non-profit Institutions		-	-	-	-	-	-	-	-	
Private Enterprises		-	-	-	-	-	-	-	-	
Public Corporations		-	-	-	-	-	-	-	-	
Higher Educational Institutions		-	-	-	-	-	-	-	-	
Parent Municipality / Entity		-	-	-	-	-	-	-	-	
<b>Total Operating Transfers and Grants</b>	<b>6</b>	<b>28 742</b>	<b>199 374</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>199 374</b>	<b>195 433</b>	<b>212 578</b>



Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	2 A1	3 B	4 C	5 D	6 E	7 F		
<b>R thousands</b>										
<b>Capital Transfers and Grants</b>										
<b>National Government:</b>		<b>63 690</b>	<b>59 490</b>	<b>-</b>	<b>-</b>	<b>(4 200)</b>	<b>(4 200)</b>	<b>55 290</b>	<b>43 675</b>	<b>46 102</b>
Integrated National Electrification Programme (Municipal Grant) [Schedule 5B]		16 200	12 000	-	-	(4 200)	(4 200)	7 800	5 253	5 584
Municipal Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Water Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Neighbourhood Development Partnership Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Rural Household Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Rural Road Asset Management Systems Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Urban Settlement Development Grant [Schedule 4B]		47 490	47 490	-	-	-	-	47 490	38 422	40 518
Municipal Human Settlement		-	-	-	-	-	-	-	-	-
Community Library		-	-	-	-	-	-	-	-	-
Integrated City Development Grant [Schedule 4B]		-	-	-	-	-	-	-	-	-
Municipal Disaster Recovery Grant [Schedule 4B]		-	-	-	-	-	-	-	-	-
Energy Efficiency and Demand Side Management Grant		-	-	-	-	-	-	-	-	-
Khayelitsha Urban Renewal		-	-	-	-	-	-	-	-	-
Local Government Financial Management Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Municipal Systems Improvement Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Network Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Public Transport Network Operations Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Regional Bulk Infrastructure Grant (Schedule 5B)		-	-	-	-	-	-	-	-	-
Water Services Infrastructure Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
WiFi Connectivity		-	-	-	-	-	-	-	-	-
Expanded Public Works Programme Integrated Grant for Municipalities [Schedule 5B]		-	-	-	-	-	-	-	-	-
Aquaponic Project		-	-	-	-	-	-	-	-	-
Restitution Settlement		-	-	-	-	-	-	-	-	-
Infrastructure Skills Development Grant [Schedule 5B]		-	-	-	-	-	-	-	-	-
Restructuring Seed Funding		-	-	-	-	-	-	-	-	-
Municipal Disaster Relief Grant		-	-	-	-	-	-	-	-	-
Municipal Emergency Housing Grant		-	-	-	-	-	-	-	-	-
Metro Informal Settlements Partnership Grant		-	-	-	-	-	-	-	-	-
<b>Provincial Government:</b>		<b>49 739</b>	<b>49 739</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>49 739</b>	<b>45 620</b>	<b>54 600</b>
Capacity Building		-	-	-	-	-	-	-	-	-
Capacity Building and Other		-	-	-	-	-	-	-	-	-
Disaster and Emergency Services		-	-	-	-	-	-	-	-	-
Health		-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-
Infrastructure		45 139	45 139	-	-	-	-	45 139	45 620	54 600
Libraries, Archives and Museums		-	-	-	-	-	-	-	-	-
Other		-	-	-	-	-	-	-	-	-
Public Transport		600	600	-	-	-	-	600	-	-

Description	Ref	Budget Year 2020/21						Budget Year +1 2021/22	Budget Year +2 2022/23	
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	
		A	2 A1	3 B	4 C	5 D	6 E	7 F		
<b>R thousands</b>										
Road Infrastructure		-	-	-	-	-	-	-	-	
Sports and Recreation		4 000	4 000	-	-	-	-	4 000	-	
Waste Water Infrastructure		-	-	-	-	-	-	-	-	
Water Supply Infrastructure		-	-	-	-	-	-	-	-	
<b>District Municipality:</b>		-	-	-	-	-	-	-	-	
All Grants		-	-	-	-	-	-	-	-	
<b>Other grant providers:</b>		-	-	-	-	80 952	80 952	80 952	-	
Departmental Agencies and Accounts		-	-	-	-	-	-	-	-	
Foreign Government and International Organisations		-	-	-	-	-	-	-	-	
Households		-	-	-	-	-	-	-	-	
Non-Profit Institutions		-	-	-	-	-	-	-	-	
Private Enterprises		-	-	-	-	-	-	-	-	
Public Corporations		-	-	-	-	-	-	-	-	
Higher Educational Institutions		-	-	-	-	-	-	-	-	
Parent Municipality / Entity		-	-	-	-	-	-	-	-	
Transfer from Operational Revenue		-	-	-	-	80 952	80 952	80 952	-	
<b>Total Capital Transfers and Grants</b>	6	113 429	109 229	-	-	76 752	76 752	185 981	89 295	100 702
<b>TOTAL EXPENDITURE OF TRANSFERS &amp; GRANTS</b>		142 171	308 603	-	-	76 752	76 752	385 355	284 728	313 280

References

1. Transfers/Grant expenditure must be separately listed for each allocation received
2. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
3. Increases of funds approved under section 31 MFMA
4. Adjustments to funding allocations from National or Provincial Government
5. Adjusts. = 'Other' Adjustments proposed to be approved; error correction (section 28(2)(f)); functional shifts and any adjustments made under delegation by the AO since the budget was approved or since a previously 'approved' Adjustments Budget in the financial year
6. E = B + C + D
7. Adjusted Budget F = (A or A1/2 etc) + E

## WC024 Stellenbosch - Supporting Table SB9 Adjustments Budget - reconciliation of transfers, grant receipts, and unspent funds -

Description	Ref	Budget Year 2020/21						Budget Year +1	Budget Year
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget
		A	2 A1	3 B	4 C	5 D	6 E	7 F	+2 2022/23
<b>R thousands</b>									
<b>Operating transfers and grants:</b>									
<b>National Government:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	(14 656)	(14 656)
Current year receipts		(156 715)	(177 543)	-	-	-	(177 543)	(166 626)	(182 249)
<b>Conditions met - transferred to revenue</b>		<b>(156 715)</b>	<b>(177 543)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(177 543)</b>	<b>(181 282)</b>	<b>(196 905)</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>Provincial Government:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-
Current year receipts		(21 991)	(21 991)	-	-	-	(21 991)	(15 154)	(15 925)
<b>Conditions met - transferred to revenue</b>		<b>(19 457)</b>	<b>(19 457)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(19 457)</b>	<b>(12 620)</b>	<b>(13 391)</b>
Conditions still to be met - transferred to liabilities		(2 534)	(2 534)	-	-	-	(2 534)	(2 534)	(2 534)
<b>District Municipality:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-
Current year receipts		-	-	-	-	-	-	-	-
<b>Conditions met - transferred to revenue</b>		<b>440</b>	<b>440</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>440</b>	<b>-</b>	<b>-</b>
Conditions still to be met - transferred to liabilities		(440)	(440)	-	-	-	(440)	-	-
<b>Other grant providers:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	(1 337)	(1 337)
Current year receipts		-	-	-	-	-	-	-	-
<b>Conditions met - transferred to revenue</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1 337)</b>	<b>(1 337)</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>Total operating transfers and grants revenue</b>		<b>(175 732)</b>	<b>(196 560)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(196 560)</b>	<b>(195 239)</b>	<b>(211 633)</b>
<b>Total operating transfers and grants - CTBM</b>	2	<b>(2 974)</b>	<b>(2 974)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(2 974)</b>	<b>(2 534)</b>	<b>(2 534)</b>

Description	Ref	Budget Year 2020/21						Budget Year +1	Budget Year
		Original Budget	Prior Adjusted	Multi-year capital	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget
		A	2 A1	3 B	4 C	5 D	6 E	7 F	2021/22
<b>R thousands</b>									
<b>Capital transfers and grants:</b>									
<b>National Government:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-
Current year receipts		(63 690)	(59 490)	-	-	-	-	(59 490)	(43 675)
<b>Conditions met - transferred to revenue</b>		<b>(63 690)</b>	<b>(59 490)</b>	-	-	-	-	<b>(59 490)</b>	<b>(43 675)</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>Provincial Government:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	6 387	6 387
Current year receipts		(49 139)	(49 139)	-	-	-	-	(49 139)	(45 020)
<b>Conditions met - transferred to revenue</b>		<b>(49 139)</b>	<b>(49 139)</b>	-	-	-	-	<b>(49 139)</b>	<b>(38 633)</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>District Municipality:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	-	-
Current year receipts		-	-	-	-	-	-	-	-
<b>Conditions met - transferred to revenue</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>Other grant providers:</b>									
Balance unspent at beginning of the year		-	-	-	-	-	-	(109 180)	(119 780)
Current year receipts		-	-	-	-	-	-	-	-
<b>Conditions met - transferred to revenue</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(109 180)</b>	<b>(119 780)</b>
Conditions still to be met - transferred to liabilities		-	-	-	-	-	-	-	-
<b>Total capital transfers and grants revenue</b>		<b>(112 829)</b>	<b>(108 629)</b>	-	-	-	-	<b>(108 629)</b>	<b>(191 489)</b>
<b>Total capital transfers and grants - CTBM</b>		<b>-</b>	<b>-</b>	-	-	-	-	<b>-</b>	<b>-</b>
<b>TOTAL TRANSFERS AND GRANTS REVENUE</b>		<b>(288 561)</b>	<b>(305 189)</b>	-	-	-	-	<b>(305 189)</b>	<b>(386 727)</b>
<b>TOTAL TRANSFERS AND GRANTS - CTBM</b>		<b>(2 974)</b>	<b>(2 974)</b>	-	-	-	-	<b>(2 974)</b>	<b>(2 534)</b>

References

1. Total capital grants revenue budget must reconcile to budget tables A4 and A5; total operating grants revenue must reconcile to budget table A4
2. CTBM = conditions to be met
3. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
4. Increases of funds approved under section 31 MFMA
5. Adjustments to funding allocations from National or Provincial Government
6. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction (sect28(2)(f))
7. E = B + C + D
8. Adjusted Budget F = (A or A1/2 etc) + E

## WC024 Stellenbosch - Supporting Table SB10 Adjustments Budget - transfers and grants made by the municipality -

Description	Ref	Budget Year 2020/21									Budget Year	Budget Year
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H	+1 2021/22	+2 2022/23
<b>R thousands</b>												
<b>Cash transfers to other municipalities</b>												
Operational	1	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Transfers To Municipalities:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Cash transfers to Entities/Other External Mechanisms</b>												
Operational	2	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Transfers To Entities/Ems'</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Cash transfers to other Organs of State</b>												
Operational	3	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Transfers To Other Organs Of State:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Cash transfers to other Organisations</b>												
Operational	4	10 069	10 069	-	-	-	-	-	-	10 069	10 600	11 200
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Transfers To Organisations</b>		10 069	10 069	-	-	-	-	-	-	10 069	10 600	11 200
<b>Cash Transfers to Groups of Individuals</b>												
Operational	4	-	400	-	-	-	-	-	-	400	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Transfers To Groups Of Individuals:</b>		-	400	-	-	-	-	-	-	400	-	-
<b>TOTAL CASH TRANSFERS AND GRANTS</b>	5	10 069	10 469	-	-	-	-	-	-	10 469	10 600	11 200

Description	Ref	Budget Year 2020/21									Budget Year +1 2021/22	Budget Year +2 2022/23
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	6 A1	7 B	8 C	9 D	10 E	11 F	12 G	13 H		
<b>R thousands</b>												
<b>Non-cash transfers to other municipalities</b>												
Operational	1	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Cash Transfers To Municipalities:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Non-cash transfers to Entities/Other External Mechanisms</b>												
Operational	2	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Cash Transfers To Entities/Ems'</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Non-cash transfers to other Organs of State</b>												
Operational	3	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Cash Transfers To Other Organs Of State:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Non-cash transfers to other Organisations</b>												
Operational	4	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL NON-CASH TRANSFERS TO OTHER ORGANISATIONS:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>Non-cash transfers to Groups of Individuals</b>												
Operational	4	-	-	-	-	-	-	-	-	-	-	-
Capital		-	-	-	-	-	-	-	-	-	-	-
<b>Total Non-Cash Grants To Groups Of Individuals:</b>		-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL NON-CASH TRANSFERS AND GRANTS</b>	5	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL TRANSFERS AND GRANTS</b>		10 069	10 469	-	-	-	-	-	-	10 469	10 600	11 200

References

1. Insert description listed by municipal name and demarcation code of recipient
2. Insert description of each entity or external mechanism (an external mechanism may be provided with resources to ensure a minimum level of service)
3. Insert description of each Organ of State; e.g. Eskom
4. Insert description of each 'other' organisation
5. All descriptions should separate allocations for 'capital purposes' and 'operating purposes'
6. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.

7. Additional cash-backed accumulated funds/unspent funds (section 18(1)(b) and section 28(2)(e) MFMA) identified after Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably have been foreseen)

8. Increases of funds approved under section 31 MFMA

9. Adjustments approved in accordance with section 29 MFMA

## WC024 Stellenbosch - Supporting Table SB11 Adjustments Budget - councillor and staff benefits -

Summary of remuneration	Ref	Budget Year 2020/21									% change
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H	
<b>R thousands</b>											
<b>Councillors (Political Office Bearers plus Other)</b>											
Basic Salaries and Wages		13 710	13 710	–		–		–		13 710	0.0%
Pension and UIF Contributions		848	848	–		–		–		848	0.0%
Medical Aid Contributions		92	92	–		–		–		92	0.0%
Motor Vehicle Allowance		4 947	4 947	–		–		–		4 947	0.0%
Cellphone Allowance		1 339	1 339	–		–		–		1 339	0.0%
Housing Allowances		–	–	–		–		–		–	0.0%
Other benefits and allowances		197	197	–		–		–		197	0.0%
<b>Sub Total - Councillors</b>		<b>21 133</b>	<b>21 133</b>	<b>–</b>		<b>–</b>		<b>–</b>		<b>21 133</b>	
<b>% increase</b>			<b>0.0%</b>								<b>0.0%</b>
<b>Senior Managers of the Municipality</b>											
Basic Salaries and Wages		7 532	7 532	–		–		–		7 532	0.0%
Pension and UIF Contributions		1 374	1 374	–		–		–		1 374	0.0%
Medical Aid Contributions		235	235	–		–		–		235	0.0%
Overtime		–	–	–		–		–		–	0.0%
Performance Bonus		300	300	–		–		–		300	0.0%
Motor Vehicle Allowance		1 188	1 188	–		–		–		1 188	0.0%
Cellphone Allowance		132	132	–		–		–		132	0.0%
Housing Allowances		–	–	–		–		–		–	0.0%
Other benefits and allowances		61	61	–		–		–		61	0.0%
Payments in lieu of leave		–	–	–		–		–		–	0.0%
Long service awards		–	–	–		–		–		–	0.0%
Post-retirement benefit obligations		–	–	–		–		–		–	0.0%
<b>Sub Total - Senior Managers of Municipality</b>	5	<b>10 822</b>	<b>10 822</b>	<b>–</b>		<b>–</b>		<b>–</b>		<b>10 822</b>	
<b>% increase</b>			<b>0.0%</b>								<b>0.0%</b>
<b>Other Municipal Staff</b>											
Basic Salaries and Wages		331 738	331 738	–		–		–		331 738	0.0%
Pension and UIF Contributions		59 886	59 886	–		–		–		59 886	0.0%
Medical Aid Contributions		27 727	27 727	–		–		–		27 727	0.0%
Overtime		55 059	55 059	–		–		–		55 059	0.0%
Performance Bonus		–	–	–		–		–		–	0.0%
Motor Vehicle Allowance		14 398	14 398	–		–		–		14 398	0.0%
Cellphone Allowance		1 011	1 011	–		–		–		1 011	0.0%
Housing Allowances		3 165	3 165	–		–		–		3 165	0.0%
Other benefits and allowances		42 188	42 188	–		–		–		42 188	0.0%
Payments in lieu of leave		2 246	2 246	–		–		–		2 246	0.0%
Long service awards		72	72	–		–		–		72	0.0%
Post-retirement benefit obligations		31 126	31 126	–		–		–		31 126	0.0%
<b>Sub Total - Other Municipal Staff</b>	5	<b>568 617</b>	<b>568 617</b>	<b>–</b>		<b>–</b>		<b>–</b>		<b>568 617</b>	
<b>% increase</b>			<b>0.0%</b>								<b>0.0%</b>
<b>Total Parent Municipality</b>		<b>600 572</b>	<b>600 572</b>	<b>–</b>		<b>–</b>		<b>–</b>		<b>600 572</b>	<b>0.0%</b>

Summary of remuneration	Ref	Budget Year 2020/21									% change
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H	
<b>R thousands</b>											
<b>Board Members of Entities</b>											
Basic Salaries and Wages		-	-	-		-		-	-	-	0.0%
Pension and UIF Contributions		-	-	-		-		-	-	-	0.0%
Medical Aid Contributions		-	-	-		-		-	-	-	0.0%
Overtime		-	-	-		-		-	-	-	0.0%
Performance Bonus		-	-	-		-		-	-	-	0.0%
Motor Vehicle Allowance		-	-	-		-		-	-	-	0.0%
Cellphone Allowance		-	-	-		-		-	-	-	0.0%
Housing Allowances		-	-	-		-		-	-	-	0.0%
Other benefits and allowances		-	-	-		-		-	-	-	0.0%
Board Fees		-	-	-		-		-	-	-	0.0%
Payments in lieu of leave		-	-	-		-		-	-	-	0.0%
Long service awards		-	-	-		-		-	-	-	0.0%
Post-retirement benefit obligations	5	-	-	-		-		-	-	-	0.0%
<b>Sub Total - Board Members of Entities</b>		-	-	-		-		-	-	-	
<b>% increase</b>			0.0%								0.0%
<b>Senior Managers of Entities</b>											
Basic Salaries and Wages		-	-	-		-		-	-	-	0.0%
Pension and UIF Contributions		-	-	-		-		-	-	-	0.0%
Medical Aid Contributions		-	-	-		-		-	-	-	0.0%
Overtime		-	-	-		-		-	-	-	0.0%
Performance Bonus		-	-	-		-		-	-	-	0.0%
Motor Vehicle Allowance		-	-	-		-		-	-	-	0.0%
Cellphone Allowance		-	-	-		-		-	-	-	0.0%
Housing Allowances		-	-	-		-		-	-	-	0.0%
Other benefits and allowances		-	-	-		-		-	-	-	0.0%
Payments in lieu of leave		-	-	-		-		-	-	-	0.0%
Long service awards		-	-	-		-		-	-	-	0.0%
Post-retirement benefit obligations	5	-	-	-		-		-	-	-	0.0%
<b>Sub Total - Senior Managers of Entities</b>		-	-	-		-		-	-	-	
<b>% increase</b>			0.0%								0.0%



Summary of remuneration	Ref	Budget Year 2020/21									% change
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	
		A	5 A1	6 B	7 C	8 D	9 E	10 F	11 G	12 H	
<b>R thousands</b>											
<b>Other Staff of Entities</b>											
Basic Salaries and Wages		-	-	-		-		-	-	-	0.0%
Pension and UIF Contributions		-	-	-		-		-	-	-	0.0%
Medical Aid Contributions		-	-	-		-		-	-	-	0.0%
Overtime		-	-	-		-		-	-	-	0.0%
Performance Bonus		-	-	-		-		-	-	-	0.0%
Motor Vehicle Allowance		-	-	-		-		-	-	-	0.0%
Cellphone Allowance		-	-	-		-		-	-	-	0.0%
Housing Allowances		-	-	-		-		-	-	-	0.0%
Other benefits and allowances		-	-	-		-		-	-	-	0.0%
Payments in lieu of leave		-	-	-		-		-	-	-	0.0%
Long service awards		-	-	-		-		-	-	-	0.0%
Post-retirement benefit obligations	5	-	-	-		-		-	-	-	0.0%
<b>Sub Total - Other Staff of Entities</b>		-	-	-		-		-	-	-	
<b>% increase</b>			0.0%								0.0%
<b>Total Municipal Entities</b>		-	-	-		-		-	-	-	0.0%
<b>TOTAL SALARY, ALLOWANCES &amp; BENEFITS</b>		600 572	600 572	-		-		-	-	600 572	
<b>% increase</b>			0.0%								0.0%
<b>TOTAL MANAGERS AND STAFF</b>		579 439	579 439	-		-		-	-	579 439	0.0%

References

1. Include 'Loans and advances' where applicable if any reportable amounts only until phased compliance with s164 of MFMA achieved
2. If benefits in kind are provided (e.g. provision of living quarters) the full market value must be shown as the cost to the municipality
3. s57 of the Systems Act
4. Must agree to the sub-total appearing on Table B1 (Employee costs)
5. Includes pension payments and employer contributions to medical aid

Column Definitions:

- A. The original budget approved by council for the current year
5. Only complete if a previous adjusted budget has been approved in the same financial year. Reflect most recent adjusted budget.
6. Additional cash-backed accumulated funds/unspent funds (section 18(1)(b) and section 28(2)(e) MFMA) identified after Original Budget approved and after annual financial statements audited (note: only where underspending could not reasonably be have for
7. Increases of funds approved under section 31 MFMA
8. Adjustments approved in accordance with section 29 MFMA
9. Adjustments caused by changes in funding allocations from National or Provincial Government
10. Adjusts. = 'Other' Adjustments proposed to be approved; including revenue under-collection (MFMA section 28(2)(a)); additional revenue appropriation on existing programmes (section 28(2)(b)); projected savings (section 28(2)(d)); error correction (section 28(f))
11.  $G = B + C + D + E + F$
12. Adjusted Budget  $H = (A \text{ or } A1/2 \text{ etc}) + G$

WC024 Stellenbosch - Supporting Table SB12 Adjustments Budget - monthly revenue and expenditure (municipal vote) -

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Revenue by Vote</b>																
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		6 908	6 908	6 908	6 908	6 908	6 908	6 908	6 908	6 908	6 908	6 908	5 778	81 766	73 211	80 758
Vote 3 - INFRASTRUCTURE SERVICES		103 751	103 751	103 751	103 751	103 751	103 751	103 751	103 751	103 751	103 751	103 751	111 019	1 252 283	1 318 672	1 437 756
Vote 4 - COMMUNITY AND PROTECTION SERVICES		16 082	16 082	16 082	16 082	16 082	16 082	16 082	16 082	16 082	16 082	16 082	14 082	190 985	200 393	204 030
Vote 5 - CORPORATE SERVICES		359	359	359	359	359	359	359	359	359	359	359	359	4 303	4 619	4 957
Vote 6 - FINANCIAL SERVICES		40 663	40 663	40 663	40 663	40 663	40 663	40 663	40 663	40 663	40 663	40 663	48 673	495 969	513 910	541 930
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue by Vote</b>		<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>167 763</b>	<b>179 910</b>	<b>2 025 307</b>	<b>2 110 804</b>	<b>2 269 431</b>
<b>Expenditure by Vote</b>																
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		3 990	3 990	3 990	3 990	3 990	3 990	3 990	3 990	3 990	3 990	3 990	3 990	47 884	49 452	53 040
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		8 794	8 794	8 794	8 794	8 794	8 794	8 794	8 794	8 794	8 794	8 794	9 188	105 920	110 517	118 727
Vote 3 - INFRASTRUCTURE SERVICES		87 631	87 631	87 631	87 631	87 631	103 243	87 631	87 631	87 631	87 631	87 631	112 791	1 092 344	1 143 432	1 226 682
Vote 4 - COMMUNITY AND PROTECTION SERVICES		29 937	29 937	29 937	29 937	29 937	29 937	29 937	29 937	29 937	29 937	29 937	29 937	359 246	376 880	399 676
Vote 5 - CORPORATE SERVICES		15 119	15 119	15 119	15 119	15 119	15 119	15 119	15 119	15 119	15 119	15 119	14 690	181 001	193 289	205 939
Vote 6 - FINANCIAL SERVICES		9 215	9 215	9 215	9 215	9 215	9 215	9 215	9 215	9 215	9 215	9 215	6 462	107 831	113 785	121 437
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditure by Vote</b>		<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>170 298</b>	<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>154 687</b>	<b>177 059</b>	<b>1 894 225</b>	<b>1 987 355</b>	<b>2 125 501</b>
<b>Surplus/ (Deficit)</b>		<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>(2 535)</b>	<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>13 077</b>	<b>2 851</b>	<b>131 082</b>	<b>123 449</b>	<b>143 929</b>

References

1. Surplus (Deficit) must reconcile with budget table A2 and monthly budget statement table C2

WC024 Stellenbosch - Supporting Table SB13 Adjustments Budget - monthly revenue and expenditure (functional classification) -

Description - Standard classification	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Revenue - Functional</b>																
<i>Governance and administration</i>		42 031	42 031	42 031	42 031	42 031	42 031	42 031	42 031	42 031	42 031	42 031	42 031	504 376	522 887	551 517
Executive and council		59	59	59	59	59	59	59	59	59	59	59	59	706	749	794
Finance and administration		41 973	41 973	41 973	41 973	41 973	41 973	41 973	41 973	41 973	41 973	41 973	41 973	503 670	522 138	550 723
Internal audit		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Community and public safety</i>		21 483	21 483	21 483	21 483	21 483	21 483	21 483	21 483	21 483	21 483	21 483	21 483	257 793	259 358	273 869
Community and social services		1 407	1 407	1 407	1 407	1 407	1 407	1 407	1 407	1 407	1 407	1 407	1 407	16 882	17 361	18 332
Sport and recreation		743	743	743	743	743	743	743	743	743	743	743	743	8 915	8 748	794
Public safety		13 849	13 849	13 849	13 849	13 849	13 849	13 849	13 849	13 849	13 849	13 849	13 849	166 187	175 343	186 027
Housing		5 484	5 484	5 484	5 484	5 484	5 484	5 484	5 484	5 484	5 484	5 484	5 484	65 809	57 906	68 716
Health		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Economic and environmental services</i>		1 985	1 985	1 985	1 985	1 985	1 985	1 985	1 985	1 985	1 985	1 985	1 985	23 815	15 562	16 190
Planning and development		935	935	935	935	935	935	935	935	935	935	935	935	11 220	9 403	8 963
Road transport		1 039	1 039	1 039	1 039	1 039	1 039	1 039	1 039	1 039	1 039	1 039	1 039	12 465	6 021	7 080
Environmental protection		11	11	11	11	11	11	11	11	11	11	11	11	131	139	147
<i>Trading services</i>		103 641	103 641	103 641	103 641	103 641	103 641	103 641	103 641	103 641	103 641	103 641	103 641	1 243 696	1 313 444	1 428 516
Energy sources		63 022	63 022	63 022	63 022	63 022	63 022	63 022	63 022	63 022	63 022	63 022	63 022	756 264	802 603	863 220
Water management		16 097	16 097	16 097	16 097	16 097	16 097	16 097	16 097	16 097	16 097	16 097	16 097	193 169	216 164	239 663
Waste water management		15 064	15 064	15 064	15 064	15 064	15 064	15 064	15 064	15 064	15 064	15 064	15 064	180 766	167 542	183 518
Waste management		9 458	9 458	9 458	9 458	9 458	9 458	9 458	9 458	9 458	9 458	9 458	9 458	113 497	127 135	142 116
<i>Other</i>		9	9	9	9	9	9	9	9	9	9	9	9	107	113	120
<b>Total Revenue - Functional</b>		<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>169 149</b>	<b>2 029 788</b>	<b>2 111 364</b>	<b>2 270 211</b>

Description - Standard classification	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
R thousands																
<b>Expenditure - Functional</b>																
<b>Governance and administration</b>		27 426	27 426	27 426	27 426	27 426	27 426	27 426	27 426	27 426	27 426	27 426	27 426	329 110	349 849	373 164
Executive and council		4 680	4 680	4 680	4 680	4 680	4 680	4 680	4 680	4 680	4 680	4 680	4 680	56 162	59 639	63 686
Finance and administration		21 529	21 529	21 529	21 529	21 529	21 529	21 529	21 529	21 529	21 529	21 529	21 529	258 354	274 705	292 998
Internal audit		1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	14 595	15 505	16 480
<b>Community and public safety</b>		33 922	33 922	33 922	33 922	33 922	33 922	33 922	33 922	33 922	33 922	33 922	33 922	407 065	426 830	451 535
Community and social services		3 290	3 290	3 290	3 290	3 290	3 290	3 290	3 290	3 290	3 290	3 290	3 290	39 485	40 927	43 459
Sport and recreation		4 134	4 134	4 134	4 134	4 134	4 134	4 134	4 134	4 134	4 134	4 134	4 134	49 607	51 007	54 188
Public safety		23 424	23 424	23 424	23 424	23 424	23 424	23 424	23 424	23 424	23 424	23 424	23 424	281 084	295 426	311 647
Housing		3 074	3 074	3 074	3 074	3 074	3 074	3 074	3 074	3 074	3 074	3 074	3 074	36 888	39 470	42 241
Health		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Economic and environmental services</b>		17 663	17 663	17 663	17 663	17 663	17 663	17 663	17 663	17 663	17 663	17 663	17 663	211 958	216 315	231 158
Planning and development		7 454	7 454	7 454	7 454	7 454	7 454	7 454	7 454	7 454	7 454	7 454	7 454	89 452	83 303	89 752
Road transport		7 894	7 894	7 894	7 894	7 894	7 894	7 894	7 894	7 894	7 894	7 894	7 894	94 731	103 360	109 446
Environmental protection		2 315	2 315	2 315	2 315	2 315	2 315	2 315	2 315	2 315	2 315	2 315	2 315	27 776	29 651	31 959
<b>Trading services</b>		77 401	77 401	77 401	77 401	77 401	93 013	77 401	77 401	77 401	77 401	77 401	113 840	980 862	1 009 314	1 085 692
Energy sources		46 218	46 218	46 218	46 218	46 218	46 518	46 218	46 218	46 218	46 218	46 218	67 346	576 044	573 869	613 819
Water management		10 304	10 304	10 304	10 304	10 304	22 186	10 304	10 304	10 304	10 304	10 304	22 186	147 417	156 468	172 407
Waste water management		11 319	11 319	11 319	11 319	11 319	14 749	11 319	11 319	11 319	11 319	11 319	14 749	142 692	168 162	182 286
Waste management		9 559	9 559	9 559	9 559	9 559	9 559	9 559	9 559	9 559	9 559	9 559	114 709	110 815	117 180	
<b>Other</b>		10	10	10	10	10	10	10	10	10	10	10	10	124	126	132
<b>Total Expenditure - Functional</b>		156 422	156 422	156 422	156 422	156 422	172 034	156 422	156 422	156 422	156 422	156 422	192 861	1 929 119	2 002 434	2 141 680
<b>Surplus/ (Deficit) 1.</b>		12 727	12 727	12 727	12 727	12 727	(2 885)	12 727	12 727	12 727	12 727	12 727	(23 712)	100 668	108 930	128 530

References

1. Surplus (Deficit) must reconcile with budget table A3 and monthly budget statement table C3

WC024 Stellenbosch - Supporting Table SB14 Adjustments Budget - monthly revenue and expenditure -

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Revenue By Source</b>																
Property rates		32 687	32 687	32 687	32 687	32 687	32 687	32 687	32 687	32 687	32 687	32 687	32 687	392 239	417 735	444 889
Service charges - electricity revenue		58 953	58 953	58 953	58 953	58 953	58 953	58 953	58 953	58 953	58 953	58 953	58 953	707 441	760 500	817 538
Service charges - water revenue		14 060	14 060	14 060	14 060	14 060	14 060	14 060	14 060	14 060	14 060	14 060	14 060	168 720	181 374	194 978
Service charges - sanitation revenue		9 859	9 859	9 859	9 859	9 859	9 859	9 859	9 859	9 859	9 859	9 859	9 859	118 312	126 594	135 455
Service charges - refuse		6 525	6 525	6 525	6 525	6 525	6 525	6 525	6 525	6 525	6 525	6 525	6 525	78 305	91 225	106 278
Service charges - other		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental of facilities and equipment		1 358	1 358	1 358	1 358	1 358	1 358	1 358	1 358	1 358	1 358	1 358	1 358	16 292	17 270	18 307
Interest earned - external investments		3 156	3 156	3 156	3 156	3 156	3 156	3 156	3 156	3 156	3 156	3 156	3 156	37 870	34 522	29 358
Interest earned - outstanding debtors		1 107	1 107	1 107	1 107	1 107	1 107	1 107	1 107	1 107	1 107	1 107	1 107	13 281	14 211	15 206
Dividends received		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		11 740	11 740	11 740	11 740	11 740	11 740	11 740	11 740	11 740	11 740	11 740	11 740	140 881	149 335	158 297
Licences and permits		459	459	459	459	459	459	459	459	459	459	459	459	5 503	5 834	6 184
Agency services		244	244	244	244	244	244	244	244	244	244	244	244	2 931	3 107	3 293
Transfers and subsidies		16 615	16 615	16 615	16 615	16 615	16 615	16 615	16 615	16 615	16 615	16 615	16 615	199 375	181 180	197 574
Other revenue		3 284	3 284	3 284	3 284	3 284	3 284	3 284	3 284	3 284	3 284	3 284	3 284	39 408	42 181	45 152
Gains on disposal of PPE		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Revenue</b>		<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>160 047</b>	<b>1 920 559</b>	<b>2 025 069</b>	<b>2 172 509</b>
<b>Expenditure By Type</b>																
Employee related costs		48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	579 439	623 493	676 723
Remuneration of councillors		1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	21 133	22 401	23 745
Debt impairment		6 167	6 167	6 167	6 167	6 167	6 167	6 167	6 167	6 167	6 167	6 167	6 167	74 007	76 008	78 072
Depreciation & asset impairment		17 136	17 136	17 136	17 136	17 136	17 136	17 136	17 136	17 136	17 136	17 136	17 136	205 628	214 881	224 550
Finance charges		677	677	677	677	677	677	677	677	677	677	677	677	16 289	39 349	65 154
Bulk purchases		40 183	40 183	40 183	40 183	40 183	40 183	40 183	40 183	40 183	40 183	40 183	40 183	482 196	516 151	552 501
Other materials		3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	41 706	44 101	46 229
Contracted services		20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	245 478	244 744	255 781
Grants and subsidies		872	872	872	872	872	872	872	872	872	872	872	872	10 469	10 600	11 200
Other expenditure		17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	208 887	197 345	207 725
Loss on disposal of PPE		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenditure</b>		<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>172 034</b>	<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>156 422</b>	<b>172 033</b>	<b>1 908 291</b>	<b>2 002 434</b>	<b>2 141 680</b>
<b>Surplus/(Deficit)</b>		<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>(11 988)</b>	<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>3 624</b>	<b>(11 987)</b>	<b>12 267</b>	<b>22 635</b>	<b>30 828</b>
Transfers and subsidies - capital (monetary allocations) (National / Provincial and District)		9 102	9 102	9 102	9 102	9 102	9 102	9 102	9 102	9 102	9 102	9 102	9 102	109 229	89 295	100 702
Transfers and subsidies - capital (monetary allocations) (National / Provincial Departmental Agencies, Households, Non-profit Institutions, Private Enterprises, Public Corporations, Higher Educational Institutions)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers and subsidies - capital (in-kind - all)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework				
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23		
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget		
R thousands																		
Surplus/(Deficit) after capital transfers & contributions		12 727	12 727	12 727	12 727	12 727	(2 885)	12 727	12 727	12 727	12 727	12 727	12 727	(2 884)	121 496	111 930	131 530	

References

1. Surplus (Deficit) must reconcile with budget table A4 and monthly budget statement table C4

WC024 Stellenbosch - Supporting Table SB15 Adjustments Budget - monthly cash flow -

Monthly cash flows	Ref	Budget Year 2020/21											Medium Term Revenue and Expenditure Framework			
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Cash Receipts By Source</b>	###															
Property rates		(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 392)	(52 391)	(628 702)	(675 270)	(722 404)
Service charges - electricity revenue		(42 741)	(42 741)	(42 741)	(42 741)	(42 741)	(43 041)	(42 741)	(42 741)	(42 741)	(42 741)	(42 741)	(43 041)	(513 491)	(552 149)	(591 118)
Service charges - water revenue		(7 121)	(7 121)	(7 121)	(7 121)	(7 121)	(19 002)	(7 121)	(7 121)	(7 121)	(7 121)	(7 121)	(19 002)	(109 212)	(116 528)	(130 613)
Service charges - sanitation revenue		(7 212)	(7 212)	(7 212)	(7 212)	(7 212)	(10 642)	(7 212)	(7 212)	(7 212)	(7 212)	(7 212)	(10 642)	(93 405)	(116 388)	(127 882)
Service charges - refuse		(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(9 053)	(108 640)	(101 064)	(106 520)
Service charges - other		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental of facilities and equipment		(390)	(390)	(390)	(390)	(390)	(390)	(390)	(390)	(390)	(390)	(390)	(390)	(4 675)	(5 049)	(5 454)
Interest earned - external investments		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest earned - outstanding debtors		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dividends received		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fines, penalties and forfeits		(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(5 903)	(70 835)	(74 979)	(79 420)
Licences and permits		(646)	(646)	(646)	(646)	(646)	(646)	(646)	(646)	(646)	(646)	(646)	(646)	(7 752)	(8 431)	(9 171)
Agency services		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer receipts - operational		(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(4 170)	(50 045)	(16 111)	(16 926)
Other revenue		(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(3 490)	(41 877)	(45 551)	(49 525)
<b>Cash Receipts by Source</b>		<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(148 729)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(133 118)</b>	<b>(148 728)</b>	<b>(1 628 634)</b>	<b>(1 711 520)</b>	<b>(1 839 032)</b>
<b>Other Cash Flows by Source</b>																
Transfers receipts - capital		(20 038)	(8 326)	(8 942)	(7 914)	(7 889)	(11 033)	(7 663)	(7 046)	(16 552)	(6 148)	(5 734)	107 286	-	-	-
Contributions & Contributed assets		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Proceeds on disposal of PPE		(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(23)	(24)	(26)
Short term loans		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Borrowing long term/refinancing		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Increase (decrease) in consumer deposits		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Decrease (Increase) in non-current debtors		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Decrease (increase) other non-current receivables		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Decrease (increase) in non-current investments		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Receipts by Source</b>		<b>(153 158)</b>	<b>(141 446)</b>	<b>(142 062)</b>	<b>(141 033)</b>	<b>(141 009)</b>	<b>(159 764)</b>	<b>(140 782)</b>	<b>(140 165)</b>	<b>(149 671)</b>	<b>(139 268)</b>	<b>(138 853)</b>	<b>(41 445)</b>	<b>(1 628 657)</b>	<b>(1 711 545)</b>	<b>(1 839 058)</b>

Monthly cash flows	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework			
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23	
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	
<b>R thousands</b>																	
<b>Cash Payments by Type</b>																	
Employee related costs		48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 287	48 286	579 439	623 493	676 723	
Remuneration of councillors		1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	1 761	21 133	22 401	23 745	
Finance charges		677	677	677	677	677	16 289	677	677	677	677	677	16 289	39 349	52 710	65 154	
Bulk purchases - Electricity		37 938	37 938	37 938	37 938	37 938	37 938	37 938	37 938	37 938	37 938	37 938	37 938	455 254	487 122	521 220	
Bulk purchases - Water & Sewer		2 245	2 245	2 245	2 245	2 245	2 245	2 245	2 245	2 245	2 245	2 245	2 245	26 942	29 030	31 281	
Other materials		3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 476	3 475	41 706	44 101	46 229	
Contracted services		20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 457	20 606	245 628	244 744	255 781	
Transfers and grants - other municipalities		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Transfers and grants - other		872	872	872	872	872	872	872	872	872	872	872	872	10 469	10 600	11 200	
Other expenditure		17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 407	17 257	208 737	197 345	207 725	
<b>Cash Payments by Type</b>		<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>148 731</b>	<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>133 120</b>	<b>148 730</b>	<b>1 628 657</b>	<b>1 711 545</b>	<b>1 839 058</b>	
<b>Other Cash Flows/Payments by Type</b>																	
Capital assets		11 790	20 368	32 317	32 076	47 218	14 776	15 639	44 024	36 786	37 438	38 556	121 515	452 502	436 268	458 119	
Repayment of borrowing		-	-	-	-	-	12 500	-	-	-	-	-	(4 229)	8 271	14 632	19 576	
Other Cash Flows/Payments		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Total Cash Payments by Type</b>		<b>144 910</b>	<b>153 487</b>	<b>165 437</b>	<b>165 195</b>	<b>180 338</b>	<b>176 007</b>	<b>148 758</b>	<b>177 143</b>	<b>169 905</b>	<b>170 557</b>	<b>171 675</b>	<b>266 016</b>	<b>2 089 430</b>	<b>2 162 444</b>	<b>2 316 754</b>	
<b>NET INCREASE/(DECREASE) IN CASH HELD</b>		<b>(298 068)</b>	<b>(294 933)</b>	<b>(307 499)</b>	<b>(306 229)</b>	<b>(321 347)</b>	<b>(335 772)</b>	<b>(289 540)</b>	<b>(317 309)</b>	<b>(319 577)</b>	<b>(309 825)</b>	<b>(310 528)</b>	<b>(307 461)</b>	<b>(3 718 087)</b>	<b>(3 873 989)</b>	<b>(4 155 812)</b>	
Cash/cash equivalents at the month/year beginning:		(365 194)	(663 262)	(958 195)	(1 265 694)	(1 571 923)	(1 893 269)	(2 229 041)	(2 518 581)	(2 835 890)	(3 155 467)	(3 465 292)	(3 775 820)	(365 194)	(4 083 281)	(7 957 270)	
Cash/cash equivalents at the month/year end:		(663 262)	(958 195)	(1 265 694)	(1 571 923)	(1 893 269)	(2 229 041)	(2 518 581)	(2 835 890)	(3 155 467)	(3 465 292)	(3 775 820)	(4 083 281)	(4 083 281)	(7 957 270)	(12 113 081)	

References

1. Note that this section of Table SB15 is deliberately not linked to Table B4 because timing differences between the invoicing of clients and receiving the cash means that the cashflow will differ from budgeted revenue, and similarly for budgeted expenditure.



WC024 Stellenbosch - Supporting Table SB16 Adjustments Budget - monthly capital expenditure (municipal vote) -

Description - Municipal Vote	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Multi-year expenditure appropriation</b>	1															
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	5	-	5	21	-	-	10	-	-	40	44	49
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		-	-	750	50	1 450	1 330	20	1 600	270	1 400	950	2 815	10 635	3 000	5 500
Vote 3 - INFRASTRUCTURE SERVICES		2 001	7 456	6 906	12 141	13 402	5 242	8 167	15 296	13 436	10 283	13 586	35 058	142 973	154 622	222 142
Vote 4 - COMMUNITY AND PROTECTION SERVICES		5	60	2 810	630	2 000	105	260	2 110	20	3 950	3 040	16 144	31 134	17 845	14 960
Vote 5 - CORPORATE SERVICES		1 200	1 400	4 300	1 600	2 000	900	300	600	550	750	250	4 596	18 446	34 600	28 200
Vote 6 - FINANCIAL SERVICES		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital Multi-year expenditure sub-total</b>	3	3 206	8 916	14 766	14 425	18 852	7 582	8 768	19 606	14 276	16 393	17 826	58 613	203 229	210 111	270 851
<b>Single-year expenditure appropriation</b>																
Vote 1 - OFFICE OF THE MUNICIPAL MANAGER		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 2 - PLANNING AND DEVELOPMENT SERVICES		-	15	450	105	775	847	50	775	15	700	200	100	4 032	3 919	45 065
Vote 3 - INFRASTRUCTURE SERVICES		8 125	10 787	16 253	16 846	27 013	4 803	6 366	23 135	21 546	18 839	20 121	48 937	222 767	205 094	124 139
Vote 4 - COMMUNITY AND PROTECTION SERVICES		60	200	249	500	579	1 295	205	308	249	856	59	12 568	17 128	14 094	15 815
Vote 5 - CORPORATE SERVICES		400	450	600	-	-	-	50	200	700	450	350	5 596	8 796	2 850	2 050
Vote 6 - FINANCIAL SERVICES		-	-	-	200	-	250	200	-	-	200	-	-	850	200	200
Vote 7 - [NAME OF VOTE 7]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 8 - [NAME OF VOTE 8]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 9 - [NAME OF VOTE 9]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 10 - [NAME OF VOTE 10]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 11 - [NAME OF VOTE 11]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 12 - [NAME OF VOTE 12]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 13 - [NAME OF VOTE 13]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 14 - [NAME OF VOTE 14]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vote 15 - [NAME OF VOTE 15]		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital single-year expenditure sub-total</b>	3	8 585	11 452	17 552	17 651	28 367	7 194	6 871	24 418	22 510	21 045	20 730	67 201	253 574	226 157	187 269
<b>Total Capital Expenditure</b>	2	11 790	20 368	32 317	32 076	47 218	14 776	15 639	44 024	36 786	37 438	38 556	125 815	456 802	436 268	458 119

References

1. Table should be completed as either Multi-Year expenditure appropriation or Budget Year and Forward Year estimates
2. Total Capital Expenditure must reconcile to budget table A5 and monthly budget statement table C5

## WC024 Stellenbosch - Supporting Table SB17 Adjustments Budget - monthly capital expenditure (functional classification) -

Description	Ref	Budget Year 2020/21												Medium Term Revenue and Expenditure Framework		
		July	August	Sept.	October	November	December	January	February	March	April	May	June	Budget Year 2020/21	Budget Year +1 2021/22	Budget Year +2 2022/23
		Outcome	Outcome	Outcome	Outcome	Outcome	Outcome	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget	Adjusted Budget
<b>R thousands</b>																
<b>Capital Expenditure - Functional</b>																
<b>Governance and administration</b>		95 356	(5 285)	815	(5 376)	(4 985)	(6 675)	(7 843)	(7 385)	(6 485)	(6 166)	(7 785)	(10 054)	28 133	37 694	30 499
Executive and council		(44)	4 621	4 621	4 630	4 621	4 631	4 663	4 621	4 621	4 640	4 621	(46 209)	40	44	49
Finance and administration		95 401	(11 122)	(5 022)	(11 222)	(10 822)	(12 522)	(13 722)	(13 222)	(12 322)	(12 022)	(13 622)	48 317	28 093	37 650	30 450
Internal audit		-	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	1 216	(12 162)	-	-	-
<b>Community and public safety</b>		209	10 749	14 207	12 229	19 747	17 562	10 959	19 435	11 067	23 801	18 427	(104 973)	53 418	29 999	66 395
Community and social services		(24)	880	1 078	870	798	970	990	896	898	3 632	858	(7 720)	4 132	8 455	11 650
Sport and recreation		191	3 391	4 151	4 751	4 871	3 491	3 391	3 951	3 391	9 791	8 391	(27 601)	22 161	12 950	3 980
Public safety		(106)	9 538	9 838	9 638	13 138	12 038	9 638	13 638	9 838	9 838	10 638	(90 910)	16 765	3 800	5 700
Housing		147	(3 061)	(861)	(3 031)	939	1 063	(3 061)	949	(3 061)	539	(1 461)	21 257	10 361	4 794	45 065
Health		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Economic and environmental services</b>		(548)	15 313	27 393	28 983	35 970	24 453	24 793	43 989	44 336	32 523	34 166	(190 937)	120 431	99 463	71 620
Planning and development		(565)	3 374	7 554	8 074	12 701	6 764	3 484	14 750	20 597	16 224	21 437	(58 448)	55 949	51 129	24 575
Road transport		(1)	9 635	15 295	18 065	20 965	15 345	18 405	26 895	21 335	13 955	10 425	(109 418)	60 898	43 610	38 565
Environmental protection		18	2 304	4 544	2 844	2 304	2 344	2 904	2 344	2 404	2 344	2 304	(23 071)	3 584	4 724	8 480
<b>Trading services</b>		(95 016)	(80 377)	(78 116)	(72 020)	(56 631)	(90 513)	(96 968)	(68 327)	(75 682)	(75 618)	(68 032)	1 107 819	250 520	269 112	289 605
Energy sources		(48 480)	(63 973)	(66 262)	(61 596)	(66 148)	(72 401)	(64 833)	(68 263)	(69 709)	(70 575)	(64 149)	756 844	40 454	67 885	114 942
Water management		(13 733)	(14 391)	(10 791)	(7 091)	(4 691)	(5 309)	(16 591)	(6 291)	(9 091)	(9 091)	(9 891)	174 064	67 107	94 167	76 018
Waste water management		(17 101)	3 591	3 591	1 761	19 491	(7 180)	(11 373)	11 391	7 391	8 391	10 691	96 516	127 157	85 815	51 900
Waste management		(15 702)	(5 603)	(4 653)	(5 093)	(5 283)	(5 623)	(4 171)	(5 163)	(4 273)	(4 343)	(4 683)	80 395	15 802	21 245	46 745
<b>Other</b>		-	-	-	-	-	-	1	1	1	1	1	(7)	-	-	-
<b>Total Capital Expenditure - Functional</b>		0	(59 600)	(35 701)	(36 184)	(5 900)	(55 172)	(69 057)	(12 287)	(26 763)	(25 459)	(23 223)	801 848	452 502	436 268	458 119

References

- Table should be completed as either Multi-Year expenditure appropriation or Budget Year and Forward Year estimates
- Total Capital Expenditure must reconcile to the 'Financial Position' budget and monthly budget statement

WC024 Stellenbosch - Supporting Table SB18a Adjustments Budget - capital expenditure on new assets by asset class -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7	8	9	10	11	12	13	14		
<b>R thousands</b>												
<b>Capital expenditure on new assets by Asset Class/Sub-class</b>												
<b>Infrastructure</b>		142 335	138 135	-	-	-	-	27 486	27 486	165 621	168 606	244 961
Roads Infrastructure		39 530	39 530	-	-	-	-	3 288	3 288	42 818	50 031	20 450
Roads		24 430	24 430	-	-	-	-	2 903	2 903	27 333	41 181	15 750
Road Structures		13 550	13 550	-	-	-	-	117	117	13 667	3 850	2 700
Road Furniture		1 550	1 550	-	-	-	-	268	268	1 818	5 000	2 000
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		30 250	26 050	-	-	-	-	-	-	26 050	30 925	90 211
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		-	-	-	-	-	-	-	-	-	-	-
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		1 500	1 500	-	-	-	-	-	-	1 500	10 572	70 427
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		16 650	12 450	-	-	-	-	-	-	12 450	14 353	14 084
LV Networks		5 700	5 700	-	-	-	-	-	-	5 700	5 100	4 600
Capital Spares		6 400	6 400	-	-	-	-	-	-	6 400	900	1 100
Water Supply Infrastructure		34 805	34 805	-	-	-	-	11 598	11 598	46 403	60 181	89 900
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		12 000	12 000	-	-	-	-	4 426	4 426	16 426	28 000	61 000
Pump Stations		-	-	-	-	-	-	-	-	-	-	-
Water Treatment Works		400	400	-	-	-	-	-	-	400	400	-
Bulk Mains		2 580	2 580	-	-	-	-	5 672	5 672	8 251	15 000	5 000
Distribution		19 825	19 825	-	-	-	-	1 500	1 500	21 325	16 781	23 800
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	100
Sanitation Infrastructure		32 200	32 200	-	-	-	-	4 503	4 503	36 703	9 400	2 900
Pump Station		-	-	-	-	-	-	-	-	-	-	-
Reticulation		1 000	1 000	-	-	-	-	-	-	1 000	1 200	-
Waste Water Treatment Works		200	200	-	-	-	-	-	-	200	200	900
Outfall Sewers		31 000	31 000	-	-	-	-	4 503	4 503	35 503	8 000	2 000
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Solid Waste Infrastructure		5 500	5 500	-	-	-	-	8 057	8 057	13 557	18 000	41 400
<i>Landfill Sites</i>		2 000	2 000	-	-	-	-	8 057	8 057	10 057	7 000	20 000
<i>Waste Transfer Stations</i>		2 000	2 000	-	-	-	-	-	-	2 000	8 000	9 000
<i>Waste Processing Facilities</i>		-	-	-	-	-	-	-	-	-	-	100
<i>Waste Drop-off Points</i>		500	500	-	-	-	-	-	-	500	500	500
<i>Waste Separation Facilities</i>		500	500	-	-	-	-	-	-	500	500	500
<i>Electricity Generation Facilities</i>		500	500	-	-	-	-	-	-	500	2 000	11 300
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Lines</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Structures</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Furniture</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Drainage Collection</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Storm water Conveyance</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Attenuation</i>		-	-	-	-	-	-	-	-	-	-	-
<i>MV Substations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>LV Networks</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Sand Pumps</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Piers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Revetments</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Promenades</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		50	50	-	-	-	-	41	41	91	70	100
<i>Data Centres</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Core Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Distribution Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		50	50	-	-	-	-	41	41	91	70	100

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Community Assets</b>		5 500	5 500	-	-	-	-	5 438	5 438	10 938	13 750	13 200
Community Facilities		1 500	1 500	-	-	-	-	5 019	5 019	6 519	11 250	13 200
Halls		-	-	-	-	-	-	774	774	774	-	-
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		-	-	-	-	-	-	-	-	-	-	-
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	900	900	900	10 000	12 000
Libraries		200	200	-	-	-	-	247	247	447	-	-
Cemeteries/Crematoria		-	-	-	-	-	-	-	-	-	-	-
Police		-	-	-	-	-	-	-	-	-	-	-
Parks		150	150	-	-	-	-	-	-	150	-	-
Public Open Space		1 150	1 150	-	-	-	-	742	742	1 892	1 250	1 200
Nature Reserves		-	-	-	-	-	-	-	-	-	-	-
Public Ablution Facilities		-	-	-	-	-	-	-	-	-	-	-
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	2 356	2 356	2 356	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		4 000	4 000	-	-	-	-	419	419	4 419	2 500	-
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		4 000	4 000	-	-	-	-	419	419	4 419	2 500	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Heritage assets</b>		-	-	-	-	-	-	1 539	1 539	1 539	1 000	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	1 539	1 539	1 539	1 000	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		1 000	1 000	-	-	-	-	2 988	2 988	3 988	700	200
Revenue Generating		800	800	-	-	-	-	2 250	2 250	3 050	500	-
Improved Property		800	800	-	-	-	-	2 250	2 250	3 050	500	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		200	200	-	-	-	-	738	738	938	200	200
Improved Property		200	200	-	-	-	-	738	738	938	200	200
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Other assets</b>		51 109	51 109	-	-	-	-	3 864	3 864	54 973	58 784	5 800
Operational Buildings		42 350	42 350	-	-	-	-	3 864	3 864	46 214	57 784	5 800
Municipal Offices		-	-	-	-	-	-	-	-	-	-	-
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		42 350	42 350	-	-	-	-	3 864	3 864	46 214	57 784	5 700
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	100
Housing		8 759	8 759	-	-	-	-	-	-	8 759	1 000	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		8 759	8 759	-	-	-	-	-	-	8 759	1 000	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	200
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	200
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	200
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
<b>Computer Equipment</b>		100	100	-	-	-	-	-	-	100	50	50
Computer Equipment		100	100	-	-	-	-	-	-	100	50	50
<b>Furniture and Office Equipment</b>		2 967	2 967	-	-	-	-	651	651	3 618	2 621	3 379
Furniture and Office Equipment		2 967	2 967	-	-	-	-	651	651	3 618	2 621	3 379
<b>Machinery and Equipment</b>		6 110	6 110	-	-	-	-	8 368	8 368	14 478	5 200	6 080
Machinery and Equipment		6 110	6 110	-	-	-	-	8 368	8 368	14 478	5 200	6 080
<b>Transport Assets</b>		7 225	7 225	-	-	-	-	2 488	2 488	9 713	10 100	22 900
Transport Assets		7 225	7 225	-	-	-	-	2 488	2 488	9 713	10 100	22 900
<b>Land</b>		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<i>R thousands</i>												
<b>Total Capital Expenditure on new assets <i>to be adjusted</i></b>	1	216 345	212 145	-	-	-	-	52 823	52 823	264 968	260 811	296 770

WC024 Stellenbosch - Supporting Table SB18b Adjustments Budget - capital expenditure on renewal of existing assets by asset class -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjuts.	Total Adjuts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Capital expenditure on renewal of existing assets by Asset Class/Sub-class</b>												
<b>Infrastructure</b>		34 000	34 000	-	-	-	-	5 663	5 663	39 663	22 350	18 530
Roads Infrastructure		13 400	13 400	-	-	-	-	-	-	13 400	7 100	6 500
Roads		8 400	8 400	-	-	-	-	-	-	8 400	7 100	6 500
Road Structures		5 000	5 000	-	-	-	-	-	-	5 000	-	-
Road Furniture		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		-	-	-	-	-	-	-	-	-	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		3 600	3 600	-	-	-	-	1 179	1 179	4 779	3 250	5 430
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		600	600	-	-	-	-	-	-	600	250	-
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		3 000	3 000	-	-	-	-	1 179	1 179	4 179	3 000	4 950
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	480
Water Supply Infrastructure		4 000	4 000	-	-	-	-	-	-	4 000	4 000	4 000
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		-	-	-	-	-	-	-	-	-	-	-
Pump Stations		-	-	-	-	-	-	-	-	-	-	-
Water Treatment Works		-	-	-	-	-	-	-	-	-	-	-
Bulk Mains		-	-	-	-	-	-	-	-	-	-	-
Distribution		4 000	4 000	-	-	-	-	-	-	4 000	4 000	4 000
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sanitation Infrastructure		13 000	13 000	-	-	-	-	4 484	4 484	17 484	8 000	2 000
Pump Station		-	-	-	-	-	-	-	-	-	-	-
Reticulation		12 000	12 000	-	-	-	-	4 174	4 174	16 174	6 000	-
Waste Water Treatment Works		-	-	-	-	-	-	-	-	-	-	-
Outfall Sewers		1 000	1 000	-	-	-	-	310	310	1 310	2 000	2 000
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-



Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Solid Waste Infrastructure		-	-	-	-	-	-	-	-	-	-	600
<i>Landfill Sites</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Transfer Stations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Processing Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Drop-off Points</i>		-	-	-	-	-	-	-	-	-	-	600
<i>Waste Separation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Electricity Generation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Lines</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Structures</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Furniture</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Drainage Collection</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Storm water Conveyance</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Attenuation</i>		-	-	-	-	-	-	-	-	-	-	-
<i>MV Substations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>LV Networks</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Sand Pumps</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Piers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Revetments</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Promenades</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Data Centres</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Core Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Distribution Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Community Assets</b>		-	-	-	-	-	-	385	385	385	-	550
Community Facilities		-	-	-	-	-	-	-	-	-	-	-
Halls		-	-	-	-	-	-	-	-	-	-	-
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		-	-	-	-	-	-	-	-	-	-	-
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	-	-	-	-	-
Libraries		-	-	-	-	-	-	-	-	-	-	-
Cemeteries/Crematoria		-	-	-	-	-	-	-	-	-	-	-
Police		-	-	-	-	-	-	-	-	-	-	-
Parks		-	-	-	-	-	-	-	-	-	-	-
Public Open Space		-	-	-	-	-	-	-	-	-	-	-
Nature Reserves		-	-	-	-	-	-	-	-	-	-	-
Public Ablution Facilities		-	-	-	-	-	-	-	-	-	-	-
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		-	-	-	-	-	-	385	385	385	-	550
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		-	-	-	-	-	-	385	385	385	-	550
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Heritage assets</b>		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Other assets</b>		100	100	-	-	-	-	100	100	200	300	-
Operational Buildings		100	100	-	-	-	-	100	100	200	300	-
Municipal Offices		100	100	-	-	-	-	100	100	200	300	-
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		-	-	-	-	-	-	-	-	-	-	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	-
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	-
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
<b>Computer Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
<b>Furniture and Office Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
Furniture and Office Equipment		-	-	-	-	-	-	-	-	-	-	-
<b>Machinery and Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
<b>Transport Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Land</b>		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Total Capital Expenditure on renewal of existing assets <i>to be adjusted</i>	1	34 100	34 100	-	-	-	-	6 149	6 149	40 249	22 650	19 080

WC024 Stellenbosch - Supporting Table SB18c Adjustments Budget - expenditure on repairs and maintenance by asset class -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Repairs and maintenance expenditure by Asset Class/Sub-class</b>												
<b>Infrastructure</b>		46 399	46 399	-	-	-	-	-	-	46 399	48 593	50 783
Roads Infrastructure		11 218	11 218	-	-	-	-	-	-	11 218	11 716	12 244
Roads		10 615	10 615	-	-	-	-	-	-	10 615	11 113	11 613
Road Structures		-	-	-	-	-	-	-	-	-	-	-
Road Furniture		603	603	-	-	-	-	-	-	603	603	630
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		2 253	2 253	-	-	-	-	-	-	2 253	2 317	2 421
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		-	-	-	-	-	-	-	-	-	-	-
Attenuation		2 253	2 253	-	-	-	-	-	-	2 253	2 317	2 421
Electrical Infrastructure		107	107	-	-	-	-	-	-	107	113	118
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		107	107	-	-	-	-	-	-	107	113	118
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		-	-	-	-	-	-	-	-	-	-	-
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Water Supply Infrastructure		10 387	10 387	-	-	-	-	-	-	10 387	10 891	11 382
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		-	-	-	-	-	-	-	-	-	-	-
Pump Stations		-	-	-	-	-	-	-	-	-	-	-
Water Treatment Works		5 922	5 922	-	-	-	-	-	-	5 922	6 225	6 505
Bulk Mains		4 465	4 465	-	-	-	-	-	-	4 465	4 666	4 876
Distribution		-	-	-	-	-	-	-	-	-	-	-
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sanitation Infrastructure		9 692	9 692	-	-	-	-	-	-	9 692	10 133	10 590
Pump Station		-	-	-	-	-	-	-	-	-	-	-
Reticulation		-	-	-	-	-	-	-	-	-	-	-
Waste Water Treatment Works		5 054	5 054	-	-	-	-	-	-	5 054	5 264	5 502
Outfall Sewers		4 638	4 638	-	-	-	-	-	-	4 638	4 869	5 088
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Solid Waste Infrastructure		1 409	1 409	-	-	-	-	-	-	1 409	1 473	1 539
<i>Landfill Sites</i>		394	394	-	-	-	-	-	-	394	412	430
<i>Waste Transfer Stations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Processing Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Drop-off Points</i>		1 015	1 015	-	-	-	-	-	-	1 015	1 061	1 109
<i>Waste Separation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Electricity Generation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Lines</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Structures</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Furniture</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Drainage Collection</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Storm water Conveyance</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Attenuation</i>		-	-	-	-	-	-	-	-	-	-	-
<i>MV Substations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>LV Networks</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Sand Pumps</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Piers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Revetments</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Promenades</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		11 332	11 332	-	-	-	-	-	-	11 332	11 950	12 489
<i>Data Centres</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Core Layers</i>		10 965	10 965	-	-	-	-	-	-	10 965	11 568	12 089
<i>Distribution Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		366	366	-	-	-	-	-	-	366	383	400

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Community Assets</b>		14 062	14 062	-	-	-	-	150	150	14 212	14 782	15 449
Community Facilities		12 641	12 641	-	-	-	-	150	150	12 791	13 297	13 896
Halls		30	30	-	-	-	-	-	-	30	31	32
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		-	-	-	-	-	-	-	-	-	-	-
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	-	-	-	-	-
Libraries		10	10	-	-	-	-	-	-	10	14	14
Cemeteries/Crematoria		1 009	1 009	-	-	-	-	-	-	1 009	1 023	1 070
Police		-	-	-	-	-	-	-	-	-	-	-
Parks		3 004	3 004	-	-	-	-	150	150	3 154	3 139	3 281
Public Open Space		-	-	-	-	-	-	-	-	-	-	-
Nature Reserves		793	793	-	-	-	-	-	-	793	912	953
Public Ablution Facilities		7 795	7 795	-	-	-	-	-	-	7 795	8 178	8 546
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		1 421	1 421	-	-	-	-	-	-	1 421	1 486	1 553
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		1 421	1 421	-	-	-	-	-	-	1 421	1 486	1 553
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Heritage assets</b>		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		-	-	-	-	-	-	-	-	-	-	-
Revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Other assets</b>		11 044	11 044	-	-	-	-	(800)	(800)	10 244	11 408	11 922
Operational Buildings		10 577	10 577	-	-	-	-	(800)	(800)	9 777	10 925	11 417
Municipal Offices		10 577	10 577	-	-	-	-	(800)	(800)	9 777	10 925	11 417
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		466	466	-	-	-	-	-	-	466	483	505
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		466	466	-	-	-	-	-	-	466	483	505
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	-
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	-
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
<b>Computer Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
Computer Equipment		-	-	-	-	-	-	-	-	-	-	-
<b>Furniture and Office Equipment</b>		5 858	5 858	-	-	-	-	34	34	5 892	6 195	6 476
Furniture and Office Equipment		5 858	5 858	-	-	-	-	34	34	5 892	6 195	6 476
<b>Machinery and Equipment</b>		9 536	9 536	-	-	-	-	-	-	9 536	10 097	10 555
Machinery and Equipment		9 536	9 536	-	-	-	-	-	-	9 536	10 097	10 555
<b>Transport Assets</b>		3 925	3 925	-	-	-	-	394	394	4 319	4 545	4 752
Transport Assets		3 925	3 925	-	-	-	-	394	394	4 319	4 545	4 752
<b>Land</b>		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-



Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
R thousands												
Total Repairs and Maintenance Expenditure to be adjusted	1	90 823	90 823	-	-	-	-	(222)	(222)	90 601	95 620	99 937

WC024 Stellenbosch - Supporting Table SB18d Adjustments Budget - depreciation by asset class -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7	8	9	10	11	12	13	14		
R thousands		A1	B	C	D	E	F	G	H			
<b>Depreciation by Asset Class/Sub-class</b>												
<b>Infrastructure</b>		164 513	164 513	-	-	-	-	-	-	164 513	171 916	179 652
Roads Infrastructure		64 715	64 715	-	-	-	-	-	-	64 715	67 628	70 671
Roads		63 634	63 634	-	-	-	-	-	-	63 634	66 497	69 490
Road Structures		7	7	-	-	-	-	-	-	7	7	7
Road Furniture		1 075	1 075	-	-	-	-	-	-	1 075	1 123	1 174
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		1 692	1 692	-	-	-	-	-	-	1 692	1 768	1 848
Drainage Collection		1 562	1 562	-	-	-	-	-	-	1 562	1 632	1 705
Storm water Conveyance		130	130	-	-	-	-	-	-	130	136	142
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		34 046	34 046	-	-	-	-	-	-	34 046	35 578	37 179
Power Plants		1 468	1 468	-	-	-	-	-	-	1 468	1 534	1 603
HV Substations		32 578	32 578	-	-	-	-	-	-	32 578	34 044	35 576
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	-	-
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		-	-	-	-	-	-	-	-	-	-	-
LV Networks		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Water Supply Infrastructure		45 521	45 521	-	-	-	-	-	-	45 521	47 569	49 710
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		26 122	26 122	-	-	-	-	-	-	26 122	27 298	28 526
Pump Stations		7	7	-	-	-	-	-	-	7	8	8
Water Treatment Works		19 296	19 296	-	-	-	-	-	-	19 296	20 164	21 072
Bulk Mains		-	-	-	-	-	-	-	-	-	-	-
Distribution		95	95	-	-	-	-	-	-	95	99	103
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sanitation Infrastructure		15 852	15 852	-	-	-	-	-	-	15 852	16 566	17 311
Pump Station		-	-	-	-	-	-	-	-	-	-	-
Reticulation		-	-	-	-	-	-	-	-	-	-	-
Waste Water Treatment Works		4 953	4 953	-	-	-	-	-	-	4 953	5 176	5 408
Outfall Sewers		10 900	10 900	-	-	-	-	-	-	10 900	11 390	11 903
Toilet Facilities		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Solid Waste Infrastructure		2 686	2 686	-	-	-	-	-	-	2 686	2 807	2 934
<i>Landfill Sites</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Transfer Stations</i>		16	16	-	-	-	-	-	-	16	17	18
<i>Waste Processing Facilities</i>		1 378	1 378	-	-	-	-	-	-	1 378	1 441	1 505
<i>Waste Drop-off Points</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Separation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Electricity Generation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		1 291	1 291	-	-	-	-	-	-	1 291	1 350	1 410
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Lines</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Structures</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Furniture</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Drainage Collection</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Storm water Conveyance</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Attenuation</i>		-	-	-	-	-	-	-	-	-	-	-
<i>MV Substations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>LV Networks</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Sand Pumps</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Piers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Revetments</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Promenades</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Data Centres</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Core Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Distribution Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Community Assets</b>		10 634	10 634	-	-	-	-	-	-	10 634	11 113	11 613
Community Facilities		7 434	7 434	-	-	-	-	-	-	7 434	7 769	8 118
Halls		220	220	-	-	-	-	-	-	220	230	240
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		131	131	-	-	-	-	-	-	131	137	143
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	-	-	-	-	-
Libraries		15	15	-	-	-	-	-	-	15	16	17
Cemeteries/Crematoria		564	564	-	-	-	-	-	-	564	590	616
Police		1 762	1 762	-	-	-	-	-	-	1 762	1 842	1 925
Parks		-	-	-	-	-	-	-	-	-	-	-
Public Open Space		1 720	1 720	-	-	-	-	-	-	1 720	1 797	1 878
Nature Reserves		196	196	-	-	-	-	-	-	196	204	214
Public Ablution Facilities		791	791	-	-	-	-	-	-	791	827	864
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		2 034	2 034	-	-	-	-	-	-	2 034	2 126	2 221
Sport and Recreation Facilities		3 200	3 200	-	-	-	-	-	-	3 200	3 344	3 495
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		3 200	3 200	-	-	-	-	-	-	3 200	3 344	3 495
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Heritage assets</b>		-	-	-	-	-	-	-	-	-	-	-
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		-	-	-	-	-	-	-	-	-	-	-
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		472	472	-	-	-	-	-	-	472	493	516
Revenue Generating		472	472	-	-	-	-	-	-	472	493	516
Improved Property		472	472	-	-	-	-	-	-	472	493	516
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		-	-	-	-	-	-	-	-	-	-	-
Improved Property		-	-	-	-	-	-	-	-	-	-	-
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Other assets</b>		6 684	6 684	-	-	-	-	-	-	6 684	6 985	7 299
Operational Buildings		3 428	3 428	-	-	-	-	-	-	3 428	3 583	3 744
Municipal Offices		3 385	3 385	-	-	-	-	-	-	3 385	3 537	3 696
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		44	44	-	-	-	-	-	-	44	46	48
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		3 256	3 256	-	-	-	-	-	-	3 256	3 402	3 556
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		3 256	3 256	-	-	-	-	-	-	3 256	3 402	3 556
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Intangible Assets</b>		2 490	2 490	-	-	-	-	-	-	2 490	2 602	2 719
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		2 490	2 490	-	-	-	-	-	-	2 490	2 602	2 719
Water Rights		20	20	-	-	-	-	-	-	20	21	22
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		2 469	2 469	-	-	-	-	-	-	2 469	2 580	2 697
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
<b>Computer Equipment</b>		3 527	3 527	-	-	-	-	-	-	3 527	3 686	3 852
Computer Equipment		3 527	3 527	-	-	-	-	-	-	3 527	3 686	3 852
<b>Furniture and Office Equipment</b>		3 086	3 086	-	-	-	-	-	-	3 086	3 225	3 370
Furniture and Office Equipment		3 086	3 086	-	-	-	-	-	-	3 086	3 225	3 370
<b>Machinery and Equipment</b>		5 044	5 044	-	-	-	-	-	-	5 044	5 271	5 509
Machinery and Equipment		5 044	5 044	-	-	-	-	-	-	5 044	5 271	5 509
<b>Transport Assets</b>		9 176	9 176	-	-	-	-	-	-	9 176	9 589	10 021
Transport Assets		9 176	9 176	-	-	-	-	-	-	9 176	9 589	10 021
<b>Land</b>		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		7	8	9	10	11	12	13	14			
R thousands		A	A1	B	C	D	E	F	G	H		
Total Depreciation to be adjusted	1	205 628	205 628	-	-	-	-	-	-	205 628	214 881	224 550

WC024 Stellenbosch - Adjustments Budget - capital expenditure on upgrading of existing assets by asset class -

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7	8	9	10	11	12	13	14		
R thousands		A1	B	C	D	E	F	G	H			
<b>Capital expenditure on upgrading of existing assets by Asset Class/Sub-class</b>												
<b>Infrastructure</b>		82 405	82 405	-	-	-	-	8 467	8 467	90 872	94 302	110 019
Roads Infrastructure		12 200	12 200	-	-	-	-	1 702	1 702	13 902	16 600	13 250
Roads		8 200	8 200	-	-	-	-	1 702	1 702	9 902	13 100	10 250
Road Structures		2 500	2 500	-	-	-	-	-	-	2 500	-	-
Road Furniture		1 500	1 500	-	-	-	-	-	-	1 500	3 500	3 000
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Storm water Infrastructure		4 000	4 000	-	-	-	-	-	-	4 000	-	-
Drainage Collection		-	-	-	-	-	-	-	-	-	-	-
Storm water Conveyance		4 000	4 000	-	-	-	-	-	-	4 000	-	-
Attenuation		-	-	-	-	-	-	-	-	-	-	-
Electrical Infrastructure		8 000	8 000	-	-	-	-	-	-	8 000	30 476	16 682
Power Plants		-	-	-	-	-	-	-	-	-	-	-
HV Substations		-	-	-	-	-	-	-	-	-	-	-
HV Switching Station		-	-	-	-	-	-	-	-	-	-	-
HV Transmission Conductors		-	-	-	-	-	-	-	-	-	-	-
MV Substations		-	-	-	-	-	-	-	-	-	20 800	950
MV Switching Stations		-	-	-	-	-	-	-	-	-	-	-
MV Networks		6 500	6 500	-	-	-	-	-	-	6 500	6 500	6 500
LV Networks		1 500	1 500	-	-	-	-	-	-	1 500	1 575	9 232
Capital Spares		-	-	-	-	-	-	-	-	-	1 601	-
Water Supply Infrastructure		30 500	30 500	-	-	-	-	2 130	2 130	32 630	31 167	32 018
Dams and Weirs		-	-	-	-	-	-	-	-	-	-	-
Boreholes		-	-	-	-	-	-	-	-	-	-	-
Reservoirs		-	-	-	-	-	-	-	-	-	-	-
Pump Stations		-	-	-	-	-	-	-	-	-	5 595	-
Water Treatment Works		4 500	4 500	-	-	-	-	1 819	1 819	6 319	13 750	19 000
Bulk Mains		19 500	19 500	-	-	-	-	-	-	19 500	-	-
Distribution		4 000	4 000	-	-	-	-	310	310	4 310	8 822	11 518
Distribution Points		-	-	-	-	-	-	-	-	-	-	-
PRV Stations		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		2 500	2 500	-	-	-	-	-	-	2 500	3 000	1 500
Sanitation Infrastructure		24 155	24 155	-	-	-	-	4 636	4 636	28 791	13 500	45 500
Pump Station		1 000	1 000	-	-	-	-	-	-	1 000	1 000	1 500
Reticulation		-	-	-	-	-	-	-	-	-	-	-
Waste Water Treatment Works		17 155	17 155	-	-	-	-	4 636	4 636	21 791	7 500	16 000
Outfall Sewers		5 000	5 000	-	-	-	-	-	-	5 000	5 000	28 000
Toilet Facilities		1 000	1 000	-	-	-	-	-	-	1 000	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Solid Waste Infrastructure		2 000	2 000	-	-	-	-	-	-	2 000	1 000	1 000
<i>Landfill Sites</i>		2 000	2 000	-	-	-	-	-	-	2 000	1 000	1 000
<i>Waste Transfer Stations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Processing Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Drop-off Points</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Waste Separation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Electricity Generation Facilities</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Rail Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Lines</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Structures</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Rail Furniture</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Drainage Collection</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Storm water Conveyance</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Attenuation</i>		-	-	-	-	-	-	-	-	-	-	-
<i>MV Substations</i>		-	-	-	-	-	-	-	-	-	-	-
<i>LV Networks</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Coastal Infrastructure		-	-	-	-	-	-	-	-	-	-	-
<i>Sand Pumps</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Piers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Revetments</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Promenades</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-
Information and Communication Infrastructure		1 550	1 550	-	-	-	-	-	-	1 550	1 559	1 569
<i>Data Centres</i>		1 550	1 550	-	-	-	-	-	-	1 550	1 559	1 569
<i>Core Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Distribution Layers</i>		-	-	-	-	-	-	-	-	-	-	-
<i>Capital Spares</i>		-	-	-	-	-	-	-	-	-	-	-



Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Community Assets</b>		15 700	15 700	-	-	-	-	5 850	5 850	21 550	21 904	11 700
Community Facilities		7 650	7 650	-	-	-	-	4 209	4 209	11 859	12 854	10 950
Halls		5 150	5 150	-	-	-	-	2 481	2 481	7 631	2 150	1 450
Centres		-	-	-	-	-	-	-	-	-	-	-
Crèches		-	-	-	-	-	-	-	-	-	-	-
Clinics/Care Centres		-	-	-	-	-	-	-	-	-	-	-
Fire/Ambulance Stations		500	500	-	-	-	-	1 465	1 465	1 965	-	-
Testing Stations		-	-	-	-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-	-	-	-
Galleries		-	-	-	-	-	-	-	-	-	-	-
Theatres		-	-	-	-	-	-	-	-	-	-	-
Libraries		500	500	-	-	-	-	-	-	500	1 200	500
Cemeteries/Crematoria		1 500	1 500	-	-	-	-	143	143	1 643	8 000	9 000
Police		-	-	-	-	-	-	-	-	-	-	-
Parks		-	-	-	-	-	-	-	-	-	-	-
Public Open Space		-	-	-	-	-	-	-	-	-	-	-
Nature Reserves		-	-	-	-	-	-	50	50	50	1 504	-
Public Ablution Facilities		-	-	-	-	-	-	70	70	70	-	-
Markets		-	-	-	-	-	-	-	-	-	-	-
Stalls		-	-	-	-	-	-	-	-	-	-	-
Abattoirs		-	-	-	-	-	-	-	-	-	-	-
Airports		-	-	-	-	-	-	-	-	-	-	-
Taxi Ranks/Bus Terminals		-	-	-	-	-	-	-	-	-	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Sport and Recreation Facilities		8 050	8 050	-	-	-	-	1 640	1 640	9 690	9 050	750
Indoor Facilities		-	-	-	-	-	-	-	-	-	-	-
Outdoor Facilities		8 050	8 050	-	-	-	-	1 640	1 640	9 690	9 050	750
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Heritage assets</b>		1 000	1 000	-	-	-	-	70	70	1 070	1 000	1 000
Monuments		-	-	-	-	-	-	-	-	-	-	-
Historic Buildings		1 000	1 000	-	-	-	-	70	70	1 070	1 000	1 000
Works of Art		-	-	-	-	-	-	-	-	-	-	-
Conservation Areas		-	-	-	-	-	-	-	-	-	-	-
Other Heritage		-	-	-	-	-	-	-	-	-	-	-
<b>Investment properties</b>		16 500	16 500	-	-	-	-	1 296	1 296	17 796	21 000	11 000
Revenue Generating		3 500	3 500	-	-	-	-	1 113	1 113	4 613	-	1 000
Improved Property		3 500	3 500	-	-	-	-	1 113	1 113	4 613	-	1 000
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-
Non-revenue Generating		13 000	13 000	-	-	-	-	183	183	13 183	21 000	10 000
Improved Property		13 000	13 000	-	-	-	-	183	183	13 183	21 000	10 000
Unimproved Property		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjus.	Total Adjus.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
<b>Other assets</b>		4 900	4 900	-	-	-	-	6 298	6 298	11 198	9 800	3 050
Operational Buildings		1 900	1 900	-	-	-	-	5 945	5 945	7 845	9 800	3 050
Municipal Offices		1 900	1 900	-	-	-	-	2 500	2 500	4 400	9 800	3 050
Pay/Enquiry Points		-	-	-	-	-	-	-	-	-	-	-
Building Plan Offices		-	-	-	-	-	-	-	-	-	-	-
Workshops		-	-	-	-	-	-	-	-	-	-	-
Yards		-	-	-	-	-	-	-	-	-	-	-
Stores		-	-	-	-	-	-	-	-	-	-	-
Laboratories		-	-	-	-	-	-	-	-	-	-	-
Training Centres		-	-	-	-	-	-	-	-	-	-	-
Manufacturing Plant		-	-	-	-	-	-	-	-	-	-	-
Depots		-	-	-	-	-	-	3 445	3 445	3 445	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
Housing		3 000	3 000	-	-	-	-	353	353	3 353	-	-
Staff Housing		-	-	-	-	-	-	-	-	-	-	-
Social Housing		3 000	3 000	-	-	-	-	353	353	3 353	-	-
Capital Spares		-	-	-	-	-	-	-	-	-	-	-
<b>Biological or Cultivated Assets</b>		-	-	-	-	-	-	-	-	-	-	250
Biological or Cultivated Assets		-	-	-	-	-	-	-	-	-	-	250
<b>Intangible Assets</b>		-	-	-	-	-	-	-	-	-	-	250
Servitudes		-	-	-	-	-	-	-	-	-	-	-
Licences and Rights		-	-	-	-	-	-	-	-	-	-	250
Water Rights		-	-	-	-	-	-	-	-	-	-	-
Effluent Licenses		-	-	-	-	-	-	-	-	-	-	-
Solid Waste Licenses		-	-	-	-	-	-	-	-	-	-	-
Computer Software and Applications		-	-	-	-	-	-	-	-	-	-	250
Load Settlement Software Applications		-	-	-	-	-	-	-	-	-	-	-
Unspecified		-	-	-	-	-	-	-	-	-	-	-
<b>Computer Equipment</b>		4 600	4 600	-	-	-	-	-	-	4 600	4 600	4 700
Computer Equipment		4 600	4 600	-	-	-	-	-	-	4 600	4 600	4 700
<b>Furniture and Office Equipment</b>		200	200	-	-	-	-	-	-	200	200	300
Furniture and Office Equipment		200	200	-	-	-	-	-	-	200	200	300
<b>Machinery and Equipment</b>		-	-	-	-	-	-	-	-	-	-	-
Machinery and Equipment		-	-	-	-	-	-	-	-	-	-	-
<b>Transport Assets</b>		-	-	-	-	-	-	-	-	-	-	-
Transport Assets		-	-	-	-	-	-	-	-	-	-	-
<b>Land</b>		-	-	-	-	-	-	-	-	-	-	-
Land		-	-	-	-	-	-	-	-	-	-	-
<b>Zoo's, Marine and Non-biological Animals</b>		-	-	-	-	-	-	-	-	-	-	-
Zoo's, Marine and Non-biological Animals		-	-	-	-	-	-	-	-	-	-	-

Description	Ref	Budget Year 2020/21									Budget Year +1	Budget Year +2
		Original Budget	Prior Adjusted	Accum. Funds	Multi-year capital	Unfore. Unavoid.	Nat. or Prov. Govt	Other Adjusts.	Total Adjusts.	Adjusted Budget	Adjusted Budget	Adjusted Budget
		A	7 A1	8 B	9 C	10 D	11 E	12 F	13 G	14 H		
<b>R thousands</b>												
Total Capital Expenditure on upgrading of existing assets <i>to be adjusted</i>	1	125 305	125 305	-	-	-	-	21 980	21 980	147 285	152 806	142 269

**Municipal Manager's Quality Certification**

The quality certificate signed by the Accounting Officer is attached on Appendix 5.


## QUALITY CERTIFICATE

I, Geraldine Mettler, municipal manager of Stellenbosch Municipality, hereby certify that the adjustments budget and supporting documentation have been prepared in accordance with the Municipal Finance Management Act and the regulations made under the Act, and that the adjustments budget and supporting documentation are consistent with the Integrated Development Plan of the Municipality.

Name: Geraldine Mettler

Municipal Manager of Stellenbosch Municipality

Signature



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Date: 20 August 2020

8.3	<b>MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020</b>
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Date: 24 August 2020

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JULY 2020**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2019/2020 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 (2019/2020) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during July 2020.

**5. RECOMMENDATION**

that Council notes the deviations as listed for the month of July 2020.

**6. DISCUSSION / CONTENTS**

**6.1 Background/Legislative Framework**

The regulation applicable is as follows:

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

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

**36.** (1) A supply chain management policy may **allow the accounting officer—**  
 (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—  
 (i) in an emergency;  
 (ii) if such goods or services are produced or available from a single provider only;  
 (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;  
 (iv) acquisition of animals for zoos; or  
 (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and  
 (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

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

## 6.2 Discussion

Reporting the deviations as approved by the Accounting Officer for July 2020:

The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	SUBSTANTIATION WHY SCM PROCESS COULD NOT BE FOLLOWED	TOTAL CONTRACT PRICE R
D/SM 01/21	17 July 2020	Country Building supplies	Corrugated Iron sheets for fire kits	Emergency	<p>A fire incident occurred in Mandela City, Klipmuts on Monday 13 July 2020. After receiving the verification report from Informal Housing, an instruction was given to start with the issuing of fire kits. It was then reported to management that there were no more corrugated iron sheets in store – rendering the department unable to assist.</p> <p>In terms of our Standard operating procedure for the issuing of fire kits after a disastrous fire incident, the destitute should be restored within three days of an incident occurring hence it was regarded as an emergency.</p>	R135 067.50 (Including VAT)
D/SM 02/21	17 July 2020	Adapt IT	Caseware	Goods or services are produced or available from a single provider	The municipality has used CaseWare as its financial reporting system since April 2010. Due to the implementation of mSCOA, the financial system service providers were required to	R301 313.80 (Including VAT)

					<p>design their own financial reporting system. Subsequently the municipality procured the services of CaseWare, as they are the single provider of the software for the compilation of the annual financial statements.</p> <p>Adapt IT holdings Ltd is the sole distributor of CaseWare software products in Africa. The CaseWare software license includes support via email, telephone, and the website without any additional cost</p>	
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**6.3 Financial Implications**

As per table above.

**6.4 Legal Implications**

The regulation applicable is:

**GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations: Deviations from and ratification of minor breaches of, procurement processes.**

**6.5 Staff Implications:**

No staff implications

**6.6 Previous / Relevant Council Resolutions:**

None

**6.7 Risk Implications**

That the market may not be tested.

The measures in place to deal with deviations mitigate the risk to an acceptable level. The auditor general also audit the deviations during the yearly audit.

**6.8 Comments from Senior Management:**

The item was not circulated for comment except to Municipal Manager

**6.8.1 Municipal Manager**

Supports the recommendations.



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**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 6.3**

that Council notes the deviations as listed for the month of July 2020.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Kevin Carolus
<b>POSITION</b>	<b>CFO</b>
<b>DIRECTORATE</b>	<b>Finance</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>Kevin.Carolus@stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>07 August 2020</b>

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9.	<b>REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS</b>
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

**FOR INFORMATION**

# APPENDIX 1

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
394114	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	SCHALKVDM	95.00	An item, on the proposed way forward, has been prepared for internal circulation after which it will serve before Council.
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</p>	2016-11-23	CLYTONH	95.00	<p>The content of the IWMP has been finalised and the annual review thereof has been completed.</p> <p>Green Cape has withdrawn its offer to do this free of charge and we had to appoint a Consultant to finalise.</p> <p>The following plan of action is now envisaged: 1. Consultant Appointed 26 June 2020 2. Receive final document and report 30 August 2020</p>

		comments / objections by D:EA&DP and the public, for final approval and adoption by Council.				3.Submit Draft to MAYCO 16 September 2020 (or closest alternate date if MACO does not meet) 4.Submit Draft to Council on 30 September 2020. 5.Send for Public Participation in October 2020. 6.Take to MAYCO and Council in November 2020
478903	SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC TRANSPORT	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	ROSCOE B	70.00	Due to the COVID-19 Lockdown, no Portfolio Committee could be held. This will serve on the next session, virtual or otherwise, of the Portfolio Committee.
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS  8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1  RESOLVED (majority vote with abstentions)  (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;  (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;  (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;	2017-04-26	PIETS	30.00	Information Statement was compiled and submitted to DCS for approval, where after it must be advertised. Council must then consider inputs/objections received as a consequence of the notice (if any) before making a decision on the future use of the properties.

		<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 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>	2017-04-26	SCHALKVDM	75.00	Environmental Impact Assessment proceeded on 2 sites, Louw's Bos and Culcatta Bos. Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998 [NEMA]) for the Culcatta Bos site was issued on 20 September 2019 and Louw's Bos 22 January 2020. An appeal on the EA issued for Louw's Bos has been received and is currently dealt with by the appointed Environmental Assessment Practitioner (responding papers submitted 16 July 2020). Expecting a decision on Water Use Licensing by DWS (both of which have been confirmed to be General Authorizations) during 2020. The Culcatta Bos Land Use application was approved by the Municipal Planning Tribunal on 26 June 2020. The Louw's Bos Land Use Applications has been advertised for public comment.

		(DIRECTOR: PLANNING & ECON DEV TO ACTION)				
543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	CLAYTONH	90.00	<p>The Department is still reviewing the document and do have some issues to clarify with the service provider based on recommendations made which are not in line with the current functioning of these components. This will affect staff structure as well amendments to be incorporated in the report. Due to the COVID-19 Lockdown, this will now be submitted to Council by June 2020.</p> <p>Following program:</p> <ol style="list-style-type: none"> <li>1. Submit Section 78(3) report for a Section 78(4) decision to MAYCO on 12 August 2020 or closest alternate date if MAYCO does not meet). Item completed, will be circulated to Directors.</li> <li>2. Submit Section 78(3) report for a Section 78(4) decision to Council on 26 August 2020 or closest alternate date if MACO does not meet)</li> </ol>
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI	<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> <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</p>	2017-11-29	LESTERVS	96.00	<p>The service provider has prepared all engineering designs for phase 1 and is in the process to finalise it with Engineering Services. All the necessary funding applications for PDoHS has been submitted and await approval. It should be noted that this project will be dealt with in phases, the COVID 19 pandemic has substantially affected the timeframes.</p>

		<p>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>				
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	PIETS	50.00	The specifications for the new building is being prepared and is targeted for finalisation and BSC in November 2020.
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</p>	2018-10-31	ROTANDAS	95.00	The capturing of all data collected during the completed Demand Data programme on both the Western Cape and Vois Systems is still in process. The Vois System now generates weekly reports on all updated applicants in the WC024, and shortly will generate monthly reports on capturing done.



		Database; and  (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.				
616964	POSTER BY-LAW	7.6.2 POSTER BY-LAW RELATING TO OUTDOOR ADVERTISING AND SIGNAGE  21ST COUNCIL MEETING: 2018-10-31: ITEM 7.6.2  RESOLVED (nem con)  (a) that the report be accepted;  (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;  (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  (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.	2018-10-31	DEONL	80.00	Meeting held with Heritage committee; Meeting with Stellenbosch Interest Group was held on 03 February 2020. Due to the COVID-19 Lockdown, no further sessions could be held with the public to finalise this document. Once the Lockdown Alert Levels allow, or communication equipment allow, then this process will be finalised.  Final Historical Committee Meeting to be held with Historical Committee. Need do this on MS Teams due to high comorbidity situation with participants. Envisaged program: 1. Historical Meeting within August. Discussion held with Historical Committee to convene a MS Team Meeting. Meeting to held and finalised before end August 2020 2. 3. Item to joint S80 Committee in September 2020 4. Item Mayco in September 2020 5. Final Draft to Council in September 6. Fresh Public participation in October 2020 7. Items to S80 committee November 2020 8. Final item to Mayco November 2020 9. Final Item to Council November 2020 10. Promulgate in December 2020.
616954	CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI	7.2.3 CONDONATION OF QUALIFYING CRITERIA: SALE OF UNDEVELOPED ERVEN IN KAYAMANDI  21ST COUNCIL MEETING: 2018-10-31: ITEM 7.2.3  RESOLVED (majority vote with abstentions)  (a) that Council resolves not to condone the criteria set out in the tender documentation published on 12 November 2016; and  (b) that Council resolves that the following criteria be used in the new tender process, i.e.	2018-10-31	PIETS	40.00	The specifications have been submitted to the DCS. Once approved by the DCS it will be submitted to the BSC, where after the tender will be advertised

		<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>				
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	ALL DIRECTORS	30.00	<p>The National Department of Public Works was requested the use of the office space. A meeting in this regard was scheduled for 29 January 2020.</p> <p>Water Services is already available, a sanitation service is now provided as well as a waste service. Electricity is provided by Eskom.</p>

		<p>(h) that the Director: Planning &amp; 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>				
639570	<p>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 THE KAYAMANDI ECONOMIC AND TOURISM CORRIDOR (KETC)</p>	<p>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)</p> <p>25TH COUNCIL MEETING: 2019-03-27: ITEM 7.7.2</p> <p>RESOLVED (majority vote)</p> <p>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;</p> <p>(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;</p> <p>(c) that the local community be invited to submit representations; and</p> <p>(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.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</p>	2019-03-27	WIDMARKM	85.00	<p>Further inputs were solicited from the Kayamandi councillors. Part of the engagement was to visit similar facilities in Phillippi and Khayelitsha.</p> <p>Report to be prepared on progress to Portfolio Committee for September 2020.</p>

	<p>PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS</p>	<p>7.2.2 PROPOSED DISPOSAL OF ERVEN 3192, 3019 AND 3111 IN MOOIWATER, FRANSCHHOEK: CONSIDERATION OF PUBLIC INPUTS</p> <p>26<sup>TH</sup> COUNCIL MEETING: 2019-04-24: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(d) that the matter be reported back to Mayco and Council after implementation of resolution (c) above; and</p> <p>(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.</p> <p><i>Councillor DA Hendrickse requested that his vote of dissent be minuted, on the grounds that, in his view, the item is not legally compliant.</i></p>	2019-04-24	ANNALENEDB	40.00	<p>The specifications have been submitted to the DCS. Once approved by the DCS it will be submitted to the BSC, where after the tender will be advertised</p>
	<p>PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)</p>	<p>7.2.2 PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)</p> <p>27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.2.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;</p> <p>(b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies;</p> <p>(c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM</p>	2019-05-29	PIETS	30.00	<p>Compilation of tender document in progress.</p>

		<p>determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and</p> <p>(d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.</p> <p><i>Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted</i></p>				
	DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019	<p>7.7.1 DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019</p> <p>27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.7.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and</p> <p>(b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, where after same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.</p>	2019-05-29	STIAANC	75.00	Item served at MayCo on 19/08/2020. Ready serve at Council on 24/08/2020.
	PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (EISENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY	<p>7.10.2 PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (EISENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY</p> <p>27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.10.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement;</p> <p>(b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon;</p> <p>(c) that before any final decision in this regard is made (i.e. (a) and (b) above) the Department: Planning and Economic Development be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and</p>	2019-05-29	PIETS/LESTERVS	60.00	<p>The service provider concluded the feasibility study and submitted it to the user department as per their timeframe. An item was prepared and submitted in April 2020.</p> <p>In accordance with the Council decision, a funding application is being compiled to be submitted to PDoHS at the end of August 2020.</p>

		(d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.				
VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL	12.2 VAN DER STEL SPORT FACILITY: REVIEW OF THE AGREEMENTS BETWEEN STELLENBOSCH MUNICIPALITY (WC024), STELLENBOSCH SPORT AND RECREATION ASSOCIATION (SSRA) AND VAN DER STEL SPORT COUNCIL 29 <sup>TH</sup> COUNCIL MEETING: 2019-07-24: ITEM 12.2 RESOLVED (majority vote)	(a) that the draft MOU between the Stellenbosch Municipality and the SSRA be approved for a six-month period;  (b) that, upon the dissolution of the lease agreement between the SSRA and Van Der Stel Sports Council, the Director: Community & Protection Services be mandated to conclude a lease agreement, in line with a rental amount in line with relevant tariffs for rental of municipal property, as amended, from time to time;  (c) that Council agrees that the Community Services Department review the Sport Policy and Facilities Management Model (Plan) of the Stellenbosch Municipality, in consultation with the SSRA;  (d) that Council notes that the Municipality will appoint a service provider to conduct a forensic audit of the financial (accounts), operational systems and processes in operation at the Van Der Stel Sport Club; and that the Senior Manager Community Services report back to Council on the forensic investigation's outcome;  (e) that Council notes that the Community Services Department will commence with the process to develop an alternative management model for the Van Der Stel Sport facility, in consultation with the SSRA;  (f) that a separate report on the outstanding debt of Area Sport Councils be submitted to the next Council Meeting; and  (g) that the period of the aforementioned lease agreement period not exceed six (6) months and that the draft Lease Agreement be updated to reflect same.	2019-07-24	ALBERTVDM	80.00	Point (a) has been addressed.  Point (b) has been addressed.  Point (c) has been addressed.  Point (d): A service provider has been appointed. He will commence with the investigation during August 2020.  Point (e): Report has been finalized, in process to make recommendations to Council for a new Sports Management Model.  Point (f): To be dealt with by Finance Department.  Point (g) has been addressed.
		<i>The following Councillors requested that their votes of dissent be minuted:</i>				

		<p><i>Cllrs FT Bangani-Menziwa (Ms); DA Hendrickse; LK Horsband (Ms); C Moses (Ms); RS Nalumango (Ms); N Mananga-Gugushe (Ms); MD Oliphant and N Sinkinya (Ms);</i></p> <p><i>Cllr J Hamilton requested that his vote of support be minuted.</i></p>				
PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION	<p>11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 62, KAYAMANDI: DEPARTMENT OF PUBLIC WORKS: POLICE STATION</p> <p>30<sup>TH</sup> COUNCIL MEETING: 2019-08-28: ITEM 11.2.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the portion of erf 62, used as a police station, be identified as land not needed for municipal purposes during the proposed lease period;</p> <p>(b) that approval be granted for the renewal of the Lease Agreement for a period of 9 years and 11 months;</p> <p>(c) that it be noted that leasing property to another sphere of government/organ of state is exempted from following a public participation process;</p> <p>(d) that Council considers the request of the department to rent the property at an amount of R 6121.99 per month, escalating at 6% per annum, and</p> <p>(e) that the Municipal Manager be authorised to draft and sign an appropriate new lease agreement.</p>	2019-08-28	PIETS	90.00	<p>Lease agreement submitted to DPW for signature.</p> <p>No response yet – to be followed up with Department.</p>	
ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION	<p>11.7.1 ADOPTION OF THE DRAFT LOCAL ECONOMIC DEVELOPMENT STRATEGY FOR PUBLIC PARTICIPATION</p> <p>30<sup>TH</sup> COUNCIL MEETING: 2019-08-28: ITEM 11.7.1</p> <p>RESOLVED (nem con)</p> <p>that the draft Economic Development Strategy be approved and published for further inputs from the public for a period of 30 days.</p>	2019-08-28	WIDMARKM	70.00	<p>Awaiting comments from WCG: DEDAT and will follow-up and report back at next Council Meeting scheduled for September 2020.</p>	
THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS	<p>13.1 THE ALLOCATION OF VACANT MUNICIPAL AGRICULTURAL LAND TO THE SUCCESSFUL LAND APPLICANTS</p> <p>30<sup>TH</sup> COUNCIL MEETING: 2019-08-28: ITEM 13.1</p> <p>RESOLVED (nem con)</p>	2019-08-28	WIDMARKM	70.00	<p>Currently the department is in the process to appoint a service provider to prepare a business plan with concept designs for the Farmers Production Support Unit.</p>	

(a) that Council notes the process undertaken and the final recommended outcomes as listed below.

No	Portion	Size (ha)	Water (ha)	Highest scorer	Recommended
5	502 V	21.6	8	Hylton P Arendse	That Hylton P. Arendse be the preferred applicant for 502 V.
13	502 AP	7	2	Chris Jacobs	That Chris Jacobs be the preferred applicant for 502 AP and AM. The two pieces of land lay adjacent to each other and will make economic sense to farm as one unit
12	502 AM	8.56	3	Chris Jacobs	
4	502 AW	6	0	Bradley Cortereal	That Bradley Cortereal be the preferred applicant for 502 AW.
	502 AU	8.9		Re advertise for beekeeping	Portion 502AU is regarded as a nature conservation area by Cape Nature, the only farming purpose this land could be utilized for is beekeeping as the property is overgrown by fynbos.
	502 M	5.1	3	Re advertise 502 M & 502 Was one unit	The portion is located next to 502W, and should be utilised as a water resource for 502M as it is a wetland area, which will not be suitable for farming on its own.
	502 W	9	3		
5	502 BFN	15.5	6	Eisenburg Khoisan Farmers	That Eisenburg Khoisan Farmers be the preferred applicant for 502BFN. More than 10ha of land have been already allocated to both Hilton Arendse and Chris Jacobs.
18	619/1	26	0	Jeremy van Niekerk	That Jeremy van Niekerk be the preferred applicant for 619/1. More than 10ha

The Department is currently investigating the possible allocation of the remaining unallocated vacant agricultural land for livestock purposes in order to address the piggery issues in Klamputs and Kayamandi, as well as the beehive in Cloetesville.



		<table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>of land have been already allocated to both Chris Jacobs and Elsenburg Khoisan Farmers.</td> </tr> <tr> <td>27</td> <td>279 BN</td> <td>25.3</td> <td>0</td> <td>Re-advertised</td> <td>Recommended to be re-advertised.</td> </tr> <tr> <td></td> <td>165/1</td> <td>10.5</td> <td>0</td> <td>Re-advertised</td> <td>No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised</td> </tr> </table>						of land have been already allocated to both Chris Jacobs and Elsenburg Khoisan Farmers.	27	279 BN	25.3	0	Re-advertised	Recommended to be re-advertised.		165/1	10.5	0	Re-advertised	No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised				
					of land have been already allocated to both Chris Jacobs and Elsenburg Khoisan Farmers.																			
27	279 BN	25.3	0	Re-advertised	Recommended to be re-advertised.																			
	165/1	10.5	0	Re-advertised	No responsive application was received for this portion of land. The land in its current state should be utilised for grazing purposes Recommended to be re-advertised																			
		(b) that the Policy be reviewed to address the unintended consequences; and																						
		(c) that the Administration continue with the implementation of the Policy in regard to vacant land.																						
	DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019	<p>11.7.2 DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, EDITED 17 MAY 2019</p> <p>31<sup>ST</sup> COUNCIL MEETING: 2019-09-25: ITEM 11.7.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the revised Policy on Place Naming and Street Naming, Renaming and Numbering for Stellenbosch Municipality be advertised for public comment for 60 days;</p> <p>(b) that after public participation has been received, the Draft Policy will be brought back to Council for final consideration; and</p> <p>(c) that the final approved Policy be translated into all 3 official languages.</p>	2019-09-25	STIAANC	65.00	Public participation concluded and an Item to Portfolio Committee is in preparation and will be finalised and submitted for consideration in September 2020.																		
	TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE	<p>11.2.1 TRANSFER OF 80 HOUSES: LA MOTTE VILLAGE</p> <p>32<sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 11.2.1</p> <p>RESOLVED (majority vote with abstentions)</p>	2019-10-23	PIETS	80.00	A public meeting was held with all residents, where council resolution, and the impact thereof has been explained to residents. Notices were subsequently served on all the residents, as per the Council resolution. Await input from residents, where after a progress report will																		

		<p>(a) that transfer to the 10 households that are paid up be effected as a matter of urgency;</p> <p>(b) that a monthly progress report from the transferring attorney on the status quo and progress of the transfer be provided to the Municipality;</p> <p>(c) that letters be given as a matter of urgency to the 9 beneficiaries who allowed illegal occupants to occupy the houses to provide reasons why the houses should not be transferred to other beneficiaries;</p> <p>(d) that letters be given as a matter of urgency to all illegal occupying households to provide reasons why they should not be evicted from the houses they are occupying illegally as they were not recognised as the beneficiaries for the houses they occupy;</p> <p>(e) that an investigation as a matter of urgency be lodged as to how the 10 illegal occupants of unallocated houses were allowed to occupy the houses; and</p> <p>(f) that letters be given as a matter of urgency to all beneficiaries who are in arrears on the outstanding rental amounts to inform them that council intend to assist them, should they qualify for financial assistance from financial institutions or government subsidies to buy the houses. They will however still be liable for outstanding amounts on services.</p>				be tabled at Council. Department task to get the report from the attorneys.
	DRAFT HOUSING ALLOCATION POLICY	<p>11.4.1 DRAFT HOUSING ALLOCATION POLICY</p> <p>32<sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 11.4.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council adopts the Housing Allocation Policy as a draft, in principle, and</p> <p>(b) that the Draft Housing Allocation Policy for Stellenbosch Municipality be advertised for public comments, whereafter it be resubmitted to Council for final consideration and subsequent adoption.</p>	2019-10-23	ROTANDAS	20.00	After discussion with the Director the department is going out on an FQ which will be advertised in August 2020 to appoint a service provider to develop a comprehensive Human Settlements administration and Allocation Policy to address all areas dealing with administration and allocation of public houses. Specs have been submitted to SCM and a specifications meeting was held on 17/08/2020 with SCM.
	IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA	<p>11.4.2 IDENTIFICATION OF POSSIBLE INFILL HOUSING DEVELOPMENTS IN THE CLOETESVILLE AREA</p> <p>32<sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 11.4.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that the Directorate: Planning and Economic Development be requested to conduct feasibility studies on all the erven that were identified in the</p>	2019-10-23	LESTERVS	50.00	The successful service provider has accepted the appointment and work has commence. The first draft feasibility reports will be submitted within the next three (3) months.

		<p>Aurecon report, as well as the sites identified by the representatives of the Backyarders Committee except those mentioned in paragraph (c) below;</p> <p>(b) that these studies include the feasibility for housing, including emergency housing, different housing typologies that address the challenges the communities are facing in the Cloetesville area; or whether it will be better suited for other community needs;</p> <p>(c) that the Municipal Manager be mandated to start an investigation into non-municipal land including properties owned by the national or provincial government that may be acquired by Council for housing purposes; and</p> <p>(d) that a feasibility study report be submitted as soon as possible but not later than the end of the current financial year.</p>				
	<p>INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY</p>	<p>13.2 INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY</p> <p>32ND COUNCIL MEETING: 2019-10-23: ITEM 13.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council note the responses received from the public participation process with respect to the Integrated Human Settlement Plan (IHSP);</p> <p>(b) that Council takes note of the request for an additional information session with especially with the residents of Onder-Papegaaiberg and other stakeholders;</p> <p>(c) that a public meeting is scheduled on 29 October 2019 to address the concerns raised in the comments received from the public; and</p> <p>(d) that the departments Roads, Transport, Stormwater and Traffic Engineer, Spatial Planning and Housing Development make presentations as suggested in the correspondence of Stellenbosch Interest Group.</p> <p>Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p>	2019-10-23	LESTERVS	97.00	The item with comments from effected departments taking into consideration the approved MSDP will be submitted to Council during September 2020.
	<p>ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY</p>	<p>13.3 ADOPTION OF THE STELLENBOSCH INFORMAL TRADING POLICY</p> <p>32<sup>ND</sup> COUNCIL MEETING: 2019-10-23: ITEM 13.3</p> <p>RESOLVED (majority vote)</p> <p>(a) that, after considering the comments made by the public, Council adopts the Stellenbosch Informal Trading Policy; and</p>	2019-10-23	WIDMARKM	60.00	The Senior Manager: Development Planning is reviewing the Informal Trading Policy to align it with the COVID-19 pandemic and related regulations.

		(b) that the Stellenbosch Informal Trading By-Law be amended to incorporate the objectives and provisions as incorporated in the Informal Trading Policy.				
APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY	11.5.1 APPROVAL OF THE DRAFT TRAFFIC CALMING POLICY 33 <sup>RD</sup> COUNCIL MEETING: 2019-11-27: ITEM 11.5.1  RESOLVED (majority vote)  (a) that the content of this report be noted;  (b) that the Draft Traffic Calming Policy, attached as ANNEXURE A, be accepted as the copy to be used in a Public Participation process;  (c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and  (d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.	2019-11-27	DEONL/JOHANF	40.00	Report to be submitted for final approval to Council in June 2020.  Program 1. Results of Public Participation to S80 in August. To serve at Council meeting of 24 August 2020).	
PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH	11.2.1 PROPOSED RENEWAL OF LEASE AGREEMENT: BURGERHUIS: HISTORIESE HUISE VAN SUID-AFRIKA BEPERK: ERF 3389, STELLENBOSCH AND 607, STELLENBOSCH  34 <sup>TH</sup> COUNCIL MEETING: 2020-01-29: ITEM 11.2.1  RESOLVED (majority vote)  (a) that Council takes note of the fact that no written submissions were received;  (b) that council notes the amount of the fair market value and the implications the 50% rate has for the applicants;  (c) that Council approves the renewal of the Lease Agreement with Historiese Huise van Suid Afrika Beperk in regard to erven 3389 and 607, for a period of 9 years and 11 months, subject to a 3 months' early termination;  (d) that, given the fair market value amount and amounts spent on maintenance by the applicants, the rate be reduced to 25% of the fair market value; and	2020-01-29	PIETS	70.00	Second public participation process completed. No input from public. Agreement for renewal of lease to be signed by Municipal Manager.	

		(e) that given the reduction in rate, the intention to enter into an agreement at the reduced rate be advertised again for any objections. Should no objections be received the Municipal Manager be mandated to continue with the finalisation of the lease agreement.				
FEEDBACK ON THE PUBLIC PARTICIPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK	11.7.1 FEEDBACK ON THE PUBLIC PARTICIPATION PROCESS ON THE FUTURE USE/UPGRADE OF THE BRAAK 34 <sup>TH</sup> COUNCIL MEETING: 2020-01-29: ITEM 11.7.1 RESOLVED (majority vote)  (a) that Council notes the submissions received in response to the notice published to call for public input into the proposed future use / upgrade of the Braak as discussed in 6.1 and attached as (APPENDIX A); and  (b) that the submitted proposals be advertised for a period of 60 days after which it be resubmitted to Council for final consideration.  <i>The following Councillors requested that their votes of dissent be minuted:</i>  <i>Cllrs F Adams; DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i>	2020-01-29	WIMARKM	60.00	The matter has been referred to the Senior Manager: Development Planning to investigate and provide a way forward to Council in September 2020.	
SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING	13.3 SECTION 78 (4) REPORT FOR THE PROVIDING OF SUFFICIENT PUBLIC PARKING 35 <sup>TH</sup> COUNCIL MEETING: 2020-02-26: ITEM 13.3 RESOLVED  a) that this report be noted;  b) that Council accepts that all the requirements of Section 78(3) (Annexure A) in terms of investigating the feasibility of the provision of sufficient parking, has been complied with;  c) that Council accepts that parking forms an integral part of the total Mobility concept within Greater Stellenbosch Area and relates to other major parts such as: Traffic Flow, Public Transport (PT), Non-Motorised Transport (NMT), Transit Oriented Development (TOD), and Movement of Disabled Persons (normally seen as a primary part of NMT);  d) that Council notes that in order to alleviate the parking process as a whole, matters such as PT, NMT, TOD must also be addressed in synchronisation, as this will directly affect the quantity and positioning of parking;	2020-02-26	DEONL	45.00	Municipal Systems Act. Section 80 and 81 – Providing a service through a Service Delivery Agreement. Any service provision of this nature was prohibited during the Alert Level 5 Lockdown period.  The provision of single level public parking is being debated and will be addressed once the final 2020/21 budget has been approved. The latter is drastically affected by the COVID-19 Lockdown. A progress report will be submitted to Council early in the 2020/21 Financial year.  Program: 1. Planning to construct additional single level parking August 2020 2. Get planning approved and commence with construction approval.	

		<p>e) that Council, in terms of the Municipal Systems Act (MSA), Act 32 of 2000, as amended, Section 78(4), accepts that the method of providing parking generally be considered as follows:</p> <ul style="list-style-type: none"> <li>(i) Provision of open one level parking space needs, be performed on an internal mechanism;</li> <li>(ii) Provision of multi storied parking space needs, be performed on an external mechanism.</li> </ul> <p>f) that Council approves the provision of parking as a first phase as mentioned hereunder, which must be in line with future mobility developments, as the final mobility status can by nature not be resolved at this time;</p> <p>g) that Council proceed with the initial provision and upgrade of parking spaces as follows:</p> <ul style="list-style-type: none"> <li>(i) that the legislative process be commenced with to provide multiple level parking, and management thereof, utilising an External Mechanism of parking in the following areas: <ul style="list-style-type: none"> <li>(1) Eikestad Mall Parking area bounded by Andringa -, Victoria, and Ryneveld Streets. Portion of erf 1692, erven, 1969, 1972, 1973, 1974, 1975, 1976, 6402 and 6636; and</li> <li>(2) Techno Park area, considering the area bounded by Tegno Road, Termo Avenue and Proton Road. Portion of erf 13171</li> </ul> </li> <li>(ii) that the following areas, as a first phase, be upgraded and/or developed as a single layer open space parking area, utilising an internal service delivery mechanism: <ul style="list-style-type: none"> <li>(1) Dennesig Existing Parking Area, entrance in Hoffman Road, Part of Erf 235;</li> <li>(2) Municipal Court Existing Parking Area, entrance from Papegaai Road, Erf 528;</li> <li>(3) Aandklas Existing Parking Area, entrance from Du Toit Road Part of Erf 235;</li> <li>(4) New Parking Area Bounded by Borcherd Road and Andringa Street to be considered as an extension of the public parking on erf 2529;</li> </ul> </li> </ul>			<ol style="list-style-type: none"> <li>3. Already following Section 80 Process to determine Service Delivery Agreement for a possible external Service Delivery for multiple level parking (September 2020).</li> <li>4. Decide on vehicle of external service delivery (September 2020).</li> <li>5. Develop SDA by November 2020.</li> <li>6. Report to Council on Draft SDA as well as program for community participation January 2020.</li> <li>7. Community Participation to end March 2021.</li> </ol>
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		<p>(5) New Parking Area Bounded by Jan Cilliers Road, Ds Botha Road and Muller Road to be considered as new parking area. Part of Erf 175/0; and</p> <p>(6) Parking area to be upgraded at the old tennis courts, Franschhoek, Erf 1538.</p> <p>(h) that Council proceeds with the setting up of a Service Delivery Agreements for the provision of Bulk Parking, as required by Section 80(1) &amp; (2), of the MSA and in particular section 80(1)(b) (which prescribes an SDA with a Private Company) for the areas mentioned under 4.7.1;</p> <p>(i) that the Service Delivery Agreement be approved by Council as a draft SDA prior to Community Participation takes place; and</p> <p>(j) that the matter of providing a synchronised total mobility network be urgently pursued with all the role-players participating in the mobility arena which includes Public Transport, Non-Motorised Transport, Transit Oriented Development, Parking and Universal Access.</p> <p><i>The following Councillors requested that their votes of dissent be minuted:</i></p> <p><i>Cllrs F Adams; FT Bangani-Menziwa (Ms); DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.</i></p>				
POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S)	<p>5.4.1 POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL BY WAY OF A CALL FOR PROPOSAL(S)</p> <p><b>COUNCIL ITEM 5.4.1, 2020-03-31:</b></p> <p>After careful scrutiny of item 5.4.1: POSSIBLE DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, BY WAY OF A CALL FOR PROPOSAL(S), and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I <b>HEREBY APPROVE THE SAID ITEM AS FOLLOWS:</b></p> <p>(a) that erven 412 and 284, Le Roux, be identified as land not needed to provide the minimum level of basic municipal services;</p> <p>(b) that the Administration is authorised to follow a public Call-for-Proposal, based on the points system as set out in paragraph 6.2.9;</p>	2020-03-31	LESTERVS	55.00	The user department (Property Management) together with Department: Housing Development is currently in process to formulating a Call for Proposal in line with the approved agenda item, to serve before the BSC. Currently, the user department is in the process of appointing a property-valuers to determine the market value which will form part of the Call for Proposal.	

		<p>(c) that approval is granted for the discounted sales prices as set out in paragraph 6.2.6 subject to the sales restrictions set out in paragraph 6.2.7;</p> <p>(d) that approval is granted for the qualifying criteria set out in paragraph 6.2.8;</p> <p>(e) that the discounted bulk infrastructure contribution as set out in paragraph 6.2.10, is approved; and</p> <p>(f) that, following the conditional awarding of the bid to the bidder(s) scoring the highest points, an item be submitted to Council to make a final decision on the disposal of the land.</p>				
APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH	<p>5.2.1 APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH</p> <p>COUNCIL: ITEM 5.2.1: 2020-04-24</p> <p>After careful scrutiny of the item: Application for a long-term lease agreement between Stellenbosch Municipality and the Stellenbosch Flying Club: Portion L of farm 502, Stellenbosch and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I HEREBY APPROVE THE SAID ITEM AS FOLLOWS:</p> <p>(a) that the Council resolution dated 30 April 2015 be rescinded;</p> <p>(b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;</p> <p>(c) that Council only considers the approval of a long-term lease after a public participation process;</p> <p>(d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;</p> <p>(e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and</p>	2020-04-24	PIETS	90.00	Return item submitted to DCS. Item will serve at August Council meeting	



		(f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.				
	APPROVAL OF STELLENBOSCH ROADS MASTER PLAN	<p>APPROVAL OF STELLENBOSCH ROADS MASTER PLAN</p> <p>COUNCIL ITEM 7.7: 2020-04-30</p> <p>After careful scrutiny of the item: APPROVAL OF STELLENBOSCH ROADS MASTER PLAN, and as the delegation approved by Council on 25 March 2020 to confer Council power and functions upon the Executive Mayor, as such I HEREBY:</p> <p>On 2020-04-30 Mr Louw addressed the Mayor on the implications of the proposed plan. Item is referred back for refinement and further inputs and communication with Provincial Departments.</p>	2020-04-30	JOHANF	60.00	Had discussion with Provincial Government. Additional requirements raised from Province that they would like to see within the Master Plan. Input from Province, Mayor, Councillors and Officials are being taken up within the document. Document to be submitted to MAYCO in September 2020.
	CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD	<p>12.1.6 CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY INTERWASTE (PTY) LTD</p> <p><b>SPECIAL COUNCIL MEETING: 2020-06-12: ITEM 12.1.6</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council takes note of the circumstances as provided in the report;</p> <p>(b) that investigation be done with regard to transgression of policies for disciplinary purposes and that the associated disciplinary steps be taken;</p> <p>(c) that Council certifies the expenditure of R 4 111 001.60 (VAT inclusive) to Interwaste (Pty) Ltd as irrecoverable and that this amount be written off; and</p> <p>(d) that Council writes off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2).</p> <p><i>Cllr DA Hendrickse requested that his vote of dissent be minuted.</i></p>	2020-06-12	DEONL	70.00	<p>Plan of action:</p> <p>1. Report to Mayco September 2020</p>
687937	REVISED PERFORMANCE MANAGEMENT POLICY 2020/21	<p>8.1 REVISED PERFORMANCE MANAGEMENT POLICY 2020/21</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 8.1</b></p> <p><b>RESOLVED</b> (majority vote)</p>	2020-07-29	SHIREENDV	60.00	Draft Policy released for public comments. Final Policy will be tabled in Council on 30 September 2020.

		<p>(a) that Council takes notice of the Draft Revised Performance Management Policy 2020/21; and</p> <p>(b) that the Draft Revised Performance Management Policy 2020/21 be released for public comments.</p> <p><i>Cllr F Adams requested that his vote of dissent be minuted.</i></p>				
RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL	<p>11.2.1 RIGHT OF WAY SERVITUDE IN FAVOUR OF ERF 320, PNIEL</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.1</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council approves the registration of a servitude over erf 328, Pniel, in favour of erf 320, at a cost of R67 684.00 (exclusive of VAT);</p> <p>(b) that the Municipal Manager be authorised to sign all documents necessary to effect the registration of the servitude, including the signature of the Agreement of grant of right of way, hereto attached as <b>APPENDIX 5</b>;</p> <p>(c) that the Municipal Manager be authorised to negotiate a financial contribution from the Provincial Department of Transport and Public Works towards the cost of registration of the servitude and/or construction of a servitude access; and</p> <p>(d) that the right to acquire immovable property or rights in immovable property by way of lease or registration of a servitude be delegated as per the provisions contained in appendix 6 and that the delegations be amended accordingly.</p> <p><i>Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.</i></p>	2020-07-29	PIETS			
PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG	<p>11.2.2 PROPOSED RENEWAL OF LEASE AGREEMENT TO EIKESTAD MALL (PTY) LTD: BEYERSTEEG</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.2</b></p> <p><b>RESOLVED</b> (majority vote)</p>	2020-07-29	PIETS			

		<p>(a) that Council takes note of the fact that no inputs/objections were received, following the public notice period;</p> <p>(b) that Council approves the renewal of the Lease Agreement for a period of 9 years and 11 months at a new, market-related rental of R6050.00 per month, with an annual escalation of 8% over the lease period; and</p> <p>(c) that the Municipal Manager be authorised to conclude the Lease Agreement on behalf of Stellenbosch Municipality.</p> <p><i>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>				
	ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM	<p>11.2.3 ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.3</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council considers the objection before making a final determination;</p> <p>(b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and</p> <p>(c) that consideration be given to the proposed delegation to the Municipal Manager in <b>APPENDIX 5</b>.</p> <p><i>The following Cllrs requested that their votes of dissent be minuted:</i></p> <p><i>Cllr F Adams; FT Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).</i></p>	2020-07-29	PIETS		
687976	FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH	<p>11.4.1 FEEDBACK ON PUBLIC PARTICIPATION PROCESS: ENTERING INTO LAND AVAILABILITY AGREEMENTS WITH SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES</p>	2020-07-29	LESTERVS	55.00	<p>(d)– (f)</p> <p>Social housing is strictly regulated by the SHRA. The user department has started to engage with the SHRA and PDoHS in</p>

	<p>SOCIAL HOUSING INSTITUTIONS (SHIs) AND/OR OTHER DEVELOPMENT AGENCIES (ODAs) FOR THE DEVELOPMENT AND MANAGEMENT OF SOCIAL HOUSING ESTATES</p>	<p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.4.1</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council takes note of inputs/comments that were received, following the public notice advertised;</p> <p>(b) that a phased approach be adopted to implement social housing in Stellenbosch;</p> <p>(c) that the property situated to the north of the town opposite Kayamandi, erven 81/2 and 81/9, Stellenbosch, commences with the procurement process to appoint a suitable SHIs and/or ODAs;</p> <p>(d) that phase 2 commences after the successful completion of the development as mentioned in (c) above on Remainder of erf 2149 better known as Lapland;</p> <p>(e) that phase 3 commences after the successful completion of the development as mentioned in (d) above on Remainder of Farm 180 better known as Teen-die-Bult; and</p> <p>(f) that Council makes a final determination for the administration to commence with a process toward <b>entering into Land Availability Agreements</b> with SHIs and/or ODAs successful in a Public Competitive Process.</p> <p><i>Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their vote of dissent be minuted.</i></p>				<p>preparing the necessarily documentation to follow Public Competitive Process.</p>
	<p>REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR</p>	<p>11.5.2 REDUCTION OF MANAGED PARKING FEES AND ADJUSTING PAYMENT RATIO OF PARKING CONTRACTOR</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.5.2</b></p> <p><b>RESOLVED</b> (majority vote with abstentions)</p> <p>(a) that the Parking fees as depicted in the table above in 6.2 be referred to Council for final determination;</p> <p>(b) that the Tender Contract B/SM 04/19, conditions based on a 20% reduction of public parking tariffs, be altered to allow the Contractor to utilise up to 76.9% of the Parking Fee for own use and the balance of not less than 23.1% be paid over to the Municipality;</p> <p>(c) that the above be advertised for public comment to allow Council to make a final decision with relation to:</p> <p>i. Reducing parking tariffs as per <b>ANNEXURE A</b></p>	2020-07-29	DEONL	65.00	<p>Tariffs and Intention to alter the Contract have been advertised. Return to Council at September 2020.</p>

		<p>ii. Altering the Tender Condition Scope as regulated by the MFMA Section 116(3); and</p> <p>(d) that, once the Public Comment has been received, a final report be brought to Council for a final decision.</p>				
	<p>PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK</p>	<p>11.7.1 PROGRESS UPDATE: COMPILATION OF DRAFT ADAM TAS CORRIDOR LOCAL SPATIAL DEVELOPMENT FRAMEWORK</p> <p><b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.7.1</b></p> <p><b>RESOLVED</b> (majority vote)</p> <p>(a) that Council takes cognizance that the process for the Compilation of the draft Adam Tas Corridor Local Spatial Development Framework has commenced;</p> <p>(b) that the Adam Tas Corridor geographic area to which the Local Spatial Development will apply, as specified in of this report, has been approved by the Municipal Manager;</p> <p>(c) that the Senior Manager: Development Planning has been assigned and appointed as the Project Leader for the formulation of the draft Adam Tas Corridor Local Spatial Development Framework;</p> <p>(d) that the process to procure a multi-disciplinary team to undertake the required professional services for the compilation of the draft Adam Tas Corridor Local Spatial Development Framework is currently underway; and</p> <p>(e) that a Project Team consisting of the following members have been identified to contract and project manage the Adam Tas Corridor Catalytic Initiative:</p> <ul style="list-style-type: none"> <li>• Craig Alexander Pr Pln, Project Leader (Senior Manager: Development Planning</li> <li>• Stiaan Carstens Pr Pln, Senior Manager: Development Management</li> <li>• Mr Lester van Stavel, Manager: Housing Development</li> <li>• Ms Jerri-Lee Mowers, Senior Manager: Development Services</li> </ul> <p>The following Western Cape Government: Department of Environmental Affairs &amp; Development Planning ("DEA&amp;DP") representatives, listed below, will coordinate the input from WCG and serve as technical advisors to the Project Team:</p> <ul style="list-style-type: none"> <li>• Ms Catherine Stone Pr Pln, Director: Spatial Planning;</li> </ul>	2020-07-29	CRAIGA	40.00	The Bid for Appointment of Professional Service Provider to undertake the work of the Compilations of the LSDF has been advertised and the closing date for bids is 31 August 2020.

		<ul style="list-style-type: none"> <li>Mr Kobus Munro Pr Pln, Director: Regulatory Planning;</li> <li>Mr Jeremy Benjamin Pr Pln, Coordinator: Regional Socio-Economic Programme: Stellenbosch ("RSEP")</li> </ul> <p><i>Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</i></p>				
DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY	13.2 DRAFT PROBLEM PROPERTY BY-LAW FOR STELLENBOSCH MUNICIPALITY <b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.2</b> <b>RESOLVED</b> (nem con)  (a) that the revised draft By-law on Problem Properties for Stellenbosch Municipality (WC024) attached as <b>ANNEXURE 1</b> be recommended for approval in terms of Sections 11(3)(m) of the Local Government Municipal Systems Amendment Act 32 of 2000 and;  (b) the administration proceed with the publication of the by-law.	2020-07-29	CRAIGA/STIAANC	95.00	The process for the promulgation of the by-law in the provincial gazette has commenced.	
A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024)	A NEW SPORT FACILITY MANAGEMENT MODEL (PLAN) FOR STELLENBOSCH MUNICIPALITY (WC024) <b>36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 13.6</b> <b>RESOLVED</b> (nem con)  that this matter be referred back to the Administration for refinement and be resubmitted at a next meeting of Council for finalisation.	2020-07-29	ALBERTVDM	75.00	Report has been finalized, in process to make recommendations to Council for a new Sports Management Model.	

**NB: RESPONSES OBTAINED FROM RELEVANT DEPARTMENTS**

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<b>10.</b>	<b>ITEMS FOR NOTING</b>
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<b>10.1</b>	<b>REPORT/S BY THE EXECUTIVE MAYOR</b>
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NONE

<b>10.2</b>	<b>REPORT/S BY THE SPEAKER</b>
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NONE

<b>10.3</b>	<b>REPORT/S BY THE MUNICIPAL MANAGER</b>
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NONE

11.	ITEMS FOR CONSIDERATION FROM THE EXECUTIVE MAYOR OR MAYORAL COMMITTEE: [ALD. G VAN DEVENTER (MS)]
11.1	COMMUNITY DEVELOPMENT AND PROTECTION SERVICES: (PC : CLLR R BADENHORST)
11.1.1	STELLENBOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19

Collaborator No: 690339  
IDP KPA Ref No: Good Governance  
Meeting Date: 24 August 2020

**1. SUBJECT: STELLENBOSCH MUNICIPAL HUMANITARIAN RESPONSE TO COVID-19**

**2. PURPOSE**

To present a report on the humanitarian relief and aid provided by Stellenbosch Municipality since the start of lock down.

**3. DELEGATED AUTHORITY**

For information.

**4. EXECUTIVE SUMMARY**

The citizens of Stellenbosch Municipal area faced many hardships since the start of lock down in March 2020 due to the Covid-19 pandemic and state of disaster. The hardships included job loses, hunger and additional expenses to comply with the regulation requirements as part of the readiness to access "normal" and economic activities. Stellenbosch Municipality as a caring municipality together with civil society and the university assisted where we could.

**5. RECOMMENDATION**

that the report and collective efforts, be noted.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

In an effort to flatten the curve of Covid-19 infections, a hard lockdown with strict regulations was announced by the president of South Africa. This lead to economic and social struggles for all citizens as many were left without a form of income.

**6.2 Discussion**

Stellenbosch Municipality in collaboration with civil society recognised the need for a collective response. Not only to the need for food, but also for dignity, capacity building and support.

**6.3 Financial Implications**

Financial implications as per approved budget and through donations.



**6.4 Legal Implications**

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

**6.5 Staff Implications**

This report has no staff implications to the Municipality.

**6.6 Previous / Relevant Council Resolutions**

None

**6.7 Risk Implications**

This report has no risk implications for the Municipality.

**6.8 Comments from Senior Management****6.8.1 Municipal Manager**

Agree with the recommendation

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.1.1**

that the report and collective efforts be noted.

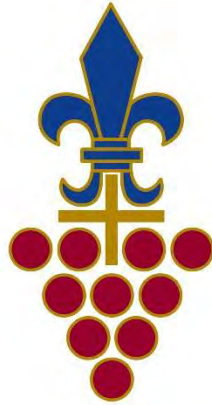
**ANNEXURES**

**Annexure 1:** Stellenbosch Municipality Humanitarian response to Covid-19

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Michelle Aalbers
<b>POSITION</b>	Manager Community Development
<b>DIRECTORATE</b>	Community and Protection Services
<b>CONTACT NUMBERS</b>	8408
<b>E-MAIL ADDRESS</b>	Michelle.aalbers@stellenbosch.gov.za
<b>REPORT DATE</b>	12-08-2020

# **ANNEXURE 1**



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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STELLENBOSCH MUNICIPALITY HUMANITARIAN  
RESPONSE TO COVID-19

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AUGUST 12, 2020  
STELLENBOSCH MUNICIPALITY

## Introduction

The Covid-19 humanitarian support provided to citizens of the Greater Stellenbosch took on different forms and adapted to changing needs as the lockdown regulations changed. Stellenbosch Municipality acknowledges that the humanitarian relief in Stellenbosch municipal area has been a combined effort between civil society and different spheres of government and that we could not have cared for so many of our citizens was it not for these relationships.

A formal relationship with Stellenbosch Unite, a collaborative aid action purposed to provide social support to vulnerable community members during the COVID-19 pandemic was established. This collaboration brings together Stellenbosch Municipality, Stellenbosch University, Visit Stellenbosch (civil society), SCAN (Stellenbosch Civil Advocacy Network, representing the non-profit sector) and the Greater Stellenbosch Development Trust (administrators). For more information visit: <https://stellenboschunite.org/>

It must further be noted that although by far the biggest consolidated effort to provide humanitarian relief is through this body, many NGO's, churches and community groupings continued to serve their communities and their beneficiaries with their own funding. These include: Together Franschhoek (a group of volunteers and professional chefs) working with privately donated funding, Klappmuts Development Forum (a group of farmers and other locals) working voluntarily to source funding and distribute aid, The Pebbles Project, Dwarsrivier Valley Stand Together, Her Voice, Legacy Community Project, St Nicholas Catholic Church, Ranyaka and many more.

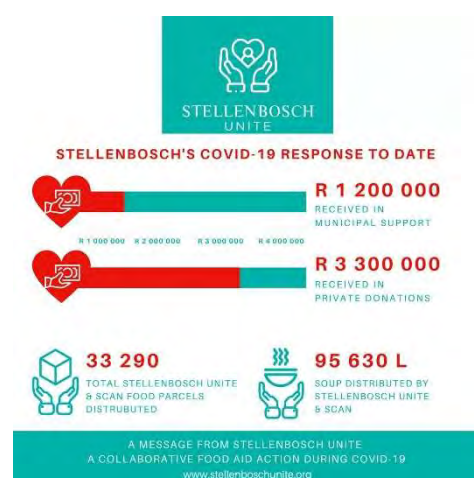
Although hunger and the cry for food relief has been a large focus during the continued lock down period, Stellenbosch Municipality has launched and been involved in several initiatives that aimed to address different kinds of relief and to contribute to the dignity of the citizens within our municipal area.

## Food parcels, Soup Kitchens and Vouchers

Funding for weekly food parcels and soup kitchens consist of the following:

- Stellenbosch Municipality: R 300 000 through an approved Grant in Aid Donation
- Western Cape Department of Local Government (DPLG): R 900 000
- Private donors: R 3 300 000 (as at 2020-08-12)
- NGO and Church Budgets: Amount not known

The total number of parcels and meals that we have been able to distribute to vulnerable groups within our communities to date (2020-08-12) is (data received from different contributors):



- Food Parcels = 42 620
- Meals = 555 084
- Further feeding has been provided by the Department of Education at schools.

Voucher distribution from the R 900 000 provided by DPLG started in the week of 13 July 2020 and to date 2377 vouchers has been distributed.

### **VD Stel Temporary Safe Space for Homeless Persons**

The intent of the safe space has never been to establish a permanent shelter for persons living on the street as it was an immediate response to the announcement of President C Ramaphosa when he declared the national state of disaster and instructed all municipalities to establish areas of refuge for persons without a shelter to be able to access a safe “home” during the lockdown period.

The safe space was established on 27 March 2020 at the Klapmuts Sport Grounds and moved to the VD Stel Sport Grounds on 4 April 2020. The contribution of the municipality towards the management of the safe space consist of the following:

1. Security Services: Searching persons on entering the facility for drugs and weapons. Doing random searches, protecting the facility, safe guarding all persons and personnel on site. At a cost of R 999 600.00 to date.
2. Food Security: Three meals per day to up to 90 persons staying at the facility. Currently the number of beneficiaries has dropped to 26 at a total cost of over R 750 000 to date.
3. Administration Services: Admission of persons, providing a tent per person (whilst at Klapmuts) and a mattress, blanket and vanity pack per person at a cost of around R 105 000.00 to date.

Cape Winelands District Municipality contributed towards the safe space in the form on vanity packs, soap and blankets.

DSD contributed with dried food, catering services for a month and PPE.

The community of Stellenbosch contributed with donations of bedding from Spier, masks for the homeless persons, sweets, kettles, games, wool, knitting needles, books, clothing, naartjies and pastoral care.

The municipality worked with the local Stellenbosch Night Shelter and together we established a database of persons residing at both facilities. This allowed us for the first time to draw up a database of all homeless persons within our area. It must be



noted that to this end Stellenbosch Municipality has approved a donation to the Night Shelter of R 1 300 000 for service rendered over a 12 month period. This donation has been in place prior to the appearance of Covid-19.

### **Skills Development to address unemployment among youth: Beneficiaries of Stellenbosch Municipality-funded hospitality programme graduate via Zoom**

Assistant Chef training: It was a first in the 28-year history of Bergzicht Training as 12 beneficiaries who completed the NGO's accredited hospitality programme, along with other guests, attended an online certificate handover ceremony via Zoom recently.



Thanks to funding received from the Stellenbosch Municipality Mayoral Youth Skills Development Programme, Bergzicht Training was able to provide 12 unemployed, unskilled and semi-skilled beneficiaries from Stellenbosch with an opportunity to complete the CATHSSETA-accredited Assistant Chef Skills Programme. The beneficiaries completed their three-week campus training at The Private Hotel School (PHS) in Vlotenburg. When the country went into lockdown on 24 March, our beneficiaries were unable to complete a 10 shift work-integrated learning opportunity at a hospitality establishment in fulfilment of our programme requirements. We were unable to find appropriate training partners as the hospitality sector was in lockdown, but were fortunate when Stellenbosch Unite came to the party and offered our beneficiaries the opportunity to complete their 10 shifts in the organisation's "pop-up" soup kitchen.

During their practical training, the students were able to master important knife skills and apply the new protocols and practices that establishments will have to employ now to maintain optimal hygiene during this pandemic. It was the perfect training environment for them in preparation for entering a changed hospitality and tourism sector where even more stringent hygiene practices will be applied.



**Basic Plumbing training:** Thirteen trainees started their plumbing training on 22 June and all of them completed the training programme successfully on the 17<sup>th</sup> of July. The service provider ensured that all health and safety protocols formed part of their daily activities. This included the taking of their temperatures and regular hygiene checks and record keeping of their contacts. All 13 participants were able to complete their training with no interruptions or sickness. Six of these youth has been shortlisted for interviews.



### Grant in Aid

Approved donations to 68 local NGO's were paid as part of the donation programme to the value of **R 2 703 200.00 in July 2020**. This include ECD facilities who were informed that an opportunity to change their business plan to make provision for Covid-19 requirements which they were not aware of at the time of the application process will be provided to them. This provision will assist the small organisations to align their needs with the donation received.

### Mandela Day – Supporting SALGA to keep single female headed households warm

The municipality supported SALGA to donate 50 blankets to single women and their families warm during the winter.



### Mandela Day: Support to ECD Centres in order to become Covid-19 compliant and workplace ready to open.



**NELSON  
MANDELA  
DAY**  
~ 18 July ~



The municipality has organised an initiative for this Mandela Day to further ensure that the most vulnerable in our communities are protected from the virus and that they can access a safe space that will also provide them with daily meals. We worked with various partners including the Stellenbosch University, Ranyaka Community Transformation, Stellingthombo, Stellenbosch Unite and Visit Stellenbosch to support our struggling Early Childhood Development (ECD) facilities through the donation of the required PPE for ECD's to become workplace ready and Covid compliant. This initiative provided the

platform for the community to become involve in a bigger programme which included assisting and training ECD practitioners with health policy development for the facility, registration on the electronic platform of the Department Social Development to confirm their Covid Compliance and with training on the combating of the spread of the virus within their facilities.



#### Help a Girl Campaign: Makupula Secondary School- 23 July 2020

A sanitary towel donation drive to assist young girls to safely go back to school after lock down. This project was done in partnership with the Help a Girl Campaign and Prochorus Community Development. Each of the 230 ladies will now be able to attend school for the next four months without worrying about where they or their parents will find the money to purchase the required sanitary products.





11.2	CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)
11.2.1	RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH

Collaborator No: 689949  
IDP KPA Ref No: Good Governance  
Meeting Date: 24 August 2020

1. **SUBJECT: RETURN ITEM: APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB: PORTION L OF FARM 502, STELLENBOSCH**

2. **PURPOSE**

To submit the written comments received after completion of the public participation process. An Information Statement was published, and the comments must now be considered in order to make a decision with regard to the application of the Flying Club.

3. **DELEGATED AUTHORITY**

**Municipal Council:** due to the value of the land and the possible term of the lease.

4. **EXECUTIVE SUMMARY**

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have amended their request to whatever other term Council sees fit given the nature of the activities on the site **APPENDIX 6**.

The current Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be concluded, as provided for in the Property Management Policies, should Council approve of the request for a long-term lease. Before Council can decide on this application, it must advertise its intention to enter into the long-term lease, for public comment/ inputs. Hence, the Information statement that was published. The views of Provincial and National Treasury should also be solicited. Letters was sent to both (**APPENDIX 7**) in May 2020, but no comment has been received to date.

The item served before the Executive Mayor on 24 April 2020, where it was *inter alia* decided, that Council only considers the approval of a long-term lease **after the public participation process** envisaged in Regulation 35 of the Asset Transfer Regulation is completed. We received 3 inputs as indicated in 6.2 below and attached as **APPENDIX 3, 4 and 5**.

Council must now consider the written inputs received after the information statement was published and decide as to whether to approve a lease agreement on a private treaty basis as requested by the Stellenbosch Flying Club, or not, and if approved the term of the lease and the rental amount.

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**5. RECOMMENDATIONS**

- (a) that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- (b) that Council considers the application for a new long-term lease to the Flying Club;
- (c) that Council determines the period of the lease agreement on a private treaty basis, i.e. without following a public tender process as well as to determine the rental amount, should a lease be approved.

**6. DISCUSSION / CONTENT****6.1 Background****6.1.1 Existing lease agreement**

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha (in extent) from Stellenbosch Municipality. They currently lease and occupy the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for a renewal and/or extension of the term. A copy of the agreement was attached to the previous item that formed part of the March 2020 council agenda. The item was not dealt with due to Council the lock down and was dealt with by the Executive Mayor in April 2020 under the delegated powers given to her. A self-explanatory letter for a further long-term lease agreement received from the Stellenbosch Flying Club, dated 21 June 2018, was also attached to the item of March 2020.

**6.2 Discussion****Consideration by Executive Mayor**

On 24 April 2020 the Executive Mayor (under delegated authority) considered the matter and decided as follows:

- a) *“that the Council resolution dated 30 April 2015 be rescinded;*
- b) *that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality’s own use during the period for which the right is to be granted;*
- c) *that Council only considers the approval of a long-term lease after a public participation process;*
- d) *that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;*
- e) *that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and*
- f) *that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.”*

A copy of the agenda item, together with the minutes, is attached as **APPENDIX 1**.

**Public Notice**

Following the above resolution, a Public Notice was published in the Eikestad News on the 18<sup>th</sup> of June 2020, soliciting inputs/comments on the Information Statement. A copy of the Public Notice is attached as **APPENDIX 2**.

**Inputs received**

The closing date for the inputs was 10 July 2020. At the closing date the following written inputs were received:

- Cllr Franklin Adams: See **APPENDIX 3**;
- Cllr DA Hendrickse: See **APPENDIX 4**; and
- Western Cape Government: Department of Education: See **APPENDIX 5**.

**Locality and context**

The locality of the Stellenbosch Airfield is indicated on Fig 1 below.



**Fig 1:** Location and regional context

**Services**

The Stellenbosch Airfield has been operating since the early 1900's and over time the required infrastructure and services to operate an airfield of this nature has been acquired. The full complement of municipal services are available.

**Ownership**

The ownership of Farm 502 vests with Stellenbosch Municipality.

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**Motivation for entering into a lease agreement with the Flying Club**

The Stellenbosch Flying Club has leased the property from the Municipality since 1973. In the intervening period the club has grown substantially and added significant value to the property including the construction of a runway and associated taxiways, hangars, a clubhouse and flight school and installation of all associated electrical, water, sewerage and roads infrastructure. The result is that today there is an excellent, local airfield serving the various needs of not only the local recreational flying fraternity, but the greater Stellenbosch and regional community with top class flight training centres, an accredited aircraft maintenance facility and base for the essential services provide by Working on Fire during the Western Cape fire season.

The facility is very well managed by an extremely competent team drawn from its membership of around 600 persons which includes professionals in a variety of fields such as private, airline and emergency services pilots, medical, finance and business professionals. The combination of skills ensures that a high level of management effectiveness and good governance oversight is maintained which makes for an efficient resource which meets the high standards set by the South African Civil Aviation Authority for an airfield of this nature.

The club and its membership have made a significant investment to get the club and the airfield to where it is today, and naturally they are anxious to ensure that this facility, it's availability to the Stellenbosch region and their use thereof continue for many years to come.

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains for the use of aviators, but is also ensures the continued employment of approximately 50 local persons from a variety of backgrounds who are employed by the Club, the Club's flight training school, the Stellenbosch Flying Academy and Stellair, the on-site, licenced aircraft maintenance facility.

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South African Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing firefighting aircraft. Working on Fire currently operates from a temporary facility on the premises rented from the club and they are dependent on other maintenance organisations for the maintenance of their aircraft. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with its central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves here during the summer fire season. The further benefit that Stellenbosch derives from their presence is the large number of young, local people that they employ every season, and the additional personnel that they will engage should they establish their base on the field. They are however at the point at which a decision has to be made in order to ensure that the required facility is operational by December 2018 for this year's fire season.

What is essential to the Stellenbosch Flying Club to enter into a long term lease with the Stellenbosch Municipality, is so there can be stability and security for the other entities like Working on Fire, the company that is involved in the servicing of the planes so these entities have the assurances that they need, in order to make a substantial investment to construct the facilities that they require to comply with the directive from the South African Civil Aviation Authority. If one considers the track record the Club has as a tenant of the Municipality and as the operator of a highly efficient airfield they believe that it is in the interest of the Municipality and the region to continue with the relationship with the Stellenbosch Flying Club through a new agreement. They acknowledge that the new agreement would be subject to review and revision as appropriate from time to time.

## Precinct Plan

The Planning & Economic Development Department recently compiled a precinct plan for the area, a copy of which was circulated previously. From this plan it is clear that the airfield fits in with the long-term plans for the area.

## Proposed new bypass road

As shown on Fig 2 below, a new Western bypass road is planned to, *inter alia*, provide a new access to the airfield precinct. The position of the existing airfield, as well as possible, future extensions could be accommodated by the new proposed bypass road.



Fig 2: Proposed Western by-pass route

## 6.3 Legal requirements

### Asset Transfer Regulations

#### Granting of rights to use, control or manage a capital asset

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- 1)a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and
  - b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
  - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
  - b) a long term right is proposed.

\*Please note that, for the purpose of this report, it will be assumed that the property falls within this category, i.e. value in excess of R10M. According to the General Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

- 
- 3)a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)
- b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement\*, stating:
- i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
  - ii) any expected benefit to the municipality that may result from the granting of the right;
  - iii) any expected proceeds to be received by the municipality from the granting of the right; and
  - iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

#### **Public participation process for granting of long term rights**

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision).

- a) In accordance with Section 21A of the Municipal Systems Act:
  - i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b); and
  - ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter.

#### **Consideration of proposals**

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;
- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community.

#### **Conditional approval of rights**

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, may be given subject to any conditions, including conditions specifying: -

- 
- a) The type of right that may be granted, the period for which it is to be granted and the way in which it is to be granted;
  - b) The minimum compensation to be paid for the right; and
  - c) A framework within which direct negotiations \*for the granting of the right must be conducted if applicable.

#### **Granting of rights to be in accordance with disposal management system**

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality may grant the right only in accordance with the disposal management system\* of the municipality, irrespective of:

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

\*The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal Management System. (See paragraph 6.2.4.2, below).

#### **Policy on the Management of Council owned property**

##### **Competitive process**

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be effected by means of a process of public competition.

In terms of paragraph 9.1.1 of the Policy,

The type of a formal tender may vary, depending on the nature of the transaction:

- i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.
- ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and

maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a two-stage or two-envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

Should Council decide to follow a public competitive process, it is recommended that a Call for Proposals based on a two stage bidding process, be followed, in which case the following Preference Point System (see par. 14 of the policy) will be applicable unless determined otherwise by Council:

The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) Price: Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) Status: Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) Development Concept: Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

\*In terms of par. 14.1.1 of the policy the Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

Further, in terms of par. 18, criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e. a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it then stand in line for the allocation of points based on price, status and development concept.

#### **Deviation from competitive process**

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific 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) Due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organisation wishing to enter into the Property Transaction;
- (e) 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. In such cases reasons for preferring such out-of-hand sale or lease to those by public competition must be recorded".
- (l) lease contracts with existing tenants of immovable properties, not exceeding ten (10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality's strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;



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The reasons for any such deviation from the competitive disposal process must be recorded.

From the above it is clear the Council may, under the circumstances described above, decide to dispose with a competitive (tender) process.

#### **6.4 Financial Implications**

The rental must be determined.

#### **6.5 Staff Implications**

This report has no additional staff implications to the Municipality;

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

24 April 202 – Executive Mayor under delegation by Council. (**APPENDIX 1**)

#### **6.7 Risk Implications**

Risks are addressed in the item

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

##### **Chief Financial Officer**

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

##### **Director: Community Services**

The item is fully supported as a functional airfield offers many advantages to the municipality, the community and even the greater district from a disaster management point of view.

##### **Director: Planning and Economic Services**

Supports the item

##### **Director Infrastructure Services**

Supports the item.

##### **Municipal Manager**

The item is fully supported as a functional airfield offers many advantages to the municipality, in that it can unlock various economic opportunities and can be catalytic in a post Covid-19 economic. Further to this it is ideally located in case of disasters, especially mountain fires, and can service the greater district from a disaster management point of view.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.2.1**

- (a) that Council takes note of the written inputs and consider the written inputs received after publication of the information statement;
- (b) that Council considers the application for a new long-term lease to the Flying Club; and
- (c) that Council determines the period of the lease agreement on a private treaty basis, i.e. without following a public tender process, as well as to determine the rental amount, should a lease be approved.

**SUMMARY OF DISCUSSION AT THE MAYORAL COMMITTEE MEETING: 2020-08-19: ITEM 7.2.1**

At the Mayco meeting on 19 August 2020, the administration was requested to specifically provide input regarding the comments that were received. The table below refers:

Source/writer	Gist of the Comment	Administration's response
<b>Department of Education</b>	<p><u>Appendix 5:</u></p> <p>That the Department supports the usage of the land as a landing strip with associated functions as they want to use the facility as part of the facilities to train students that will be attending the aeronautical school</p>	<p>When the full email is read it is clear that the Department supports the usage of the land as a landing strip with associated functions as they want to use the facility as part of the facilities to train students that will be attending the aeronautical school. They have a phased approach.</p> <p>A separate item will be serving before Mayco and Council in that regard as it involves adjacent land, given the fact that the Flying Club has indicated that it is not possible to build the school on the land (farm 502 L) due to aviation regulations as well as the requirements of space around landing strips.</p>
<b>Economic Freedom Fighters (EFF)</b>	<p><u>Appendix 4:</u></p> <ul style="list-style-type: none"> <li>• That the notice and the resolution by the Executive Mayor under delegated powers does not reflect the same wording</li> </ul>	<ul style="list-style-type: none"> <li>• It is untrue that the notice and the resolution by the Executive Mayor under delegated powers does not reflect the same wording. The Information Statement served as an appendix to the item and a</li> </ul>

	<ul style="list-style-type: none"><li>• That the administration or the Executive Mayor took illegal decisions or participated in illegal actions</li></ul>	<p>part from the date it contains the wording “alternative proposals”. The notice that was published is the appendix that served as part of the item.</p> <ul style="list-style-type: none"><li>• Legislation (section 59 of the Municipal Systems Act, read with section 160(2) of the Constitution, allows Council to delegate powers except for the powers indicated in section 160(2) of the Constitution. National Government, through the Department of Cooperative Government and Traditional affairs (COGTA) went as far as allocating the Council Powers to Municipal Managers on behalf of Councils during the lockdown period. The latter being questioned by various legal minds, and not implemented by Stellenbosch Municipality, as Council already made provision to delegate powers to the Executive Mayor to enable Stellenbosch to continue with the delivery of services whilst complying with legislation. This action being followed by several other municipalities during the lockdown period, Mossel Bay Municipality being one. Decisions therefore taken by the Executive Mayor under this delegation and as reported to Council, is not illegal. The decision taken by the Executive Mayor is also not in contravention of the Asset Transfer Regulations as it does not award any rights to the Flying Club. It merely authorises a public participation process, which did not commence</li></ul>
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	<ul style="list-style-type: none"> <li>• That the information statement does not contain all the information required</li> <li>• The reference to "Mayor Council"</li> <li>• That the financial statements of the flying club be interrogated</li> </ul>	<p>under lockdown level 5, but only much later. The question of awarding the rights to the Flying Club is only under discussion and to be decided on in this item before Council.</p> <ul style="list-style-type: none"> <li>• The allegation that the information statement does not contain all the information required is not true – it deals with every aspect referred to in the regulations and any member of the public who wanted further information could obtain it from the department as is clearly stated in the notice, including in the item that served. Information that the writer of the input himself requested, was received by him. The statement clearly states that the club has been renting the land for a long period of time and the lease agreement does not contain a renewal clause. The public could indicate if they are of the opinion that a tender process should be followed, and why, as opposed to the Council's intention to lease the land to a long term lessee with a good track record for a purpose the land had been used for over an even longer time.</li> <li>• The reference to "Mayor Council" is incorrect. There is no such structure – the correct reference is Executive Mayor under Council delegation, as the Executive Mayor when making decisions under delegation, doing so as Council.</li> <li>• The financial statements of the flying club are not under discussion or</li> </ul>
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	<ul style="list-style-type: none"> <li>• That the current lease agreement that expires in 2021 was not before council</li>   <li>• Inferences to the contract of the flying club and the management of the contract</li> </ul>	<p>consideration and is a matter for their members to interrogate and must be produced to the municipality as per the lease agreement.</p> <ul style="list-style-type: none"> <li>• The allegation that the current lease agreement that expires in 2021 was not before council is untrue as it was attached as Appendix A to the item that served in April 2020.</li>   <li>• The references to the contract of the flying club and the management of the contract is not true; these matters are not addressed herein as it is irrelevant to the question before Council and is a matter that, if true, should be reported to the Municipal Manager to deal with as part of her responsibility as Head of the administration.</li> </ul>
<p><b>Councillor F Adams</b></p>	<p><u>Appendix 3:</u></p> <ul style="list-style-type: none"> <li>• Objection, with reference to land/erf 503</li>   <li>• Abuse of power</li> </ul>	<ul style="list-style-type: none"> <li>• The objection refers to the Flying Club, but it refers to the wrong piece of land – i.e. erf 503 -- whilst the land under discussion in 502 L. Council therefore needs to decide if it wants to take the objection into consideration, given that it refers to the wrong piece of land.</li>   <li>• The delegation was given by Council and therefore stands as a delegation by Council; if acted upon within the delegation it cannot be regarded as abuse of power. Democracy is defined as a system through which an organisation or group is controlled by the majority of its members and when</li> </ul>

	<ul style="list-style-type: none"> <li>• Objection to the use of the land as an airfield, and the current zoning of the land</li> </ul>	<p>that happens it cannot be regarded as abuse of power just because the majority has control.</p> <ul style="list-style-type: none"> <li>• There was no objection to the use of the land as an airfield during the IDP process, and the current zoning according to the Planning Department is “Transport zone with a consent use for an airfield”.</li> </ul>
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**ANNEXURES**

- Appendix 1:** Agenda Item and Minutes
- Appendix 2:** Public Notice
- Appendix 3:** Comment received: Cllr F Adams
- Appendix 4:** Comment received: Cllr DA Hendrickse
- Appendix 5:** Comment received: WCED
- Appendix 6:** Revised request from the Flying club
- Appendix 7:** Letters to Provincial and national Treasury

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Piet Smit</i>
<b>POSITION</b>	<i>Manager: Property Management</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021-8088189</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@stellenbosch.gov.za"><i>Piet.smit@stellenbosch.gov.za</i></a>
<b>REPORT DATE</b>	<i>2020-08- 06</i>

# APPENDIX 1

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Piet Smit</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088189</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>17.02.20</b>

**COUNCIL ITEM:**

After careful scrutiny of the item: **Application for a long-term lease agreement between Stellenbosch Municipality and the Stellenbosch Flying Club: Portion L of farm 502, Stellenbosch** and as per the delegation approved by Council on 25 March 2020 (item 9.1) to confer Council powers and functions upon the Executive Mayor, as such I **HEREBY APPROVE THE SAID ITEM AS FOLLOWS:**

- (a) that the Council resolution dated 30 April 2015 be rescinded;
- (b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (c) that Council only considers the approval of a long-term lease after a public participation process;
- (d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;
- (e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and
- (f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

Signed:  (Ald. G van Deventer: Executive Mayor)

Dated: 24/4/20





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No:  
IDP KPA Ref No:  
Meeting Date:

*(To be filled in by administration)*  
**GOOD GOVERNANCE**  
24 April 2020

**1. SUBJECT**

**APPLICATION FOR A LONG-TERM LEASE AGREEMENT BETWEEN  
STELLENBOSCH MUNICIPALITY AND THE STELLENBOSCH FLYING CLUB:  
PORTION L OF FARM 502, STELLENBOSCH**

**2. PURPOSE**

The purpose of this report is to consider an application from the Stellenbosch Flying Club to enter into a long-term lease agreement with the club.

**3. DELEGATED AUTHORITY**

The Municipal Council must consider the matter. Delegated authority provided to the Executive Mayor during national Lockdown.

**4. EXECUTIVE SUMMARY**

Stellenbosch Municipality concluded a Lease Agreement with the Stellenbosch Flying Club on 10 February 1992, which agreement is due to expire on 21 March 2021. They have requested that the Lease Agreement be renewed for another 30-year term. Subsequently they have also indicated that they will also be happy with a shorter term agreement – their needs relate to security for the longer term plans of the airfield for investment purposes in the infrastructure of the different sub lessees. Although the Lease Agreement does not have a provision dealing with a renewal and therefore it is suggested that a new agreement be entered into should Council approve of the request for a long-term lease. If Council decide to enter into a private treaty the intention to enter into the long-term lease must be advertised for public inputs/objections/alternative proposals. The item served before Mayco in February and was referred to Council for approval. During the February council meeting the item was referred back to serve at the March Council meeting (**Annexure E**). The item was not placed on the agenda again and is now placed before the Executive Mayor in terms of her delegated authority.

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## 5. RECOMMENDATIONS

### RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-02-12: ITEM 7.2.4

- (a) that the Council resolution dated 30 April 2015 be rescinded;
- (b) that the land in question, i.e. portion L of Farm 502, Stellenbosch, be identified as land not needed for the municipality's own use during the period for which the right is to be granted;
- (c) that Council only considers the approval of a long-term lease (after a public participation process);
- (d) that the public participation process envisaged in Regulation 35 of the ATR be followed before an in-principle decision is taken;
- (e) that Council approves the amended draft Information Statement (ANNEXURE C) for public participation, which include inter alia, the proposed inclusion of an aeronautical school by Provincial Department and Working on Fire programmes presently working from the property; and
- (f) that, following the public participation process a report be submitted to Council in order to in principle consider the request of the Flying Club for a further lease.

## 6. DISCUSSION / CONTENT

### 6.1 Background

#### 6.1.1 Existing lease agreement

Since 1973 the Stellenbosch Flying Club is leasing a portion of land, approximately 28.2ha in extent) from Stellenbosch Municipality. They currently leases and occupies the area in terms of an Agreement of Lease dated 10 February 1992, which agreement is due to expire on 31 March 2021. The current Lease Agreement does not allow for an renewal and/or extension of the term. A copy of the agreement is attached as **APPENDIX 1**.

#### 6.1.2 Application for renewal of Lease Agreement

Hereto attached as **APPENDIX 2** a self-explanatory letter received from the Stellenbosch Flying Club, dated 21 June 2018.

### 6.2 Discussion

#### 6.2.1 Locality and context

The locality of the Stellenbosch Airfield is indicated on Fig 1 below.



Fig 1: Location and regional context

### 6.2.2 Services

The Stellenbosch Airfield has been operating since the early 1900's and over time the required infrastructure and services to operate an airfield of this nature has been acquired. The full complement of municipal services are available.

### 6.2.3 Ownership

The ownership of Farm 502 vests with Stellenbosch Municipality.

### 6.2.4 Legal requirements

#### 6.2.4.1 Asset Transfer Regulations

##### 6.2.4.1.1 Granting of rights to use, control or manage a capital asset

In terms of Regulation 34, a municipality may grant a right to use, control or manage a capital asset only after:

- 1)
  - a) The accounting officer has, in terms of Regulation 35, concluded a public participation process regarding the proposed granting of the right; and
  - b) The municipal Council has approved in principle that the right may be granted.
- 2) Sub-regulation (1)(a) must be complied with only if:
  - a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10m; and
  - b) a long-term right is proposed.

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\*Please note that, for the purpose of this report, it will be assumed that the property falls within this category, i.e. value in excess of R10M. According to the General Valuation of 2017 the total Municipal valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

- 3)
  - a) Only a Municipal Council may authorise the public participation process referred to in sub-regulation (a)
  - b) a request to the Municipal Council for the authorisation of a public participation process must be accompanied by an Information Statement\*, stating:
    - i) the reason for the proposal to grant a long term right to use, control or manage the relevant capital asset;
    - ii) any expected benefit to the municipality that may result from the granting of the right;
    - iii) any expected proceeds to be received by the municipality from the granting of the right; and
    - iv) any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

\*Hereto attached as **APPENDIX 3** an Information Statement, as required by sub-regulation 3.

#### **6.2.4.1.2 Public participation process for granting of long-term rights**

In terms of Regulation 35, if a Municipal Council has in terms of Regulation 34(3)(a) authorised the Accounting Officer to conduct a public participation process ... the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1)(b) is to be considered (i.e. in principle decision)

- a) In accordance with Section 21A of the Municipal Systems Act:
  - i) Make public the proposal to grant the relevant right together with the Information Statement referred to in Reg 34(3)(b); and
  - ii) invite the local community and interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and
- b) solicit the views and recommendations of National Treasury or the relevant Provincial Treasury on the matter

#### **6.2.4.1.3 Consideration of proposals**

In terms of Regulation 36, the Municipal Council must, when considering the approval of any such right, take into account:

- a) whether such asset may be required for the municipality's own use during the period for which such right is to be granted;



- b) the extent to which any compensation to be received will result in a significant economic or financial benefit to the municipality;
- c) the risks and rewards associated with such right to use; and
- d) the interest of the local community

#### **6.2.4.1.4 Conditional approval of rights**

In terms of Regulation 40, an approval in principle in terms of Regulation 34(1) (b) that a right to use, control or manage a capital asset may be granted, may be given subject to any conditions, including conditions specifying: -

- a) The type of right that may be granted, the period for which it is to be granted and the way in which it is to be granted;
- b) The minimum compensation to be paid for the right, and
- c) A framework within which direct negotiations \*for the granting of the right must be conducted if applicable

#### **6.2.4.1.5 Granting of rights to be in accordance with disposal management system**

In terms of Regulation 41, if an approval in principle has been given in terms of regulation 34 (1)(b), the municipality may grant the right only in accordance with the disposal management system\* of the municipality,

irrespective of:-

- a) the value of the asset; or
- b) the period for which the right is granted; or
- c) whether the right is to be granted to a private sector party or organ of state.

\*The Policy on the Management of Council-owned property is regarded as the Municipality's Disposal management System. (See paragraph 6.2.4.2, below).

### **6.2.4.2 Policy on the Management of Council owned property**

#### **6.2.4.2.1 Competitive process**

In terms of paragraph 7.2.1, unless otherwise provided for in the policy, the disposal of viable immovable property shall be affected by means of a process of public competition.

In terms of paragraph 9.1.1 of the Policy,

The type of a formal tender may vary, depending on the nature of the transaction:

- i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be



placed on the successful tenderer which are clear and capable of specification in advance.

- ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
- iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.

Such a process may, depending on the nature of the transaction, include a two-stage or two-envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

Should Council decide to follow a public competitive process, it is recommended that a Call for Proposals based on a two stage bidding process, be followed, in which case the following Preference Point System (see par. 14 of the policy) will be applicable unless determined otherwise by Council:

The awarding of proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) Price: Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) Status: Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) Development Concept: Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

\*In terms of par. 14.1.1 of the policy the Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

Further, in terms of par. 18, criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it

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then stand in line for the allocation of points based on price, status and development concept.

#### **6.2.4.2.2 Deviation from competitive process**

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific 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 landowners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- a) Due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organisation wishing to enter into the Property Transaction;
- (e) 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. In such cases reasons for preferring such out-of hand sale or lease to those by public competition must be recorded".
- l) lease contracts with existing tenants of immovable properties, not exceeding ten (10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality's strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;

The reasons for any such deviation from the competitive disposal process must be recorded.

From the above it is clear the Council may, under the circumstances described above, decide to dispose with a competitive (tender) process.



### 6.2.5 Motivation for entering into a long term lease agreement

The Stellenbosch Flying Club has leased the property from the Municipality since 1973. In the intervening period the club has grown substantially and added significant value to the property including the construction of a runway and associated taxiways, hangars, a clubhouse and flight school and installation of all associated electrical, water, sewerage and roads infrastructure. The result is that today there is an excellent, local airfield serving the various needs of not only the local recreational flying fraternity, but the greater Stellenbosch and regional community with top class flight training centres, an accredited aircraft maintenance facility and base for the essential services provide by Working on Fire during the Western Cape fire season.

The facility is very well managed by an extremely competent team drawn from it's membership of around 600 persons which includes professionals in a variety of fields such as private, airline and emergency services pilots, medical, finance and business professionals. The combination of skills ensures that a high level of management effectiveness and good governance oversight is maintained which makes for an efficient resource which meets the high standards set by the South African Civil Aviation Authority for an airfield of this nature.

The club and its membership have made a significant investment to get the club and the airfield to where it is today, and naturally they are anxious to ensure that this facility, it's availability to the Stellenbosch region and their use thereof continue for many years to come.

The continued existence of the Stellenbosch Flying Club on this site not only ensures that the facility remains for the use of aviators, but is also ensures the continued employment of approximately 50 local persons from a variety of backgrounds who are employed by the Club, the Club's flight training school, the Stellenbosch Flying Academy and Stellair, the on-site, licenced aircraft maintenance facility.

Of even greater importance to the region is the essential emergency response service hosted here in the form of Working on Fire who have been instructed by the South African Civil Aviation Authority to establish a permanent maintenance facility in the Western Cape for their fleet of helicopters and fixed wing fire fighting aircraft. Working on Fire currently operates from a temporary facility on the premises rented from the club and they are dependent on other maintenance organisations for the maintenance of their aircraft. While there are alternative options for the establishment of their permanent base, Stellenbosch is their preferred location with it's central proximity to the fire prone areas of the Western Cape as shown over a number of years during which they have based themselves here during the summer fire season. The further benefit that





Stellenbosch derives from their presence is the large number of young, local people that they employ every season, and the additional personnel that they will engage should they establish their base on the field. They are however at the point at which a decision has to be made in order to ensure that the required facility is operational by December 2018 for this year's fire season.

What is essential to the Stellenbosch Flying Club to enter into a long term lease with the Stellenbosch Municipality, is so there can be stability and security for the other entities like Working on Fire, the company that is involved in the servicing of the planes so these entities have the assurances that they need, in order to make a substantial investment to construct the facilities that they require to comply with the directive from the South African Civil Aviation Authority.

If one considers the track record the Club has as a tenant of the Municipality and as the operator of a highly efficient airfield they believe that it is in the interest of the Municipality and the region to continue with the relationship with the Stellenbosch Flying Club through a new agreement. They acknowledge that the new agreement would be subject to review and revision as appropriate from time to time.

#### **6.2.6 Precinct Plan**

The Planning & Economic Development Department recently compiled a precinct plan for the area, a copy of which is attached as **APPENDIX 4**. From this plan it is clear that the airfield fit in with the long-term plans for the area.

#### **6.2.7 Proposed new bypass road**

As shown on Fig 2 below, a new Western bypass road is planned to, *inter alia*, provide a new access to the airfield precinct. The position of the existing airfield, as well as possible, future extensions could be accommodated by the new proposed bypass road.

10



**Fig 2: Proposed Western by-pass route**

### **6.3 Financial Implications**

If any will be determined after the public participation process.

### **6.4 Legal Implications**

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

### **6.5 Staff Implications**

This report has no staff implications to the Municipality;

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

On 30 April 2015 Council resolved as follows:

***RESOLVED (majority vote)***

- (a) *that Council confirm in terms of Section 14 of the MFMA that the land, unregistered Portion L of Stellenbosch Farm 502, is required for the provision of essential services (the on-going operation of an airport) and that the extension of the long term lease of the land be actively pursued for airport operational purposes;*
- (b) *that the Municipal Manager be authorised to conduct the required public participation and other processes for the disposal of unregistered Portion L of Stellenbosch Farm 502 for airport operational purposes through a long-term lease;*
- (c) *that Council confirms the market related rental value of unregistered Portion L of Stellenbosch Farm 502, is R70 988,59 (2015) per annum plus all costs incidental and annual increases; and*
- (d) *that the Directors: Planning and Economic Development and Settlements and Property Management be jointly tasked with the management of the project and that quarterly feedback on progress be given to Council".*

*Handwritten signature or mark.*

The decision, however, was never implemented.

Council Resolution 11.2.3 dated 26 February 2010 to refer the matter to March council meeting (Annexure E)

#### **6.7 Risk Implications**

The biggest risk to the Municipality is that, should an arrangement with Working of Fire not be reached in due course, they would be unable to comply with the directive from the South African Civil Aviation Authority and may as a result of that, be unable to continue with their operations from the Stellenbosch Airfield. The advantages the airfield has for the WC024 may be lost should the area be used for any other purpose

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

##### **Chief Financial Officer**

According to the General Valuation of 2017 the total valuation of the property is R20,339 million including a business category portion valued at R17,519 million.

The property is well located and may be affected by future spatial planning considerations like the Western Bypass.

##### **Director: Community Services**

The item is fully supported as a functional airfield offers many advantages to the municipality, the community and even the greater district from a disaster management point of view.

#### **ANNEXURES:**

**Annexure A: Flying Club Lease agreement**

**Annexure B: Letter from Stellenbosch Flying Club**

**Annexure C: Information Statement**

**Annexure D: Precinct plan**

**Annexure E: Council resolution 26 -02.20**

13

**Amend!**  
 (24)

1

## MEMORANDUM VAN HUUROOREENKOMS

Aangegaan deur en tussen

DIE MUNISTIPALITEIT STELLENBOSCH

hierin verteenwoordig deur

ERASMUS PETRUS SMITH TALJAARD EN GERHARDUS MATTHYS STRYDOM

in hul onderskeie hoedanighede as Burgemeester en/of Uitvoerende  
Hoof/Stadsklerk van gemelde Munisipaliteit

("die VERHUURDER")

en

STELLENBOSCH VLEGVELD MAATSKAPPY

hierin verteenwoordig deur ROBERT J. RIDLER  
 as synde die gevolmagdigde verteenwoordiger ingevolge 'n besluit van die  
STELLENBOSCH VM - DIRIGESIE gedateer 3:08:91 waarvan 'n afskrif as Bylae A  
 aangeheg is

("die HUURDER")

NADEMAAL die VERHUURDER die eienaar is van die eiendom bekend as

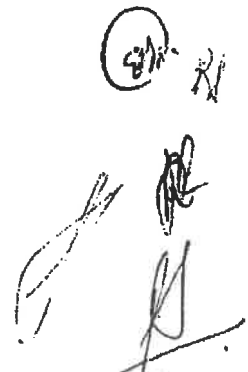
Perseelnommer : 502L

Groot : 28,20 hektaar

soos aangedui op die aangehegte kaart

("die EIENDOM")

  
 490



EN NADEMAAL die VERHUURDER begerig is om die EIENDOM aan die HUURDER te verhuur vir die uitsluitlike gebruik van 'n vliegklub en om 'n gedeelte van die verhuurde eiendom van nywerheidswater te voorsien kragtens 'n ooreenkoms of ooreenkomste tussen die VERHUURDER en die Departement van Waterwese en Bosbou en/of die Helderberg Besproeiingsraad (DIE OOREENKOMS), die terme en voorwaardes van die ooreenkoms waarvan aan die HUURDER bekend is.

EN NADEMAAL die HUURDER begerig is om die EIENDOM te huur en om die water wat as gevolg van sodanige ooreenkoms ten opsigte van die verhuurde eiendom verkry word, op die verhuurde eiendom aan te wend.

EN NADEMAAL die verhuring van die EIENDOM aan die HUURDER onder voorwaardes van DIE OOREENKOMS op 'n vergadering van die Stadsraad gehou op 1991-05-14 (item 5.1.B) goedgekeur is.

NOU DERHALWE KOM DIE PARTYE ONDERLING SOOS VOLG OOREEN

1. TERMYN VAN VERHURING

Die VERHUURDER verhuur hiermee aan die HUURDER die eiendom, wat deur die HUURDER in huur aangeneem word, vir 'n tydperk wat begin op die eerste (1) dag van April 1991 en afsluit op die 31ste dag van Maart 2021 dog is steeds onderworpe aan die bepalings van subklousules 4.4 (laat betaling), 13.1 (sessie), klousule 20 (opsegging) en die bepalings van Bylae B hiervan.

2. Die VERHUURDER onderneem om alles te doen, of te laat doen, om 3 ha van die EIENDOM, of sodanige gedeelte wat goedgekeur mag word, soos uitgewys tussen die partye, kragtens die ooreenkoms van nywerheidswater te laat voorsien.

3. Die HUURDER sal geregtig wees om gedurende die huurtermyn in klousule 1 bepaal die water wat as gevolg van sodanige







ooreenkoms verkry word ten opsigte van die verhuurde eiendom, op die verhuurde eiendom aan te wend op sodanige wyse soos goedgekeur deur die VERHUURDER en onderhewig aan alle terme en voorwaardes kragtens die bepalings van DIE OOREENKOMS, of andersins bepaal, welke terme en voorwaardes aan die HUURDER bekend is.

#### 4. HURGELD, KOSTE VAN WATER, MUNISIPALE BELASTING

4.1 Die HUURDER betaal voor of op die eerste dag van Augustus 1991 by die kantoor van die Stadstoesourier die huurgeld vir die bedrag van R100.00 (EENHONDERD RAND) (welke bedrag bereken is vir die tydperk vanaf die datum waarop die ooreenkoms 'n aanvang neem tot die 31ste dag van Maart wat daarop volg) en daarna jaarliks vooruit voor of op die 31ste dag van Maart van elke daaropvolgende jaar die huurgeld plus verhoging soos bereken volgens die voorwaardes wat as Bylae B hierby aangeheg is.

4.2 Die HUURDER sal verder aanspreeklik wees om op aanvraag deur die VERHUURDER die volgende bedrae aan die VERHUURDER, of sy genomineerde, te betaal, naamlik:

4.2.1 enige en alle belastings en vorderings gehef te word deur die Helderberg Besproeiingsraad wat jurisdiksie het oor die verhuurde eiendom. Die Departement van Waterwese en Bosbou, of enige ander owerheidsliggaam, vir of ten opsigte van, maar nie uitsluitend nie -

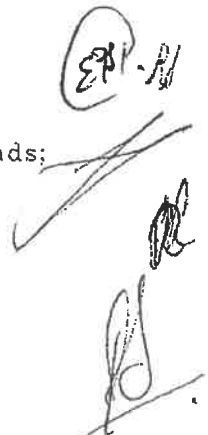
4.2.1.1 basiese bydrae vir rente en delging van die beoogde nywerheidswatervoorsiening;

4.2.1.2 administratiewe koste;

4.2.1.3 verpligte bydraes ten opsigte van 'n reserwefonds;

4.2.1.4 verpligte bydraes tot die Waternavorsingsraad;





- 4.2.1.5 koste van die gelewerde water soos gemeter deur die Besproeiingsraad en bereken teen die aankoopkoste van water soos van tyd tot tyd deur die Departement van Waterwese bepaal; en
- 4.2.1.6 enige en alle belastings of ander heffings of vorderings, van welke aard en omvang ookal gehef deur voormelde liggame.
- 4.2.2 voorlopige uitgawes en tussentydse heffings wat deur die Besproeiingsraad of die Departement van Waterwese en Bosbou opgelê word.
- 4.3 Die VERHUURDER beskou die voorlegging van 'n rekening van die Besproeiingsraad en/of die Departement van Waterwese en Bosbou as afdoende stawende bewys van die bedrag wat deur die HUURDER verskuldig is, opvallende foute en weglatings uitgesluit.
- 4.4 Enige huurgeld of gelde verskuldig kragtens klousule 4.1 en 4.2 wat na die vervaldatum deur die HUURDER aangebied word ten opsigte van enige jaar, indien die VERHUURDER dit aanvaar, is onderworpe aan 'n rente wat maandeliks vooruit bereken sal word teen die standaardrentekoers, soos deur die Munisipale Ordonnansie, Ordonnansie nr 20 van 1974, of enige vervanging of wysiging daarvan of enige ander toepaslike Ordonnansie van tyd tot tyd bepaal ten opsigte van elke maand of gedeelte daarvan.
- 4.5 Dit is 'n spesiale voorwaarde van hierdie ooreenkoms dat die VERHUURDER die reg voorbehou om hierdie ooreenkoms summier te kanselleer, sonder enige voorafgaande skriftelike kennisgewing, indien die HUURDER sou versuim om enige verskuldigde huurgeld of gelde verskuldig kragtens klousule 4.1. en 4.2 binne sewe dae vanaf die vervaldatum te vereffen, en so 'n kansellering affekteer generwyse die reg van die VERHUURDER om enige bedrag wat die HUURDER skuld of verskuldig aan word, geregtelik van hom te vorder nie.
- 4.6 Die HUURDER sal aanspreeklik wees om enige wetlike verpligte heffing sowel as die eiendomsbelastings en/of diensgelde deur die

Stadsraad op die EIENDOM gehef te betaal, onderworpe aan die voorwaardes en vereistes soos bepaal mag word in terme van die toepaslike wetgewing of die Munisipale Ordonnansie, Ordonnansie nr 20 van 1974, of enige vervanging of wysiging daarvan, of enige ander toepaslike Ordonnansie.

#### 5. STREEKSDIENSTERAADHEFFING

Die HUURDER onderneem om alle heffings wat deur die Streeksdiensteraad op die EIENDOM gehef word, regstreeks aan daardie owerheid te betaal.

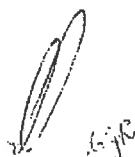
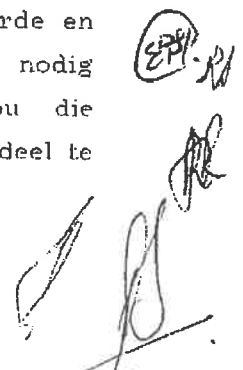
#### 6. MYN- EN ANDER REGTE

Die VERHUURDER behou voor alle regte op metale, minerale, steenkool, klip van alle soorte, klei en gruis, met inbegrip van die reg van toegang tot die eiendom te alle tye om sodanige metale, minerale of steenkool te myn of om klei, gruis en klip te verwyder, onderworpe aan 'n vermindering van die huurgeld in verhouding tot die oppervlakte wat deur die VERHUURDER vir sodanige mynwerk of verwydering teruggeneem word.

#### 7. BESKERMING VAN BOME

7.1 Alle bome, wingerde of dergelike verbeteringe op die verhuurde perseel bly die eiendom van die VERHUURDER en mag nie deur die HUURDER beskadig of verwyder word nie.

7.2 Die HUURDER moet die geskrewe toestemming van die VERHUURDER vooraf verkry vir die verwydering van enige bome, wingerde en dergelike verbeteringe op 'n terrein wat hy vir verbouing nodig het, en as sodanige toestemming verleen word, behou die VERHUURDER die reg voor om oor die hout vir sy eie voordeel te beskik.



7.3 Die VERHUURDER behou die reg oor om deur sy amptenare periodieke inspeksies van bome, en ander verbeteringe op die eiendom uit te voer en om sodanige stappe ter beskerming daarvan te doen as wat hy nodig mag ag.

7.4 Die VERHUURDER behou die reg voor om self enige bome op die eiendom wat nie deur die HUURDER aangeplant is nie, te kap en te verwyder, en hiervoor het hy vrye toegang tot die eiendom.

## 8. WATERBRONNE

8.1 Die VERHUURDER waarborg geen voorraad van oppervlakte- of ondergrondse water nie.

8.2 Die HUURDER onderneem om nie met fonteinne of met die natuurlike vloei van oppervlakte afloopwater in te meng nie deur kanale, vore of damme te bou of om enige ander werke uit te voer sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie, en vir die toepassing van hierdie subklousule is 'n opinie van die betrokke Staatsdepartemente en/of onderafdelings daarvan bindend en finaal.

8.3 Die VERHUURDER behou die reg voor om water op die EIENDOM op te gaar of om die gebruik van water uit fonteinne of strome te beperk, indien sodanige opgaring of beperking na sy mening noodsaaklik is ter beskerming van die regte van derde partye.

8.4 Die HUURDER onderneem om alle strome, fonteinne of opgaardamme teen besoedeling te beskerm, en om sodanige instruksies uit te voer as wat die VERHUURDER periodiek te dien einde mag uitbreik.

## 9. GRONDBEWARING

9.1 Die HUURDER onderneem om die EIENDOM op 'n versigtige en sorgsame wyse, te gebruik en ook om verswakking van die natuurlike vrugbaarheid en kwaliteit van die grond teen te werk.

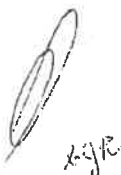
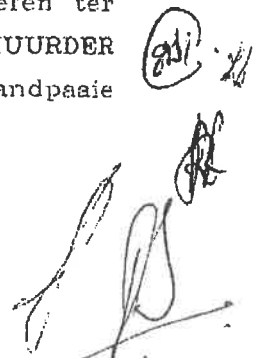
- 9.2 Die HURDER onderneem om gronderosie teen te werk en om stiptelik uitvoering te gee aan die bepalings van enige grondbewaringskema wat volgens wet op die EIENDOM van toepassing mag wees, en te dien einde behou die VERHUURDER die reg voor om periodieke instruksies uit te reik.
- 9.3 Die VERHUURDER behou die reg voor om sodanige werke uit te voer as wat hy nodig mag ag vir die bestryding van gronderosie, en wel op die koste van die HURDER as laasgenoemde versuim om dit op die VERHUURDER se versoek te doen.
- 9.4 Die HURDER onderneem om geen sand, grond, gruis, klip of ander grondstof vanaf die EIENDOM vir verkoping of gebruik elders te verwyder nie.
- 9.5 Die HURDER onderneem om toe te sien dat geen vullis, rommel of afval op die EIENDOM gestort word nie.

#### 10. SKADELIKE GEWASSE

- 10.1 Die HURDER onderneem om die EIENDOM van skadelike gewasse skoon te hou.
- 10.2 Die VERHUURDER behou die reg voor om sodanige stappe as wat hy dienlik mag ag, te doen ter verwydering van dergelike geproklameerde onkruid, en wel op die koste van die HURDER in geval laasgenoemde versuim om dit op die VERHUURDER se versoek te doen.

#### 11. BRANDEESTRYDING

- 11.1 Die HURDER onderneem om die uiterste sorg uit te oefen ter beskerming van die EIENDOM teen veldbrande, en die VERHUURDER kan vereis dat die HURDER op sy eie koste sodanige brandpaaie bou as wat die VERHUURDER nodig mag ag.

11.2 Die HURDER is aanspreeklik vir vergoeding aan die VERHUURDER vir enige uitgawe aangegaan om brande te voorkom of te blus. Brandskade aan bome of ander plante op die EIENDOM wat aan die VERHUURDER behoort word deur 'n taksateur wat deur die VERHUURDER aangestel en wie se bevinding bindend is, aangeslaan, en aan die VERHUURDER deur die HURDER vergoed.

## 12. OMHEINING

12.1 Die HURDER is verantwoordelik vir die oprigting en koste van enige omheining wat hy vir die beskerming van sy onderneming op die EIENDOM nodig mag ag.

12.2 Omheining wat deur die HURDER opgerig word, kan binne een maand na die afloop van die huurooreenkoms verwyder word, maar die VERHUURDER kan uitstel vir sodanige verwydering verleen totdat die EIENDOM weer verhuur is om onderhandelinge met die opvolger vir die verkoping of oordrag daarvan moontlik te maak, met dien verstande dat die VERHUURDER eienaar van sodanige omheining word indien geen finale reëlings binne sestig dae vanaf die datum van herverhuring deur die HURDER getref is nie, en in so 'n geval is die HURDER nie geregtig tot enige vergoeding vir die omheining wat aldus deur hom verbeur is nie.

## 13. ONDERVERHURINGS, SESSIES OF OORDRAGTE, ENS

13.1 Die HURDER sal nie hierdie huurooreenkoms seeder of oordra nie, en onderverhuur nie die EIENDOM of enige deel daarvan sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie.

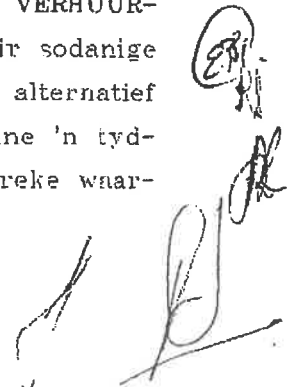
13.2 Die VERHUURDER kan 'n sertifikaat as bewys vereis dat die maatskappy wat 'n HURDER is, wel as 'n maatskappy geregistreer is.

- 13.3 By verandering van die beherende aandeelhouding of belange in 'n maatskappy of beslote korporasie wat 'n HURDER is of by verandering van direkteure of by likwidasië van die maatskappy of beslote korporasie of ingeval die maatskappy onder geregtelike bestuur geplaas word, bly die oorspronklike borge ten behoewe van die maatskappy of beslote korporasie gesamentlik en afsonderlik en as mede-hoofskuldenaars teenoor die VERHUURDER aanspreeklik, tensy die VERHUURDER op skriftelike aansoek van die HURDER toestem tot vervanging van sodanige borge.
- 13.4 Verandering van die beherende aandeelhouding of verandering van ledebelang, direkteure of Trustees vir 'n Maatskappy, Beslote Korporasie of 'n Trust wat 'n HURDER is, word geag 'n onderverhuring te wees.

#### 14. GEBOUE EN STRUKTURELE VERBETERINGE

- 14.1 Enige gebou of strukturele verbeteringe wat op die EIENDOM by die aanvang van die huurooreenkoms bestaan, of mettertyd gedurende die huurtermyn opgerig mag word, sal deur die HURDER op sy eie koste hetsy binne of buite in 'n goeie toestand gehou word en wel tot die bevrediging van die VERHUURDER en indien die HURDER versuim om dit te doen kan die VERHUURDER sodanige reparasies as wat hy nodig mag ag, laat aanbring terwyl die HURDER vir die uitgawe aanspreeklik bly.
- 14.2 Geen nuwe gebou, struktuur of ander permanente verbetering sal op die EIENDOM aangebring, opgerig of uitgevoer word sonder die voorafverkreë skriftelike toestemming van die VERHUURDER nie, en sonder dat bouplanne ten opsigte van sodanige verbeteringe vooraf deur die VERHUURDER goedgekeur is nie en laasgenoemde kan gelas dat sodanige gebou, struktuur of verbetering wat inderdaad sonder sy skriftelike goedkeuring en toestemming opgerig, aangebring of gebou is deur die HURDER op sy eie koste verwyder word.

- 14.3 Goedgekeurde verbeteringe van 'n permanente aard sal deur die HURDER op sy eie risiko aangebring of opgerig word.
- 14.4 Die VERHUURDER sal enige geboue of ander verbeteringe wat by die aanvang van die huurtermyn op die EIENDOM is teen skade verseker en sodanige versekering instand hou, met dien verstande dat die HURDER verantwoordelik sal wees vir die volle kostes verbonde aan sodanige versekering, en die VERHUURDER sal derhalwe die premies direk van die HURDER vorder.
- 14.5 Indien die VERHUURDER kontant van 'n versekeringsmaatskappy sou ontvang ter vergoeding van 'n eis ten opsigte van skade aan enige verbetering op die EIENDOM soos in subklousule 14.4 van hierdie ooreenkoms genoem, kan hy die verbetering herstel of die kontant hou, na gelang hy dit dienlik ag.
- 14.6 Behuising kan, met behoud van die bepalings van subklousules 14.1, 14.2, 14.3 en 14.4 van hierdie ooreenkoms aan werkers wat die HURDER op die EIENDOM in diens het, met inbegrip van hul onmiddellike afhanklikes, op die EIENDOM voorsien word, onderworpe aan die voorafverkreë skriftelike toestemming van die VERHUURDER, en die stiptelike nakoming van die bepalings en vereistes van die toepaslike wetgewing met betrekking tot behuising.
- Enige plakkerij op die EIENDOM is ten strengste verbode.
- 14.7 Die HURDER sal geen reg of aanspraak hê of vergoeding kan eis ten opsigte van verbeteringe, met inbegrip van landboukundige verbeteringe wat tydens die huurtermyn op die EIENDOM aangebring is nie, en die VERHUURDER behou die reg voor om, by beëindiging van hierdie ooreenkoms ingevolge die bepalings van klousule 3, subklousules 1.4, 20.1.1, 20.1.2 en 20.2 of andersins volgens sy eie diskresie en goeëddunke te besluit of die VERHUURDER bereid is om die HURDER enigsins te vergoed vir sodanige verbeteringe. Voorts kan die VERHUURDER in die alternatief toestem tot die verwydering van enige verbetering binne 'n tydperk soos deur die VERHUURDER voorgeskryf, by gebreke waar-

van die HURDER enige reg op verwydering van sodanige verbeteringe of enige verdere aanspraak van watter aard ookal sal verbeur, ten gevolge waarvan die betrokke verbeteringe sonder enige aard van vergoeding die EIENDOM van die VERHURDER word.

15. BAKENS

15.1 Deur die huurooreenkoms te onderteken erken die HURDER dat hy bewus is van die werklike ligging van alle bakens wat die EIENDOM se grense bepaal en enige onkunde of misverstand aan sy kant in hierdie verband raak nie die geldigheid van die huurooreenkoms of maak hom nie geregtig tot 'n vermindering van die huurgeld of tot kompensasie en enige vorm nie.

15.2 Indien enige bakens wat die grense van die EIENDOM bepaal na ondertekening van hierdie ooreenkoms nie gevind kan word nie, is die HURDER aanspreeklik vir alle opmetings- en ander kostes verbonde aan die herplasing van sodanige bakens.

16. PAAIE

Die HURDER onderneem om alle bestaande paaie op die EIENDOM in 'n goeie toestand te hou, en voorts om geen verdere paaie te hou of oop te maak sonder die voorafverkreë skriftelike toestemming van die VERHURDER nie.

17. INSPEKSIES

Die gemagtigde amptenare van die VERHURDER kan te eniger tye die EIENDOM betree om sodanige inspeksies as wat hulle nodig mag ag, uit te voer en om vas te stel of die voorwaardes en bepalinge van die huurooreenkoms stiptelik nagekom word.

## 18. ADVERTENSIE TEKENS

Die HURDER sal geen advertensietekens hoegenaamd op die EIENDOM oprig nie, en sal ook nie toelaat dat sulke tekens opgerig word sonder die voorafverkreeë skriftelike toestemming van die VERHUURDER nie.

## 19. ERFDIENSBAARHEID EN VERJARING

19.1 Die huur is onderworpe aan enige erfdiensbaarheid wat aan die EIENDOM kleef, en as dit te eniger tyd sou blyk dat die VERHUURDER nie daartoe geregtig was om die EIENDOM of enige deel daarvan te verhuur nie, het die HURDER geen eis vir skadevergoeding behalwe dat die huurgeld *pro rata* verminder word ten opsigte van daardie deel van die EIENDOM wat nie vir okkupasie of gebruik deur die HURDER beskikbaar is nie.

19.2 Die HURDER erken hiermee dat hy geen aanspraak op eiendomsreg by wyse van verjaring ten opsigte van die EIENDOM wat verhuur word sal verkry nie.

## 20. OPSEGGING EN BEËINDIGING VAN HUUROOREENKOMS

20.1 Die VERHUURDER kan, sonder om afbreuk te doen aan enige bepaling of vereistes van hierdie ooreenkoms, met spesifieke verwysing na die bepalings van klousule 4 hiervan, en nadat 'n skriftelike kennisgewing op die HURDER gedien is, hierdie ooreenkoms beëindig -

20.1.1 indien die HURDER versuim om enige voorwaarde of bepaling ten opsigte van hierdie ooreenkoms na te kom; of

20.1.2 indien die VERHUURDER daarvan oortuig is dat die HURDER die grond en op onbehoorlike of onverantwoordelike wyse benut; of

- 20.1.3 indien die VERHUURDER daarvan oortuig is dat die HUURDER deur sy handeling op die EIENDOM 'n oorlas vir ander uitmaak: of
- 20.1.4 indien die HUURDER teenstrydig met enige bepaling van die Dorpsaanlegskemaregulasies van die Munisipaliteit van Stellenbosch afgekondig by PK 73 van 1979-07-20, soos gewysig, optree; of
- 20.1.5 indien die EIENDOM in sy geheel of gedeeltelik vir *bona fide* munisipale doeleindes, waarby dorpsstigting ingesluit is, benodig word:

met dien verstande dat 'n grasiëperiode van hoogstens een (1) jaar in die gevalle soos in subklousules 20.1.1; 20.1.2; 20.1.3; 20.1.4 en 20.1.5 genoem aan die HUURDER verleen word, op voorwaarde dat die HUURDER gedurende die grasiëperiode aan al die bepalings en vereistes van hierdie ooreenkoms, of ander voorwaardes wat die VERHUURDER in hierdie verband mag stel moet voldoen, by gebreke waarvan die toegestane grasiëperiode sonder verdere kennisgewing deur die VERHUURDER in heroorweging geneem sal word.

- 20.2 die HUURDER kan, sonder om afbreuk te doen aan enige bepaling of vereiste van hierdie ooreenkoms en nadat 'n skriftelike kennisgewing van ses (6) maande deur die HUURDER aan die VERHUURDER gegee is, hierdie ooreenkoms beëindig.

- 20.3 Wanneer subklousule 20.1.5 toegepas word sal die HUURDER kwytgeskeld word van alle oorblywende verpligtinge soos in paragraaf 4.2.1 bepaal word en geregtig wees op vergoeding van die koste van die gepaardgaande noodsaaklike infrastruktuur, wat as 'n direkte gevolg van die voorsiening van die nywerheidswater aangebring is (pypleiding, kleppe, krane en meters), wat soos volg vanaf vestigings- tot huuropseggingsdatum bereken word:

bedrag betaalbaar ten opsigte van infrastruktuur is gelyk aan die historiese vestigingskoste - volgens die gemiddelde waardasie van twee onafhanklike buitestaanders wat vir die VERHUURDER aan-



vaarbaar is - minus die waardevermindering wat in gelyke paaiemente oor twintig (20) jaar bereken is. Koste vir voorlegging ter staving van eise deur HURDER en alle uitgawe verbonde aan die aanstelling van buitestaanders berus by die HURDER.

## 21. SKADELOOSSTELLING

Die HURDER onderneem hierby om die VERHUURDER te vrywaar en gevrywaar te hou teen alle gedinge, stappe, eise, vorderings, koste, skadevergoeding en uitgawes wat gehef, gebring of gemaak mag word teen die VERHUURDER of wat die VERHUURDER mag betaal, opdoen of aangaan as gevolg van enige handeling aan die kant van die HURDER, sy werknemers of persone wat onder sy beheer handel.

## 22. KOSTE VAN OOREENKOMS

Alle kostes wat deur die VERHUURDER aangegaan is vir die voorbereiding en opstel van hierdie ooreenkoms, plus die koste van die verhuringsadvertensie, opmetingskoste en ander toevallige uitgawes sal deur die HURDER gedra word, en die HURDER kan nie die korrektheid van die bedrag wat deur die VERHUURDER in hierdie verband geëis word, betwis nie. Die Huurooreenkoms sal slegs op die uitdruklike versoek van die HURDER en op sy koste notarieël verly en in die Aktekantoor geregistreer word. Die HURDER moet in sodanige geval 'n deposito betaal soos deur die VERHUURDER bepaal ten opsigte van die kostes hierbo vermeld.

## 23. ARBITRASIE

23.1 Enige geskil wat te eniger tyd tussen die partye mag ontstaan in verband met enige aangeleentheid voortspuitende uit hierdie ooreenkoms, sal onderwerp word aan en besleg word deur arbitrasie.

- 23.2 Iedere sodanige arbitrasie moet plaasvind
- 23.2.1 te Stellenbosch;
- 23.2.2 op 'n informele summiere wyse sonder enige pleitstukke of blootiegging van dokumente en sonder die noodsaaklikheid om aan die strenge reëls van die bewysreg te voldoen;
- 23.2.3 onverwyld, met die oog daarop om dit af te handel binne drie (3) maande vanaf die datum waarop die geskil na arbitrasie verwys is; en
- 23.2.4 onderworpe aan die bepalings van die Wet op Arbitrasie, No 42 van 1986, of sodanige ander Arbitrasiewette as wat van tyd tot tyd mag geld, behalwe waar die bepalings van hierdie klousule anders voorskryf.
- 23.3 Die arbiter moet 'n persoon wees op wie deur die partye onderling ooreengekom is en by onstentenis van 'n ooreenkoms, een aangestel deur die diensdoenende President van die Wetsgenootskap van die Kaap die Goëie Hoop.
- 23.4 Die partye kom hiermee onherroeplik ooreen dat die beslissing van die arbiter in sodanige arbitrasieverrigtinge finaal en bindend op hulle sal wees.

#### 24. BEHEER OOR GEBRUIK VAN LUG

Die HURDER se reëls in verband met vlugte in die lug oor of in die onmiddellike omgewing van Stellenbosch of Somerset-Wes is onderworpe aan die goedkeuring van die VERHUURDER en die HURDER aanvaar dat die VERHUURDER 'n verteenwoordiger op die HURDER se bestuur kan benoem.

## 25. INVORDERINGSKOSTE

Indien die VERHUURDER opdrag aan sy prokureurs sou gee om enige gelde wat kragtens hierdie ooreenkoms betaalbaar is, op die HUURDER te verhaal, is die HUURDER aanspreeklik vir die betaling van alle koste deur die VERHUURDER in hierdie verband aangegaan, bereken op 'n prokureur/klëntbasis, insluitende sodanige heffings wat betaalbaar is kragtens Regulasie 62 van die Wet op Prokureursordes nr 41 van 1975, of enige vervanging of wysiging daarvan, of enige soortgelyke heffings.

GETEKEN TE STELLENBOSCH HIERDIE 1<sup>de</sup> DAG VAN Februarie 1998

GETUJE

TEN BEHOEWE VAN DIE VERHUURDER

1. B. Sippel

2. G. Robinson

E. Klaar  
BURGEMEESTER

[Signature]  
UITVOERENDE HOOF/  
STADSKLERK

GETEKEN TE STELLENBOSCH HIERDIE 3<sup>de</sup> DAG VAN Augustus 1991

GETUJE

TEN BEHOWE VAN DIE HUURDER

1. [Signature]

2. [Signature]

[Signature]

1991-06-25

(EVLIEG/KONTRAK/mc)

## BYLAE B

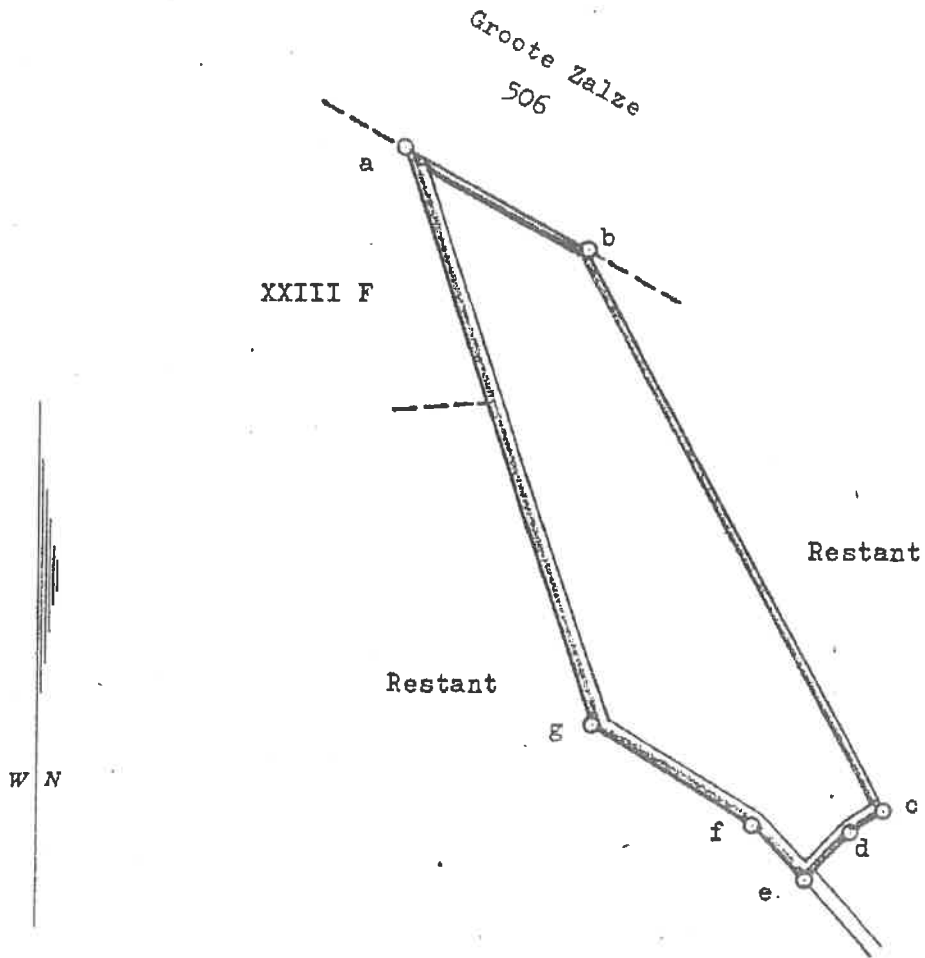
## BELEID EN TOEPASSING VAN DIE HUURGELDBEREKENING

1. Vir die doeleindes van hierdie ooreenkoms word die aanvanklike huurgeld van 'n sportklub vanaf 1991-04-01 deur die Raad op R100,00 per jaar bepaal.
  
2. *Huurgeld betaalbaar in eerste termyn van tien (10) jaar*  
Die huurgeld sal jaarliks met 15 %, saamgesteld bereken met aanvangsdatum 1992-04-01, eskaleer.
  
3. *Aangepaste huurgeld na tien (10) jaar*  
Die huurgeld sowel as die persentasie aanpassing soos beskryf in paragraaf 1 en 2 sal elke tien (10) jaar herbepaal word by wyse van onderlinge ooreenkoms. Indien die partye nie konsensus kan bereik nie, sal 'n arbiter die aangeleentheid beslis welke beslissing finaal en bindend sal wees.

1991-06-25

(LVLIEG/KONTRAK/mc)

Handwritten signatures and initials at the bottom of the page. There are several distinct marks, including a large stylized signature on the left, a vertical line with a flourish in the center, and a circular stamp or signature on the right.



Skaal: 1/ 10 000

Die figuur a b c d e f g stel voor 22 Hektaar, uitgesonderd die 20 meter paaie, (tot naaste ½ Hektaar) grond synde

Munisipale Huurgrond Perseel XXIII K (Vliegveld)

geleë in die Munisipaliteit en Afdeling Stellenbosch  
Provinsie Kaap die Goeie Hoop.

Opgestel deur my Maart 1973,

*H. Friedland*  
Landmeter.

*Clute*

Oorspronklike Kaart		
Nr. 9133/1957	<i>[Signature]</i> Burgermeester	<i>[Signature]</i> Huurder
T/A Stel. F.5-34	Stadskerk B. Juppel	<i>[Signature]</i>
Vel. BH-8DCD	Geluis 1. <i>[Signature]</i> B. Robinson	Geluis 2. <i>[Signature]</i>

## STELLENBOSCH VLEGVELD MAATSKAPPY

Maatskappy-vergadering gehou op Saterdag 3 Augustus 1991 om 15:00 in die Komitee-kamer van die Klubhuis - Stellenbosch Vliegveld

1. Die voorsitter verwelkom al die direksie lede.

2. Teenwoordig: Mnr R Ridler (voorsitter), mnr FS Immelman (sekretaris), J Swart, D van Eeden, A van Wyk, J van der Spuy, dr C von Delft en N Fourie

3. Die direksie verleen goedkeuring aan mnre Ridler, Immelman en Swart om voort te gaan met die ondertekening van die 30 jaar huurooreenkoms met die Munisipaliteit van Stellenbosch. Pro-rata huurgeld van R62.50 is betaalbaar. Die direksie verleen ook goedkeuring aan dieselfde persone om alle onderhandelinge en kontrakte gaande Nywerheidswater van die Helderberg Besproeiingskema af te handel.

4. Die voorsitter bedank die direkteure vir hul teenwoordigheid.

5. Datum van volgende vergadering: Op kennisgewing

Vergadering verdaag om 15:20



Sep 01 00 05:00p

M.R. Fürst

028 312 3137

P-1 1/2



4 Kwaiiwater Road  
Kwaiiwater  
Hermanus  
7200

1st September 2000

Tel : 028 312 3377  
Fax : 028 312 3137

Stellenbosch Munisipaliteit  
Fax 021 808 8200  
Attn: mr Kotie Kruger

Re: Lease Agreement : Stellenbosch Flying Club/Stellenbosch Municipality

Dear mr Kruger,

Thank you for agreeing to fax me a copy of above lease agreement to above fax number.

I purchased hangar number 6A ( a new hangar ) from the Stellenbosch Flying Club in July and have requested a copy from them without much success, although the lease agreement forms a vital annexure to my purchase agreement with the club.

Thank you again for your friendly willingness to cooperate.

Kind regards,

Marius Fürst

Tel 028 312 3377  
Fax 028 312 3137  
Cell 082 554 6992

cc Stellenbosch Flying Club

FAX 880 1258

Attn: Louise / N. Horwood

---Page 1 of 1 Pages---

# APPENDIX 2





**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

*Eikobad Nums 18 Junie 2020*

**LOCAL AUTHORITY NOTICE**  
**OFFICIAL NOTICE AS CONTEMPLATED IN REGULATION 35(a)**  
**OF THE MUNICIPAL ASSET TRANSFER REGULATIONS**  
**PROPOSED AWARDING OF LONG-TERM RIGHTS:**  
**LEASE FARM 502L, STELLENBOSCH: STELLENBOSCH FLYING CLUB**

1. **INTRODUCTION**  
 Notice is hereby given in terms of Regulation 35(a) of the Asset Transfer regulations (ATR) of 22 August 2008 that Council is considering the awarding of long-term rights (by way of a lease agreement) in Lease Farm 502 L, Stellenbosch to the Stellenbosch Flying Club.
2. **BACKGROUND / REASONS FOR PROPOSED AWARDING OF RIGHTS**
  - 2.1 **Existing lease agreement**  
 On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.
  - 2.2 **Application for renewal of Lease Agreement**  
 The Stellenbosch Flying Club has requested that a new long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider this application.
3. **DISCUSSION**
  - 3.1 **Public participation process**  
 In terms Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35.
  - 3.2 **Information Statement**  
 In terms of regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.  
  
**Please note that an Information Statement\***, as contemplated in Regulation 34(3)(b) of the ATR as well as the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours or can be requested via:

Email: piet.smit@stellenbosch.gov.za

Physical address: 3rd Floor, Oude Bloemhof (Absa) Building, corner of Ryneveld and Plein Streets, Stellenbosch.  
 Postal Address: P O Box 17, Stellenbosch 7599  
 Cell phone: 084 506 5065  
 Landline: 021 808 8189

\* The Information Statement contains the following:

- The reasons for the proposal to grant a long-term right to lease;
- Any expected benefits to the municipality that may result from the granting of the right;
- Any expected proceeds to be received by the municipality from the granting of the rights; and
- Any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.

**3.3 Invitation to submit comments /inputs or alternative proposals**

Interested and affected parties / individuals are hereby invited / called upon to submit comments /inputs or alternative proposals in respect of the possible granting of the rights referred to above.

Any such comments /inputs/alternative proposals must be in writing and must reach the Office of the Manager: Property Management by no later than 2020-07-10 at close of business at the address or e-mail listed above.

**3.4 Persons with disabilities**

Notice is further given in accordance with Section 21 of the Local Government: Municipal Systems Act, No 32 of 2000 that anyone with disabilities or who is unable to write, but need to participate in the process, may present him/ herself during office hours at the office of the Manager: Property Management, where a staff member of the Municipality will assist such person to transcribe that person's comments/inputs or alternative proposals.

DATE

GERALDINE METTLER  
 MUNICIPAL MANAGER: STELLENBOSCH MUNICIPALITY

# **APPENDIX 3**

**Piet Smit***After close of business*

**From:** franklin adams <oakcity2010@yahoo.com>  
**Sent:** 10 July 2020 05:09 PM  
**To:** Piet Smit  
**Cc:** derrick hendrikse; ACDP Clr Gaynor Cele; RONALDA NALUMANGO; Wilfred Pietersen; Mayor (Gesie Van Deventer); Anton Bredell MEC; Nyaniso Jindela; Alan Winde; patrick parring; Paul Hendler; Paul Rhode; Linda Isaacs; marthinus Saunderson; Paul Martin Stanfield; Niklaas Willemsse; nico koopman; Leslie Van Rooi; Lesten B. Olivier; Jannie Joon; Julian Jansen; B. Cederstroom; Christopher Umvikeli Nissen; Chris Spies; Piet September; Josef Adams; Victor Honey; Andre Van Der Walt; Loyiso Mbete; Lionel Louw; Charles Ndlebe; AG Sazi (DBE) Ndwandwa; SALGA WC Mr K. Mullagie; Westcape Prov Treasury; Nyameka Katina; Wynand Coetzer; Andre Pelsers Email; Gerado-OLS; Joelton Maarman; joan groenewaltd; Sune Griessel; Directors Group; stanamos1950@gmail.com; Keith Ford; Faiz Hoosain; EFF Melikhaya Xego; Melikhaya Xego; Sbiproperties; Faith Stubbs; Bongani Mgijima; Mwangi Githahu; Geraldine Mettler; fientass@gmail.com; Andr © Gaum; Danny Bock  
**Subject:** [EX] Re: Objection against Long term lease of Flying Club, portion of farm 503

Good day Mr. Smit.

I refer you to the application by the Flying Club for a long term lease agreement on a portion of farm 503 and would like to motivate as follow.

1. I vehemently object against the fact that the mayor use's her delegation given to her by the DA councillor's.
2. This action by her is opportunistic and highly suspicious and it amounts to abuse of power.
3. I'm of the view that the current lease should be exhausted and there should be seriously consideration given to utilize these public land for the benefit of the broader community as per need's through the IDP.
4. The fact that the current flying club feel they are in title to a long term lease is like given the impression it's their right and I am of the view on the contrary it's protecting the status quo.
5. This current DA lead administration can't continue to protect Apartheid lease's and advantage Whiteness.
6. After 25 year's we should Foster an agenda that promotes equality and transformation w.r t. land and relevant services.
7. This new application can't be consider on the back of the current lease and should be view as a total new application through a fair and competitive process and with other option's in mind.
8. The current lease's for more than 30 year's took advantage of public land to their own advantage and not necessary in the interest of the town and all its citizens.

Conclusion:

In conclusion I am taking this opportunity to object against this application and request that this be seriously consider.

I also remind you of the Land Compliance Audit of 2005 by the late Adv. Percy Sonn as we'll as the Tracing the history of the original acquisition of the land to f 2007 by Me. Patricia Zweig.

These two processes were done with the view to relook at the Municipalities land and the opportunity for rectification.

After fifteen year's it's regrettable that both Report's and its recommendations were Ignored by this institution.

This is just an indication that this institution is anti transformation and doesn't represent the interest of the majority of people, but rather the minority.

Regards.

CLR. Franklin Adams.  
Aluta continua!!!

[Sent from Yahoo Mail on Android](#)

# APPENDIX 4



10 July 2020

Stellenbosch Municipality

Municipal Offices

Plein Street

Stellenbosch

7600

Attention: Property Manager MR Piet Smit

**RE: INPUTS AND COMMENTS ON NOTICE RE AWARDING LONG TERM LEASE TO TELLENBOSCH FLYING CLUB AS ADVERTISED IN THE EIKESTDNEWS APAER AND ATTACHED DOCUMENTS**

With reference to the above notice that appeared in the Eikestad newspaper and information statement herewith my inputs and comments.

1. The municipality administrating is not complying with applicable legislation when placing such notices and the also do not enable meaningful public participation and in this regard to proof this fact I bring the following to your attention.
  - The notice in Eikestadnews paper is written illegal and is misleading as it misrepresents want the Mayor resolve on 24 April 2020 ( See attached copy ) .In this regard the notice reads that alternative proposals can be submitted . In this regard the Mayor Council never resolved that alternative proposals can be submitted. Likewise nowhere it is mentioned as to what type of alternative proposals will be considered.
  - This above mentioned misleading mention of an alternative proposal is to try and rectify the illegal resolution passed by the Mayor council on 24 April 2020.
2. The Mayor Council has passed illegal resolutions on 24 April 2020, which the administration was complicit in misleading the Council and even now the Mayor is part of this illegal process in passing illegal resolutions. In this regard note the following facts.
  - Legislation prescribes that when even the Council considers the possible disposal of municipal assets , the meeting MUST be open to the public. In this regard the Meeting of 24 April 20220 where the Mayor took this resolution. The meeting was not open to the public.
  - Nor was all the legal requirements met when this item was put before the Mayor Council.

- On the resolution the Mayor council passed to rescind the Council resolution taken 30 April 2015 , please note the following. : This council resolution of 30 April 2015 to got out on a public tender process was deliberately undermined by the municipal officials in 2015 as set out in the attached email. They undermined the Council resolution so as to illegally advance and protect the privileges of the Stellenbosch Flying club.
  - This non compliance and illegal Mayor council resolutions are more clearly set out in the illegal information statement as set out below under point no 3.
3. The Information Statement ( See attached copy ) also is illegally written as it does not provide the information as prescribed .
- The Information statement does not include the full details of the Council agenda item the mayor resolved on 24 April 2020.
  - Likewise the information statement give no reasons as to why an open public tender cannot be done to allow an open fair competitive bidding process.
  - Under point 3.2.1 the reasons given to extend the lease just to the current Stellenbosch Flying are unacceptable and it blatantly amounts to giving preferential treatment to the Stellenbosch Flying club. The Stellenbosch Flying club did try an use the excuse of Working on Fire in 2014/2015 to have their lease extended , but the Council rejected this application and resolved to go out on open tender. Now they even added the WCED support of their nautical school. Once again they are trying to abuse the WCED in this regard to promote their application.
  - Under clause 3.2.2. once again not details are give of the supposed benefit. No details of list of current no of hangers , various subleases , no of employment opportunities. List of welfare .ect. All the informations statement does is names dropping.
  - Once again under clause 3.2.3 is proofs that the Mayor Council did not consider the financial benefit , as from reading this clause no indication and calculation has been done as to this financial benefit. What is also clear as this will be done by the administration behind closed doors and as such the public and council will have no inputs on this matter. This is also illegal . Why was this financial information not being made public for public input.. The current financial statements of the Stellenbosch Flying Club not made available. I also beg to ask how the Mayor Council could even resolve on this matter without this information before her.
  - Likewise no copy of the proposed lease agreement are attached . Not even the existing lease with Stellenbosch Flying club. which the Mayor Council resolve to proposed is attached and in this way made public.

Taking all the above into account I call on Council to stop this illegal manipulation of this process and act in an open and transparent way. Bring this matter back to the Planning Committee where it can be properly interrogated and debated. Likewise at a council meeting. A proper and meaningful public participation process must also be done , and if it must wait for the easing of lockdown restrictions then so be it.


I also bring to the Council attention that even the current lease agreement with the Stellenbosch Flying club has not been properly administered by the municipal officials responsible. They have not enforce the conditions of the lease agreement . to mention some,

The Flying club over the years never paid any market related relation for years prior to 2010 they paid peanuts and from 2011 they were allowed to pay the farm rental rate and the Flying club is not a Farm. Likewise the Flying club was allowed to do subleases and construct various buildings and hangers without first obtaining council approval as prescribed in the lease agreement. The flying club has been leasing this property as far back as 1972 and there was never a nautorial lease registered against this portion of farm 502L.

The administration has been giving the Stellenbosch Flying club which was and still is a white run club , preferential treatment in violation the lease agreement and sublease as they please without Council knowledge and approval. In Contrast just next the Flying club The Groothoek trust was and still is allowed to sublease illegally, They were also allowed to make millions over the year by illegally subleasing. But in this case a black sub lessee must go to court to protect his rights to do a honest business on municipal owned land which is being violated by white people.

Taking all the above into account , I call that Council don't approve the Extension of the current lease to the Stellenbosch Flying club.

Yours faithfully



Clr DA Hendrickse

CC Speaker

MM



# **APPENDIX 5**

**Piet Smit**

---

**From:** Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>  
**Sent:** 24 June 2020 10:25 AM  
**To:** Annalene De Beer; Salie Abrahams; Lynn Coleridge-Zils; Piet Smit  
**Cc:** Limeez Joseph; Ian de Vega; Mayor (Gesie Van Deventer); mm; Donovan Muller  
**Subject:** [EX] RE: Aeronautical school, Stellenbosch  
**Attachments:** RE: Aeronautical school, Stellenbosch

Annalene, Piet

From my side also thank you for the clear response below. I am happy that the public participation process is finally able to run. Regarding the last bullet point highlighted in yellow below, please find attached the comment from the WCED. Please regard this as our formal submission of comment in terms of the public participation process.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

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**From:** Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>  
**Sent:** 24 June 2020 10:04 AM  
**To:** Salie Abrahams <Salie.Abrahams@westerncape.gov.za>; Gerrit Coetzee <Gerrit.Coetzee@westerncape.gov.za>; Lynn Coleridge-Zils <Lynn.Coleridge-Zils@westerncape.gov.za>; Piet Smit <Piet.Smit@stellenbosch.gov.za>  
**Cc:** Limeez Joseph <Limeez.Joseph@westerncape.gov.za>; Ian de Vega <Ian.devega@westerncape.gov.za>; Mayor (Gesie Van Deventer) <Mayor@stellenbosch.gov.za>; mm@stellenbosch.gov.za; Donovan Muller <Donovan.Muller@stellenbosch.gov.za>  
**Subject:** RE: Aeronautical school, Stellenbosch

Dear Mt Abrahams

Thank you – you too.

*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

---



T: +27 21 808 8018 | C: +27 83 305 3685

Email:

[Annalene.deBeer@stellenbosch.gov.za](mailto:Annalene.deBeer@stellenbosch.gov.za)

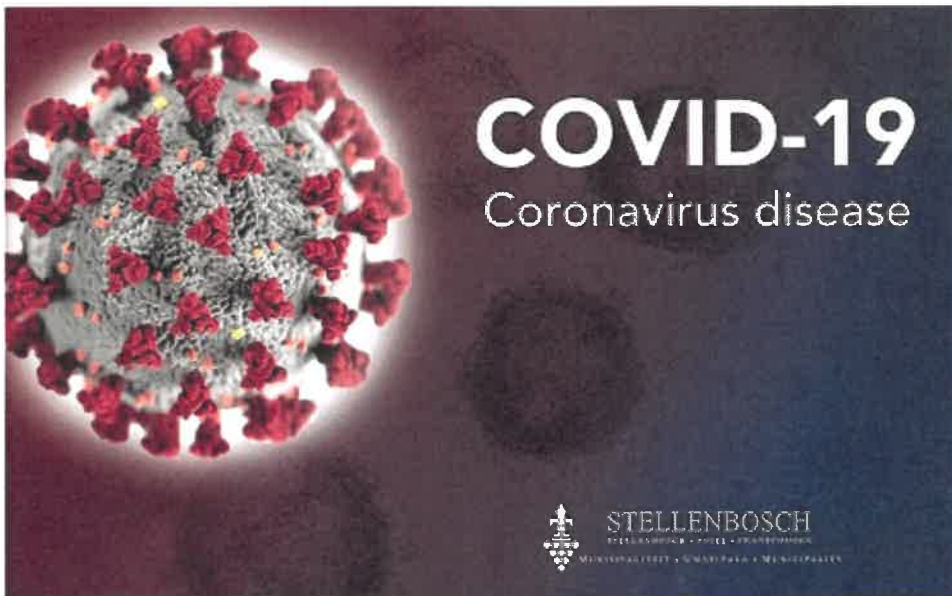
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**From:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>  
**Sent:** 24 June 2020 09:43 AM  
**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>  
**Cc:** Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[Ian.devega@westerncape.gov.za](mailto:Ian.devega@westerncape.gov.za)>; Mayor (Gesie Van Deventer) <[Mayor@stellenbosch.gov.za](mailto:Mayor@stellenbosch.gov.za)>; mm <[Municipal.Manager@stellenbosch.gov.za](mailto:Municipal.Manager@stellenbosch.gov.za)>; Donovan Muller <[Donovan.Muller@stellenbosch.gov.za](mailto:Donovan.Muller@stellenbosch.gov.za)>  
**Subject:** [EX] RE: Aeronautical school, Stellenbosch

Dear Ms. De Beer

Thank you for your prompt response. Much appreciated.

Have a good day ahead, and continue to be safe.

Regards  
 Salie

**From:** Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]  
**Sent:** Wednesday, June 24, 2020 9:33 AM  
**To:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>  
**Cc:** Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[Ian.devega@westerncape.gov.za](mailto:Ian.devega@westerncape.gov.za)>; Mayor (Gesie Van Deventer) <[Mayor@stellenbosch.gov.za](mailto:Mayor@stellenbosch.gov.za)>; [mm@stellenbosch.gov.za](mailto:mm@stellenbosch.gov.za); Donovan Muller <[Donovan.Muller@stellenbosch.gov.za](mailto:Donovan.Muller@stellenbosch.gov.za)>  
**Subject:** RE: Aeronautical school, Stellenbosch

Dear Mr Abrahams

See my comments in blue below.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

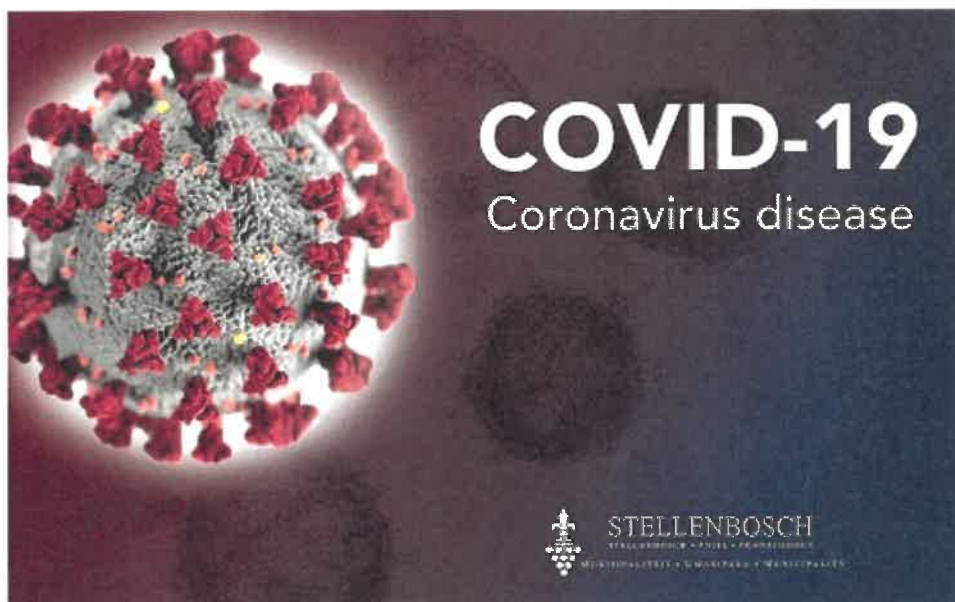
[Annalene.deBeer@stellenbosch.gov.za](mailto:Annalene.deBeer@stellenbosch.gov.za)

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**From:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>

**Sent:** 24 June 2020 09:07 AM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Gerrit Coetzee

<[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Cc:** Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[ian.devega@westerncape.gov.za](mailto:ian.devega@westerncape.gov.za)>; Mayor (Gesie Van Deventer) <[Mayor@stellenbosch.gov.za](mailto:Mayor@stellenbosch.gov.za)>; mm <[Municipal.Manager@stellenbosch.gov.za](mailto:Municipal.Manager@stellenbosch.gov.za)>; Donovan Muller <[Donovan.Muller@stellenbosch.gov.za](mailto:Donovan.Muller@stellenbosch.gov.za)>

**Subject:** [EX] RE: Aeronautical school, Stellenbosch

Dear Ms. de Beer

Your response and engagement is much appreciated. Thank you.

Given that this project is attracting considerable media interest for its progress and that we expect that the WCED expects to have to provide a formal update at Provincial Cabinet level as part of the strategic plan review processes, may I please request additional information from the Stellenbosch Municipality to ensure that we do not misrepresent progress since our initial engagements started formally with the Council back in November 2019.

- This response immediately below speaks to the proposed long term lease to the flying school, and not to the application for land adjacent to the airfield. Has the latter been considered at all?  
Please refer to my earlier correspondence (before or in March) as ai think the different processes was clearly indicated there – the land adjacent to the airfield is a separate application and has not been considered. It is the 2<sup>nd</sup> or 3<sup>rd</sup> phase of the school and cannot be considered before the long term lease of the flying school has been dealt with.
- May we request the timelines for the public participation process for the proposed long term lease to the flying school (which you confirm includes a sub-lease to the WCED). Has it started, how long will it run for and when can we realistically expect a decision?  
I do not have the exact dates with me. Mr Smit will be able to provide you with that. The process has started and to the best of my knowledge the advertisement as placed in May. It has a time line of at least 30 days for public to provide inputs and then inputs will be consolidated and it will be taken back via Mayco to Council. I am unable to give you dates of these meetings at this stage.
- As it is still reported to me as being unanswered, should we expect that the Stellenbosch Municipality will provide a formal response to the letters issued by the WCED on 26 February 2020 from the office of the DDG for Education Planning (to the Honourable Executive Mayor) and a follow up on 20 April 2020 (from the office of the Director: Infrastructure Planning to the Municipal Manager)  
I will take it up with the administration in these offices. I was under the impression that responses were done.
- In the anticipated response, may we please request what, if any, consideration has been given to the input that the WCED has provided via Mr. Coetzee's office to support the call for comments process.  
I am not clear on the request. If Mr Coetzee made comments on the advertisement that was published – it has not been considered. It will be done when the rest of the comments are considered after closure of the 30 days. If he made comments outside the process it would not have been considered on its own as no final decision has been made. It is requested that he resubmits the comments as comments under the advertisement.

Thanks in advance,

Kind regards

Salie Abrahams  
Deputy Director-General: Education Planning  
Western Cape Education Department

Grand Central, Cape Town

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Website: [wcedonline.westerncape.gov.za](http://wcedonline.westerncape.gov.za)



**From:** Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]  
**Sent:** Wednesday, June 24, 2020 8:39 AM  
**To:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>  
**Cc:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[ian.devega@westerncape.gov.za](mailto:ian.devega@westerncape.gov.za)>  
**Subject:** RE: Aeronautical school, Stellenbosch

Hallo Gerrit

The public participation process around the proposed long term lease to the flying school with the inclusion of a sub-lease to you is currently in the public participation phase since we could start with that process again after strict lock down.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

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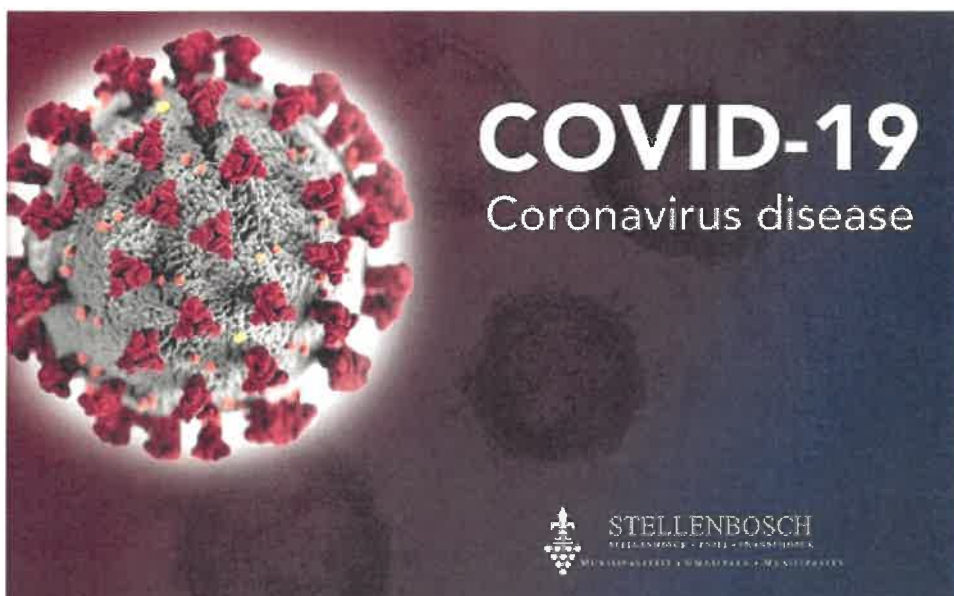
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**From:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>

**Sent:** 23 June 2020 08:43 PM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Cc:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[ian.devega@westerncape.gov.za](mailto:ian.devega@westerncape.gov.za)>

**Subject:** [EX] RE: Aeronautical school, Stellenbosch

Annalene

Has there been any further development regarding this project. Have you been able to advertise and when does the consultation process close?

If not yet advertised, when do you expect to be in a position to advertise?

Attached again is our comment as submitted previously. If needed we are more than willing to address council to provide clarity on the proposed project.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

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**From:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>  
**Sent:** 22 April 2020 12:43 PM  
**To:** Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>  
**Cc:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[ian.devega@westerncape.gov.za](mailto:ian.devega@westerncape.gov.za)>  
**Subject:** RE: Aeronautical school, Stellenbosch

Hallo Gerrit

Will do so.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

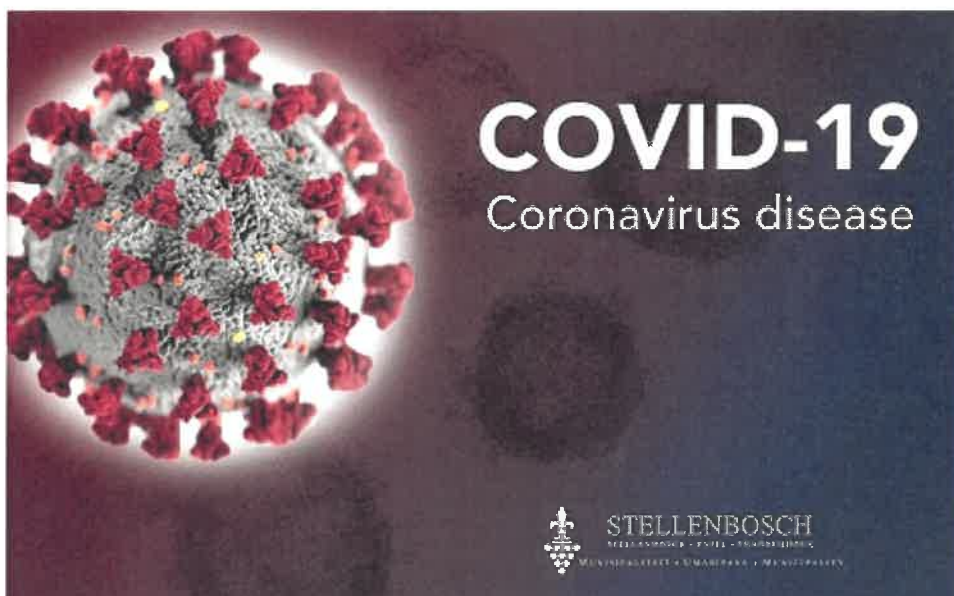
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**From:** Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>

**Sent:** 21 April 2020 05:13 PM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Cc:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>; Ian de Vega <[ian.devega@westerncape.gov.za](mailto:ian.devega@westerncape.gov.za)>

**Subject:** [EX] RE: Aeronautical school, Stellenbosch

Hello Annalene en Gerrit,

The e-mails are noted. Annalene, please keep us in the loop after lockdown. Much appreciated.

Stay safe and take care.

Adv. Lynn Coleridge-Zils  
 Director: Policy Co-ordination  
 Western Cape Education Department  
 Tel: +27 21 467 2299  
 Room: 26-18  
 18<sup>th</sup> Floor  
 Golden Acre Building  
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 Email: [Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)  
 Website: [wcedonline.westerncape.gov.za](http://wcedonline.westerncape.gov.za)



**From:** Annalene De Beer [<mailto:Annalene.DeBeer@stellenbosch.gov.za>]  
**Sent:** Tuesday, April 21, 2020 1:44 PM  
**To:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>  
**Cc:** Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>  
**Subject:** RE: Aeronautical school, Stellenbosch

Hallo Gerrit

Ons kon nie advertensies plaas vir openbare deelname gedurende die lock down periode nie.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

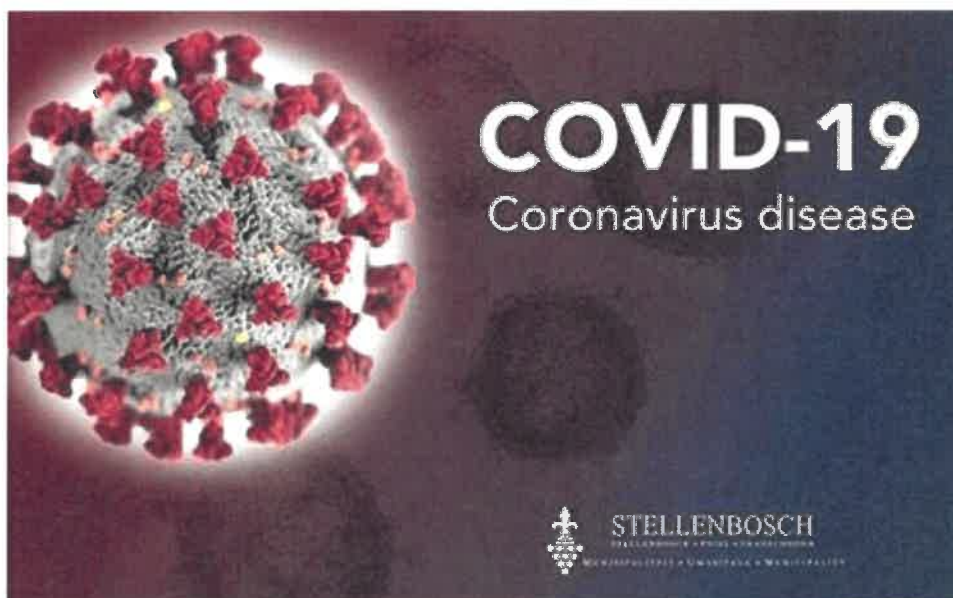
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Visit the dedicated COVID-19 page on our municipal website for information on this disease: <https://www.stellenbosch.gov.za/documents/general>

For official COVID-19 advice, updates and queries:

- National Hotline 0800 029 999
- Provincial Hotline 021 9284102
- WhatsApp 0600 123 456

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**From:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>

**Sent:** 21 April 2020 01:19 PM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Cc:** Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>

**Subject:** [EX] RE: Aeronautical school, Stellenbosch

Annalene, Piet

Ek glo en vertrou alles is wel met julle gedurende die tyd van lock-down en dat julle veilig by die huis is.

Voor lock-down het ons bespreek om 'n kommentaar vanaf WKOD as deel van die publieke deelname proses op die aansoeke in te dien. Ek hoop nie dat ons te laat is vir dit nie en vertrou dat die aangehegte skrywe in ag geneem sal word tydens die volgende sitting van die Raad. Laat weet my asseblief indien ons van veredere hulp kan wees om die aansoeke geprosesseer te kry.

Groete

Gerrit Coetzee

0844224334

**From:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>

**Sent:** 10 March 2020 08:25 AM

**To:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Cc:** Rikus Badenhorst <[Rikus.Badenhorst@stellenbosch.gov.za](mailto:Rikus.Badenhorst@stellenbosch.gov.za)>; Nolonwabo Vane (Mayco Assistant) <[Mayco.Assistant@stellenbosch.gov.za](mailto:Mayco.Assistant@stellenbosch.gov.za)>

**Subject:** RE: Aeronautical school, Stellenbosch

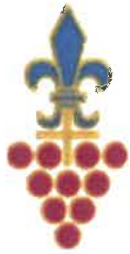
Hallo Gert

Probably in the May round of meetings given the public participation process. Can you please talk to the Flying club in regard to phase 1.

*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**



T: +27 21 808 8018 | C: +27 83 305 3685

Email:

[Annalene.deBeer@stellenbosch.gov.za](mailto:Annalene.deBeer@stellenbosch.gov.za)

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**STELLENBOSCH**

STELLENBOSCH MUNISIPALITEIT



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**From:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>

**Sent:** 10 March 2020 07:31 AM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>; Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Subject:** [EX] FW: Aeronautical school, Stellenbosch

Annalene, Piet

Could you please provide us with the dates when the three related applications will serve again before Mayco / Council.

Dates are becoming critical for us in terms of our planning for the establishment of this school.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

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Fax: 021 467 2565

Cell: 0844224334

E-mail: [Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)

Website: [www.westerncape.gov.za](http://www.westerncape.gov.za)



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**From:** Salie Abrahams  
**Sent:** 09 March 2020 03:09 PM  
**To:** Gerrit Coetzee; Limeez Joseph  
**Cc:** Lynn Coleridge-Zils; Lesline Mcglen  
**Subject:** Re: Aeronautical school, Stellenbosch

Dear Gerrit

Thanks for the update.

When do the various related matters serve again in the Mayco.

Regards  
 Salie

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---

**From:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>  
**Sent:** Monday, March 9, 2020 2:42:26 PM  
**To:** Salie Abrahams <[Salie.Abrahams@westerncape.gov.za](mailto:Salie.Abrahams@westerncape.gov.za)>; Limeez Joseph <[Limeez.Joseph@westerncape.gov.za](mailto:Limeez.Joseph@westerncape.gov.za)>  
**Cc:** Lynn Coleridge-Zils <[Lynn.Coleridge-Zils@westerncape.gov.za](mailto:Lynn.Coleridge-Zils@westerncape.gov.za)>; Lesline Mcglen <[Lesline.Mcglen@westerncape.gov.za](mailto:Lesline.Mcglen@westerncape.gov.za)>  
**Subject:** FW: Aeronautical school, Stellenbosch

Salie

I followed up with Stellenbosch Municipality last week regarding our further application for the adjacent municipal land for the establishment of the aeronautic school and the feedback received from Annalene De Beer (Director: corporate Services) were as follows:

- The two items at council at the moment is the following:
  - Application for a long term lease between Stellenbosch Flying Club and Municipality;
  - The sub-lease of the Stellenbosch Flying Club to WCED for the aviation school.
- The sub-lease of the Flying club to WCED is not subject to a public participation process. The new application for the adjacent property is.
- The flying club's long term lease is also subject to a public participation process. Legislation requires a process before council takes a decision in principle – that process has been resolved on. When an in-principle decision is taken on the term and money involved a further process on those two aspects will follow.
- This was part of Item 11.2.3. of council meeting 26 February;
- Despite the letter from the flying club indicating their preference, not to accommodate the proposed school on the flying club's premises (hanger or land for mobile classes), but rather on adjacent property, it is the Stellenbosch municipality's intention to make the accommodation of Working-on-Fire and WCED in as far as possible part of the lease conditions. This would be subject to input during the current process and the process to follow.

- Annalene De Beer from the Municipality therefor advised that as part of the public participation process, WCED make an input as part of the call for comments and refer to the possible accommodation of the aeronautical school on or near the premises currently being leased by the flying club. The input would relate to the noise impact in particular and the need for the school. Refer specifically to the fact that not all learners will become pilots, but rather that some will become mechanics etc. Not all will fly, limiting the impact on noise etc.
- The request from WCED for the leasing or acquisition of the adjacent municipal property will serve before Mayco and Council at the same time as the return item on the renewal of the Flying Club lease.

Regards

Gerrit Coetzee Pr.Plh A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

Sanlam Building (Golden Acre), 23d Floor, Rm 23-03

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Website: [www.westerncape.gov.za](http://www.westerncape.gov.za)



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**From:** Annalene De Beer [<mailto:Annalene.DeBeer@ Stellenbosch.gov.za>]

**Sent:** 09 March 2020 08:34 AM

**To:** Gerrit Coetzee

**Cc:** Piet Smit

**Subject:** RE: Aeronautical school, Stellenbosch

Hallo Gerrit

My comments in red below for easy reference.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

[Annalene.deBeer@ Stellenbosch.gov.za](mailto:Annalene.deBeer@ Stellenbosch.gov.za)

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**From:** Gerrit Coetzee <[Gerrit.Coetzee@westerncape.gov.za](mailto:Gerrit.Coetzee@westerncape.gov.za)>

**Sent:** 09 March 2020 08:21 AM

**To:** Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>

**Cc:** Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Subject:** [EX] Aeronautical school, Stellenbosch

Annalene

Our telephone conversation last week refers.

Thank you for the clarification. Can I please confirm the following regarding our conversation:

- The two items at council at the moment is the following:
  - Application for a long term lease between Stellenbosch Flying Club and Municipality;
  - The sub-lease of the Stellenbosch Flying Club to WCED for the aviation school.
- Council recommended the sub-lease of the Flying club to WCED be subject to a public participation process.  
**The sub-lease is not subject to public participation. Your new application will be.**
- The flying club's long term lease is also subject to a public participation process.  
**Legislation requires a process before council takes a decision in principle – that process has been resolved on. When an in principle decision is taken on the term and money involved a further process on those two aspects will follow.**
- Item 11.2.3. of council meeting 26 February
- Despite the letter from the flying club indicating their preference, not to accommodate the proposed school on the flying club's premises (hanger or land for mobile classes), but rather on adjacent property, the Stellenbosch municipality will still recommend that, **as a condition of approval**, the Stellenbosch Flying Club to accommodate the phase 1 and 2 of the school on the Flying Clubs premises (either in a hanger or land for mobile classrooms).  
**It is the intention to make the accommodation of the businesses there, the working for fire and WCED in as far as possible part of the lease conditions. This is subject to input during the current process. And the process to follow.**
- You also advised that as part of the public participation process, WCED submit comments to the Stellenbosch Municipality, regarding the proposal and the need for the school and limited impact on the flying clubs activities; As mentioned not all learners at the school will fly and become pilots;  
**I advised that you make an input as part of the call for comments refers to the possible accommodation of the aeronautical school on or near the premises currently been lease**



by the flying club. What that input would be you should determine. My understanding is that a group of learners pilots may have a noise impact in particular.

- The request from WCED for the leasing or acquisition of the adjacent municipal property will only be considered once the public participation process is concluded and a decision made regarding the sub-lease of the flying club property to the WCED, for the establishment of either a mobile school (if the decision is not to sub-lease to WCED) or a permanent school if the sub-lease is approved and WCED is accommodated in a hanger on the flying clubs land.

A revised item taking into account the latest proposal from WCED will serve before Mayco and Council at the same time as the return item on the renewal of the Flying club lease.

I tried to summarise our conversation as best I could. I will appreciate any corrections before I inform my superiors.

Regards

Gerrit Coetzee Pr.Pln A/1422/2011

Directorate Physical Resource Planning and Property Management

Western Cape Education Department

Western Cape Government

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# APPENDIX 6



20 January 2020

The Director Corporate Services  
Stellenbosch Municipality  
P O Box 17  
Stellenbosch  
7600

Attention: Director Annalene De Beer  
Cc: Mr Piet Smit  
Councillor Rikus Badenhorst

Dear Director De Beer

**APPLICATION FOR LEASE RENEWAL: STELLENBOSCH FLYING CLUB**

Subsequent to the receipt by the Stellenbosch Municipality of the Western Cape Education Departments PROPOSAL TO SUBLEASE THE MUNICIPAL PROPERTY FROM THE STELLENBOSCH FLYING CLUB dated 7 November 2019 the Stellenbosch Flying Club was advised to submit an updated lease renewal motivation for submission to council.

The Club was similarly advised at that time that application should be made for a new lease period of 30 years and our revised motivation was therefore prepared to include this period.

We do however understand that there are certain challenges and technical complexities in applying for a lease of such a long period and we would therefore like to adjust our previously stated position. While we would like to be able to renew for the longest period possible, we request instead that the Stellenbosch Municipality considers renewing the Stellenbosch Flying Club's lease of portion 502L by whatever shorter period the Municipality is able to.

Sincerely

Dr Jurie Steyn

Chairman

# APPENDIX 7



2020-05-07

The Head of the Department  
The Department of the National Treasury  
Private Bag X115  
Pretoria  
0001

Dear Sir/Madam

**INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT**

**1. Introduction**

In terms of Regulation 35(b) of the Asset Transfer Regulations, if a Municipal Council has in terms of Regulation 34 (a) authorized the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1) (b) is to be considered, *inter alia*, solicit the views and recommendation of National Treasury or the Provincial Treasury on the matter.

The purpose of this letter is therefor to provide you with an opportunity to commend/make recommendations on the proposed, long term lease with the Stellenbosch Flying Club.

**2. Background**

**2.1 Existing lease agreement**

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.

**2.2 Application for renewal of Lease Agreement**

Seeing that the contract expires on 31 March 2021, the Stellenbosch Flying Club has requested that a new, long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider the application.

**3. DISCUSSION**

**3.1 Public participation process**

In terms of Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35. On 24 April 2020 the Executive Mayor (in terms of delegated authority) considered the application and decided, *inter alia*, to authorise the Municipal Manager to follow the prescribed public participation process.



### 3.2 Information Statement

In terms of Regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.

Please find hereto attached as **APPENDICES 1 and 2 the Information Statement**, as contemplated in Regulation 34(3)(b) of the ATR as well as the **agenda item** that served before the Executive Mayoral Committee.

### 3.3 Request to submit comment/makes recommendations

You are hereby requested in terms of Regulations 35(b) of the ATR to provide Stellenbosch Municipality with your views and/or recommendations on this matter before 30 May 2020.

Should you require further information/background, please feel free to contact the undersigned at:

- E-mail: [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za)
- Cell phone: 0845065065
- Landline: 021-8088189

I await your inputs/recommendations.

Yours faithfully

.....  
**PIET SMIT**  
**MANAGER: PROPERTY MANAGEMENT**

**Annalene De Beer**

---

**From:** Piet Smit  
**Sent:** 06 August 2020 04:13 PM  
**To:** Annalene De Beer  
**Subject:** FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

FYI

**From:** Nondumiso Nyuswa [mailto:Nondumiso.Nyuswa@treasury.gov.za]  
**Sent:** 08 May 2020 12:46 PM  
**To:** Piet Smit  
**Cc:** Lorelle Adams  
**Subject:** [EX] RE: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Good morning

This email serves to acknowledge receipt of your email. Please note that I am still checking with our colleagues if this is for IGR. Will revert back to you shortly.

Regards

Nondumiso Nyuswa  
Executive Assistant: Office of the DDG: IGR  
Tel: 012 395 6557 Email: [Nondumiso.Nyuswa@treasury.gov.za](mailto:Nondumiso.Nyuswa@treasury.gov.za)



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**From:** Piet Smit <[Piet.Smit@stellenbosch.gov.za](mailto:Piet.Smit@stellenbosch.gov.za)>

**Sent:** Friday, 08 May 2020 09:16

**To:** Nondumiso Nyuswa <[Nondumiso.Nyuswa@treasury.gov.za](mailto:Nondumiso.Nyuswa@treasury.gov.za)>

**Cc:** Lorelle Adams <[Lorelle.Adams@stellenbosch.gov.za](mailto:Lorelle.Adams@stellenbosch.gov.za)>

**Subject:** FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Hi Nondumiso,

Please find hereto attached a self-explanatory letter addressed to the National ,s well as Appendices 1 and 2 referred to in the letter.

Please acknowledge receipt of this correspondence, or provide me with the correct contact details to whom I should submit it.



*Kind regards,*

**Piet Smit**

Manager: Property Management

**Human Settlement & Property**

**Management**

---

T: +27 21 808 8750 | 084 5065065  
3rd Floor, Oude Bloemhof building,  
Corner of Plein Street and Rhyneveld  
Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

**Annalene De Beer**

---

**From:** Piet Smit  
**Sent:** 06 August 2020 04:16 PM  
**To:** Annalene De Beer  
**Subject:** FW: INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT  
**Attachments:** Provincial Treasury.docx; Long term lease agreement Flying Club.pdf; INFORMATION STATEMENT IN RELATION TO LEASE FARM 502L.annexure c.pdf

FYI

**From:** Piet Smit  
**Sent:** 08 May 2020 09:13 AM  
**To:** 'janine.hendricks@westerncape.gov.za'  
**Cc:** Lorelle Adams  
**Subject:** INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT

Hi Janine,

Please find hereto attached a self-explanatory letter addressed to the Provincial Treasury as well as Appendices 1 and 2 referred to in the letter

Please acknowledge receipt of this correspondence, or provide me with the correct contact details to whom I should submit it.



*Kind regards,*

**Piet Smit**

Manager: Property Management  
**Human Settlement & Property  
Management**

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T: +27 21 808 8750 | 084 5065065  
3rd Floor, Oude Bloemhof building,  
Corner of Plein Street and Rhyneveld  
Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



2020-05-07

The Western Cape Provincial Treasury  
Private Bag X9165  
Cape Town  
8000

Dear Sir/Madam

**INFORMATION STATEMENT: PROPOSED LONG TERM LEASE: LEASE FARM 502L: STELLENBOSCH FLYING CLUB: REQUEST FOR INPUT/COMMENTS IN TERMS OF SECTION 21 A OF THE MUNICIPAL SYSTEMS ACT**

**1. Introduction**

In terms of Regulation 35(b) of the Asset Transfer Regulations, if a Municipal Council has in terms of Regulation 34 (a) authorized the Accounting Officer to conduct a public participation process, the Accounting Officer must, at least 30 days before the meeting of the Municipal Council at which the decision referred to in Sub-regulation (1) (b) is to be considered, *inter alia*, solicit the views and recommendation of National Treasury or the Provincial Treasury on the matter.

The purpose of this letter is therefor to provide you with an opportunity to commend/make recommendations on the proposed, long term lease with the Stellenbosch Flying Club.

**2. Background**

**2.1 Existing lease agreement**

On 10 February 1992 Stellenbosch Municipality and the Stellenbosch Flying Club concluded (renew) a long term Lease Agreement for the period 1 April 1991 to 31 March 2021. The current Lease Agreement does not allow for an automatic renewal and/or extension of the term.

**2.2 Application for renewal of Lease Agreement**

Seeing that the contract expires on 31 March 2021, the Stellenbosch Flying Club has requested that a new, long term lease be concluded with the Municipality. Stellenbosch Municipal Council must still consider the application.

**3. DISCUSSION**

**3.1 Public participation process**

In terms of Regulation 34 of the ATR, before Council can make a final decision on whether to award rights in Municipal property, i.e. to enter into a long term Lease Agreement, the Municipal Manager must first conduct a public participation process contemplated in Regulation 35. On 24 April 2020 the Executive Mayor (in terms of delegated authority) considered the application and decided, *inter alia*, to authorise the Municipal Manager to follow the prescribed public participation



process.

### 3.2 Information Statement

In terms of Regulation 35, the Municipal Manager, when making public the proposal to grant the relevant long term right(s), must also make available an Information Statement referred to in Regulation 34.

Please find hereto attached as **APPENDICES 1 and 2 the Information Statement**, as contemplated in Regulation 34(3) (b) of the ATR as well as the **agenda item** that served before the Executive Mayoral Committee.

### 3.3 Request to submit comment/makes recommendations

You are hereby requested in terms of Regulations 35(b) of the ATR to provide Stellenbosch Municipality with your views and/or recommendations on this matter before 30 May 2020.

Should you require further information/background, please feel free to contact the undersigned at:

- E-mail: [piet.smit@stellenbosch.gov.za](mailto:piet.smit@stellenbosch.gov.za)
- Cell phone: 0845065065
- Landline: 021-8088189

I await your inputs/recommendations.

Yours faithfully

.....  
**PIET SMIT**  
**MANAGER: PROPERTY MANAGEMENT**

11.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
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11.3.1	<b>MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT</b>
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Collaborator No: 689917

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: 24 August 2020

**1. SUBJECT: MANAGEMENT OF CONTRACTS OR AGREEMENTS AND CONTRACTOR PERFORMANCE AS AT 30 JUNE 2020, MFMA S116(2)(d) REPORT**

**2. PURPOSE**

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

**3. DELEGATED AUTHORITY**

**(FOR DECISION BY MUNICIPAL COUNCIL)**

**4. EXECUTIVE SUMMARY**

The report indicates the performance of service providers who active on contract secured by means of a competitive bidding process for the period 01 July 2019 to 30 June 2020.

**5. RECOMMENDATION**

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2019 till 30 June 2020, be noted.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

**6.1.1 Oversight role of council**

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

**6.1.2 Legislative Requirement**

MFMA S116(2)(d):

*“The accounting officer of a municipality or municipal entity must-*

- (d) regularly report to the council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contract.”*

**6.2 Discussion**

As at 30 June 2020 Stellenbosch Municipality has a total of 435 “active” contracts secured by means of **competitive bidding process** (i.e. contracts which valid and able to be used), identified and linked to responsible contract managers.

Of these 435 contracts 395 were actively used during the 2019/2020 financial year. These contracts are captured on the contract monitoring tool, and also detail the performance of the various contractors/vendors against the contract requirements. The overall summary related to contract performance is as follows:

#	Description	Total
1	<b>Satisfactory:</b> The quality of service or goods delivery is in compliance with the agreement. Where needed, corrective or preventative action has been taken or agreed upon.	390
2	<b>Average:</b> The quality of the service is fair but needs monitoring and improvement to move to satisfactory standard	0
3	<b>Unsatisfactory:</b> Quality of service or goods delivery is unacceptable. Council either has or must consider termination of the agreement and all services if not improved urgently.	5

When user departments fail to find amicable solutions for contract management issues, it will be referred to our legal services department for assistance and resolution. Comments of Manager: Compliance and Contract Management underneath that refer to these respective contracts:

#	Tender nr:	Tender Description	Actions being taken
1	B/SM 004 19	Parking management system for Stellenbosch municipality for a contract period ending 30 June 2021.	Referred to legal services
2	B/SM 111 18.13	(a) Supply of materials and (b) hire of equipment for roads, stormwater and other infrastructure requirements, for a contract period of 2 years. Materials such as bitumen, sand, gravel, road stone, stormwater pipes, manhole covers and frames, traffic signage, road marking paints, bollards, bicycle stands, herbicides and equipment such as excavators, digger loaders, jetvac machines, road rollers etc.	Referred to legal services
3	B/SM 102 18.1	Appointment of attorneys for the rendering of conveyancing services: transfer of subsidized housing units for a period up to 30 June 2021 for the title DEEDS RESTORATION PROJECT (TRP) and any other low cost housing transfers during this period	Referred to legal services

<b>4</b>	B/SM 87 18	Rendering of security services for various areas within the WC024 municipal jurisdiction, until 30 June 2021.	Referred to legal services: Penalties imposed as per contractual agreement. Non-performance related to the complexity of security services, issues resolved after last rating.
<b>5</b>	B/SM 039 18.5	The establishment of a roster for professional Engineering services, for a contract period, ending 30 June 2020	Referred to Legal services poor performance rating improved with last rating.

**6.3 Financial Implications**

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

**6.4 Legal Implications**

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

**6.5 Staff Implications**

This report has no staff implications to the Municipality.

**6.6 Previous / Relevant Council Resolutions:**

None

**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.3.1**

that the Annual MFMA S116(2)(d) report: Management of contracts or agreements and contractor performance from 01 July 2019 till 30 June 2020, be noted.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Kevin Carolus</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8528</i>
<b>E-MAIL ADDRESS</b>	<i>Kevin.Carolus@ Stellenbosch.gov.za</i>
<b>DIRECTORATE</b>	<i>Financial Services</i>
<b>REPORT DATE</b>	

11.4	HUMAN SETTLEMENTS: (PC: CLLR WC PETERSEN (MS))
11.4.1	PROGRESS REPORT: KAYAMANDI TOWN CENTRE DEVELOPMENT

Collaborator No: 690367  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 24 August 2020

**1. SUBJECT: PROGRESS REPORT: KAYAMANDI TOWN CENTRE REDEVELOPMENT**

**2. PURPOSE**

To provide Council with a progress report regarding the Kayamandi Town Centre redevelopment.

**3. DELEGATED AUTHORITY**

**Council**

**4. EXECUTIVE SUMMARY**

The feasibility studies were completed in December 2017 and Council approved the development at the 16<sup>th</sup> Council Meeting dated 28 March 2018. The Environmental and Heritage studies have now been completed for the Town Centre and draft layouts and draft house typologies have been concluded.

A Geotechnical Assessment of the area has been conducted and a funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units. The public participation process is on-going.

The application and objective thereof is to:

- (a) prepare and submit a detailed planning application for the Town Centre of Kayamandi;
- (b) determine the civil services bulk capacity for the Kayamandi Town Centre;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

**5. RECOMMENDATIONS**

- (a) that the progress of the Kayamandi Town Centre redevelopment be noted; and
- (b) that the planning layout be approved.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

Jubelie Projects (Pty) Ltd was appointed by Stellenbosch Municipality to appoint the necessary multi-disciplinary team of professional consultants required to conduct a feasibility study to assess the redevelopment of the town centre of Kayamandi. Jubelie has entered into a Service Level Agreement (SLA) with Stellenbosch Municipality in respect of the Project and an order to perform work in terms thereof has been issued to Jubelie.



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The specific site has been discussed and subsequently approved by the Stellenbosch Municipality for the redevelopment of the town centre of Kayamandi, Stellenbosch.

Jubelie Projects (Pty) Limited appointed TV3 Architects and Town Planners as 'Town Planner' for the feasibility assessment for the Kayamandi Town Centre Redevelopment Feasibility Study in Stellenbosch. The scope of services TV3 was responsible for during the feasibility phase consists of the following tasks and duties:

- Determining the existing status quo
- Contextual assessment (baseline assessment) of the site
- Planning policy directives
- Site development plan with house placing thereon, indicating development patterns, and proposed land uses, residential densities, etc.

The feasibility study was done and completed in December 2017 and Council approved the feasibility on the 28 March 2018.

Extensive engagement with the community has taken place but there were issues which have delayed the implementation of the process among others:

- Community buy-in as to the extent of the study area
- Incorporation of the business nodes whether centralised or decentralised
- COVID-19 Pandemic

## 6.2 Discussion

The request is for Council to discuss and approve the recommendations of the feasibility and proceed to implementation of the redevelopment.

Stellenbosch Municipality appointed Jubelie Projects to conduct a feasibility study for the Kayamandi Town Centre in March 2017. This work was finalized and submitted in December 2017 and the Municipality approved the feasibility.

The proposed town planning layout consists of 738 BNG and 1116 Walk up units total 1854 units with erf sizes of between 124m<sup>2</sup> and 80m<sup>2</sup> all designed to accommodate a mix of housing typologies to suit the demand and the need. Semi-detached double storey top structure units are proposed at a density of 174 units per hectare. The house typologies or layouts such as "blocks of flats" or units' representative of the "Joe Slovo" model developed as part of the N2 Gateway project.

The units will encompass the formalised structures and characteristics of the urban form, such as new or better building materials, facades, and fenestration to, at a broader scale, housing type, street type, and their spatial arrangement or layout. It will also address the issue of densification.

The proposed typology mix is such that it will enhance the beauty and character of the Kayamandi Town Centre in that it will provide for a mix of typologies to accommodate the old and the young. The proposal for walk up units is also to provide maximum densification within the available limited space. This is based on the Joe Slovo Model implemented in the N2 Gateway Project in Cape Town.

The relocation strategy the community agreed upon was that a "block approach" must be followed to effectively address the challenges facing Kayamandi.

The aim would be to unpack the developmental opportunities of Kayamandi and recommend a relocation strategy for the families moving to the temporary units/site that has been earmarked for this process (Northern Extension).

Following extensive public participation leading up to a site visit to the N2 Gateway Project in Langa, Cape Town on 19 February 2020, the participants were derived from Kayamandi Town Centre Councillors, community leaders and members, and Stellenbosch Municipal officials including the Deputy Mayor and the Consultant. This visit yielded positive results and most of the attendees supported this concept.

The progress to date are the following milestones:

- Feasibility studies were completed in December 2017 and the Council passed a resolution – 16th Council Meeting dated 28 March 2018
- The Environmental and Heritage Studies have been completed for the Town Centre.
- Draft Layouts and draft house typologies have been done
- Geotechnical Assessment has been conducted
- Public participation is on an ongoing process
- Funding application has been submitted to the Provincial Department of Human Settlements (PDoHS) for detailed planning for 1854 units.

The proposed land uses in the feasibility study/urban design concept can be accommodated within this zoning. It is therefore proposed that this zoning is used when the study is rezoned during the land use planning application processes.

The proposed land use concept takes into consideration the following issues:

- The general slope of the area – the gradient is such that it has an impact on the number of opportunities
- The safety concerns with regards to the communal living
- The impact of the COVID-19 pandemic – social distancing requirements.

The major issues of concern have been dealt with and the only item is to proceed to Planning Application with greater consultation in terms of Social facilitation.

The Planning Application process is anticipated to be completed within a period of nine to twelve months.

### **6.3 Financial Implications**

Funding application has been submitted to Provincial Department of Human Settlements for the second phase of the planning process.

### **6.4 Legal Implications**

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

### **6.5 Staff Implications**

This report has no staff implications to the Municipality.

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

#### **16<sup>TH</sup> COUNCIL MEETING: 2018-03-28: ITEM 7.5.3**

#### **RESOLVED** (nem con)

(a) that the recommendations of the feasibility report be implemented with regard to the:

- detailed planning and land use rights;
- detailed engineering designs;

- installation of civil and electrical engineering;
  - high density residential development layout; and
- (b) that funding be sourced from the Provincial Department of Human Settlements (PDoHS) to implement the project.

#### 6.7 Risk Implications

The risk for this project is the acceptance from the relevant communities with regards to a high density development concept. The further risk would be the legality linked to ownership of high density development.

#### 6.8 Comments from Senior Management

##### 6.8.1 Municipal Manager

Supported

#### RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.4.1

- (a) that the progress of the Kayamandi Town Centre redevelopment be noted; and
- (b) that the planning layout be approved.

#### ANNEXURES

**Annexure A:** Kayamandi Town Centre proposed zoning

**Annexure B:** Kayamandi Town Centre - Effect of COVID-19

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Lester van Stavel
<b>POSITION</b>	<i>Manager: Housing Development</i>
<b>DIRECTORATE</b>	<i>Planning &amp; Economic Development</i>
<b>CONTACT NUMBERS</b>	<i>021 808 8460</i>
<b>E-MAIL ADDRESS</b>	<i>Lester.vanstavel@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>05 August 2020</i>

# **ANNEXURE A**

## KAYAMANDI TOWN CENTRE PROPOSED ZONING - BUSINESS AND HOME OCCUPATION WITHIN KAYAMANDI TOWN CENTRE REDEVELOPMENT

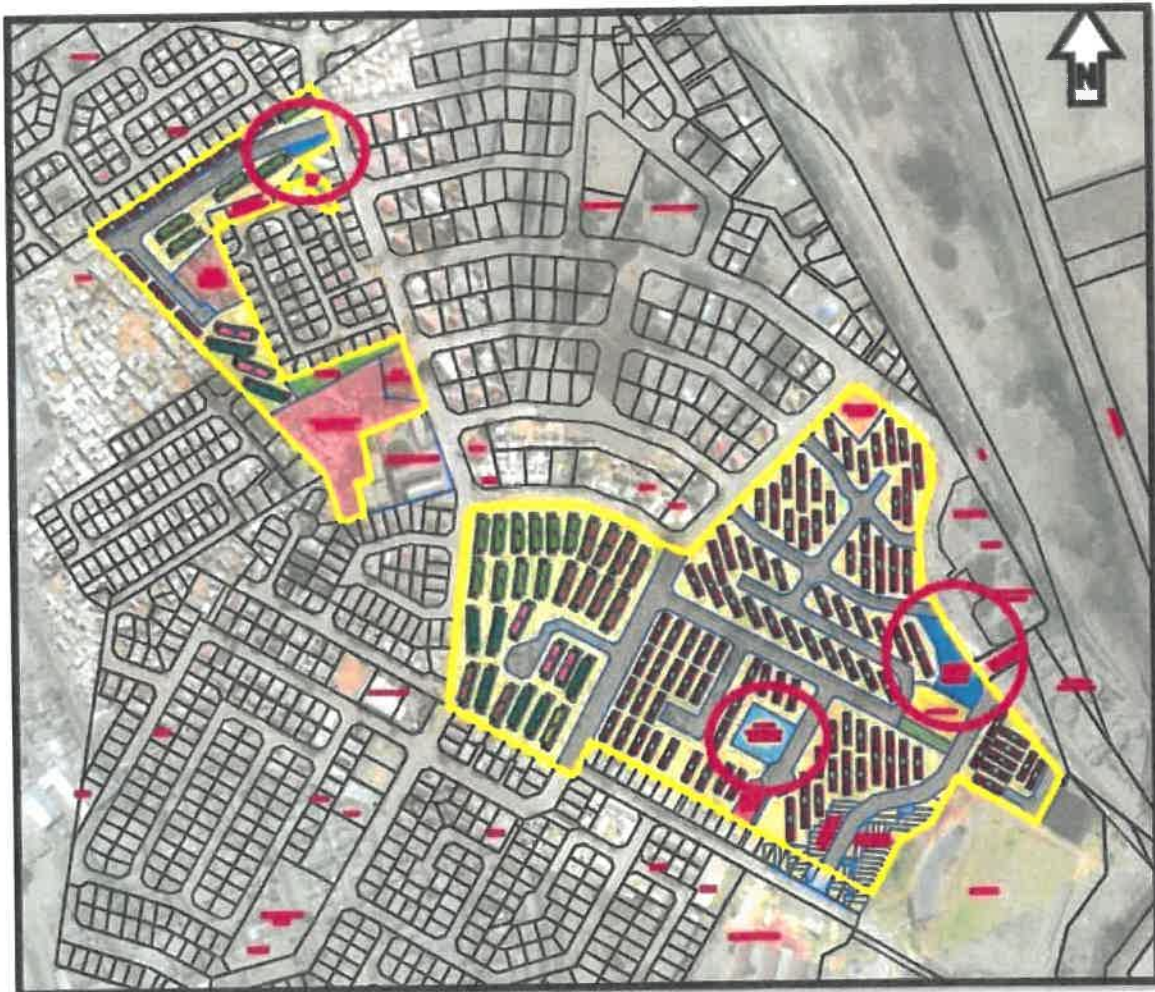
During the public participation a question arose regarding existing businesses in Kayamandi and how it would be accommodated in the new redeveloped layout.

The feasibility study provided for a centralised business premises at the entrance of Kayamandi and adjacent to the taxi rank. It is located where numerous existing business are located and it is suitable locale for commercial land uses.

There is also a smaller business site located to the north of the study area and a central site for early childhood development and crèche purposes that could be used by multiple day care workers.

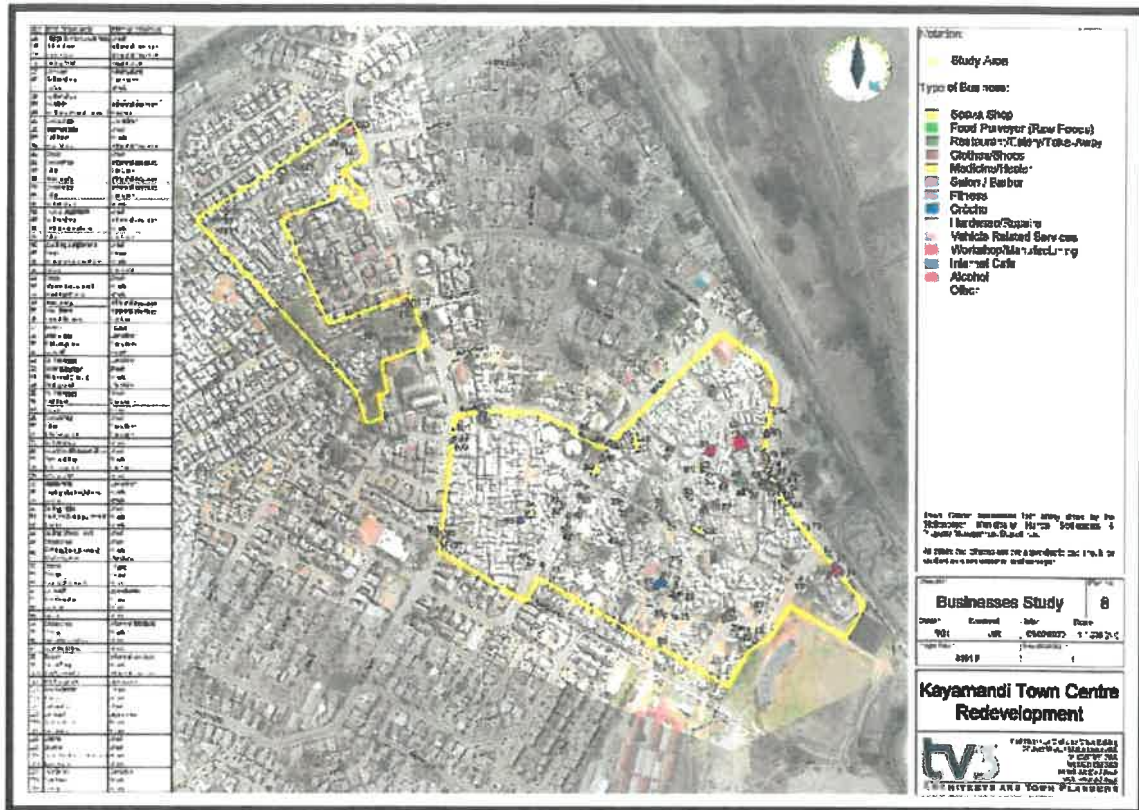
The 2 commercial and one crèche (see image below) site can accommodate for these businesses however, the community asked what will happen to the smaller existing businesses that are operating in close proximity to their clients and with a client base that was built up over the life span of the business.

*Image A: Location of 2 commercial and one crèche on the adjusted feasibility concept.*



With this input in mind, the human settlements department at the Stellenbosch Municipality conducted a field survey to locate and map all the small businesses in Kayamandi Town Centre. TV3 Projects then created a map depicting the department's findings, see image below.

Image B: Business Study for Kayamandi Town Centre.



How we can accommodate for these business as well as potential future business will be discussed below.

Before the Stellenbosch Municipality adopted the new Stellenbosch Integrated Zoning Scheme (IZS), the Kayamandi township had its own Zoning Scheme Regulations. The Kayamandi Zoning Scheme Regulations were incorporated in the IZS as the Less Formal Residential Zone.

Below is an extract of the IZS zoning map, and it is clear that almost the entire Kayamandi township is now zoned as Less Formal Residential Zone (in bright yellow).

**Image C: Zoning Map of Kayamandi (Bright yellow depicting Less Formal Residential Zone).**



The Stellenbosch Integrated Zoning Scheme and its subsequent zoning regulations was thoroughly investigated and underwent an extensive public participation by the Stellenbosch Municipality.

The purpose of the Less Formal Residential Zone is to make provision for:

- (a) The use of land for informal and/or subsidised housing, as well as group housing where more than one dwelling house may be permitted on the same cadastral land unit;
- (b) Settlement of people in an informal manner for emergency purposes;
- (c) Incremental upgrading of informal settlements;
- (d) Where conditions so dictate, to accommodate persons residing in areas where financial constraints require that less stringent land use management and building development management provisions be applied;
- (e) The stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas; and
- (f) The Municipality to take the necessary steps needed to exempt the National Building Regulations from applying in this zone.

Less Formal Residential Zone makes the most sense for this project as can be seen in land uses permitted in the table below.

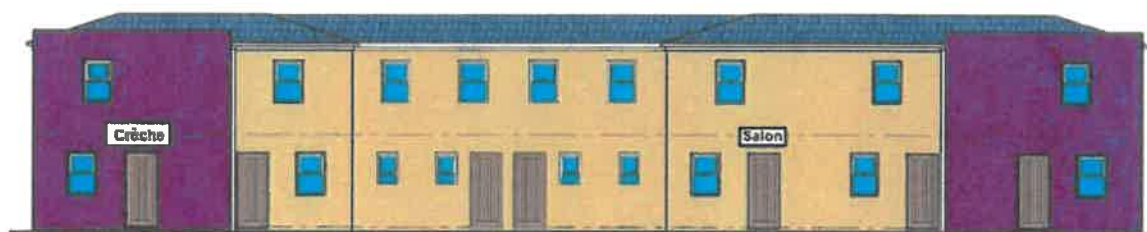
Table A: The land uses permitted within this zone.

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> <li>• Dwelling house</li> <li>• Group housing</li> <li>• Second dwelling</li> <li>• Shelter</li> <li>• Bed and breakfast establishment</li> <li>• Home day care centre</li> <li>• Home occupation practice</li> <li>• House shop</li> <li>• Home lodging</li> <li>• Occasional use (one event/year)</li> <li>• Other social, educational, religious, occupational or business purposes</li> <li>• Private road</li> </ul>	<ul style="list-style-type: none"> <li>• Additional uses exceeding threshold in this chapter</li> </ul>	<ul style="list-style-type: none"> <li>• Business premises</li> <li>• Community residential building</li> <li>• Commune</li> <li>• Day care centre</li> <li>• Extramural facility</li> <li>• Flats</li> <li>• Guest house</li> <li>• Hostel</li> <li>• House tavern</li> <li>• Occasional use (&gt;one event/year)</li> <li>• Place of education</li> <li>• Place of worship</li> <li>• Tourist dwelling unit</li> <li>• Welfare institution</li> </ul>

It is clear from the table above, that all the proposed land uses in the feasibility study/urban design concept can be accommodated within this zoning. It is therefore proposed that this zoning is used when the study is rezoned during the land use planning application processes.

See illustrations below based on the typologies from the feasibility study of how home occupation businesses can look on multi storey buildings.

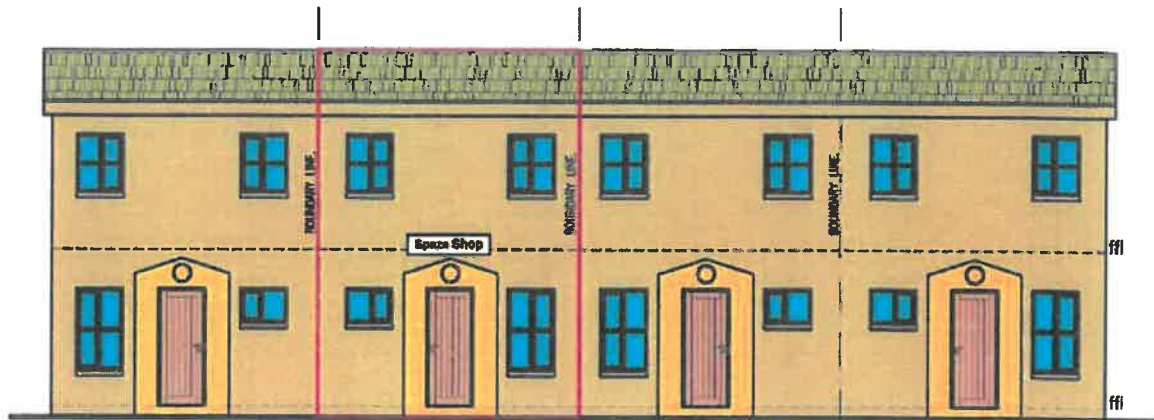
Image D: Typical Elevation



TYPICAL ELEVATION



Image E: Typical Elevation



TYPICAL STREET ELEVATION

In conclusion, the Less Formal Residential Zone will allow for all the existing and future business to operate from within the proposed residential units as a home occupation or other land uses as listed above.

However, should the Stellenbosch Municipality deem some of the businesses not to be appropriate for a specific site, then it should be moved to a more favourable location (depending on the type of business).

# **ANNEXURE B**

## Kayamandi Town Centre Impact of COVID-19 on the Development

In terms of urban design there are a few points to consider.

- High density residential may cause its problems, but considering other options aren't viable. There are no official regulation as to which densities would be acceptable and which not. The cost of land and low density development is extremely high and would not be possible for the existing population. Higher densities greatly improves the efficiency and reduces the cost of civil services per housing opportunity ultimately making it more affordable and accessible to everyone. The lower the densities the more agricultural land would also be needed to house the same amount of people.
- The Kayamandi redevelopment project focuses on the existing housing demand and one consideration in all of these reports is housing which include social and affordable housing. Most of the redevelopment area is currently informal settlement, the provision of housing will greatly enhance the residents quality of life which intern will better there existing living conditions and hygiene which will combat the spread of COVID-19.
- All measures to address existing problems should be based on relevant data and expert knowledge, while decisions should be made with broad consulting with all stakeholders.
- Public open spaces should be accessible to all and should promote social distancing, this can be achieved with building design and allocation of open spaces in close proximity to housing opportunities.
- Accessibility to core services should be and will be improved by this redevelopment.
- Good and effective sanitation has been and is still the biggest combatant of COVID-19, this project will create much better sanitation overall. Stormwater and sewerage lines will be installed and upgraded. All residents will have their own bathrooms as well as clean running water, compared to the existing public toilets and hostels living this is a huge improvement in sanitation.
- Education is very important to combat COVID-19 as well as any other diseases. The existing feasibility proposes new public facilitates, the upgrading of existing facilities and possible expansion of the existing school which will greatly improve the education that's needed.
- Sustainable and safe urban mobility is also off importance. The development of safe public transportation and means of getting around the city, as well as cycling and pedestrian infrastructure. These are all part of the proposal.

11.4.2	<b>LONGLANDS HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES</b>
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Collaborator No: 690383  
 IDP KPA Ref No: Good governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: LONGLANDS LOW COST HOUSING PROJECT - CRITERIA FOR THE SELECTION OF BENEFICIARIES**

**2. PURPOSE**

To obtain approval from Council for the criteria to be used for the selection of beneficiaries to be allocated houses / Enhanced Serviced sites / Erven in the TRA in the Longlands Low Cost Housing Project.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The application is for Council to approve the beneficiary selection criteria to be used for the selection of beneficiaries and the allocation for the 144 Erven Low Cost Housing Project in Longlands.

**5. RECOMMENDATIONS**

- (a) that 60 Erven with Top Structures of the 144 Erven
  - i. be allocated to beneficiaries residing in Longlands Property and the original list of Longlands Property be used to determine these 60 beneficiaries;
  - ii. beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures;
- (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database and priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability in a registration ordered list and proof of such be obtained from SASSA;
- (c) that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality;
- (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), 2 (Two) families be placed in each TRA Erf which will result into 76 opportunities and allocation be effected in the following manner:
  - i. 18 TRA sites be allocated to families residing in the Triangle and place 2 families in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle;

- ii. that 10% of the sites in the project which is 14 sites be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy;
- iii. that a further 6 of the sites will be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted into permanent disability and warrant better living conditions. A detailed report of such person(s) be submitted to the Municipal Manager for approval.

## 6. DISCUSSION / CONTENTS

### 6.1 Background

The Directorate: Planning and Economic Development has started with the development of Longlands Low Cost Housing. After intensive engagements with different stakeholders in the community, a Tripartite Agreement was entered into between Council, Western Cape Government and Longlands Village Proprietary Limited. The Longlands Project consists of 144 Erven of which 106 will have Top Structures constructed. The Western Cape Department of Human Settlements has already approved the funding for the implementation of the Low Cost Housing (**Funding Approval details are as follows: Project No 3110.01 and HSS No. W12030010**) that will make provision for 144 Serviced sites with 106 top structures, 38 Erven developed into a Temporary Residential Area (TRA) and on 18 TRA sites place 2 (two) families per site from "The Triangle" in the TRA.

### 6.2 Discussion

The Departments: Housing Development and Housing Administration held various public meetings with the Longlands community and Councillors in the lead up to this project. A Housing Committee will be elected by the potential beneficiaries on the housing demand database to represent their interests in the project once the criteria has been approved. It is imperative to note that various public meetings were held on 10 December 2019, 18 February 2020, 20 February 2020 and 17 March 2020 where the criteria as mentioned as per discussion point 5 above was discussed with the Longlands community. The Housing Administration department also arranged two respective sessions where the Longlands community was given an opportunity to update their details on the Housing Demand Database on 11 April 2019 and 14 March 2020 and also to verify the shack ownership in both Longlands Property and The Triangle.

Upon Council approval on the criteria a committee will be selected. This committee will be selected from Longlands Property, The Triangle and potential beneficiaries on the Broader Longlands Housing Demand Database.

The selection of beneficiaries for the project will be from the original list of households in the Longlands Property, The Triangle (for the TRA) and potential beneficiaries on the Broader Longlands Demand Database who applied for housing assistance up to and including the year 2017. This list was published to allow persons who applied, but whose information did not appear on the list, to come forward so that the list could be updated and also to give the community an opportunity to submit objection if there were applicants on the Housing Demand Database who were not residing within the ward.

Western Cape Department of Human Settlements issued a Circular regarding Beneficiary Selection for housing projects giving directive to the following:

Upon instruction of the National Minister of Human Settlements, municipalities were advised that the Criteria as set out in the National Housing Code as well as the following be used:-

- 
- In all housing project beneficiaries 40 years and older should be prioritised;
  - Households with applicants or dependants living with permanent disabilities as confirmed by SASSA be prioritized;
  - All beneficiaries in projects must have registered an application for housing on the WC024 Housing Demand Database. This includes aged and disabled persons, as well as farm workers.

Based on the aforementioned information it is recommended that beneficiary selection for the Longlands Housing Project be done from the Households living in Longlands Property, potential beneficiaries on the Housing Demand Database of applicants who reside within the Broader Longlands area in order of their date of application on the Housing Demand Database and The Triangle Households (to be allocated Erven in the TRA based on the original list of The Triangle).

It should also be borne in mind that, in terms of the existing Emergency Housing Policy, 10% of the project will have to be reserved for persons who have been evicted by a court of law residing in WC024 and further 6 of the sites be reserved for beneficiaries deemed to be "Special Cases" which will be approved by the Municipal Manager upon submission of a detailed report by Housing Administration Department.

### **6.3 Financial Implications**

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

### **6.4 Legal Implications**

Although not exhaustive, the following legislation and policies apply to this draft submission:

- ❖ Constitution of the Republic of South Africa, 1996 ( Act No 108 of 1996)
- ❖ National Housing Act 107 of 1997;
- ❖ National Housing Code 2009.
- ❖ Stellenbosch Emergency Housing Policy.

### **6.5 Staff Implications**

This report has no staff implications to the Municipality.

### **6.6 Risk Implications**

This report has no risk implications for the Municipality.

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.4.2**

- (a) that 60 Erven with Top Structures of the 144 Erven
- (i) be allocated to beneficiaries residing in Longlands Property and that the original list of Longlands Property be used to determine these 60 beneficiaries;
  - (ii) beneficiaries from Longlands Property who do not qualify be allocated Enhanced Serviced Sites, in which event these beneficiaries will be responsible to construct their own top structures;
- (b) that 42 Erven with Top structures of the 144 Erven be allocated to potential beneficiaries on the Longlands Broader Community Housing Demand Database, and that priority be given to potential beneficiaries over the age of 40 years and households with applicant(s) or dependants with permanent disability, in a registration ordered list and proof of such be obtained from SASSA;
- (c) that 4 of the 144 Erven be allocated to beneficiaries identified by Mr Kallie Kirsten as per agreement with the municipality; and
- (d) that 38 Erven of the 144 Erven be developed into a Temporary Residential Area (TRA), with 2 (Two) families being placed in each TRA Erf which will result in 76 opportunities, and that allocation be effected in the following manner:
- (i) 18 TRA sites be allocated to families residing in the Triangle, and 2 families placed in 1 (One) Erf. This will accommodate 35 families who currently reside in the Triangle;
  - (ii) that 10% of the sites in the project, which is 14 sites, be reserved for persons in WC024 who qualify for housing assistance in terms of the Emergency Housing Policy; and
  - (iii) that a further 6 of the sites be reserved for persons in WC024 who are deemed as "SPECIAL CASES" and residing in conditions that are dangerous and deemed a health hazard due to medical conditions which have resulted in permanent disability and warrant better living conditions. A detailed report of such person(s) is to be submitted to the Municipal Manager for approval.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	ROTANDA NONA SWARTBOOI
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<b>REPORT DATE</b>	

11.5	INFRASTRUCTURE: (PC: CLLR Q SMIT)
11.5.1	REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING

Collaborator No: 688647  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON PARKING**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Parking and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Parking within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on roadways, walkways and other spaces within road reserves or areas dedicated for parking.

The proposed By-Law on Parking aims to promote a safe environment for the benefit of all road- and sidewalk users and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges and dedicated parking areas.

This report serves to request the introduction of the new Draft Parking By-Law and to publish this By-Law for Public Participation.

**5. RECOMMENDATIONS**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.



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

Stellenbosch Municipality's first By-Law on Parking was promulgated in 1935, by Public Notice. The most recent Parking By-Law was promulgated as item 7146 on 5 July 2013 in the Provincial Gazette.

The Directorate Infrastructure Services revised the By-Law on Parking by utilising aspects of older ordinances, and new legislation has also been incorporated into the draft By-Law.

**6.2 Discussion**

Relevant existing internal By-Laws and Policies such as the existing Parking By-Law, the Draft Parking By-Law and the NMT Policy were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Parking) were also carried out. Relevant legislation, such as older Municipal and Road Ordinances, and newer legislation such as the Draft Western Cape Provincial Infrastructure Bill 2020, and the National Road Traffic Amendment Bill, were analysed. Relevant sections were incorporated, new sections drafted and enhancements and technical editing was made to the existing By-Law.

Along with improving safety for all road- and sidewalk users, and promoting universal accessibility within the Road Reserve and public parking areas, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the road reserve.

**6.3. Financial Implications**

None

**6.4 Legal Implications**

The revised By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within the road and street reserves.

**6.5 Staff Implications**

None

**6.6 Previous / Relevant Council Resolutions:**

Stellenbosch Municipality's By-Law on Parking was promulgated in June 2013, Provincial Gazette 7146.

**6.7 Risk Implications**

None

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**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.1**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Parking, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

**FOR FURTHER DETAILS CONTACT:**

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<b>REPORT DATE</b>	15 July 2020

# **ANNEXURE A**

STELLENBOSCH MUNICIPALITY PARKING BY-LAW, 2018

PREAMBLE

WHEREAS section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 5 to the Constitution lists traffic and parking as a local government matter to the extent set out in section

155(6)(a) and (7);

AND WHEREAS the Stellenbosch Municipality seeks to regulate parking within its area of jurisdiction and matters incidental thereto;

AND NOW THEREFORE, BE IT ENACTED by the Council of the Stellenbosch Municipality, as follows—

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## Definitions

1. (1) In this By-law, unless the context otherwise indicates:

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile

which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under the control of a person;

“approved” means approved by the Municipality, and “approval” has a corresponding meaning;

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer, and includes any other person appointed as an inspector of licences, examiner of vehicles, examiner for driving licences, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organisation and authorised by the Municipality;

“**authorized official**” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive permit and appointment certificate of office;

“**authorised person**” means a person nominated by an organization and authorized by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 34 persons, including the driver, and includes a bus train;

“bus stop” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“bus train” means a bus which—

(a) consists of two sections that connect to form a unit;

(b) can swivel in a horizontal plane at the connections between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and

(d) has a continuous passageway over its length;

“caravan” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“Chief Traffic Officer” means the Chief Traffic Officer of the Municipality to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“Municipality” means the Stellenbosch Municipality established by Provincial Notice 479 of 2000, and includes any political structure, political office bearer, duly authorised agent thereof or any employee acting in terms of delegated or sub-delegated authority; ;



“Parking card” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as a method of payment for parking;

“permit/disc” means official document, whether electronic or not, which either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business of selling, buying, exchanging or garaging vehicles;

“**decal**” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

“driver” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle and “drive” or any like word has a corresponding meaning;

“event” means—

(a) any sporting, recreational or entertainment event, including live acts;

(b) any educational, cultural or religious event;

(c) any business event, including marketing, public relations and promotional or exhibition events;

(d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue, or filming staged in terms of the by-law relating to Filming;

“footpath” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality in the annual schedule of tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a ~~hand held~~handheld device is used or electronic payment system has been implemented;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 16 but less than 35 persons, including the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than nine but not more than 16 seated persons, including the driver;

“minibus-taxi” means a motor car, a midi-bus or a mini-bus with an operating licence authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“Minister” means the National or Provincial Minister of Transport;

“motor vehicle” means any self-propelled vehicle and—

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor, but does not include—

(i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) a 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 used solely by such person;

“operate”, in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operating license” means an operating licence contemplated by the National Land Transport Act, 2009 (Act 5 of 2009);

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking marshals that operates a parking marshal service or a parking management service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means—

(a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle;

(b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(c) a person who is registered as such in accordance with regulations issued under section 4 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle, and “parking” has a corresponding meaning;

“parking attendant” means a person rendering a parking service for his or her own account;

“parking marshals” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this By-law, demarcated as such by the Municipality upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles by members of the public, whether or not charges are prescribed by this By-law for the use thereof;

“parking meter” means a device commissioned in terms of this By-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“passenger” means any person in or on a vehicle, but does not include the driver or the conductor;

“pay-and-display machine” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“pay-and-display parking ground” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

“prescribed” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prescribed fee of the denomination indicated on the parking meter concerned and includes debit, credit or Municipality cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“public place” means any square, park, recreation ground, sports ground, or open space which has—

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least 30 years; or

(d) at any time been declared or rendered as such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking ground, dedicated busway, parking bay or any other similar ~~place, and place, and~~ includes—

- (a) the verge of any such public road;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such public road;
- (d) any other object belonging to such public road, which has at any time been—
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least 30 years;
  - (iii) declared or rendered as such by the Municipality or other competent authority; or
  - (iv) constructed by a local authority; and
- (e) any land, with or without buildings or structures thereon, which is shown as a public road on—
  - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor

General’s office, unless such land is on such plan or diagram described as a private public road;

“rank access token” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a valid operating licence;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“residence” means a building, or part of a building, that is—

- (a) fixed to land;
- (b) designed or approved by the Municipality, for human habitation by a ~~single-family~~single-family unit; and
- (c) used for residential purposes;

“semi-trailer” means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by the ~~vehicledrawing~~vehicle drawing such trailer;

“sidewalk” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

“special parking place” means a rank, stand or bus stop established by the Municipality on a public road within the Municipality for the parking or standing of a taxi or a bus;

“stand” in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place” in relation to—

(a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and

(b) a bus, means a bus stop;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of—

(a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;

(b) anything which is a permanent part of the structure of such vehicle;

(c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and

(d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—

(i) fuel; and

(ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes—

(a) a mini-bus, a midi-bus, motor tricycle or motor ~~quadru~~quadr~~cycle~~cycle, and includes a minibus-taxi; and

(b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Municipality and the Western Cape Provincial Government;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designate by the Municipality for the exclusive use of taxis and, regarding a minibus-taxi making use of a bus stop in terms of section 5, includes a bus stop;

“taxi operator” means the person responsible for the use of a taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“taxi rank” means a taxi facility identified by the Municipality where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“temporary taxi facility” means a taxi facility contemplated in section 49(2);

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a ~~motor-eye~~motor~~cycle~~cycle;

“tri-cycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

“vehicle” means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device which moves solely on rails.

(2) In this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

## Purpose

2. The purpose of this By-law is to control parking within the area of jurisdiction of the Stellenbosch Municipality in order to provide a safe environment.

## CHAPTER 1

### GENERAL PROVISIONS RELATING TO PARKING

#### Part 1: General provisions

##### Control of parking

3. (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.

(5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

##### Parking in a loading zone

4. (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—

(a) between the hours of 07:00 and 19:00 on Mondays to Saturdays,

(b) between the hours of 09:00 to 17:00 on Sundays, or

(c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.

(2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone, except while actually loading or off-loading goods and while a licensed driver is in attendance at the vehicle.

(3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.

(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer (5) A person who contravenes a provision of this section commits an offence.



### Parking at a bus stop or public transport facility

5. (1) No person who operates or who is in charge of a vehicle on a public road may—

(a) in the case of a vehicle other than a bus or a minibus-taxi, allow the vehicle to remain stationary at a bus stop or public transport facility;

(2) Subsection (1)(a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus stop is located in a driving lane of a public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason linked to road safety; Provided that such driver or person in charge does not allow passengers to board or alight from the vehicle.

(3) A person who contravenes subsection (1) commits an offence.

### Parking in a public road

6. (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

(2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.

(3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(4) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road causing obstruction or danger to other road users,

(5) No person who operates or who is in charge of a vehicle on a public road may park the vehicle on an area that is demarcated as a no-stopping area by means of a red line or no-stopping road sign, (6) A person who contravenes a provision of this section commits an offence.

### Parking upon a traffic island

7. (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised ~~officer~~-officer.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

### Parking by a dealer or seller of a vehicle

8. (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

(2) A dealer or seller who contravenes subsection (1) commits an offence.

### Parking of a vehicle under repair

9. (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence.

### Parking of heavy vehicles and caravans

10. (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area—

(a) a motor vehicle with a tare exceeding 3500 kg;

(b) a trailer not attached to a vehicle;

(c) a semi-trailer, or

(d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes subsection (1) commits an offence.

### Exemption of medical practitioners from parking restrictions

11. (1) (a) Registered general medical practitioners to whom a permit/disc has been issued in terms of subsection (3)(a) are exempt from the provisions of this By-law, subject to paragraph (b), when using, on a bona fide professional domiciliary visit, a motor vehicle on which is displayed a permit/disc conforming with the requirements of subsection (2) issued to him or her by the Municipality.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The permit/disc must be a windscreen sticker permit/disc displaying on the face thereof—

(i) a serial number; and

(ii) the name of the person to whom it is issued.

(b) The permit/disc must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the permit/disc is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in paragraph (b) must be the same street or a street adjoining and in close proximity to the place where the vehicle is parked.

(3) (a) Written application for the issue of a permit/disc must be made to the Municipality and if the Municipality approves the application, it must issue a permit/disc bearing a registered serial number to the applicant.

(b) The Municipality must keep a register in which it records—

- (i) The permit/disc issued by it;
- (ii) the serial number allocated to a permit/disc; and
- (iii) the name of the holder of a permit/disc.

(c) The Municipality may issue a duplicate permit/disc.

(d) Where the Municipality has reason to believe that any holder of a permit/disc is abusing a privilege conferred by the permit/disc it may withdraw the permit/disc from the holder and the privileges conveyed by the permit/disc shall thereupon cease.

(e) The Municipality may charge a fee for the issuing of a permit/disc or a duplicate thereof.

(f) The Municipality may prescribe the period for which a permit/disc will be valid.

(4) Application for a permit/disc must be made on a form provided for this purpose by the Municipality.

(5) A person who displays a forged permit/disc or a permit/disc which was not issued by the Municipality commits an offence.

### **Pick-up and set-down areas at schools**

12.(1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and drop-off, kiss and ride areas.

(2) No person may park in a pick-up and drop-off, kiss and ride area's for any longer that necessary to pick-up or drop-off learners.

(3) A person who contravenes subsection (2) commits an offence.

### **Outspanning in public roads**

13. (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence.

## **Part 2: Parking permits**

### **Resident parking permit**

14. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

- (a) who reside in a residence—

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time;

(ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) whose residence does not have and cannot reasonably provide off-street parking.

(2) Subject to any conditions the Municipality may impose and subject to section 17(1) and (2), a resident parking permit may be granted to persons—

(a) who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and

(b) in circumstances where such an area is cordoned off or declared a zone where access is denied to vehicles, to enter and park a vehicle in such area, cordoned off or declared zone.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

### Temporary parking permit

15. (1) Subject to any conditions the Municipality may impose and subject to section 17(1), a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.

(2) A temporary parking permit may only be granted if the Municipality is satisfied that—

(a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and

(b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity at the approved council tariffs.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

### Work zone permit

16. (1) Subject to any conditions the Municipality may impose and subject to section 17(1) and (3), a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the Municipality is satisfied that—

(a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and

(b) the carrying out of the building, construction or other work is lawful; and

(c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.

(2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties at the approved council tariffs.

(3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

### Municipal works parking permit

17. (1) Subject to any conditions the Municipality may impose and subject to section 18(1), a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—

(a) an employee, contractor or agent of the Municipality; and

(b) parking the vehicle or vehicles in the space—

(i) for the purpose of carrying out work for or on behalf of the Municipality; and

(ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

### Conditions and originality of parking permits

18. (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.

(b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.

(2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—

(i) the road adjacent to the place of residence identified in the permit; or

(ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and

(b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.

(c) A resident parking permit is not specific to any particular vehicle.

(d) The Municipality may only issue a maximum of one parking space per residence.

(3) (a) A work zone permit must specify the part of the road to which the permit relates.

(b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.

(c) No person may stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.

(d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.

(e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorised officer.

(4) No person to whom a permit has been granted in terms of sections 13, 14, 15 and 16 may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.

(5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

#### Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified groups

19. (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the

Municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.

(2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.

(3) Any person who contravenes subsection (2) commits an offence.

## CHAPTER 2

### PAYMENT FOR PARKING

#### The installation of parking management devices or use of any other device to record the time parked

20. (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area—

- (a) a parking management device at a parking space demarcated as a parking bay;
- (b) a combined parking management device at a parking space demarcated as parking bays; or
- (c) any other device by which parking time can be recorded and displayed.

(2) The Municipality may install or operate a parking management device contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place in close proximity that serves the parking bay.

#### Method of parking

21. (1) No driver or person in charge of a vehicle may park the vehicle—

- (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
- (b) in a parking bay which is already occupied by another vehicle; or
- (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (d) In the verge or in an area where parking is prohibited.

(2) A person who contravenes the provisions of subsection (1) commits an offence.

#### Payment for parking

22. (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must—

(i) immediately inform the parking marshal which manage the parking bay in respect of the time period which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the device in operation either by inserting the prescribed time period in the appropriate parking device, or where applicable, in accordance with the instructions appearing on the parking device; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must—

(i) immediately deposit or cause to be deposited in the parking device which adjoin the parking bays in respect of which they are installed the prescribed fee as indicated on the device for the period of time during which he or she desires to park his or her vehicle in the bays, and must, where applicable, set the device in operation either by inserting the prescribed time in the parking device, or where applicable, in accordance with the instructions appearing on the parking signage; or

(ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.

(c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.

(d) A driver or person in charge of a vehicle may not utilise a parking bay without payment,

(e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

(3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the sign or device, commits an offence.

(4) Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking device shows that—

(a) the time has expired; or

(b) that the parking device has not been set in operation either by the insertion of the prescribed time or, where applicable in accordance with the instructions appearing on the parking device,

and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking device when such vehicle was parked in the said parking bay, however if—

(a) the indicator shows that—

(i) the time has expired;

(ii) the parking device has not been set in operation; or

(b) a hood has been placed over the parking device as envisaged in section 19(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.



### Prevention of parking at a parking bay

23. An authorised official may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay—

(a) while the sign is so placed or erected; or

(b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

### Tampering with a parking device

24. (1) No person may—

(a) misuse, damage, knock interfere with or tamper with;

(b) attempt to misuse, damage, knock interfere with or tamper with, the working operation or mechanism of a parking device.

(2) No person may, without authority from the Municipality and subject to any other by-law of the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking device.

(3) No person may paint, write upon or disfigure a parking device.

(4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.

(5) A person who contravenes a provision of this section commits an offence.

### Unlawful operation of a parking device

25. (1) No person may operate or attempt to operate a parking device by any means other than as prescribed in this By-law.

(2) A person who contravenes subsection (1) commits an offence.

### Unlawful parking and clamping or removal of unlawfully parked vehicles

26. (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.

(2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

(3) The Municipality may—

(a) attach a wheel clamp to any unlawfully parked vehicle;

(b) Instruct traffic officials appointed by the Municipality to attach a wheel clamp to any unlawfully parked vehicle;

(c) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and

(d) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

(4) A person who contravenes subsection (1) commits an offence.

### Exemptions

27. (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

(a) a vehicle used as an ambulance and being at the time used to attend to a ~~life threatening~~life-threatening situation;

(b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and

(c) a vehicle used by a member of the South African Police Service, the Traffic Service, the Law Enforcement, service providers identified by the municipality or any other division within the Municipality and being at the time used in connection with doing an operational function that is either in progress, an emergency or scheduled or with the collection or protection of evidence in the aftermath of a crime.

(2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or by-law, a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose.

(3) A person who contravenes subsection (2) commits an offence.

## CHAPTER 3

### PARKING GROUNDS

#### Part 1: General provisions

##### The Municipality is not liable for loss or damage

28. The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

##### Interference with authorised officials, authorised officers and parking marshals

29. (1) No person may obstruct, hinder or in any manner interfere with an authorised official, authorised officer or a parking marshal in the performance of his or her duties under this By-law.

(2) A person who contravenes subsection (1) commits an offence.

##### Payment of prescribed fee

30. (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

(2) The Municipality may in respect of a parking ground controlled by the issue of permit/disc, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the permit/disc to park a vehicle in the ground, if a parking bay is available, at the times stated in the permit.

(3) The Municipality may issue to any of its officials a permit/disc which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, or any parking owned by the Municipality if space is available.

(4) A permit/disc issued under subsection (2) or (3)—

(a) may not, without the prior written consent of the Municipality—

(i) be transferred to any other person; or

(ii) be used in respect of any vehicle other than the specified vehicle;

(b) must be affixed by the holder of ~~the permit~~the permit/disc to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the permit/disc is readily legible from the outside of the vehicle; and

(c) will only be valid for the period stated on such permit/disc.

(5) Application for consent contemplated in subsection (4)(a) must be made on a form provided for this purpose by the Municipality.

(6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a permit/disc was issued in terms of subsection (2) has lapsed, or who contravenes a provision of subsection (4) commits an offence.

### Observance of signs

31. (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.

(2) A person who contravenes subsection (1) commits an offence.

### Manner of parking and removal of vehicle

32. (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.

(2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle—

(a) in a place on the parking ~~ground~~ground, which is not a demarcated parking bay, unless instructed to do so by the authorised official or marshal at the parking ground;

(b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or

(c) in a parking bay which ~~is already~~is already occupied by another vehicle.

(3) No person may park a vehicle on a roadway within a parking ground or on a sidewalk or in a manner restricting pedestrian movement on a sidewalk.

(4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.

(5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.

(6) A person who contravenes a provision of this section commits an offence.

### Abandoned vehicle

33. (1) The Municipality may remove to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.

(2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.

(3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle

before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:

(a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle;

(c) the costs of publishing the notice of the auction;

(d) the costs of effecting the sale of the vehicle;

(e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;

(f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and

(g) any unpaid parking fees or unpaid traffic fines or unpaid licence fees in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

#### Damage to notices

34. (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, ~~notice board~~ noticeboard, sign or other thing placed by the Municipality on a parking ground.

(2) A person who contravenes subsection (1) commits an offence.

#### Negligent and dangerous driving and speed restriction

35. (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.

(2) The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

(3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

#### Entering or remaining in parking ground

36. (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in

respect of which he or she has paid the prescribed parking fee, however this section does not apply to—

- (a) a person in the company of a person who is parking or removing a vehicle;
  - (b) officials of the Municipality engaged in official activities or on instruction from the Municipality; and
  - (c) a person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

#### Tampering with vehicle

37. (1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

- (2) A person who contravenes subsection (1) commits an offence.

#### Defacing permit disc

38. (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking permit disc issued in terms of this By-law.

- (2) A person who contravenes subsection (1) commits an offence.

#### Defective vehicle

39. (1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground not exceeding seven days.

(2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it to be immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within a reasonable time of seven days.

- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

#### Cleaning of vehicle

40. (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.

- (2) A person who contravenes subsection (1) commits an offence.

### Refusal of admission

41. (1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

(2) A person who disregards an authorised officer's refusal of admission commits an offence.

### Parking hours and classes of vehicles

42. (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.

(2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.

(3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.

(4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.

(5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.

(6) No person may, unless he or she is the holder of a parking permit disc issued in terms of this By-law authorising him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.

(7) A person who contravenes subsection (4), (5) or (6) commits an offence.

### Reservation by the Municipality

43. (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.

(2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.

## Part 2: Mechanically controlled parking ground

### Parking of a vehicle in a mechanically or otherwise controlled parking ground

44. (1) Subject to section 2, a person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

(2) A person contemplated in subsection (1) may not park a vehicle—

(a) except in a parking bay and in compliance with such directions as may be given by an authorised official /marshal or where no such bay has been marked, except in a place indicated by the authorised official or marshal;

(b) after an authorised official or marshal has indicated to the person that the parking ground is full;

(c) after the expiry of the parking period indicated on the parking coupon; or

(d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes subsection (2) or (3) commits an offence.

#### Removal of a vehicle from a mechanically or otherwise controlled parking ground

45. (1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless—

(a) he or she has produced to the authorised official/marshal a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and

(b) he or she has paid to the authorised official/marshal the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official—

(a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person relating to the removal of that vehicle; and

(b) may require the person to furnish such security as may be determined by the Municipality.



(4) Subsection (1)(a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official or marshal on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality is payable for the next parking period.

(6) A person who contravenes subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

### Part 3: Pay-and-display parking ground

#### Parking of a vehicle in a pay-and-display parking ground

46. (1) A person who—

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

(a) the period during which a vehicle may be parked in the pay-and-display parking ground; and

(b) the prescribed manner of payment to be used in respect of the parking period into or in connection with the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes subsection (3), (4) or (5) commits an offence.

#### Miscellaneous offences in respect of a pay-and-display parking ground

47. A person commits an offence if he or she—

(a) attempts to utilise counterfeit coupon into a parking coupon vending machine—

(i) a counterfeit method of payment;

(ii) where another kind of object is to be used, a false object;

(iii) a object which is not prescribed by the ~~Municipality;~~Municipality; or

(iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

## CHAPTER 4

### TAXIS AND BUSES

#### Part 1: Special parking places for taxis

#### **Establishment of special parking places for taxis and taxi rank permits for these special parking places.**

48. (1) The Municipality may, subject to any other by-law of the Municipality relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.

(2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 49, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

#### Taxi parking

49. (1) A driver may, subject to subsection (2) and section 48 and subject to any other by-law of the Municipality relating to taxis—

(a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or

(b) apply for hire, or hire or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection

(2) commits an offence.

#### Use of taxi ranks

50. (1) Subject to any other by-law of the Municipality relating to taxis, a driver—

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 48.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and must—

(a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and

(b) move his or her taxi forward as the queue moves forward.

(3) When plying for hire at a taxi rank, a driver—

(a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and

(c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

(4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating licence and for which a rank access token, specifying the rank, has been issued for the year in question, as contemplated in this Part of Chapter 4.

(6) A person who contravenes a provision of this section commits an offence.

### Prohibition on parking of a taxi at no-stopping place

51. No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

### Servicing and washing taxis at taxi facilities

52. (1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

(3) A person who contravenes a provision of this section commits an offence.

### Behaviour prohibited at a taxi rank

53. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised official.

### Part 3: Bus facilities and permits, and operation of buses

#### Establishment of bus facilities

54. The provisions of section 48(1),(2) and (3) apply, with the necessary changes, to buses.

#### Distinguishing bus stops

55. (1) Each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or minibus-taxi or, where applicable, the name of the concern entitled to use the bus stop.

(2) The Municipality may demarcate bus stops for tour buses.

#### Destination signs and stopping or parking at bus stops

56. (1) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a minibus-taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) No driver or person in charge of a bus or minibus-taxi may park such vehicle at any bus stop or utilise ~~such stops~~ such stop as an overnight facility.

(4) A driver or person in charge of a bus or minibus-taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or minibus-taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(7) No driver or person in charge of a bus or minibus-taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(8) A person who contravenes a provision of this section commits an offence.

## CHAPTER 5

### MISCELLANEOUS PROVISIONS

#### Obeying and interfering with an authorised official

57. (1) An authorised official may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse or interfere with any authorised official in the exercise of the power referred to in subsection (1).

(3) A person who contravenes a provision of this section commits an offence.

#### Appeal

58. (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by—

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;  
or

(b) the Municipal Manager, the Executive Mayoral Committee is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

#### Sale of impounded vehicles

59. (1) The Municipality must—

(a) within 14 days of the impounding of a vehicle, apply to the Court or Municipal Court for authority to sell the vehicle; and

(b) in the application contemplated in paragraph (a), provide the Municipal Court or ~~Court with~~Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.

(2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

#### Procedure to be followed in application to Court or Municipal Court

60. An application to Court or Municipal Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section:

66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

### Compliance notices and the recovery of costs

61. (1) Notwithstanding any other provision of this By-law, the Municipality may—

(a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and

(b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.

(2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

### Presumptions

62. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

(2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.

(3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.

(4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

(5) Any person who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.

(6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

### Penalties

63. A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—

(a) a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment; and

(b) in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

### Repeal of by-laws

64. The by-laws listed in the Schedule hereto and any by-law previously promulgated by the Municipality or any of the disestablished municipalities now incorporated into Municipality, in so far as it relates to any matter provided for in this By-law, are hereby repealed.

### Short title

65. This By-law is called the Stellenbosch Municipality: Parking By-law, 2018.



PB11	Parking By Law 2020 §17(1)	Granting of Municipal works parking permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB12	Parking By Law 2020 §19(1)	Designating Disabled, Diplomatic corps, SAPS and other identified reserved parking areas	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB13	Parking By Law 2020 §30(2)	Issue permits to effect monthly parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB14	Parking By Law 2020 §30(2)	Determine parking fees for permits	Council			
PB15	Parking By Law 2020 §30(3)	Issue permits for official parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB16	Parking By Law 2020 §30(4)	Approve the transfer of a permit	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB17	Parking By Law 2020 §33(1)	Authorize the removal of an abandoned vehicle	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB18	Parking By Law 2020 §40(1)	Approval of the cleaning of vehicles within a parking ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	

PB19	Parking By Law 2020 §42(1)	Approval of parking hours of a parking ground and classes of vehicles allowed to park on this ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB20	Parking By Law 2020 §43(1)	Approve notices to reserve parking for municipal vehicles and municipal staff vehicles	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB21	Parking By Law 2020 §45(5)	Approval of parking for vehicles exceeding one day's parking time	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB22	Parking By Law 2020 §48(1)	Approval of Special parking spaces for taxis	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB23	Parking By Law 2020 §61(1)	Approval of compliance notices and recovery costs	Council			

11.5.2	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS</b>
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Collaborator No: 688645  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON ROADS AND STREETS**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Roads and Streets and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the Road Authority for Municipal Roads and Streets within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on roadways, walkways and other spaces within road reserves.

The proposed By-Law on Roads and Streets aims to promote a safe environment for the benefit of all road- and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

This report serves to request the introduction of the new Draft Roads and Streets By-Law and to publish this By-Law for Public Participation.

**5. RECOMMENDATIONS**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

Stellenbosch Municipality's first By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

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The Directorate Infrastructure Service revised the By-Law on Streets. Aspects of older ordinances and new legislation have also been incorporated into the draft By-Law. It was also necessary to amend the name of the By-Law, incorporating Roads to allow for the increased responsibilities that the Municipality needs to exercise over Municipal Main Roads.

## **6.2 Discussion**

Relevant existing internal By-Laws and Policies, such as the existing Streets By-Law, the Draft Parking By-Law and the NMT Policy were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to roads and streets) were also carried out. Relevant legislation such older Municipal and Road Ordinances, and newer legislation such as the Draft Western Cape Provincial Infrastructure Bill 2020, and the National Road Traffic Amendment Bill, were analysed. Relevant sections were incorporated, new sections drafted and substantive enhancements and technical editing was made to the existing By-Law.

Along with improving safety for all road- and sidewalk users, and promoting universal accessibility within the Road Reserve, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the road reserve.

## **6.3 Financial Implications**

None

## **6.4 Legal Implications**

The revised By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within roads- and street reserves.

## **6.5 Staff Implications**

None

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

Stellenbosch Municipality's By-Law on Streets was promulgated in June 2010, Provincial Gazette 6756.

## **6.7 Risk Implications**

None

### **RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.2**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Roads and Streets, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

# **ANNEXURE A**

[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

was published by *Provincial Gazette* No. XXX dated XXX.

STELLENBOSCH MUNICIPALITY

ROADS AND STREETS BY-LAW

APPROVED BY COUNCIL ON XXX

AND

PROMULGATED IN TERMS OF SECTION 11 OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY STREETS BY-LAW  
(20XX)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to—

- promote the realisation of a safe environment for the benefit of residents within the area of jurisdiction of the Municipality;
- promote universal accessibility to streets; and
- provide for procedures, methods and practices to manage the use and utilisation of streets in the area of jurisdiction of the Stellenbosch Municipality.

Under the provisions of sections 152 and 156 of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), Stellenbosch Municipality enacts as follows:

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## 1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

“**animals**” mean any means any tame or wild mammal, reptile, amphibia, fish or bird, and includes domesticated animals;

“**caravan**” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“**Council**” means the municipal Council of Stellenbosch;

“**encroachment**” includes any source of annoyance, damage, danger, intrusion or inconvenience to persons using a street, sidewalk, walkway, road reserve forming part thereof, or public place;

“**firearm**” means a firearm, as contemplated in the Firearms Control, 2000 (Act 60 of 2000);

“**heavy motor vehicle**” includes a truck, light truck, bus, horse-and-trailer, caravan, or any other like vehicle wherein it is possible to have persons residing, sleeping or committing any unlawful act or conduct;

“**informal parking attendant**” means a person who is in possession of a permit issued by the Municipality and who assists with the pointing out of parking or supervising over vehicles in a street, parking area or public place;

“**kerb line**” means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;

“**motor vehicle**” means any self-propelled vehicle and includes –

- (a) a trailer, and
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or electric motor, or both such pedals, engine or electric motor, but does not include –
  - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian;
  - (ii) any vehicle with a mass not exceeding 230 kg and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person; or
  - (iii) a pedal cycle having pedals and an engine or an electrical motor as an integral part thereof with a maximum design speed not exceeding 45 km/h;

“**municipal area**” means the area of jurisdiction of Stellenbosch Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

**“municipal manager”** means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Municipality”** means the Stellenbosch Municipality established by Provincial Notice No. 489 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

- (a) political structure;
- (b) political office bearer;
- (c) Councillor;
- (d) duly authorised agent, service provider or any employee thereof, acting in connection with this By-law by virtue of a power vested in the Municipality and so authorised, delegated or sub-delegated to such –
  - (i) political structure;
  - (ii) political office bearer;
  - (iii) councillor;
  - (iv) agent;
  - (v) service provider; or
  - (vi) employee;

**“park”** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods from such vehicle, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**“parking area”** means any area provided by the Municipality for the parking of vehicles and pedal cycles;

**“parking meter”** means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

**“parking period”** means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

**“pedal cycle”** means –

- (a) any bicycle or tricycle designed for propulsion solely by means of human power; or
- (b) any bicycle or tricycle with operable pedals and an electric motor with a total weight that does not exceed 30kg: Provided that the electric motor may not be capable of propelling the bicycle or tricycle unassisted at a speed not exceeding 25km/h; and

**“pedal cyclist”** has a corresponding meaning;

**“prescribed”** means determined by resolution of the Council from time to time, and in relation to a fee, means as set out in the tariff policy of the Municipality;

**“prior written permission of the Municipality”** means permission granted by the Municipality –

- (a) in writing and in the prescribed format; and

(b) upon receipt of a written application in accordance with the applicable process prescribed by the Municipality for that matter, from time to time; and such permission may be made subject to conditions determined by the Municipality after due consideration of the application;

**“Provincial Gazette”** means the official gazette of the Western Cape Province contemplated in section 33(1) of the Constitution of the Western Cape, 1998 (Act 1 of 1998);

**“public place”** includes any of the following, located in the area of jurisdiction of the Municipality, which has either been declared as such in terms of applicable legislation, or to which the public or any section thereof has free access, or which is commonly used by the public or any section thereof:

- (a) thoroughfare;
- (b) bridge;
- (c) trail;
- (d) pavement;
- (e) alley square;
- (f) garden;
- (g) parking area;
- (h) square;
- (j) park;
- (k) recreation ground;
- (l) sports ground;
- (m) sanitary lane;
- (n) open space;
- (o) shopping centre on municipal land;
- (p) unused or vacant municipal land; or
- (q) cemetery, and includes
- (r) any place contemplated in subsections (a) – (q) which has –
  - (i) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
  - (ii) at any time been dedicated to the public;
  - (iii) been used by the public without interruption for a period of at least thirty years; or
  - (iv) at any time been declared or rendered such by the Municipality or other competent authority;

**“semi-trailer”** means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

**“sidewalk”** means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians, pedal cyclists and any other category of vehicles as may be determined by the Municipality in accordance with section 42(1);

**“street”** means

- (a) any path, road, cycle path, thoroughfare or any other place, and includes –
  - (i) the verge of any such road, street or thoroughfare;
  - (ii) any footpath, sidewalk or similar portion of a road reserve;
  - (iii) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

- (b) any other object belonging to an area contemplated in subsection (a) which was –
  - (i) declared or rendered such by the Municipality or other competent authority, or
  - (ii) constructed by a local authority, and
- (c) any land, with or without buildings or structures thereon, which is shown as an area contemplated in subsection (a) on –
  - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon, or
  - (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General's office;
 

unless such land is on such plan or diagram described as a private street;

**“trailer”** means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a sidecar fitted to a motorcycle;

**“trolley”** means a push trolley, pushcart or any table, stand or basket on wheels;

**“vehicle”** –

- (a) means a device designed or adapted mainly to travel on wheels, tyres or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and
- (b) includes –
  - (i) a motor vehicle;
  - (ii) a pedal cycle; and
  - (iii) any other subcategory of vehicles as may be determined by the Municipality in accordance with section 42(1)(a).

**“verge”** means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

**“walkway”** means a structure built for exclusive use by pedestrians, pedal cyclists and other subcategories of vehicles as may be determined by the Municipality in accordance with section 42(1);

**“work”** means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the –

- (a) erection of a new building;
- (b) alterations or additions to any existing building;
- (c) laying of cables and pipes;
- (d) dumping of building or other material anywhere in a street, on a sidewalk or walkway, or in a public place; or
- (e) delivery to, or removal from, any site of any soil or material of any nature whatsoever.

**2. Application of this By-law, exemptions and conditions.** –(1) This By-law does not derogate from the provisions of any other legislation and also binds an organ of state.

(2)(a) Notwithstanding the provisions in subsection (1), any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

- (b) The Municipality may –
  - (i) approve such exemption in full or subject to reasonable conditions; or
  - (ii) refuse such exemption on reasonable grounds.
- (c) The Municipality may, on reasonable grounds, revise or cancel such exemption or condition of an exemption.
- (d) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(b)(i).
- (e) In the event that –
  - (i) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (2)(d) by the Municipality, or
  - (ii) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

**3. Construction and maintenance of streets, sidewalks and walkways.** –(1) The Municipality may construct and maintain streets, sidewalks and walkways as required and with due consideration of any legal process, to accommodate the necessary pedestrian, pedal cyclist and other vehicle traffic flow.

- (2) The Municipality may –
  - (a) exercise its duty to construct or maintain such streets, sidewalks or walkways irrespective of the existence of a structure in the area where the sidewalk or walkway will be built; and
  - (b) issue a written notice to the owner of said structure to remove it within a specific period.
- (3) The owner of a structure contemplated in section 4(2) must remove the structure at own cost and within the period stipulated in a written notice issued by the Municipality to do so.
- (4) If the owner does not comply with the written notice, the Municipality may remove the structure at the cost of the Owner.

**4. Regulating encroachments on streets, sidewalks, walkways and road reserves.** –

- (1) No person may, without prior written permission of the Municipality, cause and encroachment on a street, sidewalk, walkway or road reserve forming part thereof by –
  - (a) making, constructing, reconstructing, or altering;
  - (b) constructing a veranda, stoep, steps or other protrusion within;
  - (c) erecting a post or any other structure on;
  - (d) planting or cause to be planted, any tree, shrub or other plant on or allowing any such tree, shrub or plant to remain on; or
  - (e) placing or cause to be placed any other impediment or obstruction on, such a street, sidewalk, walkway or road reserve forming part thereof, other than in accordance with conditions prescribed by the Municipality.
- (2) If an encroachment is caused in contravention with subsection (1), the Municipality may, –

- (a) by written notice, order the person responsible for causing such encroachment, to remove said encroachment within the period specified in the notice; and
- (b) in the event of non-compliance with such written notice, remove said encroachment.

(3) The Municipality must immediately thereafter notify the person concerned in writing of their liability to pay the costs of the carrying out of the removal as contemplated in subsection (2)(b).

(4) Any person failing to comply with a notice issued in terms of subsection (2) is guilty of an offence.

**5. Regulating goods or building materials causing obstruction.** –(1) No person may, except in accordance with prior written permission of the Municipality, deposit, place, pack, unpack or leave any goods in a street, on a sidewalk or walkway, in a public place, or in an area specifically designated therefore, other than for a reasonable period during the loading, off-loading or removal thereof.

(2) No person may bore or cut stone, slake or sift lime, or mix building materials in a street, on a sidewalk or walkway, in a public place.

**6. Prohibitions on objects and animals causing an obstruction.** –(1) No person may –

- (a) in any way obstruct the pedestrians, pedal cyclists and other vehicle traffic on a sidewalk, walkway or in a public place by bringing, or allowing to be brought thereon, any animal, object or vehicle;
- (b) allow their animals to roam freely on sidewalks or in public roads without the necessary control mechanisms; or
- (c) allow, permit or cause any animal to graze or stray in or about any street or public space.

(2) A person contemplated in subsection (1) must at all times keep such animal in a manner that does not pose a danger or annoyance to the traffic or public.

(3) The prohibition in subsection (1)(a) does not apply to a perambulator or wheel-chair used for the conveyance of children or the disabled.

**7. Rules on advertising.** –(1) Subject to the applicable By-laws of the Municipality, no person may, except in accordance with prior written permission of the Municipality, display any –

- (a) advertisement;
- (b) placard;
- (c) poster; or
- (d) bill,

in a street, on a sidewalk or walkway, in a public place.

(2) A written application for the erection of advertising signs contemplated in subsection (1) must be submitted to the Municipality as prescribed, or as determined by the By-laws on Outdoor Advertising/Advertising Signs of the Municipality.

**8. Regulating planting of trees, shrubs or plants.** –(1) No person may, except in accordance with prior written permission of the Municipality, in a street, on a sidewalk or walkway, or in a public place –

- (a) plant a tree, shrub or plant;
- (b) in any way cut down, remove, climb, break or damage a tree, shrub or plant growing there;
- (c) mark or paint any tree, shrub or plant growing there; or
- (d) attach any advertisement thereto.

(2) Any tree, shrub or plant planted in a street, on a sidewalk or walkway, or in a public place become the property of the Municipality.

**9. Regulating trees or growth causing an interference or obstruction.** –(1) The Municipality may, by written notice, order the owner or occupier of any property upon which any tree or other growth interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street, sidewalk, walkway or public place, to prune or remove such tree or growth to the extent and within the period specified in such notice.

(2) Any person failing to comply with a notice issued in terms of subsection (1) is guilty of an offence.

(3) If any person fails to comply with a notice in terms of this section, the Municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

**10. Regulating conduct regarding refuse, motor vehicle wrecks, waste material, etc.** –No person may, except in accordance with prior written permission of the Municipality, and subject to the applicable By-laws of the Municipality on waste management –

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street, sidewalk, walkway or public place; or
- (b) allow, or permit any of, the prohibitions contemplated in paragraph (a).

**11. Regulating activities related to vehicles.** –(1) No person may, in a street, sidewalk, walkway or public place, –

- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident;
- (b) clean or wash a vehicle;
- (c) wash, clean, dry, paint or bleach any other article or thing;
- (d) park or leave a heavy motor vehicle parked overnight in a public place in a residential area.

(2) The Municipality may issue a written notice to the owner or person in control of the said vehicle, to remove it within a specific period, failing which it may itself remove the vehicle at the expense of the person on whom the notice was served.

(3) Any person failing to comply with the notice contemplated in subsection (2), is guilty of an offence.

(4) No driver, person in control of a motor vehicle or passenger in the motor vehicle shall permit any amplified noise to emanate from the motor vehicle such that it is audible at more than 50 meters.

**12. Regulating specific acts regarding games, sports and events.** –(1) No person may–

- (a) play games, roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or a missile, or throw a stone, stick or other projectile in, onto or across a street, sidewalk, walkway or public place; or
- (b) do anything in a street, sidewalk, walkway or public place which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public,

unless that place is provided with clear signs, identifiable paving or equipment which distinguishes it as “street park”.

(2) No person may play cricket, football or any game, or indulge in any pastime whatsoever in a street, sidewalk, walkway or public place, except on such places as the municipality may set apart for the purposes of a particular game, sport or pastime.

(3) No person may erect a tent or place chairs or any article in, onto or across a street, sidewalk, walkway or public place for the purpose of a funeral, party or any other event, except in accordance with prior written permission of the Municipality/Council.

**13. Regulating use of explosives and firearms.** –(1) No person may use explosives or undertake blasting operations in a street, sidewalk, walkway or public place, except in accordance with –

- (a) prior written permission of the Municipality; and
- (b) any other applicable By-law.

(2) No person may, except for a lawful purpose, discharge any firearm or air, gas or alarm gun or pistol, unless discharged –

- (a) in any shooting range which complies with the provisions of any law applicable thereto;
- (b) for signalling the start of a race at an organised and controlled sports meeting, provided that blank cartridges only are fired thereby; or
- (c) in accordance with prior written permission of the Municipality.



**14. Regulating conveyance of animal carcasses or other waste.** –No person may carry or convey through a street, sidewalk, walkway or public place the carcass, parts or offal of an animal or fish, polluted liquid, or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand, unless –

- (a) properly covered; and
- (b) conveyed in such type of container or in such a manner as will not allow any of the items contemplated, or parts thereof, to be spilt in a street, sidewalk, walkway or public place, and

subject to the applicable By-laws of the Municipality.

**15. Regulating erection of fences, etc.** –(1)(a) No person may, except in accordance with prior written permission of the Municipality, erect, cause or permit to be erected, a barbed wire, razor wire, electrified or other dangerous fence, railing, paling or other barrier which is, or may become, a danger to a member of the public by reason of –

- (i) spikes or other sharp or pointed protrusions; or
- (ii) the nature of its construction or design,

on the boundary of a street, sidewalk, walkway or public place.

- (b) The full technical details of the proposed electrified fence, railing, wall or other barrier must accompany any written application for permission submitted to the Municipality.

(2) The safety of pedestrian, pedal cyclist and other vehicle traffic may not be compromised by the height of any tree, bush, vegetation, wall, hedge of fence at the junction of a street.

(3) No person may dry or spread washing, bedding or other items on or from a fence on the boundary of a street or public place.

**16. Regulating building materials, dangerous objects and cleanliness.** –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) bore or cut stone or bricks, slake or sift lime;
- (b) mix building materials; or
- (c) store, deposit, leave or cause to be stored, deposited or left –
  - (i) sand, stone, earth, bricks, timber, lime, cement; or
  - (ii) other building or excavated material of whatever nature,

in a street, sidewalk, walkway or public place.

(2) No person may leave, accumulate or cause to be left or accumulated from premises owned or occupied by him or her, any broken glass or other potentially dangerous object in a street, sidewalk, walkway or public place.

(3) No person may drop or place or permit to be spilled, dropped or placed, any matter or substance in a street, on a sidewalk or walkway, or in a public place that may interfere with the cleanliness of such area, without removing it or causing it to be removed within a reasonable time in the circumstances.

(4) The Municipality may remove any materials, objects, matter and substance contemplated in this section and recover the cost of removal from the person in breach thereof.

**17. Prohibition on placing article in or on a building.** –No person may place any article in or on a building facing a street, on a sidewalk or walkway, or a public place, where it is likely to cause injury or damage to any person or property if it were to fall on that street, a sidewalk, walkway, or public place, without taking all reasonable steps to prevent the article from falling onto such area.

**18. Regulating races and sports events.** –(1) No person may, except in accordance with prior written permission of the Municipality, hold a race or sporting event in a street, on a sidewalk or walkway, or a public place.

(2) An applicant for permission to hold such a race or sporting event must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the race or sports event, at least xx days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.

**19. Prohibitions regarding balconies and verandas.** –No person may use a balcony or veranda erected beyond the boundary line of a street, sidewalk, walkway or public place for purposes of–

- (a) trading or the storage of goods, or
- (b) washing or drying of clothes thereon, or enclose or partition a balcony or veranda erected beyond the boundary line of such a street, sidewalk, walkway or public place thereof as a living or bedroom.

**20. Prohibition of parking of heavy motor vehicles, trailers and caravans.** –(1) No person may park a –

- (a) heavy motor vehicle;
- (b) trailer;
- (c) semi-trailer; or
- (d) caravan,

on a street within the Municipal area for an uninterrupted period exceeding two hours, except on places reserved for parking of heavy motor vehicles: Provided further that the above provisions do not apply to the actual loading or unloading of such vehicle.

(2) Unless the contrary is proved, any vehicle parked in contravention of subsection (1) is deemed to have been parked by the owner thereof.

**21. Regulating the protection of surfaces.** –(1) No person may, except in accordance with prior written permission of the Municipality, make, or cause to be made, an excavation or dig, or cause to be dug, a pit, trench or hole in any street, on any sidewalk or walkway, or in any public place.

(2) No person may –

- (a) use a vehicle or allow it to be used in any street, on any sidewalk or walkway, or in any public place, if such vehicle is in such a defective condition that it will or may cause damage to such area;
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street, sidewalk, walkway or public place, –
- (i) in such a way, or
  - (ii) while such object, machine or material is in such a condition, as may damage, break or destroy the surface of such area in any way; or
- (c) without prior written permission of the Municipality, except a necessary excavation, pit, trench or hole, undertake any work which may cause the surface of any street, sidewalk, walkway or public place to be altered, damaged or broken: Provided that such permission may be subject to payment of an amount sufficient to cover the cost of repairing any damages resulting from such actions, as a deposit before commencement of the work.
- (3) If the Municipality identifies a person who, as a result of any action referred to in subsection (1), has damaged, broken or destroyed the surface of any street, sidewalk, walkway or public place, the cost of repairing any damages, as determined by the Municipality, may be recovered from the offender.
- (4) Any person who is the owner of land on which any work is done is liable to the Municipality for any damage to any portion of any street, sidewalk, walkway or public place caused by or in connection with the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (5) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks, walkways or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the Municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such area as a result of, or in connection with, the execution of such work by such owner, his employee or any independent contractor acting on behalf of such owner.
- (6) After completion of the work contemplated in subsection (5), the Municipality may itself undertake the repair of any portion of the damaged area to the account of the owner and may set off the cost of such repairs against such deposit: Provided that if the cost is less than the amount of the deposit, the Municipality must refund the balance to the depositor and if the amount deposited does not cover such cost, the owner is liable for the difference, which becomes payable on receipt of an invoice from the Municipality specifying the additional amount due.
- (7) No person other than an authorised official of the Municipality in the performance of his duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street, sidewalk, walkway or public place .

**22. Prohibition of damaging specific property.** –No person may deface, damage, tamper or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any advertisement which has been erected in a street, on a sidewalk or walkway, or in public place by, or with the permission of, the Municipality.

**23. Regulating street and door-to-door collections and distribution of handbills.** –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) collect, or attempt to collect, money, organise, or in any way assist in the organisation of such collection;
- (b) from door-to-door collect, beg, solicit or accept donations;
- (c) distribute any handbill or similar advertising material, or cause it to be distributed; or
- (d) place any handbill or similar advertising material, or cause it to be placed on or in any vehicle,

in any street, on any sidewalk or walkway, or in any public place.

(2) The Municipality may levy an application fee, as determined from time to time by the Municipality, in respect of any application in terms this section. Provided that this subsection does not apply to any registered welfare of benevolent organisation.

**24. Prohibition on administering poison.** –No person other than an official of the Municipality or an authorised person who administers legally approved weed-killers or poisons, may use, set or cast poison in any street, on any sidewalk or walkway, or in any public place.

**25. Regulating processions.** –(1) Subject to the provisions of subsection (7), no person may, except in accordance with prior written permission of the Municipality, –

- (a) hold, organise, initiate, control or actively participate in a procession or gathering;
  - (b) dance or sing or play a musical instrument;
  - (c) do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic; or
  - (d) use any loudspeaker or other device for the reproduction or amplification of sound,
- in any street, on any sidewalk or walkway, or in any public place

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street, on any sidewalk or walkway, or in any public place must submit a written application for permission thereto, to reach the Municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out.

(3) An application contemplated in subsection (2) must contain the following –

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the –
  - (i) street or public place where or route along which any one or more of the actions is or are intended to be performed or carried out; and
  - (ii) proposed starting and finishing times or any one or more of the aforesaid actions;
- (c) in the case of processions and gatherings, the number of persons expected to attend;

- (d) request for assistance by traffic officers, if required; and
  - (e) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.
- (4) Any application submitted in accordance with subsection (3) must be considered by the Municipality, and if, in the opinion of the Municipality any one or more of the actions to be performed or carried out as proposed in such application –
- (a) is, or are not likely to be, in conflict with the interests of public peace, good order or safety, the Municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one, or more, of such actions: Provided that the Municipality may determine such conditions as it deem necessary to uphold public peace, good order or safety; or
  - (b) will, or is likely to, be in conflict with the interests of public peace, good order or safety may be refused by the Municipality.
- (5) The Municipality may withdraw any permission granted in terms of subsection (4), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.
- (6) Persons who intend participating actively in a procession, or gathering in any street need not apply to the Municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the Municipality.
- (7) The provisions of this section do not apply to a –
- (a) wedding or funeral processions; and
  - (b) gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act 205 of 1993), in which case the provisions of the said Act apply.

**26. Prohibition on public indecency.** –No person may, in any street, sidewalk, walkway or public place–

- (a) appear without being clothed in such a manner as decency demands;
- (b) or in view of such a place, urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act;
- (c) sing any obscene or profane song;
- (d) use any profane, foul, indecent or obscene language;
- (e) in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging; or
- (f) use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be caused.

**27. Prohibition regarding overflow water.** –With the exception of rainwater, no person may cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into a street, sidewalk, walkway or public place.

**28. Control of stormwater and watercourses on public road.** –(1) No person may, except in accordance with prior written permission of the Municipality, –

- (a) lead or discharge any water on, over or across; or
- (b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger, a street, sidewalk, walkway or public place.

(2) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned –

- (a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, walkway or public place;
- (b) divert stormwater from, or under, a street, sidewalk, walkway or public place onto private property other than land occupied by buildings, other structures or improvements; and
- (c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of this subsection, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act 42 of 1965 or an alternative dispute resolution process.

**29. Prohibitions regarding behaviour in public.** –(1) No person may–

- (a) cause a nuisance to other persons by loitering, standing, sitting, lying, congregating or begging;
- (b) sleep, overnight or erect any shelter;
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) discharge a firearm, airgun or air pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage or participate in gambling;
- (k) use intoxicating liquor or drugs;
- (l) spit;
- (m) be drunk;
- (n) obstruct traffic in any manner; or
- (o) litter or leave behind, or allow, permit or cause littering, by means of cigarette butts, matches, beer- or cold drink cans or bottles, any glass or plastic bottles, disposable nappies or any other container, rubbish or refuse, in any street, sidewalk, walkway or public place.

(2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

**30. Prohibitions regarding handling of animals.** –No owner or person in charge of, or responsible to supervise, any wild or ferocious animal, monkey, livestock, or trek- or horned cattle may –

- (a) turn such animal loose;
- (b) leave such animal at any time insufficiently attended in;
- (c) keep such animal –
  - (i) at large; or
  - (ii) in such a manner as to be a danger or annoyance to the traffic or public, or
- (d) allow, permit or cause the animal to graze or stray, in, or about a street, sidewalk, walkway or public place.

(2) No person may walk a dog a street, sidewalk, walkway or public place unless it is on a leash and under control of that person.

(3) No person may leave any injured, feeble, emaciated, diseased or dying animal on a street, sidewalk, walkway or public place except for the purpose of seeking assistance for the removal of such animal from that area.

**31. Regulating display of street number of places.** –(1) The Municipality may prescribe, by written notice to the owner of any premises, that a number allocated to such premises by the Municipality shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.

- (2) A number contemplated in subsection (1) must be–
  - (a) displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
  - (b) replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.
- (3) If the owner contemplated in subsection (1) fails to comply with such notice, the Municipality may execute the notice and the owner is liable for the reasonable cost incurred by the Municipality in so doing.

**32 Regulating bridges and crossings.** –No person may, except in accordance with prior written permission of the Municipality, make, or built to or in front of, –

- (a) any dwelling; or
- (b) other premises in any street or public place, a private crossing, walkway, bridge or culvert.

**33. Regulating amusement shows and devices.** –(1) No person may, except in accordance with prior written permission of the Municipality, set up or use in any street, sidewalk, walkway or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –

- (a) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (b) if it is in any way dangerous or unsafe for public use.

- (2) Assistance by traffic officers will be provided by the municipality on application.
- (3) An applicant for permission to hold such a show or set up such a device must pay the prescribed tariff and deposit for the costs to be incurred by the Municipality during and after the event, at least seven working days prior to commencement of the race or event: Provided that, if the actual costs incurred are higher than the deposited amount, such person is liable to pay the difference to the Municipality upon proof of such expenses.
- (4) An authorised official of the Municipality must, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

- 34. Prohibitions regarding animal-drawn vehicles and push or pull carts.** –(1) No person may drive, or cause to be driven, an animal-drawn vehicle along or through streets, –
- (a) during the hours when it would be required of motor vehicles to have their lights switched on; or
- (b) with a gradient of 20° or more.
- (2) No person may push or pull any cart along or through streets –
- (a) during the hours when it would be required of motor vehicles to have their lights switched on; or
- (b) with a gradient of 20° or more.
- (3) No person may –
- (a) simultaneously drive, or be in control of, more than one animal-drawn vehicle in a street or public place;
- (b) drive, or be in control of, an animal-drawn vehicle in a street or public place if he is under 16 years of age;
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle; or
- (d) outspan, or allowed to be outspanned, any vehicle drawn by animals in a street or public place.

**35. Regulating sleeping in vehicles.** –No person may sleep in a vehicle in a street or public place, other than a motor vehicle parked at stands duly so allocated by the Municipality.

**36. Regulating informal parking attendants.** –(1) No person may act as an informal parking attendant in a street, parking area or public place, except in accordance with prior written permission of the Municipality.

- (2) The Municipality may levy a registration tariff, the amount of which is determined by Municipality and fixed in the registration, as a requirement for the registration of parking attendants, provided that where a Memorandum of Agreement exists between the municipality and a service provider for the provision of a parking management system, such a tariff will not be levied.



**37. Regulating costs and tariffs.** –(1) The Municipality may charge fees and monies for the permission granted in terms of this By-law and may require the deposit of an amount of money as security for damages, repair, mopping up, losses and other costs.

- (2) Notwithstanding any other provisions of this By-law, the Municipality may, –
- (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
  - (b) where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention, within the period stated in such notice.

(3) Any person who fails to comply with a notice in terms of subsection (1) is guilty of an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

- (4) The payment of deposits and tariffs to the Municipality are subject to the following:
- (a) the Municipality may determine the estimated tariffs, and a deposit equal to these tariffs in respect, must be paid in cash or by bank-guaranteed cheque at the date of application;
  - (b) any mutual adjustment must be made after conclusion of the sporting event, procession or gathering, or the setting up of the circus, whirligig, roundabout or other side-show or device, as the case may be, as soon as the actual costs have been determined by the Municipality;
  - (c) the Municipality may, at its sole discretion, exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the Municipality prior to the commencement of the escorting, race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show or device: Provided that, in the event that the municipality is unable to grant exemption for whatever reason prior to the commencement of the event, the applicant must pay the tariffs, which must, if exemption is granted thereafter, be refunded to the applicant;
  - (d) the Municipality may approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on a street, sidewalk, walkway or in a public place; and
  - (e) the Municipality must prescribe the minimum number of marshals required to assist at a race or sporting event, procession or gathering, or the set up of the circus, whirligig, roundabout or other side-show, or device, racing event, sporting event, procession and a gathering in general.

(5) Subsection (1) does not apply to a funeral procession.

**38. Regulating limitation on access to certain areas.** –No person may, except in accordance with prior written permission of the Municipality, close or barricade any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

**39. Regulating closure or diversion of certain areas.** –(1) The Municipality may permanently close or divert any street, sidewalk, walkway or a public place, or part thereof, or restrict access to any such place.

(2) When the Municipality decides to act in terms of subsection (1), it must –  
 (a) give written notice of such intention in terms of its communication policy; or  
 (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages.

(3) Any objection against the decision to act as contemplated in subsection (2) must be delivered in writing to the Municipal manager within 30 days from the date of the notification contemplated in subsection (2) for consideration by the Council, a committee or person who has delegated powers to decide upon it.

(4) Notwithstanding the provisions of subsection (2), the Municipality may temporarily close or restrict access to any street, sidewalk, walkway or a public place, or part thereof –

(a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such place;

(b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such place;

(i) if such street or public place is, in the opinion of the Municipality, in a state dangerous to traffic;

(ii) by reason of any emergency or public event which, in the opinion of the Municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or

(iii) for any other reason which, in the opinion of the Municipality, renders the temporary closing of such street necessary,

(c) and temporarily divert such access.

(2) The municipal manager may in his discretion, for general information, place a notice of such temporary closure, restriction or diversion in a local newspaper.

**40. Certain functions of Municipality regarding streets, sidewalks, walkways and public places.** –The Municipality may, in its area,

(a) make, construct, reconstruct, alter and maintain;

(b) name and re-name; and

(c) allocate and re-allocate numbers to properties abutting on, streets, sidewalks, walkways and public places.

- 41. Declaration of streets and public places.** –(1) The Municipality may –
- (a) declare any land, or portion of land, under its control to be a street, sidewalk or walkway, or any street, sidewalk or walkway, or portion thereof to be a public place; and
  - (b) declare any private street or portion thereof to be a public street, or any place or portion thereof to be a public place.
- (2) When the Municipality decides to act in terms of subsection (1), it must –
- (a) give written notice of such intention in terms of its communication policy; or
  - (b) in the absence of such policy, give notice of its intention in a local newspaper in at least two official languages
- (3) Any objection against the intended action must be delivered in writing to the municipal manager within 30 days from the date of notification in terms of subsection (2) for submission to Council, a committee or person who has delegated powers to decide upon it.
- 42. Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories.** –(1) The Municipality may –
- (a) by Notice in the *Provincial Gazette* determine any other subcategory of vehicles and regulate such subcategory as contemplated in paragraph (b); and
  - (b) regulate the use by pedestrians, pedal cyclists and other subcategories of vehicles of a specific street, sidewalk, walkway or public place, or a section or part thereof, where the use thereof is not suitable for pedestrians, pedal cyclists or such subcategory of vehicles, as the case may be.
- (2) When exercising its powers as contemplated in subsection (1)(b), the Municipality must erect a road traffic sign which clearly indicates the regulated use and area of application.
- 43. Offences and penalties.** –Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable upon conviction to –
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (c) 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 or failure.
- 44. Repeal of By-laws.** –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.
- 45. Short title and commencement.** –This By-law shall be known as the By-law relating to Streets and comes into operation on the date of publication thereof in the *Provincial Gazette*.

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/INSTRUCTION TO ASSIST
<b>ROADS AND STREETS BY-LAW DATED July 2020</b>						
RSB1	Roads and Streets By-Law S3	Decision to construct and maintain roads, sidewalks and walkways	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB2	Roads and Streets By-Law S4	Conclude encroachment agreements	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB3	Roads and Streets By-Law S7	Authorization to advertise	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB4	Roads and Streets By-Law S9	Instruct owner or occupier to cut tree branches away from overhead lines	Municipal Manager	Director: Infrastructure Services	Senior Manager: Electricity Services	
RSB5	Roads and Streets By-Law S11(2)	Instruct Person to remove Vehicles	Municipal Manager	Director: Community Services	Senior Manager: Protection Services	
RSB6	Roads and Streets By-Law S16	Regulating building materials, dangerous objects and cleanliness	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB7	Roads and Streets By-Law S18	Issuing permits for races and sport events	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB8	Roads and Streets By-Law S21(5)	Issuing permits to travel over curbs, sidewalks, walkways or road verges	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB9	Roads and Streets By-Law S23	Regulating street and door-to-door collections and distribution of handbills	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB10	Roads and Streets By-Law S24	Regulating administration of poison for weed killing	Municipal manager	Director: Community & Protection Services	Senior Manager: Community Services	
RSB11	Roads and Streets By-Law S25	Regulating Processions	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB12	Roads and Streets By-Law S28	Allow a deviation to allow stormwater or watercourse water to run onto a street	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

RSB13	Roads and Streets By-Law S31	Regulating display of street numbers	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB14	Roads and Streets By-Law S32	Regulating bridges and crossings	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB15	Roads and Streets By-Law S33	Regulating Amusement Shows and Devices	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB16	Roads and Streets By-Law S35	Regulating Informal Parking Attendants	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
RSB17	Roads and Streets By-Law S37	Regulating costs and tariffs	Council			
RSB18	Roads and Streets By-Law S38	Regulating Limited Access	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Traffic Engineering	
RSB19	Roads and Streets By-Law S39	Regulating Closure or diversions	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Traffic Engineering	
RSB20	Roads and Streets By-Law S40(a)	Make, reconstruct, alter and maintain roads	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	
RSB21	Roads and Streets By-Law S40(b)	Name and rename roads and streets	Council			
RSB22	Roads and Streets By-Law S40(c)	Allocate and reallocate numbers to properties	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB23	Roads and Streets By-Law S41	Declaration of Streets and public places	Municipal Manager	Director: Planning and Economic Development	Senior Manager: Development Planning	
RSB24	Roads and Streets By-Law S42	Determination of subcategories and regulation of pedestrians, pedal cyclists and subcategories	Municipal Manager	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	

<b>11.5.3</b>	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER</b>
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Collaborator No: 688646  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 24 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON STORMWATER**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Stormwater and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that are delivered to the constituencies of the Republic of South Africa.

As the function of Stormwater Management in Built-up Areas falls within the jurisdiction of the Municipality, the Council may define and regulate activities and functions on any matters pertaining to the above, abbreviated as Stormwater.

The proposed By-Law on Stormwater aims to promote a safe environment for the benefit of all within stormwater management and to give effect to the rights contained in section 24 of the Constitution of the Republic of South Africa, 1996.

This report serves to request the introduction of the new Draft Stormwater By-Law and to publish this By-Law for Public Participation.

**5. RECOMMENDATIONS**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

Stellenbosch Municipality's does not have a By-Law on Stormwater.

The Directorate Infrastructure Services has created this new By-Law on Stormwater. By interrogating older ordinances and legislation, aspects have been incorporated into the draft By-Law.

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**6.2 Discussion**

Since no previous By-Law existed for any part of Stormwater, a By-Law was created afresh but utilising the following source documents:

- a. Stellenbosch Municipality Proposed Draft Stormwater Management By-Law
- b. Management of Urban Stormwater Impact Policy
- c. Stellenbosch Municipality Floodline Guide

By-Laws and Policies were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Stormwater) were also carried out. Comparative reviews of by-laws relating to Stormwater in other South African municipal jurisdictions to identify relevant subject matter, was incorporated.

The By-Law was further aligned to section 152 of the Constitution, section 13 of Local Government: Municipal Systems Act 32 of 2000, Consumer Protection Act 68 of 2008, and other documents as provided.

Along with improving safety for all making use of the Stormwater Service, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the total Stormwater arena.

**6.3. Financial Implications**

None

**6.4 Legal Implications**

The new By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within Stormwater systems.

**6.5 Staff Implications**

None

**6.6 Previous / Relevant Council Resolutions:**

No By-Law existed for Stormwater.

**6.7 Risk Implications**

None

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.3**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Stormwater, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

# **ANNEXURE A**



[LOCAL AUTHORITY NOTICE OF XXX.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

was published by *Provincial Gazette* No. XXX dated XXX.

STELLENBOSCH MUNICIPALITY

BY-LAW RELATING TO STORMWATER

APPROVED BY COUNCIL ON XXX

AND

PROMULGATED IN TERMS OF SECTION XXX OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY STORMWATER BY-LAW  
(20XX)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate –

- the stormwater management systems in built-up areas; and
- activities which may have a detrimental effect on the development, operation or maintenance of the stormwater system.

Under the provisions of sections 156 (2) of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Municipality of Stellenbosch enacts as follows:

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## PREAMBLE

WHEREAS the Municipality has under the Constitution, legislative competence in respect of stormwater management systems in built-up areas;

Whereas the Municipality has an obligation to regulate and control stormwater systems in built-up areas so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the environmental impact of stormwater to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by stormwater;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors or tourists and government departments enjoy the services from a legitimate stormwater management service provider;

Whereas the Municipality wishes to regulate the stormwater management systems in built-up areas and the regulation of facilities used for the management of stormwater, with the aim of avoiding or minimising the damage to the environment; and

Whereas the Municipality intends to minimise the undesirable impacts of stormwater runoff from developed areas in accordance with Water Sensitive Urban Design Principles.

BE IT ENACTED by the Municipality, as follows: —

**1. Definitions.** –In this By-law, words used in the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates –

**“Best Management Practices”** refer to devices, practices or methods to –

- (a) prevent, remove, eliminate, reduce or impede runoff flows; or
- (b) prevent targeted stormwater runoff constituents, pollutants and contaminants from reaching receiving waters,

and include structural and non-structural controls and devices, and operation and management procedures;

**“built-up areas”** mean those portions or areas of the Municipality which are divided into erven by means of physical survey or which are surrounded by surveyed erven, including the public roads adjacent thereto as well as portions or areas falling within the urban edge of the approved Spatial Development Framework;

**“catchment”** means the area from which any rainfall will drain into a watercourse or wetland, or part thereof, through surface flow to a common point or points;

“**Council**” means the Council of the Municipality of Stellenbosch;

“**detention basin**” means a storage site (such as a small reservoir) that delays the flow of water downstream;

“**development**” means any man-made change to, or associated preparation of, property, including but not limited to, construction or upgrading of buildings or other structures, filling, paving and municipal services;

“**flood attenuation measures**” means –

- (a) assessing the effects of any increased runoff on the existing downstream stormwater system, and
- (b) preparing and implementing the development plan in such a way that –
  - (i) the peak flow immediately downstream of the planned development; and
  - (ii) where existing detention storage is provided in a stormwater system, the –
    - (aa) the volume of runoff due to increased impermeable areas and lower surface frictions in the upstream developments; and
    - (bb) the effectiveness of the downstream detention dams,are no greater or decreased than it was before the development took place;

“**flood level**” means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years, and “**flood line**” has a corresponding meaning;

“**floodplain**” means the land adjoining a watercourse which, in the opinion of the Municipality, is predisposed to inundation by floods up to the 100 year recurrence interval;

“**Municipality**” means the Stellenbosch Municipality established by Provincial Notice No. 489 479 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title; and includes any –

- (a) political structure;
- (b) political office bearer;
- (c) Councillor; and
- (d) duly authorised agent, service provider or any employee thereof, acting as contemplated in this By-law by virtue of a power vested in the Municipality and so authorised, delegated or sub-delegated to such –
  - (i) political structure;
  - (ii) political office bearer;
  - (iii) councillor;
  - (iv) agent;
  - (v) service provider; or
  - (v) employee;

“**municipal area**” means the area of jurisdiction of the Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

**“municipal manager”** means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“non-structural measures”** refer to planning, institutional and pollution prevention practices designed to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

**“norms and standards”** refer to –

- (a) guidelines about how role players should act within the given context; and
- (b) minimum standards set to ensure that services are rendered in a specific, planned and effective manner,

as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

**“organ of state”** bears the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

**“owner”** includes any of the following:

- (a) the person in whom is vested the legal title to the premises, lessee, resident, director of a company, member of a close corporation, the person in control of any premises;
- (b) any person who obtains a benefit from the premises or is entitled thereto; and
- (c) the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

**“person”** includes –

- (a) any divisional council, municipal council, village management board, or like authority; any organ of state;
- (b) any company incorporated or registered as such under any law; and
- (c) any body of persons corporate or unincorporate;

**“pollute”** means the direct or indirect alteration of the physical, chemical or biological properties of a water resource to cause it to be –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful to –
  - (i) the welfare, health or safety of human beings;
  - (ii) any aquatic or non-aquatic organisms;
  - (iii) the resource quality; or
  - (iv) property;

**“publish”** means to be announced by the Municipality for public notification by means of a Notice in the *Provincial Gazette*;

**“prescribed”** means –

- (a) a particular resolution of the Council; and
  - (b) in relation to –
    - (i) a fee, the cost as set out in the tariff policy of the Municipality;
    - (ii) an application for approval, the documents and procedures determined by the Municipality in a specific instance;
- as determined from time to time;

**“private stormwater system”** means a stormwater system owned, operated or maintained by a person other than the Municipality;

**“prior written permission of the Municipality”** means permission granted by the Municipality in accordance with section 4 of this By-law;

**“receiving waters”** refer to natural or man-made aquatic systems which receive stormwater runoff and includes, but is not limited to, watercourses, wetlands, canals, estuaries, and groundwater;

**“stormwater”** means water resulting from natural precipitation or the accumulation thereof, and includes –

- (a) groundwater; and
- (b) spring water

ordinarily conveyed by the stormwater system, but excludes water in a drinking water or waste water reticulation system;

**“stormwater policy”** means a policy document for the management of stormwater impacts, related activities and incidental matters, as adopted and amended from time to time by the Municipality, and subsequently published within 30 days of the date of adoption;

**“stormwater system”** means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

**“structural measures”** refer to permanent engineered devices implemented to –

- (a) prevent or minimize pollutants from entering stormwater runoff; and
- (b) reduce the volume of stormwater requiring management;

**“water pollution incident”** means an incident or occurrence whereby a substance or matter, other than stormwater, ends up in the stormwater system and which may have a direct or indirect detrimental, or potentially detrimental, impact on the quality of the water in that system, to such an extent that public health or the health of natural ecosystems may be threatened;

**“watercourse”** means –

- (a) a river, spring, stream, channel or canal in which water flows regularly or intermittently;
- and

(b) a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourses;

**“Water Sensitive Urban Design”** refers to an approach to ensure that development in urban areas is holistically planned, designed, constructed and maintained to –

- (a) reduce negative impacts on the natural water cycle; and
- (b) protect aquatic ecosystems,

and includes, but is not limited to, sustainable water supply, sanitation and stormwater management;

**“water source”** includes any water way, surface water, estuary or aquifer; and

**“wetland”** means land which is transitional between terrestrial and aquatic systems where the –

- (a) water table is usually at or near the surface, or
- (b) land, which in normal circumstances supports or would support vegetation typically adapted to life in saturated soil, is periodically covered with shallow water, and

includes, but is not limited to, water bodies such as lakes, salt marches, estuaries, marshes, swamps, vleis, pools, ponds, pans and artificial impoundments.

**2. Aim, application and scope.** –(1) The provisions of this By-law aim to –

- (a) reduce the impact of flooding on community livelihoods and regional communities;
- (b) safeguard human health;
- (c) protect natural aquatic environments; and
- (d) maintain recreational water quality.

(2) This By-law binds all persons and organs of state.

(3) This By-law applies to stormwater systems in built-up areas and the natural environment on which it may have an impact, including but not limited to, any land use, development or activity proposals within the municipal area, draining to any watercourse or wetland.

(4) Any provision dealing specifically with stormwater in any other By-law, is subject to the provisions of this By-law: Provided that this By-law does not apply to other aspects of stormwater management such as protection of property and community health and safety.

(5) The provisions of this By-law do not eradicate the need for any other permit, consent or authorisation required under any other law.

(6) The provisions of this By-law must be read together with the –

- (a) National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- (b) Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983);
- (c) National Water Act, 1998 (Act 36 of 1998);
- (d) National Environmental Management Act 1998 (Act 107 of 1998);
- (e) Disaster Management Act 2002 (Act 57 of 2002);
- (f) National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);

(g) Western Cape Planning and Development Act, 1999 (Act 7 of 1999); and

(h) all of the following –

- (aa) Municipal Code of By-laws;
- (bb) Land Use Planning By-law of 2015 of the Municipality;
- (cc) Zoning Scheme By-law 2019 of the Municipality;
- (dd) Management of Urban Stormwater Impacts Policy of the Municipality;
- (ee) Municipal Disaster Management Plan of the Municipality; and
- (ff) other relevant Frameworks, Guides, Norms and Standards, as adopted and published,

where applicable.

(7) In the event that –

- (a) any provision in this By-law; or
- (b) any stipulation in any of the documents contemplated in section 2 (6) (h) (bb) – (ff), no longer conforms to a Notice published in terms of applicable National or Provincial legislation after the date of commencement of this By-law, such Notice applies to the extent reasonably required until this By-law or such document has been updated accordingly.

(8) This By-law and all the documents contemplated in section 2 (6) (h) (bb) – (ff) must be published on the website of the Municipality within 14 days of the date of publication of this By-law in the *Provincial Gazette*.

**3. Stormwater policies and guidelines.** –(1) The Municipality must develop, adopt, publish on its website and implement its stormwater policies and may amend those policies from time to time, as and when required.

(2) The stormwater policies of the Municipality must –

- (a) incorporate Water Sensitive Urban Design Principles into urban development;
- (b) be based on Best Management Practices; and
- (c) be aligned with other sustainability programmes of the Municipality.

(3) The Municipality may limit the application of any stormwater policy to specific, or categories of, –

- (a) areas;
- (b) development premises; or
- (c) activities,

and may, on reasonable grounds, permit deviation or relaxation of, or exemptions from, any provisions of such policy.

(4) Any person who –

- (a) contravenes the provisions of a stormwater policy to the extent that same had been adopted in terms of this or any other By-Law of the Municipality; or
- (b) furnishes false or misleading information required in terms of a stormwater policy, is guilty of an offence, and on conviction may be liable to a fine or imprisonment, or both such fine and imprisonment.



- (5) Stormwater policies must be made public and conveyed to the community in terms of section 21A of the Municipal Systems Act.
- (6) Notwithstanding subsections (1), (4) and (5), the Municipality may –
  - (a) develop and approve guidelines that comply with the provisions of subsection (2) and (3); and
  - (b) implement such approved guidelines.
- (7) Any policy developed and adopted in terms of this section replaces the guidelines contemplated in subsection (6).

**4. Applications for permits, consent or authorisation.** –(1) A person who wishes to obtain a permit, consent or authorisation of the Municipality as contemplated in this By-law, must submit an application in writing and in accordance with the applicable process as prescribed by the Municipality.

- (2) When considering an application contemplated in subsection (1), the Municipality may require the applicant to, at own cost, –
  - (a) submit impact studies such as, but not limited to, environmental impact studies or environmental impact investigations as required in terms of national and provincial environmental legislation; and
  - (b) to establish and provide documentation indicating flood lines.
- (3) A permit, consent or authorisation may be granted by the Municipality subject to such conditions as determined by the Municipality after due consideration of the application.
- (4) Where a permit, consent or authorisation is required under this By-law and any other law enforced by the Municipality, such applications shall be lodged simultaneously.

**5. Prohibited discharges.** –(1) No person may, except in accordance with the prior written permission of the Municipality, discharge, permit, cause or allow to enter or place onto any substance other than stormwater, where that substance could reasonably be expected, or is likely, to find its way into the stormwater system.

- (2) With the exception of rainwater, no person may permit, cause or allow any dirty, waste, swimming pool, infected or otherwise polluted water to flow from his premises into the stormwater system.

**6. Measures to protect stormwater system.** –(1) Notwithstanding any other provision in this By-law, the Municipality may, in pertinent and lawful instances require from the owner of any private property (person A) to –

- (a) allow the owner of a higher lying property (person B), to, at such owner's cost (person B), lay a stormwater drainpipe or gutter over the owner's property (person A) to allow the draining of concentrated stormwater; or

- (b) retain stormwater on such property (of person A) or, at such owner's cost (person B), to lay a stormwater drain pipe or gutter to a suitable place indicated by the Municipality, irrespective of whether the course of the pipe or gutter will run over the owner's property (person A), or not.
- (2) No person may, except in accordance with the prior written permission of the Municipality –
- (a) adjust, alter, damage, endanger, destroy or undertake any action which may, or is likely to, damage, endanger or destroy, the stormwater system or the operation thereof;
  - (c) discharge, permit to enter or place anything likely to damage the stormwater system or interfere with the operation thereof or contaminate or pollute the water therein;
  - (d) construct or erect any structure or thing over or in such a position or in such a manner which may, or is likely to, interfere with, or endanger the stormwater system or the operation thereof;
  - (e) make an opening into a stormwater pipe, canal or culvert;
  - (f) drain, abstract or divert any water directly from the stormwater system, or
  - (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the stormwater system.
- (3) No person may, except in accordance with the prior written permission of the Municipality, –
- (a) lead or discharge any water on, over or across; or
  - (b) by any means whatever, raise the level of water in any river, dam or watercourse to cause interference with or endanger, a street, sidewalk, pathway or public place.
- (4) No person may carry out, or create the risk of, any activity that causes, or may potentially cause, stormwater to flood the property of the municipality or that of any other person.
- (5) When an incident contemplated in section 5 and subsections (2), (3) or (4) of this section occurs without, or not in accordance with, the prior written permission of the Municipality, –
- (a) and the incident is not the result of natural causes, the person responsible for the incident; and
  - (b) the owner of the property on which the said incident occurred, or is occurring, must immediately report the incident to the Municipality: Provided that the person responsible for the incident or the owner of the property, as the case may be, must at own cost take all reasonable measures which, in the opinion of the Municipality, will contain and minimise the effects of the flooding, by undertaking cleaning up procedures, including the rehabilitation of the environment, as required by the Municipality.
- (6) A person who contravenes a provision of subsection (2), (3), or (4) commits an offence.
- (7) The Municipality may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned, –
- (a) deviate any watercourse, stream or river: Provided that the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a street, sidewalk, pathway or public place;

- (b) divert stormwater from, or under, a street, sidewalk, pathway or public place onto private property other than land occupied by buildings, other structures or improvements; and
- (c) pay reasonable compensation as agreed between the owner or occupier and the Municipality, for any damage caused as a result of any action taken in terms of this subparagraph, or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965) or an alternative dispute resolution process.

**7. Sustainable urban drainage system.** –(1) In order to advance a holistic approach to catchment development and the application of Water Sensitive Urban Design Principles, all developers, owners, professionals and contractors must, at all times, comply with the following provisions:

- (a) Determine all floodlines which may impact on the development concerned, in which event the Municipality must, on written request, make available any floodline information that is on record;
- (b) Do planning and take flood attenuation measures before any development above an existing development or in a catchment area commences;
- (c) Make adequate provision for stormwater servitudes –
  - (i) where overland flow can occur, either naturally or as a result of the development; or
  - (ii) when the minor stormwater system infrastructure is overloaded or rendered ineffective due to a block up;
- (d) Prevent concentration of stormwater runoff both spatially and in time wherever possible;
- (e) Manage steep slopes and soil profiles, where they occur, before, during and after construction;
- (f) Submit an application to the Municipality consisting of detailed plans to control and prevent erosion by water, prior to the commencement of any works, including site clearance on any portion of the site: Provided that the Municipality may grant such approval subject to such conditions as may be determined by the Municipality after due consideration of the application;
- (g) Ensure that vegetation cover is removed with care and with attention to the potential erosion impact;
- (h) Construct stormwater control systems before any construction on a site commences;
- (i) Monitor and adjust the stormwater control measures taken during the construction progress, to ensure complete erosion control and appropriate runoff control;
- (j) Keep earthworks on site to an absolute minimum;
- (k) Design elements of developments so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on the property; and
- (l) Avoid concentration of flow onto downstream properties due to walls and fences around properties that cross natural drainage channels.

(2) In the event that it is impossible to avoid an increase in the downstream peak flow, the Municipality may only allow a development to proceed if it is satisfied that the downstream stormwater systems have the spare capacity to accommodate the additional peak flow.

(3) The Municipality may, for stormwater control purposes, regularly and at all reasonable times enter any premises, or any portion thereof, to inspect the construction of buildings,

structures and earthworks in order to minimize risk or damages to properties and to determine the current status of a stormwater system.

- (4) In order to fulfil the function contemplated in subsection (1), the Municipality may –
- (a) declare areas as stormwater management areas in respect of which special requirements will apply regarding construction and earthworks of any activity and which, in the opinion of the Municipality, may reduce the risk of floods;
  - (b) require that the general plan or lay-out plans of the development or subdivision of any property, indicate lines in an acceptable form, to indicate the maximum level which will probably be reached by the flood water, in an average of 50 years and of 100 years;
  - (c) may, subject to other applicable legislation, refuse any –
    - (i) new permanent residential, commercial or industrial development;
    - (ii) request for densification; or
    - (iii) any other plans where the floodlines are not in line with the policy or guidelines contemplated in section 3:

Provided that where such development or application is approved within a flood plain, the lowest level of any new building, structure or addition thereto, must be above the floodlines as specified in the policy or guidelines as contemplated in section 3;
  - (d) determine that all services required by the development, be designed to withstand the –
    - (i) effects of flooding without risk of environmental pollution, or
    - (ii) risk of damage, injury or loss to the property owner, residents and general public;
  - (e) allow the construction of flood protection embankments: Provided that such embankment –
    - (i) does not materially affect the direction and velocity of the main stream or its tributary watercourses;
    - (ii) serves a useful purpose; and
    - (iii) does not increase the risks of damage to property or injury to any person.
- (5) All matters pertaining to sustainable urban drainage systems not provided for in this By-law, including but not limited to the following:
- (a) criteria for achieving Sustainable Urban Drainage Systems Objectives;
  - (b) interface with the Municipal Spatial Development Framework;
  - (c) incentive schemes; and
  - (d) monitoring and evaluation of adherence to Best Management Practices,
- must be addressed in stormwater policies of the Municipality.

**8. Stormwater management plan.** –(1) Where the submission of an approved stormwater management plan is a condition of approval as contemplated in section 7, the person responsible therefore must submit plans detailing the proposed stormwater control measures to the designated official: Provided that no physical work may commence without the prior written approval of the Municipality.

- (2) A stormwater management plan must describe and indicate –
- (a) the control measures to be implemented before and during the construction period;
  - (b) the final stormwater control measures required for the site on completion of site development;

- (c) the person responsible for the design of the control measures; and
- (d) who is, or will be, designated as the responsible person on site during each stage of the implementation of the control measures.

(3) If the approved stormwater management plan contemplated in subsections (1) and (2) is not adequately implemented or complied with, the owner or developer, as the case may be, is responsible to repair and restore all consequential environmental and other damages at his or her own cost.

**9. Stormwater systems on private land.** –(1) An owner of property on which private stormwater systems are located, –

- (a) may not carry out any activity which will, or which in the opinion of the Municipality could reasonably be expected to, impair the effective functioning of the stormwater system, and;
- (b) must, at own cost, keep such stormwater systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Municipality, it should be reconstructed or refurbished.

(2) The provisions of subsection (1) do not apply to the extent that the Municipality has accepted responsibility for any of such duties, either in –

- (a) accordance with a formal maintenance agreement; or
- (b) terms of a condition of a servitude.

(3)(a) If an immediate risk of flooding is identified, the Municipality may access the property concerned, irrespective of whether a servitude exists on that property or not, and without notifying the owner, to carry out the required works to prevent flood damage to upstream, surrounding or downstream properties.

(b) When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(c) The Municipality must immediately thereafter notify the owner concerned in writing of their liability to pay the costs of the carrying out of the required works as contemplated in paragraph (a).

**10. Provision of infrastructure.** –(1) The Municipality may –

- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the stormwater system on or under any immovable property, and ownership of these drains, pipes or structures shall vest in the municipality;
- (b) drain stormwater or discharge water from any municipal service works into any natural watercourse, and
- (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by subparagraph (a).

(2) When the Municipality exercises its powers in terms of subsection (1)(a) regarding immovable property not owned by the municipality, it must do so in compliance with the

provisions of the by-law of the Municipality relating to the management and administration of its immovable property.

**11. General powers.** –(1) The Municipality may –

- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention of the provisions of this By-law;
- (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this By-law;
- (c) repair and make good any damage done in contravention of the provisions of this By-law or resulting from a contravention;
- (d) remove anything discharged, permitted to enter into the stormwater system or natural watercourse in contravention of the provisions of this By-law;
- (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
- (f) seal off or block any point of discharge from any premises if such discharge point is in contravention of the provisions of this By-law; and
- (g) cancel any permit, consent or authorisation granted in terms of this By-law if the conditions under which such permit, consent or authorisation, the permission was granted are not complied with.

(2) The Municipality may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this By-law, give notice in writing to such person or owner of property to comply to such requirements as the Municipality may deem necessary to prevent the occurrence of such contravention.

(3) The Municipality may recover all reasonable costs incurred as a result of –

- (a) action taken in terms of subsection (1); or
- (b) a contravention of any other provisions of this By-law,

from a person who was responsible therefor or the owner of the property on which a contravention occurred.

**12. Appeal.** –(1) A person whose rights are affected by a decision of the Municipality in terms of this By-law, may appeal against the decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Municipal Systems Act to the municipal manager within 21 days of the date of the notification of such decision.

(2) Upon receipt of the notice of appeal, the Municipality must proceed with the matter in accordance with the provisions of section 62 of the Municipal Systems Act.

**13. Exemptions.** –(1) Any person may, by means of a prior written application stating the reasons in full, apply to the Municipality for exemption from any provision of this By-law.

(2) The Municipality may –

- (a) approve such exemption in full or subject to reasonable conditions; or

- (b) refuse such exemption on reasonable grounds.
- (3) The Municipality may, on reasonable grounds, revise or cancel such exemption or conditions of an exemption.
- (4) Where applicable, an exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2)(a).
- (5) In the event that –
  - (a) an activity for which exemption has been applied, commences before receipt of the undertaking contemplated in subsection (4) by the Municipality; or
  - (b) any condition of an exemption granted by the Municipality is not fully complied with, the exemption granted, lapses with immediate effect.

**14. Community liaison forums.** –(1) The Municipality may establish one or more community liaison forum for the purposes of furthering the stormwater activities of the municipality.

- (2) A community liaison forum may consist of –
  - (a) representatives of a group with a vested interest in the stormwater activities of the municipality;
  - (b) affected persons as contemplated in section 2 (4)(f) to (h) of the National Environmental Management Act, 1998 (Act 107 of 1998);
  - (c) designated officials of the municipality;
  - (d) a councillor; and
  - (e) any other persons as determined by the Municipality.
- (3) A community liaison forum contemplated in subsection (1) may, upon request of the Municipality or on its own initiative, submit input to the Municipality regarding any matter related to the implementation and application of this By-law.

**15. Offences and penalties.** –(1) Any person who –

- (a) contravenes any provision of this By-law;
- (b) fails to comply with the terms of any notice issued in terms of this By-law;
- (c) threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at a councillor or an employee or contractor of the Municipality in the exercise of any powers or performance of any duties or function in terms of this By-law, or falsely holds himself or herself to be a councillor, an employee or a contractor of the Municipality,

is guilty of an offence and liable, on conviction, for the payment of a fine.

**16. Repeal of By-laws.** –The By-laws listed in the Schedule hereto are hereby repealed to the extent indicated in the third column thereof.

**17. Short title and commencement.** –This By-law shall be known as the By-law relating to Stormwater and comes into operation on the date of publication thereof in the *Provincial Gazette*.

REVIEWED DRAFT V03 20200528



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
<b>Stormwater By-Law BY-LAW DATED July 2020</b>						
SWM1	Stormwater By-Law 2020 S3	Develop Policies and Guidelines	Council			
SWM2	Stormwater By-Law 2020 S4	Issuing Permits, consent and Authorization	Municipal Manager	Director: Infrastructure Services	Senior Manager: Roads, Transport and Stormwater (RTS)	
SWM3	Stormwater By-Law 2020 S6(1)	Instituting measures to protect stormwater systems	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM4	Stormwater By-Law 2020 S6(7)	Allow deviations from standard measures	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM5	Stormwater By-Law 2020 S7(2)	Permitting any Development to proceed upon increasing downward stormwater flow	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM6	Stormwater By-Law 2020 S8	Approving Stormwater Management Plans	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM7	Stormwater By-Law 2020 S9	Instructing Land or Property Owners to implement Stormwater Management	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM8	Stormwater By-Law 2020 S11	Instructing the demolishing of building or other structures to be removed	Municipal Manager	Director: Infrastructure Services	Senior Manager: RTS	
SWM9	Stormwater By-Law 2020 S13	Exempting certain requirements	Municipal Manager			
SWM10	Stormwater By-Law 2020 S14	Creating Community Liaison forums	Municipal Manager	Director: Infrastructure Services		

PB11	Parking By Law 2020 S17(1)	Granting of Municipal works parking permits	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB12	Parking By Law 2020 S19(1)	Designating Disabled, Diplomatic corps, SAPS and other identified reserved parking areas	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB13	Parking By Law 2020 S30(2)	Issue permits to effect monthly parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB14	Parking By Law 2020 S30(2)	Determine parking fees for permits	Council			
PB15	Parking By Law 2020 S30(3)	Issue permits for official parking	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB16	Parking By Law 2020 S30(4)	Approve the transfer of a permit	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB17	Parking By Law 2020 S33(1)	Authorize the removal of an abandoned vehicle	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB18	Parking By Law 2020 S40(1)	Approval of the cleaning of vehicles within a parking ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	

PB19	Parking By Law 2020 S42(1)	Approval of parking hours of a parking ground and classes of vehicles allowed to park on this ground	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB20	Parking By Law 2020 S43(1)	Approve notices to reserve parking for municipal vehicles and municipal staff vehicles	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB21	Parking By Law 2020 S45(5)	Approval of parking for vehicles exceeding one day's parking time	Director: Community & Protection Services	Senior Manager: Protection Services	Manager: Traffic & Law Enforcement Services	
PB22	Parking By Law 2020 S48(1)	Approval of Special parking spaces for taxis	Director: Infrastructure Services	Senior Manager: Transport, Roads, Stormwater Traffic Engineering	Manager: Roads & Stormwater	
PB23	Parking By Law 2020 S61(1)	Approval of compliance notices and recovery costs	Council			

<b>11.5.4</b>	<b>REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT</b>
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Collaborator No: 688644  
IDP KPA Ref No: Good Governance and Compliance  
Meeting Date: 19 August 2020

**1. SUBJECT: REQUEST FOR INTRODUCTION OF STELLENBOSCH MUNICIPALITY DRAFT BY-LAW ON INTEGRATED WASTE MANAGEMENT**

**2. PURPOSE**

That Council notes the Introduction of the Draft By-Law on Integrated Waste Management and approves the public participation thereof as per Section 12 of the Municipal Systems Act, as amended.

**3. DELEGATED AUTHORITY**

Municipal Council, as per Section 12(1) of the Municipal Systems Act, as amended. However, the Executive Mayor may request the Portfolio Committee to render assistance in terms of Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998, as amended.

**4. EXECUTIVE SUMMARY**

The Draft By-Law gives effect to the rights contained in Section 24 of the Constitution, Schedules 4(B) & 5(B) supported by Section 11 of the Local Government Municipal Systems Act 200 (Act 32 of 2000), where a Local Government may proclaim By-Laws to govern the services that is delivered to the constituencies of the Republic of South Africa.

As the functions of Cleansing, Refuse Removal, Refuse Dumps and Solid Waste Disposal fall within the jurisdiction of the Municipality, the Council may define and regulate, activities and functions on any matters pertaining to the above, abbreviated as Integrated Waste Management.

The proposed By-Law on Integrated Waste Management aims to promote a safe environment for the benefit of all within Waste management and to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate —

- the avoidance, minimization, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

This report serves to request the introduction of the new Draft Integrated Waste Management By-Law and to publish this By-Law for Public Participation.

**5. RECOMMENDATIONS**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) of the Municipal Systems Act.

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

Stellenbosch Municipality's does not have a By-Law on Integrated Waste Management.

The Directorate Infrastructure Service has created this new By-Law on Integrated Waste Management. Aspects of older ordinances and new legislation have also been incorporated into the draft By-Law. The By-Law also incorporates all the facets of Waste Management, which includes:

- a. Waste Collections
- b. Waste Removal,
- c. Area Cleaning
- d. Waste Minimization
- e. Refuse Dump Management.

**6.2 Discussion**

Since no previous By-Law existed for any part of Waste management, a By-Law was created afresh but utilising the following source documents:

- a. Model Integrated Waste Management By-law (Mr Hendriks)
- b. City of Cape Town: Integrated Waste Management By-law, 2009
- c. Optimization of Waste Management Collection Operations Draft Report
- d. Adjusted version of City of Cape Town: Integrated Waste Management By-law

By-Laws and Policies were reviewed and assessed. Comparative reviews of a number of By-Laws, promulgated by other Municipalities (relating to Integrated Waste Management) were also carried out. Comparative reviews of by-laws relating to IWM in other South African municipal jurisdictions to identify relevant subject matter, were incorporated.

Optimization of Waste Management Collection Operations Draft Report was analyzed, relevant sections incorporated, new sections drafted, and amendments made.

All of the above were correlated with the National Environmental Management: Waste Act (NEMWA), 2008 (Act 59 of 2008).

The By-Law was further aligned to section 152 of the Constitution, section 13 of Local Government: Municipal Systems Act 32 of 2000, Consumer Protection Act 68 of 2008, and other documents as provided.

Along with improving safety for all making use of the Integrated Waste Management Service, the By-Law defines and regulates functions and activities which are allowable, prohibits activities that are hazardous to users and damaging to Municipal infrastructure, and empowers the Municipality to act on infringements within the total Integrated Waste Management arena.

**6.3 Financial Implications**

None

**6.4 Legal Implications**

The new By-Law may reduce Municipal liabilities (third party claims) as it allows for more effective control of activities within Integrated Waste Management.

**6.5 Staff Implications**

None

**6.6 Previous / Relevant Council Resolutions:**

No By-Law existed for Integrated Waste Management

**6.7 Risk Implications**

None

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 7.5.4**

- (a) that the content of this report be noted;
- (b) that the Draft By-Law on Integrated Waste Management, attached as **ANNEXURE A**, be accepted as per Section 12(1) of the Municipal Systems Act, as amended; and
- (c) that a Public Participation process be launched as per Section 12(3)(b) and Section 21 of the Municipal Systems Act.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
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<b>REPORT DATE</b>	15 July 2020

# **ANNEXURE A**

[STELLENBOSCH MUNICIPALITY.]

[DATE OF COMMENCEMENT: XXX.]

This By-Law

was published by *Provincial Gazette* No. XXX dated XXX.

STELLENBOSCH MUNICIPALITY

BY-LAW RELATING TO INTEGRATED WASTE MANAGEMENT DRAFT  
APPROVED BY COUNCIL ON XXX

AND

PROMULGATED IN TERMS OF SECTION 11 OF THE LOCAL GOVERNMENT:  
MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)

STELLENBOSCH MUNICIPALITY INTEGRATED WASTE MANAGEMENT DRAFT BY-LAW  
(20XX)

To give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 and to regulate —

- the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and
- matters related thereto.

Under the provisions of sections 156 (2) of the Constitution of the Republic of South Africa, 1996, and section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Stellenbosch Municipality enacts as follows:



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## PREAMBLE

WHEREAS the Municipality has under the Constitution legislative competence in respect of refuse removal, refuse dumps and solid waste disposal;

Whereas the Stellenbosch Municipality has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the Municipality's boundaries and the quality of environmental resources are not unduly adversely affected by waste;

Whereas the Municipality wants to ensure that all residents, organisations, institutions, businesses, visitors, tourists and government departments are able to access services from a legitimate waste management service provider; and

Whereas the Municipality wishes to regulate waste generation, cleaning, collection, separation, storage, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation of waste.

BE IT ENACTED by the Municipality, as follows: —

**1. Definitions.** —In this By-law, words used in the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and, unless the context otherwise indicates, —

**“accredited service provider”** means a person or entity accredited by the Municipality in accordance with its guidelines published from time to time and who provides a waste management service in the municipal area and may include, but is not limited to waste managers, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

**“building waste”** means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and —

- (a) includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition; but
- (b) excludes garden waste and hazardous waste;

**“bulky waste”** means waste that by virtue of its mass, shape, size or quantity is inconvenient to remove by the routine door-to-door waste removal service provided by the Municipality or a service provider;

**“business waste”** means —

- (a) waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes; and
- (b) also includes waste generated by informal traders and residential premises where commercial activities are being conducted;

**“chemical waste”** includes discarded solid, liquid and gaseous chemicals;

**“Director”** means the Director responsible for solid waste management in the Municipality;

**“disposal”** means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

**“dump”**—

- (a) includes the —
  - (i) disposal of waste in any manner other than one permitted by this By-law or any other law; and
  - (ii) without derogating from the generality of the foregoing, the —
    - (aa) deposit;
    - (bb) discharge;
    - (cc) spill; or
    - (dd) release
 of waste, whether the said waste is in a container or receptacle or not, in or at any place whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but
- (b) excludes littering;

**“event waste”** means waste that originates from the activities related to an event that is held in the Municipality;

**“garden waste”** —

- (a) refers to —
  - (i) organic waste, including but not limited to, soil, grass cuttings, leaves and branches; and
  - (ii) any biodegradable material, which emanates from gardening, landscaping or other types of activities at residential, business or industrial properties; but
- (c) excludes waste products of animal origin;

**“general waste”** is a generic term for waste that, because of its composition and characteristics, does not pose an immediate risk to public health or the environment if managed properly, and includes residential waste, building waste, business waste, and any waste classified as non-hazardous waste in terms of national or provincial legislation;

**“genotoxic waste”** means highly hazardous waste —

- (a) that may have mutagenic, teratogenic or carcinogenic properties; and
- (b) includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

**“Government Gazette”** means the Government Gazette of the Republic of South Africa;

**“hazardous waste”** means —

- (a) any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on human health, the health of other living organisms and the environment; and
- (b) includes —
  - (i) health care risk waste; and
  - (ii) the hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles;

**“health care risk waste”** means —

- (a) that portion of health care waste that is hazardous including infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, waste with heavy metals, radioactive waste, and
- (b) any other health care waste that is defined as hazardous in terms of the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007) read with applicable national legislation;

**“holder of waste”** means —

- (a) any person who imports, generates, stores, accumulates, transports, processes, treats, exports or disposes of waste; and
- (b) includes recyclers and scrap dealers;

**“industrial waste”** means waste emanated from the manufacturing, industrial, fabricating or operational processes on premises that are used wholly or mainly for —

- (a) industrial purposes;
- (b) agricultural activities;
- (c) mining activities; or
- (d) the operation of power stations;

**“infectious waste”** means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes —

- (a) cultures and stocks of infectious agents from laboratory work;
- (b) waste from surgery and autopsies on corpses with infectious diseases;
- (c) waste from infected patients in isolation wards;
- (d) waste that has been in contact with —
  - (i) infected patients undergoing haemodialysis,
  - (ii) infected animals from laboratories, sanitary waste materials and tissues including swabs; and

any other instruments or materials that have been in contact with infected persons or materials;

**“integrated waste management plan”** means an integrated waste management plan that is required by the Municipality in terms of this By-law or any other applicable legislation;

**“licenced waste disposal facility”** means any site or premise which is licenced by the Province of the Western Cape or the National Government and used for the accumulation of waste for the purpose of disposing of that waste at that site or on that premise;

**“litter”** means waste, excluding hazardous waste, that has been thrown, dropped, deposited, spilled or in any other way discarded somewhere other than in an assigned receptacle, and “littering” has a corresponding meaning;

**“minimisation”**, when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of;

**“Minister”** means a minister in the Province appointed as such by the Premier of the Province in accordance with the provisions of section 35 of the Constitution of the Western Cape, 1998 (Act 1 of 1998) read with section 125 of the Constitution of the Republic of South Africa, 1996;

**“municipal area”** means the area of jurisdiction of the Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998);

**“municipal manager”** means a person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**“Municipality”** means the Stellenbosch Municipality established by Provincial Notice No. 489 of 2000 in *Provincial Gazette* 5590 of 22 September 2000 as amended from time to time, or its successors in title;

**“National Building Regulations”** refers to the regulations made in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) as published in Government Notice R2378 of 1990 in *Government Gazette* 12780 dated 12 October 1990;

**“National government”** means the national sphere of government as established by the Constitution of the Republic of South Africa, 1996, and “national” has a corresponding meaning;

**“National Minister”** means a minister in the national sphere of government appointed as such by the President of the Republic of Africa in accordance with section 85 of the Constitution of the Republic of South Africa, 1996;

**“NEM:WA”** means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);

**“nuisance”** means any damage, inconvenience or annoyance to a person caused by the improper generation, handling, management, storage, placement, collection, transport or disposal of waste, including littering;

**“organ of state”** has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

**“owner”** includes any of the following:

- (a) the person in whom is vested the legal title to the premises, lessee, resident, director of a company, member of a close corporation, the person in control of any premises;
- (b) any person who obtains a benefit from the premises or is entitled thereto; and
- (c) the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

**“pathological waste”** includes all human and animal tissues, organs, body parts, fetuses, blood and bodily fluids;

**“peace officer”** has the meaning assigned to it in the Criminal Procedure Act, 1977 (Act 51 of 1977);

**“person”** has the meaning assigned to it in the Interpretation Act, 1957 (Act 33 of 1957), and includes any —

- (a) organ of state;
- (b) company incorporated or registered as such under any law; and
- (c) body of persons corporate or unincorporate;

**“pharmaceutical waste”** includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

**“pressurised container waste”** includes pressurised cylinders and cartridges used in health care facilities to store gases;

**“priority waste”** means a waste declared to be such –

- (a) in terms of section 14 of NEM:WA; and
- (b) by the Director in terms of this By-law, national or provincial legislation;

**“Provincial Gazette”** means the official gazette of the Western Cape Province contemplated in section 33(1) of the Constitution of the Western Cape, 1998 (Act 1 of 1998);

**“Province”** means the Province of the Western Cape as established by the Constitution of the Republic of South Africa, 1996, and “provincial” has a corresponding meaning;

**“public road”** has the meaning assigned to it in the National Road Traffic Act, 1996 (Act 93 of 1996);

**“radioactive waste”** includes —

- (a) solid, liquid and gaseous materials contaminated with radionuclides,
- (b) waste produced as a result of procedures such as —
  - (i) in vitro analysis of body tissue and fluid,
  - (ii) in vivo organ imaging and tumour localization; and
  - (iii) various investigative and therapeutic practices;

**“receptacle”** means a container approved by the Municipality and having the capacity for the temporary storage of waste;

**“recyclable materials”** means any material that can be converted into raw or another form of material that can be re-used to make new products or resources;

**“recycle”** means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

**“residential waste”** means waste, that emanates from premises used wholly or mainly for residential, educational, healthcare, sport or recreational purposes, and —

- (a) includes recyclable materials and non-recyclable material; and
- (b) excludes hazardous waste;

**“re-use”** means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

**“SANS”** means a South African National Standard, issued by the South African Bureau of Standards, in terms of applicable law;

**“sharp waste”** includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word “sharp” has a corresponding meaning;



“**storage**” means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

“**Tariff Policy and Tariff By-Law**” means the Tariff Policy and Tariff By-Law adopted by the Council of the Municipality and published in the *Provincial Gazette* from time to time;

“**transit**” means the continuous passage from one municipal boundary of the Municipality to another such boundary of the Municipality without storage other than temporary storage incidental to transport;

“**treatment**” means any method, technique or process that is designed to —

- (a) change the physical, biological or chemical character or composition of waste; or
- (b) remove, separate, concentrate or recover a hazardous or toxic component of waste; or
- (c) destroy or reduce the toxicity of a waste,

in order to minimise the impact of the waste on human health, the health of other living organisms, or the environment, prior to further use or disposal;

“**waste**”—

- (a) means any substance, material or object that is —
  - (i) unwanted, rejected, abandoned, discarded or disposed of; or
  - (ii) intended or required to be discarded or disposed of by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered; and includes all wastes as defined in Schedule 3 to NEM:WA; and
- (b) includes the following categories:
  - (i) building waste;
  - (ii) business waste;
  - (iii) bulky waste;
  - (iv) event waste;
  - (v) infectious waste;
  - (vi) garden waste;
  - (vii) general waste;
  - (viii) genotoxic waste;
  - (ix) hazardous waste;
  - (x) health care risk waste;
  - (xi) residential waste;
  - (xii) industrial waste;
  - (xiii) pressurised container waste;
  - (xiv) pathological waste;
  - (xv) pharmaceutical waste;
  - (xvi) radioactive waste;
  - (xvii) recyclable waste;
  - (xviii) residential waste;
  - (xix) waste with heavy metals;
  - (xx) all wastes as defined in the NEM:WA; and
  - (xxi) any other substance, material or object that is not included in the NEM:WA that the Minister, in accordance with section 69(1)(a) of NEM:WA, may define as a waste by Notice in the *Government Gazette*:

Provided that any waste, or portion thereof, contemplated in subparagraphs (a) and (b), ceases to be waste —

- (i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
- (ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;

- (iii) where the Minister has, in terms of section 74 of NEM:WA, exempted any waste, or a portion of waste, generated by a particular process from the definition of waste; or
- (iv) where the Minister has, in the prescribed manner, excluded any waste stream, or a portion of a waste stream, from the definition of waste;

**“waste generator” —**

- (a) means —
  - (i) a property owner;
  - (ii) a household;
  - (iii) an organisation; or
  - (iv) a business entity, the inhabitants, occupants or employees of which generate waste; and
- (b) includes sorters of waste such as —
  - (i) recycling or waste minimisation groups;
  - (ii) scrap dealers; and
  - (iii) buy-back centres;

**“waste management activity”** means any activity listed in Schedule 1 of NEM:WA or published by the Minister by notice in the *Government Gazette* in terms of section 19 of NEM:WA, and includes —

- (a) the importation and exportation of waste;
- (b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- (c) the accumulation and storage of waste;
- (d) the collection and handling of waste;
- (e) the reduction, re-use, recycling and recovery of waste;
- (f) the trading in waste;
- (g) the transportation of waste;
- (h) the transfer of waste;
- (i) the treatment of waste; and
- (j) the disposal of waste;

**“waste management club”** means a group of persons, typically residing in a high density residential or office building, or a multi-property cluster residential or business development, that has an agreement approved by the Director in terms of this By-law to minimise waste in exchange for a lower tariff according to an approved integrated waste management plan;

**“waste management hierarchy”** means a method of managing waste in the following order: avoidance, reduction, re-use, recycling, recovery, treatment and disposal;

**“waste management officer”** means the Director or an officer designated under section 58(1) of NEM:WA or designated by the Council of the Municipality;

**“waste management service”** means waste collection, treatment, recycling and disposal service;

**“waste manager”** means any person who re-uses, recycles, recovers, treats or disposes of waste and the words “to manage waste” has a similar meaning;

**“waste minimisation club”** means a group of persons, typically residing in a —

- (a) high density residential or office building; or
- (b) multi-property cluster residential or business development,

that have an agreement, approved by the Director in terms of this By-law, to minimise waste according to an integrated waste management plan, in exchange for a lower tariff;

**“waste stream”** means waste that is divisible into different types of waste, including building waste, business waste, bulky waste, residential waste, garden waste, hazardous waste, health care risk waste, industrial waste and recyclable waste;

**“waste transfer facility”** means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

**“waste transporter”** means any person who conveys or transfers waste between —

- (a) the waste generator and a waste management facility; or
- (b) waste management facilities; and

**“waste with heavy metals”** includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic.

**2. Application and scope.** — (1) In the event of conflict between this By-law and any other By-law of the Municipality dealing with waste management, this By-law must prevail.

- (2) This By-law must be read with the applicable provisions of the NEM:WA.
- (3) This By-law applies to all persons.

**3. Principles.** —(1) The principles contemplated in Chapter 1 of NEM:WA apply in all instances where this By-law applies.

- (2) The waste management hierarchy must be applied in the implementation of this By-law.
- (3) The application of this By-law must promote —
  - (a) sustainable development and a healthy environment through the management of waste within the area of the Municipality; and
  - (b) responsible citizenship by residents in the area of the Municipality to ensure sound waste management practices.

**4. Categorisation of waste.** —(1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law.

- (2) The decision of the Director in respect of the categorisation of waste is, subject to any other applicable law, final.
- (3) Service categories for waste management, as provided for in the tariff policy of the Municipality, must be defined in the integrated waste management policy of the Municipality.

**5. Obligations of waste generators.** —(1) A person must manage any waste generated by —

- (a) his or her activities, or
- (b) the activities of persons working —
  - (i) in his or her employ; or

(ii) under his or her direction or control, in such a manner that the waste does not cause harm to human health, the health of other living organisms, or damage to the environment.

- (2) A waste generator must —
- (a) avoid the generation of waste, or where it cannot be avoided, minimise the toxicity and amounts of waste generated;
  - (b) re-use, recycle or recover waste where possible;
  - (c) separate waste with the aim to —
    - (i) minimise its impacts on the environment; and
    - (ii) store the recyclable waste separately from non-recyclable waste: Provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;
  - (d) manage waste in a manner that does not endanger health, the environment or create a nuisance;
  - (e) maintain suitable cleanliness and hygiene standards on their premises as prescribed by any law;
  - (f) pay tariffs and rates charged by the Municipality for waste removal services according to the Municipality's Tariff By-law.
- (3) A waste generator must conclude a contract with the Municipality or an accredited service provider, to collect waste generated by him or her, for the standard fee in terms of the Tariff By-law, at least once a week according to the routes as published by the Municipality or the service provider from time to time: Provided that residential waste must be collected in the manner contemplated in section 31(2).
- (4) A waste generator must, prior to collection by the Municipality or the accredited service provider —
- (a) store waste in the receptacles provided in accordance with the contract contemplated in subsection (3); or
  - (b) where a receptacle is not provided, store waste in plastic black bags.
- (5) A waste generator must dispose of waste —
- (a) in accordance the contract contemplated in subsection (3); or
  - (b) by delivering waste to a licenced waste disposal facility and ensuring that said waste is treated or disposed of in an environmentally sensitive manner at the facility.

**6. Excess and additional waste.** —(1) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality's Tariff By-Law and Tariff Policy.

(2) In the event that the waste generated by a waste generator exceeds the volume that can be stored in the containers provided, the waste generator must arrange for the collection of additional containers.

(3) If no arrangement is made for collection of excess waste, the municipality may provide an additional container to the property and the cost thereof will be added to the property owner's municipal account.

(4) Where the owner of a formal dwelling has other structures on the property with persons living in these separate structures, the Municipality must allocate one container per household and the additional cost thereof will be added to the property owner's municipal account.

(5) The owner of the formal dwelling must sign an additional contract with the Municipality for collection as contemplated in subsection (4) and is liable for the charges levied in connection therewith.

(6) Any business disposing of waste, or an agent disposing of waste on behalf of such business, must provide a waste manifest to the waste management officer on request.

**7. Industrial waste.** —(1) A waste generator generating industrial waste must —

(a) conclude a contract with the Municipality or an accredited service provider for the collection and disposal of such waste to an appropriate licenced waste disposal facility —

(i) at least once per week; or

(ii) as determined by the waste management officer; and

(b) on request, provide proof of such contract to the waste management officer.

(2) Industrial waste, for purposes of subsection (1), refers to that part of industrial waste that is classified as non-hazardous waste in terms of national or provincial legislation.

(3) Industrial waste that is classified as hazardous waste, must be dealt with in accordance with the provisions of section 10 of this By-law.

**8. Garden waste.** —(1) Garden waste generated at properties being used mainly for residential purposes may be —

(a) composted on the property;

(b) stored in a compost heap or suitable bags as per the Municipality's requirements; and

(c) kept on the property until collection or taken to a licenced waste disposal facility.

(2) The Municipality may, from time to time —

(a) stipulate maximum quantities of garden waste to be collected in respect for rural and urban areas; and

(b) impose conditions regarding the disposal of garden waste over a specified mass, and for this purpose call upon a waste generator of garden waste to present a weighbridge ticket as proof of proper disposal of such garden waste.

**9. Building waste.** —(1) A building waste generator —

(a) may not mix building waste with residential waste to be collected by the Municipality in accordance with the waste collection day schedule;

(b) must ensure that the building waste is recycled or, where it cannot be recycled, is disposed of at a facility designated by the Municipality to receive building waste; and

(c) must ensure that —

(i) contaminated building waste is treated or disposed of in which event a fee may be applicable; and

(ii) any other building waste containing a hazardous or dangerous agent, is deposited at a licenced waste disposal facility for the treatment and disposal of such waste.

(2) The municipal manager may issue a directive to a building waste generator after receipt of the building plan concerned, during the construction of the building, or after the completion of such building, to —

(a) separate the waste for treatment, recycling or reuse;

(b) report monthly to the Municipality on the quantities of building or demolition waste —

(i) generated;

- (ii) disposed of at an authorised waste disposal facility;
    - (iii) separated for recycling and reuse; or
  - (c) record the details contemplated in paragraph (b) monthly on the municipal waste information system.
- (3) A person who applies for approval from the Municipality to undertake demolition work in terms of the National Building Regulations and Building Standards Act, 1977 (Act 107 of 1977) and the National Building Regulations, must submit an integrated demolition waste plan with the application.
- (4) An integrated demolition waste plan must —
- (a) include a detailed description of the proposed demolition process;
  - (b) entail detailed plans for maximising the recovery of reusable and recyclable waste;
  - (c) make provision for collection and disposal of the building and other waste;
  - (d) include provision for the storage of the waste on the property concerned: Provided that if such storage is intended to be on municipal property, a valid waste management license must be attached.
- (5) The Municipality may, by Notice in the *Provincial Gazette*, require that a person operating, or wishing to operate, a building waste removal service in the area of the Municipality must —
- (a) register with the Municipality before undertaking such work; and
  - (b) provide such information as is specified in the Notice or as the Municipality may reasonably require.
- (6) An application for registration to operate a building waste removal service must be in the format determined by the Municipality as published in the Notice contemplated in subsection (5).
- (7) The Municipality must, within 30 days of receipt of an application for registration contemplated in subsection (5), consider the application and either—
- (a) register the applicant and issue a registration certificate to the applicant stating —
    - (i) the name of the facility registered to operate as a building waste removal service;
    - (ii) the waste information registration number;
    - (iii) the type of waste handled by the facility;
    - (iv) the location of the facility; and
    - (v) the date of registration; or
  - (b) return the application for correction or any additional information it may require.
- (8) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.
- (9) An application for registration that has been amended and resubmitted as contemplated in subsection (8) must be dealt with as contemplated in subsection (7)(a).
- (10) The Municipality may provide a municipal building waste removal service on payment of a tariff as per the Municipality's Tariff-By-Law and Tariff Policy.
- (11) A person who wishes to place an appropriate receptacle for the storage and collection or disposal of building waste on a public road must apply to the Municipality for written consent.
- (12) A receptacle contemplated in subsection (11) must be—

- (a) clearly marked with the name, address and telephone number of the person responsible for the receptacle;
  - (b) fitted with reflecting chevrons or reflectors that clearly outline the front, sides and the back of the receptacle; and
  - (c) covered at all times, except when receiving or being emptied of waste, so that no displacement of its contents can occur.
- (13) The owner of the facility where building rubble is disposed of must—
- (a) register on the national or provincial waste information system concerned;
  - (b) submit reports to the national or provincial waste information system concerned as required by national or provincial legislation;
  - (c) provide proof to the waste management officer of—
    - (i) the registration contemplated in paragraph (a); and
    - (ii) the submission of reports contemplated in paragraph (b).
- (14) The building or demolition waste generator or the owner of the property on which building or demolition waste is generated and who disposes or stores such waste on municipal property without the required permit, may be fined.
- (15) When a building control officer inspects a property where building works have been undertaken in order to determine whether it has been built in accordance with the approved plans, he or she must also determine whether all building or demolition waste has been disposed of in the prescribed manner.
- (16)(a) The building control officer contemplated in subsection (15) may not issue an occupancy certificate; and
- (b) the Municipality may not grant final approval that the building has been built in accordance with the approved plans,
- unless the owner of the property provides the building control officer with a waste manifest that proves that the full mass of the building or demolition waste was disposed of at a licenced waste disposal facility for that category of waste.

**10. Hazardous waste.** —(1) A hazardous waste generator, or a person who treats, transports or disposes of hazardous waste, or who intends to generate, treat, transport or dispose of hazardous waste in the municipal area must—

- (a) at all times be in possession of a valid waste management licence as required in terms of NEM:WA and provincial legislation;
  - (b) comply with—
    - (i) licencing conditions as contemplated in paragraph (a); and
    - (ii) relevant provisions of NEM:WA and provincial legislation;
  - (c) submit reports as required in terms of NEM:WA and provincial legislation; and
  - (d) provide proof to the waste management officer of—
    - (i) the licence contemplated in paragraph (a); and
    - (ii) the submission of reports contemplated in paragraph (c).
- (2) The Municipality may, by Notice in the *Provincial Gazette*, require that a hazardous waste generator, or a person who treats, transports or disposes of hazardous waste, or who intends to generate, treat, transport or dispose of hazardous waste in the municipal area must —
- (a) register with the Municipality before undertaking such work; and
  - (b) provide such information as is specified in the Notice or as the Municipality may reasonably require.

- (3) An application for registration to generate, treat, transport or dispose of hazardous waste must be in the format determined by the Municipality as published in the Notice contemplated in subsection (2).
- (4) The Municipality must, within 30 days of receipt of an application for registration as contemplated in subsection (3), consider the application and either—
- (a) register the applicant and issue a registration certificate to the applicant stating the —
- (i) name of the facility registered to generate, treat, transport or dispose of hazardous waste;
  - (ii) waste information registration number;
  - (iii) type of waste handled by the facility;
  - (iv) location of the facility; and
  - (v) date of registration; or
- (b) return the application for correction or any additional information it may require.
- (5) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.
- (6) An application for registration that has been amended and resubmitted as contemplated in subsection (5) must be dealt with as contemplated in subsection (4)(a).
- (7) A hazardous waste generator or the owner of the premises where hazardous waste is generated must contract with an accredited registered service provider to collect, treat, transport or dispose of such waste at a licenced hazardous waste disposal facility.
- (8) A hazardous waste generator must ensure that hazardous waste, except for hazardous waste that does not require classification in terms of national legislation, is classified in accordance with SANS 10234 and any other SANS that may be issued from time to time, within —
- (a) 180 days of its generation;
  - (b) 180 days from the date of commencement of this By-law; or
  - (c) the time frame specified in a notice delivered by the Municipality.
- (9) A hazardous waste generator may not hand over hazardous waste to a service provider unless it is accompanied by a declaration in which —
- (a) the content of the consignment is fully and accurately described;
  - (b) it is stated whether or not the hazardous waste requires classification in terms of subsection (8);
  - (c) if the waste requires classification, the details of its classification are included.
- (10) Accredited and registered service providers may not accept hazardous waste that is —
- (a) not accompanied by a declaration referred to in subsection (9); or
  - (b) required to be classified in terms of subsection (8) read with subsection (9)(b), and has not been classified as such.
- (11) For the purposes of subsections (8), (9) and (10), a document prepared in terms of national or provincial legislation is acceptable provided that it contains all the required information.
- (12) The Municipality may, from time to time, publish a list of additional hazardous waste that requires classification in terms of subsection (8) read with subsection (9)(b).



(13) A person transporting hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle concerned.

(14) A person responsible for the transit of hazardous waste through the municipal area, must comply with the provisions of subsections (1)(a), (b) and (d)(i).

**11. Event waste.** —(1) Any person who —

(a) intends to organise a sporting, entertainment, cultural or religious event which is to take place on private or public property; or

(b) owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres,

must, together with his or her application to the Municipality for approval to host such event, submit an integrated event waste management plan in respect of the clean-up, storage, collection, recycling and disposal of waste at, and after such event, to the waste management officer.

(2) The event waste management plan must —

(a) be submitted to the Municipality together with the event application contemplated in the Event Management By-law of the Municipality;

(b) identify the person responsible for the execution of the plan;

(c) identify the accredited service provider responsible to clean-up, collect, recycle, remove and dispose of the event waste;

(d) set out in detail the measures to be taken for the clean-up, collection, recycling, removal and disposal of the event waste;

(e) include costing information; and

(f) comply with any terms and conditions as may be determined by the Municipality.

(3) The organiser of the event may be required to pay a refundable deposit to be determined by the Municipality.

(4) A person contemplated in subsection (1) must contract with an accredited service provider for the collection, clean-up, recycling and disposal of the event waste to a licenced waste disposal facility and provide proof of agreement to the Municipality as part of its integrated waste management plan.

(5) The organiser of the event must, after the event, ensure that the event waste is disposed of at an authorised waste management facility and provide the Municipality with proof of the disposal or recycling of the waste concerned.

(6) If any event waste has not been cleaned up and collected after an event has been held, the municipal manager may issue a directive to the organiser of the event to remove the waste to an authorised waste disposal facility.

(7) If a directive is issued as contemplated in subsection (6) and—

(a) the organiser of the event fails to comply, or inadequately complies, with the directive;

(b) there is uncertainty regarding the identity or whereabouts of the organiser of the event or responsible person; or

(c) there is an immediate risk of danger to the public or detriment to the environment, the Municipality may take all reasonable measure necessary to clean up, collect, recycle, remove and dispose, as the case may be, of the event waste.

(8) Should the organiser of an event fail or neglect to obtain the services of an accredited service provider in terms of subsection (4) prior to the event in question, or fail to provide the Municipality with the integrated waste management plan, the waste management officer may arrange for the collection, clean-up, recycling and disposal of the waste, in which case subsection (9) also applies.

(9) The cost for the collection, clean-up, recycling and disposal of the waste is payable by the event organiser and may be recovered from the deposit paid, or in terms of the Municipality's Tariff By-law.

(10) The organiser of an event and any other person responsible for the event arrangements, will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsections (8) and (9).

**12. Organic waste.** —(1) The occupant of premises on which organic waste is generated —

- (a) may compost the waste on the premises, provided that the composting does not cause a nuisance or harm to human health or damage to the environment;
- (b) but not composted, must ensure that the waste is collected and treated or disposed of within a reasonable period after its generation.

(2) The municipal manager may issue a directive to —

- (a) an organic waste generator to —
  - (i) develop an integrated refuse management plan indicating measures to minimise and recover such waste; and
  - (ii) transport the waste to designated facilities for treatment or disposal; and
- (b) a transporter of garden waste or a person providing garden maintenance services to transport any garden waste to a facility designated by the Municipality for disposal.

(3) The Municipality or an accredited service provider may —

- (a) upon written request of the occupant of premises on which organic waste is generated; and
- (b) on payment of a tariff as per the Municipality's Tariff-By-Law and Tariff Policy, deliver an appropriate receptacle for the purpose of storing organic waste, in addition to any receptacle already provided by the Municipality for general waste.

**13. Bulky waste.** —(1) A bulky waste generator —

- (a) may not place the bulky waste with other waste that is to be collected by the Municipality in accordance with the waste collection day schedule; and
- (b) must ensure that the bulky waste is recycled or, when it cannot be recycled, disposed of at a facility designated by the Municipality to receive bulky waste.

(2) The Municipality or an accredited service provider may, on the request of the occupant of premises at which bulky waste is generated, remove bulky waste from those premises on payment of a tariff.

(3) The municipal manager may issue a directive to an accredited service provider that collects bulky waste to —

- (a) report monthly to the Municipality on the quantities of bulky waste —
  - (i) disposed of; and
  - (ii) separated for recycling; or

- (b) record the details contemplated in paragraph (a) monthly on the municipal waste information system.

**14. Waste tyres.** —(1) A person operating, or intending to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor in the municipal area must —

- (a) at all times be in possession of a valid waste management licence as required in terms of NEM:WA and provincial legislation;
- (b) comply with—
  - (i) licencing conditions as contemplated in paragraph (a); and
  - (ii) relevant provisions of NEM:WA and provincial legislation;
- (c) submit reports as required in terms of NEM:WA and provincial legislation; and
- (d) provide proof to the waste management officer of—
  - (iii) the licence contemplated in paragraph (a); and
  - (iv) the submission of reports contemplated in paragraph (c).

(2) The Municipality may, by Notice in the *Provincial Gazette*, require a person operating, or intending to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor to —

- (a) register with the Municipality before undertaking such work; and
- (b) provide the information —
  - (i) specified in the Notice; or
  - (ii) reasonably required by the Municipality.

(3) An application for registration contemplated in subsection (2)(a) must be in the format determined by the Municipality as published in the Notice contemplated in subsection (2).

(4) The Municipality must, within 30 days of receipt of an application contemplated in subsection (2), consider the application and either—

- (a) register the applicant and issue a registration certificate to the applicant stating the —
  - (i) name of the facility registered to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor;
  - (ii) waste information registration number;
  - (iii) type of waste handled by the facility;
  - (iv) location of the facility; and
  - (v) date of registration; or
- (b) return the application for correction or any additional information it may require.

(5) An application for registration which has been returned for correction must be amended and resubmitted by the applicant to the Municipality within 30 days after the date it was returned.

(6) An application for registration that has been amended and resubmitted as contemplated in subsection (5) must be dealt with as contemplated in subsection (4)(a).

(7) The Municipality may, by Notice in the *Provincial Gazette*, require the public to dispose of waste tyres at facilities designated in the notice.

**15. Priority waste.** —(1) The Director may, in accordance with this By-law, categorise priority waste if —

- (a) it has been declared a priority waste in terms of other applicable legislation;

- (b) he or she reasonably believes that special measures are required in respect of the management of that waste, because it —
  - (i) poses a significant threat to health or the environment;
  - (ii) may persist in the environment; or
  - (iii) contains or could foster pathogens or communicable diseases.
- (2) The Municipality may, from time to time, publish guidelines that may be necessary in respect of categorisation of waste.

**16. Abandoned articles.** —The Municipality may remove and dispose of any article it reasonably considers abandoned, considering the following factors:

- (a) the location of the article;
- (b) the length of time that the article has been at that location; and
- (c) the nature and condition of the article.

**17. Emergencies requiring the management of waste.** —(1) In the event of an emergency, the Director may —

- (a) call upon the owner of a property, or a waste generator on such property, to manage the waste involved within a stipulated period and to the Municipality's satisfaction;
- (b) arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects and —
  - (ii) transporting; and
  - (iii) disposal,
 of the waste at a licenced waste disposal facility accredited for the specific type of waste generated;
- (c) arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment damaged in this process.

(2) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials is for the account of the person responsible for the emergency.

(3) If an emergency occurs due to an act of God, the Municipality will deal with such emergency in the manner permitted by the circumstances and available funding.

**18. Obligations of waste managers.** —Waste managers —

- (a) must ensure that they comply with the legislation applicable to the waste management activity that they are engaged in; and
- (b) may not mix or treat waste, if the mixing or treating thereof will reduce the potential for re-use, re-cycling or recovery of such waste.

**19. Waste management clubs.** —(1) Waste management clubs may apply to the Director for a special dispensation as an enhanced service associated with waste minimisation in terms of the Municipality's Tariff By-Law and Tariff Policy.

(2) The waste management club must submit an integrated waste management plan in writing to the Director for approval, as well as other application documentation for the formation and operation of a waste minimisation club, as may be determined by the Municipality.

(3) The Director may, subject to the provisions of this By-law, determine whether to approve the application for a special dispensation of a waste minimisation club.

(4) If an application to form a waste minimisation club is —

- (a) unsuccessful, the Director must, within a reasonable time and in writing, provide reasons for turning down an approval to the waste minimisation club; and
- (b) approved by the Director, the club must comply with the terms and conditions set out by the Director for the generation, minimisation, storage, collection and disposal of such waste.

**20. Integrated waste management plan.** —(1) The waste generators named in subsection (12) must submit an integrated waste management plan in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.

(2) An integrated waste management plan must include the following:

- (a) an assessment of the quantity and type of waste that will be generated;
- (b) a description of the services required to store, collect, transport and dispose of such waste;
- (c) a description of how separation of recyclable and non-recyclable material at the point of source will be done;
- (d) the waste minimisation and pollution prevention plans of such waste generator;
- (e) targets for waste minimisation through waste reduction, reuse, recycling and recovery;
- (f) measures to prevent pollution or ecological degradation;
- (g) the impact or potential impact on the environment of the waste created;
- (h) the type or characteristics of waste of an environmentally sensitive nature to be produced;
- (i) the amount of natural resources that are consumed in the manufacturing or production process that result in waste;
- (j) targets for waste production through waste minimisation, re-use, recycling;
- (k) recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste;
- (l) the timeframes of the implementation of the plan; and
- (m) methods for monitoring and reporting on the implementation of the plan.

(3) Every integrated waste management plan must comply with applicable additional requirements, if any, as set out in sections 7, 9, 10, 11, 14 and 15, respectively.

(4) An integrated waste management plan for industrial entities must include —

- (a) measures or actions to be taken to manage waste;
- (b) the phasing out of the use of certain substances; and
- (c) opportunities for reduction of waste generation through changes to packaging, product design or production processes.

(5) Industrial and business entities must provide for mechanisms to inform the public of the impact of waste-generating products or packaging on the environment through education, marketing and sales information, in order to influence perception and behaviour of customers to ensure recycling of products.

(6) When a waste generator is requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, he or she must do so within the time stipulated and comply with the terms and conditions for the generation,

minimisation, storage, collection and disposal of such waste, as set out by the waste management officer.

- (7) The waste management officer must consider the plan and —
- (a) approve it with conditions and give directions for the implementation thereof;
  - (b) request that additional information be furnished or a revised plan be submitted for approval;
  - (c) require amendments to be made within a time frame so specified by them; or
  - (d) reject the plan and provide written reasons therefor.
- (8) If an integrated waste management plan is rejected or not submitted at all, the municipal manager must issue directives to the waste generator as to what waste management measures he or she must take.
- (9) If a waste generator fails to take the waste management measures contemplated in subsection (8) within the time frame specified by the municipal manager, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.
- (10) The waste management officer may, by written notice, require waste generators to —
- (a) take reasonable steps to ensure that he or she —
    - (i) implements the integrated waste management plan;
    - (ii) complies with the directives given by the municipal manager; and
  - (b) report any non-compliance with any —
    - (i) applicable waste management plan; or
    - (ii) directive,
 to the waste management officer.
- (11) The Director may —
- (a) by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan; and
  - (b) if that person fails to provide the information referred to in paragraph (a), appoint an auditor to obtain such information at the cost of the relevant waste generator.
- (12) The following persons must submit an integrated waste management plan:
- (a) waste generators of —
    - (i) business waste;
    - (ii) industrial waste;
    - (iii) building waste;
    - (iv) event waste;
    - (v) priority waste; and
    - (vi) hazardous waste; and
  - (b) every person who —
    - (i) applies for special dispensation in terms of section 19;
    - (ii) sorts waste or undertake a recycling, a re-use or a waste recovery activity, including but not limited to, scrap dealers, formalised recycling groups and buy back centres, which must register for accreditation with the Municipality, in order to entitle them to perform such activities; or
    - (iii) is given notice to do so by the Director;

**21. Exemptions from submitting an integrated waste management plan.** —(1) A waste generator of the categories of waste referred to in section 20(12)(b)(ii) who wishes to be exempt from submitting a waste management plan, may apply in writing for exemption to the waste management officer, stipulating reasons for the application.

- (2) A waste management officer may also declare—
- (a) certain types of waste or waste generators;
  - (b) a specified mass or volume of waste; or
  - (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation,
- to be exempt from the submission of an integrated waste management plan.

**22. Storage and receptacles for general waste.** —(1) A person who —

- (a) generates general waste to be collected by the Municipality; or
- (b) separates waste streams to be collected by the Municipality for recycling,

must place the waste in a receptacle approved, designated or provided for that purpose by the Municipality.

- (2) A person contemplated in subsection (1) must ensure that—
- (a) the receptacle is stored on the premises where the waste is generated and away from a public place between collection days;
  - (b) the receptacle is placed outside the premises in an area accessible to municipal officials or service providers on the collection day determined in the waste collection day schedule;
  - (c) measures are in place to prevent tampering with the receptacle by animals;

- (3) Any holder of waste who stores or transports waste must ensure that —
- (a) the container in which any waste is stored, , is —
    - (i) intact;
    - (ii) not corroded or
    - (iii) in any other way rendered unfit for the safe storage or transportation of waste;
  - (b) a receptacle provided by the Municipality is not used for any purpose other than for the storage of waste;
  - (c) the waste is not stored at any public place;
  - (d) suitable measures are in place to prevent accidental spillage or leakage of such waste;
  - (e) the waste cannot be blown away;
  - (f) nuisances such as odour, visual impacts and breeding of vectors do not arise;
  - (g) pollution of the environment and harm to health are prevented;
  - (h) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and
  - (i) any waste items or substances are —
    - (i) safe for handling, collection or disposal; and
    - (ii) not harmful to persons when accessed by unauthorised persons or members of the public.

(4) The waste generator and the holder of waste must ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with such waste.

- (5) A waste generator or the holder of waste must —
- (a) notify the Municipality if a receptacle contemplated in this section is stolen, damaged or corroded, as soon as the theft, damage or corrosion comes to his or her attention; and
  - (b) arrange for the replacement of the said receptacle.

(6) When a receptacle is stolen an authorised municipal official may request that the waste generator or holder of waste report the theft to the South African Police Service before issuing a new receptacle.

**23. Storage, separation, recycling, re-use, sorting and recovery of waste.** —(1) A person who undertakes any activity involving the reuse, recycling or recovery of waste, including —

- (a) scrap dealers,
- (b) buy back centres and
- (c) formalised recycling groups,

must, prior to undertaking that activity, ensure by way of an environmental impact assessment or a similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal.

(2) A person contemplated in subsection (1) must —

- (a) apply for accreditation from the Municipality in terms of its guidelines as published from time to time;
- (b) submit an integrated waste management plan for consideration and approval of the waste management officer;
- (c) register on the national or provincial waste information system concerned;
- (d) submit reports to the national or provincial waste information system concerned as required by national or provincial legislation; and
- (e) provide proof to the waste management officer of—
  - (i) the registration contemplated in paragraph (c); and
  - (ii) the submission of reports contemplated in paragraph (d).

(3) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

(4) The municipal manager may issue a directive to a person contemplated in subsection (1) to —

- (a) report to the Municipality monthly on the quantities of waste —
  - (i) generated;
  - (ii) disposed of at an authorised waste disposal facility; and
  - (iii) separated for recycling and recovery; or
- (b) record the details contemplated in paragraph (a) monthly on the integrated pollutant and waste information system of the Municipality.

(5) The municipal manager may issue a directive to a holder of waste or the executive body of a community scheme and the owners and occupants of residential properties within a community scheme to require them to —

- (a) separate specified recyclable waste;
- (b) use different receptacles for different specified categories of recyclable waste; and
- (c) make recyclable waste available for collection in a specified manner.

(6) If the Municipality or an accredited service provider has provided separate receptacles for the purposes of subsection (5)(b), a person may not use any other receptacle for recyclable waste.

**24. Prohibition on unauthorised disposal of waste.** —(1) No person may —

- (a) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (b) dispose of waste in or on any land or water body or at any facility unless the disposal of that waste is authorised by this By-law;



- (c) knowingly or negligently dispose waste, cause or permit waste to be disposed of, in a manner that is likely to —
    - (i) cause pollution,
    - (ii) cause harm to the health of humans or of other living organisms or
    - (iii) cause damage to the environment; or
    - (iv) otherwise negatively impact on the environment;
  - (d) knowingly or negligently dispose hazardous waste, cause or permit hazardous waste to be disposed unless in —
    - (i) accordance with an approved waste integrated management plan; and
    - (ii) a container provided by the Municipality that is designed for the storage and disposal of hazardous waste;
  - (e) burn waste, in particular hazardous waste, except —
    - (i) in an approved and licensed incinerator; and
    - (ii) by a person with a permit to operate and incinerator;
  - (f) deposit in a public litter bin any waste that is not generated in a public place: Provided that no residential, business, industrial, garden, building or hazardous waste may be deposited in a public litter bin; or
  - (g) deal with waste in a manner that causes dust, nuisance, spillage or litter.
- (2) If waste has been disposed of in contravention of this By-law, the municipal manager may issue a directive to the person responsible for the contravention to remove the waste to an authorised waste disposal facility within a specified period.
- (3) If a directive issued in terms of subsection (2) is not complied with, or inadequately complied with, and there is —
- (a) uncertainty regarding the identity or whereabouts of the person responsible; or
  - (b) an immediate risk of danger to the public or detriment to the environment,
- the Municipality may undertake all reasonable measures required to contain, minimise and remedy the effects of the illegally disposed waste, including clean-up procedures.
- (4) Every person responsible for the unauthorised disposal of waste as contemplated in this section will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsection (3).

**25. Prohibition on burning of waste.** —No person may burn, incinerate or apply any other thermal treatment technology to waste except in a thermal treatment facility authorised by the Municipality or the relevant competent authority.

**26. Prohibition on littering and dumping.** —(1) No person may —

- (a) drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street, road, wetland, coastline or on any place to which the public has access or onto any private property that is owned by a third party;
- (b) otherwise dispose of any litter or waste;
- (c) disturb anything in, or remove anything from, any receptacle that has been placed for the purposes of collecting waste in such a manner as to cause the contents of the receptacle to spill or fall onto the ground; or
- (d) allow a person under his or her employ, direction or control to do any of the acts contemplated in subsections (1)(a), (b) and (c).

(2)(a) The owner of private land to which the public has access must ensure that enough containers are provided to contain litter which is discarded by the public.

(b) If litter has been disposed of or discarded in contravention of this By-law on privately owned land to which the public has access, the owner of that land must remove the litter from the property within a reasonable period.

(3) A person who —

(a) owns;

(b) is in control of; or

(c) has a right to use,

land or premises, may not use or permit the use of such land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of such land or premises for that purpose.

(4) In the event of a contravention of subsections (1), (2) or (3), the Director may issue a written notice to the offender, to —

(a) cease the contravention within a specified time;

(b) prevent a further contravention or continuation of the contravention;

(c) take whatever measures the Director considers necessary to clean up or remove the waste;

(d) rehabilitate the affected facets of the environment; and

(e) ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully:

Provided that the Director may also require the offender to submit a plan for approval with timeframes for the removal of the litter or waste as contemplated in subsections (1)(a), (b) and (c) and the rehabilitation of the area concerned.

(5) In the case of non-compliance with subsection (4), the Municipality may elect to act to remove the litter or waste contemplated in this section, in which event the person concerned shall be liable for the cost of such removal operation.

(6) In the case of hazardous waste, the Municipality may immediately act to remove the litter or waste and immediately thereafter notify the person concerned of their liability to pay the costs of removal, rehabilitation and any other reasonably related costs within the stipulated time.

**27. Prohibition of nuisance.**—(1) A person handling waste, whether during storage, collection, transportation, recycling, treatment or disposal, must—

(a) take reasonable measures to prevent it from being a nuisance to anybody or the environment; and

(b) take measures at his or her own cost to remedy any nuisance caused, and the municipal manager may issue a directive to such a person to ensure compliance with this section.

(2) If a directive contemplated in subsection (1) is issued and—

(a) such a person fails to comply, or inadequately complies, with the directive;

(b) there is uncertainty regarding the identity or whereabouts of such a person; or

(c) there is an immediate risk of danger to the public or detriment to the environment, the Municipality may take any measure it considers necessary to prevent the nuisance, contain and minimise the effects of the nuisance and remedy its effects.

(3) Every person responsible for the nuisance contemplated in this section will be jointly and severally accountable for the costs incurred by the Municipality following the measures contemplated in subsection (2).

**28. Licences.** —The waste management officer may require that any person who, or entity which, requires a licence to handle waste in terms of national or provincial legislation, provide proof of the appropriate license within a period as stipulated by the waste management officer.

**29. Service providers.** —(1) The Municipality may discharge any of its functions pertaining to waste separation, collection, storage, processing, recycling, treatment and disposal by entering into a service delivery agreement with an accredited service provider.

- (2) A service delivery agreement must —
- (a) accord with this By-law;
  - (b) stipulate service standards for the services to be rendered, including collection times and frequency;
  - (c) provide for the circumstances in which services rendered by the service provider may be limited;
  - (d) require the service provider to be registered on the national or provincial waste information system; and
  - (e) provide for reporting to the Municipality.

**30. Collection and transportation of general waste.** —(1) The Municipality must set a schedule of the days for the collection of waste and the location where waste receptacles must be placed on those days.

- (2) The Municipality may —
- (a) set a different waste collection day schedule for commercial and residential properties;
  - (b) collect waste outside of the set schedule on request and at a fixed tariff;
  - (c) set the maximum quantities of waste that will be collected;
  - (d) by Notice in the *Provincial Gazette*, identify waste streams that may not be collected by the Municipality or that are unsuitable for collection.
- (3) The Municipality must—
- (a) publish the waste collection day schedule, in both printed form and electronically; and
  - (b) take other reasonable measures to ensure that the public is notified of the schedule.
- (4) If waste that is being transported is spilt, leaked or detached or falls from a receptacle, vehicle or other conveyance, the Municipality may recover costs from the transporter for reasonable remedial measures undertaken by the Municipality.

**31. Waste management, collection and removal services.** —(1) All persons collecting or removing waste must have a contract for the collection and removal of waste with the Municipality or an accredited service provider.

- (2) Residents must apply and register for waste collection and removal services that will be provided exclusively by the Municipality or its contracted accredited service provider, unless the Council authorises otherwise.
- (3) Businesses must contract with —
- (a) the Municipality; or
  - (b) an accredited service provider,
- for the waste collection and removal services.

- (4) Industries must contract with —
  - (a) in the case of general waste, contract with the Municipality or an accredited service provider; and
  - (b) in the case of hazardous waste, contract with an accredited service provider, for the waste collection and removal services.
  
- (5) Commercial and industrial undertakings, including scrap dealers, who require a waste collection and removal service that is not provided by the Municipality, must register with the Municipality and prove that they have contracted with an accredited service provider for such service.
  
- (6) An entity providing waste management services, or an accredited service provider required to have a licence or approval in terms of national or provincial legislation, must —
  - (a) provide proof of such licence or approval; and
  - (b) comply with criteria determined by the Council, before they will be registered by the Director.
  
- (7) The Director must keep an updated record of registered accredited service providers.

**32. Transporting waste for gain.** —A person transporting general waste for gain in the area of the Municipality must, at all times —

- (a) be accredited by the Municipality;
- (b) ensure that the receptacle, vehicle or other conveyance is adequate in size and designed for the type of waste transported;
- (c) transport the waste in a manner that will prevent any nuisance;
- (d) maintain the receptacle, vehicle or other conveyance in a clean and sanitary condition; and
- (e) ensure that the waste is transported to, or deposited at, a waste transfer facility, general waste storage facility, recycling facility or waste disposal facility authorised to accept such waste.

**33. Collection of unsuitable waste.** —A person may not place waste identified in terms of section 30(2)(d) to be unsuitable for collection, either on its own or mixed with any other waste for which the Municipality provides collection services.

**34. Waste transfer facilities.** —A waste generator must, where applicable—

- (a) use an appropriate waste transfer facility as instructed by an authorised municipal official, a waste disposal facility operator or a service provider; and
- (b) adhere to the operational procedures of the waste transfer facility as determined by the Municipality.

**35. Disposal of waste.** —(1) An authorised municipal official, waste disposal facility operator or service provider may inspect all waste loads entering a waste transfer facility, general waste storage facility, recycling facility or waste disposal facility.

(2) The inspection contemplated in subsection (1) may include the visual and physical inspection of the waste.

(3) An authorised municipal official may issue an instruction to the holder of waste that is potentially detrimental to the environment to—

- (a) have independent laboratory tests conducted before the waste is disposed of to assess whether the waste is suitable for a waste disposal facility; or
  - (b) dispose of the waste at an appropriate waste disposal facility that is authorised to accept such waste and to provide proof of such disposal.
- (4) If the holder of waste contemplated in subsection (3)(b) does not comply with the prescribed disposal, the Municipality may remove and dispose of such waste at an appropriate waste disposal facility.
- (5) In the circumstances contemplated in subsections (3) and (4), or where waste contemplated in section 30(2)(d) is removed by the Municipality, every person responsible for that waste will be jointly and severally accountable for the costs incurred, including the costs associated with—
- (a) the use of specialised equipment during the laboratory tests;
  - (b) laboratory analysis fees;
  - (c) administrative fees;
  - (d) transporting and disposal costs; and
  - (e) clean-up costs, where applicable.
- (6) A person disposing of waste at a waste disposal facility owned or managed by the Municipality must adhere to the operational procedures of the facility.

**36. Access to private property.** —(1) An owner of private property must, on request, allow a peace officer or any other duly authorised employee of the Municipality access to their property during reasonable hours for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.

(2) When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(3) Such employee may be accompanied by a person reasonably required to assist in the inspection or to conduct an investigation, who must be identified as such by the authorised employee.

**37. Premises inaccessible for refuse collection.** —If employees of the Municipality, or of an accredited service provider as contemplated in section 29, are—

- (a) impeded from handling or collecting waste at any premises due to the layout of the premises; or
- (b) endangered by an impediment on the premises when handling or collecting waste at any premises,

the municipal manager may issue a directive requiring the owner of the premises to undertake such alterations or additions to the premises as are necessary to remove the impediment at the owner's cost.

**38. Directives.** —(1) The municipal manager may issue a directive to any person contemplated in this By-law, to take specific measures pertaining to waste within a specified period to ensure that the impact of waste on human health or damage to the environment is mitigated and to give effect to the waste management hierarchy.

(2) Before issuing a directive contemplated in this By-law, the municipal manager must give notice in writing to the person to whom the directive is intended to be issued of the intention

to issue the directive, and give that person a reasonable opportunity to make representations in writing.

(3) If urgent action is necessary for the protection of the environment, or as contemplated in section 37, the municipal manager—

- (a) may issue the directive without giving written notice to the person beforehand; and
- (b) must give the person to whom the directive was issued an opportunity to make written representations within a reasonable period thereafter.

**39. Compliance notices.**—(1) An authorised municipal official may issue a written compliance notice to a person if there are reasonable grounds for believing that the person has not complied with a —

- (a) provision of; or
  - (b) term or condition of any permit, authorisation, exemption or other document issued in terms of,
- this By-law.

(2) Before issuing a compliance notice, an authorised municipal official must give notice in writing to the person to whom the compliance notice is intended to be issued of the intention to issue the compliance notice and provide that person with a reasonable opportunity to make written representations.

(3) If urgent action is necessary for the protection of the environment, an authorised municipal official —

- (a) may issue a compliance notice without giving written notice to the person beforehand; and
- (b) must give the person to whom the compliance notice was issued an opportunity to make written representations within a reasonable period thereafter.

(4) A compliance notice must set out —

- (a) details of the conduct constituting non-compliance;
- (b) any steps the person must take and the period within which the steps must be taken;
- (c) any actions the person may not perform, and the period during which the person may not do so;
- (d) the steps the Municipality is entitled to take in terms of subsection (6) if the notice is not complied with; and
- (e) the procedure to be followed to lodge an appeal against the compliance notice.

(5) An authorised municipal official may, on good cause shown, vary a compliance notice and extend the period within which it must be complied with.

(6) If a person to whom a compliance notice has been issued fails to comply with it, the Municipality may—

- (a) take whatever steps it considers necessary, where applicable, to—
  - (i) clean up or remove the waste;
  - (ii) rehabilitate the premises, place or affected area at which the waste has been dumped or disposed of or is stored; and
  - (iii) ensure that waste and any contaminated material that cannot be removed, cleaned or rehabilitated is treated or disposed of lawfully; and
- (b) recover the costs of any steps contemplated in paragraph (a) from every person responsible to take such steps in terms of this By-Law, who will be jointly and severally accountable for those costs.

(7) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste as provided for in this By-law and any other applicable law, if there is a real threat of damage or injury to any person or property.

(8) The following persons may be served with a compliance notice:

- (a) any person who committed, or who directly or indirectly permitted, such contravention;
- (b) the generator of the waste;
- (c) the owner of the land or premises where the contravention took place;
- (d) the person in control of the land or premises where the contravention took place;
- (e) any person who has or had, at the stage of the contravention, a right to use the land or premises where the contravention took place; or
- (f) a service provider.

**40. Appeals.**—(1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may, unless the decision was taken by the municipal council, appeal against that decision in terms of section 62 of the Municipal Systems Act.

(2) The appeal authority to consider the appeal will comprise of the person or body contemplated in section 62(4) of the Municipal Systems Act.

(3) Subject to subsections (4) and (5), an appeal under this section suspends the operation of the decision concerned pending the finalisation of the appeal.

(4) A person who receives a directive or compliance notice issued in terms of this By-law must comply with that directive or compliance notice within the period stated in the directive or compliance notice, unless the appeal authority has agreed to suspend the operation of the directive or compliance notice as contemplated in subsection (5)(b).

(5) The appeal authority may, on application and on good cause shown, direct that, pending the finalisation of the appeal—

- (a) the operation of the decision forming the subject of the appeal, or any provision or condition attached thereto, is not suspended, either wholly or in part; or
- (b) the operation of the directive or compliance notice contemplated in subsection (4), or any part of that directive or compliance notice, is suspended.

**41. Duty to produce documents.**—A person to whom a certificate, permit, authorisation or any other document contemplated in this By-law has been issued must produce it at the request of a peace officer or an authorised municipal official.

**42. Service of documents and process.**—Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or

- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

**43. Failure to comply.** —(1) If the waste management officer has issued a compliance notice in terms of section 39 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she is guilty of an offence.

(2) The waste management officer may, in writing, require any person to submit a report to him or her in respect of the impact of waste in the format stipulated in the Municipality's guidelines as published from time to time.

(3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.

(4) If the waste management officer suspects that —

- (a) the person has on one or more occasion contravened, or failed to comply with, the By-law or a license issued in terms of provincial or national legislation; and
- (b) this has —
  - (i) had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage; or
  - (ii) contributed to the degradation of the environment,

the waste management officer may direct that such a report be compiled by an independent person.

(5) The waste management officer may then direct the person who failed to comply with the By-Law to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the By-Law shall be liable for the cost thereof.

**44. Offences.** —(1) A person commits an offence if that person —

- (a) litters or dumps —
  - (i) waste in excess over 8m<sup>3</sup>; or
  - (ii) any volume of hazardous waste;
- (b) spills or allows leakage of —
  - (i) waste in excess of 8m<sup>3</sup>; or
  - (ii) any volume of hazardous waste, without putting in place suitable measures;
- (c) conveys an uncovered or unsecured load —
  - (i) of any volume of hazardous waste;
  - (ii) which results in spillage of —
    - (aa) waste in excess of 8m<sup>3</sup>; or
    - (bb) any volume of hazardous waste;
- (d) hinders or interferes with —
  - (i) a service provider;
  - (ii) a waste disposal facility operator; or
  - (iii) an authorised municipal official,
 in the exercise of their powers or the performance of their duties in terms of this By-law;
- (e) contravenes or fails to comply with —
  - (i) sections 9(3), 9(11) and 9(12) (Building waste);
  - (ii) section 11(1) (Event waste);
  - (iii) section 22 (Storage and receptacles for general waste); or
  - (iv) section 41 (Duty to produce documents);



- (f) contravenes or fails to comply with —
- (i) section 5 (Obligations of waste generators);
  - (ii) sections 10(1), 10(7), 10(8), 10(13) and 10(14) (Hazardous waste);
  - (iii) sections 11(1) and 11(5) (Event waste);
  - (iv) section 12(1)(b) (Organic waste);
  - (v) section 13(1) (Bulky waste);
  - (vi) section 14(1) (Waste tyres);
  - (vii) sections 23(1), 23(2) and 23(6) (Storage, separation, recycling, re-use, sorting and recovery of waste);
  - (viii) section 24(1) (Prohibition on unauthorised disposal of waste);
  - (ix) section 25 (Prohibition on burning of waste);
  - (x) sections 26(1) and 26(2) (Prohibition on littering and dumping);
  - (xi) section 33 (Collection of unsuitable waste);
  - (xii) section 34 (Waste transfer facility);
  - (xiii) section 35(6) (Disposal of waste); or
  - (xiv) section 51(5) Ownership of waste);
- (g) contravenes or fails to comply with a compliance notice issued in terms of section 39(1) (Compliance notices);
- (h) contravenes or fails to comply with a directive issued in terms of —
- (i) section 9(2) (Building waste);
  - (ii) section 11(6) (Event waste);
  - (iii) section 12(2) (Organic waste);
  - (iv) section 13(3) (Bulky waste);
  - (v) section 20(8) (Integrated waste management plan);
  - (vi) sections 23(4) and 23(5) (Storage, separation, recycling, re-use, sorting and recovery of waste);
  - (vii) section 24(2) (Prohibition on unauthorised disposal of waste);
  - (viii) section 27(1) (Prohibition of nuisance);
  - (ix) section 37 (Premises inaccessible for waste collection);
  - (x) section 38(1) (Directives); or
  - (xi) section 40(4) (Appeals).
- (i) falsely pretends to be an authorised municipal official or waste disposal facility operator;
- (j) furnishes false or misleading information when complying with a provision of this By-law;
- (k) unlawfully and intentionally or negligently, performs any act or omits to do anything in relation to waste, that detrimentally affects, or is likely to detrimentally affect or impact on health, well-being, public safety and the environment;
- (l) fails to submit or comply with an integrated waste management plan as provided for in this By-law;
- (m) contravenes or fails to comply with a notice contemplated in section —
- (i) section 9(5) (Building waste);
  - (ii) section 10(2) and 10(8)(c) (Hazardous waste);
  - (iii) sections 14(2) and 14(7) (Waste tyres);
  - (iv) sections 20(11) and 20(12)(b)(iii) (Integrated waste management plan);
  - (v) section 26(4) (Prohibition on littering and dumping);
  - (vi) section 30(2)(d) (Collection and transportation of general waste);
  - (vii) section 40(4) (Appeal); or
  - (viii) section 43 (Failure to comply);
- (n) contravenes or fails to comply with an instruction issued in terms of section 35(3) (Disposal of waste);
- (o) contravenes or fails to comply with a compliance notice issued in terms of section 39;
- (p) contravenes or fails to comply with an integrated waste management plan contemplated in section 20; or
- (q) contravenes or fails to comply with a condition subject to which exemption from a provision of this By-law was granted in terms of sections 21 and 53.

(2) Any person who —  
 (a) induces, influences, persuades or forces an employee of the Municipality or other person to commit an offence in terms of this By-law, or  
 (b) attempts to do so,  
 is guilty of an offence.

(3) Any person who induces an employee of the Municipality to collect and dispose of waste without —  
 (a) the correct payment to the Council; or  
 (b) the correct methods being employed,  
 is guilty of an offence.

**45. Penalties.** —(1) A person convicted of an offence in terms of section 44(1)(a), (b), (c) or (e) is liable to a fine or imprisonment for a period not exceeding one month, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding two months, or in both instances, to both such fines and such imprisonment.

(2) A person convicted of an offence in terms of section 44(1)(d), (f), (g), (h), (k), (l), (m), (n), (o), (p) or (q) or section 44(2) or (3) is liable to a fine or imprisonment for a period not exceeding one year, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding two years, or in both instances, to both such fines and such imprisonment.

(3) A person convicted of an offence in terms of section 44(1)(i) or (j) is liable to a fine or imprisonment for a period not exceeding two years, and in the case of a second or subsequent conviction, to a fine or imprisonment for a period not exceeding four years, or in both instances, to both such fines and such imprisonment.

(4) A sentence contemplated in subsection (1), (2) or (3) must be determined with due consideration of the —

- (a) severity of the offence in terms of its impact or potential impact on health, well-being, public safety and the environment;
- (b) fact that a person delayed in complying with, or failed to comply with, the terms of notices or directions given to that person under this By-law; and
- (c) monetary or other benefits that accrued, or that were to accrue, to the convicted person through the commission of the offence.

(5) The court may in addition to any penalty imposed in terms of subsection (4), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

**46. Seizure and impounding of vehicles.** —(1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-law.

(2) The peace officer must, at the time of impoundment, give the holder of the seized and impounded vehicle a copy of a notice setting out the —

- (a) reason for the impoundment;
- (b) description of the vehicle being impounded;
- (c) address and contact details of the designated pound;

- (d) payment of an impoundment fee; and
  - (e) possibility of the impounded vehicle being sold to recover the costs.
- (3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- (4) The seized and impounded vehicle will be released immediately under the following conditions:
- (a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;
  - (b) when the criminal charges against the person have been withdrawn;
  - (c) when the person has been acquitted of the offence charged; or
  - (d) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the Municipality.

- 47. Designation of certain officials** —(1) The municipal manager may—
- (a) designate any staff member of the Municipality as an authorised municipal official;
  - (b) designate any staff member of—
    - (i) the Municipality;
    - (ii) any other organ of state; or
    - (iii) a service provider;
 as a waste disposal facility operator, and
  - (c) at any time withdraw a said designation.

(2) A designation contemplated in subsection (1)(b)(ii) may be made only by agreement between the municipal manager and the relevant organ of state.

**48. Delegations by waste management officer.** —The waste management officer may delegate to any other official of the Municipality any of his or her powers or obligations in terms of this By-law.

**49. Functions and powers of waste management officer.** —The waste management officer is responsible for —

- (a) regulating and controlling waste management; and
- (b) enforcing the provisions of this By-Law, national and provincial legislation relating to waste management.

**50. Functions of authorised municipal officials and waste disposal facility operators.**

—(1) An authorised municipal official —

- (a) must administer, implement and enforce this By-law; and
- (b) may perform any function assigned to an authorised municipal official by this By-law, including the following: —
  - (i) conducting an inspection,
  - (ii) investigating any act or omission that may constitute an offence in terms of this By-law, and
  - (iii) monitoring and enforcing compliance with this By-law.

(2) A waste disposal facility operator must administer, implement and enforce this By-law at a municipal waste transfer facility, general waste storage facility, recycling facility or waste disposal facility, as the case may be.

**51. Ownership of waste.** —(1) A person who generates waste is the owner of that waste until it is made available by that person for collection by the Municipality or a service provider in accordance with this By-law.

(2) Waste becomes the property of the Municipality once it is made available for collection, whether put out for collection or made available for collection on the private premises concerned.

(3) Subsections (1) and (2) do not apply to waste streams identified in terms of section 30(2)(d) and to waste disposed of unlawfully.

(4) A person who generates waste contemplated in subsection (3) remains the owner of the waste until the waste is disposed of lawfully.

(5) When the premises listed here, are controlled by the Municipality, waste on such premises is the property of the Municipality:

- (a) waste disposal facilities;
- (b) waste transfer facilities; and
- (c) facilities where waste is received, stored, recovered or treated, and no person may remove from, or interfere with, waste on such premises, unless authorised to do so by the Municipality.

(6) Notwithstanding the provisions of subsections (2) and (5), the Municipality may, by means of a written agreement, transfer ownership of waste to a contractor, an owner of a landfill, a recycler, a rubble crusher, a green waste chipper or other entity, as the case may be.

**52. Liability to pay tariffs.** —(1) The owner of premises for which the Municipality is providing waste management services contemplated in this By-law, is liable for the payment of tariffs in accordance with the Tariff Policy and Tariff By-Law.

(2) The Municipality may exempt or grant a rebate to any person or category of persons that is regarded to be indigent in terms of the municipal indigent policy from paying tariffs for waste management services.

**53. Exemptions.** —(1) A person may apply in writing to the Municipality for exemption from any provision of this By-law.

(2) An application contemplated in subsection (1) must be in a format determined by the Municipality and must be accompanied by a motivation for the exemption.

- (3) The Municipality may, in writing, —
- (a) grant a full exemption;
  - (b) grant a conditional exemption;
  - (c) amend or cancel —
    - (i) an exemption;
    - (ii) a condition of an exemption; or

(d) refuse to grant an exemption.

(4) In order to consider an application contemplated in subsection (1), the Municipality may obtain comments from members of the public who would be affected by the granting of the exemption.

(5) If an exemption is granted subject to conditions, the exemption does not take effect until the applicant has submitted a written undertaking to the Municipality that he or she will comply with all such conditions.

(6) If the applicant fails to comply with a condition of the exemption, the exemption is suspended with immediate effect.

**54. Limitation of liability** —Neither the Municipality nor any other person is liable for any damage or loss caused by the —

- (a) exercise of any power or the performance of any duty under this By-law; or
- (b) failure to exercise any power or perform any duty under this By-law, unless the exercise or performance of, or the failure to exercise or perform such power or duty, is unlawful and —
  - (i) negligent; or
  - (ii) in bad faith.

**55. Amendments to waste removal services.** —The Municipality may amend any existing waste removal or cleansing services once a process of public notification, participation and comment has been completed: Provided the amendment is practical, cost effective and has as its objective the —

- (a) prevention of the proliferation of waste;
- (b) minimisation of waste; or
- (c) reduction of waste to be removed.

**56. Transitional provisions.** —(1) Any approval given in accordance with previous By-laws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted.

(2) No approval as contemplated in subsection (1) may be transferred to any other person.

**57. Guidelines.** —(1) The Council may issue guidelines to facilitate achievement of the objects and purposes of this By-law not inconsistent with this By-law and any other law.

(2) Any guideline contemplated in subsection (1) must be published in the *Provincial Gazette* and on the Municipality's website.

**58. Repeal of By-laws.** —The By-laws in Schedule 1 hereto are hereby repealed.

**59. Interpretation.** —In the event of a conflict between the English, isiXhosa and Afrikaans versions of this By-law, the English version shall be decisive.

**60. Short title.** —This By-law is called Stellenbosch Municipality: Integrated Waste Management By-law, 2020.

**SCHEDULE 1**

**REPEALED LAWS**

DRAFT V.02: 20200608

ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/ LIMITATIONS/ INSTRUCTION TO ASSIST
<b>Parking BY-LAW DATED July 2020</b>						
IWM1	Integrated Waste Management S5(3)	Conclude a Contract with a Waste Generator	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM2	Integrated Waste Management S6(1)	Granting application for additional containers	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM3	Integrated Waste Management S6(3)	Deciding to provide another container at the cost of the waste generator	Municipal Manager	Director: Infrastructure Services	Senior Manager: Waste management	
IWM4	Integrated Waste Management S6(4)	Awarding a Container to each dwelling or structure on a property	Municipal Manager	Director: Infrastructure Services	Senior Manager: Waste management	
IWM5	Integrated Waste Management S7(1)	Concluding a Contract with an Industrial Waste Generator	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM6	Integrated Waste Management S8(2)	Stipulate Maximum Quantities of Garden Waste that may be collected and imposing conditions regarding disposal of garden waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM7	Integrated Waste Management S9(2)	Issue directives to a building waste generator after receiving building plans of a building to be constructed	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM8	Integrated Waste Management S9(5)	Placing a notice in the Provincial Gazette as to the registration process of building waste removal services	Municipal manager	Director: Infrastructure Services		
IWM9	Integrated Waste Management S9(7)	Consider application to register as a building waste remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM10	Integrated Waste Management S9(5)	Approval to allow the placement of an appropriate receptacle on a pavement	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	

IWM11	Integrated Waste Management S9(15)	Building Inspector to determine if building waste has been disposed off in the prescribed manner	Director: Planning and Economic Development	Snr Manager: Development Management New Post	Manager: Building Development Management	
IWM12	Integrated Waste Management S10(2)	Placing a notice in the Provincial Gazette as to the registration process of Hazardous Waste	Municipal manager	Director: Infrastructure Services		
IWM13	Integrated Waste Management S10(4)	Consider application to register as a Hazardous waste remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM14	Integrated Waste Management S10(12)	Publish a list of additional hazardous waste that requires classification	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM15	Integrated Waste Management S11(1)	Approve generating of event waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM16	Integrated Waste Management S11(6)	Issue directive for event waste was not cleaned up	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM17	Integrated Waste Management S11(8)	Arrange for waste to be cleaned at the cost of the waste generator	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM18	Integrated Waste Management S12(2)	Issue directive to generate integrated refuse plan for Organic Waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM19	Integrated Waste Management S12(3)	Approval to provide an appropriate Organic Waste receptacle	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM20	Integrated Waste Management S13(1)	Approval to remove Bulky Waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM21	Integrated Waste Management S13(3)	Issue directive to bulky waste collector to submit monthly reports	Municipal manager			
IWM22	Integrated Waste Management S14(2)	Placing a notice in the Provincial Gazette as to the registration process of Waste tyres	Municipal manager	Director: Infrastructure Services		



IWM23	Integrated Waste Management S14(4)	Consider application to register as a waste tyres remover	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM24	Integrated Waste Management S14(7)	Placing a notice in the Provincial Gazette as to the designated facilities that waste tyres may be disposed at.	Municipal manager	Director: Infrastructure Services		
IWM25	Integrated Waste Management S15(1)	Categorize Priority Waste	Director: Infrastructure Services	Senior Manager: Waste management		
IWM26	Integrated Waste Management S16	Approve the removal of abandoned articles	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM27	Integrated Waste Management S17	Emergency procedures to manage waste	Director: Infrastructure Services	Senior Manager: Waste management		
IWM28	Integrated Waste Management S19(1)	Providing special dispensation to waste management clubs	Director: Infrastructure Services	Senior Manager: Waste management		
IWM29	Integrated Waste Management S20(11)	Request information to prepare an Integrated Waste Management Plan	Director: Infrastructure Services	Senior Manager: Waste management		
IWM30	Integrated Waste Management S21(1))	Exempting a waste generator from providing a waste management plan	Director: Infrastructure Services	Senior Manager: Waste management		
IWM31	Integrated Waste Management S23(2)	Awarding accreditation as waste storage, separation, recycling, re-use, sorting and recovering	Director: Infrastructure Services	Senior Manager: Waste management		
IWM32	Integrated Waste Management S23(3)	Exempt waste generators	Director: Infrastructure Services	Senior Manager: Waste management		
IWM33	Integrated Waste Management S23(4)	Providing a directive to a waste generator to report	Municipal Manager			
IWM34	Integrated Waste Management S23(5)	Request Waste Generator to separate recyclable waste	Municipal Manager			
IWM35	Integrated Waste Management S24	Issuing directive when a person is contradiction of this By-Law	Municipal Manager			

IWM36	Integrated Waste Management S25	Approval of the burning of waste in a thermal treatment facility	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM37	Integrated Waste Management S26	Issuing notice to an offender that has littered or dumped	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM38	Integrated Waste Management S27	Issuing a notice of prohibition	Municipal Manager			
IWM39	Integrated Waste Management S28	Issuing a license to any person or entity to handle waste	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM40	Integrated Waste Management S29	Setting a schedule for collection and transporting of waste	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM41	Integrated Waste Management S31	Keeping a register of accredited service providers	Director: Infrastructure Services	Senior Manager: Waste management	Manager: Area Cleaning and Waste Collection	
IWM42	Integrated Waste Management S32	Accrediting transporter of waste for gain	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM43	Integrated Waste Management S35	Authorize Municipal Officials to inspect any waste facility	Municipal manager	Director: Infrastructure Services	Senior manager: Waste management	
IWM44	Integrated Waste Management S37	Issuing directive to take specific measures to make the collection of waste possible	Municipal manager			
IWM45	Integrated Waste Management S38	Issuing directives wrt any part of the By Law	Municipal Manager			
IWM46	Integrated Waste Management S39	Authorizing an official to issue written compliance notices	Municipal manager	Director: Infrastructure Services		
IWM47	Integrated Waste Management S43	Issuing compliance notices	Director: Infrastructure Services	Senior Manager: Waste management		
IWM48	Integrated Waste Management S48	Designation of certain officials	Municipal manager			
IWM49	Integrated Waste Management S53	Exemptions	Municipal manager			

11.5.5	APPROVAL OF THE FINAL TRAFFIC CALMING POLICY
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**Collaborator No:** 689358  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** 24 August 2020

**1. SUBJECT: APPROVAL OF THE FINAL TRAFFIC CALMING POLICY**

**2 PURPOSE**

To set out the policy for traffic calming and to inform Council that the current Draft Traffic Calming Policy, accepted and approved by Council on the 27 November 2019, has been submitted to a Public Participation Process. It is now submitted for Final approval

**3. DELEGATED AUTHORITY**

**Council.**

The Traffic Calming Policy is a document that must be adopted by the Municipal Council, for approval of the Municipality's approach to dealing with traffic calming and traffic calming request within its municipal area.

**4. EXECUTIVE SUMMARY**

The definition of traffic calming: To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

It has become necessary to review current Traffic Calming Policy to allow for a more structured and uniform approach when dealing with request received from the public. Procedures set out, allows for more inclusive participation by Ward Committees and makes provision for appeals in terms of Section 62 of the Municipal Systems Act.

The document firstly describes the evaluation procedure to be followed when the Municipality receives requests relating to any traffic problems.

The document then focuses very specifically on traffic calming and deals with:

- the road hierarchy (from a traffic calming perspective);
- principles for evaluating traffic calming;
- traffic calming techniques;
- warrants.

The remainder of the document describes the manner in which request from the public are processed, incorporating inputs from Ward Committees, dealing with appeals, and sets out procedures for the implementation of traffic calming measures.

**5. RECOMMENDATIONS**

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

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## 6. DISCUSSION / CONTENTS

### 6.1. Background

The policy details the following:

- The definition and objective of traffic calming measures.
- The various traffic calming techniques, their associated applications and functions.
- The principle philosophy in evaluating potential traffic calming interventions.
- The manner in which potential traffic calming interventions should be evaluated and prioritized using prescribed principles / scorecards.

### 6.2 Discussion

It was necessary to amend the Current Traffic Calming Policy to allow for changes as previously mentioned. In brief, the following changes are proposed:

On the receipt of written request, the Traffic Calming scorecards will be completed as prescribed by the policy. On conclusion of the evaluations, outcomes will be forwarded to the Ward Committee. On determination that the request is warranted, the proposals will be included in an updated Area Traffic Calming Plan (ATCP). The updated ATCP together with inputs obtained from affected residents will be distributed to the Ward Committee for notification and confirmation of support.

The public may appeal the decision by Municipality's Infrastructures Services Directorate and the matter would then be referred to the relevant appeals committee in terms of Section 62 of the Local Government Municipal Systems Act (32 of 2000).

Where no appeals are received, the Municipality's Infrastructure Services Directorate will proceed with the following:

- Determination of required budgets.
- Required procurement processors, for the appointment external service providers.
- Setting of timelines applicable for implementation.

A public participation process whereby the public was invited to comment on the draft policy was followed during the period 02 March – 02 April 2020. (Notice 17/2020 published on 27 February 202, attached as **ANNEXURE B**).

Comments are attached as **ANNEXURE C**.

### 6.3. Financial Implications

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

### 6.4 Legal Implications

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

### 6.5 Staff Implications

The filling of vacant Technical positions within the Roads, Transport, Stormwater and Traffic Engineering Division is essential for the successful implementation of this policy.

**6.6 Previous / Relevant Council Resolutions:****33<sup>RD</sup> COUNCIL MEETING: 2019-11-27: ITEM 11.5.1****RESOLVED** (majority vote)

- (a) that the content of this report be noted;
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the copy to be used in a Public Participation process;
- (c) that the Draft Traffic Calming Policy be duly advertised for the purpose of a public participation process; and
- (d) that upon the completion of the public participation process, the Draft Traffic Calming Policy together with any comments/objections be resubmitted to Council for final approval and adoption.

**6.7 Risk Implications**

This report has no risk implications for the Municipality.

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

Agree with the recommendations

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-219: ITEM 7.5.5**

- (a) that the content of this report be noted; and
- (b) that the Draft Traffic Calming Policy, attached as **ANNEXURE A**, be accepted as the final revised version.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
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<b>REPORT DATE</b>	21 July 2020

# **ANNEXURE A**



## Draft Traffic Calming Policy

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# TRAFFIC CALMING POLICY

## STELLENBOSCH MUNICIPALITY

### 1. INTRODUCTION

#### 1.1. Purpose of document

The purpose of this document is to set out the policy for traffic calming for Stellenbosch Municipality, and:

- To ensure that investigations to traffic calming are carried out in a uniform way.
- To clearly define where on the road network traffic calming is allowed.
- To describe traffic calming techniques which will be allowed in an area.
- To define when traffic calming will be warranted.
- To outline the process that be followed in evaluating and approving traffic calming facilities.
- To ensure that evaluations are carried out in a uniform way.
- To complement and not replace traffic regulation and enforcement.

The document firstly describes the preliminary investigation and evaluation procedures to be followed by the Municipality, when requests are received, and the progressive evaluations steps that follow.

The document then focuses very specifically on traffic calming and deals with:

- The road hierarchy (from a traffic calming perspective).
- Road classes where traffic calming will be allowed.
- Routes where traffic calming is not allowed (emergency and bus routes, crescents)
- Minimum speeds and traffic volumes before traffic calming is contemplated.
- Principles for evaluating traffic calming.
- Traffic calming techniques
- Warrants
- Implementation procedure

## 1.2. Definition

Traffic calming definition:

To moderate traffic behaviour, through physical and legislative measures, with the aim to reduce the vehicle speeds and/or traffic volumes, thereby improving traffic safety, and quality of life in the urban environment, but with due regard to mobility and accessibility.

## 1.3. Objectives

The objectives of this policy document are as follows:

1. To ensure that traffic calming is part of the overall transport strategy for the area.
2. To ensure that traffic is accommodated and applied at the correct road hierarchy level.
3. To provide communication channels for the public to participate in the “calming” process.
4. To improve the efficiency and safety of the road network without compromising costs.
5. To minimise the extent of pollution and damage caused by motorised vehicles.
6. To protect residential areas and the residents from unwanted through traffic and associated dangers.
7. To moderate extraneous traffic behaviour.
8. To promote road safety.
9. To improve traffic flows.
10. To ensure that other low order roads are not negatively impacted through the implementation of specific traffic calming measures.

## 2. MACRO EVALUATION

Any traffic issue stemming from a request or complaint, regardless of its extent and possible course of action, should firstly follow the preliminary or macro evaluation procedure as set out below.

## 2.1. Receiving the complaint

All traffic safety complaints must be reported to the Infrastructure Services Directorate in writing. The Infrastructure Services Department will forward the complaint to the Ward Councillor for notification. All traffic safety complaints must be in writing and take the form of a letter, an email or a facsimile message. No verbal, facebook or whatsapp requests will be investigated.

## 2.2. Preliminary evaluation

The preliminary evaluation will follow a four step process:

### Step 1: The Nature of the request or complaint

The complaint should describe the problem as clearly as possible.

### Step 2: Planning Assessment

Each complaint/request will be compared to the approved traffic plan for an area, should there be one. If no traffic plan is in place, only those measures that are reasonably considered safe and are technically feasible and affordable may be considered for further evaluation.

### Step 3: Qualitative Assessment

If the road is classified as either a R1, R2, R2, U1, U2 or U3 route in terms of Section 4.2 then traffic calming is not permitted. **Table 1** below must be completed to determine if a more detailed assessment is justified.

**Table 1: Qualitative assessment table**

	Aspect	Yes	No
<b>GENERAL</b>			
1	No emergency vehicle route present		
2	Falls within an Area Traffic Calming Plan		
3	Are there bus routes along the route		
4	Did accidents recently occur at the specific location		
<b>SPEED / SAFETY</b>			
5	Cycle/pedestrian paths within roadway		

6	Sharp horizontal curves present		
7	Method of control at intersections not applicable (e.g. yield should be stop)		
8	Spacing of accesses close together		
9	Straight sections on road >180m		
10	Road signs and markings absent or in poor condition		
11	Schools/crèches/old age homes / recreational facilities in proximity		
12	Sub-standard road layout, geometrics and sight distances		
13	Steep grade that encourages speeding		
<b>VOLUMES</b>			
14	Is through traffic possible		
15	Road network – higher order roads with capacity problems result in rat running		
<b>TOTAL NUMBER YES/NO</b>			
<b>QUALITATIVE ASSESSMENT (YES / POSSIBLE YES / NO )</b>			

#### Step 4: Geographical Assessment

The road hierarchy of the problem area will be evaluated and the “traffic calming” class of road established. Physical features such as the surrounding road network, proximity of schools, road safety characteristics will also be evaluated at this point. An assessment will then also be made to whether an Engineering, Enforcement, Education or Combination course of action (see 2.3 below) is to be implemented.

### **2.3. Courses of action**

The following possible alternative courses of action may be taken once the preliminary evaluation has been completed.

#### Engineering (E1)

This could be one of the following:

- Major engineering in which the problem requires substantive planning, design and construction. It would be proposed for inclusion in future budget programs.

- Traffic Systems Management in which the problem requires improvements to traffic management such as elimination of accident black spots, intersection improvements, traffic lights, etc. It would likewise be proposed for inclusion in future budget programs.
- Traffic calming in which the problem requires calming techniques for specific safety problems, etc. It would be proposed for inclusion on a priority program for detailed evaluation on Traffic Calming Techniques, Principles and Warrants as set out in Chapter 3 of this document.

### Enforcement (E2)

This could be one or a combination of the following:

- Technical traffic actions such as improvements to road signs and markings, parking prohibitions, etc.
- Traffic enforcement actions such as speed checks and moving violations.
- Patrols such as scholar patrols, traffic wardens, etc.

Any traffic enforcement measures or arrangements, which would solve or reduce the problem, will be proposed.

### Education (E3)

This could be one or a combination of the following:

- Liaison with the local and NGO organisations
- Announcements or notices to schools, sporting centres, etc.
- Limited public involvement with specific institutions such as schools, community development forums (CDF's) etc.
- Open public meetings with ratepayers associations, community based organisations, ward meetings, etc.
- Involvement with organizations such as "DRIVE ALIVE" and "ARRIVE ALIVE"

Any education measures or arrangements, which would solve or reduce problems, will be proposed.

### Combination of E1, E2 and E3

This could be a combination of the above three mechanisms.

### 3. ESTABLISHMENT OF AREA TRAFFIC CALMING PLANS

#### 3.1. Introduction

The need for traffic calming comes due to a number of reasons:

##### Inappropriate driver behaviour

This inappropriate behaviour prevails in the form of driving at speeds too high for the adjacent environment, drivers using residential roads as shortcuts or to avoid congestion on the major road network and increased potential for pedestrian/vehicle conflicts.

##### Presence of vulnerable road users

Vulnerable road users are young children, scholars, the elderly and the infirm. The behaviour of these road users can be unpredictable and/or their movement is constrained leading to increased potential for pedestrian/vehicular conflict.

#### 3.2. Developing area traffic calming plans (ATCP)

The process to develop an ATCP set out below:

1. Define the boundaries of the area, as far as practically possible ward boundaries would be utilized.
2. Prepare plans showing road classification, land use and identify locations where there are high concentrations of vulnerable road users (schools, hospitals, old age homes/retirement villages, parks, etc.)
3. Consultation with emergency service providers to identify emergency routes into the area. Routes identified as emergency routes are not disqualified from traffic calming measures, but the severity of the measures implemented on the road, if warranted in terms of this policy, should be reduced.
4. Consultation with the affected community together and Ward Committee.
5. Moderation of comments received and development of draft ATCP. It is important to note the municipal officials have responsibilities to both

the larger road user group and the local community, and the ATCP must reflect the required balance.

6. Submission of draft ATCP to all parties who have contributed to the development of the draft ATCP for acceptance.
7. Traffic calming measure must be prioritized for implementation based on budgeting constraints. The score achieved through the evaluation process described in Section 5.5 dealing with the warrants will be used as the first level for prioritisation.

### **3.3. Advantages of ATCP's**

The development of ATCP's allows for a structured approach to implementing traffic calming measures. Not all measures requested/investigated need to be incorporated into an ATCP particularly in isolated areas. The advantages of an ATCP are:

1. Assessment of traffic calming requests simplified
2. Emergency routes are identified, typically Class 4 roads (see attached
3. Community participation defines the principles guiding the implementation of traffic calming in their area
4. Keeping plan updated and relevant will provide positive control for municipal officials responsible for the evaluation and implementation of traffic calming measures.

## **4. FEASIBILITY OF TRAFFIC CALMING**

### **4.1. Introduction**

Should the macro evaluation described in Chapter 2 indicate that the identified traffic problem or complaint could possibly best be addressed by traffic calming measures; the feasibility of such measures should then be further tested and investigated using the following procedure:

- Step 1: Reconsider information collected as part of "geographical assessment" (Section 2.2) and obtain additional data if necessary.

- Step 2: Determine the road classification for which the traffic calming measures are suggested, refer to Section 4.2 below.
- Step 3: Test the proposed implementation of traffic calming against the first and second order principles given in Section 4.3, also taking into account the pre-requisites for attending to traffic calming aspects as given in this section.
- Step 4: In the event of a proposal complying with the principles (i.e. step 3 above), carry out a detailed evaluation, through selection of an appropriate traffic calming technique (refer to Section 4.4). The collection of data as required and the testing of the proposal against the warrants are given in Section 4.5.

#### 4.2. Road Hierarchy

The road hierarchy set out in this section is based on TRH26: South African Road Classification and Access Management Manual and this document should be referred to if further detail is required.

Road classes 1, 2 and 3 do **not** qualify for traffic calming measures. If it is deemed that action is required to calm traffic for whatever reason (for example to reduce vehicle / pedestrian conflict), alternative measures may be investigated. These alternative measures may include pedestrian overpasses, signalised pedestrian crossings, signage, and provision of sidewalks/cycle facilities, edge treatment or other Transportation Systems Management applications. The alternative measure may be presented in the form of a traffic management plan which could include all or some of the above. Engineering judgement will have to be applied.

Road classes 4 and 5 **potentially** qualify for traffic calming measures, provided that the total score obtained when applying the warrants is above the minimum value. In the event that these roads serve as emergency or bus routes, at the discretion of the Municipality's Infrastructure Services Directorate, these may be deemed not to qualify for traffic calming measures and alternative measures may be investigated.

The tables below set out the functional road classification and the road access management and features for both rural and urban roads.



## RURAL ROAD CLASSIFICATION

Table 2: Rural Functional Road Classification

Function			Description		Mobility				
Basic Function	Alternate functional descriptions	Determining function	Class No (R <sub>c</sub> )	Class name	Origin / destination	Through traffic component	Reach of connectivity	% of built km	AADT (average annual daily traffic)
Mobility	Vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic; route, arterial road or highway.	Movement is dominant, through traffic is dominant, the majority of traffic does not originate or terminate in the immediate vicinity, the function of the road is to carry high volumes of traffic between urban areas	1	Principal arterial*	Metro areas, large cities, large border posts, join national routes	Exclusively	> 50 km	2 - 4% Classes 1 and 2	1000 – 100 000+
			2	Major arterial*	Cities and large towns, transport nodes (harbours and international airports), smaller border posts, join major routes	Exclusively	>25 km		500 – 25 000+
			3	Minor arterial*	Towns, villages and rural settlements, tourist destinations, transport nodes (railway sidings, seaports, landing strips), small border posts, other routes	Predominant	> 10 km	6 - 12% Classes 1, 2 and 3	100 – 2 000+
Access / Activity	Access, mixed pedestrian and vehicle traffic, short distance, low order, lower speed, community / farm, road or street.	Access, turning and crossing movements are allowed, the majority of traffic has an origin or destination in the district, the function of the road is to provide a safe environment for vehicles and pedestrians using access points	4	Collector road	Connect farming districts, rural settlements, tourist areas, national and private parks and mines to mobility routes	Minimal	< 10 km	20 - 25%	< 1 000
			5	Local road	Farm or property access, connection to other routes	Nil Discontinuous	< 5 km	65 - 75%	< 500
			6	Walkway (path or track)	Settlements, farms, transport nodes, water points	n/a			

\* In rural areas, the term distributor may be preferred to arterial

Table 3: Rural Access Management Requirements and Features

Basic Function	Description		REQUIREMENTS				TYPICAL FEATURES (use appropriate context sensitive standards for design)								
	Class No (R_)	Class name	Design typology	Route no.	Access to property	Parking	Speed km/h	Inter-section control	Typical cross section	Roadway / lane width	Road reserve width	Public transport stops and ped. xing.	Pedestrian footways (constructed)	Cycle lanes	Animal drawn vehicles
Mobility	1	Principal arterial	Expressway	Yes (N)	Not allowed*	No (off road rest stops allowed)	120	Grade separate or priority to through	2 / 3 / 4 lane, surfaced shoulders, climbing lanes	3.5 - 3.7 m	60 - 80 m (62 m)	No	No	No	No
	2	Major arterial	Highway	Yes (R: 2 or 3-digit; or N)	Not allowed <sup>*/**</sup>	No (off road rest stops allowed)	120	Priority or grade separate	2 / 3 lane, surfaced shoulders, climbing lanes	3.5 - 3.7 m	40 - 70 m (48 m)	As required	Isolated	Recreational on shoulder	No
	3	Minor arterial	Main road	Yes (R: 3 or 2-digit)	Not allowed <sup>*/**</sup>	No (off road rest stops allowed)	100-120	Priority, roundabout	2 lane surfaced, gravel shoulders	4.0 m	30 - 50 m (30 m)	As required	Isolated	Recreational widen roadway both sides	Widen shoulder
Access / Activity	4	Collector road	Collector	Allowed, T (tourist) or D (district)	Yes	No (off road edge or in lay-byes / viewpoints)	80 -100	Priority	2 lane surfaced or gravel, gravel shoulders	3.5 m	25 m	As required	Rare, isolated	Widen roadway	Widen shoulder
	5	Local road	Farm road	Allowed, T (tourist) or L (local)	Yes	No (on verge or shoulder)	60 - 80	Priority	1 / 2 lane gravel, 600 mm concrete strips in environmental areas		20 m	As required	Rare	Use roadway	Use roadway
	6	Walkway	Track or pathway	No	Yes	n/a							Not constructed, formed by use		

\* Access to properties sufficiently large to warrant a private intersection / interchange can be considered if access spacing requirement met and there is no future need for a public road.

\*\* Low volume farm gate and tourist access (less than 10 vehicles per day) can be considered if no alternative exists.

## URBAN ROAD CLASSIFICATION

Table 4: Urban Functional Road Classification

Function			Description		Mobility				Traffic		
Basic Function	Alternate functional descriptions	Determining function	Class No (U_)	Class name	Through traffic component	Distance between parallel roads (km)	% of built km	Reach of Connectivity	Expected range of ADT (average daily traffic)	% of travel veh-km	
Mobility	vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic; route, arterial road or highway.	Movement is dominant, through traffic is dominant, the majority of traffic does not originate or terminate in the immediate vicinity, the function of the road is to carry high volumes of traffic between urban districts	1	Principal arterial (freeway)	Exclusively	5 - 10 km	5 - 10% Classes U1 and U2	> 20 km	40 000 - 120 000+	40 – 65% Classes U1 and U2	
			2	Major arterial	Predominant	1.5 - 5.0 km		> 10 km	20 000 - 60 000		
			3	Minor arterial	Major	0.8 - 2.0 km	15 - 25% Classes U1, U2 and U3	> 2 km	10 000 - 40 000	65 – 80% Classes U1, U2 and U3	
Access / Activity	Access, mixed pedestrian and vehicle traffic, short distance, low order, low speed, community, street.	Access, turning and crossing movements are allowed, the majority of traffic has an origin or destination in the immediate area, the function of the road is to provide a safe environment for vehicles and pedestrians using access points	4a	Collector street, commercial	Discourage		5 – 10%	< 2 to 3 km	< 25 000	5 – 10%	
			4b	Collector street, residential	Discourage			< 2 km	< 10 000		
			5a	Local street, commercial	Prevent		65 – 80%	< 1 km	< 5 000	10 – 30%	
			5b	Local street, residential	Prevent			< 0.5 km (1 km Max)	< 1 000		
			6a	Walkway, pedestrian priority	Ban						
			6b	Walkway, pedestrian only	Ban						

Basic Function	Description		REQUIREMENTS					TYPICAL FEATURES (use appropriate context sensitive standards for design)								
	Class No (U_)	Class name	Design typology	Route no.	Intersection spacing	Access to property	Parking	Speed km/h	Inter-section control	Typical cross section	Roadway / lane width	Road reserve width	Public transport stops and ped. xing.	Pedestrian footways (constructed)	Cycle lanes	Traffic Calming
Mobility	1	Principal arterial	Freeway	Yes (M/R/N)	2,4 km (1.6 km - 3.6 km)	not allowed	No	100-120	Interchange	4 / 6 / 8 lane freeway	3.3 - 3.7 m lanes	60 - 120 m (60 m)	No	No	No	No
	2	Major arterial	Highway	Yes (M/R)	800 m (± 15%)	Not allowed <sup>*/**</sup>	No	80	Co-ordinated traffic signal, Interchange	4 / 6 lane divided, kerbed	3.3 - 3.6 m lanes	38 - 62 m (40 m)	Yes at intersections	Off road	Yes – widen roadway	No
	3	Minor arterial	Main road	Yes (M)	600 m (± 20%)	Not allowed <sup>*/**</sup>	No	70	Co-ordinated traffic signal, roundabout	4 lane divided or undivided, kerbed	3.3 - 3.5 m lanes	25 - 40 m (30 m)	Yes at intersections	Yes	Yes – widen roadway	No
Access / Activity	4a	Collector street, commercial	Commercial major collector	No (A for temp. routing)	> 150 m	Yes (larger properties)	Yes if conditions allow	60	Traffic signal, roundabout or priority	4 lane, median at ped. xing., boulevard, CBD one-way		20 - 40 m (25 m)	Yes at intersections or mid block	Yes	Yes, widen road or on verge	Median for peds, curved roadway
	4b	Collector street, residential	Residential minor collector	No	> 150 m	Yes	Yes if appropriate	50	Roundabout, mini-circle or priority	2 / 3 lane undivided	6 - 9m roadway, < 3.3 m lanes	16 - 30 m (20 m)	Yes anywhere	Yes	Yes, on road or verge	Raised ped, median, narrow lanes
	5a	Local street, commercial	Commercial access street	No		Yes	Yes if conditions allow	40	Priority	2 lane plus parking		15 – 25 m (22 m)	If applicable, anywhere	Normally yes	Use roadway	Raised ped. crossing
	5b	Local street, residential	Local residential street	No		Yes	Yes on verge	40	Mini-circle, priority or none	1 / 2 lane mountable kerbs	3.0 - 5.5 m roadway (two way)	10 - 16 m (14 m)	If applicable, anywhere	Not normally, pedestrians can use roadway	Use roadway	Yes, but should not be necessary
	6a	Walkway, non-motorized priority	Pedestrian priority	No	500 m maximum	Yes	Yes if parking lot or woonerf	15	None, pedestrians have right of way	Surfaced			If applicable, anywhere	Yes or use roadway	Rare	Yes
	6b	Walkway, non-motorized only	Pedestrian only	No	500 m maximum	Yes	No vehicles	peds. 80 m / minute	None, pedestrian signal	Block paving		6 m		Yes	Yes	

Table 5: Urban Access Management Requirements and Features

\* Access to properties sufficiently large to warrant a private intersection / interchange can be considered if access spacing requirement met and there is no future need for a public road.

\*\* Partial and marginal access at reduced spacing allowed to relieve congestion, reduce excessive travel distances or remove the need for a full intersection

#### 4.3. Principles of Evaluating Potential Traffic Calming

The principle philosophy in evaluating potential traffic calming is to eliminate hazards on minor roads and not later alter traffic characteristics on main roads.

Potential traffic calming should be evaluated and prioritized using the following principles:

##### First order priorities:

1. No traffic calming measures are to be imposed on roads classified as Classes 1, 2 and 3.
2. Traffic calming measures should not be considered :
  - on an ad hoc basis;
  - in addressing other social problems ;
  - where it will be detrimental to road safety; or
  - where other traffic engineering or alternative procedures could address the problem; and
  - on public transport routes;
  - on emergency vehicle routes

##### Second order priorities:

3. The implementation of appropriate road signs and road markings should be considered before other traffic calming techniques are proposed.
4. Traffic calming measures must not cause traffic to deviate to other minor order roads.
5. Traffic calming measures should only be considered where :
  - there are inherent safety problems caused by road layout, geometrics, sight distances, etc.;
  - these will contribute directly to safety at schools, community centres, etc. when no other methods are possible;
  - where rat-running (use of minor roads to avoid congestion on main roads) is causing serious safety problems.

Compliance's:

- Traffic calming proposals should be considered with the participation of the Ward Councillor in liaison with the Ward Committee and other residents.
- Where possible upgrading of the existing major road network is to be undertaken in the short or medium term.
- Traffic calming should:
  - comply with the Warrants stated in this Policy Document,
  - be in accordance with the National Guideline for Traffic Calming

**4.4 Traffic Calming Measures and Techniques**

Traffic calming measures may be divided into three categories, namely, hard, soft and special measures.

**Hard measures** are found at intersections, between intersections and in an area-wide application.

- (a) Measures at intersections are aimed at reducing vehicle speed, maintaining or limiting to various degrees the ruling speed limit, access movements, and include mini-circles, raised intersections, intersection diverters, street closures and intersection narrowing.
- (b) Measures between intersections are aimed at reducing vehicle speed, maintaining the ruling speed limit and include speed humps, chicanes, pinch points or chokers, rumble strips, roadway narrowing (including islands), pedestrian crossing tables and semi-spheres (hobbles).
- (c) Area-wide measures include one-way systems.

**Soft measures** are more cost-effective and should be considered before hard measures. They include road marking and signage (e.g. pedestrian warning signs, speed reduction signs, information signs), enforcement, education and temporary road closure. It is also the only option for higher classes of roads.

**Special measures** include the “woon-erf” concept that would be implemented in residential priority areas. It is a specific concept with specific requirements. These requirements include, amongst others, that the area should be included in a traffic management plan, streets must have limited through traffic, and the environment has to be appropriately designed (including parking areas and play areas without division between traffic lanes and walkways). The urban street design should also support community activities.

There are a variety of **traffic calming techniques**, having different applications and serving different functions. The following measures are primarily for speed and capacity reduction

i) Planting/Greening

Tree planting should be an essential part of all traffic calming schemes and its use is applicable on all road types. This contributes to visual side friction.

ii) Narrow Carriageways

The narrowing of any carriageway tends to reduce speeds. This also applies to median islands.

iii) Optical Width (Visual Narrowing)

This refers to such measures as tree planting.

iv) Footway Extensions

Footway extensions can be built on all roads of a lower classification than arterial standards wherever there is a surplus carriageway space, at junctions, pedestrian crossings places and bus stops.

v) Shared Surfaces

Shared surfaces (i.e. between vehicles and pedestrians) are suitable to local streets with no through traffic and where traffic flow is below 300 vehicles per hour.

vi) Surface Texture/Type/Colour/Location

Textured surfaces are useful where visual or sensory reinforcement of a situation is required. These measures should not be used on roads where speed limits are higher than 50 km/h.

vii) Synchronization

The synchronization of traffic signals can be used to control speed along such a road but could prove to be detrimental to traffic flow.

viii) Electronic Enforcement

This refers to normal law enforcement.

ix) Priority Management

This refers to the type of control at intersections.

x) Road Markings and Signs

These measures can be used to change lane width thus slowing traffic.

Alternatively signs and markings can be used to highlight potentially unsafe conditions for the driver,

xi) Small Corner Radii

The small corner radii are useful at all junctions within residential areas where the speeds of turning movements need to be reduced. Radius design should be appropriate to the classification of roads involved.

xii) Roundabouts

Conventional roundabouts are appropriate for major collectors and arterials where they can reduce accidents and assist traffic flow. Mini roundabouts should only be used on distributors and minor collectors within residential areas – where they will increase the intersection capacity.

xiii) Carriageway Constrictions

Constrictions are localized measures to reduce the capacity on a road.

Constrictions are appropriate for both access streets and mixed priority roads where volumes are less than 500 vph.

xiv) Lateral Shifts in the Carriageway:

- Alternative footway extensions
- Islands and medians in the carriageway
- Alternate angled parking (with permanent features, e.g. planters)

Lateral shifts, which force change in direction and limits the driver's view of the road ahead. These are not suitable for bus routes.

xv) Vertical Shifts in the Carriageway:

These vary according to the severity of the obstacle. i.e. humps, cushions, plateaux (tables) and ramps. These measures are applicable where excessive speeds on local access streets need to be controlled.



When considering the techniques that can be used it is recommended that the use of Road signs and Markings be investigated prior to implementing other traffic calming techniques.

For routes that have been identified as emergency routes, traffic calming measures will not be permitted if the measure will negatively impact on emergency response times. It is therefore suggested that traffic calming measures that will not result in vertical deviation (example; speed hump), be considered.

Where traffic calming measures have already been implemented on emergency routes and these measures result in vertical deviation then the measures should be re-evaluated and where justified replaced with an alternative technique.

#### 4.5 Warrants

The warrants for determining the need for the implementation of traffic calming techniques are as shown in **Table 6**. To calculate compliance with the warrants the following calculations must be applied to determine the weighted score:

$$TS = \sum_{i=1}^n P_i W_i$$

i = Warrant number

Where

TS = Weighted Total Score

$P_1$  = Point for Warrant i

$W_1$  = Weight for Warrant i

N = Number of Warrants

The following weighted score must be used to determine whether the proposed measures are warranted.

Condition 1 : Score below 31 points – Not warranted for implementation.

Condition 2 : Score between 32 and 37. Warranted for implementation only if there are vulnerable road users/sensitive areas.

Condition 3 : Score above 37– Warranted for implementation.

**Note:** In Table 6 where data does not exist, realistic estimates or a minor investigation may be initiated.

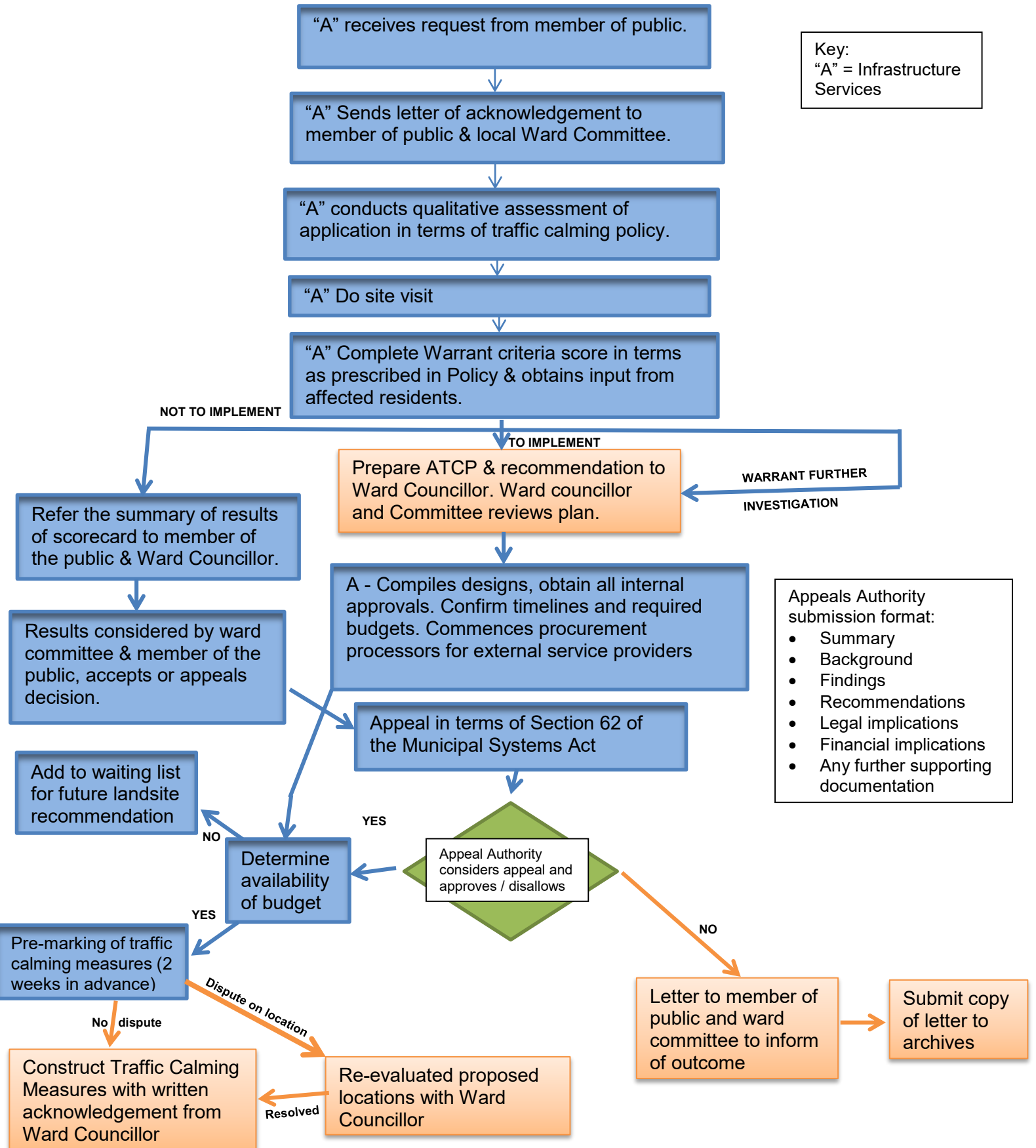
**Table 6: Warrants for determining the need for traffic calming techniques**

<b>Warrants for evaluating feasibility</b>					
<b>No</b>	<b>Warrants</b>	<b>Point Score</b>			<b>Weight</b>
		<b>0</b>	<b>1</b>	<b>2</b>	
1	Traffic volumes	<50 vph	50-150 vph	>150 vph	3
2	Accidents per year	<1 per year	2 – 4 per year	> 5 per year	3
3	Public service vehicles	>5 vph	3-5 vph	<3 vph	-1
4	Pedestrian / risk	Low	Medium	High	2
5	85 <sup>th</sup> percentile speed	<40	40-60	>60	2
6	Through traffic volume	<5 %	5-50 %	>50 %	2
7	Pedestrian volumes (Vol/4h over 150 m)	<250/4h	250-500/4h	>500/4h	3
8	Parking / loading movements	<100/h/km	100-200/h/km	>200/h/km	1
9	Schools / playgrounds	No	-	Yes	3
10	Footways / verges	Made	Rough	None	2
11	Frontage / accesses spacing	>75m	50-75 m	<50 m	1
12	Sensitive area	No	Slightly	Yes	2
13	One or two way	One		Two	1
14	Stopping sight distance	>130 m	50-130 m	<50 m	1
15	Gradient (Longitudinal)	>5 %	3-5 %	< 3 %	1

Where:

Traffic volumes	Average hourly off peak traffic volumes between 06:00 and 18:00
Accidents per year	Number of accidents per year
Public service vehicles	Average peak hour volumes (buses, refuse removal etc.)
Pedestrian / risk	The potential risk that pedestrian and vulnerable road users are exposed to in the presence of traffic can be subjectively assessed. (e.g. brake lights, swerving etc.)
85th Percentile speed	The speed at or below which 85 percent of the vehicles travel.
Through traffic volume	That proportion of traffic that has another origin or destination along the road, or within the area, under study.
Pedestrian volumes	The volume of pedestrians crossing a road over a four hour period, and measures over a 150 meters roadway length.
Parking / loading movements	The number of parking/loading manoeuvres per hour over a kilometre section of road
Schools / playgrounds	The presence of schools/crèches/playgroups etc. within the study area
Footways / verges	The provision of pedestrian facilities (pavements etc.) within the verges.
Frontage / access spacing	The average distance between accesses to properties within the studied area/road
Sensitive area	The presence of hospitals, old age homes, clinics and recreation facilities that may be sensitive to traffic, traffic noise, fumes, etc.
One or two way	Whether roads accommodate two or one-way traffic flow.
Stopping sight distance	The minimum distance required for a driver to bring his vehicle to a standstill and based on speed, driver reaction time and skid resistance.
Gradient	The vertical rise or fall of the roadway measured from the base to the apex and expressed as a percentage.

Figure 1: Flow chart of warrant investigation process



## 5. IMPLEMENTATION

The implementation of Traffic Calming proposals comprises of the following:

- Detailed investigation
- Update Area Traffic Calming Plan (ATCP)
- Appeals
- Urgent Traffic Calming Interventions
- Construction of the Proposal

### Detailed Investigation

Should a request be investigated and evaluated, and the requirements for progression to the detailed investigation and design stage, be met - the project will require further technical input.

This technical input will involve the following:

- A detailed analysis of the traffic patterns, traffic volumes, intersection geometry, intersection levels of service, alternative routes, unintended implementation consequences (e.g. rat runs) pedestrian and cyclist patterns and environmental aspects of the route.
- A detailed design of the recommended appropriate calming solution, entailing exact location, geometric design, road markings and signage.
- Obtaining inputs from affected residents.

An application for traffic calming may request a specific measure, for example a speed hump. Where the analysis indicates that traffic calming is warranted, the Municipality's Infrastructures Services Directorate will select the most appropriate measure, notwithstanding the request in the application.

### Submitting updated ATCP to Ward Councillor

On the receipt of written request, the Traffic Calming scorecards will be completed as prescribed by the policy.

On conclusion of the evaluations, outcomes will be forwarded to the Ward Councillor, who would table the ATCP at committee meetings.

On determination that the request is warranted, the proposals will be included in an updated ATCP. The updated ATCP together with inputs obtained from affected residents will be distributed to the Ward Councillor for notification and confirmation of support.

## Appeals

The public may appeal the decision by Municipality's Infrastructures Services Directorate and the matter would then be referred to the relevant appeals committee in terms of Section 62 of the Local Government Municipal Systems Act (32 of 2000).

Completed scorecards and other supporting information, as listed hereunder, must be submitted to the Appeals Authority.

The submission must include:

- Summary
- Background
- Findings
- Recommendation
- Legal implication
- Financial implication
- Documentation from Ward Committee if applicable

Supporting documentation will comprise of all information relating to the initial request as well as signed petition from affected residents confirming their support (or non-support) of the proposal. As well as a letter of support or non-support from the relevant Ward Councillor.

## Review by Appeals Authority

On review of submitted information, the Appeals Authority may approve or reject the decision to by the Directorate:

If Traffic Calming measures are approved:

- Where budget is available - arrange for the construction of calming measures to form part of the yearly construction programme.
- Where no budget is available - add the approval to the waiting list for future budget recommendation.

If not approved:

- Issue a letter in all instances to applicant to inform applicant and ward committee of the outcome and send a copy to archives for filing

### Urgent Traffic Calming Interventions

The Municipality's Infrastructure Services Directorate reserves the right to designate any traffic calming intervention as urgent. Urgent traffic calming interventions will immediately be implemented, without the requirement of formal submission to Ward Councillor, the Ward councillor will however be informed.

The following conditions will apply to urgent traffic calming interventions

In addition to meeting the requirements of the Preliminary Evaluation (Section 2) and obtaining a scoring of 37 and above, as described in in Warrants (Section 4), a risk analysis must be carried out on the following:

	<b>Aspect</b>	<b>Yes</b>	<b>No</b>
1	Potential for vehicular accidents – Very High		
2	Potential for personal injury – Very High		

Where any of these additional conditions are met the Municipality will proceed immediately with implementation of a traffic calming measure. The ward committee and portfolio committee will be notified and the ACTP updated.

### Construction of the Proposal

Before the implementation of the approved and funded traffic calming measures; temporary pre-marking on the road surface will be done, to indicate the proposed positions of the traffic calming measures. These pre-marking will be displayed for 2 weeks, so that the local Ward Councillor, the Ward Committee and the daily road user can familiarise themselves with the proposed locations. If there is a dispute regarding the proposed position – the locations; in corporation with the associated ward councillor will be re-evaluated. If no response is received during this 2 weeks period and with written confirmation of the associated ward councillor - construction will commence. The pre- process is not applicable to urgent traffic calming interventions.

## Cost analysis of Traffic Calming Techniques

NR	TYPE OF FACILITY	DESCRIPTION	APPLICATION	ESTIMATED COST (R)	ADVANTAGES	DISADVANTAGES
1	All-way stops	All approaches are stops controlled to force vehicles to reduce speed before stopping at the intersection	Intersection of 2 roads where traffic signals are not warranted. All-way STOPs should not be implemented to reduce speed where it is not warranted.	Typically R20 000 to R60 000	Low cost, law enforcement can be effectively carried out	If implemented to reduce speed, can result in motorists ignoring stop street
2	Mini-circles	A circle is built in the existing roadway without road widening.	To reduce speed of through vehicles, improve capacity of side roads, reduce severity of accidents	Typically R120 000 to R300 000	Reduced delay, especially on side streets, circles effectively reduce severity of accidents	Relative expensive, geometry can be tight, especially for emergency vehicles, driver
3	Speed humps	Raise road surface over 3.5 to 4.0m with 75mm to 100-120mm, typically	Reduce speed on long straight road sections.	Typically R25 000 to R60 000	Effective in reducing speed on long, straight road	Visibility poor at night if road markings are not visible
4	Raised Pedestrian Crossings	Raise road surface with 120mm at pedestrian crossings (length 5m)	Reduce speed at pedestrian crossings	Typically R35 000 to R60 000	Increase safety of pedestrians effectively	Relative high cost, visibility poor at night if road markings are not maintain regularly



5	Raised Intersections	The road surface within the intersection is raised with 75 to 200mm. The control of the intersection can be 4-way or 2-way stop controlled.	The speed of motorists through the intersection is reduced	Typically R120 000 to R350 000	Reduce speed through intersections, reduce severity of accidents	Relative high cost, driver discomfort
6	Raised Mini-circles	The road surface within the intersection is raised with 75mm to 200mm. A mini-circle with small diameter is provided on top of this	Normal mini-circles have limited applications where cycle paths cross at intersections as vehicles are deflected into the cycle path.	Typically R250 000 to R450 000	Reduce speed through intersections, accommodate cyclists and pedestrians with traffic circle control	Relative high cost, driver discomfort
7	Access limitations	Access is restricted with one-ways, no access signs	To reduce through traffic	Typically R150 000 to R400 000	Low cost	Access limitations can result in problems with waste collection, emergency vehicles
8	Reduction in road width (chokers)	Road is narrowed with kerbs	Reduce speed, discourage through traffic, especially heavy	Typically R80 000 to R300 000	Can exclude heavy vehicles from road	Cost, driver discomfort

9	Rumble strips	Strips across the road, consisting of bitumen and 13 to 19mm stone	Rumble strips are implemented close to intersections, before sharp horizontal curves to caution motorists of the dangerous situation	Typically R10 000 to R50 000 per set	Effective in increasing awareness of drivers	Noise
10	Semi street closures	The road is closed for one direction of traffic by installing kerbs or by planting bollards	Reduce through traffic and to reduce speed	Typically R75 000 to R450 000		Increase conflict as one direction of traffic has to yield for the other direction, driver discomfort.
11	Cycle/Pedestrian paths	Provide separate road surfaces	Conflict between pedestrians, cyclists and motorists is reduced	Typically R600 to R950 per m <sup>2</sup>		Cost
12	Change in road surface	Asphalt road surface is changed to paving blocks	Increase driver alertness and reduced speed	Typically R100 000 to R500 000 per site	Can be aesthetically more acceptable than other forms of traffic calming	Cost, limited speed reduction
13	Semi-spheres (hobbels)		Increase driver alertness and reduced speed	Typically R20 000 to R200 000 per site	Private road/Class 5. Similar applications to a speedhump, but harsher.	Not favoured on public streets, but can be considered in extreme situations.
14	Lane divider (for example "Armadillo" and "Vuka studs")	The cat-sized lumps can be utilised along NMT cycling lanes.	Increase driver alertness and reduced speed	Typically R20 000 to R200 000 per site	Effective in divide bike lanes from motorised traffic	Cost

# Traffic Calming



“Barriers placed diagonally across an intersection to prevent through movement.”



**Diagonal Diverters**

# Traffic Calming



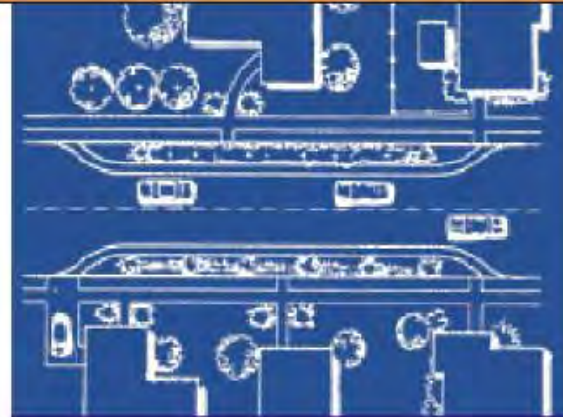
Mini Traffic Circle



# Traffic Calming



“Kerb extensions or islands on one or both sides of the street that narrow the street at that location.”



**Chokers**

# Traffic Calming

“Barriers that block travel in one direction for a short distance on an otherwise two-way street .”



**Half Closures**



# Traffic Calming



“Median centrally placed on roadway ensure conspicuity with vertical elements, marking and lighting.”



**Median with one sided parking**

# Traffic Calming



Raised Intersection





# Traffic Calming



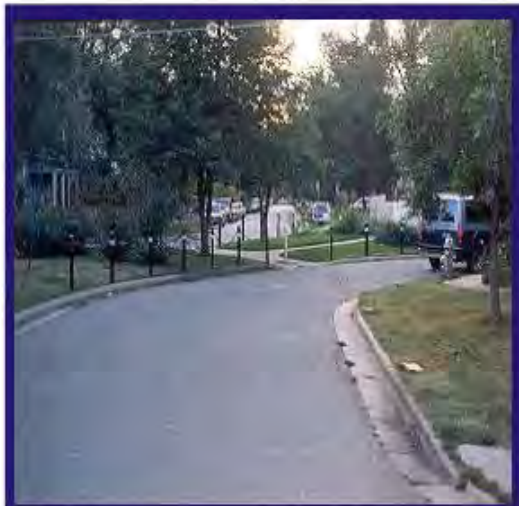
“Entrance to speed reduced zone on T-junction with exit construction through road.”



Construction Through Road

# Traffic Calming

“Entrance to speed reduced zone on intersection with diagonal constriction.”



Diagonal Constriction

# Traffic Calming



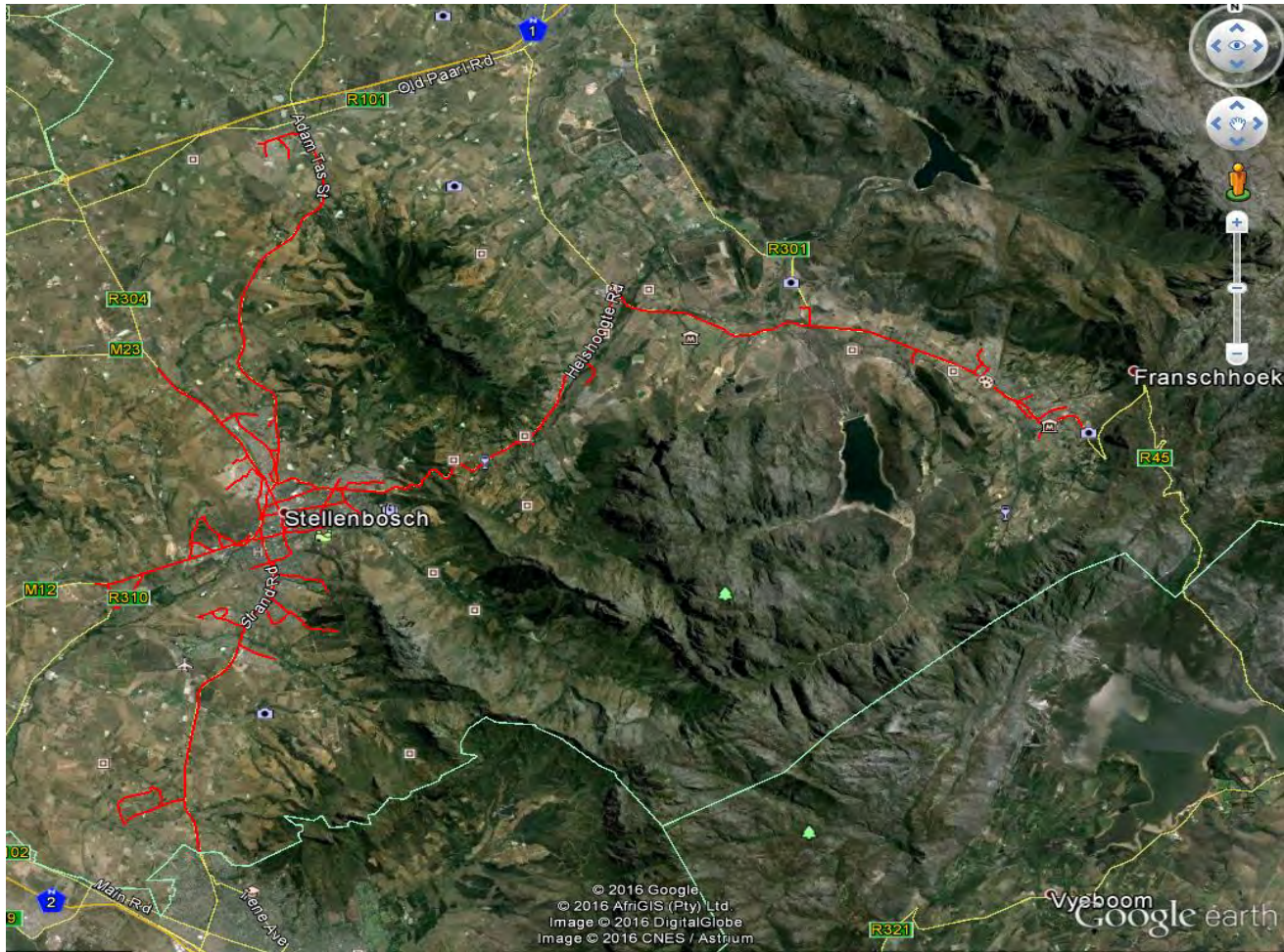
**Speed Restriction**

# Traffic Calming

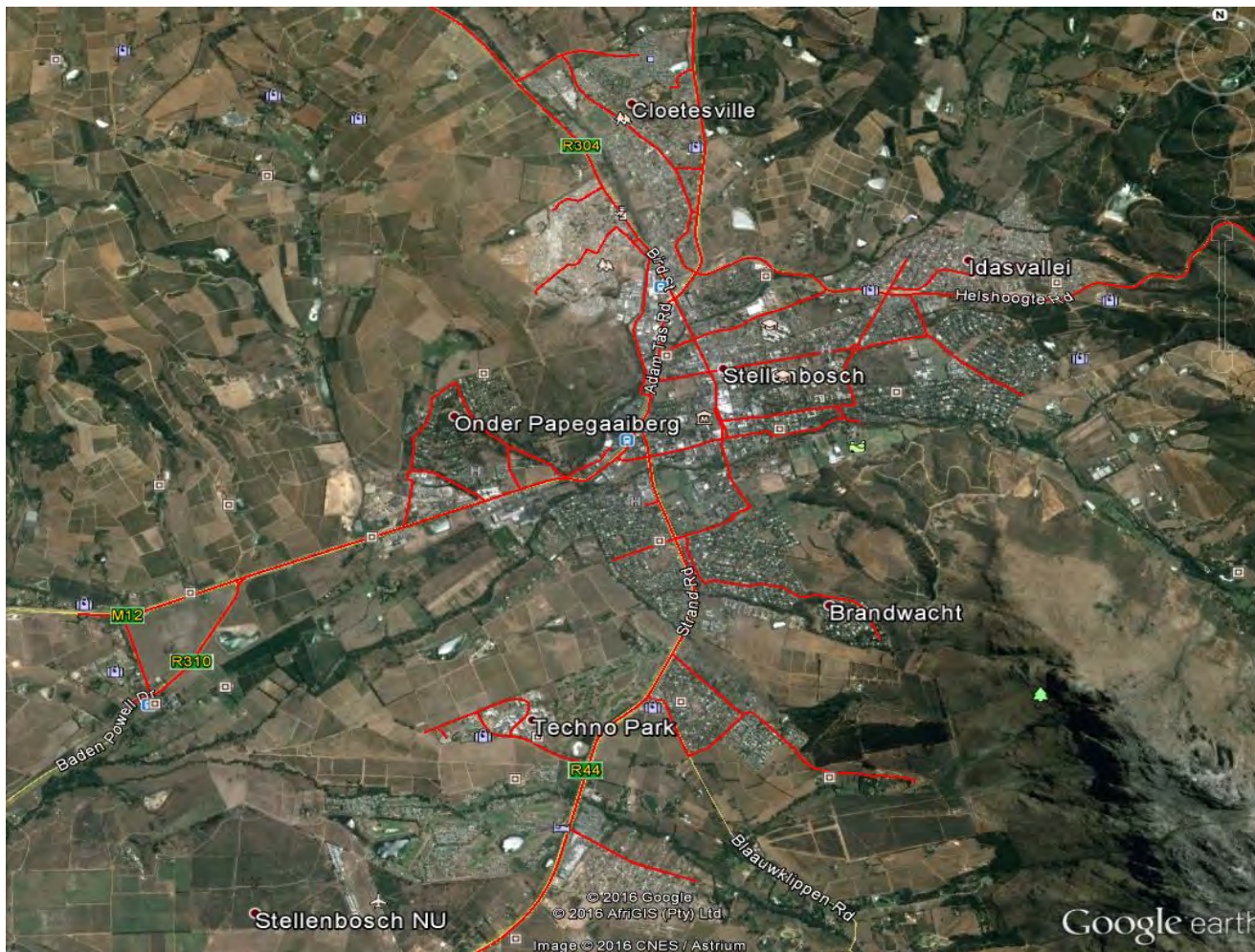


**Raised Pedestrian Crossing**

### Emergency Routes – WC024



### Emergency Routes – Stellenbosch



Emergency Routes – Raithby



Emergency Routes – Kylemore, Pniel and Lanquedoc





emergency Routes – Wemmershoek



Emergency Routes – La Motte and Groendal (Franschhoek)



### Emergency Routes – Franschhoek



### Emergency Routes – Klapmuts



# **ANNEXURE B**

# 'Min respek vir die Grondwet kwel'

Elmarine Anthony

"As 'n mens kyk na wat tans in ons parlement aangaan en hoe min respek daar vir mekaar, ons Grondwet en ons mense is, dan moet 'n mens 'n bietjie meer bekommerd wees daarvoor. Elkeen van ons as stemgeregtigdes en burgers moet vra: Hoekom duld ons wat aangaan?"

Só het Trevor Manuel, voormalige minister van finansies, Sondag 23 Februarie in die Pniël Congregational kerk in sy spreekbeurt by die Adam Small-fees gesê.

Volgens Manuel, as ons kyk na wat ons as Suid-Afrikaners alles al in ons tyd deurgemaak het en byvoorbeeld kyk na wat in die Zondo-kommissie (ná staatskaping) aangaan, "dan bestaan presies dieselfde kwessies en ons moet ophou net aanvaar wat ons sien".

Manuel het beklemtoon dat ons 'n moeilike pad gekies het met die wyse waarop die Grondwet saamgestel is omdat een van die dinge wat ons moes doen, was om te aanvaar dat ons verenig in ons diversiteit is.

"Ons gaan nie almal dieselfde wees nie. Ons gaan nooit glo dat ons almal net dieselfde is nie. Ons moet almal verenig wees, maar die beginpunt is ons diversiteit. So het ons 'n baie moeilike pad gekies deur te besluit dat

ons 11 amptelike tale sal hê en elke taal sal gelyk wees aan die ander.

"Dis 'n moeilike pad, want ons moet ook 'n nasie bou."

Volgens Manuel is die oorspronklike taal waarin nuwe wetgewing onderteken is, die belangrikste vir daardie wetgewing.

Hy het uitgelig dat toe die Grondwet in 1996 aanvaar is, dit in Afrikaans onderteken is.

"As ons kyk na die 11 tale, is daar ook werk wat nog gedoen moet word. Die landswaapen sê: 'Ons is verenig in ons diversiteit'. Ons leer nie die belangrikheid van die taal vir ons kinders nie en ons eien nie die demokrasie nie. Dit is ons grootste probleem. Dis iemand anders se demokrasie. Ons moet nou wag vir die parlement of vir die president om sy staatsrede te lewer, want ons beteken niks.

"Dis wat eintlik verkeerd gegaan het met waar ons vandag is."

▶ Lees die volledige berig op [www.eikestadnuus.com](http://www.eikestadnuus.com) oor wat Manuel in sy spreekbeurt onder meer oor voormalige president, FW de Klerk se onlangse uitlatings gesê het dat Apartheid nie 'n misdad teen die mensdom was nie.

Manuel lug ook sy mening dat ons land aktiewe burgers nodig het.

# Adam Small se nalatenskap geëer

Elmarine Anthony

Prof. Adam Small is al beskryf as " 'n filosoof as digter, maar ook 'n digter as filosoof".

Hoe dít deurslag in sy werk gevind het en bygedra het tot die weerspieëling van die samelewing, was die eerste vraag wat Mandie Ehlers van die Afrikaanse Taal- en Kultuurvereniging (ATKV) aan die skrywer Willem Fransman en prof. Steward van Wyk by die Adam Small-gedenklesing Saterdag 22 Februarie in die Pniël Congregational-kerksaal gestel het.

Small se "literêre en sosiale nalatenskap" was die tema van die gedenklesing by die jaarlikse Adam Small-fees waar daar hulde en eer aan hom gebring word.

Van Wyk, wat onder andere hoof van die departement Afrikaans en Nederlands aan die Universiteit van Wes-Kaapland is, het begin deur te sê dat Small inderdaad sy formele opleiding as filosoof ontvang het, waar hy sy tesis oor die filosofie van Nicolai Hartmann geskryf het.

"Soos hy gesê het, was dit Hartmann se filosofie van omgee wat hom baie getrek het. 'n Mens kan verstaan hoe hy onder daai denkriktig beweeg het van die filosofie na die maatskaplike werk. Ek dink in terme van sy filosofiese ondervinding vind hy baie aansluiting by N.P. van Wyk Louw met sy ou liberale denke van die oop samelewing en die oop gesprek.

"Die feit dat 'n mens moet omgee vir sy medemens en dat jy respek moet hê vir die menslikheid van ander, het ook deurslag in sy werk, in vroeë gedigte gevind waar hy absoluut geïdentifiseer het met die lot en noodlot van die minderbevoor-



Prof. Steward van Wyk, skrywer Willem Fransman en Mandie Ehlers van die ATKV by die Adam Small-gedenklesing. Foto: Elmarine Anthony

regtes in die samelewing en dit is dan juis ook wat aanleiding gee tot die kritiek wat hy op Apartheid gehad het, want Apartheid is dan juis só 'n stelsel wat mense van hul menswaardigheid ontnem het," het Van Wyk gesê.

Fransman het tussen hul kommentare die gehoor bekoor met sy voorlesings van sekere gedigte van Small.

Ehlers het toe die gesprek oor Small se bydrae tot die bevordering van Kaaps met sy voorwording/naskrif in sy digbundel *Kitaar my Kruis* van

1962 voorgelees wat lui: "Kaaps is nie wat sekere Engelse mense in Suid-Afrika Capey noem nie, en ook nie wat sekere Afrikaanse mense Gammat-taal noem nie. Kaaps is 'n taal, 'n taal in die sin dat dit die volle lot en noodlot van die mense wat dit praat, dra: 'n taal in die sin dat mense wat dit praat, hul eerste skreeu in die lewe skreeu in hierdie taal?..? en hul doodsgroet roggel in hierdie taal."

Lees volledige berig oor die gedenklesing op [www.eikestadnuus.com](http://www.eikestadnuus.com).



**STELLENBOSCH**  
STELLENBOSCH • PNIËL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## MUNISIPALE KENNISGEWING 17/2020

### VERKEERSKALMERINGSBELEID 2019

Kennis geskied hiermee dat Stellenbosch Munisipaliteit se konsep Verkeerskalmeringsbeleid by alle munisipale biblioteke in die Stellenbosch munisipale area asook op [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) vanaf **2 Maart 2020 - 02 April 2020** beskikbaar sal wees vir publieke insae.

Alle insette/kommentaar moet verwys word na die Direkteur: Infrastruktuurdienste

**Kontak persoon:** Deon Louw  
**Tel:** 021 808 8213  
**E-Pos:** [engineering.services@stellenbosch.gov.za](mailto:engineering.services@stellenbosch.gov.za)  
Verwys asseblief in die onderwerpslyn van u epos na **TRAFFIC CALMING POLICY**

Geraldine Mettler  
MUNISIPALE BESTUURDER

Posbus 17  
STELLENBOSCH  
7599

## MUNICIPAL NOTICE 17/2020

### TRAFFIC CALMING POLICY 2019

Notice is hereby given that the draft Traffic Calming Policy 2019 will be available for inspection and comments at all the libraries in the Stellenbosch municipal area and on [www.stellenbosch.gov.za](http://www.stellenbosch.gov.za) from **02 March 2020 - 02 April 2020**

All input/comments must be submitted to the Director: Infrastructure Services

**Contact person:** Deon Louw  
**Tel:** 021 808 8213  
**Email:** [engineering.services@stellenbosch.gov.za](mailto:engineering.services@stellenbosch.gov.za)  
Please make mention in the subject line of the email **TRAFFIC CALMING POLICY**

Geraldine Mettler  
MUNICIPAL MANAGER

PO BOX 17  
STELLENBOSCH  
7599

# MUSEUM SATERDAG

## 29 Februarie 2020

**SLUIT BY ONS AAN KOMENDE SATERDAG VIR 'N PROGRAM VOL KUNS, KULTUUR, MUSIEK EN KOS. BRING DIE KINDERS, DIE GESIN EN AL JOU VRIENDE EN MAAK DIE MUSEUM JOU TUISTE WEG VAN DIE HUIS.**

<p><b>10:30-</b> • Teken-werkswinkel (5-8jr) saam met Fawa Conradie (Bespreek)</p> <p><b>11:00-</b> • MakerStudio Boekkuns-werkswinkel saam met Heléne van Aswegen (Bespreek)</p> <p><b>12:00-</b> • NIA – danskuns, gevegskuns en genesende kunste saam met Mia Steyn (Bespreek)</p> <p><b>13:30-</b> • Musiek sessie in die Museum Café saam met Los Gitanos Duo</p> <p><b>14:00-</b> • Wynproe saam met Leopards Leap Family Vineyards (Bespreek vir 14:00, 14:30 of 15:00)</p>	<p>Die Museum Café bied 'n spesiale spyskaart vir die dag met watermondlekker disse. Beskikbaar vanaf 10:00 tot 16:00.</p> <p>BESPREKING: <a href="mailto:denise@rupertmuseum.org">denise@rupertmuseum.org</a> / 021 888 3257 GRATIS TOEGANG EN BYWONING   VEILIGE PARKERING</p> <p>Stellentiaweg, Stellenbosch Di. – Vr.: 10:00 – 17:00, Sa. – So.: 10:00 – 16:00 <a href="mailto:info@rupertmuseum.org">info@rupertmuseum.org</a>   021 888 3344 <a href="http://www.rupertmuseum.org">www.rupertmuseum.org</a></p>
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## Beleef só ook argitektuur

Wil jy sien en hoor hoe opwindend-interessant argitektuur kan wees; hoe geboue die storie van 'n dorp kan vertel?

Die bekende kultuurhistorikus Matilda Burden sal jou met ander oë na die hart van die Eikestad met sy argitektoniese juwele laat kyk.

Twee verskillende roetes word op alternatiewe dae aangebied: Maandag 9 Maart, Woensdag 11 Maart en Vrydag 13 Maart om 17:00 na die middedorp; Dinsdag 10 Maart, Donderdag 12 Maart en Saterdag 14 Maart om 17:00 by Die Braak. Twee wandelings in die oggend word vanjaar die eerste keer aangebied – Dinsdag 10 Maart om 10:00 in die middedorp en Donderdag 12 Maart om 10:00 by Die Braak.

Wandelings begin by Erfurthuis. Deelname kos R50 per persoon per wandeling. Bespreek by Computicket of die Woordfees-kantoor.

## BE A HERO

PLEDGE TO BE AN ORGAN DONOR AND BE SOMEONE'S HERO

**1 organ donor can save up to 8 lives**  
It only takes **2 minutes** to register

# **ANNEXURE C**

**Silvia Pretorius**

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**From:** Dawid Botha <dawidbotha.za@gmail.com>  
**Sent:** Wednesday, 08 April 2020 15:15  
**To:** Engineering Services; Deon Louw; Silvia Pretorius  
**Subject:** [EX] Fwd: Kommentaar op Konsep-Verkeerskalmeringsbeleid 2019

Subject: Konsep-Verkeerskalmeringsbeleid 2019 TRAFFIC CALMING POLICY

Geagte Direkteur

Hiermee wil ek namens Stellenbosch Fietsry kommentaar lewer op die Konsep-Verkeerskalmeringsbeleid (2019) van die Munisipaliteit Stellenbosch.

Die grootste probleem wat ons met hierdie beleidsdokument het, is dat dit nie soseer 'n beleid is nie, maar eerder 'n tegniese handleiding om verkeerskalmering toe te pas n.a.v. klagtes en hoe om klagtes van die publiek te hanteer.

Die voorbeelde en tegniese besonderhede van verkeerskalmering behoort in 'n afsonderlike dokument vervat te word. Voorbeelde van verkeerskalmeringsmaatreëls kan wel genoem word, soos die Kaapse Metropol se Verkeerskalmeringsbeleid 2016, maar nie in besonderhede beskryf word nie.

Die Verkeerskalmeringsbeleid behoort 'n bestaansrede/oorsaak hê, soos

- i) die gevaarlike hoë spoed waarteen motorvoertuie in die dorp - insluitende, en veral in woonbuurte - ry;
- ii) die gevare van motorvoertuie vir die mees kwesbare mense van ons gemeenskap, naamlik voetgangers, gestremdes en fietsryers.

Die Verkeerskalmeringsbeleid behoort 'n duidelike visie te stel vir die implementering van verkeerskalmering deur die hele Muisipale gebied.

Dit moet nie net reaktief wees t.o.v. klagte nie, maar pro-aktief leiding gee om die doelwitte van die beleid te bereik. Bv. Alle nuwe en opgegradeerde paaie moet aan die hand van die beleid verkeerskalmering bevorder, en die spoed van motorvoertuie laat verminder tot 50/40/30/20 km/h ,afhangende van die omgewing, bv rondom skole, hospitale, gemeenskapsale, ouetehuse, ens. (vgl Kaapse beleid)

Die beleid behoort kyk na die oorkoepelende probleme betreffende verkeerskalmering (probleemstelling/s) en na die beginsels wat moet geld vir die oplossing van die probleme. Die Verkeerskalmeringsbeleid van die Stad Kaapstad kan in die breë, vir sover dit Stellenbosch aangaan, as 'n algemene voorbeeld gebruik word.

Die konsepbeleid ter sprake is grotendeels reaktief - hoe om klagtes te hanteer.

Ons sou verkies dat die Kalmeringsbeleid meer pro-aktief sal wees - sonder om die reaktiewe aspek te ignoreer.

Dit moet 'n Munisipaliteit-wye visie hê.

Die breë beginsel wat ons wil voorstel, sou wees dat motorverkeer in die Munisipaliteit Stellenbosch gekalmeer moet word om



- a) die veiligheid van kwesbare padgebruikers, bv voetgangers, getremdes, fietsryers te beskerm teen motorverkeer.
- b) motorryers teen hulself en teen mekaar te beskerm om botsings te vermy en lewens van bestuurders en insittendes te beveilig
- c) algemene vrede en rus in die gebied te bevorder
- d) besoedelling deur uitlaatgasse, bandpartikels en remblokstof te beperk.

Ons is verstom dat spoedhobbels nog genoem word as 'n verkeerskalmeringsmotode. Spoedhobbels kan skadelik wees vir motorvoertuie, dis irriterend vir wetsgehoorsame bestuurders en is nie altyd sigbaar nie. Waarom moet wetgeshoorsame bestuurders hiermee gestraf word?

Die Verkeerskalmeringsbeleid kan nie op sy eie gesien word nie, maar moet meewerk met die NMT-beleid, wat beskerming bied aan voetgangers, gestremdes en fietryers.

Ter afsluiting:

1. Dit gaan hier om 'n beleid wat deur *Verkeerskalmering 'n mensvriendelike dorpsomgewing wil skep waarin almal, en in besonder die kwesbares van ons gemeenskap veilig en beskermd hul daaglikse lewe kan lei, sonder die vrees om beseer te word.*
2. Die Verkeerskalmeringsbeleid moet nie verwar word met 'n Verkeerskalmeringsprogram nie. Eersgenoemde spreek laasgenoemde aan.
3. Ons wil voorstel dat die konsep-beleid deurgewerk word deur 'n groep kundiges en belanghebbendes voordat dit finaal na die Raad gaan vir goedkeuring..

Dankie

Die uwe

Dawid Botha (Rdshr)  
Voorsitter: Stellenbosch Fietsry NPC

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11.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: (PC: XL MDEMKA (MS))</b>
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NONE

11.7	<b>PLANNING, LOCAL ECONOMIC DEVELOPMENT AND TOURISM: (PC: CLLR E GROENEWALD (MS))</b>
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11.7.1	<b>DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

19 August 2020

**1. SUBJECT: DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES**

**2. PURPOSE**

To obtain permission from Council **NOT TO IMPLEMENT** a Directive issued in terms of the National State of Disaster for the extension of the stipulated time periods related to land use applications and processes in terms of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA).

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

It is submitted that the Directions for the extension of the stipulated time periods related to land use and land development applications and processes may have a negative impact on development and a detrimental impact on an economy that is already under severe stress. As the current operational state of the land use management division of the municipality also does not warrant the need for the extension of these timeframes, it is consequently proposed that these Directions are not implemented.

**5. RECOMMENDATION**

that the Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (in terms of SPLUMA), issued in terms of Notice 431 of 2020 on 7 August 2020 by the Minister of Agriculture, Land Reform and Rural Development, **NOT BE IMPLEMENTED** for the Stellenbosch Municipality as provided for in Section 5.1 of said Directions.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

On 7 August 2020, the National Minister of Agriculture, Land Reform and Rural Development issued **Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (in terms of SPLUMA)**, attached as **ANNEXURE "A"**.

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The purpose of the subject Directions is to mitigate the effect of the Covid-19 pandemic and ensure fair processes relating to land development and related public participation processes by extending the timeframes and deadlines imposed on municipalities by SPLUMA.

## **6.2 Discussion**

The only provision of the Directions which will be applicable to this Municipality relates to Section 5 regarding the extension of the applicable time periods with an additional 30 days in which to submit any reports; take related steps in connection with a pending land development application, and lodge a land development application or appeal.

It is submitted that these extended timeframes may have a negative impact on development and a detrimental effect on an already stressed economy, especially in light of the aftermath of the Covid-19 pandemic. It is contended that the implementation of such extended timeframes may hamper the needed revival and growth of the economy with associated job creation.

It is also submitted that the current operational state of the Stellenbosch Municipality's Directorate: Planning and Economic Development (spatial planning and land use management) allows for the fair and due processing of land use and land development applications and consequently does not require nor necessitates the extension of these timeframes.

As the subject Directions specifically provides in Section 5.1 that a Municipality may decide otherwise, it is proposed to not implement these extended timeframes which would hamper the timeous processing and finalisation of land use and land development applications.

## **6.3 Financial Implications**

There will be no financial implications for the municipality if it decides to not implement the subject Directions.

## **6.4 Legal Implications**

None, as the Directions specifically provides for the Council to decide to not implement the Directions.

## **6.5 Staff Implications**

A decision to not implement the Direction will have no Staff implications as operations will continue as per normal.

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

There are no previous or relevant Council resolutions related to this matter.

## **6.7 Risk Implications**

There are no foreseen risks associated with the proposed decision for Council to not implement the Directions.

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**RECOMMENDATION FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 9.1**

that the Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (in terms of SPLUMA), issued in terms of Notice 431 of 2020 on 7 August 2020 by the Minister of Agriculture, Land Reform and Rural Development, **NOT BE IMPLEMENTED** for the Stellenbosch Municipality as provided for in Section 5.1 of said Directions.

**ANNEXURE**

**ANNEXURE "A"**: Directions Relating to Spatial Planning, Land Use Management and Land Development Processes (Notice 431 of 2020 dated 7 August 2020)

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Stiaan Carstens
<b>POSITION</b>	Senior Manager: Development Management
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8674
<b>E-MAIL ADDRESS</b>	Stiaan.carstens@stellenbosch.gov.za
<b>REPORT DATE</b>	18 August 2020

# **ANNEXURE A**

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT  
NOTICE 431 OF 2020

**DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND  
DEVELOPMENT PROCESSES**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published on 29 April 2020 in Government Notice No. R. 480 of Government *Gazette* No. 43258.

  
ANGELA THOKO DIDIZA

**MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## SCHEDULE

### 1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Act or the Regulations bears the meaning so assigned and, unless the context otherwise indicates—

**"COVID-19"** means the Novel Coronavirus (2019- nCov2) which is an infectious disease caused by a virus that has previously not been scientifically identified in humans, which emerged during 2019 and was declared a global pandemic by the World Health Organisation in 2020;

**"Disaster Management Act"** means the Disaster Management Act, 2002 (Act No 57 of 2002);

**"national state of disaster"** means the national state of disaster relating to the COVID-19 outbreak declared in Government Notice No 313 of Government Gazette No. 43096 of 15 March 2020;

**"Regulations"** means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R.480 of Government Gazette No. 43258;

**"SPLUM Regulations"** means the Spatial Planning and Land Use Management Regulations issued in terms of section 54 of the Act, and published on 23 March 2015 in Government Notice No R.239 of Government Gazette No. 38594;

**"the Act"** means the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

## **2. Purpose**

### **2.1 The purpose of these Directions is—**

- (a) to mitigate the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster;**
- (b) to ensure fair processes, especially relating to spatial planning, land use management and land development processes, public participation processes, appeal processes, reporting requirements and the rendering of municipal planning services during the lockdown period; and**
- (c) to extend the timeframes and deadlines imposed on municipalities and provinces by the Act so as to alleviate, contain and minimise the effects of the national state of disaster.**

**2.2 Subject to these Directions, municipalities and land use regulators are exempted from any provision of the Act which requires any action to be taken between the date of publication of this Notice and the date that the national state of disaster lapses or is terminated in terms of section 27(5) of the Disaster Management Act.**

## **3. Application**

### **3.1 These Directions apply to—**

- (a) all provincial and municipal authorities and appeal authorities who are responsible for or involved in the processes mandated in terms of the Act; and**
- (b) all applicants, objectors, interested and affected persons, appellants, professionals, practitioners, companies, interested and affected parties or commenting authorities involved in spatial planning, land use management and land development processes, or who are responsible to submit reports or holders of approvals related to a land development application.**



**3.2** Where any provincial or municipal authority including appeal authorities affected by these Directions has publicly indicated that a different arrangement applies, such an arrangement will prevail over any arrangement indicated in these Directions.

#### **4. Extension of timeframes**

The following timeframes, which have lapsed during the period of lockdown are hereby extended, or will be deemed to be extended, with effect from 27 March 2020:

- (a) Timeframes contemplated in section 15(4) and (5) of the Act are hereby extended by 12 months in addition to the period specified in the Act;
- (b) the timeframe contemplated in section 15(6)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (c) the timeframe contemplated in section 18(4)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (d) the timeframe contemplated in section 20(3)(b) of the Act is hereby extended by 30 days in addition to the period specified in the Act;
- (e) the timeframe contemplated in section 24(1) of the Act is hereby extended by 24 months in addition to the period specified in the Act;
- (f) the timeframe contemplated in section 27(1) of the Act is hereby extended by 12 months in addition to the period specified in the Act;
- (g) the timeframe contemplated in section 43(2) of the Act is hereby extended by 24 months in addition to the period specified in the Act;
- (h) the timeframe contemplated in regulation 16(3) of the SPLUM Regulations is hereby extended by six months in addition to the period specified in the SPLUM Regulations;
- (i) the timeframe contemplated in regulation 16(4) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;

- (j) the timeframe contemplated in regulation 16(5) of the SPLUM Regulations is hereby extended by three months in addition to the period specified in the SPLUM Regulations;
- (k) the timeframe contemplated in regulation 30(1) of the SPLUM Regulations is hereby extended by 14 days in addition to the period specified in the SPLUM Regulations.

## **5. Validity period**

5.1 The time periods provided for in the Act and the SPLUM Regulations in which to—

- (a) submit any report;
- (b) take any step in connection with a pending land development application; or
- (c) lodge a land development application or appeal with a municipal authority,

are extended for a period of 30 days from the date of publication of these Directions except if a municipal council decides otherwise.

5.2 The term of office of members of a Municipal Planning Tribunal may be extended by a Municipal Council by 12 months in addition to the period specified in section 37(1) of the Act.

## **6. Consideration of Land Development Applications and Appeals**

6.1 Municipal authorities may receive and process land development applications during Alert Level 4 or 3 and may specify any electronic manner of receipt and processing of applications and appeals including any other procedure or technique that may prevent the escalation of the national state of disaster.

6.2 The parties in a land development application or appeal shall endeavour to agree about whether the matter may be disposed of without oral hearing or argument, and if agreed, representatives of any party who wish to supplement the papers with additional written submissions must do so by email sent to the municipal authority responsible for the consideration of the application or appeal.

**6.3** If no agreement contemplated in paragraph 6.2 is reached the responsible municipal authority must be informed accordingly, and a hearing shall take place as directed by the municipality.

**6.4** A municipality may direct that a hearing contemplated in paragraph 6.3 may take place in one of the following manners:

- (a) A video conference hosted by the municipality, or by the applicant if the municipality is unable to do so, at a time and date determined by the municipality; or
- (b) any other procedure or technique that is in line with regulation 5 of the Regulations.

## **7. Commencement**

These Directions come into effect on the date of publication in the *Government Gazette*.

11.7.2	<b>DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019</b>
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Collaborator No: 643770  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 19 August 2020

**1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019**

**2. PURPOSE**

To request Council's approval, after public consultation & amendments of the draft Land Use Enforcement Policy (Draft Policy), for Stellenbosch Municipality, March 2019 (attached as **APPENDIX 1**), has taken place.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

On 21-05-2019, Council resolved to propose that certain amendments be included in the Draft Policy and that the Draft Policy be advertised for public comment. Thereafter, it must be resubmitted to Council for finalization.

In terms of the COUNCIL MEETING: 2019-05-29: ITEM 7.7.1(attached as **APPENDIX 2**), the Administration amended and advertised the Draft Policy for public comments during August 2019 for a period of 60 days. In addition, the Administration circulated the Draft Policy to the interested and affected parties.

Comments were received and are addressed under paragraph 6.

**5. RECOMMENDATIONS**

- (a) that Council takes note of the comments received; and
- (b) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The purpose of this policy is to provide an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area and to set out the responsibilities of the relevant parties involved in the process.

Unauthorised uses may have negative impact on surrounding properties and the community in which they operate. The draft policy takes into consideration current unauthorized land-use challenges in the Stellenbosch WC024 area. At present, there are approximately 110 active land use contraventions in various stages of investigations and/or prosecutions within Stellenbosch Municipal area which are being dealt with in terms of Chapter IX of the Stellenbosch Municipal Land Use Planning By-Law, October 2015. This policy was developed as the said By-Law cannot adequately address the various stages within the land use enforcement investigation process.

**6.2 Amendments**

The proposed amendments to “Complaints Process 3.1.1 (c) (Page 6 of 15)” to include additional methods of delivery has been added.

The proposed amendments to “Table 1: Land Use Contravention Category (Page 14 of 15)” to include a paragraph on air pollution and noise related (including reference to the applicable legislation) has been added under category “C”.

As a result of the influx of objections and representation submitted in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-Law, 2015, certain guidelines had to be considered, in order to establish a certain level of consistency. Specific guidelines were introduced under point 3.7.2.6 of the Draft Policy to assist the Municipality when a decision is made.

**6.3 Public Participation Process**

The Draft Policy was advertised to the Public by means of advertisements placed in the Paarl Post and the Eikestadnuus, on the 29 August 2019.

A copy of the Draft Policy was e mailed to the interested and affected parties.

A copy of the Draft Policy was available on/at:

- Stellenbosch Municipal Website
- Stellenbosch Library
- Franschhoek Library
- Pniel Library
- Cloeteville Library
- Ida’s Valley Library
- Kayamandi Library
- Klapmuts Library
- James Town Library
- Advice centres at Stellenbosch and Franschhoek Municipal Offices.

The period for submitting comments closed on the 29 October 2019

**6.3.1 Comments received in the public participation process**

<b>Comments raised</b>	<b>Departmental response</b>
No clear clarity on the competencies and interactions with other land use authorities and legislation. He suggested that the relevant competent authorities are listed and that some sort of an indication is given stipulating who is responsible for what	It is a common practise within the Inspectorate to liaise with various other departments when a Land Use Inspector suspects numerous violations relating to other regulations. Additions have been made under paragraph 4.4 (Table 1: Land Use Contravention Category) of the Draft Policy stipulating that the inspector should notify sister departments in the event of any air pollution, noise, traffic and parking related complaints. The inclusion of a detailed list into the policy would be somewhat problematic as it would have to be constantly update and verified at regular intervals
No reference to enforcement of lease contracts between the Municipality and a Lessor	Lease agreements are not enforced by the Land Use Inspectorate and therefore, it was not included in the Draft Policy.
The comment related to a confirmation and record that all municipal and state owned land will also be subject to the Draft Policy	The Draft Policy will apply to municipal and state owned land

**6.4 Financial Implications**

Standard costs are applicable in relation to the submission and approval of a Council Policy, by relevant statutory bodies.

**6.5 Legal Implications**

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

**6.6 Staff Implications**

None

**6.7 Previous / Relevant Council Resolutions:**

None

**6.8 Risk implications**

The failure to bring about standardise processes and procedures with Land Use Enforcement, could result in the unequal application of land use enforcement processes.

**6.9. Comments from Management:**

Supports item

**6.10. Comments from the Municipal Manager:**

Supports item

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2020-08-19: ITEM 9.2**

- (a) that Council takes note of the comments received; and
- (b) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved.

**ANNEXURES**

**Appendix 1:** Draft Land Use Enforcement Policy, March 2019

**Appendix 2:** Council Meeting: 2019-05-29: Item 7.7.1

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Errol Williams
<b>POSITION</b>	<i>Senior Land Use Inspector</i>
<b>DIRECTORATE</b>	<i>PLANNING and ECONOMIC DEVELOPMENT SERVICES</i>
<b>CONTACT NUMBERS</b>	021 - 808 8688
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<b>REPORT DATE</b>	021 808 8688

# APPENDIX 1



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## **LAND USE ENFORCEMENT POLICY**

(FOR INTERNAL USE)

**STELLENBOSCH MUNICIPALITY (WC024)**

APPROVED BY COUNCIL : \_\_\_\_\_

DATE EFFECTIVE : \_\_\_\_\_

### **DISCLAIMER**

This draft policy reflects the preliminary views of the Stellenbosch Municipality. It should be noted that the document has been created to facilitate an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area.



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## **SECTION 1: DEFINITIONS AND POLICY OUTLINE**

### **1.1 Definitions**

#### **1.1.1 “Authorised employee” / “Inspector”**

Means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of this Policy or to inspect land and buildings in order to enforce compliance with the By-Law (2015) or the zoning scheme.

#### **1.1.2 “Business Owners/Operators”**

Persons operating and owning the business operating on the applicable land/property.

#### **1.1.3 “Compliance”**

Means conforming to the applicable rule, policy or law, i.e. notices, zoning schemes and By Laws applicable to land use enforcement.

#### **1.1.4 “Enforcement”**

The process of ensuring compliance with laws, by-laws, rules and/or legislation applicable to land use regulation and the use of land.

#### **1.1.5 “Enforcement Spreadsheet”**

A document used to record and save all information regarding land use complaints.

#### **1.1.6 “Land”**

Means any erf or farm or portion thereof, and includes any improvement or building on the land and any real right in land within the boundaries of the Municipality of Stellenbosch.

#### **1.1.7 “Land Use Contraventions”**

The use of land which violates the permitted land use rights for which such land may be used.

#### **1.1.8 “Land Use”**

Means the purpose for which land is or may be utilised lawfully in terms of a zoning scheme or in terms of any other approval, permit or consent issued by a competent authority, and includes any conditions related to the land use.

#### **1.1.9 “Land use applications”**

An application submitted to the Municipality for the regularisation of the use of land.

#### **1.1.10 “Land Use Planning Act”**

Means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

#### **1.1.11 “Municipal area”**

Means the area of jurisdiction of a municipality determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).

1.1.12 **“Municipal Systems Act”**

Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

1.1.13 **“Municipality”**

Means the municipality of Stellenbosch established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000, and where the context so requires, includes:

- (a) the Council;
- (b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (c) the Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (d) the Municipal Manager; and
- (e) an authorised employee.

1.1.14 **“Offender”**

Person or party who violates the rule of law by utilising land for an unauthorised purpose - this may be the property owner, tenant, or business owner.

1.1.15 **“Owner”**

Means the person registered in a deeds registry or title deed as the owner of land or who is the beneficial owner in law.

1.1.16 **“Person”**

Means any natural or juristic person, including an organ of state.

1.1.17 **“By-Law (2015)”**

Means Stellenbosch Municipality: Land Use Planning By-Law October (2015).

1.1.18 **“SLA”**

Service Level Agreement.

1.1.19 **“Violations”**

An act or instance of violating law or rule of law and especially a failure to do what is required or expected by a law, rule or agreement.

1.1.20 **“WCO24”**

The entire Municipal area of Stellenbosch.

1.1.21 **“Zoning”**

Means a land use category regulating the utilisation and development of land and setting out:

- (a) the purposes for which land may be utilised; and
- (b) the development parameters applicable to that land use category, as determined by the applicable zoning scheme.

#### 1.1.22 “Zoning scheme”

System of land use management, in terms of legislation, which allocates legal rights to land within its area to develop and the erection and use of buildings within the ambit of specific conditions and control measures.

### 1.2 Policy Outline

- 1.2.1 This policy is aimed at setting out a uniform structure effectively addressing and solving all land use related complaints within the Stellenbosch Municipal (WC024) Area.
- 1.2.2 Land use enforcement has followed different forms and processes over the years and there has never been an approved policy guiding officials in dealing with illegal land use violations.
- 1.2.3 As with any municipality, Stellenbosch is plagued by various unauthorised activities. To solve these issues, a uniform methodology must be adopted that tackles land use enforcement in an assertive and structural manner within prescribed time frames, by authorized officials of the Planning and Economic Development Department.
- 1.2.4 The intention of the land use enforcement policy is to set out a transparent and uniform process in dealing with Land Use Contraventions of the applicable law. As people become more aware of the various duties of Municipalities, complaints pertaining to the use of land remains on the increase. Land use inspections also generate land use applications which are assessed by the Town Planning Department. These applications provide revenue in terms of costs related to applications.
- 1.2.5 The Stellenbosch Municipal Land Use Planning By-Law (2015) provides the mandate for a municipality to enforce planning legislation, but it does not provide guidelines to officials dealing with land use complaints.
- 1.2.6 As there is an obligation on Council to enforce compliance, the policy must guide officials in conducting their duties and in doing so make sure all complaints are dealt with in a transparent and amicable manner, so that future unauthorised activities are discouraged altogether and rate payers understand that these activities may have a detrimental effect on the neighbourhood and its surroundings.

## **SECTION 2: POLICY OBJECTIVES & LEGAL MANDATE**

### 2.1 Objectives

- 2.1.1 The approach of the Policy is to provide guidelines to authorised employees dealing with Land Use Contraventions and to ensure that the unlawful activity stops (or dealt with in terms of other laws and regulations applicable) until such time as the appropriate land use rights are in place. An Owner and Offender will be given a reasonable time period to cease such activities; these times are determined by the official and are based on the categories provided in Table 1. It is to be noted that the submission of land use applications does not condone the continuation of such activities. The town planning and enforcement process may run concurrently but are dealt with on its own merits.

- 2.1.2 The enforcement policy places the following objectives on authorised employees investigating and dealing with land use complaints:
- 2.1.2.1 That land use complaints are dealt with and resolved within stipulated time frames;
  - 2.1.2.2 That all complaints are dealt with in accordance with this policy and its guidelines in a consistent and transparent manner;
  - 2.1.2.3 That members of the public are discouraged to continue or start using properties for unauthorised activities;
  - 2.1.2.4 Authorised employees dealing with land use complaints adopt an effective and consistent approach to land use enforcement in the WC024 area.

## **2.2 Legal Mandate**

- 2.2.1 Section 152 (1) of South African Constitution stipulates the five objectives of local government, which include the promotion of social and economic development as well as safe and healthy environments.
- 2.2.2 Section 32 (1) of the Spatial Planning and Land Use Management Act 2013 applies to the Enforcement of Land Use Scheme states '*A municipality may pass by-laws aimed at enforcing its land use scheme*'.
- 2.2.3 Part 3, Section 68 and 74 of the Western Cape Land Use Planning Act, 2014 (LUPA) applies to Enforcement, Offences and Penalties.
- 2.2.4 Chapter IX Stellenbosch Municipal Land Use Planning By-Law (2015) deals with Enforcement.
- 2.2.5 This policy is in accordance with the legal requirements as set out in the applicable By-law and Municipal Systems Acts which places a responsibility on the Municipality to enforce compliance with the By-Law and Zoning Scheme Regulations.

## **2.3 Offences & Penalties**

Section 86 of the By-Law (2015) prescribes offences and penalties, which need to be adhered to and is applicable when enforcing this Policy. Such penalties can be a fine or imprisonment not exceeding 20 years or both a fine and such imprisonment when a person is guilty of an offence, as stipulated in section 86 of the By-Law (2015) and is liable on conviction.

## **SECTION 3: COMPLAINTS PROCESS**

### **3.1 Process to Lodge Complaint**

- 3.1.1 For record purposes all complaints must be submitted to the Municipality in writing as follows:
  - a) The standard land use complaint form, which is available on the Municipality's website under the Planning Portal tab: <http://www.stellenbosch.gov.za/> ;
  - b) Such form must be emailed to [zoning.violations@stellenbosch.gov.za](mailto:zoning.violations@stellenbosch.gov.za); or
  - c) A formal letter for the attention of the Director: Planning & Building Development Directorate, may be faxed (fax: 021 – 886 6899) or hand delivered or posted to the municipal offices at 17 Plein Street Stellenbosch, 7600 PO Box 17, Stellenbosch, 7599.

- 3.1.2 All complaints must contain sufficient information to enable the applicable department to investigate the matter. This includes:
- a) Full physical address of the offending property;
  - b) Precise nature of the Land Use Contravention/s (such as dates, times, frequency, intensity/extent of the contravention, etc. (if possible);
  - c) Photographs, if applicable;
  - d) The effect/impact that the contravention/s is having on the Complainant and/or the neighborhood and its surroundings;
  - e) Name, address, and contact details of the Complainant;
  - f) Preferred method of communication.
- 3.1.3 It is the Municipality's duty to enforce compliance with the relevant by-laws and zoning scheme regulations, regardless of the source or location of the complaint. The Municipality will attempt to keep all information contained in the complaint form, letter, or email anonymous during investigations. (The Municipality cannot guarantee that the information will remain anonymous). The alleged Offender and/or Owner may request such information in terms of her/his constitutional rights and therefore may apply for such information via the normal processes pertaining to access to information.
- 3.1.4 Complaints may be lodged by any person whether or not residing in the Stellenbosch area or its surroundings.
- 3.1.5 The Complainant must be advised to respect the alleged Offender and Owner's privacy, by not trespassing on his/her property and not making defamatory statements.

### **3.2 Anonymous Complaints**

- 3.2.1 The Municipality will not investigate anonymous complaints. The Complainant must be available for correspondence throughout the investigation of the case and must be made aware that they may need to provide evidence in court should they be required to do so.
- 3.2.2 All information related to a complaint must be saved on the erf file and the Land Use Contravention folder for record purposes.

### **3.3 Complaint Received and Inspection**

- 3.3.1 Once a formal complaint is received, the authorised employee must determine if the matter is a Land Use Contravention. This can be done by conducting a desktop investigation on the property to check the zoning and current land use rights.
- 3.3.2 Complaints outside the ambit of the land use enforcement environment must be referred to the relevant department and the Complainant informed thereof. Proper record of referral must be kept and acknowledged by the relevant department.
- 3.3.3 Once the Land Use Contravention has been confirmed the authorised employee must:
- 3.3.3.1 Allocate a reference number and record the complaint and all particulars on the enforcement spreadsheet;

- 3.3.3.2 Send a written acknowledgement, indicating the reference number and the details of the authorised employee dealing with complaint, within 4 (four) working days of receiving the complaint either via email or registered post to the address provided for by the Complainant. If no physical or email address is available the authorised employee must make contact with the Complainant in order to acquire these details;
- 3.3.3.3 Compile a Land Use Contravention folder with all the relevant information in order for the official to conduct inspections. This includes:
  - a) The formal complaint with all supporting documentation;
  - b) Ownership/windeed details;
  - c) Locality map indicating property location;
  - d) Copy of the acknowledgement-correspondence and all other correspondence related to the complaint;
  - e) Permitted zoning use rights applicable and/or existing use rights (if available, the zoning certificate);
  - f) Formulated notices (3 copies).
- 3.3.4 Refer completed Land Use Contravention folder to the authorized official for inspections within 4 (four) working days from the date the complaint was received.
- 3.3.5 The Land Use Contravention folder will then be checked and signed off by the authorised employee's supervisor/manager before it gets allocated to the land use Inspector to conduct inspections.
- 3.3.6 The land use Inspector must make the initial determination of whether the category of the complaint falls into Table 1 and indicate it as such. This determination may change after conducting a full investigation of the case.

### **3.4 Inspections**

- 3.4.1 Section 93 of the By-Law (2015) stipulates the General Powers and Functions of Authorised Employees, such as:
  - a) The authorised employee may enter the property **with the permission** of the Owner and/or alleged Offender, without a warrant and/or previous notice in order to ensure compliance with the By-Law (2015);
  - b) Identifying himself/herself as a designated authorised employee and indicating proof that he/she has been designated as an authorised employee for purposes of such inspection;
  - c) Being accompanied by a police officer or any other authorised third party (when need be) assisting the authorised employee with the inspection.
- 3.4.2 Once the Land Use Contravention folder has been allocated to the Inspector, he/she must:
  - a) Inspect the property within 4 (four) working days of receipt of the file. Such inspection must be made with due diligence and respect to those staying on or using the property;
  - b) Identify themselves as authorised employees, provide identification indicating this and inform the alleged Offender and Owner of the property of the purpose of the site inspection, and request to conduct an inspection to verify the use of the property in accordance with the zoning scheme

regulations and/or previous land use approvals and conditions;

- c) Make sure to obtain as much information as possible. Consider the evidence needed to institute legal proceedings, in the event of non-compliance of notices. Such as who is carrying out the Land Use Contravention, the time of the inspection, the nature and scale of the Land Use Contravention, how many people are on the property and how many are involved in the Land Use Contravention. Take photographs when necessary and check if the Complainant is available to depose to an affidavit;
- d) **Advise the alleged Offender and Owner of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015) if the alleged Offender and/or Owner refuses access to the property (“A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorized employee in the exercise of any power or the performance of any duty of that employee”);**
- e) **Send a standard letter via registered post and hand deliver a copy at the property requesting access to the property within 7 (seven) working days. If access is still denied by the alleged Offender and they have failed to respond to such letter, it will result in the Inspector producing a legal docket for an offence in terms of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015);**
- f) Keep the Complainant informed of progress via his/her preferred method of communication throughout all stages of the investigation.

3.4.3. Telephonic updates are not recommended as records of all correspondence and communication in respect of the matter must be kept on file. Email transmission is the preferred method of communication, but if no email address is available, registered post must be sent to the address provided by the Complainant.

3.4.4. An important part of conducting an inspection at any property is to provide guidance and advice to unauthorized land use operators, on how to regularize such uses. As a local authority, the Municipality promotes job creation, and needs to inform people of the way forward. Inform them of their entitlement to submit land use applications in order to conduct such activity from the property lawfully.

3.4.5. The submission of town planning applications does not offer the Offender and/or Owner temporary rights to continue with the unauthorised use of the land, the use must still cease within the prescribed time period as set out in the notice. It is only upon approval of applications that such use may operate.

### **3.5. Serving of Compliance Notices**

3.5.1 Once a Land Use Contravention has been confirmed by the Inspector, he/she must act in accordance with Section **87** of the Stellenbosch Municipality Land Use Planning By-Law (2015), which stipulates, inter alia, the following:

3.5.1.1 The Municipality must serve a compliance notice on the Offender if it has reasonable grounds to suspect that the Offender is guilty of an offence in terms of section 86 of the By-Law (2015), which compliance notice must instruct the Offender to cease the unlawful utilisation of land or construction activity or both, within the notice period provided by the Municipality, and in accordance with the Municipality’s instructions as stipulated in section 87 of the By-Law (2015), such as:

- a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;



- b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty within 30 days after approval of the utilisation; or
- c) rectify the contravention of or non-compliance with a condition of approval within a specified period.

3.5.1.2 An Offender who has received a compliance notice in terms of section 87 of the By-Law (2015), may object to such compliance notice by submitting written representations to the Municipality within 30 (thirty) days of receipt of the compliance notice.

3.5.2 The following additional Information must be taken into account when serving compliance notices:

- a) Serve the compliance notice on the Offender and Owner of the property. If he/she is not available at the time of service, it may be served on any other person over the age of 16 who resides or works at the premises;
- b) Make sure the compliance notice is addressed to the Offender and/or Owner/s as per the windeed printout;
- c) Indicate exactly how the compliance notice was served, who received and signed for it and/or if the Offender and/or any other person has refused to sign receipt thereof;
- d) If the Land Use Contravention has been confirmed, the Inspector must serve the compliance notice regardless of whether or not the Offender and/or any other persons wants to accept it.
- e) Copies of the compliance notices must also be sent via registered mail or email (if available) to the registered Owners, if they are not available at the time of inspection;
- f) Every effort must be made to serve the compliance notice personally before sending same via registered post. It is recommended that 3 (three) inspections be conducted at different times and days. If the Offender and/or Owner can still not be located, the Inspector must request assistance from their senior and only after all efforts have failed, send the notice via registered mail and also hand deliver at the property of the Owner and/or Offender.

### **3.6 Contents of compliance notice**

3.6.1 Section 88 of the By-Law (2015) prescribes the contents of compliance notices, which contents are, inter alia, the following:

- a) Identify the person to whom the compliance notice is addressed;
- b) The unlawful use of the land and/or construction activity on the land must be described;
- c) Include a statement in the compliance notice that the use of the land and/or construction activity on the land is unlawful;
- d) Inform the Offender and/or Owner of the offence/s being committed, or which has been committed, by such Offender and/or Owner, as stipulated in section 86 of the By-Law (2015);
- e) State the steps that the Offender and/or Owner must take;
- f) State the time period in which such steps must be taken in each instance;
- g) State anything the Offender and/or Owner may do and may not do, as well as the time periods applicable;

- h) Make provision in the compliance notice for the Offender and/or Owner to make representations in accordance with section 89 of the By-Law (2015) and stipulate a contact person;
- i) State the applicable warning/s on the grounds that the Offender and/or Owner may be prosecuted and convicted (as stipulated in section 86 of the By-Law (2015) should the Offender and/or Owner not comply, and if convicted, be liable for a penalty in terms of an order of court, including but not limited to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the property/land or restore the building concerned or to cease the activity;
- j) Confirm that there is an obligation on the Offender and/or Owner on whom a compliance notice is served to comply with such compliance notice within the time period stated in the compliance notice, unless:
  - a. The Offender and/or Owner has objected to the notice in terms of section 89 of the By-Law, and
  - b. The Municipality has not decided on the matter in terms of that section, or
  - c. The Municipality has agreed to suspend the operation of the compliance notice in terms of section 89(2).

### **3.7 Objections to Compliance Notice**

- 3.7.1 Objections or representations may be lodged against compliance notices in accordance with Section **89** of the By-Law (2015), by making written representations to the Municipality within 30 (thirty) days of the date of the compliance notice.
- 3.7.2 The Municipality shall consider such objections or written representations, and any other further information provided, where after the Municipality, may:
  - 3.7.2.1 suspend,
  - 3.7.2.2 confirm,
  - 3.7.2.3 vary, or
  - 3.7.2.4 withdraw, such compliance notice or any part of such compliance notice; and
  - 3.7.2.5 must specify the time period within which the Offender and/or Owner to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied.
  - 3.7.2.6 The Municipality may consider these guidelines when a decision is taken in terms of Section 89 of the By-Law (2015). This is done in view of the Policy Outline and Objectives of the policy.
    - Due consideration must be given to the Land Use Category
    - A decision taken should not exceed more than 90 days calculated from the expiry date of the notice
    - A decision to withdraw the notice must be based on prima facie proof that the land use activity in question, is in fact a lawful use
    - A decision taken must be done in order to facilitate the cessation or moving of the unlawful activity

### **3.8 Failure to comply with compliance notice**

- 3.8.1 Section **90** of the By-Law (2015) prescribes the consequences of the failure to comply with the compliance notices by the Offender and/or Owner, which are, inter alia, the following:
  - 3.8.1.1 Lay a criminal charge against the Offender and/or Owner;

3.8.1.2 Apply to the High Court for an order to:

- a) restrain the Offender and/or Owner from continuing the unlawful use of the land/property,
- b) direct the Offender and/or Owner to demolish, remove or alter any building, structure or work unlawfully erected or constructed, and/or
- c) direct the Offender and/or Owner to rehabilitate the land/property concern, without payment of compensation to the Offender and/or Owner.

### **3.9 Follow up Inspections**

3.9.1 Once the time period stipulated in the compliance notice has expired, the Inspector must conduct a follow up inspection within 3 (three) working days of the expiry date in order to establish whether the Land Use Contravention has ceased.

3.9.2 In the event that the Land Use Contravention is still continuing, the Inspector must decide:

3.9.2.1 whether or not enough evidence exists to proceed with legal action against the Offender/s and/or Owner, and if so gather the required evidence;

3.9.2.2 whether or not to proceed on criminal or civil grounds taking into account the type of land use and its effects on the surrounding residents and neighborhood.

3.9.3 If in the view of the Inspector, the Land Use Contravention has ceased, he/she must conduct an additional follow-up inspection to confirm prior to closing the case. The Inspector must be sure that the Land Use Contravention has ceased in its entirety before closing the file. If not, the Inspector may request further information from the Complainant and allow a 30 day period to provide any evidence to this effect before proceeding any further with the matter.

3.9.4 Once the Complainant provides sufficient evidence within the time period stipulated, the matter must be referred to the legal department for further action. After all the relevant evidence has been gathered for legal action, the Inspector has 5 (five) working days to submit the legal docket to the legal department for comment/approval/refusal. A separate SLA must be entered into between the legal and the Planning and Building Development Management departments for time frames with regards to acceptance of dockets and court dates.

### **3.10 Requesting Additional Evidence**

3.10.1 In the event that, after the inspections (at least 3 inspections at different times and days) were conducted by the official and he/she confirms that there is no Land Use Contravention, and/or insufficient evidence exists to proceed with the matter, he/she must inform the complainant of these findings in writing and afford him/her the opportunity to submit detailed information/evidence within 30 (thirty) days.

3.10.2 If the complaint was referred by another department, municipal employee or ward councilor the same procedure shall be applicable and adhered to as stipulated herein in respect of a Complainant.

3.10.3 The official's letter/correspondence, requesting such evidence, must be clear in advising the complainant or evidence bearer that they will be required to attest to such evidence in court as they witnessed the Land Use Contravention. In such cases the Inspector acts as a facilitator to obtain compliance.

3.10.4 Additional evidence by the Complainant and/or evidence bearer must be submitted in the form of a sworn affidavit. The Complainant must be informed that the details provided in the affidavit will form the basis of the case against the Offender and/or Owner.

- 3.10.5 If the Complainant refuses or fails to submit the requested evidence in the prescribed time frame the official will conduct a final inspection within 5 (five) days of expiration of such time frame before closing the case.

### **3.11 Compliance Certificates**

- 3.11.1 When an authorised employee is duly satisfied that the Offender and/or Owner has complied with the compliance notice, a compliance certificate may be issued as determined by the Municipality as confirmation of such compliance.
- 3.11.2 The authorised employee is obliged to submit a monthly report of all Offender and/or Owner's compliance of such compliance notice and the issuing of the compliance certificates.

### **3.12 Exclusions**

- 3.12.1 Any and all complaints related to a contravention of South African laws and regulations must be referred to the South African Police Services.
- 3.12.2 Shebeens/Taverns can be dealt with by authorised employees under this policy but the assistance of law enforcement can be requested when needed. If no assistance is forthcoming from law enforcement and or SAPS officials may follow due process by serving the relevant notices via registered post and conducting drive-by inspections.
- 3.12.3 This policy does not deal with contraventions of the National Building Regulations and Building Standards Act No 103 of 1977. All building related complaints must be referred to the Building Development Management Department for further investigation.

## **SECTION 4: COMPLAINT CATEGORIES**

- 4.1 Unauthorised activities take many forms because of different social and economic backgrounds. The policy has outlined different categories in order for the Inspector to make informed decisions whilst dealing with Land Use Contravention complaints.
- 4.2 Important factors guiding the Inspector when conducting inspections and making decisions on Land Use Contraventions refers to:
  - 4.2.1 The nature of the alleged unauthorised activity;
  - 4.2.2 Safety aspects to users, employees, and surrounding residents of the alleged activity;
  - 4.2.3 Direct impact on the surrounding neighbor's, neighborhood and environment.
- 4.3 After conducting the initial inspections, the Inspector must make a determination of the category the Land Use Contravention falls under. See Table 1 for list of categories, criteria, and time frames.

4.4 **Table 1: Land Use Contravention Category**

<b>Contravention Category</b>	<b>Contravention Descriptions</b>	<b>Remedial Actions</b>	<b>Notice Times Frames</b>	<b>To note</b>
<b>A</b>	In cases where there is a need to move and or relocate people, students, or children. If the use does not fall into any of the above criteria but requires movement of people, the Inspector along with the line manager must make the determination on the matter.	A 30 day cease notice applies but the Inspector may extend such notice for additional 90 days after considering all the facts. If extensions are granted, the owners/offenders must agree in writing and submit a written undertaking that they will cease by such date indicated in the further abovementioned notice.	30 days cease notice Maximum 90 days extension of time	Extensions can be granted after considering all the facts around the use. This together with consultations with the line manager and the complainants will determine whether such extension will be allowed. The Inspector may choose to allow an additional 30 or 60 days with a maximum of 90.
<b>B</b>	Where a Land Use Contravention poses a threat to life or has a material adverse effect on the community, land being used and surrounding environment.	Cease forthwith. The Inspector to approach legal department for urgent interdict application to interdict activity to cease.	Notice to cease immediately.	No extensions to be granted under this category.
<b>C</b>	Where Land Use Contraventions causes an adverse impact to the surrounding neighborhood, residents, and amenity of the area such as noise nuisance, traffic and parking problems, affecting property values. Due consideration must be given to air pollution & noise related complaints. The Inspectorate responsible for investigating such complaints (in terms of the Noise Control Regulations PN200/2013, the National Environmental Act No. 107 of 1998 & Air Quality Control By-Law, 2018) must be notified immediately.	A 30 day ceases notice.	30 days to cease and comply. Extensions on notices must be referred to the courts.	If the property owner/alleged offender can prove that they will be relocating or cease by the required date in an extension request, i.e. new signed lease agreement, then a reasonable extension and/or further extension may be considered by the allocated Inspector/s in his/her discretion taking into account the merits and factors of each individual situation.

<b>Contravention Category</b>	<b>Examples</b>
<b>A</b>	Schools, daycares, old age homes, stay in rehab facilities, etc.
<b>B</b>	Any use as per category A that poses a danger to life, business using noxious materials such as gasses, chemicals, etc. Agriculture land used for storage or business use where large amounts of fuel or other noxious materials are kept.
<b>C</b>	House shops, mechanical workshops, guest houses, function facilities, student accommodations, and or any other business not listed in category A & B that in the view of the Inspector causes an adverse impact on the surroundings.

## **SECTION 5: COMMUNICATION**

### **5.1 Communication Format**

All communication between the authorised employees and Complainants must take the form of standardised letters approved by the Municipality. All correspondence must be sent via registered post or email and detailed records must be kept at all times throughout the investigation.

For effective and speedy service delivery all communication must follow the below timeframes.

### **5.2 Table 2: Communication Timeframe Table**

<b>Communication Type</b>	<b>Number of Days</b>
Complaint Acknowledgement Letter	Within 4 (four) working days of receipt of complaint
Notice Served Letter	Within 2 (two) working days after the notice was served
Request for further information	Within 2 (two) working days after the last inspection has been conducted
Closing Letter	Sent within 3 (Three) working days after the final inspection and confirmation of matter complied
Court Outcomes Letter	Sent within 3 (Three) working days of court outcome

### **5.3 Telephonic communication**

Telephonic communication regarding cases is strongly prohibited as no records or calls can be recorded. Telephonic calls to Complainants must only be done in cases where no email or physical postal address for registered post exists. If so all conversations must be fully recorded by the authorised employee in the Land Use Contravention folder, i.e. time and date of call and what was discussed.

## **SECTION 6: APPLICABLE LEGISLATION**

The following legislation applies to this policy.

6.1 Spatial Planning and Land Use Management Act, 2013: Section 32 applies to the Enforcement of Land Use Scheme. Section 32. (1) in particular states 'A municipality may pass by-laws aimed at enforcing its land use scheme'.

6.2 Western Cape Land Use Planning Act, 2014: Part 3, section 68 -74 apply to Enforcement, Offences and Penalties.

6.3 Stellenbosch Municipal Land Use Planning By-Law (2015): Chapter IX, sections 85-99; Enforcement of the Municipality.

**SECTION 7: POLICY COMPLIANCE**

All authorized officials using this policy are expected to comply with the contents and guidelines provided herein. Employees who fail to comply must be subjected to disciplinary actions by line managers whilst offending parties will face civil or criminal litigation.

**SECTION 8: APPROVAL & IMPLEMENTATION**

The land use enforcement policy for the Stellenbosch Municipality has been approved by Council on the \_\_\_\_\_.

The policy comes into effect as of the date indicated above and will remain in place until such time that it is reviewed on an annual basis.



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

File Reference Number:  
 Enquiries:  
 Contact No:  
 Email address:  
 Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name & Surname Recipient  
 Physical Address (registered mail or personal service)  
 E mail Address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON FARM/ERF/PHYSICAL ADDRESS**  
**REQUEST FOR ACCESS TO PREMISES:**

1. Please take note that on DATE a complaint was received against you for: DESCRIBE ACTIVITY
2. The allocated Inspector/s in respect of the Land Use Contravention on the premises was unable to gain access to the premises on DATE, in order to investigate a complaint/enquiry about an alleged Land Use Contravention in terms of the Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning by-Law 2015.
3. Please take note of Section 86(1)(f) of the By-Law, which stipulates:  
*'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee.'*
4. Take further note of Section 93 of the by-Law, which stipulates inter alia:  
*'(1) an authorised employee may, with the permission of the occupier or owner of land without a warrant and without previous notice, enter upon land or premises or either a building at any reasonable time for the purpose of ensuring compliance with this By-law. (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1). (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.'*
5. The allocated Inspector/s, INSPECTOR DETAILS will inspect your property on DATE. Kindly provide him/her with proper access to the property as required herein. Should the inspection for any valid reason not be possible on DATE at TIME, please inform the Inspector thereof within 5 (five) days of the date of this letter. The Inspector's telephone number is \_\_\_\_\_ and/or email at \_\_\_\_\_.
6. The Inspector is available between 08h00 and 16h00, Monday to Friday.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**





Reference Number:

Enquiries:

Contact No:

Email Address:

Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON ERF/FARM/PHYSICAL ADDRESS**  
**REQUEST FOR ADDITIONAL INFORMATION:**

We refer to your complaint with REF NO. and we would like to confirm the following:

1. The allocated inspector has investigated your complaint and such investigation reveals that the abovementioned property is being used for INDICATE THE USE (as per zoning and/or approval) purposes.
2. Such land use is permitted in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015
3. However, if you have any evidence which indicates that the property is being used for a purpose other than that set out above or as per your complaint with REF NO. , please furnish such evidence to our offices at the above address on or before DATE.
4. On receipt of such further evidence, this matter shall be further investigated. If no further information is received by the date mentioned herein, this matter will be closed.
5. Please take note of the following.
  - a) In order to achieve a successful prosecution, the person who witnessed the land use contravention needs to provide such evidence and give evidence in court. (the allocated inspector/s has not established a land use contravention on the premises and therefore you will need to provide the required evidence in order to proceed effectively)
  - b) Please provide inter alia accurate details of dates and times when the land use contravention happens as you will also be required to provide this evidence in court when requested to do so. Please only provide facts, and not what you suspect. If the activity involves cars, people or staff visiting or coming to and from the premises, please provide all the necessary details.
  - c) Please respect your neighbours right to privacy by not intruding on their personal space. If you require taking pictures, please do so from the comfort of your won premises or municipal areas outside such property's boundaries at which such alleged land use contravention takes place.
  - d) Please provide all evidence in the form of a sworn affidavit.

Yours faithful

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our File Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

**CLOSING OF COMPLAINT:**

1. The Municipality refers to the complaint with REF NO. and would like to confirm the following:
  - 1.1. The Municipality wishes to advise that the allocated Inspectors follow up inspection at the premises revealed that the land use contravention at the premises has ceased and/or the property owners/offenders have complied with the conditions of approval in respect of land use rights.
  - 1.2. Please feel free to contact the Municipality if the land use contravention resumes in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015.
2. Please note that as for the reasons mentioned above the matter is regarded as closed.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning and Economic Development

Our File Reference Number:

Enquiries:

Contact No:

Email address:

Date:

**PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL**

Name & Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION OF FARM/ERF/PHYSICAL ADDRESS**

**COMPLAINT ACKNOWLEDGEMENT:**

With reference to your complaint received on DATE I wish to advise as follows:

1. Your complaint will be investigated in accordance with the Stellenbosch Municipality Land Use Planning By-Law (2015) and a detailed response will be directed to you in due course.
2. It has been referred to INSPECTOR NAME who will investigate the alleged land use contravention.
3. The Municipality will report back on the complaint within 30 days.
4. Please quote the following reference number for all queries related hereto: Farm 1077 Paarl.
5. You are advised that all communication with you will be done via e-mail unless you notify me in writing of an alternative preferred method of communication.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

**COMPLIANCE CERTIFICATE**

**COMPLIANCE CERTIFICATE: DESCRIPTION OF ACTIVITY**

1. Our compliance notice dated refer(s).
2. This compliance certificate is issued in terms of section 91 of the Stellenbosch Municipal Land Use Planning By-law, 2015 to confirm you complied with the aforementioned compliance notice.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:  
Enquiries:  
Contact No:  
Email Address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Dear Sir/Madam  
Physical Address (registered mail or personal service)  
E mail Address (via e mail)

**ALLEGED LAND USE CONTRAVENTION OF PREMISES FARM/ERF/PHYSICAL ADDRESS**

**COURT OUTCOME:**

We refer to your complaint with REF NO. and we would like to confirm the following:

1. Please be advised that NAME OF OFFENDER appeared in court on DATE , the outcome was as follow:

(INDICATE THE COURT OUTCOME)

(Delete sections not applicable, chose either 2 or 3)

2. You will be informed of any progress after the next court date.
3. This matter will be monitored accordingly, and if the land use contravention continues, further legal action will be instituted.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number:  
Enquiries:  
Contact no:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**NOTIFICATION: ALLEGED LAND USE CONTRAVENTION ITO SECTION 87(2) OF THE STELLENBOSCH LAND USE PLANNING BY-LAW 2015: ERF/FARM/PHYSICAL ADDRESS**

This Municipality has reasonable grounds to suspect that you are going to make yourself guilty of an offence(s) in terms of Section 86 (1) (make sure the correct section is quoted) of the Stellenbosch Municipal Land Use Planning By-law 2015 ('the By-Law):

*'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both and such imprisonment if he or she –*

*(b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality'*

It has come to the attention of this office that an (STATE ACTIVITY) is planned on FARM/ERF/PHYSICAL ADDRESS, on the DATE as can be seen by (state where the information was obtained).

Please be informed that the zoning of the property in question is that of ZONING OF PROPERTY only. The property may not be utilised for purposes of (STATE THE ACTIVITY), without the necessary approval in terms of the Stellenbosch Municipal Land Use Planning By-law 2015.

An inspection of the property file indicated that no land use approval was granted (STATE THE ACTIVITY) at the property in question.

You are advised to take note of this warning and to cease any plans of proceeding with this anticipated activity without delay. Failure to comply will make you liable for possible prosecution in terms of the Stellenbosch Land Use Planning By-Law, 2015.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/PER E MAIL**

Name/Surname of recipient  
Address (registered mail or personal service)  
E mail Address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

**RESPONSE TO OBJECTION/REPRESENTATION SUBMITTED TO NOTICE:**

**DESCRIPTION OF ILLEGAL ACTIVITY/PROPERTY DESCRIPTION**

3. Our notice dated ( \_/ \_/ \_ ) and your subsequent written objection/representations to the compliance notice served in terms of section 87 of the Stellenbosch Municipal Land Use Planning By-law refer(s).  
(delete which is not applicable)
4. We have considered your representation, and hereby:
  - (a) Suspend or confirm or vary or withdraw the compliance notice or any part of the compliance notice in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-Law of the said legislation; in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-law of the said legislation; and/or
  - (b) Confirm that you have specify time period to comply with any part of the compliance notice that is confirmed or varied.

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



File Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL**

Dear Sir/Madam  
Physical Address (registered mail or personal service)  
E mail Address (via e mail)

**ALLEGED LAND USE CONTRAVENTION OF PREMISES FARM/ERF/PHYSICAL ADDRESS**

**SERVING OF COMPLIANCE NOTICE:**

We refer to your complaint with REF NO. and we would like to confirm the following:

1. The inspection was held on DATE and the allocated employee has established the following:  
  
A portion of the property is used to operate a DESCRIPTION OF ACTIVITY.
2. The owner and operators has been instructed to act in accordance with the applicable laws and regulations, as well as with the Stellenbosch Municipality Land Use Planning By-Law (2015), and has been served with a compliance notice to cease the activity within 30 (thirty) days calculated from the DATE OF SERVICE.
3. Please take note of the following:
  - a. Whilst the owners/alleged offenders are still within their notice period as mentioned above, and may apply to Council for the appropriate land use rights via a land use application, they must still cease the land use contravention within the period set out in the notice.
  - b. Criminal prosecution via court proceedings is the preferred method of instituting legal action. It can take several months/years to obtain a criminal conviction and/or order of court compelling the owners/alleged offenders to cease the land use contravention and/or comply with such compliance notice. This is a separate process subject to all laws and regulations applicable thereto.
  - c. In the event of court action, you may be required to give evidence/testimony during the hearing of this matter in court, but will be informed in due time if such evidence/testimony is required.
4. You will be advised of any progress after follow up inspections have been conducted.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



# **APPENDIX 2**

<b>7.7</b>	<b>PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]</b>
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<b>7.7.1</b>	<b>DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY , MARCH 2019</b>
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Collaborator No: 643770  
IDP KPA Ref No:  
Meeting Date: 2019-05-21

**1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019**

**2. PURPOSE**

To request Council's approval for public consultation of the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The increased number of land use complaints within the district of Stellenbosch Municipality, necessitated the formulation of the Land Use Enforcement Inspectorate, within Land Use Management. The positions within the Land Use Inspectorate include the following positions:

- Senior Land Use Inspector (x2)
- Land Use Inspector (x2)
- Administrative Officer (x2)

Once the unit was formed it became clear that identifiable processes and procedures were required, in order to ensure effective and efficient land use enforcement methods. The formulation and approval of a Land Use Enforcement Policy will set the standard for uniformity when these enforcement methods are applied.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.7.1**

**RESOLVED** (majority vote)

- (a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and
- (b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, whereafter same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.

<b>7.7</b>	<b>PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]</b>
<b>7.7.1</b>	<b>DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY , MARCH 2019</b>

**Collaborator No:** 643770  
**IDP KPA Ref No:**  
**Meeting Date:** 2019-05-21

**1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019**

**2. PURPOSE**

To request Council's approval for public consultation of the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The increased number of land use complaints within the district of Stellenbosch Municipality, necessitated the formulation of the Land Use Enforcement Inspectorate, within Land Use Management. The positions within the Land Use Inspectorate include the following positions:

- Senior Land Use Inspector (x2)
- Land Use Inspector (x2)
- Administrative Officer (x2)

Once the unit was formed it became clear that identifiable processes and procedures were required, in order to ensure effective and efficient land use enforcement methods. The formulation and approval of a Land Use Enforcement Policy will set the standard for uniformity when these enforcement methods are applied.

**5. RECOMMENDATIONS**

- (a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and
- (b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment, whereafter same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

The purpose of this policy is to provide an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area and to set out the responsibilities of the relevant parties involved in the process.

Unauthorised uses may have negative impact on surrounding properties and the community in which they operate. The draft policy takes into consideration current unauthorized land-use challenges in the Stellenbosch WC024 area. At present, there are approximately 110 active land use contraventions in various stages of investigations and/or prosecutions within Stellenbosch Municipal area which are being dealt with in terms of Chapter IX of the Stellenbosch Municipal Land Use Planning By-Law, October 2015. This policy was developed as the said By-Law cannot adequately address the various stages within the land use enforcement investigation process.

## 6.2 Discussion

The unauthorised use of land has been identified as a challenging issue to ratepayers and officials dealing with these complaints.

The Municipality has a legal obligation to comply with and enforce the provisions of the Stellenbosch Municipal Land Use Planning By-Law, 2015 but does not have a policy to deal with land use enforcement processes. The Municipality must also comply and enforce compliance with the provisions of a Zoning Scheme, all conditions imposed in terms of planning legislation as well as title deed conditions.

The following legislation applies to this draft policy:

- (a) Section 152 (1) of the Constitution stipulates the five objectives of local government which include the promotion of social and economic development, as well as safe and healthy environments;
- (b) Sections 156(2) and (5) of the Constitution provides that a municipality may make and administer By-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions; and
- (c) Part B of Schedule 4 to the Constitution lists building regulations and Municipal Planning as local government matters to the extent set out in section 155(6) (a) and (7).
- (d) Section 12 of the National Building Regulations and Building Standards Act, 103 of 1977 permits an authorized official to serve written notice on the owner of any building or excavated land which has been declared a problem building, requiring such owner within a specified period to:
  - clean, repair, renovate, repaint, alter, close, demolish or secure such building;
  - complete the building or any structure of such building;
  - enclose, secure, fence or barricade such problem building or land;
  - instruct at the cost of such owner, an architect or other registered competent person as contemplated in Part AZ4 of the National Building Regulations, to investigate such building and to report to the authorized official on the nature and extent of the steps to be taken to render such problem building safe or to rectify the deficiency which caused the building to be declared a problem building;
  - comply with any provision of this By-law.
- (e) The draft Land Use Enforcement policy is aligned with the parameters and definitions of the *draft Stellenbosch Municipality Integrated Zoning Scheme, 2017* to ensure consistency between the two documents.

- (f) Section 32 of the *Spatial Planning and Land Use Management Act, 2013* applies to the Enforcement of Land Use Schemes which in particular states that a municipality may pass by-laws aimed at enforcing its land use scheme.
- (g) Sections 68 -74 of the *Western Cape Land Use Planning Act, 2014* applies to Enforcement, Offences and Penalties.
- (h) Sections 85-99, Chapter IX of the *Stellenbosch Municipal Land Use Planning By-Law, October 2015* applies to Enforcement of the Municipality. Section 85 stipulates as follows:

(1) *The Municipality must comply and enforce compliance with—*

(a) *the provisions of this By-law;*

(b) *the provisions of a zoning scheme;*

(c) *conditions imposed in terms of this By-law or previous planning legislation;*  
*and*

(d) *title deed conditions.*

- (2) *The Municipality may not do anything that is in conflict with subsection (1).*

Chapter IX, consists of the following sections:

- Enforcement,
- Offences and penalties,
- Serving of compliance notices,
- Contents of compliance notice,
- Objections to compliance notice,
- Failure to comply with compliance notice,
- Compliance certificates,
- Urgent matters,
- General powers and functions of authorised employees,
- Powers of entry, search and seizure,
- Warrant of entry for enforcement purposes,
- Regard to decency and order and,
- Enforcement litigation.

This policy addresses the essential criteria as stipulated in the relevant land use planning legislation, required for the effective administrative procedures in order to guide the various departmental functions relating to land use enforcement.

### **6.3 Financial Implications**

Standard costs are applicable in relation to the submission and approval of a Council Policy, by relevant statutory bodies.

### **6.4 Legal Implications**

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

### **6.5 Staff Implications**

None

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

None

**6.7 Risk implications**

The failure to bring about standardise processes and procedures with Land Use Enforcement, could result in the unequal application of land use enforcement processes.

**6.8 Comments from Management**

Supports item

**MAYORAL COMMITTEE MEETING: 2019-05-21: ITEM 7.7.1**

During deliberations on the matter, the following amendments were proposed and included on the Land Use Enforcement Policy:

**Section 3: Complaints Process 3.1.1 (c) (Page 6 of 15)**

Where it reads: "a formal letter must be faxed for the attention....." as mentioned in (c), additional methods of delivery were added.

**Table 1: Land Use Contravention Category (Page 14 of 15)**

Added a paragraph on air pollution and noise related matters (including reference to the applicable legislation).

**RECOMMENDATIONS FROM THE EXECUTIVE MAYOR, IN CONSULTATION WITH THE EXECUTIVE MAYORAL COMMITTEE, TO COUNCIL: 2019-05-21: ITEM 7.7.1**

- (a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and
- (b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, whereafter same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.

**ANNEXURES**

**Appendix 1:** Draft Land Use Enforcement Policy, March 2019

**Appendix 2:** Land Use Enforcement Templates (10) for correspondence.

**FOR FURTHER DETAILS CONTACT:**

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# **APPENDIX 1**



**STELLENBOSCH**

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## **LAND USE ENFORCEMENT POLICY**

(FOR INTERNAL USE)

### **STELLENBOSCH MUNICIPALITY (WC024)**

APPROVED BY COUNCIL : \_\_\_\_\_

DATE EFFECTIVE : \_\_\_\_\_

#### **DISCLAIMER**

This draft policy reflects the preliminary views of the Stellenbosch Municipality. It should be noted that the document has been created to facilitate an effective system with uniform and transparent approaches to land use enforcement within the Stellenbosch WC024 area.



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## **SECTION 1: DEFINITIONS AND POLICY OUTLINE**

### **1.1 Definitions**

#### **1.1.1 “Authorised employee” / “Inspector”**

Means a municipal employee who is authorised in terms of delegated or sub-delegated authority by the Municipality to exercise a power or perform a duty in terms of this Policy or to inspect land and buildings in order to enforce compliance with the By-Law (2015) or the zoning scheme.

#### **1.1.2 “Business Owners/Operators”**

Persons operating and owning the business operating on the applicable land/property.

#### **1.1.3 “Compliance”**

Means conforming to the applicable rule, policy or law, i.e. notices, zoning schemes and By Laws applicable to land use enforcement.

#### **1.1.4 “Enforcement”**

The process of ensuring compliance with laws, by-laws, rules and/or legislation applicable to land use regulation and the use of land.

#### **1.1.5 “Enforcement Spreadsheet”**

A document used to record and save all information regarding land use complaints.

#### **1.1.6 “Land”**

Means any erf or farm or portion thereof, and includes any improvement or building on the land and any real right in land within the boundaries of the Municipality of Stellenbosch.

#### **1.1.7 “Land Use Contraventions”**

The use of land which violates the permitted land use rights for which such land may be used.

#### **1.1.8 “Land Use”**

Means the purpose for which land is or may be utilised lawfully in terms of a zoning scheme or in terms of any other approval, permit or consent issued by a competent authority, and includes any conditions related to the land use.

#### **1.1.9 “Land use applications”**

An application submitted to the Municipality for the regularisation of the use of land.

#### **1.1.10 “Land Use Planning Act”**

Means the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

#### **1.1.11 “Municipal area”**

Means the area of jurisdiction of a municipality determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998).

1.1.12 **“Municipal Systems Act”**

Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

1.1.13 **“Municipality”**

Means the municipality of Stellenbosch established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), by Provincial Notice No. 479 dated 22 December 2000, and where the context so requires, includes:

- (a) the Council;
- (b) another political structure or a political office bearer of the Municipality, authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (c) the Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (d) the Municipal Manager; and
- (e) an authorised employee.

1.1.14 **“Offender”**

Person or party who violates the rule of law by utilising land for an unauthorised purpose - this may be the property owner, tenant, or business owner.

1.1.15 **“Owner”**

Means the person registered in a deeds registry or title deed as the owner of land or who is the beneficial owner in law.

1.1.16 **“Person”**

Means any natural or juristic person, including an organ of state.

1.1.17 **“By-Law (2015)”**

Means Stellenbosch Municipality: Land Use Planning By-Law October (2015).

1.1.18 **“SLA”**

Service Level Agreement.

1.1.19 **“Violations”**

An act or instance of violating law or rule of law and especially a failure to do what is required or expected by a law, rule or agreement.

1.1.20 **“WCO24”**

The entire Municipal area of Stellenbosch.

1.1.21 **“Zoning”**

Means a land use category regulating the utilisation and development of land and setting out:

- (a) the purposes for which land may be utilised; and
- (b) the development parameters applicable to that land use category, as determined by the applicable zoning scheme.

#### 1.1.22 “Zoning scheme”

System of land use management, in terms of legislation, which allocates legal rights to land within its area to develop and the erection and use of buildings within the ambit of specific conditions and control measures.

### 1.2 Policy Outline

- 1.2.1 This policy is aimed at setting out a uniform structure effectively addressing and solving all land use related complaints within the Stellenbosch Municipal (WC024) Area.
- 1.2.2 Land use enforcement has followed different forms and processes over the years and there has never been an approved policy guiding officials in dealing with illegal land use violations.
- 1.2.3 As with any municipality, Stellenbosch is plagued by various unauthorised activities. To solve these issues, a uniform methodology must be adopted that tackles land use enforcement in an assertive and structural manner within prescribed time frames, by authorized officials of the Planning and Economic Development Department.
- 1.2.4 The intention of the land use enforcement policy is to set out a transparent and uniform process in dealing with Land Use Contraventions of the applicable law. As people become more aware of the various duties of Municipalities, complaints pertaining to the use of land remains on the increase. Land use inspections also generate land use applications which are assessed by the Town Planning Department. These applications provide revenue in terms of costs related to applications.
- 1.2.5 The Stellenbosch Municipal Land Use Planning By-Law (2015) provides the mandate for a municipality to enforce planning legislation, but it does not provide guidelines to officials dealing with land use complaints.
- 1.2.6 As there is an obligation on Council to enforce compliance, the policy must guide officials in conducting their duties and in doing so make sure all complaints are dealt with in a transparent and amicable manner, so that future unauthorised activities are discouraged altogether and rate payers understand that these activities may have a detrimental effect on the neighbourhood and its surroundings.

## **SECTION 2: POLICY OBJECTIVES & LEGAL MANDATE**

### 2.1 Objectives

- 2.1.1 The approach of the Policy is to provide guidelines to authorised employees dealing with Land Use Contraventions and to ensure that the unlawful activity stops (or dealt with in terms of other laws and regulations applicable) until such time as the appropriate land use rights are in place. An Owner and Offender will be given a reasonable time period to cease such activities; these times are determined by the official and are based on the categories provided in Table 1. It is to be noted that the submission of land use applications does not condone the continuation of such activities. The town planning and enforcement process may run concurrently but are dealt with on its own merits.
- 2.1.2 The enforcement policy places the following objectives on authorised employees investigating and dealing with land use complaints:

- 2.1.2.1 That land use complaints are dealt with and resolved within stipulated time frames;
- 2.1.2.2 That all complaints are dealt with in accordance with this policy and its guidelines in a consistent and transparent manner;
- 2.1.2.3 That members of the public are discouraged to continue or start using properties for unauthorised activities;
- 2.1.2.4 Authorised employees dealing with land use complaints adopt an effective and consistent approach to land use enforcement in the WC024 area.

## **2.2 Legal Mandate**

- 2.2.1 Section 152 (1) of South African Constitution stipulates the five objectives of local government, which include the promotion of social and economic development as well as safe and healthy environments.
- 2.2.2 Section 32 (1) of the Spatial Planning and Land Use Management Act 2013 applies to the Enforcement of Land Use Scheme states '*A municipality may pass by-laws aimed at enforcing its land use scheme*'.
- 2.2.3 Part 3, Section 68 and 74 of the Western Cape Land Use Planning Act, 2014 (LUPA) applies to Enforcement, Offences and Penalties.
- 2.2.4 Chapter IX Stellenbosch Municipal Land Use Planning By-Law (2015) deals with Enforcement.
- 2.2.5 This policy is in accordance with the legal requirements as set out in the applicable By-law and Municipal Systems Acts which places a responsibility on the Municipality to enforce compliance with the By-Law and Zoning Scheme Regulations.

## **2.3 Offences & Penalties**

Section 86 of the By-Law (2015) prescribes offences and penalties, which need to be adhered to and is applicable when enforcing this Policy. Such penalties can be a fine or imprisonment not exceeding 20 years or both a fine and such imprisonment when a person is guilty of an offence, as stipulated in section 86 of the By-Law (2015) and is liable on conviction.

## **SECTION 3: COMPLAINTS PROCESS**

### **3.1 Process to Lodge Complaint**

- 3.1.1 For record purposes all complaints must be submitted to the Municipality in writing as follows:
  - a) The standard land use complaint form, which is available on the Municipality's website under the Planning Portal tab: <http://www.stellenbosch.gov.za/> ;
  - b) Such form must be emailed to [zoning.violations@stellenbosch.gov.za](mailto:zoning.violations@stellenbosch.gov.za); or
  - c) A formal letter for the attention of the Director: Planning & Building Development Directorate, may be faxed (fax: 021 – 886 6899) or hand delivered or posted to the municipal offices at 17 Plein Street Stellenbosch, 7600 PO Box 17, Stellenbosch, 7599.
- 3.1.2 All complaints must contain sufficient information to enable the applicable department to investigate the matter. This includes:

- a) Full physical address of the offending property;
- b) Precise nature of the Land Use Contravention/s (such as dates, times, frequency, intensity/extent of the contravention, etc. (if possible);
- c) Photographs, if applicable;
- d) The effect/impact that the contravention/s is having on the Complainant and/or the neighborhood and its surroundings;
- e) Name, address, and contact details of the Complainant;
- f) Preferred method of communication.

3.1.3 It is the Municipality's duty to enforce compliance with the relevant by-laws and zoning scheme regulations, regardless of the source or location of the complaint. The Municipality will attempt to keep all information contained in the complaint form, letter, or email anonymous during investigations. (The Municipality cannot guarantee that the information will remain anonymous). The alleged Offender and/or Owner may request such information in terms of her/his constitutional rights and therefore may apply for such information via the normal processes pertaining to access to information.

3.1.4 Complaints may be lodged by any person whether or not residing in the Stellenbosch area or its surroundings.

3.1.5 The Complainant must be advised to respect the alleged Offender and Owner's privacy, by not trespassing on his/her property and not making defamatory statements.

### **3.2 Anonymous Complaints**

3.2.1 The Municipality will not investigate anonymous complaints. The Complainant must be available for correspondence throughout the investigation of the case and must be made aware that they may need to provide evidence in court should they be required to do so.

3.2.2 All information related to a complaint must be saved on the erf file and the Land Use Contravention folder for record purposes.

### **3.3 Complaint Received and Inspection**

3.3.1 Once a formal complaint is received, the authorised employee must determine if the matter is a Land Use Contravention. This can be done by conducting a desktop investigation on the property to check the zoning and current land use rights.

3.3.2 Complaints outside the ambit of the land use enforcement environment must be referred to the relevant department and the Complainant informed thereof. Proper record of referral must be kept and acknowledged by the relevant department.

3.3.3 Once the Land Use Contravention has been confirmed the authorised employee must:

3.3.3.1 Allocate a reference number and record the complaint and all particulars on the enforcement spreadsheet;

3.3.3.2 Send a written acknowledgement, indicating the reference number and the details of the authorised employee dealing with complaint, within 4 (four) working days of receiving the complaint either via email or registered post to the address provided for by the Complainant. If no physical or email address is available the authorised employee must make contact with the Complainant in order to acquire these details;

- 3.3.3.3 Compile a Land Use Contravention folder with all the relevant information in order for the official to conduct inspections. This includes:
- a) The formal complaint with all supporting documentation;
  - b) Ownership/windeed details;
  - c) Locality map indicating property location;
  - d) Copy of the acknowledgement-correspondence and all other correspondence related to the complaint;
  - e) Permitted zoning use rights applicable and/or existing use rights (if available, the zoning certificate);
  - f) Formulated notices (3 copies).
- 3.3.4 Refer completed Land Use Contravention folder to the authorized official for inspections within 4 (four) working days from the date the complaint was received.
- 3.3.5 The Land Use Contravention folder will then be checked and signed off by the authorised employee's supervisor/manager before it gets allocated to the land use Inspector to conduct inspections.
- 3.3.6 The land use Inspector must make the initial determination of whether the category of the complaint falls into Table 1 and indicate it as such. This determination may change after conducting a full investigation of the case.

#### **3.4 Inspections**

- 3.4.1 Section 93 of the By-Law (2015) stipulates the General Powers and Functions of Authorised Employees, such as:
- a) The authorised employee may enter the property **with the permission** of the Owner and/or alleged Offender, without a warrant and/or previous notice in order to ensure compliance with the By-Law (2015);
  - b) Identifying himself/herself as a designated authorised employee and indicating proof that he/she has been designated as an authorised employee for purposes of such inspection;
  - c) Being accompanied by a police officer or any other authorised third party (when need be) assisting the authorised employee with the inspection.
- 3.4.2 Once the Land Use Contravention folder has been allocated to the Inspector, he/she must:
- a) Inspect the property within 4 (four) working days of receipt of the file. Such inspection must be made with due diligence and respect to those staying on or using the property;
  - b) Identify themselves as authorised employees, provide identification indicating this and inform the alleged Offender and Owner of the property of the purpose of the site inspection, and request to conduct an inspection to verify the use of the property in accordance with the zoning scheme regulations and/or previous land use approvals and conditions;

- c) Make sure to obtain as much information as possible. Consider the evidence needed to institute legal proceedings, in the event of non-compliance of notices. Such as who is carrying out the Land Use Contravention, the time of the inspection, the nature and scale of the Land Use Contravention, how many people are on the property and how many are involved in the Land Use Contravention. Take photographs when necessary and check if the Complainant is available to depose to an affidavit;
- d) Advise the alleged Offender and Owner of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015) if the alleged Offender and/or Owner refuses access to the property (“A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorized employee in the exercise of any power or the performance of any duty of that employee”);
- e) Send a standard letter via registered post and hand deliver a copy at the property requesting access to the property within 7 (seven) working days. If access is still denied by the alleged Offender and they have failed to respond to such letter, it will result in the Inspector producing a legal docket for an offence in terms of section 86(1)(f) of the Stellenbosch Municipality Land Use Planning By-Law (2015);
- f) Keep the Complainant informed of progress via his/her preferred method of communication throughout all stages of the investigation.
- 3.4.3. Telephonic updates are not recommended as records of all correspondence and communication in respect of the matter must be kept on file. Email transmission is the preferred method of communication, but if no email address is available, registered post must be sent to the address provided by the Complainant.
- 3.4.4. An important part of conducting an inspection at any property is to provide guidance and advice to unauthorized land use operators, on how to regularize such uses. As a local authority, the Municipality promotes job creation, and needs to inform people of the way forward. Inform them of their entitlement to submit land use applications in order to conduct such activity from the property lawfully.
- 3.4.5. The submission of town planning applications does not offer the Offender and/or Owner temporary rights to continue with the unauthorised use of the land, the use must still cease within the prescribed time period as set out in the notice. It is only upon approval of applications that such use may operate.
- 3.5. Serving of Compliance Notices**
- 3.5.1 Once a Land Use Contravention has been confirmed by the Inspector, he/she must act in accordance with Section 87 of the Stellenbosch Municipality Land Use Planning By-Law (2015), which stipulates, inter alia, the following:
- 3.5.1.1 The Municipality must serve a compliance notice on the Offender if it has reasonable grounds to suspect that the Offender is guilty of an offence in terms of section 86 of the By-Law (2015), which compliance notice must instruct the Offender to cease the unlawful utilisation of land or construction activity or both, within the notice period provided by the Municipality, and in accordance with the Municipality’s instructions as stipulated in section 87 of the By-Law (2015), such as:
- a) demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned to its original form or to cease the activity, as the case may be, within the period determined by the Municipal Manager;



- b) submit an application for the approval of the utilisation of the land or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty within 30 days after approval of the utilisation; or
  - c) rectify the contravention of or non-compliance with a condition of approval within a specified period.
- 3.5.1.2 An Offender who has received a compliance notice in terms of section 87 of the By-Law (2015), may object to such compliance notice by submitting written representations to the Municipality within 30 (thirty) days of receipt of the compliance notice.
- 3.5.2 The following additional Information must be taken into account when serving compliance notices:
- a) Serve the compliance notice on the Offender and Owner of the property. If he/she is not available at the time of service, it may be served on any other person over the age of 16 who resides or works at the premises;
  - b) Make sure the compliance notice is addressed to the Offender and/or Owner/s as per the windeed printout;
  - c) Indicate exactly how the compliance notice was served, who received and signed for it and/or if the Offender and/or any other person has refused to sign receipt thereof;
  - d) If the Land Use Contravention has been confirmed, the Inspector must serve the compliance notice regardless of whether or not the Offender and/or any other persons wants to accept it.
  - e) Copies of the compliance notices must also be sent via registered mail or email (if available) to the registered Owners, if they are not available at the time of inspection;
  - f) Every effort must be made to serve the compliance notice personally before sending same via registered post. It is recommended that 3 (three) inspections be conducted at different times and days. If the Offender and/or Owner can still not be located, the Inspector must request assistance from their senior and only after all efforts have failed, send the notice via registered mail and also hand deliver at the property of the Owner and/or Offender.
- 3.6 Contents of compliance notice**
- 3.6.1 Section 88 of the By-Law (2015) prescribes the contents of compliance notices, which contents are, inter alia, the following:
- a) Identify the person to whom the compliance notice is addressed;
  - b) The unlawful use of the land and/or construction activity on the land must be described;
  - c) Include a statement in the compliance notice that the use of the land and/or construction activity on the land is unlawful;
  - d) Inform the Offender and/or Owner of the offence/s being committed, or which has been committed, by such Offender and/or Owner, as stipulated in section 86 of the By-Law (2015);
  - e) State the steps that the Offender and/or Owner must take;
  - f) State the time period in which such steps must be taken in each instance;
  - g) State anything the Offender and/or Owner may do and may not do, as well as the time periods applicable;

- h) Make provision in the compliance notice for the Offender and/or Owner to make representations in accordance with section 89 of the By-Law (2015) and stipulate a contact person;
- i) State the applicable warning/s on the grounds that the Offender and/or Owner may be prosecuted and convicted (as stipulated in section 86 of the By-Law (2015) should the Offender and/or Owner not comply, and if convicted, be liable for a penalty in terms of an order of court, including but not limited to demolish, remove or alter any building, structure or work unlawfully erected or constructed or to rehabilitate the property/land or restore the building concerned or to cease the activity;
- j) Confirm that there is an obligation on the Offender and/or Owner on whom a compliance notice is served to comply with such compliance notice within the time period stated in the compliance notice, unless:
  - a. The Offender and/or Owner has objected to the notice in terms of section 89 of the By-Law, and
  - b. The Municipality has not decided on the matter in terms of that section, or
  - c. The Municipality has agreed to suspend the operation of the compliance notice in terms of section 89(2).

### **3.7 Objections to Compliance Notice**

- 3.7.1 Objections may be lodged against compliance notices in accordance with Section **89** of the By-Law (2015), by making written representations to the Municipality within 30 (thirty) days of the date of the compliance notice.
- 3.7.2 The Municipality shall consider such objections or written representations, and any other further information provided, where after the Municipality, may:
  - 3.7.2.1 suspend,
  - 3.7.2.2 confirm,
  - 3.7.2.3 vary, or
  - 3.7.2.4 withdraw, such compliance notice or any part of such compliance notice; and
  - 3.7.2.5 must specify the time period within which the Offender and/or Owner to whom the compliance notice is addressed must comply with any part of the compliance notice that is confirmed or varied.

### **3.8 Failure to comply with compliance notice**

- 3.8.1 Section **90** of the By-Law (2015) prescribes the consequences of the failure to comply with the compliance notices by the Offender and/or Owner, which are, inter alia, the following:
  - 3.8.1.1 Lay a criminal charge against the Offender and/or Owner;
  - 3.8.1.2 Apply to the High Court for an order to:
    - a) restrain the Offender and/or Owner from continuing the unlawful use of the land/property,
    - b) direct the Offender and/or Owner to demolish, remove or alter any building, structure or work unlawfully erected or constructed, and/or
    - c) direct the Offender and/or Owner to rehabilitate the land/property concern, without payment of compensation to the Offender and/or Owner.

### **3.9 Follow up Inspections**

- 3.9.1 Once the time period stipulated in the compliance notice has expired, the Inspector must conduct a follow up inspection within 3 (three) working days of the expiry date in order to establish whether the Land Use Contravention has ceased.
- 3.9.2 In the event that the Land Use Contravention is still continuing, the Inspector must decide:
- 3.9.2.1 whether or not enough evidence exists to proceed with legal action against the Offender/s and/or Owner, and if so gather the required evidence;
- 3.9.2.2 whether or not to proceed on criminal or civil grounds taking into account the type of land use and its effects on the surrounding residents and neighborhood.
- 3.9.3 If in the view of the Inspector, the Land Use Contravention has ceased, he/she must conduct an additional follow-up inspection to confirm prior to closing the case. The Inspector must be sure that the Land Use Contravention has ceased in its entirety before closing the file. If not, the Inspector may request further information from the Complainant and allow a 30 day period to provide any evidence to this effect before proceeding any further with the matter.
- 3.9.4 Once the Complainant provides sufficient evidence within the time period stipulated, the matter must be referred to the legal department for further action. After all the relevant evidence has been gathered for legal action, the Inspector has 5 (five) working days to submit the legal docket to the legal department for comment/approval/refusal. A separate SLA must be entered into between the legal and the Planning and Building Development Management departments for time frames with regards to acceptance of dockets and court dates.

### **3.10 Requesting Additional Evidence**

- 3.10.1 In the event that, after the inspections (at least 3 inspections at different times and days) were conducted by the official and he/she confirms that there is no Land Use Contravention, and/or insufficient evidence exists to proceed with the matter, he/she must inform the complainant of these findings in writing and afford him/her the opportunity to submit detailed information/evidence within 30 (thirty) days.
- 3.10.2 If the complaint was referred by another department, municipal employee or ward councilor the same procedure shall be applicable and adhered to as stipulated herein in respect of a Complainant.
- 3.10.3 The official's letter/correspondence, requesting such evidence, must be clear in advising the complainant or evidence bearer that they will be required to attest to such evidence in court as they witnessed the Land Use Contravention. In such cases the Inspector acts as a facilitator to obtain compliance.
- 3.10.4 Additional evidence by the Complainant and/or evidence bearer must be submitted in the form of a sworn affidavit. The Complainant must be informed that the details provided in the affidavit will form the basis of the case against the Offender and/or Owner.
- 3.10.5 If the Complainant refuses or fails to submit the requested evidence in the prescribed time frame the official will conduct a final inspection within 5 (five) days of expiration of such time frame before closing the case.

### **3.11 Compliance Certificates**

- 3.11.1 When an authorised employee is duly satisfied that the Offender and/or Owner has complied with the compliance notice, a compliance certificate may be issued as determined by the Municipality as confirmation of such compliance.
- 3.11.2 The authorised employee is obliged to submit a monthly report of all Offender and/or Owner's compliance of such compliance notice and the issuing of the compliance certificates.

### **3.12 Exclusions**

- 3.12.1 Any and all complaints related to a contravention of South African laws and regulations must be referred to the South African Police Services.
- 3.12.2 Shebeens/Taverns can be dealt with by authorised employees under this policy but the assistance of law enforcement can be requested when needed. If no assistance is forthcoming from law enforcement and or SAPS officials may follow due process by serving the relevant notices via registered post and conducting drive-by inspections.
- 3.12.3 This policy does not deal with contraventions of the National Building Regulations and Building Standards Act No 103 of 1977. All building related complaints must be referred to the Building Development Management Department for further investigation.

## **SECTION 4: COMPLAINT CATEGORIES**

- 4.1 Unauthorised activities take many forms because of different social and economic backgrounds. The policy has outlined different categories in order for the Inspector to make informed decisions whilst dealing with Land Use Contravention complaints.
- 4.2 Important factors guiding the Inspector when conducting inspections and making decisions on Land Use Contraventions refers to:
  - 4.2.1 The nature of the alleged unauthorised activity;
  - 4.2.2 Safety aspects to users, employees, and surrounding residents of the alleged activity;
  - 4.2.3 Direct impact on the surrounding neighbor's, neighborhood and environment.
- 4.3 After conducting the initial inspections, the Inspector must make a determination of the category the Land Use Contravention falls under. See Table 1 for list of categories, criteria, and time frames.

4.4 **Table 1: Land Use Contravention Category**

<b>Contravention Category</b>	<b>Contravention Descriptions</b>	<b>Remedial Actions</b>	<b>Notice Times Frames</b>	<b>To note</b>
<b>A</b>	In cases where there is a need to move and or relocate people, students, or children. If the use does not fall into any of the above criteria but requires movement of people, the Inspector along with the line manager must make the determination on the matter.	A 30 day cease notice applies but the Inspector may extend such notice for additional 90 days after considering all the facts. If extensions are granted, the owners/offenders must agree in writing and submit a written undertaking that they will cease by such date indicated in the further abovementioned notice.	30 days cease notice Maximum 90 days extension of time	Extensions can be granted after considering all the facts around the use. This together with consultations with the line manager and the complainants will determine whether such extension will be allowed. The Inspector may choose to allow an additional 30 or 60 days with a maximum of 90.
<b>B</b>	Where a Land Use Contravention poses a threat to life or has a material adverse effect on the community, land being used and surrounding environment.	Cease forthwith. The Inspector to approach legal department for urgent interdict application to interdict activity to cease.	Notice to cease immediately.	No extensions to be granted under this category.
<b>C</b>	Where Land Use Contraventions causes an adverse impact to the surrounding neighbourhood, residents, and amenity of the area such as noise nuisance, traffic and parking problems, affecting property values. Due consideration must be given to air pollution & noise related complaints. The Inspectorate responsible for investigating such complaints (in terms of the Noise Control Regulations PN200/2013, the National Environmental Act No. 107 of 1998 & Air Quality Control By-Law, 2018) must be notified immediately.	A 30 day ceases notice.	30 days to cease and comply. Extensions on notices must be referred to the courts.	If the property owner/alleged offender can prove that they will be relocating or cease by the required date in an extension request, i.e. new signed lease agreement, then a reasonable extension and/or further extension may be considered by the allocated Inspector/s in his/her discretion taking into account the merits and factors of each individual situation.
<b>Contravention Category</b>		<b>Examples</b>		
<b>A</b>		Schools, daycares, old age homes, stay in rehab facilities, etc.		
<b>B</b>		Any use as per category A that poses a danger to life, business using noxious materials such as gasses, chemicals, etc. Agriculture land used for storage or business use where large amounts of fuel or other noxious materials are kept.		
<b>C</b>		House shops, mechanical workshops, guest houses, function facilities, student accommodations, and or any other business not listed in category A & B that in the view of the Inspector causes an adverse impact on the surroundings.		

## **SECTION 5: COMMUNICATION**

### **5.1 Communication Format**

All communication between the authorised employees and Complainants must take the form of standardised letters approved by the Municipality. All correspondence must be sent via registered post or email and detailed records must be kept at all times throughout the investigation.

For effective and speedy service delivery all communication must follow the below timeframes.

### **5.2 Table 2: Communication Timeframe Table**

<b>Communication Type</b>	<b>Number of Days</b>
Complaint Acknowledgement Letter	Within 4 (four) working days of receipt of complaint
Notice Served Letter	Within 2 (two) working days after the notice was served
Request for further information	Within 2 (two) working days after the last inspection has been conducted
Closing Letter	Sent within 3 (Three) working days after the final inspection and confirmation of matter complied
Court Outcomes Letter	Sent within 3 (Three) working days of court outcome

### **5.3 Telephonic communication**

Telephonic communication regarding cases is strongly prohibited as no records or calls can be recorded. Telephonic calls to Complainants must only be done in cases where no email or physical postal address for registered post exists. If so all conversations must be fully recorded by the authorised employee in the Land Use Contravention folder, i.e. time and date of call and what was discussed.

## **SECTION 6: APPLICABLE LEGISLATION**

The following legislation applies to this policy.

6.1 Spatial Planning and Land Use Management Act, 2013: Section 32 applies to the Enforcement of Land Use Scheme. Section 32. (1) in particular states '*A municipality may pass by-laws aimed at enforcing its land use scheme*'.

6.2 Western Cape Land Use Planning Act, 2014: Part 3, section 68 -74 apply to Enforcement, Offences and Penalties.

6.3 Stellenbosch Municipal Land Use Planning By-Law (2015): Chapter IX, sections 85-99; Enforcement of the Municipality.

## **SECTION 7: POLICY COMPLIANCE**

All authorized officials using this policy are expected to comply with the contents and guidelines provided herein. Employees who fail to comply must be subjected to disciplinary actions by line managers whilst offending parties will face civil or criminal litigation.

## **SECTION 8: APPROVAL & IMPLEMENTATION**

The land use enforcement policy for the Stellenbosch Municipality has been approved by Council on the \_\_\_\_\_.

The policy comes into effect as of the date indicated above and will remain in place until such time that it is reviewed on an annual basis.

# **APPENDIX 2**



**STELLENBOSCH**  
 STELLENBOSCH • PNIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

File Reference Number:

Enquiries:

Contact No:

Email address:

Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name & Surname Recipient

Physical Address (registered mail or personal service)

E mail Address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON FARM/ERF/PHYSICAL ADDRESS  
 REQUEST FOR ACCESS TO PREMISES:**

1. Please take note that on DATE a complaint was received against you for: DESCRIBE ACTIVITY
2. The allocated Inspector/s in respect of the Land Use Contravention on the premises was unable to gain access to the premises on DATE, in order to investigate a complaint/enquiry about an alleged Land Use Contravention in terms of the Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning by-Law 2015.
3. Please take note of Section 86(1)(f) of the By-Law, which stipulates:
 

*'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment if he or she hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee.'*
4. Take further note of Section 93 of the by-Law, which stipulates inter alia:
 

*'(1) an authorised employee may, with the permission of the occupier or owner of land without a warrant and without previous notice, enter upon land or premises or either a building at any reasonable time for the purpose of ensuring compliance with this By-law. (2) An authorised employee must be in possession of proof that he or she has been designated as an authorised employee for the purposes of subsection (1). (3) An authorised employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.'*
5. The allocated Inspector/s, INSPECTOR DETAILS will inspect your property on DATE. Kindly provide him/her with proper access to the property as required herein. Should the inspection for any valid reason not be possible on DATE at TIME, please inform the Inspector thereof within 5 (five) days of the date of this letter. The Inspector's telephone number is \_\_\_\_\_ and/or email at \_\_\_\_\_.
6. The Inspector is available between 08h00 and 16h00, Monday to Friday.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**





**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:  
Enquiries:  
Contact No:  
Email Address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON ERF/FARM/PHYSICAL ADDRESS  
REQUEST FOR ADDITIONAL INFORMATION:**

We refer to your complaint with REF.NO. and we would like to confirm the following:

1. The allocated inspector has investigated your complaint and such investigation reveals that the abovementioned property is being used for INDICATE THE USE (as per zoning and/or approval) purposes.
2. Such land use is permitted in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015
3. However, if you have any evidence which indicates that the property is being used for a purpose other than that set out above or as per your complaint with REF.NO., please furnish such evidence to our offices at the above address on or before DATE.
4. On receipt of such further evidence, this matter shall be further investigated. If no further information is received by the date mentioned herein, this matter will be closed.
5. Please take note of the following.
  - a) In order to achieve a successful prosecution, the person who witnessed the land use contravention needs to provide such evidence and give evidence in court. (the allocated inspector/s has not established a land use contravention on the premises and therefore you will need to provide the required evidence in order to proceed effectively)
  - b) Please provide inter alia accurate details of dates and times when the land use contravention happens as you will also be required to provide this evidence in court when requested to do so. Please only provide facts, and not what you suspect. If the activity involves cars, people or staff visiting or coming to and from the premises, please provide all the necessary details.
  - c) Please respect your neighbours right to privacy by not intruding on their personal space. If you require taking pictures, please do so from the comfort of your own premises or municipal areas outside such property's boundaries at which such alleged land use contravention takes place.
  - d) Please provide all evidence in the form of a sworn affidavit.**

Yours faithfully

For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our File Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

**CLOSING OF COMPLAINT:**

1. The Municipality refers to the complaint with REF NO. and would like to confirm the following:
  - 1.1. The Municipality wishes to advise that the allocated Inspectors follow up inspection at the premises revealed that the land use contravention at the premises has ceased and/or the property owners/offenders have complied with the conditions of approval in respect of land use rights.
  - 1.2. Please feel free to contact the Municipality if the land use contravention resumes in terms of Stellenbosch Zoning Scheme Regulations promulgated in terms of the Stellenbosch Municipal Planning By-Law 2015.
2. Please note that as for the reasons mentioned above the matter is regarded as closed.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning and Economic Development

Our File Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL**

Name & Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION OF FARM/ERF/PHYSICAL ADDRESS**

**COMPLAINT ACKNOWLEDGEMENT:**

With reference to your complaint received on DATE I wish to advise as follows:

1. Your complaint will be investigated in accordance with the Stellenbosch Municipality Land Use Planning By-Law (2015) and a detailed response will be directed to you in due course.
2. It has been referred to INSPECTOR NAME who will investigate the alleged land use contravention.
3. The Municipality will report back on the complaint within 30 days.
4. Please quote the following reference number for all queries related hereto: Farm 1077 Paarl.
5. You are advised that all communication with you will be done via e-mail unless you notify me in writing of an alternative preferred method of communication.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:

Enquiries:

Contact No:

Email address:

Date:

## **PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Name and Surname of recipient

Address (registered mail or personal service)

E mail address (via e mail)

Dear Sir/Madam

### **ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

#### **COMPLIANCE CERTIFICATE**

#### **COMPLIANCE CERTIFICATE: DESCRIPTION OF ACTIVITY**

1. Our compliance notice dated refer(s).
2. This compliance certificate is issued in terms of section 91 of the Stellenbosch Municipal Land Use Planning By-law, 2015 to confirm you complied with the aforementioned compliance notice.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:

Enquiries:

Contact No:

Email Address:

Date:

**PERSONAL SERVICE/REGISTERED MAIL/E MAIL**

Dear Sir/Madam

Physical Address (registered mail or personal service)

E mail Address (via e mail)

**ALLEGED LAND USE CONTRAVENTION OF PREMISES FARM/ERF/PHYSICAL ADDRESS**

**COURT OUTCOME:**

We refer to your complaint with REF NO. and we would like to confirm the following:

1. Please be advised that NAME OF OFFENDER appeared in court on DATE , the outcome was as follow:

(INDICATE THE COURT OUTCOME)

(Delete sections not applicable, chose either 2 or 3)

2. You will be informed of any progress after the next court date.
3. This matter will be monitored accordingly, and if the land use contravention continues, further legal action will be instituted.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Planning and Economic Development

Our File Reference Number:  
Enquiries:  
Contact No:  
Email address:  
Date:

**PERSONAL SERVICE/REGISTERED MAIL/PER EMAIL**

Name & Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

**ALLEGED LAND USE CONTRAVENTION OF FARM/ERF/PHYSICAL ADDRESS**

**COMPLAINT ACKNOWLEDGEMENT:**

With reference to your complaint received on DATE I wish to advise as follows:

1. Your complaint will be investigated in accordance with the Stellenbosch Municipality Land Use Planning By-Law (2015) and a detailed response will be directed to you in due course.
2. It has been referred to INSPECTOR NAME who will investigate the alleged land use contravention.
3. The Municipality will report back on the complaint within 30 days.
4. Please quote the following reference number for all queries related hereto: Farm 1077 Paarl.
5. You are advised that all communication with you will be done via e-mail unless you notify me in writing of an alternative preferred method of communication.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number:  
Enquiries:  
Contact no:  
Date:

## PERSONAL SERVICE/REGISTERED MAIL/E MAIL

Name and Surname of recipient  
Address (registered mail or personal service)  
E mail address (via e mail)

Dear Sir/Madam

### **NOTIFICATION: ALLEGED LAND USE CONTRAVENTION ITO SECTION 87(2) OF THE STELLENBOSCH LAND USE PLANNING BY-LAW 2015: ERF/FARM/PHYSICAL ADDRESS**

This Municipality has reasonable grounds to suspect that you are going to make yourself guilty of an offence(s) in terms of **Section 86 (1)** (make sure the correct section is quoted) of the Stellenbosch Municipal Land Use Planning By-law 2015 ('the By-Law):

*'A person is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding 20 years or to both and such imprisonment if he or she –*

*(b) utilises land in a manner other than prescribed by a zoning scheme without the approval of the Municipality'*

It has come to the attention of this office that an [STATE ACTIVITY] is planned on FARM/ERF/PHYSICAL ADDRESS on the DATE as can be seen by (state where the information was obtained).

Please be informed that the zoning of the property in question is that of ZONING OF PROPERTY only. The property may not be utilised for purposes of [STATE THE ACTIVITY], without the necessary approval in terms of the Stellenbosch Municipal Land Use Planning By-law 2015.

An inspection of the property file indicated that no land use approval was granted [STATE THE ACTIVITY] at the property in question.

You are advised to take note of this warning and to cease any plans of proceeding with this anticipated activity without delay. Failure to comply will make you liable for possible prosecution in terms of the Stellenbosch Land Use Planning By-Law, 2015.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



Queries: (name & surname of inspector) / Senior Land Use Inspector

Tel: (contact details of inspector)

Email address of inspector



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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Our Reference Number:

Enquiries: Insp. Name & Surname

Contact No: Insp. contact details

**Name:**

**Address:**

**PERSONAL SERVICE/REGISTERED MAIL**

**Date:**

Dear Sir/Madam

This is a true copy of the notice served on this \_\_\_\_ day  
of \_\_\_\_\_ 2018, at \_\_\_\_\_ (time).

On: \_\_\_\_\_

Served by: Errol Junior Williams

Capacity of Server: Senior Land Use Inspector

Signature of Server: \_\_\_\_\_

Person Receiving Document: \_\_\_\_\_ (Sign)

Capacity: \_\_\_\_\_

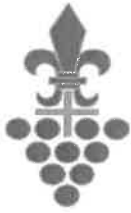
In the event the recipient of the notice refuses to sign or accept notice the server must indicate how notice was issued.

**NOTIFICATION: ALLEGED LAND USE CONTRAVENTION IN TERMS OF SECTION 87(2) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW 2015: ERF/FARM / PHYSICAL ADDRESS**

1. Please take note that on DATE an inspection was done on the property.
2. This Municipality has reasonable grounds to suspect that you are guilty of an offence(s) in terms of **Section 86 (1) (b)** (scrutinise the By Law and confirm which section is applicable in relation to the activity witnessed and complained about) of the Stellenbosch Municipality Land Use Planning By-law 2015 ('the By-Law).
3. You are hereby instructed to cease the activity without delay in terms of section 87(2) of the Stellenbosch Municipality Land Use Planning By-law, 2015 or within 30 days, the unlawful utilisation of the property being the following: DESCRIBE THE ACTIVITY
4. You are further instructed in terms of Section 87(2) of the By-Law to cease the activity, as the case may be, within 30 days.
5. Please take note that by submitting an application in terms of section 87(2)(b) as read with section 87(4) of the By-Law does not indicate that the application will be approved, and if such application is refused, you must cease the unauthorised activity.
6. Please take further note that you may object to this compliance notice by submitting written representations to the municipality within 30 (thirty) days of receipt of this notice.
7. You are hereby warned that in the event that you fail or refuse to comply with this compliance notice, the Municipality shall proceed with legal action against you, which may include inter alia the following:
  - a. You can be prosecuted for and convicted of an offence contemplated in section 86 of the By-Law;
  - b. On conviction of an offence, you will be liable for the penalty as provided for in the By-Law;
  - c. You can be required by an order of court to demolish, remove or alter any building structure or work unlawfully erected or constructed or to rehabilitate the land or restore the building concerned or to cease the activity;
  - d. In the case of contravention relating to a consent use or temporary departure, such approval may be withdrawn; and/or
  - e. In the case of an application of the activity or development parameter, the contravention penalty in the amount as stated in the notice, including any costs incurred by the Municipality, may be imposed on you.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Reference Number:

Enquiries:

Contact No:

Email address:

Date:

## **PERSONAL SERVICE/REGISTERED MAIL/PER E MAIL**

Name/Surname of recipient

Address (registered mail or personal service)

E mail Address (via e mail)

Dear Sir/Madam

### **ALLEGED LAND USE CONTRAVENTION ON PREMISES ERF/FARM/PHYSICAL ADDRESS**

#### **RESPONSE TO OBJECTION/REPRESENTATION SUBMITTED TO NOTICE:**

##### **DESCRIPTION OF ILLEGAL ACTIVITY/PROPERTY DESCRIPTION**

1. Our notice dated ( \_/ \_/ \_ ) and your subsequent written objection/representations to the compliance notice served in terms of section 87 of the Stellenbosch Municipal Land Use Planning By-law refer(s).  
(delete which is not applicable)
2. We have considered your representation, and hereby:
  - (a) Suspend or confirm or vary or withdraw the compliance notice or any part of the compliance notice in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-Law of the said legislation; in terms of section 89 of the Stellenbosch Municipal Land Use Planning By-law of the said legislation; and/or
  - (b) Confirm that you have specify time period to comply with any part of the compliance notice that is confirmed or varied.

Yours faithfully

**For DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT**

Page 1 of 1

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11.8	<b>RURAL MANAGEMENT: (PC: CLLR S PETERS)</b>
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NONE

11.9	<b>YOUTH, SPORTS AND CULTURE: (PC: CLLR M PIETERSEN)</b>
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NONE

11.10	<b>MUNICIPAL MANAGER</b>
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NONE

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

13.	<b>REPORTS BY THE MUNICIPAL MANAGER</b>
13.1	<b>ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM</b>

Collaborator No:  
IDP KPA Ref No:  
Meeting Date:

Good Governance  
24 August 2020

**1. SUBJECT: ENCROACHMENT APPLICATION HORIZON HOUSE ERF 3722 AND PORTIONS OF ROAD RESERVE: RETURN ITEM**

**2. PURPOSE**

To consider the encroachment application of Horizon House for taking the objection received into consideration and make a final determination. To further consider delegations to deal with encroachments.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis.

Council considered the matter on 2020-01-29 and approved it in principle, subject to advertising its intention so to enter into an encroachment agreement.

Following the public notice period, one (1) objection was received from the Working Centre for Adult persons with disabilities, also operating from the Horison House property. Council must consider this objection before making a final determination.

There are various types of encroachments that for which tariffs are provided in the tariff book every year a copy of which was attached to the item that served in January before Council. A copy of the extract of the new tariffs is attached as **APPENDIX 4**.

The current delegations do not make provision for the delegation of these type of applications and it is not practical to bring all these applications to council. It is therefore recommended that council approve a delegation to the Municipal Manager to deal with encroachment applications.

**5. RECOMMENDATIONS**

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5**.

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**6. DISCUSSION / CONTENT****6.1 Background**

An application was received from Horizon House, Stellenbosch, to use a portion of Erf 3722 for recreational purposes and to extent their fencing onto a portion of the street reserve (Patrys road).

Having considered the matter on 2020-01-22. Having considered the matter Council resolved as follows:

- a) *that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;*
- b) *that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections.*
- c) *That the rental be determined as per the tariff rate".*

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

**6.2 Discussion**

Following the above Council resolution, a Public Notice was published in the Eikestad News of 13 February, soliciting comments/inputs/objections on or before 5 March 2020. A copy of the notice is attached as **APPENDIX 2**.

One (1) objection was received, i.e. from Work Centre for Adult persons with disability, operating from the Horizon House premises. A copy of the objection is attached as **APPENDIX 3**. Council must consider the objection.

**6.3 Financial Implications**

Council approves tariffs for encroachments on a yearly basis. The new tariffs is attached as **APPENDIX 4**. All the cost for improvements/maintenance will be for the account of Horizon House.

**6.4 Legal requirements**

The legal requirements were discussed in the item that served before Council in January and is attacked as appendix 1. For detail, see par. 6.4 of that agenda item.

**6.5 Staff Implications**

No additional staff implications.

**6.6 Previous / Relevant Council Resolutions**

22 January 2020.

**6.7 Risk Implications**

The risk implications are addressed in the item.

**6.8 Comments from Senior Management**

None requested as this is a return item.

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.3****RESOLVED** (majority vote)

- (a) that Council considers the objection before making a final determination;
- (b) that, should Council decide to approve the encroachment application, the Municipal Manager be authorised to conclude the Agreement; and
- (c) that consideration be given to the proposed delegation to the Municipal Manager in **APPENDIX 5.**

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

*Cllr F Adams; FT Bangani-Menziwa (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); N Sinkinya (Ms); and P Sitshoti (Ms).*

**FURTHER COMMENTS FROM THE MUNICIPAL MANAGER (2020-08-17)**

The resolution as adopted at the Council meeting of 2020-07-29 and as minuted above, is inconclusive and does not provide clarity for the purposes of administrative implementation. After the item was thoroughly considered and debated during that Council meeting, the resolution that was presented and supported by a majority vote, was in fact in the form of a recommendation that came through from the Mayoral Committee. Notwithstanding a positive support of the item by a clear majority, what was read into the record retained the form of a recommendation, rather than a firm resolution. In order to rectify the omission -- and bearing in mind that the item was thoroughly debated -- Council now merely has to rescind the decision and present a final resolution, doing so by way of an amendment, which is to be voted on.

**ANNEXURES**

- Annexure 1: Agenda item that served before
- Annexure 2: Notice that was advertised
- Appendix 3: Copy of objections
- Appendix 4: Tariffs for encroachments 2020/21
- Appendix 5: Proposed delegations

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>PIET SMIT</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088750</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b>2020-07- 15</b>

# APPENDIX 1

11.2.3	<b>ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

*Good Governance*

22 January 2020

**1. SUBJECT: ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722**

**2. PURPOSE**

To obtain Council's approval to conclude an Encroachment Agreement with Horizon House to enable them to utilise/manage a portion of erf 3722, Onder Papegaaiberg, Stellenbosch on an encroachment basis and to put up a fence encroaching onto the Patrys Road street reserve and adjacent Lease Farm 183 D.

**3. DELEGATED AUTHORITY**

The current delegations does not make provision for the approval of encroachment agreements and as this is seen as long term use of Council property in the absence of a delegations must be dealt with by Council.

**4. EXECUTIVE SUMMARY**

Horizon House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, and also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property for this reason, on an encroachment basis. The current tariff used for determining the rental is attached as **APPENDIX 5**.

**34<sup>TH</sup> COUNCIL MEETING: 2020-01-29: ITEM 11.2.3**

**RESOLVED** (majority vote)

- (a) that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;
- (b) that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request subject to advertising the intent to enter into the agreement for public comment/inputs/objections; and
- (c) that the rental be determined as per the tariff rate.

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

*Cllrs DA Hendrickse; N Mananga-Gugushe (Ms); C Moses (Ms); RS Nalumango (Ms); N Sinkinya (Ms); P Sitshoti (Ms) and LL Stander.*





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Collaborator No:  
IDP KPA Ref No:  
Meeting Date:

*(To be filled in by administration)*

**GOOD GOVERNANCE**

*(The date of the specific meeting must be filled in here)*

## 1. SUBJECT

**ENCROACHMENT PERMIT APPLICATION HORIZON HOUSE: ERF 3722**

## 2. PURPOSE

To obtain Council's approval to conclude an Encroachment Agreement with Horison House to enable them to utilise/manage a portion of erf 3722, Onder Papegaaiberg, Stellenbosch on an encroachment basis and to put up a fence encroaching onto the Patrys Road street reserve and adjacent Lease Farm 183 D.

## 3. DELEGATED AUTHORITY

Although the Manager: Property Management has the delegated authority to consider these kind of applications (See delegation 531), following discussions with the Director: Corporate Services, it was decided to refer the matter to Council for a decision.

## 4. EXECUTIVE SUMMARY

Horison House, situated on the outskirts of Onder Papegaaiberg, is an NGO catering for the needs of people with disabilities. They have received a donation to put up new fencing around the facility and to develop walking trails, to be use by their residents, but also the greater public. They want to extend the area onto a portion of municipal land, situated to the south of their property, on an encroachment basis.

## 5. RECOMMENDATIONS

- 5.1 that the portion of erf 3722 Stellenbosch, as well as the portion of street reserve and agricultural land, as indicated on Fig 3,4 and 5, respectively be identified as land not required for the municipality's own use during the period of the proposed encroachment agreement;

- 5.2 that approval be granted in principle to enter into an encroachment agreement with Horison House to enable them to use/manage the land for the purpose as per their request at a monthly fee of R60.00;
- 5.3 that Council's intention to conclude such an encroachment agreement be advertise for public input/comments/objections;
- 5.4 that, following the public notice period, the matter be finally considered by Council.

## 6. DISCUSSION / CONTENT

### 6.1 Background

#### 6.1.1 Application for encroachment permit

An application was received from Horison House, Stellenbosch, a copy of which is attached as **APPENDIX 1**. A further application was received for the erection of a fence, encroaching onto the street reserve (Patrys Road), a copy of which is attached as **APPENDIX 2**.

### 6.2 DISCUSSION

#### 6.2.1 Property description

Horison House is situated on erf 6291 (see Fig 1, below), whilst the land that they are applying for is situated to the South of erf 6291, as indicated on Fig 2 and 3 respectively.



**Fig 1: Location and context: Horison House**

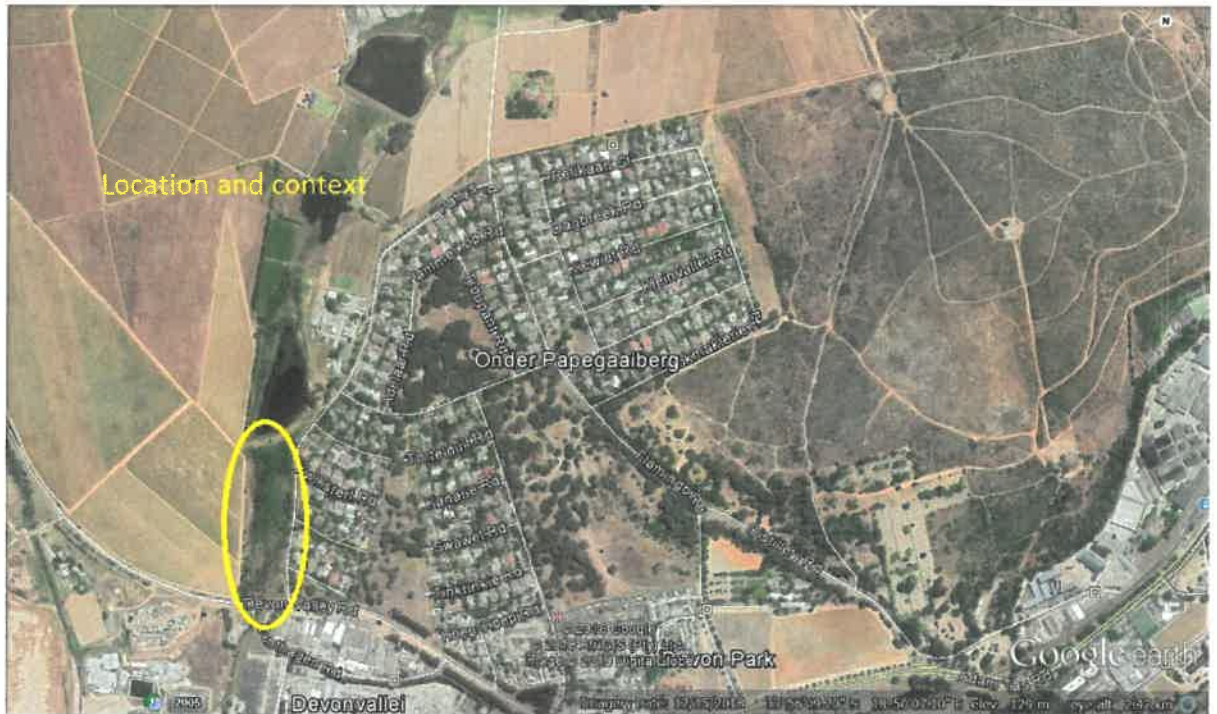


Fig 2: Location and context: Erf 3722

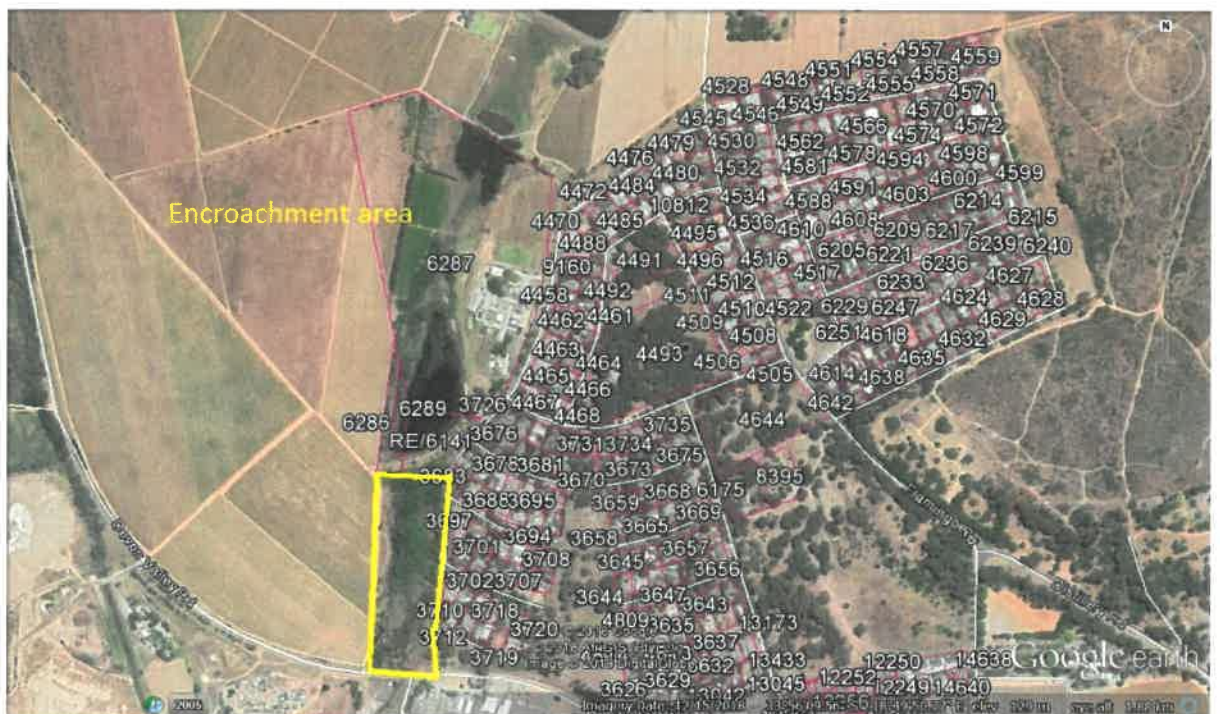


Fig 3: Extent of proposed encroachment

The area where they want to put up the boundary fence in the street reserve is indicated on fig 4 and 5 below.



**Fig 4: Location and context: Road reserve**



**Fig 5: Location and context: Lease Farm 183D**

**6.2.2 Ownership: Erf 3722**

Erf 3722 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T24127/1976. See attached as **APPENDIX 3** Windeed record.

### 6.2.3 The Proposal

The proposal Horison House was established in 1974. It caters for approximately 100 full time residents with various disabilities as well as 39 day-visitors.

They have received funding to put up new fencing around their property and to develop walkways for their residents, as well as the broader public, but in a secured environment. They want to extend this onto the municipal land, which is currently overgrown with alien scrubs/trees. They also undertake to rehabilitate the entire area, including the removal of alien species. There will be a controlled access to the area, for security reasons.

### 6.3 Financial Implications

There are no financial implications should the recommendation as set out in the report be accepted. There will, however, be a financial saving, in the sense that they would take care of the alien vegetation.

### 6.4 Legal requirements

#### 6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize\* such encroachment.

\*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

#### 6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, *inter alia*:-

- a) whether the capital asset may **be required for the municipality's own use** during the period for which the right is to be granted;
- b) the extend to which any compensation to be received for the right, together with the estimated value of improvements or enhancements to the asset, will result in a significant financial benefit to the municipality;

- c) the (possible) risks and rewards associated with the use in relation to the municipality's interests;
- d) Any comments received from the local community, and
- e) Compliance with the legislative regime applicable to the proposed granting of the right.

#### **6.4.3 Property Management Policy**

In terms of paragraph 9.2.2 of the Policy, the Municipal Council may dispense with the prescribed, competitive process, and may enter into a private treaty agreement through any convenient process, which may include direct negotiations, but only in specific circumstances, and only after having advertised Council's intention so to act. One of the circumstances listed in (h) is where encroachment applications are received from adjoining owners, subject to approved tariff structure\*.

Further, in terms of paragraph 9.2.2.2, the reasons for any such deviation from the competitive process must be recorded.

#### **6.4.4 \*Approved tariff structure**

In terms of the current, approved tariff structure a fee of R60-00 p/m is payable.

#### **6.5 Staff Implications**

None

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

None

#### **6.7 Risk Implications**

None

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

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

Herewith comment for proposed encroachment permit application Horizon House Erf 3722:

1. This Directorate has no objection to the above application.
2. If any portion of land must be subdivided and/or rezoned then a formal rezoning application must be submitted for approval, which will be for the applicants account.

3. Building plans for the proposed fence must be submitted on which further municipal conditions may be applicable, the proposed fence/ or any other facility must be constructed a minimum of 5 meters from the face of the road kerb.
4. There is a municipal services including stormwater pipe line running along Patrys Road and Tarentaal Roads, these services must at all times be accessible by the Municipality for maintenance purposes.
5. Encroachment into the road reserve will cease or be amended when the municipality requires the area for municipal purposes such as road widening, sidewalk construction or widening public transport facilities such as bus/ taxi embayments.
6. Encroachment into the road reserve will cease or be amended when the municipality requires the area for municipal or public services such as sewer pipes, electricity cabling and telecommunication cables etc.
7. Encroachment into Stormwater Retention Facility, ( Erf3722) must at all times be accessible by the Municipality for maintenance purposes.
8. Fencing around the Stormwater Retention Facility must be constructed on the cadastral boundary of the retention facility.
9. Stormwater facility on Erf 3722 must, at all times be accessible by die Municipality to carry out maintenance or construction works.
10. No permanent fixtures or infrastructure can be installed within the encroached area.
11. Any damages caused to municipal services / infrastructure within the proposed encroached must be repaired by the applicant.
12. The municipality cannot be held liable for damages to any facility, vegetation / landscaping etc. in the course of the municipality carrying out maintenance or construction works.

**6.8.2 Director: Planning and Economic Development**

To follow.

**6.8.3 Chief Financial Officer**

To follow.

**6.8.4 Director: Community and Protection Services**

This department is in support of the application. See attached as **APPENDIX 4**.

**ANNEXURES:**

**Annexure 1: Application Huis Horison**

**Annexure 2: Second application**

**Appendix 3: Windeed search**

**Appendix 4: Comments from Directorate: Community Services****FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>PIET SMIT</b>
<b>POSITION</b>	<b><i>Manager: Property Management</i></b>
<b>DIRECTORATE</b>	<b><i>Corporate Services</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021-8088750</i></b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@Stellenbosch.gov.za</a></b>
<b>REPORT DATE</b>	<b><i>2019-10-28</i></b>

**DIRECTOR: CORPORATE SERVICES**



# APPENDIX 2

Publikasie	Publikasie Datum	Afdeling	Bladsy
BMSTBEN ( EikestadNuus )	13/02/2020	MAIN ( Main )	-



**STELLENBOSCH**  
 STELLENBOSCH • FRANS • FRANSCHOSSE  
 MUNISIPALITEIT • UMABIPALA • MUNICIPALITY

## OFFICIAL NOTICE

### PROPOSED ENCROACHMENT AGREEMENT: HORISON HOUSE: ERF 3722

Notice is hereby given in terms of par. 9.2.2 of Stellenbosch Municipality's Policy of Council's intention to conclude an encroachment Agreement with Horison House, in terms whereof they would be allowed to use a portion of Council's owned land (portion of erf 3722 as well as some street reserve) for recreational purposes and to fence it in as part of their property.

#### Further Particulars

Further particulars, including the agenda item that served before Council, are available at the office of the Manager: Property Management during office hours.

#### Invitation to submit written inputs

Any interested and effected party who wishes to submit comment/inputs, may do so in writing within 21 days of this notice the Manager: Property Management during working hours.

Inputs/Objections/alternatives can be submitted by hand, posted or send by e-mail to:

**Physical Address:** 3rd Floor  
 Absa (Oude Bloemhof) Building, Corner of Plain and  
 Rhynevald 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: 2020-02-13**

13/02/2020

# APPENDIX 3

**WERKSENTRUM**

**Vir Volwasse Persone  
met  
GESTREMDHEID**

**Adres:** Patryslaan 1,  
Stellenbosch, 7600  
**Pos adres:** Posbus 3359,  
Matieland, 7602  
**Tel:** 021 887 8688  
**Faks:** 021- 887 8504  
**Sell:** 074 759 9302  
**Epos:** [jjia@sun.ac.za](mailto:jjia@sun.ac.za)

**WORK CENTRE**

**For Adult Persons  
with  
DISABILITY**

**Address:** 1 Patrys Avenue,  
Stellenbosch, 7600  
**Postal address:** P.O.Box 3359,  
Matieland, 7602  
**Tel:** 021 887 8688  
**Fax:** 021 887 8504  
**Cell:** 074 759 9302  
**Email:** [jjia@sun.ac.za](mailto:jjia@sun.ac.za)

**"WORKING TOWARDS HEALTH AND INDEPENDENCE"  
Registered Non-profit Organisation NPO-011-786**

**For Attention: Mr Piet Smit**

The Manager: Property Management  
**STELLENBOSCH MUNICIPALITY**  
Stellenbosch  
7600

04 March 2020

Sir / Madam

**OBJECTION TO PROPOSED ENCROACHMENT AGREEMENT**

As an interested and affected party, The Stellenbosch Work Centre for Adult Persons with Disability (hereafter refer to as the "**Work Centre**"), strongly objects to any approval to conclude an Encroachment Agreement between Stellenbosch Municipality and Huis Horison, as minuted on page 23 of the proceedings of the 34<sup>TH</sup> Meeting of the Council of Stellenbosch Municipality, 2020-01-29.

From par. 3. DELEGATED AUTHORITY, it is clear that any such agreement is intended to be a long term one regarding the use of municipal property, ostensibly for the primary benefit of "persons with disability", and secondarily for the benefit of the public at large.

Council has, however, failed to apply its mind to the reality of the situation.

Firstly, on the same premises as Huis Horison, but fenced in on a narrow and inadequate piece of the property at the south-western end, the Work Centre (par.1) is located. The building was erected by Huis Horison on the agreed terms that the Work Centre would repay the "loan" at the then current rate of interest, which amounted, in the end to more than R520 000.

The irony of the situation is that the building can be reflected on the balance sheet of Huis Horison and utilised as collateral, while the Work Centre merely occupies the assigned space in the classical status of a *bywoner* – having no rights, no security of tenure and no space or rights to expand its activities to ensure the economic survival and future expansion of the entity.

The Work Centre serves exactly the same purpose as Huis Horison but, owing to Apartheid legislation and racial discrimination over many decades, it has been seriously disadvantaged and constrained, unable to fully execute its mandate.

In 2010 the Work Centre entered into discussions with Huis Horison around integration of the two centers, in terms of a directive by the National Department of Social Development, but also on the basis of the moral principle that discriminatory racial division was unacceptable under the Constitution of the Republic of South Africa, 1996.



Those talks were unilaterally suspended by Huis Horison before any concluding agreement could be reached. Such talks, however, continued sporadically and informally until the Work Centre formally reopened talks specifically around operational integration and security of tenure in 2018. To date, again, no formal agreement has been signed regarding, particularly, the core issues as stated in the previous paragraph. The Work Centre feels that the application for encroachment is an act of bad faith by Huis Horison, as we were neither consulted nor informed of the intention to apply.

The Board of Members of the Work Centre is aware that the land currently owned by Huis Horison was acquired through a land grant by Stellenbosch Municipality, for the establishment of a haven for persons with disability, but also that the beneficiaries of such a grant would be restricted to whites only.

In other words, Stellenbosch Municipality gifted a portion of a national asset, land, free of charge, to the exclusion of others with the same need but in much worse economic and social circumstances. Apartheid has recently been denounced as a crime against humanity, but the devastating effects of such criminal acts are allowed to continue poisoning the lives of vulnerable people in our community.

We wish to point out that no such gesture of profound goodwill as benefitted Huis Horison has ever been made to the Work Centre by Stellenbosch Municipality. Currently serving Councilors such as Councilor Serdyn and officials such as Ms. Michelle Aalbers are fully aware of the discrepancy in the treatment of Huis Horison as opposed to that of the Work Centre. Secondly, we wish to point out that the presumed benefit of access to a walking trail by the Stellenbosch public at large, is a smoke-screen.

The reality is that the main, if not the only, beneficiaries of such a facility will be the residents of Onder-Papegaaiberg, given logistical constraints on more distant communities. The question, therefore, is whether Stellenbosch Municipality, in principle, supports the maintenance and extension of Apartheid privilege to residents of Stellenbosch who already constitute an advantaged minority.

Thirdly, we submit that Act No. 16 of 2013, the Spatial Development and Land Use Management Act (SPLUMA), specifically speaks to the need to "...address past spatial and regulatory imbalances." (*Preamble*), and that the Act applies to any and all planning, projects, agreements and regulatory measures pertaining to land use and management in South Africa. It is our view that, given the current situation of the unequal treatment received by a large majority of persons with disability within the Stellenbosch municipal boundaries, Stellenbosch Municipal Council's proposed resolution to support the Encroachment Application would be in violation of the SPLUMA.

Lastly, we wish to express to our serious concern about the manner in which municipal councilors, particularly from wards suffering under serious disadvantage, such as Kayamandi, Cloeteville, Klappmuts, Kylemore and Idas Valley continue to disregard the plight of the poor and most vulnerable by failing to stand up for the rights of those who continue to be marginalized.

On Page 1025 of the Agenda of the Council Meeting held on 2020-01-29 Figure 1 shows not only the location of Huis Horison on Erf 6291, but also the magnitude of the Apartheid crime that was committed by a previous municipality against people who were voiceless at the time. There are vast pieces of under-utilized land within the boundaries of the property owned by Huis Horison.

While the Board of Members of the Work Centre acknowledges the goodwill shown by Huis Horison towards us, it must be understood that we have an obligation to those under our care equal to that of Huis Horison, but because of the statutory discrimination that we were exposed to, our need for land and for security of tenure is far greater, while their need for extensive landholding was met by an act of injustice and discrimination by a previous municipality.

Stellenbosch Municipality has an opportunity to address this imbalance in spatial planning and land allocation.

We sense that our engagement with Huis Horison is reaching / has reached a cul-de-sac. Therefore, we request that Stellenbosch Municipality becomes a negotiating and facilitating partner in the ongoing conversation between ourselves and Huis Horison, so that spatial planning justice can be seen to be done.

We shall inform Huis Horison of our objection and also of our request for the inclusion of Stellenbosch Municipality in future conversations so that both parties can assist the municipality to provide Dignified Living to a section of our community that needs it most.



Our proposal is that the Encroachment Application be put on hold so that the more urgent issue of remedial spatial justice action can be executed.

We look forward to a meeting in the immediate future at which a road map of possible ways forward can be agreed upon. Please find included a photo copy of a portion of the Council item and the diagram referred to.

Should you require any further information or clarification, please contact **Jolinda Jacobs** on **021-887 8688**.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Wilfred Daniels', written over a horizontal line.

**Wilfred Daniels**  
**Chairperson**  
*Stellenbosch Work Centre for Adult Persons with Disability*

A handwritten signature in black ink, appearing to read 'Leslie Olivier', written over a horizontal line.

**Leslie Olivier**  
**Secretary**  
*Stellenbosch Work Centre for Adult Persons with Disability*

083 475 6658



Fig 5: Location and context: Lease Farm 183D

#### 6.2.2 Ownership: Erf 3722

Erf 3722 is registered in the name of Stellenbosch Municipality by virtue of Title Deed T24127/1976. See attached as APPENDIX 3 Witdeed record.

#### 6.2.3 The Proposal

The proposal Horizon House was established in 1974. It caters for approximately 100 full time residents with various disabilities as well as 39 day-visitors.

They have received funding to put up new fencing around their property and to develop walkways for their residents, as well as the broader public, but in a secured environment. They want to extend this onto the municipal land, which is currently overgrown with alien scrubs/trees. They also undertake to rehabilitate the entire area, including the removal of alien species. There will be a controlled access to the area, for security reasons.

#### 6.3 Financial Implications

The rental to be determined.

#### 6.4 Legal requirements

##### 6.4.1 Municipal Ordinance, No 20/1974

In terms of Section 127 (1) of the Municipal Ordinance, No 20 of 1974, when any immovable property owned by a municipality is encroached upon, the council may take steps to regularize such encroachment.

\*The issue of a permit in terms of Section 126 (1) will be deemed to be a regularization of the encroachment referred to in such a permit.

##### 6.4.2 Municipal Asset Transfer Regulations

In terms of Section 36 of the Municipal Asset Transfer Regulation, when considering an application for an approval of a right to use municipal property, the following needs to be taken into account, inter alia:

## 6.2 DISCUSSION

## 6.2.1 Property description

Horizon House is situated on erf 6291 (see Fig 1, below) whilst the land that they are applying for is situated to the South of erf 6291, as indicated on Fig 2 and 3 respectively.



Fig 1: Location and context: Horizon House







Fig 3: Extent of proposed encroachment

The area where they want to put up the boundary fence in the street reserve is indicated on fig 4 and 5 below.



Fig 4: Location and context: Road reserve

# APPENDIX 4

**Piet Smit**

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**From:** Albert van der Merwe  
**Sent:** 20 February 2019 09:52 AM  
**To:** Piet Smit  
**Cc:** Leon Lourens; Schalk Van der Merwe  
**Subject:** FW: Encroachment Permit Application Form

More Piet

Ek ondersteun Leon se onderstaande kommentaar.

Please copy me into your reply / Kopieer myself asseblief in u terugvoer!

Winners of the Arbor City Awards 2014 & 2017 Local Municipality Category



*Kind regards,*

**Albert Van Der Merwe**

Waarnemende Direkteur:  
Gemeenskap- en Veiligheidsdienste  
Acting Director: Community and  
Protection Services

**Community and Protection  
Services**



---

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[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

---

**From:** Leon Lourens  
**Sent:** Wednesday, 20 February 2019 09:23  
**To:** Albert van der Merwe  
**Subject:** RE: Encroachment Permit Application Form

Ek support die aansoek.

Ek en Schalk het reeds hieroor met huis Horison gepraat.

Ek ondersteun die aansoek en sal dit aanbeveel.

Hulle sal die druk van ons afhaal om the gedeelte te bestuur, natuurlik met ons help.

Die vleiland is belangrik vir beide van ons. Die inwoners sal baie baat by die geddlte van die park. Ons sal steeds help met die verwydering van uitheemse plante.

Dankie

Leon

---

**From:** Albert van der Merwe  
**Sent:** 19 February 2019 03:35 PM  
**To:** Leon Lourens  
**Subject:** FW: Encroachment Permit Application Form

Leon

Kan jy weer jou kommentaar stuur asb. baie dankie

---

**From:** Piet Smit  
**Sent:** Monday, 11 February 2019 08:16  
**To:** Albert van der Merwe; Leon Lourens; Deon Louw; Bernabe De La Bat  
**Cc:** Annelene Rooifontein  
**Subject:** FW: Encroachment Permit Application Form

Kolegas,

Sien aangehegte aansoek van Huis Horison .Ek ontvang graag jul kommentaar/insette in die verband.

Piet

---

**From:** Crystal Pillay / Administratiewe Beampte [mailto:admin@huishorison.org.za]  
**Sent:** 08 February 2019 03:57 PM  
**To:** Piet Smit  
**Cc:** Elza Bresler / Uitvoerende Direkteur; Francois Burrows / Tegniesedienste  
**Subject:** [EX] Encroachment Permit Application Form

Beste Mnr Smit

Ontvang hiermee ons inligting en aansoek van Huis Horison vir die gebruik / huur van die aangrensende munisipale grond.

Ons sou graag 'n afspraak met u reël om dit te bespreek en indien daar enige navrae of onduidelikhede is, dit uit te klaar.

Ons hoop ons aansoek sal gunstig oorweeg word, ons glo dit sal 'n positiewe bydrae lewer.

Vriendelike groete

**EC Bresler**  
Uitvoerende Direkteur

Vriendelike groete / Kind regards

*Crystal Pillay*

**Uitvoerende Sekretaresse / Executive Secretary**

**Huis Horison / Horizon House**

Sentrum vir die versorging van mense met 'n intellektuele gestremdheid/Centre for the care of people with a primary intellectual disability

NPO : 003-306 ▪ VAT Reg : 4590 129 161

Tel: 021 887 5080 ▪ Faks: 021 887 5337

Patrysstraat 1 / 1 Patrys Street, Onder-Papegaaiberg, Stellenbosch, 7600

Posbus / PO Box 102, Stellenbosch, 7599

**Volg ons op / Follow us on [Facebook](#)**

**[www.huishorison.org.za](http://www.huishorison.org.za)**

# APPENDIX 5



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTIONS/ INSTRUCTION TO ASSIST
		is concerned				
LEG 12	General	To authorise forensic investigations in relation to any alleged fraud, corruption or criminal activity, maladministration and or negligence on the part of any employee, Councillor, agent, contractor, supplier or service provider	Council	Executive Mayor in so far as it relates to Councillors  Municipal Manager as far as it relates to all other		Chief Audit Executive to assist
LEG 13	General	To pursue, facilitate and/or represent the Municipality in respect of any appropriate, criminal, civil and/or related proceedings	Council	Executive Mayor as far as it relates to Councillors Municipal Manager as far as it relates to all other		May be delegated to any Director where relevant
LEG 14	General	To appear before a notary to execute any document or appoint any other person to appear before the notary on behalf of the municipality, including the power to sign any documents relating thereto	Council	Accounting Officer		May be delegated
LEG 15	Section 126 and 127 of Municipal Ordinance 20/1974	Approval of an encroachment onto municipal owned land or public spaces	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services In terms of Council Policy/Framework.

13.2	<b>ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS</b>
------	--

Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

24 August 2020

**1. SUBJECT: ADOPTION OF DELEGATIONS IN REGARD TO PROPERTY MATTERS NOT COVERED IN THE CURRENT APPROVED SYSTEM OF DELEGATIONS**

**2. PURPOSE**

To submit proposed delegations which will be included in the approved System of Delegations in regard to property matters not covered in the current approved System of Delegations.

**3. DELEGATED AUTHORITY**

Council to approve.

**4. EXECUTIVE SUMMARY**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

The current system of delegations was approved on 25 September 2019 and did not contain delegations around council rights on properties. These does not form part of the delegations mentioned in section 160(2) of the Constitution that may not be delegated. It is impractical to bring all these decisions to Council and especially as we enter a new era of fewer council meetings, as indicated by the Speaker, and meetings taking place in the virtual space. It is proposed that council consider delegation of the powers as indicated in **APPENDIX 1**. When approved the delegations will be included in the System of Delegations approved in 2019.

**5. RECOMMENDATION**

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

**6 DISCUSSION / CONTENTS**

**6.1 Background**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system.



---

**6.2 Discussion**

In terms of section 59 of the Local Government: Municipal Systems Act, 32/2000, a Municipal Council must develop a System of Delegations that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with such system, may:

- (a) delegate appropriate powers excluding the powers referred to in section 160(2) of the Constitution, the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76(b), to approve or amend the Municipality's IDP, and any other provision in legislation conferring the powers to Council alone. The delegations may be made to any of the Municipality's political structures, political office bearers, councillors or staff members;
- (b) instruct any such political structure, political office bearer, councillor, or staff member to perform any of the Municipality's duties; and
- (c) withdraw any delegation or instruction.

To comply with the legal directive of maximizing administrative and operational efficiency, delegations to the Executive Mayor in consultation with the Mayoral Committee, Municipal Manager and Directors are provided for and proposed.

**6.3 Financial Implications**

As per the approved budget.

**6.4 Legal Implications**

Compliance with Section 59(1) of the Systems Act and various other legislative measures as listed in the definitions and interpretations contained in part 1 of the System of Delegations. A delegated authority may at any stage decide not to act in terms of the delegation and refer a matter to the Authority who provided the delegation. The delegation must also be acted on in terms of Council approved policy and any provisions as approved. Decisions taken under delegated authority are reported on a quarterly basis and is subject to section 62 of the Systems Act regarding appeals where rights are infringed.

**6.5 Staff Implications**

No additional staff implications.

**6.6 Previous / Relevant Council Resolutions**

Council resolution dated 25 September 2019.

**6.7 Risk Implications**

Delegations must maximize administrative and operational efficiency and provide for adequate checks and balances.

**6.8 Comments from Senior Management****6.8.1 Municipal Manager**

Agree with the recommendations

**36<sup>th</sup> COUNCIL MEETING: 2020-07-29: ITEM 11.2.6****RESOLVED** (majority vote)

that Council considers the attached delegations (**APPENDIX 1**) for inclusion in the System of Delegations.

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

*Cllr F Adams; G Cele (Ms); DA Hendrickse; and LK Horsband (Ms).*

**FURTHER COMMENTS FROM THE MUNICIPAL MANAGER (2020-08-17)**

The resolution as adopted at the Council meeting of 2020-07-29 and as minuted above, is inconclusive and does not provide clarity for the purposes of administrative implementation. After the item was thoroughly considered and debated during that Council meeting, the resolution that was presented and supported by a majority vote, was in fact in the form of a recommendation that came through from the Mayoral Committee. Notwithstanding a positive support of the item by a clear majority, what was read into the record retained the form of a recommendation, rather than a firm resolution. In order to rectify the omission -- and bearing in mind that the item was thoroughly debated -- Council now merely has to rescind the decision and present a final resolution, doing so by way of an amendment, which is to be voted on.

**ANNEXURES:**

Appendix 1 – Proposed delegations

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	A M C de Beer
<b>POSITION</b>	<b><i>Director: Corporate and Strategic Services</i></b>
<b>DIRECTORATE</b>	<b><i>Corporate and Strategic Services</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021 807 8018</i></b>
<b>E-MAIL ADDRESS</b>	<b><i>Annalene.deBeer@stellenbosch.org.za</i></b>
<b>REPORT DATE</b>	<b><i>17 July 2020</i></b>

# APPENDIX 1



POWERS/DUTIES CONFERRED ON COUNCIL						
ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTIONS/ INSTRUCTION TO ASSIST
		recovery plan				
EM83	Section 139(2), MFMA	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the municipality's financial affairs, to assess the municipality's financial state and to prepare an appropriate recovery plan for the municipality	Executive Mayor			
EM84	Section 166(2), MFMA	Receiving reports of the audit committee	Executive Mayor			
MUNICIPAL ASSET TRANSFER REGULATIONS (GNR 878 in GG 31346 dates 22 August 2008) – EXECUTIVE MAYOR						
EM 85	Chapter 2 and chapter 4	Approval of lease agreements of Council properties for a period shorter than 10 years and a contract value of less than R5 million. Includes session of such agreements to other parties within the original contract period.	Council	Executive Mayor		In consultation with the Executive Mayoral Committee
MUNICIPAL STRUCTURES ACT ( 117 of 1998) – SPEAKER						
S1	Section 37(a), Structures Act	Presides at meetings of the Council	Speaker	N/A		(When the speaker is absent, the Accounting Officer (Municipal Manager) must preside for



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
<b>REGULATIONS ON COST CONTAINMENT – MUNICIPAL MANAGER</b>						
MM164	Regulations on cost containment	To authorise the usage of official vehicles by councillors and officials	Accounting Officer (Municipal Manager)			
<b>MUNICIPAL ASSET TRANSFER REGULATIONS - MUNICIPAL MANAGER</b>						
MM165	Regulation 34(1)(b) of MATR	Granting or right to use, control or manage municipal capital assets, subject to the considerations outlined in regulation 36 of MATR.	Council			
MM166	Regulation 35 (1) of MATR	The accounting officer must conduct a public participation process in connection with any proposed granting of a long-term right to use, control or manage a capital asset with a value in excess of 10 million	Council	Municipal Manager		
MM 166A		Acquisition of immovable property rights by way of a lease agreement or registration of a servitude	Council	Municipal Manager (in consultation with the Executive Mayor)  Executive Mayor (in consultation with the Executive Mayoral Committee)		To the contract value of R5 Million  To the contract value of between R5 million and below R10 million
MM 166B	Section 33	Approval of applications for temporary use of Council Property for Film Shoots; Sport gatherings; Religious gatherings; Circus; concerts; Festivals and other similar events for a period not exceeding 1 month.	Council	Municipal Manager	Relevant Director	In consultation with the Municipal Manager



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY / DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS / INSTRUCTION TO ASSIST
MM 166C	Section 33	Issuing of special power of attorney to 3 <sup>rd</sup> parties to obtain permission on Council owned properties for example to apply for a building plan when erecting a cellphone tower or erecting a fence on council land.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
MM 166D	Section 33	To approve wayleaves (cables; pipes; electronic communication network over council properties (under streets, road reserves, public open spaces)	Council	Accounting Officer (Municipal Manager)	May be delegated to relevant Director.	On recommendation from relevant Director and in terms of Council Policy/Bylaw/legislation.
<b>ADMINISTRATIVE MATTERS</b>						
MM167	CR 20/11/2002	To decide on the closing of offices on Easter Weekend, 24 and 31 December annually	Council	Accounting Officer (Municipal Manager)		
<b>ADVERTISING, PUBLICITY AND MEDIA LIAISON</b>						
AD1	General	Development and implementation of criteria for placement of advertisements and general notices in the media	Accounting Officer (Municipal Manager)	Senior Manager: Governance	Manager: Communication	After consultation with Accounting Officer (Municipal manager)
AD2	Communication Policy	To make media statements on all administrative matters on behalf of the municipality	Accounting Officer (Municipal Manager) in so far as it entails administrative matters Executive Mayor in so far as it entails political matters			Manager Communication in conjunction with relevant heads of departments Sub delegations in terms of Communications Policy



ITEM NUMBER	LEGISLATIVE MANDATE	DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
LEG 15	Section 126 and 127 of Municipal Ordinance 20/1974	Approval of an encroachment onto municipal owned land or public spaces	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services In terms of Council Policy/Framework.
LEG 16		To exercise the rights and obligations of the Municipality as Lessor or lessee in respect of agreements of lease, servitudes and other legal instruments.	Council	Accounting officer (Municipal Manager)		On recommendation from Director Corporate Services and in terms of Council Policy/Bylaw/legislation
LEG 17		To approve applications for the placement of posters and banners on municipal properties	Council	Accounting officer (Municipal Manager)		On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 18		To approve applications for fund raising – street and house collections	Council	Accounting officer (Municipal Manager)	May be sub delegated to relevant Director	On recommendation from the relevant Director and in terms of Council Policy/Bylaw/legislation
LEG 19		To enter into agreements where approvals were granted to acquire rights from or to 3 <sup>rd</sup> parties	Council	Accounting officer (Municipal Manager)	May be sub delegated to Director Corporate Services	
<b>LIBRARIES</b>						
LIB1		To consider and approve applications for library membership i.t.o. council resolution and to recover, where necessary, the applicable subscription fees	Council	Director: Community and Protection Services	Senior Manager: Community Services	Manager" Library Services
LIB2		To issue demand letters i.to. outstanding library material i.t.o. council resolution and to ensure	Council	Director: Community and Protection	Senior Manager: Community Services	Manager" Library Services

13.3	<b>RENEWAL OF TWO (2) MEMBERS' TERMS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE OF STELLENBOSCH MUNICIPALITY</b>
------	--

Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date:

Good Governance

24 August 2020

**1. 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 renewal of 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.

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 and the Institute of Director's: Public Sector Audit Committee Forum's Competency Framework attached as **APPENDIX 1**.

The first term of two members, Mr. Vincent James Botto and Mr. Tsepo Lesihla conclude on 31 August 2020. Attached as **APPENDIX 2** see their respective appointment letters.

**5. RECOMMENDATIONS**

- a) that Council renew the term of Mr. Vincent James Botto and Mr. Tsepo Lesihla for a second and final term of three years commencing on 1 September 2020; and
- b) that Council take note of the resignation of Mr Jeremy Fairbairn from the committee.

**6. DISCUSSION / CONTENTS**

**6.1 Background**

In terms of Section 166 (2) (a) the Audit and Performance Audit Committee must provide advice on matters relating to:



- internal financial control and internal audit;
- risk management;
- accounting policies;
- the adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- performance evaluation;
- compliance with the MFMA; and
- any issues referred to it by the Council.

The Audit and Performance Audit Committee will also review the annual financial statements in order to advise Council whether its finances are being managed efficiently and effectively. Furthermore, the Audit and Performance Audit Committee may respond to Council on issues raised by the Auditor-General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

In order to execute its responsibilities effectively, the Audit and Performance Audit Committee will have access to the financial records and all other relevant information of the municipality.

Stellenbosch Municipality's approved Audit and Performance Audit Committee Charter requires that there be a minimum of three (3) and a maximum of five (5) members. The Audit and Performance Audit Committee must meet as often as may be needed but not less than four times a year. No Councillor may be a member of the Audit and Performance Audit Committee. The Audit and Performance Audit Committee is a politically neutral body.

The Audit and Performance Audit Committee should, according to the Municipal Planning and Performance Management Regulations, include at least one (1) performance management expert as the Audit and Performance Audit Committee of Stellenbosch Municipality performs the dual role of Audit and Performance Audit Committee.

## **6.2 Discussion**

Mr. Vincent James Botto and Mr. Tsepo Lesihla have served on the Stellenbosch Municipality Audit and Performance Audit Committee for three years and have contributed substantially to the operation and functioning of this Committee. It is advisable to appoint them for a second term to ensure continuity and skills transfer to new and incoming members of the Committee.

Furthermore, Mr. Jeremy Fairbairn resigned from the Audit and Performance Audit Committee as of the 18<sup>th</sup> March 2020. Attached as **APPENDIX 3** please find email resignation letter. The Audit and Performance Audit Committee now consists of only four (4) members which is acceptable in terms of the approved Audit and Performance Audit Committee Charter.

## **6.3 Financial Implications**

As per the approved budget.

## **6.4 Legal Implications**

The recommendations comply with legislation.

**6.5 Staff Implications**

N/A.

**6.6 Previous / Relevant Council Resolutions**

N/A

**6.7 Risk Implications**

N/A

**6.8 Comments from Senior Management**

The Municipal Manager and Senior Managers are in support of this item.

**APPENDICES**

Appendix 1- Institute of Director's: Public Sector Audit Committee Forum's Competency Framework

Appendix 2- Appointment letters of Mr Botto and Mr Lesihla

Appendix 3- Resignation email from Mr Jeremy Fairbairn

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>Faiz Hoosain</i>
<b>POSITION</b>	<i>Chief Audit Executive</i>
<b>DIRECTORATE</b>	<i>Municipal Manager's Office</i>
<b>CONTACT NUMBERS</b>	<i>021-808 8555</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Faiz.Hoosain@ Stellenbosch.gov.za">Faiz.Hoosain@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<i>01 August 2020</i>

# APPENDIX 1



## Audit Committee Member Competency Framework

*The information contained in this guidance paper is provided for discussion purposes. As such, it is intended to provide the reader and the entity with general information of interest and not to address the circumstances of any particular individual or entity.*

*The information should not be regarded as professional or legal advice or the official opinion of any of the individual organisations represented on the steering committee of the Public Sector Audit Committee Forum (PSACF).*

*Although the PSACF takes all reasonable steps to ensure the quality and accuracy of the information, no action should be taken on the strength of the information without obtaining professional advice. The PSACF and the sponsors shall not be liable for any damage, loss or liability of any nature incurred directly or indirectly by whomever and resulting from any cause in connection with the information contained herein.*

## 1. Introduction

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One of the main factors contributing to an effective audit committee is having the right composition and competencies. It is therefore important that the applicable Accounting Authority, Accounting Officer or Council appoints members with the appropriate balance of formal qualifications, relevant experience and desired personal attributes. The aim is to have an appropriate balance of skills and experience on the audit committee to enable it to effectively and efficiently discharge its duties/functions as set out in the applicable legislation as well as the audit committee charter/terms of reference (referred to hereafter as the “AC Charter”).

The purpose of this guide is to provide a summary of the key competencies recommended for audit committee members.

## 2. Composition

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### 2.1. Size

In terms of section 94(2) of the Companies Act, section 77 of the Public Finance Management Act (“PFMA”) and section 166 of the Municipal Finance Management Act (“MFMA”), the audit committee should consist of a minimum of three (3) members.

The optimum size of an audit committee will vary depending on the size, nature, complexity and needs of the organisation, the industry or sector in which it operates, and the extent of responsibilities delegated to the audit committee as covered in its AC Charter.

### 2.2. Composition requirements

Both the PFMA and MFMA require that the majority of members of an audit committee must not be in the employ of the department or public entity or municipality/municipal entity. Treasury Regulation 27.1.4 similarly provides that “the majority of the members of an audit committee may not be employed by the public entity or be members of the controlling body”. In other words, this would be interpreted to mean that the majority of audit committee members must be “non-executive”.

Whereas, the Companies Act (section 94(4)) requires and King IV™ (Practice 56) recommends that all members of the audit committee must be non-executive members.

***Non-executive means - an audit committee member must not be:***

- a. *a member involved in the day-to-day management of the organisation’s business either presently or during the previous financial year; or*
- b. *a prescribed officer or full-time employee of the organisation or another related/inter-related organisation either presently or at any time during the previous three financial years; or*
- c. *a material supplier or customer of the organisation (i.e. there must be no conflict of interest that could be perceived by a third party); or*
- d. *any individual related to any person who falls within the above categories.*

It is recommended that all public organisations and municipalities consider, as an enhancement in terms of best governance practices, having an audit committee consisting only of non-executive members.

In addition, the audit committee should also, as recommended by King IV™ for the governing body, “promote diversity in its membership across a variety of attributes relevant for promoting better decision-making and effective governance, including field of knowledge, skills and experience as well as age, culture, race and gender”.

## 2.3. Independence

Principle 8 and recommended practice 56 of King IV™ recommends that “all members of the audit committee should be independent, non-executive members of the governing body”. Similarly, both the Treasury Regulations (No. 3.1.5) and National Treasury’s Internal Audit Framework (No. 2.5.4) recommend that the audit committee should operate independently in order for it to be effective.

King IV™ defines Independence as follows:

*“Independence generally means the exercise of objective, unfettered judgement. When used as the measure by which to judge the appearance of independence, or to categorise a non-executive member of the governing body or its committees as independent, it means the absence of an interest, position, association or relationship which, when judged from the perspective of a reasonable and informed third party, is likely to influence unduly or cause bias in decision-making.”*

Independent non-executive members should be independent in fact and in the perception of a reasonably informed third party.

The following is recommended in order to enhance the audit committee’s independence:

- The majority of members should be independent of the organisation and should preferably not be in the public service.
- Ensuring the appointment of members who exhibit an independence of mind in their deliberations: The integrity and independence of appointees should be carefully considered and the independence of members should be assessed annually by the audit committee (with a more rigorous independence assessment performed for longer-standing members).
- Members should not serve for more than two consecutive terms and no more than six (6) years.
- Members should declare all private and business interests at every audit committee meeting. Specifically, members should not conduct any business with the department, public entity or municipality/municipal entity. Conflicts of interest should be a standing agenda item to ensure that all potential, actual or perceived conflicts of interest are identified and dealt with accordingly, and a conflict of interest register should be kept to record any such disclosed conflicts. The benefit of keeping a conflict of interest register will ensure transparency and safeguard the integrity of the decisions made by the audit committee by providing evidence of the independence of the audit committee should this ever be questioned.

As such, a Councillor/Council member is not allowed to be a member of the audit committee or attend audit committee meetings. While there is nothing prohibiting the chair of the Accounting Authority being a member of the audit committee, in practice and in line with best governance principles the chair is generally not appointed as a member.

## 2.4. Selecting members

When selecting new or considering the reappointment of audit committee members, consideration should be given to (among others) the following:

- the need to balance the benefits of having experienced members and bringing in new members for fresh insights and perceptions;
- the organisation’s culture, values, business and industry in which it operates, as well as its size and complexity (i.e. what skills are required to address the key risks of the organisation?);
- the number of other governing bodies / councils and audit committees on which the member sits on;
- the audit committee Chair’s recommendations on the skills, knowledge, experience and personal attributes required within the existing audit committee; and
- evaluations and assessment results, especially when such results highlight the need for additional skills or experience within the audit committee.

*The PSACF round table discussions held across the regions have highlighted the challenge of audit committees in the public sector to recruit/access competent potential members. In order to address this need, the PSACF has provided an avenue for audit committees to advertise vacancies on the PSACF member database (which consists of varying levels of members with audit committee experience).*

## 2.5. Rotation

Rotation enhances independence and helps to keep the audit committee effective and fresh with new perspectives on processes. It is recommended that an audit committee member should serve a minimum of three (3) years with the option of re-appointment for another three (3) years, based on his/her performance (i.e. not more than two terms of three years each).

In terms of National Treasury's Internal Audit Framework section 2.5.6 and MFMA Circular 65, "Members should not be contracted continuously for a period exceeding six years. After serving continuously for six years, a cooling off period of two years should be allowed before appointing the same member to the same audit committee."

Collectively based on the above, it is recommended that an individual should serve a maximum of four (4) terms in total (i.e. two periods of six (6) years in total) with a cooling off period of two years between terms 2 and 3.

It is recommended that audit committee members be rotated on a staggered basis to ensure that institutional knowledge from experienced members is retained and passed on to new members, and so that new members can receive guidance from experienced members regarding business processes, issues and relationships with key stakeholders. The number of members to be rotated will depend on the total number of members, but it is recommended that at least the majority of members should remain (i.e. one third should rotate).

## 3. Competencies of an effective Chair

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The audit committee should be chaired by an independent "non-executive" member (i.e. an individual not in the employ of the public/municipal entity nor a political office bearer), as recommended in section 166 of the MFMA, section 77 of PFMA, Treasury Regulations 3.1.4 and 27.1.3, and King IV™.

The Chair should be able to lead the audit committee in an effective and ethical manner. The Chair should also consider undergoing development courses to develop his/her skills and effectiveness.<sup>1</sup>

One of the responsibilities of the Chair is to provide an effective line of communication from the audit committee to the relevant oversight authority. The Chair should thus provide regular feedback to the Accounting Authority/Accounting Officer or other relevant authority charged with oversight of the performance, findings and related issues of the audit committee. The Chair is also best placed to provide input to the relevant authority responsible for the appointment of the members on the competencies/skills required within the audit committee in order for it to effectively perform its functions.

### 3.1. Core skills

An effective Chair should be a respected and experienced member with the following core skills and/or characteristics:

- good leadership skills/qualities;
- financial literacy skills;
- strategy skills;
- requisite business acumen;
- business, governance and/or finance management experience in the public sector (i.e. public sector experience);
- excellent working knowledge of the audit committee's function and risk management framework;
- ability to understand and identify major financial reporting issues;
- ability to understand the requirements for determining performance objectives, monitoring achievement and reporting thereon;
- understanding of the requirements for, and monitoring of, compliance with legislation;
- ability to lead constructive open and frank discussion with and/or between audit committee members, management, internal and external auditors, other external assurance providers and the applicable Accounting Authority/Accounting Officer/Council/Executive Authority/Portfolio Committee/MEC or Minister;
- interpersonal skills to build, maintain and promote effective working relationships; and
- ability to set/develop, manage and monitor the audit committee agenda as well as the effectiveness of committee meetings.

<sup>1</sup> The Audit Committee Forum Position Paper: Guidelines for the audit committee chairperson contains additional information to assist the chair with preparation for audit committee meetings.

### 3.2. Other personal attributes and skills

Essential characteristics of a strong Chair often also include personal attributes, such as:

- having time and energy for the role (i.e. dedication);
- having strong leadership and facilitation skills;
- being a good listener and communicator;
- having confidence and integrity;
- being firm and prepared to ask tough questions;
- the ability to encourage openness and transparency; and
- courage to raise and deal with tough issues/questions, and encourage and support other members to do the same.

## 4. Member Competency

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The skills and experience required from audit committee members, as previously mentioned, will depend on the nature, size and complexity of the organisation. However, as a minimum the audit committee collectively should consist of members with the following skills, knowledge, experience and attributes/characteristics in order to execute its duties effectively.

### 4.1. Core skills

Collectively the audit committee should have members with the following core skills, knowledge or experience (depending on the required skill needed for the organisation):

- financial or accounting knowledge/literacy;
- financial, performance and integrated reporting experience and ability to analyse complex financial reports;
- understanding of public sector reporting;
- understanding of service delivery priorities;
- understanding of internal financial controls;
- understanding of the external and internal audit roles and processes (i.e. robust knowledge of the audit function);
- understanding of the role of the Accounting Authority/Accounting Officer/Council and other governance role players;
- risk management experience/knowledge;
- knowledge of or competence in sustainability issues;
- information technology governance experience including cyber security, knowledge of IT systems and emerging technologies;
- governance knowledge and experience;
- strong business acumen;
- management skills (i.e. ability to work constructively and communicate effectively with management);
- understanding of the performance management system;
- understanding of the treatment of allegations and investigations;
- understanding of the relevant legislative requirements relating to the organisation/industry and sector;
- a robust knowledge of the organisation, its operations and its industry to assess financial reports effectively;
- previous experience in the same sector/industry as that of the business (at least majority of the members); and
- other relevant technical or specialist experience pertinent to the issues of the organisation's business.



## 4.2. Personal attributes and skills

In addition to the above, audit committee members should possess the following personal attributes:

- general business acumen (i.e. the ability to understand the impact of decisions or actions on the organisation)
- high level of integrity;
- strong ethical standards/values in line with those of the organisation;
- necessary available time and personal commitment to the role (i.e. dedication);
- healthy and professional scepticism;
- inquisitiveness and independent judgement (i.e. ability to think independently, objectivity and have an inquiring mind);
- ability, willingness and courage to ask relevant questions, challenge answers and probe for information until completely satisfied with the answers provided;
- ability to offer new perspectives and constructive suggestions;
- strong interpersonal skills ;
- openness and transparency;
- ability to be open to, accept and foster change;
- ability and desire to learn; and
- commitment and adherence to continuous professional development (CPD) requirements in terms of his/her specific profession/designation.

## 4.3. Additional skills, knowledge and experience

The audit committee and the Accounting Authority/Accounting Officer/Council should identify and agree on other skill sets required for the effectiveness of the audit committee. These additional skills may be in relation to the core business of the organisation, key strategies and/or business plans, or key developments in the industry affecting the business operations.

The required skills set for an audit committee should be reviewed periodically, taking into account the current maturity/stage of the organisation to ensure that as the company matures, the skills and knowledge of the audit committee members also develop to enable the audit committee to focus on key issues facing the organisation.

## 5. Ongoing Assessment and Evaluation

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Evaluations serve as a method to assess the performance of the audit committee and individual members and to identify gaps or weaknesses and what the audit committee/members need (such as further training, skills and knowledge etc.) to improve effectiveness.<sup>2</sup>

The duties/functions of the audit committee are continuously developing and/or increasing due to changes in the risk landscape, and as such new skills may be needed within the audit committee to address these new duties/functions. Thus the need for regular assessments and updating of the AC Charter becomes more necessary.

It is recommended that the applicable authority within the public sector landscape that is responsible for the appointment of audit committee members ensures (with the assistance of the Chair and/or Company Secretary) that the audit committee undergoes annual evaluation assessments on its collective as well as individual members' performance and effectiveness. In terms of King IV™ it is recommended that an independent evaluation be performed every two (2) years. An informal internal self-assessment can be performed during the interim periods to determine what progress has been made with action plans created since the previous formal evaluation.

In general, the results of the assessment should be received and considered by the relevant authority when determining the selection criteria for new members or the engagement with external specialists/consultants (as and when needed) to ensure that the audit committee has all the required skills, knowledge and experience to effectively fulfil its duties. With regards to municipalities, MFMA Circular 65 provides specific recommendations around results of assessments.

<sup>2</sup> The Audit Committee Forum Position Paper: Guidelines for assessing the performance of an audit committee contains additional guidance on this matter as well as basic templates for internal assessments.

## Annexure 1 - Public Sector Audit Committee Competency Framework Checklist Guideline

\*This checklist has been provided as a high-level guide to enable the audit committee to evaluate its overall competency. This evaluation can be included as part of the annual audit committee assessment (which covers a broader performance spectrum). It is recommended that this checklist be used by the authority responsible for the appointment of the audit committee members either on an annual basis or when appointing/reappointing members.

Assessment Area/Question	Yes / No
<b>Composition</b>	
Are all the members' independent non-executive members?	
Is there a minimum of three members?	
Does the audit committee have the appropriate number of members relative to the size, nature and complexity of the organisation to effectively and efficiently carry out its functions?	
Is the independence of members assessed annually?	
Does the audit committee have protocols to deal with actual and perceived conflicts of interest? Are conflicts of interest identified and dealt with appropriately?	
Are conflicts of interest recorded in a conflict of interest register?	
Are there clear criteria as well as a list of requirements regarding the qualifications, attributes and experience needed for recruitment/selection of members?	
Does the Chair of the audit committee provide feedback/input in the selection of new members through his/her recommendations on the additional skills/competencies required within the audit committee?	
Are skills gap analyses undertaken to identify the skills required within the audit committee?	
Are audit committee members rotated on a staggered basis?	
Do audit committee members serve longer than a total of six (6) years on the committee? If so, are such members subjected to rigorous independence assessments to satisfy the committee that they are still independent?	
<b>Chair</b>	
Is the Chair of the audit committee an independent non-executive member?	
Is the Chair an experienced governing body member with relevant financial expertise?	
Does the Chair possess the core skills, knowledge and experience required of an effective Chair?	
Does the Chair have appropriate leadership and facilitation skills?	
Does the Chair have relevant public sector experience?	
Does the Chair demonstrate the personal attributes of an effective Chair?	
Does the Chair understand and regularly assess the needs of the audit committee?	
Does the Chair set and manage the audit committee agenda?	
Does the Chair have effective working relationships with all key stakeholders?	
<b>Audit Committee Members</b>	
Does the audit committee have an appropriate mix of core skills, knowledge and experience to address the needs and complexity of the organisation and as identified by the Chair?	
Do all or at least a majority of the audit committee members have financial knowledge?	
Does the audit committee have at least one member who is a financial management expert?	
Do the audit committee members possess the necessary personal attributes required for an effective audit committee?	
Has the audit committee been subject to an evaluation or analysis to determine whether it requires any specific skills and knowledge to deal with specific company concerns/issues?	
<b>Evaluation/Assessment</b>	
Is the performance of the audit committee and individual members evaluated/appraised annually?	
Does the audit committee adequately address those areas identified as requiring improvement in such evaluations?	
Are identified gaps in skills, knowledge and experience dealt with either through appropriate induction of new members; providing training to existing members, or identifying external specialists/consultants to advise the audit committee on such topics/areas?	

### Results of the Checklist

This checklist provides a template that can be used to assess the audit committee's independence, composition and current competency. The results of the assessment can assist the audit committee Chair, nominations committee or the relevant authority responsible for the appointment of audit committee members in that organisation when considering the appointment or reappointment of audit committee members.

Any issues identified or arising from this checklist must be added to the audit committee meeting agenda for discussion.

**Institute of Directors in Southern Africa  
PSACF Secretariat**

National Office - Johannesburg | PO Box 908, Parklands 2121 | Johannesburg, South Africa  
144 Katherine Street, Sandown, Sandton 2196

Tel: 011 430 9900 | Fax: 011 444 7907 | Email: [IoDSA@IoDSA.co.za](mailto:IoDSA@IoDSA.co.za) | Web: [www.IoDSA.co.za](http://www.IoDSA.co.za)



# **APPENDIX 2**

**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENQUQU • INNOVASIESTAD

01 September 2017

Mr Vincent Botto  
131 Grasmere Street  
Athlone  
7764

Dear Sir

**APPOINTMENT AS MEMBER OF THE STELLENBOSCH MUNICIPALITY AUDIT & PERFORMANCE AUDIT COMMITTEE**

I am pleased to inform you that the Stellenbosch Municipality Council at its meeting held on 30 September 2017, unanimously agreed to your appointment as a member of the Council's Audit and Performance Audit Committee. Your appointment is for a period of three years, made in terms of Section 166 of the Municipal Finance Management Act, No 56 of 2003.

You will be paid a stipend of R4000,00 for every meeting of the Audit and Performance Committee you will attend and this will include two hours preparation you are required to do for these meetings. The Committee must meet as often as required but at least four times in a financial year. I attach with this appointment letter a copy of the approved Stellenbosch Municipality Audit Committee Charter for your perusal.

Thank you for your willingness to serve the Greater Stellenbosch Community in this manner and I wish you a successful and rewarding term of office as a member of the Audit and Performance Audit Committee. Please do not hesitate to contact the Chief Audit Executive, Mr Faiz Hoosain of Stellenbosch Municipality, if you have any enquiries in this regard.

Yours faithfully



**COUNCILLOR DONOVAN JOUBERT**  
**SPEAKER**



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

INNOVATION CAPITAL • ISIXEKO ESIZA NENGUQU • INNOVASIESTAD

01 September 2017

Mr Tsepo Lesihla  
24 Coatbridge Crescent  
Parklands  
Milnerton  
7441

Dear Sir

**APPOINTMENT AS MEMBER OF THE STELLENBOSCH MUNICIPALITY AUDIT & PERFORMANCE AUDIT COMMITTEE**

I am pleased to inform you that the Stellenbosch Municipality Council at its meeting held on 30 September 2017, unanimously agreed to your appointment as a member of the Council's Audit and Performance Audit Committee. Your appointment is for a period of three years, made in terms of Section 166 of the Municipal Finance Management Act, No 56 of 2003.

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Thank you for your willingness to serve the Greater Stellenbosch Community in this manner and I wish you a successful and rewarding term of office as a member of the Audit and Performance Audit Committee. Please do not hesitate to contact the Chief Audit Executive, Mr Faiz Hoosain of Stellenbosch Municipality, if you have any enquiries in this regard.

Yours faithfully



**COUNCILLOR DONOVAN JOUBERT**  
**SPEAKER**



# APPENDIX 3

**Faiz Hoosain**

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**From:** Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>  
**Sent:** Thursday, 19 March 2020 08:42  
**To:** Faiz Hoosain  
**Subject:** FW: [EX] RESIGNATION - 2ND TERM

FYA



Kind regards,  
**Geraldine Mettler**  
Municipal Manager  
**Stellenbosch Municipality**  
**Office of the Municipal Manager**

---

T: +27 21 808 8025 | C: +27 82 312 3063  
Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:  
[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

**From:** Jeremy Fairbairn [mailto:jjfairbairn53@gmail.com]  
**Sent:** Wednesday, 18 March 2020 10:52  
**To:** Geraldine Mettler  
**Subject:** [EX] RESIGNATION - 2ND TERM

ATTENTION: MUNICIPAL MANAGER, STELLENBOSCH, Dear Geraldine Mettler, It gives no pleasure to inform you of my resignation with immediate effect from the Audit and Performance Committee. I thank Council, you and your team, Chair of the A&PC, and CAE for the opportunity afforded me to serve on the aforementioned committee. I anticipate that Stellenbosch Municipality will continue to satisfy its mandate to the community in the best way possible. As we know this is not an easy task, and I commend Stellenbosch Municipality on its achievements to date. Best Regards, Jeremy Fairbairn



14.	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
14.1	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: APPLICATION FOR EXTENSION OF CONTRACT OF MR D LOUW</b>

A Notice of a Question, dated 2020-08-11, was received from Councillor DA Hendrickse regarding the application for extension of contract of Mr D Louw.

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

**FOR CONSIDERATION**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>August 2020</i>

# **APPENDIX 1**



11 August 2020  
The Speaker  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr N Jindela

Dear Speaker

**RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR AUGUST 2020** *Q1*

**QUESTION NO 1**

Why don't the Municipal manager disclose copies to the letters the Executive Mayor wrote to the National minister and the copy of the letter the MM wrote to the national minister dated October 2017, regarding the application for the extension of Mr D Louw beyond his retirement age till end of April 2022?

**MOTIVATION**

The motivation to extend Mr D Louw employment contract was never debated in Council nor was council presented with copies of the letter the Mayor and the motivation of MM dated 13 October 2017.

I have also requested copies of these letters via Request for information, but to date have not been provided with such copies. The lack of transparency and accountability in this matter is a great concern.

Clr DA Hendrickse



# **APPENDIX 2**



# MEMORANDUM

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

---

**TO : SPEAKER**  
**FROM : MUNICIPAL MANAGER**  
**DATE : 18 AUGUST 2020**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE  
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL**

---

Dear Speaker

With reference to the question received from the EFF Councillor DA Hendrickse, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

**QUESTION 1:**

“Why don’t the Municipal Manager disclose copies to the letters the Executive Mayor wrote to the National minister and the copy of the letter the MM wrote to the national minister dated October 2017, regarding the application for the extension of Mr D Louw beyond his retirement age till end of April 2022?”

**RESPONSE**

Attached as requested.

Kind regards

---

**Geraldine Mettler  
Municipal Manager**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

13 October 2017

Minister D van Rooyen  
 Department of Cooperative Governance and Traditional Affairs  
 Private Bag X802  
**PRETORIA**  
 0001

Per: [Benr@coqta.gov.za](mailto:Benr@coqta.gov.za)  
[lanw@coqta.gov.za](mailto:lanw@coqta.gov.za)  
[tebogomo@coqta.gov.za](mailto:tebogomo@coqta.gov.za)

Dear Minister van Rooyen

**FOLLOW UP ON APPLICATION TO WAIVE THE MANDATORY RETIREMENT AGE OF 65 YEARS :  
 MR DEON LOUW – DIRECTOR ENGINEERING SERVICES**

1. Our initial letter dated 2 November 2016 to your office and subsequent letters in the same regard has reference.

**Application History**

2. The Executive Mayor received your letter dated 28 April 2017 informing us that our application referred to has been declined. The application that was referred to was the application to waive the provision of item 9(2) of the Upper Limits of Total Remuneration Packages payable to Senior Managers.

Our initial letter however requested two approvals 1) approval for the waiver of the Upper Limits (response which have been received), and 2) approval on a waiver of the mandatory retirement age of 65 years in respect of Mr Deon Louw (response which have not been received).

**Supportive Evidence/ Performance**

3. Mr Louw has been appointed as the Director Engineering Services at Stellenbosch Municipality since March 2017. Since his employment at the Municipality Mr Louw has been an immense asset to the Engineering Directorate and the Senior Management Team.
  - 3.1 Due to the post of Director Engineering services being vacant for almost 3 years, the vast and cross border knowledge and extensive proven Local Government experience for 20 years that Mr Louw contributes to the Municipality is one of

the few reasons we are requesting your favourable consideration to this application.

- 3.2 Mr Louw is in possession of the Minimum Municipal Competency (MMC).
- 3.3 Mr Louw achieved his Government Competency Certificate (commonly referred to as the Government Ticket) in March 1981, a very rare qualification, as not many engineers possess this Government Ticket. It is with this Government Ticket in possession that Mr Louw has successfully started the process of the Electrification of Enkanini, Stellenbosch Municipalities biggest Informal Settlement.
- 3.4 Studies have been undertaken in the main part of the Enkanini Informal Area. It is estimated that about 2500 informal settlements are currently without adequate services in this area. The amounts of settlement are above the density to safely manage such a large population and studies are afoot to redeploy some informal settlements to a nearby open space.

Due to the time that such a deployment planning and execution would take, it was felt that some basic services need to be installed as a matter of urgency. Consultants have been employed to indicate how these services can immediately be implemented without creating wasteful expenditure when parts of the settlement are deployed to a different site. The consultants have completed this part of the study and it is now planned to provide the backbone of the following services along the current main routes:

- Widening and strengthening of main roads
- Storm water to guide flooding waters away
- Sanitation main routes to ensure that all sewage will be caught up in otr sewer network and not in the storm water network. Plan for the installation of toilettes to achieve the standards prescribed
- Water network extension such that enough standpipes as per national standards are deployed
- Electrify the informal settlers in stages and in the positions of the final outlay

- 3.4 Since the employ of Mr Louw as Director Engineering Services of the Municipality he has implemented and championed various critical projects. These have been listed below.

The Western Cape has been undergoing an extreme water crisis and drought situation. Municipalities in the Western Cape have been urged and forces to implement various water saving mechanisms to ensure that water provision will not be hampered, however the situation has become so intense that The City of Cape Town has implemented Level 5 Water restrictions.

Mr Louw has been keeping abreast of the Water crises since the start of the drought. He has taken the lead in Implementing Level 5 restrictions in the Municipal Area, all of which have been approved by Council and promulgated in the relevant Gazettes. Level 4B Water restrictions have been introduced and implemented in the mean-time, and Mr Louw has been the custodian of the approval, implementation and communication phases.

Various alternative means of gathering water have been investigated in the Municipality, be the lead of Mr Louw. Investigations which will be concluded by late 2018 / begin 2019.

### 3.5 Other initiatives and projects that Mr Louw has been the champion of include, but are:

- Level 5 Water Restrictions and Associated Tariffs;
- 2017/18 Electricity Tariff Adjustment;
- Declaring a State of Disaster in terms of the Drought;
- Stellenbosch Transit Oriented Development (TOD) Project - The Directorate: Engineering Services and the Directorate: Planning and Economic Development jointly developed a proposal regarding a Transit Oriented Development (TOD) as a potential contributory solution to the towns transport problems, while also contributing to economic growth, local economic development, social inclusion;
- Water Services By-Law
- Review of the Electricity Supply By-Law
- Parking Upgrade - To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the most economical viable provision of parking within the Stellenbosch portion of the Stellenbosch Local Municipality;
- Solid Waste Upgrade Report - To request approval to commence with a Municipal Systems Act (MSA) Section 78 process to investigate the significant expansion of the Landfill site of Stellenbosch Municipality;
- Water Services : Draft Drought Response Plan - Developing and maintaining a drought management capability within the Stellenbosch Municipal area will contribute to reduce the effects of drought by addressing the following areas:
  - Public awareness
  - Removal of alien vegetation species
  - Optimise water storage
  - Reduce water consumption
  - Implement early warning and response mechanisms
- Application for admission of Guilt Fines i.t.o the Criminal Procedure Act No 51 of 1997 in respect of contraventions i.t.o the Water Services By-Law (2017) and non-compliance - In-principle approval from Council to give legal effect to the Water Services By-law (2017), to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.



Note that these projects are just a few initiatives that Mr Louw has been implementing since the start of his employee in March 2017. The bulk of these projects have a multi-year life span, and Mr Louw plays a crucial role in the successful implementation of these projects.

It is with this that I herewith humbly request your positive and urgent consideration for the application to waive the mandatory retirement age of 65 years in respect of Mr Deon Louw.

It is imperative for the Municipality to know whether the application will receive your positive consideration.

Yours faithfully



**ADV GESIE VAN DEVENTER  
EXECUTIVE MAYOR**

14.2	<b>QUESTION BY COUNCILLOR DA HENDRICKSE: REMUNERATION: MR D LOUW</b>
------	--

A Notice of a Question, dated 2020-08-11, was received from Councillor DA Hendrickse regarding the remuneration of Mr D Louw.

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

**FOR CONSIDERATION**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>August 2020</i>

# **APPENDIX 1**



11 August 2020  
The Speaker  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr N Jindela

Dear Speaker

RE NOTICE OF QUESTIONS TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR AUGUST 2020 <sup>Q1</sup>

**QUESTION NO 2**

Who has authorised the remuneration of the Senior Manager Mr Deon Louw above what is regulated in the gazette and the performance bonus approved by Council?

**MOTIVATION**

In the AFS for 2018/2019 which is part of the 2018/2019 Annual report published for public comment its indicated that Mr Deon Louw as the Director Infrastructure received the total remuneration amounting to R 1 712 029.( See attached copy ) Less Performance bonus and cell ph allowance ( R144 918 + R22 800 ) = R R1 544311 , which amount is R155 732 more than the Gazetted Max remuneration for that period must be R 1 388 579. Council never resolve to pay Mr D Louw more than gazetted. In fact Council was previously informed that the national minister in 2017 did not approve the waiver application to pay Mr D Louw more that gazetted.

Clr DA Hendrickse

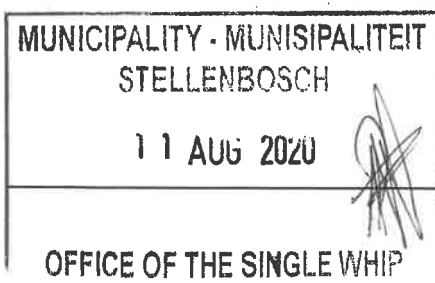


## Stellenbosch Municipality

Annual Financial Statements for the year ended 30 June 2019

### Notes to the Annual Financial Statements

Figures in Rand	2019	2018
<b>34. Employee related costs (continued)</b>		
<b>Remuneration of Municipal Manager</b>		
Annual Remuneration	1 393 726	1 367 733
Car Allowance	123 762	130 580
Performance Bonuses	244 629	90 750
Contributions to UIF, Medical and Pension Funds	334 363	330 713
	<b>2 119 280</b>	<b>1 942 576</b>
<b>Remuneration of Chief Financial Officer</b>		
Annual Remuneration	950 700	1 489 418
Car Allowance	117 860	128 479
Contributions to UIF, Medical and Pension Funds	50 948	28 317
Leave	136 205	-
Telephone allowance	7 600	22 800
Other	3 000	-
	<b>1 266 313</b>	<b>1 669 014</b>
Acting allowance paid to acting Chief Financial Officer	19 424	-
<b>Remuneration of the Director Planning and Development</b>		
Annual Remuneration	1 029 334	992 155
Car Allowance	128 974	125 884
Performance Bonuses	118 569	62 202
Contributions to UIF, Medical and Pension Funds	246 716	233 630
Telephone allowance	22 800	22 800
	<b>1 546 393</b>	<b>1 436 671</b>
<b>Remuneration of the Director Community &amp; Protection Services</b>		
Annual Remuneration	868 611	983 232
Car Allowance	65 000	135 224
Performance Bonuses	-	62 202
Contributions to UIF, Medical and Pension Funds	97 563	210 884
Telephone allowance	13 300	22 800
	<b>1 044 474</b>	<b>1 414 342</b>
Acting allowance paid to acting Director(s) Community and Protection Services	13 227	-
<b>Remuneration of the Director Infrastructure Services</b>		
Annual Remuneration	1 254 593	1 186 131
Car Allowance	265 652	120 000
Performance Bonuses	144 918	-
Contributions to UIF, Medical and Pension Funds	24 066	21 127
Telephone allowance	22 800	22 800
	<b>1 712 029</b>	<b>1 350 058</b>



**Stellenbosch Municipality**

Annual Financial Statements for the year ended 30 June 2019

**Notes to the Annual Financial Statements**

Figures in Rand

2019 2018

**34. Employee related costs (continued)****Remuneration of the Director Corporate Services**

Annual Remuneration	1 235 507	1 163 279
Car Allowance	139 200	139 200
Performance Bonuses	65 872	-
Contributions to UIF, Medical and Pension Funds	24 653	24 733
Telephone allowance	22 800	22 800
	<b>1 488 032</b>	<b>1 350 012</b>

**Remuneration of the Director Planning & Economic Development**

Annual Remuneration	1 029 334	1 048 276
Car Allowance	128 974	127 112
Performance Bonuses	118 569	-
Contributions to UIF, Medical and Pension Funds	246 716	20 618
Telephone allowance	22 800	19 000
	<b>1 546 393</b>	<b>1 215 006</b>

Acting allowance paid to acting Director Planning and Economic Development	17 239	29 723
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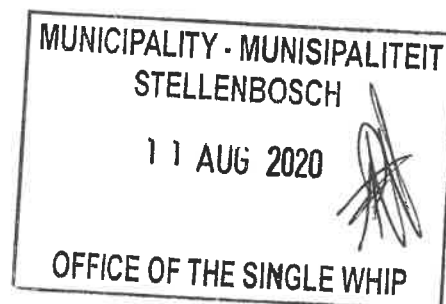
The comparative amounts were restated. Refer to note 63.16

**35. Remuneration of Councillors**

Councillors	18 272 420	17 307 558
Executive Mayor	903 871	860 542
Deputy Mayor	731 975	695 257
Speaker	725 826	695 257
Chief Whip	688 956	647 580
Executive Committee	5 066 820	5 180 632
All Other Councillors	10 305 045	9 373 168
	<b>18 422 493</b>	<b>17 452 436</b>

The skills development levy R150 775 (2018: R144 878) in respect of councillors are paid from general expenditure.

The Executive Mayor, Deputy Executive Mayor, Speaker and Mayoral Committee Members are full-time. Each is provided with an office and secretarial support at the cost of the council.





## cooperative governance

Department:  
Cooperative Governance  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X804, Pretoria, 0001 Tel: (012) 334 0600, Fax: (012) 334 0603  
cnr Hamilton and Johannes Ramokhoase Street, Arcadia, Pretoria

Reference No. 20/3/2/1/1/1

Alderman: GMM van Deventer  
The Executive Mayor: Stellenbosch Local Municipality  
P.O Box 17  
**STELLENBOSCH**  
7599



Dear GMM van Deventer


### WAIVER APPLICATIONS STELLENBOSCH

Subsequent to the meeting between the Director-General, Mr DMG Matshitsho and your Municipal Manager, Ms G Mettler, I would like to confirm the following:

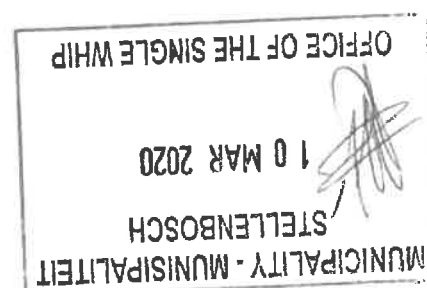
1. That the waiver application in respect of Ms Mettler's salary of R 1 650 000.00 per annum as letter dated 3 August 2017, is hereby confirmed.
2. In addition, the yearly inflation increase which translate to 5.9% as per Government Gazette No.41173 of 10 October 2017, applies to Ms Mettler.
3. The age waiver in respect of Mr Louw, Director: Infrastructure and Engineering, as per your motivation dated 13 October 2017 is hereby granted.

For further enquiries, you are welcome to contact Mr TD Motlashinguping, the Acting Deputy Director-General: Institutional Development on telephone: (012) 336 5763 or email: [TeboqoMo@cogta.gov.za](mailto:TeboqoMo@cogta.gov.za) for more information in this regard

Kind regards,

  
**MR. DMG MASHITSHO**  
**DIRECTOR-GENERAL**

DATE: 22/12/2017



# **APPENDIX 2**





# MEMORANDUM

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

**TO : SPEAKER**  
**FROM : MUNICIPAL MANAGER**  
**DATE : 18 AUGUST 2020**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE  
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL**

Dear Speaker

With reference to the question received from the EFF Councillor DA Hendrickse, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

**QUESTION 2:**

“Who has authorized the remuneration of the Senior Manager Mr Deon Louw above what is regulated in the gazette and the performance bonus approved by Council?”

**RESPONSE**

The Directors are remunerated based on the total cost to company and it is each individual's prerogative to structure their package according to their requirements. No council approval is required.

Director Louw was not paid an amount greater than his salary. The Annual Financial Statements incorrectly reflects the amounts paid to him. Council approved the performance bonus of Mr Louw. Furthermore, Mr Louw does not receive a remuneration package above what is allowed in the regulations. Annual Financial Statements are therefore reflecting an incorrect amount in Note 34 of 2018/19 as a car allowance for Mr Deon Louw.

**Correct Note should have read:**

18	R1 254 593	Annual Remuneration (made up of Items 1 and 5 above)
19	R 120 000	Car Allowance (Item 2 above)
20	R 144 918	Performance bonus (Item 6 above)
21	R 24 066	Contributions etc. (Items 7,8,9 & 10 above)
22	R 22 800	Cell Allowance (Item 3 above)
23	R 1 545 857	(AFS total remuneration)

Note that this disclosure will be corrected in the 2019/2020 Annual Financial Statements.

Kind regards

**Geraldine Mettler  
Municipal Manager**

14.3	<b>QUESTION BY COUNCILLOR MINIMUM COMPETENCY CERTIFICATE OF THE MUNICIPAL MANAGER: MS G METTLER</b>
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A Notice of a Question, dated 2020-08-11, was received from Councillor LK Horsband (Ms) regarding the minimum competency certificate of the Municipal Manager, Ms G Mettler.

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

**FOR CONSIDERATION**

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i>Municipal.Manager@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>August 2020</i>

# **APPENDIX 1**



11 August 2020  
The Speaker  
Stellenbosch Municipal Council  
Plein Street  
STELLENBOSCH  
7600  
Attention : Clr N Jindela

Dear Speaker

**RE NOTICE OF QUESTION TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR AUGUST 2020**

**QUESTION NO 1**

Can we get a copy of the Municipal Manager's Ms G Mettler's minimum competency certificate issued by the LGSETA, which indicated when the MM achieved her qualifications against the various modules required for her position as Municipal Manager

**MOTIVATION**

When the Council resolved in 2016 to appoint Ms G Mettler as the Municipal manager the Council resolve to authorise the Executive Mayor to apply to the National Minister to exempt the Council from appointing Ms G Mettler without her having obtained the require minimum competence qualification. In this regard Council was never presented with the exemption approval from the National minister nor with any LGSETA certificate verifying Ms G Mettler qualifications.

Likewise the employment contract the Mayor concluded with Ms G Mettler in December 2016, also has a clause stating she must obtain her required minimum competency qualifications within 12 months of her appointment.

Likewise in his letter dated 13 February 2017 the National Minister Des van Rooyen ( See attached copy ) wrote that he must still be presented with proof that Ms G Mettler has obtained her minimum competency qualifications, which can only be verified and certified by the LGSETA

Clr L Horsband

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
OFFICE OF THE SINGLE WHIP

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
OFFICE OF THE SPEAKER



**MINISTRY  
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA**

Private Bag x 802, PRETORIA, 0001 Tel: (+27 12) 334 0705 Fax: (+27 12) 3365950  
Private Bag x 9123, CAPE TOWN, 8000 Tel: (+27 21) 469 6701 Fax: (+27 21) 461 0851

Reference: 20/32/1/1/1

Adv. GMM van Deventer  
Executive Mayor: Stellenbosch Local Municipality  
P O Box 17  
**STELLENBOSCH**  
7599

Dear Adv. van Deventer

**APPLICATION TO WAIVE THE PROVISIONS OF ITEM 9(2) OF THE UPPER  
LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO SENIOR  
MANAGERS: MUNICIPAL MANAGER AT STELLENBOSCH LOCAL  
MUNICIPALITY**

I refer to your application dated 23 December 2016 to waive the offer of remuneration on appointment for the position of Municipal Manager at your municipality, the contents of which have been noted.

Item 9(1) of the Government Notice No. 381 as published in Government Gazette No. 40118 of 4 July 2016 ("the Notice") provides that the offer of remuneration on appointment to a senior manager will be determined subject to the following:

- (a) Competences;
- (b) Qualifications; and
- (c) Experience.

It has been noted from your application that Ms G Mettler meets two of the requirements cited above namely qualifications and experience. However, no evidence has been provided to substantiate the competency achievement level acquired in terms of item 9(2) of the Notice.

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
  
OFFICE OF THE SINGLE WHIP

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
  
OFFICE OF THE SPEAKER

In order to enable me to consider the merits of your application, you are kindly requested to submit the following supporting documents in respect of Ms Mettler for consideration:

- (a) Appointment report in terms of regulation 17(4) of the Regulations. The report referred to herein must contain the following:
- (i) details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
  - (ii) a list of all applicants;
  - (iii) a report contemplated in regulation 14(2) on the screening process and the outcome thereof;
  - (iv) the municipal council's resolution approving the selection panel and the shortlisted candidates;
  - (v) competency assessment results;
  - (vi) the minutes of the shortlisting meeting;
  - (vii) the minutes of interviews, including scoring;
  - (viii) the recommendations of the selection panel submitted to the municipal council;
  - (ix) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
  - (x) the recommendation of the executive committee or executive mayor to the municipal council, if any;
  - (xi) the municipal council resolution approving the appointment of the successful candidate;
  - (xii) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
  - (xiii) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;
  - (xiv) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
  - (xv) any other information relevant to the appointment.

You are welcome to contact Mr Tebogo Motlashuping, Chief Director: Municipal Human Resource Management Systems on telephone: (012) 336 5763 or email: [TebogoMo@coqta.gov.za](mailto:TebogoMo@coqta.gov.za) for more information in this regard.

Kind regards



**DES VAN ROOYEN, MP  
MINISTER**

DATE: 12/02/17



# **APPENDIX 2**



# MEMORANDUM

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

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**TO : SPEAKER**  
**FROM : MUNICIPAL MANAGER**  
**DATE : 18 AUGUST 2020**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE  
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL**

---

Dear Speaker

With reference to the question received from the EFF Councillor L Horsband, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

**QUESTION 1:**

“Can we get a copy of the Municipal Manager’s Ms G Mettler’s minimum competency certificate issued by the LGSETA, which indicated when the Municipal Manager achieved her qualification against the various modules required for her position as Municipal Manager?”

**RESPONSE**

Please find attached as requested.

Kind regards

---

**Geraldine Mettler  
Municipal Manager**





**LGSETA**  
LEARNING GOVERNANCE SETA

47 Van Buuren Road, Bedfordview 2007, P O Box 1964, Bedfordview 2008  
Telephone 011-456-8579 Facsimile 011-450-4948 Email [info@lgseta.org.za](mailto:info@lgseta.org.za) Website <http://www.lgseta.org.za>

## Statement of Result

### Learner achievement

Learner registration number with the LGSeta **L-0210088Ga**  
Learner Name **Geraldine Lezette Mettler**  
National ID   
Alternate ID

## Unit Standard Achievement Status

<u>Unit Standard ID</u>	<u>Unit Standard Title</u>	<u>Credits</u>	<u>Status</u>	<u>LGSeta Endorsement number</u>	<u>Endorsement Date</u>
119334	Discuss the selected legislative regulatory framework governing the public sector management and administration environment	12	ACHIEVED	US-119334-2214333	20150413
116361	Interpret South African legislation and policy affecting municipal financial management	8	ACHIEVED	US-116361-2214334	20150413
116345	Apply the principles of budgeting within a municipality	15	ACHIEVED	US-116345-5406611	20161003
116364	Plan a municipal budgeting and reporting cycle	8	ACHIEVED	US-116364-5692737	20161104
119352	Apply principles of information systems to public finance and administration	12	ACHIEVED	US-119352-5834952	20161115
119331	Conduct working capital management activities in accordance with sound financial management policy	12	ACHIEVED	US-119331-5882369	20161128
116343	Apply the principles of ethics in a municipal environment	10	ACHIEVED	US-116343-6017016	20161212
119341	Apply cost management information systems in the preparation of management reports	15	ACHIEVED	US-119341-6022849	20161219
116341	Conduct performance management to a South African municipal environment	12	ACHIEVED	US-116341-6274058	20180209
116363	Prepare and analyse municipal financial reports	12	ACHIEVED	US-116363-6274393	20180209
119343	Apply operations research principles and tools in the management of project activities and resources	15	ACHIEVED	US-119343-6275240	20180209
116339	Apply risk management in South African municipalities	10	ACHIEVED	US-116339-6292309	20180214
116348	Conduct stakeholder consultation around municipal finance programmes	8	ACHIEVED	US-116348-6382189	20181008
116358	Contribute to the strategic planning process in a South African municipality	15	ACHIEVED	US-116358-6388448	20181008



**Pumla Mkele**  
**ETQA Manager**

[pumlam@lgseta.org.za](mailto:pumlam@lgseta.org.za)

SOR Date

**Tuesday, October 09, 2018**

**L-0210088Ga**



15 December 2016

Dear Sir/Madam

**TO WHOM IT MAY CONCERN**

Ms Geraldine Mettler [REDACTED] has successfully completed the unit standards mentioned below on the Municipal Minimum Competency Levels Training Programme (subject to LGseta verification) presented by the School of Public Leadership, University of Stellenbosch. The authority of this specific programme is the Local Government SETA (LGSETA) and is rolled out according to the Government Gazette: Municipal Finance Management Act, 2007.

**UNIT STANDARDS SUCCESSFULLY COMPLETED WITH THE SCHOOL OF PUBLIC LEADERSHIP SUBJECT TO LGSETA VERIFICATION**

1. 119331
2. 119341
3. 119352
4. 116364
5. 116358
6. 116362
7. 116363
8. 116348
9. 116343
10. 116341
11. 116353
12. 119348
13. 119350
14. 116342
15. 116345
16. 116339

Do not hesitate to contact me, should you need any further information in this regard.

Kind Regards

**MELISSA BOTHA**  
 Municipal Minimum Competency Levels Training Programme Coordinator / Mensureur van Opleidingseenhede

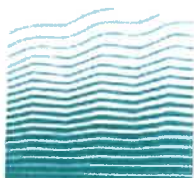
Administratiewe Direkteur  
 Mensureur van Opleidingseenhede  
 Skool van Publieke Leierskap  
 610, Bellville, 7530, RSA  
 Tel: +27 (0) 21 918 4122 / Fax: +27 (0) 21 918 4123

UNIVERSITEIT STELLENBOSCH  
 UNIVERSITY OF STellenbosch



SCHOOL OF PUBLIC LEADERSHIP • SKOOL VIR PUBLIEKE LEIERSKAP

Bellville Park Campus / Kampus: Carl Cronje Drive/Ryalaan, Bellville, 7535, RSA  
 PO Box/Posbus 610, Bellville, 7530, RSA Tel +27 (0) 21 918 4122 / Fax/Faks. +27 (0) 21 918 4123 / www.spl.sun.ac.za



**LGSETA** 47 Van Buuren Road, Bedfordview 2007, P O Box 1964, Bedfordview 2008  
 Telephone 011-456-8579 Facsimile 011-450-4948 Email info@lgseta.org.za Website http://www.lgseta.org.za

### Statement of Result

#### Learner achievement

Learner registration number with the LGSeta **L-0210088Ga**  
 Learner Name **Geraldine Lezette Mettler**  
 National ID **[REDACTED]**  
 Alternate ID

### Unit Standard Achievement Status

<u>Unit Standard ID</u>	<u>Unit Standard Title</u>	<u>Credits</u>	<u>Status</u>	<u>LGSeta Endorsement number</u>	<u>Endorsement Date</u>
116361	Interpret South African legislation and policy affecting municipal financial management	8	ACHIEVED	US-116361-2214334	20150413
119334	Discuss the selected legislative regulatory framework governing the public sector management and administration environment	12	ACHIEVED	US-119334-2214333	20150413



11 August 2020  
 The Speaker  
 Stellenbosch Municipal Council  
 Plein Street  
 STELLENBOSCH  
 7600  
 Attention : Clr N Jindela

Dear Speaker

**RE NOTICE OF QUESTION TO SERVE AT THE NEXT COUNCIL MEETING SCHEDULED FOR AUGUST 2020**

**QUESTION NO 1**

Can we get a copy of the Municipal Manager's Ms G Mettler's minimum competency certificate issued by the LGSETA, which indicated when the MM achieved her qualifications against the various modules required for her position as Municipal Manager

**MOTIVATION**

When the Council resolved in 2016 to appoint Ms G Mettler as the Municipal manager the Council resolve to authorise the Executive Mayor to apply to the National Minister to exempt the Council from appointing Ms G Mettler without her having obtained the require minimum competence qualification. In this regard Council was never presented with the exemption approval from the National minister nor with any LGSETA certificate verifying Ms G Mettler qualifications.

Likewise the employment contact the Mayor concluded with Ms G Mettler in December 2016, also has a clause stating the she must obtain her required minimum competency qualifications within 12 months of her appointment.

Likewise in his letter dated 13 February 2017 the National Minister Des van Rooyen ( See attached copy ) wrote that he must still be presented with proof that Ms G Mettler has obtained her minimum competency qualifications, which can only be verified and certified by the LGSETA

Clr L Horsband



15.	CONSIDERATION OF URGENT MOTIONS
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16.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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17.	REPORTS SUBMITTED BY THE SPEAKER
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17.1	REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR F ADAMS
------	---

**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

**1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR F ADAMS**

**2. PURPOSE**

To consider the report submitted by the Speaker against Councillor Cllr F. Adams, which was done in terms of Section 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against Councillor Adams.

Advocate Vermaak provided a report with recommendations to the Speaker's Office, which report is now tabled for consideration. Report attached as **APPENDIX 1**.

**5. RECOMMENDATIONS**

- a) that the matter be referred to the Disciplinary Committee for Councillors to investigate and make a finding on any alleged breach of the Code of conduct; and
- b) that, following the investigation, the Disciplinary Committee to make appropriate recommendations to the Council in the event of a guilty finding.

---

**6. DISCUSSION****6.1 Background**

The Office of the Speaker received five written complaints from the Municipal Manager against Cllr F Adams, namely:

1. A written complaint by Mr Faiz Hoosain, the Chief Audit Executive of Stellenbosch Municipality, dated 2 March 2018 addressed to the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, in which he alleges that Cllr F Adams had verbally abused him by shouting, screaming and swearing at him on the same date.
2. A written complaint by the Executive Mayor, Adv. G van Deventer, dated 7 November 2018, against Cllr F Adams in respect of certain postings by him on his Facebook page about her, which complaint was addressed to the Speaker, Cllr W Petersen;
3. A written complaint by Cllr A Frazenburg, dated 11 February 2019, about posts by Cllr F Adams on his Facebook page about Cllr Frazenburg, which complaint was addressed to the Speaker;
4. A written complaint by Cllr Patricia Crawley, dated 13 May 2019, about posts by Cllr F Adams on your Facebook page about her, which complaint was addressed to the Speaker;
5. Ms Annalene de Beer, the Director: Corporate Services, had also complained to the Municipal Manager, Ms Mettler, following posts on the Facebook page of Cllr F Adams about her and Ms Mettler had referred this complaint to the Speaker via e-mail on 18 February 2019.

**6.2 Discussion**

An investigation was done by Adv. Etienne Vermaak in respect of the five complaints/allegations of misconduct made against Cllr F Adams. His report is attached as **APPENDIX 1**.

**6.3 Financial Implications**

As per the approved appointment through the SCM process.

**6.4 Legal Implications**

Local Government Act: Municipal Systems Act 32 of 2000 – Schedule 1: Code of Conduct for Councillors. Sections 13 and 14 read as follows:

**13. DUTY OF CHAIRPERSONS OF MUNICIPAL COUNCILS**

- 13.1 If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must
  - a) authorise an investigation of the facts and circumstances of the alleged breach;
  - b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and

- c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- 13.2 A report in terms of sub-item (1)(c) is open to the public.
- 13.3 The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.
- 13.4 The chairperson must ensure that each Councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

#### 14 BREACHES OF CODE

- 14.1 A municipal council may-
- a) investigate and make a finding on any alleged breach of a provision of this Code; or
  - b) establish a special committee-
    - i. to investigate and make a finding on any alleged breach of this Code; and
    - ii to make appropriate recommendations to the council.
- 14.2 If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-
- a) issue a formal warning to the councillor;
  - b) reprimand the councillor;
  - c) request the MEC for local government in the province to suspend the councillor for a period;
  - d) fine the councillor; and
  - e) request the MEC to remove the councillor from office.
- 14.3a Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub-item (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.
- 14.3b A copy of the appeal must be provided to the council.
- 14.3c The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
- 14.3d The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.
- 14.4. The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.
- 14.5 The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of sub-item (3).

- 14.6 If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may
- a. suspend the councillor for a period and on conditions determined by the MEC; or
  - b. remove the councillor from office.
- 14.7 Any investigation in terms of this item must be in accordance with the rules of natural justice.”

**6.5 Staff Implications**

No internal capacity exists to investigate these types of allegations. It is also not good practice to use internal staff as it may lead to intimidation.

**6.6 Previous /Relevant Council Resolutions**

None.

**6.7 Risk Implications**

Addressed in the item.

**6.8 Comments from Senior Management**

None requested.

**ANNEXURES**

Annexure 1 –Investigation Report from Adv. Vermaak

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>ALD JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>24 August 2020</i>



# **ANNEXURE 1**

**CONFIDENTIAL**

**14 OCTOBER 2019**

**REPORT TO THE SPEAKER OF STELLENBOSCH  
MUNICIPALITY REGARDING AN ALLEGATION OF THE  
TRANSGRESSION OF THE CODE OF CONDUCT FOR  
COUNCILLORS BY CLR FRANKLIN ADAMS**

**REPORT COMPILED BY ADV E W VERMAAK**

## **BACKGROUND**

I was appointed by Stellenbosch Municipality in a letter dated 20 June 2019, signed by Ms Annalene de Beer as the Director: Corporate Services, at the request of the Speaker of that Municipality, Ms WC Petersen, to assist the Speaker with an investigation into alleged misconduct of four Councillors, including Clr Franklin Adams, a Councillor of Stellenbosch Municipality. This letter is attached to this report on page 24 . Although the said letter is dated 20 June 2019, it was only sent to me via e-mail on 25 July 2019 by Ms Annalene de Beer.

## **MY TERMS OF REFERENCE**

My terms of reference are to investigate the complaints by the following persons and institutions:

1. A written complaint by Mr Faiz Hoosain, the Chief Audit Executive of Stellenbosch Municipality, dated 2 March 2018 addressed to the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, in which he alleges that Clr F Adams had verbally abused him by shouting, screaming and swearing at him on the same date.
2. A written complaint by the Executive Mayor, Adv G van Deventer, dated 7 November 2018, against Clr F Adams in respect of certain postings by him on his Facebook page about her, which complaint was addressed to the Speaker, Clr W Petersen;
3. A written complaint by Clr A Frazenburg, dated 11 February 2019, about posts by Clr F Adams on his Facebook page about Clr Frazenburg, which complaint was addressed to the Speaker;
4. A written complaint by Clr Patricia Crawley, dated 13 May 2019, about posts by Clr F Adams on your Facebook page about her, which complaint was addressed to the Speaker;
5. Ms Annalene de Beer, the Director: Corporate Services, had also complained to the Municipal Manager, Ms Mettler, following posts on the Facebook page of Clr F Adams about her and Ms Mettler had referred this complaint to the Speaker via e-mail on 18 February 2019.

## **INITIAL DOCUMENTATION RECEIVED**

At a meeting held on 29 July 2019 in the Office of the Speaker which was attended by the Speaker, Alderman JC Anthony and myself, the Speaker handed four files to me. Each file contained documentation particular to the allegation of the transgression of the Code of Conduct by the particular Councillor and one of these four files contained five complaints against Clr Franklin Adams.

**A. The documentation received from the Office of the Speaker pertaining to the complaint by Mr Fiaz Hoosain, the Chief Audit Executive of Stellenbosch Municipality against Clr F Adams, comprised of:**

1. An e-mail from the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, to the former Speaker of Stellenbosch Municipality, Clr Donovan Joubert, dated 2 March 2018 (a copy of which was sent to the Executive Mayor, Adv G van Deventer) on page 25 of this report, in which Ms Mettler forwarded an e-mail that she had received from Mr Fiaz Hoosain, the Chief Audit Executive of Stellenbosch Municipality on the same date regarding a complaint against Clr F Adams. See pages 25 and 26 of this report;
2. An e-mail from Clr D Joubert addressed to Ms Mettler (a copy of which was sent to the Executive Mayor, Adv G van Deventer) dated 5 March 2018, in which he stated that he will deal with the matter on page 25 of this report;
3. A letter written by Clr D Joubert to Clr F Adams dated 12 March 2018, in which he advised Clr Adams of the complaint against him and in which he requested his response by 26 March 2018 on page 27 of this report;
4. A hand written letter by Clr F Adams addressed to the former Speaker, Clr D Joubert, dated 18 March 2018, requesting details of the complaint by Mr Fiaz Hoosain on pages 28 of this report;
5. A letter by Clr D Joubert, dated 12 June 2018, addressed to the Municipal Manager, Ms Mettler, requesting the appointment of an investigator on page 29 of this report;
6. A letter by Clr D Joubert, dated 17 July 2018, addressed to Ms Mettler, requesting that an investigator investigate the complaint against Clr Adams on page 30 of this report;
7. A letter by Clr W Petersen, the current Speaker of Stellenbosch Municipality, dated 4 October 2018, to Mr Fiaz Hoosain, requesting an affidavit from him regarding his complaint on page 31 of this report;
8. A letter by Clr W Petersen, the current Speaker of Stellenbosch Municipality, dated 4 October 2018, to Mr Bradley Dyers, requesting an affidavit from him regarding the complaint of Mr Hoosain on page 32 of this report;

9. A letter by Clr W Petersen, dated 12 October 2018, addressed to Clr Adams on page 33 of this report;
10. A sworn affidavit by Mr Fiaz Hoosain, dated 16 October 2018, on pages 34 to 36 of this report;
11. A statement by Mr Bradley Dyers confirming the affidavit of Mr Fiaz Hoosain on page 37 of this report;
12. A letter by Clr W Petersen to Ms Mettler, dated 14 December 2018, requesting the appointment of an investigator on page 38 of this report.

**B. The documentation received from the Office of the Speaker pertaining to the complaint by Adv G van Deventer, the Executive Mayor of Stellenbosch Municipality, against Clr F Adams comprised of:**

1. A letter from the Executive Mayor, Adv G van Deventer, addressed to the current Speaker, Clr W Petersen, dated 7 November 2018, to which she had attached a print out of the Facebook page of Clr F Adams on pages 39 to 41 of this report. In the post, he referred to her as the “visiting Mayor” and in it Clr F Adams implies that the Executive Mayor had rewarded Clr P Crawley (although Clr Crawley is not mentioned by name, her background information and her photo are parts of the particular post) for laying false charges against him by promoting her to the Mayoral Committee;
2. A letter by Clr W Petersen, the Speaker, addressed to Clr F Adams, dated 20 November 2018, in which he was informed of the above complaint of the Executive Mayor and in which he was given until 7 December 2018 to respond to the said complaint on page 42 of this report ;
3. A letter on the letterhead of the Democratic New Civic Association, dated 6 December 2018 and addressed to the Speaker, by Clr F Adams, in which he repeated statement relating to the “visiting Mayor” and in which he once again criticised the Executive Mayor for appointing Clr Crawley (this time mentioning her name) to the Mayoral Committee on pages 43 and 44 of this report;
4. A letter from the Speaker, dated 3 June 2019, addressed to the Municipal Manager, Ms Mettler, in which the Speaker requested that an external facilitator be appointed to investigate the complaint of the Executive Mayor on page 45 of this report.

**C. The documentation received from the Office of the Speaker pertaining to the complaint by Clr A Frazenburg of Stellenbosch Municipality**

1. A letter from Clr A Frazenburg addressed to the Speaker, Clr W Petersen, dated 11 February 2019, to which he had attached a post by Clr F Adams on the latter's Facebook page and in which Clr F Adams alleges that Clr A Frazenburg had been dismissed as a Mayoral Committee member before and that he was now back in Mayco and in which he further refers to the Executive Mayor as "Kesie" (instead of Gesie) on pages 45 to 48 of this report.
2. A letter from the Speaker, dated 19 February 2019, addressed to Clr F Adams, in which the latter is advised of the complaint by Clr A Frazenburg and in terms of which he was afforded an opportunity until 11 March 2019 to respond to the said complaint on page 49 of this report;
3. A document showing the tracking of the above letter from the Speaker to Clr Adams, which shows that the said letter was delivered to the e-mail address of Clr F Adams on 20 February 2019 on page 50 of this report;
4. Written confirmation from Microsoft Outlook on 20 February 2019 confirming that the letter of the Speaker, dated 19 February 2019, was delivered to Clr F Adams on page 51 of this report;
5. A letter from the Speaker, dated 3 June 2019, addressed to the Municipal Manager, Ms Mettler, requesting the appointment of an investigator regarding the said complaint on page 52 of this report.

**D. The documentation received from the Office of the Speaker pertaining to the complaint by Clr P Crawley**

1. A letter from Clr P Crawley addressed to the Speaker, Clr W Petersen, dated 13 May 2019, in terms of which Clr Crawley laid a formal complaint against Clr F Adams for continually posting "defamatory and totally incorrect information" about her on his Facebook page as well as pictures of her. A printout of the Facebook page of Clr Adams is attached to this complaint, which shows his posts on 11 May 2019. The complaint further addresses the allegation that Clr F Adams

continually defames the Executive Mayor and the DA. See pages 53 to 58 of this report.

2. A letter, dated 15 May 2019 and addressed to Clr F Adams by the Speaker, in which the complaint of Clr P Crawley is conveyed to Clr F Adams and in terms of which he was requested to respond to the complaint by 29 May 2019 on page 59 of this report.
3. A document confirming the tracking of the above letter of the Speaker to Clr Adams, which shows that the said letter was delivered to the e-mail address of Clr F Adams on 15 May 2019 page 60 of this report;
4. Written confirmation from Microsoft Outlook on 15 May 2019 confirming that the letter of the Speaker, dated 19 February 2019, was delivered to the e-mail address of Clr F Adams on 15 May 2019 on page 61 of this report;
5. A letter from the Speaker, dated 3 June 2019, addressed to the Municipal Manager, Ms Mettler, requesting the appointment of an investigator regarding the said complaint on page 62 of this report.
6. A letter from the Speaker, dated 25 July 2019, sent to Clr F Adams, confirming that he had not responded to her letter to him on page 63 of this report.

**E. The documentation received from the Office of the Speaker pertaining to the complaint by Ms Annalene de Beer, the Director: Corporate Services of Stellenbosch Municipality**

1. An e-mail from the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, to the Speaker of Stellenbosch Municipality, Clr W Petersen, dated 18 February 2019, in which Ms Mettler confirms that a formal complaint has been received by her from Ms de Beer, as a result of confidential and personal information that he had posted about her (Ms de Beer) on his Facebook page. See pages 64 to 68 of this report.
2. A print out of the Facebook page of Clr F Adams on 18 February 2019 in which he refers to Ms de Beer as “Beertjie” and “ the Task Expert who received an 10 year contract without Council authority”. He further states that “the visiting Mayor” (a reference to Adv Gesie van

Deventer) is the “Bestie” (slang for best friend) of Ms de Beer and that Adv van Deventer as the Executive Mayor had “driven” this contract. He further refers to Adv Gesie van Deventer once again as “Kesie” and added that Ms de Beer cannot spell. He had posted the application letter of Ms de Beer for the position of Director: Corporate Services and excerpts of her CV. See page 65 of this report.

7. A letter by the Speaker addressed to Clr Adams, dated 19 February 2019, in which the complaint of Ms de Beer is conveyed to Clr F Adams and in terms of which he was requested to respond to the complaint by 11 March 2019 on page 69 of this report;
8. A document confirming the tracking of the above letter of the Speaker to Clr Adams, which shows that the said letter was delivered to the e-mail address of Clr F Adams on 20 February 2019 on page 70 of this report;
9. A letter from the Speaker, dated 3 June 2019, addressed to the Municipal Manager, Ms Mettler, requesting the appointment of an investigator regarding the said complaint on page 71 of this report.

### **MODUS OPERANDI OF MY INVESTIGATION**

After the perusal of the file handed to me by the Speaker containing the five complaints against Clr F Adams, I identified the complainants and I had interviewed them all. During these interviews, other possible witnesses were also identified as well as additional documentation which could assist me in my investigations in this regard. I also extended an invitation to Clr F Adams for an interview to obtain his version or explanation for the events, but he refused to be interviewed by me.

### **THE DIFFERENT COMPLAINTS**

1. **The complaint by Mr Fiaz Hoosain, the Chief Audit Executive of Stellenbosch Municipality:**

The complaint of Mr Hoosain is fully explained in his e-mail to Ms Mettler as the Municipal Manager dated 2 March 2018 as well as in his affidavit dated 16 October 2018. The incident when Clr F Adams had allegedly verbally abused him, happened on 2 March 2018 and his e-mail to Ms Mettler in this regard to lodge the said complaint, was sent a few hours after the incident.



INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:Clr Wilhelmina Petersen (Speaker)

Before my interview with Mr Hoosain, I had an interview with Clr Petersen as the Speaker, during which she briefed me about this complaint of Mr Hoosain and during which she confirmed that she had received the said complaint and that she had requested Clr F Adams in writing to respond to it. She told me that, although he did reply in a handwritten letter dated 26 March 2018, he did not address the merits of the complaint. Instead, he posed questions to her about the complaint in his said letter.

Mr Fiaz Hoosain

I interviewed Mr Hoosain regarding his complaint and he told me that he entered the main building of the Municipality on 2 March 2018 at about 11:15 am from the enclosed parking area behind the main building to take the lift to office. At the same time, Mr Bradley Dyers also came through the main entrance of the building and they waited for the lift (See pages 25 and 26 of this report).

Councillor F Adams then entered the building through the main entrance and joined them to wait for the lift. He told me that Clr F Adams, immediately upon his arrival, started to make comments about Mr Hoosain and he continued doing so even when two unknown members of the public exited the lift.

While just the three of them were travelling in the lift, the statements made by Clr F Adams intensified. While they were in the lift, Clr F Adams allegedly screamed and shouted at Mr Hoosain, who felt that the verbal attack by Clr Adams was directed at him as Clr Adams did not verbally abuse Mr Dyers.

Clr Adams allegedly blamed Mr Hoosain for being part of a group who did not want to give him a copy of the contract of the Director: Corporate Services, Ms Annalene de Beer and during this verbal attack, Clr Adams allegedly used the word "fokken" many times and he threatened Mr Hoosain that he (Mr Hoosain) will "fokken" see what is going to happen. Mr Hoosain said to me that he was not sure what Clr Adams exactly meant with the words " you will fokken see", but he interpreted it to mean that whatever will happen will be harmful to him.

Mr Hoosain informed me that there was never any friction between him and Clr Adams prior to this incident and neither did he say or do anything to provoke this

verbal attack by Clr Adams, as he merely greeted Clr Adams when he joined him and Mr Dyers to wait for the lift.

He added that Clr Adams had not yet apologised to him for this verbal abuse, which took place in the presence of a colleague, Mr Dyers, and which partially took place in the presence of two members of the public.

Mr Hoosain said to me that he was very upset after this encounter with Clr Adams and that he decided not to leave the matter there. He addressed an e-mail to the Municipal Manager, Ms Mettler, a short while after the incident, to lodge a formal complaint against Clr Adams.

He is aware of the fact that Ms Mettler had forwarded his complaint to the previous Speaker, Clr D Joubert, as Ms Mettler had copied him in the e-mail which she had sent to Clr Joubert in this regard. He is also aware that Clr Joubert had received the said complaint, as Clr Joubert had copied him in his e-mail to Ms Mettler in which he informed her that he will deal with the matter.

#### Mr Bradley Dyers

In our interview, Mr Dyers confirmed the version of Mr Hoosain of the events on 2 March 2018, as he did in his statement dated 16 October 2018. He in particular confirmed that Mr Hoosain had only greeted Clr Adams before Clr Adams started with his verbal attack on Mr Hoosain.

He also remembers that Clr Adams had used the word “fokken” many times and that he told Mr Hoosain that he will “fokken” see what is going to happen as a result of his (Mr Hoosain’s) refusal to give him a copy of the employment contract of Ms de Beer, the Director: Corporate Services.

He also stated that he could see that Mr Hoosain was upset by this incident when he exited the lift.

#### Mr Cedrick Thorpe

I interviewed Mr Cedrick Thorpe, who is the Supervisor of the security personnel in the main building, to determine if video footage exists of this incident, as there is a security camera which is placed so that it can film the lift and the waiting area in front of it. He informed me that as this incident happened about a year and a half ago, the video footage taken on 2 March 2018 is no longer available as they only keep it for about four weeks. He said that unless a request is received to make a

video clip of a particular incident, the video footage is deleted in order to use the film again.

I also requested a copy of the register at the reception in the main building, which had to be signed by visitors on 2 March 2018, in an attempt to identify and to speak to the two members of the public who exited the lift as Clr Adams had allegedly already started with his verbal attack on Mr Hoosain. I reasoned that, as the incident between Mr Hoosain and Clr Adams had taken place at about 11:15 am, the two members of the public (who were leaving the lift and presumably the main building at the time) had entered the main building in the time from 08:00 am until possibly 11:10 am.

Mr Thorpe did give me a copy of the register (see page 72 of this report) showing all the visitors who had entered the main building on 2 March 2018. I attempted to contact all the visitors who entered the building that morning and who had left the building by 11:30 am in an attempt to ascertain if they were one of the two members of the public who exited the lift while Clr Adams was allegedly busy with his verbal attack on Mr Hoosain and to determine (if they were present) if they remember the incident. I was not able to identify who these two members of the public were, as the visitors that I was able to speak with, had told me that they cannot remember such an incident.

#### Ms Geraldine Mettler (the Municipal Manager)

In my interview with her, which was scheduled to primarily discuss her complaint against Clr Hendrickse, we also touched on the complaint of Mr Hoosain and she confirmed that she did receive a complaint by Mr Hoosain on 2 March 2018, which referred to the Speaker. See pages 25 and 26 of this report.

#### Clr Franklin Adams

I have tried several times to set up an interview with Clr F Adams to hear his version or explanation of this complaint, for instance:

1. on 26 September 2019 I was busy in the Boardroom of the Speaker with interviews of witnesses in another investigation that I was requested to do by the Speaker and as a witness in that matter had left, Clr Franklin Adams entered the reception area of the Speaker's office at about 14:20 and after greeting him, I requested him in Afrikaans for an interview on a date and time which will suit him in the presence of Ms Candice Wesso, the secretary of the Chief Whip, Clr Biscombe. In Afrikaans, I said to him: "Raadslid, ek wil graag met jou gesels oor die klagtes teen

jou wanneer dit jou pas.” Clr Adams looked me in the eye and said to me: “ Gaan praat iewers anders” and he then turned his back on me and left the office of the Speaker.

2. I have sent an e-mail on pages 75 and 76 of this report to Clr F Adams on 2 October 2019 requesting an interview, after I had informed him of the complaints against him and after I had informed him that I was appointed by the Municipality to investigate these complaints. I did not receive any reply of any nature to my said e-mail.

3. I sent Clr F Adams another e-mail on 10 October 2019 on page 74 of this report, in which I have repeated my request for an interview with him, but I never received a reply from him of any nature in this respect either.

4. I sent Clr Adams another e-mail on 11 October 2019 on the top of page 74 of this report, in which I set a deadline for him to respond to my requests for an interview with him, the deadline being before close of business on 11 October 2019. On 11 October 2019, as can be seen on page 73 of this report, Clr F Adams responded to my last e-mail to him of this report, by acknowledging that I have sent him several e-mails asking for an interview and by stating that he does not want to talk to me.

## **2. The complaint by Adv G van Deventer, the Executive Mayor of Stellenbosch Municipality:**

The complaint of Adv van Deventer, the Executive Mayor, is evidenced by her letter, dated 7 November 2018, to the Speaker, Clr W Petersen, to which she had attached a print out of the Facebook page of Clr F Adams. See pages 39 to 41 of this report. It appears from the posts by Clr Adams that he had made comments about the Executive Mayor which she believes are derogatory and she also believes that he used unacceptable terms in this post to describe her. In her aforesaid letter to the Speaker, she states in Afrikaans that Clr F Adams had made “ blatante beledigings” in respect of her on his Facebook page.

### INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT

#### Clr Wilhelmina Petersen (Speaker)

Before my interview with the Executive Mayor, Adv G van Deventer, I had an interview with Clr Petersen as the Speaker, during which she briefed me about this complaint of Adv van Deventer and during which she confirmed that she had

received the said complaint and that she had requested Clr F Adams in writing to respond to it, but he did not reply to her request.

#### Adv G van Deventer (Executive Mayor)

Adv van Deventer informed me in our interview that, although she had only attached one print out of the Facebook page of Clr F Adams to her complaint against him to the Speaker in her letter dated 7 November 2018, she is aware of other posts on other dates made by him on his Facebook page in which he used unacceptable terms to describe her and in which he made unacceptable statements about her.

She said that she is upset by his reference to her as “the visiting Mayor”; as “Kesie”, which she interprets to be a reference to a baby baboon, and as the “Bestie” of Ms Annelene de Beer in other posts by Clr F Adams on his Facebook page. She said that she was also upset by derogatory comments made by Clr Adams on his Facebook page about her, for instance the allegation that she had rewarded Clr Patricia Crawley for telling lies about him in a disciplinary hearing against him, by appointing Clr Crawley on the Mayoral Committee thereafter. Another example of an unacceptable post by him about her, is his allegation that she had “driven” the appointment of Ms Annelene de Beer, which she said is not true.

She informed me that Clr Adams had not yet apologised to her for his posts on his Facebook page about her. Instead, he continually posts unfavourable comments and unfounded allegations about her. Some of these posts were brought to her attention by persons such as Clr Frazenburg, who was also targeted in terms of posts by Clr Adams on his Facebook page.

#### Clr Franklin Adams

I have tried several times to set up an interview with Clr F Adams to hear his version or explanation of this complaint as well, but as explained on page 10 and 11 of this report, he did not respond or refused all of my requests to comment on the complaint of Adv van Deventer.

### **3. The complaint by Clr A Frazenburg of Stellenbosch Municipality:**

The complaint of Clr Frazenburg is, like the complaint of Adv van Deventer, a result of posts by Clr F Adams on his Facebook page about Clr Frazenburg, which posts are totally unacceptable in the view of Clr Frazenburg as they are false.

INTERVIEWS CONDUCTED / REQUESTED REGARDING THIS COMPLAINT:Clr Wilhelmina Petersen (Speaker)

Before my interview with Clr Frazenburg, I had an interview with Clr Petersen as the Speaker, during which she briefed me about this complaint of Clr Frazenburg and during which she confirmed that she had received the said complaint and that she had requested Clr F Adams in writing to respond to it. She told me that he did not respond to her request.

Clr A Frazenburg

He informed me that when he first saw the posts by Clr Adams on his Facebook page about him, he felt that the allegations about him, were demeaning. He is of the opinion that Clr Frazenburg should have discussed any issue which he (Clr Adams) may have with him, with him in person, instead of doing posts on his Facebook page for the world to see. See pages 46 to 48 of this report.

He said that, after he had read the posts by Clr Adams on his Facebook page, he had discussed these posts with the Executive Mayor, Adv van Deventer, and her office was able to print the posts for him. He then lodged a formal complaint at the Speaker.

He said that he was upset by some of the allegations made by Clr Adams, such as the insinuation by Clr Adams in February 2018 that he (Clr Frazenburg) was dismissed as a Mayoral Committee member, which is untrue.

He told me that he was also very unhappy about the allegation by Clr F Adams that he (Clr Frazenburg) had blackmailed the Executive Mayor, Adv van Deventer, with an affidavit about an alleged affair between the Speaker and another Mayoral Committee member, as "leverage" to get back on the Mayoral Committee. He stated that this allegation was false.

He informed me that he was also very unhappy about the use of the word "Kesie" by Clr Adams in the said post, as the word "kesie" in Afrikaans is a reference to a baby baboon.

He told me that he expected Clr F Adams to apologise for his posts about him on his Facebook page, but that Clr Adams never did so.

Clr Franklin Adams

I have tried several times to set up an interview with Clr F Adams to hear his version or explanation of this complaint as well, but as explained on page 10 and 11 of this report, he did not respond or refused all of my requests to comment on the complaint of Clr A Frazenburg.

**4. The complaint by Clr Patricia Crawley of Stellenbosch Municipality:**

The complaint of Clr Crawley is, like the complaints of Adv van Deventer and Clr Frazenburg, related to posts by Clr F Adams on his Facebook page about her, in which he allegedly uses derogatory language to describe her as well as false information to make unfounded allegations or insinuations about her actions.

INTERVIEWS CONDUCTED / REQUESTED REGARDING THIS COMPLAINT:Clr Wilhelmina Petersen (Speaker)

Before my interview with Clr Crawley, I had an interview with Clr Petersen as the Speaker, during which she briefed me about this complaint of Clr Crawley and during which she confirmed that she had received the said complaint and that she had requested Clr F Adams in writing to respond to it. She told me that he did not respond to her request.

Clr Patricia Crawley

In our interview, Clr Crawley made it very clear that she is continually being targeted by Clr Adams in posts on his Facebook page, which she finds defamatory, embarrassing and a threat to her security.

She informed me that Clr Adams also uses photos of her in the some of his posts about her in his posts about her when he does not mention her by name in such posts, in order to make it clear to the readers of such posts that he is referring to her. She confirmed that she had lodged a complaint at the Speaker's office. See pages 53 to 58 of this report.

She said that his favourite term to describe her, is the "the Blue Devil". Sometimes he would add "the Blue Devil from KZN" and he would add the fact that she serves on the Mayoral Committee to make sure that there is no uncertainty to who he is referring to.

In a particular post on 7 November 2018 (see page 58 of this report), he referred to her as "the blue devil who migrated from KZN to Skelmbos". Further in this post, he

referred to her as “the dishonest blue devil who laid false charges against me.” Further, in the same post he says that her salary jumped from R20 000,00 per month to R60 000,00 per month as a Mayoral Committee member and that she is “devious, ruthless and plain evil.” Again he placed a photo of her in this very post.

She referred me to another post of Clr F Adams on his Facebook page about her, namely one on 28 June 2018 in which he described her as a “dishonest blue liar” and he actually this time stated her surname in this post. Again he placed a photo of her in this post.

She referred me to another post by Clr F Adams on his Facebook page, namely one on 16 June 2018 (see page 55 of this report), in which he called her one of the greatest witches (“een van die grootste hekse” in Afrikaans) and he stated that she had fled from Nakandla to Stellenbosch to become a Councillor. Clr Crawley said that it is well known that she and her husband had moved from Kwa-Zulu Natal to Stellenbosch. She said the fact that he again placed a photo of her in this particular post made it as clear as daylight that he was referring to her and nobody else.

Clr Crawley informed me that because of the continual posts by Clr F Adams in which she is portrayed as being dishonest, ruthless and evil (see page 58 of this report), she fears not only that her good name and reputation will be harmed in the Stellenbosch community, but she also fears for her safety, as a person who is mentally unstable may read the posts of Clr F Adams and he or she may decide to act on it.

She added that her daughter had alerted her to some of the posts by Clr F Adams and the fact that he is broadcasting his unfounded and derogatory views about her so that the whole wide world can read it, including her family and friends, is most upsetting for her.

Lastly, she confirmed that Clr F Adams had never apologised to her for his posts about her on his Facebook page.

#### Clr Franklin Adams

I have tried several times to set up an interview with Clr F Adams to hear his version or explanation of this complaint as well, but as explained on page 10 and 11 of this report, he did not respond or refused all of my requests to comment on the complaint of Clr P Crawley.



## 5. The complaint by Ms Annalene de Beer, the Director: Corporate Services:

As in the complaints of Adv van Deventer, Clr Frazenburg and Clr Crawley, the complaint of Ms de Beer also results from a post by Clr F Adams on his Facebook page about her.

### INTERVIEWS CONDUCTED / REQUESTED REGARDING THIS COMPLAINT:

#### Clr Wilhelmina Petersen (Speaker)

Before my interview with Ms de Beer, I had an interview with Clr Petersen as the Speaker, during which she briefed me about this complaint of Ms de Beer and during which she confirmed that she had received the said complaint and that she had requested Clr F Adams in writing to respond to it. She told me that he did not respond to her request.

#### Ms Annalene de Beer (Director: Corporate Services)

In my interview with her, Ms de Beer told me that she was alerted to a post on the Facebook page of Clr F Adams by the Municipal Manager, Ms Mettler, about her. Ms de Beer does not access the Facebook page of Clr F Adams herself. She confirmed that she did lodge a formal complaint against Clr F Adams because of his post on his Facebook page about her. See pages 64 to 68 of this report.

When she saw a printout of his post about her, she noticed that Clr F Adams had also placed parts of her application letter for the position of Director: Corporate Services in his post as well as parts of her CV, which contains personal information about her like her residential address, her private e-mail address and information that she had provided to the Municipality in confidence when she applied for the post. She told me that Clr F Adams had violated her constitutional right the privacy and that he had compromised her safety.

She was also very upset by the fact that he referred to her as the “infamous Beertjie” and that he alleged that she was appointed on a ten year contract “without Council authority”. She was also perturbed about his statement that “she can’t even spell properly”.

She was further most unhappy with his reference to the Executive Mayor as her “Bestie” as this could create a wrong impression as they are not friends, as well as

the fact that he had referred to Adv van Deventer as “Kesie”, which she interprets as a reference to a baby baboon.

She said to me that she considers herself to be a professional person and that as a Senior Manager, she is entitled to be treated with respect by Councillors, even when they disagree with her. She added that her dignity was tarnished by the posts of Clr F Adams.

Lastly, she confirmed that Clr F Adams had never apologised to her for his posts about her on his Facebook page.

#### Ms Geraldine Mettler (the Municipal Manager)

In my interview with her, which was scheduled to primarily discuss her complaint against Clr Hendrickse, we also touched on the complaint of Ms de Beer and she confirmed that she had alerted Ms de Beer to the post about her by Clr F Adams on his Facebook page and that she did receive a complaint by Ms de Beer thereafter, which she referred to the Speaker.

#### Clr Franklin Adams

I have tried several times to set up an interview with Clr F Adams to hear his version or explanation of this complaint as well, but as explained on page 10 and 11 of this report, he did not respond or refused all of my requests to comment on the complaint of Ms de Beer.

### EVALUATION OF EVIDENCE

#### 1. The complaint by Mr Fiaz Hoosain, the Chief Audit Executive of Stellenbosch Municipality:

There is sufficient evidence to prove the merits of this complaint on a balance of probabilities in the form of verbal evidence, in that Mr Hoosain and Mr Dyers will be able to, and are willing to testify, against Clr F Adams should Council decide to proceed with a disciplinary hearing against Clr F Adams.

There is also documentary evidence to support the version of Mr Hoosain in the form of the e-mail that he had addressed to the Municipal Manager on 2 March 2019, which was written a few hours after the incident, showing that he was still upset about the verbal abuse of Clr F Adams even a few hours after being shouted and cursed at. See page 26. Also see his sworn affidavit on pages 34 to 36.

As far as I can determine, Clr F Adams only responded once to this complaint in writing, when the Speaker requested him to do so. From his handwritten response in

his letter dated 26 March 2018 on page 28 , he “disputed the manner in which he received notice, because it is unprocedural” and he stated that he needs answers to his four questions in his letter “for me to give a proper response”.

He does not in this particular letter deny the truth of the complaint by Mr Hoosain and further, he never gave “a proper response” (to use his words) when the Speaker had provided him with a copy of the e-mail of Mr Hoosain in a letter dated 12 October 2018.

## **2. The complaint by Adv G van Deventer, the Executive Mayor of Stellenbosch Municipality:**

There is sufficient documentary evidence to prove the merits of this complaint on a balance of probabilities in the form of documentary evidence, with particular reference to the posts by Clr F Adams on his Facebook page about her.

Adv Gesie van Deventer, the Executive Mayor, is willing to provide oral evidence against Clr F Adams, should Council decide to proceed with a disciplinary hearing against Clr F Adams.

Clr F Adams did respond to this complaint by Adv van Deventer on a letterhead of the Democratic New Civic Association (see pages 43 and 44), dated 6 December 2018, in which he repeated the phrase “visiting Mayor” used in his posts on his Facebook page, which Adv van Deventer found offensive in the first place.

His defence to this complaint by Clr van Deventer was that he “never insulted the visiting Mayor.”

He further in the aforesaid letter accused her of doing “nothing about the complaint of adultery by two senior councillors”, thereby implying that she had neglected to do her duty, but Clr Adams seems to forget that such complaints against Councillors are handled by the office of the Speaker.

## **3. The complaint by Clr A Frazenburg of Stellenbosch Municipality:**

There is sufficient evidence in the form of a post on the Facebook page of Clr F Adams (see page 48), to substantiate the complaint of Clr Frazenburg on a balance of probabilities (his complaint is on pages 45 and 46).

Clr Frazenburg is also willing to testify at a disciplinary hearing against Clr F Adams, should Council decide that disciplinary action should be taken against him. The Executive Mayor, Adv van Deventer, can also be asked to testify about the fact that Clr Frazenburg was upset about the post of Clr F Adams when he showed it to her. The staff member in the office of the Executive Mayor who made a print out of the

Facebook page of Clr F Adams at the time, can also be a witness in a disciplinary hearing, should there be one.

As for the defence of Clr F Adams in respect of this complaint, he never replied (as far as I can determine) to a request of the Speaker to respond to the complaint of Clr Frazenburg.

#### **4. The complaint by Clr Patricia Crawley of Stellenbosch Municipality:**

There is sufficient documentary evidence in the form of several posts on his Facebook page by Clr Adams to support the complaint by Clr P Crawley on a balance of probabilities. Her complaint and the posts by Clr Adams are on pages 53 to 58.

In addition, Clr Crawley is willing to testify in a disciplinary hearing against Clr F Adams.

As for the defence of Clr F Adams in respect of this complaint, he never replied (as far as I can determine) to a request of the Speaker to respond to the complaint of Clr Crawley either.

#### **5. The complaint by Ms Annalene de Beer, the Director: Corporate Services:**

There is sufficient documentary evidence to prove the merits of this complaint on a balance of probabilities in the form of a post on his Facebook page about her. Her complaint is on pages 64 to 68.

In addition, Ms de Beer is willing to testify at a disciplinary hearing against Clr F Adams, should Council decide that disciplinary action should be taken against him. The Municipal Manager, who brought the post of Clr F Adams to the attention of Ms de Beer, can also be requested to testify as a witness in this regard.

As for the defence of Clr F Adams in respect of this complaint, he never replied (as far as I can determine) to a request of the Speaker to respond to the complaint of Ms de Beer either.

### **FINDINGS**

#### **1. The complaint by Mr Fiaz Hoosain, the Chief Audit Executive of Stellenbosch Municipality:**

I find that the complaint of Mr Hoosain, who he stated under oath in a sworn affidavit on 16 October 2018 after his initial complaint on 2 March 2018 in the form of an e-mail to Ms Mettler that he was verbally abused by Clr F Adams, is founded.

**2. The complaint by Adv G van Deventer, the Executive Mayor of Stellenbosch Municipality:**

I find that the complaint of Adv van Deventer about the posts by Clr F Adams on his Facebook page in respect of her, in which

- a. she is referred to as the “visiting Mayor”;
- b. she is accused of rewarding Clr Crawley for lying in his previous disciplinary hearing about his physical abuse of her by promoting her to the Mayoral Committee;
- c. she is referred to as “Kesie”, which is a reference to a baby baboon in Afrikaans;

is founded.

**3. The complaint by Clr A Frazenburg of Stellenbosch Municipality:**

I find that the complaint of Clr Frazenburg about the post of Clr F Adams on his Facebook page in respect of him, in which Clr Adams stated that he (Clr Frazenburg) was dismissed as a Mayoral Committee member and which suggests that he had done something so bad to have been dismissed, is founded. His complaint that Clr Adams suggest in his said post that Clr Frazenburg had used an affidavit of an alleged relationship between two Mayoral Committee as leverage to blackmail the Executive Mayor to reappoint him on the Mayoral Committee, is also founded and so is his complaint that Clr Adams refers to Adv Gesie van Deventer as “Kesie”.

**4. The complaint by Clr Patricia Crawley of Stellenbosch Municipality:**

I find the complaint by Clr Crawley is founded as ample evidence exists that he had made offensive comments about her and Adv Gesie van Deventer in posts on his Facebook page, such as:

- a) because of her previous complaint of physical abuse against him, he called her a “blue liar” and
- b) by calling her “the blue devil” and
- c) by calling her “one of the greatest witches” and
- d) by describing her as “devious, ruthless and plain evil” and
- e) by calling Adv Gesie van Deventer “Kesie” in his posts about her.

I find that although he did not always use her name in his posts about her, he made sure that the readers of these posts could identify her by giving enough personal information about her, like that she “migrated from KZN to Skelmbos” and by placing a photo of her in such posts.

#### **5. The complaint by Ms Annalene de Beer, the Director: Corporate Services:**

I find that the complaint by Ms de Beer is **founded** as sufficient evidence exist that Clr F Adams had made offensive comments about her in a post on his Facebook page, namely:

- a. that she only got the position of Director: Corporate Services as her” Bestie”, Adv van Deventer, drove the process of her appointment in this position;
- b. that he described her as “the infamous Beertjie” as the word infamous means “having a bad reputation or being wicked” according to the Oxford dictionary;
- c. by stating that she “can’t even spell properly”.

I also find that the complaint by Ms de Beer is founded as sufficient evidence exist that Clr F Adams had published personal and confidential information of her in a post on his Facebook page, by placing parts of her letter of appointment for the position of Director: Corporate Services as well as parts of her CV in his post on his Facebook page about her. By doing so, her constitutional right to privacy was infringed and her personal safety was compromised.

#### **RECOMMENDATIONS:**

I recommend that Clr F Adams should be charged in a disciplinary hearing in terms of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems of 2000, read with Council’s policy document “ Code of Conduct for Councillors –Procedures : Disciplinary Hearing/ Investigations” ,with the following charges:

#### **Charge 1**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that:” A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised”, by verbally abusing Mr F Hoosain on 2 March 2018 in the main building of Stellenbosch Municipality.

Alternatively that he had, on the same set of facts, transgressed Item 2(a) of the Code of Conduct for Councillors which requires that :” A councillor must perform the functions of office in good faith, honestly and in a transparent manner.”

**Charge 2**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that :” A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised”, by making offensive posts in respect of Adv Gesie van Deventer, the Executive Mayor, on his Facebook page such as calling her “the visiting Mayor” and “ Kesie”, as well as making derogatory / unfounded comments about her in his posts on his Facebook page, such as that she had rewarded the alleged dishonest behaviour of Clr Crawley, by promoting her to the Mayoral Committee after she had testified against him in a previous disciplinary hearing.

Alternatively that he had, on the same set of facts, transgressed Item 2(a) of the Code of Conduct for Councillors which requires that :” A councillor must perform the functions of office in good faith, honestly and in a transparent manner.”

**Charge 3**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that :” A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised”, by making offensive an post in respect of Clr A Frazenburg on his Facebook page, such as stating that Clr Frazenburg was previously dismissed as a Mayoral Committee member and that he is guilty of blackmailing the Executive Mayor with an affidavit about a relationship between two Mayoral Committee members, in order to be reappointed on the Mayoral Committee.

Alternatively that he had, on the same set of facts, transgressed Item 2(a) of the Code of Conduct for Councillors which requires that :” A councillor must perform the functions of office in good faith, honestly and in a transparent manner.”

**Charge 4**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that :” A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised”, by making offensive posts in respect of Clr P Crawley on his Facebook page, by referring to her as “the blue liar”, the “blue devil”, “one of the greatest witches” ,as well as being “devious, ruthless and plain evil”.

Alternatively that he had, on the same set of facts, transgressed Item 2(a) of the Code of Conduct for Councillors which requires that: ” A councillor must perform the functions of office in good faith, honestly and in a transparent manner.”

**Charge 5**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that: " A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by making offensive posts in respect of Ms Annalene de Beer, the Director: Corporate Services, in a post on his Facebook page, by saying that she is "infamous" and that she "can't spell properly" .

Alternatively that he had, on the same set of facts, transgressed Item 2(a) of the Code of Conduct for Councillors which requires that: " A councillor must perform the functions of office in good faith, honestly and in a transparent manner."

**Charge 6**

That he had transgressed Item 2(b) of the Code of Conduct for Councillors which requires that:" A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting personal and/ or confidential in respect of Ms Annalene de Beer, the Director: Corporate Services, which infringed on her constitutional right to privacy and /or compromised her safety.

Alternatively that he had, on the same set of facts, transgressed Item 10 (1)of the Code of Conduct for Councillors, which requires that: "A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person", read with Item 10(2)(c) of the same Code which defines "privileged or confidential information" to include " disclosure of which would violate a person's right to privacy."



**ADV E W VERMAAK**

14 OCTOBER 2019





OFFICE OF THE DIRECTOR CORPORATE SERVICES  
100 Water Street, Suite 1000, Toronto, Ontario M5C 0A5  
Tel: (416) 392-3800 • Fax: (416) 392-3801 • Email: [info@dcsoffice.com](mailto:info@dcsoffice.com)

*Our Ref: A de Beer*  
*Office of the Director Corporate Services*

20 June 2019

Adv Etienne Vermaak  
26 Cabernet Sauvignon Street  
Oude Westhof  
Bellville

Dear Adv Vermaak

**APPOINTMENT OF AN APPROPRIATE EXPERIENCED SERVICE PROVIDER TO ASSIST THE SPEAKER WITH INVESTIGATIONS INTO ALLEGED MISCONDUCT OF COUNCILLORS**

This letter is to confirm your provisional appointment to assist the Speaker with investigations into the alleged misconduct of CouncilLors against the Code of Conduct. This appointment also includes acting as an initiator in disciplinary matters as and when required.

Upon accepting the appointment in this letter, a meeting will be scheduled to discuss the matters that requires investigation.

A final report with recommendations must be submitted to the Office of the Speaker. Specific statements need to be submitted with each invoice including the official order number (Appendix 1) for payment.

Yours faithfully

**ANNALENE DE BEER**  
**DIRECTOR: CORPORATE SERVICES**

3/6/4

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**Support Speaker**

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**From:** Donovan Joubert (Speaker)  
**Sent:** Monday, 05 March 2018 09:05  
**To:** Geraldine Mettler; Mayor (Gesie Van Deventer)  
**Cc:** Faiz Hoosain  
**Subject:** RE: Complaint against CLLR Adams

Dear MM  
 I note your e-mail and will deal with the matter.

Kind regards  
 Cllr Joubert

---

**From:** Geraldine Mettler  
**Sent:** 02 March 2018 02:03 PM  
**To:** Donovan Joubert (Speaker); Mayor (Gesie Van Deventer)  
**Cc:** Faiz Hoosain  
**Subject:** FW: Complaint against CLLR Adams  
**Importance:** High

Good day Speaker and Mayor,

Please see the email below a formal complaint from Mr Hoosain. This behaviour is completely unacceptable and unbecoming for a councillor. I condemn the abuse of any staff member in the strongest terms and request that as Speaker of Council you discipline the councillor. Awaiting your feedback.



Kind regards,  
**Geraldine Mettler**  
 Municipal Manager  
 Office of the Municipal Manager

---

T: +27 21 808 8025 | C: +27 82 312 3063  
 Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



Disclaimer and confidentiality note: The legal status of this communication is governed by the terms and conditions published at the following link:

[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

---

**From:** Faiz Hoosain  
**Sent:** 02 March 2018 12:12 PM  
**To:** Geraldine Mettler  
**Cc:** Bradley Dyers  
**Subject:** FW: Complaint against CLLR Adams  
**Importance:** High

Dear MM

I am deeply disturbed and feel verbally violated as I write this email to you.

I was walking into the lift on the ground floor at approximate 11h15 this morning when I encountered Cllr Franklin Adams who, without any warning or consideration for two members of the public who were exiting the lift and a fellow colleague Mr Bradley Dyers who was accompanying me into the lift, verbally abused me. Cllr Adams accompanied us into the lift and he continued his verbal attack of me until we got out on the third floor.

He screamed and shouted at me saying that I am part of the group who do not want to give them the Director Corporate Services employment contract or am denying them access to the contract. He cursed at me using words like "fokken" and that I will "Fokken" see. He also said that he doesn't know what Shireen was doing at the Council meeting because she is "fokken" appointed in the office of the MM.

I asked Cllr Adams where he got this information from as it was not in my power to provide him with the said documentation. He said that the Speaker said to him that I did not want to provide the documentation. He further alluded that it is because I benefitted from the task process that is why I refuse to give the information.

I would like to place on record that I am totally disgusted with the behaviour of Cllr Franklin Adams and that I am very disturbed as he questioned my professional ethics and integrity with regard to the document he refers to, which I do not have in my possession nor have the authority to provide to him.

I cc in this communication to you, Mr Bradley Dyers, who witnessed this abuse and can attest to what I am saying.

This behaviour in my opinion is totally disrespectful to not only me but all the people who witnessed this. I am extremely upset and shaken by the this verbal attack and I bring this to your attention for furtherance.



*Kind regards,*

**Faiz Hoosain**

Chief Audit Executive

Office of the Municipal Manager

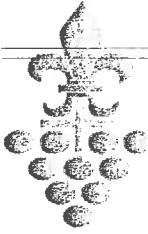
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T: +27 21 808 8555 | C: +27 72 233 4120

Plein Street, Stellenbosch, 7600

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



**OFFICE OF THE SPEAKER**

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12 March 2018

**Ref No: 3/6/4**

**Franklin Adams**

39 White Heart Street

Jamestown

Stellenbosch

Dear Councillor Adams

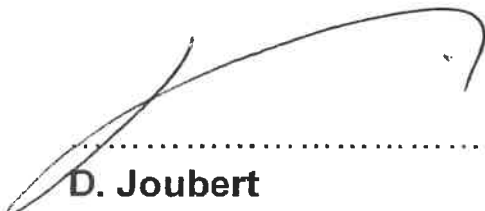
**BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

It is alleged that you have breach the Code of Conduct for Councillors.  
It is alleged that you have committed the following transgressions.

1. That you had in the presents of members of the public verbally abused and threaten Mr Faiz Hoosain and employee of Stellenbosch Municipality.
2. It is alleged that you had cursed at Mr. Hoosain using the words "fokken" at him.

The code of conduct for councillors requires me to authorise an investigation of the facts and in circumstances of an alleged breach, if of the opinion that a provision of this code has been breached. Before considering the investigation, I hereby afford you the opportunity to reply in writing regarding the alleged breach by no later than 16:00 on 26 March 2018.

Yours Faithfully



.....

**D. Joubert**  
**SPEAKER**

26 March 2018  
 F. Adams  
 DWEA

The Speaker  
 Stellenbosch Council.



RE: Ref no: 31614.

I refer to your notice dated 12 March 2018.

I dispute the manner which I received the notice, because its unprocedural.

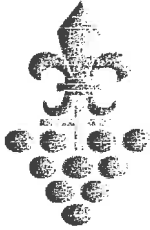
I would like to respond as follows.

For me to be able to respond to the alleged allegations of Mr. Hosiain, I request the following

- a) I acknowledge our interaction,
- b) How did I verbally abuse Mr. Hosiain?
- c) How did I cursed him?
- d) How did I threaten him?

I really need specifics on these allegations for me to give proper reports  
 Records of  
 Franklin Adams

26.3.18



# STELLENBOSCH

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## OFFICE OF THE SPEAKER

The Municipal Manager

Stellenbosch Municipality

Investigation

As the speaker of Stellenbosch municipality, I have received a complaint on 2 March 2018 against Cllr F. Adams with regard to verbal abuse of an official.

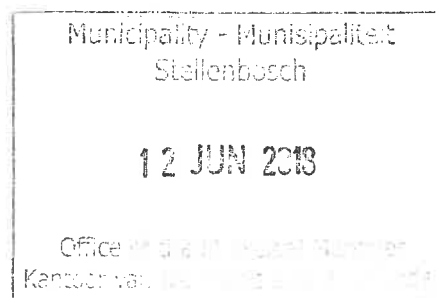
I gave Councillor Adams an opportunity to respond.

I have applied my mind and of the view that there is prima facie evidence.

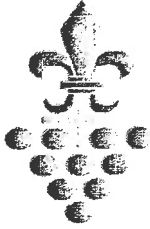
As the speaker I authorised you as the Municipal Manager to do a formal investigation into the merits of the case and to appoint an investigator in terms of the supply chain management process

Kind regards

  
 .....  
**D. Joubert**  
**SPEAKER**  
 12 June 2018




12:27



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**OFFICE OF THE SPEAKER**

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Munisipale Bestuurder  
Stellenbosch Munisipaliteit

Beste Munisipale Bestuurder

**RE: Volledige Onderzoek**

Ek verwys na die klag teen Rdl Adams. Ons het die raadslid 'n geleentheid gegee om te reageer op die klagtes.

Kan u asseblief 'n volledige ondersoek instel na die klag teen Rdl Adams. Kan u ook seker maak dat die ondersoek beampte die raadslid nader om die raadslid se weergawe re kry.

Groete

  
.....  
**DD Joubert**  
**Speaker**  
**2018/07/17**

**STELLENBOSCH**

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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**OFFICE OF THE SPEAKER****Ref: 2/2018**

/31614

**4 October 2018**

Dear Mr Faiz Hoosain

**RE: COMPLAINT MADE BY YOU AGAINST CLLR FRANKLIN ADAMS**

I herewith refer to the complaint made by you against Cllr Adams of the incident that took place on 2<sup>nd</sup> March 2018. Can you kindly furnish me with an affidavit that includes all the facts and circumstances of the incident to enable me to proceed with the complaint and settling of this matter.

It would be appreciated if you can provide me with the affidavit by no later than 16 October 2018 at 16h00.

Thank you in advance

Kind regards,

**SPEAKER : WC Petersen****Wilhelmina.Petersen@stellenbosch.gov.za****021 808 8009**



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**OFFICE OF THE SPEAKER****Ref: 3/2018**

13/6/14

**4 October 2018**

Dear: Mr Bradley Dyers

**RE: COMPLAINT MADE BY MR FAIZ HOOSAIN AGAINST CLLR FRANKLIN ADAMS**

I herewith refer to the complaint made by Mr Faiz Hoosain against Cllr Adams of the incident that took place on 2<sup>nd</sup> March 2018 in your presence. Can you kindly furnish me with an affidavit that includes all the facts and circumstances of the incident you have witnessed to enable me to proceed with the complaint and settling of this matter.

It would be appreciated if you can provide me with the affidavit by no later than 16 October 2018 at 16h00.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
**Wilhelmina.Petersen@stellenbosch.gov.za**  
**021 808 8009**



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33

## OFFICE OF THE SPEAKER

**Ref: 4/2018**

**12 October 2018**

Dear Cllr Franklin Adams

**RE: COMPLAINT MADE AGAINST YOU BY MR FAIZ HOOSAIN**

I herewith refer to the complaint made against you by Mr Faiz Hoosain of the incident that took place on 2<sup>nd</sup> March 2018. In terms of your response letter dated 26 March 2018 I refer to your questions marked (b), (c) & (d). The answers to your questions are contained in paragraph 2 of the attached complaint letter filed against you.

Kind regards,

**SPEAKER : WC Petersen**

[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)

021 808 8009




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**AFFIDAVIT**

---

I, the undersigned

**FAIZ HOOSAIN**

Do hereby make an oath and state that:

1. I am an adult male employed at Stellenbosch Municipality as Chief Audit Executive and I am duly authorized to depose to this affidavit, the contents of which are both true and correct and fall within my personal knowledge and belief, unless otherwise stated or the contrary appears from the context.
2. I am deeply disturbed and feel verbally violated as I write this to you.
3. On the morning of the 2<sup>nd</sup> March 2018 I was walking into the lift on the ground floor at approximate 11h15 that morning when I encountered Cllr Franklin Adams who, without any warning or consideration for two members of the public who were exiting the lift and a fellow colleague Mr. Bradley Dyers who was accompanying me into the lift, verbally abused me. Cllr Adams accompanied us into the lift and he continued his verbal attack of me until we got out on the third floor.
4. He screamed and shouted at me saying that I am part of the group who do not want to give them the Director Corporate Services employment contract or am denying them access to the contract.
5. He cursed at me using words like "fokken" and that I will "Fokken" see. He also said that he doesn't know what Shireen was doing at the Council meeting because she is "fokken" appointed in the office of the MM.

6. I asked Cllr Adams where he got this information from as it was not in my power to provide him with the said documentation. He said that the Speaker said to him that I did not want to provide the documentation.
7. He further alluded that it is because I benefitted from the task process that is why I refuse to give the information.
8. I would like to place on record that I am totally disgusted with the behavior of Cllr Franklin Adams on that day and that I am very disturbed as he questioned my professional ethics and integrity with regard to the document he refers to, which I do not have in my possession nor have the authority to provide to him.
9. My colleague Mr. Bradley Dyers, witnessed this abuse and can attest to what I am saying.
10. This behavior in my opinion is totally disrespectful to not only me but all the people who witnessed this. I was extremely upset and shaken by this verbal attack and reported this matter on the same day that it happened to the Municipal Manager for her attention and furtherance.
11. This matter was also reported by me to the Audit and Performance Audit Committee for information.
12. I confirm that the content and sequence of events as alluded to above is a true reflection of how this matter transpired and how I dealt with it.




---

**FAIZ HOOSAIN**

I certify that the Deponent has acknowledged that he knows and understands the contents of the Affidavit signed and affirmed to before me at STELLENBOSCH this 16<sup>th</sup> day of October 2018, and that the provisions of the Regulations contained in Government Notice R2477 on the 16<sup>th</sup> November 1984 have been complied with.

  
\_\_\_\_\_  
**COMMISSIONER OF OATHS**

CERTIFIED PHOTOSTATIC COPY OF THE ORIGINAL

COMMISSIONER OF OATHS (ex officio) 

FULL NAME MYRAH YVETTE FRANCIS

TITLE PROJECT MANAGER

STELLENBOSCH MUNICIPALITY  
TOWN HOUSE, PLEIN STREET, STELLENBOSCH

16 October 2018

Re: Incident that took place on the 2 March 2018 at approximately 11h00.

Mr Hoosain and I were on our way to the lift when a Cllr approached and addressed Mr Hoosain in a very unprofessional manner. As two people exited the lift the Cllr also entered and continued till we exited on the third floor.

Name: BRADLEY DYERS

Signature: 

Date: 16/10/18

  
**HAROLD. RICHARD. DAVIDS.**  
*Marriage Officer*  
*By Appointment BD 36813*

**MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH**  
**16 OCT 2018**  
  
**OFFICE OF THE SPEAKER**



# STELLENBOSCH

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## OFFICE OF THE SPEAKER

14 December 2018

Municipal Manager Ms G Mettler  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Dear Ms G Mettler

### RE: REQUEST TO APPOINT AN INVESTIGATOR

A complaint has been lodged by Mr Faiz Hoosain against Cllr F Adams. I have investigated all the facts and circumstances and am of the view that there is substance in this case.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation on behalf of the Speaker.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
021 808 8009

**STELLENBOSCH**  
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Kantoor van die Uitvoerende Burgemeester  
Office of the Executive Mayor  
iOfisi kaSodolophu olawulayo

Me Wilhelmina Petersen  
Speaker: Stellenbosch Municipality  
**STELLENBOSCH**  
7600

Geagte Speaker

**RE: SOSIALE MEDIA KLAGTE TEEN RAADSLID F ADAMS**

Die aangehegte dokument dien as verwysing vir die onderstaande versoek.

Hierdie is blatante beledigings en 'n oortreding ingevolge, artikel 2(b), van die Gedragskode vir Raadslede.

Kan u asseblief teen Raadslid F Adams, optree.

Groete

Adv GMM van Deventer  
**UITVOERENDE BURGEMEESTER**

Datum: 2018-11-07



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# St.bosch: Lets Talk.

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- Idasvallei sé jou sê!
- Stellenbosch Munic... 20+
- What's On In Frans... 20+
- Stellenbosch com... 20+
- IDAS VALLEY NEWS 5
- Koop en Verkoop S... 20+
- Guardians for the V... 20+
- Random Events Group 1
- BUYING AND SEL... 20+

### RECENT ACTIVITY



Franklin Adame

1 hr



Hi all. Revolutionary Greetings.

So in 2016 the current Deputy Mayor of Skelmbos, assaulted an elderly without any reason.

He was found Not Guilty by another blue devil and subsequent Advocate. In 2017 I was Accused by another blue devil who Migrated from KZN to Skelmbos.

When she was asked by if she had any Injuries- No.

She she was asked if she laid any charge's at SAPS - No.

I was then asked by the ex- Speaker , how did I assaulted her, because he was sitting in the Council Chamber. I was Also Surprised, because I Never Assaulted these blue devil from KZN.

With standing the Fact that there was No assault. Even the ex- Speaker Refuses Bluntly to Proceeded with the Matter, because of a lack of any Merits.

The Boendoe hof of the Blue Devil's Still Found me Guilty last month without a Fair Hearing.

Taking All these Fact's in Account. The visiting mayor deemed it Necessary to Reward the Dishonest blue devil who laid False Charge's against me. She is now a Mayco member.

Her salary Jumping from R 20 000 p/m to R 60 000 p/m. No to Bad for Lie's. Aaaaahh

I can Only say. You are Devious, Ruthless and Plain Evil.

But you will have to Do Much More to Destroy me. Aaaaahh

Aluta Continua.

### St.bosch: Lets Talk.

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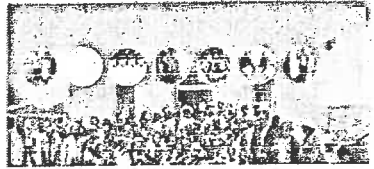
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#### Shortcuts

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- Stellenbosch Munic...
- What's On In Frans...
- Stellenbosch.com...
- IDAS VALLEY NEWS
- Koop en Verkoop S...
- Guardians for the V...
- Random Events Group
- BUYING AND SEL...
- Helping Stellenbos...



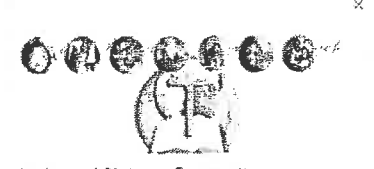
Touwsrivier Primere Skool  
244 members + Join



UNITED OUTREACH MINISTRIES  
68 members + Join



Revensmead Methodist Choir  
110 members + Join



Redeemed Christian Community Church  
167 members + Join

1 Like Share 4 Comments

- Sabelo Kulati R60 000?  
Like · 1h
- Franklin Adams Yep, why?  
Like · 1h
- Sabelo Kulati That's toomuch  
Like · 1h
- Franklin Adams What do you think?  
Like · 1h



**A NOTICE BY SPEAKER REQUESTING COUNCILLOR TO REPLY TO AN ALLEGED BREACH IN TERMS OF ITEM 13 OF THE CODE OF CONDUCT FOR COUNCILLORS**

**Ref: 7/2018**

**20 November 2018**

Dear Councillor F Adams

**RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

You have allegedly breached the *Code of Conduct for Councillors* in terms of item 13 in that:

- you have insulted the Executive Mayor by posting on facebook.

I refer to schedule 2(b) of the Municipal Systems Act 32/2000, stating: ***"A councillor must perform the functions of office in good faith, diligently, honestly and in a transparent manner."***

In terms of item 13 of the said Code you are hereby given the opportunity to reply in writing regarding the alleged breach by not later than 16:00 on 7 December 2018.

Kindly see attached complaint letter my office received regarding this matter.

Yours faithfully,

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
021 808 8009



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

**6 December 2018**

**“Without Prejudice:”**

**The Speaker :**

**Stellenbosch Municipality**

**RE: Alleged Breach of Code Of Conduct : Ref : 7/2018**

Thank you for the opportunity.

I refer to the letter I received on 29 November 2018 and wish to respond as follow.

1. I Never ever insulted the visiting mayor.
2. In terms of schedule 2(b) Unlike many of your DA Councillors, I am proud of upholding these values since 2011 as an democratic elected Councillor.
3. Some of you may have power and money, but I have something Greater that no amount of Money can buy. That is Principles, Moral Values and Ethics.
4. I would like the visiting mayor to explain to me how a migrant from KZN becomes a Councillor ten spite committed local DA members. There is the Fairness and Opportunities for other competent people as to per your own SLOGO.
5. I also refer to the visiting mayors late reshuffling of her Mayco, when she gave excuses for accommodating young people. According my knowledge Clr. Crawley is a pensioner, unless she has enormous influence, but that doesn't bother me at all.
6. I am surprise that the visiting mayor did nothing about the complaint off adultery by two senior councillors and this is public knowledge and even the MM is personally aware of this immoral relationship. Are they not bringing the Council in disrepute? Why are you protecting them?
7. I am fully aware of the visiting mayor's disrespect and abuse towards your DA councilors, but please don't expect from me to be one of her Good Sheppard's.
8. While she and her white counterparts enjoyed the fruits of the Criminal Apartheid I was in the trenches fighting their violation of human rights against humanity. This includes the right to free speech and expression and she will not intimidate me.

44



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

9. There is no substance and or merits for her complaint but it is merely her staunch as autocrat to abuse her power by even instructing you as the Speaker to deal with me.
10. I suppose you can hire again, your DA colleague , Vermaak the henchman who to deals with the opposition.

I have a duty to hold people in power and the administration accountable without fear and favour.  
No amount of abuse of power and the Code of Conduct will influence my mission.

Regards.

Clr. Franklin Adams

**ALUTA CONTINUA**



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## OFFICE OF THE SPEAKER

3 June 2019

Municipal Manager Ms G Mettler  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Dear Ms G Mettler

### RE: REQUEST TO APPOINT AN INVESTIGATOR

A complaint has been lodged by the Executive Mayor G Van Deventer against Cllr F Adams (Ref 7/2018).

I have considered all the facts and circumstances and am of the view that an external facilitator be appointed to investigate this matter.

With the powers vested in me, I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
Wilhelmina.Petersen@stellenbosch.gov.za  
021 808 8009

2/2019

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# STELLENBOSCH

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MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

11 February 2019

**Speaker: Cllr WC Petersen**  
**Stellenbosch Municipality**  
**Stellenbosch**  
**7600**



Dear Speaker

**RE: COMPLAINT AGAINST CLLR F ADAMS: FALSE ALLEGATION POSTED ON FACEBOOK**

I hereby submit a complaint against Cllr F Adams for implicating me by posting false information on Facebook.

I herewith refer to the Facebook posting by Cllr Franklin Adams (see attached document). Firstly I have never received an affidavit from anyone regarding an infidelity. I was never dismissed due to the fact that I handled an affidavit stating that the Speaker has a relationship with another Mayco member.

Due to the fact that I never had an affidavit relating to this matter, it is untrue that I have used it to blackmail anyone for a Mayco position.

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My new position as a Mayco member was an open and transparent process that was followed by our Executive Mayor. The fact that he names Stellenbosch as "Skelmbos" and our Executive Mayor as "kesie" is not acceptable for a councillor who serves on the Stellenbosch Council.

I am very unhappy about the allegations that are made on social media and hereby ask the Speaker to formally charge Cllr Adams on these allegations.

Thanking you in advance.

Kind regards



Councillor A Frazenburg



...48



Franklin Adams

4 hrs • 🧑🏻🧑🏻

Hi all. Revolutionary Greetings.

People it's a Fact that the current Speaker are in an Relationship with another Mayco member in Skelmbos Council.

Even the Municipal Manager acknowledge this in front of myself and CLR. Derrick Hendrikse.

It's a Fact, that her husband who she Betray and Physically Abuse Submitted an Affidavit of these Infidelity.

This was Handled all the Time by Clr. Frazenburg, who was Dismissed.

He is now back in Mayco. Could it be that he Uses this Affidavit as Leverage to Come back to Mayco? Afpersing.

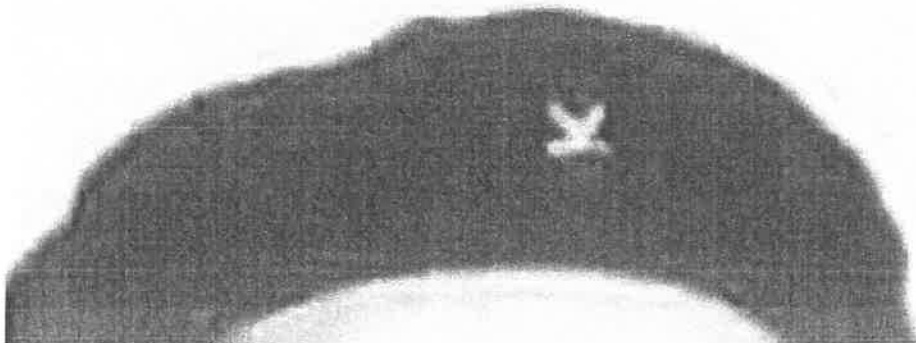
It is also Public knowledge that both of them are Absolutely Unapologetic about their Affair.

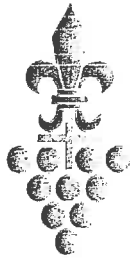
This is prove that they Brought the Council in Disrepute.

Why Kesie and the DA Refuses to Take Action?

Why are they Targeting me? You decides.

Aluta Continua.





# STELLENBOSCH

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## OFFICE OF THE SPEAKER

### **A NOTICE BY SPEAKER REQUESTING COUNCILLOR TO REPLY TO AN ALLEGED BREACH IN TERMS OF ITEM 13 OF THE CODE OF CONDUCT FOR COUNCILLORS**

Ref: 2 /2019

**19 February 2019**

Dear Cllr F Adams

### **RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

You have allegedly breached the *Code of Conduct for Councillors* in terms of item 13 in that:

You allegedly implicated Cllr A Frazenburg by posting the following information on Facebook:

- That Cllr Frazenburg handled an affidavit regarding an infidelity submitted by the Speakers husband.
- That Cllr Frazenburg is back in a Mayco position due to the fact that he uses the affidavit as blackmail.

In terms of item 13 of the said Code you are hereby given the opportunity to reply, in writing regarding the alleged breach by not later than 16h00 on 11 March 2019.

**Sharesa Cammeleto**

---

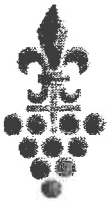
**From:** Sharesa Cammeleto  
**Sent:** Wednesday, 20 February 2019 11:57  
**To:** 'oakcity2010@yahoo.com'; Franklin Adams  
**Cc:** Wilhelmina Petersen (Speaker)  
**Subject:** Letters  
**Attachments:** CLLR F ADAMS REF -2-2019.pdf; CLLR F ADAMS -REF 4-2019.pdf

Tracking:	Recipient	Delivery
	'oakcity2010@yahoo.com'	
	Franklin Adams	Delivered: 2019/02/20 11:57
	Wilhelmina Petersen (Speaker)	Delivered: 2019/02/20 11:57

Good day Cllr Adams

Please see attached for your attention.

On behalf of : SPEAKER WC Petersen



*Kind regards,*

**Sharesa Arendse**

Personal Assistant

**OFFICE OF THE SPEAKER**

---

T: +27 21 808 8074

Plein Street, Stellenbosch, 7600

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



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**Sharesa Cammeleto**

---

**From:** Microsoft Outlook  
**To:** Franklin Adams  
**Sent:** Wednesday, 20 February 2019 11:57  
**Subject:** Delivered: Letters

Your message has been delivered to the following recipients:

Franklin Adams (Franklin.Adams@stellenbosch.gov.za) <mailto:Franklin.Adams@stellenbosch.gov.za>

Subject: Letters



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

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## OFFICE OF THE SPEAKER

3 June 2019

Municipal Manager Ms G Mettler  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Dear Ms G Mettler

### RE: REQUEST TO APPOINT AN INVESTIGATOR

A complaint has been lodged by Cllr A Frazenburg against Cllr F Adams (Ref 2/2019).

I have considered all the facts and circumstances and am of the view that an external facilitator be appointed to investigate this matter.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
021 808 8009

P.O.Box 12610  
Die Boord  
7613

Date: 13<sup>th</sup> May 2019

The Speaker,  
Cllr. W. Petersen.

Dear Hon. Speaker, Cllr. Petersen,

I hereby wish to lay a formal complaint of intimidation by Cllr Franklin Adams.

He continually posts defamatory and totally incorrect information on his face book page, accusing me of lying, calling me names and attaching a picture of me with an obvious intention that it will incite public abuse against me.

He also continues to defame our Mayor and the Democratic Alliance with his postings which is not at all conducive to good political tolerance in local government.

As you are aware, on 3<sup>rd</sup> March 2017 I laid a formal complaint against Cllr Franklin Adams for having physically abused me at a council meeting on 22<sup>nd</sup> February 2017. This abuse was witnessed by councillors in the chambers.

Cllr Adams refers to a letter wherein the ex-Speaker advised him that the matter was not going to be further investigated.

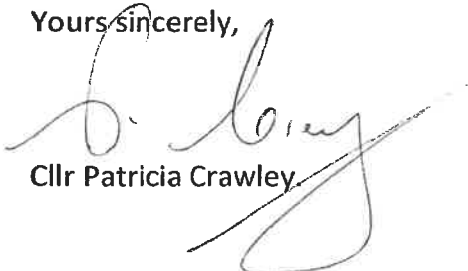
However, as you are also aware, further investigation was undertaken by the disciplinary committee and the resulting opinion and recommendation sent to the MEC.

I must express my complete dissatisfaction that this issue has continued now for well over two years and I continue to be the subject of abuse by this councillor.

I attach a copy of a recent posting on 11<sup>th</sup> May 2019.

I appeal to you to have this unacceptable situation dealt with as a matter of urgency.

Yours sincerely,



Cllr Patricia Crawley

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH

13 MAY 2019

OFFICE OF THE SPEAKER

SH

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What's On In Frans... 20+

Random Events Group

Franschoek Dorp 20+

Stellenbosch Moms 20+



Franklin Adame

Visual storyteller · 11 May at 11:57

Hi all. Revolutionary Greetings.

Just want Illustrates to you how Corrupt Skelmbos Blue Devil's is.

Now, I was charge around 2017 for alleged Physical Abuse.

This is now a female blue devil.

Obviously Hogwash.

So, after my Submission to the Speaker.

I was informed that No Disciplinary Hearing against me. He Refused any

Further Investigation. There was Obviously no Merit's for the Complaint.

This is according his Prerogative in terms of the Regulations.

So, daar word hy Gefire.. Met die Nuwe Speaker, wetend van vorige Besluit, Ploeter sy Voort.

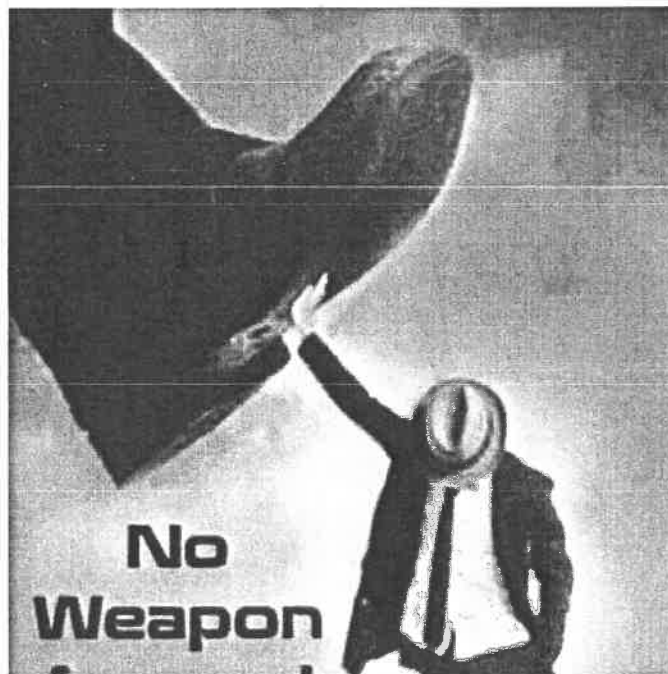
Dit met die help van Visiting Mayor, MM, Beertjie met Onwettige kontrak en Adv. Vermaak..

Dus nou n Moerse Conspiracy. Aaaaahh

Although, I am already Fired last August by Kesie and her political criminals.

I am Still Surviving. I am Submitting my Submission very Soon to the new elected MEC.

Aluta Continua.



## St.bosch: Lets Talk.

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- You
- Your friends
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## Tagged location

- Anywhere
- Paarl, Western Cape



Franklin Adame

16 June 2018

Hi all. Revolutionary Greetings.

So to All the people who Wonder why the Blue devil's of Skelmbos wants to get Rid of our Speaker, Donny Vanni Kreefgat. Aaaaahh

Daar is nie Eindelik enige Justifiable Reasons nie.

Dus maar net n Blou Hekse Jag.

En een die Grootste Hekse, behalwe daai vrou Vanni plaas, is die Madame.

Sy het eindelijk van Nkandla gevlug en in Onse dorp Raadslid ko raak.

So another visitor wat haar Verkramptheid Hier kom Practice.

Sy het my mos Aangekla vir Aanranding, nogals.

Ongelukkig vir haar is Donny nie daai Onetiese Langbek Nar nie. Aaaaahh.

Dit was sy Grootste Nightmare. Hoe kan hy se die Miesies praat Bollie.

Hulle het nog steeds n Blou Advocate aangestel. So much for Desperate Alliance. Aaaaahh

Aluta Continua.





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ologies for the delayed response.

Kind Regards

to 8 May 2017 01:03. "Donovan Joubert (Speaker)" <[redacted]> wrote:

for Council for

but please your letter in response

and you kindly supply me with a report which the friend in question took

to [redacted]

to [redacted]

to: Ndipwe Dlayi [mailto:[redacted]]

to: 07 May 2017 09:37 AM

Support Speaker, Donovan Joubert (Speaker)

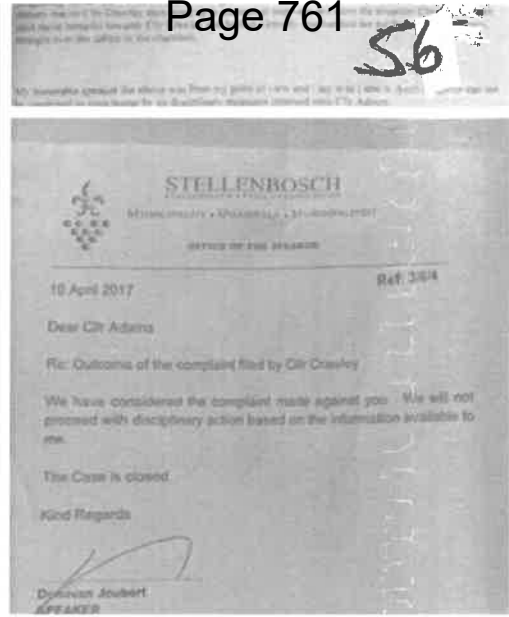
Subject: [EX] Formal Complaint

day Honorable Speaker

ould like to firstly thank you for forwarding me the opportunity and freedom to be able to articulate my

dissatisfaction.

able speaker this complaint is written with sincerity, as it is close to my heart.



### 2 Comments

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**Franklin Adams**

28 Jun at 09:54 •



Hi all. Revolutionary Greetings.  
 But Some Fool are Trying to Tell you  
 Exactly these for the past 13 year's.  
 Aaaaahh



28 Jun at 10:54 • 🌐

Page 762

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Hi all. Revolutionary Greetings.

This morning I want to once again Focus on the Corrupt and Dishonest Actions by the Skelmbos Blue devil's. Obviously, with Consent by Bredell their MEC.

This was the Second Fabricated Charge by thee young blue devil, Clr. Ndipiwe Olayi.

Look at his own words to the than Speaker who also Suffered by their Corruption.

He admitted that there was an Minor Altercation between me and him.

He also admitted that this Altercation was calmed down by the than Speaker- Absolute Blue Lie.

He also admitted that the other Dishonest, blue Liar, Crawley stood up in attempt to intervene and calm the situation. - Oops she was playing the Hero and later

Accusing me of Assault. Crazy I must say.

P.S. The Sad part is, although this So-called Incident was Close to his Heart.

Whv. it Took this Dishonest blue devil



**Franklin Adams**

7 November 2018

Hi all. Revolutionary Greetings.

So in 2016 the current Deputy Mayor of Skelmbos, assaulted an elderly without any reason.

He was found Not Guilty by another blue devil and subsequent Advocate.

In 2017 I was Accused by another blue devil who Migrated from KZN to Skelmbos.

When she was asked by if she had any Injuries- No.

She she was asked if she laid any charge's at SAPS - No.

I was then asked by the ex- Speaker , how did I assaulted her, because he was sitting in the Council Chamber. I was Also Surprised, because I Never Assaulted these blue devil from KZN.

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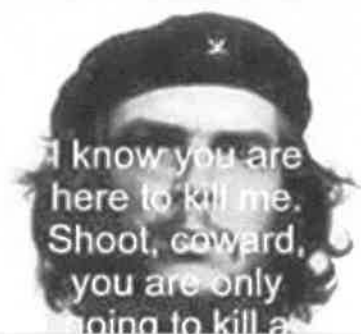
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Her salary Jumping from R 20 000 p/m to R 60 000 p/m. No to Bad for Lie's. Aaaaahh

I can Only say. You are Devious, Ruthless and Plain Evil.

But you will have to Do Much More to Destroy me. Aaaaahh

Aluta Continua.





# STELLENBOSCH

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## A NOTICE BY SPEAKER REQUESTING COUNCILLOR TO REPLY TO AN ALLEGED BREACH IN TERMS OF ITEM 13 OF THE CODE OF CONDUCT FOR COUNCILLORS

Ref: 7/2019

15 May 2019

Dear Councillor F Adams

### RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS

You have allegedly breached the *Code of Conduct for Councilors* in terms of item 13 in that:

- You have insulted Executive Councilor Patricia Crawley by posting on Facebook page that she is lying, calling her names and attaching pictures of her with the intention that will incite public abuse against her.

I refer to schedule 2(a-b) of the Municipal Systems Act 32/2000, stating:

- ***"A councilor must perform the functions of office in good faith, diligently, honestly and in a transparent manner."*** and
- ***At all times act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality are not compromised.***

In terms of item 13 of the said Code you are hereby given the opportunity to reply in writing regarding the alleged breach by not later than 16:00 on Wednesday 29 May 2019.

Kindly see attached complaint letter my office received regarding this matter.

Yours faithfully,

**SPEAKER : WC Petersen**

[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)

021 808 8009

**Sharesa Cammeleto**

---

**From:** Sharesa Cammeleto  
**Sent:** Wednesday, 15 May 2019 16:21  
**To:** 'oakcity2010@yahoo.com'; Franklin Adams  
**Cc:** Wilhelmina Petersen (Speaker)  
**Subject:** Cllr Adams  
**Attachments:** Sharp.Printers@stellenbosh.gov.za\_20190515\_214336.pdf

Tracking:	Recipient	Delivery	Read
	'oakcity2010@yahoo.com'		
	Franklin Adams	Delivered: 2019/05/15 16:21	
	Wilhelmina Petersen (Speaker)	Delivered: 2019/05/15 16:21	Read: 2019/05/16 12:52

Good day Cllr

Kindly see attached letter for your attention.



*Kind regards,*

**Sharesa Arendse**

Personal Assistant

**OFFICE OF THE SPEAKER**

---

T: +27 21 808 8074

Plein Street, Stellenbosch, 7600

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



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[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

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**Sharesa Cammeleto**

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**From:** Microsoft Outlook  
**To:** Franklin Adams  
**Sent:** Wednesday, 15 May 2019 16:21  
**Subject:** Delivered: Cllr Adams

Your message has been delivered to the following recipients:

Franklin Adams (Franklin.Adams@stellenbosch.gov.za) <mailto:Franklin.Adams@stellenbosch.gov.za>

Subject: Cllr Adams



# STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## OFFICE OF THE SPEAKER

3 June 2019

Municipal Manager Ms G Mettler  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Dear Ms G Mettler

### RE: REQUEST TO APPOINT AN INVESTIGATOR

A complaint has been lodged by Cllr P Crawley against Cllr F Adams (Ref 7/2019).

I have considered all the facts and circumstances and am of the view that an external facilitator be appointed to investigate this matter.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
021 808 8009



# STELLENBOSCH

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## OFFICE OF THE SPEAKER

Ref: 7/2019

**25 July 2019**

Councillor Franklin Adams

### **RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

My letter dated to you 15 May 2019 and my request to respond back in writing by 29 May 2019 has reference.

It seems that you do not adhere to my request to respond back on allegations made against you.

This leaves me with no other option to refer the matter to the Municipal Disciplinary Committee to consider the complaint.

I herewith attach my letter with the complaint send to you that you did not respond to.

Kind regards

**SPEAKER : WC Petersen**

[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)

021 808 8009



4/2019

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**Sharesa Cammeleto**

---

**From:** Geraldine Mettler  
**Sent:** Monday, 18 February 2019 13:44  
**To:** Wilhelmina Petersen (Speaker); Paul Biscombe (Whip)  
**Cc:** Annalene De Beer  
**Subject:** FW: FACEBOOK POST CONCERNING DIRECTOR DE BEER  
**Attachments:** Rdl Adams 190218.docx

Dear Speaker,

Formal complaint against Cllr Adams.

It's with great concern that I note that the once again confidential items and information of employees are put all over Facebook. It is against this background that I urgently request you to act as this is in direct violation of the code of conduct for councillors. At this stage confidential items as proven over time have absolutely no protection as it is constantly flashed on front pages of newspapers and social media and the like, with the sole purpose of bringing this municipality into disrepute. As accounting officer I condemn this in the strongest terms and request that as Speaker and custodian of the code of conduct, you act in this regard.



Kind regards,  
**Geraldine Mettler**  
Municipal Manager  
**Stellenbosch Municipality**  
**Office of the Municipal Manager**

---

T: +27 21 808 8025 | C: +27 82 312 3063  
Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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Idasvallei sê jou sê – 18 Februarie 2019



Franklin Adams ▸ Idasvallei sê jou sê!

\*\*\*

12 mins · 📷

Hi all. Revolutionary Greetings.

What's on my mind Today? Aaaaahh

What's this one. This is Now about the Infamous Beertjie. The Task Expert who Received an 10 years Contract without Council Authority.

Obviously driven by her Bestie, the visiting Mayor.

According Kesie she was the Best Candidate. Meaning there was No Match. For Sure an Understatement.

I'll Prove why?

Look at her Application Letter.

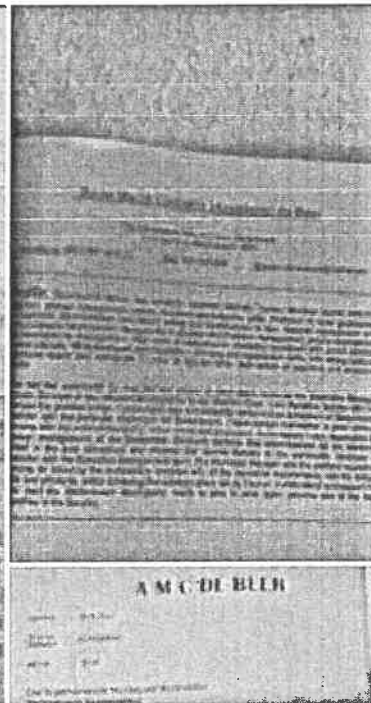
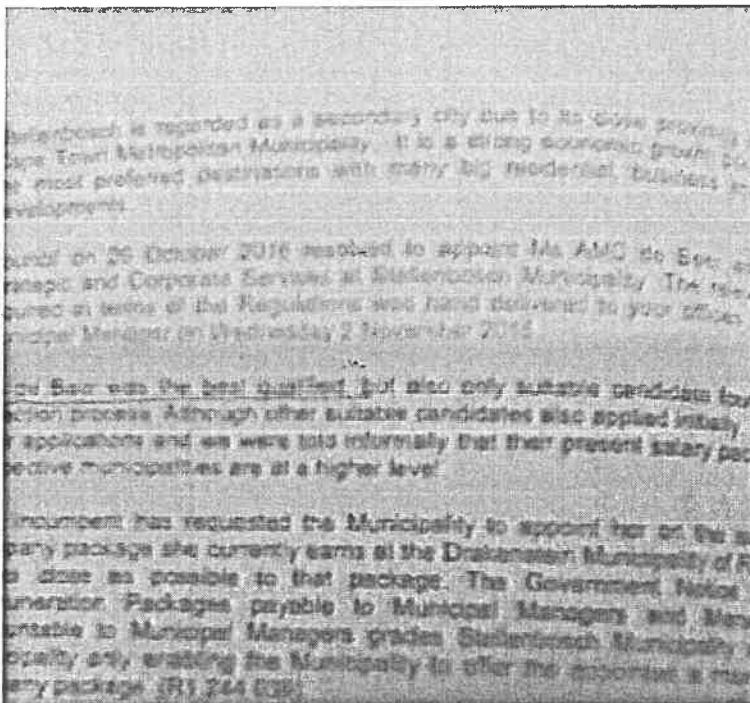
My God, she can't even Spell Properly.

Or was it a Hasty Thing. Maybe , yes. Why is there No Proper Date ?

It's Getting More Interesting.

This is Far from Over.

Aluta Continua.



Stellenbosch is regarded as a secondary city due to its close proximity to the Cape Town Metropolitan Municipality. It is a strong economic growth area and one of the most preferred destinations with many big residential, business and industrial developments.

Council on 26 October 2016 resolved to appoint Ms AMC de Beer as Director of Strategic and Corporate Services at Stellenbosch Municipality. The remuneration required in terms of the Regulations was stated and delivered to your offices as Municipal Manager on Wednesday 2 November 2016.

Ms de Beer was the best qualified, but also only suitable candidate found in the selection process. Although other suitable candidates also applied initially, they withdrew their applications and we were told informally that their present salary packages in their respective municipalities are at a higher level.

The incumbent has requested the Municipality to appoint her on the same remuneration package she currently earns at the Drakenstein Municipality of R1 225 000 or as close as possible to that package. The Government Notice on Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers grades Stellenbosch Municipality as a category 1 municipality only, enabling the Municipality to offer the incumbent a maximum remuneration package (R1 244 000).

Section 12(2) requires the MEC for Local Government to recommend the appointment of a Municipal Manager to the Minister of Local Government and Traditional Affairs and to state the exceptional circumstances and request your submission to the Minister on the Upper Limits for Stellenbosch Municipality. The appointment of Ms de Beer as Director of Strategic and Corporate Services.

in terms of the Local Government Circular 030 of 2016 (Exceptional circumstances) in respect of the application for waiver in terms of item 12(2) of the Local Government Regulations on the Upper Limits of total remuneration packages payable to Municipal Managers directly accountable to Municipal Manager Notice GN 381 published in the Government Gazette 4118 dated 4 July 2016) a municipality should be able to demonstrate any other exceptional circumstances when motivating for an application for a waiver as required by the Regulations.

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Photos from Franklin Adams's post

**Anna Maria Smithele (Annalene) de Beer**

127 Houtbosch, Waterloovlei, Stellenbosch  
P.O. Box 517, Stellenbosch, 7129

Cell: 082 712 207 207 (cell)

Cell: 082 432 4605

Email: [debeerm@netnet.com](mailto:debeerm@netnet.com)

**Profile:** Experienced senior level specialist, excellent strategy, human resources expert, financial, strategic management, budget, excellent administrative skills. Proficient in local government recruitment, administration, and financial reporting and qualifications in law, financial management and human resource development. Background in strategic and business management, people development and administrative management. High level of interpersonal interaction combined with sound problem solving aptitude. Well developed communication, planning and organization skills, with strong aptitude to motivate teams and individuals to meet or exceed goals. High level of cognitive and emotional stability.

I have had the opportunity to cover the last seven to ten years, work as the Executive Manager Corporate Services at two different Municipalities in the Western Cape. I am therefore familiar with the complexities of the position from a municipal perspective and as a resident of Stellenbosch I am familiar with the particular challenges for Stellenbosch. I have always maintained a good working relationship with the political leadership, trade unions and employees. In my capacity I was responsible for the overall management of the Graduate Corporate services that encompasses all the elements mentioned in the post advertised and ensured that service delivery to the community continues in collaboration with the Executive Management team, The Municipal Manager and the portfolio councillor. I am strong on ensuring the municipality complies with all the legislative requirements, use the budget effectively and efficiently whilst achieving the strategic goals set by Council. I understand and support the strategic road the Stellenbosch Municipality needs to take to once again become one of the best Municipalities in the Country.

Like

Comment

Tag photo

Options

Send in Messenger

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# Photos from Franklin Adams's post

## A M C DE BEER

NAAM: A de Beer  
 VAKANTIE: Stellenbosch  
 DATUM: 2016

Die Waarnemende Munisipale Ekdrunder  
 Stellenbosch Munisipaliteit  
 P.A. ODS Konsultants CC  
 c/o PostNet Suite 227  
 Privaatsak X7  
 Hoogstraat 6  
 Rosen Park  
 Tygervallei  
 7836

Geagte Mensie

### AANSOEK: VAKATURE: STELLENBOSCH MUNISIPALITEIT DIREKTEUR: STRATEGIES EN KORPORATIEWE DIENSTE

Ek wil graag hiernaas aansoek doen vir pos van Direkteur Strategiese en Korporatiewe dienste wat vakant is by Stellenbosch Munisipaliteit en gesoek word in die Burger en op u Webwerf. Ek heg hierby my CV asook afskrifte van my LL.B. sertifikaat. Die CV bevat die verwysings naas versoek.

Ek is van mening dat ek oor die minimum vereistes voldoen. Ek is verder van mening dat my werkkord toon dat ek oor die nodige integriteit en vaardighede beskik om die pos te beklee. Ek het oor die afgelope bykans 10 Jaar jaar die voorreg gehad om in di eposisie wat u advertaer te werk by twee plaaslike owerhede in die Wes-Kaap en is ook 'n inwoner van Stellenbosch en is van mening dat my rekord in die verband vanself spreek.

Indien u enige verdere navrae het kontak my gerus.

Dis Uwe



Like

Comment

Tag photo

Options

Send in Message



**Sharesa Cammeleto**

---

**From:** Sharesa Cammeleto  
**Sent:** Wednesday, 20 February 2019 11:57  
**To:** 'oakcity2010@yahoo.com'; Franklin Adams  
**Cc:** Wilhelmina Petersen (Speaker)  
**Subject:** Letters  
**Attachments:** CLLR F ADAMS REF -2-2019.pdf; CLLR F ADAMS -REF 4-2019.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>
	'oakcity2010@yahoo.com'	
	Franklin Adams	Delivered: 2019/02/20 11:57
	Wilhelmina Petersen (Speaker)	Delivered: 2019/02/20 11:57

Good day Cllr Adams

Please see attached for your attention.

On behalf of : SPEAKER WC Petersen



*Kind regards,*  
**Sharesa Arendse**  
 Personal Assistant  
**OFFICE OF THE SPEAKER**

---

T: +27 21 808 8074  
 Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## OFFICE OF THE SPEAKER

3 June 2019

Municipal Manager Ms G Mettler  
Stellenbosch Municipality  
STELLENBOSCH  
7600

Dear Ms G Mettler

### RE: REQUEST TO APPOINT AN INVESTIGATOR

A complaint has been lodged by the Office of the Municipal Manager against Cllr F Adams (Ref 4/2019).

I have considered all the facts and circumstances and am of the view that an external facilitator be appointed to investigate this matter.

With the powers vested in me, I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
021 808 8009



# ACCESS CONTROL

Beaupite / Officer: **Nompu E. Berenice**  
 Datum / Date: **02 March 2018**

BESOEKER / VISITOR	WOONADRES / RESIDENTIAL ADDRESS	KONTAK NOMMER / CONTACT NUMBER	AMPTENAAR BETROKKE / OFFICIAL CONCERNED	REDE VIR BESOEK / REASON FOR VISIT	HANDTEKENING / SIGNATURE	TYE / TIME
J. DIPPENAR		082 5821687	SCM Zmelissa	MEETING		08:24 09:00
Nvd Eijkel	Cape Town	021 808 3918	MM	"		09:00 09:18
Nkatiseng	Klapmuts	0632170031	Minnela	Value of House		09:06 09:20
Ang	Franschoek	0844503385	Greard	Kiofairs		09:27 09:41
M. Lampes	PARL	002650772	Tright	Meeting		09:14
Andy	FIPANG 2, Gans circle	0649063319	Abola	DIL		09:17 09:30
R. Reyneke	7 Koloniesd Stb	0798895062	Mun Man	Stb Night Skalk		10:30 10:35
A. Baur	Binneting 36.	0828967941	" "	"		10:30 11:15
M. Xinwa	Kulsriver	0780425308	Tender	Collection		10:37 10:44
D. Klaassen	22 De Cloud	0822677949	Supply	meeting		10:36 10:37
Sbu	537	0740018674	Supply	meeting		10:57 11:08
E. Mgozi	T	0737728902	Class	meeting		2:00 - 2:30
N. Malwata	P. 1011A	0730677729	thubelishia	29014		11:24 11:49
Blundi	Postal	0760005693	supply	collection		11:45 12:00
L. Julius	Childwel	063 312 3631	W. Pieterken	Appointment		11:56 12:17
A. Fransman	Stellenbosch	0739214807	Mr. Smith	Meeting		12:06 12:30
L. September	Stellenbosch	082 4852725	Mr. Smith	Meeting		12:07 12:50
J. MOSES	Stellenbosch	065278000	J. Willem	Meeting		12:17 12:57



MUNICIPALITY OF UMLHANGA  
 MUNICIPALITY OF UMLHANGA

05 MAR 2018  
 MUNICIPALITY OF UMLHANGA  
 MUNICIPAL SERVICES

**Insake: Adv Vermaak.**

franklin adams &lt;oakcity2010@yahoo.com&gt;

Fri 2019/10/11 08:25

To: Wilhelmina Petersen (Speaker) <wilhelmina.petersen@stellenbosch.gov.za>  
Cc: Derrick Hendrickse <derrickpal@telkomsa.net>; ACDP Clr Gaynor Cele <gaynore.cele@gmail.com>; Wilfred Pietersen <wilfred.pietersen@stellenbosch.gov.za>; Paul Biscombe <paul.biscombe@stellenbosch.gov.za>; Mayor (Gesie Van Deventer) <mayor@stellenbosch.gov.za>; Geraldine Mettler <geraldine.mettler@stellenbosch.gov.za>; Annalene De Beer <annalene.debeer@stellenbosch.gov.za>; Quintin Smit <quintin.smit@stellenbosch.gov.za>; Paul Roviss Khambule <paulroviss@gmail.com>; Paul Hendler <paulhendler@insite.co.za>; Paul Rhode <paulmrhode@gmail.com>; C. Victor R. Honey <cvrh@netactive.co.za>; Danie Keet <danie.keet@media24.com>; danielbock794@gmail.com <danielbock794@gmail.com>; Martinus Saunders <izalawines@yahoo.com>; Linda Isaacs <lisaacs38@gmail.com>; Piet September <pseptlaw@gmail.com>; Wynand Coetzer <wcoetzer@adept.co.za>; Chris Spies <spies.c@gmail.com>; Tammy Carter <tcarter@sahrc.org.za>; Tansay SA Exporters (Tania Williams) <tansaysa@gmail.com>; JA Mnr Slammat <jaslamat@sun.ac.za>; Sbiproperties <sbiproperties@mweb.co.za>; Josef Adams <adams@isipani.co.za>; Joan Groenewaltd <maveric@telkomsa.net>; Gerado-OLS <gerado@oakleafshuttles.co.za>; Clr R. Nalumango - Stellenbosch <nalumangoronalda@gmail.com>; B. Cederstroom <nebceder@gmail.com>; Christopher Umvikeli Nissen <cnissen@sahrc.org.za>; Oliver F. Chikodzore <chikodzoreoliverfortune87@gmail.com>; Lesten B. Olivier <leston23@yahoo.com>; joonj23@gmail.com <joonj23@gmail.com>; Faith Stubbs <stubbsfaith2@gmail.com>; Lincoln Stander <impssa@gmail.com>; Otto Van Noie <ovannoie@gmail.com>; Nico Koopman <nkoopman@sun.ac.za>; nwillemse01@gmail.com <nwillemse01@gmail.com>; Leslie Van Rooi <lbrv@sun.ac.za>; Alan Winde <alan.winde@westerncape.gov.za>; Anton Bredell MEC <anton.bredell@westerncape.gov.za>; John Cornelius Anthony <clr\_jcanthony@yahoo.com>; Gotfrey Adonis <gfadonis@vodamail.co.za>; Kevin Thyssen <kevinthyssen577@gmail.com>; independent@iol.co.za <independent@iol.co.za>; AG Sazi (DBE) Ndwandwa <sazin@agsa.co.za>; Democratic Alliance <leader@da.org.za>; EFF CIC J. Malema <julius.sello@gmail.com>; Calvyn Heynes <calvynstours@yahoo.com>; Patrick Parring <patrick@parring.co.za>; Nora Thiel <nora@delheim.com>; Henry Arendse <henryarendse47@gmail.com>; WILLIAM RHODE <rhotech@telkomsa.net>; Elsabe Farao <elsabefarao@gmail.com>; Etienne Vermaak <evermaak@outlook.com>

Morning Speaker.

I refer to several emails send to me by you're DA henchmen, Vermaak.

I think I made it clear to him I don't want to talk to him.

My reason is very simple. I don't trust him and why should I entertain someone who contributed to the destruction of my livelihood and still continue.

He prove to me he is unethical and dishonest to conspire with you as DA to destroy members of the opposition.

So, please I urge to ask him to stop harass me.

I am under no obligation to engage him.

If by this way I can save taxpayer's money, I am happy to do so.

For the record can you provide me any prove of his appointment, because last time he were appointed illegally.

P.S. I will provide this information to my legal representative and they can liaise with him.

Regards.

Franklin Adams.

Aluta Continua.

Sent from Yahoo Mail on Android

**Re: REQUEST FOR AN INTERVIEW**

Etienne Vermaak

Fri 2019/10/11 07:14

To: 'franklin adams' &lt;oakcity2010@yahoo.com&gt;

Cc: Wilhelmina Petersen (Speaker) &lt;Wilhelmina.Petersen@stellenbosch.gov.za&gt;; Support Speaker &lt;Support.Speaker@stellenbosch.gov.za&gt;; JC Anthony (Speaker Admin) &lt;Speaker.Admin@stellenbosch.gov.za&gt;

Dear Clr Adams

Further to my e-mail below, you will realise that I cannot wait indefinitely for you to respond to my request for an interview with you.

Consequently, if I do not receive a written response from you **before the close of business today** with an undertaking to meet with me before the end of next week to discuss these complaints, I shall have no other choice but to conclude my investigation into the various complaints against you and my report to the Speaker in this regard will not include your response to these complaints.

Kind regards



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: evermaak@outlook.com**  
**Cell no: 079 7898108**

---

**From:** Etienne Vermaak <evermaak@outlook.com>

**Sent:** Thursday, 10 October 2019 07:57

**To:** 'franklin adams' <oakcity2010@yahoo.com>

**Cc:** Wilhelmina Petersen (Speaker) <Wilhelmina.Petersen@stellenbosch.gov.za>; Support Speaker

<Support.Speaker@stellenbosch.gov.za>; JC Anthony (Speaker Admin) <Speaker.Admin@stellenbosch.gov.za>

**Subject:** Re: REQUEST FOR AN INTERVIEW

Dear Clr Adams

With reference to my e-mail to you on 2 October 2019 below, I have not yet had any response from you.

I want to add to my aforesaid e-mail by saying that I have learnt that Ms Annalene de Beer, the Director: Corporate Services, had also complained to the Municipal Manager, Ms Mettler, following posts on your Facebook page about her and Ms Mettler had referred this complaint to the Speaker via e-mail on 18 February 2019.

The complaint by Ms de Beer is about a post that you have made on your Facebook page on or about 18 February 2019. In it you refer to Ms de Beer as "the infamous Beertjie" and "The Task Expert who received an 10 years Contract without Council Authority" (your exact words). In it you also stated that this 10 year contract was driven "by her Bestie, the visiting Mayor" and you stated that "she can't even Spell Properly "( your exact words).

I will be in Stellenbosch today at the Municipality and I once again request that you meet with me for an hour after 11.30 am (I have a meeting at the Municipality which starts at 10 am).

If you do not respond to this final request for an interview, I shall have no other option to finalise my report to the Speaker regarding the various complaints against you without your input.

Kind regards



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: evermaak@outlook.com**  
**Cell no: 079 7898108**

---

**From:** Etienne Vermaak  
**Sent:** Wednesday, 02 October 2019 09:42  
**To:** 'franklin adams' <oakcity2010@yahoo.com>  
**Cc:** Wilhelmina Petersen (Speaker) <Wilhelmina.Petersen@stellenbosch.gov.za>; Support Speaker <Support.Speaker@stellenbosch.gov.za>  
**Subject:** REQUEST FOR AN INTERVIEW

Dear Clr Adams

I refer to my verbal request to you to meet with you sometime soon on 26 September 2019 at about 14:20 in the Offices of the Speaker in the presence of Ms Candice Wesso , which meeting is aimed at

giving you an opportunity to respond to several complaints against you, namely:

1. A written complaint by Mr Faiz Hoosain, the Chief Audit Executive of Stellenbosch Municipality, dated 2 March 2018 addressed to the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, in which he alleges that you had verbally abused him by shouting, screaming and swearing at him on the same date;
2. A written complaint by the Executive Mayor, Adv G van Deventer, dated 7 November 2018, against you in respect of certain postings by yourself on your Facebook page about her, which complaint was addressed to the Speaker, Clr W Petersen;
3. A written complaint by Clr A Frazenburg, dated 11 February 2019, about posts on your Facebook page about Clr Frazenburg, which complaint was addressed to the Speaker;
4. A written complaint by Clr Patricia Crawley, dated 13 May 2019, about posts by you on your Facebook page about her, which complaint was addressed to the Speaker.

I put it on record that you have replied to my verbal invitation on 26 September 2019 to meet with you on with the words: "Gaan praat iewers anders", upon which you turned your back on me and you then left the offices of the Speaker.

In my view, it is in your best interest to respond to the complaints against you and I give you the undertaking that your response will be reported fully to the Speaker in my report to her about these complaints.

Kind regards



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**



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17.2	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY CLR R DU TOIT</b>
------	--

**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

**1. SUBJECT: REPORT TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR R DU TOIT**

**2. PURPOSE**

To consider the report submitted by the Speaker against Councillor Cllr R du Toit, which was done in terms of Section 14 of Schedule 1 of the Local Government: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

**3. DELEGATED AUTHORITY**

Municipal Council.

**4. EXECUTIVE SUMMARY**

An Investigator (Adv. Ettiene Vermaak) was appointed to assist the Speaker with the investigation into facts and circumstances related to the complaints received against Councillor R Du Toit.

Advocate Vermaak provided a report with recommendations to the Speaker's Office, which the report is now tabled for consideration by the Council. Report attached as **APPENDIX 1**.

**5. RECOMMENDATIONS**

- a) that the item be referred to the Disciplinary Committee for Councillors to investigate and make a finding on any alleged breach of the Code of conduct; and
- b) that, following the investigation, the Disciplinary Committee to make appropriate recommendations to the Council in the event of findings.

**6. DISCUSSION**

**6.1 Background**

The Office of the Speaker received written Complaints from the Complainant Ms Liesl Raphoto against Cllr Rozette du Toit, namely:

1. It is alleged that Councillor Rozette du Toit did not declare all her income to the Stellenbosch Municipality;
2. It is alleged that Councillor Rozette du Toit abused her power by instructing two Municipal Law Enforcement Officials to escort the complainant from the building she was working at.
3. It is alleged the Cllr R. du Toit used her unlicensed vehicle to transport patients to the safe house and to submit petrol claims and thereby risk and compromise the integrity of the Stellenbosch Municipality.

- 
4. It is alleged that Councillor R. Du Toit instructed Mr Michael Moses, her administrator to act as Presiding Officer at the hearing of Liesl Raphoto.

**6.2 Discussion**

An investigation was done by Adv. Etienne Vermaak in respect of the complaints/allegations of misconduct made against Cllr R du Toit. His report is attached as **APPENDIX 1**.

**6.3 Financial Implications**

As per the approved appointment through the SCM process of the investigator (Adv. E Vermaak).

**6.4 Legal Implications**

Local Government: Municipal Systems Act 32 of 2000 – Schedule 1: Code of Conduct for Councillors. Sections 13 and 14 read as follows:

**13. DUTY OF CHAIRPERSONS OF MUNICIPAL COUNCILS**

13.1 If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must.

- a) authorise an investigation of the facts and circumstances of the alleged breach;
- b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

13.2 A report in terms of sub-item (1)(c) is open to the public.

13.3 The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

13.4 The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

**14 BREACHES OF CODE**

14.1 A municipal council may-

- a) investigate and make a finding on any alleged breach of a provision of this Code; or
- b) establish a special committee-
  - (i) to investigate and make a finding on any alleged breach of this Code; and
  - (ii) to make appropriate recommendations to the council.

- 
- 14.2 If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-
- a) issue a formal warning to the councillor;
  - b) reprimand the councillor;
  - c) request the MEC for local government in the province to suspend the councillor for a period;
  - d) fine the councillor; and
  - e) request the MEC to remove the councillor from office.
- 14.3a Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub-item (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.
- 14.3b A copy of the appeal must be provided to the council.
- 14.3c The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
- 14.3d The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.
- 14.4 The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.
- 14.5 The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of sub-item (3).
- 14.6 If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may
- a. suspend the councillor for a period and on conditions determined by the MEC; or
  - b. remove the councillor from office.
- 14.7 Any investigation in terms of this item must be in accordance with the rules of natural justice.”

#### **6.5 Staff Implications**

No internal capacity exists to investigate these types of allegations. It is also not good practice to use internal staff as it may lead to intimidation.

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

None.



**6.7 Risk Implications**

Addressed in the item.

**6.8 Comments from Senior Management**

None requested.

**ANNEXURES**

Annexure 1 – Investigation Report from Adv. Vermaak

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT NUMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>24 August 2020</i>

# **ANNEXURE 1**

27 FEBRUARY 2020

**REPORT TO THE SPEAKER OF STELLENBOSCH  
MUNICIPALITY REGARDING AN ALLEGATION OF THE  
TRANSGRESSION OF THE CODE OF CONDUCT FOR  
COUNCILLORS BY CLR ROZETTE DU TOIT**

**REPORT COMPILED BY ADV E W VERMAAK**

## **BACKGROUND**

I was appointed by Stellenbosch Municipality, in an e-mail dated 12 February 2020 from Ms Nomie Tshefu in the Office of the Municipal Manager, at the request of the Speaker of that Municipality, Clr Nyaniso Jindela, to assist the Speaker with an investigation into alleged misconduct of Councillor Rozette du Toit of Stellenbosch Municipality. This e-mail is attached to this report on pages 37 and 38.

## **MY TERMS OF REFERENCE**

My terms of reference are to investigate the written complaint by Ms Liesl Raphoto, an employee of the L'Abrie de Dieu Safe House in Stellenbosch (hereafter referred to as "the Safe House") to the Speaker dated 26 November 2019, which was hand delivered to the Municipality on the same date according to an official stamp of the Municipality on the said letter. See pages 39 and 40.

## **INITIAL DOCUMENTATION RECEIVED**

At a meeting held on 17 February 2020 in the Office of the Speaker, which was attended by the Speaker, Alderman JC Anthony and myself, the Speaker handed a file to me. The file contained documentation particular to the allegation of the transgression of the Code of Conduct by the particular Councillor comprising of:

1. A letter by Ms Liesl Raphoto, addressed to the Municipal Manager of Stellenbosch Municipality, Ms Mettler, and the Speaker of Stellenbosch Municipality, Clr Jindela, as well as to the Speaker of the Cape Winelands District Municipality, Clr Meyer, dated 26 November 2019. This letter consists of two pages and the heading is "Complaint against two law enforcement officers and Councillor du Toit" (see pages 39 and 40);
2. A letter addressed to the Speaker of Stellenbosch Municipality, dated 29 January 2020, by the same Ms Raphoto with the heading "Supporting Documents –REF 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILLORS", which was received by the Municipality on 29 January 2020 according to an official stamp of the Municipality on the first page of the said document (see pages 41 to 51);
3. A sworn Affidavit in Afrikaans made by the same Ms Raphoto on 14 November 2019, consisting of two pages (see pages 42 to 43 )
4. A sworn Affidavit in Afrikaans made by Davey Julius on 14 November 2019, consisting of one page (see page 44);

5. A letter addressed to Ms Liesl Raphto, with the heading "PRECAUTIONARY SUSPENSION NOTICE", consisting of five pages which was signed by Ms Álice Wilton as the CEO of the Safe House, dated 12 November 2019 (see page 45 to 49);
6. A photograph of a licence disc of a white Opel with registration number CA 788170 (see page 50 – a better photo appears on page 67);
7. A document with the heading "Notes to the Annual Financial Statements" of the Safe House for the financial year ended 31 March 2019 (see page 51);
8. A sworn affidavit made by Alice Lorenzo Ruth Wilton on the letterhead of the Safe House, dated 28 January 2020, consisting of six pages (see pages 52 to 56);
9. A document with the heading "To whom it may concern" listing the donations made by Clr Rozette du Toit from March 2019 until September 2019, consisting of one page (see page 57);
10. A Disclosure Form for Benefits and Interests of Stellenbosch Municipality, completed by R du Toit, which consists of two pages (see pages 58 and 59);
11. A letter to Clr R du Toit, dated 29 November 2019, and signed by the Speaker, Clr Jindela, with the heading "Alleged breach of the Code of Conduct for Councillors". Consisting of one page (see page 60);
12. An e-mail from Clr Rozette du Toit addressed to the Speaker dated 6 December 2019, in which she responded to the Speaker's letter dated 29 November 2019, consisting of one page (see page 61);
13. A copy of an article in the newspaper "The Argus" with the heading "Councillor probed for misuse of power, consisting of one page (see page 62);
14. A copy of a front page article in the newspaper "Eikestad Nuus" for the period 30 January 2020 to 5 February 2020, with the heading "Raadslid in spervuur" (loosely translated as "Councillor in cross fire" – see page 63).

#### **MODUS OPERANDI OF MY INVESTIGATION**

After the perusal of the file handed to me by the Speaker containing the complaints against Clr R du Toit, I identified the issues and I had arranged interviews with all the material witnesses mentioned in the initial documentation. During these interviews,

other possible witnesses were also identified as well as additional documentation which could assist me in my investigations in this regard.

#### **ADDITIONAL DOCUMENTATION REQUESTED AND RECEIVED**

I have requested and received the following additional documentation from the following persons during interviews:

1. A document with the heading "Submission of Liesl Raphoto to the Speaker of Stellenbosch Municipality ref 8/2019 re alleged breach of the Code of Conduct for Councillors consisting of 32 pages and received from Ms Liesl Raphoto on Monday, 24 February 2020 (see pages 64 to 96). Some of the documents in her pack also appear in the documentation initially handed to me by the Speaker, but as I gave Ms Raphoto the undertaking that I shall put all of her documentation before the Speaker without any interference, I decided include her bundle of documents as received in this report ;
2. A document with the heading "Re Board Report regarding non-compliance, disciplinary action and criminal matter filed with CAS Number 157/11/2019", dated 14 November 2019 and consisting of 24 pages, signed by Ms Alice Wilton on 18 February 2020 (see pages 97 to 120) which is addressed to all Board Members;
3. A document with the heading "Re Reporting re L'Abrie de Dieu Services (Urgent)" dated 19 November 2019 and addressed to the Department of Social Development consisting of 14 pages (see pages 121 to 134);
4. A document with the heading "Re Report regarding allegations of Board Members against myself and Clr du Toit", dated 21 January 2020 and consisting of 50 pages, drafted and signed by Ms Alice Wilton on 18 February 2020 (see pages 135 to 183), which was addressed to the Department of Social Development Services. Some of the documents in her pack also appear in the documentation initially handed to me by the Speaker and Ms Raphoto, but as I gave Ms Wilton the same undertaking as I had given to Ms Raphoto, namely that I shall put all of her documentation before the Speaker without any interference and I decided include her bundle of documents as received in this report ;
5. A copy of a letter from Stellenbosch Municipality, dated and signed by Mr G Esau on 9 November 2010, addressed to "Whom it may concern" with the

heading " Longterm relationship between Stellenbosch Municipality and the Stellenbosch Safe House: L'Abrie De Dieu" (see page 184);

6. A copy of an invitation to a Grievance meeting scheduled for 21 November 2019 to address the grievance of Ms G Pieterse , received from Ms Nomie Tshetu of the Office of the Municipal Manager (see pages 185 and 186 );
7. A copy of the Grievance Application Form completed by Ms Gretlene Pieterse, received from her during our interview on 19 February 2020 (see pages 187 and 188);
8. A copy of the attendance register of the Safe House insofar as Ms Liesl Raphoto is concerned for the month of November 2019 (see pages 189 and 190).

#### **OTHER EVIDENCE REQUESTED AND RECEIVED/ OBTAINED**

1. I have recorded my interview with Ms Raphoto with her consent and I am willing to share this recording with the Speaker upon request;
2. I have requested and received several recordings (six to be exact) of Board meetings of the Safe House from Ms Wilton as I was informed by an affidavit of Ms Hillary Bergstedt that Clr du Toit had made certain admissions pertaining to the allegations against her during Board meetings. I am willing to share these recordings with the Speaker. Apart from the fact that Clr du Toit acknowledges that her office was used by the Safe House for meetings and that Mr Michael Moses acted as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she does not admit in these recordings that she was receiving remuneration from the Safe House as claimed and neither does she admit that she had instructed two Law Enforcement Officers of the Municipality to escort Ms Liesl Raphoto out of the offices of the Safe House on 12 November 2019;
3. I have received a recording of the proceedings on the first day of the disciplinary hearing of Ms Raphoto, but only after I had given an undertaking to Ms Wilton not to share it or disclose it before the disciplinary hearing of Ms Raphoto is finalised. It suffices to say that she had made statements in her disciplinary hearing which make her allegations against Clr du Toit questionable as some of her statements seem to point to an ulterior motive for making the said allegations. I am willing to share this with the Speaker after the said disciplinary hearing is finalised.

**OTHER EVIDENCE REQUESTED AND SHOWN BUT CANNOT BE SHARED**

Ms Wilton showed me photos of Ms Raphoto leaving the offices of the Safe House on 12 November 2019 with her jacket over her arm and her handbag in the other hand, which were taken from the video footage captured by security cameras fixed to the offices of the Safe House.

I was informed by Ms Wilton that in terms of applicable legislation, the Non Profit Organisations Act of 1997, she may not hand these photos to people like me, as legislation prohibits her from giving me photographic material which could enable people like me to identify a Safe House and which could result in compromising the safety of the clients who live there.

The full length photo clearly shows Ms Raphoto from behind from her shoes to head and it at the same time shows the car of the Law Enforcement Officers parked in front of the gate of the Safe House. This photo confirms that nobody was escorting Ms Raphoto when she left the Safe House and also shows that the Law Enforcement Officers must still have been inside the offices of the Safe House as they do not appear on the photo and as the presence of their car suggests that they have not left the premises. Ms Wilton is willing to testify in a hearing (should there be one) and she is willing to show the photo on her cell phone to a Disciplinary Committee if need be.

**OTHER EVIDENCE REQUESTED AND NOT RECEIVED/ OBTAINED**

1. I have requested from Mr Fagrie Patel the recordings, which he had alleged to have made of the discussion between him and Ms Bergstedt on the one hand and Ms Tjetjeko and Ms Telemachus (the two Law Enforcement Officers) on the other hand outside the offices of Mr Cedric Thorpe on 13 November 2019, but despite an undertaking by him during our interview on 24 February 2020 that he would send it to me later that day as this recording was on his other cell phone which was at home, I have not received it, despite sending a reminder to Mr Patel on 26 February 2020 in the form of a WhatsApp message.

He sent me a WhatsApp on 26 February 2020 that his granddaughter now has the particular cell phone and that he will try to get the recording from her, where after he will send it to me. See pages 191 and 192 as proof of the WhatsApp communication between myself and Mr Patel. I eventually received the sound clip on 27 February 2020 but it is unclear due to many people talking at the same time.



2. I have also requested Ms Hillary Bergstedt for a meeting, but she informed me that she was not available to meet with me until next week Tuesday, 3 March 2020.

As I have a lengthy sworn affidavit from her given to me by Ms Raphoto and as I expect her (Ms Bergstedt) to stand by it as it was made under oath, I decided not to wait for a meeting with her and I requested her in a WhatsApp message instead to send me the minutes of a meeting of the Board of the Safe House to me, which she described in a WhatsApp message to me as of utmost importance.

I also asked her to send me the audio recordings which she referred to in her sworn affidavit, but by 26 February 2020 I have not received the said minutes or the audio recordings from her. See pages 193 to 200 as proof of the WhatsApp communication between myself and Ms Bergstedt.

#### **THE DIFFERENT COMPLAINTS**

1. **The complaint that Clr du Toit had received monies from the Safe House which she did not declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality**

The complaint of Ms Raphoto is fully explained in her letter to Ms Mettler as the Municipal Manager dated 26 November 2019, which was also addressed to the Speaker. In the said complaint, the monies in question are referred to as "income" which she had allegedly received from the Safe House.

#### **INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:**

##### **Clr Jindela (Speaker)**

The Speaker acknowledged that his office had received the written complaint, dated 26 November 2019, from Ms Raphoto as well as her follow up document with the heading "Supporting Documents – Ref 8/2019- Alleged Breach of Code of Conduct for Councillors" dated 29 January 2020.

He informed me that after the receipt of her first letter dated 26 November 2019, he had addressed a letter to Clr du Toit dated 29 November 2019 (see page 60) in which he requested her to respond to the allegations as set out in the first letter of Ms Raphoto.

He added that Clr du Toit did respond to his letter by means of an e-mail dated 6 December 2019 to all three allegations (see page 61). The Speaker told me that, after considering her response, he was of the opinion that these complaints must be investigated more thoroughly and that he had requested the Municipal Manager to appoint a suitable person to investigate the merits of the said complaints (see page 38).

#### Alderman J C Anthony

Alderman Anthony provided me with more background information about the Safe House and the relationship between the Safe House and the Municipality. He also provided me with information as to what Councillors are expected to declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality (hereafter referred to as "the Declaration Form").

He informed me that a Councillor is expected to declare any other salary / remuneration/ allowances received from any other institution or legal entity in the said form, but that re-imbursments for mere out of pocket expenses such as travelling costs do not have to be declared in the said form.

#### Ms Liesl Raphoto

Ms Raphoto and I agreed at the start of our very long interview that both of us would record the interview using our cell phones. This agreement is part of the recording. I did so because she speaks at a fast pace and I am not able to write at the same speed. I have saved the recording of her interview on my cell phone and I am willing to share it with the Speaker.

Our initial arrangement was to meet on Tuesday, 18 February 2020, but she contacted me via WhatsApp to request me to move the interview to Monday, 24 February 2020, as she needed more time to gather the information and evidence that I had required from her.

Miss Raphoto informed me that she had learnt from the financial statements of the Safe House that a certain amount of money was paid to Clr du Toit, namely R25 186,00, in the financial year of the Safe House which ended 31 March 2019.

She pointed me to the document with the heading "Notes to the Annual Financial Statements" (see page 51) where this amount is listed next to the name of Rozette du Toit as the very last line item on that document under the sub heading "Waste removal and transport claim to related parties".

She explained that Clr du Toit was the only Councillor of the three names listed under this sub heading and that to the best of her knowledge, Clr du Toit should have declared this payment as income to the Municipality. She further pointed to the Declaration Form completed by Clr du Toit (see pages 58 and 59) and stated that Clr du Toit had not declared any income received from the Safe House under the heading " Remuneration work outside the Municipality " (see the bottom of page 58), which form was signed by her on 14 Augustus 2019. Ms Raphoto did not disclose to me how she had obtained a copy of this form or who advised her that Clr du Toit was obliged to declare reimbursements for fuel expenses as income to the Municipality.

#### Councillor Rozette du Toit

Clr du Toit acknowledged to me in our first interview that she had received the amount of R25 186,00 from the Safe House in the financial year ended 31 March 2019, but she informed me that this whole amount was a re-imbusement for travelling expenses, as the sub heading in the Notes to the Financial Statements indicate by referring to " ...transport claims to related parties".

She explained that the Safe House does not have a vehicle and as such the clients of the Safe House (abused women and children) are without transport when they need to travel to hospitals, courts, government departments, etc..

She accordingly bought a vehicle, a white Opel, using her own funds with the intention to donate this vehicle to the Safe House, but after the purchase of the vehicle and after it having passed the road worthy test at the Traffic Department, she was informed by the Traffic Department that the vehicle cannot be registered in the name of the Safe House, as the seller of the vehicle had a warrant of arrest issued against him and until such time when this issue is resolved between the seller of the vehicle and the Traffic Department, the vehicle cannot be registered in the name of a new owner.

So she made the vehicle available to the Safe House anyway to enable the clients of the Safe House to be mobile and to travel where they need to be. As she has to incur travelling expenses (petrol) from time to time when clients of the Safe House are transported to hospital or somewhere else like a court by the driver of the vehicle who was appointed by the Safe House, Mr Steven Lottering, she is entitled in terms of the policy of the Safe House to be reimbursed for such transport claims.

She explained further that she donates on average about R2 000,00 per week to the Safe House, for the sole purpose of funding the fuel expenses of the said vehicle. She pays this money to Ms Charlene Abels, who is an Acting Manager at the Safe House and who also is responsible for the financial matters of the Safe House.

This donation of hers, is not kept with the cash in the Petty Cash, but apart from any other money by Ms Abels. When Mr Lottering has to refuel the vehicle, he would then approach Ms Abels for an amount of cash to refuel the vehicle and after purchasing the fuel, he would bring her the cash slip for the transaction. Ms Abels keeps these cash slips.

Mr Lottering does on a weekly basis (usually on a Friday) fill in a claim form of the Safe House on behalf of Clr du Toit, in which he records the number of kilometres travelled in that week and in terms of which a particular tariff is claimed for every kilometre travelled for official purposes.

The claim is settled by Ms Abels by paying the claimed amount into her (Clr du Toit's) bank account. Then the process repeats itself when she donates money at the start of the next week to the Safe House to pay for the fuel the vehicle will require in that week.

#### Ms Alice Wilton

Ms Wilton informed me that, as the CEO of the Safe House, she was aware of the fact that Clr du Toit had regularly paid monies to Ms Abels of the Safe House and that these amounts of money were solely for fuel expenses for the vehicle which Clr du Toit had made available to the Safe House.

She was aware that Ms Abels had kept these funds which were donated by Clr du Toit, separate from the cash in the Petty Cash. She was aware of the arrangement that the driver of the vehicle, Mr Steven Lottering, has to request a sum of money from Ms Abels to put fuel in the said vehicle and that Mr Lottering had to record the number of kilometres that he had travelled with the said vehicle for official purposes of the Safe House and that Clr du Toit would then be reimbursed for travelling expenses in terms of the applicable policy of the Safe House.

She confirmed that Clr du Toit, just like other Board members, do not receive a monthly salary or an allowance for serving in that capacity. The only money that Board members are entitled to, is reimbursements for travelling expenses when they travel for official business for the Safe House (not all Board members do so).

Ms Wilton acknowledged that the payments made by the Safe House to Clr du Toit are part of the financial statements of the Safe House and told me that these financial statements were audited and that no irregularities in this regard have been found by the auditors of the Safe House. She pointed me to supporting documentation pertaining to the claims by Clr du Toit and the payments made by the Safe House. See pages 167 to 183.

She also made the point that Clr du Toit had made anonymous donations to the Safe House as can be seen from page 57 and that only Clr de Toit and herself knew about these donations.

#### Ms Charlene Abels

Ms Abels confirmed in a separate interview on a different date than Ms Wilton, the version of Ms Wilton. She said that on average Clr du Toit would give about R2 000 per week to her in cash, which she kept separate from the money in her Petty Cash.

She gave Mr Steven Lottering some of the cash that Clr du Toit had given her for fuel expenses when he needed to refuel the vehicle which Clr du Toit had made available to the Safe House. She continued to say that record was kept by her of the money she had given to Mr Lottering and Mr Lottering was obliged to capture the number of kilometres that he had travelled in order to claim a reimbursement on behalf of Clr du Toit. He normally completed the claim form on a Friday.

The claimed amount was then paid into the banking account of Clr du Toit. She said to me that this arrangement has been in place since the vehicle was made available to the Safe House by Clr du Toit.

She is aware that Ms Raphoto may have seen her handing cash to Mr Lottering as they work together in a small office, but she is of the opinion that Ms Raphoto is under the impression that the cash that she had handed to Mr Lottering, came from the Petty Cash of the Safe House, which may be her motivation for making this particular allegation against Clr du Toit.

She continued to say that if MS Raphoto had any concerns about the fact that cash from the Petty Cash was used to refuel the vehicle and that Clr du Toit was reimbursed by the Safe House on top of it, then she would have expected Ms Raphoto to discuss her concerns with her before she had made the allegations against Clr du Toit. She added that Ms Wilton and Mr Basil Pietersen are also reimbursed for travelling expenses by the Safe House.

Mr (Pastor) Basil Pietersen

Mr Pietersen told me in our interview that he has been the Treasurer of the Safe House for the past 2 years. He said that as the Treasurer, he has a good understanding of the finances of the Safe House. He added he was aware that Clr du Toit was providing a vehicle to be used by the Safe House and that she was paying for the fuel for this vehicle.

He is also aware that she was reimbursed for travelling expenses and he added that he and Ms Wilton are also reimbursed in terms of the policy of the Safe House in this regard.

He continued to say that the financial statements of the Safe House are scrutinised by auditors and that the auditors and the Department for Social Services (DSD) and that neither the auditors or DSD had any issues with the reimbursement for travelling expenses by the Safe House. He confirmed that Clr du Toit does not earn a salary or receive a monthly allowance from the Safe House.

**2. The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019**

The complaint is based on the fact Clr du Toit was present at the Safe House on the day, 12 November 2019, that Ms Raphoto had been suspended and that Clr du Toit was present when the CEO informed Ms Raphoto that she was going to be given a precautionary suspension while two Law Enforcement Officers, Mr Osruc Jumat and Ms Gretlene Pieterse, were also present in the Safe House on that specific date and time. Ms Raphoto believes that Clr du Toit was part of the decision to suspend her and that Clr du Toit had instructed or arranged for the 2 Law Enforcement Officers to be at the Safe House on that day to escort her out of the building after she was served with a Notice of a Precautionary Suspension.

**INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:**

**Ms Liesl Raphoto**

During our interview, Ms Raphoto informed me that on 12 November 2019 she arrived at the office at the usual time that she starts to work, namely 7.30 am, as the Compliance Officer of the Safe House.

As she had stated in her letter to the Speaker, dated 26 November 2019, and in her sworn affidavit, dated 14 November 2019, she believes that Clr du Toit was part of a

decision to serve a Notice of a Precautionary Suspension Hearing on her on 12 November 2019 as she was present at the Safe House on that day and as she was present when Ms Alice Wilton as the CEO of the Safe House informed her of the intention of the Safe House to suspend her.

In addition, Ms Raphoto believes that Clr du Toit had instructed 2 Law Enforcement Officers to be at the Safe House to escort her out of the offices of the Safe House on 12 November 2019.

When she was asked if she has any proof in the form of documents like e-mails that Clr du Toit was part of a preconceived plan to suspend her or any witnesses to this effect, she said that she did not.

When she was asked if she has any hard evidence or witnesses that Clr du Toit had in fact instructed the Law Enforcement Officers to be at the Safe House and/or to escort her out of the Safe House, she also indicated that she did not.

When she was asked if she agrees that the Law Enforcement Officers were together at all times when they were in the Safe House, she answered that they were. When she was asked if she had to pass the 2 Law Enforcement Officers in the office to exit the building of the Safe House, she said that this is correct.

I asked her who had informed her that the Safe House was considering to suspend her and she said that it was Ms Wilton. I asked her further who had read the Notice of Precautionary Suspension to her and she confirmed that it was Ms Wilton. I enquired from her who had instructed her to hand over her keys for the building and she again said it was Ms Wilton.

I put it to her that Clr du Toit did not inform her of that she may possibly be suspended, neither did she read the Notice of Precautionary Suspension to her and neither did Clr du Toit instruct her to hand over her office keys and Ms Raphoto agreed.

I wanted to know from her why she then believed that Clr du Toit was part of the decision to serve the said Notice on her and she replied that it is because Clr du Toit suggested that the time of the Precautionary Suspension Hearing, which was going to be held at her office, must be inserted in the said Notice (In the typed Notice the time is written in by hand).

I put it to her that Clr du Toit was at the Safe House on 12 November 2019 for a meeting with Funeka Mayembana, an employee of the Department for Social

Development of Stellenbosch Municipality to discuss the "16 Days of Activism Campaign", which is an awareness campaign aimed at highlighting the abuse of women and children. Ms Raphoto told me that she was not aware of this.

When I asked her who was all present when the said Notice was read to her, she said it was herself, Ms Wilton, Clr du Toit, Ms Abels and the two Law Enforcement Officers. I put it to her that the Law Enforcement Officers both deny that they were present during this event and so does Ms Wilton, Clr du Toit and Ms Abels, but she persisted that they were present.

I asked her what made her believe that she was escorted out of the offices of the Safe House and she replied that Ms Wilton asked them to do so and that the two Law Enforcement Officers walked directly behind her as she exited the offices. She told me that Mr Osric Jumat walked behind her left shoulder and Ms Laurika Williams walked behind her right shoulder as they approached the office door.

When I asked her if she was touched by either of the two Law Enforcement Officers at any time as she left the building, she replied that she was not. When I asked her if anyone of them spoke to her as she left the building, she replied that they did not.

I then reminded her that there were other employees in the office who saw her leaving the building on that day after she was served with the said Notice and that they did not see the Law Enforcement Officers leave the building with her. I also reminded her that there are security cameras fixed to the building, which records video footage and that the footage showed that she left the building alone and minutes before the two Law Enforcement Officers left through the same door that she did. She persisted that the two Law Enforcement Officers escorted her out of the building.

I further put it to her that Laurika Williams, who she names in her sworn affidavit as one of the Law Enforcement Officers who escorted her out of the building, has never been to the Safe House and that she does not work the same shift as Mr Osric Jumat, the other Law Enforcement Officer that she had identified in her sworn affidavit. I put it to her that Ms Gretlene Pieterse was the other Law Enforcement Officer at the Safe House with Mr Jumat and she agreed that she had made a mistake with the name of the female officer.

I informed her that Ms Pieterse and Mr Jumat had told me in separate interviews that they were actually at the Safe House on 12 November 2019 to obtain legal advice from Ms Alice Wilton, who is legally qualified and who was once the Manager of Law Enforcement at the Municipality, about a grievance that Ms Pieterse had



submitted against Mr William September. The Grievance Hearing was scheduled for 21 November 2019 and as Ms Pieterse had never been through such a process, she wanted Ms Wilton to give her some advice about this process. Mr Jumat gave her a lift to the Safe House in a Law Enforcement vehicle on his way to his appointment with a doctor. I asked Ms Raphoto if she was aware of this and she said she was not.

I put it to her that although the two Law Enforcement Officers agree that they were requested by Ms Wilton to sign the Notice of the Precautionary Suspension Hearing as witnesses, that they deny that they were part of a preconceived plan to serve the said Notice on her. Ms Raphoto, however, persisted in her belief that the two Law Enforcement Officers were there to escort her out of the offices of the Safe House.

At the end of the interview I asked her if she could provide me with names of witnesses who could verify her version of the events. I was expecting her to name employees of the Safe House who were present on 12 November 2019 when she was allegedly escorted out of the offices of the Safe House by the two Law Enforcement Officers, but she gave me the names of Mr Fagrie Patel and Ms Hillary Bergstedt as her only witnesses.

I was informed by her that Mr Patel is a Board member of the Safe House and that Ms Bergstedt was the Secretary of the Board. I was further informed that although they were not present at the Safe House on 12 November 2019, that they had met with Mr Cedric Thorpe, the Deputy Chief of Law Enforcement on 13 November 2019 and that they understood from that visit that Mr Osrlic Jumat had admitted that he was instructed by Clr du Toit to go to the Safe House to escort her out of it.

She provided me with a sworn affidavit of each of these witnesses, which from part of her bundle of documents and which can be seen on pages 90 to 92 and page 93 respectively.

#### Ms Alice Wilton

Ms Wilton confirmed that Clr du Toit visited the Safe House on 12 November 2019 to attend a meeting with Funeka Mayembana, an employee of Stellenbosch Municipality, to discuss "16 Days of Activism Campaign", which is an awareness campaign aimed at highlighting the abuse of women and children. The Safe House, being a home to such women and children, was one of the key role players in planning this campaign.

She informed me that Clr du Toit arrived at the Safe House on 12 November 2019 before Funeka Mayembana did and that she entered the office using the office door

(as opposed to the front door). When Clr du Toit greeted the staff in the office of the Safe House, Ms Wilton, who was in the skills room adjacent to the office, recognised her voice as the door between the office and the skills room was open. The skills room is a room where meetings and training take place. Clr du Toit came into the skills room to greet Ms Wilton, who was busy talking to the two Law Enforcement Officers about the grievance of Ms Pieterse. She told them to wait for her in the skills room as she was busy with something important. Ms Wilton said that when Clr du Toit realised that she (Ms Wilton) was in a meeting, she left the skills room and returned to the office where she sat on a couch to wait for Funeka Mayembana. During this time Ms Raphoto was in the office.

Ms Wilton continued to say that she then returned to the office, which is an open plan office where a number of employees of the Safe House work, including Ms Raphoto. She then attended to the Notice of Precautionary Suspension to Ms Raphoto that she had prepared before the arrival of Clr du Toit and she discussed it with Ms Abels, who also co-ordinates the HR Function in the Safe House. Clr du Toit also joined them during this discussion as Ms Wilton wanted to know from Clr du Toit if her office could be used to hold the Precautionary Suspension Hearing of Ms Raphoto on 14 November 2019, as this detail had to be inserted in the said Notice. After Clr du Toit had indicated that her office is available on 14 November 2019 for that purpose, Ms Wilton requested Ms Raphoto to join them, which she did.

Ms Wilton continued to say that she then informed Ms Raphoto of the intention of the Safe House to suspend her and that she then continued to read the said Notice to Ms Raphoto. At that time Ms Raphoto, Ms Abels, Clr du Toit and herself were present. The two Law Enforcement Officers were not part of this discussion.

Ms Wilton said that she had requested Ms Raphoto to sign the said Notice as proof of receipt, which she did. Ms Wilton added that she wanted witnesses to sign the said Notice and that she then called the two Law Enforcement Officers to the office where they were sitting in the skills room and requested them to sign the said Notice as witnesses, which they did in the office.

According to Ms Wilson, she told Ms Raphoto that she must hand over her keys for the office, which she did, and Ms Wilton then told her that she is free to leave the premises. Ms Raphoto collected her jacket and her handbag, where after she headed for the office door to leave the building.

At that time Ms Wilton attended to the two Law Enforcement Officers, who were still in the office area waiting to speak to her about the grievance of Ms Pieterse. As Mr Juma had to leave for his doctor's appointment and as Ms Pieterse would not

have a lift if he had left without her, they discussed another date and time to meet with Ms Wilton to get legal advice about the grievance process. Ms Wilton said that the two Law Enforcement Officers left about 5 minutes after Ms Raphoto did.

Ms Wilton continued to say during her discussion with the Law Enforcement Officers Clr du Toit was sitting on the couch in the office area waiting for Funeka Mayembana to arrive for their meeting.

She said that at no time did she instruct or request the Law Enforcement Officers to escort Ms Raphoto out of the building as alleged by Ms Raphoto. Ms Wilton was very upset about his allegation during my interview with her. She told me that when she first heard of this allegation, she requested Ms Abels to look at the video footage at the time when Ms Raphoto left the building of the Safe House and it showed that Ms Raphoto left the offices alone with nobody else in sight.

She was informed later by Ms Abels that Ms Raphoto, when she was already outside the automated gate of the Safe House, was calling the Law Enforcement Officers when they left the building with a request that they must go and fetch her cell phone which she had left on her desk. Ms Pieterse did so and handed the cell phone to Ms Raphoto.

Ms Wilton assured me that Clr du Toit was not aware that a Notice of a Precautionary Suspension Hearing was going to be served on Ms Raphoto on 12 November 2019 when she arrived at the offices of the Safe House for her meeting with Funeka Mayembana. She also assured me that Clr du Toit played no part in the fact that the two Law Enforcement Officers were visiting the Safe House on 12 November 2019 as they came to seek legal advice from her about the grievance of Ms Pieterse against a fellow employee.

She added that Clr du Toit was only present when the Notice of a Precautionary Suspension Hearing was served on Ms Raphoto, as Ms Wilton beforehand had to ascertain from Clr du Toit if her municipal office could be used to hold the hearing. Clr du Toit did suggest that Ms Wilton insert the time of the said hearing in the said Notice as Ms Wilton omitted the time of the hearing. Clr du Toit suggested that the time be inserted as she could only avail her office from a certain time for this purpose. This explains why the time of the said hearing was written in by hand by Ms Wilton in the said Notice.

Ms Charlene Abels

In my interview with her in this regard, she informed me that she also fulfils the HR function in the office, apart from being responsible for the Petty Cash and the receipt of cash from Clr du Toit for the fuel of the vehicle that she had made available to the Safe House.

She said that she was on duty on 12 November 2019 and confirmed that Ms Raphoto was also at work on that day and that their desks are in the same open plan office. She said that two Law Enforcement Officers, Mr Osric Jumat and Ms Gretlene Pieterse, arrived at the Safe House, which was not uncommon as several Law Enforcement Officers stop by the Safe House from time to time to get legal advice from Ms Wilton, who was their Manager at the Municipality at one time.

She added that the Law Enforcement Officers were asked to sit in the skills room by Ms Wilton, as she was busy with another matter, namely preparing the Notice of a Precautionary Suspension Hearing for Ms Raphoto. She said that at that time Clr du Toit had not yet arrived and that she and Ms Wilton discussed the said Notice in the office adjacent to the skills room.

She continued to say she was aware that Clr du Toit had made arrangements with Funeka Mayembana of the Municipality for a meeting with staff of the Safe House about the 16 Days of Activism Campaign on 12 November 2019, as she was also going to be part of that meeting. When I asked her if Ms Raphoto was also going to be part of the meeting about the 16 Days of Activism Campaign, she answered that Ms Raphoto was a Compliance Officer and as such she was not going to be part of that meeting.

She confirmed that Clr du Toit arrived shortly after the Law Enforcement Officers and before Funeka Mayembana of the Municipality had arrived. After greeting her and other staff in the office, Clr du Toit saw Ms Wilton in the skills room as the door between the office and the skills room was open at that time and Clr du Toit walked to the skills room where she greeted Ms Wilton, who was talking to the two Law Enforcement Officers in the skills room. When she realised that Ms Wilton was not alone and in a meeting, she left the skills room and sat on the couch in the office. The couch is next to the desk of Ms Abels and therefore Ms Abels had a clear view of where Clr du Toit was.

She confirmed that Clr du Toit had joined her and Ms Wilton in a discussion in the office when Ms Wilton wanted to ascertain from Clr du Toit if her offices could be used to hold the Precautionary Suspension Hearing for Ms Raphoto on 14 November 2019. She said that Clr du Toit had indicated that her office would be available from

10.00 am for that purpose and that Clr du Toit suggested that the time of the hearing be inserted in the said Notice when Ms Wilton read the said Notice to Ms Raphoto.

She also confirmed that Ms Wilton had requested the two Law Enforcement Officers to sign as witnesses on the said Notice after Ms Raphoto had signed it. This was done in her presence and also in the presence of Ms Wilton and Clr du Toit.

She further confirmed that at no stage did Ms Wilton or Clr du Toit instruct or request the Law Enforcement Officials to escort Ms Raphoto out of the building. Ms Raphoto, according to her, left on her own after she took her jacket and her handbag from her desk. The Law Enforcement Officials left about 5 minutes later after a short discussion with Ms Wilton. One of the Law Enforcement Officers returned to the office soon after they had left to say that Ms Raphoto had left her cell phone on her desk. Ms Abels then gave the cell phone to the Law Enforcement Officer to give it to Ms Raphoto.

She added that the Safe House has an attendance register which all staff members must sign when they report for duty and when they leave work, but on 12 November 2019 Ms Raphoto did not sign the said register when she arrived for work or before she had left. See pages 189 and 190.

She told me that the video footage of the security cameras fixed to the building of the Safe House, can be accessed from her cell phone, as well as the cell phone of Ms Wilton and the computer of the Social Auxiliary Worker. The video footage of a particular day is available for 2 weeks, where after it is automatically deleted by the camera system.

Ms Abels told me that Ms Wilton had requested her to look at the video footage for 12 November 2019 at the time when Ms Raphoto left the building. She saw that the footage shows that when Ms Raphoto left the building, nobody else can be seen on the video footage. She showed the footage to Ms Wilton, who suggested that she takes a photograph of the footage, which she did. She noticed from the date and the time on the video footage that Ms Raphoto exited the offices of the Safe House on 12 November 2019 at 15:30 and that the Law Enforcement Officers left about 5 minutes later.

I put it to her that Ms Raphoto stated to me that the two Law Enforcement Officers were walking directly behind her when she was escorted out of the building, with Mr Jumat allegedly behind her left shoulder and Mr Pieterse allegedly behind her right shoulder. Ms Abels assured me that nobody else, including the Law Enforcement Officers could be seen on the video footage or the photo that was taken from the video footage. When I asked her how wide the angle was of the video footage and the

photo, she said that it shows Ms Raphoto from her shoes to her head and the angle is wide enough that the Law Enforcement vehicle can also be seen where it was parked in front of the gate.

#### Ms Funeka Mayembana

Ms Mayembana confirmed in my interview with her that she indeed had an appointment with Clr du Toit at the Safe House on 12 November 2019 from 2.30 pm until 4.30 pm. She sent me a photo of her diary on 12 November 2019 via WhatsApp, which can be seen on page 201. This appointment was to discuss the 16 Days of Activism Campaign with her and some staff members of the Safe House.

#### Ms Shireen Williams

Ms Williams informed me that she is an employee at the Safe House and that she is a "House Mother" (Huis Moeder). She is one of the employees who were in open plan office on 12 November 2019 when two Law Enforcement Officers entered the office and she confirmed that Ms Wilton had asked them to wait for her in the skills room as she was busy with something else. Ms Williams went to the skills room to offer the Law Enforcement Officers coffee or tea.

She told me that a while later, Clr du Toit arrived at the Safe House and after greeting the staff in the office, she went to the skills room where Ms Wilton was talking to the Law Enforcement Officers. She said that Clr du Toit had greeted Ms Wilton, but turned around and left the skills room when she realised that Ms Wilton was not alone. Clr du Toit then sat on the couch in the office and Ms Williams made tea for her.

She informed me that, as there are only a few staff members working for the Safe House and as they all have desks next to each other in the open plan office, they can communicate very easily with one another.

She was aware that Clr du Toit had an appointment to meet with Ms Funeka Mayembana and some staff members of the Safe House on 12 November 2019 as Ms Wilton informed her about the meeting.

As the office in the Safe House is the size of a normal living room in a normal home, she saw and heard Ms Wilton speaking to Ms Raphoto about the Notice of a Precautionary Suspension Hearing for Ms Raphoto. At that time the Law Enforcement Officers were still in the skills room, but Ms Abels and Clr du Toit were standing next to Ms Wilton.

#### Mr Cedric Thorpe

Mr Thorpe is the Deputy Chief of Law Enforcement at Stellenbosch Municipality and he informed me in our first interview that he first became aware of the alleged escorting of Ms Raphoto when Mr Fagrie Patel and Ms Hillary Bergstedt visited his offices on 13 November 2019 to discuss the incident with him. As he had no knowledge about the incident and as Mr Patel mentioned the name of Mr Osric Jumat as being one of the Law Enforcement Officers who were involved in the alleged incident, Mr Thorpe phoned Mr Jumat on his cell phone from his (Mr Thorpe's) cell phone and he put the cell phone on speaker phone so that Mr Patel and Ms Bergstedt could follow the conversation.

He asked Mr Jumat if he was at the Safe House on 12 November 2019 and when Mr Jumat replied that he was, he asked him if Clr du Toit had given him an instruction to be there, as this was the information that he was given by Mr Patel and Ms Bergstedt. Mr Jumat explained that he took Ms Gretlene Pietersen to see Ms Alice Wilton for legal advice regarding a grievance which she had lodged against Mr William September and that Clr du Toit did not instruct him to go there.

Mr Thorpe then said to Mr Patel that it is not the policy of the Municipality that a Councillor may instruct a Law Enforcement Official to escort an employee of a private institution or to do anything of that kind, as Councillors must contact the Municipal Manager with a request that municipal perform a municipal function and the Municipal Manager will then decide if she will approve the request and if so, she will contact the relevant Department to perform the function as a general principle. At the time of our first interview, I did not yet receive the sworn affidavits of Mr Fagrie Patel and Ms Hillary Bergstedt, as I received these sworn affidavits from Ms Raphoto a few days later as a result of her request to me to postpone our first appointment.

After I had received these sworn affidavits, I set up a follow up interview with Mr Thorpe and I asked him to read these affidavits, which he did.

During our second interview, he explained that Mr Patel and Ms Bergstedt came to his office without making an appointment first and that he was very busy. As he had no prior knowledge of the alleged escorting of Ms Raphoto by Law Enforcement Officers, he called Mr Jumat, who was identified by Mr Patel and Ms Bergstedt to have been one of the two Law Enforcement Officers to involved in the incident. He said that the nature of the allegation was disturbing and that he wanted to allay the concerns of Mr Patel and Ms Bergstedt immediately.

He distinctly remember Mr Jumat saying that Clr du Toit did not instruct them to go to the Safe House as alleged by Mr Raphoto, Mr Patel and Ms Bergstedt. He clearly remembers Mr Jumat saying that they were there to get legal advice from Ms Wilton about a grievance of Ms Laurika Williams, but as he found out later, Mr Jumat was referring to Ms Gretlene Pieterse.

He acknowledges that he questioned Ms Laurika Williams, after Mr Patel and Ms Bergstedt had left, about the incident shortly after his conversation with Mr Jumat, but he found out that she was not at the Safe House ever and that Mr Jumat had accidentally referred to her instead of Ms Pieterse. He then spoke to Ms Pieterse about the incident and she confirmed that she was at the Safe House with Mr Jumat on 12 November 2019 so that she could get legal advice from Ms Wilton about her grievance. Ms Pieterse also told him that Clr du Toit did not instruct them or request them to go to the Safe House.

Mr Thorpe told me that he was not aware that he was being recorded by Mr Patel on his cell phone when he talked to them in his office that day. He said that if Mr Patel and Ms Bergstedt had understood that he or Mr Jumat had acknowledged that Clr du Toit had instructed Mr Jumat to go to the Safe House on 12 November 2019, then it is their problem and not his.

#### Mr Osric Jumat

Mr Jumat informed me that he is a Law Enforcement Officer at Stellenbosch Municipality with about 13 years' service. He said that on 12 November 2019 Ms Gretlene Pieterse requested him "to give her a lift" to the Safe House in Stellenbosch when she heard that he had an appointment with a doctor that afternoon. He said he agreed and on the way Ms Pieterse spoke to him about her grievance in respect of Mr William September and that she wanted to obtain free legal advice from Ms Wilton, the CEO of the Safe House, who was the Manager of Law Enforcement at the Municipality before.

He said that when they arrived at the Safe House, Ms Wilton was busy in the office area and she had asked them to wait for her in the skills room. Clr du Toit was not yet there. After a while Clr du Toit, who he does not really know well, arrived at the Safe House and after greeting Ms Wilton who was speaking to them in the skills room, Clr du Toit left the skills room and returned to the office area. He and Ms Pieterse remained in the skills room.

Ms Wilton approached them to sign a document as witnesses on her desk and they both agreed to do so. He told me that he did not know what type of document it was, but he trusted Ms Wilton and he had no problem to act as a witness. Ms



Wilton, Ms Raphoto, Ms Abels and Clr du Toit were in close proximity when they signed as witnesses.

He said that Ms Raphoto then left the office area with her jacket and her handbag through the office door as he and Ms Pieterse waited for Ms Wilton to come and speak with them. As he was concerned that he might miss his appointment with his doctor that afternoon, he suggested that Ms Pieterse should make another appointment to see Ms Wilton as Ms Pieterse depended on him for transport from the Safe House. Ms Pieterse and Ms Wilton agreed and he and Ms Pieterse left the Safe House through the same door that Ms Raphoto had used about 5 minutes after her departure.

When they were outside the building but still inside the premises, they saw and heard Ms Raphoto calling them with a request to fetch her cell phone which was still on her desk. Mr Jumat said that Ms Pieterse went back inside the building and soon came outside with the cell phone of Ms Raphoto and she gave it to her. Ms Raphoto then drove away in her car and shortly after that Mr Jumat and Ms Pieterse left in the Law Enforcement vehicle.

Mr Jumat strongly denied that he was instructed or requested by Clr du Toit to go the Safe House on that day. He further strongly denied that he was requested by Ms Wilton to escort Ms Raphoto out of the Safe House building and that he and Ms Pieterse indeed escorted Ms Raphoto out of the building. He added that as far as he knows, Clr du Toit does not have his cell phone number and neither does he have hers. He does not know Clr du Toit very well and he had not dealt with her before in sees her, like he does with any other Councillor.

He did acknowledge that he initially told Mr Thorpe that Ms Laurika Williams was with him at the Safe House, but he explained that he is not the only one that confuses the two women as they have the same appearance in terms of height and built.

#### Ms Getlene Pieterse

Ms Williams told me that she is a Law Enforcement Officer at Stellenbosch Municipality and that she had asked Mr Osrice Jumat for a lift to the Safe House in Stellenbosch on 12 November 2019 when she overheard him saying that he had an appointment to see a doctor that afternoon. He agreed to take her there when she told him that she wanted to obtain legal advice from Ms Alice Wilton, the CEO of the Safe House.

She confirmed that they were told to wait in the skills room for Ms Wilton, who was busy with something else. She also confirmed that when they arrived there, Clr du Toit was not yet there.

She said that after a while, Ms Wilton came to them asking for them to be patient as she was dealing with something very important. At that time Clr du Toit came into the skills room to greet Ms Wilton, but she left when she saw the Law Enforcement Officers. Ms Wilton returned to the office, but a while later she came to them and asked them to sign as witnesses on a document. She did not know what she was signing, but as she had known Ms Wilton for a very long time, she had no problem to sign the document as a witness. When they signed the document, Ms Wilton, Ms Abels, Ms Raphoto and Clr du Toit were also present. After they had signed the document, Ms Pieterse and Mr Jumat waited for Ms Wilton to speak to her about the grievance of Ms Pieterse.

While they were waiting, they saw Ms Raphoto leave the building through the office door by herself. After speaking to Ms Wilton briefly about another date and time for a consultation with her about the said grievance, she and Mr Jumat also left the office of the Safe House using the same door as Ms Raphoto to exit the building.

When they got outside the building, they saw and heard Ms Raphoto calling them and she requested them to go back into the office to fetch her cell phone which was laying on her desk. Ms Pieterse went back into the building and got the cell phone from an employee of the Safe House and she then handed it to Ms Raphoto who waited outside the gate.

She also strongly denied that she was instructed by Ms Wilton or Clr du Toit to go to the Safe House. She gave me a copy of her Grievance to prove that this is the only reason why she was there (see pages 187 and 188). She further strongly denied that she had escorted Ms Raphoto out of the Safe House.

#### Ms Laurika Williams

She informed me that she is a Law Enforcement Officer at Stellenbosch Municipality and that she had never been to the Safe House in Stellenbosch. She confirmed that Mr Thorpe had questioned her about an incident at the Safe House in November 2019, but she told him that Mr Jumat must have confused her with Ms Pieterse, like many people do.

#### Mr Fragie Patel

In my interview with Mr Patel, he told me that he can only speak about the incident at the Safe House and not the other allegations, as Ms Raphoto brought this incident to his attention. He then contacted M Bergstedt and on 13 November 2019 they both went to see Mr Thorpe about it.

He said Mr Thorpe phoned Mr Jumat in their presence and as he understood the conversation, Mr Jumat had acknowledged that he was instructed by Clr du Toit to go to the Safe House to escort Ms Raphoto out of the Safe House.

He said that he recorded a conversation with Mr Thorpe on his cell phone when he and Ms Bergstedt spoke to Mr Thorpe after he had spoken to Mr Jumat. He later sent me a sound clip which appears to be a recording of such a conversation, but due to other persons speaking loudly in the background and other background noise, it is very difficult to hear this conversation. I am willing to share this recording with the Speaker.

#### Ms Hillary Bergstedt

I tried to set up an interview with Ms Hillary Bergstedt , but she indicated in a WhatsApp message that she was only available to see me on Tuesday, 3 March 2020. As I am in possession of a lengthy sworn affidavit from her and as the contents were made under oath, I am comfortable that she had covered all of her concerns and that she will stand by the contents thereof. See pages 193 to 200 as proof of my attempt to set up an appointment with her and to get information from her.

#### Mr John Tjetjeko

Mr Tjetjeko was named in a sworn affidavit by Ms Bergstedt as well as in the sworn affidavit of Mr Patel as being one of the Law Enforcement Officers who confirmed later to Mr Patel that he had heard Mr Jumat say to Mr Thorpe on speaker phone that Clr du Toit had instructed him to go to the Safe House to escort Ms Raphoto out of the building.

Mr Tjetjeko told me that he is an Law Enforcement Officer at Stellenbosch Municipality and that he and Carmen Telemachus, another Law Enforcement Officer, went into the office of Mr Thorpe on 13 November 2019 to do work, when he heard Mr Thorpe asking Mr Jumat on speaker phone if Clr du Toit had instructed him to go the Safe House to escort Ms Raphoto out of the building. He saw Mr Patel and Ms Bergstedt with Mr Thorpe. He knows both of them as they were Councillors of Stellenbosch Municipality before.

He said that he did not hear the reply from Mr Jumat as he and Ms Telemachus was in a hurry to do something. As for the allegation of Mr Patel that he confirmed to Mr Patel and Ms Bergstedt outside of the offices of Mr Thorpe that he had heard Mr Jumat say that Clr du Toit had instructed him to go to the Safe House, he denies it.

#### Ms Carmen Telemachus

Ms Telemachus is the Carmen who was named in a sworn affidavit by Ms Bergstedt as well as in the sworn affidavit of Mr Patel as being one of the Law Enforcement Officers who confirmed later to Mr Patel that she had heard Mr Jumat say to Mr Thorpe on speaker phone that Clr du Toit had instructed him to go to the Safe House to escort Ms Raphoto out of the building.

She confirmed Mr Tjetjeko's version of the events in the finest detail by saying that she did not hear the reply of Mr Jumat as she was in a hurry to leave the offices of Mr Thorpe to attend to an important matter. She also did not speak to Mr Patel or Ms Bergstedt outside the offices of Mr Thorpe on that day about Mr Jumat.

#### Clr du Toit

In short, she told me that on 12 November 2019 she had an appointment with Ms Funeka Mayembana of the Municipality and some staff members of the Safe House about the 16 Days of Activism Campaign at about 2.30 pm. She said that she went to the Safe House a bit earlier to ensure that she is in time for the meeting.

When she arrived there, she went inside through the office door and she greeted all the staff members, including Ms Raphoto, in the office like she always does. Ms Mayembana was not yet there. She noticed that Ms Wilton was not in the office and saw her through the open door that she was in the skills room. She then proceeded to the skills room to greet Ms Wilton but when she noticed that Ms Wilton was in a meeting with two Law Enforcement Officers, she left the skills room and sat on the couch in the office to wait for Ms Mayembana.

Ms Wilton later approached her to ascertain from her if her office could be used for a Precautionary Suspension Hearing on 14 November 2019, which she agreed to. After a while Ms Wilton informed Ms Raphoto while Clr du Toit and Ms Abels were present, that the Safe House is intending to suspend her and Ms Wilton read the Notice of the Precautionary Suspension to Ms Raphoto. Clr du Toit said that hse realised that the time of the said hearing was not mentioned in the said Notice and that it was important to insert the time as her office was only available from 10.00 am on 14 November 2019.

She said that she was present when Ms Raphoto and the Law Enforcement Officers signed the said Notice. She was also present when Ms Wilton asked Ms Raphoto to hand over the keys of her office. She said that Ms Wilton told Ms Raphoto that she can leave and Ms Raphoto did so after she fetched her jacket and her handbag. She said that Ms Raphoto left unaccompanied through the office door. At that time the Law Enforcement Officers were talking to Ms Wilton about something else and Clr du Toit again sat on the couch in the office to wait for Ms Mayembana.

She added that after about 5 minutes the Law Enforcement officers left through the office door, but a female Law Enforcement Officer returned shortly afterwards, saying that Ms Raphoto had forgotten her cell phone on her desk and one of the staff members handed it to the Officer. The Officer then left the office area.

She informed me that she did not know that a Notice of a Precautionary Suspension Hearing was going to be served on Ms Raphoto that day before her arrival and neither did she know that the two Law Enforcement Officers were going to be at the Safe House.

Therefore she strongly denied the allegation of Ms Raphoto that she had instructed the Law Enforcement Officers to go to the Safe House to escort her out of the building and she in fact took exception to his allegation. She told me that she does not have the cell phone number of any Law Enforcement Officer of Stellenbosch Municipality, except for a Mr Abrahams who she contacts when she sees drug sales going on. This is also stated in her response, dated 6 December 2019, to the letter of the Speaker. She offered her cell phone records to the Speaker in her said response as soon as she gets it from Vodacom.

Clr du Toit told me that she does not know why Ms Raphoto is making these allegations against her, but she does know that Ms Raphoto does not have proof in this regard and that she does not have all the information in these respects.

**3. The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator**

This complaint results from observations by Ms Raphoto that the office of Clr du Toit is used from time to time for meetings of the Safe House and that her Administrator, Mr Michael Moses, had chaired her (Ms Raphoto's) Precautionary Suspension Hearing.

**INTERVIEWS CONDUCTED/ REQUESTED REGARDING THIS COMPLAINT:**

Ms Raphoto

Ms Raphoto informed me in our interview that she has personal knowledge that the municipal office of Clr du Toit is being used for some meetings of the Safe House, in that her Precautionary Suspension Hearing was held on 14 November 2019 at her office in Reyneveld street in Stellenbosch, which she had attended (see page 47). She added that she was advised that a Councillor may not avail her or his office for meetings of external organisations as it is municipal property which must be used for municipal purposes alone.

She continued to say that she has personal knowledge that a few other meetings organised by the Safe House, were also held at the municipal office of Clr du Toit and that her Precautionary Suspension Hearing was not the only occasion where the office of Clr du Toit was used for non- municipal purposes.

She added that Clr du Toit did not only misuse municipal property, but also municipal staff as her Administrator, Mr Michael Moses, was requested to act as the Chairperson of her Precautionary Hearing on 14 November 2019 when the original Chairperson, Ms Zelda Dalling, had withdrawn in this regard. She said that Mr Moses works in the municipal office of Clr du Toit in Reyneveld street.

She continued to say that she was advised that Councillors may not instruct municipal officials to do so and that Clr du Toit had transgressed the Code of Conduct for Councillors by instructing Mr Moses as her Administrator to act as the Chairperson of the said hearing.

Ms Raphoto made mention of two other matters which she believed that Clr du Toit played an instrumental role in, namely the appointment of the driver, Mr Steven Lottering for the vehicle that she had made available to the Safe House as well as the appointment of an accountant, Mr Stephen Louw, for the Safe House, but toward the end of our interview she conceded that the Board of the Safe House had appointed Messrs Lottering and Louw and not Clr du Toit.

#### Ms Alice Wilton

Ms Wilton informed me that the identity and the location of the Safe House are regarded as confidential matters and that it is protected by legislation, as the Safe House is home to vulnerable women and children who have been victims of abuse. In order to ensure their safety and the progress made with counselling and to protect them against the perpetrators of the crimes against them and the friends or families of such perpetrators, the integrity and the location of the Safe House must be regarded as confidential information. According to her, this means necessarily that access to the Safe House must be restricted and one of the ways to do that, is to arrange meetings of the Safe House elsewhere so that the people who have to attend such meetings, do not know where the Safe House is located. She also added

that clients (the term used for victims of abuse in the Safe House) are free to walk around in the Safe House as they do not want to create the impression in the minds of the clients that they are confined or locked up, which means that clients can walk into meetings at any time and this is not desirable for the clients or for having uninterrupted meetings.

She said that the Safe House has an agreement with Stellenbosch Municipality in terms of which the Municipality gives financial and administrative support to the Safe House. The financial support is considered by the Municipality upon motivated requests by the Safe House on an ad hoc basis. The Municipality also for instance leases a municipal property to the Safe House at a nominal rate and as the space in the Safe House is not enough for all the activities of the Safe House, a request was made by the Safe House in 2010 for the expansion of the Safe House by the Municipality. She pointed me to a letter written by Mr G Esau of the Municipality in November 2010 in which he replied to the request for the expansion of the Safe House, which also proves the "Long term partnership" (as the heading of the said letter states) between Stellenbosch Municipality and the Safe House (see page 184). In this letter it is stated in the last paragraph that "We support the Stellenbosch Safe House and their activities..... " and also "We hope that as our partnership with them has made possible for them to continue serving, they will find a partnership who can assist them in serving a bigger portion of our community.'

It is against this background that the Safe House had for a long time requested the Municipality, if and when necessary, for a venue to hold meetings and Clr du Toit assisted the Safe House by agreeing that her municipal office can be used for meetings of the Safe House.

Ms Wilton also informed me that the Safe House does not only request the Municipality to avail meeting space for it at no charge. It also approaches guest houses and other organisations from time to time for office space to hold meetings free of charge.

As for making use of Mr Michael Moses, the Administrator of Clr du Toit, as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she informed me that Ms Zelda Dalling withdrew as the Chairperson of the said hearing shortly before it was scheduled. In this regard she pointed to the Notice of the Precautionary Suspension Hearing to Ms Raphoto, which is dated 12 November 2019 and in which Ms Dalling is mentioned as the Chairperson of the said hearing which was scheduled for 14 November 2019 (see page 47).

Ms Wilton told me that when Ms Dalling withdrew as the Chairperson, she had to find someone else who is available on 14 November 2019 to act in this position and eventually Mr Moses was available and agreed to fulfil this role. Asked if Clr du Toit

had instructed Mr Moses to Chair the Precautionary Suspension Hearing of Ms Raphoto, she replied that Clr du Toit did not. Asked if the Safe House had compensated Mr Moses for his time in this regard, she replied that he was not compensated by the Safe House.

#### Clr du Toit

In our interview in her office in Reyneveld street, Clr du Toit acknowledged that she avails her office as a meeting place for the Safe House when it does not interfere with her work as a Councillor. She informed me that when Clr Loretta Maree was the Mayor of Stellenbosch Municipality about thirteen years ago, a decision was taken by the Municipality that a home owned by the Municipality, would be made available to the Safe House as offices and accommodation for the clients of the Safe House. She added that there is a long standing relationship between the Municipality and the Safe House and that she has been serving on the Board of the Safe House for about two years as it is her passion to serve people in need. She does not receive a salary or an allowance to serve on the Board and neither does any other Board member.

She continued to say that apart from the municipal building, for which the Safe House pays nominal rent, the Municipality also considers applications for funding by the Safe House, in the same manner that it considers applications for funding from other community organisations. Such applications must follow a prescribed process and must be fully described and motivated.

She confirmed that it is very difficult and sometimes even impossible to hold meetings at the Safe House, as the safety of the clients can be compromised if anyone off the street is allowed to enter the premises to ask for a meeting or to attend a meeting. Therefore, taking into account the long relationship between the Municipality and the Safe House, she avails her municipal office free of charge to the Safe House for meetings if it is not being used by her for meetings. In this regard she pointed out that her office in her view must serve the broad community of Stellenbosch and that it is not only to be used by her to have meetings. She therefore also from time to time makes her office available to other community organisations to conduct meetings. It is therefore not only the Safe House that benefits from using her offices for meetings.

She informed me that the Municipality is not the only institution that makes meeting space available for the Safe House, as other some organisations also do so free of charge.

With regard to the allegation that she had instructed Mr Michael Moses, her Administrator, to act as the Chairperson of the Precautionary Suspension Hearing of



Ms Raphoto, she informed me that Ms Zelda Dalling withdrew as the Chairperson of the said hearing and she had proposed to Ms Wilton, the CEO of the Safe House, that Mr Moses be considered for this role as she is very impressed by his work and his judgement. She denies that she had instructed Mr Moses to act as the Chairperson of the said hearing and added that Mr Moses had worked many hours overtime and that he could take time off his official duties to do whatever he pleases. When he acted as the Chairperson of the said hearing, it was regarded by her that he was doing so in his time off. Asked if Mr Moses was compensated by the Municipality or the Safe House for acting as Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, she replied that he was not to her knowledge.

#### Mr Michael Moses

In my interview with him, he acknowledged that he is the Administrator of Clr du Toit and that he works in her office in Reyneveld street in Stellenbosch. He also conceded that he was the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto on 14 November 2019 which was held in the municipal offices of Clr du Toit. Asked if he was instructed to act in this position by Clr du Toit, he replied that she did not and that he willingly agreed to fulfil this role when Ms Wilton requested him to do so. He added that he had worked many hours overtime and because the Municipality has a policy that he cannot be paid for overtime worked and that he must take time off instead, he took time off to assist the Safe House in this regard. Asked if he was paid by the Safe House for his time, he answered that he was not.

#### Ms Charlene Abels

Ms Abels, the Acting Manager of the Safe House since September 2019, said that she is aware that meetings of the Safe House are often held at other venues than the offices of the Safe House. She mentioned a few examples of such venues which the Safe House have used free of charge, namely the Simonberg Guesthouse in Cloetesville, the Ou Luckhof offices in Banghoek street in town, the home of Mr Fagrie Patel in Jamestown, the Breugel Civic Centre in Cloetesville, the office of Clr du Toit, etc.. This is done to protect the location, the safety and the integrity of the Safe House as well as the wellbeing of the clients as Board meetings lately were marked with screaming and shouting which could upset clients, especially those with mental issues and those who have fears of any type of aggression.

### EVALUATION OF EVIDENCE

#### THE DIFFERENT COMPLAINTS

**1. The complaint that Clr du Toit had received monies from the Safe House which she did not declare in the Disclosure Form for Benefits and Interests of Stellenbosch Municipality**

It is common cause that the Safe House has a policy that Board members and staff members who have to travel in the execution of their duties and responsibilities can be reimbursed for travelling expenses. Nobody disputes this – not even Ms Raphoto.

It is further common cause that Clr du Toit is a Board member and that she had incurred travelling costs as she funded the fuel expenses of the vehicle that she had made available to the Safe House to transport clients. Nobody disputes this, including Ms Raphoto.

It is common cause further that Mr Lottering kept record of the kilometres that he had travelled in the said vehicle and that he completed a claim form on behalf of Clr du Toit, where after Clr du Toit was reimbursed by the Safe House for travelling expenses by means of an EFT into her banking account. Ms Raphoto also agrees with this as she included proof of such payments in her bundle of documents.

The donations by Clr du Toit to the Safe House by means of cash payments to Ms Abels to refuel the said vehicle, which monies were kept separately by her from the money of the Safe House, appears not to be general knowledge as Ms Raphoto is not aware of it. In the mind of Ms Raphoto, Ms Abels took money from the Petty Cash, therefore income of the Safe House, to give to Mr Lottering when he had to refuel the said vehicle. Then, in the mind of Ms Raphoto, Clr du Toit was reimbursed by the Safe House for travelling expenses, which made her believe that the Safe House was making two payments for each tank of fuel (firstly to the garage where the fuel was purchased and then, secondly, another payment to Clr du Toit for travelling expenses incurred with the same tank of fuel.

The issue in dispute in this regard between Ms Raphoto and Clr du Toit, is whether or not the reimbursements to Clr du Toit for travelling expenses can be defined to be "income" as the income envisaged by the Declaration Form of the Municipality.

Ms Raphoto was advised (I still do not know by whom) that a reimbursement for travelling expenses is income and that Clr du Toit is obliged in terms of the relevant policy of the Municipality to declare it to the Municipality.

Clr du Toit is of the opinion that reimbursements for travelling expenses is not an income as it merely places money back in one's pocket after the out of pocket expense occurred. Accordingly she believes that these reimbursements are not similar to a second salary or another allowance which must be declared in terms of the Declaration Form.

My instructions from Alderman J C Anthony in the Speaker's Office is that Clr du Toit is correct with her interpretation and that the interpretation of Ms Raphoto is incorrect.

There is no evidence offered by Ms Raphoto in the form of a policy or Council resolution to say that reimbursements for travelling expenses by third parties to a Councillor will be regarded as income for purposes of completing the said Declaration Form.

**2. The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019**

There is ample evidence that Clr du Toit visited the Safe House on 12 November 2019 to attend a meeting with Ms Mayembana of the Municipality and some staff members of the Safe House to discuss the 16 Days of Activism Campaign. In this regard the inputs of Ms Mayembana (and particularly her diary showing the appointment), Ms Wilton, Ms Abels, Ms Williams and Clr du Toit are proof of this.

It appears from my interview with Ms Raphoto and also from her bundle of documents which were handed to me, that Ms Raphoto was unaware of the above meeting. She was not part of the group of employees of the Safe House that were going to discuss the said campaign with Ms Mayembana and Clr du Toit. Ms Raphoto is a Compliance Officer and as such she was not involved by Ms Wilton in the said campaign.

I believe that, after listening to all the witnesses and after studying all the documentation, Ms Raphoto jumped to conclusions by assuming that Clr du Toit came to the Safe House for the sole purpose of being present when she was going to be served with the Notice of Precautionary Suspension on 12 November 2019. The fact that the Precautionary Suspension Hearing was going to take place in the office of Clr du Toit coupled with the fact that Clr du Toit had suggested to Ms Wilton that the time of the said hearing must be inserted in the said Notice, fuelled her belief that Clr du Toit and Ms Wilton had decided jointly that Ms Raphoto would be served with the said Notice on that day.

Furthermore, Ms Raphoto, in my opinion, believed further that the presence of the two Law Enforcement Officers were organised by Clr du Toit and that they were only there to escort her out of the building. She assumed that Clr du Toit had abused her authority to instruct the two Law Enforcement Officers to be there in case Ms Raphoto would refuse to leave the building. She made this assumption as, in her mind, neither Ms Wilton or Ms Abels (who were actually involved in the decision to suspend her) had the authority to instruct the two Law Enforcement Officers to be there.

Even furthermore, I believe that the sequence of events on 12 November 2019 in a relative short space of time, namely the arrival of the two Law Enforcement

Officers, followed by the arrival of Clr du Toit, followed by the statement by Ms Wilton to Ms Raphoto that the Safe House is considering her suspension which was followed by the Law Enforcement Officers signing the said Notice as witnesses, led to an assumption by Ms Raphoto that all these events tie up together to make a plan of conspiracy against her.

The problem with this assumption is that the truth is that the Law Enforcement Officers were at the Safe House for legal advice from Ms Wilton about a grievance and that Clr du Toit was at the Safe House to attend a meeting regarding the 16 Days of Activism Campaign. This can be proved with documentation attached to this report. The Law Enforcement Officers did not know that Clr du Toit was going to be there on that day and neither did Clr du Toit know that Law Enforcement Officers would be visiting the Safe House on that day, as they were not part of the group of people which was going to discuss the said campaign.

I could not find any witness (including Ms Raphoto) who could provide me with hard evidence that Clr du Toit had instructed Law Enforcement Officials to be at the Safe House on 12 November 2019 or that she had arranged for them to be there on that date to escort Ms Raphoto out of the building.

**3. The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator.**

It is a fact that the Municipality has a long standing agreement with the Safe House, in terms of which office space and accommodation for clients are made available at a nominal fee and in terms of which the Municipality supports the Safe House in other ways.

It is a fact that Ms Raphoto is apparently not aware of and neither is Ms Bergstedt, who in her affidavit also criticises Clr du Toit for lending support to the Safe House, despite being the Secretary of the Board of the Safe House. One would assume that Ms Bergstedt would welcome any support to the Safe House in that capacity.

I could not find any person to say that Clr du Toit's support to a non-profit organisation like the Safe House by making her office available at times for meetings of the Safe House, contravenes a policy of the Municipality or a Council resolution. In fact, her gesture of goodwill in this regard can be seen as being part of the continued support of the good cause that the Safe House represents.

As for requesting her Administrator, Mr Moses, to act as the Chairperson of the Precautionary Suspension Hearing of Ms Raphoto, it was a request in the first place as Mr Moses certainly did not see it as an instruction. Therefore, Mr Moses could have turned down the said request if he was uncomfortable with it. In the second place, Mr

Moses can do whatever he wants in his time off as long as he does not transgress any law. He decided to do his good deed for the day by making himself available in that capacity in his time off.

This too can be seen to have taken place in the spirit of the long standing agreement between the Municipality and the Safe House.

As for other allegations that Clr du Toit had recommended Mr Lottering as the driver for the vehicle that she had made available and that she had recommended Mr Stephan Louw as the accountant for the Safe House, these recommendations are just that – recommendations. She did not appoint Mr Lottering as the driver or Mr Louw as the accountant – the Board of the Safe House did (which included Ms Bergstedt).

### **FINDINGS**

1) **The complaint about reimbursements for travelling expenses by the Safe House not being declared as income by Clr du Toit to the Municipality**

I am of the opinion that Clr du Toit is not obliged to declare reimbursement for travelling expenses by a third party, to the Municipality as it cannot be regarded as income. Accordingly, she did not transgress the Code of Conduct for Councillors.

2) **The complaint that Clr du Toit had abused her position as a Councillor by allegedly instructing Law Enforcement Officers to escort Ms Raphoto out of the Safe House on 12 November 2019**

I cannot find any evidence to prove on a balance of probabilities that Clr du Toit had instructed the two Law Enforcement Officials to be at the Safe House on 12 November 2019 or that she had instructed them to escort Ms Raphoto out of the building. In fact, I cannot find any evidence that Ms Raphoto was escorted out of the building by Law Enforcement Officials as she claims. To the contrary, video footage shows that she walked out by herself with nobody near her. This fact is also supported by many eye witnesses. Therefore Clr du Toit did not transgress the Code of Conduct for Councillors in this regard in my view.

3) **The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator.**

Officials as she claims. To the contrary, video footage shows that she walked out by herself with nobody near her. This fact is also supported by many eye witnesses. Therefore Clr du Toit did not transgress the Code of Conduct for Councillors in this regard in my view.

- 3) The complaint that Clr du Toit is allowing the resources of the Municipality to be used by the Safe House, including her office and the services of Mr Michael Moses, her Administrator.

I am of the opinion that Clr du Toit acted within the scope and the spirit of the long standing agreement between the Municipality and the Safe House by making available administrative support to the Safe House, which clearly lacks resources as a non-profit organisation. In my view, she did not transgress the Code of Conduct for Councillors.

#### RECOMMENDATIONS:

Based on my findings, I recommend that no action be taken against Clr du Toit.

#### CLOSING COMMENTS

It is noteworthy that the letter of Ms Raphoto dated 26 November 2019 addressed to the Municipal Manager and the Speaker, identifies all persons referred to in her said letter who are DA members, namely Clr du Toit, Mr Stephan Louw and Ms Zelda Dalling.

Many other names appear in her said letter and no indication is given by her of their political affiliation.

The nature of the allegations against Clr du Toit, did not require Ms Raphoto to involve party politics in her complaints. The political affiliation of certain persons does not make the complaints more or less serious. Allegations of misconduct against a Councillor should stand on their own feet and not on a political platform.



ADV E W VERMAAK

28 February 2020

37

**INVESTIGATION REGARDING ALLEGATIONS AGAINST CLR R DU TOIT**

Nomie Tshefu &lt;Nomie.Tshefu@stellenbosch.gov.za&gt;

Wed 2020/02/12 16:10

To: Etienne Vermaak &lt;evermaak@outlook.com&gt;

Cc: Annalene De Beer &lt;Annalene.DeBeer@stellenbosch.gov.za&gt;; JC Anthony (Speaker Admin) &lt;Speaker.Admin@stellenbosch.gov.za&gt;; Sharesa Cammeleto &lt;Sharesa.Cammeleto@stellenbosch.gov.za&gt;; mm &lt;Municipal.Manager@stellenbosch.gov.za&gt;; Raydine Wenn &lt;Raydine.Wenn@stellenbosch.gov.za&gt;

 2 attachments (151 KB)

SMFD-Comite20020414160.pdf; 357405 - EVermaak.pdf;

Dear Adv Vermaak

Our telephonic conversation refers.

Attached please find a letter requesting an investigation on a Councillor.

FQ112/19 is still applicable.



Kind regards,  
**Nomie Tshefu**  
 Chief Administrative Officer  
 Office of the Municipal Manager

T: +27 21 808 8049 | C: +27 76 626 9438  
 Plein Street, Stellenbosch 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



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**About Stellenbosch Municipality**

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit

[<https://www.stellenbosch.gov.za> target=]www.stellenbosch.gov.za

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**OFFICE OF THE SPEAKER**

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**4 February 2020**

**Ref: 8/2019**

**To: The Municipal Manager**  
Stellenbosch Municipality  
Plein Street  
Stellenbosch  
7600

Dear Ms Mettler

**RE:REQUEST TO APPOINT AN INVESTIGATOR**

Complaints have been lodged against Councilor Rozette du Toit for various "illegal" activities done by herself during the execution of her Councillors duties.

I have investigated all the facts and circumstance of the above matter and am of the view that an initiator/investigator be appointed to investigate the matter.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation on behalf of the Speaker.

Thanking you in advance.

**SPEAKER: Nyaniso Jindela**

[nyaniso.iindela@stellenbosch.gov.za](mailto:nyaniso.iindela@stellenbosch.gov.za)

021 808 8074



The Municipal Manager  
Stellenbosch municipality  
Ms. Metler

The Speaker  
Stellenbosch Municipality  
Councillor Jindela

The Speaker  
Cape Winelands District Municipality  
Councillor Meyer

**Formal Complaint against two law enforcement officers and Councillor Du Toit**

I am Liesl Raphoto, coloured female with Id number, 7904270066083

I am a single mother with two children.

I am employed by the safe house as a Compliance Officer.

**Complaint**

Councillor Rozette Du Toit is a DA member and councillor at Stellenbosch Municipality.

The councillor had to declare all income she received from the safe house to the municipality. The councillor were never able to submit proof that she declare to the municipality the income she received from the safe house.

The councillor made her unlicensed vehicle, Registration number, CA 788170 available to the Safe house to transport patients of the safe house. This is a risk in itself and compromise the safe house and safety of the patients and integrity of the Municipality as she is a public representative.

The friend and driver of Councillor Du Toit, Mr. Steven Lottering was appointed by the safe house to do the driving and would get a salary for driving.

Councillor Du Toit would then submit petrol claims and be paid again for the use of the unlicensed vehicle.

Councillor Du Toit brought another DA member, Mr Stephan Louw as the accountant to the Safe house.

The accountant was accused in the general media for corruption of company's books. The media also reported that the councillor was requested to resign as a councillor from Stellenbosch municipality.

Thus the integrity of the safe house and the municipality was compromise again by a public representative, DA Councillor Du Toit.



Received:  
R. Langewald

**Abuse of municipal resources**

On 12 November 2019, I was informed by Councillor Du Toit and the CEO of the Safe House (Ms. Alice Wilton) that I was suspended. Two municipal law enforcement officials, Mr. Osric Jumat and Laurika Williams escorted me from the premises of the safe house. The safe house is a private institution and municipal officials are not allowed to interfere.

In terms of municipal processes, the involvement of the two officials is abuse of municipal resources since they had no authority to escort me off the premises.

I received a notice informing me that my precautionary suspension hearing will be held on Thursday, 14 November 2019 at the ward office of DA councillor Rozette du Toit at Laplan. The presiding officer for this hearing would be Ms. Zelda Dalling, again a DA councillor. On the day of the hearing Councillor Du Toit's administrative officer, Mr. Moses Michaels was the acting presiding officer during working hours. Again the employment of municipal officials and municipal property were abused.

I intent to inform the Premier of the Western Cape, MEC of local government (Anton Bredell), FEDEX and the Media of this abuse of municipal resources towards vulnerable women by DA councillors and political appointees.

I take note that council will go into recess early in December 2019. I have to apologise for the timing of my complaint but this was unfortunately out of my control. I would appreciate a correspondence on this matter before then. I also take note from Stellenbosch municipality's webpage that a council meeting is scheduled for Wednesday, 27 November 2019. According to the agenda for the above mentioned meeting you will be dealing with misconduct of councillors. I therefore urge you to also deal with my complaint at the above mentioned meeting as an urgent matter as the conduct of Councillor Du Toit have a negative impact on my lively wood as a single mother to two young children. This is especially crucial in this time where we are celebrating 16 days of Activism against abused women and children.

In failing to comply I will have no other alternative than to raise this matter in the media.

Yours sincerely,



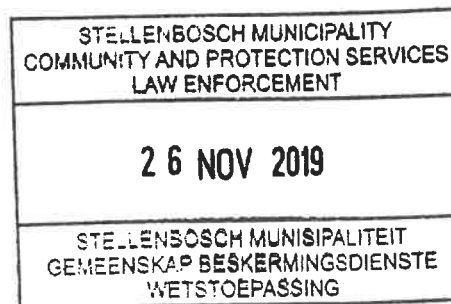
Ms. L. Raphoto

(Compliance officer, Safe House)

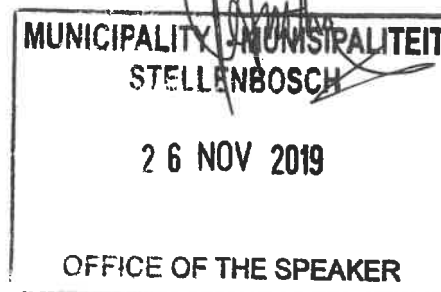
0630032884

lieslraphoto@yahoo.com

26 November 2019



Received: k. Langeveldt



**Sharesa Cammeleto**

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**From:** Rozette DuToit  
**Sent:** Friday, 06 December 2019 15:16  
**To:** Sharesa Cammeleto  
**Subject:** RE: ALLEDGED BREACH CODE OF CONDUCT  
**Attachments:** Safe\_House\_Stellenbosch\_Letterhead\_Donations Received by Rozette du Toit.pdf

Good day Speaker

I hope this e-mail finds you well. This is my response on the allegations.

Allegation 1: Attached you will find a document from the safe house regarding donations made by me as from 1 March 2019.

Allegation 2: I have no powers to order, instruct or demand any official from the municipality to perform a duty. We as councillors must put a request to the relevant Mayco Member. I am willing to produce my cell phone and landline records to prove that I have no direct contact with any law enforcement officers beside Cecil Abrahams, who is a Special Op, person, he is also the only person that I contact when I see drug deals go down or anything that is drug related. Mr Abrahams can confirm this.

Allegation 3. Mr . Michaels does voluntary work for the safe house form time to time. Once again I can not demand, order or instruct any person to do anything.

Further more I would like meeting with Speaker.

Kind regards.

Rozette du Toit

**From:** Sharesa Cammeleto  
**Sent:** 04 December 2019 11:25 AM  
**To:** Rozette DuToit  
**Cc:** JC Anthony (Speaker Admin); Nyaniso Jindela  
**Subject:** ALLEDGED BREACH CODE OF CONDUCT

Good day Cllr Du Toit

Kindly see attached letter for your perusal.



*Kind regards,*

**Sharesa Arendse**

Personal Assistant

**OFFICE OF THE SPEAKER**

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T: +27 21 808 8074

Plein Street, Stellenbosch, 7600

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





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## Disclosure form for benefits and interests

I, the undersigned (Surname and Initials) R. du Toit  
 (Postal or Residential Address) 1 Zambesi Flat Borchardste. Stellenbosch  
 (Position Held) Ward Councillor  
 (Name of Municipality) Stellenbosch DEPT: \_\_\_\_\_  
 Tel: 0722182267 Fax: \_\_\_\_\_

I hereby certify that the following information is complete and correct to the best of my knowledge and that I will inform the employer if any changes occur to my current position. Failure to inform the employer timeously may lead to disciplinary steps taken against me. Completed forms must be handed in at Human Resource Department by 23 August 2019.

### 1. Shares, securities and other financial interests (Not bank accounts with financial institutions.)

Number of shares/extent of financial interest	Nature	Nominal Value	Name of Company/Entity
/	/	/	/

### 2. Interest in a trust

Name of trust	Amount of Remuneration/Income
/	/

### 3. Membership, directorships and partnerships

Name of Corporate entity, partnership or firm	Type of business	Amount of Remuneration/Income
/	/	/

### 4. Remunerated work outside the Municipality (Must be sanctioned by Council)

Name of employer	Type of Work	Amount of Remuneration/Income
/	/	/

5. Consultancies, Retainerships and Relationships with service providers

Name of client	Nature	Type of business activity	Value of any benefits
/	/	/	/
/	/	/	/

6. Subsidies, grants and sponsorships by any organisation

Source of assistance	Descriptions of assistance	Value of assistance
/	/	/
/	/	/

7. Gifts and Hospitality from a source rather than a family member

Description	Value	Member
/	/	/
/	/	/

8. Land and Property

Description	Extent	Area	Value
/	/	/	/
/	/	/	/

9. Whether employee could be deemed as a spouse/child/parent of a service provider or of a director/manager/shareholder/stakeholder of the service provider. SCM Regulation 13 (c) & SCM policy 4.41.

Name of Service Provider	Name of the Owner/Director/Shareholder etc	Relationship
/	/	/
/	/	/



SIGNATURE OF EMPLOYEE

DATE: 14/08/2019

PLACE: Stellenbosch

CONFIDENTIAL

OFFICIAL USE:

RECEIVED ON (DATE): \_\_\_\_\_ OFFICIAL: \_\_\_\_\_



**Safe House** L'ABRI DE DIEU  
STELLENBOSCH

To Whom It May Concern

**L'ABRIE DE DIEU SAFEHOUSE  
Donations Received by Rozette du Toit**

Date	Descriptions	Quantity	Amount
04/03/2019	R du Toit	1	R 200,00
11/03/2019	R du Toit	1	R 200,00
18/03/2019	R du Toit	1	R 200,00
25/03/2019	R du Toit	1	R 200,00
01/04/2019	R du Toit	1	R 200,00
08/04/2019	R du Toit	1	R 200,00
15/04/2019	R du Toit	1	R 200,00
22/04/2019	R du Toit	1	R 200,00
29/04/2019	R du Toit	1	R 200,00
06/05/2019	R du Toit	1	R 200,00
07/05/2019	R du Toit	1	R 500,00
13/05/2019	R du Toit	1	R 200,00
20/05/2019	R du Toit	1	R 200,00
27/05/2019	R du Toit	1	R 200,00
28/05/2019	R du Toit	1	R 3 000,00
29/05/2019	R du Toit	1	R 500,00
03/06/2019	R du Toit	1	R 200,00
10/06/2019	R du Toit	1	R 200,00
17/06/2019	R du Toit	1	R 200,00
24/06/2019	R du Toit	1	R 200,00
01/07/2019	R du Toit	1	R 200,00
22/07/2019	R du Toit	1	R 4 000,00
31/07/2019	R du Toit	1	R 2 000,00
08/08/2019	R du Toit	1	R 200,00
15/08/2019	R du Toit	1	R 200,00
22/08/2019	R du Toit	1	R 200,00
29/08/2019	R du Toit	1	R 200,00
05/08/2019	R du Toit	1	R 200,00
12/08/2019	R du Toit	1	R 200,00
19/08/2019	R du Toit	1	R 200,00
16/08/2019	R du Toit	1	R 200,00
02/09/2019	R du Toit	1	R 200,00
09/09/2019	R du Toit	1	R 200,00
16/09/2019	R du Toit	1	R 200,00

23/09/2019	R du Toit	1	R 200,00
30/09/2019	R du Toit	1	R 200,00
07/10/2019	R du Toit	1	R 200,00
14/10/2019	R du Toit	1	R 200,00
21/10/2019	R du Toit	1	R 200,00
28/10/2019	R du Toit	1	R 200,00
04/11/2019	R du Toit	1	R 300,00
11/11/2019	R du Toit	1	R 200,00
18/11/2019	R du Toit	1	R 200,00
25/11/2019	R du Toit	1	R 1 000,00
02/12/2019	R du Toit	1	R 1 000,00
<b>Total</b>			<b>R 19 700,00</b>



Signature:  
06 November 2019

open. Distressed, Timmer vowed to come up with a solution to protect the homeless from extreme cold, and the Sheltersuit was born.

## STELLENBOSCH

# Councillor probed for misuse of power

MWANGI GITHANI  
Reporting from Stellenbosch

**ALLEGATIONS** against a Stellenbosch Municipality councillor, involving the alleged misuse of power, a breach in the code of the conduct for councillors and the mismanagement of a safe house in the Stellenbosch area, are being investigated.

DA councillor Rozette du Toit was asked to answer to Stellenbosch speaker Nyamiso Jindela after a formal complaint about her conduct from the compliance officer at the E. Abrie de Dier Safe House, a shelter for phys-

accommodate the real needs of those trying to survive on the street.

"The suit is created from upcycled and recycled materials, and in effect, a waterproof and wind-proof bodysuit with an attachable sleeping bag," he said. "If the wearer needs to move away from a particular location quickly, there's an opening at the bot-

**SHELTERSUITS** are created from upcycled and recycled materials.

tom of the suit to facilitate this. The ingeniously designed garment can be stored in a matching backpack during the day," Timmer said.

Sheltersuits are made by volunteers, formerly homeless people, refugees and the unemployed, with some of the workers receiving payment.

We cannot provide further details at this time.

Stuart Grobbelaar  
STELLENBOSCH MUNICIPALITY

cally, emotionally and sexually abused women and children.

The safe house is funded by the Department of Social Development (DSD).

In a letter to Du Toit, dated November 29, Jindela wrote: "You are alleged to have breached the code of conduct for councillors in that: You did not declare all your income to the Stellenbosch Municipality, you abused your power to instruct two municipal law enforcement officials to escort the complainant from the building she worked in (the safe house) and that you instructed Michael Meeses, your administrator, to act as presiding officer at a hearing on the matter."

The complaint against the councillor was lodged by suspended compliance officer Lezel Raphoto, who claimed that Du Toit had not declared her income from the safe house, of which she is a director. Du Toit is also accused of employing friends to positions at the safe house.

Stellenbosch Municipality spokesperson Stuart Grobbelaar said any accusation against a councillor was taken seriously. "As this is an ongoing internal process, we cannot provide further details at this time."

Despite a request for comment, the DSD failed to respond.



### BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: LIESL RAPHOTO  
 D NoID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman Street, Idalsvallei, Stellenbosch  
 Werk Adres/Work Address: Safehouse Stellenbosch, Simonsberg Weg, Stell. . Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 0630032884  
 Tel No/Tel Nr (w): (021) 883 2574

#### Verklaar onder eed in Afrikaans / States under oath in English

Hiermee verklaar ek, Liesl Raphoto, 'n werker as "Compliance Officer" by Safehouse Stellenbosch die volgende. Op 12 November 2019 om 07h30 het ek na my werkplek "L'Abrie De Dieu Safehouse" gegaan en my daaglikse pligte uitgevoer. Ontevens van wat aangaan het die volgende gebeur wat my sumier getrouwanti-voer het want ek het nie geweet waar oor dit gaan nie.

Op 12 November 2019, om 14h00 het twee Wetstoepassers (Mr Oseic Sumat en sy reeds vroue kollega) na die Safehouse se kantore toe gekom om vir Adv. Alice Wilton te kom sien. Alice Wilton het toe gemaak dat hulle, die Wetstoepassers, saam met haar in die skills kamer gaan konsulteer. 10 minute later het Raadslid Rozette du Toit ook by die Safehouse op gedaag en saam met Alice Wilton en die Wetstoepassers in die skills kamer gekonsulteer. Sowat 10 minute later het hulle almal in die kantoor gekom waar ek rustig gesit het en my werk doen. Alice Wilton het toe in die teenwoordigheid van Raadslid Rozette du Toit, die Wetstoepassers en Charlene Abels 'n dokument aan my oerhandig aangebied in "Precautionary Suspension Notice". Alice Wilton het toe die inhoud van die dokument aan my gelees en Raadslid Rozette du Toit het gesê dat daar 'n verandering moet aangebring word wat insluit die tyd van wanneer die verhoor gaan plaasvind op die 11 November 2019. Ek was gemaak of ek enigiets wil byvoeg waarop ek geantwoord het nie. Dit was met my meegedeel deur Alice Wilton dat 'n kriminele saak teen my gemaak is en dat ek kan weg vir 'n oproep van die SAPS. Dit was ook vir my meegedeel deur Alice Wilton dat hierdie situasie is aan DSD meegedeel. Ek was toe gemaak om die kopie van die dokument te teken as bewys van ontvangs waarvan die twee Wetstoepassers

is vertrou met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die affê van die voorgeskrewe eed nie. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

*[Handwritten Signature]*  
 Verklaarder Handtekening/Deponent Signature

Ek sertifiseer dat die verklaarder erken dat hy/sy vertrou is met die inhoud van die verklaring en dit begryp. I certify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/thumb print/mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at (Tyd/Time) 08:05

SUID-AFRIKAANSE POLISIEDIENS  
 STASIE BEVELVOEDER  
 STELLENBOSCH  
 2019-11-14  
 STELLENBOSCH  
 STATION COMMANDER  
 SOUTH AFRICAN POLICE SERVICE

*[Handwritten Signature]*  
 Kommissaris van Ede/Commissioner of Oaths  
 Volle Naam en van/ Full name and Surname in print  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
 COUNCIL RANK

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: Liesl Kapoto

ID No/D Nr: 7904270066083 Huis Adres/House Address: 10 Newman, Street

Idosiallei, Stellenbosch. Werk Adres/Work Address: Stellenbosch Sekelhouse,

Simonsbergweg. Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 063 0032884

Tel No/Tel Nr (w): (021) 8532874

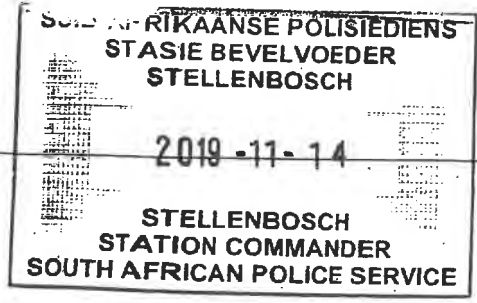
**Verklaar onder eed in Afrikaans / States under oath in English**

geteken het as getuies. Ek was gevra deur Alice Wilton om my skutels oor te handig. Ek het geen kopsie gemaak teen wat besig was om te gebeur nie. Alice Wilton het toe die Wetstoepassers gevra, in die teenwoordigheid van raadslid Rozette du Toit, om my te vergesel van die perseel af. Ek het toe my sak gevat en die perseel verlaat sonder enige teenstaan. Die hele gebeurte het my erenstig getraumatiseer dat ek nie ees kan praat nie en kan nie noodentlik funksioneer nie.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die afle van die voorgeskrewe eed nie. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

[Handwritten Signature]  
Verklaarder Handtekening/Deponent Signature

Ek sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp. I certify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05



[Handwritten Signature]  
Kommissaris van Ede/Commissioner of Oaths  
DYSON JAWES  
Volle Naam en van/ Full name and Surname in print  
POLISIE DIENS / S A POLICE SERVICE,  
23 Du Toit Street, STELLENBOSCH  
COLONEL RANK

### BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: DAVEY JULIUS  
 ID No/D Nr: 670202 5143 08 7 Huis Adres/House Address: 11 ANTHONY STREET,  
CLOETESVILLE, STELLENBOSCH Werk Adres/Work Address: N/A  
 Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 076 8155 427  
 Tel No/Tel Nr (w): \_\_\_\_\_

#### Verklaar onder eed in Afrikaans / States under oath in English

Ek Davey Julius, verteenwoordiger van Liesl Raphoto, het op 14 November 2019 om 10h00 haar verteenwoordig in haar "Precautionary Suspension Notice" verhoor by die kantore van Raadslid Rozette du Toit. Teenwoordig by die verhoor was Adv Alice Wilton (CEA van L'Abbe De Dieu Safehouse, Charlene Abels (HR officer and Acting office manager). Mr Moses Michaels was aan ons voorgestel as die acting Presiding officer. Mr Moses Michaels is 'n administratiewe beampterdar van Raadslid Rozette Du Toit. Hierdie verrigtinge het plaas gehad gedurende Mr. Michaels se werks ure.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die affê van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

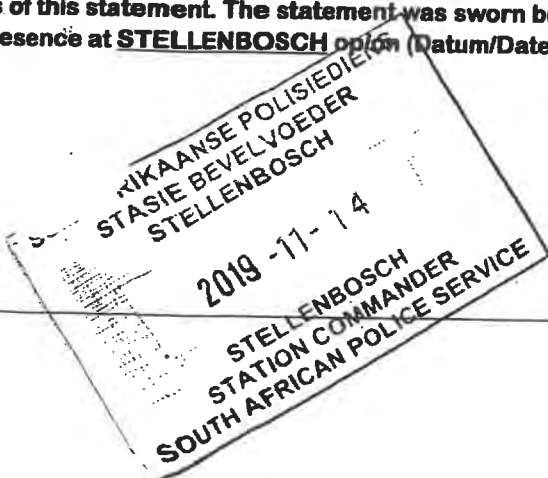
Verklaarder Handtekening/Deponent Signature

Ek sertifiseer dat die verklaarder erken dat hy/sy vertroud is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening/ duimafdruk/ merk is in my teenwoordigheid daarop gebring te bring te

I certify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/ on (Datum/Date) 2019-11-14 on/at (Tyd/Time) 13:45

Kommissaris van Ede/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in print  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
 RANK

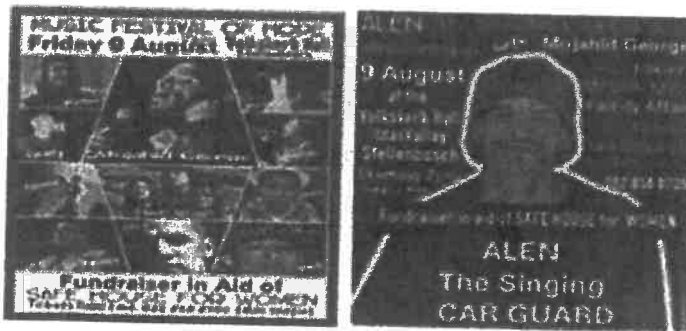




**Safe House** L'ABRI DE DIEU  
STELLENBOSCH

I, **Alice Lorenzo ruth Wilton** affirm as follows:

1. That I am an adult female and CEO of the safehouse Stellenbosch.
2. I am responsible for compliance within the safehouse, Stellenbosch.
3. On the 9<sup>th</sup> of August 2019, a High Tea with a difference was held to do fundraising for the safehouse by one of our board members. See posters attached.



The agreement was always that the fundraising was to be for the safehouse. Based on the marketing, we received free venue, cutlery, crockery, food etc. Our relationships allow us to have 0-cost events.

The proceeds from functions are always paid into the bank account/petty cash of the safehouse. No exception has ever been made during my tenure as CEO. We will make our statements available to you for verification.

To date this is the only transaction which has not been accounted for and we have reported it to our auditors who advised us to proceed with civil and criminal litigation.

Note that during the planning of this event we had several meetings and at no stage were we advised that M & F Events would be appointed to do the events and be remunerated for it.

NB: Also be advised that there is only one person who does procurement and that is Charlene Abels. I have attached our System of Delegations for your attention.

No board members is allowed to procure any services. Even if we procured the services then I have no explanation why monies were received in the personal bank account of the board member. I have proof thereof.

4. On the 31<sup>st</sup> of August 2019, our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the month this was the only transaction with non-compliance. I then requested financial information on said transaction and was told by the compliance officer that I should not report on it. This immediately concerned me that I could not account for a significant amount of money, but I started the enquiry process to report it.
5. On the 12<sup>th</sup> of September 2019, I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning.

I admit that I became upset due to the fact that my disability/illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis. This persists to date.

Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter.

I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA."

This has never happened that politics and personal vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members. Clause A15 of our Constitution specifically prescribes that our organization "Has not and will not use its resources directly or indirectly to support, advance or oppose any political party."

Clir Du Tait joined the safehouse and established a direct communication between us and the local authority which advances our work, leads to benefit for victims of violence and we receive support for all our events. The personal attacks and whatsapps followed only after I started enquiring about the missing funds.

6. On the 12<sup>th</sup> of October 2019, the therapeutic team walked out and suspended services due to interference by the compliance officer and board. The same compliance officer was working with EXCO members in a recruitment drive of clients, which led to a breakdown of therapeutic services and urgent medical intervention for two clients. We have complete record of all proceedings. Note that this suspension is 100% aligned with our standard practices in the safehouse.
7. On the 16 of November 2019, we received evidence that the board member had payments done into his bank account. See proof of at least one payment reflected. I have recordings of the Board member saying that he is entitled to the money. The criminal matter has been

There were no acts of financial misconduct. Cllr Du Toit made several contributions to the safehouse and runs at a loss in the provision of a vehicle. She has been supporting our safehouse financially for years.

#### Re allegations of Abuse of power

The law enforcement persons did not remove the member of personnel, so there was no abuse of power. Said law enforcement officials frequent our facility and assist when we are on lockdown.

That day a female official visited us to obtain legal advice regarding an abusive male colleague. I have email proof for this. She merely signed as a witness at my request, because they were in the room next door waiting for me.

We also have video and photographic footage that this person was not escorted off the premises and a recording to prove that Cllr Du Toit merely sat in the office and did not partake in the suspension hearing. Cllr Du Toit was at our premises to see someone from community development regarding the 16 days of activism programme.

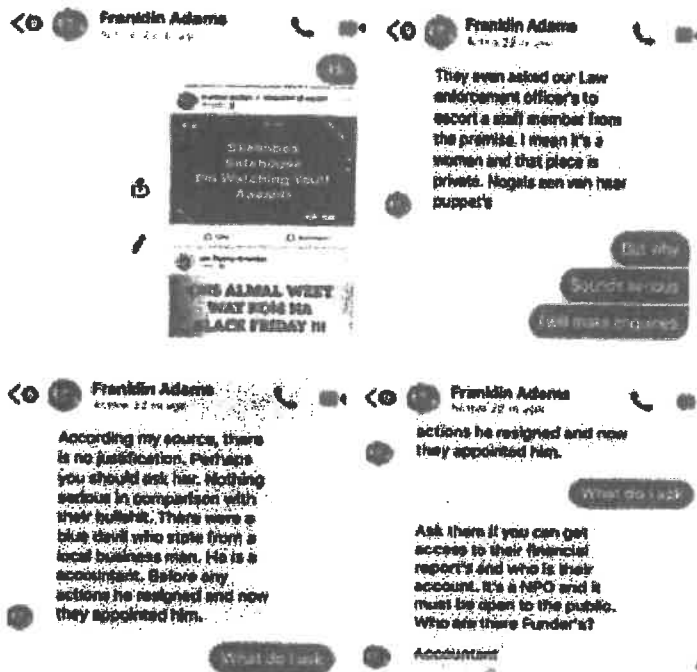
10. On the 19<sup>th</sup> of January 2020, Hillary Bergstedt asked the Board and Chairperson for a meeting regarding misconduct of myself. She attached proof thereof. I asked her to write a report and offered to send it to the Department for investigation. I also advise that I would be sending it to the auditors for investigation. I am sending her details for your office to also contact her on 0769608099.

I have cut and paste said allegations:

“Voorsitter en mede raadslede. Na vele versoeke en pleidooie op die groep, vanaf myself vir n vergadering, blyk dit asof die voorsitter hom nie steur aan die erns van die saak. Alhoewel ek die versoek op die groep gesit het, het ek dit ook privaat op whatsapp versoek vanaf voorsitter. Ek kom agter dat dit gelees word maar geen reply. Daaromhalwe plaas ek n paar dokumente van Liezl se submission op die groep waar daar uitgewys word hoe die board mislei word. Daar was verslag by Faghrie se huis gedoen dat privaat skool net 1keer deur safehouse betaal was. Die dokumente bewys die teendeel. Derduisende rande in petrol claims vir leerder na en vanaf skool. Training ook derduisende Rande was spandeer op training vir die vlg mense, Rozette, Alice, Shireen, Bronwin, Charlene en Orlando. Raai wie het betaling vir training geteken. Hoekom was die volle board nie in kennis gestel nie en wie het alleen mandaat gebruik. Dan wil ek nie eens begin met dokumentasie van golf dag nie. Al die dokumentasie laat my weer wonder oor eindlike redes hoekom boardmembers nie by die safehouse mag kom nie want ek wag nog steeds vir die klag wat Alice na Departement toe gestuur het. Ek lees ook Alice se laaste concern oor die kliente. As dit so is, hoekom training laat aanbied wat net 1 klient benefit. Lede indien ons nie binne 24 uur vergader nie laat u my geen ander keuse as om al 66 bladsye aan die Departement te gee en n klag van mismanagement te maak nie.”

My response to the allegations can be summarized as follows:

I agree that private school fees had been paid. I agree that I applied to all public schools and have proof that my applications were all rejected. I sent requests to the Minister of Education. They responded saying that they would intervene and never did.



We are a non-political organization and do not engage with this councilor. He however has a smear campaign against us. Our staff are being attacked by stakeholders in public for working at the safehouse.

This document reflects my version and interpretation of events. As advised above you should feel free to contact the other board members to verify and investigate allegations. Elsa and all other staff has also indicated their willingness to testify and provide evidence in any investigation.

Be advised that we will answer all enquiries, and be willing to make all documents available for investigation at your request.

I affirm that the content of this statement is true and correct.

*W. Cronje*  
**Alice Wilton**  
**CEO**  
**Safehouse Stellenbosch**

Handwritten: *W. Cronje*

Stamp: *2020-1-28* *16:00*

*[Signature]*  
 (HANDTEKERING) KOMMISSARIS VAN EDE  
 (SIGNATURE) COMMISSIONER OF GATHS

*Vernon Parker*  
 VOLLE VOORNAAM EN VAN IN DRUKSKRIF  
 FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

*Jerran-tit Cliffe*  
 BESIGHEIDSAADRES (STRAATADRES)  
 BUSINESS ADDRESS (STREET ADDRESS)

*Stellenbosch 7600*  
 RANK/RANK

Safe House

~~23 October 2019~~ 12 November 2019

Name : Liesl Rhaphoto  
Staff designation : Compliance Officer  
NPO : L'Abrie de Dieu Safe House Stellenbosch  
(Shelter for abused women and children)

**PRECAUTIONARY SUSPENSION NOTICE**

It has been **alleged** that you have breached your duty as compliance officer of the Safehouse Stellenbosch, as included herein.

**Fraud/Theft**

You promoted fraud and/or theft of monies due to the Safehouse thus promoting fraud/theft of money, which should have been paid to the safehouse, in terms of the High Tea held on the 9<sup>th</sup> of August 2019. Allegations for investigation includes:

1. That you reneged your duty as compliance officer to ensure that all compliance procedures were followed during the arrangements of the high tea dated the 9<sup>th</sup> of August 2019. Processes not followed includes:



- 1.1. Failure to ensure that the Board member, Fachrie Patel who arranged the function with you documented and sought board approval for expenses;
- 1.2. Failure to ensure that all accepted procurement processes for the services were rendered were documented and processed by approved officials and board members of the safehouse.
- 1.3. Failure to ensure that monies received were documented and paid into the safehouse bank account.
- 1.4. Failure to meet a legal order to provide a report on the deviation and/or non-compliance with the safehouse constitution, delegations and financial policies and procedure.
- 1.5. Threatening staff and residents with Board conduct (EXCO) against staff and therapeutic staff.

### **Gross insubordination**

2. Interference and/or blatant abuse and preying on of clients with mental illness, by interfering in the therapeutic processes of the safehouse by consulting and advising residents with mental illness about conflict between the board and staff, discussing therapeutic actions, advising clients on therapy regardless of lack of training, thus causing a therapeutic breach. Said interference has caused a violent therapeutic fallout between mental illness patients held at the safehouse. You have thus led to the risk that the safehouse will be shut down. Said matter will be reported to DSD and a meeting had been arranged for the 26<sup>th</sup> of November 2019 for investigation at the safehouse.

**Rude, abusive and insolent behavior**

3. Acting abusively with the CEO when you were requested to provide a report on the high tea matter referred to above. Threatening and scaring staff with board interference. Then bragging via whatsapp about your conduct.

Be advised that said investigation will not be limited to the above.


Accordingly, you are requested to make representation regarding the Management decision to firstly suspend you, with pay, until said investigation is completed, within 48 hours from receipt of said notice. Your suspension hearing has been scheduled for the **14<sup>th</sup> of November 2019**, at the **Office of Rozette Du Toit**, LAP ward office, Reyneveldstr. The presiding officer is Zelda Dalling.

You are allowed to obtain legal representation in this regard as the allegations leveled amounts not only breach of duty, fraud and theft. Said legally qualified person can then make representations on your behalf in protection of your rights. The criminal matter has already been registered and it is advisable to rather appoint an attorney.

You are also compelled to hand over all keys and remote control with immediate effect. Your co-operation in this regard will be appreciated.

Please indicate the address for delivery of all formal notices in terms of relevant legislation.

Yours faithfully



Alice Wilton

CEO

L'Abrie de Dieu Safe House Stellenbosch

**Acknowledgement of receipt**

.....

**Signature**

.....

**Date**

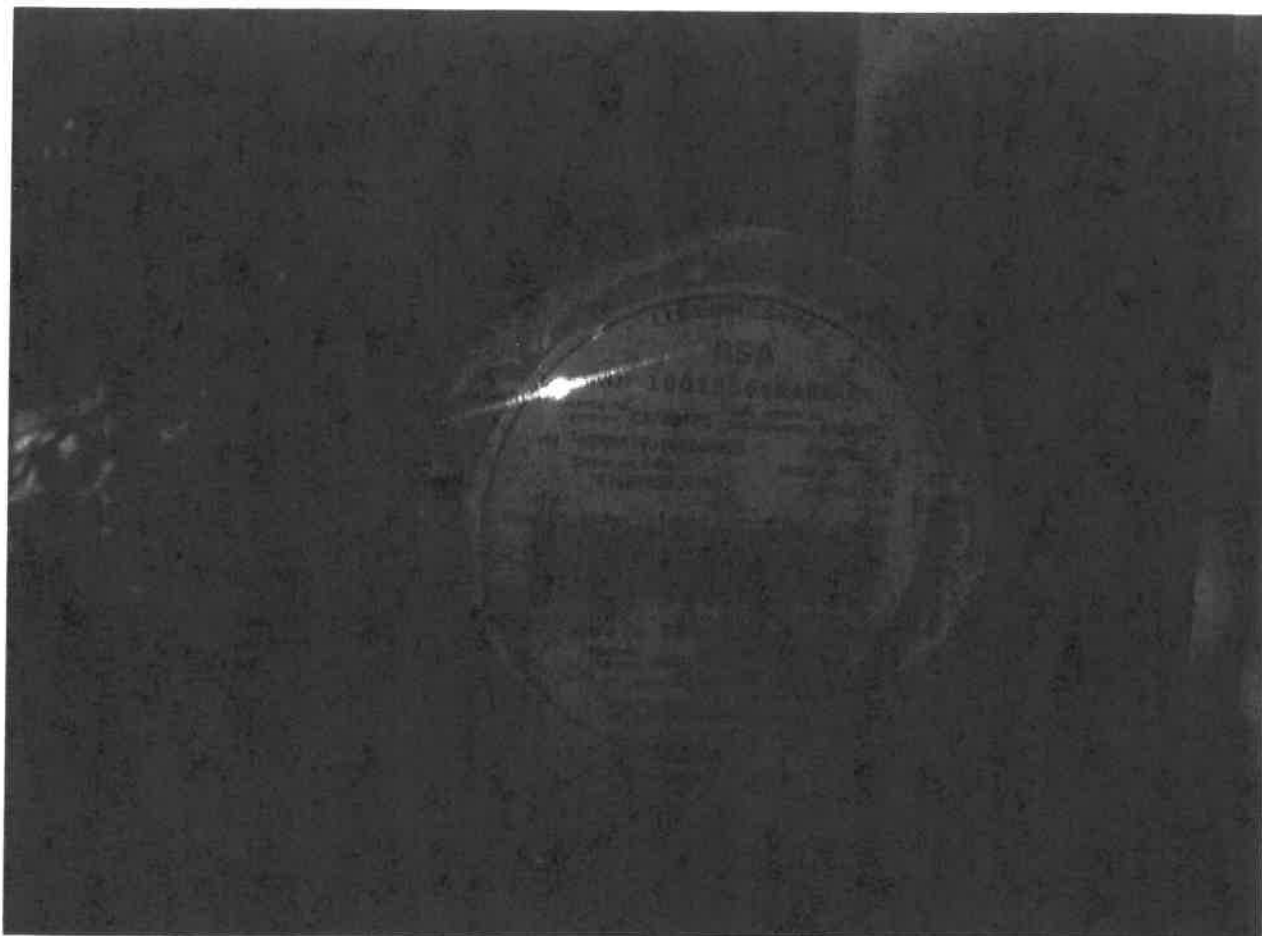
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**Witness**

.....

**Date**

Counselor Rozette Du Toit'S unlicensed vehicle, White Opel, reg CA788170 that was used to transport patients of the Safehouse.



**L'Abrie de Dieu Safe House**

(Registration number: 050482 NPO)

Annual Financial Statements for the year ended 31 March 2019

**Notes to the Annual Financial Statements**

Figures in Rand	2019	2018
<b>11. Cash (used in) generated from operations</b>		
Loss before taxation	(290 147)	(163 852)
<b>Adjustments for:</b>		
Depreciation and amortisation	315 482	289 319
Profit on sale of assets	-	(300)
Dividends received	-	(186)
Interest received	(43 444)	(49 974)
Fair value adjustments	-	(1 009)
<b>Changes in working capital:</b>		
Trade and other receivables	-	3 231
Trade and other payables	4 076	(16 064)
	<b>(14 033)</b>	<b>61 165</b>

**12. Related parties****Relationships****Board members**

Gordon Reid  
 Alice Wilton  
 Basil Pietersen  
 Rozette du Toit  
 Elize Anthony  
 Zenobia Sedeman  
 Magdalene Blankenberg  
 Faghrie Patel  
 Hillary Bergstedt

**Related party balances and transactions with other related parties****Related party transactions****Salary paid to related parties**

Alice Wilton	119 312	-
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**Waste removal and transport claim to related parties**

Alice Wilton	39 022	-
Basil Pietersen	70 777	-
Rozette du Toit	25 186	-

# Hoekom tree die DA nie teen dié raadslede op nie?

Hier is dit my verskoning om te sê dat wat op nasionale vlak met korrupsie aanpakbare gebeur, ook hier in Stellenbosch kop uitsteek. Die 10 roep gebeste dat 'n raadslid verdink word van onvergrypde verspreiding daarvan is skuldig omdat hy skuldig bevind is nie, maar altesame optrede deur owerhoede wat so 'n korrupsie in die land geword het. Steynhils Penna, die vorige minister van finansies, het uit eie oerweging merklik nadat dit aan die lig gekom het dat hy swaarkynlik oreties optree het en sy land en party in die verhertheid kan bring.

Die DA, wat oor die munisipaliteit, 'n ongelyke en raadslede weak, het nog geen oog geknip nadat dit aan die lig gekom het dat een van sy raadslede

moontlik onreël optree het of skuldig kan wees aan 'n raadslede van die party se etiese kodeboek. Daarvoor voorsiening dat beide wat optree op 'n wyse wat tot skuldigbevinding aan 'n etiese kodeboek kan lei, goedsoortlik moet word.

Die party het ook vroeër vanjaar 'n kongres besluit dat teen partygelede wat nie hul pligte volgens die standarde van die party uitvoer of partylede wat die party se goeie naam skade berokken, optree kan word.

Hoekom gebeur dit nie hier in Stellenbosch nie - veral in die DA se ampelike klag wat reeds teen 'n betreke raadslid aangehang is nie?

**Gerhardt Conradie, BRANOWAC**



**Safe House** L'ABRI DE DIEU  
STELLENBOSCH

14 November 2019

**L'Abrie De Dieu Board**  
**Stellenbosch**  
**7600**

For attention : All board members

**RE : BOARD REPORT REGARDING NON COMPLIANCE, DISCIPLINARY ACTION AND CRIMINAL MATTER  
FILED WITH CAS NUMBER 157/11/2019**

**1. INTRODUCTION**

The purpose of this report is to provide a report of the above-mentioned matters to the board for consideration. Note, due to limited time constraint I could not complete all information, but will discuss other legal issues if requested.

**2. BACKGROUND**

On the 9<sup>th</sup> of August 2019 a High Tea was arranged. At the end of the month I requested information regarding all monthly transactions, i.t.o. standard operating procedures. Liesl asked me not to report on said High Tea, which made me uncomfortable. I am legally qualified and implemented compliance measures, including monthly collation and checking of financial transaction. After September 2019 we prepared the DSD report. I again asked for information, which was met with hostility from Liesl. This was done in front of witnesses.

I then did the following:

- 2.1. I asked information in writing on the 14<sup>th</sup> of October 2019.
- 2.2. I received information on the 16<sup>th</sup> of October 2019.
- 2.3. Said information received was in the form of a quote and not an invoice.
- 2.4. Said quote was for payment to M & E Events. It ostensibly seems to be a non-existent legal entity. This is the same scenario as with the previous manager, where monies was paid to Fox Transport(non-existent legal entity and Leigh Rossouw's' son). In that instance this board implemented discipline.
- 2.5. Said quote also included the following phrase, i.e. "expenses approved by the Safehouse full Board for board member F Patel to continue with the event." I had no



recollection of said matter and confirmed that there was no board meeting where expenses were approved by the Board. This amounts to a fraudulent misrepresentation of fact.

- 2.6. Said quote also included that 'no VAT added.'
- 2.7. No payment could have been made if we did not receive an invoice.
- 2.8. Liesl confirmed she downloaded the quote, modified it and processed it on a safehouse computer for submission. Said quote was thus generated on our computers. This was also done by our previous manager and led to a negative audit finding. This is not legally allowed. Leigh was disciplined and dismissed for this.
- 2.9. I again asked for a report again and which was not responded to. Said communications are available in **Annexure A**. I tried everything to dispense with said matter amicably.
- 2.10. I consulted with Elize Anthony, Basil Petersen, Zenobia Sedeman, Rozette Du Toit and Gordon Reid individually from the Board to obtain external opinions. In my meeting with Zenobia Sedeman from SAPS, I received confirmation that no payment could have been made and that I had a legal duty to report it. I did it. CAS number 157/11/2019, was registered and allocated.
- 2.11. On the 12<sup>th</sup> of November 2019, I received a call from the Social Worker to meet her and her team at Mug and Bean to discuss an urgent matter. I met them and was advised that we received communications of Board involvement in therapeutic processes. See whatsapps attached as **Annexure B**.
- 2.12. Said therapeutic team reports to DSD i.t.o. process and we called Rene Botha for appointment. They will be visiting our facility on the 26<sup>th</sup> of November 2019. Note that Dr Elsa van der Watt takes responsibility to report said matter to both DSD and the Social Work Board. They stopped services and sent a communication in this regard.
- 2.13. In a meeting with the Chairperson they indicated that they will address the Board tomorrow, on said issue.

### 3. APPLICATION OF LEGAL PRINCIPLES

- 3.1. **Clause 9.1.7.2** of the "**Constitution**" prescribes that:

All board members state that the organisation's income and property are not distributable to its members or office-bearers, except as reasonable compensation for services rendered." This is aligned with section 12(2)(c) of the Non Profit Organisations Act, 1997 (Act 71 of 1997). This has in the past been subject to Board approval such as Rozette and Basil transport. Note that prior approval has been accepted as a standard operating procedure and in the instance of the High Tea this was not done.

**Deviation from process** : No Board approval was obtained for quote below. No minutes are available containing an approval for said function expenses. Se the quote below which was submitted.



**Fachrie Patel response :** During the EXCO meeting dated the 13th of November 2019, Mr Patel said the following; "ek het 'n diens aan die safehouse gelewer....wat almal geweet het...ek het nie 'n sent van die safehouse se geld gevat nie...ek het duidelik gesê...ek het duidelik gesê ek moet 50% van al die mense se deposits meer as 'n maand voor die tyd betaal...uit waar uit...uit my sak...twee weke voor die ding moes ek almal se geld betaal...wa uit...wannen het die geld ingekom...die geld het 'n dag of drie en op die dag ingekom van die mense...so...watter geld moes waar inbetaal gewees het...as daar nie geld was nie...ek het 'n diens...die geld moes by the way aan my uitbetaal gewees want ek het die diens aan die safehouse gelewer..." I will rather play the recording for the board that they can hear if the content is true and correct.

#### Legal non-compliance includes:

- 3.1.1. The quotation was dated the 9th of August 2019. It included the words "expenses approved by the Safehouse full Board for board member F Patel to continue with the event." I have no minutes where said expenses were approved prior to said date. No quotation for services were ever submitted to the board according to my honest recollection and Mr Patel's submissions to the EXCO indicates that nothing was submitted for approval.
- 3.1.2. It was included that "no VAT added." Yet Mr Patel said that he had to pay VAT in during the EXCO meeting dated the 13th of November 2019.
- 3.1.3. Note that all other board members do not process their own payments. It is always signed off by another EXCO member. Yet Mr Patel according to his account, paid himself and/or his son.
- 3.1.4. We do not make payments on quotations. We make payments on invoices. He said he submitted an invoice, but it was a quotation.
- 3.1.5. Note that the quotation was not submitted by him, but generated on a safehouse computer, used by Liesl. This was another reason the previous manager was dismissed. It was an audit finding that quotes and/or invoices were generated on the company's computers. This charge was also included in the criminal matter against the previous manager.
- 3.1.6. Fraud is regarded as a misrepresentation of fact leading to prejudice. In this instance the fraud lies in the fact that the Board member included information on his quote that was not true, as there was no board approval of his quote. He admits in his statements to the EXCO that he took a report to the board. See the

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report he submitted below. Nothing indicates that he was being paid. He then made a private admission that the monies were paid to him, because he arranged the function. The below report was submitted with no relevant content for verification of legal compliance.

Category	Q1	Total
Activities	100	100
Fundraising	100	100
Other	100	100
<b>Total</b>	<b>100</b>	<b>100</b>

**3.2. Paragraph 15 on page 2 Financial Policy and Procedure Manual dated the 28th of March 2019**

"The EXCO is appointed to deal with general processing and oversight of all transactions. Before any transaction is finalised, it must be captured, electronically, sent via email to all EXCO members and signed off by relevant appointed signatories of the Board. Any cheque cashed will be processed by the relevant official and signed off by two Board appointed signatories. The financial statements will be available for perusal at the offices with all substantiating documents."

The signed policy is available on request. Compliance training was attended by all board members. Liesl was processing payment, invoices so she is aware of our practices. See proof below.

Name	Position	Contact Details	Signature	Yes
Caroline Kuy	Chairperson	083 234 4522	[Signature]	✓
Anna Willem	CEO	082 933 2281	[Signature]	✓
Anna-Maria	Acting Chairperson	082 408 8159	[Signature]	✓
Leah Peterson	Facilitator	021 794 4202	[Signature]	✓
Michelle de la Harpe	Secretary	019 644 7602	[Signature]	✓
Mark de Vries	Treasurer	084 685 7254	[Signature]	✓
Heidi de Vries	Communications	082 413 1621	[Signature]	✓
Michelle de Vries	Communications	082 413 1621	[Signature]	✓
Angela de Vries	Communications	082 413 1621	[Signature]	✓
Michelle de Vries	Communications	082 413 1621	[Signature]	✓

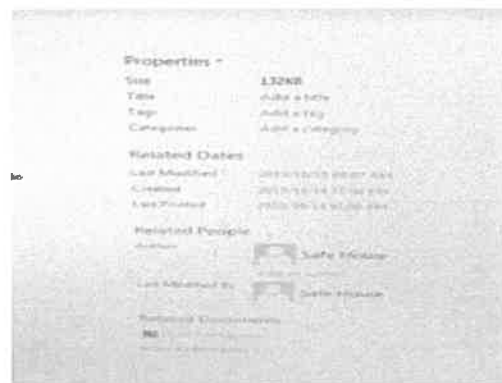
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Note that there has to date not been any deviation of said application, except for this transaction. Both Liesl and Fachrie Patel signed for attendance and acceptance of constitution. Both attended all compliance training.

**Legal non-compliance includes:**

Charlene did not do any procurement. The EXCO did not sign off payment. No documentary proof was collated. The Board member confirmed he paid himself, because according to him the monies was due to him because he arranged the function. We all arrange functions. Other board members do it as well. This is the first time this however happens.

Also see attached proof that said quotation was processed on the computer used by Liesl, which is not denied by her.



**3.3. System of Delegations**

The approved system of delegations is aligned with the above-mentioned constitution and policies. See attached. If you view below then it is clear that no board member is allowed to procure services, receive or make payment except for those mentioned. This transaction is the only exception I know about.

	BOARD	IND	Notes
<b>Capital expenditure and procurement (operational)</b> <ul style="list-style-type: none"> <li>• up to R5 000 per item</li> <li>• &gt; R5 000 to R25 000 per item</li> <li>• &gt; R25 000 per item</li> </ul>		APP REP APP	Note: in the case of large building projects or similar capital expenditure, once approval has been obtained, progress payments are done as per operations expertise/ delegation of authority element 4.1 applicable. CEO/ EXCO member CEO/ EXCO member EXCO member
<b>Cost of sales</b> <ul style="list-style-type: none"> <li>• &lt; R500 book value per item</li> <li>• &gt; R500 to R25 000 book value per item</li> <li>• &gt; R25 000</li> </ul>		APP REP APP	Note: in all instances a proper record of such sale must be kept on the asset register and properly posted in the accounting system. Skills Development Officer EXCO/CEO EXCO/CEO

**3.4. Communication i.f.o. Annexure B**

If you look at the content of Annexure B, then it is clear that there was a relationship which led to the therapeutic breakdown. References are made of changes coming, new EXCO being appointed, staff knowing what is coming. On the last occasion a person called Alicia Ruiters did the same and she was disciplined and resigned due to

seriousness of the allegations. This conduct is not allowed. It will lead to the closure of the house. We are at this stage not sure what the nature of the relationship is.

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#### 4. Conclusion

Said information is sent to the board for consideration. I realise that that it is short notice but I worked throughout the night to get it done. It is not humanly possible to meet any other deadlines. Note that I already consulted and reported on said matter. Since asking for documentary proof, the board member, Mr Patel and Ms Bergstedt has been verbally attacking me. I am just doing my work. I have a legal duty to report and I did it. This is not the first time I am a "whistle blower."

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**Annexure A (communications with Liesl)**

See below I am requesting a report. Included was the quote I received.



See again.



[Faghrie@gmail.com](mailto:Faghrie@gmail.com)

I asked for the original excel document.



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See spread sheet request. I then realized that the numbers, board decisions etc. was not aligned. I did not want to tamper with documents as I honestly thought that this amounts to fraud.



See above attached reference to words used to threaten Charlene. I also asked questions regarding communication from her to Charlene that we wanted to get rid of her from the safehouse.

Below, I advise her that she is scaring our staff with her conduct. See below she does not even deny scaring staff. The old board members are aware that Charlene reported a complaint of racially based attacks against her and other staff inwriting. She even had nightmares and I am still concerned about this. Staff said that Liesl was manifesting disturbing behavior.



I tried to enquire what was going on. I explained that I was busy with a legal process. This was and still is not a personal attack.



Here I explain again that I am just following a legal process.



Here again I inform her that we should engage. It is not for my personal sake, but for all in the safehouse. I even asked Elsa to counsel her, in an attempt to address this issue.

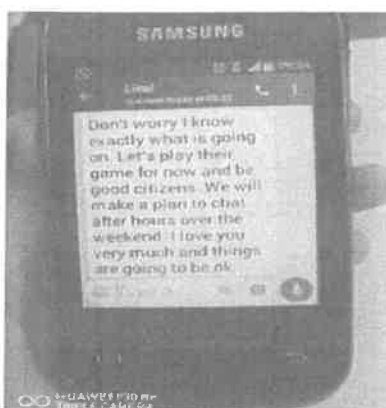




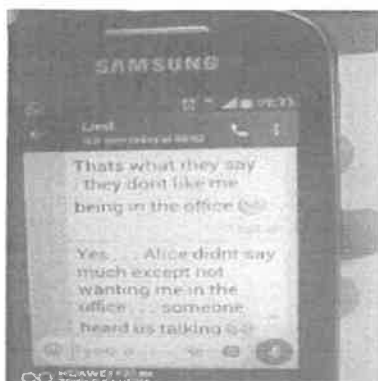
106

**Annexure B (Liesl's communications with the client)**

Here it seems that an unnatural relationship is forming. Dr van der Watt will address this issue. Words like "I love you" is used. Suggestions of meeting and chatting after hours is mentioned etc.



This is merely confirmation that we met with her and encouraged her to establish her therapeutic relationship/trust relationship with the trained social work team and not with the administrative staff.

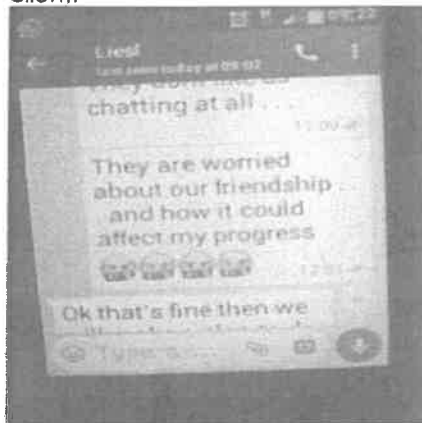


Here Liesl responds that they must meet away from the office. This is contrary to the therapeutic process agreed to and causes a breach of trust between the social work team and the client, who suffers from mental illness.



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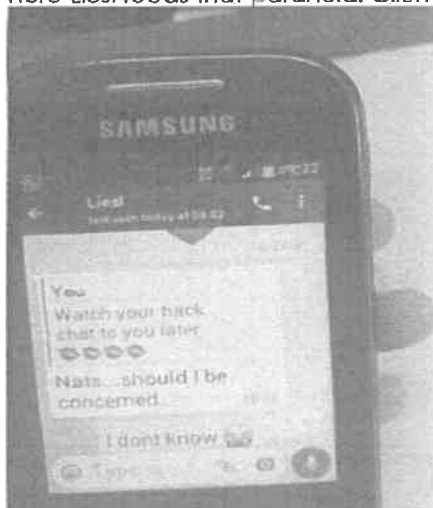
Here is confirmation that we explained that interference by staff could cause therapeutic fallout and/or retard development and healing processes. It shows we were acting in the best interest of the client.



Proof of client paranoia.

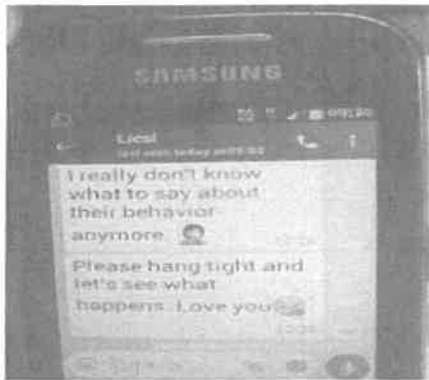


Here Liesl feeds that paranoia. Client thus does not feel safe and does not respond to treatment.



108

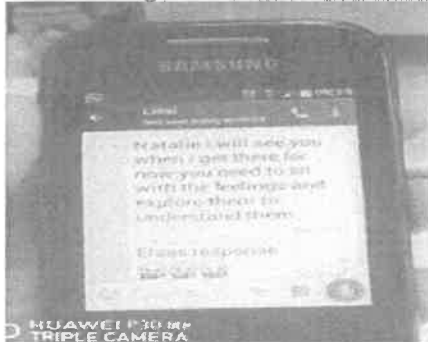
Here again, discussing staff with clients. Again words I love you is used.



Again discussing staff.



Here messages from Elsa is sent to Liesl. This is not allowed.

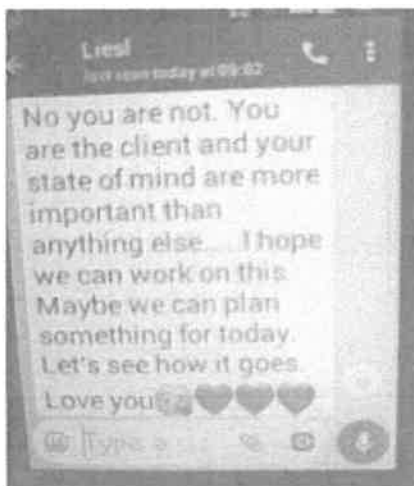


109

Again discussing the therapeutic team.

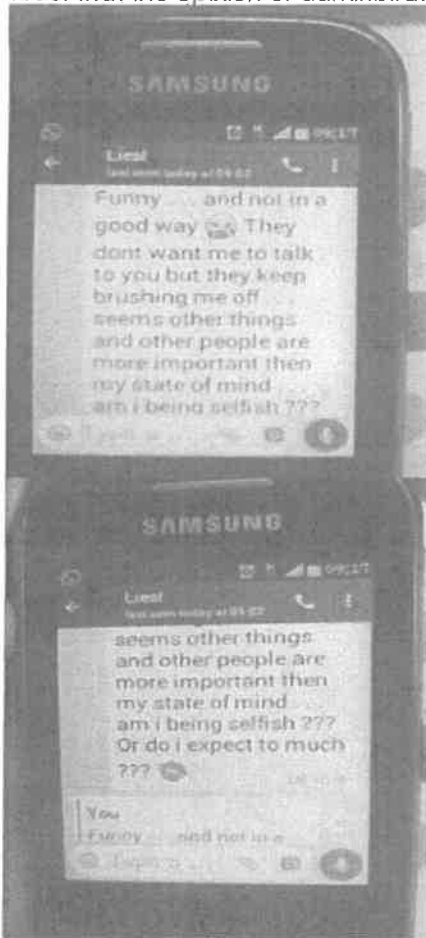


Here Liesl indicates that she is working with the client of therapeutic interventions.



110

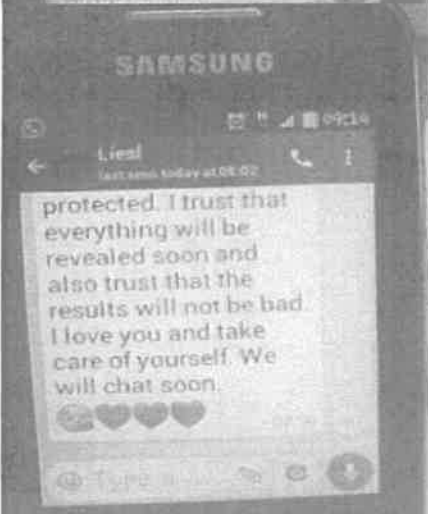
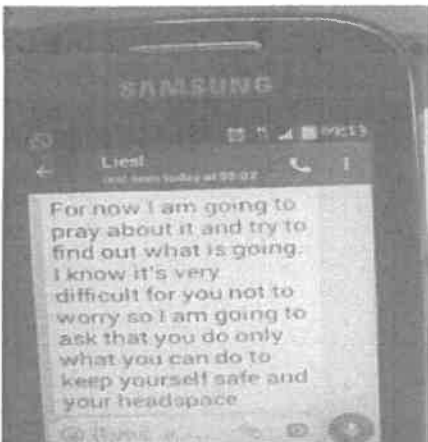
Proof that the opinion of administrative staff is sought above the therapeutic staff.



Proof that dates are made for coffee. This counteracts trust for therapeutic advancement.

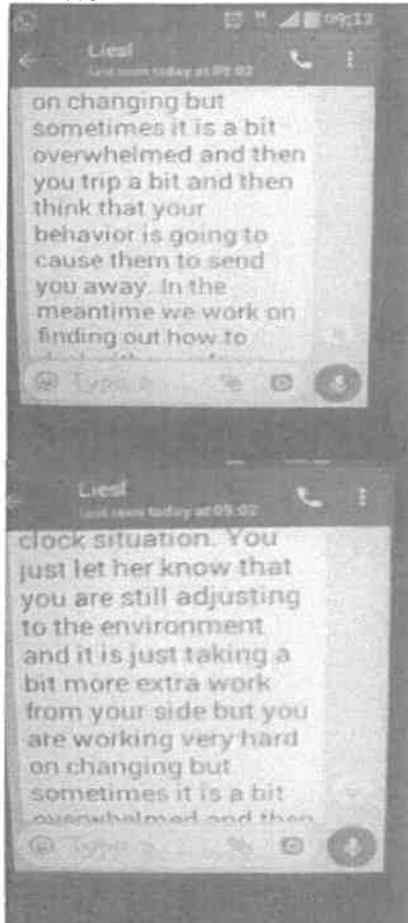


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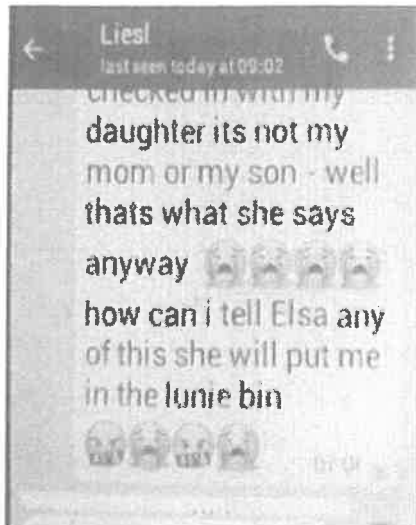
Here Liesl is feeding the paranoia of the client, i.e. by saying that she would be sent away from our safehouse.

112



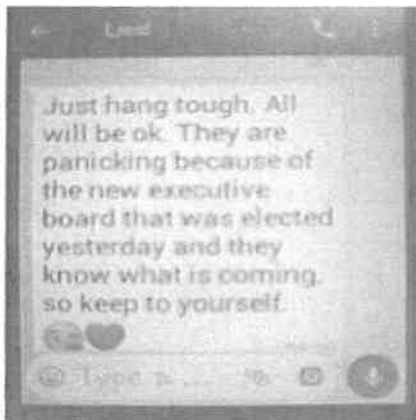
Proof of therapeutic consultation.



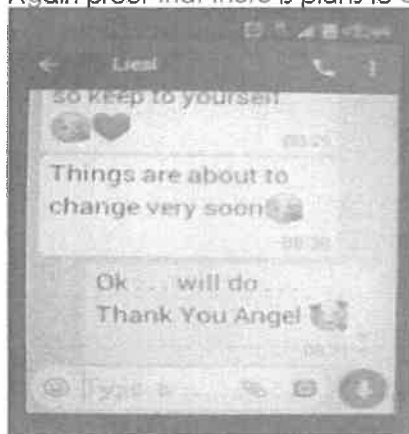


1B

Here is proof that Liesl told the client that a new executive had been appointed and "they know what is coming. New Executive members are aware who they are. By process of elimination Liesl is referencing new members who also happen to be our biggest critics. This proves that there had been consultation and plots to do something which interferes with correct status quo which in acknowledged as effective and worthy of extension of contract by both Western Cape Government, University and even the UN.



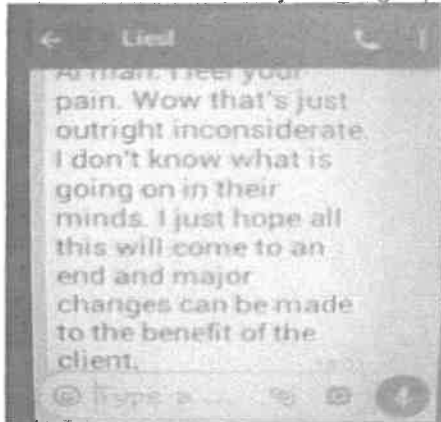
Again proof that there is plans to change things at the safehouse.





Proof that there are major changes planned without consultation with therapeutic staff.

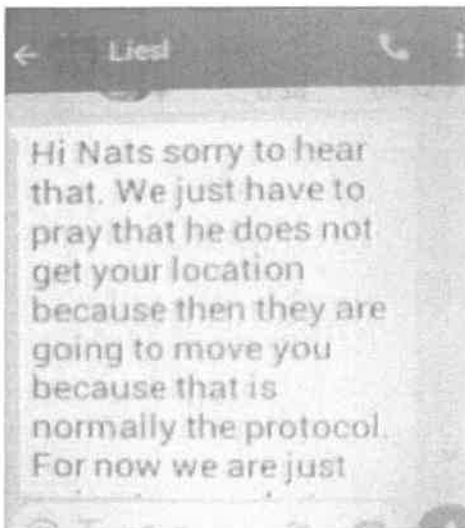
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Discussions about Elsa.

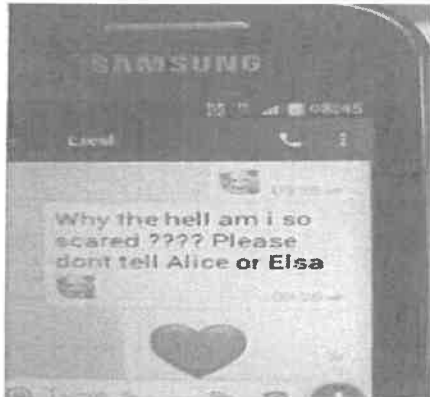


More therapeutic discussions as well as safety discussions, which is the discretion of the CEO ito risk.

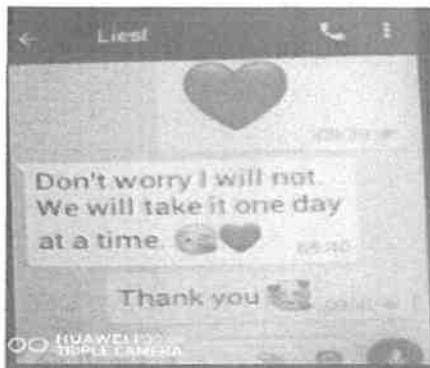


Again proof that other members of personnel were being discussed.

IIS



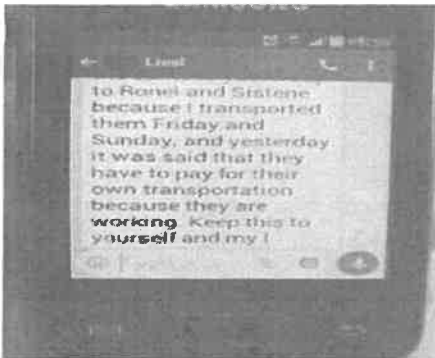
Again communication displaying inappropriate relationship.



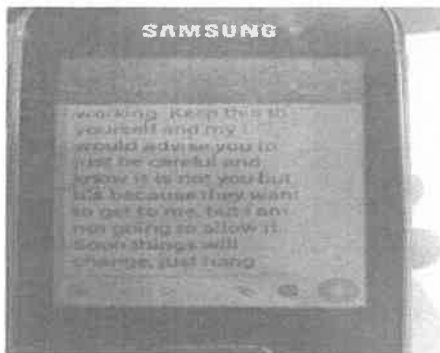
Discussions around other residents.



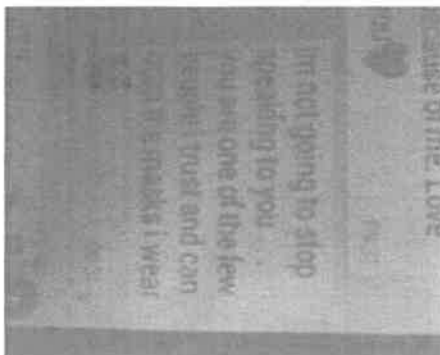
116



Liesl is pulling the client into her own personal drama.



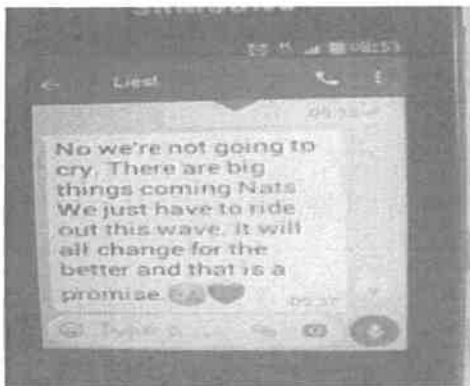
Client express that she will continue making contact.



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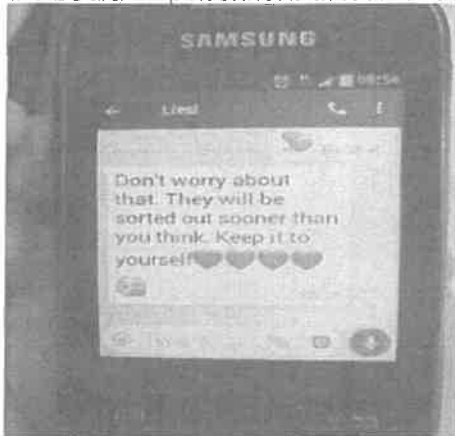
Here again Liesl is speaking about a change that is coming. No one has an idea of the change.



More discussion about personnel.

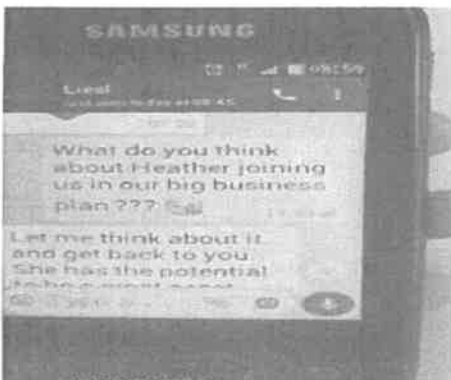


Again proof that they will be sorted out. We have no idea what this means. The unwarranted insults of the board on personnel is at least understood to be relevant in this context.



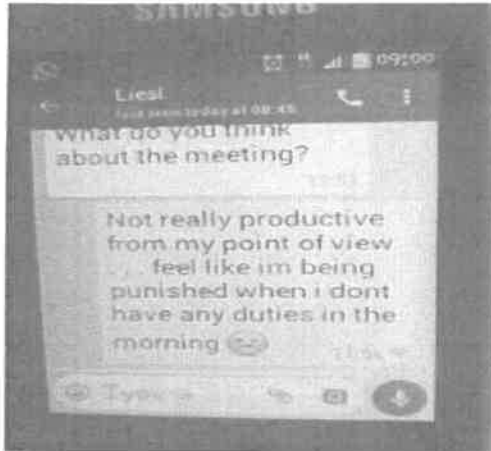
118

Discussions about recruiting other residents.



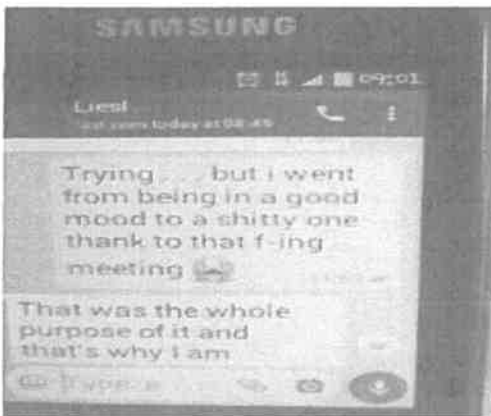
Proof of manipulation of mentally ill clients through manipulation.



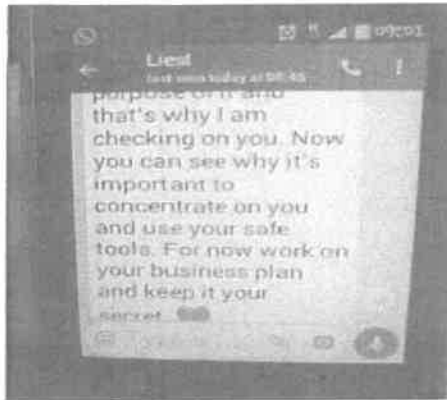


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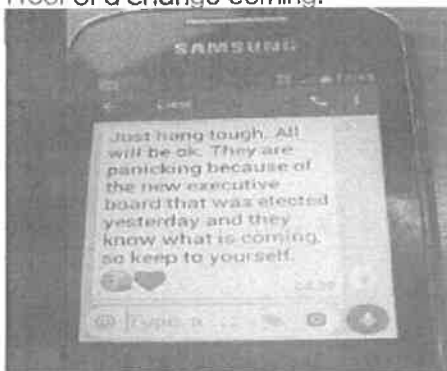
Proof of a manipulation of the client. Apparently they have a relationship.



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Proof of a change coming.



Discussing other mental health patients.





**Safe House**  
L'ABRIE DE DIEU  
STELLENBOSCH

19<sup>th</sup> of November 2019

*sent via email*

**Department of Social Development**  
**14 Queen Victoria Street**  
**Cape Town**  
**8001**

For attention : Renèe Botha ([DSD.Vep@westerncape.gov.za](mailto:DSD.Vep@westerncape.gov.za))

**RE : REPORTING RE L'ABRIE DE DIEU SERVICES (URGENT)**

Herewith please find attached a joint compilation of concerns regarding services at L'Abrie De Dieu safehouse, i.t.o. the legal duties of both the CEO and Social Worker of L'Abrie De Dieu safehouse. We request the urgent intervention and investigation regarding Board actions included herein.

**1. SUBMISSION : CEO**

After the incident with previous management, I personally provided an undertaking that all compliance shortcomings would be addressed which included, implementation of governance, development of systems for assurances and financial compliance. All measures implemented led to a clean audit.

Everything ran smoothly until August 2019, when one breach occurred and monies fundraised were not accounted for. See attached a report which was submitted to the Board on the 15<sup>th</sup> of November 2019. Said report was described by the implicated board member as "rubbish" and he made a unilateral submission and I was refused an opportunity of rebuttal. Facts can be summarized as follows;

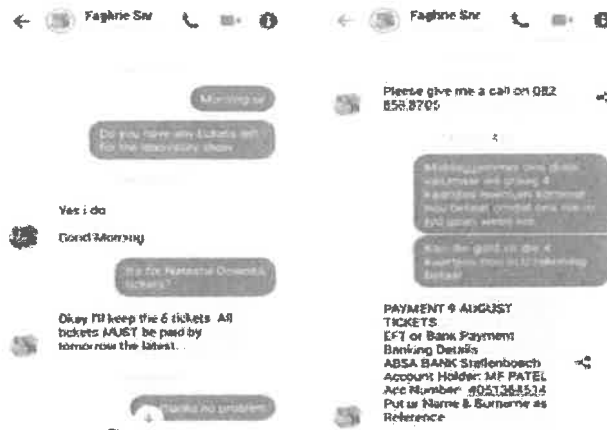
- 1.1. A function was arranged with a Board member, with the assistance of staff, to ensure financial compliance. The monies were unaccounted for and the Board member advised the board that regardless of said function held for the safehouse, said monies was due to him.

Tel: +27 21 883 2574 | Email: [info@safehouse Stellenbosch.co.za](mailto:info@safehouse Stellenbosch.co.za)  
Bank details: L'Abrie de Dieu, ABSA 632005, Current acc. 4069604712  
NPO no: 050482 | Section 18A tax no: 930025698



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- 1.2. In fact, when we engaged with the new management of our first satellite safehouse in Wellington, the owner of said premises advised me that she wanted her own NPO and Board to be established after the launch on the 18<sup>th</sup> of November 2019, due to the fact that the Board member had monies paid into his personal bank account. See proof of communication and payment.



See the personal bank account details being provided. This has never happened before.

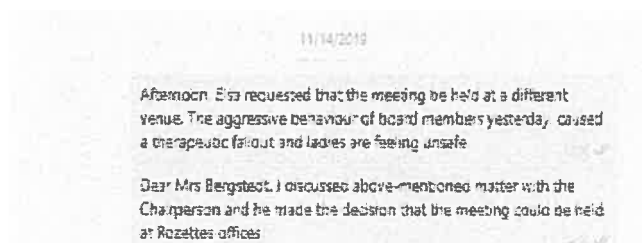
- 1.3. Also please see below the advertisements which clearly states that the concert was to benefit the safehouse and not the board member.



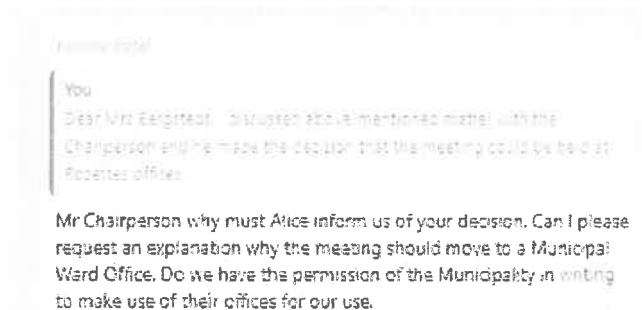
- 1.4. Our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the quarter this was the only transaction with non-compliance.
- 1.5. In the Board meeting dated 12<sup>th</sup> of September 2019, I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning.

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- 1.6. I admit that I became upset due to the fact that my illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis.
- 1.7. Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter. I have no idea what my functions are anymore.
- 1.8. I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA." This has never happened that politics and personal vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members.
- 1.9. All requests to restore therapy after the suspension of services are met with what I can only describe as hostility. The social workers ability to contain and manage conflict in the safehouse is sabotaged and criticized. The Board member are even trying to bring discord in the staff contingent, to no avail.



My message dated the 11<sup>th</sup> of November 2019.



Board members response.

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Dear Mr Patel, is it your intention to disregard a qualified social workers request that the meeting be held at different premises?

My response.

Hillary

You

Dear Mr Patel, is it your intention to disregard a qualified social workers request that the meeting be held at different premises?

Ek het gister gevra dat die manager asb moet ophou om met woorde te speel. Soos ek die boodskap lees, vra Faghrie hoekom die mtg na die wykskantoor van Rozette geskuif moet word en of daar skriftelike toestemming gevra was vir die gebruik van die kantoor. Ek lees nersens dat hy sie social worker se versoek minag nie

Voorsitter ek self voel bietjie ongemaklik om daar te vergader en daaromhalwe my pleidooi dat ons miskien n ander venue probeer kry, asb.

Another affiliate response.

15 November 2019

Dear All, I am in a meeting with Elsa to communicate the board decision her response is as follows:

Elsa states that I made it clear this morning that I do not know who is involved, but it is clear in the messages that the new Executive Committee are definitely involved. This information with all messages will be submitted to DSD on Monday morning as therapeutic processes and trust between the therapeutic team and the board is compromised and despite a request for the board to make an effort to resolve the matter it seems that the board is unable to do so. Professionally and ethically I will continue with reporting to DSD as our main funder and the holder of the contract for therapeutic service delivery. It is my hope that the board will make an effort before Monday to provide a workable solution for the program to move forward to the benefit of the client.

Message types verbatim after consultation with Elsa to try and resolve our impasse and restore services.

YESTERDAY

The Chairperson of Stellenbosch safehouse agreed with the social workers that no Board members will make any direct or indirect contact with clients. No Board members will also be allowed onto the premises of the safehouse until DSD has investigated allegations made. By agreement the social work team will resume services including backlog services and DSD submission will be made as required to legal duty.

My message after consultation with the therapeutic team and the Chairperson.

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Hillary

Dear all/Chairperson

Re: Board members not allowed on safe house premises. I find your decision as communicated by CEO rather disturbing. Firstly, am i implicated in misconduct at the safe house and if I am, can i please

1. Furnish me with the charge sheet. When and where was the board meeting to discuss the charges and why was I not informed in order to defend myself.
2. Which organ did the investigation pertaining to the charges.
3. Based on what, did they conclude that I am a threat to the clients or staff.

Chairperson, I indicated to Charlene earlier this morning that I will come to safe house at 12H00 to copy the letterhead in order to perform my reporting duties as secretary of the board. Charlene indicated that, it is fine but a few minutes later I saw your decision posted on the group by Alice.

A few minutes after the message from Alice, Charlene indicated that she will come to SPAR to hand me a stick with the letterhead of the safe house.

A few minutes after the message from Alice, Charlene indicated that she will come to SPAR to hand me a stick with the letterhead of the safe house.

Chairperson/boardmembers if the rest of the board members is in agreement with this undermining, it is fine, but I am not a criminal and thus will not allow anyone to treat me in this manner. This is a total and gross undermining of the safe house and countries constitution and a total infringement on my human rights.

Chairperson, should you NOT be able to give clarity on the above issues during the course of the day, as this is hampering the professional execution of my duties, I will definitely take up this matter with higher authorities. I've notified Charlene that I will not meet her at SPAR and that I will notify the chairperson.

Kind regards  
Hillary Bergstedt (Safehouse secretary)

I spelling error. "can I please be furnished"

Board members response.

- 1.10. The staff has been performing under difficult circumstances. Regardless of attacks we have made several national and international submissions, completed our GBV curriculum for outpatients, trained staff for adult education and drug rehabilitation. We have launched fundraising for the Wellington safehouse and are completing project planning and fundraising for outpatient drug rehabilitation.
- 1.11. All staff and myself are traumatized due to the constant screaming matches/board meetings we attend. I am also sending copies of board meetings so that DSD can understand the extent of the problem. Recordings are withheld of board meetings by their affiliated staff who interfered. We are all at an impasse and need DSD to advise us urgently.

Alice Wilton  
CEO  
L'Abrie De Dieu safe house

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## 2. SUBMISSION : SOCIAL WORKER

- 2.1. It is clear that the above incident had a knock-on effect on the therapeutic process. Staff implicated in the above-mentioned fraud matter started interfering in the therapeutic processes of the safehouse. In terms hereof the most vulnerable persons were targeted, i.e. our mental health patients.
- 2.2. During September 2019 clients were starting to manifest strange behavior, which had to be addressed i.t.o. psychiatric treatment. The commonality for all affected were the fact that they were transported by the staff member implicated above.
- 2.3. One clients provided financial information on another, which she could not have been privy to. Said client also experienced therapeutic fallout and was hospitalized. The analysis proved that there had been personal discussions related to clients which is indicative the in the whatsapp messages, included below.
- 2.4. There seems to be a relationship being established, yet we are not certain about the nature of the relationship. See whatsapp messages below.



Words like "I love you" is used. Suggestions of playing games is mentioned and this led to paranoia of said client.

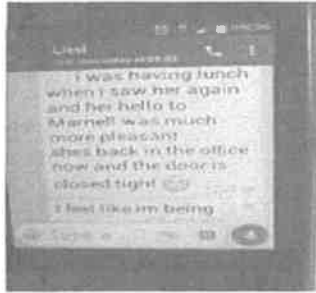
### STAFF DISCUSSIONS

- 2.5. We also found instances where staff were discussed.

127



CEO is discussed.



Social worker is discussed.



Again the therapeutic team is discussed.



Rozanne is discussed.



Discussions openly using names like Elsa, Rozanne, Alice is included.

**SECRET MEETINGS AWAY FROM THE SAFEHOUSE**

128

2.6. Agreements to have secret meetings off premises were held.



Here references are made to meet away from the office.



Again references of meetings away from the office and emojis being used. This clearly shows a different intention than just being a service provider.

**THERAPEUTIC INTERVENTIONS**

2.7. Our response is however summarized in the whatsapp messages below. This message was sent after we engaged said client about an aggressive incident which had been reported.



In said meeting we communicated the fact that the client was not responding to the therapeutic intervention and concern about her wellbeing and safety was expressed.

**STAFF ABUSING HER RELATIONSHIP WITH THE CLIENT**

129

2.8. The staff member "pulled" the client into the conflict situation being created amongst staff.



We had no idea that the staff member felt with way. Said staff member met with me and discussed the fact that the CEO could not be trusted. This was discussed with the CEO.



Thereafter the client is manipulated and words like "love you" is used again.

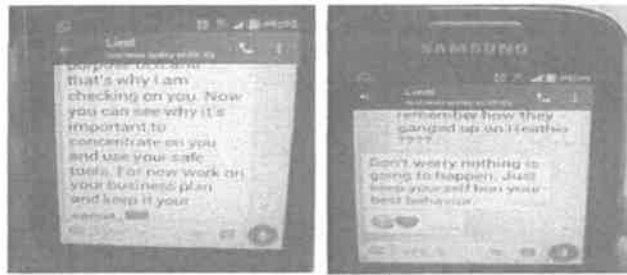


The client advised the therapeutic team that she was going to be appointed as a housemother. The client seemed privy to information on organizational development that not even the therapeutic staff were privy to.





130



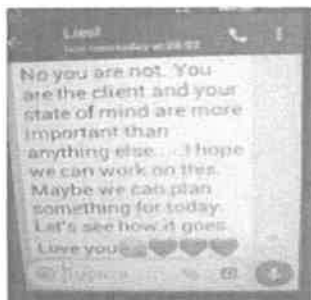
Clients are discussed and even those who have exited already are discussed.

**THERAPEUTIC INTERVENTIONS BY STAFF MEMBER WHO IS NOT QUALIFIED**

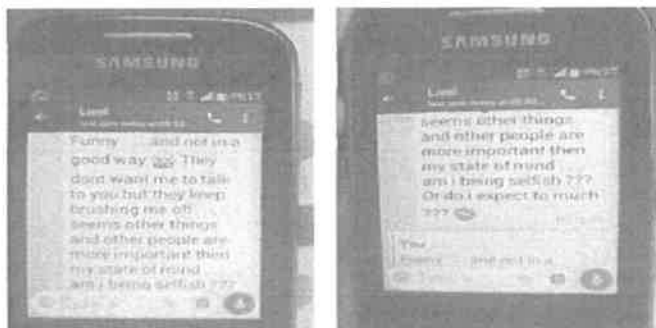
2.9. Find below that therapeutic interventions were initiated by said staff member, regardless of lack of qualification. This led to a breakdown in trust with the therapeutic team. Note that this happened regardless of role clarification which is available on request. Charlene consulted with the staff member on two occasions to ask her to desist from therapeutic interventions.



Suggestions to discuss feelings.

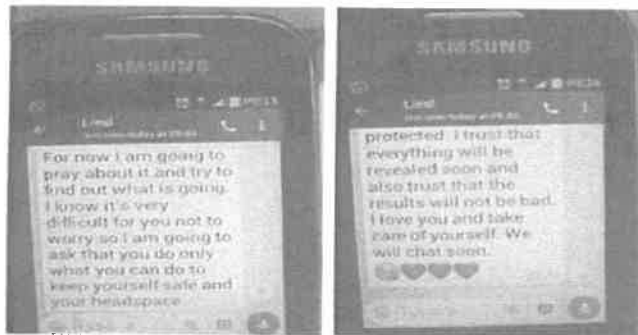


More references to feelings and manipulation with words like "I love you" being used.

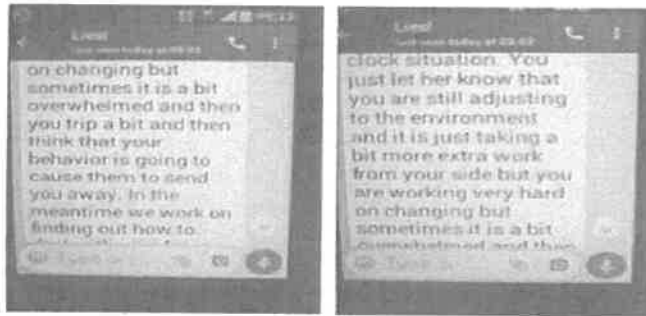


Therapeutic interventions are initiated.

131



Not only proves therapeutic interventions but also words like "I love you being used again.



More proof of therapeutic interventions.



Again discussion on the social worker and therapeutic interventions.



More therapeutic interventions.

**BOARD INTERFERENCE**

- 2.10. References are made by said staff member regarding the new executive Board. Note that the previous Executive Board had not interfered with our work in general. There were however new board members appointed who were implicated in above-mentioned fraud

and theft. Since then there had been a lot of interference in general staff matters with threats being made. See below. B2



Reference to changes which is coming.

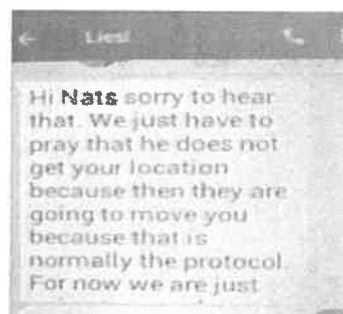


Again reference to changes which are going to be made to therapeutic programme. The therapeutic staff are not aware of these changes. In fact the Chairperson and/or CEO is also not aware of these changes.



**RISK ASSESSMENT INFORMATION WITHHELD**

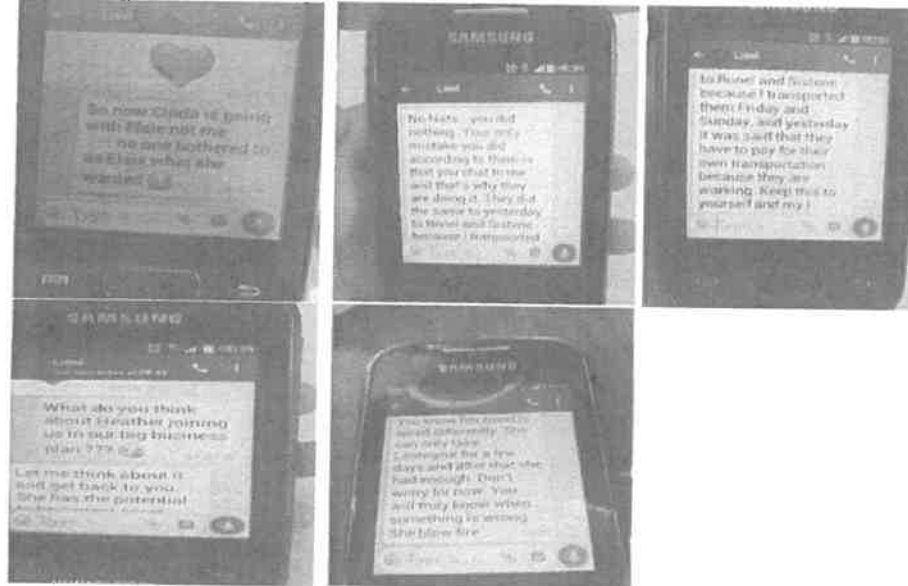
- 2.11. Matters affecting the risk of the house was also discussed with this staff member. Concerning is that it was not communicated with the CEO responsible for liaising with SAPS intelligence to safeguard the house.



**OTHER CLIENTS BEING DISCUSSED**

- 2.12. Information of other clients were also discussed.

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Other patients including mental health patient is being discussed.

- 2.13. Note that there are more messages, which we will make available when we meet to discuss said instances.

#### OUR CONCERNS

- 2.14. There seems to be uncontrolled interference with the inclusion of new board members since September 2019. Said conflict is busy spilling over in the house, with frustration, conflict, hostility, aggression, etc being regular occurrences in daily activities. Residents are constantly arguing about food regardless of provision being made. Food even expire and have to be thrown away. Clients are paranoid about therapeutic interventions and motives with provision of services. Even residents meetings erupts in conflict situation when said staff member is present. Note that there is then isolation of the mentally ill clients by other clients due to taking of sides and thus therapeutic fallouts.
- 2.15. There is a definite documented correlation between the dates of the messages and the types of therapeutic fallouts being experienced. The therapeutic team however cannot control the clients, the situation in the house and the board. The board also refuses to cooperate and constantly interferes.
- 2.16. On the 12<sup>th</sup> of November 2019 we met with the CEO to discuss the problem and she responded immediately by suspending said personnel member. The board members are not supporting the therapeutic team. The refuse to share information on the new therapeutic direction being spoken about by the staff member in the above-mentioned messages.

- 2.17. The current Board shows an inability to understand the extent of the problem. The Chairperson supports our initiatives and have met with us to try and contain said problem. It however remains unresolved and we as therapeutic team remain concerned about our role and functions, the clients wellbeing and the programme in general. 134
- 2.18. We all also spend enormous amounts of time on writing reports such as this and cannot execute our tasks. We have entered into a new era of services with Wellington safehouse being launched and applications pending. We however cannot initiate satellite office services under these circumstances.

**Elsa van der Watt**  
Social Worker  
L'Abrie De Dieu safehouse

### **3. SUBMISSION : CHAIRPERSON FROM L'ABRIE DE DIEU SAFE HOUSE**

Although the above is extremely concerning we still lack concrete evidence to understand the full extent of the problem. We are requesting DSD to intervene and independently investigate allegations communicated by the Social Work team. At the L'Abrie we do not support any illegal or irregular conduct and we will be dealing with all allegations i.t.o. law. We have been advised that you will be visiting our safehouse on the 26<sup>th</sup> of November 2019 and we would formally request an engagement to address this impasse.

If you have any enquiries, please feel free to contact me.

Yours sincerely

**Gordon Reid**  
Chairperson  
L'Abrie De Dieu safe house



# Safe House

L'ABRIE DE DIEU  
STELLENBOSCH

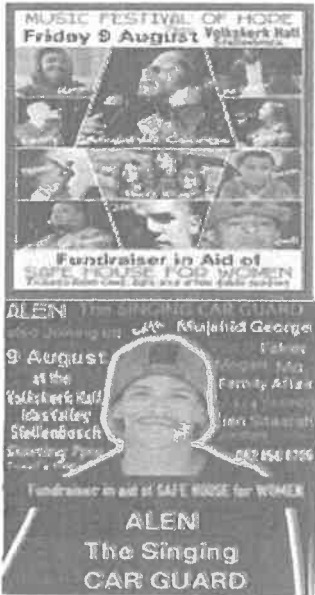
21<sup>st</sup> of January 2020

Department of Social Development Services  
Western Cape Government  
14 Queen Victoria street  
Cape Town  
8000

For attention : Clint Jacobs

**RE : REPORT REGARDING ALLEGATIONS OF BOARD MEMBERS AGAINST MYSELF AND CLLR DU TOIT**

Herewith please find attached an abridged summary of occurrences within the safe house board and administration. I have completed it sequentially:

Date	Event	Discussion
9 Aug 19	<p>A High Tea with a difference was held to do fundraising for the safehouse by one of our board members. See posters attached.</p> 	<p>The agreement was always that the fundraising was to be for the safehouse. Based on the marketing, we received free venue, cutlery, crockery, food etc. Our relationships allow us to have 0-cost events.</p> <p>The proceeds from functions are always paid into the bank account/petty cash of the safehouse. No exception has ever been made during my tenure as CEO. We will make our statements available to you for verification.</p> <p>To date this is the only transaction which has not been accounted for and we have reported it to our auditors who advised us to proceed with civil and criminal litigation.</p> <p>The complaint are in retaliation for our legal actions.</p>

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Note that during the planning of this event we had several meetings and at no stage were we advised that M & F Events would be appointed to do the events and be remunerated for it.

NB: Also be advised that there is only one person who does procurement and that is Charlene Abels. I have attached our System of Delegations for your attention.

No board members is allowed to procure any services. Even if we procured the services then I have no explanation why monies were received in the personal bank account of the board member. I have proof thereof.

<p><b>31 Aug 19</b></p>	<p>Our processes include completing financial month end, collation of information which is sent to the accountant and scanning of all hard copies of receipts and or invoices. Note that at the end of the month this was the only transaction with non-compliance. I then requested financial information on said transaction and was told by the compliance officer that I should not report on it.</p>	<p>This immediately concerned me that I could not account for a significant amount of money, but I started the enquiry process to report it.</p>
<p><b>12 Sept 2019</b></p>	<p>I was verbally attacked by the Board member responsible for the function. The attack was unrelated to the successful golf day and centered around me being ill on the golf day and sitting with stakeholders having breakfast, while drinking my tablets, which the Board member saw on the table that morning.</p> <p>I admit that I became upset due to the fact that my disability/illness is now used as a tool to ridicule and humiliate me, by a male board member whose conduct I experience as narcissistic behavior and/or bullying. Said board member ostensibly recruited the compliance officer and one other board members to continuously harass and bully me on a continuous basis. This persists to date.</p> <p>Board meetings and communications are aggressive, name calling is common and allegations of misconduct has been levelled already. I suspended the compliance officer for financial misconduct, interference in the therapeutic processes of mental health patients/clients and threatening of staff. The above-mentioned board members refuse to allow me to proceed with the precautionary suspension and/or the disciplinary matter.</p> <p>I have recordings of board meetings where I am screamed at, humiliated, accused of writing "rubbish" reports, having a personal vendetta, promoting apartheid and references are made to politics and the "DA."</p> <p>This has never happened that politics and personal</p>	<p>The personal attacks and whatsappes followed only after I started enquiring about the missing funds.</p>

	<p>vendettas were mentioned and/or used as a tool to humiliate and ridicule staff and other board members. <b>Clause A15</b> of our Constitution" specifically prescribes that our organization "Has not and will not use its resources directly or indirectly to support, advance or oppose any political party."</p> <p>Cllr Du Toit joined the safehouse and established a direct communication between us and the local authority which advances our work, leads to benefit for victims of violence and we receive support for all our events.</p>	
12 Oct 19	The therapeutic team walked out and suspended services due to interference by the compliance officer and board. The same compliance officer was working with EXCO members in a recruitment drive of clients, which led to a breakdown of therapeutic services and urgent medical intervention for two clients.	We have complete record of all proceedings. Note that this suspension is 100% aligned with our standard practices in the safehouse.
16 Nov 19	<p>We received evidence that the board member had payments done into his bank account. See proof of at least one payment reflected.</p> 	<p>I have recordings of the Board member saying that he is entitled to the money. The criminal matter has been registered with CAS no <b>Stellenbosch 157/11/2019</b>. Hillary Bergstedt has tried to get our Chairperson to withdraw the matter. He refused and the matter is still being investigated.</p>
<p><b>Clause 8.2</b> of our "<b>Constitution</b>" provides that "No portion of the income or property of the Association shall be paid or distributed directly or indirectly to any person (otherwise than in the ordinary course of undertaking any public benefit activity) or to any Management Board Member of the Association, except as : reasonable compensation for services actually rendered to the Association; reimbursement for actual costs or expenses reasonably incurred on behalf of the Association."</p> <p>Be advised that no staff or board members takes money into their bank accounts. This is the first time this has ever happened during my term as CEO. We have all documents hard copy and electronically available to prove that this is not done. Every payment reflected in petty cash and the bank account has a corresponding proof for payment. All payments made is related to our prerogatives in our constitution. I have attached the constitution for your attention.</p> <p>Note that the Board member never denied that he did it. I have received proof that he also received monies for CANSA functions in his bank account. This is however not our practice at the safehouse.</p>		



19 Nov 19	I sent a letter dated the 19th of November 2019 to DSD requesting assistance to resolve this issue. We agreed on more board training and a meeting with the Chairperson. I am also herewith requesting said suggested meeting dates. See a copy of said reports attached.	I sent a letter in an attempt to seek resolution and guidance.
29 Nov 19	We were made aware of charges lodged against Cllr Du Toit. See the complaint attached. I immediately drafted a response, but she said I must hold it back until we are advised by Stellenbosch Municipality Speaker on their response.	<p>The problem with the complaint is that it is factually incorrect.</p> <p>Re allegations of Nepotism</p> <p>Cllr Du Toit did not commit any act of nepotism. We have a closed recruitment process and the Chairperson made the appointment.</p> <p>Re Allegations of Financial misconduct</p> <p>There were no acts of financial misconduct. Cllr Du Toit made several contributions to the safehouse and runs at a loss in the provision of a vehicle. She has been supporting our safehouse financially for years.</p> <p>Re allegations of Abuse of power</p> <p>The law enforcement persons did not remove the member of personnel, so there was no abuse of power.</p> <p>Said law enforcement officials frequent our facility and assist when we are on lockdown.</p> <p>That day a female official visited us to obtain legal advice regarding an abusive male colleague. I have email proof for this. She merely signed as a witness at my request, because they were in the room next door waiting for me.</p> <p>We also have video and photographic footage that this person was not escorted off</p>

		<p>the premises and a recording to prove that Cllr Du Toit merely sat in the office and did not partake in the suspension hearing.</p> <p>Cllr Du Toit was at our premises to see someone from community development regarding the 16 days of activism programme.</p>
<p><b>19 Jan 2019</b></p>	<p>Hillary Bergstedt asked the Board and Chairperson for a meeting regarding misconduct of myself. She attached proof thereof. I asked her to write a report and offered to send it to the Department for investigation. I also advise that I would be sending it to the auditors for investigation. I am sending her details for your office to also contact her on 0769608099.</p> <p>I have cut and paste said allegations:</p> <p>"Voorsitter en mede raadslede. Na vele versoeke en pleidooie op die groep, vanaf myself vir n vergadering, blyk dit asof die voorsitter hom nie steur aan die erns van die saak. Alhoewel ek die versoek op die groep gesit het, het ek dit ook privaat op whatsapp versoek vanaf voorsitter. Ek kom agter dat dit gelees word maar geen reply. Daaromhalwe plaas ek n paar dokumente van Liezl se submission op die groep waar daar uitgewys word hoe die board mistel word. Daar was verslag by Faghrie se huis gedoen dat privaat skool net 1keer deur safehouse betaal was. Die dokumente bewys die teendeel. Derduisende rande in petrol claims vir leerder na en vanaf skool. Training ook derduisende Rande was spandeer op training vir die vlg mense, Rozette, Alice, Shireen, Bronwin, Charlene en Orlando. Raai wie het betaling vir training geteken. Hoekom was die volle board nie in kennis gestel nie en wie het alleen mandaat gebruik. Dan wil ek nie eens begin met dokumentasie van golf dag nie. Al die dokumentasie laat my weer wonder oor eindlike redes hoekom boardmembers nie by die safehouse mag kom nie want ek wag nog steeds vir die klag wat Alice na Departement toe gestuur het. Ek lees ook Alice se laaste concern oor die kliente. As dit so is, hoekom training laat aanbied wat net 1 klient benefit. Lede indien ons nie binne 24 uur vergader nie laat u my geen ander keuse as om al 66 bladsye aan die Departement te gee en n klag van mismanagement te maak nie."</p>	<p>My response to the allegations can be summarized as follows:</p> <p>I agree that private school fees had been paid. I agree that I applied to all public schools and have proof that my applications were all rejected. I sent requests to the Minister of Education. They responded saying that they would intervene and never did.</p> <p>I have reported said expenses and concerns to DSD and the Minister during strategic session with the WSM. In an attempt to recoup said expense the child's mother has been assisting with administration and fundraising. To date she has assisted in raising more than R30 000 towards the safehouse and she has been earmarked for our research in trauma informed care and second phase housing.</p> <p>There is also a compliant regarding training expenditure. We did it to ensure our accreditation to write and provide training on gender-based violence. Please find attached a copy of the curriculum we have developed. The purpose is to reach more clients on an outpatient basis. We have several funding applications to promote this curriculum, developed by myself and Elsa.</p>

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Note that our concern is not regarding the expenses. Our concern is that the Board member published information about a minor victim on the whatsapp group of the Board. We have never published information on victims in the board. Individual cases are never discussed, identities are always redacted and this compliance i.t.o. POPPI has been breached.

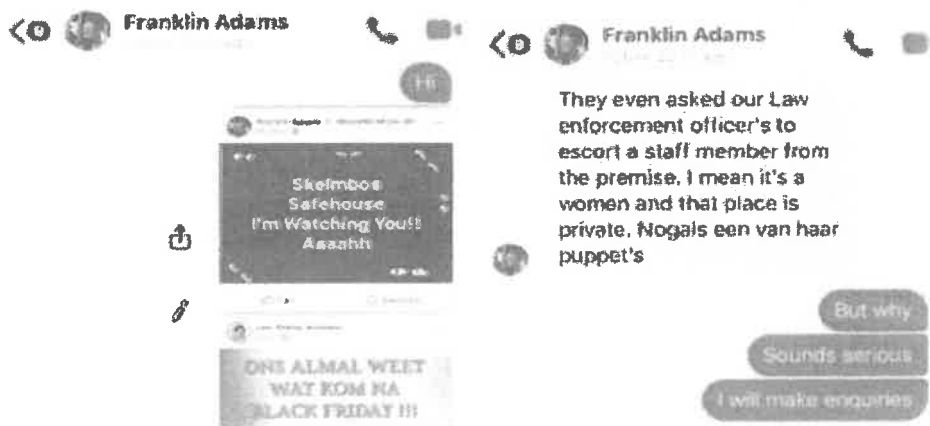
See attached the gender-based violence curriculum we developed. Also be advised that this expenditure was discussed with the Board and is aligned with the training components in our Constitution.

## GENDER BASED VIOLENCE TRAINING

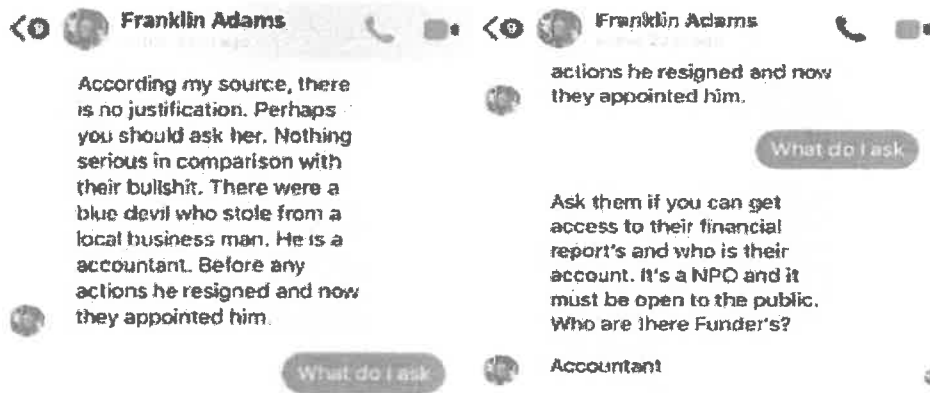
<p><b>TOPIC 1</b> UNDERSTANDING GENDER BASED VIOLENCE</p> <ul style="list-style-type: none"> <li>Understanding gender based violence</li> <li>Cycle of violence</li> <li>Dealing with gifts and signs of gender based violence</li> </ul>	<p><b>TOPIC 2</b> GENDER EQUALITY</p> <ul style="list-style-type: none"> <li>ACE's Survivor Empowerment Support Group</li> <li>Resilience</li> <li>Winnipeg's approach</li> <li>Trauma sensitive approach</li> </ul>	<p><b>TOPIC 3</b> PROCESSES OF HEALING</p> <ul style="list-style-type: none"> <li>Self awareness</li> <li>Empowerment through</li> <li>Music</li> <li>Self help</li> <li>Safety plan</li> <li>Emotional relief</li> </ul>	<p><b>TOPIC 4</b> SUPPORT AND RECOVERY</p> <ul style="list-style-type: none"> <li>Understanding addiction</li> <li>Recovery process</li> <li>Early recovery</li> <li>Relapse prevention</li> <li>Drug testing</li> </ul>
<p><b>TOPIC 5</b> PROTECTION</p> <ul style="list-style-type: none"> <li>How protection of order</li> <li>Understanding my role</li> <li>PROTECTING SKILLS (workshop with 10th floor community approach)</li> </ul>	<p><b>TOPIC 6</b> PROTECTING THE LAW</p> <ul style="list-style-type: none"> <li>What is gender based violence in terms of law</li> <li>International protection</li> <li>South African protection</li> <li>How to use Section 18</li> <li>How to use Section 2</li> </ul>	<p><b>TOPIC 7</b> GENDER BASED VIOLENCE PREVENTION</p> <ul style="list-style-type: none"> <li>Professional behaviour</li> <li>Trust</li> <li>Communication skills</li> <li>Conflict management skills</li> </ul>	<p><b>TOPIC 8</b> PROTECTING AND PREVENTING</p> <ul style="list-style-type: none"> <li>CPA</li> <li>How to use and track reports</li> <li>Insurance</li> <li>How to use reporting techniques</li> <li>How to use law</li> </ul>



Lastly, be advised that we are now being attacked in public by politicians who I know are personally associated with both Fachrie Patel and Hillary Bergstedt. He is a person called Franklin Adams who serves on the Stellenbosch Local Council. Please see his facebook posts and communications.



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We are a non-political organization and do not engage with this councilor. He however has a smear campaign against us. Our staff are being attacked by stakeholders in public for working at the safehouse.

This document reflects my version and interpretation of events. As advised above you should feel free to contact the other board members to verify and investigate allegations. Elsa and all other staff has also indicated their willingness to testify and provide evidence in any investigation.

Be advised that we will answer all enquiries, and be willing to make all documents available for investigation at your request.

If you have any other enquiries please contact me.

Yours sincerely

Alice Wilton  
CEO  
Safehouse Stellenbosch

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**ANNEXURES**

Annexure A Constitution

Annexure B System of Delegations

Annexure C Complaint against Cllr Du toit

Annexure D Hillary Bergstedt supporting documents regarding my maladministration.

Annexure E Report to our Board and Department of Social Development Services



**Safe House**  
STELLENBOSCH

CONSTITUTION FOR L'ABRIE DE DIEU SAFE HOUSE  
STELLENBOSCH  
NPO REG NO 050482

Amendment	Date of revision
1st amendment	10 September 2015
2nd amendment	19 April 2018
3 <sup>rd</sup> amendment	28 March 2019

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NPO no: 050482 | Section 18A tax no: 930025698

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9. MEETINGS
10. FINANCIAL MATTERS
11. AMENDMENTS TO THE CONSTITUTION
12. DISSOLUTION
13. DISPUTES
14. ADDITIONAL POWERS OF THE BOARD COMMITTEE

**Schedule A:** Requirements of the Commissioner for the South African Revenue Service.

**Schedule B:** General, Administrative and Investment Powers for Exemption from taxes and duties.



## Safe House

STELLENBOSCH

1. **NAME**
- The name of the Association is "L'Abrie de Dieu", trading as L'Abrie de Dieu Safe House Stellenbosch, hereafter referred to as the Association, registered in terms of the Act 71 of 1997 as a Non-Profit Organisation.
2. **BACKGROUND:**
- The organisation was established in 2006 as a response to the high levels of violence against house and shelter was recognised and this organisation strives to provide such a place. Violence against women and children has become endemic in South African society.
- L'Abrie de Dieu Safe House Stellenbosch attempts to counteract this scourge that seems to pervade our society and rob people of their dignity.
- We feel that it is the primary responsibility and duty of a civilized society to protect their vulnerable citizens against abuse.
- In 2009, we extended our vision to include victims of human trafficking. Due to the dangerous nature of the crime, we decided to not make it known in public that we assist trafficked victims.
- L'Abrie De Dieu has assessed our capacity to meet the 2030 UN Womens goals for sustainable development and will thus embark on extending our mandate, included herein.
3. **LEGAL PERSONAULTY**
- This association is a voluntary association in the form of a corporate body having perpetual succession and the power to own and hold property in its own name, as well as power to sue and be sued in its own name. All rights and duties are vested in the association. The association will comply with statutes of the Republic of South Africa regarding its legal status and the terms of reference in the Non-profit Organisation Act 71 of 1997 (as amended) and the Companies' Act of 2008.
4. **AREA OF OPERATION**
- 4.1 The organisation will endeavour to provide a shelter and protection to women and their children, suffering domestic abuse in the Greater Stellenbosch Municipal District. Our prerogative is however not only limited to said area of operation.
- 4.2 Furthermore, the organisation will endeavour to provide a shelter and protection to trafficked victims (excluding boys over the age of 10 years).
- 4.3 We will consider referrals from other recognised social organisations. We will liaise and network with community organisations, churches, service providers and role players within the local community context. These activities, initiatives and processes will purposefully serve the broader goal of fostering healthy communities within which the project is located.
5. **VISION**
- Restoring dignity through social justice projects.
6. **MISSION**
- L'Abrie de Dieu Safe House Stellenbosch will work towards restoring the dignity of all victims referred to us by implementing the following strategic goals:
- 6.1 Facilitate a rehabilitation process to both mother and child from a hospitable and loving perspective based on biblical principles, methods and teachings. Ensuring they know that they can believe and follow the religion of their own choice, in accordance with our Charter of Services.
- 6.2 Create awareness and educate communities that it is the primary responsibility and duty of a civilized society to protect their vulnerable citizens (women and children) against abuse and violence.
- 6.3 Create awareness and educate communities on a provincial level about the dangers of human trafficking, sexual abuse, prostitution and pornography.
- 6.4 Empower, equip and encourage communities by providing resources and on-going support for them to safeguard their communities.
- 6.5 Create an environment where women and children can be protected and heal from abuse.
- 6.6 Create an environment where women and children trapped in Human Trafficking can

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be protected and safe whilst receiving therapy and recuperating from their horrific experiences;

- 6.7 Ensuring that victims and their children recuperate from their trauma by offering a wide-ranging holistic restorative program (Therapeutic Intervention and Cognitive Behavioural Therapy);
- 6.8 Ensuring that the victims experience a comprehensive healing process which includes the development and improvement of their abilities "body, soul and spirit";
- 6.9 Equipping victims with knowledge and information by providing Skills Training and upliftment for them to improve their quality of life and be re-integrated as self-sufficient women into their community;
- 6.10 Inspiring and empowering disadvantaged young women with little or no formal education by equipping them with the necessary life skills that they need to uplift themselves from abusive and impoverished circumstances and find employment;
- 6.11 Developing and entitling unemployed women with life, technical and career oriented skills (preparation to be equipped for employment);
- 6.12 Assisting and securing employment and negotiating sustainable earnings for the victims in our care to live independently from their abusers;
- 6.13 Life skills should be promoting a holistic and healthy individual in order to prevent the destruction of a family unit by creating awareness of sustainable living and endorsing skills that promotes self-efficiency in generating an income;
- 6.14 Empower them to access organisations providing further education and training for them to improve their qualifications and competence, enhancing their CV's and be able to apply for jobs formerly unqualified for. This will re-establish them as independent women into society;
- 6.15 Arrange for further services to be rendered in terms of their requirements, for instance: legal, psychological and spiritual counselling in order to reclaim ownership of their own lives;
- 6.16 Accommodate and support all victims that qualify and are accepted in our care with compassion, regardless of HIV/AIDS status, race, religion, or age;
- 6.17 Arrange that residents in need of medical assistance be provided with the required medical help;
- 6.18 Provide trained and qualified staff to manage the goals set;

6.19 Create awareness among the Boland/ Winelands community (including farms, informal settlements and surrounding rural communities) and encourage them to become involved in the assistance and upliftment of those requiring assistance;

6.20 Procure the necessary funds by way of donations and sponsorships to finance the activities of the Safe House;

6.21 Co-operate with institutions for men with similar aims, for the purpose of reconciliation and the re-establishment of the family unit;

**6.22 To create sustainable upliftment and support by referring them to suitable support organisations after exiting the Safe House;**

6.23 Confirming that the social dimension of the project which includes the empowerment and rehabilitation approach of neglected and abused women and their children, stay in line with international initiatives aimed at reducing inequality and the empowerment of women (2030 UN Women Sustainable Development Goals);

6.24 To provide necessary legal guidance as required by victims and residents alike;

**6.25 To ensure that social justice projects including entrepreneurial projects are initiated to ensure that women will be able to access mainstream economy.**

## 7. OUR VALUES

7.1 L'Abrie de Dieu Safe House exist to address a social need or to advance a purpose in the public interest. Resources are optimized to ensure that the public interest is addressed;

7.2 As such L'Abrie de Dieu Safe House is barred from pursuing individual self-interest or private profit, and must apply all their resources to advance a purpose or public benefit;

7.3 Financial Principles L'Abrie de Dieu Safe House Stellenbosch adheres to;

### FIDELITY OF PURPOSE

7.4 For an NPO to be committing to the principle of fidelity, or loyalty, to purpose means that all its resources, energies and activities must be devoted to promoting its public benefit purpose and not to some personal or private objective;

### CONSISTENCY

7.5 The financial policies and systems of L'Abrie de Dieu Safe House Stellenbosch must be consistent over time. This promotes efficient operations and transparency, especially in financial reporting;

### ACCOUNTABILITY

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7.6. L'Abri de Dieu Safe House Stellenbosch must explain how it has used its resources and what it has achieved as a result to all stakeholders, including beneficiaries. All stakeholders have the right to know how their funds and authority have been used. Complete performance management will be implemented.

#### TRANSPARENCY

7.7. L'Abri de Dieu Safe House Stellenbosch will be open about its work, making information about its activities and plans available to relevant stakeholders. This includes preparing accurate, complete and timely financial reports and making them accessible to stakeholders, including beneficiaries.

#### VIABILITY

7.8. To be financially viable, an organisation's expenditure must be kept in balance with incoming funds, both at the operational and the strategic level. The Board should prepare a financing strategy to show how the NGO will meet all of its financial obligations and deliver its strategic plan.

#### INTEGRITY

7.9. On a personal level, individuals in the NGO will operate with honesty and propriety. The integrity of financial records and reports is dependent on accuracy and completeness of financial reports.

#### STEWARDSHIP

7.10. L'Abri de Dieu Safe House Stellenbosch will take good care of the financial resources it is entrusted with and make sure that they are used for the purpose intended – this is known as financial stewardship. The Board has overall responsibility for this, in practice, managers achieve good financial stewardship through careful strategic planning, assessing financial risks and setting up appropriate systems and controls.

#### ACCOUNTING STANDARDS

7.11. The system for keeping financial records and documentation will observe internationally accepted accounting standards and principles. Any accountant from anywhere around the world should be able to understand the organisation's system for keeping financial records.

#### CONFLICTS OF INTEREST AND SELF-DEALING

7.12. The Companies Act provides that in the event of a conflict of interest, unless the affected person, must disclose the interest and its general nature before the matter is considered at the meeting, along with any material information relating to the matter, that is known to the director.

7.13. If a person with the conflict of interest is present at the meeting, he/she must leave the meeting immediately after making any disclosure contemplated and must not take part in the consideration of the matter and assist the person with the conflict of interest must not execute any document on behalf of the company in relation to the matter, unless specifically requested or directed to do so by the Board.

#### EQUALITY AND NON-DISCRIMINATION

7.14. In terms of the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, it is the responsibility of a board to take proactive steps to prevent unfairness in the conduct of the affairs of an organisation. In particular, a board must be vigilant in preventing unfair discrimination based on grounds of race, gender, or one of the other prohibited grounds referred to in the Act. A board must also promote a principle of fairness in its relationships with other organisations; and in its programmes and activities – including its selection of beneficiaries, and the principle of equal access to its services and support.

#### DEMOCRACY AND EMPOWERMENT

7.15. In its dealings with beneficiaries and communities, a similar value and principle should be encouraged by the organisation, in recognition of the need for involving consultation and empowerment. Beneficiaries should be shown respect and given the opportunity to evaluate and to praise or, if necessary, criticise, the quality of products and services received. The dignity, value, and empowerment of each individual person should be the hallmark of relationships.

#### INDEPENDENCE AND IMPARTIALITY

7.16. A fundamental value that needs to be observed by L'Abri De Dieu safe house, is that of independence and impartiality. A public benefit purpose implies that all eligible beneficiaries must be treated equally and fairly, without special favour or prejudice. Where it is necessary because of limited resources to choose between particular individuals or communities, the goals for choice must be such as to avoid the reality – or the possibility – of unfair discrimination. This is particularly important where members of the Board – or senior executives – are identified with one beneficiary group rather than another.

#### 8. NON-PROFIT DISTRIBUTING CHARACTER

8.1. The income and property of the Association shall be used solely for the promotion of its stated objectives. The Management Board and office bearers shall have no rights to the property or other assets of the Association solely by virtue of them being Management Board or office bearers.

8.2. No portion of the income or property of the Association shall be paid or distributed directly or indirectly to any person (otherwise than in the

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ordinary course of undertaking any public benefit activity) or to any Management Board Member of the Association, except as: reasonable compensation for services actually rendered to the Association; reimbursement for actual costs or expenses reasonably incurred on behalf of the Association.

8.3. Upon the dissolution of the Association, after all debts and commitments have been paid, any remaining assets shall not be paid to or distributed amongst Management Board members or office bearers, but shall be:

8.4. Transferred by donation to some other non-profit organisation which the Management Board (and failing which any division of the High Court) considers appropriate and which has the same objectives or similar to the objectives of the Association, or

8.5. A similar public benefit organisation which has been approved in terms of section 30 of the Income Tax Act, or any institution, board or body which is exempt from tax under the provisions of section 10(1)(cA), which has as its sole or principal object the carrying on of any public benefit activity, or

8.6. Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b),

8.7. The Association has obtained exemption from the Commissioner for the South African Revenue Service exemption from appropriate taxes and duties, in compliance with the provisions of the Income Tax Act, the provisions set out in the attached Schedule A shall bind the Association and qualify this Constitution.

## 9. GOVERNING STRUCTURE AND MECHANISM OF GOVERNANCE

### 9.1. MANAGEMENT BOARD

The affairs of the Association shall be conducted and managed by a Management Board similar to that of a Board of Directors, in accordance with the appropriate laws and regulations, subject to the terms of the constitution and to the resolutions of the Annual General Meeting. The management board shall be elected at the Annual General Meeting.

The operational management of the Association organisation will be managed by a House Committee consisting of the Chairman of the Management Board as Chairman, the Chief Executive Officer and the Treasurer of the Board, with the Office Manager as the Secretary of the House Committee.

Although the Board is ultimately responsible for the governance of an L'Abrie De Dieu Saterhouse, this responsibility is carried into effect by management with the support of employees, volunteers, donors and others involved with its operations. The Board must hold management accountable for the

practical implementation of its responsibilities, and for ensuring the effective use of available resources; adhering to strategic objectives; prioritising needs, and maintaining budgetary discipline. The Board must also affirm core values; set attainable standards; provide strategic direction; monitor actual performance; and ensure responsible allocation of its available resources. However, a Board should never take over the responsibilities of management for the day-to-day operations, and implementation of work plans.

The House Committee will meet on a monthly basis or as and when it is required to attend to urgent matters.

### COMPOSITION OF THE MANAGEMENT BOARD

9.1.1. The Management Board shall consist of a Chairperson, Vice-chairperson, Secretary, Treasurer, CEO and at least 2 additional members elected by the AGM.

9.1.2. All board members are state that the organisation's income and property are not distributable to its members or office-bearers, except as reasonable compensation for services rendered.<sup>1</sup>

9.1.3. Members of the Management Board shall be elected at an inaugural meeting and shall hold office for a period of two years. The members of the first Management Board shall be elected at the General Meeting at which this Constitution is adopted, and shall hold office for two years after which their term of office shall expire. At the Annual General Meeting after the two year period, a new Management Board shall be elected which shall hold office for two years. Thereafter, a new Management Board shall be elected bi-annually.

9.1.4. Current Management Board members shall be eligible for re-election or cooption.

9.1.5. If Sub-Boards are formed, such sub-Boards should have representation on the management board.

9.1.6. A member of the management board may vacate his/her office:

9.1.6.1. By submitting a letter of resignation serving 31 days' notice;

9.1.6.2. If the member becomes unfit/disqualified in terms of legislation;

9.1.6.3. If the member is removed by the Management Board and condoned by a two third majority at a general meeting. The Management Board shall be required to furnish reasons for its decision regarding the removal of the member to the general meeting.

<sup>1</sup> Section 12(2)(c) of the Non Profit Organisations Act 1997 (act 71 of 1997)

**POWERS OF THE MANAGEMENT BOARD**

9.2. The Management Board shall conduct the affairs of the Association congruent with the aims and objectives of the Constitution and shall have power to do any such acts as may be deemed necessary or expedient to attaining the objectives of the Association, and shall be empowered:

9.2.1 To set up sub-Boards of whatever nature, consisting of any person, and determine their powers. The Sub-Boards and/or committees that could be established include committees for audit, finance, social and ethics, fundraising, human resources and risk or a combination of some of these.

9.2.2 To publicize the Association and its aims by way of advertisement, brochures, public meetings or other functions.

9.2.3 To open a bank account in the name of the Association.

9.2.4 To conduct the financial transactions of the Association by means of a banking account.

9.2.5 To accept and receive from institutions and persons contributions, donations and bequests or whatsoever, and upon such conditions (if any) as the contributor, donor or testator may direct, provided that no such contribution, donation or bequest shall be accepted upon terms or conditions which shall be in any way in conflict with the objectives of the Association.

9.2.6 To utilize any property or income in the furtherance of its aims and objectives and is prohibited from transferring any portion thereof, directly or indirectly in any manner whatsoever so as to profit any person other than by way of payment in good faith remuneration to any officer or employee of the Association for any service rendered to the Association.

9.2.7 To fill any casual vacancy or vacancies on the Management Board.

9.2.8 To maintain full control over funds.

9.2.9 To bring or defend any actions or other legal proceedings in any court of law, or to refer to arbitration, or join or to accept any settlement absolute or conditional.

9.2.10 To require of any Management Board member to show good cause why such member was absent from two meetings without apologies failing such good cause shown to expel such member

9.2.11 To appoint, mandate, terminate, discipline and hold accountable any employee appointed by the executive management. Processes applicable will be included in the relevant Standard Operating procedures of the L'Abrie de Dieu Safe House.

9.2.12 To contract service providers to fulfil designated services and responsibilities in the project.

**DUTIES OF MANAGEMENT BOARD**

9.3. The Management Board shall:

9.3.1 Keep minutes of the meetings of the Management Board in which shall be recorded the names of the members of the board attending such meetings.

9.3.2 Forthwith deposit to the credit of the Association into an account, all monies, including the proceeds from anything that can be exchanged for or converted into money, received by it.

9.3.3 Keep such books of accounts as will accurately reflect the financial activities of the Association, including particulars of all property acquired and disposed of.

9.3.4 Prepare balance sheet and income and expenditure statements for certification by accounting officers.

9.3.5 Furnish the Director of Non-profit Associations with the prescribed Annual Returns within the period of six months after the close of the Associations Financial Year.

9.3.6 Ensure that not less than two persons duly authorised thereto by the Managing Board sign all cheques drawn or electronic transfers made on the Association.

**MEETINGS OF THE MANAGEMENT BOARD****9.4. Management Board Meetings**

9.4.1 The Management Board shall meet at such times, dates and at such places, as the Board shall decide. The Management Board will meet on a minimum every three months (once a quarter).

9.4.2 A simple majority (50% + 1) of the serving members of the Management Board shall constitute a quorum.

9.4.3 The chairperson of the association shall preside at meetings, in the event of the chairperson being absent the vice-chairperson or any of the board members elected shall perform the chairperson function.

**9.5 General and Special Meetings**

9.5.1 General meetings shall be held on a regular basis as the need arise.

9.5.2 The Management Board shall call a Special General Meeting at any time, upon written request by a majority decision of the Management Board.

9.5.3 Not less than 14 days' notice shall be given of any Special General Meeting, by written notice posted to the addresses of

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Alternatively, each of the parties shall be entitled to nominate one arbitrator, who shall act jointly with a third person to be nominated jointly by the respective nominees of the parties; on the basis that majority decision of the appointed arbitrators shall be final and binding.

13.5 The arbitrator/s shall have the power to determine the procedure to be adopted subject to principles of natural justice.

13.6 The arbitrator/s may base her/his award not only upon the applicable law but also upon the principles of equity and fairness.

13.7 The person(s) declaring the dispute and the Management Board, beforehand, may agree to share the costs of the arbitration. In the absence of such agreement the arbitrator shall decide which parties shall be liable for the costs.

13.8 The decision of the arbitrator shall be binding upon all parties and capable of being made an Order of Court on application by any of the parties.

**14. ADDITIONAL POWERS OF THE BOARD COMMITTEE**

14.1 The Management Board may from time to time co-opt any person who by reason of his/her specialized knowledge or skill, shall be of assistance to the association.

14.2 The provision that of such co-optation shall be, i.e. either for a specific/specified purpose or project, and such person/s will act purely in an advisory capacity.

This constitution was approved and accepted by members of L'Abrie de Dieu Safe House Stellenbosch

Signed at the Annual General Meeting

.....  
**GORDON REID  
CHAIRPERSON**

.....  
19/4/2019  
DATE

Signed at the Annual General Meeting

.....  
**ROZETTE DU TOIT  
SECRETARY**

.....  
19/4/2019  
DATE

**SCHEDULE A  
REQUIREMENTS OF THE COMMISSIONER FOR THE SOUTH  
AFRICAN REVENUE SERVICE FOR EXEMPTION FROM TAXES  
AND DUTIES**

1. As provided for in Clause 5.3 of this Constitution, the Association intends to apply to the Receiver of Revenue for the exemption from appropriate taxes and duties, in compliance with the anticipated requirements of the Commissioner in respect of such exemption, the following provisions shall bind the Association:

In the case of a PBO seeking an exemption from income and other related taxes only, in terms of sections 10(1)(cN) of the Income Tax Act, as amended:

Carry out all its public benefit activities (or substantially the whole thereof) in the Republic, unless the Minister of Finance ("the Minister"), having regard to the circumstances of the case, directs otherwise.

or

in the case of a PBO seeking a section 10(1)(cN) exemption from income and other related taxes and donor deductible status in terms of sections 10(1)(cN) and 18A, respectively, of the Income Tax Act, as amended:

Carry on its public benefit activities in the Republic.

2. Only in the case of a PBO which provides funds solely to any income tax exempt PBO seeking a section 10(1)(cN) exemption from income and other related taxes only and section 18A donor deductible status, as describe in section 18A(1)(b) of the Income Tax Act, is amended.

During the year of assessment preceding the year of assessment during which the donation is received, distribute or incur the obligation to so distribute at least 75% of the funds received. Provided that the Minister may on good cause shown and subject to such conditions as he or she may determine, either generally or in a particular instance, waive, defer or reduce the obligation to distribute at least 75% of its funds having regard to the public interest and the purpose for which the relevant organisation wishes to accumulate those funds.

3. Carry on its public benefit activities in a non-profit manner.

4. Comply with such conditions, if any, as the Minister may prescribe by way of regulation to ensure that the activities and resources of the organisation are directed in the furtherance of its objects.

5. Submit to the Commissioner a copy of and a copy of any amendment to the Constitution, Will or other written instrument under which it has been established.

6. Be required to have at least three persons, who are not connected persons in relation to each other, to accept the fiduciary responsibility of the organization and no other single person directly or indirectly controls the decision-making powers relation to that organisation; Provided that the provisions of this subparagraph shall not apply in respect of any trust established in terms of a will of any person who died on or before 31 December 2003.

7. In the event of the Association investing funds, invest such funds: with a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act no. 97 of 1990); and/or in securities listed on a stock exchange as defined in section 1 of the Stock Exchange Control Act, 1985 (Act No. 1 of 1985); and/or in such a prudent investments in financial instruments and assets as the Commissioner may determine after consultation with the Executive Officer of the Financial Services Board and the Director of Non-Profit Organisations:

Provided that the provisions of this sub-paragraph do not prohibit any such organisation from retaining any investment (other than any investment in the form of a business undertaking or trading activity or asset which is used in such business undertaking or trading activity) in the form that it was acquired by way of donation, bequest or inheritance.

8. Be prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that the gross income derived from such business undertaking or trading activity does not exceed the greater of:

**fifteen percent (15%) of the gross receipts of such public benefit organisation; or twenty five thousand Rand (R25 000);**

The undertaking or activity is:

integral and directly related to the sole object of such public benefit organisation; and carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and which would not result in unfair competition in relation to taxable entities;

the undertaking or activity, if not integral and directly related to the sole object of such public benefit organisation as contemplated in clause 8.2.1.3 of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation; or the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to:

the scope and benevolent nature of the undertaking or activity;

the direct connection and interrelationship of the undertaking or activity with the sole purpose of the public benefit organisation;

the profitability of the undertaking or activity; and the level of economic distortion that may be caused by the tax-exempt status of the public benefit organisation carrying out the undertaking or activity.

9. Be prohibited from accepting any donation which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A; provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose conditions which could enable such donor or any connected person in

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relation to such donor to derive some direct or indirect benefit for the application of such donation.

10. Ensure that it not knowingly a party to, and does not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy, which but for such transaction, operation or scheme, would have been would have become payable by any person under the Act or any other Act administered by the Commissioner.

11. He has not and will not pay any remuneration as defined in the Fourth Schedule, to any employee, office bearer, member or other person, which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

12. Comply with such reporting requirement as may be determined by the Commissioner.

13. Take reasonable steps to ensure that the funds, which it may provide to any association of persons, as contemplated in section 30(b)(iii) of the Act are utilized for the purpose for which they are provided.

14. Become registered in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No.71 of 1997), within such period as the Commissioner may determine and comply with any other requirements imposed in terms of that Act, unless the Commissioner in consultation with the Director of Non-profit Organisations designated in terms of section 8 of the Act, on good cause shown, otherwise direct.

15. Has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

16. Ensure that any books of account, records or other documents relating to its affairs are; where kept in book form, retained and carefully preserved by any person in control of the organisation, for a period of at least four years after the date of the last entry in any such book;

Or

where not kept in book form, are retained and carefully preserved by any person in control of the organisation, for a period of four years after the completion of the transaction, act or operation to which they relate.

## SCHEDULE B

### GENERAL ADMINISTRATIVE AND INVESTMENT POWERS

1. To employ staff and hire professional and other services.

2. To institute or defend any legal or arbitration proceedings and to settle any claims made by or against the Association.

3. To open and operate accounts with registered banks and building societies.

4. To make and vary investments and re-invest the proceeds of such investments on condition that any investment made by the Association shall be with financial institutions as defined in Schedule A Clause of the above.

5. To accept donations made to the Association and retain them in the form in which they are received, or sell them and re-invest the proceeds.

6. With regard to movable and immovable property and tangible and intangible assets of whatsoever nature; to purchase or acquire property and assets;

to maintain, manage, develop, exchange, lease, sell, or in any way deal with the property and assets of the Association;

to donate and transfer the property and assets of the Association to organisations with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.

7. To borrow and to use the property or assets of the Association as security for borrowing;

8. To guarantee the performance of contracts or obligations of any person on condition that any such person is primarily engaged in activities which further the objectives of the Association.

9. To execute any act or deed in any deeds registry, mining titles or other public office.

10. To work in collaboration with other organisations and to amalgamate with any organisation with the same or similar objectives and the same exemptions from taxes and duties to those of the Association.

11. To exercise all the management and executive powers that is normally vested in the Board of Directors of a Company.

12. To exercise all the powers and authority of the Association not only in the Republic of South Africa but also in any other part of the world.

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L'Abrie de Dieu Safe House

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APPROVED AT BOARD MEETING :

RECOMMENDED BY : [Signature] SECRETARY DATE 19/04/2015

APPROVED BY : [Signature] CHAIRPERSON DATE 19/04/2015

REVISION

Version	Description	Version Date
00	First Draft Issue	5/02/2015
01	Update due to comments from Board Members	5/02/2015

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**Strategy, Plans and Forecasts (approval of)**

	BOARD	IND	Notes
High level strategy plan:	APP		Includes inter alia the following: External and internal environmental audit, strategic vision, financial and strategic objectives, risk management plan, strategy for functional and operational areas (fund raising, finances, administration, resources etc.).
Fund raising plan	APP	REC	<p><b>CEO.</b> This represents the next level of detail in the high level strategic plan, and includes inter alia the following: Projects, participation in fund raising events and conferences.</p> <p>(Reminder that the one key responsibility that all Board members should consider is to Accept responsibility for recruiting donors and volunteers as a board activity to improve and or support the sustainability of the financial income of the organization.)</p> <p><b>CEO and other employees as and when required:</b></p> <p><b>Note:</b> The annual forecast will be treated as a rolling forecast which will be updated monthly with the latest information available, with the purpose to:</p> <ul style="list-style-type: none"> <li>• Ensure financial discipline;</li> <li>• Monitor outcomes;</li> <li>• Ensure financial stability;</li> <li>• Identify financial risk as early as possible</li> </ul> <p>(A fixed annual budget does not cater for any eventualities during a financial year which inevitable forms part of a NPO of this nature and creates unnecessary practical problems for management and staff.)</p>
Annual forecast which includes as a minimum <ul style="list-style-type: none"> <li>• Personnel requirements</li> <li>• Operational expenses</li> <li>• Capital requirements (fixed assets &amp; building alterations)</li> </ul>	APP	REC	

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	BOARD	IND	Notes
Opening of bank accounts	APP	REC	CEO
Appointment of auditors	APP	REC	CEO
Audit fees	APP	REC	CEO
Annual Financial Statements (AFS)	APP	REC	CEO
Creation of new (additional) reserves/provisions	APP	REC	EXCO
Applications of reserves/provisions			
<ul style="list-style-type: none"> <li>▪ For the allocated purpose</li> <li>▪ For other purposes.</li> </ul>	REP	APP	CEO
Decision on ineffectual expenses such as bad debts, etc	REP	APP	CEO

**Capital and equipment**

Tel: +27 21 833 2574 | Email: info@psafelshousterlenbosch.co.za  
 Bank details: L'Abrie de Dieu, ABSA 632005, Current acc: 4069504717  
 NPO no: 050482 | Section 18A tax no: 930025696

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	BOARD	IND	Notes
Capital expenditure and procurement [approval of]			Note: In the case of large building projects or similar capital expenses, once approval has been obtained, progress payments are done as per operational expenses' delegation of authority, element 4.1 above.
<ul style="list-style-type: none"> <li>Up to R5 000 per item,</li> <li>&gt; R5 000, ≤ R25 000 per item,</li> <li>&gt; R25 000 per item</li> </ul>	<ul style="list-style-type: none"> <li>REP</li> <li>APP</li> </ul>	<ul style="list-style-type: none"> <li>APP</li> <li>APP</li> <li>REC</li> </ul>	<ul style="list-style-type: none"> <li>CEO/ EXCO member</li> <li>CEO/ EXCO member</li> <li>EXCO member</li> </ul>
Sale of assets			Note: In all instances a proper record of such sale must be kept on the asset register and properly posted in the accounting system.
<ul style="list-style-type: none"> <li>≤ R500 book value per item,</li> <li>&gt; R500, ≤ R20 000 book value per item,</li> <li>&gt; R20 000</li> </ul>	<ul style="list-style-type: none"> <li>REP</li> <li>APP</li> </ul>	<ul style="list-style-type: none"> <li>APP</li> <li>APP</li> <li>REC</li> </ul>	<ul style="list-style-type: none"> <li>Skills Development Officer</li> <li>EXCO/CEO</li> <li>EXCO/CEO</li> </ul>

Tel: +27 21 883 2574 | Email: info@xofthouse Stellenbosch.co.za  
 Bank details: LAbr/w de Dieu, ABSA 632005, Current acc: 40699604717  
 NPO no: 050482 | Section 18A tax no: 930025698

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**Expenses and operational decisions (approval of)**

	BOARD	IND	Notes
Operational Expenses			
<ul style="list-style-type: none"> <li>• &lt; R5 000 per expense item/order.</li> <li>• ≥ R5 000, &lt; R100 000 per expense item/order.</li> <li>• ≥ R100 000 per expense item/order.</li> </ul>	APP	APP	EXCO member/CEO up to 105% of the forecast element.
<ul style="list-style-type: none"> <li>• 2 R5 000, &lt; R100 000 per expense item/order.</li> <li>• ≥ R100 000 per expense item/order.</li> </ul>	APP	APP	EXCO member /CEO up to 105% of the forecast element.
<ul style="list-style-type: none"> <li>• ≥ R100 000 per expense item/order.</li> </ul>	APP	REC	EXCO
Participation in fund raising events and conferences	APP	REC	CEO/EXCO
<input type="checkbox"/> Forecast or not			
Travelling			Trips and cash advances if applicable must be approved before the trip.
<ul style="list-style-type: none"> <li>• Domestic</li> <li>• International</li> </ul>	APP	APP	CEO
	APP	REC	EXCO/BOARD
Donations, gifts and/or rewards to victims or other individuals			
<ul style="list-style-type: none"> <li>• ≤ R100 per occasion,</li> <li>• &gt; R100, ≤ R1 000 per occasion</li> <li>• &gt; R1 000 per occasion</li> </ul>	REP	APP	CEO
	APP	APP	CEO
	APP	APP	CEO
Appointment of fund raising agents and/or consultants	APP	REC	BOARD.

Tel: +27 21 883 2574 | Email: info@safefirstaid.co.za  
 Bank details: E-Trade de Dieu, ABSA 632005, Current acc: 4069604712  
 NPO no: 050482 | Section 18A tax no: 930025698

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**Personnel (approval of)**

	BOARD	IND.	Notes
Creation of positions and appointment of permanent employees	APP	REC	<b>CEO after approval by Board</b>
Salary adjustments and annual increases for all employees	APP	REC	CEO in consultation with elected Board Members assisting with this process. (A special sub-committee will be elected yearly for this process.)
Yearly Bonuses for employees	APP	REC	CEO after Board approval. <b>Note:</b> Yearly bonuses will be agreed upon in November for pay out in December, and will be subject to the financial situation of the NPO, keeping in mind the forecast for end April the following year.
Rewards to employees: <ul style="list-style-type: none"> <li>• ≤ R500 value per case.</li> <li>• &gt; R500 value per case</li> </ul>	APP	APP REC	CEO within forecast constraints CEO within forecast constraints and proper written motivation
Leave		APP	<b>Finance and HR function delegate (Compliance Officer)/CEO</b> <b>Note:</b> Proper and auditable leave records will be kept and reported monthly to the entity handling the salary account ensuring that the leave balance of each individual will be displayed on the payslips of individuals.
Disciplinary actions, dismissals and acceptance of resignations	APP	REC	CEO. Representative of employees must be involved in all disciplinary actions and/or dismissals.



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**Media and Public Relations (approval of)**

BOARD	IND	Notes
Press announcements and media enquiries and reports on behalf of the NPO	APP CEO	

Tel: +27 21 863 2574 | Email: info@safefirsthousesterlenbosch.co.za  
 Bank details: L'Abrije de Dieu, ABSA 632005, Current acc: 4069604710  
 NPO no: 050482 | Section 18A tax no: 930025698

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### Signing Authorities

Note: This element refers to the signing of documents and not to the approval of any such item – refer in particular to elements 4 & 5 above.

	BOARD	IND	Notes
Signing of purchase orders and procurement contracts <ul style="list-style-type: none"> <li>▪ ≤ R5 000 per expense item/order,</li> <li>▪ &gt; R5 000 per expense item/order</li> </ul>		APP APP	CEO/EXCO Members CEO/EXCO Members
		APP	EXCO Members
Signing of appointment contract of employees		APP	CEO (with the exception of the CEO's whose contract of appointment is signed by the Chairman of the Board).
Signing of lease contracts (premises, equipment, etc.)		APP	CEO
Signing of Annual Financial Statements		APP	Chairperson of the Board
Signing of statutory documents pertaining to inter alia SARS, Companies Act, Customs and Excise, and other Government Institutions		APP	CEO
Signing of MOU's / Contracts with donors / beneficiaries	REP	APP	CEO
Signing of policy, procedures and official documents <ul style="list-style-type: none"> <li>▪ Delegation of Authority (this document),</li> <li>▪ NPO policies and procedures</li> </ul>	APP		Chairman of the Board.
	REP	APP	Board

Tel: +27 21 883 2574 | Email: info@satehousesteelbosch.co.za  
 Bank details: L'Abrie de Dieu, ABSA 632005, Cur 9nt qcc 4069604712  
 NPO no: 050482 | Section 18A tax no: 930075698



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIFALA • MUNICIPALITY

**OFFICE OF THE SPEAKER**

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**29 November 2019**

**To:** Councillor R. Du Toit  
1 Zambezi Flats  
C/O borchard @ Bird Street  
Stellenbosch  
7600

**RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS**

Hi Councillor R. Du Toit

You have alleged breached the Code of Conduct for Councilors in terms of Item 13 in that:

- You in your position as Councillor did not declare all your income to the Stellenbosch municipality
- That you abuse your power to instruct two Municipal Law Enforcement Officials to escorted the complainant from the building she was at work at.
- That you instructed Mr Michael Moses your administrator to act as presiding officer at he hearing.

In terms of item 13 of the said Code you are hereby given the oppurtunity to reply, in writng regarding the alledged breach by not later than 16H00 on Friday, 13th December 2019.

Kindly see attached complaint letter my office received regarding this matter

Thanking You

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074

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The Municipal Manager  
Stellenbosch municipality  
Ms. Metter

The Speaker  
Stellenbosch Municipality  
Councillor Jindela

The Speaker  
Cape Winelands District Municipality  
Councillor Meyer

**Formal Complaint against two law enforcement officers and Councillor Du Toit**

I am Liesl Raphoto, coloured female with Id number, 7904270066083

I am a single mother with two children.

I am employed by the safe house as a Compliance Officer.

Complaint

Councillor Rozette Du Toit is a DA member and councillor at Stellenbosch Municipality.

The councillor had to declare all income she received from the safe house to the municipality. The councillor were never able to submit proof that she declare to the municipality the income she received from the safe house.

The councillor made her unlicensed vehicle, Registration number, CA 788170 available to the Safe house to transport patients of the safe house. This is a risk in itself and compromise the safe house and safety of the patients and integrity of the Municipality as she is a public representative.

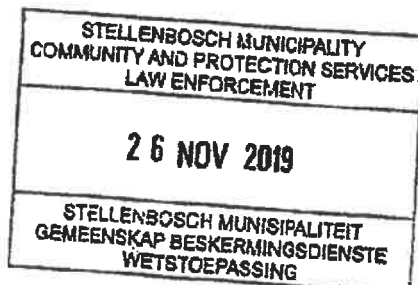
The friend and driver of Councillor Du Toit, Mr. Steven Lottering was appointed by the safe house to do the driving and would get a salary for driving.

Councillor Du Toit would then submit petrol claims and be paid again for the use of the unlicensed vehicle.

Councillor Du Toit brought another DA member, Mr Stephan Louw as the accountant to the Safe house.

The accountant was accused in the general media for corruption of company's books. The media also reported that the councillor was requested to resign as a councillor from Stellenbosch municipality.

Thus the integrity of the safe house and the municipality was compromise again by a public representative, DA Councillor Du Toit.



Received:  
K. Langewald

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Abuse of municipal resources

On 12 November 2019, I was informed by Councilor Du Toit and the CEO of the Safe House (Ms. Alice Wilton) that I was suspended. Two municipal law enforcement officials, Mr. Osric Jurnat and Laurika Williams escorted me from the premises of the safe house. The safe house is a private institution and municipal officials are not allowed to interfere.

In terms of municipal processes, the involvement of the two officials is abuse of municipal resources since they had no authority to escort me off the premises.

I received a notice informing me that my precautionary suspension hearing will be held on Thursday, 14 November 2019 at the ward office of DA councillor Rozette du Toit at Laplan. The presiding officer for this hearing would be Ms. Zeldia Dalling, again a DA councillor. On the day of the hearing Councilor Du Toit's administrative officer, Mr. Moses Michaels was the acting presiding officer during working hours. Again the employment of municipal officials and municipal property were abused.

I intent to inform the Premier of the Western Cape, MEC of local government (Anton Bredell), FEDEX and the Media of this abuse of municipal resources towards vulnerable women by DA councillors and political appointees.

I take note that council will go into recess early in December 2019. I have to apologise for the timing of my complaint but this was unfortunately out of my control. I would appreciate a correspondence on this matter before then. I also take note from Stellenbosch municipality's webpage that a council meeting is scheduled for Wednesday, 27 November 2019. According to the agenda for the above mentioned meeting you will be dealing with misconduct of councillors. I therefore urge you to also deal with my complaint at the above mentioned meeting as an urgent matter as the conduct of Councilor Du Toit have a negative impact on my lively wood as a single mother to two young children. This is especially crucial in this time where we are celebrating 16 days of Activism against abused women and children.

In failing to comply I will have no other alternative than to raise this matter in the media.

Yours sincerely,



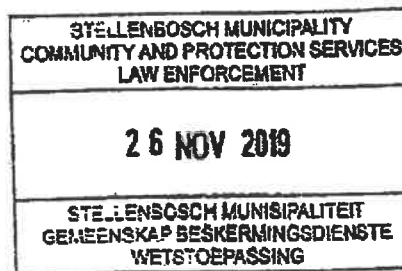
Ms. L. Raphoto

(Compliance officer, Safe House)

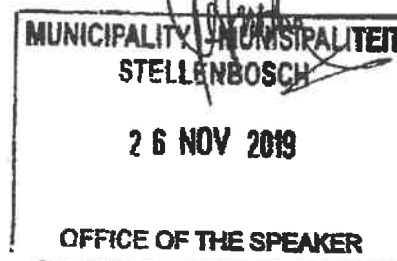
0630032884

lieslraphoto@yahoo.com

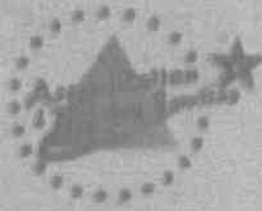
26 November 2019



Received: K. Langweert



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Copy Tax Invoice

VAT No: 400212712  
 PO Box 9879  
 Woodmead  
 2145  
 012 622 550

7 Van Staden Street  
 Germiston  
 0197

*Accreditation and Training*  
 Number: 21/04/2019  
 Date: 21/04/2019  
 Page: 1/1  
 Reference:  
 Value Added:  
 Date Issued: 20/09/2019  
 General Enquiries To: 011 400 0000

L'Afrique de l'Est et du Centre  
 Customer VAT No:

Description	Quantity	Unit Price	Excl. %	VAT %	Exclusive Total	Inclusive Total
CCRTOP 8020 - Member's Course - LB 113750 7 - 11 OCT 2019 (A) 507 RAZWYTS TRAINING DI CAPS TOWN	1	R 4 200.00	0.00%	15.00%	R 4 200.00	R 4 200.00

BANK DETAILS: FRIB Accreditation and Training Account 8055015120 Branch  
 202145 Sand FROZAJJ

Total Standard	R 0.00
Total Exclusive	R 4 200.00
Total VAT	R 630.00
Sub Total	R 4 200.00
Total	R 4 200.00

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## Annexure 19



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Date:	Transaction Description	Amount	Balance
2019-10-03	IBANK PAYMENT TO ABSA BANK Wilson Dr Violman	-350.00	62,795
2019-10-03	IBANK PAYMENT TO ABSA BANK SARISEF 0058524567	-8,874.98	53,920
2019-10-03	CHEQUE ENCASHMENT STELLENBOS( 101.00 ) CHEQUE AMOUNT - 2 000.00	0.96	53,921
2019-10-03	IBANK PAYMENT TO ABSA BANK Private School	-3,300.00	49,621
2019-10-03	IBANK TRANSFER 92-0347-8904 ABSA BANK solms delta wine est	2,100.00	51,721
2019-10-03	ACB CREDIT INVESTCPBT J. Fick	14,800.00	66,521
2019-10-04	IBANK PAYMENT TO ABSA BANK Liesel petrol	-1,837.10	64,684
2019-10-04	CHEQUE 180 ( - 150.00 ) (EFFEC 03102019)	-2,000.00	62,684
2019-10-05	ACB CREDIT HELENA OLIVIER	185.00	63,069
2019-10-07	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	62,070
2019-10-07	IBANK PAYMENT TO ABSA BANK Liesel petrol	-1,540.20	60,529
2019-10-08	ACB CREDIT MERCH/SERV (EFFEC 06102019) ABSA CARD 02480952 003 DD	90.00	60,620
2019-10-08	IBANK PAYMENT TO ABSA BANK Warboys petrol	-1,254.60	59,365
2019-10-08	IBANK PAYMENT TO ABSA BANK ABC Security	-1,040.00	58,325
2019-10-08	IBANK PAYMENT TO ABSA BANK santon petrol	-1,331.00	56,994
2019-10-08	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,277.00	55,717
2019-10-08	IBANK PAYMENT TO ABSA BANK santon reimburse	-99.99	55,617
2019-10-09	IBANK PAYMENT TO ABSA BANK Accredited Training	-4,250.00	51,367
2019-10-11	ATM PAYMENT FR ZEVENWACHT CARD NO. 0145 ABSA BANK MARLIN PETERSEN	50.00	51,417
2019-10-11	CARDLESS CASH DEP VINEYARD C( 14.00 ) DEPOSIT NO - Rebecca donation CONTACT: 0838851530	300.00	51,717
2019-10-14	IBANK PAYMENT TO ABSA BANK Basil-Travel claim	-999.60	50,718
2019-10-14	IBANK PAYMENT TO ABSA BANK Warboys petrol	-989.40	49,729

Annexure 25

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09/04/2011



Safe House

PAYMENT REQUISITION FORM

RECIPIENT:  
REQUESTED BY:  
MANAGEMENT AUTHORITY:  
PAYMENT PROVIDED BY:  
Details of payment:

Accommodation for my  
mother  
EFF  
Mother's Car  
Kosene Dr. Tol  
R4250.00

Payment method:

- EFF
- Petty cash
- Cheque
- Expense claim

Receipt/Voucher date:  
Payment date:

Particulars:

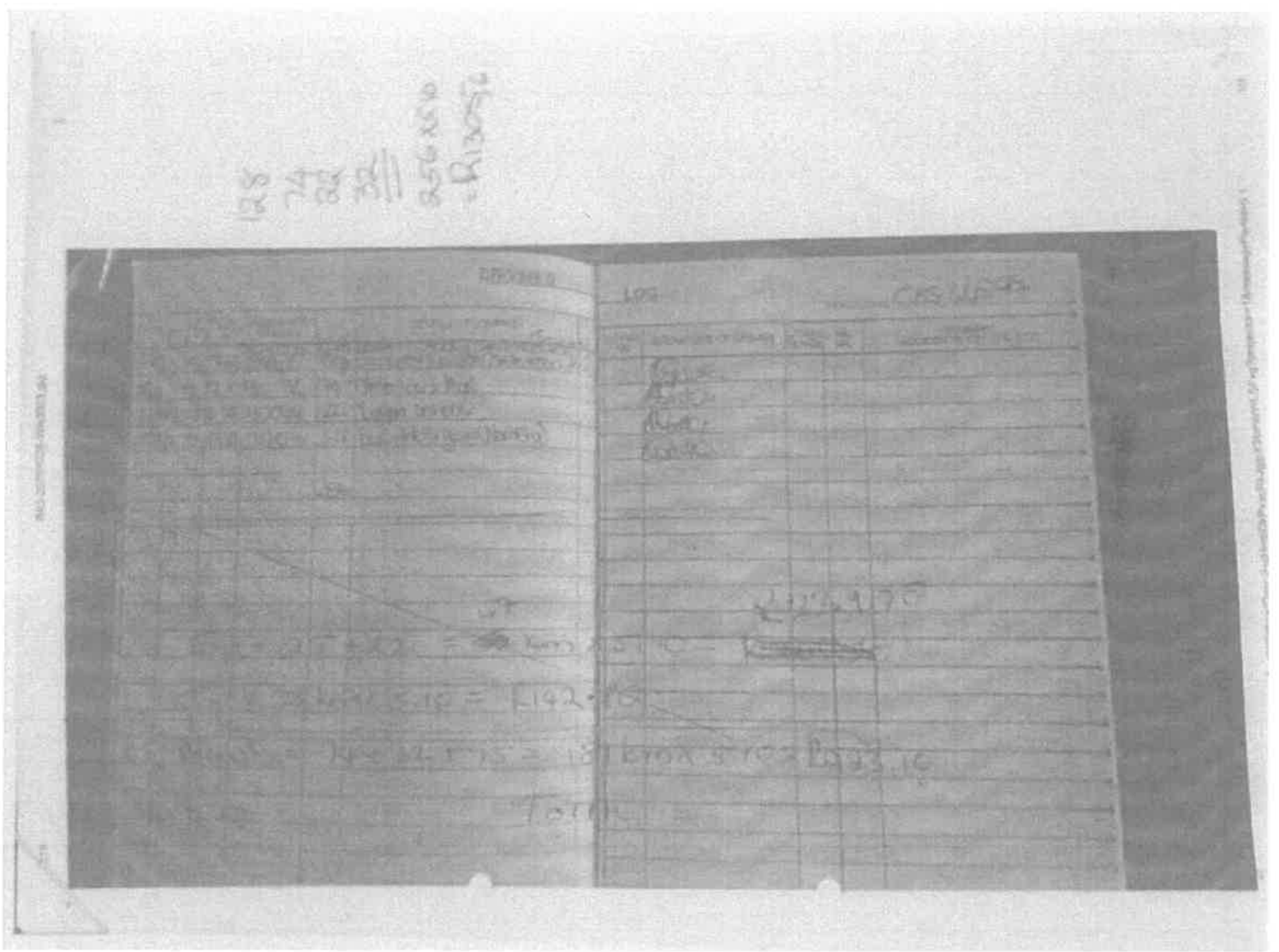
- Victim empowerment
- Victim entertainment
- Victim Support
- Victim Care
- Specialist Care
- Printing & Stationery
- Incomes
- Medical
- Other

Training  
R4250.00

1/1



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Annexure 10



Tax Invoice

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VAT No:  
 Simond Private School  
 R45  
 Simondium

Privatsskool Simond  
 Number: 81V5002875  
 Date: 30/07/2019  
 Page: 1/1  
 Reference: Registration Fee  
 Sales Rep:  
 Due Date: 06/08/2019  
 Overall Discount %: 0.00%

Andrew Logan Sarah  
 Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1R2019 - Registration fee 2019	1	R 3,500.00	0.00%	0.00%	R 3,500.00	R 3,500.00

Total Discount: R 0.00  
 Total Exclusive: R 3,500.00  
 Total VAT: R 0.00  
 Sub Total: R 3,500.00  
 Total Rounding: R 0.00  
 Total: R 3,500.00

## Annexure 22

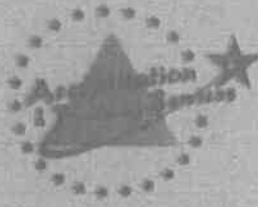


171

Date:	Transaction Description	Amount	Balance
2019-05-05 ✓	IBANK PAYMENT TO ABSA BANK Bank-Travel claim	-696.60 -	4,473.71
2019-05-08 ✓	IBANK TRANSFER 93-3128-3130 ABSA BANK transfer	7,000.00 -	11,473.71
2019-05-08 ✓	IBANK PAYMENT TO ABSA BANK Evac Chair	-9,044.75 -	2,428.96
2019-05-07 ✓	IBANK PAYMENT TO ABSA BANK Reimburse pep	-631.83 -	1,797.13
2019-05-07 ✓	IBANK PAYMENT TO ABSA BANK Reimburse Flandria	-221.70 -	1,575.43
2019-05-09 ✓	ACB CREDIT BASX33 WC SOCIA001166516	66,545.00 ✓	70,120.43
2019-05-09 ✓	IBANK PAYMENT TO ABSA BANK Affiliation Fee	-300.00 -	69,820.43
2019-05-09 ✓	IBANK PAYMENT TO ABSA BANK Stafffee	-3,522.91 -	66,297.52
2019-05-09 ✓	IBANK PAYMENT TO ABSA BANK Liesel R petrol	-519.00 -	65,778.52
2019-05-09 ✓	IBANK PAYMENT TO ABSA BANK Assessor training	-21,250.00 -	44,528.52
2019-05-10 ✓	IBANK PAYMENT TO ABSA BANK Alice petrol	-918.00 -	43,610.52
2019-05-10 ✓	IBANK PAYMENT TO ABSA BANK Steve petrol	-500.00 -	43,110.52
2019-05-10 ✓	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,150.00 -	41,960.52
2019-05-10 ✓	IBANK PAYMENT TO ABSA BANK Elsa Strobel	-95.80 -	41,864.72
2019-05-10 ✓	IBANK PAYMENT TO ABSA BANK Elsa Strobel I	-679.20 -	41,185.52
2019-05-11 ✓	ACB CREDIT HELENA OLIVIER	150.00 -	41,335.52
19-05-14 ✓	IBANK PAYMENT TO ABSA BANK Reimburse nur	-268.00 -	41,067.52
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK Boots and Play	-342.00 -	40,725.52
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK Medical	-300.00 -	40,425.52
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK Heather Resident	-75.00 -	40,350.52
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK Evac Chair	-885.96 -	39,464.56
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK takealot	-673.00 -	38,791.56
2019-05-14 ✓	IBANK PAYMENT TO ABSA BANK Liesel R petrol	-260.10 -	38,531.46
2019-05-14	IBANK PAYMENT TO ABSA BANK Alice petrol	-2,713.20 -	35,818.26



Annexure 24



Statement

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Accreditation and Training

VAT No: 4000212713

Date: 27/09/2019  
Page: 1

PO Box 95675  
Villierdof  
0181  
012400800

7 Van Vliet Street  
Gruenshof  
0181

L'Abete de Dion Baby House Stellenbosch

Customer VAT No:

Date	Reference	Description	Debit	Credit
10/05/2019	INV0003506	OEETDP 2ASS001 - Assessor Course - US 115753	R 21,250.00	
09/05/2019	RCF0004873	20190509-0013, ABSA BANK Safehouse - INV0003506		R 21,250.00
12/08/2019	INV0003890	OEETDP SIRC0 - Moderator's Course - US 115759	R 21,250.00	
13/05/2019	INV0003509	OEETDP 2ASS001 - Assessor Course - US 115753	R 4,250.00	
10/08/2019	RCF0004537	20190810-0018, ABSA BANK Safehouse - INV0003890		R 21,250.00

120+ Days	90 Days	60 Days	30 Days	Current	Amount Due	R 4,250.00
R 0.00	R 0.00	R 0.00	R 4,250.00	R 0.00	Amount Paid	R 42,500.00

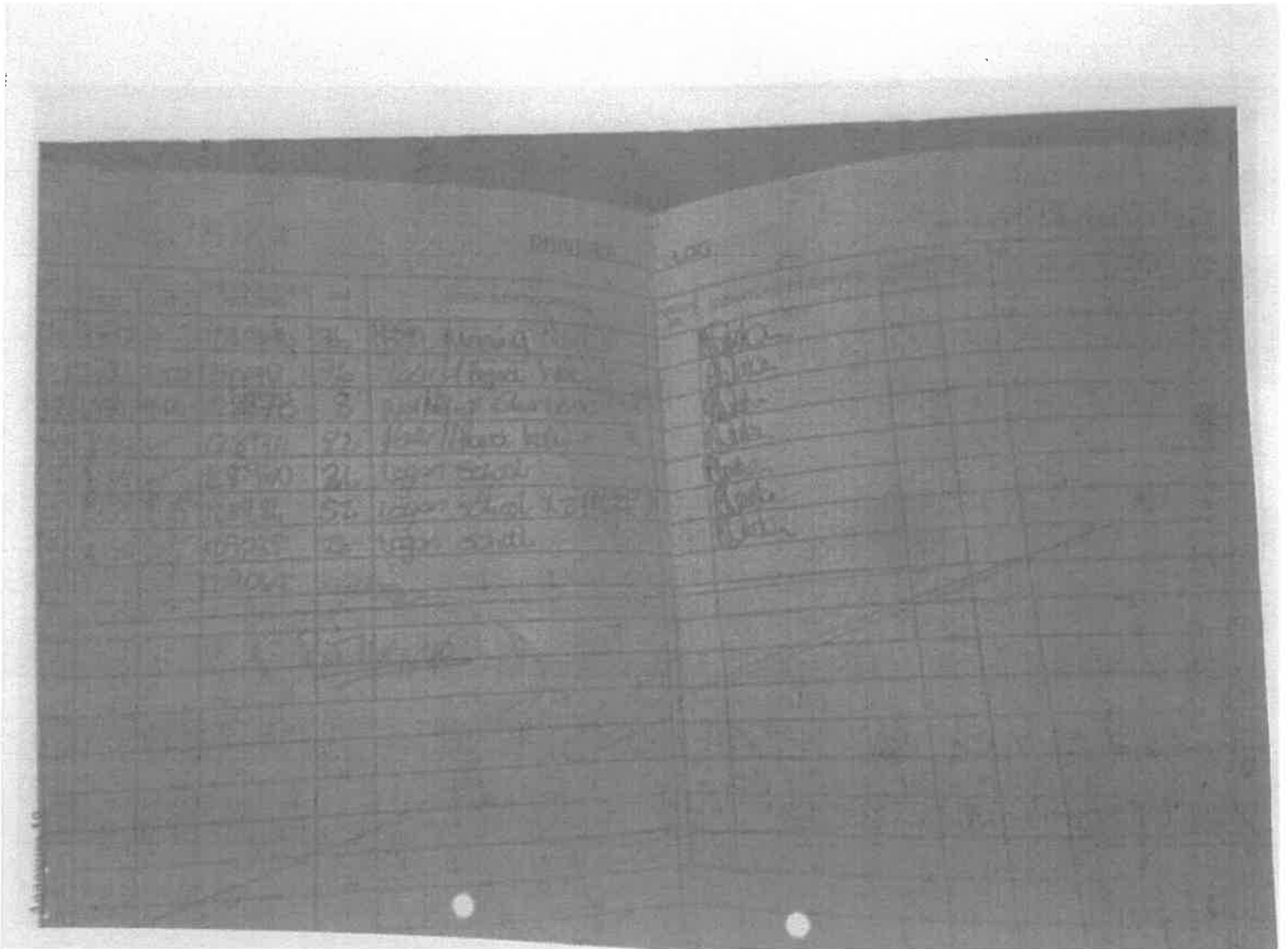
FNB 6200019120 Hatfield - 262146



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Date:	Transaction Description	Amount	Balan
2019-09-16	IBANK PAYMENT TO ABSA BANK Warboys Petrol	-1,473.90	30,388
2019-09-16	IBANK PAYMENT TO ABSA BANK Liesl petrol	-790.50	29,597
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton wine	-792.00	28,805
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton limona	-220.00	28,585
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton bus cards	-375.00	28,210
2019-09-16	IBANK PAYMENT TO ABSA BANK Wilton pearl golf	-399.00	27,811
2019-09-16	IBANK PAYMENT TO ABSA BANK Rina Stelkor	-58.09	27,753
2019-09-16	IBANK PAYMENT TO ABSA BANK rina consultation	-450.00	27,303
2019-09-16	ACB DEBIT EXTERNAL ( 19.00 ) PASTEL 80472379 SAGEPAY	-576.75	26,724
2019-09-17	IBANK PAYMENT TO ABSA BANK Abels Pep	-267.87	26,456
2019-09-17	IBANK PAYMENT TO ABSA BANK Abels Builders	-757.30	25,699
2019-09-17	IBANK PAYMENT TO ABSA BANK Petrol Claim	-991.95	24,707
2019-09-17	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,700.85	23,006
2019-09-18	ACB CREDIT CAPITEC E KAY SHUTTLEWORTH	100.00	23,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Golfday food	-19,936.40	3,170
2019-09-19	IBANK TRANSFER 92-0347-8904 ABSA BANK Golf Food	19,936.40	23,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Checkers Charity	-6,000.00	17,106
2019-09-19	IBANK PAYMENT TO ABSA BANK Post Office	-535.00	16,571
2019-09-20	IBANK PAYMENT TO ABSA BANK Petrol Claim	-1,644.75	14,927
2019-09-20	IBANK PAYMENT TO ABSA BANK dstv	-500.00	14,427
2019-09-20	IBANK PAYMENT TO ABSA BANK saniton Admin	-1,764.80	12,662
2019-09-20	IBANK PAYMENT TO ABSA BANK Private School	-3,300.00	9,362
2019-09-20	ACB CREDIT FRIEND	300.00	9,662

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MAY 1978

LOG

Date	Time	Location
5/1/78	2L	1st/2nd
5/2/78	2L	1st/2nd
5/3/78	3	1st/2nd
5/4/78	2L	1st/2nd
5/5/78	2L	1st/2nd
5/6/78	2L	1st/2nd
5/7/78	2L	1st/2nd
5/8/78	2L	1st/2nd
5/9/78	2L	1st/2nd
5/10/78	2L	1st/2nd
5/11/78	2L	1st/2nd
5/12/78	2L	1st/2nd
5/13/78	2L	1st/2nd
5/14/78	2L	1st/2nd
5/15/78	2L	1st/2nd
5/16/78	2L	1st/2nd
5/17/78	2L	1st/2nd
5/18/78	2L	1st/2nd
5/19/78	2L	1st/2nd
5/20/78	2L	1st/2nd
5/21/78	2L	1st/2nd
5/22/78	2L	1st/2nd
5/23/78	2L	1st/2nd
5/24/78	2L	1st/2nd
5/25/78	2L	1st/2nd
5/26/78	2L	1st/2nd
5/27/78	2L	1st/2nd
5/28/78	2L	1st/2nd
5/29/78	2L	1st/2nd
5/30/78	2L	1st/2nd
5/31/78	2L	1st/2nd

Date	Time	Location
5/1/78	2L	1st/2nd
5/2/78	2L	1st/2nd
5/3/78	3	1st/2nd
5/4/78	2L	1st/2nd
5/5/78	2L	1st/2nd
5/6/78	2L	1st/2nd
5/7/78	2L	1st/2nd
5/8/78	2L	1st/2nd
5/9/78	2L	1st/2nd
5/10/78	2L	1st/2nd
5/11/78	2L	1st/2nd
5/12/78	2L	1st/2nd
5/13/78	2L	1st/2nd
5/14/78	2L	1st/2nd
5/15/78	2L	1st/2nd
5/16/78	2L	1st/2nd
5/17/78	2L	1st/2nd
5/18/78	2L	1st/2nd
5/19/78	2L	1st/2nd
5/20/78	2L	1st/2nd
5/21/78	2L	1st/2nd
5/22/78	2L	1st/2nd
5/23/78	2L	1st/2nd
5/24/78	2L	1st/2nd
5/25/78	2L	1st/2nd
5/26/78	2L	1st/2nd
5/27/78	2L	1st/2nd
5/28/78	2L	1st/2nd
5/29/78	2L	1st/2nd
5/30/78	2L	1st/2nd
5/31/78	2L	1st/2nd

ANNEXURE 1B



177

Tax Invoice

VAT No:  
 Simond Private School  
 1011  
 Johannesburg

Private School Simond  
 Number: 07-00002978  
 Date: 01/08/2019  
 Page: 1/1  
 Reference: School Fees Aug  
 Sales Rep:  
 Due Date: 08/08/2019  
 Overall Discount %: 0.00%

Andriess Lugem Street  
 Crested Butte VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
101101 - High School Fees - Aug	1	R 3,300.00	0.00%	0.00%	R 3,300.00	R 3,300.00

Total Discount: R 0.00  
 Total Exclusion: R 3,300.00  
 Total VAT: R 0.00  
 Sub Total: R 3,300.00  
 Total Rounding: R 0.00  
**Total: R 3,300.00**





Annexure 16



Tax Invoice

179

VAT No:  
 Simond Private School  
 R45  
 Simondium

Private School Simond  
 Number: 95VDC02576  
 Date: 01/08/2019  
 Page: 1/1  
 Reference: School Fees Aug  
 Sales Rep:  
 Due Date: 08/08/2019  
 Overall Discount %: 0.00%

Andrews Logan Sarah  
 Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
THOM - High School Fee, Aug	1	R 3,300.00	0.00%	0.00%	R 3,300.00	R 3,300.00

Total Discount: R 0.00  
 Total Exclusive: R 3,300.00  
 Total VAT: R 0.00  
 Sub Total: R 3,300.00  
 Total Rounding: R 0.00  
 Total: R 3,300.00

180

DRIVER'S LOG

VEHICLE NO. **CRS 6457**

DATE	TIME		SPEEDOMETER READING	KM	DETAILS OF JOURNEY	ORDER NO.	SIGNATURE OF DRIVER	LITRES PETROL	ML OIL	REMARKS ACCIDENTS, DELAYS, ETC
	OUT	IN								
12/07	7:15	7:50	12683	36	LOCOM SCHOOL		[Signature]			
12/07	08:00	8:35	12697	36	LOCOM SCHOOL		[Signature]			
13/07	7:10	7:50	127133	36	LOCOM SCHOOL		[Signature]			
13/07	7:00	7:35	127769	36	LOCOM SCHOOL		[Signature]			
14/07	7:10	7:50	127805	36	LOCOM SCHOOL		[Signature]			
14/07	7:00	7:35	127861	26	LOCOM SCHOOL (2nd)		[Signature]			
15/07	7:15	7:50	127918	107	LOCOM SCHOOL (Special)		[Signature]			
21/07	7:35	7:55	127984	36	LOCOM SCHOOL		[Signature]			
21/07	8:50	9:50	128012	28	Iron Kiel (Full Day)		[Signature]			
307 x 5.10 = R1973.2										
[Signature]										
					909					
					225					
					Golf day = 71.28 x 5.10 = R364.90					
					Special = 36 x 8 = 288 x 5.10 = R1468.80					

Annexure 11



181

**THE BUDGET**

**VAT Bill**  
Annual Finance Bill  
2012  
Budget

EXEMPTIONS	
Excise	100%
Stamp	100%
Income Tax	100%
Other Taxes	100%
Other Levies	100%
Other Duties	100%
Other Charges	100%

Annual Finance Bill  
Budget 2012

Description	Quantity	Unit Price	Rate	VAT %	Assessable Value	Amount Total
1. 1000 1000 1000 1000	1	2,000.00	2,000	4.00	1,920.00	1,920.00

*Input only & output  
all to credit  
see attached*

Total Exemption	100%
Total Exemption	100%
Total VAT	100%
Sub Total	100%
Total Revenue	100%
Total	100%

Annexure 10



Tax Invoice

B2

VAT No:

Simond Private School  
R45  
Simondium

Private School Simond

Number: INV0002297E  
Date: 30/07/2019  
Page: 1/1  
Reference: Registration Fee  
Sales Rep:  
Due Date: 08/08/2019  
Overall Discount %: 0.00%

Andrews Logan Sarah

Customer VAT No:

Description	Quantity	Unit Price	Disc %	VAT %	Exclusive Total	Inclusive Total
1R2019 - Registration Fee 2019	1	R 3,500.00	0.00%	0.00%	R 3,500.00	R 3,500.00

Total Discount: R 0.00  
Total Exclusive: R 3,500.00  
Total VAT: R 0.00  
Sub Total: R 3,500.00  
Total Rounding: R 0.00  
Total: R 3,500.00

PAID

Annexure 23



Statement

183

Accreditation and Training

VAT No. 4500212718

PO Box 9079  
Waterloo  
0145  
013400850

7 Van Rensburg Street  
Grahamstown  
0191

Date  
Page

10/08/2019

1

L'Kziba de Dion Solly House Stellenbosch

Customer VAT No.

Date	Reference	Description	Debit	Credit
10/05/2019	INV0003886	OOETOP 2ASS001 - Assessor Course - US 119763	R 21,290.00	
09/08/2019	RCP0004073	20190009-0013, ABSA BANK Salehouse - INV0003526		R 21,290.00
13/08/2019	INV0003888	OOETOP BMCC - Moderator's Course - US 118799	R 21,290.00	
12/08/2019	INV0003880	OOETOP 2ASS001 - Assessor Course - US 118763	R 4,290.00	

120+ Days	90 Days	60 Days	30 Days	Current	Amount Due	R 25,900.00
R 0.00	R 0.00	R 0.00	R 25,900.00	R 0.00	Amount Paid	R 21,290.00

P48 60030018120 Infield - 252145

184



STELLENBOSCH  
 STELLENBOSCH • NIEL • FRANSCHHOEK  
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

9 November 2010

To Whom It May Concern:

**Longterm partnership between Stellenbosch Municipality and the Stellenbosch Safe House: L'Abrie De Dieu**

Stellenbosch Municipality recognizes the vital role local government plays towards the development and protection of youth women and children. Although this is not a core function of local government, we believe that in serving our communities we need to provide more than just physical infrastructure. We also need to protect the most vulnerable within our communities by building relationships with reliable organizations which has the skill and capacity to deliver on their needs.

Until their registration as an NPO in 2006 and the official opening of the Safe House Stellenbosch on 4 February 2008, the women and children of Stellenbosch who were stuck in abusive circumstances have not been able to break the cycle of violence. It is through the services provided at the Safe House that they can now learn how to look after themselves and that they have the capacity to change their own future. Although Stellenbosch Municipality has been working with the organization since inception, it was only when their need for alternative accommodation arose that we were in a situation to enter into a long term lease with them. They are currently occupying council property at a very low cost and can thus focus their financial resources at serving the people of our community better.

As it is often with these services the need increase as the service provider becomes known and trusted in the community. Women, who previously would have suffered in silence, now hear about the possibility of hope and want to make use of the services. The demand thus is constantly higher than the supply / availability at the house.

This is then also the situation that the Stellenbosch Safe House finds them in. Unfortunately Stellenbosch Municipality can not assist with the expansion of the current accommodation.

We support the Stellenbosch Safe House and their activities as they play a vital role in caring for our women and children. We hope that as our partnership with them has made it possible for them to continue serving, that they will find a partnership who can assist them in serving a bigger portion of our community.

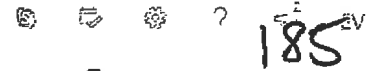
  
 G. Esau  
 Acting Director: Community Services

2/25/2020

Mail - Etienne Vermaak - Outlook

Outlook

Search



New message

Reply Delete Archive Junk Sweep Move to Categorize

Folders

Fwd: Grievance meeting: Ms G Pieterse

Inbox 774

ZA

Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>

Mon 2020/02/24 15:13



Junk Email 38

Melloney Zimri; Annalene De Beer; William September; Rozeeta Petersen; Neville Langenhoven; Cedric Thorpe +4 c

Drafts

Fwd: Grievance meeting: Ms G Pieterse

Sent Items

Thu 2019/11/21 12:00 - 13:00

Deleted It... 231

Corporate Service Boardroom, Third Floor Ecclesia building, Plein Street, Stellenbosch

Archive

No conflicts

Notes

RSVP to this event

Email organizer

Conversation H...

Add a message to Zoelfa Arnolds (optional)

standard bank ...

Yes Maybe No

scan

store and go



New folder

Groups

Forwarded message

New group

From: Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>

Date: Thu, Nov 21, 2019 at 9:15 AM

Subject: Grievance meeting: Ms G Pieterse

To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>, William September <William.September@stellenbosch.gov.za>

Cc: Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>, Rozeeta Petersen <Rozeeta.Petersen@stellenbosch.gov.za>, Neville Langenhoven <Neville.Langenhoven@stellenbosch.gov.za>, Cedric Thorpe <Cedric.Thorpe@stellenbosch.gov.za>

Akhona Mduzana <Akhona.Mduzana@stellenbosch.gov.za>, Osric Jumat <Osric.Jumat@stellenbosch.gov.za>, wiltonzimri1@gmail.com <wiltonzimri1@gmail.com>, Stefan Vanzyl <Stefan.Vanzyl@stellenbosch.gov.za>



About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from: zoelfa.arnolds@stellenbosch.gov.za sent at 2019-11-21 09:15:22 is confidential and may be legally privileged. It is intended solely for use by wiltonzimri1@gmail.com and others authorized to receive it. If you are not wiltonzimri1@gmail.com you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by Afrovation





2/25/2020

Mail - Etienne Vermaak - Outlook

**Fwd: Grievance meeting: Ms G Pieterse**

186

Zoelfa Arnolds &lt;Zoelfa.Arnolds@stellenbosch.gov.za&gt;

Mon 2020/02/24 15:13

To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>; Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>; William September <William.September@stellenbosch.gov.za>  
 Cc: Rozeeta Petersen <Rozeeta.Petersen@stellenbosch.gov.za>; Neville Langenhoven <Neville.Langenhoven@stellenbosch.gov.za>; Cedric Thorpe <Cedric.Thorpe@stellenbosch.gov.za>; Akhona Mduzana <Akhona.Mduzana@stellenbosch.gov.za>; Osric Jumat <Osric.Jumat@stellenbosch.gov.za>; 'wiltonzimri1@gmail.com' <wiltonzimri1@gmail.com>; Stefan Vanzyl <Stefan.Vanzyl@stellenbosch.gov.za>

 1 attachments (10 KB)

invite.ics;

----- Forwarded message -----

From: **Zoelfa Arnolds** <Zoelfa.Arnolds@stellenbosch.gov.za>

Date: Thu, Nov 21, 2019 at 9:15 AM

Subject: Grievance meeting: Ms G Pieterse

To: Melloney Zimri <Melloney.Zimri@stellenbosch.gov.za>, Annalene De Beer <Annalene.DeBeer@stellenbosch.gov.za>, William September <William.September@stellenbosch.gov.za>

Cc: Zoelfa Arnolds <Zoelfa.Arnolds@stellenbosch.gov.za>, Rozeeta Petersen <Rozeeta.Petersen@stellenbosch.gov.za>, Neville Langenhoven <Neville.Langenhoven@stellenbosch.gov.za>, Cedric Thorpe <Cedric.Thorpe@stellenbosch.gov.za>, Akhona Mduzana <Akhona.Mduzana@stellenbosch.gov.za>, Osric Jumat <Osric.Jumat@stellenbosch.gov.za>, wiltonzimri1@gmail.com <wiltonzimri1@gmail.com>, Stefan Vanzyl <Stefan.Vanzyl@stellenbosch.gov.za>

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**Disclaimer:**

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187



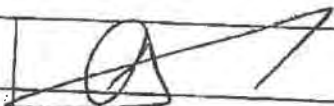
Strategic & Corporate Services  
05 NOV 2019  
Stellenbosch Municipality

STELLENBOSCH MUNICIPALITY  
GRIEVANCE APPLICATION FORM


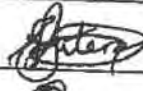

NAME OF DEPARTMENT:				
PERSONAL DETAILS				
To be completed by employee's (If more than one employee, attach separate sheet)	Name of Employee (Print):	Gretlene Pieterse		
	Employee No.:	197910		
	Nature of Grievance:	Hiermee wil ek Gretlene Pieterse Werkagtig in die departement Wetsboepassing net my misnoeë uitspreek teenoor amptenare wat ongestik is gedurende werksure en veel met die folkelings probleme. Sien aangeheg: Appendix 1 en Appendix 2		
	Desired Solution:	Sien aangehegte Appendix 3 vir verdere inligting wat die grief aant' betref.		
	Signature of Employee:		Date:	C C Y Y M M D D 20 19 11 06
	STEP 1			
To be completed by immediate superior within 5 days of receipt of grievance	Name (Print):			
	Date Received:			
	Results of Discussions with Employee:			

G.M.P.

188

Signature of Immediate Superior:		Date:	C	C	Y	Y	M	M	D	D
Comments of Employee:	<p>Hiermee wil ek net kennis gee dat ek die verslag deurgaan hier en dat ek geen beswaar het oor die uitkoms nie.</p>									
Signature of Employee:		Date:	C	C	Y	Y	M	M	D	D

CONFIRMATION OF RECEIPT OF GRIEVANCE FORM	
and handed to	Name (Print):
	Service No.:
	Name of Immediate Superior:
	Signature:
	Date:
	C C Y Y M M D D

STEP 2		
To be completed by the Head of Department or Nominee Within 5 days of receipt	Name (Print):	A. de Beer
	Date Received:	6/11/19
	Results of Grievance Investigation and Decision of Head of Department or Nominee:	Grievance not resolved. No. September ontken dat hy met Mr Peters se appaeriet het + weer om amnestie te vra. Grief onopgelos.
	Signature of Head of Department or Nominee:	
	Nominee:	
	Comments of Employee:	
	Signature of Employee:	
Name of Shop Steward or Union Official:		O. Juma
	Date:	C C Y Y M M D D

(SHOPS AND OFFICES

# ATTENDANCE 189

Name of Employee

Liesl Rophote

MONTH November

ENTRIES TO BE MADE BY EMPLOYEES

EAR		SIGNATURE	TIME OF COMMENCING WORK	INTERVALS OFF WORK					
DATE	DAY OF WEEK			OFF	ON	OFF	ON	OFF	ON
1	Friday	<i>[Signature]</i>	07h30						
2									
3									
4	Monday	<i>[Signature]</i>	07h30						
5	Tuesday	<i>[Signature]</i>	07h30						
6	Wednesday	<i>[Signature]</i>	07h30						
7	Thursday	<i>[Signature]</i>	07h15						
8	Friday	<i>[Signature]</i>	07h30						
9									
10									
11	Monday	<i>[Signature]</i>	07h30						
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									

NOTE: EMPLOYEES MUST SIGN ONLY IN THE



191



Middag Fragrie. Ek vertrou dit gaan goed. Tydens ons onderhoud op 24 Februarie 2020 in die Boardroom van die Speaker het jy gese dat jy audio recordings het op jou ander sel foon, wat by die huis was, van jou gesprek met John Tjetjeka en Carmen Telemachus van Law Enforcement wat jy vir my sal stuur. Ek het dit nog nie gekry nie. Stuur dit asb nog vandag vir my. Groete Etienne

15:15 ✓✓

Hi Etienne. Jammer. Moes jou laat weet. My kleindogter het die selfoon by haar. Ek sal dit vanaand gaan kry en teen môre oggend vir jou aanstuur as dit nog benodig word.

15:33

Dankie Fagrie. Sal dit waardeer.

15:45 ✓✓

# 1 UNREAD MESSAGE

192



15:47



Type a message



2/26/2020

Mail - Etienne Vermaak - Outlook

193

15:57



Hillary Bergstedt Stell



Goeie more Hilary. My naam is Etienne Vermaak en ek ondersoek klagtes wat Me Raphoto teen Rdl du Toit gele het in opdrag van die Speaker van Stellenbosch Munisipaliteit. In my onderhoud met haar gister, het sy my n kopie gegee van n beedigde verklaring wat jy afgele het. Ek is vandag in Stellenbosch en ek will graag met jou daaroor praat. Kontak my asb. Dankie

06:38 ✓✓

More Etienne, ek is ongelukkig tot Vrydag uitstedig. Ek het gistermiddag vertrek en sal Donderdagaand eers terug wees vir Me. Raphoto se dissiplinere verhoor, Vrydagoggend. Is vlg week, Dinsdag beskikbaar.

07:32

More Hillary. Dankie vir die boodskap. Kan ons dalk iewers verder telefonies praat? Dis



2/26/2020

Mail - Etienne Vermaak - Outlook

vandag telefonies geseis? Die  
Speaker wil my verslag teen  
Vrydag he. Watter tyd kan ek jou  
bel? Groete

194

09:02 ✓✓

😊 | Type a message



2/26/2020

Mail - Etienne Vermaak - Outlook

195

15:58



Hillary Bergstedt Stell



Hi Etienne, ek verkies om persoonlik met jou te kom gesels. Die audio moet jy luister en notule moet ek, vir jou ook nog gee. Indien nodig sal ek met die speaker kontak maak om dit te verduidelik. Ek is bewus dat daar vandag n raadsvergadering is, so jou verslag sal buitedien eers by die vlg vergadering kan dien. Vriendelike groete Hillary

11:20

Raadsvergadering is more, jammer

11:54

Hi Hillary. Dankie vir jou boodskap. Ek wil net n regstelling maak, naamlik dat my verslag ten opsigte van Me Raphoto nooit op enige stadium veronderstel was om by more se Raadsvergadering te dien nie. Ek moet ook beklemtoon dat my terms of reference is net om die klagtes van Me Raphoto

2/26/2020

Mail - Etienne Vermaak - Outlook

teen Kdi du Ioit te ondersoek.  
Nie die klagtes van die Safehouse  
teen Me Raphoto of enige ander  
persoon nie. Ek het n beedigde

196



Type a message



2/26/2020

Mail - Etienne Vermaak - Outlook

197



Raphoto eers oevra of ek n verklaring sal



⊘ *This message was deleted*

13:40

TODAY

Middag Hillary. Jammer ek kom nou eers terug na jou toe. Die Speaker se kantoor het my meegedeel dat ek my ondersoek moet afhandel die week. Kan jy asb die notule waarna jy in jou laaste boodskap verwys, vir my stuur asb? Ek het omtrent 6 opnames (recordings) ontvang van Alice Wilton van julle Board meetings, maar ek het nog nie die audio recordings ontvang waarna jy en Mnr Patel verwys het in julle "sworn affidavits" nie. Ek onderneem om die recordings, as julle dit vandag vir my stuur, net so vir die Speaker te stuur. Ek kan net byvoeg dat jou "sworn affidavit" aandoen inligting bevat vir my

2/26/2020

Mail - Etienne Vermaak - Outlook

gelykting betas in my  
doeleindes en omdat dit onder eed  
afgele is, aanvaar ek jy bly daarby.  
Groete

199

15:11 ✓✓

😊 Type a message



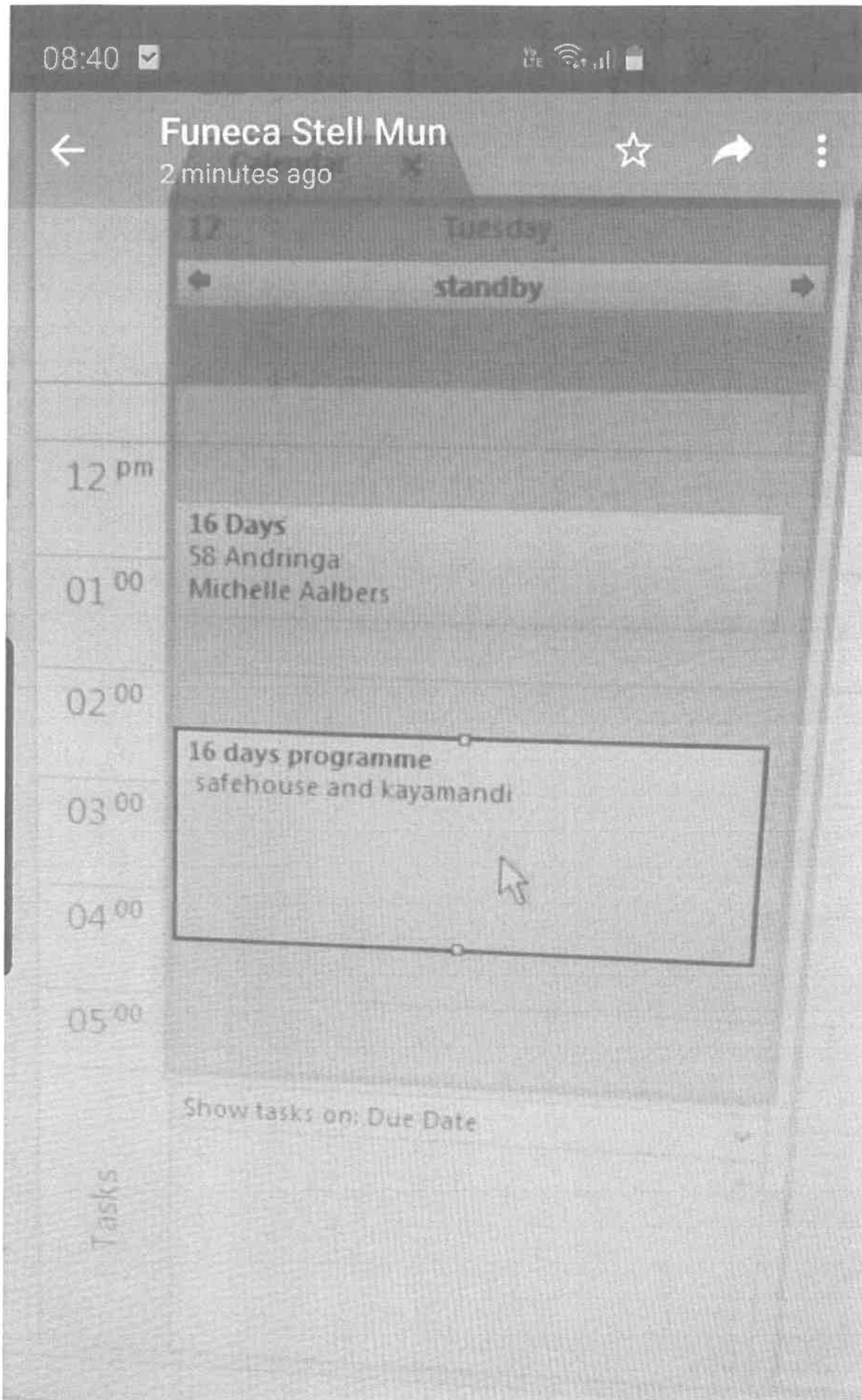
200



Ettiene, ek was Sondag namiddag deur me. Raphoto eers gevra of ek n verklaring sal maak. Soos u kan sien is dit gisteroggend gedoen. U versoek vir vergadering het ek 25/02/2020 om 6H38 via whatsapp ontvang. Ek verstaan baie goed plaaslik regerings prosesse en daaromhalwe weereens my versoek dat ons volgende week ontmoet. Ek is weet nie watter audio recordings mnr Patel alles het en vir gaan gee nie maar soos ek in my verklaring genoem het, het ek die notule wat van kardinale belang mag wees om u "mind te apply" in die klag teen raadslid du Tiot.

Groete Hillary

201







**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**OFFICE OF THE SPEAKER**

---

**29 November 2019**

**Ref: 8/2019**

**To:** Liesil Raphoto  
Compliance Officer  
Safe House  
[lieslraphoto@yahoo.com](mailto:lieslraphoto@yahoo.com)  
0630032884

**RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS**

Dear Ms Liesl Raphoto

Your letter dated 26 November 2019 has reference.

Please note that the matter has my urgent attention. I have given the Councillor 14 days to respond to your allegations.

The process thereafter will be, that based on the Councilors response within the timeframe provided to her, I will apply my mind regarding the facts and circumstances of the complaint.

Hope you find this in order

Yours sincerely

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**OFFICE OF THE SPEAKER**

---

**29 November 2019**

**To:** Councilor R. Du Toit  
1 Zambezi Flats  
C/O borchard @ Bird Street  
Stellenbosch  
7600

**RE: ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS**

Hi Councilor R. Du Toit

You have alleged breached the Code of Conduct for Councilors in terms of Item 13 in that:

- You in your position as Councillor did not declare all your income to the Stellenbosch municipality
- That you abuse your power to instruct two Municipal Law Enforcement Officials to escorted the complainant from the building she was at work at.
- That you instructed Mr Michael Moses your administrator to act as presiding officer at he hearing.

In terms of item 13 of the said Code you are hereby given the oppurtunity to reply, in writng regarding the alledged breach by not later than 16H00 on Friday, 13th December 2019.

Kindly see attached complaint letter my office received regarding this matter

Thanking You

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074



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**OFFICE OF THE SPEAKER**

---

**4 February 2020**

**Ref: 8/2019**

**To: The Municipal Manager**  
Stellenbosch Municipality  
Plein Street  
Stellenbosch  
7600

Dear Ms Mettler

**RE:REQUEST TO APPOINT AN INVESTIGATOR**

Complaints have been lodged against Councilor Rozette du Toit for various “illegal” activities done by herself during the execution of her Councillors duties.

I have investigated all the facts and circumstance of the above matter and am of the view that an initiator/investigator be appointed to investigate the matter.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation on behalf of the Speaker.

Thanking you in advance.

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074



**STELLENBOSCH**  
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**OFFICE OF THE SPEAKER**

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**4 February 2020**

**Ref: 8/2019**

**To:** Councilor R. Du Toit  
1 Zambezi Flats  
C/O borchard @ Bird Street  
Stellenbosch  
7600

Dear Councilor R. Du Toit

**RE:ALLEGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS**

My letter dated 29 November 2019 and your response to it dated 6 December 2019 has reference.

Based on the information received from the complainant, yourself and sworn affidavits my office received, the matter will be referred to the Municipal Manager, to appoint an external facilitator to investigate the matter.

You will be informed as soon as we received the report.

Thanking you

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074



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**OFFICE OF THE SPEAKER**

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**SPEAKER: Nyaniso Jindela**

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021 808 8074



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**OFFICE OF THE SPEAKER**

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1 Zambezi Flats  
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**SPEAKER: Nyaniso Jindela**

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021 808 8074

The Speaker

Stellenbosch Municipality

Councillor Jindela

RE: SUPPORTING DOCUMENTS – Ref: 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILORS

Please find attached supporting documents with regards to my complaint of 26 November 2019.

Kind regards



Liesl Raphoto

Compliance officer – L'Abrie De Dieu Safehouse

29 January 2020



The Speaker

Stellenbosch Municipality

Councillor Jindela

RE: SUPPORTING DOCUMENTS – Ref: 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILORS

Please find attached supporting documents with regards to my complaint of 26 November 2019.

Kind regards



Kiesel Raphoto

Compliance officer – L'Abrie De Dieu Safehouse

29 January 2020





**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: LIESL RAPHOTO  
D NoID Nr: 7904270066083 Huis Adres/House Address: 10 Newman Straat,  
Idalsvallei, Stellenbosch . Werk Adres/Work Address: Safehouse Stellenbosch,  
Simonsberg Weg, Stell. . Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 0630032854  
Tel No/Tel Nr (w): (021) 883 2574

**Verklaar onder eed in Afrikaans / States under oath in English**

Hiermee verklaar ek, Liesl Raphoto, 'n werker as "Compliance Officer" by Safehouse Stellenbosch die volgende. Op 12 November 2019 om 07:30 het ek na my werksplek "L'Abrie De Dieu Safehouse" gegaan en my daaglikse pligte uitgevoer. Ontemmens van wat aangegaan het die volgende gebeur wat my sumier getraumatiseer het want ek het nie geweet waar oer dit gaan nie.

Op 12 November 2019 om 14:00 het twee Wetstoepassers (Mr Oseic Sumat en sy reeds vroue kollega) na die Safehouse se kantore toe gekom om vir Adv. Alice Wilton te kom sien. Alice Wilton het toe gerva dat hulle, die Wetstoepassers, saam met haar in die skills kamer gaan konsulteer. 10 minute later het Roodslid Rozette du Toit ek by die Safehouse op gedaag en saam met Alice Wilton en die Wetstoepassers in die skills kamer gekonsulteer. Sowat 10 minute later het hul almal in die kantoor gekom waar ek rustig gesit het en my werk doen. Alice Wilton het toe in die teenwoordigheid van Roodslid Rozette du Toit die Wetstoepassers in Charlene Abels 'n dokument aan my oerhandig oorgegee 'n "Precautionary Suspension Notice". Alice Wilton het toe die inhoud van die dokument aan my gelees en Roodslid Rozette du Toit het gesê dat daar 'n verandering moet aangebring word wat insluit die tyd van wanneer die verhoor gaan plaasvind op die 12 November 2019. Ek was gerva of ek enigiets wil byvoeg waarop ek geantwoord het nie. Dit was met my meegedeel deur Alice Wilton dat 'n kriminele saak teen my gemaak is en dat ek kan weg vir 'n oproep van die SAPS. Dit was ek vir my meegedeel deur Alice Wilton dat hierdie situasie is aan DSD meegedeel. Ek was toe gerva om die kopie van die dokument te sien as bewys van ontvangs waarvan die twee Wetstoepassers

is vertrou met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die afle van die voorgeskrewe eed nie. I consider the prescribed oath to be binding on my conscience.

*[Handwritten Signature]*  
Verklaarder Handtekening/Deponent Signature

ertifiseer dat die verklaarder erken dat hy/sy vertrou is met die inhoud van die verklaring en dit begryp. I certify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at (Tyd/Time) 08:05

SUID-AFRIKAANSE POLISIEDIENS  
STASIE BEVELVOEDER  
STELLENBOSCH  
2019-11-14  
STELLENBOSCH  
STATION COMMANDER  
SOUTH AFRICAN POLICE SERVICE

*[Handwritten Signature]*  
Kommisaris van Ede/Commissioner of Oaths  
Volle Naam en van/ Full name and Surname in print  
POLISIE DIENS / S A POLICE SERVICE,  
23 Du Toit Street, STELLENBOSCH  
COLONEL RANK

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: Liesl Rapoto

ID No/D Nr: 7904270066083 . Huis Adres/House Address: 10 Newman, Street

Idasiallei, Stellenbosch . Werk Adres/Work Address: Stellenbosch Sakehuise,

Simonsbergweg . Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 063 0032884

Tel No/Tel Nr (w): (021) 8532874

**Verklaar onder eed in Afrikaans / States under oath in English**

geteken het as getuies. Ek was gevra deur Alice Wilton om my sleutels oor te handig. Ek het geen kopsie gemaak teen wat besig was om te gebeur nie. Alice Wilton het toe die Wetstoepassers gevra, in die teenwoordigheid van raadslid Rozette du Toit, om my te vergesel van die perseel af. Ek het toe my sak gevat en die perseel verlaat sonder enige teenstaan. Die hele gebeurte het my ernstig getraumatiseer dat ek nie ees kan praat nie en kan nie noodentlik funksioneer nie.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

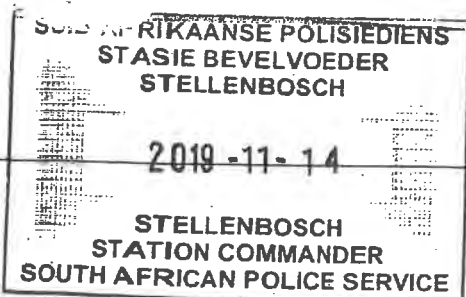
Verklaarder Handtekening/Deponent Signature

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Kommissaris van Ede/Commissioner of Oaths

DYSON JAWISS  
Volle Naam en van/ Full name and Surname in print  
POLISIE DIENS / S A POLICE SERVICE,  
23 Du Toit Street, STELLENBOSCH  
COLONEL RANK



# BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: DAVEY JULIUS  
 ID No/D Nr: 670202 5143 08 7 . Huis Adres/House Address: 11 ANTHONY STREET,  
CLOETSVILLE, STELLENBOSCH Werk Adres/Work Address: N/A  
 .Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 076 8155 427  
 Tel No/Tel Nr (w): \_\_\_\_\_

## Verklaar onder eed in Afrikaans / States under oath in English

Ek Davey Julius, verteenwoordiger van Liesl Raphoto, het op 4 November 2019 om 10h00 haar verteenwoordig in haar "Precautionary Suspension Notice" verhoor by die kantore van Raadslid Rozette du Toit. Teenwoordig by die verhoor was Adv Alice Wilton (Ceo van L'Abrie De Dieu) Satehouse, Charlene Abels (HR officer and Acting office manager). Mr Moses Michaels was aan ons voorgestel as die acting Presiding officer. Mr Moses Michaels is 'n administratiewe beamptenaar van Raadslid Rozette Du Toit. Hierdie verrigtinge het plaas gevind gedurende Mr. Michaels se werks ure.

*[Large handwritten scribble or signature across the middle of the page]*

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die afle van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

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Kommissaris van Ede/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in pri  
 POLISIE DIENS / S A POLICE SERVICE ,  
 23 Du Toit Street, STELLENBOSCH  
 RANK

The Speaker

Stellenbosch Municipality

Councillor Jindela

RE: SUPPORTING DOCUMENTS – Ref: 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILORS

Please find attached supporting documents with regards to my complaint of 26 November 2019.

Kind regards



Liesl Raphoto

Compliance officer – L'Abrie De Dieu Safehouse

29 January 2020



### BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: LIESL RAPHOTO  
 D NoID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman Straat, Idobswallei, Stellenbosch . Werk Adres/Work Address: Safehouse Stellenbosch, Simonsberg Weg, Stell. . Tel No/Tel Nr (h): \_\_\_\_\_ . Sel No/Cell Nr: 0630032854  
 Tel No/Tel Nr (w): (021) 883 2574 .

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 Kommissaris van Ede/Commissioner of Oaths  
 Volle Naam en van/ Full name and Surname in print  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
 COLONEL RANK

### BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: Liesl Rappo  
 ID No/D Nr: 7904270066083 Huis Adres/House Address: 10 Newman, Street  
Idasiallei, Stellenbosch. Werk Adres/Work Address: Stellenbosch Sakehouse,  
Simonsbergweg. Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 063 003 2884  
 Tel No/Tel Nr (w): (021) 883 2874

#### Verklaar onder eed in Afrikaans / States under oath in English

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SUID-AFRIKAANSE POLISTEDIENS  
 STASIE BEVELVOEDER  
 STELLENBOSCH  
 2019-11-14  
 STELLENBOSCH  
 STATION COMMANDER  
 SOUTH AFRICAN POLICE SERVICE

[Signature]  
 05601  
 Kommissaris van Ede/Commissioner of Oaths  
 DYSON JAGGERS  
 Volle Naam en van/ Full name and Surname in pri  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
 COLONEL RANK



The Speaker

Stellenbosch Municipality

Councillor Jindela

RE: SUPPORTING DOCUMENTS – Ref: 8/2019 – ALLEGED BREACHED OF CODE OF CONDUCT FOR COUNCILORS

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Kind regards



Kiesel Raphoto

Compliance officer – L'Abrie De Dieu Safehouse

29 January 2020





**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: LIESL RAHOTO

D NoID Nr: 7904270066083

Huis Adres/House Address: 10 Newman Straat,

Tobiasvallei, Stellenbosch

Werk Adres/Work Address: Safehouse Stellenbosch,

Simonsberg Weg, Stell.

Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 0630032854

Tel No/Tel Nr (w): (021) 883 2574

**Verklaar onder eed in Afrikaans / States under oath in English**

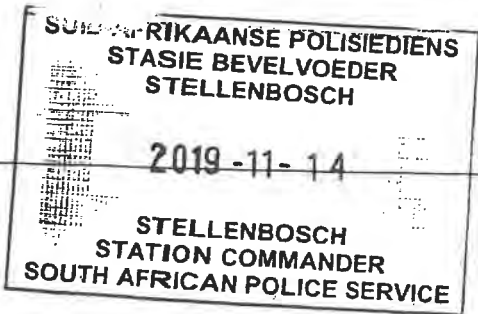
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[Handwritten Signature]  
Verklaarder Handtekening/Deponent Signature

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[Handwritten Signature]  
Kommissaris van Ede/Commissioner of Oaths  
COLONEL RANK  
Volle Naam en van/ Full name and Surname in print  
POLISIE DIENS / S A POLICE SERVICE,  
23 Du Toit Street, STELLENBOSCH

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: Liesl Rappo

ID No/ID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman, Street

Idasvlei, Stellenbosch . Werk Adres/Work Address: Stellenbosch Safes, Simonsgangweg

Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 063 0032884

Tel No/Tel Nr (w): (021) 8832874

**Verklaar onder eed in Afrikaans / States under oath in English**

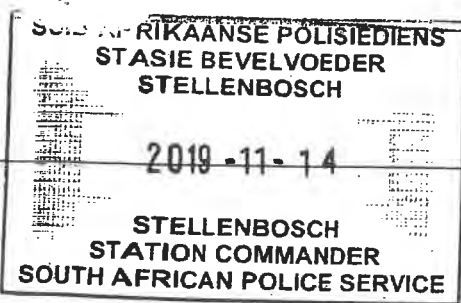
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[Signature]  
Verklaarder Handtekening/Deponent Signature

sertifiseer dat die verklaarder erken dat hy/sy vertrou is met die inhoud van die verklaring en dit begryp . erdie verklaring is voor my beëdig en verklaarder se handtekening/ duimafdruk/ merk is in my teenwoordigheid daarop ebring te rtify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/ thumb print/ mark was placed there on my presence at **STELLENBOSCH** op/on (Datum/Date) 2019-11-14 on/at(Tyd/Time) 08:05

[Signature]  
Kommissaris van Ede/Commissioner of Oaths  
DYSON JAWISS  
Volle Naam en van/ Full name and Surname in pri  
POLISIE DIENS / S A POLICE SERVICE ,  
23 Du Toit Street, STELLENBOSCH  
COLONEL RANK



### BEËDIGE VERKLARING - SWORN AFFIDAVIT

Naam Van/Name Surname: DAVEY JULIUS  
 ID No/D Nr: 670202 5143 08 7 Huis Adres/House Address: 11 ANTHONY STREET,  
CLOETESVILLE, STELLENBOSCH Werk Adres/Work Address: N/A  
 Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 076 8155 427  
 Tel No/Tel Nr (w): \_\_\_\_\_

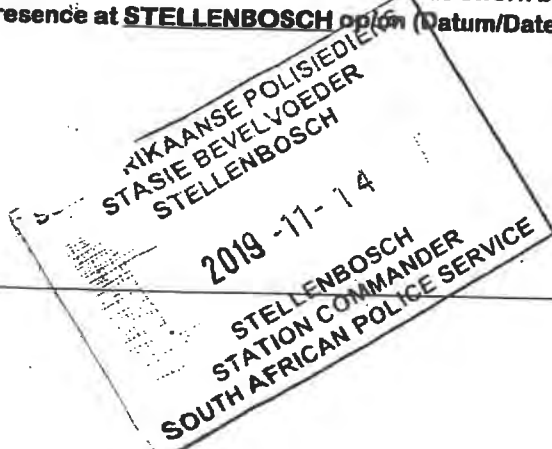
#### Verklaar onder eed in Afrikaans / States under oath in English

Ek Davey Julius, verteenwoordiger van Liesel Raphoto, het op 4 November 2019 om 10h00 haar verteenwoordig in haar "Precautionary Suspension Notice" verhoor by die kantoor van Raadslid Rozette du Toit. Teenwoordig by die verhoor was Adw Alice Wilton (CEO van L'Abbe De Dieu) Satehause, Charlene Abels (he officer and Acting office manager). Mr Moses Michaels was aan ons voorgestel as die acting Presiding officer. Mr Moses Michaels is in administratiewe beamptenaar van Raadslid Rozette Du Toit. Hierdie verrigtinge het plaas gevind gedurende Mr. Michaels se werks ure.

Ek is vertroud met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. Ek beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement. I have no objection in taking the prescribed oath. I consider the prescribed oath to be binding on my conscience.

Verklaarder Handtekening/Deponent Signature

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Kommissaris van Eed/Commissioner of Oaths

Volle Naam en van/ Full name and Surname in print  
CRICKER  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
CR RANK



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK  
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

**OFFICE OF THE SPEAKER**

---

**29 November 2019**

**Ref: 8/2019**

**To:** Councillor R. Du Toit  
1 Zambezi Flats  
C/O borchard and Bird Street  
Stellenbosch  
7600

**Re:** ALLEDGED BREACH OF THE CODE OF CONDUCT FOR COUNCILORS

Dear Councillor R. Du Toit

You have allegedly breached the Code of Conduct for Councilors in terms of Item 13 in that:

- You in your position as Councillor allegedly did not declare all your income to the Stellenbosch municipality
- You allegedly abuse your power to instruct two Municipal Law Enforcement Officials to escorted the complainant from the building she was working at.
- That you allegedly instructed Mr Michael Moses your administrator to act as presiding officer at he hearing.

In terms of item 13 of the said Code you are hereby given the oppurtunity to reply, in writng regarding the alledged breach by not later than 16H00 on Friday, 13th December 2019.

Kindly see attached complaint letter my office received regarding this matter

Thanking You

**SPEAKER: Nyaniso Jindela**

[nyaniso.jindela@stellenbosch.gov.za](mailto:nyaniso.jindela@stellenbosch.gov.za)

021 808 8074

①

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: LIESL RAPHOTO  
 D NoID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman Street, Idalsvallei, Stellenbosch  
 Werk Adres/Work Address: Safehouse Stellenbosch, Simonsberg Weg, Stell. . Tel No/Tel Nr (h): \_\_\_\_\_ Sal No/Cell Nr: 0630032884  
 Tel No/Tel Nr (w): (021) 883 2574

**Verklaar onder eed in Afrikaans / States under oath in English**

Hiermee verklaar ek, Liesl Raphoto, 'n werker as "Compliance Officer" by Safehouse Stellenbosch die volgende. Op 12 November 2019 om 07h30 het ek na my werksplek "L'Abate De Nieu Safehouse" gegaan en my daaglikse pligte uitgevoer. Ontersus van wat aangien het die volgende gebeur wat my sumier getraumatiseer het want ek het nie geweet waar oor dit gaan nie.

Op 12 November 2019, om 14h00 het twee Wetstoepassers (Mr Oseic Sumat en sy nede vroue kollega) na die Safehouse se kantore toe gekom om vir Adv. Alice Wilton te kom sien. Alice Wilton het toe gevra dat hulle, die Wetstoepassers, saam met haar in die Skills kamer gaan konsulteer. 10 Minute later het Roodslid Rozette du Toit ook by die Safehouse op gedaag en saam met Alice Wilton en die Wetstoepassers in die Skills kamer gekonsulteer. Sowat 10 minute later het hul almal in die kantoor gekom waar ek rustig gesit het en my werk doen. Alice Wilton het toe in die teenwoordigheid van Roodslid Rozette du Toit, die Wetstoepassers en Charlens Abels 'n dokument aan my oerhandig ontvangende 'n "Precautionary Suspension Notice". Alice Wilton het toe die inhoud van die dokument aan my gelees en Roodslid Rozette du Toit het gesê dat daar 'n verandering moet aangebring word wat insluit die tyd van wanneer die verhoor gaan plaasvind op die 12 November 2019. Ek was gevra of ek enigiets wil byvoeg waarop ek geantwoord het nie. Dit was met my meegedeel deur Alice Wilton dat 'n kriminele saak teen my gemaak is en dat ek kan weg vir 'n oproep van die SAPS. Dit was ook vir my meegedeel deur Alice Wilton dat hierdie situasie is aan DSD meegedeel. Ek was toe gevra om die kopie van die dokument te teken as bewys van ontvangs waarvan die twee Wetstoepassers

is vertrou met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die afle van die voorgeskrewe eed nie. I consider the prescribed oath to be binding on my conscience.

[Signature]  
 Verklaarder Handtekening/Deponent Signature

ertifiseer dat die verklaarder erken dat hy/sy vertrou is met die inhoud van die verklaring en dit begryp. I certify that the above statement was taken by me and that this deponent has acknowledged that he/she knows and understands the contents of this statement. The statement was sworn before me and deponent's signature/thumb print/mark was placed there on my presence at STELLENBOSCH op/on (Datum/Date) 2019-11-14 on/at (Tyd/Time) 08:05

SUID-AFRIKAANSE POLISIEDIENS  
 STASIE BEVELVOEDER  
 STELLENBOSCH  
 2019-11-14  
 STELLENBOSCH  
 STATION COMMANDER  
 SOUTH AFRICAN POLICE SERVICE

[Signature]  
 Kommissaris van Ede/Commissioner of Oaths  
 Volle Naam en van/ Full name and Surname in pri  
 POLISIE DIENS / S A POLICE SERVICE,  
 23 Du Toit Street, STELLENBOSCH  
 COLONIAL RANK

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: Liesl Rapoto  
 ID No/ID Nr: 7904270066083 . Huis Adres/House Address: 10 Newman, Sirooat .  
Edasvallei, Stellenbosch . Werk Adres/Work Address: Stellenbosch Seefhouse,  
Simonsbergweg . Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 063 0032884  
 Tel No/Tel Nr (w): (021) 8832874 .

**Verklaar onder eed in Afrikaans / States under oath in English**

geteken het as getuies. Ek was gevra deur Alice Wilton om my  
skutels oor te handig. Ek het geen kopsie gemaak teen wat besig  
was om te gebeur nie. Alice Wilton het toe die Wetstoepassers  
gevra, in die teenwoordigheid van Raadslid Rozette du Toit, om my  
te vergesel van die perseel af. Ek het toe my sak gevat en die  
perseel verlaat sonder enige teenstaan. Die hele gebeurte het my  
ereenotig getraumatiseer dat ek nie ees kon praat nie en kan nie  
wordentlik funksioneer nie.

is vertrouwd met die inhoud van die verklaring en begryp dit. Ek het geen beswaar teen die affê van die voorgeskrewe eed nie.  
beskou die voorgeskrewe eed as bindend vir my gewete. I know and understand the contents of this statement.  
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[Handwritten Signature]  
 Verklaarder Handtekening/Deponent Signature

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[Handwritten Signature]  
 03601  
 Kommissaris van Ede/Commissioner of Oaths  
BYSON PAWSS  
 Volle Naam en van/ Full name and Surname in pri  
 POLISIE DIENS / S A POLICE SERVICE ,  
 23 Du Toit Street, STELLENBOSCH  
COLDWELL RANK

SUID-AFRIKAANSE POLISIEDIENS  
 STASIE BEVELVOEDER  
 STELLENBOSCH  
 2019-11-14  
 STELLENBOSCH  
 STATION COMMANDER  
 SOUTH AFRICAN POLICE SERVICE

**BEËDIGE VERKLARING - SWORN AFFIDAVIT**

Naam Van/Name Surname: DAVEY JULIUS  
 ID No/D Nr: 670202 5143 08 7 Huis Adres/House Address: 1 ANTHONY STREET,  
CUETESVILLE, STELLENBOSCH Werk Adres/Work Address: N/A  
 Tel No/Tel Nr (h): \_\_\_\_\_ Sel No/Cell Nr: 076 8165 427  
 Tel No/Tel Nr (w): \_\_\_\_\_

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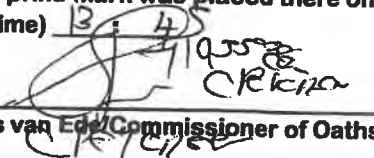
Verklaarder Handtekening/Deponent Signature



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Kommissaris van Ede/Commissioner of Oaths



Volle Naam en van/ Full name and Surname in print  
**POLISIE DIENS / S A POLICE SERVICE ,**  
**23 Du Toit Street, STELLENBOSCH**  
 RANK

AFRIKAANSE POLISIEDIENST  
 STASIE BEVELVOEDER  
 STELLENBOSCH  
 2019-11-14  
 STELLENBOSCH  
 STATION COMMANDER  
 SOUTH AFRICAN POLICE SERVICE

17.3	<b>REPORT TO COUNCIL REGARDING THE INVESTIGATION INTO COMPLAINTS AGAINST CLR D HENDRICKSE BY THE MUNICIPAL MANAGER</b>
------	--

**Collaborator No:**

**IDP KPA Ref No:** Good Governance and Compliance

**Meeting Date:** 24 August 2020

**1. SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO ALLEGATIONS OF MISCONDUCT BY COUNCILLOR D A HENDRICKSE**

**2. PURPOSE**

To obtain Council approval that action be taken against Councillor DA Hendrickse in terms of Schedule 1 of the Local Government Act: Municipal Systems Act 32 of 2000, known as the Code of Conduct for Councillors.

**3. DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Disciplinary Committee for Councillors.

**4. EXECUTIVE SUMMARY**

The Office of the Speaker received documentation from the Office of the Municipal Manager containing three complaints/allegations of misconduct against Cllr DA Hendrickse.

**5. RECOMMENDATIONS**

That the matter be referred to the Disciplinary Committee for Councillors to conduct a disciplinary hearing and to make recommendations to Council regarding a suitable sanction(s), in the event that the said Committee should find him guilty on any charge.

**6. DISCUSSION**

**6.1 Background**

The Office of the Speaker received three written complaints from the Municipal Manager against Cllr Hendrickse, namely:

- a) The complaint that Cllr D Hendrickse shouted/ screamed at Ms Mettler in a Council meeting on 30 January 2019;
- b) The complaint that Cllr D Hendrickse had brought the Municipality and Senior Management into disrepute in an e-mail, dated 29 September 2018, addressed to the Municipal Manager and the Executive Mayor;
- c) The complaint that Cllr D Hendrickse had threatened Ms Mettler in a WhatsApp message dated 26 September 2018.

**6.2 Discussion**

An investigation was done by Adv. Etienne Vermaak in respect of the three complaints/allegations of misconduct made against Cllr D Hendrickse. His report is attached as **APPENDIX 1**.



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**6.3 Financial Implications**

As per the approved appointment through the SCM process of the investigator (Adv. E Vermaak).

**6.4 Legal Implications**

Local Government: Municipal Systems Act 32 of 2000 – Schedule 1: Code of Conduct for Councillors. Sections 13 and 14 read as follows:

**13. DUTY OF CHAIRPERSONS OF MUNICIPAL COUNCILS**

- 13.1 If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must
- a. authorise an investigation of the facts and circumstances of the alleged breach;
  - b. give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
  - c. report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- 13.2 A report in terms of sub-item (1)(c) is open to the public.
- 13.3 The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.
- 13.4 The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

**14. BREACHES OF CODE**

- 14.1 A municipal council may-
- a. investigate and make a finding on any alleged breach of a provision of this Code; or
  - b. establish a special committee-
    - i) to investigate and make a finding on any alleged breach of this Code; and
    - ii) to make appropriate recommendations to the council.
- 14.2 If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-
- a. issue a formal warning to the councillor;
  - b. reprimand the councillor;
  - c. request the MEC for local government in the province to suspend the councillor for a period;
  - d. fine the councillor; and
  - e. request the MEC to remove the councillor from office.
- 14.3a. Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of sub-item (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

- 14.3b A copy of the appeal must be provided to the council.
- 14.3c The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
- 14.3d The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.
- 14.4 The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.
- 14.5 The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of sub-item (3).
- 14.6 If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may
- a. suspend the councillor for a period and on conditions determined by the MEC; or
  - b. remove the councillor from office.
- 14.7 Any investigation in terms of this item must be in accordance with the rules of natural justice.”

**6.5 Staff Implications**

None.

**6.6 Previous /Relevant Council Resolutions**

None.

**6.7 Risk Implications**

None.

**6.8 Comments from Senior Management**

None requested.

**ANNEXURES**

Annexure 1 –Investigation Report from Adv. Vermaak

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<i>JC Anthony</i>
<b>POSITION</b>	<i>Senior Clerk: Support Staff: Office of the Speaker</i>
<b>DIRECTORATE</b>	<i>Corporate Services</i>
<b>CONTACT UMBERS</b>	<i>021 – 808 8042</i>
<b>EMAIL ADDRESS</b>	<i>Speaker.admin@stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<i>24 August 2020</i>

# **ANNEXURE 1**

**CONFIDENTIAL**

**21 OCTOBER 2019**

**REPORT TO THE SPEAKER OF STELLENBOSCH  
MUNICIPALITY REGARDING ALLEGATIONS OF THE  
TRANSGRESSION OF THE CODE OF CONDUCT FOR  
COUNCILLORS BY CLR DERRICK HENDRICKSE**

**REPORT COMPILED BY ADV E W VERMAAK**

**1/10/19**

## **BACKGROUND**

I was appointed by Stellenbosch Municipality in a letter dated 20 June 2019, signed by Ms Annalene de Beer as the Director: Corporate Services, at the request of the Speaker of that Municipality, Ms WC Petersen, to assist the Speaker with an investigation into alleged misconduct of four Councillors, including Clr Derrick Hendrickse, a Councillor of Stellenbosch Municipality. This letter is attached to this report on page 13. Although the said letter is dated 20 June 2019, it was only sent to me via e-mail on 25 July 2019 by Ms Annalene de Beer.

## **MY TERMS OF REFERENCE**

My terms of reference are to investigate firstly a complaint by Ms Geraldine Mettler, the Municipal Manager, against Clr Derrick Hendrickse, pursuant to an incident during a break in a Council meeting on 30 January 2019 when Clr Hendrickse had allegedly screamed/shouted at the Municipal Manager and used abuse language towards her. Secondly, a further complaint by Ms Mettler against Clr Hendrickse relating to derogatory statements by him in respect of management in an e-mail, dated 29 September 2018, is part of my terms of reference. The third complaint by her against Clr Hendrickse relating to a WhatsApp message that she received from Clr Hendrickse on 26 September 2018, which she perceives as threatening, completes my terms of reference.

## **INITIAL DOCUMENTATION RECEIVED**

At a meeting held on 29 July 2019 in the Office of the Speaker, which was attended by the Speaker, Alderman JC Anthony and myself, the Speaker handed a file to me containing the complaints of Ms Mettler against Clr D Hendrickse.

### **A. The documentation received from the Office of the Speaker pertaining to the complaints by Ms Mettler against Clr D Hendrickse, comprised of:**

1. An e-mail from the Municipal Manager of Stellenbosch Municipality, Ms G Mettler, to the Speaker of Stellenbosch Municipality, Clr Wilhelmina Petersen, dated 5 February 2019 in which Ms Mettler informed the Speaker of her complaint (see page 14 of this report);
2. An e-mail from Ms Mettler, dated 5 October 2018, and addressed to the Speaker, in which she (Ms Mettler) stated that she requests the Speaker to investigate certain statements made by Clr Hendrickse about the Administration, which brings the Administration in disrepute (see pages 15 and 16 of this report):

3. An e-mail written by Clr D Hendrickse, dated 29 September 2018 and addressed to the Speaker and a host of other recipients, in which he lodges an “allegation of misconduct against all municipal directors for misleading the municipal council (see pages 16 and 17 of this report);
4. A letter from the Speaker, dated 9 November 2018 and addressed to Clr D Hendrickse, in which he is requested to respond to a complaint by Ms Mettler that he is bringing the administration into disrepute as well as a WhatsApp message to Ms Mettler, in which he made the following threat “I call 7 days meeting in next week to return the favour (see page 18 of this report);
5. An e-mail from Clr D Hendrickse, dated 17 November 2018 and addressed to the Speaker and a host of other recipients, in which he responded to the allegations made by Ms Mettler (see pages 19 and 20 of this report);
6. A letter by Clr W Petersen in her capacity as the Speaker, dated 11 February 2019, addressed to Clr D Hendrickse, informing him of the complaint by Ms Mettler as the Municipal Manager, which resulted from his alleged verbal abuse towards her at a Council meeting held on 30 January 2019 (see pages 21 and 22 of this report);
7. A letter by Clr D Hendrickse, on the letterhead of the Economic Freedom Fighters (EFF) dated 26 February 2019, addressed to the Speaker, in which he responded to her letter, dated 11 February 2019 (see pages 23 to 25 of this report);
8. A letter by Clr W Petersen, the Speaker of Stellenbosch Municipality, dated 28 March 2019, to Clr D Hendrickse, in which she requests that he apologises to Ms Mettler, the Municipal Manager, about her complaint of verbal abuse (see pages 26 and 27 of this report);
9. A letter by Clr D Hendrickse, on a letterhead of the EFF and addressed to the Speaker of Stellenbosch Municipality, dated 12 April 2019, in which he responded to her letter dated 28 March 2019 by saying that the Speaker has no authority to investigate this complaint and that he was found guilty by her without due process being followed (see page 28 of this report);
10. A letter by the Speaker, Clr W Petersen, dated 3 June 2019 and addressed to Ms Mettler, the Municipal Manager, requesting the appointment of an investigator (see page 29 of this report);

11. A letter by the Speaker, Clr W Petersen, dated 25 July 2019 and addressed to Clr D Hendrickse, in which she stated that the matter will be referred to Disciplinary Committee (see page 30 of this report).

### **MODUS OPERANDI OF MY INVESTIGATION**

After the perusal of the file handed to me by the Speaker containing the complaints against Clr D Hendrickse, I requested a copy of the Council agenda for the meeting held on 30 June 2019 in order to verify that the topic of water and water tariffs were part of the agenda, as this was the topic which gave rise to the alleged verbal abuse of Ms Mettler by Clr D Hendrickse. I also identified possible witnesses as well as additional documentation which could assist me in my investigations in this regard. I also extended an invitation to Clr D Hendrickse for an interview to obtain his version or explanation for the events, but he refused to be interviewed by me.

### **THE COMPLAINTS OF MS METTLER**

1. **The complaint that Clr D Hendrickse shouted/ screamed that Ms Mettler in a Council meeting**

The first complaint of Ms Mettler is based on the manner and the way in which Clr D Hendrickse had addressed her during a break in a Council meeting on 30 January 2019. During this break, he allegedly approached her where she was seated in the Council meeting. He posed a question to her about water tariffs and when she said to him that she needed to consult her documents in order to provide him with an answer, he allegedly shouted and screamed at her in an aggressive manner. He accused her that she was misleading the Council and that she does not know how to do her job. This alleged verbal abuse happened while other Councillors, officials and a guest from the Auditor General's office, Mr Liso von Bettensire Ndzamela, were present.

2. **The complaint that Clr Hendrickse had brought the Council and Senior Management in disrepute**

The above complaint of Ms Mettler is a result of an e-mail from Clr D Hendrickse dated 29 September 2018 in addressed to the Municipal Manager and the Executive Mayor, in which a host of other persons were copied as well. In this e-mail on page 16 of this report, he alleged that the "municipal directors" were "misleading the Council and the public" in a presentation they had made to Council" in the May 2018 budget process". On page 17 of this report, he continued to say in this particular e-mail that "the directors acted irresponsible in misleading Council. In his last paragraph of this particular e-mail on page 17 of this report, he stated that: " Council must act against these officials that mislead Council and the public". He

concluded his aforesaid e-mail by saying that: "there is no water crisis and never was in Stellenbosch and this unjust high water tariffs is just a money making scam".

In an e-mail of Ms Mettler, dated 5 October 2018 which is on page 15 of this report, to the Speaker, she requests in the very last sentence on the said page 15 that: "I herewith request that you investigate this as Councillor Hendrickse is putting the administration in disrepute."

### **3. The complaint that Clr D Hendrickse had threatened Ms Mettler in a WhatsApp message**

This complaint is addressed by the Speaker in the third bullet of her letter to Clr D Hendrickse, dated 9 November 2018 on page 18 of this report, where it is alleged that Clr D Hendrickse had said to Ms Mettler in a WhatsApp that : " I call 7 days meeting in next week to return the favour" (his exact words). In his reply to the letter of the Speaker, dated 9 November 2018 in this regard, he states in his e-mail, dated 17 November 2018, in paragraph 3 that he did not make "any threat against the Municipal Manager in the WhatsApp message". Clearly, he did not dispute sending the WhatsApp message to her in his e-mail. In terms of his explanation to the Speaker in his e-mail on 17 November 2018 he gave a different interpretation (see page 19 of this report) of what he had said in this WhatsApp message. He stated that he meant that "... the law set the time from of 7 days and not me" (his exact words) if "... I bring any allegations of misconduct against senior managers ....".

### **INTERVIEWS CONDUCTED / REQUESTED REGARDING THESE COMPLAINTS**

With reference to first complaint by Ms Mettler about the alleged verbal abuse by Clr D Hendrickse during a break in the Council meeting on 30 January 2019, I had interviews with the Speaker, the Councillors and the officials mentioned below. Although I tried several times to set up an interview with Clr D Hendrickse, he refused to grant me an interview, as I shall explain in more detail on pages 8 and 9 of this report.

With reference to the second complaint by Ms Mettler that Clr Hendrickse had brought the Administration into disrepute, I interviewed her and the Speaker.

With reference to the third complaint by Ms Mettler regarding the WhatsApp message that she had received from Clr D Hendrickse, I only interviewed the Speaker and Ms Mettler, in view of the refusal of Clr D Hendrickse to agree to an interview with me.

#### **Clr Wilhelmina Petersen (the Speaker)**

I had an interview with Clr Petersen as the Speaker, during which she briefed me about the first complaint of Ms Mettler, during which she confirmed that she had



received the said complaint and that she had requested Clr D Hendrickse in writing to respond to it (see her letter dated 11 February 2019 on page 21 of this report). She told me that that Clr Hendrickse did reply in an e-mail, dated 26 February 2019 on page 23 of this report, in which he denied that he had verbally abused her in terms of the first complaint.

Regarding the second complaint of Ms Mettler relating to her view that Clr Hendrickse had brought the Administration in disrepute, she told me that she had addressed a letter to Clr Hendrickse on page 18 of this report and that he had replied in an e-mail on page 19 of this report.

With regard to the third complaint of Ms Mettler relating to the WhatsApp message of Clr Hendrickse, she said that she asked Clr Hendrickse to respond to it in her letter to him, dated 9 November 2018 on page 18 of this report and that he denied that he had threatened Ms Mettler in a WhatsApp message in terms of her second complaint on page 19 of this report.

She added that she did witness the incident in the Council Chamber on 30 January 2019, when Clr D Hendrickse had aggressively shouted and screamed at Ms Mettler during a break in the Council meeting.

#### **Ms Geraldine Mettler (the Municipal Manager)**

In my interview with Ms Mettler, she made it clear to me that, in respect of the first complaint, she felt that the screaming and shouting at her in the presence of other persons in the Council chamber by Clr Hendrickse, was embarrassing, demeaning and unbecoming of a Councillor to speak to a professional person such as a Municipal Manager. She added that she was emotionally very upset by the behaviour of Clr D Hendrickse and that she had sent an e-mail to the Speaker on 5 February 2019, in which she had lodged a formal complaint against Clr Hendrickse on page 14 of this report.

Regarding her second complaint, she told me that this was her most serious complaint, as Clr Hendrickse stated in his e-mail dated 29 September 2018 on page 16 of this report, that the Administration was misleading the Council and the public about the real reasons for the increase in water tariffs, as he believed it was "just a money making scam". As the head of the Administration, she feels his statement she and the rest of the municipal directors (as Clr Hendrickse referred to Senior Management on page 16 of this report) are misleading the Council and the public in this regard, is putting the Administration in disrepute.

As for her third complaint that the WhatsApp which Clr D Hendrickse had sent to her (see page 31 of this report), in which he stated that he "will return the favour", she said that she felt threatened by it, as any reasonable person would, considering his

outbursts towards her in his e-mail dated 29 November 2018 and his aggressive or hostile verbal attack on her on 30 January 2019 during the break in the Council chamber.

**Adv Gesie van Deventer (the Executive Mayor)**

In an interview with Adv Gesie van Deventer, she told me regarding the first complaint of Ms Mettler, that although she did attend the Council meeting on 30 January 2019 and although she sits close to the Municipal Manager in Council meetings, she had left the Council Chamber during the break in the Council meeting, when Clr D Hendrickse had allegedly shouted and screamed at Ms Mettler.

With regard to the second complaint of Ms Mettler relating to Clr Hendrickse's statement that the Administration was misleading the Council and public regarding the real reasons for the increase in water tariffs,, she was one of the recipients of the e-mail from Clr Hendrickse, dated 29 September 2018, on page 16 of this report.

As for the third complaint of Ms Mettler dealing with the WhatsApp message sent to her by Clr Hendrickse, she was one of the recipients of the e-mail by Ms Mettler to the Executive Mayor and the Speaker, dated 5 October 2018, on page 15 of this report.

**Clr Nyaniso Jindela (The Deputy Mayor)**

Clr Jindela informed me in our interview that he witnessed the incident during the break in the Council meeting on 30 January 2019, as he sat close to where the Municipal Manager was seated. He said that he looked up when Clr D Hendrickse started to scream and shout at the Municipal Manager, Ms Mettler. Although he told me that he cannot remember the exact words of Clr D Hendrickse to Ms Mettler, Clr Hendrickse told her that she was misleading the Council and that she was incapable of doing her work in a very aggressive manner. He confirmed that many Councillors and officials were present when he shouted at her and that the Municipal Manager became very emotional as a result of the shouting and the screaming by Clr D Hendrickse.

**Clr Salie Peters**

In my interview with him, Clr Peters stated that he was near to Clr D Hendrickse in the Council Chamber when Clr D Hendrickse started to scream and shout at Ms Mettler, the Municipal Manager, on 30 January 2019. He told me that Clr Hendrickse was very aggressive and screamed very loudly at her, while some other Councillors and some officials were still in the Council chamber during the break. He cannot remember the exact words used by Clr Hendrickse, but the gist of it was that he

made derogatory accusations towards her. He saw that Ms Mettler was very upset afterwards because of this incident.

#### **Clr Emily Fredericks**

She told me that, although she remembers that there was an incident between Clr D Hendrickse and Ms Mettler, the Municipal Manager, during the break in the Council meeting on 30 January 2019, she was in the Council chamber, cannot remember much about the incident.

#### **Mr Fiaz Hoosain (Chief Audit Executive)**

In our interview, Mr Hoosain told me that he was standing next to the Municipal Manager, Ms Mettler, during a break in the Council meeting on 30 January 2019, when Clr D Hendrickse approached her and started to scream and shout at her in an aggressive manner. According to him, Clr D Hendrickse accused her that she does not know how to do her job and that she was misleading the Council. He added that, when Ms Mettler started to speak to defend herself, he shouted at her that he does not have to listen to her. He confirmed that this incident took place while some Councillors and some senior officials were still in the Council chamber during the break. He also confirmed that Ms Mettler was very upset as a result of the behaviour of Clr D Hendrickse.

#### **Mr Cedrick Thorpe (Manager: Law Enforcement)**

In my interview with Mr Thorpe, I asked him if video footage exists of the incident in the Council chamber on 30 January 2019 and he replied that as the incident happened during a break when the video surveillance was switched off, there is no video footage of this incident.

The office of the Municipal Manager, Ms Mettler, had also informed me (after my interview with Mr Thorpe) in an e-mail on 9 September 2019, that the video received from Law Enforcement of the Council meeting held on 30 January 2019, only shows the first 2 hours of the meeting and that the incident between Clr D Hendrickse and Ms Mettler happened after that. See the e-mail of Ms Raydine Wenn on pages 32 and 33 of this report.

#### **Clr Derrick Hendrickse**

I have tried several times to set up an interview with Clr D Hendrickse to hear his version or explanation of this complaint, for instance:

1. I sent an e-mail to Clr D Hendrickse on 7 October 2019 on page 39 of this report, in which I confirmed that I was appointed by the Speaker to investigate the complaint of Ms Mettler against him and in which I requested

an interview with him. He replied on the same date with an e-mail to me on page 39 of this report, by asking for proof of my appointment and my brief by the Speaker, before he will consider to agree to an interview with me;

2. I sent Clr Hendrickse a further e-mail on 7 October 2019, as can be seen on page 38 of this report, in which I advised him that I have copies of correspondence between the Speaker and himself in this regard (so that he did not have to send these documents to me again). He responded by saying in an e-mail on 7 October 2019 on page 38 of this report that he insists on a copy of my appointment and my brief, as he is "not placed in a position to consult on any engagement with you" without it. The reason why a copy of my letter of appointment and my brief was not attached to my e-mail to him on 7 October 2019, was that I was in a hurry at 18:21 on 7 October 2019 (when I sent the e-mail) to leave for a long journey, as I had to attend to a matter in the rural area of the Western Cape the next day.
3. On 10 October 2019 I sent a further e-mail to Clr D Hendrickse as can be seen on page 37 of this report, to which I attached my letter of appointment and in which I explained why I did not attach it previously. In it, I also gave him my brief to do the investigation into the complaint by Ms Mettler against him.
4. On 10 October 2019, Clr D Hendrickse replied to my e-mail to him on the same date and he attached to this e-mail on page 36 of this report, a host of documents which relates to my previous investigation into another allegation against him in 2018. He concluded his e-mail by saying that : "I don't see the need to meet with you as the Speaker has already informed me that, seeing that I did not implement her sanction, that she refers this matter to the Disciplinary Committee."
5. I responded in an e-mail on 10 October 2019 to the above e-mail of Clr Hendrickse, as can be seen from page 35 of this report, in which I stated that the Speaker had actually advised him (in her letter that he was referring to) that the complaint has not been resolved (as he did not agree to her suggested solution to resolve the issue) and as such the complaint still stands and it must be processed. I further stated that, if he should not agree to an interview with me, I would have no other option than to conclude my investigation into the complaints against him, without his input.
6. Clr D Hendrickse sent me a e-mail on 10 October 2019, in which he copied a host of recipients including Min Anton Bredell, which is on pages 34 and 35 of this report. In it, he requested me "not to make any contact with me in this

matter again” and in which he continued to make derogatory statements. To this e-mail, he attached pages 40 to 80 of this report, which relates to a previous investigation that I had done into allegations of misconduct against him. As I do not want to be accused by Clr Hendrickse that I have not included his full response in this report to Council, I have included all these annexures to his e-mail to me on 10 October 2019 to my report. As I respected his request not to contact him again regarding this matter, I did not make contact with him again and for this reason only, did not react to his derogatory statements.

### **EVALUATION OF THE EVIDENCE**

1. The complaint by Ms Mettler against Clr D Hendrickse relating to the alleged verbal abuse by Clr Hendrickse of her during a break in a Council meeting on 30 January 2019, cannot be substantiated by video footage or a sound clip, but there is ample evidence of the incident in the form of oral evidence by some Councillors and some officials. Officials such as Ms Mettler and Mr Hoosain can and are willing to testify in a disciplinary hearing against Clr D Hendrickse, should Council decide that there must be one.

This complaint is also substantiated by Clr Hendrickse himself in his letter, dated 26 February 2019, on an EFF letterhead addressed to the Speaker on page 23 of this report, as he states in paragraph 6 on page 24 of this report : “The Municipal Manager feels violated because I shouted at her in the presence of a Senior Manager from the Auditor General’s office.” The Municipal Manager was hopeful that the suggestion by the Speaker, that Clr D Hendrickse should make a public apology to Ms Mettler for shouting and screaming at her, would be accepted by Clr Hendrickse as the final solution to resolve this complaint, but Clr D Hendrickse had refused to accept her proposal. Councillors who witnessed the incident and who are willing to testify against Clr D Hendrickse should there be a disciplinary hearing, include Clr Jindela and Clr Peters.

2. The complaint that Clr Hendrickse had brought the Council and Senior Management in disrepute is substantiated by the e-mail of Clr Hendrickse, dated 29 September 2018, addressed to the Municipal Manager and the Executive Mayor on page 16 of this report, in which he addressed the issue of “high water tariffs” and the water crises. In this e-mail, he stated that the Administration is misleading the Council and the public regarding the reasons for the increase in water tariffs,

as he believed that "...there is no water crisis and never was in Stellenbosch and this unjust high water tariffs is just a money making scam." The Municipal Manager, the Speaker, the Executive Mayor and Clt Paul Biscombe (the recipients of this e-mail of Clr Hendrickse) can testify that they have received this e-mail.

3. The complaint by Ms Mettler against Clr D Hendrickse for sending a threatening WhatsApp to her in which he said that he "will return the favour", can be substantiated by the WhatsApp message (see page 31 of this report). She can testify that she had received the said WhatsApp on 26 September 2018 and that Clr Hendrickse was the sender of the particular WhatsApp message. It can also be substantiated by her e-mail dated 5 October 2018 to the Speaker on page 15 of this report, in which e-mail she quotes the complete WhatsApp message of Clr Hendrickse and in which she confirms that she views this as a threat.

#### **FINDINGS:**

1. **The complaint that Clr D Hendrickse shouted/ screamed that Ms Mettler in a Council meeting:**

I find that there is merit in this complaint by Ms Mettler and that it can be proved on a balance of probabilities with oral evidence, should Council resolve that Clr D Hendrickse should be charged in a disciplinary hearing in this regard. As for documentary evidence, Clr Hendrickse admits on page 24 of this report in paragraph 6 in an EFF letter signed by him, that he had shouted at Ms Mettler on 30 January 2019.

2. **The complaint that Clr Hendrickse had brought the Council and Senior Management in disrepute:**

I find that there is merit in this complaint by Ms Mettler and that it can be proved on a balance of probabilities by relying on the e-mail sent by Clr Hendrickse on 29 September 2018 on pages 16 and 17 of this report. The testimonies of the recipients of this e-mail can also testify in this regard.

3. **The complaint that Clr D Hendrickse had threatened Ms Mettler in a WhatsApp message:**

I find that there is merit in this complaint by Ms Mettler and that the existence of the said WhatsApp on page 31 of this report, can be

proved to the Disciplinary Committee on a balance of probabilities and by the testimony of Ms Mettler, if Council should resolve that Clr D Hendrickse should be charged in a disciplinary hearing in this regard. The Speaker, the Executive Mayor and Clr Biscombe, can testify about the fact that Ms Mettler had reported the said WhatsApp to them on 5 October 2018 as per page 15 of this report.

**RECOMMENDATIONS:**

**1. The complaint that Clr D Hendrickse shouted/ screamed that Ms Mettler in a Council meeting:**

I recommend that Council resolve that, as this complaint can be substantiated on a balance of probabilities, that Clr D Hendrickse be charged that he had transgressed Item 2(b) of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems of 2000, which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility of the municipality is not compromised."

The words "at all times" are wide enough to also refer to the conduct of a Councillor during a break in a Council meeting.

As an alternative charge to the main charge proposed above, I recommend that he be charged with the alternative charge that his conduct during the break in the Council meeting on 30 January 2019, is a transgression of Item 2(a), which reads: "A councillor must perform the functions of office in good faith, honestly and in a transparent manner."

**2. The complaint that Clr Hendrickse had brought the Council and Senior Management in disrepute:**

I recommend that Council resolve that, as this complaint can be substantiated on a balance of probabilities, that Clr D Hendrickse be charged that he had transgressed Item 2(b) of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems of 2000, which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility of the municipality is not compromised."

The words "at all times" are wide enough to also refer to the conduct of a Councillor when he/ she is writing e-mails/ letters in his capacity

as a Councillor to the Speaker or any other Office Bearer of the Municipality as well as to the Municipal Manager.

As an alternative charge to the main charge proposed above, I recommend that he be charged with the alternative charge that his conduct by bringing the Council and Senior Management in disrepute, is a transgression of Item 2(a), which reads: "A councillor must perform the functions of office in good faith, honestly and in a transparent manner."

**3. The complaint that Clr D Hendrickse had threatened Ms Mettler in a WhatsApp message:**

I recommend that Council resolve that, as this complaint can be substantiated on a balance of probabilities, that Clr D Hendrickse be charged that he had transgressed Item 2(b) of the Code of Conduct for Councillors, Schedule 1 to the Local Government Act: Municipal Systems of 2000, which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility of the municipality is not compromised."

The words "at all times" are wide enough to also refer to the conduct of a Councillor even when he/she is at home or somewhere else whilst sending WhatsApp messages to the Municipal Manager.

As an alternative charge to the main charge proposed above, I recommend that he be charged with the alternative charge that his action to send a threatening WhatsApp to Ms Mettler, is a transgression of Item 2(a), which reads: "A councillor must perform the functions of office in good faith, honestly and in a transparent manner."



**ADV E W VERMAAK**

21 October 2019



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*Our Ref: A de Beer  
Office of the Director Corporate Services*

20 June 2019

Adv Etienne Vermaak  
26 Cabernet Sauvignon Street  
Oude Westhof  
Bellville

Dear Adv Vermaak

**APPOINTMENT OF AN APPROPRIATE EXPERIENCED SERVICE PROVIDER TO ASSIST THE SPEAKER WITH INVESTIGATIONS INTO ALLEGED MISCONDUCT OF COUNCILLORS**

This letter is to confirm your provisional appointment to assist the Speaker with investigations into the alleged misconduct of CouncilLors against the Code of Conduct. This appointment also includes acting as an initiator in disciplinary matters as and when required.

Upon accepting the appointment in this letter, a meeting will be scheduled to discuss the matters that requires investigation.

A final report with recommendations must be submitted to the Office of the Speaker. Specific statements need to be submitted with each invoice including the official order number (Appendix 1) for payment.

Yours faithfully

**ANNALENE DE BEER  
DIRECTOR: CORPORATE SERVICES**

**Sharesa Cammeleto**

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**From:** Geraldine Mettler  
**Sent:** Tuesday, 05 February 2019 13:03  
**To:** Wilhelmina Petersen (Speaker)  
**Subject:** Incident in council on 30 January 2019

**Importance:** High

Dear Speaker

**RE: COMPLAINT AGAINST COUNCILLOR DERRICK HENDRICKSE**

I am deeply disturbed and feel verbally violated as I write this email to you.

During the Council meeting of the 30<sup>th</sup> January 2019 whilst the Council was on a break, Cllr Derrick Hendrickse without any warning or consideration for Councillors, members of the public in the gallery and officials present verbally abused me. Cllr Hendrickse was yelling and screaming at me in hostile and aggressive way whilst I respectfully tried to resolve the question around the Annual Report. He also did this in the presence of a Senior Manager from the AG's office who was present at the meeting. I felt violated as a woman and threaten.

He screamed and shouted at me on the top of his voice saying that I am misleading Council and with total disrespect threw his hands up as if to shun me and said. "Don't talk to me.....I don't want to listen to you."

I asked Cllr Hendrickse to please not shout at me as I was respectfully trying to respond to him.

I would like to place on record that I am totally disgusted with the behaviour of Cllr Derrick Hendrickse and that I am very disturbed as he questioned my professional ethics and integrity with regard to the Annual Report to Council. This display of total disrespect towards me, the accounting officer of Stellenbosch Municipality is unacceptable and I feel I need to be protected against such abuse. There are many officials and councillors who were witness to this and are able to testify to the verbal abuse I experienced. This behaviour is unbecoming for a councillor and put council in disrepute.

This behaviour in my opinion is totally disrespectful to not only me but all the people who witnessed this. I am extremely upset by this verbal attack and I bring this to your attention for furtherance



Kind regards,  
**Geraldine Mettler**  
Municipal Manager  
**Stellenbosch Municipality**  
**Office of the Municipal Manager**

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Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)



6/2018 15

**Sharesa Cammeleto**

**From:** mm  
**Sent:** Friday, 05 October 2018 08:41  
**To:** Wilhelmina Petersen (Speaker); Mayor (Gesie Van Deventer); Mayor Pa (Carmen Saville); Paul Biscombe (Whip)  
**Cc:** 'Derrick Hendrickse'  
**Subject:** RE: [EX] allegation of misconduct against directors  
**Importance:** High

Dear Mayor and Speaker,

As much as Councillor Hendrickse has the right to bring any allegations against any official, I do believe that he needs to be factually correct. It is well known and well communicated that the Western Cape was declared a disaster area by national government as a result of the protracted drought. Moreover, the municipality had to reduce our water consumption with 45 %. This also resulted in us amending our top layer SDBIP to include this national target in January . The implications of the tariffs was well communicated at all IDP hearings with adverts and awareness campaigns requesting residences to use water sparingly. All the IDP presentations had the a slide on the set tariffs and the implications if you use more than 6kl.

Cllr Hendrickse statement "Their is no water crises and never was in Stellenbosch and this unjust high water tariffs is just a money making scam." This very irresponsible and is tantamount to bringing this council and administration into disrupt. What is more disturbing is that Cllr Hendrickse send the following whats app message to me:

"Morning Mayor and MM once again my disappointment in calling illegal council meetings via emails. Not even the Whip of council and Speaker consulted with whips re this . We nie being excluded from these meetings. On CFO item why even consider to appoint Wust for three months and beyond where he is not good enough to be re appointed. Appointment action manager in this vacant position as what was done for months when Du Pree Lombard resigned. Likewise we cannot debated the ASLA scam re land in Kayamandi and employment of temp workers. This once again proof that DA will push their own agendas . I call 7 days meeting in next week to return the favor. Regards Derrick Hendrickse"

My emphasis is on the sentence that reads "I call 7 days meeting in next week to return the favour". I regard this sentence as a threat to the administration. Given the fact that the above is frivolous I would like to caution against fruitless and wasteful cost for these frivolous charges. Who will be held accountable? It is my fiduciary duty to bring this to your attention.

Cllr Hendricks is well converse with the misconduct regulations for senior managers and is aware that we need to call a council meeting within 7 days for any allegation. However, calling a council meeting for an unsubstantiated and frivolous charge borders on fruitless and wasteful cost and I need to bring this to your attention. This tantamount to abuse of legislation. It should be noted that personal liability for wasteful cost is a reality and should not be taken lightly.

Madam Mayor and Speaker, I regard this behaviour from Councillor Hendrickse as disruptive and non-conducive to this Administration. These unsubstantiated allegations brought to Council on the Senior Managers is costing the Municipality not only in reputation, but also in monetary terms.

I herewith request that you investigate this as Councillor Hendrickse is putting the Administration in disrepute.



Kind regards,  
**Geraldine Mettler**  
 Municipal Manager  
**Stellenbosch Municipality**  
**Office of the Municipal Manager**

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[http://www.stellenbosch.gov.za/main\\_pages/disclaimerpage.htm](http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm)

**From:** Derrick Hendrickse [mailto:derrickpal@telkomsa.net]  
**Sent:** 29 September 2018 12:21 PM  
**To:** mm; Wilhelmina Petersen (Speaker); Paul Biscombe (Whip); Council Stellenbosch; Directors Group; Mayor (Gesie Van Deventer); Faiz Hoosain  
**Cc:** EFF Clr Lusenda Horsband; Melikhaya Xego EFF Prov Chairman  
**Subject:** [EX] allegation of misconduct against directors  
**Importance:** High

Dear MM and Mayor

I take this opportunity to bring allegation of misconduct against all the municipal directors for misleading the municipal Council and the public of Stellenbosch in relation of the new water tariffs they presented to Council for approval in the May 2018 budget process.

1. The Council and the public were mislead when they indicated that increased water tariffs will have the effects on the municipal account as set out in the Final Appendix 2 – House hold bill ( See attached copy)
2. When the official presented the new water tariffs ( See attached copy ), they never explained their reason for introducing more categories then compared to previous years. Nor did the give any indication of how this will effect consumers accounts .
3. As an example I include copies of my municipal account to illustrated how the officials has manipulated the new tariff structure to milk the public for excessive cost on their municipal account for water use.

In this regard

My July 2018 water account was 12 Kl at tariff 89.400 =R102.81( see attached copy of account)  
 My August 2018 water account was 10.5 Kl at 74.400=R85.56 pluss 3.5 Kl at 18.79=R21.60 Total =R 107.16  
 ( See attached copy of account)  
 My September water account is 20 kl at 474,6200 =R 545.81 . In this regard no breakdown of different levels of tariffs applicable in 20 Kl( See attached copy of account)

I also take this opportunity to indicate to you that based on the water tariff's applicable in last year 2017/2018 budget my water account on the use of 20 Kl would have been R 193.12( See attached copy of June 2018 account)

It must also be noted that based on the current water tariffs I will be paying for 23 Kl use R 787.31 , and this when I was charged in March 2018 the amount of R 323.28 ( See my attached march account ). Thus equates to an increase of more then 104%.

The directors acted irresponsible in misleading Council in approving these very high water tariffs which are unaffordable to especially the poor.

Please note that I have received various calls from the public about their very high water bills this month which some indicated they cannot afford to pay.

The public especially the poor and indigent are at risk of having their electricity prepaid meters being blocked when most cannot afford to pay their municipal accounts by 7 of October 2018.

Council must act against these officials that mislead Council and the public. There is no water crises and never was in Stellenbosch and this unjust high water tariffs is just a money making scam.

Regards

Derrick Hendrickse



①

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**A NOTICE BY SPEAKER REQUESTING COUNCILLOR TO REPLY TO AN ALLEGED BREACH IN TERMS OF ITEM 13 OF THE CODE OF CONDUCT FOR COUNCILLORS**

**Ref: 6/2018**

**9 November 2018**

Dear Councillor D Hendrickse

**RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

You have allegedly breached the *Code of Conduct for Councillors* in terms of item 13 in that:

- you made allegations of misconduct against directors
- you brought the Council and Administration into disrupt by making the following statement "There is no water crises and never was in Stellenbosch and this unjust high water tariffs is just a money making scam."
- You threatened the Administration in a whatsapp message where you say the following, "I call 7 days meeting in next week to return the favour."

In terms of item 13 of the said Code you are hereby given the opportunity to reply in writing regarding the alleged breach by not later than 16h00 on 23 November 2018.

Kindly see attached complaint letter my office received regarding this matter.

Yours faithfully,

**SPEAKER : WC Petersen**  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
 021 808 8009

**Wilhelmina Petersen (Speaker)**

**From:** Derrick Hendrickse <derrickpal@telkomsa.net>  
**Sent:** Saturday, 17 November 2018 13:30  
**To:** Wilhelmina Petersen (Speaker); Paul Biscombe (Whip); Directors Group; Faiz Hoosain  
**Cc:** Melikhaya Xego EFF Prov Chairman; PS EFF Andrew Arnolds; Shireen De Visser  
**Subject:** [EX] My Responce to Speakers Letter dated 9 November 2018  
**Attachments:** 9 Novemeber 2018 Letter from Speaker re Allegations of Misconduct.pdf; NEW WATER TARIFFS FROM NOVEMBER 2018 BILLING ACCOUNT.pdf; Stellenbosch to relax water restrictions - Stellenbosch Municipality.pdf; 14 Nov 18 Eikestadnuus artikkel re Water tariewe.pdf; Public input on the advertised water level 2 tarrifs; Mun website post as at 17 Nov 2018.pdf

**Importance:** High

Dear Speaker

With reference to your attached letter dated 9 November 2018 herewith my response as requested by you.

1. I have not breached to code of conduct for bringing allegations of misconduct against directors. Legislation allows me or anybody for that matter to bring allegations of misconduct against any senior managers . It is then up to the DA majority in Council if they want to dismiss or investigate these allegations against the senior managers. It is not the call of the Municipal manager to give her opinion on these matters . If the DA dismiss the allegations on the bases that it in unjust then please get them to resolve as such .
2. I have never disrupt the Council or administration by stating that Stellenbosch never had a water crises and that the unjust high water tariffs is a money making scam. So let me again state that the level 4 water tariffs imposed on consumer prior to 30 June 2018 was money making scam and these already unjust high level 4 water tariffs was even increase excesssively in May 2018 when the DA majority in Council approved these unjust increased level 4 water tariffs. The only motive was to make even more money due to increase water tariffs . On this was done in contravention of applicable legislation and council policies.
3. I have not make any threat against the Municipal manager in the Whatap message. I stated the facts as prescribed in legislations, as she correctly state that I know the legislation ,in so far that if I bring any allegations of misconduct against senior managers the law set the time from of 7 days and not me.

Please consider that to date the official that have brought items items to Council and placed notices in the newspaper regarding the water situation have made a mockery and a PR mess of this very important matter In thsi regard see the advert that now seems to be incorrect was written in newspaper article ( Not via Notice withdrawing the incorrect notice ) and Post on Mun website.( see attached copy )

I also beg to ask what will happen to the public input given on this incorrect notice placed in last weeks Eikestadnews paper. See attached email I send as inputs )

I once again state that Council and the public were once again mislead.

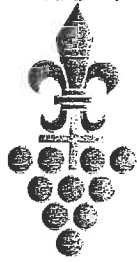
I shall thus not be intimidated by you or the MM as set out in the attached letter with email from the MM which was send to you on 5 October 2018 , the same day the the DA decided to call on you as the Speaker

to call a continuation council meeting so to deal with allegations of misconduct against senior managers including the MM regarding water tariffs issues. In this regard to date, more the 40 days after 5 October 2018, you as the Speaker have failed to call this continuation Council meeting. This matter was not even dealt with on the 31 October 2018 when normal Council meeting was held , nor on 9 October 2018 when you called an Urgent Council meeting.( Nothing on this agenda was Urgent ) Fact is the you had the Change this from a Special to Urgent Council meeting on the evening of 7 October 2018 as the notice and agenda of the Special meeting was never send out to all councillor only DA MAYCO members .

Regards

Derrick Hendrickse





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## OFFICE OF THE SPEAKER

### **A NOTICE BY SPEAKER REQUESTING COUNCILLOR TO REPLY TO AN ALLEGED BREACH IN TERMS OF ITEM 13 OF THE CODE OF CONDUCT FOR COUNCILLORS**

Ref: 3 / 2019

**11 February 2019**

Dear Cllr D Hendrickse

#### **RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

You have allegedly breached the *Code of Conduct for Councillors* in terms of item 13 in that:

- You allegedly verbally abused the Municipal Manager on 30 January 2019 in the gallery of the Council Chambers, where councillors, officials, members of the public and a senior member of the AG's office were present.

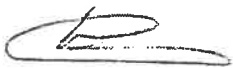
In terms of item 13 of the said Code you are hereby given the opportunity to reply, in writing regarding the alleged breach by not later than 16h00 on 28 February 2019.

Kindly inform me of your decision by no later than 17 April 2019 at 16:00.

Thank you in advance.



Yours faithfully



**SPEAKER : WC Petersen**

[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)

021 808 8009



26 February 2019

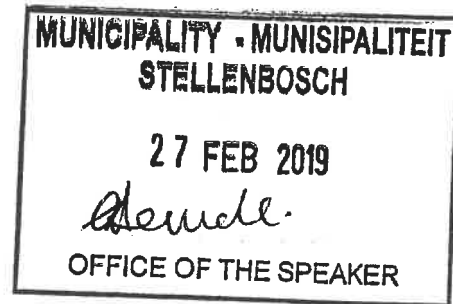
The Speaker

Stellenbosch Municipality

Plein Street

Stellenbosch

7600



Attention : Clr WC Petersen

**RE: RESPONSE TO YOUR LETTER DATED 11 February ( See attached copy )**

I deny that I have breach any code of conduct for councillors as alleged in your letter dated 11 February 2019 as there is no substance to the allegations brought against me by the municipal manager Ms G Mettler as in her email dated 5 February 2019 attached to your said letter.

With reference to the allegations levelled against me by the municipal manager i place on record the following:

1. I never used swear words or any derogatory language in me verbal engagements with the municipal manger in the Council chambers or anywhere else.
2. I have never use any body language or movements towards the municipal manager that suggest that I wanted to hit or assault her in any way . Nor did I make any attempt to assault her in any way.
3. I have not transgressed any legislation, policy and or By-laws applicable to the Stellenbosch Municipality in this regard.

Here are the facts :

1. Yes, I have shouted the words at the municipal manager as set out in her email.
2. The municipal manger even shouted back at me to say I must not shout at her and that she shall deal with me for misleading council.
3. When the councillors went into a caucus for the addition in-committee item which the municipal manager brought regarding the sale of Farms next to Kayamandi , the municipal manager told me that she that she has not happy nor impressed, that I shouted at her earlier. Without hesitation I told the municipal manager that if I have offended her for shouting at her I apologise for shouting at her , but I don't apologise for the words I said to her .

4. Referring to the item dealing with the Annual report during which the verbal exchange took place I take this opportunity to state once again the municipal manager told council that I am misleading this Council when I told the Council that the emailed agenda which was emailed to all councillors did not include the AG's audit outcome as part of this agenda. Even when I told Council that I had the Annual report printed by the PA of the Speaker and that this emailed agenda excluded the Audit outcome of the AG

When I checked this emailed agenda later, which was printed at the Speaker's PA office this documents also did not include the annual Financial statements and the Audit committee report.

The municipal manager insisted that the I have received a hard copy of the annual report which include the AGs Audit outcome , on 23 January 2019. In this regard I refuted this as I was in George on 23<sup>rd</sup> . The MM only issued 10 hard copies of the annual report and no notice was send out this hard copy was different from the emailed copy send out as the official agenda. In fact 33 Councillors out of the 43 Councillors never received a hard copy. Thus these 33 councillors could only apply their minds on the documents emailed to them.

5. I have tried that Council correct this none compliance by bringing an amendment so that the AG's Audit outcome report can be included in the item, but Instead I was made out to be liar by the MM, before Council , the public and the AG.

6. The municipal manager feels violated because I shouted at her in the presence of a Senior Manger from the auditor general's office. In this regard I still don't know what was the purpose of the Senior manager of the AG ,Mr Lizo von Bettensire Ndzamela presence at the 30 January 2019 Council meeting. He did present or spoke on the Audit Outcome of the Auditor general

7. To make matters worse is the fact that the Annual report that is placed on the municipal website is not that Annual Report that was emailed to all Councillors as the agenda to the 30 January 2019 Council meeting. Now the public are also been misled.

8. Attached also find copy of my email dated 5 February 2019 dealing with annual report. I can't believe this is how officials responded in this matter.

9. I have also been made a liar regarding the EFF participation on the section 80 committees and our strong views on it which, led to my eviction from the Council meeting. In this regard attached find a copy of my email dated 16 January 2019 . From this it's clear that the EFF don't want to serve on the two new committees which Council must still establish as resolved at the October 2018 Council meeting.

10. I was also betitled by the MM and the Mayor ,when I asked as to why the Executive Mayor was not presenting the item dealing with the annaul report, and why the MM was presenting this item. The facts are that the Mayor made the recommendations to Council in consultation with her MAYCO as set out on page 583 of the agenda. And the Mayor is silent on the recommendations she is making.

The DA was allowed to gang up on me so as to have me evicted, with not intervention of the Whip of Council or admin to protect my rights . My email of 16 January 2019 which was read out t the Council meeting never read that the EFF don't want to serve on any Section 80 Committee. I shall never apologise for the truth

In this regard now municipal officials are writing an agenda item for the 27 February 2019 to rescind the October 2018 resolutions re the 80 Committees and now officials recommend to Council as to who must

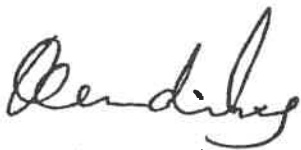
serve on the committees. I say this is all an attempt to correct the flawed process of establishing the 80 Committees previously as set out in the October 2018 Council resolutions on this matter.

I take this opportunity to ask that you and the MM rather use your time and energy more effectively to see to it that COUNCIL run effectively and that you for full your duty , as you have failed to address the following in the past months :

1. Revue of the illegal Rules of Order – Bylaw .No workshop called for all councillors on this matter
2. Revue of illegal System of Delegations.
3. See to it that Items brought before Council are written and have all relevant information so that all Councillors can apply their mind on it so as to make an informed decision
4. You in conjunction with the Whip of Council have failed to address the needs of non DA councillors as discussed in various Whip meetings.
6. The Speaker and the MM have failed to see that the Employment Equity Committee met .you have not for full your duty as you have not brought any reports to Council as to how this committee functioned and more importantly as to if employment equity was implemented as the municipality

In conclusion please note that I am deeply offended by the allegations brought against me by the MM , which wants to portray me as being abusive against women.

Yours Faithfully



Clr DA Hendrickse

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## OFFICE OF THE SPEAKER

Ref: 3 / 2019

28 March 2019

Dear Cllr D Hendrickse

### RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS

Thank you for your response letter dated 26 February 2019, with regards to the alleged breach of code of conduct for councillors.

I have investigated the facts and circumstances provided by the complainant, the Municipal Manager Ms. G Mettler and yourself Cllr D Hendrickse. I am of the opinion / view that you have contravened the Code of Conduct for Councillors.

I hereby kindly request that you apologies personally, publicly and in Council to the Municipal Manager, Ms. G Mettler for your behavior towards her.

The gesture of an apology will hopefully improve working relationships and prevent possible disciplinary action.

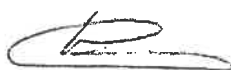
I hope you find this in order.

Kindly inform me of your decision by no later than 17 April 2019 at 16:00.

Thank you in advance.



Yours faithfully



**SPEAKER : WC Petersen**

[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)

021 808 8009



12 April 2019

The Speaker

Stellenbosch Municipality

Plein Street

Stellenbosch

7600

Attention : Clr WC Petersen

**RE: RESPONSE TO YOUR LETTER DATED 28 March 2019 ( See attached copy )**

With reference to your letter date 28 March 2019 respond as follows.

1. You as the Speaker has violated my rights in how you have dealt with this matter.
2. You have no authority to investigate the fact and circumstances as stated in your letter.
3. I was found guilty without any due process being followed.
4. The Municipal manager Ms G Mettler has no authority to tell you what sanction you must impose on me . I see your so called "request" as a sanction, failing which you as the speaker threaten me with disciplinary action.

I have always maintained that any allegations of misconduct levelled against me as a none DA council shall not be dealt with in terms of the law and due process and this letter of yours once again proof this fact, Once again i was found guilty by collusion .

I am also appalled that the Municipal manager has engaged with you and calling on you to issue this sanction. She and you should know what Council's policy is on this matter.

This oppression of my rights under DA rules just never stops.

Yours Faithfully

Clr DA Hendrickse

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**OFFICE OF THE SPEAKER**

**3 June 2019**

Municipal Manager Ms G Mettler  
 Stellenbosch Municipality  
 STELLENBOSCH  
 7600

Dear Ms G Mettler

**RE: REQUEST TO APPOINT AN INVESTIGATOR**

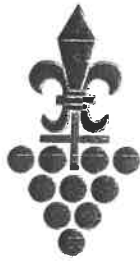
A complaint has been lodged by yourself against Cllr D Hendrickse (Ref 6/2018). I have investigated all the facts and circumstances and am of the view that there is substance in this case.

I hereby kindly request the appointment of an investigator in terms of the SCM process to conduct an investigation on behalf of the Speaker.

Thank you in advance

Kind regards

**SPEAKER : WC Petersen**  
Wilhelmina.Petersen@stellenbosch.gov.za  
 021 808 8009



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## OFFICE OF THE SPEAKER

Ref: 6 / 2018

25 July 2019

Councillor Derick Hendrickse

### **RE: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS**

My letter dated 9 November 2018 and your response to it with your letter (email) 17 November 2018 has reference.

Based on the information received from the complainant and yourself the matter will be referred to the Disciplinary Committee to make a finding.

I hope you find this in order

**SPEAKER : WC Petersen**

Wilhelmina.Petersen@stellenbosch.gov.za

021 808 8009



**FW: [EX] Re: FOOTAGE OF COUNCIL MEETING HELD ON 30 JANUARY 2019**

Raydine Wenn <Raydine.Wenn@stellenbosch.gov.za>

Mon 2019/09/09 14:32

To: evermaak@outlook.com <evermaak@outlook.com>

Cc: Nomie Tshefu <Nomie.Tshefu@stellenbosch.gov.za>

Good day Mr Vermaak

I refer to your subjoined email.

Kindly note that the video footage we received by Law Enforcement, of the Council meeting held on 30 January 2019 only shows the first 2 hours of the meeting and the aggressive behaviour of Councillor Hendricks happened after that. We therefore do not have any video footage of the Councillor's aggressive behaviour.

Kind regards,

**Raydine Wenn**

Personal Assistant

Office of the Municipal Manager

T: +27 21 808 8025 • F: +27 21 886 6749

71 Plein Street, Stellenbosch, 7600 • PO Box 17, Stellenbosch, 7599

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

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**From:** Geraldine Mettler

**Sent:** Tuesday, 03 September 2019 07:58

**To:** Raydine Wenn

**Subject:** Fwd: [EX] Re: FOOTAGE OF COUNCIL MEETING HELD ON 30 JANUARY 2019

Please can you check with Cedric

Sent from my iPhone

Begin forwarded message:

**From:** Etienne Vermaak <evermaak@outlook.com>

**Date:** 03 September 2019 at 07:44:51 SAST

**To:** mm <Municipal.Manager@stellenbosch.gov.za>, Geraldine Mettler <Geraldine.Mettler@stellenbosch.gov.za>

**Cc:** "Support.Speaker@stellenbosch.gov.za" <Support.Speaker@stellenbosch.gov.za>

**Subject:** [EX] Re: FOOTAGE OF COUNCIL MEETING HELD ON 30 JANUARY 2019

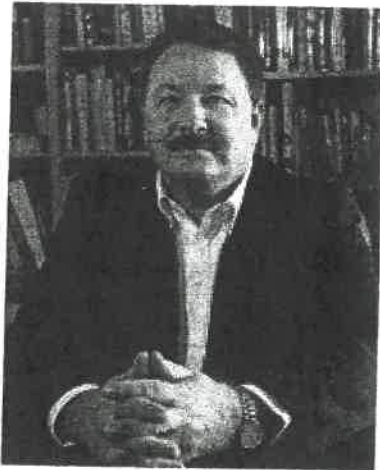
Good day Ms Mettler

With regard to my e-mail below and our meeting on 8 August 2019 below, please indicate if you have been successful in locating the video footage of the above Council meeting and if it shows the alleged aggressive behaviour by Clr Hendrickse.

I want to conclude the various investigations into allegations of the transgression of the Code of Conduct against the particular Councillors as soon as possible and I would

appreciate your assistance in this regard.

Kind regards



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**

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**From:** Etienne Vermaak  
**Sent:** Wednesday, 14 August 2019 15:17  
**To:** mm <[Municipal.Manager@stellenbosch.gov.za](mailto:Municipal.Manager@stellenbosch.gov.za)>; Geraldine Mettler  
<[Geraldine.Mettler@stellenbosch.gov.za](mailto:Geraldine.Mettler@stellenbosch.gov.za)>  
**Cc:** [Support.Speaker@stellenbosch.gov.za](mailto:Support.Speaker@stellenbosch.gov.za) <[Support.Speaker@stellenbosch.gov.za](mailto:Support.Speaker@stellenbosch.gov.za)>  
**Subject:** FOOTAGE OF COUNCIL MEETING HELD ON 30 JANUARY 2019

Good day MS Mettler

With reference to our consultation on 8 February 2019 in the above matter, please advise if you were able to secure the video footage of the above Council meeting and if it shows the aggressive behaviour by Clr Hendrickse.

Kind regards



**Fwd: REQUEST FOR AN INTERVIEW : COMPLAINT OF THE MUNICIPAL MANAGER**

Derrick Hendrickse &lt;derrickpal@telkomsa.net&gt;

Thu 2019/10/10 22:13

To: Wilhelmina.Petersen@ Stellenbosch.gov.za <Wilhelmina.Petersen@ Stellenbosch.gov.za>;  
 Speaker.Admin@ Stellenbosch.gov.za <Speaker.Admin@ Stellenbosch.gov.za>; evermaak@outlook.com  
 <evermaak@outlook.com>; EFF Melikhaya Xego Melikhaya Xego <mxego22@gmail.com>;  
 Annalene.DeBeer@ Stellenbosch.gov.za <Annalene.DeBeer@ Stellenbosch.gov.za>; DirectorsGroup@ Stellenbosch.gov.za  
 <DirectorsGroup@ Stellenbosch.gov.za>; LiezIK@agsa.co.za <LiezIK@agsa.co.za>; Sazi (DBE) Ndwandwa  
 <SaziN@agsa.co.za>; Mayor (Gesie Van Deventer) <Mayor@ Stellenbosch.gov.za>; Anton Bredell MEC  
 <Anton.Bredell@westerncape.gov.za>; Shireen.Devisser@ Stellenbosch.gov.za <Shireen.Devisser@ Stellenbosch.gov.za>; Faiz  
 Hoosain <faiz.hoosain@ Stellenbosch.gov.za>; Bernice Labuschagne <Bernice.Labuschagne@westerncape.gov.za>; Senior  
 Legal Adv Elizabeth Williams <Elizabeth.Williams@ Stellenbosch.gov.za>; Mervin Williams email  
 <Mervin.Williams@ Stellenbosch.gov.za>

 2 attachments (2 MB)

Speaker letter dated 25 July 2019.pdf; Code of Conduct for Clrs Disciplinary Hearing Investigation Procedure Nov 2012.pdf;

With reference to my email below attached find a copy of the 25 July 2019 letter from the Speaker address to my. I want it noted that in no previous emails from Adv E Vermaak he made any reference to this letter of 25 July 2019 . The fact is that he only this refer to this in his email this evening, and he calls it a memo wherein the Speaker informs me that " as the complaint of the Municipal Manager was not resolved, the matter will be pursued " that an ingenious spin the Advocate is putting to this letter. The Speaker never wrote this as indicated on the attached document. Attached also find the policy approved by Council which has not been complied with knowing by Adv E Vermaak and the officials that appointed him. Let me be frank. Once again Adv E Vermaak got handpicked to deal with me as a EFF councillor. Likewise I take this opportunity to state that I shall not engage with him and waste Ratepayers money. I shall never get any fair treatment from him as before . But luckily not him or any DA majority in The Disciplinary committee or Council are above the law. Regards Derrick Hendrickse

Sent from my iPhone

**From:** Derrick Hendrickse**Sent:** Thursday, October 10, 2019 8:50 PM**To:** Etienne Vermaak ; Mayor (Gesie Van Deventer)

**Cc:** Speaker.Admin@ Stellenbosch.gov.za ; Wilhelmina.Petersen@ Stellenbosch.gov.za ; EFF Melikhaya Xego Melikhaya Xego ; Annalene.DeBeer@ Stellenbosch.gov.za ; DirectorsGroup@ Stellenbosch.gov.za ; Faiz Hoosain ; Sazi (DBE) Ndwandwa ; LiezIK@agsa.co.za ; Anton Bredell MEC ; Bernice Labuschagne ; Shireen.Devisser@ Stellenbosch.gov.za ;

**Subject:** Re: REQUEST FOR AN INTERVIEW : COMPLAINT OF THE MUNICIPAL MANAGER

Dear Adv E Vermaak

With reference to your email below I now call on you not to make any contact with me in this matter again. I state this for the following facts. 1 . You have no respect for me and no regard for the Council approved policies just as in your dealings with me in the past . 2. Once again you make unfounded statements as it's a fact that o have not been informed by anybody in the municipality that you have been appointed to investigate me , how dare you state I made this as an allegation. Why don't you proof this and get issue me

with a copy of the letter you alledged the Spwaker send me on this . 2 . On my statement that you got hand picked to deal with me I stand by this as in 2017 you never submitted any competitive tender to do this work nor are you the only person or company that can do this . You got appointment via a deviation and this is a fact. 3 I send you the report that was submitted to Council on 2018 to proof and place on record your bias toward the administration that instructed you to investigate charges that was never brought against me by the then Speaker. 5 Once again you insult my intelligence to state that I can to the Speaker reception to announce that I won't meet with you. For the record I was not there to announce anything. I was there to check as the what date the Speaker had her letter dated 25 July 2019 delivered to my house . So once again please refrain from trying to discredit me in this manner. As stated in my previous emails The Speaker has Already conducted investigation on me in this manner and found me guilty and gave a sanction. On her letter to me dated 25 July 2019 she wrote to me that she now refers this matter to the Disciplinary committee of Council. Taking all this into account what is clear is that you have no regard for the law and Council policies as you once again take your instructions from municipal officials and you get paid for every minute you spend on this illegal process. Just as you did on our previous engagements. And just for the record there is no obligation on me in law , that I must meet with you. As state previously o don't trust you or your integrity due to my past dealings with you. So don't contact me again. Regards Derrick Hendrickse  
Sent from my iPhone

On 10 Oct 2019, at 18:39, Etienne Vermaak <[evermaak@outlook.com](mailto:evermaak@outlook.com)> wrote:

- Dear Clr Hendrickse

Thank you for e-mail below.

I would like to respond as follows to the corresponding paragraphs of your said e-mail:

1. Although I take notice that you have allegedly not been advised by the Speaker of my appointment, you have been advised by the Speaker in a Memo dated 25 July 2019 that, as the complaint of the Municipal Manager was not resolved, the matter will be pursued.
2. I confirm that I have been appointed to do certain investigations into allegations of the transgression of the Code of Conduct for Councillors. I reject the insinuation that I have been "hand picked".
3. You do not have to send me my report to the previous Speaker which served before Council on 28 March 2018 - I keep my all reports.
4. I reject your accusation that I have, in my previous investigation into your posts on Facebook, violated your rights as well as the accusation that I did not comply with Council's said policy.
5. I note your view that you do not see the need to meet with me to give your version of the events referred to in the complaint of the Municipal Manager.

I wish to place on record that I was in the main Municipal building of Stellenbosch Municipality from 10 am until 2 pm today to have interviews with several persons and that while I was in the Boardroom of the Speaker, you came to the reception area in the Speaker's office at about 12: 00, where you announced that you will not agree with an interview with me. The Speaker herself advised me of this shortly after you had left her office.

In the circumstances you leave me no other option but to conclude my investigation in this matter on the basis of the information that I have

gathered so far and without your input.

Kind regards

<Outlook-1508753300.jpg>

**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**

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**From:** Derrick Hendrickse <[derrickpal@telkomsa.net](mailto:derrickpal@telkomsa.net)>  
**Sent:** Thursday, 10 October 2019 09:39  
**To:** [evermaak@outlook.com](mailto:evermaak@outlook.com) <[evermaak@outlook.com](mailto:evermaak@outlook.com)>  
**Cc:** [Speaker.Admin@stellenbosch.gov.za](mailto:Speaker.Admin@stellenbosch.gov.za) <[Speaker.Admin@stellenbosch.gov.za](mailto:Speaker.Admin@stellenbosch.gov.za)>;  
[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)  
 <[Wilhelmina.Petersen@stellenbosch.gov.za](mailto:Wilhelmina.Petersen@stellenbosch.gov.za)>; EFF Melikhaya Xego Melikhaya Xego  
 <[mxego22@gmail.com](mailto:mxego22@gmail.com)>; [Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)  
 <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>  
**Subject:** Fwd: REQUEST FOR AN INTERVIEW : COMPLAINT OF THE MUNICIPAL  
 MANAGER

Dear Adv E Vermaak.

With reference to your email below please note the following

1. Yesterday I did submit a request for information re your appointment to investigate me. Please note that I was never informed by the Speaker or anybody else at the municipality that you have been appointed.
2. The attached letter from Director A DeBeer dates 20 June 2019 speaks about " your provision appointment ". In this regard I don't know if you have been once again appointed via handpick deviations as in the past when you were appointed in 2017 without any order to investigate me . (See attached order and deviation re your appointment as initiator also)
3. For your records attached find a copy of your investigations report which served at the 2018-03-28 Council meeting item 13.1.4 in this report you have investigated me for matters for which no charges were brought against me by the then Speaker Clr D Joubert. Thus you could be illegally instructed by others to investigate this. On page 9 of your report you even wrote that the Speaker must write to me to bring allegations against me . This proofs how bias you are towards me.
4. Just as in my dealings with you 2017 when your investigated me and at the DC hearings in 2018 when you acted as initiator , you have consistently violated my rights in so far as you and the municipal officials that appointed you then did not comply with the policy adopted by Council Code of Conduct for Councillors :Disciplinary Hearings / Investigation Procedures.
5. So in conclusion without me getting a reply on my RFI I cannot meet with you. Likewise I don't see the need to meet with your as the Speaker has already informed me that , seeing that I did not implement her sanction, that she refers this matter to the Disciplinary committee. Do you really expect me to meet with based on my past experiences with you where you used our interview to be used by you in your report to Council yo charge and to use this info in the DC hearingIn where you



were the prosecutor. I am still awaiting a copy of the investigation the Speaker has done as referred to on her letter. Regards Derrick Hendrickse

**From:** Etienne Vermaak

**Sent:** Thursday, October 10, 2019 7:11 AM

**To:** Derrick Hendrickse

**Cc:** Support Speaker ; JC Anthony\_(Speaker Admin) ; EFF Melikhaya Xego Melikhaya Xego

**Subject:** Re: REQUEST FOR AN INTERVIEW : COMPLAINT OF THE MUNICIPAL MANAGER

Dear Clr Hendrickse

With reference to your e-mail below, I apologise for the belated response. On 7 October 2019, when I sent my e-mail to you, I was in a hurry as I had to drive out of town to attend to a matter in the rural area of the Western Cape yesterday and I only returned late last night. This also explains why I had omitted to attach my letter of appointment which you have requested. Attached you will find same.

As for my brief which you have also requested, I was handed a file with the letters which I have referred to in my e-mail to you on 7 October 2019. You have the letters from the Speaker as you have responded to them. This constitutes my brief. The complaint against you have not been withdrawn and it has not been resolved either, so you will realise that the Speaker is obliged to act in terms of the Code of Conduct for Councillors in terms of the Systems Act.

I do not want to respond to your personal comments about me, not because I agree with them, but because there is in my view no point in debating those views with you. I rather want to focus on the ball and I do not want to play the man (in rugby terms).

Now that you have my letter of appointment and my brief, I again want to invite you to an interview with me as I believe that such a meeting can be fruitful (if we refrain from personal statements).

I am in Stellenbosch today and if you are available, I would be available to meet with you from 11.30 am onwards (I can rearrange my appointments). I will be in a meeting from 10 am this morning at the Municipality.

Kind regards

<Outlook-1508753300.jpg>

**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**

**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**

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**From:** Derrick Hendrickse <[derrickpal@telkomsa.net](mailto:derrickpal@telkomsa.net)>  
**Sent:** Monday, 07 October 2019 23:30  
**To:** Etienne Vermaak <[evermaak@outlook.com](mailto:evermaak@outlook.com)>  
**Cc:** Support Speaker <[Support.Speaker@stellenbosch.gov.za](mailto:Support.Speaker@stellenbosch.gov.za)>; JC Anthony (Speaker Admin) <[Speaker.Admin@stellenbosch.gov.za](mailto:Speaker.Admin@stellenbosch.gov.za)>; EFF Melikhaya Xego Melikhaya Xego <[mxego22@gmail.com](mailto:mxego22@gmail.com)>  
**Subject:** Re: REQUEST FOR AN INTERVIEW : COMPLAINT OF THE MUNICIPAL MANAGER

Dear Adv E Vermaak . Your email don't address my request for a copy of your appointment and a copy of the brief given to you. Without you providing me with copies of the requested information I am not placed in a position to meet with you. I also must put on record that was not made aware that you have been appointed to do any investigations against me, as alluded to in your previous email to me . My past experiences with dealing with you were that you have been instructed be municipal officials to conduct investigations against me for which no charges were brought against me . In this regard you have even recommended to Council that charges must be brought against me for investigations you have done. So let me be very clear. I don't trust you or your integrity due to your past bias interactions in the investigations you have conducted against me. Likewise you may even be the prosecutor in this illegal process and I am not going to partake in any illegal process. So , if you are not going to provide me with a copy of your appointment and brief given to you, I am not placed in any position to consult on any engagement with you. Regards  
Derrick Hendrikse  
CC EFF Prov Chairperson  
Sent from my iPhone

On 07 Oct 2019, at 18:21, Etienne Vermaak <[evermaak@outlook.com](mailto:evermaak@outlook.com)> wrote:

Dear Councillor Hendrickse

Thank you for your response below.

Attached is the complaint by the Municipal Manager as handed to me by the office of the Speaker.

I am in possession of an EFF letter dated 26 February 2019 signed by you and the Speaker's response, dated 28 March 2019 , to your letter, dated 26 February 2019, as well as your response, dated 12 April 2019, on an EFF letterhead to her letter, dated 28 March 2019.

I think that a discussion about this correspondence between the two of us can be fruitful.

Kind regards

<Outlook-1508753300.jpg>

**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**

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**From:** Derrick Hendrickse <[derrickpal@telkomsa.net](mailto:derrickpal@telkomsa.net)>  
**Sent:** Monday, 07 October 2019 10:22  
**To:** Etienne Vermaak <[evermaak@outlook.com](mailto:evermaak@outlook.com)>  
**Cc:** Support Speaker  
<[Support.Speaker@stellenbosch.gov.za](mailto:Support.Speaker@stellenbosch.gov.za)>; JC Anthony  
(Speaker Admin) <[Speaker.Admin@stellenbosch.gov.za](mailto:Speaker.Admin@stellenbosch.gov.za)>  
**Subject:** Re: REQUEST FOR AN INTERVIEW : COMPLAINT  
OF THE MUNICIPAL MANAGER

Dear Adv e Vermaak . With reference to your email below .  
Before I can decide to meek with you please provide me with a  
copy of appointment and brief given to you. On receipt of this I  
respond to your request. Regards Derrick Hendrickse

Sent from my iPhone

On 07 Oct 2019, at 09:23, Etienne Vermaak  
<[evermaak@outlook.com](mailto:evermaak@outlook.com)> wrote:

Good day Councillor

As you may know, the Municipal  
Manager had lodged a complaint  
against you as a result of your alleged  
verbal abuse of her during a break in a  
Council meeting on 30 January 2019.

As you may further know, I have been  
appointed to investigate her  
complaint.

I have spoken to witnesses in this  
regard (including the Municipal  
Manager) and I would like to meet  
with you to hear your version of the  
events.

Kindly let me know which day this  
week will suit you .

Kind regards

<Outlook-1508753300.jpg>

**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**



# MEMORANDUM

Legal Department

To Aan: MUNICIPAL MANAGER  
 From Van: ANNALENE DE BEER  
 Job Title: DIRECTOR: CORPORATE SERVICES  
 Date Datum: 3 September 2018  
 Re Insaak: APPOINTMENT OF AN INITIATOR FOR DISCIPLINARY HEARINGS OF COUNCILLORS

## 1. PURPOSE

To obtain approval in terms of the Supply Chain Management Policy, to deviate from the official procurement process, 4.36.1(a)(i) and 4.36.1(a)(v).

REASON FOR DEVIATION: (Mark with x where applicable)	
1. Emergency.	
2. Goods or services are produced or available from a single provider.	
3. Acquisition of special works of art or historical objects where specifications are difficult to compile.	
4. Acquisition of animals for zoos and /or nature and game reserves.	
5. Exceptional case and it is impractical or impossible to follow the official procurement processes.	X

## 2. SUBSTANTIATE WHY SCM PROCESS COULD NOT BE FOLLOWED (TO BE REPORT TO COUNCIL)

When allegations are brought against a councillor the Speaker must investigate the facts and circumstances surrounding the allegations and then provide Council with a report after the councillor under suspicion have had an opportunity to provide a response. Speaker Joubert requested the appointment of a skilled person to assist him with the investigations of allegations against four (4) councillors.

Adv Etienne Vermaak was appointed to assist Speaker Joubert and he provided Speaker Joubert with reports on the investigations done by him. Speaker Joubert referred the matters to Council and Council resolved that three of the matter were referred to the Disciplinary Committee for investigation.

The Chairperson of the Disciplinary Committee requested that an initiator be appointed to act on Council's behalf. The person must be legally trained and have experience in matters like this. Adv Vermaak worked for SALGA for many years and currently have a

private practise where he is often required to act in similar cases. If a new person is appointed that person would have to familiarise him-/herself with the facts of the cases before further action can be taken which would delay the process. It is best that the person who did the original investigations be used to act as initiator during the process at the disciplinary board. A new person will have to invest more hours in preparation and it would be more cost effective to use the person that already has the knowledge of the background to act as initiator. He is familiar with the witnesses as well as he has already interviewed them in the original work he has done.

### 3. BACKGROUND

Allegations were brought against four (4) councillors and Speaker Joubert requested that the Municipal Manager appoint someone to do an investigation. As the Speaker in terms of the Code of Conduct for Councillors is obliged to investigate the facts and circumstances of the allegations, she requested our office to appoint a suitable person. Adv Etienne Vermaak was appointed to assist Speaker Joubert in the investigations and he provided Speaker Joubert with reports on all four of the cases. The matters were referred to Council and Council resolved to refer three matters to the disciplinary committee for investigation.

### 4. DISCUSSION

The Chairperson of the Disciplinary Committee requested that an initiator be appointed to act on Council's behalf during the investigations of the Disciplinary Committee. The person must be legally trained and have experience in matters like this.

Adv Vermaak worked for SALGA for many years and currently have a private practise where he is often required to act in similar cases. If a new person is appointed that person would have to familiarise him-/herself with the facts of the cases before the committee before further action can be taken which would delay the process. Adv Vermaak, as the person who did the original investigations for Speaker Joubert, is already familiar with the facts and circumstances as indicated in the reports he has provided to Speaker Joubert. It is best that the person who did the original investigations be used to act as initiator during the process at the disciplinary committee. A new person will have to invest more hours in preparation and it would be more cost effective to use the person that already has the knowledge of the background to act as initiator. He is familiar with the witnesses as well as he has already interviewed them in the original work he has done.

### 5. FINANCIAL IMPLICATIONS

A quote was obtained from Advocate Vermaak, a copy of which is attached hereto. He is a non VAT vendor and charge R1 500.00 per hour which is a very reasonable fee. Most advocates charge above R3000.00 per hour. The total cost is difficult to determine, as it will depend on how many hours the hearings takes. If each hearing takes a full day –  $8 \times R1500.00 = R12\ 000.00 \times 3(\text{cases}) = R36\ 000.00$ . The preparation of charges sheets may involve a further 3 hours = R40 500.

If more days are needed the costs will escalate per hour.

6. RECOMMENDATION

It is recommended that: the deviation be approved on the basis that it is an exceptional case where that it is impractical to follow a different procurement process. Advocate Vermaak is well suited for this type of work and have appeared for other municipalities in similar types of cases.

*Annalene de Beer*

Annalene de Beer  
Director: Corporate Services

Date: 3 September 2018

RECOMMENDATION SUPPORTED / NOT SUPPORTED BY THE STELLENBOSCH MUNICIPAL BID ADJUDICATION COMMITTEE		
Name	Signature	Date
Theo Rhode (Senior Accountant: Acquisition Management)	<i>[Signature]</i>	21.9.2018
Dalleel Jacobs (Head: Supply Chain Management)	<i>[Signature]</i>	21/9/18
Marius Wüst (Chief Financial officer)	<i>[Signature]</i>	21/9/18
Geraldine Mettler (Municipal Manager)	<i>[Signature]</i>	21/9/18
<i>[Signature]</i> Phyllis Fullard	<i>[Signature]</i>	21/9/18
<i>[Signature]</i> Avaal Esau	<i>[Signature]</i>	21/9/2018
Comments: Municipal Account also to represented to MM at approval.		

Comment from MM: Adv. Vermaak <sup>assisted Speaker with the</sup> ~~did the~~ initial investigation and would be most suited to finalise matter at hand *[Signature]*.

## AGENDA

16<sup>TH</sup> COUNCIL MEETING OF THE COUNCIL  
OF STELLENBOSCH MUNICIPALITY

2018-03-28

13.1.4	<b>REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE</b>
--------	--

Collaborator No:

IDP KPA Ref No:

Good governance and Compliance

Meeting Date:

16<sup>th</sup> Council Meeting, 28 March 2018

1. **SUBJECT: REPORT BACK TO COUNCIL REGARDING INVESTIGATION INTO AN ALLEGATION OF MISCONDUCT BY COUNCILLOR DA HENDRICKSE**

2. **PURPOSE**

To obtain Council recommendation for the alleged allegation of misconduct against Councillor D Hendrickse.

3. **DELEGATED AUTHORITY**

Municipal Council for referral to the Section 79 Committee Disciplinary Committee for Councillors.

4. **EXECUTIVE SUMMARY**

The Office of the Speaker received documentation containing allegations of misconduct made against Cllr D A Hendrickse, which included print outs of Facebook postings by Cllr Hendrickse on the Facebook page of the Speaker on 21 June 2017.

5. **RECOMMENDATIONS**

That the item be referred to the Disciplinary Committee for Councillors for recommendation to Council;

6. **DISCUSSION**

6.1 **Background**

The Office of the Speaker received documentation containing allegations of misconduct made against Cllr D A Hendrickse, which included print outs of Facebook postings by Cllr Hendrickse on the Facebook page of the Speaker on 21 June 2017.

6.2 **Discussion**

An investigation was undertaken by Adv Etienne Vermaak on the allegations against Councillor D Hendrickse. All documentation is attached as **Appendix 1**.

6.3 **Financial Implications**

None

6.4 **Legal Implications**

Municipal Systems Act, 2000 – Schedule 1; Code of Conduct for Councillors Section 13 and Section 14;

***"Duty of chairpersons of municipal councils"***

13.1 If the chairperson of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the chairperson must-

- a. authorise an investigation of the facts and circumstances of the alleged breach;
- b. give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
- c. report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

13.2 A report in terms of subitem (1)(c) is open to the public.

13.3 The chairperson must report the outcome of the investigation to the MEC for local government in the province concerned.

13.4 The chairperson must ensure that each councillor when taking office is given a copy of this Code and that a copy of the Code is available in every room or place where the council meets.

***Breaches of Code***

14.1 A municipal council may-

- a. investigate and make a finding on any alleged breach of a provision of this Code; or
- b. establish a special committees-
  - i. to investigate and make a finding on any alleged breach of this Code; and
  - ii. to make appropriate recommendations to the council.

14.2 If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-

- a. issue a formal warning to the councillor;
- b. reprimand the councillor;
- c. request the MEC for local government in the province to suspend the councillor for a period;
- d. fine the councillor; and
- e. request the MEC to remove the councillor from office.

14.3a. Any councillor who has been warned, reprimanded or fined in terms of paragraph (a), (b) or (d) of subitem (2) may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

- b. A copy of the appeal must be provided to the council.
- c. The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing.
- d. The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal.



## AGENDA

16<sup>TH</sup> COUNCIL MEETING OF THE COUNCIL  
OF STELLENBOSCH MUNICIPALITY

2018-03-28

14.4 The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office.

14.5 The Commissions Act, 1947 (Act No.8 of 1947), may be applied to an investigation in terms of sub-item (3).

14.6 If the MEC is of the opinion that the councillor has breached a provision of this Code, and that such contravention warrants a suspension or removal from office, the MEC may-

a. suspend the councillor for a period and on conditions determined by the MEC;  
or

b. remove the councillor from office.

14.7 Any investigation in terms of this item must be in accordance with the rules of natural justice.

6.5 **Staff Implications**

N/A

6.6 **Previous / Relevant Council Resolutions:**

None

6.7 **Risk Implications**

N/A

6.8 **Comments from Senior Management:**

None requested

## ANNEXURES

Annexure 1 – Investigation Report from Adv Vermaak.

## FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Nicky Ceasar
<b>POSITION</b>	Senior Administrative Officer; Office of the Speaker
<b>DIRECTORATE</b>	Strategic and Corporate Services
<b>CONTACT NUMBERS</b>	021 808 8618
<b>E-MAIL ADDRESS</b>	Nicky.ceasar@stellenbosch.gov.za
<b>REPORT DATE</b>	2018-03-28

# APPENDIX 1

**CONFIDENTIAL**

**REPORT REGARDING AN ALLEGATION OF MISCONDUCT BY CLR D A  
HENDRICKSE OF STELLENBOSCH MUNICIPALITY**

**REPORT BY ADV E W VERMAAK**

**11 DECEMBER 2017**

## BACKGROUND

I was appointed by the Municipal Manager, at the request of the Speaker, in a letter dated 2 October 2017 to investigate an allegation of misconduct against Clr D A Hendrickse of Stellenbosch Municipality. The said letter is attached hereto as **Annexure A** on **page 12**.

## TERMS OF REFERENCE

My terms of reference are documentation received from the Speaker containing allegations of misconduct made against Clr D A Hendricks, which included print outs of Facebook postings by Clr D A Hendrickse on the Facebook page of the Speaker on 21 June 2017, which are attached as **Annexures B** on **page 13**.

## DOCUMENTATION INITIALLY PROVIDED

In addition to Annexures A and B above, I was provided with the following documents:

1. A newspaper article from the Cape Times with the heading "New Stellenbosch developments questioned" attached hereto as **Annexure C** on **page 14**.
2. A letter from the Speaker to Clr D A Hendrickse dated 23 June 2017 with the heading "Breach Code of Conduct for Councillors", attached as **Annexure D** on **page 15**.
3. A letter from the Speaker to the Ward 16 Ward Committee dated 27 July 2017, attached hereto **Annexure E** on **page 16**.
4. A letter from the Speaker to the Municipal Manager dated 17 July 2017, attached hereto as **Annexure F** on **page 17**, advising the Municipal Manager that he had given Clr D A Hendrickse time until 17 July 2017 to respond to his letter, in terms of his letter to Clr D A Hendrickse dated 23 June 2017.
5. A letter from Clr D A Hendrickse to the Speaker, dated 17 July 2017, in which he denies any transgression of the Code of Conduct for Councillors, attached hereto as **Annexure G** on **page 18**.

## LEGAL FRAMEWORK

This investigation is guided by the provisions of the Code of Conduct for Councillors, Schedule 1 to the Local Government: Municipal Systems Act, No 32 of 2000.

## INTERVIEWS

The circumstances in this matter do not require an interview with scores of witnesses to ascertain the underlying facts, especially as it is not disputed by Clr D A Hendrickse that he had made the post on the Facebook page of Clr Donovan Joubert. I am therefore of the opinion that interviews with Clr Joubert (as the person whose Facebook page was used to make the postings) and Clr D A Hendrickse (the person who made the postings) would suffice.

### The Speaker: Clr Donovan Joubert

Clr Joubert informed me that he has a Facebook page and that he noticed that Clr D A Hendrickse had made posts on his Facebook page on 21 June 2017, in which he had made critical comments about Council resolutions in a Council meeting held on 16 June 2017 in respect of:

1. Allegations of "fraud" against a "white official" that were dismissed;
2. Advertisements of jobs at the Municipality are "misleading" and the public must know that;
3. The DA controlled Council giving contracts to service providers who are "politically connected";
4. Information that he received that the Council wants to write off monies/ debt owed to the Municipality by the Stellenbosch Golf Club;
5. The DA ruling "Skelmbos to advance the interests of their white masters and that "you have to be white to be right".

He also made another post on the same Facebook page, addressing a certain Tommy, in which Clr D A Hendrickse stated that:

- a) The DA places false adverts (for jobs) and that Employment Equity is thrown out the door to advance whites in Stellenbosch;
- b) He will not be selling his soul to the white masters of this town ( like the DA councillors do).

He made a further posting on the same Facebook page, in which he made the following statements:

- i. He has the right, just like Clr Donovan Joubert (the Speaker), to inform the public about certain issues, which includes the right to inform the public about unlawful labour practices;
- ii. A report by KPMG has shown that more than R50M had been paid irregularly;
- iii. A new Medi-Clinic and the Sawmill shopping mall had been approved without the knowledge or involvement of the Council.
- iv. That only the DA knew about these developments, as a Mayco member who is connected (according to him) informed them thereof.

The Speaker was shocked to find these postings of Clr D A Hendrickse on his Facebook page as he is of the opinion that Clr D A Hendrickse transgressed the Code of Conduct for Councillors by:

- 1) divulging confidential information to the public on social media ;
- 2) misinforming the public deliberately;
- 3) bringing the Council into disrepute;
- 4) not acting in the best interest of Council.

#### Clr D A Hendrickse

I have made several requests (directly and through Chantelle in the Speaker's office) to Clr D A Hendrickse to grant me an interview with him in order to hear his side of the story in this regard. See Annexures H1, H2 and H3 on pages 20 to 23.

Clr D A Hendrickse informed me via a telephone call that he will not meet with me without his lawyer being present. He also stated that he questions my appointment to do the investigation as there is a Council resolution that the South African Local Government Association (SALGA) must appoint a person to investigate allegations of

misconduct against Councillors. He continued that, as far as he knows, Council did not revoke the resolution to make use of a person who had been recommended by SALGA in such instances to conduct investigations of allegations of the transgression of the Code of Conduct for Councillors.

Having given the undertaking to him that I shall mention the above in my report, I eventually asked him when it will be convenient for him and his lawyer to meet with me and he replied telephonically as follows:

- a) He will not meet with me, even with his lawyer being present;
- b) He had sent two e-mails to the office of the Speaker to confirm this view, namely on 6 November 2017 and on 14 November 2017 (**Annexures I** on **pages 24** and **Annexure J** on **pages 25** and **26** respectively).
- c) He informed me that he was charged with transgressing the Code of Conduct by the Municipality in 2012 and found guilty, but that MEC Bredell had made certain recommendations to Council as part of that process which were not implemented by Council;
- d) He is a Councillor and as such he has the duty to inform the public about municipal issues in terms of his right to freedom of speech.
- e) His postings on the Facebook page of the Speaker must be seen in context and must not be viewed in isolation. He also said that the postings which I have, were selective and that there were many more postings, of which he took screen shots. He told me that there were about 16 postings on the Speaker's Facebook page altogether in this respect. He said that the Speaker eventually blocked him from making further postings on his Facebook page.
- f) He alluded to a Council resolution taken on 29 October 2014, attached hereto as **Annexure K** on **pages 27** to **29**.

## EVALUATION OF THE EVIDENCE

It is quite clear from the evidence at my disposal that:

1. The postings were made on the Facebook page of the Speaker by Clr Hendricks;

2. The postings related to Council resolutions which were taken the previous day (16 July 2017) at a Council meeting in which he was present;
3. Some of the postings related to confidential matters, such as staff matters which are usually considered on a confidential basis "in Committee" by Council, for instance allegations of misconduct against a Senior Manager;
4. Other postings have racist undertones, namely those that refer to job reservations for whites by the Municipality and the Council serving white masters ;
5. Other postings accuse the DA controlled Council of misleading the public in that minimum requirements for certain jobs are advertised and by appointing staff who do not meet such requirements, by condoning false adverts for employment and by throwing employment equity out of the window;
6. Other posts suggest that Council is corrupt, for instance the statement that Council had resolved for instance to write off the debt of the Stellenbosch Golf Club, in instances where the Golf Club rent the grounds for very little money and in circumstances where the Golf Club make a profit of millions of rands annually. Also a further allegation of corruption is made in that Clr D A Hendrickse made a statement that Council awards contracts to service providers who are politically connected (to the ruling DA party). Lastly, the post that a report by KPMG has shown that more than R50M had been paid irregularly suggests more corruption or maladministration.

I have scrutinised the letter of Clr D A Hendrickse, dated 17 July 2017, addressed to the Speaker as a reply to the letter of the Speaker to him, dated 23 June 2017. In my view this letter, which is written on an EFF letterhead, he confirms (despite his denial of any wrongdoing in the first and second sentences) in the third sentence that he had placed these postings on the Facebook page of the Speaker on 21 June 2017. There is therefore no further debate necessary that he had done this.



Regarding the submission by Cllr D A Hendrickse that the Council had resolved on 29 October 2017 to approach SALGA for assistance in terms of the municipal assistance programme relating to all aspects of disciplinary procedures against Councillors, I do not agree with him that this request for assistance equates to a Council resolution to only seek the assistance of SALGA or to use SALGA as the exclusive resource to advise Council regarding disciplinary allegations against Councillors. This resolution on 29 October 2014 can stand, in theory, side by side next to another Council resolution or decision by the Municipal Manager to seek assistance elsewhere if SALGA cannot find someone that is available to assist Council in this respect, as the resolution of Council was not formulated in a way to exclude any other resource in this regard.

## FINDINGS

The next point to consider is therefore, having established who the author of these postings is, whether or not these postings constitute a transgression of the Rules of Conduct for Councillors.

The following provisions of the said Code have to be looked at in my opinion:

Item 2(a) which reads-

"A councillor must perform the functions of office in good faith, honestly and in a transparent manner."

Item 2(b) which reads-

"A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised."

Item 10(1) which reads-

"A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person."

Item 10(2) which reads-

"For the purpose of this item 'privileged or confidential information' includes any information-

- a) Determined by the municipal council or committee to be privileged or confidential;

- b) Discussed in a closed session by the council or committee;
- c) Disclosure of which would violate a person's right to privacy;
- d) Declared to be privileged, confidential or secret in terms of law."

In my view the following actions of Clr D A Henrickse constitute the following transgressions of the Code of Good Conduct for Councillors:

- 1) His postings related to the allegations that-
  - (i) Council engage in job reservations for whites in the Municipality;
  - (ii) the Council is serving white masters;
  - (iii) the DA controlled Council is misleading the public in that minimum requirements for certain jobs are advertised and by appointing staff who do not meet such requirements;
  - (iv) Council is condoning false adverts for employment and by throwing employment equity out of the window;
  - (v) Council is corrupt by writing off the debt of the Stellenbosch Golf Club in circumstances where the Golf Club makes a profit of millions of rands every year ;
  - (vi) the Council is corrupt by awarding contracts to service providers who are politically connected (to the ruling DA party).
  - (vii) The Council is corrupt in that a report by KPMG has shown that more than R50M had been paid irregularly

each constitutes a separate transgression of Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised."

In the alternative to Item 2(b), each of the said postings constitute a transgression of Item 2(a) which reads: "A councillor must perform the functions of office in good faith, honestly and in a transparent manner."

His posting about the related to confidential matters, such as staff matters which are usually considered on a confidential basis "in Committee" by Council, for instance allegations of misconduct against a Senior Manager, further constitute in my view a transgression of Item 10(1) which reads: "A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person."

In the alternative to Item 10(1), the posting about the allegations of misconduct by a Senior Manager constitutes a transgression of Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised."

Regarding the newspaper article in the Cape Times with the heading: "New Stellenbosch developments questioned" , it is my advice that the Speaker must first write a letter to Clr D A Hendrickse (similar to the one dated 23 June 2017 which is Annexure D on page 15) informing him of this newspaper article and in which he should be requested to respond to the alleged transgression of the Code of Conduct, as Clr D A Hendrickse informed me that had not seen the said article.

With regard to the letter of the Speaker to Clr D A Hendrickse dated 27 July 2017 regarding an alleged unlawful protest action by Ward Councillors of Ward 16 on 26 July 2017 (Annexure E on page 16), I was informed by Clr D A Hendrickse that he had addressed a letter to the Speaker in response and that he is awaiting answers in respect of the questions that he had posed in his response to the Speaker's letter.

#### **RECOMMENDATIONS:**

1. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that Council engage in job reservations for whites in the Municipality, alternatively with transgressing Item 2(a);
2. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best

interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that the Council is serving white masters, alternatively with transgressing Item 2(a);

3. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that the DA controlled Council is misleading the public in that minimum requirements for certain jobs are advertised and by appointing staff who do not meet such requirements, alternatively with transgressing Item 2(a);
4. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that Council is condoning false adverts for employment and by throwing employment equity out of the window, alternatively with transgressing Item 2(a);
5. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that Council is corrupt by writing off the debt of the Stellenbosch Golf Club in circumstances where the Golf Club makes a profit of millions of rands every year, alternatively with transgressing Item 2(a);
6. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not

compromised", by posting on the Speaker's Facebook page on 21 June 2017 that the Council is corrupt by awarding contracts to service providers who are politically connected (to the ruling DA party), alternatively with transgressing Item 2(a);

7. That Clr Hendrickse be charged with transgressing Item 2(b) which reads: "A councillor must at all times act in the best interest of the municipality and in such a way that the credibility and the integrity of the municipality are not compromised", by posting on the Speaker's Facebook page on 21 June 2017 that the Council has paid more than R50m irregularly, alternatively transgressing Item 10(1);
8. That Clr Hendrickse be charged with transgressing Item 10(1) which reads: "A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person" by posting on the Speaker's Facebook page on 21 June 2017 that allegations of fraud against a Senior Manager were discussed and eventually dismissed at a Council meeting on 16 July 2017, alternatively with transgressing Item 2(b).



ADV ETIENNE VERMAAK

11 DECEMBER 2017



REPUBLIC OF SOUTH AFRICA  
SUID-ENDOBESCH • PNIE • FRANSCHDORP  
MUNICIPALITEIT • EMASIPALA • MUNICIPALITY

Reference No: 3/6/4

2 October 2017

Adv Etienne Vermaak  
26 Cabernet Sauvignon Street  
Oude Westhof  
Bellville  
7530

Dear Sir

APPOINTMENT TO ASSIST SPEAKER WITH INVESTIGATIONS IN REGARD TO  
COUNCILLORS

My letter dated 22 September 2017 has reference. Two further investigations has been referred for investigation. The Municipal Manager approved that we use your services for these two investigations as well. I confirm that the attached rates are still applicable.

I attach the documentation forwarded to me in regard to:

- Clr Adams
- Clr Hendrickse

You are requested to contact the Speaker at your earliest convenience to discuss the assistance needed.

Yours faithfully

A M C DE BEER  
DIRECTOR: CORPORATE AND STRATEGIC SERVICES



Derrick Hendrickse · 20 months ago

An even bigger disaster happen yesterday. The DAceivers in Council yesterday dismissed allegations of fraud against white official for appointing staff not having qualifications or experience. Public must know that that the adverts places for jobs at mun is misleading. Mun ask for min honour degree and 5 years experience, but DA allow and condone that whites with less experience and matric only get appointed. They also give contracts to political connected . I now read that they want to write off debt of Stellenbosch Golf club. They owe mun more then R2 million. These guys paid R10 a year rental in 1994 and make millions profits anually. They lease land that worth more than R200 million and pay peanuts for rental. I maintain I maintain that the DAceivers rule this town of Skelmbos to advance the interest of theit white masters and yesterdays Council meeting proofed it again . You have to be White to be Right

LikeShow More Reactions

Reply · 43

11 months ago

Derrick Hendrickse · 20 months ago

Tommy it seem that you support the DA in condoning placing false adverts and through employment equity out the door so as to advance whites in this town. Come to a council meeting and see for your self how your beloved clrs vote. They even had to vote for a Mayor from Drakenstein at cost local. Ask how many of the DAceivers are old NATS, AWB, FF+, Labour party and even From ID. At least I have not sold my soul to the white masters of this town. Ja nee Those houses in Idavalley coming Soon. Se voet.

LikeShow More Reactions

Reply · 11

11 months ago

11 months ago



Derrick Hendrickse · 20 months ago

Net soos dit Rdl Donovan Joubert se reg is om publiek in telig oor water tariewe en.besparings net so is dit my reg en plig om publiek intellig oor onwettige arbeids praktieke. Hoe gaan mense weet dat advertensies oor poste nie toegepas word nie. Hoe gaan publiek weet dat KPMG forensie veslag uitwys dat meer as R 50 miljoen onregmatig uitgetaal was. Hoe gaan publiek weer dat nuwe Medi Clinic en Sawmill shopping mall ( 40 000m2) goedgekeer is sonder dat Raad daarvan weet of enige insette of voorwaardes vir werkskepping en besigheids geleenthede vir plaaslike mense kon gee. Nee net DAceioers weet van die want hulle Atterbury Mayco member weet hiervan.

LikeShow More Reactions

Reply · 11 months ago

"C"

# New Stellenbosch developments questioned

LOUISO MIEMER

EAS in Stellenbosch are the primary agencies for approval of new property developments. Has raised questions from opposition parties in Westlands town.

They claim plans were void without being tabled in City Council. Proposed opponents answered in a newspaper raised suspicion of further deals.

sw promise for Medi-Hospital on the Pekaam. At when EFF councillor, Ek Hendrikse asked the about the authority of rezoning and development for the site.

Hendrikse said: "If we

only found out about this from newspaper adverts, what else are we not aware of? What else is being approved without our knowledge?"

He can't recall the matter being placed before the council or any of its committees.

Municipal manager Gerold Meier said that according to the council's system of delegation, the director could consider applications for rezoning.

"The director and/or the Planning and Economic Development portfolio committees have delegated authority to consider and use planning applications submitted prior to December 1, 1985," she said.

Meier said the authority of the director of Planning and

Economic Development, Geryo Landman, could decide on all applications submitted subsequent to December 1, 1987.

In response to a request for comment, municipally spokesman Verken Pieters provided a letter from Louw, similar to Meier's authority to consider land-use applications, was by "delegation for delegating and removal of red tape to municipalities submitted in a letter December 1, 1985.

Geryo van der Ster of Advisory Property, which is developing the new hospital in Stellenbosch, said that would not constitute an application for rezoning of the site.

1985. In the Institutional Zone, it was with the original zoning regulations, which were made of which other developments were the application for the environmental aspects as well as the zoning regulations. Van der Ster said.

The architect's office of the project is in the street, which was previously owned by the architect's office, but the zoning regulations were not amended to allow for this.

There are also other developments in the area, which are in the Institutional Zone, which are also in the Institutional Zone, which are also in the Institutional Zone, which are also in the Institutional Zone.

...the original zoning regulations, which were made of which other developments were the application for the environmental aspects as well as the zoning regulations.

...the architect's office of the project is in the street, which was previously owned by the architect's office, but the zoning regulations were not amended to allow for this.

There are also other developments in the area, which are in the Institutional Zone, which are also in the Institutional Zone, which are also in the Institutional Zone, which are also in the Institutional Zone.





**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

**OFFICE OF THE SPEAKER**

Ref No: 3/6/4

23 June 2017

8 Fontein Street

Cloetesville

Stellenbosch

Councillor DA Hendrickse

**Breach Code of Conduct for Councillors**

It is alleged that you have breach the Code of conduct for councillors. In terms of the code of conduct for councillors,

2. A councillor must-

- a. perform the functions of office in good faith, honestly and a transparent manner; and
- b. at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

It is alleged that you had transgressed by,

- Divulging confidential information to the public on social media.
- That you had misinform the public of the facts deliberately
- You brought council in disrepute with the public.
- You did not act in the best interest of the municipality.

Your post is included.

The code of conduct for councillors requires me to authorise an investigation of the facts and in circumstances of an alleged breach, if of the opinion that a provision of this code has been breached.

Before considering the investigation, I hereby afford you the opportunity to reply in writing regarding the alleged breach by no later than 16H00 on 17 July 2017

Yours faithfully

**Donovan Joubert**  
**SPEAKER**

**Datum: 2017.6.23**

STELLENBOSCH  
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OFFICE OF THE SPEAKER

Die Wyk 16 Wykskomitee

Stellenbosch Munisipaliteit

Beste Wyk 16 Wykskomitee

Ek verwys na die onwettige protes aksie geloods op 26 Julie 2017. Dit het onder my aandag gekom dat daar wykskomitee lede van wyk 16 betrokke was by die onwettige aksie.

Graag verneem ek die volgende.

- Was die protes aksie gelei deur die wyksraadslid. Wat was u raadslid se bydrae tot die protes aksie?
- Was die wykskomitee betrokke?
- Wat het aanleiding gegee tot die aksie?
- Indien daar enige betrokkenheid was van die wykskomitee lede, watter protokol was gevoig om u griewe aan te spreek wat aanleiding gegee het tot die aksie?
- Wat be-jog die wykskomitee/ gemeenskap met die aksie?
- Dit is ook onder my aandag gebring dat Raadslid Hendrickse die skare toegesprek en aangehuts het gedurende die aksie voor die Raadsaal. Ken u dit bevestig of die raadslid die skare toegepreek het.

Ek sal waardeer indien u my met die inligting kan voorsien.

Groete

Donovan Joubert  
SPEAKER

Datum: 2017.7.27



# STELLENBOSCH

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## OFFICE OF THE SPEAKER

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Die Munisipale Bestuurder

Stellenbosch Munisipaliteit

Beste Munisipale Bestuurder

Rdl Hendrickse

Ek verwys na die klagte teen Rdl Hendrickse. Ons het die raadslid 'n geleentheid gegee om te reageer op die klagtes.

Kan u asseblief volledige ondersoek instel na die klag teen Rdl Hendrickse. Kan u ook seker maak dat die ondersoek beampste die raadslid nader om die raadslid se weergawe te kry.

Groete

  
.....  
Donovan Joubert  
SPEAKER

Datum: 2017.7.17

"G"

64



**EFF**  
ECONOMIC FREEDOM FIGHTERS

17 July 2017

The Speaker

Stellenbosch Municipality

Plein Street

Stellenbosch

7600

Attention : Clr D Joubert

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
17 JUL 2017  
OFFICE OF THE SPEAKER

Handwritten signature and initials.

**RE: RESPONSE TO YOUR LETTER DATED 23 JUNE 2017 ( See attached copy )**

I deny that I have breach any code of conduct for councillors as alleged in your poorly written letter dated 23 June 2017 as there is no substance to your allegations.

I have not transgressed any legislation, policy and or By-laws applicable to the Stellenbosch Municipality.

What is clear is that you as the Speaker abuse your position to act against me for the fact that you do not like what I have posted on your Face Book page on 21 June 2017.

I call on you to dismiss these allegations you have fabricated yourself against me as I will not be subjected to your abuse in this regard.


I take this opportunity to ask that your rather use your time and energy more effectively to see to it that COUNCIL run effectively and that you for full your duty , as you have failed to address the following in the past 11 months :

1. Revue of the illegal Rules of Order – Bylaw
2. Revue of illegal System of Delegations.
3. See to it that Items brought before Council are written and have all relevant information so that all Councillors can apply their mind on it so as to make an informed decision
4. You have failed to effective public participation took place in the IDP process in so far that you have delayed the establishment of the Ward committees timorously .
5. You in conjunction with the Whip of Council have failed to address the needs of non DA councillors as discussed in various Whip meetings.
6. In the past years ,when you were chairperson of the Employment Equity Committee you have not forfull your duty as you have not brought any reports to Council as tom how this committee functioned and more importantly as to if employment equity was implemented as the municipality

In conclusion please note that I am not in Council to promate or cover up the DA policies and actions.

You of all people should know how I have been subjected to the abuse DA majority rule when DA councilors must vote and act when these trump up charges brought against me for political motives. History has proved that I shall not be treated fairly in this matter.

Yours Faithfully

A handwritten signature in cursive script, appearing to read "DA Hendrickse".

Clr DA Hendrickse

---

Re: [EX] Re: Beskikbaarheid vir onderhoud

"Hi"

Etienne Vermaak

12/12/2017 11:08:05 (GMT+02:00)

Support Speaker <Support.Speaker@stellenbosch.gov.za>

More Chantelle

Ek het nie al die Raadslede met wie ek wil praat in my verskillende ondersoeke, se e-pos adresse nie.

Wat Rdl Hendrickse betref, is daar n klagte teen hom gele van n beweerde oortreding van die Gedragskode vir Raadslede in terme van Skedule 1 van die Stelseswet, soos uiteengesit in die brief van die kantoor van die Speaker aan hom gedateer 23 Junie 2017, waarop hy gereageer het in n skrywe gedateer 17 Julie 2017. Ek wil graag met hom praat oor sy bogenoemde skrywe.

Groete



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**

---

**From:** Support Speaker <Support.Speaker@stellenbosch.gov.za>

**Sent:** 06 November 2017 08:29 AM

**To:** evermaak@outlook.com

**Subject:** FW: [EX] Re: Beskikbaarheid vir onderhoud

More Adv Vermaak

Sien epos vanaf raadlid Hendrickse. As u miskien so iets kan skryf vir elke raadslid net om te sê waarom die sessie handel.



Kind regards, *Vriendelike Groete*  
**Chantelle Michaels**  
PERSONAL ASSISTANT TO THE  
SPEAKER  
Strategic & Corporate Services

T: +27 21 808 8074 | F: +27 21 886 7309  
Plein Street, Stellenbosch, 7600  
[www.stellenbosch.gov.za](http://www.stellenbosch.gov.za)

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Municipality covers  
Stellenbosch, Franschoek and  
Pniel



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**From:** Derrick Hendrickse [mailto:derrickpal@telkomsa.net]  
**Sent:** 03 November 2017 04:30 PM  
**To:** Support Speaker; Donovan Joubert (Speaker); mm; Annaelene De Beer  
**Subject:** [EX] Re: Beskikbaarheid vir onderhoud  
**Importance:** High

Dear Speaker and MM

With reference to the email below please note that I am not available to meet with the advocate as indicated in the email below as I need not know what is the purpose of this half a hour meeting.

Please advise what is the brief/terms of reference of the advocate's appointment.

Once I have this information I shall be able to consult and advise you accordingly.

Regards

Derrick Hendrickse

"H2"

67

# INVESTIGATION REGARDING AN ALLEGATION OF MISCONDUCT AGAINST YOURSELF

"H3"

68

42

Etienne Vermaak

12/12/2017 12:04:15 PM

to: derrickpai@teikomsa.net <derrickpai@teikomsa.net>

Importance: High

Good morning Councillor

When we first met in the investigation of Dupre Lombaard of Dupre Lombaard, you informed me that you will meet with me in the said investigation, provided that we do not discuss the investigation against you, as you wanted your attorney present when we discuss the allegation of the transgression of the Code of Conduct for Councillors against you.

As you know, I have respected that and now that the investigation into Mr Lombaard has reached the stage where I have submitted my report to the Municipal Manager in this regard, I have completed the other three investigations into allegations against other Councillors.

I would like to meet with you in this regard as soon as possible and you are welcome to have your attorney present.

Regards



**ADV ETIENNE VERMAAK**  
**B.A.(LAW) LLB**  
**STELLENBOSCH UNIVERSITY**



Re: INVESTIGATION REGARDING AN ALLEGATION OF MISCONDUCT  
AGAINST YOURSELF

"H4"

69

Etienne Vermaak

Wed 12/12/2017 06:11:41 AM

To: derrickpal@telkomsa.net <derrickpal@telkomsa.net>;

Importance: High

Good day Councillor

I have been informed that the Municipality is arranging a Special Council meeting this coming Friday and as the report regarding the allegation of misconduct against yourself is the only one that is not completed, I want to finalise this report as soon as possible.

I have not had a response from you regarding my e-mail to you in this regard on Monday, 4 December 2017. As time is of the essence and as I want to fulfill my mandate, need to hear "your side of the story" in terms of the *audi alteram partem* rule before I can close this investigation.

I am available to meet with you and your attorney any time tomorrow as I would have been in a hearing, which has been postponed.

I have drafted the report with the input that I have so far and if we are not able to meet tomorrow, I would not have any other choice but to present the report to the Speaker without your input.

I trust that you will understand my position.

Kind regards



**ADV ETIENNE VERMAAK**  
**B.A.( LAW) LLB**  
**STELLENBOSCH UNIVERSITY**



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<http://www.safesystems.com/privacy-policy/official-claims-page.htm>

"I"

70

**From:** Derrick Hendrickse [mailto:derrickpal@telkomsa.net]  
**Sent:** 06 November 2017 09:52 AM  
**To:** Support Speaker; Donovan Joubert (Speaker); mm; Annalene De Beer  
**Cc:** EFF Prov Chair Bernard Joseph; Melikhaya Xego EFF Prov Sec  
**Subject:** Re: [EX] Re: Beskikbaarheid vir onderhoud  
**Importance:** High

Dear Speaker and MM

With reference to the email below please note the following:

1. I have requested via RFI copies of the appointment and terms of reference/ brief given to Adv E Vermaak.
2. The email from the Speakers office dated 3 Nov 2017 was the first time I was informed the Adv E Vermaak was requesting to meet with me this week and that he was appointed to investigate charges brought against me.
3. The documents give by the Speaker on 3 Nov 2017 ( See attached docs ) do not address my request for information submitted.

Taking the above into account I reiterate my unavailability to meet with Adv Vermaak and will not meet with him until I receive the requested information so as to consult on it.

Please note that I also question the legality of the selection and appointment Adv Vermaak in this matter .

I shall not subject me to a DA witch hunt in these trumped up charges brought against me, that is politically motivated.

Regards

Derrick Hendrickse

PS I still do not know if Speaker is taking further action against me on the trumped up charges he brought against me and to which I responded on ( See attached email dated 31 July 2017 and my letter to Speaker dated 7 August 2017.

**From:** Support Speaker  
**Sent:** Monday, November 06, 2017 8:54 AM

FW: [EX] Re: Beskikbaarheid vir onderhoud

Support Speaker <Support.Speaker@stellenbosch.gov.za>

Wed 14 Nov 2017 13:13:30 WAT

From: evermaak@outlook.com <evermaak@outlook.com>

Importance: High

Attachments (3 of 3)

Minutes of 29 Oct 214 Council meeting re Item 8.pdf;

Sien onder



*Kind regards, Vriendelike Groete*

**Chantelle Michaels**

PERSONAL ASSISTANT TO THE  
SPEAKER

**Strategic & Corporate Services**

T: +27 21 808 8074 | F: +27 21 886 7309

Plein Street, Stellenbosch, 7600

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



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**From:** Derrick Hendrickse [mailto:derrickpal@telkomsa.net]

**Sent:** 14 November 2017 05:46 PM

**To:** Annalene De Beer; Support Speaker; Donovan Joubert (Speaker); mm

**Cc:** EFF Prov Chair Bernard Joseph; Melikhaya Xego EFF Prov Sec

**Subject:** Re: [EX] Re: Beskikbaarheid vir onderhoud

**Importance:** High

Dear MM and Speaker

I take this opportunity to inform you that I shall not be meeting with Adv E Vermaak regarding his appointment done to investigate me as requested by the Speaker.

I call on you to put a stop to this witch hunt on me as a EFF councillor in council, which are being done in contravention of Council resolutions, policies and procedures. The Speaker and the administration have blatantly ignored these and clearly blinded by politically motivated agenda to charge me.

Please note that it is not my duty to inform you as to what the policies of Council are .

Attached find copy of the minutes of 29 Oct 2014 Council with resolution regarding appointment of SALGA to appoint investigators/prosecutors in councillors matters.

Regards

Derrick Hendrickse

**From:** Annalene De Beer

**Sent:** Monday, November 06, 2017 6:10 PM

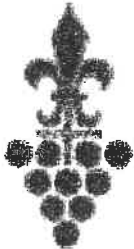
**To:** Derrick Hendrickse ; Support Speaker ; Donovan Joubert (Speaker) ; mm

**Cc:** EFF Prov Chair Bernard Joseph ; Melikhaya Xego EFF Prov Sec

**Subject:** RE: [EX] Re: Beskikbaarheid vir onderhoud

Hallo Rdl Hendrickse

Neem asb kennis dat u reeds in besit is van die aanstellingsbrief wat ek gedoen het vir Adv Vermaak. Die Speaker het dit reeds aan u verskaf en is aangeheg by u epos. Ek het geen verdere skrywes in my besit nie.



*Kind regards,*

**Annalene de Beer**

Director: Strategic and Corporate  
Services

**Strategic & Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Plein Street, Stellenbosch, 7600

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



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**From:** Derrick Hendrickse [mailto:derrickpal@telkomsa.net]

**Sent:** 06 November 2017 09:52 AM

**To:** Support Speaker; Donovan Joubert (Speaker); mm; Annalene De Beer

**Cc:** EFF Prov Chair Bernard Joseph; Melikhaya Xego EFF Prov Sec

**Subject:** Re: [EX] Re: Beskikbaarheid vir onderhoud

**Importance:** High

Dear Speaker and MM

With reference to the email below please note the following:

8.5 REQUESTING AUTHORIZATION FROM THE COUNCIL FOR THE APPOINTMENT OF SALGA TO CONDUCT DISCIPLINARY HEARINGS OF COUNCILLOR REGARDING VARIOUS MATTERS

File number : 4/6/5/R/10/2/1  
Compiled by : Snr Legal Advisor: EA Williams  
Report by : Director Strategic and Corporate Services  
Delegated Authority : Council

**Strategic Intent of Item**

Preferred investment destination	<input type="checkbox"/>
Greenest municipality	<input type="checkbox"/>
Safest valley	<input type="checkbox"/>
Dignified Living	<input type="checkbox"/>
Good Governance	<input checked="" type="checkbox"/>

1. PURPOSE OF REPORT

To obtain the approval of the Council to make use of the municipal assistance programme of South African Local Government Association (SALGA) to assist the Council with various matters relating to the alleged breaches of the disciplinary code for Councillors.

2. BACKGROUND

2.1. Schedule 1 of the Local Government Municipal Systems Act, No 32 of 2000 ("the Systems Act") sets out the Code of Conduct for Councillors. Section 2 deals with the general Conduct of Councillors.

Various allegations regarding breaches of the Code of Conduct had been lodged against Councillors since 2012. Thus far no disciplinary actions have been taken in these matters that have relevance to the alleged breaches of the Code of Conduct. The investigation of the allegations is at various stages, however it remains incomplete. It would be imperative that comprehensive investigations be conducted to ensure that allegations are not unfounded or without substance and that the veracity of the breaches which must be referred to the Council for resolution are finalised. This would allow that the reports relating to the investigations are completed and then be submitted to the Council for resolution in this regard.

3. DISCUSSION

3.1. The Role of the Speaker

The Speaker plays a pivotal role in the implementation of the Code of

assigned to the speaker in the Code of Conduct, as well as the traditional role of Speaker as guardians of the integrity of the legislatures.

The Speaker's role as protector of the Council's integrity means that he or she should chair the committee that deals with the ethics of the members and their interests. If the Speaker has a reasonable suspicion that the Code has been breached, he or she must: -

- a) authorise an investigation into the facts;
- b) give the councillor an opportunity to respond;
- c) report to the council meeting; and
- d) report to the MEC.

Due to the long delay in finalising these matters and the urgency thereof, it is hereby requested that the Council approve the request for assistance from SALGA in terms of various matters related to Councillors discipline.

*By making use of the services SALGA offers for free, the municipality can circumvent requesting formal quotations to ensure that the maximum number of legal firms are approached to participate thus affording an equal opportunity to all prospective legal firms to contract with the municipality (my emphasis).*

Section 217(1) of the Constitution provides that when organs of state procure goods or service they must comply with the five principles fairness, equity, and transparency, competitiveness and cost-effectiveness. Competition must be used when procuring to ensure value for money as public money should be spent in an effective and efficient manner.

The municipal assistance programme offers assistance to all aspects of the disciplinary procedures against Councillors. Assistance will be provided with preliminary investigation, the charge sheet is drafted and a Prosecutor will be appointed for the hearing. The programme also assists with general enquiries.

**4. LEGAL IMPLICATION**

In terms of item 14(2) the Code of conduct vests the authority to impose a sanction for breach of the Code of the Conduct in the municipal council or alternatively in terms of item 14(6) in the MEC for local government.

Section 17(2) of the Systems Act oblige municipalities to have complaints procedures in place. Item 14(i)(b) suggests that the Speaker should deal with complaints lodged against councillors.

**5. FINANCIAL IMPLICATION**

No financial implications.

**RECOMMENDED**

that Council approves the submission to be made to SALGA for assistance in terms of the municipal assistance programme relating to all aspects of disciplinary procedures against councillors.

(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)

**24<sup>TH</sup> COUNCIL MEETING: 2014-10-29: ITEM 8.5**

**RESOLVED** (majority vote)

that Council approve the submission to be made to SALGA for assistance in terms of the municipal assistance programme relating to all aspects of disciplinary procedures against Councillors.

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

*Councillors F Adams; DA Hendrickse; AT van der Walt and M Wanana.*

**(DIRECTOR: STRATEGIC AND CORPORATE  
SERVICES TO ACTION)**

**Annalene De Beer**

**From:** Etienne Vermaak <evermaak@outlook.com>  
**Sent:** 03 September 2018 09:32 AM  
**To:** Annalene De Beer  
**Subject:** [EX] Re: Dissiplinêre verhore - raadslede  
**Attachments:** QOUTATION FOR SERVICES STELLENBOSCH MUN 2017.pdf

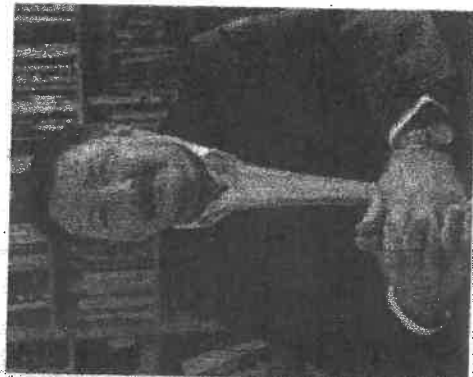
Goeie more Annalene

Ek vertrou dit gaan goed met jou.

Ek is beskikbaar om as aanklaer op te tree. Ek het pas 'n verhoor van 'n Raadslid by Bergivier Munisipaliteit gedoen op versoek van Hanlie Linde.

Ek heg my foie struktuur aan soos versoek.

Groete



**ADV ETIENNE VERMAAK  
B.A.( LAW) LLB**



**STELLENBOSCH UNIVERSITY**  
**E-mail: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Cell no: 079 7898108**

**From: Annalene De Beer <[Annalene.DeBeer@stellenbosch.gov.za](mailto:Annalene.DeBeer@stellenbosch.gov.za)>**  
**Sent: Monday, 03 September 2018 9:02 AM**  
**To: [evermaak@outlook.com](mailto:evermaak@outlook.com)**  
**Subject: Dissiplinêre verhore - raadslede**

Hallo Etienne

Drie van die sake wat jy ten opsigte van raadslede ondersoek het, is deur die Raad verwys na die dissiplinêre komitee. Die voorsitter van die komitee het versoek dat 'n aanklaer aangewys word om die sake te hanteer namens die Raad voor de komitee.

Na gesprekvoering met die voorsitter en die MM is ons van mening dat dit net sin maak om die persoon aan te stel wat al die inligting reeds ken.  
 Kan jy dus vir my aandui of jy beskikbaar sal wees en wat jou fooie sal wees. Datums vir die sittings moet nog bepaal word.



*Kind regards,*

**Annalene de Beer**

**Director: Corporate Services**

T: +27 21 808 8018 | C: +27 83 305 3685

Email:

[Annalene.deBeer@stellenbosch.gov.za](mailto:Annalene.deBeer@stellenbosch.gov.za)

Plein Street, Stellenbosch, 7600

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



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[http://www.stellenbosch.gov.za/main\\_pages/disclosurepage.htm](http://www.stellenbosch.gov.za/main_pages/disclosurepage.htm)

AMPTELIKE BESTELLING  
OFFICIAL ORDER

17, STELLENBOSCH  
☎ 021 808-8520  
☎ 021 808-8688

# Stellenbosch

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



Stellenbosch

VERMAAK EITJENNE WALTER  
PRIVAATSAK XZ  
WELGEMOED  
7530

KREDITEUR NR.  
CREDITORS NO.

00733

AKHONA MDLIKONTAK PERSOON / CONTACT PERSON  
Requisition No. 1048665

BESTEL NR. / ORDE  
24045

DATUM / DATE  
27/02/2011

REKUISISIE LYN REQUISITION LINE	VOORRAAD NR. STOCK NO.	BESKRYWING / DESCRIPTION DESCRIPTION	POS NR. / MOTEN BYZ.	HOEWELHEID QUANTITY	PRYSE SONDER BTW PRICES WITHOUT VAT	BTW/VAT	TOTAL OF TOTAL
		17 CODE OF CONDUCT FOR CLRS; INVESTI					

NAMENS / FOR:  
STADSRAAD  
TOWN COUNCIL  
**STELLENBOSCH**

HANDEKENING  
SIGNATURE  
DEPARTMENT  
DEPARTMENT

TOTAL  
TOTAL

12000,00

# 346464



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



80

ADV ETIENNE VERMAAK

26 Cabernet Sauvignon street  
Oude Westhof  
Bellville  
7530

Cell: 079 7898108

E-mail: evermaak@outlook.com



INVOICE NR: STELLMUN/008/2017

15 December 2017

The Speaker

R0 - 1048665

Stellenbosch Municipality

Stellenbosch

Sent via e-mail to Support.Speaker@stellenbosch.gov.za

Dear Sir

CODE OF CONDUCT FOR COUNCILLORS: INVESTIGATION IRO CLR HENDRICKSE

Attending to consultation with Speaker, perusal of documents received from the Speaker; consultations with Clr Hendrickse per telephone; formulating report.

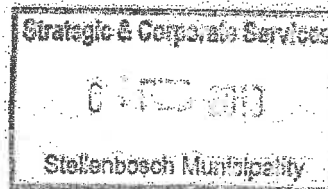
Total: R12 000,00

Banking details: Account holder: E.W Vermaak Bank: Standard Bank Branch: Tyger Manor Branch code: 050410 Account number: 27-0883762

2017

*[Handwritten signature]*

14/2/18



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18.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

19.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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***THE AGENDA HAS BEEN DISCUSSED WITH THE SPEAKER, CLLR N JINDELA, AND HE AGREES WITH THE CONTENT.***

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# ADDITIONAL ITEM

## 14.4 QUESTION BY COUNCILLOR F ADAMS: HOUSING PROJECT IN IDAS VALLEY

A Notice of a Question, dated 2020-08-11, was received from Councillor F Adams regarding the Housing Project in Idas Valley.

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

**FOR CONSIDERATION**

### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Geraldine Mettler (Ms)
<b>POSITION</b>	<i>Municipal Manager</i>
<b>DIRECTORATE</b>	<i>Office of the Municipal Manager</i>
<b>CONTACT NUMBERS</b>	<i>021 808-8025</i>
<b>E-MAIL ADDRESS</b>	<i><a href="mailto:Municipal.Manager@stellenbosch.gov.za">Municipal.Manager@stellenbosch.gov.za</a></i>
<b>REPORT DATE</b>	<i>August 2020</i>

# **APPENDIX 1**

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
OFFICE OF THE SINGLE WHIP



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

Democratic New Civic Association

“Without Prejudice”

11 August 2020

For attention : The Speaker

Stellenbosch Municipality

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
OFFICE OF THE SPEAKER

**Re: Question.**

I hereby submit the following question to serve at the August 2020 Council meeting.

**Motivation/background**

1. I refer to the infamous housing project after nearly fifty years in Idasvalley and the unfair decision by Council with the DA councilors support to reduce it to nearly 40%. Even the amendment by DNCA were dismissed by the DA.

- a. How many Gap- houses were sold to the people outside WCO 24, Stellenbosch.
- b. How many social houses are finished and still unfinished and what is the time frame of handing these over to the beneficiaries?

I request the ward councillor to answer in writing, which information he should get from the administration,

Clr. Franklin Adams

Aluta Continua

MUNICIPALITY - MUNISIPALITEIT  
STELLENBOSCH  
11 AUG 2020  
OFFICE OF THE SPEAKER



# **APPENDIX 2**



# MEMORANDUM

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

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**TO : SPEAKER**  
**FROM : MUNICIPAL MANAGER**  
**DATE : 21 AUGUST 2020**  
**RE : REPLY TO QUESTIONS IN TERMS OF SECTION 35 OF THE  
STANDING RULES AND ORDER FOR THE MEETINGS OF COUNCIL**

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Dear Speaker

With reference to the question received from the DNCA Councillor F Adams, submitted in terms of Section 35 of the Standing Rules and Order for the meetings of council, received by my office.

## **QUESTION**

Housing Project in Idas Valley

- a) How many Gap- houses were sold to the people outside WCO 24, Stellenbosch."
- b) How many social houses are finished and still unfinished and what is the time frame of handing these over to the beneficiaries?

## **RESPONSE**

- a) No houses were sold to people outside the WCO24 area.
- b) There are no social housing opportunities in this project.

Kind regards,

  
\_\_\_\_\_  
**Geraldine Mettler**  
**Municipal Manager**